

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

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF
RIGHT-OF-WAY TO JEMEZ MOUNTAIN ELECTRIC COOPERATIVE, INC. TO
CONSTRUCT, OPERATE AND MAINTAIN A SINGLE PHASE 14.4 KV
ELECTRICAL DISTRIBUTION POWERLINE EXTENSION PROJECT TO SERVICE
THE JOE YAZZIE RESIDENCE ON NAVAJO NATION TRUST LANDS IN NAGEEZI
CHAPTER VICINITY, (SAN JUAN COUNTY, NEW MEXICO).

BE IT ENACTED:

Section One. Findings

- A. Pursuant to 2 N.N.C. Section 500, the Resources and Development Committee is hereby established as a standing committee of the Navajo Nation Council; and
- B. Pursuant to 2 N.N.C. §501(B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easement and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfer, renewals and terminations; and
- C. The Jemez Mountain Electric Cooperative, Inc., P.O. Box 10, Cuba, New Mexico 87013, has submitted a Right-of-Way (ROW) application to construct, operate and maintain a single phase 14.4 kV electrical distribution power line extension project to service the Joe Yazzie residence in Nageezi on, over and across Navajo Nation Trust Lands in Nageezi Chapter vicinity (San Juan County, New Mexico), described in documents attached hereto and made a part hereof as Exhibit "A"; and

- D. The proposed right-of-way is 6,624.66 feet long, 20 feet wide, consisting of 3.08 (including right-of-way for guy wires) acres, more or less, located in the Sections 23, 26, 27, Township 23 North, Range 8 West, NMPM, San Juan County, New Mexico, and more particularly described on the survey map attached hereto and made a part hereof as Exhibit "B"; and
- E. The Project Review Section with the Navajo Land Department has obtained the necessary consents from the affected land users, attached hereto as Exhibit "C"; and
- F. All environmental and archaeological studies and clearances were completed and attached hereto by this reference.

Section Two. Approval

- A. The Navajo Nation hereby approves the Grant of Right-of-Way to Jemez Mountain Electric Cooperative, Inc., to construct, operate and maintain a single phase 14.4kV electrical distribution power line extension project to service the Joe Yazzie residence on, over and across Navajo Nation Trust Lands in Nageezi Chapter vicinity (San Juan County, New Mexico). The location is more particularly described on the map attached hereto as Exhibit "B."
- B. The Navajo Nation hereby approves the Right-of-Way subject to, but not limited to, the following terms and conditions attached hereto and incorporated herein as Exhibits "D."
- C. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, 1 abstained this 4th day of August, 2015.

A handwritten signature in black ink, appearing to read 'Alton Joe Shepherd', written in a cursive style.

Alton Joe Shepherd, Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable
Second: Honorable
Vote: 5-0-1 (Chairman Not Voting)

LEGISLATIVE SUMMARY SHEET

Tracking No. 0233-15

DATE: May 18, 2015

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO JEMEZ MOUNTAIN ELECTRIC COOPERATIVE, INC. TO CONSTRUCT, OPERATE AND MAINTAIN A SINGLE PHASE 14.4 KV ELECTRICAL DISTRIBUTION POWERLINE EXTENSION PROJECT TO SERVICE THE JOE YAZZIE RESIDENCE ON NAVAJO NATION TRUST LANDS IN NAGEEZI CHAPTER VICINITY (SAN JUAN COUNTY, NEW MEXICO)

PURPOSE: This resolution, if approved, will approve the grant of a right-of-way to Jemez Mountain Electric Cooperative, Inc., to construct, operate and maintain a single phase 14.4 kV electrical distribution power line extension project to service the Joe Yazzie residence on Navajo Nation Trust Lands in the Nageezi Chapter vicinity, San Juan County, Utah.

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

15-421-1

1 service the Joe Yazzie residence in Nageezi on, over and across Navajo Nation Trust
2 Lands in Nageezi Chapter vicinity (San Juan County, New Mexico), described in
3 documents attached hereto and made a part hereof as Exhibit "A": and

4 D. The proposed right-of-way is 6,624.66 feet long, 20 feet wide, consisting of 3.08
5 (including right-of-way for guy wires) acres, more or less, located in the Sections 23,
6 26, 27, Township 23 North, Range 8 West, NMPM, San Juan County, New Mexico,
7 and more particularly described on the survey map attached hereto and made a part
8 hereof as Exhibit "B"; and

9 E. The Project Review Section with the Navajo Land Department has obtained the
10 necessary consents from the affected land users, attached hereto as Exhibit "C"; and

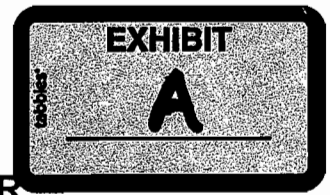
11 F. All environmental and archaeological studies and clearances were completed and
12 attached hereto by this reference.

13 14 **Section Two. Approval**

15
16 A. The Navajo Nation hereby approves the Grant of Right-of-Way to Jemez
17 Mountain Electric Cooperative, Inc., to construct, operate and maintain the a
18 single phase 14.4 kV electrical distribution power line extension project to service
19 the Joe Yazzie residence on, over and across Navajo Nation Trust Lands in
20 Nageezi Chapter vicinity (San Juan County, New Mexico). The location is more
21 particularly described on the map attached hereto as Exhibit "B."

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

25 C. The Navajo Nation hereby authorizes the President of the Navajo Nation to
26 execute any and all documents necessary to affect the intent and purpose of this
27 resolution.



UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC. of P.O. Box 128, ESPANOLA, NM 87532 this 1st day of August, 2014, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. L 17-25 USC 323) and Departmental Regulations 25 CFR 169, an application of a 20 (twenty) years right-of-way for the following purposes and reasons:

Construction, operation and maintenance of an electrical distribution line, Joe Yazzie (Kin-Na-Dz), Project #412103.

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

Sections 23, 26, 27, T. 22 N., R. 8 W.; all NMPM, San Juan County, NM

Said right-of-way across Tribal Trust Lands to be 6,624.66 feet in length, including guys and anchors, 20 feet in width, and 3.08 acres in size, as shown on attached map and plats of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

9. That upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

DATE: August 1, 2014 APPLICANT

Virgil L. Cruz

REQUIRED SUPPORTING DOCUMENTS:

1. () Written consent of landowner (ROW Form 94-7).
2. () Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. () Deposit of estimated damages or compensation (See 169.4 and 169.14).
4. () Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)-submitted with application of same date entitled "Franciscan Lake Power line project".

**JOE YAZZIE (KIN NA DZ) POWER LINE PROJECT
LINE A
NAGEEZI, SAN JUAN COUNTY, NEW MEXICO
JMEC WORK ORDER NUMBER 412103**

SURVEYORS DESCRIPTION of a right-of-way easement for Jemez Mountains Electric Cooperative, Inc.'s Joe Yazzie (Kin Na Dz) Power Line Project, Line A, situated within sections 26 and 27, Township 23 North, Range 8 West, New Mexico Principal Meridian, Navajo Nation Tribal Trust Land, Nageezi, San Juan County, State of New Mexico and being more particularly described as follows:

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

BEGINNING at B.O.P. Station 0+00, existing pole Number 64403, in section 27, T23N, R8W, NMPM, and from which point the 2" USGLO brass cap for the northwest corner of section 28, T23N, R8W, NMPM, bears N77°53'02"W a distance of 9,519.43 feet, and from which point the Base Station having the True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N1891011.346, E2764778.335, bears S83°17'39"W a distance of 8,313.92 feet,

Thence N47°33'20"E a distance of 638.24 feet to P.O.T. Station 6+38.24, at which point the centerline of the power line crosses the centerline of a water line,

Thence continuing N47°33'20"E a distance of 982.43 feet to P.I. Station 16+20.67, and from which point the 2" USGLO brass cap for the northwest corner of section 28, T23N, R8W, NMPM, bears N85°04'45"W a distance of 10,542.18 feet,

Thence S48°48'25"E a distance of 53.15 feet to P.O.T. Station 16+73.82, at which point the centerline of the power line enters section 26, T23N, R8W, NMPM, and from which point the 2" USGLO brass cap for the northwest corner of section 28, T23N, R8W, NMPM, bears N84°54'33"W a distance of 10,585.07 feet,

Thence continuing S48°48'25"E a distance of 996.14 feet to P.I. Station 26+69.96,

Thence S32°46'01"E a distance of 185.67 feet to P.O.T. Station 28+55.63, at which point the centerline of the power line crosses the centerline of a water line,

Thence continuing S32°46'01"E a distance of 418.20 feet to P.O.T. Station 32+73.83, at which point the centerline of the power line crosses the centerline of San Juan County Road 7945,

Thence continuing S32°46'01"E a distance of 113.99 feet to E.O.P. Station 33+87.82, the terminus for the above described centerline for Line A, and from which point the 2" USGLO brass cap for the northwest corner of section 26, T23N, R8W, NMPM, bears N27°00'56"W a distance of 2,506.35 feet,

The above described right-of-way easement contains 1.56 acres, more or less, in area. The right-of-way easement is 0.64 miles in length

**JOE YAZZIE (KIN NA DZ) POWER LINE PROJECT
TAP A-1
NAGEEZI, SAN JUAN COUNTY, NEW MEXICO
JMEC WORK ORDER NUMBER 412103**

SURVEYORS DESCRIPTION of a right-of-way easement for Jemez Mountains Electric Cooperative, Inc.'s Joe Yazzie (Kin Na Dz) Power Line Project, Tap A-1, situated within sections 23, 26 and 27, Township 23 North, Range 8 West, New Mexico Principal Meridian, Navajo Nation Tribal Trust Land, Nageezi, San Juan County, State of New Mexico and being more particularly described as follows:

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

BEGINNING at P.I. Station 16+20.67 of Line A, said point being B.O.P. Station 0+00 for Tap "A-1", located in section 27, T23N, R8W, NMPM, and from which point the 2" USGLO brass cap for the northwest corner of section 28, T23N, R8W, NMPM, bears N85°04'45"W a distance of 10,542.18 feet,

Thence N48°48'25"W a distance of 136.95 feet to P.I. Station 1+36.95,

Thence N10°10'26"E a distance of 807.94 feet to P.O.T. Station 9+44.89, at which point the centerline of the power line enters section 26, T23N, R8W, NMPM, and from which point the 2" USGLO brass cap for the northwest corner of section 26, T23N, R8W, NMPM, bears N00°01'15"W a distance of 52.75 feet,

Thence continuing N10°10'26"E a distance of 53.56 feet to P.O.T. Station 9+98.45, at which point the centerline of the power line enters section 23, T23N, R8W, NMPM, and from which point the 2" USGLO brass cap for the northwest corner of section 26, T23N, R8W, NMPM, bears N89°50'02"W a distance of 9.48 feet,

Thence continuing N10°10'26"E a distance of 173.65 feet to P.O.T. Station 11+72.10, at which point the centerline of the power line crosses the centerline of San Juan County Road 7945,

Thence continuing N10°10'26"E a distance of 1,035.15 feet to E.O.P. Station 22+07.25, the terminus for the above described centerline for Tap A-1, and from which point the 2" USGLO brass cap for the northwest corner of section 28, T23N, R8W, NMPM, bears S83°30'57"W a distance of 10,835.27 feet,

The above described right-of-way easement contains 1.01 acres, more or less, in area. The right-of-way easement is 0.42 miles in length

**JOE YAZZIE (KIN NA DZ) POWER LINE PROJECT
TAP A-2
NAGEEZI, SAN JUAN COUNTY, NEW MEXICO
JMEC WORK ORDER NUMBER 412103**

SURVEYORS DESCRIPTION of a right-of-way easement for Jemez Mountains Electric Cooperative, Inc.'s Joe Yazzie (Kin Na Dz) Power Line Project, Tap A-2, situated within sections 26 and 27, Township 23 North, Range 8 West, New Mexico Principal Meridian, Navajo Nation Tribal Trust Land, Nageezi, San Juan County, State of New Mexico and being more particularly described as follows:

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

BEGINNING at P.I. Station 16+20.67 of Line A, said point being B.O.P. Station 0+00 for Tap "A-2", located in section 27, T23N, R8W, NMPM, and from which point the 2" USGLO brass cap for the northwest corner of section 28, T23N, R8W, NMPM, bears N85°04'45"W a distance of 10,542.18 feet,

Thence N47°33'20"E a distance of 54.17 feet to P.O.T. Station 0+54.17, at which point the centerline of the power line enters section 26, T23N, R8W, NMPM, and from which point the 2" USGLO brass cap for the northwest corner of section 28, T23N, R8W, NMPM, bears N85°17'42"W a distance of 10,578.94 feet,

Thence continuing N47°33'20"E a distance of 105.36 feet to P.O.T. Station 1+59.53, at which point the centerline of the power line crosses the centerline of a water line,

Thence continuing N47°33'20"E a distance of 539.20 feet to P.O.T. Station 6+98.73, at which point the centerline of the power line crosses the centerline of San Juan County Road 7945,

Thence continuing N47°33'20"E a distance of 30.86 feet to E.O.P. Station 7+29.59, the terminus for the above described centerline for Tap A-2, and from which point the 2" USGLO brass cap for the northwest corner of section 26, T23N, R8W, NMPM, bears N48°12'29"W a distance of 668.94 feet,

The above described right-of-way easement contains 0.33 acres, more or less, in area. The right-of-way easement is 0.14 miles in length

**JOE YAZZIE (KIN NA DZ) POWER LINE PROJECT
NAGEEZI, SAN JUAN COUNTY, NEW MEXICO
JMEC WORK ORDER NUMBER 412103**

GUY EASEMENT DESCRIPTION

<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A					
1	26+69.69	N49°12'46"E	50'	25'	.03
2	33+87.82	S32°46'01"E	50'	25'	.03
TAP A-1					
3	1+36.95	N48°48'25"W	50'	25'	.03
4	1+36.95	S10°10'26"W	50'	25'	.03
5	22+07.25	N10°10'26"E	50'	25'	.03
TAP A-2					
6	7+29.59	N47°33'20"E	<u>50'</u>	25'	<u>.03</u>
			300'		0.18

TOTAL 6 GUYS

6 Guys X .03 acres = 0.18 ACRES

LINE SUMMARY DESCRIPTION

<u>PARCEL</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A	3,387.82'	0.64	20'	1.56
TAP A-1	2,207.25'	0.42	20'	1.01
TAP A-2	<u>729.59'</u>	<u>0.14</u>	20'	<u>0.33</u>
SUBTOTAL	6,324.66	1.20		2.90
Guy Easements	<u>300.00'</u>		25'	<u>0.18</u>
TOTAL	6,624.66'	1.20		3.08

SECTION SUMMARY DESCRIPTION

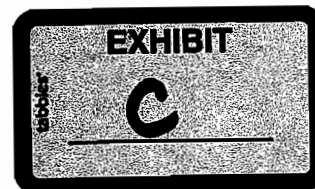
<u>T23N R8W</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>	<u>GUY ACREAGE</u>	<u>TOTAL ACREAGE</u>
Section 23	1,208.80'	0.23	20'	0.55	0.03	0.58
Section 26	2,442.98'	0.46	20'	1.12	0.09	1.21
Section 27	<u>2,672.88'</u>	<u>0.51</u>	20'	<u>1.23</u>	<u>0.06</u>	<u>1.29</u>
TOTAL	6,324.66'	1.20		2.90	0.18	3.08



THE NAVAJO NATION

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE-PRESIDENT



MEMORANDUM

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

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

DATE : December 15, 2014

SUBJECT: JMEC Nageezi KinNaDz Powerline Project

Jemez Mountain Electric Cooperative, Inc., Post Office Box 128, Espanola, New Mexico 87532, submitted an application for right of way to construct, operate and maintain a single phase power line to serve Navajo families across Navajo Trust lands near the vicinity of Nageezi Chapter, San Juan County, New Mexico.

The right of way will be 6,624.66 feet in length, 20 in width, 3.08 acres, in Sections 23, 26, 27, T22N, R8W, NMPM.

The proposed project is within District 19, Largo Grazing Allotment NM-05083, permitted to Berna Largo for grazing. I informed the affected grazing permittee on the proposed request and she had no objection. I obtained the land users consent along with the concurrence of the District 19 Land Board member.

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

cc: Project file

CONSENT 3

(Waiver of compensation for damages)

**CONSENT TO USE
NAVAJO TRIBAL LANDS**

TO WHOM IT MAY CONCERN:

I, Berna Largo, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit **Jemez Mountain Electric Cooperative, Inc., Post Office Box 128, Espanola, New Mexico 87532**, to use a portion of my land use area for the following purpose(s): **Right of Way to construct, operate and maintain 6,624.66 feet, (3.08 acres), of an electrical distribution line, Joe Yazzie (Kin-Na-Dz) Project in Sections 23, 26, 27, T22N, R8W, San Juan County, New Mexico**, as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS:

12/12/14 Berna Largo 11,173A Largo NM-05083
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESS: Shore Yazzie

12/12/14 [Signature] 19
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Esther Kee

Field Agent Signature

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC. of P.O. Box 128, ESPANOLA, NM 87532 this 1st day of August, 2014, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. L 17-25 USC 323) and Departmental Regulations 25 CFR 169, an application of a 20 (twenty) years right-of-way for the following purposes and reasons:

Construction, operation and maintenance of an electrical distribution line, Joe Yazzie (Kin-Na-Dz), Project #412103.

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

Sections 23, 26, 27, T. 22 N., R. 8 W.; all NMPM, San Juan County, NM

Said right-of-way across Tribal Trust Lands to be 6,624.66 feet in length, including guys and anchors, 20 feet in width, and 3.08 acres in size, as shown on attached map and plats of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

9. That upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

DATE: August 1, 2014 APPLICANT

Virgil L. Carr

REQUIRED SUPPORTING DOCUMENTS:

1. () Written consent of landowner (ROW Form 94-7).
2. () Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. () Deposit of estimated damages or compensation (See 169.4 and 169.14).
4. () Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)-submitted with application of same date entitled "Franciscan Lake Power line project".

Project Fact Sheet

Company: Jemez Mountains Electric Cooperative, Inc.
P.O. Box 128
Espanola, NM 87532

Project: **Joe Yazzie 14.4 kV Single Phase Power Line**

Purpose: To serve Navajo families in the area

Surface: Navajo Tribal Trust

Tribal Location: Sections 23, 26, 27, T. 22 N., R. 8 W; all NMPM, San Juan County, NM

Line Length: 6,624.66 feet

Right-of-Way Width: 20 feet

Total acreage 3.08 acres

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



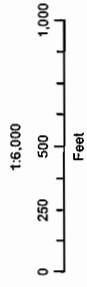
**Proposed Joe Yazzie
(Kin-Na-Dz)
Distribution Line**

Sections 23, 26, & 27
Township 23N, Range 8W
San Juan County, New Mexico

Work Order #: 412103

Existing and Proposed JMEC Facilities

- Existing 3 Phase Distribution Line
- Existing 1 Phase Distribution Line
- ◇ Existing Meter
- ⊗ Existing Transformer
- Proposed 1 Phase Distribution Line

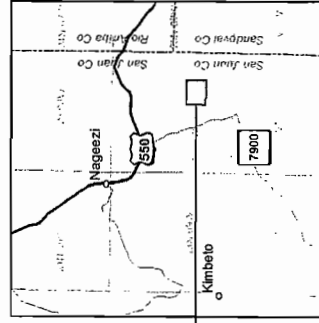


NAD 1983 New Mexico State Plane West
FPS 3003 Feet



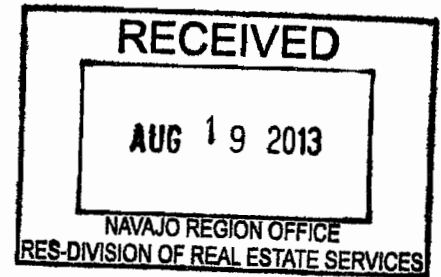
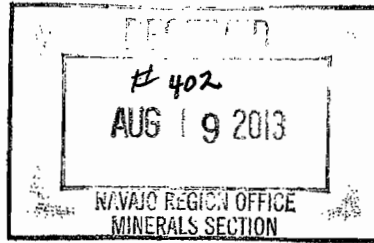
PERMITS WEST, INC.
Engineering, Planning & Construction

Prepared by Permits West, Inc., July 9, 2014
for Jemez Mountains Electric Cooperative, Inc.



August 9, 2013

Bertha Spencer
Bureau of Indian Affairs
Division of Real Estate Services
P.O. Box 1060
Gallup, New Mexico 87305



RE: Environmental Assessment (EA) for the Cisco Com No. 91R oil and natural gas well project proposed by Dugan Production Corporation.

Ms. Spencer,

Enclosed please find the completed EA for the proposed Cisco Com No. 91R oil and natural gas well project. The proposed project is located on Navajo Nation Tribal Trust surface managed by the Bureau of Indian Affairs (BIA) under the Navajo Indian Irrigation Project (NIIP). The proposed well would develop federal minerals (Lease No. SF-078156-A) administered by the Bureau of Land Management, Farmington Field Office (BLM/FFO). An Application for Permit to Drill (APD) has been submitted to the BLM/FFO.

The permitting process for the proposed project was initiated by Adkins Consulting in an NESL Data Request Letter dated 12 April 2013. Onsite inspection of the proposed development was conducted with representatives of the BIA, Navajo Nation, Dugan Production Corporation, and Adkins Consulting, among others, on 27 June 2013. A Biological Resources Compliance Form (BRCF) has been received from the Navajo Natural Heritage Program, Department of Fish and Wildlife, dated 8 August 2013.

A Cultural Resources Compliance Form (CRCF) has been received from the Navajo Nation Historic Preservation Department (HPD-13-149).

Please feel free to contact me with any questions or concerns.

Thank you,

A handwritten signature in black ink, appearing to read "Matthew Zabka".

Matthew Zabka
Environmental Specialist
Adkins Consulting, Inc.
180 E. 12th Street, Unit 5
Durango, Colorado 81301
970.769.1401

Enclosure: EA (2)



Adkins Consulting, Inc. • Environmental Permitting Services
180 E. 12th Street, Unit 5, Durango, Colorado 81301
www.adkinsconsultinginc.com

PERMITS WEST, INC.

PROVIDING PERMITS for LAND USERS

37 Verano Loop, Santa Fe, NM 87508 (505) 466-8120



June 13, 2014

Esther Kee
Project Review Office
P.O. Box 9000
Window Rock, AZ 86515

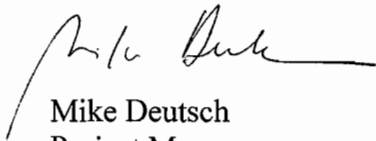
Dear Esther:

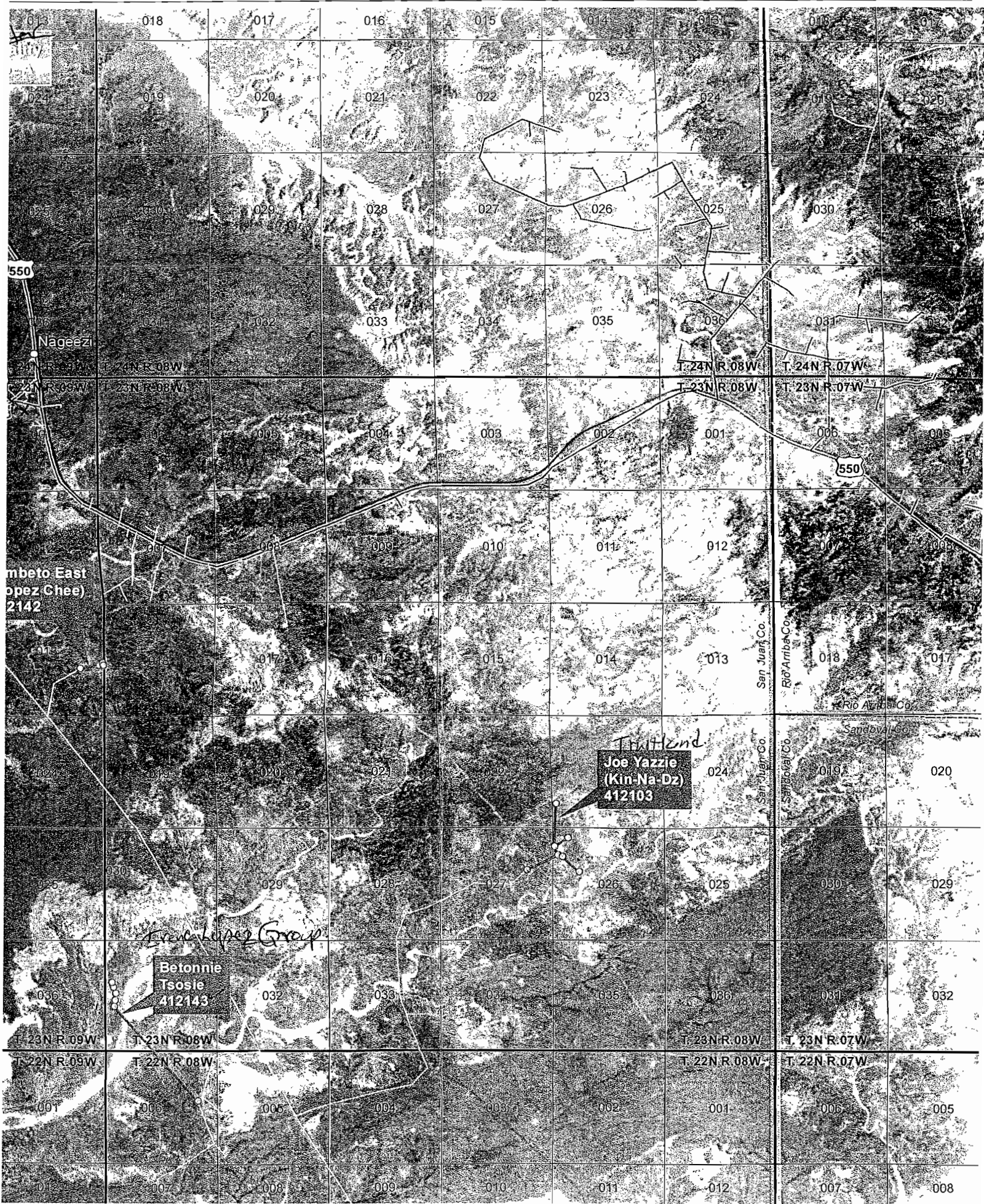
On behalf of Jemez Mountains Electric Cooperative, Inc., I am requesting a field clearance for the Joe Yazzi (Kin-Na-Dz) project in San Juan County, NM. The project is marked on the attached map. The legal descriptions of the project are:

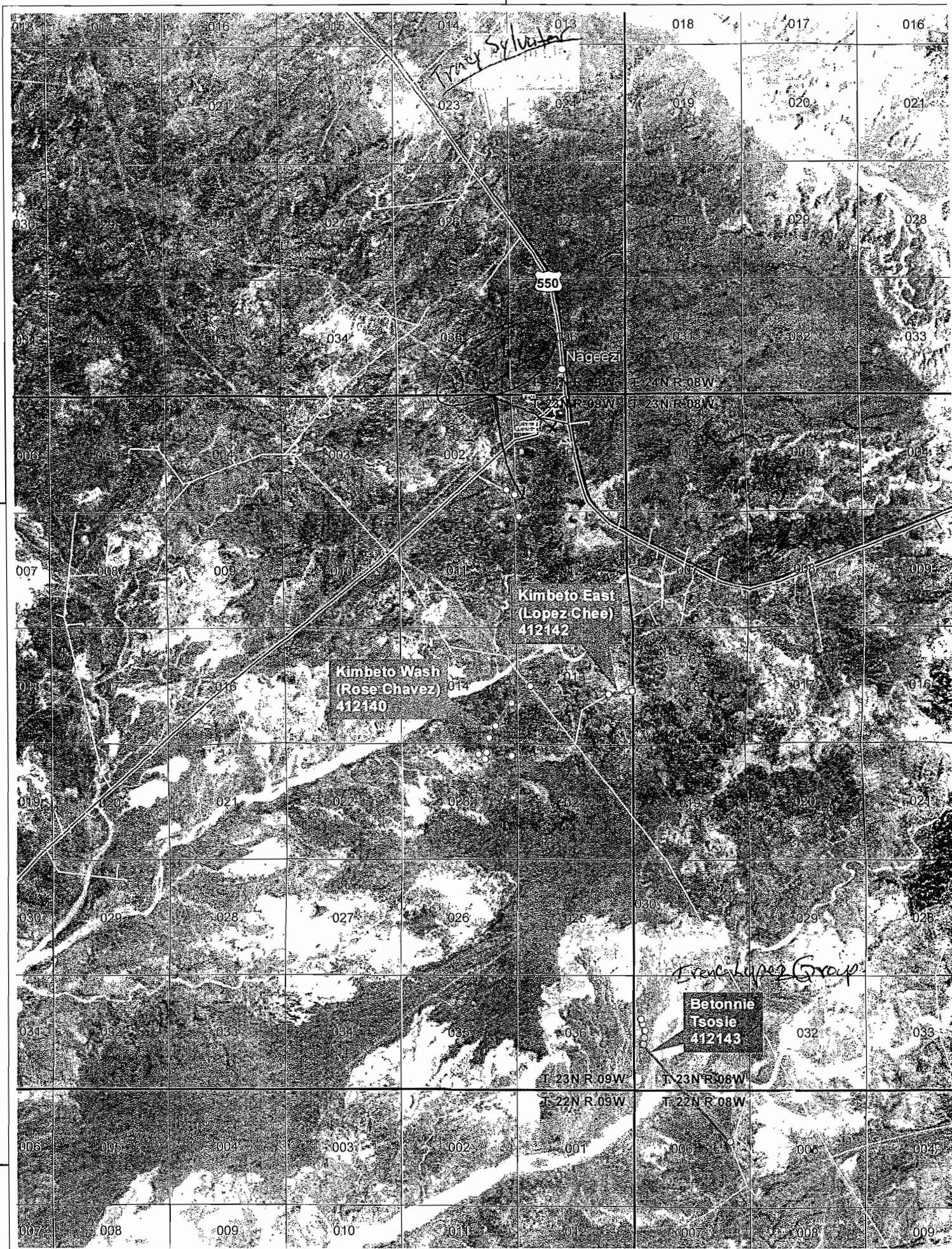
Section 23, T. 23 N., R. 8 W; all NMPM
Section 26, T. 23 N., R. 8 W; all NMPM
Section 27, T. 23 N., R. 8 W, all NMPM

The proposed right-of-way for the power line is 20 feet in width, 6624.66 feet in length, and 3.08 acres in size.

Sincerely,


Mike Deutsch
Project Manager





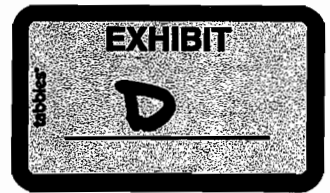


EXHIBIT "D"

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

Jemez Mountain Electric Cooperative, Inc (GRANTEE)
(for Joe Yazzie residence in Nageezi vicinity, New Mexico)

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way **(ROW)** is granted by the Secretary of Interior.
2. Consideration for the right-of-way is assessed at \$ 48,048.00. The Navajo Nation contributes this amount to the project to provide electricity to a Navajo home. Commercial use of the right-of-way shall require the approval of the Navajo Nation.
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of constructing, operating and maintaining a 14.4 kV single phase electrical distribution power line. The Grantee may not develop, use or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose. There will be no change in the kV rating of the power line without the written approval of the Navajo Nation.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Preference Law, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq.. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.

6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be prepared with the assistance of the Navajo Nation Environmental Protection Agency (NNEPA), and shall be submitted to and must be approved by NNEPA prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period; and
 - c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to deliver of said premises.

15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located therein.
17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

ENVIRONMENTAL ASSESSMENT **FOR**



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

JOE YAZZIE POWER LINE PROJECT

July 8, 2014

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



TABLE OF CONTENTS

1.	Introduction.....	1
1.1	Purpose and Need	1
1.2	Conformance with Applicable Land Use Plans and Other Environmental Assessments.....	1
1.3	Federal, State, or Local Permits, Licenses, or Other Consultation Requirements	1
2.	Alternatives Including the Proposed Action.....	2
2.1	Alternative A - No Action.....	2
2.2	Alternative B - Proposed Action	2
2.3	Reclamation.....	3
2.4	Alternatives Considered But Not Analyzed In Detail	4
3.	Description of Affected Environment	5
3.1	Air Resources	5
3.1.1	No Action Alternative	7
3.1.2	Proposed Action	7
3.2	Cultural Resources.....	7
3.2.1	No Action Alternative	8
3.2.2	Proposed Action	8
3.3	Environmental Justice.....	8
3.3.1	No Action Alternative	8
3.3.2	Proposed Action	9
3.4	Floodplains.....	9
3.4.1	No Action Alternative	9
3.4.2	Proposed Action	9
3.5	General Topography/Surface Geology	10
3.5.1	No Action Alternative	10
3.5.2	Proposed Action	10
3.6	Invasive, Non-native Species	10
3.6.1	No Action Alternative	10
3.6.2	Proposed Action	11
3.7	Land Use	11
3.7.1	No Action Alternative	11
3.7.2	Proposed Action	11
3.8	Noise	12
3.8.1	No Action Alternative	12
3.8.2	Proposed Action	12
3.9	Public Health and Safety.....	13
3.9.1	No Action Alternative	13
3.9.2	Proposed Action	13
3.10	Soils	13
3.10.1	No Action Alternative	14
3.10.2	Proposed Action.....	15

3.11	Threatened, Endangered, and Special Status Species.....	15
3.11.1	No Action Alternative	16
3.11.2	Proposed Action.....	16
3.12	Vegetation, Forestry	16
3.12.1	No Action Alternative	17
3.12.2	Proposed Action.....	17
3.13	Visual Resources	17
3.13.1	No Action Alternative	18
3.13.2	Proposed Action.....	18
3.14	Wastes, Hazardous and Solid	18
3.14.1	No Action Alternative	18
3.14.2	Proposed Action.....	19
3.15	Water Resources.....	19
3.15.1	No Action Alternative	20
3.15.2	Proposed Action.....	20
3.16	Wildlife	20
3.16.1	No Action Alternative	21
3.16.2	Proposed Action.....	21
3.17	Cumulative Effects	21
3.17.1	No Action Alternative	21
3.17.2	Proposed Action.....	22
4.	Consultation/Coordination.....	22
5.	Contact Information	22
6.	References.....	23

TABLES

Table 2.1: Project Land Use Summary	3
Table 4.1: Interdisciplinary Project Team.....	23

APPENDICES

Appendix 1: Map of Project Area
Appendix 2: Navajo Fish and Wildlife Correspondence Letter
Appendix 3: Threatened, Endangered, and Special Status Wildlife Species Reports
Appendix 4: Plant Survey Report
Appendix 5: Cultural Resources Compliance Form
Appendix 6: Biological Resources Compliance Form

1. Introduction

Jemez Mountains Electric Cooperative, Inc. (JMEC) proposes to construct a 14.4 kV single-phase distribution power line, approximately 45 miles southeast of the town of Farmington in San Juan County, NM (Proposed Action). The Proposed Action is located in the Lybrook, NW 7.5-Minute Quadrangles in Sections 23, 26, and 27 in T. 23 N., R. 8 W., San Juan County, NM on Navajo Allotment and Tribal Trust Lands. The proposed power line is 6,624.66 feet in length which includes 300 feet of guy easements. The power line is composed of three segments forming a “Y” shape. The main portion of the line would run northeast from existing power pole #064403 with two taps coming off of the line to serve residences. The new power line would serve six residences and their associated homes. All of the residences are located on Navajo Tribal Trust Lands. The layout of the power line and a topographic map of the location are attached as Appendix 1. This Environmental Assessment (EA) will address the Proposed Action with regards to potential impacts to the surrounding environment.

1.1 Purpose and Need

The purpose of the Proposed Action is to construct a 14.4 kV single-phase distribution power line to serve residences on Navajo Tribal Trust Lands in Sections 23, 26, and 27 of T. 23 North, R. 8 West, San Juan County, New Mexico.

1.2 Conformance with Applicable Land Use Plans and Other Environmental Assessments

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

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

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

The Navajo Nation Department of Fish & Wildlife (NNDFW) Natural Heritage Program has been consulted with respect to species of concern that are known to occur, or that have the

potential to occur, within the area of the Proposed Action (Appendix 2). Species of concern listed by the NNDFW will be evaluated in Section 3 of this document and in the Wildlife and Plant Survey Reports attached as Appendices 3 and 4, respectively.

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

Additionally, JMEC is required to:

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

2. Alternatives Including the Proposed Action

2.1 Alternative A - No Action

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

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

2.2 Alternative B - Proposed Action

JMEC proposes to construct a 14.4 kV single-phase, overhead, raptor-safe power line from an existing power pole to multiple residences located in Sections 23, 26, and 27 in T. 23 N., R. 8 W., in San Juan County, NM on Navajo Allotment and Tribal Trust Lands. The power line route is generally “Y” shaped and originates from existing power pole #0664403. From this existing pole, the line would run northeast before branching off to the residences; the power line is composed of the main line and two tap lines. Portions of the new power line would follow existing roads accessing the residences. Other segments are routed cross country to serve residences. The power line does not cross any major roads, as indicated on the topographic and centerline survey maps shown in Appendix 1. The closest main road is Indian Route 7900 approximately 1 mile southwest of the project area. The proposed power line structures would include a number of wooden poles, 40 feet in height, buried approximately five feet below grade with guy anchors at each end, bearing change, and connection.

All access along the power line route will be from existing roads, and cross-country within the ROW only. The total length of the proposed ROW is 6,624.66 feet and the width is 20 feet, for a total disturbed area of 3.08 acres (including guys and anchors). Soil and vegetation will be minimally disturbed at the location of poles and guys. The estimated duration from start of construction is approximately one month.

Table 2.1: Land Ownership Summary

<i>Land Ownership</i>	<i>Location</i>	<i>Centerline Length (feet)</i>	<i>Guy Wire Length (feet)</i>	<i>Total Length incl. guys (feet)</i>	<i>Total Area incl. guys (acres)</i>
Navajo Tribal Trust	SW¼ Section 23, T23N, R8W	1,208.80	100	1,308.80	0.58
Navajo Tribal Trust	NE¼ Section 27, T23N, R8W	2,672.88	100	2,772.88	1.29
Navajo Tribal Trust	NW¼ Section 26, T23N, R8W	2,442.98	100	2,542.98	1.21
TOTAL	n/a	6,324.66	300.00	6,624.66	3.08

The cross-country portions of the power line would span scattered pinyon-juniper woodland and disturbed grassland. Construction will entail driving a truck-mounted auger cross-country to the location of each structure and digging a hole. Then a truck-mounted crane will raise the pole, and the hole will be backfilled and tamped. The electric wires will be strung on the poles with the assistance of a reel truck and a winch truck. No temporary roadways or use areas will be required and no blading or blasting will be performed as part of the project.

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

2.3 Reclamation

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

2.4 Alternatives Considered But Not Analyzed In Detail

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

Photovoltaic (PV) cells are costly and inconvenient for intensive or widespread use. PV cell electricity typically costs 800% more than that from a power line. A typical battery can store a maximum of 72 hours of electricity, and many would be needed to power the electrical needs of these homes. The need for multiple batteries would be costly and potentially unreliable during long stretches of inclement weather.

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

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

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

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

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

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

3. Description of Affected Environment

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

3.1 Air Resources

The proposed project is located in San Juan County, NM on Navajo Nation Tribal Trust Lands. The US Environmental Protection Agency (USEPA), Region IX, and the Navajo Nation Environmental Protection Agency Air Quality Control program are responsible for administering air quality regulations on Navajo Allotment Lands in New Mexico. The Navajo Nation Air Quality Control Program (NNAQCP) is responsible for the implementation and enforcement of the Navajo Air Pollution Prevention and Control Act (NAPPCA) (Navajo Nation Council 2004). In addition, the project area lies within the USEPA's designated Four Corners Interstate Air Quality Control Region (USEPA 1971).

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

Climate is the composite of generally prevailing weather conditions of a particular region throughout the year, averaged over a series of years. GHGs also affect climate. Through complex interactions on a global scale, GHG emissions may cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although GHG levels have varied for millennia (along with corresponding variations in climatic conditions), industrialization and burning of fossil carbon sources have caused GHG concentrations to increase measurably, and may contribute to overall climatic changes, typically referred to as global warming (USEPA Sep 2013). GHGs are not regulated by the USEPA, however, climate is important to consider because it has the potential to influence renewable and non-renewable resource management.

Air Quality

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

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

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

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

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

Climate

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

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

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

3.1.1 No Action Alternative

3.1.1.1 Direct and Indirect Effects

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

3.1.2 Proposed Action

3.1.2.1 Direct and Indirect Effects

Air Quality

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

Climate

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

3.1.2.2 Mitigation

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

3.2 Cultural Resources

Complete Archeological Services Associates performed a Class III archaeological survey in the project area November 13, 2014. A determination of "no historic properties affected" was made. The Cultural Resources Compliance Form is attached as Appendix 5.

3.2.1 No Action Alternative

3.2.1.1 Direct and Indirect Effects

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

3.2.2 Proposed Action

3.2.2.1 Direct and Indirect Effects

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

3.2.2.2 Mitigation

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

3.3 Environmental Justice

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

3.3.1 No Action Alternative

3.3.1.1 Direct and Indirect Effects

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

3.3.2 Proposed Action

3.3.2.1 Direct and Indirect Effects

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

3.3.2.2 Mitigation

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

3.4 Floodplains

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the Proposed Action is just north of, but not in, the 100-year floodplain near Betonie Tsosie Wash (USDHS FEMA 2010). The landscape in the project area is scattered sagebrush, pinyon-juniper woodland and disturbed grasslands within a small valley surrounded by mesas and badland formations.

3.4.1 No Action Alternative

3.4.1.1 Direct and Indirect Effects

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

3.4.2 Proposed Action

3.4.2.1 Direct and Indirect Effects

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

3.5 General Topography/Surface Geology

The Proposed Action area is located approximately 45 miles southeast of Farmington, NM. Topography in the project area is represented by hills, slopes, and drainages within a small valley, surrounded by taller mesas and badland formations. The northernmost segment of the line is located atop a small ridge overlooking the valley. Elevation ranges from 6,815 to 6,925 feet. There are no significant outcroppings or geologic formations in the area.

3.5.1 No Action Alternative

3.5.1.1 Direct and Indirect Effects

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

3.5.2 Proposed Action

3.5.2.1 Direct and Indirect Effects

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

3.5.2.2 Mitigation

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

3.6 Invasive, Non-native Species

There are seventeen species listed on the BIA Navajo Noxious Weed List (USDI OSM 1999). None of these 17 species were observed within the project area. The full Plant Survey Report is attached as Appendix 4.

3.6.1 No Action Alternative

3.6.1.1 Direct and Indirect Effects

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

3.6.2 Proposed Action

3.6.2.1 Direct and Indirect Effects

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

3.6.2.2 Mitigation

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

3.7 Land Use

The Proposed Action is located on Navajo Tribal Trust Lands. Current land uses include the existing power line; paved, dirt, and two-track roads; homes and nearby structures (e.g. corrals and outbuildings); and grazing livestock. There are no farmlands in the Proposed Action area.

3.7.1 No Action Alternative

3.7.1.1 Direct and Indirect Effects

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

3.7.2 Proposed Action

3.7.2.1 Direct and Indirect Effects

1. The Proposed Action will affect 3.08 acres of Navajo Tribal Trust Lands.
2. Short-term impacts will come from minimal land clearing for power line pole, wire, and guy placement.

3.7.2.2 Mitigation

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

3.8 Noise

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

3.8.1 No Action Alternative

3.8.1.1 Direct and Indirect Effects

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

3.8.2 Proposed Action

3.8.2.1 Direct and Indirect Effects

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

3.8.2.2 Mitigation

1. Construction will be conducted during daylight hours and will be limited to approved locations.
2. Vehicular traffic will be restricted to approved areas and will not exceed what is necessary for the construction and maintenance of the Proposed Action.

-
3. Noise associated with construction activities will cease after approximately one month. Once construction is complete and operation begins, noise will return to background level.

3.9 Public Health and Safety

It is expected that the only people that would be in the vicinity of the Proposed Action are those residents that will be gaining power from the proposed power line and JMEC employees.

3.9.1 No Action Alternative

3.9.1.1 Direct and Indirect Effects

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

3.9.2 Proposed Action

3.9.2.1 Direct and Indirect Effects

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

3.9.2.2 Mitigation

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

3.10 Soils

The Proposed Action crosses three different soil units: the Fruitland-Persayo-Sheppard complex, hilly (79.1%), the Badland Unit (3.8%), and the Blancot-Notal association, gently sloping (17.1%) [Web Soil Survey, 2014].

The Fruitland soils are composed of sandy loam and fine sandy loam. They are found on alluvial fans and stream terraces with slopes from 5-30%. Parent material is slope alluvium derived from sandstone and shale. The Fruitland soils are well drained with moderate water storage capacity. Depth to restrictive feature is greater than 80 inches. The Persayo soils are composed of clay loams and are found on breaks, hills and ridges with 5-30% slopes. Parent material is residuum weathered from shale. The Persayo soils are well drained with very low water capacity. Depth to restrictive feature is 5-20 inches. The Sheppard soils are found on dunes and are composed of loamy fine sands. They are found on 5-30% slopes and parent material is eolian deposits over mixed alluvium. The Sheppard soils are somewhat excessively drained with low water capacity. Depth to restrictive feature is greater than 80 inches.

There is no frequency of flooding with any of the soils in the Fruitland-Persayo-Sheppard complex, hilly.

The Badland (BA) unit consists mainly of non-stony, barren, shale uplands that are dissected by deep intermittent drainage ways and gullies. This association consists of shallow Farb soils over shale with very slow permeability. The main limitation of this soil type is the hazard of large amounts of water runoff after a normal rain, and flash flooding during heavier rains. The badland soils are found on breaks with 5-80% slopes. Parent material is shale. Depth to restrictive feature is 0-2 inches. Badland soils have a very low water capacity.

The Blancot-Notal association, gently sloping is composed of the Blancot and Notal Soils. The Blancot soils are composed of clay loams and sandy clay loams. They are found on fan remnants on 0-5 % slopes. Parent material is fan alluvium derived from sandstone and shale. Depth to restrictive feature is more than 80 inches. These soils are well drained with a high water capacity. Frequency of flooding is zero. The Notal soils are found on stream terraces on 0-2% slopes. These soils are silty clay loams and clay. Depth to restrictive feature is more than 80 inches. The Notal soils are well drained with rare incidences of flooding. Available water capacity is low. Parent materials are stream alluvium derived from sandstone.

The underlying bedrock is in the Nacimiento Formation (NMBGMR 2003)

3.10.1 No Action Alternative

3.10.1.1 Direct and Indirect Effects

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

3.10.2 Proposed Action

3.10.2.1 Direct and Indirect Effects

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

3.10.2.2 Mitigation

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

3.11 Threatened, Endangered, and Special Status Species

On November 11 and 15, 2013 a wildlife biologist and a botanist conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status wildlife or plant species.

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

No habitat for any threatened, endangered, or special status plants or animals was observed within the boundaries of the project area. The closest suitable habitat for any listed or special status species is approximately 15 miles northeast. It is possible that two species, known to occur in the general vicinity of the project could pass through the project area. These two species are the golden eagle (*Aquila chrysaetos*) and ferruginous hawks (*Buteo regalis*); however there is no suitable nesting habitat for either of these species within 0.5 miles of the project area. The kit fox (*Vulpes macrotis*) may also occasionally occur in the project area; however, due to the residences, dogs, and human activities, the regular occurrence of this species within the project area is unlikely.

Four migratory bird species that are protected under the MBTA were observed during the wildlife surveys. These include the common raven (*Corvus corax*), white-crowned sparrow (*Zonotrichia leucophrys*), western scrub jay (*Aphelocoma californica*), and house finch (*Carpodacus mexicanus*). Because there will be minimal ground disturbance in association with the proposed power line construction, no take of nesting birds is anticipated from the project if Section 3.11.2.2 Mitigation, below, is followed.

Threatened, Endangered, and Special Status species reports addressing wildlife and plants in the project area are attached as Appendices 3 and 4.

3.11.1 No Action Alternative

3.11.1.1 Direct and Indirect Effects

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

3.11.2 Proposed Action

3.11.2.1 Direct and Indirect Effects

1. The MBTA protects migratory birds from a “take”. Take is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities”. A “take” does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof. Nesting migratory birds could be adversely impacted by a potential take.
2. Overhead power lines have a direct effect on raptors. Raptors and other birds are killed every year by electrocution from perching or nesting on power lines.

3.11.2.2 Mitigation

1. Construction should not take place during migratory bird nesting season, which is generally March 1 – August 31st. If construction activities must occur during this period, surveys for nests must be conducted beforehand. This will protect nesting migratory birds from a potential take.
2. No trees should be removed during construction and care should be taken to minimize vegetation removal during construction.
3. Power line construction will be raptor-safe and will follow the Navajo Nation’s Raptor Electrocution Prevention Regulations (NNDFW NNHP Sep. 2008) and/or the Avian Power Line Interaction Committees’s *Suggested practices for Avian Protection on Power Lines: State of the Art in 2006* (APLIC 2006).

3.12 Vegetation, Forestry

The landscape is rolling hills in predominantly a sagebrush community. It is dominated by big sage (*Artemisia tridentata*), broom snakeweed (*Gutierrezia sarothrae*), and false buffalograss (*Munroa squarrosa*) with areas of blue grama (*Bouteloua gracilis*) and scattered piñon (*Pinus edulis*) and Utah juniper (*Juniperus osteosperma*). One sandier area is dominated by Bigelow's rabbitbrush (*Ericameria nauseosa* var. *bigelovii*), bitterbrush (*Purshia tridentata*), and blue grama. Some of the larger drainages support pungent rabbitbrush (*Ericameria nauseosa* var. *graveolens*) and greasewood (*Sarcobatus vermiculatus* var. *vermiculatus*). The areas around most of the homesites are dominated by Russian-thistle (*Salsola tragus*). A complete inventory of plant species can be found in Appendix 4.

3.12.1 No Action Alternative

3.12.1.1 Direct and Indirect Effects

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

3.12.2 Proposed Action

3.12.2.1 Direct and Indirect Effects

The Proposed Action will affect 3.08 acres of Navajo Allotment and Tribal Trust Lands.

3.12.2.2 Mitigation

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

3.13 Visual Resources

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

The Proposed Action is in an area that the BLM designates as VRM Class III. Projects constructed in Class III areas must partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Any changes should repeat the basic elements found in the predominant natural features of the characteristic landscape. (USDI BLM 2003).

3.13.1 No Action Alternative

3.13.1.1 Direct and Indirect Effects

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

3.13.2 Proposed Action

3.13.2.1 Direct and Indirect Effects

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

3.13.2.2 Mitigation

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

3.14 Wastes, Hazardous and Solid

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

3.14.1 No Action Alternative

3.14.1.1 Direct and Indirect Effects

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

3.14.2 Proposed Action

3.14.2.1 Direct and Indirect Effects

Trash and unwanted materials will be generated by construction.

3.14.2.2 Mitigation

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

3.15 Water Resources

The project is located in a depression known as the San Juan Basin. The San Juan Basin recharges near the Zuni Uplift in the Chuska Mountains and flows toward the Chaco and San Juan Rivers to discharge (Robson 1995). The project area receives approximately 10.83 inches of annual precipitation (WRCC 2014).

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

The area drains via unnamed tributaries of the large ephemeral Betonnie Tsosie Wash southwest and ultimately into the Chaco River. Ephemeral flows in these drainages are limited to snow melt and rainfall

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

The plant survey report indicated no wetlands or riparian zones in the Proposed Action area (Appendix 4).

3.15.1 No Action Alternative

3.15.1.1 Direct and Indirect Effects

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

3.15.2 Proposed Action

3.15.2.1 Direct and Indirect Effects

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

3.15.2.2 Mitigation

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

3.16 Wildlife

Wildlife occurring in the area is typical of open sagebrush flats of the Great Basin desert. This includes passerines such as sagebrush sparrows (*Amphispiza belli*) as well as black-tailed jackrabbits (*Lepus californicus*), and sagebrush lizards (*Sceloporus graciosus*). A

complete inventory of observed species is included in Appendix 3. There is no pristine or unique wildlife habitat available within the project area.

3.16.1 No Action Alternative

3.16.1.1 Direct and Indirect Effects

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

3.16.2 Proposed Action

3.16.2.1 Direct and Indirect Effects

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

3.16.2.2 Mitigation

1. Reclamation of the Proposed Action, as outlined in Section 2.3, will reduce the long-term impacts to wildlife that use the area. Reseeding disturbed areas will replace vegetation removed during construction. In some instances, there may be a benefit from successful reclamation due to an increase in vegetative cover and wildlife forage. Successful reclamation is expected to take two to three years.
2. Vehicles will be restricted to existing roads and the proposed power line route to reduce impacts to ground dwelling wildlife at the project site.
3. The power line will be constructed according to raptor-safe power pole design standards for new power line construction within Raptor Sensitive Areas (RSA) (NNDFW NNHP 2008) The power line should be constructed according to guidelines in Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006 (APLIC 2006).

3.17 Cumulative Effects

3.17.1 No Action Alternative

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

3.17.2 Proposed Action

The Proposed Action will affect 3.08 acres on Navajo allotted lands. Reasonably foreseeable future development may include additional power lines and communications structures installed in the vicinity of the Proposed Action due to additional residences without electricity. These installations would add to the cumulative disturbance in the area.

4. Consultation/Coordination

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

Table 4.1: Interdisciplinary Project Team

Member	Title	Organization	Onsite Inspection	Date of Inspection
Celia Cook	Consultant/Author	Permits West, Inc.	yes	11/11/2013
Mike Deutsch	Project Coordinator	Permits West, Inc.	yes	May 2012
Celia Cook	Wildlife Biologist	Permits West, Inc.	yes	11/11/2013
Marian J. Rohman, Trudi Webster	Botanists	Permits West, Inc.	yes	11/15/2013
Laurens C. Hammack	Archaeologist	Complete Archeological Services Associates, Inc.	yes	11/13/2013

5. Contact Information

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

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Proposed Joe Yazzie (Kin-Na-Dz) Distribution Line

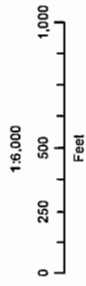
Sections 23, 26, & 27

Township 23N, Range 8W
San Juan County, New Mexico

Work Order #: 412103

Existing and Proposed JMEC Facilities

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

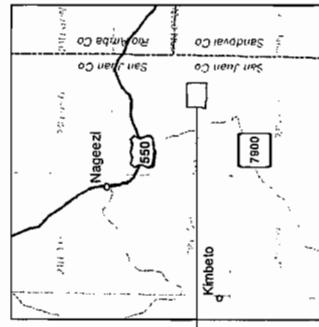


NAD 1983 New Mexico State Plane West
FPS 3003 Feet



PERMITS WEST, INC.
Preparation - Accuracy to State Plane

Prepared by Permits West, Inc. July 9, 2014
for Jemez Mountains Electric Cooperative, Inc.



Appendix 1-1



NAVAJO NATION
Department of Fish & Wildlife
Navajo Natural Heritage Program
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Ben Shelly, President

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27 September 2012

File#12PERM-34

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

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: JEMEZ MOUNTAINS ELECTRIC COOPERATIVE JOE YAZZIE EXT. POWER LINE
LOCATED IN LEGAL DESCRIPTION T23N, R8W, SECTIONS 22, 23, 26 & 27
UTM COORDINATES (NAD 27, ZONE 13S)
START: 260407E, 4009175N
SOUTHEAST HOME: 261216E, 4009127N
NORTH HOME: 260922E, 4010118N

Mr. Wood:

The following information on species of concern¹ is provided in response to your 09 September 2012 request concerning the subject project, which consists of the proposed 1-mile long overhead power line project for the Jemez Mountains Electric Cooperative Joe Yazzie Extension power line. The project site is located in legal description T23N, R8W, Sections 22, 23, 26 & 27. UTM Coordinates start: 260407E, 4009127N, Southeast home: 261216E, 4009127N, North home: 260922E, 4010118N.

Although the Navajo Fish and Wildlife Department (NFWD) has no record of species of concern occurring on or near the project site(s) at this time, the potential for certain species of concern to occur needs to be evaluated.

Species of concern with potential to occur on the 7.5-minute *Lybrook NW, NM* quadrangle(s) containing the project boundaries include the following. Potential is based primarily on quadrangle-wide coarse habitat characteristics and species range information. Your project biologist should determine habitat suitability at the project site(s).

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

	SCIENTIFIC NAME	COMMON NAME	NESL STATUS	FED. STATUS and/or MBTA*
1.	<i>Antilocapra americana</i>	Pronghorn	G3	
2.	<i>Aquila chrysaetos</i>	Golden Eagle	G3	MBTA
3.	<i>Buteo regalis</i>	Ferruginous Hawk	G3	MBTA
4.	<i>Asclepias sanjuansensis</i>	San Juan Milkweed	G4	
5.	<i>Charadrius montanus</i>	Mountain Plover	G4	ESA Proposed Threatened; MBTA.
6.	<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	G2	ESA Endangered; MBTA.
7.	<i>Mustela nigripes</i>	Black-footed Ferret	G2	ESA Endangered
8.	<i>Vulpes macrotis</i>	Kit Fox	G4	

*MBTA=Migratory Bird Treaty Act

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

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

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

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

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

Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service

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

recommends marking guy wires with at least one marker per 100 meters of wire.

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

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

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

An invoice for this information is attached.

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



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

xc: file/chrono

WILDLIFE SURVEY REPORT
FOR
JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC.'S PROPOSED
14.4 kV JOE YAZZIE (KIN-NA-DZ) POWER LINE

SECTIONS 23, 26, & 27, T. 23 NORTH, R. 8 WEST
SAN JUAN COUNTY, NEW MEXICO

1.0 INTRODUCTION

Threatened, endangered and special status wildlife (T&E) surveys were conducted November 11, 2013 at the location Jemez Mountains Electric cooperative, Inc.'s proposed 14.4 kV power line for the Joe Yazzie (Kin-Na-Dz) homes. The proposed power line would be located in the southwest quarter of Section 23, the northwest quarter of Section 26, and the northeast quarter of Section 27, T. 23 North, Range 8 West, in San Juan County, New Mexico. The project area is located on Navajo Tribal Trust lands.

The project is located approximately 3 miles southeast of US 550. The closest Chapter House is Nageezi. The proposed power line would be comprised of two segments that cross one another. Total length of the 2 segments would be 6,324.66 feet long with a 20 foot Right-of-Way (ROW). Therefore, land disturbance associated with the project would be approximately 3.08 acres. Existing roads would be used to access the project area during construction. The power line would be built raptor safe and would be constructed using wooden poles.

2.0 METHODS

Prior to the field survey, The Navajo Department of Fish and Wildlife's Navajo Natural Heritage Program (NNHP) was consulted regarding the potential for T&E wildlife species to occur on or near the project area. In response, NNHP provided a list of all T&E species that are known or have potential to occur within the 7.5 minute Lybrook NW, NM quadrangle map (Detsoi, 2012). Species on the list were carefully evaluated prior to the onsite field surveys.

Permits West, Inc. field biologist, Celia Cook conducted a pedestrian survey of the proposed power line November 11, 2013. The purpose of the survey was to inspect for the potential presence of T&E wildlife species and evaluate existing habitat conditions.

Weather during surveys was generally clear, with moderately strong breezes and temperatures in the 50s.

The surveyed area consisted of the power line route plus adjacent habitat. General habitat and existing conditions were evaluated. A 0.5-mile radius around the project area was surveyed with binoculars, and in some areas on foot, for structures or land formations that would support raptor nests and other unique habitat elements that would benefit T&E species and wildlife in general.

3.0 DESCRIPTION OF EXISTING HABITAT

The project area is situated in a badland setting southwest of US 550. The landscape is represented by rolling badland type formations situated between dry washes, buttes, and small mesas. The vegetation type is variably pinyon-juniper woodland and desert scrub.

The proposed power line crosses over an area of multiple homes in a valley setting with surrounding badland type land forms. Each home has several acres of open space that has been generally disturbed by human activity, livestock, or other land use. Vegetation type is primarily pinyon/juniper woodland and desert scrub. Shrubs and forbs include snakeweed (*Gutierrezia sarothrae*), Russian thistle (*Salsola kali.*), sage (*Artemisia spp.*), and rabbit brush (*Chrysothamnus sp.*) Soils are sandy and well drained. Bettonie Tsosie Wash lies just southeast of the project area. The proposed power line crosses several roads and driveways; it does not cross any water ways or wetlands.

Elevation within the project area ranges from approximately 6800 to 6970 feet. Common wildlife occurring in the area are represented by species such as coyote (*Canis latrans*), desert cottontail (*Sylvilagus spp.*), western scrub jay (*Aphelocoma californica*), common raven (*Corvus corax*), and juniper titmouse (*Baeolophus ridgwayi*) among others.

4.0 THREATENED, ENDANGERED, AND SPECIAL STATUS WILDLIFE SPECIES

According to the September 27, 2012 correspondence from the Navajo Natural Heritage Program, the species indicated in Table 1 have the potential to occur in or near the project area.

Table 1. T&E Species with Potential to occur in the Project Area.

Species	Status*	Habitat	Presence**
Golden eagle <i>Aquila chrysaetos</i>	NESL Group 3, MBTA, EPA	A wide variety of open habitats, typically nests in steep cliffs typically > 30 meters in height.	NP. May occur as transient. No nest habitat within 1 mile.
Ferruginous hawk <i>Buteo regalis</i>	NESL Group 3, MBTA	Nests on hoodoos, badland formations and occasionally power poles in San Juan County	NP. No nest habitat within 1 mile.
Mountain plover <i>Charadrius montanus</i>	NESL Group 4, MBTA	Disturbed grasslands , semi-desert or badland areas with sparse vegetation and barren areas.	NP. Terrain too hilly
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	NESL Group 2, MBTA; E	Dense cottonwood-willow or tamarisk-Russian olive habitats along streams and rivers, wetlands and marshes	NP. No wetlands or riparian areas.
Pronghorn <i>Antilocapra americana</i>	NESL Group 3	Rolling grasslands or desert scrub; often with scattered shrubs and	NP. Terrain too hilly.

		trees.	
Kit fox <i>Vulpes macrotis</i>	NESL Group 4	Cottonwood-willow habitats within perennial riparian areas.	NS. Potential to pass through; too much human activity for residence.
Black-footed ferret <i>(Mustela nigripes)</i>	NESL Group 2; E	Grassland or shrubby habitats where large, densely populated prairie dog towns are present	NP. No large prairie dog towns present.

Status*

Federal Status: E = Endangered; T= Threatened; C= Candidate; EPA = Eagle Protection Act; MBTA= Migratory Bird Treaty Act

Tribal Status: NESL = Navajo Endangered Species List Group 1-4 (NNHP, 2008)

Presence**

K= Known, documented observation within project area.

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

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

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

5.0 RESULTS

No federally or Navajo listed threatened, endangered, or special status species or their habitats were observed during the November 11, 2013 wildlife surveys. There is a potential for kit foxes and ferruginous hawks to pass through the area, but due to the proximity of human activity; these species would likely avoid the project area.

Migratory Birds:

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

Four migratory bird species were observed during the survey. All of these species have the potential to nest within or adjacent to the proposed power line. Birds nesting within the boundaries of the proposed gravel pit will be directly impacted by development of the gravel pit either through removal of their nesting substrate (trees or shrubs) and/or noise and human activity.

6.0 SPECIES OBSERVED DURING THE SURVEY

Common species of wildlife were observed during the survey. Due to the time of year, avian species were represented by resident and wintering species only, and no reptilian or amphibian species were observed. Bird diversity and numbers likely increase in the project area during breeding season, and reptilian species such as *Sceloporus spp.*, are likely common.

Avian species observed:

Common raven (*Corvus corax*)
House finch (*Carpodacus mexicanus*)
Western scrub-jay (*Aphelocoma californica*)
White-crowned sparrow (*Zonotrichia leucophrys*)

Mammalian species observed:

Pocket gopher (*Thomomys sp.*)
Desert cottontail (*Sylvilagus sp.*)

7.0 RECOMMENDATIONS

It is recommended that the power line be built according to the guidelines in *Suggested Practices for Protecting Avian Species on Power Lines: State of the Art in 2006*, (APLIC) in order to protect avian species perching on the power line structures or conductors from electrocution and not violate any federal laws that protect migratory birds.

8.0 REFERENCES

- Avian Power Line Interaction Committee (APLIC). 2006. *Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA.
- Detsoi, Sonya. 2012. Navajo Endangered Species List (NESL) information for Section 13, T. 23 North, R. 9 West, San Juan County, New Mexico. *Correspondence with Permits West Inc.* Navajo Department of Fish and Wildlife, Navajo Natural Heritage Program. P. O. Box 1480, Window Rock, AZ.
- Mikesic, D.G. 2008. Species Account for *Antilocarpa americana*. Navajo Natural Heritage Program, P.O. Box 1480, Window Rock, AZ 86515.
- Navajo Natural Heritage Program. 2008. Navajo Nation Division of Natural Resources Department of Fish and Wildlife Endangered Species List, September 10, 2008. P.O. Box 1480, Window Rock, Arizona

Signature of Author:



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JEMEZ MTS. ELECTRIC COOPERATIVE, INC.
PROPOSED JOE YAZZIE POWERLINE PROJECT

Sections 27, 26, and 23 T. 23 N., R. 8 W.
San Juan County, New Mexico

PLANT SURVEY REPORT

Prepared for Permits West, Inc., Santa Fe, New Mexico
By Marian J. Rohman January 2, 2014

This report discusses the potential for disturbance to the plant species of concern identified by the Navajo Natural Heritage Program (NNHP) that have the potential to occur on the Lybrook, NM, 7.5-minute quadrangle which contains the boundaries of the project area. San Juan milkweed (*Asclepias sanjuanensis*) is the only plant species listed for this area (Detsoi, 2012). Wetland conditions also need to be evaluated for the potential for Parish's alkali grass (*Puccinellia parishii*) (Detsoi, 2012). Both San Juan milkweed and Parish's alkali grass are in NESL Group 4, indicating that the NNHP does not currently have sufficient information to support the species being listed as endangered, but has reason to consider them (NNHP, 2008). In addition, the potential for disturbance to species listed by the U.S. Fish and Wildlife Service for the project area (IPaC, 2014) will be discussed.

San Juan milkweed is a prostrate to ascending herbaceous perennial, 4-8 cm tall. The leaves are 2-4 cm long, oblong to lanceolate with white tomentulose leaf margins. The inflorescence is a terminal umbel with 4-15 brownish-purple flowers (Heil and Herring, 1999). It is found mostly in sandy or sandy loam soils in piñon-juniper woodlands and Great Basin grassland communities occurring from 5000 – 6200 feet in elevation. On Navajo lands, it flowers from late April through early May (Roth, 2001a). Personal observations have placed this species as high as 6420 feet. It is usually found in very open vegetation, usually on or near sand dunes and in association with sandhill muhly (*Muhlenbergia pungens*) and sand wild buckwheat (*Eriogonum leptocladon*) (personal observation).

Parish's alkali grass is a short-lived winter or spring annual whose annual growth habit is easily distinguished from its perennial relatives. It grows in alkaline springs, seeps, and seasonally wet areas, from elevations of 5000 to 7200 feet. The species requires continuously damp soils during its late winter to spring growing period (McDonald, 1999b). On Navajo lands, it flowers from late April to early June (Roth, 2001c). Personal observations have placed this species as low as 4510 feet.

PROJECT DESCRIPTION

The proposed project consists of the construction of a power line measuring 6324.66 feet within a 20-foot-wide corridor. The total land use for the proposed project, including guy and anchor acreage, is 3.08 acres. It is located on Navajo Tribal Trust land in Sections 27, 26, and 23 in T. 23 N., R. 8 W.,

in San Juan County, New Mexico, 6.10 to 6.66 miles southeast of the town of Nageezi. The proposed power line begins at an existing power line in Section 27. It heads northeast to a junction where it splits to service home sites in three different directions. One line heads north and ends in Section 23. The other two lines head northeast and southeast and end in Section 26.

The landscape is rolling hills in predominantly a sagebrush community. It is dominated by big sage (*Artemisia tridentata*), broom snakeweed (*Gutierrezia sarothrae*), and false buffalograss (*Munroa squarrosa*) with areas of blue grama (*Bouteloua gracilis*) and scattered piñon (*Pinus edulis*) and Utah juniper (*Juniperus osteosperma*). One sandier area is dominated by Bigelow’s rabbitbrush (*Ericameria nauseosa* var. *bigelovii*), bitterbrush (*Purshia tridentata*), and blue grama. Some of the larger drainages support pungent rabbitbrush (*Ericameria nauseosa* var. *graveolens*) and greasewood (*Sarcobatus vermiculatus* var. *vermiculatus*). The areas around most of the homesites are dominated by Russian-thistle (*Salsola tragus*).

The proposed pipeline is in the Fruitland-Persayo-Sheppard complex, hilly soil unit. This complex includes slope alluvium derived from sandstone and shale, residuum weathered from shale, and aeolian deposits over mixed alluvium. The soil textures range from sandy loam and fine sandy loam to clay loam and loamy fine sand (NRCS, 2014). The underlying bedrock is the Nacimiento Formation (NMBMGR, 2003). The elevation of the project area is approximately 6805 to 6930 feet. Disturbances in the project area include the existing power line, dirt roads, modern dumps, and grazing by horses and sheep.

METHODOLOGY

The project area was surveyed on November 15, 2013, by botanist Marian Rohman. The survey was accomplished by walking a zigzag transect along each side of the centerline, covering the 20-foot width of the corridor and a buffer zone of 200 feet on each side. The emphasis of the survey was to inspect for the identified species of concern; however, all plants were identified in order to provide a more complete description of the environment. A list of the plants observed in the project area is included at the end of this report.

SURVEY RESULTS

Species of Interest to the Navajo Natural Heritage Program and the U.S. Fish and Wildlife Service: This report discusses the potential for disturbance to the plant species of concern identified by the Navajo Natural Heritage Program and the U.S. Fish and Wildlife Service as having the potential to occur in the project area (Detsoi, 2012; IPaC, 2014). Any wetland conditions also need to be evaluated for the potential for Parish’s alkali grass (Detsoi, 2012). Details of status, habitat, and the potential to occur in the project area for all of these species are listed in the following table.

SPECIES STATUS	HABITAT	POTENTIAL TO OCCUR IN THE PROJECT AREA
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<i>Asclepias sanjuanensis</i> San Juan milkweed NESL Group 4	Sandy loam soils in open piñon-juniper woodlands and Great Basin grassland communities. Usually in very open vegetation on or near sand dunes, often in association with sandhill muhly and sand wild buckwheat. Elev. 5000-6420 ft. Blooms from late April thru early May (Heil and Herring, 1999; Roth, 2001a; personal observation).	No appropriate habitat: the project area is well above the known elevation range of the species. (NP)
<i>Astragalus humillimus</i> Mancos milkvetch USFWS Endangered NESL Group 2	Cracks or eroded depressions on sandstone rimrock ledges and mesa tops in Point Lookout sandstone. Elev. 5,000-6,000 ft. Blooms late April to early May (McDonald, 1999a; Roth, 2001b).	No appropriate habitat: there are no sandstone rimrock ledges or mesa tops and no Point Lookout sandstone in the project area. The project area is well above the known elevation range of the species. (NP)
<i>Pediocactus knowltonii</i> Knowlton cactus USFWS Endangered	On rolling, gravelly hills in a piñon-juniper-sagebrush community. The species is known only from the type locality near the Los Piños River. Elev. 6200-6300 ft. Blooms April and May (McDonald and Ferguson, 1999).	No appropriate habitat: there are no rolling gravelly hills or piñon-juniper-sagebrush community in the project area. The project area is well above the known elevation range of the species. (NP)
<i>Puccinellia parishii</i> Parish's alkali grass NESL Group 4	Alkaline springs, seeps, and seasonally wet areas that occur at the heads of drainages or on gentle slopes. 5000-7200 feet on Navajo lands. Blooms May to June (McDonald, 1999b; Roth, 2001c).	No appropriate habitat: there are no alkaline seasonally wet areas in the project area. (NP)
<i>Sclerocactus mesae-verdae</i> Mesa Verde cactus USFWS Threatened NESL Group 2	In sparsely vegetated clay-rich soils derived from the Fruitland and Mancos Shale Formations. Gravel or cobble cover can range from 0% to 100%. Commonly associated with mat saltbush and Gardner's saltbush. Elev. 4,900 to 5,500ft. Blooms late April to May (McDonald, 1999c, Hazelton, 2012).	No appropriate habitat: there are no soils from the Fruitland and Mancos Shale Formations. The project area is well above the known elevation range of the species. (NP)

Status USFWS – U.S Fish and Wildlife Service (ECOS, 2014)

Endangered – An animal or plant species in danger of extinction throughout all or a significant portion of its range.

Threatened – An animal or plant species likely to become endangered within the foreseeable future throughout all

or a significant portion of its range.

NESL – Navajo Endangered Species List (NNHP, 2008)

Group 2 – Endangered: A species or subspecies whose prospects of survival or recruitment are in jeopardy.

Group 4 – a species or subspecies where there is not currently sufficient information to support its being listed as endangered, but there is reason to consider it

Potential to Occur

K – Known, documented observation within project area.

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

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

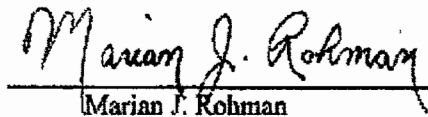
NP – Habitat not present and species unlikely to occur within the project area

Noxious weeds: The Bureau of Indian Affairs lists three species of noxious weeds as potential invaders and fourteen species as new invaders on the Navajo Reservation (OSM, 1999). None of these species are present in the project area.

DISCUSSION

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

Signature of Author:



Marian J. Rohman

January 2, 2014

REFERENCES

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Roth, Daniela. 2001c. Species account for *Puccinellia parishii*. Navajo Natural Heritage Program. <http://nnhp.nndfw.org/Plants/pupa.pdf>. (revised 15 May 2008)

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

PLANTS OF THE PROPOSED JOE YAZZIE POWERLINE PROJECT

Scientific and common names according to Heil, et al 2013

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

Trees

Juniperus osteosperma

Utah juniper

Pinus edulis

Piñon

Shrubs and Subshrubs

Artemisia tridentata

Big sage

Chrysothamnus Greenei

Greene's rabbitbrush

Coleogyne ramosissima

Blackbrush

Ericameria nauseosa var. *bigelovii*

Bigelow's rabbitbrush

Ericameria nauseosa var. *graveolens*

Pungent rabbitbrush

Gutierrezia sarothrae

Broom snakeweed

Lycium pallidum subsp. *pallidum*

Pale wolfberry

Purshia tridentata

Bitterbrush

Sarcobatus vermiculatus var. *vermiculatus*

Greasewood

Yucca sp.

Narrow leaf yucca

Cacti

Opuntia polyacantha

Starvation pricklypear

Sclerocactus cloveriae var. *cloveriae*

Clover's fishhook cactus

Grasses and Grass-like Plants

Aristida purpurea

Purple threeawn

Bouteloua gracilis
Bromus tectorum
Munroa squarrosa
Pleuraphis jamesii
Sporobolus airoides
Sporobolus cryptandrus

Blue grama
Cheatgrass
False buffalograss
Galleta
Alkali sacaton
Sand dropseed

Forbs

Atriplex sp.
Bassia scoparia
Chaetopappa ericoides
Eriogonum cernuum
Erodium cicutarium
Heterotheca villosa
Hymenopappus filifolius
Oenothera sp.
Penstemon angustifolius
Petradoria pumila
Salsola tragus
Senecio spartioides
Xanthisma spinulosum

Orach
Summer cypress
Rose heath
Nodding wild buckwheat
Filaree
Hairy goldenaster
Fineleaf hymenopappus
Evening primrose
Narrowleaf beardtongue
Rock goldenrod
Russian-thistle
Broom ragwort
Spiny goldenweed



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT

PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7147 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:

☒ CASA

NNHPD NO.: **HPD-14-065 - REVISED**

OTHER PROJECT NO.: **CASA 13-68**

PROJECT TITLE: Cultural Resources Inventory, Jemez Mountains Electric Cooperative Inc.'s', Joe Yazzie (Kin Na Dz) Power Line Project, Navajo Nation Lands, San Juan County, New Mexico.

LEAD AGENCY: BIA/NR

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

PROJECT DESCRIPTION: The proposed undertaking will involve a new power line extension to tie-in with an existing JMEC power line. The powerline measures 6,324.66-ft long. The area of effect is 3.08-acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Nageezi

LOCATIONS: T. 23 N, R. 08 W – Sec: 27, 23, 26; Lybrook NW Quadrangle, San Juan County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: Laurens C. Hammack

NAVAJO ANTIQUITIES PERMIT NO.: B13789

DATE INSPECTED: 11/13/13

DATE OF REPORT: 01/21/13

TOTAL ACREAGE INSPECTED: 14.55 - ac

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

LIST OF CULTURAL RESOURCES FOUND: None

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7147.

FORM PREPARED BY: Tamara Billie

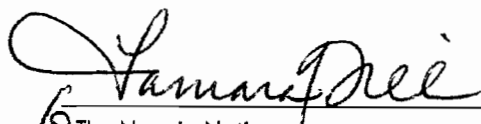
FINALIZED: March 17, 2014 - Revised

Notification to Proceed Recommended

☒ Yes ☐ No

Conditions:

☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office
Date: 3/17/14

Navajo Region Approval

☒ Yes ☐ No


Acting BIA – Navajo Regional Office
Date: 3/31/14

TLM 3.0.14 **Appendix 5-1**

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.: Joe Yazzie Power Line

DESCRIPTION: JMEC proposes to construct, operate, and maintain a 14.4kV single-phase distribution power line 6,624.66 ft. in length and includes 300 ft. of guy easements within a 20-ft. wide right-of-way. The power line is composed of 3 segments. Total disturbance for the proposed project would be 3.08 acres.

LOCATION: Sections 23, 26, & 27, T23N, R08W, Nageezi Chapter, San Juan County, New Mexico

REPRESENTATIVE: Kitty Wood, Permits West, Inc. for Jemez Mountains Electric Cooperative, Inc. (JMEC)

ACTION AGENCY: Navajo Nation & Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: EA-Joe Yazzie Power Line Project, Appendices 3 & 4/08 JUL 2014/Permits West, Inc.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 2 & 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: [1] The NNDFW concurs with EA Sect. 3.11.2 and highly recommends that the power line is constructed utilizing a raptor-safe, power pole design standard, including the placement of daytime visual markers on guy wires to prevent bird collisions.

CONDITIONS OF COMPLIANCE*: [1] Power line construction activity shall avoid the Migratory Bird breeding season of 01 MAR -31 AUG or surveys shall precede construction activity and the removal/disturbance of vegetation. Disturbance is not allowed within 50 m (165 ft) of an active nest during incubation to fledging.

FORM PREPARED BY / DATE: Pamela A. Kyselka/09 SEP 2014

COPIES TO: (add categories as necessary)



BIA



2 NTC § 164 Recommendation:

Signature

Date 9/9/14

☐ 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



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

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

09 September 2014

12PERM-34

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

Dear Mrs. Wood,
The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Environmental Assessment for Jemez Mountain Electric Cooperative, Inc's proposed **Joe Yazzie** power line project located approximately 6.3 miles southeast of Nageezi, New Mexico. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The project is approved with the following condition:

[1] Power line construction activity shall avoid the Migratory Bird breeding season of 01 MAR -31 AUG or surveys shall precede construction activity and the removal/disturbance of vegetation. Disturbance is not allowed within 50 m (165 ft) of an active nest during incubation to fledging.

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

Sincerely,

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

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

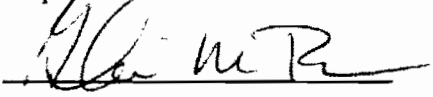
9/19/14
Date

xc: CONS-100-14
BIA



MEMORANDUM

TO : Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife

FROM : 
Gloria M. Tom, Director
Department of Fish and Wildlife

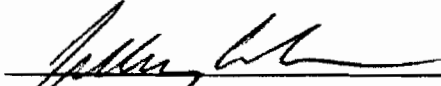
DATE : September 05, 2014

SUBJECT : **DELEGATION OF AUTHORITY**

I will be on travel Monday through Friday, September 08 - 12, 2014. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Friday, September 08, 2014. This delegation shall end at 5:00 p.m. on Friday, September 12, 2014.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT


Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7147 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-14-065 - REVISED
☒ CASA	OTHER PROJECT NO.: CASA 13-68

PROJECT TITLE: Cultural Resources Inventory, Jemez Mountains Electric Cooperative Inc.'s, Joe Yazzie (Kin Na Dz) Power Line Project, Navajo Nation Lands, San Juan County, New Mexico.

LEAD AGENCY: BIA/NR

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

PROJECT DESCRIPTION: The proposed undertaking will involve a new power line extension to tie-in with an existing JMEC power line. The powerline measures 6,324.66-ft long. The area of effect is 3.08-acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Nageezi

LOCATIONS: T. 23 N, R. 08 W – Sec: 27, 23, 26; Lybrook NW Quadrangle, San Juan County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: Laurens C. Hammack

NAVAJO ANTIQUITIES PERMIT NO.: B13789

DATE INSPECTED: 11/13/13

DATE OF REPORT: 01/21/13

TOTAL ACREAGE INSPECTED: 14.55 - ac

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

LIST OF CULTURAL RESOURCES FOUND: None

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7147.

FORM PREPARED BY: Tamara Billie

FINALIZED: March 17, 2014 - Revised

Notification to Proceed Recommended

☒ Yes ☐ No

Conditions:

☐ Yes ☒ No

Tamara Billie 3/17/14
The Navajo Nation
Historic Preservation Office
Date

Navajo Region Approval

☒ Yes ☐ No

Diana Dilib 3/31/14
Acting BIA – Navajo Regional Office
Date

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: Cultural Resource Inventory, Jemez Mountains Electric Cooperative Inc.s', Joe Yazzie (Kin Na Dz) Power Line Project, Navajo Nation Lands, San Juan County, New Mexico. Author(s): Laurens C. Hammack		5. FIELDWORK DATES November 13, 2013
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Laurens C. Hammack Org. Name: Complete Archaeological Service Associates Org. Address: P.O. Box 1777, Cortez, Colorado 81321 Phone: (970) 565-9229		6. REPORT DATE January 21, 2014 8. PERMIT NO. B13789 9. CONSULTANT REPORT NO. CASA 13-68
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Brian Wood, Permits West, agent for Jemez Mountains Electric Cooperative, Inc. Org. Address: 37 Verano Loop Santa Fe, New Mexico 87508 Phone: (505) 466 8120		11. SPONSOR PROJECT NO. Work Order No. 412103 12. AREA OF EFFECT: <u>3.08</u> ac AREA SURVEYED: <u>14.55</u> ac
13. LOCATION (MAP ATTACHED): a. Chapter: Nageezi b. Agency: Eastern c. County: San Juan d. State: New Mexico e. Land Status: Navajo Tribal Trust f. UTM Center: Zone 13 (see continuation sheet) g. Area: portions of the SW 1/4 Section 23, NW 1/4 Section 26, and NE 1/4 Section 27, T23N, R8W, San Juan County, NM h. 7.5' Map Name(s): Lybrook NW N. Mex. 1966		
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT // a. Description of Undertaking: The project consists of a new power line extension to tie-in with an existing JMEC power line approximately 6.2 miles southeast of Nageezi (Figures 1 and 2). b. Existing Data Review: NNHPD on 10/25/13 with two sites previously recorded within 500-ft of the survey parcel. NM G-51-15 is a 1950-1970 "horno" and NM G-51-16 is a small Navajo Habitation dating between 1940 and 1970. Both sites were recorded for an IHS water line project (Reed and Yazzie 1990) and are not within the current project area. TCP consultation was completed on 1/13/14 with no TCP's previously recorded within one mile of the survey parcels. c. Area Environmental & Cultural Setting: At elevations ranging between 6800-ft and 7020-ft, the sandy loam supports a vegetation dominated by sagebrush with snakeweed, prickly pear cactus, russian thistle and grasses in low areas bordered by low ridges with pinyon and juniper along with the sagebrush. Bettonie-Tsosie Wash borders the project area on the south. The alignment crosses several drainages, track roads, IHS waterlines, and several crossings of County Road 7945. Portions of the alignment cut across recent trash dumps and generalized trash scatters adjacent to the homesites being served. The alignment begins at existing JMEC power pole 64403 and consists of three lines, Line "A", Tap "A-1" and Tap "A-2" (Figure 3). Cultural resources in the general area include undated lithic scatters and mid-20th century Navajo occupations. Background information on the prehistory of the area is presented Dulaney and Dosh (1981); Reed and Yazzie (1990); Wait and Nelson (1983); and Errickson (2013). d. Field Methods: The power line (Figures 2 and 3) was inventoried by one person walking up one side of the staked alignment and returning the other covering a 15m/50-ft wide area on each pass. A 100-ft wide corridor (14.55 acres) was inventoried for the 20-ft wide right-of-way and guy anchors (3.08 acres) for a distance of 6324.66 linear feet. All of the homesites being served had been previously inventoried and were not re-inventoried.		
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: None b. Evaluation of Significance of Each Resource (above): n/a		
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): A determination of "no historic properties affected" is recommended for Jemez Mountains Electric Cooperative Inc.'s Joe Yazzie (Kin Na Dz) Power Line Project on Navajo Nation Lands at the locations described in this report.		
17. CERTIFICATION: SIGNATURE: <u>Laurens C. Hammack</u> DATE: <u>1/21/14</u> General Charge Name: <u>Laurens C. Hammack</u> SIGNATURE: <u>Laurens C. Hammack</u> DATE: <u>1/21/14</u> Direct Charge Name: <u>Laurens C. Hammack</u>		

Continuation Sheet

13f UTM Location (Zone 13)

BOP : E 260523/N 4009167 (NAD 27) at existing JMEC Pole # 64403
E 260473/N 4009374 (NAD 83)

EOP: E 261243/N 4009087 (NAD 27)--Line "A"
E 261193/N 4009288 (NAD 83)

EOP: E 260998/N 4010139 (NAD 27)--Tap "A-1"
E 260947/N 4010345 (NAD 83)

EOP: E 261058/N 4009637 (NAD 27)--Tap "A-2"
E 260998/N 4009841 (NAD83)

References

Errickson, Mary

2013 Cultural Resource Inventory, Jemez Mountain Electrical Cooperative Inc.'s Kimbeto Wash Powerline, Nageezi Chapter, San Juan County, New Mexico. Complete Archaeological Service Associates CASA 13-39, Cortez.

Dulaney Alan R., and Steven G Dosh

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

Reed, Paul and Victoria J. Yazzie

1990 An Archaeological Survey of 18.75 Miles of Water Line and 62 Homesites for the Indian Health Service near Nageezi, San Juan County, New Mexico. Navajo Nation Archaeology Department, NNAD 90-300, Window Rock.

Wait, Walter and Ben A. Nelson (Editors)

1983 The Star Lake Archeological Project: Anthropology at the Headwaters Area of Chaco Wash, New Mexico. Southern Illinois University Press, Carbondale.

Document No. 002749Date Issued: 09/17/2014**EXECUTIVE OFFICIAL REVIEW**Title of Document: Jermer Electric
Jermer Electric SLA for Joe Yazzie Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 928 871-6447☐ **Business Site Lease** Sufficient Insufficient

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

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

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

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

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

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

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

☐ **Lease Purchase Agreements**

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

☐ **Grant Applications**

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

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

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

☐ **Relinquishment of Navajo Membership**

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

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

Sufficient Insufficient

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

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

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

☐ **Rights of Way**

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

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

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

☐ **Assignment of Mineral Lease**

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

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

✓ 1. NLD ~~X~~ _____ Date: 2/1/15 ☒ ☐
2. F&W _____ Date: 1/29/15 ☒ ☐
3. HPD _____ Date: 2/4/15 ☒ ☐
4. Minerals _____ Date: 2/12/15 ☒ ☐
5. NNEPA _____ Date: 2-17-2015 ☒ ☐
6. DNR _____ Date: 2/19/15 ☒ ☐
7. DOJ (ic) _____ Date: 3/4/15 ☒ ☐
8. OPVP _____ Date: 3/5/2015 ☒ ☐
Handwritten signatures and dates are present for each item.

☐ **OTHER:**

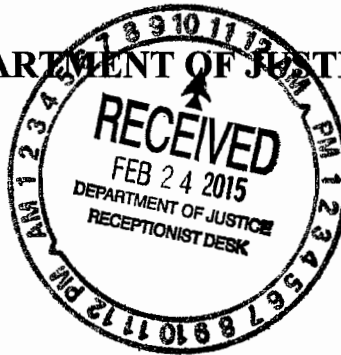
1. _____ Date: _____ ☐ ☐
2. _____ Date: _____ ☐ ☐
3. _____ Date: _____ ☐ ☐
4. _____ Date: _____ ☐ ☐
5. _____ Date: _____ ☐ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ	
02/24/15 @ 10:28	
DATE / TIME	
☐ 7 Day Deadline	
DOC #:	002749
SAS #:	
UNIT:	NLR

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

CLIENT TO COMPLETE

DATE OF REQUEST:	1/9/2015	DIVISION:	Natural Resources (DNR)
CONTACT NAME:	Howard P. Draper or Vera Shurley	DEPARTMENT:	Navajo Land Dept (NLD)
PHONE NUMBER:	X-6447, 6490, 6401	E-MAIL:	howarddraper@frontiernet.net verashurley@frontiernet.net
TITLE OF DOCUMENT: Approving Grant of Right-of-Way to Jemez Mountain Electric Cooperative, Inc. to construct, operate and maintain power line extension to Joe Yazzie residence in Nageezi, San Juan County, NM			

DOJ SECRETARY TO COMPLETE

DATE / TIME IN UNIT:	2/24/15 11am	REVIEWING ATTORNEY/ADVOCATE:	Kevin Chee 3/5/15
DATE / TIME OUT OF UNIT:			

DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Tim GEE	2/25/15	Becker	3/4/15 2:00pm

DOJ Secretary Called: _____ for Document Pick Up on _____ at _____ By: _____

PICKED UP BY: (Print) Howard P. Draper DATE / TIME: 3-6-15
NNDOJ/DRRF-July 2013 2:20p



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW

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

Website: www.navajonationepa.org

M E M O R A N D U M

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

FROM:

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

DATE: February 17, 2015

SUBJECT: 164 EOR 002749 Jemez Mountains Joe Yazzie Powerline Extension

The Jemez Mountain Electric Cooperative, Inc., PO Box 10, Cuba, New Mexico, 87013, submitted a right-of-way (ROW) application to construct, operate and maintain the Joe Yazzie powerline extension within Nageezi Chapter, San Juan County, New Mexico. The proposed ROW is 6,624.66 feet long, 20 feet wide, consisting of 3.08 acres, more or less, in Section 23, 26, 27, T23N, R8W, NMPM, San Juan County, New Mexico.

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

1. Navajo Nation Clean Water Act:

- a. **Section 401-** A Section 401 certification is required if any drainage with discernable ordinary high water mark will be crossed/disturbed as recommended by Patrick Antonio, Principal Hydrologist, NNEPA Water Quality Program on previous proposed projects.

¹ Permits West, Inc. Environmental Assessment for Jemez Mountains Electric Cooperative Inc., Joe Yazzie Power Line Project. July 2014.

- b. **Section 402** – Land surface disturbance in excess of 1.0 acre will require compliance with the federal General Construction Permit requirements for storm water discharges. The project will disturb 2.698 acres of surface land including guy easements. Jemez Mountains Electric Cooperative, Inc. is subject to apply for NPDES with both USEPA Region 06 and Region 09. Google stormwater construction for Region 06. As for Region 09, you will find information at <http://www.epa.gov/region9/water/npdes/permits.html>. You can also contact NNEPA Water Quality staff at 928/871-7690 for more information.
 - c. **Section 404** – Boring under the drainage will require a Section 404 as recommended by Patrick Antonio, Principal Hydrologist, NNEPA Water Quality Program. Contact the US Army Corps of Engineers.
- 2. ***Navajo Nation Safe Drinking Water Act:***
 - a. Ensure there are no existing drinking waterlines and/or domestic waste waterlines located within the premises of the proposed site to avoid significant impacts to Nageezi and surrounding communities' safe drinking water resources before trenching and/or digging.
- 3. ***Navajo Nation Air Pollution Prevention and Control Act:***
 - a. Apply water to control dust to lessen air impacts to community members and public located in or near the proposed action.
- 4. ***Navajo Nation Pesticide Act:***
 - a. Jemez Mountains Electric Cooperative, Inc. is required to monitor and prevent invasive and noxious weeds either by manual or chemical control.
 - b. Before applying any chemicals, contact the NNEPA Pesticide Program at 928/871-7815/7810/7892 to ensure the product is in compliance and appropriately applied by a certified and licensed applicator.
 - c. Pesticide staff will also may need to be onsite to monitor during pesticide/herbicide application.
- 5. ***Navajo Nation Solid Waste Act:***
 - a. Solid waste generated from the construction and operation activities will be collected and transported by contractor to a designated trash bins to minimize significant impacts to human and wildlife resources.
 - b. If a sub-contractor will be hired to transport waste, ensure the contractors are certified and licensed with the Navajo Nation Business Regulatory Office.
 - c. The contractor must submit a copy of the landfill receipt/ticket to guarantee the construction waste has been properly disposed.
 - d. Do not allow public to take construction and operation waste. Cumulatively NNEPA receives complaints and reports on illegal trash dumpings on rural areas and in the waters of the US and Navajo Nation.
 - e. All illegal waste currently on the proposed site is the responsibility of the land user.
- 6. ***Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act (NNECERCLA)***
 - a. No Hazardous waste will be generated, stored and transported for the proposed action.
- 7. ***Navajo Nation Storage Tank Act:***

- a.* Amended and approved by the Navajo Nation Council, CJA-09-12, February 2012, the aboveground tanks are included to be regulated.
 - b.* No underground or aboveground greater than 100 gallons is expected to be at the proposed site.
- 8. ***Others:***
 - a.* Avoid unnecessary ground disturbance and removal of vegetation within and adjacent to the ROW corridors.

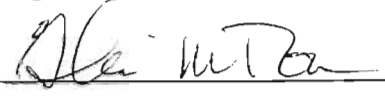
If there are any questions you may contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.

Cc: Sonya Binion, Jemez Mountains Electric Cooperative, Inc., PO Box 10, Cuba, New Mexico, 87013
NNEPA Water Quality; PWSSP; Administration chrono file
Contact Person: Susan Binion, Jemez Mountains Electric Cooperative Inc., 575-280- 3241



MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife

FROM : 
Gloria M. Tom, Director
Department of Fish and Wildlife

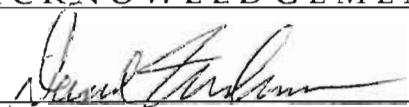
DATE : January 27, 2015

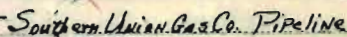
SUBJECT : DELEGATION OF AUTHORITY

I will be on leave beginning Wednesday, January 28, 2015 through Friday, January 30, 2015. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Wednesday, January 28, 2015. This delegation shall end at 5:00 p.m. on Friday, January 30, 2015.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

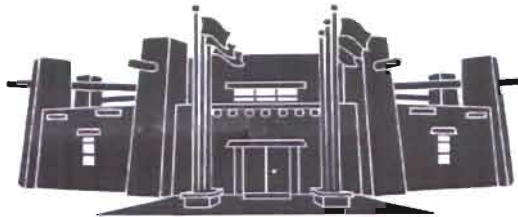
ACKNOWLEDGEMENT


David Mikesic, Zoologist
Department of Fish and Wildlife



CROWDER PURCHASE NO. 6 - BY NAVAJO
SE 1/4 SEC. 1 160.00 AC. - DEED 12,
SURFACE ONLY - IN TRUST.

9-16-85 2nd Conversion of E.L. Mapis Land Exchange, FL 97-287
The Act of Oct. 6, 1982, PL 97-287, 97 Stat. 1225 Surface Only - In Trust for
The Navajo Tribe in Sec. 1, SW 1/4, Sec. 2, Lot 3, 4, S 8 E NW 1/4



MEMORANDUM

TO: Honorable Jonathan Perry
Navajo Nation Council

FROM: 
Erika Friedlander, Staff Attorney
Office of Legislative Counsel

THRU: 
Mariana Kahn, Senior Attorney
Office of Legislative Counsel

DATE: May 18, 2015

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
APPROVING THE GRANT OF RIGHT-OF-WAY TO JEMEZ MOUNTAIN
ELECTRIC COOPERATIVE, INC. TO CONSTRUCT, OPERATE AND
MAINTAIN A SINGLE PHASE 14.4 KV ELECTRICAL DISTRIBUTION
POWERLINE EXTENSION PROJECT TO SERVICE THE JOE YAZZIE
RESIDENCE ON NAVAJO NATION TRUST LANDS IN NAGEEZI
CHAPTER VICINITY (SAN JUAN COUNTY, NEW MEXICO)

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

OLC No. 15-421-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0233-15_____

SPONSOR: Jonathan Perry

TITLE: An Action Relating To Resources And Development; Approving The Grant Of Right-Of-Way To Jemez Mountain Electric Cooperative, Inc. To Construct, Operate And Maintain A Single Phase 14.4 kV Electrical Distribution Powerline Extension Project To Service The Joe Yazzie Residence On Navajo Nation Trust Lands In Nageezi Chapter Vicinity (San Juan County, New Mexico).

Date posted: July 9, 2015 at 6:33pm

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) 871-7590

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.: 0233-15

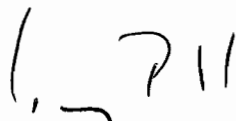
SPONSOR: Honorable Jonathan Perry

TITLE: An Action Relating To Resources And Development; Approving The Grant Of Right-Of-Way To Jemez Mountain Electric Cooperative, Inc. To Construct, Operate And Maintain A Single Phase 14.4 kV Electrical Distribution Powerline Extension Project To Service The Joe Yazzie Residence On Navajo Nation Trust Lands In Nageezi Chapter Vicinity (San Juan County, New Mexico).

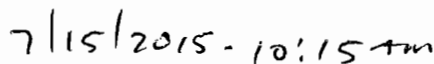
Posted: July 9, 2015 at 6:33 pm

5 DAY Comment Period Ended: July 14, 2015

Digital Comments received: *No comments received.*



Policy Analyst
Office of Legislative Services



Date/Time