

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
of the 25th NAVAJO NATION COUNCIL -- First Year, 2023

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF HIGHWAY SR 162 FROM MONTEZUMA CREEK TO ANETH LOCATED ON NAVAJO NATION TRUST LANDS IN ANETH CHAPTER (SAN JUAN COUNTY, UTAH); WAIVING THE REQUIREMENT OF BONDS, INSURANCE OR ALTERNATIVE FORM OF SECURITY BASED PURSUANT TO TITLE 25 CODE OF FEDERAL REGULATIONS SECTION 169.103 (f)(2); WAIVING THE VALUATION REQUIREMENT PURSUANT TO TITLE 25 CODE OF FEDERAL REGULATIONS SECTION 169.110 (A); AND, WAIVING THE REQUIREMENT TO RESTORE OR RECLAIM THE LAND PURSUANT TO TITLE 25 CODE OF FEDERAL REGULATIONS SECTION 169.125 (c) (5) (iii)

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

Section Two. Findings

- A. The Utah Department of Transportation has submitted a request for a right-of-way for the purposes of constructing, operating, and maintaining highway SR 162 from Montezuma Creek, Utah to Aneth, Utah. The Terms and Conditions is attached hereto and incorporated herein as Exhibit A.
- B. The proposed right-of-way is comprised of 72.339 acres and is also known as "Highway 162 from Montezuma Creek to Aneth"; it is described in maps (which include these 72.339 acres and the original acreage for SR 161 granted to the Bureau of Indian Affairs on August 27, 1960, and assigned to the Utah State Highway Commission on May 23, 1967) attached hereto and incorporated as Exhibit B.

- C. The General Land Development Department Utah Land Office Right-of-Way Agent in memorandum dated May 20, 2022 states that the General Land Development Department Utah Land Office completed the Field Clearances with the Aneth Chapter Grazing Committee Member. Nine grazing permittees were identified. The General Land Development Department memorandum, the "Field Clearance Checklist," and the land users' consent forms are attached as **Exhibit C**.
- D. The environmental studies and archaeological clearances including the Biological Resources Compliance Form, NNDFW Review No. 21heng102, **Exhibit D**; the State of Utah Department of Transportation memorandum dated March 20, 2023 in response to the NNDFW Review No. 21heng102, **Exhibit E**; the Heritage and Historic Preservation Department Cultural Resources Compliance Form HPD-21-523, **Exhibit F**; and, the Navajo Nation Environmental Protection Agency Air and Toxics Department memorandum dated March 16, 2023, **Exhibit G**, are attached.
- E. The Right of Way Application including the State of Utah Department of Transportation's request for waiver of the 25 C.F.R. 169.103 bond requirement is attached as **Exhibit H**.
- F. The Code of Federal Regulations requires a payment of bonds, insurance, or alternative forms of security for the right-of-way. 25 CFR § 169.103. The Code of Federal Regulations at 25 CFR § 169.103 (f) (2) describes how a waiver may be obtained. It states: "We may waive the requirement for a bond, insurance, or alternative form of security: ... (2) For tribal land, deferring, to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest."
- G. The Resources and Development Committee of the Navajo Nation finds that the waiver of the requirement for a bond, insurance, or alternative form of security as requested by the Utah Department of Transportation is in the best interest of the Navajo Nation.
- H. The Utah Department of Transportation has agreed to pay the Navajo Nation a one-time, lump sum payment of \$1,218,974.80, which will be due sixty (60) days after the Bureau of Indian Affairs approves this right-of-way.

- I. The Resources and Development Committee of the Navajo Nation finds that the Navajo Nation has agreed upon compensation satisfactory to the tribe, the Navajo Nation hereby waives valuation by the Bureau of Indian Affairs pursuant to 25 C.F.R. § 169.110 (a), and has determined that accepting such agreed-upon compensation and waiving valuation is in the best interest of the Navajo Nation.
- J. The Code of Federal Regulations, at 25 C.F.R. § 169.125 (c) (5) (iii) requires a grantee to "Restore the land as nearly as may be possible to its original condition, upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted, or reclaim the land if agreed to by the landowners."
- K. The Resources and Development Committee of the Navajo Nation finds that the requirement to restore or reclaim the land as required by 25 C.F.R. § 169.125(c) (5) (iii) should be waived because the Navajo Nation and the Utah Department of Transportation have agreed that SR 162 will remain in place at the termination or expiration of this right-of-way.
- L. The Aneth Chapter supporting Resolution AC-MAR-2021-034, entitled Aneth Chapter Supporting the Utah Department of Transportation for Development and Construction of the SR162/SR262 Safety Improvement and Energy Corridor Project, is attached as **Exhibit I**.
- M. The application for the Right-of-Way has been reviewed through the Executive Official Review process, including review by the Department of Justice and "Approved" or found "Sufficient." Executive Official Review Document No. 019447 is attached as **Exhibit J**.

Section Three. Approval

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Utah Department of Transportation for constructing, operating, and maintaining highway SR 162 from Montezuma Creek to Aneth, Utah on, over and across Navajo Nation Trust Lands in Aneth Chapter vicinity (San Juan County, Utah).
- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the terms and conditions incorporated herein and attached as **Exhibit A**. The location is more particularly described on the survey map attached hereto as **Exhibit B**.

- C. The Resources and Development Committee of the Navajo Nation hereby waives the requirement for bonds, insurance or alternative form of security on the part of the Grantee, based on the determination that such a waiver is in the best interest of the Navajo Nation pursuant to 25 CFR § 169.103 (f) (2).
- D. The Resources and Development Committee of the Navajo Nation hereby waives valuation pursuant to 25 C.F.R. § 169.110 (a) finding that the Navajo Nation has agreed upon compensation satisfactory to the tribe, the Navajo Nation hereby waives valuation and has determined that accepting such agreed-upon compensation and waiving valuation is in the best interests of the Navajo Nation.
- E. The Resources and Development Committee of the Navajo Nation hereby waives 25 C.F.R. § 169.125 (c) (5) (iii) requiring the restoration or reclaim of the land after the term of the right-of-way ends because the Navajo Nation and the Utah Department of Transportation have determined that SR 162 will remain in place after the termination or expiration of this right-of-way and the request for such waiver is in the best interest of the Navajo Nation.
- F. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 25th Navajo Nation Council at a duly called meeting at Mentmore, (Navajo Nation) New Mexico, at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, on this 29th day of November 2023.



Casey Allen Johnson, Vice-Chairperson
Resources and Development Committee
Of the 25th Navajo Nation Council

Motion: Honorable Otto Tso
Second: Honorable Shawna Ann Claw

EXHIBIT A

NAVAJO NATION TERMS AND CONDITIONS FOR RIGHTS-OF-WAY, UDOT MONTEZUMA CREEK TO ANETH (UDOT PIN 17894 | F-R499(367)

Utah Department of Transportation, Grantee

1. The term of the roadway right-of-way (ROW) specified in the ROW Application, shall begin on the date the ROW is granted by the Secretary of the Interior (Secretary), and shall continue as long as the easement is used by the Utah Department of Transportation (UDOT) for "Public Highway Activities," as defined in Paragraph 8 herein.
2. The lands for which the Secretary grants this easement for ROW, pursuant to UDOT's application, shall be known as "Highway 162 from Montezuma Creek to Aneth" and shall be comprised of 72.339 acres.
3. Consideration to the Navajo Nation for its consent to the grant of a ROW easement described herein is assessed at \$1,218,974.80 and shall be paid in full as a one time payment to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within 60 days of the Secretary's approval of such grant. No further consideration will be due or necessary so long as this ROW easement is used for Public Highway Activities as defined in Paragraph 8.
4. The application easement lands are owned in fee simple by the United States Department of Interior (Interior) in trust for the beneficial use of Navajos. The application easement lands are, and shall remain: 1) Navajo Trust Lands, within the territorial boundaries of the Navajo Nation and 2) "Indian Country" as that term is defined in 18 U.S.C. §1151. The Nation is, and shall remain, the sovereign and landowner of the application easement lands, subject to federal law and these terms and conditions.
5. The Secretary's grant of easement to Grantee shall be for a limited term and for a limited purpose: only for so long as UDOT or its successors use the application easement lands for Public Highway Activities, as defined in Paragraph 8. As such, the Secretary's grant of this ROW easement shall not convey a title in fee simple, or any equivalent right, title, or interest to UDOT.
6. Consistent with the Nation's and Interior's powers, responsibilities, and interests (individually and collectively) in connection with Navajo Trust Lands, the Grantee, through the Secretary's grant of easement, shall not acquire and shall not exercise any landowner rights or governmental powers other than the governmental authorities Federal law allows UDOT to exercise in connection with the construction, operation and maintenance of public highways across Indian lands.
7. Consistent with the foregoing, Grantee shall only exercise those governmental and regulatory authorities that Grantee necessarily must exercise in order to fulfill the purposes for which

the application easement lands were created: the right to design, construct, operate, and administer the roadway (SR-162) as a public highway as part of the United States and Utah Highway system. The specific governmental authorities Grantee may exercise on the application easement lands in order to construct and operate the roadway (SR-162) as a public highway (collectively, "Public Highway Activities"), are as follows:

- a. highway design;
- b. highway construction;
- c. highway maintenance;
- d. management of access to and from the highway and driveway permits;
- e. fence construction and repair;
- f. accommodation of utilities, subject to Paragraphs 12 and 13 below;
- g. installation of traffic control devices, implementation of traffic safety measures, management of traffic for public safety purposes including road closures, establishment and posting of speed limits, and installation of fiber optic infrastructure for telecommunication purposes for local community use and as part of UDOT's Intelligent Transportation System;
- h. motor vehicle regulation, including size, weight, and licensing;
- i. toll road permits to use the ROW;
- j. management and issuance of permits for temporary closures for parades, ceremonies and other similar uses of the application easement lands making a special effort to reasonably accommodate, tribal, religious, ceremonial, or cultural purposes or activities; and
- k. management of encroachments, vending, and other similar unauthorized uses of the ROW.

Navajo Nation and Grantee further agree that the Utah Highway Patrol may patrol the highway.

8. Federal law, 25 U.S.C. § 311, gives Grantee the authority to construct public highways across tribal lands in accordance with state law and applicable federal regulations. The Nation will not exercise its governmental authority in a manner that interferes with Grantee's occupancy and use of the application easement lands, provided the use and occupancy are consistent with Public Highway Activities. Consequently, Grantee will have sole governmental authority and responsibility to conduct the Public Highway Activities.
9. As sovereign and landowner, the Nation retains inherent sovereign powers and federal delegated powers over the application easement lands, and the Nation reserves the right to govern its lands by extending its adjudicative and legislative jurisdiction over the application easement lands, subject to federal law and these terms and conditions. UDOT will not interfere with the Nation's use, occupancy, or governance of the application easement lands, provided the Nation's activities do not interfere with Grantee's activities pursuant to Paragraphs 8 and 9. By way of example, the following are some of the authorities the Navajo Nation retains in connection with the application easement lands:

- a. all authorities provided by the federal government under 25 U.S.C. § 311-321, 25 U.S.C. §323-328, and 25 C.F.R. Part 169, including but not limited to the right to require Grantee to obtain written consent from the Nation before Grantee can do any of the following:
 - i. develop use or occupy the application easement lands for any purpose other than Public Highway activities;
 - ii. transfer, convey, or assign the easements or any interest therein;
 - iii. amend the easements; or
 - iv. allow a third-party to access the easements for the purpose of constructing or removing an improvement from the easement lands, in accordance with Paragraphs 12 and 13 below.
 - b. the authority to monitor the Grantee's activities on the application easement lands through entry and inspection, to ensure that the Grantee is not injuring the Nation's beneficial interest in the land, and to ensure compliance with the terms and conditions herein.
 - c. the right to exclusively occupy the application easement lands after the term of the easement has expired, or after Grantee's actions lead to termination or abandonment of the easement.
 - d. the right to petition the Secretary for termination of the grant of easement for violations of these terms and conditions.
 - e. the right to regulate the conduct of non-Indians within the application easement lands if such conduct potentially jeopardizes any legitimate tribal interest, such as the health or safety of tribal members or others within the Nation's jurisdiction. consistent with federal law and these terms and conditions.
 - f. full governmental control over members of the Navajo Nation.
10. These terms and conditions and the grant of right of way easement do not form a consensual relationship between these governmental parties, and therefore do not subject either party to the governmental authority of the other.
11. The Nation, upon the receipt of an application by a third-party for an easement, license or other grant of occupancy right, in connection with the application easement lands, including a) the placing of improvements on those lands, and b) the running of utility lines which would impact the application easement land, or c) the removal of an existing utility to a location outside the application easement lands, shall promptly notify UDOT of such an application. Further, the Nation, consistent with Grantee's right to operate a public highway within the application easement lands, will not take final action on the proposed occupancy without express written approval by Grantee, which shall not be unreasonably withheld, to assure that

the proposed occupancy will not interfere with Public Highway Activities. The Nation shall be under no obligation to forgo the use of the application easement lands, or to refrain from authorizing any use of said lands by third-parties, except as required by Paragraphs 8 and 9.

12. The Grantee, upon the receipt of an application by a third-party for an easement, license or other grant of occupancy right, in connection with the application easement lands, including a) the placing of improvements on such lands, b) the running of utility lines which would impact the application easement lands, or c) the removal of an existing utility to a location outside the application easement lands, shall promptly notify the Navajo Nation. The Grantee shall not allow a utility owner to take any action in connection with its application without the express written consent of the Navajo Nation, which shall not be unreasonably withheld. If the installation or relocation of utilities requires a modification of existing rights-of-way and easement documents, UDOT agrees to cooperate with the Nation to ensure that the Nation can process the modifications promptly. The Grantee and Navajo Nation recognize that certain approvals of the Federal Highway Administration may be required before the granting of additional easements, licenses or grants since the highway has been financed in part by federal funds.
13. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all applicable laws and regulations of the United States, now in force and effect or as hereafter may come into force and effect and these terms and conditions. Applicable requirements include but are not limited to the following:
 - a. Title 23, Code of Federal Regulations (all) and Title 25, Code of Federal Regulations, Part 169.
 - b. All applicable federal and implementing Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practice. All artifacts that the Grantee discovers during its use and occupancy of the ROW shall remain the property of the Navajo Nation. The Grantee shall promptly notify the Navajo Nation and the Bureau of Indian Affairs, upon the discovery of any artifacts.
 - c. Grantee's obligation to ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations in connection with its use of the application easement lands.
 - d. Grantee's obligation to i) clear and keep clear the lands within the ROW to the extent compatible with the purpose of the ROW, and ii) dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any activities that disturb the surface.

- e. The Grantee's responsibility to ensure, at all times during the term of the right-of-way and at the Grantee's sole cost and expense, that i) the application easement lands are maintained and ii) all necessary and reasonable repairs have been made to all improvements located thereon.
 - f. Grantee's responsibility to obtain consent to occupy the application easement lands from individual grazing permittees, customary use rights holders, and holders of other private interests.
 - g. Grantee shall also be responsible for negotiating the damages to be paid (if any) to the 1) holders of the individual interests for any disturbance to their surface use or 2) owners of improvements who lose the use of their property as a result of the Grantee's activities on the ROW. Grantee shall be responsible for remitting these damage payments directly to the land user and/or improvement owner promptly upon obtaining the individual's consent.
 - h. After taking possession of the ROW, the Grantee will continue to be responsible to the individual land user and/or improvement owner, for any loss of use incurred by the individual as a result of Grantee's activities on the ROW. Grantee shall also be responsible for any damage to the servient estate. The parties agree to negotiate a damage amount in good faith, and the Grantee agrees to pay the agreed upon damage amount promptly.
 - i. Grantee shall require its contractors working on application easement lands to comply with federal law, 23 C.F.R § 635.117, pertaining to Indian Hiring Preference.
14. Upon the termination or expiration of this ROW, the Parties agree that UDOT will leave SR-162 in place. The Navajo Nation also agrees that restoration and revegetation will not be required for the lands impacted by SR-162 under these terms and conditions.
15. Nothing contained herein constitutes a waiver, express or implied, of the sovereign immunity of the Navajo Nation or of the Grantee, State of Utah Department of Transportation. The Grantee may be liable for claims arising under these terms and conditions for the acts or omissions of its officials, agents and employees to the extent allowed by the Utah Governmental Immunity Act as it may exist from time to time (Grantee does not waive, and these terms and conditions shall not be interpreted to waive or change, any provision of the Utah Governmental Immunity Act as it may exist from time to time). The Navajo Nation may be liable for claims arising under this Agreement or the acts or omissions of its officials, agents and employees to the extent provided by the applicable waivers of sovereign immunity under Navajo Nation law. Nothing contained herein constitutes consent by the Navajo Nation to be sued in state court or consent by UDOT to be sued in the Navajo Nation courts.
16. The exercise of parties' rights, prerogatives, or obligations toward application easement lands, and the activities occurring thereon shall be consistent with, and not violate, applicable federal law and these terms and conditions.

17. Pursuant to the authority to acquire right-of-way for highway purposes under UCA Title 72, the Grantee agrees to these terms and conditions, to the extent that it has authority to lawfully bind itself as UDOT, and does not purport to bind any other entity, public or private.

18. The method of dispute resolution that will be used to resolve disputes arising between UDOT and the Navajo Nation regarding issues arising from implementation of these terms and conditions is as follows: All disputes and controversies of every kind and nature between the parties to these terms and conditions as to the existence, construction, validity, interpretation or meaning, performance, non-performance, enforcement, operation, breach, continuance, or pursuant to the procedure set forth herein shall be submitted to arbitration.

a. Procedures:

- i. Either party may demand arbitration in writing, which demand shall include the name of the arbitrator appointed by the party demanding arbitration, together with a statement of the matter of controversy.
- ii. Within 20 days after such demand, the other party shall name its arbitrator, or in default of such naming, such arbitrator shall be named by the American Arbitration Association, and the two arbitrators so selected shall name a third arbitrator within 20 days or, in lieu of such agreement on a third arbitrator by the two arbitrators so appointed, a third shall be appointed by the Federal District Court for the District of Utah. In the event said Court fails to appoint a third arbitrator within 30 days of the request therefore, the appointment shall be made by the American Arbitration Association.
- iii. Arbitrator costs and expenses of each party shall be borne by that party and all arbitrator fees and other expenses shall be borne equally by both parties.
- iv. The arbitration hearing shall be held at such time and place as designated by the arbitrators on at least 20 days written notice to the parties.
- v. An award rendered by a majority of the arbitrators pursuant to this Agreement shall be final and binding on all parties to the proceeding, and the parties hereto agree to be bound by such award.
- vi. As to procedures regarding the conduct of the arbitration that are not specified either in this Agreement or in another written Agreement signed in advance of the hearing, the parties shall follow the Commercial Arbitration Rules of the American Arbitration Association.

b. The arbitration provisions of these terms and conditions shall, with respect to such controversy or dispute, survive the termination or expiration of this Agreement.

- c. Lack of Arbitrators Authority to Modify this Agreement: Nothing contained in this Agreement shall be deemed to give the arbitrators any authority, power, or right to alter, change, amend, modify, add to, or subtract from any of the provisions of this Agreement.
 - d. Enforcement: Failure to enforce by either party to arbitrate any dispute pursuant to the procedure set forth herein when a demand to do so has been made by the other party or failure by either party to comply with the arbitration award shall amount to a material breach of this Agreement and shall entitle the party who demanded arbitration to seek to compel specific performance in a court with jurisdiction over the parties and the subject matter of this agreement.
19. Notices: All notices authorized or required to be given under these terms and conditions shall be given in writing and either personally served upon or mailed to, by registered or certified mail, postage prepaid, the other party, addressed as follows:

If to the Navajo Nation:

Navajo Nation Department of Justice Natural Resources Unit
c/o Assistant Attorney General
Post Office Drawer 2010
Window Rock, AZ 86515

If to UDOT:

Utah Department of Transportation
c/o Region 4 Director
210 W 800 S
Richfield, UT 84701

If to the Secretary:

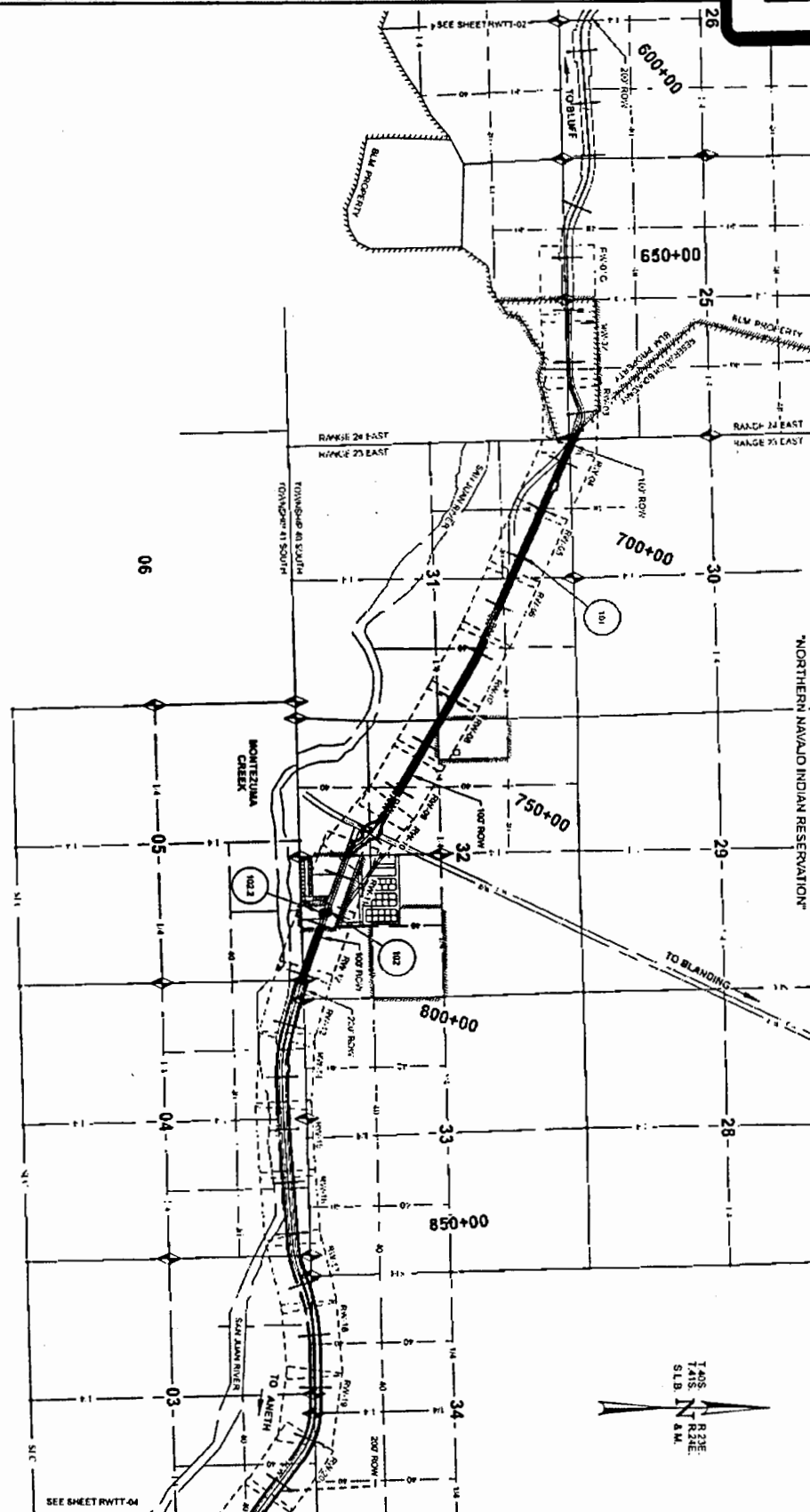
Bureau of Indian Affairs
c/o Navajo Regional Director

Post Office Box 1060

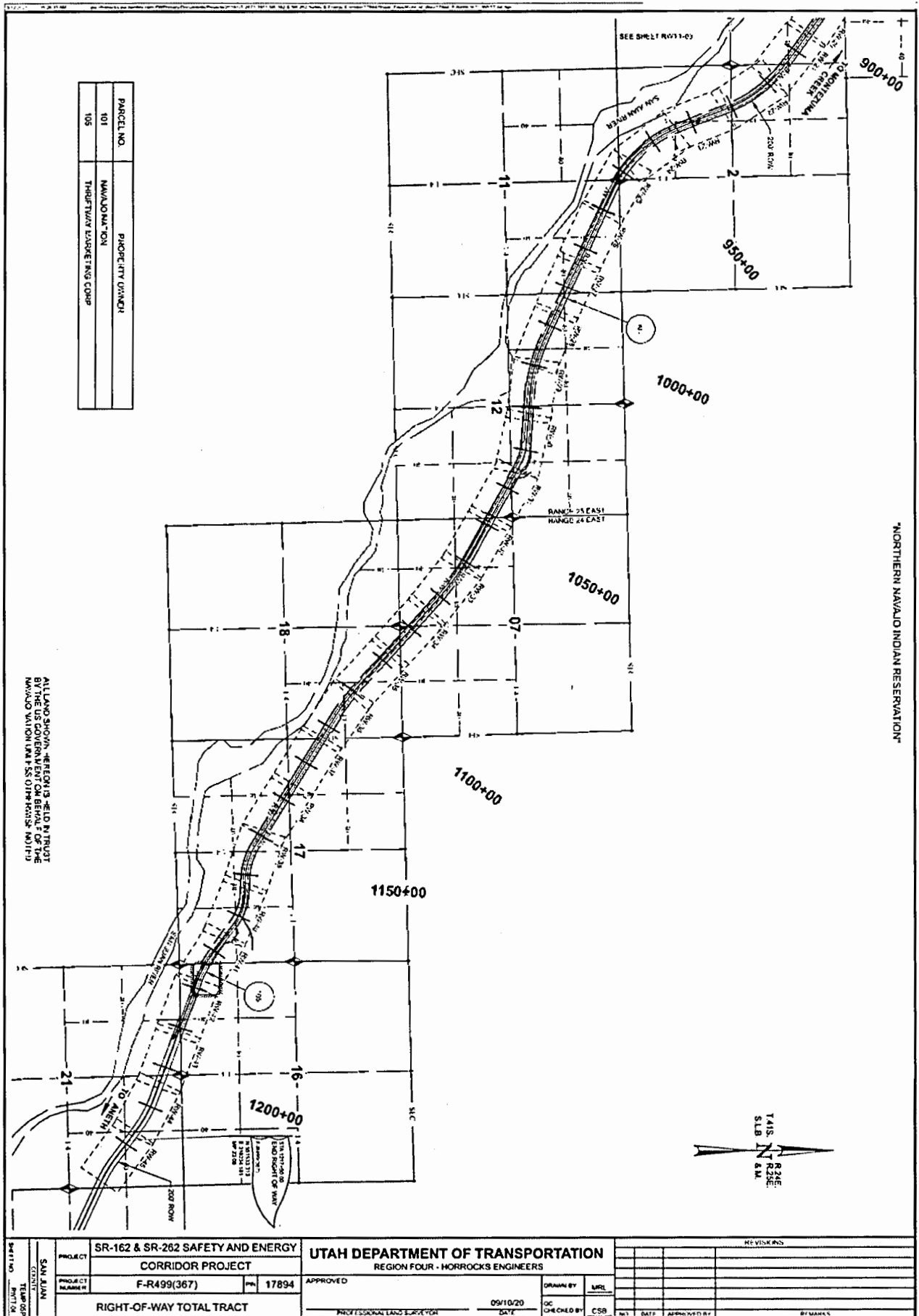
Gallup, NM 87305

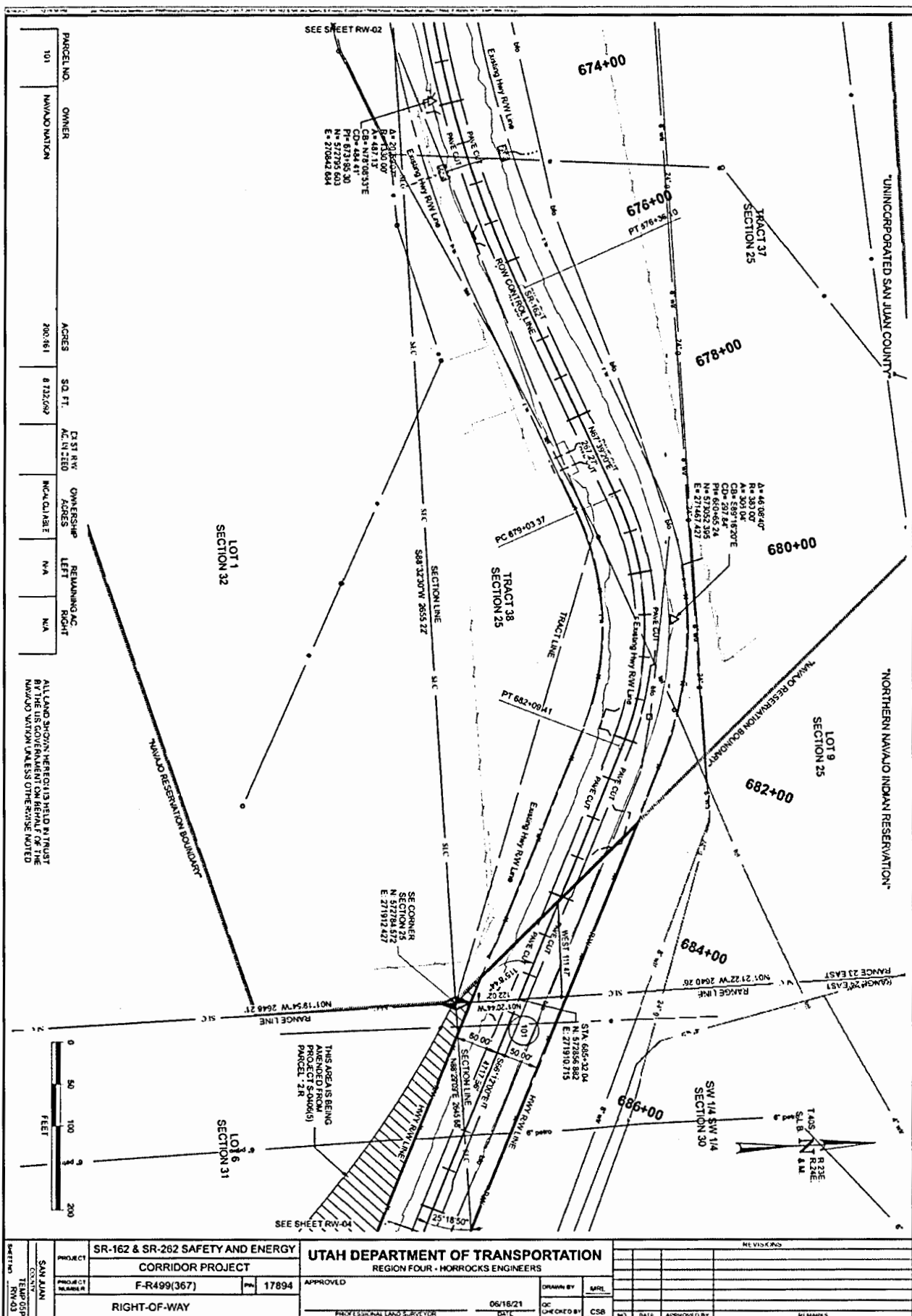
20. When consistent with the outcome of arbitration proceedings pursuant to Paragraph 18, the Nation may initiate termination proceedings pursuant to applicable federal laws and regulations. Upon such initiation by the Nation, the Secretary may terminate in whole or in part a grant of easement for violation of any of the terms and conditions stated herein, in accordance with applicable federal laws and regulations.
21. At the termination of this ROW, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted, in a manner consistent with the federal laws that apply at that time. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
22. Holding over by the Grantee after the termination of the easement shall not constitute a renewal or extension thereof or give the Grantee any rights other than those explicitly set forth herein.
23. 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.
24. Notwithstanding any other provision of these terms and conditions (including but not limited to this Exhibit A), the parties acknowledge that the Navajo Nation originally granted current SR-162 a right of way, as evidenced by a resolution to the Bureau of Indian Affairs on August 27, 1962 and later transferred to the Utah State Highway Commission on May 23, 1967, and pursuant to 25 CFR 161.19 (Aug. 18, 1960) (the "Original Right of Way"). The parties also acknowledge that the ROW legal description attached to the terms and conditions stated herein includes the Original Right of Way within its boundaries. However, the terms and conditions stated herein only apply to areas within the attached ROW legal description that are located outside of the Original Right of Way. The Parties agree that the Original Right of Way shall continue to exist undisturbed and the terms and conditions stated herein do not apply to the Original Right of Way.

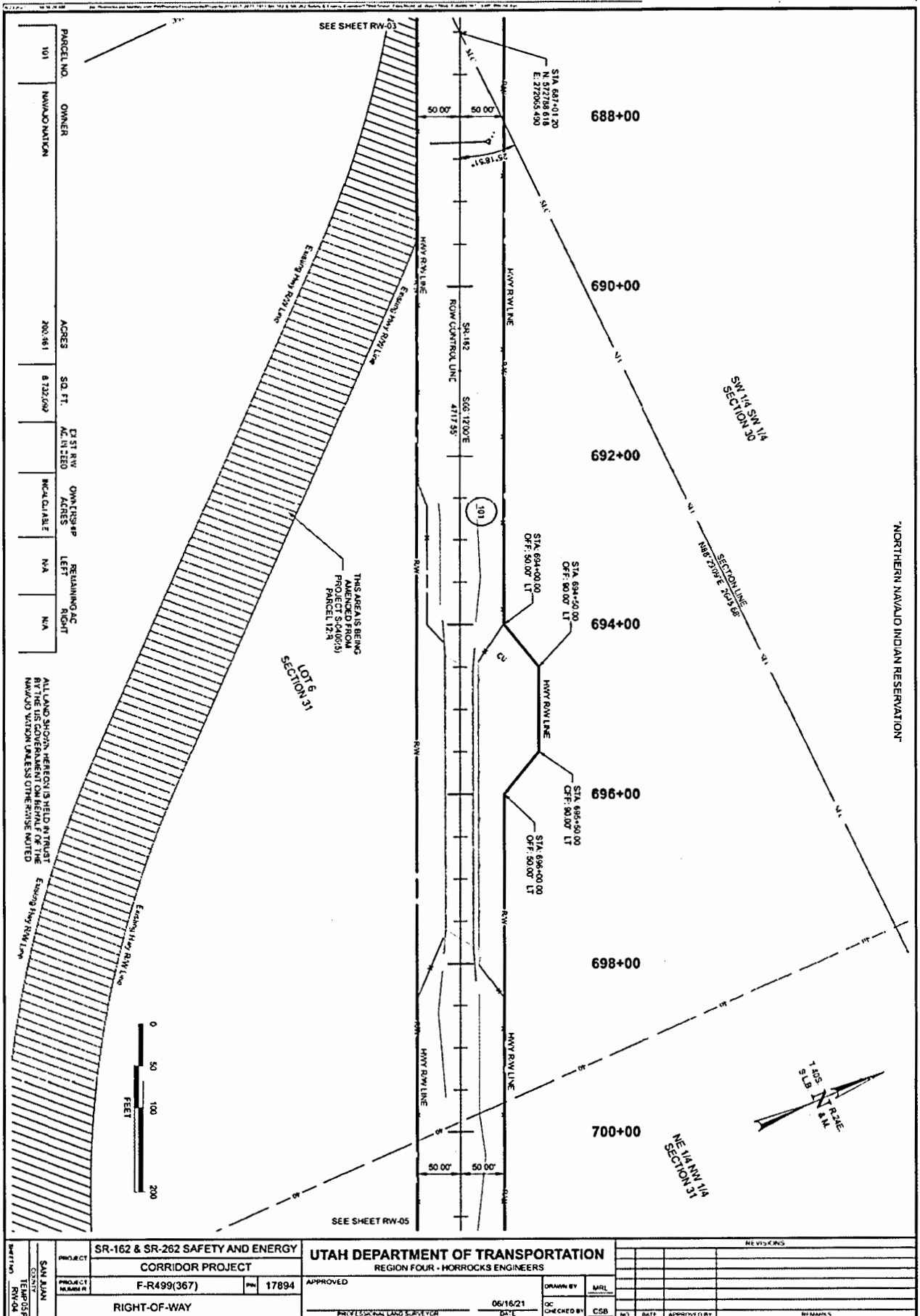
PARCEL NO.	PROPERTY OWNER
101	NAVAJO NATION
102, 102.2	UTAH NAVAJO HEALTH SYSTEMS INC.



PROJECT SR-162 & SR-262 SAFETY AND ENERGY CORRIDOR PROJECT F-R499(367)	SHEET NO. 17894	UTAH DEPARTMENT OF TRANSPORTATION REGION FOUR - MORROCK'S ENGINEERS		REVISIONS	
		APPROVED DATE: 05/16/21		DRAWN BY: MRL CHECKED BY: CSB	
		RIGHT-OF-WAY TOTAL TRACT		NO. DATE APPROVED BY	

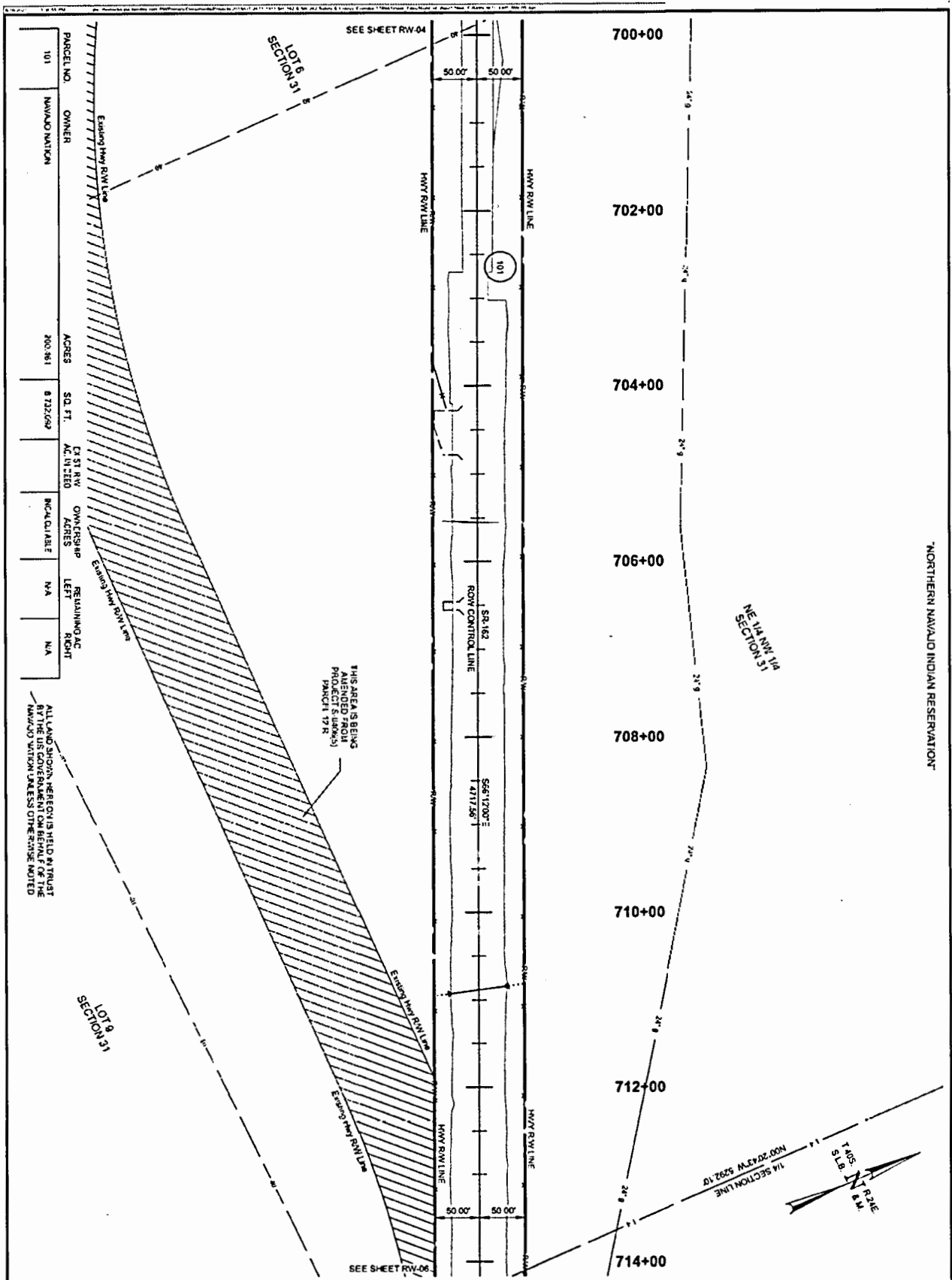






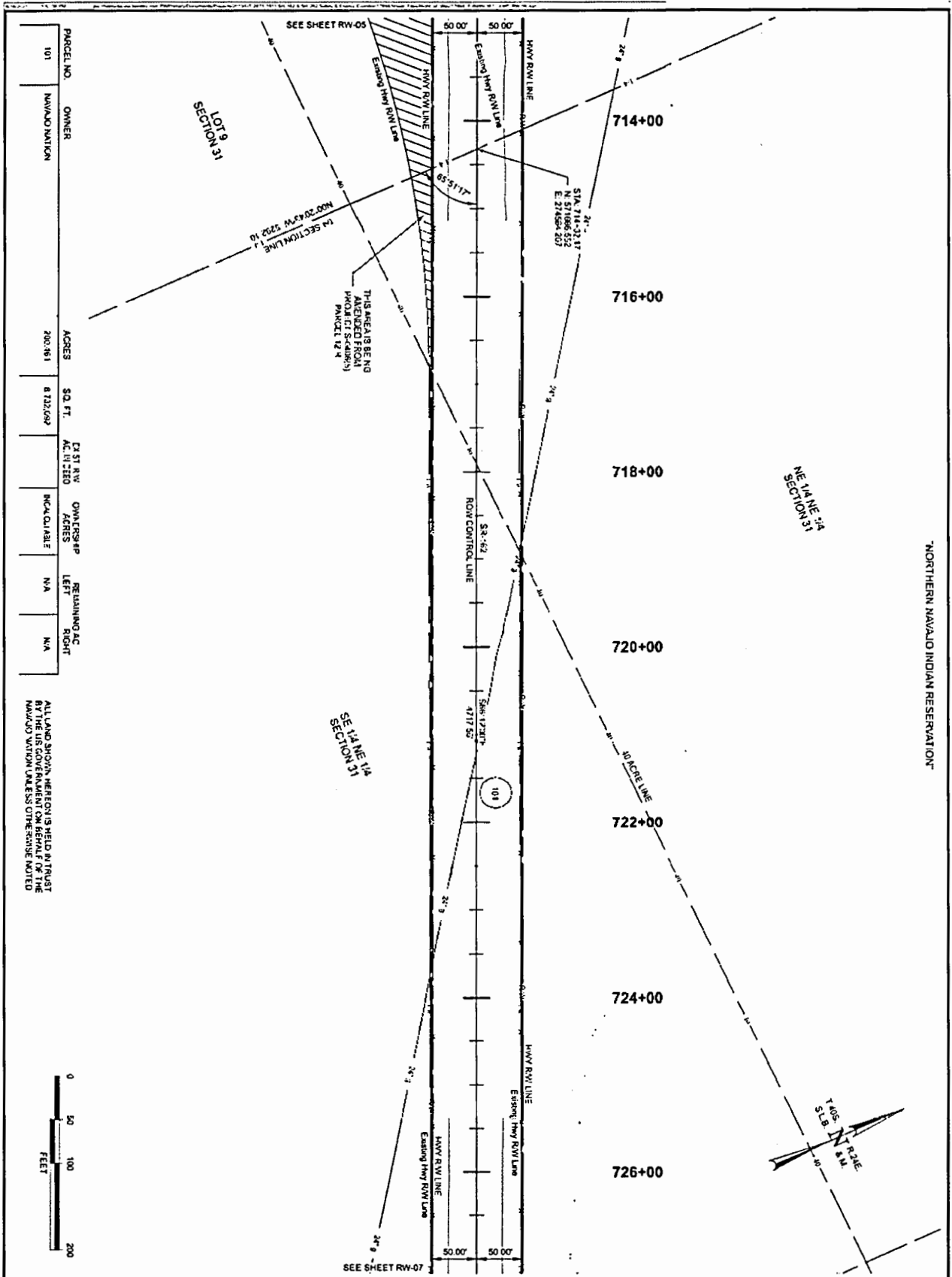
SAN JUAN COUNTY TECHNICAL RW-04	SR-162 & SR-262 SAFETY AND ENERGY		UTAH DEPARTMENT OF TRANSPORTATION		REVISIONS		
	CORRIDOR PROJECT		REGION FOUR - HORROCKS ENGINEERS				
	F-R499(367)		APPROVED				
	RIGHT-OF-WAY		06/16/21				
			PROFESSIONAL LAND SURVEYOR				
PROJECT NUMBER		17894		DRAWN BY		DATE	
				OC CHECKED BY		C58	
				DATE			
				APPROVED BY			
				REMARKS			

"NORTHERN NAVAJO INDIAN RESERVATION"

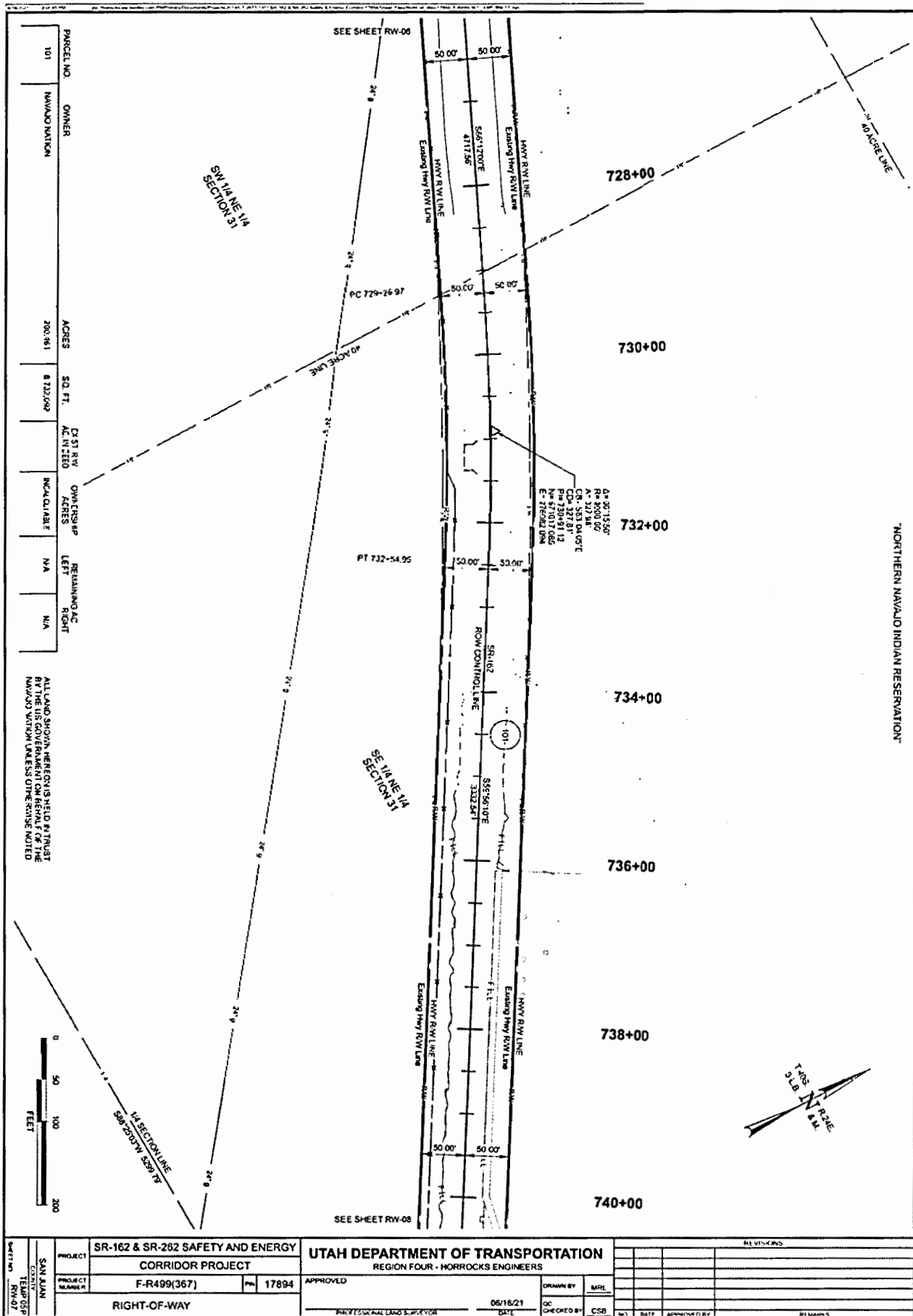


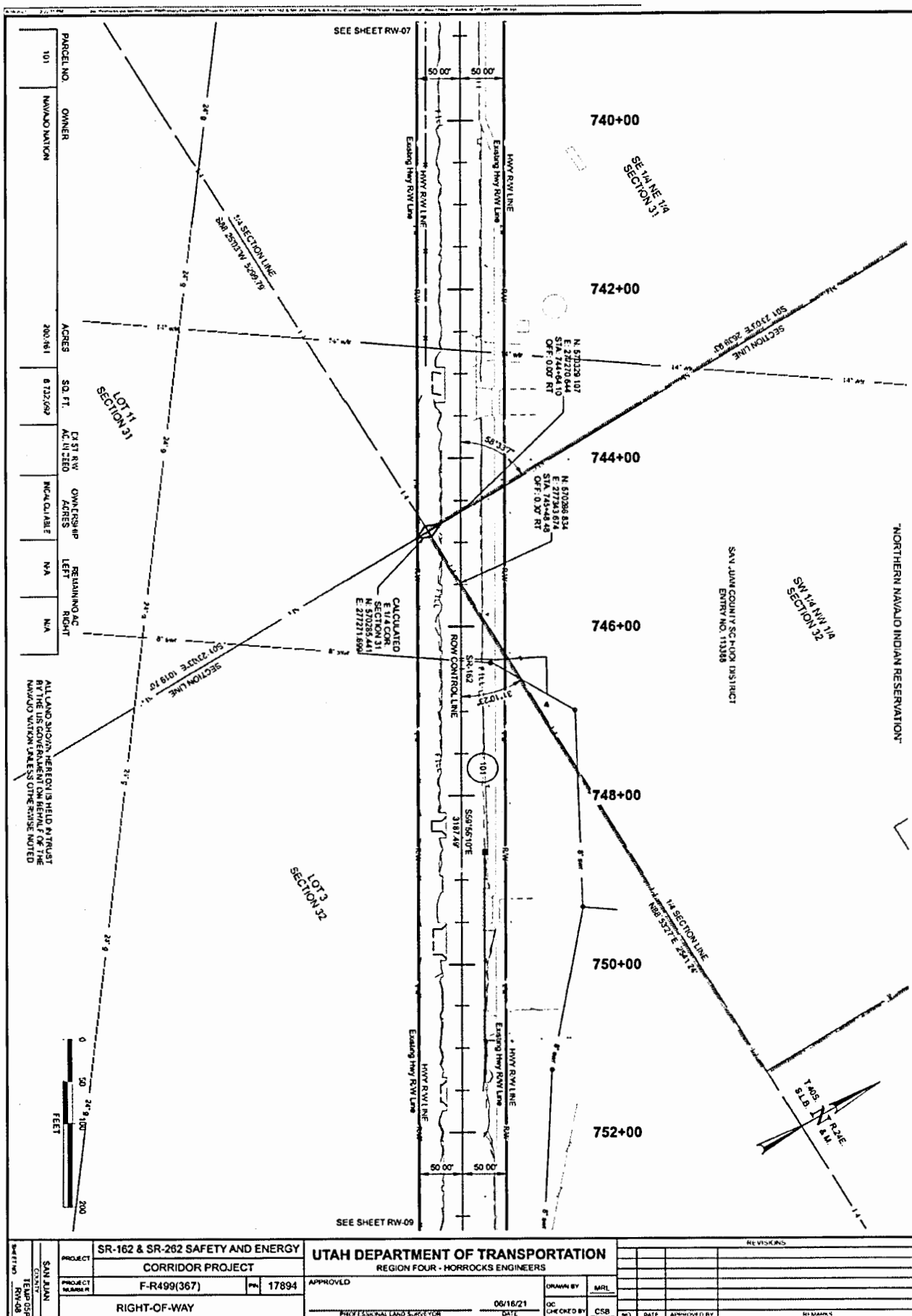
PROJECT SR-162 & SR-262 SAFETY AND ENERGY CORRIDOR PROJECT		UTAH DEPARTMENT OF TRANSPORTATION REGION FOUR - MORROCKS ENGINEERS		REVISIONS NO. 1 DATE APPROVED BY	
PROJECT NUMBER F-R499(367)	PN 17894	APPROVED PROFESSIONAL LAND SURVEYOR	DRAWN BY MRL	CHECKED BY CSB	NO. 1 DATE APPROVED BY
RIGHT-OF-WAY		DATE 06/16/21	NO. 1 DATE APPROVED BY		

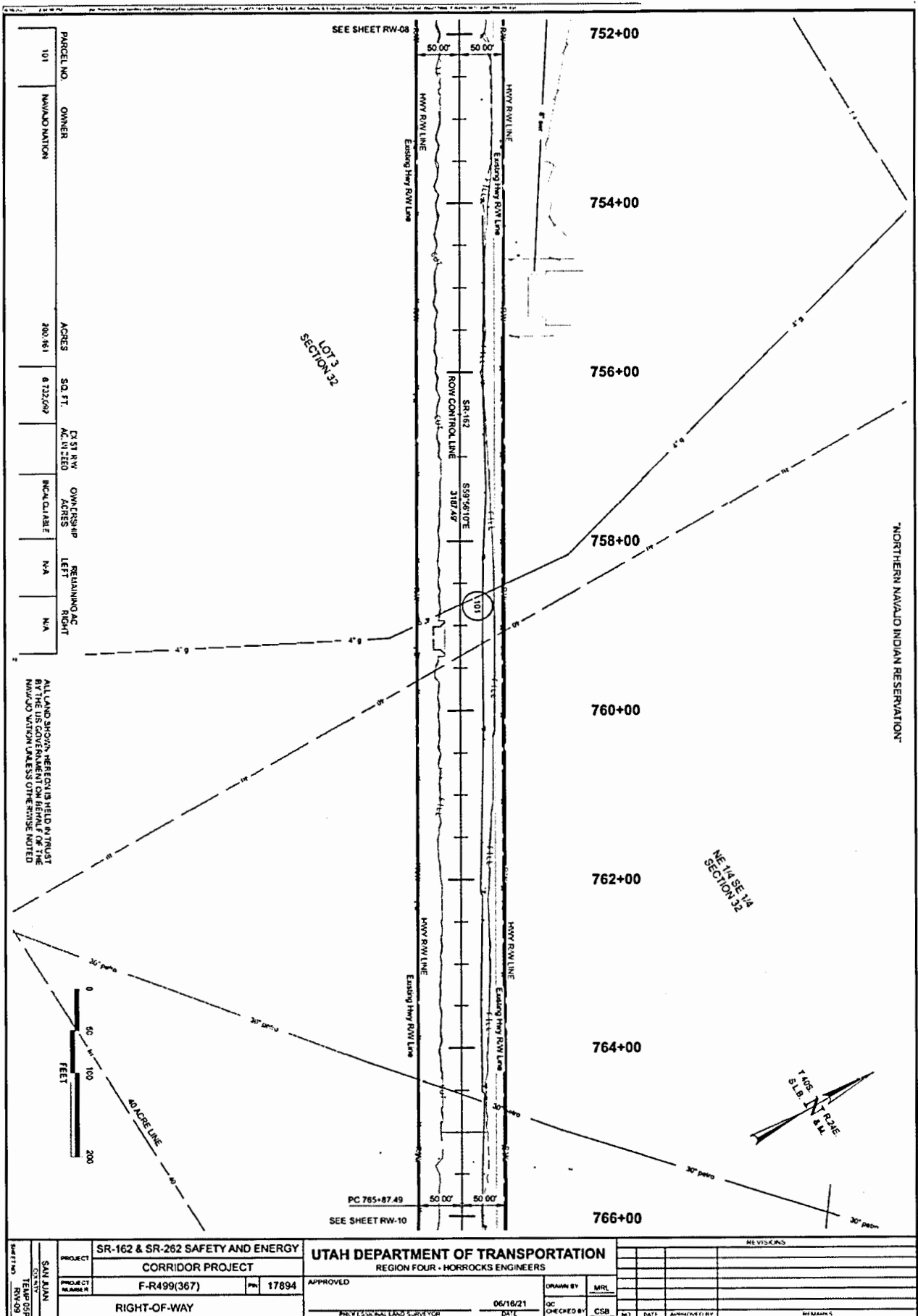
NORTHERN NAVAJO INDIAN RESERVATION



PROJECT		SR-162 & SR-262 SAFETY AND ENERGY		UTAH DEPARTMENT OF TRANSPORTATION		REGION FOUR - HORROCKS ENGINEERS		REVISIONS	
CORRIDOR PROJECT		F-R499(367)		APPROVED		DATE		06/16/21	
PROJECT NUMBER		17894		DRAWN BY		DATE		06/16/21	
RIGHT-OF-WAY		17894		CHECKED BY		DATE		06/16/21	
SAN JUAN COUNTY		TEAD 05P		DATE		APPROVED BY		REMARKS	
RW-05									



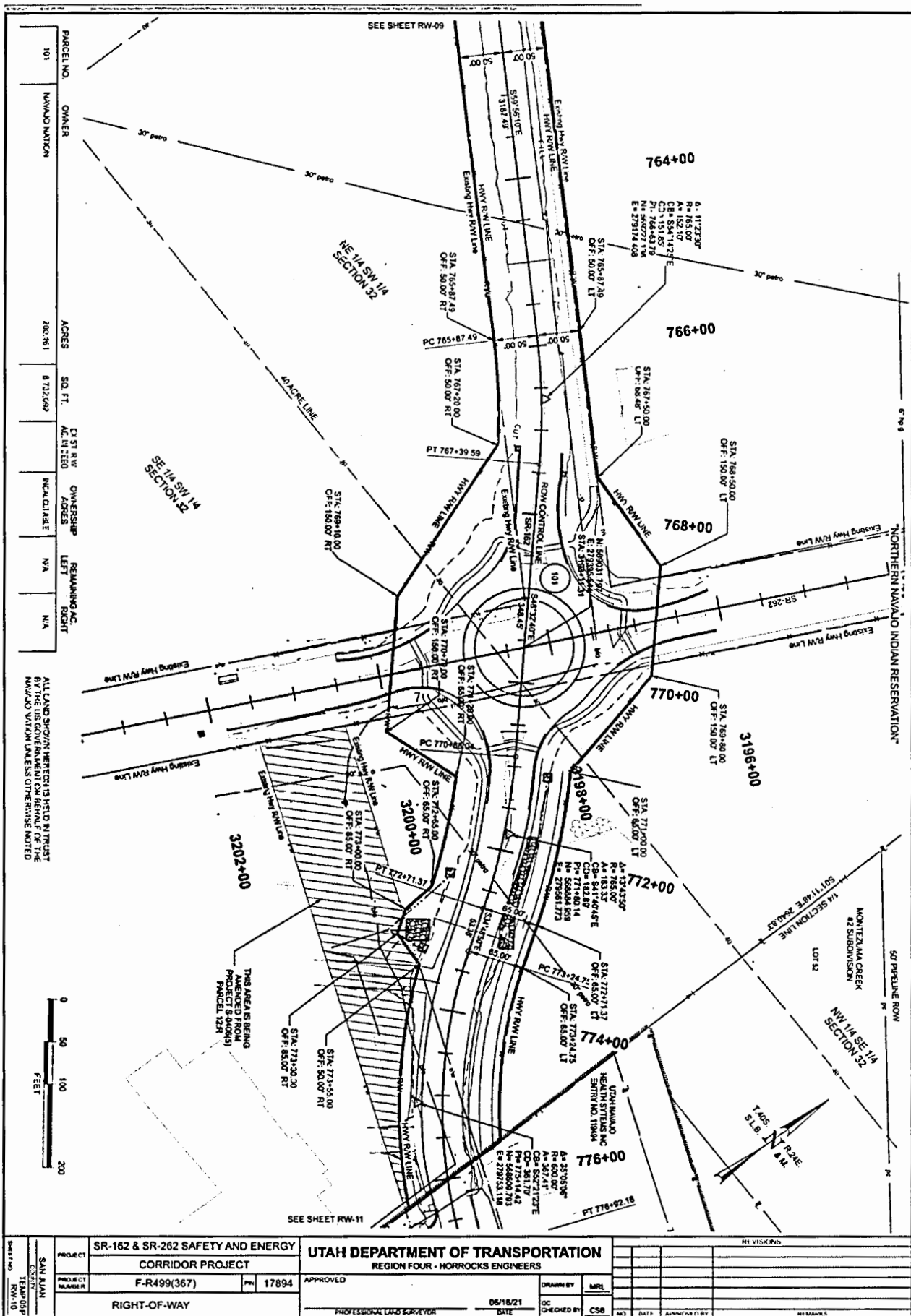


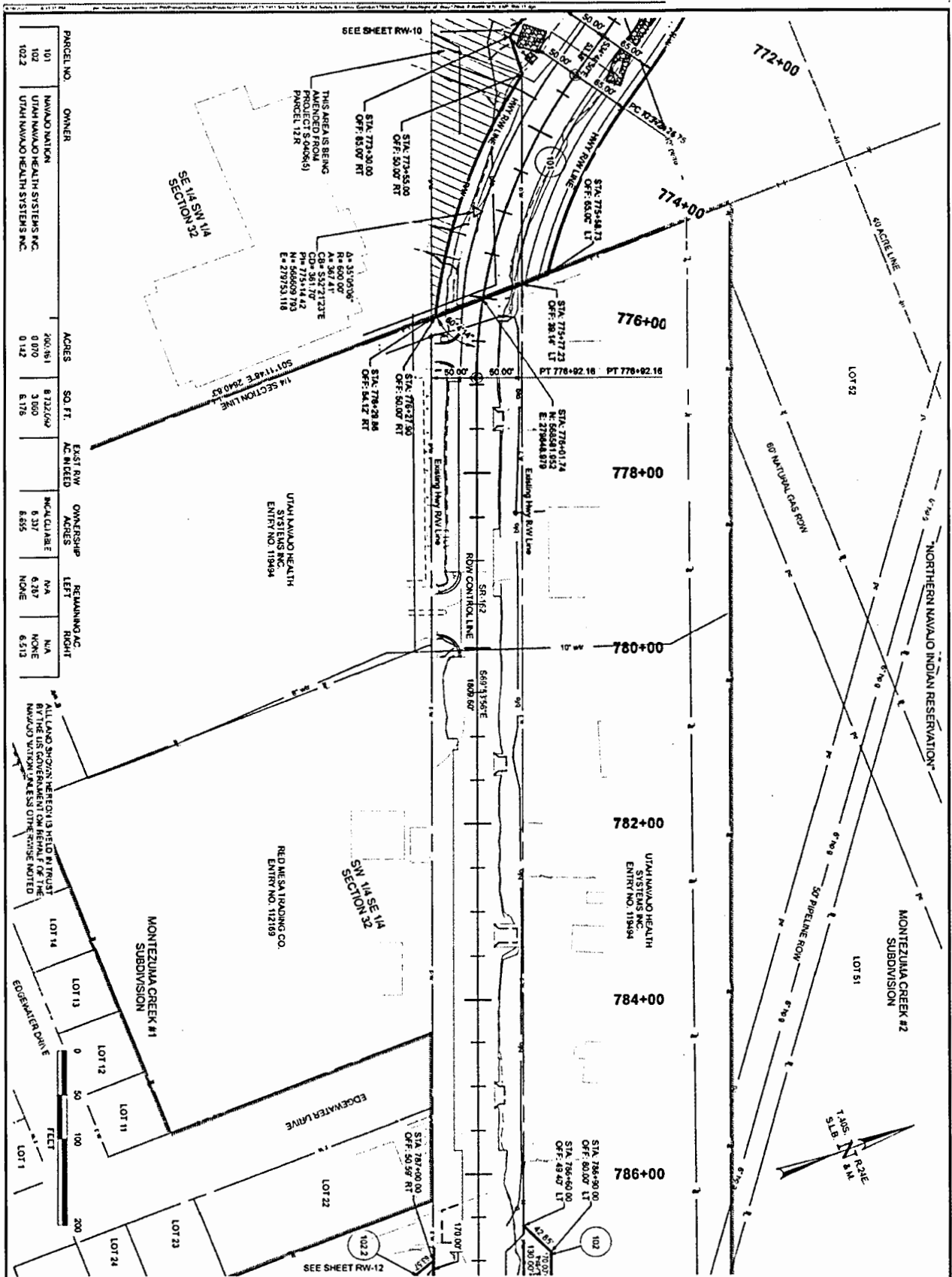


PARCEL NO.	OWNER	ACRES	SQ. FT.	EST. BY	OWNERSHIP	REMARKS
101	NAVAJO NATION	200.161	6,722,692	AS NOTED	LEFT	RIGHT
					N/A	N/A

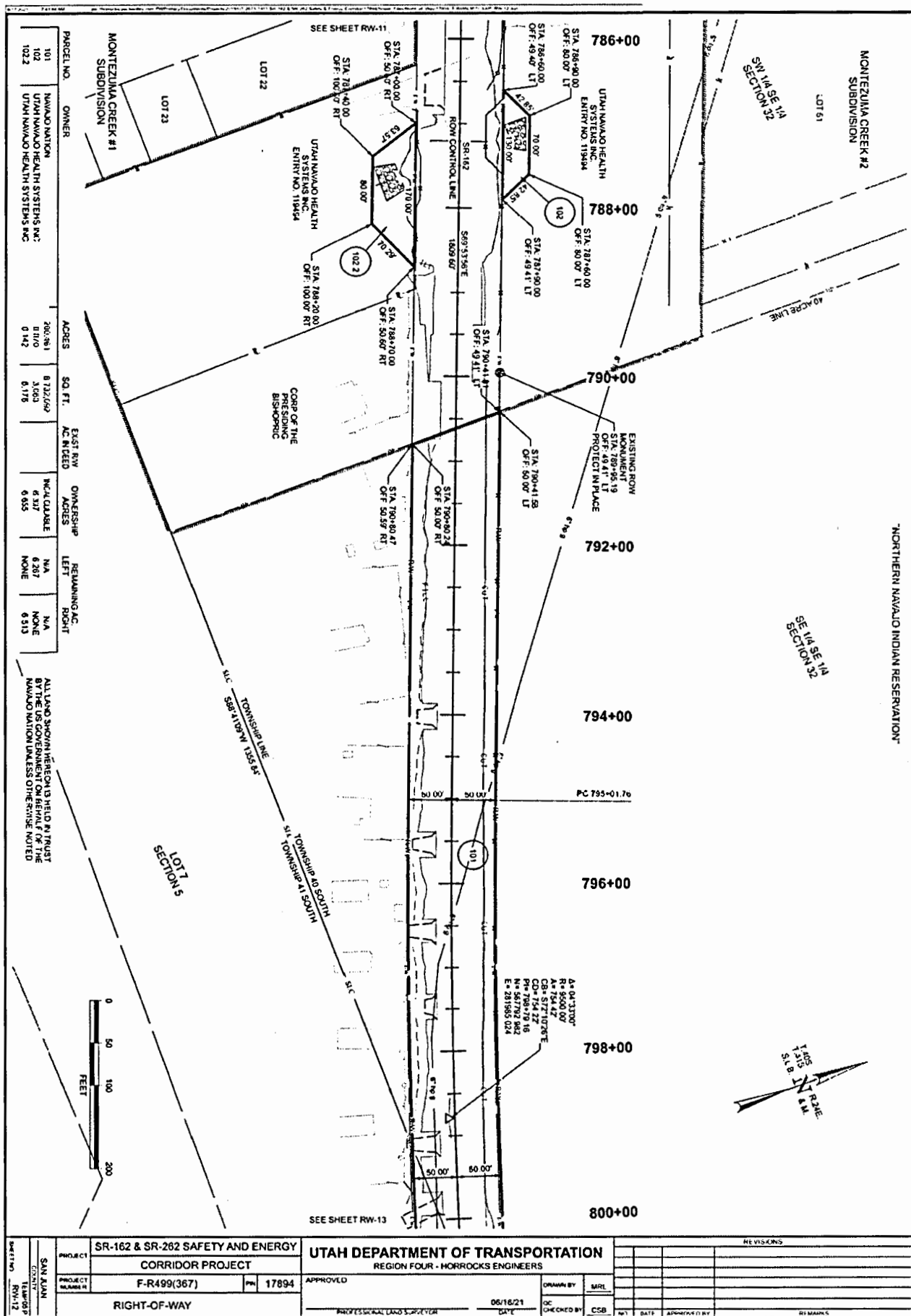
ALL LAND SHOWN HEREON IS HELD IN TRUST BY THE U.S. GOVERNMENT ON BEHALF OF THE NAVAJO NATION UNLESS OTHERWISE NOTED

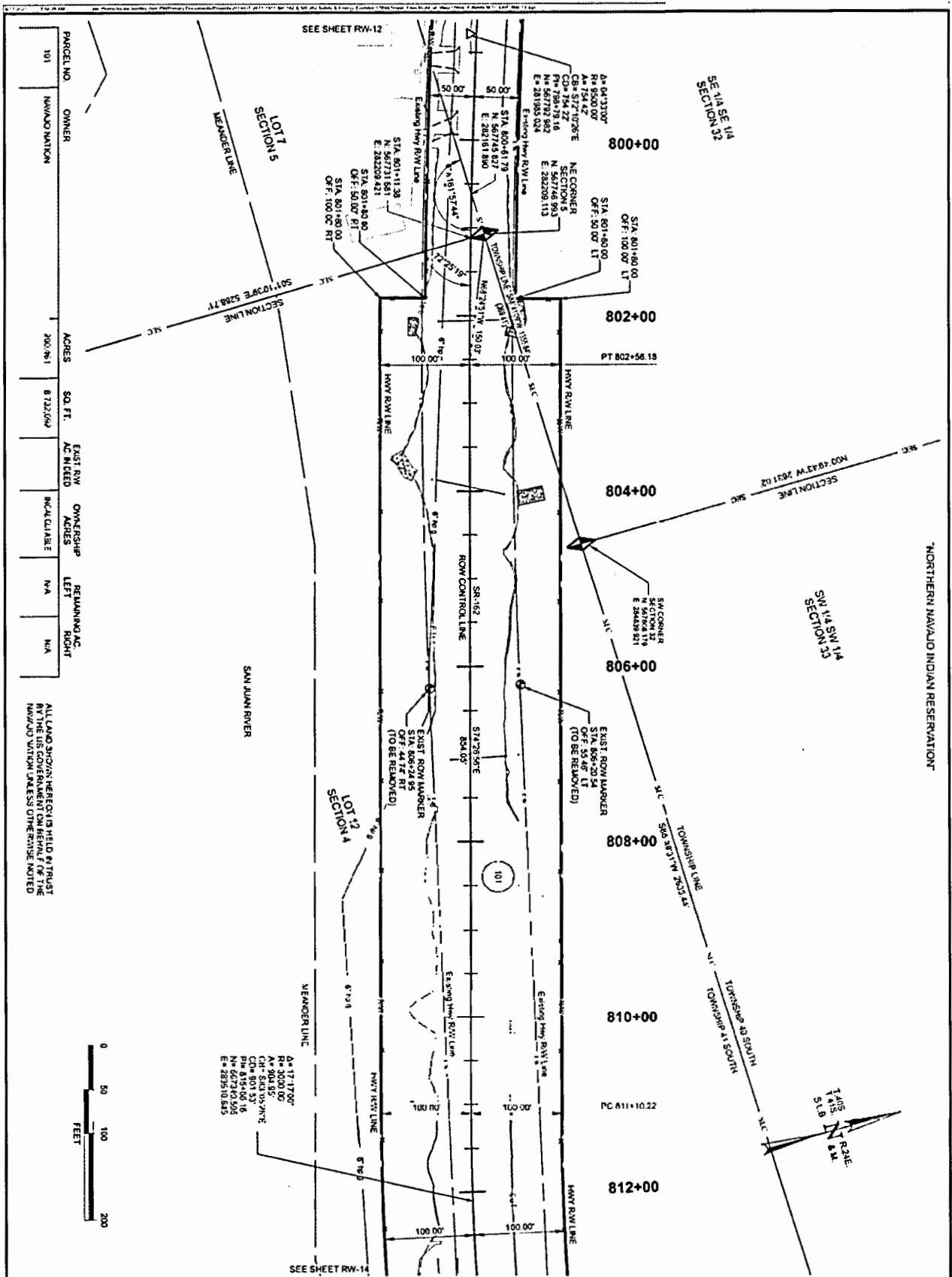
PROJECT		SR-162 & SR-262 SAFETY AND ENERGY CORRIDOR PROJECT		UTAH DEPARTMENT OF TRANSPORTATION		REVISIONS	
PROJECT NUMBER		F-R499(367)		REGION FOUR - HORROCKS ENGINEERS			
DATE		17894		APPROVED			
DRAWN BY		MRL		DATE		06/18/21	
CHECKED BY		CSB		DATE			
PROJECT NO.		17894		PROJECT NO.		17894	
SHEET NO.		17894		SHEET NO.		17894	



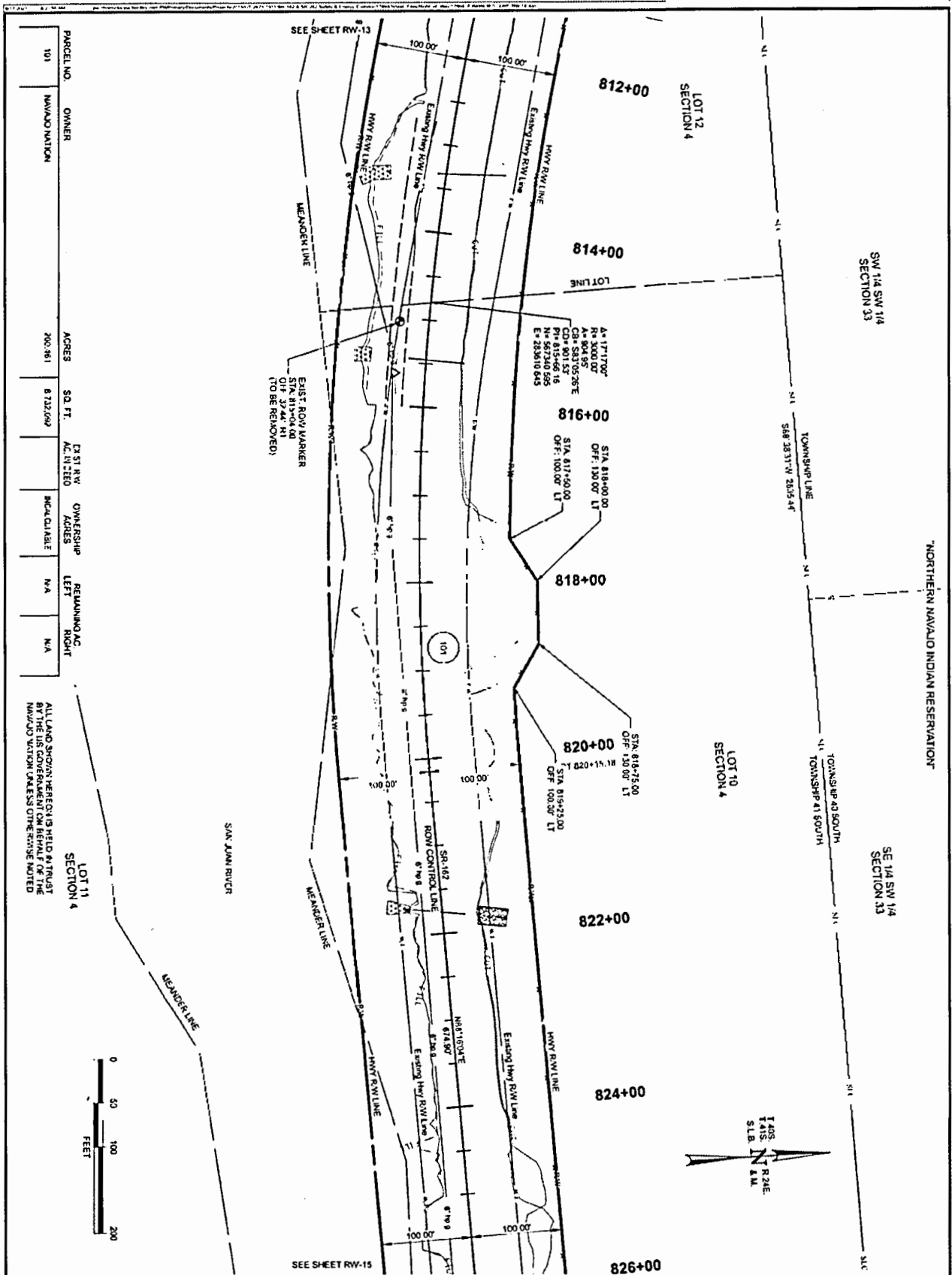


PROJECT		SR-162 & SR-282 SAFETY AND ENERGY CORRIDOR PROJECT		UTAH DEPARTMENT OF TRANSPORTATION		REGION FOUR - HORROCKS ENGINEERS		REVISIONS	
PROJECT NUMBER		F-R499(367)		APPROVED		DRAWN BY		M/R	
PROJECT NAME		RIGHT-OF-WAY		DATE		CHECKED BY		CSB	
PROJECT NUMBER		17894		06/18/21		DATE		APPROVED BY	
PROJECT NAME		RIGHT-OF-WAY		PROJECT NUMBER		PROJECT NAME		PROJECT NUMBER	
PROJECT NAME		RIGHT-OF-WAY		PROJECT NUMBER		PROJECT NAME		PROJECT NUMBER	

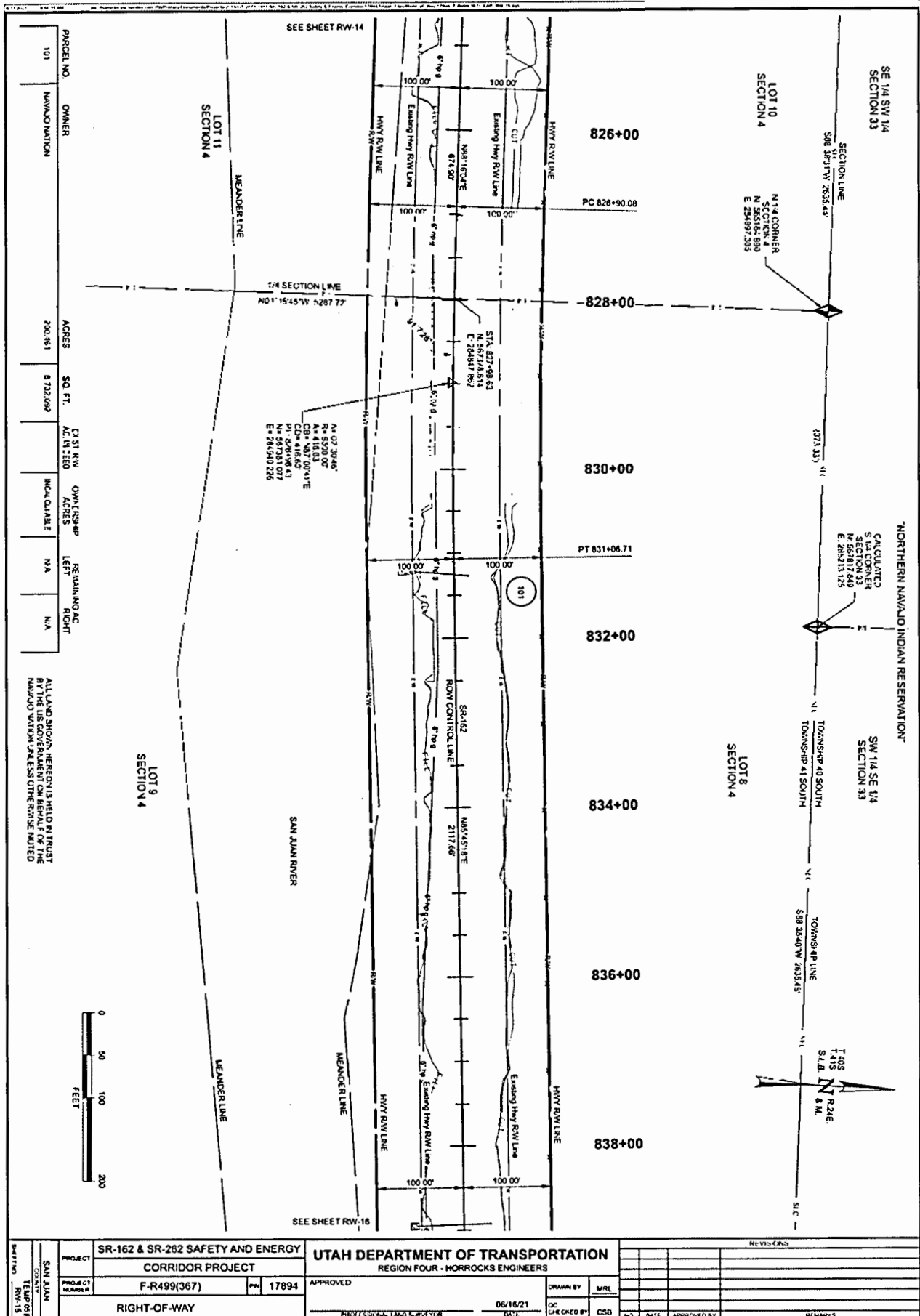




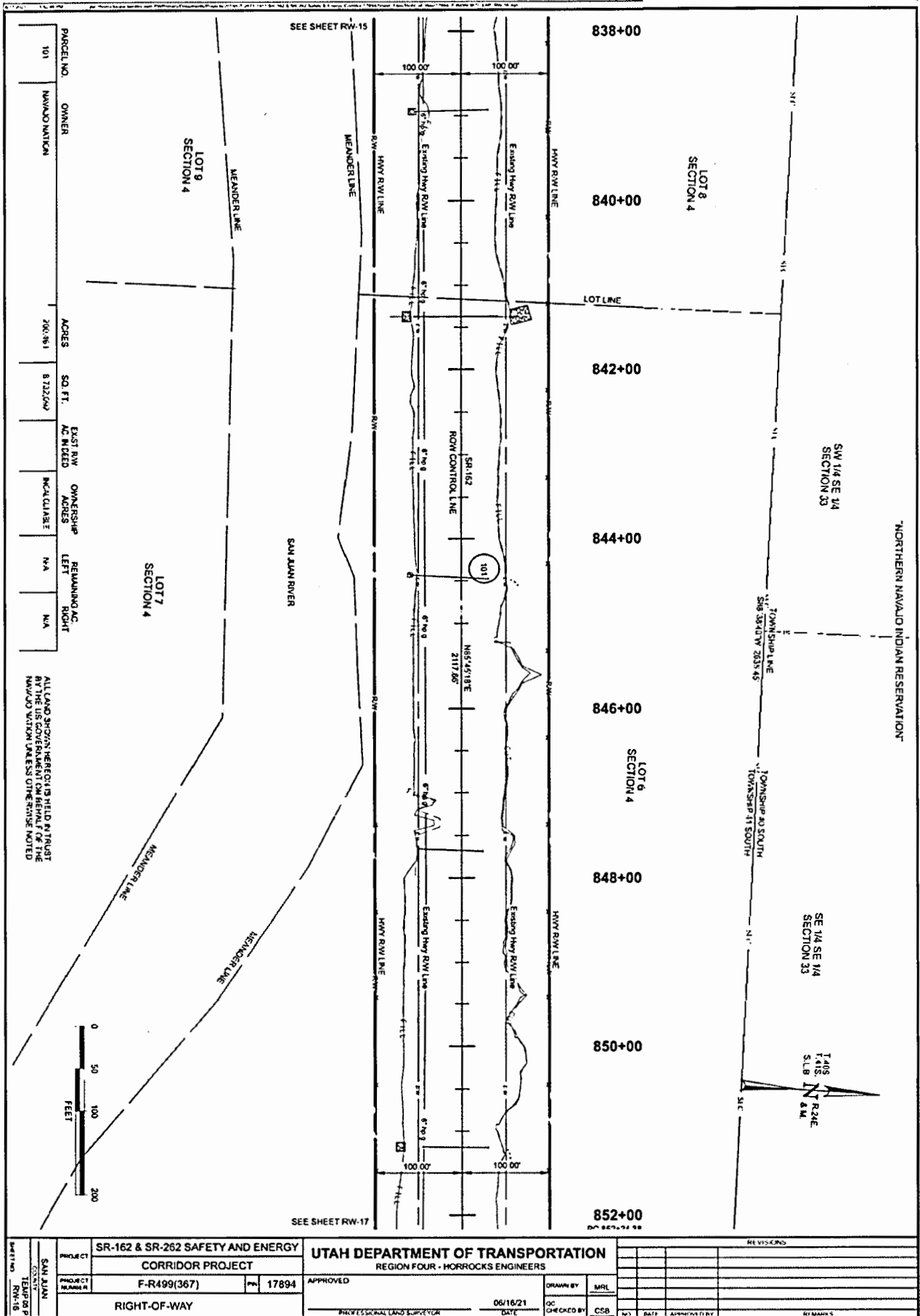
PROJECT		SR-162 & SR-262 SAFETY AND ENERGY CORRIDOR PROJECT		UTAH DEPARTMENT OF TRANSPORTATION		REGION FOUR - HORROCKS ENGINEERS		REVISIONS	
PROJECT NUMBER		F-R499(367)		APPROVED		DATE		NO.	
PROJECT NAME		RIGHT-OF-WAY		06/16/21		DRAWN BY		MRL	
COUNTY		SAN JUAN		CHECKED BY		CSB		DATE	
SHEET NO.		17934		PROJECT MANAGER		DATE		APPROVED BY	
SHEET NO.		17934		PROJECT MANAGER		DATE		APPROVED BY	

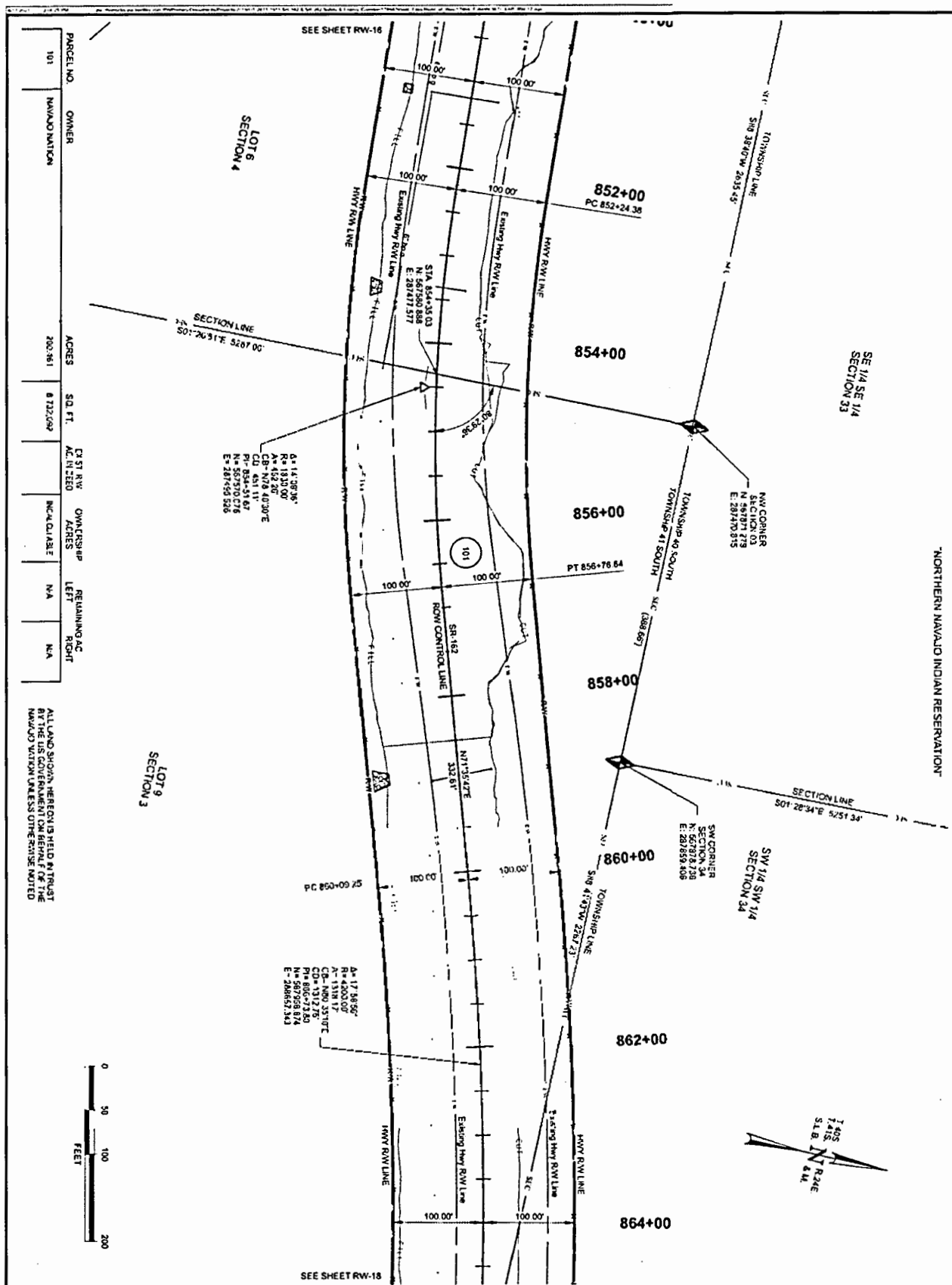


PROJECT SR-162 & SR-282 SAFETY AND ENERGY CORRIDOR PROJECT		UTAH DEPARTMENT OF TRANSPORTATION REGION FOUR - HORROCKS ENGINEERS		REVISIONS <table border="1"> <tr><td>NO.</td><td>DATE</td><td>APPROVED BY</td><td>BY MARK</td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>		NO.	DATE	APPROVED BY	BY MARK												
NO.	DATE	APPROVED BY	BY MARK																		
PROJECT NUMBER F-R499(367)		APPROVED DATE: 06/16/21		DRAWN BY MRL																	
RIGHT-OF-WAY		CHECKED BY CSB		DATE 06/16/21																	
PROJECT SAN JUAN		PROJECT 17894		DATE 06/16/21																	

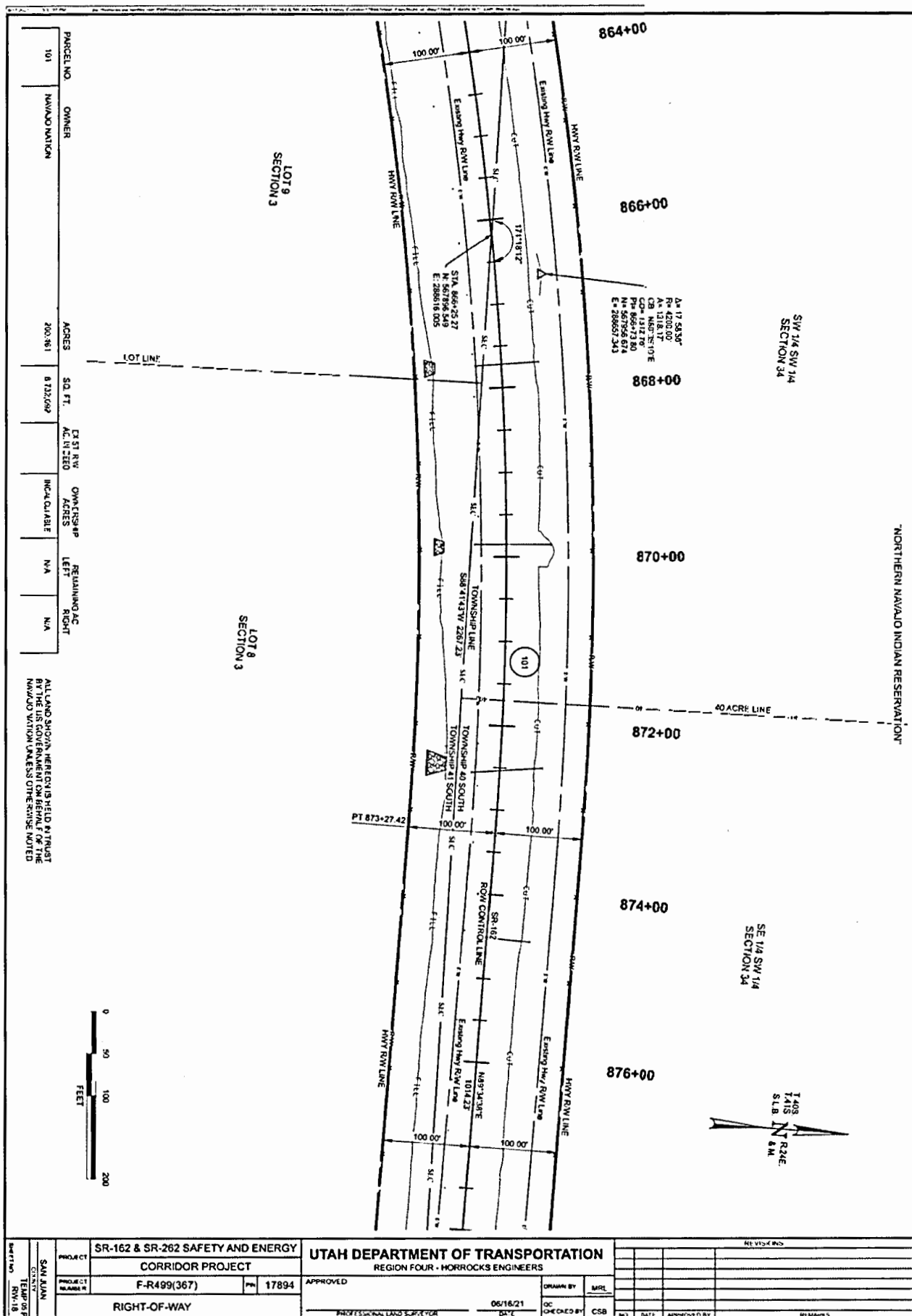


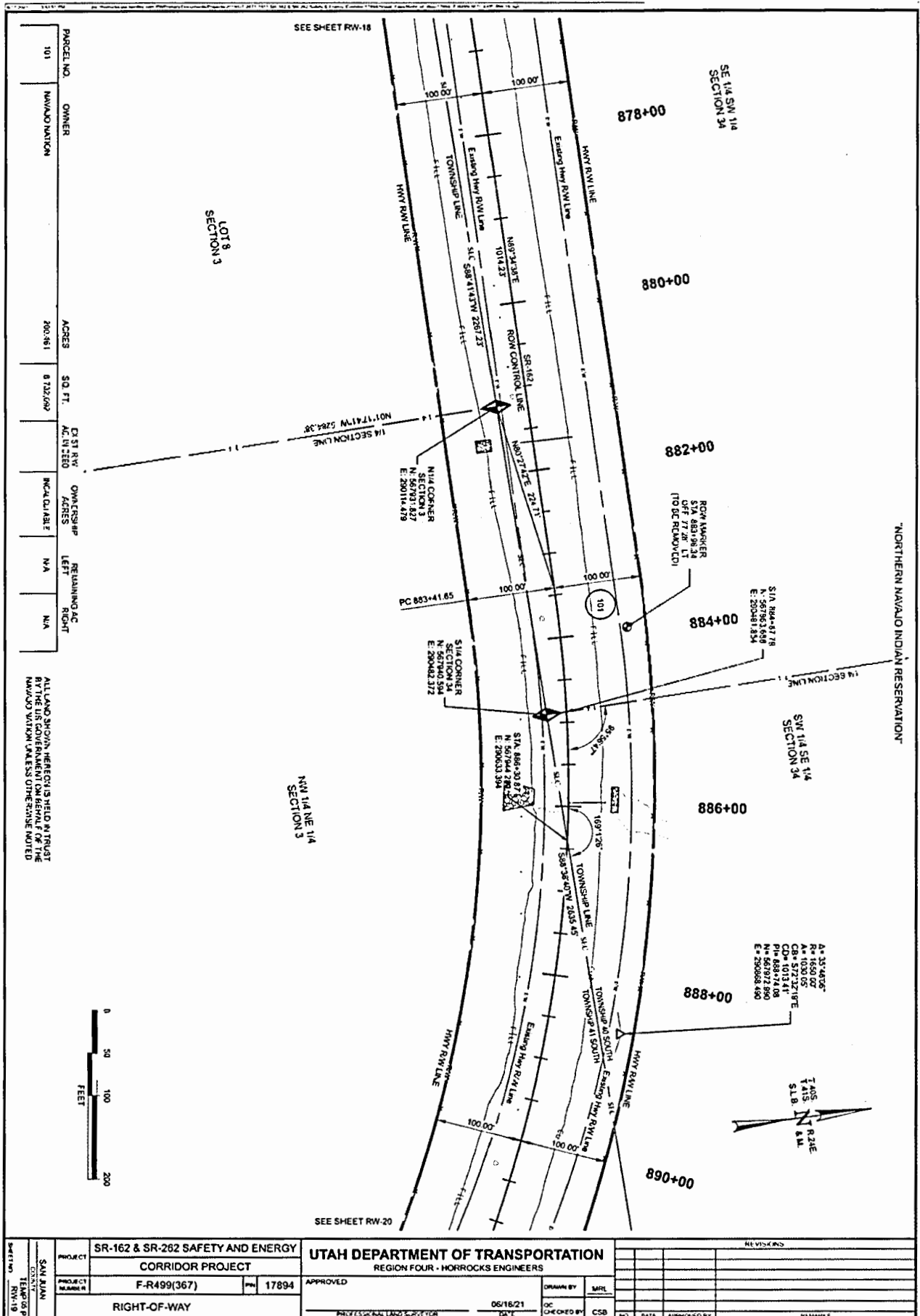
PROJECT SR-162 & SR-262 SAFETY AND ENERGY CORRIDOR PROJECT		UTAH DEPARTMENT OF TRANSPORTATION REGION FOUR - HORROCKS ENGINEERS		REVISIONS NO. DATE APPROPRIATE BY REASON	
PROJECT NUMBER F-R499(367)		APPROVED PROFESSIONAL LAND SURVEYOR		DRAWN BY MRL	
RIGHT-OF-WAY		DATE 06/16/21		CHECKED BY CSB	
COUNTY SAN JUAN		PROJECT NUMBER 17894		DATE 06/16/21	



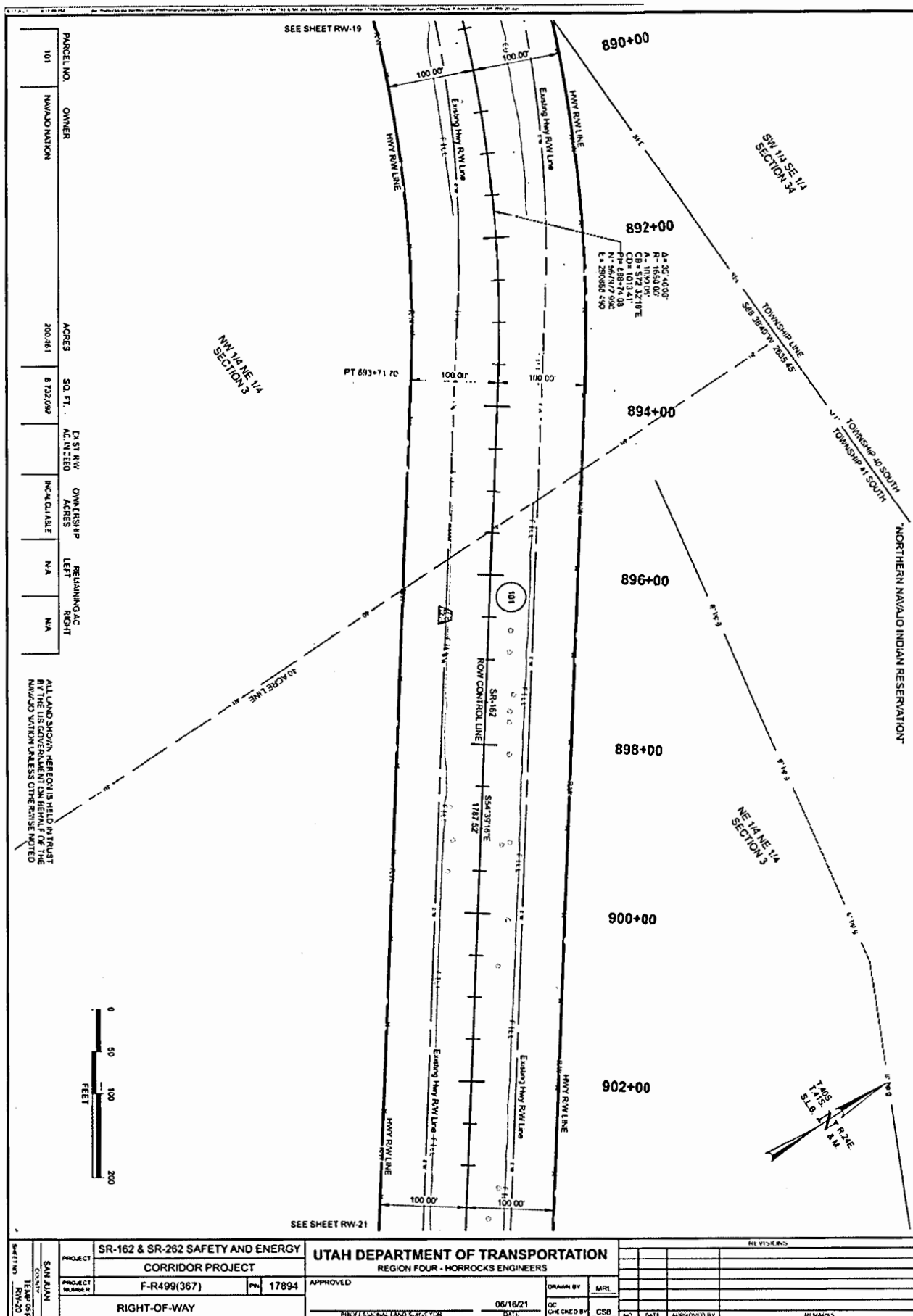


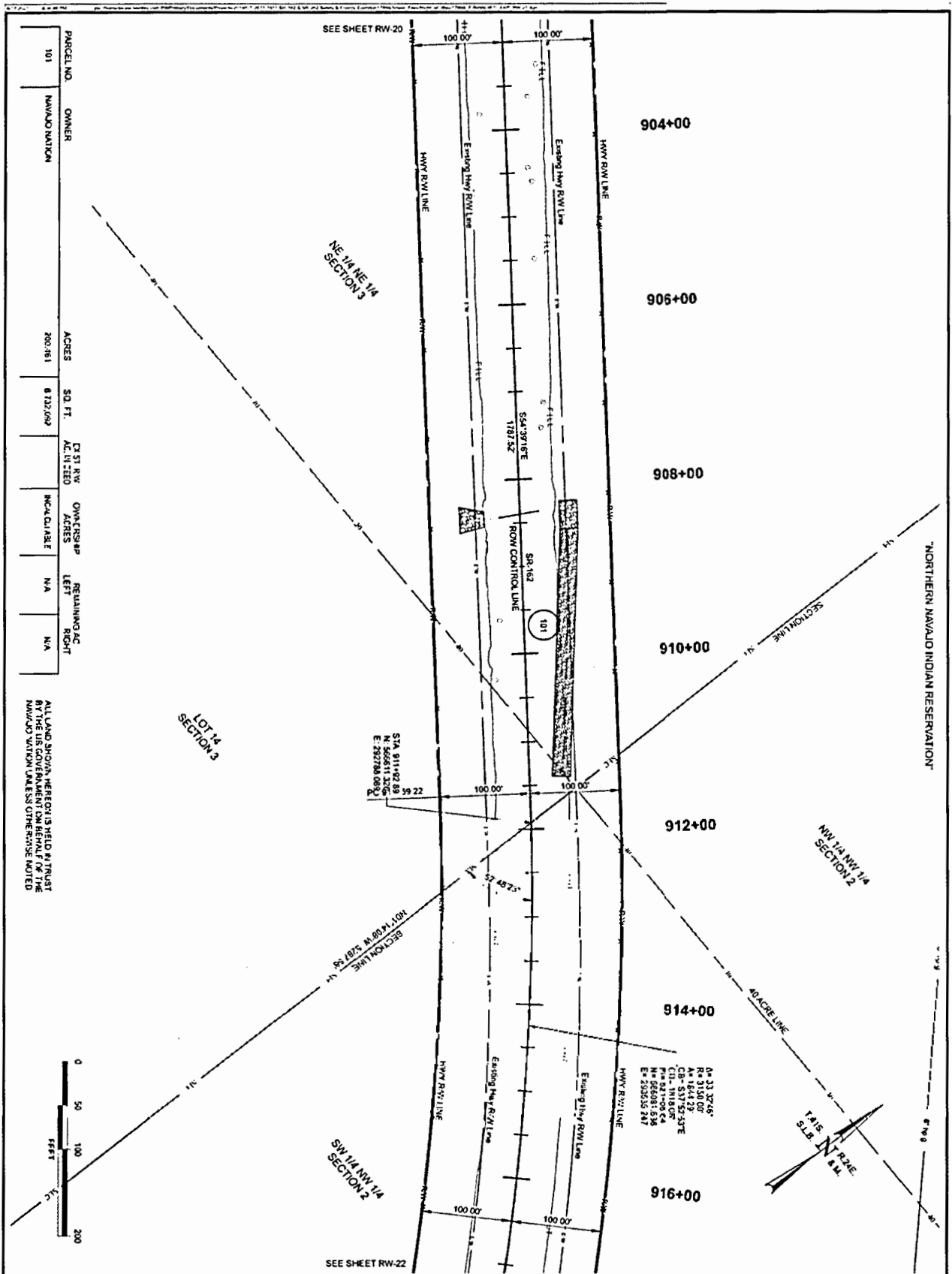
PROJECT SR-162 & SR-262 SAFETY AND ENERGY CORRIDOR PROJECT		UTAH DEPARTMENT OF TRANSPORTATION REGION FOUR - HORROCKS ENGINEERS		REVISIONS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	
APPROVED DATE: 06/16/21		DRAWN BY MRL		CHECKED BY CSB	
PROJECT NUMBER F-R499(367) 17894		DATE 06/16/21		DATE 06/16/21	
RIGHT-OF-WAY		DATE 06/16/21		DATE 06/16/21	



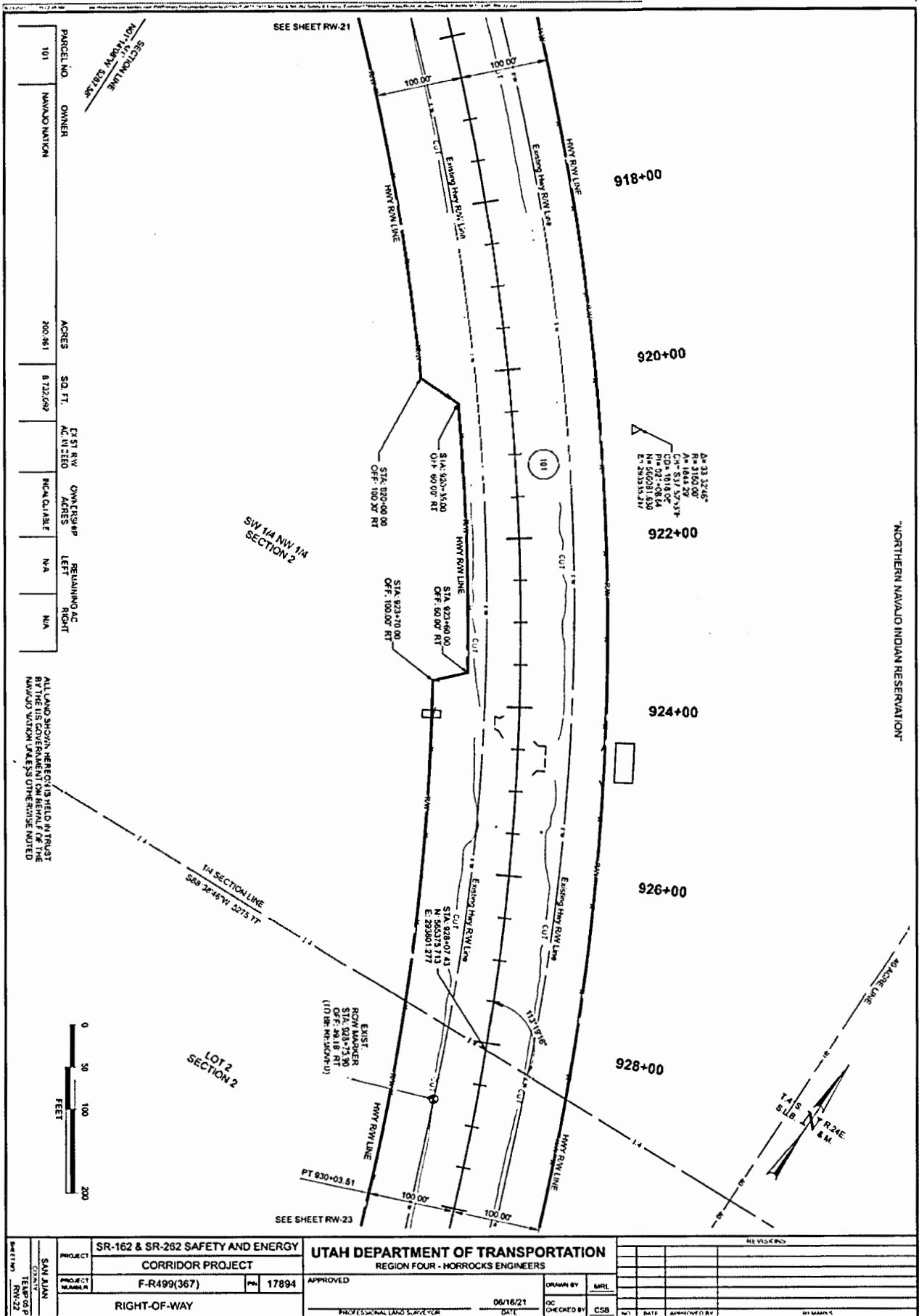


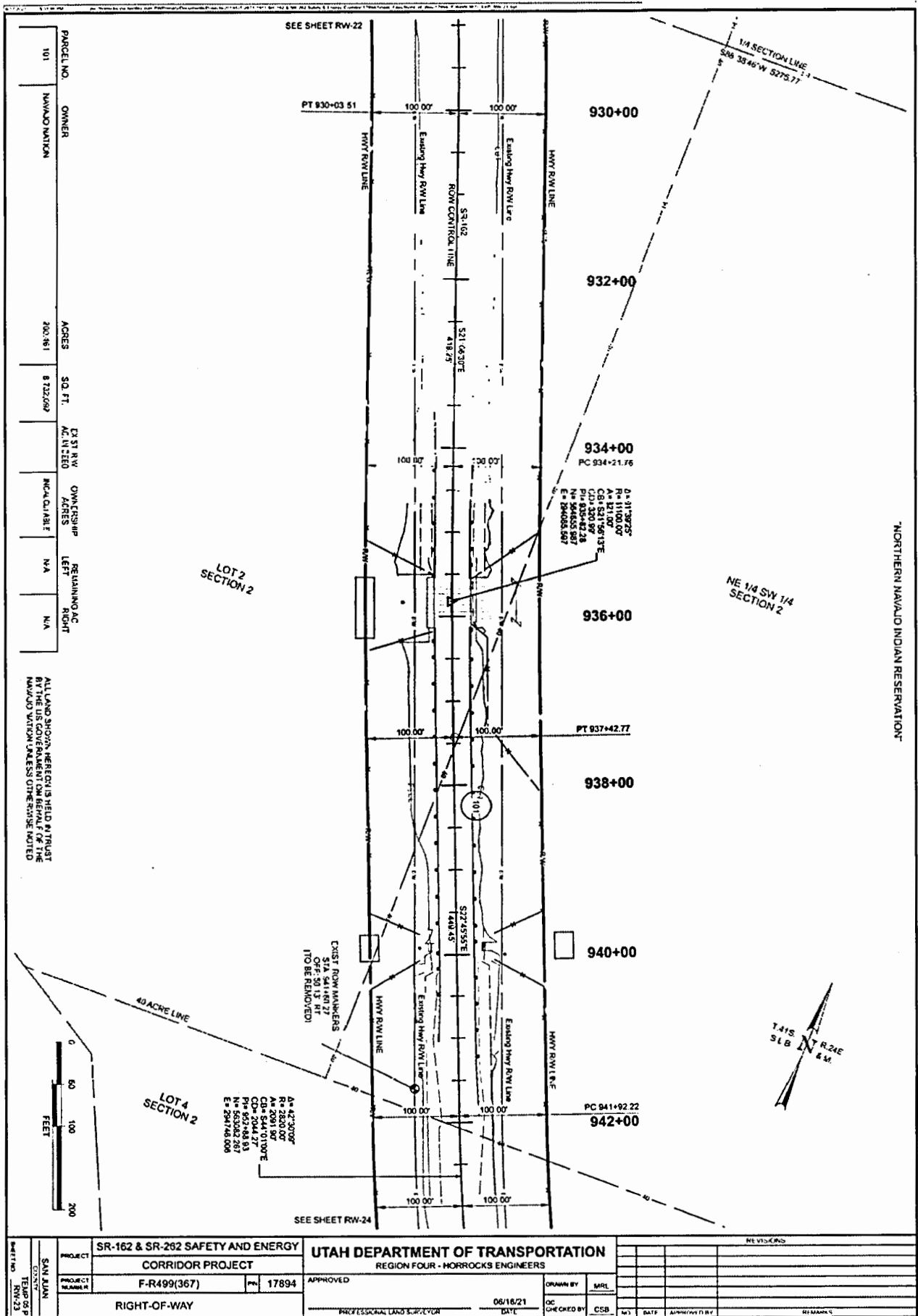
SHEET NO. DATE BY	SAY PLAN	CONTRACT NO. PROJECT NO. DRAWING NO.	SR-162 & SR-262 SAFETY AND ENERGY		UTAH DEPARTMENT OF TRANSPORTATION				REVISIONS					
			CORRIDOR PROJECT		REGION FOUR - HORROCKS ENGINEERS									
			PROJECT NUMBER	F-R499(367)	PN	17894	APPROVED	DRAWN BY	MRL					
			RIGHT-OF-WAY		DATE		QC CHECKED BY	CSB						
					PROFESSIONAL LAND SURVEYOR		06/16/21							
							DATE							

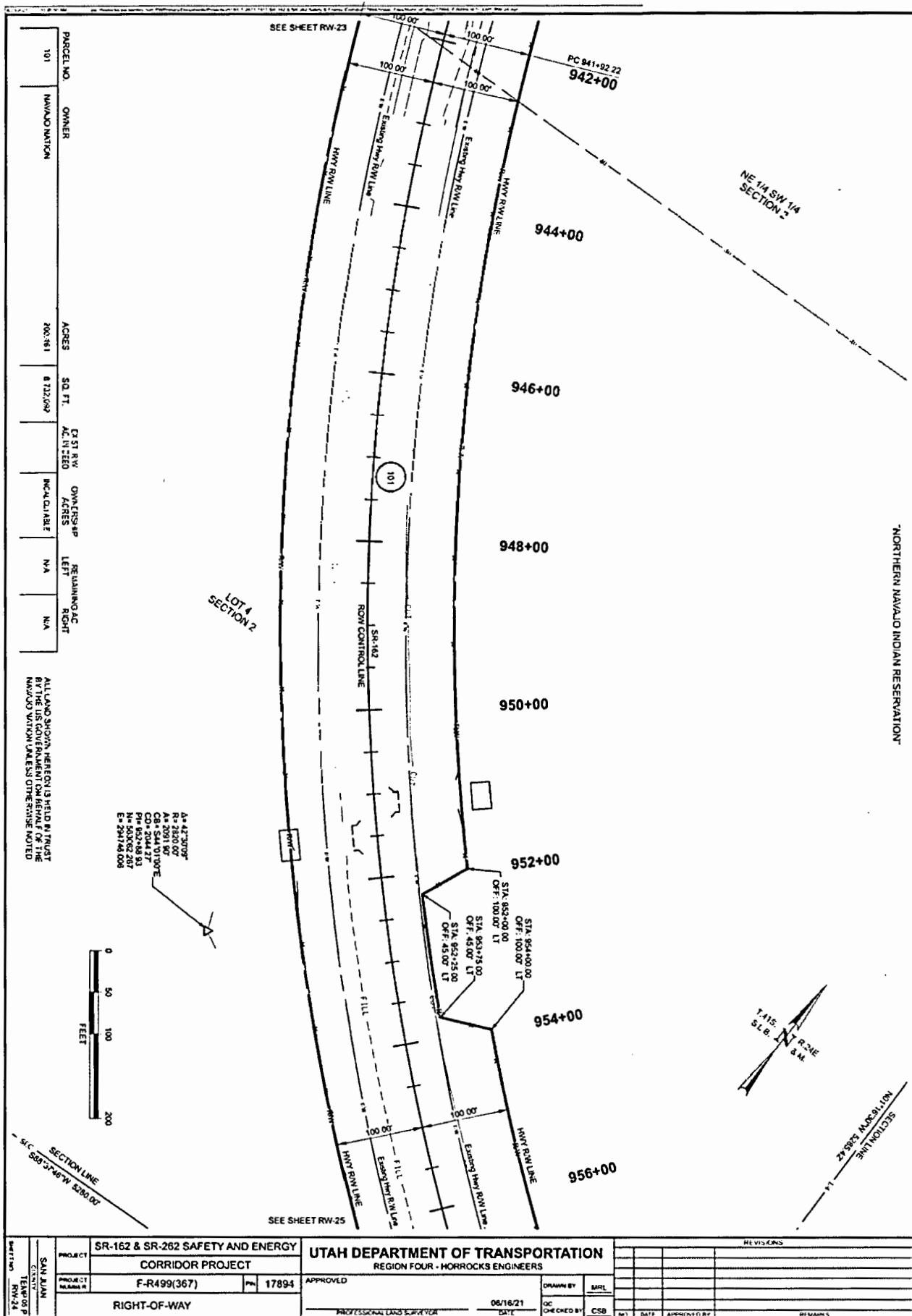


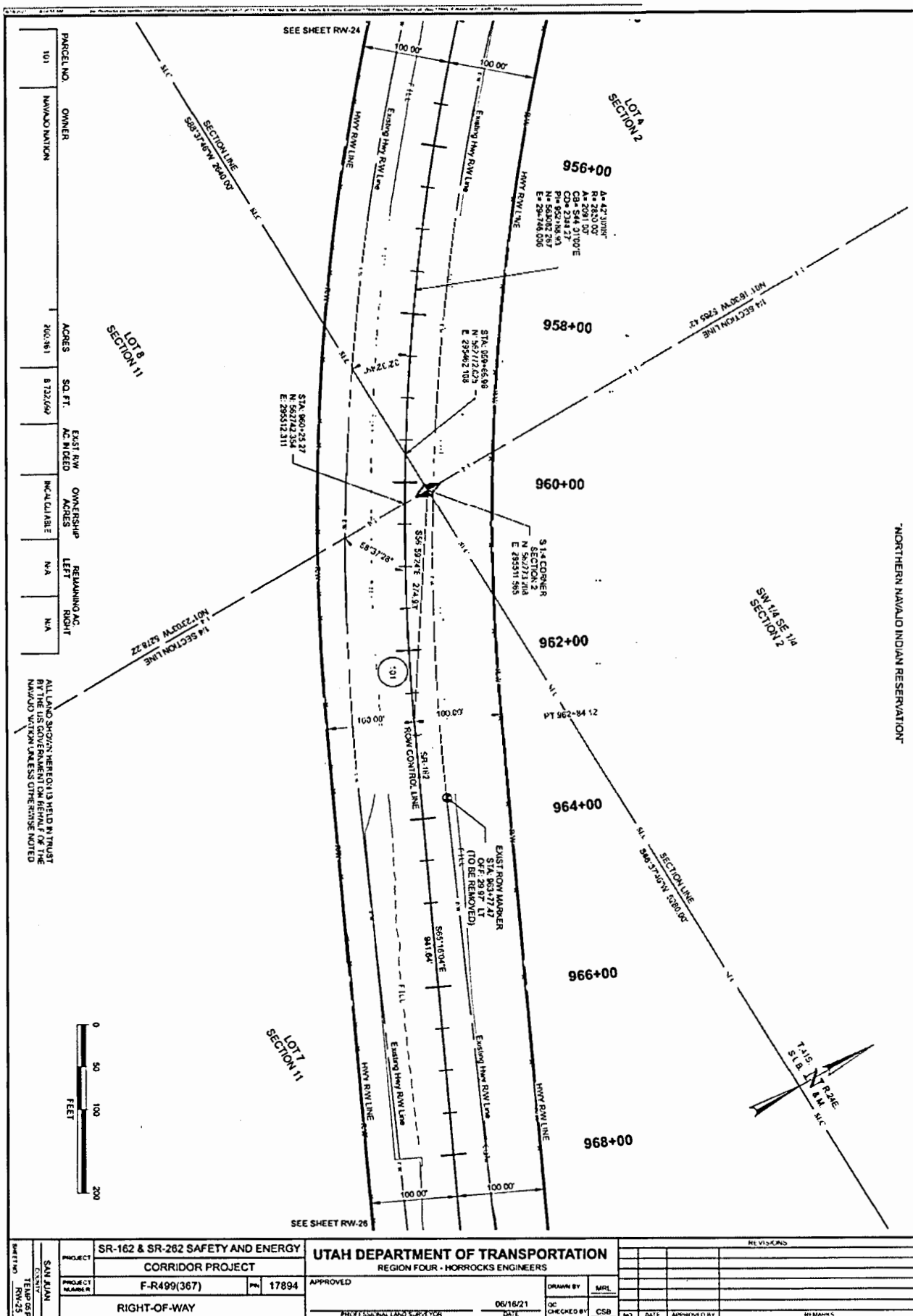


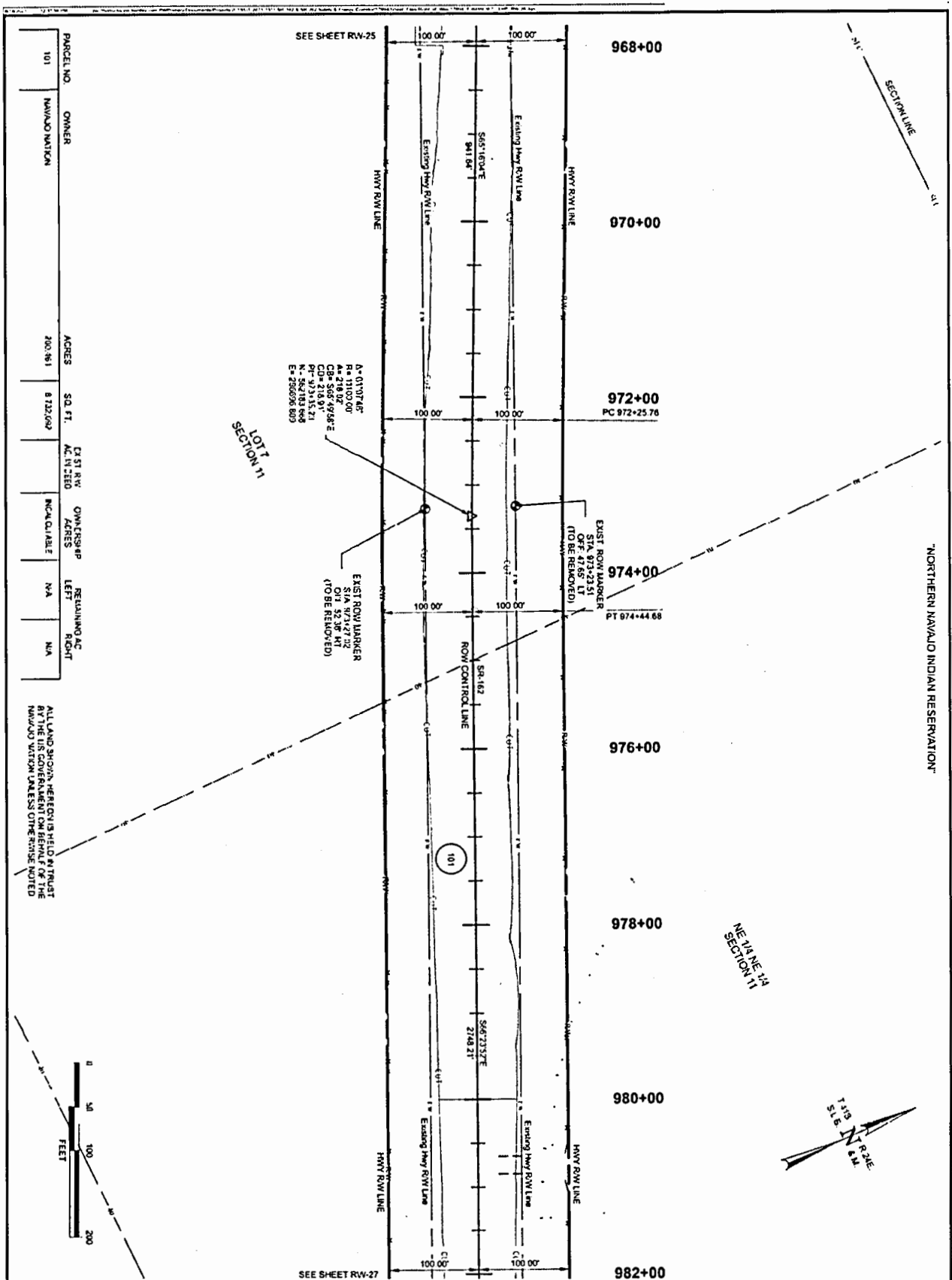
PROJECT SR-162 & SR-262 SAFETY AND ENERGY CORRIDOR PROJECT F-R499(367)		UTAH DEPARTMENT OF TRANSPORTATION REGION FOUR - HORROCKS ENGINEERS		REVISIONS	
APPROVED DATE: 06/16/21		DRAWN BY MRL		NO. DATE APPROVED BY BY MARK	
RIGHT-OF-WAY		CHECKED BY CSB		NO. DATE APPROVED BY BY MARK	
PROJECT NUMBER 17894		DATE 06/16/21		NO. DATE APPROVED BY BY MARK	











PROJECT SR-162 & SR-262 SAFETY AND ENERGY CORRIDOR PROJECT		UTAH DEPARTMENT OF TRANSPORTATION REGION FOUR - HORROCKS ENGINEERS		REVISIONS 1 2 3	
PROJECT NUMBER F-R499(367)	PLAN 17894	APPROVED _____ PROFESSIONAL LAND SURVEYOR	DRAWN BY MRL	CHECKED BY CSB	DATE 06/16/21
RIGHT-OF-WAY		DATE 06/16/21			
CONTRACT TEMPORARY		DATE 06/16/21			

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



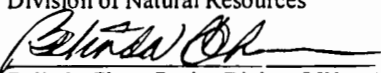
EXHIBIT

C

Utah Land Office/GLDD/DNR
Post Office Box 410
Montezuma Creek, Utah 84534

MEMORANDUM

To: Ms. Ettie Anderson-Abasta, Department Manager
General Land Development Department
Division of Natural Resources

From: 
Belinda Chee, Senior Right-of-Way Agent
Utah Land Office/General Land Development Department

Date: May 20, 2022

Subject: Field Clearances for Utah Department of Transportation (UDOT)

Pursuant to the Field Clearance requests, the Utah Land Office has completed the below cited Field Clearances with Mr. Hayden R. Lansing, Grazing Committee Member of Aneth Chapter, and nine (9) grazing permittee, and utilized consent form number three (2), which does not involve compensation, but it's a public development projects. Thus, the proposed projects will be forward to GLDD office in St. Michaels for further processing and approvals. The proposed projects are described below:

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9. T. 40 S., R. 24 E. Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4. T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4. T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4. Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21; Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah. For: Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

All of the original Field Clearance documents are attached. For any inquiries, call me at (435) 651-3504 or email at: belindachee@navajo-nsn.gov See the attachments. Thank you.

NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT
POST OFFICE BOX 7440 · WINDOW ROCK, AZ 86515 · PHONE: (928) 871-7000 · FAX: (928) 871-4025

xc:

Jolene Ottley, SR/WA / UDOT ROW Lead & Local Government ROW Manager

Ettie Anderson-Abasta, Department Manager/GLDD/DNR/NN

Aneth Chapter/NN

Hayden R. Lansing, GCM/Aneth Chapter/NN

Bertha Spencer, Realty/BIA

File, Utah Land Office/GLDD/DNR/NN

NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT

POST OFFICE BOX 7440 · WINDOW ROCK, AZ 86515 · PHONE: (928) 871-7000 · FAX: (928) 871-4025

GRAZING COMMITTEE RECOMMENDATION

Date: May 16, 2022

Project Name/Legal Description: Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265. Project: UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9. T. 40 S., R. 24 E. Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4. T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4. T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4. Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21; Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah. Compensation: Waived.

Pursuant to the Shiprock Agency Grazing Committee Resolution dated July 20, 2007, in determining eligibility for grazing permittee/land use permittee to receive surface damage compensation; I, Hayden R. Lansing, Grazing Committee Member of District 12, Aneth Chapter recommend this/these individual(s) as:

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

No. Permittee(s): Census No. Livestock Tally Count?

1) Bridget Whitehorse	Yes / No
2) Lena Phelps	Yes / No
3) Annie Oldman	Yes / No
4) Dora Todachene	Yes / No
5) Betty Ann Norton	Yes / No
6) Terrence T. Lee	Yes / No
7) Marlene D. Cly	Yes / No
8) Cornelia Weston	Yes / No
9) Arlene Whitehorse	Yes / No

Witnesses:

Remarks:

ACKNOWLEDGEMENT:

CONCURRENCE:

X Hayden R. Lansing
Hayden R. Lansing, Grazing Committee Member, Date _____
Aneth Chapter

Belinda Chee
Belinda Chee, Senior Resource Management Specialist
Utah Land Office/General Land Development Dept.

FIELD CLEARANCE CHECKLIST

(This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo Nation. If necessary, use the back of this form for completion.)

Project Identification:

Applicant: **Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.**

Identification:

Purpose: **UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth.**

Location (Legal Description): Below is the legal description in aliquot parts and sectional lots: **T. 40 S., R. 23 E.** Section 25, Lot 9. **T. 40 S., R. 24 E.** Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4. **T. 41 S., R. 24 E.** Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4. **T. 41 S., R. 25 E.** Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4. Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21: Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

Amount of land affected: The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area.

Land status: **Trust** Fee Other:

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

	<u>Name(s):</u>	<u>Census No.:</u>	<u>Type of and Use Right:</u>
a)	Bridget Whitehorse		Grazing Rights
b)	Lena Phelps		Grazing Rights
c)	Annie Oldman		Grazing Rights
d)	Dora Todachene		Grazing Rights
e)	Betty Ann Norton		Grazing Rights
f)	Terrence T. Lee		Grazing Rights
g)	Marlene D. Cly		Grazing Rights
h)	Cornelia Weston		Grazing Rights
i)	Arlene Whitehorse		Grazing Rights

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

2. Have the Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirms the list no. 4 by signing acknowledgement form below.

ACKNOWLEDGEMENT

I acknowledge that due notice was given to the affected community of the proposed project, and according to my records and to the best of my knowledge; the list no. 4 includes all land users who have rights in the affected lands.

5-19-22
Date


Grazing Committee Member
Hayden R. Lansing, Aneth Chapter

12
District

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

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

If no give full explanations why:

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

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

<u>Names</u>	<u>Expected Diminishment</u>	<u>Expected Enhancement</u>	<u>Did Land Users Consent? Form?</u>
a) Bridget Whitehorse	None	None	Yes, consent #3
b) Lena Phelps	None	None	Yes, consent #3
c) Annie Oldman	None	None	Yes, consent #3
d) Dora Todachene	None	None	Yes, consent #3
e) Betty Ann Norton	None	None	Yes, consent #3
f) Terrence T. Lee	None	None	Yes, consent #3
g) Marlene D. Cly	None	None	Yes, consent #3
h) Cornelia Weston	None	None	Yes, consent #3
i) Arlene Whitehorse	None	None	Yes, consent #3
j)			

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

<u>Names</u>	<u>Compensation Amount</u>	<u>Is Amount Adequate</u>	<u>Did Land Users Consent? Form?</u>
a) Bridget Whitehorse	None	None	Yes, consent #3
b) Lena Phelps	None	None	Yes, consent #3
c) Annie Oldman	None	None	Yes, consent #3
d) Dora Todachene	None	None	Yes, consent #3
e) Betty Ann Norton	None	None	Yes, consent #3
f) Terrence T. Lee	None	None	Yes, consent #3
g) Marlene D. Cly	None	None	Yes, consent #3
h) Cornelia Weston	None	None	Yes, consent #3
i) Arlene Whitehorse	None	None	Yes, consent #3

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

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

5. Is a topographical map of the project attached? Yes No
6. Was the project fully explained to the land users? Yes No
7. Which chapter will be affected by the project? Aneth Chapter
8. Are supporting chapter resolution attached? Yes No
9. Will chapter receive any payments or benefits from the project?
Yes No If yes, what will be received?

Approved by:

Field Clearance Conducted by:

Utah Land Office/General Land Development Department



Belinda Chee, Senior Right of Way Agent

(GLDD approval necessary only if the
Field Clearance was conducted by
other than GLDD Office)

Date: May 20, 2022

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

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

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office
Box 141265, Salt Lake City, Utah 84114-1265.

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

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9, T. 40 S., R. 24 E. Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4 Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21; Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5/18/2022
Date

x Bridget Whitehorse
Land User Signature / Thumbprint
Bridget Whitehorse

Census No. _____
Permit No. 12-3989

Address: _____

Witness: _____

5-19-22
Date
Hayden R. Lansing
Hayden R. Lansing, Grazing Committee Member
Aneth Chapter

District No. 12

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

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

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

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

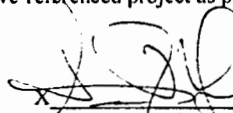
UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9, T. 40 S., R. 24 E. Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4, Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21; Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5-17-2022
Date



Land User Signature / Thumbprint
Lena Phelps

Census No. _____
Permit No. 12-3619

Address: _____

Witness: _____

5-19-22
Date


Hayden B. Lansing, Grazing Committee Member
Aneth Chapter

District No. 12

ACKNOWLEDGEMENT OF FIELD AGENT

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


Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

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

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

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

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9, T. 40 S., R. 24 E. Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4 Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21; Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5-17-22
Date

x Annie Oldman
Land User Signature / Thumbprint
Annie Oldman

Census No.
Permit No. 12-3341

Address: --

Witness: _____

5-29-22
Date

Hayden R. Lansing
Hayden R. Lansing, Grazing Committee Member
Aneth Chapter

District No. 12

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)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

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

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

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

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9, T. 40 S., R. 24 E., Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4. Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21: Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5-17-22
Date

x Dora Todachene
Land User Signature / Thumbprint
Dora Todachene

Census No. _____
Permit No. 12-3483

Address: _____

Witness: _____

6-17-22
Date

Hayden R. Lansing
Hayden R. Lansing, Grazing Committee Member
Aneth Chapter

District No. 12

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)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

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

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

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

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9, T. 40 S., R. 24 E., Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4 Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21; Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5/17/2022
Date

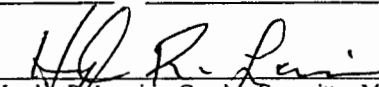
X 
Land User Signature / Thumbprint
Betty Ann Norton

Census No.
Permit No. 12-3293

Address:

Witness:

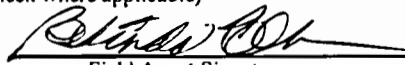
5-19-22
Date


Hayden R. Lansing, Grazing Committee Member
Aneth Chapter

District No. 12

ACKNOWLEDGEMENT OF FIELD AGENT

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


Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Terrence T. Lee, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

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

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9. T. 40 S., R. 24 E., Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4. T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4. T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4. Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21; Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5/17/22
Date

[Signature]
Land User Signature
Terrence T. Lee

Address: _____

Census No.
Permit No. 12-3910

Witness: _____

5-19-22
Date
[Signature]
Hayden R. Lansing, Grazing Committee Member
Aneth Chapter

District No. 12

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Marlene D. Cly, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

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

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9, T. 40 S., R. 24 E., Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4, Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21; Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5/30/22
Date

Marlene D. Cly
Land User Signature / Thumbprint
Marlene D. Cly

Census No.
Permit No. 12-4012

Address:

Witness:

5-19-22
Date

Hayden R. Lansing
Hayden R. Lansing, Grazing Committee Member
Aneth Chapter

District No. 12

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)

Belinda
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

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

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

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

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9. T. 40 S., R. 24 E. Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4. T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4. T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4. Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21: Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5-20-22
Date

x: Arlene Whitehorse
Land User Signature / Thumbprint
Arlene Whitehorse

Census No. _____
Permit No. 12-3774

Address: _____

Witness: _____

5-19-22
Date

Hayden R. Lansing
Hayden R. Lansing, Grazing Committee Member
Aneth Chapter

District No. 12

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)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

CONSENT FORM 3
(Waiver of Compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

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

Utah Department of Transportation, Calvin Rampton Complex, 4501 South 2700 West, Post Office Box 141265, Salt Lake City, Utah 84114-1265.

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

UDOT ROW renewal on SR-162 from Montezuma Creek to Aneth. The length of the ROW renewal is 9.601 miles or 50,691 feet in length and contains 200.461 acres or 8,732,092 square feet in area. Below is the legal description in aliquot parts and sectional lots: T. 40 S., R. 23 E. Section 25, Lot 9. T. 40 S., R. 24 E., Section 30; SW1/4SW1/4 Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4 Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, SE1/4SE1/4 Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4, T. 41 S., R. 24 E. Section 5; Lot 7 Section 4; Lots 12, 10, 8, 6 Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4 Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, SW1/4SE1/4 Section 11; Lots 8, 7, 12, NE1/4NE1/4 Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, T. 41 S., R. 25 E. Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4 Section 18; Lots 18, 15, NE1/4NE1/4, Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4 Section 16; SW1/4SW1/4, SE1/4SW1/4 Section 21: Lot 4. All within Aneth Chapter, Navajo Reservation, San Juan County, Utah.

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

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

Remarks:

5-17-22
Date

x Cornelia Weston
Land User Signature / Thumbprint
Cornelia Weston

Census No. :
Permit No. 12-3774

Address: _____

Witness: _____

5-19-22
Date

Hayden R. Vansing
Hayden R. Vansing, Grazing Committee Member
Aneth Chapter

District No. 12

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)

Belinda Chee
Field Agent Signature
Belinda Chee, Senior Right of Way Agent

NNDFW Review No. 21heng102

**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.: Road improvements for SR 162 and SR 262

DESCRIPTION: Roadway safety improvements for SR 162 and SR 262 in San Juan County, UT. Project includes pavement construction, realignment, shoulder widening, slope flattening, and fencing and barrier installations.

LOCATION: Mile post 0 - 31.8 on SR 162 and a portion of SR 262 from mile post 0 - 22.6.

REPRESENTATIVE: Matt Howard/ Utah Dept. of Transportation.

ACTION AGENCY: Utah Dept. of Transportation

B.R. REPORT TITLE / DATE / PREPARER: Request for review and compliance / 16 August 2021 / Matt Howard

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: RCP Areas 1, 2, and 3

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: (1) *Athene cunicularia* (Burrowing owl), G4; (2) *Buteo regalis* (Ferruginous hawk), G3; (3) *Charadrius montanus* (Mountain plover), G4; (4) *Empidonax traillii extimus* (Southwestern Willow Flycatcher), G2; (5) *Dendroica petechia* (Yellow warbler), G4; (6) *Coccyzus americanus* (Yellow-billed Cuckoo), G2; (7) *Catostomus discobolus* (Bluehead Sucker), G4; (8) *Ptychocheilus lucius* (Colorado Pikeminnow), G2; (9) *Xyrauchen texanus* (Razorback Sucker), G2; (10) *Gila robusta* (Roundtail Chub), G2; (11) *Astragalus cronquistii* (Cronquist Milk-vetch), G3; (12) *Phacelia indecora* (Drab Phacelia), G4

FEDERALLY-LISTED SPECIES AFFECTED: (1) *Empidonax traillii extimus* (Southwestern Willow Flycatcher), G2, FE; (2) *Coccyzus americanus* (Yellow-billed Cuckoo), G2, FT; (3) *Ptychocheilus lucius* (Colorado Pikeminnow), G2, FE; (4) *Xyrauchen texanus* (Razorback Sucker), G2, FE

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: 1. All construction activities should avoid the migratory bird breeding season (March 1 - August 15, of any year). A pre-construction survey could be performed if work occurs during this time period.

2. All areas disturbed by the construction of the project shall be revegetated with a locally appropriate (i.e., native) seed mix that is free of invasive, noxious and undesirable plant species. Revegetation of the disturbed areas shall also include proper watering, mulching/straw and erosion controls so that the post construction areas is restored to suitable wildlife habitat.

CONDITIONS OF COMPLIANCE*: 1. Pre-construction Survey for Astragalus cronquistii (Cronquist milk-vetch)

- a. Pre-construction surveys shall occur prior to the start of work for Astragalus cronquistii (Cronquist milk-vetch) within suitable potential habitat and within a 20ft buffer to all areas of ground alteration as identified in the Biological Evaluation.
- b. Surveys shall occur during the fruiting time of this plant, May - June, of any year. Upon completion of the survey and prior to the start of work a report shall be submitted to the NNHP.
- c. Avoidance and mitigation measures proposed require NNHP review and written approval prior to the start of work.
- d. During the survey the contractor/botanist shall also search for Asclepias cutleri and report all locations where this species is found.

2. Pre-construction Surveys for Empidonax traillii extimus (Southwestern Willow Flycatcher) and Coccyzus americanus (Yellow-billed Cuckoo)

- a. Pre-construction surveys for Empidonax traillii extimus (Southwestern Willow Flycatcher) and Coccyzus americanus (Yellow-billed Cuckoo) shall occur if work is proposed within 0.25 miles of suitable habitat during the species breeding season (May 1 - August 31, of any year). Surveys maybe avoided if all construction activity occurs outside the breeding and chick rearing seasons for these species, September 1 - March 31, of any year.

3. McElmo Creek Bridge Replacement Project Conditions

- a. Fish passage shall be maintained at all times during the construction of the new bridge, unless the stream is dry.
- b. Any area of disturbed soil below the bank full width shall be stabilized with properly installed soil stabilization techniques and maintained throughout the construction time period.
- c. Prior to the end of construction all disturbed areas shall be reseeded with a locally appropriate (c.g., native to county) seed mix. All seeded areas shall be properly watered and mulched/straw to ensure successful seed germination.

FORM PREPARED BY / DATE: Brent Powers/ 19 OCT 2021

COPIES TO: (add categories as necessary)

☐☐

2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

Gloria M. Tom

10/19/21

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.

A handwritten signature in black ink, appearing to be 'MATT HOWARD', with a long horizontal line extending to the right.

MATT HOWARD
NATURAL RESOURCE MANAGER

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



19 October, 2021

DR # 21heng102

Haylie Ferguson, Consultant
Horrocks Engineers
2162 W. Grove Parkway, Suit 400
Pleasant Grove, UT 84062

Dear Haylie,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed Horrocks Engineers's request for review and compliance for the proposed "SR-162 and SR-262 Safety and Energy Corridor Project" project. The proposal includes the construction of roadway safety improvements for SR 162 and SR 262 in San Juan County, UT. The project includes pavement construction, realignment, shoulder widening, slope flattening, and fencing and barrier installations to improve roadway safety. The project is proposed to occur from mile post 0 - 31.8 on SR 162 and a portion of SR 262 from mile post 0 - 22.6. The purpose of this letter is to inform you that the Navajo Nation is granting the proposed project **Conditional Approval**.

The **Conditional Approval** conditions are as follows for the SR-162 and SR-262 Safety and Energy Corridor Project:

1. Astragalus cronquistii (Cronquist milk-vetch) Surveys

- a. Pre-construction surveys shall occur prior to the start of work for *Astragalus cronquistii* (Cronquist milk-vetch) within suitable potential habitat and with a 20ft buffer to all areas of ground alteration as identified in the Biological Evaluation.
- b. Surveys shall occur during the fruiting time of this plant, May - June, of any year. Upon completion and prior to the start of work a survey report shall be submitted to the NNHP.
- c. Avoidance and mitigation measures proposed require NNHP review and written approval prior to the start of work.

- d. During the survey the contractor/botanist shall also search for *Asclepias cutleri* and report all locations where this species is found.

2. *Empidonax traillii* extimus (Southwestern Willow Flycatcher) and *Coccyzus americanus* (Yellow-billed Cuckoo) Surveys

- a. Pre-construction surveys for *Empidonax traillii* extimus (Southwestern Willow Flycatcher) and *Coccyzus americanus* (Yellow-billed Cuckoo) shall occur if work is proposed within 0.25 miles of suitable habitat during the species breeding season (May 1 - August 31, of any year). Surveys can be avoided if all construction activity occurs outside the breeding and chick rearing seasons for these species, September 1 - March 31, of any year.

3. McElmo Creek Bridge Replacement Project Conditions

- a. Fish passage shall be maintained at all times during the construction of the new bridge, unless the stream is dry.
- b. Any area of disturbed soil below the bank full width shall be stabilized with properly installed soil stabilization techniques and maintained throughout the construction time period.
- c. Prior to the end of construction all disturbed areas shall be reseeded with a locally appropriate (e.g., native to county) seed mix. All seeded areas shall be properly watered and mulched/straw to ensure successful seed germination.

Recommended Mitigation of Conditional Approvals for the SR-162 and SR-262 Safety and Energy Corridor Project Project:

- 1. All construction activities should avoid the migratory bird breeding season (March 1 - August 15, of any year). A pre-construction survey could be performed if work occurs during this time period.
- 2. All areas disturbed by the construction of the project shall be revegetated with a locally appropriate (i.e., native) seed mix that is free of invasive, noxious and undesirable plant species. Revegetation of the disturbed areas shall also include proper watering, mulching/straw and erosion controls so that the post construction areas is restored to suitable wildlife habitat.

Survey protocols and habitat descriptions for the species listed above can be found in the species accounts available on NNHP's website at https://www.nndfw.org/nnhp/sp_account.htm. Surveys must be conducted during the appropriate time of year (for plants, during the fruiting/flowering season) by an experienced biologist who is permitted by the Navajo Nation. See here for a list of permitted consultants (https://www.nndfw.org/bi_consult_list_2014.pdf).

Survey reports need to be sent to NNHP prior to construction activities taking place. The survey contractor shall consult with the NNHP botanist and zoologist for positive identification and development of mitigation strategies if NESL plants and or wildlife species are found during surveys.

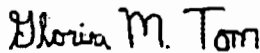
Please contact Leanna Begay via email at lbegay@nndfw.org with any questions that you have concerning the review of this project.

Sincerely,



Leanna Begay, Wildlife Manager
Navajo Natural Heritage Program
Department of Fish and Wildlife

CONCURRENCE



Gloria Tom, Director
Department of Fish and Wildlife

10/19/21

Date



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

LISA J. WILSON, P.E.
Deputy Director of Engineering and Operations



March 20, 2023

T. Kim Yazzie
Wildlife Biologist, Navajo Nation Department of Fish and Wildlife
PO Box 1480
Window Rock, AZ 86515

RE: DR#21heng102 SR-162/262 Road Improvements; Responses to NNDFW questions

Kim,

Below are UDOT's responses to the list of questions received on March 13.

Q: Documentation labeled 'Anticipated Schedule to Completion' was provided and with it a project start date of March 5, 2023. Please verify for our records, as project dates and records can change.

A: The anticipated start date for construction has changed to February 20, 2024

Q: Documentation that UDOT is following the BRCF Conditional Compliance which you can revisit with your biological consultant if the pre-construction survey report has been completed in accordance with the BRCF - DR#21heng102.

A: This email provides documentation of UDOT's pre-construction commitments

Q: If your consultant completed the pre-construction survey report, please email a copy of the report to the following email below, our NNHP staff will review it before end of business Wednesday March 15, 2023. If a survey will need to be conducted, please send dates of when surveys will be conducted and credentials of the individual(s) completing the survey.



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

LISA J. WILSON, P.E.
Deputy Director of Engineering and Operations

A:

Cronquist Milkvetch

UDOT is contracting with biologists currently on the NNDFW permitted list to conduct surveys for Cronquist milkvetch on suitable habitat during the flowering season between April and June. Survey protocols will consist of two passes on each side of the road where habitat is determined to be present based on soil formation, elevation, and a desktop review of vegetation communities to cover a 200 foot buffer from the centerline of the road, as identified in the information sheet provided by NNDFW found here: <https://www.nndfw.org/nnhp/Plants/ascr.pdf>. Survey results will be provided upon completion. During the Cronquist milk-vetch surveys, biologists will also document occurrences of Cutler's milkweed.

Southwestern Willow Flycatcher, Yellow-billed Cuckoo and Migratory Birds

Because work with noise levels above expected roadway noise (jack-hammering, pile-driving) will not occur during the breeding season for southwestern willow flycatcher and yellow-billed cuckoo, UDOT is not planning on conducting surveys for those species. This avoidance period would also cover the majority of other nesting bird species, therefore UDOT does not plan to survey for nesting birds. The only noise-generating work above ambient noise that would occur during the nesting season would be compaction. A noise analysis comparing noise levels produced the following results:

Our environmental contractors have created a report of the noise levels anticipated for each construction type based on FHWA road noise models, the ambient noise of the existing road, and the distances of potential habitat patches. Based on Average Annual Daily Traffic (AADT) levels, the ambient road noise in this area is 52.8 dBA. The work that would need to be done within the agreed-upon avoidance period would be limited to compaction, which would have an average dBA of 53 at the very closest patch of habitat, which would then diminish as distance increases.

Compaction of Roadway Materials

The RCNM calculated the noise levels (Leq) associated with a ground compactor in the closest suitable habitat to be 53 dBA, or 0.2 dBA over the baseline roadway noise level. This difference in noise levels is imperceptible.



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

LISA J. WILSON, P.E.
Deputy Director of Engineering and Operations

In the closest suitable habitat, noise levels associated with concrete saw cutting, jack hammering, and pile driving would be elevated over baseline roadway noise levels; however, the noise levels associated with compaction of roadway materials are effectively the same as baseline roadway noise levels (see Table 2).

Table 2. Comparison of Baseline Roadway and Construction Activity Noise Levels

Construction Activity	Baseline Roadway Noise Level (dBA)	Construction Activity Noise Level (dBA)	Difference
Concrete Saw Cutting	52.8	63	10.2
Jack Hammering	52.8	58	5.2
Pile Driving	52.8	68	15.2
Compaction of Roadway Materials	52.8	53	0.2

Q: If any mitigation or avoidance of species needs to be coordinated with one of our staff, field staff will schedule according to any findings from any pre-construction survey report.

A: UDOT will communicate with NNDFW if survey results find that Cronquist milk-vetch and/or Cutler's milk-vetch are found. In which case plants will be avoided if possible, and if avoidance is not possible a timing restriction from May 1 to June 30 would be observed during the flowering period.

Q: If no active nesting, breeding, migratory, or flowering/fruitleting of species is present within or near the project corridor, we can move forward with a 'YES' vote with this project. If the project starts before any species' action with which a survey does not need to be conducted, please give reasons and indicate in response letter.



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

LISA J. WILSON, P.E.
Deputy Director of Engineering and Operations

A: Noise generating work above the sound of regular traffic would not occur within 0.25 mile of suitable habitat for southwestern willow flycatcher or yellow-billed cuckoo. Work would occur before a general migratory bird nesting season begins and continue throughout, therefore birds nesting during the construction period would do so already acclimated to construction noise.

Please do not hesitate to reach out with questions and comments to Matt Howard, mattrhoward@utah.gov; 801-941-5680.

Best regards,

A handwritten signature in cursive script that reads "Matt Howard".

Matt Howard
Natural Resource Manager
Utah Department of Transportation

CC via Email:
Carissa Watanabe (UDOT)

Verna Tsosie (NNDFW)



THE NAVAJO NATION
Heritage & Historic Preservation Department
P.O. Box 4950 • Window Rock, Arizona 86515
(928) 871-7198 (tel) • (928) 871-7886 (fax)



CULTURAL RESOURCES COMPLIANCE FORM

HPD NO.: HPD-21-523

CONSULTANT REPORT NO.: HE UT-2071-1911

PROJECT TITLE: An Archaeological Investigation for SR-162 & 262 Safety and Energy Corridor Project.

LEAD AGENCY: UTDOT

SPONSOR: Sam Grimshaw, Utah Department of Transportation, Region 4, 210 W. 800 South Richfield, UT 84071

PROJECT DESCRIPTION: The Utah Department of Transportation (UDOT) has initiated an environmental study to evaluate roadway improvements on SR-162 from Bluff (US-191) to Aneth and on SR -262 from US-191 to Montezuma Creek (SR-162) in San Juan County, Utah. The project includes shoulder widening, intersection improvements, replacement of the bridge over McElmo Creek, and other safety improvements. Aside from the realignment of the intersection of SR-162 and SR-262 in Montezuma Creek, all work will take place within existing right-of-way. The area of effect is 280.59 acres.

PROJECT ARCHAEOLOGIST: Aaron R. Woods and Peter Steele

NAVAJO ANTIQUITIES PERMIT NO.: B20222

TOTAL ACREAGE INSPECTED: 280.59

DATE INSPECTED: 8/3/2020

DATE OF REPORT: 4/15/2021

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

LAND STATUS: NN Tribal Trust Land, BLM, SITLA, UTDOT

CHAPTER: Aneth

NUMBER OF ELIGIBLE PROPERTIES: 6

NUMBER OF NON-ELIGIBLE PROPERTIES: 2

NUMBER OF UNEVALUATED PROPERTIES: 0

NUMBER OF ISOLATED OCCURRENCES: 41

NUMBER OF IN-USE SITES: 0

EFFECT/CONDITIONS OF COMPLIANCE: Adverse Effect

PROCEED RECOMMENDED: Yes

CONDITIONS: Yes

SITE PROTECTIONS & EMPLOYEE EDUCATION: The project Sponsor will ensure that all employees of the project, its contractors and subcontractors, are educated on archaeological site locations, sensitive areas, and the site stipulations before any construction activities begin. All cultural sites will be avoided by all personnel, vehicles, and company equipment. They will also be notified that it is illegal to collect, damage, or disturb cultural resources and that such activities are punishable by criminal and/or administrative penalties under the provision of the Archaeological Resources Protection Act (ARPA) the Navajo Nation Cultural Resources Protection Act (CRPA).

SITES UT-C-37-54, UT-C-38-262:

1. SITE PROTECTION BARRIER:

- a qualified archaeologist will erect temporary site protection barriers before construction. the barrier will consist of flagging spaced no more than 10-ft apart.
- barriers will remain in place throughout construction & removed after project completion.
- there will be no surface-disturbing activities or vehicle traffic within the barriers.

2. RESTRICTED ACCESS:

- all reconstruction work will remain on existing pavement.
- no mechanical blading nor construction of new roads will occur within site boundaries.
- all construction/ground-disturbing activities will avoid the site by a minimum of 50-ft from the site boundary.

~ DOCUMENT IS VOID IF ALTERED ~



THE NAVAJO NATION
Heritage & Historic Preservation Department
P.O. Box 4950 • Window Rock, Arizona 86515
(928) 871-7198 (tel) • (928) 871-7886 (fax)



- there will be no rerouting or deviating from the existing road.

3. future maintenance:

- all maintenance activities will avoid site.
- all maintenance activities will follow the stipulations outlined in this document.

SITES UT-C-43-282, UT-C-43-348:

1. SITE PROTECTION BARRIER:

- a qualified archaeologist will erect temporary site protection barriers before construction. the barrier will consist of flagging spaced no more than 10-ft apart.
- barriers will remain in place throughout construction & removed after project completion.
- there will be no surface-disturbing activities or vehicle traffic within the barriers.

2. RESTRICTED ACCESS:

- all vehicular traffic will remain on established roads.
- no mechanical blading nor construction of new roads will occur within site boundaries.
- all construction/ground-disturbing activities will avoid the site by a minimum of 50-ft from the site boundary.
- there will be no rerouting or deviating from the existing road.

3. ARCHAEOLOGICAL MONITORING REQUIRED:

- the sponsor will provide a copy of these stipulations to the archaeological monitor before the start of construction activities. no construction, including vegetation removal, may begin before the arrival of the monitor.
- the monitor will:
 - obtain a class c permit from NNHPD before monitoring activities begin
 - the monitor will ensure the site protection barriers are visible.
 - ensure that no ground disturbing activities occur within the site boundaries.
 - observe disturbing surface activities within 50-ft of the sites.
 - submit a report of the monitoring activities within 30-days of completing monitoring activities unless other arrangements are made with nnhpd.
- notify NNHPD if any discoveries within 24-hours of discovery.
- NNHPD will consult with the monitor and sponsor using the guidelines for discovery situations.

4. FUTURE MAINTENANCE:

- all maintenance activities will avoid sites.
- all maintenance activities will follow the stipulations outlined in this document.

SITES UT-C-55-194, UT-C-55-201:

To resolve the adverse effects to these sites, UDOT will:

- Implement a Historic Properties Treatment Plan (HPTP) in consultation with parties involved with the Memorandum of Agreement (MOA).

SITES UT-C-38-261, UT-C-43-349:

Sites have exhausted all research potential for treatment, and determined not eligible for protection under NRHP.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not

~ DOCUMENT IS VOID IF ALTERED ~



THE NAVAJO NATION
Heritage & Historic Preservation Department
P.O. Box 4950 • Window Rock, Arizona 86515
(928) 871-7198 (tel) • (928) 871-7886 (fax)



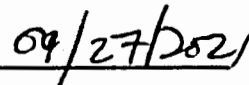
limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

Form Prepared by: Tamara Billie

FINALIZED: 9/27/2021



Richard M. Begay, Department Manager/HPO
Navajo Nation Heritage and Historic Preservation Department



Date

SPONSORS

Sam Grimshaw, Utah Department of Transportation, Region 4

LOCATION INFORMATION

LAND STATUS: NN Tribal Trust Land, BLM, SITLA, UTDOT

STATE: UT

DATUM: NAD83

ZONE: 12

UTM N

4125361

UTM E

65022

COUNTY(IES)

San Juan, UT

QUADRANGLE(S)

Bluff 1 SE, UT (Bluff)

Aneth 2 NE, UT (McCracken Spring)

Aneth 4 NW, UT (Aneth)

Recapture Pocket, UT (Aneth 2 SW)

Peters Nipple, UT/CO (Aneth 4 NE)

Montezuma Creek, UT

Big Bench, UT (Aneth 2 NW)

CHAPTER(S)

Aneth

Township

Range

Sections

39S

22E

1, 2

39S

23E

1, 2, 3, 5, 6, 7, 12, 13,

38S

23E

33, 34

40S

22E

1, 12, 22, 23, 24, 27, 28,

40S

23E

19, 20, 21, 25, 26, 27, 28,

40S

24E

7, 8, 16, 17, 21, 28, 29, 30,

41S

25E

21, 22, 25, 26, 27, 36

41S

26E

31, 32

42S

26E

3, 4, 5, 10



General Land Development Department
PO Box 69 | St. Michaels, AZ 86511
928-871-6447 | gldd.org
Environmental Compliance Determination



Project Information

Title: Utah Dept. of Transportation ROW "SR-162 Montezuma Creek to Aneth"

Size: 200.461 acres or 8,732.092 square feet

Legal Description: Sections 1,2 of T39S, R22E, S1,2,3,5,6,7,12,13 of T39S,R23E, S33,34 of T38S,R23E, S1,12,22,23,24,27,28 of T40S,22E, S19,20,21,25,26,27,28 of T40S,R23E,S7,8,16,17,21,28,29,30 of T40S,R24E, S21,22,25,26,27,36 of T41S, 25E, S31,32 of T41S, R26E, & S3,4,5,10 of T42S,26E, Aneth Chapter, Utah

Environmental Compliance Determination

The proposed Right-of-Way will be lawfully granted by the Navajo Nation through the authority of 25 C.F.R. §169 and the General Leasing Regulations of 2013

The General Land Development Department's environmental compliance determination (ECD) confirms the above-mentioned Right -of-Way (ROW) application meets the environmental clearance criteria of the Navajo Nation General Leasing Regulations (16 N.N.C. § 2301 et. Seq.). The proposed ROW poses no significant impact(s) to the cultural, biological and the natural environments of the Navajo Nation.

Environmental Clearance Reviews

If at any time any historical properties, archaeological resources, human remains, or other cultural items not previously reported are encountered, all activity will cease and the Navajo Nation Historic and Heritage Preservation Department will be contacted immediately. Furthermore, the aforementioned ROW applicant will also consult with the Navajo Nation EPA to ensure compliance with all Navajo Nation Environmental laws and permits (4 N.N.C. § 901 et. Seq.) that will be enforced after said ROW is granted. If at any time over the duration of the ROW an environmental taking or violation occurs, the grantee may be subject to disciplinary actions and possible cancellation of the authorization.

This ECD is valid so long as the "Effect/Conditions of Compliance" and "Standard Conditions" out-lined on the "Cultural Resources Compliance Form (HPD-21-532)" and the "Biological Resources Compliance Form (21heng102)" are implemented.

Approved by


Steven Chischilly Jr, Environmental Specialist GLDD

2/20/2023
Date



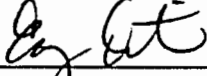
The Navajo Nation
Yideeskáadi Nitsáhákees

DR. BUU NYGREN *PRESIDENT*
RICHELLE MONTOKA *VICE PRESIDENT*

Navajo Nation Environmental Protection Agency – Air & Toxics Department
P.O. Box 339 Window Rock, AZ 86515 • Bldg # 2318 Window Rock Blvd.
Tel: 928.871.6790 Fax: 928.871.6757



March 16, 2023

TO: 164 Reviewers
FROM: 
Eugenia Quintana, Environmental Department Manager
Air & Toxics Department
SUBJECT: EOR #019447 UTDOT, ROW SR-162, Montezuma Creek to Utah

Based upon review of information contained in the USDOJ ROW Application, the January 2009 Final EIS, the Environmental Study dated 12/13/18, and the Record of Decision dated 8/12/09, the Air & Toxics Department (ATD) is providing the following comments and recommendations.

The 2018 Environmental Study described the Purpose and Need as: The section of roadway on State Route (SR) 262 from approximate milepost (MP) 0.0 to 22.6, as well as two sections of roadway on SR-162 (approximate MP 0.0 - 13.9 and MP 23.1 - 31.9), are recommended for maintenance to extend the life of the roadway and to address safety issues related to poor pavement surfaces. Regular maintenance and preservation of existing roadways is more cost effective than reconstruction or replacement. The purpose of the project is to address roadway deficiencies and improve roadway safety.

The Navajo Nation Environmental Protection Agency (NNEPA) supports road projects for the benefit of communities, emergency response, highway safety, school bus routes, and the myriad of other co-benefits related to roads infrastructure. Attention is directed to the following, as the activities anticipated to be undertaken could be/are subject to the following:

1. **Tribal Minor New Source Review Permitting Program under 40 CFR 49.152.** The 2009 Final EIS, at 3-25 indicated that during the construction phase, a Title V air permit may be necessary for facilities such as mobile asphalt plants, mobile gravel crushing machines, or other mobile construction facilities. Generally, mobile minor sources will require a minor source permit, rather than a Title V permit. In the Mitigation Measures section of the Final EIS, it is indicated that a minor source air permit will be obtained from NNEPA – Air Quality Department. However, the Air Quality Department of the NNEPA will not issue the minor source air permit. Most likely, a minor source air permit may be required. The 2009 ROD also indicated that to mitigate impacts to air quality during construction, a minor source air permit will be obtained from Navajo Nation Environmental Protection Agency (NNEPA) - Air Quality Department. The NNEPA will not issue the minor source air permit.

The type of road construction work anticipated could be subject to Tribal Minor New Source Review Permitting Program under 40 CFR 49.152, for minor sources such as hot asphalt mix

plants in Indian Country. Currently, the Navajo Nation does not have a minor source program for applicable minor sources operating on the Navajo Nation Lands. The USEPA Region 9 has authority for Tribal Minor NSR for minor sources on the Navajo Nation. The UTDOT and/or its contractor(s) can visit the USEPA, Region website at: <https://www.epa.gov/caa-permitting/tribal-minor-new-source-review-permitting-region-9#general-rule>.

As applicable, the UTDOT, and/or its contractor(s) should complete the appropriate documents and, if required, obtain a permit before beginning construction. The contact person at USEPA, Region 9 regarding this matter is Catherine Valladolid and she can be reached at (415) 972-3811 or Valladolid.Catherine@epa.gov. It is recommended that the UTDOT, and/or its contractors also provide NNEPA, Operating Permit program with a notice of their application to USEPA Region 9.

The Navajo Nation Air Quality Control Program (NNAQCP) is proposing the Minor Source Program Regulations, which are being promulgated pursuant to the Navajo Nation Clean Air Act, 4 N.N.C. §§ 1101-1162 and two General Permits for Oil and Natural Gas Sectors and Gasoline Dispensing Facilities. After issuing its own Minor Source Program regulations, NNAQCP will seek to implement this program in place of the federal government. Promulgation is anticipated to be finalized in 2023.

2. **Navajo Nation Pesticide Act.** The supporting documents include descriptions and identification of mitigation measure to minimize spread of invasive species and noxious weeds. The control of invasive and noxious vegetation is occasionally required during road construction. The Navajo Nation Pesticide Act describes the requirements for pesticide applications on the Navajo Nation. It is recommended that the UTDOT and/or its contractors integrate into its activities, the BIA Natural Resource, Navajo Nation Integrated Weed Management Plan for treatment of noxious weeds within highway rights-of-ways.
3. **Navajo Nation Air Pollution Prevention and Control Act (Navajo Clean Air Act), 4 N.N.C. §§ 1134-40, Air Quality Control Programs.** Provisions include Best Management Practices (BMPs) to control dust that would be generated during earth moving activities. Details the BMPs to control excessive amounts of particulates.
4. The NNEPA requests collaboration related to the fulfillment of the environmental compliance measures indicated herein. The Air Quality Control Program can be contacted at 928-729-4094, 729-4096, 729-4248. The Navajo Nation Pesticide Program can be contacted at 982-871-7810, 871-7184.

I can be contacted at eugeniaquintana@navajo-nsn.gov if there are any questions in this regard. Thank you.

Xc: Jolene Ottley, UDOT, joleneottley@utah.gov
NNEPA Water Quality Program
NNEPA Operating Permit Program
NNEPA Pesticide Program



THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY

Water Quality/NPDES Program
P.O. Box 1999, Shiprock, NM 87420
(505) 368-1037

October 5, 2021

Rod Hess
Sr. Landscape Architect, UDOT
4501 Constitution Blvd
Taylorsville, UT 84129

RE: Clean Water Act Section 401 Certification for Proposed UDOT SR-162 & SR-262 Safety and Energy Corridor Project (Project ID# 2021-0093SR)

Mr. Hess,

The Navajo Nation Environmental Protection Agency (Navajo EPA) has reviewed and public noticed the above-referenced §401 Water Quality Certification Application. The 30-day comment period has ended and no comments were received.

The Utah Department of Transportation (UDOT) is proposing to improve the safety of SR-162 and SR-262 through pavement reconstruction, roadway realignment, shoulder widening, slope flattening, fencing installation, guardrail replacement, and fiber optic conduit installation. In addition, the intersection of SR-162 and SR-262 in Montezuma Creek will be realigned; the SR-162 bridge over McElmo Creek will be replaced; and armoring will be placed around the base of the McElmo and Montezuma Creek bridges to control erosion. Best management practices will be implemented according to a stormwater pollution prevention plan to control erosion and the discharge of construction material and debris.

The project will result in the dredging of 328.2 cubic yards of bed/bank material from Montezuma Creek and 766 cubic yards from McElmo Creek. Fill material for Montezuma Creek (376.1 cubic yards) and McElmo Creek (881.1 cubic yards) will primarily consist of rock riprap and the dredged material. A combined total of approximately 0.26 acres of wetlands and stream channels will be permanently impacted at these two locations by this project. Construction is expected to occur between spring 2022 and fall 2023.

Your request for a 401 certification is granted with the following conditions: The conditions which follow ensure that there is not a violation of Navajo Nation Surface Water Quality Standards 2015 (NNSWQS 2015) Sections 102 - 105, 201(A) - (H), 202(A) - (F), 203(A)(1) - (A)(9), 203(B) and (C), 204(9), 204(13), 204(15), 204(16), 205, 206, 207(A) - (I), 208, 210 - 212, and/or 213, and Tables 205.1, 206.1, and/or 207.1:

1. UDOT shall provide a copy of these Clean Water Act §401 Water Quality Certification conditions to all appropriate contractors and subcontractors. UDOT shall ensure that these conditions are understood by all appropriate contractors and subcontractors. UDOT shall keep a copy of these conditions at the construction site where the workers may read it. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).

2. Erosion control and/or bank protection features (e.g., silt fences, straw bales, riprap, or mulching) shall be used, where appropriate, to minimize channel or bank erosion and soil loss. These features shall be maintained, as necessary, during pre-construction and construction periods. Denuded areas shall be revegetated as soon as possible with native plants and seed. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
3. Earthen fill placed in locations subject to scour shall contain no more than ten percent (10%) of particles finer than 0.25 mm diameter (passing a No. 60 sieve, on a dry weight basis). (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207.)
4. Upon completion of construction, the work area shall be restored to maintain the stability of upstream and downstream segments of the impacted surface water bodies listed above with respect to erosion and sedimentation. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
5. UDOT is responsible for ensuring construction material and/or fill, placed within the ordinary high water mark (OHWM), is free from substances (including fines that may be associated with rip-rap material) that can cause or contribute to pollution of a surface water. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
6. Debris (such as soil, silt, sand, rubbish, cement, asphalt, oil or petroleum products, organic materials, tires or batteries) derived from construction activities shall not be deposited at any site where it may be washed into a Water of the Navajo Nation and shall be properly disposed of after completion of the work. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
7. UDOT shall have a spill containment plan to ensure that pollutants are contained, removed and properly disposed of. In addition, equipment maintenance shall be performed at an upland site away from Waters of the Navajo Nation. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
8. Runoff and seepage from alterations of the natural environment into the impacted surface water bodies listed above shall not cause a violation of NNSWQS 2015 Sections 203 and 207.
9. Construction materials, including concrete, asphalt, and piping, shall consist of materials that do not leach pollutants into surface or ground waters. Activities shall be conducted and monitored to ensure that pollution from concrete formation and equipment washing does not drain into surface or ground waters. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
10. At completion, all construction residues, equipment and non-native materials shall be removed from and properly disposed of outside the 100-year floodplain. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
11. Stockpiles of construction materials shall be stored outside of jurisdictional waters. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
12. No discharge of process water, material processing residue, wastewater or other residual material is authorized within jurisdictional waters. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).
13. Flows shall be diverted around work operations or the work shall be performed during low water conditions when the area is naturally dewatered. When there is water flow within the construction area, construction activity shall cease and construction equipment relocated outside the watercourse. (Justification – ensures that contractors and subcontractors comply with NNSWQS 2015 Sections 203 and 207).

This certification is approved with the understanding that the subject activities are consistent with the terms, conditions, and regional conditions of the United States Army Corps of Engineers (USCOE) Nationwide Permit Program. If there are any substantive changes in the proposed project that may affect water quality, the applicant shall notify our office. Failure to do so will result in revocation of this certification. This certification is valid for the period specified in the USCOE Nationwide Permit Regulations (33 CFR Part 330). If for some reason the USCOE permit is revoked, suspended or modified, this certification may also be revoked, suspended or modified.

If you have any questions regarding this certification, please contact our office at 928-871-7690.

Sincerely,

A handwritten signature in black ink, appearing to read "Yolanda Barney" followed by a stylized flourish and the letters "(m)".

Yolanda Barney
Department Director
Surface and Groundwater Protection Department
Navajo Nation Environmental Protection Agency

cc: Samantha Jones, USACE
Patrick Antonio, NNEPA

OMB Control Number 1076-0181
Expires 04/30/2019



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

Request for the BIA to grant a right-of-way under the terms and provisions of the Act of February 5, 1948 (25 U.S.C. 323-328) and Departmental Regulations at 25 CFR 169.

Parcel(s) Affected by Right-of-Way:

Landowner Name(s): Navajo Nation

Allotment Number(s): _____

Legal Description: see attached description

Applicant Information

Applicant: Utah Department of Transportation (UDOT)

Contact information: Jolene Ottley joleneottley@utah.gov 801-664-3361

Right-of-Way Information

General location of the right-of-way: SR-162 Montezuma Creek to Aneth

Duration/term (years): requesting perpetual easement

Purposes: Highway Purposes- SR-162 all 32 miles of SR-162 with an asphalt leveling course and 1.5 inch overlay. Portions of the roadways will also receive shoulder improvements, safety and drainage feature improvements as is practical and feasible. A portion of the SR-162 Corridor from Mile post 13.3 to 23.1 will be reconstructed and widened to include a full depth pavement reconstruction, wider paved shoulders, flattened slopes, and replacement of the MC Elmo Creek Structure. A roundabout will also be constructed at the currently skewed intersection of SR-162 & SR-262.

Length (in feet): 32 miles Width (in feet): 200 feet Depth (in feet): 100 feet on each side of centerline Size (area): 200.461 acres or 8,732,092 square feet

Owner of permanent improvements in right-of-way: UDOT

Party responsible for constructing, operating, maintaining, and managing permanent improvements in right-of-way: UDOT

APPLICANT EXPRESSLY AGREES TO review and abide by all conditions stated in the right-of-way grant and comply with all provisions of 25 CFR 169.

APPLICANT SIGNATURE: Jolene Ottley

DATE: 3/3/2022

ATTEST: UDOT Project Lead Agent

A handwritten signature in black ink, appearing to read "Jolene Ottley", written over a horizontal line.

See the back of this form for:

- Required supporting documents that must be submitted with this application; and
- A list of conditions that will be among those in the right-of-way grant.

PLEASE SUBMIT THIS FORM & REQUIRED SUPPORTING DOCUMENTS TO THE LOCAL BIA AGENCY OFFICE.

PAPER WORK REDUCTION ACT STATEMENT

This information is being collected to provide Bureau of Indian Affairs (BIA) with information necessary to issue a grant of a right-of-way across Indian land. Response is required to obtain benefits under 25 CFR 169. A Federal Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting for this form is estimated to average 1 hour per

OMB Control Number 1076-0181

Expires 04/30/2019

response, including the time for reviewing instructions, gathering and maintaining data, completing the form. Direct comment regarding the burden estimate or any other aspect of this form to: Information Collection Clearance Officer, Office of Regulatory Affairs & Collaborative Action – Indian Affairs, 1849 C Street, N.W., MS-3071-MIB, Washington, D.C. 20240.

169.103 Requirement for Bond

UDOT is covered by the state of Utah's risk management requirements, and under Utah Code 63A-4-103(1)(a), unless expressly authorized by statute, UDOT may not purchase insurance or self-fund any risk unless authorized by the state's risk manager. A performance bond is a method of covering a risk like an insurance policy (in the case of a bond, a risk of nonperformance). UDOT would be prohibited from purchasing one under this code section. This section is also consistent with a more general prohibition under the Utah Constitution, Sec. 29, which prevents the state from "lending its credit." The state cannot provide financial assurances.

If the purpose of the bond is to assure that UDOT will follow through and construct the road, or that UDOT will maintain and repair the road after it is built, UDOT already has an obligation under state statutes to take those actions for state roads, and a bond is not necessary to assure performance.

REQUIRED SUPPORTING DOCUMENTS:

- (1) An accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of-way; Included
- (2) A map of definite location of the right-of-way and existing facilities adjacent to the proposed project, signed by a professional surveyor or engineer (this requirement does not apply to easements covering the entire tract of land);
- (3) A bond meeting the requirements of 25 CFR § 169.103; UDOT is a state agency and we are self insured
- (4) Record of consent for the right-of-way meeting the requirements of 25 CFR § 169.105 for tribal land, and 25 CFR § 169.106 for individually owned Indian land; See Aneth Chapter Supporting Resolution of POW and Project.
- (5) If applicable, a valuation meeting the requirements of 25 CFR § 169.110; Requesting waiver
- (6) If the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, that demonstrates that: (i) The representative has authority to execute the application; (ii) The right-of-way will be enforceable against the applicant; and (iii) The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located; does not apply
- (7) Environmental and archeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements. Included
- (8) Acquisition and construction schedule> See 17894_Anticipated Schedule to Construction document. This is subject to change depending on when UDOT can get the ROW needed cleared.

LIST OF CONDITIONS THAT WILL BE AMONG THOSE IN THE RIGHT-OF-WAY GRANT

- (1) The grantee has no right to any of the products or resources of the land, including but not limited to, timber, forage, mineral, and animal resources, unless otherwise provided for in the grant;
- (2) BIA may treat any provision of a grant that violates Federal law as a violation of the grant; and
- (3) The grantee must:
 - (i) Construct and maintain the right-of-way in a professional manner consistent with industry standards;
 - (ii) Pay promptly all damages and compensation, in addition to the deposit made pursuant to §169.103, determined by the BIA to be due the landowners and authorized users and occupants of land as a result of the granting, construction, and maintenance of the right-of-way;
 - (iii) Restore the land as nearly as may be possible to its original condition, upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted, unless otherwise negotiated by the parties;
 - (iv) Clear and keep clear the land 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 the construction and maintenance of the project;
 - (v) Comply with all applicable laws and obtain all required permits;
 - (vi) Not commit waste (i.e., any damage to the property that lessens its value);
 - (vii) Repair and maintain improvements consistent with the right-of-way agreement;
 - (viii) Build and maintain necessary and suitable crossings for all roads and trails that intersect the improvements constructed, maintained, or operated under the right-of-way;
 - (ix) Restore land to its original condition, as much as reasonably possible, upon revocation or termination of the right-of-way, unless otherwise negotiated by the parties;
 - (x) At all times keep the BIA informed of the grantee's address;
 - (xi) Refrain from interfering with the landowner's use of the land, provided that the landowner's use of the land is not inconsistent with the right-of-way; and
 - (xii) Comply with due diligence requirements under § 169.104.
- (4) Unless the grantee would be prohibited by law from doing so, the grantee must also:
 - (i) Hold the United States and the Indian landowners harmless from any loss, liability, or damages resulting from the applicant's use or occupation of the premises; and
 - (ii) Indemnify the United States and the Indian landowners against all liabilities or costs relating to the use, handling, treatment, removal, storage, transportation, or disposal of hazardous materials, or release or discharge of any hazardous material from the premises that occurs during the term of the agreement, regardless of fault, with the exception that the applicant is not required to indemnify the Indian landowners for liability or cost arising from the Indian landowners' negligence or willful misconduct.

OWNERSHIP RECORD

Title by: CSB

Date: September 2020

County: San Juan

Parcel No.: R499:101

Type Ownership: Tribal

Tax ID No.: N/A

Project No.: F-R499(367)

PIN No.: 17894

Recorded Owners: Navajo Nation

Address:

Property Address: SR-162 Montezuma Creek to Aneth, San Juan County, Utah

Entry No.	Book	Page	Type Instr.	Date Signed	Date Recorded
			Assignment of Road Right of Way	23 May 1967	

Grantor: Secretary of the Interior

Calculated area in undeterminable.

ASSIGNMENT OF ROAD RIGHT OF WAYRECITALS:

1. A right of way to the Bureau of Indian Affairs for the construction, operation, and maintenance of a road across the State of Utah, identified as Indian Service Route 35, Project N35(2), from Aneth southeasterly to the Utah-Colorado State line, a distance of 9.357 miles. Said right of way is for 200'; 100' left and 100' right of centerline and is located in Township 41 S., Range 25 and 26E., and Township 42 S., Range 26 E. Right of way was approved on August 27, 1962, by the Acting General Superintendent of Navajo Agency pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17) and the Federal regulations 25 CFR 161.

2. During the 1967 Utah State Legislative Session certain changes in the State Road System were approved. One of these changes was the extension of State Route 262 to include the portion of road from Aneth to the Colorado State line and so designated as a State Route.

3. In letter from the Utah State Department of Highways dated May 5, 1967, the Bureau of Indian Affairs was advised of the addition to the Utah State Road System.

NOW THEREFORE, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the Secretary of the Interior, through his authorized representative, hereby transfers and assigns all the right, title, and interest of the United States of America in and to said right of way to the Utah State Highway Commission. Said Assignment shall become effective from MAY 16 1967.

Secretary of the Interior, by

Approved May 23, 1967
UTAH STATE DEPARTMENT OF HIGHWAYS

By

[Signature]
State Highway Engineer

Area Director, pursuant to the authority contained in 25 CFR 162.8 and delegated by Secretary's Order 2508, sec. 28 (17 F.R. 6418) and Commissioner's Order 551, sec. 28 (22 F.R. 6878)

ATTEST:

[Signature]
Secretary

CCANNED

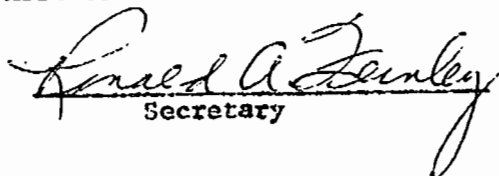
ACCEPTANCE BY ASSIGNEE

The Assignee, Utah State Highway Commission, in the above and foregoing assignment, acting through its Chief Highway Engineer, hereby accepts all right, title and interest in and to said right of way approved August 27, 1962, formerly vested in the Bureau of Indian Affairs, and agrees to be bound by and fulfill all the obligations, conditions and stipulations in said right of way, and the rules and regulations of the Secretary of the Interior applicable thereto.

IN WITNESS WHEREOF the said assignee has hereunto set its hand and seal this 23rd day of May, 1967.

UTAH STATE HIGHWAY COMMISSION

ATTEST:


Secretary

By: 
Chief Highway Engineer
Utah State Department of Highways

Indian Service Project N35(2)
(9.357 miles)

SCANNED

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS

GALLUP AREA

RIGHT OF WAY MAP

ROUTE 35 PROJECT N-35 (2)
9.357 MILES 100' LT. & 100' RT. $\frac{1}{2}$ OF ROAD 226.8 ACRES

STATE OF NEW MEXICO } SS.
COUNTY OF MCKINLEY }

Vern S. Kubitz Being duly sworn, says he is the Assistant Area Road Engineer of the Bureau of Indian Affairs, Gallup Area Office, herein after designated the applicant, that the survey of Project N-35 (2) over and across Indian Lands, County of San Juan was made under his direction and authority of the Bureau of Indian Affairs, and that such survey is accurately represented on this map which consists of one (1) sheet.

Bureau of Indian Affairs
By [Signature]
Asst. Area Road Engineer

Sworn and Subscribed to me on this
20th day of August 1962.

Martha Romanek
Notary Public in and for the
County of McKinley

My Commission Expires November 5, 1965

M-765

N-35(2)

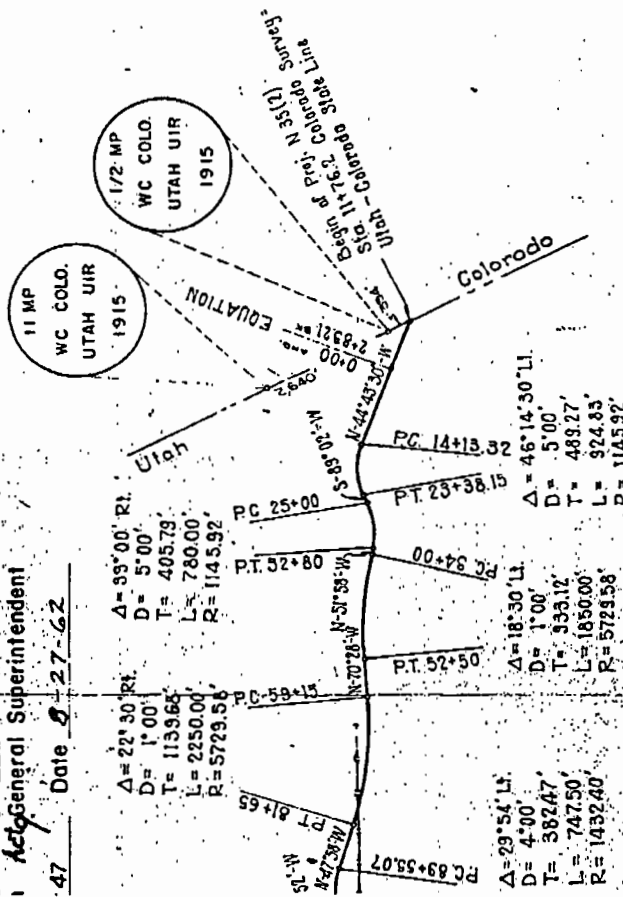
The state of Utah being satisfied that the map and survey hereon shown is of sufficient accuracy, herewith accept this map of definite location.

APPROVED _____ DATE _____

APPROVED _____ DATE _____

K. W. Dwyer
Acting General Superintendent

Date 8-27-62



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

APPLICATION FOR PUBLIC HIGHWAY

S-0406(5)
Parcel 12:R
13
14

I, C. Taylor Burton, Director of Highways, duly authorized by a majority of the STATE ROAD COMMISSION OF UTAH, of Salt Lake City township, Salt Lake County, Utah, duly authorized by law to open and establish public highways in said State of Utah, do hereby petition the Secretary of the Interior to grant permission in accordance with section 4 of the act of March 3, 1901 (31 Stats. L., 1058, 1084), to open and establish a public highway 100 ft. to 205 ft. wide, extending across Indian lands for a distance of 7.542 miles as shown on accompanying map of definite location.

All the laws of the State of Utah with regard to the opening and establishment of public highways have been complied with in this instance.

The highway is to be a part of the main road connecting the town of Aneth and the San Juan River Bridge, and is a public necessity for the following reasons:

To improve alignment.

The State Road Commission in the construction of said highway and known as Project No. S-0406(5), in compliance with Title 25 - Indians Paragraph 161.7, agrees to the following:

- (a) To construct and maintain the right-of-way in a workmanlike manner.
- (b) To pay promptly all damages, in addition to the deposits made pursuant to Paragraph 161.5, determined by the Superintendent to be due the land owners on account of construction and maintenance of the right-of-way.
- (c) To indemnify the land owners against any liability for damages to life or property arising from the occupancy or use of the lands by the applicant.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction.
- (e) That the applicant will not interfere with the use of the lands by or under authority of the land owners for any purpose not inconsistent with the primary purpose for which the right-of-way was granted.

(Continued on Page 2)

The proposed highway has been laid out to conform to section lines, except as hereafter stated. The departures from section lines are as follows and the reasons as stated:

(Here state the place of each departure and the reasons for each)

The existing road, improved alignment and new construction do not follow the Section lines, but follow a course advantageous to the terrain.

Damages to Indian lands and improvements have been allowed in the sum of _____, and exchange in the form of a State Warrant is inclosed herewith, to be held by the superintendent of The Navajo Indian Indian School at Window Rock, Arizona, pending the action of the Department on this petition.

Dated this _____ day of _____, 19____

Secretary

STATE ROAD COMMISSION OF UTAH
By Director

Revised by RLW, 11-18-64
Checked by _____

Proofread by TAPPEL 11-18-64
Typed by leh, 11-18-64

November 18, 1964

**APPLICATION FOR RIGHT OF WAY
FOR A PUBLIC HIGHWAY**

I, C. Taylor Burton, Director of Highways, in behalf of the State Road Commission of Utah, which is authorized by Law to open and establish public highways in the State of Utah, do hereby petition the Secretary of Interior to grant permission, in accordance with the Act of February 5, 1948, (62 Stat. 17) and 25 CFR Part 161, to use Indian Lands for the opening and establishment of highway known as Project No. S-0406(5), a portion of the road connecting the town of Aneth and the San Juan River in San Juan County and extending across Indian Lands a distance of 7.542 miles as shown on accompanying maps of definite location.

This project is a public necessity due to increased traffic and need for greater highway user safety.

The State Road Commission in the construction of said highway, in compliance with Title 25 - Indians Paragraph 161.7, agrees to the following:

- (a) To construct and maintain the right-of-way in a workmanlike manner.
- (b) To pay promptly all damages, in addition to the deposits made pursuant to Paragraph 161.5, determined by the Superintendent to be due the land owners on account of construction and maintenance of the right-of-way.
- (c) To indemnify the land owners against any liability for damages to life or property arising from the occupancy or use of the lands by the applicant.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction.
- (e) That the applicant will not interfere with the use of the lands by or under authority of the land owners for any purpose not inconsistent with the primary purpose for which the right-of-way was granted.

C. Taylor Burton
Director of Highways

RIGHT OF WAY DESCRIPTION

Parcel No. 0406:12:R
Project No. S-0406(5)

Navajo Indian Tribe

A tract of land for highway known as Project No. 0406 situated in the $SE\frac{1}{4}SW\frac{1}{4}$, and the $S\frac{1}{2}SE\frac{1}{4}$ of Section 32, the $S\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of Section 34, all in T. 40 S., R. 24 E., S.L.M., Lot 1, Section 5, Lots 1, 2, 3, and 4 of Section 4, Lots 1, 2, 4, and 5 of Section 3, the $W\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of Section 2, Lots 1, 2 and 5 and the $NE\frac{1}{4}NE\frac{1}{4}$ of Section 11, the $W\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ of Section 12, all in T. 41 S., R. 24 E., S.L.M. and the $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of Section 7, Lot 1 and the $E\frac{1}{2}NE\frac{1}{4}$ of Section 18, The $S\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ of Section 17 and the $S\frac{1}{2}SW\frac{1}{4}$ of Section 16, all in T. 41 S., R. 25 E., S.L.M. Said tract of land is bounded on the northerly side by a line parallel to and 50.0 ft. distant northerly from the center line of survey of said project, beginning at a point opposite Engineer's Station 0+54.9 to a point opposite Engineer's Station 254+50; thence by a straight line to a point 75.0 ft. opposite Engineer's Station 255+00; thence by a straight line to a point 50.0 ft. opposite Engineer's Station 255+50; thence parallel to said center line to a point opposite Engineer's Station 257+04.6; thence by a straight line to a point 100.0 ft. opposite Engineer's Station 257+50; thence by a straight line to a point 130.0 ft. opposite Engineer's Station 260+50; thence by a straight line to a point 130.0 ft. opposite Engineer's Station 262+00; thence by a straight line to a point 50.0 ft. opposite Engineer's Station 264+50; thence parallel to said center line to the south line of said Section 16. Said tract of land is bounded on the southerly side by a line parallel to and 50.0 ft. distant southerly from said center line of survey, beginning at a point opposite Engineer's Station 0+45.5 to a point opposite Engineer's Station 254+50; thence by a straight line to a point 65.0 ft. opposite Engineer's Station 255+00; thence by a straight line to a point 50.0 ft. opposite Engineer's Station 255+50; thence parallel to said center line to a point opposite Engineer's Station 256+50; thence by a straight line to a point 105.0 ft. opposite Engineer's Station 257+50; thence by a straight line to a point 70.0 ft. opposite Engineer's Station 259+00; thence by a line concentric with said center line to a point 70.0 ft. opposite Engineer's Station 263+12.1; thence by a straight line to a point 90.0 ft. opposite Engineer's Station 264+00; thence by a straight line to a point 50.0 ft. opposite Engineer's Station 264+50; thence parallel to said center line to said south line of Section 16. Said center line is described as follows:

Beginning at Engineer's Station 0+50.2, which point is 880.1 ft. north and 557.7 ft. N. $68^{\circ} 59'$ W. from the $S\frac{1}{4}$ corner of said Section 32; thence S. $68^{\circ} 59'$ E. 2527.7 ft. to a point of tangency with a $0^{\circ} 40'$ curve to the left; thence Southeasterly 1050.1 ft. along the arc of said curve; thence S. $75^{\circ} 59'$ E. 883.5 ft. to a point of tangency with a $3^{\circ} 00'$ curve to the left; thence Easterly 494.4 ft. along the arc of said $3^{\circ} 00'$ curve; thence N. $89^{\circ} 11'$ E. 644.5 ft. to a point of tangency with a $0^{\circ} 30'$ curve to the left; thence Easterly 486.7 ft. along the arc of said $0^{\circ} 30'$ curve; thence N. $86^{\circ} 45'$ E. 2113.2 ft. to a point of tangency with a $4^{\circ} 00'$ curve to the left; thence Northeasterly 413.8 ft. along the arc of said $4^{\circ} 00'$ curve; thence N. $70^{\circ} 12'$ E. 182.1 ft. to a point of tangency with a $1^{\circ} 20'$ curve to the right; thence Easterly 1540.0 ft. along the arc of said $1^{\circ} 20'$ curve; thence S. $89^{\circ} 16'$ E. 1029.3 ft. to a point of tangency with a $4^{\circ} 00'$ curve to the right; thence Southeasterly 887.9 ft. along the arc of said $4^{\circ} 00'$ curve to the

right to Engineer's Station 123+03.4 Back which equals Engineer's Station 123+33.0 Ahead; thence S. $53^{\circ} 45'$ E. 1970.1 ft. to a point of tangency with a $2^{\circ} 00'$ curve to the right; thence Southeasterly 1640.0 ft. along the arc of said $2^{\circ} 00'$ curve; thence S. $20^{\circ} 57'$ E. 1283.5 ft. to a point of tangency with a $2^{\circ} 00'$ curve to the left; thence Southeasterly 2225.9 ft. along the arc of said $2^{\circ} 00'$ curve to the left; thence S. $65^{\circ} 28'$ E. 3803.3 ft. to a point of tangency with a $1^{\circ} 30'$ curve to the left; thence Southeasterly 1300.0 ft. along the arc of said $1^{\circ} 30'$ curve; thence S. $84^{\circ} 58'$ E. 328.1 ft. to Engineer Station 248+83.9 Back which equals Engineer Station 248+77.6 Ahead; thence S. $84^{\circ} 58'$ E. 827.0 ft. to a point of tangency with a $4^{\circ} 00'$ curve to the right; thence Southeasterly 607.5 ft. along said $4^{\circ} 00'$ curve to the right; thence S. $60^{\circ} 40'$ E. 2363.1 ft. to a point of tangency with a $1^{\circ} 00'$ curve to the right; thence Southeasterly 1343.3 ft. along the arc of said $1^{\circ} 00'$ curve to the right; thence S. $47^{\circ} 14'$ E. 2491.1 ft. to a point of tangency with a $1^{\circ} 00'$ curve to the left; thence Southeasterly 1075.0 ft. along the arc of said $1^{\circ} 00'$ curve to the left; thence S. $57^{\circ} 59'$ E. 3560.35 ft. to a point of tangency with a $3^{\circ} 30'$ curve to the left; thence Southeasterly 854.29 ft. along the arc of said $3^{\circ} 30'$ curve to the left; thence S. $87^{\circ} 53'$ E. 348.69 ft. to a point of tangency with a $4^{\circ} 15'$ curve to the right; thence Southeasterly 847.06 ft. along the arc of said $4^{\circ} 15'$ curve to the right; thence S. $51^{\circ} 53'$ E. 866.6 ft. to a point of tangency with a $3^{\circ} 00'$ curve to the left at Engineer's Station 400+60.8 Back which equals Engineer's Station 400+63.8 Ahead; thence Southeasterly 586.1 ft. along the arc of said $3^{\circ} 00'$ curve to the left; thence S. $69^{\circ} 28'$ E. 1251.18 ft. to the intersection of said center line of survey and said south line of Section 16, which point is 1126.5 ft. west from the $S\frac{1}{4}$ corner of said Section 16. The above described tract of land contains 97.50 acres, less and excepting 1.54 acres, more or less, at Aneth Trading Post recorded in the name of Roscoe McGee, et al and 3.15 acres, more or less, in the $SW\frac{1}{4}SE\frac{1}{4}$ of Section 32, T. 40 S., R. 24 E., S.L.M. recorded in the name of the State Land Board. Balance 92.81 acres, more or less.

Revised by RLW, 3-26-65
Checked by

Proofread by ED J. F. W. 3-29-65
Typed by cl, 3-26-65

Exhibit "A"

DESCRIPTION OF AN AMENDED RIGHT-OF-WAY ACROSS NAVAJO NATION LANDS
REQUIRED FOR PURPOSES INCIDENTAL TO THE CONSTRUCTION OF A HIGHWAY
KNOWN AS PROJECT NO. F-R499(367), SR-162 & SR-262: SAFETY AND ENERGY
CORRIDOR PROJECT IN SAN JUAN COUNTY, UTAH.

A parcel of land for Right-of-Way situate in the following aliquot parts and sectional
lots:

T. 40 S., R. 23 E.,
Section 25, Lot 9

T. 40 S., R. 24 E.,
Section 30; SW1/4SW1/4
Section 31; Lots 6, 11, NE1/4NW1/4, NW1/4NE1/4, SW1/4NE1/4,
SE1/4NE1/4
Section 32; Lot 3, SW1/4NW1/4, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4,
SE1/4SE1/4
Section 34; SW1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4

T. 41 S., R. 24 E.,
Section 5; Lot 7
Section 4; Lots 12, 10, 8, 6
Section 3; Lots 9, 8, 14, NW1/4NE1/4, NE1/4NE1/4
Section 2; Lots 2, 4, NW1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4,
SW1/4SE1/4
Section 11; Lots 8, 7, 12, NE1/4NE1/4
Section 12; Lots 4, 5, NW1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4

T. 41 S., R. 25 E.,
Section 7; Lot 3, NE1/4SW1/4, SE1/4SW1/4, SW1/4SE1/4
Section 18; Lots 18, 15, NE1/4NE1/4
Section 17; Lots 1, 9, SW1/4NW1/4, SE1/4NW1/4, NE1/4SW1/4,
NW1/4SE1/4, NE1/4SE1/4
Section 16; SW1/4SW1/4, SE1/4SW1/4
Section 21; Lot 4

Said amended right-of way is a strip of land that passes through Navajo Nation lands
with a width of 200.00 feet, 100.00 feet on each side of the centerline described below
except for those locations where the widths vary as follows:

Right offsets

Station 685+26.44, 50.00 feet right to Station 767+20.00, 50.00 feet right to Station 769+10.00, 150.00 feet right to Station 770+70.00, 150.00 feet right to Station 771+20.00, 65.00 feet right to Station 772+65.00, 65.00 feet right to Station 773+00.00, 85.00 feet right to Station 773+30.00, 85.00 feet right to Station 773+55.00, 50.00 feet right to Station 776+27.90, 50.00 feet right

Station 790+80.24, 50.00 feet right to Station 801+80.00, 50.00 feet right to Station 801+80.00, 100.00 feet right

Station 920+00.00, 100.00 feet right to Station 920+35.00, 60.00 feet right to Station 923+60.00, 60.00 feet right to Station 923+70.00, 100.00 feet right

Station 1012+00.00, 100.00 feet right to Station 1012+50.00, 120.00 feet right to Station 1035+50.00, 120 feet right to Station 1036+00.00, 100.00 feet right

Station 1045+50.00, 100.00 feet right to Station 1045+90.00, 60.00 feet right to Station 1048+50.00, 60.00 feet right to Station 1048+90.00, 100.00 feet right

Station 1171+75.00, 100.00 feet right to Station 1171+75.00, 50.00 feet right to Station 1191+00.00, 50.00 feet right to Station 1191+00.00, 100.00 feet right

Left offsets

Station 682+89.47, 50.00 feet left to Station 694+00.00, 50.00 feet left to Station 694+50.00, 90.00 feet left to Station 695+50.00, 90.00 feet left to Station 696+00.00, 50.00 feet left to Station 765+87.49, 50.00 feet left to Station 767+51.61, 68.00 feet left to Station 765+50.00, 150.00 feet left to Station 769+80.00, 150.00 feet left to Station 771+00.00, 65.00 feet left to Station 775+58.73, 65.00 feet left

Station 790+41.58, 50.00 feet left to Station 801+80.00, 50.00 feet left to Station 801+80.00, 100.00 feet left

Station 817+50.00, 100.00 feet left to Station 818+00.00, 130.00 feet left to Station 818+75.00, 130.00 feet left to Station 819+25.00, 100.00 feet left

Station 952+00.00, 100.00 feet left to Station 952+25.00, 45.00 feet left to Station 953+75.00, 45.00 feet left to Station 954+00.00, 100.00 feet left

Station 1028+00.00, 100.00 feet left to Station 1029+00.00, 150.00 feet left to Station 1032+00.00, 150.00 feet left to Station 1033+00.00, 100.00 feet left

Station 1009+80.00, 100.00 feet left to Station 1010+30.00, 63.00 feet left to Station 1011+30.00, 63.00 feet left to Station 1011+90.00, 100.00 feet left

Station 1028+00.00, 100.00 feet left to Station 1029+00.00, 150.00 feet left to Station 1032+00.00, 150.00 feet left to Station 1033+00.00, 100.00 feet left

Station 1034+00.00, 100.00 feet left to Station 1035+00.00, 180.00 feet left to Station 1036+50.00, 180.00 feet left to Station 1037+50.00, 100.00 feet left

Station 1051+00.00, 100.00 feet left to Station 1051+75.00, 35.00 feet left to Station 1052+60.00, 35.00 feet left to Station 1053+50.00, 100.00 feet left

Station 1104+50.00, 100.00 feet left to Station 1105+00.00, 130.00 feet left to Station 1108+50.00, 130.00 feet left to Station 1109+00.00, 100.00 feet left

Station 1133+50.00, 100.00 feet left to Station 1134+00.00, 55.00 feet left to Station 1136+10.00, 55.00 feet left to Station 1136+50.00, 100.00 feet left

Station 1154+50.00, 100.00 feet left to Station 1155+00.00, 120.00 feet left to Station 1155+50.00, 120.00 left to Station 1156+00.00, 100.00 feet left

Station 1160+50.00, 100.00 feet left to Station 1161+50.00, 210.00 feet left to Station 1164+00.00, 210.00 feet left to Station 1165+00.00, 100.00 feet left

Less any parts of said strip that falls outside of Navajo Nation jurisdictional lands. The sidelines of said strip shall be lengthened or shortened as necessary to begin or end on the boundary lines of the Navajo Nation.

Beginning at a point in the intersection of the existing centerline of State Route 162 and a point in the westerly boundary line of the Navajo Nation, said point being at approximate Engineers Station 684+08.95 of the Right-of-Way centerline and which point is located 122.02 feet N.01°20'44"W. along the section line and 111.47 feet West from the Southeast corner of Section 25, T.40S. R.23E. S.L.B.&M., and running thence S.66°12'00"E. 4518.02 feet to the point of curvature to the right; thence southeasterly along said curve 327.98 feet, having a radius of 3000.00 feet, chord bears S.63°04'05"E. 327.81 feet; thence S.59°56'10"E. 3332.54 feet to the point of curvature to the right; thence southeasterly along said curve 152.10 feet, having a radius of 765.00 feet, chord bears S.54°14'25"E. 151.85 feet; thence S.48°32'40"E. 348.45 feet to the point of curvature to the right; thence southeasterly along said curve 183.33 feet, having a radius of 765.00 feet, chord bears S.41°40'45"E. 182.89 feet; thence S.34°48'50"E. 53.38 feet to the point of curvature to the left; thence southeasterly along said curve 367.41 feet, having a radius of 600.00 feet, chord bears S.52°21'23"E. 361.70 feet; thence S.69°53'56"E. 1809.60 feet to

the point of curvature to the left; thence southeasterly along said curve 754.42 feet, having a radius of 9500.00 feet, chord bears S.72°10'26"E. 754.22 feet to the point of tangency being at Engineers Station 802+56.18 of the Right-of-Way centerline, (from which the Northwest corner of Section 4, T.41S. R.24E. S.L.B.&M. bears 150.03 feet N.68°24'51"W.); thence S.74°26'56"E. 854.05 feet to the point of curvature to the left; thence easterly along said curve 904.95 feet, having a radius of 3000.00 feet, chord bears S.83°05'26"E. 901.53 feet; thence N.88°16'04"E. 674.90 feet to the point of curvature to the left; thence easterly along said curve 416.63 feet, having a radius of 9500.00 feet, chord bears N.87°00'41"E. 416.60 feet; thence N.85°45'18"E. 2117.66 feet to the point of curvature to the left; thence northeasterly along said curve 452.26 feet, having a radius of 1830.00 feet, chord bears N.78°40'30"E. 451.11 feet; thence N.71°35'42"E. 332.61 feet to the point of curvature to the right; thence easterly along said curve 1318.17 feet, having a radius of 4200.00 feet, chord bears N.80°35'10"E. 1312.76 feet; thence N.89°34'38"E. 1014.23 feet to the point of curvature to the right being at Engineers Station 883+41.65 of the Right-of-Way centerline, (from which the North quarter corner of Section 3, T.41S. R.24E. S.L.B.&M. bears 224.71 feet S.80°27'42"W.); thence southeasterly along said curve 1030.05 feet, having a radius of 1650.00 feet, chord bears S.72°32'19"E. 1013.41 feet; thence S.54°39'16"E. 1787.52 feet to the point of curvature to the right; thence southeasterly along said curve 1844.29 feet, having a radius of 3150.00 feet, chord bears S.37°52'53"E. 1818.06 feet; thence S.21°06'30"E. 418.25 feet to the point of curvature to the left; thence southeasterly along said curve 321.00 feet, having a radius of 11100.00 feet, chord bears S.21°56'13"E. 320.99 feet; thence S.22°45'55"E. 449.45 feet to the point of curvature to the left; thence southeasterly along said curve 2091.90 feet, having a radius of 2820.00 feet, chord bears S.44°01'00"E. 2044.27 feet; to the point of tangency being at Engineers Station 962+84.12 of the Right-of-Way centerline, (from which the South quarter corner of Section 2, T.41S. R.24E. S.L.B.&M. bears 274.93 feet N.56°59'24"W.); thence S.65°16'04"E. 941.64 feet to the point of curvature to the left; thence southeasterly along said curve 218.92 feet, having a radius of 11100.00 feet, chord bears S.65°49'58"E. 218.91 feet; thence S.66°23'52"E. 2748.21 feet to the point of curvature to the left; thence southeasterly along said curve 1256.46 feet, having a radius of 3700.00 feet, chord bears S.76°07'34"E. 1250.43 feet; thence S.85°51'16"E. 1182.72 feet to the point of curvature to the right; thence southeasterly along said curve 593.16 feet, having a radius of 1400.00 feet, chord bears S.73°43'00"E. 588.74 feet; thence S.61°34'44"E. 796.77 feet to the point of curvature to the left; thence southeasterly along said curve 165.43 feet, having a radius of 11100.00 feet, chord bears S.62°00'21"E. 165.42 feet; thence S.62°25'58"E. 1154.92 feet to the point of curvature to the right; thence southeasterly along said curve 1637.26 feet, having a radius of 6600.00 feet, chord bears S.55°19'34"E. 1633.06 feet; thence S.48°13'10"E. 2587.94 feet to the point of curvature to the left; thence southeasterly along said curve 937.31 feet, having a radius of 5050.00 feet, chord bears S.53°32'12"E. 935.97 feet; thence S.58°51'14"E. 3549.47 feet to the point of curvature to the left; thence southeasterly along said curve 806.84 feet, having a radius of 1660.00 feet, chord bears S.72°46'42"E. 798.92 feet; thence S.86°42'09"E. 377.04 feet to

the point of curvature to the right; thence southeasterly along said curve 785.15 feet, having a radius of 1400.00 feet, chord bears S.70°38'11"E. 774.90 feet; thence S.54°34'12"E. 361.92 feet to the point of curvature to the left; thence southeasterly along said curve 233.48 feet, having a radius of 8060.00 feet, chord bears S.55°24'00"E. 233.47 feet; thence S.56°13'47"E. 387.47 feet to the point of curvature to the left being at Engineers Station 1170+06.24 of the Right-of-Way centerline, (from which the Southeast corner of Section 17, T.41S. R.25E. S.L.B.&M. bears 693.57 feet S.12°22'13"E.); thence along curve 580.65 feet, having a radius of 2350.00 feet, chord bears S.63°18'30"E. 579.17 feet; thence S.70°23'12"E. 1513.11 feet to the point of terminus being in the existing centerline of State Route 162 and a point in the westerly boundary line of the Navajo Nation, said point being at approximate Engineers Station 1191+00.00 of the Right-of-Way centerline and which point is located 845.62 feet S.89°12'42"W. along the section line and 115.29 feet South from the North Quarter corner of Section 21, T.41S. R.25E. S.L.B.&M., as shown on the official map of said project on file in the office of the Utah Department of Transportation.

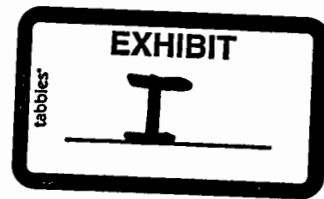
The above described parcel of land contains 200.461 acres or 8,732,092 square feet in area.

Prepared by:
Scott Bishop, PLS, CFedS
Horrocks Engineer's
05/16/2021

THE ANETH CHAPTER
ANETH, (NAVAJO NATION) UTAH



WESLEY JONES PRESIDENT
ELMERSON PHILLIPS VICE PRESIDENT
BRENDA BROWN SECRETARY/TREASURER



**RESOLUTION OF
THE ANETH CHAPTER**

AC-MAR -2021-034

**ANETH CHAPTER SUPPORTING THE UTAH DEPARTMENT OF
TRANSPORTATION FOR DEVELOPMENT AND CONSTRUCTION OF THE
SR162/SR262 SAFETY IMPROVEMENT AND ENERGY CORRIDOR PROJECT**

WHEREAS:

1. Pursuant to Navajo Tribal Council Resolution No. CMY-23-79, the Aneth Chapter is duly certified and recognized as an official local unit of the Navajo Nation Government with all duties, responsibilities, and authorities conferred according to 26 N.N.C. § 1 et seq. and has the power and authority to enact plans and development goals that are in the best interest of the community and to recommend, support, and approve community related projects; and
2. The Aneth Chapter is aware the Utah Department of Transportation (UDOT) holds the responsibility to implement state and federal transportation funds for public safety and transportation projects throughout the state of Utah, and specifically within the Aneth Chapter boundaries on State Route 162 and State Route 262; and
3. The Aneth Chapter strives for improvement of transportation safety for the traveling public in addition to members of the Navajo Nation and respective community members of Aneth and Montezuma Creek; and
4. The Aneth Chapter understands that UDOT has been awarded a grant from the U.S. Department of Transportation Federal Highway Administration under the Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program, for the purposes of: enhancing safety and access between the communities of Bluff, Montezuma Creek, and Aneth; support in the area's economy; and preserving quality of life; and
5. The Aneth Chapter understands that the construction of this project will require UDOT to acquire additional rights-of-way for highway purposes in some areas necessary to construct safety improvements; and
6. The Aneth Chapter understands that UDOT's selected construction contractor will comply with the Navajo and Native American employment requirements set forth in UDOT's construction contract.

7. The Aneth Chapter accepts and approves this request, which was presented during an Aneth Chapter teleconference meeting at which a legal quorum was present.


NOW, THEREFORE, BE IT RESOLVED THAT:

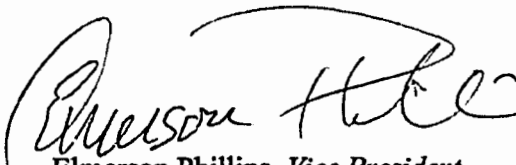
1. Aneth Chapter hereby supports the Utah Department of Transportation for development and construction of the SR162/SR262 Safety Improvement and Energy Corridor Project.

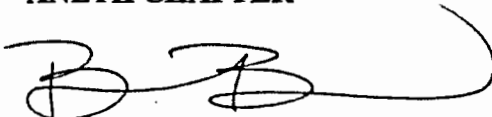
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Aneth Chapter Membership at a duly called meeting at which a quorum was present and that same passed by a vote of 8 in favor, and 0 opposed and 3 abstained on this 18th day of March, 2021.

Motioned by: Harriett Lansing
Seconded by: Darrell Williams


Wesley Jones, President
ANETH CHAPTER


Elmerson Phillips, Vice President
ANETH CHAPTER


Brenda Brown, Secretary/Treasurer
ANETH CHAPTER



Document No. 019447

Date Issued: 09/27/2022

EXECUTIVE OFFICIAL REVIEW

Title of Document: UDOT, SR162 Montezuma Creek to Aneth Contact Name: ANDERSON ABASTA, ETTIE

Program/Division: DIVISION OF NATURAL RESOURCES

Email: eaabasta@navajo-nsn.gov Phone Number: 928-871-6447

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

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

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

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

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

☒ Rights of Way

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. Office of the Attorney General: (ic) VBL/AT Date: 4/16/23 ☒ ☐
7. OPVP _____ Date: _____ ☐ ☐

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

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

☐ Assignment of Mineral Lease

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

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

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

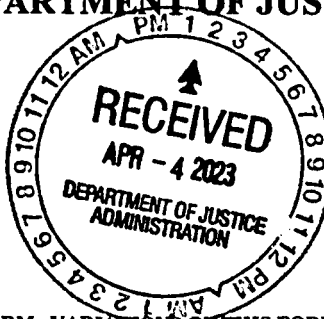
☐ OTHER:

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



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



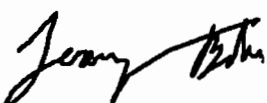




DOJ	
4-4-23 @ 143p	
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	19447
SAS #:	
UNIT:	NRN

☐ RESUBMITTAL

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

CLIENT TO COMPLETE			
DATE OF REQUEST:	4/4/2023	DIVISION:	Division of Natural Resources
CONTACT NAME:	Ettie Anderson Abasta	DEPARTMENT:	General Land Developemnt Department
PHONE NUMBER:	871-6447	E-MAIL:	eaabasta@navajo-nsn.gov
TITLE OF DOCUMENT: UDOT, SR162 Montezuma Creek to Aneth			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	4-4-23 2:25 PM	REVIEWING ATTORNEY/ADVOCATE:	Wm Choe 4-13-23
DATE TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
Document is legally sufficient.			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Julie Hite	4-5-23	V Blunkat	4/6/23 8:54 AM
DOJ Secretary Called:		for Document Pick Up on	at By:
PICKED UP BY: (Print)		DATE / TIME:	

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Jeremy Bekis (NLTD S and GLDD)	Remedial Project Manager	Navajo Nation EPA	Approved	1. Document Approved due to User inaction within 10 Business Days	1. No Reply	01-Apr-2023	
Shelby Dayzie - EPA (NLTD S and GLDD)	Remedial Project Manager	Navajo Nation EPA	Approved	1. Document Approved due to User inaction within 10 Business Days	1. No Reply	01-Apr-2023	
Rebecca Gilchrist MIN (NLTD S and GLDD)	Senior Mining Engineer	Minerals Department	Approved	no comments	No Reply	20-Mar-2023	
Richard Carlton (NLTD S and GLDD)	Senior Geologist	Minerals Department	Approved	no comments	No Reply	20-Mar-2023	
Steven Prince MIN (NLTD S and GLDD)	Principal Petroleum Engineer (Approver)	Minerals Department	Approved	1 This approval is contingent on the uploaded Terms and Conditions being made a permanent part of the documents for the ROW_SR162 Montezuma_Creek_to_Aneth!19447 project. slp	1 No Reply	20-Mar-2023	
Merle Chischily (NLTD S and GLDD)	Environmental Specialist	Navajo Nation EPA	Approved	no comments	No Reply	07-Mar-2023	

Yolanda Barney NNEPA (NLTD Manager S and GLDD) Environm ental Program EPA Navajo Nation Approved no comments No Reply 07-Mar-2023

Robert Allan DNR (NLTD Manager S and GLDD) Attorney (Approver of Natural Resources Division) Approved no comments No Reply 10-Mar-2023

W. Mike Halona - DNR (NLTD Manager S and GLDD) Division Director of Natural Resources Administration Approved no comments No Reply 10-Mar-2023

Jason John (NLTD Manager S and GLDD) Department of Water Resources Approved no comments No Reply 07-Mar-2023

Najamh Tariq (NLTD Manager S and GLDD) Branch Director (Reviewer) Department of Water Resources Approved no comments No Reply 07-Mar-2023

Byron Bitsoie Sr (NLTD Manager S - Admin) Acting Department of NLD Approved no comments No Reply 04-Apr-2023

Frederick Sherman EPA (NLTD Manager S and GLDD) Senior Environmental Specialist Navajo Nation Approved no comments No Reply 20-Mar-2023

S and
GLDD)

Norvina Environm Navajo
Charlestental Nation
on Specialist EPA
(NLTD
S and
GLDD)

Appro
ved

no comments

No Reply

20-Mar-
2023

Maee

DorothySenior Navajo
Barber- Environm Nation
Redhorsental EPA
e Specialist
(NLTD
S and
GLDD)

Appro
ved

1. Project granted
conditional
approval. Project
sponsor needs to
contact
WQ/NPDES
Program since 401
Certification
expire. CWA
permits need to be
amended.

1. *No Reply*

15-Mar-
2023

Dorothy Barber - Re

Patrick Principal Navajo
Antonio Hydrologi Nation
EPA st EPA
(NLTD
S and
GLDD)

Appro
ved

no comments

No Reply

15-Mar-
2023

Patrick Antonio

David Navajo Navajo
Mikesic Nation Nation
(NLTD Zoologist Fish and
S and (Approver Wildlife
GLDD))

Appro
ved

no comments

No Reply

17-Mar-
2023

DM

Leanna NNDFW Navajo
Begay (Reviewer Nation
(NLTD) Fish and
S and Wildlife
GLDD)

Appro
ved

no comments

No Reply

17-Mar-
2023

Leanna Begay

T. Kim Navajo Navajo
Yazzie Nation Nation
(NLTD Fish and Fish and
S and Wildlife Wildlife
GLDD)

Appro
ved

1. UDOT will be
emailing an official
letterhead
indicating
commitment to
Pre-construction
survey. This will be
uploaded when
received.

1. *No Reply*

17-Mar-
2023

Ky

Verna Tsosie (NLTD S and GLDD)	Navajo Nation Fish and Wildlife	Navajo Nation Fish and Wildlife	Approved	1. UDOT's anticipated start date has changed to February 20, 2024. Commitments are in the uploaded document labeled "UDOT_Commitments" regarding specific species surveys and or avoidance.	1. No Reply	17-Mar-2023
--------------------------------	---------------------------------	---------------------------------	----------	---	-------------	-------------

Verna Tsosie

Eugenia Quintana (NLTD S and GLDD)	Environmental Department Manager	Navajo Nation EPA	Approved	1. See attached comments.	1. No Reply	16-Mar-2023
------------------------------------	----------------------------------	-------------------	----------	---------------------------	-------------	-------------

Eugenia Quintana

Glenna Lee (NLTD S and GLDD)	Environmental Department Manager	Navajo Nation EPA	Approved	<i>no comments</i>	<i>No Reply</i>	16-Mar-2023
------------------------------	----------------------------------	-------------------	----------	--------------------	-----------------	-------------

Tanya Yazzie (NLTD S and GLDD)	Environmental Specialist	Navajo Nation EPA	Approved	<i>no comments</i>	<i>No Reply</i>	20-Mar-2023
--------------------------------	--------------------------	-------------------	----------	--------------------	-----------------	-------------

Tanya Yazzie

Warren Roan (NLTD S and GLDD)	Environmental Department Manager	Navajo Nation EPA	Approved	<i>no comments</i>	<i>No Reply</i>	20-Mar-2023
-------------------------------	----------------------------------	-------------------	----------	--------------------	-----------------	-------------

Warren Roan

Olsen John (NLTD S and GLDD)	Archaeologist	Navajo Nation Heritage and Historic Preservation Department	Approved	<i>no comments</i>	<i>No Reply</i>	08-Mar-2023
------------------------------	---------------	---	----------	--------------------	-----------------	-------------

Richard Begay NNHP (NLTD S and GLDD)) Department Manager (Approver) Navajo Nation Heritage and Historic Preservation Department
 Approved 1. Note conditions of approval 1. *No Reply*

08-Mar-2023

Roll MB

Tier 13 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
----------------------	-----------	------------	-----------	----------	---------	-----------	-----------

Irvin Chee (NLTD S and GLDD)	Principal Tribal Court Advocate	Navajo Nation Department of Justice	Approved	<i>no comments</i>	<i>No Reply</i>	06-Apr-2023	<i>A. A.</i>
------------------------------	---------------------------------	-------------------------------------	----------	--------------------	-----------------	-------------	--------------

Veronica Blackhat (NLTD S and GLDD)	Assistant Attorney General	Navajo Nation Department of Justice	Approved	<i>no comments</i>	<i>No Reply</i>	06-Apr-2023	<i>V. Blackhat</i>
-------------------------------------	----------------------------	-------------------------------------	----------	--------------------	-----------------	-------------	--------------------

Tier 14 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
----------------------	-----------	------------	-----------	----------	---------	-----------	-----------

Bidtah Becker (NLTD S and GLDD)	Chief Legal Counsel	OPVP	Approved	<i>no comments</i> 2. Please note that the Minerals Department has included the terms and conditions that must	<i>No Reply</i> 2. <i>No Reply</i>	12-Apr-2023	
---------------------------------	---------------------	------	----------	---	---------------------------------------	-------------	--

be attached
to the
ROW.

Brittany Smith (NLTDS and GLDD)	Administrative Assistant	Office of the President and Vice President (OPVP)	Approved	<i>no comments</i>	<i>No Reply</i>	12-Apr-2023
---	-----------------------------	--	----------	------------------------	---------------------	-------------

Individuals in blue font performed the Approval on behalf of all members in the group.
This is possible when Peer Approval has been enabled for the Project.

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

FIRST YEAR 2023

**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0131-23: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE GRANT OF RIGHT-OF-WAY TO THE UTAH DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF HIGHWAY SR 162 FROM MONTEZUMA CREEK TO ANETH LOCATED ON NAVAJO NATION TRUST LANDS IN ANETH CHAPTER (SAN JUAN COUNTY, UTAH); AND, WAIVING THE REQUIREMENT OF BONDS, INSURANCE OR ALTERNATIVE FORM OF SECURITY BASED PURSUANT TO TITLE 25 CODE OF FEDERAL REGULATIONS SECTION 169.103 (f)(2). *Sponsor:*

Honorable Curtis Yanito

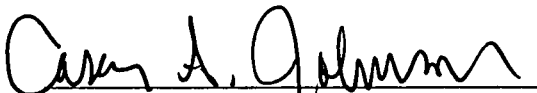
Date: November 29, 2023 – Regular Meeting (Mentmore, New Mexico)
Location: Navajo Division of Transportation – #16 Old Coalmine Road, Rooms 306/307 –
Mentmore, New Mexico 87319

Main Motion:

M: Otto Tso **S:** Shawna Ann Claw **V:** 4-0-1 (VCNV)
In Favor: Shawna Ann Claw, Brenda Jesus; Rickie Nez; Otto Tso
Opposition: None
Excused: None
Not Voting: Casey Allen Johnson, *Vice-Chairperson*

Amendment No. 1:

M: Rickie Nez **S:** Brenda Jesus **V:** 4-0-1 (VCNV)
In Favor: Shawna Ann Claw, Brenda Jesus; Rickie Nez; Otto Tso
Opposition: None
Excused: None
Not Voting: Casey Allen Johnson, *Vice-Chairperson*



Honorable Casey Allen Johnson, *Vice-Chairperson*
Resources and Development Committee

Rodney L. Tahe

Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services