

LEGISLATIVE SUMMARY SHEET

Tracking No. 0140-19

DATE: May 30, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE GRANT OF RIGHT-OF-WAY TO MCKINLEY COUNTRY ROADS DEPARTMENT FOR UPGRADING, MAINTAINING, AND OPERATING THE EXISTING ROADWAY, CULVERTS AND DITCHES ON "MANUELITO CANYON DRIVE," NAVAJO ROUTE 7043/COUNTY ROUTE 4 LOCATED ON NAVAJO NATION TRUST LANDS IN MANUELITO CHAPTER, NAVAJO NATION (MCKINLEY COUNTY, NEW MEXICO)

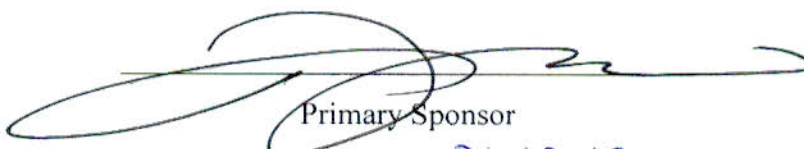
PURPOSE: Approving the Grant of Right-of-Way to McKinley County Roads Department, to upgrade, maintain, and operate the existing roadway, culverts and ditches on Manuelito Canyon Drive, Navajo Route 7043/County Route 4 located on, over and across Navajo Nation Trust Lands in Manuelito Chapter, Navajo Nation (McKinley County, New Mexico).

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

5-DAY BILL HOLD PERIOD: 7:30pm 5/3d/19
Website Posting Time/Date: 5/4/19
Posting End Date: 5/5/19
Eligible for Action: 5/5/19

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

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0140-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
THE GRANT OF RIGHT-OF-WAY TO MCKINLEY COUNTRY ROADS
DEPARTMENT FOR UPGRADING, MAINTAINING, AND OPERATING THE
EXISTING ROADWAY, CULVERTS AND DITCHES ON "MANUELITO CANYON
DRIVE," NAVAJO ROUTE 7043/COUNTY ROUTE 4 LOCATED ON NAVAJO
NATION TRUST LANDS IN MANUELITO CHAPTER, NAVAJO NATION
(MCKINLEY COUNTY, NEW MEXICO)

BE IT ENACTED:

Section One. Authorities

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

Section Two. Findings

A. The McKinley County Roads Department has submitted a right-of-way application to upgrade, maintain, and operate the existing roadway, culverts and ditches on

Manuelito Canyon Drive, Navajo Route 7043/County Route 4 located on, over and across Navajo Nation Trust Lands in Manuelito Chapter, Navajo Nation (McKinley County, New Mexico), attached as **Exhibit B**.

B. The proposed right-of-way is described in **Exhibit B**.

C. Seven land users have been identified and their consent forms and Manuelito Navajo Chapter Resolution No. MANU09-16-18075, "Supporting and approving the rights of way consents for Navajo Tribal Trust Land permits located within Manuelito Chapter Boundary for Manuelito Canyon Road 5A Project are attached as **Exhibit C**.

D. 25 CFR § 169.110 addresses how much monetary compensation must be paid for a right-of-way over or across tribal land. It states: *(a) A right-of-way over or across tribal land may allow for any payment amount negotiated by the tribe, and we will defer to the tribe and not require a valuation if the tribe submits a tribal authorization expressly stating that it:*

(1) Has agreed upon compensation satisfactory to the tribe;

(2) Waives valuation; and

(3) Has determined that accepting such agreed-upon compensation and waiving valuation is in its best interest.

(b) The tribe may request, in writing, that we determine fair market value, in which case we will use a valuation in accordance with § 169.114. After providing the tribe with the fair market value, we will defer to a tribe's decision to allow for any compensation negotiated by the tribe.

(c) If the conditions in paragraph (a) or (b) of this section are not met, we will require that the grantee pay fair market value based on a valuation in accordance with § 169.114.

E. 25 CFR § 169.103 address bond, insurance or alternative forms of security. It states: *(a) You must include payment of bonds, insurance, or alternative forms of security with your application for a right-of-way in amounts that cover:*

(1) The highest annual rental specified in the grant, unless compensation is a one-time payment;

1 (2) *The estimated damages resulting from the construction of any permanent*
2 *improvements;*

3 (3) *The estimated damages and remediation costs from any potential release of*
4 *contaminants, explosives, hazardous material or waste;*

5 (4) *The operation and maintenance charges for any land located within an*
6 *irrigation project;*

7 (5) *The restoration of the premises to their condition at the start of the right-of-way*
8 *or reclamation to some other specified condition if agreed to by the landowners.*

9 * * * *

10 (f) *We may waive the requirement for a bond, insurance, or alternative form of*
11 *security:*

12 * * * *

13 (2) *For tribal land, deferring, to the maximum extent possible, to the tribe's*
14 *determination that a waiver of a bond, insurance or alternative form of security is*
15 *in its best interest.*

16 F. The environmental and archaeological studies have been completed and are
17 attached hereto as **Exhibit D**.

18 G. The Proposed Road Maintenance/Improvements for N7043/CR 4 "Manuelito
19 Canyon Drive" Prepared for the Bureau of Indian Affairs, Navajo Regional
20 Transportation and the Navajo Division of Transportation report is attached as
21 **Exhibit E**.

22 H. The application for the Right-of-Way has been reviewed by the Fish and Wildlife;
23 Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division
24 of Natural Resources and the Department of Justice and "Approved" or found
25 "Sufficient." See documents included in Executive Official Review Document
26 Number 011327, **Exhibit F**.

27
28 **Section Three. Approval**

29 A. The Resources and Development Committee of the Navajo Nation Council hereby
30 approves the grant of right-of-way to McKinley County Roads Department to

1 upgrade, maintain, and operate the existing roadway, culverts and ditches on
2 Manuelito Canyon Drive, Navajo Route 7043/County Route 4 located on, over and
3 across Navajo Nation Trust Lands in Manuelito Chapter, Navajo Nation (McKinley
4 County, New Mexico), the location is more particularly described on the survey
5 map attached as **Exhibit B**.

6 B. The Resources and Development Committee of the Navajo Nation Council hereby
7 approves the grant of right-of-way subject to, but not limited to, the terms and
8 conditions attached as **Exhibit A**.

9 C. The Resources and Development Committee of the Navajo Nation Council hereby
10 waives valuation and waives compensation for the right-of-way; it has determined
11 that accepting the agreed-upon compensation and waiving valuation is in its best
12 interest of the Navajo Nation, pursuant to Title 25 CFR § 169.110.

13 D. The Resources and Development Committee of the Navajo Nation Council hereby
14 waives the requirement for a bond, insurance or alternative form of security on the
15 part of the Grantee, based on the determination that the Manuelito Canyon Drive,
16 Navajo Route 7043/County Route 4 project benefits the Navajo Nation and such a
17 waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR §
18 169.103 (f) (2).

19 E. The Resources and Development Committee of the Navajo Nation Council hereby
20 authorizes the President of the Navajo Nation to execute any and all documents to
21 affect the intent and purpose of this resolution.
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NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

McKinley County Roads Department (GRANTEE)

(Manuelito Canyon Drive, N7043/CR 4)

1. The term of the right-of-way shall be for ~~twenty (20)~~ ^{twenty-five (25)} years, beginning on the date the right-of-way is granted by the Secretary of Interior.
2. Consideration for the right-of-way is assessed at \$ ~~1,419,410.33~~ ²⁵ for the ~~20~~ year ROW Term. The Navajo Nation contributes this amount to the project because the project will benefit Navajo residents. Commercial use of the right-of-way shall require the written approval of the Navajo Nation and the consideration shall be paid.
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of upgrading, maintaining, and operating the existing roadway, culverts, and ditches. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way.
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.

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

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

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT McKinley County of this 18th day of April, 20 16, 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), and Departmental Regulations 25 CFR 169, an application of a 25 year right-of-way for the following purposes and reasons:

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

LAND STATUS:	LEGAL DESCRIPTION:	LAND STATUS:	LEGAL DESCRIPTION:
	Sect. T R Quarter		Sect. T R Quarter
Tribal Trust 5087 SW/4; W/2NW/4	29 14N 20W SW/4	Tribal Trust 5053	32 14N 20W E/2NE/4;
Tribal Trust 5087	33 14N 20W SW/4SW/4	Tribal Trust 6024	5 13N 20W NE/4NE/4
Tribal Trust 6024	9 13N 20W NE/4NE/4	Tribal Trust 5053	10 13N 20W NE/4
Tribal Trust 6026 SW/4	15 13N 20W SE/4	Tribal Trust 6024	23 13N 20W NW/4;
Tribal Trust 6024	27 13N 20W NE/4	Tribal Trust 5097	34 13N 20W NE/4; SE/4
Tribal Trust 5097	35 13N 20W NW/4; SE/4	Tribal Trust 5097	3 12N 20W ALL
Tribal Trust 5097	10 12N 20W ALL		

Said right-of-way across Tribal Trust Lands to be approximately 22,899.82 FT in length, 150 FT in width, and 75.8545 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

April 19, 2016

APPLICANT

[Signature]



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.



May 13, 2019

The Navajo Nation
Office of Management and Budget
Resource and Development Committee
Manuelito Canyon Chapter

Dear Navajo Nation:

The County is working with Manuelito Chapter to secure rights-of-way to improve Manuelito Canyon Road; and replace the bridges closed in 2013. According to the Chapter, you informed them that the County needed to provide a bond waiver.

Please utilize this letter as a request for a bond waiver. The County will perform all work under its general liability and worker compensation insurance provided through the NM Association of Counties.

If you have any questions, please feel free to contact me, Jeff Irving at (505) 863-1400.

Sincerely,

Jeff Irving, Road Superintendent
McKinley County Road Department

Enclosures



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL




DOREEN N. MCPAUL
Acting Attorney General

CHERIE ESPINOSA
Acting Deputy Attorney General

MEMORANDUM

TO: 164 Document Reviewers

THROUGH:


Veronica Blackhat, Asst. Attorney General
Natural Resources Unit, Dept. of Justice

FROM:


Irvin Chee, Tribal Court Advocate
Natural Resources Unit, Dept. of Justice

DATE: February 14, 2019

SUBJECT: **Document No. 011327: McKinley County Road ROW -Upgrading Manuelito Canyon Road**

The Department of Justice has reviewed the above-referenced EOR and considered the document to be legally sufficient after the consent form(s) were attached.

The District No. 16 District Land Board, Mr. Paul Hosteen, identified eleven (11) land users. Out of eleven land users, seven consented and four had deceased and their grazing permits were cancelled. The seven land user's consent are attached.

If you should have any question, please feel free to call me at (928) 871-6347.

Thank you.

xc: W. Mike Halona, Department Manager, Navajo Land Department

CONSENT TO USE NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Kee Y. Ellison, hereby grant consent to the Navajo Nation,
Window Rock, Arizona to permit McKinley County Road Department
of McKinley County Gallup N.M. to use a portion of my Grazing area for the
following purpose(s): Construction (Operation and Maintenance)
on Manuelito Canyon Road and bridge to up grade/improve Roads
as shown on the map that shows the location of the proposed project.

I acknowledge that I do not expect any damage to my improvements or diminishment in
value of my land use rights and/or I expect the value of my land use rights to be enhanced as a
result of the above referenced project as proposed.

REMARKS:

09/16/2018 RTP of Kee Ellison E4616185B
DATE GRAZING PERMITEE SIGNATURE PERMIT NO.
(OR THUMBPRINT)

1-555-123-4567 12345 N. Main St. Window Rock, AZ 86501
PHONE NO. ADDRESS (P.O. BOX, CITY, STATE, ZIP)

WITNESS: Maingy Ellison Wilton Z. Brown
9/16/18 Paul J. Smith 16
DATE GRAZING OFFICIAL OR LAND BOARD DISTRICT NO.

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was ☒ read ☐ or fully explained to
the grazing permit holder in ☒ Navajo or ☐ English. (check where applicable)

Wilton Z. Brown

Field Agent Signature

CONSENT TO USE NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Elizabeth Noble, hereby grant consent to the Navajo Nation,
Window Rock, Arizona to permit McKinley County Road Department
of McKinley County Gallup NM to use a portion of my Grazing area for the
following purpose(s): Construction (Operation and Maintenance)
ON Manuelito Canyon Road and bridge to up grade Improve Roads
as shown on the map that shows the location of the proposed project. 5th Road.

I acknowledge that I do not expect any damage to my improvements or diminishment in
value of my land use rights and/or I expect the value of my land use rights to be enhanced as a
result of the above referenced project as proposed.

REMARKS:

08-05-18

DATE

X Elizabeth Noble

GRAZING PERMITEE SIGNATURE
(OR THUMBPRINT)

16-18-16

PERMIT NO.

PHONE NO.

ADDRESS (P.O. BOX, CITY, STATE, ZIP)

WITNESS:

9/5/18

DATE

Pamela

GRAZING OFFICIAL OR LAND BOARD

16

DISTRICT NO.

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was ☐ read ☒ or fully explained to
the grazing permit holder in ☒ Navajo or ☐ English. (check where applicable)

Mitch

Field Agent Signature

CONSENT TO USE NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Joe Ike Jr, hereby grant consent to the Navajo Nation,
Window Rock, Arizona to permit McKinley County Road Department
of McKinley County Gallup N.M. to use a portion of my Grazing area for the
following purpose(s): Construction (Operation and maintenance)
On Manuelito Canyon Road and bridge to up grade/improve Roads.
as shown on the map that shows the location of the proposed project. 5A Road

I acknowledge that I do not expect any damage to my improvements or diminishment in
value of my land use rights and/or I expect the value of my land use rights to be enhanced as a
result of the above referenced project as proposed.

REMARKS:

8/30/18 Joe Ike Jr 17
DATE GRAZING PERMITEE SIGNATURE PERMIT NO.
(OR THUMBPRINT)

PHONE NO. ADDRESS (P.O. BOX, CITY, STATE, ZIP)

WITNESS: Mitha Doton

9/5/18 Dan Johnson 16
DATE GRAZING OFFICIAL OR LAND BOARD DISTRICT NO.

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was ☒ read ☒ or fully explained to
the grazing permit holder in ☒ Navajo or ☐ English. (check where applicable)

Mitha Doton
Field Agent Signature

CONSENT TO USE NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Alice Dodson, hereby grant consent to the Navajo Nation,
Window Rock, Arizona to permit McKinley County Road Department
of McKinley County, Gallup, NM to use a portion of my Grazing area for the
following purpose(s): Construction (Operation and Maintenance)
On Manuelito Canyon Road/and bridge to up grade Improve Roads,
as shown on the map that shows the location of the proposed project. SA Road.

I acknowledge that I do not expect any damage to my improvements or diminishment in
value of my land use rights and/or I expect the value of my land use rights to be enhanced as a
result of the above referenced project as proposed.

REMARKS:

8/30/18
DATE

Alice Dodson
GRAZING PERMITEE SIGNATURE
(OR THUMBPRINT)

17
PERMIT NO.

PHONE NO.

ADDRESS (P.O. BOX, CITY, STATE, ZIP)

WITNESS:

9/5/18
DATE

[Signature]
GRAZING OFFICIAL OR LAND BOARD

16
DISTRICT NO.

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was ☒ read ☒ or fully explained to
the grazing permit holder in ☒ Navajo or ☐ English. (check where applicable)

[Signature]
Field Agent Signature

CONSENT TO USE NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Louise Lillie Duboise, hereby grant consent to the Navajo Nation,
Window Rock, Arizona to permit McKinley County Road Department
of McKinley County, NM to use a portion of my Grazing area for the
following purpose(s): Construction (Operation and Maintenance)
on Manuelito Canyon Road and bridge to up grade / improve Roads.
as shown on the map that shows the location of the proposed project. 54 Road,

I acknowledge that I do not expect any damage to my improvements or diminishment in
value of my land use rights and/or I expect the value of my land use rights to be enhanced as a
result of the above referenced project as proposed.

REMARKS:

08-05/18
DATE

X  RT
GRAZING PERMITEE SIGNATURE
(OR THUMBPRINT)

9
PERMIT NO.

PHONE NO.

ADDRESS (P.O. BOX, CITY, STATE, ZIP)

WITNESS:

Chetie Jean / Mike [Signature]

9/5/18
DATE

[Signature]
GRAZING OFFICIAL OR LAND BOARD

16
DISTRICT NO.

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was ☒ read ☐ or fully explained to
the grazing permit holder in ☒ Navajo or ☐ English. (check where applicable)

[Signature]

Field Agent Signature

Consent Form #3

(Waiver of compensation for damages)

4
CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Mae Nelson, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit McKinley County Road Department McKinley County Gallup NM. to use a portion of my land use area for the following purpose(s): Construction (Operation and Maintenance) on Manwellit Canyon Road and Bridge to up grade Improve Roads. 5A Road 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 compensate for the diminishment in value of my land use rights as a result of the above referenced project as proposed.

REMARKS:

08-03-18 Mae Nelson RU 06
DATE LAND USER SIGNATURE CENSUS NO. PERMIT NO.
(OR THUMBPRINT)

Address (P.O. Box, City, State, Zip)

Social Security No.

WITNESS: Willie D. [Signature]

9/5/18
DATE

[Signature]
GRAZING COMMITTEE OR LAND BOARD MEMBER

16
DISTRICT NO.

Acknowledgement of Field Agent

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

Willie D. [Signature]
Field Agent Signature

CONSENT TO USE NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Navajo Nation, hereby grant consent to the Navajo Nation,
Window Rock, Arizona to permit McKinley County Road Department
of McKinley County G2145 NM to use a portion of my Grazing area for the
following purpose(s): Construction (operation and maintenance.)
on Manuelito Canyon Road and Bridge to up grad/improve Roads
as shown on the map that shows the location of the proposed project. 54 Road,

I acknowledge that I do not expect any damage to my improvements or diminishment in
value of my land use rights and/or I expect the value of my land use rights to be enhanced as a
result of the above referenced project as proposed.

REMARKS:

27 13N 20W SE/4 Government. 2 Manuelito.
Mr Mike Holzh.

27 Sept. 18
DATE

(Signature)
GRAZING PERMITEE SIGNATURE
(OR THUMBPRINT)

NN
PERMIT NO.

PHONE NO.

ADDRESS (P.O. BOX, CITY, STATE, ZIP)

WITNESS:

(Signature)
DATE

GRAZING OFFICIAL OR LAND BOARD

16
DISTRICT NO.

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was ☒ read ☐ or fully explained to
the grazing permit holder in ☐ Navajo or ☒ English. (check where applicable)

(Signature)

Field Agent Signature

Milton Davidson
President

Julia Ellison
Vice-President

Deborah Nelson
Secretary-Treasurer



Paulene F McCabe
Community Services Coordinator

Seth Damon
23rd NN Council Delegate

Paul Houston
Land Board Member

MANUELITO (KIN HOZHONI) CHAPTER GOVERNMENT
HCR 57 BOX 9069 GALLUP, NEW MEXICO 87301
PHONE (505) 905-3073 FAX (505) 905-0606
Email: manuelito@navajochapters.org

**RESOLUTION OF THE MANUELITO NAVAJO CHAPTER
EASTERN NAVAJO AGENCY – DISTRICT 16**

RESOLUTION NO. MANU09-16-18075

**MANUELITO CHAPTER MEMBERSHIP IS SUPPORTING AND APPROVING THE RIGHTS OF WAY CONSENTS
FOR NAVAJO TRIBAL TRUST LAND PERMITS LOCATED WITHIN MANUELITO CHAPTER BOUNDARY FOR
MANUELITO CANYON ROAD 5A PROJECT.**

WHEREAS:

1. Pursuant to Title 26 N.N.C., Section 3 (A), the Manuelito Chapter is duly recognized a certified chapter of the Navajo Nation Government, as listed 11 N.N.C., Part 1, Section 10; and
2. Pursuant to Resolution CAP-34-98, THE Navajo Nation Council adopting the Local Governance Act (LGA), which delegates Navajo Chapters certain authority to review all matters affecting the community based on sound decisions and make appropriate recommendation, which are consistent with Navajo law, custom, and tradition; and
3. The Manuelito Chapter is authorizing a Rights of Way Consent for Navajo Nation Trust Land Permits (Exhibit A), to allow Manuelito Canyon Road 5A Project to proceed by McKinley County Road Department; and
4. The Manuelito Canyon Road 5A is in dire need of road maintenance and for expansion of the current road due to erosion and heavy traffic flow used by local community members, Chichiltah Community and other health providers or emergency responders; and
5. The McKinley County Road Department has Manuelito Canyon Road 5A Project as number one listed on Infrastructure Capital Improvement Plan for 2019-2023; and
6. Navajo Nation General Land Department is to review the submittal of the Navajo Nation Trust Land Permittees' consent form for the final approval of the Navajo Nation Designee; to allow the road maintenance begin by the McKinley County Road Department.

NOW, THEREFORE BE IT RESOLVED THAT:

1. Manuelito Chapter Membership supports and approves the Rights of Way for Navajo Tribal Trust Land Permits located within Manuelito Chapter Boundary for Manuelito Canyon Road 5A Road Project by the McKinley County Road Department.
2. Manuelito Chapter is authorizing the Navajo Nation General Land Department to review, approve and process the rights of way consents for road maintenance of the Manuelito Canyon Road 5A Road Project. Exhibit A attached.

CERTIFICATION

We hereby certify, the foregoing resolution was duly considered by the Manuelito Chapter at a duly called meeting at Manuelito, New Mexico, Navajo Nation, County of McKinley, at which a quorum was present and the same was passed by a vote of 16 in favor, 6 opposed, and 4 abstained, this 16th day of September, 2018.

First Motion:

Billy Chee

Milton Davidson

Milton Davidson, Chapter President

Deborah A. Nelson

Deborah Nelson, Secretary-Treasurer

Honorable Seth Damon, 23rd Navajo Nation Council

Second Motion:

Lena Ellison

Julia Ellison

Julia Ellison, Chapter Vice-President

Paul Houston

Paul Houston, Land Board Member
Eastern Navajo Agency District 16



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.: Navajo Route 7043/County Road 4 Road Improvement & Maintenance

DESCRIPTION: The NDOT proposes to improve and maintain 10.9 miles of road on N7043/County Rd. 4. The project would consist of realignment, sub-grade preparation, grade and shape the existing roadway, backfill low spots, culvert installation, and the application of gravel/chip seal.

LOCATION: Manuelito & Chichiltah Chapter, McKinley County, New Mexico

REPRESENTATIVE: Jovonna John, Environmental Specialist, Navajo Division of Transportation

ACTION AGENCY: Navajo Division of Transportation (NDOT)

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/07 APR 2016/Jovonna John

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA


AVOIDANCE / MITIGATION MEASURES: NDOT will ensure that the project would be scheduled outside the Migratory Bird breeding season of 01 MAR-31 AUG. If the breeding season cannot be avoided, surveys will precede maintenance activity to identify active nests and a biological monitor will be onsite during road maintenance to ensure that the nests are avoided. The survey must include a 50 m (165 ft.) buffer outside the edge of disturbance. Removal or disturbance of nesting habitat (i.e. trees & shrubs) will not be allowed within 50 meters of an active nest during incubation to fledging.

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/27 APR 2016; re-issued on 29 OCT 2018

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:	Signature	Date
<input checked="" type="checkbox"/> Approval		10/29/18
<input type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)		
<input type="checkbox"/> Categorical Exclusion (with request letter)		
<input type="checkbox"/> None (with memo)	Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	

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

A CULTURAL RESOURCE INVENTORY FOR THE PROPOSED
IMPROVEMENT OF 10.90 MILES OF MCKINLEY COUNTY ROAD 4,
CHICHILTAH AND MANUELITO CHAPTERS,
MCKINLEY COUNTY, NEW MEXICO.
DCD3 98-062

FEBRUARY 14, 2000

Prepared by
Olsen John, Archaeological Tech. I
Navajo Department of Transportation
Navajo Nation Division of Community Development
With contributions by Roger N. Walkenhorst, and Lenora M. Etsitty.

Submitted by

Mr. Benjamin B. Jones, Executive Director
Navajo Nation Division of Community Development
P.O. Box 1896
Window Rock, Arizona 86515

Submitted to

Navajo Nation Historic Preservation Officer
Navajo Nation Historic Preservation Department
Division of Natural Resources
P.O. Box 4950
Window Rock, Arizona 86515

Prepared for

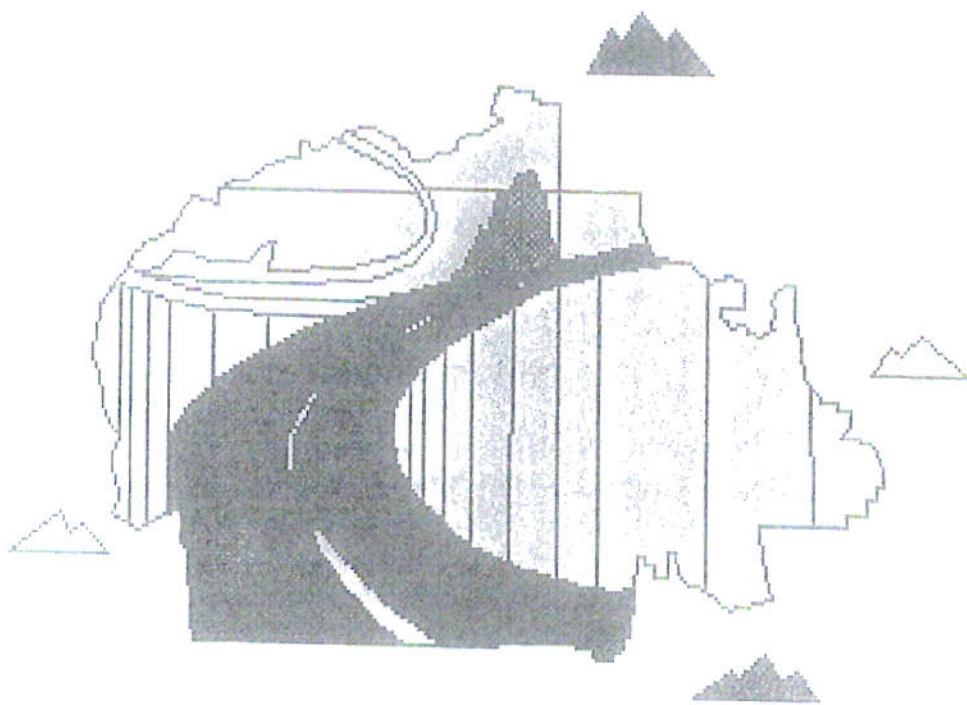
Navajo Department of Transportation
Navajo Nation Division of Community Development
P.O. Box 4620
Window Rock, Arizona 86515

Navajo Nation Authorization: Tribal Code

ABSTRACT



*A Cultural Resource Inventory for the
Proposed Improvement of 10.90 Mile of
McKinley County Road 4, Chichiltah and
Manuelito Chapters, McKinley County,
New Mexico.
DCD3 98-062*



Navajo Nation Department of Transportation

February, 2000



ABSTRACT

A CULTURAL RESOURCE INVENTORY FOR THE PROPOSED IMPROVEMENT OF 10.90 MILES OF THE M'KINLEY COUNTY ROAD 4, CHICHILTAH AND MANUELITO CHAPTERS, M'KINLEY COUNTY, NEW MEXICO.

DCD3 98-062

On behalf of Chichiltah and Manuelito Chapters, and M'Kinley County, a cultural resource inventory has been completed for the proposed improvement of County Road 4 near Manuelito Canyon, M'Kinley County, New Mexico. This work was conducted to evaluate the potential for this undertaking to affect significant cultural properties and to meet the requirements of Section 106 of the National Historic Preservation Act. For the purposes of this project the Bureau of Indian Affairs is the lead Agency. Disturbance is expected to be extensive, with the use of heavy equipment for grading and the placement of drainage culverts.

The field work was conducted by Roger Walkenhorst, Archaeologist III; Olsen John, Archaeological Tech. I; and Lenora Etsitty, Archaeological Tech. II; of the Department of Transportation, Navajo Nation Division of Community Development. The work was completed April 21-29, 1998. Ethnographic information was gathered by Roger N. Walkenhorst and Olsen John during the initial phase of the project.

The project is located in Manuelito Canyon, M'Kinley County, New Mexico in platted sections of 1, 12, 13, 24 and 36 those areas within the U.S.G.S. 7.5 Quadrangles, Jones Ranch School, NM 1963 PR. 1979 and Manuelito N. Mex. 1963. (PR. 1979). The total of 10.90 miles of road with a Right-Of-Way of 150 feet, (198.18 acres, 80.20 ha.) will be affected by this project, all of which was inspected for this project.

Fifty one cultural resources were located within the project area. These resources include two previously recorded sites NM-Q-33-40, and LA 1507, twenty two newly discovered and documented sites, NM-Q-48-33, NM-Q-48-34, NM-Q-48-35, NM-Q-48-36, NM-Q-48-37, NM-Q-48-38, NM-Q-48-39, NM-Q-48-40, NM-Q-48-41, NM-Q-48-42, NM-Q-48-43, NM-Q-48-44, NM-Q-48-45, NM-Q-48-46, NM-Q-48-47, NM-Q-48-48, NM-Q-48-49, NM-Q-48-50, NM-Q-33-103, NM-Q-33-104, NM-Q-33-105, and NM-Q-33-106, eight In-Use sites (IUS#1-8), and 19 Isolated Occurrences (IO's A-S).

The twenty four sites (NM-Q-33-40, LA 1507, NM-Q-32-24, NM-Q-48-33, NM-Q-48-34, NM-Q-48-35, NM-Q-48-36, NM-Q-48-37, NM-Q-48-38, NM-Q-48-39, NM-Q-48-40, NM-Q-48-41, NM-Q-48-42, NM-Q-48-43, NM-Q-48-44, NM-Q-48-45, NM-Q-48-46, NM-Q-48-47, NM-Q-48-48, NM-Q-48-49, NM-Q-48-50, NM-Q-33-103, NM-Q-33-104, NM-Q-33-105, and NM-Q-33-106,) appear and to possess integrity, meet the general 50 year guidelines, and appear to meet criterion "d", to be eligible for the National Register of Historic Places. The In-Use sites (IUS#1-8) nor the Isolated Occurrences (IO's A-K) do not meet the criteria to NRHP. Two (NM-Q-33-40, and NM-Q-48-34, are eligible for protection under AIRFA. As the project is currently designed, and if the management recommendations are followed, the undertaking should have no effect on significant historic properties and a notice to proceed is recommended.

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INTRODUCTION

On behalf of the Manuelito Chapter, Mr. Milton Davidson, Chapter President, M^cKinley County, a cultural resource inventory has been completed for the proposed improvements to County Road 4 in, Manuelito Canyon, M^cKinley County, New Mexico. This work was conducted to evaluate the potential for this undertaking to affect significant cultural properties. For the purpose of this project the Bureau of Indian Affairs is the lead Agency for meeting the requirements of Section 106 of the National Historic Preservation Act. The road is currently maintained by M^cKinley County.

Fieldwork was conducted by Roger Walkenhorst, Archaeologist III; Olsen John, Archaeological Tech. I; and Lenora Etsitty, Archaeological Tech. II; of the Department of Transportation, Navajo Nation Division of Community Development. The work was completed on April 21-29, 1998.

DESCRIPTION OF UNDERTAKING

The project will involve the construction of 10.90 miles of paved road over much of an existing dirt road. The right-of-way will be 150 feet (45.7 meters) wide.

Proposed construction and maintenance activities will include the following:

1. Grading and backfilling within the right-of-way
2. Installation of drainage culverts
3. Paving of the road surface

Total project length is 10.90 miles. Total area within the construction right-of-way is 198.18 acres (80.20 ha). Total area surveyed is 396.36 acres (160.40 ha.) within a 300 ft (92.0 m) right-of-way.

PROJECT LOCATION

The project area is located within the Chichiltah and Manuelito Chapters of the Eastern Agency in M^cKinley County, New Mexico, (Figure 1) within Tribal Trust, Allotment, and State. The Point of Beginning is located at the junction of N-7046 and County Road 4 and proceeds north for approximately 10.90 miles to its point of ending at the frontage road and I-40.

The specific road location is depicted on the following U.S.G.S. 7.5' quadrangle map (Figures 2-3) Jones Ranch School, N.M., 1963 PR. 1979 and Manuelito, N. Mex. 1963 (PR 1979). The legal locations are given in Table 1 and the UTM coordinates are given in Table 2.

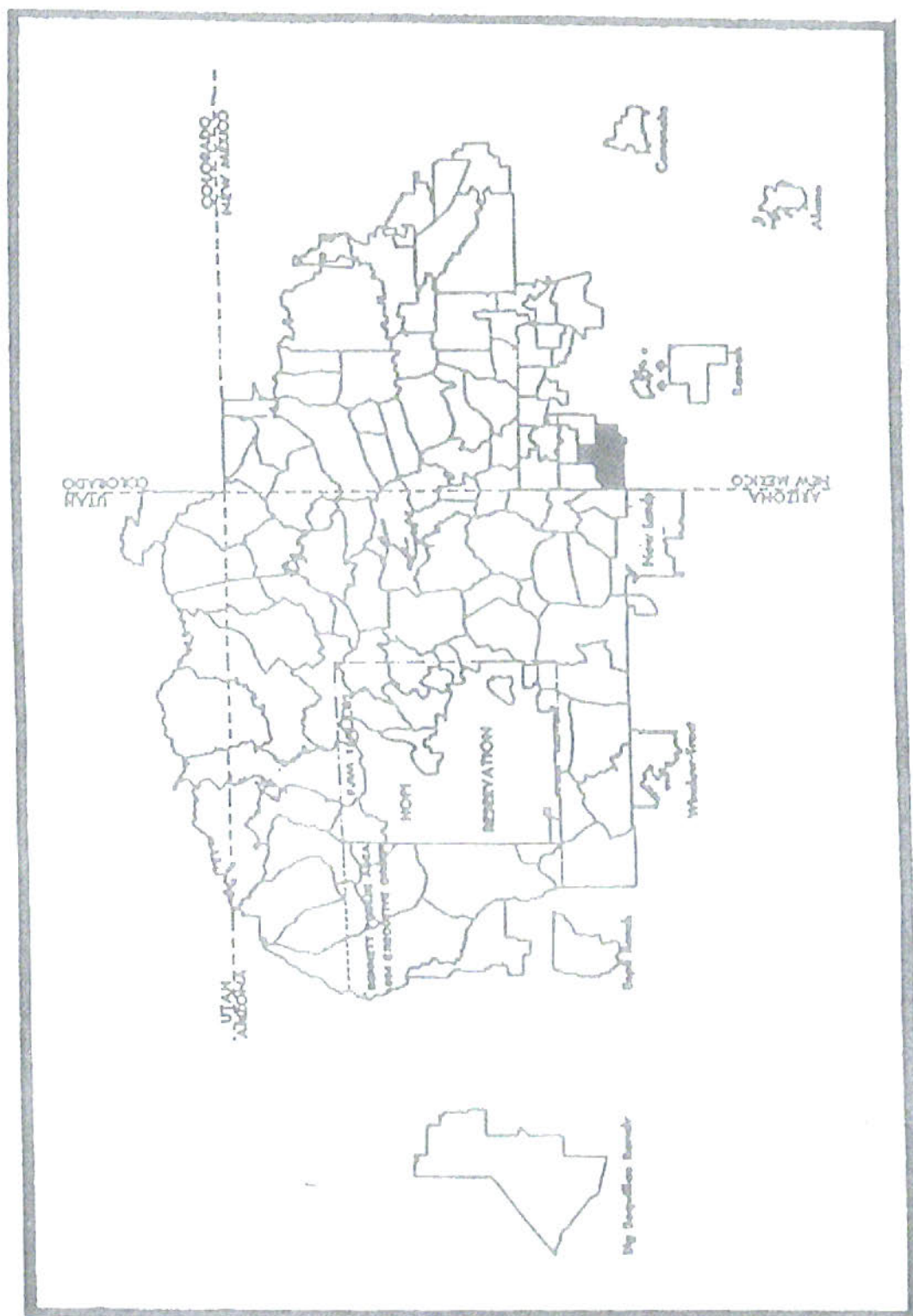


Figure 1. General Map of Project Location

TABLE 1: LEGAL LOCATION OF POINTS ON COUNTY ROAD 4.

POINT	LEGAL LOCATION	U.S.G.S. MAP	FIGURE
A(BOP)	Sec. 10, SE¼, SE¼, SW¼, T 12 N R 20 W	Jones Ranch School, NM. PR. 1979	2
B	Sec. 10, SW¼, SW¼, SE¼, T 12 N R 20 W	Jones Ranch School, NM. PR. 1979	2
C	Sec. 34, SE¼, SE¼, NE¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	2
D	Sec. 27, SE¼, SE¼, SE¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	2
E	Sec. 27, SW¼, SE¼, NE¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	2
F	Sec. 23, NE¼, SE¼, SW¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	2
G	Sec. 23, NW¼, SW¼, SW¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	2
H	Sec. 23, NE¼, SE¼, NW¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	2
I	Sec. 23, NE¼, NE¼, NW¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	2
J	Sec. 15, SE¼, SE¼, NE¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	3
K	Sec. 15, NE¼, NW¼, NE¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	3
L	Sec. 10, NE¼, SW¼, SE¼, T 13 N R 20 W	Jones Ranch School, NM. PR. 1979	3
M	Sec. 34, NE¼, SW¼, SE¼, T 13 N R 20 W	Manuelito, NM. PR. 1979	3
N	Sec. 4, NE¼, NW¼, SE¼, T 13 N R 20 W	Manuelito, NM. PR. 1979	3
O	Sec. 4, SW¼, NE¼, NW¼, T 13 N R 20 W	Manuelito, NM. PR. 1979	3
P	Sec. 4, SE¼, NW¼, NW¼, T 13 N R 20 W	Manuelito, NM. PR. 1979	3
Q	Sec. 32, NE¼, SW¼, NW¼, T 14 N R 20 W	Manuelito, NM. PR. 1979	3
R	Sec. 29, NE¼, SW¼, SW¼, T 14 N R 20 W	Manuelito, NM. PR. 1979	3
S	Sec. 29, SW¼, NW¼, SW¼, T 14 N R 20 W	Manuelito, NM. PR. 1979	3
T(EOP)	Sec. 30, NE¼, NE¼, SE¼, T 14 N R 20 W	Manuelito, NM. PR. 1979	3

TABLE 2: UTM COORDINATES OF POINTS ON COUNTY ROAD 4.

POINT	UTM Coordinate	Land Status	FIGURE
A(BOP)	N 3905580 m E 687370 m	Tribal Trust	2
B	N 3907220 m E 687600 m	Tribal Trust	2
C	N 3909850 m E 687520 m	Tribal Trust	2
D	N 3910490 m E 687610 m	Tribal Trust	2
E	N 3911400 m E 687350 m	Tribal Trust	2
F	N 3912360 m E 687760 m	Tribal Trust	2
G	N 3912470 m E 687720 m	Tribal Trust	2
H	N 3913220 m E 688170 m	Tribal Trust	2
I	N 3913550 m E 688150 m	Tribal Trust	2
J	N 3914540 m E 687410 m	Tribal Trust	3
K	N 3915190 m E 686950 m	Tribal Trust/State	3
L	N 3915620 m E 686870 m	State/Allotment	3
M	N 3917320 m E 685400 m	State/Allotment	3
N	N 3917670 m E 685330 m	State/Allotment	3
O	N 3918200 m E 684740 m	State/Allotment	3
P	N 3918250 m E 684500 m	State/Allotment	3
Q	N 3919600 m E 683160 m	State/Allotment/Tribal	3
R	N 3920120 m E 682900 m	Allotment/Tribal	3
S	N 3920280 m E 682540 m	Allotment/Tribal	3
T(EOP)	N 3920470 m E 682370 m	State	3

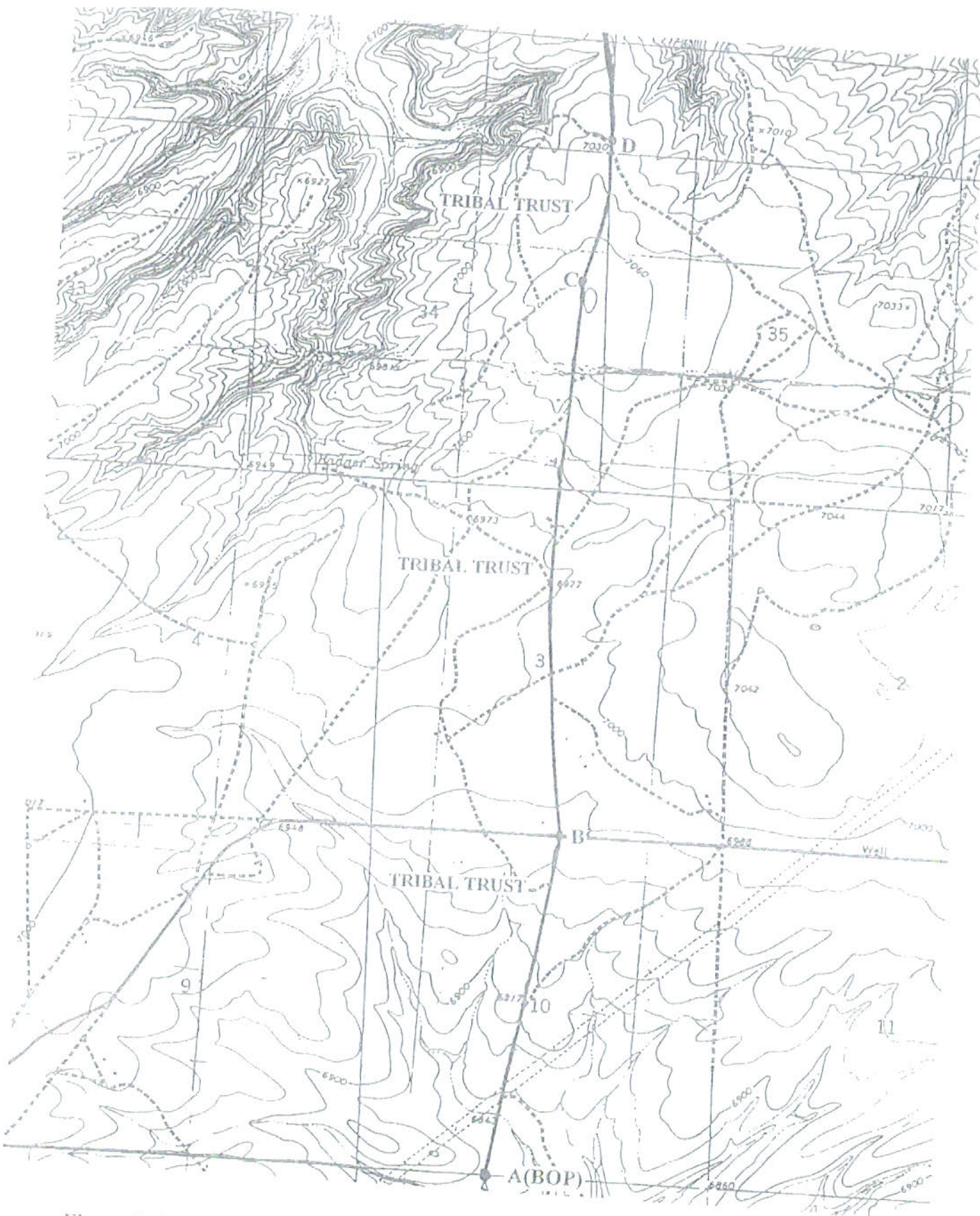


Figure 2: Specific Location of Project Area Points A-D. Map is U.S.G.S. 7.5' Quadrangle, "Jones Ranch School, 1963, NM PR 1979."

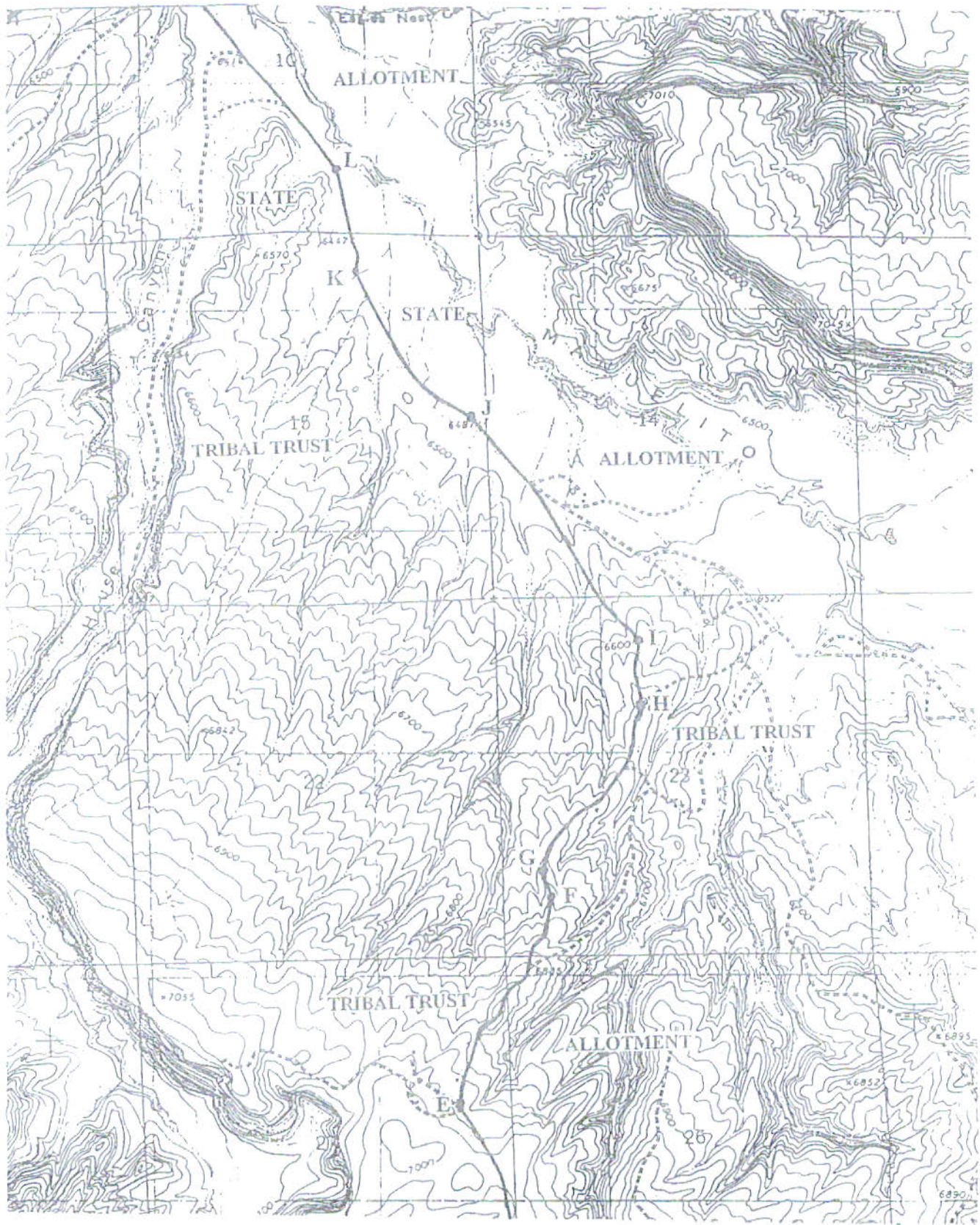


Figure 3: Specific Location of Project Area Points E-L. Map is U.S.G.S. 7.5' Quadrangle, "Jones Ranch School, 1963, NM PR 1979."

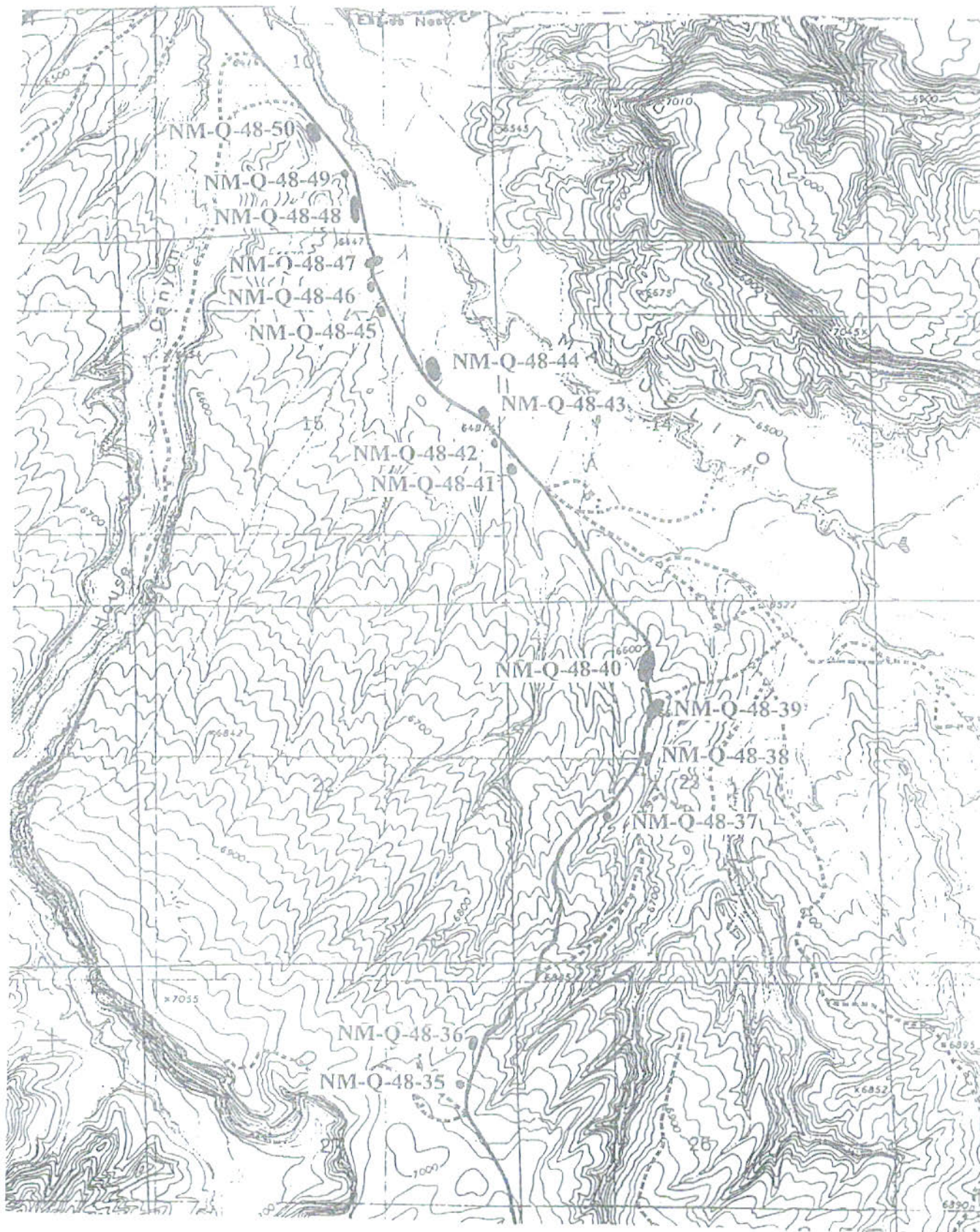


Figure 6: Specific Location of Sites Located Along the Project. Map is U.S.G.S. 7.5' Quadrangle, "Jones Ranch School, 1963, NM PR 1979."

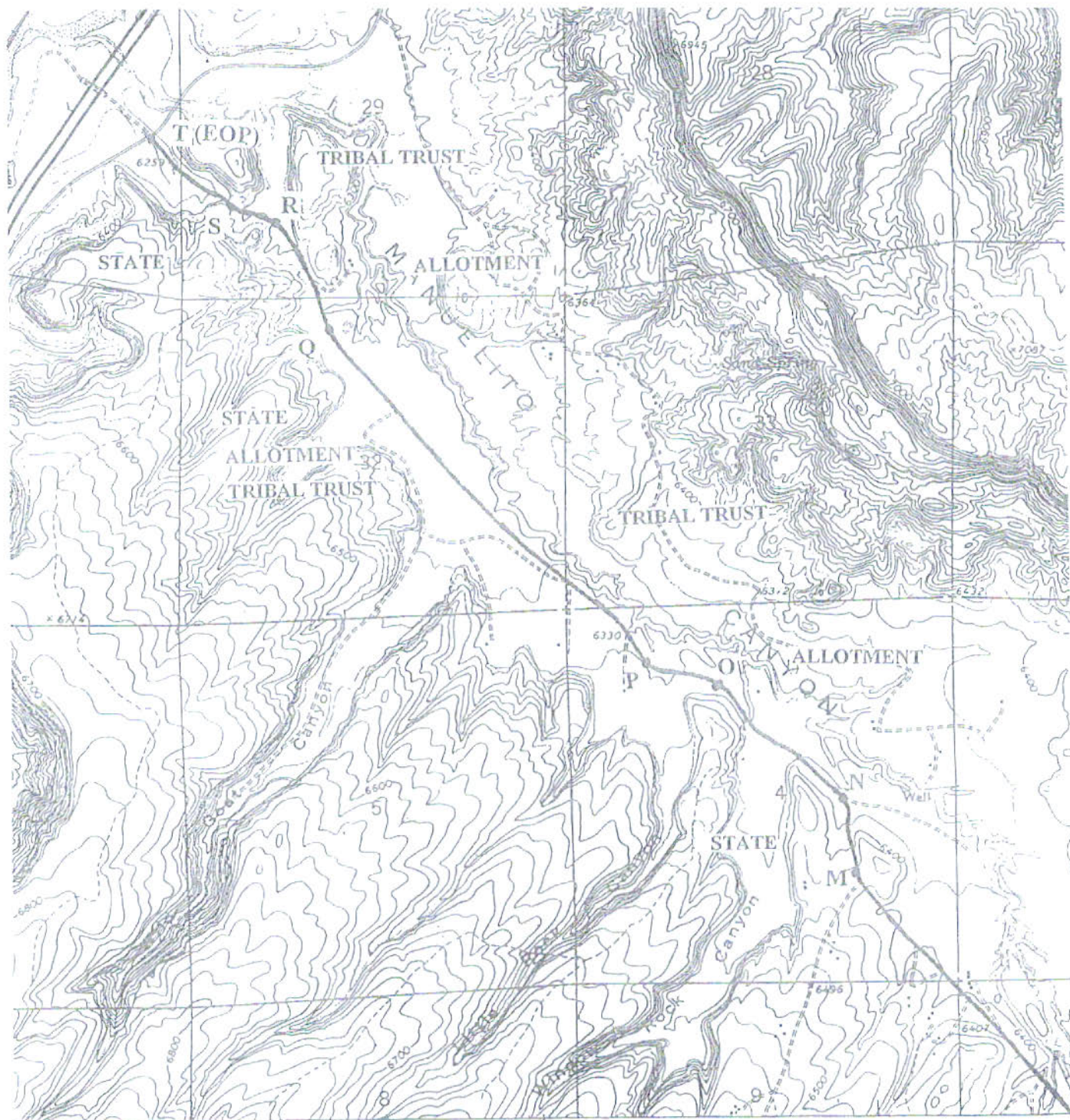


Figure 4: Specific Location of Project Area Points M-T. Map is U.S.G.S. 7.5' Quadrangle, "Manuelito, 1963, NM PR 1979.

AREA ENVIRONMENTAL AND CULTURAL SETTING

The project area is located in the western margin of the McKinley County, a structural subdivision the east defiance mono-cline of the Ft. Defiance Uplift. Here the bedrock strata consists exclusively of Cretaceous Menefee Formation. The Menefee Formation consists of alternating beds of tan/brown sandstone, gray, brown, greenish-gray shale siltstone, coal, scattered thin layers of limonitic and calcareous concretions. Potential mineral resources along this roadway would include common clay and coal. Paleontological resources may be present in the area as they are known to occur in outcrops of the Menefee Formation northwest of here.

The soil types consist of Quaternary alluvial deposits consisting of sand, silt, and clay locally distributed in the bottom of washes. Sporadic, thin, Quaternary pediment sand and gravel are present on some gentle slopes and horizontal surfaces, with aeolian deposition/residuum from the underlying sandstone with wind blown deposits and colluvial formation from the shaly geology and eroding rock outcrops.

The two main soil units that dominate the project area are the Parkeiel-Evpark fine sandy loam. (This information was taken from the "Soil Conservation Service in Grants, New Mexico 1995"). This survey was developed by the U.S. Department of the Interior and the Bureau of Indians Affairs-Branch of Land Operations in 1978. The Badlands variant occurs along rolling to very steep slopes, have limited soil depth with little vegetation and high erosion rates. Typical Torrifluvents form in mixed alluvium and aeolian deposits are moderately deep to deep with moderate vegetation cover and a moderate to high erosion factor due to excessive run off. Fine sand hummocks typical of the Shepard soil units can be found interspersed with the Badland-Typical Torrifluvents variants. These soils are very deep, well drained and form in eolian material derived from sandstone. White series soils occur on the undulating mesa tops, are very deep and well drained with moderate to high vegetation cover, and are also formed in eolian deposits derived mainly from sandstone. The Tohona variant can be found interspersed with these Whit series soils and consist of well-drained, moderately deep deposits with moderate vegetation cover and erosion. These soils are formed in residuum and eolian deposits.

Geological features of the area include the Manuelito Canyon, Wild Goat Canyon, Little Rock Canyon, Window Rock Canyon, Squash Canyon, Eagles Nest Canyon, and Big House Canyon. The most common lithic material types that can be procured from these formations, as is evidenced from the artifact assemblages of known cultural entities in the area, are fine grained sandstone, quartzite, siltstone, and mudstone. Mesa top formations along the upper elevations display a cap of the more erosion resistant Dakota sandstone (Cooley et al, 1969).

The area surveyed ranges in elevation from 6200 to 7000 feet (1889 and 2133 meters, respectively). Major drainages in the are Manuelito Canyon Wild Goat Canyon, Little Rock Canyon, Window Rock Canyon, Squash Canyon, Eagles Nest Canyon, and Big House Canyon.

Vegetation in the project area can be described as Upper Sonoran associations. Dominate species include Galleta and Blue Grama grasses (Bouteloua gracilis) and shrubs such as snakeweed (Gutierrezia sarothrae), Rabbitbrush (Chrysothamnus nauseosus), four-wing saltbush

(*Atriplex canescens*), Shadscale (*Artiplex confertifolia*), and sages (*Artemisia* spp.). Tree cover includes juniper (*Juniperus osteosperma* and *J. monosperma*) and pinyon pine (*Pinus edulis*) which is sparse at the lower elevations to abundant on the mesa tops and some willows (*Salix exigua*), tamarisk (*Tamarix ramosissima*), and cottonwoods (*Populus fremontii* and *P. deltoides*) in the well-watered bottom lands of the larger drainage such as the Manuelito Canyon, Wild Goat Canyon, Little Rock Canyon, Window Rock Canyon, Squash Canyon, Eagles Nest Canyon, and Big House Canyon. Vegetation cover varied from 0 percent along the mesa/badlands slopes to 40 to 50 percent on the mesa tops.

Archaic through modern occupations of the project area have been recorded by various small surveys and documented by clearance excavations (such as a pipeline), but few systematic programs have recorded the region's prehistory. Several comprehensive descriptions of the area's prehistories have been compiled for the San Juan Basin documenting occupations from Paleo-Indian (Vivian 1990), Archaic (Irwin-Williams 1973), Anasazi (Eddy 1961, Morris 1959, Roberts 1929, Marshall 1979, Kidder 1927, etc.), Navajo and historic Navajo (Van Valkenburgh 1941 and 1974, Kelly 1982). The majority of the sites recorded as part of this project are associated with the Anasazi and Historic Navajo occupation of the area.

EXISTING DATA REVIEW

Archival data were retrieved from the files of the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock, Arizona at the initial stage of the project.

Within 0.5 miles of this project, 10 previously completed projects (Table 3) are known to have taken place, and 16 previously recorded sites (Table 4) are known to exist.

TABLE 3: Previous Projects and Known Sites within 1 Kilometer of Project Area

Project File No.	Description of Undertaking	Sites #/Description
82-418	Yazzi Distribution line	No known sites within project area.
84-354	Electric power pole placement	NM-Q-33-21/Anglo-Navajo/Anasazi/Historic Structure.
84-418	Distribution line	Features
85-492	Area survey.	CPU-355/sherd/lithic/ground stone scatter.
		CPU-356/Navajo Residence/Prehistoric Pueblo.
		CPU-357/Navajo Residence.
		CPU-359/sherd/lithic scatter.
		CPU-360/Cribbed-logged hogan.
		CPU-361/Cribbed-logged hogan.
		CPU-365/Hogan remnants, sweatlodge.
		CPU-366/Dense sherd/lithic scatter possible Pueblo.
		CPU-367/Navajo Residence.
		CPU-368/Possible herding area.
		CPU-369/Hogan remnants.
		CPU-370/Navajo Residence.
		CPU-371/Navajo Residence.

TABLE 3: Previous Projects and Known Sites within 1 Kilometer of Project Area

Project File No.	Description of Undertaking	Sites
91-225	McKinley County Rd. 4, South	?
92-504	Proposed business site	NM-Q-32-20/Anasazi
94-553	Septic Tank installation	No known sites within project area.
98-213	Bridge Repair	No known sites within project area.

FIELD METHODS

The fieldwork was completed by Roger N. Walkenhorst, Archaeologist III; Olsen John, Archaeologist II; and Lenora Etsitty, Archaeological Tech. II; all of the Navajo Nation Division of Community Development. The fieldwork was performed on the following dates: April 21-29, 1998.

The entire area was investigated using a Class III (100%) level pedestrian. Surveys with archaeologists walking parallel transect spaced 15 meters apart.

Boundaries of the survey area were defined by centerline and right-of-way stakes marked by wood lathe and flagging along the entire length of the road. A 92.0 the meters (300 feet) wide survey corridors, centered on the right-of-way, were inspected by two people walking up one side of the right-of-way and returning along the opposite side.

Sites were recorded and mapped using a Sunnto hand held compass and using a 100-meter measuring tape. Color photographs of each site were taken and are on file at NDOT. No artifact collections were made. Each site was marked by a permanent marker (or a datum) which is a section of rebar driven into the ground and a site tag attached that depicts the site number, the date when the site was recorded and the initials of the recorder(s). The datum is located on the individual site maps. Total area inspected in association with this project is ca. 160.40 hectares (396.36 acres). The locations of cultural properties were referenced to the nearest survey station marker.

Resource Definitions

The following are the NNHPD definitions for cultural resources (NNHPD Permit Package 1991)

Isolated Occurrence:

Any non-structural remains of a single event; alternatively, any non-structural assemblage of approximately 10 or fewer artifacts or other material within an area of approximately 10 square meters or less, especially if it is of questionable human origin, if it appears to be the result of fortuitous causes, or if it lacks integrity. Rock art, burials, and formal features are not recorded as isolated occurrences.

Site:

The location of an event, belief, or activity, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historic, archaeological, or traditional cultural value regardless of the value of any existing structure. Sites do not include isolated historic trash dumps less than ten to twenty years old.

Traditional Cultural Properties:

These are places with or without physical material remains. Demonstrable sacred places with material remains are recorded as sites and evaluated appropriately. A traditional cultural property is defined as a place that has traditionally been considered important to an Indian tribe or member thereof, because of a religious event that happened there, because it played a part in life-cycle rituals, because it contains specific natural products of cultural or religious importance, because it figures in or is mentioned in traditional folklore and sacred songs, because it is considered the dwelling place or embodiment of spiritual beings, because it is conducive to communication with spiritual beings, or because it has other specified and continuing significance in Indian religion or culture. This importance may be of untribal or multi-tribal importance, or may be considered important only to smaller segments of the society, such as chapters, clans, families, or individuals.

According to the National Park Service's National Register Bulletin 38, Traditional cultural properties are considered eligible for inclusion in the National Register of Historic Places because of their "association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community."

It is the policy of the Navajo Nation to protect traditional cultural properties since Section 106 of the National Historic Preservation Act of 1966 provides for protection of National Register eligible sites

CULTURAL RESOURCE FINDINGS

A total of 51 cultural resources have been identified in or immediately adjacent to the project's r-o-w. The 51 resources include two previously recorded, twenty-two previously unrecorded sites, 19 isolated occurrences, and eight in-use sites. The description of the cultural resources sites are found below.

The following summaries describe the sites identified for this project. Site locations are shown in Figures 5-7. Completed NNAD site forms are appended to this report

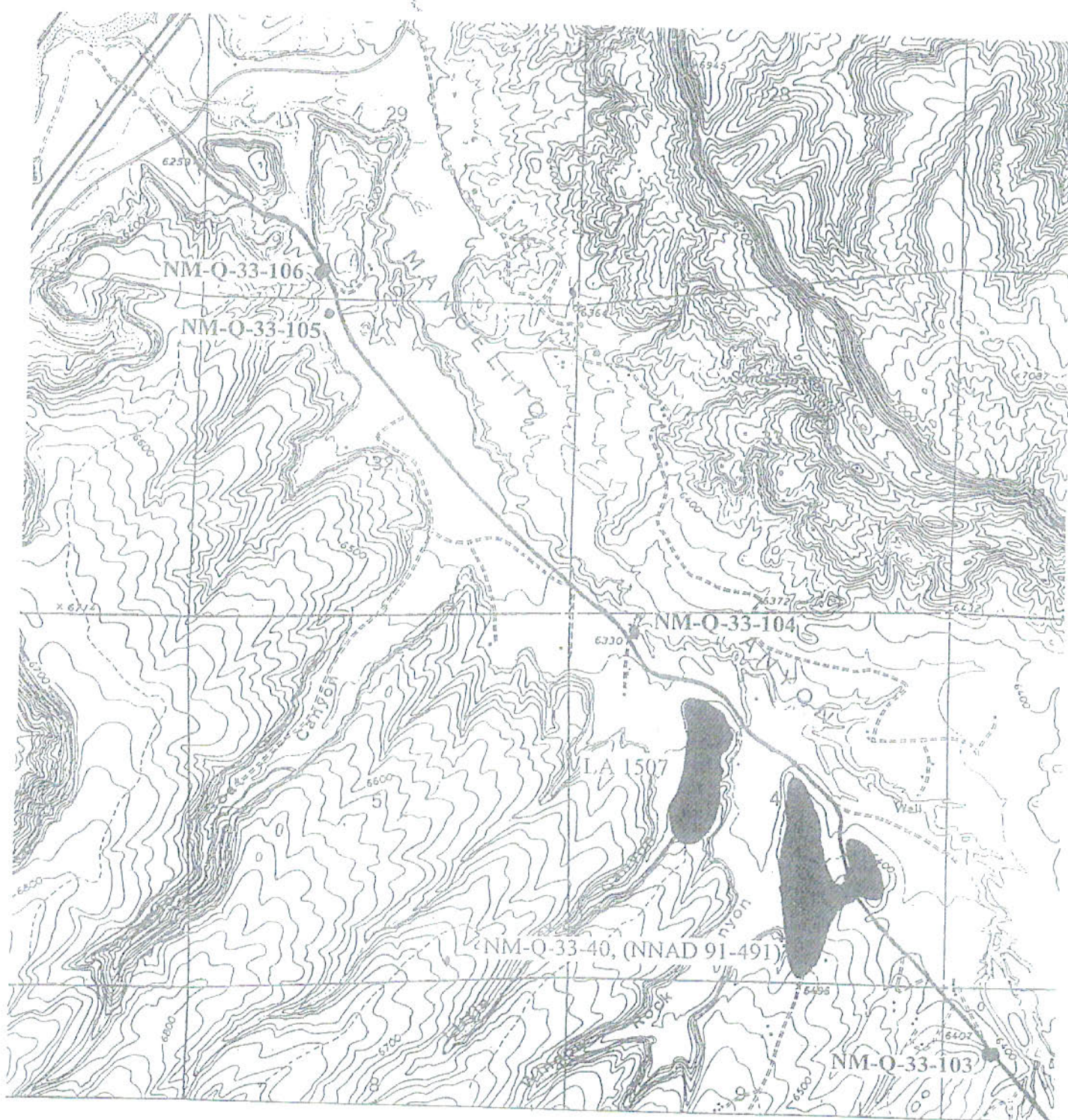


Figure 7: Specific Location of Sites Located Along the Project. Map is U.S.G.S. 7.5' Quadrangle, "Manuelito, N.M. 1963, PR 1979."

PREVIOUSLY RECORDED SITES:

SITE NO.: NM-Q-33-40, (NNAD 91-491)

FIGURE 8

LEGAL LOCATION: Sec. 4, SE $\frac{1}{4}$, T 13 N, R 20 W

UTM: ZONE 12, N 3917420 m E 685260 m

STATE: New Mexico **COUNTY:** M^cKinley

CHAPTER: Tsayatoh

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Samson Lake, NM. (Photo-revised 1979)

SITE ENVIRONMENT: Canyon and Mountain Ranges. The Puerco river is situated approximately 2.8 miles to the northwest of the project area. Grassland, woodland, and forest on the higher elevation.

CULTURAL AFFILIATION(S): Anasazi/Navajo

SITE TYPE: Habitation area for Anasazi/Navajo.

SITE DESCRIPTION: This a multi-component site situated in Manuelito Canyon, New Mexico. The elevation is 6400 ft (1,951 M), Section 4, Manuelito Quad. A total of ninety-nine features were located for full description of the site NM-Q-33-40 see update form.

SITE NO.: LA 1507 (Ats'ee Nitsaa)

FIGURE 9

LEGAL LOCATION: Sec. 4, SE $\frac{1}{4}$, T 13 N, R 20 W

UTM: ZONE 12, N 39 0 m E 68 0 m

STATE: New Mexico **COUNTY:** M^cKinley

CHAPTER: Tsayatoh

LAND STATUS: State

USGS 7.5' MAP REFERENCE: Samson Lake, NM. (Photo-revised 1979)

SITE ENVIRONMENT: The site is located on a mesa overlooking Manuelito Canyon to the east ca. 500 m.

CULTURAL AFFILIATION(S): Anasazi

SITE TYPE: Habitation area for Anasazi

SITE DESCRIPTION: This is a Prehistoric Anasazi site situated in Manuelito Canyon, New Mexico. The elevation is 6400 ft (1,951 M), Section 4, Manuelito Quad. No site forms were located at Navajo Nation Historic Preservation Department in Window Rock. File maybe located that Navajo Nation Archaeology Department in Window Rock, AZ references number NNAD-91-491.

PREVIOUSLY UNRECORDED SITES:

SITE NO.: NM-Q-48-33

FIGURE 10

LEGAL LOCATION: NW 1/4, SW 1/4, NW 1/4, Sec. 12, T 13 N R 20 W

UTM: ZONE 12, N 3908990 m E 687450 m

STATE: New Mexico **COUNTY:** McKinley

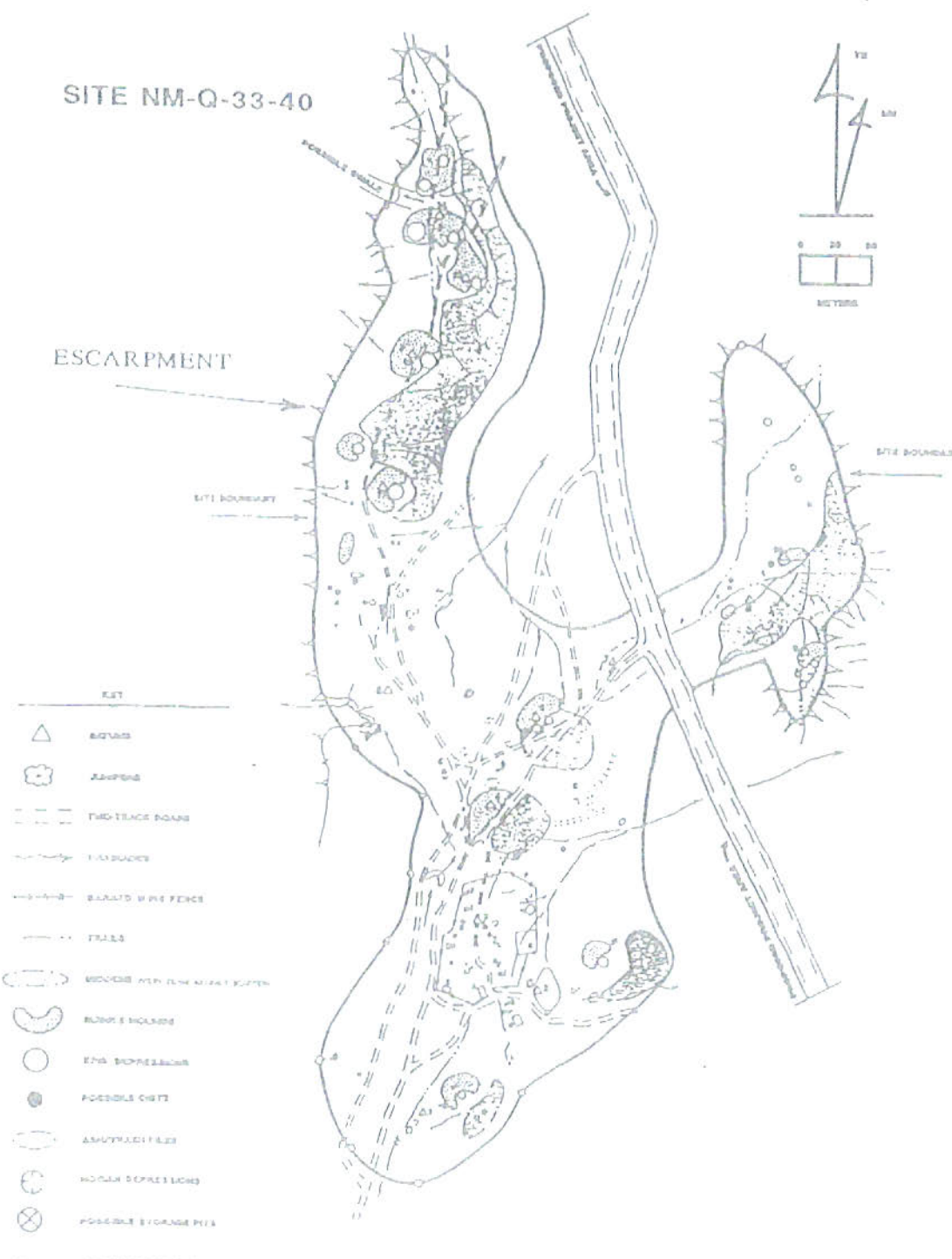
CHAPTER: Manuelito

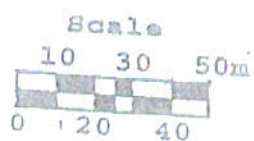
LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on the northwest face of a northeast/southwest trending ridge. Several small intermittent drainages are located 1 km. to the northeast. Juniper, pinon, sagebrush, grama grass, and Indian rice grass.

Figure 8: General Plan Map of Site MN-Q-33-40





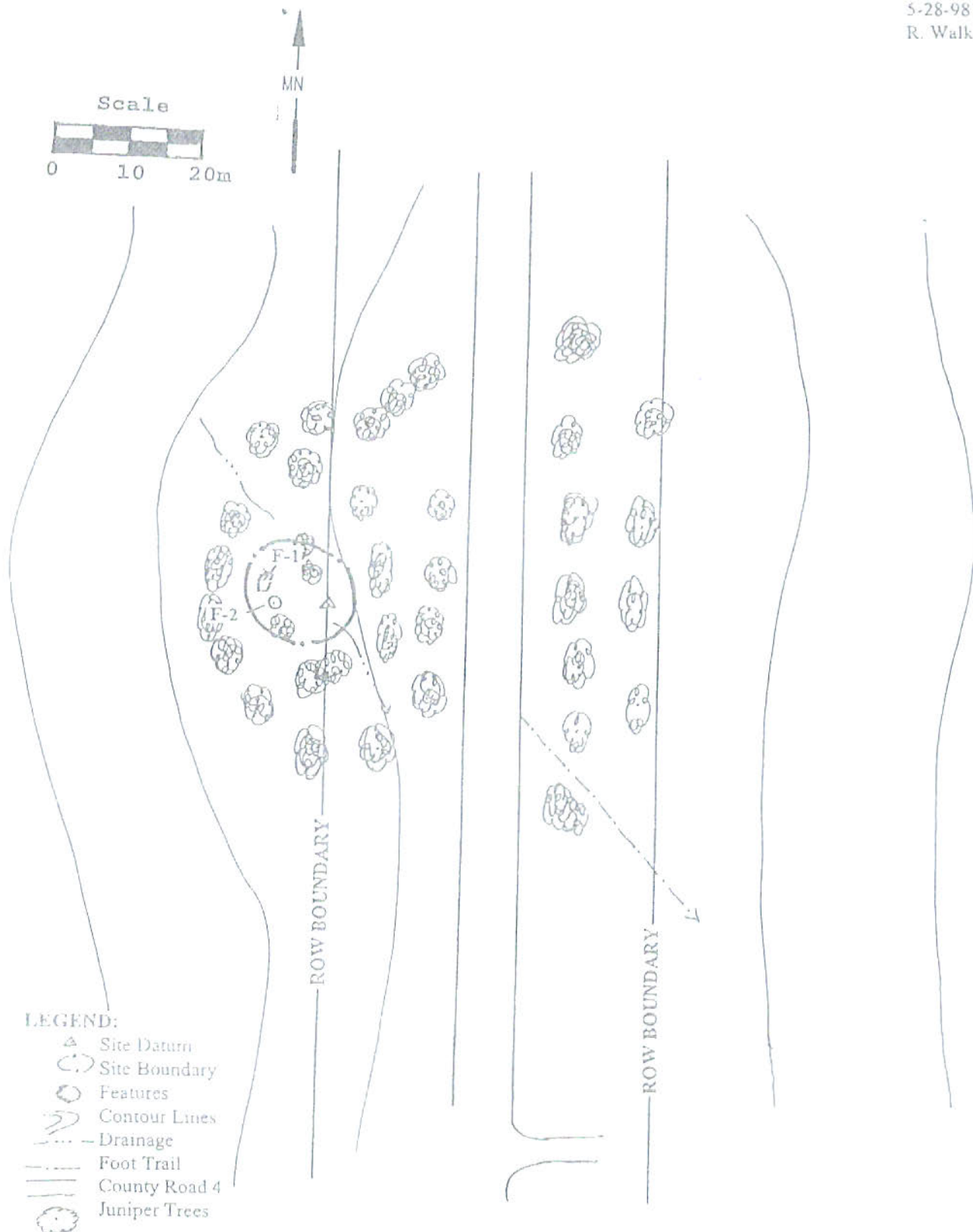
 Rubble Mound

16

NDOT
7-9-99
John, Walkenhorst

Figure 10: Plan Map of Site NM-Q-48-33

NM-Q-48-33
NDOT
5-28-98
R. Walkenhorst, L. Etsitty



CULTURAL AFFILIATION(S): Prehistoric Anasazi

SITE DESCRIPTION: The site consists of a prehistoric Anasazi specialized activity area that includes the remains of a 50 cm. in diameter slab lined hearth (Feature 1/F-1), a slab lined storage cist (Feature 2/F-2), and an associated artifact scatter. F-1 is defined by four upright, unmodified slabs in a circular shape. F-2 consists of a single upright, unmodified, sandstone slab. The slab measures ca. 20 cm. in width x 3 cm. thick. Ten ceramic sherds were noted and comprised of two Puerco B/W jar, six indented corrugated body, and two Coolidge corrugated rim sherds. Lithic items included one core and two primary stage reduction flakes of red quartzite, two secondary stage flakes of Chinle chert, one secondary stage and one tertiary stage of gray chert, two tertiary stage of white chert, and three secondary stage one each of tan, gray, and white quartzite.

SITE NO.: NM-Q-48-34

FIGURE 11

LEGAL LOCATION: SE 1/4, NE 1/4, SE 1/4, Sec. 34, T 13 N R 20 W

UTM: ZONE 12, N 3909280 m E 687440 m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on a northeast/southwest trending ridge. Several small intermittent drainages are located 500 m. to the south. Juniper, pinon, sagebrush, grama grass, and Indian rice grass.

CULTURAL AFFILIATION(S): Historic Navajo

SITE DESCRIPTION: The site consists of a Historic Navajo habitation site occupied from the 1940-50's. The site contains one rectangular house depression (Structure 1/Str-1), one hogan depression (Structure 2/Str-2), two ash/trash piles (Features 1 & 2/F-1 & 2), and one wood chipping area (Feature 3/F-3). Str-1 is located at the crest of a narrow NE to SW trending ridge. The structure measures ca. 9 x 4 m. The NE corner pole was utilized as the datum for the site. Str-2 is located ca. 40 m north of Str-1 and consists of a 4 m in diameter hogan depression. F-1 is located 11 m southeast of Str-1 and measures ca. 11 x 4 m. F-2 is located 28 m northeast of Str-1 and measures ca. 12 x 9 m. F-3 is located 11 m east of F-1 and measures ca. 8 m in diameter. Two car bodies were noted on site and consisted of Late 1940's Desoto front end and a 1954 Chevrolet car body. Other artifacts included 1950's pattern china, enamelware pots, pans, and dishware, solder seam cans, stove parts, and miscellaneous car parts.

SITE NO.: NM-Q-48-35

FIGURE 12

LEGAL LOCATION: NW 1/4, SE 1/4, NE 1/4, Sec. 27, T 13 N R 20 W

UTM: ZONE 12, N 3911550 m E 687340 m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on the northwest face of a northeast/southwest trending ridge. Several small intermittent drainages are located 1 km to the northeast. Juniper, pinon, sagebrush, grama grass, and Indian rice grass.

CULTURAL AFFILIATION(S): Unknown Prehistoric

SITE DESCRIPTION: The site consists of an Unknown Prehistoric specialized activity area that includes the remains of a 50 cm. x 50 cm. slab lined hearth (Feature 1/F-1). No associated artifacts were noted in the general vicinity of the feature. Site NM-Q-48-36, a P I-II habitation, is located ca. 200 m north of this feature and may be directly associated.

SITE NO.: NM-Q-48-36

FIGURE 13

LEGAL LOCATION: SE 1/4, NE 1/4, NE 1/4, Sec. 27, T 13 N R 20 W

UTM: ZONE 12, N 3911690 m E 687380 m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on the southeast face of a southwest/northeast trending ridge overlooking Big House Canyon to the west and Manuelito Canyon to the east. Several small intermittent drainages are located 500 m to the northeast. Juniper, pinon, sagebrush, grama grass, and Indian rice grass.

CULTURAL AFFILIATION(S): Prehistoric Anasazi

SITE DESCRIPTION: The site consists of a prehistoric Anasazi Habitation. Structure 1 consist of a rubble mound measuring ca. 6 meters in diameter. A kiva may exist. Structure 2 consist of a rubble mound measuring ca. 4 meters in diameter. Features 1-5 consist of thermal features measuring ca. 1-2 meters in diameter. Features 1-5 all have evidence of charcoal and ash deposits, and vertical slab lined hearths. Features 6-7 consist of high density middens measuring 3- 10 meters in diameter. Identifiable artifacts consist of Puerco B/W, Gallup B/W, and 200 plus plain white ware and corrugated body sherds. Lithics were present in all stages of reduction, and include the following material types black quartzite, red quartzite, grey chert, Chinle chert, white chert, and petrified wood. A good possibility of intact subsurface cultural deposits may exist due to the good depth of the soils.

SITE NO.: NM-Q-48-37

FIGURE 14

LEGAL LOCATION: NW 1/4, NE 1/4, SW 1/4, Sec. 23, T 13 N R 20 W

UTM: ZONE 12, N 3912750 m E 687980 m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

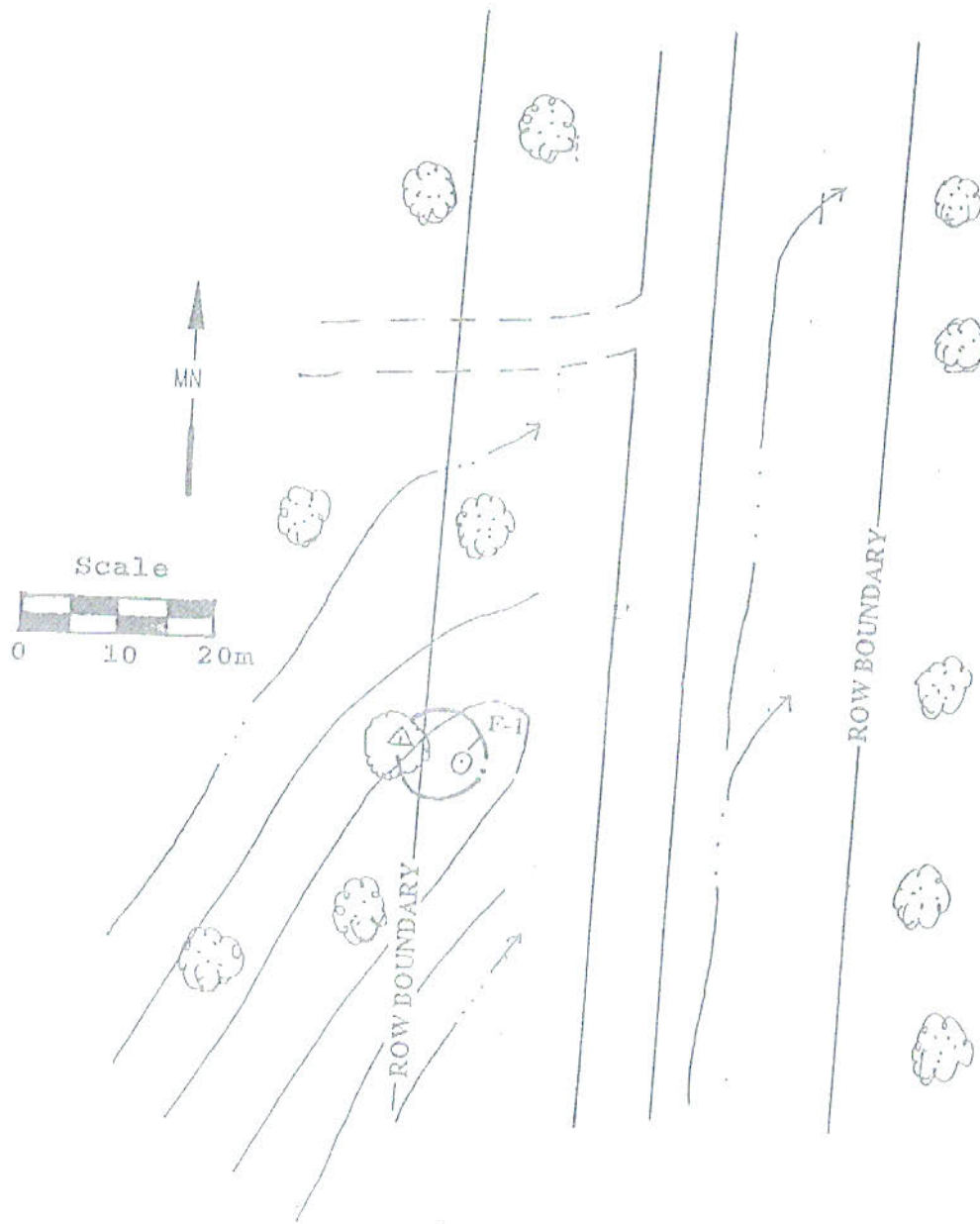
LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on a SW to NE trending ridge overlooking a unnamed Blueline drainage is located 150 meters to the east. Unnamed Blueline drainage is located 150 meters to the east. Juniper, pinyon, sagebrush, grama grass, narrow leaf yucca, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Historic Navajo

SITE DESCRIPTION: The site consists of a Historic Navajo specialized use area. Structure 1 consist of the remains of a sweatlodge. Construction material consist of small juniper branches embedded into the natural soils, and measuring two meters in diameter. Feature 1 consist of fire cracked rock concentration measuring 3 meters in diameter. Feature 2 consist of a ash/charcoal concentration measuring also 3 meters in diameter. No other structure or features were located within the area. No artifacts were observed within the adjacent areas.



LEGEND:

- Site Datum
- Site Boundary
- Feature
- Contour Lines
- Drainage
- TwoTrack
- County Road 4
- Juniper Trees

Figure 11: Plan Map of Site NM-Q-48-34

NM-Q-48-34
NDOT
5-28-98
L. Etsitty

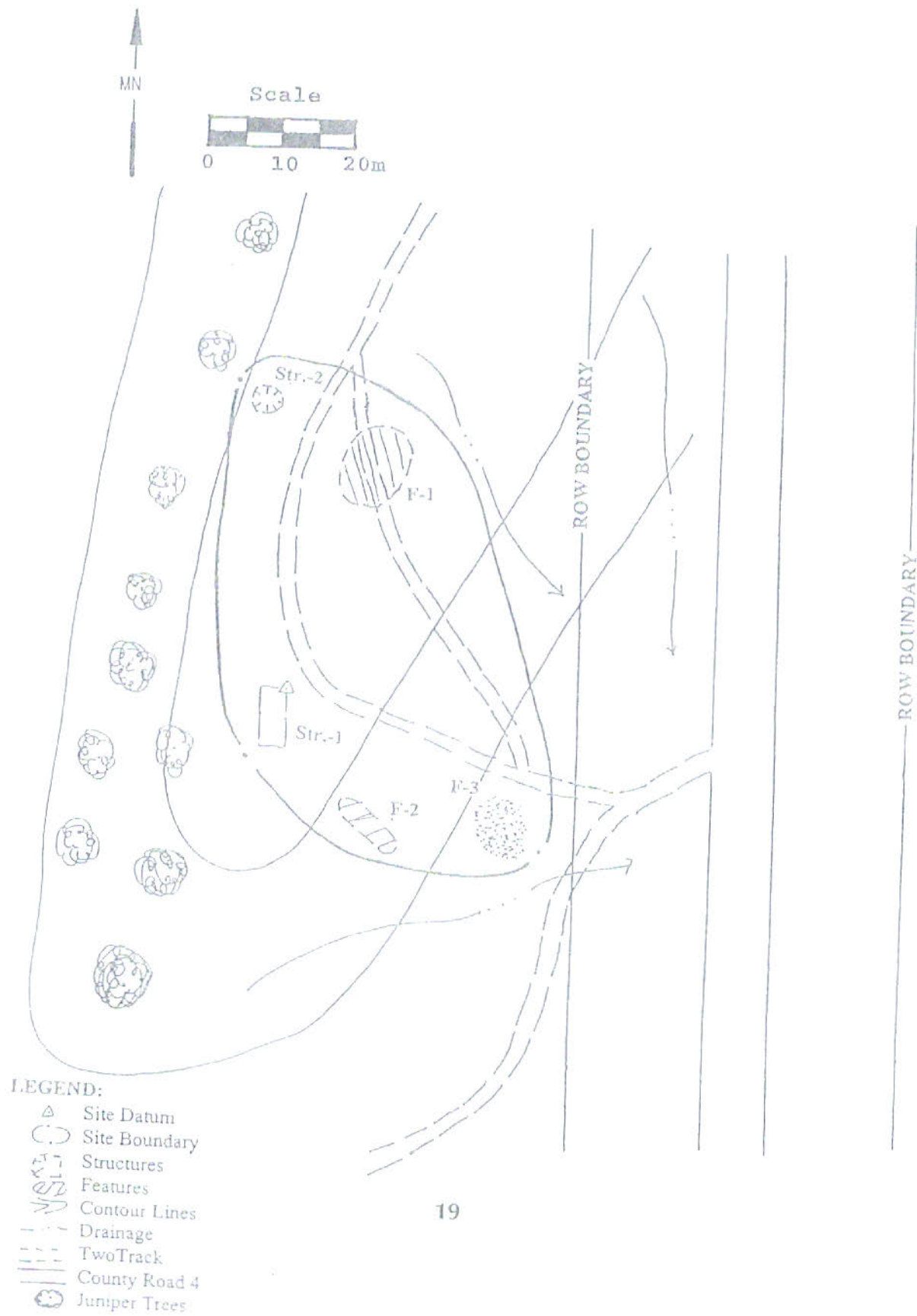


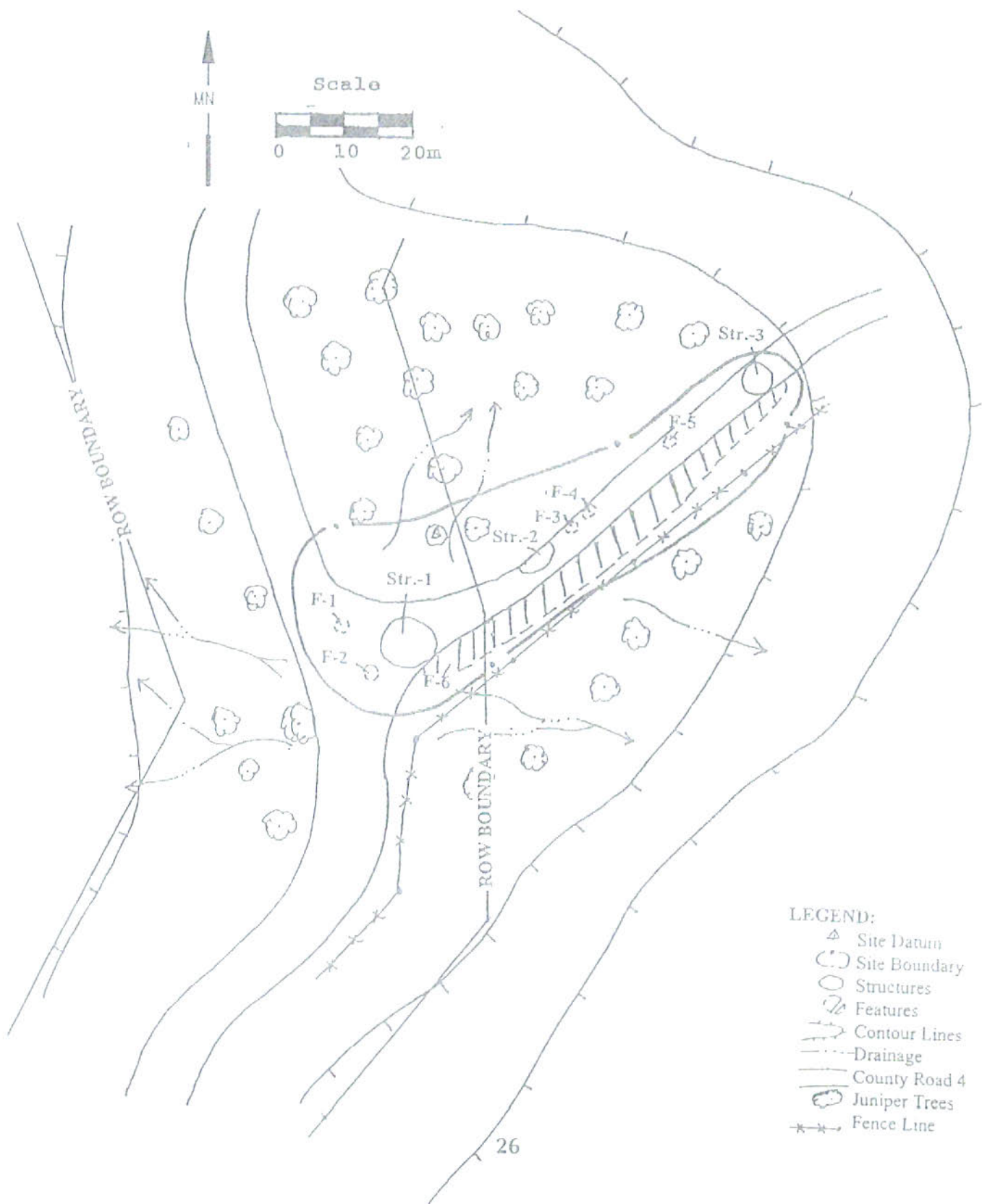
Figure 16: Plan Map of Site NM-Q-48-39

NM-Q-48-39

NDOT

6-11-98

L. Etsitty



LEGEND:

- △ Site Datum
- Site Boundary
- Structures
- Features
- Contour Lines
- Drainage
- County Road 4
- ☁ Juniper Trees
- *- Fence Line

Figure 13: Plan Map of Site NM-Q-48-36

NM-Q-48-36
NDOT
6-10-98
L. Etsitty

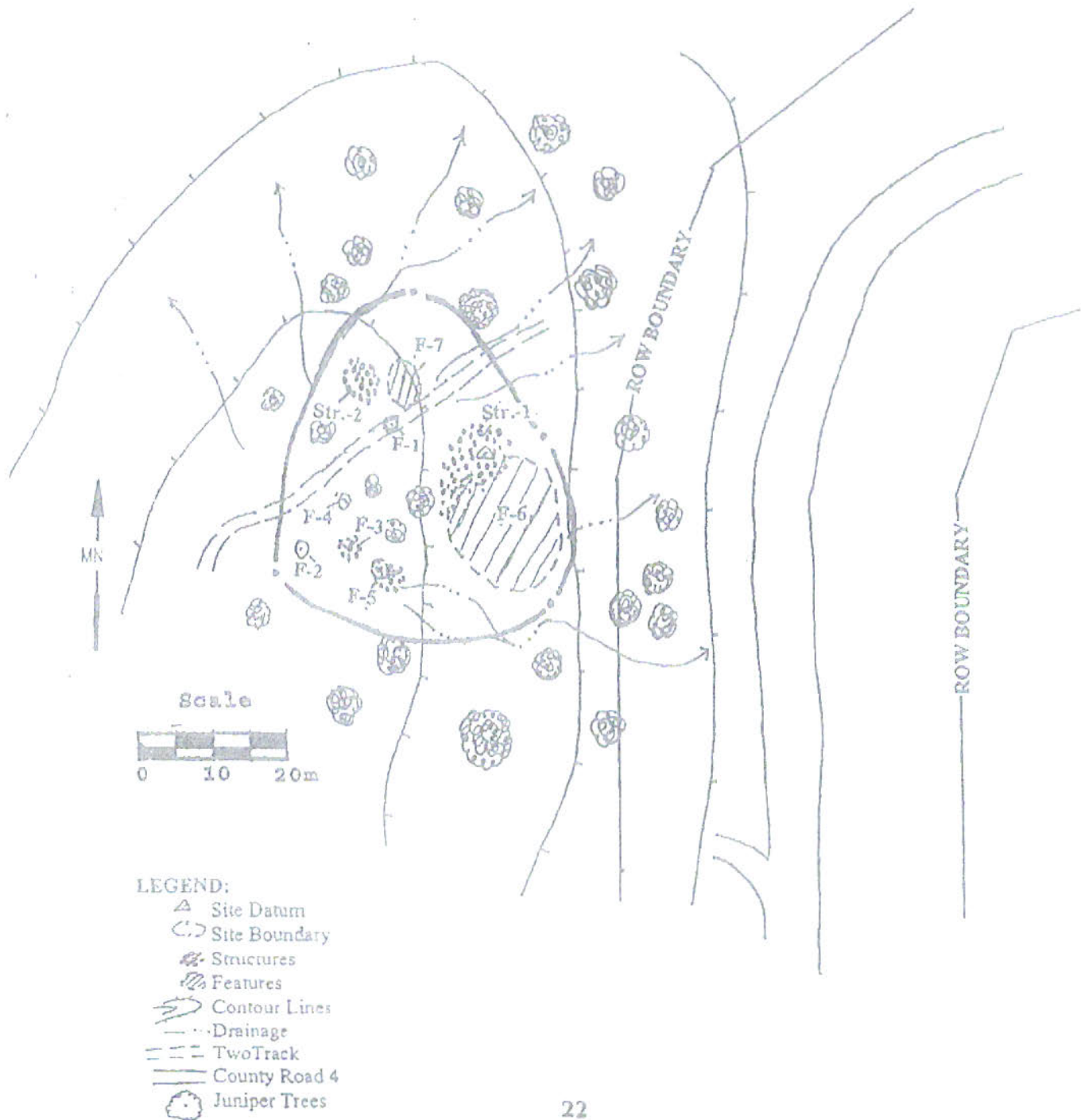


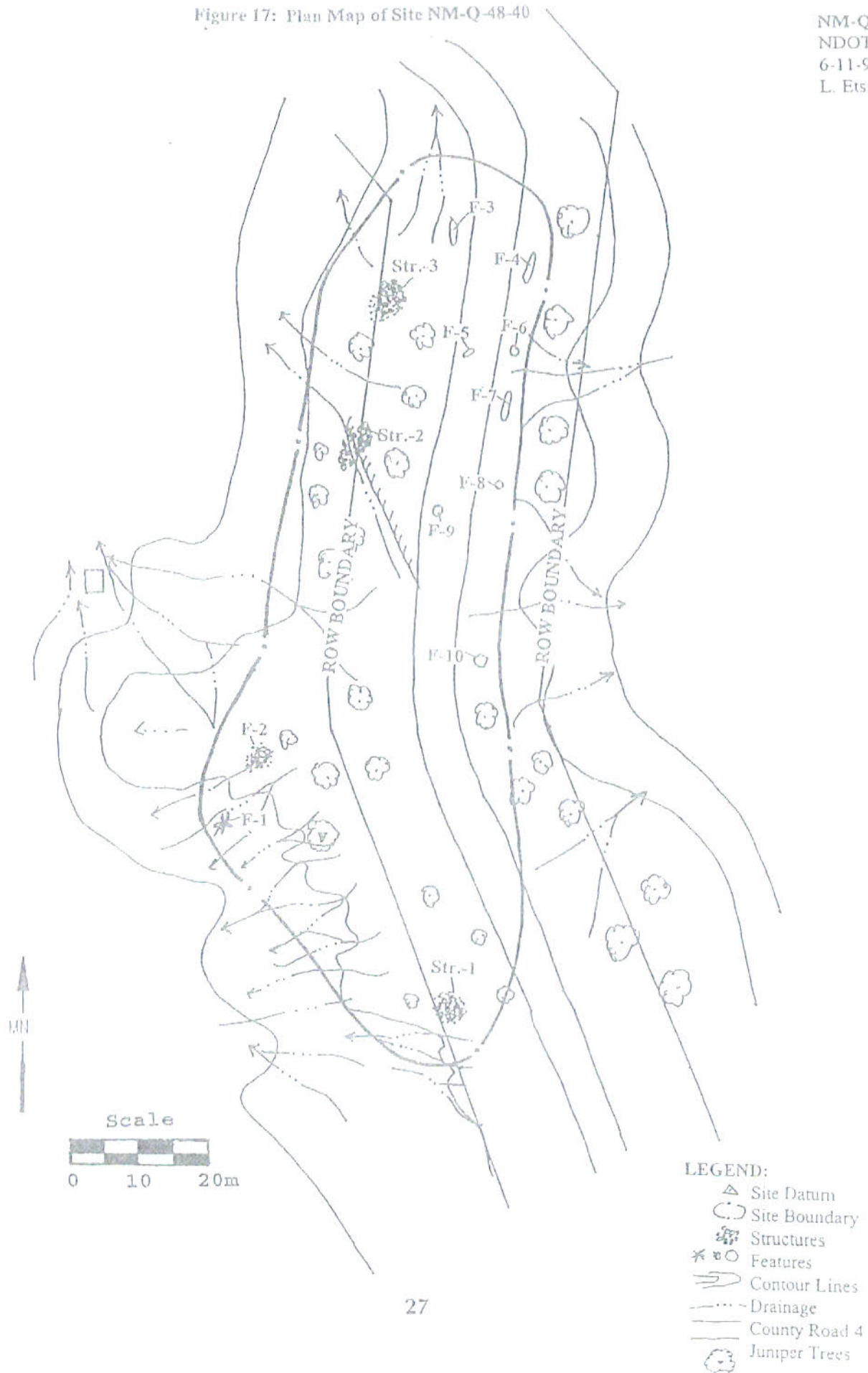
Figure 17: Plan Map of Site NM-Q-48-40

NM-Q-48-40

NDOT

6-11-98

L. Etsitty



SITE ENVIRONMENT: The site is located on a SE to NW trending ridge. Manuelito Canyon is located 500 meters to the east. Juniper, pinyon, sagebrush, grama grass, and Indian rice grass.

CULTURAL AFFILIATION(S): Prehistoric Anasazi/Historic Navajo

SITE DESCRIPTION: The site consists of a multi-component P I-II habitation and Historic Navajo limited activity area-trash dump. The Historic component is marked by two dump areas, Features 1 & 2 (F-1 & F-2). Both features are located northwest of Structure 1/Str-1, measure ca. 10 meters in diameter and contain enamel cookware, oil filters, solder seam cans, medicine bottles, and wine bottles. The trash dates to the 1940's.

The prehistoric component is characterized by three rubblemounds (Structures 1-3, Str 1-3) and eight ash stains (Features 3-10, F 3-10). Str-1 is the southern most rubblemound and measures ca. 15 meters in diameter. Str-2 is located ca. 120 meters north of Str-1 and measures 20 x 8 meters. Str-3 is located ca. 30 meters north of Str-2 and measures ca. 10 meters in diameter. Features 3-10 are all located in the road bed and borrow cut located east of the rubblemounds. All are ash and charcoal stains. Only Features 3 and 4 displayed associated artifacts and these consisted of Early Pueblo grayware body sherds suggesting that these features may be associated with an earlier BM III occupation of the site area. Although no define-able middens areas were observed there was a moderate density scatter over the entire site area. Ceramics consist of 200 plus unidentifiable Late Pueblo whiteware, Early Pueblo grayware, and indented corrugated body sherds. All stages of lithic reduction are present. Material types include various hues of quartzite and chert plus petrified wood.⁸⁹

SITE NO.: NM-Q-48-41

FIGURE 18

LEGAL LOCATION: NW 1/4, SW 1/4, SW 1/4, Sec. 14, T13N R20W

UTM: ZONE 12, N 3914280m E 687580m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located at the base of an east facing ridge overlooking Manuelito Canyon Valley to the east. Manuelito Canyon central blue line drainage is located 500 meters to the east. Juniper, pinon, sagebrush, grama grass, prickly pear, rabbit brush, lycium, and Indian rice grass.

CULTURAL AFFILIATION(S): Anasazi

SITE DESCRIPTION: The site consists of a Pueblo I-II habitation. The site contains of two rubblemounds (Structures 1&2, Str-1&2), two associated midden areas (Features 1&2, F-1&2), and a rock concentration (Feature 3, F-3). Str-1, the northern most roomblock, measures ca. 10 m. in diameter. Exposed wall lines are visible along the back wall to the southwest and the side wall to the northwest. F-1 measures 20 x 10 m. and is the associated midden to Str-1. F-3 is a 2 m. in diameter rock concentration located ca. 20 m northeast of Str-1. Str-2 is located 17 m. southwest of Str-1 and measures ca. 10 m. in diameter. An exposed wall line is located along the southwestern extension of the roomblock. F-2 is the 17 x 12 m. associated midden to Str-2. Flaked lithic artifacts were present in all stages of reduction. Material types included quartzite, white chert, brown chert, and ferruginous chert. Artifacts consist of 100 plus identifiable ceramics of Gallup B/W, Puerco B/W, Drolet B/W, and Naschitti B/W.

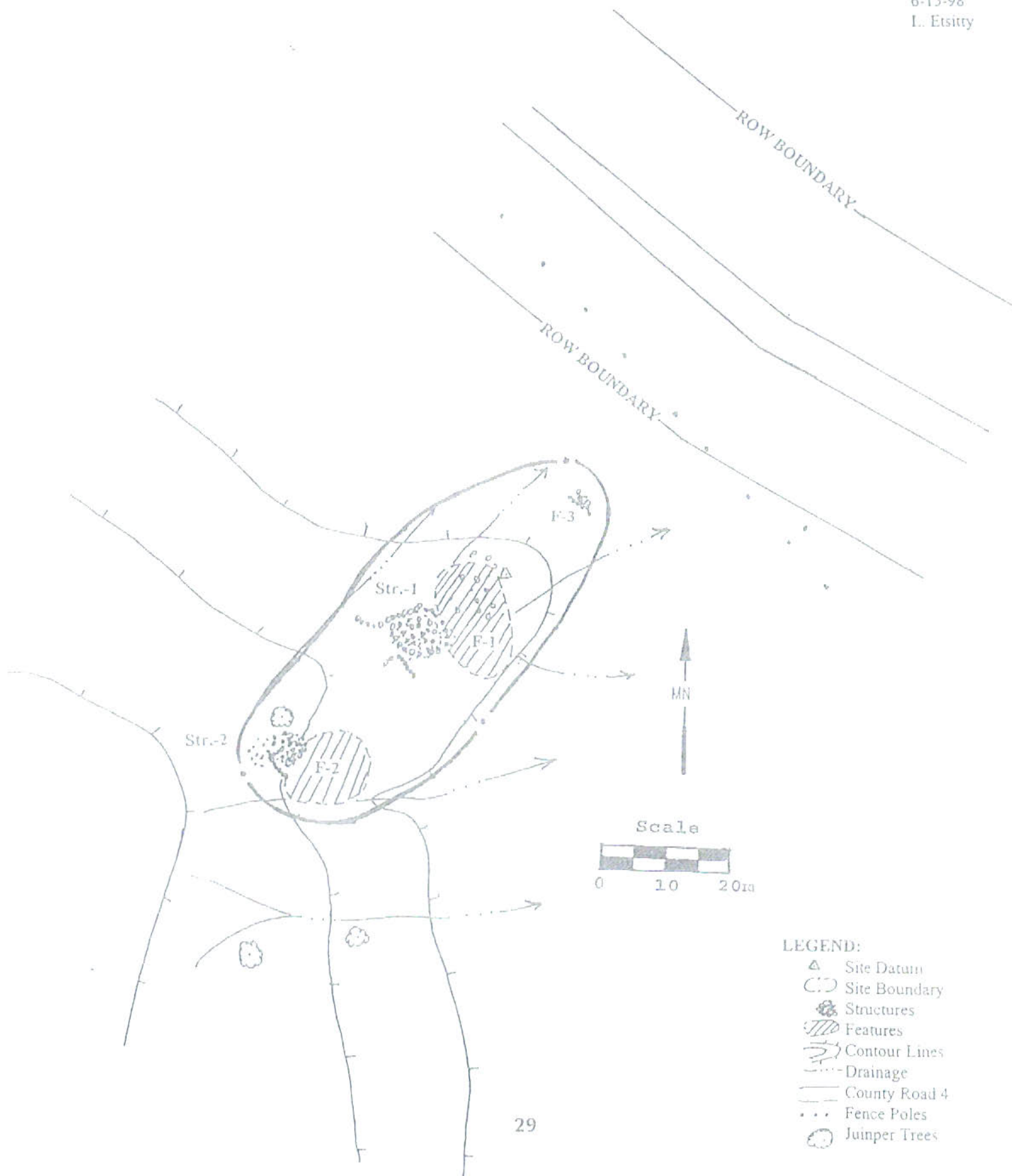
Figure 18: Plan Map of Site NM-Q-48-41

NM-Q-48-41

NDOT

6-15-98

L. Etsitty



SITE NO.: NM-Q-48-42

FIGURE 19

LEGAL LOCATION: NE 1/4, NE 1/4, SE 1/4, Sec. 14, T13N R20W

UTM: ZONE 12, N 3914400m E 687480m

STATE: New Mexico **COUNTY:** McKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on a knoll in Manuelito Canyon Valley. Manuelito Canyon 500 meters east. Juniper, pinon, sagebrush, snakeweed, grama grass, rabbit brush, and Indian rice grass.

CULTURAL AFFILIATION(S): Anasazi

SITE DESCRIPTION: The site consists of a Pueblo II-III habitation. The site contains a rubblemound (Structure 1, Str-1) and an associated midden (Feature 1, F-1). Str-1 measures 55 x 12 m. F-1 is a high density midden associated with Str-1 and measuring ca. 56 x 19 m. Artifacts consist of 100 plus identifiable ceramics including Escavada, Puerco, and Gallup B/W with unidentifiable redware. Flaked lithic items were present in all stages of reduction. Material types included quartzite, white chert, tan chert, petrified wood, and ferruginous chert.

SITE NO.: NM-Q-48-43

FIGURE 20

LEGAL LOCATION: SE 1/4, NE 1/4, NE 1/4, Sec. 15, T13N R20W

UTM: ZONE 12, N 3914560m E 687440m

STATE: New Mexico **COUNTY:** McKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on top of and at the northeast end of a small southwest to northeast ridge. Manuelito Canyon is located 300 meters to the east. Juniper, pinon, four-wing saltbush, snakeweed, rabbit brush, sagebrush, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Anasazi

SITE DESCRIPTION: The site consists of an Anasazi habitation. The site contains only the remnants of a roomblock (Structure 1, Str-1). No associated midden was observed only a light scatter of artifacts. A wall line with ash and charcoal deposits is present in the eastern road cut and appears to be the remnants of a room. Only 25 to 30 ceramic sherds were observed with identifiable forms including Puerco and Gallup B/W. All stages of lithic reduction were observed. Material types included tan chert, white chert, and various hues of quartzites.

SITE NO.: NM-Q-48-44

FIGURE 21

LEGAL LOCATION: SW 1/4, SE 1/4, NE 1/4, Sec. 15, T13N R20W

UTM: ZONE 12, N 3914720m E 687230m

STATE: New Mexico **COUNTY:** McKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on a southwest/northeast trending low lying ridge finger. Manuelito Canyon is located 300 meters to the east. Juniper, pinon, sagebrush, four-wing saltbush, snakeweed, rabbit brush, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Anasazi

Figure 19: General Plan Map for Site NM-Q-48-42

NM-Q-48-42
NDOT
6-15-98
L. Etsitty

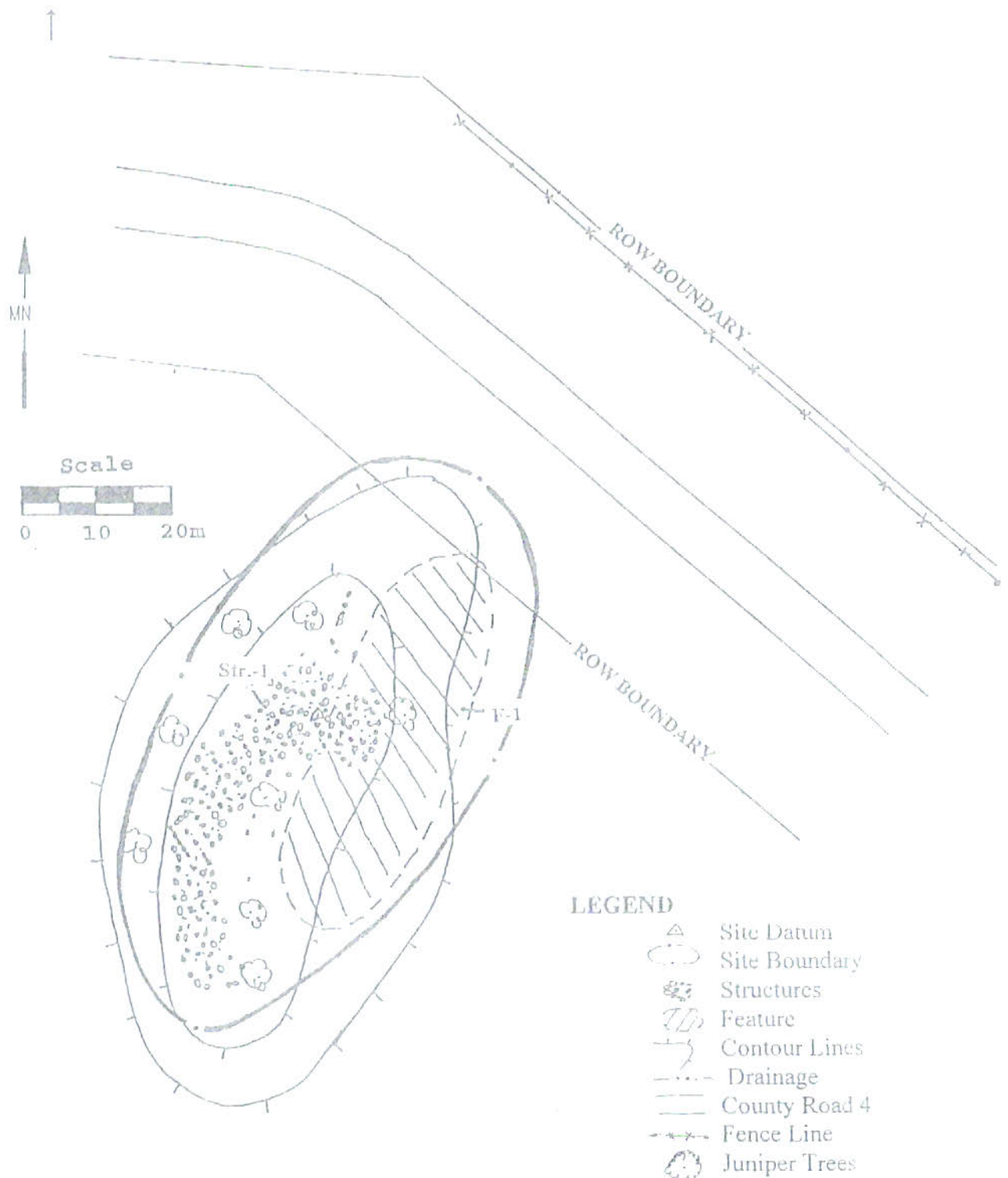


Figure 20: General Plan Map for Site NM-Q-48-43

NM-Q-48-43
NDOT
6-15-98
L. Etsitty

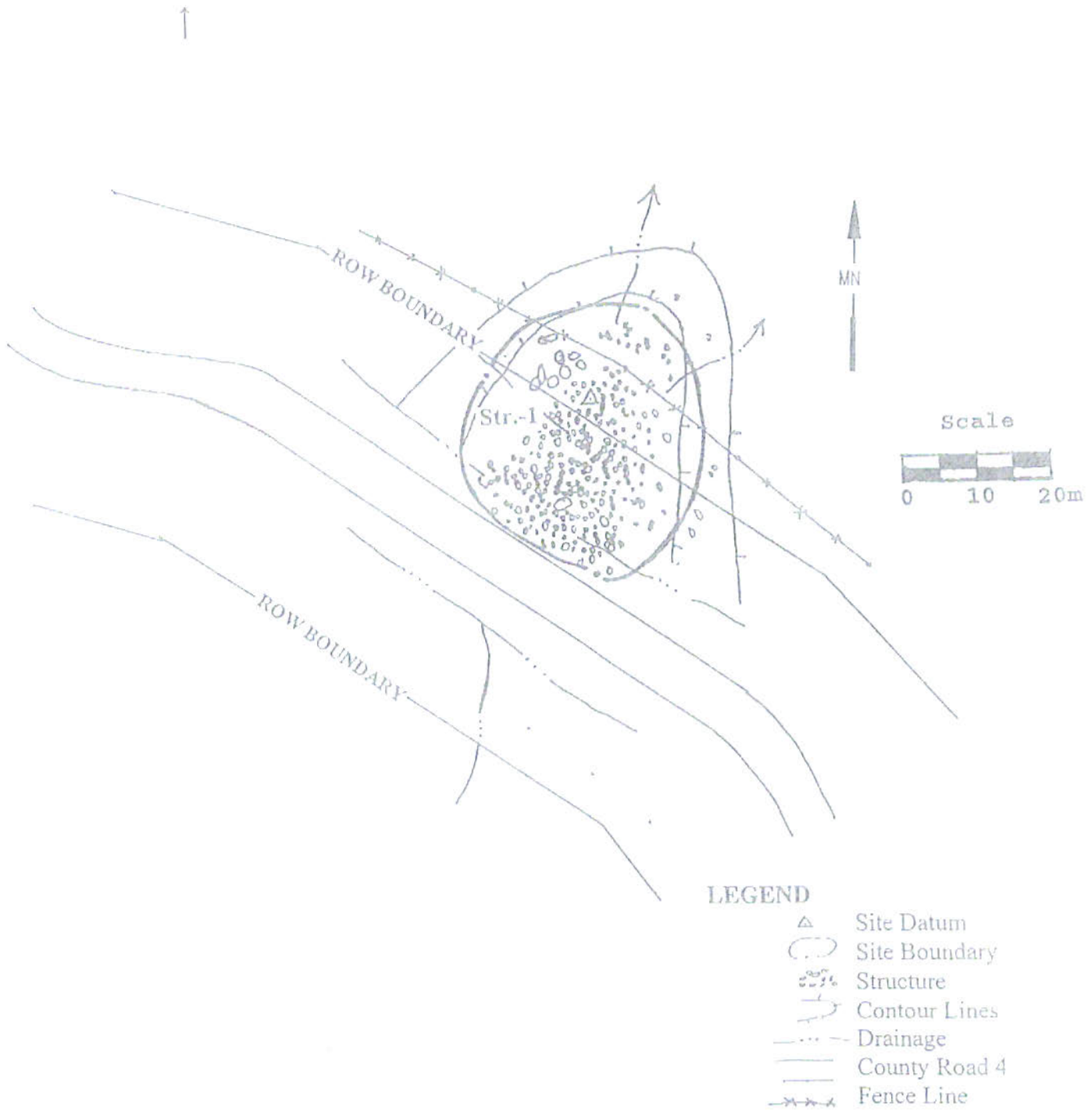


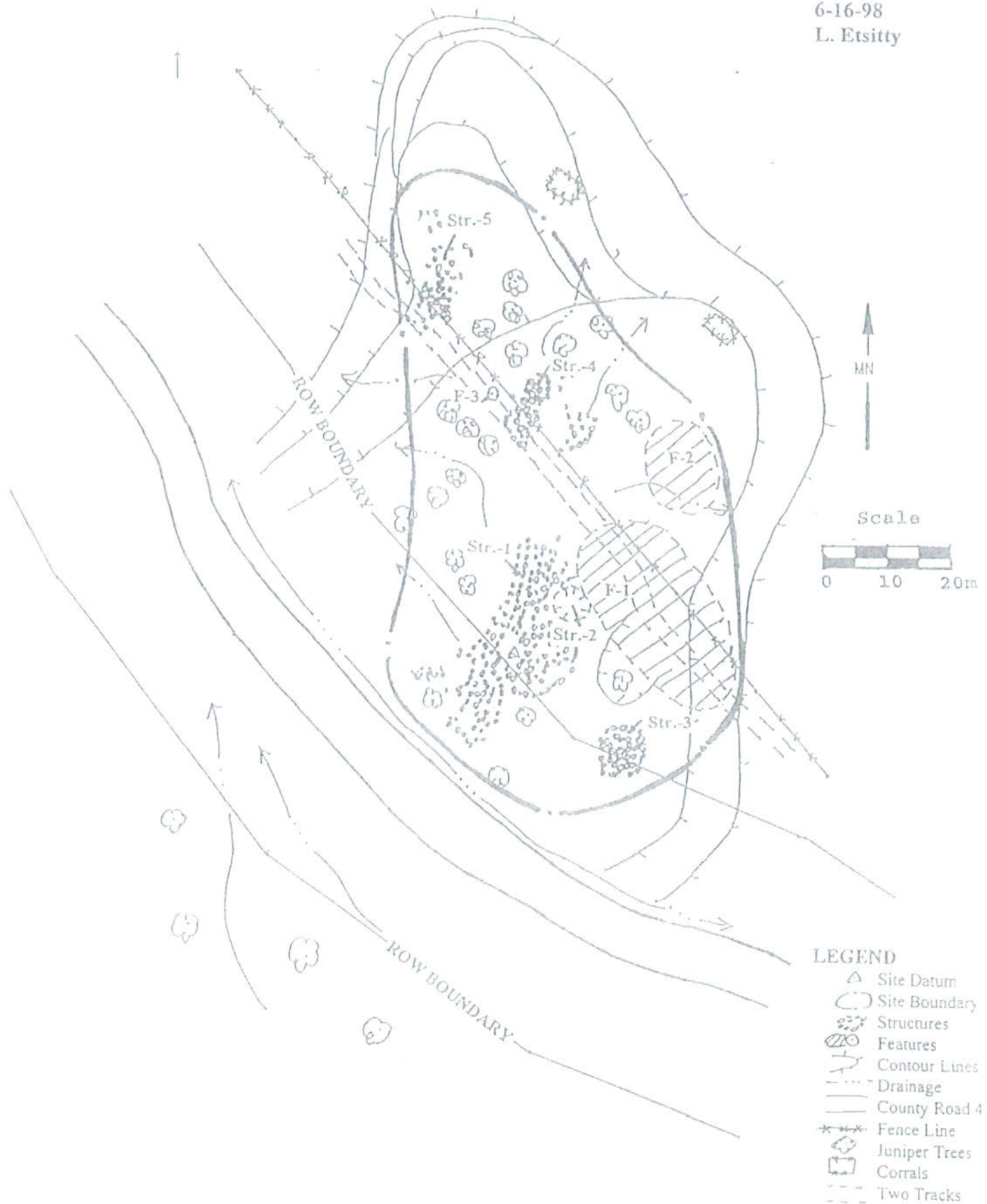
Figure 21: General Plan Map for Site NM-Q-48-44

NM-Q-48-44

NDOT

6-16-98

L. Etsitty



SITE DESCRIPTION: The site consists of an Anasazi habitation. The site contains four rubblemounds (Structures 1&3-5, Str 1&3-5), one kiva depression (Structure 2, Str-2), two middens (Features 1&2, F-1&2), and a single detached room (Structure 6, Str-6). Str-1 measures 30 x 11 m and the most southwestern extension of the structure has been cut by the road construction with the wall line for one room has been exposed. Str-2 is a 4 m. in diameter kiva depression located in the northeast extension of Str-1. F-1 is the associated midden to Str-1 located east of that structure and measures 33 x 18 m. Str-3 is a smaller 10 m in diameter rubblemound located ca. 15 m southeast of Str-1. Str-4 is a 10 m in diameter rubblemound located 15 north of Str-1. F-2 is the associated midden to Str-4 and is located ca. 5 m east of that structure. This feature measures ca. 15 x 10 m. Str-5 is a 15 m in diameter rubblemound located 15 m northwest of Str-4. Str-6 is the remains of a single detached room located ca. 4 m northwest of Str-4. The room appears to measure ca. 2 x 2 m. Artifacts consist of 500 plus identifiable ceramics consisting of Puerco B/R, Red Mesa B/W, Gallup B/W, Puerco B/W, and Escavada B/W. All stages of lithic reduction were noted. Material types included white chert, black chert, petrified wood, red dog shale, obsidian, ferruginous chert, and various hues of quartzite.

SITE NO.: NM-Q-48-45

FIGURE 22

LEGAL LOCATION: SE 1/4, NW 1/4, NE 1/4, Sec. 15, T13N R20W

UTM: ZONE 12, N 3914960m E 687000m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on a southwest/northeast trending ridge. Manuelito Canyon is located 400 meters to the east. Juniper, pinon, sagebrush, four-wing saltbush, snakeweed, rabbit brush, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Anasazi

SITE DESCRIPTION: The site consists of an Anasazi habitation. The site contains two rubblemounds (Structures 1&2, Str-1&2) and one midden (Feature 1). Both Str-1 and Str-2 measure ca. 15 m in diameter. Str-2 is located ca. 20 m southwest of Str-1. F-1 is the associated midden to both Str's-1&2 and measures 34 x 19 m. Artifacts consist of 100 plus identifiable ceramics consisting of Puerco B/R, Red Mesa B/W, Gallup B/W, Puerco B/W, and Escavada B/W. All stages of lithic reduction were noted. Material types included white chert, brown chert, petrified wood, Chinle chert, and various hues of quartzite.

SITE NO.: NM-Q-48-46

FIGURE 23

LEGAL LOCATION: SE 1/4, NW 1/4, NE 1/4, Sec. 15, T13N R20W

UTM: ZONE 12, N 3915120m E 686940m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on a southwest to northeast trending ridge. Manuelito Canyon is located 300 meters to the east. Juniper, pinon, sagebrush, four-wing saltbush, snakeweed, rabbit brush, prickly pear cactus, and Indian rice grass.

Figure 22: General Plan Map for Site NM-Q-48-45

NM-Q-48-45

NDOT

6-16-98

L. Etsitty

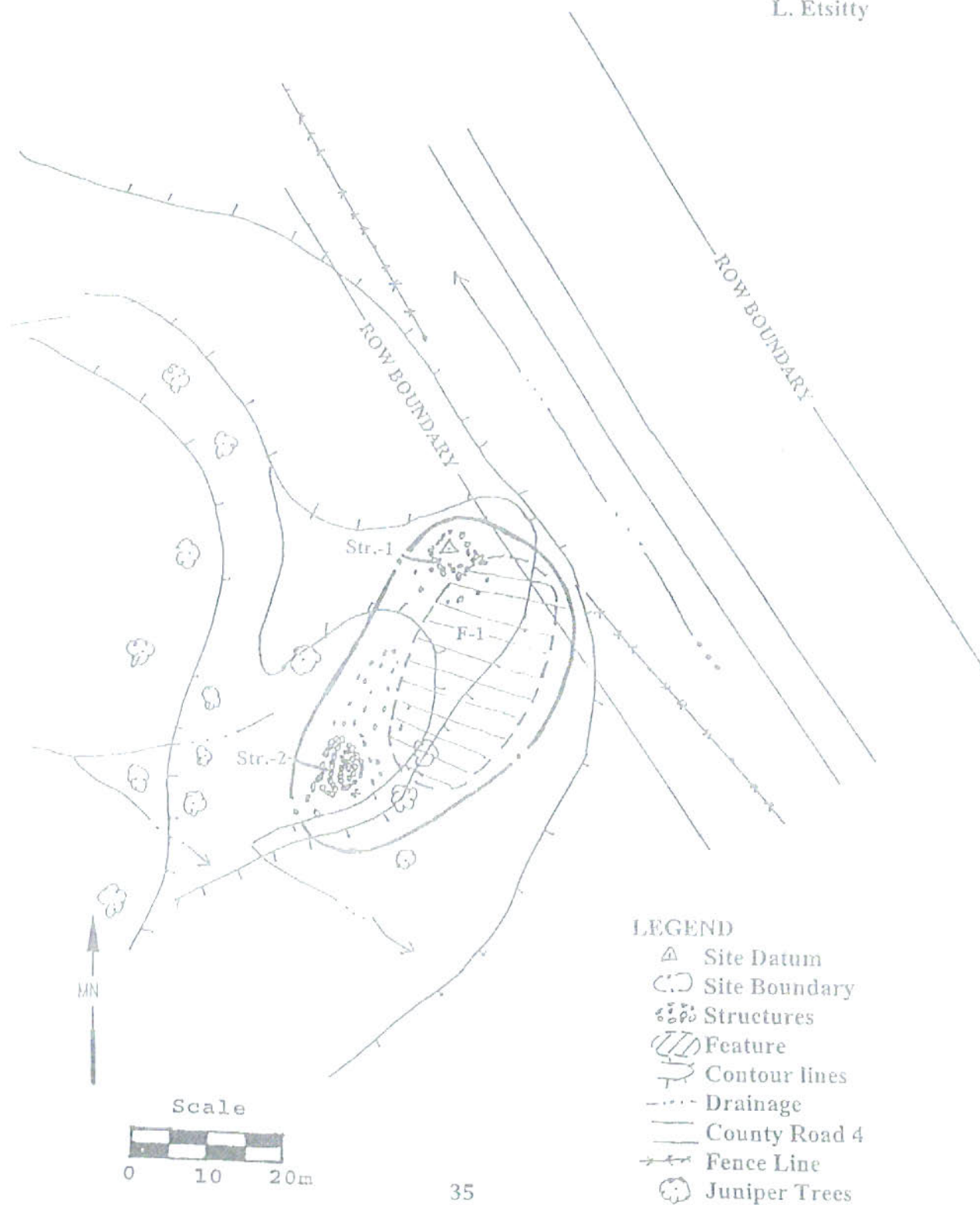


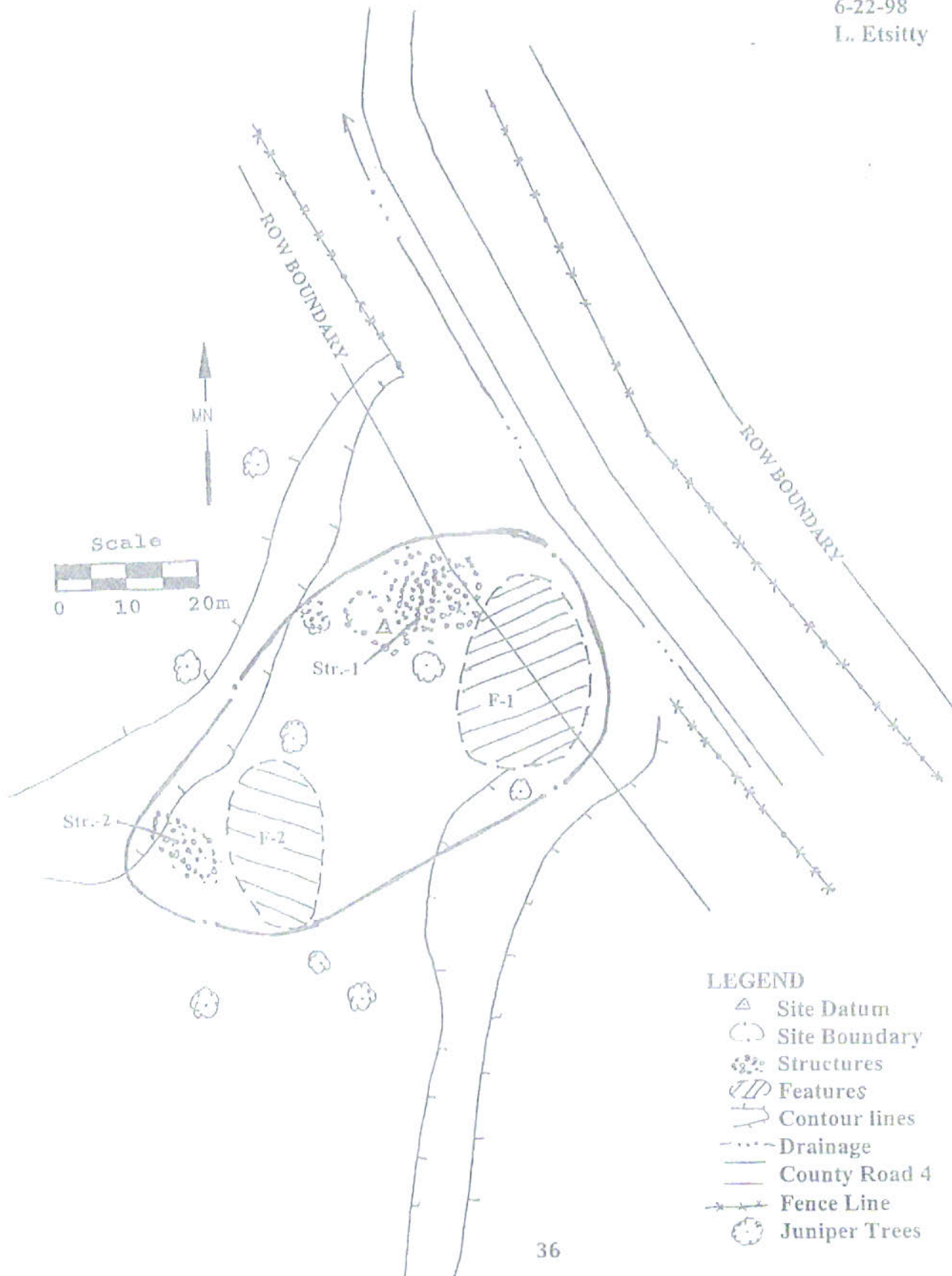
Figure 23: General Plan Map for Site NM-Q-48-46

NM-Q-48-46

NDOT

6-22-98

L. Etsitty



CULTURAL AFFILIATION(S): Prehistoric Anasazi

SITE DESCRIPTION: The site consists of an Anasazi habitation. The site contains two rubblemounds (Structures 1&2/Str-1&2) and two middens (Features 1 & 2/F-1 & 2). Str-1 measures ca. 22 m in diameter. F-1 is the associated midden to Str-1 is located ca. 5 m southeast of the rubblemound and measures 27 x 24 m. Str-2 is located ca. 43 m southwest of Str-1 and measures 12 m in diameter. F-2 is the associated midden to Str-2 and is located ca. 5 m east of Str-2. Artifacts consist of 100 plus identifiable ceramics in both middens included Puerco B/W, Red Mesa B/W, Gallup B/W, and Escavada B/W. All stages of lithic reduction were noted. Material types included white chert, brown chert, petrified wood, Chinle chert, and various hues of quartzite.

SITE NO.: NM-Q-48-47

FIGURE 24

LEGAL LOCATION: NE 1/4, NW 1/4, NE 1/4, Sec. 15, T13N R20W

UTM: ZONE 12, N 3915240m E 686920m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on a slight rise. Manuelito Canyon is located 300 meters to the east. Juniper, pinon, sagebrush, four-wing saltbush, snakeweed, rabbit brush, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Prehistoric Anasazi

SITE DESCRIPTION: The site consists of an Anasazi habitation. The site contains three rubblemounds (Structures 1-3/Str-1-3), one slab lined hearth (Feature 1/F-1), one disturbed slab feature (Feature 2/F-2), and two middens (Features 3 & 4/F-3 & 4). Str-1 measures ca. 10 m in diameter. Str-2 is located ca. 50 m west of Str-1 and measures ca. 12 x 2 m and appears to be a single row of rooms. Str-3 is located east of the road 50 m northeast of Str-1 and measures 20 m in diameter. No associated midden was noted with Str-3. F-1 is a 1 m in diameter roasting pit located within the rubble for Str-1. F-2 is located 20 m northeast of Str-1 and appears to be 2 m in diameter remnants of another thermal feature exposed in the road cut. F-3 is located 5 m east of Str-1, and is the associated midden to Str-1 and measures 10 m in diameter. F-4 is the 30 x 20 m midden area located 5 m east of Str-2. Artifacts consist of 20 plus identifiable ceramics of La Plata B/W, Lino Gray, Whitemound B/W, and 500 plus Early Pueblo grayware body sherds. All stages of lithic reduction were noted. Material types included white chert, red chert, petrified wood, Chinle chert, and various hues of quartzite.

SITE NO.: NM-Q-48-48

FIGURE 25

LEGAL LOCATION: SE 1/4, SW 1/4, SE 1/4, Sec. 10, T13N R20W

UTM: ZONE 12, N 3915400m E 686890m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

Figure 24: General Plan Map for Site NM-Q-48-47

NM-Q-48-47

NDOT

6-22-98

L. Etsitty

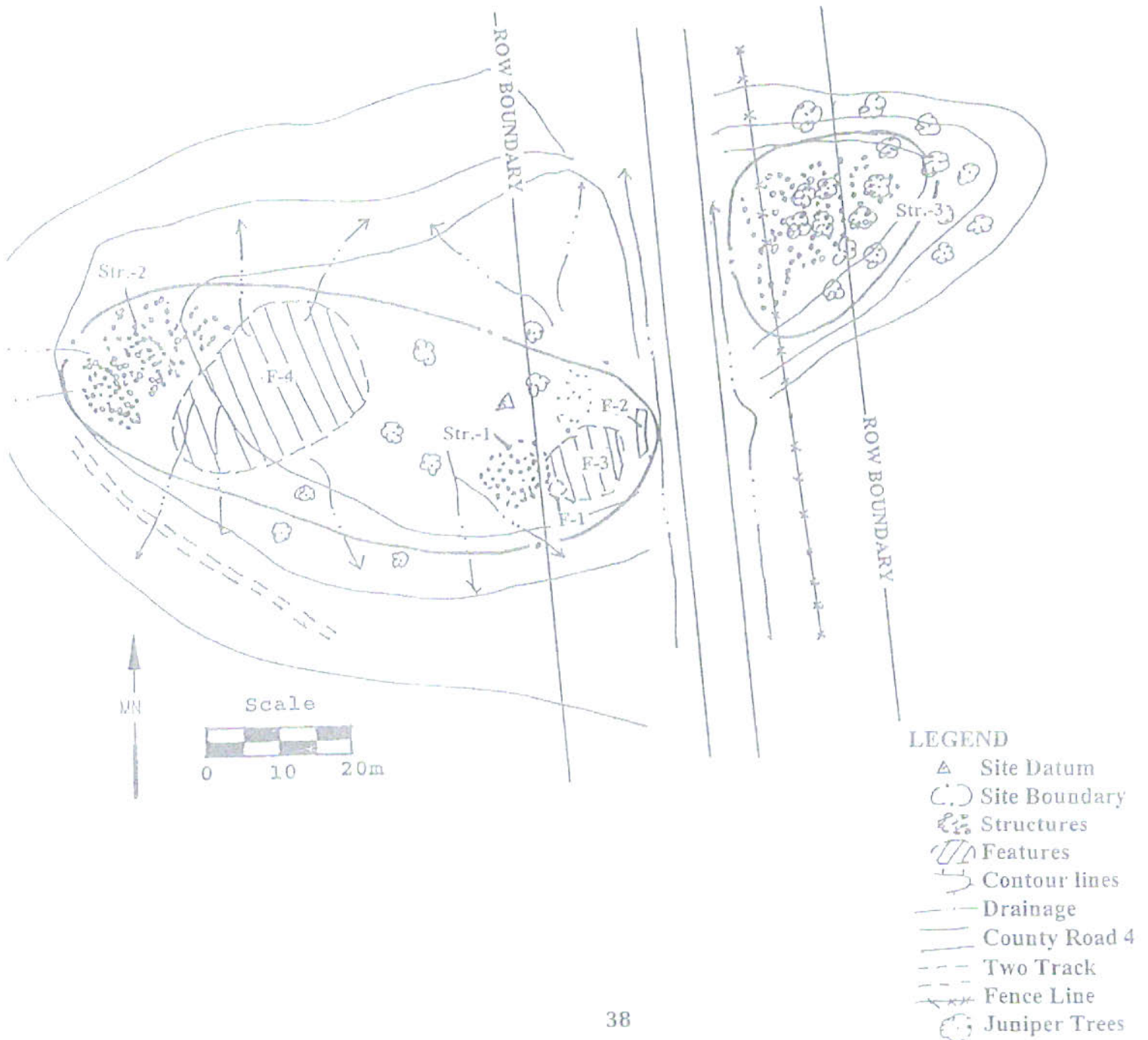


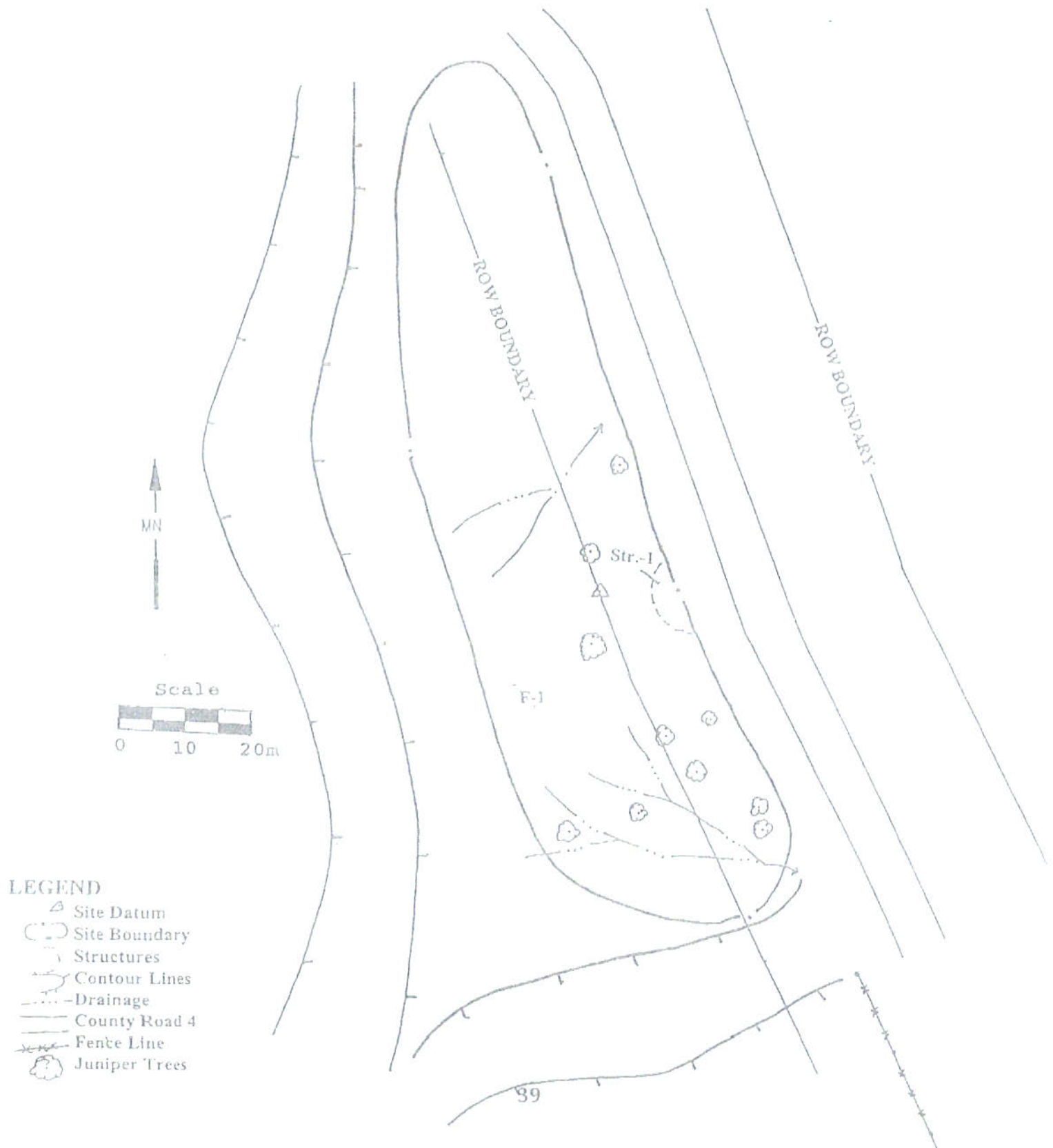
Figure 25: General Plan Map for Site NM-Q-48-48

NM-Q-48-48

NDOT

6-22-98

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SITE ENVIRONMENT: The site is located on the foothills of a southwest/northeast trending ridge. Manuelito Canyon is located 200 meters to the east. Juniper, pinon, sagebrush, four-wing saltbush, snakeweed, rabbit brush, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Prehistoric Anasazi

SITE DESCRIPTION: The site consists of an Anasazi habitation. The site contains one pithouse (Structure 1/Str-1) profile exposed in the road cut and an extensive associated artifact scatter. The pithouse profile measures ca. 12 in length. Oxidation lines in several areas of the profile suggest a burned structure. Ceramics consist of 20 plus Early Pueblo gray and whiteware body sherds. All stages of lithic reduction were noted. Material types included white chert, brown chert, petrified wood, and various hues of quartzite.

SITE NO.: NM-Q-48-49

FIGURE 26

LEGAL LOCATION: NE 1/4, SW 1/4, SE 1/4, Sec. 10, T13N R20W

UTM: ZONE 12, N 3915580m E 686840m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located at the end of a southwest/northeast trending ridge. Manuelito Canyon is located 100 meters to the east. Juniper, pinon, sagebrush, four-wing saltbush, snakeweed, rabbit brush, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Prehistoric Anasazi

SITE DESCRIPTION: The site consists of an Anasazi habitation. The site contains one hearth (Feature 1/F-1) exposed in the western road cut and a ceramic concentration. F-1 is a 1 m in length profile outline with an oxidation rind and ash/charcoal fill. Artifacts consist of 10 or more ceramics consist of La Plata B/W, Whitemound B/W, unidentifiable redware, and Early Pueblo grayware body sherds. All stages of lithic reduction were noted. Material types included white chert, brown chert, and petrified wood.

SITE NO.: NM-Q-48-50

FIGURE 27

LEGAL LOCATION: SW 1/4, NW 1/4, SE 1/4, Sec. 10, T13N R20W

UTM: ZONE 12, N 3915740m E 686720m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Jones Ranch School, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located at the foot of an east facing ridge. Manuelito Canyon is located 100 meters to the east. Juniper, pinon, sagebrush, four-wing saltbush, snakeweed, rabbit brush, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Prehistoric Anasazi

SITE DESCRIPTION: The site consists of an Anasazi artifact concentration feature 1. There is a distinct light gray to dark gray cultural horizon exposed in the western road cut. Artifacts consist of 100 plus ceramics consisting of Whitemound B/W, Early Pueblo grayware body, and indented corrugated body sherds. All stages of lithic reduction were noted. Material types included red chert, brown chert, petrified wood, black chert, and various hues of quartzite.

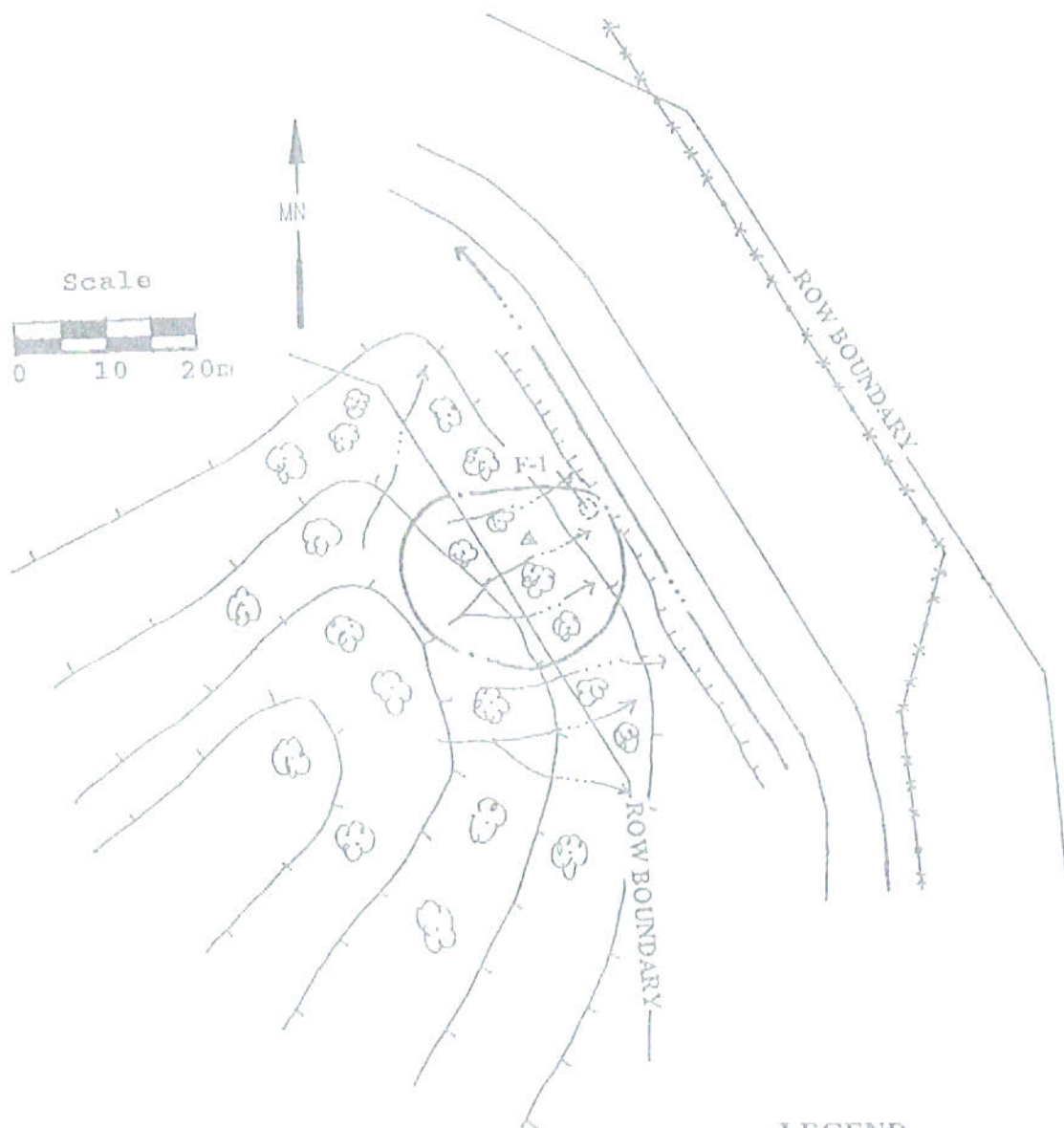
Figure 26: General Plan Map for Site NM-Q-48-49

NM-Q-48-49

NDOT

6-23-98

L. Etsitty

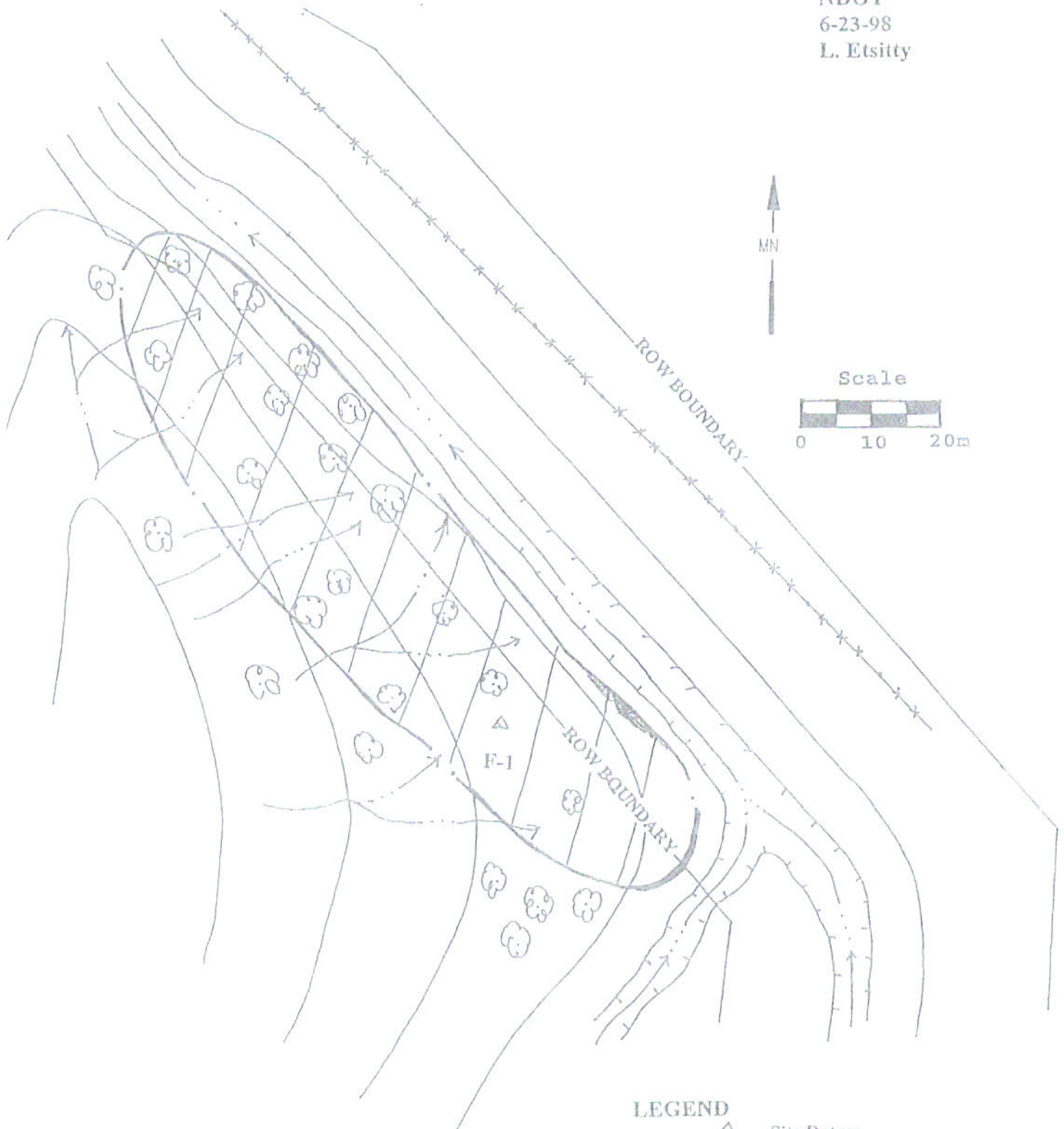


LEGEND

- Site Datum
- Site Boundary
- Feature
- Contour lines
- Drainage
- County Road 4
- Fence Line
- Juniper Trees

Figure 27: General Plan Map for Site NM-Q-48-50

NM-Q-48-50
NDOT
6-23-98
L. Etsitty



LEGEND

- △ Site Datum
- - - Site Boundary
- ▨ Feature
- Contour lines
- - - Drainage
- County Road 4
- x - x - Fence Line
- ☁ Juniper Trees

SITE NO.: NM-Q-33-103

FIGURE 28

LEGAL LOCATION: SW 1/4, NW 1/4, NW 1/4, Sec. 10, T13N R20W

UTM: ZONE 12, N 3916720m E 686000m

STATE: New Mexico **COUNTY:** McKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Manuelito, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on the northeast end of a southwest/northeast trending ridge. Manuelito Canyon is located 100 meters to the east. Juniper, pinon, sagebrush, four-wing saltbush, snakeweed, rabbit brush, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Prehistoric Anasazi

SITE DESCRIPTION: The site consists of an Anasazi habitation. The site contains two rubblemounds (Structures 1&2, Str-1&2), two middens (Feature 1 & 2/F-1 & 2), and an artifact concentration east of the road (Feature 3/F-3). Both Str-1 and Str-2 measure ca. 10 m in diameter. Str-2 is located ca. 40 m northeast of Str-1. F-1 is the associated midden to Str-1 and measures 25 x 10 m. F-2 is the associated midden to Str-2 and measures 20 x 12 m. F-3 is a 16 x 12 m artifact concentration. Artifacts consist of 100 plus identifiable ceramics consist of Puerco B/W, Red Mesa B/W, Gallup B/W, Escavada B/W, and 100 plus greyware body sherds. All stages of lithic reduction were noted. Material types included white chert, brown chert, petrified wood, black chert, and various hues of quartzite

SITE NO.: NM-Q-33-104

FIGURE 29

LEGAL LOCATION: NE 1/4, SE 1/4, NW 1/4, Sec. 4, T13N R20W

UTM: ZONE 12, N 3918050m E 684910m

STATE: New Mexico **COUNTY:** McKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Manuelito, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located in the alluvial flats for Manuelito Canyon. Manuelito Canyon is located 20 meters to the east. Vegetation black-brush, four-wing saltbush, snakeweed, and rabbit-brush.

CULTURAL AFFILIATION(S): Unknown Prehistoric

SITE DESCRIPTION: The site consists of the remnants of two slab lined features (Features 1 & 2/F-1 & 2) eroding out of the north bank of the developing arroyo just off of the central drainage for Manuelito Canyon. Both features display vertical slab construction with associated ash and charcoal. Both appear to be the remains of slab lined hearths. No associated artifacts were observed. Both measure ca. 50 cm. square.

SITE NO.: NM-Q-33-105

FIGURE 30

LEGAL LOCATION: SE 1/4, NE 1/4, NW 1/4, Sec. 32, T14N R20W

UTM: ZONE 12, N 3919740m E 683080m

STATE: New Mexico **COUNTY:** McKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Manuelito, New Mexico. PR. 1979

Figure 28: General Plan Map for Site NM-Q-33-103

NM-Q-33-103

NDOT

6-23-98

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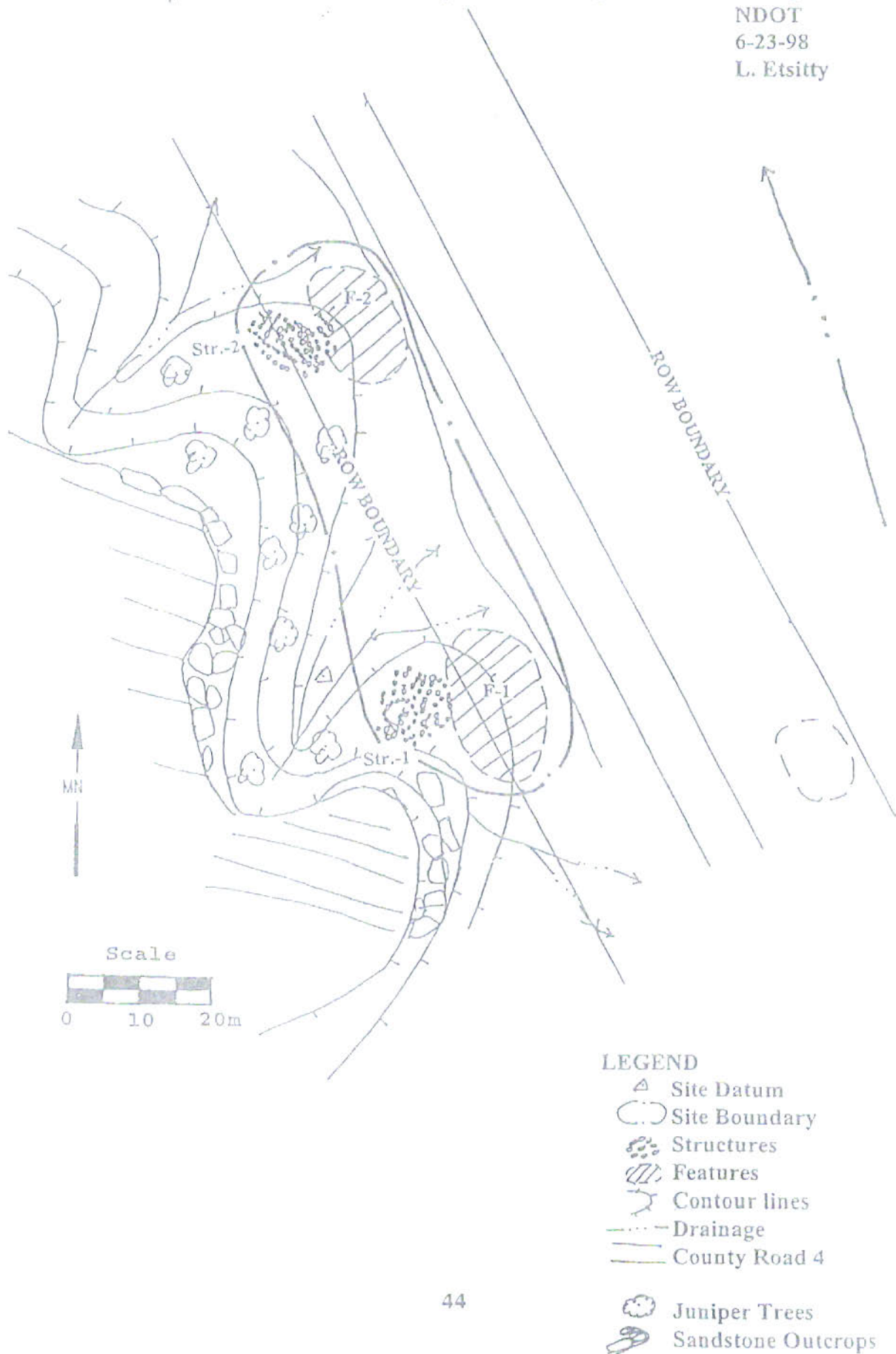


Figure 29: General Plan Map for Site NM-Q-33-104

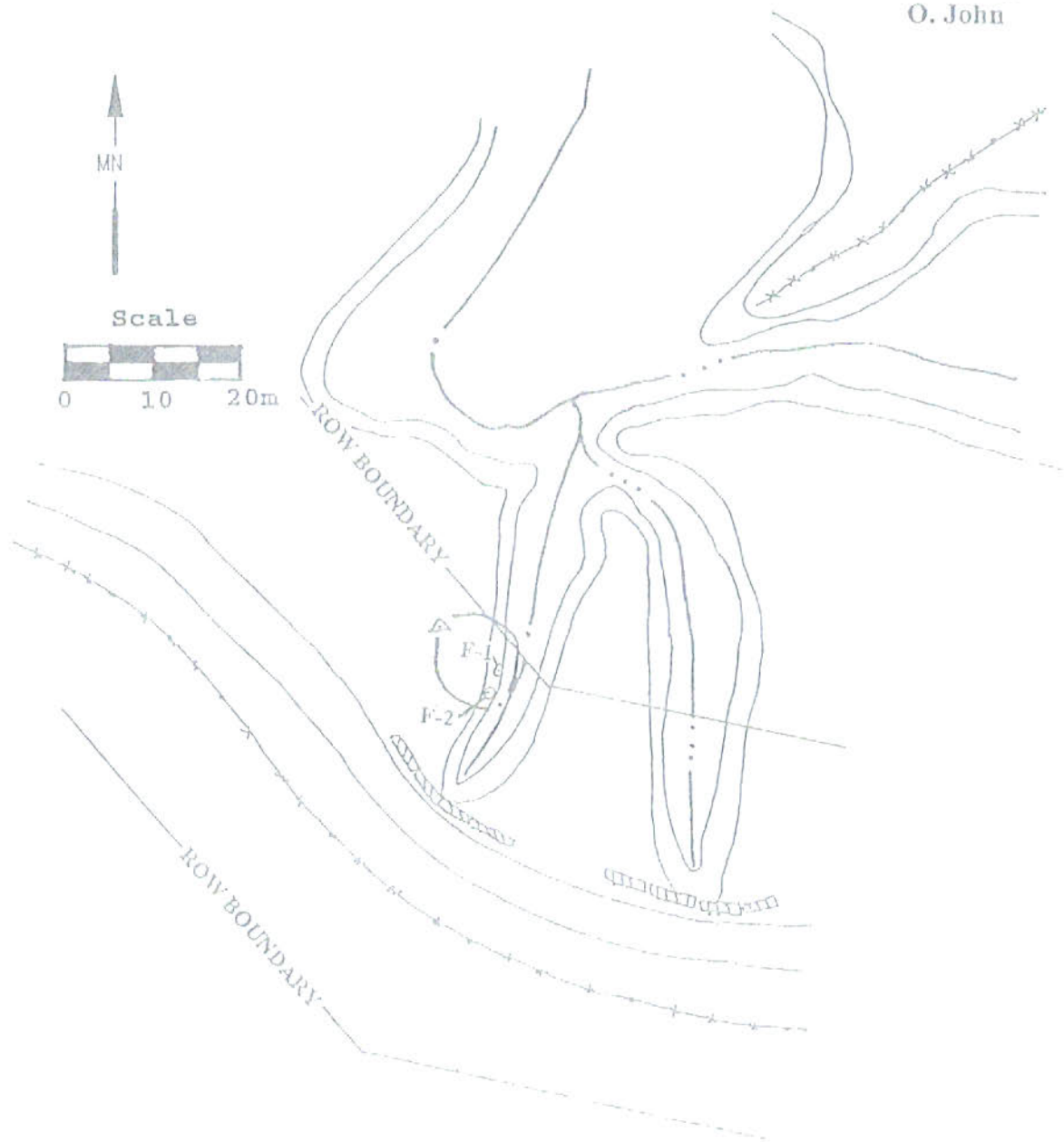
NM-Q-33-104

NDOT

6-24-98

L. Etsitty

O. John



LEGEND

- △ Site Datum
- Site Boundary
- Features
- Contour lines
- Drainage
- County Road 4
- Fence Line
- Road Barricades

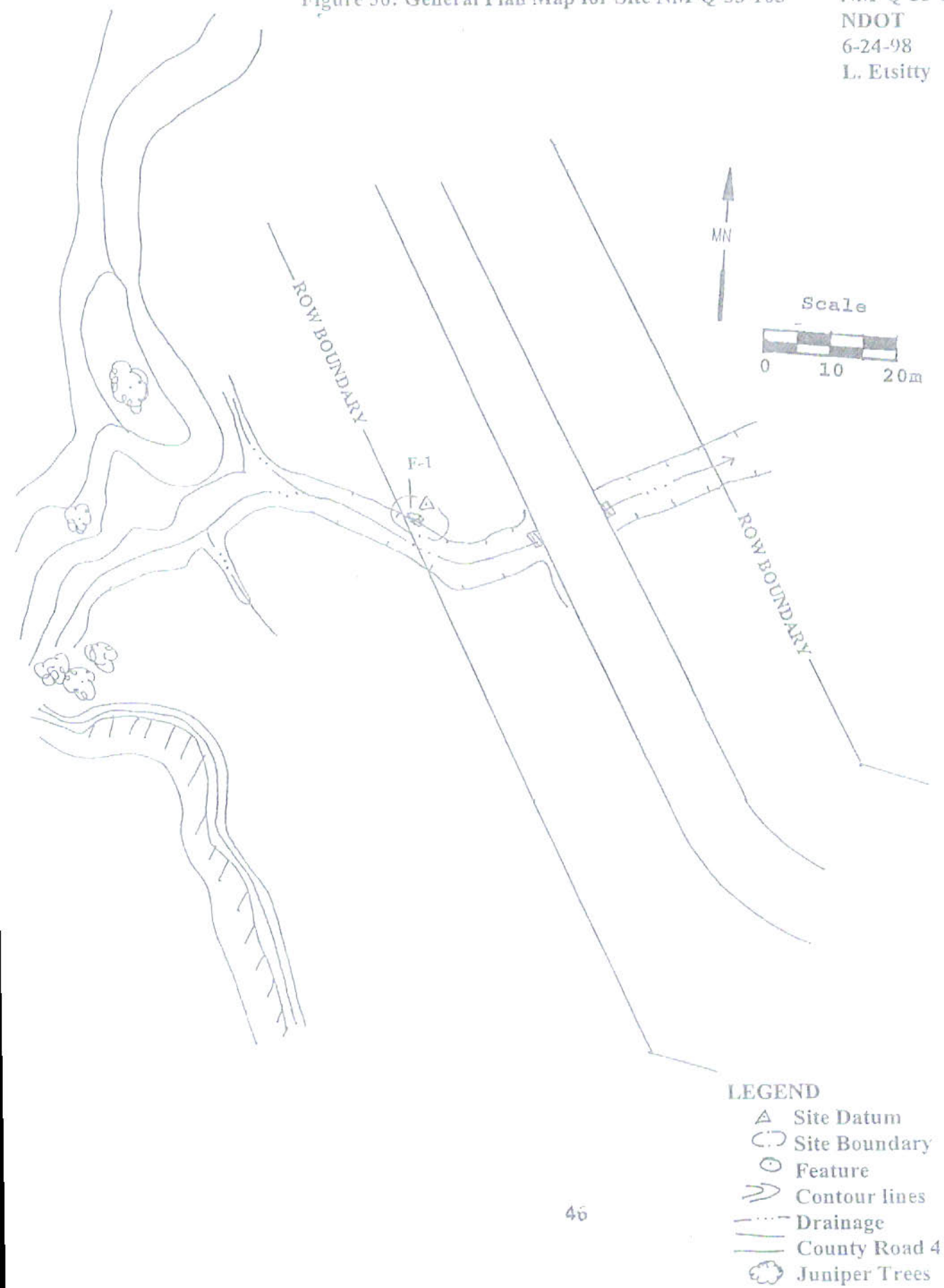
Figure 30: General Plan Map for Site NM-Q-33-105

NM-Q-33-105

NDOT

6-24-98

L. Etsitty



SITE ENVIRONMENT: The site is located on the north facing bank of a small arroyo that feeds the central Manuelito Canyon drainage. Manuelito Canyon is located 100 meters to the east. Vegetation include sagebrush, four-wing saltbush, snakeweed, and rabbit-brush.

CULTURAL AFFILIATION(S): Unknown Prehistoric

SITE DESCRIPTION: The site consists of the remnants of a single slab lined feature (Feature 1/F-1) eroding out of the south bank of an established arroyo just off of the central drainage for Manuelito Canyon. All that remains is the north wall of the feature. All but a small remnant of the fill has been naturally removed. No associated artifacts were observed. The feature measures ca. 3 m x 1 m.

SITE NO.: NM-Q-33-106

FIGURE 31

LEGAL LOCATION: SW 1/4, SE 1/4, SW 1/4, Sec. 29, T14N R20W

UTM: ZONE 12, N 3919740m E 683080m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS 7.5' MAP REFERENCE: Manuelito, New Mexico. PR. 1979

SITE ENVIRONMENT: The site is located on top and southern end of a prominent southwest to northeast trending ridge. Manuelito Canyon is located 500 meters to the east. Vegetation include Juniper, snakeweed, prickly pear cactus, and Indian rice grass.

CULTURAL AFFILIATION(S): Prehistoric Anasazi, Historic Navajo

SITE DESCRIPTION: The site consists of a multi-component BM III-P II habitation with a later Historic Navajo wall line and trash deposit. Five distinct areas of activity were located. Locus 1 is in the western road cut and consists of a dark gray stain containing fire altered sandstone, groundstone fragments, ceramics (Early Pueblo gray and Lino Gray rims), flaked lithic items (all stages present, material types include green chert, petrified wood, and red chert). Locus 2 includes two dark gray stain areas in a two track road bed. These areas both contain 50 plus ceramics (Escavada B/W, Red Mesa B/W, Gallup B/W, Coolidge Corrugated, and Tohatchi Gray), flaked lithics (all stages of reduction are present/one side notched projectile point of tan chert, material types include tan, green, red, and Chinle chert, petrified wood and smoky quartzite). Locus 3 is located west of Locus 2 and consists of a Historic Navajo 3 m in length wall line (Structure 1/Str1) and turn of the century trash (purple glass, green glass, china). Locus 4 is a concentration of artifacts with a feature eroding out of the western road cut. The stain of the feature (Feature 1/F-1) is rectangular on profile with ash and charcoal fill. Artifacts include groundstone fragments, 50 plus ceramics (Early Pueblo gray, Lino Gray, Woodruff Brown), flaked lithics (all stages of reduction present, material types include petrified wood, red, tan, and green chert). Locus 5 is located in the eastern road cut and consists of a feature (Feature 2/F-2) and dark gray stain with an associated artifact scatter. Artifacts include groundstone fragments, 50 plus ceramics (Early Pueblo gray, Lino Gray, and Woodruff Brown), flaked lithics (all stages of reduction present, material types include ferruginous chalcedony, green, and tan chert, and petrified wood).

ISOLATED OCCURRENCES:

A total of 19 isolated occurrences of cultural material was located within the project area. The following summaries describe these occurrences identified for this project. I.O. locations are shown in Figures 32-34. Completed NNAD IO forms are appended to this project.

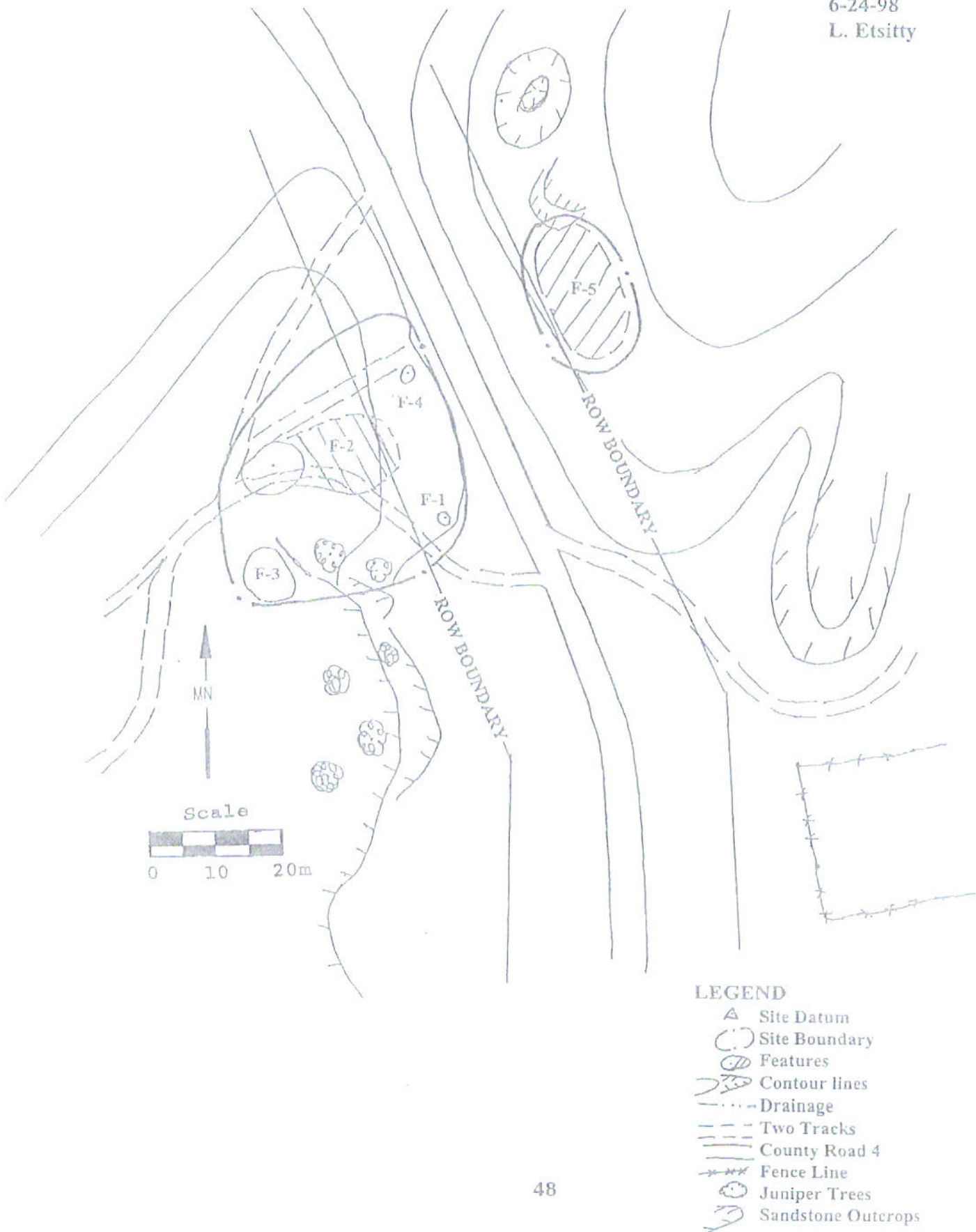
Figure 31: General Plan Map for Site NM-Q-33-106

NM-Q-33-106

NDOT

6-24-98

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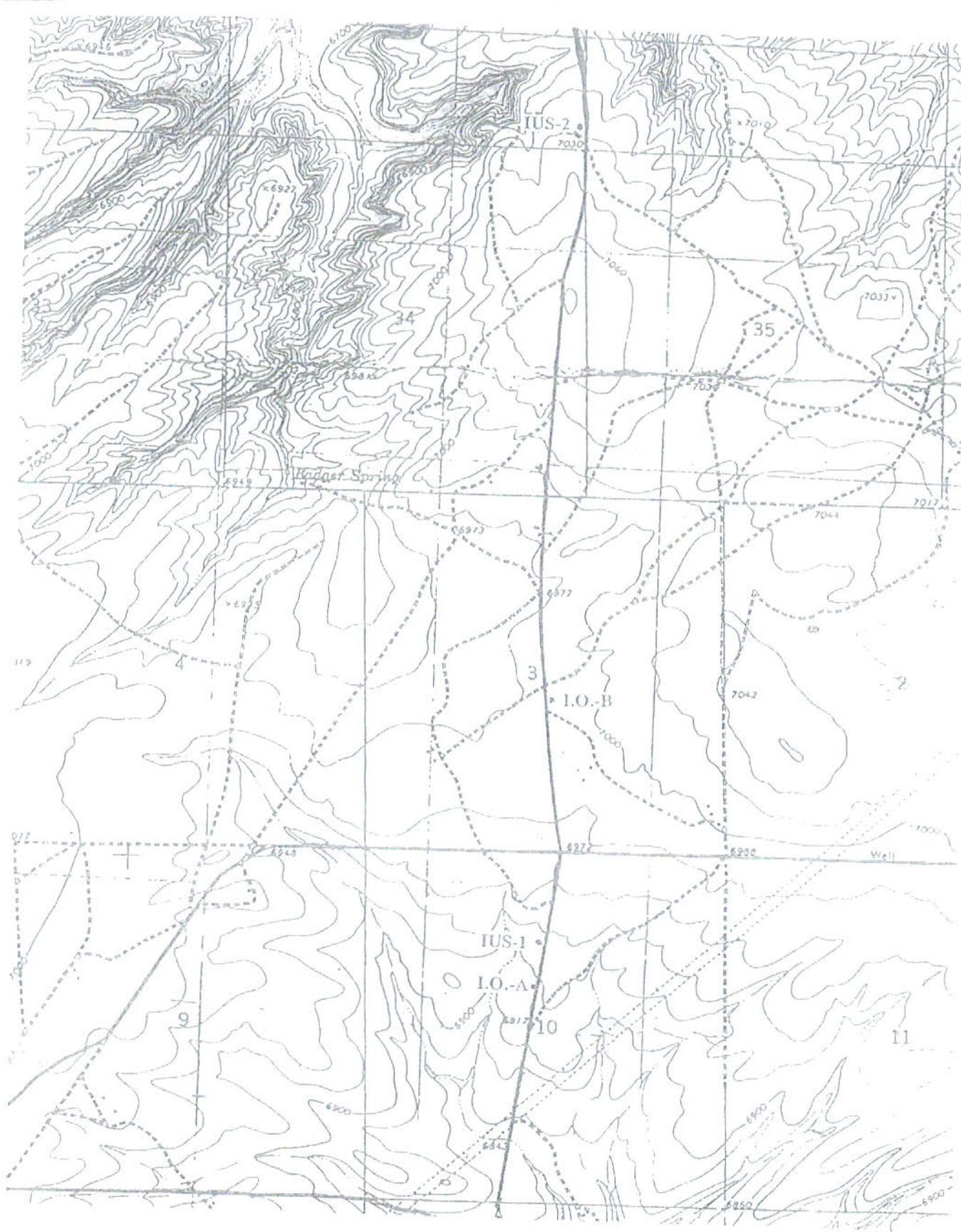


Figure 32: Specific Location of IO's and IUS's in the Project Area. Map is U.S.G.S. 7.5' Quadrangle, "Jones Ranch School, 1963, NM PR 1979."

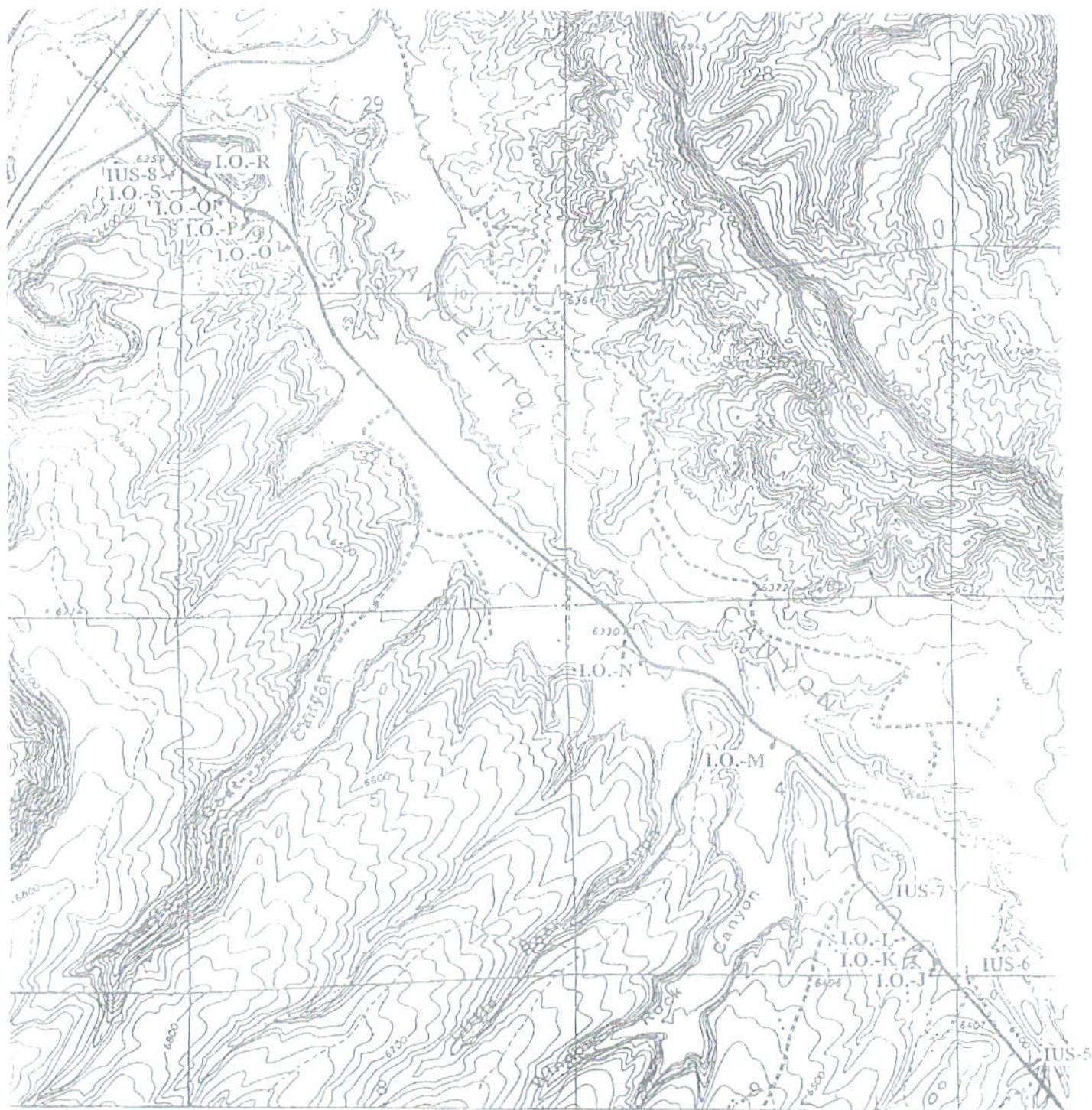


Figure 34: Specific Location of IO's and IUS's in the Project. Map is U.S.G.S. 7.5' Quadrangle, "Manuelito, N.M. 1963, PR 1979."

ELEVATION (FT/M): 6580 ft (2005 m)

CONTEXT: The IO is located on a southeast to northwest trending ridge. In the eastern edge of the road cut at 5.15 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, pinion, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Four plain greyware body sherds.

IO No: CR 4-E

UTM COORDINATES: ZONE 12 N 3913640 m E 688070 m

LEGAL DESCRIPTION: Sec. 23, NW¼, NE¼, NW¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M^cKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Jones Ranch Schools, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6560 ft (1999 m)

CONTEXT: The IO is located on a southeast to northwest trending ridge. In the eastern edge of the road cut at 5.20 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, pinion, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Three plain greyware body sherds.

IO No: CR 4-F

UTM COORDINATES: ZONE 12 N 3913720 m E 688020 m

LEGAL DESCRIPTION: Sec. 23, NW¼, NE¼, NW¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M^cKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Jones Ranch Schools, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6540 ft (1993 m)

CONTEXT: The IO is located on a southeast to northwest trending ridge. In the eastern edge of the road cut at 5.25 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, pinion, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Two unidentifiable B/W body sherds.

IO No: CR 4-G

UTM COORDINATES: ZONE 12 N 3913700 m E 687950 m

LEGAL DESCRIPTION: Sec. 23, NW¼, NE¼, NW¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M^cKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Jones Ranch Schools, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6575 ft (2004 m)

CONTEXT: The IO is located on a southeast to northwest trending ridge. In the western edge of the road cut at 5.30 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, pinion, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: One plain greyware body sherd, one greyware corrugated body sherd and one petrified wood secondary flake.

IO No: CR 4-H

UTM COORDINATES: ZONE 12 N 3913800 m E 687950 m

LEGAL DESCRIPTION: Sec. 14, SW¼, SE¼, SW¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M'Kinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Jones Ranch Schools, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6520 ft (1987 m)

CONTEXT: The IO is located in alluvial flats. In the eastern edge of the road cut at 5.39 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, pinion, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: One plain greyware body sherd

IO No: CR 4-I

UTM COORDINATES: ZONE 12 N 3915880 m E 686650 m

LEGAL DESCRIPTION: Sec. 10, SE¼, NE¼, SW¼, T 15 N, R 20 W

STATE: New Mexico **COUNTY:** M'Kinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Jones Ranch Schools, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6460 ft (1969 m)

CONTEXT: The IO is located in the alluvial flats. In the western edge of the road cut at 7.00 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, pinion, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: One plain greyware body sherd, and one ferruginous hammer stone.

IO No: CR 4-J

UTM COORDINATES: ZONE 12 N 3917000 m E 685680 m

LEGAL DESCRIPTION: Sec. 4, SE¼, SE¼, SE¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M'Kinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6410 ft (1953 m)

CONTEXT: The IO is located in alluvial flats of Manuelito Canyon. In the western edge of the road cut at 7.90 miles from BOP. Soil type consists of grayish/brown silty sandy. Vegetation present include rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Indented corrugated grayware body sherd.

IO No: CR 4-K

UTM COORDINATES: ZONE 12 N 3917030 m E 685630 m

LEGAL DESCRIPTION: Sec. 4, SE¼, SE¼, SE¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M'Kinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6420 ft (1956 m)

CONTEXT: The IO is located in alluvial flats of Manuelito Canyon. In the western edge of the road cut at 8.05 miles from BOP. Soil type consists of grayish/brown silty sandy. Vegetation present include rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: One unidentifiable redware body sherd, and one indented greyware corrugated body sherd.

IO No: CR 4-L

UTM COORDINATES: ZONE 12 N 3917080 m E 685590 m

LEGAL DESCRIPTION: Sec. 4, SE¼, SE¼, SE¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M^cKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6420 ft (1956 m)

CONTEXT: The IO is located in alluvial flats of Manuelito Canyon. In the eastern edge of the road cut at 8.10 miles from BOP. Soil type consists of grayish/brown silty sandy. Vegetation present include rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Three greyware body sherds, and three white ware body sherds.

IO No: CR 4-M

UTM COORDINATES: ZONE 12 N 3917880 m E 685030 m

LEGAL DESCRIPTION: Sec. 4, SW¼, SW¼, NE¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M^cKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6360 ft (1938 m)

CONTEXT: The IO is located in the alluvial flats of Manuelito Canyon. In the western edge of the road cut at 8.55 miles from BOP. Soil type consists of grayish/brown silty sandy. Vegetation present include rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Three plain greyware body sherds.

IO No: CR 4-N

UTM COORDINATES: ZONE 12 N 3918220 m E 684500 m

LEGAL DESCRIPTION: Sec. 4, SE¼, NW¼, NW¼, T 13 N, R 20 W

STATE: New Mexico **COUNTY:** M^cKinley **CHAPTER:** Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6330 ft (1929 m)

CONTEXT: The IO is located in the alluvial flats of Manuelito Canyon. In the western edge of the road cut at 9.60 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: One plain white ware body sherd.

IO No: CR 4-O

UTM COORDINATES: ZONE 12 N 3920100 m E 682880 m

LEGAL DESCRIPTION: Sec. 29, NE¼, SW¼, SW¼, T 14 N, R 20 W

STATE: New Mexico COUNTY: McKinley CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6300 ft (1920 m)

CONTEXT: The IO is located on a east facing ridge. In the western edge of the road cut at 10.55 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, pinion, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: One plain greyware body sherd.

IO No: CR 4-P

UTM COORDINATES: ZONE 12 N 3920120 m E 682760 m

LEGAL DESCRIPTION: Sec. 29, NE¼, SW¼, SW¼, T 14 N, R 20 W

STATE: New Mexico COUNTY: McKinley CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6300 ft (1920 m)

CONTEXT: The IO is located on a east facing ridge. In the western edge of the road cut at 10.65 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: One greyware corrugated rim body sherd.

IO No: CR 4-Q

UTM COORDINATES: ZONE 12 N 3920150 m E 682710 m

LEGAL DESCRIPTION: Sec. 29, NW¼, SW¼, SW¼, T 14 N, R 20 W

STATE: New Mexico COUNTY: McKinley CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo revised 1979)

ELEVATION (FT/M): 6320 ft (1926 m)

CONTEXT: The IO is located on a east facing ridge. In the western edge of the road cut at 10.70 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Two Gallup B/W body sherds, and four plain greyware body sherds.

IO No: CR 4-R

UTM COORDINATES: ZONE 12 N 3920270 m E 682600 m

LEGAL DESCRIPTION: Sec. 29, SW¼, NW¼, SW¼, T 14 N, R 20 W

STATE: New Mexico COUNTY: McKinley CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6280 ft (1914 m)

CONTEXT: The IO is located on a west facing slope. In the eastern edge of the road cut at 10.75 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Four greyware corrugated body sherds.

IO No: CR 4-S

UTM COORDINATES: ZONE 12 N 3920240 m E 682540 m

LEGAL DESCRIPTION: Sec. 29, SW¼, NW¼, SW¼, T 14 N, R 20 W

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Manuelito

LAND STATUS: Tribal Trust

USGS MAP REFERENCE: Manuelito, N. Mex. 1963. (Photo-revised 1979)

ELEVATION (FT/M): 6380 ft (1914 m)

CONTEXT: The IO is located on a east facing slope. In the eastern edge of the road cut at 10.80 miles from BOP. Soil type consists of reddish/brown silty sandy. Vegetation present include juniper, pinion, rabbit-brush, Russian thistle, snakeweed, sage, Indian ricegrass, and grama grass.

DESCRIPTION OF IO: Three plain greyware body sherds.

TRADITIONAL CULTURAL PROPERTIES

Twelve people were interviewed (Walkenhorst and John 1999) about their concerns for possible Traditional Cultural places within the project area. No Traditional Cultural Properties were identified within the R-O-W. A list of people interviewed, and their concerns may be found in Appendix B.

IN-USE SITES:

There is currently eight In-Use sites (Figure 11-12) identified with the project area. Notes were taken on the types of structures present and the apparent or known age of the site. The following summaries describe the In-Use site identified with this project (Table 4)

TABLE 4: In-Use Areas located within County Road 4 R-O-W.

<u>No./Building-Area</u>	<u>Date</u>	<u>Description</u>
IUS-1 Community	1980	One corral.
IUS-2 Community	1990	Modern trash dump.
IUS-3 Modern Trash Dump	1990	Modern trash dump located in drainage.
IUS-4 Community	1990	Modern trash dump.
IUS-5 Community	1980	Bridges.
IUS-6 Community Compound	1970	Residence barn, foundation, and corral.
IUS-7 Modern Trash Dump	1990	Modern trash dump located in drainage.
IUS-8 Community	1998	Community baseball field, and second night enemy way site recently used.

EVALUATION OF SIGNIFICANCE

The historic properties have been evaluated for their significance in regards to the National Register of Historic Places, the Archaeological Resources Protection Act, and the American Indian Religious Freedom Act.

National Register

The National Register of Historic Places was created by the National Historic Preservation Act in 1966. The Register was to be "Composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture (Title I, Sec. 101)." A set of criteria was later established by which properties could be evaluated to determine if they merited placement on the Register. These regulations or guidelines are expressed in 36 CFR 60.4 and are as follows.

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and meet one or more of the following criteria:

- (a) association with events that have made a significant contribution to the broad patterns of our history;
- (b) association with the lives of persons significant in our past;
- (c) embodiment of the distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or representation of a significant distinguishable entity whose components may lack individual distinction;
- (d) has yielded or is likely to yield information important in history or prehistory.

There are certain classes of properties that are normally not considered eligible for National Register consideration that include cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original location, reconstructed historic buildings, buildings primarily commemorative in nature, and properties that have achieved significance within the past 50 years. There are exceptions to these general exclusion guidelines (see 36 CFR 60.4).

Coupled with the above general criteria, the criteria of integrity must also be met for National Register consideration. In this case, integrity is evaluated in terms of its physical and locational values: does the site or its features possess the integrity needed to allow the site to meet the appropriate criterion for which it is considered significant? As an example, a prehistoric site that might be significant under criterion "d" but has been completely disturbed would probably not be considered to have any sufficient integrity for the fruitful investigation of important scientific questions, and would thus not be considered eligible for the National Register. As another example, an old traditional hogan may be considered eligible under criterion "c" as embodying the distinctive characteristics of a type, period, or method of construction. If that hogan is surrounded by modern cinder block houses and trailers, thus disrupting its integrity of location, setting, and feeling, it could still be considered eligible for the National Register if those aspects of integrity that directly relate to its significance under criterion "c" (i.e. design, materials, and workmanship) are intact.

District Consideration: A District is defined as "...possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" (National Park Service 1986:41). Because an exhaustive inventory and documentation program has not been completed for the area of this project, and the limits of the community are not yet known, the exact nature of any district boundary cannot be suggested at this time.

EVALUATION OF SITES

National Historic Preservation Act

The following is an evaluation of the National Register eligibility and integrity of the cultural resources recorded by this project:

Every cultural resource in the project has some potential for contributing information about prehistory or history. However, whether this information is significant is predicated on an understanding of what are the important research questions pertaining to any particular resource. A comprehensive regional research design does not exist. While a great deal of survey has taken place in the project area and the basic range and variation of the resources has been identified, virtually no prehistoric or historic sites have been intensively studied and scientifically evaluated through excavation. Therefore, in regards to both prehistoric and historic resources, a conservative approach must be taken that finds all of them potentially significant under this criterion.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) was established in 1979 with the express purpose being in part "...to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands ...". For a property to qualify for protection under ARPA, it must qualify as an "archaeological resource", which is defined as "...any material remains of human life or activity which are at least over 100 years of age, and which are of archaeological interest". "of archaeological interest" is defined as "capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques..." All of the prehistoric sites and/or components meet the age criterion and are of "archaeological interest" and merit protection under ARPA.

All the sites listed below in table 5 are eligible and meet the merit protection under ARPA. For specific evaluation of each site regarding the above laws, see Table 5

TABLE 5: Evaluation of Cultural Resources

Resources	Age/Integrity	National Register Eligible	Criteria	ARPA Eligible	AIRFA Eligible
SITES					
LA 86326/NM-Q-33-40	>100/Yes	Yes	C,D	Yes	Yes
LA 1507(Atsec Nitsaa)	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-33	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-34	<100/Yes	Yes	C,D	Yes	Yes
NM-Q-48-35	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-36	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-37	>100/Yes	Yes	C,D	Yes	Yes
NM-Q-48-38	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-39	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-40	>100/Yes	Yes	C,D	Yes	Yes
NM-Q-48-41	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-42	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-43	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-44	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-45	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-46	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-47	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-48	>100/Yes	Yes	C,D	Yes	No
NM-Q-48-50	>100/Yes	Yes	C,D	Yes	No
NM-Q-33-103	>100/Yes	Yes	C,D	Yes	No
NM-Q-33-104	>100/Yes	Yes	C,D	Yes	No
NM-Q-33-105	>100/Yes	Yes	C,D	Yes	No
NM-Q-33-106	>100/Yes	Yes	C,D	Yes	No
IN-USE SITES:					
IUS-1	<50/	No	N/A	No	No
IUS-2	<50/	No	N/A	No	No
IUS-3	<50/	No	N/A	No	No
IUS-4	<50/	No	N/A	No	No
IUS-5	<50/	No	N/A	No	No
IUS-6	<50/	No	N/A	No	No
IUS-7	<50/	No	N/A	No	No
IUS-8	<50/	No	N/A	No	No
IO'S:					
A-S	>100/No	No	N/A	No	No

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) was established in 1978. Its purpose was to establish as United States policy the protection and preservation of Native American rights to practice their traditional religions. This freedom of worship is to include but not be "...limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonies and traditional rites (Sec. 1)". Though there are a few specific examples and some generalizations that may be made, the identification of resources associated with this project that may have some application to AIRFA is difficult at best.

Virtually any of the prehistoric sites, because of their association with ancient enemies and/or ancestors, as places where burials exist, and as places accessible to the supernatural, may be considered potentially important under AIRFA.

Features which are part of historical sites that may have some AIRFA significance appear to be limited to the hogans or hogan remains at the sites. Some of the hogans in residential in-use areas near the project may be maintained strictly for ceremonies, though they may serve other functions during non-ceremonial periods. Because of confidentiality, this information was not solicited during the project since in-use sites are avoided or mitigated in the consensual process of Right-Of-Way acquisition. Future investigations along these lines would need to be on a case-by-case basis.

DETERMINATION OF EFFECT

Pursuant to 36 CFR 800.9, the undertaking has been evaluated for its effects on potential National Register historic properties. This evaluation is also considered applicable to ARPA and AIRFA values as well.

Provided that the management recommendations discussed below are followed, this undertaking should have no effect on significant historic properties.

MANAGEMENT RECOMMENDATIONS

It is recommended that clearance be granted for this undertaking. General project recommendations as well as site-specific recommendations are presented below:

TABLE 6: Mitigation Recommendations for the Sites within the Project R-O-W.

Site Number	Affiliation	Recommendation
SITES		
LA 86326	Prehistoric Anasazi Pueblo II-III	Site will be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
LA 1507	Prehistoric Anasazi BMIII-PI	Site will be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.

TABLE 6: Mitigation Recommendations for the Sites within the Project R-O-W.

<u>Site Number</u>	<u>Affiliation</u>	<u>Recommendation</u>
SITES		
NM-Q-48-33	Prehistoric Anasazi-PI	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-34	Historic Navajo (A.D. 1940's-1950's)	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-35	Unknown Prehistoric	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-36	Prehistoric Anasazi PI-PII	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-37	Historic Navajo (unknown date)	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-38	Historic Navajo (A.D. 1940's-1960's)	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-39	Prehistoric Anasazi BMIII	Site well need testing and excavation, can not avoid by realignment within the present R-O-W.
NM-Q-48-40	Prehistoric Anasazi BMIII	Site well need testing and excavation, can not avoid by realignment within the present R-O-W.
NM-Q-48-41	Prehistoric Anasazi PI-PII	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-42	Prehistoric Anasazi PII-PIII	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-43	Prehistoric Anasazi PII-PIII	Site can be avoided by shifting original centerline to the west ca. 75', temporarily fenced and monitored the site during construction.
NM-Q-48-44	Prehistoric Anasazi PII-PIII	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-45	Prehistoric Anasazi PII-PIII	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-46	Prehistoric Anasazi PII-PIII	Site well be avoided by staying with original centerline, temporarily fenced and monitored the site during construction.
NM-Q-48-47	Prehistoric Anasazi BMIII-PI	Site well need testing and excavation, can not avoid by realignment within the present R-O-W.
NM-Q-48-48	Prehistoric Anasazi BMIII-PI	Site well need nature and extend testing for NRHP significance.
NM-Q-48-49	Prehistoric Anasazi BMIII-PI	Site well need nature and extend testing for NRHP significance.
NM-Q-48-50	Prehistoric Anasazi BMIII-PI	Site well need nature and extend testing for NRHP significance.
NM-Q-33-103	Prehistoric Anasazi PI-PII	Site well need testing and excavation, can not avoid by realignment within the present R-O-W.

TABLE 6: Mitigation Recommendations for the Sites within the Project R-O-W.

<u>Site Number</u>	<u>Affiliation</u>	<u>Recommendation</u>
SITES		
NM-Q-33-104	Unknown Prehistoric	Site well need nature and extend testing for NRHP significance.
NM-Q-33-105	Unknown Prehistoric	Site well need nature and extend testing for NRHP
NM-Q-33-106	Prehistoric Anasazi BMIII-PII	Site well need testing and excavation, can not avoid by realignment within the present R-O-W.
IO'S		
IO's A-S	Prehistoric	Not eligible for NRHP significance.
IN-USE SITE		
IUS-1	Community Corral	Not eligible for NRHP significance.
IUS-2	Modern Trash Site	Not eligible for NRHP significance.
IUS-3	Modern Trash Site	Not eligible for NRHP significance.
IUS-4	Modern Trash Site	Not eligible for NRHP significance.
IUS-5	Community Military Bridges	Not eligible for NRHP significance.
IUS-6	Residence Compound	Not eligible for NRHP significance.
IUS-7	Modern Trash Site	Not eligible for NRHP significance.
IUS-8	Baseball field/Second Night Site	Not eligible for NRHP significance.

General Project Recommendations

Prior to any disturbance of any borrow area, material source area, staging areas, access route, or any other area outside the area documented, NDOT/McKinley County Roads Department shall insure that the area is evaluated for cultural resources that might be affected by this undertaking. This evaluation shall take place in consultation with Navajo Nation Historic Preservation Department (NNHPD), Cultural Resources Compliance Section (CRCS)

If any previously undetected cultural resources are discovered during the undertaking (e.g., pottery, bone, stone tools, charcoal), all activity should cease in that area, and the Navajo Nation Historic Preservation Officer (520-871-7132) should be immediately notified. Upon inspection of the remains, direction on how to proceed will be given pursuant to 36 CFR 800.11.

Upon completion of the project, the location of the significant cultural values within or directly adjacent to the final right-of-way should be placed on the final "as built". These plans should carry the following or a similar notice: "Caution. Unauthorized disturbance of archaeological sites is prohibited. Criminal and civil penalties may apply". A copy of these final plans should be submitted to the Navajo Nation Historic Preservation Office to be included in project file.

REFERENCES CITED

Avallone, Ramona

- 1992 An Archaeological Survey Along 2.8 km (1.75 mi) of the P&M Housing Relocate Road, McKinley County, New Mexico. (HPD 92-042). Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona.
- 1992 An Archaeological Survey for the proposed Improvements of County Road 1, Phase I in McKinley County, New Mexico. (HPD 92-440). Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona.

Copeland, James M.

- 1988 Archaeological Survey Residential Power Line Extensions in the Tsayatoh Area McKinley County, New Mexico. (HPD 88-405). Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona.

Duff, Andrew I.

- 1991 An Archaeological Survey of 13.56 km of Proposed Telephone Cable Installation along Defiance Draw Road, McKinley County, New Mexico. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 91-378).

Erickson, Mary

- 1995 Cultural Resources Inventory, NAIHS Project NA 95-L28, Tsayatoh Southwest, 65 Scattered Homesites and Waterline Extensions, McKinley County, New Mexico. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 95-674).

Francisco, Aldon J. and Ronald P. Maldonado

- 1997 An Archaeological Survey of Two Homesites and Three Proposed Waterline Extensions at Tsayatoh, McKinley County, New Mexico. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona. (HPD 97-042).

Kelly, Klara B.

- 1987 An Archaeological Survey of an Access Road to McKinley Mine Relocation Housing Locations. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 87-019).

Maldonado, Ronald P.

- 1998 An Archaeological Survey of Eighty-four Homes and 15.5 miles of Waterline Extensions in Rock Springs, McKinley County, New Mexico. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 98-230).

Miles, Gilbert B.

- 1995 A Cultural Resource Inventory Survey of Two Homesites at Baca and Tsayatoh Chapters, McKinley County, New Mexico for Navajo Tribal Utility Authority. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 95-248).

Miner, Mark

- 1988 An Archaeological Survey of Ninety-four Scattered homes for the Installation of Septic Systems and Waterlines for the Gallup Office of Environmental Health and Engineering. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 88-229).

Moore, Roger

- 1983 An Archaeological Survey of 18 Coal Exploration Drill Locations Near Gallup, McKinley County, New Mexico. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 83-128).

Notah, Lawrence T.

- 1989 An Archaeological Survey of a Waterline Construction for Herbert Naswood, near Mentmore, McKinley County, New Mexico. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 89-555).

Paul, Fannie

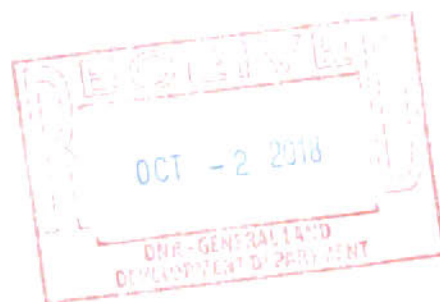
- 1994 An Archaeological Survey for a Proposed Waterline and Septic Tank for Ella Tom, Tsayatoh, McKinley County, New Mexico. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 94-218).

Revitte, Marian

- 1996 Long Pit Tank Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 96-572).

Simmons, David C.

- 1983 An Archaeological Survey of Seven Coal Exploration Drill Holes near Gallup, McKinley County, New Mexico. Manuscript on file at Navajo Historic Preservation Department, Window Rock, Arizona, (HPD 83-128).



CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO
NM SHPO
XX REAL PROPERTY MGT/330
XX DCD3

NNHPD NO. HPD-00-182
OTHER PROJECT NO.

DCD3 98-062

PROJECT TITLE: A Cultural Resource Survey for the Proposed Improvement of 10.90 Mile of McKinley County Road 4, Chichiltah and Manuelito Chapters, McKinley County, New Mexico. DCD3 98-062

LEAD AGENCY: BIA/NR

SPONSOR: Navajo Department of Transportation, PO Box 4620, Window Rock, Arizona 86515
Chichiltah Chapter (John K. James), PO Box 1316, Gallup, New Mexico 87305
Manuelito Chapter (Steven J. Francis), PO Box 69, Gallup, New Mexico 87305

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of 10.90 miles of paved road over much of an existing dirt road. The right-of-way will be 150 feet wide. Proposed construction and maintenance activities will include grading and backfilling within the right-of-way, installation of drainage culverts, and paving of the road surface. Heavy equipment will be used extensively. Ground disturbance will be intensive and extensive.

LAND STATUS: Tribal Trust, Tribal Allotment, and State Allotment

CHAPTERS: Chichiltah and Manuelito

LOCATION: T12N, R20W, Sec 10, SE 1/4 and SW 1/4,
T13N, R20W, Sec 34, SE 1/4 and NE 1/4; Sec 27, SE 1/4 and SW 1/4; Sec 23, NE 1/4 and NW 1/4; Sec 15, NE 1/4 and SE 1/4; Sec 10, NE 1/4; and Sec 4, NE 1/4, SW 1/4, and SE 1/4
T14N, R20W, Sec 32, NE 1/4; Sec 29, NE 1/4 and SW 1/4; and Sec 30, NE 1/4, Jones Ranch School and Manuelito Quads, McKinley County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: Olsen John

NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 4/21 thru 29/98

DATE OF REPORT: 2/14/00

TOTAL ACREAGE INSPECTED: 96.36

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

LIST OF CULTURAL RESOURCES FOUND

(24) Sites, (8) IUS', (2) TCPs (NM-Q-48-34, NM-Q-48-37), and (19) isolated occurrences

LIST OF ELIGIBLE PROPERTIES:

(24) Sites (NM-Q-33-40, LA 1507, NM-Q-32-24, NM-Q-48-33, NM-Q-48-34, NM-Q-48-35, NM-Q-48-36, NM-Q-48-37, NM-Q-48-38, NM-Q-48-39, NM-Q-48-40, NM-Q-48-41, NM-Q-48-42, NM-Q-48-43, NM-Q-48-44, NM-Q-48-45, NM-Q-48-46, NM-Q-48-47, NM-Q-48-48, NM-Q-48-49, NM-Q-48-50, NM-Q-33-103, NM-Q-33-104, NM-Q-33-105, NM-Q-33-106)

LIST OF NON ELIGIBLE PROPERTIES:

(8) IUS' 1 thru 8, and (19) isolated occurrences (A thru K)

LIST OF ARCHAEOLOGICAL RESOURCES:

(22) Sites (NM-Q-33-40, LA 1507, NM-Q-48-33, NM-Q-48-35, NM-Q-48-36, NM-Q-48-38, NM-Q-48-39, NM-Q-48-40, NM-Q-48-41, NM-Q-48-42, NM-Q-48-43, NM-Q-48-44, NM-Q-48-45, NM-Q-48-46, NM-Q-48-47, NM-Q-48-48, NM-Q-48-49, NM-Q-48-50, NM-Q-33-103, NM-Q-33-104, NM-Q-33-105, NM-Q-33-106)

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected if the following conditions are met:

1) Site NM-Q-48-33:

- a) will be temporarily fenced prior to construction
- b) will be avoided by all construction activities
- c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

2) Site NM-Q-48-34:

- a) will be flagged prior to construction
- b) will be avoided by all construction activities

21) Site NM-Q-33-104:

a) site needs nature and extent testing for NHRP significance

22) Site NM-Q-33-105:

a) site needs nature and extent testing for NHRP significance

23) Site NM-Q-33-106:

a) site will need archaeological testing and excavation, cannot be avoided by realignment within the present r-o-w

24) Site LA 1507:

a) will be temporarily fenced prior to construction

b) will be avoided by all construction activities

c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

The NDOT/McKinley County Roads Department shall also insure that all areas, material source areas, staging areas, access routes, and any other such areas are inventoried for cultural resources prior to any ground disturbance associated with these areas. Prior determinations made by any federal agency that use of an area would have no effect on historic properties, or that an area contained no historic properties are sufficient to meet the terms of this condition, unless and until historic properties are discovered, as indicated below. Areas not previously inventoried must be assessed by BIA or its agents or contractors prior to any ground disturbing activities in these areas.

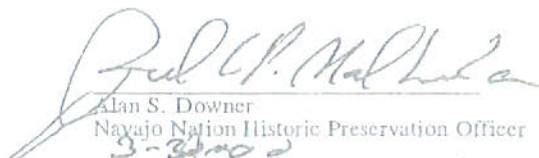
In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (520) 871-7132.

FORM PREPARED BY: Charles Murphy

FINALIZED: March 22, 2000

Notification to
Proceed Recommended
Conditions:

Yes XX No
Yes XX No


Alan S. Downer
Navajo Nation Historic Preservation Officer
3-30-00
Date

Navajo Region Approval:

Yes X No


ACTING Regional Director
3-30-00
Date



c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

3) Site NM-Q-48-35:

a) will be temporarily fenced prior to construction

b) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

4) Site NM-Q-48-36:

a) will be flagged prior to construction

b) will be avoided by all construction activities

c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

✓ 5) Site NM-Q-48-37:

a) will be temporarily fenced prior to construction

b) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

✓ 6) Site NM-Q-48-38:

a) site will need archaeological testing and excavation, cannot be avoided by realignment within the present r-o-w

7) Site NM-Q-48-39:

a) site will need archaeological testing and excavation, cannot be avoided by realignment within the present r-o-w

8) Site NM-Q-48-40:

a) site will need archaeological testing and excavation, cannot be avoided by realignment within the present r-o-w

9) Site NM-Q-48-41:

a) will be flagged prior to construction

b) will be avoided by all construction activities

c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

10) Site NM-Q-48-42:

a) will be temporarily fenced prior to construction

b) will be avoided by all construction activities

c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

11) Site NM-Q-48-43:

a) will be avoided by shifting original centerline 75 feet to the west

b) will be temporarily fenced prior to construction

c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

12) Site NM-Q-48-44:

a) site will need archaeological testing and excavation, cannot be avoided by realignment within the present r-o-w

13) Site NM-Q-48-45:

a) will be flagged prior to construction

b) will be avoided by all construction activities

c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

14) Site NM-Q-48-46:

a) will be temporarily fenced prior to construction

b) will be avoided by all construction activities

c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

15) Site NM-Q-48-47:

a) site will need archaeological testing and excavation, cannot be avoided by realignment within the present r-o-w

16) Site NM-Q-48-48:

a) will be temporarily fenced prior to construction

b) will be avoided by all construction activities

c) all construction activities within 50 feet of the site boundary will be monitored by a qualified archaeologist

17) Site NM-Q-48-49:

site needs nature and extent testing for NHRP significance

18) Site NM-Q-48-50:

site needs nature and extent testing for NHRP significance

19) Site NM-Q-33-40: (LA 86326)

a) site needs nature and extent testing for NHRP significance

20) Site NM-Q-33-103:

a) site will need archaeological testing and excavation, cannot be avoided by realignment within the present r-o-w



Navajo Division of Transportation

Proposed Road Maintenance/Improvements for
N7043/CR 4
"Manuelito Canyon Drive"
Manuelito, McKinley County, New Mexico

April 2016

Prepared for:

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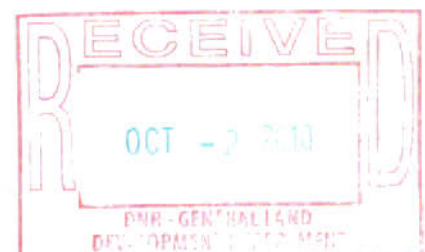


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1. PURPOSE AND NEED FOR ACTION

1.1. Background

Navajo Region, Eastern Agency Division of Transportation, McKinley County Road Department, and FEMA in coordination with Manuelito Chapter and Navajo Division of Transportation is proposing to seek rights-of-way to improve existing route by blading, chip sealing, and install/replacing culverts for flood control. The proposed action is the approval of the existing grant of rights-of-way, approval of new rights-of-way, seeking a maintenance permit on Administrative Reserve lands and the use of FEMA, County and FET Funds for the proposed action by McKinley County, located in Gallup, New Mexico.

The proposed project is located on State, Navajo Nation Tribal Trust Land and Indian Allotment managed by the BIA within the following locations (Manuelito, NM 1963 P.R. 1979 & Jones Ranch School, NM 1963 P.R. 1979 USGS Quadrangle):

- Section 29, 30 and 32 of Township 14 North, Range 20 West
- Section 4, 15, 10, 23, 34, 27 and 26 of Township 13 North, Range 20 West
- Section 3 of Township 12 North, Range 20 West

The following roads would be improved/construction as a result of this project:

Navajo Route 7043/County Road 4 has no existing ROW for this route as it goes through Indian Allotments and Tribal Trust Lands. The route is used by McKinley County School Buses, Emergency Personnel, and Local Residents. There are utility lines and gas lines that are located within the road project. Replacement/Install of culverts with a replacement of 2 bridges that cross an unnamed wash.

1.2. Purpose and Need for Action

The purpose of the following proposed action is to make improvements to the existing route necessary to accommodate school buses, emergency personnel, and local community. The road will occur on Navajo Tribal Trust, Indian Allotment Lands; therefore BIA would have to approve rights-of-way for the Indian Allotments.

The need for the action is the BIA's responsibility:

- To respond to a request for a grant of rights-of-way under 25 Code of Federal Regulations (CFR), Part 169 [5 USC 301];

1.3. Decision to be Made

The BIA, as an agent for the Secretary of the Interior, is responsible for administering the grants of ROW, And activities on Administrative Reserve land where the land is held in trust by the federal government for the benefit of the Indian people. The BIA manages the federal transportation program to provide for and assist tribes in the development of the capacity to plan, construct and maintain safe and efficient transportation networks. In addition the BIA is responsible for approving grant of ROW (25 CFR § 169 Rights-of-Way over Indian Lands.) BIA regulations establish procedures for obtaining approval of a maintenance permit on Administrative Reserve lands. McKinley County Dept. of Roads and Manuelito Chapter staff(s) will also work in conjunction with personnel from the Navajo Nation programs to ensure tribal laws and regulations are adhere too.

The BIA will decide whether or not to issue the grants of ROW and maintenance permit associated with the proposed project, and if so, under what terms and conditions. In addition, if federal funds allocated to the project are in compliance with 25 C.F.R. § 170. This includes reviewing and monitoring the performance of construction activities under 25 C.F.R. § 900, Subpart J and 25 C.F.R. § 1000, Subpart K. The BIA is mandated under the National Environmental Policy Act of 1969, as amended [42 U.S.C. 4321] which requires that environmental obligations are conducted in a manner that protects the tribal trust lands, other natural resources, and environmental quality. The authorized officer shall prepare an environmental record of reviews (e.g. Documentation of NEPA Adequacy [DNA]) or an environmental assessment as appropriate per [42 U.S.C. § 3165.5-1(a)]. The BIA must determine based on this environmental record of reviews if there are any significant environmental impacts associated with the proposed actions, warranting further analysis in an Environmental Impact Statement (EIS). The BIA Navajo Regional Director is the authorized officer who will decide one of the following:

- To approve the ROWs, Maintenance Permit, and funding with design features as submitted
- To approve the ROWs, Maintenance Permit, and funding the with addition mitigation added
- To analyze the effects of the proposed action in an EIS; or
- To deny the ROWs, Maintenance Permit and funding

1.4. Conformance with Applicable Land Use Plan(s)

The McKinley County Roads Dept. is the lead agency for the proposed action including Section 7 and 106 consultations. The proposed action is the result of road improvement/maintenance activities proposed by the McKinley County Roads Dept. on Navajo Tribal Trust, Indian Allotment and State of New Mexico with the standard terms and conditions for ROWs and permits.

1.5. Relationship to Statutes, Regulations or Other Plans

McKinley County Roads Dept. would comply with all applicable federal, tribal and local laws and regulations, as well as obtain the necessary permits for the proposed action. These laws and regulations include but are not limited to the following:

- Antiquities Act of 1906, as amended (PL 52-209; 16 USC 431-433)
- American Indian Religious Freedom Act of 1978 (PL 95-431; 92 Stat. 469; 42 USC 1996)
- Archaeological Resources Protection Act of 1979 (PL 96-95; 93 Stat. 721; 16 USC § 470 aa et seq.), as amended (PL 100-555; PL 100-588)
- Bald and Golden Eagle Protection Act of 1940, as amended (PL 86-70, PL 87-884, PL 92-535, PL 95-616; USC 668-668d)
- Clean Air Act as amended (PL 88-206; 42 USC § 7401 et seq.)
- Clean Water Act, as amended (PL 107-303; 33 USC § 1251, et seq.)
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (PL 96-510; 42 USC § 9601; 40 CFR Part 307)
- Endangered Species Act of 1973 (PL 93-205; 16 USC § 1531 et seq.)
- Executive Order 11988 Floodplain Management
- Executive Order 19990 Protection of Wetlands
- Executive Order 12898 Environmental Justice
- Executive Order 13007 Indian Sacred Sites
- Executive Order 13112 Invasive Species

- Executive Order 13186 Responsibilities of Federal Agencies to Protect Migratory Birds Migratory Bird Treaty Act of 1918, as amended (16 USC §§ 703-712; 50 CFR Part 21)
- Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 104 Stat. 3048; 25 USC 3001; 43 CFR Part 10)
- Navajo Nation Air Quality Control Program: Operating Permit Regulations (4 N.N.C. § 1134-40)
- Navajo Nation Pollution Discharge Elimination System Program Regulations
- Navajo Nation Solid Waste Regulations (4 N.N.C. §§ 101 et seq.)
- Navajo Nation Water Quality Standards (§ 104 (b), § 201 of the Navajo Nation Clean Water Act and § 303 and 518 of the Federal Clean Water Act)
- Safe Drinking Water Act, as amended (PL 93-523; 42 USC 300F-300-9), 40 CFR Parts 144 and 147)
- Section 106 of the National Historic Preservation Act of 1966 (PL 89-665; 80 Stat. 915; 16 USC 470 et seq.), as amended (implemented under regulations of the Advisory Council on Historic Preservation, 36 CFR Part 800)

1.6. Scoping, Public Involvement, and Issues

1.6.1 Scoping and Public Involvement

One to Two years ago a public meeting was held to address the project and Monthly project meetings are held in regards to N7043/CR 4 "Manuelito Canyon Drive" at Manuelito Chapter House. Attendees at the meeting included:

- Bureau of Indian Affairs
- Manuelito Chapter
- Navajo Division of Transportation
- McKinley County Roads Department
- Manuelito Chapter Officials
- DePauli Engineering

Based on the size and scale, routine nature, and potential impacts associated with the proposed action, no additional external scoping was conducted. No public comments were received for the proposed action.

1.6.2 Issues to be Analyzed

The following issues were identified during internal scoping as potential issues of concern for the proposed action. These issues will be addressed in this EA.

- Who will pay for the operation and maintenance?
- How will gas and powerline be addressed?
- Will the drainages be addressed?
- Will there be any archaeological sites be addressed?
- How do we improve the road?

2. PROPOSED ACTION AND ALTERNATIVE(S)

2.1. Alternative A: No Action

Alternative A is no action. New Construction would not occur within the project limits in this alternative. The No Action alternative would only include minor roadway corrections and routine maintenance activities without major improvements of the existing roadway the service conditions would not improve. The flooding would continue on N7043/CR 4 due to unstable vegetation and soils. Lack of adequate roadway width, crown and shoulders for proper drainage leaving deplorable conditions during snow and monsoon weather.

2.2. Alternative B: Resurfacing

Resurfacing N7043/CR4 portion of the project whether using the present roadway alignment and width or combination thereof, is only a temporary solution to improving the traffic. In addition, this alternative would not address the drainage problems or future increase in traffic. This alternative would consist of grading and then applying 3-6 inches of chip seal surface. Resurfacing is not feasible on N7043/CR4 because of the existing surface from pervious chip seal to dirt road that is incised below the natural terrain resulting in constant impassable during storms.

2.3. Alternative C: Proposed Action

The preferred alternative will include maintain the existing road to its original alignment as much as possible and within the existing right-of-way and chip sealing of the route to create continuous traffic flow through the route. This alternative also shall include construction of a drainage to control flood control channel. Chip sealing will be placed on the roadway as a final all weather driving surface. Installation/replacement of drainage culverts will better accessibility for school buses, residents, emergency personal in a safer manner in all weather conditions.

2.3.1. *Proposed Action by Route* **N7043/CR4**

The route begins at the intersection of Indian Service Route 7140 "Lupton Road" and traverse south for approximately 10.9 miles terminates at the intersection of Jones Ranch Road. The right-of-way is 198.18 acres (80.20 ha.). No additional right-of-way will be obtained for this road project.

Approximately 4 miles has been chipped sealed, the remaining 6.9 miles is dirt road. However, the entire route will be resurfaced to chip seal and Installation/replacement of culverts will be addressed in 3 areas.

2.3.2. *Location of Proposed Project Area*

Maps of the proposed project area are provided in Appendix __. The proposed project area is plotted on Manuelito, NM 1963 P.R. 1979 and Jones Ranch School, NM 1963 P.R. 1979 7.5 minute quadrangles.

The project is located Navajo Tribal Trust, Indian Allotment lands managed by the BIA-Navajo Regional in Gallup, NM. State land managed by the State of New Mexico. The proposed project would be located in Manuelito, McKinley County, New Mexico. The project lies within the Puerco River watershed boundary.

The general region surrounding the proposed project area is characterized by relatively flat lowland valley with open pinon-juniper areas and badland outcrops. There is an unnamed wash that runs along the route for approximately 4 miles. Specifically, the proposed project area ranges in elevation from approximately 6,000 to 6,900 feet above mean sea level (AMSL).

Legal land description of the proposed project and locations of the proposed project listed below:

Table 2. Legal Land Description for the Proposed Project

Township, Range	Section	Land Status
14N, R20W	29, 30, 32	
13N, R20W	4, 15, 10, 23, 24, 27, 26	
12N, R20W	3	

2.3.3. Description of Proposed Project

Legal descriptions are attached.

Design Features and Best Management Practices

McKinley County and/or contractor would adhere to the stipulations attached to the approved ROWs. The following design features and best management practices (BMPs) would occur.

Control of Waste

- The closed-loop system storage tanks will be sized to ensure confinement of all fluids and will provide sufficient freeboard to prevent uncontrolled releases.
- Any spills of non-freshwater fluids will be immediately cleaned up and removed to an approved disposal site.
- Portable toilets will be provided and maintained during construction, as needed.
- Garbage trash, and other waste material will be collected in a portable, self-contained, and fully enclosed trash container during drilling and completion operations. The accumulated trash will be removed, as needed and will be disposed of at a sanitary landfill. No trash will be buried or burned on location.
- Immediately after removal of the construction equipment, all debris and other waste materials not contained in the trash container will be cleaned up and removed from the location.
- Berms will be constructed around all storage facilities sufficient in size to contain the storage capacity of tanks. Berm wall will be compacted with appropriate equipment to assure containment.

Protection of Paleontological Resources

- If paleontological site is discovered, the Navajo Nation would be notified and the site would be avoided by personnel, personal vehicles, and company equipment. Workers would be informed that it is illegal to collect, damage or disturb some such resources, and that such activities are punishable by criminal and/or administrative penalties.

Protection of Cultural Resources

- All Navajo Nation Historic Preservation Department cultural resources stipulations will be followed as indicated in the Cultural Resources Compliance Form is attached to the ROW Grant as the case may be. These stipulations may include, but are not limited to temporary or permanent fencing or other physical barriers, monitoring of earth-disturbing construction, reduction and/or specific construction avoidance zones, and employee education. All employees, contractors, and sub-contractors of the projects will be informed by the project proponent that cultural sites are to be avoided by all personnel, personal vehicles, and company equipment. All employees, contractors, sub-contractors of the project will also be informed that it is illegal to collect, damage, or disturb cultural resources and that such activities are punishable by criminal and/or administrative penalties under the provisions of the Archeological Resources Protection Act. In the event of a discovery during construction, the project proponent will immediately stop all construction activities in the immediate vicinity of the discovery and then immediately notify the archeological monitor, if present, or the McKinley County Roads Dept. Navajo Division of Transportation will then evaluate or cause the site to be evaluated. Should a discovery be evaluated as significant (e.g., National Register, Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act), it will be protected in place until mitigating measures can be developed and implemented according to guidelines set by the Navajo Nation Historic Preservation Department.

Protection of Flora and Fauna, including Livestock

- McKinley County shall stockpile the existing topsoil for uses in re-vegetation of borrow pits and roadway slopes, where feasible in accordance with the FR-03 and contract specifications.
- The cut and fill volumes will be balanced as much as possible to avoid the use of borrow sources and all slopes shall be rounded to blend into the existing terrain. All ground disturbances on the project will be disked, seeded, mulched, and re-vegetated as described in section 625 of the supplemental specifications.
- The following BMPs will be followed for all structural improvements including any pipelines, storage tanks, and troughs:
 - The pipeline will be ripped in the ground approximately 30 inches below the surface using a dozer or some other heavy equipment.
 - All equipment brought from off-site will be power washed before entering the site to avoid possible introduction of an invasion of noxious weeds.
 - Ground disturbance from the heavy equipment would be re-seeded with a certified weed free seed mix. The seed would be suitable to area and match existing native species.
 - Water would be left on yearlong for use by wildlife.
 - Adequate wildlife escape ramps would be mandatory in the troughs to prevent entrapment and drowning of wildlife.
 - The storage would be close top and an adequate wildlife ramp would be mandatory in the trough to prevent entrapment and drowning of wildlife.

- The storage tanks and troughs would be painted with natural colors at match the surrounding for visual resource management (VRM) if they are not highly visible from the highway.
- All pipeline shall be placed along the flagged route; any deviation from the above stated stipulation and or specification will require further consultation with the BIA.
- Water bars shall be installed along the proposed route, where necessary, to reduce erosion.
- If anytime, populations of noxious weeds are encountered, construction must cease and measures must be taken to clear the right-of-way. The problem area would be sprayed with the appropriate herbicide. By law, the target weed must be listed on the label of the herbicide being applied, and the rate applied must be in accordance with the manufacturer's recommendation in accordance with section 109.02(m) of the supplement specifications for this project.
- Construction hours will be between 7:00 a.m. and 6:00 p.m., Monday through Friday (weather permitting). In high wildlife use areas, an alternate construction schedule may be used in consultation with the Navajo Fish and Wildlife Department and or U.S. Fish and Wildlife Service.
- The contractor's camp and equipment storage area will be kept clean and free of oils, waste material, and other litter at all times, to prevent such materials from entering bodies of water. All trash will be disposed of in accordance with Navajo Nation Solid Waste Regulations (4 N.N.C. §§ 101 et seq.) and all camp sites and equipment storage areas will be restored to their natural condition at project completion.
- McKinley County Roads Dept. will inspect daily all construction equipment for leak and notify the BIA COTR/Project Manager on the removal of leaking equipment from the project site until leaking equipment is repaired and spills cleaned up the satisfaction of the Project Manager and Environmental Quality office. Equipment will be washed down in a designated area to prevent transport of mud, noxious weeds, other debris from leaving the project limits when transporting equipment off the project site. Such debris will be collected and hauled off to a disposal site by McKinley County Roads Dept. McKinley County Roads Dept. must have a spill prevention plan in place to contain spills, mitigate the spills, and remove all the pollutants off the project to an approved waste repository.
- All oils, fuels, lubricants, and hydraulic fluids will be kept in sealed storage containers and or facilities that meet EPA standards for preventing contamination of the environment. Again, a spill prevention plan must be in place.
- Damage to trees and shrubs outside of the construction limits will be replaced by the Contractor at their expense as directed by the COTR.
- Parking and staging area will be limited to the construction limits. Existing roads will be used for detours, storage for equipment, and the hauling of materials and water to the fullest extent possible. Storage areas within construction limits will utilize existing disturbed areas and kept as small as possible.
- The installation of drainage structures will be undertaken in such fashion so as to minimize soil erosion and to provide for minimum of 610 mm over the pipe as measured from the roadway shoulder.
- Structural replacements will be performed during periods of low- to no-flow periods to minimize water quality impacts. The Contractor shall install lined waste pits for concrete or asphalt on the project in a level ground at least 100 feet away from any drainage and outside the construction limits. No dumping of waste concrete will be allowed on the project site except in the lined pits which will immediately be removed from the project once concrete or asphalt work is finished Any and all excess concrete and asphalt will disposed of off-site in accordance with EPA regulations and the FP-2003.

- The Contractor will acquire Navajo water-use and aggregate material permits through the BIA and the Navajo Nation Tribal process. All requirements of such permits, including royalty payments and environmental protection conditions.
- Backfilling operations will be performed within a reasonable amount of time to ensure that the trenches are not left open for more than 24 hours. If a trench is left open overnight, it will be temporarily fenced or a night watchman will be utilized. The excavated soils will be returned to the trenches, atop the pipe and compacted to prevent subsidence. The trenches will be compacted after approximately 2 feet of fill is placed over the pipe and after ground surface has been leveled.
- Escape ramps/crossover will be constructed every 1,320 feet. The ends of the open trench will be sloped each night with a 4:1 slope.
- Established livestock and wildlife trails will be left in place as crossovers. In areas where active grazing is taking place, escape ramps/crossovers will be placed every 500 feet. Crossovers will be minimum of 10 feet wide and not fenced.
- The end of the pipe will be plugged to prevent animals from crawling in.
- Before the trench is closed, it will be inspected from animals. Any trapped wildlife or livestock will be promptly removed and released at least 150 yards from the trench.
- Production equipment will be placed on location in such a manner to minimize long-term disturbance and maximize interim reclamation. As practical, access will be provided by a teardrop-shaped road through the production area so that the center may be revegetated.

Protection of Topsoil

- The hauling of equipment and materials on public roads would comply with McKinley County Department of Roads regulations. No toxic substances would be stored or used within the proposed project area. McKinley County Roads Department would have inspectors present during construction. Any accidents involving persons or property would immediately be reported to the McKinley County Roads Department and would notify the public of potential hazards by posting signage, as necessary.

Prevention and Control of Weeds

- Noxious Weed Control Standard Operating Procedures for work on the Navajo Nation will be as follows:
 - Ensure equipment involved in land disturbing actions, be clean of noxious weed seeds or propagative parts prior to entry on site. When working in areas with noxious weeds equipment should be cleaned prior to moving off site.
 - Survey and inventory proposed work area for noxious weeds; take responsibility measures to avoid spread of noxious weed found (i.e. cleaning equipment with pressure washers, stockpiling overburden material for later treatment, avoiding driving through weed patches.) Consult with the BIA Regional DOT Office on any known species of noxious weeds in the project area before construction begins.
 - Use only certified weed free erosion control and re-vegetation materials (e.g., mulch seed, natural fiber mats).
 - If fill dirt or gravel is required, the source need to noxious weed free to the fullest extent possible.
 - The site should be monitored for the life of the project for presence of noxious weeds (includes maintenance & construction activities). If weeds are found McKinley County

Roads Department will be notified and will determine the best method for the control of the particular weed species.

- It would be the Contractor's responsibility to monitor, control, and eradicate all invasive, non-native plant species within the proposed project area. The weed-control contractor would contact McKinley County Roads Department regarding acceptable weed-control methods. The Contractor would be required to submit a current Pesticide Use Proposal for the location prior to any pesticide application. The weed-control contractor would contact McKinley County Roads Department prior to using these chemicals and provide quarterly Pesticide Use Reports (PURs).

Protection of Air Resources

- The BIA's recommended BMPs are designed to reduce impacts to air quality by reducing all emissions from construction, operation, and maintenance. Typical measures could include requiring that vapor recovery systems be maintained and functional in areas where petroleum liquids are stored, ensuring that compressor engines 300 horsepower or less have nitrogen oxide (NOx) emissions limited to 2 grams per horsepower hour, revegetating areas not required for production facilities to reduce the amount of dust, and watering dirt roads during periods of high use in order to compounds could also be applied to roads or other surfaces to reduce fugitive dust. Neither petroleum-based products nor produced water would be used.
- BMPs for dust abatement and erosion control will be utilized to reduce fugitive dust for the life of the project, as necessary. Water application, using a rear-spraying truck or other suitable means, will be the primary method of dust suppression along the road.

Nationwide Permit No. 17, "Liner Transportation Projects"

As described in correspondence from the Department of the Army, Los Angeles District, Corps of Engineers' letter dated June 15, 2004, the following Specials Conditions shall be adhere to:

- Compliance with all terms and applicable conditions (regional, general and 401 conditions) as described in Enclosure 1 and complete compliance statement listed in Appendix ____.
- The permittee shall comply with all requirements and conditions in the letter of water quality certification that the U.S. Environmental Protection Agency signed on _____. This certification demonstrates that the permit has complied with Section 401(a) of the Clean Water Act. At a copy of the letter is enclosed in Appendix ____.
- The permittee shall design and install the culverted road crossings in a manner that will safely and efficiently convey all expected high flows. The permittee shall accurately align the culverted road crossing in a manner that prevents the need for repeat maintenance.
- The permittee shall limit the area of disturbance to the Clean Water Act jurisdictional area to the actual footage of the authorized road crossing activities. Channel grading/clearing, bank stabilization or other activities constituting additional discharges of dredged and/or fill material into Clean Water jurisdictional areas is not permitted.
- No debris, soil, silt, sand, rubbish, cement or concrete washings thereof, oil or petroleum products or washings thereof, shall be allowed to enter into or placed where it may be washed by rainfall or runoff into the waterway. When project operation are completed, and all excess construction materials, debris, and or other associated excess project materials shall be removed to an appropriate off-site location outside of any jurisdictional areas. At no time shall this material be sidecast into the waters of the United States.

- Staging, storage, fueling, and maintenance of equipment and materials shall be located outside of the Crops' jurisdiction.
- The permittee shall ensure that the natural course of the jurisdictional water impacted is restored to pre-project contours or gradients and conditions to the maximum extent possible upon project completion.
- Reference is made paragraph (c) of the National Permit 14 (Linear Transportation Projects) that requires the submission of a compensatory mitigation proposal. Pursuant to this requirement, the permittee shall coordinate with the Navajo EPA Water Quality Program to develop an acceptable compensatory mitigation and monitoring plan to mitigate the 198.18 acres (80.20 ha.) of impact to the waters of the United States that are expected to result from the road realignment and upgrade activities. This plan shall be developed in accordance with the April 19, 2004 Final Mitigation Guidelines and Monitoring Requirements that have been prepared by the Los Angeles District Corps of Engineers and monitoring plan for Corps review and comment. The permittee shall proceed with the activities authorized under this permit only after the Corps has accepted and mitigation and monitoring plan proposal.

2.3.4. Surface Disturbance

Surface Disturbance

N7043/CR4

The project would result in a total of 198.18 acres of disturbance with approximately 198.18 acres of that total being new surface disturbance. The proposed road, installed culverts and staging areas are placed within the same corridor where practicable. Of the total proposed surface disturbance, approximately 198.18 acres would be fully reclaimed, would be reseeded (but not recontoured) during interim reclamation and would be stabilized and used as a working surface throughout the life of the proposed project, and would be fully reclaimed during final reclamation.

2.4. Alternatives Considered but Eliminated from Detailed Study

Resurfacing N7043/CR4 portion of the project weather using the present roadway alignment and width or combination thereof, is only a temporary solution to improving the traffic. In addition, this Alternative would not address the drainage problems or future increase in traffic. This alternative would consist of grading and then applying 3-6 inches of chip sealed surface. Resurfacing is not feasible on N7043/CR4 because of the existing surface from chip seal to dirt road and the issues of drainage that is incised below the natural terrain resulting in constant impassable during storms.

No reasonable alternatives to the proposed action have been developed that would result in significantly fewer impacts or any clear advantages over the proposed action. The proposed activities are the most economical and technically feasible.

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1. Methodology

3.1.1. *Direct and Indirect Impacts*

This section describes the environment that would be affected by implementation of the alternatives described in Chapter 2. Aspects of the affected environment described in this chapter focus on the relevant major resources or issues.

Under the No Action alternative, current land and resource issues within the proposed project area would continue; there would be no new impacts from construction; however, there also would be benefits derived from the Proposed Action. The No Action alternative will serve as the baseline for comparing the environmental impacts of the analyzed alternatives, and will not be further evaluated in this EA.

For the purposes of this analysis, the proposed project area is considered the area where surface disturbance would occur, that is the proposed; roadway alignments; and drainage corridor. Impacts to the action area are based on predicted trends and typical current land uses. Impacts are defined as either being direct or indirect. The existing environments within the action area are described in detail for each resource in the following sections. Potential environmental effects are identified; evaluated; and classified as (1) Positive, (2) Low, (3) Moderate, or (4) Significant in terms of magnitude and (1) short-term, moderate-term, or (3) long-term with respect to the temporal span. Effects were analyzed assuming Design Features and Best Management Practices listed in Section __ are implemented to mitigate impacts. The analysis area will be a defined area with either a natural or human delineated boundary. Often, the analysis area is the watershed in which the action occurs. For some issues, the analysis area may be in Manuelito community.

3.1.2. *Cumulative Impacts*

In conjunction with an analysis of the impacts associated solely with the action, there is requirement under the NEPA to determine the cumulative impacts of the proposed action being evaluated (42 USC §4321 et seq.) Cumulative impact analysis is important in understanding how multiple actions in a particular time period and space (geographic boundaries) impact the environment. Whereas the individual impact of one project in a particular area or region may not be considered significant, the result of the projects in the same area or region may cumulatively result in a significant impact. Cumulative impact analysis, as applied to NEPA, is subject to interpretation in analyzing the magnitude of impacts to a particular area or region as a result of the proposed action and other actions, including reasonably foreseeable actions.

3.2. Air Resources

3.2.1. *Affected Environment*

1. Quality

Manuelito community is classified as an attainment area (does not exceed Federal EPA air quality standards) for priority pollutant: Carbon monoxide, sulfur oxides, nitrogen dioxide, lead, ozone, volatile organic compounds, and particulate matter.

2. Climate

Climate within Manuelito area is arid (Roybal et al. 1983). Moist air masses from the Pacific Ocean and the Gulf of Mexico account for the majority of precipitation that occurs in the Manuelito area. Vast land areas and mountain ranges separate the Navajo lands from the moist tropical air masses. Consequently, air masses contain less moisture by the time they move across the Navajo Reservation (Goodman, 1982). Storms originating in the Manuelito area do not contain much moisture at 6,000 – 7,000 feet elevations. The annual precipitation rate for Manuelito area is 2 inches and most of this occurs during winter storms. Severe winter temperatures do not occur because the southern Rocky Mountains form an effective barrier against cold Canadian air masses.

Low precipitation rates, an arid climate, sparse vegetation, and the erosion of sedimentary deposits by wind and water, create unusual and spectacular landforms on the Navajo Nation (Cooley et al. 1969).

3.2.2. Impacts from Alternative C (the Proposed Action)

The proposed action, like the “construction using existing roadway width and alignment” and the “chip sealing surfacing” alternative, would result in a temporary but insignificant increase in suspended dust particles from the construction site and temporary pollutant emissions associated with chip sealing. Suspended dust particles would have low-to-no effect on air quality as McKinley County Roads Dept will be required to use sprinkler trucks to water down the roadbed during construction. Temporary emissions would have low-to-no effect on air quality if emission control devices are properly installed and used during chip sealing operation. The Navajo Nation EPA Air Quality Office monitors compliance on Chip Sealing operations.

The “no-action” alternative also produces airborne dust particles similar to the proposed action.

Direct and Indirect Impacts

Criteria Pollutants

3.3 Water Resources

3.3.1. Affected Environment

Hydrology, Water Quality, Floodplains and Wetlands

Unnamed wash occurs within the road project area and flows into the Puerco River located northwest approximately 1 mile from the route. Puerco River is classified as waters of the United States under the Clean Water Act (CWA) of 1982. Therefore, a determination is required under Section 404 of the CWA (33 CFR Parts 320-330). A condition of this permit requires McKinley County Roads Dept. obtain water quality certification prior to initiating the proposed construction activities. For the Navajo Nation, this certification would be obtained from the Navajo Nation Environmental Protection Agency (EPA). New 401 & 404 permits will be obtained by the regulatory agencies prior to route maintenance/improvements since the permits have expiration dates and McKinley County Roads Dept. will need the full length of the permit time to get all the work done before they expire.

Two bridges span over an unnamed washed would have their approaches constructed under phase two of the proposed project.

3.3.2. Impacts from Alternative B (the Proposed Action)

Direct and Indirect Impacts

Foreseeable effects to water resources of the construction area from the proposed action, the "construction using existing roadway width and alignment" and the "chip sealing surface" alternatives are low. Surface water runoff from the roadway would increase initially until slopes stabilize from the vegetation recolonizing recontoured slopes within the right-of-way. The "no-action" alternative would have low effect on the water resources of the construction area.

The BIA will utilize Best Management Practices during construction activities to impede and dissipate overland surface water flow velocities through the use of energy attenuating devices such as riprap, culvert aprons and backwalls. Specific surface water control measures will be specified in the plans and specifications for this project and monitored during construction by the McKinley County Roads inspector. Therefore, no adverse or significant modification of water resources within the construction area would result from the proposed construction activities.

McKinley County Roads Dept. will obtain a water use permit from the Department of Water Resources Management and 30 days prior to initiating the proposed construction activities for the proposed action.

Section 402(p) of the Clean Water Act specifies that storm water discharges from construction sites to waters of the United States, must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Storm water discharges are associated with construction sites (clearing, grading, and excavation) that disturb one or more acres of land. Therefore, McKinley County Roads Dept. is required to file a Notice of Intent with Region 6 of the U.S. Environmental Protection Agency and must comply with the conditions of the general NPDES permit in addition to developing a pollution prevention plan for the Section 402(p) best management practices, including: sediment, erosion, and storm water management control measures. Therefore, the proposed construction activities would have no significant effect on water resources within the construction area.

Cumulative Impacts

The proposed surface disturbance and increased sediment yields, along with an increase in the road that would direct sedimentation to stream crossing would occur mainly were the unnamed wash would encroach into the roadway. Other vegetation damaging practices such as livestock grazing, and vegetation management could impact the water resources within the analysis area and could continue to do so throughout the life of the proposed project.

3.4. Upland Vegetation

3.4.1. Affected Environment

The vegetation of the area is characteristic of the San Juan Basin (Chronic, 2005): four-wing salt brush (*Atriplex canescens*), broom snakeweed (*Gutierrezia sarothrae*), and Russian thistle (*Salsola iberica* sennen). At higher elevations within the road project area a mixed woodland occurs with: Juniper, Greasewood (*Sarcobatus vermiculatus*) and saltcedar (*Tamarix pentandra*) grow in low-lying areas near the roadway where surface water runoff accumulates.

3.4.2. Impacts from Alternative C (the Proposed Action)

Direct and Indirect Impacts

There is no write up on the direct & indirect impacts to vegetation resources. During the construction phase of the project all vegetation within the 198.18 acres could be cleared. During interim reclamation, approximately 198.18 acres will be reclaimed (recontoured and reseeded) along vegetation.

Cumulative Impacts

The analysis area and impact indicator for cumulative impacts is the same as for direct and indirect impacts. Past, present and reasonably foreseeable future actions within the within the analysis area, the unnamed watershed may also impact vegetation cover, growth, and change in species resulting from surface disturbance include the following:

- Livestock grazing
- Vegetation treatments
- Community development

Indirectly, fugitive dust or deposition and introduction of invasive species associated with existing roads, and construction in the immediate area could impact the vegetation within the spatial analysis area, and could continue to do so throughout the life of the proposed project. The proposed project would contribute to direct vegetation disturbance and fugitive dust and/or deposition.

Livestock grazing is expected to continue at the same rate and manner as it currently occurs and no change is expected in the reasonable foreseeable future. No vegetation treatments are planned for this area currently, or in the reasonable foreseeable future. Community development in the area is currently minimal and is likely to increase in the future. This increase has not been quantified; however, it is expected to be de minimis based on the surrounding community development.

3.5. Land Resources

3.5.1. Affected Environment

Land Resources

The physical resources of the affected environment include: Landforms and geographical features, climate, geology, soils, hydrology (water quality, floodplains and wetlands), air quality, biological resources (vegetation, wildlife, threatened and endangered species), land-use practices (hunting, gathering, timber harvesting, agriculture, mining, recreation, sound and noise, public health and safety), socioeconomics (employment and income, demographics, community infrastructure), and cultural resources (including traditional cultural properties).

1. Topography

The Navajo Nation is located in the south central region of the Colorado Plateau physiographic province. Common features of the Colorado Plateau include deeply eroded canyon, steep rocky escarpments and towering buttes.

The proposed road project is located in Manuelito Canyon southwest of Gallup New Mexico, approximately midway between Colorado Plateau and San Juan Basin. There are many other Canyons within Manuelito Canyon that are equal elevation.

2. Soils

Soils of the road project area were derived from weathered sedimentary materials and stream alluvium: clay, silt, fine sand and bedrock soils.

3. Geology

The road project area overlies sedimentary deposits (sandstone and shale) varying in age from recent (Quaternary) to the Cretaceous period (Halka, 2005).

Quaternary surficial deposits created from stream (alluvium) sediments which are widely disturbed within the project road area: dune sands.

Cretaceous-aged rocks are represented by the tan Jurassic sandstone. Large-scale crossbedding, along with fine, well-sorted sand grains, points to the formation's origin as sand dunes of a long-ago desert. The sandstone weathers to smooth surfaces with many cavities and arching alcoves where unsupported rock has fallen away.

3.5.2. Impacts from Alternative C (the Proposed Action)

Direct and Indirect Impacts

Foreseeable effects to the geological resources of the construction area for the proposed action and the "construction using existing roadway width and alignment," and the "chip sealing surfacing," alternatives are considered insignificant. An initial, small increase in soil erosion would occur until highway slopes stabilize from vegetation recolonizing re-contoured slopes within the right-of-way. Sedimentation rates would progressively decrease along the alignment as the right-of-way becomes restored to its natural condition. The "no-action" alternative would have no effect on geological resources of the construction area.

Specific soil erosion and sedimentation control measures will be specified in the plans and specifications for this project and monitored during construction by a McKinley County Road Dept. inspector. The specification and implementation of soil erosion and sedimentation controls are required under Section 402(p) and Section 404 of the Clean Water Act. Under Federal law, the McKinley County Road Dept. inspector is required to ensure that the proposed construction activities comply with the implementation of stipulations specified in the general National Pollutant Discharge Elimination System or NPDES permit. The NPDES permit regulates storm water discharges associated with construction sites and that disturb one or more acres of land from clearing, grading, and excavation. McKinley County Roads Dept. must specify which soil erosion and sedimentation controls will be used in their pollution prevention plan during the construction. Therefore, the proposed construction would not result in significant impacts to the geological resources of the construction area. See Appendix _ for NPDES Storm Water & Pollution Prevention Plan details (SWPPP).

If borrow is needed McKinley County Roads Dept. will need a sand and gravel permits from the Navajo Resource Committee prior to using these resources. McKinley County Roads Dept. will notify the Navajo Tribe of the location of borrow pits and water ponds to be used during construction. Navajo Division of Transportation will provide an environmental assessment and archaeological clearance when applying for sand and gravel permits. This information will be amended to the current environmental assessment for inclusion to additional direct, indirect, and cumulative impacts to relevant resources.

Cumulative Impacts

The analysis area and impact indicator for cumulative impacts is the same as for direct and indirect impacts. Past, present, and reasonably foreseeable future actions within the analysis area, Manuelito Community, which may also impact land resources the resulting from surface disturbance include the following:

- Livestock grazing
- Vegetation treatments
- Community Development

3.6. Biological

3.6.1. Affected Environment

Biological

Endangered and protected species that may occur in the vicinity of the road project area were determined through consultation with the Navajo Fish and Wildlife Department (NFWD). The NFWD is responsible for determining which species are included on the Navajo Endangered Species List or NESL. A biological resource compliance was issued

Vegetation

The foreseeable effects of the proposed action on the biological resources of the proposed road project area are low and high and would result in heavy disturbance. Wildlife in the project area would already be tolerant of the existing roadway, traffic, volume and noise. The lack of perennial surface water bodies limits wildlife diversity and distribution within the construction area. Foreseeable effects of the

Clearing for construction shall be done only in the immediate construction area, conserving flora and fauna in non-construction areas. As most of the ROW is disturbed habitat at present and because no threatened and/or endangered plants or animals were found, the Revegetation and Reseeding plan as recommended by the Navajo Nation Department of Agriculture shall be followed by McKinley County.

Impacts from Alternative C (the Proposed Action)

Direct and Indirect Impacts

The foreseeable effects of the proposed action on the biological resources of the construction area are low and would result in minimal disturbance. Wildlife in the construction area would already be tolerant of the existing roadway, traffic volume, and noise. The lack of perennial surface water bodies limits wildlife diversity and distribution within the construction area. Foreseeable effects of the "proposed action alignment," and the no-action," alternatives on the biological resources would be similar to the proposed action.

Clearing for construction shall be done only in the immediate construction area, conserving flora and fauna in non-construction areas. As most of the ROW is disturbed habitat at present, and because no threatened and/or endangered plants or animals were found, the Revegetation and Reseeding plan as recommended by the Navajo Nation Department of Agriculture shall be followed by McKinley County Roads Dept.

Cumulative Impacts

The analysis area and impact indicator for cumulative impacts is the same as for direct and indirect impacts. Past, present, and reasonably foreseeable future actions within the analysis area, the Manuelito community, which may also impact habitat and wildlife species resulting from surface disturbance include the following:

- Livestock grazing
- Vegetation treatments
- Community Development

Livestock grazing is expected to continue at the same rate and manner as it currently occurs, and no change is expected in the reasonable foreseeable future. No vegetation treatments are planned for this area in the reasonable foreseeable future. Community development in the area is currently minimal and is likely to increase in the future. This increase has not been quantified; however, it is expected to be de minimis based on the surrounding community development.

3.7. Cultural Resources & Traditional Cultural Properties

3.7.1. Affected Environment

Cultural Resource Compliance was issued by the Navajo Nation Historic Preservation Department (NNHPD) for undertaking. Fieldwork was completed on various dates as seen on the compliance in Appendix __. Sites were found/identified near or on the road project, NNHPD has granted clearance to McKinley County Road Department with the following stipulations: temporarily fenced, temporarily be flagged all prior to construction and testing and excavation of sites to meet NHRP requirements. In the event of a discovery, road construction would stop until the eligibility of cultural resources and traditional cultural properties within the roadway right-of-way can be determined by NNHPD.

3.7.2. Impacts from Alternative C (the Proposed Action)

Direct and Indirect Impacts

The foreseeable effects of the proposed action on cultural resources and traditional cultural properties of the construction area maybe effected but would be mitigated to no effect by the BIA following the approved treatment plan prescribed by the Navajo Nation Historic Preservation Department for cultural resources and traditional cultural properties located within the highway right-of-way (see Appendix __). Prior to and during road construction, all eligible sites would be avoided or mitigated. If data recovery occurs simultaneously with the proposed construction, the discovery or unearthing of artifacts would stop construction in the vicinity of the discovery until the site can be evaluated for its significance by NNHPD.

Cumulative Impacts

The analysis area and impact indicator for cumulative impacts is the same as for direct and indirect impacts. Past, present, and reasonably foreseeable future actions within the analysis area, Manuelito community, through direct and effective habitat loss resulting from surface disturbance include the following:

- Livestock grazing
- Vegetation treatments
- Community Development

Livestock grazing is expected to continue at the same rate and manner as it currently occurs, and no change is expected in the reasonable foreseeable future. No vegetation treatments are planned for this area in the reasonable foreseeable future. Community development in the area is currently minimal and is likely to increase in the future. This increase has not been quantified; however, it is expected to be de minimis based on the surrounding community development.

3.8. Socioeconomics

3.8.1. Affected Environment

1. Employment and Income

Residents in the Manuelito area are members of the Manuelito Chapter House. However, employment and income statistics are not currently available for the Manuelito Chapter. Major employers in the Manuelito area include: the Navajo Nation Tribe, Bureau of Indian Affairs Navajo Region, City of Gallup, McKinley County School District, and Indian Medical Center.

2. Demographics

The only demographics information available on the Manuelito Chapter is provided in Chapter Images (Navajo Nation Division of Economic Development, 2004). The total population of the Manuelito Chapter was 623 in 1990. The total population of the Manuelito Chapter was 350 in 2000.

3. Community Infrastructure

Law enforcement and fire protection are provided to the Manuelito Chapter by the Navajo Tribal Police located in Window Rock, AZ; New Mexico State Police and McKinley County Sheriff's located in Gallup, NM; Fire Department located in Window Rock, AZ and Gallup, NM. Health care facilities: Gallup Indian Medical Center, Rehoboth McKinley Christian Hospital, Cibola Medical Foundation, and Fort Defiance Indian Medical Center located in Gallup, NM and Fort Defiance, AZ. Communications include: television stations located in Gallup, NM and Albuquerque, NM; Various AM/FM radio stations located in Window Rock and Gallup and several daily newspapers. Recreation facilities include a Baseball field, Outside Basketball and Tennis Court and Rodeo Area. The nearest Navajo Transit System is located approximately 27 miles away to Window Rock and Gallup. The nearest airport is located in Gallup and Window Rock.

3.8.2. Impacts from Alternative C (the Proposed Action)

Direct and Indirect Impacts

The foreseeable effects of the proposed action on the socioeconomic resources of the construction area are beneficial. Community and economic development within the Manuelito area is dependent upon the condition of its roadways. Paved, all-weather roadways provide improved access to health care facilities, schools, housing, and jobs. The "No-action," is the least desirable alternative because it places an economic burden on area residents. Driving under poor road conditions increases maintenance costs for cars, trucks, and school buses.

Cumulative Impacts

The analysis area and impact indicator for cumulative impacts is the same as for direct and indirect impacts. Past, present, and reasonably foreseeable future actions within the analysis area (the Manuelito Community) include the following:

- Vegetation treatments
- Community Development

This disturbance would have the same impacts as described for direct and indirect impacts.

4. SUPPORTING INFORMATION

4.1. Tribes, individuals, Organizations or Agencies Consulted

1993. Chapter Images: 1992 Edition. Navajo Nation Division of Community Development, Window Rock, Arizona.

Literature Cited and Taxonomic References Brown, David E., ed. 1982. Biotic Communities of the American Southwest - United States and Mexico. Desert Plants Vol. 4:1-132.

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

Goodman, James M. 1982. The Navajo Atlas: Environments, Resources, People, and History of the Dine Bikeyah. Univ. of Oklahoma Press, Norman.

Hubbell, Ernest. 1990. Navajo Nation Overall Economic Development Program. Economic Development Committee, Navajo Nation Council, Window Rock, Arizona.

Miller, M.L. 1970. General Soil Map Apache County, Arizona. U.S.D.A. Soil Conservation Service in cooperation with the Apache County Natural Resource Conservation District.

Roybal, F.E., J.G. Wells, R.L. Gold, and J.V. Flager. 1983. Hydrology of Area 60, Northern Great Plains, and Rocky Mountain Coal Provinces, New Mexico, Colorado, Utah, and Arizona. Water Resources Investigations Open File Report 83-203., United States Geological Survey, Albuquerque, New Mexico.

Tully, W., Stevens, S., Stuart, J., and S. Rayl. Chinle, Arizona, Environmental Evaluation Navajo Indian Reservation. 1988. U.S. Army Corps of Engineers, Los Angeles District, Environmental Resources Branch, Environmental Section.



Document No. 011327Date Issued: 10/15/2018**EXECUTIVE OFFICIAL REVIEW**Title of Document: McKinle County RD- ROW Manuelito Canyon Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina_yazzie@frontier.com Phone Number: 928/871/6447

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

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Rights of Way

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Assignment of Mineral Lease

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

- | | | | | |
|-------------|--------------------|---------------|-------------------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ (ic) | <i>[Signature]</i> | Date: 4/20/19 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. OPVP | <i>[Signature]</i> | Date: 3-5-19 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

☐ OTHER:

- | | | | | |
|----------|-------|-------------|--------------------------|--------------------------|
| 1. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. _____ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ
02/05/19 @ 943a
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 011327
SAS #:
UNIT: NRA

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

CLIENT TO COMPLETE

DATE OF REQUEST: 2 5 19 ENTITY/DIVISION: DNR
CONTACT NAME: Michelle Howard DEPARTMENT: General Leasing Develop. Dept
PHONE NUMBER: X-6447 E-MAIL:
TITLE OF DOCUMENT: McKinley Co. Road ROW - Manuelito Canyon

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 2.5.19 10:30 am REVIEWING ATTORNEY/ADVOCATE: Devin Chee
DATE/TIME OUT OF UNIT: 2.20.19 2pm 2.14.19

DOJ ATTORNEY / ADVOCATE COMMENTS

- Besides the memo., document is legally sufficient.
See memo., re: Consent.

REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
Theresa Gifford	2/20/19	V Blackhat	2/20/19 12:05pm

DOJ Secretary Called: Marcelina for Document Pick Up on 2.20.19 at 1:45 By: B

PICKED UP BY: (PRINT) DATE / TIME:

NNDJ/DRRF-July 2013

COMPLETED

Tier 1 Document Vc

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
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Eugenia Quintana EPA	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1 The accompanying environmental documentation should be included in a separate file, e.g., EA, Abbreviated EA, and/or FONSI.	No Reply	29-Oct-2018	
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(Navajo Land
Title Data
System -
Windowrock
AZ)

Lee Anna Martinez EPA	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1 McKinley County Roads Dept. needs to comply with the NN 401 Cert and for a 401 Cert Application contact LeeAnna Martinez at (928)871-7700.	No Reply	16-Oct-2018	
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(Navajo Land
Title Data
System -
Windowrock
AZ)

Najamh Tariq	Approver	Department of Water Resources	Approved	no comments	No Reply	15-Oct-2018	
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(Navajo Land
Title Data
System -
Windowrock
AZ)

Pam Kyselka F&W	Technical Review	Fish and Wildlife	Approved	1 #16ndot102	No Reply	16-Oct-2018	
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(Navajo Land
Title Data
System -
Windowrock
AZ)

Patrick Antonio EPA Water Quality - Navajo Nation Approved
Supervisor Environmental Protection Agency

1 Activities No Reply 16-Oct-2018
planned under the ROW will disturb more than 1.0 acre of land surface so coverage is required under the federal Construction General Permit (CGP) for storm water discharges from construction sites.
"Proposed Road Maintenance/Improvements" document indicates coverage under the CGP will be

Patrick Antonio

(Navajo Land Title Data System - Windowrock AZ)

Robert Allan Deputy DNR Approved
DNR Director DNR Administration

1 Needs 1) No Reply 18-Dec-2018
Biological Resources Compliance Form and 2) Navajo Nation Terms and Conditions

Robert O. Allan

(Navajo Land Title Data System - Windowrock AZ)

2 CONDITIONAL: No Reply
The project will be sufficient as soon as the BRCF is added to the package, as well as the Terms and Conditions.

Tamara Billie HPD Reviewer Historic Preservation Department Approved 1 Sufficient provided that all conditions/stipulations are followed in CRCF HPD-00-182R for each cultural resource. No Reply 16-Oct-2018

Tamara Billie

(Navajo Land Title Data System - Windowrock AZ)

Warren Roan EPA Storage Tanks Program - Reviewer Navajo Nation Environmental Protection Agency Approved 1 Any concerns or impacts regarding storage tanks or releases of regulated substances from storage tanks contact Warren Roan at (928)871-7993. No Reply 26-Oct-2018

Warren J Roan

(Navajo Land Title Data System - Windowrock AZ)

Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ) Public Water System Supervision Program Navajo Nation Environmental Protection Agency Approved no comments No Reply 17-Oct-2018

Yolanda Barney

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	no comments	No Reply	26-Dec-2018	<i>B. Becker</i>
Chad Smith - F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	19-Dec-2018	<i>Chad Smith</i>

Richard Begay NNHP	Navajo Nation Historic Preservation Department Officer	Historic Preservation Department	Approved	1 Please note conditions of compliance on the CRCF	No Reply	18-Dec-2018
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Roll M Begay

(Navajo Land
Title Data
System -
Windowrock
AZ)

Ronnie Ben EPA	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1 Conditional Approval granted and contingent on compliance with all NNEPA and USEPA. Any new construction may require a site investigation prior to final approval.	No Reply	18-Dec-2018
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Noi he

(Navajo Land
Title Data
System -
Windowrock
AZ)

Steven Prince MIN	Technical Reviewer	Navajo Nation Minerals Management	Approved	1 This vote is contingent upon permanent inclusion of the uploaded Terms & Conditions with the approval packet. slp	No Reply	18-Dec-2018
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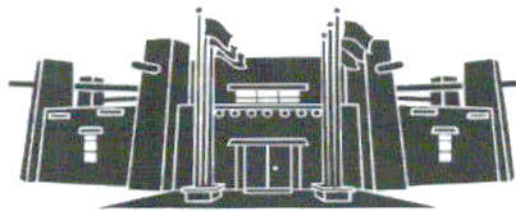
Steven L Prince

(Navajo Land
Title Data
System -
Windowrock
AZ)

W. Mike Halona	DCD Division Director	Navajo Nation	Approved	1 There is NO Biological Resource Compliance Form and No legal survey	No Reply	19-Dec-2018
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W. Mike Halona

(NLTDS -
Everytt)



MEMORANDUM

TO: Honorable Seth Damon
Speaker, 24th Navajo Nation Council

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

DATE: May 30, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO NAABIK'ÍYÁTI COMMITTEE; IDENTIFYING THE FUNDING OPTION AND PROJECT MANAGEMENT AND PROCUREMENT METHOD FOR PROJECTS FUNDED BY THE UNITED STATES DEPARTMENT OF INTERIOR, INDIAN AFFAIRS, OFFICE OF FACILITIES, PROPERTY AND SAFETY MANAGEMENT, DIVISION OF FACILITIES MANAGEMENT & CONSTRUCTION

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

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

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0140-19_____ SPONSOR: Seth Damon

TITLE: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT
COMMITTEE; APROVING THE GRANT OF RIGHT-OF-WAY TO MCKINLEY
COUNTY ROADS DEPARTMENT FOR UPGRADING, MAINTAINING, AND
OPERATING THE EXISTING ROADWAY, CULVERTS ANDF DITCHES ON
"MANUELITO CANYON DRIVE, "NAVAJO ROUTE 7043/COUNTY ROUTE 4
LOCATED ON NAVAJO NATION TRUST LANDS IN MANUELITO CHAPTER,
NAVAJO NATION (MCKINLEY COUNTY, NEW MEXICO

Date posted: May 30, 2019 at 7:56pm

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

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

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

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