

LEGISLATIVE SUMMARY SHEET

Tracking No. 0080-19

DATE: March 28, 2019

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

PURPOSE: Approving the Grant of Right-of-Way to the grant of right-of-way to Jemez
Mountain Electric Cooperative, Inc., to construct, operate and maintain the Beyale Camp 14.4
kV electric powerline on, over and across Navajo Nation Trust Lands in Nageezi Chapter (San
Juan 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: 2019/3/8
Website Posting Time/Date: 4/13/19 5:16pm
Posting End Date: 4/18/19
Eligible for Action: 4/19/19

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

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0080-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
THE GRANT OF RIGHT-OF-WAY TO JEMEZ MOUNTAIN ELECTRIC
COOPERATIVE, INC. TO CONSTRUCT, OPERATE AND MAINTAIN THE
BEYALE CAMP 14.4 KV SINGLE PHASE POWERLINE PROJECT LOCATED ON
NAVAJO NATION TRUST LANDS IN NAGEEZI CHAPTER, NAVAJO NATION
(SAN JUAN 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 Jemez Mountain Electric Cooperative, Inc., P.O. Box 128, Espanola, New Mexico 87532, has submitted a right-of-way application, to construct, operate and maintain the Beyale Camp 14.4 kV electric powerline on, over and across Navajo

1 Nation Trust Lands in Nageezi Chapter (San Juan County, New Mexico), attached as
2 **Exhibit C**.

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

4 C. The Land Board Member of the Nageezi Chapter, District 19, has issued a
5 memorandum dated April 17, 2017, **Exhibit D**, stating that "there is no grazing
6 permit issued for Navajo Trust Land located in [the proposed project area]."

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

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

13 *(2) Waives valuation; and*

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

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

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

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

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

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

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

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

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

8 * * * *

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

11 * * * *

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

15 F. The Resources and Development Committee, through resolution number RDCD-97-
16 18, limited the amount of a waiver of compensation to no more than 50% that will be
17 allowed for utility companies requesting a waiver of compensation.

18 G. The environmental and archaeological studies have been completed and are attached
19 hereto as **Exhibit E**.

20 H. The application for the Right-of-Way has been reviewed by the Fish and Wildlife;
21 Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division
22 of Natural Resources and the Department of Justice and "Approved" or found
23 "Sufficient." See documents included in Executive Official Review Document
24 Number 009706, **Exhibit F**.

25 **Section Three. Approval**

26 A. The Resources and Development Committee of the Navajo Nation Council hereby
27 approves the grant of right-of-way to Jemez Mountain Electric Cooperative, Inc., to
28 construct, operate and maintain the Beyale Camp 14.4 kV electric powerline on, over
29 and across Navajo Nation Trust Lands in Nageezi Chapter (San Juan County, New
30

1 Mexico), the location is more particularly described on the survey map attached as
2 **Exhibit B.**

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

6 C. The Resources and Development Committee of the Navajo Nation Council hereby
7 authorizes the President of the Navajo Nation to execute any and all documents to
8 affect the intent and purpose of this resolution.
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EXHIBIT " D "

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

JEMEZ MOUNTAIN ELECTRICAL COOPERATIVE, INC. (GRANTEE)

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Secretary of Interior.
2. Consideration for the right-of-way is assessed at \$ 24,763.64 and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within 10 days of approval of and consent to the grant of the right-of-way by the Navajo Nation.

If consideration has been waived, the Navajo Nation contributes the amount listed above to the project because the project serves a public purpose and will benefit Navajo residents.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of construction, operation, and maintenance of a 14.4 kV electrical distribution line. 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.



APPENDIX A

Legal Descriptions and Plats

**RIGHT OF WAY EASEMENT FOR
JMEC'S BEYALE CAMP POWER LINE PROJECT
LINE A
SAN JUAN COUNTY, NEW MEXICO
JMEC WORK ORDER NUMBER**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Jemez Mountains Electric Cooperative, Beyale Camp Power Line Project, Line A, situated within sections 20, 29 and 30, Township 23 North, Range 8 West, New Mexico Principal Meridian, Nageezi, San Juan County, State of New Mexico and being more particularly described as follows:

A strip of land, thirty (30) feet wide, being fifteen (15) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole number 36702, located in the NE¼ of section 30, T23N, R8W, NMPM, said parcel being Tribal Trust Land, and from which point the found BLM brass cap for the northeast corner of section 30, T23N, R8W, NMPM, bears N46°14'10"E a distance of 3,398.18 feet,

Thence N79°05'37"E a distance of 44.51 feet to P.O.T. Station 0+44.51, at which point the centerline of the power line easement crosses a Cortez Carbon Dioxide Pipe Line,

Thence continuing N79°05'37"E distance of 2,452.49 feet to P.O.T. Station 24+97.00, at which point the centerline of the power line easement enters NW¼ section 29, T23N, R8W, NMPM, said parcel being Indian Allotment 70, from which point the found BLM brass cap for the northeast corner of section 30, T23N, R8W, NMPM, bears N00°04'08"E a distance of 1,878.02 feet,

Thence continuing N79°05'37"E distance of 203.99 feet to an equation being P.I. Station 27+00.99 back = P.I. Station 26+39.42 Ahead, from which point the Base Station having the True New Mexico State Plane West, NAD83, US Survey feet coordinates of N 1891708.48, E 2758121.72, Latitude 36°11'56", Longitude -107°42'53" bears S48°55'07"W a distance of 676.46 feet,

Thence N34°57'09"E a distance of 218.84 feet to P.O.T. Station 28+58.26, at which point the centerline of the power line easement crosses a PNM 345kV Transmission Line,

Thence continuing N34°57'09"E a distance of 2,021.59 feet to P.O.T. Station 48+79.85, at which point the centerline of the power line easement enters SW¼ section 20, T23N, R8W, NMPM, said parcel being Indian Allotment 68, from which point the found BLM brass cap for the northeast corner of section 30, T23N, R8W, NMPM, bears N89°52'47"W a distance of 1,481.60 feet,

Thence continuing N34°57'09"E a distance of 573.03 feet to P.I. Station 54+52.88,

Thence N03°54'09"E a distance of 700.05 feet to P.O.T. Station 61+52.93,

Thence N03°54'09"E a distance of 699.96 feet to E.O.P. Station 68+52.89, the terminus for the above described centerline for Line "A", and from which point the found BLM brass cap for the northeast corner of section 30, T23N, R8W, NMPM, bears S45°38'11"W a distance of 2,664.88 feet, and from which point the found BLM brass cap for the northeast corner of section 29, T23N, R8W, NMPM, bears S61°03'25"E a distance of 3,876.06 feet.

The above described right of way easement is 6,914.46 feet or 1.31 miles in length and contains 4.76 acres, more or less in area.

**RIGHT OF WAY EASEMENT FOR
JMEC'S BEYALE CAMP POWER LINE PROJECT
TAP "A-1"
SAN JUAN COUNTY, NEW MEXICO
JMEC WORK ORDER NUMBER**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Jemez Mountains Electric Cooperative, Beyale Camp Power Line Project, Tap "A-1", situated within SW¼ section 20, Township 23 North, Range 8 West, New Mexico Principal Meridian, Nageezi, San Juan County, State of New Mexico and being more particularly described as follows:

A strip of land, thirty (30) feet wide, being fifteen (15) feet on each side of the following described centerline:

BEGINNING at P.O.T. Station 61+52.93 of Line "A", said point being B.O.P. Station 0+00 for Tap "A-1", located in the SW¼ of section 20, said parcel being Indian Allotment 68,

Thence N81°21'10"E a distance of 200.01 feet to E.O.P. Station 2+00.01, the terminus for the above described centerline for Tap "A-1", and from which point the found BLM brass cap for the northeast corner of section 29, T23N, R8W, NMPM, bears S69°34'15"E a distance of 3,459.43 feet.

The above described right of way easement contains 0.14 acres, more or less, and is 0.04 miles in length, more or less.

**JMEC'S BEYALE CAMP POWER LINE PROJECT
SAN JUAN COUNTY, NEW MEXICO
JMEC WORK ORDER NUMBER**

GUY EASEMENT DESCRIPTION

<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A					
1	0+00.00	S79°05'37"W	50'	25'	0.03 NTT
2	27+00.99	S32°58'37"E	50'	25'	0.03 IA 70
3	54+52.88	S70°34'21"E	50'	25'	0.03 IA 68
4	68+52.89	N03°54'09"E	50'	25'	0.03 IA 68
TAP A-1					
5	0+00.00	S81°21'10"W	50'	25'	0.03 IA 68
6	2+00.01	N81°21'10"E	50'	25'	0.03 IA 68
			300'		0.18

TOTAL 6 GUYS

6 Guys X .03 acres = 0.18 ACRES

SUMMARY DESCRIPTION

<u>PARCEL</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACRES</u>
LINE A	6,914.46'	1.310	30'	4.76
TAP A-1	200.01'	0.038	30'	0.14
SUBTOTAL	7,114.47'	1.348		4.90
GUY EASEMENTS	300.00'	0.057	25'	0.18
TOTAL	7,414.47'	1.405		5.08

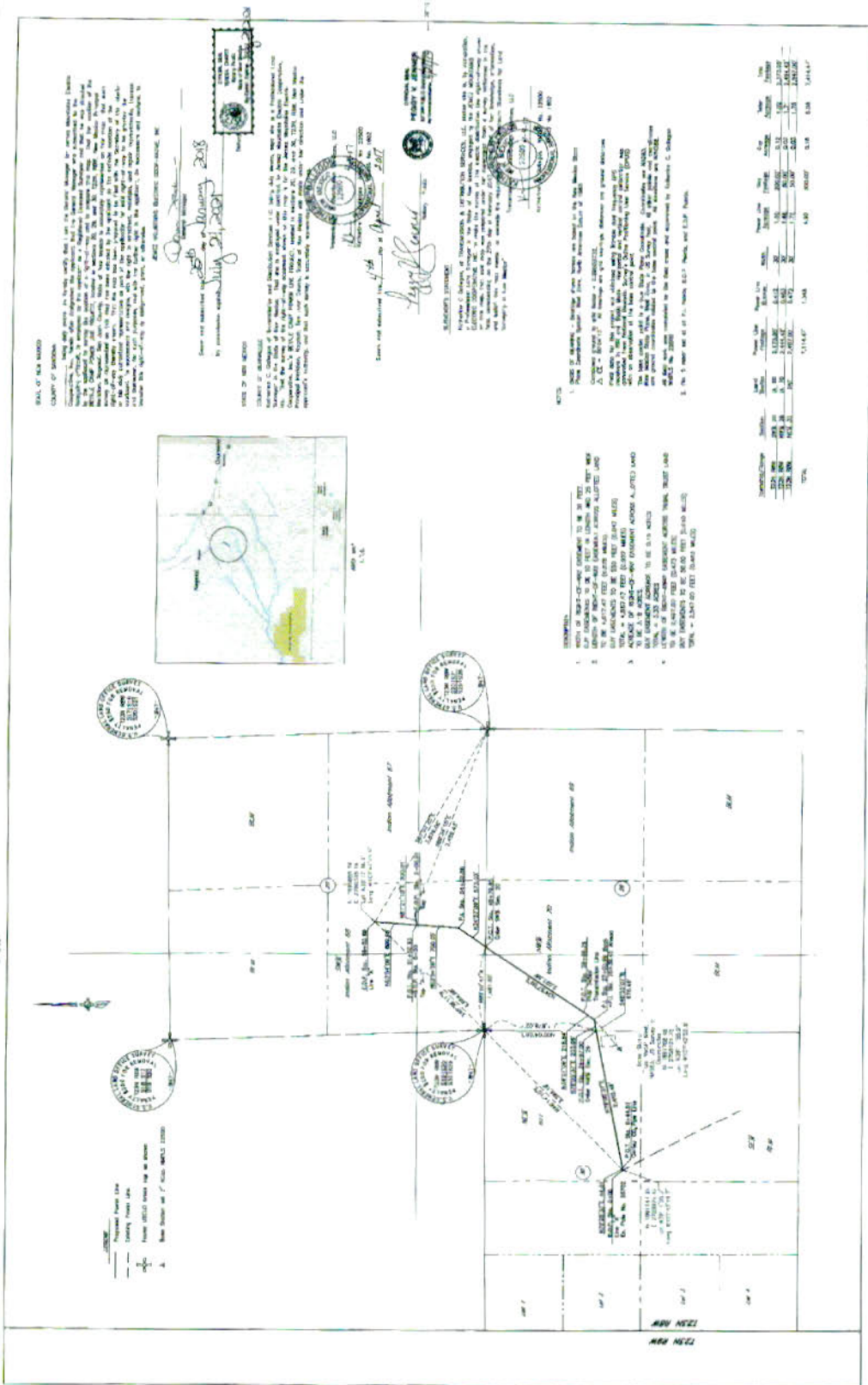
JMEC'S BEYALE CAMP POWER LINE PROJECT
SAN JUAN COUNTY, NEW MEXICO
JMEC WORK ORDER NUMBER

SECTION SUMMARY

	<u>LAND STATUS</u>	<u>POWER LINE LENGTH</u>	<u>POWER LINE POWER LINE</u>		<u>GUY FOOTAGE</u>	<u>GUY ACREAGE</u>	<u>TOTAL ACREAGE</u>	<u>TOTAL FOOTAGE</u>
			<u>MILES</u>	<u>ACREAGE</u>				
<u>T23N R8W</u>								
SW 1/4 Section 20	IA 68	2,173.05'	0.412	1.50	200.00'	0.12	1.62	2,373.05'
NW 1/4 Section 29	IA 70	2,444.42'	0.463	1.68	50.00'	0.03	1.71	2,494.42'
NE 1/4 Section 30	NTT	<u>2,497.00'</u>	<u>0.473</u>	<u>1.72</u>	<u>50.00'</u>	<u>0.03</u>	<u>1.75</u>	<u>2,547.00'</u>
TOTAL		7,114.47'	1.348	4.90	300.00'	0.18	5.08	7,414.47'

Notice: This is a single page of a multi-page document. No individual page can be interpreted alone and must be considered in the context of the entire document, including but not limited to descriptions, surveyor statements, and plat

1741257



STATE OF NEW MEXICO
COUNTY OF SAGUARO

BEYALE CAMP
POWER LINE PROJECT
PERMIT MAP 1 OF 1
STATE COUNTY DEPT
NM SAN JUAN

STATE OF NEW MEXICO
COUNTY OF SAGUARO
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POWER LINE PROJECT
PERMIT MAP 1 OF 1
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NM SAN JUAN



T&D SERVICES
4000 San Juan Blvd. Suite 100
Albuquerque, NM 87105
505.263.1234

1.8 1000' = 1" 1000' = 1" 1000' = 1"

SCALE:
1 INCH = 800 FEET

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UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION MUST IDENTIFY [§169.102(a)]:

1. Applicant Name and Address: Jemez Mountains Electric Cooperative, Inc., #71 Hwy 126 PO Box 10 Cuba, NM 87013

2. Tract(s) or parcel(s) affected by the right-of-way: _____

3. General location (easement description): Navajo Tribal Trust Land, NE/4 of Section 30, T23N, R08W, NMPM, San Juan County, New Mexico

4. Purpose: (Per the request of the Navajo Nation and Nageezi Chapter) To construct, operate and maintain the 14.4kV Electrical distribution line for the Beyale Project, WO#418055 located in the Nageezi vicinity, Navajo Nation, San Juan County, New Mexico. Please include the following language in the President's letter and Resolution; "The Resources and Development Committee of the Navajo Nation Council hereby waives the requirements for a bond, consideration for right of way, insurance or alternative form of security on part of the Grantee, based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25, CFR 169.103"

The Resource and Development Committee of the Navajo Nation Council hereby agrees to waive compensation/consideration and valuation on part of the Grantee, based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25, CFR 169.110"

5. Term (Renewal, if applicable): 50 Years

6. Identify ownership of permanent improvements associated with the right-of-way and The responsibility for constructing, operating, maintaining, and managing; or removal of permanent improvements under §169.105:

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of way;
2. A map of definite location of the right-of-way; [169.102(b) (2); survey plat signed by professional surveyor or engineer showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 AND § 1764, and showing existing facilities adjacent to the proposed project.]
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103;
4. Record of notice that the right-of-way was provided to all Indian landowners;
5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right-of-way without consent under §169.107(b);

6. If applicable, a valuation meeting the requirements of §§ 169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:
- a. The representative has authority to execute the application;
 - b. The right-of-way will be enforceable against the applicant; and
 - c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
8. Current environmental and archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements;
9. If required, a statement from the appropriate tribal authority that the proposed right of-way is in conformance with applicable tribal law.

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.

Applicant Point of Contact Information:

Name: Jemez Mountains Electric Cooperative Inc.

Address: #71 Hwy 126 P.O. Box 10

State, Zip: Cuba, NM 87013

Phone: 575-289-3241 Fax: 575/289-0103

Email: sbion@jemezcoop.org

DATE: 01/26/18

APPLICANT:  (Signature)

Donna M Trujillo (Print Name)



Electric Cooperative, Inc.

PO Box 10 Cuba, NM 87013

Ph#(505)367-1181 Fax#(575)289-0103

e-mail: sbinion@jemezcoop.org

January 26, 2018

Elerina Yazzie
General Land Department
PO Box 2249
Window Rock, AZ 86515

Attn: Elerina

Re: Nageezi Chapter Beyale Camp Project

Enclosed is an application for Right of Way for Jemez Mountains Electric Cooperative. The application is for the proposed construction of an overhead distribution line for Beyale Camp in Nageezi, NM. The proposed line crosses Tribal Trust lands.

Attached with the application are as follows:

- Accurate Legal Survey
- A map of definite location of the ROW
- Survey Plat signed by a Professional Surveyor,
- Archaeological Report
- Environmental Report
- Doctor statements
- Grazing Permits

We respectfully ask that the Resolution include the request to; waive the requirements for bond, consideration for right of way, insurance or alternative form of security, compensation/consideration and valuation based on the Title 25, CFR 169.103 as stated on the application.

Feel free to contact if you have any questions.

Sincerely,

Sonya Binion
Engineering Aide /Jemez Mountain Electric Cooperative





**NAGEEZI CHAPTER
EASTERN NAVAJO AGENCY
DISTRICT 19**



Russell Begaye, Navajo Nation President

Jonathan Nez, Navajo Nation Vice-President

April 17, 2017

Elerina Yazzie, Program Manager
General Land Department
Navajo Nation
Window Rock, AZ 86515

**RE: Field Clearance for T23N R8W Section 30 NE1/4 N.M.P.M, San Juan
County, NM**

Dear Miss Yazzie,

Nageezi Chapter is currently working on the pre-construction activities for the proposed Beyale Camp Power Line Extension. Part of the proposed power line will be crossing Navajo Trust Land located in T23N R8W Section 30 NE1/4 N.M.P.M, San Juan County, NM which will require field clearance. For the field clearance, Nageezi Chapter requested information if there is a grazing permit issued for Navajo Trust Land located in T23N R8W Section 30 NE1/4 N.M.P.M, San Juan County, NM. After researching the above request, there is no grazing permit issued for Navajo Trust Land located in T23N R8W Section 30 NE1/4 N.M.P.M, San Juan County, NM.

If you have any questions on the above, feel free to contact me at 505-960-7200.

Thank you,

Carlos Arviso, Land Board Member
Nageezi Chapter

Ervin Chavez
Chapter President

Rory Jacques
Chapter Vice President

Jessica Platero
Secretary/Treasurer

Carlos Arviso
Land Board

Jonathan Perry
Council Delegate

HC 33 Box 10A
Gallup NM 87301
Phone 505/879-3918
Email: lahenry08@yahoo.com

February 08, 2018

Ms. Elerina Yazzie
Navajo General Land
Division of Natural Resource
Navajo Nation
PO Box 2249
Window Rock, AZ 86515

Dear Ms. Yazzie,

Jemez Mountains Electric Coop, PO Box 10, Cuba, New Mexico 87013 is submitting Field Clearance package for right-of-way Electrical Powerline line extension within the community Project name Beyer Camp NE/4 of Sec.30; T 23N; R.08W San Juan County NM. Total footage 2,547.00'; mileage .473, width 20

See the Landboard's letter indicate there no authorized permittees

Should you have any questions or addition information, please contact me at 505-879-3918

Lucinda Henry
ROW Agent

Cc Jeff Irving, Road Supt. McKinley



United States Department of the Interior
Navajo Region
P.O. Box 1060
Gallup, NM 87305



MC: 460 Branch of Environmental Quality Act Review & Compliance

OCT 20 2017

Jim R. Analla
EA Services
P.O. Box 1034
Gallup, NM 87305

Dear Mr. Analla:

The Environmental Assessment, EA-17-19780, Jemez Mountains Electric Cooperative, Inc. (JMEC) Beyale Camp Power Line Project, received September 20, 2017, has been reviewed in the Branch of Environmental Quality Act Review and Compliance, Navajo Regional Office.

Jemez Mountains Electric Cooperative, Inc. (JMEC) proposes a right-of-way (ROW) for the construction of a single-pole overhead 14.4/24.9 kV electrical power line, also known as the JMEC Beyale Camp Power Line Project. This power line will serve the Nageezi Chapter area. The proposed project is found on the Lybrook NW Quadrangle, New Mexico, 7.5 Series map and located in Sections 20, 29, and 30, T23N, R8W NMPM. The power line would have a total length of 7,414.47 feet with a 30 foot wide corridor. The guy line ROW will have a 25 foot width corridor. The power line project will require approximately 25 poles and 6 anchors, resulting in approximately 50 square feet of surface disturbance for the entire project. The best available construction practices will be used to limit impacts to land, water (surface and ground), and biological resources.

In accordance with Section 102(2) (c) of the National Environmental Policy Act (NEPA) of 1969, as amended, and the Council of Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations (CFR) Parts 1500-1508), the Bureau of Indian Affairs, Navajo Regional Office, finds that the Proposed Action is not a major federal action that will significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not required for implementing the Proposed Action. This Finding of No Significant Impact (FONSI) is supported by the Environmental Assessment (EA) and the supporting appendices and documents.

If you have any questions, please contact Ms. Harilene Yazzie, Supervisory Environmental Protection Specialist at (505) 863-8287.

Sincerely,



Regional Director, Navajo

Enclosure

FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT, EA-17-19780
JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC. (JMEC) BEYALE CAMP
POWER LINE PROJECT

Jim R. Analla EA Services

Location: Lybrook NW, NM Quadrangle
USGS 7.5-Minute Series Maps
Sections 20, 29, and 30, T23N, R8W, NMPM

Nageezi Chapter, San Juan County, New Mexico

Jemez Mountains Electric Cooperative, Inc. (JMEC) proposes a right-of-way (ROW) for the construction of a single-pole overhead 14.4/24.9 kV electrical power line, also known as the JMEC Beyale Camp Power Line Project. This power line will serve the Nageezi Chapter area. The proposed project is found on the Lybrook NW Quadrangle, New Mexico, 7.5 Series map and located in Sections 20, 29, and 30, T23N, R8W NMPM. The power line would have a total length of 7,414.47 feet with a 30 foot wide corridor. The guy line ROW will have a 25 foot width corridor. The power line project will require approximately 25 poles and 6 anchors, resulting in approximately 50 square feet of surface disturbance for the entire project. The best available construction practices will be used to limit impacts to land, water (surface and ground), and biological resources.

The BIA's deliberation as to whether a Finding of No Significant Impact (FONSI) is appropriate, or, whether an Environmental Impact Statement (EIS) should be prepared, took into consideration, the following issues, which are addressed in the environmental assessment (EA).

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment, including: topography, soils, surface water, ground water, air resources, wildlife, vegetation, cultural resources, geology, mineral and paleontological resources, water resources, air resources, vegetation, socioeconomics, resource and land use patterns, sound and noise, public health and safety, visual setting, Environmental Justice and Indian trust Assets.
2. **Public health and safety:** The JMEC Beyale Camp Power Line Project will not have an effect on public health and safety (EA Section H-2, Public Health and Safety). With the installation of the power line, the health and public safety of the community will improve.
3. **Clean Water Act (CWA) Compliance:** When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section 402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of ½ acre or more; and Section 404, Permit for Discharge of Dredge or Fill Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army of Engineers and the Navajo Nation Environmental Protection Agency: Based on the EA, this project will not cross any Waters of the United States. Before construction begins, Jemez Mountains Electric Cooperative, Inc. (JMEC) shall make contact with the Navajo Nation Environmental Protection Agency and confirm that this project is in compliance with the Clean Water Act (CWA).

4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to other areas in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.
5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.
6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. Design and construction of the Heart Butte Power Line shall be in accordance with the *Avian Power Line Committee's Suggested Practices for Raptor Protection on Power Lines* and the *Navajo Nation Raptor Electrocution Prevention Regulations*. All applicable sections of the latest revision of the *National Electrical Safety Code* and *National Electrical Code* shall be followed.
7. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.
8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** The Navajo Nation Historic Preservation Department (NNHPD) issued Cultural Resources Compliance Form with NNHPD No. HPD-17-349 on June 2, 2017. The CRCF was issued with "No historic properties affected" with no conditions.

In the event of a discovery of a previously unidentified or incorrectly identified cultural resource(s), all operations in the immediate vicinity of the discovery must cease, and the NNHPD must be notified.

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** The Navajo Nation Department of Fish and Wildlife (NNDFW) issued Biological Resources Compliance Form (BRCF), NNDFW Review No. 17jrae102, dated June 30, 2017. A conditional approval was granted with avoidance/mitigation measures and conditions of compliance.

Avoidance/mitigation measures include: The NNDFW highly recommends that the power line is constructed utilizing a raptor-safe, power pole design standard. All guy wires will be marked with highly visual daytime markers to prevent raptor collisions.

Conditions of Compliance include: Power line construction shall avoid the Burrowing Owl (*Athene cunicularia*) breeding season of 01 MAR-15 AUG where suitable habitat is found within 0.4 km (¼ mi) of the ROW. If the breeding season cannot be avoided, pre-action surveys will be required. The survey area must include a 0.4 km (¼ mile) buffer from the edge of disturbance. Activity will not be allowed within a ¼ mile of an active nest burrow until the young have fledged the nesting area.

11. **Whether the action violates Federal or local laws or requirements imposed for the protection of the environment:** The proposed project will not violate any Federal or tribal environmental laws or requirements.
12. **Indian Trust Assets:** The EA has been prepared to assess the impacts from the approval of the HBPLP to the Navajo Indian environment and trust resources. The proposed action is conducted in compliance with *Secretarial Order 3175, Departmental Responsibilities for Indian Trust Resources*. Based on the EA, there are no Indian Trust Assets within the proposed project area.
13. **Climate Change:** The proposed action would have no effect on climate change (Section IV. Environmental Consequences of the Proposed Action and Measures for Mitigation, C.3 Climate/Meteorology).

CONCLUSION

The proposed action is the Preferred Alternative. It does not constitute a major federal action, which normally requires preparation of an environmental impact statement (EIS).

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.


Regional NEPA Coordinator

10/20/2017
Date



**PRESIDENT
RUSSELL BEGAYE
VICE PRESIDENT
JONATHAN NEZ**

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

30 June 2017

17jrae102

Jim R. Analla
J.R. Analla EA Services
Post Office Box 1034
Gallup, New Mexico 87305

Dear Jim,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Environmental Assessment for Jemez Mountains Electric Cooperative, Inc.'s (JMEC) proposed **Beyale Camp Power Line** located in Nageezi Chapter, San Juan County, New Mexico. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The project is approved with the condition that power line construction shall avoid the Burrowing Owl (*Athene cunicularia*) breeding season of 01 MAR-15 AUG where suitable habitat is found within 0.4 km (1/4 mi) of the ROW. If the breeding season cannot be avoided, pre-action surveys will be required. The survey area must include a 0.4 km (1/4 mi) buffer from the edge of disturbance. Activity will be not allowed within a 1/4 mile of an active nest burrow until the young have fledged the nesting area.

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

6/30/17
Date

**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.: Beyale Camp JMEC Power Line

DESCRIPTION: JMEC proposes a right-of-way for the construction, operation, and maintenance of a single-pole overhead 14.4/24.9kV power line. The power line would be a total of 7,414.47 ft. in length with a 20-ft. wide corridor (including guys and anchors), consisting of 4.90± acres on Navajo Tribal Trust and Navajo Indian Allotted Lands.

LOCATION: Sections 20, 29, & 30 T23N R08W, NMPM, Nageezi Chapter, San Juan County, New Mexico

REPRESENTATIVE: J.R. Analla EA Services for Jemez Mountains Electric Cooperative, Inc. (JMEC)

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: EAS-1701/JUN 2017/Jim R. Analla

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Athene cunicularia* (Burrowing Owl) G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: The NNDFW highly recommends that the power line is constructed utilizing a raptor-safe, power pole design standard. All guy wires will be marked with highly visual daytime markers to prevent raptor collisions.

CONDITIONS OF COMPLIANCE*: Power line construction shall avoid the Burrowing Owl (*Athene cunicularia*) breeding season of 01 MAR-15 AUG where suitable habitat is found within 0.4 km (¼ mi) of the ROW. If the breeding season cannot be avoided, pre-action surveys will be required. The survey area must include a 0.4 km (¼ mi) buffer from the edge of disturbance. Activity will be not allowed within a ¼ mile of an active nest burrow until the young have fledged the nesting area.

FORM PREPARED BY / DATE: Pamela A. Kyselka/30 JUN 2017

COPIES TO: (add categories as necessary)

☒ BIA

☐

2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

6/30/17

*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

Jose L. Anella

Date 6-30-17



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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-17-349
<input checked="" type="checkbox"/> JMC	OTHER PROJECT NO.: JMC-17NN02

PROJECT TITLE: A Cultural Resources Survey of the Beyale Camp Power Line Extension in Nageezi Chapter, San Juan County, New Mexico.

LEAD AGENCY: BIA/NR

SPONSOR: Danny Simpson, CSC, Nageezi Chapter, P.O. Box 100, Nageezi, New Mexico 87037.

PROJECT DESCRIPTION: The undertaking proposes the construction of one main power line and one tap line to service existing residential lease locations. The length of Line A and Tap Line A-1 measures 7,114.47 ft. in length. In addition, there are six guy points measuring 50 ft. in length each. The total length of the power line measures 7,414.47 ft. with a 30-ft wide right-of-way. Ground disturbance will be intensive & extensive with the use of heavy equipment.

LAND STATUS:	Tribal Trust and Allotted Lands													
CHAPTER:	Nageezi													
LOCATION:	T.	23	N.	R.	08	W	Sec.	20.29 & 30;	Lybrook NW	Quadrangle	San Juan	County	New Mexico	NMPM
PROJECT ARCHAEOLOGIST:	Julia M. Chavez													
NAVAJO ANTIQUITIES PERMIT NO.:	B17100													
DATE INSPECTED:	02/06/17 to 03/15/17													
DATE OF REPORT:	04/25/17													
TOTAL ACREAGE INSPECTED:	22.13 - ac													
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 15 m apart.													
LIST OF CULTURAL RESOURCES FOUND:	(1) Site (NM-H-51-105), (1) Isolated Occurrence (IO), (2) In-Use Area (IUAs)													
LIST OF ELIGIBLE PROPERTIES:	None													
LIST OF NON-ELIGIBLE PROPERTIES:	(1) Site (NM-H-51-105), (1) IO, (2) IUAs													
LIST OF ARCHAEOLOGICAL RESOURCES:	None													

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

Site NM-H-51-105: No conditions are warranted.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

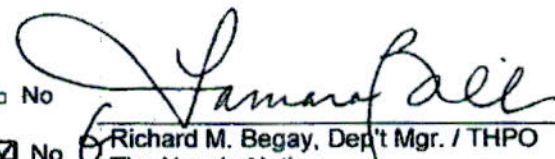
FORM PREPARED BY: Lukai Nez
FINALIZED: May 31, 2017

Notification to Proceed
Recommended

Conditions:

☒ Yes ☐ No

☐ Yes ☒ No


Richard M. Begay, Dep't Mgr. / THPO
The Navajo Nation
Heritage & Historic Preservation Dep't

Date

Navajo Region Approval

☒ Yes ☐ No


BIA - Navajo Regional Office

Date

**AN
ENVIRONMENTAL ASSESSMENT
for
Beyale Camp JMEC 14.4/24.9 kV 1Ø Power Line Project**

Jemez Mountains Electric Cooperative, Inc.

P. O. Box 10

Cuba, New Mexico 87013

Department of the Interior

Bureau of Indian Affairs

Navajo Region

Eastern Navajo Agency

Nageezi Chapter

June 2017

in accordance with
National Environmental Policy Act of 1969,
As Amended

DOI DM Part 516

and

NEPA Handbook

516 DM

59 IAM 3

J. R. Analla
EA Services
EAS-1701
June 2017

**AN
ENVIRONMENTAL ASSESSMENT
for
Beyale Camp JMEC 14.4/24.9 kV 1Ø Power Line Project**

Jemez Mountains Electric Cooperative, Inc.
P. O. Box 10
Cuba, New Mexico 87013

Department of the Interior
Bureau of Indian Affairs
Navajo Region
Eastern Navajo Agency
Nageezi Chapter

June 2017

in accordance with
National Environmental Policy Act of 1969,
As Amended
DOI DM Part 516
and
NEPA Handbook
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69 IAM 3

J. R. Analla
EA Services
EAS-1701
June 2017

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APPENDICES

Appendix A	Wild and Scenic Rivers, New Mexico, www.nps.gov/rivers/wildriverslist.html
Appendix B	EPA Designated Sole Source Aquifers in EPA Region VI. www.epa.gov/safewater/swp/ssa/reg6.html
Appendix C	New Mexico Air Quality Bureau Correspondence, August 1, 2005
Appendix D	Air State Implementation Plans, EPA Region VI: South Central
Appendix E	Correspondence, Beyale Camp JMEC Power Line Project, 17jrae 102, Navajo Natural Heritage Program, Department of Fish and Wildlife, May 23, 2017
	Biological Resources Compliance Form NNDFW Review No. 17jrae102
Appendix F	A Cultural Resources Survey of the Beyale Camp Power Line Extension in Nageezi Chapter, San Juan County, New Mexico (JMC-17NN02) April 25, 2017
Appendix G	Cultural Resource Compliance Form NNHPD NO.: HPD-17-349

Executive Summary

Due to the unique land status of the Navajo Nation; execution and approvals of right-of-way agreements by the Bureau of Indian Affairs (BIA), consistent with the prudent management of Indian Tribal Trust lands and resources, are federal actions subject to an environmental assessment as mandated by the *National Environmental Policy Act of 1969, as Amended, (NEPA)*. BIA policies and procedures for NEPA compliance are defined in *40 CFR Parts 1500-1508, Department of the Interior (DOI), Departmental Manual 516 DM, 59 IAM 3, Compliance Manual*.

The BIA concurrence in the right-of-way for an electrical power line project for Jemez Mountains Electric Cooperative, Inc. (JMEC) in the Nageezi Chapter (NC) is a federal action requiring an environmental assessment (EA) as mandated by NEPA. Approval of the requested right-of-way for the Beyale Camp Power Line Project (BCPL) power line will allow JMEC the right of ingress and egress to construct, operate, maintain, repair, replace and remove, poles, wires, cables, conductors, markers and other necessary fixtures and appurtenances as may be required to provide 1φ, 14.4/24.9 kV electrical service to homesites in the NC.

The BCPL is found on the *Lybrook NW Quadrangle, New Mexico – San Juan Co., 7.5 Minute Series (Topographic)* map; and located in *Sections 20,29 and 30, T 23 N, R 8 W*.

An archaeological inventory, report and clearance have been completed for the project. *Cultural Resource Compliance Form NNHPD NO.: HPD-17-349* was issued on June 2, 2017. The NNNHP were consulted regarding the effect of the proposed undertaking on biotic resources. *Biological Resources Compliance Form NNDFW Review No. 17jrae102*.

This EA analyzes and evaluates the impacts of the proposed project and decision on the effects on a minority and low-income population and surrounding communities as mandated by *Executive Order 12898 (EO) of February 11, 1994, Federal Actions to address Environmental Justice in Minority Populations and Low-Income Populations*. The EO requires agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities.

The assessments and determinations of final impacts contained in this EA were developed in accordance with the *CEQ Guidelines 40 CFR 1500*. *40 CFR 1500* provides that the assessment shall include reasonable alternatives to the proposed action, identify a preferred alternative, give consideration to general and broad measures to minimize or eliminate adverse impacts and allow a final decision as to the need for an environmental impact statement (EIS) for the proposed Jemez Mountains Electric Cooperative Beyale Camp Power Line Project.

Based on this EA, it is determined that approval of the proposed action will not have a significant impact on the quality of the human environment so as to require the preparation of an EIS.

AN
ENVIRONMENTAL ASSESSMENT
for
Beyale Camp 1Ø, 14.4 kV Distribution Powerline Project

JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC.
P. O. Box 10
Cuba, New Mexico 86013

Department of the Interior
Bureau of Indian Affairs
Navajo Region
Eastern Navajo Agency
Nageezi Chapter

I. Description of the Proposed Action

Execution and approvals of right-of-way agreements by the Bureau of Indian Affairs (BIA), consistent with the prudent management of tribal trust lands and resources, are federal actions subject to an environmental assessment as mandated by the *National Environmental Policy Act of 1969, as Amended, (NEPA)*. BIA policies and procedures for NEPA compliance are defined in 40 CFR Parts 1500-1508, *Department of the Interior (DOI), Departmental Manual 516 DM, 59 IAM 3, Compliance Manual*. The BIA concurrence in a right-of-way, across Navajo Tribal Trust (NTT) and Navajo Indian Allotted (IA) lands, for the Beyale Camp Power Line (BCPL) for Jemez Mountains Electric Cooperative, Inc. (JMEC) in the Nageezi Chapter (NC) is a federal action requiring an environmental assessment (EA) as mandated by NEPA.

Approval of the requested right-of-way for the proposed power line will allow JMEC the right of ingress and egress to construct, operate, maintain, repair, replace and remove, poles, wires, cables, conductors, markers and other necessary fixtures and appurtenances as may be required to provide 1Ø, 14.4/24.9 kV electrical service to the Beyale camp in the NC.

This environmental assessment will identify and assess potential impacts to the human environment which may result from the construction, operation and maintenance of the electrical power line by JMEC, should the proposed BCPL right-of-way be approved by the BIA.

A. Project Description

The proposed project entails construction of a single-pole, overhead 1Ø, 14.4/24.9 kV electrical power line. Construction will consist of placing class 3 and class 5 power poles approximately 350 feet apart. Poles will vary in height from 35 feet to 40 feet. Poles subject to unequal stresses, such as poles set at angle points (points where the alignment makes acute changes in direction) will require guy wires. Guy wires will not be required for every pole. A truck-mounted auger will be used to excavate holes approximately 14 inches in diameter and from five to six feet in depth. Similar holes will be augured for anchors where required. It is estimated that each 14-inch hole will disturb approximately 1.1 square feet of ground surface at each pole location. The power line project will require approximately 25 poles and 6 anchors, resulting in less than 50 square feet of surface disturbance for the entire project. Upon completion of the pole setting operation, the conductor (wire) will be reeled from truck mounted cable spools and strung on the poles. Some vegetation may be impacted from truck and trailer traffic required for hauling poles; and stringing the wire conductor. Access road construction road will not be required. Only rubber-tired equipment will be used for power line construction. All project equipment and personnel shall remain in the project ROW. The best available construction practices will be used to limit impacts to land, water (surface and ground), and biological resources.

Design and construction shall be in accordance with the *Avian Power Line Committee's Suggested Practices for Raptor Protection on Power Lines; The State of the Art 2006* (Edison Electric Institute, APLIC and the California Energy Commission, Washington D. C. and Sacramento, CA) and the *Navajo Nation Raptor Electrocution Prevention Regulations*. All construction and installation shall be accomplished in a thorough and workmanlike manner. All applicable sections of the latest revision of the *National Electrical Safety Code* and *National Electrical Code* shall be followed, except where local regulations are more stringent, in which case local regulations shall prevail. Aerial drop wires of the parallel type shall be installed in accordance with *REA Standards for Station Installations, PC-5A*. All clearances shall comply with the applicable requirements of the *National Electrical Safety Code* and *National Electrical Code* or local laws or ordinances whichever are most stringent.

No surface clearance is anticipated; however should significant surface disturbance occur, either inadvertently or as a result of unanticipated construction requirements the areas will be re-contoured and re-seeded as directed by the BIA Eastern Navajo Branch of Natural Resources. At the completion of construction, JMEC will restore the lands as nearly possible to their original condition, to the extent that they are compatible with the purpose for which the right-of-way is granted. Upon completion of the power line construction, future traffic along the power line will not be required except in the case of emergencies resulting from fallen poles or broken conductors. These cases will be limited to the specific location of the problem and not require driving the full extent of the power line alignment. Upon revocation or termination of the right-of-way, JMEC shall, so far as is reasonably possible, restore the land to its original condition.

All construction debris shall be removed and disposed of in compliance with the *Navajo Nation Solid Waste Code, 4 NNC, Chap. 1, Sect. 101*. Solid waste will be hauled to the nearest solid waste landfill. Disposal of construction debris or burning of debris will not be allowed. The proposed project construction activities will not generate or require the use of hazardous or toxic materials. Should unforeseen circumstances result in the use or generation of such materials, they shall be handled and disposed of in compliance with all local, state and federal regulations. Employees shall be instructed regarding proper disposal of solid waste materials.

B. Purpose and Need for Action

The proposed BCPL will provide electrical service to the Beyale camp in the NC. The electrical service line will allow families to enjoy the benefits electricity at the Beyale camp. The availability of electricity will mean less frequent trips to trading centers for perishable foods as refrigeration will allow for greater quantities of perishables to be purchased and kept for greater periods of time. Washing machines and dryers will provide a convenience for families and eliminate cost and time for trips to laundromats. Television, radios, air conditioners and other products contributing to the comfort and entertainment of the family will be possible. Improvement in schoolwork and grades may be realized, as students will be able to study for greater periods of time as a result of electric lights. Everyday household tasks, jobs and chores will be eased by the use of electric appliances and tools.

The proposed undertaking will contribute significantly to the quality of life and enhance the social and economic needs of the families to be served.

C. Location

The BCPL is found on the *Lybrook NW Quadrangle, New Mexico – San Juan Co., 7.5 Minute Series (Topographic)* map; and located in *Sections 20, 29 and 30, T 23 N, R 8 W*. Maps showing a more exact location and site photographs are shown in *Figures 1-5*.

Power line is to be placed in the center of a strip of land 30' wide. Guy line right-of-way will be 25' in width. The proposed BCPL right-of-way (ROW) is as follows:

Location	Land Status	Length	Acreage	Guy Footage	Guy Acreage	Total Acreage	Total Footage
T23N R8W							
SW ¼ Sec. 20	IA 68	2,173.05'	1.5	200'	0.12	1.62	2,373.05'
NW ¼ Sec. 29	IA 70	2,444.42'	1.68	50'	0.03	1.71	2,494.42'
NE ¼ Sec. 30	NTT	2,497.00'	1.72	50'	0.03	1.75	2,547.00'
Total		7,114.47'	4.90	300'	0.18	5.08	7,414.47

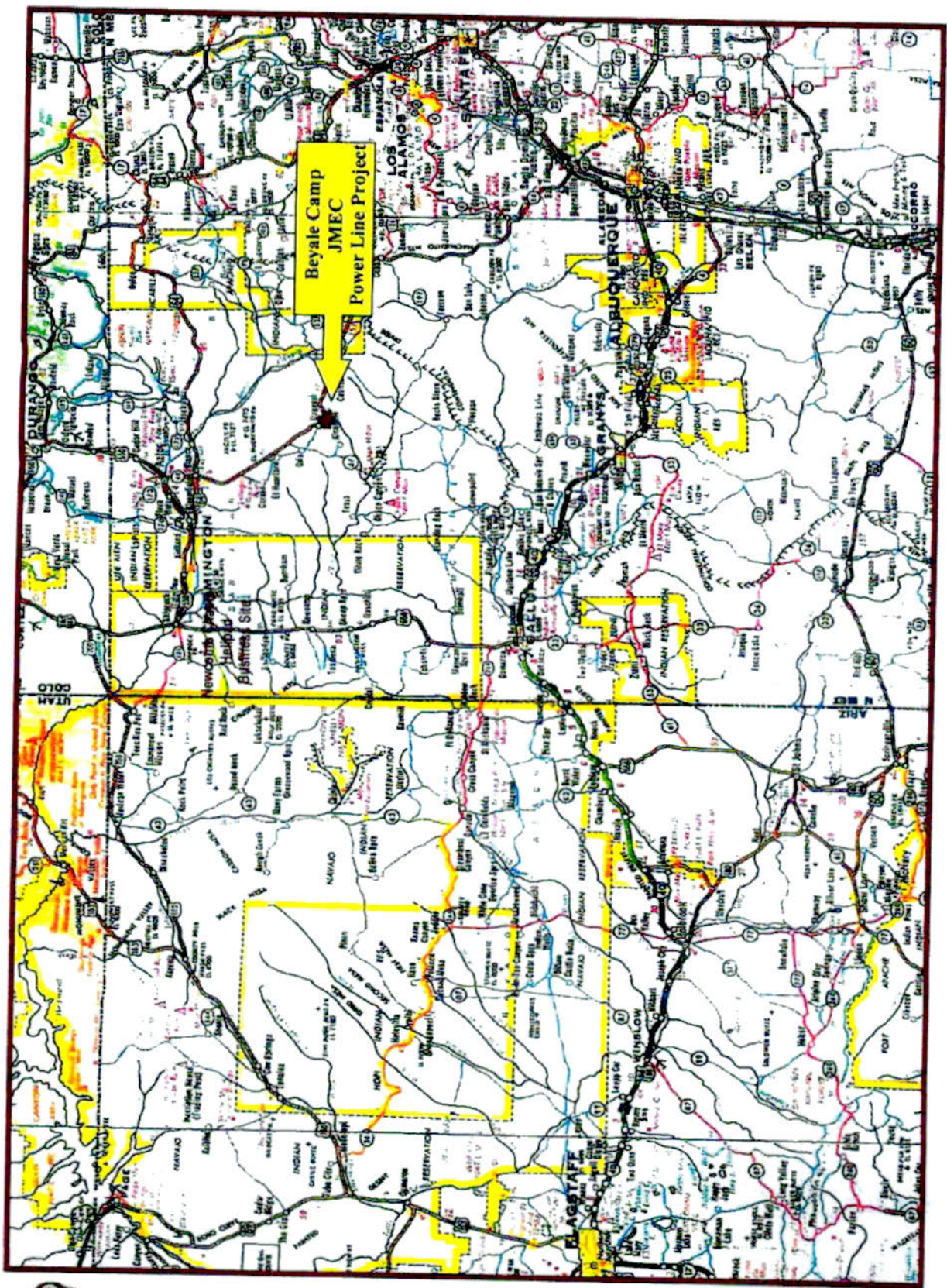


Figure Sheet 1
Beyale Camp JMEC Power Line Project
Nageezi Chapter



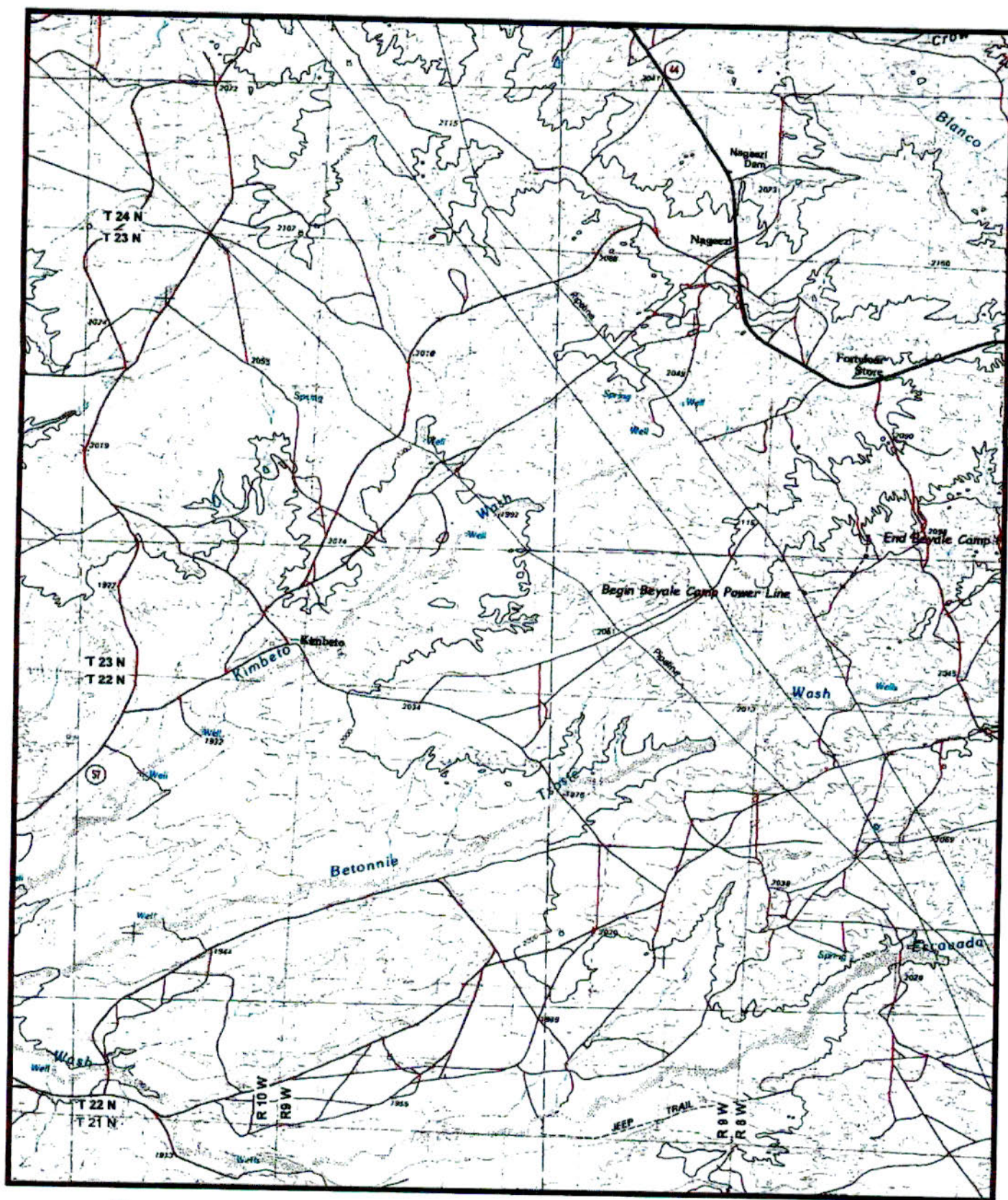


Figure Sheet 2
Beyale Camp JMEC Power Line Project
Nageezi Chapter



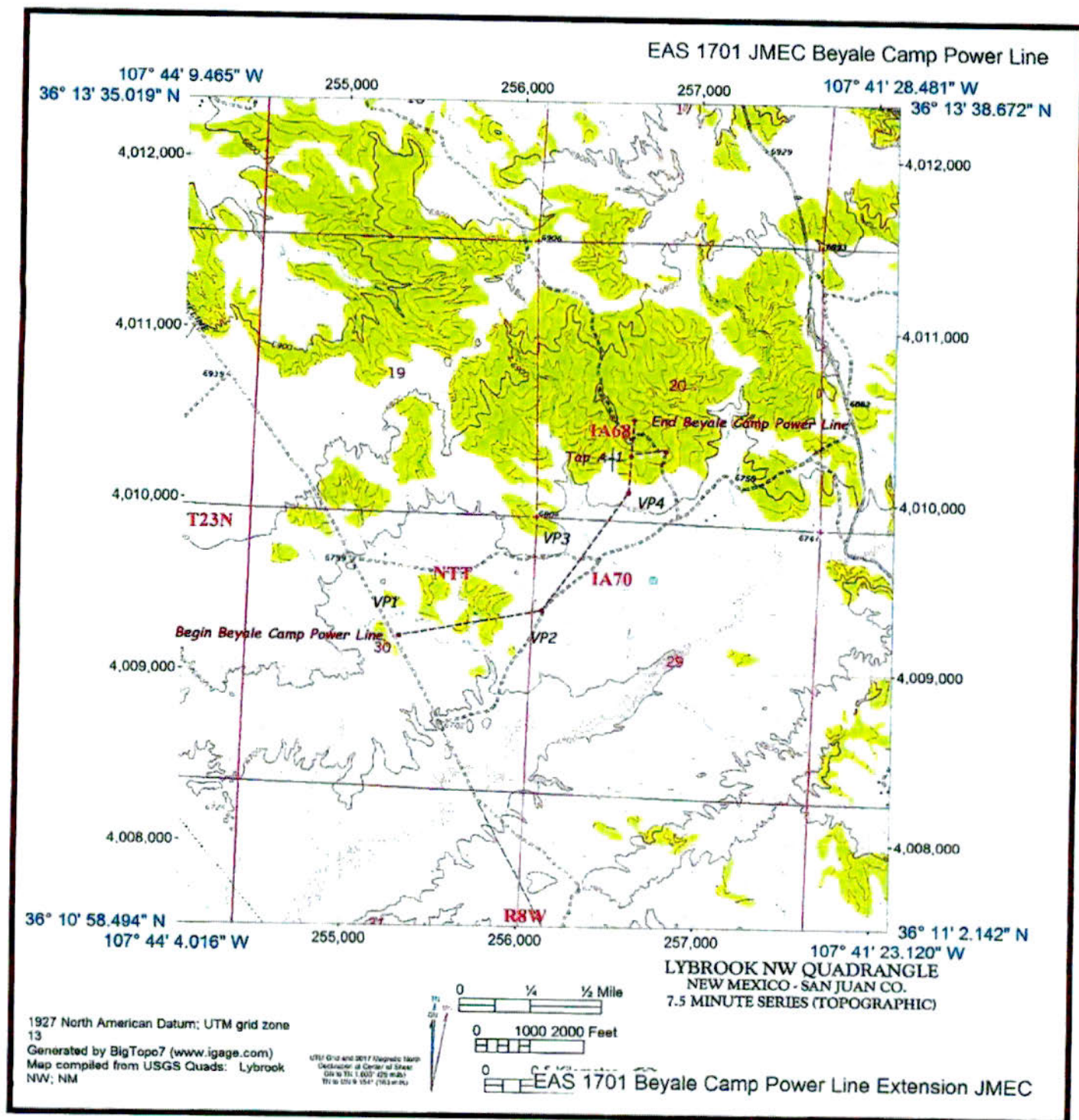
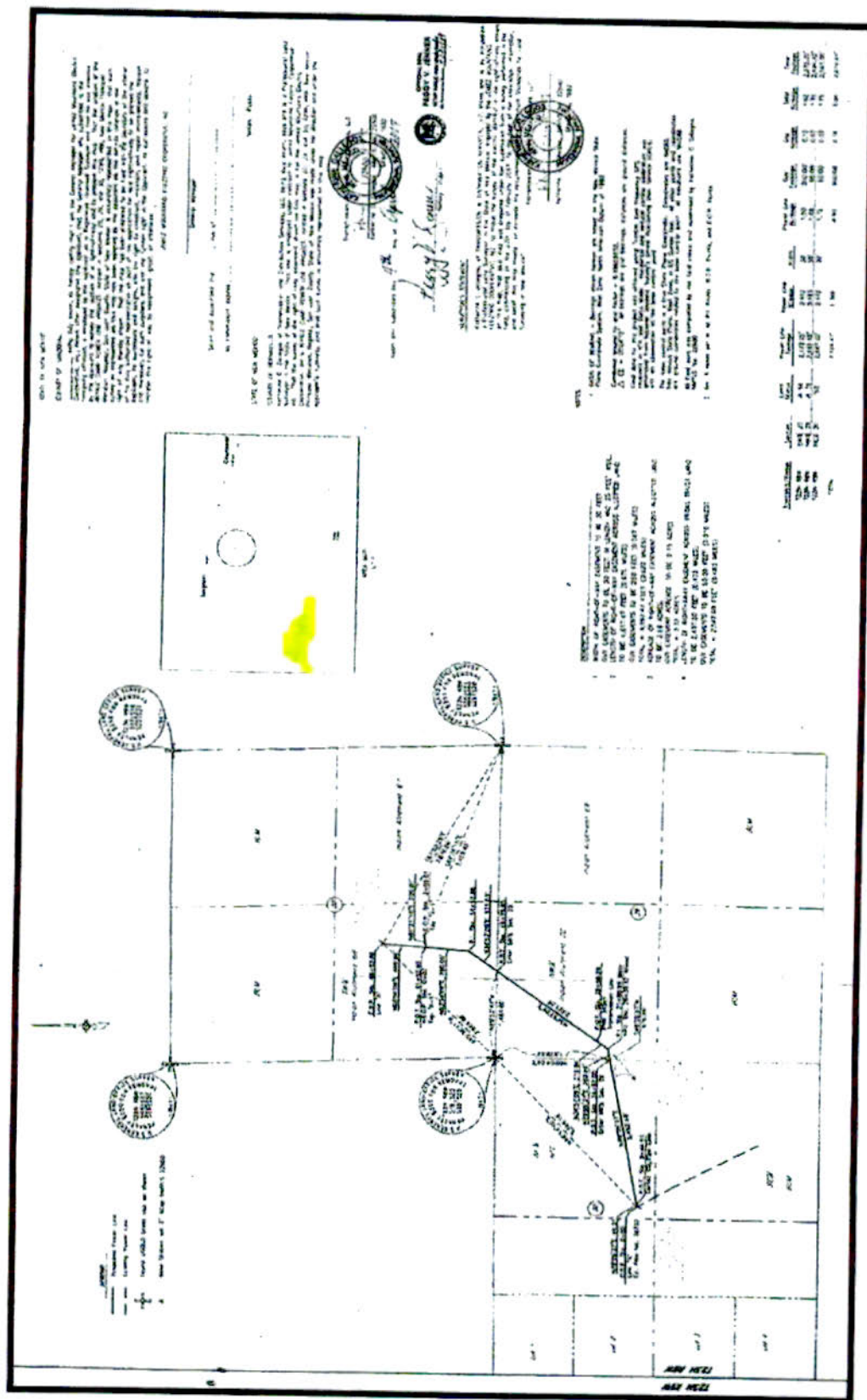


Figure Sheet 3
Beyale Camp JMEC Power Line Project
Nageezi Chapter







Looking ahead from view point 1



Looking back from view point 3



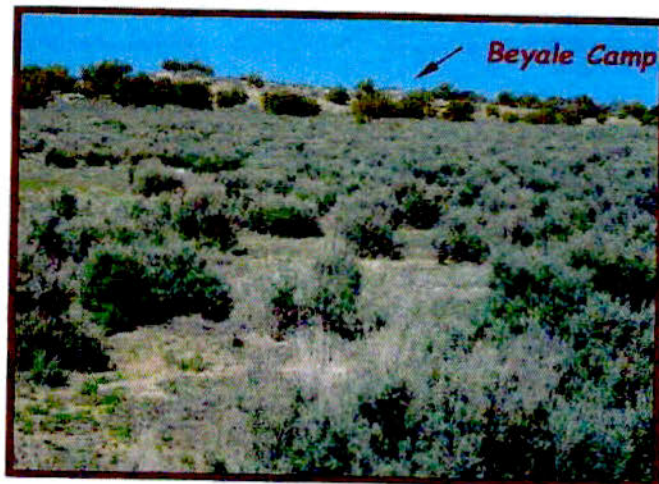
Looking back from view point 2



Looking ahead from view point 3



Looking ahead from view point 2



Looking ahead from view point 4



Figure Sheet 5
Beyale Camp JMEC Power Line Project
Nageezi Chapter



II. Alternatives

A. Preferred Alternative – Approval of a Right-of-way for the Beyale Camp Power Line Project

The preferred alternative is the concurrence in the proposed right-of-way for JMEC to allow for the construction, operation and maintenance of a 1Φ, 14.4/24.9 kV power line in the NC as described in *Section I. Description of the Proposed Action, A. Project Description* of this document.

B. Reasonable Alternatives

1. No Action Alternative

The "No Action" alternative, will deny JMEC the requested power line right-of-way. The proposed electric line extension line will not be constructed. This alternative is will have a negative impact on the quality of life of the families living in the NC. Adverse impacts which will result from the "No Action" alternative are unacceptable considering that they can be mitigated by the "Preferred Alternative".

2. Alternate Alignments

The homesites to be serviced by the proposed project are located on Navajo Indian Allotted and Tribal Trust Lands. There are no alternative alignments that do not cross Navajo land which will provide the required right-of-way for the BCPL to homesites in NC. The "preferred alternative" alignment is the most direct and will require the least amount of time, material and land to construct. The "preferred alternative" alignment will not require construction of access roads for the construction and maintenance of the proposed power line.

3. Alternatives Beyond BIA Authority

Families to be served are on Navajo Allotted and Navajo Trust lands. Homesites cannot be served without entering Navajo lands. There are no other feasible alignments which will meet the purpose of the proposed project. No alternatives "Beyond BIA Authority" are available.

a. Solar Energy

Direct conversion of solar radiation to electricity for individual residences can be accomplished on a small scale. However, solar-power systems, as a primary source of providing fully adequate electrical service has not achieved great success because of inconsistency of operations and expense. In remote areas where accesses to major distribution systems are unavailable, solar energy systems may be considered as a viable alternative. A major JMEC power distribution line is presently in the immediate area; it is unreasonable to consider solar energy for this proposed undertaking.

b. Wind Energy

Generation of electricity by wind has long been used in remote areas where no other means of electrical power is available. However, this method requires expensive and voluminous equipment and cannot be considered an economically feasible means of providing power in areas where major electrical distribution systems are in place. A major distribution system is available in the immediate area. Wind generated electricity is not considered a viable alternative. Environmental impacts related to this alternative are considered insignificant, approval or concurrence of this alternative does not require a "federal action" and therefore are not addressed in this document.

c. Portable Gas Generators

Small portable gas generators are available and presently used by some families. Typical output of these generators varies, usually from 2,500 watts to 10,000 watts. These small generators provide electricity for the basic needs such as lights, radios and TVs. However, because of their limited fuel capacity and cost to purchase and operate, these generators are not considered feasible for continuous operation. These generators are generally noisy. This alternative is not considered feasible in areas where accesses to major distribution systems are available. Environmental impacts related to this alternative are considered insignificant, and therefore are not addressed.

III. Description of the Affected Environment

A. Land Resources

1. Topography

The topography in the area ranges from open plains, gently sloping to undulating hills, mesas and rolling uplands. The mesa sides, or fronts, are generally steep to very steep. The project alignment has no significant breaks in the topography. The BCPL is at an elevation of approximately 6,510 feet.

2. Soils

The BCPL is located on lands that have been the subject of a soil survey conducted by the *United States Department of Agriculture, Soil Conservation Service in cooperation with the United States Department of the Interior, Bureau of Land Management, Bureau of Indian Affairs and the New Mexico Agriculture Station.*

Soils in the project area have been classified as Fruitland-Persayo, Badlands and Blancot-Notal associations.

Fruitland soil is deep and well drained. It formed in alluvium derived from sandstone and shale. Permeability of Fruitland soil is moderately rapid. Available water capacity is high. Effective rooting depth is 60 inches or more. Runoff is slow and the hazard of water erosion is slight. The hazard of soil blowing is moderate. The soils are classified as Typic Torriorthents, coarse-loamy, mixed, mesic. These deep, well drained soils are on sides of valleys and alluvial fans.

Persayo soils consist of shallow, well drained soils on hills, terraces and ridges. These soils formed on thin sediments weathered from underlying soft sedimentary bedrock. Permeability of Persayo soil is moderate or moderately slow. Runoff is medium to rapid, and the hazard of water erosion is high. Available water capacity is very low. Effective rooting depth is 10 to 20 inches. The hazard of soil blowing is high. This soil is slightly saline. The soils in the Persayo series are classified as Typic Torriorthents, loamy, mixed (calcareous), mesic, shallow. These shallow, well drained soils are on hills and breaks.

Badland consists of nonstony, barren shale uplands that are dissected by deep intermittent drainageways and gullies

Blancot soil is deep, well drained soils in upland valleys and on alluvial fans. Soils formed in alluvium derived from sandstone and shale. Permeability is moderate. Available water capacity is high. The hazard of soil blowing is moderate. Runoff is medium, water erosion is moderate. These soils are fine-loamy, mixed. Mesic, Typic Haplargids.

Notal soil is deep, well drained soils in upland valleys and on alluvial fans. Soils formed in alluvium derived from sandstone and shale. Permeability is very slow. Available water capacity is very high. The hazard of soil blowing is severe. Runoff is medium, water erosion is moderate. These soils are fine, mixed. mesic, Typic Camborthids.

Soils are not listed as hydric soils in *AD-A176734, Corps of Engineers Wetlands Delineation Manual, Jan. 87.*

3. Geological Setting and Mineral Resources

a. Geology

The BCPL area lies within the San Juan Basin, which is in the Navajo and Datil physiographic sections of the Colorado Plateaus Province. Geologic deposits within the basin range from Cambrian (600 million years old) to Recent age and are as much as 15,000 feet thick. In the project area some of the Precambrian granite rocks are exposed which may be well over 600 million years old. The San Juan Basin is an asymmetric structural feature with a northwest trending axis. The Hogback Monocline and the San Juan Uplift bound the basin on the north. The Nacimiento Uplift, the Brazos Uplift and the Jemez Mountains Caldera form the rim on the east. The Zuni Uplift and Chaco Slope form the southern margin of the basin; the Defiance Uplift and Four Corners Platform complete the basin rim in the north and west. The Chaco Plateau lies in the Central Basin of the San Juan Basin. This central portion of the San Juan Basin features gently dipping beds of the Mesa Verde Group, the Lewis Shale, the Kirtland Shale and the Fruitland Formation, as well as portions of the Ojo Alamo Sandstone, Nacimiento Formation and San Jose Formation. Nearly all relief in this portion of the area is the result of differential erosion. Little or no volcanic activity has occurred on the Chaco Plateau.

b. Mineral Resources

Extensive coal, petroleum and natural gas deposits are found in the San Juan Basin. However, here are no mineral resources in the immediate vicinity of the proposed BCPL.

4. Paleontology*

Paleontology is the science that deals with the remains of animals and plants found buried in sedimentary rocks. These rocks formed from particles of older rocks that have broken apart by water or wind. The gravel, sand and mud settled to the bottom of rivers lakes and oceans. These sedimentary particles buried living and dead animals and plants at the lake and sea bottoms. With the passage of time and accumulation of more particles, and with chemical changes, the sediments at the bottom of these deposits became rock. Gravel became the rock referred to as a conglomerate, sand became sandstone, mud became mudstone or shale and the plant and animals became fossils. For convenience, it is now customary to use the term only for the study of fossil and animals and to deal with plants under the head of paleobotany. In essence, however, the two form one science.

No fossils or formations containing fossils have been identified on or within the proposed BCPL area.

B. Water Resources

1. Surface Water

Most discharge in local washes and arroyos occurs during the spring snowmelt and occasional intense summer thundershowers. As a result flow is erratic and fluctuates widely both seasonally and annually. Torrential thunderstorms can produce flood stage flows within minutes.

Topographic features and soil conditions that result in the formation and continual development of canyons, arroyos and gullies contribute to the production of very poor water quality from many ephemeral flows. Key components that influence water quality are highly erosive and saline soils, sparse vegetative cover and rapid runoff. Surface runoff usually consists of greater than 10,000 ppm of suspended sediment and more than 1,000 ppm of dissolved solids (TDS). Limited salinity data indicates that moderately saline water (1,000 to 2,000 ppm TDS) are predominate for lands in this area.

Two small local drainages are crossed by the BCPL. The drainage areas of each are less than 1 square mile. No lakes, ponds, springs, seeps or wetlands are located within or adjacent to the project right-of-way.

a. Floodplain Management [24 CFR 55, Executive Order 11988]

The BCPL lies in "Indian Country" where flood hazard studies conducted by counties and other entities for real estate and insurance purposes have not been conducted. There is no evidence that any portion of the BCPL alignment has ever been inundated or impacted by flooding.

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

There are four designated *Wild and Scenic Rivers* as set forth in 16 U.S.C. Section 1271 in the State of New Mexico as listed in *Appendix A*. The *Wild and Scenic Rivers* in New Mexico are the East Fork of the Jemez, portions of the Pecos, Rio Chama and Rio Grande; none are located in the NC.

c. Wetland Protection [Executive Order 11990]

Wetlands are defined as areas that are inundated or saturated by surface or groundwater (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs and similar areas. Further, jurisdictional wetlands; those that are regulated by the U. S. Army Corps of Engineers (COE) under *Section 404*, must exhibit all three characteristics: hydrology, hydrophytes and hydric soils (*US ACOE 1987*)

The U. S. Fish and Wildlife Service (USF&WS) defines wetlands as lands that are transitional between terrestrial and aquatic systems where the water table is at or near the surface or the land is covered by shallow water, and that have one or more of the following attributes:

- At least periodically, the land supports predominantly hydrophytes.
- The substrate is predominantly undrained hydric soil.
- The substrate non-soil and is saturated during the growing season of each year (Cowardin et al. 1979).

Soils at the BCPL are not hydric soils as defined in *AD-A176734, Corps of Engineers Wetlands Delineation Manual, Jan. 87*. No attributes of wetlands are present in the BCPL area.

2. Ground Water

Regionally, stream valley alluviums may provide a various quantities of water. Well yields from this source vary greatly in volume and quality. Generally, the quantity and quality of the water varies significantly depending on the alluvial material and the substrata water level as it rises and lowers depending on precipitation and runoff. Most of this water is primarily suitable for livestock use, and only marginally suitable for human consumption. Aquifers producing sufficient quantities of potable water for domestic use require wells from 200 to over 500 feet in depth. Layers of bedrock and shale lie between the surface and aquifers producing viable sources of potable water. Potable water in the NC is provided by Navajo Tribal Utilities Authority (NTUA).

a. Sole Source Aquifers [40 CFR 149]

The US EPA Region IV is the agency responsible for maintaining the sole source aquifer database for the State of New Mexico. The five *Sole Source Aquifer* designations in EPA Region VI are shown in *Appendix B*. There are no designated sole source aquifers within the State of New Mexico or the Navajo Nation.

C. Air Resources (Clean Air Act [Sections 176 (c), (d) and 40 CFR 6, 51, 93])

1. Quality

Air quality is affected by pollutants, which include almost any composition of matter capable of being airborne. It is usual to consider as pollutants only those substances added in sufficient concentrations to produce measurable effects. These effects include visibility reduction, damage to materials such as structural metals, paint and fabrics, damage to vegetation, and physiological damage to man and animals.

The New Mexico Air Quality Bureau no longer maintains ambient air quality monitors in areas where the air quality is generally good as acknowledged in correspondence included in *Appendix C*. Because of the absence of air quality problems; no air monitoring stations are located in the NC. No published studies for air quality have been conducted in the NC. However, ambient air quality may be regarded as good to excellent, that is, near pristine. The designated nonattainment areas (an area that exceeds EPA air quality standards for pollutants) in *Region VI* are shown in *Appendix D*. The proposed BCPL is not within a designated nonattainment area.

2. Visibility

No sources of air pollution which would affect visibility are located in the vicinity of the BCPL. Primary pollution in the area, which may affect visibility, is wind blown dust from loose topsoil common during times of high winds and dust from vehicular traffic along unimproved roads in the area. Visibility in the area may be regarded as very good to excellent.

3. Climate/Meteorology

Due to the latitude and elevation of the area, precipitation occurs as snow in the winter, rain in the summer and both in the fall and spring. Winter precipitation generally occurs from air masses that originate in the extratropical Pacific or Canada. Summer precipitation usually occurs due to localized thunderstorm activity from air masses that primarily originate in the Gulf of Mexico. Surface winds are influenced somewhat by the local topography, solar insolation, and the proximity of high and low pressure areas. Prevailing winds in the project area are from southwest to northeast. The Western Regional Climate Center data shows that the average annual maximum temperature in the project area is 62.0° F, with an average high of 85.9° F in July and a low of 37.9° F in December. The average annual minimum temperature is 36.9° F, with an average high of 57.2° F in July and a low of 18.0° F in January. The average annual total precipitation is 10.46 inches with a high average rainfall of 1.72 inches in August and a low of 0.54 inches in January. The average annual snowfall is 25.7 inches with a high average of 6.1 inches in January and December. The average minimum snowfall of 0.4 inches is recorded in May, with no recorded snowfall from June thru September.

D. Biotic Resources

1. Description of Ecosystems and Biological Communities

On April 18, 2017, a visit to the BCPL was conducted by EAS to become familiar with the project area and its physical, biotic and hydrospheric environments. Habitat is described as sagebrush-juniper habitat.

2. Wildlife

a. Terrestrial

Fauna in the BCPL area include desert cottontails, deer mice, valley pocket gophers, piñon mice. Reptiles include lesser earless lizards, plateau whiptails and short-horned lizards. Characteristic breeding birds include scaled quails, mourning doves, common nighthawks, common flickers, western kingbirds, Say's phoebes, horned larks, common ravens.

b. Riparian/Aquatic

Habitat for riparian or aquatic species is not found on or in the area of the BCPL alignment.

c. Threatened and Endangered Species, Endangered Species Act [50 CFR 402]

The Navajo Natural Heritage Program (NNHP) was consulted regarding the effect of the proposed undertaking on federally listed threatened or endangered species. On 23 May 2017 the NNHP responded to this consultation. No federally listed threatened or endangered species were identified that may have potential to occur on the *Lybrook NW Quadrangle* (Appendix E).

d. Species of Concern

The NNHP have been consulted regarding the effect of the proposed undertaking on other species of concern. On 23 May 2017 the NNHP responded to this consultation and identified the following species of concern with potential to occur on the *Lybrook NW Quadrangle* (Appendix E).

Golden eagle (*Aquila chrysaetos*) NESL group 3; MBTA; BEA.

Wing spread 6-7 feet. Majestic, flat-winged gliding and soaring with occasional wingbeats. Evenly dark below, or with a slight lightening at base of tail. When the bird wheels, a wash of gold on the hind neck may be noticed. Nests are a mass of sticks on cliff ledges or trees. Habitat is open mountains, foothills, canyons and plains.

Burrowing owl (*Speotyto cunicularia*) NESL group 4; MBTA

A small brown owl of open country, often seen by day standing on the ground or on fence posts. About the size of a Screech owl, round head, long legs, stubby tail. Bobs and bows when agitated. Habitat is open grassland, prairies, dikes, desert and farms. Nests in rodent burrows in open ground and banks of arroyos.

Ferruginous hawk (*Buteo regalis*) NESL group 3; USESA category 2, candidate; MBTA

A large hawk of the plains. Rufous above and whitish below, with whitish tail. Head often quite white. A good mark in typical adults overhead is a dark V formed by dark rusty feathers on the legs. In flight, shows a light patch on upper wing near tip. Birds seem to key in on wide open grasslands and prairies. Nests of sticks, on cliffs or trees.

Mountain plover (*Charadrius montanus*) NESL group 4; USESA category 1 candidate; MBTA

The Mountain plover is about 7 inches tall about the size of a small Killdeer, but with no breast-rings common to the killdeer and other plovers. Habitat is semiarid grassland, plains and plateaus. Breeding habitat requirements are typically sites where the vegetation is less than 10 cm in height has at least 30 percent bare ground, a conspicuous object such as a manure pile, clump of forbs or rock nearby, and less than 5 percent slope. Its nest is a scrape on the ground. Mountain plovers are rarely near water.

Southwestern willow flycatcher (*Empidonax traillii extimus*) NESL group 3; USESA endangered; MBTA

This species is a small, passerine bird, approximately 15 cm in length. It has a grayish-green back and wings, whitish throat, light gray-olive breast and pale yellowish belly. Two wingbars are visible; the eye ring is faint or absent. The upper mandible is dark, the lower is light. Willow flycatchers are a neotropical migrant songbird that winter in southern Mexico, central America and extreme south America. Flycatchers nest in dense riparian vegetation, often with a high percentage of canopy cover. Habitat is riparian woodlands and brushy areas in pastures.

3. Vegetation

a. Terrestrial

Plant species in the BCPL area include western wheatgrass, galleta, Indian ricegrass, alkali sacaton, blue grama, giant dropseed, needleandthread, snakeweed, prickly pear cactus, black greasewood and fourwing saltbush, Mormon tea, sandhill muhly, sand sagebrush and broom snakeweed, oneseed juniper, big sagebrush, broom snakeweed and annual forbs.

b. Riparian/Aquatic

Habitat for riparian or aquatic species is not found on the BCPL alignment.

c. Threatened and Endangered Species, Endangered Species Act [50 CFR 402]

The Navajo Natural Heritage Program (NNHP) was consulted regarding the effect of the proposed undertaking on federally listed threatened or endangered species. On 23 May 2017 the NNHP responded to this consultation. No federally listed threatened or endangered species were identified that may have potential to occur on the *Lybrook NW Quadrangle* (Appendix E).

d. Species of Concern

The NNHP have been consulted regarding the effect of the proposed undertaking on other species of concern. On 23 May 2017 the NNHP responded to this consultation and identified the following species of concern with potential to occur on the *Lybrook NW Quadrangle* (Appendix E).

Aztec Gilia (*Aliciella Formosa*) NESL G4

Herbaceous perennial, 7-30 cm tall, older plants woody at the base, glandular; stems numerous, branched, leaves entire, 25 mm long, sharp-pointed, flowers pinkish-purple, trumpet-shaped, about 22 mm long. Flowers late April and May. Endemic to soils of the Nacimiento Formation. Salt desert scrub communities, 5,000-6,400 ft. Currently only known from Kutz Canyon south of Bloomfield.

San Juan milkweed (*Asclepias sanjuaneensis*) NESL G4

The plants are herbaceous perennials with two to seven prostrate to ascending stems from a woody taproot. The flowers are about 0.5 to 1.5 inches long and pale violet in color. This plant species occurs on sandy or sandy-loam soils, often in disturbance areas. San Juan milkweed has been found on the slopes and floodplains of the San Juan River and its tributaries.

Brack hardwall cactus (*Sclerocactus cloverae*) NESL G4

Stems mostly solitary, elongate cylindrical, 3 - 8 cm long, 2-7-cm in diameter, central spines usually 4-5, straw colored to brown, lower one hooked and about 3 cm long; radial spines 5 - 8; flowers purple, 2.5 - 3.5 cm long, 1.5 - 3 cm diameter, fruits green to tan, 1 - 5 mm long, 6 - 12 mm broad. Flowers from late April to May. Occurs in desert scrub and scattered juniper communities: on sandy hills of the Nacimiento Formation at 5,000 to 6,000 ft.

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

A Cultural Resources Survey of the BCPL was conducted by Julia M. Chavez, Archaeologist of Farmington, N.M. Prior to fieldwork a records check using the Navajo Nation Historic Preservation Department (NNHPD) files in Window Rock, Arizona was conducted to identify previous projects and recorded within 100 m of the BCPL alignment. A Class III pedestrian survey was conducted by walking parallel transects spaced approximately 15m apart within a 100 ft. corridor for the entire BCPL right-of-way.

A complete description of this work and results are found in the archaeological report titled *A Cultural Resources Survey of the Beyale Camp Power Line Extension in Nageezi Chapter, San Juan County, New Mexico* (JMC-17NN02) April 25, 2017. Cultural Resource Compliance Form NNHPD NO.: HPD-17-349 was issued for this undertaking on June 2, 2017 (Appendix G).

1. Traditional Cultural, Historic and Religious Properties

Traditional Cultural Properties (TCP) research was conducted for this undertaking. No sacred places were identified within a 5-mile radius of the project area. During the course of fieldwork an ethnographic interview was conducted with local resident Michael Beyale. No traditional, cultural, historic, religious properties or burials were identified within or near the area of the BCPL alignment.

2. Archaeological Resources

One site NM-H-51-105, a newly recorded site is located within the area of potential effect (APE) and cultural buffer zone of the BCPL alignment. The site is a recent Navajo (A.D. 2008 to 2012) temporary camp. One Isolated Occurrence (IO), IO-1 a white petrified wood tertiary flake was located within the APE of the project. Two In-use Areas (IUA) were identified within the APE. These were the homes of Harrison and Phyllis A. Yazzie (unoccupied) and Michael Beyale. These homes will be serviced by the BCBL.

F. Socioeconomics

1. Employment

Unemployment on the Navajo Reservation is high, living standards of Navajo people in this area may be considered typical for remote areas on the Navajo Indian Reservation. Limited wage work and business opportunities are available at trading posts and businesses located along State Highway 44 and oil and gas operations in the area. Educational opportunities, wage work and other business and job opportunities are scarce in the immediate area and are readily available only in Farmington, Bloomfield, and Cuba all more than 40 to 50 miles away. Primary employers in the area are the Navajo Nation, Huerfano dorm, Navajo Agricultural Products Industries (NAPI), Dzilith-Na-O-Dith-Hle Health Center and Dzilith-Na-O-Dith-Hle Community School. Animal husbandry, jewelry making also contribute to the job market in the Nageezi Chapter.

2. Demographics

The Navajo Nation encompasses 16.2 million acres in northwest New Mexico, northeast Arizona and southeast Utah. The 2000 census set the Navajo Nation resident population at a total of 180,462 persons, 175,228 being American Indian. The proposed project is located in the Nageezi Chapter, Eastern Navajo Agency. The 2000 census of the Navajo Nation set the population of the Nageezi Chapter at 1,003.

3. Lifestyles, Cultural Values

From the time the Navajo Reservation was established until the early 20th century, Navajo social and political organization were based on the extended family, the clan, and related clans, with informal local leaders or headmen. The chapter system, now a strong element in social and political life, was introduced as a bureaucratic substitute for the headman system in the late 1920's. The Chapter, District and Agency system has developed from the basis of the BIA and Navajo Tribal political system.

The Navajo of today is subject to a fluidity and change that appears to characterize Navajo culture. There may not be, in fact, a single Navajo culture; rather a continuum from most traditional to most "modern" (that is, most like Anglo culture). In American culture, one is accustomed to thinking of certain activities as religious, or economic or political; in Navajo society, these divisions do not necessarily exist nor are they perceived. For Navajos, man, nature, and supernatural forces are inextricably interwoven, and everyday acts are infused with the concept of the supernatural. Despite changes in Navajo society, traditional practices are still strong. Christian and the Native American Church preach primary responsibility to one's nuclear family and only secondary responsibility to other kin. Many Navajos, who subscribe to a belief in these non-traditional religions, are still strongly bound by tradition to their kinship and community groups through Navajo religious practices. Most traditional families have an area marked by a bush or plant where family members leave offerings of used material and paraphernalia from sings or ceremonies. Only individual families, medicine men or singers may know areas. Such areas are numerous and can only be identified by inquiry in each community. Because a nuclear family could scarcely survive without reciprocal relationships, the clan system is continually reinforced. Withdrawal of group or clan support is an economic, as well as, a psychological threat.

4. Community Infrastructure

The Navajo Nation is governed by a President, Vice-President and a unicameral council made up of delegates from the chapters throughout the reservation. Local governments consist of Chapter Presidents and other representatives, with day-to-day administrative duties conducted by Chapter Coordinators.

Educational facilities include Nageezi Pre-School and Dzilith-Na-O-Dith-Hle Community School. High school students are bussed to Bloomfield, New Mexico, 40 miles north, or attend boarding schools.

Among the social services available within the Nageezi Chapter are the Community Health Representative, Department of Head Start and Senior Citizens Center Program.

Commercial establishments in the area include three trading post, two gas stations, three convenience stores, a video shop, laundromat and post office. Major trading centers are Bloomfield and Farmington, N.M. 40 to 50 miles north, accessible by paved a highway.

There are six Christian and one Traditional and one Native American churches serving the area.

The various oil companies operating in the area, the BIA, San Juan County and the State of New Mexico, provide Road construction and maintenance.

Jemez Mountains Electric Cooperative, Inc., Navajo Tribal Utilities Authority, Indian Health Service, U. S. West Communications and Navajo Communications provide utilities available in the area.

G. Resource and Land Use Patterns

1. Agriculture, Farmland Protection Policy Act [7 CFR 658]

Agriculture is generally practiced on a limited basis throughout the Navajo Nation. Dry land farming of small farm plots is the most prevalent method due to the aridity of the southwest. Due to the quality of the soils and aridity of the area, there is no significant farming activity in the NC.

Grazing by sheep, goats, cattle and horses is the primary use of the land by local inhabitants. There are no prime or unique farmlands within or adjacent to the BCPL area.

2. Residential Land Use

Nageezi is a rural area with no definite town limits or zoning restrictions which specify types of construction or specific areas for commercial, industrial or residential development. Most of the local population of Navajo families residing in the Nageezi Chapter reside a rural form. That is in the manner found in farming and ranching communities where the families reside in "open compounds" or areas where one or more homes are located and surrounded by acres of farmland or grazing areas. Often several families, composed of the parents, and one or more sons and/or daughters, live at the same location. These compounds are generally ¼ mile or more apart.

The majority of the dwellings in the area have been built by their owners. More modern homes are found at the Navajo Housing Authority developments located throughout the area. NHA sub-divisions in the area are laid out in the conventional urban system of homes located along streets and alleys. Mobile homes are a popular source of improved housing for those who can afford them. 495 houses were reported in the Nageezi Chapter in the 2000 census; of this number 205 were found vacant. 63 mobile homes are located in the Chapter. 79 homes lack water and sewer and are dependent on outhouses and hauled water.

3. Waste Material

a. Solid Waste

No local landfill is available, solid waste is hauled to transfer stations and disposed of in a manner and at locations in conformance with applicable federal, state and Navajo Tribal laws and regulations.

b. Hazardous Waste

A field trip to the BCPL was conducted on April 18, 2017. There are no hazardous or toxic waste materials in the BCPL area.

H. Other Values

1. Sound and Noise, Noise and Abatement Control [24 CFR 51B]

In acoustics, noise is defined as any undesired sound. Usually, noise is a mixture of many tones combined in a non-musical manner. The measurement of any sound stimulus is commonly made with a sound-level meter and a frequency analyzer. The results of a measurement are given in decibels (db).

db Level	Example
30	Quiet library, soft whispers
40	Living room, refrigerator, bedroom away from traffic
50	Light traffic, normal conversation, quiet office
60	Air conditioner at 20 feet, sewing machine
70	Vacuum cleaner, hair dryer, noisy restaurant
80	Average city traffic, garbage disposals, alarm clock at two feet
THE FOLLOWING NOISE LEVELS MAY BE DANGEROUS UNDER CONSTANT EXPOSURE	
90	Motorcycle, truck traffic, lawn mower
100	Garbage truck, chain saw, pneumatic drill
120	Rock band concert in front of speakers, thunderclap
140	Gunshot blast, jet plane
180	Rocket launching pad

The ambient noise levels in the NC ranges between 0-db (soft whisper) and 80-db. Due to the location and topography, the area along the BCPL will not be subject to noise levels higher than an occasional 80-db level during the BCPL construction.

2. Public Health and Safety

Medical services are available at the San Juan Regional Medical Center in Farmington, New Mexico, Crownpoint Indian Health Care Facility in Crownpoint, New Mexico and the Shiprock Indian Health Service Hospital in Shiprock, New Mexico. Medical services are also available at the Dziłthaadithle Health Center, Presbyterian Medical Center in Farmington, New Mexico, Ojo Encino Health Station, Pueblo Pintado Health Station and Dr. Poe's Clinic in Aztec, New Mexico.

The San Juan County Sheriff's Department, New Mexico State Police and Navajo Police, Crownpoint District provides public safety services. Local fire suppression services are not available.

3. Visual Setting

The visual resources of an area are closely linked to peoples' concern for that area. Because of the importance of the visual senses, aesthetics are closely related to other human-interest values. Public enjoyments of recreational, historical and cultural resources are enhanced by aesthetic quality.

The sandstone, buttes, mesas, cliffs and pinnacles in the area are unique, however, they may be considered typical of the scenic Navajo Country. However, there are no unique features, vegetative patterns or sensitive areas, which would make the area where the BCPL is in an area of unique visual resources.

4. Explosive and Flammable Operations [24 CFR 518]

A field trip to the BCPL area was conducted on April 18, 2017. The site was found to be clear of dumps, landfills, industrial sites or other facilities or locations that contain hazardous wastes. The site is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances.

5. Airport Clear Zones and Accident Potential Zones [24 CFR 51D]

There are no airports or landing strips in the vicinity of the BCPL. Aircraft do not land or take off over the BCPL.

IV. Environmental Consequences of the Proposed Action and Measures for Mitigation

A. Land Resources

1. Topography

Approval of the requested right-of-way for BCPL will have no impact on the topography.

2. Soils.

Construction, operation and maintenance of the proposed power line will result in minimal surface and subsurface disturbance. No release of hazardous or toxic materials will occur. Erosion control is not anticipated; however, appropriate measures to eliminate erosion will be implemented, if necessary. The proposed BCPL construction, operation and maintenance activities will have no effect on the soils.

3. Geological Setting and Mineral Resources

a. Geology

The BCPL will have no effect on the geological setting.

b. Mineral Resources

The BCPL will have no effect on mineral resources.

4. Paleontology

The BCPL will have no effect on paleontology.

B. Water Resources

1. Surface Water

Construction and maintenance of the proposed BCPL will not require blocking, diverting or depositing earth or rock in surface drainages. JMEC will take all precautions to assure that there will be no disposal or spills of toxic or hazardous materials and no pollutants released into surface waters during the construction, operation and maintenance of the proposed NCDPP. Approval of the proposed BCPL right-of-way will not adversely affect surface waters.

a. Floodplain Management [24 CFR 55, Executive Order 11988]

The BCPL is not located in a 100-year frequency flood plain. The BCPL is not subject to flooding.

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

There are no designated *Wild and Scenic Rivers* as set forth in 16 U.S.C. Section 1271 in the State of New Mexico or the Navajo Nation (*Appendix A*). The BCPL will not impact wild and scenic rivers.

c. Wetland Protection [Executive Order 11990]

The BCPL will not have an adverse effect on wetlands.

2. Ground Water

The BCPL will have no effect on the ground water.

a. Sole Source Aquifers [40 CFR 149]

The BCPL will have no effect on sole source aquifers.

C. Air Resources (Clean Air Act [Sections 176 (c), (d) and 40 CFR 6, 51, 93])

1. Quality

BCPL will not generate or release pollutants which will result in visibility reduction, damage to materials such as structural metals, paint and fabrics, damage to vegetation, and physiological damage to man and animals. The BCPL will not have an effect on the air quality.

2. Visibility

The BCPL will have no effect on visibility.

3. Climate/Meteorology

The BCPL will have no effect on the climate or meteorology.

D. Biotic Resources

1. Description of Ecosystem and Biological Communities

There will be no significant impacts to the existing ecosystem or biological communities from the BCPL.

2. Wildlife

a. Terrestrial

Wildlife will not be adversely impacted by the BCPL.

b. Riparian/Aquatic

Riparian or aquatic species will not be impacted by the BCPL.

c. Threatened and Endangered Species

No federally listed threatened or endangered species were identified that may have potential to occur on the *Lybrook NW Quadrangle (Appendix E)*

d. Other Species of Concern

The NNHP have identified the following species of concern with potential to occur on the *Lybrook NW Quadrangle (Appendix E)*.

Kit fox (*Vulpes macrotis*)

Remains in burrow during day and forages at night. Preferred habitat is open level, sandy ground; low desert vegetation, junipers. Animal densities are low due to the human habitation. In consideration of its nocturnal habit; and duration of project construction activities at any one location, the proposed BCPL is not expected to have an adverse impact on the Kit fox.

Mountain plover (*Charadrius montanus*) NESL group 4: USESA category 1 candidate; MBTA

The mountain plover may be found in some areas of the project area, however due to the nature of the project and limited time for construction activities at any specific location (Less than one-half day); it is not expected that the BCPL will have an adverse impact on the mountain plover or its critical habitat.

Ferruginous hawk (*Buteo regalis*) NESL group 3, MBTA.

Golden eagle (*Aquila chrysaetos*) NESL group 3; MBTA; BEA

These species may frequent the project area, however no cliffs or trees required for nesting or roosting are found in the area of the BCPL. The power line shall be designed and constructed in accordance with the *Suggested Practices for Raptor Protection on Power Lines; The State of the Art 2006 (Edison Electric Institute, APLIC and the California Energy Commission, Washington D. C. and Sacramento, CA)* and the *Navajo Nation Raptor Electrocution Prevention Regulations*. Considering the nature of the proposed project; the length of time spent in the area by construction crews or in future maintenance of the line it is not expected that the BCPL project will not have an adverse impact on these species or their habitat.

Burrowing owl (*Speotyto cunicularia*) NESL group 4; MBTA

The burrowing owl may be found in the area around the project, however, rodent burrows and banks of arroyos were not observed on or near project alignment. Nesting habitat for the owl was not found. Due to the nature of the project, human habitation and limited time for construction activities at any specific location (Less than one-half day); it is not expected that the BCPL will have an adverse impact on the burrowing owl or its critical habitat.

The BCPL project is not expected to have a significant impact in these species of concern.

3. Vegetation

a. Terrestrial

No ground clearing will be required for the BCPL. Vegetation will not be significantly affected. Adverse impacts to vegetation will be negligible.

b. Riparian/Aquatic

The BCPL will have no effect on riparian or aquatic species.

c. Threatened and Endangered Species

No federally listed threatened or endangered species were identified that may have potential to occur on the *Lybrook NW Quadrangle (Appendix E)*

d. Other Species of Concern

The NNHP have identified the following species of concern with potential to occur on the *Lybrook NW Quadrangle (Appendix E)*.

Aztec Gilia (*Aliciella Formosa*) NESL G4

This species may occur in the area. However, since it is currently only known from Kutz Canyon south of Bloomfield, approximately 40 miles northwest, it is doubtful that a population of the Aztec Gilia is in the project area.

San Juan milkweed (*Asclepia sanjuaneensis*) NESL G4

Sandy and sandy-loam soils are not found in the area of the BCPL alignment, habitat for the San Juan milkweed is not found on the proposed project site.

Brack hardwall cactus (*Sclerocactus cloverae*) NESL G4

Habitat for the Brack hardwall cactus is found in the BCPL area. The project requires poles set approximately 350 feet apart. Holes approximately 14 inches in diameter augured and each 14-inch hole will disturb approximately 1.1 square feet of ground surface at each pole location (less than 50 square feet for the entire project). Surface disturbance will be negligible although some vegetation may be impacted from truck and trailer traffic required for hauling poles; and stringing the wire conductor. Access road construction road will not be required.

The BCPL project is not expected to have a significant impact in these species of concern.

4. Biological Resources Compliance

All proposed power lines shall be constructed with a raptor-safe power pole design as per *Avian Power Line Committee's Suggested Practices for Raptor Protection on Power Lines: The State of the Art 2006 (Edison Electric Institute, APLIC and the California Energy Commission, Washington D. C. and Sacramento, CA)* and the *Navajo Nation Raptor Electrocution Prevention Regulations*. All guy wires will be marked with highly visible daytime markers to prevent raptor collisions.

Power line construction shall avoid the Burrowing Owl (*Athene Cunicularia*) breeding season of 01 Mar-15Aug where suitable habitat is found within 0.4 km (¼mi) of the ROW. If the breeding season cannot be avoided, pre-action surveys will be required. The survey area must include a 0.4 km (¼mi) buffer from edge of disturbance. Activity will not be allowed within a ¼ mile of an active nest burrow until the young have fledged the nesting area, *Biological Resources Compliance Form NNDFW Review No. 17jrae102*.

E. Cultural and Archaeological Resources

A complete description of this work and results are found in the archaeological report titled *A Cultural Resources Survey of the Beyale Camp Power Line Extension in Nageezi Chapter, San Juan County, New Mexico (JMC-17NN02) April 25, 2017*.

Cultural Resource Compliance Form NNHPD NO.: HPD-17-349 was issued for this undertaking on June 2, 2017 with a determination that No historic properties affected (*Appendix G*).

1. Traditional Cultural, Historic and Religious Properties

No traditional, cultural or religious properties have been identified within the BCPL alignment.

2. Archaeological Resources

Site NM-H-51-105 does not meet the requirements necessary to qualify for nomination to the *National Register* and does not represent a *Register Eligible Property*. IO-1 lacks qualities of integrity as cited in 36CFR 60.4. The IUAs do not meet requirements necessary for the classification as archaeological resources and do not merit protection as *Register-Eligible* properties or under the *Archaeological Resources Protection Act*.

In the event of the discovery of any previously unidentified or incorrectly identified cultural resources; including but not limited to archaeological deposits, human remains, or locations reportedly associated with the Native American religious/traditional beliefs or practices; the NNHPD will be notified.

F. Socioeconomics

1. Employment

The BCPL will have no long term effect on employment in the project area.

2. Demographics

The BCPL will not affect demographics of the NC.

3. Lifestyles, Cultural Values

The BCPL will have a positive effect on the lifestyles of families in NC served by the power line.

4. Community Infrastructure

The BCPL will have a direct positive effect on the NC community infrastructure by providing electricity to an area not presently served.

G. Resource and Land Use Patterns

1. Agriculture, Farmland Protection Policy Act [7 CFR 658]

The BCPL will have no effect on agriculture in the NC.

2. Residential Land Use

The BCPL will have no effect on residential land use.

4. Waste Material

a. Solid Waste

Solid wastes generated at BCPL will be collected and disposed of in conformance with applicable federal and Navajo Nation laws and regulations.

b. Hazardous Waste

Hazardous or toxic materials will not be used or generated by the BCPL.

H. Other Values

1. Sound and Noise

The BCPL will have no effect on ambient noise in the area.

2. Public Health and Safety

The BCPL will not effect on public health and safety in the NC.

3. Visual Setting

The BCPL will not have an adverse effect on the visual setting or visual resources in the NC.

4. Explosive and Flammable Operations [24 CFR 518]

No explosive or flammable operations will be required in the development of the BCPL.

V. Compliance with Executive and Secretarial Orders

6. Environmental Justice

The proposed action will have positive social and economic impacts on residents in the NC, a minority population. The right-of-way approval for JMEC is considered as an action, which is in conformance with the intent of *Executive Order 12898 of February 11, 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

7. Indian Trust Resources

This environmental assessment has been prepared to assess the impacts from the approval of the BCPL to the Navajo Indian environment and trust resources. This action is conducted in compliance with *Secretarial Order 3175, Departmental Responsibilities for Indian Trust Resources*.

VI. Conclusions Regarding Significance

- The BCPL will not have an adverse impact on land resources.
- The BCPL will not have an effect on water resources.
- The BCPL will not have an effect on wetlands.
- The BCPL will not have an effect on air resources.
- The BCPL will not have a significant effect on biotic resources.
- The BCPL will not have an adverse effect on any federally listed species or have significant adverse effects on tribally listed species; or other species of concern.
- The approval of the BCPL will have no effect on archaeological resources in the project area.
- Traditional cultural, historic, or religious properties will not be affected by the BCPL.
- The BCPL will have no long term effect on employment on the Navajo Nation.
- The BCPL will have a positive effect on the lifestyle of families in the NC.
- The BCPL will not have an effect on agriculture.
- The BCPL will not have an effect on residential land use in the NC.
- The BCPL will not have an adverse effect on ambient sound and noise levels in NC.
- The BCPL will not have an effect on public health and safety.
- The BCPL will not have an adverse effect on the visual setting or visual resources in the NC.
- The BCPL may be considered as an action which is in conformance with the intent of *Executive Order 12898 of February 11, 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.
- This environmental assessment has been prepared to assess the impacts to the Navajo Indian environment and trust resources that may result from the approval of the BCPL. This action is conducted in compliance with *Secretarial Order 3175, Departmental Responsibilities for Indian Trust Resources*.

VII. Consultation and Coordination

A. Persons or agencies involved in the proposed action

Navajo Nation Natural Heritage Program
Navajo Nation Historic Preservation Office
Harrilene Yazzie, NEPA Coordinator U. S. DOI, BIA, Navajo Region
Eastern Navajo Agency, Branch of Real Estate Services U. S. DOI, BIA Navajo Region

B. Persons or agencies providing information

Danny Simpson, CSC
Julia M. Chavez, Archaeologist
The Navajo Nation, Natural Heritage Program, Navajo Fish and Wildlife Department

C. References

- ____ 2017. A Cultural Resources Survey of the Beyale Camp Power Line Extension in Nageezi Chapter, San Juan County, New Mexico (JMC-17NN02) April 25, 2017
- ____ 2016. Correspondence, Beyale Camp JMEC Power Line Project, 17jrae 102, Navajo Natural Heritage Program Department of Fish and Wildlife, 23 May 2017
- ____ 2004. Soil Survey of McKinley Area, New Mexico, McKinley County and Parts of Cibola and San Juan Counties - United States Department of Agriculture, Soil Conservation Service in cooperation with the United States Department of the Interior, Bureau of Land Management, Bureau of Indian Affairs and the New Mexico Agriculture Station, 2004
- ____ 1978. Western Area Survey, PNM
- ____ 2000. Chapter Images: 2000 Edition, Division of Community Development, Navajo Nation, 1997
- ____ 1998. NEPA Handbook, 516 DM, 59 IAM 3
- ____ 2005. Correspondence, State of New Mexico, Air Quality Bureau, New Mexico Air Quality Bureau, New Mexico Air Quality August 1, 2016
- ____ 2016. Western Regional Climate Center, Otis, New Mexico (296465), Period of Record Monthly Climate Summary 11/01/1905 to 06/06/2005
- ____ 2005. Western Wild and Scenic Rivers, New Mexico
- ____ 2005. Designated Sole Source Aquifers, EPA Region VI
- ____ 2005. Designated Nonattainment Areas, EPA Region VI.

VIII. Document Preparer

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Appendix A

Wild and Scenic Rivers

www.nps.gov/rivers/wildriverslist.html

Appendix B

**Designated Sole Source Aquifers
in EPA Region VI
www.epa.gov/safewater/swp/ssa/reg6.html**



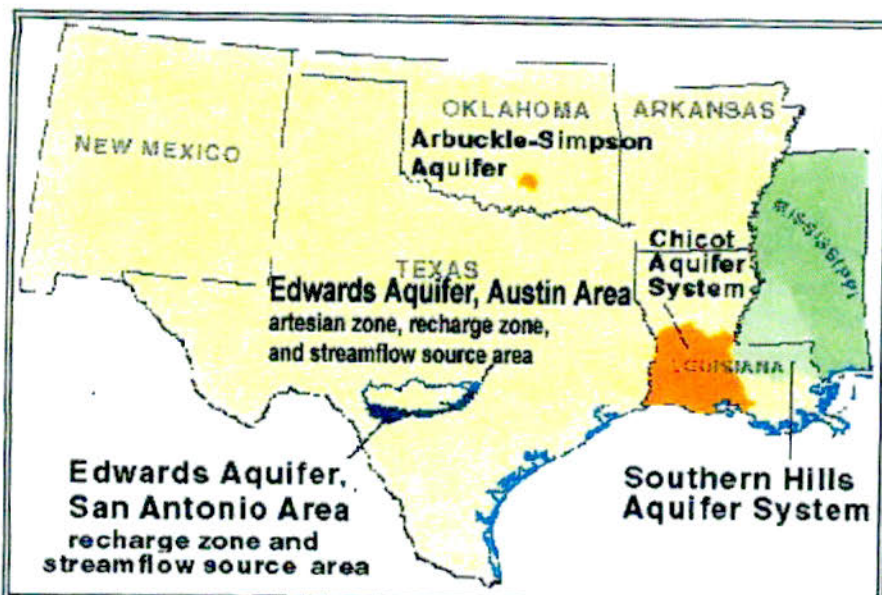
U.S. Environmental Protection Agency Source Water Protection

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DESIGNATED SOLE SOURCE AQUIFERS IN EPA REGION VI

Arkansas, Louisiana, New Mexico, Oklahoma, Texas



Claybourne Chesney
Source Water Protection Branch (6WQ-S)
US EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
phone: (214)665-7128
email: chesney.claybourne@epa.gov

The 5 Sole Source Aquifer designations in Region VI are listed below.
Visit [EPA Region 6](#) for SSA maps and details on each aquifer.

DESIGNATED SOLE SOURCE AQUIFIERS IN REGION 6:

State	Sole Source Aquifer Name	Federal Reg. Cit.	Public. Date	IS map
LA	Chicot Aquifer System	53 FR 20893	06/07/88	yes
*LA/MS	Southern Hills Aquifer System	53 FR 25538	07/07/88	yes
OK	Arbuckle-Simpson Aquifer, South Central Oklahoma	54 FR 39230	09/25/89	yes
TX	Edwards Aquifer, San Antonio Area	40 FR 58344	12/16/75	yes
TX	Edwards Aquifer, Austin Area	53 FR 20897	06/07/88	yes

Appendix C

**Correspondence,
New Mexico Air Quality Bureau
August 1, 2005**



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

Air Quality Bureau
2048 Galisteo St.
Santa Fe, NM 87505
Phone (505) 827-1494
Fax (505) 827-1523
www.nmenv.state.nm.us



RON CURRY
Secretary

DERRITH WATCHMAN-MOORE
Deputy Secretary

August 1, 2005

Mr. Jim Analla
PO Box 1034
Gallup, NM 87305

Dear Mr. Analla:

In response to your question about the New Mexico Environment Department (NMED) air monitoring network, I can give you the following information. Generally, our ambient air monitors are set up at sites in New Mexico that are near known sources of air pollution or have a high population concentration. Usually, when NMED has no monitors in a particular area, it is because air quality is generally good. There are many counties in New Mexico where there is no air monitoring because of the absence of air quality problems.

In the absence of air monitors, such areas are generally described as "unclassified" for attainment status, and are treated as though they are in attainment of all national and state ambient air quality standards. I hope this information will be useful to you in preparing your air quality assessments.

Sincerely,

Josephine Ball
Quality Assurance Manager
New Mexico Air Quality Bureau

Appendix D

Air State Implementation Plans EPA Region VI: South Central

Air State Implementation Plans

Section 110 of the Clean Air Act (Act) or (CAA) requires states to submit plans to EPA which provide for implementation, maintenance, and enforcement of the primary and secondary national ambient air quality standards for the criteria pollutants regulated under Title I of the Act (i.e., ozone, carbon monoxide, particulate matter less than or equal to 10 microns (PM-10), sulfur dioxide, nitrogen dioxide, and lead).

Each plan submitted must undergo reasonable notice and public hearing and include enforceable emission limitations and other control measures, schedules and timetables for compliance. The EPA approved SIP regulations are available for each State.

The following are the designated nonattainment areas in Region 6 subject to the section 110 nonattainment planning requirements (as of 9/5/12):

AREA	POLLUTANT	CLASSIFICATION
Houston-Galveston-Brazoria, Tx	8-Hour Ozone (1997 standard)	Severe
Houston-Galveston-Brazoria, Tx	8-Hour Ozone (2008 standard)	Marginal
Beaumont-Port Arthur, Tx	8-Hour Ozone (2008 standard)	N/A
Dallas-Ft. Worth, Tx	8-Hour Ozone (1997 standard)	Serious
Dallas-Ft. Worth, Tx	8-Hour Ozone (2008 standard)	Moderate
Baton Rouge, La	8-Hour Ozone (2008 standard)	Marginal
Anthony, NM	PM-10	N/A
El Paso, Tx	PM-10	N/A

Appendix E

**Correspondence
Beyale Camp JMEC Power Line Project
17jrae 102
Navajo Natural Heritage Program
Department of Fish and Wildlife
May 23, 2017**

**Biological Resources Compliance Form
NNDFW Review No. 17jrae102**



NNHP

Navajo Natural Heritage Program

PO Box 1480
Window Rock, AZ
86515

P 928.871 6472
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<http://nnhp.nndfw.org>

23-May-2017

17jrae102

Jim R. Analla
J.R. Analla EA Services
PO Box 1034
Gallup, NM 87305

SUBJECT: Beyale Camp JMEC Power Line Project, Nageezi Chapter, County of San Juan, State of New Mexico

Jim R. Analla,

NNHP has performed an analysis of your project in comparison to known biological resources of the Navajo Nation and has included the findings in this letter. The letter is composed of seven parts. The sections as they appear in the letter are:

1. **Known Species** – a list of all species within relative proximity to the project
2. **Potential Species** – a list of potential species based on project proximity to respective suitable habitat
3. **Quadrangles** – an exhaustive list of quads containing the project
4. **Project Summary** – a categorized list of biological resources within relative proximity to the project grouped by individual project site(s) or quads
5. **Conditional Criteria Notes** – additional details concerning various species, habitat, etc.
6. **Personnel Contacts** – a list of employee contacts
7. **Resources** – identifies sources for further information

Known Species lists "species of concern" known to occur within proximity to the project area. Planning for avoidance of these species is expected. If no species are displayed then based upon the records of the Navajo Nation Department of Fish and Wildlife (NNDFW) there are no "species of concern" within proximity to the project. Refer to the Navajo Endangered Species List (NESL) Species Accounts for recommended avoidance measures, biology, and distribution of NESL species on the Navajo Nation (http://nnhp.nndfw.org/sp_account.htm).

Potential Species lists species that are potentially within proximity to the project area and need to be evaluated for presence/absence. If no species are found within the Known or Potential Species lists, the project is not expected to affect any federally listed species, nor significantly impact any tribally listed species or other species of concern. Potential for species has been determined primarily on habitat characteristics and species range information. A thorough habitat analysis, and if necessary, species specific surveys, are required to determine the potential for each species.

Species of concern include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For legally protected species, the following tribal and federal statuses are indicated: NESL, federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only

ESA candidate, NESL group 4 status, and species listed on the Sensitive Species List. Please be aware of these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuring they will not be up listed in the future.

In any and all correspondence with NNDFW or NNHP concerning this project please cite the Data Request Code associated with this document. It can be found in this report on the top right corner of the every page. Additionally please cite this code in any biological evaluation documents returned to our office.

1. Known Species (NESL=Navajo Endangered Species List, FE=Federally Endangered, FT=Federally Threatened, FC=Federal Candidate)

Species

None

2. Potential Species

Species

ALFO = *Aliciella formosa* / Aztec Gila NESL G4
 AQCH = *Aquila chrysaetos* / Golden Eagle NESL G3
 ASSA = *Asclepias sanjuanensis* / San Juan Milkweed NESL G4
 ATCU = *Athene cunicularia* / Burrowing Owl NESL G4
 BURE = *Buteo regalis* / Ferruginous Hawk NESL G3
 CHMO = *Charadrius montanus* / Mountain Plover NESL G4
 EMTREX = *Empidonax traillii extimus* / Southwestern Willow Flycatcher NESL G2 FE
 SCCLBR = *Sclerocactus cloveriae* ssp. *brackii* / Brack Hardwall Cactus NESL G4

3. Quadrangles (7.5 Minute)

Quadrangles

Lybrook NW (36107-B6) / NM

4. Project Summary (EO1 Mile/EO 3 Miles=elements occurring within 1 & 3 miles., MSO=mexican spotted owl PACs, POTS=potential species, RCP=Biological Areas)

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Beyale Camp Power Line	None	None	Lybrook NW (36107-B6) / NM	None	EMTREX, CHMO, BURE, ATCU, AQCH, SCCLBR, ASSA, ALFO	Area 3

5. Conditional Criteria Notes *(Recent revisions made please read thoroughly. For certain species, and/or circumstances, please read and comply)*

- A. **Biological Resource Land Use Clearance Policies and Procedures (RCP)** - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process. After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation.
- The following is a brief summary of six (6) wildlife areas:
1. **Highly Sensitive Area** - recommended no development with few exceptions.
 2. **Moderately Sensitive Area** - moderate restrictions on development to avoid sensitive species/habitats.
 3. **Less Sensitive Area** - fewest restrictions on development.
 4. **Community Development Area** - areas in and around towns with few or no restrictions on development.
 5. **Biological Preserve** - no development unless compatible with the purpose of this area.
 6. **Recreation Area** - no development unless compatible with the purpose of this area.
- None** - outside the boundaries of the Navajo Nation
- This is not intended to be a full description of the RCP please refer to the our website for additional information at <http://www.nndfw.org/clup.htm>.
- B. **Raptors** - If raptors are known to occur within 1 mile of project location: Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation.
- o **Golden and Bald Eagles** - If Golden or Bald Eagle are known to occur within 1 mile of the project, decision makers need to ensure that they are not in violation of the Golden and Bald Eagle Nest Protection Regulations found at http://nnhp.nndfw.org/docs_reps/gben.pdf.
 - o **Ferruginous Hawks** - Refer to "Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection" http://nnhp.nndfw.org/docs_reps.htm for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location.
 - o **Mexican Spotted Owl** - Please refer to the Navajo Nation Mexican Spotted Owl Management Plan http://nnhp.nndfw.org/docs_reps.htm for relevant information on proper project planning near/within spotted owl protected activity centers and habitat.
- C. **Surveys** - Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts http://nnhp.nndfw.org/sp_account.htm. Surveyors on the Navajo Nation must be permitted by the Director, NNDFW. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW Zoologist (Chad Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7068.
- D. **Oil/Gas Lease Sales** - Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect ground water quality.
- E. **Power line Projects** - These projects need to ensure that they do not violate the regulations set forth in the Navajo Nation Raptor Electrocution Prevention Regulations found at http://nnhp.nndfw.org/docs_reps/repr.pdf.

- F. **Guy Wires** – Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.
- G. **San Juan River** – On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for *Ptychocheilus lucius* (Colorado pikeminnow) and *Xyrauchen texanus* (Razorback sucker). Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W, sec. 17 (New Mexico Meridian) to Neskahai Canyon in the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian) up to the full pool elevation. Razorback sucker critical habitat includes the SJR and its 100-year floodplain from the Hogback Diversion in T29N, R16W, sec. 9 (New Mexico Meridian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian). All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.
- H. **Little Colorado River** – On 21 March 1994 (Federal Register, Vol. 59, No. 54) the U.S. Fish and Wildlife Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for *Gila cypha* (humpback chub). Within or adjacent to the Navajo Nation this critical habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gila River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.
- I. **Wetlands** – In Arizona and New Mexico, potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the Navajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NNHP). The NNHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation. In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore, field surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. For more information contact the Navajo Environmental Protection Agency's Water Quality Program.

- J. **Life Length of Data Request** – The information in this report was identified by the NNHP and NNDFW's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NNDFW information is continually updated, any given information response is only wholly appropriate for its respective request.
- K. **Ground Water Pumping** - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquatic and/or wetlands species listed below. NESL Species potentially impacted by ground water pumping: *Carex specuicola* (Navajo Sedge), *Cirsium rydbergii* (Rydberg's Thistle), *Primula specuicola* (Cave Primrose), *Platanthera zothecina* (Alcove Bog Orchid), *Puccinellia parishii* (Parish Alkali Grass), *Zigadenus vaginatus* (Alcove Death Camas), *Perityle specuicola* (Alcove Rock Daisy), *Symphyotrichum welshii* (Welsh's American-aster), *Coccyzus americanus* (Yellow-billed Cuckoo), *Empidonax traillii extimus* (Southwestern Willow Flycatcher), *Rana pipiens* (Northern Leopard Frog), *Gila cypha* (Humpback Chub), *Gila robusta* (Roundtail Chub), *Ptychocheilus lucius* (Colorado Pikeminnow), *Xyrauchen texanus* (Razorback Sucker), *Cinclus mexicanus* (American Dipper), *Speyeria nokomis* (Western Seep Fritillary), *Aechmophorus clarkia* (Clark's Grebe), *Ceryle alcyon* (Belted Kingfisher), *Dendroica petechia* (Yellow Warbler), *Porzana carolina* (Sora), *Catostomus discobolus* (Bluehead Sucker), *Cottus bairdi* (Mottled Sculpin), *Oxyloma kanabense* (Kanab Ambersnail)

6. Personnel Contacts

Wildlife Manager

Sam Diswood

928.871.7062

sdiswood@nndfw.org

Zoologist

Chad Smith

928.871.7070

csmith@nndfw.org

Botanist

Nora Talkington

ntalkington@nndfw.org

Biological Reviewer

Pamela Kyselka

928.871.7065

pkyselka@nndfw.org

GIS Supervisor

Dexter D Prall

928.645.2898

prall@nndfw.org

Wildlife Tech

Sonja Detsoi

928.871.6472

sdetsoi@nndfw.org

7. Resources

National Environmental Policy Act

Navajo Endangered Species List:
<http://nnhp.nndfw.org/Endangered.htm>

Species Accounts:
http://nnhp.nndfw.org/sp_account.htm

Biological Investigation Permit Application
http://nnhp.nndfw.org/study_permit.htm

Navajo Nation Sensitive Species List
http://nnhp.nndfw.org/study_permit.htm

Various Species Management and/or Document and Reports
http://nnhp.nndfw.org/docs_reps.htm

Consultant List
(Coming Soon)

Dexter D Prall

Digitally signed by Dexter D Prall
DN: cn=Dexter D Prall, o=Navajo Nation
Department of Fish and Wildlife,
ou=Navajo Natural Heritage Program,
email=prall@nndfw.org, c=US
Date: 2017.05.23 07:20:58 -07'00'

Dexter D Prall, GIS Supervisor - Natural Heritage Program
Navajo Nation Department of Fish and Wildlife



**PRESIDENT
RUSSELL BEGAYE
VICE PRESIDENT
JONATHAN NEZ**

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

30 June 2017

17jrae102

Jim R. Analla
J.R. Analla EA Services
Post Office Box 1034
Gallup, New Mexico 87305

Dear Jim,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Environmental Assessment for Jemez Mountains Electric Cooperative, Inc.'s (JMEC) proposed **Beyale Camp Power Line** located in Nageezi Chapter, San Juan County, New Mexico. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The project is approved with the condition that power line construction shall avoid the Burrowing Owl (*Athene cunicularia*) breeding season of 01 MAR-15 AUG where suitable habitat is found within 0.4 km (1/4 mi) of the ROW. If the breeding season cannot be avoided, pre-action surveys will be required. The survey area must include a 0.4 km (1/4 mi) buffer from the edge of disturbance. Activity will be not allowed within a 1/4 mile of an active nest burrow until the young have fledged the nesting area.

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

6/30/17
Date

**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.: Beyale Camp JMEC Power Line

DESCRIPTION: JMEC proposes a right-of-way for the construction, operation, and maintenance of a single-pole overhead 14.4/24.9kV power line. The power line would be a total of 7,414.47 ft. in length with a 20-ft. wide corridor (including guys and anchors), consisting of 4.90± acres on Navajo Tribal Trust and Navajo Indian Allotted Lands.

LOCATION: Sections 20, 29, & 30 T23N R08W, NMPM, Nageezi Chapter, San Juan County, New Mexico

REPRESENTATIVE: J.R. Analla EA Services for Jemez Mountains Electric Cooperative, Inc. (JMEC)

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: EAS-1701/JUN 2017/Jim R. Analla

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Athene cunicularia* (Burrowing Owl) G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: The NNDFW highly recommends that the power line is constructed utilizing a raptor-safe, power pole design standard. All guy wires will be marked with highly visual daytime markers to prevent raptor collisions.

CONDITIONS OF COMPLIANCE*: Power line construction shall avoid the Burrowing Owl (*Athene cunicularia*) breeding season of 01 MAR-15 AUG where suitable habitat is found within 0.4 km (¼ mi) of the ROW. If the breeding season cannot be avoided, pre-action surveys will be required. The survey area must include a 0.4 km (¼ mi) buffer from the edge of disturbance. Activity will be not allowed within a ¼ mile of an active nest burrow until the young have fledged the nesting area.

FORM PREPARED BY / DATE: Pamela A. Kyselka/30 JUN 2017

COPIES TO: (add categories as necessary)

☒ BIA

☐ _____

2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

6/30/17

*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




Jim L. Anella

Date 6-30-17

Appendix F

**A Cultural Resources Survey
of the Beyale Camp Power Line Extension
in Nageezi Chapter
San Juan County, New Mexico
(JMC-17NN02)
April 25, 2017**

ARCHAEOLOGICAL INFORMATION REPORT FORM (HPD JAN/91)

1. HPD REPORT NO.:	2.(FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.:								
4. TITLE OF REPORT: A Cultural Resources Survey of the Beyale Camp Power Line Extension in Nageezi Chapter, San Juan County, New Mexico		5. FIELDWORK DATE(S): February 6, 9, 20 and March 15, 2017								
Author(s): Julia M Chavez		6. REPORT DATE: April 25, 2017								
7. CONSULTANT NAME & ADDRESS: Direct Charge: Julia M Chavez Org. Name: Julia M Chavez, Archaeologist Org. Address: PO Box 3606 Farmington, NM 87499 Phone: 505-686-4111		8. PERMIT NO.: B17100								
		9. CONSULTANT REPORT NO.: JMC-17NN02								
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Danny Simpson, CSC Org. Name: Nageezi Chapter Org. Address: PO Box 100 Nageezi, NM 87037 Phone: 505-960-7200		11. SPONSOR PROJECT NO.: N/A								
		12. AREA OF EFFECT: AREA SURVEYED: (See Supplemental Sheet)								
13. LOCATION (MAPS ATTACHED):										
<table border="0"> <tr> <td>a. Chapter: Nageezi</td> <td>e. Land Status: Tribal Trust and Allotted Lands</td> </tr> <tr> <td>b. Agency: Eastern</td> <td>f. UTM Center: See Supplemental Sheet</td> </tr> <tr> <td>c. County: San Juan</td> <td>g. Area: See Supplement Sheet</td> </tr> <tr> <td>d. State: New Mexico</td> <td>h. 7.5' Map Name(s): Lybrook NW, New Mexico 1966</td> </tr> </table>			a. Chapter: Nageezi	e. Land Status: Tribal Trust and Allotted Lands	b. Agency: Eastern	f. UTM Center: See Supplemental Sheet	c. County: San Juan	g. Area: See Supplement Sheet	d. State: New Mexico	h. 7.5' Map Name(s): Lybrook NW, New Mexico 1966
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14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) / / OR PRELIMINARY REPORT / /										
<table border="0"> <tr> <td>a. Description of Undertaking: See Supplemental Sheet</td> </tr> <tr> <td>b. Existing Data Review: See Supplemental Sheet</td> </tr> <tr> <td>c. Area Environmental & Cultural Setting: See Supplemental Sheet</td> </tr> <tr> <td>d. Field Methods: See Supplemental Sheet</td> </tr> </table>			a. Description of Undertaking: See Supplemental Sheet	b. Existing Data Review: See Supplemental Sheet	c. Area Environmental & Cultural Setting: See Supplemental Sheet	d. Field Methods: See Supplemental Sheet				
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16. MANAGEMENT SUMMARY (RECOMMENDATIONS): The archaeologist recommends archaeological clearance for the proposed Beyale Camp Power Line Project.										
17. CERTIFICATION:	<table border="0"> <tr> <td>SIGNATURE:</td> <td>DATE: 4/25/17</td> </tr> <tr> <td>General Charge Name:</td> <td></td> </tr> <tr> <td>(also Direct Charge)</td> <td>Julia M. Chavez</td> </tr> </table>		SIGNATURE:	DATE: 4/25/17	General Charge Name:		(also Direct Charge)	Julia M. Chavez		
SIGNATURE:	DATE: 4/25/17									
General Charge Name:										
(also Direct Charge)	Julia M. Chavez									

ARCHAEOLOGICAL INFORMATION REPORT FORM

Supplemental Sheet

12. AREA OF EFFECT, AREA SURVEYED:

Land Status	Project Component	Acres Surveyed	Acres in APE
Tribal Trust	Power Line	7.6	1.75
Allotment (68 and 70)	Power Line	14.53	3.33
Total		22.13	5.08

13. UTM Center:

Map Location	Zone	Easting	Northing	Easting	Northing
		NAD 27	NAD 27	NAD 83	NAD 83
A (Power Line BOL)	13	255319	4009218	255269	4009424
B (Bend 1)	13	256171	4009405	256121	4009611
C (Bend 2)	13	256642	4010040	256592	4010246
D (Power Line EOL)	13	256683	4010465	256633	4010671
E (A-1 Segment BOL)	13	256662	4010252	256611	4010458
F (A-1 Segment EOL)	13	256723	4010260	256672	4010466

14. REPORT

a. Description of Undertaking: The undertaking includes the construction of one main power line and one tap line to serve existing residential lease locations. The length of Line A and Tap Line A-1 measures 7,114.47 ft in length. In addition, there are six guy points measuring 50 ft in length each. The total length of the power line measures 7,414.47 ft.

Vehicles will access each pole location, and truck-mounted power augers will be used to excavate pole and anchor holes. Two of the power lines will cross wide drainages. In these areas, a combination of vehicular and foot traffic will occur during line stringing. Disturbance in the area of potential effect (APE) includes blading and excavation of pole and anchor locations. Appendix A contains the legal description and plats with the surveyor's official location of the undertaking.

The archaeologist surveyed the 30-ft-wide APE and a 50-ft cultural buffer zone along each side of the corridor. All guy points are located within the ROW corridor and so no additional survey was needed.

b. Existing Data Review: The archaeologist researched cultural resources records maintained by the Navajo Nation Historic Preservation Department on February 15, 2017. No sites are listed within 100 m of the project area. Four previous inventories have been conducted in the project area. The projects are one Indian Health Service project (HPD 96-033) and three residential lease locations (HPD 94-761, 05-684 and 06-520). Other development in the area include water lines, pipelines, a transmission line and dirt roads. A visit to the Eastern Navajo Land Office was made to identify the residential lease location encountered during the survey.

A Traditional Cultural Properties (TCP) research was also conducted on February 15, 2017. There is no sacred place identified by records maintained by the Navajo Nation TCP Office within a 5-mile radius of the project area. A signed copy of the TCP Record Search Verification Form is included with this report (provided only to NNHPD). Van Valkenburgh (1974) lists no traditional cultural properties in the vicinity of the project area.

c. Area Environmental & Cultural Setting: Landform/Elevation: The project area is on a south-facing slope overlooking an unnamed tributary of Bettonie Tsosie Wash. Hills and ridges of sand and clay characterize the area. Natural erosion has created deflated areas and slope wash in the project area. There are several intermittent drainages that bisect the project area. Soils in the project are sandy loam to loamy fine sand classified as was classified Fruitland-Persayo-Sheppard complex along with silty clay loam to clay classified as Blancot-Notal association by the NRCS (2017). Elevation ranges from 6750 ft to 6880 ft. The vegetation environment is desert scrubland to juniper/pinyon woodland. Vegetation consists of juniper and pinyon trees, sagebrush, rabbitbrush, snakeweed, cacti, and various grasses. Grazing has caused additional disturbances in the vicinity of the project area.

d. Field Methods: The power line was staked prior to the archaeological survey by T & D Services. Ms. Chavez performed a systematic, pedestrian survey of 100 percent of the area of potential effect (APE) and buffer zones, walking parallel transects with intervals not exceeding 15 m in width. A global positioning system unit was used to verify the location of survey area, preserve transects, and document field locations. The survey included a 50-ft cultural buffer zone on each side of the power line and a 30-ft right-of-way. There are several existing roads that will be used to access the power line. A newly documented site is located within and adjacent to the project area. The site was recorded using GPS measurement and/or measuring tape. A datum was established, features and artifacts identified and photographs taken.

ARCHAEOLOGICAL INFORMATION REPORT FORM
Supplemental Sheet

The Nageezi Chapter is the sponsor of the project. Danny Simpson, Community Services Coordinator, informed the archaeologist that the local residents would be the ones to identify any TCPs or unmarked burials, if any, are in the project area. Michael Beyale, a resident of IUA-2, informed the archaeologist that his family was unaware of any TCPs or unmarked burials in the vicinity of the power line project.

15. CULTURAL RESOURCE FINDINGS:

a. Location/Identification of Each Resource: Site NM-H-51-105 is a newly recorded site and is located within the APE and cultural buffer zone of the proposed power line. The site is a recent Navajo (A.D. 2008 to 2012) temporary camp. A completed NNAD Site Survey and Management Update Form and a USGS map showing the location of the site are contained in Appendix B. Documents pertaining to the archaeological site are not provided in the client's copy.

IO-1 is located within the APE of the power line. The IO consist of one white petrified wood tertiary flake. The flake measures 2.4 x 2.3 x 0.5 cm in size. The UTM coordinate is Zone 13; 256604E 4009975N (NAD 27).

IUA-1 is located within the southern portion of the cultural buffer zone of the power line. IUA-1 belongs to Harrison and Phyllis A. Yazzie. At the IUA, the residential lease location remains unoccupied. The early stages of construction has began with metal rebars set for a structure. IUA-2 is located within and adjacent to the APE and cultural buffer zone of the power line. The existing homes will be service through the current project. The IUA is a 1980s to present homestead belonging to the Beyale family. The IUA consists of 2 houses, 2 mobile homes, agricultural field and several in-use features. According to Michael Beyale, a residents being serviced, none of the structures have not been blessed.

b. Evaluation of Significance of Each Resource: Site NM-H-51-105 does not meet all requirements necessary to qualify for nomination to the National Register and does not represent a Register-eligible property. The site's research potential has been exhausted through recordation and ethnography. The site is no longer of archaeological interest and does not merit protection under ARPA. In addition, site does not retain qualities or characteristics that would make it eligible for protection under AIRFA.

IO-1 lacks the qualities of integrity cited in 36CFR 60.4. The IO has limited information potential and that potential has been exhausted with the documentation obtained during recording.

The IUAs do not meet both requirements necessary for classification as archaeological resources and do not merit protection as Register-eligible properties or under ARPA. The IUAs do not merit protection under AIRFA.

References Cited:

NRCS.

2017 Soil Survey Staff, Nation Resource Conservation Service, United States Department of Agriculture, Web Soil survey. <http://soildatamartnrsc.usda.gov>. Accessed 2/14/17.

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places, edited by Clyde Kluckhohn. In *Navajo Indians III*, pp. 1-199. Garland Publishing, New York.

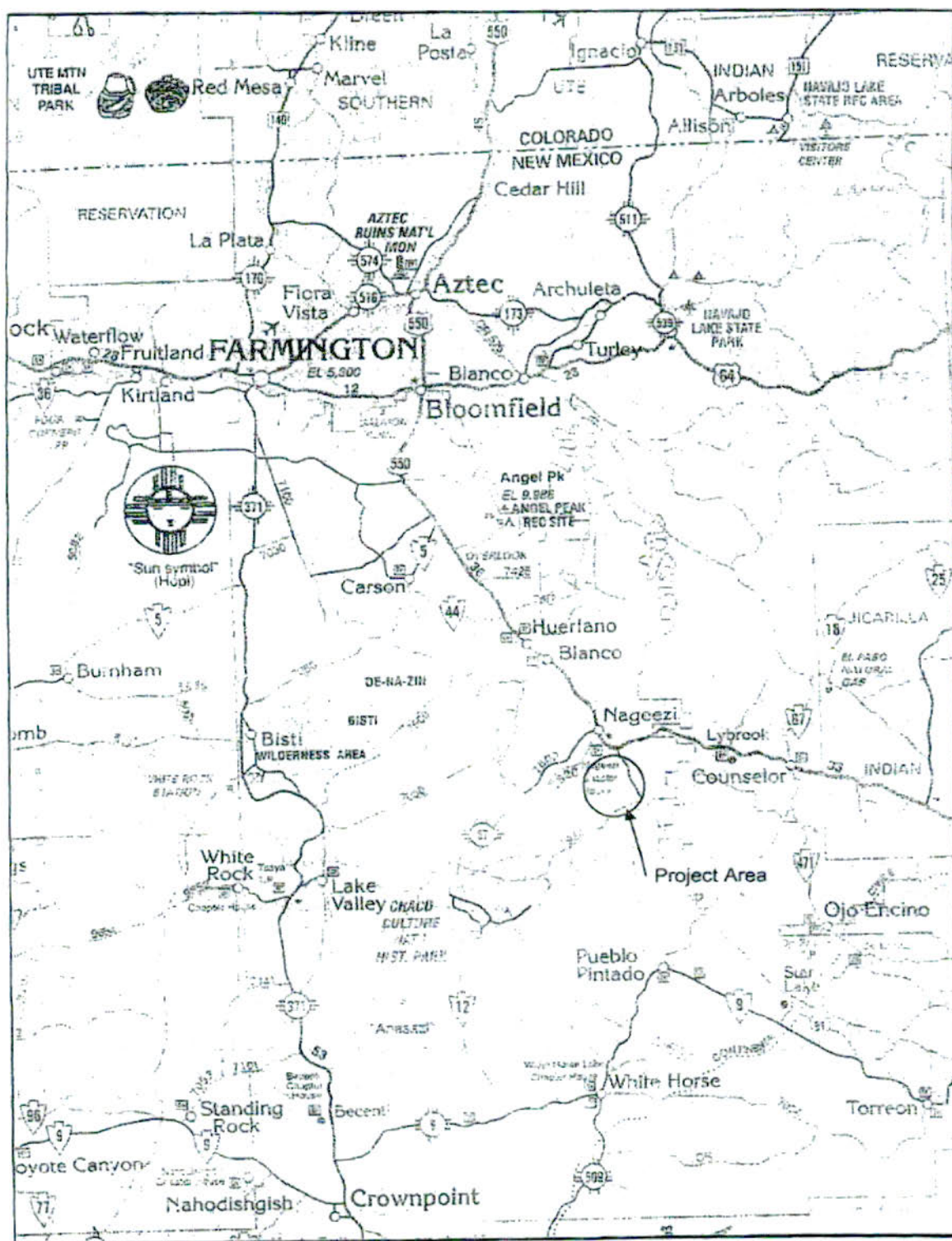


Figure 1. General Vicinity Map. Project No. JMC-17NN02 (B17100).

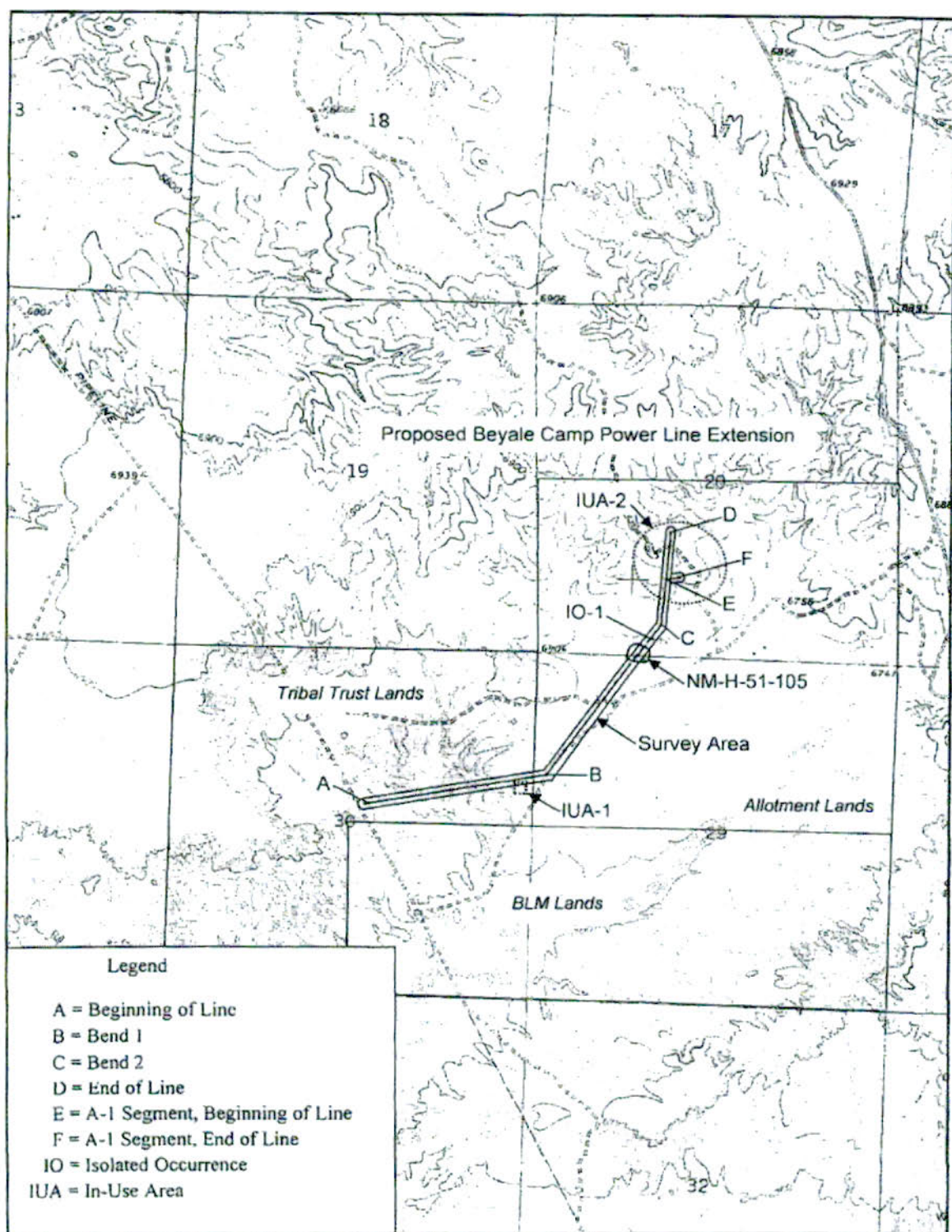


Figure 2. Project area map showing proposed Beyale Camp Power Line Extension and cultural resources; T.23N, R.8W, USGS map; Lybrook NW, N. Mex., 1966. Project No. JMC-17NN02 (B17100).

Appendix G

Cultural Resource Compliance Form
NNHPD NO.: HPD-17-349
June 2, 2017



THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:

☒ JMC

NNHPD NO.: **HPD-17-349**

OTHER PROJECT NO.: **JMC-17NN02**

PROJECT TITLE: A Cultural Resources Survey of the Beyale Camp Power Line Extension in Nageezi Chapter, San Juan County, New Mexico.

LEAD AGENCY: BIA/NR

SPONSOR: Danny Simpson, CSC, Nageezi Chapter, P.O. Box 100, Nageezi, New Mexico 87037.

PROJECT DESCRIPTION: The undertaking proposes the construction of one main power line and one tap line to service existing residential lease locations. The length of Line A and Tap Line A-1 measures 7,114.47 ft. in length. In addition, there are six guy points measuring 50 ft. in length each. The total length of the power line measures 7,414.47 ft. with a 30-ft wide right-of-way. Ground disturbance will be intensive & extensive with the use of heavy equipment.

LAND STATUS:	Tribal Trust and Allotted Lands													
CHAPTER:	Nageezi													
LOCATION:	T.	23	N.	R.	08	W	Sec.	20,29 &30	Lybrook NW	Quadrangle	San Juan	County	New Mexico	NMPM
PROJECT ARCHAEOLOGIST:	Julia M. Chavez													
NAVAJO ANTIQUITIES PERMIT NO.:	B17100													
DATE INSPECTED:	02/06/17 to 03/15/17													
DATE OF REPORT:	04/25/17													
TOTAL ACREAGE INSPECTED:	22.13 - ac													
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 15 m apart.													
LIST OF CULTURAL RESOURCES FOUND:	(1) Site (NM-H-51-105), (1) Isolated Occurrence (IO), (2) In-Use Area (IUAs)													
LIST OF ELIGIBLE PROPERTIES:	None													
LIST OF NON-ELIGIBLE PROPERTIES:	(1) Site (NM-H-51-105), (1) IO, (2) IUAs													
LIST OF ARCHAEOLOGICAL RESOURCES:	None													

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

Site NM-H-51-105: No conditions are warranted.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Lukai Nez
FINALIZED: May 31, 2017

Notification to Proceed
Recommended

☒ Yes ☐ No

Conditions:

☐ Yes ☒ No

Richard M. Begay
Richard M. Begay, Dep't Mgr. / THPO
The Navajo Nation
Heritage & Historic Preservation Dep't

5/31/17
Date

Navajo Region Approval

☒ Yes ☐ No

[Signature]
BIA - Navajo Regional Office

6/2/17
Date

Document No. 009706Date Issued: 02/12/2018**EXECUTIVE OFFICIAL REVIEW**Title of Document: JMEC, ROW Beyale Camp in Nageezi NMContact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina_yazzie@frontier.comPhone Number: 928-871-6447☐ **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>V. Blackhawk</i>	Date: <i>4/19/18</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. OPVP	<i>mmj</i>	Date: <i>2-1-19</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

☐ **OTHER:**

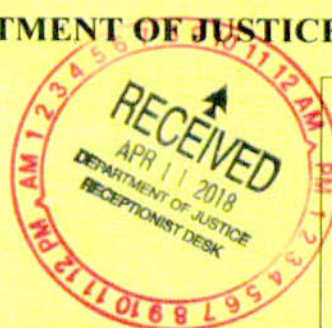
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2. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____	Date: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



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ
4/11/18 e 1052
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 009706
SAS #:
UNIT: NM

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

CLIENT TO COMPLETE

DATE OF REQUEST:	4/11/2018	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com

TITLE OF DOCUMENT: JEMEZ MOUNTAIN ELECTRIC COMPANY - ROW BEYALE CAMP IN NAGEEZI NM

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	4.11.18 11:15 am	REVIEWING ATTORNEY/ADVOCATE:	Shirin Chee 4.20.18
DATE TIME OUT OF UNIT:	4.19.18 4:25 pm		

DOJ ATTORNEY / ADVOCATE COMMENTS

- Corrections were made to the Terms & Conditions. Document is now legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Imma H	4/17/18	VP Blackhat	4/19/18 9:01 AM

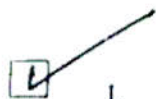
DOJ Secretary Called: Verna for Document Pick Up on 4.19.18 at 3pm By: J

PICKED UP BY: (Print)

DATE / TIME:

NNDOJ/DRRF-July 2013

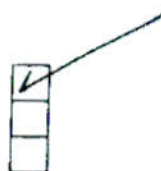
COMPLETED

RIGHT-OF-WAY
CHECK LISTSAS NO. 009706

1.

Terms & Conditions:

- (a) General
- (b) BIA Roads
- (c) IIS/PHS

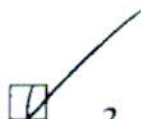


Check to see if ROW terms and conditions form contains standard provisions.

EXAMPLES:

- (a) compliance with Navajo and federal laws
- (b) no waiver of sovereign immunity
- (c) consent to Navajo Nation jurisdiction

Note! NTUA rights-of-way do not generally require compensation to the Navajo Nation unless it serves a commercial purpose. If the terms and conditions provide for compensation make sure that the grantee provides the BIA with a copy (proof) of any payment to the Navajo Nation within at least five days of payment.

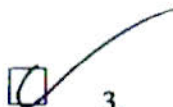


2.

Term -- twenty (20) years or less.

EXCEPTIONS:

- (a) IHS P.L. 86-121 projects can be perpetual
- (b) BIA roads 75 years
- (c) N.M./AZ State roads can be perpetual ie. as long as it is used for state highway
- (d) If an applicant is seeking longer than a twenty (20) year term, the applicant must explain why in writing in order that the Navajo Nation can make an informed decision whether to recommend it, unless a longer term is preauthorized.



3.

Variation on standard terms and conditions.

- (a) other roads
- (b) electric transmission
- (c) gas pipeline
- (d) other



4.

Resources and Development Committee Resolution.

Resources and Development Committee has final approval authority -- Naa bik iyati

Resolution not necessary where right-of-way is sought by another governmental entity.

EXCEPTIONS:

- (a) IHS P.L. 86-121 rights-of way do not need a Resources and Development Committee Resolution - see Resolution RCF-41-95. NLD can give consent if terms similar to approved form
- (b) NTUA rights-of-way do not need Resources and Development Committee approval. The NLD has been delegated the authority to consent on behalf of the Navajo Nation provided that the right-of-way terms and conditions are consistent with the approved **standard form** and the application is supported by:

1. Letter of application
2. Legal description
3. Right-of-way location maps
4. Biological Resources Compliance Form
5. Cultural Resources Compliance form
6. Field Clearance Documents
7. Chapter Resolution
8. Environmental Assessment (EA) and/or Addendum
9. Other pertinent documents if required

See RCD-104-10



5. Check exhibits for land user/permittee consent

- (a) trust land needs grazing permittees' consents
- (b) fee land does not
- (c) If some permittees consent and others do not then this must be explained in the resolution/legislation
- (d) check to see if surface damages, if sought, has been placed in an escrow account
- (e) grazing official sign off if trust land
- (f) NAPI consent if the proposed right-of-way is within NAPI lands.

* According to Land Board,
* There are no land users identified w/in the proposed project area.



6. Check to see if all required Divisions, Departments, etc., have reviewed and signed the SAS package.

Approved

"
"
"
"

- (a)
- (b)
- (c)
- (d)
- (e)

Project Review Office/Navajo Land Department
Fish & Wildlife Department
Historic Preservation Department
Navajo Environmental Protection Agency

Minerals

Approved



Division of Natural Resources

☒ 7. If additional terms and conditions are suggested by NNEPA, Fish & Wildlife Department or others, try to determine if they are necessary. The concerns may already be covered by the general terms and conditions, BIA required stipulations or 25 C.F.R. § 169.

☒ 8. Check the content of proposed resolution or legislation to ensure it expressly incorporates in a Resolved Clause the right-of-way terms and conditions. *None*

☒ 9. Check to see if there is a legal description and whether it appears to be accurate. *Resln N/A*

10. Check to see if all documents are attached:


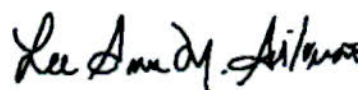


- ☒ (a) Environmental Assessment (EA) unless categorical exclusion applies (IHS projects)
- ☐ (b) Archaeological Clearance
- ☒ (c) Cultural Resources Compliance Form
- ☐ (d) Threatened and Endangered Species/Biological Survey
- ☐ (e) Letter from the Fish & Wildlife Department or an EA indicating that a biological survey is not necessary i.e. (the project will not have a significant impact).

☒ (f) FONSI

4-17-18

Date

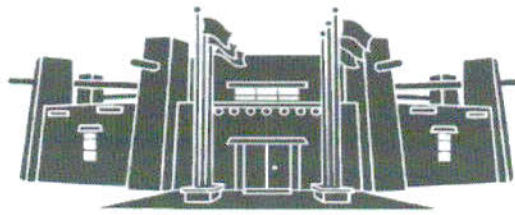
Reviewed by

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Sufficient documentation.	1. No Reply	27-Mar-2018	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Please consult with our Water Quality Office, should your project cross any ephemeral waterways. This is to ensure a CWA Section 401 Certification may not be needed for your project. Thank you. (928) 871-7692	1. No Reply	22-Mar-2018	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	05-Mar-2018	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #17jrae102	1. No Reply	05-Mar-2018	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	07-Mar-2018	

Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Actual land surface disturbance expected to be less than 1.0 acre so coverage is not required under the federal Construction General Permit for storm water discharges from construction sites.	1. No Reply	06-Mar-2018	<i>Patrick Antonio</i>
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	1. CONDITIONAL--NEED to add Navajo Nation Terms and Conditions Form	1. No Reply	26-Mar-2018	<i>Robert O. Allan</i>
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. HPD-17-349	1. No Reply	12-Mar-2018	<i>Tamara Billie</i>
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	06-Mar-2018	<i>Yolanda Barney</i>

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	1. Please note the comment from Steven Prince with the Minerals Dept. Thank you.	1. No Reply	10-Apr-2018	<i>B.N. Becker</i>

Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	27-Mar-2018	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with all NNEPA and US EPA environmental laws.	1. No Reply	29-Mar-2018	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	27-Mar-2018	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This vote contingent on permanent inclusion in the approval package of the uploaded Terms & Conditions document. slp	1. No Reply	09-Apr-2018	
W. Mike Halona (NLTDS - Everytt)	DCD Division Director	Navajo Nation	Approved	no comments	No Reply	02-Apr-2018	



MEMORANDUM

TO: Honorable Edmund Yazzie
Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake and Thoreau Chapters

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

DATE: March 28, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE GRANT OF RIGHT-OF-WAY TO JEMEZ MOUNTAIN ELECTRIC COOPERATIVE, INC. TO CONSTRUCT, OPERATE AND MAINTAIN THE BEYALE CAMP 14.4 KV SINGLE PHASE POWERLINE PROJECT LOCATED ON NAVAJO NATION TRUST LANDS IN NAGEEZI CHAPTER, NAVAJO NATION (SAN JUAN COUNTY, NEW MEXICO)

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: _0080-19_

SPONSOR: Edmund Yazzie

TITLE: An Action Relating To Resources And Development Committee;
Approving The Grant Of Right-Of-Way To Jemez Mountain Electric Cooperative,
Inc. To Construct, Operate And Maintain The Bevale Camp 14.4 KV Single Phase
Powerline Project Located On Navajo Nation Trust Lands In Nageezie Chapter,
Navajo Nation (San Juan County, New Mexico)

Date posted: April 3, 2019 at 5:16 PM

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

Written comments may be mailed to:

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

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

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