

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

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING AMENDMENT NO. 2 TO RIGHT-OF-WAY FOR THE BUREAU OF INDIAN AFFAIRS (BIA), NAVAJO REGION DIVISION OF TRANSPORTATION, FOR ROAD IMPROVEMENTS OF BIA ROAD PROJECT NOS. N27 (2-2) (2-23), 1, 2&4, N105(1) 2&4, AND N7 (2-3) 2&4, NAZLINI ROAD LOCATED ON, OVER AND ACROSS NAVAJO NATION TRUST LANDS, NAZLINI TO CHINLE, APACHE COUNTY, ARIZONA

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

A. The Bureau of Indian Affairs (BIA), Navajo Region Division of Transportation, Navajo Area Office, P.O. Box 1060, Gallup, New Mexico 86305, has submitted revised right-of-way survey maps and legal descriptions for BIA Road Project Nos. N27 (2-2) (2-23) 1, 2&4, N105 (1) 2&4, N7 (2-3) 2&4 for future road improvements attached hereto and incorporated herein as Exhibit "A"; and

B. The revised right-of-way is 54277.19 feet in length and varying widths, consisting of 252.54 acres, more or less, and the revised right-of-way for N105(1) 2&4 is 2,032.54 feet long and varying widths consisting of 6.144 acres, more or less on Navajo Nation Trust Lands in various sections of Townships 30-32 North, Range 26 East, G&SRM, Apache County, Arizona. The location is more particularly described on the maps and the legal description attached hereto as Exhibit "B"; and

C. The BIA Roads Section/Right-of-Way Clearance Program with the Navajo Land Department had already conducted the field investigation and obtained the necessary consents from the affected land users (i.e., grazing permittees) attached and explained in the approved Resources Committee Resolution Nos. RCAP-61-96 and RCJN-138-97 attached hereto as Exhibit "C"; and

D. The environmental and archaeological surveys and clearances have been completed and received appropriate clearance attached hereto by this reference.

E. Waiver of consideration was requested by the applicant because of the right-of-way will benefit the Nazlini and Chinle chapters by serving the surrounding communities and will enhance the value of Tribal lands for the Navajo Nation overall. However, waiver of damages is specifically not exempt and the Grantee shall be responsible for and promptly pay all such damages when they are sustained; and

F. The Chinle Chapter has passed several resolutions in support of completion of the Navajo Route 27 roadway. The resolutions are attached as Exhibit "E"; and

G. It is in the best interests of the Navajo Nation that the amended rights-of-way for BIA, Navajo Region Division of Transportation be approved.

SECTION THREE. APPROVAL

A. The Resources and Development Committee of the Navajo Nation Council hereby approves Amendment 2 to Right-of-Way to Bureau of Indian Affairs (BIA), Navajo Region Division of Transportation, for road improvement of BIA Road Project Nos. N27 (2-2) (2-23) 1, 2&4, N105 (1) 2&4 and N7 (2-3) 2&4 Projects, Nazlini to Chinle, Apache County, Arizona".

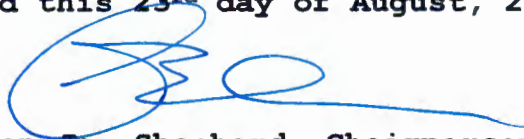
B. The Resources and Development Committee of the Navajo Nation Council hereby waives consideration for this right-of-way because the road project will benefit Navajo Nation residents.

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

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

CERTIFICATION

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



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

Motion: Honorable Davis Filfred

Second: Honorable Leonard Pete

Document No. 006188Date Issued: 06/22/2016**EXECUTIVE OFFICIAL REVIEW**Title of Document: BIA Navajo Region ROW for N27Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.netPhone Number: 928/871-6447DIVISION OF
NATURAL RESOURCES
AUG - 1 2016

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

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

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

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

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

☐ Rights of Way

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

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

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

☐ Assignment of Mineral Lease

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

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

1. NLD ** 23 June 16* ☒ ☐
2. F&W *7/6/16* ☒ ☐
3. HPD - *see Attached letter* *7/11/16* ☒ ☐
4. Minerals *7/27/16* ☒ ☐
5. NNEPA *8/1/2016* ☒ ☐
6. DNR *8/3/2016* ☒ ☐
7. DOJ *(ic)* *8/4/16* ☒ ☐
8. OPVP *8-4-16* ☒ ☐

☐ OTHER:

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



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
08/03/16 130p
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 006188
SAS #:
UNIT: NRW

☐ RESUBMITTAL

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

CLIENT TO COMPLETE

DATE OF REQUEST:	6/23/2016	DIVISION:	Natural Resources
CONTACT NAME:	Howard P. Draper, Kayla Bia, Vera	DEPARTMENT:	Navajo Land Dept (NLD)
PHONE NUMBER:	X-6447, 6401,	E-MAIL:	howarddraper@frontiernet.net; kybia@frontier.com; verashurley@frontiernet.net;
TITLE OF DOCUMENT: Approving Amendment No. 2 to Right-of-Way for Bureau of Indian Affairs (BIA), Branch of Roads, for road improvements of BIA Road Project No. N27(2-2)(2-3)1,2&4, N105(1)2&4, and N7(2-3)2&4, Nazlini Road ... (NNTL)..Nazlini to Chinle, Apache County, AZ.			

DOJ SECRETARY TO COMPLETE

RECEIVED AUG - 3 2016 DEPARTMENT OF JUSTICE NATURAL RESOURCES UNIT	UNIT: 8.2.6	REVIEWING ATTORNEY/ADVOCATE: I. ...
DATE / TIME OUT OF UNIT: 8/12/16		

DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Trina Aze	8-3-16	Veronica Blackhat	8/4/16 9:13AM

DOJ Secretary Called: Joan Torus for Document Pick Up on 08/04/16 at 10:56am By: 53

PICKED UP BY: (Print) DATE / TIME:



United States Department of the Interior

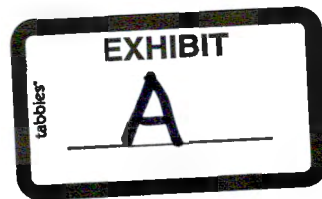
Bureau of Indian Affairs

Navajo Region

P. O. Box 1060

Gallup, New Mexico 87305

IN REPLY REFER TO
Division of Transportation
M/C: 370



JUN 07 2016

Mr. Russell Begaye

President, The Navajo Nation

Attention: Mr. Mike Halona, Land Administration Office

Dear Mr. Begaye:

Re: REVISIONS to the Application for Right of Way, Bureau of Indian Affairs Nazlini-Chinle Road Project N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4 Chinle, Apache County, Arizona

This is in reference to the Right-of-Way application the Bureau of Indian Affairs, Navajo Region Division of Transportation (BIA-NRDOT) submitted on May 31, 2016, (see enclosure). Unfortunately we overlooked the utility system that needs to be included in this Right-of-Way application. Therefore, we respectfully request Tribal consent to include in the Right-of-Way Grant of Easement the following:

The Right-of-Way easement will include construction of utilities with the N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4 easement corridor. This provision will allow the road Right-of-Way Grant to the Bureau of Indian Affairs, Navajo Region Division of Transportation be used for the purpose that will benefit the Tribal communities and their socio-economic development needs. The utility conveyance construction and maintenance must not interfere with the integrity of the road prism, road ditches, road design features and miscellaneous road appurtenances. Any and all utility installations will be approved through the BIA-NRDOT permitting process.

Enclosed are the revised documents replacing the previous Right-of-Way application and supporting documents for BIA Project N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4, Nazlini-Chinle Road:

1. One revised original and a photocopy of the application for Right-of-Way;

2. One copy of the approved Navajo Nation Recourses Committee Resolution Number RCO-106-09 including Utility Systems with the Navajo Mountain Road Project N16(6)/N162(1)/N164(1)2&4 Right-of-Way corridor.

BIA-NRDOT respectfully requests your office to expeditiously process this information to ensure this Project receives the Right-of-Way.

Your favorable consideration for this Grant is greatly appreciated. Should you have any questions or need additional information, please contact Mr. Herby Larsen, Division Manager, at (505) 863-8281 or Mr. Harold Riley, Planning and Design Chief, at (505) 863-8284.

Sincerely,



Regional Director, Navajo

Enclosures

cc: Chinle Agency DOT w/out copies
Chinle Real Estate Services w/ copies
CMurphy, NRDOT ROW Section w/out copies



United States Department of the Interior

Bureau of Indian Affairs

Navajo Region

P. O. Box 1060

Gallup, New Mexico 87305



IN REPLY REFER TO
Division of Transportation
M/C: 370

MAY 31 2016

Mr. Russell Begaye

President, The Navajo Nation

Window Rock, AZ 86515

Dear Mr. Begaye:

Re: Application for Right-of-Way, Bureau of Indian Affairs (BIA) Nazlini-Chinle Road Project
N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4 Nazlini, Apache County, Arizona.

The NABIK' IYATI' Committee of the 22nd Navajo Nation Council (NNC) has authorized the BIA Navajo Region Division of Transportation (BIA-NRDOT) to improve BIA Route N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4 (Nazlini-Chinle Road) which traverses through the Navajo Indian Reservation of the Navajo Nation.

At the request of the ~~community~~ members and the Navajo Nation Resources Development Committee (RDC), this road Project is scheduled for improvement this year. This road improvement will alleviate hardship/difficult traveling conditions during inclement weather, especially for school buses and the elderly.

Enclosed is the Right-of-Way application and supporting documents for BIA Road Project N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4 (Nazlini-Chinle Road). The supporting documents include:

1. One original and a photocopy of the New Title 225, Part 169 Right-of-Way application;
2. One original-reproducible right-of-way plat map;
3. Two photocopies of the right-of-way plat map;
4. Two photocopies of the legal description; and
5. One photocopy of the Environmental Assessment (EA) report including the Archaeological Clearance report and Finding of No Significant Impact report.

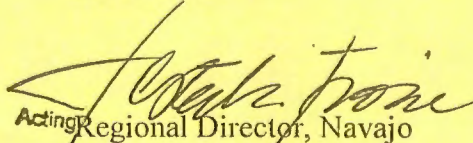
Pursuant to the enclosed Navajo Nation Council Resolution No. CN-67-02 "Approving Interim Standard Terms and Condition for the Granting of Right-of-Way for BIA Road Construction

Projects on the Navajo Nation," the Nation is waiving any compensation that is subject to this application. The Terms and Conditions have not been changed under the new Right-of-Way regulations.

BIA-NRDOT respectfully requests your office to process this information expeditiously to ensure this Project receives the right-of-way.

Your favorable consideration for this grant is greatly appreciated. Should you have any questions or need additional information, please contact Mr. Herby Larsen, Division Manager, at (505) 863-8281 or Mr. Harold Riley, Planning and Design Chief, at (505) 863-8284 with the BIA-NRDOT Office.

Sincerely,


Acting Regional Director, Navajo

Enclosures

cc: Chinle Agency DOT w/out copies

Chinle Real Estate Services w/ copies

CMurphy, NRDOT ROW Section w/out copies

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

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

1. Applicant Name and Address: Bureau of Indian Affairs, Navajo Region, Division of Transportation, P.O. Box 1060, Gallup, New Mexico 87301
2. Tract(s) or parcel(s) affected by the right-of-way: See attached ROW Plat Map.
3. General location (easement description): See attached Legal Description.
4. Purpose: Construction a All-Weather Roadway.
5. Term(Renewal, if applicable): 75 years term.
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. The right of way easement will include a roadway and provisions for utility systems within the same corridor under the BIA NRODOT permits:

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

NOTE: THE APPLICANT IS THE US GOVERNMENT AND ITEMS No. 3, 6 & 7 DO NOT APPLY.

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; (25 CFR 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: Herby J. Larsen
ADDRESS: BIA, NRO Division of Transportation
P.O. Box 1060
CITY/STATE: Gallup, New Mexico
ZIP: 87301
PHONE: (505) 863-8281
FAX: (505) 863-8255
EMAIL: Herby.Larsen@bia.gov

DATE:

6/3/16

APPLICANT:


(Signature)

Herby J. Larsen
(Print Name)



United States Department of the Interior

Bureau of Indian Affairs

Navajo Region

P. O. Box 1060

Gallup, New Mexico 87305



IN REPLY REFER TO
Division of Transportation
M/C: 370

MAY 31 2016

Mr. Russell Begaye

President, The Navajo Nation

Window Rock, AZ 86515

Dear Mr. Begaye:

Re: Application for Right-of-Way, Bureau of Indian Affairs (BIA) Nazlini-Chinle Road Project N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4 Nazlini, Apache County, Arizona.

The NABIK' IYATI' Committee of the 22nd Navajo Nation Council (NNC) has authorized the BIA Navajo Region Division of Transportation (BIA-NRDOT) to improve BIA Route N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4 (Nazlini-Chinle Road) which traverses through the Navajo Indian Reservation of the Navajo Nation.

At the request of the community members and the Navajo Nation Resources Development Committee (RDC), this road Project is scheduled for improvement this year. This road improvement will alleviate hardship/difficult traveling conditions during inclement weather, especially for school buses and the elderly.

Enclosed is the Right-of-Way application and supporting documents for BIA Road Project N27(2-2)(2-3)1,2&4/N105(1)2&4/N7(2-3)2&4 (Nazlini-Chinle Road). The supporting documents include:

1. One original and a photocopy of the New Title 25, Part 169 Right-of-Way application;
2. One original reproducible right-of-way plat map;
3. Two photocopies of the right-of-way plat map;
4. Two photocopies of the legal description; and
5. One photocopy of the Environmental Assessment (EA) report including the Archaeological Clearance report and Finding of No Significant Impact report.

Pursuant to the enclosed Navajo Nation Council Resolution No. CN-67-02 "Approving Interim Standard Terms and Condition for the Granting of Right-of-Way for BIA Road Construction

Projects on the Navajo Nation," the Nation is waiving any compensation that is subject to this application. The Terms and Conditions have not been changed under the new Right-of-Way regulations.

BIA-NRDOT respectfully requests your office to process this information expeditiously to ensure this Project receives the right-of-way.

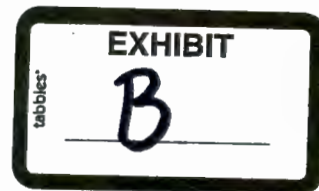
Your favorable consideration for this grant is greatly appreciated. Should you have any questions or need additional information, please contact Mr. Herby Larsen, Division Manager, at (505) 863-8281 or Mr. Harold Riley, Planning and Design Chief, at (505) 863-8284 with the BIA-NRDOT Office.

Sincerely,


Acting Regional Director, Navajo

Enclosures

cc: Chinle Agency DOT w/out copies
Chinle Real Estate Services w/ copies
CMurphy, NRDOT ROW Section w/out copies



**AMENDMENT RIGHT-OF-WAY DESCRIPTION
FOR
BIA ROAD PROJECT N27(2-2)(2-3)1,2&4
BIA ROAD PROJECT N105(1)2&4
BIA ROAD PROJECT N7(2-3)2&4
NAZLINI-CHINLE, NAVAJO NATION
APACHE COUNTY, ARIZONA**

ROAD PROJECT N27(2-2)(2-3)1,2&4 CENTERLINE ALIGNMENT

Beginning at Engineer's survey centerline, a Point of Intersection of B.I.A. Route N27(2-2)(2-3)1, 2&4 P.O.I. station 44+100.000m, whence said point is located on the Navajo Indian Reservation with Geodetic Coordinates (NAD-83) of 36°00'08.5060" (N) and 109°32'30.9578" (W),

Thence N 17°17'28" W, a distance of 210.000 meters to the True Point of Beginning of Right of Way station 44+310.000m, said point being on the centerline of an existing pavement, from whence the southeast corner of Section 15, Township 30 North, Range 26 East, G&SRM, Apache County, bears S 59°25'08" E, a distance of 1332.677 meters, and whence a NGS Geodetic Control tie was made to "Beautiful", having Modified (Ground) Coordinate Values of North = 562433.949 meters and East = 263542.776 meters, bears N 39°51'27" W, a distance of 9484.118 meters;

SECTION 15, TOWNSHIP 30 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 17°17'28" W, a distance of 630.000 meters to the P.O.T. station 44+940.000; whence the right-of-way changes from 30.480 meters left and right to 145.000 meters right;

THENCE N 17°17'28" W, a distance of 80.000 meters to the P.O.T. station 45+020.000; whence the right-of-way changes from 30.480 meters left and 145.000 meters right to 30.480 meters left and right;

THENCE N 17°17'28" W, a distance of 256.187 meters to the P.O.T. station 45+276.187, a point on the north-section line of Section 15, T30N,R26E, G&SRM, Apache County; from whence the northwest corner of said section bears S 89°38'57" W, a distance of 186.131 meters;

SECTION 10, TOWNSHIP 30 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 17°17'28" W, a distance of 640.091 meters to the P.O.T. station 45+916.278; a point on the west-section line of Section 10, T30N,R26E, G&SRM, Apache County; from whence the southwest corner of said section, bears "Calculated" S 00°23'10" E, a distance of 612.316 meters;

SECTION 9, TOWNSHIP 30 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 17°17'28" W, a distance of 153.722 meters to the P.O.T. station 46+070.000; whence the right-of-way changes from 30.480 meters left and right to 80.00 meters right;

THENCE N 17°17'28" W, a distance of 140.000 meters to the P.O.T. station 46+210.000; whence the right-of-way changes from 30.480 meters left and 80.000 meters right to 30.480 meters left and right;

THENCE N 17°17'28" W, a distance of 748.363 meters to the P.O.T. station 46+958.363, a point on the north-section line of Section 9, T30N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears N 89°38'09" E, a distance of 302.742 meters;

SECTION 4, TOWNSHIP 30 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 17°17'28" W, a distance of 393.355 meters to P.C. station 47+351.718 m;

THENCE along the arc of a 01°46'23" curve right, having a radius of 985.000 meters, a central angle of 07°01'31", having an arc length of 120.774 meters, with the chord bearing being N 13°46'43" W, and the chord distance being 120.699 meters, to P.T. station 47+472.492 m;

THENCE N 10°15'58" W, a distance of 1131.112 meters to the P.O.T. station 48+603.604, a point on the north-section line of Section 4, T30N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears N 89°37'47" E, a distance of 638.561 meters;

SECTION 33, TOWNSHIP 31 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 10°15'58" W, a distance of 444.423 meters to P.C. station 49+048.027m;

THENCE along the arc of a 02°12'58" curve right, having a radius of 788.000 meters, a central angle of 08°56'34", having an arc length of 122.991 meters, with the chord bearing being N 5°47'41" W, and the chord distance being 122.866 meters, to P.T. station 49+171.018 m;

THENCE N 1°19'24" W, a distance of 496.364 meters to P.C. station 49+667.381m;

THENCE along the arc of a 02°12'58" curve right, having a radius of 788.000 meters, a central angle of 08°56'42", having an arc length of 123.021 meters, with the chord bearing being N 3°08'57" E, and the chord distance being 122.896 meters, to P.T. station 49+790.403m;

THENCE N 7°37'18" E, a distance of 69.597 meters to the P.O.T. station 49+860.000; whence the right-of-way changes from 30.480 meters left and right to 120.00 meters right;

THENCE N 7°37'18" E, a distance of 100.000 meters to the P.O.T. station 49+960.000; whence the right-of-way changes from 30.480 meters left and 120.000 meters right to 30.480 meters left and right;

THENCE N 7°37'18" E, a distance of 264.960 meters to the P.O.T. station 50+224.960, a point on the north-section line of Section 33, T31N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears N 89°37'56" E, a distance of 665.669 meters;

SECTION 28, TOWNSHIP 31 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 7°37'18" E, a distance of 1625.136 meters to the P.O.T. station 51+850.096, a point on the north-section line of Section 28, T31N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears N 89°37'38" E, a distance of 439.004 meters;

SECTION 21, TOWNSHIP 31 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 7°37'18" E, a distance of 94.142 meters to P.C. station 51+944.238;

THENCE along the arc of a 04°25'57" curve left, having a radius of 394.000 meters, a central angle of 29°58'46", having an arc length of 206.157 meters, with the chord bearing being N 7°22'05" W, and the chord distance being 203.814 meters, to P.T. station 52+150.395m;

THENCE N 22°21'28" W, a distance of 519.605 meters to the P.O.T. station 52+670.000; whence the right-of-way changes from 30.480 meters left and right to 45.00 meters left;

THENCE N 22°21'28" W, a distance of 15.728 meters to P.C. station 52+685.728;

THENCE along the arc of a 04°25'57" curve right, having a radius of 394.000 meters, a central angle of 10°48'03", having an arc length of 74.272 meters, with a chord bearing of N 16°57'27" W, and the chord distance being 74.162 meters to P.O.C. station 52+760.000 m, whence the right-of-way changes from 45.000 meters left and 30.480 meters right to 30.480.000 meters left and right;

THENCE continuing along the arc of a 04°25'57" curve right, having a radius of 394.000 meters, a central angle of 13°07'38", having an arc length of 90.271 meters, with a chord bearing of N 4°59'37" W, and the chord distance being 90.074 meters to P.T. station 52+850.271;

THENCE N 1°34'12" E, a distance of 583.572 meters to P.C. station 53+433.843;

THENCE along the arc of a 04°25'57" curve right, having a radius of 394.000 meters, a central angle of 10°46'34", having an arc length of 74.102 meters, with a chord bearing of N 6°57'29" E, and the chord distance being 73.992 meters to P.O.C. station 53+507.944 m, a point on the north-section line of Section 21, T31N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears N 89°38'09" E, a distance of 649.754 meters;

SECTION 16, TOWNSHIP 31 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE continuing along the arc of a 04°25'57" curve right, having a radius of 394.000 meters, a central angle of 06°41'40", having an arc length of 46.035 meters, with a chord bearing of N 15°41'36" E, and the chord distance being 46.009 meters to P.T. station 53+553.979;

THENCE N 19°02'26" E, a distance of 818.366 meters to P.C. station 54+372.346;

THENCE along the arc of a $04^{\circ}25'57''$ curve left, having a radius of 394.000 meters, a central angle of $21^{\circ}10'02''$, having an arc length of 145.559 meters, with a chord bearing of $N 8^{\circ}27'25'' E$, and the chord distance being 144.732 meters to P.T. station 54+517.904 m;

THENCE $N 2^{\circ}07'36'' W$, a distance of 650.586 meters to the P.O.T. station 55+168.490, a point on the north-section line of Section 16, T31N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears $N 89^{\circ}38'01'' E$, a distance of 362.181 meters;

SECTION 9, TOWNSHIP 31 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE $N 2^{\circ}07'36'' W$, a distance of 531.510 meters to the P.O.T. station 55+700.000, whence the right-of-way changes from 30.480 meters left and right to 40.000 meters right;

THENCE $N 2^{\circ}07'36'' W$, a distance of 510.000 meters to the P.O.T. station 56+210.000, whence the right-of-way changes from 30.480 meters left and 40.000 meters right to 55.000 meters left and 40.000 meters right;

THENCE $N 2^{\circ}07'36'' W$, a distance of 40.000 meters to the P.O.T. station 56+250.000, whence the right-of-way changes from 55.000 meters left and 40.000 meters right to 30.480 meters left and 40.000 meters right;

THENCE $N 2^{\circ}07'36'' W$, a distance of 99.561 meters to P.C. station 56+349.561;

THENCE along the arc of a $01^{\circ}06'29''$ curve right, having a radius of 1576.000 meters, a central angle of $4^{\circ}15'09''$, having an arc length of 116.972 meters, with a chord bearing of $N 4^{\circ}15'11'' W$, and the chord distance being 116.945 meters to P.T. station 56+466.533;

THENCE $N 6^{\circ}22'46'' W$, a distance of 313.957 meters to the P.O.T. station 56+780.490, a point on the north-section line of Section 9, T31N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears $N 89^{\circ}38'07'' E$, a distance of 438.494 meters;

SECTION 4, TOWNSHIP 31 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE $N 6^{\circ}22'46'' W$, a distance of 139.510 meters to the P.O.T. station 56+920.000, whence the right-of-way changes from 30.480 meters left and 40.000 meters right to 30.480 meters left and right;

THENCE $N 6^{\circ}22'46'' W$, a distance of 921.693 meters to P.C. station 57+841.693;

THENCE along the arc of a $01^{\circ}06'29''$ curve right, having a radius of 1576.000 meters, a central angle of $4^{\circ}14'26''$, having an arc length of 116.639 meters, with a chord bearing of $N 4^{\circ}15'33'' W$, and the chord distance being 116.613 meters to P.T. station 57+958.332;

THENCE $N 2^{\circ}08'20'' W$, a distance of 437.203 meters to the P.O.T. station 58+395.535, a point on the north-section line of Section 4, T31N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears $N 89^{\circ}38'20'' E$, a distance of 570.565 meters;

SECTION 33, TOWNSHIP 32 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 2°08'20" W, a distance of 184.465 meters to the P.O.T. station 58+580.000, whence the right-of-way changes from 30.480 meters left and right to 40.000 meters right;

THENCE N 2°08'20" W, a distance of 60.000 meters to the P.O.T. station 58+640.000, whence the right-of-way changes from 30.480 meters left and 40.000 meters right to 30.480 meters left and right;

THENCE N 2°08'20" W, a distance of 316.468 meters to P.C. station 58+956.468;

THENCE along the arc of a 02°12'58" curve left, having a radius of 788.000 meters, a central angle of 7°53'22", having an arc length of 108.507 meters, with a chord bearing of N 6°05'01" W, and the chord distance being 108.421 meters to P.T. station 59+064.974;

THENCE N 10°01'42" W, a distance of 392.444 meters to P.C. station 59+457.419;

THENCE along the arc of a 02°12'58" curve right, having a radius of 788.000 meters, a central angle of 13°36'18", having an arc length of 187.111 meters, with a chord bearing of N 3°13'33" W, and the chord distance being 187.672 meters to P.T. station 59+644.530;

THENCE N 3°34'35" E, a distance of 275.470 meters to the P.O.T. station 59+920.000, whence the right-of-way changes from 30.480 meters left and right to 30.480 meters left and 60.000 meters right;

THENCE N 3°34'35" E, a distance of 40.000 meters to the P.O.T. station 59+960.000, whence the right-of-way changes from 30.480 meters left and 60.000 meters right to 30.480 meters left and right;

THENCE N 3°34'35" E, a distance of 40.000 meters to the P.O.T. station 60+000.000, whence the right-of-way changes from 30.480 meters left and right to 15.000 meters right;

THENCE N 3°34'35" E, a distance of 13.000 meters to the P.O.T. station 60+013.000, a point on the north-section line of Section 33, T32N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears N 89°38'10" E, a distance of 647.424 meters;

SECTION 28, TOWNSHIP 32 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 3°34'35" E, a distance of 142.024 meters to the P.O.T. station 60+164.475, whence the right-of-way changes from 30.480 meters left and 15.000 meters right to 12.192 meters left and right;

THENCE N 3°34'35" E, a distance of 546.517 meters to the P.O.T. station 60+701.541, a point on the north-section line of Section 28, T32N,R26E, G&SRM, Apache County; from whence the northeast corner of said section, bears a "Calculated" N 89°42'54" E, a distance of 599.504 meters;

SECTION 16, TOWNSHIP 5 NORTH, RANGE 10 WEST, NAVAJO MERIDIAN, (NAVAJO NATION)

THENCE N 3°34'35" E, a distance of 136.905 meters to the END OF PROJECT P.O.T. station 60+838.446; from whence the southwest corner of Section 16, Township 5 North, Range 10 West, NSM, Apache County, bears S 78°42'01" W, a distance of 714.925 meters, and whence a NGS Geodetic Control tie was made to "Beautiful", having Modified (Ground) Coordinate Values of North = 562433.949 meters and East = 263542.776 meters, bears S 28°45'39" W, a distance of 10,201.193 meters;

THENCE N 3°34'35" E, a distance of 43.725 meters to the P.O.I. station 60+882.171, a point being on the centerline of the existing N7(2-3)2&4 Road Project Station 2+864.135;

The right-of-way width is 30.480 meters left and right of survey centerline, except where otherwise indicated, a total length of 16.528 kilometers (10.25 miles), and contains 102.216 hectares (252.536 acres) more or less.

ROAD PROJECT N105(1)2&4 CENTERLINE ALIGNMENT

Beginning at Engineer's survey centerline, a Point of Intersection of B.I.A. Route N105(1)2&4 P.O.I. station 0+000.000m, whence said point equals station 60+155.024 of Road Project N27(2-2)(2-3)1,2&4, said point being on the westerly right of way line of Road Project N27(2-3)1,2&4, whence the south corner of Section 28, Township 32 North, Range 26 East, G&SRM, Apache County, bears S 49°17'31" W, a distance of 218.867 meters;

Thence N 86°48'51" W, a distance of 30.480 meters to the True Point of Beginning of Right of Way station 0+030.480m,

SECTION 28, TOWNSHIP 32 NORTH, RANGE 26 EAST, G&SRM, (NAVAJO NATION)

THENCE N 86°48'51" W, a distance of 309.520 meters to the P.O.T. station 0+340.000, whence the right-of-way changes from 41.910 meters left and 9.450 meters right to 11.189 meters right;

THENCE N 86°48'51" W, a distance of 28.329 meters to the P.O.T. station 0+368.329, whence the right-of-way changes from 41.910 meters left and 11.189 meters right to 19.050 meters left;

THENCE N 86°48'51" W, a distance of 87.277 meters to the P.C. station 0+455.606, whence the right-of-way changes from 19.050 meters left and 11.189 meters right to 11.189 meters left;

THENCE along the arc of a 21°49'47" curve right, having a radius of 80.000 meters, a central angle of 86°48'51", having an arc length of 121.215 meters, with a chord bearing of N 43°24'26" W, and the chord distance being 109.948 meters to P.T. station 0+576.822;

THENCE N 00°00'00" E, a distance of 73.178 meters to the END OF PROJECT P.O.T. station 0+650.000m, whence the southwest corner of Section 28, Township 32 North, Range 26 East, G&SRM, Apache County, bears S 53°26'38" W, a distance of 547.691 meters;

The right-of-way width is varies left and right of the described survey centerline, a total length of 0.62 kilometers (0.38 miles), and contains 2.486 hectares (6.144 acres) more or less.

ROAD PROJECT N7(2-3)2&4 CENTERLINE ALIGNMENT

Beginning at Engineer's survey centerline, a Point of Intersection of B.I.A. Route N7(2-3)2&4 P.O.I. station 2+817.898m, whence said point is a centerline point of existing Road Project N7(2-3)2&4, whence said point right of way width changes from 15.240 meters left and right to 22.192 meters left and 42.192 meters right;

SECTION 16, TOWNSHIP 5 NORTH, RANGE 10 WEST, NSM, (NAVAJO NATION)

THENCE S 49°11'34" E, a distance of 26.062 meters to the P.O.T. station 2+843.959, whence the right-of-way changes from 22.192 meters left and 42.192 meters right to 37.192 left;

THENCE S 49°11'34" E, a distance of 20.176 meters to the P.O.T. station 2+864.136, said point being the Point of Intersection with Road Project N27(2-3)1,2&4 POT Station 60+882.171, whence the right-of-way continues at 37.192 meters left and 42.910 meters right;

THENCE S 49°11'34" E, a distance of 16.747 meters to the P.O.T. station 2+880.883, whence the right right-of-way (42.192 meters) begins a skewed taper change;

THENCE S 49°11'34" E, a distance of 9.708 meters to the P.O.T. station 2+890.591, whence the right-of-way changes from 37.192 meters left and 42.192 meters right to 34.814 meters right;

THENCE S 49°11'34" E, a distance of 3.256 meters to the P.O.T. station 2+893.847, whence the right-of-way changes from 37.192 meters left and 34.814 meters right to 39.099 meters right;

THENCE S 49°11'34" E, a distance of 9.709 meters to the P.O.T. station 2+903.556, whence the right-of-way changes from 37.192 meters left and 39.099 meters right to 31.721 meters right;

THENCE S 49°11'34" E, a distance of 3.944 meters to the P.O.T. station 2+907.500, whence the right-of-way changes from 37.192 meters left and 31.721 meters right to 18.192 meters left;

THENCE S 49°11'34" E, a distance of 10.400 meters to the P.O.T. station 2+917.900, whence the right-of-way changes from 18.192 meters left and 31.721 meters right to 20.555 meters and to 15.240 meters right;

THENCE S 49°11'34" E, a distance of 4.966 meters to the P.O.T. station 2+922.896, whence the right-of-way changes from 18.192 meters left and 15.240 meters right to 15.240 meters left;

The right-of-way width is varies left and right of the described survey centerline, a total length of 0.105 kilometers (0.06 miles), and contains 0.401 hectares (0.991 acres) more or less.

PROJECT N27(2-2)2&4 RIGHT OF WAY WIDTHS										
STATION TO STATION			LENGTH		WIDTH LEFT		WIDTH RIGHT		AREA	
			METERS	FEET	METERS	FEET	METERS	FEET	HECTARES	ACRES
44+310	TO	44+940	630.000	2066.93	30.480	100.00	30.480	100.00	3.841	9.49
44+940	TO	45+020	80.000	262.47	30.480	100.00	145.000	475.72	1.405	3.47
45+020	TO	46+070	1050.000	3444.88	30.480	100.00	30.480	100.00	6.402	15.82
46+070	TO	46+210	140.000	459.32	30.480	100.00	80.000	262.47	1.548	3.82
46+210	TO	49+860	3650.000	11975.07	30.480	100.00	30.480	100.00	22.251	54.98
49+860	TO	49+960	100.000	328.08	30.480	100.00	120.000	393.70	1.506	3.72
49+960	TO	52+670	2710.000	8891.08	30.480	100.00	30.480	100.00	16.521	40.82
52+670	TO	52+760	90.000	295.28	45.000	147.64	30.480	100.00	0.680	1.68
52+760	TO	53+300	540.000	1771.65	30.480	100.00	30.480	100.00	3.293	8.13
ADJUSTED TOTAL									57.547	142.199

PROJECT N27(2-3)1,2&4 RIGHT OF WAY WIDTHS										
STATION TO STATION			LENGTH		WIDTH LEFT		WIDTH RIGHT		AREA	
			METERS	FEET	METERS	FEET	METERS	FEET	Hectare	AREA
53+300	TO	55+700	2400.000	7874.02	30.480	100.00	30.480	100.00	14.623	36.13
55+700	TO	56+210	510.000	1673.23	30.480	100.00	40.000	131.23	3.585	8.86
56+210	TO	56+250	40.000	131.23	55.000	180.45	40.000	131.23	0.373	0.92
56+250	TO	56+920	670.000	2198.16	30.480	100.00	40.000	131.23	4.715	11.65
56+920	TO	58+580	1660.000	5446.19	30.480	100.00	30.480	100.00	10.110	24.98
58+580	TO	58+640	60.000	196.85	30.480	100.00	40.000	131.23	0.415	1.02
58+640	TO	59+920	1280.000	4199.48	30.480	100.00	30.480	100.00	7.794	19.26
59+920	TO	59+960	40.000	131.23	30.480	100.00	60.000	196.85	0.354	0.87
59+960	TO	60+000	40.000	131.23	30.480	100.00	30.480	100.00	0.236	0.58
60+000	TO	60+164.475	164.475	539.62	30.480	100.00	15.000	49.21	0.741	1.83
60+164.475	TO	60+833.064	668.589	2193.53	12.192	40.00	12.192	40.00	1.623	4.01
60+833.064	TO	60+838.446	5.382	17.66	12.192	40.00	0.000	0.00	0.000	0.00
ADJUSTED TOTALS									44.669	110.337

PROJECT N105(1)2&4 RIGHT OF WAY WIDTHS										
STATION	TO	STATION	LENGTH		WIDTH LEFT		WIDTH RIGHT		AREA	
			METERS	FEET	METERS	FEET	METERS	FEET	HECTARES	ACRES
0+030.480	TO	0+340.000	309.520	1015.48	41.910	137.50	9.450	31.00	1.587	3.92
0+340.000	TO	0+368.329	28.329	92.94	41.910	137.50	11.189	36.71	0.146	0.36
0+368.329	TO	0+455.606	87.277	286.34	19.050	62.50	11.189	36.71	0.260	0.64
0+455.606	TO	0+650.000	194.394	637.78	11.189	36.71	11.189	36.71	0.431	1.06
ADJUSTED								TOTALS	2.486	6.144

EXTENDED ROW PROJECT N7(2-3)2&4 LEFT SIDE								
STATION	TO	STATION	LENGTH		WIDTH LEFT		AREA	
			METERS	FEET	METERS	FEET	HECTARES	ACRES
2+817.898	TO	2+843.959	26.061	85.50	22.192	72.81	0.018	0.04
2+843.959	TO	2+907.500	63.541	208.47	37.192	122.02	0.139	0.34
2+907.500	TO	2+922.896	15.395	50.51	18.192	59.69	0.005	0.01
TOTALS						0.162	0.40	
EXTENDED ROW PROJECT N7(2-3)2&4 RIGHT SIDE								
STATION	TO	STATION	LENGTH		WIDTH RIGHT		AREA	
			METERS	FEET	METERS	FEET	HECTARES	ACRES
2+817.898	TO	2+880.883	62.985	206.64	42.192	138.43	0.167	0.41
2+817.898	TO	2+903.555	85.657	281.03	31.721	104.07	0.068	0.16
2+903.555	TO	2+917.900	14.345	47.06	20.555	67.44	0.001	0.01
ADJUSTED TOTALS							0.239	0.591

RIGHT OF WAY TAKINGS						
Township-Range	Owner	Section	Perimeter	Area (sqm)	Hectares	Acres
T30N, R26E	NNT	15	2286.100	68060.386	6.806	16.818
	NNT	10	1812.880	40881.553	4.088	10.102
	NNT	9	2427.486	68596.651	6.860	16.950
	NNT	4	3415.932	100275.462	10.027	24.776
T31N,R26E	NNT	33	3544.691	107729.027	10.773	26.620
	NNT	28	3373.388	99068.297	9.907	24.480
	NNT	21	3467.330	104284.222	10.428	25.769
	NNT	16	3442.885	101096.425	10.109	24.979
	NNT	9	3414.091	109713.406	10.971	27.110
	NNT	4	3372.419	99810.127	9.981	24.663
T32N,R26E	NNT	33	3432.972	99999.529	10.000	24.710
	NNT	28	2811.454	44298.527	4.430	10.946
T5N, R10W	NNT	16	819.367	7237.379	0.723	1.788
				TOTAL	105.103	259.711

RCAP-61-96

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving Amendment No. 1 to Right-of-Way for the Bureau of Indian Affairs (BIA), Branch of Roads, for the Construction, Operation and Maintenance of BIA Road Project N27(4-3)2&4, Nazlini Road, Located Across Navajo Tribal Trust Lands, Nazlini to Chinle, Apache County, State of Arizona

WHEREAS:

1. Pursuant to 2 N.N.C. § 695 (b) (2), the Resources Committee of the Navajo Nation Council has been delegated authority to give final approval of rights-of-way over Navajo lands in accordance with applicable Federal and Navajo Nation laws; and

2. The Bureau of Indian Affairs (BIA), Branch of Roads, Navajo Area Office, Post Office Box 1060, Gallup, New Mexico 87305, has submitted an application for Amendment No. 1 to approved right-of-way for BIA Road Project N27(2), Chinle to Nazlini, Apache County, Arizona, attached hereto as Exhibit "A". The revised right-of-way is titled BIA Road Project N27(4-3)2&4. Nazlini Road, the amendment is to convert the right-of-way description from English Measurement to Metric System and realign the right-of-way to start from Nazlini to Chinle to avoid an archaeological site; and

3. The revised right-of-way is 30 meters wide, 9.553 kilometers in length and consists of 28.660 hectares, more or less, across Navajo Tribal Trust lands situated within Sections 2, 11 and 12, Township 29 North, Range 26 East, Gila and Salt River Meridian, Apache County, Arizona. The location is more particularly described on the map attached hereto as Exhibit "B"; and

4. The BIA Roads Section with the Division of Natural Resources has conducted the necessary land clearances, the consents of all affected land users (grazing permittees) have been obtained and are attached hereto as Exhibit "C"; and

5. All environmental and archaeological studies have been completed and have received appropriate clearances; and

6. Waiver of consideration was requested by the applicant because the easement will benefit the Nazlini and Chinle Chapters by serving the surrounding communities and will enhance the value of Tribal lands for the Tribe overall. However, waiver of damages is specifically not exempt and the Grantee shall be responsible for and promptly pay all such damages when they are sustained; and

7. It is in the best interest of the Navajo Nation that the amended right-of-way for the Bureau of Indian Affairs (BIA), Branch of Roads, be approved.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council hereby approves Amendment No. 1 to right-of-way for the Bureau of Indian Affairs (BIA), Branch of Roads, to construct, operate and maintain BIA Road Project N27(4-3)2&4, Nazlini Road, located across Navajo Tribal Trust lands situated within Sections 2, 11 and 12, Township 29 North, Range 26 East, Gila and Salt River Meridian, Nazlini to Chinle, Apache County, Arizona. The approved amendment is to covert the right-of-way description from English Measurement to Metric System and realign the right-of-way to start from Nazlini to Chinle to avoid an archaeological site.

2. The Resources Committee of the Navajo Nation Council hereby approves the grant of the right-of-way subject to, but not limited to, the following terms and conditions:

- a. The term of the right-of-way shall be perpetual.
- b. Consideration for the grant of the right-of-way is hereby waived, because the project will benefit Navajos living within the area.
- c. 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 may be hereafter in force and effect, including but not limited to the following:
 - i. Title 25, Code of Federal Regulations, Part 169;
 - ii. All applicable Federal and Tribal 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; and
 - iii. The Navajo Preference in Employment Act, 15 N.N.C. Section 601 et seq., and the Navajo Nation Business Preference Law, 5 N.N.C. Section 201 et seq.;
 - iv. The Navajo Nation Water Code, 22 N.N.C. Section 1101 et seq. Grantee shall apply for and submit all

applicable permits and information to the Navajo Nation Department of Water Resources Management.

- d. 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 operation pursuant to the right-of-way; and the Grantee shall comply with the air pollution control practices for minimizing emissions as specified in 40 C.F.R. Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities; and the Grantee shall submit all applicable permits and information to the Navajo Nation Air Quality Control Program, Navajo Nation Environmental Protection Agency (NNEPA).
- e. 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 revegetation and other materials cut, uprooted, or otherwise accumulated during construction and maintenance of the project.
- f. The Grantee shall reclaim all surface disturbed lands related to the project, as outlined in a restoration and revegetation plan, which shall be submitted to, and must be approved by, the 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 construction of the project so that a site inspection can be made.
- g. 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 and all improvements thereon and make all necessary and reasonable repairs.
- h. The Grantee shall obtain permission to cross existing rights-of-way from the appropriate parties before constructing the proposed project.
- i. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
- j. The Grantee shall indemnify and hold harmless the Navajo Nation and its authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the construction, maintenance, occupancy or use of lands by the Grantee.
- k. The Grantee shall not assign, convey or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land,

without the prior written consent of the Navajo Nation and the Secretary. 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.

1. 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 in part by the Navajo Nation for any of the following causes:
 - i. Failure to comply with any terms or conditions of the grant or of applicable laws or regulations;
 - ii. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period;
 - iii. An abandonment of the right-of-way;
 - iv. The use of lands for any purpose inconsistent with the purpose for which the right-of-way is granted.
- m. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to deliver of said premises.
- n. 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 or to any improvements located thereon.
- o. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any buildings and other improvements erected or placed thereon.
- p. Except as may be prohibited by applicable Federal law, the laws of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
- q. By acceptance of the grant of the right-of-way, the Grantee consents to the jurisdiction of the Navajo Nation, including but not limited to, jurisdiction to levy fines and to enter judgments for compensatory and

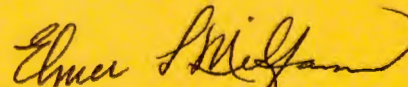
punitive damages and injunctive relief, in connection with all activities conducted by the Grantee on the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.

- r. 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.
- s. Nothing contained herein shall be construed to affect or be deemed a waiver of the sovereign immunity from suit of the Navajo Nation.
- t. 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.
- u. Land modification should be confined to only that area for which clearance is granted.
- v. All access must be restricted to existing roads.

3. The Resources Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to carry out the intent and purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Many Farms, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 11th day of April, 1996.



Elmer L. Milford, Chairperson
Resources Committee

Motion: Sylvester Chee
Second: Willis Peterson

EXHIBIT A



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
CHINLE AGENCY
P.O. BOX 7H
CHINLE, ARIZONA 86503

IN REPLY REFER TO:

Real Estate Services

JAN 19 1996

Received

JAN 22 1996

Project Review
Division of Resources

Mr. Alfred Dehiya, ASO III
Attention: Art Slim
Project Review Office
Division of Natural Resources
P.O. Box 9000
Window Rock, AZ 86515

Dear Mr. Dehiya:

Enclosed for your review and processing is Amendment No. 1 for Route 27, Project N27(2), Chinle to Nazlini, Apache County, Arizona. These amendments modify the original right-of-way approved March 3, 1972, as follows:

1. The original right-of-way description and survey plat uses the English measurement system, and describes the beginning of the project as the centerline of Nazlini road between the southwest corner of Chinle Public School and southeast corner of BIA Boarding School tract. The Project ends at the spur of the Nazlini School gate. The revised right-of-way descriptions and survey plat uses the metric system, and begins at Project station P.O.T. 27+962.82M Ahd = station 1055+52.92'Bk which has a bearing of 582 33'10"E, and 5,007.39m from the section corner of Section 24 and 25, Township 29 North, Range 26 East G&SRM. The right-of-way ends at project station 36+910.00m Ahd. = Station 760+61.74'Bk.

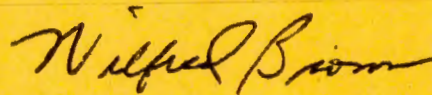
2. The original right-of-way is titled Road Project No. N27(2), Chinle to Nazlini. The revised right-of-way is titled No. N27(4-3)2&4, Nazlini Road, Apache County, Arizona, Nazlini to Chinle.

Adjustment was necessary to avoid certain archeological sites.

The total right-of-way width is 15 meters left and right of centerline, 9.553 kilometers in length and contains 28.660 hectares, more or less. Included in the application for right-of-way is a request for waiver of deposits and damages.

If you have any questions, please contact Arlene Benally, Realty Specialist, at (520) 674-5152.

Sincerely,

A handwritten signature in cursive script, reading "Wilfred Brown". The signature is written in dark ink and is positioned above the typed name.

Superintendent, Chinle

Enclosure(s)

EXHIBIT A

Received

JAN 22 1996

Project Review
Division of Resources

APPLICATION FOR RIGHT-OF-WAY
BIA ROAD PROJECT NO. N27(4-3)2&4
Nazlini Road, Apache, Arizona

The United States of America, by and through the Area Director, Navajo Area Office, Bureau of Indian Affairs, hereby makes an application to the Secretary of the Interior pursuant to the terms and provisions of the Act of February 5, 1948 (62 Stat. 17, 25 U.S.C. 22 323-328) and in accordance with 25 CFC 169 and 170, for a right-of-way for highway purpose (including road construction and its operation and maintenance), and with the further right to assign, grant, or otherwise transfer said right-of-way. This right-of-way shall be 15 meters left and right in width, a length of 9.553 kilometers, and contains 28.660 hectares, more or less, across lands belonging to the Navajo Tribe of Indians in Apache County, State of Arizona, as more particularly described on the accompanying map and description of BIA Road Project No. N27(4-3)2&4, NAZLINI ROAD. It is requested that all deposits and damages be waived.

Signed this 11th day of December, 1995
THE UNITED STATES OF AMERICA

BY: Sharon Monto
ACTING Area Director
Navajo Area Office
Bureau of Indian Affairs

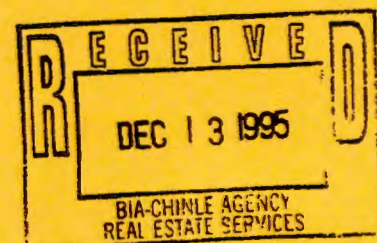


EXHIBIT B

Received

JAN 22 1996

Project Review
Division of Resources

AMENDMENT NO. 1
RIGHT OF WAY DESCRIPTION
BIA ROAD Project No. N27(4-3)2&4
Nazlini Road, Apache, Arizona
NAZLINI TO CHINLE
(METRIC VERSION)

THE HEREIN DESCRIBED SURVEY CENTERLINE IS SITUATED WITHIN SECTION 2, 11 AND 12, TOWNSHIP 29 NORTH, RANGE 26 EAST, APACHE COUNTY, ARIZONA, G & SRM; AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at Engineers survey centerline Beginning of Project P.O.T. station 27+962.82 on BIA Road Project No. N27(4-3), said point also being station 1055+52.92 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972, from whence the section corner common to Section 24 and Section 25, T29N, R26E, G & SRM, bears S 82°33'10" E, a distance of 5,007.39 meters to Beginning of Right of Way Line station 0+00;

Thence N 29°54'18"W, a distance of 267.44 meters to P.C. station 28+230.26m;

Thence thru the arc of a 03°00' curve right, an arc length of 101.47 meters to P.O.C. 28+331.73; said point also being station 0+00.00 B.O.P. Nazlini School Spur, said point also being station 1043+42.35 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972;

Thence continuing thru the arc of a 03°00' curve right, an arc length of 101.47 meters to P.T. station 28+433.20m;

Thence N 09°55'50"W, a distance of 167.39 meters to P.C. station 28+600.59m;

Thence thru the arc of a 03°00' curve left, an arc length of 214.71 meters to P.T. station 28+815.30m;

Thence N 31°03'49"W, a distance of 444.68 meters to P.C. station 29+259.98m;

Thence thru the arc of a 06°00' curve left, an arc length of 273.20 meters to P.T. station 29+533.18m;

Thence N 84°50'34"W, a distance of 598.23 meters to P.C. station 30+131.41m;

Thence thru the arc of a 05°00' curve right, an arc length of 259.64 meters to P.T. station 30+391.05m;

Thence N 42°15'02"W, a distance of 557.24 meters to P.C. station 30+948.29m;

Thence thru the arc of a 02°00' curve left, an arc length of 208.03 meters to P.T. station 31+156.32m and from which the section corner common to Section 24 and Section 25, T29N, R26E, bears S 64°17'29"W, a distance of 3,165.86 meters;

Thence N 55°54'03"W, a distance of 680.48 meters to P.C. station 31+836.80m;

Thence thru the arc of a 02°00' curve right, an arc length of 234.97 feet to P.T. station 32+071.77m;

Thence N 40°28'58"W, a distance of 1699.62 meters to P.C. station 33+771.39m;

Thence thru the arc of a 03°00' curve left, an arc length of 243.84 meters to P.T. station 34+015.23m;
 Thence N 64°28'58"W, a distance of 210.45 meters to P.C. station 34+225.68m;
 Thence thru the arc of a 03°00' curve left, an arc length of 342.55 meters to P.T. station 34+568.23m and from which the 1/4 corner common to east line section 12, T29N, R26E, G&SRM, bears S 42°46'09"E, a distance of 227.90 meters;
 Thence S 81°48'05"W, a distance of 112.85 meters to P.C. station 34+681.08m;
 Thence thru the arc of a 05°00' curve right, an arc length of 359.00 meters to P.T. station 35+040.08m;
 Thence N 39°18'27"W, a distance of 193.01 meters to P.C. station 35+233.09m;
 Thence thru the arc of a 05°00' curve left, an arc length of 283.42 meters to P.T. station 35+516.51m;
 Thence N 85°48'03"W, a distance of 517.41 meters to P.C. station 36+033.92m;
 Thence thru the arc of a 04°00' curve right, an arc length of 391.14 meters to P.T. station 36+425.06m;
 Thence N 34°28'12"W, a distance of 484.94 meters to END OF PROJECT station 36+910.00m, said point also being station 760+61.74 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972.

The Right of Way width is 15 meters left and right on each side of survey centerline, 8.947 kilometers in length, and contains 26.842 hectares, more or less.

NAZLINI SCHOOL SPUR

Beginning at Engineers survey centerline B.O.P. station 0+00 being also P.O.C. station 28+331.73, BIA Road Project N27(4-3) 2 & 4, said point also being station 1043+42.35 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972;

Thence S 70°50'06"W, a distance of 251.75 meters to P.C. station 0+251.75;
 Thence thru the arc of a 09°00' curve left, an arc length of 243.56 meters to P.T. station 0+495.31m;
 Thence S 01°04'54"E, a distance of 110.73 meters to END OF PROJECT, P.O.T. station 0+606.04m, said point also being station 19+88.34 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972.

The Right of Way width is 15 meters left and right on each side of survey centerline, 0.606 kilometers in length, and contains 1.818 Hectares, more or less.

The total Right of Way is 9.553 kilometers in length, and contains 28.660 hectares, more or less.



THE
NAVAJO
NATION

P. O. BOX 9000 • WINDOW ROCK, ARIZONA 86515 • (602) 871-6000

ALBERT A. HALE
PRESIDENT

THOMAS E. ATCITTY
VICE PRESIDENT

January 23, 1996

MEMORANDUM

TO : Alfred Dehiya, ASO III
Project Review Office
Division of Natural Resources

FROM : Art C. Slim
Art C. Slim, Right-of-Way Agent II
BIA Roads Section, PRO

SUBJECT: BIA Road Project N27(4-3)2&4, Nazlini Road.
File ID# 94-2783

The Bureau of Indian Affairs (BIA), Branch of Roads, Navajo Area Office, Post Office Box 1060, Gallup, New Mexico 87305, has submitted an application to amend their approved right-of-way. The amendment is to convert from English to Metric and to start the right-of-way project from the other end, the Nazlini Side, and realigned the right-of-way to avoid archaeological sites. The right-of-way was approved on March 3, 1972.

The realignment will begin at station P.C. 33+771.39 and ending at station P.T. 35+233.09 on said project. The right-of-way is situated in Sections 2, 11 & 12, Township 29 North, Range 26 East, Gila and Salt River Meridian, Apache County, Arizona.

The field clearance was conducted by contacting Ms. Adele Mike, Grazing Committee Member for Nazlini Chapter for information of who has the grazing permit within the affected area. Ms. Mike identified the following six (6) grazing permittees:

- | | | |
|----|--------------------------|----------|
| 1. | Nelson A. Begay, | C# 97480 |
| 2. | Tom Dedman, | C# 34222 |
| 3. | Charles E. Salabye, Sr., | C# 65427 |
| 4. | Arthur Tracey, | C# 69636 |
| 5. | Annie R. Walker, | C# 44855 |
| 6. | John C. Wilson, | C# 70731 |

COPIES

Memo to Mr. Alfred Dehiya, ASO III
January 23, 1996
Page Two

The above mentioned permittees were all contacted and explained to them about the proposed project. The permittees has no objections and their consents were obtained. The field clearance is completed.

This office recommends the application documents be put on the 164 SAS reviewal process for approval from the Navajo Nation.

xc: Chrono
Project File

CONSENT FORM - 3

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, NELSON A. BEGAY, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit BIA, Branch of Roads, Chinle Agency of P.O. Box 7-H, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose (s): For a realignment of the right of way on BIA Road Project N27, Nazlini to Chinle Road in Nazlini, Arizona.

as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

<u>6-28-95</u>	<u>Nelson A. Begay Sr.</u>	<u>97480</u>	<u>10-1298</u>
Date	Land User Signature (or thumbprint)	Census No.	Permit No.

WITNESS:

<u>Art C. Shi</u>	<u>Adela Mike</u>	<u>10-4</u>
<u>12-20-95</u>	Grazing Committee or Land Board Member	District No.
Date		

Acknowledgement of Field Agent

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

Art C. Shi
Field Agent Signature

CONSENT FORM - 3
(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, TOM DEDMAN, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit BIA, Branch of Roads, Chinle Agency of P.O. Box 7-H, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose (s): For a realignment of the right of way on BIA Road Project M27, Nazlini to Chinle Road in Nazlini, Arizona.

as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

<u>12-20-95</u>	<u>[Signature]</u>	<u>34222</u>	<u>10-1273</u>
Date	Land User Signature (or thumbprint)	Census No.	Permit No.

WITNESS:

<u>12-20-95</u>	<u>[Signature]</u>	<u>10-4</u>
Date	Grazing Committee or Land Board Member	District No.

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature

CONSENT FORM - 3

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, CHARLES E. SALABYE SR., hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit BIA, Branch of Poads, Chinle Agency of P.O. Box 7-H, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose (s): For a realignment of the right of way on BIA Road Project M27, Nazlini to Chinle Road in Nazlini, Arizona.

as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

6-27-95

Date

Charles E. Salabye Sr.

Land User Signature (or thumbprint)

65427

Census No.

10-1645

Permit No.

WITNESS:

Art C. Ali

12/20/95

Date

Adeline Mike

Grazing Committee or Land Board Member

10-4

District No.

Acknowledgement of Field Agent

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

Art C. Ali

Field Agent Signature

CONSENT FORM - 3
(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

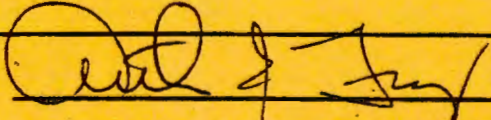
TO WHOM IT MAY CONCERN:

I, ARTHUR TRACEY, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit BIA, Branch of Roads, Chinle Agency of P.O. Box 7-H, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose (s): For a realignment of the right of way on BIA Road Project N27, Nazlini to Chinle Road in Nazlini, Arizona.


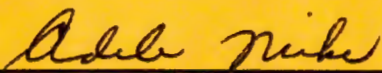
as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____


<u>12-20-95</u>	<u></u>	<u>69636</u>	<u>10-903</u>
Date	Land User Signature (or thumbprint)	Census No.	Permit No.

WITNESS:

<u></u>	<u></u>	<u>10-4</u>
<u>12-20-95</u>		
Date	Grazing Committee or Land Board Member	District No.

Acknowledgement of Field Agent

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


Field Agent Signature

CONSENT FORM - 3

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, ANNIE WALKER, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit BIA, Branch of Roads, Chinle Agency of P.O. Box 7-H, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose (s): For a realignment of the right of way on BIA Road Project N27, Nazlini to Chinle Road in Nazlini, Arizona.

as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

<u>7/27/95</u>	<u>Annice R. Walker</u>	<u>44855</u>	<u>10-1482</u>
Date	Land User Signature (or thumbprint)	Census No.	Permit No.

WITNESS:

<u>Art C. Shi</u>	<u>Adelle Mike</u>	<u>10-4</u>
<u>12-20-95</u>	Grazing Committee or Land Board Member	District No.
Date		

Acknowledgement of Field Agent

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

Art C. Shi
Field Agent Signature

CONSENT FORM - 3

(Waiver of compensation for damages)

CONSENT TO USE
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, John C. Wilson, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit BIA, Branch of Roads, Chinle Agency of P.O. Box 7-H, Chinle, Arizona 86503 to use a portion of my land use area for the following purpose (s): For a realignment of the right of way on BIA Road Project N27, Nazlini to Chinle Road in Nazlini, Arizona.

as shown on the map showing the location of the proposed project on the back of this consent form.

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

REMARKS: _____

12-20-95

Date

John C. Wilson

Land User Signature (or thumbprint)

70751

Census No.

C-1504

Permit No.

WITNESS:

Joseph Shon

Date

Adeline Mike

Grazing Committee or Land Board Member

10-4

District No.

Acknowledgement of Field Agent

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

Art C. Sola

Field Agent Signature

Branch of Roads

Navajo Area Office
P. O. Box 1060
Gallup, New Mexico 87305

APR 01 1996

Received

APR 01 1996

Mr. Albert Hale

President, The Navajo Nation

Project Review
Division of Resources

Attention: Mr. Boyd Nystedt, Environmental Specialist
Navajo Nation Environmental Protection Agency

Subject: DNR 6659 ROW for BIA, Branch of Roads
Project N27(4-3)2&4, Nazlini and Chinle Chapters, Navajo Nation

Dear Mr. Hale:

This is in response to your memorandum dated March 20, 1996, regarding a revegetation/reclamation plan for the subject project.

This plan has been prepared under the guidance of Mr. Leonard Robbins, Chief, Branch of Environmental Quality, and we offer it to satisfy the requirements.

Under Section 4 FORESEEABLE EFFECTS OF THE PROPOSED ACTION AND ALTERNATIVES, PARAGRAPH 4.5 LAND USE PRACTICES, add the following:

If vegetation is disturbed, it shall be reestablished in accordance with the following mitigation methods:

RECLAMATION/REVEGETATION

Erosion control will be installed where necessary and the shoulder areas will be reclaimed using the following seed mixture:

<u>Species</u>	<u>Cultivar</u>	<u>Lbs. PLS/Acre</u>
Alkali sacaton	Native	2.0
Galleta	Viva	2.0
Sand Dropseed	Native	2.0
Sideoats Grama	Vaughn,	2.0
Indian Ricegrass	Paloma	2.0
Western Wheatgrass	Arriba	3.0
Scarlet Globemallow	Native	0.5
Blanketflower	Red, Yellow	0.5
Total Pounds Pls Per Acre		14.0

Seeding Dates

The Navajo Department of Agriculture recommends seeding from June 15 to August 15. This is right before the monsoon season on the Navajo Nation. This will enable the seed to get ample water for germination and growth. A dormant seeding can be completed from November 1 to December 15. The seed will set in the ground until spring, water from melting snow should allow enough water for the seed to germinate and grow.

Seeding Methods

All seeding will be completed by mechanical means, using a grain drill to ensure proper seeding. The area will be deep plowed, disked twice and reseeded. Broadcast seeding can only be completed to special areas where a grain drill and tractor cannot travel.

Fertilizer

If no top soil is saved for reclamation purposes, a fertilizer will be used. We recommend a fertilizer high in phosphorus and potassium with minimal nitrogen. This fertilizer will assist the plant in root development and growth.

Mulch

A woodchip mulch will be used instead of a straw mulch. The straw mulch will attract livestock to the road, endangering vehicle traffic.

The contractor will be required to contact the Navajo Department of Water Resources before utilizing any water from within the jurisdiction of the Navajo Nation. The Navajo Tribal Utility Authority will be contacted if treated effluent is proposed for use on this project. These permits or authorizations will be made part of the NEPA document prepared for construction easement.

We trust this clears up the question of a reclamation/revegetation plan. A copy of this letter will be furnished to the Project Review Office.

If you need additional information, you may call Mr. Burt Lesser, Highway Engineer at (505) 863-8456.

Sincerely,

(SGD) MELVIN J. ROUSSEAU

Area Director

cc: Mr. Alfred Deloya
Division of Natural Resources
Project Review Office
P.O. Box 9000
Window Rk, AZ 86515

Mr. Phil Clayton
Department of the Army
Environmental Section
Albuquerque District
Corps of Engineers
P.O. Box 1580
Albq., NM 87103-180

M/C BOR - 363A / 363 / 366
M/C 500 - LRobbins

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363A:BLESSER:amd:03/27/96
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TRIBAL XXX
INDIVIDUALLY OWNED _____
GOVERNMENT OWNED _____
RIGHT-OF-WAY N27(2)

GRANT OF EASEMENT FOR RIGHT-OF WAY

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America for and on behalf of the Indian Owners of the lands described in exhibit "A" heretof, acting by and through the Area Director, Bureau of Indian Affairs, Department of the Interior, Window Rock, Arizona, hereinafter referred to as "Grantor", under authority contained in Commissioner's Relegation Order 10 BIAH Section 3.1, and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17, 25 U.S.C. §§323-328), and Part 161, Title 25, Code of Federal Regulations, in consideration of \$ Waived and other good and valuable consideration, the receipt of which is acknowledged does hereby grant to the UNITED STATES OF AMERICA, Department of Interior, Navajo Area Office, Bureau of Indian Affairs hereinafter referred to as "Grantee", as P. O. Box 1060, Gallup, New Mexico, easement for a right-of-way for the following purpose(s), namely: H.I.A. Road Project N27(2). Chale to Hualini Road (including road construction and its operation and maintenance), over, across, in and upon the following described lands located in the County of Apache, State of Arizona.

The said easement, as shown on the Map(s) No.(s). N27(2), Sheets 1 and 2, marked Exhibit "A" attached hereto, is limited to and more particularly described as: shown on the Chale-Hualini Right-of-Way Description for Project N27(2), marked Exhibit "A", attached hereto and by this reference made a part hereof.



INC. ENVIRONMENTAL CONSULTANTS

114 N. San Francisco St., Suite 100 • Flagstaff, Arizona 86001
(602) 774-5500 • FAX (602) 779-2709

April 18, 1995

Received

JAN 22 1996

Project Review
Division of Resources

Mr. Reid Nelson
NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT
Roads Planning Program - Gallup Office
214 East Nizhoni Boulevard
Gallup, New Mexico 87301

A
RECEIVED
APR 20 1995
H.C.B.
ROADS SECTION

Dear Reid:

In response to your request of March 31, 1995, I have prepared this letter summarizing the cultural resources of Navajo Route N27. I have focused on the southern portion of the road (from Station 775+00 to Station 1068+53.66) because that is the section that will be constructed first under current plans.

The sites along Navajo Route N27 were identified in four archaeological surveys, three related to the road and one related to chapter development (see references in Attachment 1). The first archaeological survey (Jennings 1966) was conducted in 1966, prior to construction of the improved dirt road. Jennings (1966) identified five sites, three of which were partially excavated, one of which was destroyed prior to excavation, and one of which was located well outside the right-of-way. In a project unrelated to road development, Copeland (1985) surveyed a tract of land for chapter developments, recording one site (AZ-P-5-5) within the currently proposed N27 right-of-way. In connection with the currently proposed road improvements, Trianni (1992) inventoried the right-of-way and recorded seven sites, including four that were recorded by Jennings. Ethnographic research conducted by SWCA, Inc., (Gilpin and Newton 1995, in preparation) resulted in the identification of thirty previously unrecorded historic cultural properties and two previously unrecorded prehistoric sites. Five sites investigated by ethnographic research had to be avoided by reroutes. The inventory of 4.49 miles of reroutes around these five sites resulted in the identification of 20 previously unrecorded sites (Gilpin 1994).

All told, 60 cultural or historic properties have been identified within the area of potential effect on N27. These 60 sites exclude the one prehistoric site recorded by Jennings that lies outside the right-of-way. The 60 sites within the area of potential effect are listed in Table 1 (Attachment 2). Eleven of these sites are located in the southern section of the road (from Station 775+00 to Station 1068+53.66) and are described more fully below.

Site AZ-P-4-27 (SWCA N27-32) is a Second Night site from an Enemyway ceremony. It was last used in 1991. Archaeologically visible remains are located 130 feet (39.6 m) from the centerline (Station 785), but the area used for the ceremony probably extended into the project area. This site is considered eligible to the National Register of Historic Places (NRHP) under Criterion A and is potentially protected under AIRFA. People who were interviewed about this site stated that it did not need to be protected, however. Since the site's significance under both the National Historic Preservation Act and AIRFA is based on its importance to local people, road construction will have no effect on the qualities of the site that make it eligible to the NRHP, and no measures are needed to mitigate the effects of road construction on this site.

Site AZ-P-5-24 (SWCA N27-65) is a Basketmaker II habitation site. It is located between Stations 844 and 845. It was originally identified in a survey of a reroute around Site AZ-P-5-25, but the proposed road has since been rerouted again to avoid both AZ-P-5-24 and AZ-P-5-25, although each site will be avoided by only a few feet. Site AZ-P-5-24 is considered eligible to the NRHP and is probably significant to both the Hopi and Zuni tribes as an ancestral site. The most

recently proposed reroute, around Sites AZ-P-5-24 and AZ-P-5-25 appears to avoid all surface manifestations of Site AZ-P-5-24, but the likelihood of buried cultural deposits at this location is high because of the eolian deposits here. In addition, the long-term effects of adjacent slope modification (perhaps including the installation of culverts) need to be addressed. In order to make a determination of no adverse effect for this property, a detailed monitoring and treatment plan for potential discoveries and a long-term management plan to monitor the site's condition in coming years need to be developed.

Site AZ-P-5-25 (SWCA N27-33) is a collapsed forked-stick hogan containing the grave of a Navajo man. It is located at Station 848. This site is at least 80 years old and may date before the Long Walk period (1864-1868). The site is not believed to be eligible to the NRHP but is probably significant under AIRFA and protected under NAGPRA. A proposed reroute around this site and Site AZ-P-5-24 appears to avoid Site AZ-P-5-25, but by only a few feet. Moreover, the long-term effects of adjacent slope modification (perhaps involving the installation of culverts) need to be addressed. In order to make a determination of no adverse effect for this property, a detailed monitoring plan and a long-term management plan to monitor the site's condition in coming years need to be developed.

Site AZ-P-5-5 (SWCA N27-35) is a Squaw Dance site from an Enemyway ceremony. It is located at Station 964. It was used in 1964 and 1990 (and perhaps at other times between these dates). The site is believed to be eligible to the NRHP under Criterion A and potentially protected under AIRFA. People who were interviewed about this site stated that it did not need to be protected, however. Since the site's significance under both the National Historic Preservation Act and AIRFA is based on its importance to local people, road construction will have no effect on the qualities of the site that make it eligible to the NRHP, and no measures are needed to mitigate the effects of road construction on this site.

Site AZ-P-5-27 (SWCA N27-36) is a grave. It is located 180 feet (59.1 m) from the centerline (Station 1001). This site is not believed to be eligible to the NRHP but is probably significant under AIRFA and protected under NAGPRA. Although this site lies well outside the project right-of-way, the long-term effects of adjacent slope modification (perhaps involving the installation of culverts) need to be addressed. In order to make a determination of no adverse effect for this property, a detailed monitoring plan and a long-term management plan to monitor the site's condition in coming years need to be developed.

Site AZ-P-5-28 (SWCA N27-37) is a grave that is about 60 years old. It is located over 200 feet (61 m) from the centerline (Station 1001). This site is not believed to be eligible to the NRHP but is probably significant under AIRFA and protected under NAGPRA. Although this site lies well outside the project right-of-way, the long-term effects of adjacent slope modification (perhaps involving the installation of culverts) need to be addressed. In order to make a determination of no adverse effect for this property, a detailed monitoring plan and a long-term management plan to monitor the site's condition in coming years need to be developed.

Site AZ-P-5-29 (SWCA N27-38) is a Navajo habitation and Yei bi chei site. It is located at Station 1005. The habitation was occupied between about 1932 and 1941 and consists of a hogan, an ash pile, and a wood-chopping area. The hogan, which is the feature closest to the right-of-way, is 138 feet (42 m) from centerline (Station 1003+99). The Yei bi chei site dates to 1941 and consists of a ramada, two bread ovens, and a palisaded windbreak. The ramada is the only feature within the right-of-way (19 m from centerline). The two bread ovens and the palisaded windbreak are outside the right-of-way (151 feet [46 m], 161 feet [49 m], and 197 feet [60 m], respectively). Site AZ-P-5-29 is thought to be eligible to the NRHP and is probably significant under AIRFA. Because the hogan was abandoned and burned as the result of a death, it is considered a "ghost hogan" and may be protected under NAGPRA. The ramada is the only feature on the site that is located within the proposed right-of-way. Local people stated that this feature does not need to

be avoided or protected. Archaeological excavation of this feature might result in the recovery of limited amounts of data, including better definition of its size and construction, information on whether it had a hearth, and information (from analysis of charcoal) on what fuel was used in the hearth, but this information would probably not add significantly to the understanding of the site date, function, and history. Therefore, no additional work is recommended at this feature. Local people stated that the other features at the site did not need to be avoided. These features, however, could all yield additional data about the site date, function, and history, and should be preserved in place.

Site AZ-P-5-30 (SWCA N27-41) is a sweat house that was last used about 50 years ago. This feature is located 240 feet (73 m) from the centerline (Station 1008). This feature appears to be eligible to the NRHP and may be considered significant under AIRFA. In-place preservation of this site is recommended, but because this site is so far outside the proposed right-of-way, no additional work is recommended at this location.

Site AZ-P-5-31 (SWCA N27-42) is the grave of an infant. It is said to be very old, but the exact date is not known. This site is located in a rock crevice over 295 feet (90 m) from the proposed centerline (Station 1008). This site is not believed to be eligible to the NRHP but is probably significant under AIRFA and protected under NAGPRA. In-place preservation of this site is recommended, but because this site is so far outside the proposed right-of-way, no additional work is recommended at this location.

Site AZ-P-5-32 (SWCA N27-44) is a temporary structure constructed for a Yei bi chei ceremony that took place in 1956. The site is located over 500 feet (150 m) from the proposed centerline (Station 1030). This feature appears to be eligible to the NRHP and may be considered significant under AIRFA. In-place preservation of this site is recommended, but because this site is so far outside the proposed right-of-way, no additional work is recommended at this location.

Site AZ-P-5-33 (SWCA N27-45) is the location of the original Nazlini Day School, which was established in 1929. The building has been completely dismantled and replaced by a man-made pond. This site is located over 500 feet (150 m) from the proposed centerline (Station 1032). Because the site no longer retains integrity, it is probably not eligible to the NRHP. Furthermore, it is so far outside the proposed right-of-way that construction of the project will have no effect on the site.

In summary, we believe that it is possible to make a determination of no adverse effect for construction of the portion of Navajo Route N27 between Stations 775+00 and 1068+53.66, provided that the following stipulations are followed:

- (1) A plan for monitoring construction at Site AZ-P-5-24 (SWCA N27-65, a Basketmaker II habitation site), for the treatment of any discoveries at this site, and for long-term monitoring of this site's condition in future years should be prepared and implemented;
- (2) A plan for monitoring construction at three graves (Sites AZ-P-5-25 [SWCA N27-33], AZ-P-5-27 [SWCA N27-36], and AZ-P-5-28 [SWCA N27-37]) and for long-term monitoring of these sites' condition in future years should be prepared and implemented.

The long-term monitoring plans should consist of provisions to inspect these sites in three to five years to see if alteration of the topography has caused erosion at the sites and, if so, to make recommendations for mitigating this adverse effect.



I hope this letter provides all of the information you need. If you have any questions or need any additional information, please call me.

Sincerely,

A handwritten signature in cursive script that reads 'Dennis'.

Dennis Gilpin

Received

JAN 22 1996

References

Project Review
Division of Resources

Copeland, James M.

- 1985 *Archaeological Survey: Nazlini Community Chapter Development, Nazlini, Arizona.* Navajo Nation Cultural Resource Management Program Report 85-55 (BIA NTM-85-68). Window Rock, Arizona.

Gilpin, Dennis

- 1994 Letter of October 24, 1994, from Dennis Gilpin, SWCA, Inc., Environmental Consultants, to Reid Nelson, Navajo Nation Historic Preservation Department, Roads Planning Program. On file, SWCA, Inc., Flagstaff, Arizona, and Navajo Nation Historic Preservation Department, Roads Planning Program, Gallup.

Gilpin, Dennis, and Virginia Newton

- 1995 Cultural and Historic Properties along Navajo Route N27, Beautiful Valley, Apache County, Arizona. SWCA, Inc. Environmental Consultants, Flagstaff (in preparation).

Jennings, Calvin H.

- 1966 A Preliminary Report on the Reconnaissance of N27, Chinle to Nazlini. On file, Museum of Northern Arizona, Flagstaff.

Trianni, Robert J.

- 1992 *A Cultural Resources Reassessment Survey for Proposed Roads Construction Project, BIA Roads Project N27(4-3) 2 & 4, Chinle to Nazlini, Apache County, Arizona.* Navajo Nation Historic Preservation Department, Window Rock, Arizona.

Table 1. Summary of Sites Recorded on Navajo Route N27.

NNAD #	Station #	Site Type	Register Eligible?	AIRFA Applicable?	NAGPRA Protected?	Proposed Mitigation
AZ-I-52-27	22	undated lithic	yes	possibly	no	testing
AZ-I-52-28	21-25	trash dump	no	no	no	none
AZ-I-52-29	35-42	(1) undated lithic (2) Chinle Community Dump	yes no	possibly no	no no	testing none
AZ-I-52-30	44	1940s (?) trash pile	no	no	no	none
AZ-I-52-31	50	1960s-70s trash pile	no	no	no	none
AZ-I-52-32	50	wishing pile	yes	yes	no	avoidance
AZ-I-52-33	54-57	1950s trash pile	no	no	no	none
AZ-I-52-34	62-70	(1) undated lithic (2) recent trash pile	yes no	possibly no	no no	testing none
AZ-I-61-20	72	TCP	yes	yes	no	avoidance
AZ-I-61-21	73-74	undated lithic	yes	possibly	no	testing
AZ-I-61-22	91-94	(1) Pueblo I-II habitation (2) fence	yes no	yes no	possibly no	excavation none
AZ-I-61-23	109	water well	yes	no	no	avoidance
AZ-I-61-24	110	Second Night area	yes	yes	no	none
AZ-I-61-25	115	Second Night area	yes	yes	no	none
AZ-I-61-26	132	Second Night area	yes	yes	no	none
AZ-I-61-27	145-154	Pueblo I habitation	yes	yes	possibly	excavation
AZ-I-61-28	160	Second Night area	yes	yes	no	none
AZ-I-61-29	211	historic site (destroyed)	no	no	no	none

NNAD #	Station #	Site Type	Register Eligible?	AIRFA Applicable?	NAGPRA Protected?	Proposed Mitigation
AZ-I-61-30	286	dismantled bus-stop shelter	no	no	no	none
AZ-I-61-31	350	modern Navajo field	no	no	no	none
AZ-I-61-32	348	Second Night area	yes	yes	no	none
AZ-I-61-33	351-352	(1) Pueblo I-II artifact scatter (2) TCP	yes	yes	no	avoidance
			yes	yes	no	avoidance
AZ-I-61-34	430	Navajo homeseite	yes	no	no	excavation
AZ-I-61-35	479	recent trash area	no	no	no	none
AZ-I-61-36	518	wishing pile	yes	yes	no	outside r-o-w
AZ-I-61-37	521	sweat-lodge discard pile	yes	yes	no	outside r-o-w
AZ-I-61-38	526-532	(1) Pueblo I habitation (2) Navajo homeseite (3) Second Night area (4) rock pile	yes	yes	possibly	excavation
			yes	no	no	none
			yes	yes	no	none
			no	no	no	none
AZ-P-4-5	550	hogan burial	yes	yes	yes	outside r-o-w
AZ-P-4-6	548-555	burial ground	no	yes	yes	narrowing of r-o-w; monitoring
AZ-P-4-7	562-566	dam and ditch	yes	no	no	outside r-o-w
AZ-P-4-8	575	Navajo habitation	yes	no	no	excavate trash pile
AZ-P-4-9	583	early Navajo habitation	yes	no	no	excavate portion of site in r-o-w
AZ-P-4-10	585-586	(1) TCP (2) Navajo habitation	yes	yes	no	avoidance
			yes	no	no	excavate features in r-o-w
AZ-P-4-11	645	TCP	yes	yes	no	outside r-o-w

Table 1. Summary of sites identified during survey of reroutes.

Site No.	Site Type	Station(s)	Reroute
SWCA N27-47	undated lithic raw material procurement	731-733	4
SWCA N27-48	undated lithic raw material procurement	740-741	4
SWCA N27-49	undated lithic raw material procurement	743-746	4
SWCA N27-50	undated lithic raw material procurement	747-751	4
SWCA N27-51	undated lithic raw material procurement	752-754	4
SWCA N27-52	undated lithic raw material procurement	755-756	4
SWCA N27-53	undated lithic raw material procurement	722-724	4
SWCA N27-54	undated lithic raw material procurement	715-719	4
SWCA N27-55	early (circa 1800) Navajo habitation	583	3
SWCA N27-55a	modern (post 1900) Navajo fenced field	350	2
SWCA N27-56	(1) undated lithic raw material procurement, 4 sherds (2) recent trash pile	62-70	1
SWCA N27-57	(1) undated lithic raw material procurement, 2 sherds	73-74	1
SWCA N27-58	1950s trash piles	54-57	1
SWCA N27-59	1960s-70s trash pile	50	1
SWCA N27-60	1940s(?) trash pile	44	1
SWCA N27-61	(1) undated lithic raw material procurement (2) Chinle community dump (post-1950?)	35-42	1
SWCA N27-62	undated lithic raw material procurement	22	1
SWCA N27-63	undated lithic raw material procurement	710-713	4
SWCA N27-64	undated lithic raw material procurement	708-710	north of 4
SWCA N27-65	Basketmaker II habitation	844-845	5

NNAD #	Station #	Site Type	Register Eligible?	AIRFA Applicable?	NAGPRA Protected?	Proposed Mitigation
AZ-P-4-12	674	Second Night area	yes	yes	no	none
AZ-P-4-13	701-709	(1) undated lithic (2) fence	yes no	possibly no	no no	testing none
AZ-P-4-14	708-710	undated lithic	yes	possibly	no	testing
AZ-P-4-15	710-713	undated lithic	yes	possibly	no	testing
AZ-P-4-16	715-719	undated lithic	yes	possibly	no	testing
AZ-P-4-17	722-724	undated lithic	yes	possibly	no	testing
AZ-P-4-18	728-731	(1) undated lithic (2) wishing piles	yes yes	possibly yes	no no	avoidance avoidance
AZ-P-4-19	731-733	undated lithic	yes	possibly	no	testing
AZ-P-4-20	740-741	undated lithic	yes	possibly	no	testing
AZ-P-4-21	743-746	undated lithic	yes	possibly	no	testing
AZ-P-4-22	747-751	undated lithic	yes	possibly	no	testing
AZ-P-4-23	752-754	undated lithic	yes	possibly	no	testing
AZ-P-4-24	755-756	undated lithic	yes	possibly	no	testing
AZ-P-4-25	761	Second Night area	yes	yes	no	none
AZ-P-4-26	770-775	undated lithic	yes	possibly	no	testing
AZ-P-4-27	785	Second Night area	yes	yes	no	none
AZ-P-5-24	844-845	Basketmaker II habitation	yes	yes	possibly	avoidance, monitoring
AZ-P-5-25	848	hogan burial	no	yes	yes	avoidance, monitoring
AZ-P-5-5	964	Squaw Dance site	yes	yes	no	none

NNAD #	Station #	Site Type	Register Eligible?	AIRFA Applicable?	NAGPRA Protected?	Proposed Mitigation
AZ-P-5-27	1001	grave	no	yes	yes	monitoring, management plan
AZ-P-5-28	1001	grave	no	yes	yes	monitoring, management plan
AZ-P-5-29	1005	Navajo habitation and Yei bi chei site	yes	yes	no	avoidance of features outside of r-o-w
AZ-P-5-30	1008	sweat lodge	yes	yes	no	outside r-o-w
AZ-P-5-31	1008	grave	no	yes	yes	outside r-o-w
AZ-P-5-32	1030	Yei bi chei site	yes	yes	no	outside r-o-w
AZ-P-5-33	1032	Nazlini Day School	no	no	no	outside r-o-w

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.										
4. TITLE OF REPORT: A Cultural Resources Reassessment Survey for Proposed Roads Construction Project N27 (4-3) 2&4		5. FIELDWORK DATES 5/16/92 - 6/14/92										
Author(s): Robert J. Trianni		6. REPORT DATE August 18, 1992										
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Joseph M. Nixon Org. Name: NN Historic Preservation Dept. Org. Address: P.O. Box 2898 Window Rock, AZ 86515 Phone: (602) 871-6437/7152		8. PERMIT NO. NTC										
		9. CONSULTANT REPORT NO.										
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Wilfred D. Frazier Org. Name: BIA Navajo Area Roads Org. Address: P.O. Box 1060 Gallup, NM 87305 Phone: (505) 863-9501 x-281		11. SPONSOR PROJECT NO. <i>HAER 92-007</i>										
		12. AREA OF EFFECT: 492.1ac AREA SURVEYED: 23.94ac										
13. LOCATION (MAP ATTACHED):												
<table border="0"> <tr> <td>a. Chapter: Chinle & Nazlini</td> <td>f. UTM Center: Zone 12</td> </tr> <tr> <td>b. Agency: Chinle</td> <td>g. Area: 20.3 Miles</td> </tr> <tr> <td>c. County: Apache</td> <td>h. Legal: T 5N, R10W (B.O.P.)</td> </tr> <tr> <td>d. State: Arizona</td> <td>(Projected) T 3N, R10W (E.O.P.) PM&B</td> </tr> <tr> <td>e. Land Status: Navajo Tribal Trust</td> <td>i. 7.5' Map Name(s): Chinle, Nazlini Beautiful Valley Well, White House</td> </tr> </table>			a. Chapter: Chinle & Nazlini	f. UTM Center: Zone 12	b. Agency: Chinle	g. Area: 20.3 Miles	c. County: Apache	h. Legal: T 5N, R10W (B.O.P.)	d. State: Arizona	(Projected) T 3N, R10W (E.O.P.) PM&B	e. Land Status: Navajo Tribal Trust	i. 7.5' Map Name(s): Chinle, Nazlini Beautiful Valley Well, White House
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14. REPORT / / OR SUMMARY (REPORT ATTACHED) / / OR PRELIMINARY REPORT / /												
a. Description of Undertaking: see attached												
b. Existing Data Review: see attached		Received										
c. Area Environmental & Cultural Setting: see attached		JAN 22 1996										
d. Field Methods: Parallel transects at 10m intervals.		Project Review Division of Resources										
15. CULTURAL RESOURCE FINDINGS:												
a. Location/Identification of Each Resource: see attached												
b. Evaluation of Significance of Each Resource: see attached												
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): See Attached												
17. CERTIFICATION:												
SIGNATURE: _____ DATE _____												
General Charge Name: <u>Joseph M. Nixon</u>												
SIGNATURE: _____ DATE _____												
Direct Charge Name: <u>Robert J. Trianni</u>												

**A Cultural Resources Reassessment Survey
for Proposed Roads Construction Project
BIA Roads Project N27(4-3) 2&4
Chinle to Naslini, Apache County, Arizona**

**Navajo Nation
Chinle & Naslini Chapters**

DRAFT

**Prepared For
Bureau of Indian Affairs
Chinle Agency
Branch of Roads**

Received

**Prepared By
Robert J. Trianni
Archaeologist**

JAN 22 1996

**Project Review
Division of Resources**

**Submitted By
Mary Bernard-Shaw
Archaeologist**

**Navajo Nation
Historic Preservation Department**

**BOR- -
HPD- -**

92 471

July 1992

Abstract

The Navajo Nation Historic Preservation Department conducted an archaeological reassessment for "A Cultural Resource Reassessment for the Proposed Road Construction Project N27(4-3) 2&4 (BOR - - NNHPD -)", Chinle to Nazlini, Apache County, Arizona. Archaeologists reassessed seven (7) sites along the length of the right-of-way (ROW). The sites range in age from Archaic through Anasazi to historic Navajo. Four of the sites are bisected by the current alignment; while the remaining sites are only partially within the ROW. One possible burial was identified along the Western edge of N27-3 (Appendix A).

Introduction

Between June 16 and July 14, 1992 archaeologists for the Historic Preservation Department, Roads Planning Section conducted a reassessment survey of Navajo Route N27(4-3) 2&4 from Chinle to Nazlini, Apache County, Arizona. The entire project area is 20.3 miles located on Navajo Tribal Trust Land in Townships 3,4 & 5 North and Range 10 West. Portions of the survey are contained within the Little White House Ruins, AZ (Provisional 1982); Chinle, AZ (Provisional 1982), Beautiful Valley Well, AZ (Provisional 1983); and Nazalini, AZ (Provisional 1983) topographic quadrangles in Land District No. 10, Chinle Agency, Arizona.

Methodology

The entire ROW was intensively surveyed by the archaeologist walking a series of parallel transects spaced at 10 meter intervals. The areas of current reassessment consists of relocating the sites previously found on along N27 conducted by the Museum of Northern Arizona (Jennings 1966). Four of the five originally defined sites were relocated, including the sites NA9435, NA9437, NA9438 and NA9439. One site, NA9436, previously located at Station 210 was destroyed some time after 1966, and no additional evidence of this site was found in the current reassessment (Lindsay 1972). Three previously unidentified sites were also located and mapped. Nearby, assessments have been provided by Klesert (1985) and Tsosie (1981).

A legal description of the project area is provided below

N27(4-3) Right-of-way (Figure 1a - 1f)

UTM Coordinates (Zone12): 4000050N, 630720E (B.O.P.)

3972300N, 640650E (E.O.P.)

Legal Description: Section 28 (Projected), T 5 N, R 10 W (B.O.P.)

Section 26 (Projected), T 3 N, R 10 W (E.O.P.)

Land Status: Navajo Tribal Trust

U.S. Quads: Little White House Ruins, AZ (Provisional 1982), Chinle, AZ (Provisional 1982), Beautiful Valley Well, AZ (Provisional 1983), Nazlini, AZ (Provisional 1983).

Project Boundary: 20.3 Miles for the entire road construction undertaking

Project Effort: Reassess individual sites along the roadway.

Results

A brief description of each site location is provided below.

N27 - 1 Sta. 49+25 - Sta. 50+50 (Figure 2)

UTM Coordinates (Zone 12): 3999230N, 630190E

Legal Description: T5N - R10W, Sec. 28 (Projected)

Land Status: Navajo Tribal Trust

Project Boundary: 147' x 115' (.4 acres; .12 ha.)

Description: The site is located along the Eastern edge of N27 at the corner with an existing road.

N27 - 2 Sta. 92+50 - Sta. 94+00 (Figure 3)
UTM Coordinates (Zone 12): 3997940N, 630240E
Legal Description: T5N - R10W, Sec. 33 (Projected)
Land Status: Navajo Tribal Trust
Project Boundary: 328' x 196' (1.4 acres; .5 ha.)
Description: The site is bisected by N27.

N27 - 3 Sta. 145+00 - Sta. 154+00 (Figure 4)
UTM Coordinates (Zone 12): A - 3996300N, 630460E
B - 3996020N, 630400E
Legal Description: T4N - R10W, Sec. 4 (Projected)
Land Status: Navajo Tribal Trust
Project Boundary: 918' x 656' (13.6 acres; 5.5 ha.)
Description: The site is bisected by N27.

N27 - 4 Sta. 210+00 - Sta. 212+00 (Figure 5)
UTM Coordinates (Zone 12): 3994380N, 630240E
Legal Description: T4N - R10W, Sec. 9 (Projected)
Land Status: Navajo Tribal Trust
Project Boundary: 131' x 131' (.39 acres; .15 ha.)
Description: The site is located along the Eastern edge of the N27 ROW.

N27 - 5 Sta. 526+00 - Sta. 529+00 (Figure 6)
UTM Coordinates (Zone 12): A - 3985030N, 631480E
B - 3984880N, 631500E
Legal Description: T3N - R10W, Sec. 4 (Projected)
Land Status: Navajo Tribal Trust
Project Boundary: 295' x 449' (3 acres; 1.2 ha.)
Description: The site is bisected by N27

N27 - 6 Sta. 727+00 - Sta. 730+00 (Figure 7)
UTM Coordinates (Zone 12): A - 3979440N, 633400E
B - 3979220N, 633420E
Legal Description: T3N - R10W, Sec. 26 (Projected)
Land Status: Navajo Tribal Trust
Project Boundary: 541' x 541' (6.7 acres; 2.7 ha.)
Description: The site is bisected by N27.

N27 - 7 Sta. - Sta. (Figure 8)
UTM Coordinates (Zone 12): 3992260N, 630350E
Legal Description: T4N - R10W, Sec. 16 (Projected)
Land Status: Navajo Tribal Trust
Project Boundary: 98' x 114' (.25 acres; .10 ha.)
Description: The site is bisected by N27.

Environment

The project area is situated across a rolling valley floor in northeastern Arizona. The soil within the project area consists of a sandy loam with sandstone outcrops. The flora is primarily desert scrub vegetation with snakeweed (*Gutierrezia sarathrae*), Russian thistle (*Salsola kali*), and saltbush (*Atriplex canescens*) identified across the ROW. Scant evidence of indigenous faunal species were noted in the project area aside from lizards and snakes. Intensive livestock grazing is evidenced throughout the area.

Previous Archaeological Research

A check of the HPD site records indicates that previous archaeological investigations have been conducted in the project area. These investigations were conducted by Andrews 1979; Jeffers 1981; Jeffers & Andrews 1982; Jennings 1966; Kelly and Nabahe 1987; Klesert 1985 and Tsosie 1981.

Management Recommendations

Seven archaeological sites were identified within the boundary of the project area. Four of the sites contain Anasazi and Navajo components (Appendix A). The remaining three sites are exclusively Navajo.

Among the Anasazi period sites some of the ceramic types identified include Gallup Black-on-white, Tsegi Orange-on-white, Dogoszhi Black-on-white, Red Mesa Black-on-white, Tusayan Whiteware and Cibola Whiteware. Lithic materials consist of petrified wood, basalt, quartzite and local chert.

Three contemporary Navajo shrines, a sweatlodge and a corral were also identified. Subsequent discussions with Navajo cultural specialists from the Historic Preservation Department assisted in the identification of these sites, and an HPD ethnographic report is pending concerning these results. Occupation along the project area ranges from Archaic to present day Navajo.

All of the prehistoric sites or components identified within the N27 reassessment survey are eligible for inclusion in the National Register of Historic Places (NRHP) under criterion "d" of 36 CFR 60.4. These sites may provide important information about prehistoric subsistence and settlement practices, lithic tool technology along with trade and exchange behaviors.

The historic sites are also eligible for inclusion to the National Register, although the criteria for Navajo shrines and sweatlodges may involve criterion "a" or criterion "b." Further treatment of these sites may require extent testing to determine the nature of their subsurface deposits, pending ethnographic results.

REFERENCES CITED

Andrews, Michael J.

1979 Archaeological Survey of Selected Portions of the Nazlini CIP Power Line Project, CRMP 83-185, NTUA Work Order No. 11-270-0114.

Jeffers, Ulie H. Jr.

1981 An Archaeological survey of a proposed water line to serve four houses near Nazlini, Arizona. NAU Report No. 630.

Jeffers, U.H. & Andrews, M.J.

1982 An Archaeological Survey of a Power Distribution Line Near Nazlini, Arizona. Northern Arizona University, Flagstaff.

Jennings, Calvin H.

1966 Preliminary report: Reconnaissance of N27 Chinle to Nazlini. Manuscript on file at HPD Roads Planning Section.

Klesert, Anthony

1985 Archaeological survey Nazlini Community Chapter Development.

Lindsay, Alexander J., Jr.

1972 Archaeological Clearance Investigations, Bureau of Indian Affairs, Branch of Roads, Chinle Agency Road Project N27(1), Station 210, Archaeological Site NA9436 in Right-of-way Proposed for Salvage. Museum of Northern Arizona, Flagstaff.

Tsosie, Laura A.

1981 Archaeological survey of a water line, sewer line and sewer lagoon, Nazlini, Arizona. NAU Report NO. 616.

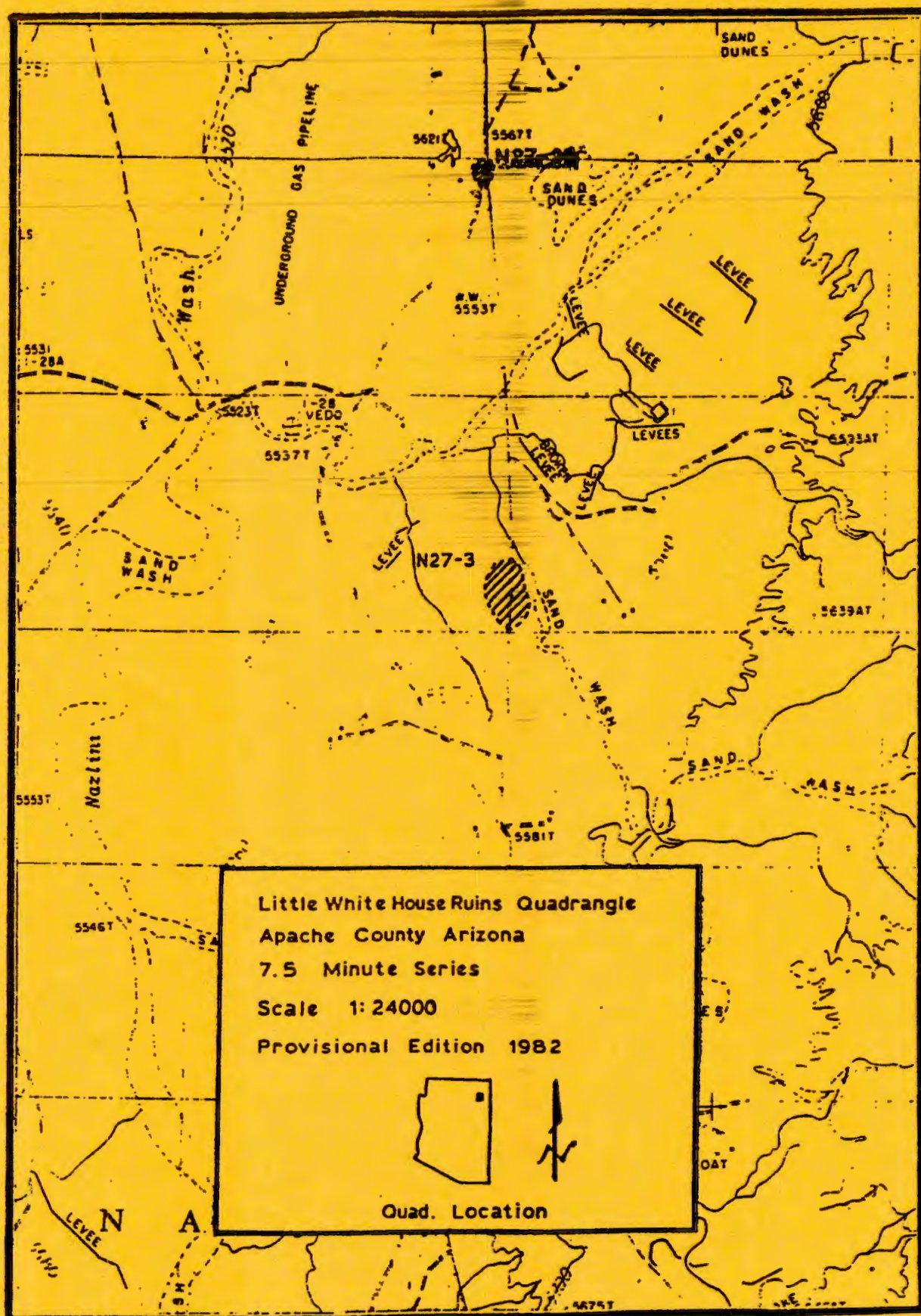


Figure 1b

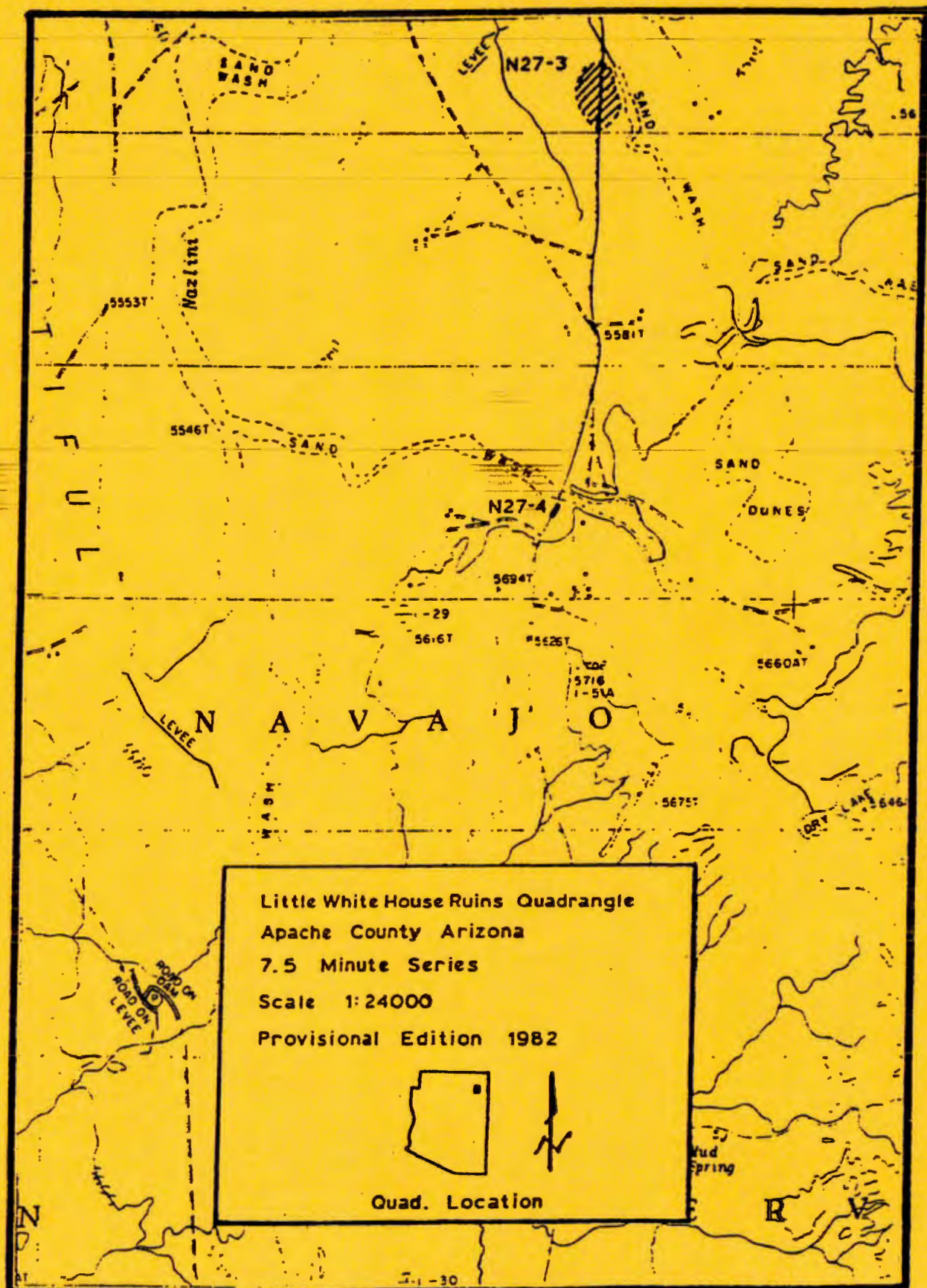
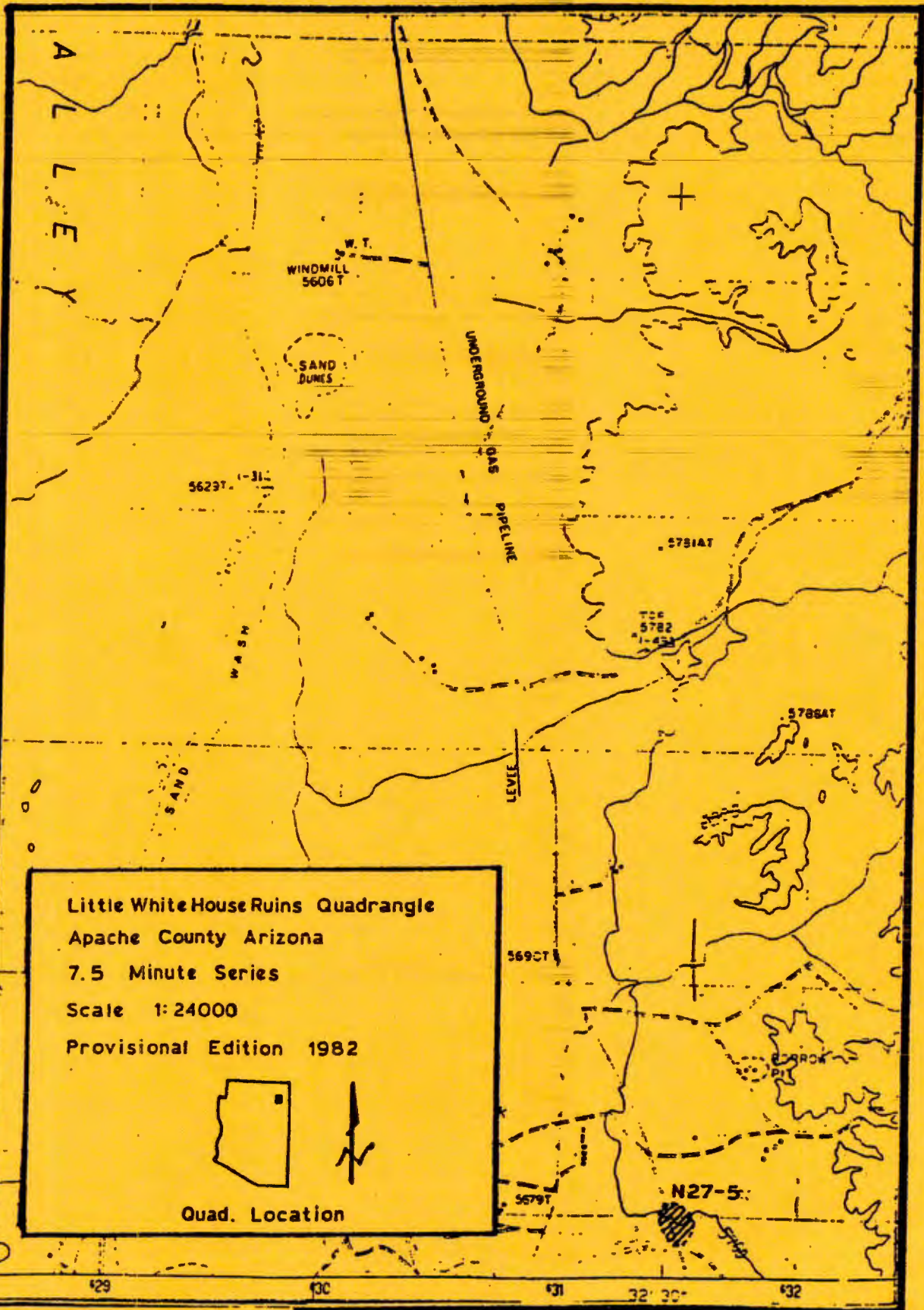


Figure 1c





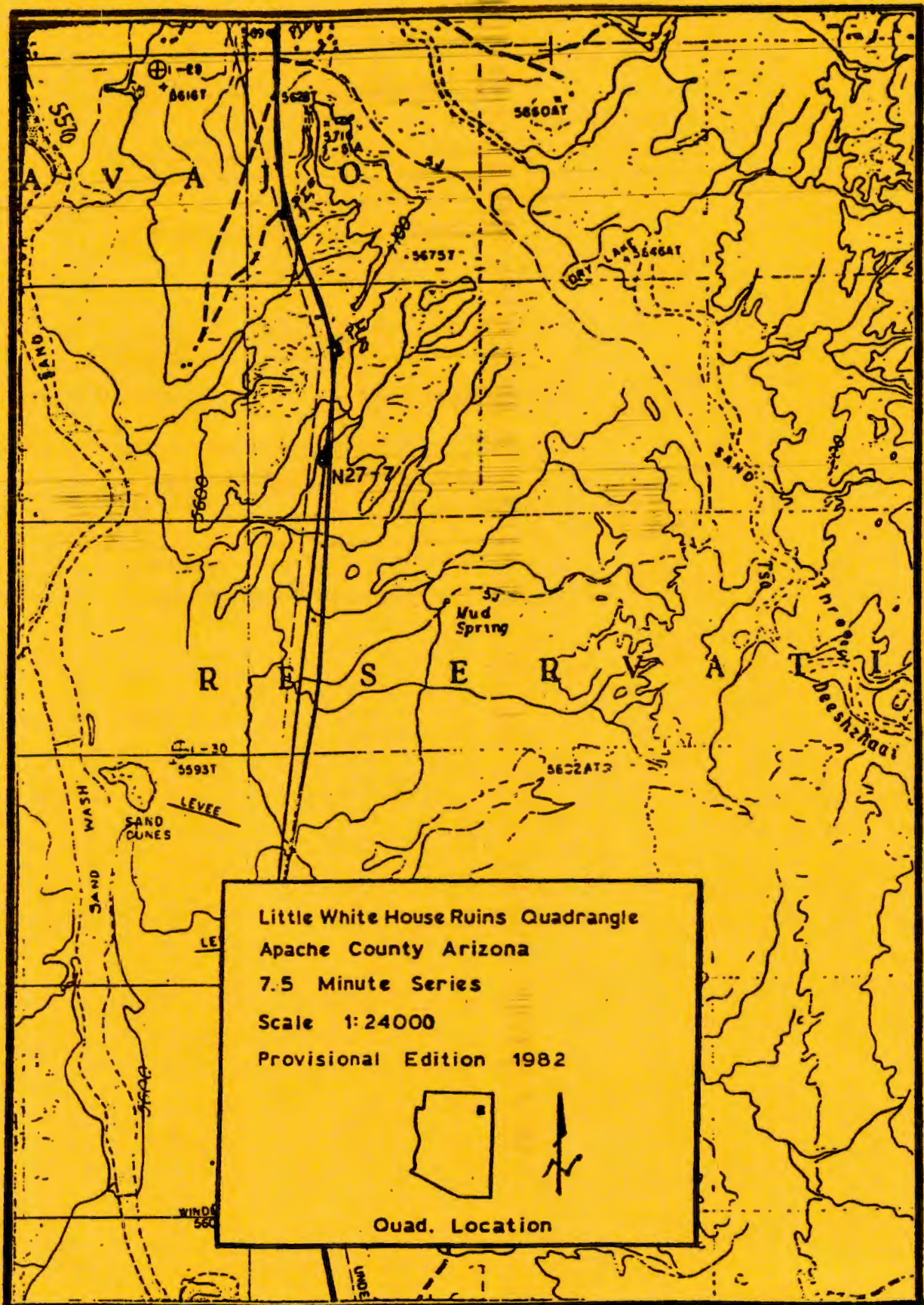


Figure 1f

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT

Site Survey and Management Form

SITE NO.: N27 - 1 DATE RECORDED: 6/17/92

PROJECT NO. & NAME: N27 (4-3) 2&4 Chinle to Nazlini

ORGANIZATION: NNHPD ARCHEOLOGIST(S): Robert J. Trianni

USGS MAP REFERENCE: Chinle; 7.5 minute series 1982

LEGAL DESCRIPTION: 1/4, 1/4, 1/4 Sec. 28, T 5N/S, R 10E/W

UTM COORDINATES (ZONE 12): 3999230 N, 630190 E

STATE: Arizona COUNTY: Apache CHAPTER: Chinle

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Desertscrub, 10%

TOPOGRAPHY: Rolling valley floor

DRAINAGE: Sand Wash

ELEVATION (FT/M): 5609' Slope and Direction: _____

SEDIMENT TYPE: Sandy loam OTHER: _____

VEGETATION PRESENT: Russian Thistle, Snakeweed and Saltbush

CULTURAL AFFILIATION: Navajo

SITE TYPE: Historic

PERIOD(S) OF OCCUPATION (Date if known): 1900 to Present

DIMENSIONS OF SITE (L X W): 147' x 115'

ARCHITECTURE PRESENT?: _____ DESCRIBE: _____

ARTIFACT OBSERVED/COUNTED: _____

COLLECTION MADE?: _____ OF WHAT?: _____ METHOD: _____

PHOTOS?: B/W: ROLL _____ FRAME _____ COLOR: ROLL _____ FRAME _____

SITE DESCRIPTION: Contemporary Navajo religious shrine consisting of a rock pile.

CONDITION OF SITE: Disturbed

CAUSES OF DISTURBANCE: Bladed

LOCATION OF SITE RELATIVE TO PROJECT AREA: In the right-of-way

EXTENT OF INVESTIGATION TO DATE: Mapped and recorded.

RESEARCH POTENTIAL: Good

RECOMMENDATIONS: Avoidance

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER):

INTEGRITY: Located in the right-of-way

CRITERIA: Eligible for inclusion under criteria a & b.

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT

Site Survey and Management Form

SITE NO.: N27 - 1 DATE RECORDED: 6/17/92

PROJECT NO. & NAME: N27 (4-3) 2&4 Chinle to Nazlini

ORGANIZATION: NNHPD ARCHEOLOGIST(S): Robert J. Trianni

USGS MAP REFERENCE: Chinle; 7.5 minute series 1982

LEGAL DESCRIPTION: 1/4, 1/4, 1/4 Sec. 28, T 5N/S, R 10E/W

UTM COORDINATES (ZONE 12): 3999230 N, 630190 E

STATE: Arizona COUNTY: Apache CHAPTER: Chinle

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Desertscrub, 10%

TOPOGRAPHY: Rolling valley floor

DRAINAGE: Sand Wash

ELEVATION (FT/M): 5609' Slope and Direction: _____

SEDIMENT TYPE: Sandy loam OTHER: _____

VEGETATION PRESENT: Russian Thistle, Snakeweed and Saltbush

CULTURAL AFFILIATION: Navajo

SITE TYPE: Historic

PERIOD(S) OF OCCUPATION (Date if known): 1900 to Present

DIMENSIONS OF SITE (L X W): 147' x 115'

ARCHITECTURE PRESENT?: _____ DESCRIBE: _____

ARTIFACT OBSERVED/COUNTED: _____

COLLECTION MADE?: _____ OF WHAT?: _____ METHOD: _____

PHOTOS?: B/W: ROLL _____ FRAME _____ COLOR: ROLL _____ FRAME _____

SITE DESCRIPTION: Contemporary Navajo religious shrine consisting of a rock pile.

CONDITION OF SITE: Disturbed

CAUSES OF DISTURBANCE: Bladed

LOCATION OF SITE RELATIVE TO PROJECT AREA: In the right-of-way

EXTENT OF INVESTIGATION TO DATE: Mapped and recorded.

RESEARCH POTENTIAL: Good

RECOMMENDATIONS: Avoidance

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER):

INTEGRITY: Located in the right-of-way

CRITERIA: Eligible for inclusion under criteria a & b.

EXCLUSIONS: _____

SITE ASSESSMENT UNDER 43 CFR 7.3 (ARPA): Older than 50 years .

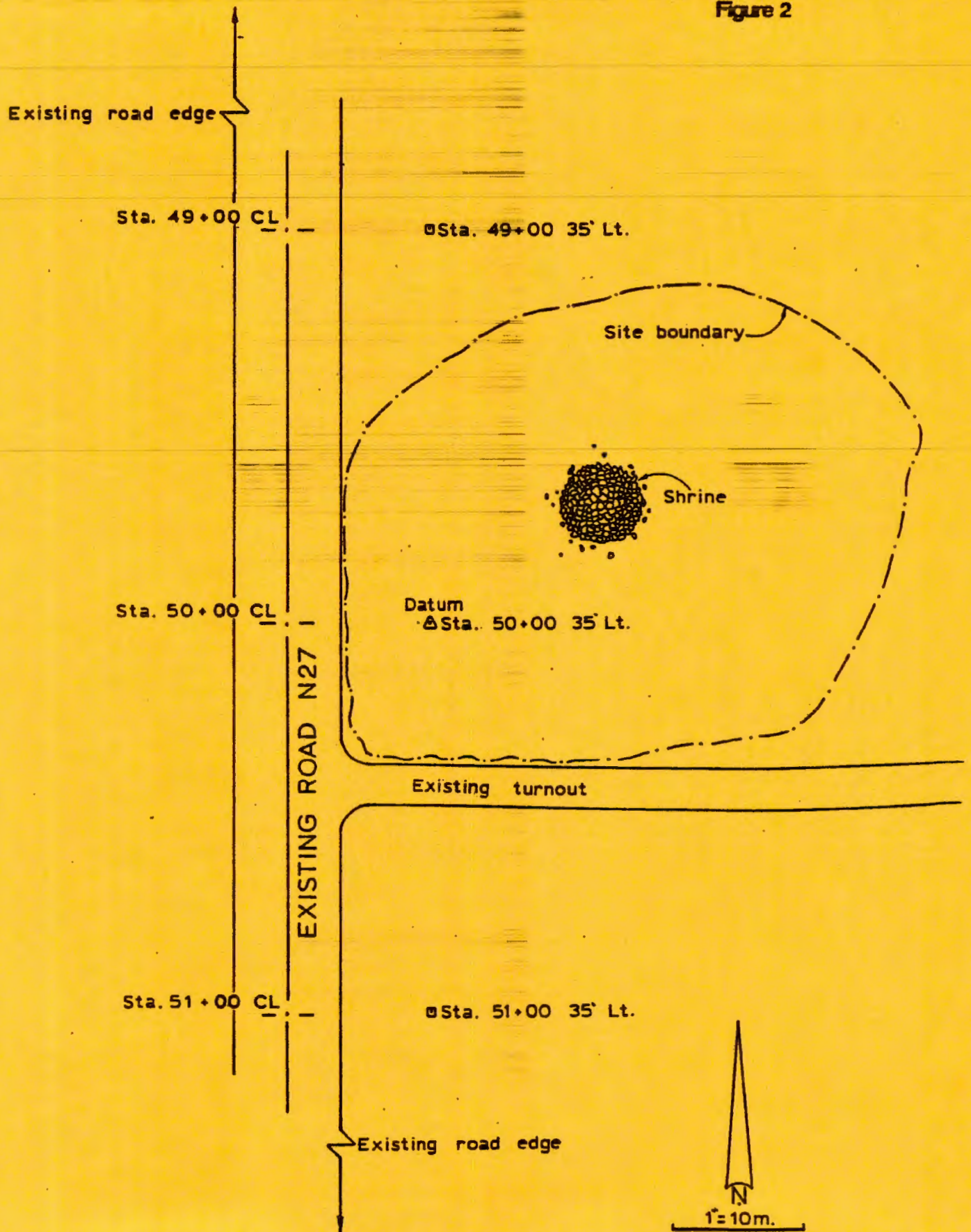
SITE ASSESSMENT UNDER AIRFA: Significant, in use.

PROVIDE A SITE MAP (Including site designation, North arrow, scale,
recognizable features, landmarks and relationship to project area):

HOW CAN THE SITE BE REACHED? SEE ATTACHED USGS QUAD

OTHER COMMENTS (Ethnographic data, etc.)

N27-1
Figure 2



NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT

Site Survey and Management Form

SITE NO.: N27 - 2 DATE RECORDED: 6/22/92

PROJECT NO. & NAME: N27 (4-3) 2&4 Chinle to Nazlini

ORGANIZATION: NNHPD ARCHEOLOGIST(S): Robert J. Trianni

USGS MAP REFERENCE: Little White House Ruins; 7.5 minute series 1982

LEGAL DESCRIPTION: 1/4, 1/4, 1/4 Sec. 33, T 5N/S, R10E/W

UTM COORDINATES (ZONE 12): 3997940 N, 630240 E

STATE: Arizona COUNTY: Apache CHAPTER: Chinle

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Desertscrub, 20%

TOPOGRAPHY: Rolling valley floor

DRAINAGE: Sand Wash

ELEVATION (FT/M): 5567' Slope and Direction: _____

SEDIMENT TYPE: Sandy loam OTHER: _____

VEGETATION PRESENT: Russian Thistle, Snakeweed and Saltbush

CULTURAL AFFILIATION: Anasazi

SITE TYPE: Prehistoric

PERIOD(S) OF OCCUPATION (Date if known): Pueblo I - II

DIMENSIONS OF SITE (L X W): 328' x 196

ARCHITECTURE PRESENT?: _____ DESCRIBE: _____

ARTIFACT OBSERVED/COUNTED: Gallup, Tsegi, Tusayan and Redmesa ware

COLLECTION MADE?: _____ OF WHAT?: _____ METHOD: _____

PHOTOS?: B/W: ROLL FRAME COLOR: ROLL FRAME

SITE DESCRIPTION: Ceramic scatter, hearths, alignments and an ash stain

CONDITION OF SITE: Disturbed

CAUSES OF DISTURBANCE: Graded

LOCATION OF SITE RELATIVE TO PROJECT AREA: Bisected by N27.

EXTENT OF INVESTIGATION TO DATE: Mapped and recorded

RESEARCH POTENTIAL: Good

RECOMMENDATIONS: Extent testing

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER):
INTEGRITY: Bisected by N27

CRITERIA: Eligible for inclusion under criteria "d"

EXCLUSIONS: _____

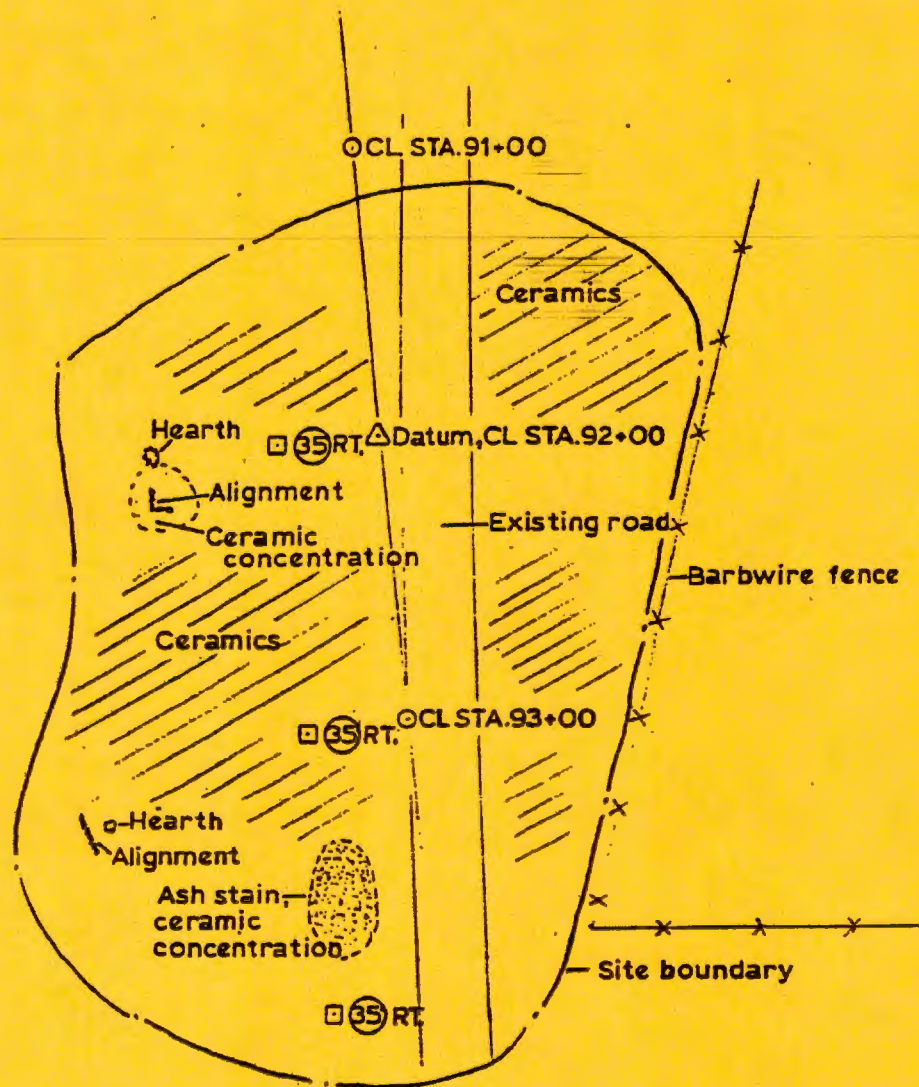
SITE ASSESSMENT UNDER 43 CFR 7.3 (ARPA): Older than 100 years old

SITE ASSESSMENT UNDER AIRFA: _____

PROVIDE A SITE MAP (Including site designation, North arrow, scale,
recognizable features, landmarks and relationship to project area):

HOW CAN THE SITE BE REACHED? SEE ATTACHED USGS QUAD

OTHER COMMENTS (Ethnographic data, etc.)



1" = 20 M.

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT

Site Survey and Management Form

SITE NO.: N27 - 3 DATE RECORDED: 6/25/92

PROJECT NO. & NAME: N27 (4-3) 2&4 Chinle to Nazlini

ORGANIZATION: NNHPD ARCHEOLOGIST(S): Robert J. Trianni

USGS MAP REFERENCE: Little White House Ruins; 7.5 minute series 1982

LEGAL DESCRIPTION: 1/4, 1/4, 1/4 Sec. 4, T 4N/S, R10E/W

UTM COORDINATES (ZONE 12): 3996300 N, 630400 E

STATE: Arizona COUNTY: Apache CHAPTER: Nazlini

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Desertscrub, 20%

TOPOGRAPHY: Rolling valley floor

DRAINAGE: Sand Wash

ELEVATION (FT/M): 5570' Slope and Direction: _____

SEDIMENT TYPE: Sandy loam OTHER: _____

VEGETATION PRESENT: Russian Thistle, Snakeweed and Saltbush

CULTURAL AFFILIATION: Anasazi

SITE TYPE: Prehistoric

PERIOD(S) OF OCCUPATION (Date if known): Pueblo I - II

DIMENSIONS OF SITE (L X W): 918' x 656'

ARCHITECTURE PRESENT?: _____ DESCRIBE: _____

ARTIFACT OBSERVED/COUNTED: Redmesa, Gallup, Cibola and Dogoszhi ware

COLLECTION MADE?: _____ OF WHAT?: _____ METHOD: _____

PHOTOS?: B/W: ROLL _____ FRAME _____ COLOR: ROLL _____ FRAME _____

SITE DESCRIPTION: Ceramic scatter, two hearths and an ash stain

CONDITION OF SITE: Disturbed

CAUSES OF DISTURBANCE: Graded

LOCATION OF SITE RELATIVE TO PROJECT AREA: Bisected by N27

EXTENT OF INVESTIGATION TO DATE: Mapped and recorded

RESEARCH POTENTIAL: Good

RECOMMENDATIONS: Extent testing

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER):
INTEGRITY: Bisected by N27

CRITERIA: Eligible for inclusion under criteria "d"

EXCLUSIONS: _____

SITE ASSESSMENT UNDER 43 CFR 7.3 (ARPA): Older than 100 years

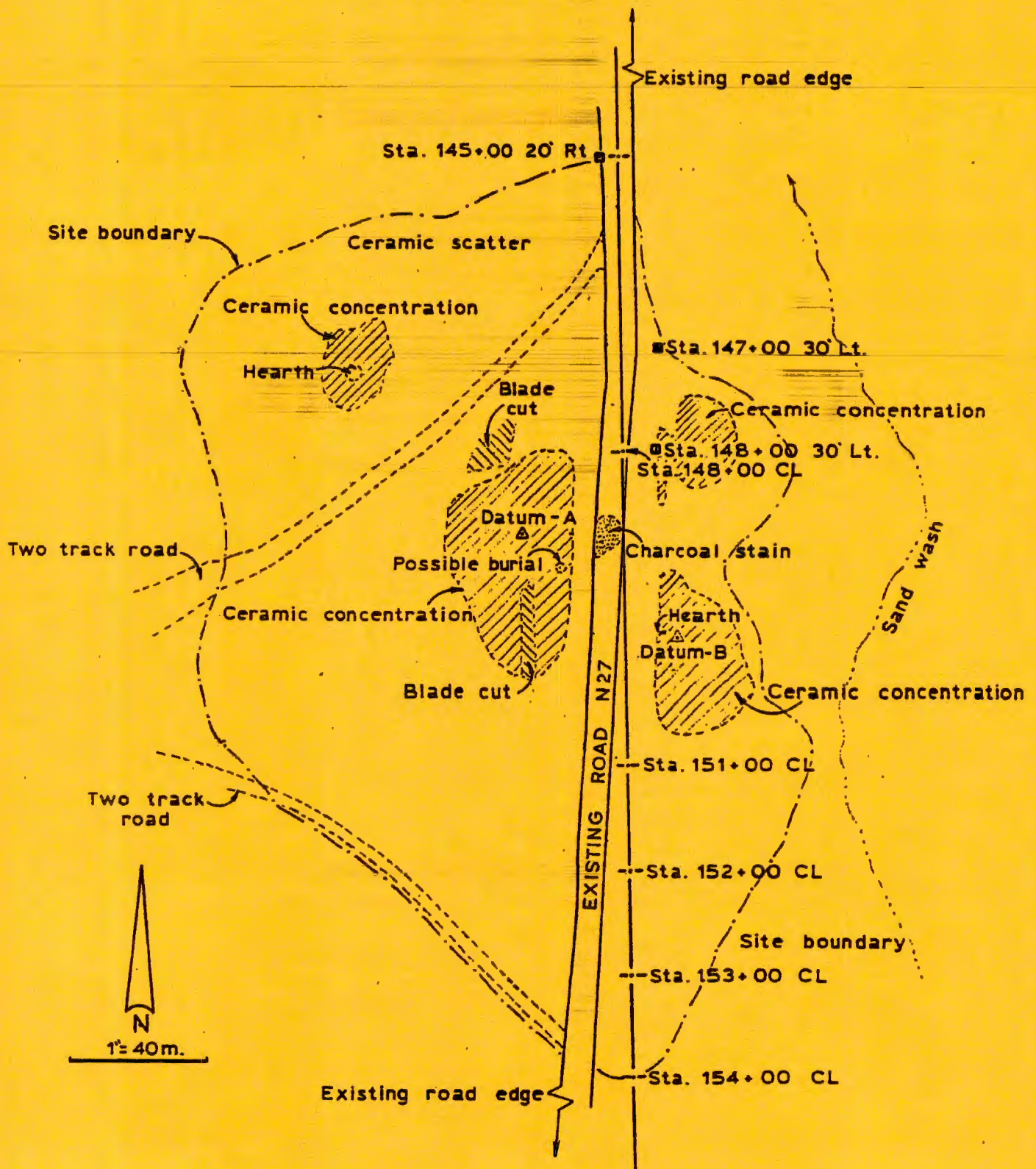
SITE ASSESSMENT UNDER AIRPA: _____

PROVIDE A SITE MAP (Including site designation, North arrow, scale,
recognizable features, landmarks and relationship to project area):

HOW CAN THE SITE BE REACHED? SEE ATTACHED USGS QUAD

OTHER COMMENTS (Ethnographic data, etc.)

N27-3
Figure 4



NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT

Site Survey and Management Form

SITE NO.: N27 - 4 DATE RECORDED: 7/7/92

PROJECT NO. & NAME: N27 (4-3) 2&4 Chinle to Nazlini

ORGANIZATION: NNHPD ARCHEOLOGIST(S): Robert J. Trianni

USGS MAP REFERENCE: Little White House Ruins; 7.5 minute series 1982

LEGAL DESCRIPTION: 1/4, 1/4, 1/4 Sec. 9, T 4N/S, R 10E/W

UTM COORDINATES (ZONE 12): 3994380 N, 630240 E

STATE: Arizona COUNTY: Apache CHAPTER: Nazlini

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Desertscrub, 20%

TOPOGRAPHY: Rolling valley floor

DRAINAGE: Sand Wash

ELEVATION (FT/M): 5694' Slope and Direction: _____

SEDIMENT TYPE: Sandy loam OTHER: _____

VEGETATION PRESENT: Russian Thistle, Snakeweed and Saltbush

CULTURAL AFFILIATION: Navajo

SITE TYPE: Historic

PERIOD(S) OF OCCUPATION (Date if known): _____

DIMENSIONS OF SITE (L X W): 131' x 131'

ARCHITECTURE PRESENT?: _____ DESCRIBE: _____

ARTIFACT OBSERVED/COUNTED: _____

COLLECTION MADE?: _____ OF WHAT?: _____ METHOD: _____

PHOTOS?: B/W: ROLL FRAME COLOR: ROLL FRAME

SITE DESCRIPTION: Sweatlodge discard pile

CONDITION OF SITE: Undisturbed

CAUSES OF DISTURBANCE: _____

LOCATION OF SITE RELATIVE TO PROJECT AREA: In the Right-of-Way

EXTENT OF INVESTIGATION TO DATE: Mapped and recorded

RESEARCH POTENTIAL: Good

RECOMMENDATIONS: Extent testing, pending ethnographic interviews

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER):

INTEGRITY: In the Right-of-Way

CRITERIA: Eligible for inclusion under criteria "d"

EXCLUSIONS: _____

SITE ASSESSMENT UNDER 43 CFR 7.3 (ARPA): Potentially 100 years old

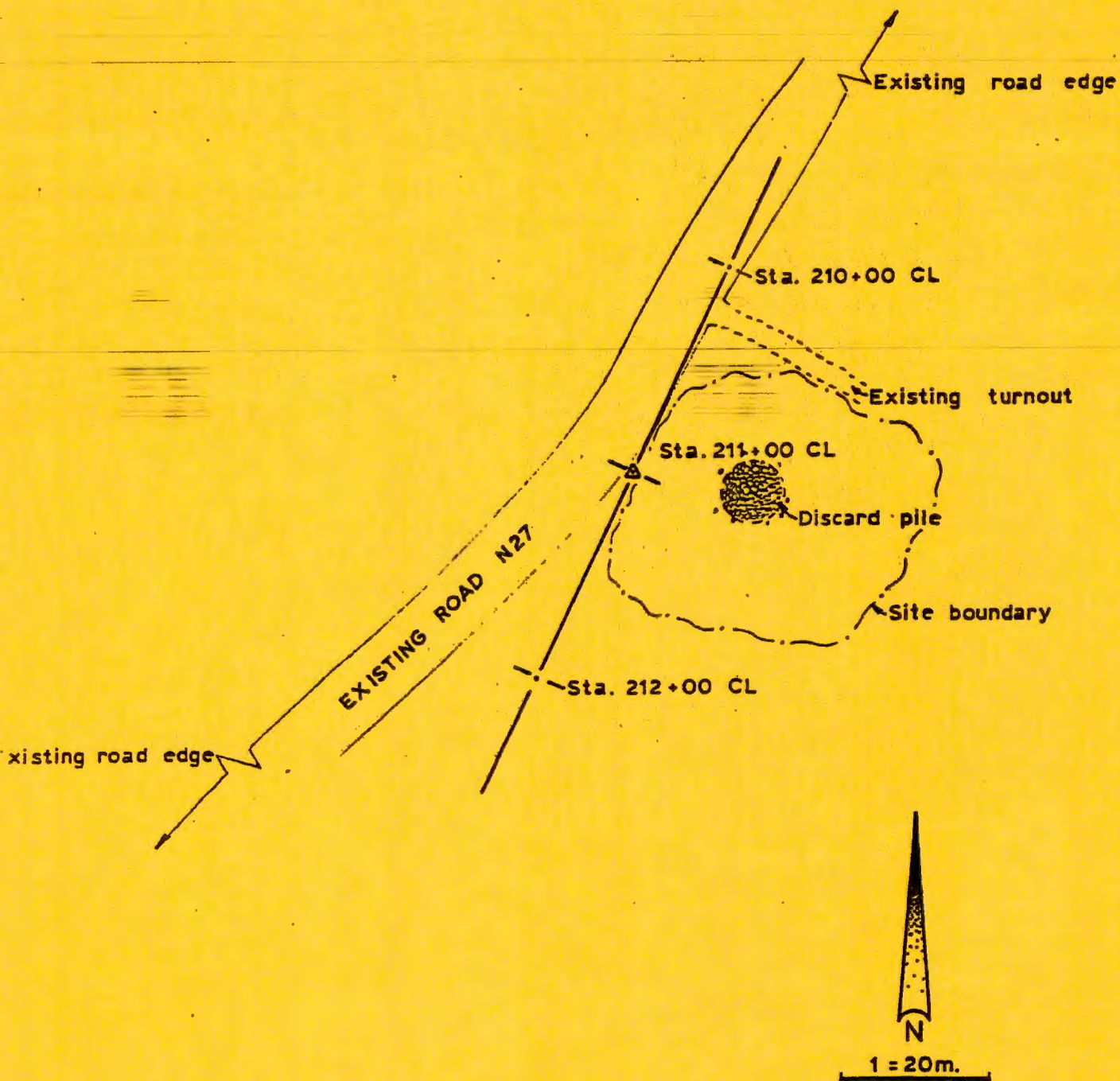
SITE ASSESSMENT UNDER AIRFA: Significant

PROVIDE A SITE MAP (Including site designation, North arrow, scale,
recognizable features, landmarks and relationship to project area):

HOW CAN THE SITE BE REACHED? SEE ATTACHED USGS QUAD

OTHER COMMENTS (Ethnographic data, etc.)

N27-4
Figure 5



NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT

Site Survey and Management Form

SITE NO.: N27 - 5 DATE RECORDED: 7/8/92

PROJECT NO. & NAME: N27 (4-3) 264 Chinle to Nazlini

ORGANIZATION: NNHPD ARCHEOLOGIST(S): Robert J. Trianni

USGS MAP REFERENCE: Little White House Ruins; 7.5 minute series 1982

LEGAL DESCRIPTION: 1/4, 1/4, 1/4 Sec. 4, T 3N/S, R10E/W

UTM COORDINATES (ZONE 12): 3985030 N, 631480 E

STATE: Arizona COUNTY: Apache CHAPTER: Nazlini

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Desertscrub, 10%

TOPOGRAPHY: Rolling valley floor

DRAINAGE: Sand Wash

ELEVATION (FT/M): 5700' Slope and Direction: _____

SEDIMENT TYPE: Sandy loam OTHER: _____

VEGETATION PRESENT: Russian Thistle, Snakeweed and Saltbush

CULTURAL AFFILIATION: Anasazi & Navajo

SITE TYPE: Prehistoric/Historic

PERIOD(S) OF OCCUPATION (Date if known): Pueblo I to mid-1900's

DIMENSIONS OF SITE (L X W): 295' x 449'

ARCHITECTURE PRESENT?: Yes DESCRIBE: Corral

ARTIFACT OBSERVED/COUNTED: Tségi, Gallup, Tugavan and Redmesa ware

COLLECTION MADE?: _____ OF WHAT?: _____ METHOD: _____

PHOTOS?: B/W: ROLL FRAME COLOR: ROLL FRAME

SITE DESCRIPTION: Ceramics scatter, two alignments, hearth and a corral

CONDITION OF SITE: Disturbed

CAUSES OF DISTURBANCE: Graded

LOCATION OF SITE RELATIVE TO PROJECT AREA: Bisected by N27

EXTENT OF INVESTIGATION TO DATE: Mapped and recorded

RESEARCH POTENTIAL: Good

RECOMMENDATIONS: Extent testing and ethnographic interviews

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER):
INTEGRITY: Bisected by N27

CRITERIA: Eligible for inclusion under criteria "d"

EXCLUSIONS: _____

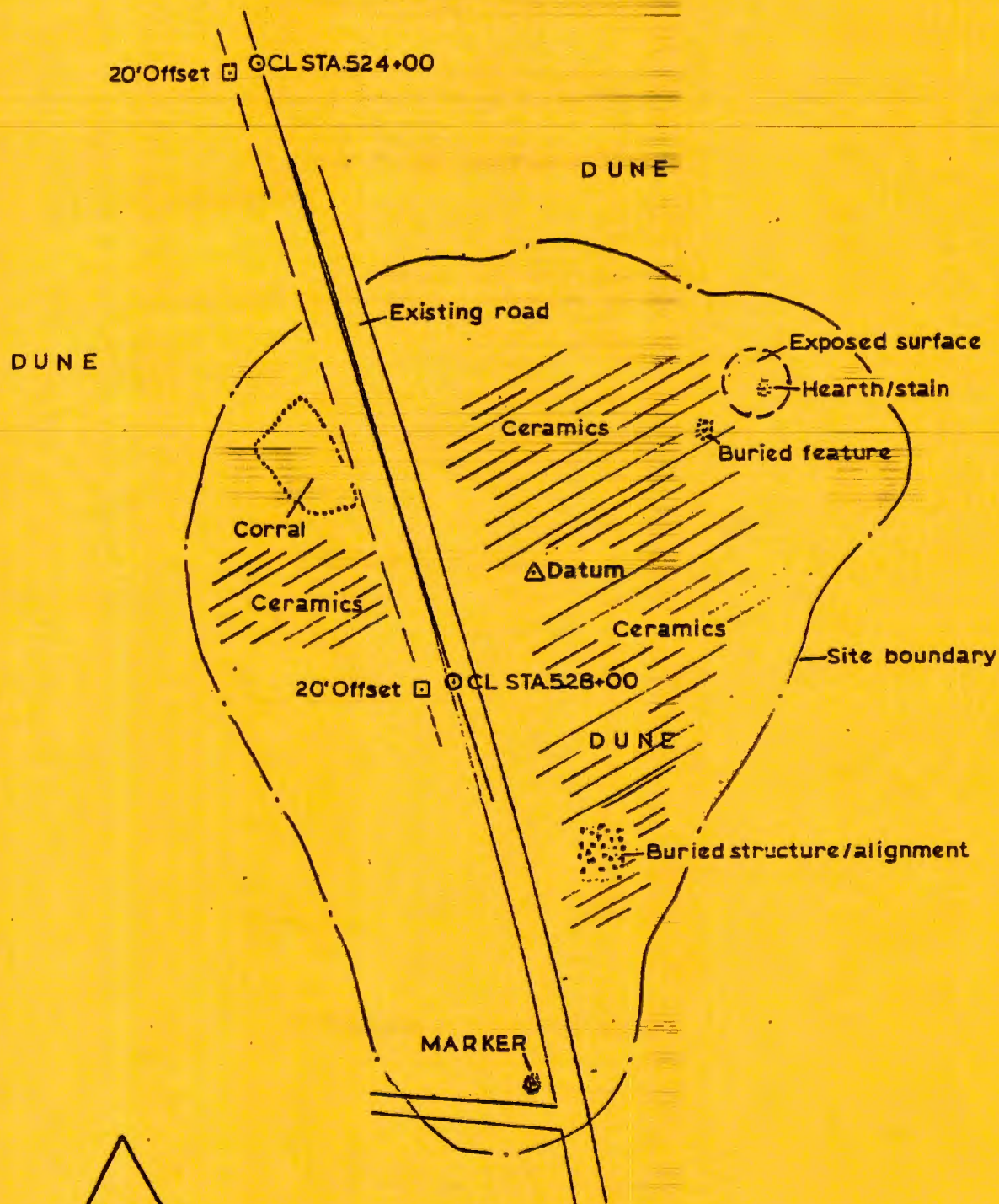
SITE ASSESSMENT UNDER 43 CFR 7.3 (ARPA): Over 100 years old

SITE ASSESSMENT UNDER AIRFA: _____

PROVIDE A SITE MAP (Including site designation, North arrow, scale,
recognizable features, landmarks and relationship to project area):

HOW CAN THE SITE BE REACHED? SEE ATTACHED USGS QUAD

OTHER COMMENTS (Ethnographic data, etc.)



1" = 25 M.

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT

Site Survey and Management Form

SITE NO.: N27 - 6 DATE RECORDED: 7/28/92

PROJECT NO. & NAME: N27 (4-3) 2&4 Chinle to Nazlini

ORGANIZATION: NNHPD ARCHEOLOGIST(S): Robert J. Trianni

USGS MAP REFERENCE: Beautiful Valley Well; 7.5 minute series 1982

LEGAL DESCRIPTION: 1/4, 1/4, 1/4 Sec. 26, T 3N/S, R10E/W

UTM COORDINATES (ZONE 12): 3979440 N, 633400 E

STATE: Arizona COUNTY: Apache CHAPTER: Nazlini

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Desertscrub, 30%

TOPOGRAPHY: Low rise saddle

DRAINAGE: Sand Wash

ELEVATION (FT/M): 5958' Slope and Direction: _____

SEDIMENT TYPE: Sandy OTHER: _____

VEGETATION PRESENT: Snakeweed, Saltbush, Yucca and Juniper

CULTURAL AFFILIATION: Archaic & Navajo

SITE TYPE: Prehistoric/Historic

PERIOD(S) OF OCCUPATION (Date if known): Archaic to present

DIMENSIONS OF SITE (L X W): 541'x 541'

ARCHITECTURE PRESENT?: _____ DESCRIBE: _____

ARTIFACT OBSERVED/COUNTED: Flakes; scrappers, retouched and preforms

COLLECTION MADE?: _____ OF WHAT?: _____ METHOD: _____

PHOTOS?: B/W: ROLL _____ FRAME _____ COLOR: ROLL _____ FRAME _____

SITE DESCRIPTION: Lithics scatter and contemporary Navajo shrine

CONDITION OF SITE: Disturbed

CAUSES OF DISTURBANCE: Bladed

LOCATION OF SITE RELATIVE TO PROJECT AREA: In the right of way

EXTENT OF INVESTIGATION TO DATE: Mapped and recorded

RESEARCH POTENTIAL: Good

RECOMMENDATIONS: Extent testing and ethnographic interviews

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER):
INTEGRITY: In the right of way

CRITERIA: Eligible for inclusion under criteria "a,b & d"

EXCLUSIONS: _____

SITE ASSESSMENT UNDER 43 CFR 7.3 (ARPA): More than 100 years old

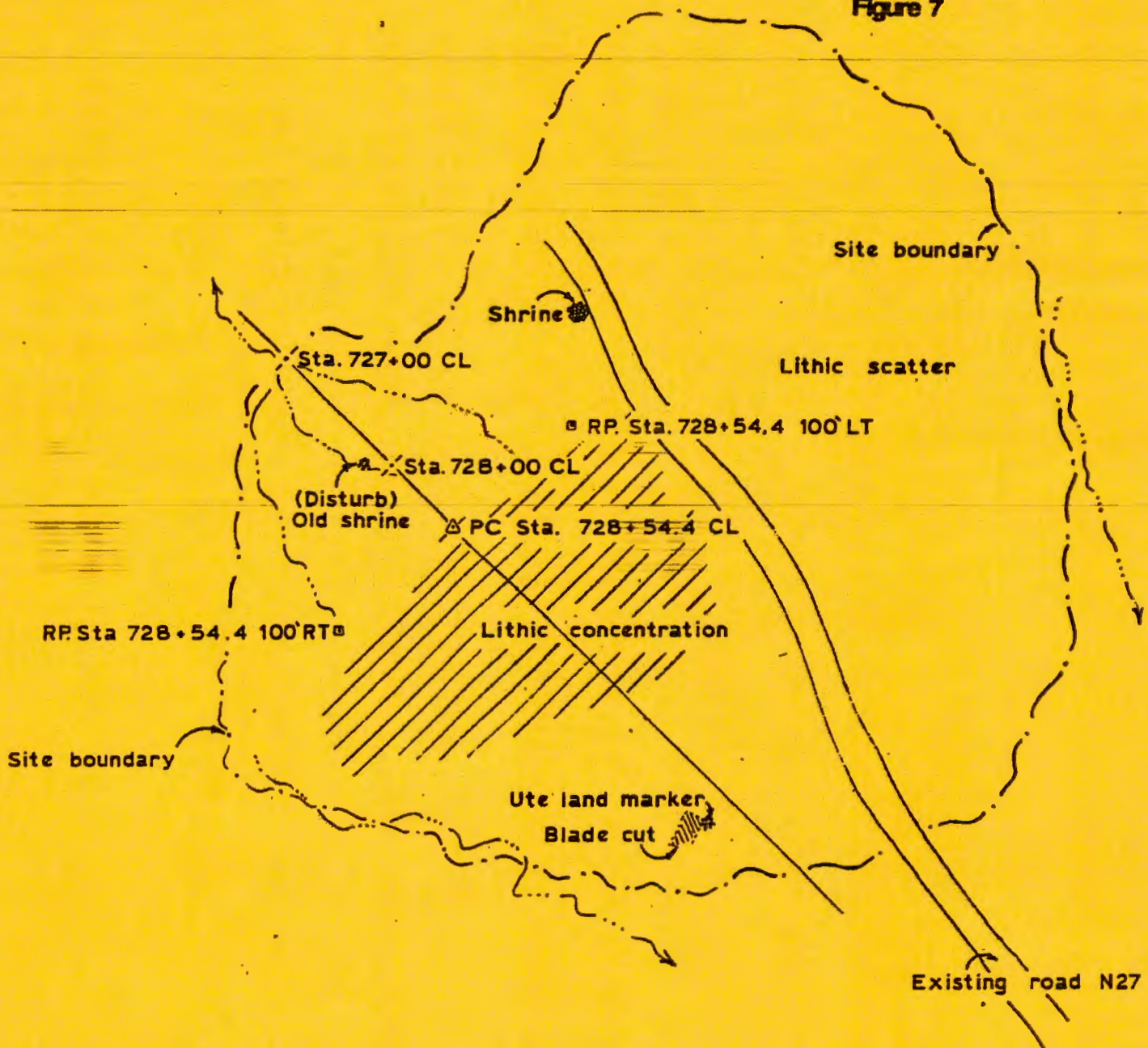
SITE ASSESSMENT UNDER AIRFA: Significant, in use

PROVIDE A SITE MAP (Including site designation, North arrow, scale,
recognizable features, landmarks and relationship to project area):

HOW CAN THE SITE BE REACHED? SEE ATTACHED USGS QUAD

OTHER COMMENTS (Ethnographic data, etc.)

N27-6
Figure 7



NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT

Site Survey and Management Form

SITE NO.: N27 - 7 DATE RECORDED: 8/01/92

PROJECT NO. & NAME: N27 (4-3) 2&4 Chinle to Nazlini

ORGANIZATION: NNHPD ARCHEOLOGIST(S): Robert J. Trianni

USGS MAP REFERENCE: Little White House Ruins; 7.5 Minute Series 1982

LEGAL DESCRIPTION: 1/4, 1/4, 1/4 Sec. 16, T 4N/S, R 10E/W

UTM COORDINATES (ZONE 12): 3992260 N, 630350 E

STATE: Arizona COUNTY: Apache CHAPTER: Nazlini

LAND STATUS: Navajo Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? Desertscrub, 20%

TOPOGRAPHY: Rolling valley floor

DRAINAGE: Sand Wash

ELEVATION (FT/M): 5600' Slope and Direction: _____

SEDIMENT TYPE: Sandy loam OTHER: _____

VEGETATION PRESENT: Russian Thistle, Snakeweed and Saltbush

CULTURAL AFFILIATION: Navajo

SITE TYPE: Historic

PERIOD(S) OF OCCUPATION (Date if known): _____

DIMENSIONS OF SITE (L X W): 98' x 114'

ARCHITECTURE PRESENT?: Yes DESCRIBE: Foundation and "Mueller" pump

ARTIFACT OBSERVED/COUNTED: _____

COLLECTION MADE?: _____ OF WHAT?: _____ METHOD: _____

PHOTOS?: B/W: ROLL _____ FRAME _____ COLOR: ROLL _____ FRAME _____

SITE DESCRIPTION: Foundation, "Mueller" cast iron pump and trash/ash piles

CONDITION OF SITE: Undisturbed

CAUSES OF DISTURBANCE: _____

LOCATION OF SITE RELATIVE TO PROJECT AREA: In the right-of-way

EXTENT OF INVESTIGATION TO DATE: Mapped and recorded

RESEARCH POTENTIAL: Good

RECOMMENDATIONS: Extent testing and ethnographic interviews

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER):
INTEGRITY: In the right-of-way

CRITERIA: Eligible for inclusion under criteria "d"

EXCLUSIONS: _____

SITE ASSESSMENT UNDER 43 CFR 7.3 (ARPA): Over 50 years old

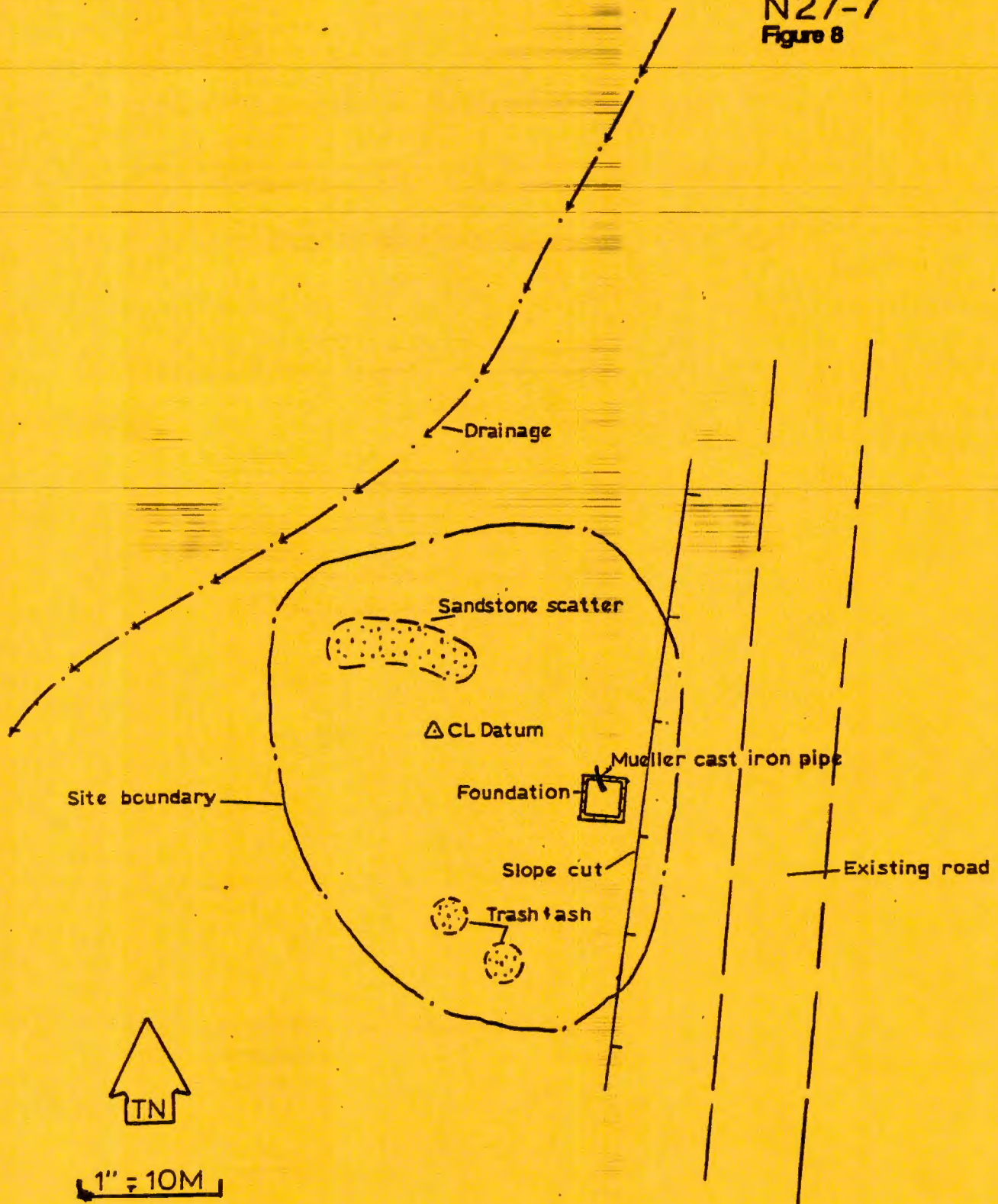
SITE ASSESSMENT UNDER AIRFA: _____

PROVIDE A SITE MAP (Including site designation, North arrow, scale,
recognizable features, landmarks and relationship to project area):

HOW CAN THE SITE BE REACHED? SEE ATTACHED USGS QUAD

OTHER COMMENTS (Ethnographic data, etc.)

N27-7
Figure 8



ENVIRONMENTAL ASSESSMENT

FOR

THE PROPOSED CONSTRUCTION

OF

NAVAJO ROUTE N27
PROJECTS: N27(2)(3)(4)2&4

BUREAU OF INDIAN AFFAIRS
NAVAJO AREA OFFICE
BRANCH OF ROADS

BY

U.S. ARMY CORPS OF ENGINEERS
ALBUQUERQUE DISTRICT
ALBUQUERQUE, NEW MEXICO

June 2, 1995

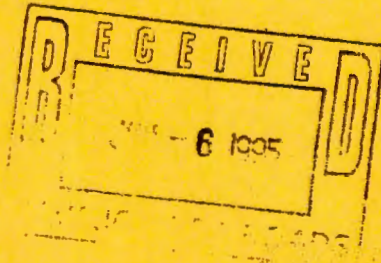


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1. INTRODUCTION

1.1 BACKGROUND AND SCOPE

The Bureau of Indian Affairs' (BIA), Navajo Area Office Branch of Roads and the Chinle Agency, are proposing construction of Navajo N27, Projects: N27(2)2&4, N27(3)2&4, and N27(4)2&4. The existing N27 is a 2-lane, dirt road, with a 20-foot roadway width (shoulder-to-shoulder), a 150-foot right-of-way (ROW) width, and is approximately twenty miles long. This roadway is located in northern Apache County, Arizona, and provides access between Chinle and Nazlini (Figure 1). Funding for this project will be provided by the Federal Highways Administration (B. Lesser, BIA, Navajo Area Office Branch of Roads, pers. comm., 1994).

Guidelines of the American Association of State Highway and Transportation Officials (AASHTO) classify N27 as a "Rural Local Road System." This designation is based on a functional classification of the character of service that highways provide. A Rural Local Road System primarily provides access to land adjacent to a collector road network and over relatively short distances.

1.2 PURPOSE AND NEED

The purpose of the proposed road construction is to improve and upgrade N27 to a standard that would meet the current and projected future traffic demands of the Chinle and Nazlini communities. The proposed construction would also implement the objectives of the Navajo Master Road Plan, developed during the 1980s. Today, this master plan is developing a modern and safe transportation network for the Navajo Reservation. In comparison to current U.S. highway standards, the Navajo Reservation Master Road Plan is lagging behind the rest of the United States in the number of modern, paved highways per square mile. The upgrading and paving of N27 is an important step in creating a modern and safe transportation network for the Navajo Nation and Chinle Agency.

1.2.1 Transportation Demand.

Traffic has been steadily increasing on N27 since the early 1960s and includes cars, buses, and light trucks. The current daily traffic volume for the north end of N27 (3.0 miles south of Chinle) is 856 vehicles per day and projected to reach 1044 vehicles by the year 2014. The south end of N27 (near the Nazlini Chapter House) has a daily traffic volume of 443 vehicles per day and is projected to reach 541 vehicles by the year 2014. The increased traffic along N27 is due to an increase in the number of service providing businesses' located in Chinle and Window Rock (H. Riley, Area Road Engineer, BIA, Navajo Area Office Branch of Roads, pers. comm., 1994).

1.2.2 Deficiencies of the Existing Roadway.

The BIA, Navajo Area Office Branch of Roads conducted a field inspection of the construction area in 1989 and observed the following deficiencies:

1. Steep, drop-offs along N27 will require flattening and the construction of guardrails for motorist safety.
2. Sight distance concerns will be corrected by the flattening of vertical curves.
3. The existing roadway is too narrow to allow safe passage of on-coming vehicles, and is inadequate to deal with the current or projected traffic volumes.

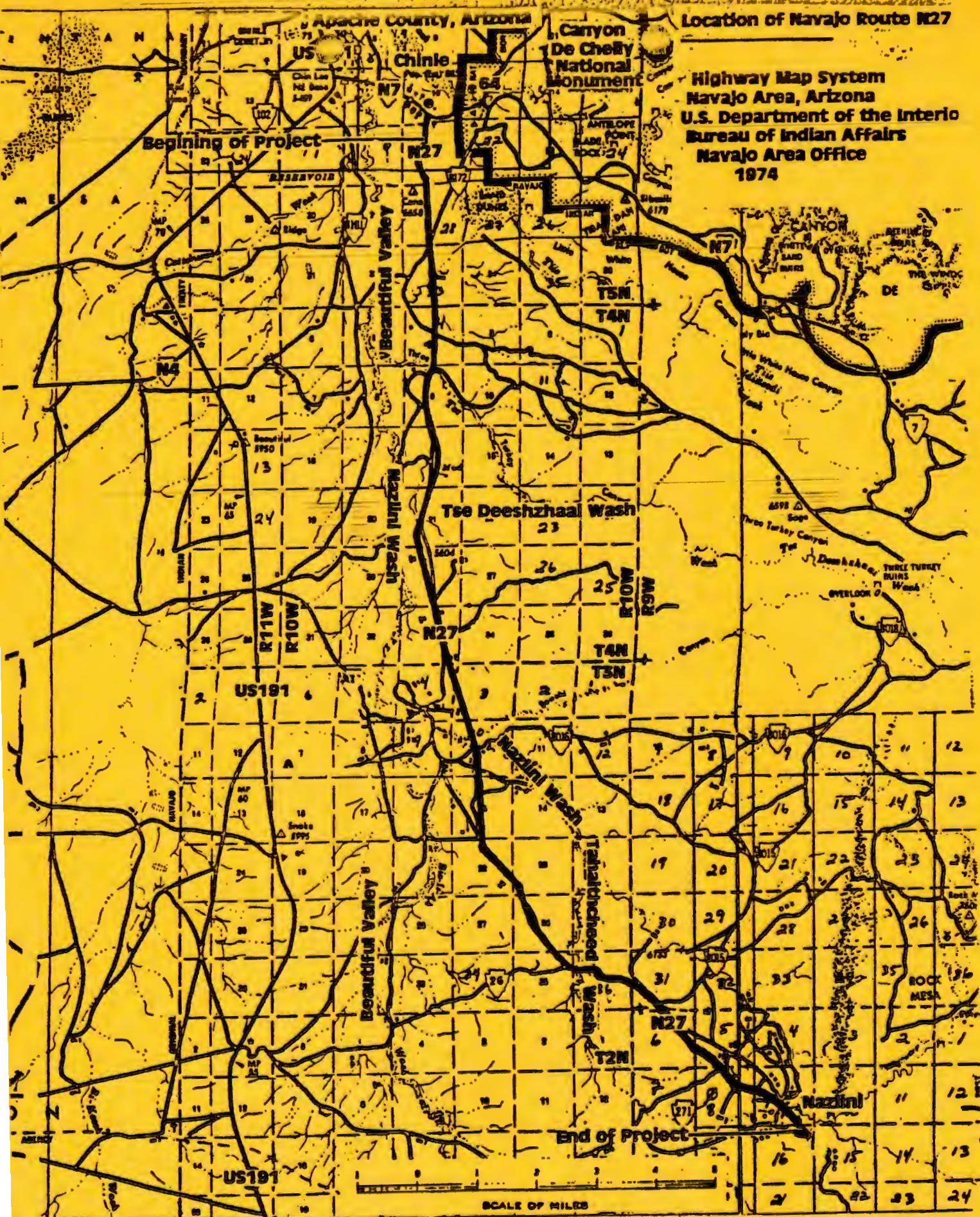


Figure 1.

4. Designated open grazing areas along N27 presently allow livestock (sheep, goats, cattle, and horses) to wander onto the roadway and create hazards for motorists. Construction of right-of-way fencing and posting of road hazard warning signs will correct this problem.

5. Surface water flows occasionally overtop N27 and will be corrected by the replacement and improvement of the existing drainage structures.

Additional concerns regarding deficiencies in the existing roadway were pointed out by the Dineh Cooperatives Incorporated and the Chinle Community Fire Department (Appendix A-1):

"The paved roadway should be wide enough to safely allow the passage of emergency vehicles when normal traffic is present. Adequate fencing, cattle guards and other protective devices must be provided and properly maintained."

The BIA, Navajo Area Office Branch of Roads will provide information to the Navajo Tribal Utility Authority on the location of the highway center to assure adequate ground clearance at all road crossings (Appendix A-2).

1.2.3 Community Support.

The construction of N27 is supported by the Nazlini Chapter House as evidenced by the Chapter House Resolution contained in Appendix B-1 and a letter from the Navajo Division of Public Safety and Law Enforcement (Appendix B-2).

2. PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action.

The proposed construction would occur from July 1995 to July 1998, and involve: Filling of slopes and embankments, flattening of vertical grades, improved sight distances, widening, realignment of 10 sections of the existing roadway, replacement of drainage structures, construction of bridge approaches or ramps to the Tse Deeshzhaai (Three Turkey) Wash bridge and Nazlini Wash bridge, construction of a pipe-arch at Tahaithcheed Wash, and asphalt paving. The proposed construction would widen N27 to a 30-foot roadway width (shoulder-to-shoulder) and a 200-foot right-of-way width. This would upgrade N27 to an all-weather, all-season roadway, with permanent pavement markings, a 45 mph speed limit, and a HS-20 or 40-ton load limit. The proposed construction would begin 0.45 miles south of the intersection of N7 with N27(4-1) near Chinle and continues 20.3 miles south to Nazlini. Construction would occur in three phases or segments: N27(2), N27(3), and N27(4). Total length of construction is 20.3 miles.

2.2 ALTERNATIVES.

The Federal Highway Administration (FHA) guidelines for National Environmental Policy Act (NEPA) compliance requires the evaluation of reasonable alternatives so that decisions are made in the best interests of the public. Reasonable alternatives consider a balanced approach to safe and efficient transportation; social, economic, and environmental impacts of the proposed project; transportation improvement; Tribal and Federal environmental protection goals.

Three alternatives to the proposed action were considered: Construction using the existing roadway width and alignment, gravel surfacing, and the no-action alternative.

2.2.1. Construction Using the Existing Roadway width and Alignment.

This alternative would construct N27 without changing the existing roadway width or alignment, and would be upgraded to an improved, modern highway. However, safety problems and deficiencies in the existing roadway would not be addressed under this alternative. Existing and predicted traffic volumes would not be addressed even though a better paved riding surface would be provided. As long as the deterioration problems are not addressed, maintenance costs would remain at current levels. Continued deterioration of the roadway would not be addressed under this alternative (Riley, pers. comm., 1994).

2.2.2. Gravel Surfacing.

Gravel surfacing is a temporary measure to improve the driving surface of the existing dirt roadway. This consists of grading and then applying a 2-3 inches of loose gravel over the road surface. An asphalt binder is applied within one year of gravel surfacing. Current transportation patterns and road deficiencies would not be addressed by this alternative. Continued road deterioration and road deficiencies would make N27 both difficult and expensive to maintain. Safety problems associated with the current alignment would not be addressed under this alternative.

2.2.3. No-Action.

This alternative would not address road deterioration, existing or predicted traffic patterns, road deficiencies, or safety concerns in the existing N27 roadway. Maintenance expenses would increase until the existing roadway eventually fails. Alternatives beyond the BIA Navajo Area Office Branch of Roads authority include the improvement of N27 or development of an alternative route by another agency such as the State of Arizona, the Navajo Nation, Federal Agency, or a private entity. It is unlikely that any agency would take such action since road construction is part of the BIA's mission and funds have already been allocated by the FHA for this purpose.

3. AFFECTED ENVIRONMENT

3.1 PHYSICAL RESOURCES.

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

3.1.1 Physiography.

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

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

The proposed construction is located in the Chinle Valley of northeastern Arizona, approximately midway between the Black Mesa area and the Defiance Plateau. Black Mesa is a large highland to the west that rises 1,500

feet above the Chinle Valley. The Defiance Plateau is a large monocline located just west of Window Rock at an elevation of 8,000 feet.

3.1.2 Climate.

Climate within the Nazlini area is arid (Roybal et al., 1983). Moist air masses from the Pacific Ocean and the Gulf of Mexico account for the majority of precipitation that occurs in the Nazlini area. Vast land areas and mountain ranges separate the Navajo lands from moist tropical air masses. Consequently, air masses contain less moisture by the time they move across the Navajo Reservation (Goodman, 1982). Storms originating in the Nazlini area do not contain much moisture at the 3,000-7,000 foot elevations. The annual precipitation rate for the Nazlini area is 9.6 inches and most of this is occurs during winter storms. Severe winter temperatures do not occur because the southern Rocky Mountains form an effective barrier against cold Canadian air masses.

3.1.3 Geology.

The construction area overlies sedimentary deposits (sandstone, siltstone, and shale) varying in age from Recent (Quaternary) to the Cretaceous Period (Cooley et al., 1969).

Quaternary surficial deposits created from stream (fluvial) sediments which are widely distributed within the construction area: dune sands, playa lake deposits, and landslide deposits.

Cretaceous-aged rocks are represented by the Monitor Butte Member and the Petrified Forest Member of the Chinle Formation. The Monitor Butte Member consists of siltstone, sandstone, and limestone conglomerates. The Petrified Forest Member consists of claystone, siltstone, and sandstone.

3.1.4 Soils.

Soils of the construction area were derived from weathered sedimentary materials and floodplain alluvium: Deep loamy, clayey or sandy soils (Miller, 1970).

3.1.5 Hydrology, Water Quality, Floodplains and Wetlands.

Two intermittent streams occur in the construction area and drain into Nazlini Wash (Figure 1). Tse Deeshzhaai Wash intersects Nazlini Wash about 4 miles south of Chinle. Tahaithcheed Wash intersects Nazlini Wash approximately 4 miles north of Nazlini.

Tse Deeshzhaai Wash, Tahaithcheed Wash, and Nazlini Wash are classified as waters of the United States under the Clean Water Act (CWA) of 1982. Therefore, a determination was required under Section 404 of the CWA and conducted by the U.S. Army Corps of Engineers (COE), Regulatory Branch of the Albuquerque District, on October 12, 1994 (Appendix C-1). The proposed construction occurs above headwaters, according to maps provided by the Phoenix Regulatory Branch (COE Los Angeles District Office) and is covered under Nationwide Permit #26 (headwaters and isolated water discharges) from the COE Regulatory Program (33 CFR Parts 320-330). A condition of this permit (Appendix C-2) requires the BIA obtain water quality certification prior to initiating the proposed construction activities. For the Navajo Nation, this certification would be obtained from Region 9 (San Francisco) of the U.S. Environmental Protection Agency (EPA). Other conditions of this Nationwide Permit will be addressed in the plans and specifications for this project and during construction inspection by the BIA. No wetlands or riparian habitats occur within the construction area.

Bridges over Nazlini and Tse Deeshzhaai washes would be widened and bridge approaches constructed under phase one of the proposed project (Riley, pers. comm., 1994). Detour routes will be used during bridge construction to provide access along N27 however, these will not be located within the high water mark of washes (Riley, pers. comm., 1994).

The depth to ground water in the construction area is less than 500 feet (Cooley et al., 1969). Wells within the construction area produce an average of 25-200 gallons per minute and contain less than 500-1000 milligrams per liter of dissolved solids (Goodman, 1982).

3.1.6 Air Quality.

The Navajo Nation Environmental Protection Agency Air Quality Office is developing baseline data classification for the Navajo Nation (D. Kelly, Navajo Nation EPA Air Quality Office, pers. comm., 1994). Once this happens, the U.S. Environmental Protection Agency will provide funding for air quality monitoring on the Navajo Nation. Nazlini is classified as an attainment area (does not exceed Federal EPA air quality standards) for priority pollutants: Carbon monoxide, sulfur oxides, nitrogen dioxide, lead, ozone, volatile organic compounds, and particulate matter.

3.2 BIOLOGICAL RESOURCES

3.2.1 Vegetation.

The vegetation of the Nazlini area is characteristic of the Great Basin Desert grassland (Brown, 1982): alkali sacaton (Sporobolus airoides), threeawn (Aristida spp.), galleta (Hilaria jamesii), Indian ricegrass (Oryzopsis hymenoides), and grama grass (Bouteloua spp.). At higher elevations within the construction area, a mixed conifer woodland occurs with sufficient rainfall: Utah juniper (Juniperus osteosperma), pinyon (Pinus edulis), and cliffrose (Cowania stansburriana). Greasewood (Sarcobatus vermiculatus) and saltcedar (Tamarix pentandra) grow in low-lying areas near the roadway where surface water runoff accumulates.

The desert grassland community has been severely overgrazed and degraded by livestock over time. This is demonstrated by the presence of numerous weedy, invasive species: silverleaf nightshade (Solanum elaeagnifolium), buffaloberry (Solanum rostratum), Russian thistle (Salsola kali var. tenuifolia), milk-vetch (Astragalus spp.), cocklebur (Xanthium strumarium), cowpen daisy (Verbesina encelioides), threadleaf butterweed (Senecio douglassii var. longilobus), starthistle (Centaurea spp.), and goathead (Tribulus terrestris). Forty-two species of plants were documented from the construction area by COE biologists during 1994.

3.2.2 Endangered and Protected Species.

Endangered and protected species that may occur in the vicinity of the construction area were determined through consultation with the Navajo Fish and Wildlife Department (NFWF) and the U.S. Fish and Wildlife Service (USFWS). The NFWF is responsible for determining which species are included on the Navajo Endangered Species List or NESL. General species' lists provided by the NFWF and the USFWS (informal consultation #2-21-94-I-425) are contained in Appendices D-1 and D-2.

Intensive pedestrian surveys of the construction area were conducted by COE biologists during 1994 for species contained in these lists. The results of the biological surveys indicated that the following species from Table 1 may occur in the construction area on a seasonal basis: Golden eagle, ferruginous hawk, Swainson's hawk, northern goshawk, and loggerhead shrike.

Table 1. Endangered and Protected Wildlife that May Occur
in the Vicinity of the Construction Area.

Common Name	Scientific Name	NESL Status	ESA Status
Northern goshawk	Accipiter gentilis	GRP 4	C2C
Golden eagle	Aquila chrysaetos	GRP 3	None
Ferruginous hawk	Buteo regalis	GRP 3	C2C
Swainson's hawk	B. swainsoni	GRP 2	C2C
Loggerhead shrike	Lanius ludovicianus	None	C2C

Navajo Endangered Species List (NESL) Status: Only Groups 2 and 3 are protected by 17 Navajo Tribal Code Section 507.

Group 2 = those species or subspecies which are in danger of being eliminated from all or a significant portion of their range on the Navajo Nation.

Group 3 = those species or subspecies which are likely to become endangered within the foreseeable future throughout all or a significant portion of their range on the Navajo Nation.

Group 4 = any species or subspecies for which the NFWD does not currently have sufficient information to support their being listed in Groups 2 or 3, but has reason to consider them. The NFWD is actively seeking information on these species to determine if they warrant inclusion in a different group or removal from the list; these species have no legal protection on the Navajo Nation.

None = not protected by the NESL or on the Navajo Nation.

U.S. Fish and Wildlife Service or USFWS list: Only Federally endangered and threatened species are protected by the Endangered Species Act (ESA) of 1973.

C2C = Federal Notice of Review category 2 candidate species for which the USFWS does not have sufficient information on biological vulnerability and threat to support their listing as endangered or threatened.

3.3 LAND-USE PRACTICES.

The land-use practices of the construction area include: Small farms, limited livestock production (sheep, goats, cattle and horses), and recreation.

Agriculture and farming are part of the history of the Nazlini area. An abandoned acequia occurs east of N27 at Flat Rock Reservoir, which is now silted up (T3N, R10W, Sec. 10). Historically, the Navajos farmed the canyons on the west side of Canyon Del Chelly and used the springs and streams there for irrigation (Navajo Nation Division of Economic Development, 1992). However, farming is a minor land-use practice today.

The arid climate, a long history of overgrazing, and ephemeral water resources, make livestock production marginal within the construction area today.

Canyon Del Chelly National Monument is a popular recreation area operated by the National Park Service. Canyon Del Chelly is located near Chinle and its western boundary occurs a few miles east of N27 (Figure 1). Navajo Route N7 is the main route providing access to Canyon Del Chelly.

7. LITERATURE CITED AND TAXONOMIC REFERENCES

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Edward Carlisle, Superintendent
Chinle Agency
Bureau of Indian Affairs
P.O. Box 7H
Chinle, Arizona 86503

John Kolvern
Dineh Cooperatives Incorporated
P.O. Box 2060
Chinle, Arizona 86503

Calvin Yazzie, President
Nazlini Chapter
P.O. Box 387
Nazlini, Arizona 86505

Andy Ayze, President
Chinle Chapter House
P.O. Box 1809
Chinle, Arizona 86503

Navajo Communications
Window Rock, Arizona

Mary Hunter, Superintendent
Chinle Public Schools
P.O. Box 587
Chinle, Arizona 86503

Daniel Thomas, Captain
Chinle Fire Department
P.O. Box 96
Chinle, Arizona 86503

Navajo Nation Council Delegate - Chinle Chapter
P.O. Box 308
Window Rock, Arizona 86515

The preliminary draft environmental assessment (EA) for N27 was sent to the BIA Navajo Area Office Branch of Roads on September 30, 1994. The draft EA was sent to the BIA on January 27, 1995. The deadline for public review and comments was March 10, 1995. No comments or corrections were received from Navajo Tribal Agencies to date. The BIA notified the COE in writing on May 16, 1995, to proceed with the completion of the final EA for N27. The final EA was transmitted to the BIA on May 31, 1995.

Judy Torchette, Archaeologist
Navajo Nation Department of Transportation
P.O. Box 2640
Window Rock, Arizona 86515

Jacques Seronde,
Natural Resources Planner
Navajo Nation Division of Natural Resources
P.O. Box 9000
Window Rock, Arizona 86515

Larry Benallie, Sr., Director
Navajo Nation Fish and Wildlife Department
P.O. Box 1480
Window Rock, Arizona 86515

Dexter Gill, Director
Navajo Nation Forestry Department
P.O. Box 230
Fort Defiance, Arizona 86504

Melvin Bautista, Director
Navajo Nation Land Administration
P.O. Box 9000
Window Rock, Arizona 86515

Laurence Garnanez, Program Director
Navajo Nation Department of Highway Safety
P.O. Drawer J
Window Rock, Arizona 86515

Teresa Showa, Director
Navajo Nation Division of Water Resources Management
P.O. Box 140
Fort Defiance, Arizona 86504

Mel Apache,
Navajo Tribal Utilities Authority
P.O. Box 170
Fort Defiance, Arizona 86504

Henry Deal,
Director
Resource Enforcement Agency
P.O. Box 9000
Window Rock, Arizona 86515

Administration Service Officer
Division of Natural Resources
BIA-Roads
Project Review Office
P.O. Box 9000
Window Rock, Arizona 86515

Local Agencies
Steve Mahnke, Area Road Engineer
Branch of Roads
Chinle Agency
Bureau of Indian Affairs
P.O. Box 7H
Chinle, Arizona 86503

State Agencies

Director

Environmental Planning Services
Arizona Department of Transportation
205 south 17th Ave., Rm. 240-E
Phoenix, Arizona 85007

James McGinnis, Manager
Plant Services Division
Arizona Department of Agriculture
1688 West Adams
Phoenix, Arizona 85007

David Walker, Supervisor
Project Evaluation Program
Arizona Game and Fish Department
222 West Greenway Road
Phoenix, Arizona 85023

Tribal Agencies

Alan Downer, Director
Navajo Nation Historic Preservation Department
214 E. Nizoni Blvd.,
Gallup, New Mexico 87301

Akhtar Zaman, Director
Navajo Nation Minerals Department
P.O. Box 1910
Window Rock, Arizona 86515

Elizabeth Washburn, Director
Navajo Nation Agriculture Department
P.O. Box 9000
Window Rock, Arizona 86515

Roger Boyd, Director
Navajo Nation Division of Economic Development
P.O. Box 663
Window Rock, Arizona 86515

Casey Begay, Program Manager
Navajo Nation Grazing Management Office
P.O. Box 9000
Window Rock, Arizona 86515

Sadie Hoskie, Director
Navajo Nation Environmental Protection Administration
P.O. Box 339
Window Rock, Arizona 86515

Arlene Luther, Environmental Specialist
Navajo Nation Environmental Protection Administration
P.O. Box 339
Window Rock, Arizona 86515

Garland Moore, Civil Engineer
Navajo Nation Department of Transportation
P.O. Box 2640
Window Rock, Arizona 86515

Harold Riley, Area Road Engineer
Branch of Roads
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87301

Minnie Mann, Environmental Specialist
Navajo Area Office
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87301

Edward Wueste, Division Administrator
Federal Highway Administration
234 North Central, Suite 330
Phoenix, Arizona 85004

Regional Environmental Officer
Office of Environmental Policy and Compliance
U.S. Department of the Interior
P.O. Box 649
Albuquerque, New Mexico 87103

Ruth Bajza-Villalobos, Chief
Environmental Resource Branch
Planning Division
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 2711
Los Angeles, California 90053

Beverly Getzen, Chief
Environmental Resource Branch
U.S. Army Corps of Engineers
South Pacific Division
Directorate of Planning
Environmental Resources Division
630 Sansome St., Rm. 720
San Francisco, California 94111

Fred Kindel, Chief
Environmental Resource Branch
Planning Division
U.S. Army Corps of Engineers
Sacramento District
650 Capital Mall
Sacramento, California 95814

Sam Spiller, State Supervisor
Arizona Ecological Services State Office
U.S. Fish and Wildlife Service
2321 W. Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951

Donald Gohmert, State Conservationist
U.S.D.A. Soil Conservation Service
3003 N. Central Ave., Suite 800
Phoenix, Arizona 85021-2954

Therefore, the proposed construction of N27 would have no significant impacts on the resources of the construction area. The finding of no significant impacts (FONSI) can be found in Appendix F-1.

6. CONSULTATION AND COORDINATION

This environmental assessment (EA) was prepared by the U.S. Army Corps of Engineers, Albuquerque District, in compliance with all applicable Federal statutes, regulations, and executive orders, including:

American Indian Religious Freedom Act of 1978 - 42 USC 1996
Archaeological Resources Protection Act of 1979, as amended - 16 USC 470
Clean Air Act of 1972, as amended - 42 USC 7401 et seq.
Clean Water Act of 1972, as amended - 33 USC 1251 et seq.
Endangered Species Act of 1973, as amended - 16 USC 1531 et seq.
National Environmental Policy Act of 1969 - 42 USC 4321 et seq.
National Historic Preservation Act of 1966 - 16 USC 470
Native American Graves Protection and Repatriation Act of 1990 - 25 USC 3001 et seq.

This EA reflects compliance with all applicable Navajo Nation (NN) and BIA regulations, statutes, and policies including:

BIAM 30
NN Solid Waste Code RCO-171-90
NN Pesticide Code Regulation CJY46-86
NN Fish and Wildlife Department policies protecting endangered species
NN Highway Public Safety Department Policies
NN Water Code

A scoping letter dated August 6, 1993, a current project description, a map, and comments were solicited from the following list of interested parties, local representatives, Navajo Tribal Agencies, and Federal Agencies, who expressed or may have an interest in the proposed construction:

Federal Agencies

Leonard Robbins, Environmental Quality Officer
Branch of Environmental Quality Services
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87301

Genevieve Denetsone, Area Realty Officer
Branch of Real Property Management
P.O. Box 1060
Gallup, New Mexico 87301

Tom Tippeconnic, Area Director
Indian Programs
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87301

James Carter, Navajo Area Forester
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87301

David Koehler, Navajo Area Natural Resource Manager
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87301

the current and future transportation needs of the Navajo Nation. Economic and community development on the Navajo Nation is severely handicapped by the lack of modern roads. There is an enormous backlog of road construction projects and increased expenses for maintaining substandard roadways. Effective transportation planning, integrated with economic development and community planning, is essential to overcome this backlog and create a modern and safe transportation network on the Navajo Nation.

The proposed construction for N27 would have no significant environmental impacts on the resources of the construction area. However, in order to avoid potentially adverse effects, the BIA under its authority would implement the following best management practices during the proposed construction:

- 1) Daily inspect all equipment to ensure that leaks or discharges of lubricants, hydraulic fluids or fuels does not occur. All fuels, lubricants, hydraulic fluids and other petrochemicals, would be stored and dispensed away from rivers, arroyos or their banks. Any petrochemical spills, including contaminated soil, would be contained and disposed of at an approved upland disposal site, in accordance with Environmental Protection Agency protocol.
- 2) Sediment catchments would be constructed to the fullest extent possible, to catch and filter runoff from the construction site (Riley, pers. comm., 1994). Poured concrete would be contained in sealed forms and or behind cofferdams to prevent discharge into wetland areas. No surplus concrete would be placed within arroyos or their banks. Wastewater from concrete batching, vehicle washdown, and aggregate processing would be contained and treated for off-site removal and disposal.
- 3) Only uncontaminated readily compacted soils, within the project limits, will be placed as embankment material within any water course. Silt curtains and stilling basins shall be used to the fullest extent possible to minimize and control water turbidity. Water quality will be monitored by the Navajo Nation EPA Water Quality Program to ensure compliance during construction (Riley, pers. comm., 1994).
- 4) Riprap and other bank stabilization material, including temporary and permanent structures placed in the water course, would be free of fines and chemical contaminants.
- 5) All topsoil removed during construction would be utilized as the uppermost layer of fill material whenever possible.
- 6) Damage to trees and shrubs should be avoided to the fullest extent possible. All disturbed terrestrial sites would be revegetated with a mixture of native plants (grasses and bushes) to stabilize and reduce soil erosion. Only uncontaminated soil or alluvium would be used for revegetation backfills.
- 7) Parking would be limited to the construction corridor. Existing roads and rights-of-way would be utilized whenever possible, and all off-road driving would be kept to a minimum.
- 8) Wetlands, riparian vegetation, and sensitive species habitats on or near the construction area would be avoided and protected.
- 9) The relocation, addition, and construction of new powerlines would follow existing rights-of-way, access roads, and private drives whenever possible. All line conversions and new line construction would incorporate Rural Electrification Administration guidelines for the protection of raptors, Suggested Practices for Raptor Protection on Power Lines - State of the Art in 1981, Raptor Research Report No. 4, Raptor Research Foundation, Inc., 12805 St. Croix Trail, Hastings, Minnesota 55033.

The proposed construction would have no effect on farming, livestock production, or recreation within the construction area.

4.6 SOCIOECONOMICS.

The foreseeable effects of the proposed action on the socioeconomic resources of the construction area are beneficial. Community and economic development within the Nazlini area is dependent upon the condition of its roadways. Paved, all-weather roadways provide improved access to health care facilities, schools, housing, and jobs. The "gravel surfacing," and the "construction using the existing roadway width and alignment," alternatives would be similar to the proposed action but offer less benefit to area residents. "No-action," is the least desirable alternative because it places an economic burden on area residents. Driving under poor road conditions increases maintenance costs for cars, trucks, and school buses (See Table 2 for a comparative analysis of the foreseeable effects of the proposed alternatives and alternatives).

4.7 CULTURAL RESOURCES AND TRADITIONAL CULTURAL PROPERTIES.

The foreseeable effects of the proposed action on cultural resources and traditional cultural properties of the construction area are may effect but would be mitigated to no effect by the BIA following the approved treatment plan prescribed by the Navajo Nation Historic Preservation Department (Appendix E-1) for cultural resources and traditional cultural properties located within the highway right-of-way. Prior to and during road construction, all eligible sites would be avoided or mitigated. If data recovery occurs simultaneously with the proposed construction, the discovery or unearthing of artifacts, would stop construction in the vicinity of the discovery until the site can be evaluated for its significance by NNHPD. The foreseeable effects for the "construction using existing roadway width and alignment," and the "gravel surfacing," alternatives are similar to the proposed action. The "no-action," alternative would have no effect on cultural resources or traditional cultural properties of the construction area (See Table 2 for a comparative analysis of the proposed action and alternatives).

A programmatic agreement (PA) was signed between the Navajo Nation Historic Preservation Officer; State Historic Preservation Officers of New Mexico, Arizona, and Utah; and the Advisory Council on Historic Preservation; and addresses the Section 106 consultation process for BIA road construction projects on the Navajo Nation. This PA grants the Navajo Historic Preservation Department authority to assure compliance under Section 106 of the National Historic Preservation Act.

4.8 CUMULATIVE IMPACTS.

There are 6 reasonably foreseeable BIA road improvement projects within the N27 construction area: N26, N271, N8015, N8016, N8172, and N8181. However, none of these projects are scheduled for construction through the year 2000. In consideration of the past, present, and future (foreseeably reasonable actions), the cumulative impacts of the N27 construction would be negligible on the resources of the Nazlini area. Improved roadways provide easier access, greater safety for the motoring public, encourage economic and community growth within the Nazlini area.

5. CONCLUSIONS

The economic well-being of the Navajo Nation is closely tied to the overall condition of its road network and the comprehensive transportation plan for the Navajo Nation. A modern road network must be combined with comprehensive and long-term community planning in order to effectively meet

U.S. Environmental Protection Agency and must comply with the conditions of the general NPDES permit in addition to developing a pollution prevention plan for the Section 402(p) best management practices, including: sediment, erosion, and storm water management control measures. Therefore, the proposed construction activities would have no significant effect on water resources within the construction area.

4.3 AIR QUALITY.

The proposed action, like the "construction using existing roadway width and alignment," and the "gravel surfacing" alternative, would result in a temporary but insignificant increase in suspended dust particles from the construction site and temporary pollutant emissions associated with asphalt paving. Suspended dust particles would have low-to-no effect on air quality if, a sprinkler truck waters down the roadbed during construction. Temporary emissions would have low-to-no effect on air quality if, emission control devices are properly installed and used during the paving operation (Kelly, pers. comm., 1994). The Navajo Nation EPA Air Quality Office monitors compliance on asphalt plant emissions. The "no-action" alternative also produces airborne dust particles similar to the proposed action (See Table 2 for a comparative analysis of the foreseeable effects of the proposed action and alternatives).

4.4 BIOLOGICAL RESOURCES.

The foreseeable effects of the proposed action on the biological resources of the construction area are low and would result in minimal disturbance. Wildlife in the construction area would already be tolerant of the existing roadway, traffic volume, and noise. The lack of perennial surface water bodies limits wildlife diversity and distribution within the construction area. Foreseeable effects of the "construction using existing roadway width and alignment," the "gravel surfacing," and the "no-action," alternatives on the biological resources would be similar to the proposed action (See Table 2 for a comparative analysis of the foreseeable effects of the proposed action and alternatives).

Pedestrian surveys conducted by the COE indicated that only the following migratory species may occur within the construction area on a seasonal basis: Northern goshawk, ferruginous hawk, golden eagle, Swainson's hawk, and loggerhead shrike. However, no NESL listed and no Federally listed, proposed, or candidate species were observed. The limited extent of vegetation disturbance from the proposed construction activities would not effect migratory species or their associated habitats.

The NFWF letter (Appendix D-1) expressed concerns about impacts to riparian habitat and associated species within the construction area, "National Wetlands Inventory maps must be examined to determine whether areas classified as wetlands are present on or near the project site..." However, no wetland or riparian habitats were observed during the COE's 404 evaluation of the construction area on October 12, 1994.

4.5 LAND-USE PRACTICES.

The foreseeable effects of the proposed action on the land use of the construction area would be beneficial. A paved, all-weather roadway would increase development and land use within the Nazlini area. The "construction using the existing roadway width and alignment," and the "gravel surfacing," alternatives are similar to the proposed action but offer less benefit to area residents. "No-action," is the least desirable alternative because land use and development would continue at the same sporadic rate (See Table 2 for a comparative analysis of the foreseeable effects of the proposed action and alternatives).

Land-use	Beneficial effect, increased land use and development within construction area.	Similar to PA but not as beneficial.	Similar to PA but not as beneficial.	Land use and development would continue at a low, sporadic rate.
Socioeconomic	Beneficial effect, improved access to public health care facilities, jobs, schools, and housing.	Similar to PA but not as beneficial.	Similar to PA but not as beneficial.	Economic hardship for area residents. Increased vehicle repair and maintenance under existing road conditions.
Cultural Resources and Traditional Cultural Properties	May effect but would be mitigated to no effect by the BIA following the approved treatment plan prescribed by the NNHPD for cultural resources and traditional cultural properties within the highway ROW. Prior to or during road construction, eligible sites and traditional cultural properties would be avoided or mitigated. Discovery would stop road construction in the vicinity of the discovery site until it can be evaluated for significance by NNHPD.	Similar to PA.	Similar to PA.	None.

Alternatives Abbreviated in Table 2:

A1 = Reconstruction using the existing roadway width and alignment alternative

A2 = Gravel surfacing alternative

A3 = No-Action alternative

with. No right to use water, from whatever source, shall be recognized, except use rights obtained under and subject to this Code."

The BIA and or Buy Indian Contractor will obtain a water use permit from the Department of Water Resources Management and 30 days prior to initiating the proposed construction activities for N27 (Riley, pers. comm., 1994).

Section 402(p) of the Clean Water Act specifies that storm water discharges from construction sites to waters of the United States, must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Storm water discharges are associated with construction sites (clearing, grading, and excavation) that disturb five or more acres of land. Therefore, the BIA is required to file a Notice of Intent with Region 9 of the

that potential effects from the proposed construction activities may result in the modification of water resources within the construction area. The BIA will utilize best management practices during construction activities to impede and dissipate overland surface water flow velocities through the use of energy attenuating devices such as riprap, culvert aprons, and backwalls. Specific surface water control measures will be specified in the plans and specifications for this project and monitored during construction by a BIA inspector. Therefore, no adverse or significant modification of water resources within the construction area would result from the proposed construction activities. The BIA and or the Buy Indian Contractor, who will perform the proposed construction, will provide the Department of Water Resources Management with information on the type of water use, the location of the water source or point of diversion, the point of water use, the rate, and the anticipated quantity of water required for the proposed construction (Riley, pers. comm., 1994).

The Navajo Nation Water Code (Title 22, Navajo Tribal Code, Chapter 7) of the Department of Water Resources Management states... "It is unlawful for any person within the territorial jurisdiction of the Navajo Nation, as defined in 7 N.T.C. 254, to impound, divert, withdraw, otherwise make any use of, or take any action of whatever kind affecting the use of water within the territorial jurisdiction of the Navajo Nation unless the applicable provisions of this Code and regulations and determinations hereunder have been complied

Table 2. Comparative Analysis of the Foreseeable Effects of the Proposed Action and Alternatives on the Combined Resources of the Construction Area.

Natural Resources	Proposed Action	A1	A2	A3
Geological	Low, an initial increase in soil erosion until highway slopes stabilize from native vegetation recolonizing the recontoured slopes within the highway ROW.	Similar to PA.	Similar to PA.	Low.
Water	Low, an initial increase in surface water runoff from highway until slopes stabilize with native vegetation recolonizing recontoured slopes within the highway ROW.	Similar to PA.	Similar to PA.	Low.
Air Quality	Low, a temporary but insignificant increase in suspended dust particles associated with road construction activities and pollutant emissions generated during asphalt paving.	Low, similar to PA.	Low, similar to PA.	Low, similar to PA.
Biological	Low, minimal effect on wildlife because they would already be used to the existing roadway, traffic patterns, and noise.	Low, similar to PA.	Low, similar to PA.	Low.

4. FORESEEABLE EFFECTS OF THE PROPOSED ACTION AND ALTERNATIVES

PHYSICAL RESOURCES.

The physical resources of the construction area include: Geological resources, water resources, air quality, biological resources, land use, socioeconomics, cultural resources and traditional cultural properties.

4.1 GEOLOGICAL RESOURCES.

Foreseeable effects to the geological resources of the construction area for the proposed action and the "construction using existing roadway width and alignment," and the "gravel surfacing," alternatives are considered insignificant. An initial, small increase in soil erosion would occur until highway slopes stabilize from vegetation recolonizing recontoured slopes within the right-of-way. Sedimentation rates would progressively decrease along the alignment as the right-of-way becomes restored to its natural condition. The "no-action" alternative would have no effect on geological resources of the construction area (See Table 2 for a comparative analysis of the foreseeable effects of the proposed action and alternatives).

Specific soil erosion and sedimentation control measures will be specified in the plans and specifications for this project and monitored during construction by a BIA inspector. The specification and implementation of soil erosion and sedimentation controls are required under Section 402(p) and Section 404 of the Clean Water Act. Under Federal law, the BIA inspector is required to ensure that the proposed construction activities comply with the implementation of stipulations specified in the general National Pollutant Discharge Elimination System or NPDES permit. The NPDES permit regulates storm water discharges associated with construction sites and that disturb five or more acres of land from clearing, grading, and excavation. The BIA must specify which soil erosion and sedimentation controls will be used in their pollution prevention plan during the construction of N27. Furthermore, the BIA must also comply with any conditions or stipulations to the Nationwide Permit #26 covering the construction of N27. Therefore, the proposed construction would not result in significant impacts to the geological resources of the construction area.

The Contractor will need sand and gravel permits from the Navajo Resource Committee prior to using these resources. The contractor will notify the Navajo Tribe of the location of borrow and water pits to be used during construction. The contractor will provide an environmental assessment and archaeological clearance when applying for sand and gravel permits.

An old borrow pit is located 0.5 mile east of N27 at Section 3 (NE1/4SW1/4), T3N, R10W. The landowner spoke to the archaeologists during the cultural resources survey (G. Newton, ethnographer, SWCA Inc., Environmental Consultants, pers. comm., 1994) and suggested that this same borrow pit be used during construction.

4.2 WATER RESOURCES.

Foreseeable effects to the water resources of the construction area from the proposed action, the "construction using existing roadway width and alignment," and the "gravel surfacing" alternatives are low. Surface water runoff from the roadway would increase initially until slopes stabilize from the vegetation recolonizing recontoured slopes within the highway right-of-way. The "no-action" alternative would have low effect on the water resources of the construction area (See Table 2 for a comparative analysis of the foreseeable effects of the proposed action and alternatives).

The Department of Water Resources Management (Appendix C-3) is concerned

3.4 SOCIOECONOMICS

3.4.1 Employment and Income.

Residents in the Nazlini area are members of the Nazlini Chapter House. However, employment and income statistics are not currently available for the Nazlini Chapter. Major employers in the Nazlini area include: the Nazlini Boarding School, the Navajo tribe, the Sage Memorial Hospital at Ganado, a Thriftway Store, a U.S. Post Service, the Ganado Public Schools, the Chinle Public Schools, and the Chinle Public Health Service (Navajo Nation Division of Community Development, 1993).

3.4.2 Demographics.

The only demographic information available on the Nazlini Chapter is provided in Chapter Images (Navajo Nation Division of Economic Development, 1993). The total population of the Nazlini Chapter was 1,070 in 1990 and estimated to be 1,114 in 1993 (Navajo Nation Division of Economic Development, 1993).

3.4.3 Community Infrastructure.

Law enforcement and fire protection are provided to the Nazlini Chapter by the Navajo Tribal Police and Fire Department located in Chinle. Health care facilities include: Chinle Indian Hospital and Sage Memorial Hospital located at Ganado (Navajo Nation Division of Economic Development, 1993). Communications include: television stations located in Flagstaff, Arizona, and Albuquerque, New Mexico; Various AM/FM radio stations located in Window Rock, Gallup, Cortez, and Flagstaff; and several daily newspapers. Recreation facilities include a library, an outside basketball courts, and baseball field (Navajo Nation Division of Economic Development, 1993). The nearest Navajo Transit System is located 17 miles away in Ganado. The nearest airport is located in Chinle.

3.5 Cultural Resources and Traditional Cultural Properties

A Notice-to-Proceed was issued by the Navajo Nation Historic Preservation Department (NNHPD) on October 3, 1994. Fieldwork was completed on October 21, 1994. NNHPD received the results of the preliminary report on October 26, 1994. Twenty archaeological sites were identified during five reroutes of the N27 alignment. Eligibility of these sites has not yet been determined. Only one of the twenty sites is located in the southern 8-10 miles of the alignment, near Nazlini. One reroute was changed a second time, in order to avoid a historic Navajo burial located in the originally proposed right-of-way.

The NNHPD tried to expedite clearance of the southern 8-10 miles of N27 by December 1994. To date, there were five alignment changes in the 6-mile segment near Nazlini. The NNHPD agreed to grant clearance to the BIA with the following stipulations: A burial site located near the alignment will receive temporary fencing and be monitored during construction. The remaining 24 miles of N27 have not been surveyed by NNHPD yet. Road construction may proceed concurrently with data recovery, once an approved treatment plan is in place. In the event of discovery, road construction would stop until the eligibility of cultural resources and traditional cultural properties within the roadway right-of-way can be determined by NNHPD.

Extent testing began Spring 1995 and data recovery resulting from this work (which is necessary for the Finding of No Significant Impact) will be completed by the end of fiscal year 1995.

Jon D. Colvin
President and Chief Executive Officer

June 27, 1994

Mr. Phil Clayton
Albuquerque District, Environmental Section
U. S. Army Corps of Engineers
P. O. Box 1580
Albuquerque, New Mexico 87103

Dear Mr. Clayton:

This letter is in response to the information sent to us on June 13, 1994 concerning Navaho Route 27 between Chinle and Nazlini and has been prepared jointly by Dineh Cooperatives, Incorporated and the Chinle Community Fire Department.

At this stage we have received relatively few details, so the following comments are necessarily of a general nature:

Recommendation — This road should be widened and paved as proposed!


Traffic Volume — If the current volume is 930 vehicles per day, we would guess that a well-designed, paved road would generate considerably more than 1,302 vehicles per day prior to the year 2008. This would particularly be true if improvements are made to the rapidly deteriorating section of N27 between Nazlini and Arizona Route 264.

Width — The paved roadway should be wide enough to safely allow the passage of emergency vehicles when normal traffic is present.

Fencing — Adequate fencing, cattle guards and other protective devices must be provided and properly maintained.

We would like to be kept informed of all future developments concerning this project.

Cordially,





NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO TRIBE

June 29, 1994

Mr. Phil Clayton
Albuquerque District Environmental Section
U.S. Army Corps of Engineer
P. O. Box 1580
Albuquerque, New Mexico 87103

RE: NAVAJO ROUTE 27 INQUIRY DATED JUNE 13, 1994

Dear Mr. Clayton:

In response to your letter dated June 13, 1994, we have no environmental concerns on the subject project; however, we do have existing 17 1/2 power line crossing between Nazlini, Arizona to N7 Chinle, Arizona along the existing dirt road N27.

We need the Bureau of Indian Affairs, Navajo Area Office, to provide the exact location of center line of N27 to assure adequate ground clearance will exist at all road crossing per the National Electrical Safety Code.

If you require additional information, please contact me.

Very truly yours,

Gene Wilson, Junior Engineer I

GW/kjs

cc: Alfred Guy, NTUA, Chinle District
Worley Yost, NTUA, Engineering & Operations Division
Pat Ashley, NTUA, Chinle District

Robert E. Salabye, Council Delegate
Nazlini Chapter
P.O. Box 1044
Chinle, Ar. 86503

Chapter Officers
Johnny Van Winkle, Pres.
Acay C. Begay, Vice Pres.
Dorothy Salabye, Sec.

RESOLUTION OF NAZLINI CHAPTER

SUPPORTING ROAD CONSTRUCTION ON NAVAJO ROUTE 27
FROM NAZLINI TO CHINLE

WHEREAS:

1. The Nazlini Chapter Government has been supporting the construction of an all weather road through the community since the approved Grant of Easement for Right of Way on the 3rd day of March 1972 and approved by the Tribal Chairman, Peter McDonald the 6th day of January, 1972. and

2. At the present day the Nazlini Community is in greater demand for a highway construction on Navajo Route 27, due to the increase of modern mobility, to advance the development of the community and to alleviate problems in inclement weather.

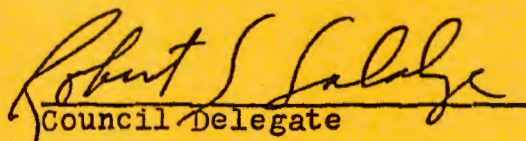
NOW THEREFORE BE IT RESOLVED THAT:

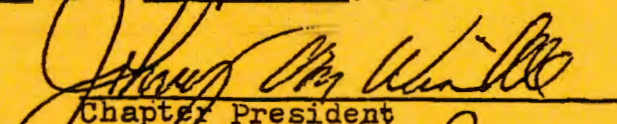
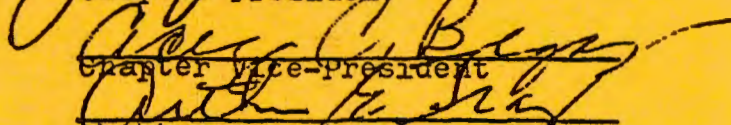
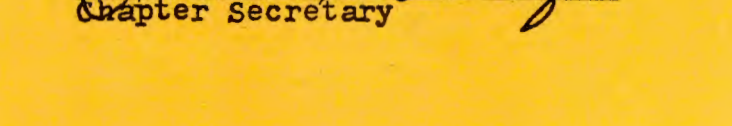
The Nazlini Community is still supporting and recommend the construction of an all propose road through the community, and be the priority on the Chinle Agency Road Committee list. and

The all weather road will alleviate the said problems and advance the community in its socio-econonic development.

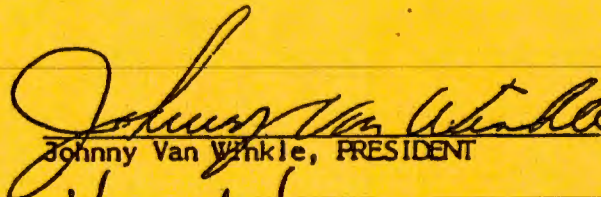
CERTIFICATION

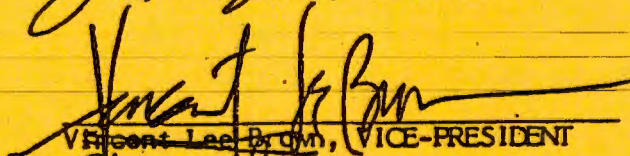
The Nazlini Chapter hereby certifies that the foregoing resolution was duly considered by the Nazlini Chapter at a duly called meeting in Nazlini, Navajo Nation (Arizona) at which a quorum was present and the same passed by a vote of 27 in favor and 0 opposed, this 21 day of August, 1983.

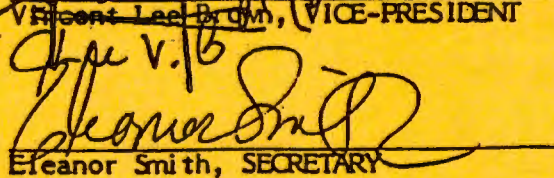

Council Delegate


Chapter President

Chapter Vice-President

Chapter Secretary

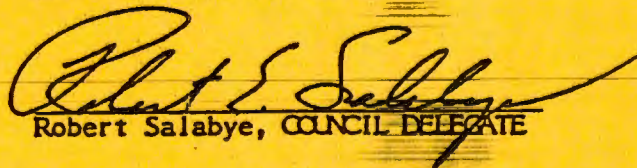
RESOLUTION
NZ-35-84


Johnny Van Winkle, PRESIDENT


Vincent Lee Brown, VICE-PRESIDENT


Eleanor Smith, SECRETARY

CONCURRENCE:


Robert Salabye, COUNCIL DELEGATE



RESOLUTION
NZ-35-84

REQUESTING HIGHWAY CONSTRUCTION ON NAVAJO ROUTE 27
FROM NAZLINI TO CHINLE

WHEREAS:

1. the Nazlini Chapter is a recognized and a certified chapter of the Navajo Nation, and;
2. the Nazlini Chapter has been requesting the highway construction from Nazlini to Chinle on N27 since the approval for Right-of-Way has been made by the Navajo Tribe on the 6th day of January, 1972.
3. furthermore, the Grant of Easement for the Right-of-Way has been approved the 3rd day of March, 1972 by the B.I.A., and;
4. at the present the Nazlini Chapter is in greater demand for a highway construction on Navajo Route 27 due to the increasing modern mobility and to advance the development of the Nazlini Community, and;
5. most of all to alleviate problems during the inclement weather.

NOW THEREFORE BE IT RESOLVED THAT:

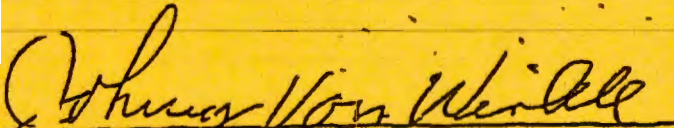
1. the Nazlini Chapter is strongly and respectfully requesting the Bureau of Indian Affairs and the Navajo Tribe to construct a pavement on Navajo Route 27 to alleviate problems during inclement weather, and;
2. the Nazlini Chapter is also requesting the Chinle Agency Road Committee to prioritize the N27 road as top priority due to the completed necessary documents for construction.

C E R T I F I C A T I O N

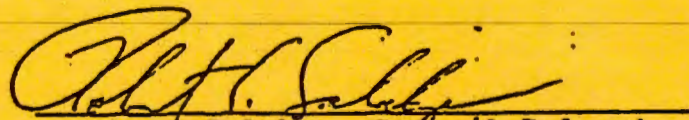
The Nazlini Chapter hereby certifies that the foregoing resolution was duly considered by the Nazlini Chapter at a duly called meeting at Nazlini, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 36 in favor, 0 opposed, and 1 abstained this 9th day of December, 1984.

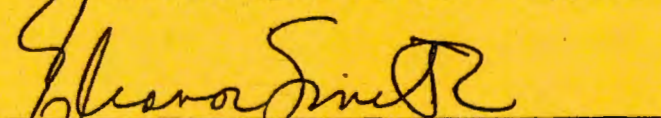
C E R T I F I C A T I O N

We hereby certify that the foregoing resolution was duly considered at a duly called meeting at Nazlini Arizona, Navajo Nation, at which a quorum was present and that same was passed by vote of 71 in favor and 00 opposed, this 17 day of February, 1985.


Johnny Van Winkle, President


Lee Brown, Vice President


Robert Salabye, Council Delegate


Eleanor Smith, Secretary

NAZLINI CHAPTER

P.O. Box 387

Nazlini, Arizona 86505

(602) 755-6266

Johnny Van Winkle; President
Vincent Lee Brown; Vice President

RESOLUTION
NZ-10-85

Robert Salabye; Council Delegate
Eleanor Smith; Secretary

REQUESTING THE BIA ROAD SERVICE, THE AGENCY ROAD COMMITTEE AND THE AGENCY SUPERINTENDENT TO PROPOSITION A HIGHWAY CONSTRUCTION ON NAVJO ROUTE 27 FROM NAZLINI TO CHINLE.

Areas:

1. The Nazlini Chapter is a certified and recognized chapter of the Navajo Nation. The Chapter has served and assisted other chapters within the Chinle Agency with the voting power proper community and economic development. The chapter, as the governing body of the Navajo Tribe, Possessess all the right to " make recommendations to improve, created the changing needs to the community.
2. The community members deliberated and requested for highway construction from Nazlini to Chinle (Navajo Route 27) and the approval of Right-of-way was made by the chairman's office on the 6th day of January, 1972. The community members are still using the graded road severely with harsh, painful sensory reaction. They are demanding for highway due to the insight for modern mobility.
3. The Chapter acknowledged the grant of Easement for the Right-of-Way was approved on the 3rd day of March, 1972 by the BIA. It would pleases the chapter if the BIA Superintendent to coordinated, implemented and directed the various proposed projects according to the finalized proposals.
4. The community members chooses to travel to Chinle Area for shopping, Laundry, Garage and Gas Service, Hospital or Clinic Care, Public School Bus route, Boarding School Bus route, Headstart Bus route, etc. The road also serve the Chinle, Manyfarms and other people beyond that to decrease, vehicle mileage to Gallup or Window Rock for business.

THEREFORE BE IT RESOLVED THAT:

1. The Nazlini Chapter is strongly and respectfully requesting the Bureau of Indian Affairs to construct a pavement on Navajo Route 27 to alleviate the difficult traveling on the graded road,
2. The Nazlini chapter is also requesting the Chinle Agency Road Committee to prioritize the Navajo Route 27 as the top priority Road Construction list due to the completed necessary documents to start the project.

my
file

RESOLUTION OF DISTRICT 10 COUNCIL
SUPPORTING THE NAZLINI SOUTH ROAD CONSTRUCTION

WHEREAS:

1. The community of Nazlini cannot obtain or be assured of obtaining basic goods or services or emergency attention during inclement weather for lack of access by an all weather road;

2. The community has lost housing projects and the opportunity to build a clinic, and the youth of the community are being denied the privilege of a continuous education as a result of bad road conditions;

3. The health of numerous members of the community is affected due to the distance to the closest hospitals and clinics;

4. Numerous meetings important to the community cannot be held whenever the weather makes the roads impassable; and,

5. The Nazlini Chapter is seriously affected in many respects by the lack of an all weather road to the community,

BE IT RESOLVED by the District 10 Council that the priority for road construction in District 10 should continue to be Nazlini; that the Bureau of Indian Affairs Area and Agency Roads Departments be made aware of the community's needs; and that the Bureau is requested to act promptly to give the needed relief to the people of Nazlini Chapter by construction of an all purpose road to the community.

CERTIFICATION

The foregoing resolution was considered by the District 10 Council on January 27, 1979, and was passed by a vote of 17 in favor and 0 opposed.

Emmett B. B.
Chairman, District 10 Council

James C. Gage
Secretary, District 10 Council



THE NAVAJO NATION

P.O. BOX 308

• WINDOW ROCK, ARIZONA 86515

• (602) 871-4941

PETERSON ZAH
PRESIDENT

MARSHALL PLUMMER
VICE PRESIDENT

NAVAJO DIVISION OF PUBLIC SAFETY
Department of Law Enforcement
P.O. Box #96
Chinle, Arizona 86583

June 28, 1994

CH-SO-94-187

Mr. Phil Clayton
Albuquerque District, Environmental Section
U.S. Army Corps of Engineers
P.O. Box #1588
Albuquerque, New Mexico 87183

This letter to you is to thank you for the brief conversation we had over the phone. Let me take this opportunity to say that paving and widening N.R. #27 is very beneficial to the Navajo Nation and the local community of Nazlini and the community that live along the roadway.

The road is used primarily by the local school, B.I.R., Tribal, Tourist, Police Department and local community.

The roadway has caused some hardship on the community who reside along the road during the rain/winter season. Along these road some accidents had occurred, some with fatalities. With the pavement of N.R. #27 it would be of great asset, not only would it benefit the community but whole area of Chinle/Nazlini.

Again, thank you and if further questions is required, please contact me at (602) 674-2119.


DUWAYNE BILLSIE, LIEUTENANT

May 31, 1995

BIA N27 road improvement Project
Nazlini to Chinle, AZ
Section 404 site survey report

Summary: This entire area is above the headwaters location for this watershed. This road project involves the widening of the road by 5 feet on either side. It is my opinion that the total amount of impact into waters of the U.S. will be less than 1 acre. The project crosses Nazlini Wash and several different tributaries that flow into Nazlini Wash. The only perennial waterbody this project crosses is Cottonwood Wash and there are no wetlands within the project area. The crossing at odometer reading 814.65 near stake 554, will require the removal of a great deal of sediment or the replacement pipe arch will need a higher invert elevation. It is my recommendation that this project be affirmed as complying with the terms and conditions of Nationwide Permit 26 after EPA Region 9 issues Clean Water Certification on this project.

The GPS system battery was drained and the system didn't work when connected to the vehicle accessory outlet. The survey was accomplished using the odometer reading.

809.65 48 inch culvert where the road crosses Tah-aith-cheed Wash, there is a stake nearby marked 813+85. The first photo taken is looking upstream from the road and the second shows the downstream side of the road.

Upstream



Downstream
side

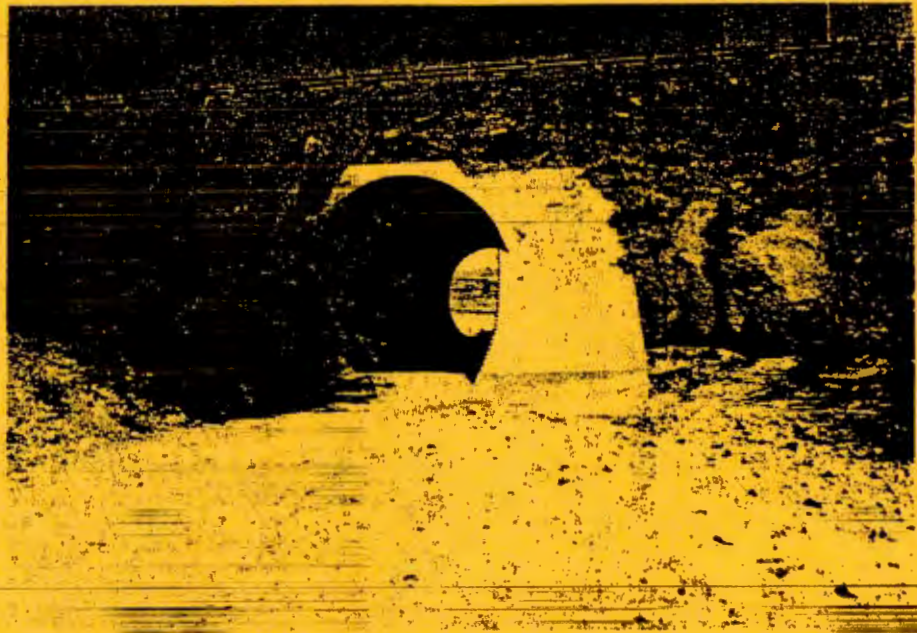


809.8 this shows the existing pipe arch system, the first photo shows the downstream side of the crossing and the second shows the upstream side.

Downstream



Upstream



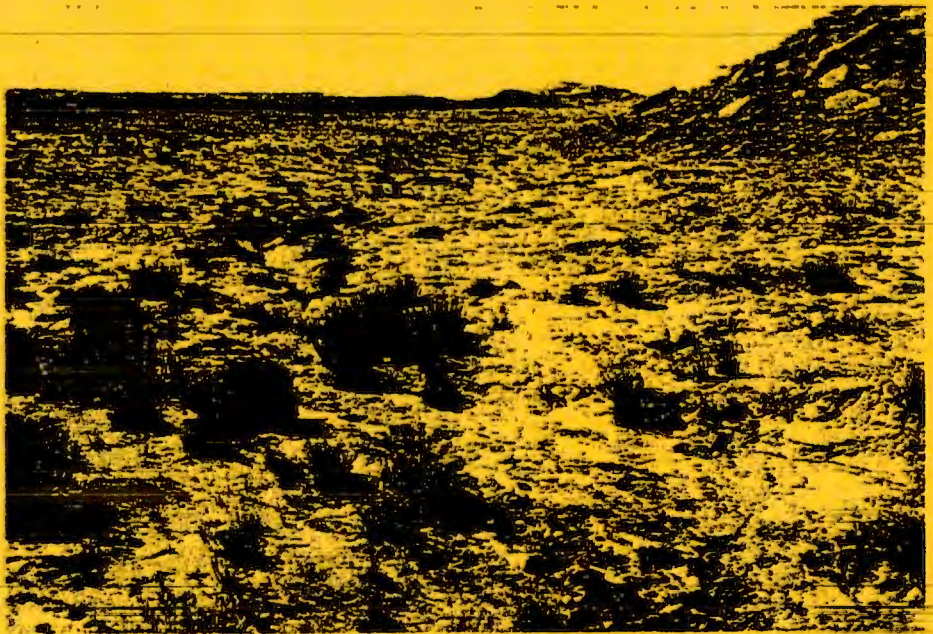
810.2

existing culvert near stake marked 784+85, both a view of the downstream side and a view upstream of the crossing.

Downstream



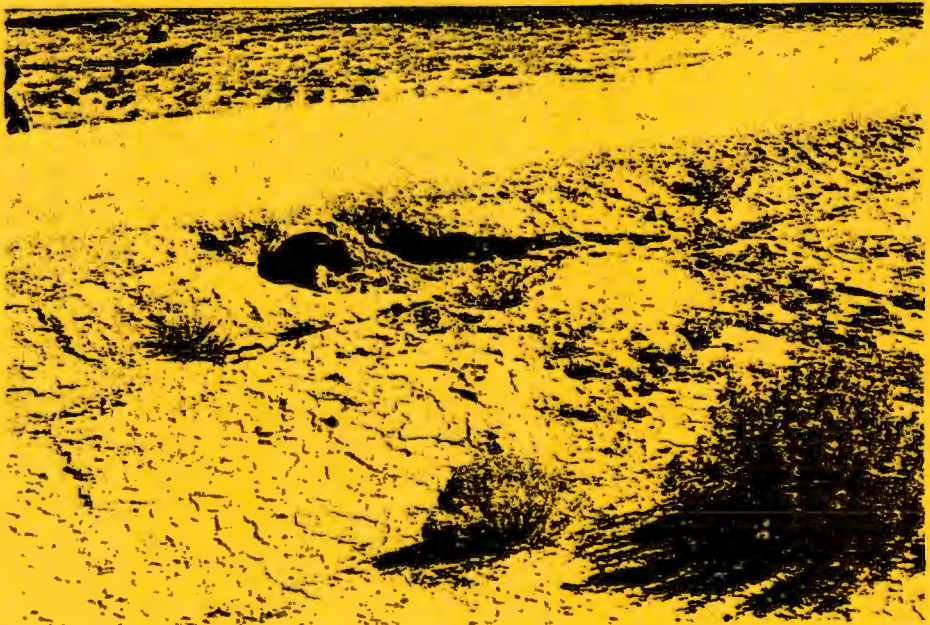
Upstream



810.4

existing 24 inch culvert, photos showing the upstream end of the culvert and the downstream end of the culvert.

Upstream



Downstream



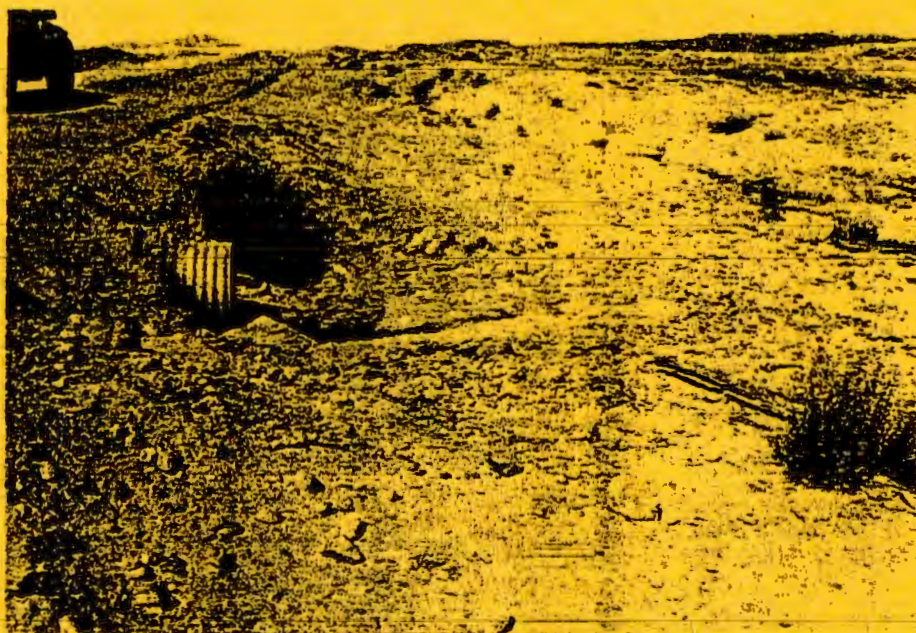
810.65

there is a waterway (seen on the other side of the road heading to the upper right of photo) but no indication of an existing culvert. One maybe needed at this site.

Looking
Downstream



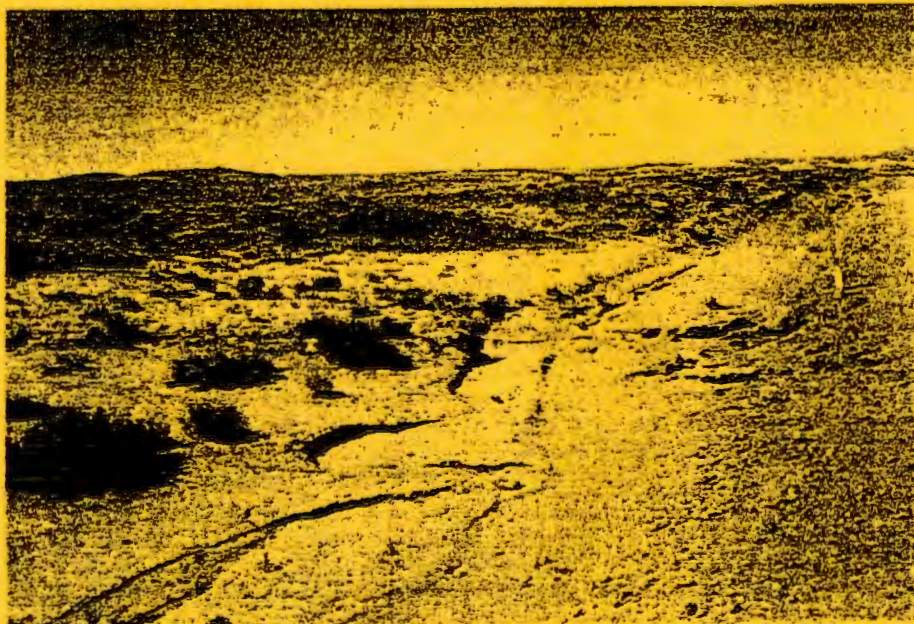
Downstream



810.5

existing culvert, photos showing the upstream side of the crossing and downstream side of the crossing.

Upstream



811.8

existing 24 inch culvert at stake marked 703~, the photo is looking upstream below road.

Upstream



812.2

existing culvert, photos showing the downstream and upstream sides of road.

Downstream



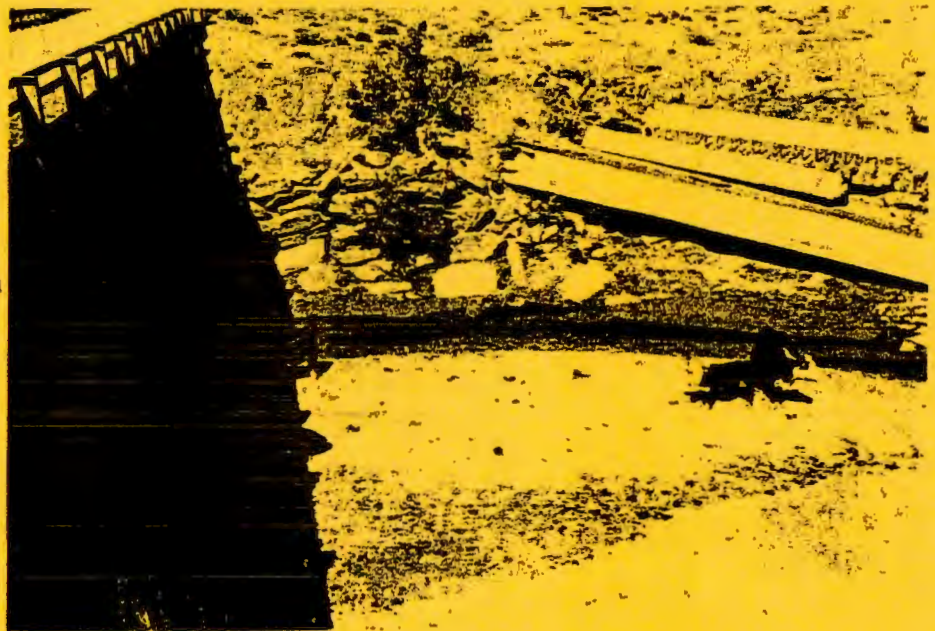
Upstream



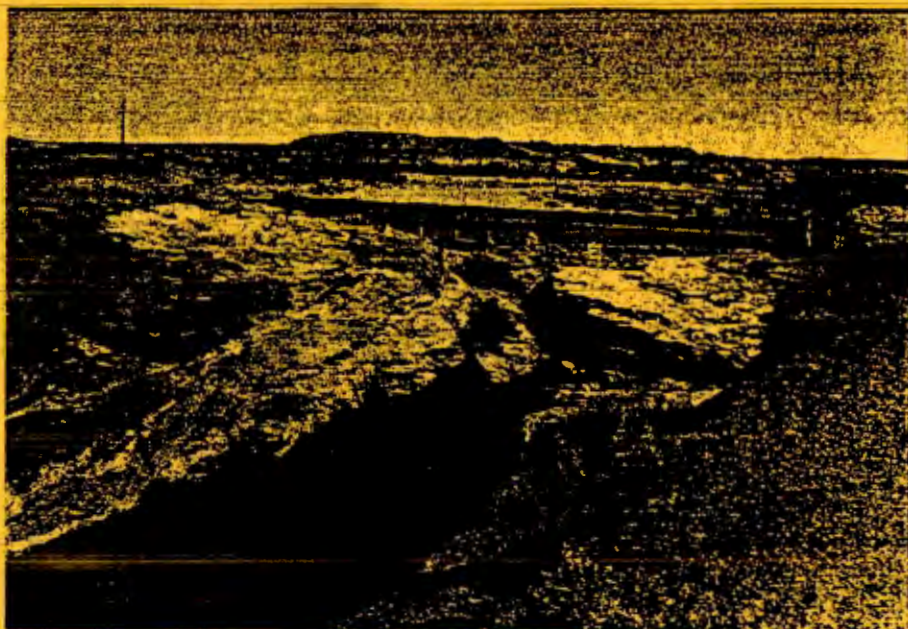
814.5

bridge crossing Cottonwood Wash. Photos show the upstream side of the bridge, the dam (Flat Rock Reservoir?), and the downstream side of the bridge. The water is flowing from a break in the dam and apparently is subterranean flow above the dam.

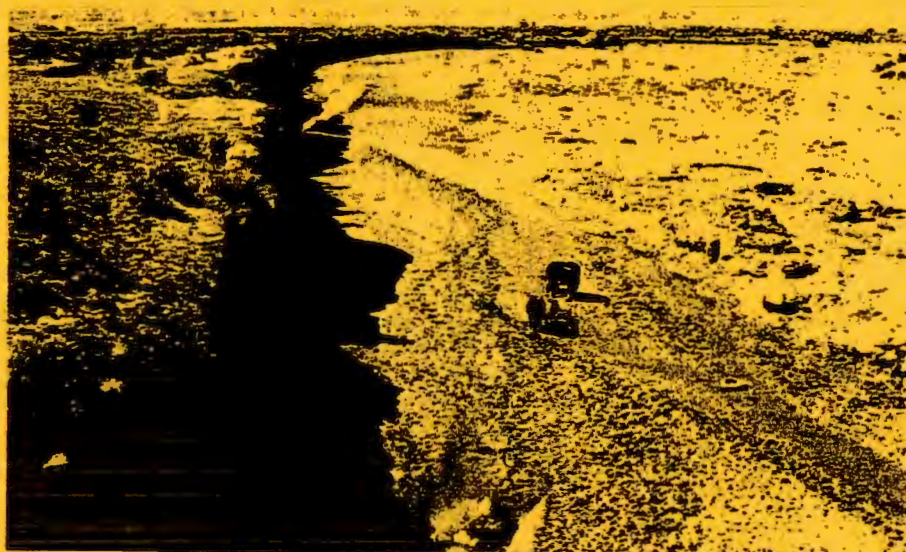
Upstream



Dam



Downstream



COPY

814.65

photo showing upstream side of pipe arch. Stake nearby is marked 554. It appears that a considerable amount of sediment will be removed at this location, or the new pipe arch will need a higher invert elevation.

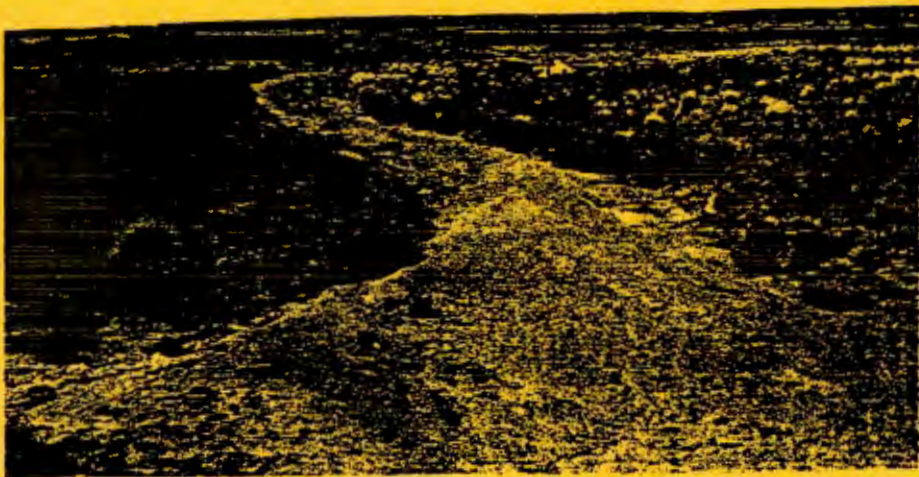
Upstream



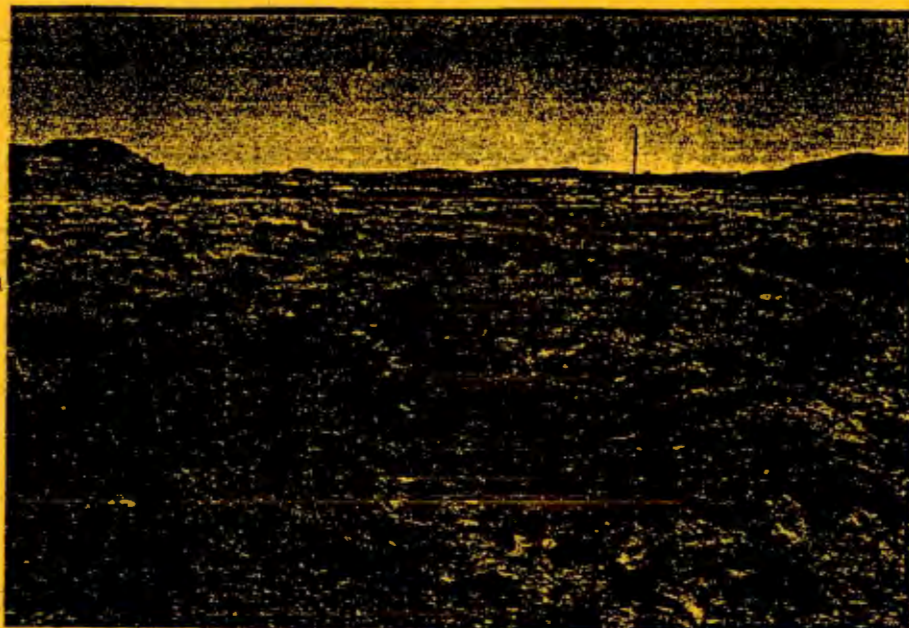
818.2

existing 24 inch culvert, photos showing the downstream side and the upstream side of road.

Downstream



Upstream



822.9 photo of Nazlini Wash bridge crossing taken from the upstream side.

Upstream



824.55

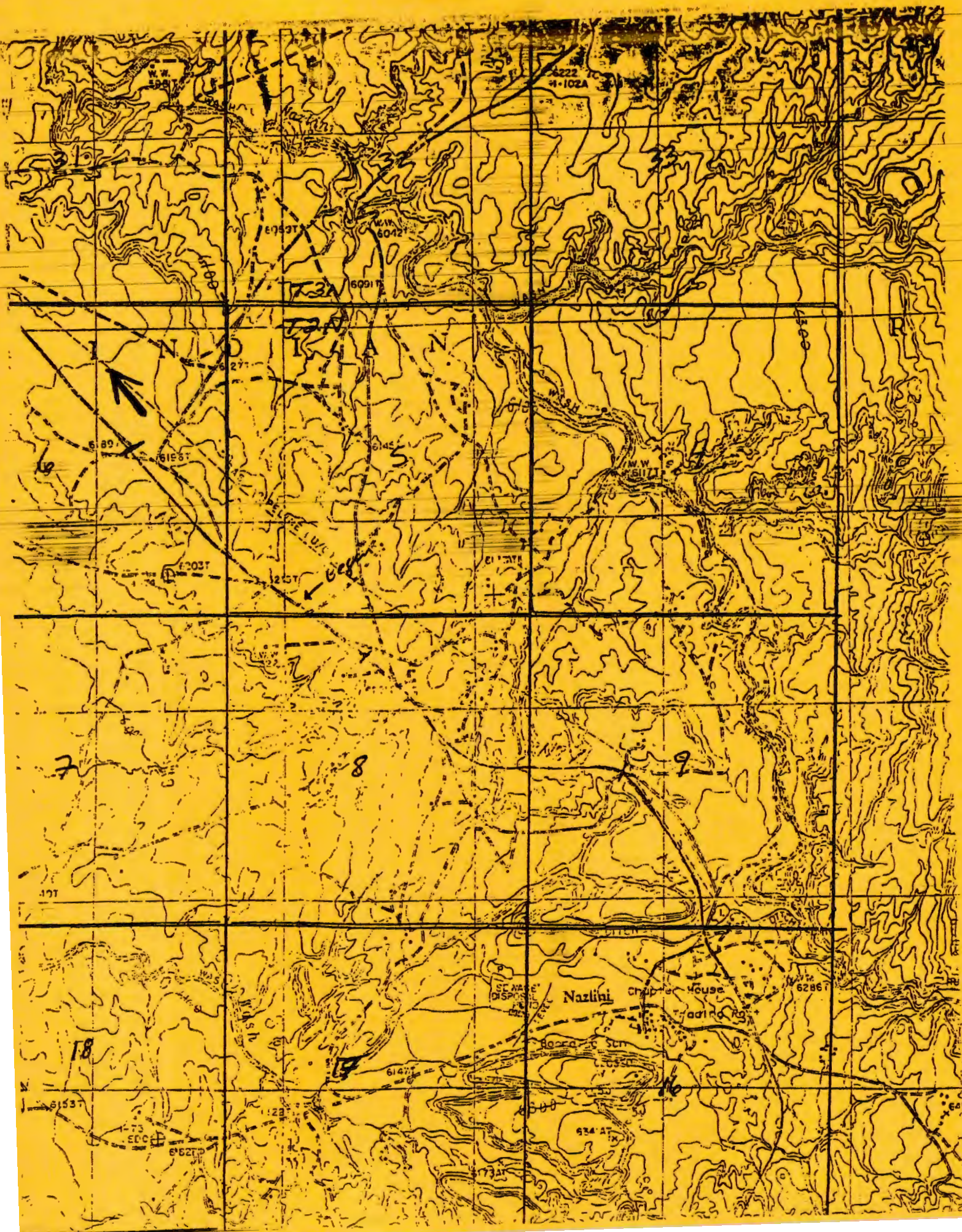
photo taken of the Three Turkey Wash crossing taken from the upstream side.

Upstream



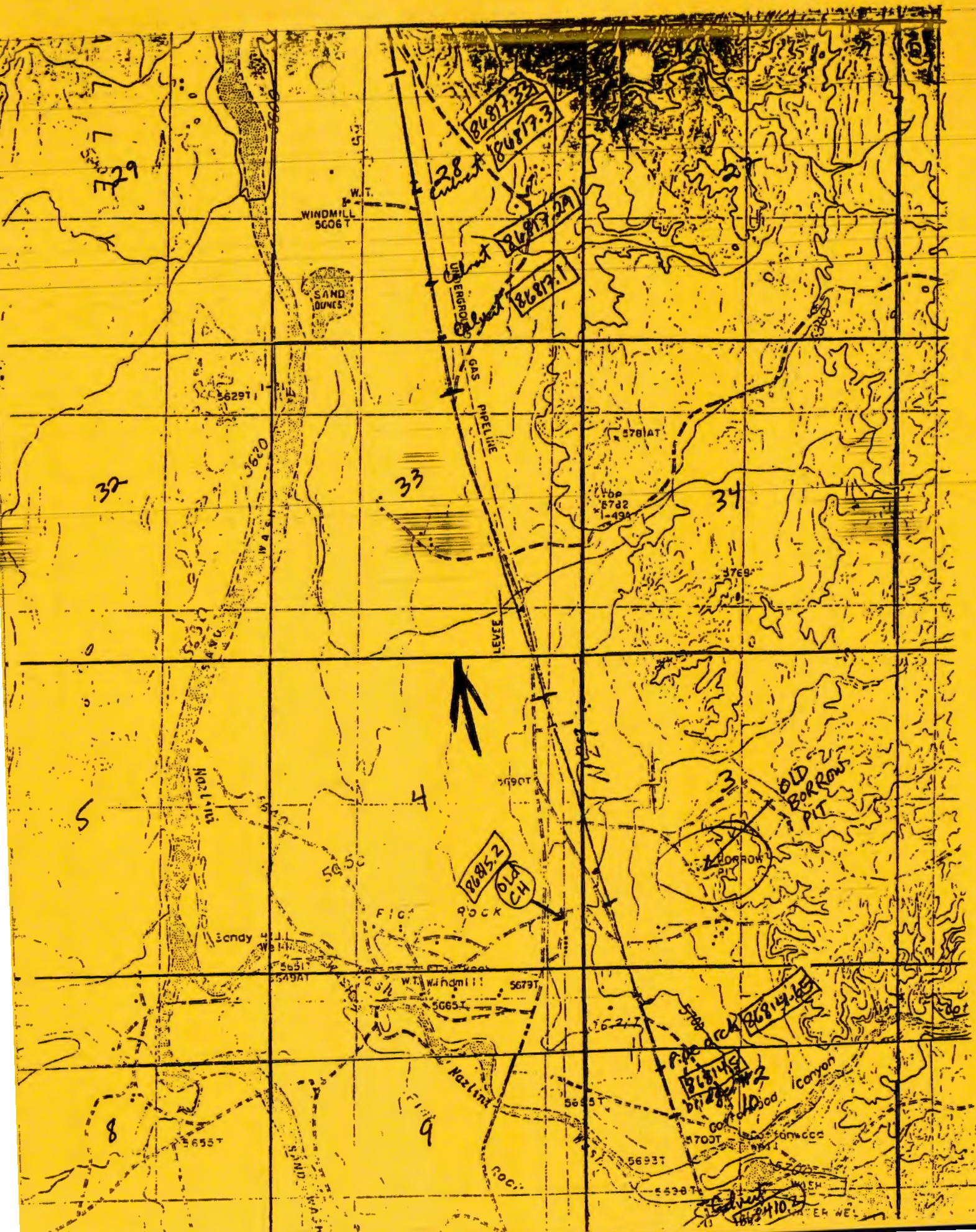
This report was prepared by:

Louis E. Clarke, biologist
U.S. Army Corps of Engineers
Albuquerque District
Regulatory Branch

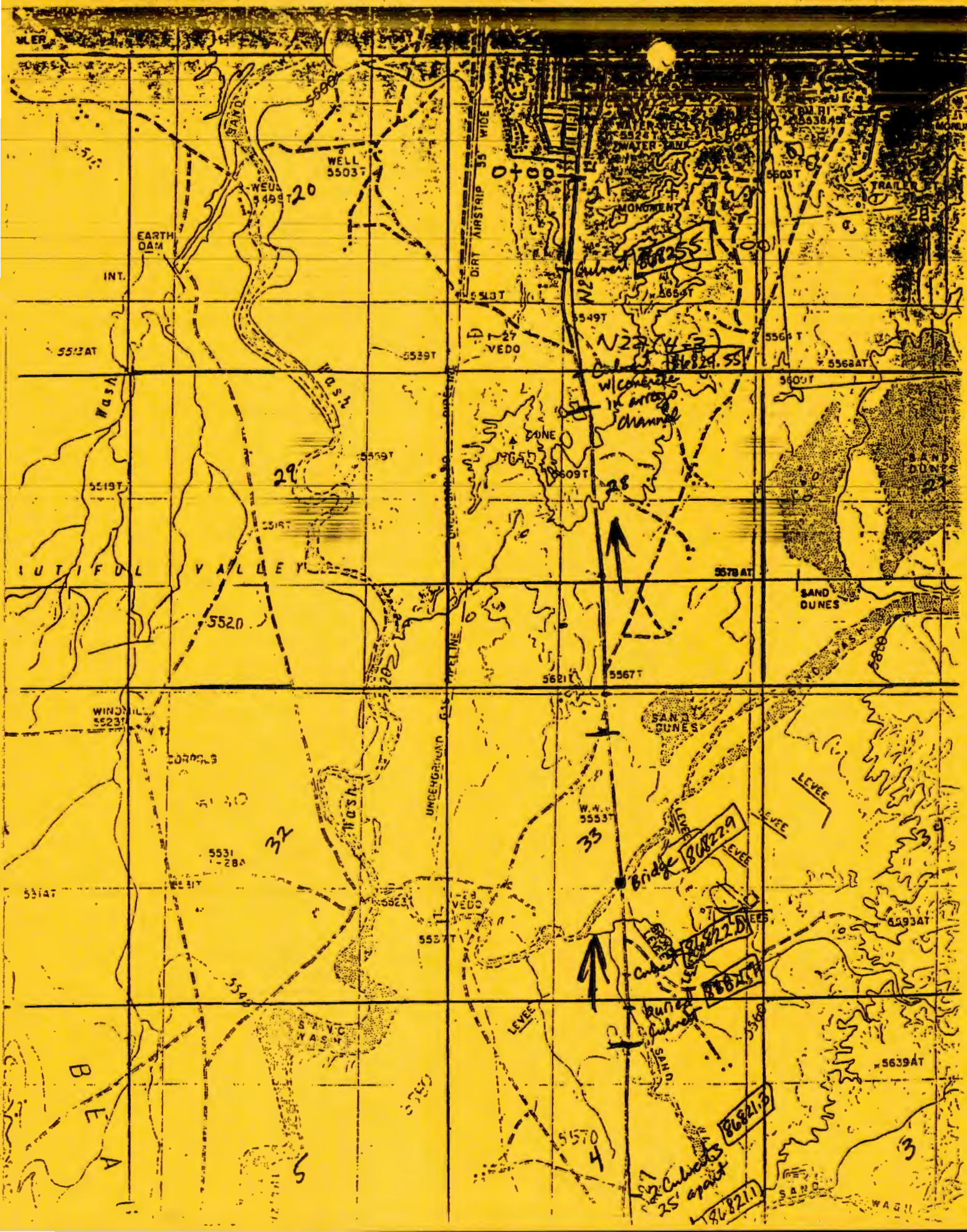














US Army Corps
of Engineers
Albuquerque District
P.O. Box 1646
Albuquerque, NM 87106-1646

Nationwide Permit Summary

APR 3 1992

HEADWATERS AND ISOLATED WATER DISCHARGES
(Reference 33 CFR 330 Appendix A, Paragraph 26)

Discharges of dredged or fill material into headwaters and isolated waters are authorized by this nationwide permit provided:

- The discharge does not cause the loss of more than 10 acres of waters of the United States;
- The permittee notifies the district engineer if the discharge would cause the loss of waters of the United States greater than one acre in accordance with the "Notification" general condition. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands; and,
- The discharge, including all attendant features, both temporary and permanent, is part of a single and complete project. For the purposes of this nationwide permit, the acreage of loss of waters of the United States includes the filled area plus waters of the United States that are adversely affected by flooding, excavation, or drainage as a result of the project. The ten-acre and one-acre limits of NWP 26 are absolute, and cannot be increased by any mitigation plan offered by the applicant or required by the district engineer.

Subdivisions: For any real estate subdivision created or subdivided after October 5, 1984, a notification pursuant to subsection (b) of this nationwide permit is required for any discharge which would cause the aggregate total loss of waters of the United States for the entire subdivision to exceed one (1) acre. Any discharge in any real estate subdivision which would cause the aggregate total loss of waters of the United States in the subdivision to exceed ten (10) acres is not authorized by this nationwide permit; unless the district engineer exempts a particular subdivision or parcel by making a written determination that: (1) the individual and cumulative adverse environmental effects would be minimal and the property owner had, after October 5, 1984, but prior to January 21, 1992, committed substantial resources in reliance on NWP 26 with regard to a subdivision, in circumstances where it would be inequitable to frustrate his investment-backed expectations, or (2) that the individual and cumulative adverse environmental effects

would be minimal, high quality wetlands would not be adversely affected, and there would be an overall benefit to the aquatic environment. Once the exemption is established for a subdivision, subsequent lot development by individual property owners may proceed using this nationwide permit. For purposes of this nationwide permit, the term "real estate subdivision" shall be interpreted to include circumstances where a landowner or developer divides a tract of land into smaller parcels for the purposes of selling, conveying, transferring, leasing, or developing said parcels. This would include the entire area of a residential, commercial or other real estate subdivision, including all parcels and parts thereof. (Section 404)

NATIONWIDE PERMIT CONDITIONS

General Conditions: The following general conditions must be followed in order for any authorization by a nationwide permit to be valid:

- Navigation. No activity may cause more than a minimal adverse effect on navigation.
- Proper maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
- Erosion and siltation controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date.
- Aquatic life movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.
- Equipment. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.
- Regional and case-by-case conditions. The activity must comply with any regional conditions which may have been added by the division engineer (see 33 CFR 330.4(e)) and any case-specific conditions added by the Corps. To date, one regional condition has been added to this permit (see condition #1, Section 404 only conditions).
- Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for study

status. Information on Wild and Scenic Rivers may be obtained from the National Park Service and the U.S. Forest Service.

8. Tribal rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Water quality certification. Required water quality certification was issued by the States of Colorado and Texas. The State of New Mexico finds that discharges permitted under this permit could adversely affect the State's waters to an extent that would negatively affect designated uses. Therefore, the State has declined to certify this nationwide permit. Applicants are advised to contact the New Mexico Environment Department, Surface Water Quality Bureau, Harold Runnels Building, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502 (505) 827-2850 or FAX 505-827-2836 and obtain a water quality certification.

10. Coastal zone management. Not applicable.

11. Endangered Species. No activity is authorized under any WWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the district engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service (see 33 CFR 330.4(f)).

12. Historic properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the district engineer has complied with the provisions of 33 CFR 325, Appendix C. The prospective permittee must notify the district engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing in the National Register of Historic Places, and shall not begin the activity until notified by the district engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)).

13. Notification.

(a) Where required by the terms of the WWP, the prospective permittee must notify the district engineer as early as possible and shall not begin the activity;

(1) Until notified by the district engineer that the activity may proceed under the WWP with any special conditions imposed by the district or division engineer; or

(2) If notified by the district or division engineer that an individual permit is required; or

(3) Unless 30 days have passed from the district engineer's receipt of the notification and the prospective permittee has not received notice from the district or division engineer.

Subsequently, the permittee's right to proceed under the WWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) The notification must be in writing and include the following information and any required fees:

(1) Name, address, and telephone number of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; and any other WWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity;

(4) Where required by the terms of the WWP, a delineation of affected special aquatic sites, including wetlands; and,

(5) A statement that the prospective permittee has contacted:

(1) The USFWS/NMFS regarding the presence of any Federally listed (or proposed for listing) endangered or threatened species or critical habitat in the permit area that may be affected by the proposed project; and any available information provided by those agencies. (The prospective permittee may contact Corps district offices for USFWS/NMFS agency contacts and lists of critical habitat.)

(1) The SHPO regarding the presence of any historic properties in the permit area that may be affected by the proposed project; and the available information, if any, provided by that agency.

(c) The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PDN and must include all of the information required in (b)(1)-(5) of General Condition 13.

(d) In reviewing an activity under the notification procedure, the district engineer will first determine whether the activity will result in more than minimal individual or cumulative

adverse environmental effects or will be contrary to the public interest. The prospective permittee may, at his option, submit a proposed mitigation plan with the predischARGE notification to expedite the process and the district engineer will consider any optional mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed work are minimal. The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the nationwide permits and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. The district engineer will, upon receipt of a notification, provide immediately (e.g., facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate offices of the Fish and Wildlife Service, state natural resource or water quality agency, EPA, and, if appropriate, the National Marine Fisheries Service. With the exception of NWP 37, these agencies will then have 5 calendar days from the date the material is transmitted to telephone the district engineer if they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 10 calendar days before making a decision on the notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency. The district engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification. If the district engineer determines that the activity that the terms and conditions of the NWP and that the adverse effects are minimal, he will notify the permittee and include any conditions he deems necessary. If the district engineer determines that the adverse effects of the proposed are more than minimal, he will notify the applicant either (1) that the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; or (2) that the project is authorized under the nationwide permit subject to the applicant's submitting a mitigation proposal that would reduce the adverse effects to the minimal level. This mitigation proposal must be approved by the district engineer prior to commencing work. If the prospective permittee elects to submit a mitigation plan, the district engineer will expeditiously review the proposed mitigation plan, but will not commence a second 30-day notification procedure. If the net adverse effects of the project (with the mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant informing him that the project can proceed under the terms and conditions of the nationwide permit.

(e) Wetlands Delineations: Wetland delineations must be prepared in accordance with the current method required by the

Corps. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 30-day period will not start until the wetland delineation has been completed.

(f) Mitigation: Factors that the district engineer will consider when determining the acceptability of appropriate and practicable mitigation include, but are not limited to:

(1) To be practicable the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of overall project purposes;

(2) To the extent appropriate, permittees should consider mitigation banking and other forms of mitigation including contributions to wetland trust funds, which contribute to the restoration, creation, replacement, enhancement, or preservation of wetlands.

Furthermore, examples of mitigation that may be appropriate and practicable include, but are not limited to, reducing the size of the project; establishing buffer zones to protect aquatic resource values; and replacing the loss of aquatic resource values by creating, restoring, and enhancing similar functions and values. In addition, mitigation must address impacts and cannot be used to offset the acreage of wetland losses that would occur in order to meet the acreage limits of some of the nationwide permits (e.g., 3 acres of wetlands cannot be created to change a 6-acre loss of wetlands to a 1-acre loss; however, the 5 created acres can be used to reduce the impacts of the 6-acre loss).

Section 404 Only Conditions: In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material and must be followed in order for authorization by the nationwide permits to be valid:

1. Water supply intakes. No discharge of dredged or fill material may occur in the proximity of a public water supply intake, except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

2. Shellfish production. Not applicable.

3. Suitable material. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act). Regional Condition for the State of Colorado: The following condition is added to Section 404 Only Conditions, No. 3 Suitable material: Unsuitable materials also include bituminous concrete (asphalt).

4. Mitigation. Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e., on-site), unless the district engineer has approved a compensation mitigation plan for the specific regulated activity.

5. Spawning areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

6. Obstruction of high flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

7. Adverse impacts from impoundments. If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and or the restriction of its flow shall be minimized to the maximum extent practicable.

8. Waterfowl breeding areas. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

9. Removal of temporary fills. Any temporary fills must be removed in their entirety and the affected areas returned to their pre-existing elevation.

Conditions, Limitations, and Restrictions:

(a) General. A prospective permittee must satisfy all terms and conditions of an NWP for a valid authorization to occur. Some conditions identify a "threshold" that, if met, requires additional procedures or provisions contained in other paragraphs in this section. It is important to remember that the NWP's only authorize activities from the perspective of the Corps regulatory authorities and that other Federal, state, and local permits, approvals, or authorizations may also be required.

(b) Further information.

(1) District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

(2) NWP's do not obviate the need to obtain other Federal, state, or local permits, approvals, or authorizations required by law.

(3) NWP's do not grant any property rights or exclusive privileges.

(4) NWP's do not authorize any injury to the property or rights of others.

(5) NWP's do not authorize interference with any existing or proposed Federal project.

For additional information concerning the nationwide permits or for a written determination regarding a specific project, please contact the office below:

Chief, Regulatory Branch
Albuquerque District, US Army Corps of Engineers
P.O. Box 1580
Albuquerque, NM 87103-1580
Telephone (505) 766-2776

This nationwide permit is effective January 21, 1992 and expires January 21, 1997 unless sooner modified, suspended, or revoked.



THE NAVAJO NATION

DEPARTMENT OF WATER RESOURCES MANAGEMENT

P.O. Drawer 140 • Fort Defiance, Arizona 86504 • (602) 729 - 4004

PETERSON ZAH
PRESIDENT

MARSHALL PLUMMER
VICE - PRESIDENT

June 30, 1994

Mr. Phil Clayton
Albuquerque District, Environmental Section
U.S. Army Corps of Engineers
P.O. Box 1580
Albuquerque, New Mexico 87103

Dear Mr. Clayton:

This is in response to the Chief, Planning Branch's letter dated June 13, 1994 concerning the preparation of the Environmental Assessment (EA) for the proposed road construction of the existing Navajo Route 27 (N27) beginning at Nazlini and ending at the end of N7 at Chinle.

The Department of Water Resources Management is concerned with all activities that use or may affect the water resources of the Navajo Nation. In order to ensure the proper management and protection of those water resources, the Navajo Nation requires that all water use be permitted through our office. It is our understanding that a water use permit and the Navajo Nation Water Code have been sent to you so that you may see what type of information is needed. If not, please notify our office so that we may send the appropriate documents.

A specific concern on this project is the type of water use, the exact location of the water source or diversion, the point of water use, and the rate and total quantity of water use. The water permit process does not commence until the projects are closer to commencement. It must be stressed, however, to potential permittees that this process takes time, and therefore should be initiated as soon as possible. In order to allow for proper review, the permits must be filed with our office at least thirty (30) days before water use is scheduled to begin.

The project description indicates that the road will be widened to 28 feet and that the improvements will include drainage and vertical grade modifications. The Department is concerned with the effects of these changes on surface water drainage in their vicinity. The EA should address potential hydrologic and geomorphologic effects of activities such as paving, culvert placement, and other drainage modifications on surface drainage near the project site.

COPY

The opportunity to submit comments for the EA process is genuinely appreciated. It is expected that the report of the final Environmental Assessment of the project will be submitted to this Department before the construction starts. If you have any questions or desire additional information, please feel free to contact me at (602) 729-4004.

Sincerely,

for [Signature]

George J. Roussos, P.E.
Head Engineering Planning
Department of Water Resources
Management

xc: Teresa Showa, Director, DWRM
Keshaw N. Mallick, Hydrologist, DWRM
chrono/file



THE NAVAJO NATION

P. O. BOX 308 • WINDOW ROCK, ARIZONA 86515 • (602) 871-4941

PETERSON ZAH
PRESIDENT

22 June 1994

MARSHALL PLUMMER
VICE PRESIDENT

Phil Clayton
Albuquerque District, Environmental Section
U.S. Army Corps of Engineers
P.O. Box 1580
Albuquerque, NM 87103

SUBJECT: N27 RECONSTRUCTION; 22 MILES, FROM NAZLINI TO N7 AT
CHINLE

Mr. Clayton;

The following information on species of concern is provided in response to James A. White's 13 June 1994 request concerning the subject project. This information was identified by the Navajo Natural Heritage Program's (NNHP) biologists and computerized database, and consists of (1) species known to occur on or near the potential project site, and (2) species having the potential to occur anywhere on the USGS 7.5-minute quadmaps containing the project boundaries.

This quad-specific species list represents a departure from the way the NNHP previously responded to information requests. Due to the volume of requests received at this office, we are no longer able to provide project-specific species lists. Your project biologist should have the expertise to determine which of the species listed below have the potential to occur at the project site.

Furthermore, for at least the next several months, species lists will consist only of federally endangered, threatened, and category 1 candidate species, and Navajo Endangered Species List (NESL) group 2 and group 3 species. NESL group 4 species and other species with no legal protection will only be included on an irregular basis. However, we request that you continue to be on the lookout for these lower-priority species during your surveys and inform the NNHP of any observations. Documentation that these species are more numerous than currently believed contributes to ensuring that they will not be uplisted to group 2 or group 3 in the future. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

Tribal and federal status for each species is indicated as follows: Navajo Endangered Species List (NESL), Endangered

Species Act (USES A), Migratory Bird Treaty Act (MBTA), and Bald Eagle Act (BEA). Information is not provided on state listing. Species included below which do not occur on any Navajo, federal, or state listing or species with only USESA candidate or NESL group 4 status have no legal protection and are included for project planning and information gathering purposes only.

No species are known to occur on or near the project site. Additional species with potential to occur on the 7.5-minute quadmaps (Chinle, Little White House Ruins, Beautiful Valley Well, and Nazlini) containing the project boundaries include:

1. Aquila chrysaetos (golden eagle); NESL group 3; MBTA; BEA.
2. Buteo regalis (ferruginous hawk); NESL group 3; USESA category 2 candidate; MBTA.
3. Buteo swainsoni (Swainson's hawk); NESL group 2; USESA category 3C; MBTA.
4. Cinclus mexicanus (American dipper); NESL group 3; MBTA.
5. Empidonax traillii extimus (southwestern willow flycatcher); NESL group 3; USESA proposed endangered; MBTA.
6. Falco peregrinus (peregrine falcon); NESL group 3; USESA endangered; MBTA.
7. Gallinago gallinago (common snipe); NESL group 3; MBTA.
8. Mustela nigripes (black-footed ferret); NESL group 2; USESA endangered. The potential for black-footed ferret should be evaluated if prairie-dog towns of sufficient size (per Navajo Fish & Wildlife Department guidelines) occur in the project area.

Also of concern are impacts to any riparian habitats and their associated species, such as those of Nazlini, Bis ii ah, and Chinle washes. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps must be examined to determine whether areas classified as wetlands are present on or near the project site. In cases where the maps are inconclusive due to their small scale, field surveys must be completed. 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 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, except for Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern part of the Navajo Nation.

Surveys should be conducted during the appropriate season for the species listed above. Surveyors on the Navajo Nation must be permitted by the Director, Navajo Fish & Wildlife Department. If you have questions pertaining to biological assessments, contact John Nystedt, Environmental Assessment

Reviewer, Navajo Fish & Wildlife Department, at (602) 871-7060.

The information in this report is based on existing data known to the NNHP at this time. It should not be regarded as the final statement on the occurrence of any species of concern, nor should it substitute for on-site surveys for these species. Also, because the NNHP database is continually updated, any given information response is only wholly appropriate for its respective request.

If you have any questions I may be reached at (602) 871-7603.

Annette Polt

Annette Polt, Data Manager
Navajo Natural Heritage Program
Fish & Wildlife Department
P.O. Box 1480
Window Rock, Navajo Nation 86515

C O N C U R R E N C E

Larry Benallie
Larry Benallie, Sr., Director
Fish & Wildlife Department

xc: file/chrono



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ARIZONA ECOLOGICAL SERVICES STATE OFFICE
3616 West Thomas Road, Suite 6
Phoenix, Arizona 85019



Telephone: (602) 379-4720 FAX: (602) 379-6629

July 28, 1994

In Reply Refer to:
AESO/ES

James A. White
Chief, Planning Branch
Department of the Army
Albuquerque District, Corps of Engineers
P.O. Box 1580
Albuquerque, New Mexico 87103-1580

Dear Sir:

We have reviewed the project description dated June 13, 1994, regarding proposed road improvements/construction of existing dirt road N27, located on the Navajo Nation. We offer the following comments for your consideration.

Our data indicate the following listed and candidate species may occur in the proposed project area:

Endangered

Black-footed ferret (*Mustela nigripes*)
American peregrine falcon (*Falco peregrinus anatum*)
Bald eagle (*Haliaeetus leucocephalus*) (wintering)

Candidate Category 2

Loggerhead shrike (*Lanius ludovicianus*)
Ferruginous hawk (*Buteo regalis*)
Northern goshawk (*Accipiter gentilis*)

Endangered and threatened species are protected by Federal law and must be considered prior to project development. Candidate species are those which the Fish and Wildlife Service (Service) is considering adding to the threatened or endangered species list. Category 1 candidates are those for which the Service has enough information to support a proposal to list. Category 2 species are those for which the Service presently has insufficient information to support a proposal to list. Although candidate species have no legal protection under the Endangered Species Act, they should be considered in the

planning process in the event they become listed or proposed for listing prior to project completion.


If any proposed action may affect riparian areas, the following concerns should be noted. The Service is concerned about the protection of riparian habitats because they are rare and declining in the southwestern United States. Because many plant and animal species only occur or are more abundant in riparian areas, protecting and conserving riparian areas is critical to preserving genetic, species, population, and community diversity throughout Arizona. Maintaining hydrologic and other environmental conditions that support healthy riparian ecosystems is essential to the maintenance of healthy populations of plants, invertebrates, fish, amphibians, reptiles, birds, and mammals. Riparian areas also provide linear corridors critical to migratory species such as neotropical birds, waterfowl, and certain bats. The Service recommends that impacts to riparian areas be avoided or mitigated.

The Navajo Nation may protect some species not protected by Federal law. Please contact the Nation for a list of species they consider to be culturally or biologically significant.

We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. In future communications on this project, please refer to consultation number 2-21-94-I-425. If we may be of further assistance, please contact Don Henry at (602) 379-4720.

Sincerely,



 Sam F. Spiller
State Supervisor

cc: President, Navajo Nation, Window Rock, Arizona
Director, Bureau of Indian Affairs, Navajo Area Office, Gallup, New Mexico

**Appendix E. Cultural Resources and Traditional Cultural Properties
of the Construction Area:**

**CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT**

PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING:	COPIES TO	NNHPD NO. <u>92-471</u>
<u>AZ</u>	SHPO	OTHER PROJECT NO.
<u>X</u>	ACHP	<u>BOR-92-007</u>
<u>X</u>	REAL PROPERTY MGT/330	<u>Sponsor # N27 (4-3) 2 & 4</u>
<u>X</u>	BIA Branch of Roads	
<u>X</u>	Pueblo of Acoma	
<u>X</u>	Pueblo of Laguna	
<u>X</u>	Hopi Tribe	
<u>X</u>	Pueblo of Zia	
<u>X</u>	Pueblo of Zuni	

PROJECT TITLE: (a.) A Cultural Resources Reassessment Survey for Proposed Roads Construction Project BIA Roads Project N27 (4-3) 2&4 Chinle to Nazlini, Apache County, Arizona (Trianni 1992); (b.) Letter of April 18, 1995, from Dennis Gilpin, SWCA, INC. Environmental consultants, to Reid Nelson, Navajo Nation Historic Preservation Department, Roads Planning Program (Gilpin 1995).

LEAD AGENCY: Bureau of Indian Affairs, Navajo Area Office, Branch of Roads

SPONSOR: Wilfred Frazier, Bureau of Indian Affairs, Navajo Area Office, Branch of Roads

PROJECT DESCRIPTION: The undertaking will include the realignment, construction and paving of the southern portion of Navajo Route 27. This undertaking will involve construction along approximately the southern 5.6 miles of N27, with a right-of-way of 200 feet. The road improvement project begins at Station No. 775 and continues 29354 feet south and southeast to Station 1068+53.66, just north of Nazlini, Arizona. During the course of the proposed undertaking extensive ground disturbance is anticipated with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER(S): Chinle and Nazlini

LOCATION: Chinle and Nazlini, Apache County, Arizona.
B.O.P.- unplatted; Township 3 North, Range 10 West (projected)
E.O.P.- unplatted; Township 3 North, Range 10 West (projected)

PROJECT ARCHAEOLOGIST(S): (a.) Robert J. Trianni; (b.) Dennis Gilpin, Ginny Newton, and Randy Fox.

PROJECT ETHNOGRAPHER (b.): Ginny Newton.

NAVAJO ANTIQUITIES PERMIT NO.: (a.) Navajo Tribal Code; (b.) B9366-I2.

DATE INSPECTED: (a.) May 16 to June 14, 1992; (b.) October 10 to 21, 1994.

DATE OF REPORT: (a.) August 18, 1992; (b.) April 18, 1995.

TOTAL ACREAGE INSPECTED: (a.) 490.6 acres (198.7 ha); (b) 490.6 acres (198.7 ha).

METHOD OF INVESTIGATION: Archaeological Methods: Class III pedestrian survey with transects spaced no more than 15 meters apart. Ethnographic Methods: Interviews with local residents, knowledgeable individuals, and chapter officials.

LIST OF CULTURAL RESOURCES FOUND:
Ten (10) sites.
One (1) In-Use Site.

LIST OF ELIGIBLE PROPERTIES:
AZ-P-5-24
AZ-P-5-5
AZ-P-5-27
AZ-P-5-29
AZ-P-5-30
AZ-P-5-32

LIST OF NON-ELIGIBLE PROPERTIES:
AZ-P-5-25
AZ-P-5-28
AZ-P-5-31
AZ-P-5-33

LIST OF ARCHAEOLOGICAL RESOURCES:
AZ-P-5-24

EFFECT/CONDITIONS OF COMPLIANCE: Pursuant to Stipulation 3 of "A Programmatic Agreement among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section within the Boundaries of the Navajo Nation," the Navajo Nation Historic Preservation Department has determined that this undertaking will have no adverse effect on historic properties, provided that the BIA insure that the following stipulations are followed:

AZ-P-5-27 is a Second Night area for an Enemy Way ceremony (Anaa'ji), and is partially located within the right-of-way near Station 785. Local residents have indicated no objections to the road passing through this area since it will not interfere with the continued practice of this ceremony. Therefore, the undertaking as proposed will not affect those characteristics that contribute to the site's eligibility to the National Register of Historic Places.

AZ-P-5-24 is a Basketmaker II habitation site, and is located between stations 844-845. The site will be avoided by the use of a surveyed reroute. The site boundary shall be fenced under the supervision of a qualified archaeologist prior to any ground disturbing activity. All ground disturbance within 50 feet of the site boundary shall be monitored by a qualified archaeologist.

AZ-P-5-5 is an Enemy Way site, and is located within the right-of-way near Station 964. Local residents have indicated no objections to the road passing through this area since it will not interfere with the continued practice of this ceremony. Therefore, the undertaking as proposed will not affect those characteristics that contribute to the site's eligibility to the National Register of Historic Places.

AZ-P-5-29 Navajo habitation component: Located adjacent to the right-of-way near Station 1005. This component will be avoided by the undertaking. Due to its close proximity to the right-of-way, the site boundary shall be fenced under the supervision of a qualified anthropologist prior to any ground disturbing activity. No monitoring is necessary.

AZ-P-5-29 (continued) Navajo Yei bi chei component: Located partially within the right-of-way near Station 1005. One feature (a ramada) will be dismantled as part of the project. Local residents have indicated no objections to the road passing through this area since it will not interfere with the continued practice of this ceremony. Therefore, the undertaking as proposed will not affect those characteristics that contribute to the site's eligibility to the National Register of Historic Places. The site boundary shall be fenced under the supervision of a qualified anthropologist prior to any ground disturbing activity. No monitoring is necessary.

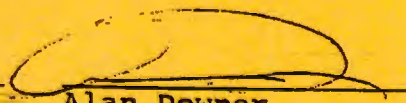
A brief letter report documenting the success of all of the stipulated fencing and monitoring efforts shall be submitted to NNHPD-CRCS within 60 days of the completion of monitoring.

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

FORM PREPARED BY: Peter J. Kakos
FINALIZED: July 26, 1995

Notification to
Proceed Recommended:
Conditions:

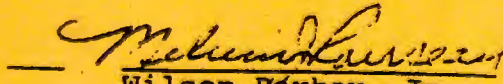
Yes ☒ No ☐
Yes ☒ No ☐


Alan Downer
Navajo Nation Historic
Preservation Officer

7/31/95
Date

Agency Approval:

Yes ☒ No ☐


Wilson Barber, Jr.
Area Director

8/8/95
Date



THE NAVAJO NATION

ALBERT A. HALE
PRESIDENT

HISTORIC PRESERVATION DEPARTMENT
ROADS PLANNING PROGRAM
214 EAST NIZHONI BLVD.
GALLUP, NEW MEXICO 87301

THOMAS E. ATCITTY
VICE PRESIDENT

August 10, 1995

ATTENTION: Signatories to the Navajo Nation Historic Preservation Department - Roads Planning Program Programmatic Agreement

RE: NNHPD 92-471: *"A Cultural Resource Assessment for Proposed Roads Construction Project BIA Roads Project N27 (4-3) 2&4 Chinle to Nazlini, Apache County, Arizona."* (Trianni 1992); and *"Letter of April 18, 1995, from Dennis Gilpin, SWCA Environmental Consultants, Inc., to Reid Nelson, Navajo Nation Historic Preservation Department, Roads Planning Program,"* (Gilpin 1995).

Pursuant to Stipulation 3(f) and 5 of *"A Programmatic Agreement among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section within the Boundaries of the Navajo Nation,"* the enclosed reports and Cultural Resource Compliance Form (CRCF) are provided for your review.

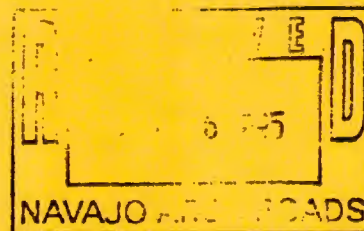
If we do not receive comments from you within 30 days, we will assume you have no objection to this determination. Should you have any questions, please contact Peter Kakos, Archaeologist III, or Joseph Nixon, ASO III, at (505) 863-9349.

Sincerely,

Joseph Nixon, ASO III

Navajo Nation Historic Preservation Department - Roads Planning Program

JN/rn 95.481 Enc.: 1
xc: Claudia Nissley, ACHP
James Garrison, AZ-SHPO
Leigh Jenkins, Hopi Tribe
Roger Anyon, Pueblo of Zuni
Ron Shutiva, Governor, Pueblo of Acoma
Roland Johnson, Governor, Pueblo of Laguna
Stanley Pino, Governor, Pueblo of Zia
Peter Noyes, Program Manager, NNHPD-CRCS
N27 Contract File



**E-1. Approved Treatment Plan Prescribed by the Navajo Nation
Historic Preservation Department.**

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT DOCUMENT EA-95-126
LOCATION: POB, SECTION 21, T5N, R10W, UNPLATTED
POE, SECTION 16, T2N, R9W, UNPLATTED
CHINLE/NAZLINI, APACHE COUNTY, ARIZONA**

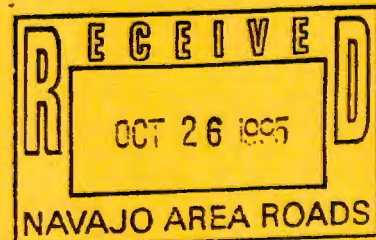
The proposed action addresses the N27, Nazlini to Chinle Road Construction project, 20.3 miles long. The project is sponsored by the Navajo Area Branch of Roads, Bureau of Indian Affairs, Gallup, New Mexico.

The project environmental assessment (EA) has been reviewed by the Navajo Area Branch of Environmental Services. On the basis of the information contained in the agency proposed action and environmental mitigation measures as specified in the environmental assessment document, it is determined the proposed project will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be prepared.

The following references serve as the basis for this decision and are incorporated in the project environmental assessment document:

1. Agency and public involvement was conducted and environmental issues related to the development of the road construction project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed action and four potentially viable alternatives, which includes the "no action" alternative.
3. Protective measures will be levied to protect air as outlined in Chapter 4.3, Mitigation Measures.
4. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 consultation and 36 CFR 800.9 (b), an archeological and tradition cultural properties field survey was performed for the project.

The Navajo Historic Preservation Department has determined that the undertaking will have no adverse effect on the historic properties provided that the BIA comply with the conditions of compliance avoidance measures, set forth in Cultural Resource Compliance Form NNHPD No. 92-471.



Should undiscovered archeological remains be encountered during the project ground disturbing activities, work will stop in the area of discovery and the stipulations of 36 CFR 800.11 will be followed. A Cultural Resource Compliance Form NNHPD No. 92-471 has been issued by the Navajo Historic Preservation Department as shown in the appendix.

5. Impacts to public health and safety are mitigated through implementation of safety measures described in Chapter 3.1.5. The upgrading and paving of N27 is an important step in creating a modern and safe transportation road network for the Navajo Nation.

6. In compliance with the Clean Water Act, as amended, Section 401 consultation with the U.S. Environmental Protection Agency was conducted and clean water certification was obtained. The project sponsor will comply with the terms and conditions of the permit.

7. In compliance with the Wetlands Protection Act and Clean Water Act, as amended, the Nationwide Permit 26 was consulted; under the Section 404 special conditions and the Nationwide Permit general conditions and use, the project was determined to be eligible under the permit; authorizing an activity for the proposed project. Section 404 permit conditions will be complied with; wetlands field surveys were performed.

8. A Notice of Intent to comply with the Clean Water Act Stormwater Pollution Protection Plans Section 402 (p) NPDES permit will be filed by the project sponsor.

9. In compliance with the Endangered Species Act, an informal request for endangered species information from the U.S. Fish and Wildlife Service and the Navajo Nation Natural Heritage Program was initiated by the project sponsor. A field biological survey was performed and included in the assessment. The described action will have no effect on listed species, wetlands, or other important wildlife resources.

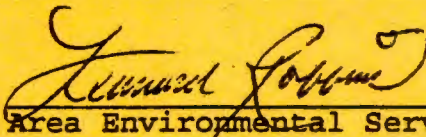
10. The cumulative effects to the environment are considered negligible; other road projects in the area are existing or not scheduled for construction now or in the future.

11. The N27 road construction project EA contains plans for topsoil removal and replacement, revegetation, and a reclamation for the project, see Part 5.

12. The proposed action would improve the economic and social conditions of the affected Indian community. The N27 road construction project is supported by the Nazlini Chapter and District 10 Council Resolutions and local land users.

Appeals of a NEPA Decision

Any party adversely affected by this decision may request an appeal from administrative actions in accordance with 25 CFR Part 2 - APPEALS FROM ADMINISTRATIVE ACTIONS, SECTIONS 2.1 THROUGH 2.21. The Notice of Appeal, including all supporting documentation, shall be filed with the Department of the Interior Board of Indian Appeals. A copy of the Notice of Appeal shall also be filed with the Chief, Environmental Services Staff, BIA, 1849 C Street NW, Washington, D.C. 20240-0001. The Notice of Appeal must be filed in the office of the official whose decision is being appealed within 30 days of the notice of the administrative action.


Area Environmental Services Officer

10-26-95
Date

memorandum

DATE: OCT 26 1995

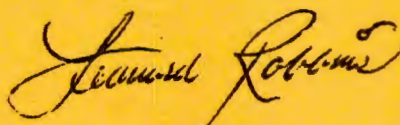
REPLY TO
ATTN OF: Area Environmental Protection SpecialistSUBJECT: Environmental Assessment Review for the Proposed N27(2)(3)(4),
Nazlini to Chinle Road Construction Project in Nazlini, Apache
County, Arizona EA-95-126

TO: Area Roads Engineer

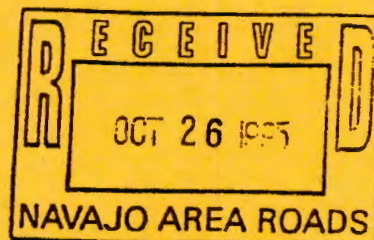
The referenced environmental assessment (EA) document has been reviewed by the Branch of Environmental Services, Navajo Area Office. A Finding of No Significant Impact (FONSI) has been determined for the proposed action; the action will not have a significant impact on the quality of the natural and human environment. Therefore, an environmental impact statement for the N27(4-3)2&4 road project is not required.

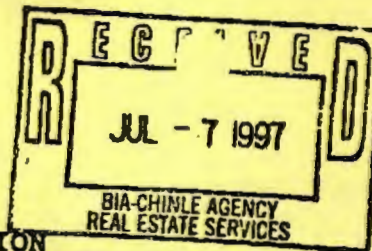
The attached FONSI determination should be appended to the final EA and all other copies prepared for distribution. Final EA mitigation portions may require amendments to reflect the conditions of compliance, terms and conditions of a Nationwide permit or Clean Water certification, reasonable and prudent measures of a biological determination and other mitigation stipulations. Please submit a copy of the final EA to the Navajo Area Environmental Services for their files.

Should you require any additional information or have any questions on the FONSI determination, please contact Mr. Leonard Robbins, Area Environmental Protection Specialist, at extension 286.



Attachment





RCJN-138-97

**RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

Approving an Amendment to Resources Committee Resolution No. RCAP-61-96, Dated April 11, 1996, for an Additional Right-of-Way to Bureau of Indian Affairs (BIA), Branch of Roads, for the Construction, Operation and Maintenance of BIA Road Project No. N27(4-3)2&4, Nazlini Road Located Across Navajo Tribal Trust Lands, Nazlini to Chinle, Apache County, State of Arizona

WHEREAS:

1. Pursuant to 2 N.N.C. § 695 (B) (2), the Resources Committee of the Navajo Nation Council has been delegated authority to give final approval of rights-of-way over Navajo lands in accordance with applicable Federal and Navajo Nation laws; and
2. The Bureau of Indian Affairs (BIA), Branch of Roads, Post Office Box 1060, Gallup, New Mexico 87305, has submitted a request for an additional right-of-way, attached hereto as Exhibit "A". Therefore, an amendment is being made to Resources Committee Resolution No. RCAP-61-96 to correct the right-of-way for the construction, operation and maintenance of BIA Road Project N27(4-3)2&4, Nazlini Road within Apache County, Arizona; and
3. By Resolution No. RCAP-61-96, attached hereto as Exhibit "B", the Resources Committee of the Navajo Nation Council approved an Amendment No. 1 to Right-of-Way for BIA, Branch of Roads, to construct, operate and maintain BIA Road Project N27(4-3)2&4, Nazlini Road, for a total of 30 meters wide, 9.553 kilometers in length and consists of 28.660 hectares, more or less, of Navajo Tribal Trust lands from Nazlini to Chinle, Apache County, Arizona; and
4. The corrected right-of-way should read as, the main line for the right-of-way is 60 meters wide, 8.947 kilometers in length, consists of 54.578 hectares and the Nazlini School Spur is 30 meters wide, 0.606 kilometers in length, consists of 1.818 hectares, (the total right-of-way is 60 meters wide, 9.553 kilometers in length and consists of 56.396 hectares), more or less, across Navajo Tribal Trust lands situated within Sections 2, 11 and 12, Township 29 North, Range 26 East, Gila and Salt River Meridian, Apache County, Arizona. The location is more particularly described on the map attached hereto as Exhibit "C"; and
5. The BIA Roads Section with the Division of Natural Resources has conducted the necessary land clearances. The consents of all affected land users (grazing permittees) have been obtained and are attached hereto as Exhibit "D"; and

6. All environmental and archaeological studies have been completed and have received appropriate clearances; and

7. It is in the best interest of the Navajo Nation that the additional right-of-way for the BIA, Branch of Roads, be approved.

NOW THEREFORE BE IT RESOLVED THAT:

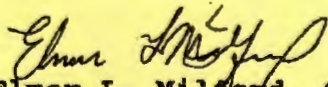
1. The Resources Committee of the Navajo Nation Council hereby amends Resources Committee Resolution No. RCAP-61-96 and approves the additional right-of-way to the Bureau of Indian Affairs (BIA), Branch of Roads, for the construction, operation and maintenance of BIA Road Project N27(4-3)2&4, Nazlini Road, located from Nazlini to Chinle, Apache County, Arizona. The total right-of-way is 60 meters wide, 9.553 kilometers in length and consists of 56.396 hectares, more or less, (the main line for the right-of-way is 60 meters wide, 8.947 kilometers in length, consists of 54.578 hectares and the Nazlini School Spur is 30 meters wide, 0.606 kilometers in length, consists of 1.818 hectares) across Navajo Tribal Trust lands situated within Sections 2, 11 and 12, Township 29 North, Range 26 East, Gila and Salt River Meridian, Apache County, Arizona.

2. All other terms and conditions included in Resources Committee Resolution No. RCAP-61-96, dated April 11, 1996 (hereafter identified as Exhibit "B") shall remain the same.

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

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 20th day of June, 1997.


Elmer L. Milford, Chairperson
Resources Committee

Motion: Sylvester Chee
Second: Thomas Notah

AMENDMENT NO. 2
RIGHT OF WAY DESCRIPTION
BIA ROAD Project No. N27(4-3)2&4
Nazlini Road, Apache, Arizona
NAZLINI TO CHINLE
(METRIC VERSION)



THE HEREIN DESCRIBED SURVEY CENTERLINE IS SITUATE WITHIN SECTIONS 2, 11 AND 12, TOWNSHIP 29 NORTH, RANGE 26 EAST, APACHE COUNTY, ARIZONA, G & SRM, AND CONSISTS OF A MAIN LINE AND A NAZLINI SCHOOL SPUR LINE, AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

MAIN LINE

Beginning at Engineers survey centerline Beginning of Project P.O.T. station 27+962.82 on BIA Road Project No. N27(4-3), said point also being station 1055+52.92 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972, from whence the section corner common to Section 24 and Section 25, T29N, R26E, G & SRM, bears S 82°33'10" E, a distance of 5,007.39 meters to Beginning of Right of Way Line station 0+00;

Thence N 29°54'18"W, a distance of 267.44 meters to P.C. station 28+230.26m;

Thence thru the arc of a 03°00' curve right, an arc length of 101.47 meters to P.O.C. 28+331.73; said point also being station 0+00.00 B.O.P. Nazlini School Spur, said point also being station 1043+42.35 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972;

Thence continuing thru the arc of a 03°00' curve right, an arc length of 101.47 meters to P.T. station 28+433.20m;

Thence N 09°55'50"W, a distance of 167.39 meters to P.C. station 28+600.59m;

Thence thru the arc of a 03°00' curve left, an arc length of 214.71 meters to P.T. station 28+815.30m;

Thence N 31°03'49"W, a distance of 444.68 meters to P.C. station 29+259.98m;

Thence thru the arc of a 06°00' curve left, an arc length of 273.20 meters to P.T. station 29+533.18m;

Thence N 84°50'34"W, a distance of 598.23 meters to P.C. station 30+131.41m;

Thence thru the arc of a 05°00' curve right, an arc length of 259.64 meters to P.T. station 30+391.05m;

Thence N 42°15'02"W, a distance of 557.24 meters to P.C. station 30+948.29m;

Thence thru the arc of a 02°00' curve left, an arc length of 208.03 meters to P.T. station 31+156.32m and from which the section corner common to Section 24 and Section 25, T29N, R26E, bears S 64°17'29"W, a distance of 3,165.86 meters;

Thence N 55°54'03"W, a distance of 680.48 meters to P.C. station 31+836.80m;

Thence thru the arc of a 02°00' curve right, an arc length of 234.97 feet to P.T. station 32+071.77m;

Thence N 40°28'58"W, a distance of 1699.62 meters to P.C. station 33+771.39m;
 Thence thru the arc of a 03°00' curve left, an arc length of 243.84 meters to P.T. station 34+015.23m;
 Thence N 64°28'58"W, a distance of 210.45 meters to P.C. station 34+225.68m;
 Thence thru the arc of a 03°00' curve left, an arc length of 342.55 meters to P.T. station 34+568.23m and from which the 1/4 corner common to east line section 12, T29N, R26E, G&SRM, bears S 42°46'09"E, a distance of 227.90 meters;
 Thence S 81°48'05"W, a distance of 112.85 meters to P.C. station 34+681.08m;
 Thence thru the arc of a 05°00' curve right, an arc length of 359.00 meters to P.T. station 35+040.08m;
 Thence N 39°18'27"W, a distance of 193.01 meters to P.C. station 35+233.09m;
 Thence thru the arc of a 05°00' curve left, an arc length of 283.42 meters to P.T. station 35+516.51m;
 Thence N 85°48'03"W, a distance of 517.41 meters to P.C. station 36+033.92m;
 Thence thru the arc of a 04°00' curve right, an arc length of 391.14 meters to P.T. station 36+425.06m;
 Thence N 34°28'12"W, a distance of 484.94 meters to END OF PROJECT station 36+910.00m, said point also being station 760+61.74 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972.

The Right of Way width is 30 meters left and 30 meters right on each side of survey centerline, 8.947 kilometers in length, and contains 54.578 hectares, more or less.

NAZLINI SCHOOL SPUR

Beginning at Engineers survey centerline B.O.P. station 0+00 being also P.O.C. station 28+331.73, BIA Road Project N27(4-3) 2 & 4, said point also being station 1043+42.35 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972;

Thence S 70°50'06"W, a distance of 251.75 meters to P.C. station 0+251.75;
 Thence thru the arc of a 09°00' curve left, an arc length of 243.56 meters to P.T. station 0+495.31m;
 Thence S 01°04'54"E, a distance of 110.73 meters to END OF PROJECT, P.O.T. station 0+606.04m, said point also being station 19+88.34 (ft. back) on Right of Way centerline Grant of Easement, dated March 3, 1972.

The Right of Way width is 15 meters left and 15 meters right on each side of survey centerline, 0.606 kilometers in length, and contains 1.818 Hectares, more or less.

The total Right of Way is 9.553 kilometers in length, and contains 56.396 hectares, more or less.

H90-72-471

OFFICE OF THE PRESIDENT
THE NAVAJO NATION

DNR-6659(A)

SIGNATURE APPROVAL SHEET

FROM: Navajo Land Department - BIA Roads Section

Art C. Slim or Saraphina J. Tsosie

Exts: 6447 or 7051

DATE: 27 MARCH 1997

DOCUMENTS: Proposed Resolution of the Resources Committee of the Navajo Nation Council "Approving an Amendment to Resources Committee Resolution No. RCAP-61-96, dated April 11, 1996, for an Additional Right-of-Way to Bureau of Indian Affairs (BIA), Branch of Roads, for the Construction, Operation and Maintenance of BIA Road Project No. N27(4-3)2&4, Nazlini Road located Across Navajo Tribal Trust Lands, Nazlini to Chinle, Apache County, State of Arizona."

SURNAME:

- | | | | |
|----------|------------------------|-------|-----------------|
| 1. NLD: | <i>Sarah Tsosie</i> | DATE: | <i>4/14/97</i> |
| 2. F&W: | <i>Lawrence Tsosie</i> | DATE: | <i>4/18/97</i> |
| 3. HPD: | <i>Ray Tsosie</i> | DATE: | <i>4-15-97</i> |
| 4. DNR: | <i>John Tsosie</i> | DATE: | <i>4-15-97</i> |
| 5. NEPA: | <i>Sam Tsosie</i> | DATE: | <i>04/30/97</i> |
| 6. DOJ: | <i>Sam Tsosie</i> | DATE: | <i>5/14/97</i> |
| 7. PVP: | <i>Sam Tsosie</i> | DATE: | <i>5-20-97</i> |
| 8. LC: | <i>Sam Tsosie</i> | DATE: | <i>5/27/97</i> |
| 9. RC: | <i>Sam Tsosie</i> | DATE: | <i>6/24/97</i> |

Date signed _____ # of Signature(s) _____ Disposition _____ Initial _____
PVP OFFICE _____ ORIGINATING DEPARTMENT _____ DNR FILES _____



THE
NAVAJO
NATION

P.O. BOX 9000 • WINDOW ROCK, ARIZONA 86515 • (520) 871-6000

ALBERT A. HALE
PRESIDENT

THOMAS E. ATCITTY
VICE PRESIDENT

Arlene Benally, Realty Specialist
Real Estate Services, Bureau of Indian Affairs
Chinle Navajo Agency
P.O. Box 7-H
Chinle, Arizona 86503

RE: Right-of-Way for Bureau of Indian Affairs (BIA), Branch of Roads

Dear Ms. Benally:

On June 20, 1997, the Resources Committee of the Navajo Nation Council approved the Right-of-Way package for Bureau of Indian Affairs (BIA), Branch of Roads:

Resolution Number RCJN-138-97, entitled "Approving an Amendment to Resources Committee Resolution No. RCAP-61-96, Dated April 11, 1996, for an additional Right-of-Way to Bureau of Indian Affairs (BIA), Branch of Roads, for the Construction, Operation and Maintenance of BIA Road Project No. N27(4-3)2&4, Nazlini Road Located Across Navajo Tribal Trust Lands, Nazlini to Chinle, Apache County, State of Arizona"

Approval of this Right-of-Way is given subject to the terms and conditions stipulated in the resolution approved by the Resources Committee and exhibits attached to such resolution.

Your prompt approval of this right-of-way is appreciated.

Sincerely,

THE NAVAJO NATION

Albert Hale
President

ENCLOSURES

TRIBAL XX
INDIVIDUALLY OWNED _____
GOVERNMENT OWNED _____
RIGHT-OF-WAY N27(4-3)2&4
REFERENCE NO. C-AZ-96-04

**AMENDMENT NO. TWO (2)
GRANT OF EASEMENT FOR RIGHT-OF-WAY**

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America for and on behalf of the Indian Owners of the lands described in Exhibit "A" hereof, acting by and through the Area Director, Bureau of Indian Affairs, Department of the Interior, Navajo Area Office, Gallup, New Mexico, hereinafter referred to as "Grantor", under authority contained in Secretarial Redelelegation Order 209 DM 8, Secretary's Order No. 3150 and 3177, and 10 BIAM 13, as amended, and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17, 25 U.S.C. SS 323-328), and Part 169, Title 25, Code of Federal Regulations, in consideration of \$waived and other good and valuable consideration, the receipt of which is acknowledged, does hereby grant to the UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, NAVAJO AREA, BRANCH OF ROADS, P.O. BOX 1060, GALLUP, NM 86305, hereinafter referred to as "Grantee", and easement for right-of-way for the following purpose(s), namely: To correct the Main Line right-of-way width to 30 meters (100 feet) left and right of survey centerline Grant of Easement, Amendment No. One (1) approved May 23, 1996, for construction, operation and maintenance of Nazlini to Chinle BIA Road Project No. N27(4-3)2&4, over, across, in and upon the following described lands located in the County of Apache, State of Arizona.

The corrected easement, as shown on the Maps Project No. N27(4-3) 2&4, consisting of 1 of 1 sheet, marked Exhibit "B", attached hereto, is limited to and more particularly described as:

Description	Length	Width	Acreage
Main Line	8.947 km	60m	54.478h
Nazlini School Spur	<u>0.606 km</u>	<u>30m</u>	<u>1.818h</u>
Total:	9.553 Kilometers in Length		56.396 hectares, more or less

Said easement is more particularly described in the right-of-way Engineer's description marked Exhibit "A" attached hereto which by this reference is made a part hereof.

Said easement is subject to "Navajo Area Land Clearing, Excavation and Reclamation Stipulations for Right-of-Way over Indian Lands".

Said easement is further subject to compliance with the stipulations contained in the Bureau of Indian Affairs, Navajo Area Office's conditional archeological clearance; and to the terms and conditions contained in the letter of the President, Navajo Nation, dated June 20, 1997.

Said easement is subject to existing right-of-way easements for Navajo Communications Company, Bureau of Indian Affairs Branch of Roads, Navajo Tribal Utility Authority, and to owner's stipulations for crossing same.

This easement is subject to any valid existing right or adverse claim and is without limitation as to tenure so long as said easement shall be actually used for the purpose above specified; PROVIDED, that this right-of-way shall be terminable in whole or in part by the Grantor for any of the following causes upon 30 days written notice and failure of the Grantee within said notice period to correction the basis for termination (25 CFR 169.20);

- A. Failure to comply with any term or condition of the grant or the applicable regulations.
- B. Nonuse of the right-of-way for a consecutive two-year period for the purpose for which it was granted.
- C. An abandonment of the right-of-way.
- D. Failure of the Grantee, upon the completion of construction, to file with the Grantor an affidavit of completion pursuant to 25 CFR 169.16.
- E. Failure to comply with the terms and conditions in the letter of the President, Navajo Nation, dated June 20, 1997.

The conditions of this easement shall extend to and be binding upon and shall be to the benefit of the heirs, representatives, successors, and assigns of the Grantee.

IN WITNESS WHEREOF, Grantor has executed this grant of easement this _____

24th day of July, 1997.

UNITED STATES OF AMERICA

By Genni Dineen
(Name)

ACTING Area Director, Navajo
(Title)

APPROVED: Pursuant to Secretarial
Redelegation Order 209 DM 8 and
Secretary's Order Nos. 3150 and 3177,
and 10 BIAM Bulletin 13, as amended.

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Chinle Agency
P.O. Box 7H
Chinle, AZ 86503

**NAVAJO AREA LAND CLEARING, EXCAVATION AND RECLAMATION
STIPULATIONS FOR RIGHTS-OF-WAY OVER INDIAN LAND**

1. **Written Notification of Major Activity Status**

Grantee will furnish written notification to the Agency Superintendent as follows:

- a. A minimum of five (5) working days prior to commencement of construction, seeding and major soil-disturbing maintenance on the right-of-way.
- b. A maximum of ten (10) working days following completion of construction, seeding and major maintenance.

2. **Confinement of Activities to Right-of-Way**

All vehicular traffic will be confined to existing roadway and/or within the right-of-way as granted, except as provided in Section 4 below or as specified by the Superintendent.

3. **Line and Road Locations**

Where possible, the utility will be constructed adjacent to the area cleared for an access road and/or other right-of-way.

Other routes will be used, if necessary, to minimize visual impact as authorized by the Superintendent.

4. **Roads Only Where Necessary**

In areas where the right-of-way does not have permanent access, roads will not be constructed within the right-of-way when terrain will allow vehicles to maneuver without such roads.

5. **Clearing and Grading**

Clearing, grading and other soil and vegetation disturbance will be limited to the minimum required for construction.

Clearing of brush or shrub type vegetation beneath aerial lines will be limited to severing the tops of that vegetation. Established vegetation will be removed only where necessary for the construction of roads, buildings, poles, towers or other surface structures. In no event will herbicides be used without the written permission of the Superintendent.

6. **Tree and Brush Disposal Requirements**

Unless otherwise specified by the Superintendent, the following tree and brush disposal requirements shall be in effect:

- a. All cleared woody material four (4) inches diameter or less inside the bark at the small end will be considered as brush or slash and disposed of by piling and burning at a safe distance from surrounding vegetation or by chipping in portable chippers unless other disposal methods are specified.
- b. All straight cleared woody material between four (4) and seven (7) inches diameter inside the bark at the small end will be trimmed of smaller branches, cut into straight seven (7) foot pieces and piled on or adjacent to the right-of-way for utilization by the Navajo people.
- c. All straight cleared woody material seven (7) inches or more in diameter inside the bark at the small end will be trimmed of all limbs and branches, sawed into 16 feet 6 inches straight saw log lengths and piled into log decks at locations accessible by logging trucks and loaders.
- d. All other woody material will be disposed of in accordance with Section 6a above. Grantee shall obtain a burning permit from the Navajo Area Branch of Forestry before burning any debris, trees or brush in forested areas.

7. **Trenches and Excavations**

Trenches and other excavations shall be left open for the minimum period of time compatible with construction requirements. Materials removed during construction must be backfilled or disposal of in such a manner as to prevent rows or piles of rubble or large rock that would hinder movement of livestock or big game animals or detract from scenic attributes.

8. **Depth and Coloration of Underground Utilities**

Underground utilities will be covered to a depth of three (3) feet or as specified by engineering standard and requirements, whichever is greatest. Where such depths are not feasible, the utility shall be placed on or elevated above the surface as specified by engineering standards and requirements. When placed on or above the surface, the utility will be painted to blend with the natural surroundings using the indicated cover type:

Forests and Woodlands:	Green Fed. Std. No. 595 34127
Sagebrush:	Grey Fed. Std. No. 595 36357 C.I.E. Measurement x. 3264 x. 3411 Y. 3659
Badlands:	Brown Fed. Std. No. 595 30318 C.I.E. Measurement x. 3557 y. 3960 Y. 3368

When such painted surfaces occur near roads and/or may be a safety hazard, a reflective or bright color shall be used.

9. **Source of Cushioning Material**

Pad dirt or cushioning material will be taken only from borrow pits authorized by the Area Director if not available within the utility right-of-way.

10. **Road, Fence and Livestock Barriers**

When the utility is to be placed under or over a BIA or State road right-of-way, the method of crossing shall be approved by the Superintendent or appropriate State Highway Department in advance of construction.

Existing fences crossed by the right-of-way will be braced and tied off before cutting so as to prevent slacking of the wire. The opening will be closed temporarily as necessary during construction to prevent the escape of livestock and upon completion of construction the fence will be repaired to its original condition. If construction destroys a natural barrier used for livestock control, the gap shall be fenced to the satisfaction of the Superintendent and land user.

11. **Maintenance and Reclamation of Roadways**

Roads constructed and used for utility construction, maintenance and operation will be maintained twice each year with grading and cleaning of drainage structures. All roads constructed exclusively for construction purposes will be closed to vehicular traffic and rehabilitated after construction is completed as directed by the Superintendent unless otherwise specified by that official.

12. **Water Bars**

Grantee will place water bars on disturbed areas as required by the Superintendent. The following is a general guide for water bar spacing:

<u>% Slope</u>	<u>Spacing Interval</u>
Less than 2-1/2%	200 ft.
2-1/2%	150 ft.
6% to 9%	100 ft.
10% to 15%	50 ft.
More than 15%	30 ft.

13. **Revegetation**

Within one (1) year from the completion of construction the Grantee shall seed disturbed areas designated by the Superintendent with plant species specified by that official. In addition, the Superintendent may require the following revegetation operations at Grantee's expense:

- Exclude domestic livestock from reseeded areas with fencing.
- Apply fertilizers as needed for vegetation establishment.
- Reseed and refertilize as needed for vegetation establishment.

14. **Maintenance of Improvements**

All existing improvement affected by construction and maintenance of right-of-way facilities shall be maintained in serviceable condition at all times.

15. **General Right-of-way Maintenance**

Grantee shall maintain right-of-way to the satisfaction of the Superintendent for the duration of the right-of-way. Such maintenance shall include, but not be limited to soil stabilization, removal of litter and maintenance of a clear and healthy environment.

16. **Restoration Upon Right-of-Way Relinquishment**

Upon relinquishment of this right-of-way, the Superintendent may require the removal of all aerial, surface and subsurface facilities from the right-of-way and reclamation operations, including, but not limited to contouring cross-ripping and revegetation.

17. **Raptor Protection**

Aerial power lines shall include all applicable design features described in the publication "Suggested Practices for Raptor Protection on Power lines" available from:

Raptor Research Foundation, Inc.
Department of Zoology - 167 WIBD
Brigham Young University
Provo, Utah 84601

The use of design features not included in this publication must be acceptable to the Superintendent.

The Superintendent reserves the right to require modification of or additions to all power line structures placed on the right-of-way if the Navajo Tribal Fish and Wildlife Service determines such modifications or additions are necessary to insure the safety of raptor or birds of prey. Grantee shall assume full financial responsibility for the cost of such modifications or additions.

Received

AUG 04 1997

Project Review
Division of Resources

JUL 29 1997

Realty Specialist, Chinle Agency

Grant of Easement for Nazlini Road Project No. N27(4-3)2&4, Amendment No. Two (2)

Area Director, Navajo Area
Attention: Branch of Roads

Attached is a Grant of Easement for Right-of-way, Amendment No. Two (2), Road Project No. N27(4-3)2&4, Nazlini Road, to correct the main line right-of-way width to 30 meters (100 feet) left and right of survey centerline, Grant of Easement Amendment No. One (1) approved May 23, 1996, for construction, operation and maintenance of Nazlini to Chinle BIA Road Project.

If you have any questions, please contact Ms. Arlene Benally, Realty Specialist, at (520)674-5152.

/S/ WILLIAM HUNTER

Attachments

cc: Area Real Estate Services, Window Rock, AZ
Navajo Nation - Project Review Office, Window Rock, AZ



**THE
NAVAJO
NATION**

P. O. BOX 9000 • WINDOW ROCK, ARIZONA 86515 • (520) 871-6000

KELSEY A. BEGAYE
PRESIDENT

TAYLOR McKENZIE, M.D.
VICE PRESIDENT

April 25, 2000

Patralina Begay, Secretary/Treasurer
Concerned Citizens Group of Navajo Route 27
P.O. Box 523
Chinle, Arizona 86503

Dear Ms. Begay,

I'm in receipt of your letter dated April 19, 2000, concerning BIA Road Project N27, Nazlini North to Chinle. The BIA Road Project N27, from Nazlini to Chinle has an approved right-of-way. The right-of-way was approved by the Navajo Nation and Bureau of Indian Affairs on March 3, 1972. The approved right-of-way is on file with Navajo Land Department, Title Section.

The Bureau of Indian Affairs, Branch of Roads plans to build this road in sections. The next section of this road that's plan to be build is in fiscal year 2003, for 4.50 miles according to Navajo Area Roads, construction schedule. This schedule is set by Transportation Community Development Committee of the Navajo Nation Council with recommendation from Agency Roads Committee.

Your concerns pertaining to re-survey of the right-of-way, this is done by the BIA Roads to get it construction ready. The BIA Roads also has to do a re-survey of archaeological sites and get clearances on them. These studies take time to be completed and have them approved.

If you have any more concerns or questions, please contact the Chinle Agency, Branch of Roads or myself at telephone number (520)871-6447.
Thank You.

Sincerely,

Art C. Slim, Right-of-Way Agent
BIA Roads Section, NLD

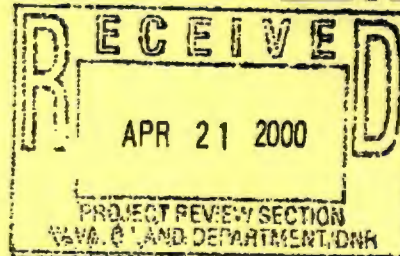
CONCERNED CITIZENS GROUP

OF NAVAJO ROUTE NO. 27
NAZLINI - FLATROCK - CHINLE
P.O. BOX 523
CHINLE, ARIZONA 86503
(502) 674-8369

April 19, 2000



Attn: Mr. Art Slim
BIA Roads Section, Navajo Land Dept.
Division of Natural Resources
P.O. Box 2249
Window Rock, Arizona 86515



Dear Mr. Slim:

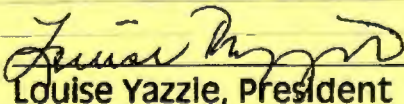
The Concerned Citizens Group of Navajo Route No. 27 consisting of residents from Chinle, Flatrock and Nazlini area have expressed their concern regarding Navajo Route No. 27.

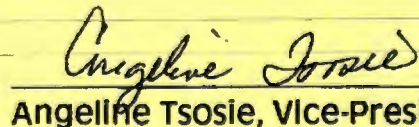
The unpaved portion of the road approximately 13 miles is not scheduled for immediate construction. However, we as concerned citizens feel that the construction delay is based on surveys that have already been completed several times before.

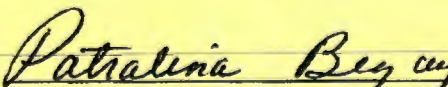
We understand that this road has to be "construction ready" before any funds are released for construction. There are a number of deficiencies that need to be cleared before this road can be considered construction ready. Our Group feels that we may be able to pursue the Agency Road's Committee to waive another survey to be conducted if we present them with documents showing it has been already completed.

We are asking for your assistance in providing us with any information such as recent survey's done on this road as far as **Right of Way**. If this information is not available for public view, please send us an update progress report on this project for Navajo Route No. 27.

Your assistance in this matter is greatly appreciated.


Louise Yazzie, President


Angeline Tsosie, Vice-President


Patralina Begay, Secretary/Treasurer

PRESIDENT
Louise Yazzie

VICE-PRESIDENT
Angeline Tsosie

SECRETARY/TREASURER
Patralina Begay



Figure 1.

STATUS SHEET

FILE ID# 94-2783 PROJECT N27(43)244 DATE REC'D: 3/18/97

APPLICANT: Bureau of Indian Affairs (BIA)

CONTACT PERSON: Harold Riley TELEPHONE NUMBER: _____

FC REQUEST (Date: _____ Assigned To: _____ Date Rec'd: _____)

REQUIRED DOCUMENTS:

☒ Map w/Legal Description ☒ Environmental Assessment ☐ Chapter Resolution
☒ Archaeological Survey & Clearance ☐ Appraisal Report ☒ Others
 _____ Filing & Processing Fees (Amount: _____ Check No.: _____ Receipt No.: _____)

RESOLUTIONS: (R/C) RCIN-138-97 Date: 6/20/97 (IGR) _____ Date: _____
 Other Resolution: RCAP-61-96 Date: 4-11-96 Minerals Review: _____

SAS PROCESS: SAS NO.: DNR-16659(A) Date: 3/27/97 Hand Carried: _____
 Date Routed (TRIBE): 3/21/97 Signed By (TRIBE): 6/2/97
 Dated Routed To (BIA): 6/2/97 Signed By (BIA): 7/29/97
 Date COMPLETED: 7/29/97 Filed Inactive: 8/04/97

DATE: REMARKS:

3/18/97 Rec'd letter dated 3/17/97 from Harold J. Riley for an additional ROW for BIA Branch of Road N27(43)244 Nagini Road within Apache County, Arizona. This project will be considered & processed as an Amendment to previous R/C resolution approved on April 11, 1996. The Amendment will be to correct the Right-of-Way to add more on length & width of main line. The Nagini School Spur will stay the same.

3/25/97 R/C Resolution draft for ABline review and further processing.

3/27/97 SAS package needed for tribal review.

6/20/97 Proposed resolution approved by Resources Committee of NVC.

6/97 President, Albert Hale, signed and approved the Consent letter for Right-of-Way application documents forward to BIA for final grant & easement.

8/4/97 Rec'd letter dated 7/29/97 from Chuck BIA regarding approval/grant of easement for Amendment No. 2 to Right-of-Way for N27(43)244 Project.

Project file inactive/completed.



EXHIBIT "D"

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

Bureau of Indian Affairs- Navajo Region, Division of Transportation (GRANTEE)
Navajo Route 27- Nazlini to Chinle, Arizona

1. The term of the right-of-way shall be for seventy-five (75) 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 \$14,024,394.00 and shall be paid in full to the Controller of 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-f-way by the Navajo Nation.

In case consideration is waived by the Resources and Development Committee of the Navajo Nation Council, 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 constructing, operating and maintaining all weather roadway. 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.

EXHIBIT " D "

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

BIA Navajo Region

(GRANTEE)

Navajo Route 27 - Nazlini to Chinle, AZ

1. The term of the right-of-way shall be for seventy-five (75) 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 \$ 14,024,394.00 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.

In case consideration is waived by the Resources and Development Committee of the Navajo Nation Council,
~~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 constructing, operating, and maintaining the existing roadway. 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.

EXHIBIT "D"

TERMS AND CONDITIONS

Bureau of Indian Affairs (BIA), ~~Branch of Roads~~

Navajo Region Division of Transportation

Right-of-Way for BIA Road Project No. N27(2-2)(2-3)1,2&4, Amendment No. 2,
Nazlini to Chinle Junction, Nazlini, Apache County, Arizona

- a. The term of the right-of-way shall be 75 years.
- b. Consideration for the grant of the right-of-way is hereby waived, because the project will benefit Navajos living in the area.
- c. The Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or may be hereafter in force and effect, including but not limited to the following:
 - i. Title 25, Code of Federal Regulations, Parts 162 and 169;
 - ii. All applicable Federal and Tribal 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; and
 - iii. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et. seq., and the Navajo Nation Business Preference Law, 5 N.N.C. §§ 201 et. seq.;
- d. 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 construction and maintenance of the project.
- e. 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 and all improvements thereon and make all necessary and reasonable repairs.
- f. The Grantee shall obtain permission to cross existing rights-of-way from the appropriate parties before constructing the proposed projects.
- g. The Grantee shall be responsible for and promptly pay all damages when they are sustained.

TERMS AND CONDITIONS

Page Two

- h. The Grantee shall not assign, convey or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land, without the prior written consent of the Navajo Nation and the Secretary. 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 sole discretion of the Navajo Nation.
- i. 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 or to any improvements located thereon.
- j. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any buildings and other improvements erected or placed thereon.
- k. Nothing contained herein shall be construed to affect or be deemed a waiver of the Navajo Nation's sovereign immunity from suit.
- l. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agent, 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.
- m. Grantee shall retain as much of the natural vegetation within the right-of-way as possible.
- n. Grantee shall re-vegetate all disturbed areas.
- o. 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 traveling public, and all activities conducted or otherwise occurring within the right-of-way, and specifically including, but not limited to, jurisdiction to enforce speed limits and compliance with traffic control devices, jurisdiction to enforce Navajo Nation laws applicable to the operation of motor vehicles and jurisdiction to adjudicate disputes arising from motor vehicle accidents or other conduct or activities 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, consistent with federal law.

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving Interim Standard Terms and Conditions for the
Granting of the Rights-of-Way for Bureau of Indian Affairs
Road Construction Projects on the Navajo Nation

WHEREAS:

1. Pursuant to 2 N.N.C. § 695 (B) (2), the Resources Committee of the Navajo Nation Council has been delegated authority to give final approval of rights-of-way over Navajo lands in accordance with applicable federal and Navajo Nation laws; and

2. The Right-of-Way Clearance Program under the Navajo Land Department has the responsibility of processing rights-of-way for proposed road construction on the Navajo Nation and works in coordination with the Bureau of Indian Affairs/Branch of Roads and the Transportation and Community Development Committee of the Navajo Nation Council; and

3. Pursuant to 2 N.N.C. § 423 (E), the Transportation and Community Development Committee of the Navajo Nation Council is empowered to represent the Navajo Nation in all roads and transportation matters and developing and approving priority lists for roads and transportation projects; and

4. The United States Congress enacted the Transportation Equity Act for the 21st Century (TEA-21) in 1998 which authorized funds for Federal Aid Highways, Highway Safety Programs, Transit and Federal Lands Programs including the Indian Reservation Roads Program; and

5. Tea-21 authorized funding for the Indian Reservation Roads Program by increasing the annual allocation of \$225,000,000 for Fiscal Year 1998 and \$275,000,000 for each fiscal year of 1999 through 2003; and

6. Based on the annual allocations to Indian Tribes, the Navajo Nation receives its share of funding from the IRR Program. The Nation is now receiving an approximate amount of \$55 million annually and are used for construction of roads including securing the necessary clearances and acquisition of rights-of-way; and

7. On April 23, 2002, the Transportation and Community Development Committee of the Navajo Nation Council was apprised that certain road projects, totaling an approximate amount of \$24.37 million, were experiencing delays due to unresolved right-of-way issues:

- N-21(2)2&4, Kaibeto to Red Lake
- N-31(2)2&4, Navajo to Mexican Springs
- N-27(2-1/N-2-1) (1-2)2&4, Nazlini to Chinle
- N-203(1)1,2,3, Switchback Bridge Project at Kinlichee
- N-55(2)2&4, Alamo to I-40
- N-35(6)2&4, U.S. 191 Rock Point to Sweet Water; and

in subsequent years, additional delays and potential loss of federal funds if the right-of-way issue is not resolved by the two (2) standing committees; and

8. The Navajo Nation President Kelsey A. Begaye took the position that no IRR construction funds will be returned to the Federal Highway Administration and that the Navajo Nation will fully utilize the annual allocated IRR funds to improve badly needed roads; and

9. The Right-of-Way Clearance Program under the Navajo Land Department has encountered difficulties in ascertaining the right-of-way due to the "Terms and Conditions" to be used for all new road right-of-way packages. The Department of Justice has recommended that the Terms and Conditions be revised to prevent the potential loss of jurisdiction over said right-of-way; and

10. To prevent the potential loss of federal highway funds allocated for the Navajo Nation, the Department of Justice has recommended the adoption of Interim Terms and Conditions until all the affected parties can work together on new and updated terms and conditions for BIA road projects; and

11. In order to secure the needed federal highway funds, the BIA is requesting that the right-of-way be granted for a term of 75 years. On May 5, 2002, the Navajo Department of Justice, Project Review Office, and Bureau of Indian Affairs/Branch of Roads discussed in a teleconference with the Bureau Solicitor, the language for the Interim Terms and Conditions that would specifically address BIA road projects. The agreed upon Interim Terms and Conditions are attached hereto and incorporated herein by this reference as Exhibit "A"; and

12. On May 15, 2002, the Transportation and Community Development Committee of the Navajo Nation Council met with the Resources Committee of the Navajo Nation Council in a joint meeting and discussed the status of road projects and the "Terms and Conditions" for the right-of-way. Such Interim Terms and Conditions were made available; and

13. On May 21, 2002, by Resolution TCDCMY-31-02, attached and marked herein as Exhibit "B", the Transportation and Community Development Committee of the Navajo Nation Council recommended approval of the "Terms and Conditions" for the right-of-way for road projects.

NOW THEREFORE BE IT RESOLVED THAT:

~~1.~~ The Resources Committee of the Navajo Nation Council hereby approves the Interim Standard Right-of-Way Terms and Conditions for BIA Road Projects, attached hereto as Exhibit "A".

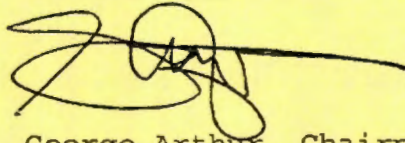
2. The Resources Committee of the Navajo Nation Council directs that the Interim Standard Terms and Conditions be used for all subsequent rights-of-way for BIA road projects until all affected parties can work together on developing a new and updated Terms and Conditions for BIA road projects.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock,

RCJY-108-02

Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 25th day of July, 2002.

A handwritten signature in black ink, appearing to be 'George Arthur', written over a horizontal line.

George Arthur, Chairperson
Resources Committee

Motion: Robert B. Whitehorse
Second: Herman Daniels

EXHIBIT "A"

INTERIM
TERMS AND CONDITIONS
Right-of-Way for BIA
Concerning Road Projects

- a. The term of the right-of-way shall be for ~~twenty (20) years~~ 75 years.
- b. Consideration for the grant of the right-of-way is hereby waived, because the project will benefit Navajos living in the area.
- c. The Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or may be hereafter in force and effect, including but not limited to the following:
 - i. Title 25, Code of Federal Regulations, Parts 162 and 169;
 - ii. All applicable Federal and Tribal antiquities law and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices; and
 - iii. The Navajo Preference in Employment Act, 15 N.N.C. §§601 et. seq., and the Navajo Nation Business Preference Law, 5 N.N.C. §§201 et. seq.;
- d. 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 construction and maintenance of the project.
- e. 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 and all improvements thereon and make all necessary and reasonable repairs.
- f. The Grantee shall obtain permission to cross existing rights-of-way from the appropriate parties before constructing the proposed projects.

g. The Grantee shall be responsible for and promptly pay all damages when they are sustained.

~~h. The Grantee shall indemnify and hold harmless the Navajo Nation and its authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the construction, maintenance, occupancy or use of lands by the Grantee.~~

h. The Grantee shall not assign, convey or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land, without the prior written consent of the Navajo Nation and the Secretary. 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.

i. 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 or to any improvements located thereon.

j. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any buildings and other improvements erected or placed thereon.

k. Nothing contained herein shall be construed to affect or be deemed a waiver of the Navajo Nation's sovereign immunity from suit.

l. 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.

m. Grantee shall retain as much of the natural vegetation within the right-of-way as possible.

n. Grantee shall re-vegetate all disturbed areas.

o. 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 traveling public, and all activities conducted or otherwise occurring within the right-of-way, and specifically including, but not limited to, jurisdiction to enforce speed limits and compliance with traffic control devices, jurisdiction to enforce Navajo Nation laws applicable to the operation of motor vehicles and jurisdiction

to adjudicate disputes arising from motor vehicle accidents or other conduct or activities 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, consistent with federal law.

**RESOLUTION OF THE
TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL**

**Recommending that the Resources Committee Approve
Rights-of-Way Terms and Conditions for BIA Roads
Projects On the Navajo Nation**

WHEREAS:

1. Pursuant to 2 N.N.C. Sections 420 and 421(E), the Transportation and Community Development Committee of the Navajo Nation Council (hereinafter referred to as the "Committee") was established and continued as a standing committee of the Navajo Nation Council to oversee all matters pertaining to community development, including road and transportation activities of the Navajo Nation; and
2. Pursuant to 2 N.N.C. Section 423(E), the Committee is empowered to represent the Navajo Nation in all roads and transportation matters and developing and approving priority lists for roads and transportation projects; and
3. The United States Congress enacted the Transportation Equity Act for the 21st Century (TEA-21) in 1998 which authorized funds for Federal Aid Highways, Highway Safety programs, Transit, and Federal Lands programs including the Indian Reservation Roads Program; and
4. TEA-21 authorized funding for the Indian Reservation Roads Program by increasing the annual allocation of \$225,000,000 for Fiscal Year 1998 and \$275,000,000 for each fiscal year of 1999 through 2003; and
5. TEA-21 contains statutory language at Section 1115, Federal Lands Highway Program, subsection (b)(4)(2)(A), that funds authorized to be appropriated for Indian Reservations shall be allocated among Indian tribes for Fiscal Year 2000 and subsequent fiscal years to be distributed in accordance with a formula established by the Secretary of Interior under a Negotiated Rulemaking Procedure under Subchapter III of Chapter 5 of Title 5; and
6. TEA-21 further provides that the Secretary of Interior shall issue regulations governing Indian Reservation Roads (IRR) Program and establish a funding distribution formula in accordance with the negotiated rulemaking committee with such regulations to be issued in final form not later than April 1, 1999 and take effect no later than October 1, 1999; and

7. Based on the annual allocations to Indian Tribes, the Navajo Nation receives its share of funding from the IRR Program. The Nation is now receiving an approximate amount of \$55 Million annually and are used for construction of roads including securing the necessary clearances and acquisition of rights-of-way; and

8. The Committee has been apprised of the status of various roads projects and the following projects, totaling an approximate amount of \$24.37 Million, are experiencing delays due to unresolved right-of-way issues:

- N-21(2)2&4, Kaibeto to Red Lake
- N-31(2)2&4, Navajo to Mexican Springs
- N-27(2-1/N-2-1) (1-2)2&4, Nazlini to Chinle
- N-203(1)1,2,3, Switchback Bridge Project at Kinlichee
- N-55(2)2&4, Alamo to I-40
- N-35(6)2&4, U.S. 191 Rock Point to Sweet Water; and

9. On April 23, 2002, Navajo Nation President Kelsey A. Begaye was apprised of the matter and took the position that no IRR construction funds will be returned to the Federal Highway Administration and that the Navajo Nation will fully utilize the annual allocated IRR funds to improve badly needed roads; and

10. The Committee discussed the circumstances surrounding the delay of projects in securing the archeological clearances, environmental assessments, and rights-of-way of projects. IRR funds must be obligated either through contract awards or by the Point of Obligation methods with approval of project plans, specifications, and engineer's estimates. Given the situation, the Committee assessed that it must have the right-of-way easements no later than June 15, 2002; and

11. The Project Review Department within the Division of Natural Resources has encountered difficulties in ascertaining the right-of-way due to the "Terms and Conditions" to be used for all new road right-of-way packages. The Department of Justice has recommended that the Terms and Conditions be revised to prevent the potential loss of jurisdiction over said right-of-way; and

12. To prevent the potential loss of federal highway funds allocated for the Navajo Nation, the Department of Justice has recommended the adoption of Terms and Conditions until all the affected parties can work together on new and updated terms and conditions for BIA roads projects; and

13. In order to secure the needed federal highway funds, the BIA is requesting that the right-of-way be granted for a term of 75 years. On May 5, 2002, the Navajo Department of Justice, Project Review Office, and Bureau of Indian Affairs/Branch of Roads discussed in a teleconference with the Bureau Solicitor, the language for the Terms and Conditions that would specifically address BIA roads projects. The agreed upon Terms and Conditions are attached hereto and incorporated herein by this reference as Exhibit "A"

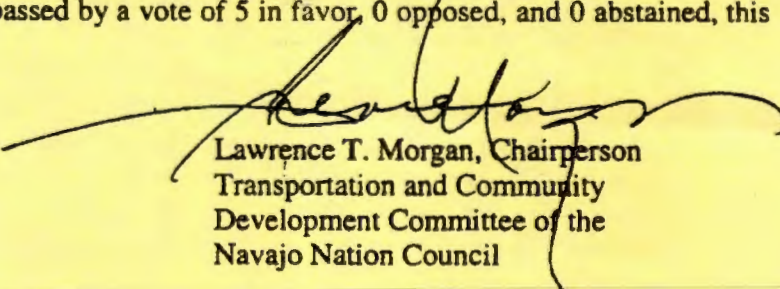
NOW THEREFORE BE IT RESOLVED THAT:

1. The Transportation and Community Development Committee of the Navajo Nation Council hereby recommends that the Resources Committee of the Navajo Nation Council approve the Right-of-Way Terms and Conditions for Road Projects, attached hereto as Exhibit "A".

2. The Transportation and Community Development Committee of the Navajo Nation Council recommends that the Terms and Conditions shall be used for all subsequent Right-of-Way for BIA roads projects until all affected parties can work together on developing a new and updated Terms and Conditions for BIA roads projects.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Transportation and Community Development Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and the same was passed by a vote of 5 in favor, 0 opposed, and 0 abstained, this 21st day of May, 2002.



Lawrence T. Morgan, Chairperson
Transportation and Community
Development Committee of the
Navajo Nation Council

Motion: Joe Salt
Second: Larry Noble

RESOLUTION OF THE
NAVAJO NATION COUNCIL

Approving Interim Standard Terms and Condition for the
Granting of Right-of-Way for BIA Road Construction Projects on
the Navajo Nation

WHEREAS:

1. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is the governing body of the Navajo Nation; and
2. Pursuant to 2 N.N.C. §102 (C), the Navajo Nation Council shall supervise all powers delegated; and
3. Pursuant to 2 N.N.C. §423 (E), the Transportation and Community Development Committee is empowered to represent the Navajo Nation in all roads and transportation matters and developing and approving priority lists for roads and transportation projects; and
4. Pursuant to 2 N.N.C. §695 (B)(2), the Resources Committee of the Navajo Nation Council has been delegated authority to give final approval of rights-of-way over Navajo lands in accordance with applicable federal and Navajo Nation laws; and
5. Based on the federal law, the Transportation Equity Act for the 21st Century (TEA-21) authorized funding for Federal Aid Highways, Highway Safety Programs, Transit, and Federal Lands Programs including the Indian Reservation Roads Program; and
6. TEA-21 authorized funding for the Indian Reservation Roads Program by increasing the annual allocation of \$225,000,000 for Fiscal Year 1998 and \$275,000,000 for each fiscal year of 1999 and 2003; and
7. Based on annual allocations to Indian Tribes, the Navajo Nation receives its share of funding from the IRR Program. The Nation is now receiving an approximate amount of \$85 million annually and are used for construction of roads including securing the necessary clearances and acquisition of rights-of-way; and

8. On April 23, 2002, the Transportation and Community Development Committee of the Navajo Nation Council was apprised that certain road projects, totaling an approximate amount of \$24.37 million, were experiencing delays due to unresolved right-of-way issues:

- N-21(2)2 & 4, Kaibeto to Red Lake
- N-32(2)2 & 4, Navajo to Mexican Springs
- N-27(2-1/N-2-1)(1-2)2 & 4, Nazlini to Chinle
- N-203 (1)1,2,3 Switchback Bridge Project at Kinlichee
- N-55(2)2 & 4, Alamo to I-40
- N-35(6)2 & 4, U.S. 191 Rock Point to Sweetwater;

and in subsequent years, additional delays and potential loss of federal funds may occur if the right-of-way issue is not resolved by the two (2) standing committees; and

9. The Navajo Nation President Kelsey A. Begaye has taken the position that no IRR construction funds will be returned to the Federal Highway Administration and that the Navajo Nation must fully utilize the annual allocated IRR funds to improve badly needed roads; and

10. The Right-of-Way Clearance Program under the Navajo Land Department has encountered difficulties in ascertaining the right-of-way due to the "Terms and Conditions" to be used for all new road right-of-way packages. The Department of Justice has recommended that the Terms and Conditions be revised to prevent the potential loss of jurisdiction over said right-of-way; and

11. To prevent the potential loss of federal highway funds allocated for the Navajo Nation, the Department of Justice has recommended the adoption of interim Terms and Conditions until all the affected parties can work together on new and updated terms and conditions for BIA Road Projects; and

12. In order to secure the needed federal highway funds, the BIA is requesting that the right-of-way be granted for a term of 75 years. On May 5, 2002, the Navajo Department of Justice, Project Review Office, and the Bureau of Indian Affairs/Branch of Roads discussed in a teleconference with the Bureau Solicitor, the language for the Interim Terms and Conditions that would specifically address BIA road projects. The agreed upon Interim Terms and Conditions are attached hereto and incorporated herein by this reference as Exhibit "A"; and

13. On May 15, 2002, the Transportation and Community Development Committee of the Navajo Nation Council met with the Resources Committee of the Navajo Nation Council in a joint meeting and discussed the status of road projects and the "Terms and Conditions" for the right-of-way. Such Interim Terms and Conditions were made available; and

14. On May 21, 2002, by Resolution TCDCMY-31-02, attached and marked herein as Exhibit "B", the Transportation and Community Development Committee of the Navajo Nation Council recommended the "Terms and Conditions" for the right-of-way for road projects; and

15. On July 25, 2002, by Resolution RCJY-108-02, attached and marked herein as Exhibit "C", the Resources Committee of the Navajo Nation Council recommended the "Terms and Conditions" for the right-of-way for road projects.

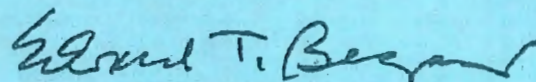
NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby approves the Interim Right-of-Way Terms and Conditions for Road Projects, attached hereto as Exhibit "A".

2. The Navajo Nation Council directs that the Interim Standard Terms and Conditions shall be used for all subsequent Right-of-Way for BIA Road Projects until all affected parties can work together on developing a new and updated Terms and Conditions for BIA road projects.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 66 in favor, 0 opposed and 0 abstained, this 1st day of November 2002.



Edward T. Begay, Speaker
Navajo Nation Council

Nov 5, 2002

Date

Motion: Larry Noble
Second: Joe Dayzie

**C. NLE CHAPTER GOVERNMENT
The Navajo Nation**

Dwayne Billsie
President

David Yazzie, Jr.
Vice-President

Cecelia M. Begaye
Secretary/Treasurer

Chapter Coordinator

Andy R. Ayze
Council Delegate

Leo R. Begay
Council Delegate

Harry H. Clark
Council Delegate

Nelson Gorman, Jr.
Council Delegate

Deswood Bitsoi
Grazing Representative



**Resolution of the Chinle Chapter
THE NAVAJO NATION
CHIN-JAN-06-05**

REQUESTING NAVAJO DIVISION OF TRANSPORTATION, NAVAJO REGIONAL OFFICE, TO COMPLETE THE ESTABLISHMENT OF THE CONTROL POINTS FOR THE 3RD AND 4TH PHASES OF N27 ROAD PROJECTS FROM NAZLINI TO CHINLE AND ALSO FOR THE PROPOSED BRIDGE PROJECTS N8081, TAA YIL KID CROSSING AND N8095, CHINLE VALLEY ROAD.

Whereas:

1. Pursuant to Title 26, Navajo Nation Code, the Chinle Chapter as a local government of the Navajo Nation is vested with the authority and responsibility to review all matters affecting the health, general welfare and safety of its constituents within the jurisdiction of Chinle Chapter; and
2. The Chinle Chapter as a local government was established to take appropriate action to ensure that the transportation system within the community is safe and that any unsafe conditions are properly addressed by the empowered entities or program; and
3. The N27 road project has been on the Tribal Transportation Improvement Plan for many years and only about five miles of pavement has been constructed from Nazlini; and
4. Upon meeting with Chinle Navajo Division of Transportation, it was reported that the 3rd and 4th phases of N27 road project still needs the establishment of control points for engineering survey; and
5. The setting of the control points along the proposed alignment is needed to gather the necessary survey data for right of way acquisition and design purpose; and
6. The Control Points are also needed for the proposed bridge project for N8081, Chinle Valley and N8091, Taa Yil Kid; and
7. The Chinle and Nazlini Community members living along the N-27 road project has express much concerns to have the proposed road project move forward and complete the project.

REQUESTING NAVAJO DIVISION OF TRANSPORTATION, NAVAJO REGIONAL OFFICE, TO COMPLETE THE ESTABLISHMENT OF THE CONTROL POINTS FOR THE 3RD AND 4TH PHASES OF N27 ROAD PROJECTS FROM NAZLINI TO CHINLE AND ALSO FOR THE PROPOSED BRIDGE PROJECTS N8081 TAA YIL KID CROSSING AND N8095 CHINLE VALLEY ROAD.

NOW THEREFORE BE IT RESOVLED THAT:

1. The Chinle Chapter hereby requests Navajo Division of Transportation, Navajo Regional Office to complete the establishment of the control points for the 3rd and 4th phases of N27 road projects from Nazlini to Chinle.
2. The Chinle Chapter further requests to Navajo Division of Transportation, Navajo Regional Office to complete the control points for the N8081 Chinle Valley road and N8091 Taa Yil Kid bridge projects.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered at a duly called chapter meeting at the Chinle Chapter, Navajo Nation, Arizona at which a quorum was present and that same was passed by a vote of 25 in favor, 01 opposed and 00 abstained, on this 15th day of January 2006.

Motioned by: JOYCE V. NEZ

Seconded by: ALFRED ATSON

Dwayne Billie
Dwayne Billie, President

Andy R. Ayze
Andy R. Ayze, Council Delegate

David Yazzie
David Yazzie, Vice President

Leo R. Begay
Leo R. Begay, Council Delegate

Cecelia M. Begaye
Cecelia M. Begaye, Sec/Treasurer

Harry H. Clark
Harry H. Clark, Council Delegate

Deswood Bitsoi
Deswood Bitsoi, Grazing Representative

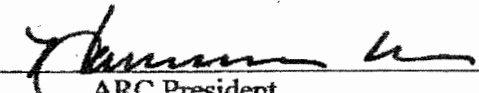
Nelson Gorman Jr.
Nelson Gorman Jr., Council Delegate

THE CHINLE AGENCY ROADS COMMITTEE APPROVES THE FY2006 CHINLE AGENCY ROADS, BRIDGES CONSTRUCTION PRIORITY LIST AND CHIP SEALING RECOMMENDS THE SAME TO THE NAVAJO NATION STANDING TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE TO INCORPORATE INTO THE NAVAJO REGIONAL BUREAU OF INDIAN AFFAIRS 20 YEARS CONSTRUCTION PRIORITY LIST.

FY	PROJECT NO.	PROJECT LOCATION	MILES	ADT
		RECOMMENDING AGENCY CHIP SEALING		
	N4(4-2)(2-3)4	US191 to Pinon	14.8 0	2075
	N102(3-1)(6-1)4	Chinle Hospital & Housing Access	1.20	5706
	N13(6-1)N133(1-1)4	N12 to Luk & Sch Access	3.40	596
	N7(3-1)N7A(1-1)4	Chinle Street	2.46	17630
	N27(4-2)4	Chinle Street	0.45	2680
	N251(3-3)N26(2-4)4	N4 south to Tselani	14.1 0	401
	N59(3-2)/N58G(2-1)4	US191 to N8066 & to north Agency Line	20.6 0	1717
	N8066(1-2)4	N59 to Rough Rock School	2.9	1542
	N27(3-2)4	Nazlini to Chinle	9.60	15.42
		RECOMMENDING AGENCY ROADS/BRIDGES CONSTRUCTION		
2005	N27(2-1)/N271(1-1)2&4*	Nazlini north to Chinle & School Access	5.07	420/767
2006	N8066(2)/N59(2-1)2,4*	N41 to Kitsilli w/N59safety	7.40	114/1194
2007	N8077/879(1-1)2&4	NCC Loop	2.00	1553/907
2007	N4(4-3)N810(1)2,4	Burnt Corn Wash to Polacca Wash	6.88	1978
2007	N7(3-1)N7A(1-1)4	Chinle Street - Chip Sealing	2.46	17530
2007	N27(4-2)4	Chinle Street - Chip Sealing	0.45	2580
* 2008	N27(2-2)2&4	Nazlini North to Chinle	4.20	466
2008	N25(4)2,3	Cottonwood to Salina T.P	3.20	264
2008	N8095(1)N8081(1)1,2,&3	Chinle Valley Road	1.00	460
2009	N12(13-2)2&4	Agency Line to Wheatfields	8.90	1989
2009	N7(7)2,4	Spider Rock Jct. to Agency Line	8.40	190
* 2010	N27(2-3)2&4	Nazlini North to Chinle	4.60	386
2010	N8066(3)2,3	N41 to Kitsilli	7.00	97
2011	N67(1)/N673((1)1,2,4	Low Mountain to N4 Smoke Signal	6.50	367/308
2011	N8090(1)2,3	Rough Rock to N59	7.60	126
2012	N12(19-4)2,4	Wheatfields to Lukachukai	10.0	2517
2012	N8077(1)2&4	Blackrock Road	6.00	503
2013	N7(8)2&4	Spider Rock Jct. to Agency Line	8.40	134
2013	N8079(1)2	Lower Wheatfields Road	5.90	32
2014	N8031(2)1,2,3	Hardrock to Pinon	11.0	353
2014	N172(1)2	Round Rock to Cove	12.8	92
2015	N8084(1)2,3	Many Farms US191 to Windmill	13.0	339
2015	N251(1-1)4	Salina North Loop	15.3	126
2016	N26(1)1,2	Nazlini N27 to US191	7.00	114
2016	N12(19-5)2,4	Wheatfields to Lukachukai	10.0	2517
2016	N25(4)2,3	Cottonwood to Salina T.P.	3.20	264
2017	N8063(1)1,2,3	Little Rough Rock N12to N13	7.10	87
2017	N8089(1)2,3	N8077 toward Del Muerto Canyon	8.70	31
2017	N8080(1)2,3	Wheatfields around the Lake	5.80	29

			0	
	N59(3-2)/N58G(2-1)4	US191 to N8066 & to north Agency Line	20.6 0	1717
	N8066(1-2)4	N59 to Rough Rock School	2.9	1542
	N27(3-2)4	Nazlini to Chinle	9.60	15.42
		RECOMMENDING AGENCY ROADS/BRIDGES CONSTRUCTION		
2005	N27(2-1)/N271(1-1)2&4*	Nazlini north to Chinle & School Access	5.07	420/767
2006	N8066(2)/N59(2-1)2,4*	N41 to Kitsilli w/N59safety	7.40	114/1194
2007	N8077/879(1-1)2&4	NCC Loop	2.00	1553/907
2007	N4(4-3)/N810(1)2,4	Burnt Corn Wash to Polacca Wash	6.88	1978
2007	N7(3-1)/N7A(1-1)4	Chinle Street - Chip Sealing	2.46	17530
2007	N27(4-2)4	Chinle Street - Chip Sealing	0.45	2580
2008	N27(2-2)2&4	Nazlini North to Chinle	4.20	466
2008	N25(4)2,3	Cottonwood to Salina T.P	3.20	264
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2009	N7(7)2,4	Spider Rock Jct. to Agency Line	8.40	190
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2010	N8066(3)2,3	N41 to Kitsilli	7.00	97
2011	N67(1)/N673((1)1,2,4	Low Mountain to N4 Smoke Signal	6.50	367/308
2011	N8090(1)2,3	Rough Rock to N59	7.60	126
2012	N12(19-4)2,4	Wheatfields to Lukachukai	10.0	2517
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2013	N8079(1)2	Lower Wheatfields Road	5.90	32
2014	N8031(2)1,2,3	Hardrock to Pinon	11.0	353
2014	N172(1)2	Round Rock to Cove	12.8	92
2015	N8084(1)2,3	Many Farms US191 to Windmill	13.0	339
2015	N251(1-1)4	Salina North Loop	15.3	126
2016	N26(1)1,2	Nazlini N27 to US191	7.00	114
2016	N12(19-5)2,4	Wheatfields to Lukachukai	10.0	2517
2016	N25(4)2,3	Cottonwood to Salina T.P.	3.20	264
2017	N8063(1)1,2,3	Little Rough Rock N12to N13	7.10	87
2017	N8089(1)2,3	N8077 toward Del Muerto Canyon	8.70	31
2017	N8080(1)2,3	Wheatfields around the Lake	5.80	29
2017	N41(7)2&3	West Dennebito Wash to Turquoise Trail	2.00	485
2017	N8065(1)1,2,3	Kitsilli West to N8066 w/023	9.90	78
2018	N8090(1)2,3	Rough Rock to N59	7.50	126
2019	N8062(1)2,3	N8031 to Black Spot	11.0	134
2019	N136(1)1,2&4	St. Isabel Mission Rd w/N009	2.90	211
2019	N860(1)2,3	N8031 to East Twin Mesa	4.90	64
2020	N8015(1)1,2,3	N27 to N7 Nazlini	13.3	28
2020	N29(3)2,3	Tachee Loop Road-Blue Gap	24.0	105
2021	N26(1)1,2	Bridge N521 replacement	0.01	283
2021	N8086(1)2,3	Many Farms to Chinle	17.6	257
2026	N8085(1)2,3	N27 to N7 Nazlini	13.3	60

MOTION BY: Samuel Yazzie
SECOND BY: Bessie Allen


ARC President

Status of Chinle Agency Road Construction Projects

Prepared by: L. pete

Year	Project Number	Project Name	Engineering Survey	Archeological Clearance	Environmental Assessment	Status of ROW
2006	N8066	N41 to Kitsilili	Complete ... Aerial photo	Complete ... Needs Compliance Form	Complete	SAS Progress
	N8077	Dine College w/ 2 Access Roads & 4 Parking Lots	Complete ... checking data	Complete ... by college	Complete ... by college	Grant of Entry ... by college
	N4(4-2)	U.S. 191 to Jumbo Camp				Complete
	N4(2-3)	Burnt Corn to Pinon				Complete
	N102	Hostipal Access				Complete
	N13(6)	Lukachukai Base				Complete
	N4(4-3)2,4	Polacca Wash-Burnt Corn	Complete ... Aerial photo	Needed - 6 Sites ... Needs data recovery	Complete	??Complete?? ... existing
2007	N26(1)1,2	Nazlini N27 to U.S.191	Needed ... Needs alignment ... Needs control points ... Needs cross sections	Needed ... Needs Archeological Survey	Needed	Needed
	N27(2-2)2&4	Nazlini to Chinle	Needed ... Needs control points ... Needs cross sections	Complete ... Needs Compliance Form	Complete ... With conditions	Needed ... Made line changes
	N25(4)2,3	Cottonwood to Salina T.P.	Needed ... Needs alignment ... Needs control points ... Needs cross sections	Needed ... Needs Archeological Survey	Needed	Needed
	N8095	Chinle Valley Road	Needed ... Needs control points ... Needs cross sections	Needed ... Needs Archeological Survey	Needed	Needed
	N8081	Taa Yil kiid Crossing	Needed ... Needs control points ... Needs cross sections	Needed ... Needs Archeological Survey	Needed	Needed

Year	Project Number	Project Name	Engineering Survey	Archeological Clearance	Environmental Assessment	Status of ROW
2009	N7(7)2,4	Spider Rock to Agency Line	Complete ... Aerial photo	Needed 4 sites ... needs data recovery	Needed	Needed
2010	N8066(2)2,3	N41 to Kitsilli	Complete ... Aerial photo ... Needs 3 lines change	Complete ... Needs Compliance Form	Complete	Needed
	N27(2-3)2&4	Nazlini to Chinle	Needed ... Needs control points ... Needs cross sections	Complete ... Needs Compliance Form	Complete ... Draft in place	Needed
2011	N12(13-2)2,4	Agency Line to Wheatfields	Complete ... Aerial photo	Needed 5 sites?? ... Needs Testing of sites	Needed	Existing
	N8090(1)2,3	Rough Rock South	Needed ... Needs alignment ... Needs control points ... Needs cross sections	Needed ... Needs Archeological Survey	Needed	Needed
2012	N12(19-4)2,4	Wheatfields to Lukachukai	Needed ... Needs control points ... Needs cross sections	Needed 5 sites?? ... Needs Testing of sites	Needed	Existing
	N67(1)/N67	Low Mountain to N4 & Smoke	Needed ... Needs alignment ... Needs control points ... Needs cross sections	Needed ... Needs Archeological Survey	Needed	Needed

01/03/2006 13:44 FAX 929 755 5900

NAZLINI CHAPTER

001



RESOLUTION OF NAZLINI CHAPTER
NAZL-2005-12-012



NAZLINI CHAPTER GOVERNMENT

JOHNSON CLAW
PRESIDENTJOSEPH DEDMAN, JR.
VICE PRESIDENTJOANN DEDMAN
TREASURERJOHNNY NAIZE
COUNCIL DELEGATEIRVIN SHIRLEY
COUNCIL REPRESENTATIVEWOODIE BENNETT
COORDINATOR

APPROVING THE REQUEST TO THE NAVAJO AREA
DIVISION OF TRANSPORTATION TO EXPEDITE THE
ESTABLISHMENT OF ALL CONTROL POINTS ALONG THE
REALIGNMENT OF NAVAJO ROUTE 27 PHASE III
PROPOSED PROJECT, SO THAT GATHERING OF ALL SURVEY
DATAS FOR DESIGN PURPOSE AND RIGHT OF WAY (R.O.W.)
ACQUISITION COULD BE COMPLETED.

WHEREAS:

- 1 THE NAZLINI CHAPTER, Pursuant to the Navajo Nation Council Resolution #CJ-20-55 date 26 April 1975, is local recognized unit of government with duties and responsibility to advocate and address to responsible government for the safe and welfare needs of its constituents; AND
- 2 THE NAZLINI CHAPTER, been kindly asking for an expedient all weather road along the entire dirt route of Navajo Route 27 (Nazlini-Chinle) for the past fifty (50) years but with little success; AND
- 3 THE NAZLINI CHAPTER, have understood according to the Chinle Agency Roads Committee and the Navajo B.I.A. Regional Office of Transportation's priority listing, the Phase III of Navajo Route 27 is scheduled for construction phase in Fiscal Year 2007; AND
- 4 THE NAZLINI CHAPTER, however have recently learned setting Control Points along realignment of Phase III of Navajo Route 27 is incomplete and delaying the gathering of all survey datas for design and right of way (R O W.) acquisition.

NOW, THEREFORE BE IT RESOLVED THAT:

The Nazlini Chapter hereby respectfully approving the request to have the Navajo Area Division of Transportation to expedite the establishment of all control points along the realignment of Navajo Route 27 Phase III proposed project, so that gathering of all survey datas for design purpose and Right of Way (R.O.W.) acquisition could be completed

CERTIFICATION

We, hereby certified the foregoing resolution was duly considered by the Nazlini Chapter at a duly called Chapter Meeting at Nazlini, Arizona at which a quorum was present and that same was passed by a vote of 25 in favor, 0 opposed, 0 abstained, this 12th day of December, 2005.

Motion by: John G. WilsonSecond by: Minnie WayneKa

Johnson Claw, President

Joseph Dedman Jr., Vice President

JoAnn Dedman, Sec/Treas.

Navajo Nation Council Delegate

Chinle Chapter Government

THE NAVAJO NATION

WILLIAM NE-BILL-SUP

DAVID YAZZIL, JR.

SCOTT LUTZ, JR.

THOMAS B. WYLL

HARRY CLARK

HARRY H. CLARK

NEILS E. GORMAN, JR.

DEAN GORDON BERTSON

RESOLUTION OF THE CHINLE CHAPTER NAVAJO NATION CHIN-DEC-07-131

SUPPORTING THE CONTINUATION AND COMPLETION OF THE NAVAJO ROUTE 27 (NAZLINI – CHINLE) TO ITS ENTIRETY BY FUNDING THE LAST PHASE OF THE PROJECT DURING FISCAL YEAR 2008.

WHEREAS:

1. The Chinle Chapter, a recognized local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, safety and general welfare; and
2. Pursuant to the Nazlini Chapter resolution NAZL-2007-01-014, the chapter express strong support for the proposed plan to combine the last two remaining phases and to request for funding in FY08; and
3. Recently upon request by the Nazlini Chapter, the Chinle Agency Roads Committee, supported the inclusion of phase IV (scheduled for funding until FY2015) in with phase III which is scheduled for funding in the year 2008; and
4. The idea to combine phase IV and phase III of Navajo Route 27 for funding during FY08 was supported by the Navajo Nation Transportation and Community Development Committee and accepted by the Navajo Area BIA Roads Department during Fall of 2007; and
5. The Chinle Chapter; have many constituents residing along the last phase of Navajo Route 27 which becomes impassable during inclement weather and very difficult for them to meet their daily needs; and
6. The Chinle Chapter and the Nazlini Chapter have been patiently waiting for an all weather road along Navajo Route 27 for last fifty (50) years.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Chinle Chapter hereby supports the continuation and completion of the Navajo Route 27 (Nazlini – Chinle) to its entirety by funding the last phase of the project during fiscal year 2008.

**SUPPORTING THE CONTINUATION AND COMPLETION OF THE NAVAJO
ROUTE 27 (NAZLINI - CHINLE) TO ITS ENTIRETY BY FUNDING THE LAST
PHASE OF THE PROJECT DURING FISCAL YEAR 2008.**

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Chinle Chapter at a duly meeting at Chinle, Navajo Nation, Arizona at which a quorum was present and that the same was passed by a vote of 37 in favor, 0 opposed and 5 abstained this 16th day of December, 2007.

Motion by: JOYCE PER

Second by: KATHY JOHNSON

Dwayne Billsie
Dwayne Billsie, President

Andy R. Ayze
Andy R. Ayze, Council Delegate

David Yazzie Jr.
David Yazzie Jr., Vice President

Harry H. Clark
Harry H. Clark, Council Delegate

Cecelia M. Begaye
Cecelia M. Begaye, Secretary/Treasurer

Nelson Gorman Jr.
Nelson Gorman Jr., Council Delegate

Deswood Bitsoi
Deswood Bitsoi, Grazing Representative

Harry Claw
Harry Claw, Council Delegate



RESOLUTION OF NAZLINI CHAPTER
NAZL-2007-01-014



NAZLINI CHAPTER GOVERNMENT

JOHNSON CLAW

PRESIDENT

JOSEPH DEDMAN, JR.

VICE PRESIDENT

JOANN DEDMAN

SECRETARY/TREASURER

EXPRESSING STRONG SUPPORT FOR THE PROPOSED
PLAN TO COMBINE THE LAST TWO (2) REMAINING PHASES
[N-27 (2-2, 4.2 MILES) AND N-27 (2-3, 5.3 MILES)]
OF NAVAJO ROUTE-27 (NAZLINI-CHINLE) AND
TO EXPEDITE FUNDINGS AND CONSTRUCTION FOR FY 2008
WITH RIGHT OF WAY (R.O.W.) FENCING INCLUDING.

JOHNNY NAIZE

COUNCIL DELEGATE

IRVIN SHIRLEY

GRAZING REPRESENTATIVE

WOODY BENNETT

COORDINATOR

WHEREAS:

1. The Nazlini Chapter, Pursuant to the Navajo Nation Council Resolution #CJ-20-55 dated April 26, 1957, is a recognized local unit of government with prime duties and responsibilities to address matters and advocate for the safety needs and the authority to make decisions that's in the best interest of it's constituents; AND
2. The Nazlini Chapter, patiently, have been advocating for Navajo Route-27 (Nazlini-Chinle), which become impassable during inclement weather to become an all weather road for over fifty (50) years; AND
3. The Nazlini Chapter, have confirmed the current average daily traffic count (ADTC) for Phase III is 242 and 415 for Phase IV along Navajo Route-27 which clearly justifies a need for an all weather road; AND
4. The Nazlini Chapter, understands the remaining Two (2) Phases of Navajo Route-27 currently meets all State, and Federal Highway requirements; that Navajo B.I.A. Roads Engineer Department is just waiting final written reports; AND
5. The Nazlini Chapter, is well aware the Third Section (N-27 2-2, 4.2 miles) of Navajo Route-27 is scheduled for construction phase in the year 2008, therefore strongly opposes any more delays of the combined two (2) remaining section of Navajo Route-27.

NOW, THEREFORE BE IT RESOLVED THAT:

The Nazlini Chapter, hereby respectfully expressing strong support for the proposed plan to combine the last two (2) phases (N-27, 2-2, 4.2 mi. and N-27, 2-3, 5.3 mi.) to expedite funding and construction of Navajo Route-27 to its entirety and opposes any further delays.

CERTIFICATION

We, hereby certified the foregoing resolution was duly considered by the Nazlini Chapter at a duly called Chapter Meeting at Nazlini, Navajo Nation, Arizona at which a quorum was present and that same was passed by a vote of 25 in favor, 0 opposed, 0 abstained, this 15th day of January, 2007.

Motion by: Arthur E. Tracy Jr.Second by: John C. Wilson

Johnson Claw, President

Joseph Dedman, Jr., Vice President

JoAnn Dedman, Secretary/Treasurer

Navajo Nation Council Delegate

Chinle Chapter Government

THE NAVAJO NATION

DWAYNE BILLSIE

DAVID YAZZIE, JR.

CECELIA M. BEGAYE

ANITA R. AYD

HARRY CLAY

HARRY D. CLAIB

NELSON GORMAN, JR.

DEANWOOD BILLSIE

MEMORANDUM

TO : Vickie L. Begay, Agency Road Engineer
Chinle Agency Division of Transportation
Bureau of Indian Affairs

FROM : Timothy Y. Begay Jr.
Timothy Y. Begay Jr.
Acting Chapter Coordinator
Chinle Chapter Government

DATE : December 17, 2007

SUBJECT : Resolution CHIN-DEC-07-131

The Chinle Chapter on December 16, 2007 passed and considered chapter resolution CHIN-DEC-07-131, Supporting the continuation and completion of the Navajo Road 27 (Nazlini - Chinle) to its entirety by funding the last phase of the project during fiscal year 2008. The vote was 37 in favor, 0 opposed and 5 abstained.

The chapter will continue to work closely with your department to complete the road project. If you should have any questions regarding the resolution, please feel free to contact our office. Thank you.

cc : Dwayne Billsie, President
David Yazzie Jr., Vice President
Cecelia M. Begaye, Secretary/Treasurer
Chinle Chapter Government
file

CHINLE CHAPTER GOVERNMENT
Navajo Nation

Dwayne Billsie Chapter President	David Yazzie, Jr. Vice-President	Cecelia M. Begaye Secretary/Treasurer	Chapter Coordinator	
Andy R. Ayze Council Delegate	Leo R. Begay Council Delegate	Harry H. Clark Council Delegate	Nelson Gorman, Jr. Council Delegate	Deswood Bitson Grazing Representative

RESOLUTION OF THE CHINLE CHAPTER
THE NAVAJO NATION
CHIN-JAN-06-08

RE-AFFIRMING CHAPTER RESOLUTION CHIN-APR-01-82 AND CHIN-MAR-03-36 TO HAVE CHINLE AGENCY ROAD COMMITTEE TO INCLUDE THE CANYON DE CHELLY HOUSING ACCESS ROAD PROJECT WITH THE FOURTH PHASE OF N27 ROAD PROJECT FROM NAZLINI TO CHINLE.

Whereas:

1. The Chinle Chapter, a recognized local government of the Navajo Nation, is vested with the power and authority to advocate on behalf of its constituents for the improvement of health, safety and general welfare; AND
2. Pursuant to Chapter Resolution CHIN-APR-01-82, the Chapter had approved to include pavement to Chapter lots and entrance to the Canyon de Chelly housing with Nazlini new road construction proposed; AND
3. Pursuant to Chapter Resolution CHIN-MAR-03-36, the Chapter had approved to re-affirm Resolution No. CHIN-APR-01-82 to have Chinle Agency Road Committee include the Canyon de Chelly Housing access road to the fourth phase of N27 Road Project from Nazlini to Chinle; AND
4. The fourth phase of Route N27 Road Project from Nazlini to Chinle is scheduled for construction in FY2006 and phase three has begun; AND
5. The Canyon de Chelly access road is connected to N27, toward the end of the road construction and the access road is deteriorating due to the many years without routine maintenance; AND
6. The N27 road project is scheduled for road construction in four phases and the 1st and 2nd phase are completed and the 3rd and 4th phase of the project is scheduled to commence during the next two to three years; AND

RE-AFFIRMING CHAPTER RESOLUTION CHIN-APR-01-82 AND CHIN-MAR-03-36 TO HAVE CHINLE AGENCY ROAD COMMITTEE TO INCLUDE THE CANYON DE CHELLY HOUSING ACCESS ROAD PROJECT WITH THE FOURTH PHASE OF N27 ROAD PROJECT FROM NAZLINI TO CHINLE.

7. The access road to the Canyon de Chelly housing is currently not scheduled in the N27 road project, which serves 50 residents within the housing area.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Chinle Chapter hereby re-affirm Chapter Resolution No. CHIN-APR-01-82 and CHIN-MAR-03-36 to have Chinle Agency Road Committee to include the Canyon de Chelly housing access road project with the fourth phase of N27 road project from Nazlini to Chinle.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Chinle Chapter at a duly called meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 28 in favor, 00 opposed, and 00 abstained, this 22th day of January, 2006.

Motion by CINDY THOMPSON

Seconded by JOYCE V. NEZ

Dwayne Billsie
Dwayne Billsie, President

Andy R. Ayze
Andy R. Ayze, Council Delegate

David Yazzie, Jr.
David Yazzie, Jr., Vice-President

Leo R. Begay
Leo R. Begay, Council Delegate

Cecelia M. Begaye
Cecelia M. Begaye, Secretary/Treasurer

Harry H. Clark
Harry H. Clark, Council Delegate

Deswood Bitsoi
Deswood Bitsoi, Grazing Representative

Nelson Gorman, Jr.
Nelson Gorman, Jr., Council Delegate

**CHINLE CHAPTER GOVERNMENT
THE NAVAJO NATION**

Dwayne Billsie
President

David Yazzie Jr.
Vice President

Cecelia M. Begay
Secretary/Treasurer

Wayne Claw
Chapter Manager

Andy R. Ayze
Council Delegate

Leo R. Begay
Council Delegate

Harry H. Clark
Council Delegate

Nelson Gorman Jr.
Council Delegate

Deswood Bitsoi
Grazing Representative

**RESOLUTION OF THE CHINLE CHAPTER
CHIN-DEC-06-02**

THE CHINLE CHAPTER REQUEST THE CHINLE AGENCY ROADS COMMITTEE TO COMBINE THE LAST TWO SECTIONS OF N27 (2-2), 4.2 MILES AND N27 (2-3), 4.5 MILES TO COMPLETE THE HIGHWAY CONSTRUCTION FROM NAZLINI TO CHINLE N27 PROJECT WITHOUT FURTHER DELAYS

WHEREAS:

1. The Chinle Chapter as a local government of the Navajo Nation and is vested with Authority to review matters affecting the local government and submit appropriate recommendations to the Navajo Nation or other agencies by resolution: And
2. The Chinle Chapter believes the Nazlini to Chinle, N27 road completion would improve the unsafe conditions and the hardship residents had to tolerate for numerous years; And
3. The Chinle Chapter recognized the Archeological clearance is completed and BIA is waiting for the final reports: And
4. The Chinle Chapter realized the livestock crossing regards to clearance along the roadway need to be addressed by the Chinle Chapter and the Grazing Representative: And

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Chinle Chapter request the Chinle Agency Roads Committee to combine the last two sections of N27 (2-2), 4.2 miles and N27 (2-3) 4.5 miles to complete the highway construction from Nazlini to Chinle N27 Project without further delays

CERTIFICATION

We, hereby certify that the foregoing resolution was duly considered by the Chinle Chapter at a duly called meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 43 in favor, 0 opposed and 0 abstained, this 17th day of December, 2006.

Motion by: DR. GUY GORMAN

Second by: THOMPSON BILLY

Dwayne Billsie
Dwayne Billsie, President

David Yazzie Jr.
David Yazzie Jr., Vice President

Cecelia M. Begay
Cecelia M. Begay, Secretary/Treasurer

Deswood Bitsoi
Deswood Bitsoi, Grazing Representative

Andy R. Ayze
Andy R. Ayze, Council Delegate

Leo R. Begay
Leo R. Begay, Council Delegate

Harry H. Clark
Harry H. Clark, Council Delegate

Nelson Gorman Jr.
Nelson Gorman Jr., Council Delegate



United States Department of the Interior
Bureau of Indian Affairs
Chinle Agency
P. O. Box 7H
Chinle, Arizona 86503

IN REPLY REFER TO:
DIVISION OF TRANSPORTATION
MIC: 5N370

NOV 20 2006

Nazlini Chapter Officials
P. O. Box 7387
Nazlini, Arizona 86540

Chinle Chapter Officials
P. O. Box 1809
Chinle, Arizona 86503

Dear Gentlemen:

As required by the Nazlini Chapter to extent the next phase up to the Three Turkey Wash (Bridge #537). This office recommends that the Chapter(s) write a resolution to the Agency Road Committee to combine the last two sections of N27(2-2), 4.2 miles and N27(2-3), 4.5 miles to complete the highway construction project without further delays.

The Archeological clearance has been completed and BIA Roads is awaiting final reports. The livestock crossing regarding the clearances along the roadway need to be addressed by the Chapter(s).

This will expedite the Nazlini to Chinle, N27 route to be completed without additional years of delays.

If you have any questions, do not hesitate to contact my office at 928/674-5176.

Sincerely,

Vickie Begay
Agency Road Engineer

cc:

File
Nazlini Chapter
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United States Department of the Interior
Bureau of Indian Affairs
Chinle Agency
P. O. Box 7H
Chinle, Arizona 86503

IN REPLY REFER TO:
DIVISION OF TRANSPORTATION
MIC: 5N370

NOV 20 2006

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P. O. Box 7387
Nazlini, Arizona 86540

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P. O. Box 1809
Chinle, Arizona 86503

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The Archeological clearance has been completed and BIA Roads is awaiting final reports. The livestock crossing regarding the clearances along the roadway need to be addressed by the Chapter(s).

This will expedite the Nazlini to Chinle, N27 route to be completed without additional years of delays.

If you have any questions, do not hesitate to contact my office at 928/674-5176.

Sincerely,

Vickie Begay
Agency Road Engineer

cc:

File
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RECEIVED
NOV 20 2006

Chinle Chapter Government

THE NAVAJO NATION

LEONARD H. PETE
PRESIDENT

BRUCE C. DRAPER
VICE PRESIDENT

PRISCILLA M. CLARK
SECRETARY / TREASURER

ANDY R. AYZE
COUNCIL DELEGATE

HARRY CLAW
COUNCIL DELEGATE

HARRY H. CLARK
COUNCIL DELEGATE

NELSON GORMAN, JR.
COUNCIL DELEGATE

EUGENE TSO
GRAZING REPRESENTATIVE

RESOLUTION OF THE CHINLE CHAPTER THE NAVAJO NATION CHIN-FEB-09-025

CHINLE CHAPTER HEREBY RESPECTFULLY REQUESTS CHINLE AGENCY ROADS COMMITTEE, TRANSPORTATION & COMMUNITY DEVELOPMENT COMMITTEE OF THE NAVAJO NATION AND THE NAVAJO REGION DIVISION OF TRANSPORTATION TO INCLUDE FOUR B.I.A. CHINLE HOUSING ACCESS ROUTES (N102-1,4,5,6) TO THE FINAL PHASE OF N27 ROAD PROJECT FROM NAZLINI NORTH TO CHINLE.

Whereas:

1. The Chinle Chapter, a recognized local government of the Navajo Nation, is vested with the power and authority to advocate on behalf of its constituents for the improvement of health, safety and general welfare; AND
2. The final phase of BIA Route N27 road project (Nazlini North to Chinle) is scheduled for construction in FY2011 and the Right-of-Way is pending; AND
3. The Chinle Community Housing Access Roads to include to N27 project are:
N102-1 – Sunnyside/Low Rent Housing Access (0.2 mile)
N102-4 – Mutual Help Housing Access (0.2 mile)
N102-5 – Canyon De Chelly/Nursing Home Housing Access (0.2 mile)
N102-6 – Redwood/Industrial Housing Access (0.2 mile)
4. The housing access roads were constructed in the 1970s and are in a dire need of rehabilitations. Due to the many years (4 decades) without routine maintenance, the access roads are badly deteriorated with wide cracks, large potholes, dips and bumps. The road is a hazard and in an unsafe condition. The roads are used by the housing tenants, school buses, hospital patients, emergency vehicles and visitors.

NOW THEREFORE BE IT RESOLVED THAT:

1. Chinle Chapter hereby respectfully requests Chinle Agency Roads Committee, Transportation and Community Development Committee of the Navajo Nation and the Navajo Region Division of Transportation to include four B.I.A. Chinle Housing Access Routes (N102-1,4,5,6) to the final phase of N27 Road Project from Nazlini North to Chinle.

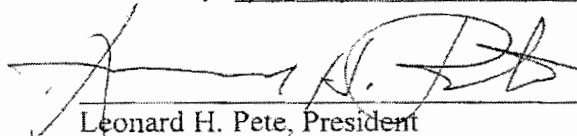
CHINLE CHAPTER HEREBY RESPECTFULLY REQUESTS CHINLE AGENCY ROADS COMMITTEE, TRANSPORTATION & COMMUNITY DEVELOPMENT COMMITTEE OF THE NAVAJO NATION AND THE NAVAJO REGION DIVISION OF TRANSPORTATION TO INCLUDE FOUR B.I.A. CHINLE HOUSING ACCESS ROUTES (N102-1,4,5,6) TO THE FINAL PHASE OF N27 ROAD PROJECT FROM NAZLINI NORTH TO CHINLE.

CERTIFICATION

We, the undersigned, hereby certify the foregoing resolution was duly considered by the Chinle Chapter at a duly called meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and the same was passed by a vote of 26 in favor, 0 opposed, and 0 abstained on this 22nd day of February, 2009.

Motion By: Nelson Gorman

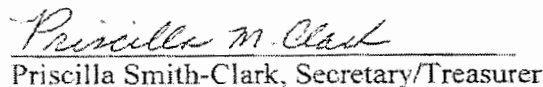
Seconded By: Sharon Gaggie


Leonard H. Pete, President

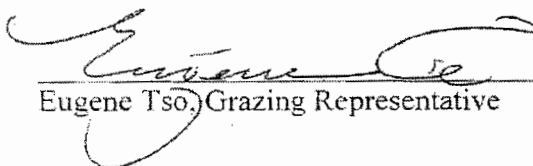

Andy R. Ayze, Council Delegate

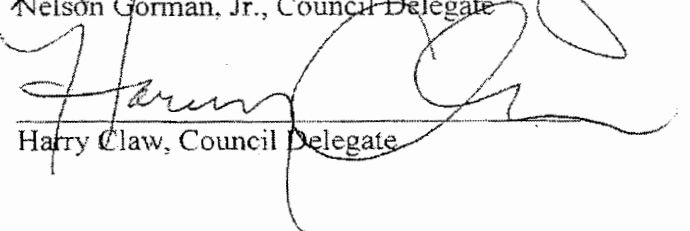

Bruce Draper, Vice President


Harry H. Clark, Council Delegate


Priscilla Smith-Clark, Secretary/Treasurer


Nelson Gorman, Jr., Council Delegate


Eugene Tso, Grazing Representative


Harry Claw, Council Delegate

CHINLE VICINITY

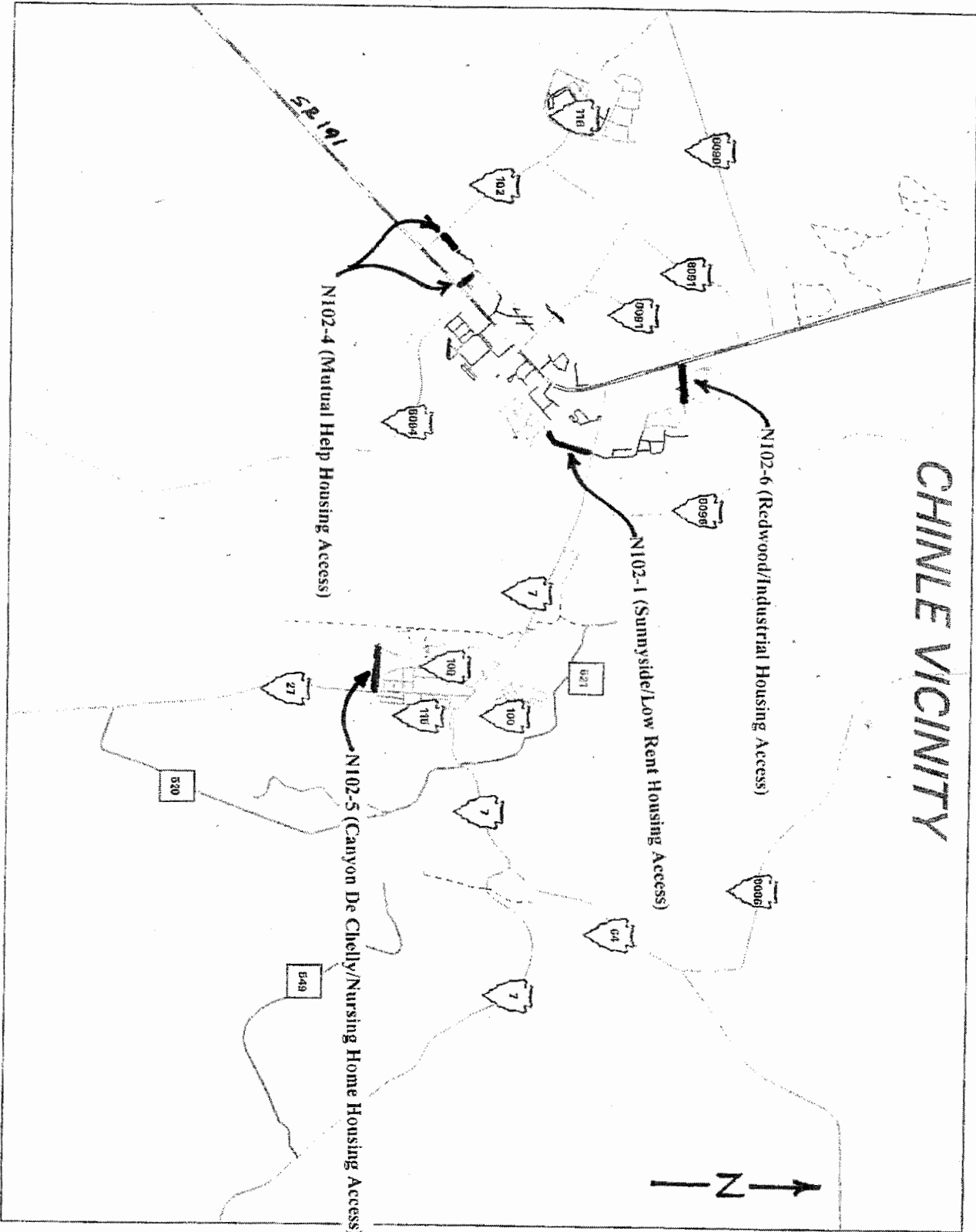


N102-6 (Redwood/Industrial Housing Access)

N102-1 (Sunnyside/Low Rent Housing Access)

N102-4 (Mutual Help Housing Access)

N102-5 (Canyon De Chelly/Nursing Home Housing Access)



Chinle Chapter Government

THE NAVAJO NATION

LEONARD H. PETE
PRESIDENT

BRUCE C. DRAPER
VICE PRESIDENT

PRISCILLA M. CLARK
SECRETARY TREASURER

ANDY R. AYZE
COUNCIL DELEGATE

HARRY CLAY
COUNCIL DELEGATE

HARRY H. CLARK
COUNCIL DELEGATE

NELSON GORMAN, JR.
COUNCIL DELEGATE

EUGENE TSO
GRAZING REPRESENTATIVE

RESOLUTION OF THE CHINLE CHAPTER NAVAJO NATION CHIN-SEPT-09-071

CHINLE CHAPTER REQUESTS THAT BIA-NAVAJO DIVISION OF TRANSPORTATION DESIGN AND CONSTRUCT THE LAST 9.5 MILES OF THE PROPOSED N27 NORTH NAZLINI-CHINLE HIGHWAY PROJECT UNDER ONE CONSTRUCTION CONTRACT AND ENSURE THE HIGHWAY IS BUILT WITH RIGHT OF WAY FENCE, CATTLE GUARDS, GATES AND STOCK-PASSES FOR THE SAFETY OF THE TRAVELING PUBLIC.

WHEREAS:

1. The Chinle Chapter, a recognized local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, safety, general welfare; and
2. The Chinle Chapter has the duty and responsibility to support and promote initiatives to improve the living conditions of its constituents and promote the improvement of the transportation system within Chinle Community; and
3. As the most traveled dirt road within Chinle Agency, route N27 Nazlini-Chinle have been on the drafting board for many years and the proposed highway is partially completed with many travelers being dissatisfied; and
4. This highway has been in the planning and constructing stage for many years and the part of the highway is showing signs of failure before the whole length of the proposed highway is complete; and
5. With the increase of population and rising numbers of students, the proposed highway is in much demand for the transportation of students and to provide services to the people on a daily basis; and
6. To contract and construct the last unpaved section of the proposed N27 highway project under two separate construction contracts will be more costly for several different reasons; and
7. Large projects do cost more but the unit prices of the work items will be lower if the quantities are large enough to lower the overall cost. With the rising cost of highway construction project it will be more economical to have the proposed highway built under one construction contract; and
8. Chinle Agency Roads Committee and Chinle Agency Council have passed resolutions in favor of the constructing the last 9.5 miles of proposed project under one construction contract; and

CHINLE CHAPTER REQUESTS THAT BIA-NAVAJO DIVISION OF TRANSPORTATION DESIGN AND CONSTRUCT THE LAST 9.5 MILES OF THE PROPOSED N27 NORTH NAZLINI-CHINLE HIGHWAY PROJECT UNDER ONE CONSTRUCTION CONTRACT AND ENSURE THE HIGHWAY IS BUILT WITH RIGHT OF WAY FENCE, CATTLE GUARDS, GATES AND STOCK-PASSES FOR THE SAFETY OF THE TRAVELING PUBLIC.

9. Nazlini Community members have been campaigning for the construction and completion of this project for many years and they have been undergoing and suffering undue hardship every winter.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Chinle Chapter hereby approves the request for BIA-Navajo Division of Transportation to acquire right of way, design and construct the last 9.5 miles of the proposed N27 North Nazlini-Chinle highway project under one construction contract.
2. Chinle Chapter further approves the request for BIA-Navajo Division of Transportation to acquire the necessary right of way, design and construct right of way fence, cattle guards, gates, and stock-pass for the safety of the traveling public.
3. Chinle Chapter fully supports the resolutions passed by the Chinle Agency Roads Committee and Chinle Agency Council regarding the completion of the proposed 9.5 miles of highway construction project under one construction contract for economical reason.

CERTIFICATION

We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 48 in favor, 00 opposed and 00 abstained, this 27th day of September, 2009.

Motioned by: Daniel Gaggie

Leonard H. Pete, Chapter President

Bruce C. Draper, Vice President

Priscilla Clark, Secretary/Treasurer

Eugene Tso, Grazing Representative

Second by: Maui Bezary

Andy R. Ayre, Council Delegate

Harry H. Clark, Council Delegate

Nelson Gorman Jr., Council Delegate

Harry Claw, Council Delegate

Chinle Chapter Government

THE NAVAJO NATION

LEO R. BEGAY
PRESIDENT

BRUCE C. DRAPER
VICE PRESIDENT

PRISCILLA M. CLARK
SECRETARY/TREASURER

Leonard H. Pete
COUNCIL DELEGATE

Eugene Tso
GRAZING REPRESENTATIVE

RESOLUTION OF THE CHINLE CHAPTER NAVAJO NATION CHIN-OCT-12-058

**REQUESTING THAT RESOURCE AND DEVELOPMENT COMMITTEE AND NAVAJO NATION
DIVISION OF TRANSPORTATION ENSURE THAT N27 PROPOSED HIGHWAY IS SCHEDULED
FOR CONSTRUCTION IN 2014 AND THE PROJECT IS ADVERTISED FOR COMPETITIVE
BIDDING AS A SINGLE PROJECT UNDER ONE CONSTRUCTION CONTRACT**

WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
2. Chinle Chapter has the duty and responsibility to support and promote initiatives to improve the living conditions of its constituents and promote the improvement of the transportation system within Chinle Community; and
3. As the most traveled dirt road within Chinle Agency, route N27 Nazlini-Chinle have been on the construction priority list for many years and the proposed highway is partially completed with many travelers being frustrated and dissatisfied; and
4. With the increasing number of population and rising number of students, the proposed highway is in much demand for the transportation of students and to provide other essential services to the people on a daily basis; and
5. To contract and construct the last unpaved section of the proposed N27 highway project under two separate construction contracts will be more costly, and especially if the proposed project is awarded to a sole source contractor without competitive bidding; and
6. By advertising the entire length of the unpaved dirt road and then awarding the construction contract to the lowest bidder the Navajo Nation can be able to save more than three millions dollars by paying for only one mobilization cost; and
7. Large project do cost more but the unit prices of the work items will be much lower if the quantities are large enough to lower the overall cost of the construction project; and
8. With the rising cost construction highway project it will be more economical construct the 9.5-miles proposed project under one construction contract; and
9. In the past Chinle Agency Roads Committee and Chinle Agency Council have passed resolutions in favor of the constructing the last 9.5miles project under one construction contract; and
10. Nazlini Community members have been campaigning for all construction and completion of this project for many years and they have been undergoing and suffering undue hardship every winter.

Signature 10-28-12

**REQUESTING THAT RESOURCE AND DEVELOPMENT COMMITTEE AND
NAVAJO NATION DIVISION OF TRANSPORTATION ENSURE THAT N27
PROPOSED HIGHWAY IS SCHEDULED FOR CONSTRUCTION IN 2014 AND
THE PROJECT IS ADVERTISED FOR COMPETITIVE BIDDING AS A
SINGLE PROJECT UNDER ONE CONSTRUCTION CONTRACT**

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Chinle Chapter hereby requests that Resource and Development Committee and Navajo Nation Division of Transportation ensure that N27 proposed highway is scheduled for construction in 2014 and the project is advertised for competitive bidding as a single project under one construction contract.

CERTIFICATION

We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 21 in favor, 00 opposed, and 04 abstained, this 28th day of October 2012.

Motioned by:

Roselyn Yazzie

Second by:

Timothy Begay

Leo R. Begay
Leo R. Begay, President

Bruce C. Draper
Bruce C. Draper, Vice President

Priscilla M. Clark

Priscilla M. Clark, Secretary / Treasurer

Chinle Chapter Government

THE NAVAJO NATION

Andy R. Ayze
PRESIDENT

Myron McLaughlin
VICE PRESIDENT

Cynthia Hunter
SECRETARY/TREASURER

Leonard Pete
COUNCIL DELEGATE

Eugene Tso
GRAZING COMMITTEE MEMBER

RESOLUTION OF THE CHINLE CHAPTER NAVAJO NATION CHIN-MAR-14-019

REQUESTING NAVAJO DIVISION TRANSPORTATION AND RESOURCE AND DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL APPROVE THE EXTENSION OF PROPOSED N27 HIGHWAY CONSTRUCTION FOR THE PROGRAMMING OF THE NECESSARY FUNDS FOR PRELIMINARY ENGINEERING ACTIVITIES FOR THE FUTURE N27 STREET WIDENING AND CONSTRUCTION OF TRAFFIC CONTROL INFRASTRUCTURE AT THE JUNCTION OF N7/N27.

WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
2. Chinle Chapter in conjunction with Bureau of Indian Affairs (BIA) Regional Office, Department of Corrections, ARCANDIS Project Management, and the General Contractor, Arviso/Okland are in the process of constructing a Detention facility, Law Enforcement and Court building, which will increase the traffic flow on N27; and
3. The BIA Navajo Regional Division of Transportation is proposing to reconstruct BIA Route N27 from Nazlini to Chinle as an all-weather paved road in 2015, 2016; and
4. The BIA traffic analysis performed shows a projected LOS of route N27 along the proposed Justice Center project to be at a LOS of C by the year 2020, and will progressively get worse to LOS D by the overall projected design life of 2033, requiring about .5 mile section of N27 to be widened to at least 3 lanes and a roundabout at the N7/N27 junction; and
5. The N27 road widening and proposed roundabout is considered an extended project of the current N27 road important project, which would require additional funding for planning and designs.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Chinle Chapter hereby requests Navajo Division Transportation and Resource and Development Committee of the Navajo Nation Council approve the extension of proposed N27 highway construction for the programming of the necessary funds for preliminary engineering activities for the future N27 Street widening and construction of traffic control infrastructure at the junction of N7/N27.

CERTIFICATION

We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 36 in favor, 0 opposed, and 0 abstained, this 14th day of April 2014.

Motioned by: DAVID YAZZIE

Second by: ROSELYN YAZZIE

Andy R. Ayze
Andy R. Ayze, President

Myron McLaughlin
Myron McLaughlin, Vice President

Cynthia Hunter
Cynthia Hunter, Secretary / Treasurer

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.: AMENDMENT No. 2 - N27(2-2)(2-3)1,2&4/N105(1)2&4/ N7(2-3)2&4

DESCRIPTION: The BIA NRDOT is seeking revised ROW approvals for the operation and maintenance of N27(2-2)(2-3)1,2&4/N105(1)2&4/ N7(2-3)2&4. The easement will include the construction of utilities within the easement corridor. The revised ROWs follow:

N27(2-2)(2-3)1,2&4 = 54,227.19 ft in length with varying widths consisting of 252.54± acres

N105(1)2&4 = 2,032.54 ft. in length with varying widths consisting of 6.144± acres

N7(2-3)2&4 = 879.21 ft. in length with varying widths consisting of 0.97± acres

LOCATION: Various Sections of T30-32N, R26E, G&SRM, Apache County, Arizona

REPRESENTATIVE: Howard Draper, Project Review, Navajo Land Department for BIA NRDOT

ACTION AGENCY: Bureau of Indian Affairs Navajo Region Division of Transportation and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: None.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 2- 3. Suitable nesting habitat is present for Migratory Birds not listed under the NESL or ESA. Migratory Birds and their habitats are protected under the Migratory Bird Treaty Act (16 USC §703-712) and Executive Order 13186. Under the EO, all federal agencies are required to consider management impacts to protect migratory birds.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Athene cunicularia* (Burrowing Owl) G4, MBTA; [2] *Chadrius montanus* (Mountain Plover) G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: [1] Mitigation measures will be implemented to avoid impacts on species protected under the MBTA that could potentially nest within and adjacent to the proposed action areas.

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/06 JUL 2016

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)



7/6/16

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

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

Representative's signature

Date



THE NAVAJO NATION

471-1-
CRCE

ALBERT A. HALE
PRESIDENT

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT
ROADS PLANNING PROGRAM
214 E. NIZHONI BLVD.
GALLUP, NEW MEXICO 87301

THOMAS E. ATCITY
VICE PRESIDENT

April 25, 1997

ATTENTION: Signatories and Interested Parties to the Navajo Nation Historic Preservation Department - Roads Planning Program Programmatic Agreement

RE: **NNHPD-92-471.1:** *Additional Easement on the N27 Road Project to Improve and Extend Turnouts, Improve Grades, Obliterate Existing Roads, and Add Drainage Cuts for Pipes, Apache County, Arizona (BOR-92-007.1).*

Pursuant to Stipulation 6 of "A Programmatic Agreement among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section within the Boundaries of the Navajo Nation," the enclosed documentation is provided for your reference.

NNHPD-92-471.1 documents the findings of an assessment requested by the Bureau of Indian Affairs - Navajo Area Office - Branch of Roads for the survey of various additions to the N27 right-of-way on the southern 5.6 miles of the route between stations 28+552 - 36+765 meters. These additions are for the extension of existing turnouts, the improvement of grades, the obliteration of existing roads, and the addition of drainage cuts for culverts. No cultural resources were identified within the newly expanded project area. In accordance with these findings, the Navajo Nation Historic Preservation Department has determined that the proposed change of scope (added construction easements) will not affect historic properties or the previous determination of no adverse effect on historic properties (NNHPD-92-471). We recommend that the change in scope be authorized by the BIA, provided that BIA ensures adherence to all previous conditions of compliance established in conjunction with this undertaking.

Should you have any questions, please contact Reid Nelson, Program Manager, at (505) 863-9349.

Sincerely,

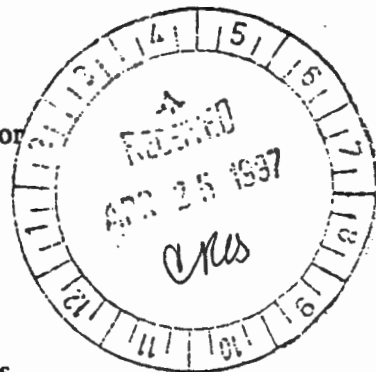
C-O-N-C-U-R-R-E-N-C-E

Alan S. Downer, Director
Navajo Nation Historic Preservation Department

Wilson Barber, Jr., Director
BIA, Navajo Area Office

AD/m 97.129
Enc.: Report NNHPD-92-471.1
xc: Don Klima, ACHP
James Garrison, AZ-SHPO
Leigh Kuwanwisiwma, Hopi Tribe
Joseph Dishita, Pueblo of Zuni
Ron Shutiva, Governor, Pueblo of Acoma

Roland Johnson, Governor, Pueblo of Laguna
Gabriel Calvan, Governor, Pueblo of Zia
Wilfred Frazier, BIA-NAO-BOR
Peter Noyes, Program Manager, NNHPD-CRCS
N27 Project File



CULTURAL RESOURCES INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD Report No. HPD-92-471.1	2. (For HPD Use Only)	3. Recipient's Accession No.
4. Title of Report: Additional easement on the N27 Road Project to improve and extend turnouts, improve grades, obliterate existing roads, and add drainage cuts for pipes. (Addendum to NNHPD-92-471).		
Author(s): Patsy A. Dehiya, Navajo Cultural Specialist, and Loretta Holyan, Arch. Tech. II.		
5. Fieldwork Dates: February to March 1997	6. Report Date: 03/20/97	
7. Consultant's Name and Address General Charge: Reid Nelson, Acting Program Manager Name: Navajo Nation Historic Preservation Dept. (NNHPD) Organization Address: 214 E. Nizhoni, Gallup NM 87301 Phone: (505) 863-9349	8. Permit: NTC (Navajo Tribal Code)	9. Consultant's No.: BIA-BOR No. 92-007.1
10. Sponsor's Name and Address: Individual: Mr. Wilfred Frazier Organization: BIA Navajo Area Office-Branch of Roads Address: Box 1060, Gallup NM 87305 Phone: (505) 863-8200 x281	11. Sponsor's Project No.: N27-35274	12. Area: of Effect: 10.024 acres (4.056 ha) Surveyed: 10.024 acres (4.056 ha)
13. Location (map attached): See Figures 1- 4.		
a. Chapter(s): Nazlini	f. UTMs (see Table 1)	
b. Agency: Chinle	g. Legals (see Table 1)	
c. County: Apache	h. USGS 7.5' map(s): Nazlini, AZ, and Beautiful Valley Well, AZ	
d. State: Arizona		
e. Land Status: Navajo Tribal Trust Land		
14. (X) REPORT; () SUMMARY (REPORT ATTACHED); () PRELIMINARY REPORT		
a. Description of Undertaking: The Chinle Branch of Roads (BOR) will be improving and extending 16 turnouts with cattle guards and gates, obliterating 5 existing roads, adding 3 drainage cuts for installation of pipes, installing a drainage pipe with back and fill slope (Figure 2 and 3). The construction will be done by heavy equipment and will consist of grading, drainage cutting, back filling, leveling, and paving. The additional easements will be along approximately 5.6 miles of the N27 road project from station number 28+542.00 (BOP) to station number 36+970.49 (EOP) on USGS Nazlini and Beautiful Valley Well, Arizona, 7.5-minute maps. At 15 turnouts and 3 drainage cuts for pipes we surveyed 50 x 52.5 ft (15.2 x 16.0 m) and at 1 turnout we surveyed 150 x 52.5 ft (45.7 x 16 m). The 5 existing roads that will be obliterated are approximately 306.6 m to 1.1 km long and 1.37 to 13.7 m wide. Also an area of 50.0 x 820.3 ft. (15.2 x 250.0 m) was surveyed for installation of two drainage pipes with back and fill slope. The total area surveyed is 10.024 ac. (4.056 ha.).		

- b. **Existing Data Review:** Trianni, Gilpin, Newton and Fox 1992-1994 (NNHPD-92-471). All archaeological and Navajo traditional cultural properties identified in the NNHPD-92-471 report are outside the right-of-way.
- c. **Area Environmental & Cultural Setting:** The project areas are adjacent to the N27 proposed right-of-way. The landscape is very sandy. Vegetation observed are sage, snakeweed, cliff rose, various grasses, juniper, and pinon. Sediments consist of aeolian and colluvial deposits, small to medium sandstones rocks, and petrified wood chunks.
- d. **Field Methods:** NNHPD-Roads Program staff contacted the Chinle Agency Branch of Roads (BOR) to locate the new easements along the N27 road project. We drove the entire N27 road project alignment with Daniel NezTsosie from the Chinle Agency BOR to locate the project areas. A Class III pedestrian inventory was conducted by walking along transects spaced 5 m apart for complete coverage of the project areas. All previously identified cultural properties, including a burial site, were relocated to insure they were outside the right-of-way and would not be impacted by the road construction. We monitored the installation of the recommended temporary fencing for two previously recorded sites, AZ-P-5-24 and AZ-P-5-25 (Figure 4). The cultural resources survey was conducted by Patsy A. Dehiya, Navajo Cultural Specialist, and Loretta Holyan, Archaeological Technician II from the NNHPD-Roads Planning Program. There were no ethnographic interviews conducted with the local residents or at the chapter house since ethnography clearance was granted by SWCA (NNHPD-92-471; Newton and Jim, 1992-1994). There were no new cultural properties identified during the survey.
-

15. CULTURAL RESOURCE FINDINGS:

- a. **Location/Identification of Each Resource:** N/A.
- b. **Evaluation of Significance of Each Resource (above):** N/A.
-

16. MANAGEMENT SUMMARY (RECOMMENDATIONS): Additional monitoring is still recommended between station numbers 34+245 to 34+272 at site AZ-P-5-25 and from station number 34+350 to 34+395 at site AZ-P-5-24, during the ground disturbances and road construction. Monitoring should be done by a qualified Anthropologist or Archaeologist. If this stipulation is followed, cultural resources clearance is recommended.

17. CERTIFICATION:

SIGNATURE: _____

General Charge: Reid Nelson, Acting Program Manager

DATE: _____

4/25/97

SIGNATURE: _____

Direct Charge: Loretta L. Holyan or Patsy A. Dehiya

DATE: _____

March 20, 97

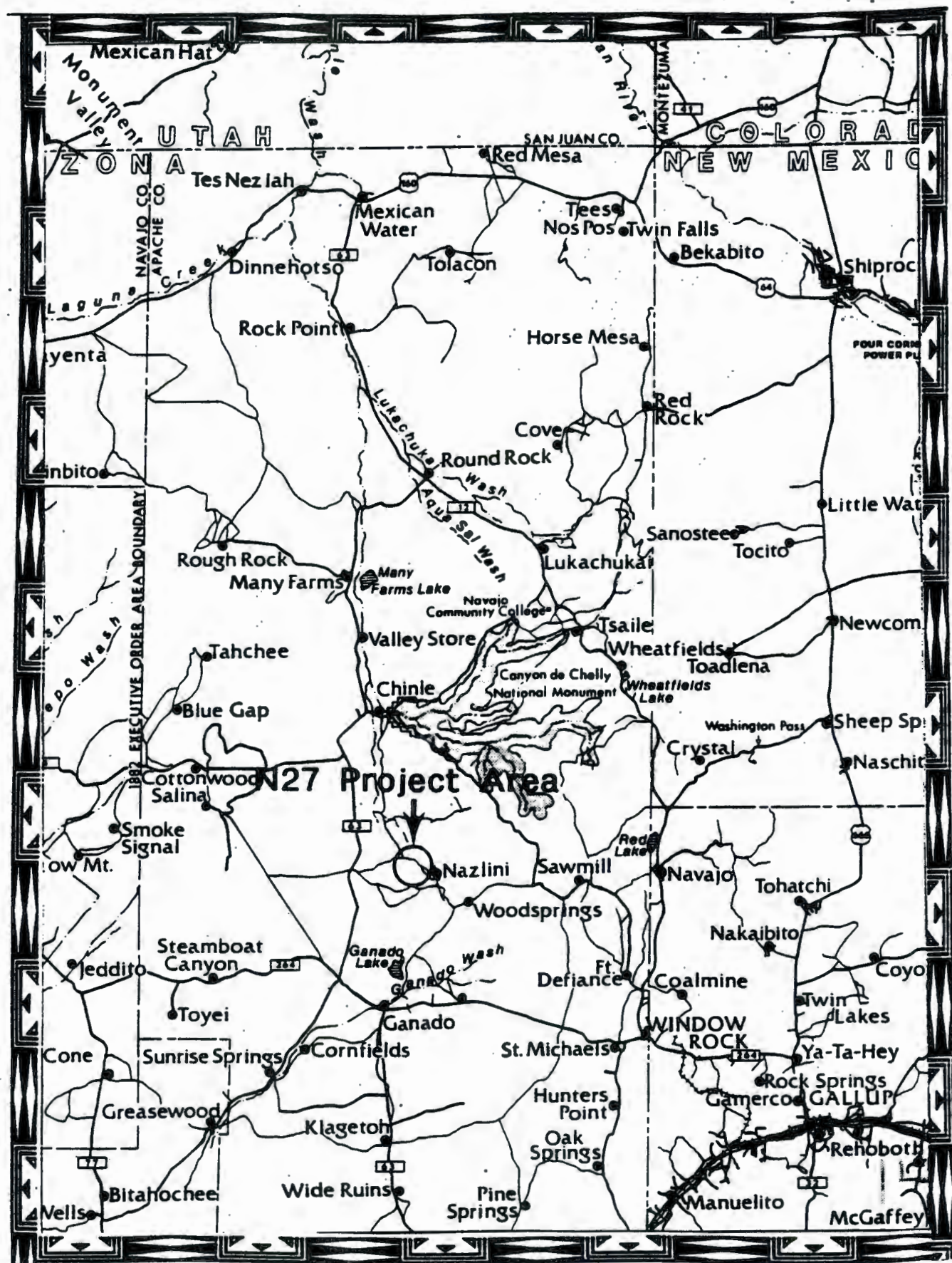


Figure 1. Locational map of the N27 road project in Nazlini, Arizona. Map taken from the Navajo Atlas by James M. Goodman, 1982.



Provisional Edition 1983. 7.5 minute quadrangle

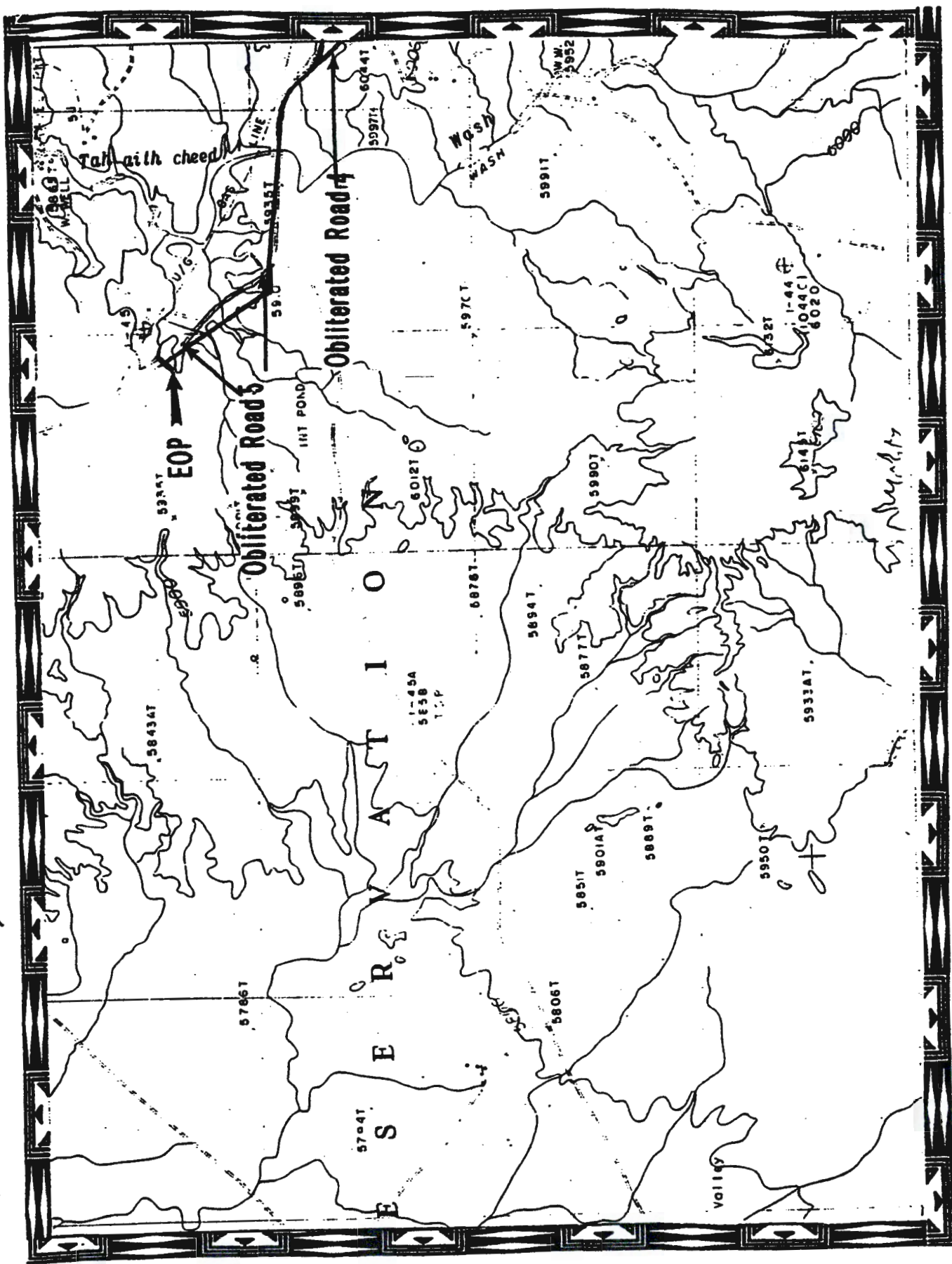


Figure 3. Locational map of obliterated roads on the N27 road project. USGS: Beautiful Valley Well, Arizona, Provisional Edition 1983, 7.5 minute quadrangle.

Table 1. UTM Coordinates and Legal Description for the proposed N27 project.

Location Description	Quad	UTM (Zone 12)	T N / R W	Station Number
Turnout 1	Nazlini, AZ 1982	3974860 N, 640240 E	2 N / 9 W	28+552 — 28+568
Turnout 2	Nazlini, AZ 1982	3974520 N, 639940 E	2 N / 9 W	29+205 --- 29 +221
Turnout 3	Nazlini, AZ 1982	3974620 N, 639770 E	2 N / 9 W	29+446 --- 29+ 462
Turnout 4	Nazlini, AZ 1982	3974680 N, 639780 E	2 N / 9 W	30+322 — 30 + 338
Turnout 5	Nazlini, AZ 1982	3974840 N, 638840 E	2 N / 9 W	30+322 — 30 +338
Turnout 6	Nazlini, AZ 1982	3974800 N, 638840 E	2 N / 9 W	30+442 — 30+458
Turnout 7	Nazlini, AZ 1982	3975120 N, 638620 E	2 N / 9 W	30+622 — 30+638
Turnout 8	Nazlini, AZ 1982	3975240 N, 638520 E	2 N / 9 W	30+836 — 30+852
Turnout 9	Nazlini, AZ 1982	3975160 N, 638100 E	2 N / 9 W	31+092 — 31+108
Turnout 10	Nazlini, AZ 1982	3975560 N, 638070 E	2 N / 9 W	31+229 — 31+245
Turnout 11	Nazlini, AZ 1982	3975600 N, 638020 E	2 N / 9 W	31+304 — 31+320
Turnout 12	Nazlini, AZ 1982	3975620 N, 638000 E	2 N / 9 W	31+488 --- 31+504
Turnout 13	Nazlini, AZ 1982	3975660 N, 637960 E	2 N / 9 W	31+577 --- 31+593
Turnout 14	Nazlini, AZ 1982	3977320 N, 636300 E	2 N / 9 W	33+960 — 33+976
Turnout 15	Nazlini, AZ 1982	3977400 N, 636160 E	2 N / 9 W	34+080 --- 34+096
Turnout 16	Nazlini, AZ 1982	3977440 N, 636060 E	2 N / 9 W	34+050 — 34+300
Drainage pipe 1	Nazlini, AZ 1982	3976100 N, 637360 E	2 N / 9 W	32+350 --- 32+366
Drainage pipe 2	Nazlini, AZ 1982	3976200 N, 637280 E	2 N / 9 W	32+421 --- 32+437

Drainage pipe 3	Nazlini, AZ 1982	3976300 N, 637240 E	2 N / 9 W	32+421 --- 32+437
Pipe with Fill slope	Nazlini, AZ 1982	3977410 N, 636100 E	2 N / 9 W	34+050 --- 34+300
Pipe with back slope	Nazlini, AZ 1982	3977400 N, 635960 E	2 N / 9 W	34+050 --- 34+300
Beginning of Obliterated road 1	Nazlini, AZ 1982	3974040 N, 640280 E	2 N / 9 W	28+996 --- 29+380
Ending of Obliterated road 1	Nazlini, AZ 1982	3974660 N, 639800 E	2 N / 9 W	28+996 --- 29+380
Beginning of Obliterated road 2	Nazlini, AZ 1982	3975720 N, 637800 E	2 N / 9 W	31+790 --- 32+835
Ending of Obliterated road 2	Nazlini, AZ 1982	3976500 N, 637080 E	2 N / 9 W	31+790 --- 32+835
Beginning of Obliterated road 3	Nazlini, AZ 1982	3977000 N, 636600 E	2 N / 9 W	33+865 --- 34+337
Ending of Obliterated road 3	Nazlini, AZ 1982	3977480 N, 635940 E	2 N / 9 W	33+865 --- 34+337
Beginning of Obliterated road 4	Nazlini, AZ 1982	3977500 N, 635500 E	2 N / 9 W	34+400 --- 35+055
Ending of Obliterated road 4	Beautiful Valley Well, AZ 1982	3977660 N, 635220 E	2 N / 9 W	34+400 --- 35+055
Beginning of Obliterated road 5	Beautiful Valley Well, AZ 1982	3977900 N, 634300 E	2 N / 9 W	36+225 --- 36+765
Ending of Obliterated road 5	Beautiful Valley Well, AZ 1982	3978460 N, 633820 E	2 N / 9 W	36+225 --- 36+765

UNITED STATES DEPARTMENT OF THE INTERIOR
CHINLE B.I.A. BRANCH OF ROADS

Contract No. CTN00X00125

N27(3-1)2&4 - Nazlini South to North

Feb. 06, 1997

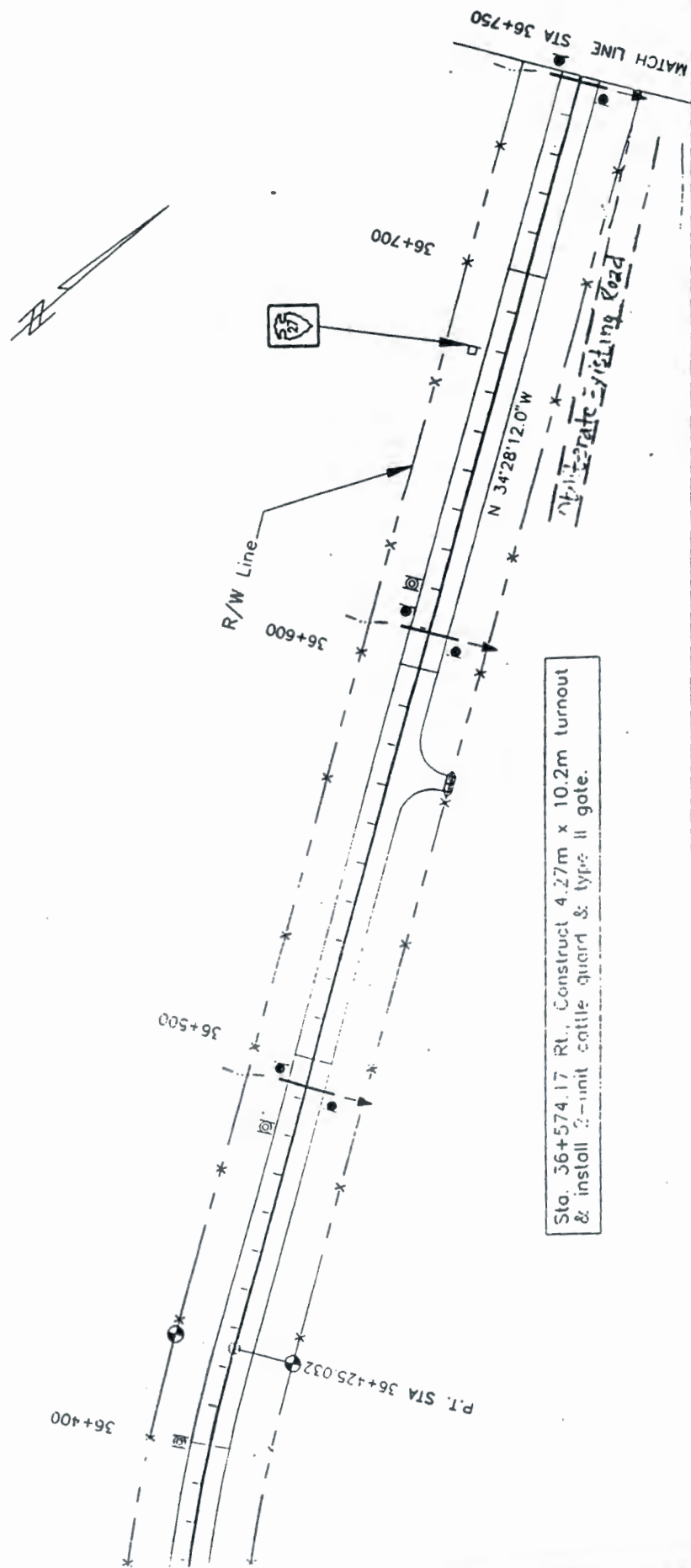
CONSTRUCTION EASEMENT LOCATIONS

No.	PLAN METRIC UNIT		OLD ENGLISH UNIT		Loc.	Length		Width		Area		Location Description
	Station To	Station	Station To	Station		Ft.	M	Ft.	M	Ac.	Ha.	
1	28+552	28+568	1036+19	1033+53	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
2	28+996	29+380	1021+62	1009+02	Rt.	1006.0	306.6	45.0	13.7	1.039	0.421	Oblliterate existing road
3	29+205	29+221	1014+76	1014+24	Rt.	150.0	45.7	52.5	16.0	0.181	0.073	Extend T.O. to exist'g road
4	29+446	29+462	1006+86	1006+33	Lt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
5	30+322	30+338	978+12	977+59	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
6	30+322	30+338	978+12	977+59	Lt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
7	30+442	30+458	974+18	973+66	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
8	30+622	30+638	968+27	967+75	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
9	30+836	30+852	961+25	960+73	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
10	31+092	31+108	952+85	952+33	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. for NHA
11	31+229	31+245	948+36	947+84	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. for NHA
12	31+304	31+320	945+90	945+37	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. to NHA entr.
13	31+488	31+504	939+86	939+34	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. to NHA entr.
14	31+577	31+593	936+94	936+42	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. for NHA
15	31+790	32+835	929+95	895+67	Rt.	3646.0	1111.2	45.0	13.7	3.767	1.524	Oblliterate existing road
16	32+350	32+366	911+58	911+06	Lt.	50.0	15.2	52.5	16.0	0.060	0.024	Cut pipe outlet to drain
17	32+421	32+437	909+25	908+73	Lt.	50.0	15.2	52.5	16.0	0.060	0.024	Cut pipe outlet to drain
18	32+421	32+437	909+25	908+73	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Cut pipe inlet to drain
19	33+960	33+976	858+76	858+24	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
20	33+865	34+337	861+88*	845+05*	Rt.	2062.0	628.5	45.0	13.7	2.130	0.862	Oblliterate existing road
21	34+080	34+096	854+82	854+30	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
22	34+050	34+300	855+81*	846+26*	Lt.	50.0	15.2	820.3	250.0	0.942	0.381	Install pipe & fill slope
23	34+050	34+300	855+81*	846+26*	Rt.	50.0	15.2	820.3	250.0	0.942	0.381	Install pipe, backslope, T.O.
24	34+400	35+055	842+98	821+49	Lt.	2062.0	628.5	45.0	13.7	2.130	0.862	Oblliterate existing road
25	36+225	36+765	783+10	765+39	Rt.	1798.0	548.0	45.0	13.7	1.857	0.752	Oblliterate existing road
TOTAL.....										10.024	4.056	

* Equ .sta. 848+87bk

850+21ahd

STATE	ROUTE	PROJECT NO.	SHEET NO.	TOTAL SHEETS
ARIZONA	N27	N27(3-1)2&4	25	47



DRAINAGE STRUCTURES				
Station	Structure	Skew No.	Ha	Remarks
36+019.74	1-762mm x 16.8m	90	3.8	Install new C.S.P.C.
36+212.98	1-762mm x 17.5m	90	0.90	Install new C.S.P.C.
36+345.67	1-1067mm x 27.1m	60	38.5	Install new C.S.P.C.
36+497.97	1-914mm x 22.0m	90	22.0	Install new C.S.P.C.
36+609.83	1-762mm x 18.0m	90	3.4	Install new C.S.P.C.
36+749.43	1-762mm x 17.3m	90	10.0	Install new C.S.P.C.
STA. 36+665.69 - BM# 77 30.5m Rt. - Elev. 1799.43				

Sta. 28+542.64 ±. Remove existing 4-unit cattle guard w/ fence and stockpile at Contractor's construction yard. (To be paid for under Item 20304).

CURVE 7	
Pt. STA.	28+709.169
A	21'07"59.0"
D	03'00"00.0"
R	582.125
T	103.550
L	214.712
E	10.043
Runoff	63.63m
	4.39%

Sta. 28+560.50 R.L., Construct 7.32m x 10.2m & install 3-unit cattle guard with type II gate.

Sta. 28+542.00 - E.O.P. Sta. 36+908.43, Install new R.O.W. barbed wire fence.

SPEED LIMIT 50

Sta. 28+740.81 R.L., Construct 4.27m x 10.2m turnout & install 2-unit cattle guard with type II gate.

Sta. 28+832.25 - Remove, existing C.S.P.C. Install new 76



STA. 28+740.89 - BM# 103
30.5m Rt. - Elev. 1904.26

1903.959

1903.751

243.8 VC
= 115

217000

217100

216900

CURVE	S
Sta. 29+428.00	53.45
Sta. 29+456.79	06.00
Sta. 29+484.00	291.06
Sta. 29+512.00	147.59
Sta. 29+540.00	273.19
Sta. 29+568.00	55.28
Sta. 29+596.00	59.00
Sta. 29+624.00	5.92
Runoff	

Sta. 29+593.00 - Sta. 29+6. new guardrail.

Sta. 29 Asphalt of 47

Sta. 29+456.79 Lt., Construct 4.27m x 10.2m turnout & install 2-unit cattle guard with type II gate.

Sta. 29+428.00 & 29+470.00 - NCC underground telephone line crossings. Depth = .31m (Est.)

Sta. 29+456.79 Rt., Construct 4.27m x 10.2m turnout & install 2-unit cattle guard with type II gate.

Sta. 29+351.40 - NTUA waterline crossing. Depth = .31m (Est.)



STA. 29+350.49 - BM# 101
30.5m - Elev. 1913.00

1911.941

1914.711

1917.387

1917.374

STA. 29
30.5m

CURVE 10	
PI STA.	31+052.782
1539'01.0"	
00'00'00.0"	
673.185	
104.510	
208.030	
6.21%	
4.4m	
3.45%	

Sta. 31+052.782 - Construct 4.2m x 10.2m turnout
 & install 3-unit cattle guard with type II gate.

Sta. 30+843.93 Rt. Construct 7.32m x 10.2m turnout
 & install 3-unit cattle guard with type II gate.

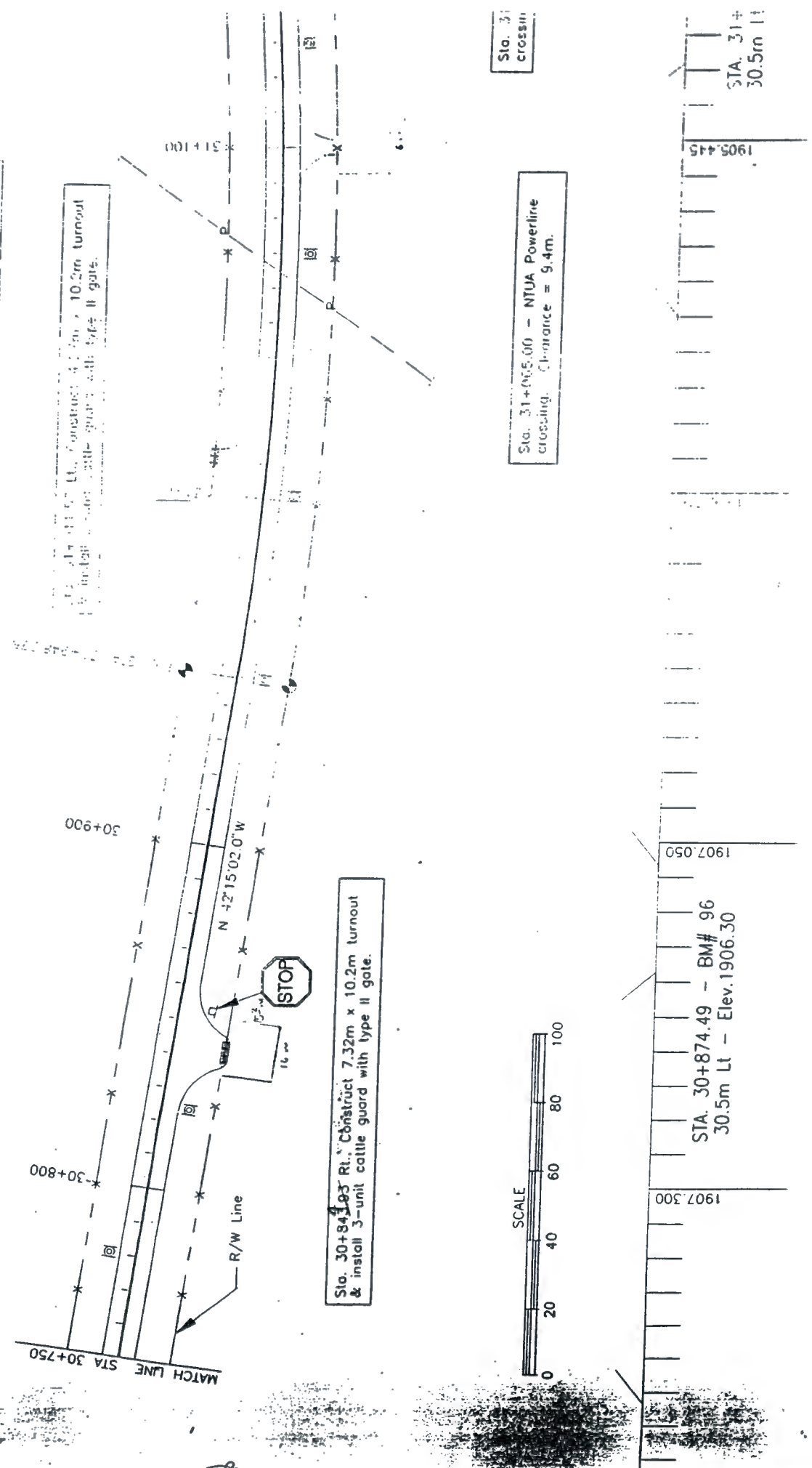
Sta. 31
 crossing

Sta. 31+065.00 - NTUA Powerline
 crossing. Clearance = 9.4m.



1907.300
 STA. 30+874.49 - BM# 96
 30.5m Lt - Elev. 1906.30
 1907.050

1905.445
 STA. 31+
 30.5m Lt

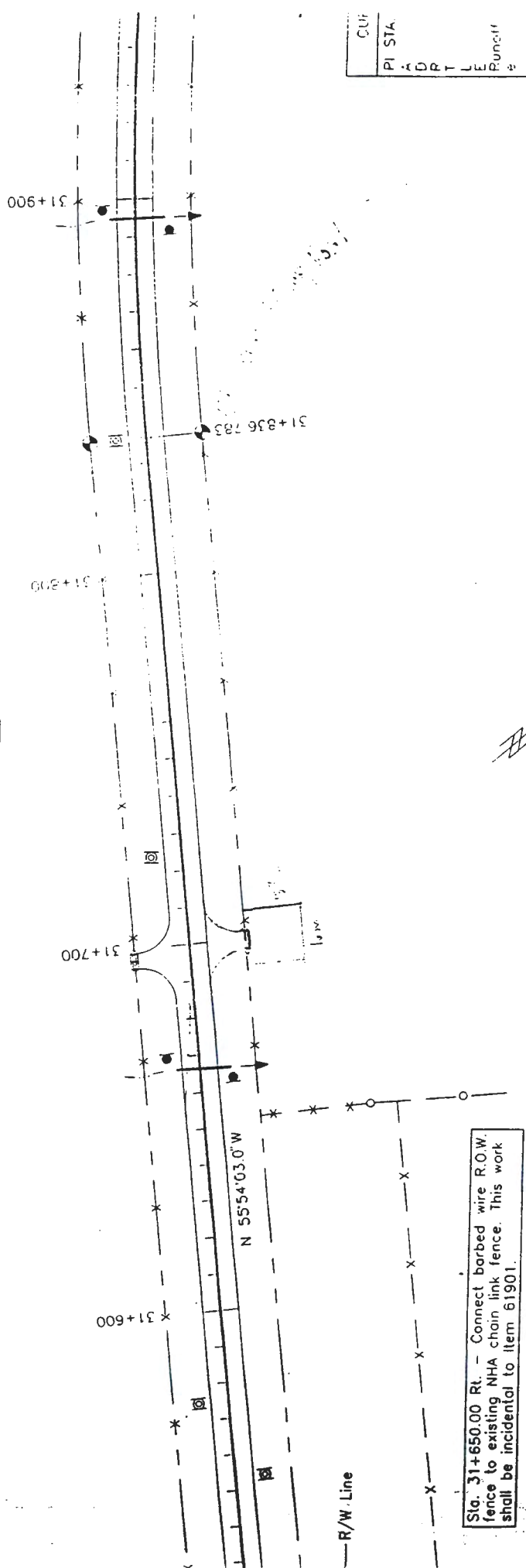


215800

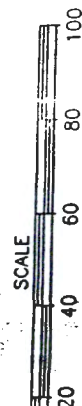
E 215200

E 215100

Sta. 31+697.37 Lt., Construct 4.27m x 10.2m turnout
& install 2-unit cattle guard with type II gate



Sta. 31+650.00 Rt. - Connect barbed wire R.O.W.
fence to existing NHA chain link fence. This work
shall be incidental to item 61901.



Cut
PI STA
ADP
LE
Punch

1898.670

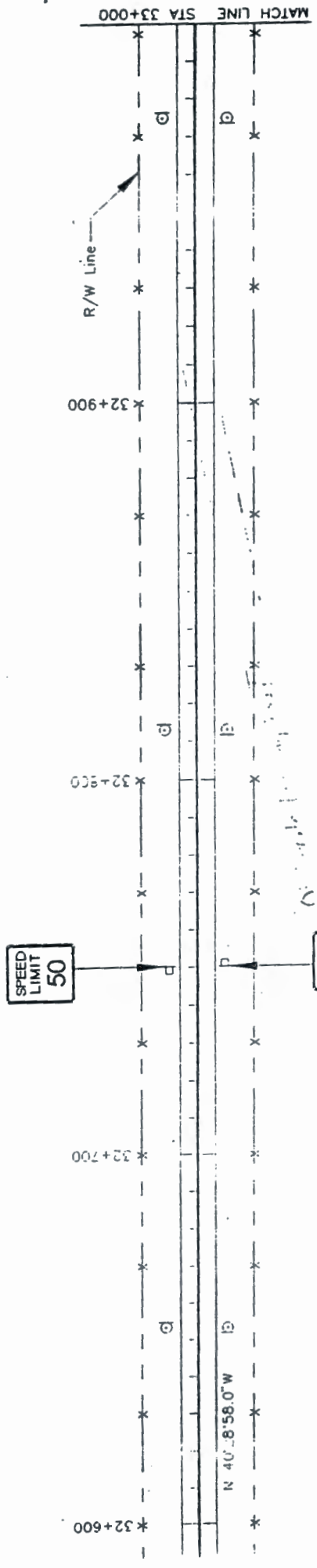
1897.315

STA. 31+788.89 - ELEV. 30
30.5m Rt. - Elev. 1896.79

1895.87

1894.005

uct 4.27m x 10.2m turnout
d with type II gate.



uct 4.27m x 10.2m turnout
I with type II gate.



DRAINAGE STRUCTURES

DELINEATORS		OBJECT MARKER	RIGHT OF-WAY MONUMENTS
d	10	d	
Type "1a" Type "1b" Type "2"	6 2 6	Type "2"	0

Station	Structure	Skew No.	Ha	Remarks
32+280.00	1-2134mm x 28.0m	90	3.3	Install new CSCP
32+360.00	1-762mm x 17.2m	90	2.9	Install new CSCP
32+428.89	1-762mm x 17.8m	90	3.0	Install new CSCP

1886.739	1885.214	1885.429	1884.643	1883.857
STA.32+703.29 - BM# 90 30.5m Rt. - Elev.1886.62				
STA.33+008.39 - BM# 89 30.5m Rt. - Elev.1885.06				

213700

CURVE 12	
PI STA.	33+895.108
A.D.	24'00"00.0"
RTY	03'00"00.0"
LE	582.125
Runoff	123.735
	243.840
	13.005
	44m
	4.39%

Sta. 34+008.00 - NTUA Powerline crossing. Clearance = 6.5m

P.T. STA 34+015.214

33+900

N 64°28'58.0"W

R/W Line

Abolish Existing Road

Sta. 33+968.13 Rt., Construct 4.27m x 10.2m turnout, install 2-unit cattle guard with type II gate, and 1-610mm x 10.8m CSPC.

Sta. 34+110.00 Rt., Construct 4.27m x 10.2m install 2-unit cattle guard with type II gate and 1-610mm x 10.8m CSPC.



1879.135

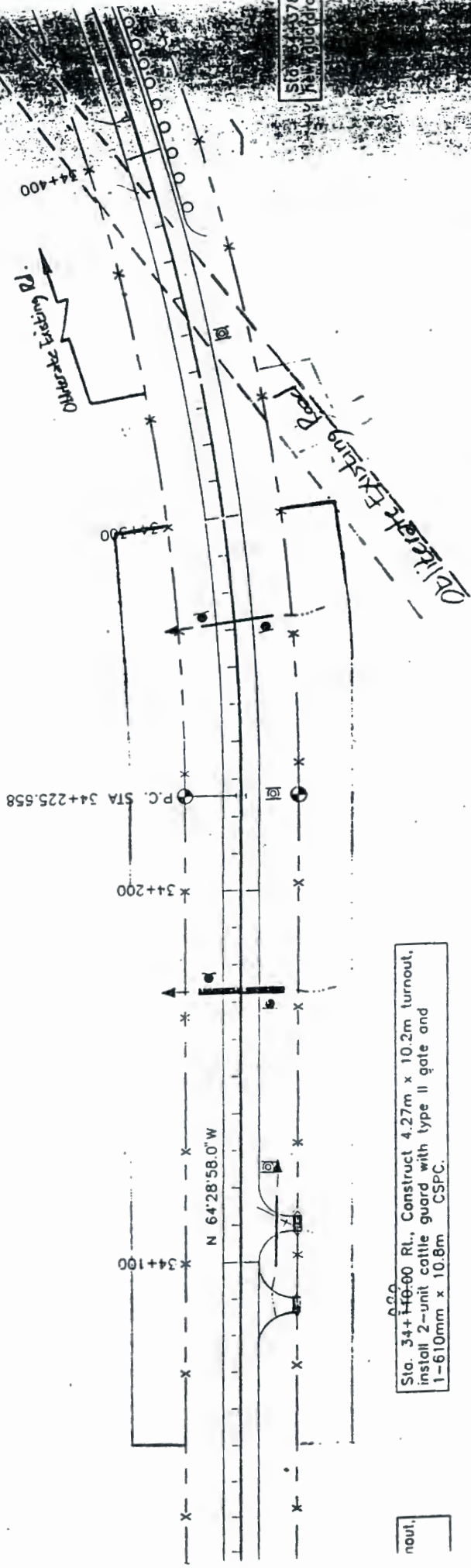
1877.251

1873.089

STA. 33+922.49 - BM# 86
30.5m Rt. - Elev. 1876.84

Sta. 34+008.00 - NTUA Powerline crossing. Clearance = 6.8m

CURVE 13	
PI STA.	34+402.054
A	33+42.57.0"
D	03+00'00.0"
R	582.125
T	176.396
E	342.553
Runoff	26.139
	44m
	4.39%



Sta. 34+140.00 R/L, Construct 4.27m x 10.2m turnout, install 2-unit cattle guard with type II gate and 1-610mm x 10.8m CSCP.

nout.

NTUA Powerline
= 6.8m

Sta. 34+008.00 - NTUA Powerline crossing. Clearance = 6.8m

DRAINAGE STRUCTURE	
Station	Structure
33+968.13	1-610mm x 10.8m
34+110.00	1-610mm x 10.8m
34+132.00	1-2134mm x 26.3m
34+272.93	1-762mm x 17.3m

DELINEATORS		OBJECT MARKER	RIGHT OF-WAY MONUMENTS
0	8		
Type "1a" Type "1b" Type "2"	Type "1b" Type "2"	Type "2"	Type "2"

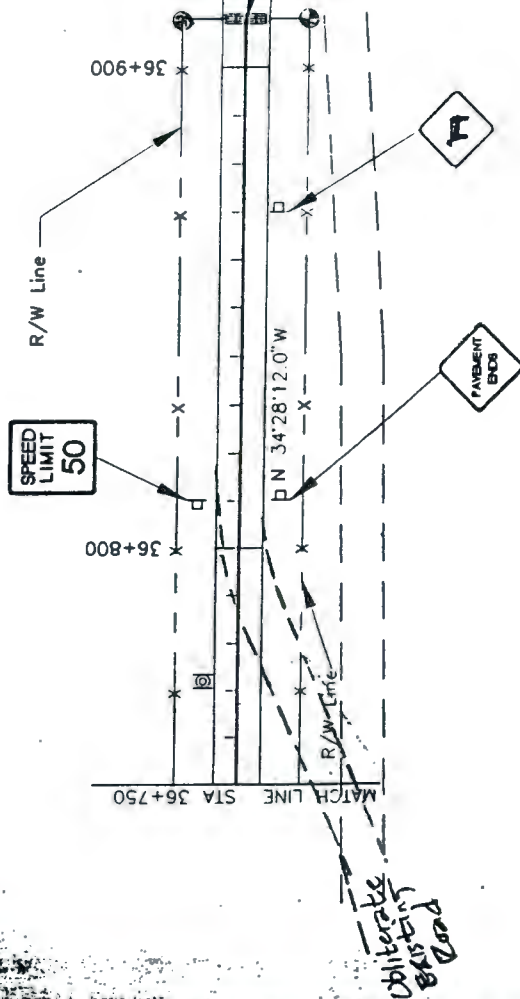
STA. 34+277.29 - BM# 85
30.5m Lt. - Elev. 1870.11

1873.089

1852.147

The Contractor shall construct a graded gravel surface road tapering to the existing dirt road 200m ahead. This work shall be incidental to Item 20401.

Sta. 36+905.44 { - Install 4-unit cattle guard with type II gate Taper 60.96m back from E.O.P. to match new Roadway.



E.O.P. Sta.
Elevation 1



STA. 36+970.49 - BM# 76
30.5m Rt. - Elev. 1799.42

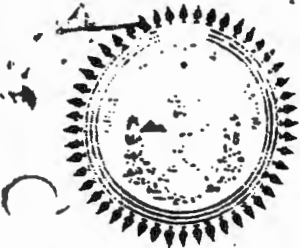
1799.629

1799.730

5.43



Figure 4.



THE NAVAJO NATION

471-1-
CRCE

ALBERT A. HALE
PRESIDENT

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT
ROADS PLANNING PROGRAM
214 E. NIZHONI BLVD.
GALLUP, NEW MEXICO 87301

THOMAS E. ATCITTY
VICE PRESIDENT

April 25, 1997

ATTENTION: Signatories and Interested Parties to the Navajo Nation Historic Preservation Department - Roads Planning Program Programmatic Agreement

RE: **NNHPD-92-471.1:** *Additional Easement on the N27 Road Project to Improve and Extend Turnouts, Improve Grades, Obliterate Existing Roads, and Add Drainage Cuts for Pipes, Apache County, Arizona (BOR-92-007.1).*

Pursuant to Stipulation 6 of "A Programmatic Agreement among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section within the Boundaries of the Navajo Nation," the enclosed documentation is provided for your reference.

NNHPD-92-471.1 documents the findings of an assessment requested by the Bureau of Indian Affairs - Navajo Area Office - Branch of Roads for the survey of various additions to the N27 right-of-way on the southern 5.6 miles of the route between stations 28+552 - 36+765 meters. These additions are for the extension of existing turnouts, the improvement of grades, the obliteration of existing roads, and the addition of drainage cuts for culverts. No cultural resources were identified within the newly expanded project area. In accordance with these findings, the Navajo Nation Historic Preservation Department has determined that the proposed change of scope (added construction easements) will not affect historic properties or the previous determination of no adverse effect on historic properties (NNHPD-92-471). We recommend that the change in scope be authorized by the BIA, provided that BIA ensures adherence to all previous conditions of compliance established in conjunction with this undertaking.

Should you have any questions, please contact Reid Nelson, Program Manager, at (505) 863-9349.

Sincerely,

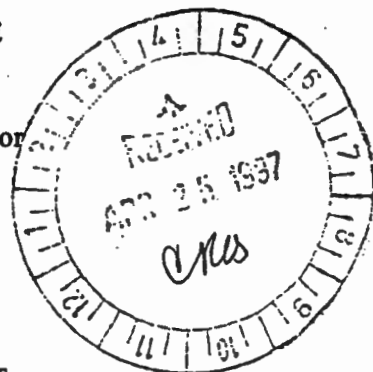
C-O-N-C-U-R-R-E-N-C-E

Alan S. Downer, Director
Navajo Nation Historic Preservation Department

Wilson Barber, Jr., Director
BIA, Navajo Area Office

AD/m 97.129
Enc.: Report NNHPD-92-471.1
xc: Don Klima, ACHP
James Garrison, AZ-SHPO
Leigh Kuwanwisiwma, Hopi Tribe
Joseph Dishta, Pueblo of Zuni
Ron Shutiva, Governor, Pueblo of Acoma

Roland Johnson, Governor, Pueblo of Laguna
Gabriel Galvan, Governor, Pueblo of Zia
Wilfred Frazier, BIA-NAO-BOR
Peter Noyes, Program Manager, NNHPD-CRCS
N27 Project File



CULTURAL RESOURCES INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD Report No. HPD-92-471.1	2. (For HPD Use Only)	3. Recipient's Accession No.
4. Title of Report: Additional easement on the N27 Road Project to improve and extend turnouts, improve grades, obliterate existing roads, and add drainage cuts for pipes. (Addendum to NNHPD-92-471).		
Author(s): Patsy A. Dehiya, Navajo Cultural Specialist, and Loretta Holyan, Arch. Tech. II.		
5. Fieldwork Dates: February to March 1997	6. Report Date: 03/20/97	
7. Consultant's Name and Address General Charge: Reid Nelson, Acting Program Manager Name: Navajo Nation Historic Preservation Dept. (NNHPD) Organization Address: 214 E. Nizhoni, Gallup NM 87301 Phone: (505) 863-9349	8. Permit: NTC (Navajo Tribal Code)	
	9. Consultant's No.: BIA-BOR No. 92-007.1	
10. Sponsor's Name and Address: Individual: Mr. Wilfred Frazier Organization: BIA Navajo Area Office-Branch of Roads Address: Box 1060, Gallup NM 87305 Phone: (505) 863-8200 x281	11. Sponsor's Project No.: N27-35274	
	12. Area: of Effect: 10.024 acres (4.056 ha) Surveyed: 10.024 acres (4.056 ha)	
13. Location (map attached): See Figures 1- 4.		
a. Chapter(s): Nazlini	f. UTMs (see Table 1)	
b. Agency: Chinle	g. Legals (see Table 1)	
c. County: Apache	h. USGS 7.5' map(s): Nazlini, AZ, and Beautiful Valley Well, AZ	
d. State: Arizona		
e. Land Status: Navajo Tribal Trust Land		
14. (X) REPORT; () SUMMARY (REPORT ATTACHED); () PRELIMINARY REPORT		
a. Description of Undertaking: The Chinle Branch of Roads (BOR) will be improving and extending 16 turnouts with cattle guards and gates, obliterating 5 existing roads, adding 3 drainage cuts for installation of pipes, installing a drainage pipe with back and fill slope (Figure 2 and 3). The construction will be done by heavy equipment and will consist of grading, drainage cutting, back filling, leveling, and paving. The additional easements will be along approximately 5.6 miles of the N27 road project from station number 28+542.00 (BOP) to station number 36+970.49 (EOP) on USGS Nazlini and Beautiful Valley Well, Arizona, 7.5-minute maps. At 15 turnouts and 3 drainage cuts for pipes we surveyed 50 x 52.5 ft (15.2 x 16.0 m) and at 1 turnout we surveyed 150 x 52.5 ft (45.7 x 16 m). The 5 existing roads that will be obliterated are approximately 306.6 m to 1.1 km long and 1.37 to 13.7 m wide. Also an area of 50.0 x 820.3 ft. (15.2 x 250.0 m) was surveyed for installation of two drainage pipes with back and fill slope. The total area surveyed is 10.024 ac. (4.056 ha.).		

- b. **Existing Data Review:** Trianni, Gilpin, Newton and Fox 1992-1994 (NNHPD-92-471). All archaeological and Navajo traditional cultural properties identified in the NNHPD-92-471 report are outside the right-of-way.
- c. **Area Environmental & Cultural Setting:** The project areas are adjacent to the N27 proposed right-of-way. The landscape is very sandy. Vegetation observed are sage, snakeweed, cliff rose, various grasses, juniper, and pinon. Sediments consist of aeolian and colluvial deposits, small to medium sandstones rocks, and petrified wood chunks.
- d. **Field Methods:** NNHPD-Roads Program staff contacted the Chinle Agency Branch of Roads (BOR) to locate the new easements along the N27 road project. We drove the entire N27 road project alignment with Daniel NezTsosie from the Chinle Agency BOR to locate the project areas. A Class III pedestrian inventory was conducted by walking along transects spaced 5 m apart for complete coverage of the project areas. All previously identified cultural properties, including a burial site, were relocated to insure they were outside the right-of-way and would not be impacted by the road construction. We monitored the installation of the recommended temporary fencing for two previously recorded sites, AZ-P-5-24 and AZ-P-5-25 (Figure 4). The cultural resources survey was conducted by Patsy A. Dehiya, Navajo Cultural Specialist, and Loretta Holyan, Archaeological Technician II from the NNHPD-Roads Planning Program. There were no ethnographic interviews conducted with the local residents or at the chapter house since ethnography clearance was granted by SWCA (NNHPD-92-471; Newton and Jim, 1992-1994). There were no new cultural properties identified during the survey.

15. CULTURAL RESOURCE FINDINGS:

- a. **Location/Identification of Each Resource:** N/A.
- b. **Evaluation of Significance of Each Resource (above):** N/A.

16. MANAGEMENT SUMMARY (RECOMMENDATIONS): Additional monitoring is still recommended between station numbers 34+245 to 34+272 at site AZ-P-5-25 and from station number 34+350 to 34+395 at site AZ-P-5-24, during the ground disturbances and road construction. Monitoring should be done by a qualified Anthropologist or Archaeologist. If this stipulation is followed, cultural resources clearance is recommended.

17. CERTIFICATION:

SIGNATURE: _____

General Charge: Reid Nelson, Acting Program Manager

DATE: _____

4/25/97

SIGNATURE: _____

Direct Charge: Loretta L. Holyan or Patsy A. Dehiya

DATE: _____

March 20, 97

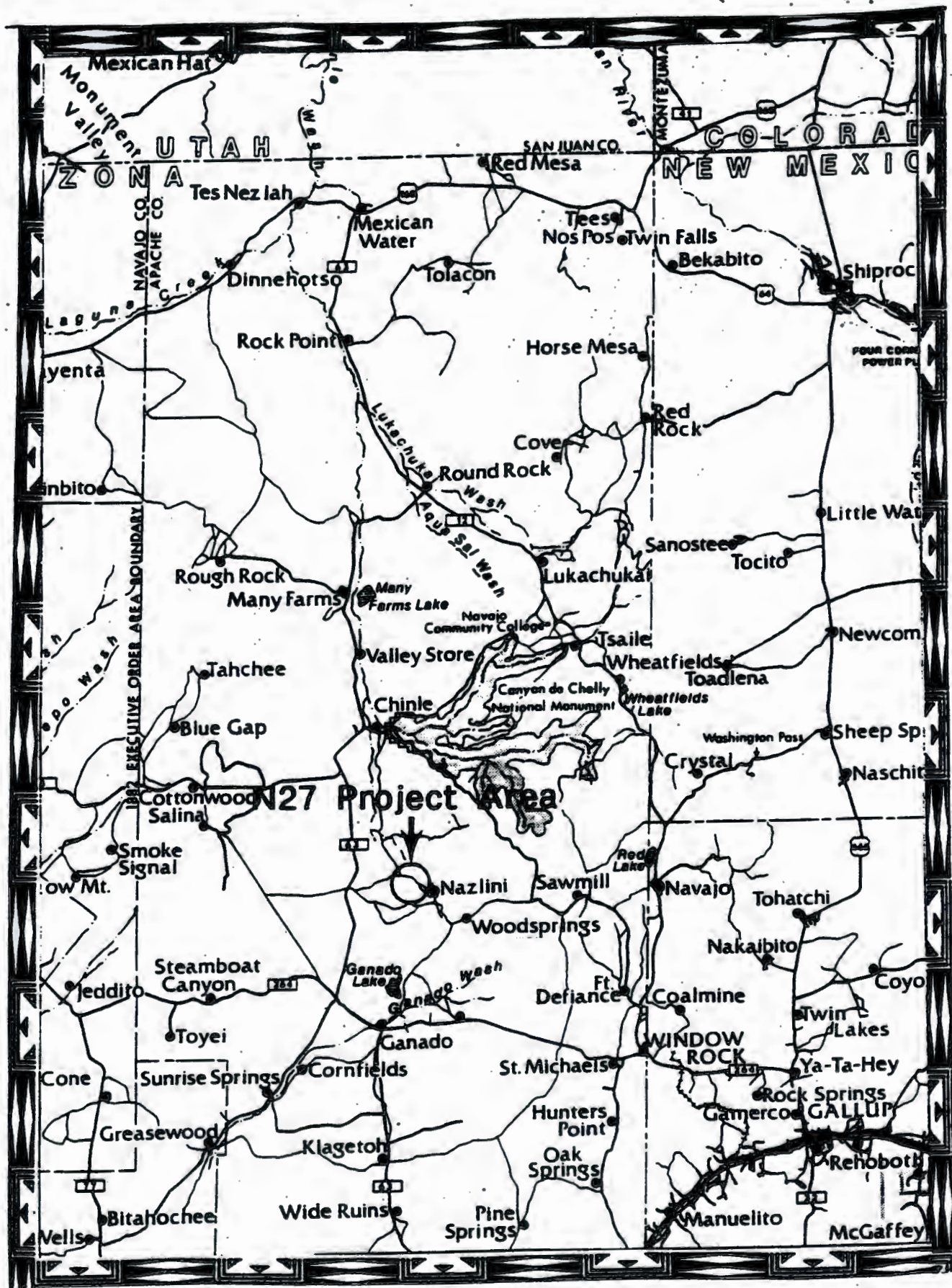


Figure 1. Locational map of the N27 road project in Nazlini, Arizona. Map taken from the Navajo Atlas by James M. Goodman, 1982.

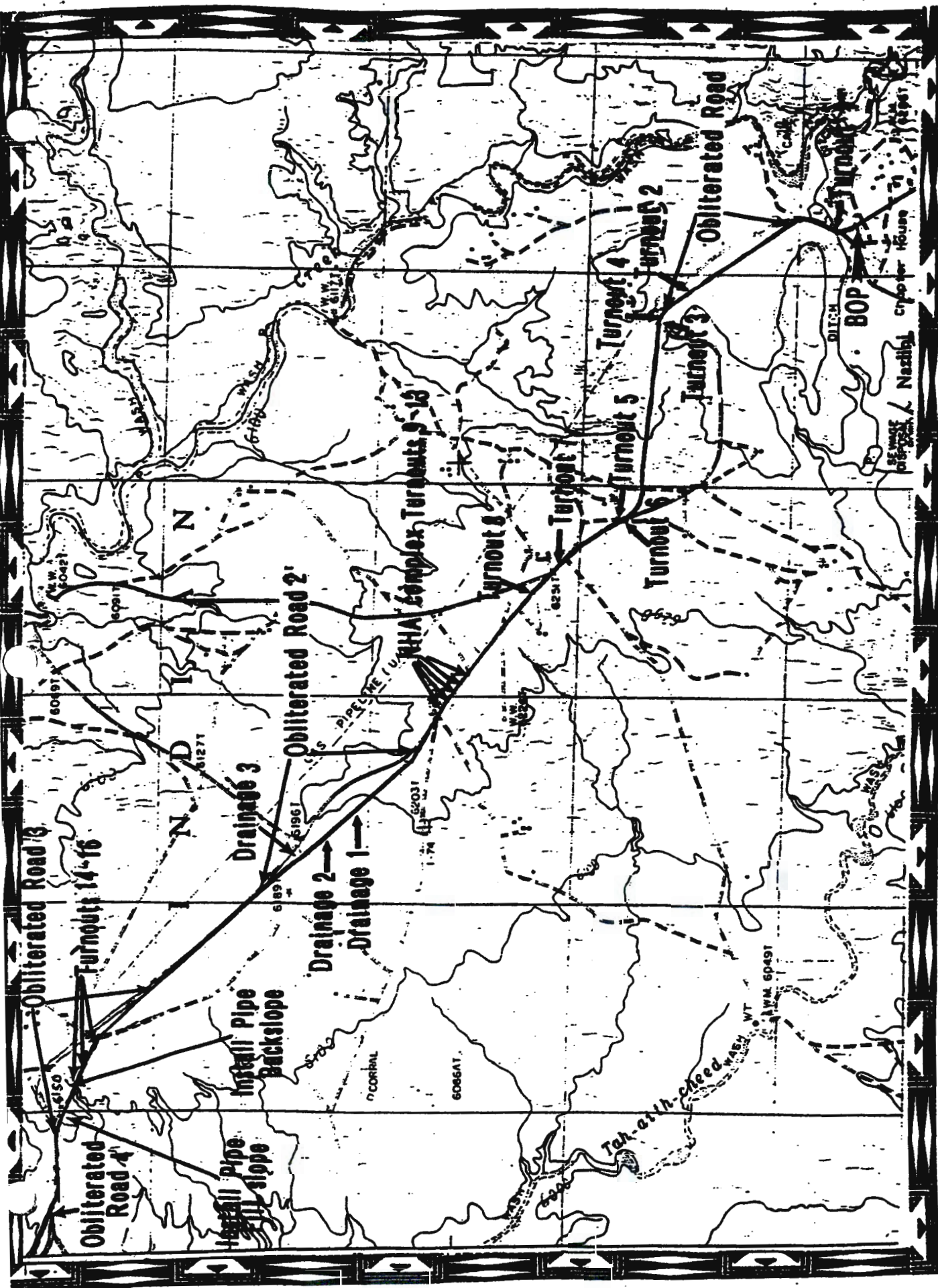


Figure 2. Locational map of turnouts, obliterated roads, drainage cuts and slope fill areas on the N27 road project. USGS: Nazlini, Arizona, Provisional Edition 1983 7.5 minute quadrangle

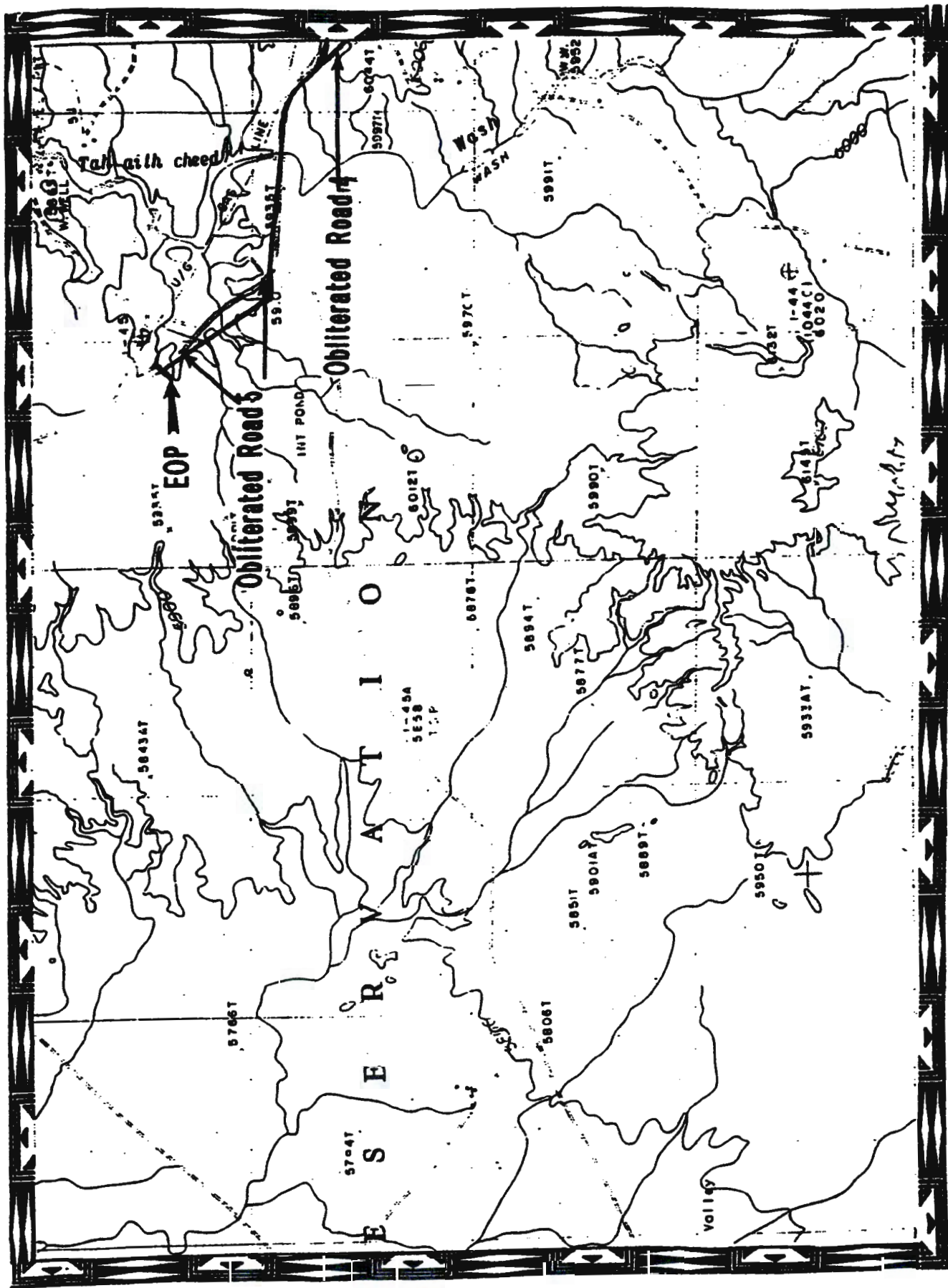


Figure 3. Locational map of obliterated roads on the N27 road project. USGS: Beautiful Valley Well, Arizona, Provisional Edition 1983, 7.5 minute quadrangle.

Table 1. UTM Coordinates and Legal Description for the proposed N27 project.

Location Description	Quad	UTM (Zone 12)	T N / R W	Station Number
Turnout 1	Nazlini, AZ 1982	3974860 N, 640240 E	2 N / 9 W	28+552 --- 28+568
Turnout 2	Nazlini, AZ 1982	3974520 N, 639940 E	2 N / 9 W	29+205 --- 29 +221
Turnout 3	Nazlini, AZ 1982	3974620 N, 639770 E	2 N / 9 W	29+446 --- 29+ 462
Turnout 4	Nazlini, AZ 1982	3974680 N, 639780 E	2 N / 9 W	30+322 --- 30 + 338
Turnout 5	Nazlini, AZ 1982	3974840 N, 638840 E	2 N / 9 W	30+322 --- 30 +338
Turnout 6	Nazlini, AZ 1982	3974800 N, 638840 E	2 N / 9 W	30+442 --- 30+458
Turnout 7	Nazlini, AZ 1982	3975120 N, 638620 E	2 N / 9 W	30+622 --- 30+638
Turnout 8	Nazlini, AZ 1982	3975240 N, 638520 E	2 N / 9 W	30+836 --- 30+852
Turnout 9	Nazlini, AZ 1982	3975160 N, 638100 E	2 N / 9 W	31+092 --- 31+108
Turnout 10	Nazlini, AZ 1982	3975560 N, 638070 E	2 N / 9 W	31+229 --- 31+245
Turnout 11	Nazlini, AZ 1982	3975600 N, 638020 E	2 N / 9 W	31+304 --- 31+320
Turnout 12	Nazlini, AZ 1982	3975620 N, 638000 E	2 N / 9 W	31+488 --- 31+504
Turnout 13	Nazlini, AZ 1982	3975660 N, 637960 E	2 N / 9 W	31+577 --- 31+593
Turnout 14	Nazlini, AZ 1982	3977320 N, 636300 E	2 N / 9 W	33+960 --- 33+976
Turnout 15	Nazlini, AZ 1982	3977400 N, 636160 E	2 N / 9 W	34+080 --- 34+096
Turnout 16	Nazlini, AZ 1982	3977440 N, 636060 E	2 N / 9 W	34+050 --- 34+300
Drainage pipe 1	Nazlini, AZ 1982	3976100 N, 637360 E	2 N / 9 W	32+350 --- 32+366
Drainage pipe 2	Nazlini, AZ 1982	3976200 N, 637280 E	2 N / 9 W	32+421 --- 32+437

Drainage pipe 3	Nazlini, AZ 1982	3976300 N, 637240 E	2 N / 9 W	32+421 --- 32+437
Pipe with Fill slope	Nazlini, AZ 1982	3977410 N, 636100 E	2 N / 9 W	34+050 --- 34+300
Pipe with back slope	Nazlini, AZ 1982	3977400 N, 635960 E	2 N / 9 W	34+050 --- 34+300
Beginning of Obliterated road 1	Nazlini, AZ 1982	3974040 N, 640280 E	2 N / 9 W	28+996 --- 29+380
Ending of Obliterated road 1	Nazlini, AZ 1982	3974660 N, 639800 E	2 N / 9 W	28+996 --- 29+380
Beginning of Obliterated road 2	Nazlini, AZ 1982	3975720 N, 637800 E	2 N / 9 W	31+790 --- 32+835
Ending of Obliterated road 2	Nazlini, AZ 1982	3976500 N, 637080 E	2 N / 9 W	31+790 --- 32+835
Beginning of Obliterated road 3	Nazlini, AZ 1982	3977000 N, 636600 E	2 N / 9 W	33+865 --- 34+337
Ending of Obliterated road 3	Nazlini, AZ 1982	3977480 N, 635940 E	2 N / 9 W	33+865 --- 34+337
Beginning of Obliterated road 4	Nazlini, AZ 1982	3977500 N, 635500 E	2 N / 9 W	34+400 --- 35+055
Ending of Obliterated road 4	Beautiful Valley Well, AZ 1982	3977660 N, 635220 E	2 N / 9 W	34+400 --- 35+055
Beginning of Obliterated road 5	Beautiful Valley Well, AZ 1982	3977900 N, 634300 E	2 N / 9 W	36+225 --- 36+765
Ending of Obliterated road 5	Beautiful Valley Well, AZ 1982	3978460 N, 633820 E	2 N / 9 W	36+225 --- 36+765

UNITED STATES DEPARTMENT OF THE INTERIOR
CHINLE B.I.A. BRANCH OF ROADS

Contract No. CTN00X00125

N27(3-1)2&4 - Nazlini South to North

Feb. 06, 1997

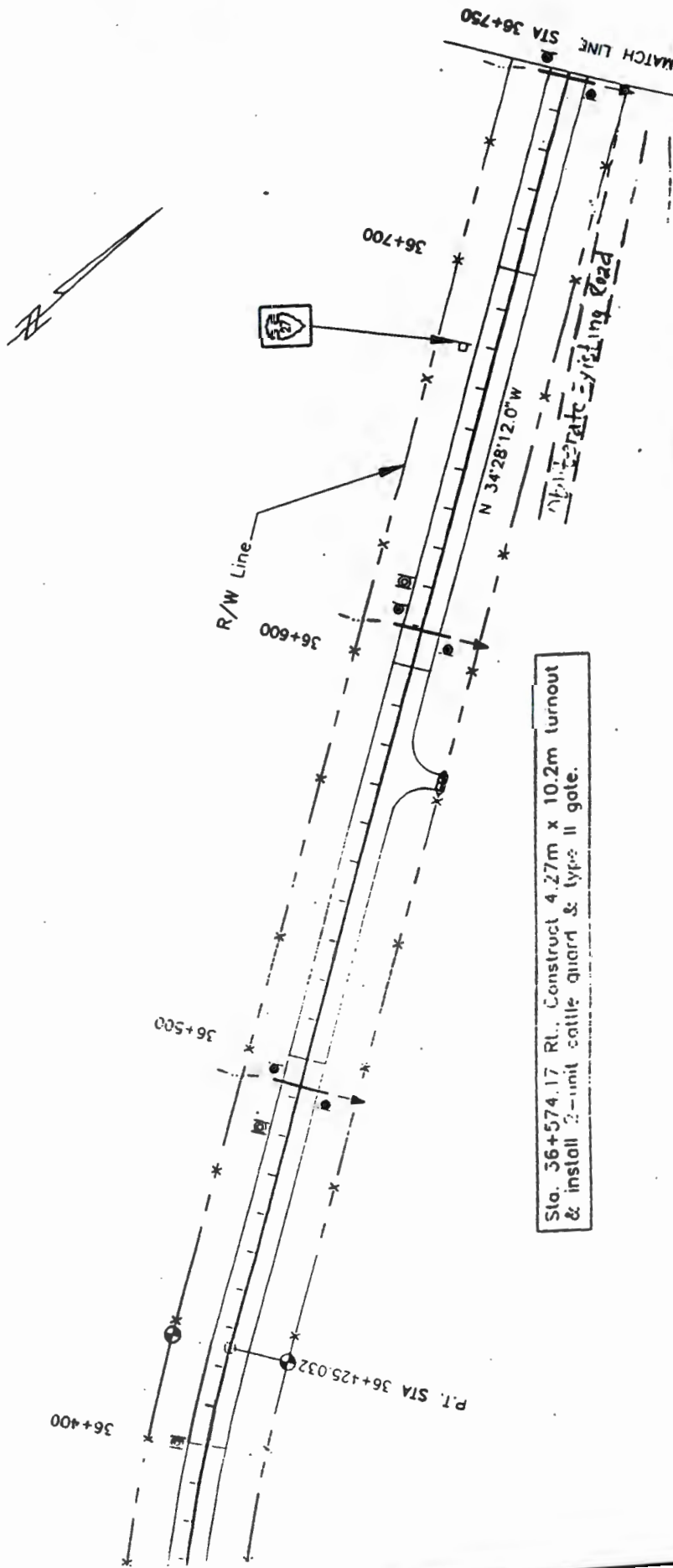
CONSTRUCTION EASEMENT LOCATIONS

No.	PLAN METRIC UNIT		OLD ENGLISH UNIT		Loc.	Length		Width		Area		Location Description
	Station To	Station	Station To	Station		Feet	M	Feet	M	Ac.	Ha.	
1	28+552	--- 28+568	1036+19	--- 1033+53	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
2	28+996	--- 29+380	1021+62	--- 1009+02	Rt.	1006.0	306.6	45.0	13.7	1.939	0.421	Obliterate existing road
3	29+205	--- 29+221	1014+76	--- 1014+24	Rt.	150.0	45.7	52.5	16.0	0.181	0.073	Extend T.O. to exist'g road
4	29+446	--- 29+462	1006+86	--- 1006+33	Lt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
5	30+322	--- 30+338	978+12	--- 977+59	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
6	30+322	--- 30+338	978+12	--- 977+59	Lt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
7	30+442	--- 30+458	974+18	--- 973+66	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
8	30+622	--- 30+638	968+27	--- 967+75	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
9	30+836	--- 30+852	961+25	--- 960+73	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
10	31+092	--- 31+108	952+85	--- 952+33	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. for NHA
11	31+229	--- 31+245	948+36	--- 947+84	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. for NHA
12	31+304	--- 31+320	945+90	--- 945+37	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. to NHA entr.
13	31+488	--- 31+504	939+86	--- 939+34	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. to NHA entr.
14	31+577	--- 31+593	936+94	--- 936+42	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Extend T.O. for NHA
15	31+790	--- 32+835	929+95	--- 895+67	Rt.	3646.0	1111.2	45.0	13.7	3.767	1.524	Obliterate existing road
16	32+350	--- 32+366	911+58	--- 911+06	Lt.	50.0	15.2	52.5	16.0	0.060	0.024	Cut pipe outlet to drain
17	32+421	--- 32+437	909+25	--- 908+73	Lt.	50.0	15.2	52.5	16.0	0.060	0.024	Cut pipe outlet to drain
18	32+421	--- 32+437	909+25	--- 908+73	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Cut pipe inlet to drain
19	33+960	--- 33+976	858+76	--- 858+24	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
20	33+865	--- 34+337	861+88*	--- 845+05*	Rt.	2062.0	628.5	45.0	13.7	2.130	0.862	Obliterate existing road
21	34+080	--- 34+096	854+82	--- 854+30	Rt.	50.0	15.2	52.5	16.0	0.060	0.024	Improve T.O. grade
22	34+050	--- 34+300	855+81*	--- 846+26*	Lt.	50.0	15.2	820.3	250.0	0.942	0.381	Install pipe & fill slope
23	34+050	--- 34+300	855+81*	--- 846+26*	Rt.	50.0	15.2	820.3	250.0	0.942	0.381	Install pipe, backslope, T.O.
24	34+400	--- 35+055	842+98	--- 821+49	Lt.	2062.0	628.5	45.0	13.7	2.130	0.862	Obliterate existing road
25	36+225	--- 36+765	783+10	--- 765+39	Rt.	1798.0	548.0	45.0	13.7	1.857	0.752	Obliterate existing road
TOTAL.....										10.024	4.056	

* Equ .sta. 848+87bk

850+21ahd

N	0	ARIZONA	NAVAJO	ROUTE	PROJECT NO.	3	TOTAL SHEET
				N27	N27(3-1)2&4	25	47



Sta. 36+574.17 R.L. Construct 4.27m x 10.2m turnout & install 2-unit cattle guard & type II gate.

DRAINAGE STRUCTURES

Station	Structure	Skew No.	Ha	Remarks
36+019.74	1-762mm x 16.8m	90	3.8	Install new CSPC.
36+212.98	1-762mm x 17.5m	90	0.90	Install new CSPC.
36+345.67	1-1067mm x 27.1m	60	38.5	Install new CSPC.
36+497.97	1-914mm x 22.0m	90	22.0	Install new CSPC.
36+609.83	1-762mm x 18.0m	90	3.4	Install new CSPC.
36+749.43	1-762mm x 17.3m	90	10.0	Install new CSPC.

DELINEATORS	OBJECT MARKER	RIGHT OF-WAY MONUMENTS
0	11	12
Type "1a" Type "1b" Type "2"		

- BM# 7E
 v.1799.05
 1800.137
 1800.035
 1799.933
 STA. 36+665.69 - BM# 77
 30.5m Rt. - Elev.1799.43
 1799.832

N 54700

N 54700

Sta. 28+542.64 Q. Remove existing 4-unit cattle guard w/ fence and stockpile at Contractor's construction yard. (To be paid for under item 20304).

CURVE 7	
PI STA.	28+709.163
A	21'07'59.0"
D	03'00'00.0"
R	582.125
T	108.596
L	214.712
E	10.042
Runoff	63.64m
e	4.392

STA 28+500
MATCH LINE
N 09°55'50.0"W
P.C. STA 28+600.576

ROAD
STEAD
AHEAD

Sta. 28+560.50 Rt., Construct 7.32m x 10.2m
& install 3-unit cattle guard with type II gate.

Sta. 28+542.00 - E.O.P. Sta. 36+908.43, Install
bar R.O.W. barbed wire fence.

SPEED
LIMIT
50

1700
Sta. 28+746.81 Rt., Construct 4.27m x 10.2m turnout
& install 2-unit cattle guard with type II gate.

Sta. 28+832.25 - Remove
existing CSPC. Install new 76



1904.189
STA. 28+740.89 - BM# 103
30.5m Rt. - Elev. 1904.26

1903.959

1903.751

243.8 VC
= 115

217000

217000

217100

CURVE	
P.C.	29+428.00
P.T.	29+533.16
L	105.16
E	5.92%
Runoff	
1	59.0m
2	35.285
3	22.198
4	13.598
5	9.31063
6	5.450
7	2.450
8	0.60000

Sta. 29+593.00 - Sta. 29+6. new guardrail.

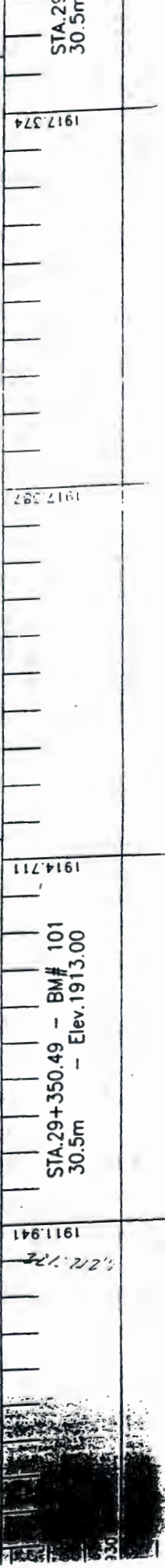
Sta. 29 Asphalt of 47

Sta. 29+456.79 Lt., Construct 4.27m x 10.2m turnout & install 2-unit cattle guard with type II gate.

Sta. 29+428.00 & 29+470.00 - NCC underground telephone line crossings. Depth = .31m (Est.)

Sta. 29+456.79 Rt., Construct 4.27m x 10.2m turnout & install 2-unit cattle guard with type II gate.

Sta. 29+351.40 - NTUA waterline crossing. Depth = .31m (Est.)



215800

CURVE 10	
PI STA.	31+032.787
LC	1339.010
PC	00+000.00
Pt	31+188
PT	104.510
CE	208.030
EA	6.410
EA	4.410
EA	3.450

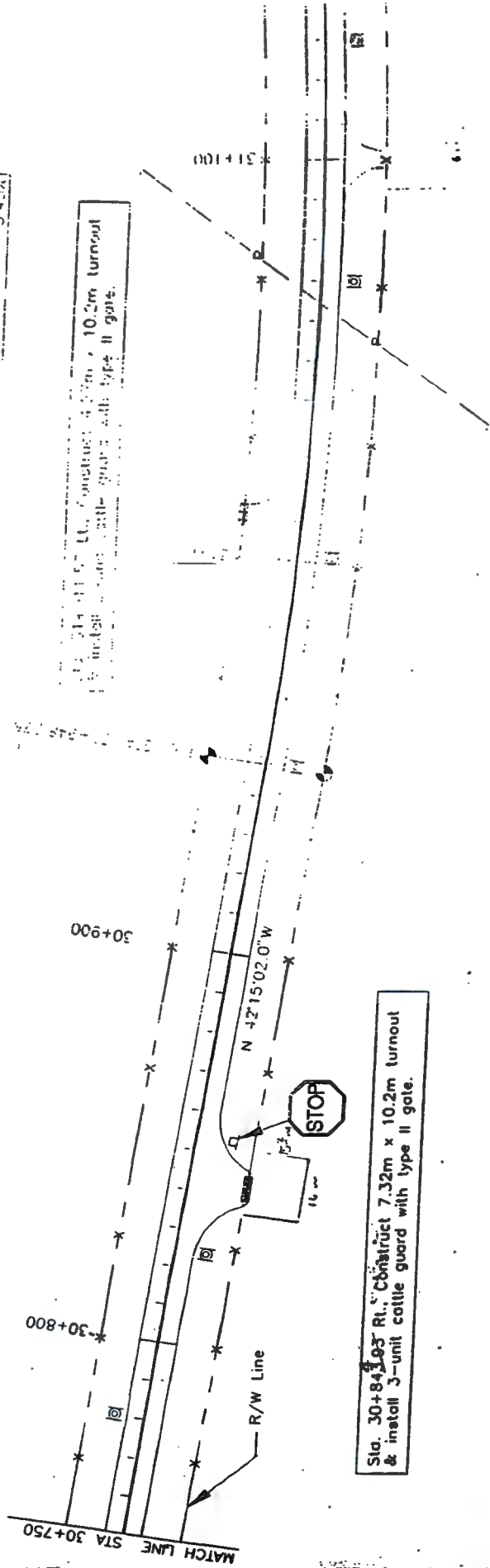
Sta. 31+032.787 - 10.2m turnout
Construct 7.32m x 10.2m turnout
& install 3-unit cattle guard with type II gate.

Sta. 30+841.93 Rt. Construct 7.32m x 10.2m turnout
& install 3-unit cattle guard with type II gate.



Sta. 31 crossing

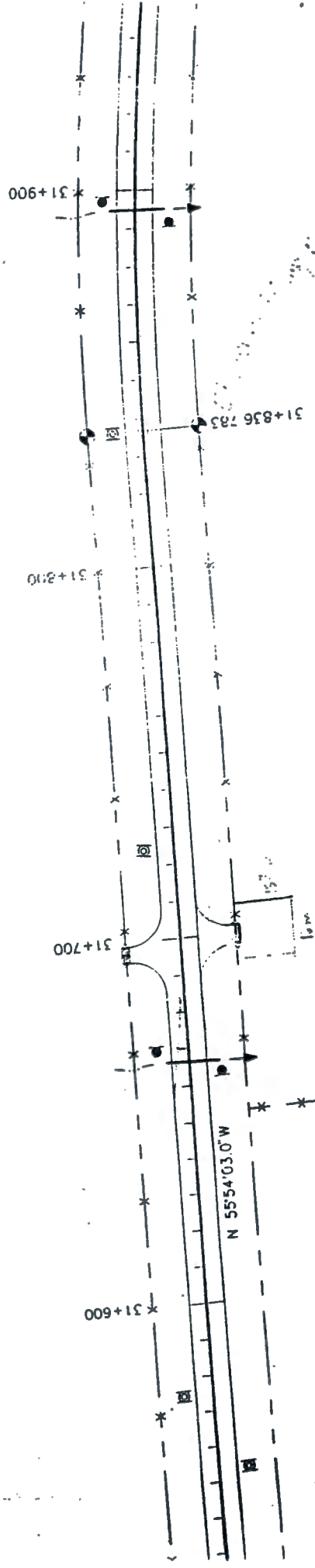
Sta. 31+005.00 - NTUA Powerline crossing. Clearance = 9.4m.



E 215200

E 215100

Sta. 31+697.37 LL. Construct 4.27m x 10.2m turnout
& install 2-unit cattle guard with type II gate.

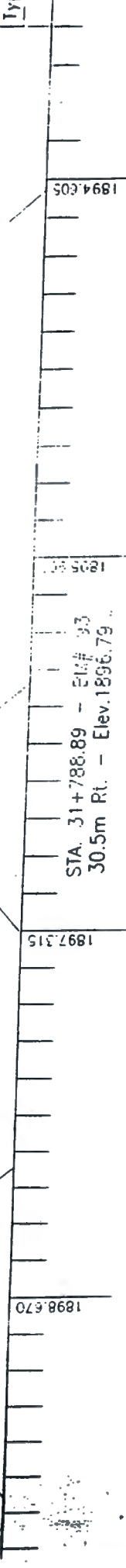


R/W Line

Sta. 31+650.00 Rt. - Connect barbed wire R.O.W.
fence to existing NHA chain link fence. This work
shall be incidental to item 61901.

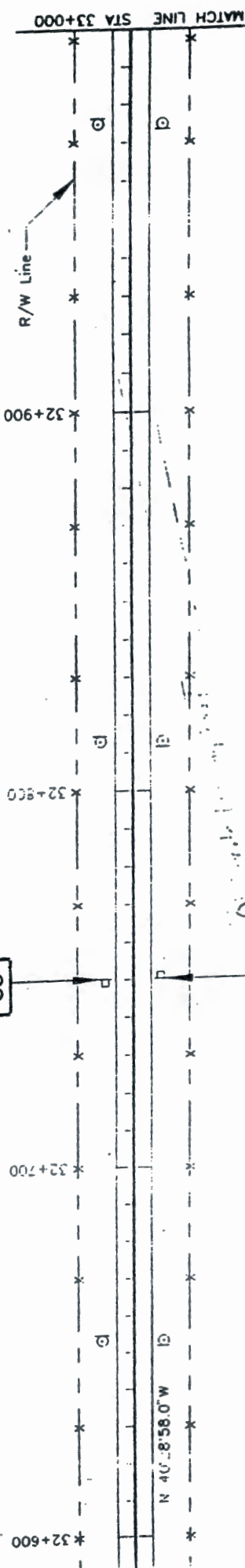


CUR	PI	STA
AD	PT	LE
Runoff		



1 4.27m x 10.2m turnout
with type II gate.

SPEED
LIMIT
50



SPEED
LIMIT
50

4.27m x 10.2m turnout
with type II gate.

DRAINAGE STRUCTURES

DELINEATORS	OBJECT MARKER	RIGHT OF-WAY MONUMENTS
Cl	Cl	Cl
Type "1a" Type "1b" Type "2"	Type "1b" Type "2"	Type "2"
6	2	6

Station	Structure	Skew No.	Ha	Remarks
32+280.00	1-2134mm x 28.0m	90	3.3	Install new CSPC
32+360.00	1-762mm x 17.2m	90	2.9	Install new CSPC
32+428.89	1-762mm x 17.8m	90	3.0	Install new CSPC



1886.739	1886.214	1885.429	1884.643	1883.857
STA. 32+703.29 - BM# 90 30.5m R/L - Elev. 1886.62				
STA. 33+008.39 - BM# 89 30.5m R/L - Elev. 1885.06				

CURVE 12	
PI STA.	33+895.108
A	24'00'00.0"
D	03'00'00.0"
R	582.125
T	123.735
L	243.840
E	13.005
Runoff	44m
	4.39%

Sta. 34+008.00. - NTUA Powerline crossing. Clearance = 6.5m

Sta. 33+968.13 Rt., Construct 4.27m x 10.2m turnout, install 2-unit cattle guard with type II gate, and 1-610mm x 10.6m CSPC

Sta. 34+110.00 Rt., Construct 4.27 x 10.2m install 2-unit cattle guard with type II gate and 1-610mm x 10.8m CSPC.

Sta. 34+008.00 - NTUA Powerline crossing. Clearance = 6.5m

1877.251

STA. 33+922.49 - BM# 86
30.5m Rt. - Elev. 1876.84

1878.662

1879.135

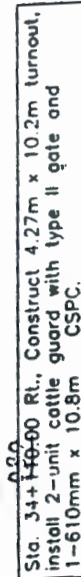


CH LINE STA. 33+750
P.C. STA. 33+771.374
*33+800
*33+900

Obliterate Existing Road

*34+100
N 64°28'58.0"W

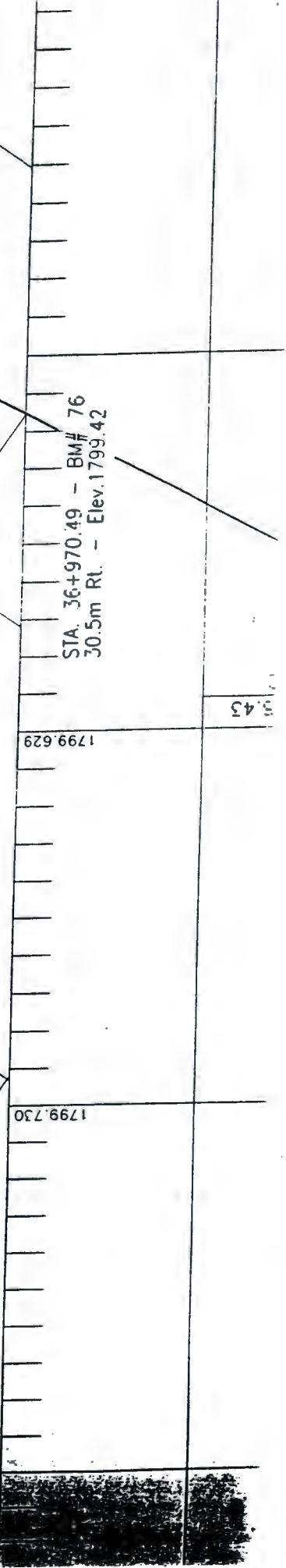
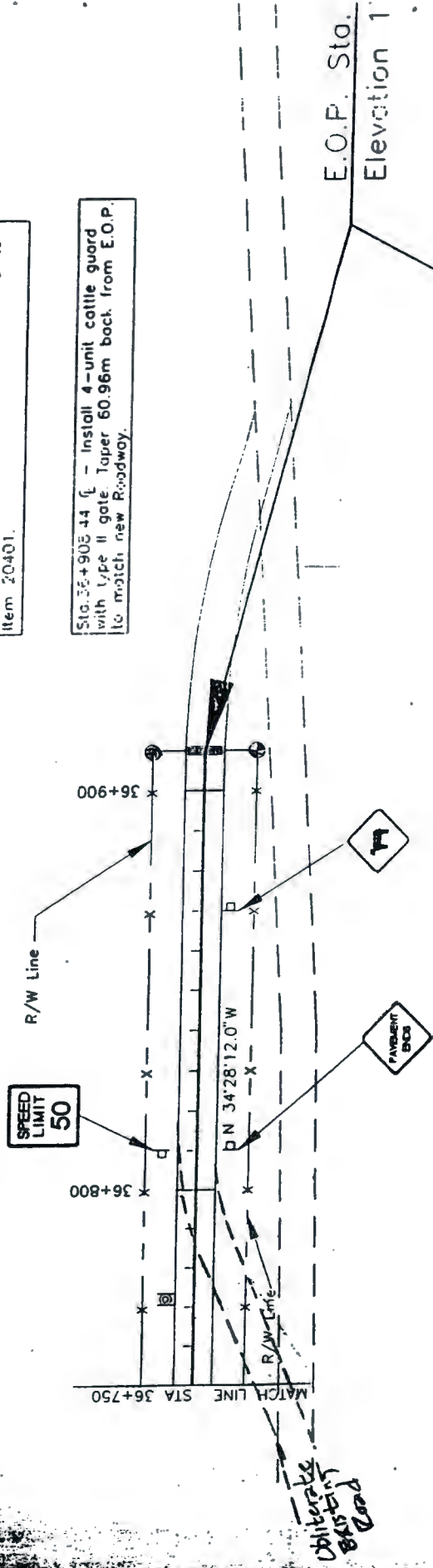
P.T. STA. 34+015.214
*34+000

NTUA Powerline
= 6.8m

Sta. 34+008.00 - NTUA Powerline crossing. Clearance = 6.8m

The Contractor shall construct a graded gravel
 surface road tapering to the existing dirt road
 200m ahead. This work shall be incidental to
 Item 20401.

Sta. 36+905.44 [] - Install 4-unit cattle guard
 with type II gate. Taper 60.96m back from E.O.P.
 to match new Roadway.



*Abolish
 Existing
 Road*

APPENDIX C

CONFIDENTIAL ATTACHMENTS



Figure 4. Locational map of a burial site (AZ-P-5-25). USGS: Nazlini, Arizona, Provisional Edition 1983, 7.5 minute quadrangle.

Re-alignment

ADDENDUM (December 4, 2006)
CULTURAL RESOURCES COMPLIANCE FORM

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT
P.O. BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING:	COPIES TO:	NNHPD No.: <u>HPD 97-048.4</u>
<u>AZ</u>	SHPO	Other Project Numbers: <u>SWCA No. 05-596</u>
<u>X</u>	ACHIP	<u>BIA-NR-DOT N27-35274</u>
<u>X</u>	BIA Real Estate Services	
<u>X</u>	BIA-NR-DOT	
<u>X</u>	NNHPD-Roads Planning Program	
<u>X</u>	Nazlini Chapter	
<u>X</u>	Chinle Chapter	
<u>X</u>	Pueblo of Acoma, Governor's Office	
<u>X</u>	Pueblo of Laguna, Governor's Office	
<u>X</u>	Pueblo of Zia, Governor's Office	
<u>X</u>	Pueblo of Zuni, Heritage and Historic Preservation Office	
<u>X</u>	Hopi Tribe, Cultural Preservation Office	
<u>X</u>	Ute Mountain Ute Tribe, Planning Department	

PROJECT TITLE: A Cultural Resources Survey for the Proposed Navajo Route 27 Right-of-way Realignment, Navajo Nation, Apache County, Arizona.

LEAD AGENCY: Bureau of Indian Affairs, Navajo Region

SPONSOR: Bureau of Indian Affairs, Navajo Region, Division of Transportation

PROJECT DESCRIPTION: The Bureau of Indian Affairs (BIA), Navajo Region, Division of Transportation (DOT) proposes to rehabilitate Navajo Route 27 between Nazlini and Chinle, Apache County, Arizona. The BIA will construct a paved road with aggregate base and an asphalt surface. In addition, BIA will improve, and/or construct turnouts, culverts, fencelines, possible guardrails, cattleguards, gates, and signs and other ancillary material along the road right-of-way.

From the beginning of the project, the road realignment will be offset to the west about 30 m (100 feet) from the originally proposed alignment and continue for 3.85 kilometers (2.39 miles). The realignment will be 61 m (200 feet) wide. The realignment will begin west of Station 708+00 and end west of Station 583+00.

LAND STATUS: Apache County, Arizona, Navajo Tribal Trust

CHAPTER: Chinle and Nazlini

LOCATION: Chinle Agency, Apache County, Arizona. Township 12 North, Range 19 & 20 West, and Township 13 North, Range 18 & 19 West. Jones Ranch School, photo revised 1979; and Vanderwagen, New Mexico, photo revised 1979; USGS 7.5' quadrangles.

Location	Township, Range, Section, Station	UTM Zone 12
BOP	T3N, R10W, Sec. 10; Station 583+00	N3983300, E631900
EOP	T3N, R10W, Sec. 26; Stations 728+00 to 730+00	N3979960, E632970

Township and Range are unplatted; Navajo Baseline

PROJECT ARCHAEOLOGISTS: Dennis Gilpin, Joshua S. Edwards, and Michael O'Hara

PROJECT ETHNOGRAPHERS: None.

NAVAJO ANTIQUITIES PERMIT NO.: C0305

DATES INSPECTED: December 1 to 4, 2005

DATE OF REPORT: January 2006

TOTAL ACREAGE INSPECTED: 57.94 acres; 23.48 ha.

ARCHAEOLOGY: 1.71 acres (0.69 ha)

ETHNOGRAPHY: Some interviews regarding shrine (AZ-P-4-18) were conducted by NNHPD staff (Timothy Begay and Tony Joe)

METHOD OF INVESTIGATION

ARCHAEOLOGY: Three archaeologists walked transects spaced 10-15 m apart.

ETHNOGRAPHY: Interviews in Navajo and English with local residents to secure information regarding possible traditional cultural properties and function of shrine (AZ-P-4-18).

CULTURAL RESOURCES FOUND: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

LIST OF ELIGIBLE PROPERTIES: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

LIST OF POTENTIALLY ELIGIBLE PROPERTIES: None.

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHEOLOGICAL RESOURCES: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

EFFECT/CONDITIONS OF COMPLIANCE: In accordance of Stipulation 3 of the document entitled "A Programmatic Agreement Among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section, Within the Boundaries of the Navajo Nation," the Navajo Nation Historic Preservation Department has determined that the undertaking will have no adverse effect on historic properties provided that the conditions set forth in the following table are adhered to.

Treatment Stipulations for Previously Recorded Historic Properties

Site #	Inclusive Station Numbers	Recommended Treatment
AZ-P-4-9	583+00	A portion of the site is within the proposed realignment, but prior archaeological and ethnographic work has exhausted the research potential of the site and no further work is recommended

Site #	Inclusive Station Numbers	Recommended Treatment
AZ-P-4-10	585+00 to 586+00	A portion of the site is within the proposed realignment, but prior archaeological and ethnographic work has exhausted the research potential of the site and no further work is recommended
AZ-P-4-11	645+00	The site is outside the proposed realignment and no further work is recommended
AZ-P-4-12	674+00	The site is within the proposed right-of-way; but local residents indicated that the site did not need to be avoided. Furthermore, prior ethnographic work has exhausted the research potential of the site and no further work is recommended
AZ-P-4-13	699+00 to 709+00	A portion of the site is within the proposed realignment, but prior archaeological work has exhausted the research potential of the site and no further work is recommended
AZ-P-4-18	728+00 to 730+00	A portion of the site is within the proposed realignment as initially recorded by Trianni (1992) and Newton and Gilpin (1998); a Navajo traditional practitioner (a Nightway Chanter) interviewed by Historic Preservation Personnel indicated that portions of the site initially regarded as part of the road shrine were, in fact, not part of the shrine but probably road debris or part of some other disturbance. However, the Navajo Traditionalist still recommended that the rocks be removed from the right-way outside of the construction zone but not be put near the road shrine itself. BIA will ensure that this is done prior to construction.

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

In 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 928/871-7145

FORM PREPARED BY: Peter J. Kakos
FINALIZED: December 7, 2006

Notification to

Proceed Recommended:

Conditions:

Yes ☒ No ☐

Yes ☒ No ☐



Alan Downer
Navajo Nation Historic Preservation Officer

12.7.06
Date

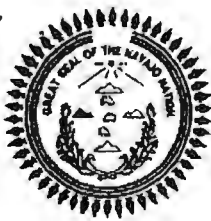
Agency Approval:

Yes ☒ No ☐

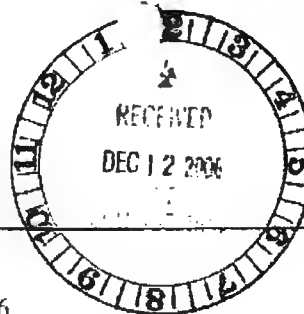
Ed,


Omar Bradley
Acting Director, Bureau of Indian Affairs,
Navajo Region

12/7/06
Date



THE NAVAJO NATION



JOE SHIRLEY, JR.
PRESIDENT

FRANK DAYISH, JR.
VICE-PRESIDENT

December 7, 2006

Omar Bradley
Acting Director, Navajo Region
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87305-1060

RE: Contract No. C30659 ~~NR27~~ Phased Data Recovery on ~~Navajo Route 17A~~
between Nazlini and Chinle, Apache County, Arizona.

Final report entitled, *A Cultural Resources Survey for the Proposed Navajo Route
27 Right-of-way Realignment, Navajo Nation, Apache County, Arizona*. NNIIPD
97-048.4.

Dear Mr. Bradley:

The Navajo Nation sent to you the above referenced report for review and comment on October 11, 2006. No comments were received from you, or any consulting or interested party. According to the report findings, concurred by both the Navajo Nation and the lead agency, the realignment as proposed will have no adverse affect on known cultural properties if the stipulations in the cultural resources compliance addendum form (attached) are followed. Please review and sign the form, and return to me at your earliest convenience.

Should you have any questions, please contact me at 928/871-7688, or Peter Kakos, Contract Administrator, at P.O. Box 3669, Shiprock, New Mexico 87420, 505/368-1061. Thank you.

Sincerely,

Marie Dineyazhe, Program Manager
Roads Planning Program

MD:pk SR 06 102
enc 1
cc. N27 contract file
NNIIPD-CRCS (HFD 97-048.4)

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

ROUTING: COPIES TO

Arizona	SHPO	NNHPD NO. HPD-92-471.2
X	ACHP	OTHER PROJECT NO.
X	REAL PROPERTY MGT/330	BIA-BOR N27-35274
X	BIA-NAO-BOR (Attn: Harold Riley)	SWCA Report 96-149
X	Steve Manke, BIA-BOR, Chinle Agency	
X	Navajo Nation Historic Preservation Department	
X	Pueblo of Acoma, Governor's Office	
X	Pueblo of Laguna, Governor's Office	
X	Pueblo of Zia, Governor's Office	
X	Pueblo of Zuni, Heritage and Historic Preservation Office	
X	The Hopi Tribe, Cultural Preservation Office	

PROJECT TITLE: Cultural Preservation in Beautiful Valley: Ethnographic and Archaeological Investigations Along Navajo Route 27, Apache County, Arizona by Newton and Gilpin

LEAD AGENCY: Bureau of Indian Affairs, Navajo Area Office

SPONSOR: Wilfred Frazier, Bureau of Indian Affairs, Navajo Area Office, Branch of Roads

PROJECT DESCRIPTION: The undertaking will involve upgrading and paving of existing Navajo Route 27 involving intensive and extensive ground disturbance with heavy equipment. The proposed right-of-way is 20.3 miles (32.6 km) in length with a width of 200-ft (60.9 m). The entire route will be bladed, graded, paved, and drainage facilities will be constructed as needed.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Nazlini; Chinle

LOCATION: The project area is located between the communities of Nazlini and Chinle, Arizona. The project starts just south of Chinle at the junction of Navajo Route 27 and N7, and ends near the Nazlini Chapter House.

	Township	Range	Zone	Northing	Easting	7.5' USGS Quad Map
B.O.P.	5N*	10W*	12	4000660	630060	Chinle, Ariz, 1982
E.O.P.	3N*	10W*	12	3973940	640250	Nazlini, Ariz, 1983

*Navajo Baseline

CULTURAL RESOURCE PROFESSIONAL: Archaeologists: Dennis Gilpin, Ginny Newton, Randy Fox; Ethnographers: Ginny Newton, Shirlene Jim, Jonathan Manygoats

NAVAJO ANTIQUITIES PERMIT NO.: B9366-I1 and I2 (Amendments 1, 2, and 3)

DATE INSPECTED: Archaeology: September and October 1993; October 1994; September 1996; Ethnography: Between August 30 to October 12, 1993, between July 12 and 14, 1993, between December 8 and 10, 1993, between January 14 and 16, 1994, and between September 3 and 6, 1996.

DATE OF REPORT: September 3, 1998

TOTAL ACREAGE INSPECTED: 492 acres

METHOD OF INVESTIGATION: Archaeology: Class III pedestrian inventory with transects spaced 15m apart. Ethnography: Interviews with 112 community members, chapter officials, grazing permit holders; all were interviewed in regards to traditional cultural properties (TCPs), historical properties and burials located in the Right-of-Way.

LIST OF CULTURAL RESOURCES FOUND:

64 Properties comprising 82 components
Twelve (12) Prehistoric Sites
Nine (9) Navajo Traditional Cultural Properties (TCPs)
Six (6) Multi-component Sites (Anasazi and Navajo)
Five (4) Navajo Burials
Two (2) Navajo Sites
Thirty-Eight (38) Isolated Occurrences

LIST OF ELIGIBLE PROPERTIES: AZ-I-52-29, AZ-I-52-32, AZ-I-61-20, AZ-I-61-22, AZ-I-61-23, AZ-I-61-24, AZ-I-61-25, AZ-I-61-26, AZ-I-61-27, AZ-I-61-28, AZ-I-61-32, AZ-I-61-33, AZ-I-61-34, AZ-I-61-36, AZ-I-61-37, AZ-I-61-38, AZ-P-4-5, AZ-P-4-7, AZ-P-4-8, AZ-P-4-9, AZ-P-4-10, AZ-P-4-11, AZ-P-4-12, AZ-P-4-13, AZ-P-4-16, AZ-P-4-18, AZ-P-4-21, AZ-P-4-22, AZ-P-4-24, AZ-P-4-25, AZ-P-4-26, AZ-P-4-27, AZ-P-5-5, AZ-P-5-24, AZ-P-5-25, AZ-P-5-29, AZ-P-5-30, AZ-P-5-32, AZ-P-5-33, AZ-P-5-40, AZ-P-5-41. 41

LIST OF INELIGIBLE PROPERTIES: AZ-I-52-27, AZ-I-52-28, AZ-I-52-30, AZ-I-52-31, AZ-I-52-33, AZ-I-52-34, AZ-I-61-21, AZ-I-61-30, AZ-I-61-31, AZ-I-61-35, AZ-P-4-14, AZ-P-4-15, AZ-P-4-17, AZ-P-4-19, AZ-P-4-20, AZ-P-4-23, AZ-P-5-39, AZ-P-5-40, AZ-P-5-41, AZ-P-5-42. SWCA-N27-21, SWCA-N27-36, SWCA-N27-37, SWCA-N27-42.

LIST OF ARCHAEOLOGICAL RESOURCES: AZ-I-52-27, AZ-I-52-29 (Component 1), AZ-I-52-32, AZ-I-52-34 (C-1), AZ-I-61-21, AZ-I-61-22 (C-1), AZ-I-61-27, AZ-I-61-33 (C-1), AZ-I-61-36, AZ-I-61-38 (C-1), AZ-P-4-5, A-P-4-9, A-P-4-13, A-P-4-14, A-P-4-15, A-P-4-16, A-P-4-17, A-P-4-18, A-P-4-19, A-P-4-20, A-P-4-21, A-P-4-22, A-P-4-23, A-P-4-24, A-P-4-25, A-P-4-26, AZ-P-5-24, AZ-P-5-40, AZ-P-5-41, AZ-P-5-42.

EFFECT/CONDITIONS OF COMPLIANCE: Pursuant to Stipulation 3 (g) of A Programmatic Agreement Among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation

Department, Roads Planning Section, Within the Boundaries of the Navajo Nation, the Navajo Nation has determined that the project will have no adverse effect on historic properties provided that the BIA ensures adherence to the following conditions:

- 1) AZ-I-52-29, AZ-P-4-13, AZ-P-4-16, AZ-P-4-18, AZ-P-4-21, AZ-P-4-22, AZ-P-4-24, AZ-P-4-26, AZ-I-61-22, AZ-I-61-27, AZ-I-61-38, A-P-4-7, AZ-P-4-8, AZ-P-4-9: The BIA shall ensure that nature and extent testing plans are prepared, reviewed and implemented as outlined in the testing proposal (*Proposal for Archaeological Testing on Navajo Route 27, Apache County, Arizona*; HPD 97-048) on pages 38-71.
- 2) AZ-I-52-27, AZ-I-52-28, AZ-I-52-30, AZ-I-52-31, AZ-I-52-33, AZ-I-52-34, AZ-I-61-20, AZ-I-61-21, AZ-I-61-24, AZ-I-61-25, AZ-I-61-26, AZ-I-61-28, AZ-I-61-29, AZ-I-61-30, AZ-I-61-31, AZ-I-61-32, AZ-I-61-34, AZ-I-61-35, AZ-I-61-36, AZ-I-61-37, AZ-P-4-11, AZ-P-4-12, AZ-P-4-14, AZ-P-4-15, AZ-P-4-17, AZ-P-4-19, AZ-P-4-20, AZ-P-4-23, AZ-P-4-25, AZ-P-4-27, AZ-P-5-5, AZ-P-5-30, AZ-P-5-32, AZ-P-5-33, AZ-P-5-39, AZ-P-5-40, AZ-P-5-41, AZ-P-5-42: no further treatment measures beyond recordation are recommended or warranted at this time.
- 3) AZ-I-61-23 (water well): the site shall be avoided by reducing the ROW width to 150 feet (46 m), 75 feet (23 m) on each side of the centerline between stations 109 and 110.
- 4) AZ-I-61-33 (C-1 lithic scatter; C-2 TCP): the site shall be avoided by realigning the centerline 100 feet (30.5 m) east of the proposed centerline between stations 350 and 352.
- 5) AZ-P-4-5 (Forked-stick hogan with burial): the site lies outside the ROW; however, prior to construction the BIA-BOR shall place a fence 25 feet (7.6 m) before and after station number 550 along the eastern edge of the ROW.
- 6) AZ-P-4-10 (historic habitation): the centerline shall be realigned and moved 70 feet (21.3 m) west of the proposed centerline. Furthermore, prior to construction the BIA-BOR shall place a fence 25 feet (7.6 m) before and after station numbers 585 and 586 along the eastern edge of the ROW.
- 7) AZ-P-5-24 (prehistoric habitation): the site has been avoided by realigning the N27 ROW near station 845.
- 8) AZ-P-5-25 (hogan burial): the site has been avoided by realigning the N27 ROW 150 (45.7 m) feet to the south-southwest near stations 848 to 849.
- 9) AZ-P-5-29 (historic habitation): the site lies outside the ROW; however, prior to construction the BIA-BOR shall place a fence 25 feet (7.6 m) before and after station numbers 1004-1005 along the northern edge of the ROW.

- 10) All construction traffic shall be confined to the area-of-effect.
- 11) A report documenting the result of monitoring activity shall be submitted to NNHPD within 45 days of the completion of monitoring activities on the project.

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

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

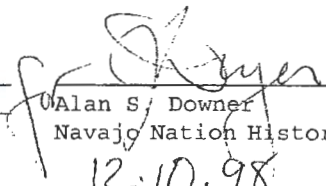
FORM PREPARED BY: Peter J. Kakos

FINALIZED: October 15, 1998

Notification to Proceed

Recommended: Yes X No

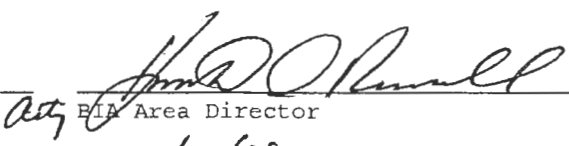
Conditions: Yes X No


Alan S. Downer

Navajo Nation Historic Preservation Officer

12.10.98
Date

Agency Approval: Yes X No


BIA Area Director

12/28/98
Date

Re-align...

ADDENDUM (December 4, 2006)
CULTURAL RESOURCES COMPLIANCE FORM

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT
P.O. BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING:	COPIES TO:	NNHPD No.: <u>HPD 97-018.4</u>
<u>AZ</u>	SHPO	Other Project Numbers: <u>SWCA No. 05 596;</u>
<u>X</u>	ACHP	<u>BIA NR-DOT N27-35274</u>
<u>X</u>	BIA Real Estate Services	
<u>X</u>	BIA-NR-DOT	
<u>X</u>	NNHPD-Roads Planning Program	
<u>A</u>	Nazlini Chapter	
<u>X</u>	Chinle Chapter	
<u>X</u>	Pueblo of Acoma, Governor's Office	
<u>X</u>	Pueblo of Laguna, Governor's Office	
<u>X</u>	Pueblo of Zia, Governor's Office	
<u>A</u>	Pueblo of Zuni, Heritage and Historic Preservation Office	
<u>X</u>	Hopi Tribe, Cultural Preservation Office	
<u>X</u>	Ute Mountain Ute Tribe, Planning Department	

PROJECT TITLE: A Cultural Resources Survey for the Proposed Navajo Route 27 Right-of-way Realignment, Navajo Nation, Apache County, Arizona.

LEAD AGENCY: Bureau of Indian Affairs, Navajo Region

SPONSOR: Bureau of Indian Affairs, Navajo Region, Division of Transportation

PROJECT DESCRIPTION: The Bureau of Indian Affairs (BIA), Navajo Region, Division of Transportation (DOT) proposes to rehabilitate Navajo Route 27 between Nazlini and Chinle, Apache County, Arizona. The BIA will construct a paved road with aggregate base and an asphalt surface. In addition, BIA will improve, and/or construct turnouts, culverts, fencelines, possible guardrails, cattleguards, gates, and signs and other ancillary material along the road right-of-way.

From the beginning of the project, the road realignment will be offset to the west about 30 m (100 feet) from the originally proposed alignment and continue for 3.85 kilometers (2.39 miles). The realignment will be 61 m (200 feet) wide. The realignment will begin west of Station 708+00 and end west of Station 583+00.

LAND STATUS: Apache County, Arizona, Navajo Tribal Trust

CHAPTER: Chinle and Nazlini

LOCATION: Chinle Agency, Apache County, Arizona, Township 12 North, Range 19 & 20 West, and Township 13 North, Range 18 & 19 West, Jones Ranch School, photo revised 1979; and Vanderwagen, New Mexico, photo revised 1979; USGS 7.5' quadrangles.

Location	Township, Range, Section, Station	UTM Zone 12
BOP	T3N, R10W, Sec. 10; Station 583+00	N3983300, E631900
EOP	T3N, R10W, Sec. 26; Stations 728+00 to 730+00	N3979960, E632970

Township and Range are unplatted; Navajo Baseline

PROJECT ARCHAEOLOGISTS: Dennis Gilpin, Joshua S. Edwards, and Michael O'Hara

PROJECT ETHNOGRAPHERS: None.

NAVAJO ANTIQUITIES PERMIT NO.: C0305

DATES INSPECTED: December 1 to 4, 2005

DATE OF REPORT: January 2006

TOTAL ACREAGE INSPECTED: 57.94 acres; 23.48 ha.

ARCHAEOLOGY: 1.71 acres (0.69 ha)

ETHNOGRAPHY: Some interviews regarding shrine (AZ-P-4-18) were conducted by NNHPD staff (Timothy Begay and Tony Joe)

METHOD OF INVESTIGATION

ARCHAEOLOGY: Three archaeologists walked transects spaced 10-15 m apart.

ETHNOGRAPHY: Interviews in Navajo and English with local residents to secure information regarding possible traditional cultural properties and function of shrine (AZ-P-4-18).

CULTURAL RESOURCES FOUND: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

LIST OF ELIGIBLE PROPERTIES: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

LIST OF POTENTIALLY ELIGIBLE PROPERTIES: None.

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHEOLOGICAL RESOURCES: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

EFFECT/CONDITIONS OF COMPLIANCE: In accordance of Stipulation 3 of the document entitled "A Programmatic Agreement Among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section, Within the Boundaries of the Navajo Nation," the Navajo Nation Historic Preservation Department has determined that the undertaking will have no adverse effect on historic properties provided that the conditions set forth in the following table are adhered to.

Treatment Stipulations for Previously Recorded Historic Properties

Site #	Inclusive Station Numbers	Recommended Treatment
AZ-P-4-9	583+00	A portion of the site is within the proposed realignment, but prior archaeological and ethnographic work has exhausted the research potential of the site and no further work is recommended.

Site #	Inclusive Station Numbers	Recommended Treatment
AZ-P-4-10	585 + 00 to 586 + 00	A portion of the site is within the proposed realignment, but prior archaeological and ethnographic work has exhausted the research potential of the site and no further work is recommended.
AZ-P-4-11	645 + 00	The site is outside the proposed realignment and no further work is recommended.
AZ-P-4-12	674 + 00	The site is within the proposed right of way, but local residents indicated that the site did not need to be avoided. Furthermore, prior ethnographic work has exhausted the research potential of the site and no further work is recommended.
AZ-P-4-13	699 + 00 to 700 + 00	A portion of the site is within the proposed realignment, but prior archaeological work has exhausted the research potential of the site and no further work is recommended.
AZ-P-4-18	728 + 00 to 730 + 00	A portion of the site is within the proposed realignment as initially recorded by Trianni (1992) and Newton and Gilpin (1998); a Navajo traditional practitioner (a Nightway Chanter) interviewed by Historic Preservation Personnel indicated that portions of the site initially regarded as part of the road shrine were, in fact, not part of the shrine but probably road debris or part of some other disturbance. However, the Navajo Traditionalist still recommended that the rocks be removed from the right way outside of the construction zone but not be put near the road shrine itself. BIA will ensure that this is done prior to construction.

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

In 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 928/871-7145.

FORM PREPARED BY: Peter J. Kakos
FINALIZED: December 7, 2006

Notification to

Proceed Recommended:

Yes ☒ No ☐

Conditions:

Yes ☒ No ☐



Alan Downer
Navajo Nation Historic Preservation Officer

12.7.06
Date

Agency Approval:

Yes ☒ No ☐

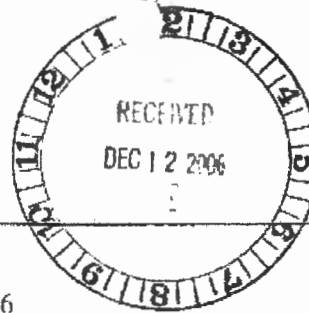
Ed,


~~Omar Bradley~~
Acting Director, Bureau of Indian Affairs,
Navajo Region

12/7/06
Date



THE NAVAJO NATION



JOE SHIRLEY, JR.
PRESIDENT

FRANK DAYISH, JR.
VICE-PRESIDENT

December 7, 2006

Omar Bradley
Acting Director, Navajo Region
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87305-1060

RE: Contract No. C306594-R27, Phased Data Recovery on Navajo Route 27
between Nazlini and Chinle, Apache County, Arizona.

Final report entitled, *A Cultural Resources Survey for the Proposed Navajo Route
27 Right-of-way Realignment, Navajo Nation, Apache County, Arizona*. NNIPD
97-048.4.

Dear Mr. Bradley:

The Navajo Nation sent to you the above referenced report for review and comment on October 11, 2006. No comments were received from you, or any consulting or interested party. According to the report findings, concurred by both the Navajo Nation and the lead agency, the realignment as proposed will have no adverse affect on known cultural properties if the stipulations in the cultural resources compliance addendum form (attached) are followed. Please review and sign the form, and return to me at your earliest convenience.

Should you have any questions, please contact me at 928/871-7688, or Peter Kakos, Contract Administrator, at P.O. Box 3669, Shiprock, New Mexico 87420, 505/368-1061. Thank you.

Sincerely,

Marie Dineyazhe

Marie Dineyazhe, Program Manager
Roads Planning Program

MD/pk SR 06 102
etc 1
cc. N27 contract file
NNHPID-CRCS (HPD 97-048.4)

FILE COPY ^{em} 6/30

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

Earthen dikes

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-15-403
<input checked="" type="checkbox"/> FHWA <input checked="" type="checkbox"/> NNDOT	OTHER PROJECT NO.: NNDOT 14-015

PROJECT TITLE: A Cultural Resources Inventory of Eight (8) Newly Scattered Areas Along N27 Road in the Vicinity of Chinle/Nazlini, Apache County, Arizona

LEAD AGENCY: FWHA

SPONSOR: Harold Riley, BIA-Navajo Road DOT, PO Box 1060, Gallup, New Mexico 87306-1060

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of earthen dikes, turnouts and inlets along N27 roadway at eight locations. Proposed activities include grading, backfilling, build-up of soil, compaction, drainage work and reseeding. The area of effect is 10.0-acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust
CHAPTER:	Chinle
LOCATIONS:	Project is located on the Chinle & Little White House Ruins Quadrangles, Apache County, Arizona G&SRPM
	T. 32 N, R. 26 E - Section 33
	T. 31 N, R. 26 E - Section 04, 09, 21, 33
	T. 30 N, R. 26 E - Section 09, 10

PROJECT ARCHAEOLOGIST: Lenora Etsitty
NAVAJO ANTIQUITIES PERMIT NO.: NTC
DATE INSPECTED: 2014
DATE OF REPORT: 09/30/14
TOTAL ACREAGE INSPECTED: 10.0 - ac

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

LIST OF CULTURAL RESOURCES FOUND: (1) Isolated Occurrence (IO); (9) In-Use Area (IUA)
LIST OF ELIGIBLE PROPERTIES: None
LIST OF NON-ELIGIBLE PROPERTIES: (1) IO; (9) IUA
LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly 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: Tamara Billie
FINALIZED: June 22, 2015

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office

6/22/15
Date



U.S. Department
of Transportation
**Federal Highway
Administration**

Federal Lands Highway Office
Lakewood Field Office Tribal Transportation Program

April 15, 2014

HPD-15-403 file
12300 West Dakota Avenue
Suite 280
Lakewood, CO 80228
720-963-3528
david.cremer@dot.gov

In Reply Refer To:
LFO TTP (Ste. 280- Cremer)

Ms. Tamara Billie
Acting Tribal Historic Preservation Officer
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

Dear Ms. Billie:

Subject: Section 106 consultation on Navajo DOT's Eight (8) Areas along N27 Road Project

We are contacting you at this time to perform Section 106 consultation relevant to the above-referenced project. The Federal Highway Administration, Federal Lands Highway Office Tribal Transportation Program (FHWA), in cooperation with the Navajo Nation Division of Transportation, is proposing to construct earthen dikes, turnouts and inlets along N27 at eight (8) scattered areas in the vicinity of Chinle/Nazlini, Apache County AZ. For the purposes of Section 106, and the National Environmental Policy Act, the FHWA is the lead Federal agency for this undertaking.

The location of the Eight (8) Areas along N27 Road Project is described in the enclosed Archaeological Inventory Report Documentation form (AIRs Form) and shown on the enclosed USGS map. The project will comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) and Executive Order 11593, Protection and Enhancement of the Cultural Environment. FHWA has made an effort to consider potential impacts to historic properties, which are defined as cultural resources listed or eligible for listing in the National or Register of Historic Places (NRHP), and to afford the Navajo Nation Tribal Historic Preservation Office (NNTHPO) an opportunity to comment on the undertaking.

Project Description

The undertaking consists of constructing earthen dikes, turnouts and inlets along N27 at eight scattered areas in the vicinity of Chinle/Nazlini, Apache County AZ. Proposed maintenance activities will include grading, backfilling, buildup soil, compaction, drainage work and reseeding. The project is necessitated by damage that occurred due to washout during torrential rainfalls.

Area of Potential Effect

The APE is defined as the areas in which construction impacts will take place. Exact locations are denoted in the enclosed Archaeological Inventory Report (AIR) form.

Area 1, a proposed Earthen Dike, is located 0.1 mile south of the Beginning of the Project (BOP). It is located on east side of N27 and measures 0.297 ac. Please see enclosed maps and UTM coordinates.

Area 2, a proposed Earthen Dike, is located 1.0 mile south of the BOP. It is located on the east side of N27 and measures 0.148 ac. Please see enclosed maps and UTM coordinates.

Area 3, a proposed Turnout, is located 2.1 miles south along N27 from the BOP. Area 3 is a proposed Turnout located on the east side of N27 and measures 2.823 ac. Please see enclosed maps and UTM coordinates.

Area 4 is located 2.5 miles south along N27 from the BOP. Area 4 is a proposed Inlet located on the west side of N27 and measures 0.247 ac. Please see enclosed maps and UTM coordinates.

Area 5, a proposed Turnout, is located 4.7 miles south along N27 from the BOP. It is located on the west side of N27 and measures 0.334 ac. Please see enclosed maps and UTM coordinates.

Area 6 is located 6.5 miles south along N27 from the BOP. Area 6 is a proposed Earthen Dike located on the east side of N27 and measures 2.224 ac. Please see enclosed maps and UTM coordinates.

Area 7 is located 9.4 miles south along N27 from the BOP. It is an Earthen Dike located on the east side of N27 and measures 1.730 ac. Please see enclosed maps and UTM coordinates.

Areas 8 consists of a proposed Earthen Dike, and is located 9.9 miles south of the BOP along N27. It is located on the east side of N27 and measure 2.243 ac. Please see enclosed maps and UTM coordinates.

The total area of effect is 10.0 acres (4.04 ha).

Cultural Resource Survey Results

The APE is 8 areas measuring approximately 10 acres. A Class III (100-percent coverage) cultural resources survey was conducted by an NDOT Archaeologist for a total 28.0 acre area that encompasses the APE. Archival data research was also conducted at the Navajo Nation Historic Preservation Department. Mr. Julius Tulley, a Navajo DOT Navajo Cultural Specialist, conducted ethnographic interviews with residents within the project area.


The results of the research and survey are documented in the enclosed AIRs Form and found that ten (10) cultural resources were identified within the APE. The resources include one Isolated Occurrence and eight (8) In Use Sites. The Isolated Occurrence lacks site integrity and is not

considered eligible for listing on the *National Register of Historic Places* (NRHP). The In-Use Sites were less than 50 years old and did not fit any of the Criteria of Eligibility for listing and are thus not considered eligible for listing on the NRHP. No Traditional Cultural Properties were recorded within 200 feet of the project area.

Assessment of Effect and Conclusion

The FHWA has determined that the Eight (8) Areas along N27 Road Project would result in *no historic properties affected*. Please review the information in this letter and the enclosed information. If you concur with our effect determination, please reply in writing (electronic mail is acceptable). If you have questions or concerns, please contact David Cremer, TTP Environmental Specialist at david.cremer@dot.gov or 720-963-3528.

Sincerely yours,



David E. Cremer
Environmental Coordinator
FHWA-Tribal Transportation Program

Enclosures

AIRs Form with maps (11 pages)

TCP Record Search Verification Form

cc (electronic copy only with enclosures):

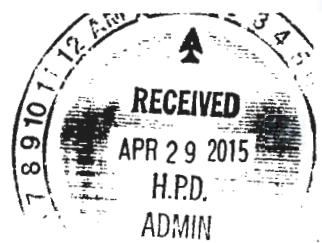
Darryl Bradley, Principal Engineer, Navajo DOT; dbradley@navajodot.org

Taft Blackhorse, Project Management Department Manager, Navajo DOT;

tblackhorse@navajodot.org

Geraldine Jones, Environmental Specialist, Navajo DOT; gjones@navajodot.org

HPD-15-403



U.S. Department
of Transportation
**Federal Highway
Administration**

Federal Lands Highway Office
Lakewood Field Office Tribal Transportation Program

12300 West Dakota Avenue
Suite 280
Lakewood, CO 80228
720-963-3528
david.cremer@dot.gov

April 15, 2014

In Reply Refer To:
LFO TTP (Ste. 280- Cremer)

Ms. Tamara Billie
Acting Tribal Historic Preservation Officer
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

Dear Ms. Billie:

Subject: Section 106 consultation on Navajo DOT's Eight (8) Areas along N27 Road Project

We are contacting you at this time to perform Section 106 consultation relevant to the above-referenced project. The Federal Highway Administration, Federal Lands Highway Office Tribal Transportation Program (FHWA), in cooperation with the Navajo Nation Division of Transportation, is proposing to construct earthen dikes, turnouts and inlets along N27 at eight (8) scattered areas in the vicinity of Chinle/Nazlini, Apache County AZ. For the purposes of Section 106, and the National Environmental Policy Act, the FHWA is the lead Federal agency for this undertaking.

The location of the Eight (8) Areas along N27 Road Project is described in the enclosed Archaeological Inventory Report Documentation form (AIRs Form) and shown on the enclosed USGS map. The project will comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) and Executive Order 11593, Protection and Enhancement of the Cultural Environment. FHWA has made an effort to consider potential impacts to historic properties, which are defined as cultural resources listed or eligible for listing in the National or Register of Historic Places (NRHP), and to afford the Navajo Nation Tribal Historic Preservation Office (NNTHPO) an opportunity to comment on the undertaking.

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Area 3, a proposed Turnout, is located 2.1 miles south along N27 from the BOP. Area 3 is a proposed Turnout located on the east side of N27 and measures 2.823 ac. Please see enclosed maps and UTM coordinates.

Area 4 is located 2.5 miles south along N27 from the BOP. Area 4 is a proposed Inlet located on the west side of N27 and measures 0.247 ac. Please see enclosed maps and UTM coordinates.

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Area 7 is located 9.4 miles south along N27 from the BOP. It is an Earthen Dike located on the east side of N27 and measures 1.730 ac. Please see enclosed maps and UTM coordinates.

Areas 8 consists of a proposed Earthen Dike, and is located 9.9 miles south of the BOP along N27. It is located on the east side of N27 and measure 2.243 ac. Please see enclosed maps and UTM coordinates.

The total area of effect is 10.0 acres (4.04 ha).

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considered eligible for listing on the *National Register of Historic Places* (NRHP). The In-Use Sites were less than 50 years old and did not fit any of the Criteria of Eligibility for listing and are thus not considered eligible for listing on the NRHP. No Traditional Cultural Properties were recorded within 200 feet of the project area.

Assessment of Effect and Conclusion

The FHWA has determined that the Eight (8) Areas along N27 Road Project would result in ***no historic properties affected***. Please review the information in this letter and the enclosed information. If you concur with our effect determination, please reply in writing (electronic mail is acceptable). If you have questions or concerns, please contact David Cremer, TTP Environmental Specialist at david.cremer@dot.gov or 720-963-3528.

Sincerely yours,



David E. Cremer
Environmental Coordinator
FHWA-Tribal Transportation Program

Enclosures

AIRs Form with maps (11 pages)

TCP Record Search Verification Form

cc (electronic copy only with enclosures):

Darryl Bradley, Principal Engineer, Navajo DOT; dbradley@navajodot.org

Taft Blackhorse, Project Management Department Manager, Navajo DOT;

tblackhorse@navajodot.org

Geraldine Jones, Environmental Specialist, Navajo DOT; gjones@navajodot.org

**A CULTURAL RESOURCES INVENTORY OF EIGHT (8) NEWLY
SCATTERED AREAS ALONG N27 ROAD, IN THE VICINITY OF
CHINLE/NAZLINI, APACHE COUNTY, ARIZONA.**


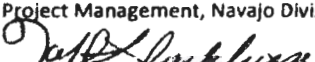
Navajo DOT 14-015



NAVAJO D.O.T.

January 8, 2015

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.:		2. (HPD USE ONLY):	
3. TITLE PF REPORT: A Cultural Resource Inventory of Eight (8) Newly Scattered Areas along N27 Road, in the vicinity of Chinle/Nazlini, Apache County, Arizona.		4. FIELDWORK DATES:	
Authors Name: Lenora Etsitty, Archaeologist		5. REPORT DATES: September 30 th , 2014	
6. CONSULTANT NAME AND ADDRESS: Gent. Charge: Project Management; Archaeological Department Phone: (505) 371-8300 Org. Name: Navajo Nation Division of Transportation (Navajo DOT) Org. Address: Navajo Transportation Complex #16 Old Coal Mine Road Mentmore, NM 87319		7. PERMIT NO.: NTC	
		8. CONSULTANT REPORT NO.: Navajo DOT 14-015	
9. SPONSOR NAME AND ADDRESS: Ind. Responsible: Harold Riley Org. Name: BIA-Navajo Road DOT Org. Address: N/A P.O. Box 1060 Gallup, NM 87306-1060		10. SPONSOR PROJECT NO.: N/A	
		11. AREA OF EFFECT: <u>10.0 ac</u>	
		12. AREA SURVEYED: <u>28.0 ac</u>	
13. LOCATION (Map Attached):			
a. Chapter: Chinle		e. UTM Center: Zone 12; See Page 2	
b. Agency: Chinle		f. Land Owner/User Name: Tribal Trust	
c. County: Navajo		g. Area: See Page 2	
d. State: Arizona		h. 7.5' Map Name: Chinle, Arizona, (Provisional Edition 1982) Little White House Ruin, Arizona (Provisional Edition 1982)	
14. REPORT/x/ OR SUMMARY (Report Attached)// OR PRELIMINARY REPORT//:			
a. Description of Undertaking: The undertakings consist of eight (8) newly scattered Areas (1-8), to constructing the Earthen Dikes, Turnouts and Inlets along N 27 in the vicinity of Chinle/Nazlini, Apache County, AZ. Proposed construction and maintenance activities will include grading, backfilling, buildup soil, compaction, drainage work and reseeding. Due to the washout during the torrential rain falls. Total area of effect is 10.0 acres (4.04 ha). At 0.1 mile is Earthen Dike (east) for 0.297 ac; 1.0 mile Turnout (east) or 0.148 ac; 2.1 miles Turnout (east) for 2.823 ac; 2.5 miles Inlet (west) for 0.247 ac; 4.7 miles Turnout (west) for 0.334; 6.5 miles Turnout (east) for 2.224 ac; 9.4 miles Earthen Dikes (east) for 1.730 ac; and 9.9 miles Earthen Dike (east) 2.243.			
b. Existing Data Review: The existing archival data is established with the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock, AZ. Four previous recorded projects HPD 84-657, 93-005, 93-449.95-556, 00-200, 00-270, 04-459, 05-1122, 06-1052 and 07-892 located within the survey corridor. A research at the NNHPD-Traditional Cultural Property (TCP) provided three known TCPs and/or scared site recorded in the vicinity. The TCP was recorded are all located outside the project area.			
c. Area Environmental & Cultural Setting: The proposed projects is located west/northwest and north of the Black Mesa Chapter House. Vegetation in the area include: Sage brush (<i>Artemisia tridentata</i>), Rabbit brush (<i>Chrysothamnus nauseosus</i>), Snakeweed (<i>Gutierrezia sarothrae</i>), Russian Thistle (<i>Salsola Kali</i>), Cholla cactus (<i>Opuntia whipplei</i>), Prickly pear cactus (<i>Opuntia monacantha</i>), Shadscale (<i>Atriplex confertifolia</i>) and Greasewood (<i>chenopodiaceous</i>).			
d. Field Methods: Mr. Taft Blackhorse, Department Manager for Project Management with Navajo DOT has shown Ms. Etsitty the current project location. The entire area investigated using Class III (100%) level, pedestrian survey strategy utilizing parallel transects spaced about 15 meters apart. Total area inspected 28.0 acres (11.3 ha.), which including the 200 ft. radius. All UTM's were point located with a Garmin 12 XL GPS unit (NAD 1983 UTM, Zone 12, meters, GIS grade). Mr. Julius Tulley, Navajo DOT Navajo Cultural Specialist conducted the ethnographic interviews residents along the project area. No TCP's were identified in or adjacent to the proposed project area.			
15. CULTURAL RESOURCE FINDING:			
a. location/Identification of Each Value: See Page 2			
b. Evaluation of Significance of Each Value (above): See Page 2			
16. MANAGEMENT SUMMARY (Recommendation): See Page 4			
17. CERTIFICATION:			
Signature: 		Date: Jan 06, 2015	
General Charge Name: Lenora Etsitty, Archaeologist Project Management, Navajo Division of Transportation			
Signature: 		Date: 01/08/15	
General Charge Name: Taft Blackhorse, Department Manager Project Management, Navajo Division of Transportation			

13. Location:

e. UTM Coordinates: Zone 12

TABLE 1: Specific Location of Points/UTM coordinates for the additional arch survey along N 27 Road.

Locations	UTM's Coordinates and Legal Descriptions	U.S.G.S. Map
0.1 mile, Area 1: Earthen Dike (east) for 0.297 ac		
NW)	N 4000719m E 630023m, NW¼ NE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
NE)	N 4000718m E 630053m, NW¼ NE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
SE)	N 4000678m E 630050m, NW¼ NE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
SW)	N 4000680m E 630020m, NW¼ NE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
1.0 mile, Area 2: Turnout (east) for 0.148 ac		
NW)	N 3999412m E 630116m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
NE)	N 3999413m E 630126m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
SE)	N 3999353m E 630129m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
SW)	N 3999352m E 630119m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
2.1 miles, Area 3: Turnout (east) for 2.823 ac		
NW)	N 3997703m E 630267m, SW¼ SE¼, Sec. 4, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
NE)	N 3997704m E 630277m, SW¼ SE¼, Sec. 4, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
SE)	N 3996566m E 630367m, NE¼ SE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
SW)	N 3996566m E 630357m, NE¼ SE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
2.5 miles, Area 4: Inlet (west) for 0.247 ac		
NE)	N 3997032m E 630267m, SW¼ NE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
NW)	N 3997031m E 630251m, SW¼ NE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
SW)	N 3996991m E 6302530m, SW¼ NE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
SE)	N 3996992m E 630278m, SW¼ NE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
4.7 miles, Area 5: Turnout (west) for 0.334 ac		
NW)	N 3993585m E 630038m, SW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
NE)	N 3993588m E 630053m, SW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SE)	N 3993498m E 630083m, NW¼ SE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SW)	N 3993492m E 630069m, NW¼ SE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
6.5 miles, Area 6: Earthen Dike (east) for 2.224 ac		
NW)	N 3990857m E 630123m, NW¼ NE¼, Sec. 33, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
NE)	N 3990846m E 630213m, NW¼ NE¼, Sec. 33, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SE)	N 3990747m E 630200m, NW¼ NE¼, Sec. 33, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SW)	N 3990758m E 630111m, NW¼ NE¼, Sec. 33, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
9.4 miles, Area 7: Earthen Dikes (east) for 1.730 ac		
NW)	N 3987210m E 630796m, SE¼ NE¼, Sec. 9, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
NE)	N 3987226m E 630844m, SE¼ NE¼, Sec. 9, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SE)	N 3987092m E 630887m, NW¼ SW¼, Sec. 10, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SW)	N 3987077m E 630839m, NE¼ SE¼, Sec. 9, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
9.9 miles, Area 8: Earthen Dike (east) for 2.243 ac		
NW)	N 3993585m E 630038m, SW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
NE)	N 3993588m E 630053m, SW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SE)	N 3993498m E 630083m, NW¼ SE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SW)	N 3993492m E 630069m, NW¼ SE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)

(cont.)

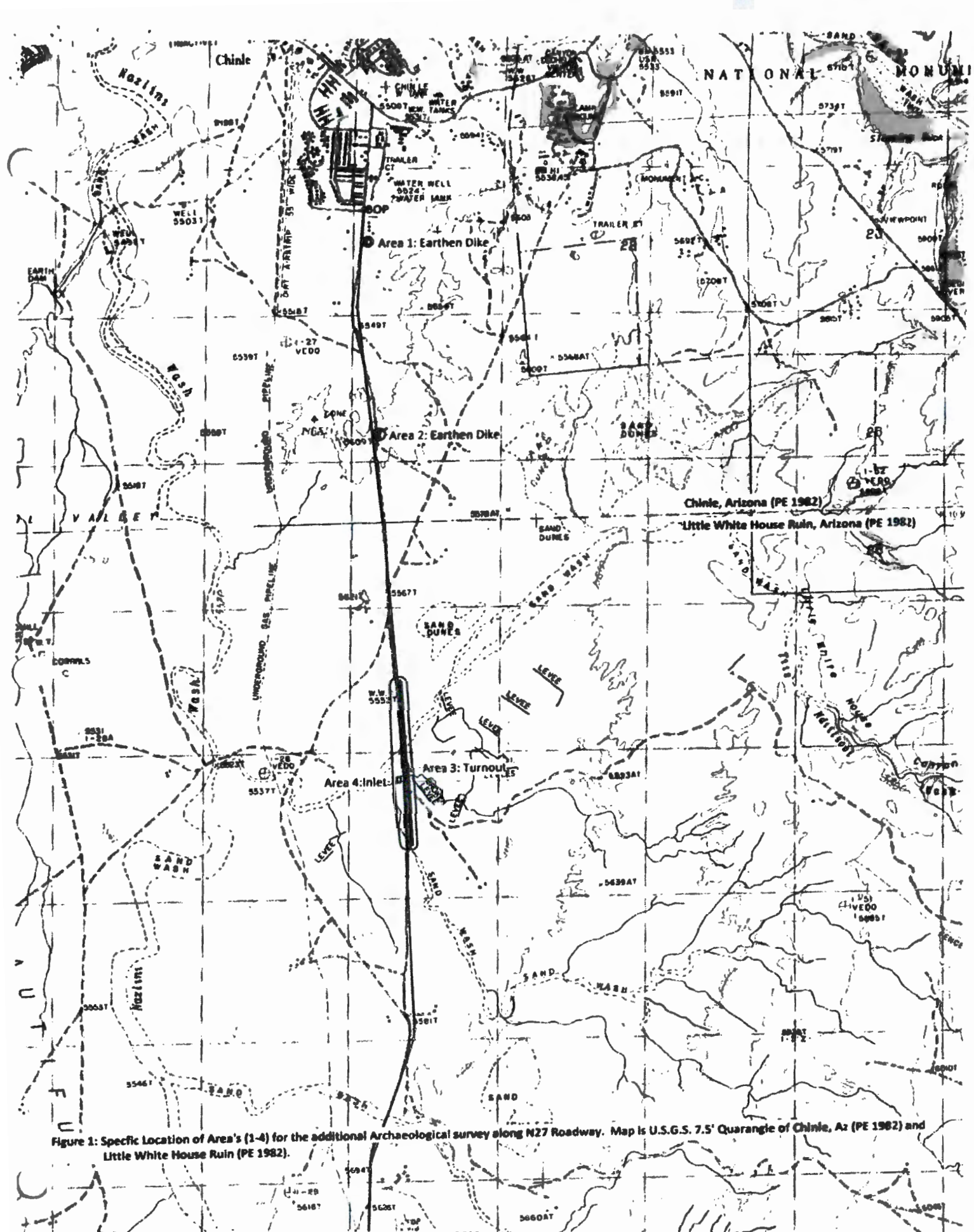
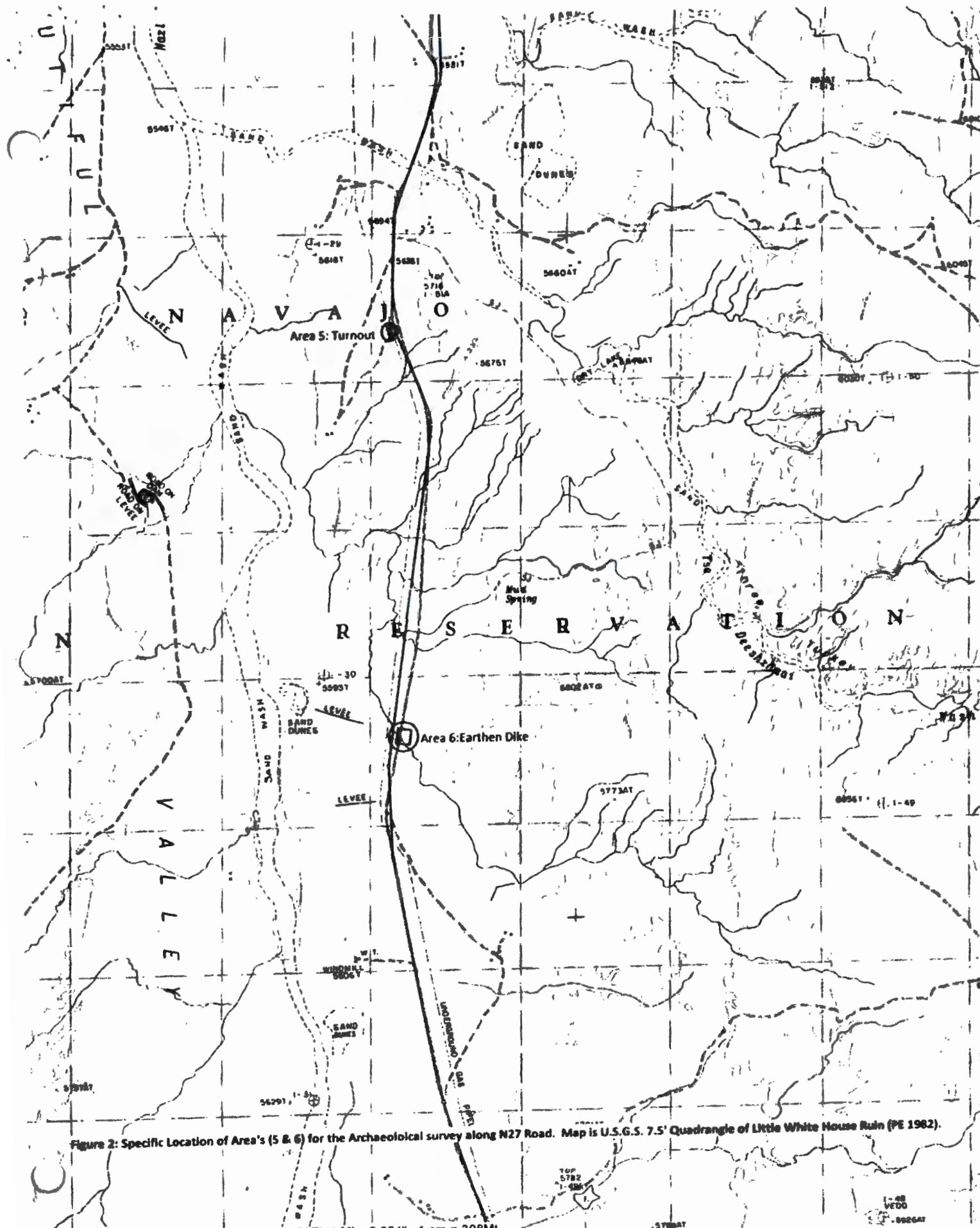


Figure 1: Specific Location of Area's (1-4) for the additional Archaeological survey along N27 Roadway. Map is U.S.G.S. 7.5' Quarangle of Chinle, Az (PE 1982) and Little White House Ruin (PE 1982).

Chinle, AZ it5' Scale: 1" = 0.487Mi 783Mt 2,570Ft, 1 Mi = 2.054", 1 cm = 308Mt



Chinle, AZ 15' Scale: 1" = 0.487Mi 783Mi 2,570ft, 1 Mi = 2.054", 1 cm = 308Mi

TABLE 1: Specific Location of Points/UTM coordinates for the Isolated Occurrence and In-Use Sites along N27 Roadway.

<u>Locations</u>	<u>UTM's Coordinates and Legal Descriptions</u>	<u>U.S.G.S. Map</u>
Isolate Occurrence:		
IO-A	N 4000568m E 630006m, NW¼ NEX, Sec. 28, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
In Use Sites:		
IUS-1	N 4001260m E 629897m, NW¼ SE¼, Sec. 28, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
IUS-2	N 4000896m E 630068m, SW¼ SE¼, Sec. 28 T32N R26E,	Chinle, AZ (Provisional Edition 1982)
IUS-3	N 4000801m E 630046m, SW¼ SE¼, Sec. 28, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
IUS-4	N 3999332m E 630089m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
IUS-5	N 3998174m E 630216m, NW¼ SE¼, Sec. 4, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
IUS-6	N 3995358m E 630519m, SE¼ NEX, Sec. 16, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
IUS-7	N 3995330m E 630163m, SW¼ NEX, Sec. 16, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
IUS-8	N 3994293m E 630140m, NW¼ NEX, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
IUS-9	N 3986661m E 631095m, SW¼ SW¼, Sec. 10, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)

15. CULTURAL RESOURCE FINDINGS:

a. Location/Identification of Each Value: A total of ten (10) cultural resources were identified within the project area. The resources include one (1) isolated Occurrence; IO-A consists of three plain grey ware body sherds, two Black Mesa B/W body sherds, four corrugated body sherds and five secondary cherts; and nine (9) In-Use sites; IUS-1 consists of Chinle business site located north including the Justice Center, BIA Chinle Agency Office complex and unknown trailer complex; IUS-2 consists of continues Chinle business site located east including a fence-in storage and residents with two houses, three mobile home trailers, three corrals and two sheds; IUS-3 consists of residential area with three single trailers, one house, one hogan and one corral located east; IUS-4 consists of a large field with a rodeo Arena located east of N27 roadway; IUS-5 consists of a smaller field with and old single trailer; IUS-6 consists of a residential located east, with two houses, three small fields, three corrals and two sheds; IUS-7 consists of a residential area located east containing three houses, three small fields, three corrals, one Arena and three sheds; IUS-8 consists of a resident located west with one double wide trailer, one garage, one shed, one corrals and a large field; and IUS-9 consists of a residential area located east with three hogan, two houses, three corrals and two small fields.

b. Evaluation of Significance of Each Value (above): The isolated occurrence (IO-A) do meet the 100-year guideline, but lack location integrity for inclusion to NRHP. The In-use sites (IUS 1 thru 9) do not meet the 50 year guideline for consideration of inclusion to the NRHP.

Table 2: Evaluation of Significance within the Project Area.

<u>Resources</u>	<u>Age/Integrity</u>	<u>National Register</u>		<u>ARPA</u>
		<u>Eligible</u>	<u>Criteria</u>	<u>Eligible</u>
Isolated Occurrence:				
IO-A	>100/No	No	N/A	No
In Use Site:				
IUS-1	<50/Yes	No	N/A	No
IUS-2	<50/Yes	No	N/A	No
IUS-3	<50/Yes	No	N/A	No
IUS-4	<50/Yes	No	N/A	No
IUS-5	<50/Yes	No	N/A	No
IUS-6	<50/Yes	No	N/A	No
IUS-7	<50/Yes	No	N/A	No
IUS-8	<50/Yes	No	N/A	No
IUS-9	<50/Yes	No	N/A	No

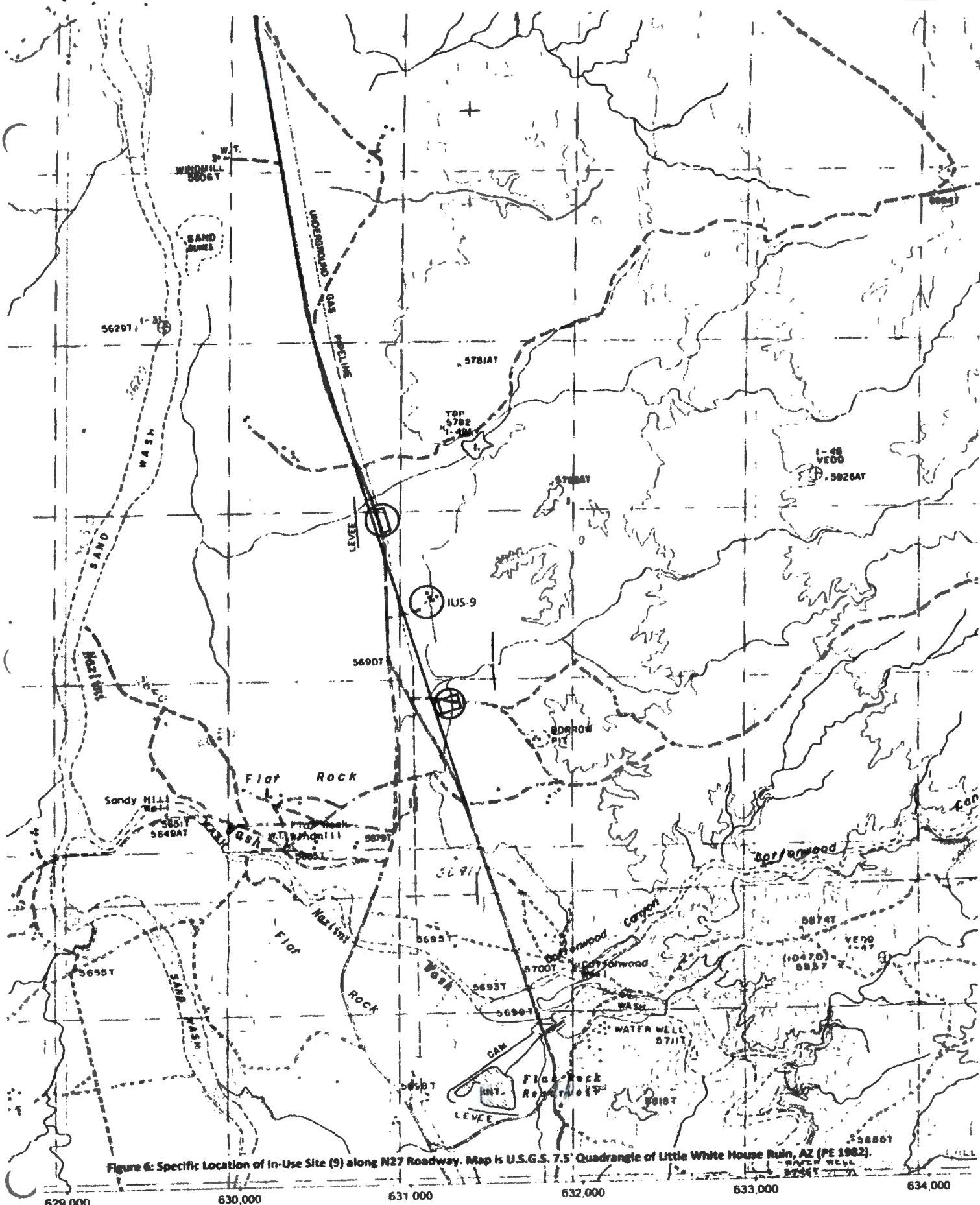


Figure 6: Specific Location of In-Use Site (9) along N27 Roadway. Map is U.S.G.S. 7.5' Quadrangle of Little White House Ruin, AZ (PE 1982).

16. MANAGEMENT SUMMARY (Recommendations)

Notice to proceed is recommended, with the conditions to avoid, fence and monitor during construction any activities. As the project is currently design and if the management recommendations are as followed, the undertaking should have no adverse effect on significant of historic properties and a notice to proceed is recommended.

Table 3: Mitigation Recommendations for the Isolated Occurrence and In-Use Sites along N27 Roadway.

<u>Resource Sites</u>	<u>Affiliation</u>	<u>Recommendation</u>
Isolated Occurrence:		
IO-A	Prehistoric Anasazi	Not eligible for NRHP consideration. This recording is sufficient mitigation of the resource.
In-Use Site:		
IUS-1	Community	Not eligible for NRHP consideration.
IUS-2	Community	Not eligible for NRHP consideration.
IUS-3	Community/Residential	Not eligible for NRHP consideration.
IUS-4	Community/Residential	Not eligible for NRHP consideration.
IUS-5	Residential	Not eligible for NRHP consideration.
IUS-6	Residential	Not eligible for NRHP consideration.
IUS-7	Residential	Not eligible for NRHP consideration.
IUS-8	Residential	Not eligible for NRHP consideration.
IUS-9	Residential	Not eligible for NRHP consideration.



TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

****TCP WILL NOT SIGN/APPROVE IF THIS PORTION IS LEFT BLANK****

Project Information:	
DATE	Sep 24, 2014
RESEARCHER & COMPANY	Leona Elsie / Navajo Department of Transportation (NDOT)
PROJECT NAME	Proposed Improvement to Construct 9 Earthen Dikes along N27 Road
PROJECT/PERMIT NUMBER	Navajo Nation Authorization / Tribal Code
PROJECT LOCATION	Chinle, Apache County, Arizona

*****TO BE FILLED OUT & SIGNED BY AUTHORIZED NNHPD STAFF ONLY*****

A literature search of TCP Records at NNHPD on the above date indicates the following:

<input type="checkbox"/>	There are <u>no</u> TCP(s) present within the project area and/or buffer zone. The project may proceed as proposed.
<input type="checkbox"/>	TCP(s) <u>are</u> present within the project area and/or buffer zone. Project may have the potential to adversely affect TCP(s). Please document TCP(s) as a summary (with only general location information) in the body of reports submitted for review to HPD/CRCS. Give full detail on the TCP Documentation Forms in a separate, and clearly labeled, confidential appendix.
<input checked="" type="checkbox"/>	Project may proceed with the following stipulations: Note TCP # 1080, 81, 373 in your report & Findings
<input type="checkbox"/>	Further consultation is required. Consult with the following:
<input type="checkbox"/>	There are no mitigative measures. Project may not proceed.

NNHPD/TCP Program
Reviewer:

[Signature]

Date:

9/29/14

****Return this form along with report to the NNHPD/Compliance Section****

Note: In addition to the TCP Record search, the consultant must demonstrate that a good-faith effort to consult with 1.) Surface user(s): grazing-permit holder(s) (individuals whose consents for right-of-way have been sought by developer); any other residents in or within view of the proposed project area. 2. Chapter(s) within which the proposed project is located: chapter officers and/or delegate(s) of the Navajo Nation Council; at the request of any of these individuals, the developer's consulting anthropologist will also make a presentation at a meeting of general chapter membership. 3. Other knowledgeable people recommended by the present surface user(s), chapter officials, and chapter members.

THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENTPO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-15-480
<input checked="" type="checkbox"/> EMI	OTHER PROJECT NO.: EMI 1098-14

PROJECT TITLE: A Cultural Resource Inventory of Navajo Route 27, Navajo Route 105, and Proposed Chinle Roundabout for Navajo Division of Transportation in Chinle, Apache County, Arizona

LEAD AGENCY: FWHA

SPONSOR: Navajo Division of Transportation, PO Box 4620, Window Rock, Arizona 86515

PROJECT DESCRIPTION: The proposed project consists of approximately 0.83 mile overall, Navajo Route 27 is having 0.46-mile improved with a 145-ft right-of-way; 0.25-mile of Navajo Route 105 will be improved with two different right-of-way widths; 675-ft of NR 105 has a 125-ft ROW, and 1,280-ft has a 250-ft ROW. Navajo Route 7 will be improved for 0.12-mile at the proposed Chinle roundabout where BIA is planning to construct a 150-ft diameter roundabout within 425-ft ROW at the intersection of NR 27 and NR 7. The total area of effect is 21.99-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Chinle

LOCATIONS: Project is located on the Chinle Quadrangle, Apache County, Arizona G&SRPM

T. 05 N, R. 10 W – Sec. 16;

T. 32 N, R. 26 E – Sec. 28;

PROJECT ARCHAEOLOGIST: Joanne Eakin

NAVAJO ANTIQUITIES PERMIT NO.: B15045

DATE INSPECTED: 02/08/15

DATE OF REPORT: 03/24/15

TOTAL ACREAGE INSPECTED: 21.99 ac. Total

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

LIST OF CULTURAL RESOURCES FOUND: (1) In-Use Area (IUA)

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: (1) IUA

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly 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: Tamara Billie

FINALIZED: July 16, 2015

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No

☐ Yes ☒ No

The Navajo Nation
Historic Preservation Office

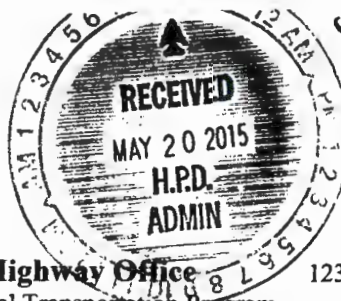
7/20/15
Date



U.S. Department
of Transportation
**Federal Highway
Administration**

Federal Lands Highway Office
Lakewood Field Office Tribal Transportation Program

May 5, 2015



HPD-15-480
FILE COPY
m
7/20/15
12300 West Dakota Avenue
Suite 280
Lakewood, CO 80228
720-963-3528
david.cremer@dot.gov

In Reply Refer To:
LFO TTP (Ste. 280- Cremer)

Ms. Tamara Billie
Acting Tribal Historic Preservation Officer
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

Dear Ms. Billie:

Subject: Section 106 consultation on the Navajo Routes 27, 105 and Chinle Roundabout Project

We are contacting you at this time to perform Section 106 consultation relevant to the above-referenced project. The Federal Highway Administration, Federal Lands Highway Office Tribal Transportation Program (FHWA), in cooperation with the Navajo Nation Division of Transportation (NDOT), is proposing to construct road improvements on Navajo Routes 7, 27 and 105 in Chinle, Apache County, Arizona. For the purposes of Section 106, and the National Environmental Policy Act, the FHWA is the lead Federal agency for this undertaking.

The location of the Navajo Routes 27, 105 and Chinle Roundabout Project is described in the enclosed Cultural Resources Inventory and shown on the enclosed maps. The project will comply with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) and Executive Order 11593, Protection and Enhancement of the Cultural Environment. FHWA has made an effort to consider potential impacts to historic properties, which are defined as cultural resources listed or eligible for listing in the National or Register of Historic Places (NRHP), and to afford the Navajo Nation Tribal Historic Preservation Office (NNTHPO) an opportunity to comment on the undertaking.

Project Description

The proposed project is approximately 0.83 miles in length. Navajo Route 27 is having 0.46 miles improved with a 145' ft. ROW. 0.25 miles of Navajo Route 105 will be improved with two different ROW widths; 675 ft. of NR 105 has a 125 ft. ROW and 1,280 ft. has a 250 ft. ROW. Navajo Route 7 will be improved for 0.12 miles at the proposed Chinle Roundabout where the BIA plans to construct a 150 ft. diameter roundabout structure within the 425 ft. (130 m) NDOT right of way (ROW) at the intersection of NR 27 and NR 7.

Area of Potential Effect

The total area of potential effect (APE) is 21.99 acres (8.89 ha) within the NDOT ROW.

Cultural Resource Survey Results

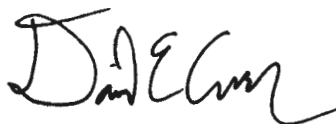
The cultural resources survey consists of a pedestrian survey, evaluation and recommendations for the National Register of Historic Places (NRHP) eligibility, and assessment of potential impacts to cultural resources in the NDOT ROW. The survey includes a Class III level investigation and a 100 percent pedestrian survey was conducted throughout the project area. The pedestrian survey resulted in the inventory of 21.99 acres (8.89 ha). In addition, a records search of the project area, including a Traditional Cultural Properties (TCP) search, was conducted at the Navajo Nation Historic Preservation Department offices.

The results of the research and survey are documented in the enclosed AIRs Form. The cultural resources survey of the Navajo Routes 27, 105 and Chinle Roundabout Project found that no cultural resources were identified within the APE. No sites had been previously recorded in the APE and no new sites or isolated occurrences were documented in the APE.

Assessment of Effect and Conclusion

The FHWA has determined that the Navajo Routes 27, 105 and Chinle Roundabout Project would result in *no historic properties affected*. Please review the information in this letter and the enclosed information. If you concur with our effect determination, please reply in writing (electronic mail is acceptable). If you have questions or concerns, please contact David Cremer, TTP Environmental Specialist at david.cremer@dot.gov or 720-963-3528.

Sincerely yours,



David E. Cremer
Environmental Coordinator
FHWA-Tribal Transportation Program

Enclosures
Cultural Resources Inventory (with maps)

cc (electronic copy only with enclosures):

Darryl Bradley, Principal Engineer, Navajo DOT; dbradley@navajodot.org

Taft Blackhorse, Project Management Department Manager, Navajo DOT;
tblackhorse@navajodot.org

Geraldine Jones, Environmental Specialist, Navajo DOT; gjones@navajodot.org

1. HPD REPORT NO.	2. HPD USE ONLY	3. RECIPIENTS ACCESSION NO.
TITLE OF REPORT: A Cultural Resource Inventory of Navajo Route 27, Navajo Route 105, and Proposed Chinle Roundabout for Navajo Division of Transportation (NDOT) in Chinle, Apache County, Arizona		5. FIELDWORK DATES: February 8, 2015
		6. REPORT DATE: March 24, 2015
7. CONSULTANT NAME AND ADDRESS: Individual Responsible: Joanne Eakin, Cultural Resources Program Manager. Ecosystem Management, Inc. 3737 Princeton NE, Albuquerque, NM 87107		8. PERMIT NO. B15045
		9. CONSULTANT REPORT NO. EMI 1098-14
10. SPONSOR NAME AND ADDRESS: Individual Responsible: Taft Blackhorse Navajo Division of Transportation P.O. Box 4620 Window Rock, AZ 86515		11. SPONSOR PROJECT NO.
		12. AREA OF EFFECT: 21.99 acres (8.89 ha)

14. REPORT ☒OR SUMMARY REPORT ☐OR PRELIMINARY REPORT ☐**a. Description of Undertaking:**

On February 8, 2015, Ecosystem Management, Inc. (EMI) conducted a Class III cultural resource inventory for Wilson & Company, Inc. in advance of an approximately one mile road improvement project proposed by Navajo Division of Transportation (NDOT) and the Bureau of Indian Affairs (BIA). The proposed project consists of approximately 0.83 miles overall. Navajo Route 27 is having 0.46 miles improved with a 145' ft. ROW. 0.25 miles of Navajo Route 105 will be improved with two different ROW widths; 675 ft. of NR 105 has a 125 ft. ROW and 1,280 ft. has a 250 ft. ROW. Navajo Route 7 will be improved for 0.12 miles at the proposed Chinle Roundabout where the BIA plans to construct a 150 ft. diameter roundabout structure within the 425 ft. (130 m) NDOT right of way (ROW) at the intersection of NR 27 and NR 7. The total area of potential effect (APE) is 21.99 acres (8.89 ha) (see Figure 1 and details on Figure 2).

The project consisted of a cultural resources pedestrian survey, evaluation and recommendations for the National Register of Historic Places (NRHP) eligibility, and assessment of potential impacts to cultural resources in the NDOT ROW. The NDOT ROW varied in width along the project corridor; see Figure 2 for ROW widths. Potential impacts include adverse effects from ground disturbing activities associated with the road construction and the installation of subsurface utilities. The pedestrian survey resulted in the inventory of 21.99 acres (8.89 ha). No new sites and no isolated occurrences were documented in the APE. No sites had been previously recorded in the APE.

This undertaking complies with the provisions of the National Historic Preservation Act of 1966, as amended, and applicable regulations. The report is consistent with applicable federal and state standards for cultural resource management, as well as with standards and guidelines required by the Navajo Nation. Joanne Eakin served as Principal Investigator, Thomas F. Messerli served as Field Director and Shane Wero served as Field Technician. The inventory was conducted under Navajo Nation Historic Preservation Department Cultural Resources Inventory Permit B15045.

b. Existing Data Review:

A records search of the project area, including a Traditional Cultural Properties search, was conducted at the Navajo Nation Historic Preservation Department offices on February 6th, 2015. No cultural resources were located within the project area. Previously recorded sites and surveys within 1/2 mile of the project area are summarized below.

Table 1: Previous surveys within 1/2 mile

NNHPD #	Performing Agency Report Number	Title	Author	Report Date
HPD 88-324	NNAD-88-216	An Archaeological Survey of the Seventh Day Adventist Church in Chinle, Apache County, AZ	McCabe-Benner, Lillie	August 1, 1988
HPD 89-491	NNAD-89-365	An Archaeological Survey of Water Service Lines to Three Homes, in Chinle, Pinon and Low Mountain, Navajo & Apache Counties, AZ	Dawes, Delfred E.	December 1, 1989

HPD 91-197	NNAD 91-097	An Archaeological Survey of Three Acres for Jeff and Lorrian Terril Business Site at Chinle, Apache County, Arizona	Fransico, Aldon J.	May 22, 1991
HPD 92-465	NNAD-92-291	An Archaeological Survey of a Proposed Homesite for Victoria Jones in Chinle, Apache County, AZ	Paul, Fannie	July 23, 1992
HPD 02-900	NNAD 02-139	A Cultural Resources Inventory of the Proposed Tilda V. Mitchell Homesite in Chinle, Apache County, Arizona	Pino, Genevieve	March 2, 2011
HPD 93-449	NNAD 93-113	A Cultural Resources Inventory of Four Projects for the Chinle Chapter, Apache County, Chinle, Arizona	Phifer, Paige G.	June 24, 1993
HPD-93-543	NNAD-92-068	An Archaeological Survey of 2.92 Miles of Water Line, 0.5 Mile of Sewer Line and 74 Scattered Homesites for the HIS near Chinle, Apache County, AZ	Ben, James and Lucy	June 15, 1909
HPD 95-186	NNAD 95-076	An Archaeological Survey of a Homesite for Franklin And Sally Tsosie in Chinle, Apache County, Arizona	Yazzie, Troy	April 11, 1995
HPD-95-556	CASA 95-40	Cultural Resource Inventory NTUA NA 94-779 of 94 Scattered Homesites and Waterline Extensions to the Ft. Defiance, Chinle, Dilkon NTUA Districts, Apache and Navajo Counties Arizona and San Juan and McKinley Counties New Mexico	Erickson, Mary	August 18, 1995
HPD 96-315	NNAD 96-145	An Archaeological Survey of a Proposed Homesite for Deborah Brown in Chinle, Apache County, Arizona	Paul, Fannie	May 28, 1996
HPD-96-487	NNAD 96-131	An Archaeological Survey of a Homesite Area for Pauline L. Yazzie and Dennison Halwood in Chinle, Apache County, Arizona	Brown, Karen A.	July 9, 1996
HPD-96-565	NNAD 95-266	An Archaeological Survey for the Slim Canyon Waterline Extension, Apache County, Arizona (IHS NA 96-L57)	Maldonado, Ronald P.	July 1, 1996
HPD 98-172	NNAD 98-060	An Archaeological Survey for a Ropes Course, Chinle, Apache County, Arizona	Morgan, Grace	April 4 1998
HPD-98-570	CASA98-37	Cultural Resource Inventory of NTUA Project NA 98-A44, 95 Scattered Homesites and 3.5 Miles of Waterline Extensions apache County, Arizona and San Juan And McKinley Counties, New Mexico	Erickson, Mary	July 1, 1998
HPD-99-541	NNAD-98-182	An Archaeological Survey of Ninety-Two Homes and 6.75 Miles of Waterline Extensions in Del Muerto, Apache County, Arizona	Maldonado, Ronald P. & Curtis Yazzie	June 1, 1999
HPD-00-295	NNAD 00-064	A Cultural Resources Inventory of a Proposed Homesite for Leona Eskeets in Chinle, Apache County, Arizona	Paul, Fannie	June 7, 2001
HPD-01-861	CASA 01-55	Cultural Resource Inventory Apache County, Arizona	Erickson, Mary	August 28, 2001

HPD-02-379	CASA 01-43	Cultural Resource Inventory, NAIHS Project NA-00-B38, Chinle Medical Referral Scattered, Apache and Navajo Counties, Arizona	Errickson, Mary	February 11, 2002
HPD 03 133	NPC 03-14	A Cultural Resource Inventory for Four Proposed Homesites Near Chinle, Apache County, Arizona	Nelson, Lily A.	February 24, 2003
HPD 03-1195	DCRM 2003-36	The Navajo Nation Electrification Demonstration Program-Phase II, DCRM 2003:36, Cultural Resources Inventory of 19 Homesite Electrical Tap-Lines within the Chinle District, Arizona	Chavez, Loretta, Rena Martin, And Shane Wero	October 31, 2003
HPD 04-230.1	NNAD 03-254	A Cultural Resources Inventory of Scattered Homesites for the IHS Chinle Failed Drain fields Projects in Apache Count, Arizona (HIS NA-03-X38)		
HPD 04-459	CASA 05-41	Cultural Resources Inventory NAIHS Project NA-03-CO2, Chinle Medical Referral Scattered, Apache & Navajo Counties, Arizona Addendum 1: Four Additional Homes	Hammack, Nancy.	March 14, 2005
HPD 05-1122	CASA 05-105	Cultural Resources Inventory NAIHS Project NA-05-P78 Pinon Scattered District IV-Phase II Apache & Navajo Counties, Arizona	Errickson, Mary	September 19, 2005
HPD 06-022	NNAD 05-214	A Cultural Resource Inventory of the Proposed Lincoln Francis Homesite Located in Chinle, Apache County, Arizona	Tsosie, Lenora	February 9, 2006
HPD 06-1052	PJ-43-06	A Cultural Resources Inventory for Felita Benally Homesite in Chinle, Apache County, Arizona	Jim, Paul	September 25, 2006
HPD 07-892	DCRM 2007-53	Cultural Resources Inventory NAIHS Project NA-06-D18/Q48 Ventana Mesa Waterline Extensions, Chinle, Apache County, Arizona	Chavez, Loretta & Rena Martin	August 24, 2007

Table 2: Previously recorded sites within 1/2 mile

NN Site Number	NNHPD #	Site Type	NRHP Eligibility
AZ-I-52-19	HPD-96-487	Anasazi Early P-II	Eligible criterion 'd'
AZ-I-52-20	HPD-96-487	Unknown Prehistoric lithic scatter	Unknown
AZ-I-52-26	HPD-93-519	Anasazi BMII-III fieldhouse	Eligible criterion 'd'
AZ-I-52-40	HPD-99-154	Navajo 19th century camp	Eligible criterion 'd'
AZ-I-52-55	HPD 02-379	Anasazi PII habitation	Eligible criterion 'd'
AZ-I-52-64	HPD 01-861	Historic Navajo	Not eligible

c. Area Environmental & Cultural Setting:

The project area is on the Navajo Section, which is part of the larger Colorado Plateau. The Colorado Plateau is characterized by canyons, high altitude, steep escarpments, flat plateaus comprised of gently dipping sedimentary rocks, and an arid climate (Thornbury 1965). The most distinctive structural feature of the province is its large number of monoclines. The monoclines are broken throughout the province by structural basins and up warps of considerable relief. Volcanic structures are concentrated around the plateau's margin but are also scattered throughout its interior (Kelley 1955).

The vegetation communities are mapped as Great Basin desert scrub and Great Basin conifer woodland (Brown 1994). The project area has largely been denuded of vegetation due to pedestrian traffic in the ROW and recent construction activity in the area associated with construction of the nearby Justice Center. The local hydrology is dominated by Chinle Wash. Chinle Wash is an intermittent stream draining a 639 square mile (1655 km²) watershed, consisting of Canyon de Chelly and a major tributary canyon, Canyon del Muerto.

Chinle

The project area is situated within the Chinle Chapter of the Navajo Nation. Chinle is located outside the entrance to Canyon de Chelly, a U.S. National Monument. Numerous business establishments thrive on the tourist industry. Commercial establishments include gasoline stations, convenience stores, restaurants, supermarkets, motels, a bank, and several gift shops. The Chinle Chapter Government is a local government established as a Chapter under the Navajo Nation on February 14, 1956 - it is the 32nd Chapter to be certified as one of the 110 Navajo Nation Chapters. On December 21, 2010, the Chinle Chapter became a Local Governance Act Certified Chapter, which is milestone for Navajo Nation Chapters to achieve. Chinle Chapter is one of the larger Chapters on the Navajo Nation with over 3,800 registered voters with a service area of Chinle, Arizona and smaller surrounding communities such as Del Muerto, Spider Rock, and Valley Store (<http://chinle.navajochapters.org>).

d. Field Methods: The current survey included Class III level investigations. A 100 percent pedestrian survey was conducted throughout the project area. Area surveyed was 21.99 acres (8.89 ha). Parallel transect intervals spaced no greater than 15 meters between personnel were utilized. Fieldwork was conducted on February 8th, 2015. Joanne Eakin served as Principal Investigator; Thomas F. Messerli served as Field Director and Shane Wero the Field Technician. The role of Principal Investigator was to ensure adherence to technical reporting standards and guidelines. The role of Field Director was to plan the logistics of the survey and ensure that the project was conducted within the scheduled time.

References

Brown, D. E., ed.

1994 Biotic communities: southwestern United States and northwestern Mexico. University of Utah Press, Salt Lake City, UT.

<http://chinle.navajochapters.org>. 1.10.15.

Kelley, V. C.


1955 Monoclines of the Colorado Plateau. Geological Society of America Bulletin No. 66, pp. 789-804.

Thornbury, W. D.

1965 Regional Geomorphology of the United States. John Wiley and Sons, New York.

13. LOCATION a. Chapter: Chinle b. Agency: Navajo c. Counties: Apache d. State: Arizona	e. Land Status: Navajo Tribal Trust f. UTM Coordinates: Southwestern corner: 629431E, 4000932N Southeastern Corner: 630024E, 4000862N Northern Edge: 629983E, 4001736N g. Area: 21.99 acres Map Name(s): Chinle 1982
--	--

15. CULTURAL RESOURCE FINDINGS: No sites had been previously recorded in the APE. No new sites and no isolated occurrences were documented in the APE. There are several in-use areas and buildings along the edge of the project area. The eastern side of NR 27 has two houses with parking, a large commercial building with a parking lot, two double wide trailers, six apartment complex buildings and seven frequently-used trailer parking areas. The northern side of NR 7 is unpaved with one double wide trailer, but other temporary structures have been used there as well. A municipal building with a parking lot is on the western side of NR 27, south of NR 7. b. Evaluation of Significance of Each Resource (above): No cultural resources were documented during the survey.

16. MANAGEMENT SUMMARY (RECOMMENDATIONS): EMI recommends a determination of <i>no adverse effect</i> to cultural resources within the APE.
17. CERTIFICATION: General Charge Name: Joanne Eakin Date: 3/24/15 Direct Charge Name: Joanne Eakin 

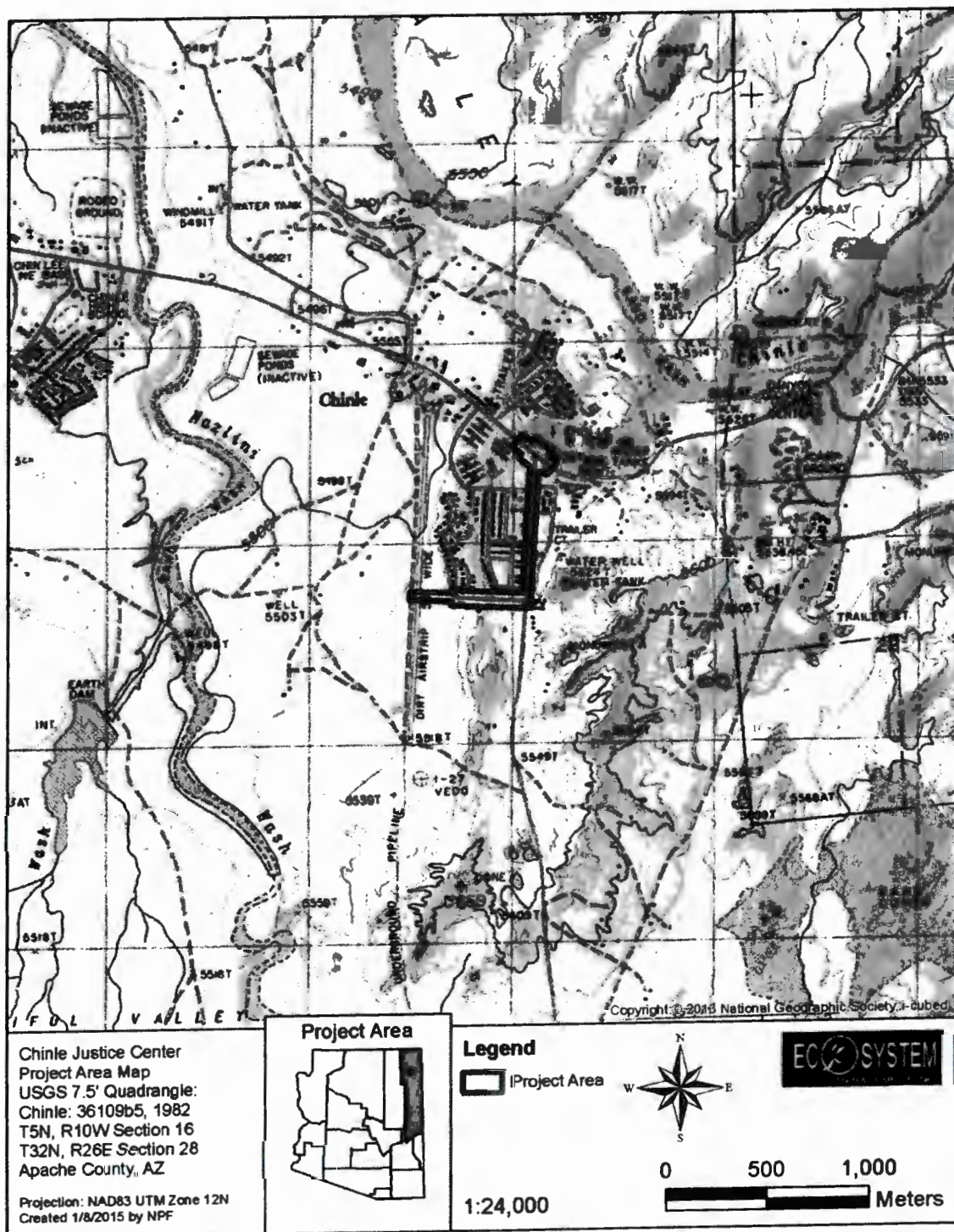


Figure 1: USGS Scale Project Area Map

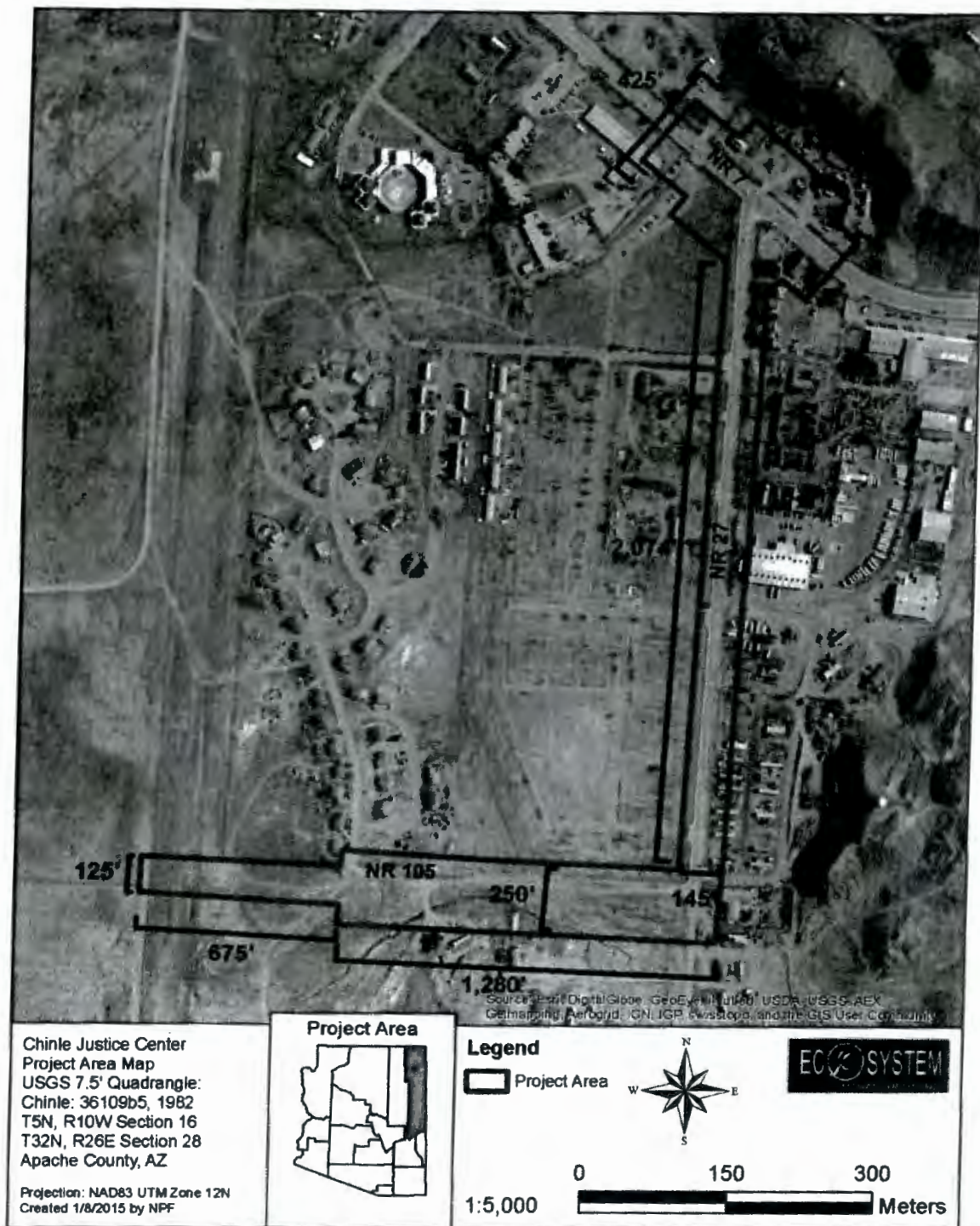


Figure 2: Close up project area maps showing ROW measurements



N105 Loop / Channel

THE NAVAJO NATION
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:

☒ LMAS

NNHPD NO.: **HPD-16-227**

OTHER PROJECT NO.: **LMAS 2104**

PROJECT TITLE: A Cultural Resources Survey of Approximately 13.5 Acres for the N7(2-3)/N27(2-3) (4-2)/N105(1), Drainage Improvements in Chinle, Chinle Chapter, Apache County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Harold J. Riley, BIA Navajo Region Division of Transportation, 301 West Hill Avenue, Gallup, New Mexico 87305

PROJECT DESCRIPTION: The proposed undertaking will involve reconstructing the existing roads serving the Chinle Community, specifically N7(2-3)/N27(2-2) (2-3) (4-2)/N105(1)2&4. N105 has existing paved roadway with no shoulders. The proposed undertaking is to mill the existing pavement and repave the roadway with two lanes & two shoulders that will curve & merge northward into an existing dirt road. There will be two 36 in by 54-in arch pipes with spacing of 750 mm, which will be placed as subsurface structures. The inlet will be located on the southeast corner of N7 and N27 within the N7 right-of-way. The structures will descend south below the N27 roadway ROW and turn west at station 60+738. The outlet will be terminated by a concrete headwall at the edge of the N27 ROW; the subsurface becomes an open channel to the west for a distance of 560m and rain onto the existing terrain following the natural drainage patterns. The entire width of the two structures including the spacing measures from the outside to outside of the pipes outlet is 5.58 meters. These two structures will be placed within a 7.38-meter open channel for a clearance of 1.8 meters. The height of each embankment will be 1.7 m. The embankment of the channel from outside to outside will be 14.26 m. The channel will be 560 meters in length which will be protected by wire concrete cable extending up onto the slopes. The channel will have energy dissipaters. The area of effect is 13.5-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Chinle

LOCATION: T. 32 N., R. 26 E; Sec. 28; Chinle Quadrangle, Apache County Arizona G&SRM
T. 05 N., R. 10 W; Sec. 16

PROJECT ARCHAEOLOGIST: Douglas H.M. Boggess

NAVAJO ANTIQUITIES PERMIT NO.: B16077

DATE INSPECTED: 02/16/16

DATE OF REPORT: 02/23/16

TOTAL ACREAGE INSPECTED: 13.5 - ac

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

LIST OF CULTURAL RESOURCES FOUND: None

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

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

FORM PREPARED BY: **Tamara Billie**

FINALIZED: April 13, 2016

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No

☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office

4/18/16
Date

4/16/16
Navajo Region Approval

 Yes ☐ No


BIA Navajo Regional Office

4/26/16
Date

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

1. RECEIPIENTS ACCESSION NO.	2. (FOR HPD USE ONLY)	3. HPD REPORT NO.
4. TITLE OF REPORT: A Cultural Resources Survey of Approximately 13.5 acres for the N7(2-3)/N27(2-3)(4-2)/N105(1) Drainage Improvements in Chinle, Chinle Chapter, Apache County, Arizona		5. FIELDWORK DATES February 16,2016
AUTHOR: Douglas H.M. Boggess		6. REPORT DATE February 23, 2016
7. CONSULTANT NAME & ADDRESS General Charge: Douglas H. M. Boggess Org. Name: Lone Mountain Archaeological Services, Inc. Org. Address: 2625 Pennsylvania NE, Ste. 2000, Albuquerque, NM 87110 Phone No. 505-881-0011		8. PERMIT NO. B16077
		9. CONSULTANT REPORT NO. 2104
10. SPONSOR NAME & ADDRESS: Ind. Responsible: Harold J. Riley Org. Name: BIA Navajo Region Division of Transportation Org. Address: 301 West Hill Avenue, Gallup, NM 87305 Phone No. 505-863-8281		11. SPONSOR PROJECT NO. N7(2-3)/N27(2-3)(4-2)/N105(1) 12. AREA OF EFFECT: <u>13.5</u> ac AREA SURVEYED: <u>13.5</u> ac
13. LOCATION a. Chapter Chinle b. Agency: Chinle c. County Apache d. State Arizona e. Land Status Navajo Tribal Trust		f. UTM's (Zone 12. NAD83): N/S line Start: E 629529 N 4000947 End: E 629518 N 4002051 E/W line Start: E 629561 N 4001558 End: E 630027 N 4001479 g. Area: T <u>32</u> N, R <u>26</u> E Sec. <u>28</u> T <u>5</u> N, R <u>10</u> W Sec. <u>16</u> h. 7.5' Map Name(s): Chinle, AZ i. Lead Agency: BIA
14. REPORT OR SUMMARY (Attach additional pages if necessary) a. Description of Undertaking: a. The Navajo Region Division of Transportation (NRDOT) in conjunction with the Chinle Agency Division of Transportation (CADOT) proposes to reconstruct the existing roads serving the Chinle community of Arizona, specifically, N7(2-3)/N27(2-2)(2-3)(4-2)/N105(1)2&4. N105 has an existing paved roadway with no shoulders the proposed action is to mill the existing pavement and repave the roadway with two lanes and two shoulders that will curve and merge northward into an existing dirt road this route is within trust lands. There will be two (2) 36 in. X 54 in. arch pipes with spacing of 750 mm, which will be placed as subsurface structures. The inlet will be located on the southeast corner of N7 and N27 within the N7 right of way. The structures will descend south below the N27 roadway right of way and turn west at station 60+738 ninety degree. The outlet will be terminated by a concrete headwall at the edge of the N27 right of way; the subsurface becomes an open channel to the west for a distance of 560 m and drain onto the existing terrain following the natural drainage patterns. The entire width of the two structures including the spacing measures from the outside to outside of the pipes outlet is 5.58 meters. These two structures will be placed within a 7.38 meter open channel for a clearance of 1.8 meters. The height of each embankment will be 1.7 m. The embankment of the channel from outside to outside will be 14.26 m. The channel will be 560 meters in length which will be protected by wire concrete cable extending up onto the slopes. The channel will have energy dissipaters, the channel is within administratively withheld lands or executive withheld lands.		

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

b. Existing Data Review: Three previously identified Traditional Cultural Properties are known to be located near the project area. These are #87 (Chinle Wash), #373 (Rock That Thing Float Around), and #1080 (Rolling Sand Dune). None of these fall sufficiently close to the proposed undertaking to be directly affected by any construction activities. No previously identified archaeological sites are known to be within 100 m of the project area. The following archaeological reports are known to describe surveyed space within 100 m of the project area:

NNHPD No.	Citation
89-304	Missing from the shelf. Likely related to the development of chapter government facilities
90-618	Copeland, Denise 1990 A Cultural Resources Inventory of the Chinle Navajo Police Deprment Tract, Chinle, Apache County, Arizona. NNAD Report 90-466. NNAD, Window Rock, AZ
91-662	Indermill, Roc 1992 Cultural Resource Investigation at Chinle, AZ. Arctic Slope Consulting Group, Phoenix, AZ.
93-005	Michalik, Laura 1993 An Archaeological Clearance Survey of a Proposed Underground Telephone Cable Right-of-way by Navajo Communications Company, Inc. Along B.I.A. Road N-7 and N-27 in Chinle, Apache County, Arizona. ASLM Report 168. ASLM, Laas Cruces, NM.
93-449	Phifer, Paige G. 1993 A Cultural Resources Inventory of Four Projects for the Chinle Chapter, Apache County, Chinle, Arizona. NNAD Report 93-113. NNAD, Window Rock, AZ.
03-1059	No author listed 2003 Navajo Area Indian Health Service Chinle Health Service Unit: An Environmental, Biological and Cultural Resource Assessment. ZCRE Report 796. ZCRE, Zuni, NM.
04-703	Hammack, Nancy S. 2004 Cultural Resource Inventory NAIHS Project NA-04-P53 Rough Rock South, Phase 1, Apache County, Arizona. CASA Report 04-50. CASA, Cortez, CO.
04-1012	Ponczynski, John J. 2004 A Cultural Resources Inventory to Allow for the the Expansion of Department of Behavioral Health Service Facilities in Chinle, Apache County, Arizona. NNAD Report 04-116. NNAD, Window Rock, AZ.
12-747	Flatrock, Loretta 2012 A Cultural Resources Inventory Survey of the Proposed Chinle Judicial Center with Associated Utilities in Chinle, Apache County, Arizona. CSWTA-ARCH-2012065. CSWTA, Inc., Tuba City, AZ.
Permit B15045	Eakin, Joanne 2015 A Cultural Resource Inventory of Navajo Route 27, Navajo Route 105, and Proposed Chinle Roundabout for Navajo Division of Transportation (NDOT) in Chinle, Apache County, EMI Report No. 1098-14. EMI, Albuquerque, NM.

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

c. Area of Environmental & Cultural Setting:

The project area is situated within the Chinle Chapter of the Navajo Nation. Chinle is located outside the entrance of Canyon de Chelly, a U.S. National Monument. Numerous business establishments thrive on the tourist industry. Commercial establishments include gasoline stations, convenience stores, restaurants, supermarkets, motels, a bank, and several gift shops. The Chinle Chapter Government is a local government established as a chapter under the Navajo Nation on February 14, 1956. It is the 32nd Chapter to be certified as one of the 110 Navajo Nation chapters. On December 21, 2010, the Chinle Chapter became a Local Governance Act Certified Chapter, which is a milestone for Navajo Nation chapters to achieve. Chinle Chapter is one of the largest chapters on the Navajo Nation, with over 3,800 registered voters with a service area of Chinle, Arizona and smaller surrounding communities such as Del Muerto, Spider Rock, and Valley Store (<http://chinle.navajochapters.org>).

The project area is located in northeastern Arizona on the Navajo Section of the Colorado Plateau. The Colorado Plateau is characterized by canyons, high altitude, steep escarpments, flat plateaus comprised of gently dipping sedimentary rocks, and an arid climate. The terrain varies from semidesert plateau to wooded mesas and mountain ranges. There are canyons and valleys with heavy wooded and forested mountains to the east. The soils consist predominately of sand and clays.

The vegetation communities are mapped as Great Basin desert scrub and Great Basin conifer woodland (Brown 1994). Vegetation included morning glory, shadescale, globemallow, knapweed, banana yucca, Russian thistle and elm trees.

The local hydrology is dominated by Chinle Wash to the north. Other participants are the Nazlini Wash to the west and Cottonwood Wash to the west. The Chinle Wash is an intermittent stream draining a 639-square-mile (1655 km²) watershed, consisting of Canyon de Chelly and a major tributary canyon, Canyon del Muerto. The annual average precipitation is over 9.0 inches per year. Severe rainstorms occur during summer months and high winds can occur any month. Average daily temperatures range from 90° F in the summer to below 0° F in the winter.

The surveyed area falls in a part of northeastern Arizona known to have been sparsely inhabited by Paleoindian peoples pursuing large game across the landscape between 10,500 and 5500 B.C. (if not earlier), and by Archaic peoples at first hunting smaller game and gathering. By 1700 B.C., maize had appeared in the southwest (Vierra 2005:3) and by A.D. 200, pithouse villages inhabited by the Kayenta Branch of the Anasazi had appeared. The Kayenta Anasazi lived in aggregated pithouse villages in the Pueblo I and early Pueblo II periods, dispersed across the landscape to live in small pueblos between A.D. 1000 and 1150, and then moved into large settlements usually located in lowland settings (especially Canyon de Chelly, adjacent to Chinle) until drought led to an abandonment of much of the Four Corners by A.D. 1300 (Dean et al. 1998). While many of the Anasazi abandoned their Pueblos to move south and east, many others became the ancestors of Navajo clans. The Navajo have retained histories that describe their relationships (direct descent, trade, and intermarriage) with the Anasazi (e.g., Begay 2004). The project area therefore falls on lands that have been Navajo Nation lands since before the arrival of the Spanish to the southwest in the 16th century A.D.

The project area has largely been denuded of vegetation due to mowing, pedestrian traffic, the construction of N105 and N27 and activity associated with construction of the nearby Justice Center, housing developments, and an airstrip. The airstrip remains as a fairly level dirt area, with eight landing lights within or near the survey corridor and a series of concrete foundations for aircraft hangers associated with a fragment of paved taxiway remaining. TV satellite dishes have been left in this area. This airstrip appears on the 1982 USGS map near a shorter airstrip located on the 1955 USGS map to the west. The airstrip was in use at least through the late 1990s and was replaced by the current Chinle Airport by 2003. The airstrip was not recorded as an archaeological site after consultation with NNHPD Senior Archaeologist, Tamara Billie.

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

References

Begay, Richard N.

2004 Tsé Bíyah 'Aníí'áhi: Chaco Canyon and Its Place in Navajo History. In *In Search of Chaco. New Approaches to an Archaeological Enigma*, edited by David Grant Noble, pp. 55-60. School of American Research Press, Santa Fe.

Brown, David E.

1994 *Biotic Communities: Southwestern United States and Northwestern Mexico*. University of Utah Press.

Dean, Jeffrey S., George J. Gumerman, Joshua M. Epstein, Robert Axtell, and Alan C. Swedlund

1998 *Understanding Anasazi Culture Through Agent-Based Modeling*. SFI Working Paper 1998-10-094. Available at [/www.santafe.edu/](http://www.santafe.edu/).

d. Field Methods:

Fieldwork was conducted on February 16, 2016 by Field Director/Field Supervisor Douglas Boggess. The project included a 36-m wide by 560-m long east/west-running corridor covering 3.72 acres and a 34-m wide by 1,170-m long north/south-running corridor covering 9.82 acres.

The BIA Navajo Region Division of Transportation furnished Lone Mountain with maps depicting proposed construction areas to be surveyed. This survey was performed by Mr. Boggess walking transects no wider than 15 m on either side of a staked centerline along the corridors.

When cultural remains that are not in use were encountered, a determination was made as to whether they constituted an isolated occurrence or a site. Following consultation with NNHPD Senior Archaeologist, Tamara Billie, the remains of an airstrip (described above) were not recorded as an archaeological site.

Lone Mountain asked chapter officials about any Traditional Cultural Properties in the area. They stated that people lived in the vicinity, but they did not know of any resources that would prompt concern. Lone Mountain also interviewed a local resident, who wanted to know where the work was to take place. The resident reported that the area adjacent to the proposed work is used for running.

15. CULTURAL RESOURCE FINDINGS (Attach additional pages if necessary)

a. Location/Identification of each resource: None

b. Evaluation of Significance of each resource: N/A

16. MANAGEMENT SUMMARY/RECOMMENDATIONS (Attach additional pages if necessary) No sites were recorded during the current investigation.

The proposed project will have no impact on cultural resources. No further work is recommended. The requirements of all applicable historic preservation laws have been met, and additional investigations are not recommended prior to the proposed undertaking. However, if buried cultural deposits or other unexpected discoveries are encountered during the project, work should cease immediately and an assessment should be made by an archaeologist.

17. CERTIFICATION:

Signature: _____

General Charge Name: _____

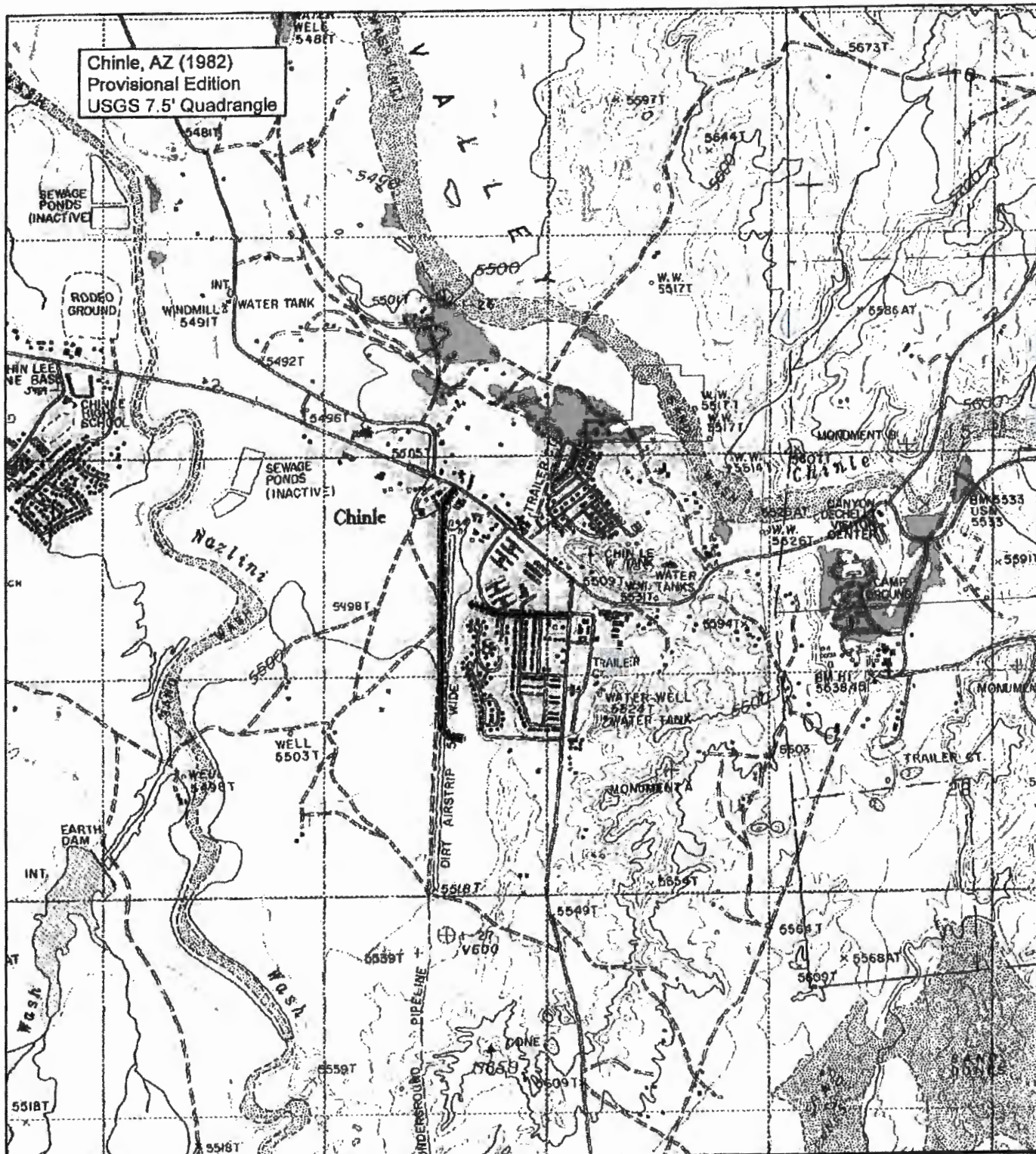
Signature: _____

Direct Charge Name: _____

Date: _____

Date: _____

Chinle, AZ (1982)
Provisional Edition
USGS 7.5' Quadrangle

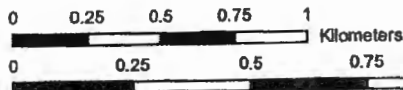


Legend

- Project Area
- Cultural Buffer

Land Ownership

- Tribal Land
- National Park Service



Apache County, AZ



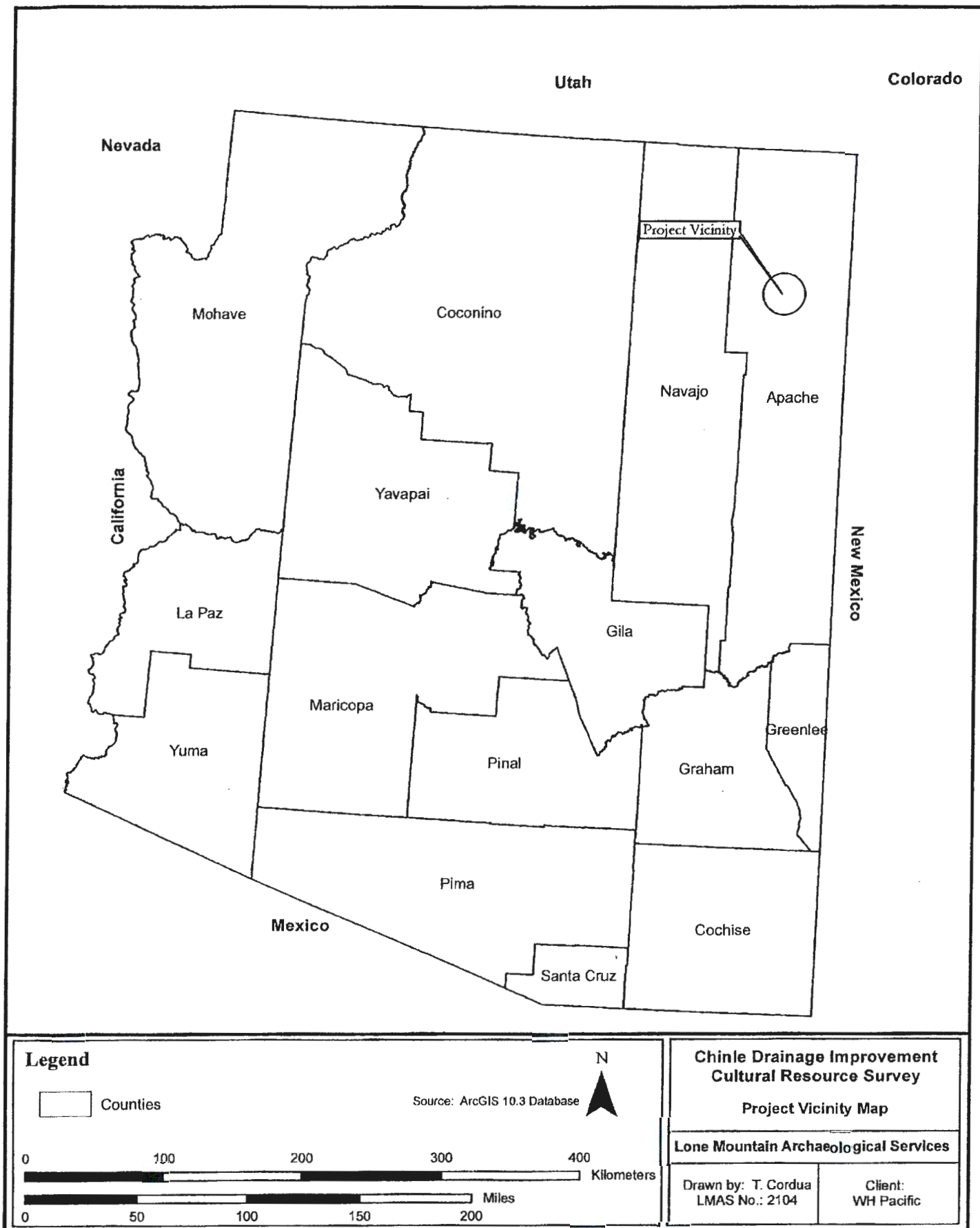
**Chinle Drainage Improvement
Cultural Resource Survey**

Project Area

Lone Mountain Archaeological Services, Inc.

Drawn by: T. Cordua
LMAS No.: 2104

Client:
WH Pacific





THE NAVAJO NATION
Historic Preservation Department
Cultural Resource Compliance Section
PO Box 4950, Window Rock, AZ 86515
TEL: (928) 872-7198 / 7147 FAX: (928) 872-7886

TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

DATE	February 16, 2016
COMPANY	Lone Mountain Archaeological Services, Inc.
PROJECT NAME	Chinle Drainage Improvement
PROJECT NUMBER	2104
PERMIT NUMBER	B16077
PROJECT LOCATION	T5N R10W, Section 16 (projected)
USGS QUAD MAP:	Chinle, AZ

A literature search of TCP Records at NNHPD on the above date indicates the following:

<input type="checkbox"/>	There are <u>no</u> TCP(s) present within the project area and/or buffer zone. The project may proceed as proposed.
<input type="checkbox"/>	TCP(s) <u>are</u> present within the project area and/or buffer zone. Project may have the potential to adversely affect TCP(s). Please document TCP(s) as a summary (with only general location information) in the body of reports submitted for review to HPD/CRCS. Give full detail on the TCP Documentation Forms in a separate, and clearly labeled, confidential appendix.
<input checked="" type="checkbox"/>	Project may proceed with the following stipulations: Note TCP # 87, 373 & 1080 in report & findings.
<input type="checkbox"/>	Further consultation is required. Consult with the following:
<input type="checkbox"/>	There are no mitigative measures. Project may not proceed.

Researcher's Name:	Douglas H. M. Boggess
NNHPD/TCP Program Reviewer:	

**Return this form along with report to the NNHPD/Compliance Section.

Note: In addition to the TCP Record search, the consultant must demonstrate that a good-faith effort to consult with 1.) Surface user(s): grazing-permit holder(s) (individuals whose consents for right-of-way have been sought by developer); any other residents in or within view of the proposed project area. 2. Chapter(s) within which the proposed project is located: chapter officers and/or delegate(s) of the Navajo Nation Council; at the request of any of these individuals, the developer's consulting anthropologist will also make a presentation at a meeting of general chapter membership. 3. Other knowledgeable people recommended by the present surface user(s), chapter officials, and chapter members.



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
Cultural Resource Compliance Section

SACRED & TRADITIONAL PLACES DOCUMENTATION FORM

PROJECT NUMBER/NAME:

Chinle Drainage Improvement, Permit No.

PROJECT LOCATION:

Chinle, AZ, from intersection of N105 and N7 south and from N27 west to vicinity of N105.

CHAPTER:

Chinle

LEGAL DESCRIPTION (for large projects, give Township, Range, & Sections only):

T5N,R10W. Section 16 (projected)

UTM COORDINATES (for small project areas only center point):

N/S line Start: E 629529 N 4000947

End: E 629518 N 4002051

E/W line Start: E 629561 N 4001558

End: E 630027 N 4001479

DATE OF INTERVIEW:

February 23, 2016

NAME(S) OF INTERVIEWEES:

Arthur Bonally

NAME OF INTERVIEWER:

Douglas H. M. Boggess

NAME OF INTERPRETER (if any):

None

OTHERS PRESENT:

LOCATION OF INTERVIEW (interviewee's home, project area, other specify):

On N105, within survey corridor

WAS INTERVIEW REFUSED?

No

1. How was project area identified to interviewee? (Visit to area, map location (specify map), other method (specify):

The staked line was shown to the interviewee

2. Which of the following types of sacred/traditional places, if any does the interviewee identify? Inside or immediately adjacent to the project area? (Attach continuation sheet with information if necessary.)

The interviewee said the area was currently used for running and knew of no other uses.

a. Place for gathering plants for use in ceremonies (specify plant and ceremony if interviewee is willing to supply that information:

b. Place for gathering plants for other purposes (specify plants and purposes):

c. Place for gathering contents of sacred bundles (specify material gathered and typed of bundle, for example, Dzil leezh, Mountain Soil Bundle):

d. Place for gathering other materials for traditional purposes (specify materials and purposes):

e. Place where ceremony has been held (specify ceremony; also names of sponsors and dates, if possible):

f. Former home site location (specify former residents and dates of use, if possible):

g. Former sweathouse location (specify former users and dates of use if possible):

- h. Grave (specify name of deceased and relationship to interviewee, if possible; refer to Navajo Nation Policies and Procedures Concerning the Protection of cemeteries, Gravesites, and Human Remains for additional documentation and treatment required by Tribal law).

- i. Prayer offering place (specify type of prayer ceremony associated with it, if any, and type of offering, if any):

- j. Place associated with general Navajo origin (Emergence) story (indicate which part of the story the place is associated):

- k. Place associated with the origin story of a ceremony (specify ceremonial and how place figures in its origin story):

- l. Place associated with origin or home of a clan (specify clan and indicate nature of its association with the place):

- m. Place identified as home of a Holy Being such as Wind (Nilch'i), Lightning (li'ni), Big Snake (Ti'listosoh) (specify which Holy Being, indicate any associated story):

- n. Location of Talking Rocks (Tse Yalti' i--rocks that convey human words to the Holy People):

- o. Petroglyph, pictograph or natural discoloration of rock that has some kind of power (specify):

- p. Place associated with other traditional story (give story and indicate how place is associated with it):

q. Other type of sacred/traditional place (describe):

3. Indicate locations of all resources listed above on portions of USGS map and attach copy to this form.

4. Does the interviewee consider the proposed development a threat to any of the above types of places?

☒ NO

☐ YES (specify nature of threat or perceived impact of proposed project on place):

5. If yes, what modification or redesign of the proposed project would the interviewee recommend so as not to threaten the place?

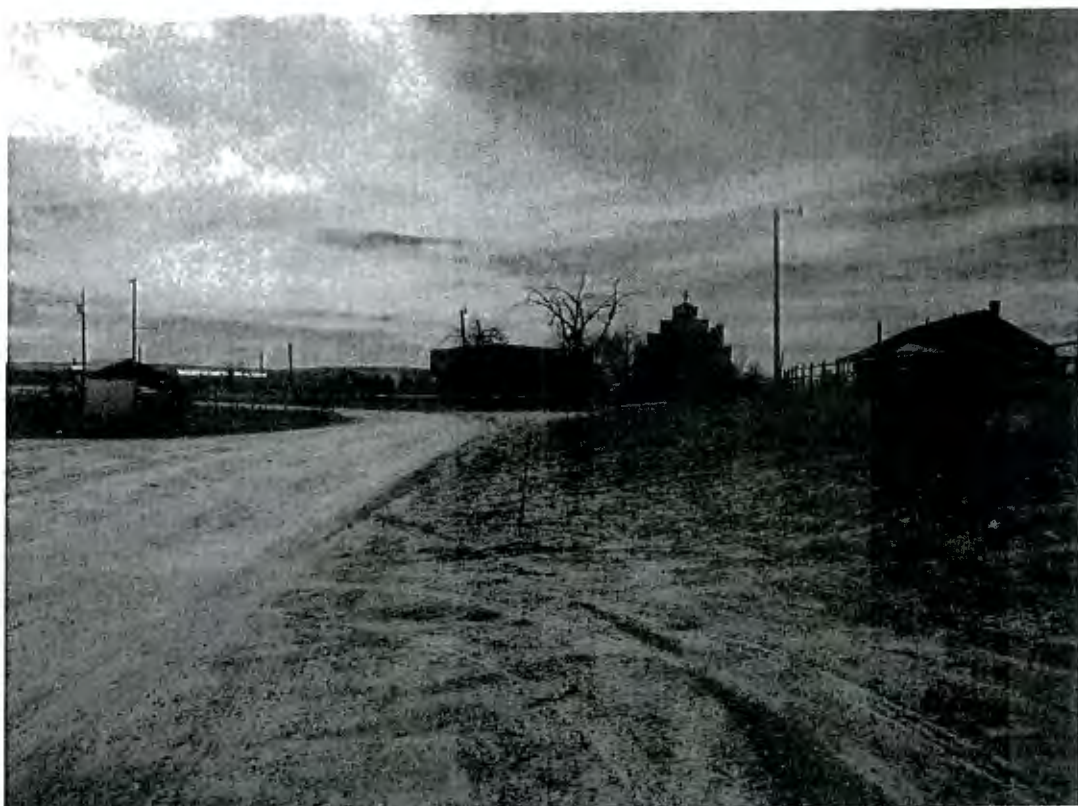
a. Avoidance (specify how close redesigned project could come to place)

b. Alternative location (specify - attach portion of USGS map if possible showing location):

c. Other (specify):

6. Is there anyone else that the interviewee feels should be consulted (filled out a separate form for each of these interviewees, but list names and locations of homes here:

No



N105 (1) Survey Corridor, South from intersection of N105 and N7.



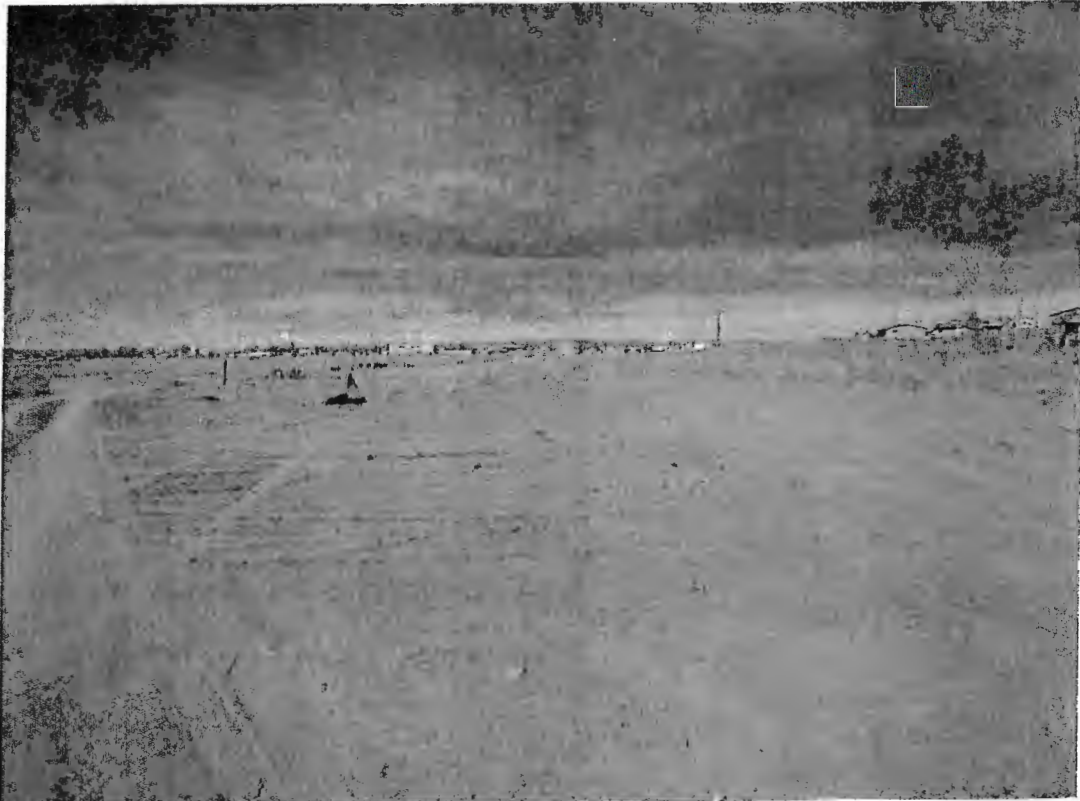
N105 (1) Survey Corridor, South.



N105(1), View of Survey Corridor and Airfield Hanger remains, Looking Southeast



N105(1), Landing Strip Light, Looking Southeast.



N105(1), Landing Strip, Looking South.



N105(1), Airfield Hanger Remains, Looking North.



N105(1), Discarded Satellite Dish, Looking West.



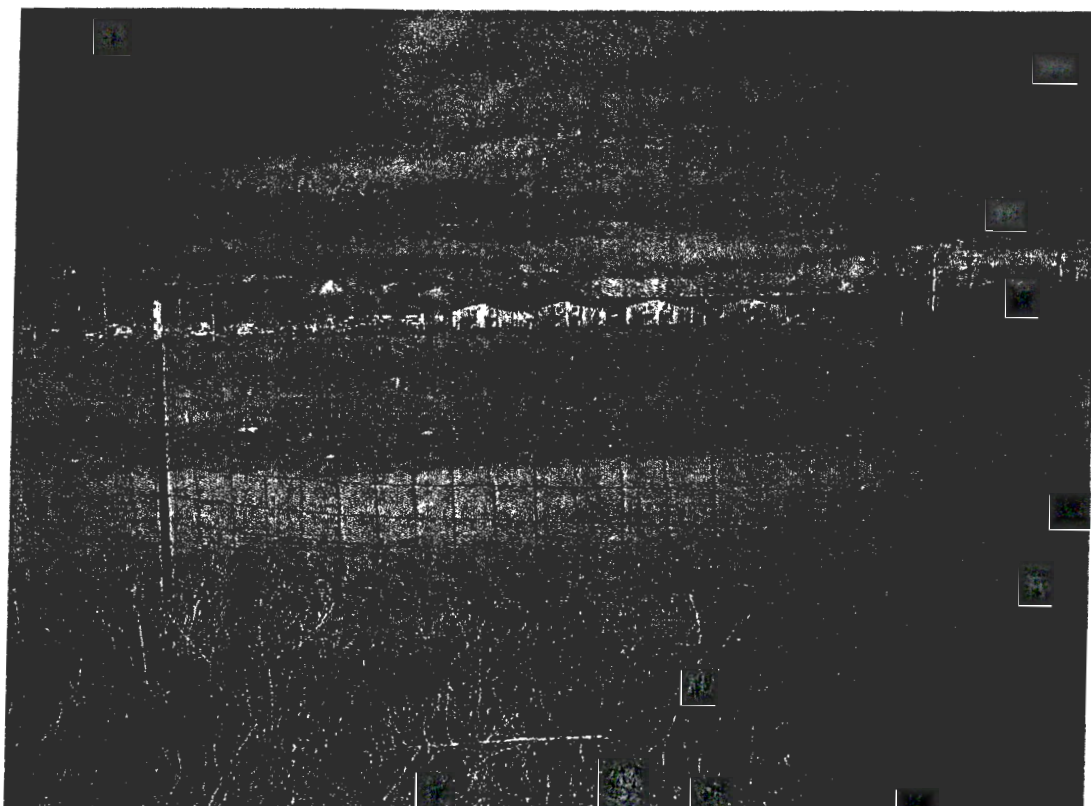
N105(1), Discarded Satellite Dish, Airfield Hanger remains, Looking West.



N27(2-3), Open Channel Route, Looking East.



N27(2-3), Open Channel Route, Rear of School Looking North.



N27(2-3), Open Channel Route, Looking East.

Lone Mountain Archaeological Services, Inc
2625 Pennsylvania NE, Suite 2000
Albuquerque, NM 87110
PH: (505) 881-0011 FX: (505) 881-0020

WELLS FARGO BANK NM, NA
200 LOMAS BOULEVARD NW, 2ND FLOOR
ALBUQUERQUE, NM 87102
95-219/1070

10403

3/3/2016

PAY TO THE ORDER OF Navajo Nation Cashier's Department

\$ **550.00

Five Hundred Fifty and 00/100

DOLLARS

PROTECTED AGAINST FRAUD

Navajo Nation Cashier's Department
P O Box 3150
Window Rock, AZ 86515

VOID AFTER 90 DAYS

MEMO Permit B16077
Account 107009-1869. Fee for Class B Permit

Cathy Travis

⑈010403⑈ ⑆107002192⑆ 3921002253⑈

Lone Mountain Archaeological Services, Inc
Navajo Nation Cashier's Department
Fees: Navajo Nation Fee

Account 107009-1869. Fee for Class B Permit--

3/3/2016

550.00

10403

Checking - Wells Farg Account 107009-1869. Fee for Class B Permit

550.00

Lone Mountain Archaeological Services, Inc
Navajo Nation Cashier's Department
Fees: Navajo Nation Fee

Account 107009-1869. Fee for Class B Permit

3/3/2016

550.00

10403

PAYMENT
RECORD

Checking - Wells Farg Account 107009-1869. Fee for Class B Permit

550.00

LMAS Survey Inventory

Date: 2-16-2016

LMAS Project #: 2104

Client (Well or Project Name): Chink Drainage

Crew: Doug Records Search (Individual and Date): Doug 2-16-2016

Survey Hours: 6.5 Recording Hours: _____

Project Location Description (Topo):

N/S line very level, E/W line skirts base
of hill, otherwise level

Vegetation:

grasses, small forbs, disturbance vegetation - weeds

Surface Visibility: 90% +

Other Info (Disturbances, erosion, etc.):

N/S line follows existing road and abandoned airstrip
building foundations + former fragging runway light are - (R) in area!
airstrip remains - area has lots of refuse including
satellite dish antennas

Survey Results (Sites and IM's):

None - Tamara said not to call the airstrip a site,

2625 PENNSYLVANIA NE, SUITE 2000

PHONE 505-881-0011



ALBUQUERQUE, NM 87110

FAX 505-881-0020

March 4, 2016

Re: A Cultural Resources Survey of Approximately 13.5 acres for the N7(2-3)/N27(2-3)(4-2)/N105(1) Drainage Improvements in Chinle, Chinle Chapter, Apache County, Arizona

To whom it may concern:

On February 16, 2016, Lone Mountain Archaeological Services, Inc., conducted an intensive cultural resources survey of 13.5 acres for the proposed N7(2-3)/N27(2-3)(4-2)/N105(1) Drainage Improvements in Chinle, under Navajo Nation Historic Preservation Division (NNHPD) Permit No. B16077.

This work included a files search of archaeological sites and survey records as well as Traditional Cultural Property files, as maintained by NNHPD, a pedestrian survey of 13.5 acres along the two linear elements of the proposed drainage improvement work within a survey corridor intended to cover the area of potential effect and a buffer intended to encounter any immediately nearby cultural resources, and conducting ethnographic interviews with Chinle Chapter officials and an interviewee encountered during the pedestrian survey.

Lone Mountain found no archaeological sites or other archaeologically significant materials within the surveyed area and that much of the project area had been an airstrip in the late 20th century. NNHPD stated that they did not wish the airstrip to be described as an archaeological resource and ethnographic work shows that local people use the area near the project area as a place to run. Lone Mountain therefore recommends that the proposed work be given archaeological clearance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas H.M. Boggess", is written over a horizontal line.

Douglas H.M. Boggess

Project Manager



FILE COPY ^{EM} 6/30/15

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

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-15-403
<input checked="" type="checkbox"/> FHWA <input checked="" type="checkbox"/> NNDOT	OTHER PROJECT NO.: NNDOT 14-015

PROJECT TITLE: A Cultural Resources Inventory of Eight (8) Newly Scattered Areas Along N27 Road in the Vicinity of Chinle/Nazlini, Apache County, Arizona

LEAD AGENCY: FWHA

SPONSOR: Harold Riley, BIA-Navajo Road DOT, PO Box 1060, Gallup, New Mexico 87306-1060

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of earthen dikes, turnouts and inlets along N27 roadway at eight locations. Proposed activities include grading, backfilling, build-up of soil, compaction, drainage work and reseeding. The area of effect is 10.0-acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust
CHAPTER:	Chinle
LOCATIONS:	Project is located on the Chinle & Little White House Ruins Quadrangles, Apache County, Arizona G&SRPM
	T. 32 N, R. 26 E – Section 33
	T. 31 N, R. 26 E – Section 04, 09, 21, 33
	T. 30 N, R. 26 E – Section 09, 10

PROJECT ARCHAEOLOGIST: Lenora Etsitty
NAVAJO ANTIQUITIES PERMIT NO.: NTC
DATE INSPECTED: 2014
DATE OF REPORT: 09/30/14
TOTAL ACREAGE INSPECTED: 10.0 – ac

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

LIST OF CULTURAL RESOURCES FOUND: (1) Isolated Occurrence (IO); (9) In-Use Area (IUA)
LIST OF ELIGIBLE PROPERTIES: None
LIST OF NON-ELIGIBLE PROPERTIES: (1) IO; (9) IUA
LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly 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: Tamara Billie
FINALIZED: June 22, 2015

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office

6/22/15
Date



COPY 05/3/16

THE NAVAJO NATION
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-16-227
<input checked="" type="checkbox"/> LMAS	OTHER PROJECT NO.: LMAS 2104

PROJECT TITLE: A Cultural Resources Survey of Approximately 13.5 Acres for the N7(2-3)/N27(2-3) (4-2)/N105(1), Drainage Improvements in Chinle, Chinle Chapter, Apache County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Harold J. Riley, BIA Navajo Region Division of Transportation, 301 West Hill Avenue, Gallup, New Mexico 87305

PROJECT DESCRIPTION: The proposed undertaking will involve reconstructing the existing roads serving the Chinle Community, specifically N7(2-3)/N27(2-2) (2-3) (4-2)/N105(1)2&4. N105 has existing paved roadway with no shoulders. The proposed undertaking is to mill the existing pavement and repave the roadway with two lanes & two shoulders that will curve & merge northward into an existing dirt road. There will be two 36 in by 54-in arch pipes with spacing of 750 mm, which will be placed as subsurface structures. The inlet will be located on the southeast corner of N7 and N27 within the N7 right-of-way. The structures will descend south below the N27 roadway ROW and turn west at station 60+738. The outlet will be terminated by a concrete headwall at the edge of the N27 ROW; the subsurface becomes an open channel to the west for a distance of 560m and rain onto the existing terrain following the natural drainage patterns. The entire width of the two structures including the spacing measures from the outside to outside of the pipes outlet is 5.58 meters. These two structures will be placed within a 7.38-meter open channel for a clearance of 1.8 meters. The height of each embankment will be 1.7 m. The embankment of the channel from outside to outside will be 14.26 m. The channel will be 560 meters in length which will be protected by wire concrete cable extending up onto the slopes. The channel will have energy dissipaters. The area of effect is 13.5-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust													
CHAPTER:	Chinle													
LOCATION:	T.	32	N.,	R.	26	E;	Sec.	28;	Chinle	Quadrangle,	Apache	County	Arizona	G&SRM
	T.	05	N.,	R.	10	W;	Sec.	16;						
PROJECT ARCHAEOLOGIST:	Douglas H.M. Boggess													
NAVAJO ANTIQUITIES PERMIT NO.:	B16077													
DATE INSPECTED:	02/16/16													
DATE OF REPORT:	02/23/16													
TOTAL ACREAGE INSPECTED:	13.5 – ac													
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 15 m apart.													
LIST OF CULTURAL RESOURCES FOUND:	None													
LIST OF ELIGIBLE PROPERTIES:	None													
LIST OF NON-ELIGIBLE PROPERTIES:	None													
LIST OF ARCHAEOLOGICAL RESOURCES:	None													

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

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

FORM PREPARED BY: **Tamara Billie**
FINALIZED: April 13, 2016

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office

Date

4/18/16

Navajo Region Approval

 ☐ Yes ☐ No


BIA - Navajo Regional Office

Date

4/26/16



FILE COPY *plw 9/22/15*

THE NAVAJO NATION

HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCE INVENTORY DETERMINATION FORM

SPONSOR: Valentino J. Hale, ROW Agent	NNHPD NO.: HPD-15-480 & HPD-12-747
ADDRESS: Navajo Tribal Utility Authority	PROJECT NO.: CSWTA-ARCH-2012065 & EMI 1098-14
PO Box 170, Ft. Defiance, AZ 86504	UNDERTAKING: Gas Line Extension to the Chinle Justice Center
REPORT TITLE(S): HPD-15-480: A Cultural Resource Inventory of Route 27, Navajo Route 105, and Proposed Chinle Roundabout for Navajo Division of Transportation in Chinle, Apache County, Arizona	
HPD-12-747: A Cultural Resource Inventory Survey of the Proposed Chinle Judicial Center with Associated Utilities in Chinle, Apache County, Arizona	
NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT RECOMMENDATIONS:	
A Cultural Resources Compliance Form (CRCF) may not be included in this "archaeological approval" due to the nature of sensitive cultural resources documented. This in no way affects any authority of the NNHPD-Cultural Resource Compliance Section to issue an "archaeological approval" for this undertaking. A cultural resource inventory survey <u>is</u> not required for this undertaking, please see the reason(s) indicated below:	
<input checked="" type="radio"/>	THE PROPOSED PROJECT IS LOCATED WITHIN AN AREA THAT HAS BEEN PREVIOUSLY INVENTORIED FOR CULTURAL RESOURCES AND DOCUMENTED IN THE NNHPD REPORT LISTED ABOVE. THE PREVIOUS ARCHAEOLOGICAL INVENTORY FOUND THAT "NO HISTORIC PROPERTIES WILL BE AFFECTED" WITHIN THE AREA OF THIS UNDERTAKING. ARCHAEOLOGICAL APPROVAL IS HEREBY GRANTED FOR THE UNDERTAKING WITHIN THE AREA NOTED IN ATTACHMENT(S).
	Attachment A (CRCF/ HPD-15-480 & HPD-12-747)
	Attachment B (Project Location)
	Attachment C (Request) <i>NTUA is proposing to install, operate & maintain a 3,056.12-ft distribution gas line extension, and 12-ft by 18-ft regulator site to serve the Chinle Justice Center. All ground disturbances will be conducted within the existing powerline right-of-way.</i>
	Note: Attach USGS map copy of project area & other supporting documents.
<input type="radio"/>	Previous ground disturbance within the last fifty (50) years has modified the surface so extensively that the likelihood of finding any cultural properties is negligible (e.g., within a flood plain).
<input type="radio"/>	Undertaking will not require any surface disturbing activities (e.g. aerial spraying, hand application of chemicals, travel on existing roads, etc.).
<input type="radio"/>	Other:
Reviewed by: Tamara Billie, Senior Archaeologist <i>[Signature]</i>	
DATE:	
NOTIFICATION TO PROCEED RECOMMENDED:	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
DATE: <i>9/16/15</i>	
<i>[Signature]</i> Navajo Nation Historic Preservation Department	

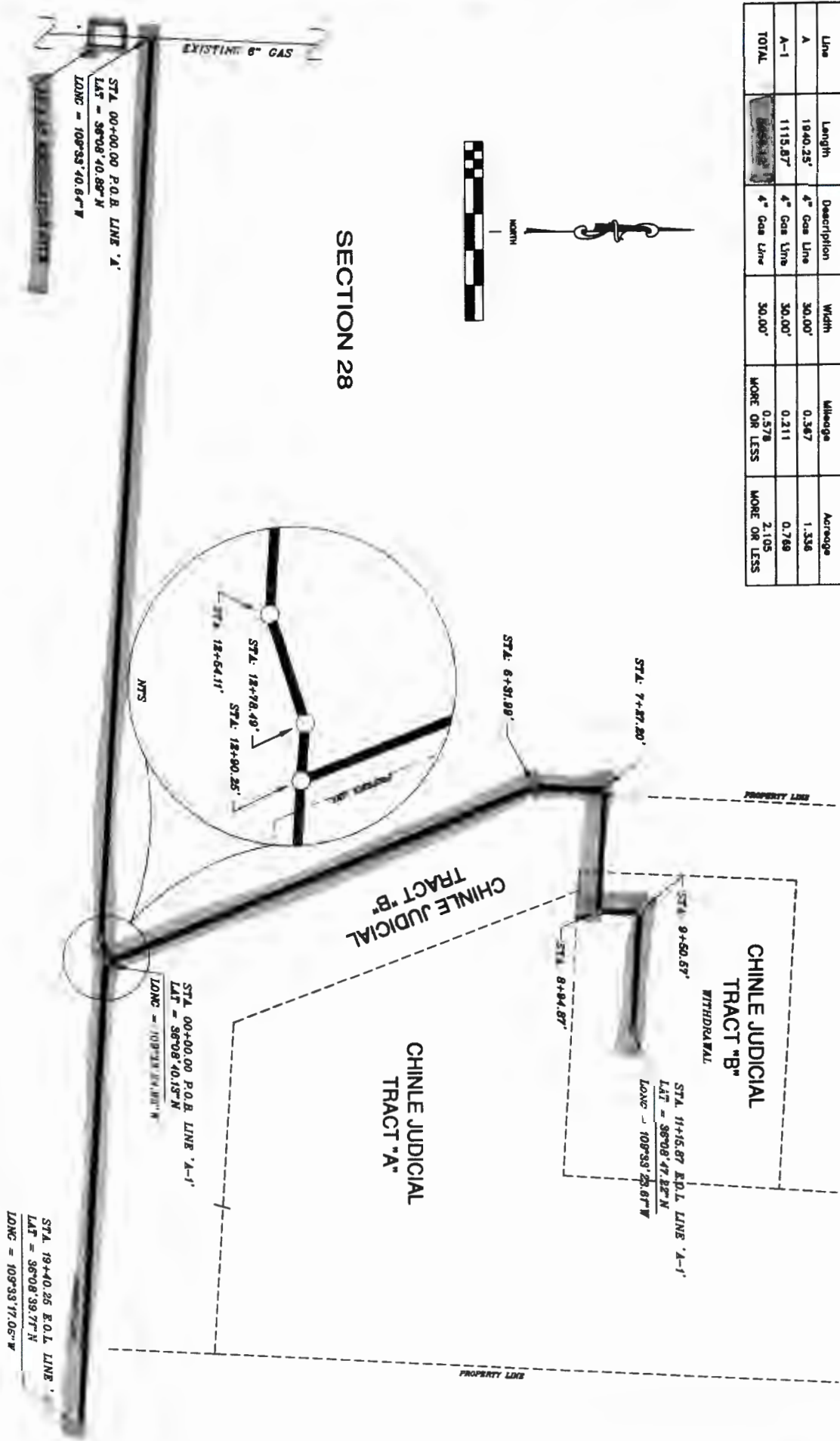
DISCOVERY CLAUSE

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.

CHINLE JUSTICE CENTER GAS R.O.W.

LOCATED IN SOUTHWEST 1/4 SECTION 28, TOWNSHIP 32 NORTH, RANGE 26 EAST

Summary By Line				
Line	Length	Description	Width	Area
A	1940.25'	4" Gas Line	30.00'	0.367
A-1	1115.87'	4" Gas Line	30.00'	0.211
TOTAL		4" Gas Line	30.00'	0.578
				MORE OR LESS
				MORE OR LESS





NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

August 17, 2015

Tamara Billie, Sr. Archaeologist
The Navajo Nation
Historic Preservation Department
Post Office Box 4950
Window Rock, Arizona 86515

**RE: Distribution Gas Line Extension and Regulator Site to Navajo Nation
Chinle Justice Center**

Dear Ms. Billie,

The Navajo Tribal Utility Authority (NTUA) proposes to construct, operate and maintain a Distribution Gas Line extension and 12'x18' Regulator Site to serve the Navajo Nation Chinle Justice Center within the Chinle Chapter, Apache County, Arizona. NTUA Project Number 231430005

We respectfully request from your department an approved clearance letter for the proposed Distribution Gas Line and Regulator Site. The proposed 12'x18' Regulator Site and 3,056.12± feet of Gas Line will extend from an existing gas line to serve the Navajo Nation Chinle Justice Center under Arch Surveyed area NNHPD No. HPD-12-747 and HPD-15-480. The only ground disturbance will be within the Arch surveyed area's which states "*No historic properties affected*". The approved clearance letter will cover the proposed Regulator Site and Gas Line which will serve the Chinle Justice Center with the much needed Gas services. To aid in your review is a Topo map, proposed drawing and the approved Cultural Resources Compliance documentation.

Your review and prompt approval is greatly appreciated. Should you have questions or need additional information, please feel free to call my office directly at (928)729-6551 or via email at vhale@ntua.com.

Sincerely,

Valentino J. Hale,
Right-of-Way Agent
Deputy General Manager Office

Enclosed

Home Office: P.O. BOX 170 FT. DEFIANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFIANCE P.O. BOX 587 FT. DEFIANCE, AZ 86504	DILCON HC 63 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
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CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

CULTURAL RESOURCES COMPLIANCE FORM

THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO
AZ SHPO
XX REAL PROPERTY MGT/330
CSWTA

NNHPD NO. HPD-12-747
OTHER PROJECT NO.
CSWTA-ARCH-2012065

PROJECT TITLE: A Cultural Resources Inventory Survey of the Proposed Chinle Judicial Center with Associated Utilities in Chinle, Apache County, Arizona.

LEAD AGENCY: BIA/NR

SPONSOR: David Esparza, Inc. ba, Inc., 4801 Butler Ave., Ste. 1101, Farmington, New Mexico 87401

PROJECT DESCRIPTION: The proposed undertaking will involve the land withdrawal and construction of a new Chinle Judicial Complex headquarters for a courthouse, police station and jail facilities. The area of effect is 18.5-acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Chinle

LOCATION: T.32N, R.26E - Sec. 26; Chinle Quadrangle, Apache County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Loretta Flatrock

NAVAJO ANTIQUITIES PERMIT NO.: B12513

DATE INSPECTED: 07/30/12

DATE OF REPORT: 07/31/12

TOTAL ACREAGE INSPECTED: 18.5 -ac

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 10-12 m apart.

LIST OF CULTURAL RESOURCES FOUND:	None
LIST OF ELIGIBLE PROPERTIES:	None
LIST OF NON-ELIGIBLE PROPERTIES:	None
LIST OF ARCHAEOLOGICAL RESOURCES:	None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

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

FORM PREPARED BY: Tamara Billie

FINALIZED: September 25, 2012

Notification to

Proceed Recommended:

Conditions:

Yes XX No
Yes No XX

Alan S. Downer, Navajo Nation
Historic Preservation Officer

9-26-12
Date

Navajo Region Approval:

Yes X No

Acting BIA-Regional Director

10/11/12
Date

TLM 10-10-12



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

July 11, 2016

Mr. Howard Draper
Navajo Land Department

RE: Navajo Nation Historic Preservation Department's INSUFFICIENT Findings for Executive Official Review of Document No. 006188- BIA Navajo Region ROW for N27

Dear Mr. Draper,

The Navajo Nation Historic Preservation Department¹ (HPD), hereafter NNHPD is in receipt of the *proposed BIA Navajo Region ROW for N27* Executive Official Review and finds it to be insufficient for two reasons.

After review of the entire packet, NNHPD finds that the archaeological report attached is a Draft copy. NNHPD requests that the final N27 report be included to demonstrate that a final report was delivered to the BIA Navajo Region. In addition, there is no signed Cultural Resources Compliance Form (CRCF) attached to the packet; the signed CRCF is the final step in the archaeological compliance process and demonstrates that the project sponsor completed the process and that the undertaking may proceed.

Navajo Nation HPD requests that these documents be included in the packet, as it appears that the ROW has no clearance. Therefore, the undertaking may not proceed and any damage to the resources will be punishable under the Archaeological Resources Protection Act and the Navajo Nation Cultural Resources Protection Act. Please feel free to contact me for clarification or with questions at (928)871-7198 or via email at oramm@navajo-nsn.gov; or you may contact Tamara Billie at (928)871-7880 or via email at tbillie@navajo-nsn.gov. Thank you for your time and cooperation in this matter!

Sincerely,

Ora Marek-Martinez, Ph.D., Department Manager III
Tribal Historic Preservation Officer
Navajo Nation Historic Preservation Department

CC: NNHPD FY 16 164 Review Documents

¹ Per the Navajo Nation Cultural Resources Protection Act (CMY-19-88) §1004, HPD shall be the Navajo Nation's agency responsible for the protection, preservation and management planning for the Navajo Nation's cultural resources. The department shall be directed by the Navajo Nation Historic Preservation Officer (hereafter referred to as the "Preservation Officer") who shall advise the President of the Navajo Nation, the Navajo Nation Tribal Council, the divisions, departments, programs, agencies, authorities, enterprises and any other instrumentalities of the Navajo Nation, the federal, state and local governments, private organizations and individuals on matters pertaining to cultural resource preservation to achieve the goals of this Act on Navajo lands, and on lands in which the Navajo people have a historical interest.



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

July 20, 2016

Mr. Howard Draper
Navajo Land Department

RE: Navajo Nation Historic Preservation Department's SUFFICIENT Findings for Executive Official Review of Document No. 006188- BIA Navajo Region ROW for N27

Dear Mr. Draper,

The Navajo Nation Historic Preservation Department¹ (HPD), hereafter NNHPD is in receipt of *the proposed BIA Navajo Region ROW for N27 Executive Official Review* with all of the correct Cultural Resources Compliance Forms attached as requested in my letter dated July 11, 2016.

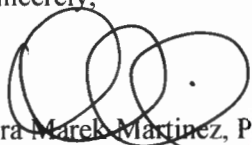
The following CRCFs were incorporated into Document No. 006188 packet:

- NNHPD-92-471-1- Additional Easement on the N27 Road Project to Improve and Extend Turnouts,
- NNHPD-97-048.4- A Cultural Resources Survey for the Proposed Navajo Route 27 Right-of-Way Realignment, Navajo Nation, Apache County, Arizona.
- NNHPD-15-403- A Cultural Resources Inventory of Eight (8) Newly Scattered Areas Along N27 Road in the Vicinity of Chinle/Nazlini, Apache County, Arizona.
- NNHPD-15-480- A Cultural Resources Inventory of Route 27, Navajo County Route 105, and Proposed Chinle Roundabout for Navajo Division of Transportation in Chinle, Apache County, Arizona,
- NNHPD-16-227- A Cultural Resources Survey of Approximately 13.5 acres for the N27(2-3)(4-2)/N105(1) Drainage Improvements in Chinle, Chinle Chapter, Arizona.

With the addition of these CRCFs, NNHPD finds Document No. 006188 to be sufficient.

Please feel free to contact me for clarification or with questions at (928)871-7198 or via email at oramm@navajo-nsn.gov; or you may contact Tamara Billie at (928)871-7880 or via email at tbillie@navajo-nsn.gov. Thank you for your time and cooperation in this matter!

Sincerely,



Ora Marek Martinez, Ph.D., Department Manager III
Tribal Historic Preservation Officer
Navajo Nation Historic Preservation Department

CC: NNHPD FY 16 164 Review Documents

¹ Per the Navajo Nation Cultural Resources Protection Act (CMY-19-88) §1004, HPD shall be the Navajo Nation's agency responsible for the protection, preservation and management planning for the Navajo Nation's cultural resources. The department shall be directed by the Navajo Nation Historic Preservation Officer (hereafter referred to as the "Preservation Officer") who shall advise the President of the Navajo Nation, the Navajo Nation Tribal Council, the divisions, departments, programs, agencies, authorities, enterprises and any other instrumentalities of the Navajo Nation, the federal, state and local governments, private organizations and individuals on matters pertaining to cultural resource preservation to achieve the goals of this Act on Navajo lands, and on lands in which the Navajo people have a historical interest.



THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW

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

Website: www.navajonationepa.org

M E M O R A N D U M

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

FROM:

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

DATE: August 1, 2016

SUBJECT: 164 EOR 006188 Bureau of Indian Affairs (BIA) Division of Transportation
(DOT) Navajo Regional Office (NRO) Right-of-way (ROW) for N27
[N105; N7]

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed^{1,2} and recommends *conditional approval* for the proposed ROW for N27, N105 and N7. The BIA, DOT, NRO, PO Box 1060, Gallup, New Mexico, 87305, submitted revised ROW survey maps and legal descriptions for BIA Road Project No. N27(2-2)(2-3)1,2&4, N105(1)2&3 and N7(2-3)2&4 for future road improvement. The revised ROW is 54,227.19 feet in length with varying widths, consisting of 252.54 acres, more or less, and the revised ROW for N105 is 2,032.54 feet long with varying widths consisting of 6.144 acres, more or less and the revised ROW for N7 is 879.21 feet in length with varying widths consisting of 0.97 acres, more or less, on Navajo Nation Trust lands, Apache County, Arizona.

If the following recommendations from NNEPA are adhered to, the proposed project will not have a significant effect (direct, indirect, or cumulative) on the quality of the human environment

1 BIA NRDOT & Army Corps of Engineers Albuquerque District Office. Environmental Assessment EA-16-12744 The Navajo Route Segments n(27) (2-2) (2-3) (4-2), N7(2-3) N105 (1) Road Construction Project Chinle Arizona Apache County. April 2016.

2 BIA Branch of Environmental Quality Act Compliance & Review. Finding of No New Significant Impact Navajo Regional Transportation's Proposed Road Improvement for N27, N7 and N105, Chinle, Apache County, Arizona. April 2016.

considering the context and intensity of impacts.

1. Navajo Nation Clean Water Act:

- a. §Section 401 is required if any drainage with discernable ordinary high water mark will be crossed and/or disturbed. A CWA 401 permit was issued in 2004. It is highly recommended to apply for a new permit before construction commences. This process takes more than forty-five (45) days.
- b. §Section 402 – Land surface disturbance in excess of 1.0 acre will require compliance with the federal General Construction Permit requirements for storm water discharges. Best Management Practices is highly recommended to be implemented to control sediment runoff.
- c. Contact Mr. Patrick Antonio, Principal Hydrologist, patrickantonio@navajo-nsn.gov or office phone 928-871-7690/7185.

2. Navajo Nation Safe Drinking Water Act:

- a. Ensure there are no existing drinking waterlines and/or domestic waste waterlines located within the premises of the proposed site to avoid significant impacts to the communities' safe drinking water resources before trenching and/or digging.

3. Navajo Nation Air Pollution Prevention and Control Act:

- a. Suppress dust to lessen air impacts to community members and public located in or near the proposed action.
- b. The Navajo Nation Air Quality Control Program: Activity Application must be completed and submitted to NNEPA Air Quality Control/Operating Permit Program. Contact Tennille Begay at tbbegay@navajo-nsn.gov or office phone 928-729-4096/4248.

4. Navajo Nation Pesticide Act:

- a. The project proponent is required to monitor and prevent invasive and noxious weeds either by manual or chemical control.
- b. Before applying any chemicals, contact the NNEPA Pesticide Program at 928/871-7815 to ensure the product is in compliance and appropriately applied by a certified and licensed applicator.
- c. Pesticide staff will also may need to be onsite to monitor during pesticide/herbicide application.

5. Navajo Nation Solid Waste Act:

- a. Solid waste generated from the construction and operation activities will be collected and transported by project proponent to a designated trash bins to minimize significant impacts to human and wildlife resources.
- b. If a sub-contractor will be hired to transport waste, ensure the contractors are certified and licensed with the Navajo Nation Business Regulatory Office.
- c. The contractor must submit a copy of the landfill receipt/ticket to guarantee the construction waste has been properly disposed.
- d. Do not allow public to take construction and operation waste. Cumulatively NNEPA gets complaints and reports on illegal trash dumpings on rural areas and in the waters of the US and Navajo Nation.

6. Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act (NNCERCLA)

- a. Approved by the Navajo Nation Council, CF-07-08, February 26, 2008, the NN CERCLA includes petroleum (including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel (or mixtures of natural gas and synthetic gas)) unlike the US CERCLA or the Superfund Law and mandates petroleum, operator and guarantor to report petroleum release ≥ 25 gallons at the site and/or during transport immediately to the Navajo Nation

Department of Emergency Management within the Navajo Nation Division of Public Safety.

7. Navajo Nation Storage Tank Act:

- a. Amended and approved by the Navajo Nation Council, CJA-09-12, February 2012, the aboveground tanks are included to be regulated.
- b. No aboveground and/or underground storage tanks are expected to be installed at the proposed site.

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

Cc: Herby Larsen, Division Manager, BIA DOT NRO, PO Box 1060, Gallup, New Mexico, 87305
Harold Riley, Planning and Design Chief, BIA DOT NRO, PO Box 1060, New Mexico, 87305
Chinle Agency DOT
Contact person: Herby Larsen, 928-863-8281



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



MC:620/Branch of Environmental Quality Act Review & Compliance

APR - 6 2016

APR - 7 2016

MEMORANDUM

To: Department of Transportation, Navajo
Attn: Harold Riley

From: Harrilene Yazzie, Supervisory Environmental Protection Specialist
Branch of Environmental Quality Act Compliance & Review

Subject: Finding of No New Significant Impact – Navajo Regional Transportation's
Proposed Road Improvement for N27, N7, and N105, Chinle, Apache County,
Arizona
EA-16-12744

Navajo Region
Division of Transportation

The Branch of Environmental Quality Act Review and Compliance reviewed the environmental assessment, *Navajo Regional Transportation's Proposed Road Improvement for N27, N7, and N105, Chinle, Apache County, Arizona*, prepared by the Navajo Region, Division of Transportation (NRDOT). Navajo Region Division of Transportation proposes to seek and amend existing rights-of-way to: improve existing roads by contouring and stabilizing shoulders, install sidewalks; install a roundabout intersection, including solar street lights; install new drainage structures for flood and erosion control; develop open drainage channel; and replace existing fencing. A maintenance easement is also required to develop the open drainage channel on Administrative Reserve lands. The BIA Navajo Region will use Fixing America's Surface Transportation Act to implement the proposed action. The Proposed Action will require an estimated 261.83 acres which includes amended grants of rights-of-way for the existing roads on Navajo Tribal Trust lands, as well as additional rights-of-way.

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 Region 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 attached Environmental Assessment (EA) and supporting appendices and documents.

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

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT, EA-16-12744
PROPOSED ROAD IMPROVEMENT FOR N27, N7, AND N105
NAVAJO REGIONAL TRANSPORTATION
CHINLE, APACHE COUNTY, ARIZONA**

**Location: Section 16, T5N, R10W, G&SRPM
Sections 28 & 33, T32N, R26E, G&SRPM
Section 4, 9, 21, & 33, T31N, R26E, G&SRPM
Sections 9 & 10, T30N, R26E, G&SRPM
Chinle Quadrangle, Apache County, Arizona**

Navajo Region Division of Transportation (NR DOT) proposes to seek and amend existing rights-of-way to improve existing roads by: contouring and stabilizing shoulders; install sidewalks; install a roundabout intersection, including solar street lights; install new drainage structures for flood and erosion control; develop open drainage channel; and replace existing fencing. A maintenance easement is required to develop the open drainage channel on Administrative Reserve lands. Federal funding from the Fixing America's Surface Transportation Act will be used to implement the proposed action. The Proposed Action will require an estimated 261.83 acres which includes amended grants of rights-of-way for the existing roads on Navajo Tribal Trust lands, as well as additional rights-of-way.

This EA is subject to amendments as actions that are not currently defined (e.g., borrow locations and water permits) are defined. When there is more definitive information NRDOT will reassess determinations and, if necessary, provide changes to Proposed Action and re-evaluate direct, indirect, and cumulative affects to impacted 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 Region 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 attached environmental assessment and supporting appendices and documents.

The following issues that were addressed in the EA have been taken into consideration in BIA's deliberation whether a Finding of No New Significant Impact is appropriate, or an environmental impact statement should be prepared.

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 vegetation, wildlife, geology, water, archaeological, air quality, topography, threaten and endangered species, resource use patterns, socioeconomics, and other values. Impacts to physical and biological resources will be localized and relatively minor.
2. Public health and safety. Public health will not be affected by the project. There will be no disproportionately high and adverse human health effects on populations defined in

Executive Order 12898 (Environmental Justice) or the general public. Controlled access to active work areas and appropriate hazardous material management and waste disposal associated with construction will minimize any potential risks to public health, safety, and the environment.

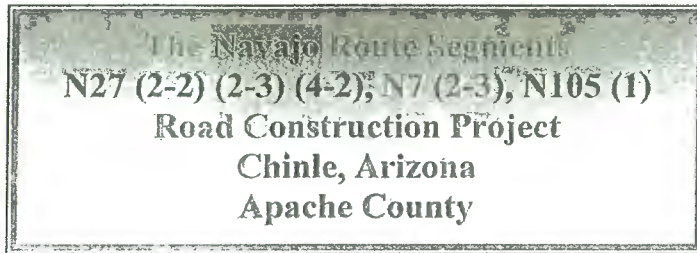
3. Unique characteristics of the geographic area. The project area is not unique within its geographical setting and is similar to many other areas of tribal land in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected. The nearest national park is the Canyon De Chelly National Park. The Proposed Action will be a benefit by providing safer road condition for global visitors.
4. 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.
5. 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. The proposed activity will be in adherence to common road construction standards. Due to soil erosion air borne dust will be controlled by water the construction site to limit fugitive dust.
6. Degree to which this action will establish a precedent for future action with significant effects. This project does not set a precedent for similar projects that may be implemented by the BIA or other agencies.
7. 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.
8. 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. There were two consultations with the Navajo Historic Preservation Department (NNHPD): BIA's *A Cultural Resources Reassessment Survey for Proposed Roads Construction Project BIA Roads Project N27 (4-3) 2&4 Chinle to Nazlini, Apache County, Arizona (Trinanni 1992)*; and Federal Lands Highway Office's *A Cultural Resources Inventory of Navajo Route 27, Navajo Route 105, and Proposed Chinle Roundabout for Navajo Division of Transportation in Chinle, Apache County, Arizona*. The NNHPD issued a Cultural Resources Compliance Form (NNHPD No. HPD-15-480) dated July 20, 2015 indicating that "No historic properties affected."

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.

9. Degree to which the action may affect threatened, endangered, or sensitive species or their habitat. Navajo Nation Department of Fish and Wildlife (NNDFW) issued a Biological Resources Compliance Form (NNDFW Review No. 15BIA04a4) without any Avoidance/Mitigation Measures: The Proposed Action occurs in an Area 4 – Community Development.

Environmental Assessment

EA-16-12744



Prepared for

U.S. Department of the Interior

Bureau of Indian Affairs

Navajo Region Division of Transportation

Gallup, New Mexico



Prepared by

Bureau of Indian Affairs

Navajo Region Division of Transportation

&

Army Corps of Engineers
Albuquerque District Office

PO BOX 1060
Gallup, New Mexico 87301

Rev: April 4, 2016

MISSION STATEMENTS

Bureau of Indian Affairs

The Bureau of Indian Affairs mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. We will accomplish this through the delivery of quality services, maintaining government-to-government relationships within the spirit of Indian self-determination.

BIA Navajo Region

The Bureau of Indian Affairs (BIA) Navajo Regional Office's mission is to enhance the quality of life, facilitate economic opportunity, carry out the responsibility to protect and improve the trust assets of the Navajo Nation and individual Indians.

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1. PURPOSE AND NEED FOR ACTION

1.1. Background

In Consultation with the Branch of Environmental Quality Act Review and Compliance office, the Navajo Regional Division of Transportation (NRDOT) proposes road improvements for N27, N7, and N105, Chinle and Nazlini, Apache County, Arizona, as discussed in this environmental document prepared by the Navajo Region, Division of Transportation (NRDOT) and Army Corps of Engineers. The NRDOT proposes to seek and amended rights-of-way to improve these existing roads by contouring and stabilizing shoulders, install, curb, gutter, and sidewalks; install a roundabout intersection that includes solar street lights; install new drainage structures for flood and erosion control; all new warning and regulatory signs and striping, develop and open drainage channel to drain the runoff from the N7/N27 intersection; and replace existing fencing. A perpetual maintenance easement will be required to develop the open drainage channel on Administrative Reserve lands. The BIA Navajo Region will use Fixing America's Surface Transportation Act funding to implement the proposed action.

The Federal Highway Administration – Tribal Transportation Program sought compliance under the National Historic Preservation Act, section 106 by consulting with Navajo Nation Historic Preservation Department in a letter dated May 5, 2015 (see Appendix C). The consultation was for Navajo Routes 27, 7, 105, and Chinle Roundabout (N7) Project.

There were several environmental assessments completed with the associated roads:

- EA-94-043: *Reconstruction of Navajo Route N7(2-2)/N27(4-1).*
- EA-95-126: *Proposed N27(2) (3) (4), Nazlini to Chinle Road Construction Project.* Finding of No Significant Impact issued October 26, 1995.
- *Environmental Assessment, Navajo Nation Department of Transportation, Department of Corrections and Judicial Branch, Proposed Chinle Judicial/Public Safety Complex Project, Navajo Nation Reservation, Apache County, Arizona* developed by iiná bá from Farmington, New Mexico.

As the result of anticipated increased traffic associated with a new Navajo Nation Department of Public Services and Department of Corrections and Judicial Branch's Chinle Judicial/Public Safety Complex Project being built, the current Level of Service (LOS) would decrease from a LOS-B to a LOS-C/D. The new complex is proposed to be opened in the spring of 2016 and the current roads need to be improved to handle increased traffic, as well as manage drainage runoff.

The proposed Project is located on Navajo Tribal Trust lands and Administrative Reserve lands managed by the BIA within the following locations (Little White House

Ruins, AZ, USGS Quadrangle, Gila & Salt River Meridian). See map in section 5.1 Appendix A:

- Section 16 of Township 5 North, Range 10 West;
- Sections 28 and 33 of Township 32 North, Range 26 East; and
- Sections 4, 9, 21, and 33 of Township 5 North, Range 10 West.

The following roads and infrastructure would be improved as a result of this project:

N7 (2-3): BIA NRDOT has an existing ROW for this segment of N7; however, the proposed two-lane roundabout will require an additional 1.52 acres for construction and maintenance in the same location since moving the roundabout further to the west to provide better alignment with the N7 leg was not an option due to the clutter of utilities. The additional ROW would be for the acres outside of the approved ROW to accommodate circular aspects of the new roundabout. The roundabout will provide both access to the homes on the north side of the intersection and free flow of traffic through the intersection. The roundabout will have a 3 foot center dome with an inside truck turn lane and barrier to prevent vehicles running over the top. Solar powered street lights will be strategically placed inside the dome to provide lighting during night travel. One street light will be placed at the center of the dome to provide for dual purpose light and flag pole. Then curb, gutter, sidewalk, and split Islands will be provided for the pedestrian traffic movements in the roundabout area.

N105 (1): The existing ROW encumbering 2.65 acres of Navajo Tribal Trust lands would require an amendment that will result in an estimated 5.805 acres necessary to lengthen the existing ROW. The proposed project will also require a Temporary Construction Easement from the edge of the ROW for maintenance impacting .0925 acres.

This road is used by residents and for a temporary detour which will also be the new access for Public Safety Complex and the proposed Police Academy. This portion of N105 to be used for a detour will encumber 3.82 acres. The existing plan also calls for a gas line to the Public Safety Complex to be installed in the N105 ROW on the north side of the road. Utility plans were not received in time to consider for this action; however, Navajo Tribal Utility Authority would have to seek a permit from NRDOT to ensure service lines stay within the BIA easement. There is an existing gas line that runs north to south that will be tapped into using a tee that will be connected to the Public Safety Complex to the east.

N27 (2-2) (2-3): N27 consist of two sections that start at approximately 9.92 miles south of N105, north of the Nazlini Elementary School spur road and terminates in Chinle, AZ. As currently constructed, the road has issues related to line of sight distance and drainage. The two sections have a combined ROW impacting 238.18 acres analyzed in (EA-95-126). To address drainage issues and increase line-of-sight distance, an

additional 17.36 acres in total is necessary or 8.23 acres for N27 (2-2) and 9.14 acres for N27 (2-3) of ROW would have to be obtained.

N27(4-2): This leg goes from the N27/N7 intersection south where it connects with N105 and N27(2-3) segment of the project. This segment will be widened to accommodate three lanes of traffic to address the future traffic that will be coming in and out of the new Justice Center complex, being built along the west side of the N27(4-2) existing 80 foot easement as well as the 70 plus school buses pulling in and out of the school property to the east. This segment will have curb, gutter and sidewalk to accommodate pedestrian traffic. Ideally the NRDOT would have designed a four lane segment but there are too many homes on the east side and the new justice center being built to the west of the existing ROW that prevented the BIA from adding two more lanes.

There will be two reinforced concrete pipe arches placed under the subgrade to collect the runoff from the roundabout and school property to the east and past the runoff to an open lined channel to the natural drainage to the west side of this segment on Administrative Reserve Land. The inlet will be located partly on school property at the southeast corner of the roundabout which the BIA will acquire an easement for.

Open Drainage Channel: The construction of an open drainage channel is planned on Administrative Reserve lands. A maintenance easement would have to be approved by the BIA to allow for the construction of the open drainage channel. The channel will impact 2.77 acres.

1.2. Purpose and Need for Action

The purpose of the following proposed action is to make improvements to existing roads necessary to accommodate to increased traffic resulting from construction of the Chinle Judicial/Public Safety Complex and anticipated police academy complex. The construction activities will occur on Navajo Tribal Trust and BIA Administrative Reserve lands. Therefore, the BIA would have to: approve/amend rights-of-way; provide funding; and issue a maintenance easement for Administrative Reserve lands.

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

- To respond to a request for a grant of rights-of-way under 25 Code of Federal Regulations (CFR), Part 169 [5 USC 301];
- Provide funding in accordance with Fixing America's Surface Transportation (H.R. 22)
- To respond to a request for Maintenance Easement on Administrative Reserve lands.

1.3. Decision to be Made

The BIA, as an agent for the Secretary of the Interior, is responsible for administering the grants of ROW, federal funding for transportation, and activities on Administrative Reserve land where the land is held in trust by the federal government for the benefit of the Indian people. The BIA manages the federal transportation program to provide for

and assist tribes in the development of their capacity to plan, construct, and maintain safe and efficient transportation networks. This includes funding for planning, engineering, and construction of reservation roads in accordance 23 USC Section §202. In addition the BIA is responsible for approving grant of ROW (25 CFR §169 Rights-of-Way Over Indian Lands). BIA regulations (25 CFR §170) establish procedures for obtaining approval of a maintenance easement on Administrative Reserve lands. The NRDOT staff also works in conjunction with personnel from the Navajo Nation programs to ensure tribal laws and regulations are adhered too.

The BIA will decide whether or not to issue the grants of ROW and maintenance easements associated with the proposed project, and if so, under what terms and conditions. In addition, ensure that federal funds allocated to the project are in compliance with 25 C.F.R. § 170. This includes reviewing and monitoring the performance of construction activities under 25 CFR § 170, 25 CFR §900 Subpart J and 25 CFR § 1000, Subpart K as applicable to the contracting method used. The BIA is mandated under the National Environmental Policy Act of 1969, as amended [42 U.S.C. 4321] to insure environmental obligations are conducted in a manner that protects the tribal trust lands, other natural resources, and environmental quality. The authorized officer shall prepare an environmental record of reviews (e.g. Documentation of NEPA Adequacy [DNA]) or an environmental assessment as appropriate per [42 U.S.C. §3162.5-1(a)]. The BIA must determine based on this environmental record of reviews if there are any significant environmental impacts associated with the proposed actions, warranting further analysis in an Environmental Impact Statement (EIS). The BIA Navajo Regional Director is the authorized officer who will decide one of the following:

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

1.4. Conformance with Applicable Land Use Plan(s)

The BIA is the lead agency for the proposed action including Section 7 and Section 106 consultations. The proposed action is the result of road construction activities proposed by the BIA on Navajo Tribal Trust and Administrative Reserve lands and is in conformance with the standard terms and conditions for ROWs and permits.

The proposed action is in conformance with the *Community Based Comprehensive Land Use Plan, Ch'inilji' Chapter (August 31, 2006)*. The community identified N27 and N7 as roadway systems within the Chapter that need improvements, as well as the

identification of a new Public Safety Facility. The proposed project would not be in conflict with the local land use plan.

1.5. Relationship to Statutes, Regulations or Other Plans

NRO Division of Transportation would comply with all applicable federal, tribal, and local laws and regulations, as well as obtain the necessary permits for the proposed action. These laws and regulations include, but are not limited to the following:

- Antiquities Act of 1906, as amended (PL 52-209; 16 USC 431-433)
- American Indian Religious Freedom Act of 1978 (PL 95-431; 92 Stat. 469; 42 USC 1996)
- Archaeological Resources Protection Act of 1979 (PL 96-95; 93 Stat. 721; 16 USC § 470aa et seq.), as amended (PL 100-555; PL 100-588)
- Bald and Golden Eagle Protection Act of 1940, as amended (PL 86-70, PL 87-884, PL 92-535, PL 95-616; USC 668-668d)
- Clean Air Act, as amended (PL 88-206; 42 USC § 7401 et seq.)
- Clean Water Act, as amended (PL 107-303; 33 USC § 1251, et seq.)
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (PL 96-510; 42 USC § 9601; 40 CFR Part 307)
- Endangered Species Act of 1973 (PL 93-205; 16 USC § 1531 et seq.)
- Executive Order 11988 Floodplain Management
- Executive Order 11990 Protection of Wetlands
- Executive Order 12898 Environmental Justice
- Executive Order 13007 Indian Sacred Sites
- Executive Order 13112 Invasive Species
- Executive Order 13186 Responsibilities of Federal Agencies to Protect Migratory Birds
- Migratory Bird Treaty Act of 1918, as amended (16 USC §§ 703-712; 50 CFR Part 21)
- Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 104 Stat. 3048; 25 USC 3001; 43 CFR Part 10)
- Navajo Nation Air Quality Control Program: Operating Permit Regulations (4 N.N.C. §§ 1134-40)
- Navajo Nation Pollution Discharge Elimination System Program Regulations
- Navajo Nation Solid Waste Regulations (4 N.N.C. §§101 et seq)
- Navajo Nation Water Quality Standards (§104 (b), §201 of the Navajo Nation Clean Water Act and §303 and 518 of the Federal Clean Water Act)
- Safe Drinking Water Act, as amended (PL 93-523; 42 USC 300F-300-9), 40 CFR Parts 144 and 147).
- Section 106 of the National Historic Preservation Act of 1966 (PL 89-665; 80 Stat. 915; 16 USC 470 et seq.), as amended (implemented under regulations of the Advisory Council on Historic Preservation, 36 CFR Part 800)

1.6. Scoping, Public Involvement, and Issues

1.6.1. Scoping and Public Involvement

Navajo Nation Department of Transportation hosted a public hearing regarding N27 and N7 at the Chinle Chapter House on March 28, 2014. The meeting was held to inform the community of the proposed widening of 27 from the N105 turn off (Canyon de Chelly Housing Access Road) to the N7 intersection. Attendees at the meeting included:

- Navajo Nation Department of Transportation
- Bureau of Indian Affairs NRDOT
- Chinle Unified School District
- Navajo Tribal Utility Authority
- Chinle Chapter
- Nazlini Chapter
- Dyron Murphy Architects

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

1.6.2. Issues to be Analyzed

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

- Can you show us the turn outs you are planning for the homes toward the homes north of the intersection?
- Will someone be able to drive over the top of the roundabout?
- What does the community want to put in the center of the roundabout?
- How much lightening is required for the roundabout?
- Who will pay for the operation and maintenance?
- How will the pedestrians' transverse the roundabout?
- N27 should be a four-lane road instead of a three-lane road.
- Why can't we widen from the roundabout to the N105 turnout?
- Where will the sidewalks be placed for pedestrians?
- Who will pay for the street lightening?
- The ROW infringes on Chinle School's property boundary which was established in 1958. The drainage is proposed to head west from this area.
- There are approximately 72 buses merging onto the roundabout that might cause problems when the traffic increases in the area.
- Have you considered moving the roundabout toward the BIA lands (southwest)?

- Using N27 is not a good idea due to waterlines, electric lines, etc.
- How do we improve the road? Nazlini Chapter supports the roundabout on N27.

2. PROPOSED ACTION AND ALTERNATIVE(S)

2.1. Alternative A: No Action

The "No Action" alternative denies the approval of the grant of rights-of-way, maintenance easement across Administrative Reserve, funding, and needed road improvements. The stated needs identified by the Chinle community Land Use Plans will not be addressed, as well as the projected future traffic congestion. The flooding would continue at the intersection and channels would continue to be unstable due to the unstable vegetation and soils. The N27 (2-2) (2-3) portions of the project without the rock weir walls would scour away soil alongside of the roadway and continue to make road conditions impassable.

2.2. Alternative B: Resurfacing

Resurfacing the N7(2-3)/N27(2-3)(4-2)/N105(1) portion of this project whether using the present roadway alignment and width, or combination thereof, is only a temporary solution to improving the traffic conditions of the existing paved roadways. In addition, this Alternative would not address the drainage problems or future increase in traffic. This alternative would consist of grading and then applying 2-3 inches hot mix for the final road surface. Within one year of paving, an asphalt sealer would be applied. Resurfacing is only practical for roads with an Average Daily Traffic (ADT) of between 50-250 vpd. Even if the roadway alignment and width were upgraded, the roadway surface would continue to have capacity problems at the N7/N27 junction along with poor drainage and periodic flooding. Resurfacing is not feasible on the N27 (2-2) (2-3) because it is an existing dirt road that is incised below the natural terrain resulting in constant impassable conditions during storms.

2.3. Alternative B: Proposed Action

Proposed Action - The preferred alternative will include maintaining the existing road to its original alignment as much as possible and within the existing right-of-way. The activities will include contouring the existing right-of-way and finishing the road with a new asphalt surface, a roundabout is to be built at the N7/N27 junction to create continuous traffic flow through the junction, and roadway widening to maintain at least a LOS of B for the next 20 years. This alternative also shall include construction of a drainage flood control channel on the N27(4-2) segment of this project and rock weir walls to manage flows upstream of the planned N27(2-2)(2-3) segment of the roadway. An asphalt surface will be placed on all roadways as a final all weather driving surface including new signing and striping. In those areas of poor soil conditions within the subgrade, the subgrade will be treated with a soil stabilizer to provide for a better riding surface and a longer life of the pavement. This Alternative will involve installation of a

new drainage system, cattle guards, guardrails, right-of-way fencing, and other safety measures including vertical profile adjustments to improve sight distances, and to accommodate drainage structures from overtopping the new roadway. Water and gas lines will be installed within the N105 right-of-way, and sewer and water will be installed within the N27 right-of-way.

An expansion, modification, or improvement of an existing roadway has few practicable alternatives available because there is minimal change to a previously constructed roadway and limits due to roadside development. Alternatives that would involve relocating an existing project are likely to result in more adverse effects to the landscape/ environment. Also since the area has a substandard transportation infrastructure this was the most reasonable alternative.

In order to construct the stated infrastructure the following right-of-way areas will be garnered for each action:

PROJECT N27(2-2)2&4										
STATION	TO	STATION	METERS	FEET	ROW LEFT		ROW RIGHT		HECTARES	ACRES
44+310.	TO	44+940.	630.000	2066.93	30.480	100.00	30.480	100.00	3.841	9.49
44+940.	TO	45+020.	80.000	262.47	30.480	100.00	145.000	475.72	1.405	3.47
45+020.	TO	46+070.	1050.000	3444.88	30.480	100.00	30.480	100.00	6.402	15.82
46+070.	TO	46+210.	140.000	459.32	30.480	100.00	80.000	262.47	1.548	3.82
46+210.	TO	49+860.	3650.000	11975.07	30.480	100.00	30.480	100.00	22.251	54.98
49+860.	TO	49+960.	100.000	328.08	30.480	100.00	120.000	393.70	1.506	3.72
49+960.	TO	52+670.	2710.000	8891.08	30.480	100.00	30.480	100.00	16.521	40.82
52+670.	TO	52+760.	90.000	295.28	45.000	147.64	30.480	100.00	0.680	1.68
52+760.	TO	53+300.	540.000	1771.65	30.480	100.00	30.480	100.00	3.293	8.13
TOTAL									57.447	141.93

PROJECT N27(2-3)1 2&4										
STATION	TO	STATION	METERS	FEET	ROW LEFT		ROW RIGHT		HECTARES	ACRES

53+300.	TO	55+700.	2400.000	7874.02	30.480	100.00	30.480	100.00	14.623	36.13
55+700.	TO	56+210.	510.000	1673.23	30.480	100.00	40.000	131.23	3.585	8.86
56+210.	TO	56+250.	40.000	131.23	55.000	180.45	40.000	131.23	0.373	0.92
56+250.	TO	56+920.	670.000	2198.16	30.480	100.00	40.000	131.23	4.715	11.65
56+920.	TO	58+580.	1660.000	5446.19	30.480	100.00	30.480	100.00	10.110	24.98
58+580.	TO	58+640.	60.000	196.85	30.480	100.00	40.000	131.23	0.415	1.02
58+640.	TO	59+920.	1280.000	4199.48	30.480	100.00	30.480	100.00	7.794	19.26
59+920.	TO	59+960.	40.000	131.23	30.480	100.00	60.000	196.85	0.354	0.87
59+960.	TO	60+000.	40.000	131.23	30.480	100.00	30.480	100.00	0.236	0.58
60+000.	TO	60+164.48	164.475	539.62	30.480	100.00	15.000	49.21	0.741	1.83
60+164.48	TO	60+833.06	668.589	2193.53	12.192	40.00	12.192	40.00	1.623	4.01
60+833.06	TO	60+838.45	5.382	17.66	12.192	40.00	0.000	0.00	0.000	0.00
TOTAL									44.569	110.12

PROJECT N105(1)2&4										
STATION	TO	STATION	METERS	FEET	ROW LEFT		ROW RIGHT		HECTARES	ACRES
0+30.27	TO	0+340.	309.728	1016.17	41.910	137.50	9.450	31.00	1.587	3.92
0+340.	TO	0+368.33	28.329	92.94	41.910	137.50	11.189	36.71	0.146	0.36
0+368.33	TO	0+455.61	87.277	286.34	19.050	62.50	11.189	36.71	0.260	0.64
0+455.61	TO	0+650.	194.394	637.78	11.189	36.71	11.189	36.71	0.431	1.06
TOTAL									2.436	6.02

PROJECT N27(4-2)2&4 Open Channel										
STATION	TO	STATION	METERS	FEET	ROW LEFT		ROW RIGHT		HECTARES	ACRES
0+142.27	TO	0+610.	467.727	1534.54	12.000	39.37	12.000	39.37	1.123	2.77
TOTAL									1.123	2.77

PROJECT N7(2-3)2&4										
STATION	TO	STATION	METERS	FEET	ROW LEFT		ROW RIGHT		HECTARES	ACRES
2+817.9	TO	2+843.96	26.061	85.50	22.192	72.81			0.018	0.04
2+843.96	TO	2+907.5	63.541	208.47	37.192	122.02			0.139	0.34

2+907.5	TO	2+922.9	15.395	50.51	18.192	59.69			0.005	0.01
								SUBTOTAL	0.162	0.40
PROJECT N7(2-3)2&4										
STATION	TO	STATION	METERS	FEET	ROW LEFT		ROW RIGHT		HECTARES	ACRES
2+817.9	TO	2+880.88	62.985	206.64			42.192	138.43	0.167	0.41
2+817.9	TO	2+903.56	85.657	281.03			31.721	104.07	0.068	0.16
2+903.56	TO	2+917.9	14.345	47.06			20.555	67.44	0.001	0.01
								SUBTOTAL	0.235	0.58
								TOTAL	0.397	0.98

2.3.1. Proposed Action by Route

N27 (4-2)

N27 section (4-2) begins at a TEE intersection with N105 in Chinle and traverses north where the route terminates at the intersection of N7 for a length of N27 (4-2) is 0.727 km (0.446 mile). The right-of-way is 24.38 meters (40 feet) left & right of the roadway centerline for a total area of 1.75 Ha (4.35 acres). No additional right-of-way will be obtained for this roadway project.

This section of the route, that will be reconstructed, is currently paved with asphalt concrete, and has concrete curb and gutter on both sides of the road with concrete spillways for flow management. Next to the intersection with N7(2-3) segment are two culverts which were design to convey flows from the east to the west but are presently plugged with silt and debris. The inlets are on the east side of the road which receives sheet flow via paved parking lots from the east and a roadside ditch from the south. The surface work for the inlets will be within the N7(2-3) right-of-way while subsurface work will be within the N27(4-2) roadway right-of-way ending at station 60+725 with an elbow directing the flow to the west within a new open lined channel; additional maintenance easement will be acquired for the open channel.

The storm water runoff that will be funneled into the subsurface structures is not defined as Waters of the United States; therefore, not regulated as per 33 CFR §328.3. Culvert pipes will also be placed below turnouts to reduce ponding near the roadway to minimize standing water from migrating into the roadway prism increasing potential for pavement surface to prematurely fail.

Flow from the roundabout will be managed by spill ways directed toward the subsurface drainage structures. The roundabout intersection will be raised to accommodate the structural concrete pipes below N27.

A one foot cover of soil is needed to protect the structural concrete pipes from cracking from repeated live loads. The N27 pavement will transition onto the roundabout with a new grade. The transition will be in compliance with the AASHTO 2011 Green Book which provides design guidelines for safe sight and stopping distances. The dome or center of the roundabout is design to be approximately one meters (m) or 3 feet above the existing grade per plans.

The design will maintain the existing centerline horizontal alignment with an additional turning lane in the median to accommodate turning movements in and out of the new judicial complex. The width of the existing roadway will increase by 3.6 meters (12 feet). The vertical alignment will smoothly transition onto the raised roundabout.

Water and sewage utilities lines that serve the Justice Center will be placed within the N27 ROW corridor. These utilities will service the Justice Center; manholes to access the eight inch (8") sewage line will be set at four (4) different locations along N27 to perform inspections and cleanout services. The sewage line will be located below the paved roadway. Three (3m) meters away from the proposed new sidewalk and parallel with the road alignment is a ten (10") inch waterline that will be installed.

The proposed road is designed for 45 miles per hour (mph) speed but along school and justice center property the speed will decrease to 25 mph. The proposed roadway surface width will consist of two (2) driving lanes of 7.2 m (24.0 ft) and one center turning lane of 3.3m (12 ft) in width. Curbing, gutters, and sidewalk will also be included.

OPEN DRAINAGE CHANNEL

To manage flows from the east side of the road a subsurface drainage system below N27(4-2) will be elbowed westward from the N27(4-2) roadway station 60+735. NRDOT will be seeking additional grant of rights-of-way and a maintenance easement. Since the proposed open drainage channel construction will be within the BIA's Administrative Reserve land, a maintenance easement is necessary. .

The canal or channel right-of-way will be a length of 417 meters and a width of 24 meters. The channel will be lined with articulated concrete cable and have energy dissipaters staggered within the channel. The dissipaters will be approximately ten feet down grade from one another. The energy dissipaters are warranted since the calculations show the design twenty-five year, twenty four hour storm event will have a calculated flow of 8 feet per second. The grade of the channel will be at 0.07 %. The end of the lined channel will have a stilling basin to offset effects of scour. The channel will eventually discharge into a shallow natural depression, if the storage capacity is exceeded it is expected that the flows will discharge into the Nazlini Wash which is near the end of the channel; soils are of loamy clayey and clay sandy soils.

The outlets of the pipes will be secured by metal grates to restrict trespassing. The channel will be graded that represent a trapezoid with a positive grade discharging the flows into the natural depression. Manholes may be set at different locations to allow access into the sub surface drainage pipes to perform inspections and cleanout services.

N7 (2-3)

In conjunction with the N27 road improvements, the N7 design is to improve the traffic flow and address safety concerns resulting from the anticipated increase in traffic volume and address the deficient drainage system at the N7/N27 junction. To meet this objective an elevated, duel ring, roundabout intersection with two traffic lanes are being proposed with the outside lane designated to take a right turn into the destined locations. Because of the roundabout's size it reduces sight distance, but it also reduces approach deceleration which also alerts motorist. Therefore there should be no safety issues as a result of the dome being placed in the center of the existing roadway. The NRDOT did consider installation of more standardized intersection devices, such as traffic signals and stop signs; however, these options were dismissed due to safety concerns and cost to maintain traffic signals. Additional, roundabouts do result in 20% decrease in traffic accidents over time.

Motorist will be alerted in advance to use caution while entering the intersection thus avoiding accidents. The radius of the roundabout is 32 meters with two driving lanes curb gutter and side walk. There are also raised medians called splitter islands before entering the round a-bout to control the direction of traffic flow and to discourage motorist from making a wrong turn. Solar powers street lights will be strategically placed around the Roundabout for night time traffic with solar powered pavement parkers to guide the traffic through the intersection.

The reconstructed section of N7/N27 will be posted at a speed of 15 mph. The proposed roadway surface width will consist of two (2) driving lanes in each direction with each lane having a width of 9.0 m (29.7 ft.) with a 10 foot truck lane inside, and 0.61 m (two foot) shoulders on the outside lane.

Currently the grades on the north east portion of the proposed roundabout drains to the southwest; therefore, to avoid water from ponding, the grades will be contoured to properly drain to the west along the existing side ditches and to the south along the N27(4-2) leg of the roundabout leading into the open drainage channel.

The vertical alignment change is to accommodate the inlet to the subsurface drainage system. The approach lanes from the west on N7 will begin and will start on the west at station 2+818.00, to station 2+886.236 at the center of the round-about for a distance of 68.23 meters. The east transition will be from station 2+886.236 to 2+917.00 a distance

of 30.76 meters. The descent of the vertical curve east of the intersection will blend into the existing road by a sag vertical curve.

Within the existing school property on the southeast corner of the Roundabout there is an existing drainage structure with a bottom elevation that is lower than the surrounding topography therefore if cleaned would still not allow flows from a small storm event to pass since there is a lack of storage capacity to occupy small events within this subsurface system. A moderate storm event have caused the water to back up into the school compound while a large storm event would back up and overtop the existing roadway. From the NRDOT's hydraulic studies, it was revealed that the current drainage system was not properly sized to handle both on and off site runoff within the school property. There are no as-built plans with topographic information available to determine the preexisting condition prior to the school buildings being built; discharge rates have also increased from the impermeable surfaces of the school parking lots. For this reason the existing culvert structures will be removed and replaced by the new subsurface drainage system within the N27 right-of-way. The school plans to reconstruct their subsurface drainage system to flow into the NRDOT's new subsurface drainage. The proposed structures are designed to accommodate flows from the east and the flows from the roadside ditches next to the school property. This action will also reduce flood waters from reaching the teacher housing to the east and into residence and business to the west.

For both of the above roadways, the existing driving surface will be milled, the existing concrete curb, gutter and side walk will removed in order to set the new design grades and features. The milling material will be used as part of the sub base and the concrete debris will be hauled off to an authorized landfill site. Activities will include clearing, grubbing, grading and compacting to specified densities. Once the final grades are set concrete curb gutter and sidewalks will be constructed followed by asphalt pavement, signs, and striping. In the area where soils have been disturbed as a result of the construction it will be reclaimed by harrowing and planting of native seeds of grasses and plants.

N105

Route N105(1) has an existing right-of-way [under project N102(5)] of 30.0 m width (21.03m left and 9.4m right from centerline of roadway). The length impacted by the Proposed Action extends west from the intersection with N27(4-2) for approximately 0.337 km (0.21 miles), and at this point N105 provides a turnout north into a housing complex. The existing right-of-way is 1.07 hectares (2.65 acres). The right-of-way is in the BIA road inventory but since the new design deviates from the existing easement, the NRDOT will be reapplying for an amended easement reflecting the additional right-of-way needed for this project.

The existing route N105 pavement is in poor condition showing fatigue, has no curb, gutter and sidewalk and has no centerline striping. This route is continuously used by the residence of the housing complex and will also be used as a temporary detour and access by the new Tribal Justice Center and police academy. The existing pavement will be milled and the millings will be stockpiled for later use for subgrade material. The finished roadway will consist of a hot asphalt concrete pavement, or an all-weather roadway with curb gutter and sidewalks, permanent traffic control pavement markings, speed limit signs, and installation of other traffic control device as warranted. There will also be fencing to restrict grazing animals from entering the right-of-way. Future plans will be to extend N105 to N7. In the present design the NRDOT will extend the ROW to the west and a small length to the north to tie onto an existing road by constructing a curve. The existing plan also calls for a gas line to service the Justice Center be installed within the N105 right-of-way specifically on the north side of the road. There is an existing gas line that runs south to north that will be tapped into using a tee that will feed the Justice Center to the east.

The natural gradients and conditions as seen on the plan shall be restored to pre-project contours to the maximum extent possible upon project completion. The projects are to maintain preconstruction downstream flow conditions and does not restrict or impede that passage of normal or expected high flows, these structures were design to carry flows from a twenty-five year, twenty-four hour storm.

N27 (2-2) (2-3)

These two sections of N27 starts approximately 9.92 miles south of N105 north of the Nazlini Elementary School spur road and terminates in Chinle, Arizona. As stated previously, a drainage and sight distance have been a problem and has become more of a concern since the traffic volume has increased.

A rock weir wall or dike to manage diffused flows, restore historic flow patterns, and reduce topping of erosion caused by existing conditions will be constructed as follows:

- 1) The first dike or rock weir wall measures one-hundred and twenty meters (120m) and is located within stations 44+940.00 to 45+020.00 with a right-of-way length of 80.00 m. The length is required since the structure will be in a skewed angle to the centerline alignment and is perpendicular to the grade of the terrain and flow. The intent of the perpendicular layout is to collect as much flow as possible and pass it through a battery of drainage structures within the outer limits of the drainage channel. Also there will be a three cell box structure placed within an existing channel. The observations made in the field identified the following: the alluvial fan is still active and the channel is highly probable of changing course mostly to the south therefore the dike is perpendicular to the grade or in a west to easterly direction. Prior to the wash reaching the existing road it is creating a foot print that is a small scale delta.

There was also a dike that was built possibly in the 1940's that breached causing the embankment material to be transported downstream creating the delta. The proposed roadway is being moved from its current location east to provide better site distance and to get out of the lower part of the drainage basin. Rip-rap rock will be placed on the outlets to dissipate energy from flows. The area required to construct and perform future maintenance is 0.92 hectares (2.27 acres).

- 2) The existing roadway (station 46+110) is located east of the proposed roadway. The existing road prism acts as a ditch carrying flows from the south and east to the north into a wash flowing west. The flows are too large and strong for the existing 914 mm pipe (36") which is constantly being washed out and replaced. This condition causes erosion from the sides and is constantly scouring the bed of the channel. Two dikes are being designed and placed prior to the flows reaching the wash to remediate the condition. Prior to the road being built up the natural flows were to the west these flows with the proposed construction are being restored. The first dike is 50 meters long that will be placed diagonally at station 46+110 right side. The aspect of the grade at this point is from the southeast where the grade is noticeable from the braided channels upgrade. Prior to reaching the dike a 1219 mm pipe will be diagonally placed to carry the flow to the west. The second dike is located at station 46+172 right; the grade of the watershed in this area is west where two 1219 mm pipes will be placed diagonally to the centerline of the roadway. The dike at this location will be perpendicular to the roadway the placement will allow more flow to be captured and conveyed to the west which will continue to flow into the natural channel. All three pipes in this location are being placed in the same diagonal position coinciding with the natural drainage. Rip-rap rock will be placed on the outlets to dissipate energy from moderate flows. This area will be an additional 0.70 hectares (1.73 acres).
- 3) The existing road (station 49+940) is east of the proposed road; the existing road is continuously being overtopped during moderate storm events due to it crossing an existing ephemeral channel. According to a site visit that channel flows were restricted by a man made stock pond located approximately 100 meters to the east. Historically the channel flowed in a northwesterly direction but was shunted by the stock pond. Once the stock pond had silted and the embankment had breached on both the north and south end, the northern end is more resistive to the flows due to silt build up. Most of the flows tried to re-establish its natural course due to the grade but encountered silt covered channels and the existing roadway embankment. During minor storm events the flows travel alongside the road to the north into a roadside ditch, in addition during moderate storms events the flows follow the same path and also over tops the roadway. The flows from the roadside ditch go north into a

natural channel where three pipes at station 50+514 are being recommended. The ditch paralleling the roadway is fed from the east and south from a small ridge stretching west to east approximately 100 meters to the east where a breached stock pond that allows for flows to go directly towards the roadway. The water sheds in its natural state would have taken the flow north but now is intercepted by the roadside ditch and runs parallel to the north. If this roadside ditch is allowed to carry flows it will follow the existing roadway and since the proposed road is being shifted to the west the runoff will cause scour. The proposed dike will be constructed and will partially restore the drainage patterns that exits the pipes so as to coincide with the natural gradients at station 49+940. The historical patterns of flow are seen at a distance on the west side of the existing road but because of the flow restrictions from the stock pond and the roadway they have become less useful. Restoring the flow patterns will result in less erosion and provide moisture for grasses down grade. Rip-rap rock will be placed on the outlets to dissipate energy from moderate flows. This area will be an additional 0.9 hectares (2.224 acres).

- 4) Additional right-of-way from station 52+670 to 52+760 is being sought to relocate and develop a turnout for the users of the existing road. The turnout is being relocated from 52+700 to 52+750 on the left side. The relocation is due in part by the proposed road having a high pressure gas line and the turnout needs to be placed in a crest of a curve to provide better sight distance. If left at the current location poses safety concerns due to the natural gas line and reduces sight distance to motorists especially the elderly. This area will be approximately an additional 0.81 hectares or 2.00 acres.
- 5) Additional right-of-way from station 55+780 to 56+920 right side of the road for a distance of 1,140 meters by 10 meters for a total of 1.14 hectares (2.82 acres) is being acquired to accommodate a flat bottom ditch that will reduce the velocity of the flow resulting in less erosion. The right-of-way is being sought also to perform maintenance the construction limits will be outside the existing right-of-way. The additional right-of-way will also allow the contractor to construct turnouts to residences that will have cattle guards installed outside the right-of-way limits due to the grade of the turnouts.
- 6) Additional right-of-way is being acquired to install outfall protection (rip-rap rock) for the proposed two 1,829 mm drainage pipes. The right-of-way will be from station 56+210 to 56+250 meters this is a length of 40 m on the left side and a offset distance of 25 meters from the edge of existing right-of-way for a total of 0.10 hectares (0.247 acres). The outfall is needed to reduce the stress being applied by the existing of flows which in turn would cause scour and possibly undermine the sub straight of the channel.

- 7) The existing turnout located at station 58+638 will be moved to station 58+510 the proposed location will be on top of the vertical curve (crest) to provide better sight distance. The right-of-way will be extended from 58+580 to 58+640 a distance of 60 meters and a width of 10 meters for a total of 0.06 hectares (0.148 acres).
- 8) The additional right-of-way from station 59+920 to 59+960 right has a length of forty meters (40 m) and a width of 30 m for an area of 0.12 hectares or 0.29 acres. The right-of-way is needed to construct a dike which will reduce the amount of flow to the north where possible floods could enter into the residence 100 meters to the north. The existing pipe is completely buried therefore the size was undeterminable but will be replace with a new 610 mm pipe. The drainage will be funnel to the west side into the road side ditch.

To meet the AASHTO design criteria for sight distance, safety and to avoid archaeological sites, the N27(2-2)(2-3) existing roadway realignment was realigned in various locations as displayed in the following table (*the alignment sections that veered off the existing roadway to the right (rt.) or left (lt.) are defined as rt. or lt. after the station*). Since the width of the existing disturbed roadway varies an average width of twenty-five foot (25') was used for calculating the area that is being scarified and re-seeded.

Start Station	To Station	Length	Start Station	To Station	Length
44+400 rt	45+950	1,550 m	52+550 lt	53+300	750 m
45+950 lt	46+480	530 m	52+550 lt	52+550 lt	450 m
46+400 rt	47+450	1,050 m	54+150 rt	55+700	1550 m
49+150 rt	49+600	450 m	57+500 rt	58+600	1100 m
49+600 lt	51+600	1,000 m	58+900 rt	59+700	800 m
51+850 rt	52+300	450 m			

Total: of 9,680 m 7.33 hectares 18.11 acres

2.3.2. Proposed Project Location and Area Characteristics

Maps of the proposed project area are provided in Section 5.1 Appendix A. The proposed project area is plotted on the Little White House Ruins, Arizona, 7.5-minute USGS quadrangles.

The Project is located on Navajo Tribal Trust and Administrative Reserve lands managed by the BIA-Navajo Region in Gallup, NM. The proposed project would be located in Chinle, Apache County, Arizona. The Project lies within the Little Colorado River watershed boundary.

The general region surrounding the proposed project area is characterized by relatively flat lowland valleys with open pinon-juniper areas and badland outcrops. There are

many broad, braided, shallow washes in the area. The proposed project area ranges in elevation from approximately 5,506 to 6,000 feet above mean sea level (AMSL).

Legal land description of the proposed project and locations of the proposed project are listed in Table (1) below:

Table (1) Township, Range, and Sections for the Proposed Project

Township, Range	Section	Land Status
5N, 10W	16	Tribal Trust
32N, 26E	28, 33	Tribal Trust
31N, 26E	4, 9, 21, 33	Tribal Trust
30N, 26E	9, 10	Tribal Trust

2.3.3. Proposed Project Environmental Best Management Practices

Environmental Concerns and Best Management Practices

BIA and/or its contractor would adhere to the stipulations in section 5.2 (Appendix B) as part of the approved ROWs. The following general design features and best management practices (BMPs) would occur.

Control of Waste

- The closed-loop system storage tanks will be sized to ensure confinement of all fluids and will provide sufficient freeboard to prevent uncontrolled releases.
- Any spills of non-freshwater fluids will be immediately cleaned up and removed to an approved disposal site.
- Portable toilets will be provided and maintained during construction, as needed.
- Garbage, trash, and other waste materials will be collected in a portable, self-contained, and fully enclosed trash container during drilling and completion operations. The accumulated trash will be removed, as needed, and will be disposed of at an authorized sanitary landfill. No trash will be buried or burned on location.

- Immediately after removal of the construction equipment, all debris and other waste materials not contained in the trash container will be cleaned up and removed from the location.
- Berms will be constructed around all storage facilities sufficient in size to contain the storage capacity of tanks. Berm walls will be compacted with appropriate equipment to assure containment.

Protection of Paleontological Resources

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

Protection of Cultural Resources

- All Navajo Nation Historic Preservation Department cultural resources stipulations will be complied with as indicated in the Cultural Resources Compliance Form in section 5.3 (Appendix C) as part of the ROW Grant conditions. These stipulations may include, but are not limited to temporary or permanent fencing or other physical barriers, monitoring of earth-disturbing construction, reduction and/or specific construction avoidance zones, and employee education. All employees, contractors, and sub-contractors of the project will be informed by the project proponent that cultural sites are to be avoided by all personnel, personal vehicles, and company equipment. All employees, contractors, and sub-contractors of the project will also be informed that it is illegal to collect, damage, or disturb cultural resources and that such activities are punishable by criminal and/or administrative penalties under the provisions of the Archaeological Resources Protection Act. In the event of a discovery during construction, the project proponent will immediately stop all construction activities in the immediate vicinity of the discovery and then immediately notify the archaeological monitor, if present, or the BIA-NRDOT COR. The BIA will then evaluate or cause the site to be evaluated. Should a discovery be evaluated as significant (e.g., National Register, Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act), it will be protected in place until mitigating measures can be developed and implemented according to guidelines set by the Navajo Nation Historic Preservation Department.

Protection of Flora and Fauna, including Livestock

- The BIA Contractor shall stockpile the existing topsoil for uses in re-vegetation of borrow pits and roadway slopes, where feasible in accordance with the Standard Specifications for Construction of Roads and Bridge on Federal Highway Projects (*Federal Projects 2003*) and contract specifications.

- The cut and fill volumes will be balanced as much as possible to avoid the use of borrow sources and all slopes shall be rounded to blend into the existing terrain. All ground disturbances on the project will be disked, seeded, mulched, and re-vegetated as described in section 625 of the supplemental specifications.
- The following BMPs will be followed for all structural improvements where applicable, including any pipelines, storage tanks, and troughs as may be called for in the design plans:
 - The water pipelines will be ripped in the ground approximately 30 inches below the surface using a dozer or some other heavy equipment.
 - All equipment brought from off-site will be power washed before entering the site to avoid possible introduction of and invasion of noxious and invasive weeds.
 - Ground disturbance from the heavy equipment would be re-seeded with a certified weed free seed mix. The seed would be suitable to area and match existing native species.
 - Existing water sources would be left on yearlong for use by wildlife.
 - Adequate wildlife escape ramps would be mandatory in the use of troughs to prevent entrapment and drowning of wildlife.
 - The storage would have closed tops.
 - The storage tanks and troughs would be painted with natural colors to match the surrounding for visual resource management (VRM) so as not to be visible from the highway.
 - All pipelines shall be placed along the approved flagged routes; any deviation from this stated stipulation and or the contract specifications will require further consultation with the BIA.
 - Water bars shall be installed along the proposed pipeline route, where necessary, to reduce erosion.
 - If anytime, populations of noxious weeds are encountered, construction must cease and measures must be taken to clear the right-of-way. The problem area would be sprayed with the appropriate herbicide. By law, the target weed must be listed on the label of the herbicide being applied, and the rate applied must be in accordance with the manufacturer's recommendations. This work will be in accordance with section 109.02(m) of the supplement specifications (FP-2003) for this project.

- Construction hours will be between 6:00 a.m. and 8:00 p.m., Monday through Saturday, (weather permitting and as authorized by the BIA Contracting Officer). In high wildlife use areas, an alternate construction schedule may be used in consultation with the Navajo Fish and Wildlife Department on tribal trust lands and/or U.S. Fish and Wildlife Service on other lands.
- The Contractor's camp and equipment storage area will be kept clean and free of oils, waste material, and other litter at all times, to prevent such materials from entering bodies of water. All trash will be disposed of in accordance with Navajo Nation Solid Waste Regulations (4 N.N.C. §§ 101 et seq.) and all camp sites and equipment storage areas will be restored to their natural condition at project completion.
- The Contractor will inspect daily all construction equipment for leaks and notify the BIA COR/Project Manager on the removal of leaking equipment from the project site until leaking equipment is repaired and spills cleaned up to the satisfaction of the Project Manager and Navajo Nation Environmental Protection Agency. Equipment will be washed down in a designated area to prevent transport of mud, noxious weeds, and other debris from leaving the project limits when transporting equipment off the project site. Such debris will be collected and hauled off to a disposal site by the Contractor. The Contractor must have a spill prevention plan in place to contain spills, mitigate the spills, and remove all the pollutants off the project to an approved waste repository.
- All oils, fuels, lubricants, and hydraulic fluids will be kept in sealed storage containers and/or facilities that meet EPA standards for preventing contamination of the environment. Again, a spill prevention plan must be in place.
- Damage to trees and shrubs outside of the construction limits will be replaced by the Contractor at their expense as directed by the COTR.
- Parking and staging areas will be limited to the construction limits. Existing roads will be used for detours, and the hauling of materials and water to the fullest extent possible. Storage areas within the construction limits will utilize existing disturbed areas and kept as small as possible. The Construction Contractor is responsible for maintaining the detour roads until the work is completed per the contract requirements.
- The installation of drainage structures will be undertaken in such fashion so as to minimize soil erosion and to provide for minimum of 610 mm (~ 24") over the pipe as measured from the roadway shoulder.
- Structural replacements will be performed during periods of low- to no-flow periods to minimize water quality impacts. The Contractor shall install lined waste pits for concrete or asphalt on the project in a level ground at least 100 feet away from any

drainage and outside the construction limits. No dumping of waste concrete or asphalt will be allowed on the project site except in the lined pits which will immediately be removed from the project once the concrete or asphalt work is finished. Any and all excess concrete and asphalt will be disposed of off-site in accordance with EPA regulations and the FP-2003.

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

Protection of Topsoil

- The upper 6 inches of topsoil (if called for) will be stripped following vegetation and site clearing. Topsoil will not be mixed with the underlying subsoil horizons and will be stockpiled as a berm along the perimeter of the construction zone, separate from subsoil or other excavated material as maybe called for in the construction contract for later reuse in the permanent restoration of disturbed areas.

Protection of the Public

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

Prevention and Control of Weeds

- Noxious Weed Control Standard Operating Procedures for Contractors who work on the Navajo Nation will be as follows:
 - Ensure equipment involved in land disturbing actions, be cleaned of noxious weed seeds or propagative parts prior to entry on site. When working in areas with noxious weeds equipment should be cleaned prior to moving off site.
 - Be cognizant of the noxious weeds that may be present in the proposed work areas; take responsibility measures to avoid spread of noxious weeds found (i.e., cleaning equipment with pressure washers, stockpiling overburden material for later treatment, avoiding driving through weed patches). Consult with the BIA Regional DOT Office and/or Chinle Agency Natural Resources on any known species of noxious weeds in the project area before construction begins.
 - Use only certified weed free erosion control and re-vegetation materials (e.g., mulch, seed, natural fiber mats).
 - If fill dirt or gravel is required, the source needs to be noxious weed free to the fullest extent possible.
 - Known noxious weed sites within the project ROW should be monitored for the life of the project for the presence of noxious weeds (includes maintenance & construction activities). If weeds are found the COR will be notified and the COR will determine the best method for the control of the particular weed species and its control in accordance with section 109.02m of the contract specifications.
- It would be the Contractor's and COR's responsibility to have a weed control contractor monitor, control, and eradicate all invasive, non-native plant species within the proposed project construction limits as may be called for in the project contract documents. The weed-control contractor would contact the COR regarding acceptable weed-control methods plan. The Contractor would be required to submit a current Pesticide Use Proposal for the location prior to any pesticide application. The weed-control contractor must carry a current pesticide applicator' license and only use pesticides authorized for use on Navajo Nation lands. The use of pesticides would comply with federal and tribal laws, and used in accordance with their registered use and limitations. The weed-control contractor would contact the COR prior to using these chemicals and provide quarterly Pesticide Use Reports (PURs).

Protection of Air Resources

- The BIA's recommended BMPs are designed to reduce impacts to air quality by reducing all emissions from construction, operation, and maintenance activities.

Typical measures could include requiring that vapor recovery systems be maintained and functional in areas where petroleum liquids are stored, ensuring that compressor engines 300 horsepower or less have nitrogen oxide (NO_x) emissions limited to 2 grams per horsepower hour, revegetating areas not required for production facilities to reduce the amount of dust, and watering dirt roads during periods of high use in order to reduce fugitive dust emissions. Magnesium chloride, organic-based compounds, or polymer compounds could also be applied to roads or other surfaces to reduce fugitive dust. No petroleum-based products would be used.

- BMPs for dust abatement and erosion control will be utilized to reduce fugitive dust for the life of the project, as necessary. Water application, using a rear-spraying truck or other suitable means, will be the primary method of dust suppression along the road.

Nationwide Permit No. 14, "Linear Transportation Projects"

Although NRDOT consulted previous with Army Corps of Engineers the consultation will be revisited prior to the construction activities by submitting for new 401 and 404 permits prior to construction. As described in correspondence from the Department of the Army, Los Angeles District, Corps of Engineers' letter dated June 15, 2004, the following Specials Conditions shall be adhered to (should these Special Conditions still remain applicable to this project):

- Compliance with all terms and applicable conditions (regional, general, and 401 conditions) described in Enclosure 1 and complete compliance statement (Enclosure 2) listed.
- The permittee shall comply with all requirements and conditions in the letter of water quality certification that the U.S. Environmental Protection Agency signed on May 27, 2004. This certification demonstrates that the permit has complied with Section 401(a) of the Clean Water Act.
- The permittee shall design and install the culverted road crossings in a manner that will safely and efficiently convey all expected high flows. The permittee shall accurately align the culverted road crossing in a manner that prevents the need for repeat maintenance.
- The permittee shall limit the area of disturbance to the Clean Water Act jurisdictional area to the actual footage of the authorized road crossing activities. Channel grading/clearing, bank stabilization or other activities constituting additional discharges of dredged and/or fill material into Clean Water jurisdictional areas are not permitted.
- No debris, soil, silt, sand, rubbish, cement or concrete washings thereof, oil or petroleum products or washings thereof, shall be allowed to enter into or placed where it may be washed by rainfall or runoff into the waterway. When project

operation are completed, any and all excess construction materials, debris, and or other associated excess project materials shall be removed to an appropriate off-site location outside of any jurisdictional areas. At no time shall this material be side cast into the waters of the United States.

- Staging, storage, fueling, and maintenance of equipment and materials shall be located outside of the Corps' jurisdiction.
- The permittee shall ensure that the natural course of the jurisdictional water impacted is restored to pre-project contours or gradients and conditions to the maximum extent possible upon project completion.
- Reference is made paragraph (c) of the National Permit 14 (*Linear Transportation Projects*) that requires the submission of an compensatory mitigation proposal. Pursuant to this requirement, the permittee shall coordinate with the Navajo Department of Fish and Wildlife to develop an acceptable compensatory mitigation and monitoring plan to mitigate the 0.49 acres of impact to the waters of the United States that are expected to result from the road realignment and upgrade activities. This plan shall be developed in accordance with the April 19, 2004 Final Mitigation Guidelines and Monitoring Requirements that have been prepared by the Los Angeles District Corps of Engineers and monitoring plan for Corps review and comment. The permittee shall proceed with the activities authorized under this permit only after the Corps has accepted the mitigation and monitoring plan proposal.

2.3.4. Surface Disturbance

Surface Disturbance

The Project would result in a total of 92.27 acres of disturbance with approximately 51.89 acres of that total being new surface disturbance. The proposed roads, roundabout, sidewalks, lighting, and staging areas are placed within the same corridor where practicable. Of the total proposed surface disturbance, approximately 51.89 acres would be fully reclaimed and 18.11 acres would be reseeded (but not re-contoured) during interim reclamation. The remainder (33.78 acres) would be stabilized and used as a working surface throughout the life of the proposed project, and would be fully reclaimed during final reclamation.

N27 (4-2)

N27 section (4-2) begins at a TEE intersection with N105 in Chinle and traverses north where the route terminates at the intersection of N7 for a length of 0.727 km (0.446 mile). The right-of-way is 24.38 meters (40 feet) left & right of the roadway centerline for a total area of 1.75 Ha (4.35 acres). No additional right-of-way will be obtained for this roadway project. A 24-foot-wide road, sidewalk, draining structures would remain

disturbed for the lifetime of the project. The remainder of the disturbed access road corridor (1.08 acres) would be reclaimed during the final reclamation activities.

Open Drainage Channel

A 20-foot-wide open channel structure would remain disturbed for the lifetime of the project. The remainder of the disturbed access channel corridor (1.2 acres) would be reclaimed during the final reclamation activities.

N7 (2-3)

The existing paved road ascends to the east by approximately 1% through the existing intersection location. The existing N7(2-3) right-of-way is 30.48m wide(15.24m left and right of the centerline) and 0.104 km (0.066 mile) and length. The Proposed Action will require an additional 0.33 Ha (0.82 acre) of land for the construction and maintenance of the roundabout.

Also, additional right-of-way will be needed to construct the roundabout intersection and pedestrian side walk. The right-of-way being acquired for the N7(2-3) roundabout project is provided in section 2.3.

N105

The beginning of project (BOP) and right-of-way begins for N105 at the intersection with N27 at station 0+030.00 m and ends at station 0+576.822 m. Acquiring additional right-of-way will provide area needed for the construction and maintenance as identified in section 2.3.

There is also an area outside the existing right-of-way that will need a construction easement for the purposes of performing countering of the topography to provide proper drainage and maintenance.

Temporary Construction Easements from edge of ROW for Maintenance

Station To Station	Length	Left	Right	Hectares	Acres
0+128 to 0+158.00	30.00 m	0.00	10.00 m	0.03	0.74
0+234.00 to 0+359.00	125.00 m	0.00 m	6.00 m	0.075	0.185
Grand Total				0.105	0.925

N27 (2-2) (2-3)

These two sections of roadway have right-of-ways of 96.43 hectares (238.18 acres) granted by **EA-95-126**. The Proposed Action to accommodate drainage construction will require an additional 7.03 hectares (17.36 acres) grant of right-of-way. See right-of-way tables in section 2.3.

Additional right-of-way from station 52+670 to 52+760 is being sought to relocate and develop a turnout for the users of the existing road. The turnout is being relocated from 52+700 to 52+750 on the left side. The relocation is due in part by the proposed road having a high pressure gas line and the turn out needs to be placed in a crest of a curve to provide better sight distance. If left at the current location poses safety concerns due to the natural gas line and reduces sight distance to motorist especially the elderly. This area will be an additional 0.81hectares or 2.00 acres.

2.4. Alternatives Considered but Eliminated from Detailed Study

Resurfacing - Resurfacing the N7(2-3)/N27(2-3)(4-2)/N105(1) portion of this project whether using the present roadway alignment and width, or combination thereof, is only a temporary solution to improving the traffic conditions of the existing paved roadways and would not address the drainage problems or future increase in traffic as a result of the proposed development that cannot handle the added capacity. This alternative would consist of grading and then applying 2-3 inches hot mix recycle road surface. Within one year of paving, an asphalt sealer would be applied. Re-surfacing is only practical for roads with an Average Daily Traffic (ADT) of between 50-250 vpd. Even if the roadway alignment and width were upgraded, the roadway surface would continue to have capacity problems at the N7/N27 junction along with poor drainage and periodic flooding. Resurfacing is not feasible on the N27 (2-2) (2-3) because it is an existing dirt road that is incised below the natural terrain resulting in constant impassable conditions during storms.

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

3. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

3.1. Methodology

3.1.1. Direct and Indirect Impacts

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

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

For the purposes of this analysis, the proposed project area is considered the area where surface disturbance would occur, that is the proposed; roadway alignments; drainage corridor; roundabout; and associated TUA's, staging area, and road pull outs. Impacts to the action area are based on predicted trends and typical current land uses. Impacts are defined as either being direct or indirect. The existing environments within the action area are described in detail for each resource in the following sections. Potential environmental effects are identified; evaluated; and classified as shown in section 3.3.2, Table 2. Effects were analyzed assuming Design Features and Best Management Practices listed in Section 2.3.3 are implemented to mitigate impacts. The analysis area will be a defined area with either a natural or human delineated boundary. Often, the analysis area is the watershed in which the action occurs. For some issues, the analysis area may be the Chinle community.

3.1.2. Cumulative Impacts

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

3.2. Air Resources

3.2.1. Affected Environment

1. Quality

The Chinle and Nazlini communities are classified as an attainment area (does not exceed Federal EPA air quality standards) for priority pollutants: Carbon monoxide, sulfur oxides, nitrogen dioxide, lead, ozone, volatile organic compounds, and particulate matter.

The Canyon De Chelly is a national park (NP) that is approximately 5 miles east of the Proposed Action and within the affected area. The park is part of the Southern Colorado Plateau Network which includes 19 other national parks. Of the 19, four (4) are designated as Class I area: Bandelier NP, Grand Canyon NP, Mesa Verde NP, and Petrified Forest NP; however, Canyon De Chelly NP is a designated as a Class II or non-attainment areas.

2. Climate

Climate within the Nazlini area is arid (Roybal et al., 1983). Moist air masses from the Pacific Ocean and the Gulf of Mexico account for the majority of precipitation that occurs in the Nazlini area. Vast land areas and mountain ranges separate the Navajo lands from moist tropical air masses. Consequently, air masses contain less moisture by the time they move across the Navajo Reservation (Goodman, 1982). Storms originating in the Nazlini area do not contain much moisture at the 3,000-7,000 foot elevations. The annual precipitation rate for the Nazlini area is 9.6 inches and most of this occurs during winter storms. Severe winter temperatures do not occur because the southern Rocky Mountains form an effective barrier against cold Canadian air masses.

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

3.2.2. *Impacts from Alternative B (the Proposed Action)*

The proposed action, like the "construction using existing roadway width and alignment," and the "gravel surfacing" alternative, would result in a temporary but insignificant increase in suspended dust particles from the construction site and temporary pollutant emissions associated with asphalt paving. Suspended dust particles would have low-to-no effect on air quality as the contractor will be required to use sprinkler trucks to water down the roadbed during construction. Temporary emissions would have low-to-no effect on air quality if emission control devices are properly installed and used during the paving operation. The Navajo Nation EPA Air Quality Office monitors compliance on asphalt plant emissions. The "no-action" alternative also produces airborne dust particles similar to the proposed action.

3.3. Water Resources

3.3.1. *Affected Environment*

Hydrology, Water Quality, Floodplains and Wetlands

Two intermittent washes occur in the construction area and drain into Nazlini Wash. Tse Deeshzhaai Wash intersects Nazlini Wash about 4 miles south of Chinle. Tahaithcheed Wash intersects Nazlini Wash approximately 4 miles north of Nazlini.

Tse Deeshzhaai Wash, Tahaithcheed Wash, and Nazlini Wash are classified as waters of the United States under the Clean Water Act (CWA) of 1982. Therefore, a determination is required under Section 404 of the CWA (33 CFR Parts 320-330). A condition of this permit requires the BIA NRDOT obtain water quality certification prior to initiating the proposed construction activities. For the Navajo Nation, this certification would be obtained from the Navajo Nation Environmental Protection Agency (EPA).

See Appendix E for previously obtained permits. New 401 & 404 permits will be obtained by the regulatory agencies prior to construction since the permits have expiration dates and the NRDOT will need the full length of the permit time to get all the work done before they expire. No wetlands or riparian habitats occur within the construction area.

Bridges over Nazlini and Tse Deeshzhaai washes would have their approaches constructed under phase one of the proposed project (Riley, pers. comm., 2015).

The depth to ground water in the construction area is less than 500 feet (Cooley et al., 1969). Wells within the construction area produce an average of 25-200 gallons per minute and contain less than 500-1000 milligrams per liter of dissolved solids (Goodman, 1982).

3.3.2. Impacts from Alternative B (the Proposed Action)

Direct and Indirect Impacts

Foreseeable effects to the water resources of the construction area from the proposed action, the "construction using existing roadway width and alignment," and the "gravel surfacing" alternatives are low. Surface water runoff from the roadway would increase initially until slopes stabilize from the vegetation recolonizing recontoured slopes within the highway right-of-way. The "no-action" alternative would have low effect on the water resources of the construction area (See Table 2 for a comparative analysis of the foreseeable effects of the proposed action and alternatives).

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

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

**Table 2. Comparative Analysis of the Foreseeable Effects of the
Proposed Action and Alternatives on the Combined Resources
Of the Construction Area**

Natural Resources	Proposed Action	A1	A2
Geological	Low, an initial increase in soil erosion until highway slopes stabilize from native vegetation recolonizing the recontoured slopes within the highway ROW.	Similar to PA.	Low.
Water	Low, an initial increase in surface water runoff from highway until slopes stabilize with native vegetation recolonizing recontoured slopes within the highway ROW.	Similar to PA.	Low.
Air Quality	Low, a temporary but insignificant increase in suspended dust particles associated with road construction activities and pollutant emissions generated during asphalt paving.	Low, similar to PA.	Low, similar to PA.
Biological	Low, minimal effect on wildlife because they would already be used to the existing roadway, traffic patterns, and noise.	Low, similar to PA.	Low.
Land-use	Beneficial effect, increased land use and development within construction area.	Similar to PA but not as beneficial.	Land use and development would continue at a low, sporadic rate.
Socioeconomic	Beneficial effect, improved access to public health care facilities, jobs, schools, and housing.	Similar to PA but not as beneficial.	Economic hardship for area residents. Increased vehicle repair and maintenance under existing road conditions.

Alternatives Abbreviated in Table 2:

A1: Reconstruction using the existing roadway width and alignment alternative

A2: No Action Alternative

Section 402(p) of the Clean Water Act specifies that storm water discharges from construction sites to waters of the United States, must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Storm water discharges are associated with construction sites (clearing, grading, and excavation) that disturb one or

more acres of land. Therefore, the BIA is required to file a Notice of Intent with Region 9 of the U.S. Environmental Protection Agency and must comply with the conditions of the general NPDES permit in addition to developing a pollution prevention plan for the Section 402(p) best management practices, including: sediment, erosion, and storm water management control measures. Therefore, the proposed construction activities would have no significant effect on water resources within the construction area.

Cumulative Impacts

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

3.4. Upland Vegetation

3.4.1. Affected Environment

The vegetation of the area is characteristic of the Great Basin Desert grassland (Brown, 1982): alkali sacaton (*Sporobolus airoides*), threeawn (*Aristida* spp.), galleta (*Hilaria jamesii*), Indian ricegrass (*Oryzopsis hymenoides*), and grama grass (*Bouteloua* spp.). At higher elevations within the construction area, a mixed conifer woodland occurs with sufficient rainfall: Utah juniper (*Juniperus osteosperma*), pinyon (*Pinus edulis*), and cliffrose (*Cowania stansburiana*). Greasewood (*Sarcobatus vermiculatus*) and saltcedar (*Tamarix pentandra*) grow in low-lying areas near the roadway where surface water runoff accumulates.

3.4.2. Impacts from Alternative B (the Proposed Action)

Direct and Indirect Impacts

There is no write up on the direct & indirect impacts to vegetative resources. During the construction phase of the project all vegetation within the 261.82 acre right-of-way could be cleared. During interim reclamation, approximately 92.27 acres will be reclaimed (re-contoured and reseeded).

Cumulative Impacts

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

- Livestock grazing
- Vegetation treatments

- Community development

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

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

3.5. Land Resources

3.5.1. Affected Environment

3.1 Land Resources

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

1. Topography

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

The proposed construction is located in the Chinle Valley of northeastern Arizona, approximately midway between the Black Mesa area and the Defiance Plateau. Black Mesa is a large highland to the west that rises 1,500 feet above the Chinle Valley. The Defiance Plateau is a large monocline located just west of Window Rock at an elevation of 8,000 feet.

2. Soils

Soils of the construction area were derived from weathered sedimentary materials and floodplain alluvium: Deep loamy, clayey or sandy soils (Miller, 1970).

3. Geology

The construction area overlies sedimentary deposits (sandstone, siltstone, and shale) varying in age from Recent (Quaternary) to the Cretaceous Period (Cooley et al., 1969).

Quaternary surficial deposits created from stream (fluvial) sediments which are widely distributed within the construction area: dune sands, playa lake deposits, and landslide deposits.

Cretaceous-aged rocks are represented by the Monitor Butte Member and the Petrified Forest Member of the Chinle Formation. The Monitor Butte Member consists of siltstone, sandstone, and limestone conglomerates. The Petrified Forest Member consists of claystone, siltstone, and sandstone..

3.5.2. *Impacts from Alternative B (the Proposed Action)*

Direct and Indirect Impacts

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

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

If borrow is needed the Contractor will need a sand and gravel permits from the Navajo Resource Committee prior to using these resources. The contractor will notify the Navajo Tribe of the location of borrow pits and water ponds to be used during construction. The contractor will provide an environmental assessment and archaeological clearance when applying for sand and gravel permits. This information

will be amended to the current environmental assessment for inclusion to additional direct, indirect, and cumulative impacts to relevant resources.

Cumulative Impacts

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

- Livestock grazing
- Vegetation treatments
- Community Development

3.6. Biological

3.6.1. Affected Environment

Biological

Endangered and protected species that may occur in the vicinity of the construction area were determined through consultation with the Navajo Fish and Wildlife Department (NFWD) and the U.S. Fish and Wildlife Service (USFWS). The NFWD is responsible for determining which species are included on the Navajo Endangered Species List or NESL. A biological resource compliance was issued with a no effect on threaten and endanger species (see Appendix D) .

Vegetation

The foreseeable effects of the proposed action on the biological resources of the construction area are low and would result in minimal disturbance. Wildlife in the construction area would already be tolerant of the existing roadway, traffic volume, and noise. The lack of perennial surface water bodies limits wildlife diversity and distribution within the construction area. Foreseeable effects of the "proposed action alignment," and the no-action," alternatives on the biological resources would be similar to the proposed action (See Table 2 for a comparative analysis of the foreseeable effects of the proposed action and alternatives.

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

Impacts from Alternative B (the Proposed Action)

Direct and Indirect Impacts

The foreseeable effects of the proposed action on the biological resources of the construction area are low and would result in minimal disturbance. Wildlife in the construction area would already be tolerant of the existing roadway, traffic volume, and noise. The lack of perennial surface water bodies limits wildlife diversity and distribution within the construction area. Foreseeable effects of the "proposed action alignment," and the no-action," alternatives on the biological resources would be similar to the proposed action (See Table 1 for a comparative analysis of the foreseeable effects of the proposed action and alternatives.

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

Cumulative Impacts

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

- Livestock grazing
- Vegetation treatments
- Community Development

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

3.7. Cultural Resources & Traditional Cultural Properties

3.7.1. Affected Environment

Cultural resource compliance was issued by the Navajo Nation Historic Preservation Department (NNHPD) for the undertaking. Fieldwork was completed on various dates as seen on the compliances in Appendix C. Realignment of the route was developed to avoid the sites found. The NNHPD agreed to grant clearance to the BIA with the following stipulations: A burial site located near the alignment will receive temporary fencing and be monitored during construction. In the event of discovery, road

construction would stop until the eligibility of cultural resources and traditional cultural properties within the roadway right-of-way can be determined by NNHPD.

3.7.2. Impacts from Alternative B (the Proposed Action)

Direct and Indirect Impacts

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

A programmatic agreement (PA) was signed between the Navajo Nation Historic Preservation Officer; State Historic Preservation Officers of New Mexico, Arizona, and Utah; and the Advisory Council on Historic Preservation; and addresses the Section 106 consultation process for BIA road construction projects on the Navajo Nation. This PA grants the Navajo Historic Preservation Department authority to assure compliance under Section 106 of the National Historic Preservation Act.

Cumulative Impacts

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

- Livestock grazing
- Vegetation treatments
- Community Development

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

3.8. Socioeconomics

3.8.1. *Affected Environment*

1. Employment and Income

Residents in the Nazlini area are members of the Nazlini Chapter House. However, employment and income statistics are not currently available for the Nazlini Chapter. Major employers in the Nazlini area include: the Nazlini Boarding School, the Navajo tribe, the Sage Memorial Hospital at Ganado, a Thriftway Store, a U.S. Post Service, the Ganado Public Schools, the Chinle Public Schools, and the Chinle Public Health Service (Navajo Nation Division of Community Development, 1993).

2. Demographics

The only demographic information available on the Nazlini Chapter is provided in Chapter Images ((Navajo Nation Division of Economic Development, 2004). The total population of the Nazlini Chapter was 1,139 in 2000. The total population of the Chinle Chapter was 8,294 in 2000.

3. Community Infrastructure

Law enforcement and fire protection are provided to the Nazlini Chapter by the Navajo Tribal Police and Fire Department located in Chinle. Health care facilities include: Chinle Indian Hospital and Sage Memorial Hospital located at Ganado (Navajo Nation Division of Economic Development, 1993). Communications include: television stations located in Flagstaff, Arizona, and Albuquerque, New Mexico; Various AM/FM radio stations located in Window Rock, Gallup, Cortez, and Flagstaff; and several daily newspapers. Recreation facilities include a library, an outside basketball courts, and baseball field (Navajo Nation Division of Economic Development, 1993). The nearest Navajo Transit System is located 17 miles away in Ganado. The nearest airport is located in Chinle.

3.8.2. *Impacts from Alternative B (the Proposed Action)*

Direct and Indirect Impacts

The foreseeable effects of the proposed action on the socioeconomic resources of the construction area are beneficial. Community and economic development within the Nazlini and Chinle area is dependent upon the condition of its roadways. Paved, all-weather roadways provide improved access to health care facilities, schools, housing, and jobs. The "No-action," is the least desirable alternative because it places an economic burden on area residents. Driving under poor road conditions increases maintenance costs for cars, trucks, and school buses (See Table 1 for a comparative analysis of the foreseeable effects of the proposed alternative and alternative).

Cumulative Impacts

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

- Vegetation treatments
- Community Development

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

4. SUPPORTING INFORMATION

4.1. Tribes, Individuals, Organizations, or Agencies Consulted

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

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

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

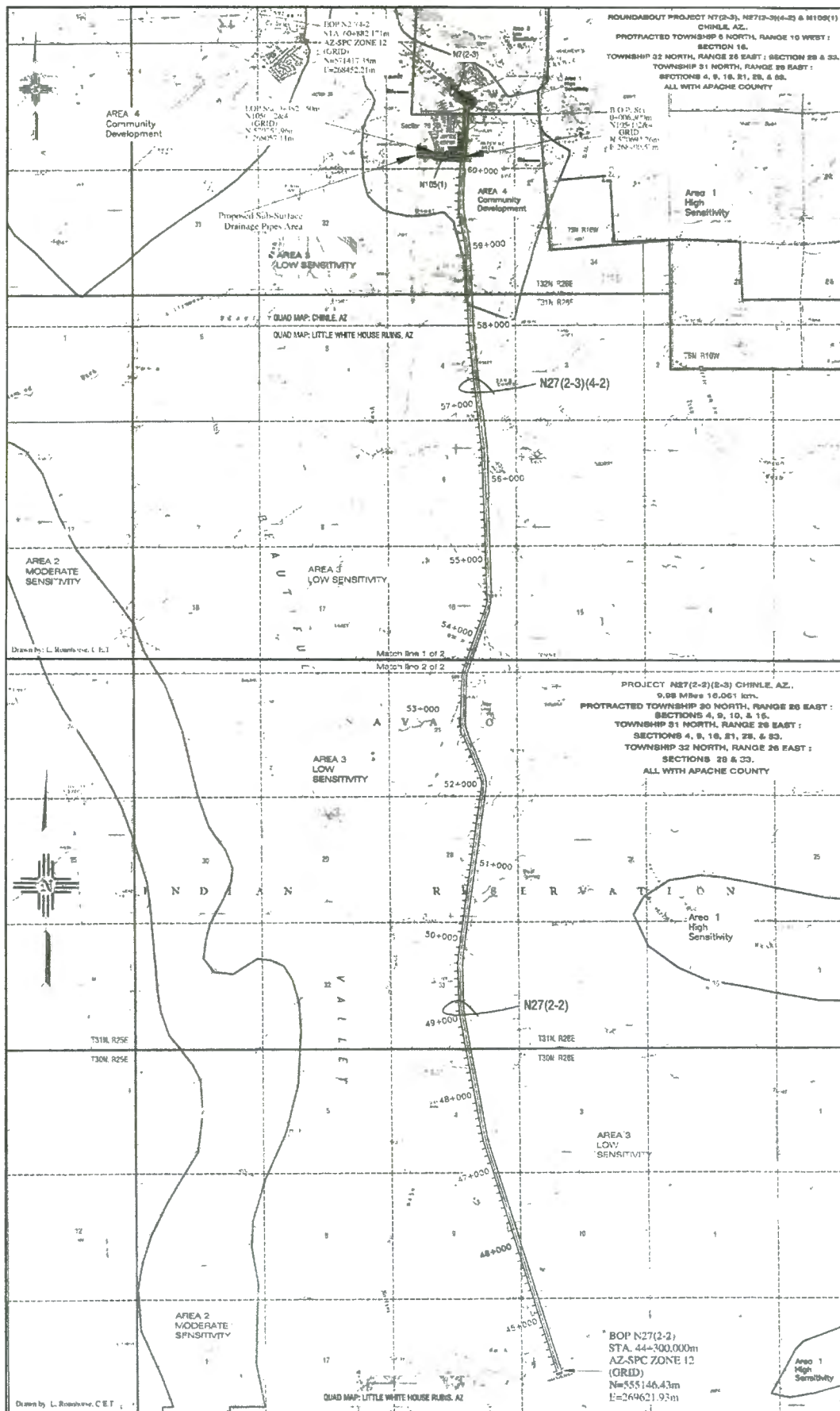
Hubbell, Ernest. 1990. Navajo Nation Overall Economic Development Program. Economic Development Committee, Navajo Nation Council, Window Rock, Arizona.

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

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

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

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



Project: N7(2-3)/N27(2-2)(2-3)(4-2)/N105(1)
Best Management Practices
Navajo Regional Division of Transportation

In order to avoid, reduce, or mitigate potentially adverse impacts during the construction of this project, the Navajo Regional Division of Transportation Contractor will incorporate the following best management practices (to the fullest extent).

1. Construct the project in accordance with the Manual for Standard Specifications for Construction of roads on Federal Highway Projects (FP-03), and in compliance with all applicable Navajo Tribal and Federal laws, codes, safety regulations, and executive orders.
2. The BIA Contractor will avoid any increase in sedimentation of bodies of water on or near the project by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the contract requirements. The Contractor will implement the SWPPP prior to any ground-disturbing activities. Adjustments in the SWPPP, during construction, shall be coordinated with the COR to insure compliance with the Clean Water Act.
3. The BIA Contractor shall stockpile the existing topsoil for uses in re-vegetation of borrow pits and roadway slopes, where feasible in accordance with the FP-03 and contract specifications.
4. The cut and fill volumes will be balanced as much as possible to avoid the use of borrow sources and all slopes shall be rounded to blend into the existing terrain. All disturbed ground on the project will be disked, seeded, mulched, and re-vegetated as described in section 625 of the supplemental specifications.
5. The following BMPs will be followed for all structural improvements, including any water pipelines, storage tanks, and troughs:
 - The pipeline would be ripped in the ground approximately 30 inches below the surface using a dozer or some other heavy equipment. All construction trash and debris would be removed from project site.
 - All equipment brought in from off the site will be power washed before entering the site to avoid the possible introduction and invasion of noxious and invasive weeds. All construction trash and debris would be removed from project site.
 - Ground disturbance from the heavy equipment would be re-seeded with a certified weed free seed mix. The seed would be suitable to area and match existing native species.
 - Existing Water sources used by wildlife would be left on yearlong.
 - Adequate wildlife escape ramps would be mandatory in the troughs to prevent entrapment and drowning of wildlife if the troughs are modified by the Contractor during construction.

- Any water storage would be with closed tops and any adequate wildlife escape ramps would be mandatory in the trough to prevent entrapment and drowning of wildlife.
- The storage tank and troughs would be painted with natural colors to match the surroundings for visual resource management (VRM) if they are highly visible from highway.
- If an archeological site is encountered, construction must cease in the area, and the COR and BIA Regional DOT office must be notified immediately.
- All water pipelines used on the project shall be placed along a flagged route in consultation with the COR; any deviation from the above stated stipulations and or specifications will require further consultation with the COR.
- Water bars shall be installed along the proposed route, where necessary, to reduce erosion.

6. Construction hours will be between 6:00 am and 8:00 pm, Monday through Saturday, (weather permitting) or as stated in the Special Contract Requirements. In high wildlife use areas, an alternate construction schedule may be used in consultation with the Navajo Fish and Wildlife Department and/or U.S. Fish and Wildlife Service.

7. The Contractor's camp and equipment storage area will be kept clean and free of oils, waste materials, and other litter at all times, to prevent such materials from entering bodies of water. All trash will be disposed of in accordance with EPA regulations and all camp sites and equipment storage areas will be restored to their natural condition at project completion (in accordance with Navajo Tribal permit requirements).

8. The Contractor will inspect daily all construction equipment for leaks and notify the BIA COTR/Project Manager on the removal of leaking equipment from the project site until the leaking equipment is repaired and spills cleaned up to the satisfaction of the Project Manager and Environmental Quality Office. Equipment will be washed down in a designated area to prevent transport of mud, noxious weeds, and other debris from leaving the project limits when transporting equipment off the project site. Such debris will be collected and hauled off to a disposal site by the Contractor. The Contractor must have a spill prevention plan in place to contain spills, mitigate the spills, and remove all the pollutants off the project to an approved waste repository.

9. **Noxious weed control Standard Operating Procedures** for work on Navajo Nation will be as follows:

- Ensure equipment involved in land disturbing actions, be clean of noxious weed seeds or propagative parts prior to entry on site. When working in areas with noxious weeds equipment should be cleaned prior to moving off site.
- Survey and inventory proposed work areas for noxious weeds; take reasonable measures to avoid spread of noxious weeds found (ie - cleaning equipment with pressure washers, stockpiling overburden material for later treatment, avoiding

driving through weed patches). Consult with the BIA regional DOT office on any known species of noxious weeds in the project area before construction begins.

- Use only certified weed free erosion control and re-vegetation materials (eg. mulch, seed, natural fiber mats).
- If fill dirt or gravel will be required, the source needs to be noxious weed free to the fullest extent possible.
- The site should be monitored for the life of the project for the presence of noxious weeds (includes maintenance & construction activities). If weeds are found the COR will be notified who will determine the best method for the control of the particular weed species in consultation with the NRDOT office.
- If at any time, populations of noxious weeds are encountered, construction must cease and measures must be taken to clear the right of way. The problem area would be sprayed with the appropriate herbicide. By law, the target weed must be listed on the label of the herbicide being applied, and the rate applied must be in accordance with the manufacturer's recommendations in accordance with section 109.02(m) of the supplemental specifications for this project. Known noxious weed sites within the project ROW should be monitored for the life of the project for the presence of noxious weeds (includes maintenance & construction activities). If weeds are found the COR will be notified and the COR will determine the best method for the control of the particular weed species and its control in accordance with section 109.02m of the contract specifications.
- It would be the Contractor's and COR's responsibility to have a weed control contractor monitor, control, and eradicate all invasive, non-native plant species within the proposed project construction limits as may be called for in the project contract documents. The weed-control contractor would contact the COR regarding acceptable weed-control methods plan. The Contractor would be required to submit a current Pesticide Use Proposal for the location prior to any pesticide application. The weed-control contractor must carry a current pesticide applicator' license and only use pesticides authorized for use on Navajo Nation lands. The use of pesticides would comply with federal and tribal laws, and used in accordance with their registered use and limitations. The weed-control contractor would contact the COR prior to using these chemicals and provide quarterly Pesticide Use Reports (PURs).
- Reclamation and re-vegetation of the work site will use species specified by the specifications. All seed should be certified weed free. The area will be monitored to determine the success of the re-vegetation, and re-vegetation may have to be continued until successful.
- Any need for noxious weeds treatment shall be in accordance with section 109.02(m) of the FP-2003.

10. All oils, fuels, lubricants, and hydraulic fluids will be kept in sealed storage containers and or facilities that meet EPA regulations for preventing contamination of the environment. Again a spill prevention plan must be in place.

11. Damage to trees and shrubs outside of the construction limits will be replaced by the Contractor at his expense as directed by the COR.

12. Parking and staging areas will be limited to the construction limits. Existing roads will be used for detours, storage of equipment, and the hauling of materials and water to the fullest extent possible. Storage areas within the construction limits will utilize existing disturbed areas and be kept as small as possible.

13. The installation of drainage structures will be undertaken in such fashion so as to minimize soil erosion and to provide for a minimum of 610 mm of cover over the pipe as measured from the roadway shoulder.

14. Structural replacements will be performed during periods of low- or no-flow periods to minimize water quality impacts. The Contractor shall install Lined waste pits for concrete or asphalt on the project in a level ground at least 100 feet away from any drainage and outside the construction limits. No dumping of waste concrete will be allowed on the project site except in the lined pits which will immediately be removed from the project once the concrete or asphalt work is finished. Any and all excess concrete and asphalt materials will be disposed of (off site) in accordance to EPA regulations and the FP-2003.

15. The Contractor will acquire Navajo water-use and aggregate material permits through the BIA and Navajo Tribal process, and follow all requirements of such permits, including royalties and environmental protection.

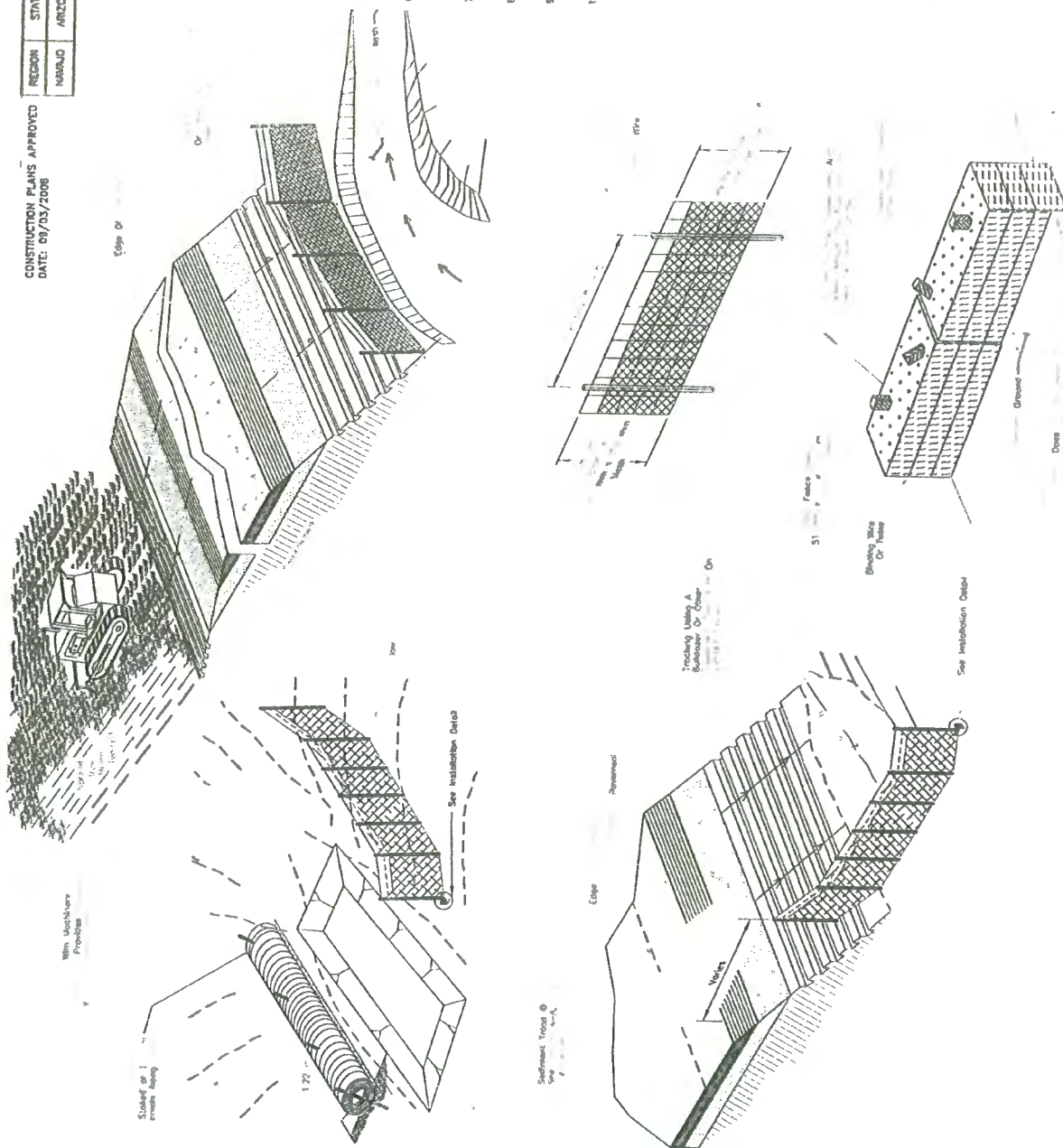
16. The Navajo Regional Division of Transportation and construction Contractor will acquire and comply with the following regulations regarding the Federal Clean Water Act:

- a) Section 404 permit
- b) Water Quality (Section 402) Certification
- c) National Pollution Discharge Elimination System (NPDES) permit and the Storm Water Pollution Prevention Plan

Notice to Proceed with work that may impact the waters of the US or Navajo Nation will NOT be issued until the 401, 402, 404 and other project permits are in place and the requirements are reviewed and discussed with the contractor.

17. Comply with all mitigation requirements concerning archaeological sites on or near the project site as defined in the compliance and contract documents.

1. THE CONTRACTOR SHALL PREPARE AND SUBMIT A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IN FULL COMPLIANCE WITH THE SWPPP ACT, FOR REVIEW AND APPROVAL AT LEAST 14 CALENDAR DAYS BEFORE IMPLEMENTATION. THE SWPPP SHALL BE SUBMITTED TO THE DISTRICT ENGINEER AND SECTION 157 OF THE SWPPP ACT AS ADOPTED BY THE STATE BOARD OF WATER CONTROL. SEE SPECIAL CONTRACT REQUIREMENTS FOR MORE DETAILED REQUIREMENTS.
2. THE SWPPP SHALL INCLUDE THE FOLLOWING:
 - a. EROSION CONTROL MEASURES: EROSION CONTROL MEASURES SHALL INCLUDE: 1) EROSION CONTROL MEASURES SHALL BE INSTALLED WITHIN 14 CALENDAR DAYS OF THE START OF CONSTRUCTION. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE PROJECT. EROSION CONTROL MEASURES SHALL BE REMOVED PRIOR TO FINAL ACCEPTANCE OF THE CONTRACTOR'S FINAL EROSION CONTROL MEASURES.
 - b. SEDIMENT CONTROL MEASURES: SEDIMENT CONTROL MEASURES SHALL INCLUDE: 1) SEDIMENT CONTROL MEASURES SHALL BE INSTALLED WITHIN 14 CALENDAR DAYS OF THE START OF CONSTRUCTION. SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE PROJECT. SEDIMENT CONTROL MEASURES SHALL BE REMOVED PRIOR TO FINAL ACCEPTANCE OF THE CONTRACTOR'S FINAL SEDIMENT CONTROL MEASURES.
 - c. STORM WATER POLLUTION PREVENTION MEASURES: STORM WATER POLLUTION PREVENTION MEASURES SHALL INCLUDE: 1) STORM WATER POLLUTION PREVENTION MEASURES SHALL BE INSTALLED WITHIN 14 CALENDAR DAYS OF THE START OF CONSTRUCTION. STORM WATER POLLUTION PREVENTION MEASURES SHALL BE MAINTAINED THROUGHOUT THE PROJECT. STORM WATER POLLUTION PREVENTION MEASURES SHALL BE REMOVED PRIOR TO FINAL ACCEPTANCE OF THE CONTRACTOR'S FINAL STORM WATER POLLUTION PREVENTION MEASURES.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
NAVAJO REGIONAL OFFICE • DIVISION OF TRANSPORTATION

STORMWATER POLLUTION AND
EROSION/SEDIMENT CONTROL DETAILS

DRAWN BY:	LST	DATE:	07/1999
DESIGNED BY:	D.O.T.	DATE:	07/1999
REVISED:	4/2009	FILENAME:	ERO1
BY:	DESIGN 1	SCALE:	NTS

REGION	STATE	RESERVATION	ROUTE	PROJECT NO.	SHEET	TOTAL SHEETS
NAVALJO	ARIZONA	NAVALJO				

CONSTRUCTION PLANS APPROVED
DATE: 09/03/2000

1. SEE SHEET 15 FOR ADDITIONAL NOTES AND DETAILS.

2. CONSTRUCT SEDIMENT BASIN AND TRAPS. EROSION CHECKS AND/OR FLOODS IN EXISTING LOCATIONS ON THE PROJECT TO FASTER STORM FLOODS. EROSION CHECKS AND/OR FLOODS IN EXISTING LOCATIONS ON THE PROJECT TO FASTER STORM FLOODS. EROSION CHECKS AND/OR FLOODS IN EXISTING LOCATIONS ON THE PROJECT TO FASTER STORM FLOODS.

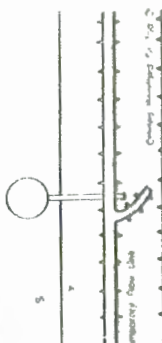
3. CLEAN ALL SEDIMENT BASIN AND TRAPS OF ACCUMULATED SEDIMENT WHEN MAINTENANCE IS REQUIRED.

4. USE BRUSH, ROCKS, COTTONWOOD, OR GRASS-AND-WOODS FOR TEMPORARY SLOPE STABILIZATION TO CHANNEL, BENTONITE DOWN SLOPE CHANNEL, WATER INTO SLOPE CHANNELS WITH STRAW BALE, WHITELI, OR OTHER BENTONITE CONSTRUCTED AT THE TOP OF A CUT SLOPE. AROUND SLOPE STABILIZATION TO THE SLOPE.

5. THE CONTRACTOR SHALL ADJUST THE DIMENSIONS AND/OR LOCATIONS OF THE SEDIMENT BASIN AND TRAPS TO FIT ACTUAL FIELD CONDITIONS.

6. BRUSH AND BENTONITE OF EROSION CONTROL MEASURES WHEN THE REMAINING EROSION CONTROL MEASURES ARE SATISFACTORY. ESTABLISHED AND "DRAINAGE" DITCHES AND CHANNELS ARE LINED AND STABILIZED, IN ACCORDANCE WITH SECTION 157 OF F&D-02.

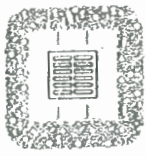
7. THE CONTRACTOR IS ENCOURAGED TO USE STRAW ROLLS (WHITELI) IN PLACE OF STRAW BALES AND SET FENCES IN ORDER TO PREVENT STOCKS FROM ENTERING THE SEDIMENT BASIN OR TRAPS. STRAW ROLLS SHALL BE PLACED ON CLOSURE SPACINGS (10 FEET) IN DITCHES ARE ON STEEPER 15 FEET) IN DITCHES LESS THAN 100 FEET, BUT WILL NOT NEED TO BE REMOVED AT THE END OF THE PROJECT.



Machine Band with
2" x 4" x 1/2" x 1/2"
inside of loop.



NOTES:
1. SLOPE SURFACES SHALL BE FREE OF ROCKS, CLIPS, STICKS AND CHIPS.
2. PERMANENT SEEDING SHALL BE USED SOIL CONTACT.
3. LAY BLANKETS LOOSELY AND STAKE OR STAPLE TO MAINTAIN DIRECT CONTACT WITH THE SOIL DO NOT STRETCH.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
NAVALJO REGIONAL OFFICE • DIVISION OF TRANSPORTATION

STORMWATER POLLUTION AND
EROSION/SEDIMENT CONTROL DETAILS

DESIGNED BY	DATE	04/10/07
REVIEWED BY	DATE	12/07
SCALE	1" = 10'	



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

ROUTING: COPIES TO

<u>Arizona</u>	SHPO	NNHPD NO. <u>HPD-92-471.2</u>
<u>X</u>	ACHP	OTHER PROJECT NO.
<u>X</u>	REAL PROPERTY MGT/330	<u>BIA-BOR N27-35274</u>
<u>X</u>	BIA-NAO-BOR (Attn: Harold Riley)	<u>SWCA Report 96-149</u>
<u>X</u>	Steve Manke, BIA-BOR, Chinle Agency	
<u>X</u>	Navajo Nation Historic Preservation Department	
<u>X</u>	Pueblo of Acoma, Governor's Office	
<u>X</u>	Pueblo of Laguna, Governor's Office	
<u>X</u>	Pueblo of Zia, Governor's Office	
<u>X</u>	Pueblo of Zuni, Heritage and Historic Preservation Office	
<u>X</u>	The Hopi Tribe, Cultural Preservation Office	

PROJECT TITLE: Cultural Preservation in Beautiful Valley: Ethnographic and Archaeological Investigations Along Navajo Route 27, Apache County, Arizona by Newton and Gilpin

LEAD AGENCY: Bureau of Indian Affairs, Navajo Area Office

SPONSOR: Wilfred Frazier, Bureau of Indian Affairs, Navajo Area Office, Branch of Roads

PROJECT DESCRIPTION: The undertaking will involve upgrading and paving of existing Navajo Route 27 involving intensive and extensive ground disturbance with heavy equipment. The proposed right-of-way is 20.3 miles (32.6 km) in length with a width of 200-ft (60.9 m). The entire route will be bladed, graded, paved, and drainage facilities will be constructed as needed.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Nazlini; Chinle

LOCATION: The project area is located between the communities of Nazlini and Chinle, Arizona. The project starts just south of Chinle at the junction of Navajo Route 27 and N7, and ends near the Nazlini Chapter House.

	Township	Range	Zone	Northing	Easting	7.5' USGS Quad Map
B.O.P.	5N*	10W*	12	4000660	630060	Chinle, Ariz, 1982
E.O.P.	3N*	10W*	12	3973940	640250	Nazlini, Ariz, 1983

*Navajo Baseline

CULTURAL RESOURCE PROFESSIONAL: Archaeologists: Dennis Gilpin, Ginny Newton, Pandy Fox; Ethnographers: Ginny Newton, Shirlene Jim, Jonathan Manygoats

NAVAJO ANTIQUITIES PERMIT NO.: B9366-11 and 12 (Amendments 1, 2, and 3)

DATE INSPECTED: Archaeology: September and October 1993; October 1994; September 1996; Ethnography: Between August 30 to October 12, 1993, between July 12 and 14, 1993, between December 8 and 10, 1993, between January 14 and 16, 1994, and between September 3 and 6, 1996.

DATE OF REPORT: September 3, 1998

TOTAL ACREAGE INSPECTED: 492 acres

METHOD OF INVESTIGATION: Archaeology: Class III pedestrian inventory with transects spaced 15m apart. Ethnography: Interviews with 112 community members, chapter officials, grazing permit holders; all were interviewed in regards to traditional cultural properties (TCPs), historical properties and burials located in the Right-of-Way.

LIST OF CULTURAL RESOURCES FOUND:

64 Properties comprising 82 components

Twelve (12) Prehistoric Sites

Nine (9) Navajo Traditional Cultural Properties (TCPs)

Six (6) Multi-component Sites (Anasazi and Navajo)

Five (4) Navajo Burials

Two (2) Navajo Sites

Thirty-eight (38) Isolated Occurrences

LIST OF ELIGIBLE PROPERTIES: AZ-I-52-29, AZ-I-52-32, AZ-I-61-20, AZ-I-61-22, AZ-I-61-23, AZ-I-61-24, AZ-I-61-25, AZ-I-61-26, AZ-I-61-27, AZ-I-61-28, AZ-I-61-32, AZ-I-61-33, AZ-I-61-34, AZ-I-61-36, AZ-I-61-37, AZ-I-61-38, AZ-P-4-5, AZ-P-4-7, AZ-P-4-8, AZ-P-4-9, AZ-P-4-10, AZ-P-4-11, AZ-P-4-12, AZ-P-4-13, AZ-P-4-16, AZ-P-4-18, AZ-P-4-21, AZ-P-4-22, AZ-P-4-24, AZ-P-4-25, AZ-P-4-26, AZ-P-4-27, AZ-P-5-5, AZ-P-5-24, AZ-P-5-25, AZ-P-5-29, AZ-P-5-30, AZ-P-5-32, AZ-P-5-33, AZ-P-5-40, AZ-P-5-41. 41.

LIST OF INELIGIBLE PROPERTIES: AZ-I-52-27, AZ-I-52-28, AZ-I-52-30, AZ-I-52-31, AZ-I-52-33, AZ-I-52-34, AZ-I-61-21, AZ-I-61-30, AZ-I-61-31, AZ-I-61-35, AZ-P-4-14, AZ-P-4-15, AZ-P-4-17, AZ-P-4-19, AZ-P-4-20, AZ-P-4-23, AZ-P-5-39, AZ-P-5-40, AZ-P-5-41, AZ-P-5-42. SWCA-N27-21, SWCA-N27-36, SWCA-N27-37, SWCA-N27-42.

LIST OF ARCHAEOLOGICAL RESOURCES: AZ-I-52-27, AZ-I-52-29 (Component 1), AZ-I-52-32, AZ-I-52-34 (C-1), AZ-I-61-21, AZ-I-61-22 (C-1), AZ-I-61-27, AZ-I-61-33 (C-1), AZ-I-61-36, AZ-I-61-38 (C-1), AZ-P-4-5, A-P-4-9, A-P-4-13, A-P-4-14, A-P-4-15, A-P-4-16, A-P-4-17, A-P-4-18, A-P-4-19, A-P-4-20, A-P-4-21, A-P-4-22, A-P-4-23, A-P-4-24, A-P-4-25, A-P-4-26, AZ-P-5-24, AZ-P-5-40, AZ-P-5-41, AZ-P-5-42.

EFFECT/CONDITIONS OF COMPLIANCE: Pursuant to Stipulation 3 (g) of A Programmatic Agreement Among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation

Department, Roads Planning Section, Within the Boundaries of the Navajo Nation, the Navajo Nation has determined that the project will have no adverse effect on historic properties provided that the BIA ensures adherence to the following conditions:

- 1) AZ-I-52-29, AZ-P-4-13, AZ-P-4-16, AZ-P-4-18, AZ-P-4-21, AZ-P-4-22, AZ-P-4-24, AZ-P-4-26, AZ-I-61-22, AZ-I-61-27, AZ-I-61-38, A-P-4-7, AZ-P-4-8, AZ-P-4-9: The BIA shall ensure that nature and extent testing plans are prepared, reviewed and implemented as outlined in the testing proposal (Proposal for Archaeological Testing on Navajo Route 27, Apache County, Arizona; HPD 97-048) on pages 38-71.
- 2) AZ-I-52-27, AZ-I-52-28, AZ-I-52-30, AZ-I-52-31, AZ-I-52-33, AZ-I-52-34, AZ-I-61-20, AZ-I-61-21, AZ-I-61-24, AZ-I-61-25, AZ-I-61-26, AZ-I-61-28, AZ-I-61-29, AZ-I-61-30, AZ-I-61-31, AZ-I-61-32, AZ-I-61-34, AZ-I-61-35, AZ-I-61-36, AZ-I-61-37, AZ-P-4-11, AZ-P-4-12, AZ-P-4-14, AZ-P-4-15, AZ-P-4-17, AZ-P-4-19, AZ-P-4-20, AZ-P-4-23, AZ-P-4-25, AZ-P-4-27, AZ-P-5-5, AZ-P-5-30, AZ-P-5-32, AZ-P-5-33, AZ-P-5-39, AZ-P-5-40, AZ-P-5-41, AZ-P-5-42: no further treatment measures beyond recordation are recommended or warranted at this time.
- 3) AZ-I-61-23 (water well): the site shall be avoided by reducing the ROW width to 150 feet (46 m), 75 feet (23 m) on each side of the centerline between stations 109 and 110.
- 4) AZ-I-61-33 (C-1 lithic scatter; C-2 TCP): the site shall be avoided by realigning the centerline 100 feet (30.5 m) east of the proposed centerline between stations 350 and 352.
- 5) AZ-P-4-5 (Forked-stick hogan with burial): the site lies outside the ROW; however, prior to construction the BIA-BOR shall place a fence 25 feet (7.6 m) before and after station number 550 along the eastern edge of the ROW.
- 6) AZ-P-4-10 (historic habitation): the centerline shall be realigned and moved 70 feet (21.3 m) west of the proposed centerline. Furthermore, prior to construction the BIA-BOR shall place a fence 25 feet (7.6 m) before and after station numbers 585 and 586 along the eastern edge of the ROW.
- 7) AZ-P-5-24 (prehistoric habitation): the site has been avoided by realigning the N27 ROW near station 845.
- 8) AZ-P-5-25 (hogan burial): the site has been avoided by realigning the N27 ROW 150 (45.7 m) feet to the south-southwest near stations 848 to 849.
- 9) AZ-P-5-29 (historic habitation): the site lies outside the ROW; however, prior to construction the BIA-BOR shall place a fence 25 feet (7.6 m) before and after station numbers 1004-1005 along the northern edge of the ROW.

- 10) All construction traffic shall be confined to the area-of-effect.
- 11) A report documenting the result of monitoring activity shall be submitted to NNHPD within 45 days of the completion of monitoring activities on the project.

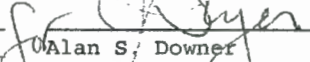
The BIA shall also insure that all borrow areas, material source areas, staging areas, access routes, and any other such areas are inventoried for cultural resources prior to any ground disturbance associated with these areas. Prior determinations made by any federal agency that use of an area would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


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

FORM PREPARED BY: Peter J. Kakos

FINALIZED: October 15, 1998

Notification to Proceed

Recommended: Yes X No _____
Conditions: Yes X No _____

Alan S. Downer
Navajo Nation Historic Preservation Officer
12.10.98
Date

Agency Approval: Yes X No _____

BIA Area Director
12/28/98
Date



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

NNHPD NO. 92-471

OTHER PROJECT NO. _____

BOR-92-007

Sponsor # N27 (4-3) 2 & 4GT/330
Roads

** 5.6 miles
 * already constructed*

A Cultural Resources Reassessment Survey for
 Construction Project BIA Roads Project N27 (4-3)
 Nazlini, Apache County, Arizona (Trianni 1992);
 of April 18, 1995, from Dennis Gilpin, SWCA, INC.
 Environmental consultants, to Reid Nelson, Navajo Nation Historic
 Preservation Department, Roads Planning Program (Gilpin 1995).

LEAD AGENCY: Bureau of Indian Affairs, Navajo Area Office,
 Branch of Roads

SPONSOR: Wilfred Frazier, Bureau of Indian Affairs, Navajo Area
 Office, Branch of Roads

PROJECT DESCRIPTION: The undertaking will include the
 realignment, construction and paving of the southern portion of
 Navajo Route 27. This undertaking will involve construction
 along approximately the southern 5.6 miles of N27, with a right-
 of-way of 200 feet. The road improvement project begins at
 Station No. 775 and continues 29354 feet south and southeast to
 Station 1068+53.66, just north of Nazlini, Arizona. During the
 course of the proposed undertaking extensive ground disturbance
 is anticipated with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER(S): Chinle and Nazlini

LOCATION: Chinle and Nazlini, Apache County, Arizona.

B.O.P.- unplatted; Township 3 North, Range 10 West (projected)

E.O.P.- unplatted; Township 3 North, Range 10 West (projected)

PROJECT ARCHAEOLOGIST(S): (a.) Robert J. Trianni; (b.) Dennis
 Gilpin, Ginny Newton, and Randy Fox.

PROJECT ETHNOGRAPHER (b.): Ginny Newton.

NAVAJO ANTIQUITIES PERMIT NO.: (a.) Navajo Tribal Code;
 (b.) B9366-12.

DATE INSPECTED: (a.) May 16 to June 14, 1992; (b.) October 10 to
 21, 1994.

DATE OF REPORT: (a.) August 18, 1992; (b.) April 18, 1995.

TOTAL ACREAGE INSPECTED: (a.) 490.6 acres (198.7 ha); (b) 490.6
 acres (198.7 ha).

METHOD OF INVESTIGATION: Archaeological Methods: Class III pedestrian survey with transects spaced no more than 15 meters apart. Ethnographic Methods: Interviews with local residents, knowledgeable individuals, and chapter officials.

LIST OF CULTURAL RESOURCES FOUND:

Ten (10) sites.

One (1) In-Use Site.

LIST OF ELIGIBLE PROPERTIES:

AZ-P-5-24

AZ-P-5-5

AZ-P-5-27

AZ-P-5-29

AZ-P-5-30

AZ-P-5-32

LIST OF NON-ELIGIBLE PROPERTIES:

AZ-P-5-25

AZ-P-5-28

AZ-P-5-31

AZ-P-5-33

LIST OF ARCHAEOLOGICAL RESOURCES:

AZ-P-5-24

EFFECT/CONDITIONS OF COMPLIANCE: Pursuant to Stipulation 3 of "A Programmatic Agreement among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section within the Boundaries of the Navajo Nation," the Navajo Nation Historic Preservation Department has determined that this undertaking will have **no adverse effect** on historic properties, provided that the BIA insure that the following stipulations are followed:

AZ-P-5-27 is a Second Night area for an Enemy Way ceremony (Anaa'ji), and is partially located within the right-of-way near Station 785. Local residents have indicated no objections to the road passing through this area since it will not interfere with the continued practice of this ceremony. Therefore, the undertaking as proposed will not affect those characteristics that contribute to the site's eligibility to the National Register of Historic Places.

AZ-P-5-24 is a Basketmaker II habitation site, and is located between stations 844-845. The site will be avoided by the use of a surveyed reroute. The site boundary shall be fenced under the supervision of a qualified archaeologist prior to any ground disturbing activity. All ground disturbance within 50 feet of the site boundary shall be monitored by a qualified archaeologist.

AZ-P-5-5 is an Enemy Way site, and is located within the right-of-way near Station 964. Local residents have indicated no objections to the road passing through this area since it will not interfere with the continued practice of this ceremony. Therefore, the undertaking as proposed will not affect those characteristics that contribute to the site's eligibility to the National Register of Historic Places.

AZ-P-5-29 Navajo habitation component: Located adjacent to the right-of-way near Station 1005. This component will be avoided by the undertaking. Due to its close proximity to the right-of-way, the site boundary shall be fenced under the supervision of a qualified anthropologist prior to any ground disturbing activity. No monitoring is necessary.

AZ-P-5-29 (continued) Navajo Yei bi chei component: Located partially within the right-of-way near Station 1005. One feature (a ramada) will be dismantled as part of the project. Local residents have indicated no objections to the road passing through this area since it will not interfere with the continued practice of this ceremony. Therefore, the undertaking as proposed will not affect those characteristics that contribute to the site's eligibility to the National Register of Historic Places. The site boundary shall be fenced under the supervision of a qualified anthropologist prior to any ground disturbing activity. No monitoring is necessary.

A brief letter report documenting the success of all of the stipulated fencing and monitoring efforts shall be submitted to NNHPD-CRCS within 60 days of the completion of monitoring.

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

FORM PREPARED BY: Peter J. Kakos
FINALIZED: July 26, 1995

Notification to
Proceed Recommended:
Conditions:

Yes ☒ No ☐
Yes ☒ No ☐


Alan Downer
Navajo Nation Historic
Preservation Officer

2/31/95
Date

Agency Approval:

Yes ☒ No ☐


Wilson Barber, Jr.
Area Director

8/8/95
Date

**FILE COPY** ^{em} 6/30/11

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

CULTURAL RESOURCE COMPLIANCE FORM**ROUTE COPIES TO:**

- ☒ FHWA
☒ NNDOT

NNHPD NO.: HPD-15-403**OTHER PROJECT NO.: NNDOT 14-015**

PROJECT TITLE: A Cultural Resources Inventory of Eight (8) Newly Scattered Areas Along N27 Road in the Vicinity of Chinle/Nazlini, Apache County, Arizona

LEAD AGENCY: FWHA

SPONSOR: Harold Riley, BIA-Navajo Road DOT, PO Box 1060, Gallup, New Mexico 87306-1060

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of earthen dikes, turnouts and inlets along N27 roadway at eight locations. Proposed activities include grading, backfilling, build-up of soil, compaction, drainage work and reseeding. The area of effect is 10.0-acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust
CHAPTER:	Chinle
LOCATIONS:	Project is located on the Chinle & Little White House Ruins Quadrangles, Apache County, Arizona G&SRPM
	<u>T. 32 N, R. 26 E – Section 33</u>
	<u>T. 31 N, R. 26 E – Section 04, 09, 21, 33</u>
	<u>T. 30 N, R. 26 E – Section 09, 10</u>

PROJECT ARCHAEOLOGIST: Lenora Etsitty
NAVAJO ANTIQUITIES PERMIT NO.: NTC
DATE INSPECTED: 2014
DATE OF REPORT: 09/30/14
TOTAL ACREAGE INSPECTED: 10.0 – ac

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

LIST OF CULTURAL RESOURCES FOUND: (1) Isolated Occurrence (IO); (9) In-Use Area (IUA)
LIST OF ELIGIBLE PROPERTIES: None
LIST OF NON-ELIGIBLE PROPERTIES: (1) IO; (9) IUA
LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly 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: Tamara Billie
FINALIZED: June 22, 2015

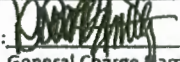

Notification to Proceed
Recommended
Conditions:

- ☒ Yes ☐ No
☐ Yes ☒ No

The Navajo Nation
Historic Preservation Office

6/22/15
Date

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.:		2. (HPD USE ONLY):	
3. TITLE PF REPORT: A Cultural Resource Inventory of Eight (8) Newly Scattered Areas along N27 Road, in the vicinity of Chinle/Nazlini, Apache County, Arizona. Authors Name: Lenora Etsitty, Archaeologist		4. FIELDWORK DATES: 5. REPORT DATES: September 30 th , 2014	
6. CONSULTANT NAME AND ADDRESS: Gent. Charge: Project Management; Archaeological Department Phone: (505) 371-8300 Org. Name: Navajo Nation Division of Transportation (Navajo DOT) Org. Address: Navajo Transportation Complex #16 Old Coal Mine Road Mentmore, NM 87319		7. PERMIT NO.: NTC 8. CONSULTANT REPORT NO.: Navajo DOT 14-015	
9. SPONSOR NAME AND ADDRESS: Ind. Responsible: Harold Riley Phone: (505) 863-8281 Org. Name: BIA-Navajo Road DOT Org. Address: N/A P.O. Box 1060 Gallup, NM 87306-1060		10. SPONSOR PROJECT NO.: N/A 11. AREA OF EFFECT: 10.0 ac 12. AREA SURVEYED: 28.0 ac	
13. LOCATION (Map Attached): a. Chapter: Chinle b. Agency: Chinle c. County: Navajo d. State: Arizona e. UTM Center: Zone 12; See Page 2 f. Land Owner/User Name: Tribal Trust g. Area: See Page 2 h. 7.5' Map Name: Chinle, Arizona, (Provisional Edition 1982) Little White House Ruin, Arizona (Provisional Edition 1982)			
14. REPORT/x/ OR SUMMARY (Report Attached)// OR PRELIMINARY REPORT//: a. Description of Undertaking: The undertakings consist of eight (8) newly scattered Areas (1-8), to constructing the Earthen Dikes, Turnouts and Inlets along N 27 in the vicinity of Chinle/Nazlini, Apache County, AZ. Proposed construction and maintenance activities will include grading, backfilling, buildup soil, compaction, drainage work and reseeding. Due to the washout during the torrential rain falls. Total area of effect is 10.0 acres (4.04 ha). At 0.1 mile is Earthen Dike (east) for 0.297 ac; 1.0 mile Turnout (east) or 0.148 ac; 2.1 miles Turnout (east) for 2.823 ac; 2.5 miles Inlet (west) for 0.247 ac; 4.7 miles Turnout (west) for 0.334; 6.5 miles Turnout (east) for 2.224 ac; 9.4 miles Earthen Dikes (east) for 1.730 ac; and 9.9 miles Earthen Dike (east) 2.243. b. Existing Data Review: The existing archival data is established with the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock, AZ. Four previous recorded projects HPD 84-657, 93-005, 93-449,95-556, 00-200, 00-270, 04-459, 05-1122, 06-1052 and 07-892 located within the survey corridor. A research at the NNHPD-Traditional Cultural Property (TCP) provided three known TCPs and/or scared site recorded in the vicinity. The TCP was recorded are all located outside the project area. c. Area Environmental & Cultural Setting: The proposed projects is located west/northwest and north of the Black Mesa Chapter House. Vegetation in the area include: Sage brush (<i>Artemisia tridentata</i>), Rabbit brush (<i>Chrysothamnus nauseosus</i>), Snakeweed (<i>Gutierrezia sarothrae</i>), Russian Thistle (<i>Salsola Kali</i>), Cholla cactus (<i>Opuntia whipplei</i>), Prickly pear cactus (<i>Opuntia monacantha</i>), Shadscale (<i>Atriplex confertifolia</i>) and Greasewood (<i>chenopodiaceus</i>). d. Field Methods: Mr. Taft Blackhorse, Department Manager for Project Management with Navajo DOT has shown Ms. Etsitty the current project location. The entire area investigated using Class III (100%) level, pedestrian survey strategy utilizing parallel transects spaced about 15 meters apart. Total area inspected 28.0 acres (11.3 ha.), which including the 200 ft. radius. All UTM's were point located with a Garmin 12 XL GPS unit (NAD 1983 UTM, Zone 12, meters, GIS grade). Mr. Julius Tulley, Navajo DOT Navajo Cultural Specialist conducted the ethnographic interviews residents along the project area. No TCP's were identified in or adjacent to the proposed project area.			
15. CULTURAL RESOURCE FINDING: a. location/identification of Each Value: See Page 2 b. Evaluation of Significance of Each Value (above): See Page 2			
16. MANAGEMENT SUMMARY (Recommendation): See Page 4			
17. CERTIFICATION: Signature:  Date: Jan 08, 2015 General Charge Name: Lenora Etsitty, Archaeologist Project Management, Navajo Division of Transportation Signature:  Date: 01/08/15 General Charge Name: Taft Blackhorse, Department Manager Project Management, Navajo Division of Transportation			

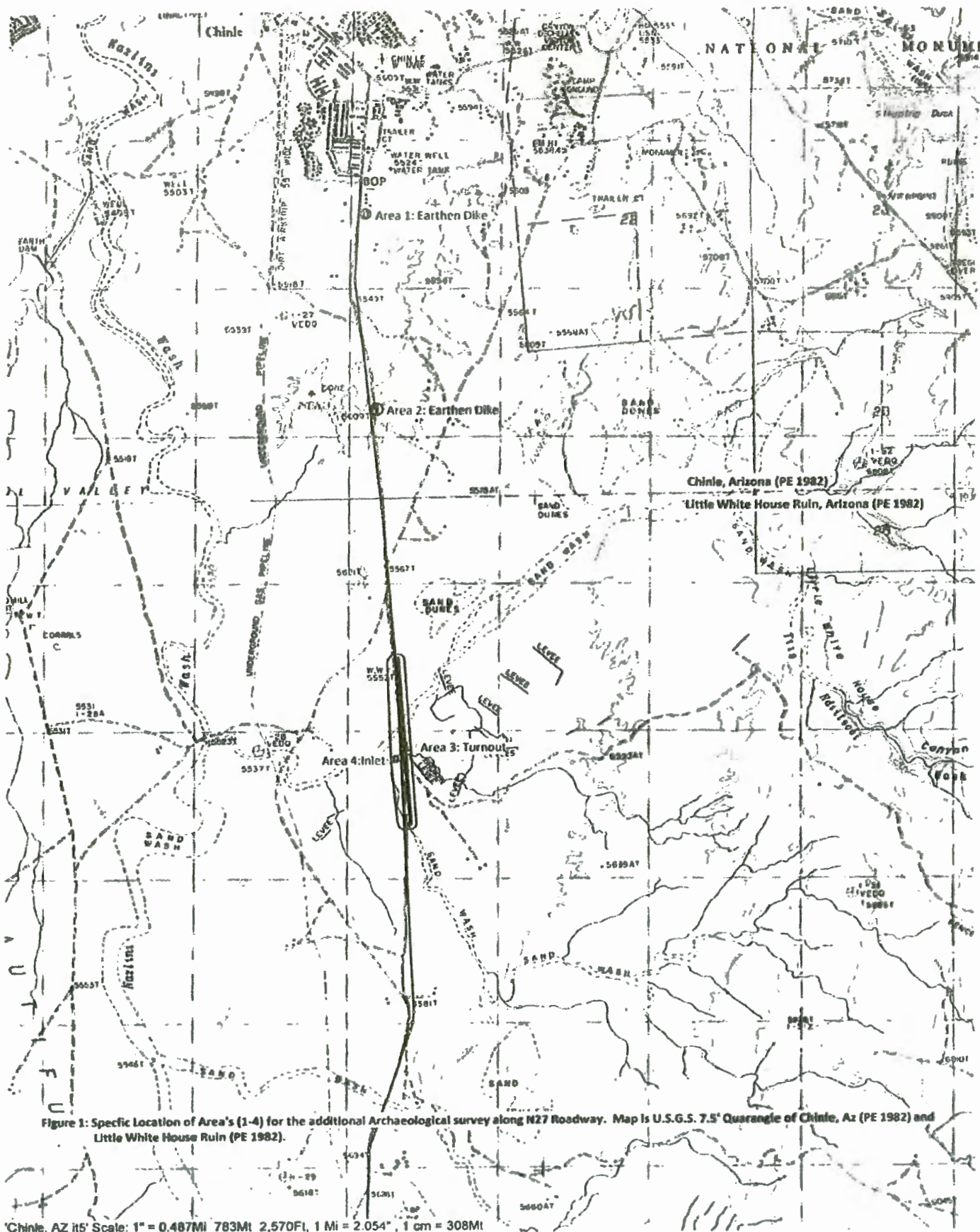
13. Location:

e. UTM Coordinates: Zone 12

TABLE 1: Specific Location of Points/UTM coordinates for the additional arch survey along N 27 Road.

Locations	UTM's Coordinates and Legal Descriptions	U.S.G.S. Map
0.1 mile, Area 1: Earthen Dike (east) for 0.297 ac		
NW)	N 4000719m E 630023m, NW¼ NE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
NE)	N 4000718m E 630053m, NW¼ NE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
SE)	N 4000678m E 630050m, NW¼ NE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
SW)	N 4000680m E 630020m, NW¼ NE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
1.0 mile, Area 2: Turnout (east) for 0.148 ac		
NW)	N 3999412m E 630116m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
NE)	N 3999413m E 630126m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
SE)	N 3999353m E 630129m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
SW)	N 3999352m E 630119m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
2.1 miles, Area 3: Turnout (east) for 2.823 ac		
NW)	N 3997703m E 630267m, SW¼ SE¼, Sec. 4, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
NE)	N 3997704m E 630277m, SW¼ SE¼, Sec. 4, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
SE)	N 3996566m E 630367m, NE¼ SE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
SW)	N 3996566m E 630357m, NE¼ SE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
2.5 miles, Area 4: Inlet (west) for 0.247 ac		
NE)	N 3997032m E 630267m, SW¼ NE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
NW)	N 3997031m E 630251m, SW¼ NE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
SW)	N 3996991m E 630253m, SW¼ NE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
SE)	N 3996992m E 630278m, SW¼ NE¼, Sec. 9, T31N R26E,	Chinle, AZ (Provisional Edition 1982)
4.7 miles, Area 5: Turnout (west) for 0.334 ac		
NW)	N 3993585m E 630038m, SW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
NE)	N 3993588m E 630053m, SW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SE)	N 3993498m E 630083m, NW¼ SE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SW)	N 3993492m E 630069m, NW¼ SE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
6.5 miles, Area 6: Earthen Dike (east) for 2.224 ac		
NW)	N 3990857m E 630123m, NW¼ NE¼, Sec. 33, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
NE)	N 3990846m E 630213m, NW¼ NE¼, Sec. 33, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SE)	N 3990747m E 630200m, NW¼ NE¼, Sec. 33, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SW)	N 3990758m E 630111m, NW¼ NE¼, Sec. 33, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
9.4 miles, Area 7: Earthen Dikes (east) for 1.730 ac		
NW)	N 3987210m E 630796m, SE¼ NE¼, Sec. 9, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
NE)	N 3987226m E 630844m, SE¼ NE¼, Sec. 9, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SE)	N 3987092m E 630887m, NW¼ SW¼, Sec. 10, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SW)	N 3987077m E 630839m, NE¼ SE¼, Sec. 9, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
9.9 miles, Area 8: Earthen Dike (east) for 2.243 ac		
NW)	N 3993585m E 630038m, SW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
NE)	N 3993588m E 630053m, SW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SE)	N 3993498m E 630083m, NW¼ SE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
SW)	N 3993492m E 630069m, NW¼ SE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)

(cont.)



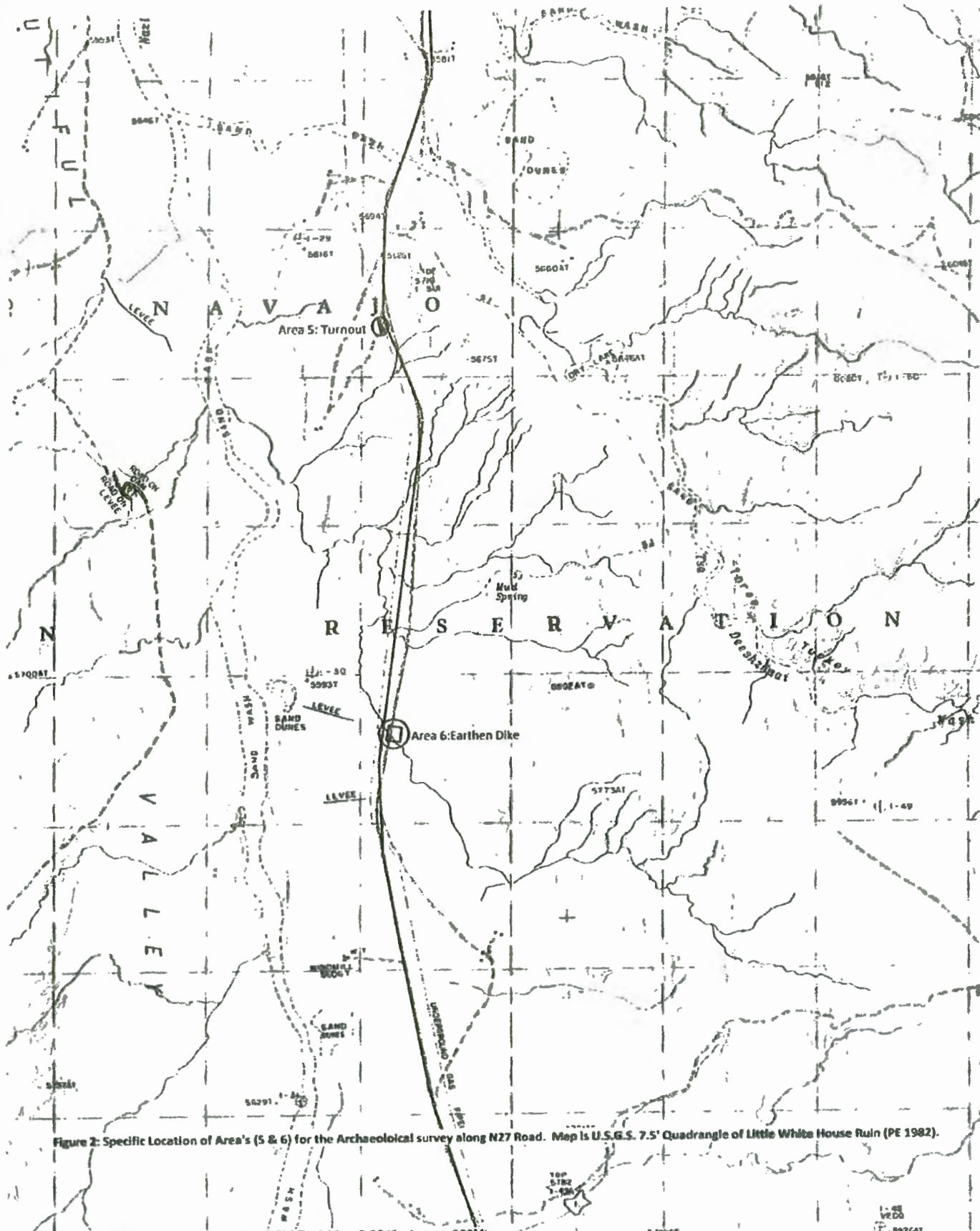
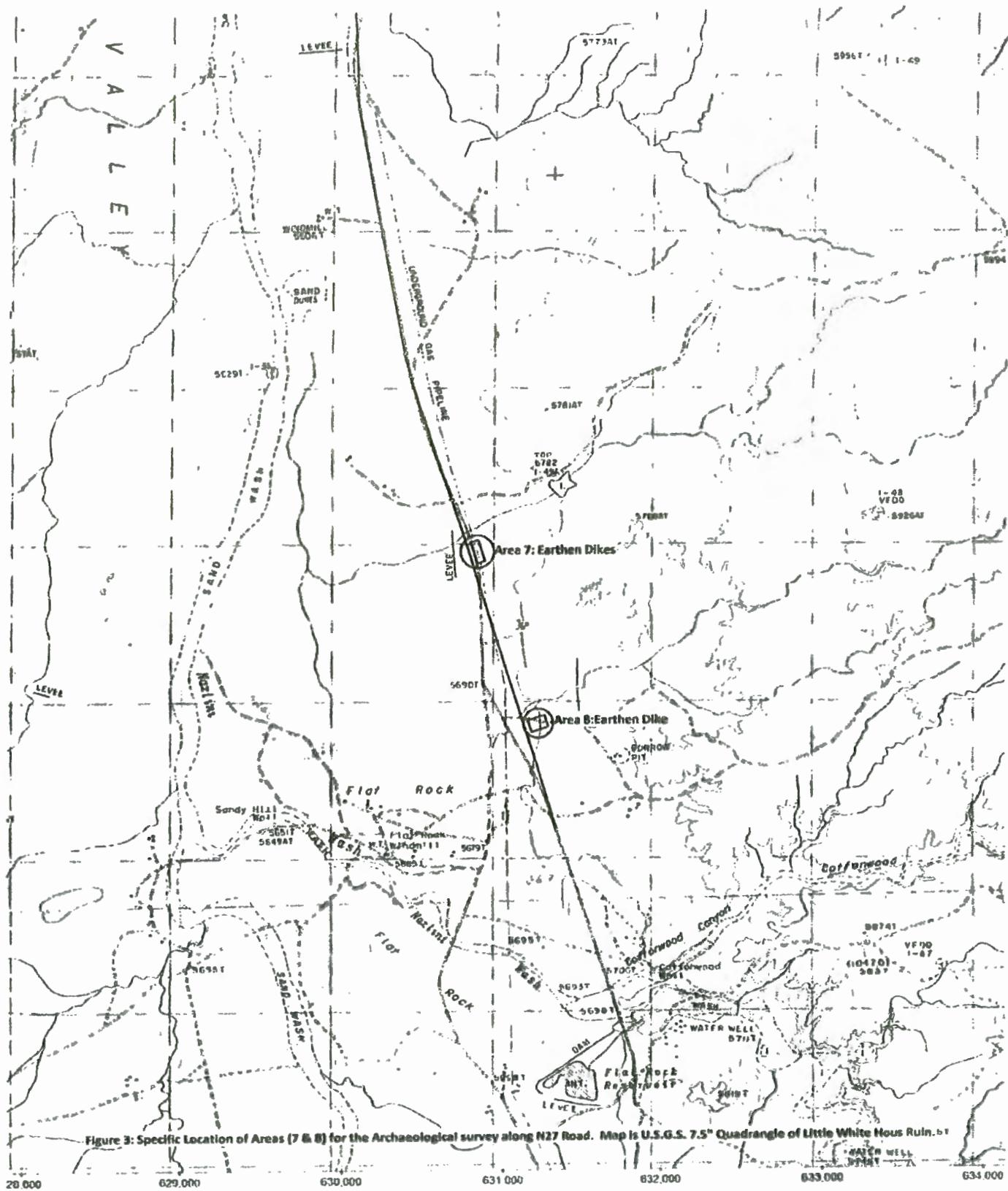


Figure 2: Specific Location of Area's (5 & 6) for the Archaeological survey along N27 Road. Map is U.S.G.S. 7.5' Quadrangle of Little White House Ruin (PE 1982).

Chinle, AZ 115' Scale 1" = 0.487 Mi 783 M, 2,570 Ft, 1 Mi = 2,054', 1 cm = 308 M



'Chinle, AZ.it5' Scale. 1" = 0.474Mi 763Mt 2,503Ft, 1 Mi = 2.110" , 1 cm = 300Mt

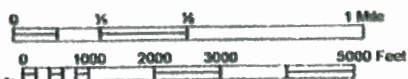


TABLE 1: Specific Location of Points/UTM coordinates for the Isolated Occurrence and In-Use Sites along N27 Roadway.

<u>Locations</u>	<u>UTM's Coordinates and Legal Descriptions</u>	<u>U.S.G.S. Map</u>
Isolate Occurrence:		
IO-A	N 4000568m E 630006m, NW¼ NE¼, Sec. 28, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
In Use Sites:		
IUS-1	N 4001260m E 629897m, NW¼ SE¼, Sec. 28, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
IUS-2	N 4000896m E 630068m, SW¼ SE¼, Sec. 28 T32N R26E,	Chinle, AZ (Provisional Edition 1982)
IUS-3	N 4000801m E 630046m, SW¼ SE¼, Sec. 28, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
IUS-4	N 3999332m E 630089m, SW¼ SE¼, Sec. 33, T32N R26E,	Chinle, AZ (Provisional Edition 1982)
IUS-5	N 3998174m E 630216m, NW¼ SE¼, Sec. 4, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
IUS-6	N 3995358m E 630519m, SE¼ NE¼, Sec. 16, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
IUS-7	N 3995330m E 630163m, SW¼ NE¼, Sec. 16, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
IUS-8	N 3994293m E 630140m, NW¼ NE¼, Sec. 21, T31N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)
IUS-9	N 3986661m E 631095m, SW¼ SW¼, Sec. 10, T30N R26E,	Little White House Ruin, AZ (Provisional Edition 1982)

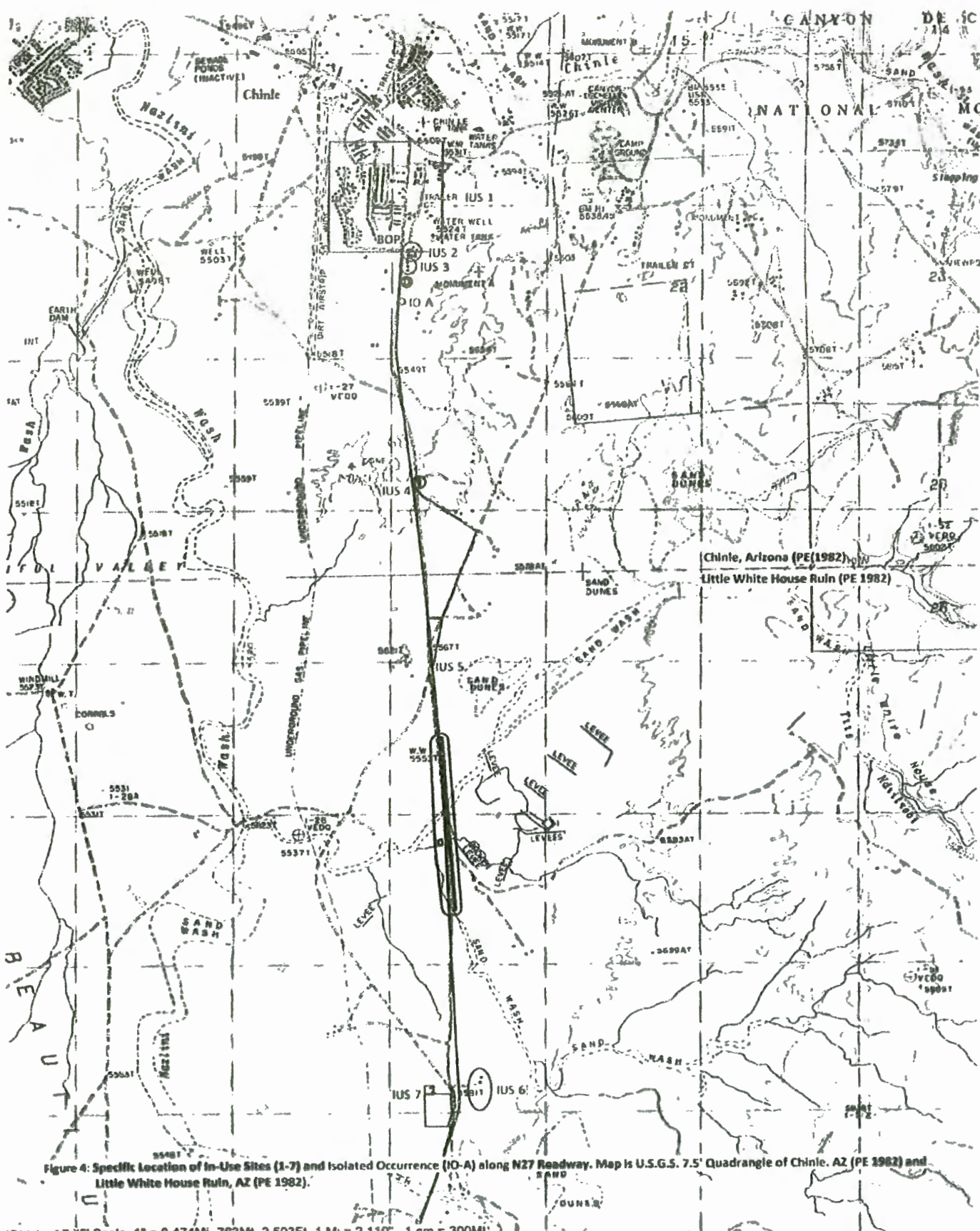
15. CULTURAL RESOURCE FINDINGS:

a. Location/Identification of Each Value: A total of ten (10) cultural resources were identified within the project area. The resources include one (1) Isolated Occurrence; IO-A consists of three plain grey ware body sherds, two Black Mesa B/W body sherds, four corrugated body sherds and five secondary cherts; and nine (9) In-Use sites; IUS-1 consists of Chinle business site located north including the Justice Center, BIA Chinle Agency Office complex and unknown trailer complex; IUS-2 consists of continues Chinle business site located east including a fence-in storage and residents with two houses, three mobile home trailers, three corrals and two sheds; IUS-3 consists of residential area with three single trailers, one house, one hogan and one corral located east; IUS-4 consists of a large field with a rodeo Arena located east of N27 roadway; IUS-5 consists of a smaller field with and old single trailer; IUS-6 consists of a residential located east, with two houses, three small fields, three corrals and two sheds; IUS-7 consists of a residential area located east containing three houses, three small fields, three corrals, one Arena and three sheds; IUS-8 consists of a resident located west with one double wide trailer, one garage, one shed, one corrals and a large field; and IUS-9 consists of a residential area located east with three hogan, two houses, three corrals and two small fields.

b. Evaluation of Significance of Each Value (above): The isolated occurrence (IO-A) do meet the 100-year guideline, but lack location integrity for inclusion to NRHP. The In-use sites (IUS 1 thru 9) do not meet the 50 year guideline for consideration of inclusion to the NRHP.

Table 2: Evaluation of Significance within the Project Area.

<u>Resources</u>	<u>Age/Integrity</u>	<u>National Register</u>		<u>ARPA</u>
		<u>Eligible</u>	<u>Criteria</u>	<u>Eligible</u>
Isolated Occurrence:				
IO-A	>100/No	No	N/A	No
In Use Site:				
IUS-1	<50/Yes	No	N/A	No
IUS-2	<50/Yes	No	N/A	No
IUS-3	<50/Yes	No	N/A	No
IUS-4	<50/Yes	No	N/A	No
IUS-5	<50/Yes	No	N/A	No
IUS-6	<50/Yes	No	N/A	No
IUS-7	<50/Yes	No	N/A	No
IUS-8	<50/Yes	No	N/A	No
IUS-9	<50/Yes	No	N/A	No



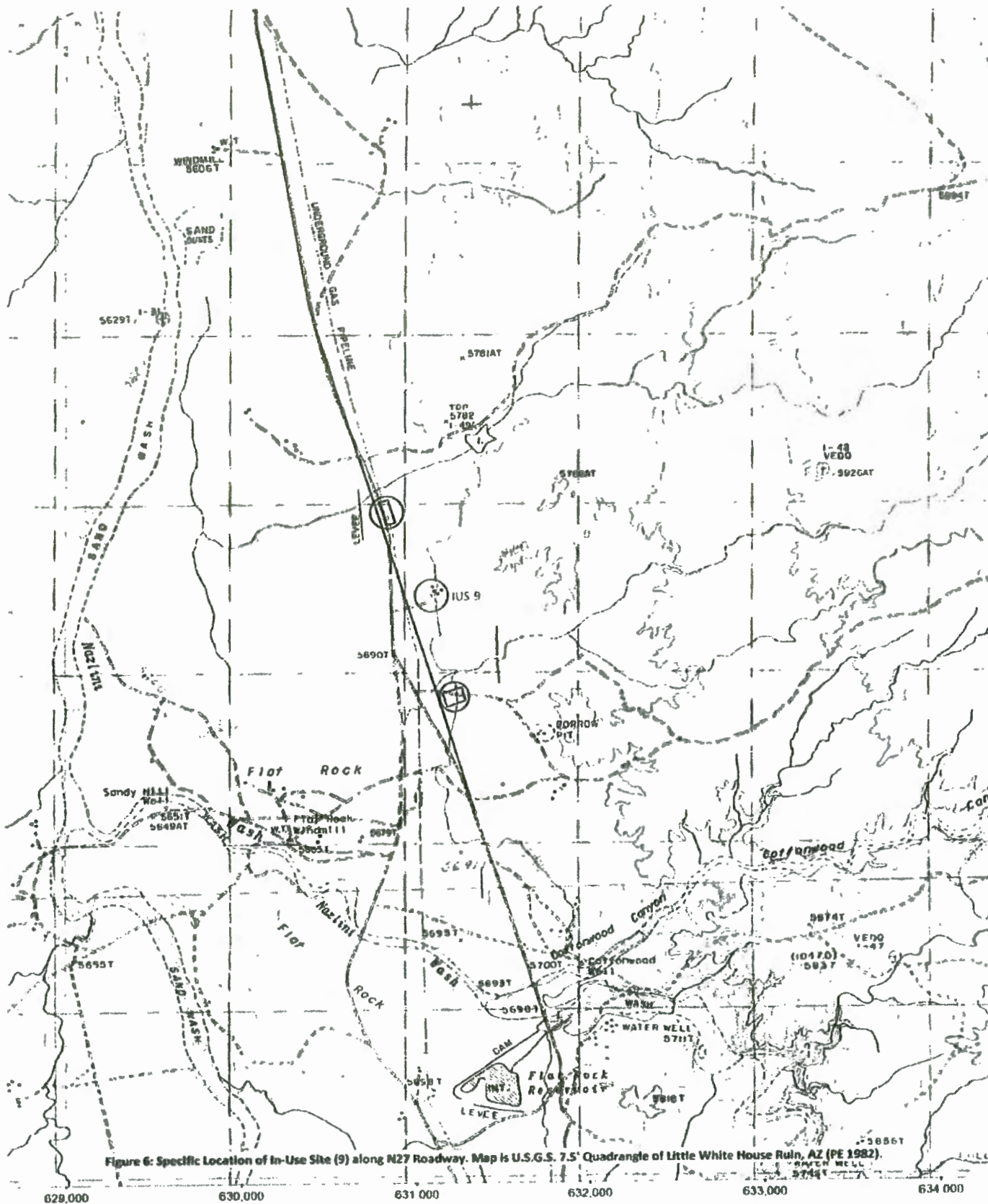


Figure 6: Specific Location of In-Use Site (9) along M27 Roadway. Map is U.S.G.S. 7.5' Quadrangle of Little White House Ruin, AZ (PE 1982).

16. MANAGEMENT SUMMARY (Recommendations)

Notice to proceed is recommended, with the conditions to avoid, fence and monitor during construction any activities. As the project is currently design and if the management recommendations are as followed, the undertaking should have no adverse effect on significant of historic properties and a notice to proceed is recommended.

Table 3: Mitigation Recommendations for the Isolated Occurrence and In-Use Sites along N27 Roadway.

Resource Sites	Affiliation	Recommendation
Isolated Occurrence:		
IO-A	Prehistoric Anasazi	Not eligible for NRHP consideration. This recording is sufficient mitigation of the resource.
In-Use Site:		
IUS-1	Community	Not eligible for NRHP consideration.
IUS-2	Community	Not eligible for NRHP consideration.
IUS-3	Community/Residential	Not eligible for NRHP consideration.
IUS-4	Community/Residential	Not eligible for NRHP consideration.
IUS-5	Residential	Not eligible for NRHP consideration.
IUS-6	Residential	Not eligible for NRHP consideration.
IUS-7	Residential	Not eligible for NRHP consideration.
IUS-8	Residential	Not eligible for NRHP consideration.
IUS-9	Residential	Not eligible for NRHP consideration.



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:

☒ EMI

NNHPD NO.: **HPD-15-480**

OTHER PROJECT NO.: **EMI 1098-14**

PROJECT TITLE: A Cultural Resource Inventory of Navajo Route 27, Navajo Route 105, and Proposed Chinle Roundabout for Navajo Division of Transportation in Chinle, Apache County, Arizona

LEAD AGENCY: FWHA

SPONSOR: Navajo Division of Transportation, PO Box 4620, Window Rock, Arizona 86515

PROJECT DESCRIPTION: The proposed project consists of approximately 0.83 mile overall, Navajo Route 27 is having 0.46-mile improved with a 145-ft right-of-way; 0.25-mile of Navajo Route 105 will be improved with two different right-of-way widths; 675-ft of NR 105 has a 125-ft ROW, and 1,280-ft has a 250-ft ROW. Navajo Route 7 will be improved for 0.12-mile at the proposed Chinle roundabout where BIA is planning to construct a 150-ft diameter roundabout within 425-ft ROW at the intersection of NR 27 and NR 7. The total area of effect is 21.99-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Chinle

LOCATIONS: Project is located on the Chinle Quadrangle, Apache County, Arizona G&SRPM

T. 05 N, R. 10 W – Sec. 16;

T. 32 N, R. 26 E – Sec. 28;

PROJECT ARCHAEOLOGIST: Joanne Eakin

NAVAJO ANTIQUITIES PERMIT NO.: 815045

DATE INSPECTED: 02/08/15

DATE OF REPORT: 03/24/15

TOTAL ACREAGE INSPECTED: 21.99 ac. Total

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

LIST OF CULTURAL RESOURCES FOUND: (1) In-Use Area (IUA)

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: (1) IUA

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly 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: Tamara Billie

FINALIZED: July 16, 2015

Notification to Proceed

Recommended

Conditions:

☒ Yes ☐ No

☐ Yes ☒ No

The Navajo Nation
Historic Preservation Office

7/20/15
Date



THE NAVAJO NATION
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:

☒ LMAS

NNHPD NO.: HPD-16-227

OTHER PROJECT NO.: LMAS 2104

PROJECT TITLE: A Cultural Resources Survey of Approximately 13.5 Acres for the N7(2-3)/N27(2-3) (4-2)/N105(1), Drainage Improvements in Chinle, Chinle Chapter, Apache County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Harold J. Riley, BIA Navajo Region Division of Transportation, 301 West Hill Avenue, Gallup, New Mexico 87305

PROJECT DESCRIPTION: The proposed undertaking will involve reconstructing the existing roads serving the Chinle Community, specifically N7(2-3)/N27(2-2) (2-3) (4-2)/N105(1)2&4. N105 has existing paved roadway with no shoulders. The proposed undertaking is to mill the existing pavement and repave the roadway with two lanes & two shoulders that will curve & merge northward into an existing dirt road. There will be two 36 in by 54-in arch pipes with spacing of 750 mm, which will be placed as subsurface structures. The inlet will be located on the southeast corner of N7 and N27 within the N7 right-of-way. The structures will descend south below the N27 roadway ROW and turn west at station 60+738. The outlet will be terminated by a concrete headwall at the edge of the N27 ROW; the subsurface becomes an open channel to the west for a distance of 560m and rain onto the existing terrain following the natural drainage patterns. The entire width of the two structures including the spacing measures from the outside to outside of the pipes outlet is 5.58 meters. These two structures will be placed within a 7.38-meter open channel for a clearance of 1.8 meters. The height of each embankment will be 1.7 m. The embankment of the channel from outside to outside will be 14.26 m. The channel will be 560 meters in length which will be protected by wire concrete cable extending up onto the slopes. The channel will have energy dissipaters. The area of effect is 13.5-acres. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Chinle

LOCATION: T. 32 N., R. 26 E; Sec. 28; Chinle Quadrangle, Apache County Arizona G&SRM
T. 05 N., R. 10 W; Sec. 16;

PROJECT ARCHAEOLOGIST: Douglas H.M. Boggess

NAVAJO ANTIQUITIES PERMIT NO.: B16077

DATE INSPECTED: 02/16/16

DATE OF REPORT: 02/23/16

TOTAL ACREAGE INSPECTED: 13.5 - ac

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

LIST OF CULTURAL RESOURCES FOUND: None

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

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

FORM PREPARED BY: Tamara Billie
FINALIZED: April 13, 2016

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office

4/18/16
Date

4/18/16
Navajo Region Approval

 ☐ Yes ☐ No


BIA - Navajo Regional Office

4/26/16
Date



United States Department of the Interior

Bureau of Indian Affairs

Navajo Regional Office

P. O. Box 1060

Gallup, New Mexico 87305-1060

IN REPLY REFER TO:
DIVISION OF TRANSPORTATION
MIC: 370

Ben Shelley, President
The Navajo Nation
P. O. Box 9000
Window Rock, Arizona 86515

Att: Ms. Gloria Tom
Natural Heritage Program
Navajo Fish and Wildlife Department

Ref: Project Navajo Route 27 or N 27(2-2) (2-3) (4-1) 2&4, N7 (2-3) 2&4 & N105 (1) 2&4

The Navajo Region Division of Transportation (NRDOT) is planning to reconstruct an intersection and repave the three routes referenced above. The existing skewed intersection will be replaced by a round a-bout intersection for N7 and N27 in Chinle Arizona. The intersection is located approximately three miles east of the US 191 intersection with Navajo Route 7. This project is in need due to the Navajo Nation's plans to build a Justice Center that will use N27 for ingress and egress for its occupants. Based on the Justice Center occupancy the traffic study predicts that the traffic will increase therefore a safe intersection is needed. The average daily traffic (ADT) counts near the intersection are as follows: N7, (7,204 ADT), N27, (2,151 ADT), of these count ten percent is heavy truck traffic (BIA 2007). There are no counts available for the N105 roadway leading to the housing on the west end but will also increase in the volume since it will be used as a service route for the Justice Center.

The undertaking for the entire project is to mill the existing pavement raise the grade of the roadway than pave approximately 1 mile of N7, 10.28 miles of N27, south of the intersection and 0.46 mile of N105 as seen on the attached map. The round a-bout will be elevated to accommodate the inlet of the drainage structures; consequently both N7 and N27 will have a vertical curve with the crest of the curve being located within the center piece of the round a-bout. Both east and west bound lanes of N7 and the north bound of N27 will ascend to the round a-bout. The undertaking for the N105 consist of approximately one (1.0 mi) mile of disturbance which includes 0.46 mile of milling and repaving and additional disturbance 0.6 mi to daylight or develop a grade to drain the subsurface drainage west of the N105. The inlet will be located at the south east corner of the intersection of N7 and N27. The outlet will be located west of N105

and discharge into a natural depression near the abandoned air strip if the natural depression surpasses its capacity it will spill into the Nazlini Wash using existing drainage patterns.

The three roadways within the town of Chinle area are paved with only the N7 and N27 having curb gutter and sidewalk. Outside of the town limits N27 (2-2) (2-3) south of the intersection with N105 is not paved but will be constructed with this project for a length of 9.86 miles. The right-of-way for the N7 roadway exists, but will be amended to include additional right-of-way for the construction of the round a-bout. This additional right-of-way is to ensure that enough easement is available for future maintenance. The N27 within the community limits is constrained to the existing right-of-way by the school on the east and the Justice Center on the west therefore will maintain its road improvement plans within the right-of-way boundary. The boundary has a width of 24 meters or 80 feet. The N105 will maintain its right-of-way limits as is and will remain parallel to the judicial complex property boundary.

The NRDOT review team performed an on-site visit on September 18, 2014, to determine impacts from the proposed project activity. Two pedestrian transects on both side of the existing paved roads N27 and N105 were walked to determine the extent of construction by the BIA, NRDOT. The pedestrian survey determined that the construction will have minimal impact on the biological community since the proposed infrastructure will remain within the same foot print. The area is devoid of vegetation due to the soil conditions and little rain fall. The area is considered Great Basin Desert grassland community which is characterized by cold temperature desert and low precipitation rates scattered throughout the year, with great fluctuations in both diurnal and seasonal temperatures. No natural streams or surface water exist within the project area. Scattered flora observed during the field visit greasewood, western wheatgrass, cane cholla, salt cedar, globe mallow, four-wing salt brush, Siberian elm, wolfberry, Russian thistle and sage.

Fauna observed during the field visit were ravens, sparrows, stray dogs and domestic cattle and horses, this area is also open grazing.

The NRDOT wishes to obtain compliance for the N7(2-3), N27 (4-2) and N105(1) by using the following: these roadway projects are adjacent to the new Justice Center facility which was issued a biological resource compliance and the projects are within a community development area 4 as per the Biological Resource Land Clearance Policies and Procedures see attached maps.

The Justice Center Biological Resources Compliance Form; NNDFW Review No. 12DOEL01a4 dated July 31, 2012. The sections of N27 which are (2-2) (2-3) are located south of the community and are within a sensitive area 3.

Also in accordance with the RCS-44-08 approved September 10, 2008, the following exceptions; are applicable and are in the approved RCS "Exceptions,

10. Modernization of existing paved roads & highways including resurfacing, restoration, rehabilitation reconstruction, adding shoulders, or adding auxiliary lanes, except in areas below where puccinellia parishiii must be address:

The UTM coordinates for the N7 and N27 intersection are N 571417.82m, E 268452.21m and

the end of N27 are N555146.43m E 269621.93m and the intersection of N27 and N105 N570687m, E 268406.60m and the end of the pipe are N570730.22m, E 267723.41m. The entire project undertaking is within the bounds of, Apache County, Arizona, quadrangle sheet names, Chinle, AZ. Little White House Ruins, AZ.

During construction temporary traffic control signs and delineators will be placed and traffic will be routed down to a single lane during the milling and new paving operations.

The Navajo Region Division of Transportation is requesting for first the Biological Resource Compliance Form to demonstrate that consultation was sought and provided. If this is not warranted or possible than a Threatened and Endangered Species listing and a candidate species listing from the Navajo Fish and Wildlife would be appreciated in order that we can perform a survey.

We appreciate your attention to this request. If you have any questions, please contact the Planning and Design Chief, Mr. Harold Riley (505) 863-8284 or the Planning Engineer, Mr. Raymond C. Lucero, at (505) 863-8305.

Sincerely,

Division Manager

Attachment: Location quad maps w/ RCP

cc: N35/ Garret Silversmith, Chinle Agency DOT Engineer
file chrono
100 r/f, 371 r/f
371P: RLucero: 09-22-14

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

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Navajo Route 27/N7/N105, N27(2-2)(2-3)(4-2)2&4, N7(2-3)2&4 & N105(1-1)2&4

DESCRIPTION: NRO-DOT proposes to replace the N7-N27 intersection with a round-about intersection and repave routes N7, N27, & N105 for ingress and egress of the new Justice Center and housing development.

LOCATION: Chinle, Apache County, Arizona

REPRESENTATIVE: Lucero, Raymond, BIA, NRO-DOT

ACTION AGENCY: Bureau of Indian Affairs, Navajo Regional Office Division of Transportation (NRO-DOT)

B.R. REPORT TITLE / DATE / PREPARER: Request for review and concurrence/18 FEB 2015/Raymond Lucero

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 4.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA


AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/23 MAR 2015

COPIES TO: (add categories as necessary)

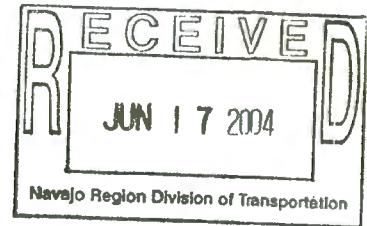
☐ _____ ☐ _____

2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 3/24/15
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*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.	
Representative's signature	Date



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
ARIZONA-NEVADA AREA OFFICE
3636 NORTH CENTRAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939



REPLY TO

June 15, 2004

Office of the Chief
Regulatory Branch

Raymond C. Lucero
Bureau of Indian Affairs
Navajo Regional Office
Branch of Roads
P.O. Box 1060
Gallup, New Mexico 87305-1060

File Number: 2004-00944-RWF

Dear Mr. Lucero:

This is in reply to your March 26, 2004 letter concerning your proposal to realign and upgrade an approximate 8.16 kilometer section of N27 that will include the installation of three 1448mm by 965mm by 28.4m corrugated steel pipe arch in the unnamed wash at Station 41+280.00, construction of gabion basket embankment protection at the existing bridge crossing Nazlini Wash at Stations 42+992.90 and 43+024.80, and the installation of three 3.81m by 2.41m by 34.14 structural plate pipe arch with mortared rip rap backslope protection that will be constructed in the Cottonwood Canyon Wash at Station 43+215.90 at (T3N, R10W (Navajo Baseline), on the Navajo Nation, Apache County, Arizona. As proposed, road realignment and upgrade activities at N27 would impact a total of 0.49 acres of waters of the United States.

The Corps of Engineers has determined, under Section 404 of the Clean Water Act (33 U.S.C. 1344), that your proposed activity complies with the terms of Nationwide Permit No. 14, "Linear Transportation Projects." You must comply with all terms and applicable conditions (regional, general, and 401 conditions) described in Enclosure 1 and complete the compliance statement (Enclosure 2).

Furthermore, you must comply with the following **Special Condition(s)**:

- a. The permittee shall comply with all requirements and conditions in the letter of water quality certification that the U.S. Environmental Protection Agency signed on May 27, 2004. This certification demonstrates that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of this letter is enclosed.
- b. The permittee shall design and install the culverted road crossings in a manner that will safely and efficiently convey all expected high flows. The permittee shall accurately align the culverted road crossing in a manner that prevents the need for repeat maintenance.
- c. The permittee shall limit the area of disturbance to Clean Water Act jurisdictional area

to the actual footprint of the authorized road crossing activities. Channel grading/clearing, bank stabilization or other activities constituting additional discharges of dredged and/or fill material into Clean Water Act jurisdictional areas is not permitted.

- d. No debris, soil, silt, sand, rubbish, cement or concrete washings thereof, oil or petroleum products or washings thereof, shall be allowed to enter into or placed where it may be washed by rainfall or runoff into the waterway. When project operations are completed, any and all excess construction materials, debris, and or other associated excess project materials shall be removed to an appropriate off-site location outside of any jurisdictional areas. At no time shall this material be sidecast into the waters of the United States.
- e. Staging, storage, fueling, and maintenance of equipment and materials shall be located outside of the Corps' jurisdiction.
- f. Within 90 days following completion of the activities authorized under this permit, the permittee shall provide the Corps with an accurate set of "as-built" drawings depicting the constructed condition of the bridge improvements. These "as-built" drawings will serve as baseline conditions for any future permitting actions that may be necessary at this site.
- g. The permittee shall ensure that the natural course of the jurisdictional water impacted is restored to pre-project contours or gradients and conditions to the maximum extent possible upon project completion.
- h. Reference is made paragraph (c) of Nationwide Permit 14 (*Linear Transportation Projects*) that requires the submission of a compensatory mitigation proposal. Pursuant to this requirement, the permittee shall coordinate with the Navajo Department of Fish and Wildlife to develop an acceptable compensatory mitigation and monitoring plan to mitigate the 0.49 acres of impacts to waters of the United States that are expected to result from the road realignment and upgrade activities. This plan shall be developed in accordance with the April 19, 2004 Final Mitigation Guidelines and Monitoring Requirements that have been prepared by the Los Angeles District Corps of Engineers (copy enclosed). The permittee shall submit a draft copy of the compensatory mitigation and monitoring plan for Corps review and comment. The permittee shall proceed with the activities authorized under this permit only after the Corps has accepted the mitigation and monitoring plan proposal.
- i. Should previously unknown historic or archaeological remains be discovered while accomplishing activities authorized by this permit, the permittee shall immediately cease work in the area of discovery and this office shall be immediately notified to insure compliance with paragraph 12. (Historic Properties) of the Nationwide Permit General Conditions.

- j. A copy of the permit shall be on the job site at all times during construction. The permittee shall provide a copy of this permit to all contractor(s), subcontractor(s), foreperson(s), and construction representatives. The permittee shall require that all contractor(s), subcontractor(s), foreperson(s), and construction representatives read this authorization in its entirety and acknowledge they understand its contents and their responsibility to ensure compliance with all general and special conditions contained herein. The permittee shall hold a pre-construction meeting with the contractor(s) to discuss the special conditions of this authorization, as well as other relevant approvals.

This letter of verification is valid for a period not to exceed two years unless the nationwide permits are modified, reissued, or revoked before that time. It is incumbent upon you to remain informed of changes to the nationwide permits.

A nationwide permit does not grant any property rights or exclusive privileges. Also, it does not authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in our regulatory program. If you have questions, please contact Ron Fowler at (602) 640-5385 x 226.

Sincerely,



Cindy Lester P.E.
Chief, Arizona Section
Regulatory Branch

Enclosures

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATION OF COMPLIANCE WITH
DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

Permit Number: 2004-00944-RWF

Date of Issuance: June 15, 2004

Name of Permittee:

Irvin Bekis
Bureau of Indian Affairs
Navajo Regional Office
Division of Transportation
P.O. Box 1060
Gallup, New Mexico 87305-1060

Upon completion of the activity authorized by this permit, sign this certification and return it with an original signature to the following address:

U.S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2004-00944-RWF)
3636 North Central Avenue Suite 900
Phoenix, Arizona 85012-1939

Please note that your permitted activity is subject to a compliance inspection by a Corps of Engineers' representative. If you fail to comply with this Nationwide permit you may be subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced Nationwide permit has been completed in accordance with the terms and conditions of said permit.



Signature of Permittee

6/21/04

Date

Enclosure 2

memorandum

DATE: OCT 26 1995

REPLY TO: Area Environmental Protection Specialist
ATTN OF:SUBJECT: Environmental Assessment Review for the Proposed N27(2)(3)(4),
Nazlini to Chinle Road Construction Project in Nazlini, Apache
County, Arizona EA-95-126

TO: Area Roads Engineer

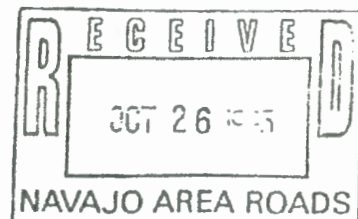
The referenced environmental assessment (EA) document has been reviewed by the Branch of Environmental Services, Navajo Area Office. A Finding of No Significant Impact (FONSI) has been determined for the proposed action; the action will not have a significant impact on the quality of the natural and human environment. Therefore, an environmental impact statement for the N27(4-3)2&4 road project is not required.

The attached FONSI determination should be appended to the final EA and all other copies prepared for distribution. Final EA mitigation portions may require amendments to reflect the conditions of compliance, terms and conditions of a Nationwide permit or Clean Water certification, reasonable and prudent measures of a biological determination and other mitigation stipulations. Please submit a copy of the final EA to the Navajo Area Environmental Services for their files.

Should you require any additional information or have any questions on the FONSI determination, please contact Mr. Leonard Robbins, Area Environmental Protection Specialist, at extension 286.



Attachment



FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT DOCUMENT EA-95-126
LOCATION: POB, SECTION 21, T5N, R10W, UNPLATTED
POE, SECTION 16, T2N, R9W, UNPLATTED
CHINLE/NAZLINI, APACHE COUNTY, ARIZONA

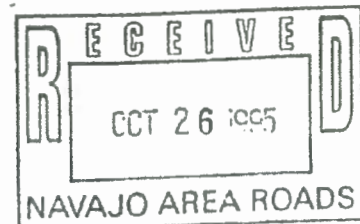
The proposed action addresses the N27, Nazlini to Chinle Road Construction project, 20.3 miles long. The project is sponsored by the Navajo Area Branch of Roads, Bureau of Indian Affairs, Gallup, New Mexico.

The project environmental assessment (EA) has been reviewed by the Navajo Area Branch of Environmental Services. On the basis of the information contained in the agency proposed action and environmental mitigation measures as specified in the environmental assessment document, it is determined the proposed project will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be prepared.

The following references serve as the basis for this decision and are incorporated in the project environmental assessment document:

1. Agency and public involvement was conducted and environmental issues related to the development of the road construction project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed action and four potentially viable alternatives, which includes the "no action" alternative.
3. Protective measures will be levied to protect air as outlined in Chapter 4.3, Mitigation Measures.
4. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 consultation and 36 CFR 800.9 (b), an archeological and tradition cultural properties field survey was performed for the project.

The Navajo Historic Preservation Department has determined that the undertaking will have no adverse effect on the historic properties provided that the BIA comply with the conditions of compliance avoidance measures, set forth in Cultural Resource Compliance Form NNHPD No. 92-471.



Should undiscovered archeological remains be encountered during the project ground disturbing activities, work will stop in the area of discovery and the stipulations of 36 CFR 800.11 will be followed. A Cultural Resource Compliance Form NNHPD No. 92-471 has been issued by the Navajo Historic Preservation Department as shown in the appendix.

5. Impacts to public health and safety are mitigated through implementation of safety measures described in Chapter 3.1.5. The upgrading and paving of N27 is an important step in creating a modern and safe transportation road network for the Navajo Nation.

6. In compliance with the Clean Water Act, as amended, Section 401 consultation with the U.S. Environmental Protection Agency was conducted and clean water certification was obtained. The project sponsor will comply with the terms and conditions of the permit.

7. In compliance with the Wetlands Protection Act and Clean Water Act, as amended, the Nationwide Permit 26 was consulted; under the Section 404 special conditions and the Nationwide Permit general conditions and use, the project was determined to be eligible under the permit; authorizing an activity for the proposed project. Section 404 permit conditions will be complied with; wetlands field surveys were performed.

8. A Notice of Intent to comply with the Clean Water Act Stormwater Pollution Protection Plans Section 402 (p) NPDES permit will be filed by the project sponsor.

9. In compliance with the Endangered Species Act, an informal request for endangered species information from the U.S. Fish and Wildlife Service and the Navajo Nation Natural Heritage Program was initiated by the project sponsor. A field biological survey was performed and included in the assessment. The described action will have no effect on listed species, wetlands, or other important wildlife resources.


10. The cumulative effects to the environment are considered negligible; other road projects in the area are existing or not scheduled for construction now or in the future.

11. The N27 road construction project EA contains plans for topsoil removal and replacement, revegetation, and a reclamation for the project, see Part 5.

12. The proposed action would improve the economic and social conditions of the affected Indian community. The N27 road construction project is supported by the Nazlini Chapter and District 10 Council Resolutions and local land users.

Appeals of a NEPA Decision

Any party adversely affected by this decision may request an appeal from administrative actions in accordance with 25 CFR Part 2 - APPEALS FROM ADMINISTRATIVE ACTIONS, SECTIONS 2.1 THROUGH 2.21. The Notice of Appeal, including all supporting documentation, shall be filed with the Department of the Interior Board of Indian Appeals. A copy of the Notice of Appeal shall also be filed with the Chief, Environmental Services Staff, BIA, 1849 C Street NW, Washington, D.C. 20240-0001. The Notice of Appeal must be filed in the office of the official whose decision is being appealed within 30 days of the notice of the administrative action.



Area Environmental Services Officer

10-26-95

Date

PUBLIC HEARING MINUTES

Road Number/Name: N27&N7 Intersection and 0.5 miles of N27
Location: Chinle, Arizona
Miles: 0.5 Miles

Facilitator: Marco Sells, NDOT Chinle Agency Planner
Recorder: Marco Sells, NDOT Chinle Agency Planner

Date: Friday, March 28, 2014

Public Hearing Location: Chinle Chapter House

Attendance:

- Navajo DOT
- Bureau of Indian Affairs
- Chinle Unified School District
- NTUA
- Chinle Chapter
- Nazlini Chapter
- Dyron Murphy Architects

Public Hearing called to order at 10:20 AM

Welcome address given by: Andy Ayze, Chinle Chapter President

Invocation by: Leonard Pete

Purpose of Public Hearing: Marco Sells

- The meeting is being held to educate the community of the proposed project of widening N27 from the N105 turn off (Canyon de Chelly Housing Access Road) to the N7 intersection. We need to hear and record the support, concerns, recommendations, input, and needs of the residents and service providers. All this information will be considered in the planning of this corridor to provide a project that will accommodate traffic volume increases from new development along this corridor.
- Chinle Chapter:
 - Leonard Pete (NN Council Delegate from Chinle): N27 from Nazlini (dirt road section) is being designed and should be constructed in 2016. This public hearing is just going to cover the project from the old LDS church to the N27/N7 jct. All these developments (N27 construction, Judicial Center, Police Academy) is going to increase traffic volume in this area. Will a roundabout or traffic signal at the junction be able to accommodate traffic volume increases. Chinle Chapter will be submitting a resolution to the Resources and Development Committee requesting to add this section from the old LDS Church to

maintenance? We need to consider pedestrian traffic for this project too. How will pedestrians be able to traverse the RA. The subsurface drainage probably will not work. No place for water to drain in this community. We need to start planning another crossing over Nazlini Wash upstream from Chinle so traffic will by-pass this congested area.

- Harold Riley: The last phase of N27 will have a technical review on April 16. Anyone who has any concerns with that project should attend. Plans will be sent out on the 1st week of April.
- Arthur Tracey (Nazlini Community Member): N27 has been talked about most of my life, and it is only paved to about halfway. The small portion of N27 and the N7 intersection that we are discussing and the roundabout makes me think about a story where a semi-truck rolled over on the Burnside roundabout. I hear this one at the N7 junction will be bigger. People moved near the intersection so it will be pretty congested. Were these people contacted? I believe that a roundabout is a safe option according to experts, so I agree with this proposed project. N27 should also be a 4 lane road instead of 3.
- Harold Riley: I'd like to talk about the Police Academy project. The loop that will connect N7 and N27 should be able to relieve some of the traffic at the roundabout, but we still haven't received the traffic study from the consultant. We estimated what the traffic is going to be. Initially we didn't think we had room for a roundabout at N7/N27 but geometrically we can make it fit. It shouldn't impact residents that live near the roundabout. This roundabout project is not currently on the priority list, but that is why we are having this public hearing to garner support from the community. We will keep having meetings like this to help complete the design.
- Roselyn Yazzie (Community Member): Initially I wasn't supporting this project because of how traffic was going to increase by all the development and limited space, but I am now in support of it. Let's continue planning and design, but I think it needs more work. The road will not be wide enough to the south. Why can't we widen from roundabout to the N105 turnout. We should get the BIA land to make it wider.
- Harold Riley: There is no room because of the justice center.
- Roselyn Yazzie: Where will the sidewalks be placed for pedestrians? We also need street lighting. Who will pay for the street lights?
- Harold Riley: BIA can't pay for street light bill. We will have more meetings with the community as the project develops to address these issues.
- Alice Anagal (Community Member): I live near the roundabout on the north side of the intersection. I agree with the proposed roundabout because of all the crashes at the intersection. It happens day and night. The roundabout in Burnside looks safe, so I agree with this project, and I understand how expensive traffic signals would be. This roundabout would be very nice to have.

- David F Yazzie Sr: N27 the community concern
- Navajo Division of Transportation
 - Darryl Bradley (NDOT Principal Engineer): N27 discussion; Budgeting the money for other years with different budget. Working with 12.5 million, unable to receive all the money in one year but 2016 the whole construction will be complete. BIA is still working on the engineering; this is the 5 year plan. The unpaved portion and have the money for 2016. Pave only 10 miles on N27 is on the TTIP. The new updated TTIP will be sometime in June, to be generated.
 - Judy Donaldson: There are 589 people driving on a daily basis; a lot of people traveling on the route, trying to plan the decrease with the traffic. N107 trying to pave that instead, as an option.
 - Harold Riley: if that's the community's recommendation, then that portion of the route can be addressed. N105 to be improved. Someone talking about a bypass for trucks.
 - Leonard Pete: property of the airport for realignment, due to the archy clearance so the alignment was changed. The fence line was moved 1000 feet to now in its existence. Over 10 years ago it was mentioned to put another crossing back up again. Would like to see it extended to N27. There are some plans to go into alignment and process; but need support from the community.
 - Judy Donaldson: there's a county route to N27 (an abandoned N8094)
 - Leonard Pete: N8094 the old route, what is the status. Question: to address the crossing, how do we go about it? Do you go out there to see if it's feasible? Like a recommendation from BIA.
 - Harold Riley: to do any preliminary engineering for that crossing it has to be on the TTIP.
 - Judy Donaldson: is there another crossing other than the old N8094.
 - Darryl Bradley: limited funds to make that detour, where will it make sense. Everyone of the alternative will need a bridge due to the wash.
 - Harold Riley: overlook the drainages in the width which will distinguish the cost of the bridge estimates. The south location is much wider which will have a 2 span or more and will cost more. It makes sense to get another crossing to open the other areas. Recalls that the former planner Salisa N. put together Chinle landuse plan.
 - Leonard Pete: if you are going to use another plan for another crossing, there will be another obstacle to look at another crossing. For your information, get consent from the landuser to develop in the area.
 - Marco Sells: Thanks



RESOLUTION OF NAZLINI CHAPTER
NAZL-2013-09-058



NAZLINI CHAPTER GOVERNMENT

JOHNSON CLAW
• PRESIDENT

JOSEPH DEDMAN, JR.
• VICE PRESIDENT

JOANN DEDMAN
• SECRETARY/TREASURER

**REQUESTING THE BUREAU OF INDIAN AFFAIRS (B.I.A)
NAVAJO REGION DIVISION OF TRANSPORTATION AREA
ROADS DEPARTMENT TO INSTALL RIGHT-OF-WAY (R.O.W)
FENCING, CATTLE GUARDS, TURNOUTS, GATES AND
LIVESTOCK PASSINGS ALONG, PROJECT N27(2-2)(2-3) PHASE III
& IV OF NAVAJO ROUTE 27 (NAZLINI-CHINLE).**

370 AS - 10/11
3714 - Action 10/11
JOHNNY NAIZE
COUNCIL DELEGATE
IRVIN SHIRLEY
GRAZING REPRESENTATIVE
JUDY DONALDSON
COORDINATOR

WHEREAS:

1. The Nazlini Chapter, pursuant to Navajo Nation Council Resolution #CJ-20-55 dated April 26 1957, is a recognized local unit of government, with duties and responsibilities to advocate for a safe, AND
2. The Nazlini Chapter in conjunction with community members residing along the cattle guards with turnout gates and livestock passing along project N27(2-2)(2-3); AND
3. The Nazlini Chapter in partnership with Chinle chapter have also identified the necessary resources, such as water, past and current borrow pits that could possibly be used for construction of N27 (2-2) (2-3) project; AND
4. The Nazlini and Chinle Chapters have also scheduled with B.I.A Transportation Department a Field Scoping meeting for September 23-25, 2013 at Project Station 44+300, to further prepare for any unforeseen situation to that might occur.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Nazlini Chapter hereby request the Bureau of Indian affairs (B.I.A) Navajo Region Division of Transportation Area Transportation Department to install Right-of-way (R.O.W) fencing, cattle guards turnouts, gates and livestock passing(s), along project N27 (2-2)(2-3) Phase III & IV of Navajo Route 27 (Nazlini- Chinle).

CERTIFICATION

We, hereby certify the foregoing resolution was duly considered by the Nazlini Chapter at the duly called chapter meeting at Nazlini, Navajo Nation, Arizona at which a quorum was present and that same was passed by a vote of 34 in favor, 0 opposed 1 abstained this 09th day of September 2013.

Motion By: Irene Bahe Seconded By: Harry Gorman Sr.

Johnson Claw, President

Joseph Dedman Jr., Vice President

JoAnn Dedman, Secretary/ Treasurer

Navajo Nation Council Delegate

RECEIVED

SEP 16 2013

**Navajo Region
Division of Transportation**

THE NAVAJO NATION

Andy R. Ayze
PRESIDENT

Myron McLaughlin
VICE PRESIDENT

Cynthia Hunter
SECRETARY/TREASURER

Leonard Pete
COUNCIL DELEGATE

Eugene Iso
GRAZING COMMITTEE MEMBER

RESOLUTION OF THE CHINLE CHAPTER
NAVAJO NATION
CHIN-FEB-14-013

REQUESTING THE BUREAU OF INDIAN AFFAIRS TO HOLD A PUBLIC HEARING
REGARDING THE PROPOSED N27 STREET WIDENING WITH ROUND-A-ABOUT AT N7/N27
JUNCTION IN CHINLE, ARIZONA; HELD IN ACCORDANCE TO THE 25 CFR PART 170
REQUIREMENTS.

WHEREAS:

1. Chinle Chapter, a recognized certified local government of the Navajo Nation, vested with the power and authority to advocate on behalf of its constituents for the improvement of health, education, safety, and general welfare; and
2. The Bureau of Indian Affairs (BIA) Navajo Region Division of Transportation is proposing to reconstruct BIA Route N27 from Nazlini to Chinle as an all-weather paved road. This road will provide a shortcut for truck traffic from US264 near Ganado into Chinle; and
3. The BIA traffic analysis performed shows a projected LOS of route N27 along the proposed Justice center project to be at a LOS of C by the year 2020, and will progressively get worse to LOS D by the overall projected design life of 2033, requiring this section of N27 to be widened to at least 3 lanes and a traffic signal installed at the N7/N27 junction; and
4. This analysis takes into account the projected volumes of the Justice Center project but not the proposed Police Academy facility that will also tie into route N27. Therefore, it is imperative that the traffic analysis for the proposed police academy take into account the findings of this report and that of the BIA NRDOT study so that TTP MAP-21 funds can be justified for the N27 roadway widening to take place before the year 2015; and
5. Chinle Chapter Government fully acknowledges the Public Hearing as being held in accordance to the CFR Part 170.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Chinle Chapter hereby requests the Bureau of Indian Affairs to hold a Public Hearing regarding the proposed N27 street widening with round-a-bout at N7/N27 junction in Chinle, Arizona; held in accordance to the 25 CFR part 170 requirements.

CERTIFICATION

We, hereby certify that the foregoing chapter resolution was duly considered by the Chinle Chapter at a duly called meeting in Chinle, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 22 in favor, 0 opposed, and 5 abstained, this 23rd day of February 2014.

Motioned by: Roselyn Yazzie

Second by: Francis Draper

Andy R. Ayze
Andy R. Ayze, President

Myron McLaughlin
Myron McLaughlin, Vice President

Cynthia Hunter
Cynthia Hunter, Secretary / Treasurer

THE NAVAJO NATION

BEN SHELLY
REX LEE JIM



ENVIRONMENTAL PROTECTION AGENCY

P.O. BOX 3089, WINDOW ROCK, NAVAJO NATION, AZ. 86515
TEL (928) 871-7993 ~ FAX (928) 871-7783



May 9, 2014

Ms. Rose Duwyenie
Bureau of Indian Affairs
Department of Environmental, Safety, and Cultural Management

Ref: Review of Report *Final Excavation Report Petroleum Contaminated Soil Excavation and Disposal Chinle South Quarters Chinle, Arizona Work Order #A12PD01431* dated April 24, 2014

Dear Ms. Duwyenie,

Navajo Nation Environmental Protection Agency (NNEPA) Leaking Storage Tank Program has received and reviewed the above mentioned remediation report for the northern section of parcel B; the area of the former housing between the former Kiowa and Zuni Streets of the former BIA south quarters in Chinle, Arizona.

Of the twelve former tank locations associated with the housing in the area, eight displayed residual contamination above the Navajo Nation Cleanup Standards. Eight discrete excavations were conducted from November 2012 and February 2014. The specific locations are: 166.2, 164.1, 164.2, 167.1, 167.2, 168.1, 168.2, and 169.2. All locations were dug until clean soil was reached, horizontally and vertically until clean soil was reached or to bedrock, whichever came first. If bedrock was reached and the residual contamination was still above the Navajo Nation Cleanup Standards an oxygen releasing compound (ORC) was prepared and applied. ORC was applied to locations: 166.2, 167.1, 168.2 and 168.1.

At this time the NNEPA considers this portion of parcel B, the area between the former Zuni and Kiowa streets bounded on the east by the former Pima St and on the west by the former Navajo Blvd., to be clean and appropriate for future use, development and construction. Based on our review and discussions the NNEPA is not requiring further action at this site at this time. However, if additional information becomes available in the future regarding hydrocarbon contamination in soil and/or groundwater at this site from past UST operations, NNEPA may reopen this site and require site assessment and/or corrective action.

Thank you very much. If you have any questions, please call me at 928-871-7993.

Sincerely,

Pam Maples, Environmental Specialist
Navajo Nation EPA

C Diane Malone, Environmental Department Manager, NNEPA
Henry Haven, Principal Geologist NNEPA
NNEPA Files

ADDENDUM (December 4, 2006)
CULTURAL RESOURCES COMPLIANCE FORM

NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT
P.O. BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING:	COPIES TO:	NNHPD No.: <u>HPD 97-048.4</u>
<u>A7</u>	SHIPD	Other Project Numbers: <u>SWCA No. 05 596;</u>
<u>X</u>	ACHIP	<u>BIA-NR-DOT N27-35274</u>
<u>X</u>	BIA Real Estate Services	
<u>X</u>	BIA-NR-DOT	
<u>X</u>	NNHPD-Roads Planning Program	
<u>X</u>	Nazlini Chapter	
<u>X</u>	Chinle Chapter	
<u>X</u>	Pueblo of Acoma, Governor's Office	
<u>X</u>	Pueblo of Laguna, Governor's Office	
<u>X</u>	Pueblo of Zia, Governor's Office	
<u>X</u>	Pueblo of Zuni, Heritage and Historic Preservation Office	
<u>X</u>	Hopi Tribe, Cultural Preservation Office	
<u>X</u>	Ute Mountain Ute Tribe, Planning Department	

PROJECT TITLE: A Cultural Resources Survey for the Proposed Navajo Route 27 Right-of-way Realignment, Navajo Nation, Apache County, Arizona.

LEAD AGENCY: Bureau of Indian Affairs, Navajo Region

SPONSOR: Bureau of Indian Affairs, Navajo Region, Division of Transportation

PROJECT DESCRIPTION: The Bureau of Indian Affairs (BIA), Navajo Region, Division of Transportation (DOT) proposes to rehabilitate Navajo Route 27 between Nazlini and Chinle, Apache County, Arizona. The BIA will construct a paved road with aggregate base and an asphalt surface. In addition, BIA will improve, and/or construct turnouts, culverts, fencelines, possible guardrails, cattleguards, gates, and signs and other ancillary material along the road right-of-way.

From the beginning of the project, the road realignment will be offset to the west about 30 m (100 feet) from the originally proposed alignment and continue for 3.85 kilometers (2.39 miles). The realignment will be 61 m (200 feet) wide. The realignment will begin west of Station 708+00 and end west of Station 583+00.

LAND STATUS: Apache County, Arizona, Navajo Tribal Trust

CHAPTER: Chinle and Nazlini

LOCATION: Chinle Agency, Apache County, Arizona. Townships 12 North, Range 19 & 20 West, and Township 13 North, Range 18 & 19 West. Jones Ranch School, photo revised 1979; and Vanderwagen, New Mexico, photo revised 1979; USGS 7 5' quadrangles.

Location	Township, Range, Section, Station	UTM Zone 12
BOP	T3N, R10W, Sec. 10; Station 583+00	N3983300, E631900
EOP	T3N, R10W, Sec. 26; Stations 728+00 to 730+00	N3979960, E632970

Township and Range are unplatted; Navajo Baseline

PROJECT ARCHAEOLOGISTS: Dennis Gilpin, Joshua S. Edwards, and Michael O'Hara

PROJECT ETHNOGRAPHERS: None.

NAVAJO ANTIQUITIES PERMIT NO.: C0305

DATES INSPECTED: December 1 to 4, 2005

DATE OF RLPORT: January 2006

TOTAL ACREAGE INSPECTED: 57.94 acres; 23.48 ha.

ARCHAEOLOGY: 1.71 acres (0.69 ha)

ETHNOGRAPHY: Some interviews regarding shrine (AZ-P-4-18) were conducted by NNHPD staff (Timothy Begay and Tony Joe)

METHOD OF INVESTIGATION

ARCHAEOLOGY: Three archaeologists walked transects spaced 10-15 m apart.

ETHNOGRAPHY: Interviews in Navajo and English with local residents to secure information regarding possible traditional cultural properties and function of shrine (AZ-P-4-18).

CULTURAL RESOURCES FOUND: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

LIST OF ELIGIBLE PROPERTIES: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

LIST OF POTENTIALLY ELIGIBLE PROPERTIES: None.

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHEOLOGICAL RESOURCES: 6: AZ-P-4-9; AZ-P-4-10; AZ-P-4-11; AZ-P-4-12; AZ-P-4-13, AZ-P-4-18.

EFFECT/CONDITIONS OF COMPLIANCE: In accordance of Stipulation 3 of the document entitled "*A Programmatic Agreement Among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section, Within the Boundaries of the Navajo Nation.*" the Navajo Nation Historic Preservation Department has determined that the undertaking will have no adverse effect on historic properties provided that the conditions set forth in the following table are adhered to.

Treatment Stipulations for Previously Recorded Historic Properties

Site #	Inclusive Station Numbers	Recommended Treatment
AZ-P-4-9	583-00	A portion of the site is within the proposed realignment, but prior archaeological and ethnographic work has exhausted the research potential of the site and no further work is recommended

Site #	Inclusive Station Numbers	Recommended Treatment
AZ-P 4-10	585+00 to 586+00	A portion of the site is within the proposed realignment, but prior archaeological and ethnographic work has exhausted the research potential of the site and no further work is recommended
AZ-P 4-11	645+00	The site is outside the proposed realignment and no further work is recommended
AZ-P 4-12	674+00	The site is within the proposed right of way, but local residents indicated that the site did not need to be avoided. Furthermore, prior ethnographic work has exhausted the research potential of the site and no further work is recommended
AZ-P 4-13	699+00 to 709+00	A portion of the site is within the proposed realignment, but prior archaeological work has exhausted the research potential of the site and no further work is recommended
AZ-P 4-18	728+00 to 730+00	A portion of the site is within the proposed realignment as initially recorded by Trianni (1992) and Newton and Gilpin (1998); a Navajo traditional practitioner (a Nightway Chanter) interviewed by Historic Preservation Personnel indicated that portions of the site initially regarded as part of the road shrine were, in fact, not part of the shrine but probably road debris or part of some other disturbance. However, the Navajo Traditionalist still recommended that the rocks be removed from the right way outside of the construction zone but not be put near the road shrine itself. BIA will ensure that this is done prior to construction.

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

In 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 928/871-7145

FORM PREPARED BY: Peter J. Kakos
FINALIZED: December 7, 2006

Notification to

Proceed Recommended:

Conditions:

Yes ☒ No

Yes ☒ No ☐



Alan Downer

Navajo Nation Historic Preservation Officer

12.7.06

Date

Agency Approval:

Yes ☒ No

E.D.



Omar Bradley

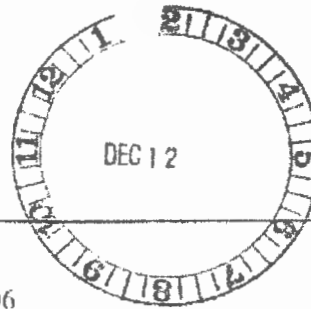
Acting Director, Bureau of Indian Affairs,
Navajo Region

12/7/06

Date



THE NAVAJO NATION



JOE SHIRLEY, JR.
PRESIDENT

FRANK DAYISH, JR.
VICE-PRESIDENT

December 7, 2006

Omar Bradley
Acting Director, Navajo Region
Bureau of Indian Affairs
P.O. Box 1060
Gallup, New Mexico 87305-1060

RE: Contract No. C306594NR2, Phased Data Recovery on Navajo Route 2
between Nazlini and Chinle, Apache County, Arizona.

Final report entitled, *A Cultural Resources Survey for the Proposed Navajo Route
27 Right-of-way Realignment, Navajo Nation, Apache County, Arizona*. NNIIPD
97-048.4.

Dear Mr. Bradley:

The Navajo Nation sent to you the above referenced report for review and comment on October 11, 2006. No comments were received from you, or any consulting or interested party. According to the report findings, concurred by both the Navajo Nation and the lead agency, the realignment as proposed will have no adverse affect on known cultural properties if the stipulations in the cultural resources compliance addendum form (attached) are followed. Please review and sign the form, and return to me at your earliest convenience.

Should you have any questions, please contact me at 928/871-7688, or Peter Kakos, Contract Administrator, at P.O. Box 3669, Sh prock, New Mexico 87420. 505 368-1061. Thank you.

Sincerely,

Marie Dineyazhe

Marie Dineyazhe, Program Manager
Roads Planning Program

MD:pk SR 06 102
cc: 1
N2 cc: 1 fil
NN IPD CRCS/HPD 97 .51

**PROPOSED RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE OF THE
NAVAJO NATION COUNCIL**

Approving Amendment No. 2 to Right-of-Way for the Bureau of Indian Affairs (BIA), Navajo Region Division of Transportation, for Road Improvements of BIA Road Project Nos. N27 (2-2) (2-23) 1, 2&4, N105 (1) 2&4 and N7 (2-3) 2&4, Nazlini Road located on, over and across Navajo Nation Trust Lands, Nazlini to Chinle, Apache County, Arizona.

WHEREAS:

1. Pursuant to 2 N.N.C. § 501 (B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation land and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations; and
2. The Bureau of Indian Affairs (BIA), Navajo Region Division of Transportation, Navajo Area Office, P.O. Box 1060, Gallup, New Mexico 87305, has submitted revised right-of-way survey maps and legal descriptions for BIA Road Project Nos. N27 (2-2) (2-23) 1, 2&4, N105 (1) 2&4 and N7 (2-3) 2&4 for future road improvements attached hereto and incorporated herein as Exhibit "A"; and
3. The revised right-of-way is 54277.19 feet in length and varying widths, consisting of 252.54 acres, more or less, and the revised right-of-way for N105 (1) 2&4 is 2,032.54 feet long and varying widths consisting of 6.144 acres, more or less, and the revised right-of-way for N7 (2-3) 2&4 is 879.21 feet in length and varying widths consisting of 0.97 acres, more or less, on Navajo Nation Trust Lands in various sections of Townships 30-32 North, Range 26 East, G&SRM, Apache County, Arizona. The location is more particularly described on the maps and the legal description attached hereto as Exhibit "B"; and
4. The BIA Roads Section/Right-of-Way Clearance Program with the Navajo Land Department had already conducted the field investigation and obtained the necessary consents from the affected land users (i.e., grazing permittees) attached and explained in the approved Resource Committee Road Nos. RCAP-61-96 and RCJN-138-97 attached hereto as Exhibit "C"; and
5. The environmental and archaeological surveys and clearances have been completed and received appropriate clearance attached hereto by this reference.
6. Waiver of consideration was requested by the applicant because the right-of-way will benefit the Nazlini and Chinle Chapters by serving the surrounding communities and will

enhance the value of Tribal lands for the Tribe overall. However waiver of damages is specially not exempt and the Grantee shall be responsible for and promptly pay all such damages when they are sustained; and

7. It is in the best interests of the Navajo Nation that the amended rights-of-way for BIA, Navajo Region Division of Transportation be approved.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Resources and Development Committee of the Navajo Nation Council hereby approves Amendment 2 to Right-of-Way to Bureau of Indian Affairs (BIA), Navajo Region Division of Transportation, for road improvement of BIA Road Project Nos. N27 (2-2) (2-23)1, 2&4, N105 (1) 2&4 and N7 (2-3) 2&4 Projects, Nazlini to Chinle, Apache County, Arizona.
2. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as Exhibit "D".
3. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to carry out the intent and purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resource and Development Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of _____ in favor, _____ opposed, and _____ abstained, this _____ of _____, 2016.

Presiding Chairperson
Resources and Development Committee

PROPOSED RESOLUTION OF
THE RESOURCES and DEVELOPMENT COMMITTEE OF THE
NAVAJO NATION COUNCIL

Division of Transportation → Approving Amendment No. 2 to Right-of-Way for the Bureau of Indian Affairs (BIA), ~~Branch of Roads~~, for road improvements of BIA Road Project No. N27(2-2)(2-3)1,2&4, N105(1)2&4 and N7(2-3)2&4, Nazlini Road located on, over and across Navajo Nation Trust Lands, Nazlini to Chinle, Apache County, Arizona.

WHEREAS:

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

2. The Bureau of Indian Affairs (BIA), Branch of Roads, Navajo Area Office, P.O. Box 1060, Gallup, New Mexico 87305, has submitted revised right-of-way survey maps and legal descriptions for BIA Road Project No. N27(2-2)(2-3)1,2&4, N105(1)2&3 and N7(2-3)2&4 for future road improvements attached hereto and incorporated herein as Exhibit "A"; and

3. The revised right-of-way is 54227.19 feet in length and varying widths, consisting of 252.54 acres, more or less, and the revised right-of-way for N105(1)2&4 is 2,032.54 feet long and varying widths consisting of 6.144 acres, more or less, and the revised right-of-way for N7(2-3)2&4 is 879.21 feet in length and varying widths consisting of 0.97 acre, more or less, on Navajo Nation Trust Lands in various Sections of Townships 30-32 North, Range 26 East, G&SRM, Apache County, Arizona. The location is more particularly described on the maps and the legal description attached hereto as Exhibits "B" and "B-1"; and

4. The BIA Roads Section / Right-of-Way Clearance Program with the Navajo Land Department had already conducted the field investigation and obtained the necessary consents from the affected land users (i.e. grazing permittees) attached and explained in the approved Resources Committee Resolutions Nos. RCAP-61-96 and RCJN-138-97 attached hereto as Exhibit "C"; and

The application letter dated June 7 2014 is from BIA - NKDPT
WOT
From BIA Branch of Roads.

5. The environmental and archaeological surveys and clearances have been completed and received appropriate clearance attached hereto by this reference.

6. Waiver of consideration was requested by the applicant because the right-of-way will benefit the Nazlini and Chinle Chapters by serving the surrounding communities and will enhance the value of Tribal lands for the Tribe overall. However waiver ~~of~~ damages is specifically not exempt and the Grantee shall be responsible for and promptly ~~pay~~ all such damages when they are sustained; and

7. It is in the best interests of the ~~Navajo~~ Nation ~~that~~ the amended rights-of-way for Bureau of Indian Affairs (BIA), Branch of Roads ~~be~~ approved.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Resources and Development Committee of the Navajo Nation Council hereby approves Amendment 2 to Right-of-Way to Bureau of Indian Affairs (BIA), Branch of Roads, for road improvements of BIA Road Project No. N27(2-2)(2-3)1,2 &4, N105(1)2&4 and N7(2-3)2&4 Projects, Nazlini to Chinle, Apache County, Arizona.

2. The Resource & Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as Exhibit "D"; and

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

CERTIFICATION:

I hereby certify that the foregoing resolution was duly considered by the Resource and Development Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of ___ in favor, ___ opposed, and ___ abstained, this ___ day of _____, 2016.

Presiding Chairperson
Resource & Development Committee