

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF
RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.
FOR SCATTERED POWERLINE PROJECT WO#85593, LOCATED ON NAVAJO
NATION TRUST LANDS IN CHICHILTAH CHAPTER, NAVAJO NATION
(MCKINLEY COUNTY, NEW MEXICO)

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

- A. Continental Divide Electric Cooperative, Inc. has submitted a right-of-way application for a single phase 14.4 kv electrical distribution line for the Chichiltah Chapter Scattered Powerline Project, on, over and across Navajo Nation Trust Lands in Chichiltah Chapter vicinity, McKinley County, New Mexico. The application request is attached hereto and incorporated herein as **Exhibit "A."**
- B. The proposed right-of-way is described in map attached hereto and incorporated herein as **Exhibit "B."**
- C. In memorandum dated June 21, 2017, the Navajo Nation Department of Justice has explained that the Eastern District Land Board has identified seven grazing permittees. Six have consented and waived their surface use compensation and one is deceased. The deceased grazing permittee's permit has not been probated. Therefore, the Continental Divide Electric Company is required by 16 N.N.C. §§ 1401 et seq. to estimate the surface damages, if any, and is required to deposit with

the Navajo Nation, double the estimated damages determined by the Navajo Land Department to ensure appropriate compensation, if any, to the legal heirs of the deceased. If the legal heirs of the deceased later gives her consent and seeks no consideration, the surface damages compensation should be returned to Continental Divide Electric Company. The memorandum dated June 21, 2017 and the user consent are attached hereto as **Exhibit "C."**

- D. A waiver of consideration is requested. The right-of-way project would serve a public purpose because the project will benefit Navajo residents.
- E. A waiver of the bond, insurance, or alternative form of security on the part of Continental Divide Electric Cooperative, Inc. is requested.
- F. The environmental and archaeological studies, including the Archaeological Inventory Report, the Cultural Resources Compliance Form, the Environmental Assessment Report, the Finding of No Significant Impact, the Biological Resources Compliance Form and the Navajo Department of Fish and Wildlife memorandum, have been completed and are attached as **Exhibit "E."**
- G. The application for the Right-of-Way as submitted by Continental Divide Electric Cooperative, Inc. has been reviewed by the Navajo Land Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient" by all. See **Exhibit "F."**

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc., on, over and across Navajo Nation Trust Lands in Chichiltah Chapter vicinity, McKinley County, New Mexico. The location is more particularly described on the survey map attached hereto as **Exhibit "B."**
- B. The Resources and Development Committee of the Navajo Nation Council hereby waives consideration for the right-of-way project because the project will benefit Navajo residents.

- C. The Resources and Development Committee of the Navajo Nation Council hereby waives the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that the project benefits the Navajo Nation and such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).
- D. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit "D"**.
- E. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby certify that the following 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, Tse Bonito, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 27th day of September, 2017.



Benjamin Bennett, Vice Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Jonathan Perry

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS



RIGHT-OF-WAY APPLICATION MUST IDENTIFY §169.102(a):

1. Application Name and Address: Continental Divide Electric Cooperative, Inc., PO Box 1087, 200 East High Street, Grants, New Mexico 87020
2. Tracts(s) or parcel(s) affected by the right-of-way: _____
3. General location (easement location): Navajo Tribal Trust Land, W/2 of Section 10, T11N, R20W, Sections 28 & 33, T12N, R18W, Sections 3, 10, & 21, T12N, R20W, Section 12, T12N, R21W, Section 34, T13N, R20W, NMPM McKinley County, New Mexico
4. Purpose: (Per the request of the Navajo Nation and Chichiltah Chapter), Construction, Operation, and Maintenance of 14.4 kv Electrical Distribution Line for the Chichiltah Chapter Scattered Powerline Project, WO #85593
5. Term (Renewal, if applicable): 50 Years
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing permanent improvements under §169.105: Continental Divide Electric Cooperative Inc.

REQUIRED SUPPORTING DOCUMENTS §169.102(b):

1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of-way;
2. A map of definite location of the right-of-way; [169.102(b)(2)]; survey plat signed by professional surveyor or engineering showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 and § 1764, and showing existing facilities adjacent to the proposed project.
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103;
4. Record that notice of the right-of-way was provided to all Indian landowners;
5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right-of-way without consent under §169.107(b);
6. If applicable, a valuation meeting and requirements of §§ 169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:
 - a. The representative has authority to execute the application;
 - b. The right-of-way will be enforceable against the applicant; and

- c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
8. Current environmental and archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements;
9. If required, a statement from the appropriate tribal authority that the proposed right-of-way is in conformance with applicable tribal law.

THE APPLICANT FURTHER STRIPULATES AND EXPRESSLY AGREES AS FOLLOW:

To conform and 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.

Applicant Point of Contact Information:

Name: Continental Divide Electric Cooperative, Inc.

Address: 200 East High Street, PO Box 1087, Grants

State: Grants Zip: 87020

Phone: (505) 285-6656

Email: dolivar@cdec.coop or smorales@cdec.coop

Date: April 20, 2017

Applicant:  (Signature)

Debbie Olivar or Steve Morales (Print Name)

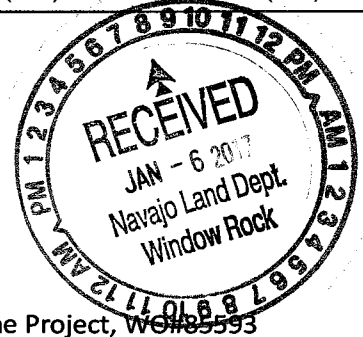


CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

200 E. High St. • P.O. Box 1087 • Grants, New Mexico 87020 • (505) 285-6656 • Fax (505) 287-2234

December 30, 2016

The Navajo Land Department
Attn: Ms. Elerina Yazzie, Program Manager
Project Review Office
PO Box 2249
Window Rock, Arizona 86515



Re: Submitting ROW Package for the ChiChilTah Chapter Scattered Power Line Project, WO#85593

Dear Ms. Yazzie,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4/24.9 kv line for the ChiChilTah Chapter Scattered Power Line Project, WO#85593. The power line Right-of-way packet consists of the following documents being submitted for review by the Division of Natural Resources, Project Review Office.

1. \$500.00 Filing Fee, Check #133563
2. Grant of Permission to Survey – Navajo Tribal Trust Land from Mr. Howard Draper (Copy)
3. Grant of Permission to Survey - Tribal Trust Land from BIA/ENA Lester Tsosie (Copy)
4. Right of way Application
5. Archaeological Report
6. Cultural Resources Compliance Form
7. Environmental Report
8. FONSI
9. Biological Resources compliance Form
10. Navajo Fish & Wildlife
11. Copy of Letter from NTUA for permission to cross Existing water line
12. Copy of Letter from McKinley Cty Road Dept. to cross County Road #04
13. Legals
14. Map (4)

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 19,301.22' feet in length, 20' feet in width, and 8.78 acres.

If you have any questions, please contact our office at your earliest convenience.

Sincerely,

Debbie Olivar
Engineering/ROW

Enclosures





Continental Divide Electric Cooperative, Inc
PO Box 1087
Grants, NM 87020-1087

PLEASE DETACH AND RETAIN

No. 133563

Date: 12/30/2016

COPY

DATE	INVOICE	DESCRIPTION	GROSS	NET
12/29/2016	WO NO. 85593	WO NO. 85593	500.00	500.00
Vendor: 9997 THE NAVAJO NATION			Totals: 500.00	500.00

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND WATERMARK/LINES ON THE BACK - HOLD AT ANGLE TO VIEW



Continental Divide Electric Cooperative, Inc
PO Box 1087
Grants, NM 87020-1087

No. 133563

95-219/1070

Wells Fargo Bank, NA
Grants, NM 87020

FIVE HUNDRED AND NO / 100*****

PAY TO THE ORDER OF
THE NAVAJO NATION
PO BO 2249
WINDOW ROCK AZ 86515

DATE	CHECK NO.	AMOUNT
12/30/2016	133563	\$*****500.00

9997

Randy Carter
Louisa V. Spindler

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈133563⑈ ⑆107002192⑆ 2811880586⑈



THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

October 21, 2015

Lester Tsosie, Superintendent
Bureau of Indian Affairs
Eastern Navajo Agency
P.O. Box 328
Crownpoint, New Mexico 87313

RE: Permission to Survey on Trust Lands

Dear Mr. Tsosie:

Our office received a request for Permission to Survey from Continental Divide Electric Cooperative, Inc., Post Office Box 1087, Grants, New Mexico 87020 to conduct survey for maps, archaeological, environmental and ethnographic surveys and studies for the proposed electric power line project in the Chilchiltah Chapter, McKinley County, New Mexico in:

T12N, R21W
Section 12

T12, R20W
Section 21
Section 03

T11N, R20W
Section 10 (W2)

T12N, R18W
Section 28
Section 33

The proposed survey is more particularly described on the attached map.

Permission is hereby granted to Continental Divide Electric Cooperative, Inc., subject to the following terms and conditions:

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

Sincerely,

Howard Draper
Program & Project Specialist
Navajo Land Department/DNR

Attachments

CC: Chilchiltah Chapter
Debbie Olivar, CDEC
Project File



In Reply, Refer to:

4N420 – Real Estate Services
Rights of Way

United States Department of the Interior
Bureau of Indian Affairs
Eastern Navajo Agency
P. O. Box 328
Crownpoint, New Mexico 87313



FEB 03 2016

See 20116

Debbie Olivar, ROW/Technical Engineer
Continental Divide Electric Cooperative, Inc.
P.O. Box 1087
Grants, New Mexico 87020

Dear Ms. Olivar:

Reference is made to the Tribal Consent for permission to survey, dated October 21, 2015, to conduct survey maps, archaeological, environmental and ethnographic surveys and studies for the proposed electric power line, entitled Chichiltah Power Line, within the Chichiltah, McKinley County, New Mexico.

The Navajo Nation has given its concurrence to the survey for tribal trust lands, as contained in the letter from the Navajo Land Department. Prior to entry upon or across allotted land, consent from the Indian land owners is required.

Subject to any prior rights or adverse claims and to all applicable regulations of 25 CFR 169, authorization is hereby granted to proceed with the necessary survey subject to the following terms and conditions of the Navajo Nation:

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

This authorization is for SURVEY ONLY on Tribal Trust Lands, according to the Tribal Consent received on January 25, 2016.

If you have any question, please contact our Rights-of-Way Section at (505) 786-6123.

Sincerely,


Superintendent, Eastern Navajo Agency

MCKINLEY COUNTY RIGHT-OF-WAY APPLICATION/PERMIT

Applicant, Continental Divide Electric Cooperative, Inc., hereby requests permission to excavate, or dig a trench, or bore in Right-of-Way of McKinley County Road Name Manuelito Canyon Road, Number McKinley CNTY.RD. 04, at ChiChiltah Area T13N. R20W. Section 34 on or from the date(s) 9/29/16 to 9/29/2066, for the purpose of Providing Electrical Service to 3 Homes. The length of time estimated for the project is One day. The utility/infrastructure shall be placed at a minimum of 36" below the bottom of the bar ditch. Applicant agrees to repair and replace the road surface by the project to at least the quality of the surface prior to the project. Applicant agrees to adequately compact the smooth the road surface immediately upon completion of the project. Applicant agrees to conduct the project in a manner so the one (1) lane of through traffic is available on the roadway at all times, unless special permission is obtained for complete closure. Applicant agrees to install and maintain all traffic control in compliance with effective MUTCD guidelines and to mark the project and notify the public using the affected roadway of work in progress. Applicant agrees to put up barriers and warning devices, and to light the work in progress so as to warn the public using the affected roadway of any danger. Applicant agrees to indemnify and hold harmless the County of any claim or liability of any kind whatsoever, which arises out of the use of this permit. The location and/or duration of this permit may not be changed without prior express approval of the County.

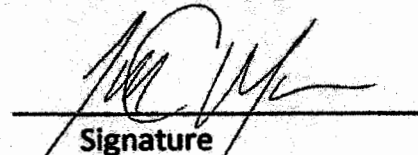
Continental Divide Elec. Coop. (Jose Molina)
(Print) Applicant/Permittee Name

(505)285-6656
Contact Number(s)

MCKINLEY COUNTY

Received: 12/21/16

Issued: 12/22/16
emailed to D. Olivar


Signature

September 29, 2016
Date

Reviewed and Approved: CK 12-22-16
County Road Department

By: 

Dated: 12-22-16



NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

November 9, 2016

Debbie Olivar
Continental Divide Electric Cooperative, Inc.
200 E. High Street
P.O. Box 1087
Grants, New Mexico 87020

RE: Utility Encroachment Permission for Chilchiltah Scattered Project

Dear Ms. Olivar:

The Navajo Tribal Utility Authority (NTUA) received your request for permission to cross existing waterlines in Township 12, 13 North, Range 20, 21 West, Sections 12 and 34, NMPM Chilchiltah, McKinley County, New Mexico. Permission is hereby granted with the acceptance of the specifications and conditions of NTUA:

1. All proposed utilities crossing NTUA's existing waterline, shall cross perpendicularly through the centerline Right-of-Way.
2. No physical improvements are allowed.
3. The Permittee shall be responsible for any and all damages to NTUA water lines during the construction work.
4. Minimum separation of water line crossing is 18" vertical clearance and 15 feet minimum horizontal clearance from other underground pipelines. Minimum vertical clearance for all overhead powerline shall have a minimum of 18 feet clearance.
5. Install Tee Post at utilities intersection and at any vertical visibility separations.
6. The existing waterline shall not cross between the power line and down guy/anchors.
7. The Permittee must apply for a new permit crossing for any new encroachments, crossing or construction.

Please notify the Water/Wastewater Department three days prior to construction at (928) 729-6114.

Sincerely,

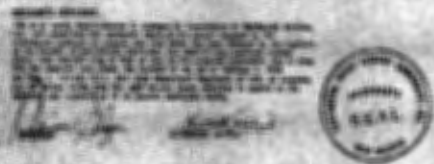
Gregory Bahe, Supervisor
Water/Wastewater Department

XC: Thomas Bayless, Water/Wastewater Manager
Project File

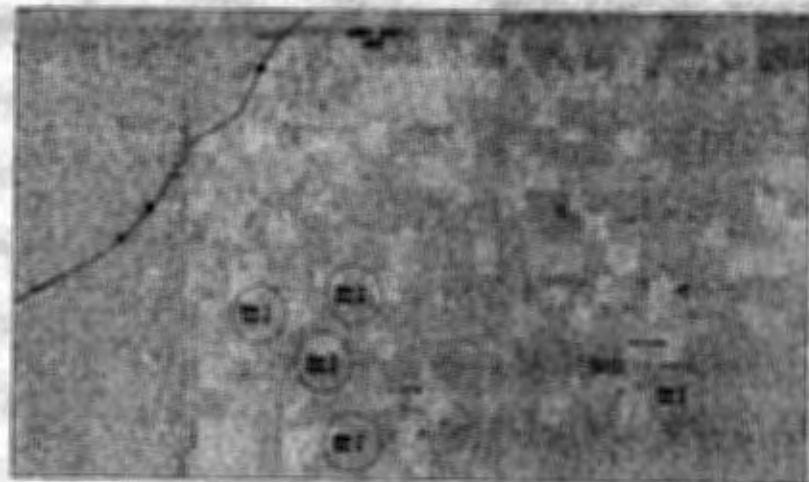
Home Office: P.O. BOX 170 FT. DEFANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFANCE P.O. BOX 587 FT. DEFANCE, AZ 86504	DILCON HC 63 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
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CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.'S
CHICHILTAN SCATTERED POWER LINE PROJECT
THROUGH NAVAJO NATION TRUST LANDS
MCKINLEY COUNTY, NEW MEXICO
SECTION 10, T11N, R20W
SECTIONS 28 AND 33, T12N, R18W
SECTIONS 3, 10 AND 21, T12N, R20W
SECTION 12, T12N, R21W
SECTION 34, T13N, R20W



THESE PLANS WERE PREPARED BY THE ENGINEER AND HIS FIRM FOR THE PROJECT DESCRIBED HEREIN. THE ENGINEER AND HIS FIRM ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE COMPLETION OF THE PROJECT. THE ENGINEER AND HIS FIRM ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE COMPLETION OF THE PROJECT.



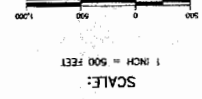
CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.
MEMPHIS, TN
NEW MEXICO 22 MCKINLEY

CHICHILTAN SCATTERED
POWER LINE PROJECT

DATE: 12/31/2010
BY: [Signature]

EXHIBIT
B

NOTES: (Including but not limited to)
 1. ALL 7.5 AND 15' SPACES SHALL BE SHOWN.
 2. ALL 15' SPACES SHALL BE SHOWN.
 3. ALL 15' SPACES SHALL BE SHOWN.
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NEW MEXICO 22 MCKINLEY

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

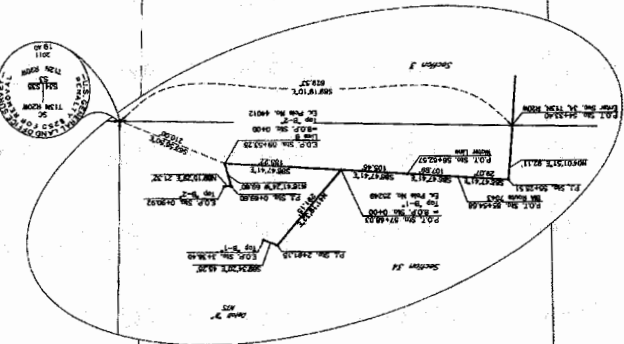
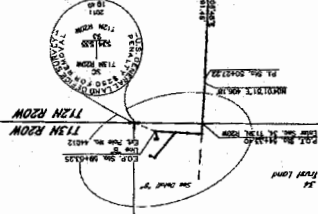
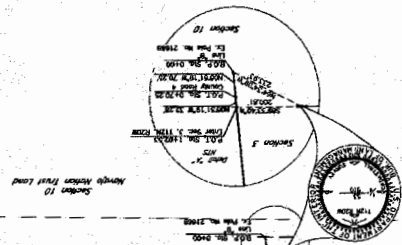
GRANTS, NM

CHICILAH SCATTERED POWER LINE PROJECT

PERMIT MAP 2 OF 5

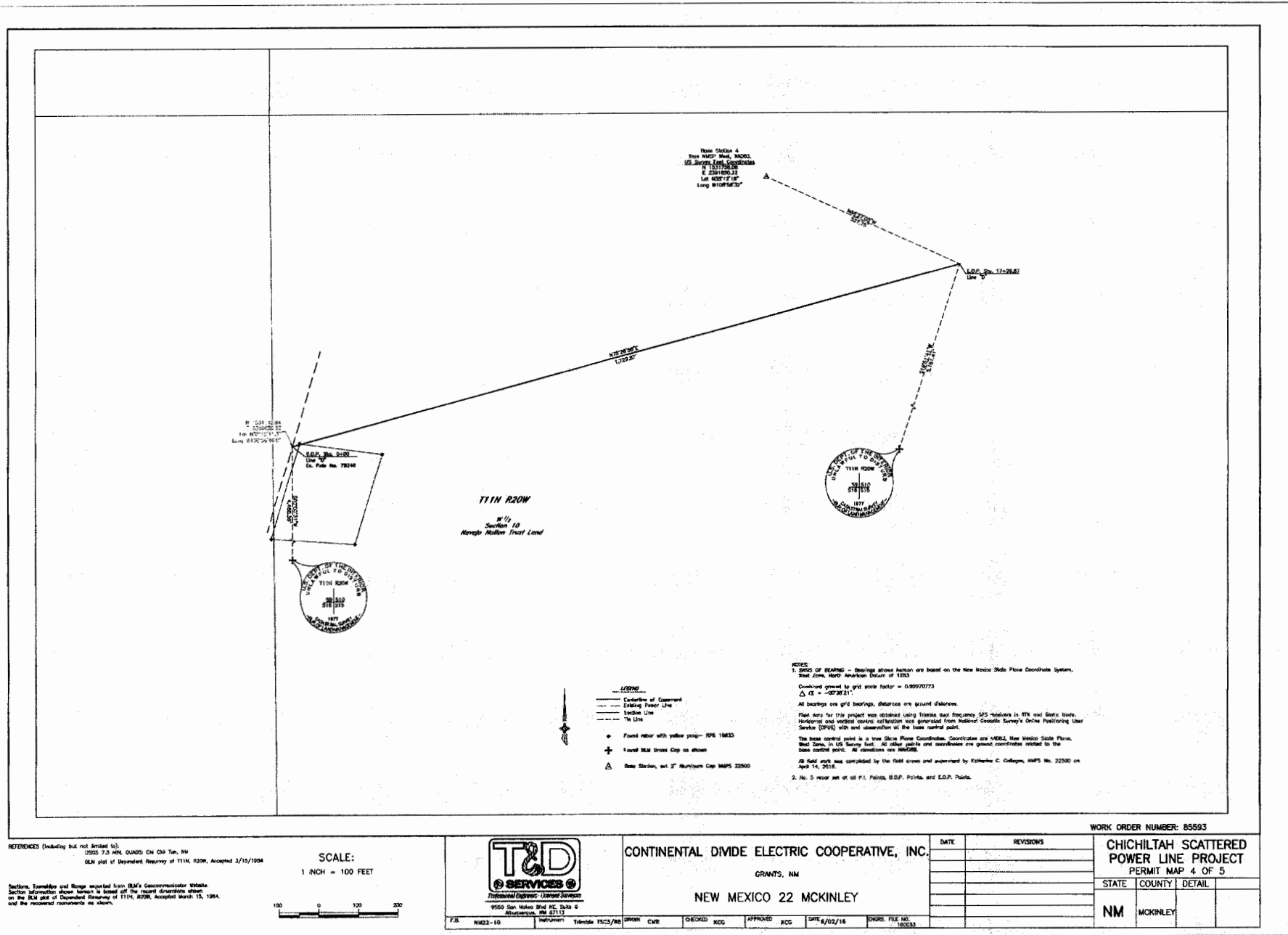
STATE COUNTY DETAIL

WORK ORDER NUMBER: 05593



- 1. 15' SPACES SHALL BE SHOWN.
- 2. 15' SPACES SHALL BE SHOWN.
- 3. 15' SPACES SHALL BE SHOWN.
- 4. 15' SPACES SHALL BE SHOWN.
- 5. 15' SPACES SHALL BE SHOWN.
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- 8. 15' SPACES SHALL BE SHOWN.
- 9. 15' SPACES SHALL BE SHOWN.
- 10. 15' SPACES SHALL BE SHOWN.

NOTES: (Including but not limited to)
 1. ALL 7.5 AND 15' SPACES SHALL BE SHOWN.
 2. ALL 15' SPACES SHALL BE SHOWN.
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 9. ALL 15' SPACES SHALL BE SHOWN.
 10. ALL 15' SPACES SHALL BE SHOWN.





**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
LINE "A"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Line "A", located within section 12, Township 12 North, Range 21 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole number 77017, located within section 12, T12N, R21W, NMPM, said parcel being Navajo Nation Trust Land, and from which point the found BLM brass cap for the northeast corner of section 12, T12N, R21W, NMPM bears N04°56'40"E a distance of 1,523.79 feet,

Thence N13°58'01"E a distance of 248.09 feet along an existing line to P.I. Station 2+48.09,

Thence N34°20'19"W a distance of 142.45 feet along an existing line to P.O.T. Station 3+90.54 at which point the centerline of the easement crosses County Road 4,

Thence continuing N34°20'19"W a distance of 164.27 feet along an existing line to P.O.T. Station 5+54.81 at which point the centerline of the easement crosses a water line,

Thence continuing N34°20'19"W a distance of 182.58 feet along an existing line to P.O.T. Station 7+37.39, from which point the found USGLO brass cap for the southeast corner of section 12, T12N, R21W, NMPM bears S03°41'25"E a distance of 4,434.55 feet, and from which point the found BLM brass cap for the northeast corner of section 12, T12N, R21W, NMPM bears N21°41'43"E a distance of 939.92 feet,

Thence continuing N34°20'19"W a distance of 153.08 feet along an existing line to E.O.P. Station 8+90.47, the terminus for the above described centerline for Line "A", existing pole number 77057, and from which point the found BLM brass cap for the northeast corner of section 12, T12N, R21W, NMPM bears N30°08'51"E a distance of 863.77 feet.

The above described right-of-way easement contains 0.41 acres, more or less, in area. The right-of way easement is 0.169 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
TAP "A-1"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Tap "A-1", located within section 12, Township 12 North, Range 21 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 7+37.39 for Line "A", said point being B.O.P. Station 0+00 for Tap "A-1", located within section 12, T12N, R21W, NMPM, said parcel being Navajo Nation Trust Land, from which point the found USGLO brass cap for the southeast corner of section 12, T12N, R21W, NMPM bears S03°41'25"E a distance of 4,434.55 feet, and from which point the found BLM brass cap for the northeast corner of section 12, T12N, R21W, NMPM bears N21°41'43"E a distance of 939.92 feet,

Thence N37°33'08"E a distance of 350.26 feet to P.I. Station 3+50.26,

Thence N46°24'22"W a distance of 311.91 feet to P.O.T. Station 6+62.17 at which point the centerline of the easement crosses County Road 4,

Thence continuing N46°24'22"W a distance of 318.15 feet to E.O.P. Station 9+80.32, the terminus for the above described centerline for Tap "A-1", from which point the found BLM brass cap for the northeast corner of section 12, T12N, R21W, NMPM bears N74°43'33"E a distance of 611.91 feet, and from which point Base Station 1, having true New Mexico State Plane West, NAD83, US survey feet coordinates of N 1563749.36, E 2374910.54, Latitude 35°17'32", Longitude -109°00'00", bears N73°00'30"E a distance of 571.55 feet.

The above described right-of-way easement contains 0.45 acres, more or less, in area. The right-of-way easement is 0.186 miles in length.

Notice: This is a single page of a multi-page document. No individual page can be interpreted alone and must be considered in the context of the entire document, including but not limited to descriptions, surveyor statements, and plat

**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
LINE "B"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Line "B", located within sections 3 and 10, Township 12 North, Range 20 West, and section 34, Township 13 North, Range 20 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole number 21669, located in section 10, T12N, R20W, NMPM, said parcel being Navajo Nation Trust Land, and from which point the found BLM brass cap for the quarter corner common to sections 3 and 10, T12N, R20W, NMPM bears N64°34'09"W a distance of 233.93 feet,

Thence N05°51'19"W a distance of 70.25 feet along an existing power line to P.O.T. Station 0+70.25 at which point the centerline of the easement crosses County Road 4,

Thence continuing N05°51'19"W a distance of 32.28 feet along an existing power line to P.O.T. Station 1+02.53 at which point the centerline of the easement enters section 3, T12N, R20W, NMPM, and from which point the found BLM brass cap for the quarter corner common to sections 3 and 10, T12N, R20W, NMPM bears S89°33'40"W a distance of 200.81 feet,

Thence continuing N05°51'19"W a distance of 1,158.22 feet along an existing power line to P.O.T. Station 12+60.75 at which point the centerline of the easement crosses a water line,

Thence continuing N05°51'19"W a distance of 297.98 feet along an existing power line to P.I. Station 15+58.73 from which point Base Station 2, having true New Mexico State Plane West, NAD83, US survey feet coordinates of N 1565182.20, E 2393183.10, Latitude 35°17'49", Longitude -108°56'20", bears N47°01'07"W a distance of 218.38 feet,

Thence N02°58'46"W a distance of 2,009.36 feet along an existing power line to P.I. Station 35+68.09,

Thence N00°12'47"E a distance of 367.67 feet along an existing power line to P.I. Station 39+35.76,

Thence N02°06'48"E a distance of 1,091.46 feet along an existing power line to P.I. Station 50+27.22,

Thence N04°01'51"E a distance of 406.18 feet along an existing power line to P.O.T. Station 54+33.40 at which point the centerline of the easement enters section 34, T13N, R20W, NMPM, and from which point the found USGLO brass cap for the southeast standard section corner of section 34, T13N, R20W, NMPM bears S89°19'10"E a distance of 629.57 feet,

Thence continuing N04°01'51"E a distance of 92.11 feet along an existing power line to P.I. Station 55+25.51,

Thence S86°47'41"E a distance of 29.07 feet along an existing power line to P.O.T. Station 55+54.58 at which point the centerline of the easement crosses BIA Route 7043,

Thence continuing S86°47'41"E a distance of 107.99 feet along an existing power line to P.O.T. Station 56+62.57 at which point the centerline of the easement crosses a water line,

Thence continuing S86°47'41"E a distance of 105.46 feet along an existing power line to P.O.T. Station 57+68.03,

Thence continuing S86°47'41"E a distance of 185.22 feet along an existing power line to E.O.P. Station 59+53.25, the terminus for the above described centerline for Line "B", from which point the found USGLO brass cap for the southeast standard section corner of section 34, T13N, R20W, NMPM bears S68°56'50"E a distance of 210.00 feet.

The above described right-of-way easement contains 2.73 acres, more or less, in area. The right-of-way easement is 1.127 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
TAP "B-1"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Tap "B-1", located within section 34, Township 13 North, Range 20 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 57+68.03 for Line "B", said point being B.O.P. Station 0+00 for Tap "B-1", existing pole number 25249, located in section 34, T13N, R20W, NMPM, said parcel being Navajo Nation Trust Land,

Thence N41°19'32"E a distance of 291.15 feet to P.I. Station 2+91.15,

Thence S69°34'20"E a distance of 45.25 feet to E.O.P. Station 3+36.40, the terminus for the above described centerline for Tap "B-1"

The above described right-of-way easement contains 0.15 acres, more or less, in area. The right-of-way easement is 0.064 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
TAP "B-2"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Tap "B-2", located within section 34, Township 13 North, Range 20 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at E.O.P. Station 59+53.25 for Line "B", said point being B.O.P. Station 0+00 for Tap "B-2", existing pole number 44012, located in section 34, T13N, R20W, NMPM, said parcel being Navajo Nation Trust Land, from which point the found USGLO brass cap for the southeast standard section corner of section 34, T13N, R20W, NMPM bears S68°56'50"E a distance of 210.00 feet,

Thence N16°41'24"W a distance of 69.60 feet to P.I. Station 0+69.60,

Thence N89°15'29"E a distance of 21.32 feet to E.O.P. Station 0+90.92, the terminus for the above described centerline for Tap "B-2"

The above described right-of-way easement contains 0.04 acres, more or less, in area. The right-of-way easement is 0.017 miles in length.

Notice: This is a single page of a multi-page document. No individual page can be interpreted alone and must be considered in the context of the entire document, including but not limited to descriptions, surveyor statements, and plat

**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
LINE "C"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Line "C", located within section 21, Township 12 North, Range 20 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole number 71805, located in section 21, T12N, R20W, NMPM, said parcel being Navajo Nation Trust Land, from which point the found BLM brass cap for the quarter corner common to sections 20 and 21, T12N, R20W, NMPM bears S86°41'50"W a distance of 469.01 feet, and from which point Base Station 3, having true New Mexico State Plane West, NAD83, US survey feet coordinates of N 1550058.10, E 2387016.29, Latitude 35°15'18", Longitude -108°57'33", bears S73°23'50"E a distance of 1,273.91 feet,

Thence S10°05'20"E a distance of 1,129.87 feet to P.I. Station 11+29.87,

Thence N79°55'32"E a distance of 1,170.05 feet to E.O.P. Station 22+99.92, the terminus for the above described centerline for Line "C", from which point the found BLM brass cap for the northeast corner of section 21, T12N, R20W, NMPM bears N45°08'15"E a distance of 4,915.63 feet, and from which point Base Station 3, having true New Mexico State Plane West, NAD83, US survey feet coordinates of N 1550058.10, E 2387016.29, Latitude 35°15'18", Longitude -108°57'33", bears N13°21'40"W a distance of 558.85 feet.

The above described right-of-way easement contains 1.06 acres, more or less, in area. The right-of-way easement is 0.435 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
LINE "D"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Line "D", located within section 10, Township 11 North, Range 20 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole number 78248, located in the W½ section 10, T11N, R20W, NMPM, said parcel being Navajo Nation Trust Land, from which point the found BLM brass cap for the southwest corner of section 10, T11N, R20W, NMPM bears S00°00'31"W a distance of 4,468.59 feet,

Thence N75°26'58"E a distance of 1,729.87 feet to E.O.P. Station 17+29.87, the terminus for the above described centerline for Line "D", from which point the found BLM brass cap for the southwest corner of section 10, T11N, R20W, NMPM bears S18°51'41"W a distance of 5,181.41 feet, and from which point Base Station 4, having true New Mexico State Plane West, NAD 83, US survey feet coordinates of N 1531758.08, E 2391850.22, Latitude 35°12'18", Longitude -108°56'32", bears N66°27'05"W a distance of 527.75 feet.

The above described right-of-way easement contains 0.79 acres, more or less, in area. The right-of-way easement is 0.328 miles in length.

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**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
LINE "E"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Line "E", located within sections 28 and 33, Township 12 North, Range 18 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole number 62449, located in section 28, T12N, R18W, NMPM, said parcel being Navajo Nation Trust Land, from which point the found original stone monument for the southeast corner of section 28, T12N, R18W, NMPM bears S49°27'42"E a distance of 4,885.11 feet,

Thence S31°16'14"E a distance of 2,800.02 feet to P.I. Station 28+00.02,

Thence N87°17'07"E a distance of 620.00 feet to P.I. Station 34+20.02,

Thence S13°02'18"W a distance of 811.26 feet to P.O.T. Station 42+31.28 at which point the centerline of the easement enters section 33, T12N, R18W, from which point the found original stone monument for the southeast corner of section 28, T12N, R18W, NMPM bears S89°20'37"E a distance of 1,822.93 feet,

Thence continuing S13°02'18"W a distance of 38.20 feet to P.O.T. Station 42+69.48 at which point the centerline of the easement crosses County Road 8,

Thence continuing S13°02'18"W a distance of 1,190.56 feet to E.O.P. Station 54+60.04, the terminus for the above described centerline for Line "E", from which point the found original stone monument for the southeast corner of section 28, T12N, R18W, NMPM bears N60°44'51"E a distance of 2,406.98 feet, and from which point Base Station 5, having true New Mexico State Plane West, NAD83, US survey feet coordinates of N 1542296.18, E 2452239.57, Latitude 35°14'08", Longitude -108°44'25", bears N08°33'53"E a distance of 1,400.39 feet.

The above described right-of-way easement contains 2.51 acres, more or less, in area. The right-of-way easement is 1.034 miles in length.

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**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
TAP "E-1"
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Chichiltah Scattered Power Line Project, Tap "E-1", located within section 28, Township 12 North, Range 18 West, New Mexico Principal Meridian, Navajo Nation Trust Land, Chichiltah Chapter, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at P.I. Station 34+20.02 for Line "E", said point being B.O.P. Station 0+00 for Tap "E-1", located in section 28, T12N, R18W, NMPM, said parcel being Navajo Nation Trust Land,

Thence N87°17'07"E a distance of 310.03 feet to E.O.P. Station 3+10.03, the terminus for the above described centerline for Tap "E-1".

The above described right-of-way easement contains 0.14 acres, more or less, in area. The right-of-way easement is 0.059 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

GUY EASEMENT DESCRIPTION

<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A					
1	2+48.09	N79°48'51"E	50'	20'	0.02
2	8+90.47	N34°20'19"W	50'	20'	0.02
TAP A-1					
3	0+00.00	S37°33'08"W	50'	20'	0.02
4	3+50.26	N37°33'08"E	50'	20'	0.02
5	3+50.26	S46°24'22"E	50'	20'	0.02
6	9+80.32	N46°24'22"W	50'	20'	0.02
LINE B					
7	0+00.00	S05°51'19"E	50'	20'	0.02
8	15+58.73	S85°34'58"W	50'	20'	0.02
9	35+68.09	S88°37'00"W	50'	20'	0.02
10	39+35.76	N88°50'13"W	50'	20'	0.02
11	50+27.22	N86°55'40"W	50'	20'	0.02
12	55+25.51	N86°47'41"W	50'	20'	0.02
13	59+53.25	S86°47'41"E	50'	20'	0.02
TAP B-1					
14	0+00.00	S41°19'32"W	50'	20'	0.02
15	2+91.15	N41°19'32"E	50'	20'	0.02
LINE C					
16	11+29.87	S10°05'20"E	50'	20'	0.02
17	11+29.87	S79°55'32"W	50'	20'	0.02
18	22+99.92	N79°55'32"E	50'	20'	0.02
LINE D					
19	0+00.00	S75°26'58"W	50'	20'	0.02
20	17+29.87	N75°26'58"E	50'	20'	0.02
LINE E					
21	28+00.02	S31°16'14"E	50'	20'	0.02
22	28+00.02	S87°17'07"W	50'	20'	0.02
23	34+20.02	N13°02'18"E	50'	20'	0.02
24	54+60.04	S13°02'18"W	50'	20'	0.02
TAP E-1					
25	3+10.03	N87°17'07"E	50'	20'	0.02
TOTAL			1,250'		0.50

TOTAL 25 GUYS

25 Guys X 0.02 acres = 0.50 ACRES

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**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SUMMARY DESCRIPTION

<u>SEGMENT</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE "A"	890.47'	0.169	20'	0.41
TAP "A-1"	980.32'	0.186	20'	0.45
LINE "B"	5,953.25'	1.127	20'	2.73
TAP "B-1"	336.40'	0.064	20'	0.15
TAP "B-2"	90.92	0.017	20'	0.04
LINE "C"	2,299.92'	0.435	20'	1.06
LINE "D"	1,729.87'	0.328	20'	0.79
LINE "E"	5,460.04'	1.034	20'	2.51
TAP "E-1"	310.03'	0.059	20'	0.14
SUBTOTAL	18,051.22'	3.419		8.28
GUY EASEMENTS	1,250.00'		20'	0.50
TOTAL	19,301.22'	3.419		8.78

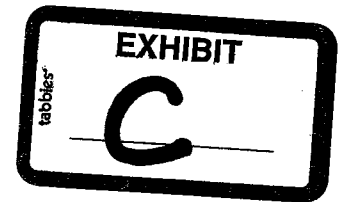
**RIGHT OF WAY EASEMENT FOR
CDEC'S CHICHILTAH SCATTERED
POWER LINE PROJECT
CHICHILTAH, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85593**

SECTION SUMMARY

	<u>LAND STATUS</u>	<u>POWER LINE FOOTAGE</u>	<u>POWER LINE MILEAGE</u>	<u>ACREAGE</u>	<u>GUY FOOTAGE</u>	<u>GUY ACREAGE</u>	<u>TOTAL FOOTAGE</u>	<u>TOTAL ACREAGE</u>
<u>T11N R20W</u>								
W1/2 Sec. 10	NTT	1,729.87'	0.328	0.79	100.00'	0.04	1,829.87'	0.83
<u>T12N R18W</u>								
Section 28	NTT	4,541.31'	0.860	2.08	200.00'	0.08	4,741.31'	2.16
Section 33	NTT	1,228.76'	0.233	0.56	50.00'	0.02	1,278.76'	0.58
<u>T12N R20W</u>								
Section 3	NTT	5,330.87'	1.010	2.45	200.00'	0.08	5,530.87'	2.53
Section 10	NTT	102.53'	0.019	0.05	50.00'	0.02	152.53'	0.07
Section 21	NTT	2,299.92'	0.436	1.06	150.00'	0.06	2,449.92'	1.12
<u>T12N R21W</u>								
Section 12	NTT	1,870.79'	0.354	0.86	300.00'	0.12	2,170.79'	0.98
<u>T13N R20W</u>								
Section 34	NTT	947.17'	0.179	0.43	200.00'	0.08	1,147.17'	0.51
TOTAL		18,051.22'	3.419	8.28	1,250.00'	0.50	19,301.22'	8.78



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL




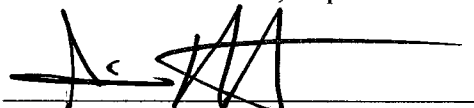
ETHEL B. BRANCH
ATTORNEY GENERAL

RODGERICK T. BEGAY
DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: 164 Document Reviewers

THROUGH: 
Veronica Blackhat, Asst. Attorney General
Natural Resources Unit, Department of Justice

FROM: 
Irvin Chee, Tribal Court Advocate
Natural Resources Unit, Department of Justice

DATE: June 21, 2017

SUBJECT: **Document No. 007414: Right-of-Way Application for Continental Divide Electric Company regarding Scattered Powerline Distribution in Chichiltah Chapter**

The Department of Justice (DOJ) has reviewed the above-referenced 164 Review Document request and has the following comments.

Eastern District Land Board, Paul Houston of Chichiltah Chapter, within District No. 16, has identified seven grazing permittees. Six consented and waived their surface use compensation and one deceased. According to Mr. Houston, Ms. Nellie Francisco had deceased and her grazing permit had not been probated. Therefore, the Continental Divide Electric Company (CDEC) is required by 16 N.N.C. §§ 1401 *et seq.*, to estimate the surface damages, if any, and CDEC is required to deposit with the Navajo Nation, double the estimated damages determined by Navajo Land Department (NLD) to ensure appropriate compensation, if any, to the legal heirs of the above-named deceased. If the legal heirs of the above-named deceased later gives her consent and seeks no consideration, the surface damages compensation should be returned to CDEC.

If the affected use area is shared by the deceased individuals, including others who had already consented, then the amount of the deposit required should only reflect their prorated share of the damages. DOJ requests NLD to follow the procedures set forth at 16 N.N.C. §§ 1401 *et seq.*, in processing the ROW for CDEC.

If you have any questions, please feel free to call me at 928/871-6347. Thank you.

xc: W. Mike Halona, Department Manager, Navajo Land Department

HC 33 Box 10A
Gallup NM 87301
Phone 505/879-3918
Email: lahenry08@yahoo.com

April 17, 2017

Ms. Elerina Yazzie
General Land Development Department
Division of Natural Resource
Navajo Nation
PO Box 2249
Window Rock, AZ 86515

Dear Ms. Yazzie,

Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM 87002 is submitting Field Clearance package for electrical Distribution Line Project Work Order # 85593 Chichiltah Scattered Powerline Project on Navajo Trust Land within W/2 of Sec. 10, 11N; R 20W; Sec. 28,33, T.12N, R18W; Sec.3,10,21 of T12N; R 20W; Sec 12, T 12N, R21W; Sec.34, T13N R20 W, PMNM; McKinley County, New Mexico. Total footage 19,301.22', Length, 8.78 acreage, 20' width.

The Landboard Paul Houston identified seven permittees, Nellie Francisco deceased, Alice Charley, Roger Skeet, Henry Begay, Phillip Nelson, Mae Nelson, & Paul Houston affected by the proposed project. I informed the grazing permittee on the proposed request and they waived the surface damage payment and they did not have any objections. I obtained the grazing permittees' consent along with concurrence of District #16 Land board, Mr. Paul Houston and Bobby Delgarito.

I have attached field clearance, land user consent and proposed map attached to the rights-of-way package.

Should you have any questions or addition information, please contact me at 505-879-3918



Lucinda Henry
ROW Agent

xc CDEC

FIELD CLEARANCE CHECKLIST

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

1. Project Identification:

Continental Divide Electric Coop. Inc

Type of Project: Chichiltah Scattered Electric Powerline Project

Purpose: Rights-of-way to construction; operation; maintenance of 14.4K electrical
Chichiltah Scattered Powerline Project

Location: W/2 of Sec.10; T.11N; R20 W, PNNM, McKinley County, NM, Sec.28,33; T.12N; R. 18
PNNM, McKinley County, NM, W; Sec. 3,10,21 T.12, R.20W; PNNM, McKinley County, NM, Sec.12,
T12N, R21W; PNNM, McKinley County, NM, Sec. 34 T13N, R20W; PNNM, McKinley County, NM

Identification number(s): Chichiltah Scattered Powerline Line Project 85593

2. Amount of land affected: 1,9301.22' , 878 acres.; 20' width

3. Land status: Trust XX Fee _____ Other _____

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

	Names	Census Number	Type of Land Use Right
1.	<u>Nellie Francisco</u>	<u>deceased</u>	<u>Grazing</u>
2.	<u>Alice Charley</u>	_____	<u>Grazing</u>
3.	<u>Roger Skeet</u>	_____	<u>Grazing</u>
4.	<u>Henry Begay</u>	_____	<u>Grazing</u>

**See back for additional for more names

5. Are all land users with claims to the affected lands as shown in Branch of Land

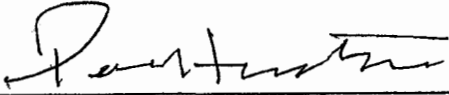
Operations records included in the list in Item 4 yes

6. Have Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm land user list in Item 4 by signing acknowledgement below.

ACKNOWLEDGEMENT

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

4/14/17
Date


Grazing Committee or Land Board Member

16
District No.

	Names	Census Number	Type of Land
			Use Right
5.	<u>Phillip Nelson</u>	<u></u>	<u>Grazing</u>
6.	<u>Mae Nelson</u>	<u></u>	<u>Grazing</u>
7.	<u>Paul Houston</u>	<u></u>	<u>Grazing</u>

NAVAJO NATION L LANDS

TO WHOM IT MAY CONCERN:

I, Nellie Francisco, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM 87002 to use a portion of my land use area for the following purpose (s): Rights-of-way to construction; operation; maintenance of 14.4K electrical Chichiltah Scattered Powerline Project, Work Order # 85593 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 result of the above-referenced project as proposed.

REMARKS: _____

Date No. Deceased not probated
Land User Signature (or Thumbprint) _____
Census No. RU#16-15
Permit

WITNESSES

[Signature]

7/13/17
Date

[Signature]
Grazing Committee or Land Board Member

16
District No

Acknowledgement of Field Agent

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

[Signature]

Waiver of compensation for damages
Consent to use


NAVAJO NATION L LANDS

TO WHOM IT MAY CONCERN:

I, Alice Charley, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM to use a portion of my land use area for the following purpose (s): Rights-of-way to construction; operation; maintenance of 14.4K electrical Chichiltah Scattered Powerline Project, Work Order # 85593 as shown on the map showing the location of the proposed project on the back of this consent form.

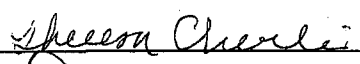
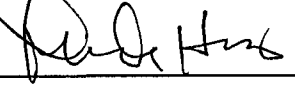
I hereby waive any rights I may have to compensation for the diminishment in value of my land use rights as result of the above-referenced project as proposed.

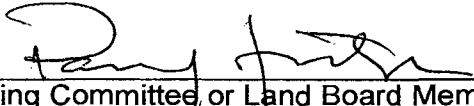
REMARKS: _____

_____ RTP  Permit No. Ri# 16-4 VO

1/13/17
Date Land User Signature (or Thumbprint) Census No.

WITNESSES

4/13/17
Date 
Grazing Committee or Land Board Member 16
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).


Field Agent Signature

Waiver of compensation for damages
Consent to use

NAVAJO NATION L LANDS

TO WHOM IT MAY CONCERN:

I, Roger Skeet, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM 87002 to use a portion of my land use area for the following purpose (s): Rights-of-way to construction; operation; maintenance of 14.4K electrical Chichiltah Scattered Powerline Project, Work Order # 85593 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 result of the above-referenced project as proposed.

REMARKS: _____

4/12/17
Date

Roger Skeet
Land User Signature (or Thumbprint)

Census No.

RU#16-24
Permit No.

WITNESSES

[Signature] [Signature]

4/13/17
Date

[Signature]
Grazing Committee or Land Board Member

16
District No

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature

Waiver of compensation for damages
Consent to use

NAVAJO NATION L LANDS

TO WHOM IT MAY CONCERN:

I, Henry Begay, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM 87002 to use a portion of my land use area for the following purpose (s): Rights-of-way to construction; operation; maintenance of 14.4K electrical Chichiltah Scattered Powerline Project, Work Order # 85593 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 result of the above-referenced project as proposed.

REMARKS: _____

4/2/17 Henry R Begay 112,078 RU#16-6
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESSES

[Signature]

4/13/17 [Signature] 16
Date Grazing Committee or Land Board Member District No

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature

Waiver of compensation for damages
Consent to use

NAVAJO NATION L LANDS

TO WHOM IT MAY CONCERN:

I, Phillip Nelson, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM 87002 to use a portion of my land use area for the following purpose (s): Rights-of-way to construction; operation; maintenance of 14.4K electrical Chichiltah Scattered Powerline Project, Work Order # 85593 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 result of the above-referenced project as proposed.

REMARKS: _____

4/11/2017 Phillip Nelson RU # 16-6
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESSES

[Signature]

4/13/17 [Signature] 16
Date Grazing Committee or Land Board Member District No

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature

Consent to use

NAVAJO NATION L LANDS

TO WHOM IT MAY CONCERN:


I, Mae Nelson, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM 87002 to use a portion of my land use area for the following purpose (s): Rights-of-way to construction; operation; maintenance of 14.4K electrical Chichiltah Scattered Powerline Project, Work Order # 85593 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 result of the above-referenced project as proposed.

REMARKS: _____

4/11/2017 Date Maria S Land User Signature (or Thumbprint) _____ Census No. _____ RU#16-6 Permit No.

WITNESSES
[Signature]

Date 4/13/17  Grazing Committee or Land Board Member 16 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).

Field Agent Signature

Waiver of compensation for damages
Consent to use

NAVAJO NATION L LANDS

TO WHOM IT MAY CONCERN:

I, Paul Houston, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM to use a portion of my land use area for the following purpose (s): Rights-of-way to construction; operation; maintenance of 14.4K electrical Chichiltah Scattered Powerline Project, Work Order # 85593 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 result of the above-referenced project as proposed.

REMARKS: _____

4/13/17 Paul Houston RU#16-02
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESSES

4-14-2017 16
Date Grazing Committee or Land Board Member District No

Acknowledgement of Field Agent

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

Field Agent Signature

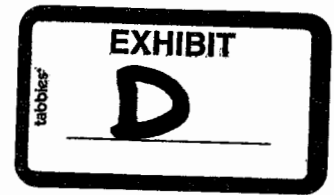


EXHIBIT "D"

**NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS
CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (GRANTEE)
(Chichiltah Chapter Scattered Powerline Project)**

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 the Interior.
2. Consideration for the right-of-way is assessed at \$ 127,611.37 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 serves a public purpose and will benefit Navajo residents.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of constructing and maintaining 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 archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the 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 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 be can 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 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.
 - 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 to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the 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 of 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.

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.										
4. TITLE OF REPORT: A Cultural Resources Inventory of the Proposed Chichiltah Scattered Powerline Extension Project in McKinley County, Mexico, for Continental Divide Electrical Cooperative, Inc. Author (s): Jeremy Begay and Jeffrey Begay		5. FIELDWORK DATES: 4/12-13/2016										
		6. REPORT DATE: July 26, 2016										
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin, Anthropologist Org. Name: Dinétahdóó CRM LLC. Org. Address: P.O. Box 2012 Farmington, NM 87499 Phone: (505) 960-9478 Fax: (505) 960-9749		8. PERMIT NO.: B16165										
		9. CONSULTANT'S REPORT NO.: DCRM 2016-14										
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Steven Morales, GIS Analyst / ROW Org. Name: Continental Divide Electric Cooperative, Inc. Org. Address: P. O. Box 1087 Grants, New Mexico 87020 Phone: (505) 285-6656 ext. 1021		11. SPONSOR'S PROJECT NO.: CDEC Work No. 85593.										
		12. AREA OF EFFECT: 8.78 ac. (3.55 ha.) AREA SURVEYED: 39.87 ac. (16.13 ha.)										
13. LOCATION (MAP ATTACHED)												
<table border="0"> <tr> <td>a. Chapter: Chichiltah</td> <td>e. Land Status: Navajo Tribal Trust</td> </tr> <tr> <td>b. Agency: Eastern</td> <td>f. UTM: See Table 1.</td> </tr> <tr> <td>c. County: McKinley</td> <td>g. Legal Description: See Table 1.</td> </tr> <tr> <td>d. State: New Mexico</td> <td>h. USGS 7.5' Maps: See Table 1.</td> </tr> <tr> <td></td> <td>i. Lead Agency: Bureau of Indian Affairs (BIA)</td> </tr> </table>			a. Chapter: Chichiltah	e. Land Status: Navajo Tribal Trust	b. Agency: Eastern	f. UTM: See Table 1.	c. County: McKinley	g. Legal Description: See Table 1.	d. State: New Mexico	h. USGS 7.5' Maps: See Table 1.		i. Lead Agency: Bureau of Indian Affairs (BIA)
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b. Agency: Eastern	f. UTM: See Table 1.											
c. County: McKinley	g. Legal Description: See Table 1.											
d. State: New Mexico	h. USGS 7.5' Maps: See Table 1.											
	i. Lead Agency: Bureau of Indian Affairs (BIA)											
14. REPORT												
a. Description of Undertaking: See Supplemental Sheet b. Existing Data Review: See Supplemental Sheet c. Area of Environmental & Cultural Setting: See Supplemental Sheet d. Field Methods: See Supplemental Sheet												
15. CULTURAL RESOURCE FINDINGS:												
a. Location/Identification of Each Resource: One newly identified archaeological sites and 10 in-use sites. b. Evaluation of Significance of Each Resource: See supplemental sheet.												
16. MANAGEMENT SUMMARY (RECOMMENDATION): Archaeological clearance is recommended for the proposed undertaking provided that the recommendations set forth in the report are adhered to.												
17. CERTIFICATION:												
SIGNATURE: <u>Rena Martin</u> Date: <u>7/25/16</u> General Charge Name: <u>Rena Martin, Archaeologist</u>												
SIGNATURE: <u>Jeremy Begay</u> Date: <u>7/26/16</u> Direct Charge Name: <u>Jeremy Begay, Archaeologist</u>												

**DCRM 2016-14:
A Cultural Resources Inventory of the Proposed Chichiltah Scattered Powerline Extension Project in
McKinley County, Mexico, for Continental Divide Electrical Cooperative, Inc.**

Prepared by

**Jeremy Begay, Senior Archaeologist
Jeffrey Begay, Archaeologist**

HPD Permit No.: B16165

July 26, 2016

**Submitted by:
Dinétahdóó Cultural Resources Management, LLC
P.O. Box 2012
Farmington, NM 87499**

**Submitted to
Navajo Nation Historic Preservation Department
Cultural Resources Compliance Section
P.O. Box 4950
Window Rock, Arizona 86515**

**Prepared for:
Steven Morales, GIS Analyst / ROW
Continental Divide Electric Cooperative, Inc.
P. O. Box 1087
Grants, New Mexico 87020**

Abstract

The following report is submitted to the Navajo Nation Historic Preservation Department's Cultural Resources Compliance Program for compliance review as part of the Navajo Nation cultural resources clearance process. The report details the results of the cultural resources inventory conducted in conjunction with the project entitled "*A Cultural Resources Inventory of the Proposed Chichiltah Scattered Powerline Extension Project in McKinley County, Mexico, for Continental Divide Electrical Cooperative, Inc.*" Mr. Steve Morales, GIS Analyst/ Right-of-Way (ROW) Agent with Continental Divide Electrical Coop. Inc., requested the inventory. The project will involve the construction of distribution power line extensions that will serve ten (10) Navajo residents. The installation activities will consist of vehicular traffic within the rights-of-way, clearing of vegetation, digging holes for the electrical poles, placement of utility poles, backfilling the excavated areas, and the stringing of utility lines. The project areas are in the Chichiltah Chapter in the Eastern Navajo Agency. The legal descriptions for the projected area are as follows: Section 12, Township 12 North, Range 21 West; Section 3, 10, and 21, Township 12 North, Range 20 West; Section 34, Township 13 North, Range 20 West; Section 10, Township 11 North, Range 20 West; and Section 28 and 33, Township 12 North, Range 18 West (NMPM). The project area can be found on the following USGS 7.5-minute quadrangle maps: Lupton, Ariz.,-N. Mex., 1971, Jones Ranch School, N. Mex., P.R. 1979, Chichiltah, N. Mex., 1973, and Horsehead Canyon NW, N. Mex., 1972. The total number of acres surveyed in conjunction with this project is 39.87 (16.13 ha); the area of effect is 8.78 acres (3.55 ha). One newly recorded archaeological site and ten in-use sites were identified during the inventory. Archaeological clearance is recommended for the proposed undertaking provided that the recommendations prescribed in the report are followed.

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Introduction

Between April 12th and 13th, 2016, Clifford Werito and Jeffrey Begay, archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted an archaeological inventory of the proposed powerline extensions for Continental Divide Electrical Cooperative, Inc., in the Chichiltah Chapter, McKinley Co, NM. Mr. Steve Morale served as the project Right-of-Way (ROW) Agent. The proposed power line project is associated with Continental Divide's Work Order No. 85593. One newly recorded archaeological site and ten in-use sites were identified during the inventory. This cultural resources inventory was completed under Navajo Nation Cultural Resources Inventory Permit Number B16165.

Description of Undertaking

Continental Divide Electrical Cooperative, Inc., proposes to construct, operate, and maintain the powerline extensions which will provide electrical power to established homesteads. The installation will consist of vehicular traffic within the right-of-way; clearing of vegetation; digging holes for the electrical poles; placement of utility poles; backfilling the excavated areas; stringing of power lines; and finally, maintaining the utility lines as needed. In all, the area surveyed is 19,301.22 ft (5,883.01 m; 3.65 miles) in length, with a right-of-way measuring 20 ft wide (6.09 m). The area-of-effect equals 8.78 acres (3.55 ha).

Location

The project area is located on Navajo Nation Trust Lands in the Chichiltah Chapter, McKinley County, New Mexico (Figures 1-4). The project area can be accessed by U.S. Highway 602 and by several maintained roads that stem off from the highway. Table 1 displays the UTM coordinates and legal description for the proposed distribution lines.

Table 1: UTM Coordinates, Legal Description and USGS Map names for the Chichiltah Scattered powerline project.

Designation	UTM Coordinates: Zone 12 (NAD 83)		Legal Description						USGS Map Name (7.5' Quadrangle)
	Northing	Easting	¼	¼	¼	Sec.	T	R	
Line A									
BOL	3907060	0681743	SW	NE	NE	12	12N	21W	Lupton, Ariz.,-N. Mex., 1971
B1	3907153	0681674	NE	NE	NE	12	12N	21W	
EOL	3907237	0681689	NE	NE	NE	12	12N	21W	
Line B									
BOL	3907393	0687752	SW	SE	SE	10	12N	20W	Jones Ranch School, N. Mex., P.R. 1979
B1	3907862	0687456	SW	NW	SE	3	12N	20W	
B2	3908473	0687404	NE	SE	NW	3	12N	20W	
B3	3908585	0687402	NE	SE	NW	3	12N	20W	
B4	3908918	0687403	NE	NE	NW	3	12N	20W	
B5	3909070	0687409	SE	SE	SE	34	13N	20W	
EOL	3909066	0687539	SE	SE	SE	34	13N	20W	
Line C									
BOL	3903338	0685300	SW	SW	NW	21	12N	20W	Jones Ranch School, N. Mex., P.R. 1979
B1	3903002	0685371	SE	NW	SW	21	12N	20W	
EOL	3903077	0685719	SW	NE	SW	21	12N	20W	
Line D									
BOL	3897505	0686970	SW	NW	NW	10	11N	20W	Chichiltah, N. Mex., 1973
EOL	3897653	0687475	NW	NE	NW	10	11N	20W	

BOL	3902396	0705038	SW	SE	NW	28	12N	18W	Horsehead Canyon NW, N. Mex., 1972
B1	3901681	0705503	NW	SW	SE	28	12N	18W	
B2	3901695	0705693	NE	SW	SE	28	12N	18W	
EOL	3901083	0705570	SW	NW	NE	33	12N	18W	
Tap E-1									
BOL	3901695	0705693	NE	SW	SE	28	12N	18W	Horsehead Canyon NW, N. Mex., 1972
EOL	3901702	0705786	NE	SW	SE	28	12N	18W	
BOL: Denotes Beginning of Line B: Denotes Bend EOL: Denotes End of Line									

BOL: Denotes Beginning of Line B: Denotes Bend EOL: Denotes End of Line

Existing Data Review

Prior to the fieldwork, a literature search of the scattered project areas was conducted at the Navajo Nation Historic Preservation Department's (NNHPD) Cultural Resources Compliance Section (CRCS) and Traditional Cultural Program in Window Rock, Arizona. The CRCS files indicated that numerous previous projects had been conducted within 300 ft (91 m) of the project area. As a result of the previous surveys, three previously identified archaeological sites (NM-Q-48-33, NM-Q-49-36, and NM-Q-49-37) have been recorded within 300 ft (91 m) of the project areas. DCRM archaeologists relocated the three previously identified archaeological sites and determined the sites to be located more than 200 ft from the project areas and will not be impacted by the proposed undertaking.

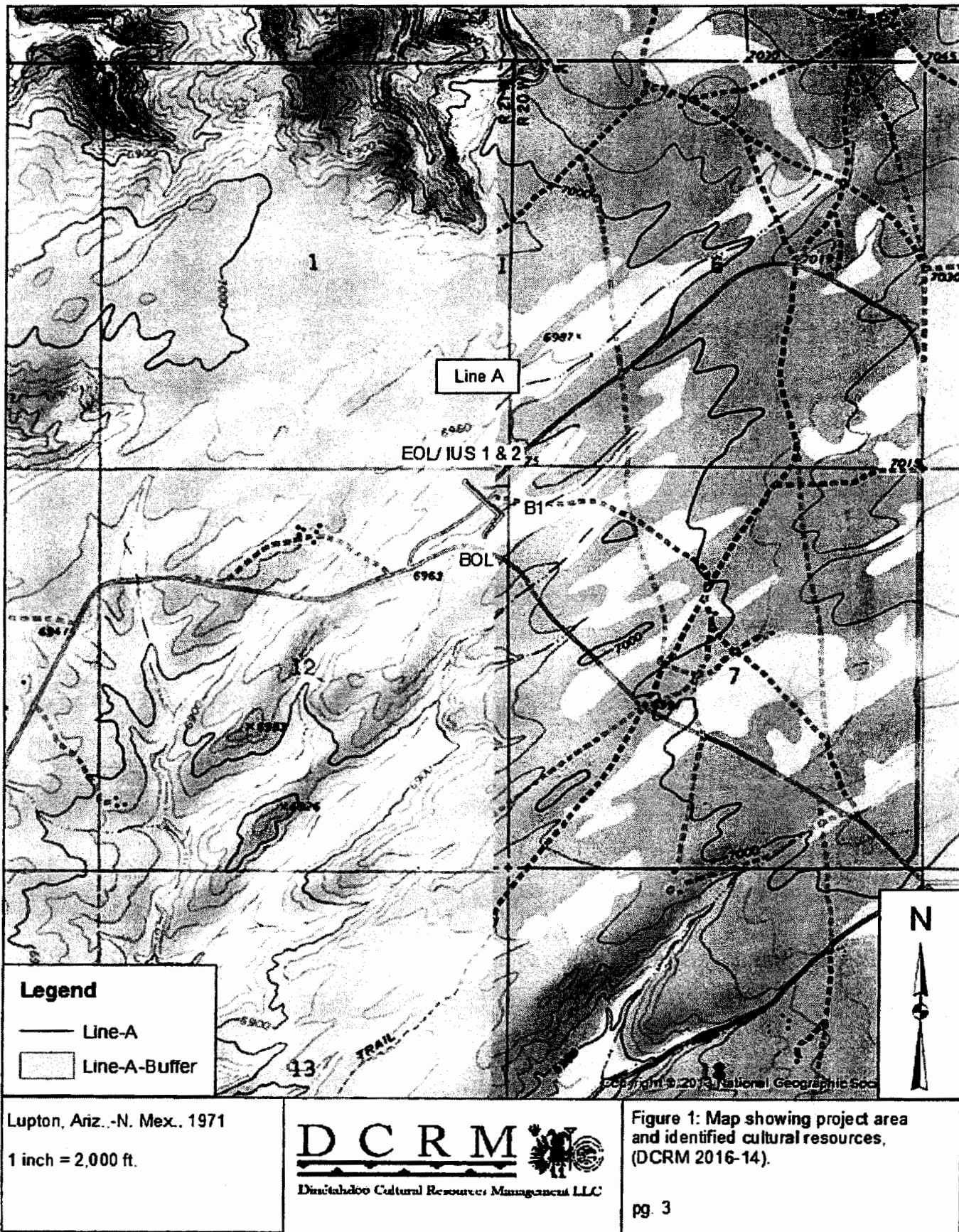
A search of the Sacred Places files at the Navajo Nation Historic Preservation Department's Traditional Cultural Program indicated that no previously identified Traditional Cultural Properties are located within one mile of the project areas. Consultations with NNHPD TCP personnel determined that the proposed undertaking proceed as planned.

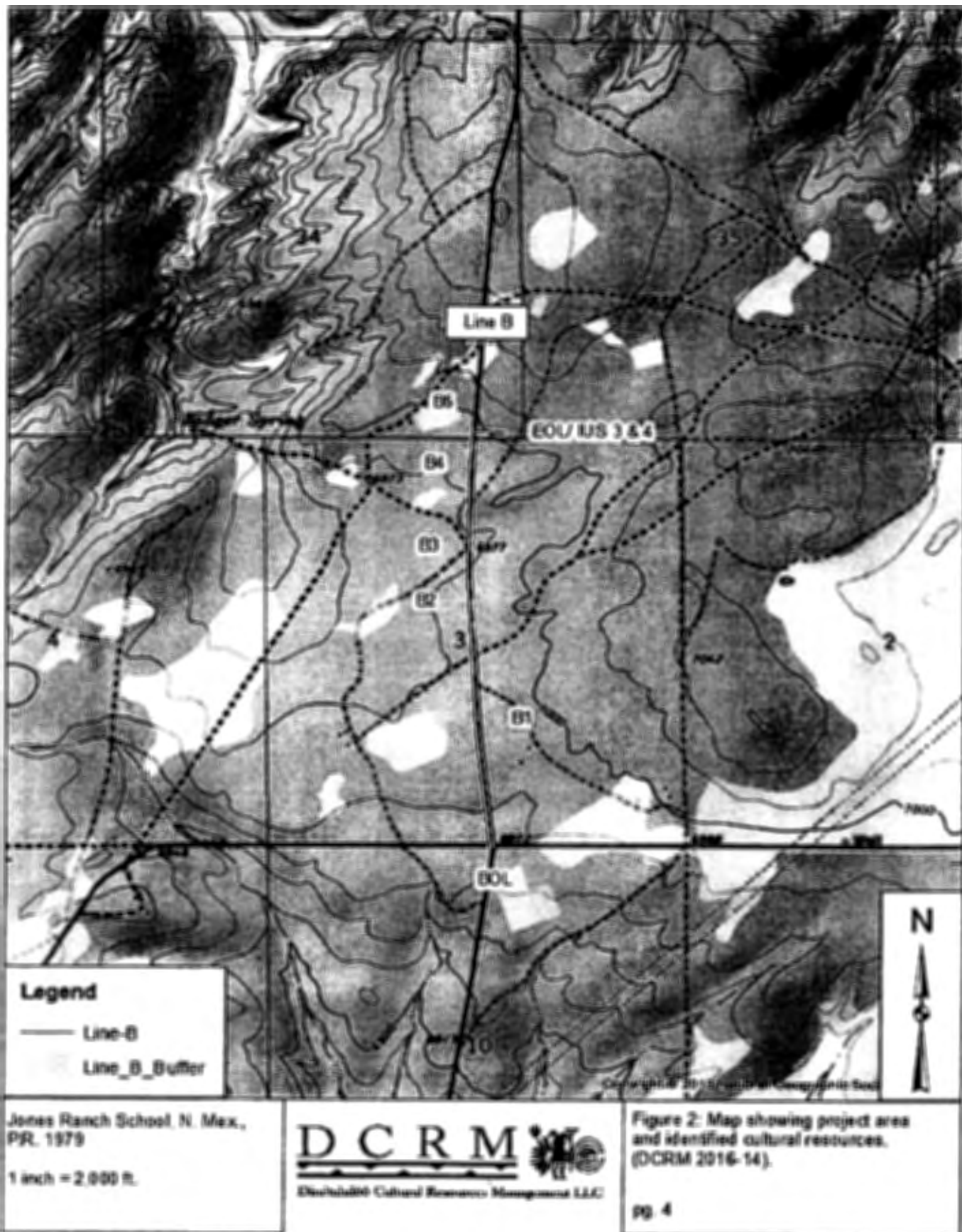
A check of Van Valkenburgh (1974) indicates that the one sacred place is located 14 miles (23 km) to the north. The place is named Twin Buttes / Gapped Rock (Tse in desgizh).

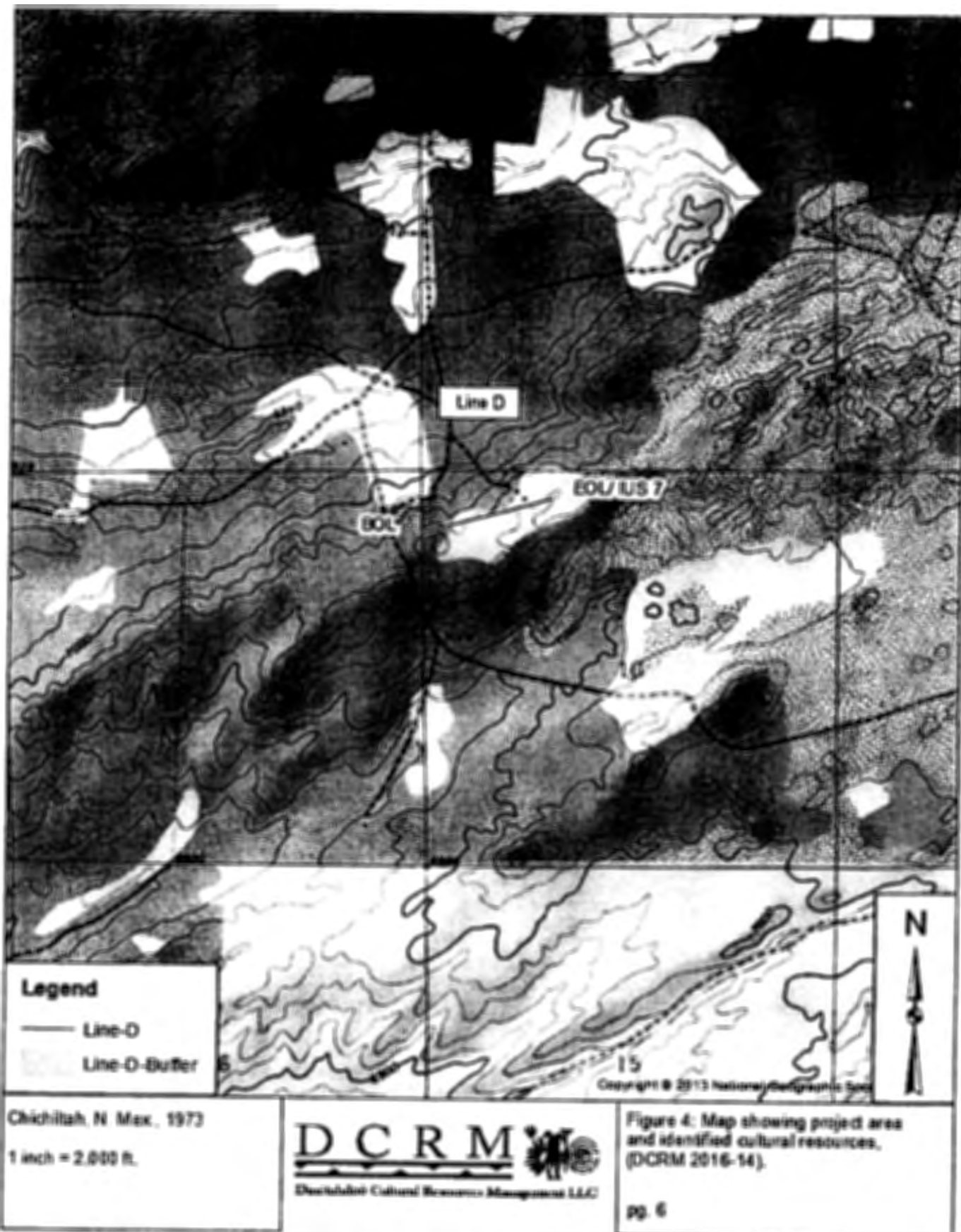
Area Environmental and Cultural Setting

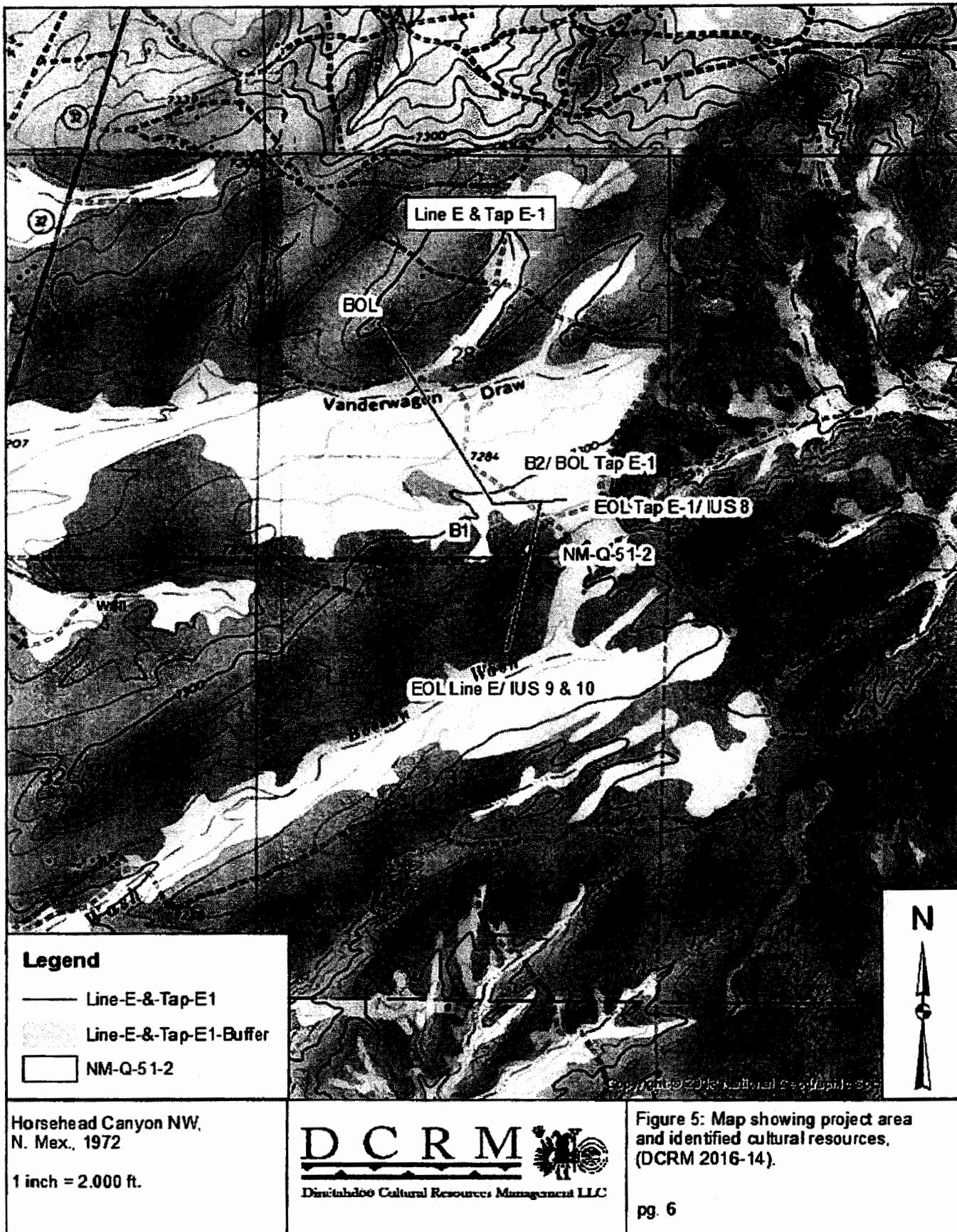
The Zuni Uplift is a large sedimentary landmass that was uplifted during the onset of the Laramide Orogeny during the Cretaceous-Tertiary transition. A considerable amount of tectonic activity during this time is responsible for exposing numerous geologic facies ranging in age from the Neogene Period to the Precambrian. Erosion of the numerous facies have produced a multitude of geographic features and geologic structures such as the Hogback, Fenced Up Horse Canyon, Zuni Mountains, Oso Ridge, and the Malpais badlands. Within the uplift, strata representing marine transgressive and nonmarine regressive cycles have been exposed as well as Precambrian basement rock which have produced redeposited packages of fine to coarse grained alluvial, fluvial, colluvial, residual, and aeolian sand, silt, clay, and multi-lithic sand. Outcrops of sedimentary, metamorphic, and igneous bedrock as well as pebble to boulder sized clasts derived from these outcrops are scattered throughout the region. Situated in the mixed conifer environ, the Zuni Uplift supports flora such as; Ponderosa and pinion pine, juniper, gambel oak, Aspen, green ephedra, sagebrush, Indian rice grass, ring muhly, blazing star, alkali sacaton, amaranth, drop seed, narrow and broad leaf yucca, prickly pear and cholla cacti, and Russian thistle.

The Navajo name for Chichiltah is Chech'ii tah, which, when translated, means Among oak trees. The availability of land cannot support every family who rely on livestock. In addition to the employment report above, most other people who have jobs commute away (LSR Innovations: 2004).









Field Methods

Between April 12th and 13th, 2016, Clifford Werito and Jeffrey Begay, archaeologists with DCRM, conducted a cultural resources inventory of the proposed powerline extensions. The proposed power line extensions were staked by T&D Engineering Services of Albuquerque, New Mexico. The project areas were surveyed by walking two parallel transects on each side of the centerline with intervals spaced no more than 10 m apart.

A 90-foot-wide (27.43 m) corridor was surveyed for each of the proposed power line extensions. This included a 20 ft (6.07 m) right-of-way with 35 ft (11 m) buffer zones on each side of the ROW. The total number of acres surveyed in conjunction with this project is 39.87 (16.13 ha.).

One newly identified archaeological site was encountered and assessed during this inventory. The archaeological site was recorded using a hand-held GPS unit, scale, and graphing paper.

The in-use sites were not documented out of respect for the privacy of the individuals; however, pursuant to NNHPD guidelines, the residents and their neighbors were interviewed to identify any potential traditional cultural properties (TCPs) or marked and unmarked burials that may be impacted by the undertaking. A description of the IUSs and the results of the interviews can be found below.

Cultural Resource Findings

One newly identified archaeological site and ten IUSs were identified within the project area. A description of the cultural resources can be found below.

Archaeological Sites

Site Number: NM-Q-51-2 (Figure 5)

USGS Map Reference: Horsehead Canyon NW, N. Mex., 1972

Legal Description: SE, SW, SE, Sec 28, T12N, 18W

UTM Coordinates: NAD 83; Zone 12, 0301489 Northing, 0705651 Easting

Land Status: Tribal Trust

Site Type: Anasazi PII Habitation

Site Size: 51 x 35m

Site Setting: NM-Q-51-2 is located on a broad southwest to northeast oriented ridge in a pinon and juniper forest.

Site Description: NM-Q-51-2 is a prehistoric Anasazi PII habitation with one identified feature and associated artifacts. Feature 1 is a depression measuring 9m in diameter and 40 cm in depth. DCRM archaeologists have interpreted F1 to contain the buried remains of a pithouse or kiva based on the physical attributes. Within and surrounding F1 are several sandstone slabs, jacal, and ceramic and lithic artifacts. Additional features may have been present in the northern sector of the site area but any trace of such features have been destroyed by historic use of the area. No midden was observed although associated artifacts were observed to be scattered throughout the site area. The observed artifact assemblage consists of 200+ ceramic sherds to include; Gallup, Escavada, Puerco, and Reserve Black on whites, Puerco and Wingate Black on reds, and Chaco, Coolidge, and Indented Corrugated wares. Numerous other grey, red, and white ware sherds were observed within the site area. Lithic artifacts numbered 50+ and included flakes of all stages of reduction, cores, and hammerstones of Zuni Spotted and Narbona Pass cherts, petrified wood, and green and black quartz. DCRM archaeologists also identified one two-handed sandstone mano fragment. Additionally, several fragments of jacal and sandstone FCR fragments were observed primarily in the eastern portion of the site area. No other features or artifacts were identified or recorded. Additional material was observed to the immediate west.

NM-Q-51-2

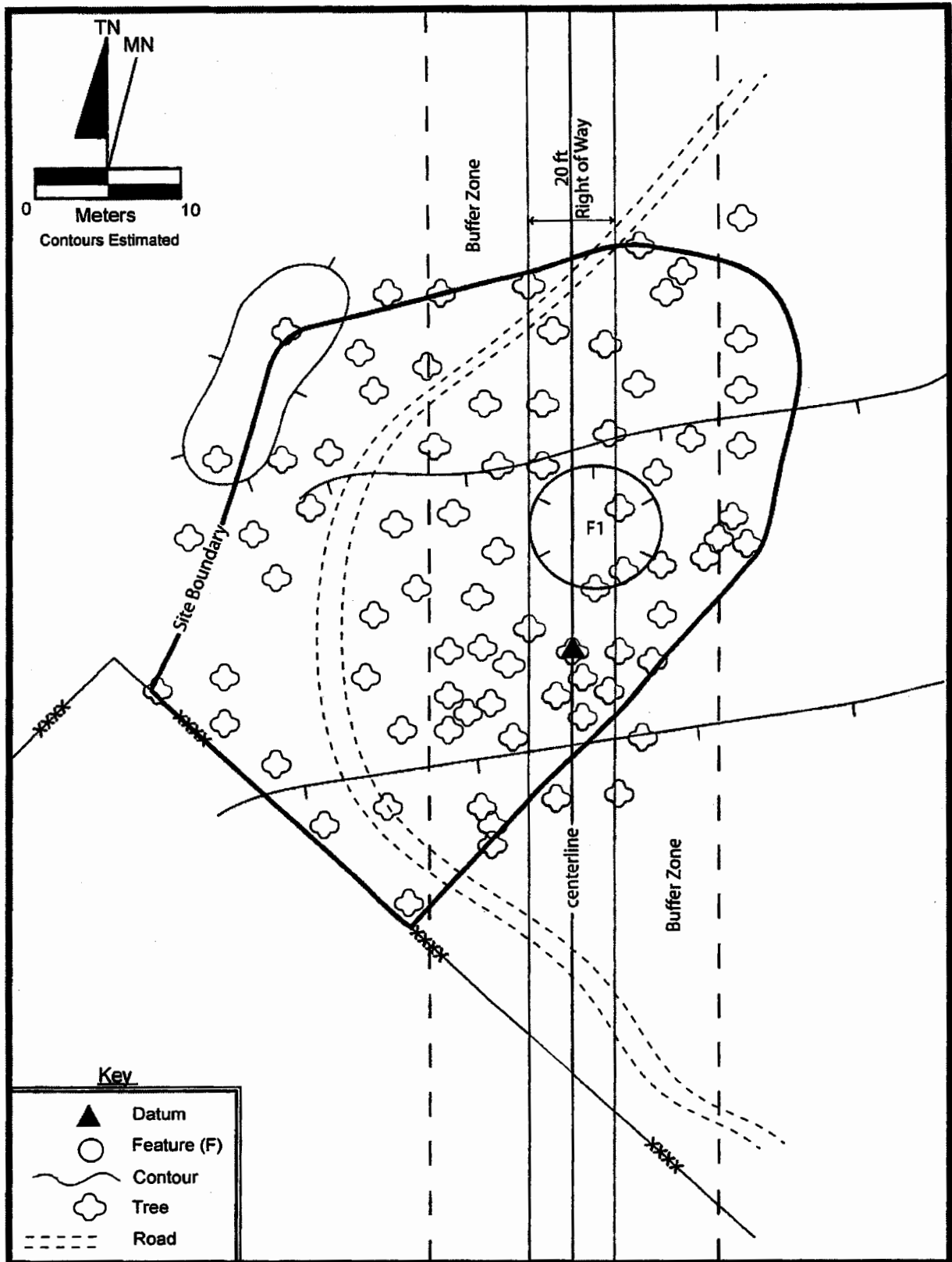


Figure 6. General Site Map of NM-Q-51-2, (DCRM 2016-14).

of the site area, however, the area containing the artifacts has been heavily impacted by the construction of a windmill and an earthen reservoir. DCRM archaeologists observed that artifacts from NM-Q-51-2 are being redistributed by local use of the immediate area by wood harvesting and by a two track road. An-in-field, non-intrusive assessment determined that NM-Q-51-2 may still contain subsurface cultural materials possibly up to 1m in depth especially near F1.

In-Use Sites

During the inventory, ten occupied or in-use sites were identified. The homes are occupied by Navajo families, and out of respect for their privacy none of the in-use features were mapped. The majority of homeowners and/or neighbors were interviewed regarding the age of their residence, local traditional cultural properties, and any known unmarked burials. A summary of the features associated with the in-use sites is provided in Table 3.

Table 2: In-Use Sites Identified along the Chichiltah Scattered powerline project.

IUS# and Client Name	Summary of Structures	Interviewee	Interview Results (Dates of Occupation and TCP)
IUS #1, Margie Kee-House	1 house	Megan Charley	No TCP or Burials; 2013 to present.
IUS #2 , Devon Charley	1 mobile home	Megan Charley	No TCP or Burials; 2011 to present.
IUS #3, Harry Begay	1 house	Harry Begay	No TCP or Burials; 1970s to present (2015).
IUS #4, Paul W. Begay	1 house	Harry Begay	No TCP or Burials; 1970s to present (2015).
IUS #5, Alice Charley	1 home	Alice Charley	No TCP or Burials; 1980s to present.
IUS #6, Teresa Charley	1 home	Alice Charley	No TCP or Burials; 1980s to present.
IUS #7, Rose Davis	1 mobile home	Rose Davis	No TCP or Burials; 2013 to present.
IUS #8, Evangeline Dolly	1 hogan	No Contact	Unknown TCP or Burials; 2000s to present.
IUS #9, Freda Mariano	1 house, 1 shed, 1 corral, 1 hogan	Freda Mariano	No TCP or Burials; 2006 to present.
IUS #10, Martha Silversmith	1 mobile home	Martha Silversmith	No TCP or Burials; 2001 to present.

Traditional Cultural Properties

During the field inventory archaeologists interviewed residents to gather information on the dates of occupancy of their own (and their neighbors') homesites. None of the residents knew of any unmarked burials or TCPs within or near the project area. The interviews were conducted in both Navajo and English.

Evaluation of Significance

All cultural resources that were identified and recorded during the inventory are evaluated for significance under certain federal statutes for the preservation and management of those resources. This process is intended to ensure that cultural resources are not unconsciously destroyed by the proposed undertaking, and to ensure that local communities are involved in the decision-making process. Although the Navajo Nation has enacted the Navajo Nation Cultural Resources Protection Act (NNCRPA), it has not instituted

regulations, nor is there a process to evaluate resources under this act. The cultural resources found during this inventory are evaluated in Table 3.

The National Historic Preservation Act

Under the Section 106 process of the National Historic Preservation Act (NHPA; 36 CFR 60.4), cultural resources may be eligible for nomination to the National Register of Historic Places if they are more than 50 years old and "possess integrity of location, design, setting, material, workmanship, feeling, and association." One or more of the following criteria (a-d) must be applicable:

- a. associated with events that have made a significant contribution to the broad patterns of our history; or
- b. associated with the lives of a person significant in our past; or
- c. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. has yielded, or may be likely to yield, information important in prehistory or history.

As defined in 36 CFR 60.4, cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historical buildings; properties primarily commemorative in nature; and properties that have achieved significance within the past 50 years are not ordinarily considered eligible for the National Register. However, such properties may qualify if they are integral parts of districts that do meet the eligibility criteria.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 (ARPA; 43 CFR Part 7) has two fundamental purposes:

- to protect irreplaceable archaeological resources on public lands and Indian lands from unauthorized excavation, removal, damage, alteration, or defacement; and
- to increase communication and exchange of information among governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained prior to enactment of the Act.

In order for a resource to be considered an archaeological resource and thus merit protection, it must be both more than 100 years old and of archaeological interest.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA [P.L. 95-341]) affirms that American Indians have the right to believe, express, and exercise their traditional religions and have access to sites, use and possession of sacred objects, and freedom of worship through ceremonies and rites. Any site or place (prehistoric or historic) that has religious, ceremonial, or sacred aspects or components needs to be dealt with in light of this law. Anasazi sites related to Navajo cultural traditions qualify for protection, as do all Navajo ceremonial sites, unmarked traditional places, and residential structures whose owners/users want them protected for religious and cultural reasons.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA [P.L. 101-601]) provides protection of Native American graves; establishes procedures and legal standards for the repatriation of human remains, funeral objects, sacred objects, and objects of cultural patrimony, including those from archaeological contexts; and provides the United States district courts jurisdiction over any action brought

by any person alleging a violation of the Act. The Act also recognizes certain tribal, Native Hawaiian, and individual rights in regard to burial sites located on federal and Indian lands, and it sets forth procedures for the intentional excavation and inadvertent discoveries of these items.

Navajo Nation law and policy also protects cultural resources on lands under Navajo Nation government jurisdiction. The **Navajo Nation Cultural Resources Protection Act of 1988** (NTC CMY-19-88) is modeled on the federal laws which require consideration of the effects of an undertaking on significant cultural resources. It also authorizes the Navajo Nation Historic Preservation Department to create and maintain a "Navajo Nation Register of Cultural Properties and Cultural Landmarks." The Register is to include "buildings, districts, objects, places, sites, and structures significant in Navajo Nation history, architecture, archaeology, engineering, and culture" on Navajo lands. The Register and its criteria for eligibility have yet to be established.

The **Navajo Nation Policy for the Protection of Jishcháá'** covers all human remains, associated funerary items, and unassociated funerary items on land under Navajo Nation jurisdiction. It emphasizes non-disturbance as the required treatment of these items unless disturbance is unavoidable. It sets forth procedures for intentional excavation and inadvertent discovery of these items.

Table 3: NRHP Eligibility and ARPA, AIRFA, and NAGPRA Status of Identified Resources.

Designation/Location	Description	Evaluation	
NM-Q-51-2 (Within ROW)	Anasazi PII Habitation	NRHP	Is Eligible 1. 50-year guideline met 2. Retains integrity of location, setting, and materials. 3. Does meet criterion d
		ARPA	Is Eligible 1. 100-year guideline met 2. Is of archaeological interest
		AIRFA	Does not merit consideration
		NAGPRA	Does not merit consideration
In-Use Sites 1- 10	Navajo homesteads 1980s to present.	NRHP	Not eligible
		ARPA	1. 100-year guideline not met 2. Not of archaeological interest
		AIRFA	Does not merit protection
		NAGPRA	Does not merit protection

Recommendations

Archaeological clearance is recommended for the proposed undertaking with the following general and site specific stipulations: (1) all construction equipment and activities must be restricted to the ROW and or existing roads; (2) any discoveries must be reported to the NNHPD and all activities must be halted within 50 feet of the discoveries,

Archaeological site NM-Q-51-2:

(1) the site must be avoided by spanning the electrical lines across the site area, with all electrical poles placed at least 50 feet outside the site boundaries; (2) the site boundaries must be flagged prior to any construction.

References

LSR Innovations Research & Planning

2004 *Chapter Images: 2004 Edition*. Division of Community Development, Window Rock, Arizona.

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places. In *Navajo Indians III*, edited by C. Kluckhohn, pp. 9-99. Garland, New York.

Appendix
Navajo Nation Site Management Forms

Dinéahdóó Cultural Resources Management LLC.
Site Survey and Management Form

SITE NO.: NM-Q-51-2

FIELD OR OTHER NO.: Site 1

PROJECT NO. & NAME: DCRM 2016-14: A Cultural Resources Inventory of the Proposed Chichiltah Scattered Powerline Extension Project in McKinley County, Mexico, for Continental Divide Electrical Cooperative, Inc.

RECORDING ORGANIZATION: Dinéahdoo CRM

DATE RECORDED: 4/13/2016

RECORDED BY: J. Begay, J.C. Begay

USGS 7.5' MAP REFERENCE: Horsehead Canyon NW, N. Mex., 1972

LEGALS (☒ NMPM / ☐ AZPM): Township: 12 ☒ N / ☐ S, Range: 18 ☐ E / ☒ W;
Sec.: 28 ; SE 1/4, SW 1/4, SE 1/4 (☐ Unplatted)

UTM COORDINATES (NAD 83): Zone: 12: 3901489 N, 0705651 E

STATE: NM, COUNTY: McKinley, CHAPTER: Chichiltah, AGENCY: Eastern

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: 60 % Kind and extent of cover: 40% Vegetation

TOPOGRAPHY: NM-Q-51-2 is located on a broad southwest to northeast oriented ridge in a pinon and juniper forest.

NEAREST DRAINAGE: Bosson Wash is located approximately 500m south.

ELEVATION (FT/M): 7320 ft / 2231 m SLOPE AND DIRECTION: 2 ° S

SEDIMENT TYPE: Fine-medium grained alluvial sand.

OTHER: Pebble sized sedimentary clasts.

VEGETATION PRESENT: Pinon pine, juniper, prickly pear cacti, snakeweed, Russian thistle, and cholla cacti.

CULTURAL AFFILIATION: Anasazi

SITE TYPE: Habitation

CURRENTLY IN-USE: ☐ Yes, ☒ No Comments: N/A

PERIOD(S) OF OCCUPATION/CONSTRUCTION/USE (date if known): PII

How Dated: Ceramics

DIMENSIONS OF SITE (L x W): 51 x 35 m TOTAL AREA (sq. m.): 1785 sq m

ARCHITECTURE PRESENT: ☐ Yes, ☐ No

Describe:

TYPES OF ARTIFACTS OBSERVED and QUANTITY OF EACH TYPE (give approximate numbers if not counted): The observed artifact assemblage consists of 200+ ceramic sherds to include; Gallup, Escavada, Puerco, and Reserve Black on whites, Puerco and Wingate Black on reds, and Chaco, Coolidge, and Indented Corrugated wares. Numerous other grey, red, and white ware sherds were observed within the site area. Lithic artifacts numbered 50+ and included flakes of all stages of reduction, cores, and hammerstones of Zuni Spotted and Narbona Pass cherts, petrified wood, and green and black quartz. DCRM archaeologists also identified one two-handed sandstone mano fragment. Additionally, several fragments of jacal and sandstone FCR fragments were observed primarily in the eastern portion of the site area.

COLLECTION MADE? ☐ Yes, ☒ No Of What? N/A Method of Collection: N/A

PHOTOS: ☐ Yes, ☒ No Photo ID: N/A

PHYSICAL SITE DESCRIPTION: NM-Q-51-2 is a prehistoric Anasazi PII habitation with one identified feature and associated artifacts. Feature 1 is a depression measuring 9m in diameter and 40 cm in depth. DCRM archaeologists have interpreted F1 to contain the buried remains of a

pithouse or kiva based on the physical attributes. Within and surrounding F1 are several sandstone slabs, jacal, and ceramic and lithic artifacts. Additional features may have been present in the northern sector of the site area but any trace of such features have been destroyed by historic use of the area. No midden was observed although associated artifacts were observed to be scattered throughout the site area. The observed artifact assemblage consists of 200+ ceramic sherds to include; Gallup, Escavada, Puerco, and Reserve Black on whites, Puerco and Wingate Black on reds, and Chaco, Coolidge, and Indented Corrugated wares. Numerous other grey, red, and white ware sherds were observed within the site area. Lithic artifacts numbered 50+ and included flakes of all stages of reduction, cores, and hammerstones of Zuni Spotted and Narbona Pass cherts, petrified wood, and green and black quartz. DCRM archaeologists also identified one two-handed sandstone mano fragment. Additionally, several fragments of jacal and sandstone FCR fragments were observed primarily in the eastern portion of the site area. No other features or artifacts were identified or recorded. Additional material was observed to the immediate west of the site area, however, the area containing the artifacts has been heavily impacted by the construction of a windmill and an earthen reservoir. DCRM archaeologists observed that artifacts from NM-Q-51-2 are being redistributed by local use of the immediate area by wood harvesting and by a two track road. An in-field, non-intrusive assessment determined that NM-Q-51-2 may still contain subsurface cultural materials possibly up to 1m in depth especially near F1.

ETHNOGRAPHIC DATA (if any): NA

CONDITION OF SITE: Fair

CAUSES OF DISTURBANCE: Erosion and livestock.

LOCATION OF SITE RELATIVE TO PROJECT AREA and AREA OF POTENTIAL EFFECT: Within the ROW and buffer zones.

EXTENT OF INVESTIGATIONS TO DATE: This recording

RESEARCH POTENTIAL/CULTURAL IMPORTANCE OF SITE: NM-Q-51-2 has the potential to provide data regarding the prehistoric Anasazi PII occupation, settlement patterns, and subsistence strategies of the greater Chichiltah region.

MANAGEMENT RECOMMENDATIONS: (1) the site must be avoided by spanning the electrical lines across the site area, with all electrical poles placed at least 50 feet outside the site boundaries; (2) the site boundaries must be flagged prior to any construction.

SITE ASSESSMENT UNDER 36 CFR 60.4 (National Register of Historic Places)

REGISTER ELIGIBLE: ☒ Yes, ☐ No, ☐ Potentially

Comments:

INTEGRITY: location ☒, design ☐, setting ☒, materials ☒, workmanship ☐, feeling ☐, association ☐, unknown ☐, none ☐

CRITERIA: a ☐, b ☐, c ☐, d ☒, unknown ☐, none ☐

EXCLUSIONS: None

SITE ASSESSMENT UNDER 36 CFR 7.3 (Archaeological Resources Protection Act):

Eligible for Protection? ☒ Yes, ☐ No

Meets 100-Year Guideline? ☒ Yes, ☐ No

Of Archaeological Interest? ☒ Yes, ☐ No

Comments:

SITE ASSESSMENT UNDER P.L. 95-341 (American Indian Religious Freedom Act):

Merit Consideration? ☐ Yes, ☒ No, ☐ N/A

Comments:

SITE ASSESSMENT UNDER NAVAJO NATION JISHCHAA' POLICY/NAGPRA:

Eligible for Protection? ☐ Yes, ☒ No, ☐ Possibly (explain below)

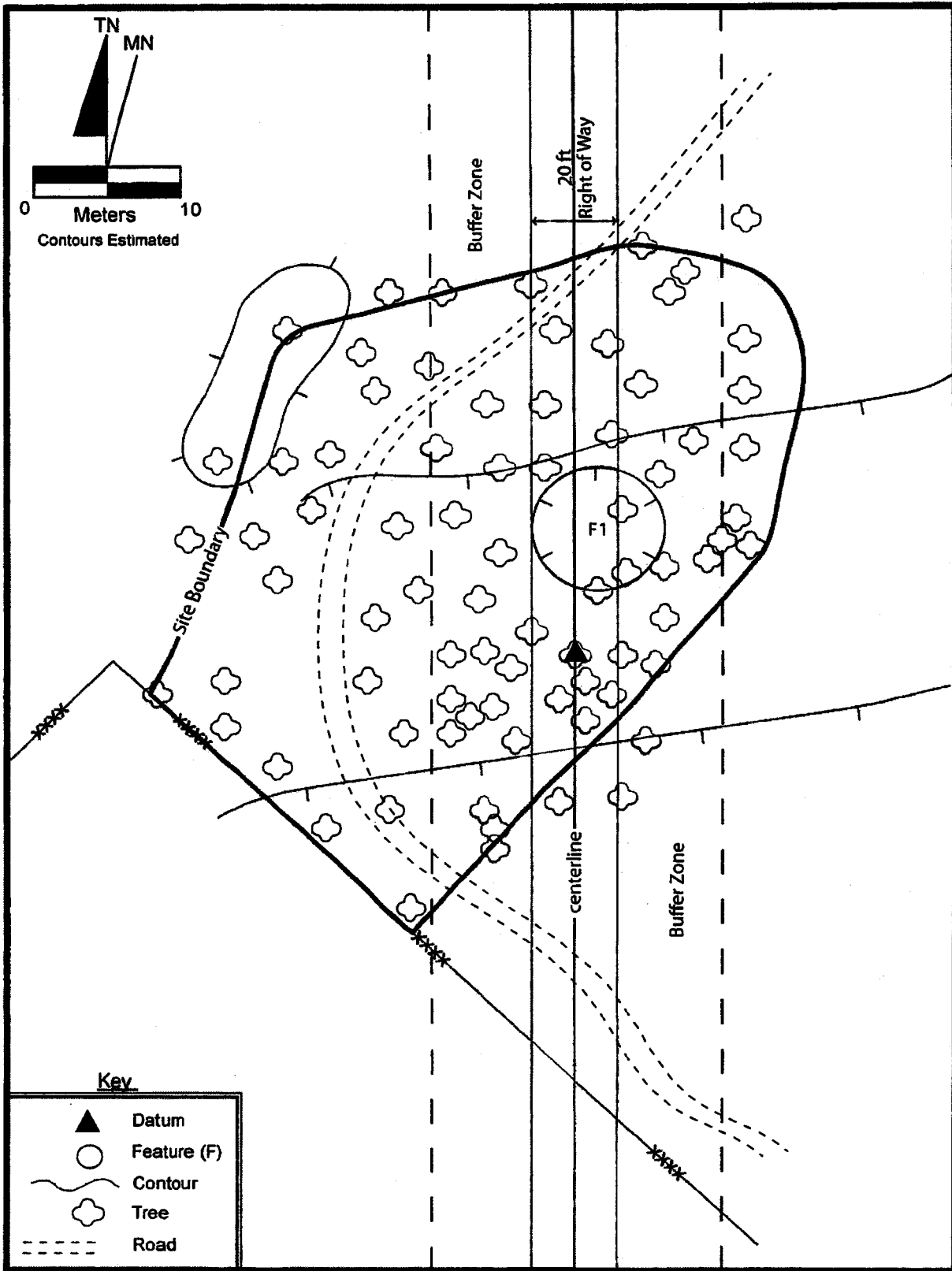
Comments:

HOW CAN THE SITE BE REACHED (Provide a narrative description & refer to attached USGS quad map): See Attached Map

PROVIDE A SITE MAP (Including site designation, site boundary, north arrow, scale, recognizable features, landmarks, and relationship to project area).

OTHER COMMENTS:

NM-Q-51-2



General Site Map of NM-Q-51-2, (DCRM 2016-14).



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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-16-586 - REVISED
<input checked="" type="checkbox"/> DCRM	OTHER PROJECT NO.: DCRM 2016-14

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Chichiltah Scattered Powerline Extension Project in McKinley County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Steven Morales, GIS Analyst/ROW, Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020

PROJECT DESCRIPTION: The proposed undertaking will involve the construction, operation, and maintenance of 19,301.22-ft / 3.65 miles of powerline extensions with a 20-ft wide right-of-way, which will provide electric power to the established homesteads. The area of effect is 8.78-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment within the right-of-way.

LAND STATUS:	Navajo Tribal Trust													
CHAPTER:	Chichiltah													
LOCATION:	T.	12	N.	R.	21	W-	Sec.	12;	Lupton	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	12	N.	R.	20	W-	Sec.	03, 10 & 21;	Jones Ranch School	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	13	N.	R.	20	W-	Sec.	34;	Jones Ranch School	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	11	N.	R.	20	W-	Sec.	10;	Chichiltah	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	12	N.	R.	18	W-	Sec.	28&33;	Horsehead Canyon	Quadrangle,	McKinley	County	New Mexico	NMPM
PROJECT ARCHAEOLOGIST:	Jeremy Begay and Jeffrey Begay													
NAVAJO ANTIQUITIES PERMIT NO.:	B16165													
DATE INSPECTED:	4/12/2016, 4/13/2016													
DATE OF REPORT:	7/26/2016													
TOTAL ACREAGE INSPECTED:	39.87 - ac													
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 10 m apart.													
LIST OF CULTURAL RESOURCES FOUND:	(1) Site (NM-Q-51-2) (10) In-Use Areas													
LIST OF ELIGIBLE PROPERTIES:	(1) Site (NM-Q-51-2)													
LIST OF NON-ELIGIBLE PROPERTIES:	(10) In-Use Areas													
LIST OF ARCHAEOLOGICAL RESOURCES:	(1) Site (NM-Q-51-2)													

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions.

Site NM-Q-51-2:

1. Site boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged site boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and 20-ft wide right-of-way.
3. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-arounds.

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.

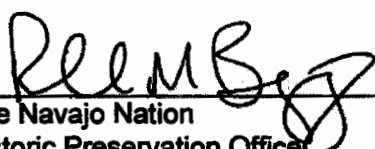
FORM PREPARED BY: **Tamara Billie**

FINALIZED: March 20, 2017 - *Revised*

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No


☒ Yes ☐ No


The Navajo Nation
Historic Preservation Office


3/20/17
Date

Navajo Region Approval

☒ Yes ☐ No

 Acting
BIA - Navajo Regional Office

MAR 30 2017
Date

 3/23/2017



**THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT**

PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-16-586
<input checked="" type="checkbox"/> DCRM	OTHER PROJECT NO.: DCRM 2016-14

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Chichiltah Scattered Powerline Extension Project in McKinley County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Steven Morales, GIS Analyst/ROW, Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020

PROJECT DESCRIPTION: The proposed undertaking will involve the construction, operation, and maintenance of 19,301.22-ft of powerline extensions which will provide electric power to the established homesteads. The area of effect is 8.78-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment within the right-of-way.

LAND STATUS:	Navajo Tribal Trust													
CHAPTER:	Chichiltah													
LOCATION:	T.	<u>12</u>	N.,	R.	<u>21</u>	W-	Sec.	<u>12;</u>	Lupton	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	<u>12&13</u>	N.,	R.	<u>20</u>	W-	Sec.	<u>3&34;</u>	Jones Ranch School	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	<u>12</u>	N.,	R.	<u>20</u>	W-	Sec.	<u>21;</u>	Jones Ranch School	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	<u>11</u>	N.,	R.	<u>20</u>	W-	Sec.	<u>10;</u>	Chichiltah	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	<u>12</u>	N.,	R.	<u>18</u>	W-	Sec.	<u>28&33;</u>	Horsehead Canyon	Quadrangle,	McKinley	County	New Mexico	NMPM
PROJECT ARCHAEOLOGIST:									Jeremy Begay and Jeffrey Begay					
NAVAJO ANTIQUITIES PERMIT NO.:									B16165					
DATE INSPECTED:									4/12/2016, 4/13/2016					
DATE OF REPORT:									7/26/2016					
TOTAL ACREAGE INSPECTED:									39.87 – ac					
METHOD OF INVESTIGATION:									Class III pedestrian inventory with transects spaced <u>10</u> m apart.					
LIST OF CULTURAL RESOURCES FOUND:									(1) Site (NM-Q-51-2) (10) In-Use Areas					
LIST OF ELIGIBLE PROPERTIES:									(1) Site (NM-Q-51-2)					
LIST OF NON-ELIGIBLE PROPERTIES:									(10) In-Use Areas					
LIST OF ARCHAEOLOGICAL RESOURCES:									(1) Site (NM-Q-51-2)					

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions.

Site NM-Q-51-2:

1. Site boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged site boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and 20-ft wide right-of-way.
3. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-arounds.

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: September 9, 2016

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No

☒ Yes ☐ No


The Navajo Nation
Historic Preservation Office

Date

Navajo Region Approval

☒ Yes ☐ No


BIA - Navajo Regional Office
Acting

Date

SEP 28 2016

**CHICHILTAH SCATTERED ELECTRICAL LINE ENVIRONMENTAL ASSESSMENT
RIGHT OF WAY APPLICATION FOR EIGHT HOMES WO# 85593
CHICHILTAH CHAPTER, NEW MEXICO**



**PLS: SE/4 Section 28 Township 12 North Range 18 West, NMPM
Lat. & Long.: 35° 14' 36.7" N 108° 44' 47.9" W, NAd 83
UTM: 705,092 m E 3,902,178 m N, Z12**

Prepared by

**CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.
200 East High Street / P.O. Box 1087
Grants, New Mexico 87020**

**DENALI ENVIRONMENTAL SERVICES
P.O. Box 1127
Fort Defiance, Arizona 86504**

October, 2016

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- Appendix A Real Estate Land Survey Plat
- Appendix B Chichiltah Chapter Resolution
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CHICHILTAH SCATTERED ELECTRICAL LINE ENVIRONMENTAL ASSESSMENT

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct and operate scattered power lines at various distances in the Chichiltah Chapter, south of Gallup, New Mexico. The proposed right of way application would require a National Environmental Policy Act environmental assessment document to support the decision-making process. The proposed scattered power line would provide electrical service to existing homes in the Chichiltah Chapter.

1.0 THE PROPOSED PROJECT AND LOCATION

1.1 Description of the Proposed Action

The proposed Chichiltah Scattered Power Line Project would involve 19,301.22 feet (3.655 miles) of power line extensions at 8.78 acres of rights of way, with 20 feet widths as shown in Table 1 below. The proposed initiative would provide electrical power to eight existing home sites in the Chichiltah Chapter. The power line right of way would not be totally cleared of natural vegetation—grass, sagebrush and pinyon trees. For emergency purposes the trees and shrubs would be cut to ground level to avoid any interference with the power line construction and operation. The power line segments would be single phase 14.4 kilo volt line extensions at various lengths.

Table 1. Chichiltah Scattered Power Line Right of Way Easement Project, Work Order 85593.

SEGMENT	LENGTH	MILES	WIDTH	ACREAGE
Line "A"	890.47'	0.169	20'	0.41
Line "A-1"	980.32	0.186	20'	0.45
Line "B"	5,953.25	1.127	20'	2.73
Line "B-1"	336.40	0.064	20'	0.15
Line "B-2"	90.92	0.017	20'	0.04
Line "C"	2,299.92	0.435	20'	1.06
Line "D"	1,729.87	0.328	20'	0.79
Line "E"	5,460.04	1.034	20'	2.51
Tap "E-1"	310.03	0.059	20'	0.14
Subtotal	18,051.22	3.419	20'	8.28
Guy Easements	1,250.00	0.236	20'	0.50
Total	19,301.22	3.655	20'	8.78

The land survey plat is shown in Appendix A. CDECI proposes to tap on to existing power lines at the various locations as describe in Tables 2 thru 6. Figures 1 to 5 illustrate the project locations.

1.2 Purpose and Need

The proposed initiative would provide an electrical power line to the eight homes. The power line extension initiative would enable families to refrigerate meat, milk and eggs for longer periods and buy additional perishable grocery items that would otherwise spoil. Television news media and entertainment can now be enjoyed by the families. The elderly can move about their homes at night. School age kids can now do their homework with electrical lights and via satellite internet.

The proposed initiative would also provide telecommunication via direct telephone communication. Overall, the proposed utility would play a vital part in serving the needs and interest of the people and community, often in remote-underserved regions of the Navajo Nation.

1.3 Project Location

The proposed power line extensions would be located on Navajo Nation tribal trust land as shown in Tables 2 thru Table 6 below. Figures 1 thru 5 illustrate the coordinate locations of CDECI Lines A-E. The project location are shown on four USGS topographic maps entitled *Lupton, AZ-NM*, *Jones Ranch School, NM*, *Chichiltah, NM* and *Horsehead Canyon NW, NM* 7.5 Minute Quadrangles.

Table 2. Chichiltah Scattered Electrical Power Line Location, CDECI Line A.

Description	USGS Quadrangle	Public Land Survey-NMPM	Latitude and Longitude NAd 83	UTM, Zone 12
Line A BOP	Lupton, AZ-NM	NE/4 Section 12 T12N R21W	35° 17' 22.9" N 109° 0' 7.5" W	681,742 m E 3,906,803 m N
EOP	Lupton, AZ-NM	NE/4 Section 12 T12N R21W	35° 17' 31.5" N 109° 0' 9.2" W	681,694 m E 3,907,066 m N

Located on Navajo tribal trust lands, the proposed powerline extension is located in Chichiltah Chapter, McKinley County, New Mexico, at an elevation of 6,070 ± feet above mean sea level (amsl).

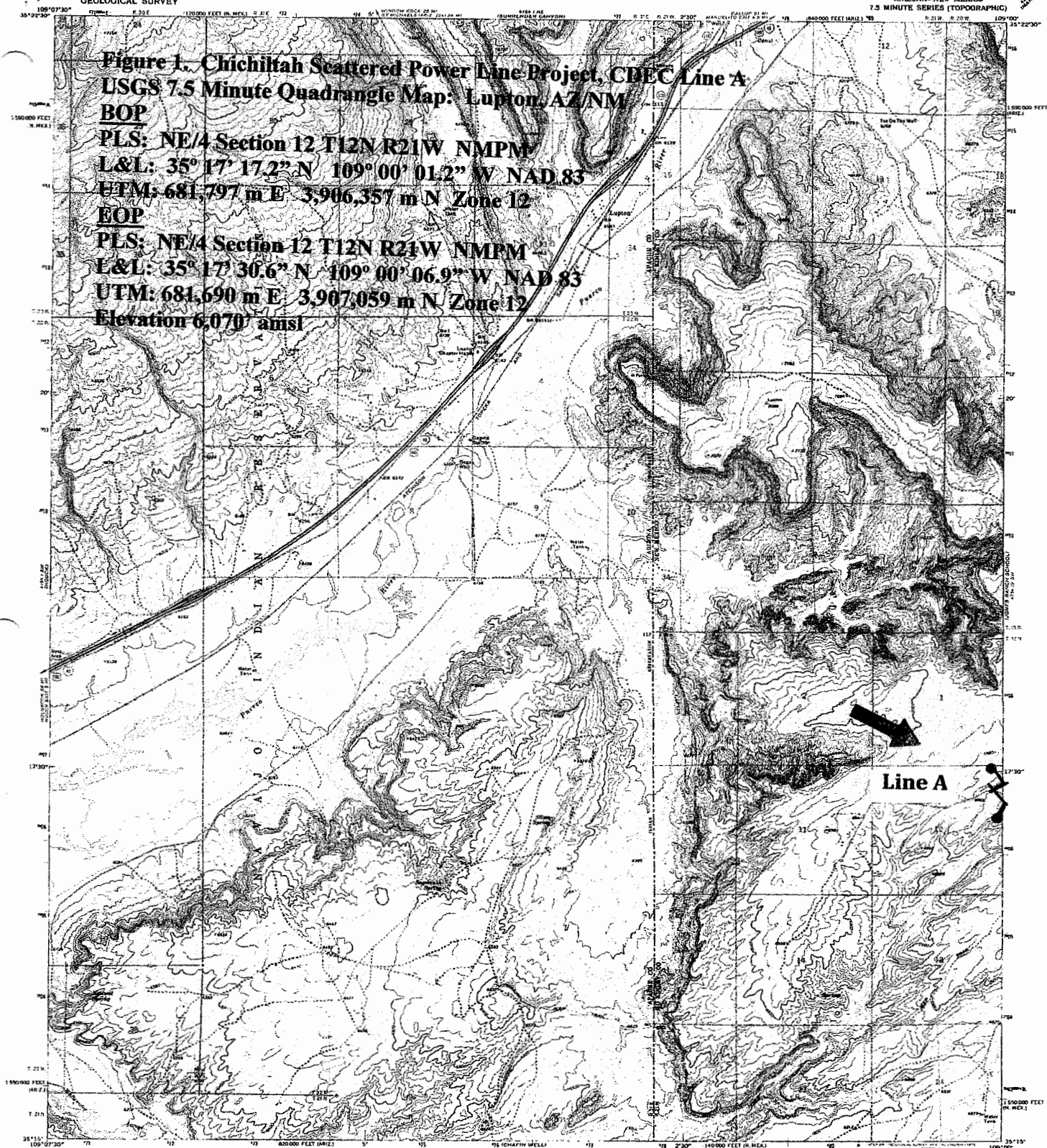
Table 3. Chichiltah Scattered Electrical Power Line Location, CDECI Line B.

Description	USGS Quadrangle	Public Land Survey	Latitude and Longitude NAd 83	UTM, Zone 12
Line B BOP	Jones Ranch School, NM	NE/4 Section 10 T12N R20W	35° 17' 28.7" N 108° 56' 18.1" W	687,532 m E 3,907,099 m N
Middle Section	Jones Ranch School, NM	E/2 Section 3 T12N R20W	35° 17' 32.6" N 108° 56' 17.3" W	687,552 m E 3,907,216 m N
EOP	Jones Ranch School, NM	SE/4 Section 34 T13N R20W	35° 18' 26.9" N 108° 56' 13.8" W	687,605 m E 3,908,893 m N

Located on Navajo tribal trust lands, the proposed powerline extension is located in Chichiltah Chapter, McKinley County, New Mexico, at an elevation of 7,013± feet above mean sea level (amsl).

**Figure 1. Chichiltah Scattered Power Line Project, CDEC Line A
USGS 7.5 Minute Quadrangle Map: Lupton, AZ/NM**

BOP
PLS: NE/4 Section 12 T12N R21W NMPM
L&L: 35° 17' 17.2" N 109° 00' 01.2" W NAD 83
UTM: 681,797 m E 3,906,357 m N Zone 12
EOP
PLS: NE/4 Section 12 T12N R21W NMPM
L&L: 35° 17' 30.6" N 109° 00' 06.9" W NAD 83
UTM: 681,690 m E 3,907,059 m N Zone 12
Elevation 6,070' amsl



Line A

Maped, edited, and published by the Geological Survey

Control by USGS and NMGS WGS 84
Topography by photogrammetric methods from aerial
photographs taken 1969-70. Field checked 1971

Projection: Arizona coordinate system, west zone
(Universal Transverse Mercator)
10,000-foot grid scale based on Arizona coordinate
system, west zone and New Mexico coordinate system,
west zone

1000-meter Universal Transverse Mercator grid links,
zone 12, shown on sheet. 1982 North American Datum
Faint red dashed lines indicate selected fence lines
Certain land uses are omitted because of insufficient data

SCALE 1:24,000

CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT IMPROVED CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1985

ROAD CLASSIFICATION
Primary highway, hard surface
Secondary highway, hard surface
Unimproved road
Light duty road, hard or improved surface
Unimproved road
Interstate Route
U.S. Route
State Route

LUPTON, ARIZ.-N. MEX.

1971

ANSI Z39.18-1983 PERM

Figure 2. Chichiltah Scattered Power Line Project, CDECI Line B

USGS 7.5 Minute Quadrangle Map: Jones Ranch School, NM

BOP PLS: NW/4 Section 10 T12N R20W NMPM

L&L: 35° 17' 31.7" N 108° 56' 16.1" W NAD 83

UTM: 687,545 m E 3,907,200 m N Zone 12

EOP PLS: SE/4 Section 34 T13N R20W NMPM

L&L: 35° 18' 26.2" N 108° 56' 19.1" W NAD 83

UTM: 687,525 m E 3,908,906 m N Zone 12

Elevation 6,972' amsl

Figure 3. Chichiltah Scattered Power Line Project, CDECI Line C

USGS 7.5 Minute Quadrangle Map: Jones Ranch School, NM

BOP PLS: NW/4 Section 10 T12N R20W NMPM

L&L: 35° 15' 21.7" N 108° 57' 47.3" W NAD 83

UTM: 685,312 m E 3,903,262 m N Zone 12

EOP PLS: SE/4 Section 34 T13N R20W NMPM

L&L: 35° 15' 12.9" N 108° 57' 30.9" W NAD 83

UTM: 685,800 m E 3,903,184 m N Zone 12

Elevation 6,966' amsl

Line B

Line C

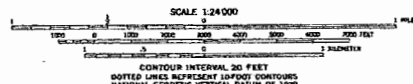
Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photography taken 1962. Field checked 1963.
Planimetric projection. 1927 Meridian Arcs datum.
10,000-foot grid based on New Mexico coordinate system, west zone.
1000-meter Universal Transverse Mercator grid lines, zone 12, shown in blue.

Boundaries shown in purple compiled from aerial photography taken 1978 and other maps. This information not field checked. 1978 edition 1978.

UTM GRID AND 1983 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



THIS MAP COMPLETS WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

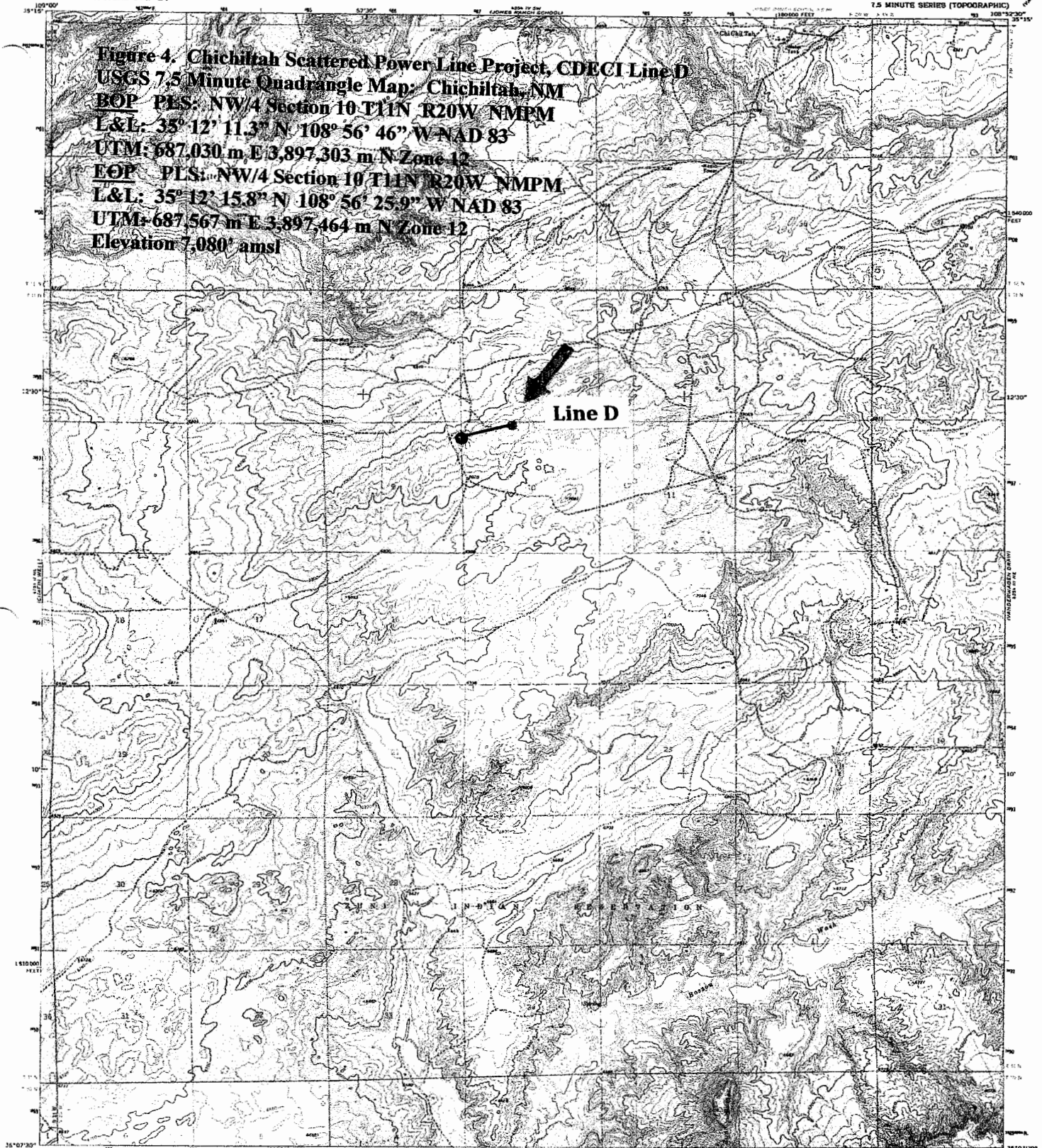


ROAD CLASSIFICATION
Light-duty Unimproved dirt

JONES RANCH SCHOOL, N. MEX.

1963
PHOTOGRAPHED 1978
NEW MEXICO 1978

Figure 4. Chichiltah Scattered Power Line Project, CDECI Line D
USGS 7.5 Minute Quadrangle Map: Chichiltah, NM
BOP PLS: NW/4 Section 10 T11N R20W NMPM
L&L: 35° 12' 11.3" N 108° 56' 46" W NAD 83
UTM: 687,030 m E 3,897,303 m N Zone 12
EOP PLS: NW/4 Section 10 T11N R20W NMPM
L&L: 35° 12' 15.8" N 108° 56' 25.9" W NAD 83
UTM: 687,567 m E 3,897,464 m N Zone 12
Elevation 7,080' amsl



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial

photographs taken 1970. Field checked 1973

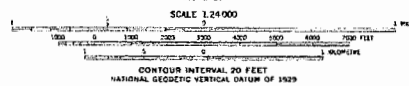
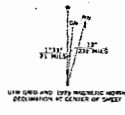
Projection and 10,000-foot grid ticks: New Mexico

coordinate system, zone 10 (Transverse Mercator)

1000-meters Universal Transverse Mercator grid ticks,

zone 12, shown in blue. 1927 North American datum

Fine red dashed lines indicate selected fence lines



THIS MAP COMPLES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR RESTON, VIRGINIA 20192
A FINDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



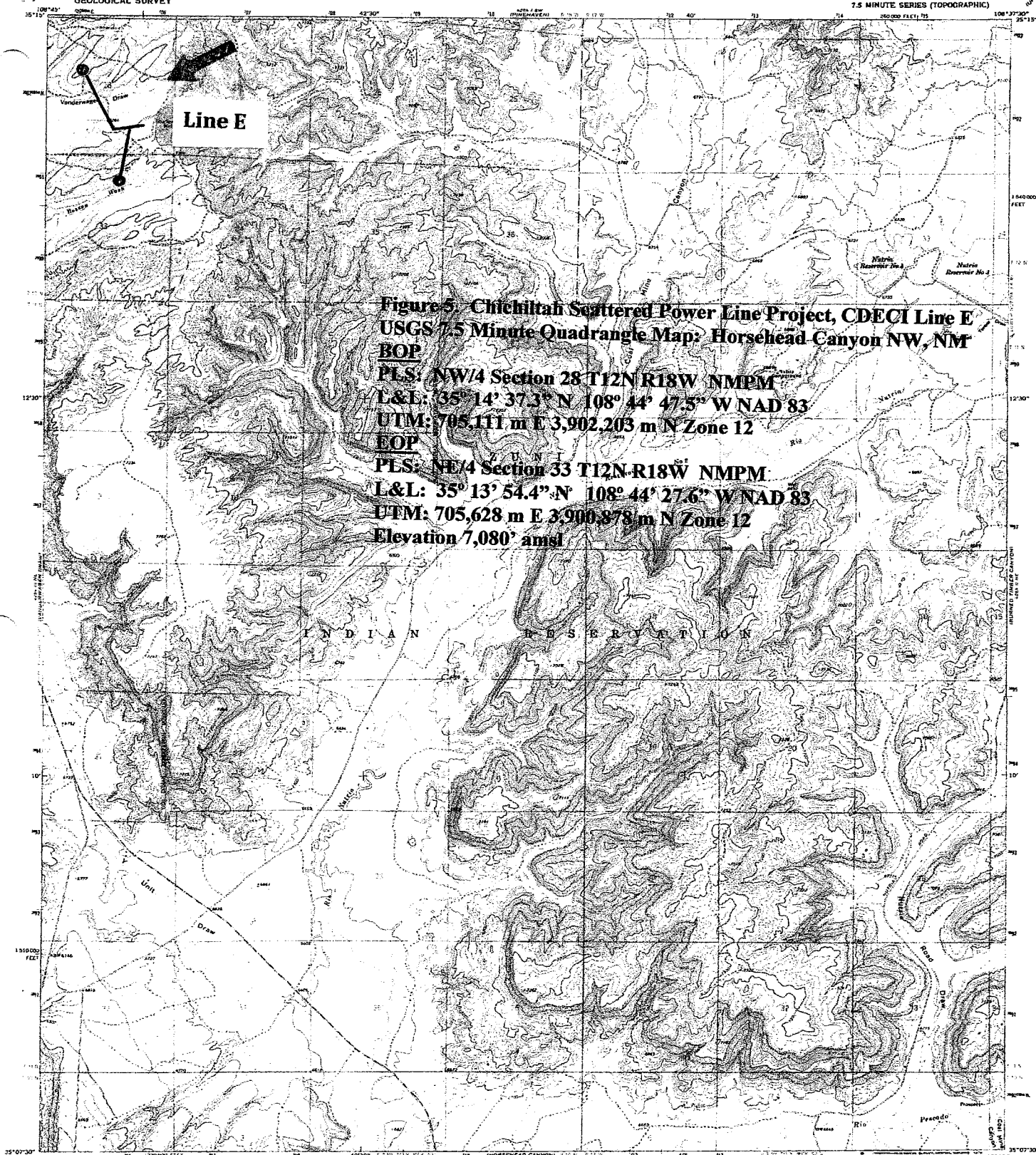
ROAD CLASSIFICATION	
Primary highway, hard surface	Light duty road, hard or improved surface
Geocentric highway, hard surface	Unimproved road
Interstate Route	U. S. Route
	State Route

CHI CHIL TAH, N. MEX.

10507.5-110852.5/7.5

1973

AND 4254 IN 10' - SERIES 1051



**Figure 5. Chichiltah Scattered Power Line Project, CDECI Line E
USGS 7.5 Minute Quadrangle Map: Horsehead Canyon NW, NM**

BOP
PLS: NW/4 Section 28 T12N R18W NMPM
L&L: 35° 14' 37.3" N 108° 44' 47.5" W NAD 83
UTM: 705,111 m E 3,902,203 m N Zone 12

EOP
PLS: NE/4 Section 33 T12N R18W NMPM
L&L: 35° 13' 54.4" N 108° 44' 27.6" W NAD 83
UTM: 705,628 m E 3,900,878 m N Zone 12
Elevation 7,080' amsl

Mapped, edited, and published by the Geological Survey

Control by USGS and NGS/NOAA
Topography by photogrammetric methods from aerial
photographs taken 1971. Field checked 1972

Projection and 10,000-foot grid ticks: New Mexico
coordinate system, west zone (Transverse Mercator)
1500-metric Universal Transverse Mercator grid ticks,
zone 12, shown in black. 1983 North American datum

Four red dashed lines indicate selected fence lines

UTM OR UTM AND 1983 METRIC VERTICAL
DEFINITION AT CENTER OF SHEET

SCALE: 1:24,000
CONTOUR INTERVAL: 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLETES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, BENTLEY CARNEGIE ROADS, OR RESTON, VIRGINIA 22092
A HOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

NEW MEXICO
QUADRANGLE LOCATION

ROAD CLASSIFICATION
Primary highway, hard surface
Secondary highway, hard surface
Unimproved road
Interstate Route
U.S. Route
State Route

HORSEHEAD CANYON NW, N. MEX.
W 100° 30' - W 100° 35' 15"
1972

AND WITH A NEW SERIES 1981

Table 4. Chichiltah Scattered Electrical Power Line Location, CDECI Line C.

Description	USGS Quadrangle	Public Land Survey	Latitude and Longitude NAd 83	UTM, Zone 12
Line C BOP	Jones Ranch School, NM	NW/4 Section 21 T12N R20W	35° 15' 22.5" N 108° 57' 47.2" W	685,363 m E 3,903,164 m N
EOP	Jones Ranch School, NM	SW/4 Section 21 T12N R20W	35° 15' 13.4" N 108° 57' 30.1" W	685,801 m E 3,902,891 m N

Located on Navajo tribal trust lands, the proposed powerline extension is located in Chichiltah Chapter, McKinley County, New Mexico, at an elevation of 6,966 ± feet above mean sea level (amsl).

Table 5. Chichiltah Scattered Electrical Power Line Location, CDECI Line D.

Description	USGS Quadrangle	Public Land Survey	Latitude and Longitude NAd 83	UTM, Zone 12
Line D BOP	Chichiltah, NM	NW/4 Section 10 T11N R20W	35° 12' 12.5" N 108° 56' 45.6" W	687,045 m E 3,897,342 m N
EOP	Chichiltah, NM	NW/4 Section 10 T11N R20W	35° 12' 16.0" N 108° 56' 26.1" W	687,533 m E 3,897,459 m N

Located on Navajo tribal trust lands, the proposed powerline extension is located in Chichiltah Chapter, McKinley County, New Mexico, at an elevation of 7,080 ± feet above mean sea level (amsl).

Table 6. Chichiltah Scattered Electrical Power Line Location, CDECI Line E.

Description	USGS Quadrangle	Public Land Survey	Latitude and Longitude NAd 83	UTM, Zone 12
Line E BOP	Horsehead Canyon NW, NM	NW/4 Section 28 T12N R18W	35° 14' 37.3" N 108° 44' 47.1" W	705,112 m E 3,902,198 m N
EOP	Horsehead Canyon NW, NM	NE/4 Section 33 T12N R18W	35° 13' 54.4" N 108° 44' 26.7" W	705,658 m E 3,900,886 m N

Located on Navajo tribal trust lands, the proposed powerline extension is located in Chichiltah Chapter, McKinley County, New Mexico, at an elevation of 7,300 ± feet above mean sea level (amsl).

1.4 Project Authorization

This project was authorized by the Navajo Nation Code, Title 16 Land, Chapter 11 § 1101, land for public community purposes. NNC authorizes the Navajo Nation to participate and manage land use leases on the Navajo Indian Reservation projects in rural Utah, Arizona, and New Mexico.

The Bureau of Indian Affairs is the lead Federal agency, as authorized by the Snyder Act of November 20, 1921, 25 USC Chapter 1 § 13, which establishes appropriation for BIA permitting and leasing activity. The proposed right of way approval would allow CDECI to acquire the power line property long term, construct the 11.4 kv electrical power line, and provide electrical service to eight families.

Shown at Appendix B, the Chichiltah Chapter has passed a resolution approving the proposed Chichiltah Scattered Electrical Power Line.

1.5 Purpose of Environmental Assessment

The environmental assessment is an instrument required by federal law and regulations to determine if potential impacts of a federal action are of such significant as to require the preparation of an environmental impact statement. The proposed federal action is approval of a electrical right of way. The approval of the right of way would allow the operator to withdraw a tract of land, on which to further construct and operate a electrical utility infrastructure. This document addresses potential impacts and mitigation for the approval of the right of way. The proposed land use of Indian trust land is managed by the Navajo Nation, and administered by Bureau of Indian Affairs.

2.0 ALTERNATIVES

2.1 Alternate Site Locations

Alternate alignments, of sufficient width and length at locations as convenient as the proposed locations, are not available. Due to the size of grazing permitted areas needed to sustain livestock herds, right of ways become impossible to acquire with respect to land of allotment and trust status. Open areas in the community are used for family subsistence on livestock and the traditional family way of life. On adjoining land, individual Indian allotment holders generally try to retain their grazing allotments intact, and not to become fragmented. Holistic grazing areas, on trust and allotted land, are needed to sustain livestock herds. Other power line alignments at the five locations would become difficult to acquire.

An alternate site location, on trust land or allotments, would be subject to the same assessments, approvals and clearance process as the preferred alternative. Numerous archaeological occurrences could render the other sites unfeasible for the proposed use. Potential grazing permit holders may reverse their decisions and reject the alternate location. The approved chapter and proposed resource committee resolutions would become mute.

2.2 No Action Alternative

If the no action alternative is taken, the proposed long term right of way would not be approved. The proposed electrical power line would not go as planned. Infrastructure for the residents would become moot. The proposed power line alignments would not be elevated to a higher productive state.

2.3 Approval of the Preferred Alternative

The preferred alternative involves approval of the proposed right of ways, which would allow for the construction of the proposed electrical power line extensions. The proposed right of way locations, generally on Indian trust land, adjacent to existing roads and pipelines would be the best alternatives. The proposed power line extensions are direct, designed at the shortest route, which would have the least amount of environmental impact. A forum for public involvement in the decision-making process for the project was provided. The Chichiltah Chapter support resolution is attached as Appendix B. The Resources and Development Committee of the Navajo Nation Council would review and recommend approval of the project. The BIA would provide final approval.

3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS

3.1 Resources Not Considered in Detail

3.1.1 Climate

Gallup Municipal Airport is the nearest weather station to the project area. The proposed power line project is located in a semi-arid climate. The Chichiltah Chapter experiences four distinct climatic seasons and has an annual average maximum temperature of 66.0°F and average minimum temperature of 44.3°F. Summer highs reach the 85.1 °F range with lows in the 45.0°F average. Winter highs are usually in the 44°F range with lows at 13.6. Average annual precipitation is 11.08 inches in the Gallup area. The average annual snowfall is 30.6 inches (WRCC 2016). Due to the small size and scattered nature of the proposed project areas, climate would have no effect on the proposed scattered power line project. No mitigation would be required.

3.1.2 Air Quality

Ambient air quality in the project area may be regarded as good. Primary pollutants in the project area is wind-blown dust from loose topsoil common during times of high wind during the spring and dust from vehicular traffic along unimproved roads in the vicinity. These pollutants will not be generated in sufficient concentrations to produce measurable adverse effects to housing or damage to vegetation. Construction activities will not have a significant effect on the ambient air quality in the project area. No direct mitigation is required.

3.1.3 Geology and Seismicity

The Chichiltah Scattered Power Line Project is located on the northwest flank of the Zuni Mountain uplift and south of the San Juan Basin syncline. The northwest flank is characterized by narrow valleys and rolling P-J covered hills, eroded from beds of the Cretaceous rock. As part of the Mesa Verde Group geologic formation, Chichiltah Chapter is located on the Crevasse Canyon Formation of Upper Cretaceous Rock. The geologic structure is stable. There are no regional faults or fissures in the area (Wilkes, M. E. Compiler, 2005). The site is flat dipping generally 2 to 8 degrees to the northwest. Based on the history of the area, geology will not be a factor in this development.

3.1.4 Fisheries

There are no fisheries or fishery habitat occurrences in the propose lease area. No mitigation is required for any fishery adversity.

3.1.5 Socioeconomics and Environmental Justice

From the time the Navajo Reservation and Indian Allotment were established in the early 20th century, Navajo social and political organization were based on the family, extended family, the clan, and related clans, with informal local leaders or headmen. The chapter system, now a strong element is social and political life, was introduced as a bureaucratic substitute for the headman system in the late 1920's. The chapter, district and agency system that has developed back then, operates simultaneously as an instrument of the Navajo Nation government and the Bureau of Indian Affairs (Iverson, P., 2002). The proposed project is located in the Chichiltah Chapter, Eastern Navajo Agency. The 2004 census of the Chichiltah Chapter sets the population at 1,692 people (NN DCD/LSRI, 2004).

In general, local housing conditions are good to excellent. Dwellings in the surrounding area have been built by their owners and have two to three bedrooms. Modular homes in the area are a popular source of improved housing for those who can afford to purchase them. Navajo Housing Authority has constructed 25 housing units at Jones Ranch, three miles west of Chichiltah.

While unemployment is high throughout the Checkerboard Area, raising livestock has been a sustainable economy in the past. Currently most residents in the Chichiltah-Jones Ranch area are wage earners, working a various government and commercial jobs in nearby towns and cities. The Indian Health Service, Bureau of Indian Affairs in Gallup, IHS in Zuni, and the Navajo Nation government in Window Rock areas are the major employers in the region. Employment and living standards of the Diné People in the greater Chichiltah area may be better than what may be considered averaged. This is afforded because of the availability of educational opportunities and wage work available in Gallup and vicinity. Federal, state and tribal government services, law and order, schools and major retail outlets are available at Zuni, Gallup, and Crownpoint, New Mexico. Indian Health Service Hospitals are located in Zuni, Gallup, and Crownpoint. BIA Navajo Regional Offices are located in Gallup.

Road construction and maintenance are provided by the BIA, and the Navajo Nation DOT. Utilities in the area are provided by the Navajo Tribal Utility Authority and Continental Divide Electric Cooperative, Inc. CDECI provides electrical power. Approximately 40 % of the Chichiltah Chapter residents have access to electrical power services (NNDED, LSRI, 2004). Water supply and waste water systems are operated by NTUA.

The retired elderly in the Checkerboard Area still carry on the ranching life style. Individual allotments are relatively small and not large enough to sustain a viable operating ranch for the entire family, however. The younger family members wish to be with their elders and have moved back into the old homesteads; built their new houses on the ranch land, as the area provides a better quality of life, in contrast to apartment living in nearby towns.

Environmental Justice. The Chichiltah Scattered Power Line Project will be for the beneficial use of the Chichiltah and Jones Ranch Community. As indicated, the majority of the local population is of Native American decent, representing 98 % of the population. The mandate of impacted minorities and low income populations applies equally among the population, as the proposal will benefit the population as a whole. The local grazing lease holder has agreed to the site location, has relinquished part of his traditional use area for the right of way, and would be compensated for the grazing resource lost. Chichiltah Chapter has approved a supporting resolution, see Appendix B. In the future, a resolution is proposed for the Resource Committee of the Navajo Nation Council, as well as BIA approval of the permit.

3.1.6 Land Use and Zoning

At an elevation ranging from 6,070 feet amsl to 7,300 feet amsl the area is characterized as a Pinyon-Juniper and Sagebrush Woodland Ecosystem. The area land use is primarily rangeland and residential home sites. The proposed power line extensions are located on Navajo Indian trust lands. Land form is characterized as high plateau and mesas on the west flank of the Zuni Mountains. There are no comprehensive land use plans for the proposed project area.

Rangeland is the basic land use in the project area. For many years the land is used by the local families for farming, home sites and domestic livestock grazing (sheep, cows and horses). Earthen catchment basins are located throughout the project area. During the dry season livestock water is hauled from a nearby windmill by truck to livestock range locations. A cattle guard, metal gate, roadway fence and access roads have been built for access to the homes, ranches, windmills and ranch property.

As shown on the topographic maps, existing residents are located throughout the project area; home sites belonging to local relatives are set in clusters. Rangeland fencing, home site access roads, water lines existing power line are associated with the residents in the project area.

Indian Trust Resources. The power line right of way acreage will be withdrawn for the electrical service line agreements. There are no other bankable assets, such as timber, fossil fuels, fossils, or valuable minerals on the tracts, surface or subsurface.

3.1.7 Prime Farmland

Dry farm land is very limited in the Chichiltah area. There are no irrigated fields. A few agriculture fields (family plots) are located in the project area. These fields would be used to grow traditional crops such as corn, beans, and squash.

3.1.8 Recreation

Chichiltah Chapter residents will travel to nearby Cibola National Forest for an afternoon of picnicking and fishing. McGaffey Lake, near McGaffey would be the nearest fishing lake. Other fishing lakes include Nutria Lake and Ojo Caliente Lake on the Zuni Reservation, and Whiskey and Wheatfields Lake in the Chuska Mountains on the Navajo Indian Reservation. Rainbow and cutthroat trout are the favorite of the fishermen's take.

New Mexico State Fish and Game Department designates the project area as big game hunting unit 10. New Mexico big game species include deer, elk, bear, cougar, pronghorn antelope, Barbary sheep, bighorn sheep, javalina, oryx, and ibex.

Gathering - approximately every three to five years, vicinity pinyon trees in the Chichiltah area will yield a bumper crop of pinyon nuts. Native people will gather this crop for individual consumption. The pinyon nuts would also be sold to local traders for cash.

Outdoor recreation would come in relation to the traditional livestock raising to the people in the vicinity of Jones Ranch and Chichiltah. In contrast to their government jobs, fence building, ranching, farming activities would provide the ultimate form of outdoor recreation to the local families. This type of outdoor recreation (life style) would provide the relaxation, at the same time feeling of accomplishment, and family member reinforcement.

Horseback riding is another recreational source, as horses and horse stables were observed. "Chicken Pulls" or rodeos are also a traditional sport and form of outdoor recreation in the region. Rodeo grounds are located at Bread Springs.

In addition to the hunting, fishing, and gathering as described above, it is evident that ATV is another source of recreation. ATV vehicles were observed during site reconnaissance.

3.1.9 Traffic

The existing roads are located adjacent to the propose power lines. Motorized traffic using the existing roads will not be a factor during construction and operation of the power line. The propose power line is located in a predominantly rural setting. Traffic will not be a significant factor in this proposed action.

3.1.10 Noise

In acoustics, noise is defined as any undesired sound. The measurement of any sound stimulus is commonly made with a meter and a frequency analyzer. Meter measurement results are given in decibels (db). The normal ambient noise level in the vicinity of the proposed site fluctuates between 1 db (soft whisper) and occasionally 10 db (strong winds). Construction activities will generate noises which cannot be considered normal for the area. Noise levels in the 90 to 100 db range may be generated by the operation of heavy construction equipment.

Construction hours of operation will be 8:00 am to 7:00 pm during the day light hours. Noise from construction activities will not have a significant adverse effect on the local population and environment.

3.1.11 Floodplain

The power line alignments are not located on any floodplain; nor located in a flood prone area. The site topography generally dip northwest at approximately 2-8 degrees northwest, which allows for

ample drainage. Federal Emergency Management Agency floodplain maps were reviewed for the project. The project area is excluded from any floodplain designation by the agency (FEMA, 2016).

3.1.12 Wetlands and Riparian Habitat

The proposed project and action area would not traverse any wetland or riparian habitat on or adjacent to the proposed tract. There are no jurisdictional wetlands within the project area. The Sanders, AZ-NM and Zuni, NM National Wetlands Map were reviewed. The maps indicate locations in the project area. These livestock impoundments are classified as Palustine (*PUSAh*), unconsolidated shoreline, temporary flooded, and a dike/impoundment. *PUSAh* locations are located throughout the project area. These water impoundments are livestock watering points. The project would have no effect on the impoundments, as wetlands or riparian habitat occurrences do not exist on the project site. Existing livestock watering impoundments in the vicinity do not exhibit hydric soils, nor hydrophilic vegetation, nor do they support a wetland hydrology (U.S. ACOE, 1987). There are no wetlands or riparian habitat occurrences on or near the proposed project area alignments. No mitigation measures are recommended for wetland / riparian areas.

3.1.13 Hazardous, Toxic, and Radiological Waste

Other than roaming livestock grazing, there are no previous industrial uses of the area. The propose power line and adjoining property have never been used as a gas station, motor repair facility, commercial printing facility, dry cleaner, photo developing laboratory, junk yard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility. The propose project does not contain any damaged or discarded automotive or industrial batteries, pesticides, paints or other chemicals (stored or used). No fill dirt has been brought onto the property that originated from a contaminated site. There is no evidence of leaks and spills of hazardous substance or spills of petroleum products on the properties.

No Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste sites, nor RCRA Subtitle D, non-hazardous solid waste sites occur on or near the project area. No Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA) hazardous substance (including radiological waste) occur near the project area. No Toxic Substance Control Act (TSCA) waste sites occur on or near the existing site. Hence, there will be no residual hazardous effects on the proposed right of way.

3.2 Topography and Soils

Soils on the tracts are generally from deep sandy loams. The existing Pinyon-Juniper-Sagebrush community is a positive indicator of deep sandy-loam soils. These soils are generally free of any chemical adversity. Parent material exists at the C horizon. Parent soils of the C horizon contain clays, shale and sandstone of the Cretaceous Formation (NNWMB, 2008).

3.3 Water Resources and Water Quality

3.3.1 Existing Conditions

The south portion of the project area drains northwest into Dubois Wash, which flows south to the confluence of White Water Arroyo west of Two Wells, New Mexico. No wetlands or riparian habitat

are found in the region. White Water Arroyo flows southwest from Chichiltah, across the Arizona border, and drains into the Puerco River east of Allentown, Arizona. The Puerco River joins the Little Colorado River near Holbrook, Arizona. The east portion of the project area drains into the Vanderwagen Draw, then south to the Zuni River. Primary discharges of these drainages occur during the spring months, during the spring snow thaw, and during occasional intense summer thundershowers in late summer. Torrential thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969).

The Bread Springs Community Water System provides Safe Drinking Water to residents of surrounding communities. Water wells and storage tanks are located at various locations in the upper watershed. Navajo Tribal Utility Authority (NTUA) operates the Bread Springs Community Water System and provides Safe Drinking Water to the Chichiltah-Jones Ranch Community. The NTUA water tank is located approximately one-half mile north of the Chichiltah Chapter House. The existing community water pipelines are located throughout the Chichiltah-Jones Ranch Community.

3.3.2 Effects

The proposed project construction work or other related activities would not have impact on any springs, wells or aquifer recharge areas. No impacts to the surface and natural ground water in the vicinity of the proposed project may be expected by the approval of the right of way application. Previous electrical line, water line construction and access road surface disturbance has stabilized.

3.3.3 Mitigation

The proposed undertaking would be a right of way application for construction of existing power line taps and proposed power line extensions. The new power lines would not have any impact to the existing community water system, no mitigation is required to the existing community water system.

3.4 Vegetation and Wildlife Biotic Communities – Pinyon/Sagebrush (Brown, D. E., 1994)

Chichiltah Chapter is located in the Great Basin Conifer Woodland Ecosystem and is located in high plateau country of northwestern New Mexico (Brown, D. E., 1994). At approximately 6,900 to 7,300 feet amsl, the proposed right of way tracts are encompassed by the Pinyon-Juniper and Sagebrush Woodland Ecosystem. Pinyon pine *Pinus edulis*, Juniper trees *Juniperus monosperma* and Sagebrush *Artemisia spp.* are the dominant tree and shrub species in this woodland habitat type. Under natural conditions and growing amid the P-J canopy understory are other shrubs, grasses, forbs and annuals. These plants of the woodland ecosystem provide habitat for birds, mammals, insects and reptiles.

The natural open areas of the woodland are typically composed of Blue grama *Bouteloua gracilis*, Galleta *Pleuraphis jamesii*, Dropseed *Sporobolus cryptandrus*, and Indian ricegrass *Oryzopsis hymenoides*, and shrubs, e.g., Sagebrush *Artemisia spp.*, Rabbitbrush *Chrysothamnus nauseosus*,

Threadleaf groundsel *Senecio flaccidus*, Banana yucca *Yucca baccata*, and Broom snakeweed *Gutierrezia sarothrae* (Brown, D. E., 1994).

Annual plants and noxious weeds, such as Cheatgrass *Bromus tectorum*, Russian thistle *Salsolia kali*, Tansy mustard *Descurainia obtusa*, Sunflower *Helianthus annuus*, and Kochia weed *Bassia hyssopifolia* occur on the proposed electrical right of way.

Fauna of the typical P-J Woodland habitat is somewhat diverse than that of the other habitat types. Most abundant mammals include the Blacktail jackrabbits *Lepus californicus*, Mountain cottontails *Sylvilagus nuttalli*, Pinyon mice *Peromyscus truei*, Valley gophers *Thomomys bottae*, White-tail prairie dogs *Cynomys gunnisoni*, Porcupines *Erethizon dorsatum*, Mexican woodrats *Neotoma Mexicana*, and Ord's kangaroo rats *Dipodomys ordi* (Brown, D. E., 1994).

Characteristic breeding birds of the P-J Ecosystem include the Common night hawk *Cordeiles minor*, Pinyon jay *gymnorhinus cyanocephalus*, Northern flicker *Colaptes auratus*, Western kingbirds *Tyrannus verticalis*, Horned larks *Eremophila alpestris*, Loggerhead shrikes *Lanius ludovicianus*, Sparrows *Spizella spp.*, Grey-headed juncos *junco hyemalis*, and Common ravens *Corvus corax* (Brown, D. E., 1994).

Reptiles include Striped plateau lizards *Sceloporus virgatus*, Plateau whiptails *Cnemidophorus velox*, and Short-horned lizards *Phrynosoma douglassii* (Brown, D. E., 1994).

3.5 Endangered Species Act Threatened and Endangered Species

Denali Environmental Services conducted an onsite reconnaissance of the proposed scattered power line projects on July 25, 26, 27, 2016 and August 1, 2016. The NNHP consultation letter (NNHP, 2016) lists one Federal ESA species, the Southwest Willow Flycatcher, as a potential species in the project area. During the field survey no ESA/USFWS listed species, known or potential species or habitats, were found in the project area. The proposed scattered power lines would have no effect on the federally listed species.

Existing Conditions - Southwest Willow Flycatcher

The entire proposed project area was covered by Denali during pedestrian and roadside surveys. The action area contains large expanses of Pinyon/Juniper & Sagebrush rangeland habitat, not suitable for flycatcher nesting & foraging. The species was not present during the field surveys. No ESA listed species or potential critical habitat, that would warrant special management consideration, were found in the proposed project area.

Effects

The proposed scattered electrical power line construction would have no effect on the Southwest Willow Flycatcher; riparian and riverine ecosystems are not present in the project area.

Mitigation ESA

Since there would be no effects on Southwest Willow Flycatcher, no mitigation measures for the ESA / USFWS threatened and endangered species are recommended.

Table 7. Federal Endangered Species Act Listing.

SPECIES/NESL STATUS	HABITAT ASSOCIATIONS	POTENTIAL TO OCCUR IN PROJECT OR ACTION AREA
FAUNA		
Southwest Willow Flycatcher <i>Empidonax traillii</i> NESL G2, Federal Endangered	Breeds/nests in dense riparian tree & shrub communities associated with rivers, swamps and other wetlands, including lakes and reservoirs. The bird nest in native vegetation including willows, seep willow, boxelder, buttonbush & cottonwood, also thickets of non-native tamarisk & Russian olive. Nest is constructed 6.5 to 23 feet above ground on saturated soils along riparian and riverine ecosystems.	NP – The action area contains large expanses of Pinyon/Juniper & Sagebrush rangeland habitat. Not suitable for flycatcher nesting & foraging. The specie was not present during the field surveys.
K – Known, documented observation within project area		
S – Suitable habitat 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		
CH – Critical habitat has been designated for this species.		

3.6 Navajo Endangered Species List (NESL) Special Management Species

Denali Environmental Services conducted an onsite reconnaissance of the propose scattered power line projects on July 25, 26, 27, 2016 and August 1, 2016. Two raptor species were listed that warranted special management consideration by the NNHP, the Golden Eagle and Peregrine Falcon. See Table 3.

Existing Conditions

Infrastructure development (road and water line) adjoins the proposed electrical right of way. Families living in the project area have acquired approved home site leases and grazing permits. The project area appears to be altered and flora has gone toward more woody species, after many generations of livestock grazing. Only the sagebrush shrub and P-J canopy is present; the diversity of ground forbs and grasses are not present. Wildlife habitat is not present and wildlife species are not likely to occur within the project area. No extraordinary environmental circumstances were noted during the reconnaissance.

Effects

If the Golden Eagle and Peregrine Falcon were present, there would be the potential for direct and short-term impacts to the foraging habitat. Given the distance of unknown hunting territories of these raptors and suitable nesting habitat from the proposed location, it is possible that these raptors specie may forage in proximity or fly through the proposed project and action areas.

Table 8. Navajo Natural Heritage Program Special Management Species.

SPECIES/NESL STATUS	HABITAT ASSOCIATIONS	POTENTIAL TO OCCUR IN PROJECT OR ACTION AREA
FAUNA		
Golden Eagle (<i>Aquila chrysaetos</i>) NESL G3	Nest on steep cliffs, normally adjacent to foraging habitat of desert grasslands or desert scrub, that provide primary prey of prairie dogs, cottontail and jack rabbits.	NP The action area contains large expanses of dense Pinyon, Juniper and Sagebrush woodland habitat, which may not be suitable for foraging habitat. The woodland lack the prey base as required for the eagle. The species was not present during the field surveys.
Mountain Plover <i>Charadrius montanus</i> NESL G4, MBTA, not listed under ESA	The plover inhabits flat to rolling grassland, semi desert, or badlands, in areas of short and sparse vegetation, bare areas and grazed rangeland. Nest is shaped in dirt, next to grass clumps.	NS – The action area contains large expanses of dense woodland habitat, comprise of Pinyon, Juniper & sagebrush. The woodland is not suitable for plover nesting & foraging. The species was not present during the field surveys.
Peregrine Falcon (<i>Falco peregrinus</i>) NESL G4	Foraging habitat surrounding nest site must support populations of their preferred prey. Foraging habitat includes support populations of their preferred prey: doves, pigeons, waterfowl and small birds are their preferred forage.	NP The action area contains large expanses pinyon/juniper & sagebrush woodland that may not be suitable for foraging & nesting, as the rodent prey base is not present. The species was not present during the field surveys.
Northern Leopard Frog <i>Lithobates pipiens</i> NESL G2	Species requires wetland and aquatic habitats. It inhabits wet meadows and fields bordering springs, slow streams, marshes, bogs, ponds, canals, floodplains, reservoirs, lakes, and is usually found near permanent water with rooted aquatic vegetation.	NP The action area contains large expanses pinyon/juniper & sagebrush woodland that may not be suitable for foraging & nesting, as the aquatic habitat is not present. The species was not present during the field surveys.
K – Known, documented observation within project area		
S – Suitable habitat 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		

Impacts posed by the proposed powerline and existing home sites can be expected to be minimal. The proposed power line and is in a rural setting, and will not have an effect on the habitat or other elements necessary for the continued survival of T&E species, as the eagle and falcon species were not found on the project area.

Direct impacts to the Golden Eagle as a result of the proposed project would include approximately 8.78 acres of potential foraging habitat. Juniper trees are present on the existing tract and adjacent

to the access road. No active and inactive prairie dog mounds or ground squirrels are present in the project and action area. During site preparation, shrubs and grass would be destroyed. Raptors would avoid the project area during construction and operation due to disturbance and activity from human and vehicle presence. Indirect impacts may include a short-term change in vegetation species composition and density due to construction surface disturbance, which could affect the prey base for the raptor species. Due to the current activity (existing home site activity, livestock herding and grazing, and vehicle travel) and absence of a prey base, impacts are expected to be low.

The onsite shrub/grassland along the proposed action area would provide foraging habitat for the Ferruginous hawk, as a variety of small mammals, such as the prairie dog, black-tailed jackrabbits, desert cottontails, ground squirrels, and field mice, that would inhabit the woodland. These small mammals would serve as prey for the raptor.

None of the special management NESL species were observed at the time of the onsite visits. The proposed action alternative would have no effects on any of the identified NESL special management species or their habitat.

Mitigation of NESL

The single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelyhood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards to protect Golden Eagles and Ferruginous Hawks. No other direct mitigation is recommended for the fauna species. Therefore, the proposed new powerline construction does not have the potential to significantly impact the natural environment.

3.7 Migratory Bird Treaty Act Birds

Existing Conditions

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. Onsite field surveys for MBTA species was conducted by Denali Environmental Services on July 25, 26, 27, 2016 and August 1, 2016. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The U.S. Fish and Wildlife Service (USFWS) list of Birds of Conservation Concern (BCC) was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The area indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 9.

Most priority bird species occur on the USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008", (BCC 2008 list). The Service designates the Southern Rockies / Colorado Plateau region as Bird Conservation Region (BCR) 16, which the Navajo Indian Reservation and Eastern Navajo Agency are included.

Table 9. U.S. Fish and Wildlife Service, Division of Migratory Bird Management "Bird of Conservation Concern 2008" for the Southern Rockies/ Colorado Plateau (US F&WS, 2008).

SPECIES	HABITAT ASSOCIATION	EFFECTS	EFFECT RATING
Gunnison Sage Grouse <i>Centrocercus minimus</i>	Inhabits shrub-steppe dominated by sagebrush that provide canopy cover, shelter, & forage.	No suitable habitat.	Zero
American Bittern <i>Botaurus lentiginosus</i>	Wading bird inhabits wetlands, usually dense marsh reeds, rushes and sedges.	No suitable habitat present.	Zero
Bald Eagle <i>Haliaeetus leucocephalus</i>	Nests in old growth ponderosa pine and Douglas fir forest. Forages on fish and waterfowl. Inhabits the coast, rivers, large lakes; also mountain open country.	No suitable habitat.	Zero
Ferruginous hawk <i>Buteo regalis</i>	Inhabits open grasslands or desert scrub ecosystems. Nest often occurs on rock spires and butte formations. In woodland edge habitat, nests on flat-topped junipers.	Little conflict anticipated.	Low
Golden Eagle <i>Aquila crysaetos</i>	Nest on steep cliffs. Foraging habitat of open grasslands or desert scrub; primary prey of prairie dogs, cotton tails & jack rabbits.	Little conflict anticipated.	Low
Peregrine Falcon <i>Falco peregrinus</i>	Inhabits rugged terrain with rocky cliffs and canyons 30 to 1,000 ft. high, adjacent to rivers lakes, or streams. Urban areas with towers and buildings are also inhabited.	Little conflict anticipated.	Low
Prairie Falcon <i>Falco mexicanus</i>	Nests and forages in grassland, and open Juniper Savannah.	Little conflict anticipated.	Low
Snowy Plover <i>Charadrius alexandrinus nivosus/tenuirostris</i>	Shore bird inhabits barren sandy beaches and flats.	Suitable habitat not present, no conflict anticipated.	Zero
Mountain Plover <i>Charadrius montanus</i>	Inhabits grassland plains; usually found on grassy or bare dirt fields.	Grass removal would reduce cover & nesting habitat.	Low
Long-billed Curlew <i>Numenius americanus</i>	Nests in wet & dry upland fields. In migration, a shore bird of wetlands and agriculture fields.	Suitable habitat not present, no conflict anticipated.	Zero

Yellow-billed Cuckoo <i>Coccyzus americanus</i>	No suitable riparian habitat present. Inhabits open woods, orchards, and streamside willow and alder groves.	No conflict anticipated.	Zero
Flammulated Owl <i>Otus flammcolus</i>	Inhabits pine-oak woodland, ponderosa pine forest.	Suitable habitat present.	Moderate
Burrowing Owl <i>Athene cunicularia</i>	Inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes.	No suitable habitat.	Zero
Lewis's Woodpecker <i>Melanerpes lewis</i>	Inhabits woodland forests of pine-oak. Nests in oak cavities and pine snags. Forages and stores acorns and insects.	Little conflict anticipated.	Moderate
Willow Flycatcher <i>Empidonax traillii</i>	Inhabits brushy habitats in wet areas; also in pastures, mountain meadows.	No suitable habitat.	Zero
Gray Vireo <i>Vireo vicinior</i>	Found in juniper savannah and open JP woodland, with scrub component. Inhabits mountains and chaparral-juniper scrubland.	Little conflict anticipated.	Moderate
Pinyon Jay <i>Gymnoprjornus cyanocephalus</i>	Juniper Savannah, woodland, pine-oak ecosystems associated with high open habitats w/ openings, scattered trees or shrub components.	A multi ecosystem inhabitant, little conflict anticipated.	Moderate
Juniper Titmouse <i>Baeolophus ridgwayi</i>	Inhabits juniper-pinyon woodland.	Little conflict anticipated.	Moderate
Veery <i>Catharus fuscescens</i>	Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.	Little conflict anticipated.	Low
<i>Toxostoma bendirei</i>	Brushy desert shrub, especially areas of tall vegetation, cholla cactus, creosote bush and yucca.	Little conflict anticipated.	Low
Grace's Warbler <i>Dendroica graciae</i>	Inhabits coniferous or mixed forests of southwest mountains, especially yellow pines. Usually forages high in the trees.	Little conflict anticipated.	Moderate
Brewer's Sparrow <i>Spizella breweri</i>	Inhabits mountain meadows and sagebrush flats.	Little conflict anticipated.	Moderate
Grasshopper Sparrow <i>Ammodramus savannarum</i>	Inhabits moderately open grassland habitats, with patchy bare ground, and avoid areas with extensive shrub cover. Feeds and nests on ground.	Little conflict anticipated.	Low

Chestnut-collared Longspur <i>Calcarius ornatus</i>	Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.	Little conflict anticipated.	Low
Black Rosy-Finch <i>Leucosticte atrata</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	No suitable habitat on the project area.	Zero
Brown-capped Rosy Finch <i>Leucosticte australis</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	No suitable habitat on the project area.	Zero
Cassin's Finch <i>Carpodacus cassinii</i>	Woodland Ecosystem. Species inhabits evergreen woodlands.	Suitable habitat in project area.	Moderate

Effects

Although migratory birds could potentially occur in the area, none were observed during the environmental site visits. With respect to Table 9, the proposed project construction would have no significant effect on the migratory bird species or their habitat. The proposed action alternative would result in a short-term and small scale loss of vegetation due to construction. No permanent loss of native vegetation is anticipated at the project area. Eolian deposits of native seed from the undisturbed vegetation would also help to propagate native plant species.

Once the habitat has reestablished, wildlife and migratory bird species would be expected to return to the area. To avoid any potential effects to migratory bird species or migratory bird habitat, construction of the project would take place outside the nesting season. No long-term loss of vegetation or wildlife habitat is expected. As a result, the proposed replacement action would have no significant effects on migratory bird species.

Mitigation of Migratory Birds

With respect to Table 9, the proposed power line construction would have no significant effect on the migratory bird species or their habitat. Construction of the project would take place outside the nesting season. NNDF&W policy mandates that prior to construction the proposed activity would require a preconstruction survey of potential nesting birds on the tract, should construction occur during the breeding season. Any bird nests found within the proposed project area will be reported to the NNDF&W biologist for appropriate mitigation prior to construction activities.

The activity will minimize the possibility of unintentional take of migratory birds. The proposed construction would involve vegetative disturbance (brush and tree removal). Construction activities from May 15 to July 31 will not be permitted without a migratory bird nest survey. If any

active nests are located within the proposed project area, projects activities will not be permitted until written approval by NNDF&W biologist. The operator will monitor any active nests located from a nest survey.

3.8 Esthetics and Visual Resources

No visibility studies have been conducted in the project area. However, regional visibility in the project area can be considered to be good.

3.9.2 Effects

Locally, the primary ambient air pollutant in the project area is occasional wind-blown dust from loose topsoil common during times of gusting winds during the spring, and dust from vehicular traffic along unimproved roads in the area.

3.9.3 Mitigation

Disturbed soils during any future site preparation would be dampened by watering for dust suppression and soil compaction.

3.9 Cultural Resources

Existing Condition

Prior to a field survey, a record search of the Navajo Historic Preservation Department (NHPD) archival files was conducted by personnel of Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico. DCRM also conducted the project archeological survey and crafted a field report entitled: *A Cultural Resource Inventory of the Chichiltah Scattered Powerline Extension Project in McKinley County, New Mexico*. A Cultural Resource Compliance Form, NNHPD Number HPD-16-586, has been created for this undertaking, as shown in Appendix C.

Effects

As part of the archeological inventory, interviews regarding traditional cultural properties (TCPs) were conducted with chapter officials. No sacred sites or traditional cultural resources were identified within the proposed site.

During the field inventory Site NM-Q-51-1 was discovered. However, impacts to the site would be negative if the site were avoided. According to the field inventory "No historic properties would be affected" with the proper avoidance mitigation measures are taken.

Mitigation

According to the field inventory "No historic properties affected with the following conditions at Site NM-Q-51-1:

1. Site boundary will be flagged by a qualified archaeologist prior to all construction,
2. Site will be avoided by spanning the power line extension as follows:
 - a) All poles will be placed outside the flagged site boundary,
 - b) All electrical wires will be hand-carried across the site, and
 - c) All construction traffic should be confined to the existing road and 20-ft width right-of-way.
3. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-arounds.

The project sponsor acknowledges the following statement with respect to cultural resources during construction: *In the event of the 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 will cease and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7132.*

4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE

Cumulative effects are effects of the project in consideration with other past, present, or reasonably foreseeable projects in the local area. There are no past projects that resulted in identifiable long-term effects having a cumulative relationship with the effects of the proposed project.

Currently, CDECI operates the power line grid in the Chichiltah Chapter. CDECI would make application for the new power line extension with the Navajo Agency, Bureau of Indian Affairs, Gallup, New Mexico.

In the future, there would be no other proposals or other right of way applications planned in the reasonably foreseeable future in the area. The proposed lease application action will not have significant impact on the human environment. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. The grazing permit holders would relinquish 8.78 acres of trust land to the development. It is the practice of the government to compensate the traditional land user for the grazing resource loss.

Climate change results from the incremental addition of greenhouse gases a (GHG) emissions from millions of individual sources, which collectively have a large impact on a global scale. Climate change is a particularly complex challenge given its global nature and the inherent interrelationships among its sources, causation, mechanisms of action, and impacts (CEQ, 2016). With respect to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gases emission and the effects of climate change relevant to a proposed action – particularly how climate change may change an action’s effects of a propose project – is currently not available. The propose action, construction of a new power line, is not listed among the standard of performance for new stationary source in accordance with 40 Code of Federal Regulation part 60, National Ambient Air Quality Standard.

Native American lands, people, and culture are likely to be disproportionately affected by climate change. Effect of climate change on the lands and people of Southwestern Native Nations are likely to be greater than elsewhere because of endangered cultural practices, limited water rights, and social, economic, and political marginalization, all of which are relatively common among indigenous people (Garfin, G., A. Jardine, R. Merideth, M. Black, and S. LeRoy, eds., 2013).

5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Clean Air Act, as amended and recodified (42 U.S.C. 7401 et seq.) *Compliance.* The proposed project is not expected to violate any Federal air quality standards and would not degrade the attainment of air quality objectives of the air shed.

Clean Water Act § 402 *Compliance.* The Environmental Protection Agency administers Section 402 of the Clean Water Act (formerly the Federal Water Pollution Control Act). Operators are normally required to obtain all necessary permits and approvals for projects requiring CWA permits prior to any disturbance activities.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) *Compliance.* No Federally listed species or special management species (NESL) or their habitats have been identified in or near the project area. ESA requires all federal departments and agencies to conserve threatened and endangered species and the habitats on which they depend, and to consult with the U. S. Fish and Wildlife Service (USFWS), on all actions authorized, funded or carried out by the agency to ensure that the action will not likely jeopardize the continued existence of any threatened and endangered species or adversely modify critical habitat.

Executive Order 11988, Floodplain Management *Compliance.* This order directs all Federal agencies to avoid to the extent possible the adverse effects associated with the modification of floodplains, and to avoid support of floodplain development wherever there is a practicable alternative. Floodplains would have no effect on the proposed project.

Executive Order 12898 Environmental Justice *Compliance.* The order direct all Federal agencies to identify and address disproportionate adverse effects of their programs, policies, and activities on minority and low-income populations. The proposed action will benefit all sectors of society; no minority or low income populations would be directly adversely affected from proposed action. Indirect effects could include positive effects due to overall benefit related to the project site in the area. The project would increase the quality of life for the residents.

Farmland Protection Policy Act (7 U.S.C. 4201 et seq.) *Compliance.* There are no effects on prime farmland or farmland of statewide importance because no prime farmland exists in the project area.

Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.)/ EO 13186 *Compliance.* Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The proposed action would have no significant effect on the bird species or their habitat.

National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) *Compliance.* The final EA and signed FONSI are in full compliance with NEPA.

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) Compliance. The Navajo Nation Historic Preservation Department requires NHPA compliance and consultation with all development projects on the Navajo Nation. NNHPD has determined that NHPA § 106 responsibilities are adhered to, as no historic properties would be affected. See Appendix C.

Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) Compliance. There are no Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) sites on the proposed site.

6.0 PUBLIC INVOLVEMENT

The Chichiltah Chapter has passed a resolution approving the proposed power line extensions. See Appendix B. In the future, the Eastern Navajo Agency would review and consider the right of way application, and process the application for passage. The Branch of Environmental Quality Act Compliance and Review of the Navajo Regional Office, BIA, would make a Finding of No Significant Impact determination as result of their review.

7.0 COORDINATION AND REVIEW OF THE EA

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project archeological survey and crafted a field report entitled: *A Cultural Resource Inventory of the Chichiltah Scattered Powerline Extension Project in McKinley County, New Mexico*. According to the field inventory "No Historic Properties Affected" with avoidance is recommended for the proposed site. A NHPD concurrence letter and *Cultural Resource Compliance Form* is created for the project.

CDECI conducted consultation with the Navajo Department of Fish and Wildlife, Navajo Nation. The consultation would assure mandated protection of ESA and Navajo threatened and endangered species. The Navajo Department of Fish and Wildlife website was consulted for the Biological Resources Land Clearance Policy and Procedures. A NDF&W-NHP concurrence letter and a *Biological Resource Compliance Form*, at Appendices D, is created for the project.

8.0 CONCLUSIONS

The preferred alternative is reasonable. No significant adverse impacts to the human environment have been identified in the development of this environment assessment.

9.0 LIST OF PREPARERS / CONSULTATION AND COORDINATION

This environmental assessment was prepared by Mr. Leonard Robbins, PES, Denali Environmental Services, P. O. Box 1127, Fort Defiance, Arizona 86504.

10.0 REFERENCES

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Wilks, M. E., compiler, 2005, *New Mexico Geologic Highway Map*: New Mexico Geological Society and New Mexico Bureau of Geology and Mineral Resources, Socorro, New Mexico.

APPENDIX A

Land Boundary Survey & Description

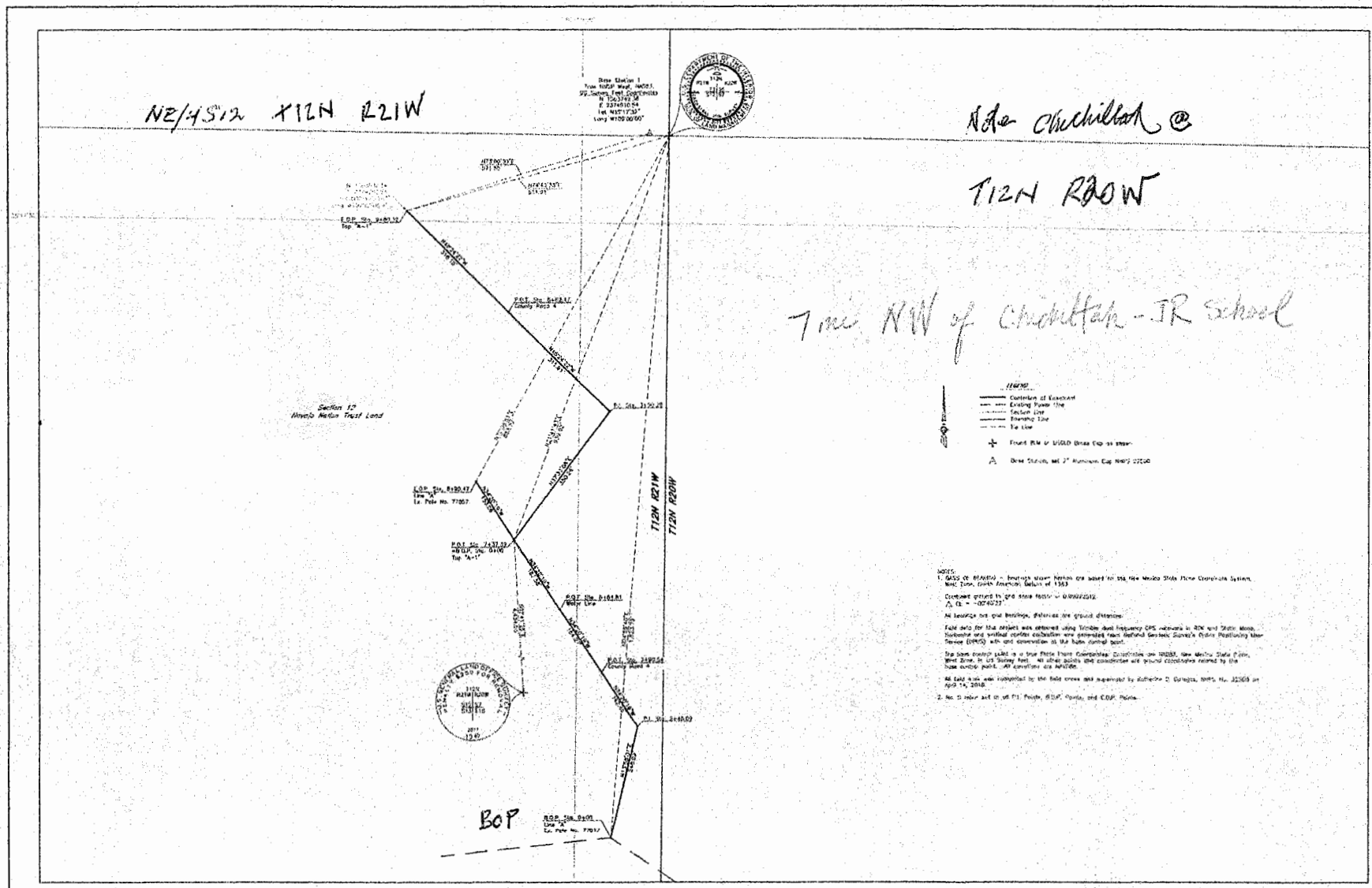
SECTION 34, T13N, R20W

[illegible]

STATE	COUNTY	DETAIL	
NM	MCKINLEY		

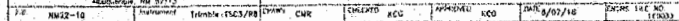
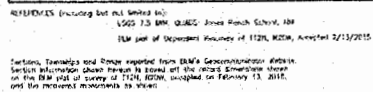
Longton Quad

1 of 5



<p>REFERENCES (including but not limited to):</p> <p>1952 7.5 min. QUAD: Longton, R2-NW</p> <p>1952 7.5 min. QUAD: Longton, R2-NW</p> <p>1952 7.5 min. QUAD: Longton, R2-NW</p> <p>1952 7.5 min. QUAD: Longton, R2-NW</p>		<p>SCALE:</p> <p>1 INCH = 100 FEET</p>		<p>T&D SERVICES</p> <p>Professional Engineers, Licensed Surveyors</p> <p>5350 San Mateo Blvd NE, Suite C</p> <p>Albuquerque, NM 87113</p>		<p>CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.</p> <p>GRANTS, NM</p> <p>NEW MEXICO 22 MCKINLEY</p>		<p>DATE</p> <p>REVISIONS</p>		<p>WORK ORDER NUMBER: 85593</p> <p>CHICHILTAH SCATTERED POWER LINE PROJECT</p> <p>PERMIT MAP 1 OF 5</p>	
<p>NOTES:</p> <p>1. QUAD OF 1952 - Survey map shows the line and the new power line. The line is shown as a solid line and the new power line is shown as a dashed line.</p> <p>2. The line is shown as a solid line and the new power line is shown as a dashed line.</p>		<p>STATE</p> <p>COUNTY</p> <p>DETAIL</p>		<p>NM</p> <p>MCKINLEY</p>		<p>DATE</p> <p>REVISIONS</p>		<p>DATE</p> <p>REVISIONS</p>			

Jones Rd Sch Quad 7

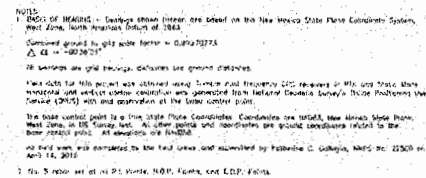


NEW MEXICO 22 MCKINLEY

DATE	REVISIONS	CHICHLTAH SCATTERED POWER LINE PROJECT PERMIT MAP 2 OF 5		
		STATE	COUNTY	DETAIL
		NM	MCKINLEY	

Page 5

MAP 4 of 5



SCALE:
INCH = 100 FEET



9750 Top Metal Blvd NE, Suite 1
Albuquerque, NM 87113

GRANTS, RM

DATE	REVISIONS	CHICHLITA SCATTERED POWER LINE PROJECT PERMIT MAP 4 OF 5		
		STATE	COUNTY	DETAIL
		NM	MCKINLEY	

Forehead Canyon NW



APPENDIX B

Local Chapter Resolution



CHICHILTAH CHAPTER

EASTERN NAVAJO AGENCY

P.O. Box 1436

GALLUP, NM 87305

TEMP. TELEPHONE: (505)713-9994

Email: chichiltah@navajochapters.org

SETH DAMON
COUNCIL DELEGATE

TOMMY NELSON
CHAPTER PRESIDENT

LULA BOYD
CHAPTER VICE-PRESIDENT

NORMA MUSKETT
SECRETARY/TREASURER

PAUL HOUSTON
GRAZING OFFICIAL

ROSELYN JOHN
CHAPTER SERVICES COORDINATOR

MELITA G. MARTINEZ
ACCOUNTS MAINTENANCE SPECIALIST

RESOLUTION OF THE CHICHILTAH CHAPTER 093-07-15

Resolution Accepting and Approving \$250,000.00 Navajo Nation Undesignated Unreserved Fund Balance (UUF) Approved by the Honorable 23rd Navajo Nation Council to Complete Rights-of-Way for Powerline Extensions for Ten (10) Homes Located in Chichiltah Utilizing Sole Source Utility Company - Continental Divide Electric Company (CDEC) Grants, New Mexico.

WHEREAS:

1. Pursuant to /sections 1.B and 2.22 of the Local Governance Act, the Chichiltah Chapter is established to make decisions about local government matters, to conduct local government operations and to provide for the general health, safety, and welfare of its membership; and
2. Chichiltah Chapter received \$250,000.00 Navajo Nation UUF Funds to obtain Rights-of-Way (ROW) for powerline extension construction was voted and confirmed by community membership on July 29, 2015; and
3. Chichiltah Chapter attached a completed, preliminary cost estimate to complete the ROW and construction of a single-phase powerline to ten (10) homes with matching funding source from the Chichiltah Chapter Budget Account 27 and, to apply the CDEC credit accumulated from this said project to complete in a timely manner; and
4. Chichiltah Chapter consulted with CDEC to complete the on-site assessments, mapping, photos, cost estimates and rights-of-way and construction costs is included in the \$250,000.00 and additional match funds from local revenues will be released to CDEC to effectively and efficiently move this project forward; and
5. Chichiltah Chapter appreciates the efforts of the 23rd Navajo Nation Council to identify this fund to immediately address our critical need to provide a much needed basic service which is long overdue for many of our community membership.

NOW THEREFORE BE IT RESOLVED THAT:

1. CHICHITLAH CHAPTER accepts and approves \$250,000.00 Navajo Nation Undesignated Unreserved Fund Balance (UUFB) Approved by the Honorable 23rd Navajo Nation Council to complete Rights-of-Way for powerline extensions for ten (10) homes located in Chichiltah utilizing sole source utility company - Continental Divide Electric Company (CDEC) Grants, New Mexico.
2. FURTHER, Chichiltah Chapter included in the cost estimates for CDEC to obtain the ROW's and construction costs to complete the project.

CERTIFICATION

WE HEREBY CERTIFY the foregoing resolution was duly considered by the Chichiltah Chapter at a duly called meeting at Chichiltah (New Mexico) Navajo Nation at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed, 0 abstained this 29th day of July, 2015.

Motioned by: Buckley Henderson

Second by: Betty Nelson

Tommy Nelson
Tommy Nelson, Chapter President

Lula Boyd
Lula Boyd, Vice-President

Norma E. Muskett
Norma Muskett, Secretary/Treasurer
R. John, CSC

Seth Damon
Seth Damon, Council Delegate

Paul Houston
Paul Houston, Land Board Officer

APPENDIX C

Cultural Resource Compliance Form



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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-16-586
<input checked="" type="checkbox"/> DCRM	OTHER PROJECT NO.: DCRM 2016-14

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Chichiltah Scattered Powerline Extension Project in McKinley County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Steven Morales, GIS Analyst/ROW, Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020

PROJECT DESCRIPTION: The proposed undertaking will involve the construction, operation, and maintenance of 19,301.22-ft of powerline extensions which will provide electric power to the established homesteads. The area of effect is 8.78-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment within the right-of-way.

LAND STATUS:	Navajo Tribal Trust													
CHAPTER:	Chichiltah													
LOCATION:	T.	12	N.	R.	21	W.	Sec.	12;	Lupton	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	12&13	N.	R.	20	W.	Sec.	3&34;	Jones Ranch School	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	12	N.	R.	20	W.	Sec.	21;	Jones Ranch School	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	11	N.	R.	20	W.	Sec.	10;	Chichiltah	Quadrangle,	McKinley	County	New Mexico	NMPM
	T.	12	N.	R.	18	W.	Sec.	28&33;	Horsehead Canyon	Quadrangle,	McKinley	County	New Mexico	NMPM
PROJECT ARCHAEOLOGIST:	Jeremy Begay and Jeffrey Begay													
NAVAJO ANTIQUITIES PERMIT NO.:	B16165													
DATE INSPECTED:	4/12/2016, 4/13/2016													
DATE OF REPORT:	7/26/2016													
TOTAL ACREAGE INSPECTED:	39.87 – ac													
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 10 m apart.													
LIST OF CULTURAL RESOURCES FOUND:	(1) Site (NM-Q-51-2) (10) In-Use Areas													
LIST OF ELIGIBLE PROPERTIES:	(1) Site (NM-Q-51-2)													
LIST OF NON-ELIGIBLE PROPERTIES:	(10) In-Use Areas													
LIST OF ARCHAEOLOGICAL RESOURCES:	(1) Site (NM-Q-51-2)													

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions.

Site NM-Q-51-2:

1. Site boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged site boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and 20-ft wide right-of-way.
3. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-arounds.

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.

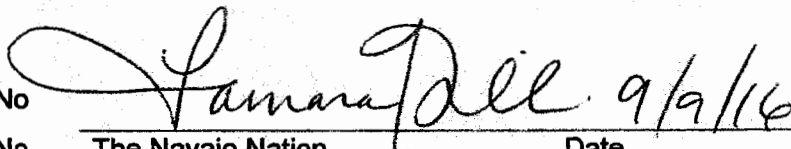
FORM PREPARED BY: **Tamara Billie**

FINALIZED: September 9, 2016

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No

☒ Yes ☐ No

 9/9/16

The Navajo Nation
Historic Preservation Office

Date

Navajo Region Approval

☒ Yes ☐ No

BIA - Navajo Regional Office

Date

SEP 28 2016

Acting

APPENDIX D

Navajo Nation Department of Fish & Wildlife

Biological Resource Compliance Form



**PRESIDENT
RUSSELL BEGAYE
VICE PRESIDENT
JONATHAN NEZ**

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

03 October 2016

16dan1103

Leonard Robbins
Denali Environmental Services
Post Office Box 1127
Fort Defiance, Arizona 86504

Dear Leonard,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Biological Evaluation for Continental Divide Electric Cooperative's proposed **Chichiltah Scattered Power Line** project located in Chichiltah Chapter, New Mexico. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. Pursuant to the Migratory Bird Treaty Act (U.S. Code Title 16, Chapter 7, 703-712), migratory birds not listed under the NESL or ESA are prohibited from take by federal law. Vegetation removal within the power line corridor shall avoid the migratory bird breeding season of 01 APR – 31 AUG or surveys will be required. The survey must include a survey buffer of 50 meters outside the edge of the power line corridor. Removal or disturbance of nesting habitat (i.e. trees & shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging.

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

10/4/16
Date

xc: CONS-100-16
BIA

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.: Chichiltah Scattered Power Line

DESCRIPTION: CDEC proposes to construct, operate, and maintain five (5) scattered power lines to serve eight homes. The combined length of the proposed power lines would be 19,301.22 ft. with a 20-ft. wide ROW. Total land use for the ROW would be approximately 8.78 acres.

LOCATION: Chichiltah Chapter, McKinley County, New Mexico

REPRESENTATIVE: Leonard Robbins, Denali Environmental Services for Continental Divide Electric Cooperative, Inc. (CDEC)

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Chichiltah Scattered Electrical Power Line/AUG 2016/DES

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: Nesting habitat is present for non-Endangered migratory birds.


AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: [1] Vegetation removal within the power line corridor shall avoid the migratory bird breeding season of 01 APR – 31 AUG or surveys will be required. The survey must include a survey buffer of 50 meters outside the edge of the power line corridor. Removal or disturbance of nesting habitat (i.e. trees & shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging.

FORM PREPARED BY / DATE: Pamela A. Kyselka/03 OCT 2016

COPIES TO: (add categories as necessary)

☒ _____ ☐ _____

<u>2 NTC § 164 Recommendation:</u>	Signature	Date
<input type="checkbox"/> Approval	 Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	10/4/16
<input checked="" type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)		
<input type="checkbox"/> Categorical Exclusion (with request letter)		

☐ None (with memo)

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

Representative's signature

Date



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

MC: 460 Branch of Environmental Quality Act Compliance & Review

DEC 09 2016

Leonard Robbins
Denali Environmental Services
P.O. Box 1127
Fort Defiance, Arizona 86504

Dear Mr. Robbins:

The Environmental Assessment (EA), **EA-17-16095**, received November 18, 2016, for the Chichiltah Scattered Power Line ROW Application for Eight Homes, WO # 85593 right-of-way project was reviewed in the Branch of Environmental Quality Act Compliance and Review, Navajo Regional Office.

Continental Divide Electric Cooperative, Inc. (CDEC) of Grants, New Mexico, proposes to construct and operate scattered power lines to provide electrical service to eight (8) existing homes at various distances in the Chichiltah Chapter, south of Gallup, New Mexico. The scattered power line project would involve 19,301.22 feet of power line extensions, being 20 feet wide, encompassing 8.78 acres of Navajo Tribal Trust land.

In accordance with Section 102 (2) (c) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations (CFR) Parts 1500-1508), the Bureau of Indian Affairs, Navajo Regional Office, finds that the Proposed Action is not a major federal action that will significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not required for implementing the Proposed Action. This Finding of No Significant Impact (FONSI) is supported by the Environmental Assessment (EA) and the supporting appendices and documents.

If you have questions, you may contact Ms. Harrilene Yazzie, Supervisory Environmental Protection Specialist at (505) 863-8287.

Sincerely,

Regional Director, Navajo

Enclosure

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT EA-17-16095
CHICHILTAH SCATTERED POWER LINE ROW APPLICATION FOR EIGHT
HOMES, WO # 85593**

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

Location: Lupton, AZ-NM, Jones Ranch School, NM, Chichiltah, NM, Horsehead Canyon

USGS 7.5 Minute Series Maps

Line A: BOP: NE/4, Section 12, T12N, R21W, Lupton, AZ-NM

EOP: AZ-NM, NE/4, Section 12, T12N, R21W, Lupton, AZ-NM

Line B: BOP: NE/4, Section 10, T12N, R20W, NMPM

Line B: Middle Section: E/2, Section 3, T12N, R20W, NMPM

EOP: SE/4, Section 34, T13N, R20W, NMPM

Line C: BOP: NW/4, Section 21, T12N, R20W, NMPM

EOP: SW/4, Section 21, T12N, R20W, NMPM

Line D: BOP: NW/4, Section 10, T11N, R20W, NMPM

EOP: NW/4, Section 10, T11N, R20W, NMPM

Line E: BOP: NW/4, Section 28, T12N, R18W, NMPM

EOP: NE/4, Section 33, T12N, R18W, NMPM

Chichiltah, McKinley County, New Mexico

The proposed action is the approval of a Right-of-Way Grant by the Bureau of Indian Affairs for Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico, to construct and operate scattered power lines to provide electrical service to eight (8) existing homes at various distances in the Chichiltah Chapter, south of Gallup, New Mexico. The scattered power line project would involve 19,301.22 feet of power line extensions, being 20 feet wide, encompassing 8.78 acres of Navajo Tribal Trust land. The Chichiltah Chapter has passed a resolution approving the proposed Chichiltah Scattered Electric Power Line (Appendix B). The project is sponsored by Continental Divide Electric Cooperative, Inc., 200 East High Street, P.O. Box 1087, Grants, New Mexico 87020.

The BIA's deliberation as to whether a Finding of No Significant Impact (FONSI) is appropriate, or, whether an Environmental Impact Statement (EIS) should be prepared, took into consideration, the following issues, which are addressed in the environmental assessment (EA).

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment, including: topography and soils, water resources and water quality, vegetation and wildlife- biotic resources, Threatened and Endangered species, Navajo endangered species, migratory birds, esthetics and visual resources, and cultural resources.
2. **Public health and safety:** The Chichiltah Chapter is established to make decisions about local government matters, to conduct local government operations and to provide for the general health, safety and welfare of its membership (Resolution of the Chapter).
3. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to other areas in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.

4. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.
5. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.
6. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.
7. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
8. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** A cultural resources inventory of the project area has been completed by Dinéht'ahdóó Cultural Resource Management (DCRM). The Navajo Nation Historic Preservation Department issued NNHPD No. HPD-16-586 stating that no historic properties will be affected with conditions as listed in the CRCF.

In the event of a discovery of a previously unidentified or incorrectly identified cultural resource(s), all operations in the immediate vicinity of the discovery must cease, and the NNHPD must be notified.

9. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** A Biological Resources Compliance Form, NNDFW Review No. 16dan1103, was issued by the Navajo Nation Department of Fish and Wildlife *conditionally* approving the proposed action. A condition of compliance is that vegetation removal within the power line corridor shall avoid the migratory bird breeding season of April 1 to August 31 or surveys will be required. The survey must include a survey buffer of 50 meters outside the edge of the power line corridor. Removal or disturbance of nesting habitat (trees and shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging. There are no avoidance/mitigation measures.
10. **Whether the action violates Federal or local laws or requirements imposed for the protection of the environment:** The proposed project will not violate any Federal or Tribal environmental laws or requirements.
11. **Indian Trust Assets:** The project area does not contain Indian Trust assets in the form of perennial water resources, fisheries, saleable timber, paleontology resources or agricultural resources. The project area is not part of any right-of-way avoidance and exclusion areas, wilderness area, special management area, area of critical environmental concern, or other protected area.
12. **Climate Change, its effects on the proposed action and its environmental impacts:** With respect to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project.

Analyzing greenhouse gas emissions and the effects of climate change relevant to a proposed project is currently not available. The proposed action, construction of a new power line, is not listed among the standards of performance for new statutory sources in accordance with 40 Code of Federal Regulations, Part 60, National Ambient Air Quality Standard (EA, Part 4.0).

CONCLUSION

The proposed action is the Preferred Alternative. It does not constitute a major federal action, which normally requires preparation of an environmental impact statement (EIS).

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.



Regional NEPA Coordinator

12/5/2016

Date

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.: Chichiltah Scattered Power Line

DESCRIPTION: CDEC proposes to construct, operate, and maintain five (5) scattered power lines to serve eight homes. The combined length of the proposed power lines would be 19,301.22 ft. with a 20-ft. wide ROW. Total land use for the ROW would be approximately 8.78 acres.

LOCATION: Chichiltah Chapter, McKinley County, New Mexico

REPRESENTATIVE: Leonard Robbins, Denali Environmental Services for Continental Divide Electric Cooperative, Inc. (CDEC)

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Chichiltah Scattered Electrical Power Line/AUG 2016/DES

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: Nesting habitat is present for non-Endangered migratory birds.

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: [1] Vegetation removal within the power line corridor shall avoid the migratory bird breeding season of 01 APR – 31 AUG or surveys will be required. The survey must include a survey buffer of 50 meters outside the edge of the power line corridor. Removal or disturbance of nesting habitat (i.e. trees & shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging.

FORM PREPARED BY / DATE: Pamela A. Kyselka/03 OCT 2016

COPIES TO: (add categories as necessary)

☒ _____ ☐ _____

2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

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

10/4/16

☐ None (with memo)

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

Representative's signature

Date



**PRESIDENT
RUSSELL BEGAYE
VICE PRESIDENT
JONATHAN NEZ**

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

03 October 2016

16dan103

Leonard Robbins
Denali Environmental Services
Post Office Box 1127
Fort Defiance, Arizona 86504

Dear Leonard,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Biological Evaluation for Continental Divide Electric Cooperative's proposed **Chichiltah Scattered Power Line** project located in Chichiltah Chapter, New Mexico. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. Pursuant to the Migratory Bird Treaty Act (U.S. Code Title 16, Chapter 7, 703-712), migratory birds not listed under the NESL or ESA are prohibited from take by federal law. Vegetation removal within the power line corridor shall avoid the migratory bird breeding season of 01 APR - 31 AUG or surveys will be required. The survey must include a survey buffer of 50 meters outside the edge of the power line corridor. Removal or disturbance of nesting habitat (i.e. trees & shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging.

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

10/4/16

Date

xc: CONS-100-16
 BIA



Document No. 007414

Date Issued: 01/19/2017

EXECUTIVE OFFICIAL REVIEW

Title of Document: CDEC, ROW ChiChilTah Chpt Scattered Power Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: michellehoskie@frontier.com Phone Number: 928-871-6447

<input type="checkbox"/>	Business Site Lease			Sufficient	Insufficient
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Navajo Housing Authority Request for Release of Funds				
	1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Lease Purchase Agreements				
	1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)				
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Grant Applications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Relinquishment of Navajo Membership				
	1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

Sufficient Insufficient

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

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

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐

☐ **Rights of Way**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. Office of the Attorney General: _____ Date: _____ ☐ ☐
7. OPVP _____ Date: _____ ☐ ☐

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

1. Minerals _____ Date: _____ ☐ ☐
2. OPVP _____ Date: _____ ☐ ☐
3. NLD _____ Date: _____ ☐ ☐

☐ **Assignment of Mineral Lease**

1. Minerals _____ Date: _____ ☐ ☐
2. DNR _____ Date: _____ ☐ ☐
3. DOJ _____ Date: _____ ☐ ☐

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

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ *(ic)* *✓ Blackhat* *NV* Date: *6/21/17* ☒ ☐
8. OPVP Date: *6-7-18* ☒ ☐

☐ **OTHER:**

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

Navajo Land Title Data System (NLTD5)
Navajo Land Title, Navajo Land Title Data System - Windowrock AZ:
Document Information

Document Name: 003_C010_00007414.zip
Revision:
Version: 1
Document Desc:
Document Author: Michelle Hoskie NLD (Navajo Land Title Data System - Windowrock AZ)
Document Status: Sufficient
Document Type: 164 Review Process
Effective Date: 20-Mar-2017
Expires: Never
Uploaded from:
 Navajo Land Title Data System (NLTD5) Phase 1: Plan for Quality Management System
 Step 964: 003_C010_00007414
 Task 1: Upload and Manage Documents
Size: 56561 KB
Date Uploaded: 20-Jan-2017
Maintained by: Project Management Team

No Document Distribution Locations

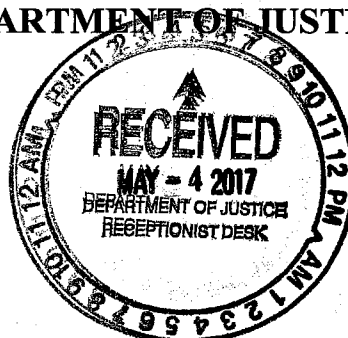
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. People and communities need the infrastructure.	1.	20-Jan-2017
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Please consult with our office regarding your project crossing waterways, ephemeral or perennial. A Clean Water Act Section 401 may be needed for this project. Please contact our office at 928-871-7690 or visit our website at www.navajonationepa.org.. Thank you.	1.	21-Feb-2017
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. 16dan103. Conditional approval for MBTA	1.	23-Jan-2017
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Well, it's near Chilchiltah but with coordinates that say Township, Range, Station, Bearing, Length, Width, and Acreage, Who can tell where they really are? So, since it it extensions onto existing power lines I have to guess and say there is no Leaking Fuel Stations beneath the proposed lines. Where are the "raw data" we were told would be included?	1.	24-Jan-2017
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Project ROW is 8.78 acres. Not clear how many acres will actually be disturbed due to clearing, digging, line stringing, and traffic. If more than 1.0 acre of land disturbance, subject to federal Construction General Permit for storm water discharges [Notice of Intent (NOI) submitted to USEPA 14 days prior to earthmoving and Storm Water Pollution Prevention Plan developed prior to NOI submission.].	1.	20-Jan-2017
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	<i>no comments</i>	<i>No Reply</i>	20-Jan-2017
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. Please permanently attach the uploaded Terms and Conditions document to this package. This affirmative vote is contingent on that document being part of the package. sip	1.	23-Jan-2017
Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	<i>no comments</i>	<i>No Reply</i>	21-Jan-2017

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	<i>no comments</i>	<i>No Reply</i>	07-Mar-2017
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Concur with NNEPA staff review and comments.	1.	21-Feb-2017
Rowena Cheromiah MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	<i>no comments</i>	<i>No Reply</i>	22-Feb-2017
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	<i>no comments</i>	<i>No Reply</i>	21-Feb-2017
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. HPD-16-586	1.	22-Feb-2017
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	1. There was one section 10 that was not included in the Archeology report.	1.	21-Feb-2017



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



5/4/17	DOJ
4:51pm	DATE / TIME
<input type="checkbox"/>	7 Day Deadline
DOC #: 007414#2	
SAS #:	
UNIT: NRU	

☒ RESUBMITTAL
4/21/17

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

CLIENT TO COMPLETE

DATE OF REQUEST:	5/4/2017	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com

TITLE OF DOCUMENT: Continental Divide Electric Company ROW Chichiltah Scattered Power

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 5/5/17 8AM REVIEWING ATTORNEY/ADVOCATE: Irvin Chee
5/16/17

DATE TIME OUT OF UNIT: 6-21-17 4pm

DOJ ATTORNEY / ADVOCATE COMMENTS

- Besides the attached memo, doc. is legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
I. Am. G. Lee	6-21-17	V. Blackhat	6-21-17 3:30pm

DOJ Secretary Called: Stevie for Document Pick Up on 6-21-17 at 3:40 By: RJ

PICKED UP BY: (Print)

DATE / TIME:

NNDOJ/DRRF-July 2013

COMPLETED



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
4/21/17 1034a
DATE / TIME
☐ 7 Day Deadline
DOC #: 007414
SAS #:
UNIT: NM

☐ RESUBMITTAL

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

CLIENT TO COMPLETE			
DATE OF REQUEST:	4/21/2017	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com
TITLE OF DOCUMENT: CDEC ROW CHICHILTAH CHAPTER SCATTERED POWER			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	4.21.17 11am	REVIEWING ATTORNEY/ADVOCATE:	Truman Chee 5-3-17 (CEOR)
DATE TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
- Rtd. doc. to GLDD to insert standard T&C dated 7/21/15. The Terms & Conditions that is attached is the wrong T&C. Please			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Truman Chee	5-3-17		
DOJ Secretary Called: _____ for Document Pick Up on _____ at _____ By: _____			
PICKED UP BY: (Print)		DATE / TIME:	

NNDOJ/DRRF-July 2013

↓ attach the right T&C.
Thx - ic