

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO RESOLUTE ANETH, LLC. TO CONSTRUCT, OPERATE AND MAINTAIN THE RESOLUTE RATHERFORD UNITS SUBSTATION, ACCESS ROAD AND ASSOCIATED ANCILLARY FACILITIES ON, OVER AND ACROSS NAVAJO NATION TRUST LANDS (SAN JUAN COUNTY, UTAH)

BE IT ENACTED:

Section One. Findings

- A. Pursuant to 2 N.N.C., Section 501(B)(2), the Resources and Development Committee of the Navajo Nation Council has 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; and
- B. The Resolute Aneth, LLC, 1675 Broadway, Suite 1950, Denver, Colorado 80202, has submitted a Right of Way application (attached as Exhibit "A") to construct, operate and maintain the Resolute Unit Substation and Access Road, San Juan County, State of Utah; and
- C. The right-of-way is situated across Navajo Nation Trust Lands, in Section 16, Township 41 South, Range 24 East, Salt Lake Meridian, Red Mesa Chapter, San Juan County, Utah. The Substation will be 132' x 150' = 0.456 acre, and the Access Road will be 54.88 feet in length and 20 feet wide = 0.025 acre. The location is more particularly described on the attached map attached hereto and incorporated herein as Exhibit B; and
- D. The Navajo Land Department staff of the Division of Natural Resources has obtained the necessary consents of the

affected land users (grazing permittees) which are attached hereto and incorporated hereto as Exhibit "C"; and

- E. All environmental studies and cultural resources inventories have been completed and said reports are attached hereto and incorporated herein.

Section Two. Approval

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Resolute Aneth, LLC to construct, operate and maintain a Substation and Access Road on, over and across Navajo Nation Trust Lands (San Juan County, Utah). The location is more particularly described in Exhibit "B".
- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Right-of-Way subject to, but not limited to the terms and conditions attached hereto as Exhibit "D" and incorporated herein by reference.
- C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstained this 11th day of August, 2015.



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

Motion: Honorable Leonard Tsosie
Second: Honorable Walter Phelps
Vote: 4-0 (Vice Chairman Not Voting)



**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS**

RIGHT-OF-WAY APPLICATION

LANDOWNER NAME: The Navajo Nation **ALLOTMENT NUMBER:** N/A (Navajo Tribal Trust)

COMES NOW THE APPLICANT Resolute Aneth, LLC of 1700 Lincoln St., Suite 2800, Denver, Colorado 80203 respectfully files under the names and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U. S. C. 323-328), and Departmental Regulations 25 CFR 169, an application for the grant of right-of-way for the following purposes and reasons:

To build, operate, and maintain a 132-foot by 150-foot electrical substation on 0.456 acres with an approximately 54.88 feet-long access road within a 20 foot-wide access corridor of 0.025 acres for a total of 0.481 acres within the Ratherford Unit, Montezuma Creek, San Juan County, Utah.

Across the following described Navajo Indian Reservation tribal trust land:
Section 16, Township 41 South, Range 24 East, San Juan County, Utah (see attached plats).

THE APPLICANT UNDERSTANDS AND HEREBY EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

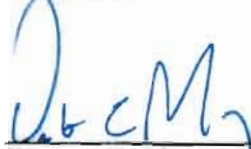
- (a) To construct and maintain the right-of-way in a workmanlike manner
- (b) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land on account of the survey, granting, construction and maintenance of the right-of-way
- (c) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
- (d) To restore the lands as nearly as possible to their original condition upon the completion of construction to the extent compatible with the purpose for which the right-of-way was granted.
- (e) To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.
- (f) To take soil and resources conservation and protection measures, including weed control, on the land covered by the right-of-way.
- (g) To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
- (h) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
- (i) That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
- (j) To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and of the names and addresses of its principal officers.
- (k) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
- (l) During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

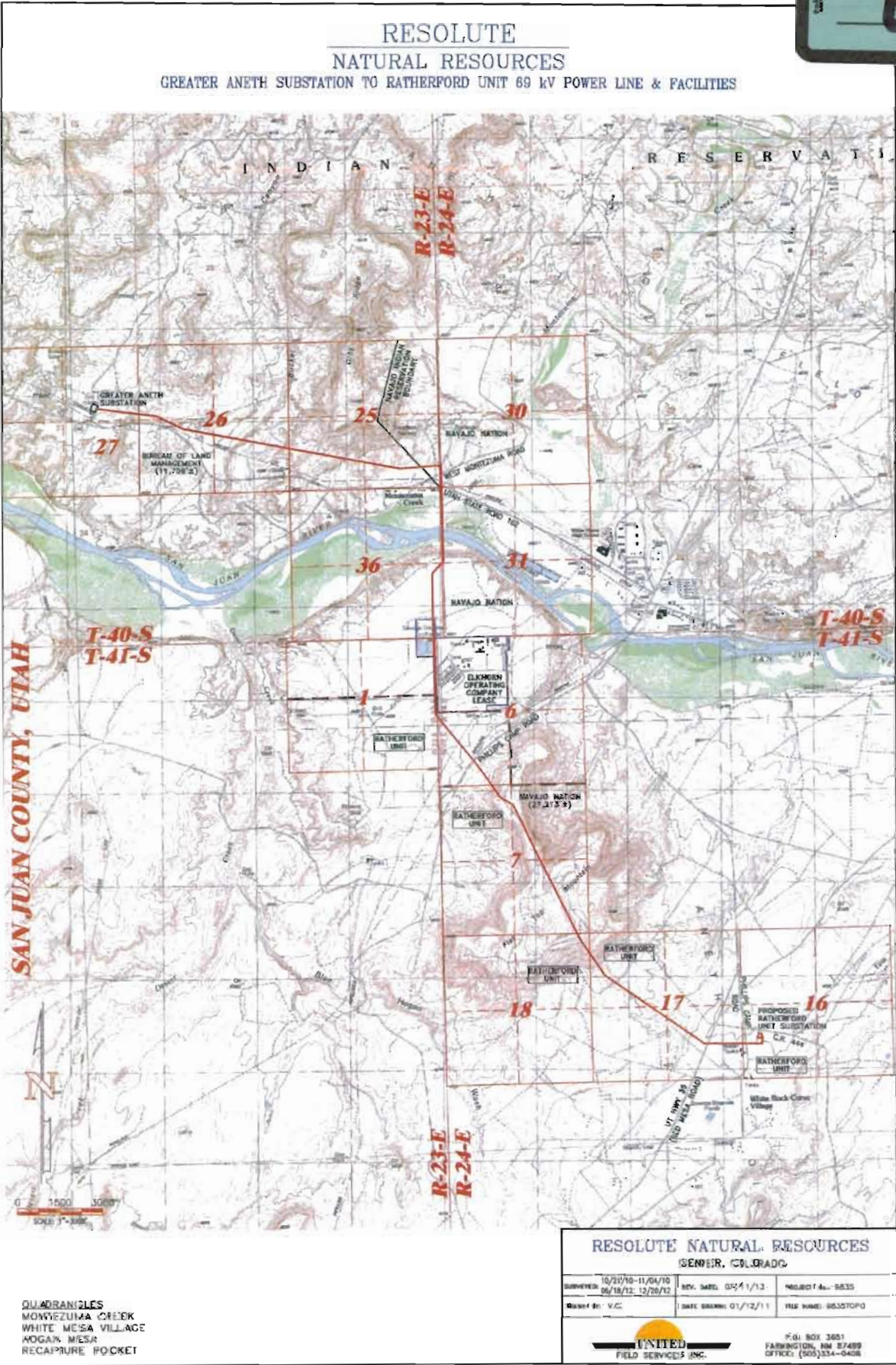
To conform and abide by all the applicable requirements with respect to the right-of-way herein applied for. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the *Code of Federal Regulations*, Title 25 Indians, Part 169, as amended, and by reference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

DATE 6/12/14

APPLICANT:

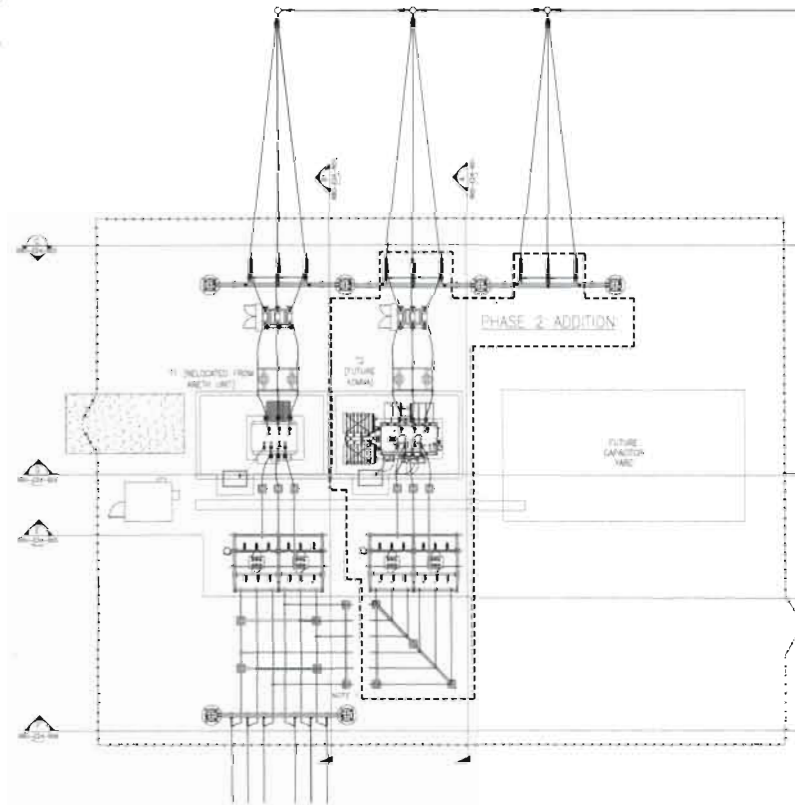


Dwight E. Mallory
Environmental & Regulatory Manager



NOTES:

1. PROVIDE 4" x 4" HOLE PRECISE ON END OF PHASE 1, BUT FOR CONNECTION TO PHASE 2 BUS.



ALLIANCE
CONSULTING
ENGINEERS
INC. 1001 11th
S.W. SUITE 100
SEATTLE, WA 98101
Tel: 206.461.1111 Fax: 206.461.1112
www.alliance-engineers.com

Resolute

RESOLUTIVE, STRATEGIC, ACTION-ORIENTED
CONSULTING, ENGINEERING AND
CONSTRUCTION SERVICES

Appendix I-2

June 02, 2014

**RESOLUTE NATURAL RESOURCES COMPANY
PROPOSED RATHERFORD UNIT SUBSTATION SITE & ACCESS ROAD
NW/4 OF THE SW/4 OF SECTION 16,
TOWNSHIP 41 SOUTH, RANGE 24 EAST, SALT LAKE MERIDIAN,
SAN JUAN COUNTY, UTAH**

A parcel of land for a proposed substation site and a strip of land, 20 feet wide, for a proposed access road located in Section 16, Township 41 South, Range 24 East, Salt Lake Meridian, San Juan County, Utah, being more particularly described as follows:

Substation Site:

Beginning at a point located in the Northwest Quarter of the Southwest Quarter of said Section 16. Said point, being the Point of Beginning for this description, bears South 30°12'25" East, a distance of 1155.65 feet from the West Quarter corner of said Section 16;

Thence South 81°58'53" East, a distance of 76.99 feet;

Thence South 81°48'59" East, a distance of 55.02 feet;

Thence South 8°04'17" West, a distance of 150.32 feet;

Thence North 81°54'21" West, a distance of 132.02 feet;

Thence North 8°04'29" East, a distance of 150.31 feet to the Point of Beginning.

The above described parcel of land contains 19,850 square feet or 0.456 acre, more or less.

Access Road:

Beginning at a point located in the Northwest Quarter of the Southwest Quarter of said Section 16. Said point bears South 34°51'33" East, a distance of 1163.98 feet from the West Quarter corner of said Section 16;

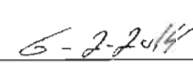
Thence South 7°58'22" West, a distance of 54.88 feet to a point located in said Northwest Quarter of the Southwest Quarter of Section 16. Said point bears South 81°58'53" East, a distance of 76.99 feet from a set 2" aluminum cap "7219139" for the Northwest corner of the proposed Ratherford Unit Substation Site.

The above described strip of land totals 54.88 feet, 0.010 mile, 3.326 rods in length and contains 0.025 acre, more or less.

Drawing No.: 10482T04

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, BEING A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS DESCRIPTION WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS DESCRIPTION ACCURATELY REPRESENTS SAID SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

  
JOHN A. VUKONICH, UTAH P.L.S. #7219139 2201 DATE



THE
NAVAJO
NATION

COPY

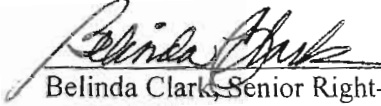
XC: Brian Wood
Utah Land Office/Navajo Land Dept./DNR
Post Office Box 410
Montezuma Creek, Utah 84534

BEN SHELLEY
PRESIDENT

REX LEE JIM
VICE - PRESIDENT

MEMORANDUM

To: Mr. Howard P. Draper, Senior Programs & Projects Specialist
Project Review Section/Navajo Land Department
Division of Natural Resources

From: 
Belinda Clark, Senior Right-of-Way Agent
Utah Land Office/Navajo Land Department

Date: October 10, 2013

Subject: Field Clearance for Resolute Natural Resources

Pursuant to the Field Clearance request, the Utah Land Office has completed the below cited Field Clearance with Mr. Bruce H. Benally, Grazing Committee Member of Red Mesa Chapter and Mr. Calvin C. Thomas, Grazing Committee Member of Aneth Chapter, and (6) grazing permittees has consented. Thus, forward the proposed project for approval. The proposed projects are described below:

Ratherford Unit 69 kV Supply Project; Power line 100' x 27,213.01/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E. Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres.

All of the original Field Clearance documents are attached. For any inquiries, call me at (435) 651-3504, fax (435) 651-3506 or email at belclark@frontiernet.net. And if you should have any questions to the company you may call Mr. Brian Wood, Consultant with Permits West, Incorporated at (505) 466-8120. Thank you.

Attachments

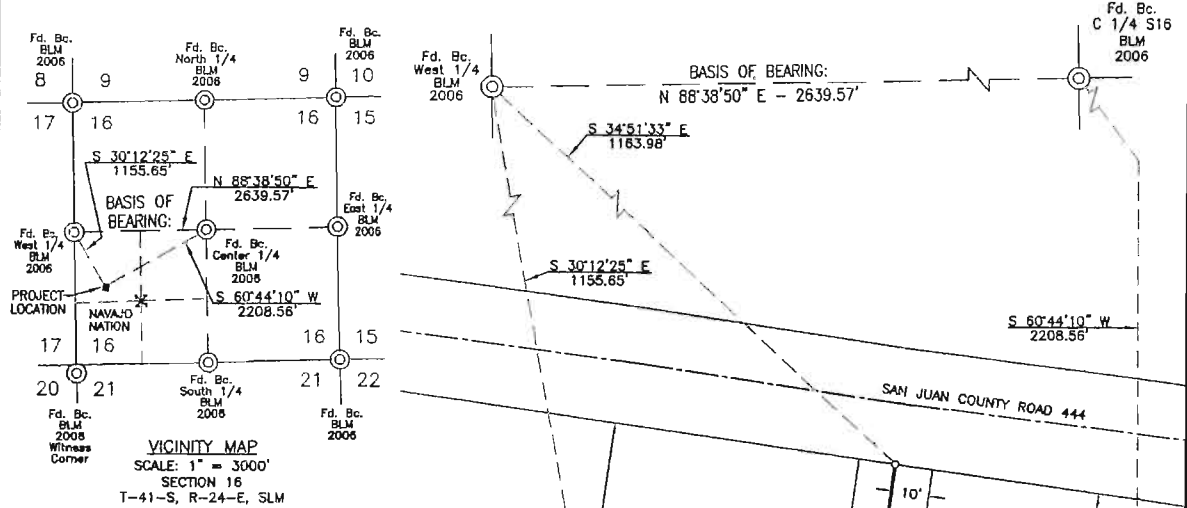
xc:
Brian Wood, Consultant/Permits West, Inc.
Roger Atcity/Resolute Natural Resources
W. Mike Halona, Dept. Mgr. III/NLD/DNR/NN
I. Harlan Charley, SPPS/NLD/DNR/NN
Calvin C. Thomas, GCM/Aneth Chapter/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
Akhtar Zaman, Director/Minerals Dept./NN
Bill Freeman/NNEPA/NN
Bertha Spencer/BIA
File, Utah Land Office/NLD/DNR/NN

RESOLUTE ANETH, LLC

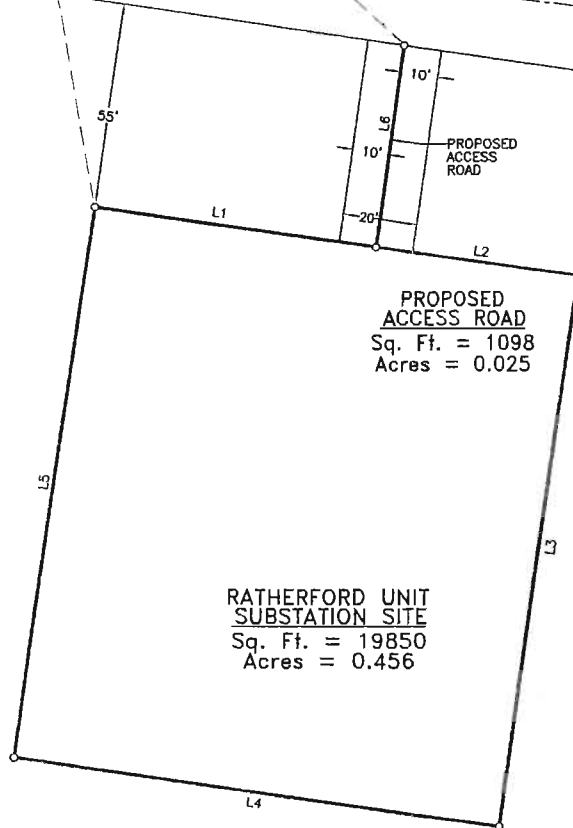
AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

PROPOSED RATHERFORD UNIT SUBSTATION SITE

NW 1/4 OF THE SW 1/4 OF SECTION 16, T-41-S, R-24-E, SALT LAKE MERIDIAN
SAN JUAN COUNTY, UTAH



	BEARING	DISTANCE
L1	S 81°58'53" E	78.99'
L2	S 81°48'59" E	55.02'
L3	S 8°04'17" W	150.32'
L4	N 81°54'21" W	132.02'
L5	N 8°04'29" E	150.31'
L6	S 7°58'22" W	54.88'



I, DWIGHT MALLORY, DO HEREBY CERTIFY THAT I AM THE ENVIRONMENTAL, HEALTH, AND SAFETY COORDINATOR FOR RESOLUTE ANETH, LLC HEREINAFTER DESIGNATED THE APPLICANT; THAT JOHN A. VUKONICH IS CONTRACTED BY THE APPLICANT AS A PROFESSIONAL LAND SURVEYOR, AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THE PROPOSED RATHERFORD UNIT SUBSTATION AND ACCESS ROAD, WHICH TOTALS 0.481 ACRES, AND TO PREPARE THIS PLAT; THAT THE LOCATION OF SAID SURVEY, BEING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 41 SOUTH, RANGE 24 EAST, SALT LAKE MERIDIAN, SAN JUAN COUNTY, UTAH, IS ACCURATELY REPRESENTED ON THIS PLAT; THAT SUCH SURVEY AS REPRESENTED ON THIS PLAT HAS BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF THE RIGHT-OF-WAY THEREBY SHOWN; AND THAT THIS PLAT HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENT, THEREON AND THEREOVER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

DWIGHT MALLORY
ENVIRONMENTAL, HEALTH, & SAFETY COORDINATOR
RESOLUTE ANETH, LLC

Subscribed and sworn to before me this 11th day of June, 2014.

Sherran Cantor
Notary Public

SHERA CANTOR
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20064014214
MY COMMISSION EXPIRES 04/11/2018

LEGEND:

- o = SET 2" ALUMINUM CAP 7219139"
- = ROAD (CENTERLINE)
- = SURVEY LINE

0 20 40
SCALE: 1"=40'

I, JOHN A. VUKONICH, UTAH PROFESSIONAL SURVEYOR NO. 7219139, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THE SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN UTAH; AND THAT THIS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

John A. Vukonich
john.vukonich@resolute.com
No. 7219139
DATE 06-12-2014

RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

SURVEYED: 04/26/13 REV. DATE: 04/18/14 CHECKED BY: A.D.
DRAWN BY: K.S. DATE DRAWN: 03/12/14 FILE NAME: 10482T04

UNITED
FIELD SERVICES INC.

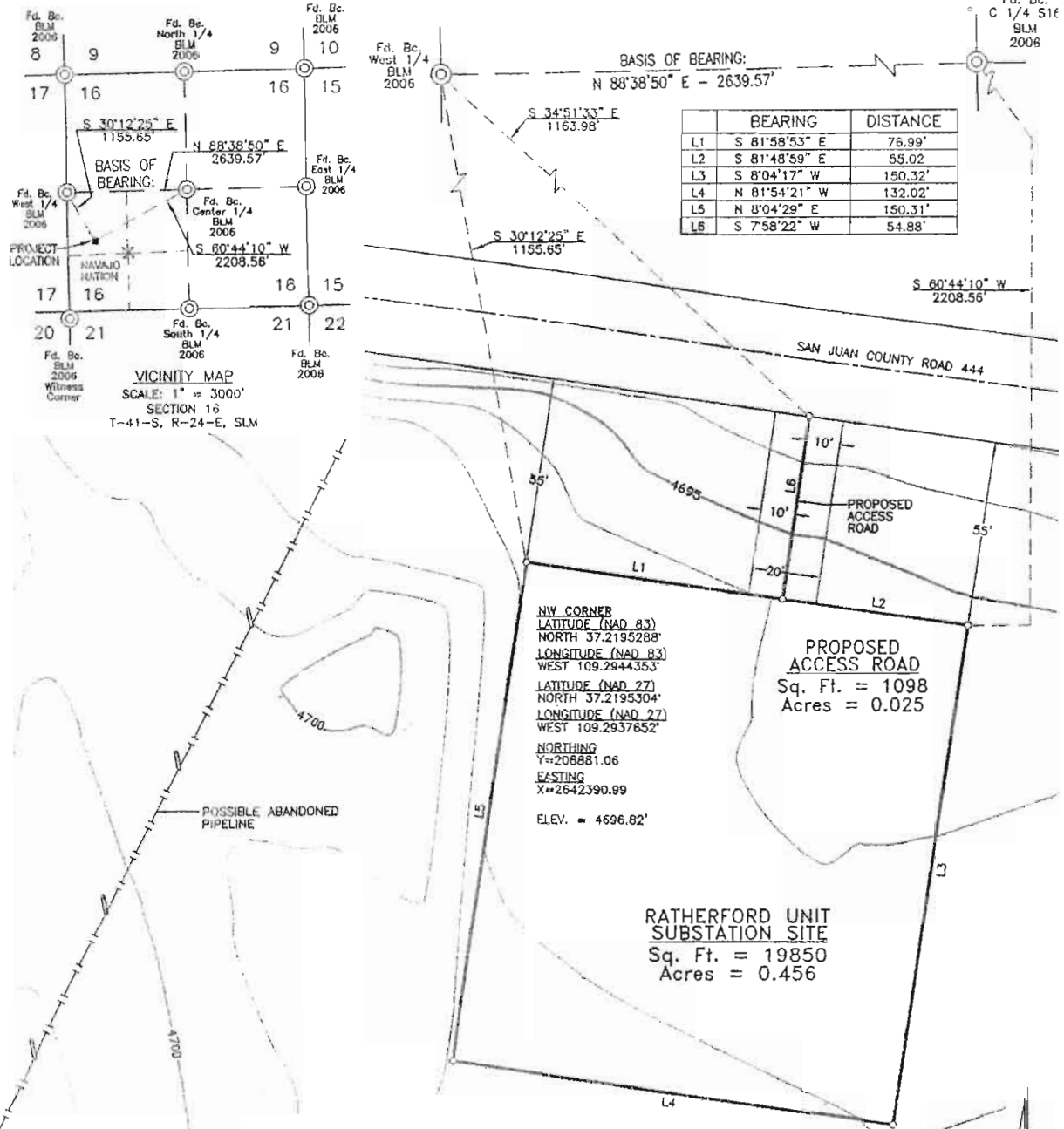
P.O. BOX 3651
FARMINGTON, NM 87499
OFFICE: (505)334-0408

RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

PROPOSED RATHERFORD UNIT SUBSTATION SITE

NW 1/4 OF THE SW 1/4 OF SECTION 16, T-41-S, R-24-E, SALT LAKE MERIDIAN, SAN JUAN COUNTY, UTAH



RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

SURVEYED: 04/26/13 REV. DATE: 09/18/13 APP. BY: J.A.V.
DRAWN BY: H.S. DATE DRAWN: 04/30/13 FILE NAME: 10182102



P.O. BOX 3651
FARMINGTON, NM 87499



September 19, 2013

Belinda Clark
Utah Navajo Land Office
P. O. Box 410
Montezuma Creek, UT 84534

Dear Belinda,

On behalf of Resolute Aneth, LLC as a wholly owned subsidiary of Resolute Natural Resources Company, I am requesting field clearance for the following project in the Red Mesa Chapter.

Ratherford Unit 69 kV Substation
Sections 16, T. 41 S. R. 24 E.

Substation: $\approx 132' \times \approx 150' = 0.456$ acres
+ Road: $20' \times 54.88' = 0.025$ acre
Total = 0.481 acres

Resolute has slightly changed its plans. The substation and road will be built sooner than the 69 kV line. Field clearances are still needed for both projects.

This replaces, in part, my August 12 request. I will file a revised field clearance request for the 69 kV line this afternoon. There has been no change in location for the substation, road, and power line.

Please call me if you have any questions.

Sincerely,

Brian Wood

cc: Roger Atcitty

Merry Christmas



*From the desk of Vera Shurley
Navajo Land Department
(928) 871-6447*

To: Irvine Chee, Attorney

Date: December 12, 2014

Re: Document #2669 (Resolute Aneth) I received the land users consent from Belinda Chee-Utah Land Office. The consents are attached and made part of Exhibit "C".





**THE
NAVAJO
NATION**

BEN SHELLEY
PRESIDENT

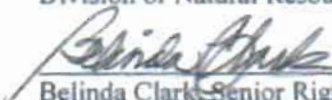
Utah Land Office/Navajo Land Department
Post Office Box 410
Montezuma Creek, Utah 84645



REX LEE JIM
VICE - PRESIDENT

MEMORANDUM

To: Mr. Howard P. Draper, Senior Programs & Projects Specialist
Project Review Section/Navajo Land Department
Division of Natural Resources

From: 
Belinda Clark, Senior Right-of-Way Agent
Utah Land Office/Navajo Land Department

Date: October 10, 2013

Subject: Field Clearance for Resolute Natural Resources

Pursuant to the Field Clearance request, the Utah Land Office has completed the below cited Field Clearance with Mr. Bruce H. Benally, Grazing Committee Member of Red Mesa Chapter and Mr. Calvin C. Thomas, Grazing Committee Member of Aneth Chapter, and (6) grazing permittees has consented. Thus, forward the proposed project for approval. The proposed projects are described below:

Ratherford Unit 69 kV Supply Project: Power line 100' x 27,213.01'/62.472 acres and Anchor 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres.

All of the original Field Clearance documents are attached. For any inquiries, call me at (435) 651-3504, fax (435) 651-3506 or email at belclark@frontiernet.net. And if you should have any questions to the company you may call Mr. Brian Wood, Consultant with Permits West, Incorporated at (505) 466-8120. Thank you.

Attachments

cc:
Brian Wood, Consultants/Permits West, Inc.
Roger Atchity/Resolute Natural Resources
W. Mike Halona, Dept. Mgr. III/NLD/DNR/NN
I. Harlan Charley, SPPS/NLD/DNR/NN
Calvin C. Thomas, GCM/Aneth Chapter/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
Akhtar Zaman, Director/Minerals Dept./NN
Bill Freeman/NNEPA/NN
Bertha Spencer/BJA
File, Utah Land Office/NLD/DNR/NN



THE NAVAJO NATION

BEN SHELLY
PRESIDENT

"CONFIDENTIAL INFORMATION"

Utah Land Office/Navajo Land Dept./DNR
Post Office Box 410
Montezuma Creek, Utah 84534

REX LEE JIM
VICE - PRESIDENT

October 10, 2013

Mr. Roger Atcitty, Production Supervisor
Resolute Natural Resources
Post Office Box 100
Montezuma Creek, Utah 84534

Subject: Surface Damage Compensation Request for Ratherford Unit 69 kV Supply Project

Dear Mr. Atcitty:

The Utah Land Office has completed your said field clearances with Mr. Bruce H. Benally and Mr. Calvin C. Thomas, Grazing Committee Member of Aneth and Red Mesa Chapter, and six (6) grazing permittee. The surface damage payment will be made according to the Payment Recommendation. The proposed projects are described below with its measurement, calculations, amount and payees:

Ratherford Unit 69 kV Supply Project: Power Line 100' x 27,213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres. Calculations: 63.714 acres x \$610 per acres rate = \$38,865.54.

Thus, make the checks payable to:

- 1) Ann Litsui, SS#
- 2) Arlene S. Begay,
- 3) Carmelita Whitney
- 4) Dorothy J. Todechene,
- 5) Sadie Silas, SS#
- 6) Pete N. Benally,
- 7) Victoria M. Joe,

Send the checks to our office for our accountability and distribution. For inquiries, please call me at (435) 651-3504, fax (435) 651-3506 or email at helclark@frontiernet.net Thank you.

Sincerely,

Belinda Clark, Senior Right-of-way Agent
Utah Land Office/Navajo Land Department
Division of Natural Resources

xc:

Brian Wood, Consultant/Permits West, Inc.
Howard P. Draper, Sup./PRS/NLD/DNR/NN
W. Mike Halona, Dept. Mgr. III/NLD/DNR/NN
I. Harlan Charley, SPPS/NLD/DNR/NN
Calvin C. Thomas, GCM/Aneth Chapter/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
File, Utah Land Office/NLD/DNR/NN

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. If necessary, use the back of this form for completion.)

Project Identification:

Applicant: Resolute Natural Resources Company, Post Office Box 100, Montezuma Creek, Utah 84534

Identification:

Purpose: ^{11/27} Ratherford 69 kV Supply Project: Power line, Anchors, SubStation and Road.

Location (Legal Description): In Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah.

Amount of land affected: Power line 100' x 27,213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, and SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres. Total of 63.714 acres.

Land status: Trust Fee Other

1. List of land use/grazing permittee whose land use rights will be affected project:

<u>Names</u>	<u>Census No.</u>	<u>Type of and Use Right</u>
a. Ann Litsui		Grazing Rights (within Aneth Chapter)
b. Arlene S. Begay		Grazing Rights (within Red Mesa Chapter)
c. Carmelita J. Whitney		Grazing Rights (within Red Mesa Chapter)
d. Dorothy J. Todechene		Grazing Rights (within Red Mesa Chapter)
e. Pete N. Benally		Grazing Rights (within Red Mesa Chapter)
f. Victoria M. Joe		Grazing Rights (within Red Mesa Chapter)

2. Are all land users in the above list no. 4 with claims to the affected lands shown in the Branch of Land Operations records? Yes No

3. Have the Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirms the list no. 4 by signing acknowledgement form 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 no. 4 includes all land users who have rights in the affected lands.

10/9/13
Date


Bruce H. Benally, Grazing Committee Member
Red Mesa Chapter

09
District

10/10/13
Date


Calvin C. Thomas, Grazing Committee Member
Aneth Chapter

12
District

4. Are any damages expected to individual improvements? Yes No

If yes, contact the Director of Navajo Land Administration because special arrangements will have to be made to compensate for these damages.

If no give full explanations why:

No damages are expected to individual improvement. Nominal surface/grazing damages are expected on the projects. Surface damage compensation will be paid out to the affected grazing permittees. And the disturbed grazing area will be reclaimed/reseed per Bureau of Indian Affairs regulations after the completion of the project.

5. List of land users where diminishment in value of land use rights is expected and/or where land use rights are expected to be enhanced as a result of the project. Specify whether or not there is diminishment or enhancement in value of land use rights. Note whether or not land users have consented and which consent forms were used. (If no expected damages, use Consent Form No. 1.)

<u>Names</u>	<u>Expected Diminishment</u>	<u>Expected Enhancement</u>	<u>Did Land Users Consent? Form?</u>
a. Ann Litsui	None	None	Yes, consent # 2
b. Arlene S. Begay	None	None	Yes, consent # 2
c. Carmelita J. Whitney	None	None	Yes, consent # 2
d. Dorothy J. Todechene	None	None	Yes, consent # 2
e. Pete N. Benally	None	None	Yes, consent # 2
f. Victoria M. Joe	None	None	Yes, consent # 2

List again the land users from list no. 8 where land use rights value will be diminished as a result of the project. Specify if land users is to receive compensation and the monetary amount in-kind compensation to be received, and use Consent Form No. 2. Indicate whether compensation is be received is adequate for the estimated damages to land use rights. Note whether land users have consented and which consent forms used. (If waiver of compensation for damages, use Consent Form No. 3.)

<u>Names</u>	<u>Compensation Amount</u>	<u>Is Amount Adequate</u>	<u>Did Land Users Consent? Form?</u>
a. Ann Litsui		Yes	Yes, consent # 2
b. Arlene S. Begay		Yes	Yes, consent # 2
c. Carmelita J. Whitney		Yes	Yes, consent # 2
d. Dorothy J. Todechene		Yes	Yes, consent # 2
e. Pete N. Benally		Yes	Yes, consent # 2
f. Victoria M. Joe		Yes	Yes, consent # 2

How, when and by whom will land users be paid compensation? If any, is it specified in list no. 9 above?

Surface damages compensation will be paid out accordingly to the Grazing Committee Member's payment recommendation.

6. Is a topographical map of the project attached? Yes No

7. Was the project fully explained to the land users? Yes No
8. Which chapter will be affected by the project? Aneth & Red Mesa Chapters
9. Are supporting chapter resolution attached? Yes No
10. Will chapter receive any payments or benefits from the project?
- Yes No If yes, what will be received?

Approved by:

Field Clearance Conducted by:

Navajo Land Department
(NLD)

Utah Land Office/Navajo Land Department


Belinda Clark, Senior ROW Agent

(NLD approval necessary only if the
field clearance was conducted by
other than NLD Office)

Date: October 10, 2013

GRAZING COMMITTEE RECOMMENDATION

Date: August 12, 2013

Project Name/Legal Description: Ratherford 69 kV Supply Project: Power line 100' x 27.213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres. For the sum of \$38,865.54.

Pursuant to the Shiprock Agency Grazing Committee Resolution dated July 20, 2007, in determining eligibility for grazing permittee/land use permittee to receive surface damage compensation; I, Calvin C. Thomas, Grazing Committee Member of District 12, Aneth Chapter, and I, Bruce H. Benally, Grazing Committee Member of District 09, Red Mesa Chapter recommend this/these individual (s) as:

/ X / Recipient(s) of the surface damage and /or nuisance compensation deriving from the above referenced project from Resolute Natural Resources and compensation to be distributed as follows:

/ X / The permittees to consent to the above-referenced project:

No.	Name	Census #	Soc. Sec. #	Any Livestock Tally Count?	% Distribution
-----	------	----------	-------------	-------------------------------	----------------

Aneth Chapter:

1) Ann Litsui	Yes or No	_____	%
---------------	-----------	-------	---

Red Mesa Chapter:

1) Arlene S. Begay	Yes or No	_____	%
2) Carmelita Whitney	Yes or No	_____	%
3) Dorothy J. Todechene	Yes or No	_____	%
4) Pete N. Benally	Yes or No	_____	%
5) Victoria M. Joe	Yes or No	_____	%

Witnesses: _____

ACKNOWLEDGEMENT:

x Calvin Thomas 10/10/13
Grazing Committee Member
Calvin Thomas, Aneth Chapter

CONCURRENCE:

Belinda Clark
Utah Land Office Navajo Land Dept.
Belinda Clark, Senior ROW Agent

Bruce H. Benally
Grazing Committee Member
Bruce H. Benally, Red Mesa Chapter

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Ann Litsui, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Resolute Natural Resources
Post Office Box 100
Montezuma Creek, Utah 84534

To use a portion of my land use area for the following purpose(s):

Ratherford 69 kV Supply Project: Power line 100' x 27.213.01' / 63.233 acres, SubStation 132' x 150' / 0.456 acres and Road 20' x 54.88' / 0.025 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah.

As shown on the map showing the location of the proposed project attached.

My consent is given subject to the receipt of compensation in the amount of \$, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks:

9-19-13
Date

X Ann Litsui
Land user Signature
Ann Litsui

Census No. _____
Permit No. _____
SS No. _____

Address: P. O. Box 731, Montezuma Creek, UT 84534

10/10/13
Date

Calvin C. Thomas
Grazing Committee Member Signature
Calvin C. Thomas, Aneth Chapter

District 12

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Clark
Field Agent Signature
Belinda Clark, Senior ROW Agent

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Arlene S. Begay, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Resolute Natural Resources
Post Office Box 100
Montezuma Creek, Utah 84534

To use a portion of my land use area for the following purpose(s):

¹³²
Ratherford 69 kV Supply Project; Power line 100' x 27.213.01' / 63.233 acres, SubStation 123' x 150' / 0.456 acres and Road 20' x 54.88' / 0.025 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah.

As shown on the map showing the location of the proposed project attached.

My consent is given subject to the receipt of compensation in the amount of \$, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks:

9-20-13 X Arlene S. Begay
Date Land User Signature
Arlene S. Begay

Census No.
Permit No. 1
SS No.

Address: PO Box 325, Montezuma Creek, Utah 84534

Witness: _____

10/8/2013 Bruce H. Benally
Date Grazing Committee Member Signature
Bruce H. Benally, Red Mesa Chapter

District 09

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Clark
Field Agent Signature
Belinda Clark, Senior ROW Agent

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Carmelita J. Whitney, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Resolute Natural Resources
Post Office Box 100
Montezuma Creek, Utah 84534

To use a portion of my land use area for the following purpose(s):

Ratherford 69 kV Supply Project: Power line 100' x 27.213.01' / 63.233 acres. SubStation ~~123~~ x 150' / 0.456 acres and Road 20' x 54.88' / 0.025 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah.

As shown on the map showing the location of the proposed project attached.

My consent is given subject to the receipt of compensation in the amount of \$100,000.00, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks:

9-19-2013
Date

X Carmelita Whitney
Land User Signature
Carmelita J. Whitney

Census No. _____
Permit No. _____
SS No. _____

Address: PO Box 597, Montezuma Creek, Utah 84534

Witness: _____

10/8/2013
Date


Grazing Committee Member Signature
Bruce H. Benally, Red Mesa Chapter

District 09

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
Belinda Clark, Senior ROW Agent

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Dorothy J. Todechene, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Resolute Natural Resources
Post Office Box 100
Montezuma Creek, Utah 84534

To use a portion of my land use area for the following purpose(s):

^{Unit}
Ratherford 69 kV Supply Project: Power line 100' x 27.213.01' / 63.233 acres, SubStation 124' x 150' / 0.456 acres and Road 20' x 54.88' / 0.025 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. 132 ba

As shown on the map showing the location of the proposed project attached.

My consent is given subject to the receipt of compensation in the amount of \$, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks: Requested to share \$500 to Sedie Silas.

9-19-12
Date

X Dorothy Todechene
Land User Signature
Dorothy J. Todechene

Census No. _____
Permit No. _____
SS No. _____

Address: P.O. Box 374, Montezuma Creek, Utah 84534

Witness: _____

10/4/2013
Date

Bruce H. Benally
Grazing Committee Member Signature
Bruce H. Benally, Red Mesa Chapter

District 09

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Clark
Field Agent Signature
Belinda Clark, Senior ROW Agent

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Pete N. Benally, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Resolute Natural Resources
Post Office Box 100
Montezuma Creek, Utah 84534

To use a portion of my land use area for the following purpose(s):

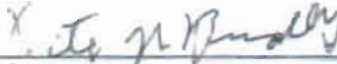
Ratherford 69 kV Supply Project: Power line 100' x 27.213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 123' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah.

As shown on the map showing the location of the proposed project attached.

My consent is given subject to the receipt of compensation in the amount of \$, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks:

9-23-13
Date

X 
Land User Signature
Pete N. Benally

Census No.
Permit No.
SS No.

Address: P.O. Box 306, Montezuma Creek, Utah 84534

Witness: _____

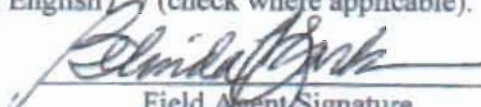
10/8/2013
Date


Grazing Committee Member Signature
Bruce H. Benally, Red Mesa Chapter

District 09

ACKNOWLEDGEMENT OF FIELD AGENT

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


Field Agent Signature
Belinda Clark, Senior ROW Agent

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Victoria M. Joe, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Resolute Natural Resources
Post Office Box 100
Montezuma Creek, Utah 84534

To use a portion of my land use area for the following purpose(s):

Ratherford 69 kV Supply Project: Power line 100' x 27.213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 125' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah.

As shown on the map showing the location of the proposed project attached.

My consent is given subject to the receipt of compensation in the amount of \$ _____ which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks: Requesting to round off to \$4,000.00 on compensation.

7/30/13
Date

X [Signature]
Land User Signature
Victoria M. Joe

Census No. _____
Permit No. _____
SS No. _____

Address: PO Box 166, Montezuma Creek, Utah 84534

Witness: _____

10/8/2013
Date

[Signature]
Grazing Committee Member Signature
Bruce H. Benally, Red Mesa Chapter

District 09

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]
Field Agent Signature
Belinda Clark, Senior ROW Agent

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

September 19, 2013

Belinda Clark
Utah Navajo Land Office
P. O. Box 410
Montezuma Creek, UT 84534

Dear Belinda,

On behalf of Resolute Aneth, LLC as a wholly owned subsidiary of Resolute Natural Resources Company, I am requesting field clearance for the following project in the Red Mesa Chapter.

Ratherford Unit 69 kV Substation
Sections 16, T. 41 S. R. 24 E.

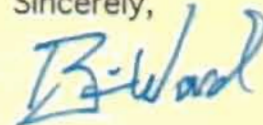
Substation: $\approx 132' \times \approx 150' = 0.456$ acres
+ Road: $20' \times 54.88' = 0.025$ acre
Total = 0.481 acres

Resolute has slightly changed its plans. The substation and road will be built sooner than the 69 kV line. Field clearances are still needed for both projects.

This replaces, in part, my August 12 request. I will file a revised field clearance request for the 69 kV line this afternoon. There has been no change in location for the substation, road, and power line.

Please call me if you have any questions.

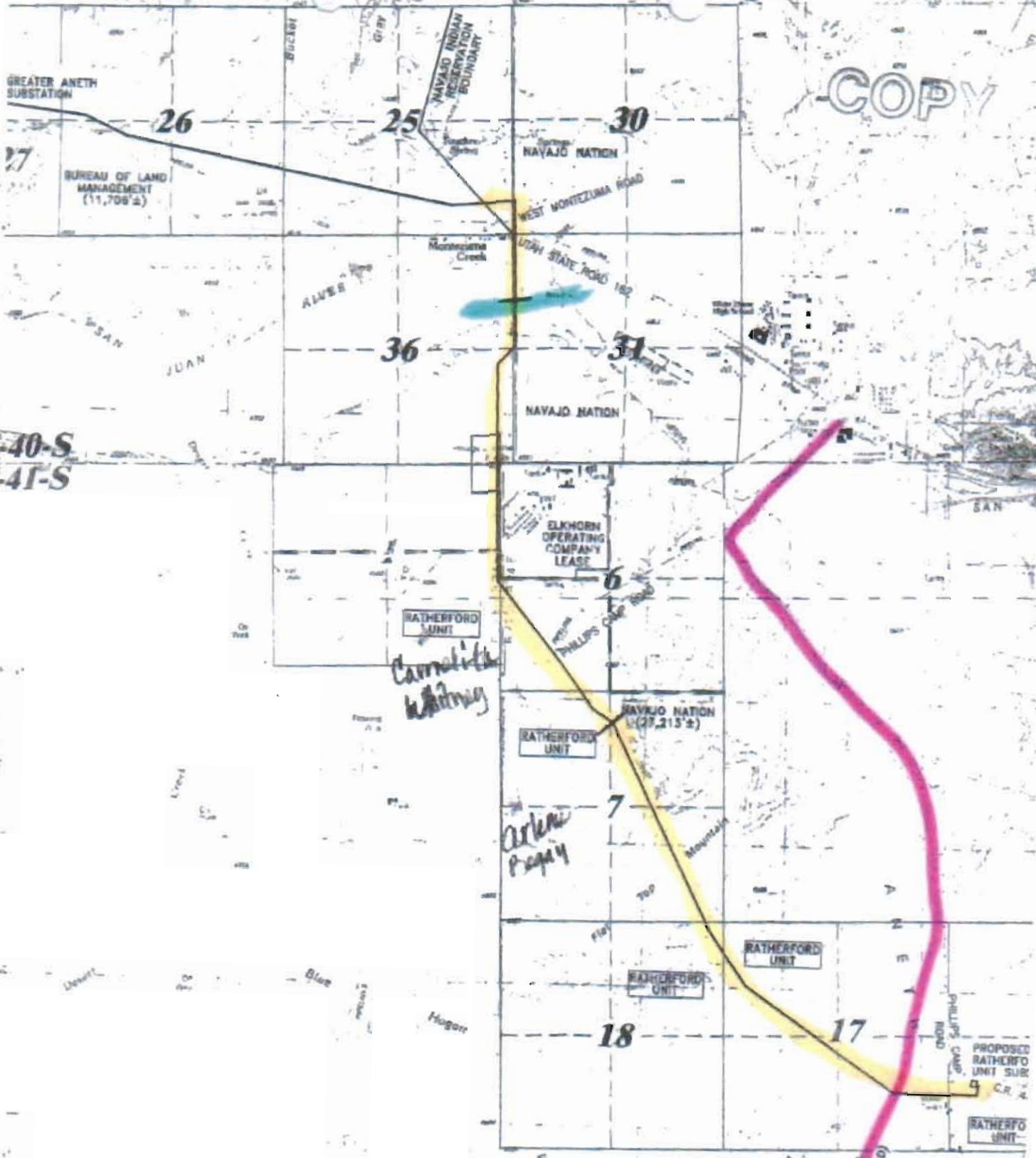
Sincerely,



Brian Wood

cc: Roger Atcitty

COPY



R-23-E
R-24-E



EXHIBIT "D"

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

Resolute Aneth, LLC (GRANTEE)

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Secretary of Interior.
2. Consideration for the right-of-way is assessed at \$ 14,310.70 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 consents to the grant of the right-of-way by the Navajo Nation.
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of **Resolute Ratherford Unit Substation and Access Road**. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way.
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq.. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by the Navajo Nation Environmental

Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.

8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any term or condition of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period; and
 - c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
 - d. An abandonment of the right-of-way.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with a phase 1 environmental site assessment of the premises at least sixty (60) days prior to delivery of said premises.
15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation and the Secretary of the Interior shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the

Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.

18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

ENVIRONMENTAL ASSESSMENT
FOR

**RESOLUTE ANETH, LLC
1675 BROADWAY, SUITE 1950
DENVER, CO 80202
(303) 434-4600**

**RATHERFORD UNIT SUBSTATION AND ACCESS
ROAD**

**BUREAU OF INDIAN AFFAIRS, SHIPROCK AGENCY
SECTION 16, T. 41 S., R. 24 E.
SAN JUAN COUNTY, UTAH**

OCTOBER 17, 2013

PREPARED BY:

PERMITS WEST, INC.

TABLE OF CONTENTS

1. Introduction.....	1
1.1 Purpose and Need	1
1.2 Conformance with Applicable Land Use Plans and Other Environmental Assessments..	1
1.3 Federal, State, or Local Permits, Licenses, or Other Consultation Requirements.....	2
2. Alternatives Including the Proposed Action	3
2.1 Alternative A - No Action.....	3
2.2 Alternative B - Proposed Action.....	3
2.2.1 Ratherford Unit Substation Construction.....	3
2.2.2 Access Road Construction	4
2.2.3 Reclamation	4
2.3 Alternatives Considered But Not Analyzed In Detail.....	5
3. Description of Affected Environment.....	5
3.1 Air Resources.....	7
3.1.1 No Action Alternative.....	9
3.1.2 Proposed Action.....	10
3.2 Cultural Resources	10
3.2.1 No Action Alternative.....	10
3.2.2 Proposed Action.....	11
3.3 Environmental Justice.....	11
3.3.1 No Action Alternative.....	11
3.3.2 Proposed Action.....	12
3.4 Floodplains.....	12
3.4.1 No Action Alternative.....	12
3.4.2 Proposed Action.....	12
3.5 Invasive, Non-native Species.....	13
3.5.1 No Action Alternative.....	13
3.5.2 Proposed Action.....	13
3.6 Threatened or Endangered Species.....	13
3.6.1 No Action Alternative.....	14
3.6.2 Proposed Action.....	14
3.7 Wastes, Hazardous or Solid	15
3.7.1 No Action Alternative.....	15
3.7.2 Proposed Action.....	15
3.8 Water Quality – Surface/Ground	15
3.8.1 No Action Alternative.....	16
3.8.2 Proposed Action.....	16
3.9 General Topography/Surface Geology	17
3.9.1 No Action Alternative.....	17
3.9.2 Proposed Action.....	17
3.10 Land Use	18

3.10.1	No Action Alternative.....	18
3.10.2	Proposed Action.....	18
3.11	Livestock Grazing.....	18
3.11.1	No Action Alternative.....	19
3.11.2	Proposed Action.....	19
3.12	Mineral Resources	19
3.12.1	No Action Alternative.....	19
3.12.2	Proposed Action.....	20
3.13	Noise	20
3.13.1	No Action Alternative.....	20
3.13.2	Proposed Action.....	21
3.14	Public Health and Safety.....	21
3.14.1	No Action Alternative.....	21
3.14.2	Proposed Action.....	22
3.15	Soils/Watershed /Hydrology	22
3.15.1	No Action Alternative.....	23
3.15.2	Proposed Action.....	23
3.16	Special Status Species.....	24
3.16.1	No Action Alternative.....	24
3.16.2	Proposed Action.....	25
3.17	Vegetation, Forestry.....	25
3.17.1	No Action Alternative.....	26
3.17.2	Proposed Action.....	26
3.18	Visual Resources.....	26
3.18.1	No Action Alternative.....	26
3.18.2	Proposed Action.....	27
3.19	Wildlife	27
3.19.1	No Action Alternative.....	27
3.19.2	Proposed Action.....	28
3.20	Cumulative Effects.....	28
3.20.1	No Action Alternative.....	28
3.20.2	Proposed Action.....	28
4.	Consultation/Coordination.....	29
5.	Contact Information	30
6.	References.....	31

Tables

Table 2.1: Proposed Reclamation Seed Mixture.....	8
Table 3.1: Critical Elements of the Affected Environment	10
Table 3.2: Non-Critical Elements of the Affected Environment	11
Table 4.1: Project Interdisciplinary Team	34

Appendices

Appendix 1: Overview Map of the Proposed Action and Substation Layout Map
Appendix 2: Applications
Appendix 3: Cultural Resources Compliance Form
Appendix 4: Threatened, Endangered, And Special Status Wildlife Species Report
Appendix 5: Plant Survey Report
Appendix 6: Navajo Fish & Wildlife Correspondence Letter

1. Introduction

Resolute Aneth LLC (Resolute), a wholly owned subsidiary of Resolute Natural Resources Company, proposes to construct a comprehensive project including a 69 kV power line from the Greater Aneth Substation to its proposed Ratherford Unit (RU) Substation, the RU Substation itself, and an associated access road. The comprehensive project is located north, west, and south of the town of Montezuma Creek, Utah in San Juan County. Because the project will be constructed on both Bureau of Land Management (BLM) land and Navajo Nation Tribal Trust land, it falls under the jurisdictions of the Monticello Field Office (MFO) of the BLM and the Bureau of Indian Affairs (BIA). Therefore, separate Environmental Assessments (EAs) are being developed for the BIA addressing site-specific resources and/or impacts on Navajo Nation Tribal Trust land as required by BIA, and for the BLM addressing site-specific resources and/or impacts on BLM lands as required by the National Environmental Policy Act (NEPA) of 1969, as amended (NEPA 1969).

In addition, Resolute proposes to divide the BIA portion of the project into two phases for ease of construction: Phase I: RU Substation and access road, and Phase II: Greater Aneth Substation to RU Substation 69 kV power line. This EA covers Phase I: RU Substation and access road. A separate EA is being developed for Phase II.

1.1 Purpose and Need

The enhanced oil recovery process in the Aneth Oil Field has exceeded the current power supply and requires additional power to continue operations. The purpose of the Proposed Action is to construct a substation and substation access road to accommodate the power needs of enhanced oil recovery (water alternating with gas, or “WAG”) activities in the Aneth Oil Field. Approval of the Proposed Action will allow Resolute to continue to develop mineral resources in the Aneth Oil Field.

1.2 Conformance with Applicable Land Use Plans and Other Environmental Assessments

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this site-specific EA tiers to, and incorporates by reference, the information and analysis contained in the BLM MFO Record of Decision and Approved Resource Management Plan (RMP) (USDI BLM 2008). This EA addresses the resources and impacts on a site-specific basis as required by the NEPA, as amended (NEPA 1969). The proposed project will not be in conflict with any local, county, or state plans.

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

The Federal Water Pollution Control Act (Clean Water Act) has been amended to provide that certain storm water discharges from field activities or operation, including construction associated with oil and gas exploration, production, processing, or treatment operation or transmission facilities, are exempt from National Pollutant Discharge Elimination System (NPDES) permit requirements (NPDES 2006). The action encourages voluntary application of Best Management Practices (BMPs) for oil and gas field activities and operation to minimize the discharge of pollutants in storm water runoff and protect water quality (NPDES 2006). This action applies to all states, federal lands, and Indian Country regardless of whether the Environmental Protection Agency (EPA) or a state is the NPDES permitting authority. States have the authority to regulate any discharges, pursuant to state law, through a non-NPDES permit program.

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

The Navajo Nation Department of Fish & Wildlife (NNDFW)-Natural Heritage Program has been consulted with respect to species of concern that are known to occur, or that have the potential to occur, within the area of the Proposed Action (Appendix 6). Species of concern listed by the NNDFW will be evaluated in Section 3 of this document and in the Wildlife and Plant Survey Reports attached as Appendices 3 and 4, respectively.

Additionally, Resolute is required to:

- Comply with all applicable federal, state, and local laws and regulations.
- Obtain the necessary permits for construction including, but not limited to, rights-of-way permission.

2. Alternatives Including the Proposed Action

2.1 Alternative A - No Action

The BLM NEPA Handbook (H-1790-1) states that for EAs on externally initiated proposed actions, the No Action Alternative generally means that the proposed activity will not take place. This option is provided in 43 CFR 3162.3-2 (h) (2) (USDI BLM January 2008). This alternative would deny approval to construct the Proposed Action on Navajo Tribal Trust land, and the current land and resource uses would continue to occur in the proposed project area. No mitigation measures would be required.

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

2.2 Alternative B - Proposed Action

Resolute's comprehensive project consists of constructing a power line from the Greater Aneth Substation to its proposed RU Substation, and constructing the proposed RU Substation and access road. The Proposed Action covered by this EA involves only the RU Substation and substation access road.

The Proposed Action is located south of the town of Montezuma Creek, Utah, as indicated in Appendix 1. It is located in Sections 16 in T. 41 S., R. 24 E.

The estimated duration of the project is approximately one month.

2.2.1 Ratherford Unit Substation Construction

Resolute will construct a substation and access road to accommodate the power needs of enhanced oil recovery activities in the Aneth Oil Field. Usage will occur year-round. Intensified development (e.g., horizontal wells have led to greater fluid volumes that must be pumped) has increased demand beyond what can be supplied by Rocky Mountain Power in the Ratherford Unit of the Aneth Oil Field.

A 132-foot by 150-foot substation will be constructed on 0.456 acres. The top six inches of topsoil will be scraped to the side, stockpiled, and reseeded. No vegetation will be allowed to regrow on the substation footprint due to the potential for a fire and safety hazard.

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

General construction BMPs will be implemented to prevent erosion and off-site migration of soils and other materials.

2.2.2 Access Road Construction

Resolute will also construct a road to access the RU Substation. It will be 54.88 feet long, within a 20-foot corridor for a total of 0.025 acres. The top six inches of topsoil will be scraped to the side, stockpiled, and reseeded.

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

General construction BMPs will be implemented to prevent erosion and off-site migration of soils and other materials.

2.2.3 Reclamation

Reclamation will begin as soon as construction is complete. Stockpiled soil will be seeded to reestablish a viable replacement plant community and control erosion. A qualified botanist will monitor the community annually for a period of three years to check erosion, revegetation success, and noxious weeds. A seed mix will be drilled as prescribed by the Navajo Nation, BIA, or BLM (Table 2.2). If seed is broadcast rather than drilled, rates will be doubled and the seed will be covered using some type of drag. Weeds will be controlled in accordance with Navajo Nation EPA requirements.

Table 2.1: Proposed Reclamation Seed Mixture

Common Name	Variety	Pure Live Seeds (lbs/acre)
four wing saltbush	<i>Atriplex canescens</i>	2
shadscale	<i>Atriplex confertifolia</i>	1
winterfat	<i>Eurotia lanata</i>	2
alkali sacaton	<i>Sporobolus airoides</i>	3
Indian ricegrass	<i>Oryzopsis hymenoides</i>	3
galleta grass	<i>Hilaria jamesii</i>	3
scarlet globemallow or Cicer milkvetch	<i>Sphaeralcea coccinea</i> or <i>Astragalus sabulosus</i>	1

2.3 Alternatives Considered But Not Analyzed In Detail

An alternative that was considered is to collocate the substation with Resolute's existing water injection plant south of the power line and proposed substation location, along Phillips Camp Road. This alternative was not analyzed in detail because the water injection plant site doesn't offer sufficient space for the substation's footprint. No other significant issues were identified for the present location of the Proposed Action during the following activities:

1. on-site inspections;
2. Cultural Resources Inventories;
3. Threatened, Endangered, and Special Status Species Surveys; and the
4. review of Navajo Nation Department of Fish and Wildlife species of concern known to occur or with the potential to occur in the 7.5-minute Montezuma Creek, UT Quadrangle.

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

3. Description of Affected Environment

This section describes the environment that would be affected by implementation of the Proposed Action. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Certain critical environmental components require analysis under BLM policy. These items are included below in Table 3.1. Non-critical elements of the affected environment are included in Table 3.2. Following the tables, only the aspects of the affected environment that are potentially impacted are described.

Table 3.1: Critical Elements of the Affected Environment

Resources	Located in Project Area	Not Located in Project Area	Further Analysis Presented in Text	Basis for No Further Analysis
Air Resources	X		X	
Areas of Critical Environmental Concern (ACEC)		X		The Proposed Action is not within an ACEC. The Closest ACEC is the Hovenweep ACEC approximately 15 miles northeast of the Proposed Action.
Cultural Resources	X		X	
Native American Religious Concerns		X		The site-specific Class III survey identified no known remains that fall within the purview of the National American Graves Protection and Repatriation Act (1990).
Environmental Justice	X		X	
Farmlands, Prime or Unique		X		All visual surveys indicated that no farmlands are present.
Floodplains		X	X	
Invasive, Non-native Species	X		X	
Threatened or Endangered Species	X		X	
Wastes, Hazardous or Solid	X		X	
Water Quality – Surface/Ground	X		X	
Wetlands/Riparian Zones		X		The Preliminary Wetland Delineation and Jurisdictional Determination identified no wetlands or riparian zones in the Proposed Action area.
Wild and Scenic Rivers		X		The Proposed Action is not within or adjacent to any areas designated as a wild and scenic river.
Wilderness		X		The Proposed Action is not within or adjacent to any designated wilderness areas.

Table 3.2: Non-Critical Elements of the Affected Environment

Resources	Located in Project Area	Not Located in Project Area	Further Analysis Presented in Text	Basis for No Further Analysis
General Topography/Surface Geology	X		X	
Land Use	X		X	
Livestock Grazing	X		X	
Mineral Resources	X		X	
Noise	X		X	
Paleontology		X		No paleontological resources were identified in the Proposed Action area.
Public Health and Safety	X		X	
Recreation		X		The Proposed Action is not located in or near a designated recreation area.
Soils/Watershed/Hydrology	X		X	
Special Status Species	X		X	
Vegetation, Forestry	X		X	
Visual Resources	X		X	
Wild Horse and Burros		X		There are no known wild horses or burros in the Proposed Action area.
Wildlife	X		X	

3.1 Air Resources

The proposed project is located in San Juan County, Utah on mixed land ownership. There are no air quality compliance regulations defined by the Navajo Nation. However, the BLM MFO has published general information on air quality regulations and guidance in its Record of Decision and Approved RMP (USDI BLM 2008). Therefore, the BLM must consider and analyze the potential effects of BLM and BLM-authorized activities on air resources as part of the planning and decision making process.



In addition to the air quality information in the 2008 RMP, new information about greenhouse gases (GHGs), and their effects on national and global climate conditions has

emerged. On-going scientific research has identified the potential impacts of GHG emissions such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), water vapor, and several trace gases, on global climate. Through complex interactions on a global scale, GHG emissions may cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although GHG levels have varied for millennia (along with corresponding variations in climatic conditions), industrialization and burning of fossil carbon sources have caused GHG concentrations to increase measurably, and may contribute to overall climatic changes, typically referred to as global warming.

Alongside the increase in GHG concentrations, there has been a tightening of regulations. On October 17, 2006, the EPA issued a final ruling on the lowering of the National Ambient Air Quality Standard (NAAQS) for particulate matter that is 2.5 microns in diameter (PM_{2.5}) or smaller in size. This ruling became effective on December 18, 2006, stating that the 24-hour standard for PM_{2.5} was lowered to 35 ug/m³ from the previous standard of 65 ug/m³. This revised PM_{2.5} daily NAAQS was promulgated to better protect the public from short-term particle exposure. (EPA 2006)

Regarding air quality decisions, the 2008 RMP defers to either the State of Utah or the EPA. Air resources include air quality and climate, which are subdivided into applications, activities, and management. The EPA has the primary responsibility for regulating air quality, including seven nationally regulated ambient air pollutants. Regulation of air quality is also delegated to some states, of which Utah is one. Air quality is determined by atmospheric pollutants and chemistry, dispersion meteorology, and terrain; and also includes applications of noise, smoke management, and visibility. Climate is the composite of generally prevailing weather conditions of a particular region throughout the year, averaged over a series of years. Greenhouse gases and the potential effects of GHG emissions on climate are not regulated by the EPA, however climate is important to consider because it has the potential to influence renewable and non-renewable resource management.

Air Quality

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

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

The EPA’s Inventory of US Greenhouse Gas Emissions and Sinks found that total U.S. GHG emissions were over 6.7 billion metric tons and that total U.S. GHG emissions have increased by 8.4% from 1990 to 2011. Emissions decreased from 2010 to 2011 by 1.6% (108.0 million metric tons CO₂ Eq.). The decrease was due to a decrease in carbon intensity

of fuels consumed to generate electricity (due to a substitution of coal use by natural gas and an increase in hydropower use), and relatively mild winter conditions. (EPA 2013)

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

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

Climate

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

In 2007, the Intergovernmental Panel on Climate Change (IPCC) predicted a warming of about 0.2°C per decade for the next two decades, and then a further warming of about 0.1°C per decade (IPCC 2007). The National Academy of Sciences (NAS) believes that the need for urgent action to address climate change is now indisputable and it has called on the G8+5 nations to seize all opportunities to coordinate their simultaneous work on the climate and economic agendas (NAS 2009).

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

3.1.1 No Action Alternative

3.1.1.1 Direct and Indirect Effects

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

3.1.2 Proposed Action

3.1.2.1 Direct and Indirect Effects

Air Quality

1. There will be a short-term (approximately one month) increase in dust during construction of the Proposed Action. This impact would subside as disturbed areas are reclaimed.
2. There will be a minor, short-term increase (approximately one month) in local combustive emissions from operating vehicles and earth moving equipment.
3. There will be a minor long-term impact to air quality from motorized vehicles performing periodic maintenance of the substation.
4. There would be minor and sporadic, long-term fugitive dust creation during maintenance of the substation.

Climate

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

3.1.2.2 Mitigation

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

3.2 Cultural Resources

Complete Archaeological Service Associates performed a Class III archaeological survey in the project area. A determination of "no historic properties affected" was made. The Cultural Resources Compliance Form (CRCF) is attached as Appendix 3.

3.2.1 No Action Alternative

3.2.1.1 Direct and Indirect Effects

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

3.2.2 Proposed Action

3.2.2.1 Direct and Indirect Effects

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

3.2.2.2 Mitigation

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

3.3 Environmental Justice

Executive Order 12898 requires federal agencies to assess projects to ensure there are no disproportionately high or adverse environmental, health, or safety effects on minority and low-income populations (1994). Minorities comprise greater than half of the population residing in San Juan County (USDI BLM August 2008).

3.3.1 No Action Alternative

3.3.1.1 Direct and Indirect Effects

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

3.3.2 Proposed Action

3.3.2.1 Direct and Indirect Effects

There are no residences within the project area and very few residences near the project area. The nearest residence is more than one-third of a mile from the proposed substation location. The Proposed Action is not located on public lands and the area is not used for wood gathering or hunting. There are grazing permits in the area. Indirect effects could include positive effects due to increased employment opportunities in the oil and gas, and service support industry in the region as well as the economic benefits to state and county governments related to royalty payments and severance taxes. Direct effects to minority or low-income populations include a slight increase in activity and noise disturbance.

3.3.2.2 Mitigation

Regarding an increase in activity and noise disturbance, see Section 3.13 Noise, below.

3.4 Floodplains

The permit activity is in an area that has not been delineated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the 100-year floodplain (FEMA 2010). Impacts on floodplains typically occur when the topography within a floodplain is substantially modified either by placement or removal of materials within the floodplain.

3.4.1 No Action Alternative

3.4.1.1 Direct and Indirect Effects

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

3.4.2 Proposed Action

3.4.2.1 Direct and Indirect Effects

Because this is a substation and access road, the permit activity will not substantially modify topography in the permit activity area. Therefore, no impacts to floodplains are anticipated. Additional information on floodplains is covered under Section 3.15 Soils/Watershed/Hydrology, below.

3.4.2.2 Mitigation

No mitigation is required.

3.5 Invasive, Non-native Species

There are seventeen species listed on the BIA Navajo Noxious Weed List (USDI OSM 1999). Two species, halogeton (*Halogeton glomeratus*) and Russian knapweed (*Acroptilon repens*), are present. Both of these species are classified as “Priority B”, indicating that they are new noxious weeds known to have invaded isolated locales on the reservation. Emphasis is placed on immediate control, prevention of seed spread, and eradication. The halogeton was observed as scattered plants across most of the top of Flat Top Mountain. The Russian knapweed was observed, and sometimes dominant, under the tamarisk along the north side of the San Juan River.

3.5.1 No Action Alternative

3.5.1.1 Direct and Indirect Effects

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

3.5.2 Proposed Action

3.5.2.1 Direct and Indirect Effects

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

3.5.2.2 Mitigation

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

3.6 Threatened or Endangered Species

On August 22 and 23, 2012, and in the spring and early summer of 2013, wildlife biologists conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species.

Two Navajo Nation Endangered Species were observed during the surveys: the southwestern willow flycatcher (*Empidonax trailii extimus*), and the yellow warbler (*Setophagus petechia*).

Although not observed during the surveys, the project area provides potential habitat for the bald eagle (*Haliaeetus leucocephalus*), the golden eagle (*Aquila chrysaetos*), the peregrine falcon (*Falco peregrinus*), and potentially the belted kingfisher (*Ceryle alcyon*). These are all Navajo Nation Endangered Species and protected by the Migratory Bird Treaty Act (MBTA). Since these species may only occasionally forage in or occur in the project area, they should not be adversely impacted by the proposed project. The full Threatened, Endangered, and Special Status Wildlife Species Report is attached as Appendix 4. No threatened or endangered plant species occur in the Proposed Action area. The full Plant Survey Report is attached as Appendix 5.

3.6.1 No Action Alternative

3.6.1.1 Direct and Indirect Effects

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

3.6.2 Proposed Action

3.6.2.1 Direct and Indirect Effects

The MBTA protects migratory birds from a “take”. Take is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities”. A “take” does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof.

Nesting migratory birds could be adversely impacted by a potential take.

3.6.2.2 Mitigation

Perform construction activities outside of the breeding season of the southwestern willow flycatcher, yellow warbler, and belted kingfisher (May 1 – August 31). This will protect nesting migratory birds from a potential take.

3.7 Wastes, Hazardous or Solid

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

3.7.1 No Action Alternative

3.7.1.1 Direct and Indirect Effects

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

3.7.2 Proposed Action

3.7.2.1 Direct and Indirect Effects

Trash and unwanted materials will be generated by construction.

3.7.2.2 Mitigation

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

3.8 Water Quality – Surface/Ground

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

Recharge from precipitation is the primary source of groundwater in the project area. The project area receives approximately 7.84 inches of annual precipitation (WRCC 2012). Permeability can be low, reducing yields depending on the location in the Paradox Basin. Drainage in the project area is generally north into the San Juan River.

The groundwater zones present beneath the project area are the Dakota-Glen Canyon and the Coconino-De Chelly (Allen 2011). The Dakota-Glen Canyon aquifer system is the shallower of the two aquifers underlying the project area. There are two groundwater wells just west of the town of Montezuma Creek and approximately 750 yards from where the power line enters Navajo Tribal Trust land. In general, most diversions (surface and groundwater) are located along the San Juan River.

3.8.1 No Action Alternative

3.8.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to water quality – surface/ground would occur.

3.8.2 Proposed Action

3.8.2.1 Direct and Indirect Effects

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

3.8.2.2 Mitigation

The following actions will be taken to protect surface and groundwater resources:

-
1. Any spilled contaminants will be cleaned up as soon as possible to prevent run-off of contaminants into surface hydrology or infiltration into groundwater.
 2. The Proposed Action will be reclaimed as outlined in Section 2.2.3. Re-seeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years.

3.9 General Topography/Surface Geology

The elevation in the proposed substation area is approximately 4715 feet. Topography in the project area is relatively flat and smooth with gently rolling terrain on a low grade. Drainage in the project area varies, but ultimately all drainages flow to the San Juan River. The surficial geology of the project area is comprised of three units, the Morrison Formation (J2) on all upland areas, Alluvium and Colluvium (Qa) on all active stream beds, and Older Alluvial Deposits (Qao) on abandoned terraces surrounding the town of Montezuma Creek (UGS 2011).

Disturbances in the project area include power lines, two paved highways with cleared right-of-way corridors, dirt and two-track roads, pipelines, an abandoned residential area including an abandoned sewage pond, a small structure and cleared area on Flat Top Mountain, and grazing by horses, sheep, and cattle.

3.9.1 No Action Alternative

3.9.1.1 Direct and Indirect Effects

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

3.9.2 Proposed Action

3.9.2.1 Direct and Indirect Effects

1. A direct effect to the natural topography will result from leveling the area for construction activities.
2. An indirect effect to natural drainage patterns will result from leveling the natural topography.
3. The indirect effect of disturbance and loss to soil and seed banks will result from leveling the natural topography.

3.9.2.2 Mitigation

1. Surface disturbance and vehicular traffic will be limited to approved locations to reduce the area of disturbance.
2. Disturbed areas will be reclaimed pursuant to Section 2.2.3. Reseeding will help prevent soil loss and seed bank disturbance/loss. Successful reclamation will take two to three years.
3. Use of BMPs listed in Section 2.2.

3.10 Land Use

The Proposed Action is located on Navajo Tribal Trust land. Current land uses include utility corridors, grazing, and oil and gas development.

3.10.1 No Action Alternative

3.10.1.1 Direct and Indirect Effects

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

3.10.2 Proposed Action

3.10.2.1 Direct and Indirect Effects

Short-term impacts will come from clearing the land for substation and access road construction. Long-term impacts will come from the footprint of the substation and access road remaining cleared.

3.10.2.2 Mitigation

Reclamation of the Proposed Action as stated in Section 2.2.3 will replace, and may even enhance, vegetative cover removed for construction by replacing shrubs with grass. Successful reclamation is expected to take at least two to three years.

3.11 Livestock Grazing

The Proposed Action is located on Navajo Tribal Trust land. Land in the project area is currently grazed by several permittees.

3.11.1 No Action Alternative

3.11.1.1 Direct and Indirect Effects

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

3.11.2 Proposed Action

3.11.2.1 Direct and Indirect Effects

Short-term impacts will come from clearing the land for substation and access road construction (approximately one month). Long-term impacts will come from the footprint of the substation and access road remaining cleared. Stockpiled soil will be entirely reclaimed and seeded following construction. Following reclamation, most permanently affected lands will be returned to their primary existing function of grazing.

3.11.2.2 Mitigation

A process is underway to gain written permission from grazing permittees for Resolute's proposed use of Navajo Tribal Trust lands as part of this project. Once all grazing permittees have been signed, the Navajo Nation will supply Resolute with a surface damages compensation letter specifically outlining the payees and amounts for disbursement of damages.

3.12 Mineral Resources

The Proposed Action is located in the historic Aneth Oil Field, which has been a source for petroleum extraction since the 1950's (McPherson).

3.12.1 No Action Alternative

3.12.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed. The indirect impact of this would be that without increased power, mineral resources would be extracted from the Aneth Oil Field at their current rate, meaning that depletion of these resources would occur more slowly than under the Proposed Action alternative.

3.12.2 Proposed Action

3.12.2.1 Direct and Indirect Effects

A long-term indirect effect of the power line is the increased rate of extraction of oil and gas resources from the Aneth Oil Field that will be enabled by construction of the Proposed Action.

3.12.2.2 Mitigation

The Navajo Nation will be compensated through royalty payments for the use of the land for the Proposed Action.

3.13 Noise

Noise is not currently regulated or managed by the Navajo Nation. The Proposed Action is in a rural location and is not near any designated Noise Sensitive Area (NSA). The nearest residence to the proposed substation is more than one-third of a mile away. Low level noises are emitted from the residents, traffic on roadways, and operation of wells and infrastructure in the Aneth Oil Field. The most likely receptors of noise generated from the Proposed Action would be those traveling to the area for work activities and persons in nearby residences.

3.13.1 No Action Alternative

3.13.1.1 Direct and Indirect Effects

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

3.13.2 Proposed Action

3.13.2.1 Direct and Indirect Effects

1. Noise will be generated as part of construction activities associated with the Proposed Action. Noise will occur for a period of approximately one month. Once construction is complete and operation begins, noise levels will be approximately 37 dB 100 meters from the substation, which will have fans running to cool its equipment.
2. Occasional maintenance and/or monitoring vehicles will travel to and within the project area during normal operations.

3.13.2.2 Mitigation

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

3.14 Public Health and Safety

There are a few residences near the project area with the nearest home more than one-third of a mile from the proposed substation. Most activity in the project area is from oil and gas industry workers and dispersed residences. Resolute employees are the most likely persons to be in the vicinity of the Proposed Action.

3.14.1 No Action Alternative

3.14.1.1 Direct and Indirect Effects

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

3.14.2 Proposed Action

3.14.2.1 Direct and Indirect Effects

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

3.14.2.2 Mitigation

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

3.15 Soils/Watershed /Hydrology

Soils

The soils in the Paradox Basin were formed primarily in two kinds of parent material, alluvial sediment and sedimentary rock. The alluvial sediment is material that was deposited in river valleys and on mesas, plateaus, and ancient river terraces. The material has been mixed and sorted in transport and has a wide range in mineralogy and particle size. There are five distinct soil types in the project area. They include:

- Nakai loamy fine sand, one to eight percent slope;
- Badland-Typic Torrifluvents association, steep;
- Aquic Ustifluvents-Typic Fluvaquents association, gently sloping;
- Aneth-Sheppard association, rolling; and
- Badland

(SoilWeb Earth, 2013). The underlying bedrock is predominantly the Morrison Formation (Hintze, 1980).

Watershed

The Paradox Basin consists of broad mesas interspersed with several deep canyons with steep canyon walls, dry washes, entrenched narrow valleys, alluvial fans, and floodplains drained by the San Juan River.

Hydrology

Hydrology of the project area is directly affected by the stream flow regimes of the San Juan River.

The hydrologic setting of the project area is characterized by several ephemeral drainages filled with alluvium. Ephemeral flow is the principle source of groundwater recharge. Surface flows are associated with small ephemeral flows from snowmelt and summer thunderstorms. Drainages in the project area are categorized as sandy, silty, clayey, or gravelly sediment on the floodplain or streambeds. The alluvial cover usually conceals evidence of discharge, and small field springs are often the only surface expression of groundwater discharge. Most discharge to alluvial channels is lost by evapotranspiration. However, some water also moves as subsurface flow.

The proposed project is almost entirely within the Montezuma Creek and Bucket Canyon watersheds. Drainage in the project area is toward the San Juan River. The San Juan River is the closest perennial surface water to the project area.

3.15.1 No Action Alternative

3.15.1.1 Direct and Indirect Effects

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

3.15.2 Proposed Action

3.15.2.1 Direct and Indirect Effects

1. Soils will be structurally reduced and mixed, exposed to the elements of wind and water erosion, and compacted.
2. Due to wind and water, the soils will be subject to an undetermined amount of erosion until vegetation is established.
3. Construction will temporarily disturb lands and create new alignments that will require earthwork.
4. Natural drainage patterns will be disrupted for construction of the Proposed Action.

3.15.2.2 Mitigation

1. Successful reclamation of the Proposed Action outlined in Section 2.2.3 will reduce long-term negative impacts to soils, watershed, and hydrology. Re-seeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years.
2. Use of general BMPs will reduce impacts to soils, watershed, and hydrology (see Section 2.2).

3.16 Special Status Species

On August 22 and 23, 2012, and in the spring and early summer of 2013, wildlife biologists conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species.

Although not observed during the surveys, the following species listed as “sensitive” by the Utah Division of Wildlife may forage in or occur in the project area: big free-tailed bat (*Nyctinomops mycrotis*), kit fox (*Vulpus microtis*), silky-pocket mouse (*Perognathus flavus*), and Townsend’s big-eared bat (*Corynorhinus townsendii*). Since these species may only occasionally forage in or occur in the project area, they should not be adversely impacted by the proposed project.

Twenty-nine bird species observed during the wildlife surveys are protected under the MBTA. If the listed mitigation measures are followed, these species should not be adversely impacted by the Proposed Action. The full Threatened, Endangered, and Special Status Wildlife Species Report is attached as Appendix 4.

Additionally, the project area offers habitat for Cutler’s milkweed (*Asclepias cutleri*) listed as sensitive by the Navajo Natural Heritage Program. The full Plant Survey Report is attached as Appendix 5.

3.16.1 No Action Alternative

3.16.1.1 Direct and Indirect Effects

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

3.16.2 Proposed Action

3.16.2.1 Direct and Indirect Effects

Given the relatively small scale of the proposed disturbance for the Proposed Action and the fact that the big free-tailed bat, kit fox, silky-pocket mouse, and Townsend's big-eared bat may only occasionally forage in or occur in the project area, they should not be adversely impacted by the proposed project. In general, animals could be directly impacted by spilled contaminants or falling into open cavities. They could be indirectly impacted by loss of vegetative cover.

3.16.2.2 Mitigation

1. Promptly clean up any spilled contaminants.
2. Cover any open cavities with mesh to keep animals out.
3. Use effective reclamation methods, as described in Section 2.2.3.

3.17 Vegetation, Forestry

The project area is located in the Aneth Oil Field. It is comprised of unmanaged riparian woodland and sagebrush scrub habitat that is currently utilized for livestock range, and oil and gas field development. The overall project area is previously disturbed from construction of well pads, roads, water diversion/flood control structures, and industrial development.

The floodplain on the south side of the San Juan River supports scattered glabrate rabbitbrush (*Chrysothamnus nauseosus* var. *graveolens*) with a band of sandbar willow (*Salix exigua* var. *stenophylla*). The river flows at the base of a steep rocky slope on the south side. The top of the slope is a gently rolling plain supporting broom snakeweed (*Gutierrezia sarothrae*), Greene's rabbitbrush (*Chrysothamnus Greenei*), and Cutler's ephedra (*Ephedra viridis* var. *viscida*) with areas of Bigelow's rabbitbrush (*Chrysothamnus nauseosus* var. *bigelovii*) and with Russian thistle (*Salsola tragus*) along the dirt roads.

The northeast side of Flat Top Mountain is rocky with exposed shale and supports shadscale (*Atriplex confertifolia*) and Torrey's ephedra (*Ephedra torreyana*), particularly at the base. The top of the mesa is dominated by Torrey's ephedra, broom snakeweed, shadscale, central pricklypear (*Opuntia polyacantha*), galleta (*Hilaria jamesii*), and large areas of mat-saltbush (*Atriplex corrugata*). On the southwest side of the mesa, the proposed power line passes through very open terrain with broom snakeweed, Cutler's ephedra, false buffalograss (*Munroa squarrosa*), sand dropseed (*Sporobolus cryptandrus*), and occasional areas of shadscale. There are no forestry resources in the project area. A complete inventory of plant species can be found in Appendix 5.

3.17.1 No Action Alternative

3.17.1.1 Direct and Indirect Effects

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

3.17.2 Proposed Action

3.17.2.1 Direct and Indirect Effects

The Proposed Action will disturb a total of 0.481 acres of land.

3.17.2.2 Mitigation

Reclamation, as outlined in Section 2.2.3, will mitigate impacts to vegetation from the construction of the Proposed Action. Reseeding will replace vegetation removed during construction. Successful reclamation is expected to take two to three years.

3.18 Visual Resources

Visual resources are not currently inventoried or managed by the Navajo Nation. However, the BLM has developed a Visual Resource Management (VRM) classification system designed to maintain or enhance visual qualities and describe different degrees of modification to the landscape. There are four VRM classes (Classes I through IV), which identify suggested degrees of allowed human modification to a landscape. Class I allows the least modification and Class IV allows the most (USDI BLM 2008).

The nearest designated VRM area is the western portion of Resolute's comprehensive project (which is on BLM land and is not covered under this EA). It is designated as VRM Class III. Projects constructed in Class III areas must partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape (USDI BLM 2008).

3.18.1 No Action Alternative

3.18.1.1 Direct and Indirect Effects

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

3.18.2 Proposed Action

3.18.2.1 Direct and Indirect Effects

1. Short-term impacts to visual resources could come from dust, truck traffic, placement of heavy equipment during construction (approximately one month), and clearing of vegetation for the substation and access road.
2. Changes in contrast, color, and line of the project area will result from the general removal of vegetation from the substation area and access road. Also, the substation building will interrupt the line of sight and introduce vertical elements to the landscape.

3.18.2.2 Mitigation

Reclaiming the project area as outlined in Section 2.2.3 will reduce impacts to visual resources by reestablishing a viable plant community.

3.19 Wildlife

Wildlife occurring in the area is typical of arid grasslands and shrublands and degraded riparian corridors of the Great Basin Desert. This includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Ampisiza bilineata*), and yellow-breasted chat (*Icteria virens*), as well as black-tailed jackrabbits (*Lepus californicus*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Aspidoscelis spp.*). A complete inventory of observed species is included in Appendix 4.

3.19.1 No Action Alternative

3.19.1.1 Direct and Indirect Effects

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

3.19.2 Proposed Action

3.19.2.1 Direct and Indirect Effects

The wildlife that uses the site may die or be displaced during construction. Removal of vegetation for construction of the Proposed Action may reduce wildlife forage and cover in the area.

3.19.2.2 Mitigation

1. Reclamation of the Proposed Action as outlined in Section 2.2.3 will reduce the long-term impacts to wildlife that use the area. Reseeding disturbed areas will replace vegetation removed during construction. In some instances, there may be a benefit from successful reclamation due to an increase in vegetative cover and wildlife forage. Successful reclamation is expected to take two to three years.
2. Heavy, earth-moving equipment will be restricted to existing roads and the proposed substation and access road to reduce impacts to ground dwelling wildlife at the project site.

3.20 Cumulative Effects

3.20.1 No Action Alternative

Under the No Action Alternative, this project would not be approved or constructed. However, without this project, it is likely that other development of oil wells, water injection wells, power lines, and associated facilities on public and Tribal lands in the Aneth Oil Field will continue to occur. The most likely cumulative effects of the No Action Alternative continuing with reasonably foreseeable future development is habitat fragmentation for wildlife and plants, disturbance of soils resulting in potential reductions in air quality, and increased traffic from construction and maintenance of future facilities.

3.20.2 Proposed Action

The Proposed Action will disturb 0.481 permanent acres on Navajo Tribal Trust land, adding to the disturbance already existing in the general area. The Proposed Action is located in the Aneth oil field. There are two water wells, 25 injection wells, 26 oil wells, and 12 plugged wells within a mile of the Proposed Action. Analysis of cumulative impacts for reasonably foreseeable future development of new oil wells, water injection wells, power lines, and associated facilities on public and Tribal lands in the Aneth Oil Field is expanding and will continue to occur. The most likely cumulative effects from the Proposed Action coupled with reasonably foreseeable

future development is accelerated habitat fragmentation for wildlife and plants, disturbance of soils resulting in potential reductions in air quality, and increased traffic from construction and maintenance of future facilities.

The lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential cumulative impacts of the proposed project. However, potential impacts to natural resources and plant and animal species due to climate change are likely to be varied, including those in the southwestern United States. For example, if global climate change results in a warmer and drier climate, increased particulate matter impacts could occur due to increased windblown dust from drier and less stable soils. Cool season plant species' spatial ranges are predicted to move north and to higher elevations, and extinction of endemic threatened and endangered plants may be accelerated.

4. Consultation/Coordination

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

Table 4.1: Project Interdisciplinary Team

Member	Title	Organization	Onsite Inspection	Date of Inspection
Liz Berdugo	Consultant/Author	Permits West, Inc.	no	n/a
Charles Black, Cindy Lawrence, Geoff Carpenter	Wildlife Biologist	Permits West, Inc.	yes	8/22-23/2012, 5/30/13, 6/5/13, 6/22/13, 7/2/13, 7/17/13
Marian Rohman	Field Botanist	Permits West, Inc.	yes	8/10/12, 9/7/12, 6/26/13
Curtis Pattillo	Principal Biologist	Southwest Environmental, Inc.	yes	7/16/13
Mary Errickson, Laurens Hammack	Archaeologist	Complete Archaeological Services Associates	yes	6/24/13 – 7/10/13

5. Contact Information

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

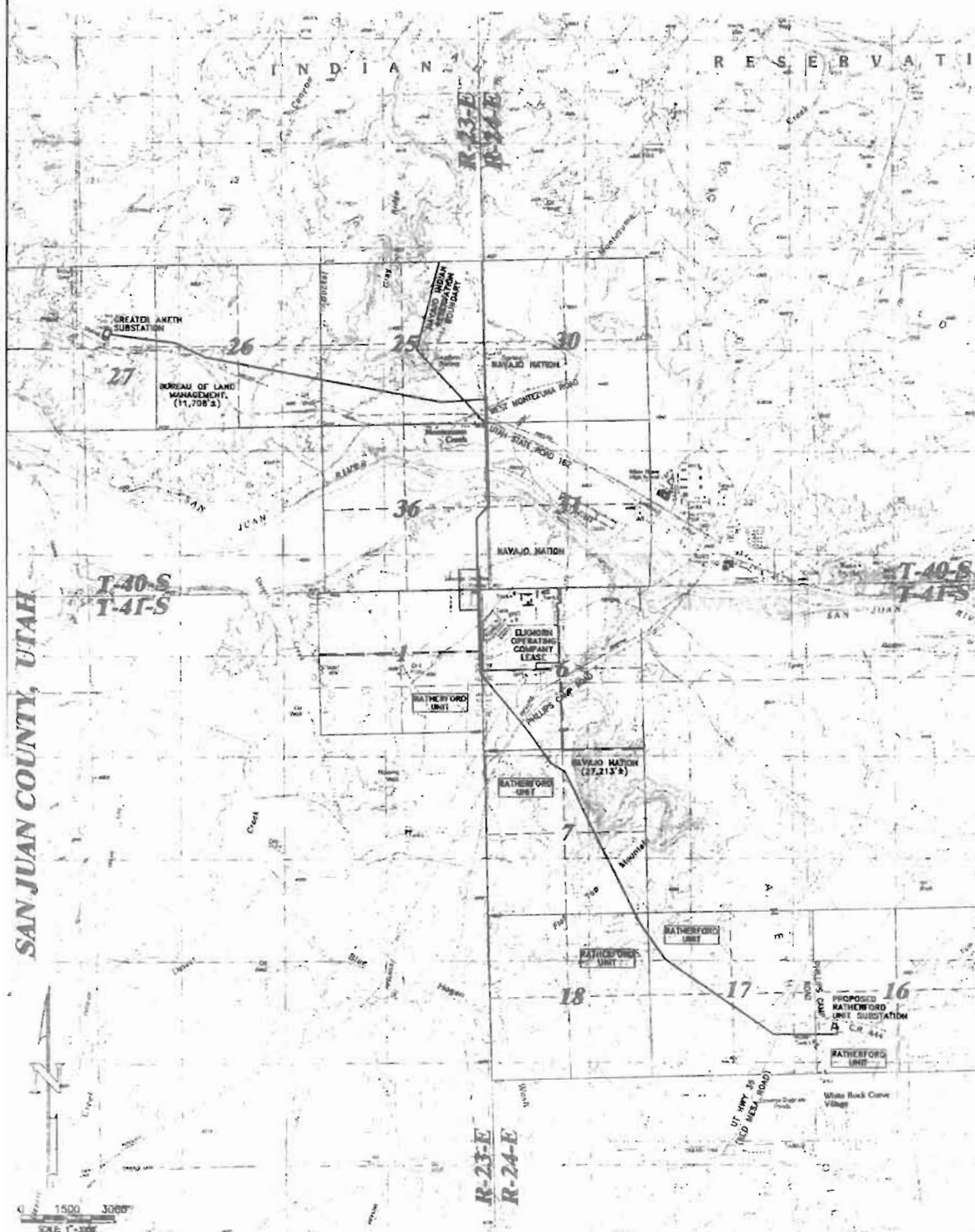
Dwight E. Mallory
Resolute Aneth, LLC
1675 Broadway, Suite 1950
Denver, CO 80202
(303) 434-4600

6. References

- Allen, Eric. 2011. Colorado Plateaus Aquifers. Available:
<http://academic.emporia.edu/schulmem/hydro/TERM%20PROJECTS/2007/Allen/Aquifer.html> and http://pubs.usgs.gov/ha/ha730/ch_c/jpeg/C107.jpeg
- Executive Order 12898, 59 Fed. Reg. 7629, February 11, 1994.
- Federal Emergency Management Agency Map Service Center. 2010. Map Service Center, Flood Maps. Accessed May 2013. Available: <https://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>
- Hintze, Lehi F., compiler. 1980. Geologic Map of Utah. Utah Geological and Mineral Survey. Salt Lake City, Utah.
- Intergovernmental Panel on Climate Change. 2007. *Fourth Assessment Report: Climate Change 2007 (AR4)*.
- McPherson, Robert S. *The History of San Juan County*. Available:
http://historytogo.utah.gov/utah_chapters/utah_today/anethoilfield.html
- National Academy of Sciences. May 2009. *G8+5 Academies' Joint Statement: Climate Change and the Transformation of Energy Technologies for a Low Carbon Future*.
- National Aeronautics and Space Administration, Goddard Institute for Space Studies. Surface Temperature Analysis. January 2013. Available:
<http://www.giss.nasa.gov/research/news/20130115/>
- National Environmental Policy Act. Public Law 91-90, 42 USC 4321 et seq., 1969.
- National Historic Preservation Act. Public Law 39-665, 16 USC 470 et seq., 1966.
- National Pollutant Discharge Elimination System. Federal Register, Volume 71, Page 33628 - 33640. 2006.
- Native American Graves Protection and Repatriation Act, Title 25 U.S. Code, Sec. 3001 et seq., 1990. Available: <http://www.nps.gov/nagpra/mandates/>
- SoilWeb Earth, 2013. California Soil Resource Lab. Accessed September 2013.
http://casoilresource.lawr.ucdavis.edu/soil_web/ssurgo.php
- U.S. Environmental Protection Agency. April 2013. *Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2011*. Washington, D.C.

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- U.S. Environmental Protection Agency. October 17, 2006. *National Ambient Air Quality Standards for Particulate Matter; Final Rule*. Washington, D.C.
- U.S. Department of the Interior, Bureau of Land Management, Monticello Field Office. August 2008. *Proposed Resource Management Plan and Final Environmental Impact Statement*. Monticello, Utah.
- U.S. Department of the Interior, Bureau of Land Management, Monticello Field Office. November 2008. *Record of Decision and Approved Resource Management Plan*. Monticello, Utah.
- U.S. Department of the Interior, Bureau of Land Management. January 2008. NEPA Handbook (H-1790-1).
- United States Department of the Interior, Office of Surface Mining (OSM). 1999. *A Guide to Noxious Weeds of the Navajo Reservation*. U.S. Department of the Interior.
- U.S. Government Accountability Office. August 7, 2007. *Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources* (GAO-07-863).
- Utah Geological Survey (UGS). Statewide Digital Geologic Map of Utah. Accessed 2011. Available: <http://geology.utah.gov/maps/geomap/statemap/pdf/digitalgeoutah.pdf>
- Western Regional Climate Center (WRCC), 2012. Aneth Plant, Utah (420157) Period of Record Monthly Climate Summary; Period of Record: 5/3/1900 to 2/29/2008. Accessed September 4, 2013. Available: <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ut0157>

RESOLUTE NATURAL RESOURCES GREATER ANETH SUBSTATION TO RATHERFORD UNIT 69 KV POWER LINE & FACILITIES



QUADRANGLES
MONTEZUMA CREEK
WHITE MESA VILLAGE
HOGAN WESA
RECAPTURE POCKET

RESOLUTE NATURAL RESOURCES DENVER, COLORADO			
SURVEYED: 02/1/10-11, 04/10	REV. DATE: 12/11/13	PROJECT NO: 9835	
DESIGNED BY: NLS	DATE DRAWN: 07/12/11	FILE NAME: 0030700	
UNITED FIELD SERVICES INC.		P.O. BOX 1951 FARMINGTON, NM 87401 OFFICE: (505) 324-0400	

June 02, 2014

**RESOLUTE NATURAL RESOURCES COMPANY
PROPOSED RATHERFORD UNIT SUBSTATION SITE & ACCESS ROAD
NW/4 OF THE SW/4 OF SECTION 16,
TOWNSHIP 41 SOUTH, RANGE 24 EAST, SALT LAKE MERIDIAN,
SAN JUAN COUNTY, UTAH**

A parcel of land for a proposed substation site and a strip of land, 20 feet wide, for a proposed access road located in Section 16, Township 41 South, Range 24 East, Salt Lake Meridian, San Juan County, Utah, being more particularly described as follows:

Substation Site:

Beginning at a point located in the Northwest Quarter of the Southwest Quarter of said Section 16. Said point, being the Point of Beginning for this description, bears South 30°12'25" East, a distance of 1155.65 feet from the West Quarter corner of said Section 16;

Thence South 81°58'53" East, a distance of 76.99 feet;

Thence South 81°48'59" East, a distance of 55.02 feet;

Thence South 8°04'17" West, a distance of 150.32 feet;

Thence North 81°54'21" West, a distance of 132.02 feet;

Thence North 8°04'29" East, a distance of 150.31 feet to the Point of Beginning.

The above described parcel of land contains 19,850 square feet or 0.456 acre, more or less.

Access Road:

Beginning at a point located in the Northwest Quarter of the Southwest Quarter of said Section 16. Said point bears South 34°51'33" East, a distance of 1163.98 feet from the West Quarter corner of said Section 16;

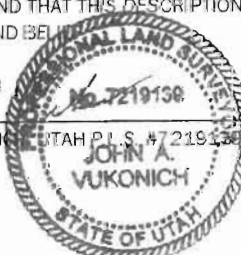
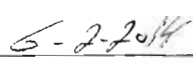
Thence South 7°58'22" West, a distance of 54.88 feet to a point located in said Northwest Quarter of the Southwest Quarter of Section 16. Said point bears South 81°58'53" East, a distance of 76.99 feet from a set 2" aluminum cap "7219139" for the Northwest corner of the proposed Ratherford Unit Substation Site.

The above described strip of land totals 54.88 feet, 0.010 mile, 3.326 rods in length and contains 0.025 acre, more or less.

Drawing No.: 10482T04

SURVEYOR'S CERTIFICATION

I, JOHN A. VUKONICH, BEING A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS DESCRIPTION WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS DESCRIPTION ACCURATELY REPRESENTS SAID SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

  
JOHN A. VUKONICH, UTAH P.L.S. #7219139 2201 DATE

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

LANDOWNER NAME: The Navajo Nation ALLOTMENT NUMBER: N/A (Navajo Tribal Trust)

COMES NOW THE APPLICANT Resolute Aneth, LLC of 1700 Lincoln St., Suite 2800, Denver, Colorado 80203 respectfully files under the names and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U. S. C. 323-328), and Departmental Regulations 25 CFR 169, an application for the grant of right-of-way for the following purposes and reasons:

To build, operate, and maintain a 132-foot by 150-foot electrical substation on 0.456 acres with an approximately 54.88 feet-long access road within a 20 foot-wide access corridor of 0.025 acres for a total of 0.481 acres within the Rutherford Unit, Montezuma Creek, San Juan County, Utah.

Across the following described Navajo Indian Reservation tribal trust land:
Section 16, Township 41 South, Range 24 East, San Juan County, Utah (see attached plats).

THE APPLICANT UNDERSTANDS AND HEREBY EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

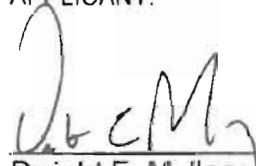
- (a) To construct and maintain the right-of-way in a workmanlike manner
- (b) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land on account of the survey, granting, construction and maintenance of the right-of-way
- (c) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
- (d) To restore the lands as nearly as possible to their original condition upon the completion of construction to the extent compatible with the purpose for which the right-of-way was granted.
- (e) To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.
- (f) To take soil and resources conservation and protection measures, including weed control, on the land covered by the right-of-way.
- (g) To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
- (h) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
- (i) That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
- (j) To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and of the names and addresses of its principal officers.
- (k) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
- (l) During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

DATE 6/12/14

APPLICANT:

A handwritten signature in dark ink, appearing to read 'D. E. Mallory', is written over a horizontal line.

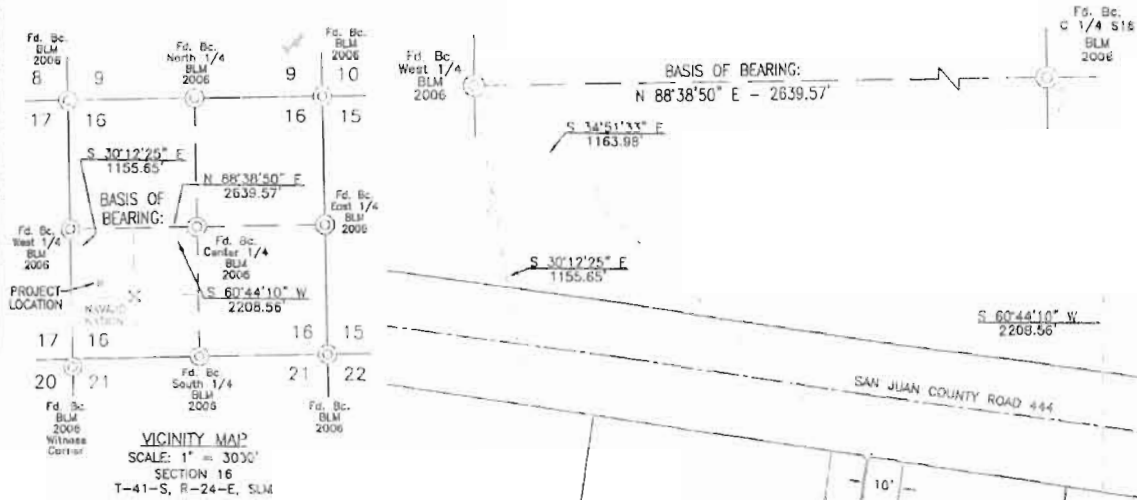
Dwight E. Mallory
Environmental & Regulatory Manager

RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

PROPOSED RATHERFORD UNIT SUBSTATION SITE

NW 1/4 OF THE SW 1/4 OF SECTION 16, T-41-S, R-24-E, SALT LAKE MERIDIAN
SAN JUAN COUNTY, UTAH



	BEARING	DISTANCE
L1	S 81°58'53" E	76.99'
L2	S 81°48'50" E	55.02'
L3	S 8°04'17" W	150.32'
L4	N 81°54'21" W	132.02'
L5	N 8°04'29" E	150.31'
L6	S 7°58'22" W	54.88'

PROPOSED ACCESS ROAD
Sq. Ft. = 1098
Acres = 0.025

RATHERFORD UNIT SUBSTATION SITE
Sq. Ft. = 19850
Acres = 0.456

I, DWIGHT MALLORY, DO HEREBY CERTIFY THAT I AM THE ENVIRONMENTAL, HEALTH, AND SAFETY COORDINATOR FOR RESOLUTE ANETH, LLC HERINAFTER DESIGNATED THE APPLICANT; THAT JOHN A. VUKONICH IS CONTRACTED BY THE APPLICANT AS A PROFESSIONAL LAND SURVEYOR, AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THE PROPOSED RATHERFORD UNIT SUBSTATION AND ACCESS ROAD, WHICH TOTALS 0.481 ACRES, AND TO PREPARE THIS PLAT; THAT THE LOCATION OF SAID SURVEY, BEING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 41 SOUTH, RANGE 24 EAST, SALT LAKE MERIDIAN, SAN JUAN COUNTY, UTAH, IS ACCURATELY REPRESENTED ON THIS PLAT; THAT SUCH SURVEY AS REPRESENTED ON THIS PLAT HAS BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF THE RIGHT-OF-WAY THEREBY SHOWN; AND THAT THIS PLAT HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENT, THEREON AND THEREOVER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

DWIGHT MALLORY
ENVIRONMENTAL, HEALTH, & SAFETY COORDINATOR
RESOLUTE ANETH, LLC

Subscribed and sworn to before me this 11th day of 20, 14

Notary Public

SHERA SPANTENBEIN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 2006014214
MY COMMISSION EXPIRES 04/11/2018

LEGEND:

- = SET 2" ALUMINUM CAP "7219139"
- = ROAD (CENTERLINE)
- = SURVEY LINE

0 20 40
SCALE: 1"=40'

I, JOHN A. VUKONICH, UTAH PROFESSIONAL SURVEYOR NO. 7219139, DO HEREBY CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN UTAH; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JOHN A. VUKONICH
john@utsum.com

RESOLUTE ANETH, LLC

SURVEYED: 04/26/13 REV. DATE: 04/18/14 CHECKED BY: A.D.
DRAWN BY: K.S. DATE DRAWN: 03/12/14 FILE NAME: 10452104

UNITED
FIELD SERVICES INC.

P.O. BOX 366Y
FARMINGTON, NM 87459
OFFICE: (505)314-0406



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

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-13-752 - REVISED
☒ CASA	OTHER PROJECT NO.: CASA 13-50

PROJECT TITLE: Cultural Resources Inventory, Resolute Natural Resources' Ratherford Unit Substation and Access Road, Montezuma Creek, San Juan County, Utah

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

PROJECT DESCRIPTION: The proposed undertaking will involve the construction on approximate 150-ft by 132-ft electrical substation with 54.88 feet of access road. The access road will be constructed within a 20-ft wide right-of-way. The area of effect is 0.481-acre. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Red Mesa

LOCATION: T.41S, R.24E - Sec. 16; White Mesa Village Quadrangle, San Juan County, Utah SLPM

PROJECT ARCHAEOLOGIST: Mary Errickson

NAVAJO ANTIQUITIES PERMIT NO: B13584

DATE INSPECTED: 07/10/13

DATE OF REPORT: 09/20/13

TOTAL ACREAGE INSPECTED: 3.799 - ac.

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

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

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

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

FORM PREPARED BY: Tamara Billie

FINALIZED: June 17, 2014 - Revised

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

Date

**THREATENED, ENDANGERED, AND SPECIAL STATUS
WILDLIFE SPECIES REPORT
FOR RESOLUTE ANETH LLC'S PROPOSED RATHERFORD UNIT SUBSTATION
AND ACCESS ROAD
SAN JUAN COUNTY, UTAH**

1.0 Introduction

Threatened, endangered, and special status wildlife species surveys were conducted in the project area for the proposed Greater Aneth Substation to Ratherford Unit 69kV Power Line, and the Ratherford Unit Substation and Access Road. The project site is located in S/2 NE/4 Section 27, SW/4 NW/4 and N/2 S/2 Section 26, and NW/4 SW/4 and S/2 S/2 Section 25, T. 40 S., R. 23 E., and SW/4 SW/4 Section 30, W/2 NW/4 and NW/4 SW/4 Section 31, T. 40 S., R. 24, E., and E/2 SE/4 Section 36, T. 40 N., R. 23 E., and E/2 NE/4 and NE/4 SE/4 Section 1, T. 41 S., R. 23E., and NW/4 SW/4 and SE/4 SW/4 Section 6, NE/4 NW/4, W/2 NE/4, N/2 SE/4, and SE/4 SE/4 Section 7, NE/4 NE/4 Section 18, W/2 NW/4, SE/4 NW/4, NE/4 SW/4, NW/4 SE/4, and SE/4 SE/4 Section 17, T. 41 N., R. 24 E. The proposed power line route is 38,918.91 feet in length. The majority of the power line is located on Navajo Nation Tribal Trust lands. The northwestern-most portion of the power line route is on BLM-administered lands and is located in the S/2 NE/4 of Section 27, the SW/4 NW/4 and N/2 S/2 of Section 26, and the NW/4 SW/4 and S/2 S/2 of Section 25 in T. 40 S., R. 23 E.

2.0 Methods

On August 22 and 23, 2012, and in the spring and early summer of 2013, Wildlife Biologists Geoff Carpenter, Cindy Lawrence, and Charles Black conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species. Weather during the 2012 surveys was warm. On the 22nd the afternoon high temperature was 85° F and breezy with gusts. On the 23rd it was cooler, with high temperatures in the low 70s° F and partly overcast with rains in the afternoon and evening. The surveyed area consisted of the proposed 38,918.91-foot-long 69 kV power line route between the Greater Aneth Substation and the Ratherford Unit Substation, and the footprint of the Ratherford Unit Substation and Access Road. A 50-foot project buffer was surveyed on either side of the proposed power line. Habitat and existing conditions were evaluated. A half-mile radius around the project area was surveyed for raptor nests. An additional one-mile line-of-sight survey was conducted from the project area for raptor nests. The surveyors used 10 x 40 and 8 x 50 binoculars.

Prior to the survey, Permits West Inc. made a data request to the Navajo Natural Heritage Program regarding Navajo Nation endangered species known to occur or with the potential to occur on the 7.5-Minute Montezuma Creek, UT Quadrangle. The request reply was received on August 22, 2012.

In addition, the Utah Division of Wildlife Resources (DWR) Listed and Sensitive Species in San Juan County was reviewed (downloaded and reviewed July 23, 2013).

Based on habitat evaluation, it was determined that sufficient habitat for the southwestern willow flycatcher (*Empidonax traillii extimus*) existed where the proposed power line crosses the floodplain of the San Juan River. Formal flycatcher surveys were conducted at the site during the spring and early summer of 2013. These surveys followed US Fish and Wildlife Service (USFWS) protocol. And, both surveyors attended a Southwestern Willow Flycatcher survey protocol training on May 15, 2013 and were permitted by the USFWS to conduct surveys. For further details of the survey methodology, see Section 6.0 of this report.

3.0 Description of Existing Habitat

The surveyed area consisted of the proposed 38,918.91-foot-long 69 kV power line route between the Greater Aneth Substation and the Ratherford Unit Substation, and the footprint of the Ratherford Unit Substation and Access Road, which are located at the eastern terminus of the power line.

Terrain in the project area varies from rugged and broken, with hills, mesas, and shale and sandstone outcroppings, to fairly flat. The power line route crosses the top of Flat Top Mesa, a small butte with fairly steep sides, but lacking in sheer, vertical cliff faces. The power line route crosses the San Juan River and numerous ephemeral drainages.

Vegetation throughout the majority of the project area is dominated by arid shrubland with a high percentage of bare ground. Grass cover is very sparse. Dominant shrubs include shadscale (*Atriplex confertifolia*), blackbrush (*Coleogyne spp.*), rabbitbrush (*Chrysothamnus spp.*), Mormon tea (*Ephedra spp.*) and big sagebrush (*Artemisia tridentata*). A large amount of Russian thistle (*Salsola spp.*) is present in areas of heavy disturbance.

The riparian corridor along the San Juan River where it's crossed by the power line route is dominated by dense stands of Russian olive (*Elaeagnus angustifolia*) with some salt cedar (*Tamarix spp.*). On the north side of the river on the west side of the crossing, there are significant stands of sandbar or coyote willow (*Salix exigua*). The power line crosses the San Juan where Montezuma Creek wash enters the river. Riparian vegetation on the south side of the river is very thin and non-existent in many places. Riparian vegetation along Montezuma Creek wash is almost non-existent. In the area where the power line crosses the floodplain, there is no cottonwood (*Populus spp.*) overstory or canopy.

Wildlife occurring in the area is typical of arid grasslands, shrublands, and degraded riparian corridors of the Great Basin Desert. It includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Ampisiza bilineata*) and yellow-breasted chat (*Icteria virens*), as well as black-tailed jackrabbits (*Lepus californicus*), kangaroo rats (*Dipodomys spp.*), and whiptail lizards (*Aspidoscelis spp.*).

4.0 Threatened, Endangered, and Special Status Wildlife Species

According to the August 22, 2012 correspondence from the Navajo Natural Heritage Program, the threatened and endangered species listed in the table below have the potential to occur in the 7.5-Minute Montezuma Creek, UT Quadrangle.

For these species, the following tribal and federal statuses are indicated: the Navajo Endangered Species List (NESL), the federal Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA) and the Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate or NESL group 4 status.

Species	Status*	Habitat	Habitat Suitability in Project Area**
Golden eagle (<i>Aquila chrysaetos</i>)	NESL Group 3, MBTA, EPA	A wide variety of open habitats, typically nests in steep cliffs > 30 m high	See discussion in Section 5.0, below
Ferruginous hawk (<i>Buteo regalis</i>)	NESL Group 3, MBTA	Open grasslands and deserts, typically nests atop rocky pinnacles, small buttes, and cliffs	NP
Bluehead sucker (<i>Catostomus discobolus</i>)	NESL Group 4	Small perennial headwater streams in montane areas, larger streams, and rivers	NP
Belted kingfisher (<i>Ceryle alcyon</i>)	NESL Group 4, MBTA,	A variety of wetland habitats	See discussion in Section 5.0, below
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	NESL Group 3, MBTA, ESA-C	Mature cottonwood riparian corridors	See discussion in Section 5.0, below
Mountain plover (<i>Charadrius montanus</i>)	NESL Group 4, MBTA, ESA-Proposed T	Seeks dry, disturbed, or intensively grazed, open, flat tablelands. Bare ground, short vegetation, and flat topography are indicators of ideal habitat	NP
American dipper (<i>Cinclus mexicanus</i>)	NESL Group 3, MBTA	Found along swift flowing free-stone streams and rivers in montane areas	NP
Mottled sculpin (<i>Cottus bairdi</i>)	NESL Group 4	Bottom dwelling, living beneath rocks in cool streams and occasionally lakes	NP
Yellow warbler (<i>Setophagus petechia</i>)	NESL Group 4, MBTA	Cottonwood-willow habitats within perennial riparian areas	See discussion in Section 5.0, below
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	NESL Group 2, MBTA, ESA-E	Cottonwood-willow habitats within perennial riparian areas	See discussion in Section 5.0, below
Peregrine falcon (<i>Falco peregrinnus</i>)	NESL Group 4, MBTA	Nests in sheer cliff faces typically > 30 m high, usually near water or mesic canyons. In migration, occurs in a variety of lowland,	See discussion in Section 5.0, below

		wetland habitats	
Roundtail chub (<i>Gila robusta</i>)	NESL Group 2	Pools and rapids of moderate to large rivers	NP
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	NESL - Sensitive Species, MBTA, EPA, ESA-T	Winters along lakes and rivers with large trees	See discussion in Section 5.0, below
Black-footed ferret (<i>Mustela nigripes</i>)	NESL Group 2, ESA-E	Grassland or shrubby habitats where large, densely populated prairie dog towns are present	NP
Colorado pikeminnow (<i>Ptychocheilus lucius</i>)	NESL Group 2, ESA-E	Turbid, deep, strong-flowing currents in large rivers	NP
Northern leopard frog (<i>Rana pipiens</i>)	NESL Group 2	Wetlands with permanent water and aquatic vegetation	NP
Razorback sucker (<i>Xyrauchen texanus</i>)	NESL Group 2, ESA-E	Strong currents and backwaters of large rivers	NP

Status*

E Endangered T Threatened C Candidate

Habitat Suitability in the Project Area**

K Known, documented observation within project area.

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

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

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

The next table lists Utah DWR Listed and Sensitive Species in San Juan County (downloaded and reviewed July 23, 2013).

For the species listed below, the following Utah DWR Listed and Sensitive Species are indicated: the federal ESA, the Utah DWR Wildlife Species (SPC), and species receiving special management under a conservation agreement in order to preclude the need for Federal Listing (CS).

Species	Status*	Habitat	Habitat Suitability in Project Area**
Allen's big-eared bat (<i>Idionycteris phyllotis</i>)	SPC	A variety of montane forested habitats including ponderosa pine, pinyon, and riparian corridors	NP
American white pelican (<i>Pelecanus erythrorhynchos</i>)	SPC	Wetland habitats such as lakes, ponds, rivers, marshes and mudflats	NP
Arizona toad (<i>Bufo microscaphus</i>)	SPC	Riparian floodplains at low elevations	NP
Big free-tailed bat	SPC	A variety of habitats from desert	See discussion in

(<i>Nyctinomops mycrotis</i>)		scrub to montane woodland where rocky outcroppings or cliff faces are present	Section 5.0, below
Bobolink (<i>Dolichonyx oryzivorus</i>)	SPC	Grassy meadows, open pastures, and prairies	NP
Common chuckwalla (<i>Sauromalus ater</i>)	SPC	Open chaparral and cottonwood riparian areas at low elevations near rocky areas	NP
Desert night lizard (<i>Xantusia vigilis</i>)	SPC	Lowland desert habitats	NP
Flannelmouth sucker (<i>Catostomus latipinnis</i>)	CS	Pools and eddies of main channels of large streams and rivers	NP
Fringed myotis (<i>Myotis thysanodes</i>)	SPC	Occurs primarily in montane areas. These bats roost in colonies inside of caves, mine tunnels, rock crevices, and old buildings	NP
Gray wolf (<i>Canis lupus</i>)	ESA-E	A wide variety of habitats from montane wooded areas to open deserts	NP
Gunnison prairie dog (<i>Cynomys gunnisoni</i>)	SPC	Grassland or shrubby habitats	NS
Gunnison sage grouse (<i>Centrocercus minimus</i>)	ESA-C	Arid, open areas typically dominated by monotypic sagebrush (<i>Artemisia spp</i>)	NP
Kit fox (<i>Vulpes microtis</i>)	SPC	A variety of lowland desert habitats	See discussion in Section 5.0, below
Lewis woodpecker (<i>Melanerpes lewis</i>)	SPC	Open ponderosa pine woodland; open montane riparian areas	NP
Mogollon vole (<i>Microtis Mogollonensis</i>)	SPC	Montane scrub within ponderosa and mixed conifer habitat	NP
Northern goshawk (<i>Accipiter gentilis</i>)	SPC	Mature ponderosa pine, mixed conifer, and spruce-fir forest	NP
Short-eared owl (<i>Otus flammeus</i>)	SPC	Open habitats such as marshes, pastures, and prairies	NP
Silky-pocket mouse (<i>Perognathus flavus</i>)	SPC	Sandy desert and montane grasslands	See discussion in Section 5.0, below
Smooth green snake (<i>Opheodrys vernalis</i>)	SPC	Grassy marshes, damp meadows, and forest edges in foothills	NP
Spotted bat (<i>Euderma maculatum</i>)	SPC	Ponderosa pine woodland; marshes in montane habitats	NP
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	ESA-T	Deep rocky canyons near mature montane forests or cottonwood-willow riparian bottoms below 9500 feet in elevation	NP
Three-toed woodpecker (<i>Picoides tridactylus</i>)	SPC	Mixed conifer and spruce fir forests in montane areas; prefers	NP

		recently burned areas	
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	SPC	Desert scrub, pinyon-juniper woodland, and ponderosa pine woodland	See discussion in Section 5.0, below
Yavapai mountainsnail (<i>Oreohelix yavapai</i>)	SPC	Riparian or wetland habitats in montane areas	NP
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	ESA-C	Extensive mature riparian woodlands	See discussion in Section 5.0, below

Status*

E Endangered T Threatened C Candidate

Habitat Suitability in Project Area**

K Known, documented observation within project area.

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

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

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

5.0 Results

Two Navajo Nation Endangered Species were observed during surveys. This was the NESL Group 4 yellow warbler (*Setophagus petechia*) and the Southwestern willow flycatcher (*Empidonax traillii extimus*). No Utah DWR sensitive species were observed. However, habitat suitability for some species was observed and is discussed below.

Various bat and myotis species

Although no bats or myotis were observed during surveys, the project area offers potential foraging habitat for two species of Utah DWR Sensitive bats. These species include the Townsend's big-eared bat and the big free-tailed bat. No suitable roost structures for any of these species were observed on or near the proposed project area. Because these species may only occasionally forage in the project area, these species should not be adversely impacted by the proposed project.

Golden Eagle

The area offers potential foraging habitat for the golden eagle. This raptor requires steep cliffs that are typically greater than 30 m high (Mikesic, D. G. and Nystedt, J. R., 2005). No active eagle nests were observed during surveys. Golden eagles occasionally forage in the project area. This species should not be adversely impacted by the proposed project.

Bald Eagle

The majority of the site is poor foraging habitat for wintering or migrant bald eagles due to a lack of prey base. Large cottonwood snags along the San Juan River are completely absent from the project area. Wintering or migratory eagles may occasionally occur in this area. Because no impact to riparian habitat along the San Juan River is anticipated from the proposed project, and given the uncommon occurrence of bald eagles in the area, this species should not be adversely impacted by the proposed project.

Belted Kingfisher

No kingfishers were detected in the project area despite intensive riparian surveys along the San Juan River in the spring and early summer of 2013. There seems to be a lack of nest structures

for the kingfisher, such as exposed earthen banks, old cottonwood snags, etc. This species appears to be absent from the river in the project area. This species should not be adversely impacted by the proposed project.

Southwestern Willow Flycatcher

This NESL Group 2 and federal ESA-Endangered species was observed in the project area. It required formal surveys that are outlined in detail in Section 6.0, below.

Peregrine Falcon

The area is potential foraging and migrational habitat for the peregrine falcon. This raptor requires steep cliffs that are typically greater than 30 m in height (Mikesic, D. G. and Nystedt, J. R., 2005). No active raptor nests were observed during surveys. Peregrine falcons could occasionally occur within the Proposed Action area during migration. This species should not be adversely impacted by the proposed project.

Kit Fox

Although the project area is on the periphery of this species' known range, kit foxes could potentially occur in lower areas of the project site. Although a few individuals of this species may be adversely impacted by maintenance activities, no significant adverse impact to the species as a whole is anticipated. Given the temporary nature of the proposed disturbance and the existing moderate-to-heavy disturbance throughout the site, habitat for this species should not be adversely impacted by the proposed project.

Silky Pocket Mouse

This species could potentially occur in lower areas of the project site. Although a few individuals of this species may be adversely impacted by maintenance activities, no significant adverse impact to the species as a whole is anticipated. Given the temporary nature of the proposed disturbance and the existing moderate-to-heavy disturbance throughout the site, habitat for this species should not be adversely impacted by the proposed project.

Yellow-billed Cuckoo

Riparian habitat near the project area is degraded and lacking in mature stands of native riparian vegetation. This rapidly declining, riparian-obligate species requires a continuous, mature cottonwood canopy for nesting. There are no mature cottonwoods in the floodplain where the Proposed Action is located. The project area lacks suitable habitat for this species.

Yellow Warbler

This species was found to be a summer resident and presumed nesting species along the riparian corridor of the San Juan River. At least three singing male warblers were observed during southwestern willow flycatcher surveys in June and July of 2013 (see Appendix 1). These observations were generally in areas where significant stands of sandbar willow are present.

This species is an NESL group 4 species. Navajo Nation Zoologist Chad Smith was consulted on this matter on July 23, 2013. He indicated that no formal mitigation for this species would be required, other than a seasonal avoidance for construction activities. Measures outlined in the

MBTA will be sufficient to ensure that this species will not be adversely impacted by the proposed action. See Section 8.0 Recommendations, below, for details.

Migratory Birds

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

Twenty-nine bird species observed during the wildlife surveys are protected under the MBTA. A full list is in Section 7.0, below. If the measures in Section 8.0 Recommendations of this report are followed, this species should not be adversely impacted by the proposed project.

6.0 Southwestern Willow Flycatcher Surveys

Because significant patches of sandbar willow were found to be present along the north bank of the San Juan River where the proposed power line will cross, it was determined that formal southwestern willow flycatcher surveys would be conducted at the site. In accordance with the USFWS survey protocol, all areas with suitable or potential nesting habitat were surveyed within a 0.25-mile radius of the proposed action. Five separate survey sessions were conducted in association with the proposed project between May 29 and July 17, 2013. Surveys were conducted between 0530 and 1100 each morning. For this project, survey efforts were divided into two separate sites, and were labelled as Ratherford to Bluff Bench East (RU-BB East) and Ratherford to Bluff Bench West (RU-BB West) (see Appendix 1). No survey sites were established on the south side of the river due to lack of dense riparian vegetation.

RU-BB East

The RU-BB East site habitat is generally poor, with little to no potential for flycatcher nesting. The site consists of a 0.25 linear transect which parallels the river. Vegetation is dominated by dense, mature Russian olive thickets. Riparian vegetation at this site is well above the water level of the river, and there is no sign of inundation or saturated soils. There is a small island located just east of the power line route. Some willow stands are located on this island, but they are generally too thin to support nesting flycatchers.

This site was surveyed on May 30, June 5, June 22, July 2, and July 17, 2013. No willow flycatcher detections were made at this site on any of the five visits (see Appendix 1).

RU-BB West

Habitat at the RU-BB West site has better potential for flycatcher nesting. This site is adjacent to an old construction yard which extends southward almost to the river. This site includes the west bank of Montezuma Creek wash where it enters the San Juan River. The site is dominated by

fairly dense, mature stands of sandbar willow, with a few scattered Russian olive. Soils in the area lack inundation or saturation even when water levels are high. Habitat at this site seems suitable for nesting flycatchers, although willow patches are slightly thin due to clearing in the construction yard.

This site was surveyed on May 30, June 5, June 22, July 2, and July 17, 2013. On May 30, two flycatchers were detected here (see Detections one and two in Appendix 1). On June 5, one flycatcher detection was made (See Detection 3 in Appendix 1). All of these birds appear to have been migrants of other *trailii* subspecies. No flycatchers were detected here during the June, 22, July 1, and July 17 surveys.

Riparian habitat along the San Juan River within the 0.25-mile species buffer for the proposed power line does provide migratory habitat for willow flycatchers of subspecies other than *extimus*. This is particularly true on the north bank of the river and in areas where sandbar willow is present. It appears that riparian habitat in the area is slightly too degraded for nesting southwestern willow flycatchers, or perhaps, the San Juan River in the Four Corners region is not within the breeding range of this subspecies. Disturbance and habitat loss created by on-going construction activities at the work yard, as well as the spread of exotic riparian vegetation seem to be the main limiting factors for nesting southwestern willow flycatchers in the area.

7.0 Species Observed During the Survey

Avian species observed:

Mallard (*Anas platyrhynchos*)
Great Blue Heron (*Ardea herodias*)
Red-tailed hawk (*Buteo jamaicensis*)
American kestrel (*Falco sparverius*)
Turkey vulture (*Cathartes aura*)
Spotted sandpiper (*Actitis macularius*)
Killdeer (*Charadrius vociferus*)
Eurasian collared-dove (*Streptopelia decaocto*)
Mourning dove (*Zeaida macroura*)
Warbling vireo (*Vireo gilvus*)
Common raven (*Corvus corax*)
Cliff Swallow (*Petrochelidon pyrronota*)
Western kingbird (*Tyrannus verticalis*)
Willow flycatcher (*Empidonax trailii*)- migrants of other subspecies (not *extimus*)
Western wood-pewee (*Contopus sordidulus*)
Say's phoebe (*Sayornis saya*)
Northern mockingbird (*Mimus polyglottus*)
Rock wren (*Salpinctus obsoletus*)
Lucy's warbler (*Vermivora lucea*)
Yellow warbler (*Setophagus petechia*)
Yellow-rumped warbler (*Setophagus coronata*)
Wilson's warbler (*Wilsonia pusilla*)
Yellow-breasted chat (*Icteria virens*)

Black-headed grosbeak (*Pheucticus melanocephalus*)
Spotted Towhee (*Pipilo maculatus*)
Black-throated Sparrow, (*Amphispiza bilineata*)
Black-headed grosbeak (*Guiraca cearulea*)
House finch (*Carpododus mexicanus*)
Brown-headed cowbird (*Molothrus ater*)

Mammalian species observed:

Kangaroo rat (*Dipodomys spp.*)
Antelope ground squirrel (*Ammospermophilus leucurus*)
Red fox (*Vulpes vulpes*)
Coyote (*Canis latrans*)
Desert cottontail (*Sylvilagus audubonii*)
Black-tailed jackrabbit (*Lepus californicus*)

Reptilian species observed:

Western whiptail (*Aspidoscelis tigris*)
Plateau striped whiptail (*Aspidoscelis velox*)
Side-blotched lizard (*Uta stansburiana*)
Red-spotted toad (*Bufo punctatus*)

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

8.0 Recommendations

Construction activities associated with this project should take place outside of the breeding season of the southwestern willow flycatcher, yellow warbler, yellow-billed cuckoo, and belted kingfisher (May 1-August 31). The avoidance of construction activities during these species' nesting season will also protect nesting migratory birds from a potential take due to construction activities associated with this project.

9.0 References

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

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

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

Smith, Chad. Navajo Nation Zoologist. July 23, 2013. Personal Phone Consultation regarding

the Presence of Nesting Yellow Warblers (*Setophagus petchia*).

Sogge, M.K., Ahlers, Darrell, and Sferra, S.J., 2010, A Natural History Summary and Survey Protocol for the Southwestern Willow Flycatcher: U.S. Geological Survey.

Utah Division of Wildlife Resources Webpage (2008). Retrieved from the World Wide Web on July 23, 2013: <http://www.wildlife.utah.gov/index.php>

10.0 Appendices

Appendix 1 – Southwest willow flycatcher surveys

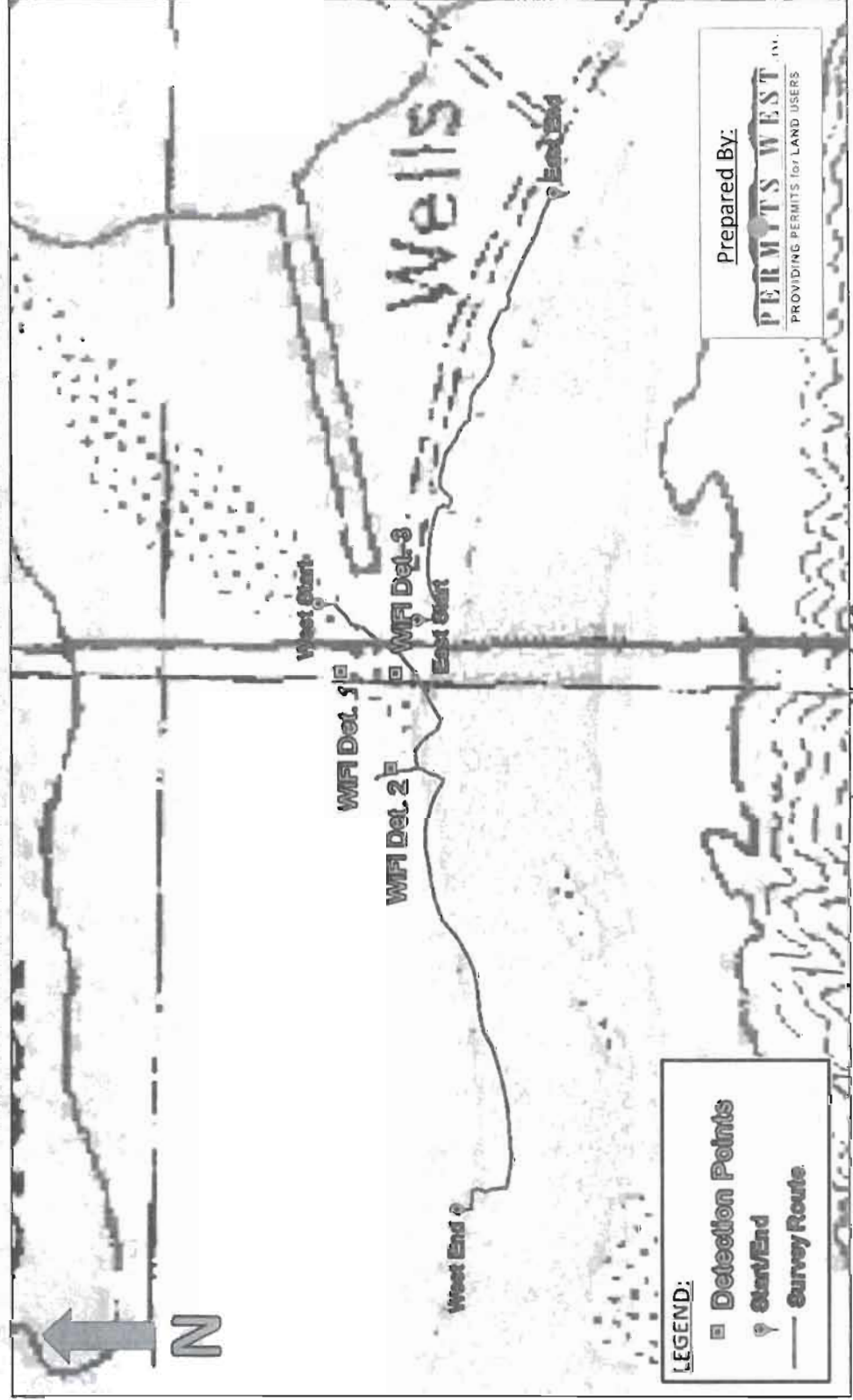
Resolute - Greater Aneth Sub to Rutherford Unit

69kV Power Line

Southwestern Willow Flycatcher Survey

GAS to RU - East and West Sites

Section 36, T. 40 S., R. 23 E., and Section 31, T. 40 S., 24 E., SLM, San Juan County, UT



Resolute - Greater Aneth Sub to Rutherford Unit

69kV Power Line

Breeding Yellow Warbler Territories

Section 36, T. 40 S., R. 23 E., and Section 31, T. 40 S., 24 E., SLM, San Juan County, UT



RESOLUTE ANETH, LLC

PROPOSED RATHERFORD UNIT SUBSTATION AND ACCESS ROAD NW/4 SW/4 Section 16, T. 41 N., R. 24 E.

San Juan County, Utah

PLANT SURVEY REPORT

Prepared for Permits West, Inc., Santa Fe, New Mexico
By Marian J. Rohman September 23, 2013

This report discusses the potential for disturbance to plant species listed as Species of Concern by the Navajo Natural Heritage Program (NNHP) and the United States Fish and Wildlife Service (USFWS) that could occur in the project area. Cronquist's milkvetch (*Astragalus cronquistii*) is listed by the NNHP for the White Mesa Village, UT, 7.5-minute quadrangle, which contains the boundaries of the project area (Detsoi, 2012). In addition, potential habitat for Parish's alkali grass (*Puccinellia parishii*) needs to be evaluated if wetland conditions exist that contain white alkaline crust (Detsoi, 2012). Cutler's milkweed (*Asclepias cutleri*), a plant listed as sensitive by the NNHP (NNHP, 2008b) will also be discussed. Cronquist's milkvetch is listed in Group 3 and Parish's alkali grass is listed in Group 4 on the Navajo Endangered Species List (NESL) (NNHP, 2008a). One species, Navajo sedge (*Carex specuicola*), is listed as threatened by the USFWS (USFWS, 2013) in San Juan County, Utah.

PROJECT DESCRIPTION

The project consists of the construction of the Ratherford Unit Substation and its Access Road. The project area is located approximately 3.2 miles south-southeast of the town of Montezuma Creek in San Juan County, Utah, on Navajo Tribal Trust land. The proposed substation measures 132 feet by 150 feet and will be accessed by a road 54.88 feet in length within a 20-foot corridor. The proposed substation covers 0.456 acres and the proposed access road will disturb 0.025 acres. The total land use will be .48 acres. The project area is located in the NW/4 SW/4 of Section 16 in T. 41 N., R. 24 E.

The landscape in the area is a gently rolling plain with a weedy mixed desert shrub community. The plants in the community include Cutler's ephedra (*Ephedra viridis* var. *viscida*), broom snakeweed (*Gutierrezia sarothrae*), and narrow-leaf yucca (*Yucca* sp.), all dominated by Russian-thistle (*Salsola tragus*).

The project area is in the Aneth-Sheppard Association rolling soil unit which consists of aeolian deposits derived from sandstone with a soil texture of loamy fine sand (NRCS, 2013). The

underlying bedrock is the Morrison Formation (Hintze, 1980). The elevation is approximately 4695 feet. Disturbances in the project area include a dirt road and grazing by horses and sheep.

METHODOLOGY

The project area was surveyed on June 25, 2013, by botanist Marian Rohman. The substation access was surveyed by walking a zigzag transect on each side of the centerline covering the 20-foot-wide corridor and a buffer zone of 200 feet on each side of the corridor. The proposed substation was surveyed by walking a zigzag transect around the perimeter of the site through an encircling 200-foot buffer zone and then walking parallel transects through the area at approximately 50-foot intervals. The emphasis of the survey was to inspect for the identified species of concern; however, all plants were identified in order to provide a more complete description of the environment. A list of the plants observed is included at the end of this report.

SURVEY RESULTS

Species of Interest to the Navajo Natural Heritage Program, the Bureau of Land Management, and the United States Fish and Wildlife Service: Cronquist's milkvetch is identified by the NNHP as a species of concern in the proposed project area (Detsoi, 2012). In addition, any wetlands conditions need to be evaluated for the potential for Parish's alkali grass (Detsoi, 2012). Cutler's milkweed, a species listed as sensitive by the NNHP (NNHP, 2008b), will also be discussed. Navajo sedge is listed as Threatened and present in San Juan County, Utah, by the USFWS (USFWS, 2013). The following table lists these species with their protection status, habitat requirements, and potential to occur in the project area.

SPECIES STATUS*	HABITAT	POTENTIAL TO OCCUR IN THE PROJECT AREA**
<i>Asclepias cutleri</i> Cutler's milkweed NNHP Sensitive	On sand dunes and sandy or gravelly soils in mixed desert shrub and piñon-juniper communities between 4200 and 4700 feet. Flowers from April to May (UNPS, 2003-2013).	Habitat Present: this species is growing in the project area on sandy soil in a mixed desert shrub community. (K)
<i>Astragalus cronquistii</i> Cronquist's milkvetch NNHP Group 3	Salt desert shrub and blackbrush communities on sandy or gravelly soils derived from the Cutler and Morrison Formations between 4700 and 5800 feet. Flowers from late April to June (Roth, 2001a, UNPS, 2003-2013).	No appropriate habitat: there are no salt desert shrub or blackbrush communities in the project area. (NP)

<i>Carex specuicola</i> Navajo sedge USFWS Threatened NNHP Group 3	Restricted to seeps, springs, or hanging gardens in Navajo Sandstone between 4600 and 7200 feet. Flowering/fruiting period is from late June to September (Roth, 2001b; UNPS 2003-2013).	No appropriate habitat: there are no seeps, springs, or hanging gardens and no Navajo Sandstone Formation in the project area. (NP)
<i>Puccinellia parishii</i> Parish's alkali grass NNHP Group 4	Alkaline springs, seeps, and seasonally wet areas such as washes at 4510 to 7200 feet (Roth, 2001c; personal observation).	No appropriate habitat: there are no alkaline springs, seeps or seasonally wet areas in the project area. (NP)

Status*

- BLM – Bureau of Land Management (BLM, 2002)
- NNHP – Navajo Endangered Species List (NNHP, 2008a)
- Group 3 – a species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future
- Group 4 – a species or subspecies where there is not currently sufficient information to support listing it as endangered, but there is reason to consider it Sensitive Species List (NNHP, 2008b)
- Sensitive – a species that the NNHP wishes to receive information on so that they can continue to analyze its distribution and abundance, but does not need to be avoided (Roth, 2008)
- USFWS – U.S. Fish and Wildlife Service (USFWS, 2013)
- Threatened – a species that is likely to become endangered in the foreseeable future.

Potential to Occur in the Project Area**

- K – Known, documented observation within project area.
- S – Habitat suitable and species suspected to occur within the project area.
- NS – Habitat suitable but species is not suspected to occur within the project area.
- NP – Habitat not present and species unlikely to occur within the project area

Noxious Weeds: There are seventeen species listed on the BIA Navajo Noxious Weed List (OSM, 1999). None of these species are present in the project area.

DISCUSSION

No plant species of interest to the Navajo Natural Heritage Program, Bureau of Land Management, or the United States Fish and Wildlife Service will be impacted by the proposed project.

Signature of Author: _____
Marian J. Rohman

September 23, 2013

REFERENCES

- Detsoi, Sonja. 2012. Navajo Endangered Species List (NESL) Information for: Project: Resolute Aneth, LLC. Ratherford to McElmo Power Line Project. Legal Description Section 31, T40S, R25E, Section 6, T41S, R25E, Sections 1, 10-12, & 15-17, T41S, R24E, San Juan County, UT. UTM Coordinates 651037E, 4120297N (Southwest End), 659132E, 4125090N (Northeast End). Located 3 miles east of Montezuma Creek, Utah. Wildlife Technician, Navajo Natural Heritage Program. Letter of 26 September to Brian Wood, Permits West, Inc. Santa Fe, NM.
- Hintze, Lehi F., compiler. 1980. Geologic Map of Utah. Utah Geological and Mineral Survey. Salt Lake City, Utah.
- Natural Resources Conservation Services, United States Department of Agriculture (NRCS). 2013. Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed September 18.
- Navajo Natural Heritage Program, Navajo Nation Department of Fish and Wildlife (NNHP). 2008a. *Navajo Endangered Species List*. Resources Committee Resolution No. RCS-41-08. nnhp.nndfw.org/nnhp_nesl.pdf
- Navajo Natural Heritage Program, Navajo Nation Department of Fish and Wildlife. (NNHP) 2008b. *Navajo Nation Sensitive Species List*. <http://nnhp.nndfw.org/tracking.pdf>
- Office of Surface Mining, United States Department of the Interior (OSM). 1999. *A Guide to Noxious Weeds of the Navajo Reservation*. U.S. Department of the Interior.
- Roth, Daniela. 2001a. *Species account for Astragalus cronquistii*. Navajo Natural Heritage Program. nnhp.nndfw.org/Plants/ascr.pdf. Revised 15 May 2008.
- Roth, Daniela. 2001b. *Species account for Carex specuicola*. Navajo Natural Heritage Program. nnhp.nndfw.org/Plants/casp.pdf. Revised 15 May 2008.
- Roth, Daniela. 2001c. *Species account for Puccinellia parishii*. Navajo Natural Heritage Program. nnhp.nndfw.org/Plants/pupa.pdf. Revised 15 May 2008.
- Roth, Daniela. 2008. Re:Question About *Astragalus cutleri*. Botanist, Navajo Natural Heritage Program. Email correspondence #2 on March 27.
- United States Fish and Wildlife Service (USFWS). 2013. Threatened and Endangered Species System, Listings and Occurrences for Utah. http://ecos.fws.gov/tess_public/pub/stateListingAndOccurrence.jsp?state=UT. Accessed August 15.

Utah Native Plant Society (UNPS). 2003-2013 [cited September 18, 2013]. Utah rare plant guide. [Internet]. A.J. Frates editor/coordinator. Salt Lake City, UT: Utah Native Plant Society. Available from: <http://www.utahrareplants.org>.

Weber, W. A. and Ronald C. Wittman. 2012. *Colorado Flora : Western Slope*. University Press of Colorado. Boulder, Colorado.

Welsh, S. L., N. D. Atwood, S. Goodrich, and L. C. Higgins. 2003. *A Utah Flora*. Third Edition, revised. Print Services, Brigham Young University, Provo, Utah.

PLANTS OF THE PROPOSED RATHERFORD UNIT SUBSTATION AND ACCESS

Scientific and common names according to Welsh et al., 2003

Identifications based on Welsh et al., 2003, and Weber and Wittman, 2012

Shrubs and Subshrubs

<i>Artemisia bigelovii</i>	Bigelow's sagebrush
<i>Ephedra viridis</i> var. <i>viscida</i>	Cutler's ephedra
<i>Gutierrezia sarothrae</i>	Broom snakeweed
<i>Yucca</i> sp.	Narrow-leaved yucca

Grasses and Grass-like Plants

<i>Hilaria jamesii</i>	Galleta
<i>Sporobolus cryptandrus</i>	Sand dropseed

Forbs

<i>Ambrosia acanthicarpa</i>	Bur ragweed
<i>Asclepias cutleri</i>	Cutler's milkweed
<i>Salsola tragus</i>	Russian-thistle
<i>Senecio douglasii</i> var. <i>longilobus</i>	Douglas' groundsel
<i>Solanum elaeagnifolium</i>	Silverleaf nightshade



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



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

Ben Shelly, President

Rex Lee Jim, Vice President

26 September 2012

File#12PERM-27

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

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: RESOLUTE ANETH LLC
RATHERFORD TO McELMO POWER LINE PROJECT
LEGAL DESCRIPTION SEC. 31, T40S, R25E;
SEC. 6, T41S, R25E
SECTIONS 1, 10-12 & 15-17, T41S, R24E
SAN JUAN COUNTY, UT
UTM COORDINATES
651037E, 4120297N (SOUTHWEST END)
659132E, 4125090N (NORTHEAST END)
LOCATED 3 MILES EAST OF MONTEZUMA CREEK, UT

Mr. Wood:

The following information on species of concern¹ is provided in response to your 18 August 2012 request concerning the subject project, which consists of the proposed 6 mile long 69kV overhead power line Rolute Aneth LLC Ratherford to McElmo Power Line Project. The project site is located 3 miles east of Montezuma Creek, UT legal descriptions Section 31, T40S, R25E; Section 6, T41S, R25E, Sections 1, 10-12, & 15-17, T41S, R24E, San Juan County, UT. UTM Coordinates 651037E, 4120297N (southwest end), 659132E, 4125090N, Montezuma Creek, San Juan County, UT.

Each 7.5-minute quadrangle containing project boundaries is addressed separately below. For potentially occurring species these species lists are quadrangle-specific rather than project-specific. Potential for species has been determined primarily on quadrangle-wide coarse habitat characteristics and species range

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

information. Your project biologist should determine habitat suitability at the project site(s).

A total of eighteen (18) species both known and/or potential are included in this response. They are:

	SCIENTIFIC NAME	COMMON NAME	NESL STATUS	FED. STATUS and/or MBTA*
1.	<i>Aquila chrysaetos</i>	Golden Eagle	G3	MBTA
2.	<i>Astragalus cronquistii</i>	Cronquist Milk-vetch	G3	
3.	<i>Buteo regalis</i>	Ferruginous Hawk	G3	MBTA
4.	<i>Catostomus discobolus</i>	Bluehead Sucker	G4	
5.	<i>Ceryle alcyon</i>	Belted Kingfisher	G4	MBTA
6.	<i>Charadrius montanus</i>	Mountain Plover	G4	ESA Proposed Threatened; MBTA
7.	<i>Cinclus mexicanus</i>	American Dipper	G3	MBTA
8.	<i>Coccyzus americanus</i>	Yellow-billed Cuckoo	G2	ESA Candidate species; MBTA.
9.	<i>Cottus bairdi</i>	Mottled Sculpin	G4	
10.	<i>Dendroica petechia</i>	Yellow Warbler	G4	MBTA
11.	<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	G2	ESA Endangered; MBTA.
12.	<i>Falco peregrinus</i>	Peregrine Falcon	G4	MBTA
13.	<i>Gila robusta</i>	Roundtail Chub	G2	ESA Candidate Species
14.	<i>Haliaeetus leucocephalus</i>	Bald Eagle	G2	MBTA
15.	<i>Lithobates pipiens</i>	Northern Leopard Frog	G2	
16.	<i>Mustela nigripes</i>	Black-footed Ferret	G2	ESA Endangered
17.	<i>Ptychocheilus lucius</i>	Colorado Pikeminnow	G2	ESA Endangered
18.	<i>Xyrauchen texanus</i>	Razorback Sucker	G2	ESA Endangered

*MBTA=Migratory Bird Treaty Act

WHITE MESA VILLAGE, UT 7.5-MINUTE QUADRANGLE

Project Location: Resolute Aneth LLC, Ratherford to McElmo P/L Project

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

1. *Xyrauchen texanus*

All or parts of this project currently are within areas protected by the Raptor Electrocutation Prevention Regulations; consult with NNDFW Zoologist and/or EA Reviewer for more information and recommendations.

Known to occur within three miles of the project site:

1. *Empidonax traillii extimus*
2. *Astragalus cronquistii*

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

1. *Aquila chrysaetos*
2. *Buteo regalis*
3. *Catostomus discobolus*
4. *Ceryle alcyon*
5. *Charadrius montanus*
6. *Cinclus mexicanus*
7. *Coccyzus americanus*
8. *Cottus bairdi*
9. *Dendroica petechia*
10. *Falco peregrinus*
11. *Gila robusta*
12. *Haliaeetus leucocephalus*
13. *Lithobates pipiens*
14. *Mustela nigripes*
15. *Ptychocheilus lucius*

AREA 1: HIGHLY SENSITIVE WILDLIFE RESOURCES

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

ANETH, UT 7.5-MINUTE QUADRANGLE

Project Location: Resolute Aneth LLC, Ratherford to McElmo P/L Project

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

1. *Xyrauchen texanus*

Known to occur within three miles of the project site:

1. *Astragalus cronquistii*

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

1. *Aquila chrysaetos*
2. *Buteo regalis*
3. *Catostomus discobolus*
4. *Ceryle alcyon*
5. *Charadrius montanus*
6. *Cinclus mexicanus*
7. *Coccyzus americanus*
8. *Cottus bairdi*
9. *Dendroica petechia*
10. *Empidonax traillii extimus*
11. *Falco peregrinus*
12. *Gila robusta*

13. *Haliaeetus leucocephalus*
14. *Lithobates pipiens*
15. *Mustela nigripes*
16. *Ptychocheilus lucius*

AREA 1: HIGHLY SENSITIVE WILDLIFE RESOURCES

AREA 2: MODERATELY SENSITIVE WILDLIFE RESOURCES

NAVAJO CANYON, UT 7.5-MINUTE QUADRANGLE

Project Location: Resolute Aneth LLC, Ratherford to McElmo P/L Project

Known to occur within three miles of the project site:

1. *Astragalus cronquistii*
2. *Xyrauches texanus*

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

1. *Aquila chrysaetos*
2. *Buteo regalis*
3. *Coccyzus americanus*
4. *Dendroica petechia*
5. *Empidonax traillii extimus*
6. *Mustela nigripes*

AREA 2: MODERATELY SENSITIVE WILDLIFE RESOURCES

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

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

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts.⁴ Further questions pertaining to surveys should be referred to Species Account. Surveyors on the Navajo Nation must be permitted by the Director, NFWF. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NFWF Zoologist (Chad Smith) for animals at 871-7070 and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluations should be directed to Pamela Kyselka (Acting Environmental Reviewer) at 871-7065.

The powerline(s) should be designed according to the Avian Power Line Interaction Committee's "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006" (Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA).

Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visible markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers

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

include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.

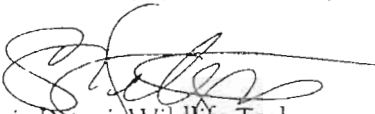
Potential impacts to **wetlands** should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the 'Corps of Engineers Wetlands Delineation Manual' (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the NFWD's Natural Heritage Program (NHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

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

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

An invoice for this information is attached.

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



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

xc: file/chrono



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

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

15 May 2014

12PERM-27

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

Dear Kitty,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Environmental Assessment for Resolute's proposed **Ratherford Unit Substation & Access Road** project located south of Montezuma Creek, Utah. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The project is approved with the following condition:

[1] All aboveground components of the substation shall comply with Raptor Electrocution Prevention Regulations (REPR). Substation design plans were not illustrated in the EA. Resolute shall consult with the NNDFW zoologist for mitigation recommendations for all aboveground components in order to minimize the risk of raptor electrocutions at the substation. Consultation shall be done before construction is scheduled to begin.

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program
Department of Fish and Wildlife

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

5/15/14

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.: Ratherford Unit Substation & Access Road

DESCRIPTION: Resolute proposes to construct a substation and substation access road to serve the power line needs of enhanced oil recovery activities within the Aneth Oil Field. The substation will measure 132 ft. x 150 ft. or 0.456 acres. The access road will be 54.88 ft. in length with a 20-ft. wide corridor or 0.025 acres.

LOCATION: Section 16, T41S, R24E, White Rock Curve Village Red Mesa Chapter, San Juan County, Utah

REPRESENTATIVE: Kitty Wood, Permits West, Inc. for Resolute Aneth, LLC

ACTION AGENCY: Navajo Nation and Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Ratherford Unit Substation & Access Road/17 OCT 2013/Permits West, Inc.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Raptor Sensitive Area (RSA) onsite.

POTENTIAL IMPACTS

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

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: [1] All aboveground components of the substation shall comply with Raptor Electrocutation Prevention Regulations (REPR). Substation design plans were not illustrated in the EA. Resolute shall consult with the NNDFW zoologist for mitigation recommendations for all aboveground components in order to minimize the risk of raptor electrocutions at the substation. Consultation shall be done before construction is scheduled to begin.

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 MAY 2014

COPIES TO: (add categories as necessary)



BIA



Resolve Action, LLC

2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo) for:

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

Gloria M. Tom

5/15/14

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

Representative's signature

B. W. ...

Date

5-19-14



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW

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

Website: www.navajonationnepa.org

M E M O R A N D U M

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

FROM:

A handwritten signature in black ink, likely belonging to Rita Whitehorse-Larsen.

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

DATE: November 10, 2014

SUBJECT: 164 EOR 002669 ROW Resolute Ratherford Unit/Access Road

Resolute Aneth LLC, 1675 Broadway, Suite 1950, Denver, Colorado, 80202, proposes to construct a comprehensive project including a 69kV power line from the Greater Aneth Substation to its proposed Ratherford Unit Substation and access road. Resolute will construct a substation and access road to accommodate the power needs of enhanced oil recovery activities on Aneth Oil Field. A 132'x150' substation will be constructed on 0.456 acres. Resolute will also construct an access road to the proposed substation. The road will be 54.88 feet long within a 20-foot corridor for a total of 0.025 acres.

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends ***conditional approval*** for the proposed action.

If the following mitigation measures as stated in the environmental assessment (EA) are adhered to, the proposed project will have a low and minimal impact to the environmental resources.

¹ Permits West. Environmental Assessment for Resolute Aneth LLC Ratherford Unit Substation and Access Road. October 2013.

1. Navajo Nation Clean Water Act:

- a. 401- A Section 401 certification is required if any drainage with discernable ordinary high water mark will be crossed/disturbed as determined by Patrick Antonio, Principal Hydrologist, NNEPA Water Quality Program on previous proposed projects.
- b. 402 –Land surface disturbance in excess of 1.0 acre will require compliance with the federal General Construction Permit requirements for storm water discharges. The project will disturb 0.481 acres of land.
- c. 404 – Boring under the drainage will require a Section 404 as determined by Patrick Antonio, Principal Hydrologist, NNEPA Water Quality Program. Contact the US Army Corps of Engineers.

2. Navajo Nation Clean Air Act:

- a. ***Enclosed with this memorandum is the Navajo Air Quality Control Program: Activity Application. Resolute is subject to complete and return this application to NNEPA Air Quality Operating Permit Program for the proposed action.***

3. Navajo Nation Solid Waste Act:

- a. Solid waste generated from the construction and operation activities will be collected and transported by contractor to a designated trash bins to minimize significant impacts to human and wildlife resources.
- b. If a sub-contractor will be hired to transport waste, ensure the contractors are certified and licensed with the Navajo Nation Business Regulatory Office.
- c. The contractor must submit a copy of the landfill receipt/ticket to guarantee the construction waste has been properly disposed.
- d. Do not allow public to take construction and operation waste. Cumulatively NNEPA receives complaints and reports on illegal trash dumpings on rural areas and in the waters of the US and Navajo Nation.
- e. All illegal waste currently on the proposed site is the responsibility of the land user.

4. Navajo Nation Storage Tank Act:

- a. Amended and approved by the Navajo Nation Council, CJA-09-12, February 2012, the aboveground tanks are included to be regulated.
- b. No underground or aboveground greater than 100 gallons is expected to be at the proposed site.

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

Cc: Resolute Aneth, LLC, 1675 Broadway, Suite 1950, Denver, Colorado, 80202
NNEPA Water Quality; Air Quality - OPP; RCRP; Storage Tank Program; Administration chrono
file
Contact Person: Brian Wood, Permits West, Inc., 505-466-8120

**THE
NAVAJO
NATION**

THE DIVISION OF NATURAL RESOURCES
Land, Water, Power, and Quality of Life

Ben Shelly
President

Rex Lee Jim
Vice-President

MEMORANDUM

TO: ALL CONCERNED

FROM: 
Sharilene Jeff
Division Director

DATE: November 14, 2014

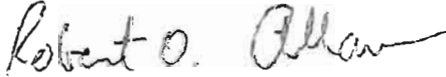
SUBJECT: Delegation of Authority

Be advised that Mr. Robert O. Allan, Principal Attorney, Division of Natural Resources, is hereby given the authority to oversee activities of the Division of Natural Resources on November 14, 2014, from 8:00 a.m. through 5:00 p.m.

Mr. Allan is responsible for reviewing all documents and for directing and signing off on routine duties except for those that may need my personal attention.

Your cooperation with Mr. Allan is appreciated.

ACKNOWLEDGED:


Robert O. Allan
Principal Attorney
Division of Natural Resources