

LEGISLATIVE SUMMARY SHEET

Tracking No. 0107-19

DATE: May 3, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE UNITED STATES OF AMERICA DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE DILKON LAND LEASE FOR 43.13 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LANDS, LOCATED WITHIN THE DILKON CHAPTER VICINITY, NAVAJO NATION (NAVAJO COUNTY, ARIZONA)

PURPOSE: The purpose of the resolution is to approve the United States Of America Department of Health and Human Services Indian Health Service Dilkon Land Lease for 43.13 Acres, More Or Less, of Navajo Nation Trust Lands, located within the Dilkon Chapter vicinity, Navajo Nation (Navajo County, Arizona).

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2019-05-14
Website Posting Time/Date: 5.9.19 3:48 pm
Posting End Date: 5.14.19
Eligible for Action: 5.15.19

Resources & Development Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0107-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE UNITED STATES OF AMERICA DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE DILKON LAND LEASE FOR 43.13 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LANDS, LOCATED WITHIN THE DILKON CHAPTER VICINITY, NAVAJO NATION (NAVAJO COUNTY, ARIZONA)

BE IT ENACTED:

Section One. Authority

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 500(A).
- B. The Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations. 2 N.N.C. § 501 (B)(2).

Section Two. Findings

- A. United States of America Department of Health and Human Services Indian Health Service has submitted a request for a lease to occupy 43.13 acres, more

1 or less, on Navajo Nation Trust Lands in Dilkon, Arizona. The proposed Lease
2 is attached hereto as **Exhibit 1**.

3 B. The proposed Lease of 43.13 acres, more or less, is described in **Exhibit 2**.

4 C. The land was withdrawn in 1978 through Resolution ACAP-41-78. The Resolution
5 is attached hereto as **Exhibit 3**.

6 D. Environmental and archaeological studies and clearances have been completed
7 and are attached hereto and incorporated herein by this reference. The
8 Environmental Assessment is attached hereto as **Exhibit 4**. The Biological
9 Resources Survey is attached hereto as **Exhibit 5**. The Cultural Resources
10 Survey is attached hereto as **Exhibit 6**. The Navajo Nation Environmental
11 Protection Agency memorandum is attached hereto as **Exhibit 7**.

12 E. The Lease for the United States of America Department of Health and Human
13 Services Indian Health Service use of 43.13 acres, more or less, in the vicinity of
14 Dilkon Chapter has completed an Executive Official Review with various
15 Departments and Programs providing approval and supplemental comments.
16 Executive Official Review Document No. 012027 is attached hereto as **Exhibit**
17 **8**.

18 19 **Section Three. Approval:**

20 A. The Resources and Development Committee of the Navajo Nation Council
21 hereby approves a Lease for the United States of America Department of Health
22 and Human Services Indian Health Service, for 43.13 acres, more or less, of
23 Navajo Nation Trust Lands in the Dilkon Chapter vicinity, Navajo Nation
24 (Navajo County, Arizona). The location is more particularly described on the
25 survey maps attached as **Exhibit 2**.

26 B. The Navajo Nation hereby approves the Lease subject to, but not limited to the
27 Terms and Conditions in the Lease attached hereto as **Exhibit 1**.

28 C. The Navajo Nation hereby authorizes the President of the Navajo Nation to
29 execute any and all documents necessary to implement the intent and purpose of
30 this resolution.

UNITED STATES OF AMERICA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
INDIAN HEALTH SERVICE
DILKON LAND LEASE 43.13 acres
NAVAJO AREA OFFICE



Date: _____

IHS Lease No. 102-19-1002

THIS LEASE, made and entered into this date by and between the **Navajo Nation**, a federally recognized Indian Tribe whose address is P.O. Box 9000, Window Rock, AZ 86515, and whose interest in the property hereinafter described is that of owner, hereinafter called the **Lessor**, pursuant to the authority contained in 2 N.N.C. §501(B)(2)(a), 16 N.N.C. §§2301 *et seq.*, and 25 U.S.C. §415(e), as implemented by the regulations contained in 25 CFR 162; and amendments thereto, which by reference are made a part hereof; and

The UNITED STATES OF AMERICA, Department of Health and Human Services, Indian Health Service, hereinafter known as (**IHS**), hereinafter called the **Lessee**, Resolution No. ACAP-41-78 pursuant to the authority contained in Public Law 94-437, Section 804, and amendments thereto, which by reference are made a part hereof.

WITNESSETH THEREFORE: The parties hereto, for the consideration hereinafter mentioned, covenant and agree as follows:

1. DEFINITIONS.

- (A) *"Approved Encumbrance"* means an encumbrance approved in writing by Lessor and the Secretary in accordance with the terms and conditions of this Lease.
- (B) *"Encumbrancer"* means the owner and holder of an Approved Encumbrance, including all successors and assigns.
- (C) *"Hazardous Substance"* means any "hazardous substance" as defined under the provisions of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601(14), including all amendments or successors thereto, and "petroleum" as defined under the provisions of section 9001(8) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6991(8).
- (D) *"Secretary"* means the Secretary of the United States Department of the Interior or his duly authorized representative or successor.
- (E) *"Storage Tank"* means an "underground storage tank" as defined under the provisions of section 6991(1) of the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et*

seq., including all amendments and successors thereto, notwithstanding what percent of volume is located beneath the surface of the ground.

2. LEASED PREMISES

Whereas, The Lessor hereby leases to the Lessee a parcel of land approximately 43.13 acres as depicted (Exhibit A, Survey and Land Legal Description and Exhibit B, Aerial Photo and Plot Plan) on attachment together with all rights, infrastructure and roads belonging or appertaining thereto, and more particularly described below

This parcel as described in attached Exhibit A and lies within the Southwest Quarter (SW1/4) of Section 16, and the Northwest Quarter (NW1/4) of Section 21, Township 23 North, Range 19 East, Gila and Salt River Meridian. In the vicinity of Dilkon Chapter, Navajo County, State of Arizona. NLD will submit one copy of this document to BIA for recording pursuant to 16 N.N.C. §2322(B).

3. LEASE TERM

TO HAVE AND TO HOLD the said premises for the term beginning on the date of execution of this lease and extending for a period not to exceed 20 years. This lease provides for no renewal options. However it is anticipated that a new succeeding lease will be negotiated prior to expiration date.

4. TERMINATION RIGHTS

The Government may terminate this Lease, in whole or in part, by providing not less than 90 days' prior written notice to the Lessor. The effective date of the termination shall be the day following the expiration of the required notice period or the termination date set forth in the notice, whichever is later.

In the event the Lessor, during the term of this lease period, shall enter into a contract with the Lessee to operate the health program on these premises under the provision of PL 93-638, or compact, the lease shall terminate immediately.

5. RENTAL CONSIDERATION

The Lessee shall pay the Lessor no annual rent. Consideration for the parcel of land leased shall be in lieu of the benefit of IHS providing health care services.

6. LEASE PURPOSE

The Lessor and the Lessee agree that the leased premises will be used for the Dilkon Health Center and 20 new housing units for IHS staff providing clinical services to Navajo People.

7. UTILITY SERVICE LINE AGREEMENTS.

- (A) Lessee specifically is authorized to enter into appropriate service line agreements with utility companies for the provision of utility services to the Leased Premises, including gas, water, sewer, electricity, telephone, television and other utilities, without further consent by Lessor, on the condition that:
- (1) such agreements are for the sole purpose of supplying utility services to the Leased Premises;
 - (2) such agreements authorize utility service lines only within the Leased Premises;
 - (3) such agreements do not extend beyond the term of this Lease;
 - (4) executed copies of such agreements, together with plats or diagrams showing with particularity the location, size and extent of such service lines, are filed by the utility companies with Lessor and with the Secretary within thirty (30) days of their execution; and
 - (5) such agreements are otherwise in accordance with the provisions of 25 C.F.R. Part 169.51-169.56, including any amendments or successors thereto.
- (B) Nothing contained herein shall be construed to limit the right of Lessor to enter into service line agreements with utility companies for service lines across the Leased Premises, provided that such service lines do not unreasonably interfere with Lessee's use of the Leased Premises.

8. CONSTRUCTION OR PLACEMENT OF IMPROVEMENTS

Additional improvements may be built or placed on said land by the Lessee when it is determined to be beneficial to the program, and when such construction or placement has been negotiated and agreed to by the parties hereto in writing and memorialized by a lease amendment for any changes of terms herein. All improvements made on the leased premises shall be constructed in accordance with IHS Architect/Engineer Design Guide.

9. IMPROVEMENTS AND PERSONAL PROPERTY

- (A) All buildings and other improvements on the Leased Premises, excluding removable personal property and trade fixtures, shall remain on the Leased Premises after termination of this Lease.
- (B) Lessee shall remove all removable personal property and trade fixtures prior to

termination of this Lease. Should Lessee fail to remove said personal property and trade fixtures prior to termination of this Lease, said property shall thereupon become property of Lessor, and may be disposed of in any manner by Lessor.

- (C) As used in this section, the term "removable personal property" shall not include property which normally would be attached or affixed to buildings, other improvements or land in such a way that it would become a part of the realty, regardless of whether such property in fact is so attached or affixed.
- (D) All Hazardous Substances, Hazardous Substance storage systems or conveyance facilities, including but not limited to Storage Tanks, placed on or under the Leased Premises are the property of Lessee and shall remain the property of Lessee upon termination of this Lease. Within a reasonable time prior to termination of this Lease, Lessee shall remove any such substances or improvements, shall assess the Leased Premises for contamination, shall remediate all contamination, if any, and shall address any third party damages occasioned by any contamination or otherwise by the use or storage of such substances or improvements on the Leased Premises. Should Lessee fail to complete such responsibilities prior to the termination of this Lease, Lessee shall remain responsible therefor, and shall be required to post a bond in an amount reasonably required to ensure that such responsibilities are completed within a reasonable time after termination of this Lease.

All questions pertaining to this lease shall be referred to:
Gary Wilson Realty Specialist
HHS/IHS/Division of Engineering Services – Seattle
701 5th Avenue, Suite 1650 MS-24
Seattle, WA 98104-7037
(206) 615-2792
Gary.Wilson2@ihs.gov.

10. PROPERTY DAMAGE.

In the event of destruction of or damage to any improvement on the Leased Premises, Lessee shall have the option not to replace or repair said improvement. Lessee shall provide Lessor with written notice of exercise of Lessee's option within thirty (60) days of the said event of damage. Should Lessee exercise its option to not to replace or repair in accordance with this subsection, this Lease shall terminate ninety (90) days after the effective date of notice thereof. Lessee shall clear the Leased Premises of all debris prior to termination of this Lease. If the building is only partially destroyed or damaged and poses no health and/or safety concern, the services will resume in a reduced capacity and the lease will continue under the same terms and conditions stated herein. The Government shall be permitted a reasonable amount of time, not to exceed 180 days from the event of destruction or damage, to repair or restore the Premises, if the Government submits to the Lessor a reasonable schedule for repair of the Premises within 30 days of the event of destruction

or damage.

11. HOLDING OVER.

Holding over by Lessee after termination of this Lease shall not constitute a renewal or extension thereof or give Lessee any rights hereunder or in or to the Leased Premises or to any improvements located thereon.

12. EMINENT DOMAIN

If, at any time during the term of this lease, the leased premises or any part thereof is taken or condemned under the laws of Eminent Domain, then and in every such case, the leasehold estate and interest of the Lessee in said premises, or part thereof taken, shall forthwith cease and terminate. All compensation awarded by reason of the taking of the leased land and any taking of or injury to the buildings or improvements located thereon shall be credited to the Lessor and the Lessee as their interests appear at the time of such taking.

13. FEDERAL TRUST

Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent during the term of this lease; however, such termination shall not abrogate the lease. The lessor and the lessee shall be notified of any such change in the status of the land.

14. HAZARDOUS SUBSTANCES.

Lessee shall not cause or permit any Hazardous Substance to be used, stored, generated or disposed of on or in the Leased Premises without the prior written approval of Lessor, which approval may be given, given upon conditions or denied in the sole discretion of Lessor. Without limitation of the foregoing, if Lessee causes or permits the presence of any Hazardous Substance on the Leased Premises and such results in contamination to the Leased Premises or any building or other improvement thereon, Lessee shall promptly take any and all actions necessary or appropriate to restore the Leased Premises or building or other improvement to the condition existing prior to the presence of any such Hazardous Substance on the Leased Premises. Except in emergency situations, Lessee shall obtain written approval from Lessor prior to commencement of any such remedial action.

15. OFFICIALS NOT TO BENEFIT

No Member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this lease contract, or to any benefit that might arise therefrom.

16. CHANGE OF OWNERSHIP

- (A) If during the term of the Lease, title to the Property is transferred, the Lease is assigned, or the Lessor changes its legal name, the Lessor and its successor shall notify the Government within five days of the transfer of title.
- (B) If title to the Property is transferred, or the Lease is assigned, the Government, the original Lessor (Transferor), and the new owner or assignee (Transferee) shall execute a Novation Agreement providing for the transfer of Transferor's rights and obligations under the Lease to the Transferee. When executed on behalf of the Government, a Novation Agreement will be made part of the Lease via Amendment.
- (C) If the title to property transfers the Lease Contracting Officer (LCO) may request additional information (e.g., copy of the deed, bill of sale, certificate of merger, contract, court decree, articles of incorporation, operation agreement, partnership certificate of good standing, etc.) from the Transferor or Transferee to verify the parties' representations regarding the transfer, and to determine whether the transfer of the Lease is in the Government's interest.
- (D) If the LCO determines that recognizing the Transferee as the Lessor is not in the Government's interest, the Transferor shall remain fully liable to the Government for the Transferee's performance of obligations under the Lease, notwithstanding the transfer. Under no condition shall the Government be obligated to release the Transferor of obligations.

17. INTEGRATED AGREEMENT

This Lease, upon execution, contains the entire agreement of the parties and no prior written or oral agreement, express or implied, shall be admissible to contradict the provisions of the Lease.

18. MUTUALITY OF AGREEMENT

The obligations and covenants of the Lessor, and the Government's obligation to perform such other obligations as may be specified herein, are interdependent.

19. SUCCESSORS AND ASSIGNS.

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 Lessee. Except as the context otherwise requires, the term "Lessee," as used in this Lease, shall be deemed to include all such successors, heirs, executors, assigns, employees and agents.

20. SITE MAINTENANCE AND ENVIRONMENTAL CONDITIONS

The Lessee shall maintain the land with its appurtenances under this lease at its sole cost and expense in good repair, safe, and healthful condition, including improvements constructed or alterations to the premises during the term of the lease agreed upon by all parties to this agreement in writing in accordance with applicable tribal and Federal environmental regulations.

The Lessor shall, to the extent of its knowledge, notify Government Lease Contracting Officer of the introduction of any hazardous or adverse conditions onto the Property by Lessor or others, including but not limited to, the Government leasing land with its appurtenances under lease.

21. UTILITIES

The Lessee shall pay the cost of services such as utilities, trash and snow removal, general maintenance, and janitorial during the term of this lease.

22. DISCOVERY OF HISTORIC PROPERTIES

If historic properties, archeological resources, human remains, or other cultural items not previously reported are encountered during the course of any activity associated with this Lease, all activity in the immediate vicinity of the properties, resources, remains, or items will cease and the Lessee will contact Lessor to determine how to proceed and appropriate disposition.

23. CONDITION OF LEASED PREMISES.

Lessee has examined and knows the Leased Premises and improvements thereon and accepts the same as-is. No representations as to the condition of the Leased Premises have been made by Lessor, any agent of Lessor prior to or at the time of execution of this Lease. Lessee warrants that it has not relied on any warranty or representation made by or on behalf of Lessor, but solely upon Lessee's independent investigation.

24. CONSTRUCTION; MAINTENANCE; REPAIR; ALTERATION.

- (A) All buildings and other improvements placed on the Leased Premises shall be constructed in a good and workmanlike manner in compliance with applicable laws and building codes. All parts of buildings or other improvements visible to the public or from adjacent premises shall present a pleasant appearance and all service areas shall be screened from public view.
- (B) Lessee shall maintain the Leased Premises and all buildings and other improvements thereon and any alterations, additions or appurtenances thereto, in good order and repair and in a safe, sanitary and neat condition.

- (C) Lessee shall have the right to make reasonable alterations, additions or repairs to buildings or other improvements on the Leased Premises, consistent with other provisions of this Lease.

25. CONSTRUCTION BOND

If required by Federal law, including the Miller Act, 40 U.S.C. §3131 *et seq.*, prior to the commencement of construction of any improvement on the leasehold premises, the Lessee shall require its construction contractor to post construction bonds in an amount sufficient to cover such construction as may be approved by the Lessor.

26. NON-RESPONSIBILITY NOTICES

Prior to the commencement of construction of any improvement on the leased premises, or prior to the beginning of any repair or alteration thereto, or work or labor thereon, Lessee shall post non-responsibility notices at the site on Lessor's behalf, and Lessee agrees to post said notices ten (10) days prior to commencing any construction.

27. SUBLEASES AND ASSIGNMENTS.

Lessee shall not assign, convey or otherwise transfer this Lease, or any interest therein, without the prior written approval of Lessor and the Secretary, and then only upon the condition that the assignee or other successor in interest shall agree, in writing, to be bound by each and every covenant, agreement, term and condition of this Lease. Any such attempted assignment, conveyance, or transfer, without such written approval shall be void and of no effect. The approval of Lessor may be granted, granted upon conditions, or withheld at the sole discretion of Lessor.

28. QUIET ENJOYMENT.

Lessor hereby covenants and agrees that, upon performing each of its covenants, agreements, terms and conditions contained in this Lease, that Lessee shall peaceably and quietly have, hold and enjoy the Leased Premises without any hindrance, interruption, ejection or molestation by Lessor or by any other person or persons claiming from or under Lessor.

29. ENCUMBRANCE.

This Lease or any interest therein may not be encumbered and no such encumbrance shall be valid or binding.

30. VIOLATION.

- (A) Time is declared to be of the essence in this Lease. Should Lessor determine that a provision of this Lease has been violated, Lessor shall send notice of the violation to the Lessee in accordance with Section 40 herein.

- (1) Cure the violation and notify the Lessor in writing that the violation has been cured;
 - (2) Dispute the determination that a violation has occurred; or
 - (3) Request additional time to cure the violation with an explanation of why the additional time is necessary.
- (B) If a violation is not cured within ten (10) days, Lessor must determine whether:
 - (1) To grant additional time for the Lessee to cure the violation;
 - (2) To conduct additional inquiries to determine the validity of the Lessee's objections to the findings that the Lease has been violated; or
 - (3) Take any action authorized or allowed under applicable law.
- (C) If additional time is granted to cure a violation, the Lessee must proceed diligently to complete the necessary corrective actions within a reasonable period from the date on which the Lessor grants the additional time or within the specified time period set forth in the Lessor's written decision to grant additional time.
- (D) In accordance with Section 38 herein, the parties agree to use good faith efforts to resolve such disputes through mediation, informal discussion, or other non-binding methods of dispute resolution.
- (E) No waiver of a breach of any of the terms and conditions of this Lease shall be construed to be a waiver of any succeeding breach of the same or any other term or condition of this Lease. Exercise of any of the remedies herein shall not exclude recourse to any other remedies authorized or allowed under applicable law which may be exercised by Lessor or any other rights or remedies authorized or allowed under the applicable law now held or which may be held by Lessor in the future.

31. SANITATION.

Lessee hereby agrees to comply with all applicable sanitation and solid waste disposal laws, regulations or other sanitation or solid waste requirements of the United States and the Navajo Nation, except to the extent those Tribal laws are inconsistent with Federal regulations or other applicable Federal laws.

32. LIABILITY.

To the extent authorized by applicable Federal law, including the Federal Tort Claims Act, codified as amended primarily at 28 U.S.C. §§ 2671-80 (2006), Lessee will be liable for the negligent or wrongful acts or omissions of its officers or employers while acting within the scope of their office or employment. Lessee's commitment to pay any lawful obligation or liability incurred by Lessee under this Lease is backed by the full faith and credit of the United States.

33. INSURANCE.

As a Federal Agency, Lessee is self-insured and shall be responsible for any tort claims that arise and for any loss or damage to the Leased Premises, or any building, improvement, or equipment, including removable personal property and equipment, placed upon the Leased Premises by the Lessee, resulting from the actions or omissions of Lessee.

34. INSPECTION.

The Lessor and the Lessor's authorized representative shall have the right, at any reasonable time during the term of this Lease, to enter upon the Leased Premises, or any part thereof, to ensure compliance with the provisions of this lease.

35. MINERALS

All minerals, including sand and gravel, contained in or on the Leased Premises are reserved for the use of Lessor. Lessor also reserves the right to enter upon the Leased Premises and search for and remove minerals located thereon, paying just compensation for any damage or injury caused to Lessee's personal property or improvements constructed by Lessee.

36. DELIVERY OF PREMISES.

At the termination of this Lease, Lessee shall peaceably and without legal process deliver up the possession of the Leased Premises in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, Lessee shall provide to the Navajo Nation, at Lessee's sole cost and expense, an NEPA review of the Leased land at least sixty (60) days prior to delivery of said premises.

37. ATTORNEY'S FEES.

Lessee will be liable for attorney's fees and litigation costs in accordance with applicable federal statutes subjecting the United States and its agencies to liability for such fees and costs.

38. DISPUTE RESOLUTION.

In the event that a dispute arises under this Lease, the Parties agree to use their good faith efforts to resolve such disputes through mediation, informal discussion, or other non-binding methods of dispute resolution.

39. JURISDICTION AND NO WAIVER OF SOVEREIGN IMMUNITY

- (A) The laws of the Navajo Nation apply to the Leased Premises, except to the extent that those laws are inconsistent with applicable Federal regulations or other applicable Federal law. As an agency of the United States government, Lessee is subject to Federal laws and nothing in this Agreement shall be construed as requiring Lessee or its employees, agents, or sublessees to violate Federal law.
- (B) Nothing in this Lease shall in any way or to the extent limit the right of the United States to rely upon sovereign immunity or any State or Federal statute limiting liability or damages from injuries sustained in connection with the use or occupancy of the designated area under this Lease. Nothing in this Lease shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation or the United States.

40. NOTICES AND DEMANDS.

- (A) Any notices, demands, requests or other communications to or upon either party provided for in this Lease, or given or made in connection with this Lease, (hereinafter referred to as "notices,") shall be in writing and shall be addressed as follows:

To or upon Lessor:

President
The Navajo Nation
Office of the President/Vice-President
Post Office Box 9000
Window Rock, Navajo Nation (Arizona) 86515
Fax: (928) 871-7005

To or upon Lessee:

Navajo Area Indian Health Service
Post Office Box 9020
Window Rock, Arizona 86515-9020
Fax: (928)

- (B) All notices shall be given by personal delivery, by registered or certified mail, postage prepaid, or by facsimile transmission, followed by surface mail. Notices shall be effective and shall be deemed delivered: if by personal delivery, on the date of delivery if during normal business hours, or if not during normal business hours on the next business day following delivery; if by registered or certified mail, or by facsimile transmission, followed by surface mail, on the next business day following actual delivery and receipt.
- (C) Lessor and Lessee may at any time change its address for purposes of this section by notice.

THE ATTACHED EXHIBITS ARE INCOPORATED AND MADE A PART HEREOF:

- A. Land Legal Description and Survey (Exhibit A)
B. Aerial photo and plot plan (Exhibit B)

LESSOR:
NAVAJO TRIBE

LESSEE:
UNITED STATES OF AMERICA

Jonathan Nez, President Date

Gary B. Wilson Date
Lease Contracting Officer
Indian Health Service-DES

HEALTH CENTER LEGAL DESCRIPTION:

A PARCEL OF LAND IS SITUATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 16 & THE NORTHWEST QUARTER (NW 1/4) OF SECTION 21, TOWNSHIP 23 NORTH, RANGE 19 EAST, GILA & SALT RIVER MERIDIAN, IN THE VICINITY OF DILKON CHAPTER, NAVAJO COUNTY, STATE OF ARIZONA, ON THE NAVAJO NATION TRUST LAND AND IS BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER (S 1/4) OF SAID SECTION 16, T23N, R19E, G&SRM, MONUMENTED WITH A UNITED STATES BUREAU OF LAND MANAGEMENT CADASTRAL SURVEY BRASS CAP DATED 2004 FOUND:

THENCE N 59°16'45"W, DISTANCE 1,187.62 FEET TO A B.L.A. BRASS CAP AND THE TRUE POINT OF BEGINNING FOR THIS PARCEL.

THENCE S 13°42'58"E, DISTANCE 250.64 FEET TO A B.L.A. BRASS CAP ALONG THE WEST RIGHT OF WAY LINE OF NAVAJO ROUTE 60,

THENCE S 13°43'11"E, DISTANCE 349.26 FEET TO A SET 5/8" REBAR ALONG THE WEST RIGHT OF WAY LINE OF NAVAJO ROUTE 60,

THENCE S 32°10'43"W, DISTANCE 1,728.71 FEET TO A SET 5/8" REBAR,

THENCE N 14°40'55"W, DISTANCE 2,369.37 FEET TO A FOUND 1/2" REBAR WITH AN ALUMINUM CAP,

THENCE S 79°52'57"E, DISTANCE 1,400.68 FEET ALONG THE SOUTH RIGHT OF WAY LINE ON NAVAJO ROUTE 15, BACK TO THE TRUE POINT OF BEGINNING FOR THIS PARCEL.

CONTAINING 43.13 ACRES, MORE OR LESS,

(SECTION 16 HAS 22.57 ACRES AND SECTION 21 HAS 20.56 ACRES)

SURVEYED BY INA'BA'INC. ON MAY 09, 2016,

NOTES:

1. THIS PLAN AND ALL PURSUANT WORK HAS BEEN PREPARED PER CONTRACT BETWEEN INA BA, INC. & NAVAJO AREA INDIAN HEALTH SERVICES (NAIHS).
2. PHYSICAL FEATURES AS SHOWN ARE BASED ON A GROUND SURVEY PERFORMED BY INA BA, INC. DURING MAY 2016.
3. THE LOCATION OF THE EXISTING BELOW GRADE UTILITIES ON THE PROPERTY ARE BASED ON "DILKON HEALTH CENTER SEWER LINE & SEWER LAGOONS" PLAT DATED JANUARY 18, 2015. NO SUBSURFACE INVESTIGATIONS HAVE BEEN PERFORMED BY INA BA, INC.
4. BASIS OF BEARING IS GRID NORTH, ARIZONA STATE PLANE COORDINATES (EAST ZONE) NAD 83 BASED ON GPS OBSERVATIONS. ELEVATIONS AS SHOWN ARE REFERENCED TO NAVD 88.
5. THE COORDINATES SHOWN HEREON ARE FOR NAVIGATIONAL PURPOSES ONLY.
6. ALL DISTANCES SHOWN ARE GROUND, GRID TO GROUND COMBINED FACTOR = 0.99962788476.
7. AREA: SUBJECT PROPERTIES CONTAIN THE ACRES(S) BELOW, BASED UPON "DILKON HEALTH CENTER SEWER LINE & SEWER LAGOONS" SURVEY PLAT & FOUND ACCEPTED MONUMENTATION AS NOTED.

HEALTH CENTER TRACT (43.13 ± ACRES): 22.57 ACRES IN SECTION 16
20.56 ACRES IN SECTION 21

SURVEY CERTIFICATE:

I, JOHN A. VUKONICH, ARIZONA REGISTERED PROFESSIONAL SURVEYOR #65918, 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 AND THIS SURVEY AND PLAT MEET OR EXCEED THE ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



DILKON INDIAN HEALTH SERVICE TRACTS

43.13 ± ACRE(S)

DISTRICT #7, NAVAJO NATION TRUST LAND

SW 1/4 OF SECTION 16 & NW 1/4 OF SECTION 21,

T.23 N., R.19 W., G.&S.R.M.

DILKON CHAPTER, NAVAJO COUNTY, ARIZONA

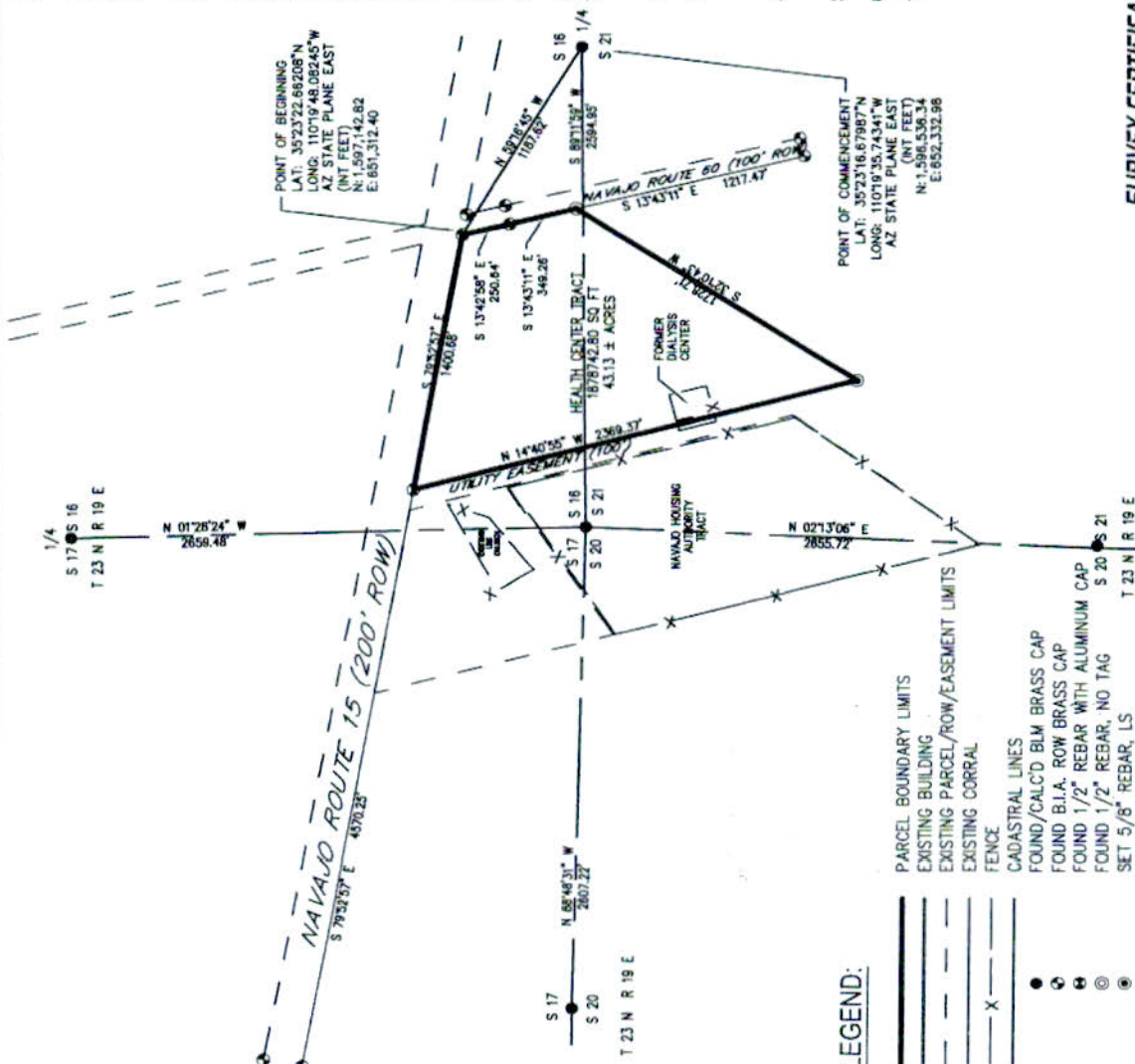


ina'ba, Inc.

ENVIRONMENTAL | ENGINEERING | SURVEYING | CONSTRUCTION | TRANSPORTATION
Integrating Technology, Innovation, and the Environment

4801 North Butler Ave., Ste. 1101 Tempe, AZ 85281
Phone: (602) 327-1372 Fax: (602) 327-1317
www.inabaco.com

PROJECT# 18-173-04



LEGEND:

- PARCEL BOUNDARY LIMITS
- EXISTING BUILDING
- EXISTING PARCEL/ROW/EASEMENT LIMITS
- EXISTING CORRAL
- FENCE
- CADASTRAL LINES
- FOUND/CALCD BLM BRASS CAP
- FOUND B.L.A. ROW BRASS CAP
- FOUND 1/2" REBAR WITH ALUMINUM CAP
- FOUND 1/2" REBAR, NO TAG
- SET 5/8" REBAR, LS



GRID NORTH
SCALE: 1"=1000'



FILE: HSDILKON_PARCELS.DWG DATE: 06/06/2018 DRAWN: TJR CHECK: JAV SHEET #1 of 1

HEALTH CENTER LEGAL DESCRIPTION:

A PARCEL OF LAND IS SITUATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 16 & THE NORTHWEST QUARTER (NW 1/4) OF SECTION 21, TOWNSHIP 23 NORTH, RANGE 19 EAST, GILA & SALT RIVER MERIDIAN, IN THE VICINITY OF DILKON CHAPTER, NAVAJO COUNTY, STATE OF ARIZONA , ON THE NAVAJO NATION TRUST LAND AND IS BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER (S 1/4) OF SAID SECTION 16, T23N, R19E, G&SRM, MONUMENTED WITH A UNITED STATES BUREAU OF LAND MANAGEMENT CADASTRAL SURVEY BRASS CAP DATED "2004" FOUND: _____

THENCE N 59°16'45" W, DISTANCE 1,187.62 FEET TO THE TRUE POINT OF BEGINNING FOR THIS PARCEL,

THENCE S 13°42'58" E, DISTANCE 250.64 FEET ALONG THE WEST RIGHTS OF WAY LINE OF NAVAJO ROUTE 60,

THENCE S 13°43'11" E, DISTANCE 349.26 FEET ALONG THE WEST RIGHTS OF WAY LINE OF NAVAJO ROUTE 60,

THENCE S 32°10'43" W, DISTANCE 1,728.71 FEET,

THENCE N 14°40'55" W, DISTANCE 2,369.37 FEET,

THENCE S 79°52'57" E, DISTANCE 1,400.68 FEET ALONG THE SOUTH RIGHTS OF WAY LINE ON NAVAJO ROUTE 15, BACK TO THE TRUE POINT OF BEGINNING FOR THIS PARCEL.

CONTAINING 43.13 ACRES, MORE OR LESS,

(SECTION 16 HAS 22.57 ACRES AND SECTION 21 HAS 20.56 ACRES) _____

SURVEYED BY IINA'BA'INC. ON MAY 09, 2016.

RECEIVED
FEB - 8 2019

Exhibit B



PERMANENT
tabblesPROPERTY OF
THE NAVAJO TRIBE

ACAP-41-78

Class "B" Resolution
Area Approval Required.RESOLUTION OF THE
ADVISORY COMMITTEE OF THE
NAVAJO TRIBAL COUNCILConcurring in the Withdrawal of Land for
Housing and Commercial Development
Within the Dilcon Chapter

WHEREAS:

1. The Dilcon Chapter has requested by resolution the withdrawal of land and the resolution is attached hereto as Exhibit "A"; and
2. The lands to be withdrawn have been surveyed and they are described more specifically in Exhibits "B", "C", "D", "E", "F", and "G" attached hereto; and
3. The Chairman of the Navajo Tribal Council has issued an Order withdrawing said land; and
4. It is in the best interest of the Navajo Tribal Government that said lands be withdrawn.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Advisory Committee of the Navajo Tribal Council, pursuant to 16 NTC 451, does hereby concur in the withdrawal of the land described in Exhibits "B", "C", "D", "E", "F" and "G" for housing and commercial programs within the Dilcon Chapter.
2. Any homesite or commercial leases or permits on said lands shall be subject to approval by the Advisory Committee of the Navajo Tribal Council as provided by the Tribal law.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Advisory Committee of the Navajo Tribal Council at duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 10 in favor and 0 opposed, this 18th day of April, 1978.

Wilson C. Skutumpah
Vice Chairman
Navajo Tribal Council

NOT FOR DISTRIBUTION

TRACT DESCRIPTION

A PARCEL OF LAND SITUATED IN LAND MANAGEMENT DISTRICT NO. 7 OF THE NAVAJO INDIAN RESERVATION AT DILCON, NAVAJO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a BIA Brass Cap situated in the Easterly Line of Navajo Route No. 60 at Centerline Station 567+00;

THENCE on last said line run N 13° 43' 00" W, 2320.41 feet;

THENCE S 70° 53' 46" W, 50.22 feet to the Westerly Line of said Navajo Route No. 60 and the Point of Beginning of the herein described parcel of land;

THENCE on last said line S 13° 43' 00" E, 1841.77 feet to the Northerly line of Navajo Route No. 15;

THENCE on last said line N 79° 52' 02" W, 1404.71 feet;

THENCE N 14° 40' 47" W, 1150.98 feet;

THENCE N 70° 53' 46" E, 1309.90 feet to the Point of Beginning.

Being 44.42 acres, more or less, in area.

TRACT DESCRIPTION

A PARCEL OF LAND SITUATED IN LAND MANAGEMENT DISTRICT NO. 7 OF THE NAVAJO INDIAN RESERVATION AT DILCON, NAVAJO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a BIA Brass Cap situated in the Easterly Line of Navajo Route No. 60 at Center-line Station 567+00;

THENCE on last said line N 13° 43' 00" W, 425.00 feet to the Northerly Line of Navajo Route No. 15 and the Point of Beginning of the herein described parcel of land;

THENCE continue N 13° 43' 00" W, 1895.41 feet;

THENCE N 70° 53' 46" E, 1197.98 feet;

THENCE S 19° 06' 14" E, 487.30 feet;

THENCE S 59° 42' 34" E, 1852.60 feet;

THENCE S 79° 13' 26" E, 3071.40 feet;

THENCE S 19° 05' 12" W, 1235.61 feet to the Northerly Line of said Navajo Route No. 15

THENCE on last said line N 79° 52' 02" W, 5135.01 feet to the Point of Beginning.

Being 192.31 acres, more or less, in area.

TRACT DESCRIPTION

A PARCEL OF LAND SITUATED IN LAND MANAGEMENT DISTRICT NO. 7 OF THE NAVAJO INDIAN RESERVATION AT DILCON, NAVAJO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a BIA Brass Cap situated in the Easterly Line of Navajo Route No. 60 at Centerline Station 567+00;

THENCE on last said line run N 13° 43' 00" W, 206.33 feet to the Southerly Line of Navajo Route No. 15;

THENCE on last said line N 79° 52' 02" W, 1620.18 feet to the Point of Beginning of the herein described parcel of land;

THENCE S 14° 40' 47" E, 3452.64 feet;

THENCE N 72° 20' 19" W, 1082.93 feet;

THENCE N 14° 40' 47" W, 3296.32 feet to said Southerly Line of Navajo Route No. 15;

THENCE on last said line S 79° 52' 02" E, 1008.00 feet to the Point of Beginning.

Being 70.89 acres, more or less, in area.

TRACT DESCRIPTION

A PARCEL OF LAND SITUATED IN LAND MANAGEMENT DISTRICT NO. 7 OF THE NAVAJO INDIAN RESERVATION AT DILCON, NAVAJO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a BIA Brass Cap situated in the Easterly Line of Navajo Route No. 60 at Centerline Station 567+00;

THENCE on last said line run N 13° 43' 00" W, 206.33 feet to the Southerly Line at Navajo Route No. 15;

THENCE on last said line N 79° 52' 02" W, 109.34 feet to the Westerly Line of said Navajo Route No. 60 and the Point of Beginning of the herein described parcel of land;

THENCE on last said line run the next following three (3) Courses:

- (1) S 13° 43' 00" E, 1816.56 feet;
- (2) THENCE on the arc of a curve concave to the Northeasterly and having a radius of 2918.53 feet, run a chord distance of 846.06 feet, the bearing of said chord being S 22° 03' 03" E;
- (3) THENCE S 30° 23' 06" E, 1292.53 feet;

THENCE S 78° 51' 15" W, 1702.49 feet;

THENCE N 14° 40' 47" W, 4382.50 feet to the Southerly Line of said Navajo Route No. 15;

THENCE on last said line S 79° 52' 02" E, 1400.67 feet to the Point of Beginning.

Being 126.99 acres, more or less, in area.

TRACT DESCRIPTION

A PARCEL OF LAND SITUATED IN LAND MANAGEMENT DISTRICT NO. 7
OF THE NAVAJO INDIAN RESERVATION AT DILCON, NAVAJO COUNTY,
ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN at a BIA Brass Cap situated in the Easterly Line of Navajo Route No. 60 at Centerline Station 567+00;

THENCE on last said line run N 13° 43' 00" W, 206.33 feet to the Southerly Line of Navajo Route No. 15;

THENCE on last said line S 79° 52' 02" E, 5015.09 feet;

THENCE S 19° 05' 12" W, 1565.72 feet;

THENCE S 67° 21' 36" W, 3279.12 feet to said Easterly Line of Navajo Route No; 60;

THENCE on last said line run the next following three (3) courses;

- (1) N 30° 23' 06" W, 1327.43 feet;
- (2) THENCE on the arc of a curve concave to the Northeasterly and having a radius of 2818.53 feet, run a chord distance of 817.07 feet, the bearing of said chord being N 22° 03' 03" W;
- (3) N 13° 43' 00" W, 1566.03 feet to the Point of Beginning.

Being 247.53 acres, more or less, in area.

TRACT DESCRIPTION

A PARCEL OF LAND SITUATED IN LAND MANAGEMENT DISTRICT NO. 7 OF THE NAVAJO INDIAN RESERVATION AT DILCON, NAVAJO COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a BIA Brass Cap situated in the Easterly Line of Navajo Route No.60 at Centerline Station 567+00;

THENCE on last said line run N 13° 43' 00" W, 2320.41 feet;

THENCE S 70° 53' 46" W, 1460.42 feet to the Point of Beginning of the herein described parcel of land;

THENCE S 14° 40' 47" E, 1097.00 feet to the Northerly Line of Navajo Route No. 15;

THENCE on last said line N 79° 52' 02" W, 1008.00 feet;

THENCE N 14° 40' 47" W, 603.21 feet;

THENCE N 70° 53' 46" E, 917.68 feet to the Point of Beginning.

Being 17.86 acres, more or less, in area.

PERMANENT

PROPERTY OF
THE NAVAJO TRIBE

ACAP-41-78

Class "B" Resolution
Area Approval Required.

RESOLUTION OF THE
ADVISORY COMMITTEE OF THE
NAVAJO TRIBAL COUNCIL

Concurring in the Withdrawal of Land for
Housing and Commercial Development
Within the Dilcon Chapter

WHEREAS:

1. The Dilcon Chapter has requested by resolution the withdrawal of land and the resolution is attached hereto as Exhibit "A"; and
2. The lands to be withdrawn have been surveyed and they are described more specifically in Exhibits "B", "C", "D", "E", "F", and "G" attached hereto; and
3. The Chairman of the Navajo Tribal Council has issued an Order withdrawing said land; and
4. It is in the best interest of the Navajo Tribal Government that said lands be withdrawn.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Advisory Committee of the Navajo Tribal Council, pursuant to 16 NTC 451, does hereby concur in the withdrawal of the land described in Exhibits "B", "C", "D", "E", "F" and "G" for housing and commercial programs within the Dilcon Chapter.
2. Any homesite or commercial leases or permits on said lands shall be subject to approval by the Advisory Committee of the Navajo Tribal Council as provided by the Tribal law.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Advisory Committee of the Navajo Tribal Council at duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 10 in favor and 0 opposed, this 18th day of April, 1978.

Wilson C. Skutumpah
Vice Chairman
Navajo Tribal Council

NOT FOR DISTRIBUTION

RESOLUTION OF THE
DILKON CHAPTER

Approving the Withdrawal of 700 Acres of Land
To Be Used for Comprehensive
Community Development

WHEREAS:

01. Chapter 9, Title 6, §634, Navajo Tribal Code authorizes the Advisory Committee to approve withdrawal of land for purposes of implementing a Comprehensive Community Plan, and

02. The individuals who reside within or possess grazing permits for any part of the 700 acres of land to be withdrawn have agreed to said withdrawal, and

03. The Dilkon Chapter recognizes the potential for and benefit of comprehensive community development within this 700 acres of land.

NOW THEREFORE BE IT RESOLVED THAT:

01. The Dilkon Chapter approves the withdrawal of 700 acres of land, as depicted by the attached map, for the purpose of implementing a Comprehensive Community Plan.

02. The Dilkon Chapter respectfully requests the Economic Development and Planning Committee and the Advisory Committee to give their favorable consideration to and approval of this land withdrawal in order that the Dilkon community can proceed to implement comprehensive planning designed to enhance their living environment.

CERTIFICATION:

It is hereby certified that the foregoing resolution was duly considered by the Dilkon Chapter at a duly called meeting at Dilkon Chapter, Dilkon, Arizona, at which a quorum was present and that same was passed by a vote of 60 in favor 00 opposed, this 5th day of June, 1976.

Barbara Franklin
DILKON CHAPTER PRESIDENT

Maurice Shirley
DILKON COUNCILMAN

Billy John
DILKON CHAPTER VICE-PRESIDENT

Florence C. Weaver
DILKON CHAPTER SECRETARY

Motioned by: Henry Parker
Seconded by: Ross Dixon

EXECUTIVE ORDER

Pursuant to authority of Tribal Council Resolution No. CJ-24-55, (16 N.T.C. 451), and the request of the Dilcon Chapter, the land described in Exhibits A, B, C, D, E and F is hereby withdrawn for Housing and Commercial development.

Dated this 3 day of May, 1978.

William C. Skutumpah
Peter MacDonald, Chairman
FOR Navajo Tribal Council MAY 03 1978

ENVIRONMENTAL ASSESSMENT (EA) UPDATE
PROPOSED DILKON HEALTH CENTER AND ASSOCIATED
IMPROVEMENTS
DILKON, NAVAJO COUNTY, ARIZONA
JUNE 2016



Navajo Area Indian Health Service
P. O. Box 9020
Window Rock, AZ 86515
Phone: (928) 871-5808
Fax: (928) 871-1478



4801 N. Butler Avenue, Suite 1101
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iiná bá Project No.: NAVAJOA-00004
Contract No.: HHSI245201600860P

4801 N. Butler Ave., Ste 1101
Farmington, NM 87401
Office: (505) 327-1072

iiná bá

P.O. Box 2606
Farmington, NM 87499
Fax: (505) 327-1517

June 1, 2016

Ms. Glenn Tsingine - Staff Civil Engineer - PM/COR
Navajo Area Indian Health Service
Division of Facility Management and Engineering
P. O. Box 9020
Window Rock, Arizona 86515

RE: **Environmental Assessment (EA) Update**
Proposed Dilkon Health Center and Associated Improvements
Dilkon, Navajo County, Arizona
IHS Contract No.: HHSI245201600860P
iiná bá Project No.: NAVAJOA-00004

Dear Mr. Tsingine:

iiná bá, Inc. (*iiná bá*) is hereby providing the following update to the *Phase II Final Environmental Assessment (EA) for Proposed Dilkon Health Center and Staff Quarters*, dated February 2016, as prepared by the United States Public Health Service, Navajo Area Indian Health Service, Window Rock, Arizona. The performance of this EA update is in accordance with the *Scope of Work (SOW)* provided by the government and on our *Environmental and Survey Services Proposal*, dated April 22, 2016.

The structure of this EA update was designed to simplify the review and approval process by the various agencies needed to receive a Findings of No Significant Impact (FONSI) for the subject project. Therefore, each section of this update is organized to reflect the previous EA findings or conclusions with the current findings and conclusions under this update immediately following in *italics* for comparison purposes. The general format of this update is in accordance with the outline contained within the SOW provided by the government.

Proposed Action

The proposed action for the subject project is to construct a new health center with staff quarters located in the community of Dilkon, Arizona within the Navajo Nation.

Project Description

A new health center with approximately 129,232 square feet (sf) and a total of 109 new staff quarter units will be constructed on a tract of land located at the southwest corner of Navajo Routes 15 and 60. The Navajo Tribal Utility Authority (NTUA) will provide water, wastewater with disposal system, natural gas and electricity for the proposed project. Frontier Communication will provide telecommunications. The disposal of solid waste and hazardous medical waste for the new health center will be transported to a state-permitted landfill. A total of 87.84 acres has been set aside by the Dilkon Chapter and surrounding Chapters for the proposed project. The health center would be positioned within a tract of land measuring 43.130 acres and a sewer lagoon within a tract of land measuring 40 acres, with a sewer right-of-way (ROW) connecting the two (2) tracts totaling 4.710 acres.

Purpose and Need

The new health center will replace the Winslow Indian Health Care Center (WIHCC) as the parent facility for the region. New services to be provided as direct services at the new facility will include a Level III 24-hour emergency room, podiatry, audiology, 11 short-stay nursing unit beds for low-acute care. The majority of clinical, community health, administrative, and support services currently provided by the WIHCC facility will be provided at the new center. Full-time basic health care services will continue at the existing Leupp Health Center and at WIHCC.

Location and Vicinity Maps

The location of the proposed health center is shown on the attached United States Geological Survey (USGS) Dilkon, Arizona 7.5-Minute Series Topographic Map (2011) as **Figure 1 - Site Location Map** and the general land conditions (as of March 1, 2016) for the proposed project areas can be seen on the Google Earth Image Orthophotographic Map attached as **Figure 2 - Site Layout Map**. A boundary survey with legal description for the proposed project area(s) is included as an attachment to this report.

Alternatives

Two (2) alternatives were previously proposed for the subject project; Alternative A - No Action, or Alternative B - Proposed Action.

At the present time, these are still the only two (2) alternatives being considered for the subject project. The proposed alternative is Alternative B, which when successful, will help meet the needs in upgrading the health care needs of the Winslow Service Unit (WSU) user population.

Topography

The proposed project is situated in the Hopi Butte Region. The average altitude of Dilkon, Arizona is 4,849 feet above mean seal level (MSL). The proposed action will not significantly impact the topography of the project area.

There is no apparent change in existing topography which can be seen on the recent photographs obtained on May 16, 2016 and are illustrated in the Photographic Documentation of Site Conditions attached to this update. Minor topographic change will occur within areas of construction due to clearing, grubbing, grading, and storm water BMP installation.

Climate

The climate for the region is a semi-arid climate with temperatures that range from approximately 89.6 degrees Fahrenheit in the summer to approximately 19.4 degrees in the winter.

There is no apparent change in the climate for the proposed project area.

Air Quality Impact

No adverse effect to visibility to Class I visibility areas is anticipated due to proposed construction activities. Construction dust would be minimized meeting specifications. No significant impacts to air quality are anticipated.

There are no new recognized or anticipated changes in air quality for the proposed project area.

Land Resources Impact

The proposed construction would occur within the 109.83 acres of withdrawn land and will not significantly impact the topography of the proposed project area. No significant impact is anticipated upon land resources.

The subject property for the proposed health center tract is currently abandoned and is not being utilized to any extent. The existing ROW for the sewer easement will not result in a change in land use or resource, as will the area of the proposed sewer lagoon. The proposed action alternative will not adversely remove any critical or sensitive lands from being a resource to the local community.

Water Impacts

The proposed project would not involve dredging or filling activities in any surface water of the United States or jurisdictional wetland regulated under Section 404 of the Clean Water Act. Because this project would disturb an area greater than one (1) acre, a Storm Water Pollution Prevention Plan (SWPPP) would be required. There is no visible surface water or perceived wetlands at the proposed health center tract or at the sewer lagoon tract. No significant impacts to resources are anticipated.

There is no apparent change in the status of water (surface or groundwater) within the proposed project area.

Vegetation Impacts

The proposed new construction will cause a permanent loss of vegetation on about two-thirds of the withdrawn land at the proposed project area. The Navajo Nation Department of Fish and Wildlife (NNDFW) issued a Biological Resources Compliance Form (BRCF) 06DHHS01 on January 26, 2016 granting approval to proceed with the proposed project.

As part of this EA update, the NNDFW issued a revised (updated) BRCF on May 18, 2016. A copy of this form (06DHHS01SA) is attached to this report.

Wildlife Impact

There are no threatened or endangered species known to occur on or near the proposed project areas. The Navajo Nation Department of Fish and Wildlife (NNDFW) issued a Biological Resources Compliance Form (BRCF) 06DHHS01 on January 26, 2016 granting approval to proceed with the proposed project.

As part of this EA update, the NNDFW issued a revised (updated) BRCF on May 18, 2016. A copy of this form (06DHHS01SA) is attached to this report.

Domestic Livestock Impact

Community stockmen use the proposed sewer lagoon site for grazing of sheep, horses and cattle.

Depending upon the proposed action for the development of the sewer lagoon tract, there may be the loss of grazing area for the previously mentioned use. If a new lagoon is built, some loss of available acreage would occur. If the existing lagoon is brought back online the same grazing area could potentially remain available. However, this is not a recommended practice for sewer lagoon areas. Adequate fencing should be in place and maintained to keep all domestic livestock out of contaminated lagoon waters during use.

Threatened and Endangered Species Impact

There are no threatened or endangered species known to occur on or near the proposed project areas. The Navajo Nation Department of Fish and Wildlife (NNDFW) issued a Biological Resources Compliance Form (BRCF) 06DHHS01 on January 26, 2016 granting approval to proceed with the proposed project.

As part of this EA update, the NNDFW issued a revised (updated) BRCF on May 18, 2016. A copy of this form (06DHHS01SA) is attached to this report.

Socioeconomic Impact

The Navajo Nation and Dilkon area residents have lower incomes and higher unemployment rates than the U.S. population. Construction of the new health facility will provide employment for the local labor force. The quality of life will be improved for the families in the Dilkon area following the completion of the project. While the project will probably encourage a population growth with people moving into the community for employment at the proposed facility, it is not felt to be a negative impact.

There may also be the existence of short-term employment during the construction phase of the proposed project by the hiring of local, skilled tradesmen and laborers that will also boost the local economy and quality of life.

Archaeological Impact

The Navajo Nation Archaeological Department (NNAD) - NAU Branch Office conducted a Cultural Resource Inventory (CRI) for the proposed site that is documented in Report No. NNAD - 04 - 108. A combined total of 109.83 acres of land was surveyed, which included a 43.13 acre site for the health center and staff quarters, a 39.83-acre site for the sewer lagoon, and a 4.71-acre strip of land (ROW) for the sewer line easement, including a 21.99-acre buffer zone. The survey recorded four (4) sites and three (3) sites were determined to be protected under the Archaeological Resources Protection Act (ARPA) and are eligible for nomination to the National Register of Historic Places (NHRP). NNAD - NAU mitigated Site AZ - 0 - 38 - 45 and completed all archaeological field work related to report N01246 Data Recovery and Reburial, as documented in a letter dated August 15, 2006. A determination of "no historic properties affected" was recommended for Sites AZ - 0 - 38 - 46 and AZ - 0 - 43 - 25. The NNHPD issued a Compliance Letter that provides archaeological clearance for the proposed construction to proceed as planned.

As part of this EA update, the NNHPD issued a revised (updated) CRCF on July 20, 2016. Stipulations concerning site work around cultural sites AZ-O-38-46/AZ-O-38-50, AZ-O-43-25/AZ-O-38-51 are imposed on the subject proposed effort and are listed on the issued CRCF. A copy of this form is attached to this report.

Tribal Culture Impact

The proposed project will cause a positive impact by enhancing the tribal culture over the current level of cultural events in the community. The health facilities will provide a place to encourage and practice traditional healing ceremonies.

There is no apparent change in the anticipated tribal culture for the proposed project area under the proposed alternative.

Solid Waste/Hazardous Materials Disposal Impact

The disposal of solid waste and hazardous medical waste for the new health center will be transported to a state-permitted landfill.

There is no apparent change in the proposed handling and disposal of solid waste/hazardous materials for the proposed project area.

Mitigation Measures

The following mitigation measures are considered to be representative for any project being considered on the Navajo Nation, regardless of the outcome or findings from this EA.

- No travel, parking, or other construction activities shall be allowed outside the construction Right-of-Way.
- The Contractor shall advise all project personnel that archaeological materials, human remains, and other heritage resources may occur hidden by dirt or vegetation in the project area and inform them that they should be alert for these resources. The Contractor shall inform all personnel of the requirement to not collect or disturb any archaeological or cultural remains. Any archaeological artifacts or other heritage resources discovered during construction shall be left intact and undisturbed, all work in the area shall stop immediately, and the Navajo Nation Historic Preservation Department (NNHPD) shall be notified immediately [(928) 871-7148]. Commencement of operations shall be allowed upon clearance by the NNHPD.

Environmental Assessment Update

Proposed Dilkon Health Center and Associated Improvements
June 1, 2016

- If during construction operations any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; Stat. 3048; 25 U.S.C. 3001) are discovered, the Contractor shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Navajo Nation Historic Preservation Department (NNHPD) of the discovery by telephone [(928) 871-7148] with written confirmation. The Contractor shall continue to protect the immediate area of the discovery until notified by the NNHPD that operations may resume.
- Hazardous wastes will not be generated during construction activities. Vehicle maintenance, other than routine lubrication and fueling operations, will be performed off-site at a temporary locked and secured equipment yard to prevent accidental releases of petroleum by-products or other potentially hazardous materials.
- The Navajo Nation Department of Fish and Wildlife (NNDFW) highly recommend that project activities avoid the Migratory Bird breeding season of March 1-August 15 or surveys will precede construction activity.

Responsible Personnel for EA

Mr. John R. Isham, CPG, Environmental Manager with *iiná bá*, is responsible for the preparation of this EA update under the applicable contract. A copy of his Resume is attached to this report.

Agencies or Individuals Consulted

Ms. Tamara Billie, Sr. Archaeologist
Historic Preservation Department
Navajo Nation
Post Office Box 4950
Window Rock, Arizona 86515

Ms. Gloria Tom, Director
Navajo Nation Department of Fish and Wildlife
Post Office Box 1480
Window Rock, Arizona 86515-1480

References Cites

NAIHS, Phase II Final Environmental Assessment for Proposed Dilkon Health Center and Staff Quarters, Dilkon, Navajo County, Arizona, United States Public Health Services, February 2016, 11 pp.

USGS, Dilkon, Arizona 7.5-Minute Series Topographic Quadrangle Map, Digital 2011.

Closing

It is our professional opinion, after reviewing the Phase II EA documentation and obtaining updated information regarding the proposed project that a Findings of No Significant Impact (FONSI) is recommended for the subject site. We appreciate the ability to provide the NAIHS with Environmental Assessment services. If you have any question regarding our submittal, please do not hesitate to contact us.

Respectfully prepared and submitted,

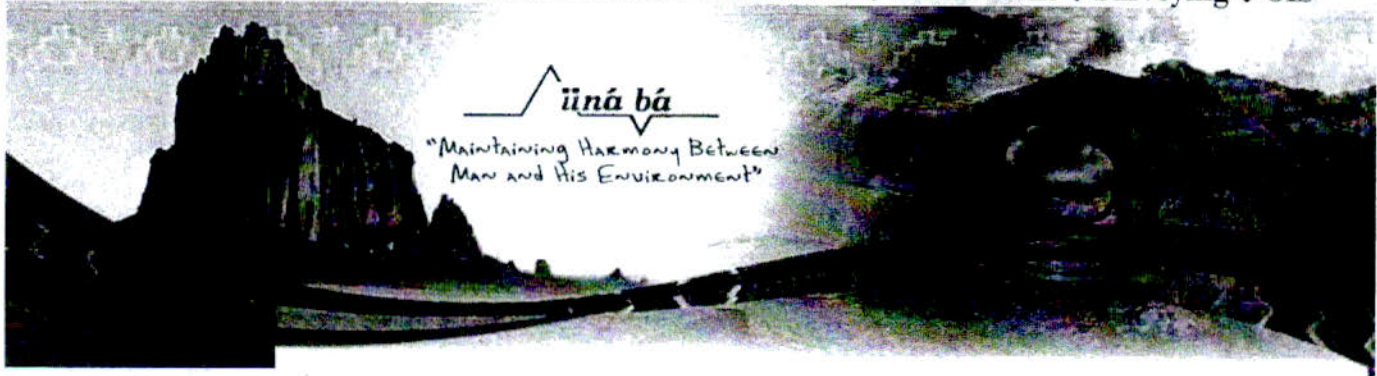
iiná bá, Inc.



John R. Isham, CPG
Environmental Manager

Attachments: Figure 1 - Site Location Map
Figure 2 - Site Layout Map
Boundary Survey with Legal Description
Photographic Documentation of Site Conditions - May 16, 2016
NNFWD BRCF 06DHHS01A, May 18, 2016
NNHPD CRCF, July 20, 2016
Resume - John R. Isham, CPG
Phase II - Final Environmental Assessment (February 2016)

Water ♦ Wastewater ♦ Solid Waste ♦ Roads ♦ Stormwater ♦ Subdivisions ♦ Surveying ♦ GIS



ATTACHMENTS

**ENVIRONMENTAL ASSESSMENT (EA) UPDATE
PROPOSED DILKON HEALTH CENTER AND ASSOCIATED IMPROVEMENTS
NAVAJO ROUTE 15 AND 60
DILKON, NAVAJO COUNTY, ARIZONA**



**PREPARED FOR:
NAVAJO AREA INDIAN HEALTH SERVICE
DIVISION OF FACILITY MANAGEMENT AND ENGINEERING
P. O. BOX 9020
WINDOW ROCK, ARIZONA 86515**

**PREPARED BY:
IINÁ BÁ, INC.
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FARMINGTON, NM 87401
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JUNE 2016**

Hydrology ♦ Air Quality ♦ ESA ♦ Soil Investigations ♦ SPCC ♦ Water Rights ♦ LUST



PHOTOGRAPHIC DOCUMENTATION OF SITE CONDITIONS
Proposed New Dilkon HIS Health Center and Associated Improvements
Dilkon, Navajo County, Arizona



Photographed by: John R. Isham, CPG (*iiná bá, Inc.*)

Photograph Period: Monday, May 16, 2016

Project Owner: Navajo Area Indian Health Service

Project Contract: HHSI245201600860P



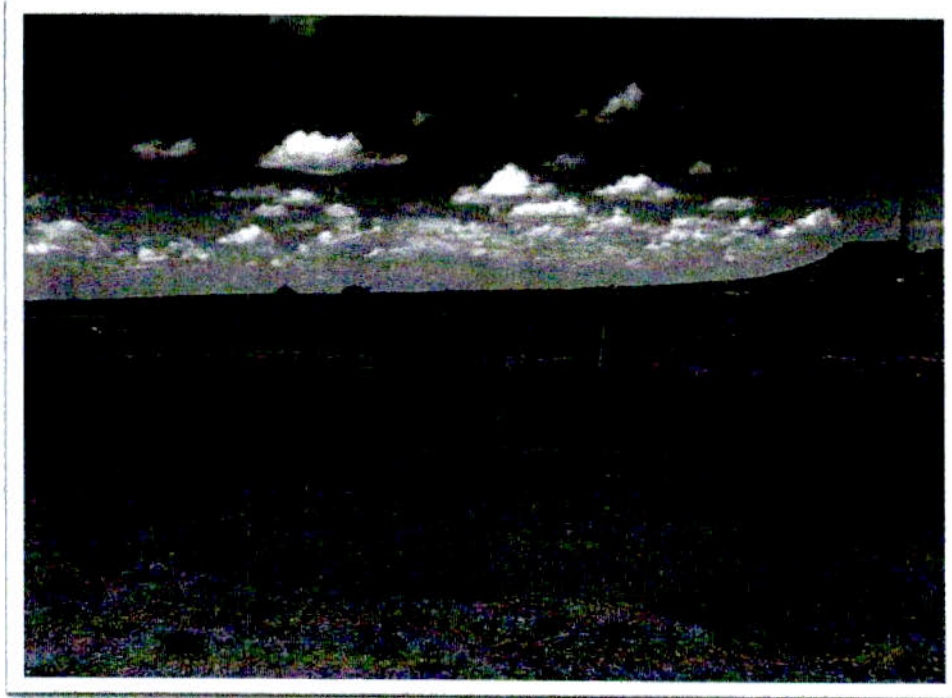
Photograph 1: View looking north from northwestern corner of proposed health center tract.



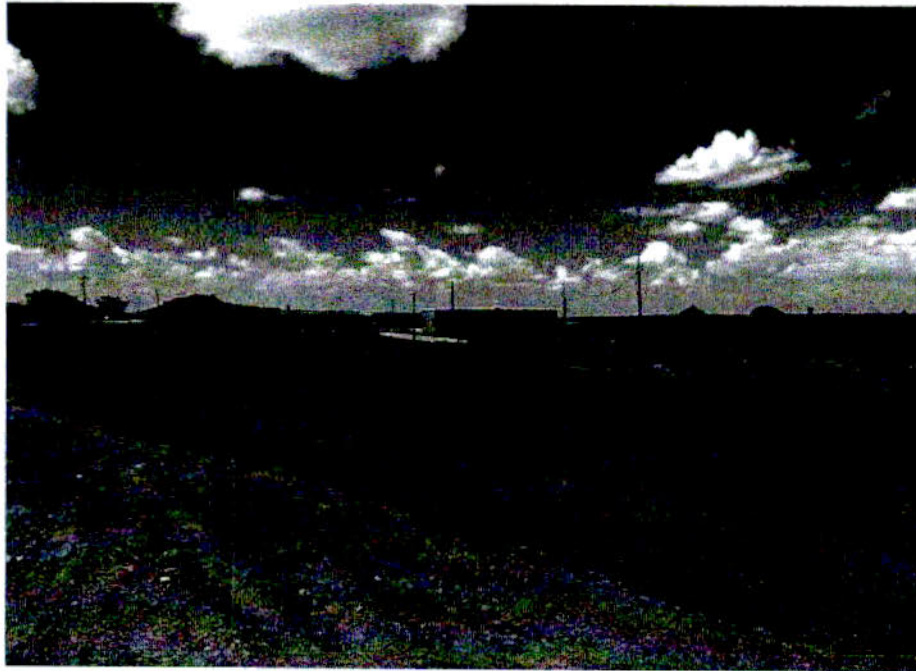
Photograph 2: View look east across northern portion of proposed health center tract.



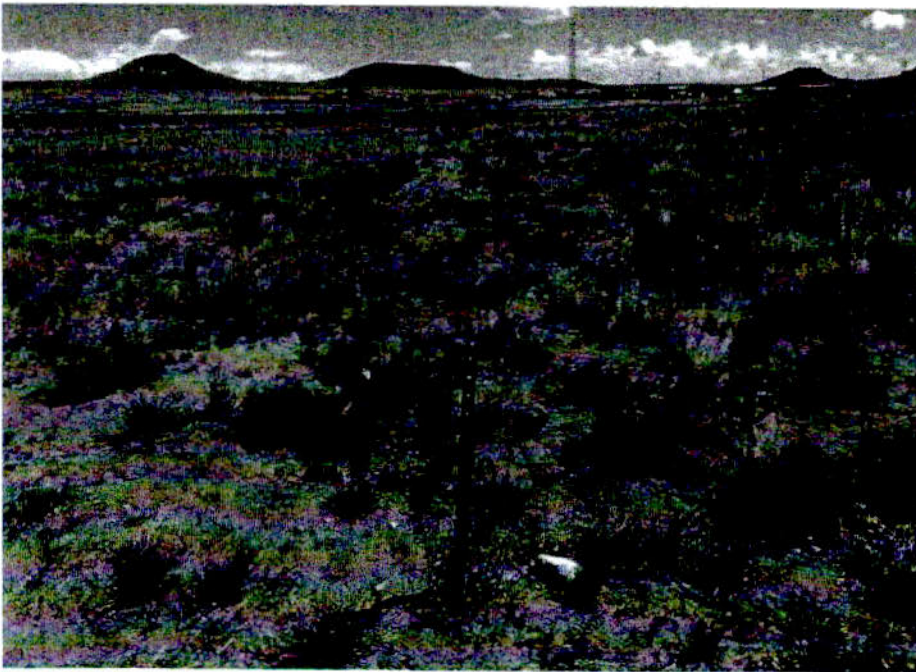
Photograph 3: View looking south across proposed health center tract along western side.



Photograph 4: View looking west along centerline of sewer ROW easement.



Photograph 5: View looking southwest at adjacent church grounds west of the proposed health center tract.



Photograph 6: View of existing NTUA water service line marker within proposed health center tract.



Photograph 7: View of NTUA natural gas service line ROW marker along western side of proposed health center tract.



Photograph 8: View looking west at adjacent NHA housing complex along western boundary of the tract.



Photograph 9: View of abandoned modular structure along southwestern portion of the proposed tract.



Photograph 10: View of geologic formation off eastern side of the proposed health center tract.



Photograph 11: View looking east-southeast from northeastern corner of proposed tract at the former Leroy Black business site.



Photograph 12: View looking west across proposed health center tract from ROW of Navajo Route 60.



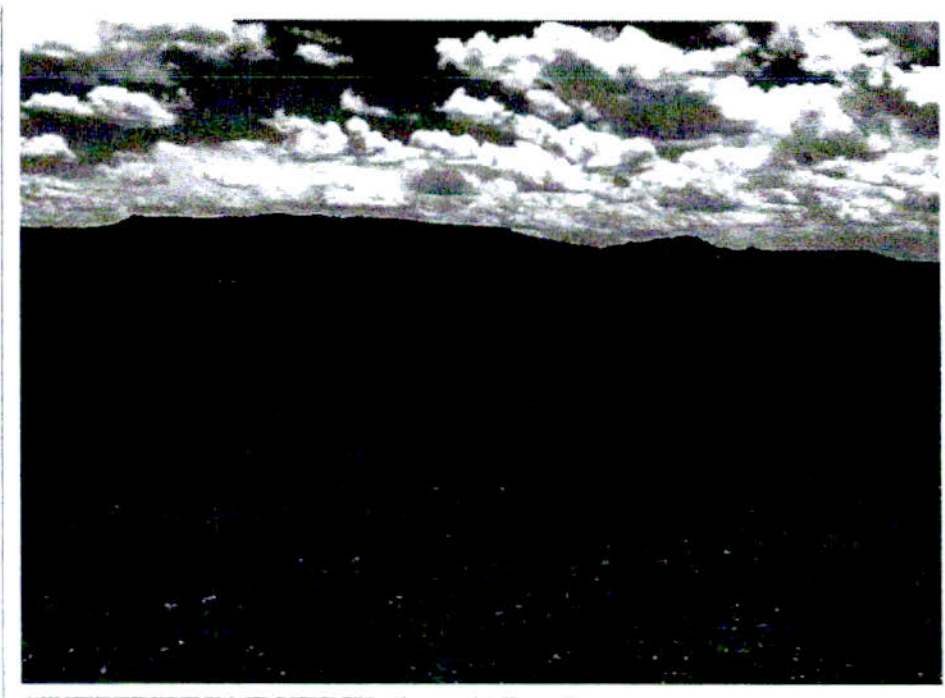
Photograph 13: View looking north across proposed health center trace from the southeastern lot corner pin.



Photograph 14: View across southern end of proposed health center tract from southeastern corner pin.



Photograph 15: View of centerline marker of sewer easement ROW looking south.



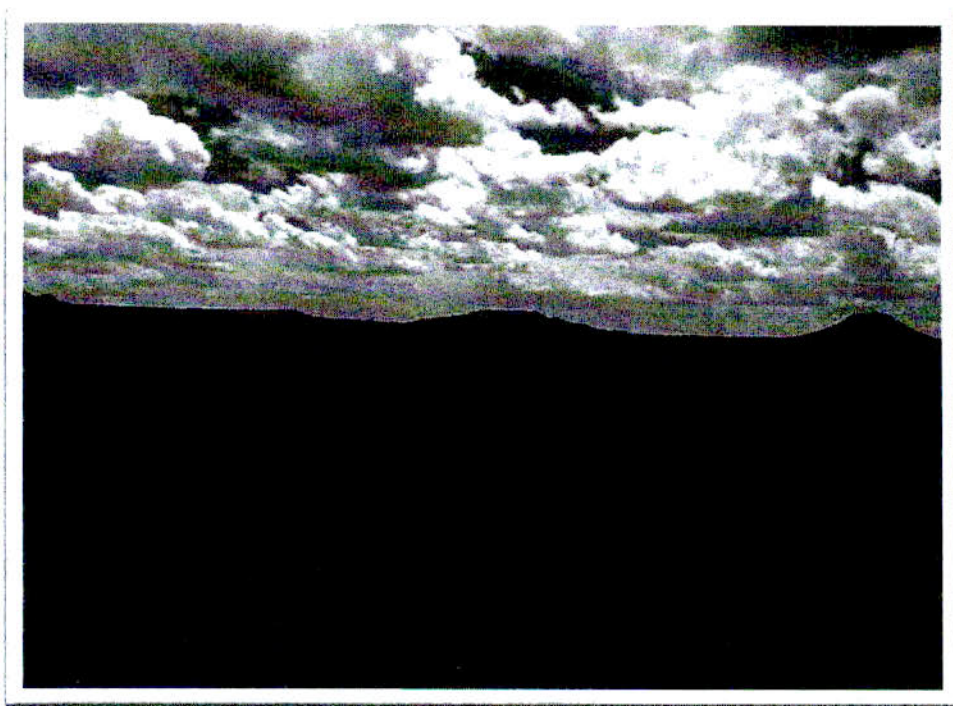
Photograph 16: View looking back to the northeast across sewer easement ROW from northeastern corner of lagoon parcel.



Photograph 17: View looking west at proposed lagoon parcel associated with the proposed health center.



Photograph 18: View looking north-northwest at lagoon from east-central berm access road.



Photograph 19: View looking south across proposed lagoon parcel from northeastern corner of berm road.



Photograph 20: View looking southwest across proposed lagoon parcel from northern side of access road.

**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.: Dilkon Health Care Center

DESCRIPTION: Proposed 87.84-acre site for a health care center. The project includes a 4.710-acre sewer line easement extending southwest from the site to a 40-acre sewer lagoon site.

LOCATION: Sections 16, 17, & 20, T23N, R19E, G&SRM, Dilkon, Navajo County, Arizona

REPRESENTATIVE: Virgil Loretto, Division of Facilities Management & Engineering, USPHS IHS

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/25 JAN 2016/Loretto

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 4 - Community Development Area

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/26 JAN 2016; amended acreage on 16 MAY 2016 per letter dated 12 MAY 2016 from John R. Isham, imá bá, Inc.

COPIES TO: (add categories as necessary)



2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

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

Representative's signature

Date

4801 N. Butler Ave., Ste 1101
Farmington, NM 87401
Office: (505) 327-1072

iiná bá

P.O. Box 2606
Farmington, NM 87499
Fax: (505) 327-1517

May 12, 2016

Ms. Pamela Kyselka - Wildlife Biologist
Navajo Nation Department of Fish and Wildlife
P. O. Box 1480
Window Rock, Arizona 86515

RE: **Proposed Indian Health Service Project**
Dilkon Health Care Center
Dilkon, Navajo County, Arizona

Dear Ms. Kyselka:

iiná bá, Inc. (*iiná bá*) has been retained by the Indian Health Service (IHS) to conduct an "update" to an Environmental Assessment (EA) on a 87.84-acre tract of land located in Dilkon, Arizona. We are in receipt of a *Biological Resources Compliance Form* (BRCF) No. 06DHHS01, with an issue date of January 26, 2016, from the Navajo Nation Department of Fish and Wildlife (NNDFW). We further recognize that an approval for the subject project was granted on the basis of the project being proposed within a Community Development Area 4.

The smooth execution of this project is of great importance to the Navajo Area Indian Health Service (NAIHS). Therefore, they want all related documentation pertaining to a NEPA EA to be current and up to date so that there are no delays likely when they submit their project documentation for review and approval to the respective agencies and governing bodies.

While the attached BRCF can be considered as "recent", we are requesting that the subject form be issued again with a current date so it can be included in our update to the previous EA that was prepared earlier this year by the government.

We appreciate your assistance on this project. If you have any question regarding our letter, please do not hesitate to contact us.

Respectfully submitted,

iiná bá, Inc.



John R. Isham, CPG
Environmental Manager


Attachments: Biological Resources Compliance Form 06DHHS01


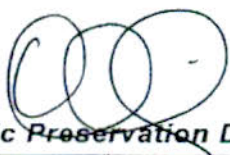


THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCE INVENTORY DETERMINATION FORM

SPONSOR: John Isham, <i>iiná bá</i>	NNHPD NO.: HPD-02-202, HPD-04-445 & HPD-07-1093
ADDRESS: PO Box 2606	PROJECT NO.: DCD1 01-121, NNAD 04-108; MCES 07-85
Farmington, New Mexico 87499	UNDERTAKING: Update Environmental Assessment for NAIHS Dilkon Health Care Center, Dilkon, Arizona
REPORT TITLES:	
<u>HPD-02-202: A Cultural Resources Inventory of the Proposed Health Care Facility in Dilkon Chapter, Navajo County, Arizona</u>	
<u>HPD-04-445.1: A Cultural Resources Inventory of a Proposed Health Center and Staff Housing Area, Sewer Lagoon, and Sewer Line in Dilkon, Navajo County, Arizona</u>	
<u>HPD-07-1093: Cultural Resource Inventory for the Proposed Dilkon Lagoon Expansion Project on the Navajo Nation, Navajo County, Arizona (NA-04-X70)</u>	
NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT RECOMMENDATIONS:	
A Cultural Resources Compliance Form (CRCF) may not be included in this "archaeological approval" due to the nature of sensitive cultural resources documented. This in no way affects any authority of the NNHPD-Cultural Resource Compliance Section to issue an "archaeological approval" for this undertaking. A cultural resource inventory survey <i>is not</i> required for this undertaking for reason(s) indicated below:	
	<p>THE PROPOSED PROJECT IS LOCATED WITHIN AN AREA THAT HAS BEEN PREVIOUSLY INVENTORIED FOR CULTURAL RESOURCES AND DOCUMENTED IN THE NNHPD REPORT LISTED ABOVE. THE PREVIOUS ARCHAEOLOGICAL INVENTORY FOUND THAT "NO HISTORIC PROPERTIES WILL BE AFFECTED" WITHIN THE AREA OF THIS UNDERTAKING. ARCHAEOLOGICAL APPROVAL IS HEREBY GRANTED FOR THE UNDERTAKING WITHIN THE AREA NOTED IN ATTACHMENT(S).</p> <p>Attachment A (Request) NAIHS is updating their Environmental Assessment on the Dilkon Health Center for a total of 87.84-acres (Health Center Tract 43.13-acres; Sewer line (4.71-acres); Sewer lagoon (40.00-acres). Stipulations are outlined below for sites AZ-O-38-46 (AZ-O-38-50), AZ-O-43-25 (AZ-O-38-51)</p> <p>Attachment B (Project Location & Site Location)</p> <p>Attachment C (Sites AZ-O-38-46/AZ-O-38-50, AZ-O-43-25/AZ-O-38-51)</p> <p>Stipulations are:</p> <ol style="list-style-type: none">1. SITE BOUNDARIES WILL BE FLAGGED BY A QUALIFIED ARCHAEOLOGIST PRIOR TO GROUND DISTURBING ACTIVITIES.2. SITES WILL BE AVOIDED BY A MINIMUM OF 50-FT FROM THE SITE BOUNDARIES.3. SITE WILL BE MONITORED BY A QUALIFIED ARCHAEOLOGIST WITHIN 50-FT OF THE SITE BOUNDARIES.4. A SITE MONITORING REPORT WILL BE SUBMITTED TO THE NNHPD/CRCF OFFICE WITHIN 30-DAYS OF THE MONITORING ACTIVITIES.

	Attachment D (Site AZ-O-38-45) Site has been mitigated. No further work is warranted.
<input type="radio"/>	Previous ground disturbance within the last fifty (50) years has modified the surface so extensively that the likelihood of finding any cultural properties is negligible (e.g., within a flood plain).
<input type="radio"/>	Undertaking will not require any surface disturbing activities (e.g. aerial spraying, hand application of chemicals, travel on existing roads, etc).
<input type="radio"/>	Other:
Reviewed by: Tamara Billie, Senior Archaeologist 	
DATE: July 18, 2016	
NOTIFICATION TO PROCEED IS RECOMMENDED WITH THE ABOVE CONDITIONS/STIPULATIONS:	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
	
Navajo Nation Historic Preservation Department	
DATE: 7/20/16	

DISCOVERY CLAUSE

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.

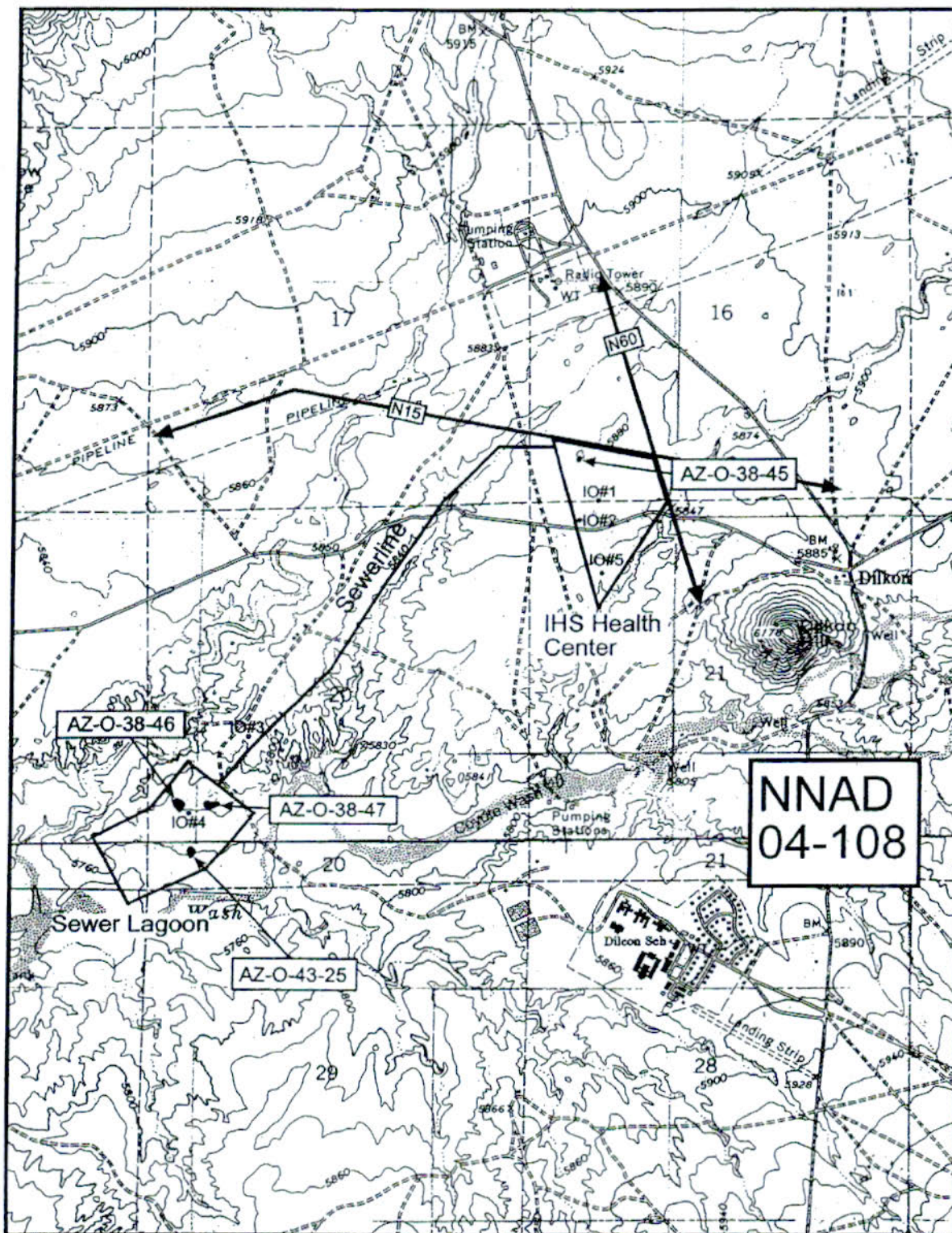


Figure 2. Specific Location of the Project Area for NNAD 04-108, Sites AZ-O-43-25, AZ-O-38-45, AZ-O-38-46 and AZ-O-38-47, and Isolated Occurrences Within the Project Area. 7.5 Minute Topographic Maps are: Dilcon Quadrangle 1967, Navajo County, Arizona and French Butte Quadrangle 1967, Navajo County, Arizona.

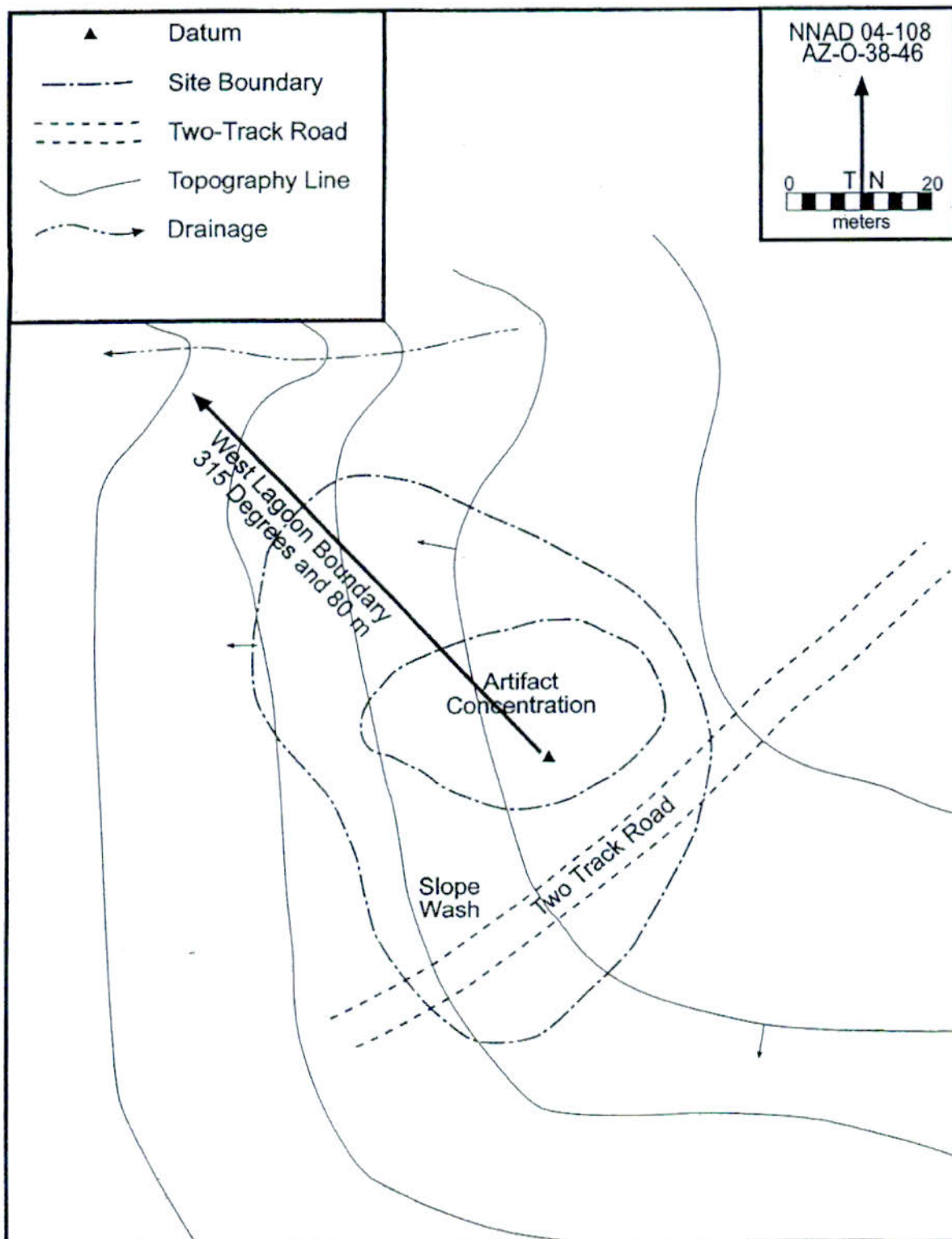


Figure 4. Site Map for Site AZ-O-38-46.

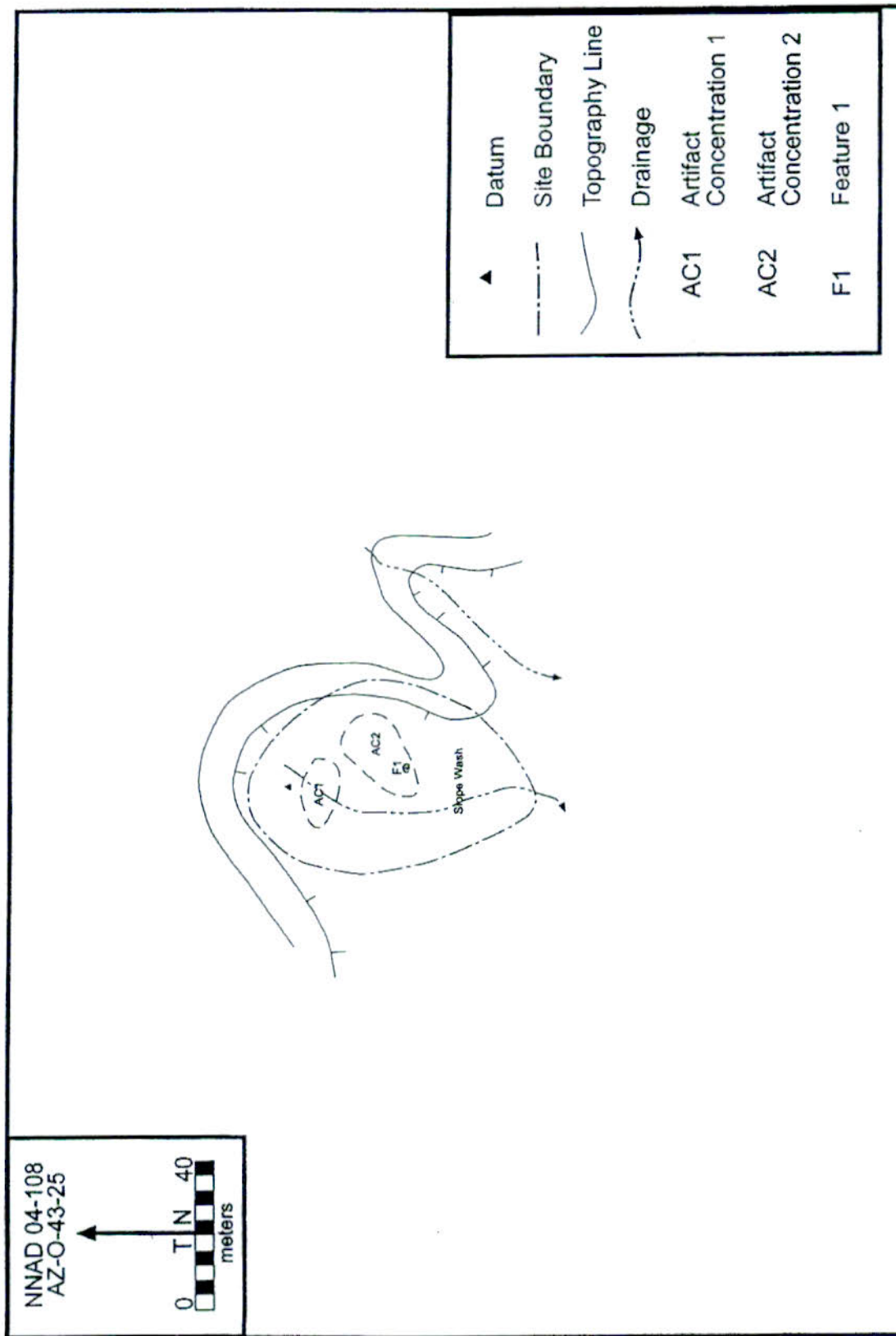


Figure 6. Site Map for Site AZ-O-43-25.



DEPARTMENT OF HEALTH & HUMAN SERVICES

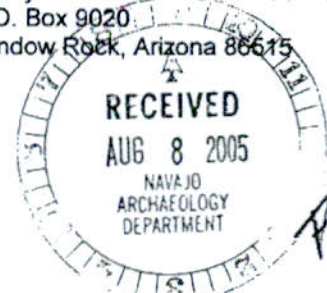
Public Health Service

HPD-04-445.1

Navajo Area Indian Health Service
P.O. Box 9020
Window Rock, Arizona 86515

July 26, 2005

Mr. Ronald Maldonado, Historic Preservation Officer
Navajo Nation Historic Preservation Department
PO Box 4950
Window Rock, AZ 86515-4950



RE: Prehistoric Sites associated with the proposed Dilkon Health Center in Dilkon, AZ

Dear Mr. Maldonado:

As you are aware, Report No. NNAD-04-108 documented by NNAD-NAU Branch Office has recorded a total of 4 sites. 3 sites (AZ-O-38-45, AZ-O-38-46 & AZ-O-43-25) were determined to be eligible for nomination to the National Register.

Site No. AZ-O-38-45 is located south of NR-15 and within the proposed health center site. Sites No. AZ-O-38-46 & AZ-O-43-25 are located within the proposed sewage lagoon site.

Navajo Area Indian Health Service wants to utilize the 43 acres site fully and does not desire to start another Phase I SSER again for this project. With this understanding, we would like to go forth with mitigating Site No. AZ-O-38-45 only. We also have some questions for clarification and we would like to request a meeting with you and NNAD to discuss and clarify these issues prior to approving the mitigation activities to commence.

We would like to meet with you on August 4, 2005 at 9:00 a.m. in Mr. Gilbert Harrison's office at NAIHS - Division of Facilities Management & Engineering department for these discussions.

Your cooperation is appreciated. If you have any questions, please call me at 928.871.1333.

Sincerely,

Rod Begay, Project Officer
NAIHS Division of Facilities Management & Engineering

Cc: Robert M. Begay, Director, NNAD, Window Rock, AZ
Davina Two Bears, Program Mgr. NNAD - NAU Branch, Flagstaff, AZ
Charles Dowell, Director, OEHE/NAIHS
Gilbert Harrison, Director, DFM-E/NAIHS
File:



THE NAVAJO NATION

ARCHAEOLOGY DEPARTMENT

Rec'd 9-05-06
#

JOE SHIRLEY JR.
PRESIDENT

FRANK DAYISH JR.
VICE PRESIDENT

August 15, 2006

Memorandum

TO : Rod Begaye,
Indian Health Service-OEHE

FROM : *Neomie Tsosie*
Neomie Tsosie,
N01246 Project Director, NNAD-NAU

Davina Two Bears
Davina Two Bears,
Program Manager, NNAD-NAU

SUBJECT : Completion of N01246 Data Recovery and Reburial

We are please to inform you that all archaeological fieldwork related to Data Recovery has been completed for N01246. On July 26, 2006, excavation was completed on Site AZ-O-38-45 and the site was backfilled. Human remains excavated from four burials at Site AZ-O-38-45 were also reburied at a location approved by Indian Health Service-OEHE. Excavation of Site AZ-O-38-45 completes the data recovery phase of the project and our attention will now turn to artifact processing, artifact analysis and report writing. In our opinion, the data recovery effort undertaken by NNAD-NAU has mitigated adverse effects to the archaeologically significant site within the area of effect proposed by the construction of an IHS Health Clinic in the Dilkon community. We recommend that construction of the clinic, as currently proposed by IHS-OEHE, be allowed to proceed.

Data Recovery on Site AZ-O-38-45 was begun on June 26, 2006. Fieldwork was scheduled to take six 4-day sessions, and work was completed ahead of schedule in the allotted amount of time. The crew enjoyed generally good weather, with the exception of a few days of high heat and humidity suffered by the crew.

Site AZ-O-38-45 was a Pueblo II-Late Pueblo II single component occupation. During the data recovery phase, a total of 16 features were identified, although this number may change in the final report as some features are consolidated or dropped. The site consists of several rooms, and a square room that possibly functioned as an informal

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kiva, bell-shaped storage pits, thermal (or roasting) features, trash middens, and four human burials. One burial was located in the floor a meal room, and three burials in midden 1, located at the south end of the site. The burials located in the midden were badly disturbed by rodent activity, scavengers and natural erosion. As a result, all three burials from midden 1 were fragmentary at best, and one burial consists only of the foot bones of one individual. Following excavation of all identified features, the crew supervised mechanical stripping and trenching of the site to locate human remains buried outside of formal features and in areas surrounding burials in the midden. Mechanical stripping and trenching did not reveal any further burials of features. The site was then backfilled and leveled.

Staff archaeologist and osteologist Kimberly Spurr was present to provide basic information on the age, sex and condition of the individual burials in accordance with the Navajo Jishchaa Policy. On July 26, 2006, the burials from AZ-O-38-45 were reinterred at a location approved by Indian Health Service-OEHE. All burial goods associated with the burials were also reinterred with their associated human remains. The reburial location is located in the proposed area of effect and will not be impacted by construction of the clinic, employee housing or the sewer lagoon. The burial plot was backfilled and leveled to grade.

At this time work is proceeding on processing the artifacts generated during excavation of the site and this work should be complete by the end of August, 2006. Following artifact processing, lithic and ceramic artifact analysis will be completed by NNAD-NAU staff archaeologists. Botanical samples will be submitted for analysis as soon as they have been processed and entered into our database. NNAD-NAU cannot finalize the accompanying technical report until we have received all results from analysis of botanical, faunal and pollen samples that are sent away for analysis. In the interim report write-up describing the findings of the data recovery work effort will continue, but IHS and the local chapter officials should be aware that construction of the Dilkon IHS Health Clinic, employee housing and the sewer lagoon are not contingent upon completion of the final data recovery technical report. The report is a contract requirement and deliverable to Navajo Nation Historic Preservation Department, and it is up to NNHPD to determine that the project itself has been the subject of a complete cultural resource investigation, and to grant archaeological clearance. NNAD-NAU will submit a letter report to Ron Maldonado, NNHPD Compliance Manager, recommending clearance for construction.

We would like to thank Rod Begaye and Al Chee, contract administrators for their assistance in finding a reburial location for burials from Site AZ-O-38-45. If you have any questions or comments feel free to contact Neomie Tsosie or Davina Two Bears at 928-523-9151.

CONCURRENCE:


Robert Begay, Director
Navajo Nation Archaeology Dept.

Xc: file
Cc: Ron Maldonado

4801 N. Butler Ave., Ste 1101
Farmington, NM 87401
Office: (505) 327-1072

iiná bá

P.O. Box 2606
Farmington, NM 87499
Fax: (505) 327-1517

June 1, 2016

Ms. Tamara Billie
Navajo Nation Historic Preservation Department
P. O. Box 4950
Window Rock, Arizona 86515

RE: **Proposed Indian Health Service Project**
Dilkon Health Care Center
Dilkon, Navajo County, Arizona

Dear Ms. Billie:

iiná bá, Inc. (*iiná bá*) has been retained by the Indian Health Service (IHS) to conduct an "update" to an Environmental Assessment (EA) on an 87.84-acre tract of land located in Dilkon, Arizona. We are in possession of a Memorandum dated August 15, 2006 from the Navajo Nation Archaeology Department to IHS recommending that the construction of the proposed Dilkon clinic be allowed as a result of a Data Recovery that had been completed for N01246 (see attached Memorandum).

The smooth execution of this project is of great importance to the Navajo Area Indian Health Service (NAIHS). Therefore, they want all related documentation pertaining to a NEPA EA to be current and up to date so that there are no delays likely when they submit their project documentation for review and approval to the respective agencies and governing bodies.

We are requesting the Department's review of the subject site and previous files pertaining to this matter such that a current Cultural Resource Compliance Form (CRCF) can be issued for the subject project. If the previous project acceptance is still acceptable, please provide a written response indicating this condition.

We appreciate your assistance on this project. If you have any question regarding our letter, please do not hesitate to contact us.

Respectfully submitted,

iiná bá, Inc.



John R. Isham, CPG
Environmental Manager

Attachments: Memorandum from NNAD to IHS-OEHE, August 15, 2006

PHASE II

**FINAL ENVIRONMENTAL ASSESSMENT
For
PROPOSED DILKON HEALTH CENTER
And
STAFF QUARTERS**

DILKON, NAVAJO COUNTY, ARIZONA

FEBRUARY 2016



**United States Public Health Service
Navajo Area Indian Health Service
Window Rock, Arizona**

PHASE II

**FINAL ENVIRONMENTAL ASSESSMENT
For
PROPOSED DILKON HEALTH CENTER and STAFF QUARTERS
DILKON, NAVAJO COUNTY, ARIZONA**

February 2016

PREPARED BY:

**Virgil N. Loretto, Architect
Division of Facilities Management & Engineering
Navajo Area Indian Health Service**

Date

REVIEWED BY:

**Candace A. Tsingine, Acting Director
Division of Facilities Management & Engineering
Navajo Area Indian Health Service**

Date

REVIEWED:

**Kelly Mortensen, Assistant Director
Division of Sanitation Facilities Construction
Office of Environmental Health & Engineering
Navajo Area Indian Health Service**

Date

APPROVED:

**Brian K. Johnson, REHS, MPH
Director
Office of Environmental Health & Engineering
Navajo Area Indian Health Service**

Date

PHASE II

**FINAL ENVIRONMENTAL ASSESSMENT
For
PROPOSED DILKON HEALTH CENTER and STAFF QUARTERS**

DILKON, NAVAJO COUNTY, ARIZONA

February 2016

Title Page	1
Signature Page	2
Table of Contents	3
I. Proposed Action	5
A. Summary of Proposed	
B. Project Description	
C. Purpose and Need for Action	
D. Location	
E. Site Location Map	
II. Alternatives	6
A. Alternative A: No Action	
B. Alternative B: Proposed Action	
III. Affected Environment	7
A. Topography	
B. Soils	
C. Air Quality	
D. Climate	
E. Water	
F. Vegetation	
G. Wildlife	
H. Domestic Livestock	
I. Threatened and Endangered Species	
J. Archaeological	
K. Socioeconomic	

IV.	Environmental Impacts	9
A.	Land Resources Impacts	
B.	Air Resources Impacts	
C.	Water Resources Impacts	
D.	Biotic Impacts	
E.	Biological Impacts	
F.	Archaeological Impacts	
G.	Socioeconomic Impacts	
H.	Tribal Cultural Impacts	
I.	Solid Waste / Hazardous Materials Disposal Impacts	
V.	Mitigation Measures	11
A.	Physical Resources	
B.	Socioeconomic Resources	
VI.	Personnel – NAIHS Preparers and Reviewers	12
VII.	Consultation and Coordination	13
VIII.	Bibliography	14
IX.	Finding of No Significant Impact (FONSI) Statement	15

Appendix A: Site Location Map

Appendix B: Letter from Navajo Nation Department of Fish & Wildlife, Stating “No Effect” to Federally or Tribally listed species or other species of concern.

Appendix C: Final Archaeological Report

Appendix D: Completion of N01246 Data Recovery and Reburial

Appendix E: Cultural Resources Approval and Compliance Letter

Appendix F: 100/500 Year Flood Plain Analysis for Dilkon Health Center

Appendix G: Dilkon Chapter Resolution

PHASE II
FINAL ENVIRONMENTAL ASSESSMENT
For
PROPOSED DILKON HEALTH CENTER and STAFF QUARTERS

DILKON, NAVAJO COUNTY, ARIZONA

January 2016

I. PROPOSED ACTION

A. Summary of Proposed Action

The Indian Health Service (IHS) under the authority of Public Law 94-437 is proposing the construction of a new health center with staff quarters located in the Navajo Area Indian Health Service (NAIHS) on the Navajo Nation at Dilkon (Navajo County), Arizona to meet the health needs of the population for the Dilkon Service Area (DSA). This Environmental Assessment (EA) Report has been prepared to analyze and document the potential environmental consequences from the construction activities.

B. Project Description

The Dilkon Health Center (DHC) with approximately 12,006 gross square meters (gsm) and a total of 109 new staff quarter units will be constructed on a tract of land located at the southwest corner of Navajo Routes 15 and 60 in the community of Dilkon, Arizona. The Navajo Tribal Utility Authority (NTUA) will provide water, wastewater with disposal system, natural gas and electricity for the proposed project. In addition, Frontier Communication will provide telecommunications.

Disposal of Solid Waste and Hazardous Medical Waste for the new health facilities will be transported to state - permitted landfills.

C. Purpose and Need for Action

The new DHC will replace the Winslow Indian Health Care Center (WIHCC) as the parent facility. New services to be provided as direct services at the new DHC include a Level III - 24 hour emergency room, podiatry, audiology, 11 short stay nursing unit beds for low acute care. The majority of clinical, community health, administrative, and support services currently provided by the WIHCC facility will be provided at the new DHC. Full time basic health care services will continue at the existing Leupp Health Center and at WIHCC.

D. Location

USGS MAP Dilkon Quadrangle 1967; T38N, R19E; in sections 16, 19, 20, 21, and 30; Navajo County, Arizona.

A total of 35.548 hectares (87.84 Acres) has been set aside by the Dilkon Chapter and surrounding Chapters in the DSA and a consent for land use has been signed by the land users for construction of the new health facilities (17.454 hectares / 43.130 Acres), the new sewer lagoon (16.188 hectares / 40 Acres) and new sanitary sewer easement (1.906 hectares / 4.710 Acres).

E. Site Location Map

Reference Appendix A.

II. ALTERNATIVES

In planning the new health facilities to serve the people in the project area, HIS considered two (2) alternatives. In considering the different options, there are various constraints, including environmental, archaeological, technical, and fiscal requirements. A project can be postponed, cancelled, or altered because of any of these constraints.

A. Alternative A: No Action

This option was to provide families in the DSA with minimal health facilities by maintaining the existing health center in Dilkon, Arizona. The environmental impacts would be minimal since little construction would be undertaken. However, this option would do little to change the present patient care conditions so it was rejected.

B. Alternative B: Proposed Action

This option will provide a new health care program to meet the needs in the DSA. This option was chosen to aid in the upgrading of the health care for the Winslow Service Unit (WSU) user population. The environmental impacts of this decision are the subjects of this assessment. The approved Project Justification Document (PJD) delineates on the health and technical details of this decision including considerations for Alternate Sources of Health Care.

III. AFFECTED ENVIRONMENT

A. Topography

The DSA is situated in the Hopi Butte Region. The average altitude of Dilkon, Arizona is 1,478 meters (m) above sea level.

B. Soils

In accordance with the preliminary soils borings conducted on project site, the subsurface materials encountered across the site include silty sand, medium

dense, non-plastic and moist from surface and down. Sandstone was encountered at a depth of 4.3 m below the ground surface at boring No. BH - 11 at the sewer lagoon site and groundwater was encountered near the river bed boring No. BH 0 12.

C. Air Quality

The earth moving equipment and increased vehicles will impact the air quality during construction only.

D. Climate

The climate is semi - arid and temperatures range at approximately 32 degrees Celsius in the summer to approximately minus 7 degrees Celsius in the winter.

E. Water

The proposed project would not involve dredge or fill activities in any surface water of the U.S. or jurisdictional wetland regulator under Section 404 of the Clean Water Act. Because this construction project would disturb an area greater than one hectare, a Storm Water Protection Pollution Plan (SWPPP). Because no waters of the U.S. or jurisdictional wetland would be affected at the proposed project site, no Section 401 Clean Water Act certification is necessary.

No impact to ground water resources is anticipated to occur either during construction or as result of completion of the proposed Alternative B.

The Navajo Tribal Utility Authority (NTUA) owns and operates the District 7 Potable Water System consisting of three (3) water wells (each with 1,893 liters per minute rate capacity) located in Lower Greasewood, eight (8) storage tanks with a total usable storage of 8,367,600 liters and four (4) boosters. Systems produces an average of 21,280,000 liters per month. There is no visible surface water at the health center site and the sewer lagoon site.

F. Vegetation

The proposed project site is located in the upper Sonoran life zone; the major vegetation types of the region are composed of low water use - drought tolerant consisting of greasewood, gram grass, rabbit brush, Russian thistle, snakeweed, narrowleaf yucca, cholla cactus and Mormon tea. The project is not expected to affect any federally listed or significantly impact any tribally listed species or other species of concern.

G. Wildlife

Animal life known to inhabit the area include coyotes, jackrabbits, cottontail rabbits, lizards, snakes, rodents, crows, and ravens. Continual human activity at the sites precludes occupation by most wild fauna not tolerant of human disturbance.

H. Domestic Livestock

Community stockmen use the proposed sewer lagoon site for grazing of sheep, horses and cattle.

I. Threatened and Endangered Species

NAIHS has notified the Navajo Nation Department of Fish & Wildlife – Natural Heritage Program (NNDFW –NHP) of the proposed project and requested a determination of effects upon federally and tribally listed species. NNDFW – NHP responded in writing that “The project is not expected to affect any federally listed or significantly impact any tribally listed species of concern. Reference Appendix B.

J. Archaeological

The Navajo Nation Archaeological Department (NNAD) – NAU Branch Office conducted a Cultural Resource Inventory for the proposed site that is documented in Report No. NNAD – 04 – 108. A combined total of 44,448 hectares (ha) tract of land was surveyed, which included a 17.454 ha site for the health center and staff quarters, a 16.188 ha site for the sewer lagoon, and 1.906 ha strip of land for the sewer line easement and a 8.9 ha buffer zone. The survey recorded 4 sites and 3 sites were determined to be protected under the Archaeological Resources Protection Act (ARPA) and are eligible for nomination to the National Register of Historic Places (NHRP). NNAD – NAU mitigated Site AZ – 0 – 38 -45 and completed all archaeological field work related to report “N01246 Data Recovery and Reburial” as documented in letter dated August 15, 2006. Reference Appendix C.

A determination of “no historic properties affected” was recommended for Sites AZ – O – 38 – 46 and AZ – O – 43 – 25.

The Navajo Nation Historic Preservation Department (NNHPD) issued a Compliance Letter that provides archaeological clearance for the proposed construction to proceed as planned. Reference Appendix D.

K. Socioeconomic

Navajo Nation and DSA residents have lower incomes and higher unemployment rates than the U.S. population. Construction of the new facilities will provide employment for the local labor force. The quality of life will be improved for the families in the DSA with the completion of this project. While the project will probably encourage a population growth with people moving into the community of Dilkon for employment at the facilities, it is not felt to be a negative impact.

IV. ENVIRONMENTAL IMPACTS

A. Land Resource Impacts

This proposed new construction would occur within the 44.448 ha tract of withdrawn land and will not significantly impact the topography of the project area. No significant impact is anticipated upon land resources.

B. Air Resources Impacts

No adverse effect to visibility to Class I visibility areas is anticipated due to proposed construction activities. Construction dust would be minimized meeting specifications. No significant impacts to air quality are anticipated.

C. Water Resources Impacts

There is no wetlands stream channel in the project area. A storm water pollution prevention plan would be developed by the contractor and submitted to Navajo Nation EPA and USEPA. No significant impacts to resources are anticipated.

D. Biotic Impacts

The proposed new construction will cause a permanent loss of vegetation on about two-thirds of the withdrawn land at the health center site. Buildings, parking, streets, etc. will consume this area. The small unavoidable loss of invertebrates and other animals that are normally associated with earth moving activities will not be significant.

E. Biological Impacts

No threatened or endangered species are known to occur on or near the project site. Accordingly, without the species or their habitats, there will be no impacts. Native landscaping appropriate to the area would be provided as part of the project.

F. Archaeological Impacts

There will be no impacts to the archaeological properties as recorded in NNAD - NAU Report No. NNAD - 04 - 1089 recommendations. One site was mitigated and two sites were avoided.

G. Socioeconomic Impacts

The proposed project would enhance employment and educational opportunities for the demographic population. Socioeconomic impacts will be minimal to the surrounding communities.

H. Tribal Culture Impacts

The proposed project will cause a positive impact by enhancing the tribal culture over the current level of cultural events in the community. The health facilities will provide a place to encourage and practice for traditional healing ceremonies.

I. Solid Waste / Hazardous Materials Disposal Impacts

The non-hazardous solid waste and hazardous materials / waste will be controlled, stored, and disposed of as follows: Licensed vendors are used to pickup, transport and disposed of all solid waste at state-permitted landfills off the Navajo Nation land in accordance with respective state regulations. The Concept of Operation for Housekeeping units contains the procedures for the handling, collection and temporary storage of all solid waste and hazardous medical waste, until it is hauled away from the health facilities.

V. MITIGATING MEASURES

A. Physical Resources

Construction of the proposed facilities will be in accordance with the established procedures of the IHS. Although IHS projects do not usually create waste materials, any such material resulting from this construction would be limited to soils, rock, and ground cover vegetation and would be disposed of in authorized disposal areas. All construction areas will be cleaned up and graded to conform to the existing landscape. Erosion control structure(s) will be installed and other reclamation measures will be taken, as deemed necessary, in compliance with the "Navajo Land Clearing, Excavation, and Reclamation Stipulations for Right-of-Way over Indian Lands," as these stipulations may apply to this project. Disturbed soils may or may not be reseeded, as deemed necessary.

B. Socioeconomic Resources

Reference Appendix E for the Dilkon Chapter resolution and all other chapters within the DSA.

VI. PERSONNEL - NAIHS PREPARERS & REVIEWERS

Preparer:

Virgil N. Loretto, Architect, DFME, OEHE, NAIHS

Reviewers:

Candace A. Tsingine, Acting Director
Division of Facilities Management & Engineering
Navajo Area Indian Health Service

Kelly Mortensen, Assistant Director
Division of Sanitation Facilities Construction
Office of Environmental Health & Engineering
Navajo Area Indian Health Service

VII. CONSULTATION AND COORDINATION

The following personnel were consulted during preparation of this document.

Pamela Kyselka, Wildlife Technician, Navajo Nation Fish & Wildlife Department.

Sonja Detsoi, Wildlife Technician, Navajo Nation Fish & Wildlife Department.

Gloria Tom, Director, Navajo Nation Fish & Wildlife Department.

Robert M. Begay, Department Manager, Navajo Nation Archeology Department.

David Two Bears, Program Manager, NNAD – NAU Branch.

Loretta Tsosie, Environmental Officer, BIA, Gallup Regional Office.

VIII. BIBLIOGRAPHY

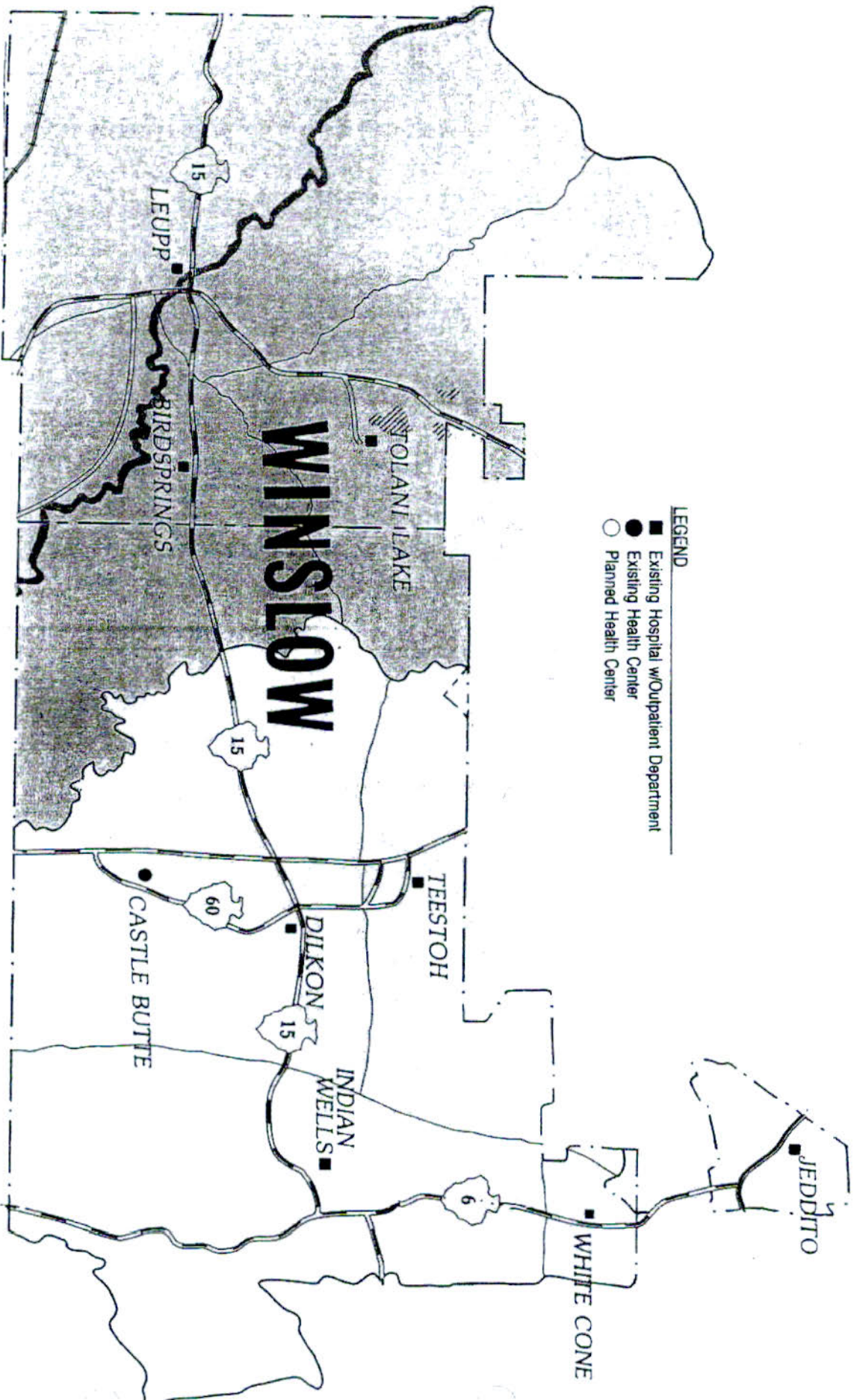
Some though probably not all of the following references were consulted during the preparation of this document.

Bateman, Gary. et al. Potential Impacts of construction of Public Law 86 – 121 Projects on Threatened and Endangered Species. Prepared for OEHE, NAIHS, HEW, Department of Biological Sciences, NAU, Flagstaff, AZ 1980.

Turner, Raymond M., "Great Basin Desert Scrub." Volume 4 No. 1 -4, pp. 145 – 155. Published by the University of Arizona for the Boyce Thompson Arboretum, Tucson, AZ, 1982.

The map displays the Four Corners region, where the states of Utah, Arizona, Colorado, and New Mexico meet. A large, dark, irregularly shaped area is highlighted in the center, representing the study area for the research. This area covers parts of all four states, including the cities of Albuquerque, Santa Fe, and Phoenix. The map also shows major roads, rivers, and other geographical features. The states are labeled in large, bold letters: Utah, Arizona, Colorado, and New Mexico. The map is oriented with North at the top.





LEGEND

- Existing Hospital w/Outpatient Department
- Existing Health Center
- Planned Health Center

SERVICE AREA

- Winslow
- Dilkon
- Luepp



SCALE OF MILES



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.: Dilkon Health Care Center

DESCRIPTION: Proposed 43.130-acre site for a health care center. The project includes a 4.710-acre sewer line easement extending southwest from the site to a 40-acre sewer lagoon site.

LOCATION: Sections 16, 17, & 20, T23N, R19E, G&SRM, Dilkon, Navajo County, Arizona

REPRESENTATIVE: Virgil Loretto, Division of Facilities Management & Engineering, USPHS IHS

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/25 JAN 2016/Loretto

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 4 - Community Development Area

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

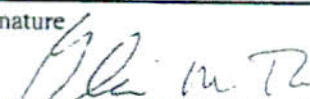
AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/26 JAN 2016

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 1/26/16
--	--	-----------------

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

Representative's signature

Date



THE NAVAJO NATION

P.O. Box 9000 • WINDOW ROCK, ARIZONA • 86515

PRESIDENT
JOE SHIRLEY, JR.
VICE PRESIDENT
FRANK J. DAYISH, JR.

18 December 2006

File#06DHH501

Rod Begay, Project Officer
Division of Facilities Management
Department of Health & Human Services
Public Health Service
Navajo Area Indian Health Service
P.O. Box 9020
Window Rock, AZ 868515

Rec'd 3-9-07

SUBJECT: PROPOSED CONSTRUCTION OF A NEW HEALTH CENTER
LOCATED IN THE COMMUNITY OF DILKON, NAVAJO COUNTY, AZ

Mr. Begay:

The following information on species of concern¹ is provided in response to your 06 November 2006 request concerning the subject project, which consists of proposed construction of a new health center within the community of Dilkon, Navajo County, AZ.

The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern.

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.


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.

This response is based on information in the Navajo Natural Heritage Program database; knowledge of staff biologists about the project area; the scope of the project; the USGS topographic map of the project area; and information you provided. Because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

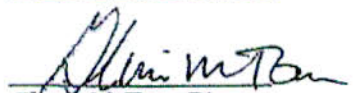
For a list of sensitive species on the Navajo Nation in addition to the species listed on the Navajo Endangered Species List (NESL) please refer to our website at www.navajofishandwildlife.org.

An invoice for this information is attached.

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


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

CONCURRENCE


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

xc: file/chronoc



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Navajo Area Indian Health Service
P.O. Box 9020
Window Rock, Arizona 86515

November 6, 2006

Sonja Detsoi, Program Manager
Natural Heritage Program
Navajo Fish & Wildlife Department
P.O. Box 1480
Window Rock, AZ 86515-1480

SUBJECT: Environmental Assessment Report for the Dilkon Health Center

Dear Sonja:

The Indian Health Service (IHS) is planning construction of a new health center within the community of Dilkon, Arizona. Reference the attached NNAD map (Figure 2) for location.

As a part of the site selection and evaluation, information on "Species of Concern" that are known to occur on or near the project is required to support the Environmental Assessment Report.

In your response letter for the Kayenta project, you referenced the Mountain Plover with potential to occur on or near the proposed site. However, it was discovered that USFWS had delisted the Mountain Plover as of May 2006.

This is a request to have your office provide justification on which "Species of Concern" are known to occur on or near the project site and respond as soon as possible.

Your support in this matter will be appreciated. If you have any questions or need more information, please call me at 928.871.1333 and my E-Mail address is: Rod.Begay@ihs.gov

Sincerely,


Rod Begay, Project Officer
Division of Facilities Management

Cc: Ken Secord, Acting Director, OEHE/NAIHS
Gerry Shaffer, Proj. Mgr., DES-D
Gilbert Harrison, Director, DFM/NAIHS
File:



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCE INVENTORY DETERMINATION FORM

EXHIBIT

6

SPONSOR: John Isham, *iiná bá*

NNHPD NO.: HPD-02-202,
~~HPD-04-445.1~~ HPD-07-1093

ADDRESS: PO Box 2606

PROJECT NO.: DCD1 01-121, NNAD 04-108;
MCES 07-85

Farmington, New Mexico 87499

UNDERTAKING: Update Environmental
Assessment for NAIHS Dilkon Health Care
Center, Dilkon, Arizona

REPORT TITLES:

HPD-02-202: A Cultural Resources Inventory of the Proposed Health Care Facility in Dilkon Chapter, Navajo County, Arizona

HPD-04-445.1: A Cultural Resources Inventory of a Proposed Health Center and Staff Housing Area, Sewer Lagoon, and Sewer Line in Dilkon, Navajo County, Arizona

HPD-07-1093: Cultural Resource Inventory for the Proposed Dilkon Lagoon Expansion Project on the Navajo Nation, Navajo County, Arizona (NA-04-X70)

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT RECOMMENDATIONS:

A Cultural Resources Compliance Form (CRCF) may not be included in this "archaeological approval" due to the nature of sensitive cultural resources documented. This in no way affects any authority of the NNHPD-Cultural Resource Compliance Section to issue an "archaeological approval" for this undertaking. A cultural resource inventory survey ***is not*** required for this undertaking for reason(s) indicated below:



THE PROPOSED PROJECT IS LOCATED WITHIN AN AREA THAT HAS BEEN PREVIOUSLY INVENTORIED FOR CULTURAL RESOURCES AND DOCUMENTED IN THE NNHPD REPORT LISTED ABOVE. THE PREVIOUS ARCHAEOLOGICAL INVENTORY FOUND THAT "NO HISTORIC PROPERTIES WILL BE AFFECTED" WITHIN THE AREA OF THIS UNDERTAKING. ARCHAEOLOGICAL APPROVAL IS HEREBY GRANTED FOR THE UNDERTAKING WITHIN THE AREA NOTED IN ATTACHMENT(S).


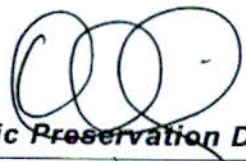
Attachment A (Request) NAIHS is updating their Environmental Assessment on the Dilkon Health Center for a total of 87.84-acres (Health Center Tract 43.13-acres; Sewer line (4.71-acres); Sewer lagoon (40.00-acres). Stipulations are outlined below for sites AZ-O-38-46 (AZ-O-38-50), AZ-O-43-25 (AZ-O-38-51)

Attachment B (Project Location & Site Location)

Attachment C (Sites AZ-O-38-46/AZ-O-38-50, AZ-O-43-25/AZ-O-38-51)

Stipulations are:

1. SITE BOUNDARIES WILL BE FLAGGED BY A QUALIFIED ARCHAEOLOGIST PRIOR TO GROUND DISTURBING ACTIVITIES.
2. SITES WILL BE AVOIDED BY A MINIMUM OF 50-FT FROM THE SITE BOUNDARIES.
3. SITE WILL BE MONITORED BY A QUALIFIED ARCHAEOLOGIST WITHIN 50-FT OF THE SITE BOUNDARIES.
4. A SITE MONITORING REPORT WILL BE SUBMITTED TO THE NNHPD/CRCF OFFICE WITHIN 30-DAYS OF THE MONITORING ACTIVITIES.

	Attachment D (Site AZ-O-38-45) Site has been mitigated. No further work is warranted.	
<input type="radio"/>	Previous ground disturbance within the last fifty (50) years has modified the surface so extensively that the likelihood of finding any cultural properties is negligible (e.g., within a flood plain).	
<input type="radio"/>	Undertaking will not require any surface disturbing activities (e.g. aerial spraying, hand application of chemicals, travel on existing roads, etc).	
<input type="radio"/>	Other:	
Reviewed by: Tamara Billie, Senior Archaeologist 		DATE: July 18, 2016
NOTIFICATION TO PROCEED IS RECOMMENDED WITH THE ABOVE CONDITIONS/STIPULATIONS:		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
 Navajo Nation Historic Preservation Department		DATE: 7/20/16

DISCOVERY CLAUSE

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.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Navajo Area Indian Health Service
P.O. Box 9020
Window Rock, Arizona 86515

July 26, 2005

Mr. Ronald Maldonado, Historic Preservation Officer
Navajo Nation Historic Preservation Department
PO Box 4950
Window Rock, AZ 86515-4950

RECEIVED
JUL 29 2005
U.S.D.
PHS

RE: Prehistoric Sites associated with the proposed Dilkon Health Center in Dilkon, AZ

Dear Mr. Maldonado:

As you are aware, Report No. NNAD-04-108 documented by NNAD-NAU Branch Office has recorded a total of 4 sites. 3 sites (AZ-O-38-45, AZ-O-38-46 & AZ-O-43-25) were determined to be eligible for nomination to the National Register.

Site No. AZ-O-38-45 is located south of NR-15 and within the proposed health center site. Sites No. AZ-O-38-46 & AZ-O-43-25 are located within the proposed sewage lagoon site.

Navajo Area Indian Health Service wants to utilize the 43 acres site fully and does not desire to start another Phase I SSER again for this project. With this understanding, we would like to go forth with mitigating Site No. AZ-O-38-45 only. We also have some questions for clarification and we would like to request a meeting with you and NNAD to discuss and clarify these issues prior to approving the mitigation activities to commence.

We would like to meet with you on August 4, 2005 at 9:00 a.m. in Mr. Gilbert Harrison's office at NAIHS - Division of Facilities Management & Engineering department for these discussions.

Your cooperation is appreciated. If you have any questions, please call me at 928.871.1333.

Sincerely,

Rod Begay, Project Officer
NAIHS Division of Facilities Management & Engineering

Cc: Robert M. Begay, Director, NNAD, Window Rock, AZ
Davina Two Bears, Program Mgr. NNAD - NAU Branch, Flagstaff, AZ
Charles Dowell, Director, OEHE/NAIHS
Gilbert Harrison, Director, DFM-E/NAIHS
File:



THE NAVAJO NATION

HPD-04-445.1
File

Archaeology Department – NAU Branch, P.O. Box 6013, Flagstaff, AZ 86011

Phone: 928-523-9151

Fax: 928-523-7290


JOE SHIRLEY, JR.
PRESIDENT

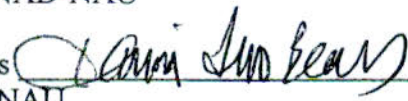
FRANK DAYISH, JR.
VICE PRESIDENT

2 February, 2005

MEMORANDUM

TO: Rod Begay, Project Officer, Facility Management Division
Navajo Nation Indian Health Service

FROM: Jim Collette 
Archaeologist, NNAD-NAU

Davina Two Bears 
Director, NNAD-NAU

RECEIVED
FEB 17 2005
NAVAJO
ARCHAEOLOGY
DEPARTMENT

SUBJECT: Archaeological sites associated with proposed IHS undertaking in Dilkon, Arizona
(IHS NA 04-05-031a)

In July, 2004 members of the Navajo Nation Archaeology Department-Northern Arizona University branch office recorded four archaeological sites during a cultural resources inventory for IHS at Dilkon, Navajo County, Arizona (NNAD 04-108). The proposed undertaking consisted of an IHS health center and staff housing area, sewer lagoon, and sewer line. The survey was conducted by Neomie Tsosie, with a report submitted by Neomie Tsosie and Davina Two Bears to IHS in January, 2005. Within the project area Ms. Tsosie found or re-located three prehistoric sites that were considered to be significant and eligible for nomination to the National Register. The fourth site, an abandoned historic Navajo camp, was not considered to be eligible for nomination.

On January 18, 2005 Robert Begay, NNAD Director, requested that NNAD-NAU re-visit the sites to get a general idea of their surface nature and extent, and to prepare a "ballpark" estimate of what it might cost to conduct archaeological testing and/or data recovery at the three eligible sites. According to IHS, the sites cannot not be avoided, in which case the effects of the proposed undertaking will have to be mitigated. For prehistoric sites that are Register-eligible, this generally means that the sites must be fully excavated for that portion within the project area. The field visit by NNAD demonstrated that the three prehistoric sites (AZ-O-38-45, AZ-O-38-46 and AZ-O-43-25) are entirely within the project area.

Going on the assumption that the three sites will have to be excavated for the project to proceed, there are two ways that this can be accomplished. The first method would be to conduct a testing program at the three sites and provide IHS with a report on what we found and a cost breakdown on how much the third phase—data recovery—would cost. The second method would combine testing and data recovery into one phase—i.e., we would first trench the site to get an idea of the nature and extent, and then immediately proceed with data recovery. The first method would take somewhat longer but provide a more accurate estimate of data recovery costs; the second method could be executed more quickly but the cost of data recovery would have to be more roughly estimated and negotiated between NNAD and IHS in advance of work. The final report would have to be approved by the Navajo Nation Historic Preservation Department before clearance could be granted.

Based on our field observations of the surface manifestations at each site, Phil and I came up with the following estimates on how much testing and data recovery would cost. The estimates include monies for lab analysis and report production and include all NNAD and tribal fees. I would like to stress that these are preliminary estimates for the purposes of discussion; the actual budget amount will vary to some degree, but it should be reasonably close:

<i>Site</i>	<i>Estimated Cost</i>
AZ-O-38-45	\$170,000.00
AZ-O-38-46	\$144,500.00
AZ-O-43-25	\$42,500.00
Total	\$357,000.00

If there is a possibility that one or more sites can be avoided, than considerable cost savings can result. It is also possible that AZ-O-43-25 will not have significant, intact cultural deposits and that the data recovery phase can be eliminated for this site.

I would be happy to discuss any and all aspects of the project with IHS. If you have any questions or comments regarding this estimate please contact myself or Davina Two Bears at 523-9151 or jim.collette@nau.edu.

xc: Robert Begay, M.A., Director-NNAD
Ron Maldonado, Compliance Manager, NNHPD

FILE COPY

HPD-04-445.1

A Cultural Resources Inventory of a Proposed Health Center and Staff Housing Area, Sewer
Lagoon, and Sewer Line in Dilkon, Navajo County, Arizona (I.H.S. NA-04-05-031a)

NNAD-04-108

Prepared by:
Neomie Tsosie
and Davina Two Bears

received
7/15/16

Submitted by Robert Begay, M.A., Director
Navajo Nation Archaeology Department
P.O. Box 6013
Flagstaff, AZ 86011

Conducted under the Authority of Navajo Tribal Code

Submitted to:
William E. Obershaw; Senior Contracting Officer
U.S. Department of Health and Human Services-I.H.S.
Division of Engineering Services-Dallas
1301 Young Street, Suite 1071
Dallas, Texas 75202-5433

Prepared for
Rod Begay, Project Officer
Navajo Area Indian Health Service
Facilities Management
P.O. Box 9020
Window Rock, AZ 86515

Submitted January 2005

Abstract

1. AGENCY: Navajo Area Indian Health Service
2. PROJECT TITLE: *A Cultural Resources Inventory of a Proposed Health Center and Staff Housing Area, Sewer Lagoon, and Sewer Line in Dilkon, Navajo County, Arizona (I.H.S. NA-04-05-031a)*
3. PROJECT NUMBER: NNAD 04-108
4. LOCATION: The project area is on Navajo Tribal Trust Land and within the Dilkon Chapter in Dilkon, Navajo County, Arizona. The legal description for the project area is: Township 23 North, Range 19 East. The project area is located on the following USGS Topographic maps: *Dilkon Quadrangle 1967, Navajo County, Arizona* and *French Butte Quadrangle 1967, Navajo County, Arizona*.
5. NUMBER OF ACRES SURVEYED: 44.6 ha (110 ac).
6. NUMBER OF SITES: Four.
7. NUMBER OF ELIGIBLE SITES: Three
8. LISTING OF ELIGIBLE SITES: AZ-O-38-46, and AZ-O-43-25.
9. COMMENTS: Specific guidelines for avoiding sites within the project area are outlined in Table 6. There were four (4) sites, five (5) Isolated Occurrences and three (3) In-Use Areas encountered and recorded during survey (Figure 2). All of the cultural resources have been evaluated for significance. 3 of the 4 sites are protected under the Archaeological Resources Protection Act (ARPA), and are eligible for nomination to the National Register of Historic Places (NRHP). 3 of the 4 sites are protected under the Native American Graves Protection and Repatriation Act (NAGPRA). The remaining cultural resources are not protected under the NRHP, ARPA, and NAGPRA. All cultural resources are not protected under AIRFA. A determination of "no historic properties affected" is recommended for the proposed IHS undertaking, provided that the stipulations in Table 6 are met. The Site Forms for Sites AZ-O-38-45, AZ-O-38-46, AZ-O-38-47 and AZ-O-43-25 are appended to this report (Appendix A, page A-1).

Table of Contents

Abstract.....	ii
Table of Contents.....	iii
List of Figures.....	iv
List of Tables.....	v
Introduction.....	1
Description of Undertaking.....	1
Location.....	1
Area Environment and Cultural Setting.....	1
Existing Data Review.....	4
Field Methods.....	5
Cultural Resource Findings.....	6
Recorded Sites.....	6
Isolated Occurrences.....	8
Traditional Cultural Properties.....	8
In-Use Areas.....	8
Evaluation of Significance.....	13
Recommendation.....	14
References Cited.....	16
Appendix A: Site Forms for Sites Recorded Within NNAD 04-108 Project Area.....	A-1
Appendix B: Proposed Guidelines for Treatment of Discovery Situations.....	B-1

List of Figures

Figure 1.	General Location of the Project Area for NNAD 04-108. (Map after Goodman 1982).....	2
Figure 2.	Specific Location of the Project Area for NNAD 04-108, Sites AZ-O-43-25, AZ-O-38-45, AZ-O-38-46 and AZ-O-38-47, and Isolated Occurrences Within the Project Area. 7.5 Minute Topographic Maps are : <i>Dilkon Quadrangle 1967, Navajo County, Arizona</i> and <i>French Butte Quadrangle 1967, Navajo County, Arizona</i>	3
Figure 3.	Site Map for Site AZ-O-38-45 Showing the Site Boundary and 15 m (50 ft) Cultural Bufferzone Around the Site Boundary.....	9
Figure 4.	Site Map for Site AZ-O-38-46 Showing the Site Boundary and 15 m (50 ft) Cultural Bufferzone Around the Site Boundary.....	10
Figure 5.	Site Map for Site AZ-O-38-47 Showing the Site Boundary	11
Figure 6.	Site Map for Site AZ-O-43-25 Showing the Site Boundary and 15 m (50 ft) Cultural Bufferzone Around the Site Boundary.....	12

List of Tables

Table 1. Previous Archaeological Surveys Conducted Within a 152 m (500 ft) Radius of the Project Area for NNAD 04-108.....	5
Table 2. Legal Descriptions, UTM Coordinates (Zone 12), Description and 7.5 Minute USGS Topographic Map Reference for Sites Recorded Within the Project Area for NNAD 04-108 (Appendix A for Site Forms and Figures 3, 4, 5 and 6 for site maps).....	6
Table 3. Legal Description, UTM Coordinates (Zone 12), Description and 7.5 Minute USGS Topographic Map Reference for the Isolated Occurrences Recorded Within the Project Area for NNAD 04-108.....	8
Table 4. Homesite Owner, Traditional Cultural Property (TCP) Interview, Description and location of In-Use Areas Encountered for the Project Area for NNAD 04-108.....	13
Table 5. NRHP Eligibility, ARPA and AIRFA Status of Sites Recorded for NNAD 04-108.....	13
Table 6. Management Plan for Site in the NNAD 04-108 Project Area.....	15

Introduction

This cultural resources inventory NNAD-04-108 (I.H.S. NA-04-05-031a) consists of an archaeological survey and ethnographic interviewing for the construction of sewer lines, sewer lagoon, a health center and staff housing. The Indian Health Service (IHS) proposes to construct a health center and staff housing, and a sewer lagoon with a 2,051.0 m (6,729.0 ft) long easement to connect the two sites. The project was requested and funded by the Navajo Area Indian Health Service and completed by the Navajo Nation Archaeology Department, Northern Arizona University Branch Office (NNAD-NAU), Flagstaff, Arizona. The project area is located on Navajo Tribal Trust Lands and is within the vicinity of the Fort Defiance Agency. Neomie Tsosie, NNAD-NAU staff archaeologist, was in charge of the project. Fieldwork was conducted in four days, July 20, 21, 23 and 26, 2004. The purpose of the survey was to locate and record cultural resources within the project location and provide management recommendations. There were four newly recorded sites, five Isolated Occurrences and three In-Use Areas encountered during survey. The NNAD performs archaeological surveys on Navajo Nation land under the authorization of the Navajo Nation Cultural Resources Protection Act (CMY 19 88). The lead federal agency for this undertaking is the Indian Health Service.

Description of Undertaking

The Indian Health Service (IHS) proposes to construct a health center and staff housing on a 17.6 ha (43.0 ac) site and a new sewer lagoon on a 16.2 ha (40 ac) site, in addition to a new sewer line 2,051.0 m (6,729.0 ft) long by 9.1m (30.0 ft) wide to connect the two project areas. The sewer line ROW total is 1.9 ha (4.74 ac). All of these activities will involve extensive ground-disturbing activities, including trenching and surface blading. The IHS requires a 9.1m (30.0 ft) Right-of-Way (ROW) for the construction of the sewer line. The total area of effect for the health center and staff housing, sewer lagoon and sewer line is 35.5 ha (87.74 ac). The area of effect equals the two project areas plus the sewer line length times the I.H.S. ROW. This project will provide needed facilities to meet the health and related demands of the growing community of Dilkon, Arizona.

Location

The proposed construction site for the health center and staff housing, sewer lagoon and sewer line that make up the project area are located on Navajo Tribal Trust Land within the Dilkon Chapter and Fort Defiance Agency, Navajo County, Arizona. The project area is located on the following 7.5 Minute USGS Topographic maps: *Dilkon Quadrangle* 1967 and *French Butte Quadrangle* 1967; in Township 23 North, Range 19 East; in Sections 16, 19, 20, 21, and 30. Figure 1 depicts the general location of the project area. Figure 2 depicts the specific location of the project area.

Area Environmental and Cultural Setting

The project consists of three proposed construction areas that are located in the vicinity of Dilkon, Navajo County, Arizona (Figures 1 and 2), which is topographically located primarily within the Hopi Buttes. Soils are alluvial and eolian sand intermixed with basalt and chert gravels eroding out of the Wingate Sandstone Formation. The nearest permanent drainage to the proposed health center is Coyote Wash, which is located approximately .1 km (.06 mi) south. The landscape consists of low, broad mesas, wide valleys, volcanic cinder cones, rolling desert grasslands, sand dunes and hills. Animals observed include cattle, birds, various lizards and sheep. Elevation ranges from 1,792 m (5,880 ft) to 1,756 m (5,760 ft). The geology and rainfall yields a biotic community that can be characterized as Plains and Great Basin Grassland. Common plants are Greasewood (*Díwózhíshzhíin*), Grama grass (*Tl'oh nástasí*), rabbit brush (*K'iiltsoi nistaaigíí*), snakeweed (*Ch'il diilyéíitsoh*), narrowleaf yucca (*Tsá'ázi'ts'óóz*), Russian thistle (*Ch'il deeníní*), cholla cactus (*Hosh dítsahíitsoh*), and Mormon tea (*Tl'oh azihíi tibáhígíí*).

In general, Dilkon can be characterized as a rural setting with scattered and clustered homes comprised of extended family groups. In-use structures might include two or more homes, a Hogan, shed, ramada and corral. Major development in the area consists of subterranean waterline systems, Navajo Housing Authority housing developments, the Dilkon Bashas Shopping Center, privately owned gas stations and the Dilkon School Complex. These areas of development also include the ongoing improvement and maintenance of dirt roads used by local residents and bus routes. Typically livestock roads and nearby homestead activity have heavily impacted the proposed project area.

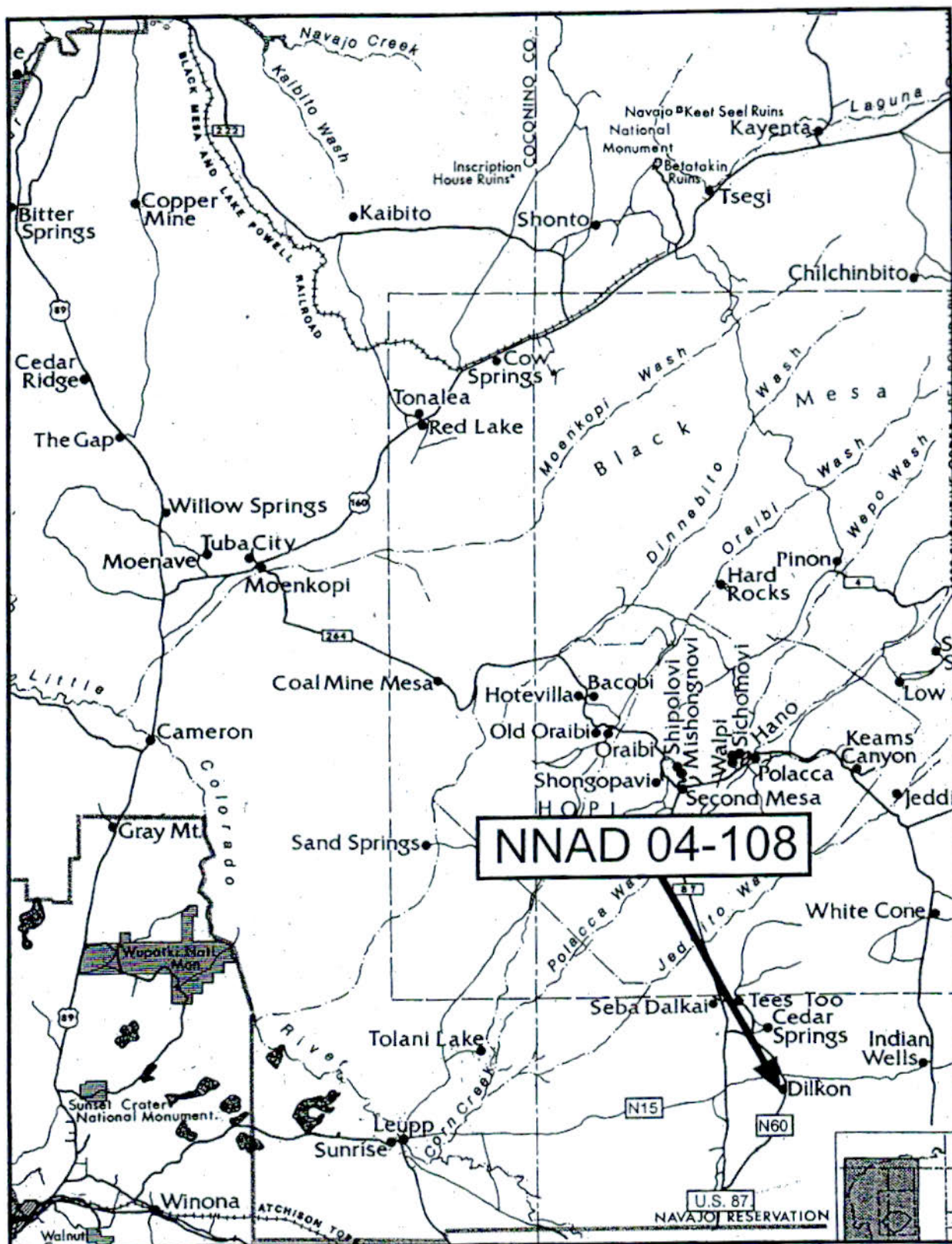


Figure 1. General Location of the Project Area for NNAD 04-108: A Cultural Resources Inventory of Approximately 122 Acres (NA-04-05-031a) for Navajo Area IHS in Dilkon, Coconino County, Arizona. Map after Goodman 1982.

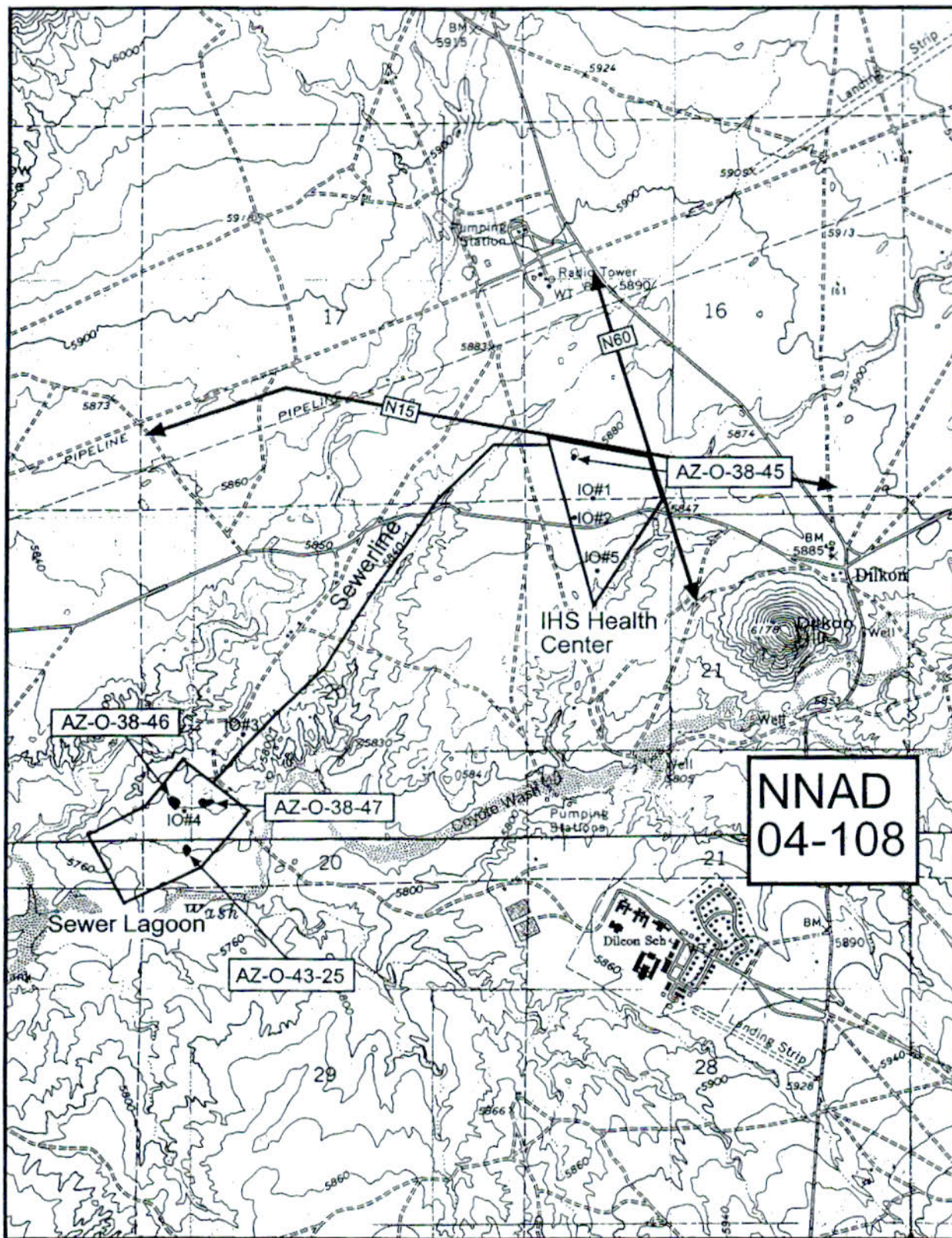


Figure 2. Specific Location of the Project Area for NNAD 04-108, Sites AZ-O-43-25, AZ-O-38-45, AZ-O-38-46 and AZ-O-38-47, and Isolated Occurrences Within the Project Area. 7.5 Minute Topographic Maps are: Dikeon Quadrangle 1967, Navajo County, Arizona and French Butte Quadrangle 1967, Navajo County, Arizona.

Existing Data Review

Prior to fieldwork, a records check was conducted for previous archaeological surveys and sites recorded within 152.4 m (500 ft) of the proposed project area (Table 1). The records check revealed that nine previous archaeological surveys were conducted with four sites recorded within 152.4 m (500 ft) of NNAD 04-108. The following is a brief summary of the culture history of the legally withdrawn land for the proposed health center, staff housing area. This data review highlights and explains some aspects of the archaeology and material culture encountered during the cultural resources inventory. The framework is structured and presented from research by L. Theodore Neff (2002), Miranda Warburton (1991) and George Gumerman (1988). L. Theodore Neff's archaeological survey took place in the vicinity of southeastern Hopi Buttes, while George Gumerman's survey and excavation took place in the southwestern Hopi Buttes. Both Miranda Warburton and L. Theodore Neff present technical reports for surveys done in the Indian Wells and Hopi Buttes area, which are immediately northeast of the Dilkon area.

Archaic (ca. 5550-500 B.C.): It has been argued that there is no evidence of occupation during the Archaic period in extant literature about the prehistory of the area. However, one Pinto-San Jose type projectile point has been recorded in the Hopi Buttes area, which dates to the Middle to Late Archaic period (ca. 5600-2900 B.C.) (Neff 2002:27). According to Neff, the discovery of this projectile point is the first observed evidence of Archaic period occupation in the Hopi Buttes area (2002: 27-29). The Archaic period, in general, was eventually brought to a close by an increased dependence on cultivated crops.

Basketmaker II (ca. A.D. 100-500): Although there has been extensive research on Basketmaker sites in areas near Navajo Mountain (for Navajo Mountain N16 Road Project) and Black Mesa (for the Black Mesa Archaeological Project), there has been little documentation of Basketmaker sites in general, in the Hopi Buttes area. According to Gumerman, only one Basketmaker II site is known to have been excavated in Hopi Buttes, but the findings of this excavation are unreported (Gumerman 1988:178).

Basketmaker III (ca. A.D. 500-800): Sites excavated by Gumerman in the Hopi Buttes area indicate interaction between Kayenta Branch Anasazi and those occupying this area. During this period, the Southwest as a region became a more culturally distinct area from those of Mesoamerica, the Plains and Great Basin. Agriculture and sedentism became increasingly frequent modes of subsistence and pit structures became more prominent forms of architecture. Manufacture of brown and gray wares is introduced and the Anasazi, Mimbres/Mogollon and Hohokam became distinct cultural groups.

Pueblo I (ca. A.D. 750-900): Gumerman notes that pithouse architecture from this period exhibits both Anasazi and Mogollon characteristics (1988:181). Anasazi architectural markers for pithouses are described as "(1) an encircling bench, (2) a ventilator shaft (in one case a ventilator shaft with dual opening), and (3) low mud ridges dividing the floor into unequal sections" (Gumerman 1988:181). Additional evidence of an Anasazi influence at these sites includes a burial of adult human remains and Tusayan white ware ceramics (Gumerman 1988:181). Mogollon architectural markers from pithouses include a "ramp entry or a short, wide entry area with a rather amorphous shape" (Gumerman 1988:181). Gumerman cites additional evidence of Mogollon influence at Hopi Buttes PI sites including cremation burials, paddle and anvil brown ware ceramics, and shell bracelets (1988:181).

Pueblo II (A.D. 950-1050)-III (A.D. 1100-1200/1250): Around Indian Wells, higher water levels and high precipitation accommodated an increase in population. Architectural features associated with this period include pithouses, roomblocks, plazas, kivas and Great Kivas, with ceramic assemblages reflecting a link between the Winslow Branch and the Kayenta Branch and Sinagua (Warburton 1991:32). Population peak in the area southeast of Hopi Buttes peaks around A.D. 1050 and continues beyond A.D. 1300 (Neff 2002:29).

Pueblo IV (A.D. 1300-1600): Gumerman identifies severe environmental changes as the primary cause of a small presence of PIV sites in the Hopi Buttes area. Following this period of climatic change, "the people of the Hopi Buttes area moved to the Hopi Mesas and large pueblos along the Little Colorado river." According to Gumerman, at this time "the parochial nature of the Winslow Branch people broke down, and they began participating in the much larger social and economic network then in operation" (Gumerman 1988:200).

The current explanation and interpretation of Navajo occupation of the Southwest from an Anglo ethnohistorical and archaeological approach puts the Navajo in this region by 1600 A.D., possibly earlier. Navajo traditional oral history presents a different account of how Navajos were introduced into this landscape.

The following is a synthesis derived from a chronology of Navajo origins compiled by Robert Begay (2003:50-55). According to the Navajo Creation Story, the ancestral Navajos emerged into the Glittering World, after this emergence the Navajo Holy People created Dinétah, or "Navajoland". Monsters prey on the Navajo until Changing Woman gives birth to twin brothers, Monster Slayer and Born for Water, who then kill off the Monsters. Navajo are "remade" by Changing Woman who also creates the first 4 clans at this time. The Navajos, who made

up these first 4 clans, then disperse throughout Navajoland to live and prosper in keeping with Navajo traditions and religion.

Today, Navajo livestock homesteads, a Basha's Shopping Center, several gas stations and convenience stores, and the small community of Dilkon characterize the cultural setting of the area. In the NNAD 04-108 project area specifically, livestock grazing and small plot agriculture farming typify current Navajo land use.

Table 1. Previous Archaeological Surveys Conducted Within a 152 m (500 ft) Radius of the Project Area for NNAD 04-108.

Report Number	NNHPD Report Number	Site Number and Description	NRHP Eligibility
NTM-80-222	Unknown	No sites recorded	N/A
Unknown	HPD-91-494	No sites recorded	N/A
Unknown	HPD-94-355	No sites recorded	N/A
Unknown	HPD-02-126	No sites recorded	N/A
DCD1-01121 & NTM-80-014	HPD-02-202	AZ-O-38-38 & DCEP-6 Anasazi PIII sherd and lithic scatte	Eligible
CASA 02-612	HPD-02-612	AZ-O-38-17: Anasazi late PII-earl PII probable habitation. Originally recorded by Miranda Warburton under HPD-494/NNAD 90-414.	Eligible
Unknown	HPD-02-703	No sites recorded	N/A
Unknown	HPD-03-205	No sites recorded	N/A
Unknown	Unknown	LA1339: No information found during HPD record check.	Unknown
Unknown	None	NA9339, Cultural affiliation is unknown.	Possible.

Field Methods

Neomie Tsosie, from NNAD-NAU, conducted fieldwork for this project on July 20, 21, 23 and 26, 2004. The survey was conducted as a 100% Class III parallel pedestrian survey of the proposed project areas, as well as the buffer zones for the Health Center, sewer lagoon, and sewer line. For I.H.S. projects NNAD routinely adds a 10.6 m (35 ft) buffer zone to each side of the ROW for a total survey swath of 30 m (100 ft). The area surveyed for the sewer line is the total length multiplied by the survey swath or 6.25 ha (15.4 ac). NNAD also adds a 15 m (50 ft) cultural buffer zone around I.H.S. project areas, or the health center and sewer lagoon tracts. The total area surveyed is therefore 43.25 ha (106.81 ac).

The cultural resources inventory entailed recording and mapping identified archaeological sites and Isolated Occurrences, and conducting interviews to obtain information on Traditional Cultural Properties (Table 4). When artifacts or features were located during the survey, the surrounding area was inspected to determine the nature of the cultural resources encountered. Archaeological sites were recorded by noting the type, number and distribution of artifacts present, describing any architectural remains or other features, and mapping the site via compass and pace technique. An attempt was made to visit every home located near the proposed project areas; however, in some cases no one was present at the home. Interviews concerning Traditional Cultural Properties (TCPs) were conducted by Neomie Tsosie in English with local residents. Specific TCP concerns include traditional plant/herb gathering areas, sacred places, and human burials that might be affected by the proposed IHS project. All Points-of-Intersections (PIs) along the proposed sewer line were marked with wooden laths prior to the day of survey. IHS personnel, who assisted in this process, was Rod Begay, Project Manager, Navajo Area Indian Health Service.

Environmental data for the site location was also recorded, including vegetation, topography and soil type. The site and Isolated Occurrences are plotted on the *Dilkon Quadrangle 1967* and *French Butte Quadrangle 1967* 7.5 Minute USGS Topographic maps (Figure 2). A *Garmin 12XL* GPS unit was used to establish the position of the sites and IOs. The site forms and maps for Sites AZ-O-38-45, AZ-O-38-46, AZ-O-38-47 and AZ-O-43-25 are presented in Appendix A (p. A-1).

Cultural Resource Findings

There were four recorded sites, five Isolated Occurrences and three In-Use Areas encountered during survey (Figure 2). The site forms for sites AZ-O-38-45 (p. A-2), AZ-O-38-46 (p.A-4), AZ-O-38-47 (p.A-6) and AZ-O-43-25 (p.A-8) are appended to this report in Appendix A (p. A-1), and site maps are depicted in Figures 3, 4, 5 and 6. All of the cultural resources have been evaluated for significance.

Recorded Sites

Four sites, AZ-O-38-45, AZ-O-38-46, AZ-O-38-47 and AZ-O-43-25, were discovered during survey for project NNAD 04-108. The sites are described and illustrated below and the complete Site Forms and one Site Update Form for AZ-O-38-45 are provided in Appendix A (p. A-1). Evaluations and recommendations are presented in a later section of the text. Table 2 gives the legal location and UTM coordinates for the recorded sites.

Table 2. Legal Descriptions, UTM Coordinates (Zone 12), Description and 7.5 Minute USGS Topographic Map Reference for Sites Recorded Within the Project Area for NNAD 04-108 (Appendix A for Site).

Site Number	Legal Description	UTM Coordinates (Zone 12)	Description	7.5 Minute USGS Topographic Map Reference
AZ-O-38-45	SE ¼, SW ¼, SW ¼ of Section 16, T23 N, R19E.	E 0560593 N 3916250	PI-II Ceramic and Lithic Scatter	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
AZ-O-38-46	NW ¼, SW ¼, SW ¼, SW ¼ of Section 20, T23 N, R19E.	E 0558943 N 3914795	PII-PIII Ceramic and Lithic Scatter	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
AZ-O-38-47	SE ¼, NW ¼, SW ¼ of Section 20, T23 N, R19E.	E 0559090 N 3914875	Unknown Navajo Habitation	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
AZ-O-43-25	SW ¼, SW ¼, SW ¼ of Section 20, T23 N, R19E.	E 0562839 N 3899266	PII Ceramic and Lithic Scatter	<i>French Butte Quadrangle 1967, Navajo County, Arizona</i>

Site Number: AZ-O-38-45 (Figure 3)

7.5 Minute USGS Map Reference: *Dilkon Quadrangle 1967, Navajo County, Arizona*

Legal Description: SE ¼, SW ¼, SW ¼ of Section 16 T23N, R19E

UTM Coordinates (Zone 12): E 0560593, N 3916250

Site Environment: The site is located at the southwestern edge of a small hill. Vegetation consists of Grama grass (*Tr'oh nástasi*), snakeweed (*Ch'il diilyésiitsoh*), narrowleaf yucca (*Tsá'ázi'ts'óóz*), Russian thistle (*Ch'il deenini*), cholla cactus (*Hosh dítsahiitsoh*), rabbit brush (*K'iiltsoi nistaagii*) and Mormon tea (*Tr'oh azihii libáhigii*). The nearest permanent drainage is Coyote Wash, which is located approximately 1.3 km (.8 mi) south of the site boundary

Dimensions of the Site: 13 m x 16 m

Site Type: PI-II Ceramic and Lithic Scatter

Site Description: The site was originally recorded by Linda Popelish (1980) as DCEP-6 (NTM-80-014), and was re-recorded with a site update form by Judith Touchette (2001) as AZ-O-38-38 (DCD1 01-128). This re-evaluation indicates that the site no longer exhibits three features and circular depression, but now consists of a moderately dense lithic and ceramic scatter containing approximately 50 flakes made of basalt, reddish-orange chert, and whitish-pink opaque chert. The flakes appear to be mostly core reduction flakes. The ceramic scatter contains approximately 50-100 jar and bowl sherds including Tusayan Corrugated Gray Ware, unidentified Tsegi Orange Ware and Holbrook A/B and Walnut Black-on-white Little Colorado White Ware. The site is eroding out of the southwest side of a small hill. Other disturbance besides slope wash erosion includes extensive livestock trampling, and pedestrian/mechanical traffic from a two-track dirt road, located about 15 m south of the site boundary. Although the site is visibly altered on the surface, the presence of subsurface architecture is still likely, thus the site contains the potential to contribute knowledge about the prehistory of the Dilkon area.

Site Number: AZ-O-38-46 (Figure 4)

7.5 Minute USGS Map Reference: *Dilkon Quadrangle 1967, Navajo County, Arizona*

Legal Description: NW ¼, SW ¼, SW ¼, SW ¼ of Section 20 T23N, R19E

UTM Coordinates (Zone 12): E 0558943, N 3914795

Site Environment: The site is located among low rolling hills. Vegetation consists of Grama grass (*Tl'oh nástasi*), snakeweed (*Ch'il diilyéiitsoh*), narrowleaf yucca (*Tsá'ázi'ts'óó*), Russian thistle (*Ch'il deenini*), cholla cactus (*Hosh ditsahiitsoh*), rabbit brush (*K'iitsoi nistaagii*) and Mormon tea (*Tl'oh azihii libáhigii*). The nearest permanent drainage is Coyote Wash located approximately .4 km (.2 mi) south of the site.

Dimensions of the Site: 75 m x 50 m

Site Type: PII-PIII Ceramic and Artifact Scatter

Site Description: The site is a moderately dense artifact scatter containing ceramic and lithic artifacts. The artifacts are eroding out of a sand dune. Ceramic types present include Walnut Black-on-white, Tusayan Corrugated Gray ware, Padre Black-on-white, Sosi Black-on-white, Black Mesa Black-on-white and an unknown decorated Tusayan and Little Colorado White Wares. Part of a miniature Little Colorado White Ware Black-on-white pot was also noted, possibly Walnut Black-on-white. Other notable ceramic artifacts included a segment of a spindle whorl, made from a Holbrook A Black-on-white jar sherd. Lithic artifacts were primarily core reduction flakes made primarily from basalt with some made of white chert, purple chert and pinkish-gray chert. No lithic tools or groundstone were observed. Erosion and livestock trampling are the primary causes of disturbance. The site is located in the northeast central portion of the proposed project area for the IHS Sewer Lagoon.

Site Number: AZ-O-38-47 (Figure 5)

7.5 Minute USGS Map Reference: *Dilkon Quadrangle 1967, Navajo County, Arizona*

Legal Description: SE ¼, NW ¼, SW ¼ of Section 20, T23N, R19E

UTM Coordinates (Zone 12): E 0559090, N 3914875

Site Environment: The site is located at the southwestern edge of a ridge among low rolling hills. Vegetation consists of Grama grass (*Tl'oh nástasi*), Russian thistle (*Ch'il deenini*), rabbit brush (*K'iitsoi nistaagii*) and Mormon tea (*Tl'oh azihii libáhigii*). The nearest permanent drainage is Coyote Wash located .3 km (.2 mi) south of the site boundary.

Dimensions of the Site: 70 m x 35 m

Site Type: Unknown Navajo Habitation

Site Description: The site consists of the remains of one Structure and three Features. Structure 1 is the remains of a Hogan made of axe-cut wood. None of the walls are intact and much of the wood has disintegrated, but a 10 m depression is visible. Feature 1 is a trash scatter containing approximately 20 tin cans, a few pieces of porcelain and a screw-top clear glass "Bayer Aspirin" bottle. Feature 2 is a pile of Basalt rocks, however, they do not appear to be shaped or burned. Feature 3 is a wood chip pile approximately 10 m in diameter. Slope wash erosion and livestock trampling are the primary sources of disturbance. The site is located within the southeast area of the proposed project area for the IHS Sewer Lagoon, approximately 60 m (197 ft) from the northeastern edge of the proposed Sewer Lagoon.

Site Number: AZ-O-43-25 (Figure 6)

7.5 Minute USGS Map Reference: *French Butte Quadrangle 1967, Navajo County, Arizona*

Legal Description: SW ¼, SW ¼, SW ¼ of Section 20, T23N, R19E

UTM Coordinates (Zone 12): E 0562839, N 3899266

Site Environment: The site is located in a relatively flat area at the northern edge of the floodplain of Coyote Wash. Hardpan basin and ephemeral drainages characterize the landscape. Vegetation present includes Greasewood (*Diwózhiiishzhiiin*), Grama grass (*Tl'oh nástasi*), rabbit brush (*K'iitsoi nistaagii*) and Mormon tea (*Tl'oh azihii libáhigii*). The nearest permanent drainage is Coyote Wash located approximately .2 km (.1 mi) southeast of the site boundary.

Dimensions of the Site: 55 m x 40 m

Site Type: PII Ceramic and Lithic Scatter

Site Description: The site is a diffuse scatter of ceramic and lithic artifacts located in two artifact concentrations and one Feature. The artifacts are concentrated into two areas of hardpan basin and are eroding out of the edge of a stabilized sand dune eroding into the northern edge of the Coyote Wash floodplain. Artifact Concentration 1 contains approximately 10-15 basalt core reduction flakes, 20-25 Black Mesa Black-on-white jar sherds, unidentified decorated Tusayan White Wares, Tusayan Corrugated Gray Ware jar sherds, and unidentified Tusayan

Gray Ware jar sherds. Artifact Concentration 2 contains approximately 20 basalt and white chert core reduction flakes, 15-20 unidentified Black-on-white Tusayan White Ware jar sherds, Tusayan Corrugated Gray Ware jar sherds, and unidentified Tusayan Gray Ware jar sherds. Feature 1 is a hearth approximately 1 m in diameter. The hearth contains ash-stained soil but no pieces of charcoal or burned material. Erosion, flooding, and livestock trampling are the primary sources of disturbance. The site is located at the southwest central edge of the proposed project area for the IHS Sewer Lagoon, approximately 80 m (260 ft) from the southeast edge of the proposed Sewer Lagoon.

Isolated Occurrences

A total of five Isolated Occurrences (IOs) were encountered and recorded during the NNAD 04-108 survey. Table 3 presents the Legal Description, UTM Coordinates, Description and 7.5 Minute USGS Topographic Map Reference for the IOs. Figure 2 depicts the location of all the IOs.

Table 3. Legal Description, UTM Coordinates (Zone 12), Description and 7.5 Minute USGS Topographic Map Reference for the Isolated Occurrences Recorded Within the Project Area for NNAD 04-108.

Isolated Occurrence (IO)	Legal Description	UTM Coordinates (Zone 12)	Description	7.5 Minute USGS Topographic Map Reference
IO #1	SE ¼, SW ¼, SW ¼ of Section 16, T23N, R19E	N 3916078 E 0560671	Indeterminate Tusayan White Ware straight, flattened ladle handle	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
IO #2	NE ¼, NW ¼, NW ¼ of Section 21, T23N, R19E	N 3915982 E 0560582	Purplish-gray chert uniface Lithic tool	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
IO #3	NW ¼, NE ¼, SW ¼ of Section 20, T23N, R19E	N 3915070 E 0559218	Walnut Black-on-white jar sherd	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
IO #4	NW ¼, SW ¼, SW ¼ of Section 20, T23N, R19E	N 3914740 E 0558960	Black Mesa Black-on-white jar sherd	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
IO #5	SE ¼, NW ¼, NW ¼ of Section 21, T23N, R19E	N 3915757 E 0560701	Clear glass jar, unknown date	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>

Traditional Cultural Properties

Fieldwork for this project included conducting ethnographic interviews to obtain information on Traditional Cultural Properties (TCPs) and other concerns the local residents might have in the project area. Interviews were conducted in English by Neomie Tsosie during survey. Questions were specifically asked about knowledge of traditional herbs/plant gathering areas, sacred places, or burials that might be affected by the proposed IHS Health Center, Sewer Lagoon and Sewerline project within or near the project area. An attempt was made to visit every home that would be affected by the proposed undertaking; however, in some cases no one was home. Two individuals were available for and participated in the TCP interviews. The two participants provided a complete account of the project area regarding TCPs. No TCPs were identified within the project area by these two consultants. See Table 4 for the results of the TCP interviews and the dates of the interviews.

In-Use Areas

Table 4 provides a brief description of the three In-Use Areas encountered within the project area surveyed. Currently In-Use Areas were simply noted and not fully recorded during this project, in keeping with the Navajo Nation policy to protect the privacy of property rights of its people.

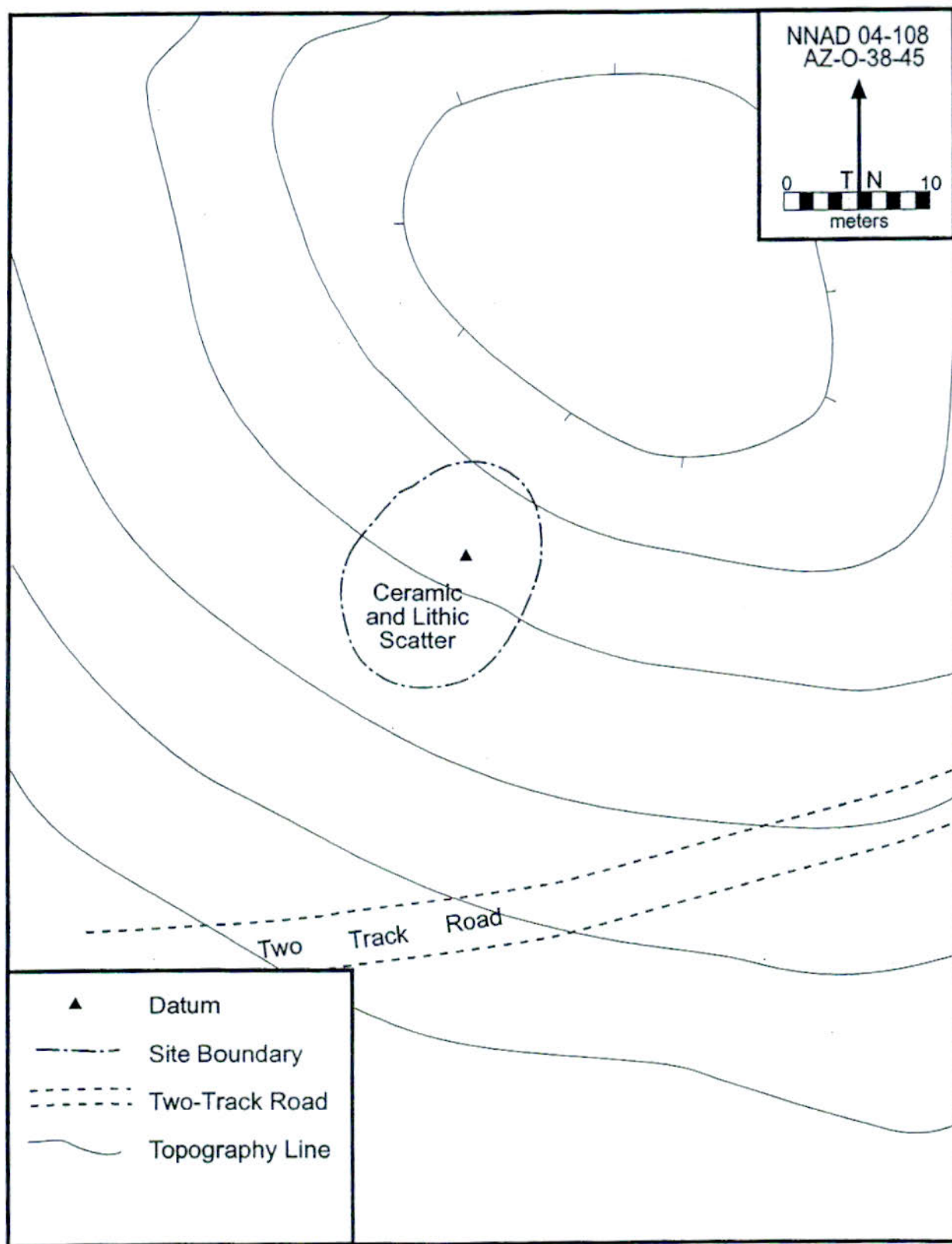


Figure 3. Site Map for Site AZ-O-38-45.

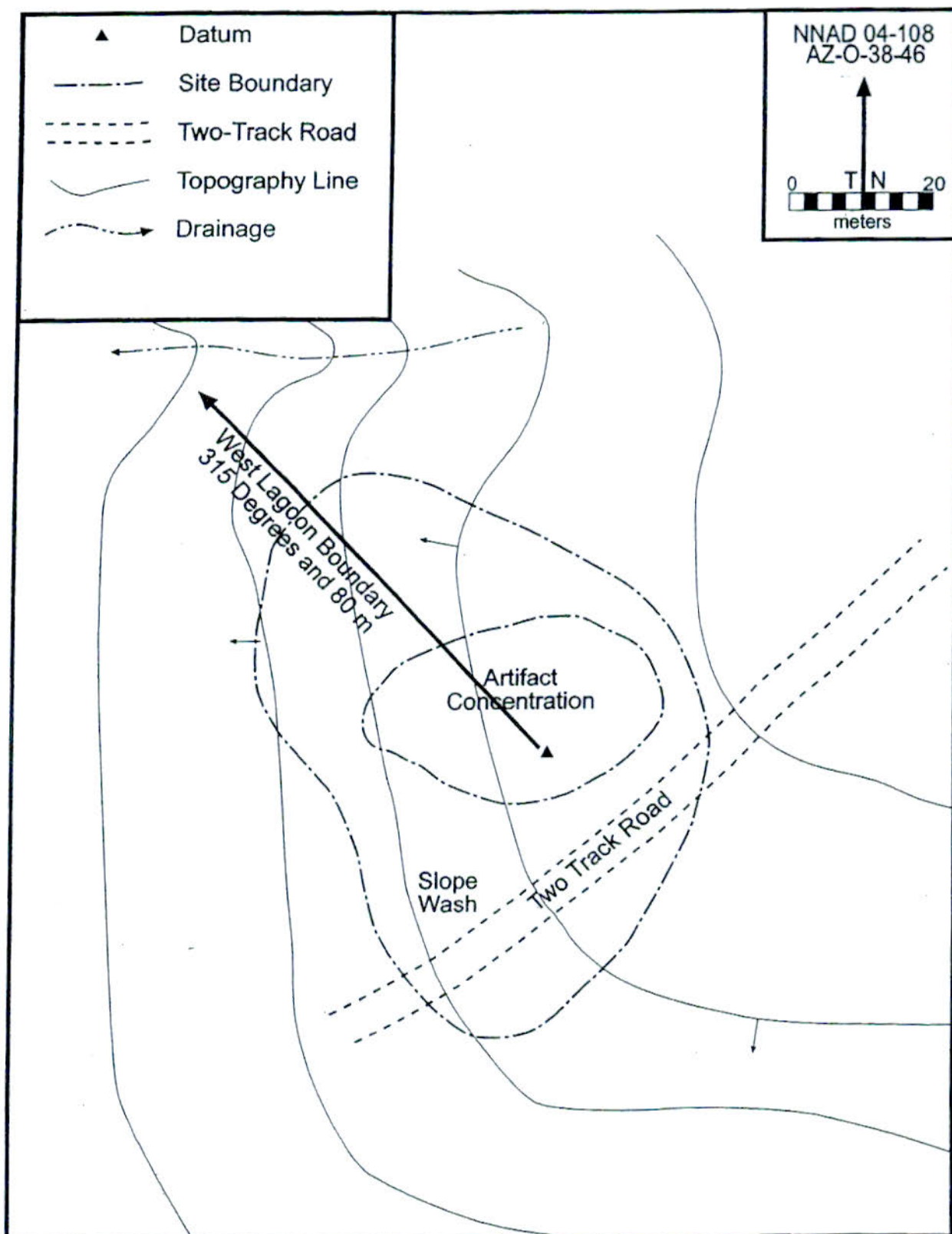


Figure 4. Site Map for Site AZ-O-38-46.

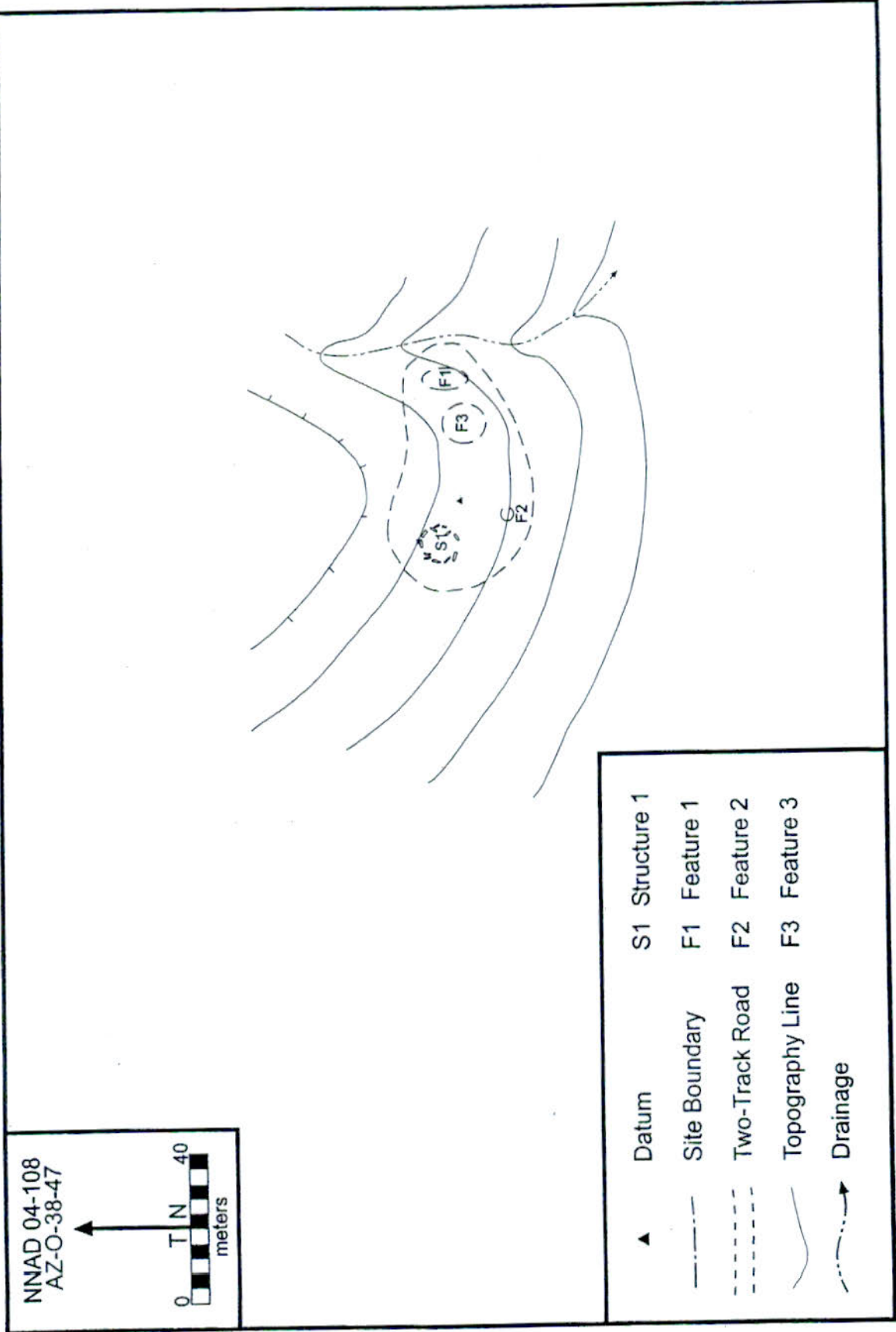


Figure 5. Site Map for AZ-O-38-47.

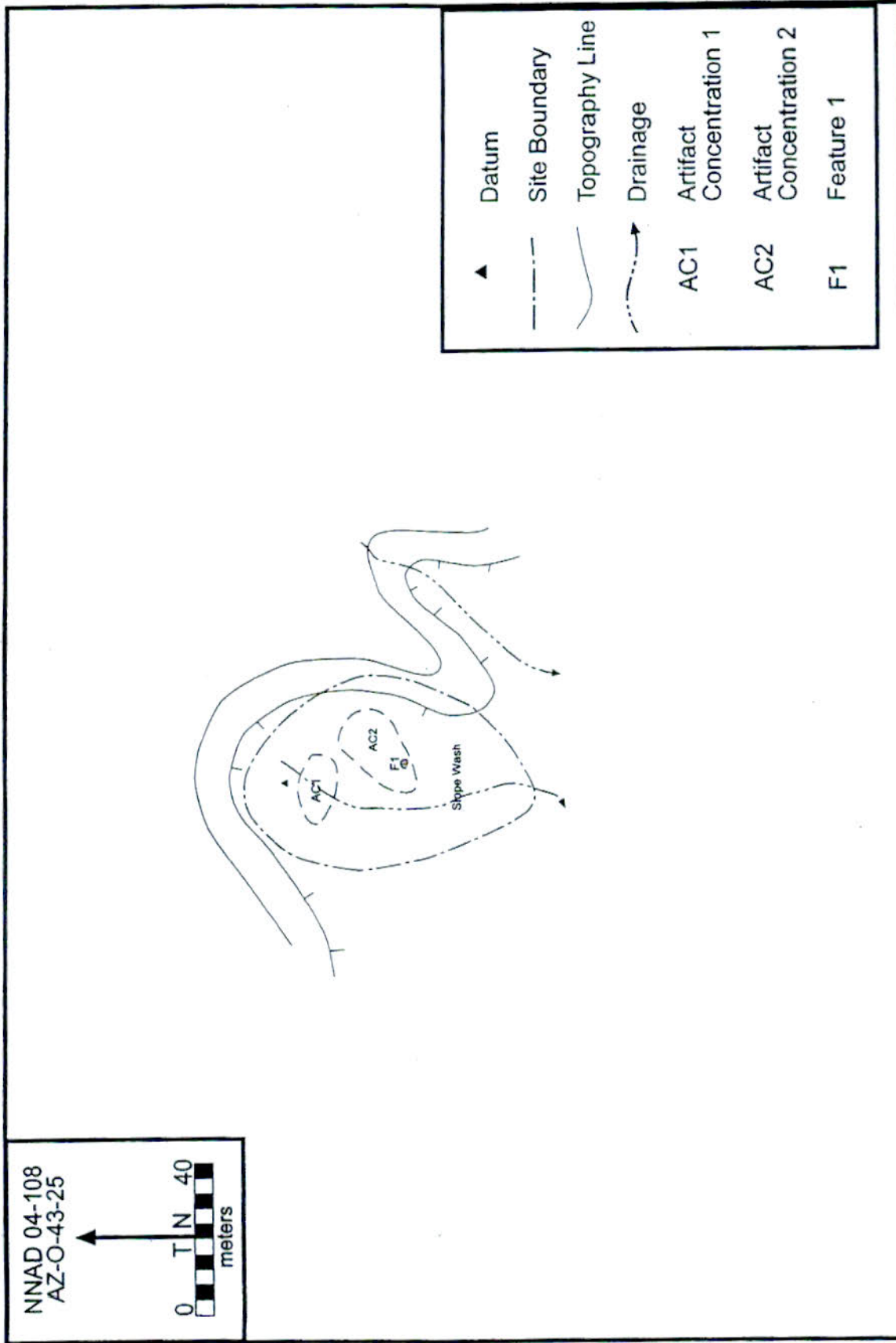


Figure 6. Site Map for Site AZ-O-43-25.

Table 4. Homesite Owner, TCP Interview, Description and location of In-Use Areas Encountered During Survey of the Project Area for NNAD 04-108.

In-Use Area and Homesite Owner	TCPs/Date Interviewed	Description	Location
IUA #1, Bernie Long	No TCPs, 7/22/04	1990s livestock corral made of milled lumber, plywood, sheet metal	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
IUA #2, Larry Freddy	No TCPs, 7/26/04	2000s livestock corral	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>
IUA #3, Community or IHS owned	No one available for interview 7/22/04	Grey cinderblock building	<i>Dilkon Quadrangle 1967, Navajo County, Arizona</i>

Evaluation of Significance

Table 5 summarizes the eligibility of Sites AZ-O-38-45, AZ-O-38-46, AZ-O-38-47 and AZ-O-43-25 recorded during survey for NNAD 04-108. Although site AZ-O-38-45, was originally thought to be either site NA10576 or NA10757, which were excavated in 1973 by Charles D. James III (James III 1973; Trott and McPherson 1985) of the Museum of Northern Arizona (MNA), upon examining site maps and records at MNA, it was determined that both sites are located approximately 400 m (1,312 ft) outside of the project area. NA9339 was also recorded by MNA, but it is located approximately 80 m (ft) outside of the project boundary, however, it is unclear from MNA records what project this site was recorded under, and/or if it was excavated. Therefore, site AZ-O-38-45 remains significant and eligible for nomination for protection under the NRHP, as it meets the 50 year guideline and contains the potential to contribute to knowledge about southwest ancient people. AZ-O-38-45 is protected under ARPA, since the site is more than 100 years old and is of scientific interest. AZ-O-38-45 is not of religious significance to extant Native Americans, therefore it is not protected under AIRFA. However, the site AZ-O-38-45 is eligible for protection under NAGPRA, as it may contain human remains.

The sites AZ-O-38-46 and AZ-O-43-25 are protected under the Archaeological Resources Protection Act (ARPA), because they meet the 100-year guideline and are of scientific interest. Sites AZ-O-38-46 and AZ-O-43-25 are also eligible for protection under the National Register of Historic Places (NRHP), as they meet the 50 year guideline and contain the potential to contribute to knowledge about southwest ancient people. Sites AZ-O-38-46 and AZ-O-43-25 are not, however, protected under AIRFA, because they are currently not of religious significance to extant Native Americans. The sites, AZ-O-38-46 and AZ-O-43-25, are however eligible for protection under the Native American Graves Protection and Repatriation Act (NAGPRA), because they may contain human remains.

Site AZ-O-38-47 is not eligible for nomination to the National Register of Historic Places (NRHP), nor does it qualify for protection under ARPA, as it is less than 50 years old. The site contains a Hogan depression. A Hogan is the traditional Navajo habitation structure. It has been well documented that in addition to housing Navajos, sacred Navajo ceremonies are often conducted within the Hogans of Navajo practitioners and their patients. Also, it is a common practice to bless Hogans before they are inhabited, making Hogans a sacred place to Navajos. Although the Hogan may have been blessed in the Navajo tradition, and therefore eligible for protection under AIRFA, none of the homeowners expressed concerns regarding the proposed construction activities and the Hogan depression. Given this information and the fact that the Hogan is dismantled, site AZ-O-38-47 is not protected under AIRFA.

The Isolated Occurrences lack integrity, significance and potential for scientific research, beyond recording for this project. Thus, they are not eligible for nomination to the NRHP, nor do they merit protection under ARPA. None of the IOs have known religious or ceremonial significance to extant Native Americans and thus do not warrant consideration under AIRFA. They are not protected under NAGPRA.

Although some of the three In-Use Areas (IUAs) are likely to have been blessed in the Navajo tradition and are eligible for consideration under AIRFA, none of the homeowners expressed concerns regarding the proposed construction activities. Since the IUAs were constructed within the past 10-30 years, the three IUAs are not eligible for nomination to the NRHP, nor do they merit protection under ARPA. They are not protected under NAGPRA.

Table 5. NRHP Eligibility, ARPA AIRFA, and NAGPRA Status of Sites Recorded for NNAD 04-108.

Site Number	Evaluation for newly recorded sites	
AZ-O-38-45	<u>36 CRF 60.4:</u>	Since the site was not excavated and the site meets the 50 year guideline for historic properties, it is eligible for nomination to the National Register of Historic Places.
	<u>Integrity:</u>	The site maintains integrity of location, materials and association.
	<u>Criteria a-d:</u>	The site meets Criterion d for potential to yield scientific information.
	<u>Exclusions:</u>	None.
	<u>ARPA:</u>	The site does meet the 100-year guideline and is of scientific interest; therefore it merits protection under ARPA.
	<u>AIRFA:</u>	The site does not appear to contain features or structures that are usually blessed or considered sacred and does not warrant consideration under AIRFA.
	<u>NAGPRA</u>	The site may contain human remains, therefore it is protected under NAGPRA.
AZ-O-38-46	<u>36 CRF 60.4:</u>	The site meets the 50-year guideline for historic properties and is eligible for nomination to the National Register of Historic Places.
	<u>Integrity:</u>	The site maintains integrity of location, materials and association.
	<u>Criteria a-d:</u>	The site meets Criterion d for potential to yield scientific information.
	<u>Exclusions:</u>	None.
	<u>ARPA:</u>	The site does meet the 100-year guideline and is of scientific interest; therefore it merits protection under ARPA.
	<u>AIRFA:</u>	The site does not appear to contain features or structures that are usually blessed or considered sacred and does not warrant consideration under AIRFA.
	<u>NAGPRA</u>	The site may contain human remains, therefore it is protected under NAGPRA.
AZ-O-38-47	<u>36 CRF 60.4:</u>	The site does not appear to meet the 50-year guideline for historic properties and is not eligible for nomination to the National Register of Historic Places.
	<u>Integrity:</u>	The site maintains integrity of location, setting, and association.
	<u>Criteria a-d:</u>	The site does not meet Criteria a-d.
	<u>Exclusions:</u>	None.
	<u>ARPA:</u>	The site does not meet the 100-year guideline and is not of scientific interest; therefore it does not merit protection under ARPA.
	<u>AIRFA:</u>	Although the Hogan depression at site AZ-O-38-47 may have been blessed in the Navajo tradition, and therefore eligible for protection under AIRFA, none of the homeowners expressed concerns regarding the proposed construction activities. Given this information and the fact that the Hogan is dismantled, the Hogan site is not protected under AIRFA.
	<u>NAGPRA</u>	The site is not protected under NAGPRA.
AZ-O-43-25	<u>36 CRF 60.4:</u>	The site meets the 50-year guideline for historic properties and is eligible for nomination to the National Register of Historic Places.
	<u>Integrity:</u>	The site maintains integrity of materials, location and association.
	<u>Criteria a-d:</u>	The site meets Criterion d for potential to yield scientific information.
	<u>Exclusions:</u>	None.
	<u>ARPA:</u>	The site does meet the 100-year guideline and is of scientific interest; therefore it merits protection under ARPA.
	<u>AIRFA:</u>	The site does not appear to contain features or structures that are usually blessed or considered sacred and does not warrant consideration under AIRFA.
	<u>NAGPRA</u>	The site may contain human remains, therefore it is protected under NAGPRA.

Recommendations

Specific guidelines for avoiding sites within the project area are outlined in Table 6. There were four (4) sites, five (5) Isolated Occurrences and three (3) In-Use Areas encountered and recorded during survey (Figure 2). All of the cultural resources have been evaluated for significance. 3 of the 4 sites are protected under ARPA, and are eligible for nomination to the NRHP. 3 of the 4 sites are protected under NAGPRA. The remaining cultural resources are not protected under the NRHP, ARPA, and NAGPRA. All cultural resources are not protected under AIRFA. A determination of "no historic properties affected" is recommended for the proposed IHS undertaking, provided that the stipulations in Table 6 are met. The Site Forms for Sites AZ-O-38-45, AZ-O-38-46, AZ-O-38-47 and AZ-O-43-25 are appended to this report (Appendix A).

Table 6. Management Plan for Sites in the NNAD 04-108 Project Area.

Site Number	NRHP ARPA	NAGPRA	Recommendation for newly recorded site
AZ-O-38-45	Yes	Yes	We recommend that the site be mitigated prior to construction in order to comply with the NRHP, ARPA, and NAGPRA, and the protection of human remains.
AZ-O-38-46	Yes	Yes	We recommend that the site be mitigated prior to construction in order to comply with the NRHP, ARPA, and NAGPRA, and the protection of human remains.
AZ-O-38-47	No	No	We recommend that no "historic properties" are effected, and that the proposed construction proceed as planned..
AZ-O-43-25	Yes	Yes	We recommend that the site be mitigated prior to construction in order to comply with the NRHP, ARPA, and NAGPRA, and the protection of human remains.

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Appendix B
Proposed Guidelines for Treatment of Discovery Situations

Proposed Guidelines for Treatment of Discovery Situations

In all discovery situations the existing ground surface in the vicinity of the discovery will be mapped to show the relationship of the discovery to the project area, topographic features, cultural features, and surface artifacts. The map will be prepared using, at a minimum, a compass and measuring tape; at the option of the archaeologist, a transit, a plane table and alidade, or other surveying equipment may be used. Beyond that, specific types of features will be treated as follows.

ASH STAIN: The location will be mapped, the feature will be profiled and photographed, and charcoal fragments will be collected for radiocarbon dating. If it appears that the feature can be dated through radiocarbon analysis, artifacts, or stratigraphy, and if the ash stain is dense enough and dark enough to be likely to yield botanical remains, pollen and flotation samples will be collected and analyzed. At the discretion of the archaeologist, in consultation with the NNHPO, radiocarbon samples will be analyzed.

HEARTHES: The location will be mapped, and the feature will be profiled and photographed, and charcoal fragments will be collected for radiocarbon dating. If it appears that the feature can be dated through radiocarbon analysis, archaeomagnetism, artifacts, or stratigraphy, and if the ash stain is dense enough and dark enough to be likely to yield botanical remains, a flotation sample will be collected and analyzed. Since burning destroys pollen, no pollen samples will be taken from hearths. At the discretion of the archaeologist, in consultation with NNHPO, radiocarbon samples will be analyzed.

MIDDENS: The location will be mapped, and the feature will be profiled and photographed. Charcoal fragments will be collected for radiocarbon dating. Pollen and flotation samples will be collected and analyzed. If natural stratigraphy is present in middens, samples will be collected according to natural stratigraphy, not from arbitrary levels. In order to recover data on the stratification of artifacts in the midden, at least one 1-by-1-m column, located immediately adjacent to the area disturbed by construction, will be hand excavated in levels no greater than 10 cm thick, and all excavated fill will be screened through mesh no larger than 1/4 inch. Auger holes will be placed every 2.5 to 5.0 m along the unexcavated portion of the right-of-way for a sufficient distance to define the boundary of the midden and ascertain whether or not additional features are present. Because middens are generally associated with substantial occupations and other features, consultation with the NNHPO, the BIA, and the SHPO will be required after the initial recording has been completed.

PIT HOUSES AND BURIED SURFACE STRUCTURES (PUEBLOS AND FIELD HOUSES): The location will be mapped and the feature exposure will be profiled and photographed. Charcoal fragments and any wood samples will be collected for radiocarbon dendrochronological analysis. Charcoal and wood samples of adequate size and quality will be submitted for dendrochronological analysis; charcoal will be radiologically analyzed only if the feature cannot be dated by other means. Pollen and flotation samples will be taken from the floor, subfloor pits, hearths, and other appropriate contexts, and will be analyzed.

Auger holes will be placed every 1.5 to 5.0 m along the unexcavated portion of the right-of-way for a sufficient distance to define the boundary of the feature and ascertain whether or not additional features are present. Because dwellings usually yield substantial amounts of significant information, and because they are usually associated with other features, consultation with the NNHPO, the BIA, and the SHPO will be required after the initial record has been completed. In general, however, additional excavation of these types of features (beyond the initial recording described above) will occur only if the feature is likely to sustain additional damage from erosion, additional construction, or maintenance.

PREHISTORIC BURIALS: Prehistoric burials will be completely excavated, mapped, profiled, and photographed. Charcoal, pollen, and flotation samples will be collected as appropriate from the burials and associated artifact and features. Charcoal will be submitted for analysis if the burial cannot be dated by other means. Pollen and flotation samples will be analyzed, along with skeletal remains and artifacts.

HISTORIC AND UNDATED GRAVES: The Navajo Nation burial policy will be followed in these cases.

Except for items associated with burials and graves, all materials recovered from discovery situations will be curated by the NNAD for the Navajo Tribal Museum. Human remains and grave goods will be treated in accordance with the Navajo Nation policy on burials and human remains.



THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY

Public Water Systems Supervision Program
Post Office Box 339, Window Rock, AZ 86515
Telephone (928) 871-7755
Fax (928) 871-7818
www.navajopublicwater.org




Jonathan Nez
President

Myron Lizer
Vice President

February 25, 2019

MEMORANDUM

TO: Navajo Land Title Data Systems
Land Department
Division of Natural Resources

FROM: 
Yolanda Barney, Environmental Program Manager
Public Water Systems Supervision Program
Surface and Ground Water Protection Department
Navajo Nation Environmental Protection Agency

SUBJECT: DOCUMENT No. 012027

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program and the Domestic Wastewater Program reviewed Document No. 12027, United States Public Health Service, Land Lease for the proposed Dilkon Health Center in Dilkon, Arizona. With new waterline projects that intertie Dilkon to the Leupp Chapter, this project may have sufficient water supply. PWSSP recommends approval of this document.

All proposed drinking water projects will need to be permitted by the PWSSP-NNEPA. All proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit requirements of the PWSSP pursuant §§1501 and 1601 of the Navajo Nation Primary Drinking Water Regulations.

All health clinics are being built with treatment centers to purify the water for dialysis centers. The treatment is considered to be a consecutive public water system and will need to an operating permit.

All proposed wastewater projects will need to be permitted by the Domestic Wastewater Program-NNEPA. Extensions, upgrades, new sewer infrastructure, septic tanks, and other wastewater infrastructure must comply with the design review and construction permit requirements pursuant to §201 of the Domestic Wastewater Program.

If there are any questions, please contact me at 871-7755.

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA
PWSID#NN0400342
DWWPID#NN04070120

Document No. 012027Date Issued: 02/11/2019**EXECUTIVE OFFICIAL REVIEW**Title of Document: USPHS, Land Lease Dilkon Health Center Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: e_yazzie@navajo-nsn.gov Phone Number: 928/871/6447

<input type="checkbox"/>	Business Site Lease		Sufficient	Insufficient
	1. Division:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
	3. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions			
	1. Division:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications			
	1. Office of Management and Budget:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Navajo Housing Authority Request for Release of Funds			
	1. NNEPA:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Lease Purchase Agreements			
	1. Office of the Controller:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)			
	2. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Grant Applications			
	1. Office of Management and Budget:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval			
	1. Division:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
 	Relinquishment of Navajo Membership			
	1. Land Department:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

		Sufficient	Insufficient
<input type="checkbox"/>	Land Withdrawal or Relinquishment for Commercial Purposes		
1. Division:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases		
1. NLD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ ^(ic)	_____ Date: <u>4/2/19</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Rights of Way		
1. NLD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease		
1. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Assignment of Mineral Lease		
1. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)		
1. NLD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	OTHER:		
1. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ
03/14/19 8:25am
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 012027
SAS #:
UNIT: NRU

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

CLIENT TO COMPLETE

DATE OF REQUEST:	11/13/2018	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 871-6423	E-MAIL:	michellehoskie@frontier.com
TITLE OF DOCUMENT: USPHS, Land Lease Dilkon Health Center #12027			

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	3.14.19 9:12	REVIEWING ATTORNEY/ADVOCATE:	Devin Chee 3.25.18
DATE TIME OUT OF UNIT:	4.2.19 3:19p		

DOJ ATTORNEY / ADVOCATE COMMENTS

Required documents, EA, CRCE, BRCE, etc. are attached. The land was withdrawn by Advisory Committee (ACAP-41-78) on April 18, 1978 for 700 acres. Therefore, Field Clearance and for Consent by the land users is not attached or required. Document is legally sufficient. This is


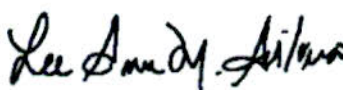


REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Immae Alee	4/2/19	Blackhat	4/2/19 11:14am
DOJ Secretary Called: Michelle	for Document Pick Up on 4.2.19	at 2:50,	By: R.
PICKED UP BY: (Print)	DATE / TIME.		

NNDJ/DRRF-July 2013

COMPLETED

18, 1978 for 700 acres. Therefore, Field Clearance and for Consent by the land users is not attached or required. Document is legally sufficient. This is

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approve d	no comments	No Reply	27-Feb-2019	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approve d	1. EA indicates no surface water impacts if plans changes please contact LeeAnna Martinez for a 401 Cert at (928)871-7700.	1. No Reply	27-Feb-2019	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approve d	no comments	No Reply	11-Feb-2019	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approve d	1. #06DHHS01 A (EA appx.)	1. No Reply	11-Feb-2019	
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approve d	1. IHS lease application for 43.13 acres of an already withdrawn 700-acre lot for the construction of the Dilkon Health Center and adjoining staff quarters. The June 2016	1. No Reply	11-Feb-2019	

EA Update indicates compliance required with the federal Construction General Permit for storm water discharges from construction sites that disturb more the 1.0 acre of land surface.

Robert Allan DNR
(Navajo Land Title Data System - Windowrock AZ)

Deputy Director
DNR Administration

Approved 1

CONDITIONAL
1) The lease form needs editing and amendment to conform to the Navajo Nation's standard lease provisions. The following are my review notes:
1) Reference to authorizing laws should include reference to 25 U.S.C.A. Section 415e.
2) Exhibits are mis-referenced; there should be Exhibit A and Exhibit B, rather than Exhibits 1, 2 A, and B. 3) Paragraph 3, last sentence should be redacted. 4) Paragraph 4, 2d paragraph Is this necessary in the lease? U.S. HIS is still responsible for the premises whether or not the facility operates under a '638 contract or compact. 5) Paragraph 5-- Rental consideration

No 04-Mar-
Repl 2019
y

Robert O. Allan

will have to be amended to conform to the no payment of rent clause authorized by 16 N.N.C. section 2334 F. . and CFR regulations. 6) Paragraph 9 will have to amended to read that Lessee shall remove all improvements at termination of the lease unless Lessor authorizes all buildings and improvements to remain on the lease premises. 7) Paragraph 10 should follow the Navajo Nation's standard lease provisions for destruction of the improvements by fire or casualty, which addresses insurance requirements and the Nation's option to decide whether or not to receive insurance proceeds or allow reconstruction . 8) Paragraph 16--reference to "Government" should be changed to Lessor and Lessee/IHS with other appropriate of the Paragraph 16 lease provisions; "title to the Property" is too ambiguous a term as set

forth in the paragraph; reference to "LCO" is too ambiguous and not defined in the lease. 9)

Paragraph 25, 1st sentence-- should read:

"If required by Applicable Federal law"

Paragraph 27-- reference to "the Secretary" should be removed. 11)

Paragraph 31-- should read: ". . . except to the extent those Navajo Nation laws are in conflict with Federal regulations"

Paragraph 39 should be amended to be consistent with the Navajo Nation Lease form provisions. 13) Paragraph 39 A--should read ". . . except to the extent that those laws are in conflict with applicable Federal regulations."

14) Paragraph 39 B--should read ". . . upon sovereign immunity or any Navajo Nation or Federal statute"

Tamara HPD Historic
Billie NNHP Reviewer Preservation
(Navajo Land Title Department
Data
System -
Windowrock AZ)

Approved

1 Follow stipulations outlined in CRID for identified archaeological sites.

1 No 14-Feb-
Reply 2019

Warren Roan - EPA (Navajo Land Title Data System - Windowroc k AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. There is an adjacent UST facility across the road, NR-15, known as NAV305 Navajo Westerners. The facility has three USTs and a Phase II ESA was completed. It is determined there is no release from the operating USTs. A 'No Further Action' letter was issued by NNEPA in 2015.	1. No Reply	12-Feb-2019
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Warren J. Rom

Yolanda Barney EPA (Navajo Land Title Data System - Windowroc k AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	1. Please see attached memorandum approving the project.	1. No Reply	25-Feb-2019
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Yolanda

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Chad Smith - F&W (Navajo Land Title Data System - Windowroc k AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	12-Mar-2019	<i>Chad Smith</i>
Richard Begay NNHP (Navajo Land Title Data System - Windowroc k AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	08-Mar-2019	<i>Richard M. Begay</i>

Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1	Conditional Approval granted and contingent on compliance with all NNEPA and USEPA environmental laws.	1	No Reply	04-Mar-2019
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Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	04-Mar-2019
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Steven L Prince

W. Mike Halona (NLTDS - Everytt)	DCD Division Director	Navajo Nation	Approved	no comments	No Reply	07-Mar-2019
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W. Mike Halona



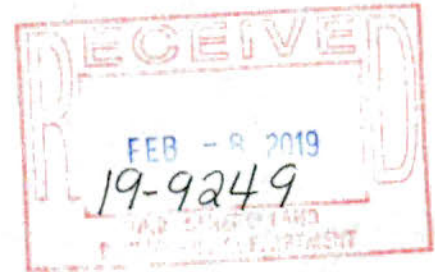
DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

February 8, 2019

Navajo Area
Indian Health Service
P.O. Box 9020
Window Rock, Arizona 86515-9020

Mr. Mike Halona, Department Manager III
Navajo Land Department
P.O. Box 2249
Window Rock, Arizona 86515



Dear Mr. Halona:

This letter will serve as a Land lease application for the Dilkon Health Center at Dilkon, Navajo County, Arizona for the Health Center and related Medical Facilities. The parcel of land is located in the Southwest Quarter (SW ¼) of Section 16 and the Northwest Quarter (NW ¼) of Section 21, Township 23 North, Range 19 East, Gila and Salt River Meridian. The land withdrawal was approved by the Advisory Committee of the Navajo Nation Council by Resolution Number ACAP-41-78 dated April 18, 1978 for 700 acres.

We are now obtaining a lease per Navajo Leasing Act, Business Leasing Regulations. The Navajo Area Indian Health Service (NAIHS) is submitting this lease application as a Designation Holder and will ensure all regulations of the leasing process are adhered to.

Attached are the Advisory Committee and Chapter Resolutions from the Dilkon Chapter and the Archaeological Clearance, Environmental Assessment and a map with a centerline description of the surveyed area.

Your attention to expedite our request will be sincerely appreciated. If you need additional information, please contact Erika Walker, Realty Specialist, at (928) 871-1347.

Sincerely,

Brian K. Johnson, REHS, MPH
CAPT, USPHS
Acting Director
Navajo Area Indian Health Service

cc: Roger Slape, Acting Director, Office of Environmental Health & Engineering, NAIHS
Glenn Tsingine, Acting Director, Division of Facilities Management, OEHE, NAIHS
Erika Walker, Realty Specialist, Division of Facilities Management, OEHE, NAIHS
Project File

Lee Jack, Sr., Council Delegate
Lorenzo Lee, Sr., President
Felix Tsunjinine, Vice President
Elizabeth Yazzie, Secretary Treasurer
Jonathan Marygoats, Grazing Committee Officer
Marge Burton, Chapter Manager
Charmayne Billie, Administrative Assistant

DILKON CHAPTER
HCR 63 BOX E • WINSLOW, AZ • 86047

THE NAVAJO NATION

Russell Begaye
PRESIDENT

Jonathan Nez
VICE PRESIDENT

RESOLUTION NUMBER: DIL-2019-01-131

RESOLUTION OF THE DILKON CHAPTER OF THE NAVAJO NATION

APPROVING AND RELINQUISHING 43.13 ACRES TO NAVAJO AREA INDIAN HEALTH SERVICES FROM THE APPROXIMATE 700 ACRES DILKON CHAPTER TRACT FOR THE CONSTRUCTION OF THE DILKON HEALTH CENTER AND 20 STAFF QUARTERS

WHEREAS:

1. Pursuant to 26 N.N.C. Section 3 (A) the Dilkon Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and
2. Pursuant to 26 N.N.C. Section 1 (B) Dilkon Chapter is vested with certain authorities to advance the interests of its community and constituents with respect to safety, welfare and health; and
3. The Dilkon Chapter has planned, advocated and supported for the acquisition and construction of the new Dilkon Health Center and staff quarters to be located in Dilkon, Arizona since the early 1970's; and
4. The Dilkon Chapter has withdrawn approximately 700 acres of Navajo Trust property within the Dilkon Navajo Community for purposes of commercial and various other developments including the new Dilkon IHS Health Center and staff quarters.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Dilkon Chapter hereby approves to relinquish 43.13 acres from the 700 acres of land already withdrawn for community and commercial development to the Indian Health Services for the construction of the Dilkon Health Center and 20 staff quarters as identified in attached Exhibit A; Legal Boundary Survey, along with all associated utilities, access roads, parking lots, and related infrastructure and buildings to support said development.
2. The Dilkon Chapter hereby recommends the IHS to enter into a Land Lease Agreement with the Navajo Nation.

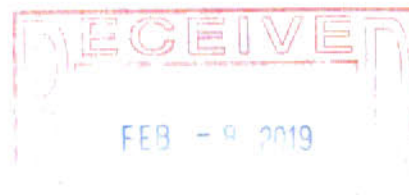
CERTIFICATION

I, certify that the foregoing resolution was duly considered at a duly called chapter meeting at Dilkon, Arizona, Navajo Nation, Arizona at which a quorum was present and the same was passed with a vote of 24 in favor; 0 opposed and 1 abstained on this 13th Day of January, 2019.

Motion By: Leroy Yazzie

Second By: Bessie Francis


Lorenzo Lee, Sr., President, Presiding Official



Lee Jack, Sr., Council Delegate
Lorenzo Lee, Sr., President
Daryl Joe, Vice President
Rudie L. John, Secretary Treasurer
Raymond Tsosie, Grazing Committee Officer
Carol J. Davis, Chapter Manager
Melanie James, Account Maintenance Specialist
DILKON CHAPTER
HCR 63 BOX E • WINSLOW, AZ • 86047

Ben Shelly
PRESIDENT
Rex Lee Jim.
VICE PRESIDENT

Resolution of Dilkon Chapter

DIL-02-089-15

Requesting and Recommending the United States Department of Health and Human Services and the Indian Health Services Support the Site Survey for the Proposed Development of the Dilkon Health Center.

WHEREAS:

1. The Dilkon Chapter is a certified chapter of the Navajo Nation vested with certain authorities to advance the interest of its community and constituents with respect to safety, welfare and health; and
2. The Dilkon Chapter had advocated and supported for the acquisition and construction of the Dilkon Health Center planned to be located in Dilkon, Arizona. The community has withdrawn the necessary land in its community and obtaining the necessary water supply from areas outside the community; and
3. All the necessary planning and processes have been with the exception that the site survey and land description for the health center is now complete and attached hereto as "Exhibit A".

NOW THEREFORE BE IT RESOLVED THAT:

1. The Dilkon Chapter hereby acknowledges and accepts the site survey boundary as attached described in "Exhibit A" for the Dilkon Health Center.
2. The Dilkon Chapter therefore requests and recommends the United States Department of Health and Human Services and the Indian Health Services likewise support, acknowledge and accept the site survey for the Dilkon Health Center as described in the attached "Exhibit A".
3. Finally, the Dilkon Chapter express its appreciation for the continued support to maintain the priority of the Dilkon Health Center on the Indian Service Facilities Construction System Priority List to be funded soon.

CERTIFICATION

I, certify that the foregoing resolution was duly considered at duly called chapter meeting at Dilkon, Navajo Nation, Arizona at which a quorum was present and the same was passed with a vote of 34 in favor; 0 opposed and 3 abstained on this 16th day of February 2015.

PRESIDING CHAIR:



Lorenzo Lee, Sr., President
DILKON CHAPTER

BEN SHELLY
NAVAJO NATION PRESIDENT

EX LEE JIM
NAVAJO NATION VICE-PRESIDENT

JOHNNY NAIZE
NAVAJO NATION COUNCIL SPEAKER

ELMER P. BEGAY
CHAPTER COUNCIL DELEGATE

THE INDIAN WELLS CHAPTER OF THE NAVAJO NATION

ALFRED CLARK
PRESIDENT

HANK HASKIE
VICE-PRESIDENT

ALBERTO L. PESHLAKAI
CHAPTER SECRETARY/TREASURER

DOTTIE WILSON
CHAPTER GRAZING OFFICIAL

RESOLUTION OF THE INDIAN WELLS CHAPTER

Requesting and Recommending the United States Department of Health and Human Services and the Indian Health Services Support the Site Survey for the Proposed Development of the Dilkon Health Center.

WHEREAS

1. The Indian Wells Chapter is a recognized Chapter of the Navajo Nation government, vested with certain authority and responsibilities to consider and take action on matters of local concern that are in the best interest of the health, safety, and welfare of the Chapter members and residence; and
2. Pursuant to 26 N.N.C., Navajo Nation Local Governance Act, the Navajo Nation Council delegates to Chapters, governmental authority with respect to local matters consistent with Navajo Nation laws, including custom and traditions, to make decisions over local matters, and to govern with responsibility and accountability to the local citizens; and
3. The Indian Wells Chapter has supported and help advocate for the acquisition and construction of the Dilkon Health Center by selecting and appointing a member to represent the Indian Wells Chapter on the Dilkon Health Center Steering Committee whom are charged with the planning, design and construction of the Dilkon Health Center; and
4. The Dilkon Health Center is a major health facility that will replace the Winslow Indian Health Care Center that is now more than 80 years old that is dilapidated, small and declared a historic site that causes the facility ineligible for a major renovation; and
5. All the necessary planning and processes have been completed. The site survey and land description for the health center is now complete and attached hereto as "Exhibit A".

NOW THEREFORE BE IT RESOLVED THAT:

1. The Indian Wells Chapter therefore requests and recommends the United States Department of Health and Human Services and the Indian Health Service likewise support, acknowledge and accept the site survey for the Dilkon Health Center as described in the attached "Exhibit A".
2. The Indian Wells Chapter expresses its appreciation for the continued support to maintain priority of the Dilkon Health Center on the Indian Health Services Facilities Construction System Priority List that needs to be funded soon.

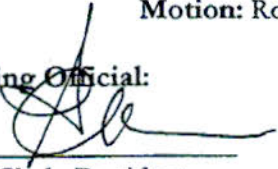
CERTIFICATION

I hereby certify that the foregoing resolution was considered at a duly called Chapter meeting at Indian Wells, Navajo Nation (Arizona), where a quorum was present and that same passed by a vote of -22- in favor, -0- opposed and -8- abstained on the 19th day May, 2013.

Motion: Rosie Sekayumtewa

Second: Marjorie Clark

Presiding Official:



Alfred Clark, President

THE
NAVAJO
NATION



JEDDITO CHAPTER
P.O BOX 798
KEAMS CANYON, ARIZONA 86034
TEL: (928) 738-2276 Fax: (928) 738-5455



TERRY J. YAZZIE
President

RODGER R. PAUL
Vice President

NANCITA BAHE-NEZ
Secretary-Treasurer

ALTON SHEPHERD
Council Delegate

EDDIE KAIBETONEY
Grazing Member

DONNA BOYD
Community Service Coordinator

EMERITA BAKER
Accounts Maintenance Specialist

CHRISTALEEN FRANKLIN
Community Health Representative

Resolution of Jeddito Chapter

Requesting and Recommending the United States Department of Health and Human Services and the Indian Health Services Support the Site Survey for the Proposed Development of the Dilkon Health Center

WHEREAS:

1. The Jeddito Chapter is a certified chapter of the Navajo Nation vested with certain authorities to advance the interests of its community and constituents with respects to safety, welfare and health; and
2. The Jeddito Chapter has advocated and supported for the acquisition and construction of the Dilkon Health Center planned to be located in Dilkon, Arizona. The community has withdrawn the necessary land in its community and obtaining the necessary water supply from areas outside the community; and
3. All the necessary planning and processes have been with the exception that the site survey and land descriptions for the health center is now complete and attached hereto as "Exhibit A".

NOW THEREFOR BE IT RESOLVED THAT:

1. The Jeddito Chapter hereby acknowledges and accepts the site survey boundary as attached described in "Exhibit A" for the Dilkon Health Center.
2. The Jeddito Chapter therefore requests and recommends the United States Department of Health and Human Services and the Indian Health Services likewise support, acknowledge and accept the site survey for the Dilkon Health Center as described in the attached "Exhibit A".
3. Finally, the Jeddito Chapter expresses its appreciation for the continued support to maintain the priority of the Dilkon Health Center on the Indian Health Services Facilities Construction System Priority List to be funded soon.

CERTIFICATION

I, certify that the foregoing resolution was duly considered at a duly called chapter meeting at Jeddito, Navajo Nation, Arizona at which a quorum was present and the same was passed with a vote of 22 in favor; 0 opposed and 2 abstained on this 15 Day of March 2015.

Terry Yazzie, President

Motioned by: Rosita Eskets

Seconded by: Willie Robertson



THE
NAVAJO
NATION

TEESTO CHAPTER

P.O. BOX 7166 – Teesto CPU
Winslow, Arizona 86047
Phone: (928) 657-8042 – Fax: (928) 657-8046



"Saddle Butte Mountain"

Resolution of Teesto Chapter

Requesting and Recommending the United States Department of Health and Human Services and the Indian Health Services Support the Site Survey for the Proposed Development of the Dilkon Health Center

WHEREAS:

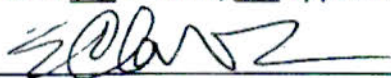
1. The Teesto chapter is a certified chapter of the Navajo Nation vested with certain authorities to advance the interests of its community and constituents with respects to safety, welfare and health; and
2. The Teesto chapter has advocated and supported for the acquisition and construction of the Dilkon Health Center planned to be located in Dilkon, Arizona. The community has withdrawn the necessary land in its community and obtaining the necessary water supply from areas outside the community; and
3. All the necessary planning and processes have been with the exception that the site survey and land description for the health center is now complete and attached hereto as "Exhibit A".

NOW THEREFORE BE IT RESOLVED THAT:

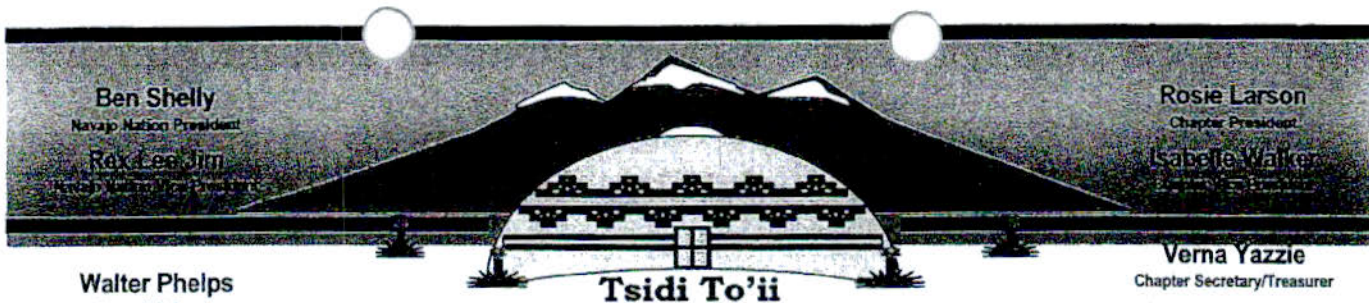
1. The Teesto chapter hereby acknowledges and accepts the site survey boundary as attached described in "Exhibit A" for the Dilkon Health Center.
2. The Teesto chapter therefore requests and recommends the United States Department of Health and Human Services and the Indian Health Service likewise support, acknowledge and accept the site survey for the Dilkon Health Center as described in the attached "Exhibit A".
3. Finally, the Teesto chapter expresses its appreciation for the continued support to maintain the priority of the Dilkon Health Center on the Indian Health Service Facilities Construction System Priority List to be funded soon.

CERTIFICATION

I, certify that the foregoing resolution was duly considered at a duly called chapter meeting at Teesto, Navajo Nation, Arizona at which a quorum was present and the same was passed with a vote of 14 in favor; 0 opposed and 4 abstained on this 17th Day of February, 2015.


Elmer Clark, President

Motioned by: Laura Williams Seconded by: Abraham Begay



**RESOLUTION OF TSIDI TO'II CHAPTER
WESTERN NAVAJO AGENCY
Resolution No: TT-04-008-15**

**REQUESTING AND RECOMMENDING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND THE INDIAN HEALTH SERVICES SUPPORT THE SITE SURVEY FOR THE PROPOSED DEVELOPMENT OF
THE DILKON HEALTH CENTER**

WHEREAS:

1. The Tsidi To'ii Chapter is a certified chapter of the Navajo Nation vested with certain authorities to advance the interests of its community and constituents with respects to safety, welfare and health; and
2. The Tsidi To'ii Chapter has advocated and supported for the acquisition and construction of the Dilkon Health Center planned to be located in Dilkon, Arizona. The community has withdrawn the necessary land in its community and obtaining the necessary water supply from areas outside the community; and
3. All the necessary planning and processes have been with the exception that the site survey and land description for the health center is now complete and attached hereto as "Exhibit A".

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tsidi To'ii Chapter hereby acknowledges and accepts the site survey boundary as attached described in "Exhibit A" for the Dilkon Health Center.
2. The Tsidi To'ii Chapter therefore requests and recommends the United States Department of Health and Human Services and the Indian Health Service likewise support, acknowledge and accept the site survey for the Dilkon Health Center as described in the attached "Exhibit A".
3. Finally, the Tsidi To'ii Chapter expresses its appreciation for the continued support to maintain the priority of the Dilkon Health Center on the Indian Health Service Facilities Construction System Priority List to be funded soon.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered and moved for Approval by Virgil Leang and Seconded by Ruth Taylor at a duly call Chapter Meeting of the Tsidi To'ii Community Chapter at which a quorum was present and that the same was passed by Vote of 27 in favor, 0 Opposed, and 2 Abstained on this 19th day of April, 2015.

Rosie Larson
Rosie Larson, Chapter President

Isabelle Walker
Isabelle Walker, Chapter Vice President

Verna Yazzie
Verna Yazzie, Chapter Secretary/Treasurer

Randolph David
Randolph David, Grazing Officer

Walter Phelps, Council Delegate

Roberta I. Gorman, President
Kevin Todacheenie, Vice President
Genevieve Riggs, Secretary/Treasurer



Allen Jones, Grazing Committee Member
Walter Phelps, Council Delegate

LEUPP CHAPTER

Telephone: (928) 686-3227 or 3229

CPO Box 5428 Leupp, Arizona 86035

Facsimile: (928) 686-3232

RESOLUTION OF THE LEUPP CHAPTER

Western Navajo Agency, The Navajo Nation

RESOLUTION No.: LP11-020-2014

RESOLUTION REQUESTING AND RECOMMENDING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE INDIAN HEALTH SERVICES SUPPORT THE SITE SURVEY FOR THE PROPOSED DEVELOP OF THE DILKON HEALTH CENTER.

WHEREAS:

1. Leupp Chapter is a Certified Chapter of the Navajo Nation in accordance to Navajo Tribal Council Resolution CJ-20-55, and further recognized as a local government entity with the responsibility and authority to implement community projects that will benefit the Leupp community; and
2. The Leupp Chapter pursuant to Navajo Nation Code: Title 26, The Navajo Nation Local Governance Act, is a Local Governance Certified Chapter of the Navajo Nation through Resolution No.: LP08-106-2010 ; and
3. The Leupp Chapter as a duly Government Certified Chapter is empowered and authorized to oversee various community business and development within its Chapter boundaries; and
4. The Leupp Chapter as a duly Government Certified Chapter is also empowered and authorized to enter into agreements/contracts that address and represent the best interest of its community; and
5. The Leupp Chapter has supported and help advocate for the acquisition and construction of the Dilkon Health Center by selecting and appointing a member to represent the Leupp Chapter on the Dilkon Health Center Steering Committee whom are charges with the planning, design and construction of the Dilkon Health Center; and
6. The Dilkon Health Center is a major health facility that will replace the Winslow Indian Health Care Center that is now more than 80 years old that is dilapidated, small and declared a historic site that causes the facility ineligible for a major renovation; and
7. All the necessary planning and processes have been completed. The site survey and land description for the health center is now complete and attached hereto as "Exhibit A".

NOW THEREFORE BE IT RESOLVED:

1. The Leupp Chapter therefore requests and recommends the United States Department of Health and Human Services and the Indian Health Service likewise support, acknowledge and accept the site survey for the Dilkon Health Center as describes in the attaches "Exhibit A".
2. The Leupp Chapter expresses its appreciated for the continues support to maintain the priority of the Dilkon Health Center on the Indian Health Center Facilities Construction system priority list that need to be funded soon.

Roberta I. Gorman, President
Kevin Todacheenie, Vice President
Genevieve Riggs, Secretary/Treasurer



Allen Jones, Grazing Committee Member
Walter Phelps, Council Delegate

LEUPP CHAPTER

Telephone: (928) 686-3227 or 3229

CPO Box 5428 Leupp, Arizona 86035

Facsimile: (928) 686-3232

RESOLUTION No.: LP11-020-2014

CERTIFICATION

We, hereby certify that the foregoing resolution was considered in a duly called Chapter meeting at Leupp, Coconino County, Arizona, at which a quorum was present and the same was passed with a vote of 21 in favor; 0 opposed and 2 abstained on this 24th day of November, 2013.

Motion: Robert Chee

Second: Allen Jones

Roberta I. Gorman

Roberta I. Gorman, President

K. Todacheenie

Kevin Todacheenie, Vice-President

Genevieve Riggs

Genevieve Riggs, Secretary/Treasurer

Walter Phelps

Walter Phelps, Council Delegate

Allen Jones, Grazing Committee Member

TOLANI LAKE CHAPTER

Velma Huskey
President

Red Thomas
Vice President

Rena Edwards
Secretary Treasurer

HC-61 Box 3001
Winslow, AZ 86047

Phone: (928) 686-3285
Fax: (928) 686-3287

Walter Phelps
Council Delegate

Leslie Williams
Grazing Official

RESOLUTION OF TOLANI LAKE CHAPTER WESTERN NAVAJO AGENCY Resolution No. TL-03-10-15

REQUESTING AND RECOMMENDING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE INDIAN HEALTH SERVICES TO ACCEPT THE SITE SURVEY FOR THE PROPOSED DEVELOPMENT OF THE DILKON HEALTH CENTER

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3(A) the Tolani Lake Chapter is a duly recognized certified chapter of the Navajo Nation Government, as Listed in 11 N. N. C., Section 1, and is delegated the authority and responsibility to promote projects that benefit the local community; and
2. Pursuant to 2 N.N.C., Section 4041, 4042 and 4043, Tolani Lake Chapter is vested with all the authority mentioned in Paragraph A, B, C, D, E, F and G. As such the Tolani Lake Chapter is vested with the governmental authority to review all matters affecting the community and to make appropriate recommendations when necessary to the Navajo Nation, Federal, State and other agencies for appropriate actions that are most beneficial to the community; and
3. The Tolani Lake Chapter has advocated and supported for the acquisition and construction of the Dilkon Health Center planned to be located in Dilkon, Arizona. The community has withdrawn the necessary land in its community and obtaining the necessary water supply from areas outside the community; and
4. All the necessary planning and processes have been completed with the exception that the site survey and land description for the health center is now complete and attached hereto as "Exhibit A".

NOW THEREFORE BE IT RESOLVED THAT:

1. The Tolani Lake Chapter hereby acknowledges and accepts the site survey boundary as attached described in "Exhibit A" for the Dilkon Health Center.
2. The Tolani Lake Chapter therefore requests and recommends the U.S. Department of Health and Human Services and the Indian Health Service likewise support, acknowledge and accept the site survey for the Dilkon Health Center as described in the attached "Exhibit A".
3. Finally, the Tolani Lake Chapter expresses its appreciation for the continued support to maintain the priority of the Dilkon Health Center on the Indian Health Service Facilities Construction System Priority List to be funded soon.

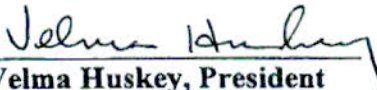
CERTIFICATION

We hereby certify that the Foregoing Resolution was considered and moved for approval By the Tolani Lake Chapter at a dully called meeting at Tolani Lake Chapter, Navajo Nation, (Arizona), at which a quorum was present and that the same was passed by a vote Of 25 in favor, 0 opposed, and 1 abstained on the 9th day of March 2015.

MOTIONED BY: Leslie Williams

SECONDED BY: Elsie Monroe

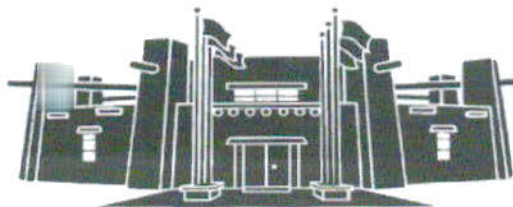
MINUTES BY: Rena M. Edwards


Velma Huskey, President


Alfred Thomas, Vice-President


Rena M. Edwards, Secretary/Treasury


Walter Phelps, Council Delegate



MEMORANDUM

TO: Honorable Elmer Begay
Dilcon, Indian Wells, Teesto, Whitecone, Greasewood Springs Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: May 3, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE UNITED STATES OF AMERICA DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE DILKON LAND LEASE FOR 43.13 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LANDS, LOCATED WITHIN THE DILKON CHAPTER VICINITY, NAVAJO NATION (NAVAJO COUNTY, ARIZONA)

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0107-19

SPONSOR: Elmer Begay

TITLE: An Action Relating To Resources And Development; Approving The United States Of America Department Of Health And Human Services Indian Health Service Dilkon Land Lease For 43.13 Acres, More Or less, Of Navajo Nation Trust Lands, Located Within The Dilkon Chapter Vicinity, Navajo Nation (Navajo County, Arizona)

Date posted: May 09, 2019 at 3:48 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0107-19

SPONSOR: Honorable Elmer Begay

TITLE: An Action Relating To Resources And Development; Approving The United States Of America Department Of Health And Human Services Indian Health Service Dilkon Land Lease For 43.13 Acres, More Or less, Of Navajo Nation Trust Lands, Located Within The Dilkon Chapter Vicinity, Navajo Nation (Navajo County, Arizona)

Posted: May 09, 2019 at 3:48 PM

5 DAY Comment Period Ended: May 14, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Sr. Programs & Projects Specialist
Office of Legislative Services

05-15-19 @ 8:01 AM

Date/Time