

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF
RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. TO
CONSTRUCT, OPERATE AND MAINTAIN A SINGLE PHASE 14.4/24.9 kV
POWER LINE EXTENSION TO SERVE THE ELSIE WHITEHORSE RESIDENCE
LOCATED ON NAVAJO NATION FEE LANDS WITHIN THE WHITEHORSE LAKE
CHAPTER VICINITY, NAVAJO NATION (McKINLEY COUNTY, NEW MEXICO)

Section One. Findings

A. Pursuant to 2 N.N.C. § 501 (B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to grant final approval of rights-of-way and surface easements on Navajo Nation lands and unrestricted (fee) land; and

B. The Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020 has submitted a right-of-way application to construct, operate and maintain a single phase 14.4/24.9 kV power line extension on, over and across Navajo Nation Fee Lands within the Whitehorse Lake Chapter vicinity, Navajo Nation (McKinley County, New Mexico) attached hereto and incorporated herein as Exhibit "A"; and

C. The proposed right-of-way is 302.90 feet long, 20 feet wide, consisting of 0.209 acres, more or less, located in Section 23, Township 18 North, Range 9 West, NMPM, (McKinley County, New Mexico) the map describing this location is attached hereto and incorporated herein as Exhibit "B"; and

D. Pursuant to Ms. Esther Kee's, Right-of-Way Agent's, Memorandum dated February 5, 2015 attached hereto as Exhibit "C", the Navajo Land Department Project Review Section has obtained the consents from the affected land users (i.e. grazing permittees); and

E. The environmental and archaeological studies have been completed and are attached hereto and incorporated herein by this reference. The Archeological Inventory Report is attached as Exhibit "E." Biological Resources Compliance Form is attached as Exhibit "F." Biological Evaluation Report is attached as Exhibit "G." The Cultural Resources Compliance Form is attached as Exhibit "H." The Final Environmental Assessment is attached as Exhibit "I." The Finding of No Significant Impact is attached as Exhibit "J."

Section Two. Approval

A. Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc., to construct, operate and maintain a single phase 14.4kV/24.9 kV electric power line extension to serve the Elise Whitehorse residence near White Horse Lake Chapter, Navajo Nation (McKinley County, New Mexico). The location is more particularly described on the survey map attached hereto as Exhibit "B".

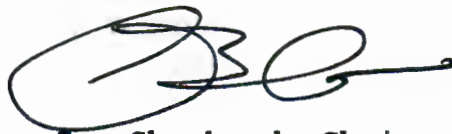
B. The Resource sand Development Committee of the Navajo Nation Council hereby waives the consideration of \$3,260.00 because the grant of right-of-way will provide electrical power to a Navajo citizen's home.

C. The Resources and Development Committee of the Navajo Nation Council hereby approves the Right-of-Way subject to, but not limited to, the terms and conditions attached hereto and incorporated herein as Exhibit "D".

D. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation Administrative Complex - Nataanii Conference Room, (Navajo Nation) Tse Bonito, New Mexico, at which quorum was present and the same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 7th day of June, 2016.

A handwritten signature in black ink, appearing to read 'AJ Shepherd', with a stylized flourish at the end.

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

**Main Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete
Vote: 4-0-1 (CNV)**



CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.



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

January 6, 2015

The Navajo Land Department
Attn: Mr. Howard Draper
Project Review Office
PO Box 2249
Window Rock, Arizona 86515

Re: Elsie Whitehorse, WO#50301, Resubmit ROW Package

Dear Mr. Draper,

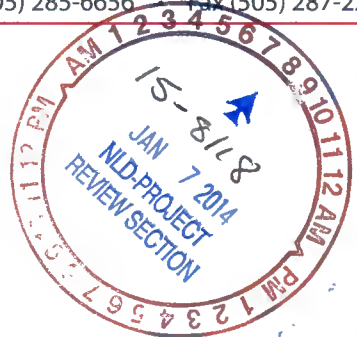
Continental Divide Electric Cooperative, Inc. is resubmitting our request for right-of-way for the proposed 14.4 kv line to the home of Elsie Whitehorse. Continental Divide Electric Cooperative was informed that the package was lost, therefore we are providing copies of the package which was hand delivered by Vernon McArthur from NHA on October 28, 2014.

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

Sincerely,

Debbie Olivar
Engineering/ROW

Enclosures



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

The Navajo Land Dept.
Project Review Office
P.O. Box 2249
Window Rock, AZ
86515

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Joan Jones

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/28/14

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Elsie Wh. tehorse
Nav. Fee Land.

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes



CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

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

October 13, 2014

The Navajo Land Department
Attn: Mr. Howard Draper
Project Review Office
PO Box 2249
Window Rock, Arizona 86515

Re: Elsie Whitehorse, WO#50301

Dear Mr. Draper,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4 kv line to the home of Elsie Whitehorse. The power line Right-of-way packet consists of the following documents being submitted for review by the Division of Natural Resources, Project Review Office.

1. Letter from CDEC requesting permission to Survey On Tribal Fee Land
2. Permission to Survey – Navajo Nation Fee Land (Copy)
3. Right of way Application – Navajo Nation Fee Land
4. Archaeological Report
5. Cultural Resources Compliance Form
6. Environmental Report
7. FONSI
8. Map with legal (3 copys)
9. Copy of CDEC Secretary's Certificate and Certificate of Incorporation

This project traverses over and across Navajo Fee Land. The distance on Navajo Fee Land is 302.90' feet in length, 30' feet in width, and .209 acres and is located in the South West $\frac{1}{4}$ of Section 23, T18N, R09W, NMPM McKinley County New Mexico Whitehorse Chapter.

Also attached for your information is a copy of the approved Grant of Easement for ROW across allotment #2038 for Elsie Whitehorse.

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

Sincerely,

Debbie Olivar
Engineering/ROW

Enclosures



CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

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

July 12, 2013

Navajo Nation
Project Review Office
Attn: Howard Draper
PO Box 2249
Window Rock, AZ 86515

Re: Permission to Survey

Dear Mr. Draper,

Continental Divide Electric Cooperative is seeking permission to survey for an electric power line project. The section of Tribal Fee Land that will have a survey crew is as follows:

Section 23, SW/4, T18N, R09W

Tribal Fee Land

Included in this letter is a preliminary map showing the proposed route of the electrical line. If you have questions, please contact our office at your convenience at (505) 285-6656.

Respectfully,

Debbie Olivar
Engineering/Right of Way

Enclosure



ROW MAP

0 255 510 Feet



CONTINENTAL DIVIDE
ELECTRIC COOPERATIVE, INC.

Continental Divide Electric Cooperative, Inc. is a not-for-profit organization. It is organized under the laws of the State of Colorado and is subject to the provisions of the Colorado Non-Profit Corporation Act. The Cooperative is not a charitable organization and does not have a charitable purpose. The Cooperative is not a public utility and does not provide utility services. The Cooperative is not a financial institution and does not provide financial services. The Cooperative is not a government agency and does not provide government services. The Cooperative is not a religious organization and does not provide religious services. The Cooperative is not a labor union and does not provide labor services. The Cooperative is not a trade association and does not provide trade services. The Cooperative is not a professional association and does not provide professional services. The Cooperative is not a social club and does not provide social services. The Cooperative is not a fraternal organization and does not provide fraternal services. The Cooperative is not a service organization and does not provide service services. The Cooperative is not a membership organization and does not provide membership services. The Cooperative is not a mutual organization and does not provide mutual services. The Cooperative is not a common-law partnership and does not provide common-law partnership services. The Cooperative is not a joint venture and does not provide joint venture services. The Cooperative is not a partnership and does not provide partnership services. The Cooperative is not a corporation and does not provide corporation services. The Cooperative is not a limited liability company and does not provide limited liability company services. The Cooperative is not a trust and does not provide trust services. The Cooperative is not an estate and does not provide estate services. The Cooperative is not a partnership and does not provide partnership services. The Cooperative is not a corporation and does not provide corporation services. The Cooperative is not a limited liability company and does not provide limited liability company services. The Cooperative is not a trust and does not provide trust services. The Cooperative is not an estate and does not provide estate services.

EXHIBIT

B

37636

718N/R09W
MOKINLEY

770 ft

023

NTF
0

026

LA
2038

37631 98259

37633

37632

37634

37635

LA
2035

37636



THE NAVAJO NATION

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE-PRESIDENT



MEMORANDUM

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

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

DATE : February 6, 2015

SUBJECT: CDEC Whitehorse Power Line Project

Continental Divide Electric Cooperative, Inc., of Grants, New Mexico 87020, submitted a right of way application to construct, operate and maintain a single phase distribution line across Navajo Fee land to serve Elsie Whitehorse residence near Whitehorse Lake Chapter.

The power line will be 302.90 feet in length, 20 feet wide, 0.209 acres, in Section 23, Township 18 North, Range 9 West, NMPM, McKinley County, New Mexico.

The proposed project is located in District 20, Sand Springs Range 13, permitted to Johnathan Nolan and Elsie Whitehorse for grazing. I informed the affected grazing permittees on the proposed request and they had no objection, I obtained the land users consent along with the concurrence of the District 20 Land Board Member, Howard Martinez.

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

cc: Project file

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Johnathan Nolan, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit Continental Divide Electric Cooperative, Inc., Post Office Box 1078, Grants, New Mexico 87020, to use a portion of my land use area for the following purpose(s): Right of Way to construct, operate and maintain 302.90 feet (0.209 acres) distribution line across Navajo Fee Lands to serve Elise Whitehorse residence in the SW/4 of Section 23, T18N, R9W, Whitehorse Lake, McKinley County, New Mexico, as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS:

2-6-15 Johnathan Nolan 96569 Sand Springs
Date Land User Signature (or Thumbprint) Census No. Permit No.
RA 13

WITNESS: _____

2/6/15 [Signature] 20
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Eptekue

Field Agent Signature

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Elsie Whitehorse, hereby grant consent to the Navajo Tribe and the Bureau of Indian Affairs to permit Continental Divide Electric Cooperative, Inc., Post Office Box 1078, Grants, New Mexico 87020, to use a portion of my land use area for the following purpose(s): Right of Way to construct, operate and maintain 302.90 feet (0.209 acres) distribution line across Navajo Fee Lands to serve Elise Whitehorse residence in the SW/4 of Section 23, T18N, R9W, Whitehorse Lake, McKinley County, New Mexico, as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS:

2/5/15
Date

Elsie Whitehorse
Land User Signature (or Thumbprint)

Census No.

Sand Springs
RU.13
Permit No.

WITNESS: _____

2/6/15
Date

[Signature]
Grazing Committee or Land Board Member

20
District No.

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature



EXHIBIT "D"

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (GRANTEE)

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Navajo Nation.
2. The consideration for the right-of-way is assessed at \$3,260.40. The Navajo Nation contributes this amount to the project to provide electricity to constructing, operating and maintaining a 14.4/24.9 kV single phase electrical power line to Navajo home.
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of constructing, operating, and maintaining a 14.4/24.9 kV single phase electrical power line. The Grantee may not develop, use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169, subject to the terms of this right-of-way;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq.. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation, of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.

7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any term or condition of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two (2) year period;
 - c. An Abandonment of the right-of-way;
 - d. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with phase 1 environmental site assessment of the premises at least sixty (60) days prior to delivery of said premises.

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

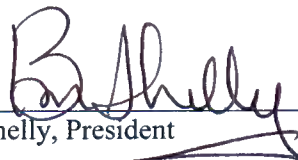
25. The Grantee shall construct the power line in accordance with "suggested practices for Raptor Protection on Power Lines: State of the Art in 2006."

As a condition of the grant of right-of-way, the grantee agrees to the above referenced terms and conditions.

In witness whereof, the parties hereto have executed the grant of right-of-way this _____ day of _____, 2015.

THE NAVAJO NATION

By:


Ben Shelly, President

**CONTINENTAL DIVIDE ELECTRIC
COOPERATIVE, INC.**

By:

_____, General Manager



September 13, 2013

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

Dear Ms. Olivar:

Your permission to survey request to conduct a walk-on survey for maps, archaeological, environmental and ethnographic surveys and studies for proposed electric right-of-way on Tribal Fee Land in Section 23, T18N, R09W in the vicinity of Whitehorse Lake, McKinley County is hereby granted, subject to the following terms and conditions:

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

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Mike Halona", written over a horizontal line.

W. Mike Halona
Department Manager III
Navajo Land Department

CC: Whitehorse Chapter
Project File

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT Continental Divide Electric Cooperative, Inc. of this 17 day of July, 20 14, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a 20 (term of years) right-of-way for the following purposes and reasons:

Construction, operation and maintenance of 14.4 kv primary line and overhead service WO#50301

Across the following described Navajo Tribal Fee Land (leasehold description):

SW/4, Section 23, T18N, R9W, NMPM McKinley Cty. New Mexico Whitehorse Lake Chapter

Said right-of-way across Navajo Tribal Fee Land to be approximately 302.90 in length, 30 in width, and 0.209 in acres, as shown on attached map of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.

7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.
11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:







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

DATE July 17, 2014 APPLICANT Continental Divide Electric Cooperative, Inc.
Debbie Olivar 

REQUIRED SUPPORTING DOCUMENTS:

1. () Written consent of landowner (ROW Form 94-7).
2. () Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).
3. () Deposit of estimated damages or compensation (See 169.4 and 169.14).
4. () Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)
5. () For corporation or business, requirements of 25 CFR 169.4 and 169.5 (unless previously filed):
 - () a. State certified copy of corporate charter or articles of incorporation.
 - () b. Certified copy of corporate resolution, by-laws, articles of partnership or association authorizing signatory to file the application.

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO. HPD-08-662.1 REVISED	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.								
4. TITLE OF REPORT: Addendum I: A Cultural Resources Inventory of a Proposed Modification Powerline Extension for Elsie Whitehorse near Whitehorse Lake, McKinley County, New Mexico.		5. FIELDWORK DATE: July 16, 2008								
AUTHOR (S): Karen A. Tilden		6. REPORT DATES: July 30, 2008 & March 4, 2014; July 7, 2014								
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Karen A. Tilden, Compliance Analyst Org. Name: Navajo Housing Authority-Operations Branch Org. Address: P.O. Box 1579 Fort Defiance, Arizona 86504 Phone: (928) 729-6624		8. PERMIT NO. B08029								
		9. CONSULTANT REPORT NO. NHA 08-15 Addendum I								
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Aneva J. Yazzie, Chief Executive Officer Org. Name: Navajo Housing Authority-Executive Branch Org. Address: P.O. Box 4890 Window Rock, Arizona 86515 Phone: (928) 871-2600		11. SPONSOR PROJECT NO. NM15-161								
		12. AREA OF EFFECT: 0.485 ac (0.196 ha) AREA OF SURVEYED: 2.10 ac (0.85 ha)								
13. LOCATION (MAP ATTACHED): See Fig. 1										
<table border="0"> <tr> <td>a. Chapter: Whitehorse Lake</td> <td>e. Land Status: See Supplement Sheet</td> </tr> <tr> <td>b. Agency: Crownpoint</td> <td>f. UTM Center: See Supplement Sheet</td> </tr> <tr> <td>c. County: McKinley</td> <td>g. Area: See Supplement Sheet</td> </tr> <tr> <td>d. State: New Mexico</td> <td>h. 7.5' Series Map Name: Kin Nahzin Ruins, N. Mex., 1970</td> </tr> </table>			a. Chapter: Whitehorse Lake	e. Land Status: See Supplement Sheet	b. Agency: Crownpoint	f. UTM Center: See Supplement Sheet	c. County: McKinley	g. Area: See Supplement Sheet	d. State: New Mexico	h. 7.5' Series Map Name: Kin Nahzin Ruins, N. Mex., 1970
a. Chapter: Whitehorse Lake	e. Land Status: See Supplement Sheet									
b. Agency: Crownpoint	f. UTM Center: See Supplement Sheet									
c. County: McKinley	g. Area: See Supplement Sheet									
d. State: New Mexico	h. 7.5' Series Map Name: Kin Nahzin Ruins, N. Mex., 1970									
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) //										
<table border="0"> <tr> <td>a. Description of Undertaking: See Supplement Sheet</td> </tr> <tr> <td>b. Existing Data Review: See Supplement Sheet</td> </tr> <tr> <td>c. Area Environmental & Cultural Setting: See Supplement Sheet</td> </tr> <tr> <td>d. Field Methods: See Supplement Sheet</td> </tr> </table>			a. Description of Undertaking: See Supplement Sheet	b. Existing Data Review: See Supplement Sheet	c. Area Environmental & Cultural Setting: See Supplement Sheet	d. Field Methods: See Supplement Sheet				
a. Description of Undertaking: See Supplement Sheet										
b. Existing Data Review: See Supplement Sheet										
c. Area Environmental & Cultural Setting: See Supplement Sheet										
d. Field Methods: See Supplement Sheet										
15. CULTURAL RESOURCE FINDINGS: One in-use area (IUA) was identified during the previous NHA 08-15 Addendum I inventory; no other cultural resources were encountered or identified										
<table border="0"> <tr> <td>a. Location/Identification of Each Resource: See Supplement Sheet</td> </tr> <tr> <td>b. Evaluation of Significance of Each Resource (above): See Supplement Sheet</td> </tr> </table>			a. Location/Identification of Each Resource: See Supplement Sheet	b. Evaluation of Significance of Each Resource (above): See Supplement Sheet						
a. Location/Identification of Each Resource: See Supplement Sheet										
b. Evaluation of Significance of Each Resource (above): See Supplement Sheet										
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): A determination of "no historic properties affected" is recommended for the proposed undertaking.										
17. CERTIFICATION:										
<table border="0"> <tr> <td>SIGNATURE: </td> <td>DATE: </td> </tr> <tr> <td colspan="2">General/Direct Charge Name: Karen A. Tilden, Compliance Analyst</td> </tr> </table>			SIGNATURE: 	DATE: 	General/Direct Charge Name: Karen A. Tilden, Compliance Analyst					
SIGNATURE: 	DATE: 									
General/Direct Charge Name: Karen A. Tilden, Compliance Analyst										

SUPPLEMENT SHEET (AIRS FORM)
INVENTORY OF A PROPOSED MODIFICATION POWERLINE EXTENSION FOR ELSIE WHITEHORSE NEAR
WHITEHORSE LAKE, NEW MEXICO.
NHA 08-15 ADD. 1

13. LOCATION: See Figure 1 for locational map.

e., f., & g. UTM CENTER, AREA, & 7.5' SERIES MAP NAME: Below are the UTM zone & coordinates, legal description, and 7.5' quadrangle topographic map reference for the proposed modification powerline extension (see Fig. 1).

Elsie Whitehorse:		Zone 13							
P/L Ext. 1	Point	Northing	Easting	Township	Range	Section	Quarters	Land Status	
Begin of Line	A	3961629	249923	18N	09W	26	NW	Individual Indian Allotment	
End of Line	B	3961809	249953	"	"	23	SW	Tribal Fee Land	

*Data info above is taking from Garmin GPS 12XL (NMPM).

14. REPORT:

a. DESCRIPTION OF UNDERTAKING: The sponsor, the Navajo Housing Authority (NHA), requested a cultural resources inventory of the proposed modification powerline extension for Elsie Whitehorse's newly built home near Whitehorse Lake, New Mexico. Extensive ground disturbance, both surface and subsurface, is expected from the use of heavy equipment. The proposed powerline extension 1 is 703.54 ft. (214.44 m) in length requiring a 30 ft. (9.1 m) wide right-of-way. The area of potential effect therefore equals approximately 21,106.20 sq. ft. (1,960.77 sq. m) or 0.485 ac (0.196 ha). The lead agency for the proposed construction is the Housing Urban Development - Navajo Housing Authority.

b. EXISTING DATA REVIEW: Archival records at the Navajo Nation Historic Preservation Department (NNHPD) indicated that three archaeological survey projects have been previously conducted, but no archaeological sites have been recorded, within an approximate 500 ft (152 m) radius of the current project area.

For a relevant overview of the project area, the reader is referred to:

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places. In Navajo Indian III edited by Clyde Kluckhohn, pp. 9-199. Garland Publishing, New York, New York.

c. AREA ENVIRONMENTAL AND CULTURAL SETTING: The proposed project area is located along the Zuni Mountains within lowlands of the San Juan Basin at elevations ranging between 6,883 ft. (2,098 m) and 6,896 ft. (2,102 m) above mean sea level. The area is located approximately 3 mi (4.8 km) south of Whitehorse Lake Chapter House and of Indian Route N9 along west of New Mexico State Highway 509 (Sandsprings Road). The predominant vegetation in the area includes pinon, juniper, sagebrush, saltbush, rabbitbrush, wolfberry, beeplant, broom snakeweed, Russian thistle, prickly pear cactus, Indian ricegrass, blue grama, and various rangeland grasses. The surface sediment is a tan sandy loam with sandstone outcrops. Other than small unnamed drainages, the major water source in the area is Fajada Wash located approximately 5 mi (8.0 km) northeast of the project area. Horses, cattle, sheep, goats, & dogs were the only domesticated animals noted during the survey; various native birds & reptiles were the only non-domesticated animals observed. The surrounding area has been impacted by livestock, the development of scattered homesites, business sites, educational sites, church sites, water tanks, waterlines, powerlines, telephone lines, fencelines, windmills, Indian Routes N9, New Mexico State Highway 509, and secondary roads.

d. FIELD METHODS: The requested archaeological survey was conducted by K.A. Tilden of the Navajo Housing Authority (NHA) on July 16, 2008. A Class III pedestrian inventory was performed by walking parallel transects with adjacent points spaced approximately 15 m apart on both sides of the staked right-of-way. The proposed powerline extension had a 50 ft. (15 m) wide cultural buffer zone added to both sides of the staked right-of-way. Thus, the total area inventoried equaled approximately 91,460.20 sq. ft. (8,496.65 sq. m) or 2.10 ac (0.85 ha).

Also as part of the archaeological inventory, a brief interview was conducted in English and Navajo on previous projects with Elsie Whitehorse, NHA homeowner client, regarding Traditional Cultural Properties (TCPs) in and around the project area. In addition, sufficient notes were gathered on the environmental and cultural setting, and for evaluation of the in-use area, in and around the survey area.

SUPPLEMENT SHEET (AIRS FORM)
INVENTORY OF A PROPOSED MODIFICATION POWERLINE EXTENSION FOR ELSIE WHITEHORSE NEAR
WHITEHORSE LAKE, NEW MEXICO.
NHA 08-15 ADD. I

15. CULTURAL RESOURCE FINDINGS:

a. LOCATION/IDENTIFICATION OF EACH RESOURCE: One in-use area (IUA) was identified during the previous NHA 08-15 Addendum I inventory; no other cultural resources were identified or encountered. In keeping with the Navajo Nation's policy to respect the property and privacy rights of its people, the IUA was not fully recorded, but features were noted in sufficient detail to allow for their assessments as archaeological resources. IUA #1 consists of a pre-1970s stone house & hogan, sheds, corrals, bread ovens, barrels, wood piles, remnants of dismantled stone house & hogan, powerlines, waterlines, and septic tank/drainfield systems.

b. EVALUATION OF SIGNIFICANCE OF EACH RESOURCE (ABOVE): The in-use area (IUA #1) is less than 50 years old and it is not distinctive enough to justify waiving the 50-year age guideline of the National Register of Historic Places. Being less than 100 years old, it does not meet the definition of an archaeological resource as required for protection under the Archaeological Resources Protection Act (ARPA). The existing homes may have been blessed prior to occupations therefore they are considered protectable under the American Indian Religious Freedom Act (AIRFA). However, NHA client have requested service and does not believe the proposed construction will compromise any sacred qualities associated with the homes; construction will be from the existing main Continental Divide Electric Cooperative, Inc. (CDEC) powerline.

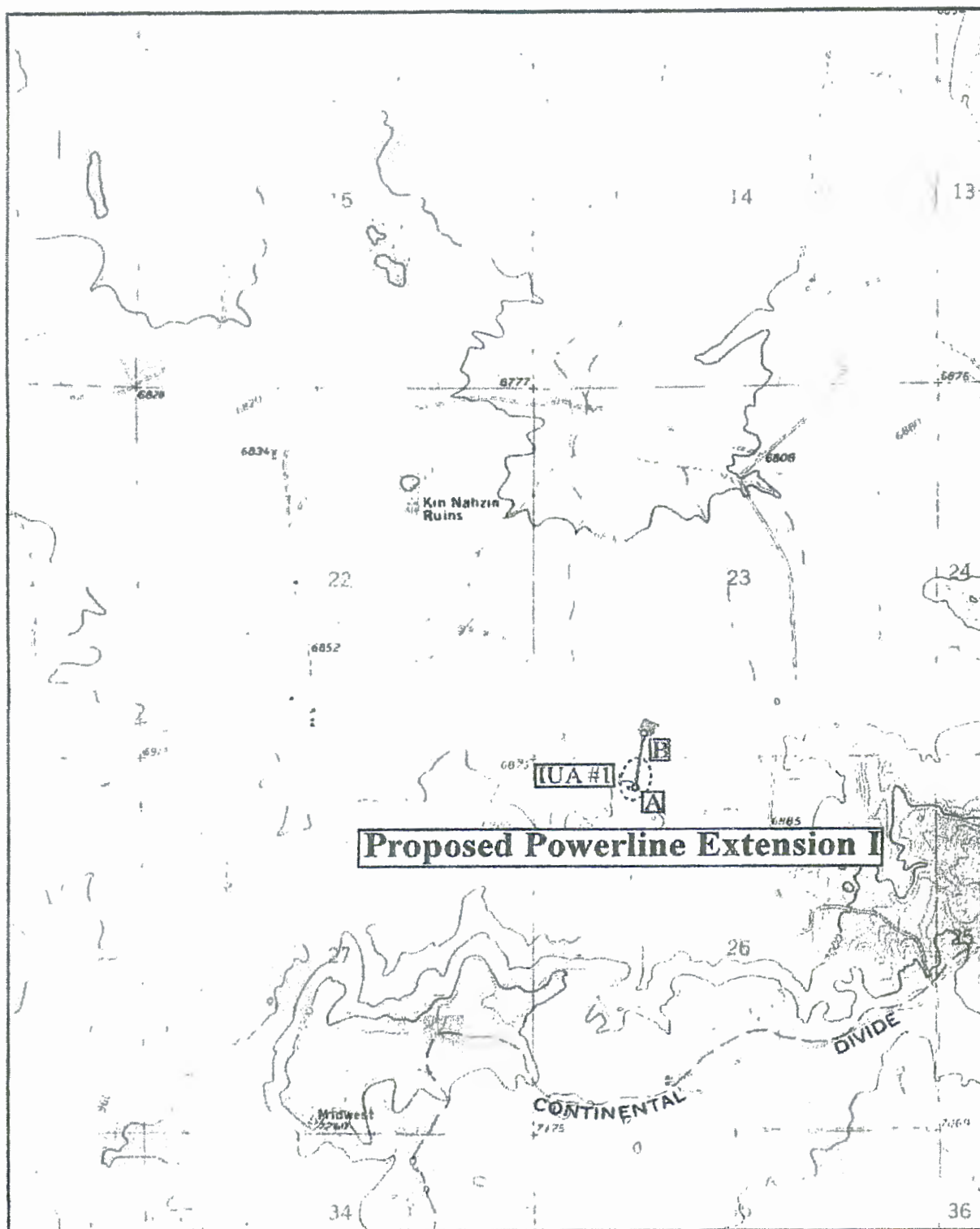


Figure 1. Locational map of the proposed powerline extension I and of IUA #1 (NHA 08-15 Addendum I). Letters correspond to UTM coordinates. USGS 7.5' series map reference: Kin Nahzin Ruins, N. Mex., 1970: T.18N. R.09W. Sections 23 & 26, NMPM.

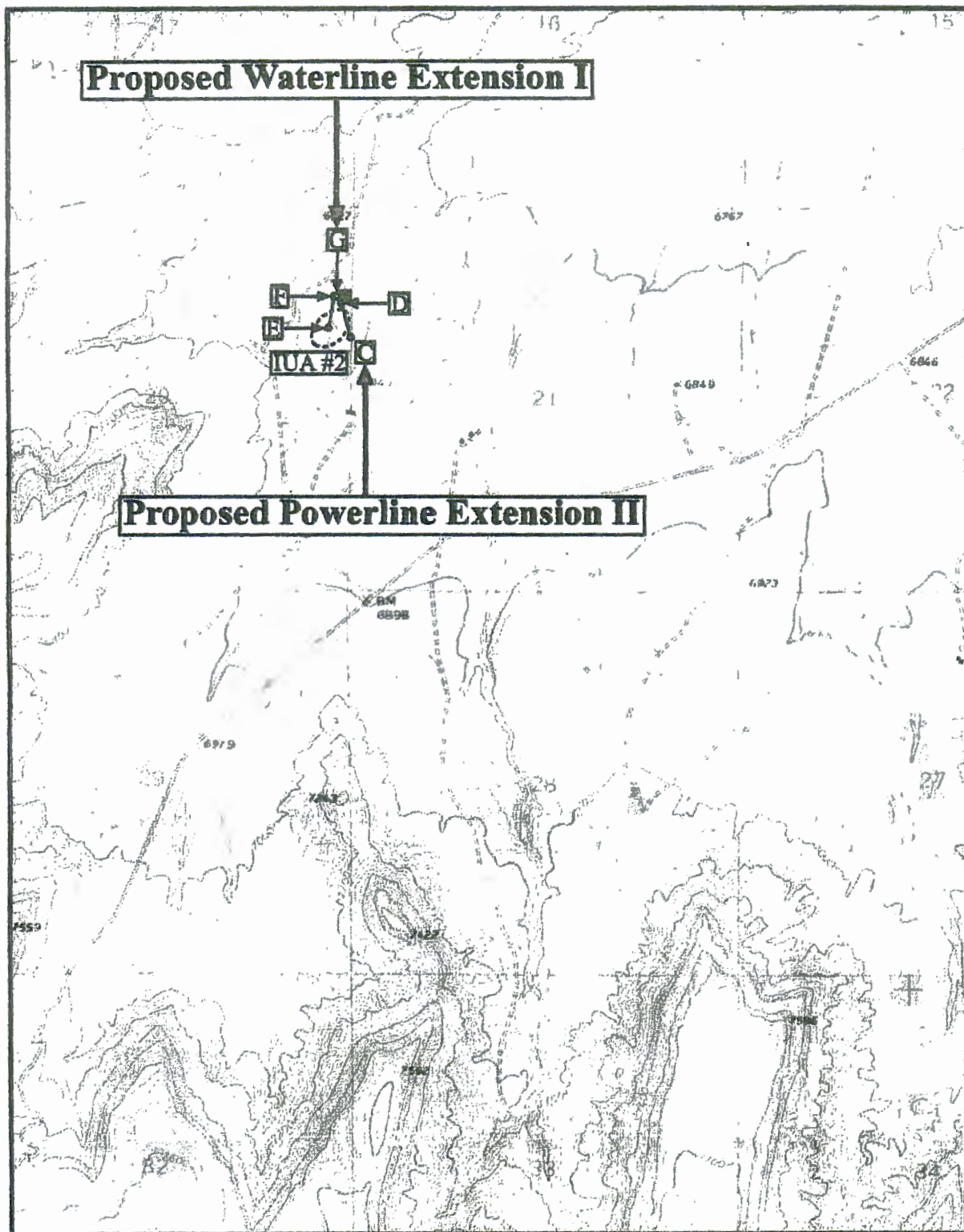


Figure 3. Locational map of the proposed powerline extension II & waterline extension I and of IUA #2 (NHA 08-15). Letters correspond to UTM coordinates. USGS 7.5' series map reference: Crownpoint, N. Mex., 1963; T.17N, R.13W, Section 20, NMPM.

APPENDIX A

Proposed Guidelines for Treatment of *Discovery Situations*

Proposed Guidelines for Treatment of Discovery Situations

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

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

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

MIDDENS: The location will be mapped, and the feature will be profiled and photographed. Charcoal fragments will be collected for radiocarbon dating. Pollen and flotation samples will be collected and analyzed. If natural stratigraphy is present in middens, samples will be collected according to natural stratigraphy, not from arbitrary levels. In order to recover data on the stratification of artifacts in the midden, at least one 1 m-by-1 m column, located immediately adjacent to the area disturbed by construction, will be hand excavated in levels no greater than 10 cm thick, and all excavated fill will be screened through mesh no larger than ¼ inch. Auger holes will be placed every 2.5 to 5.0 m along the unexcavated portion of the right-of-way for a sufficient distance to define the boundary of the midden and to ascertain whether or not additional features are present. Because middens are generally associated with substantial occupations and other features, consultation with NNHPD, the BIA, and the SHPO will be required after the initial recording has been completed.

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

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

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

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

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



Hooghan—Center of Family Growth, Strength and Beauty

NAVAJO HOUSING AUTHORITY

July 28, 2008

TO: Dr. Alan S. Downer, Director
Navajo Nation Historic Preservation Department

FROM: Karen A. Tilden, Archaeologist
Navajo Housing Authority, Construction Services Division

RE: NHA 08-13: Compliance Request of Two Proposed Scattered Homesites near Whitehorse Lake and Crownpoint, McKinley County, New Mexico: HPD-01-990 (NNAD-01-225) & HPD-06-1278 (DCRM-2006-99).



The Navajo Housing Authority (NHA) is requesting compliance of two proposed scattered 1.0 ac homesites for recipients at Whitehorse Lake and Crownpoint, McKinley County, New Mexico (see Figures 2 & 3 for locational maps and Figures 4 & 5 for homesite plats). The compliance requests are from the original survey projects titled:



- 1) Elsie Whitehorse "A Cultural Resources Inventory of the Proposed Elsie Whitehorse Homesite Lease Site near Whitehorse Lake, McKinley County, New Mexico" HPD-01-990 Revised (NNAD-01-225).
- 2) Jamie Synder "A Cultural Resources Inventory of the Jamie Synder 1.00-Acre Homesite and in Crownpoint, McKinley County, New Mexico." HPD-06-1278 (DCRM-2006-99).

The recipients will be accommodated with a standardized NHA structural house with associated facilities. Overall, one of two archaeological reports stated an inventory of a 200 ft (61 m) radius area overlapping the individual homesites therefore the one homesite required the 200 ft (61 m) radius inventory during the recipients' field assessments. According to the reports no archaeological sites, isolated occurrences, in-use areas, and Traditional Cultural Properties were identified within the current proposed homesite areas. The field assessment prominent no other cultural resources were located near the proposed homesites therefore a determination of "no historic properties affected" is recommended.

It is the statutory obligation of the Federal Agency to fulfill the requirements of §106, Part 800.3 (b) "...the Agency Official may use information developed for other reviews...to meet the requirements of §106". If any previously undetected cultural resources are discovered during the undertaking, all activity should cease in that area, the Navajo Nation Historic Preservation Department and the NHA Staff Archaeologist should be notified.

If there are any questions, please contact me at (928) 729-6600. Your time and cooperation is greatly appreciated. Thank you.

CONCURRENCE:

 
Tribal Historic Preservation Officer Date
Navajo Nation Historic Preservation Department

Enclosure
XC: File #3 NHA 08-13 (NM15-161)



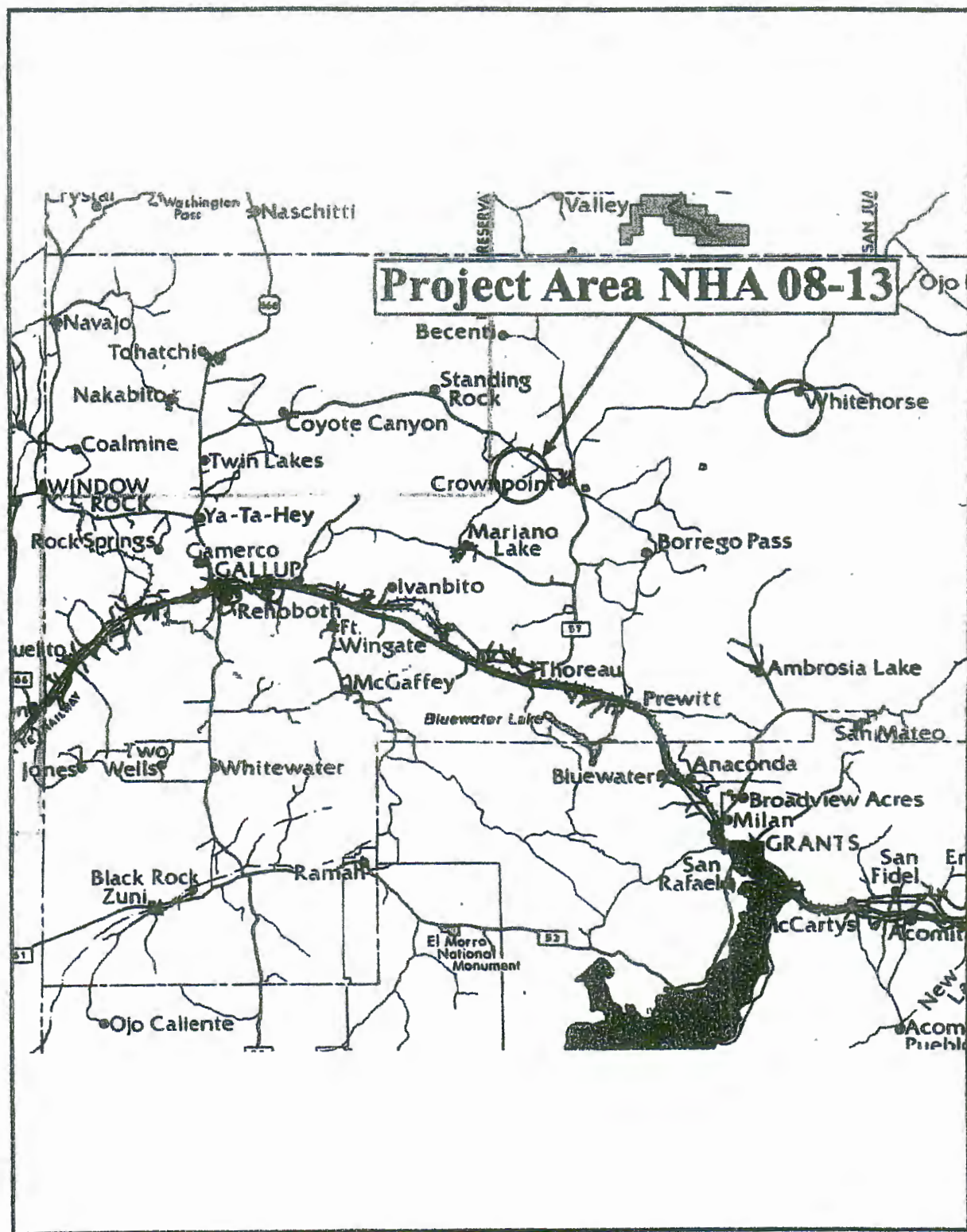


Figure 1. Sectional map of Navajo Country (Goodman 1982) shows the general project area (NHA 08-13).

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.: Elsie Whitehorse Power Line Extension

DESCRIPTION: CDEC proposes to construct, operate, and maintain a single-phase 14.4/24.9kV power line extension to serve the Elsie Whitehorse residence. The power line extension would be a total of 302.90 ft. in length with a 20-ft. wide corridor, consisting of 0.209± acres.

LOCATION: Section 23, T18N, R09W, NMPM, McKinley County, New Mexico

REPRESENTATIVE: Howard Draper, Project Review, Navajo Land Department for Continental Divide Electric Cooperative, Inc. (CDEC)

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Final EA for the proposed Power Line Extension for NHA Client in Whitehorse Lake/22 NOV 2013/Environmental Clearance Program, Navajo Housing Authority; NNHP Data Response#08NHA08; NND&WL Review No. 11/10/08L

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 1 & 3. Raptor Sensitive Area (RSA) onsite.

POTENTIAL IMPACTS

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

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: [1] The proposed power line extension is located within a Raptor Sensitive Area (RSA); therefore, must be constructed utilizing a raptor-safe, power pole design standard (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions within the RSA.

FORM PREPARED BY / DATE: Pamela A. Kyselka/04 MAR 2015



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

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

04 March 2015

EOR003292

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

Dear Ms. Olivar,
The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed Executive Official Review No. 003292 for Continental Divide Electric Cooperative, Inc.'s (CDEC) proposed **Elsie Whitehorse Power Line Extension** project located in the Whitehorse Lake Chapter, McKinley County, New Mexico. The project is approved with the following condition:

[1] The proposed power line extension is located within a Raptor Sensitive Area (RSA); therefore, must be constructed utilizing a raptor-safe, power pole design standard (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions within the RSA.

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

3/5/15

Date

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

COMPLIANCE	<input checked="" type="checkbox"/>
CONDITIONAL COMPLIANCE	<input type="checkbox"/>

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.: NM15-161 Elise Whitehorse

DESCRIPTION: Homesite and utilities

LOCATION: Whitehorse Chapter

REPRESENTATIVE: Thomascita Shorty

ACTION AGENCY: NHA

B.R. REPORT TITLE / DATE / PREPARER: BE/NHA/Oct. 16, 2008

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: NA

POTENTIAL IMPACTS

TRIBAL ENDANGERED SPECIES (G2 & G3) TAKEN: Golden Eagle

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA


AVOIDANCE / MITIGATION MEASURES: Utility line is within a Raptor Sensitive Area (RSA) and therefore requires power pole alterations to a raptor-safe design as per Raptor Electrocutation Preventions Regulations.

CONDITIONS OF COMPLIANCE*: Powerline specifications in accordance with Raptor Electrocutation Prevention Regs.

FORM PREPARED BY / DATE: J. Cole 11/10/08

COPIES TO: (add categories as necessary)

- | | |
|--|--|
| <input type="checkbox"/> Navajo Environmental Protection Agency | <input type="checkbox"/> BIA Navajo Region, Environmental Services |
| <input type="checkbox"/> U.S. Fish and Wildlife Service, NM Field Office | <input type="checkbox"/> U.S. Fish and Wildlife Service, UT Field Office |
| <input type="checkbox"/> U.S. Fish and Wildlife Service, AZ Field Office | <input type="checkbox"/> (Other) |

2 NTC § 164 Recommendation: <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 11/10/08
--	---	-------------------------

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

Representative's signature

Date



THE
NAVAJO
NATION

JOE SHIRLEY, JR.

Ben Shelly

VICE PRESIDENT

Dept of Fish & Wildlife • P.O. Box 1480 • Window Rock, AZ 86515 • (928) 871-6451 • Fax (928) 871-7069

November 10, 2008

Thomascita Shorty, Environmental Compliance Officer
Navajo Housing Authority Construction Services Division
Planning and Engineering Department/Realty Section
Box 1579
Window Rock, AZ 86515

Ms. Shorty:

The purpose of this letter is to document that the Department has reviewed project NM15-161, a homesite and utility line for Elise Whitehorse. The Department has issued a conditional compliance for this project.

The Resources Committee of the Navajo Nation Council recently passed the Raptor Electrocution Preventions Regulations. These regulations are intended to avoid raptors, specifically golden and bald eagles and ferruginous hawks from being electrocuted by installation of new powerlines. To implement this regulation, Raptor Sensitive Areas (RSA) have been delineated in areas where these raptors are known to be present. Projects occurring within RSA's must design their power poles in a raptor-safe design in accordance to the new regulations.

For more information you can go to our website at www.nnhp.navajofishandwildlife.org. The new regulations are available on the home page. In addition, you can call Zoologist, David Mikesic at (928) 871-7070 if you have any questions.


Gloria M. Tom, Director
Department of Fish and Wildlife



Hooghan—Center of Family Growth, Strength and Beauty

NAVAJO HOUSING AUTHORITY

October 17, 2008

David Mikesic, Wildlife Biologist
Navajo Nation Department of Fish and Wildlife
Natural Heritage Program
PO Box 1480
Window Rock, AZ 86515

RE: Request for Review of Biological Evaluation Report

Dear Mr. Mikesic:

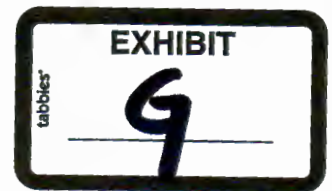
The proposed action is to construct a home-site with associated utilities. We have analyzed the effects of the proposed action on Navajo Nation endangered species and critical habitats that are known to occur in the vicinity of the project. It is our determination, documented in the attached Biological Evaluation, that this project will have no effect on the Golden Eagle. We request that the Navajo Nation Fish & Wildlife prepare a Biological Compliance Form for this specie. If you have any questions, please contact me at (928)729-6608.

Sincerely,

A handwritten signature in cursive script that reads 'Thomascita Shorty'.

Thomascita Shorty, Environmental Compliance Officer
Navajo Housing Authority Construction Services Division
Planning & Engineering Department/Realty Section
P.O. Box 1579
Window Rock, Arizona 86515

cc File



**Biological Evaluation Report
For
NM15-161: Elise Whitehorse Home-site Development Project
in Whitehorse Chapter, McKinley County, New Mexico**

**Sponsored by:
Navajo Housing Authority Construction Services Division
P.O. Box 1579
Fort Defiance, Arizona 86515**

October 16, 2008



Description of Listed Species or Critical Habitat

Golden eagles are North America's largest predatory bird. They are dark brown raptors with long, broad wings. Their length ranges from 70 to 84 cm, and their wingspan ranges from 185 to 220 cm. Males and females are similar in appearance, but females are much larger than males. Female weight ranges from 3940 to 6125 g whereas male weight ranges from 3000 to 4475 g. Adults are largely dark brown, except for a golden area near the crown, nape and sides of the neck and face. The tail is grayish brown. From below, the large flight feathers of the wings appear to be brownish gray, while the head, body and smaller feathers on the forepart of the open wings are blackish. The eyes of adults are dark brown. The bills and claws are black, while the cere and feet are yellow. The legs are feathered all the way down to the toes.

Juvenile golden eagles appear similar to adults, except for light patches on the tips of the wings, and a wide white band on the tail and a terminal band of black. This plumage is sometimes referred to as its "ringtail" plumage as a result of these bands. Juveniles attain adult plumage between ages 4 and 6 years.

There are 5 or 6 recognized subspecies of the golden eagle. These subspecies are differentiated by geographic distribution, size and coloration. Only one subspecies, *Aquila chrysaetos canadensis* is found in North America. (Kochert et al., 2002)

Golden eagles breed from early January through late February. Golden eagle pairs in much of the range are sedentary, remaining in the same territory year round. These pairs may begin nest-building and courtship as early as December. Pairs may have several nests in their breeding territory and often re-use nests year after year, refurbishing them before each breeding season. Golden eagles usually build their nests on steep cliffs typically >30 m in height, although shorter cliffs (> 10 m) are infrequently used. Nesting occurs at nearly all elevations across the Navajo Nation, and on nearly all type of cliff substrates including sandstone, limestone, and those of volcanic origin. Nesting cliffs are normally directly adjacent to foraging habitat of desert grasslands or desert scrub, with only sparse shrubs. Nests usually are placed in middle to upper parts of cliffs in sheltered ledges, potholes, or small caves which provide protection from the elements.

The female lays 1 to 4 (usually 2) eggs, with 3 to 4 day intervals between each egg. The female begins incubating after the first egg is laid, and is responsible for most of the incubation, though the male often takes part. The eggs are dull white and spotted or blotched with brown or reddish brown. Incubation lasts for 35 to 45 days (average 42 days). The young hatch several days apart, and are altricial. The older nestlings are usually much larger than the younger nestlings, and the older, stronger eaglets often kill their smaller siblings. The chicks are brooded by the female with decreasing frequency for the first 45 days or so. Both parents bring food to the nestlings. The nestlings begin to leave the nest between 45 and 81 days of age by walking, hopping or falling out of the nest. They begin to fly around 10 weeks of age, and become independent from the parents 32 to 80 days after fledging. Juveniles do not breed until age 4 to 7 years, after attaining adult plumage. (Kochert et al., 2002)

Project Description

The need of the proposed project is to provide housing services to Navajo Nation Tribal members using NAHASDA funding.

Navajo Housing Authority proposes to construct a housing unit and to construct power line and water line extensions to the housing unit. The proposed construction activities involve clearing of vegetation, laying foundation, building a house, installing power poles for power line and trench digging for a water line. Area of effect for water line is 0.007 acre at a width of 30 feet and a

length of ± 10 feet: Area of effect for power line is approximately 0.55 acre at a width of 30 feet and a length of ± 800 feet. Area of effect for construction of the housing unit is one acre at a width of 208.71 feet and a length of 208.71 feet.

During construction, Navajo Housing Authority and/or construction contractor will travel on an existing dirt road to and from the property.

After construction of the house unit, Navajo Housing Authority will give the homeowner an eighteen month warranty period. The homeowner will continue to pay for the housing unit until a certain time period. After payment has been completed, the homeowner will maintain and own the house.

After construction of the water line extension, Navajo Housing Authority will authorize the Navajo Tribal Utility Authority to acquire right-of-way for operation and maintenance. After construction of the power line extension, Navajo Housing Authority will authorize the Continental Divide Electric Cooperation to acquire right-of-way for operation and maintenance.

The project is located in Section 23 and 26, T18N R09W of the New Mexico Prime Meridian. Figure 1 shows the general location of the proposed project location. Figure 2 shows the proposed project location on a 7.5' topographic map: Seven Lakes SE, New Mexico. Below are UTM coordinates.

Name	Easting	Northing
Centerpoint of H/S	249968	3961874
Power Line BOP	249923	3961629
Power Line EOP	249953	3961809

Because of the highly sensitive area category that was placed on the project for Golden Eagle, the Navajo Housing Authority Construction proposes to avoid the area from February 1 to July 15.

Effects of Analysis

The following are direct effects from construction activities; no attempt at breeding, loss of eggs, and abandonment of nest site.

The following are indirect effects from construction activities; people present within home-site area constantly, noise from vehicles, dogs, etc, and people deciding to walk, and hike beyond home-site and getting closer to nesting areas.

The following are interrelated/independent/cumulative effects include more people developing homes because there is a newly constructed water line extension within 10 feet of the home-site.

Action Area Description

The action area includes (1) the home-site location approximately .5 miles from the potential cliff area, (2) the power line extension from the home-site location to an existing line approximately 2000 feet from the potential cliff area, and (3) the access road two miles in length from the project site to the Highway 509 which is approximately .5 miles from cliff area.

Effects Determination

Because of the avoidance measure for the proposed construction, there will be a no effect determination.

Bibliography & Reference

Kirschbaum, K. and A. Ivory. 2002. "Aquila chrysaetos" (On-line). Animal Diversity Web.
Accessed October 17, 2008 at
http://animaldiversity.ummz.umich.edu/site/accounts/information/Aquila_chrysaetos.html.


Thomascita Shorty, Environmental Compliance Officer
NHA Construction Services Division

Proposed Project

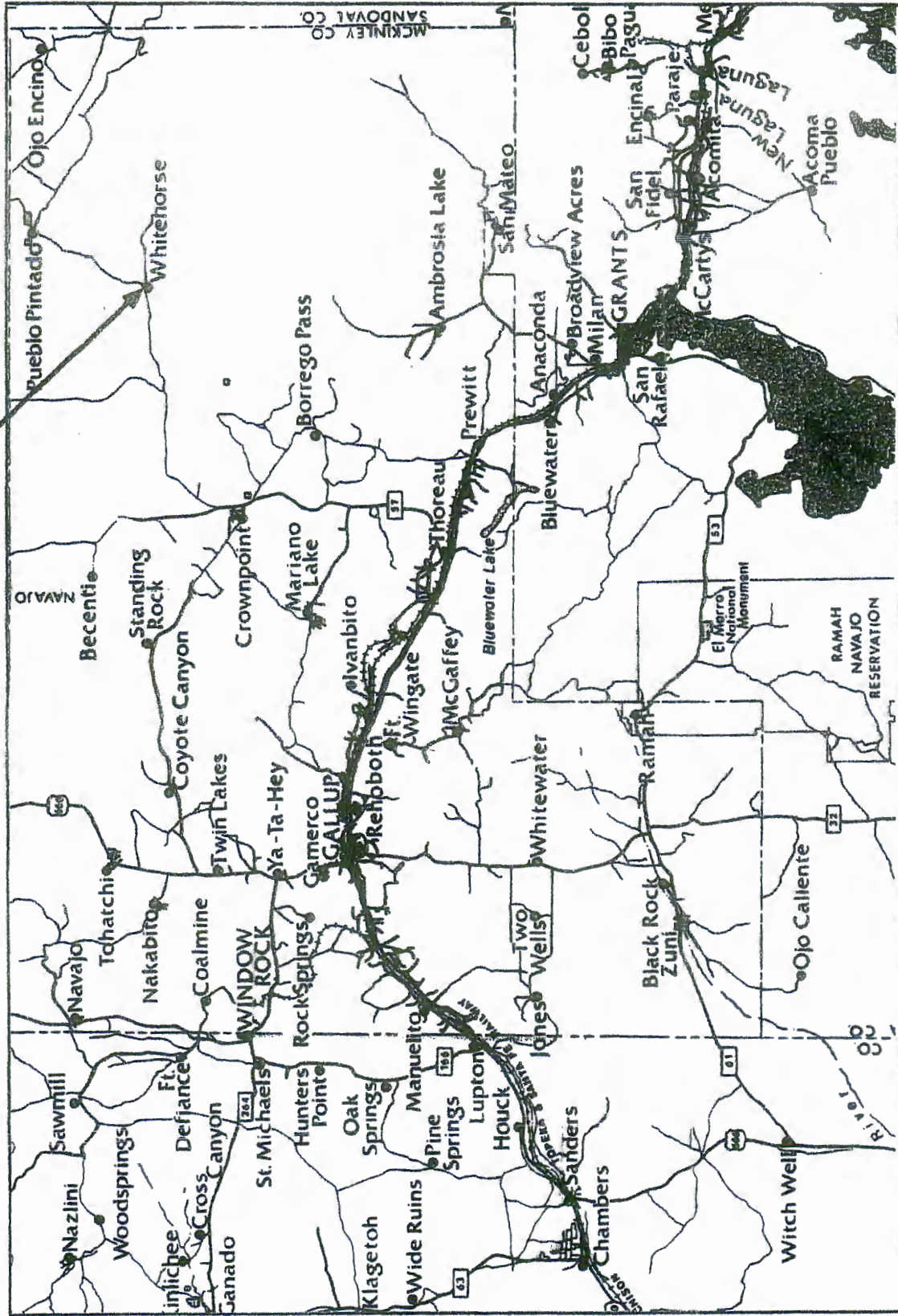


Figure 1: General Location

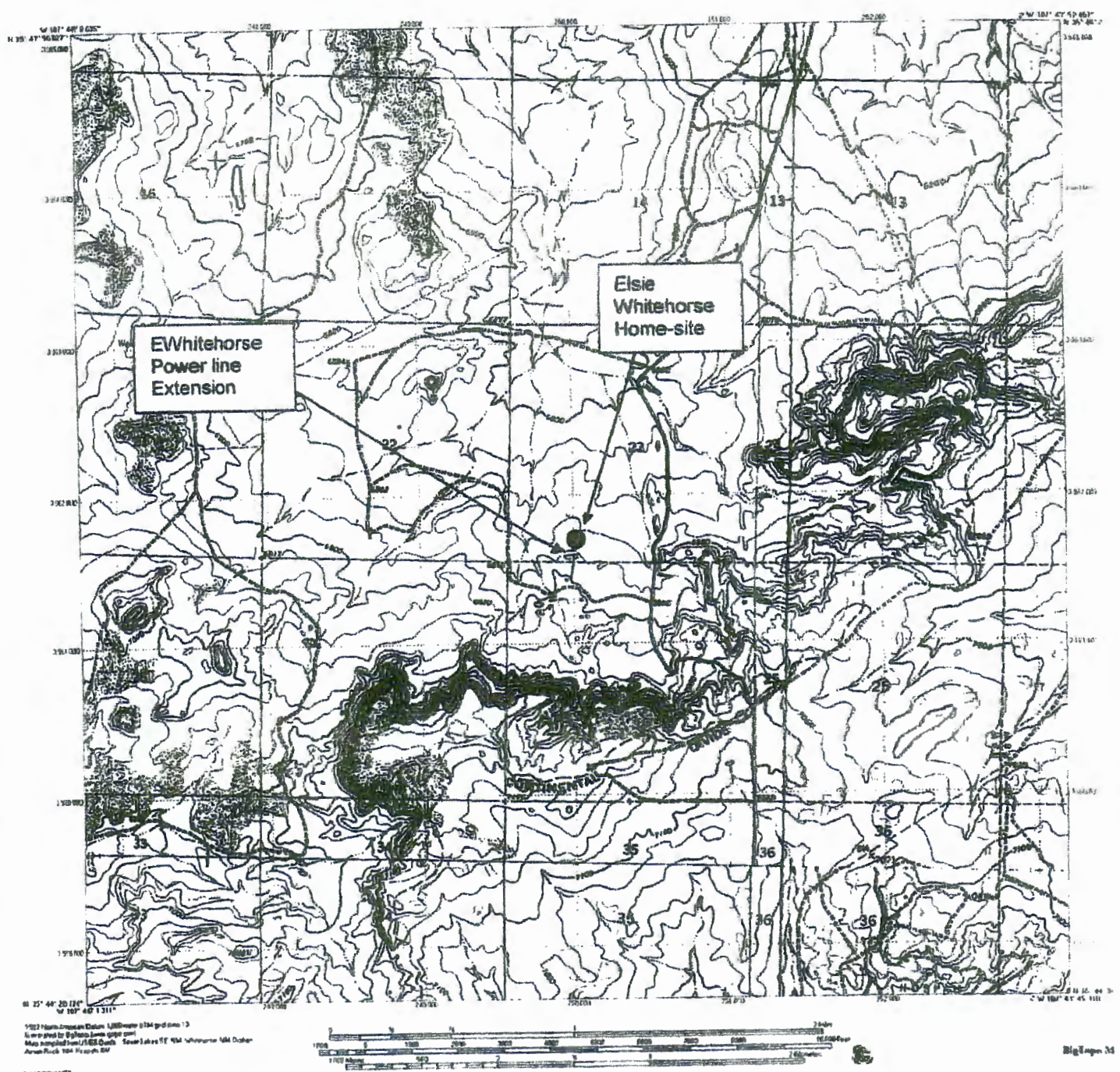


Figure 2: Project Location



THE
NAVAJO
NATION

JOE **SHIRLEY**, JR.
PRESIDENT
Ben **Shelly**
VICE PRESIDENT

Dept of Fish & Wildlife • P.O. Box 1480 • Window Rock, AZ 86515 • (928) 871-6451 • Fax (928) 871-7069

14 October 2008

File#00NHA08

Thomascita Shorty, Environmental Compliance Officer
Navajo Housing Authority
Construction Services Division
P.O. Box 1579
Fort Defiance, AZ 86504

SUBJECT: NHA DEVELOPMENT PROJECT
FOR JAMIE SNYDER, ELSIE WHITEHORSE, RUSSELL TOLEDO
LOCATED IN AND AROUND THE
COMMUNITY OF CROWNPOINT, MCKINLEY COUNTY, NM

Ms. Shorty:

The following information on species of concern¹ is provided in response to your 23 July 2008 request concerning the subject project, which consists of the proposed construction of a home within a 1-acre parcel and associated utilities. A right-of-way (ROW) width of 30 feet (9m) would be required for the installation of the water line and power line extension. Ground disturbing activities will be intensive and will include ~~installation of the home's foundation and associated utility development.~~

Each 7.5-minute quadrangle containing project boundaries is addressed separately below. For potentially occurring species these species lists are quadrangle specific rather than project-specific. Potential for species has been determined primarily on quadrangle-wide coarse habitat characteristics and species range information. Your project biologist should determine habitat suitability at the project site(s).

A total of eight (08) species both known and/or potential are included in this response. They are

1. *Aquila chrysaetos* (Golden Eagle); NESL group 3; MBTA; EPA.

CROWNPOINT, NM 7.5-MINUTE QUADRANGLE

Project Location: Jamie Snyder

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

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

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

SEVEN LAKES SE, NM 7.5-MINUTE QUADRANGLE

Project Location: Elsie Whitehorse

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

1. Aquila chrysaetos (Golden Eagle); NESL group 3; MBTA; EPA. For more information contact David Mikesic, NFWZ Zoologist, at (928) 871-7070.

AREA 1: HIGHLY SENSITIVE RESOURCES

WOLF STAND, NM 7.5-MINUTE QUADRANGLE

Project Location: Russell Toledo

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

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts.⁴ Further questions pertaining to surveys should be referred to Species Account. Surveyors on the Navajo Nation must be permitted by the Director, NFWZ. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NFWZ Zoologist (David Mikesic) for animals at 871-7070, and Botanist (Daniela Roth) for plants at (928) 523-8445. Questions regarding biological evaluation should be directed to Jeff Cole (Acting Environmental Reviewer) at 871-7060.

The powerline(s) should be designed according to the Avian Power Line Interaction Committee's 'Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996' (Edison Electric Institute/Raptor Research Foundation, Washington, D.C.).

Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.

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

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

coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

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

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


An invoice for this information is attached.

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



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

CONCURRENCE



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

xc file/chrono



NAVAJO NATION ENVIRONMENTAL PROTECTION
AGENCY
Navajo Air Quality Control /Operating Permit Program
P.O. Box 529
Fort Defiance, Arizona 86504
(928) 729-4246



Joe Shirley, Jr.
PRESIDENT

Ben Shelly
VICE-PRESIDENT

July 25, 2008

Thomascita Shorty, Environmental Compliance Officer
NHA- Construction Services Division
P.O. Box 1579
Fort Defiance, Arizona 86504

RE: AQCP 07-25-08, Construction of Scattered Housing Units by Navajo Housing Authority in McKinley, New Mexico [Project: Jamie Snyder, Elsie Whitehorse, and Russell Toledo]

Dear Ms. Shorty:

As required and in coordination with 24 CFR Part 58 & 40 CFR Ch. 1 Pt. 6, Subpart C Section 6.303 for implementing review and consultation, Navajo Nation Environmental Protection Agency - Air Quality Control Program has reviewed your consultation request for the proposed construction of scattered housing units in McKinley County, New Mexico proposed construction project is located as listed below:

Recipient	Location	USGS 7.5 Minute Topographical Map
1. Jamie Snyder	Crownpoint, McKinley County, New Mexico, T17N, R13WE, Section 20, NMPM	0249968E, 3961874N 0750 214E 39534 11W
2. Elsie Whitehorse	Seven Lakes SE, McKinley County, New Mexico, T18N, R9W, Section unplatted, NMPM	0249968E, 3961874N
3. Russell Toledo	Wolfstand, McKinley County, New Mexico, T19N, R4W, Section 35, NMPM	0298933E, 3967522N

For air quality regulation, the proposed undertaking is located within the jurisdiction of Navajo Air Quality Control Program. The proposed construction project is located in an area designated as Class II areas. This area is designated as "unclassified" for the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants. However, these "unclassified" areas can be assumed to be in attainment for the NAAQS.

The proposed construction for scattered housing units in McKinley County, New Mexico may proceed provided Navajo Housing Authority take measures to minimize fugitive dust emissions during construction activity. Fugitive dust emissions shall be kept to a minimum by designating traffic, applying water to roads and taking other measures to minimize potential impacts during construction activity.

If you should have any questions, please contact Navajo Air Quality Control Program staff at (928) 729-4246.
Sincerely,

Charlene Nelson

Environmental Program Supervisor
Navajo Nation Environmental Protection Agency - Air Quality Control Program
P.O. Box 529
Fort Defiance, Arizona 86504

NHA Hooghan—Center of Family Growth, Strength and Beauty

NAVAJO HOUSING AUTHORITY

July 23, 2008

Judy Willetto, Range Conservationist
Division of Natural Resources
PO Box 9000
Window Rock, AZ 86515

Re: NHA Development Projects

Dear Ms. Willetto,

Navajo Housing Authority is conducting an environmental analysis pursuant to the National Environmental Policy Act (NEPA) for the development of an environmental assessment (EA) document. The purpose of this scoping letter is to provide your office with project-specific information and to obtain your concurrence with our determination that the project will have no effect on any prime farmlands.

Approval of the undertaking will result in the construction of a home within a one-acre parcel and associate utilities. A right-of-way (ROW) width of 30 ft. (9m) would be required for the installation of the water line and power line extension. Ground disturbing activities will be intensive and will include installation of the home's foundation and associated utility development.

Client	Quad Map with Legal Location	UTM (NAD 27) of Home-site	Water Line Length (ft)	Electric Line Length (ft)
Jamie Snyder (NM15-161)	Crownpoint, NM Sec-20 T17N, R13W NMPM <i>Seven Lakes SE</i>	0249968E 3961874N	±402.17	±380.95
Elsie Whitehorse (NM15-161)	Kin Nahzin Ruins , NM Sec-Unp T18N, R9W NMPM	0249968E 3961874N	±10	±1060
Russell Toledo (VA 2004)	Wolfstand, NM Sec-35 T19N R4W NMPM	0298933E 3967522N	On-site	On-site

If you have any questions concerning these proposed projects or if you need any further information, please do not hesitate to call me at (928) 729-6608.

Sincerely,

Thomascita Shorty

Thomascita Shorty, Environmental Compliance Officer
NHA- Construction Services Division
PO BOX 1579
Fort Defiance, AZ 86504

Attachment: Project Map

CONCURRENCE:

DATE:

Judy Willetto

Judy Willetto, Range Conservationist
Division of Natural Resources

7/23/08

Environmental justice is defined as the pursuit of equal justice and equal protection under the law without discrimination on the basis of race, ethnicity or socio-economic status. To the extent practicable and permitted by law, federal agencies are required to consider environmental justice effects by identifying and assessing, as may be appropriate, disproportionate adverse human health and environmental effects of programs, policies and activities on minority and low income populations impacted by such programs, policies and activities.

Communities with significant low income or minority populations are located within the general project area, so environmental justice concerns must be addressed for the approval of the Proposed Action. The purpose of this project is to provide a home with associated utilities to economically disadvantaged Navajo people.

Determination. Approval of the Proposed Action will not result in any adverse human health or environmental effects to the communities within the project area.



Thomascita Shorty

Environmental Compliance Officer, NHA/CSD/P&E/Realty Section

ENVIRONMENTAL REVIEW RECORD
For
Toxic Chemicals & Radioactive Materials

Project Name/No.: Elise Whitehorse - NMIS-161

1. Has a Phase I (ASTM) Report been submitted and reviewed?
☐ Yes ☒ No
2. If your answer is NO, is a Phase I (ASTM) report needed?
☐ Yes ☒ No
3. Are there issues that require a special/specific Phase II report before completing the environmental assessment?
☐ Yes ☒ No
4. Is the project site near an industry disposing of chemicals or hazardous wastes?
☐ Yes ☒ No
5. Is the site listed on an EPA Superfund National Priorities or CERCLA or equivalent State List?
☐ Yes ☒ No
6. Is the site located within 3000 feet of a toxic or solid waste landfill site?
☐ Yes ☒ No
7. Does the site have an underground storage tank?
☐ Yes ☒ No

If your answer is YES to any of the above questions, use current techniques by qualified professionals to undertake investigations determined necessary and comply with 50.31(i).

8. Are there any unresolved concerns that could lead to HUD being determined to be a Potential Responsible Party (PRP)?
☐ Yes ☒ No
9. Has the site has been used as a dump, sanitary landfill or mine waste disposal are?
☐ Yes ☒ No
10. Is there paved access to the site?
☐ Yes ☒ No

11. Are there other unusual conditions on site?
☐ Yes ☒ No
12. Is there indication of
- | | | |
|---|------------------------------|--|
| Distress vegetation | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Oil/chemical spills | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Waste material/containers | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Abandoned machinery, cars, refrigerators, etc | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Soil staining, pools of liquids | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Loose/empty drums, barrels | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Transformers, fill/vent pipes, pipelines, drainage structures | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
13. Is the project compatible with surrounding area in terms of:
- | | | |
|-------------------------------|---|-----------------------------|
| Land use | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Height, bulk, mass | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Building type (low/high-rise) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Building density | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
14. Will the project be unduly influenced by:
- | | | |
|-------------------------------|------------------------------|--|
| Building deterioration | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Postponed maintenance | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Obsolete public facilities | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Transition of land uses | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Incompatible land uses | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Inadequate off-street parking | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
15. Are there air pollution generators nearby which would adversely affect the site:
- | | | |
|----------------|------------------------------|--|
| Heavy industry | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Incinerators | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Power generating plants
Oil refineries

☐ Yes ☒ No
☐ Yes ☒ No

Cement plants

☐ Yes ☒ No

Large parking facilities (1000 or more cars)

☐ Yes ☒ No

Heavy traveled highway (6 or more lanes)

☐ Yes ☒ No

Field Inspection on (date)

By: (signature)

7/16/08

Thomasite Shetty



ENVIRONMENTAL PROTECTION AGENCY

THE NAVAJO NATION

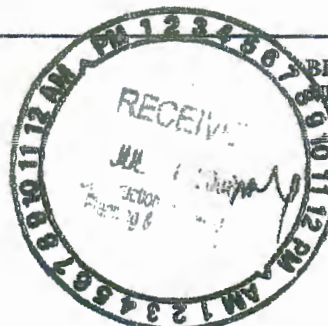
Window Rock, Arizona 86515



JOE SHIRLEY, JR.
PRESIDENT

BENNIE SHELLEY
VICE-PRESIDENT

July 28, 2008



Thomascita Shorty
NHA Construction Services Division
Post Office Box 1579
Fort Defiance, Arizona 86504

Dear Ms. Shorty:

This response is to your 7/23/08 letter requesting comments for your environmental assessment on three proposed home construction projects with associated utility installations. One home is in Crownpoint Chapter (Jamie Snyder) and McKinley County, New Mexico. Another home is in Whitehorse Lake Chapter (Elsie Whitehorse) and in McKinley County, New Mexico. The final home is in Torreon Chapter (Russell Toledo) and McKinley County, New Mexico. Other associated information is included in the following table (Note UTM corrections).

Client	Quad Map with Legal Location	UTM (NAD 27) of Home Site	Water Line Length	Electric Line Length
Jamie Snyder (NM15-16)	Crownpoint, NM. Sec. 20, T17N, R13W, NMPM.	Zone 13: 750214 E (corrected) 3961874 N (corrected)	±402.17 feet	±380.95 feet
Elsie Whitehorse (NM15-161)	Seven Lakes, NM. Sec. Unplatted, T18N, R09W, NMPM.	Zone 13 0249968 E 3961874 N	±10 feet	±1060 feet
Russell Toledo (VA 2004)	Wolfstand, NM. Sec.-35, T19N, R04E, NMPM.	Zone 13 0298933 E 3967522 N	Onsite	Onsite

As a program of the Navajo Nation Environmental Protection Agency, Navajo Superfund Program (NSP) assesses releases or threatened releases of hazardous substances that may endanger public health or the environment. In the 19 years of staff performing pre-remedial activities under the federal Superfund process, NSP does not have 1) a site on the U.S. Environmental Protection Agency's (EPA) National Priorities List, or 2) a site on the EPA's Comprehensive Environmental Response, Compensation and Liability Information System

database, within the proposed construction project areas. Within 3,000 feet south of the project sites, NSP staff is not aware of a toxic landfill.

If you have further questions or comments, please feel free to contact me at (928) 871-6859.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Malone for DJM".

Diana J. Malone, Program Supervisor
Superfund Program
Waste Regulatory Compliance Department
Environmental Protection Agency
The Navajo Nation

cc: Chrono/File



THE NAVAJO NATION



Dr. JOE SHIRLEY, JR.
PRESIDENT

BEN SHELLY
VICE-PRESIDENT

January 14, 2008

MEMORANDUM:

TO : ALL CONCERNED

FROM :

Diane J. Malone

Diane J. Malone, Environmental Program Supervisor
NAVAJO SUPERFUND PROGRAM
NNEPA Waste Regulatory Compliance Department

SUBJECT : STANDING DELEGATION FOR SUPERFUND PROGRAM

During my absence or travel status, the following staff are delegated to ensure oversight of NSP functions, which includes the signing of documents that may be necessary. However staff may withhold their signature if they feel the matter needs my attention. The two staff (by order) are:

1. Stanley W. Edison, Chemist
2. Eugene Esplain, Health Physicist

Your understanding and cooperation with the designated staff is expected and appreciated. If there are any questions, please contract me at extension 7820.

ACKNOWLEDGED:

Stanley W. Edison

Stanley W. Edison, Chemist

Eugene Esplain

Eugene Esplain, Health Physicist

CONCURRENCE:

Stephen B. Etsitty

Stephen B. Etsitty, Executive Director
NNEPA/Waste Regulatory Compliance

DISTRIBUTIONS

**TOXIC OR HAZARDOUS SUBSTANCES & RADIOACTIVE
MATERIALS (HUD Notice 79-33)**

New Mexico (13 Sites)				
Site Name	City	CERCLIS ID	Final Listing Date	Federal Facility Indicator
<u>AT&SF (ALBUQUERQUE)</u>	ALBUQUERQUE	NMD980622864	<u>12/16/1994</u>	No
<u>CIMARRON MINING CORP.</u>	CARRIZOZO	NMD980749378	<u>10/04/1989</u>	No
<u>EAGLE PICHER CAREFREE BATTERIES</u>	SOCORRO	NMD001829506	<u>09/19/2007</u>	No
<u>FRUIT AVENUE PLUME</u>	ALBUQUERQUE	NMD986668911	<u>10/22/1999</u>	No
<u>GRANTS CHLORINATED SOLVENTS</u>	GRANTS	NM0007271768	<u>07/22/2004</u>	No
<u>GRIGGS & WALNUT GROUND WATER PLUME</u>	LAS CRUCES	NM0002271286	<u>06/14/2001</u>	No
<u>HOMESTAKE MINING CO.</u>	MILAN	NMD007860935	<u>09/08/1983</u>	No
<u>LEE ACRES LANDFILL (USDO)</u>	FARMINGTON	NMD980750020	<u>08/30/1990</u>	Yes
<u>MCGAFFEY AND MAIN GROUNDWATER PLUME</u>	ROSWELL	NM0000605386	<u>09/05/2002</u>	No
<u>NORTH RAILROAD AVENUE PLUME</u>	ESPANOLA	NMD986670156	<u>01/19/1999</u>	No
<u>PREWITT ABANDONED REFINERY</u>	PREWITT	NMD980622773	<u>08/30/1990</u>	No
<u>SOUTH VALLEY</u>	ALBUQUERQUE	NMD980745558	<u>09/08/1983</u>	No
<u>UNITED NUCLEAR CORP.</u>	CHURCH ROCK	NMD030443303	<u>09/08/1983</u>	No


http://oaspub.epa.gov/enviro/multisys_web.report

Last updated on Wednesday, August 6th, 2008.

Envirofacts Data Warehouse

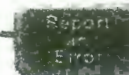
 You are here: [EPA Home](#) [Envirofacts](#) [Multisystem](#) [Query Results](#)

Query Results



ZIP Code: 87313

Envirofacts



LIST OF EPA-REGULATED FACILITIES IN ENVIROFACTS

To see a report on a facility click on the underlined Facility Name. Click on the underlined "View Facility Information" link to view EPA Facility information for the facility.

[Go To Bottom Of The Page](#)

FACILITY NAME/ADDRESS	FACILITY INFORMATION	Permitted Discharges to Water?	Toxic Releases Reported?	Hazardous Waste Handler?	Active or Archived Superfund Report?	Air Releases Reported?
BIA CROWNPOINT COMM SCH ENA NN 24 MI NORTH OF THOREAU NM CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
BORREGO PASS SCHOOL NN COUNTY ROAD 19 NAVAJO NATION 10 MILES NORTH OF CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
CORN CONSTRUCTION CO HWY 371 & HWY 9 JCT S W CORNER CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
CROWNPOINT FLEET MANAGEMENT NN RTE 9 ACROSS BASHAS MARKET NAVAJO NATION CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO

CROWNPOINT WATER DEVELOPMENT NN 1/2 MILE SOUTH OF JUNCTION IR9 CROWNPOINT, NM 873131936	View Facility Information	NO	NO	YES	NO	NO
ENA BRANCH OF ROADS NN JUNCTION NAVAJO ROUTE 9 AND HWY 371 CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
HOSPASH WATER FLOOD COMPRESSOR STATION 22 MILES E OF CROWNPOINT CROWNPOINT, NM 87313	View Facility Information	NO	NO	NO	NO	YES
HYDRO RESOURCES INC CHURCH RD .5M NW CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
LAKE VALLEY BOARDING SCHOOL US BUREAU OF INDIAN AFFAIRS CROWNPOINT, NM 87313	View Facility Information	YES	NO	NO	NO	NO
LONE PINE HOSPAH COMPRESSOR STATION 22 MI SE OF CROWNPOINT CROWNPOINT, NM 87313	View Facility Information	NO	NO	NO	NO	YES
MARIANO LAKE WYO FUEL CO MILLER JIM ENV CORD CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
MOBIL OIL CORP ENERGY MINERALS-						

URANIUM PO DRAWER F (CROWNPOINT-9) CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
NAVAJO - LAKE VALLEY DIP VAT 28 MI N. OF CROWNPOINT SAN JUAN, NM 87313	View Facility Information	NO	NO	NO	YES	NO
NAVAJO TRIBE FLEET MANG HWY 57 & 371 CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
PHILLIPS URANIUM CORP NOSE ROCK MINE 14 MILES NE OF CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
PNM STAR LAKE GENERATING STATION 1006 PIPELINE JUNCTION RD 40 MILES WEST OF CUBA NM, NM 87313	View Facility Information	NO	NO	YES	NO	NO
PUEBLO PINTADO BOARDING SCHOOL - CROWNPOINT, NM 87313	View Facility Information	YES	NO	NO	NO	NO
TSE'II'AH'I' STANDING ROCK COMMUNITY SCHOOL NAVAJO ROUTE 9 CROWNPOINT, NM 87313	View Facility Information	NO	NO	YES	NO	NO
CROWNPOINT HEADQUARTERS BUILDING 224 COAL CANYON RD CROWNPOINT, NN 87313	View Facility Information	NO	NO	YES	NO	NO
NTUA CROWNPOINT SUBOFFICE						

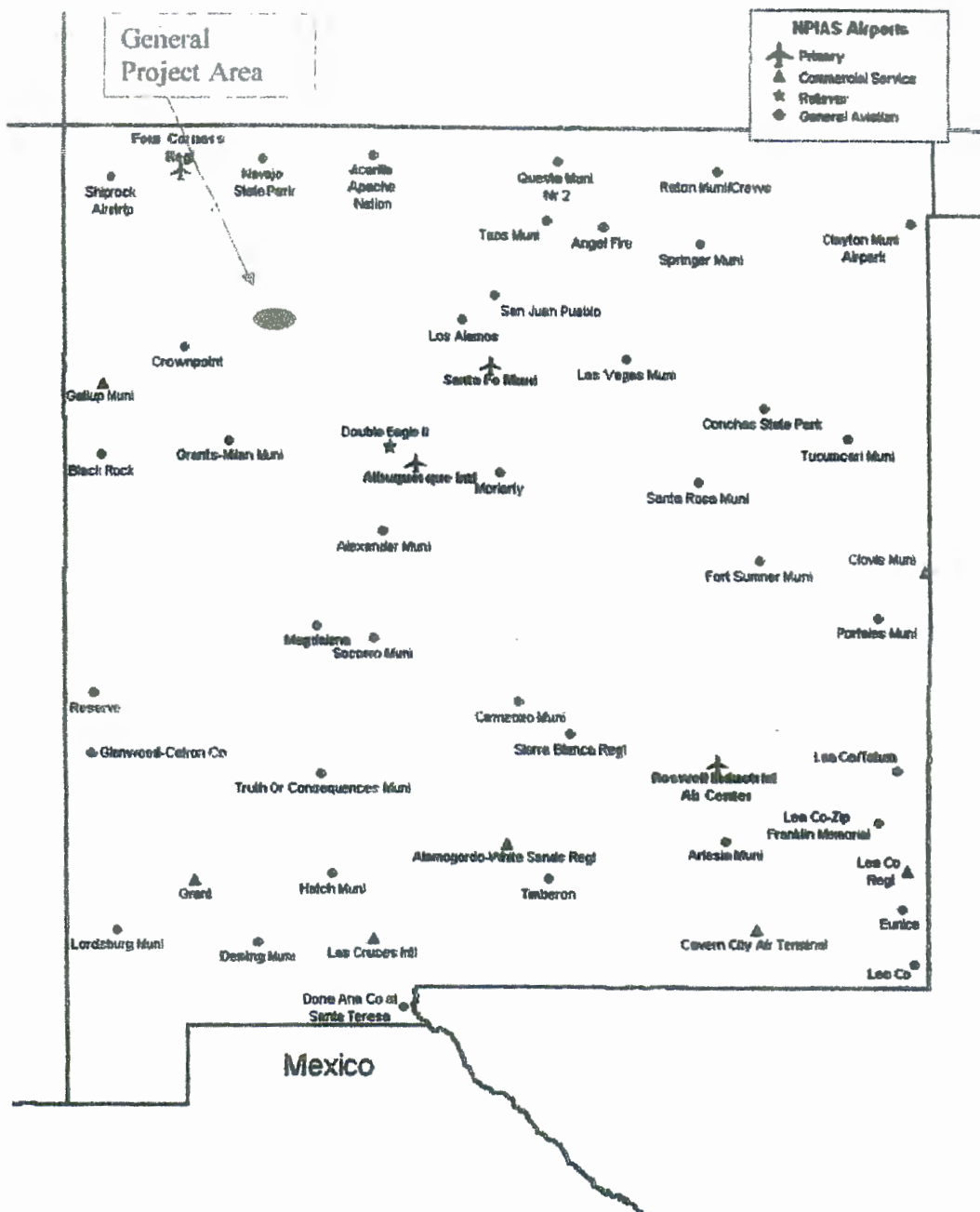
INT OF HWY 371 AND NAVAJO RT 9 CROWNPOINT, NN 87313	View Facility Information	NO	NO	YES	NO	NO
--	------------------------------	----	----	-----	----	----

[Go To Top Of The Page](#)

Total Number of Facilities Displayed: 20

AIRPORT CLEAR ZONES AND ACCIDENT POTENTIAL ZONES [24 CFR Part 51D]

New Mexico



Profile

Chapter Images

WHITE HORSE LAKE CHAPTER

Navajo name: {99gaii bit0

Interpretation: White horse's water

Indian Population: 1980 Census: 429

1990 Census: 603

2000 Census: 542

Estimated land size: 312,288.30 Acres

Land Management District: 15

GOVERNMENT

Number of Chapter NNC delegate(s): 2

Navajo Police district office covering Chapter:

Crownpoint District

Tribal offices that provide services within Chapter:

Women, Infants & Children Adult In-Home Care

Division of Social Services Senior Citizen Center

Community Health Rep Community Services

MEDICAL

Hospital(s) & clinic(s) where most Chapter people go:

Hospital Town

Crownpoint Ind Hlth Care Fac Crownpoint, NM

Cuba Health Center Cuba, NM

Clinic Town

Pueblo Pintado Health Station Pueblo Pintado, NM

EDUCATION

No of Schools:

Pre-School/Head Start nr

Kindergarten to 8th nr

High School nr

Total enrollment by school (Fall of 2003):

School Enrolled

Whitehorse Lake Pre-School nr

Chapter area children attend Pueblo Pintado Community School, Public Schools (at Crownpoint), & Wingate High School.

COMMUNICATIONS

No. of computers for public use at Chapter: 3

No. of public payphones in the community: 1

Regular TV reception; stations received:

Call Letters Town

KOAT; KOB; KRQE; KNME Albuquerque, NM

Clear AM radio stations received:

Call Letters Town

KTNN Window Rock, AZ

KNDN Farmington, NM

KGAK Gallup, NM

KOB Albuquerque, NM

Clear FM radio stations received:

Call Letters Town

KKOR Gallup, NM

Courier services within the chapter:

USPS

RECREATIONAL FACILITIES

None

PUBLIC FACILITIES

No. of Office spaces at Chapter2
 Senior Citizen Center
 Warehouse

EQUIPMENT (Maintained by Chapter)

Farm Tractor
 Hauling Truck

SCENIC ATTRACTIONS None Reported**CIVIC****Churches:**

Name of Church Est'd Membership
 Seven Churches 40
 Assembly of God Church 15
 Christian Reform Church 25

Churches:

Traditional Navajo nr
 Native American Church nr

Community organizations:

Tse'Gail High School Steering Committee

COMMERCIAL none**TRANSPORTATION****Paved roads through the chapter area:**

Navajo Route 9
 New Mexico State Route 509

Distances to:

Agency. Crownpoint 30 miles
 Window Rock (via Nav Route 9) 97 miles
 Cuba, NM 67 miles
 Grants, NM (via NM St 509) 54 miles

MAJOR EMPLOYERS

No. of

Name of Employer	Employees
Pueblo Pintado School	nr
Navajo Nation	8

LOCAL NATURAL RESOURCES

Oil, Coal

COMMUNITY/COOPERATIVE FARMING None**BRIEF OVERVIEW OF CHAPTER**

Whitehorse Chapter has three sub-chapter or communities areas: White Horse Lake, Sandspring, and Rincon Marquis

This Chapter information was updated by:

	Name	Telephone No
'04	Bobby Tsosie, CSC	505/655-5430
	Fax: 505/655-5432	
'92/'96	Nelson Sandoval, CSC	

Geographic Area: White Horse Lake Chapter, Navajo
Nation Reservation and Off-Reservation Trust Land, AZ-
NM--UT (NM part), New Mexico

Subject	Number	Percent	Subject	Number	Percent
Total population	547	100	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	547	100
Male	265	48.4	Hispanic or Latino (of any race)	0	0
Female	282	51.6	Mexican	0	0
			Puerto Rican	0	0
			Cuban	0	0
Under 5 years	41	7.5	Other Hispanic or Latino	0	0
5 to 9 years	79	14.4	Not Hispanic or Latino	547	100
10 to 14 years	63	11.5	White alone	5	0.9
15 to 19 years	46	8.4			
20 to 24 years	32	5.9	RELATIONSHIP		
25 to 34 years	57	10.4	Total population	547	100
35 to 44 years	84	15.4	In households	547	100
45 to 54 years	42	7.7	Householder	167	30.5
55 to 59 years	21	3.8	Spouse	76	13.9
60 to 64 years	21	3.8	Child	251	45.9
65 to 74 years	42	7.7	Own child under 18 years	189	34.6
75 to 84 years	11	2	Other relatives	42	7.7
85 years and over	8	1.5	Under 18 years	21	3.8
(Median age (years))	27.2	(X)	Nonrelatives	11	2
			Unmarried partner	9	1.6
18 years and over	335	61.2	In group quarters	0	0
Male	169	30.9	Institutionalized population	0	0
Female	168	30.3	Noninstitutionalized population	0	0
21 years and over	313	57.2	HOUSEHOLDS BY TYPE		
62 years and over	69	12.6	Total households	167	100
65 years and over	61	11.2	Family households (families)	125	74.9
Male	30	5.5	With own children under 18 years	71	42.5
Female	31	5.7	Married-couple family	76	45.5
			With own children under 18 years	44	26.3
RACE			Female householder, no husband present	32	19.2
One race	546	99.8	With own children under 18 years	18	10.8
White	5	0.9	Nonfamily households	42	25.1
Black or African American	0	0	Householder living alone	40	24
American Indian and Alaska Native	541	98.9	Householder 65 years and over	19	11.4
Asian	0	0			
Asian Indian	0	0	Households with individuals under 18 years	81	48.5
Chinese	0	0	Households with individuals 65 years and over	49	29.3
Filipino	0	0			
Japanese	0	0	Average household size	3.26	(X)
Korean	0	0	Average family size	3.95	(X)
Vietnamese	0	0			
Other Asian	0	0	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander	0	0	Total housing units	254	100
Native Hawaiian	0	0	Occupied housing units	167	65.7
Guamanian or Chamorro	0	0	Vacant housing units	87	34.3
Samoan	0	0	For seasonal, recreational, or occasional use	39	15.4
Other Pacific Islander	0	0			
Some other race	0	0	Homeowner vacancy rate (percent)	1.3	(X)
Two or more races	1	0.2	Rental vacancy rate (percent)	0	(X)
Race alone or in combination with one or more other races ³			HOUSING TENURE		
White	6	1.1	Occupied housing units	167	100
Black or African American	0	0	Owner-occupied housing units	155	92.8
American Indian and Alaska Native	542	99.1	Renter-occupied housing units	12	7.2
Asian	0	0			
Native Hawaiian and Other Pacific Islander	0	0	Average household size of owner-occupied unit	3.37	(X)
Some other race	0	0	Average household size of renter-occupied unit	2.08	(X)

(X) Not applicable

¹ Other Asian alone, or two or more Asian categories

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories

³ In combination with one or more other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one

Source: U.S. Census Bureau, Census 2000 Summary File 1, Tables P1, P3, P4, P6, P8, P12, P13, P17, P18, P19, P20, P23, P27, P28, P33, PCT5, PCT8, PCT11, PCT15, H1, H3, H4, H5, H11, and H12

ADDITIONAL INFORMATION

1. AGENCY: Eastern

2. STATE: New Mexico

3. SERVICE UNIT: Crownpoint

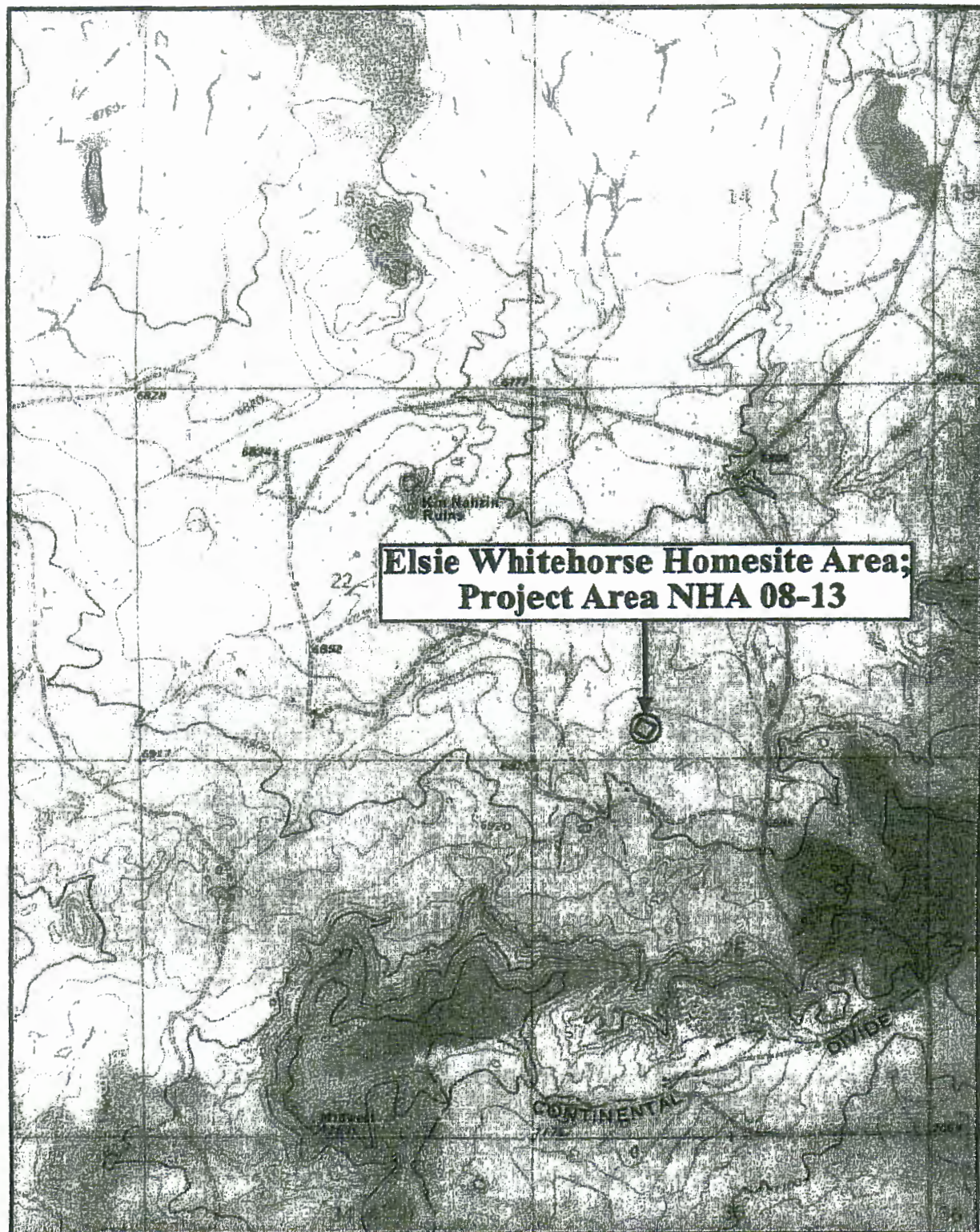


Figure 2. Locational map of the proposed homesite for Elsie Whitehorse (NHA 08-13). Homesite UTM center (Zone 13): 3961874N, 249968E. USGS 7.5' series map reference: Kin Nahzin Ruins, N. Mex., 1970; T.18N, R.09W, SW/4 of Section 23, NMPM.

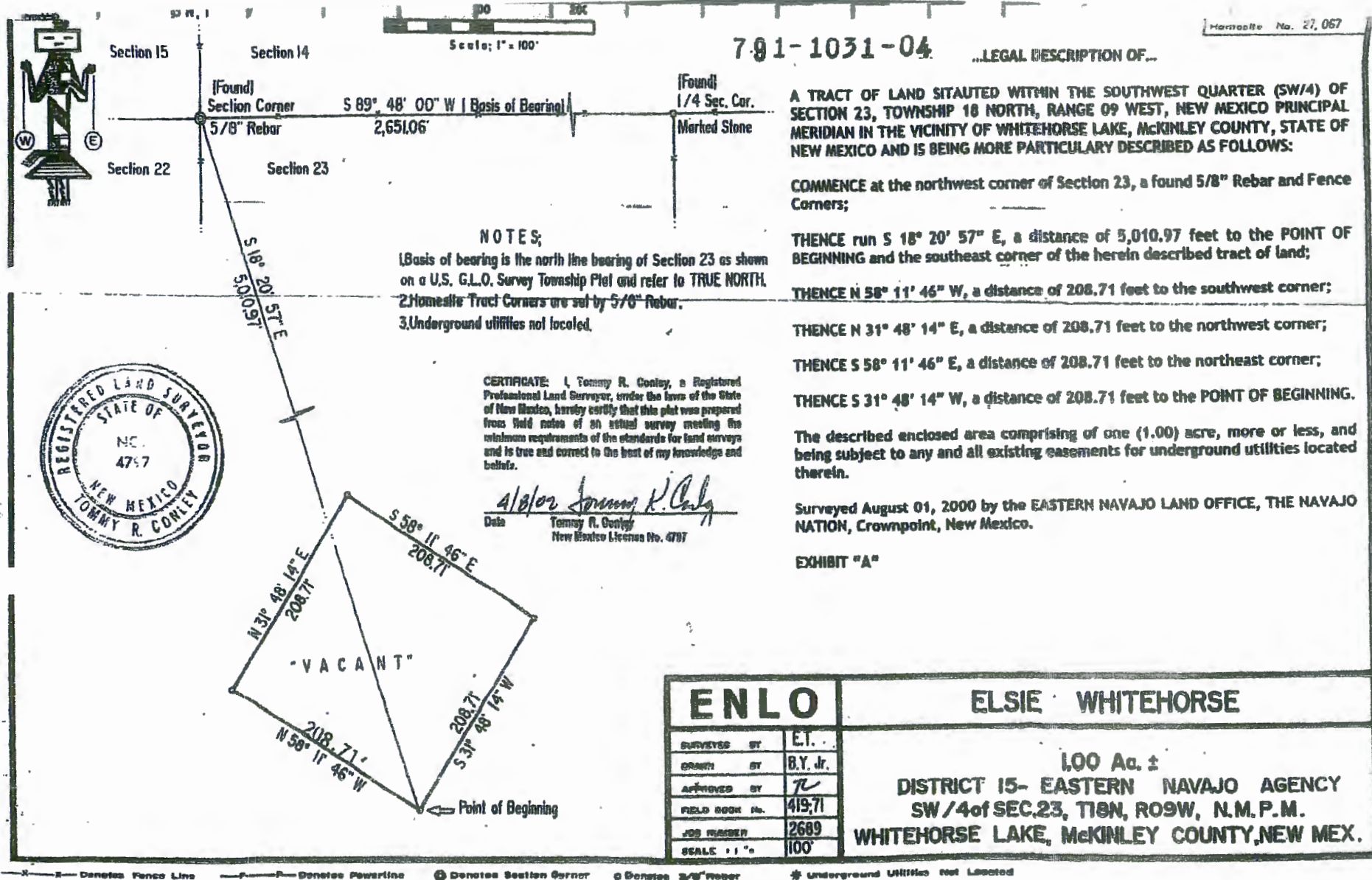


Figure 4. Layout map of the proposed 1.0 acre homesite area for Elsie Whitehorse (NHA 08-13).

Floodplain Management 24 CFR Part 55

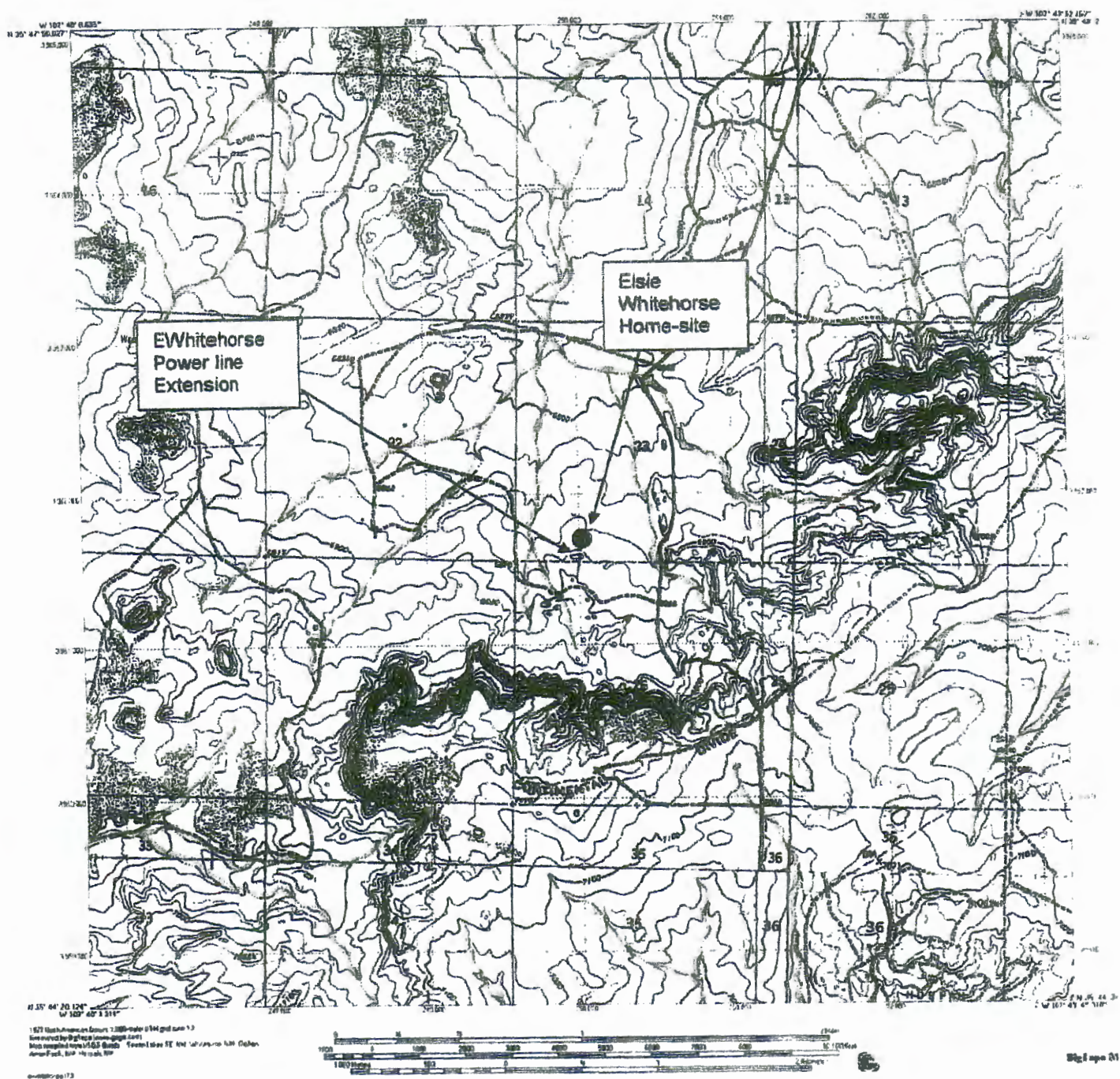
Floodplain is defined as an area of low-lying land across which a river flows that is covered with sediment as a result of frequent flooding.

Navajo Housing Authority Construction Services Division has determined that the area is not located in floodplain area based on preliminary site visit, examination of the 7.5 topographic map and soils data generated by the BIA Soil Conservation Service.

Based on the topographic survey, Elise Whitehorse Project is located at ~6870 feet above mean sea level. The nearest ephemeral drainages are located 990 feet west and 1900 east of the project.

The project area is situated in Penistaja-Tintero complex. The parent material for Penistaja is eolian deposits over fan and slope alluvium derived from sandstone and shale. This soil type is well drained and flooding hazard is none. The parent material for Tintero is eolian sands over fan alluvium derived from sandstone and shale. This soil type is somewhat excessively drained and flooding hazard is none.

Thomascita Shorty
Thomascita Shorty, Environmental Compliance Officer
NHA CSD/P&E/Realty Section



Information

1 Map Unit Description

McKinley County Area, New Mexico, McKinley County and Parts of Cibola and San Juan Counties Version date: 1/13/2007 10:18:52 PM

205—Penistaja-Tintero complex, 1 to 10 percent slopes**Map Unit Setting**

Elevation: 6,200 to 7,100 feet
Mean annual precipitation: 10 to 13 inches
Mean annual air temperature: 49 to 53 degrees F
Frost-free period: 120 to 140 days

Map Unit Composition

Penistaja and similar soils: 45 percent
Tintero and similar soils: 40 percent

Description of Penistaja**Setting**

Landform: Fan remnants on valley sides, mesas, dipslopes on cuestas
Landform position (three-dimensional): Side slope, tread, talf
Down-slope shape: Convex, concave
Across-slope shape: Convex, concave, linear
Parent material: Eolian deposits over fan and slope alluvium derived from sandstone and shale

Properties and qualities

Slope: 1 to 5 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)
Available water capacity: Moderate (about 8.5 inches)

Interpretive groups

Land capability (nonirrigated): 6c
Ecological site: Loamy (R036XB112NM)

Typical profile

0 to 3 inches: Sandy loam
3 to 19 inches: Sandy clay loam
19 to 65 inches: Sandy loam

Description of Tintero**Setting**

Landform: Fan remnants on valley sides, dipslopes on cuestas, mesas
Landform position (three-dimensional): Side slope, tread, talf
Down-slope shape: Convex, concave
Across-slope shape: Convex, concave, linear
Parent material: Eolian deposits over fan alluvium derived from sandstone and shale

Properties and qualities

Slope: 1 to 10 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat excessively drained
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)
Available water capacity: Moderate (about 7.9 inches)

Interpretive groups

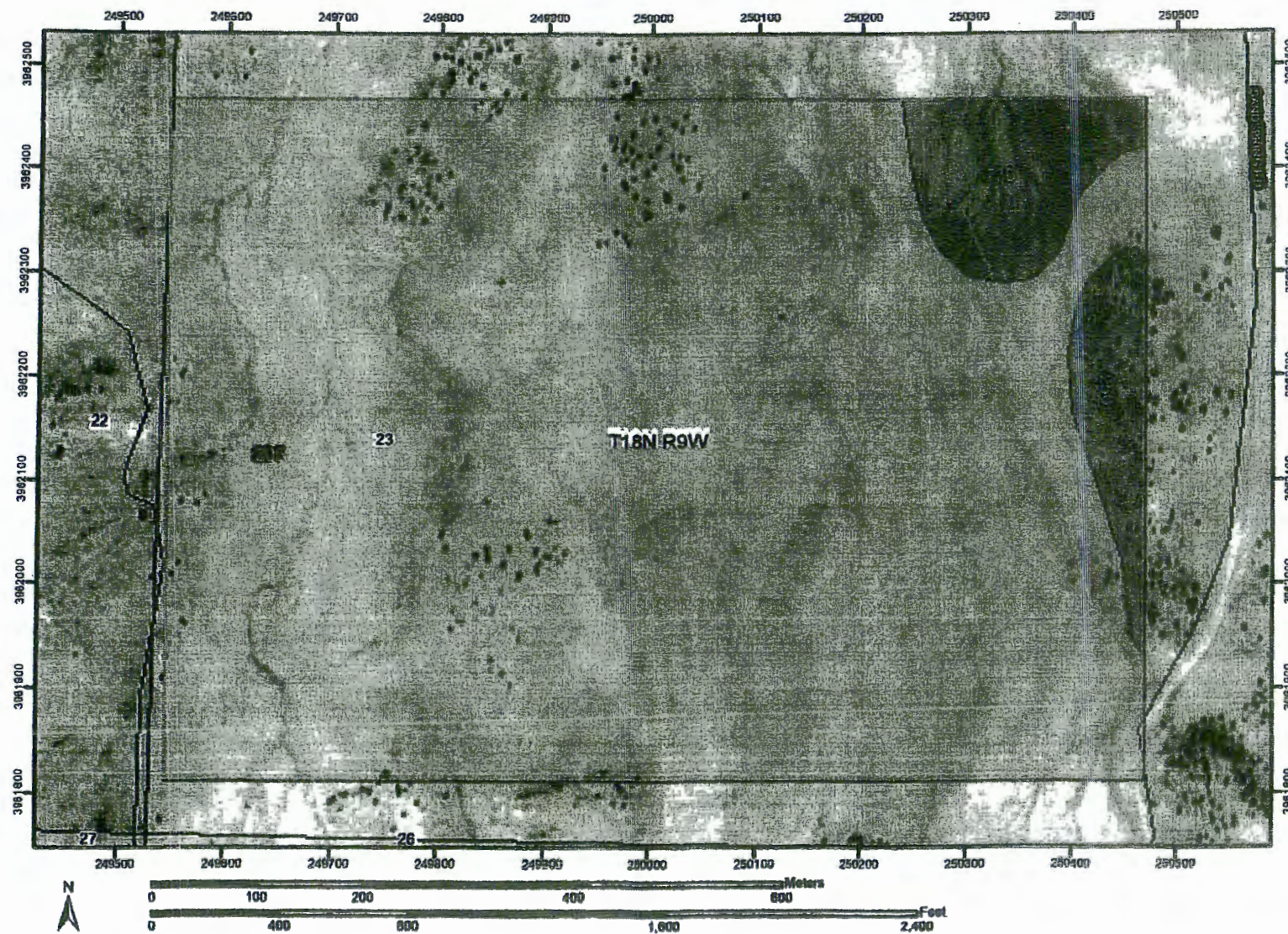
Land capability (nonirrigated): 7e
Ecological site: Sandy (R036XB113NM)

Typical profile

0 to 4 inches: Fine sandy loam
4 to 16 inches: Fine sandy loam
16 to 48 inches: Fine sandy loam
48 to 65 inches: Loamy fine sand

Close

Dwellings Without Basements—McKinley County Area, New Mexico, McKinley County and Parts of Cibola and San Juan Counties



Natural Resources
Conservation Service

Web Soil Survey 2.0
National Cooperative Soil Survey

8/6/2008
Page 1 of 4

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils



Soil Map Units

Soil Ratings



Very limited



Somewhat limited



Not limited

Not rated or not available

Political Features

Public Land Survey



Township and Range



Section

Municipalities



Cities



Urban Areas

Water Features



Oceans



Streams and Canals

Transportation



Rails

Roads



Interstate Highways

US Routes

State Highways



Local Roads

Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 13N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: McKinley County Area, New Mexico, McKinley County and Parts of Cibola and San Juan Counties
Survey Area Data: Version 7, Jan 13, 2007

Date(s) aerial images were photographed: 10/13/1997

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Dwellings Without Basements

Dwellings Without Basements—Summary by Map Unit—McKinley County Area, New Mexico, McKinley County and Parts of Cibola and San Juan Counties						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (rating values)	Acres in AOI	Percent of AOI
205	Penistaja-Tintero complex, 1 to 10 percent slopes	Not limited	Penistaja (45%) Tintero (40%)		139.5	92.3%
230	Sparank-San Mateo-Zia complex, 0 to 3 percent slopes	Very limited	Sparank (40%) San Mateo (35%) Zia (20%)	Flooding (1.00) Shrink-swell (1.00) Flooding (1.00) Shrink-swell (0.50) Flooding (1.00)	7.1	4.7%
250	Hospah-Skyvillage-Rock outcrop complex, 2 to 35 percent slopes	Very limited	Hospah (35%) Skyvillage (30%)	Shrink-swell (1.00) Slope (1.00) Depth to soft bedrock (0.50) Depth to hard bedrock (1.00) Shrink-swell (0.50)	4.5	3.0%
Totals for Area of Interest (AOI)					151.1	100.0%

Dwellings Without Basements—Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Not limited	139.5	92.3%
Very limited	11.6	7.7%

Description

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



THE
NAVAJO
NATION

Navajo Nation Environmental Protection Agency
Water Quality/NNPDES Program
P. O. Box 339; Window Rock, AZ. 86515



Joe Shirley, Jr.
President

Ben Shelly
Vice-President

August 25, 2008

Thomascita Shorty, Environmental Compliance Officer
NHA – Construction Services Division
P.O. Box 1579
Ft. Defiance, AZ 86504



RE: Wetland clearance for proposed NHA development projects within the Eastern Agency

Ms. Shorty:

Per your request, the Navajo Nation Environmental Protection Agency Water Quality Program (NNEPA WQ Program) has reviewed the project documents submitted for proposed wetland clearance. The National Wetland Inventory maps indicate that the proposed project sites will not impact jurisdictional wetlands. Therefore, there will be "No Effect" on wetlands or jurisdictional waters related to these projects:

Jamie Snyder, Crownpoint, NM
Elise Whitehorse, Seven Lakes, SE
Russell Toledo, Wolfstand, NM

Please be aware of the Storm Water Construction General Permit required for construction activities that result in land disturbance of equal to or greater than one acre. This includes access roads and utility installation. In addition, all Navajo Nation environmental laws and regulations should be adhered to.

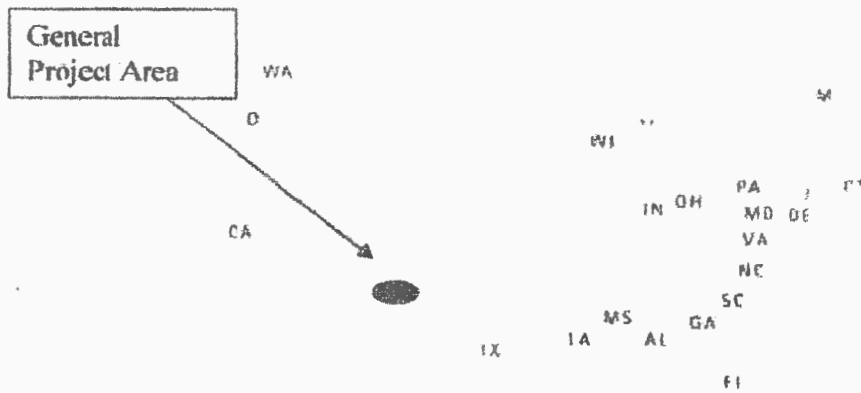
Thank you for your contacting the Water Quality Program with your project. If you have any further questions, feel free to contact me at (928) 871-7704.

Sincerely,

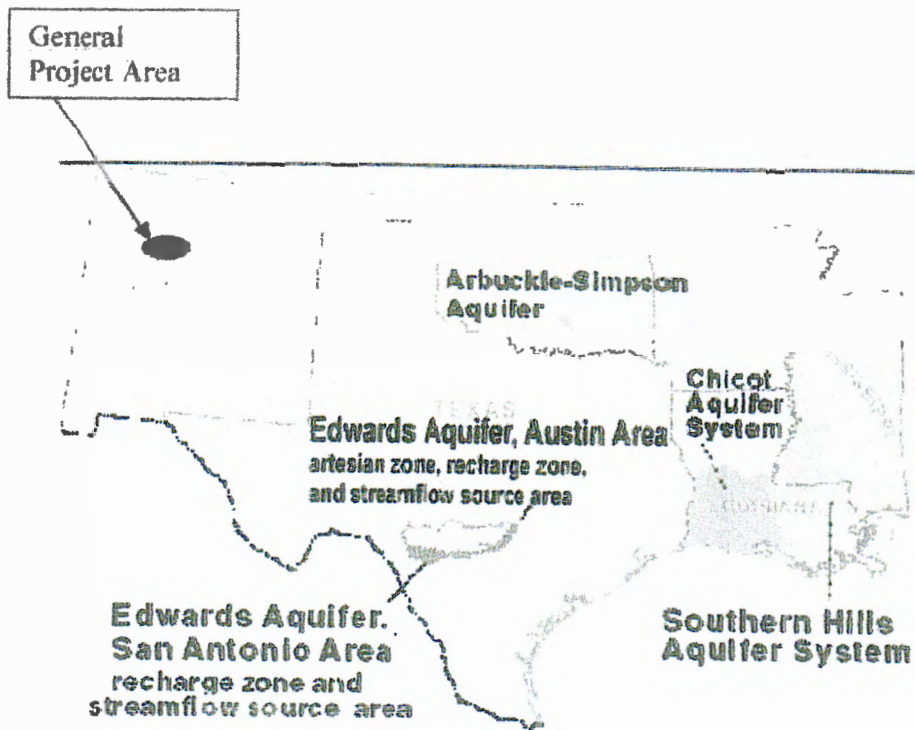
Melinda Deswood, Principal Engineering Technician
Navajo Nation Environmental Protection Agency
Water Quality/NNPDES Program

xc: Wilma Becenti, Senior Environmental Specialist, Water Quality Program
File

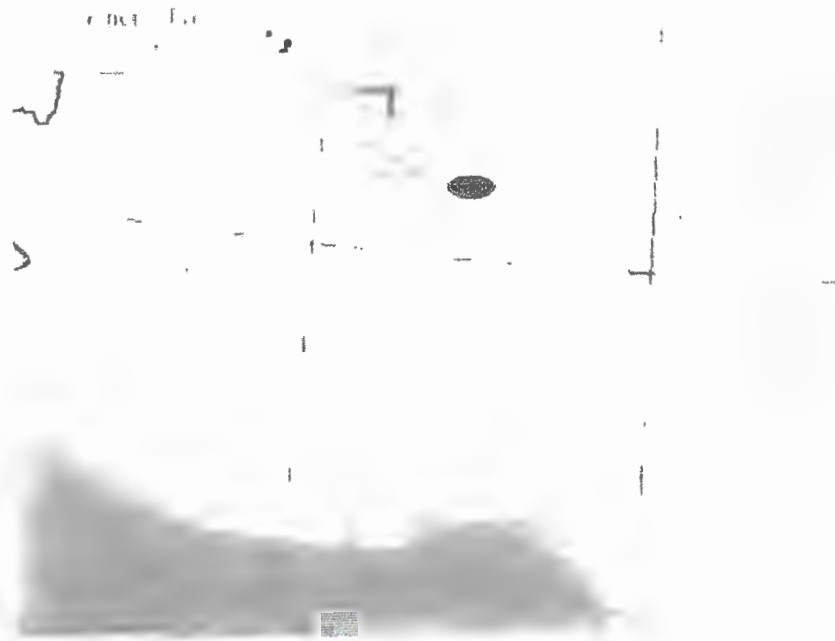
COASTAL ZONE MANAGEMENT ACT
[Section 307 (c) (d)]



SOLE SOURCE AQUIFERS
[40 CFR 149]



WILD AND SCENIC RIVERS (SECTIONS 7 (B), (C))



**Map New Mexico and Arizona showing officially designated Wild and Scenic Rivers and
general project area (Source: www.nationaltas.gov).**

RECEIVED
JUL 28 2014
NHA
OPERATIONS BRANCH

CULTURAL RESOURCES COMPLIANCE FORM
NAVAJO HOUSING AUTHORITY
P.O. BOX 4980
WINDOW ROCK, ARIZONA 86515



ROUTING: COPIES TO
XX NNHPD
REAL PROPERTY MGT/330
NHA

NNHPD NO. HPD-08-622.1 REVISED
OTHER PROJECT NO.
NHA 08-15 Addendum I
NMJS-161

PROJECT TITLE: A Cultural Resources Inventory of a Proposed Modification Powerline Extension for Elsie Whitehorse near Whitehorse Lake, McKinley County, New Mexico.

LEAD AGENCY: HUD/NHA

SPONSOR: Navajo Housing Authority - Executive Branch, P.O. Box 4980, Window Rock, Arizona 86515

PROJECT DESCRIPTION: The proposed undertaking will involve the installation of an aerial powerline extension. Extensive ground disturbance, both surface and subsurface, is expected from the use of heavy equipment. The proposed powerline extension is 703.54 ft. (214.44 m) in length requiring a 30 ft. (9.1 m) wide right-of-way. The area of potential effect therefore equals approximately 21,106.20 sq. ft. (1,960.77 sq. m) or 0.485 ac (0.196 ha).

LAND STATUS: Tribal Fee Land & Individual Indian Allotment

CHAPTER: Whitehorse Lake

LOCATION: T.18N, R.09W, Sections 23 & 26, NMPM: Kin Nahzin Ruins Quadrangle, New Mexico-McKinley Co., 7.5' series (topographic)

PROJECT COMPLIANCE ANALYST: Karen A. Tilden

NAVAJO ANTIQUITIES PERMIT NO.: B08029

DATE INSPECTED: 7/16/08

DATE OF REPORTS: 7/30/08 & 3/5/14; 7/7/14

TOTAL ACREAGE INSPECTED: 2.10 ac (0.85 ha)

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

LIST OF CULTURAL RESOURCES FOUND:	(1) In-Use Area (IUA)
LIST OF ELIGIBLE PROPERTIES:	None
LIST OF NON-ELIGIBLE PROPERTIES:	(1) In-Use Area (IUA)
LIST OF ARCHAEOLOGICAL RESOURCES:	None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.



In the event of a discovery ("discovery" means any previously unidentified or incorrectly cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices), all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7132.

FORM PREPARED BY: Karen A. Tilden

FINALIZED: March 5, 2014; July 7, 2014

Notification to Proceed Recommended Conditions: Yes XX No
Yes No XX

NNHPD Approval/Concurrence: Yes X No


Yneva J. Yazzie
CEO-Executive Branch, NHA
Date: 7/8/14

Ronald P. Maldonado
Acting Navajo Nation Historic Preservation Officer
Date: 7-22-14



**FINAL ENVIRONMENTAL ASSESSMENT
FOR THE PROPOSED POWER LINE EXTENSION FOR NHA CLIENT IN
WHITEHORSE LAKE, MCKINLEY COUNTY, NEW MEXICO**

November 22, 2013

PREPARED FOR:

**CONTINENTAL DIVIDE ELECTRIC COOPERATIVE
P.O. BOX 786
GALLUP, NEW MEXICO 87301**

&

**NAVAJO HOUSING AUTHORITY
DEVELOPMENT & CONSTRUCTION SERVICES DIVISION
P.O. BOX 1579
FORT DEFIANCE, ARIZONA 86504**

PREPARED BY:

**ENVIRONMENTAL CLEARANCE PROGRAM
OPERATIONS BRANCH
NAVAJO HOUSING AUTHORITY
P.O. BOX 1579
FORT DEFIANCE, ARIZONA 86504**

TABLE OF CONTENTS

I.	PURPOSE OF AND NEED FOR THE ACTION	1
	A. Project Description	1
	B. Purpose & Need for Action	1
	C. Location	1
II.	ALTERNATIVES INCLUDING THE PROPOSED ACTION	1
	A. Alternative A	1
	B. Alternative B	1
	C. Alternative C	1
III.	AFFECTED ENVIRONMENT	2
	A. Land Resources	2
	1. Topography	2
	2. Soils	2
	3. Geological Setting & Mineral Resources	2
	B. Water Resources	2
	1. Surface Water	2
	a. Floodplain Management	2
	b. Wild & Scenic River Act	2
	c. Wetland Protection	2
	d. Coastal Zone Management	2
	2. Ground Water	3
	a. Sole Source Aquifers [40 CFR 149]	3
	C. Air Resources	3
	1. Quality & Visibility	3
	2. Climate	3
	D. Biotic Resources	3
	1. Description of Ecosystems & Biological Communities	3
	2. Wildlife	3
	a. Terrestrial	3
	b. Riparian/Aquatic	3
	c. Threatened & Endangered Species	3
	3. Vegetation	3
	a. Terrestrial	3
	b. Riparian/Aquatic	3
	c. Threatened & Endangered Species	4
	E. Cultural Resources, Historic Preservation [36 CFR Part 800]	4
	1. Traditional Cultural Properties, Historic, Religious Properties	4
	2. Archaeological Resources	4
	F. Socioeconomic Conditions	4
	1. Employment & Income	4
	2. Demographics & Trends	4
	3. Lifestyle, Cultural Values, Attitudes & Expectations	4
	4. Community Infrastructure	4

G. Environmental Justice	4
1. Indian Trust Resources	4
H. Environmental Module	4
1. Resource Conservation & Recovery Act Subtitle C	4
2. Resource Conservation & Recovery Act Subtitle D	4
3. Resource Conservation & Recovery Act Subtitle I	5
4. Comprehensive Environmental Response Compensation & Liability Act Sites	5
5. Toxic Substance Control Act Sites	5
a. Toxic Chemical/Radioactive Materials	5
b. Explosive and Flammable Operations Sites	5
I. Resource & Land Use Patterns	5
1. Hunting, Fishing, Gathering	5
2. Timber Harvesting	5
3. Agriculture	5
a. Farmland Protection [7 CFR 685]	5
4. Mining	5
5. Outdoor Recreation	5
6. Transportation Use Networks	5
7. Land Use Plans	5
J. Other Values	5
1. Wilderness	5
2. Sound & Noise	6
a. Noise Abatement & Control [24 CFR 51B]	6
3. Public Health & Safety	6
4. Visual Setting	6
IV. ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION	6
A. Biological Impacts	6
B. Physical Impacts	6
C. Environment Module	6
D. Cumulative Impacts	6
V. LIST OF PREPARERS	6
VI. AGENCY/ENTITY CONSULTATION & COORDINATION	7
A. Bibliography/Reference	7

I. PURPOSE OF AND NEED FOR THE ACTION

A. Project Description

Continental Divide Electric Corporation in conjunction with the Navajo Housing Authority proposes to extend power line from the point of tap to the existing home-site for Elise Whitehorse in Whitehorse Lake, McKinley County, New Mexico. The proposed undertaking will involve the installation of an aerial power line extension. The power line extension is ± 703.54 feet in length requiring a 30 feet wide right-of-way. The area of potential effect therefore equals approximately ± 0.485 acres.

B. Purpose & Need for Action

Purpose: To provide electrical service to a Navajo Housing Authority client in Whitehorse Lake, McKinley County, New Mexico.

Need: The client is subsisting on temporary power; she needs to be given a more permanent source of power.

C. Location

The proposed project is located within Tribal Trust and Indian Allotment land status. The proposed project is located within T18N R09W of Section 23 and 26 of the New Mexico Prime Meridian, Kin Nahzin Ruins Quadrangle 7.5 series. Figure 1 shows the general location of the proposed location. Table 1, below, gives northing and easting. Reference points are located on Figure 2.

Table 1: U.T.M Coordinates for Power Line Extension Project (NAD 83) (Zone 13)

Point	Northing (meters)	Easting (meters)
A	3961629	249923
B	3961809	249953

II. ALTERNATIVES INCLUDING THE PROPOSED ACTION

A. Alternative A

Alternative A is no action. The proposed location would be allowed to remain undisturbed and undeveloped. The NHA client would not be able to receive electrical service.

B. Alternative B

Alternative B, the preferred alternative, includes clearing of vegetation, and placing power poles and guy wire.

C. Alternative C

Alternative C involved putting the client on solar power. This option became unfeasible because Continental Divide Electric does not carry this option.

III. AFFECTED ENVIRONMENT

A. Land Resources

1. Topography

The proposed project is surrounded by grassland-pinyon-juniper. Vegetation cover varied from 80-100 Percent. Drainage patterns trend in a south to north direction. Elevation ranges from 6870 to 6900 feet above mean sea level.

2. Soils

The soil at the proposed location is classified as Penistaja-Tintero complex. The parent material for Penistaja is eolian deposits over fan and slope alluvium derived from sandstone and shale. This soil type is well drained and flooding hazard is none. The parent material for Tintero is eolian sands over fan alluvium derived from sandstone and shale. The soil type is somewhat excessively drained and flooding hazard is none (NRCS, 2008).

3. Geological Setting & Mineral Resources

The proposed project will have no effect on the geological setting or mineral resources.

B. Water Resources

1. Surface Water

The project is located in Fajada Wash Watershed Boundary which is located parallel to the Chaco Canyon. The proposed project will have no effect on the surface water resources.

a. Floodplain Management [Executive Order 11988]

Based upon a site visit, topographic map and soils data, the project does not have any concerns with the 100 year floodplain and do not involve a critical action within a 500 year floodplain (*Exhibit 2*).

b. Wild & Scenic River Act [Sections 7(b) and (c)]

There are four designated Wild & Scenic rivers in New Mexico. The project area is not near and adjacent to these rivers (*Exhibit 3*).

c. Wetland Protection [Executive Order 11990]

The project does not involve new construction within or adjacent to a wetland. The delineation of wetlands is based upon a site visit and consultation with Navajo Nation EPA – Water Quality Program on August 25, 2008 signed by Melinda Deswood, Principal Engineering Technician (*Exhibit 2*).

d. Coastal Zone Management [16 U.S.C. 145 et seq]

There are no Coastal Zones near the Navajo Nation. Therefore the project will not involve the placement or removal of materials nor increase the intensity of use in a coastal zone (*Exhibit 3*).

2. Ground Water

Depth to the water table is more than 80 inches. The proposed project will have no effect on the groundwater resources except utilization of water for residents which will not be significant to warrant an upgrade (NRCS, 2008).

a. Sole Source Aquifers [40 CFR 149]

The proposed project is not located near the Espanola Basin (*Exhibit 3*) located in northern New Mexico.

C. Air Resources [42 U.S.C. 7401 et. Seq.] [Sections 176(c) and (d) [42 U.S.C. 7506(c) and (d)]

1. Quality & Visibility

The project does not have potential to emit significant emissions of air pollution. It is in compliance with the State Implementation Plan prepared under the Clean Air Act. Concurrence was received from the NN EPA- Air Quality Program on July 25, 2008 signed by Charlene Nelson, Environmental Program Supervisor (*Exhibit 5*).

2. Climate

Project activity will have no effect on climate.

D. Biotic Resources

1. Description of Ecosystems & Biological Communities

Vegetation in the project area can be described as the Upper Sonoran Association.

2. Wildlife

a. Terrestrial

Vegetation cover varied from 80-100 percent. Evidence of burrows was present at the proposed site.

b. Riparian/Aquatic

There was no indication of riparian/aquatic species at the proposed site.

c. Threatened & Endangered Species

Based on the project description and location of project, the NN F&W determined that the project is located in a high sensitive area for Golden Eagle. A Biological Evaluation Report was completed for this specie.

3. Vegetation

a. Terrestrial

Vegetation composition consists of blue grama, Indian ricegrass, winterfat, rabbitbrush, wolf berry, prickly pear cactus, narrowleaf yucca, small snakeweed, one-seeded juniper, utah juniper and pinyon pine.

b. Riparian/Aquatic

There was no indication of riparian/aquatic species at the proposed site.

The Navajo Nation Fish & Wildlife did not list a plant species as Threatened & Endangered Species.

E. Cultural Resources, Historic Preservation [36 CFR Part 800]

1. Traditional Cultural Properties, Historic, Religious Properties & Archaeological Resources

As written in the archaeological report (*A Cultural Resources Inventory of Two Proposed Powerline Extensions and a Proposed Waterline Extension for Two Home-site Clients near Whitehorse Lake and Crownpoint, McKinley County, New Mexico*) fieldwork was performed on July 16, 2008. On August 8, 2008, Ronald Maldonado signed on behalf of the Preservation Officer of the Navajo Nation Historic Preservation Department (HPD-08-622) concurring upon Navajo Housing Authority determination of No Properties will be Affected. An addendum report was completed on March 4, 2014 for the proposed project. On April 7, 2014, Ronald Maldonado signed on behalf of the Preservation Officer of the NN HPD (HPD-08-622.1) concurring upon NHA determination of No Properties will be affected.

F. Socioeconomic Conditions

1. Employment & Income

Project activities will have no affect area employment and income patterns.

2. Demographics & Trends

The project will have no effect on demographics or create changes in character within the project area.

3. Lifestyle, Cultural Values, Attitudes & Expectations

Project activities will have no effect on lifestyle, cultural values, attitudes and expectations.

4. Community Infrastructure

Project activities will provide electrical service to one NHA client. There is likely no expectation that planned use of the electrical system will result in electrical exceeding current conditions.

G. Environmental Justice

1. Indian Trust Resources

The Environmental Justice has been adequately addressed: one low-income family will receive electrical service to their NHA home.

H. Environmental Module

1. Resource Conservation & Recovery Act Subtitle C

No hazardous waste sites exist in or near the proposed area (*Exhibit 8*).

2. Resource Conservation & Recovery Act Subtitle D

No solid waste sites exist in or near the proposed area.

3. Resource Conservation & Recovery Act Subtitle I

No underground storage tanks exist in or near the proposed area.

4. Comprehensive Environmental Response Compensation & Liability Act Sites (CERCLS)

No CERCLS exist in or near the proposed area (*Exhibit 8*).

5. Toxic Substance Control Act Sites (TSC)

No TSC sites exist in or near the proposed area.

a. Toxic Chemical/Radioactive Materials

No presence of toxic chemical/radioactive materials in the proposed area (*Exhibit 8*).

b. Explosive and Flammable Operations Sites

No presence of explosive & flammable operations sites in the proposed area.

I. Resource & Land Use Patterns

1. Hunting, Fishing, Gathering

No effect is determined for hunting, fishing and gathering.

2. Timber Harvesting

No effect is determined for timber harvesting.

3. Agriculture

a. Farmland Protection [7 CFR 685]

Navajo Housing Authority determined that the project will not convert agricultural land to non-agricultural uses. On July 23, 2008, Judy Willeto, Range Conservationist with the Navajo Nation Department of Agriculture concurred to the determination. Therefore, it is in compliance with the Farmland Protection Act (*Exhibit 6*).

4. Mining

No evidence of past mining activities.

5. Outdoor Recreation

The proposed project is an undeveloped site with no recreational.

6. Transportation Use Networks

The project will have no effect on transportation use networks.

7. Land Use Plans

The proposed project will have no effect on land use plans.

J. Other Values

1. Wilderness

There are no designated wilderness areas on the Navajo Reservation.

2. Sound & Noise

a. Noise Abatement & Control [24 CFR 51B]

The proposed project is not within 1000 feet of a major roadway, not located within 3000 feet of a railway and not located within 15 miles of an airport.

3. Public Health & Safety

The proposed project will have no effect on public health and safety.

4. Visual Setting

The proposed project will have no effect on visual setting.

IV. ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION

A. Biological Impacts

On November 10, 2008, the NN F&W issued a Biological Resources Compliance Form with conditions of approval. Under avoidance/mitigation measure, the utility line is within Raptor Sensitive Area (RSA) and therefore requires power pole alterations to a raptor-safe design as per Raptor Electrocution Preventions Regulations (*Exhibit 4*).

B. Physical Impacts

Fugitive dust emissions shall be kept to a minimum by designating traffic, applying water to roads and taking other measures to minimize potential impacts during construction activity. Construction activities will be a short term negative effect. After construction activities, a major source of emissions will be from residents and these emissions would be expected to be below air quality standards. Therefore, no permits and mitigation measures are required.

C. Environment Module

During road construction activities, solid waste produced will be hauled to a permitted landfill. All oil, fuels and lubricants and hydraulic fluids require a sealed storage container and/or facilities which meet U.S. EPA regulations.

D. Cumulative Impacts

This environmental document finds that the proposed project has no significant impacts on the natural or the human environment. The undertaking includes connecting electrical service to a NHA client. This impact determination is made assuming that the recommended mitigation measures are implemented.

V. LIST OF PREPARERS

Thomascita Morris, Compliance Coordinator
Environmental Clearance Program/Operations Branch
Navajo Housing Authority

VI. AGENCY/ENTITY CONSULTATION & COORDINATION

Deswood, Melinda
Principal Engineering Technician
NN EPA

Detsoi, Sonja, Wildlife Technician
Natural Heritage Program
Navajo Nation Fish & Wildlife

Malone, Diane
Program Supervisor
Superfund Program
NNEPA

Nelson, Charlene
Environmental Program Supervisor
Air Quality Program
NN EPA

Tilden, Karen
Archaeologist
Environmental Clearance Program
NHA

Willeto, Judy
Range Conservationist
NN Department of Agriculture

A. Bibliography/Reference

Cooley, M.E., Harshbarger, J.W., Akers, J.P. and Hardt, W.F.. Regional Hydrogeology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah. Geological Survey Professional Paper 521-A. United States Government Printing Office, Washington, 1969.

Tilden, Karen. Compliance request of Two Proposed Scattered Homesites near Whitehorse Lake and Crownpoint, McKinley County, New Mexico; HPD-01-990 (NNAD-01-225) & HPD-06-1278 (DCMR-2006-99). Date of Report: July 28, 2008.

Tilden, Karen. A Cultural Resources Inventory of Two Proposed Powerline Extensions and a Proposed Waterline Extension for Two Homesite Clients near Whitehorse Lake and Crownpoint, McKinley County, New Mexico (HPD-08-622). Date of Report: July 30, 2008.

Statement of Purpose and Need for the Proposal: [40 CFR 1508.9(b)]

The purpose of the proposed project is to construct a home with associated utilities. The need of the proposed project is to provide housing services to Navajo Nation Tribal members.

Description of the Proposal: Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25]

Approval of the undertaking will result in the construction of a home within a one-acre parcel. A right-of-way (ROW) of 30 ft. (9.1m) would be required for the installation of the \pm 703.54 ft. long powerline and \pm 10 ft. long waterline to the Whitehorse site. Ground disturbing activities will include installation of power poles, trenching of a new water line, construction of the home's foundation, associate home-site construction activities. The home will utilize a septic system including a leach field to treat waste water.

Existing Conditions and Trends: Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

The proposed project area is within the Whitehorse Lake Chapter, McKinley County, New Mexico on Tribal Trust land. The project site is located in a rural area consisting of scattered residences. The project is located in a cleared and flat area, surrounded by pinyon-juniper.

The project area is found at Township 18N, Range 9W, Sections-23 & 26 (NMPM) of the Kin Nahzin Ruins, US Geological Survey (USGS) 7.5-minute quadrangle map. Center UTM coordinates (NAD 27) of the home-site are: 0249968E 3961874N (see Figures).

Statutory Checklist

[24CFR §58.5]

For each listed statute, executive order or regulation, record the determinations made. Note reviews and consultations completed as well as any applicable permits or approvals obtained. Attach evidence that all required actions have been taken. Record any conditions or mitigation measures required. Then, make a determination of compliance or consistency.

Factors	Determinations and Compliance Documentation
Historic Preservation [36 CFR 600]	On July 28, 2008, Karen Tilden, Archaeologist for Navajo Housing Authority requested for compliance within the 1.0 acre for Jamie Synder. On August 8, 2008, Ronald Maldonado, signed for the Tribal Historic Preservation Officer with the Navajo Nation Historic Preservation Department, concurred with Navajo Housing Authority's determination of "No Historic Properties will be affected". The Navajo Nation Historic Preservation Department (NHPD) issued a Cultural Resources Compliance Form for the off-site utility project. NHPD concurred with Navajo Housing Authority's determination of "No Historic Properties will be affected". Below is the NHPD project number and date of compliance: Elise Whitehorse: (HPD-08-622) power line concurrence signed by Ronald Maldonado for the Tribal Historic Preservation Officer, on 08/08/08. Elise Whitehorse (HPD-08-622.1) power line concurrence signed by Ronald Maldonado for the Tribal Historic Preservation Officer, on 04/07/14. Source: Exhibit "1" contains site specific Cultural Resources Compliance Form & Archaeological Report.
Floodplain Management [24 CFR 55 Executive Order 11988]	Based upon a site visit, topographic map and soils data, the project does not have any concerns with the 100-year floodplain (Zones A or V) and do not involve a "critical action" (e.g., emergency facility, facility for mobility impaired persons, etc.) within a 500-year floodplain (Zone B). See Exhibit "2"
Wetlands Protection [Executive Order 11990]	The project does not involve new construction within or adjacent to a wetland. The delineation of wetlands is based upon a site visit and consultation with Navajo Nation Environmental Protection Agency (NNEPA)- Water Quality Program on August 25, 2008 signed by Melinda Deswood, Principal Engineering Technician. See Exhibit "2"
Coastal Zone Management Act [Sections 307(c),(d)]	There are no Coastal Zones near the Navajo Nation. Therefore, the project will not involve the placement, erection, or removal of materials, nor increase the intensity of use in a coastal zone. Source: NOAA Coastal Zone Management Program, see Exhibit "3"
Sole Source Aquifers [40 CFR 149]	There are no designated "Sole Source Aquifer Recharge Zones" located in New Mexico. Source: EPA's Designated Sole Source Aquifer Map of Region 6, see Exhibit "3".
Endangered Species Act [50 CFR 402]	Based on the project description and location of project, the Navajo Nation Fish & Wildlife determined that the project is locate in high sensitive area for Golden Eagle. A Biological

	<p>Evaluation Report was completed for this specie. On November 10, 2008, Navajo Nation Fish & Wildlife issued a Biological Compliance Form with conditions of approval. Under avoidance/mitigation measure, the utility line is within a Raptor Sensitive Area (RSA) and therefore requires power pole alterations to a raptor-safe design as per Raptor Electrocutation Preventions Regulations.</p> <p>Source: Exhibit "4".</p>
Wild and Scenic Rivers Act [Sections 7 (b), (c)]	<p>There are four designated Wild and Scenic Rivers in New Mexico. The project area is not near and adjacent to these rivers.</p> <p>Source: www.nps.gov/rivers, see Exhibit "3".</p>
Air Quality [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]	<p>The project does not have potential to emit significant emissions of air pollution. It is in compliance with the State Implementation Plan prepared under the Clean Air Act. Concurrence was received from the NNEPA-Air Quality Program on July 25, 2008 signed by Charlene Nelson, Environmental Program Supervisor.</p> <p>Source: NNEPA-Air Quality Program consultation, see Exhibit "5".</p>
Farmland Protection Policy Act [7 CFR 658]	<p>Navajo Housing Authority determined that the project will not convert agricultural land to non-agricultural uses. On July 23, 2008, Judy Willetto, Range Conservationist with the Navajo Nation Department of Agriculture concurred to the determination. Therefore, it is in compliance with the Farmland Protection Act.</p> <p>Source: Navajo Nation Department of Agriculture, see Exhibit "6."</p>
Environmental Justice [Executive Order 12898]	<p>The Navajo Housing Authority has made a determination based on research that the project does not create any hazards nor expose anyone to adverse environmental conditions; therefore, it is in compliance with E.O. 12898.</p> <p>Source: Thomascita Shorty, Environmental Compliance Officer, NHA, see Exhibit "7".</p>

HUD Environmental Standards Determinations and Compliance Documentation	
Noise Abatement and Control [24 CFR 51 B]	<p>The Whitehorse site is not within 1000 feet of a major roadway, not located within 3,000 feet of a rail line and not within 15 miles a civil airport or military airfield.</p> <p>Source: Figure 2 maps and Exhibit "7" for airport locations.</p>
Toxic or Hazardous Substances and Radioactive Materials [HUD Notice 79-33]	<p>A site visit, research and consultation was completed. The project site did not contain any toxic or hazardous substances and radioactive materials. The site was determined not to be located within one mile of any known or suspected areas contaminated with toxic chemicals or radioactive materials. Consultation was received from Diana Malone, Superfund Program Supervisor with the NNEPA-Waste Regulatory Compliance Department, signed on July 28, 2008 indicating no concerns with the project.</p> <p>Source: http://www.epa.gov/superfund/sites/query/queryhtm/nplfin.htm http://oaspub.epa.gov/enviro/multisys_web/report. See Exhibit "8".</p>
Siting of HUD-Assisted Projects near Hazardous	<p>Based on a site inspection, there are no explosive or flammable above-ground tanks within a 1-mile radius.</p>

Operations [24 CFR 51 C]	Source: Figure 2 contains a map of the area.
Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]	Project does not involve activities that place people within a runway clear zone or accident potential zone of an airport. Source: www.airnave.com/airports/us/NM , see Exhibit "9".

Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	The Whitehorse Lake Chapter has not established a zoning plan. The proposed project includes the construction of a home in an area containing scattered homes. The project is within current land plans. Source: Figures, USGS Quadrangle Map.
Compatibility and Urban Impact	1	There are additional homes within the area. The project conforms with surrounding activities. Source: Figures, USGS Quadrangle Map.
Slope	1	The project site is within a 1-10% slope. The project will not effect the slope within the area. Source: Figures, USGS Quadrangle Map.
Erosion	1	Soil erosion impacts are expect to be less than significant and are confined to the installation of the home's foundation and trenching activities for the installation of the water system and power poles. Source: Project Description
Soil Suitability	4	Soils consist of Penistaja-Tintero complex, 1 to 10 percent slopes. The soil is "not limited" for dwellings without basement. Good performance and very low maintenance can be expected. Source: Natural Resources Conservation Service (NRCS) website data: http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx
Hazards and Nuisances including Site Safety	1	The project is not anticipated to produce any hazards or create any unsafe situations. This determination is based on the short-term duration, scale and nature of the project. Source: Project Description
Energy Consumption	1	The project includes providing electrical services to a single residential home. Service will be provided by a power line extension. Energy consumption impacts are expected to be less than significant. Source: Project Description
Noise - Contribution to Community Noise Levels	1	Daytime ambient noise levels would be expected to increase during construction activities. The short-term noise increase is not expected to be significant or adverse. After construction activities, noise levels will return to the pre-construction levels.
Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	4	Fugitive dust emissions shall be kept to a minimum by designating traffic, applying water to roads and taking other measures to minimize potential impacts during construction activity. Construction activities will be a short term negative

		effect. After construction activities, a major source of emissions will be from residents and these emissions would be expected to be below air quality standards. Therefore no permits and mitigation measures are required.
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	The proposed project remains consistant with the surrounding land uses. There are additional homes within the area The project conforms with surrounding activities. Source: Project Description

Socioeconomic	Code	Source or Documentation
Demographic Character Changes	1	The project will not effect demographics or create changes in character within the project area. Source: Whitehorse Lake Community Profile, see Exhibit "10".
Displacement	1	The project will not displace any residences or businesses. Source: Whitehorse Lake Community Profile, see Exhibit "10".
Employment and Income Patterns	1	Project activities will not affect area employment and income patterns. Source: Whitehorse Lake Community Profile, see Exhibit "10".

**Community Facilities
and Services**

Code

Source or Documentation

Educational Facilities	1	Project activities will not affect area educational facilities based on nature of project. The schools are 30 miles from the proposed project area. Source: Whitehorse Lake Community Profile, see Exhibit "10".
Commercial Facilities	1	Project activities will not affect area commercial facilities based on nature of project. Commercial facilities are available within the Crownpoint area which is 30 miles from the Whitehorse Project. Source: Whitehorse Lake Community Profile, see Exhibit "10".
Health Care	1	Project activities will not affect area health care facilities. Health care is available at the Crownpoint Medical Center which is roughly 30 miles from the Whitehorse Project. Source: Whitehorse Lake Community Profile, see Exhibit "10".
Social Services	1	Project activities will not affect area social services. Various social services are offered by the Whitehorse Lake Chapter. More services are within the Crownpoint area which is 30 miles from the propose project. Source: Whitehorse Lake Community Profile, see Exhibit "10".
Solid Waste	1	The proposed project will generate solid waste resembling standard construction waste. NHA will remove all debris generated by the project. Source: Project Description
Waste Water	1	There is no likely expectation that planned use of the site will result in wastewater exceeding current conditions. Source: Project Description
Storm Water	1	The proposed project will not require a Storm Water Prevention Pollution Plan. Storm water discharges from construction site activities that will result in land disturbance of equal to or greater than 1 acre and less than 5 acres (§ 122.26(b)(15)) as per the Clean Water Act of 1972, as amended (CWA) (33 USC 1251-1387). Area of affect includes less than an acre. Source: Project Description
Water Supply	1	The project will not have any adverse environmental impacts on water supply. The constructed home will utilize water from an in place NTUA waterline. Source: Project Description
Public Safety - Police	1	Project activities will not affect police protection services. Currently, the Crownpoint Community is serviced by the Navajo Police Crownpoint District which is roughly 30 miles from the Whitehorse Project. Source: Whitehorse Lake Community Profile, see Exhibit "10".

- Fire	1	Project activities will not affect fire protection services. Crownpoint offers fire protection services to the Crownpoint which is roughly 10 miles from the Whitehorse Project. Source: Whitehorse Lake Community Profile, see Exhibit "10".
- Emergency Medical	1	Project activities will not affect emergency medical services. Emergency medical services are available at the Crownpoint Medical Center which is roughly 30 miles from the Whitehorse Project. Source: Whitehorse Lake Community Profile, see Exhibit "10"
Open Space and Recreation - Open Space	1	The implementation of the project will result in additional construction within the area. Currently, the area contains an access road to additional homes in the area and utility development. Open space will not be critically effected. Source: See quadrangle map, Figures.
- Recreation	1	The project will not effect recreation within the area. Recreational facilities are offered within the Crownpoint communities. Source: Whitehorse Lake Community Profile, see Exhibit "10".
- Cultural Facilities	1	The proposed project will not change current cultural usage within the project site. Source: Whitehorse Lake Community Profile, see Exhibit "10".
Transportation	1	Project activities will not effect area transportation. Navajo Route 9 and State Route 509 are the major access roads within the community. Source: Whitehorse Lake Community Profile, see Exhibit "10"

Natural Features**Source or Documentation**

Water Resources	1	<p>The proposed project will not require a Storm Water Prevention Pollution Plan. Storm water discharges from construction site activities that will result in land disturbance of equal to or greater than 1 acre and less than 5 acres (§ 122.26(b)(15)) as per the Clean Water Act of 1972, as amended (CWA) (33 USC 1251-1387).</p> <p>The project is located in Fajada Wash Watershed Boundary which is located parallel to the Chaco Canyon. Depth to the water table is more than 80 inches. The proposed project will have no effect on the groundwater resources except utilization of water for residents which will not be significant to warrant an upgrade.</p> <p>Source: Cooley, M.E., Harshbarger, J.W., Akers, J.P. & Hardt, W.F., 1969, and NRCS</p>
Surface Water	1	<p>There is no indication that the planned project will degrade surface water quality.</p> <p>Source: See quadrangle map, Figure.</p>
Unique Natural Features and Agricultural Lands	1	<p>The project would have no impacts on aesthetic resources nor on agricultural lands.</p> <p>Source: NN Department of Agriculture, see Exhibit "6".</p>
Vegetation and Wildlife	1	<p>The project site is within a disturbed area. No effect is determined for the impacts of vegetation.</p> <p>Source: NNDFWS consultation, see Exhibit "4".</p>

Other Factors**Source or Documentation**

		None

NOTE: The Responsible Entity must additionally document and ensure compliance with 24 CFR §58.6 in the ERR particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

Summary of Findings and Conclusions

This Environmental Assessment finds that the proposed project has no significant impacts on the natural or the human environment. The undertaking includes the construction of a home with associated utilities for a Navajo Nation Tribal member. This impact determination is made assuming that the recommended mitigation measures are implemented (see Mitigation Measures Recommended section below).

The proposed project complies with all NEPA and other federal statutory environmental review requirements.

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives and Project Modifications Considered [24 CFR 58.40(e), Ref 40 CFR 1508.9]

(Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

Alternative 1: Alternative Home-Site

Alternative 1 would require the applicant to relocate the existing home-site elsewhere in the community. This alternative is not the best selection in that utilities are currently available within the area and the surrounding property is currently developed residentially.

No Action Alternative [24 CFR 58.40(e)]

(Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative).

No Action Alternative:

Under this Alternative, NHA would not continue to fulfill their obligation of providing affordable housing to families in need.

Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or external factors relating to the proposal should be modified in order to eliminate or minimize adverse environmental impacts.)

1. Air Quality: Fugitive dust emissions shall be kept to a minimum by designating traffic, applying water to roads and taking other measures to minimize potential impacts during construction activity. Construction activities will be a short term negative effect.

2. The soil is "somewhat limited" for dwellings without basement due to depth to hard bedrock. This limitation can be overcome or minimized by special planning, design or installation.

3. ESA: Under avoidance/mitigation measure, the utility line is within a Raptor Sensitive Area (RSA) and therefore requires power pole alterations to a raptor-safe design as per Raptor Electrocutation Preventions Regulations.

Additional Studies Performed

(Attach studies or summaries)

Compliance request of Two Proposed Scattered Homesites near Whitehorse Lake and Crownpoint, McKinley County, New Mexico; HPD-01-990 (NNAD-01-225) & HPD-06-1278 (DCRM-2006-99). Author: Karen Tilden. Date of Report: July 28, 2008.

A Cultural Resources Inventory of Two Proposed Powerline Extensions and a Proposed Waterline Extension for Two Homesite Clients near Whitehorse Lake and Crownpoint, McKinley County, New Mexico (HPD-08-622). Author: Karen Tilden. Date of Report: July 30, 2008.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]

Cooley, M.E., Harshbarger, J.W., Akers, J.P. & Hardt, W.F., Regional Hydrogeology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah Geological Survey Professional Paper 521-A, Washington: 1969.

Deswood, Melinda
Senior Environmental Specialist
Water Quality Program
Navajo Nation Environmental Protection Administration

Detsoi, Sonja
Wildlife Technician
Natural Heritage Program
Navajo Nation Fish & Wildlife Department

<http://crownpoint.nndes.org>
<http://www.epa.gov/superfund/sites/query/htn/vnplfin.htm>
<http://www.airnav.com/airports/us/NM>
<http://www.epa.gov/OGWDW/swp/ssa/reg6.html>
<http://www.nps.gov/rivers/wsr.html>

Malone, Diane
Program Supervisor
Superfund Program
Navajo Nation Environmental Protection Agency

Nelson, Charlene
Environmental Program supervisor
Air Quality Program
Navajo Nation Environmental Protection Agency

Tilden, Karen
Archaeologist
Construction Services Division
Navajo Housing Authority

Willeto, Judy
Range Conservationist
Navajo Nation Department of Agriculture

ENVIRONMENTAL REVIEW RECORD
COMPLIANCE WITH 24 CFR 58.6

FLOOD DISASTER PROTECTION ACT

Is the project located within a Special Flood Hazard Area as mapped by the Federal Emergency Management Agency (FEMA)? ☐ Yes ☒ No

FEMA Map Number: _____

If the answer to this question is yes, the project cannot proceed unless flood insurance is obtained through the National Flood Insurance Program.

Insurance Policy Number: _____

COASTAL BARRIER IMPROVEMENT ACT

Is the project located within a designated coastal resource area? ☐ Yes ☒ No

NOTE: There are no coastal barriers along the Pacific coast.

RUNWAY CLEAR ZONE / CLEAR ZONE

Does the project involve the sale or acquisition of existing property within an FAA-designated runway clear zone / clear zone?

☐ Yes ☒ No

Source documentation: _____

If yes, responsible entity must advise the buyer of existing conditions/implications and a disclaimer signed by owner must be attached.

PREPARED BY: Theresa M. Petty

DATE: 11/11/08

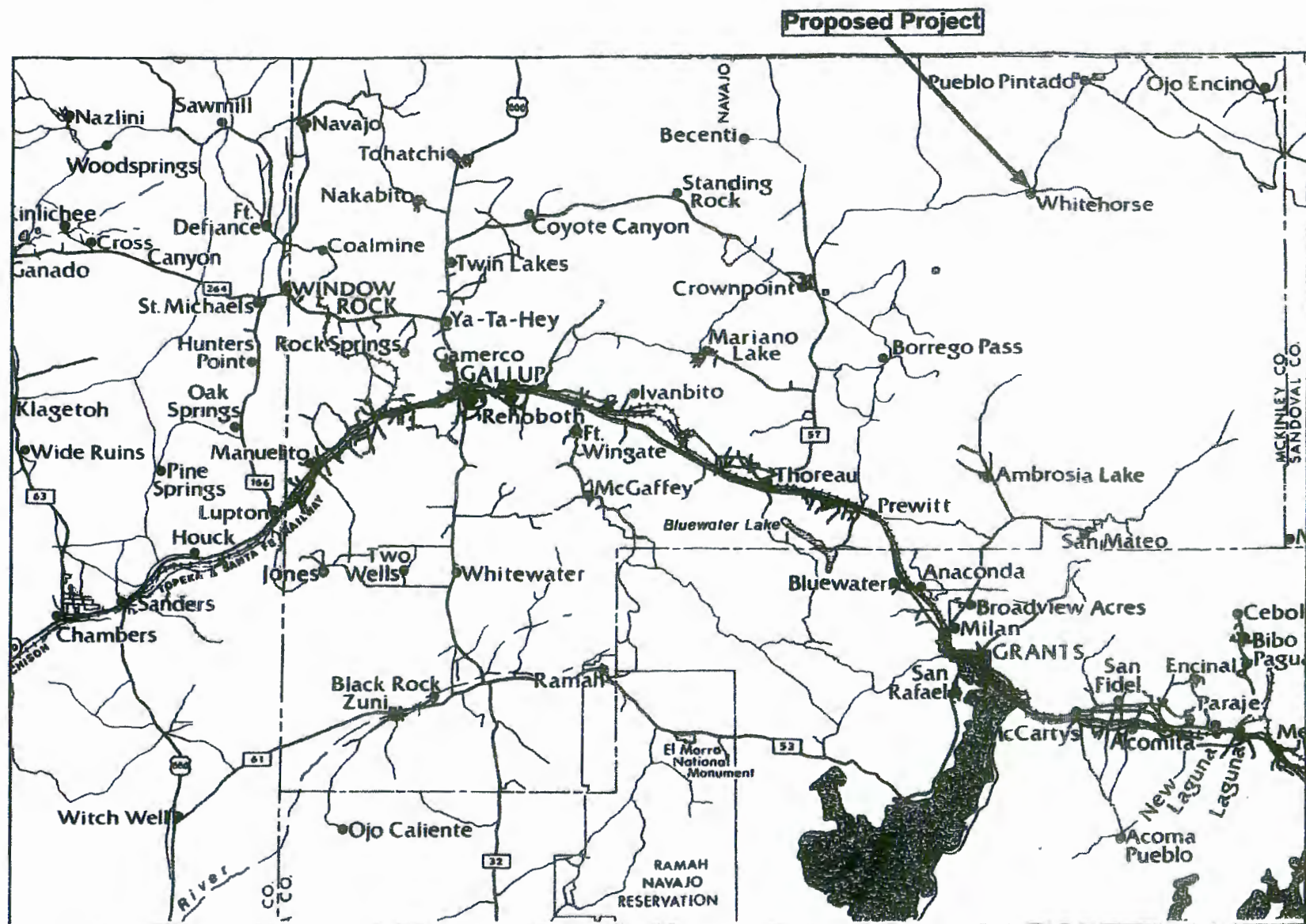


Figure 1: General Location

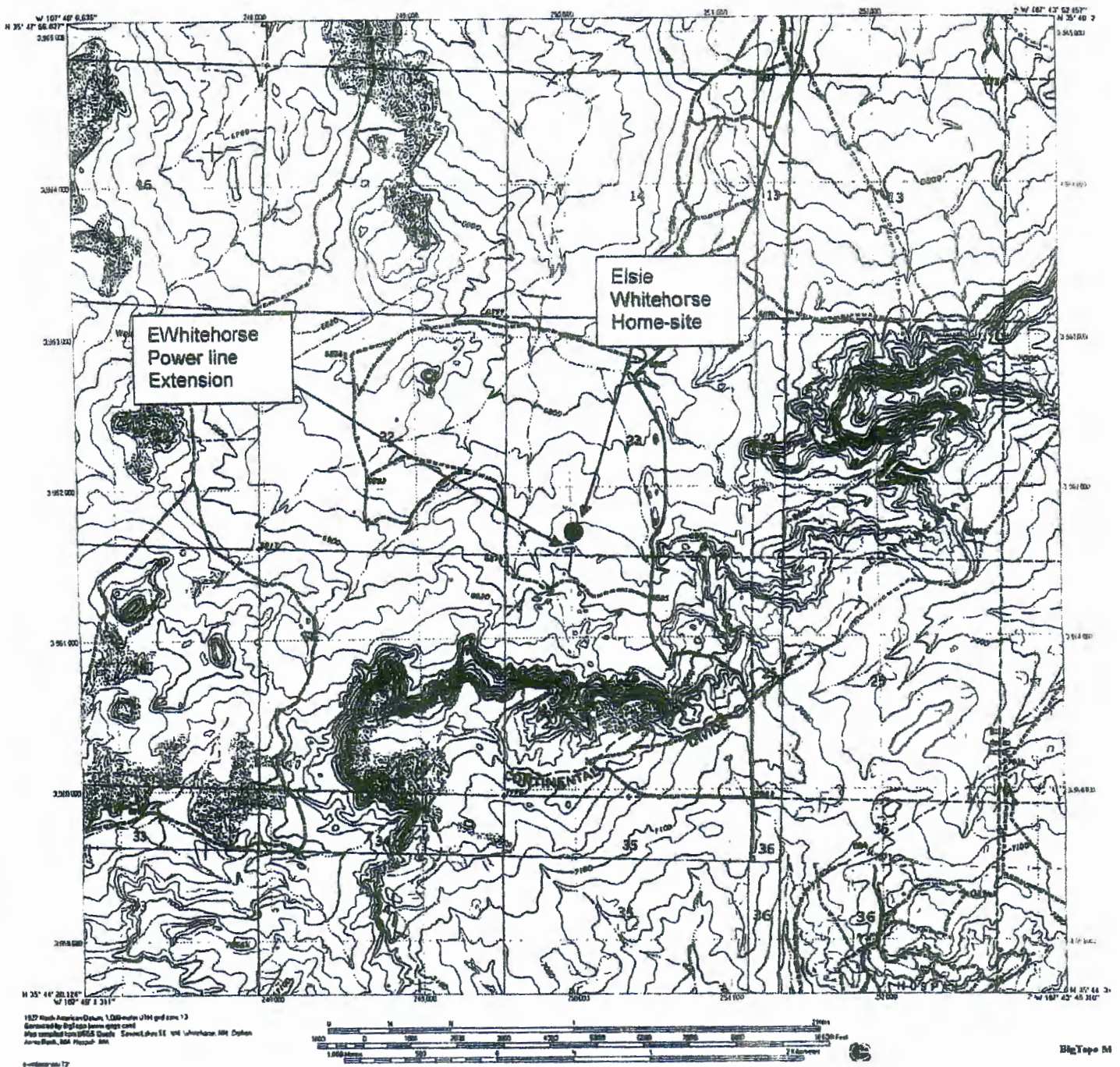


Figure 2: Project Location



United States Department of the Interior

Bureau of Indian Affairs
Navajo Region
P. O. Box 1060
Gallup, New Mexico 87305



MC 620: Division of Environmental, Cultural & Safety Management

JUN 12 2014

Ms. Aneva J. Yazzie, CEO
Navajo Housing Authority
P.O. Box 4980
Window Rock, Arizona 86515

Attention: Thomascita Morris, Compliance Officer, Environmental Clearance Program

Dear Ms. Yazzie:

In response to the request of June 3, 2014, from Ms. Thomascita Morris, Compliance Officer, to amend the power line length and acreage in the FONSI for EA-13-145, Elise Whitehorse (NHA Client) Power Line Extension Project in Whitehorse Lake, McKinley County, New Mexico, has been accomplished. The first page of the FONSI has been amended to reflect the changes. All other information in the FONSI remains the same.

If you have questions, you may contact Ms. Harrilene J. Yazzie, Regional NEPA Coordinator, at (505) 863-8287.

Sincerely,

Dianne L. [Signature]

Acting Regional Director, Navajo

Enclosure

cc: Thomascita Morris, NHA, P.O. Box 1579, Fort Defiance, AZ 86504 ✓



**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT, EA-13-145
ELISE WHITEHORSE (NHA CLIENT) POWER LINE EXTENSION PROJECT**

CONTINENTAL DIVIDE ELECTRIC COOPERATIVES, INC.

**Location: Kin Nahzin Ruins Quadrangle, USGS 7.5 Minute Series Map
Sections 23 & 26, T18N, R09W, NMPM
Whitehorse Lake, McKinley County, New Mexico**

The proposed action is approval by the Bureau of Indian Affairs (BIA) of a Right-of-Way Grant for the Continental Divide Electric Cooperative, Inc. (CDEC) to construct, operate, and maintain an electric line to provide electrical service to the Elise Whitehorse home in Whitehorse Lake, McKinley County, New Mexico. The total power line length will be ± 703.54 feet with a right-of-way width of 30 feet encompassing 0.485 acres. The power line crosses Navajo Tribal Fee and Indian Trust Allotment land. The power line on Navajo Tribal Fee land will be ± 302.90 feet long, within a 30-foot right-of-way, encompassing 0.209 acres. The power line on Indian Trust Allotment land will be ± 400.64 feet long, within a 30-foot right-of-way, encompassing 0.276 acres. The project is sponsored by the Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020.

The environmental assessment (EA) was reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. Based on the environmental assessment and the mitigation measures specified in the document, it is determined that the proposed project will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be required.

The following references, incorporated in the environmental assessment, serve as the bases for this decision:

1. Agency and public involvement was solicited. Environmental issues relative to the proposed project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed action and two potentially viable alternatives including the "no action" alternative.
3. In compliance with the Endangered Species Act, informal consultation was held with the Navajo Nation Department of Fish and Wildlife (NNDFW), Natural Heritage Program (NHP). The NNDFW provided a list of species of concern known to occur on the *Seven Lakes SE, NM*, USGS, 7.5-Minute Quadrangle containing the project boundaries. Thomascita Shorty of the NHA, Construction Services Division, prepared a biological evaluation report of the proposed project site. The NNDFW issued Biological Resources Compliance Form (BRCF), NND&FWL Review No. 11/10/081, recommending conditional approval (with memo) of the project. The operator shall comply with the *avoidance/mitigation measures and conditions of compliance* cited in the BRCF, as well as the November 10, 2008, letter from the NNDFW.

4. Potential impacts to floodplains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990. It has been determined by NHA staff, that the proposed project area is not located in a floodplain based on a site visit, review of the topographic map of the area and soils data generated by the BIA Soil Conservation Service. The proposed project does not involve new construction within or adjacent to a wetland. This determination is based on a site visit and consultation with the Navajo Nation, EPA, Water Quality Program (EA, Part 111.B.1.a & c).

5. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 consultation, and 36 CFR 800.9 (b), a cultural resources inventory of the proposed project area was conducted by the Navajo Housing Authority (NHA). The NHA issued NNHPD No. HPD-08-622. The Navajo Nation Historic Preservation Officer approved the CRCF on August 8, 2008 (EA-CRCF).

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

6. RCRA, Subtitle C, Hazardous Waste, and Subtitle D, Non-Hazardous Solid Waste – no hazardous waste sites exist on or near the proposed project site (EA, Part 111.H.1). The Navajo Superfund Program is not aware of any toxic landfills within 3,000 feet of the project site (7/28/2008, Letter from the Superfund Program Office). No solid waste sites exist on or near the proposed project area (EA, Part 111.H.2).

7. Agriculture – the proposed project will not have an effect on prime or unique farmlands or agriculture in the proposed project area (EA, Part 111.I.3).

8. Air – the proposed project does not have the potential to emit significant emissions of air pollution (EA, Part III.C).

9. Noise – the proposed project will not have an effect on ambient noise levels in the proposed project area.

10. Cumulative and secondary effects on soil, water, air, noise, vegetation, cultural resources, and wildlife resources (species and habitat) were considered, and the proposed mitigation measures were found to be acceptable.

11. In accordance with Executive Order 12898 on Environmental Justice, impacts to minority and low-income populations and communities have been considered by the Regional NEPA Coordinator, as have impacts to Indian Trust Resources.

The proposed project will provide electricity to the Elise Whitehorse home in Whitehorse Lake. The proposed undertaking will contribute significantly to the quality of life of the family to be served.

/s/ Harriene J. Yazzie

Regional NEPA Coordinator

JUN - 5 2014

Date

Secretary's Certificate

I, Milton Harding, Secretary of the Continental Divide Electric Cooperative, Inc., (hereinafter called the "Cooperative"), certify that the following is a true copy of motion duly made, seconded, and unanimously adopted at a regular meeting of the Board of Trustees held October 8, 1959, in the office of the Cooperative in Grants, New Mexico.

EASEMENTS ON TRIBAL AND ALLOTMENT LANDS:

A motion was made by Mr. Porter and seconded by Mr Bass that the following resolution be adopted:

"Be it resolved that the President and Secretary of the Cooperative be authorized to make applications, from time to time, for permits to enter upon and make surveys upon Navajo Tribal Lands and Indian Allotment Lands for electric distribution and transmission lines, upon locations as designated by the engineer for the Cooperative, and the President and Secretary are further authorized to make applications for easements for such transmission and distribution lines and to execute in behalf of the Cooperative all certificates, maps and documents incidental and necessary in the obtaining of such permits and easements."

The resolution was adopted.


Secretary

ATTEST:

Recorded in
Office of Clerk -
McKinley County -
Sept. 18 - 1945 -
Book 9 mins - page 238

State of New Mexico



Certificate of Comparison.

United States of America } ss.
State of New Mexico

It is Hereby Certified, that the annexed is a full, true and complete transcript of the.

CERTIFICATE OF INCORPORATION

-of-

CONTINENTAL DIVIDE ELECTRIC, COOPERATIVE, INC.

(23845)

with the same as shown thereon, as same appears on file and of record in the State Corporation Commission.



In Testimony Whereof, the State Corporation Commission of the State of New Mexico has caused this certificate to be signed by its Chairman and the seal of said Commission to be affixed at the City of Santa Fe on this _____ day of _____ 1945

Eugene Allison
Eugene Allison, Chairman

Attest:
Betty M. Hunter
Asst. Clerk.

SEP 12 1945

Corporation Commission

Continental Divide Electric Cooperative, Inc.,
executed pursuant to the Rural Electric
Cooperative Act, Chapter 47 of the 1939
Session Laws of New Mexico.

We, the undersigned, do hereby execute the within
articles for the purpose of organizing a cooperative, non-profit,
membership Corporation (herein designated as the "Cooperative")
under the laws of the State of New Mexico pursuant to "An Act
authorizing the creation and incorporation of electric co-
operative, non-profit membership corporations to engage in rural
electrification," etc., approved March 3, 1939, and known as the
"Rural Electric Cooperative Act."

FIRST, the name of the Cooperative is Continental
Divide Electric Cooperative, Inc.,

SECOND, the address of the principal office of the
Cooperative is Gallup, McKinley County, New Mexico.

THIRD, the names and addresses of the incorporators
of the Cooperative are:

<u>Names</u>	<u>Addresses</u>
<u>Peter T. Mocho</u>	<u>San Mateo, New Mexico</u>
<u>Golden P. Roundey</u>	<u>Bluewater, New Mexico</u>
<u>Mrs. Tom Elkins</u>	<u>Prewitt, New Mexico</u>
<u>Barton Davis</u>	<u>Ramah, New Mexico</u>
<u>Bernard Vanderwagon</u>	<u>Zuni, New Mexico</u>
<u>Homer C. Jones</u>	<u>Thoreau, New Mexico</u>
<u>Dean Kirk</u>	<u>Gallup, New Mexico</u>
<u>Eddie Freas</u>	<u>Bluewater, New Mexico</u>
<u>Don Smouse</u>	<u>Prewitt, New Mexico</u>

FOURTH, the names and addresses of the persons who shall constitute the first Board of Trustees of the Cooperative are:

Names	Addresses
<u>Peter T. Mocho</u>	<u>San Mateo, New Mexico</u>
<u>Golden P. Rounder</u>	<u>Bluewater, New Mexico</u>
<u>Mrs. Tom Elkins</u>	<u>Prewitt, New Mexico</u>
<u>Barton Davis</u>	<u>Ramah, New Mexico</u>
<u>Bernard Vanderwagon</u>	<u>Zuni, New Mexico</u>
<u>Homer C. Jones</u>	<u>Thoreau, New Mexico</u>
<u>Dean Kirk</u>	<u>Gallup, New Mexico</u>
<u>Eddie Freas</u>	<u>Bluewater, New Mexico</u>
<u>Don Smouse</u>	<u>Prewitt, New Mexico</u>

IN WITNESS WHEREOF, we have set our hands this 29th day of August, 1945.

<u>Peter T. Mocho</u>	(SEAL)
<u>Golden P. Rounder</u>	(SEAL)
<u>Mrs. Tom Elkins</u>	(SEAL)
<u>Barton Davis</u>	(SEAL)
<u>Bernard Vanderwagon</u>	(SEAL)
<u>Homer C. Jones</u>	(SEAL)
<u>Dean Kirk</u>	(SEAL)
<u>Eddie Freas</u>	(SEAL)
<u>Don Smouse</u>	(SEAL)



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



In Reply, Refer to:

4N420 - Real Estate Services
Rights of Way

OCT 03 2014

Rec 10/13/14

Cesar Martin, Right-of-Way Coordinator
Continental Divide Electric Cooperative, Inc.
P.O. Box 1087
Grants, New Mexico 87020-1087

Dear Mr. Martin:

Enclosed for your information and use is the approved Grant of Easement for Rights-of-Way across Navajo Indian Allotment No. 2038. The easement is for construction, operation and maintenance of 14.4 KV primary line and overhead services WO#50301, entitled Elsie Whitehorse Power Line, located in the vicinity of Whitehorse Lake, McKinley County, New Mexico.

Upon completion of construction, please submit an affidavit of completion within thirty (30) days in accordance with the 25 CFR § 169.16.

Sincerely,

Forster M. Proie
Agency Superintendent

Enclosures

TRIBAL	
INDIVIDUALLY OWNED	XXXX
GOVERNMENT OWNED	
RIGHT-OF-WAY NO.	50301
REFERENCE NO.	E-NM-14-44

UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America, acting by and through the Bureau of Indian Affairs, Department of the Interior, Eastern Navajo Agency, P.O. Box 328 Crownpoint, New Mexico 87313 for, and on behalf of: the Navajo Tribe hereinafter referred to as GRANTOR, under authority contained in 209 DM 8 dated November 17, 1981, 230 DM 1 and 3 IAM 4 dated July 19, 2000 and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328); and Part 169, Title 25, *Code of Federal Regulations*, which by reference are made a part hereof, in consideration of \$ Waived, the receipt of which is hereby acknowledged, does hereby grant to: CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC., P.O. BOX, 1087, GRANTS, NEW MEXICO 87020-1087, its successors and assigns, hereinafter referred to as GRANTEE, an easement for right-of-way for the following purposes, specifically: For the construction, operation, and maintenance of 14.4 KV primary line and overhead services, on and across Navajo Indian Allotment, entitled Elsie Whitehorse Power Line, Project No. 50301 over the land embraced within a right-of-way situated on the following described lands:

PARCEL		LENGTH	WIDTH	ACREAGE
Navajo Indian Allotment 2038	18N19W26	400.64	30	0.276
NAVAJO INDIAN ALLOTMENT TOTAL		400.64 (±)	---	0.276 (±)

Said right-of way is limited to and more particularly described to be 0.276 acres more or less in area, as shown on Exhibit A and B, attached hereto, and made a part hereof.

To have and to hold the said easement and right-of-way unto the GRANTEE and unto its successors and assigns subject to the following provisions:

1. GRANTEE agrees to indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
2. GRANTEE agrees to restore the land to its original condition, as far as is reasonably possible, upon termination or revocation of this easement for any reason. Failing to comply with this stipulation, GRANTEE agrees to bear all expenses and costs incurred by the owner and/or the United States in accomplishing said restoration.
3. GRANTEE agrees to pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.
4. GRANTEE agrees to that during the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.
5. GRANTEE agrees to construct and maintain the right-of-way in a workmanlike manner.
6. GRANTEE agrees to clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
7. GRANTEE agrees to take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
8. GRANTEE agrees to do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.

9. GRANTEE agrees to build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
10. GRANTEE agrees to that upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
11. GRANTEE agrees at all times to keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.
12. GRANTEE agrees to not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.

This easement is subject to any prior valid existing right or adverse claim and is for twenty (20) term years as to tenure, shall commence upon Secretary's approval, and, so long as said easement shall be actually used for the purpose above specified; PROVIDED, that this right-of-way may be terminated in whole or in part by the GRANTOR for any of the following causes upon 30 days written notice, and failure of the GRANTEE within said notice period to correct the basis for termination (25 CFR 169.20):

1. Failure to comply with any term or condition of the Grant, or the applicable regulations.
2. A non-use of the right-of-way for any consecutive two-year period (for the purpose for which it was granted).
3. An abandonment of the right-of-way, as determined by the BIA.

The condition for this easement shall extend to and be binding upon and shall inure to the benefit of the successors and assigns of the GRANTEE.

IN WITNESS WHEREOF, GRANTOR has executed this grant of easement this 3rd day of October, 2014.

OFFICIAL SEAL
BERTHA L. SHORTY
NOTARY PUBLIC-STATE OF NEW MEXICO
My Comm. Expires: 02/15/2015

UNITED STATES OF AMERICA
BY [Signature]
(Name)
Superintendent, Eastern Navajo Agency
(Title)

ACKNOWLEDGEMENT

STATE OF NEW Mexico:
COUNTY OF McKinley:

SS:

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Eastern Navajo Agency
P O Box 328
Crownpoint, New Mexico 87313

Subscribed and sworn to before me this 3rd day of October 20 14.

[Signature]
Signature of Notary Public

My commission expires 02/15, 20 15.