



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Walter Phelps, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 119-15.

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

Walter Phelps

DATE:

6-30-15

LEGISLATIVE SUMMARY SHEET

Tracking No. 0119-15

DATE: March 27, 2015

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE LAND WITHDRAWAL OF 14.99 ACRES, MORE OR LESS, KNOWN AS THE TSIDI TO'II (BIRDSPRINGS) CHAPTER TRACT "A", NAVAJO NATION TRUST LANDS (COCONINO COUNTY, ARIZONA), THE SOUTHEAST CORNER OF WHICH WILL BE USED FOR THE BIRDSPRINGS SENIOR CENTER

PURPOSE: Approving the Land Withdrawal of 14.99 acres, more or less, of Navajo Nation Trust Lands known as the Tsidi To'ii (Birdsprings) Chapter Tract "A." The southeast corner of the 14.99 acres, more or less, will be used to construct the Birdsprings Senior Center. The 14.99 acres, more or less, is located in the vicinity of Tsidi To'ii Chapter, Navajo Nation (Coconino County, Arizona).

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 10:50am 4/10/15
Posting End Date: 4/15/2015
Eligible for Action: 4/16/2015

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- First Year, 2015
INTRODUCED BY


(Prime Sponsor) *(Walter Phelps)*

TRACKING NO. 0119-15
AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT;
APPROVING THE LAND WITHDRAWAL OF 14.99 ACRES, MORE OR LESS,
KNOWN AS THE TSIDI TO'II (BIRDSPRINGS) CHAPTER TRACT "A", NAVAJO
NATION TRUST LANDS (COCONINO COUNTY, ARIZONA), THE SOUTHEAST
CORNER OF WHICH WILL BE USED FOR THE BIRDSPRINGS SENIOR
CENTER

BE IT ENACTED:

Section One. Findings

- A. Pursuant to 2 N.N.C. §501 (B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals; and
- B. Pursuant to Tsidi To'ii (Birdsprings) Chapter Resolution No. BS-03-019-96, the Chapter approved the use of 15.0 to 20 acres, more or less, for chapter construction and replacement of the Birdsprings Chapter House and the resolution accepted the approval of the land user for the use of the acreage. A copy of chapter resolution BS-03-019-96 is attached hereto as Exhibit A; and
- C. Pursuant to Tsidi To'ii (Birdsprings) Chapter Resolution No. BS-03-012-02, the Chapter supported the recommendation of the Birdsprings Senior Council for the use of the southeast area of the 14.99-acre land tract for the Birdsprings Senior Center. A copy of chapter resolution BS-03-012-02 is attached hereto as Exhibit B

1 and the Birdsprings Senior Council Resolution No. 03-02-001 is attached as Exhibit
2 O; and

3 D. The proposed withdrawal is approximately 14.99 acres, more or less, of Navajo
4 Nation Trust Land located on the Birdsprings Chapter House Tract A of Exhibit C
5 which is *A record of survey for the Birdsprings Chapter House 45.96 more or less*
6 *acres land withdrawal located in the SW ¼ of Section 16 & SE ¼ of Section 17,*
7 *T22N, R15E G&SRM, Birdsprings, Coconino County, Arizona.* Exhibit C contains
8 the descriptions of Birdsprings Chapter House Tract A which is 14.99 acres, more
9 or less, and Birdsprings Chapter House Tract B which is 30.97 acres, more or less.
10 The map is attached hereto as Exhibit C; and

11 E. The Project Review Section within the Navajo Land Department has met with the
12 Birdsprings Grazing Committee member who has determined that there is no land
13 user affected by the proposed project site. The 14.99 acres has been fenced off and
14 there are already existing developments on the site. The Project Review letter and
15 the Grazing Official's letter are attached hereto as Exhibit D; and

16 F. All environmental and archaeological surveys and studies have been completed and
17 received appropriate clearance attached hereto and made a part of by this reference.
18 Exhibit E is the Finding of No Significant Impact (FONSI); Exhibit F is the
19 Environmental Assessment; Exhibit G is the Biological Resources Compliance
20 Form; Exhibit H is Cultural Resources Compliance Form; Exhibit I is the Fish and
21 Wildlife Department Report; Exhibit J is the US EPA Designated Sole Source
22 Aquifers in EPA Region IX Report; Exhibit K is the National Wild and Scenic
23 River System Report; Exhibit L is the Arizona Department of Environmental
24 Quality Report; Exhibit M is the NTUA Letter of Utility Availability; and Exhibit N
25 is the Flood Control Studies for Arizona Communities Project Evaluation Report.

26 27 **Section Two. Approval**

28 A. The Resources and Development Committee of the Navajo Nation Council hereby
29 approves the land withdrawal 14.99 acres, more or less of Navajo Nation Trust
30 Lands known as the Birdsprings Chapter House Tract A, Tsidi To'ii (Birdsprings)

Chapter (Coconino County, Arizona). The southeast area of the 14.99 acres, more or less, is the purpose of constructing the Birdsprings Senior Center. The location is more particularly described on the map attached hereto as Exhibit "B".

- B. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to sign any documents necessary to effectuate the intent and purpose of this resolution.

RESOLUTION OF BIRDSPRINGS CHAPTER
WESTERN NAVAJO AGENCY

Requesting the Birdsprings Chapter to Review and Approve Land Tract of 15 to 20 Acres East of Birdsprings NHA Housing Units for Construction and Replacement of the Birdsprings Chapter House Complex and Acceptance of Approval From Ms. Vida Charley, Land Use Permittee, for Identified Land Tract.

WHEREAS:

1. The Birdsprings Chapter is a certified established and recognized by the Navajo Nation Council with local governance powers to review all matters affecting the development of the community; 2NTC sec. 4048 (a); and,
2. The existing Birdsprings Chapter House was completely destroyed by fire March 05, 1995; and,
3. The existing Birdsprings Chapter complex is situated in a noted flood plain restricting further developments and jeopardizing the progress of the chapter; and,
4. There has been discussions and concerns to relocate the chapter complex to an area conveniently situated to accommodate the administrative functions and facilitate accessibility for the residents of Birdsprings Chapter.
5. The designated location east of the Birdsprings NHA Housing Unit has been identified to serve as the site for the proposed replacement of the Birdsprings Chapter House; and,
6. The primary land use permittee, Ms. Vida Charley, is in consensus to allow the construction and replacement of the Birdsprings chapter.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Birdsprings Chapter registered community members to review and approve 15 to 20 acres of land tract east of Birdsprings NHA Housing Units.
2. The Birdsprings Chapter accept the approval of Ms. Vida Charley, land use permittee, to allow for construction and replacement of the Birdsprings Chapter House complex in the identified site.

CERTIFICATION

We hereby certify that the foregoing resolution was considered at a duly called chapter meeting at which a quorum was present and that the same was passed by a vote of 27 in favor, 0 opposed and 1 abstain on this 19th day of March 1995.

Leonard Curtis
Leonard Curtis, President

Thomas Begay
Thomas Begay, Vice President

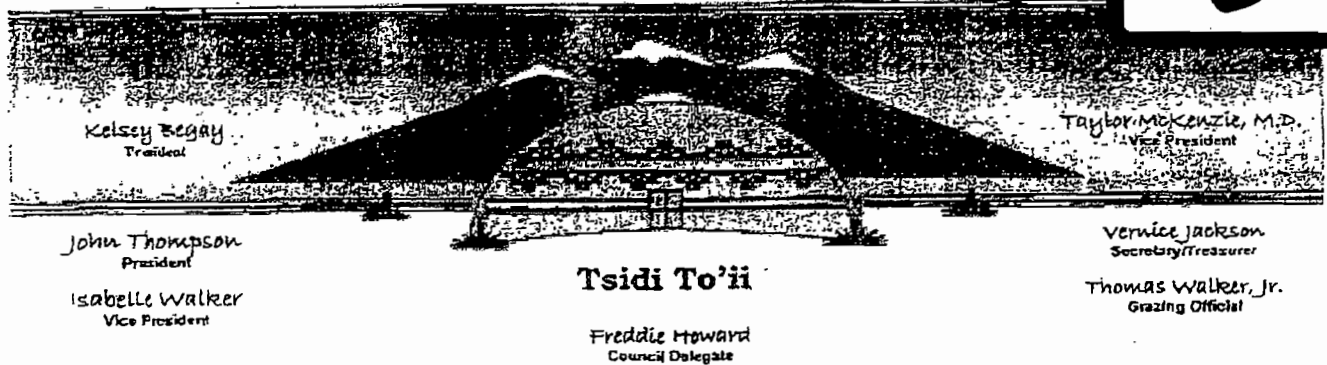
Joanie Little, Secretary

Rosebelle Walker
Treasurer Rosebelle Walker, Grazing
Committee Member

Freddie Ho
Freddie Ho

e Leonard Chee, Council Delegate

Handwritten:
BS-03-019-96



RESOLUTION OF THE BIRDSPRINGS CHAPTER WESTERN NAVAJO AGENCY

Resolution No.: BS-03-012-02

**ACKNOWLEDGING AND SUPPORTING THE RECOMMENDATION OF THE
BIRDSPRINGS SENIOR COUNCIL IN IDENTIFYING THE SOUTHEAST AREA
WITHIN THE 15-ACRE LAND TRACT AS THE DESIGNATED AREA FOR THE
BIRDSPRINGS SENIOR CENTER.**

WHEREAS:

1. The Birdsprings Chapter is a certified chapter established and recognized by the Navajo Nation council with local governance powers to review all matters affecting the development of the community, 2 N.T.C. sec. 4045 (a) and 26 N.N.C. 103; and
2. The Navajo Area Agency on Aging is recognized and established by the Navajo Nation Council to address issues and concerns pertinent to the welfare and well being of the elderly population of the Navajo Nation and provides services relevant to the care and attention of the elderly residents within the Navajo Nation chapters; and
3. The Senior Center is an established and recognized entity of the Navajo Nation entitled to provisions that will improve the production and services on behalf of the elderly community within Birdsprings; and
4. Through the efforts of the Senior representation via the Birdsprings Senior Council, an application was submitted for funding to the State and the Navajo Nation, particularly Capital Improvement Office, which has been approved and prioritized; and
5. The Senior Center Council has determined the location of the Senior Center to be on the southeast side of Birdsprings Chapter, which places the Senior Center Project into Phase Two, the Construction Phase; and
6. The southeast side allows for the proposed parking lot of the Senior Center to be available to the chapter in case additional parking space is needed, plus provides adequate space if an addition to the senior center is needed.

Birdsprings Chapter * Post Office Box K * Winslow, Arizona 86047
☎ (928) 686-3266 * FAX (928) 686-3269

7. Of the three floor plans presented from Loren Sadler Architect, Inc., Floor Plan #3 was chosen due to centrally locating the parking lot allowing for additional parking space for the chapter.

NOW, THEREFORE, LET IT BE RESOLVED THAT:

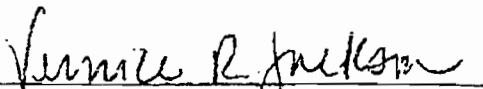
The Birdsprings Chapter hereby supports the efforts of the Birdsprings Senior Council and approves the plan of the Birdsprings Senior Center Project to be located on the southeast side of the chapter.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Birdsprings Chapter at a duly called meeting at Birdsprings, Arizona at which a quorum was present and that the same was passed by a vote of 25 in favor, 0 opposed, and 0 abstained, this 8th day of March 2002.


President


Vice President


Secretary-Treasurer


Grazing Official

Council Delegate

VICINITY MAP NOT TO SCALE

Fd Highway,
R-0-W Monument

Fd Highway
D--W Monument

Legal Description.

BIRDSPRINGS CHAPTER HOUSE TRACT
TRACT B
A 30.97± Ac. LAND WITHDRAWAL

TRACT A
Commencing at the Point of Beginning also being the Southeast corner of said Tract A a point which bears North 36°42'05" West, a distance of 1,728.99 feet from the Southeast (SE) corner of said Section 17;

thence North 89°17'09" West, a distance of 808.36 feet; thence North 00°19'04" West, a distance of 807.56 feet; thence South 00°19'04" West, a distance of 807.56 feet; thence South said Way line of Norjoro Route 15; thence along said South Right of Way line South 89°42'01" East, a distance of 808.21 feet; thence South 00°19'04" West, a distance of 807.86 feet to Containing 14.99 Acres more or less. And being subject to any easements, restrictions and reservations of record.

TRACT B
Commencing at the Point of Beginning also being the Southeast corner of said tract a point which bears N 27°47'56" East, a distance of 1,516.38 feet from the Southwest (SW) corner of said Section 16; thence North 89°41'09" West, a distance of 1,689.61 feet; thence South 89°41'09" East, a distance of 1,689.61 feet to the blance North right of way line of Nevada Route 15; thence along said South right of way line of Nevada Route 15 East, a distance of 1,689.61 feet to the Point of Beginning; thence South 00°16'39" West, a distance of 808.27 feet to the Point of Beginning.
Containing 1.00 section, less, And being subject to any easements, restrictions and reservations of record.

1. Henry Thomas, Arizona Registered Surveyor, do hereby certify that this Plat was prepared from actual ground survey performed by me or under my direct supervision and I am responsible for this survey and the survey is true and correct to the best of my knowledge and belief that this Plat and the field Survey upon which it is based meet the Minimum Standards for Surveying in Arizona and also in accordance with the Navajo, Hopi, and Paiute Services Survey Reenactment Policy.

Henry Thomas / Az.P.I.S. Lic. No. 29894 / Date 2/21/15 Resigned

IND BUREAU
DATE

<p>RED VALLEY SURVEY P.O. Box 2827, Shiprock, New Mexico 87420 Ph. 505-320-0473</p>	<p>BIRDSPRINGS CHAPTER HOUSE 45.96± Ac. Land Withdrawal located in the SW1/4 of Sec. 16 & SE1/4 of Sec. 17 T22N, R15E G4SRM</p>	<p>Check by HT Down HT Society 11-2020 DATE 8-30-21</p>
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Rev.#1 Divided into 2 tracts
2/20/15

RVS#12-132

SURVEYOR'S NOTES:
 Basis of Bearing: North 0°34' West, East line of Section 17
 Denotes set 1 1/2"x18" rebar with plastic Cap NMLPS#12163
 Denotes Found Original 5/8" Rebar for NHA Subdivision survey (used)
 Denotes Found Rebar by Navajo Land Administration (used)
 Distance are ground distances

REFERENCES USED:

- (R-1) A Legal Description of the Birdprintings Chapter Tract
- (R-2) Boundary Survey of the Birdprintings Navajo Subdivision Project
No. Az. 12-90 a plot furnished by Navajo Housing Authority
- (R-3) Survey Plot of the Birdprintings Chapter Navajo Subdivision
No. Az. 12-90 a plot furnished by Navajo Housing Authority
- (R-4) A Legal Description of the Mualut Hill Housing for the Birdprintings Chapter Navajo Subdivision
- (R-5) East of Leupp area Quad map
- (R-6) USLPP Cadastrel Survey Map-722N, R15E 06CSRM

/ SW1/4 OF SECTION 16
T22N, R15E G&SRM
COCONINO COUNTY, ARIZONA

SE1/4 OF SECTION 17
T22N, R15E G&SRM
COCONINO COUNTY, ARIZONA

BIRDSPRINGS CHAPTER HOUSE TRACT
TRACT A
A 14.99± AC. LAND, WITHDRAWAL

SECTION 17 Section line

Section Corner
Fd 2005 USBLM
Brass Cap
Lat: 35°18'05.2" N
Long: 110°45'36.0" W
WGS 84

1"=200'

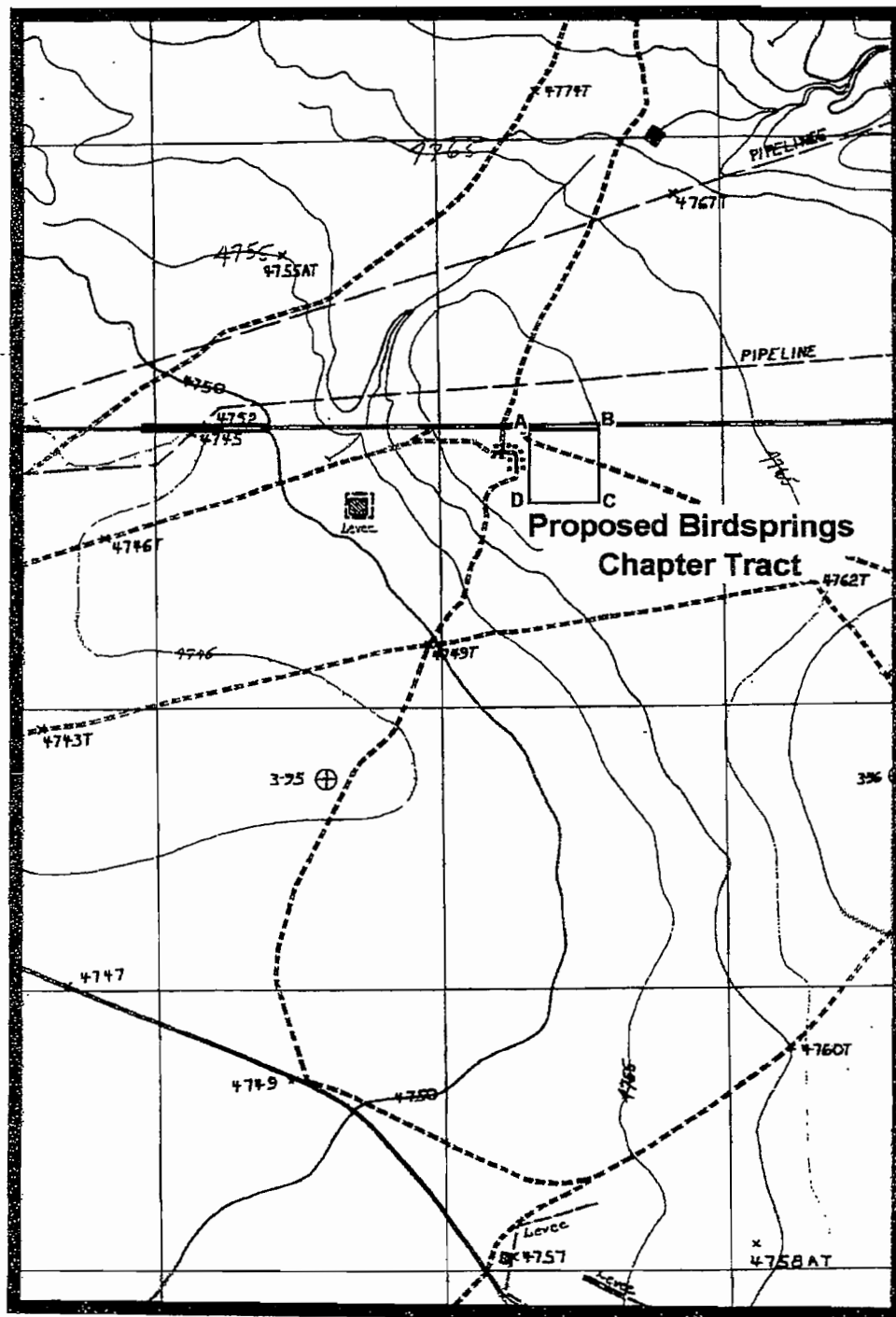


Figure 2: Specific location of the proposed Birdsprings Chapter Tract. Map is East of Old Luepp, Arizona Provisional Edition 1986. Letters are UTM Coordinate locations.

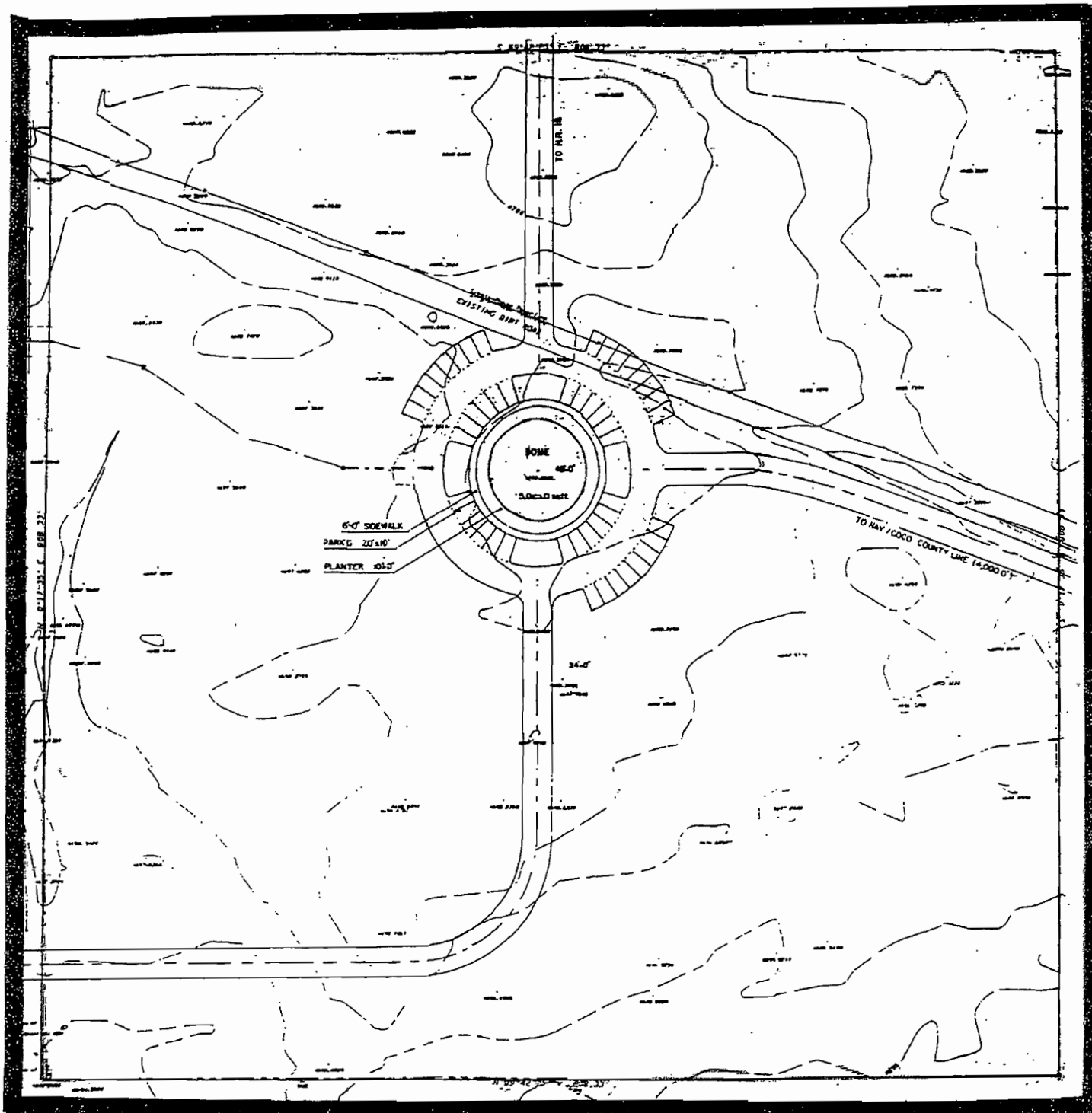


Figure 3. Preliminary Plan of Building Location on Birdsprings Chapter Tract (not for construction)



THE NAVAJO NATION

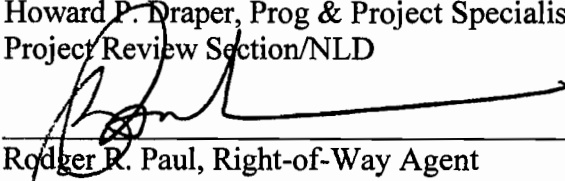


BEN SHELLY
PRESIDENT

REX LEE JIM
VICE-PRESIDENT

MEMORANDUM

TO: Howard P. Draper, Prog & Project Specialist
Project Review Section/NLD

FROM: 
Rodger R. Paul, Right-of-Way Agent
Project Review Section/NLD
Chinle, Arizona 86503

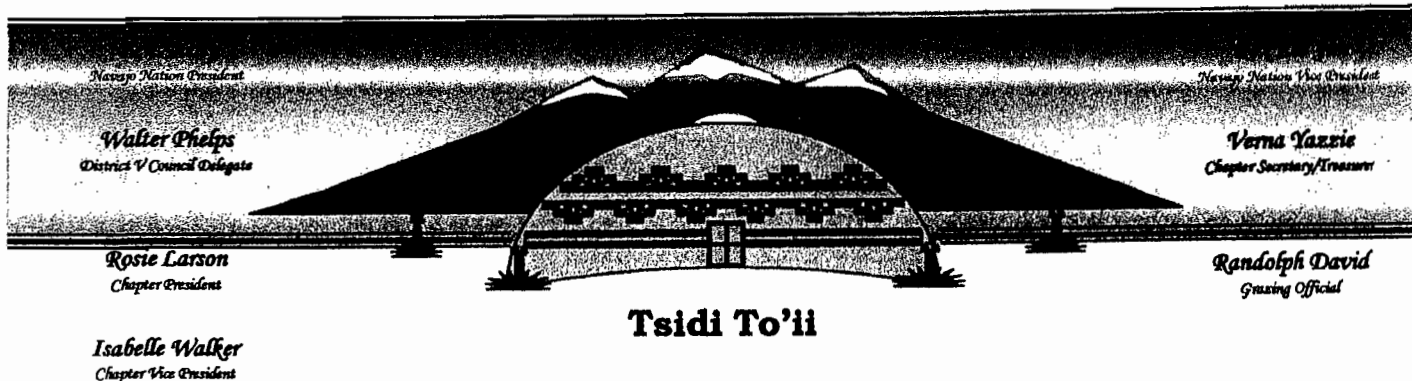
DATE: March 03, 2015

SUBJECT: ***FIELD CLEARANCE FOR 14.99 ACRES***
Birdsprings, Coconino County, Arizona

The Birdsprings (AKA, Tsidi To'ii Chapter) HC-61, Winslow Arizona 86047, has submitted a land withdrawal application requesting to withdrawal 14.99 acres, more or less of Navajo Tribal Trust Land (NTTL) for the construction of the chapter house, Senior Center, Elderly Home and other related facilities, located within the existing chapter tract. The proposed site is located within the SW ¼ of Section 16, SE ¼ of Section 17, GSRM, Birdsprings, Coconino County, Arizona.

Chinle Project Review Section/Navajo Land Department has conducted and completed the field investigation on the above project, met with Mr. Randolph David the affected chapter (Birdsprings Chapter) Grazing Committee Member to identify the affected land user (grazing permittee). Upon review of the attached map (legal description), according to his knowledge and records there is no land user (grazing permittee) affected by the proposed project. The proposed site (14.99 ac.) has been fenced off and there are already existing developments (Chapter House, Senior Center and Elderly Home) on the site. Mr. David has recommend the project for further processing. See attached letter (Dated March 02, 2015) for your information and use. If you have any question you can contact me at (928) 674- 2315.

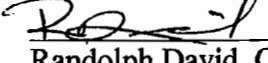
cc: Office File



March 2, 2015



To: Roger Paul, RW Agent
Chinle Land Department

From: 
Randolph David, Grazing Official
Tsidi To'ii Chapter

Subject: Land Withdraw of 14.99 acres;

Tsidi To'ii Chapter has passed a Chapter resolution to withdraw 14.99 acres, more or less of land for chapter developments. The proposed site is located on NTTL within SW ¼ of Section 16, SE ¼ of Section 17, T22N, R15E, GSRM, Birdsprings, Coconino County, Arizona.

According to knowledge and records there is no land user affected by the proposed project. Chapter passed resolution and supporting the project. Therefore, I recommend the project for farther processing.

If you have any question, please contact me at 928-686-3266.



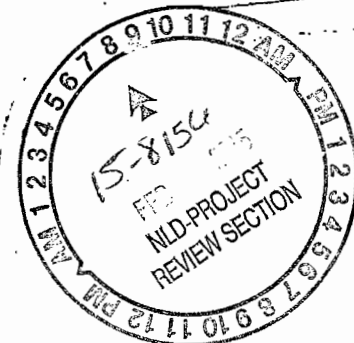
FILE COPY
SURNAME

J. Robbins
R. Robbins

Navajo Area Office
P.O. Box 1060
Gallup, New Mexico 87301

MC: 500
ENVIRONMENTAL SERVICES

FEB 18 1998



President Albert Hale,
The Navajo Nation
Attention: Chavez John, CID/DCD
P.O. Box 9000
Window Rock, Arizona 86515

Dear President Hale:

The Environmental Assessment Document, EA-96-128, for the proposed Bird Springs Chapter Tract has been reviewed by Navajo Area Branch of Environmental Services. A Finding of No Significant Impact (FONSI) has been determined for the proposed action; the proposed action will not have a significant impact on the quality of the natural and human environment. Therefore, an environmental impact statement for the chapter tract is not required.

The enclosed FONSI determination should be appended to the final environmental assessment and all other copies prepared for distribution. Please submit a file copy of the final environmental assessment to the Navajo Area Branch of Environmental Services.

Should you require additional information or have questions on the FONSI determination, contact Mr. Leonard Robbins, Area Environmental Quality Officer, at (505) 863-8286.

Sincerely,

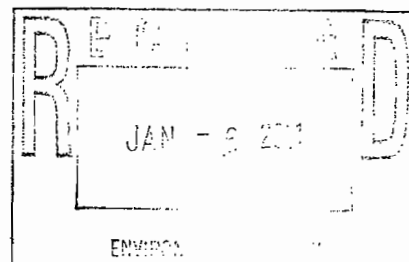
Acting

Area Director, Navajo

Enclosure: FONSI

cc: Area/Eastern Agency Real Estate Services
Bird Springs Chapter
Chrono
Subject (C:\MyFiles\EA-96-128.wpd)
100

500:LROBBINS:dny:2/17/98w/a



FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment Document EA-96-128
Location: Township 22N, Range 15E, Unplatted
Bird Springs, Coconino County, Arizona

The proposed action addresses the Bird Springs Chapter Tract Project, encompassing 15 acres. The project is sponsored by the Bird Springs Chapter.

The project environmental assessment (EA) has been reviewed by the Navajo Area Branch of Environmental Services. On the basis of the proposed project information contained in the applicant's assessment, including the proposed mitigation measures as specified in the 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:

1. Agency and public involvement was conducted and environmental issues related to the development of the chapter tract 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 three potentially viable alternatives which included the no action alternative.
3. In compliance with the Endangered Species Act an informal request for a list of threatened and endangered (T&E) species list was acquired by the project sponsor from the Navajo Nation Natural Heritage Program. A field survey was performed and a biological assessment is crafted in Section V. D. of the EA. The described action will have no effect on listed species or other important wildlife resources.
4. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 consultation and 36 CFR 800.9 (b) consultation, an archeological field inventory was performed for the project. Cultural Resource Compliance Form (CRCF) HPD-96-102 was issued by the Navajo Historic Preservation Department (NNHPD) as shown in Exhibit A. No historic properties were located.

Should 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 be discovered, all operations in the immediate vicinity of the discovery must cease and the NNHPD must be notified at (520) 871-7132.

5. In accordance with the Resource Conservation and Recovery Act, Subtitle D, nonhazardous solid waste is addressed in Section V. G. to minimize the effects of the proposed action.

6. The proposed action would improve the economic and social conditions of the affected Indian community. The Bird Springs Chapter Tract project is supported by the Bird Spring Chapter and the local land user, see the Bird Springs Chapter resolution in Exhibit B.

Leonard Robbins

Area Environmental Quality Officer

FEB 17 1998

Date

**ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT
OF A PROPOSED
15 ACRE NEW CHAPTER TRACT FOR BIRDSPRINGS CHAPTER,
COCONINO COUNTY, ARIZONA**

July 24, 1996

**PREPARED BY
Judith Touchette,
Environmental Services Section
Navajo Nation Capital Improvement Department
P.O. Box 1510, Window Rock, Arizona 86515**

**PREPARED FOR
Birdsprings Chapter
Star Route HC 61
Winslow, Arizona 86047**

**FOR SUBMISSION TO
The Bureau of Indian Affairs
Office of Environmental Quality
P.O. Box 1060
Gallup, New Mexico 87301**

BIRDSPRINGS CHAPTER TRACT

Proposed Actions: The Birdsprings Chapter, an entity of the Navajo Nation, proposes to replace their burned Chapterhouse at a new location.

Type of Statement: This Environmental Assessment Report was prepared in accordance with the National Environmental Policy Act and in the scope of Navajo Environmental regulations as required by the Office of Environmental Quality, Bureau of Indian Affairs.

Lead Agency: Birdsprings Chapter, Navajo Nation
Star Route HC 61
Winslow, AZ 86047

For Information: Judith Touchette or, James Turquoise, Director
Capital Improvement Program Department
P. O. Box 1510
Window Rock, AZ 86515

Abstract: The Birdsprings Chapter needs to replace their Chapterhouse that burned in 1994. The new location, adjacent to Navajo Route 15 will be more convenient for chapter residents and others to conduct business at the chapter. Accordingly, a tract of land encompassing 15 acres was surveyed by the Navajo Land Department, and this assessment was conducted to evaluate and document the impact of the project on the environment.

According to the environmental assessment, there will be no environmental consequences, provided that all construction activities be closely monitored by the sponsoring entities and that all reclamation be consistent with established guidelines.

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ATTACHMENTS:	Figures 1, 2, and 3: General and Specific Location Maps and Plan Map	
EXHIBIT "A"	Cultural Resources Compliance Form	
EXHIBIT "B"	Birdsprings Chapter Resolution	
EXHIBIT "C"	T & E Listing for Birdsprings and National Wetlands Inventory map	

INTRODUCTION:

The Birdsprings Chapter needs to build a Chapterhouse to replace the one that burned in 1994. The new location, near the Navajo Route 15 will be more accessible to residents of the chapter and others who must conduct business at the Chapterhouse.

A Cultural Resources inventory for the 15 acres of the Chapter Tract was conducted by Denise R. E. Copeland and Maxine Yazzie on April 19, 1995. Their report is entitled "A Cultural Resources Inventory of the Proposed Birdsprings Chapter Tract, Coconino County, Arizona, DCD1-95-026" and the Compliance Form that was issued is attached as Exhibit A. c/c i

A field inventory for the Environmental Assessment of approximately 15 acres was conducted by the author on 7-13-95, and the tract was assessed for environmental impact.

SECTION I: PROJECT DESCRIPTION

The Birdsprings Chapter and the Design and Engineering Services Department propose to build a new chapterhouse at this time. A senior citizen's facility, a Headstart building with playground, a wellness/fitness center, a solid waste transfer station, and a vendor's village are planned for future development. The current project will include all associated parking lots and utilities. Earth disturbing activities will include blading, scraping, leveling, filling, and digging foundations. Dust created will be controlled by water trucks. Environmental Assessments will address the future projects when they are proposed.

SECTION II. PURPOSE AND NEED

The Chapterhouse is needed to replace the one that burned in 1994. It was located about two (2) miles southwest of the present project area, 0.7 miles from the paved Navajo Route 15 on a bladed dirt road that was often impassable when wet. The need for a new chapterhouse is based upon the local government's need to have meetings on issues of local concern.

SECTION III. LOCATION/VICINITY

The proposed Birdsprings Chapter tract is located adjacent to the south Right-of-Way for Navajo Route 15, about four and one-half (4.5) miles east of the Transwestern Pipeline Pumping Station, and 200 feet east of the NHSD housing tract. It is within the Birdsprings Chapter, on the Navajo Nation, within the Western Agency, and in Coconino County, Arizona. The area can be found on the U.S.G.S. 7.5 Minute Quadrangle Map "East of Old Leupp, Arizona, Provisional Edition 1986" at T22N, R15E, (Unplatted), GSRM. See Figure 1. and Figure 2. for the general and specific project location.

SECTION IV. FORMATION OF ALTERNATIVES

1. No Action - The No Action plan will not replace the burned Chapterhouse and will not serve the needs of the residents of the Birdsprings Chapter for a central government location for local issues and projects. This does not support the community goals and objectives.
2. Alternative Action - Alternative locations have been considered, however, they are not as accessible to the residents and/or centrally located. The location of the project adjacent to the paved road will enhance the experience of attending chapter function and receiving services, as well as prolong the life of vehicles.
3. Preferred Alternatives - The proposed location of the projects was selected based on proximity to the paved road and the housing tract for residents. The area has been inventoried for cultural resources. The Birdsprings Chapter supports the project as indicated by the Chapter Resolution to be found in Exhibit "B".

SECTION V. AFFECTED ENVIRONMENTAL CONDITIONS

A. LAND RESOURCES

1. Topographic Characteristics

The general topography of the project area is an alluvial plain with red/brown silty sand soil. The land slopes gently toward the Little Colorado River that flows from east to west about four (4) miles southwest and south of the project area. The elevation in the project area is 4760 feet above sea level. There is a housing tract about 60 feet west of the project boundary, and the area is much disturbed by human and animal traffic. There are two powerlines crossing the project area, one along the west boundary, and one diagonally from northwest to southeast.

2. Geology and Soil The alluvial, aeolian, and terrace deposits overlay the substrate of the Petrified Forest Member of the Chinle Formation that is Upper Triassic in age. The soils that overlay this formation often have high alkalinity and salinity. In the project area the soil is of alluvial and playa origin and vegetation is sparse. This area of the Painted Desert hydrogeologic subdivision receives a mean annual precipitation amount of 6.37 inches, and 5.4 inches of snowfall. The mean annual temperature is 54.0 °F. (Cooley, et al, 1969)

B. WATER RESOURCES

Surface water in the area is ephemeral, existing mostly in washes during periods of high run-off from thunderstorms and flash floods. No permanent water features were found within the project area. A sewer lagoon and a stock tank are the only areas marked on the National Wetlands Inventory maps within 1 mile of the project area. The lagoon will be utilized by the proposed Chapterhouse. The Little Colorado River runs west about 4 miles southwest of the project. There is an intermittent drainage originating from a highway culvert outside the east boundary of the project.

C. AIR RESOURCES

1. Quality

At the time of this assessment the air quality was judged excellent, although prevailing southwest and west winds can at times degrade the quality with airborne dust.

2. Visibility

During the survey the visibility from the project area was at least 50 miles. There were no factors noted within the immediate area that might influence visibility.

D. ABiotic RESOURCES

1. Wildlife

a. (Terrestrial/Aquatic) During the field survey the following wildlife were identified: Three Townsend's Solitaire (*Myadestes townsendi*), and one Striped Whipsnake (*Masticophis taeniatus*).

b. (Threatened or Endangered Species) According to Navajo Fish and Wildlife Department, Natural Heritage Program, the following is known about Threatened or Endangered species in the project area: (See Exhibit "C")

Known to Occur: No Species are known to occur on the project site.

Known to Occur, Species of Cultural or Economic Significance

One species is known to occur within a 5 mile radius of the site:

1. Speotyto cunicularia hypugea (Western Burrowing Owl) None were observed during inventory, and no prairie dog towns were observed.

Potential to Occur, on 7.5 min. Quad

2. Antilocapra americana americana (pronghorn antelope)
 3. Aquila chrysaetos (golden eagle)
 4. Buteo regalis (ferruginous hawk)
 5. Buteo swainsoni (Swainson's hawk)
 6. Charadrius montanus (mountain plover)
 7. Empidonax traillii extimus (southwestern willow flycatcher)
 8. Mustela nigripes (black-footed ferret)
- None were observed during inventory.

2. Vegetation

a/b/c. The vegetation on the project area is sparse and without much diversity. The dominant plants are shadscale and saltbush, probably due to the alkalinity of the soil. Many of the shrubs act as soil retainers, holding wind-borne sand around the roots and stems, creating "hummocks" around the larger shrubs. The following plants were noted within the project area:

Russian thistle (*Salsoia kali*)
Puncturevine (*Tribulus terrestris*)
Kochia (*Kochia scoparia*)
Greasewood (*Sarcobatus vermiculatus*)
Pigweed (*Amaranthus* spp.)
Shadscale (*Atriplex confertifolia*)
Globemallow (*Sphaeralcea* spp.)
Saltbush (*Atriplex canescens*)
Blue gamma grass (*Bouteloua gracilis*)

d. No known threatened and/or endangered species plants in any NESL categories were identified in the area during the survey.

3. Ecosystems/Biological Communities

Construction of a chapterhouse will not cause any loss of vegetation. If any growth is disturbed, the area should reseed naturally with plants similar to those lost and be available for grazing. The small unavoidable loss of invertebrates and other animals that are normally associated with earth moving activities will not be significant, therefore no adverse impacts are anticipated on the environment.

National Wetlands Inventory maps show only two areas are identified, the sewer lagoon to the southwest, and a stock tank to the north. Neither of these are within the project area (see Figure 3). Use of the lagoon by the chapter will not adversely impact the environment that exists. WSP-125

E. CULTURAL RESOURCES

According to the cultural resources inventory, and during the environmental assessment, the only noted cultural properties were various items of recent trash. No historic, archaeological or traditional cultural resources were found during the Cultural Resources Inventory conducted by Denise R. E. Copeland and Maxine Yazzie. Their report, titled "A Cultural Resources Inventory of the Proposed Birdsprings Chapter

Tract, Coconino County, Arizona DCD1-95-026" has been submitted to the Navajo Nation Historic Preservation Department for review and the resulting Compliance Form is attached in Exhibit A.

F. SOCIOECONOMIC CONDITIONS

1/2. Employment and Income/Trends

The quality of life will not change, but the construction of the chapterhouse may produce temporary employment in the community. The project will improve the resident's access to chapter activities and benefits due to the closer proximity to the paved highway (NR 15) and the housing tract that is adjacent.

3. Lifestyles and Cultural Values

The Birdsprings Chapter has an estimated population of 659 people. The major employer in the area is the Little Singer School, with a few people employed by the Transwestern Pipeline Station. A housing development is located in the Chapter, just west of the proposed chapter tract, and the remainder of the people live at homesites scattered throughout the chapter. Cultural values, traditional lifeways, are still practiced within the community in traditional songs and language, despite the encroachment of modern conveniences and practices (Re: Chapter Images, 1992 ed.).

4. Community Infrastructure

The Birdsprings Chapter is served by powerlines, telephones, and water systems in some areas. There is a sewer lagoon located southwest of the project area. Communication is by way of television and AM/FM radio stations, and newspapers. There are two paved highways through the chapter, Navajo Route 15, and State of Arizona Route 99. There are no commercial establishments within the chapter, the nearest gasoline/convenience store is in Leupp, about 15 miles west, and the major shopping area of Winslow is about 40 miles south (Re: Chapter Images, 1992 ed.)

G. RESOURCES/LAND USE PATTERNS, etc.

1. Hunting/Fishing/Gathering Hunting and Fishing are not available within the project area. Plant gathering may take place nearby, but the plant community on these 15 acres is not unique.
2. Timber Harvesting Not available or permitted in this area.
3. Agriculture Only appropriate grazing permittees graze livestock here.
4. Mining Not available in this area.
5. Outdoor Recreation No hiking trails or other evidence for outdoor recreation were noted in the survey.
- 6/7. Transportation and Land Use Plans The chapter tract may be subject to other construction projects in the future. Highway maintenance of Navajo Route 15 is a periodic activity.
8. Solid and Hazardous Waste Sites There are no solid or hazardous wastes on the project area. A solid waste transfer station is planned for the Leupp Chapter, 15 miles west.

SECTION VI: ENVIRONMENTAL CONSEQUENCES

1. Biotic Impacts

Construction of the chapterhouse will cause temporary loss of vegetation, which should reseed naturally with similar plants and again be available for grazing. The small unavoidable loss of invertebrates associated with earth disturbing activities will not be significant. No adverse impacts are anticipated on the environment.

2. Physical Impacts

The proposed construction of a chapterhouse will not significantly impact upon the topography and geology of the project area. There are no existing facilities or watersheds that will be hampered by construction.

3. Cumulative Impacts

Navajo cultural values, land use, and native plant life will not be impacted. The proposed project has been approved by the chapter by resolution. There may be positive long-term increase in use of chapter facilities and resident participation in community affairs due to better access to the chapterhouse. The proposed project area was surveyed for cultural resources by an archaeologist and a report submitted for compliance with federal, state, and tribal laws and codes (see Exhibit A).

SECTION VII. MITIGATING MEASURES

A. Biological Measures

The small unavoidable loss of invertebrates associated with earth disturbing activities will not be significant. No adverse impacts are anticipated on the environment. No further mitigation is necessary because of limited vegetation.

B. Physical Measures

No further mitigation is needed due to the non-existence of physical structures.

C. Cumulative Measures

All new structures will be designed to meet today's construction standards and environmental standards.

D. Pollution Measures

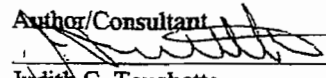
Noise and dust pollution will be temporary during construction. No further mitigation is necessary.

SECTION VIII. CONCLUSION/SUMMARY

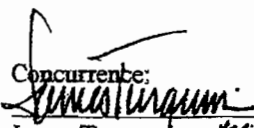
A new chapterhouse is important to the continuing community government processes and functions. The need for a public meeting place and offices for the chapter officials to perform their duties is not currently being met in temporary quarters that are needed for other uses.

SECTION IX. CONSULTATION AND COORDINATION

Author/Consultant


Judith G. Touchette
Capital Improvement Department
P. O. Box 1510
Window Rock, AZ 86515

Concurrence:


James Turquoise, ~~Acting~~ Director
Capital Improvement Department
P. O. Box 1510
Window Rock, Arizona 86515

Annette Nystedt, Data Manager,
Navajo Nation Natural Heritage Program
Fish and Wildlife Department
P. O. Box 9000
Window Rock, AZ 86515

Henry Moore, Jr.
Birdsprings Chapter Community Services Coordinator
Star Route HC61
Winslow, AZ 86047

Denise R. E. Copeland, Archaeologist III
Capital Improvement Department
P. O. Box 1510
Window Rock, AZ 86515

REFERENCES CITED

1. Chapter Images, 1992 Edition, Fall 1993, Navajo Nation Division of Community Development, Window Rock, Arizona
2. Cooley, M. E., J. W. Harshbarger, J. P. Akers, and W. F. Hardt Regional Hydrogeology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah. Geological Survey Professional Paper 521-A, 1969 USGPO, Washington, D.C.
3. Nystedt, Annette, Data Manager, Natural Heritage Program, Navajo Fish and Wildlife Department, Memorandum of August 24, 1995.
4. Scott, Shirley L, editor Field Guide to the Birds of North America, 2nd edition 1987, National Geographic Society, Washington D.C.
5. Stebbins, Robert C, A Field Guide to Western Reptiles and Amphibians, 2nd edition 1985, Houghton Mifflin Co., Boston
6. Whitson, Tom D., editor Weeds of the West 1992 Western Society of Weed Science, Newark, CA

ATTACHMENTS

Figure 1 & 2	General and Specific Location of Project Area
Exhibit "A"	Cultural Compliance Form
Exhibit "B"	Birdsprings Chapter Resolution
Exhibit "C"	T & E Listing/T & E Biological Survey Report

FIGURES 1, 2, AND 3



Figure 1: General location of the project area. Map is after Chapter Images: 1992 Edition.

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.: Bird Springs (Tsidi To'ii) 15-Acre Land Withdrawal

DESCRIPTION: Official land withdraw of 15.0 acres for chapter improvements.

LOCATION: SE¼ of Section 17, T22N, R15W, G&SRM, Birdsprings (Tsidi To'ii), Coconino County, Arizona

REPRESENTATIVE: Howard Draper, Project Review, Navajo Land Department for Tsidi To'ii Chapter

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: EA & FONSI (EA-96-128) of a Proposed 15 Acre New Chapter Tract for Bird Springs Chapter/24 JUL 1996/Judith Touchette

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Previously approved for 45.96± acres (#13BSCH-01nwchtr) on 01 APR 2013.

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/24 FEB 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 2/26/15
--	--	-----------------

*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

EXHIBIT A
Cultural Compliance Form

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

ROUTING: COPIES TO

AZ

SHPO

XX

REAL PROPERTY MGT/330

XX

DCD

NNHPD NO. HPD-96-102

OTHER PROJECT NO.

DCD 95-026

PROJECT TITLE: A Cultural Resources Inventory of the Proposed Birdsprings Chapter Tract, Coconino County, Arizona

LEAD AGENCY: BIA/NAO

SPONSOR: Capital Improvement Department, PO Box 1510, Window Rock, AZ 86515, AND Birdsprings Chapter, Star Route HC 61, Winslow, AZ 86047

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of several municipal buildings and associated facilities within the 15 acre area. Ground disturbance will be intensive and extensive.

LAND STATUS: Tribal Trust Lands

CHAPTER: Birdsprings

LOCATION: T22N, R15E, Unplatted. Coconino County, Arizona

PROJECT ARCHAEOLOGIST: D.R.E. Copeland

NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: April 20, 1995

DATE OF REPORT: November 28, 1995

TOTAL ACREAGE INSPECTED: 15.0

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 properties were located. Pursuant to 36 CFR 800.4(d), a copy of this form and the report has been provided to the SHPO notifying them that no properties were found.

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: RICHARD M. BEGAY

FINALIZED: February 15, 1996

Notification to

Proceed Recommended:

Yes XX No

Conditions:

Yes No XX

Alan S. Downer

Navajo Nation Historic Preservation Officer

2/17/96

Date

Agency Approval:

Yes No

Area Director

2/21/96
Date

INTRODUCTION

On behalf of Birdsprings Chapter, and the Capital Improvement Department of the Navajo Nation Division of Community Development, a cultural resource inventory of the the new Birdsprings Chapter Tract has been completed. The fieldwork was conducted by Denise R. E. Copeland and Maxine L. Yazzie of the Capital Improvement Department on April 20, 1995.

DESCRIPTION OF UNDERTAKING

The proposed undertaking consists of the scraping and leveling of the new proposed chapter tract for the construction of a chapter house, a senior center with a 20 care unit, a headstart with a playground, a wellness/fitness center (gym), a transfer station, a vendor's village, all associated parking lots and the placement of utilities.

PROJECT LOCATION

The chapter tract is located within the Birdsprings Chapter of the BIA Western Agency in Coconino County, Arizona in the Navajo Indian Reservation (Figure 1). The specific location of the chapter tract is depicted on the East of Old Luepp, Arizona USGS quad map (Figure 2). The legal location is an unplatted portion of T 22 N, R 15 E; GSRM. The land status of the project area is Tribal Trust. UTM's coordinates are listed in Table 1.

TABLE 1
UTM Coordinates for the Birdsprings Chapter Tract
(Zone 12)

Point	Location	Northing	Easting
A	Northwest Corner:	39 06 820 m,	5 21 500 m
B	Northeast Corner:	39 06 540 m,	5 21 500 m
C	Southeastn Corner:	39 06 560 m,	5 21 280 m
D	Southwest Corner:	39 06 820 m,	5 21 300 m

AREA ENVIRONMENTAL AND CULTURAL SETTING

The project area is located on a alluvial plain of red/brown silty soil. The land slopes gently toward the Little Colorado River which flows from east to west about 4 miles southwest of the project area. The elevation of the project area is 4760 ft/1451 m above sea level.

Surface water in the area is ephemeral, existing mostly in washes during periods of high run-off from thunderstorms and flash floods. No permanent water is located within the project area. There is a intermmittent drainage originating from a highway culvert east

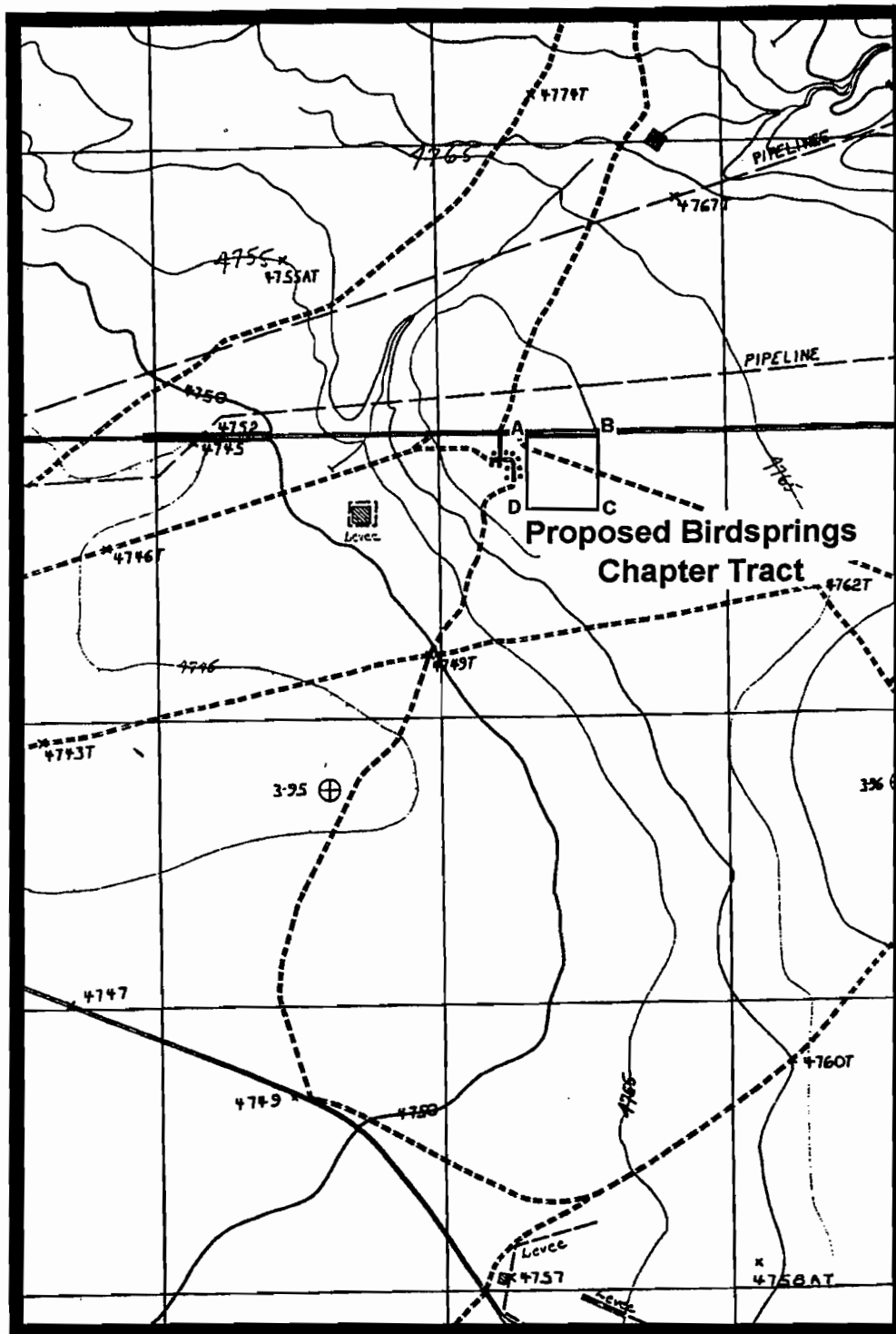


Figure 2: Specific location of the proposed Birdsprings Chapter Tract. Map is East of Old Luepp, Arizona Provisional Edition 1986. Letters are UTM coordinate locations.



NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL REVIEW/ADMINISTRATION
P.O. Box 339, Window Rock, Navajo Nation, (AZ) 86515
Office: 928/871-7692 · Fax: 928/871-7996
Website: www.navajonationepa.org



Ben Shelly
PRESIDENT

Rex Lee Jim
VICE-PRESIDENT

received
2/22/2011

January 13, 2011

Eileen Hardy
Community Services Coordinator
HC 61
PO Box K
Winslow, Arizona 86047

**RE: ENVIRONMENTAL ASSESSMENT 15-ACRE NEW CHAPTER TRACT FOR BIRDSPRINGS
CHAPTER, COCONINO COUNTY, ARIZONA**

Dear Ms. Hardy,

The Navajo Nation Environmental Protection Agency (NNEPA) Office of Environmental Review was informed through Mr. Nate Rodgers, Project Manager, Randall Ewers & Associates, that Birdsprings Chapter is ready to begin construction activities for the Senior Citizen on the Chapter tract. The environmental assessment¹ was received to NNEPA OER by Mr. Harrison Martin, January 7, 2011. After reviewing the EA for the proposed action, NNEPA is submitting comments and recommends ***“conditional approval”*** for the Birdsprings Senior Citizen.

1. Navajo Nation Clean Water Act:

- a. §401 Certification: A 401 is not required for the proposed action. There will be no crossing of any known wash(es) within the existing chapter tract.
- b. §402 NPDES Individual: If there will be any source of water to be released into any close proximity of known washes, streams, creeks, rivers, etc., a 402 NPDES will be required. C
- c. §402 NPDES General (Storm Water): The proposed senior center is at greater than the 1 acre, a copy of the Storm Water Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs) must be filed with USEPA Region 9 and a copy to be sent to NNEPA Water Quality to Mr. Patrick Antonio, Program Manager. He can be reached at 928/871-7185. A copy of the SWPPP and NOI must be kept within the premise for future inspections and visits from the NNEPA Water Quality Staff.

¹ Navajo Nation Capital Improvement Department. Environmental Assessment of a Proposed 15 Acre New Chapter Tract for Birdsprings Chapter, Coconino County, Arizona. July 1996.

- d. §404 Dredge & Fill: If any soil material will be taken from or any work will be in any known washes, streams, creeks, rivers, etc., a 404 permit will be required before commencing any construction activities. Mrs. LeeAnn Silversmith is the contact for the 404 permitting on behalf of US Army Corp of Engineers.
2. ***Navajo Nation Air Pollution Prevention and Control Act:*** The proposed senior citizen site is within an area designated as Class II which is unclassified for the National Ambient Air Quality Standards (NAAQS) ~ attainment of the NAAQS; visibility is good to excellent.
 - a. Dust must be controlled by approved water through the Navajo Division of Natural Resources, Department of Water Resources Water Code. Contact Mr. Jack Utter at 928/871-4003.
3. ***Navajo Nation Safe Drinking Water Act:***
 - a. NNEPA recommends for Birdsprings Chapter/contractor to work with NNEPA Public Water Systems Supervision Program on the drinking water and domestic waste water permits, design review and construction permits pursuant the Navajo Nation Primary Drinking Water Regulations.
 - b. Assessing the existing sewer lagoons to ensure the existing lagoon(s) will hold additional waste water and not to exceed the holding capacity of the lagoon(s) will lessen the impacts to the public. The sewer lines should be working appropriately. If a need for a septic system, it must be controlled to prevent discharge and prevent ground water/soil contamination.
 - c. Disposing food related waste in appropriate containers and not released into the public waste water lines will lessen impacts to the public and environment.
4. ***Navajo Nation's Solid Waste Act:***
 - a. Do not allow public to take construction waste, cumulatively NNEPA gets complaints and reports on illegal trash dumpings on rural areas and in the waters of the US and Navajo Nation.
 - b. The Birdsprings Chapter/Senior Citizen Manager must control the solid waste bin to reduce injuries or fatalities of facility related waste to wildlife and domestic animals.
1. ***Navajo Nation Comprehensive, Environmental Response, Compensation and Liability Act:***
 - a. No hazardous materials will be stored, used, generated or handled on the proposed senior citizen site.
 - b. For your information, pursuant the Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act 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 owner, 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.
5. ***Navajo Nation Underground Storage Tank Act:***
 - a. No underground gasoline storage tanks will be installed for the proposed action.
6. ***Federal Insecticide Fungicide and Rodenticide Act (FIFRA)/NN Pesticide Act:***

- a. Contact the NNEPA Pesticide Program at 928/871-7815/7810 before applying any pesticides and herbicides to control noxious and invasive plant species to ensure the product is in compliance and appropriately applied by a certified and licensed applicator.
- b. Pesticide staff will also may need to be onsite to monitor during pesticide/herbicide application.
- c. Any type of pesticide to be sold through the convenience store will be inspected periodically to ensure the owner is in compliance in distributing, selling accordingly to the FIFRA law and regulation.

7. Others To Contact Within Navajo Nation:

- a. Ms. Vivian Craig or Mr. John Plummer will be notified of the proposed action due to potential radon concentration in the area, if any. They may recommend for the proposed facilities to be design as specified to minimize human health impact from radon.

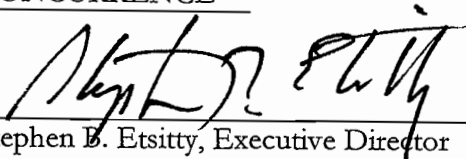
If there are any questions, you may contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.

Sincerely,



Rita Whitehorse-Larsen, Senior Environmental Specialist
Navajo Nation Environmental Protection Agency

CONCURRENCE



Stephen B. Etsitty, Executive Director
Navajo Nation EPA

Cc: Donna Begay, Senior Citizen Manager, HC 61, PO Box K, Winslow, Arizona 86047
Harrison Martin, Navajo Nation Division of Community Development, Capital Improvement
Department
Nate Rodgers, Randall Ewers & Associates
Jack Utter, NN DNR, Department of Water Resources, Water Code Program
NNEPA Water Quality – Patrick Antonio/Lee Ann Silversmith; PWSSP- Delfred Gene; Air Quality;
RCRP; Superfund; UST; Pesticide; Vivian Craig/John Plummer; Administration chrono file

EXHIBIT B

Birdsprings Chapter Resolution

EXHIBIT C

**T & E Listing/T & E Biological Survey Report
and
National Wetlands Inventory Map**



THE NAVAJO NATION

ALBERT A. HALE
PRESIDENT

THOMAS E. ATCITY
VICE PRESIDENT



M E M O R A N D U M

TO: Judith G. Touchette, Archaeologist
Environmental Services Section
Western Area
Capital Improvement Department

FROM: Annette Nystedt
Annette Nystedt, Data Manager
Natural Heritage Program
Fish & Wildlife Department

DATE: 24 August 1995

SUBJECT: BIRDSPRINGS CHAPTER TRACT: 15 ACRES AT UTM COORDINATES
3906900m.N., 521400m.E.

The following information on species of concern is provided in response to your 21 August 1995 request concerning the subject project. "Species of concern" include protected, rare, and certain native species, as well as species of economic or cultural significance.

For each species, the following tribal and federal statuses are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), federal Migratory Bird Treaty Act (MBTA), and federal Eagle Protection Act (EPA). Information is not provided on state status. No legal protection is afforded species with only ESA candidate or NESL group 4 status. (ESA candidate 2 and NESL group 4 species are only included in responses on an irregular basis at this time). Please be aware of these lower-priority species during surveys and inform the Navajo Fish and Wildlife Department (NFWD) of observations. Documentation that these species are more numerous or widespread than currently known contributes to ensuring that they will not be uplisted in the future. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

No species are **known** to occur on the project site. Species **known** to occur within a five-mile radius of the site include:

1. Speotyto cunicularia hypugea (western burrowing owl); NESL group 4; ESA category 2 candidate; MBTA. Known from about 4 miles southeast of the project site.

Additional species with potential to occur on the 7.5-minute quadrangle (East of Old Leupp) containing the project boundaries include:

2. Antilocapra americana americana (pronghorn); NESL group 3
3. Aquila chrysaetos (golden eagle); NESL group 3; MBTA; ESA,
4. Buteo regalis (ferruginous hawk); NESL group 3; ESA category 2 candidate; MBTA.
5. Buteo swainsoni (Swainson's hawk); NESL group 2; ESA category 3C; MBTA.
6. Charadrius montanus (mountain plover); NESL group 4; ESA category 1 candidate; MBTA.
7. Empidonax traillii extimus (southwestern willow flycatcher); NESL group 3; ESA endangered; MBTA.
8. Mustela nigripes (black-footed ferret); NESL group 2; ESA endangered. Potential should be evaluated if prairie-dog towns of sufficient size (per Navajo Fish & Wildlife Department guidelines) occur in the project area.

Your project biologist should have the expertise to determine which of the species listed above have the potential to occur at the project site.

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 (e.g., 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 NFWD's Natural Heritage Program office, or may be purchased through the U.S. Geological Survey (order forms are available through the Natural Heritage Program). The Natural Heritage Program has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

Surveys should be conducted during the appropriate season for the species listed above. Surveyors on the Navajo Nation must be permitted by the Director, NFWD. Contact Jeff Cole at extension 7068 for permitting procedures. Questions pertaining to surveys should be directed to the NFWD Botanist (Bill Hevron) for plants at ext. 7639, and Zoologist (David Mikesic) for animals at ext. 7638.

The information in this report was identified by the NFWD's biologists and computerized database, and is based on current data. 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 NFWD's information 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 extension 7603.

C O N C U R R E N C E

Benallie, Sr.
Larry Benallie, Sr., Director
Navajo Fish and Wildlife Department

xc: file/chrono

**United States Environmental Protection Agency
Designated Sole Source Aquifers
In
EPA Region IX**



Source Water Protection

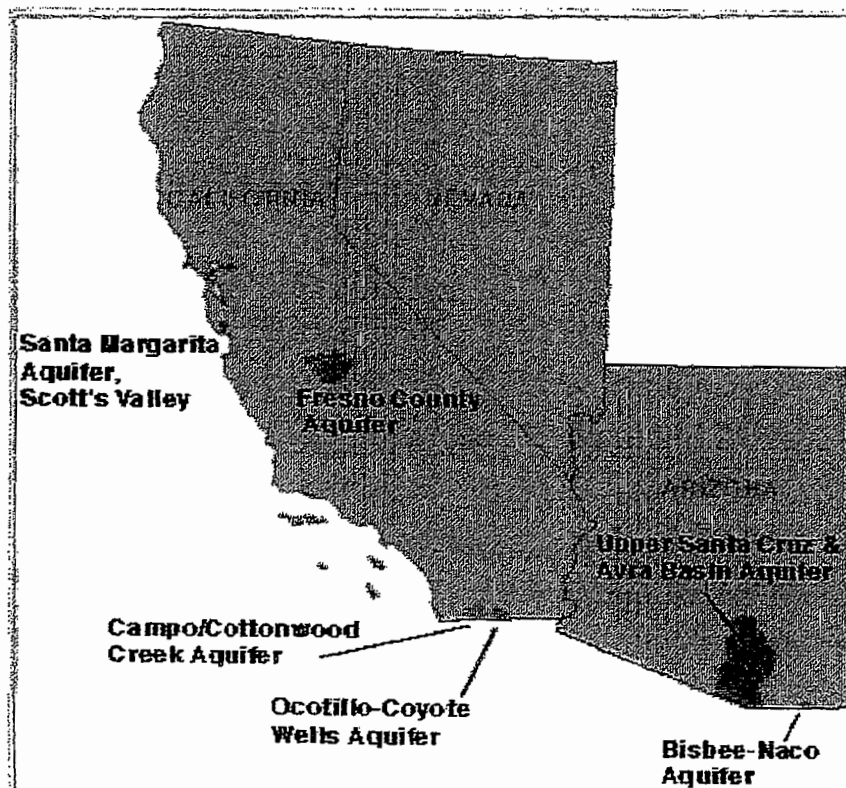
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[EPA Home](#) > [Water](#) > [Ground Water & Drinking Water](#) > [Source Water Protection](#) > [Designated Sole Source Aquifers in EPA Region IX](#)

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Assessment
Protection
Efforts
Contacts
Web Guide
Groundwater
Contamination
Prevention
Strategy
DQWDW
Home

Designated Sole Source Aquifers in EPA Region IX

Arizona, California, Hawaii, Nevada, Guam, and American Samoa



Hillary Hecht
EPA Region 9
Ground Water Office,
WTR-9
75 Hawthorne Street
San Francisco, CA
94105
phone: (415) 972-3530
e-mail:
hecht.hillary@epa.gov

The 9 designated Sole source aquifers in Region IX are listed below. Contact the coordinator above for more information.



Appendix C

**National Wild and Scenic River System
Wild and Scenic Rivers, By State**



Wild & Scenic Rivers -- By State

"...the time has also come to identify and preserve from flowing stretches of our great rivers before growth and development make the beauty of the unspoiled wilderness a memory." -- President Lyndon Johnson

About Wild and Scenic Rivers

Home
About Wild and Scenic Rivers
Study Rivers
Get clues
Site Index
Agencies
WSSA Act
NPS

- [Alabama](#)
- [Alaska](#)
- [Arizona](#)
- [Arkansas](#)
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- [New Mexico](#)
- [New York / Pennsylvania](#)
- [North Carolina](#)
- [Ohio](#)
- [Oregon](#)
- [Pennsylvania](#)
- [Tennessee](#)
- [Texas](#)
- [Washington](#)
- [West Virginia](#)
- [Wisconsin](#)
- [Wyoming](#)

Questions?

Managing Agencies

- ACOE = [Army Corps of Engineers](#)
- BLM = [Bureau of Land Management](#) -- [BLM Rivers](#)
- NPS = [National Park Service](#)
- USFS = [U.S. Forest Service](#)
- USFWS = [U.S. Fish & Wildlife Service](#)
- Various states

Multiple listings of some rivers indicate more than one segment of the river is designated. Some rivers also have tributaries designated.

Arizona

- [Verde, USFS](#)

New Mexico

- [Jemez \(East Fork\), USFS](#)
- [Pecos, USFS](#)
- [Rio Chama, BLM/USFS](#) -- [Boating the Rio Chama](#)
- [Rio Grande, BLM/USFS](#) -- [Boating the Rio Grande](#)

Last Updated: Thursday, 18-Jul-02 16:59:20

<http://www.nps.gov/rivers/wildriverslist.html>

EXHIBIT

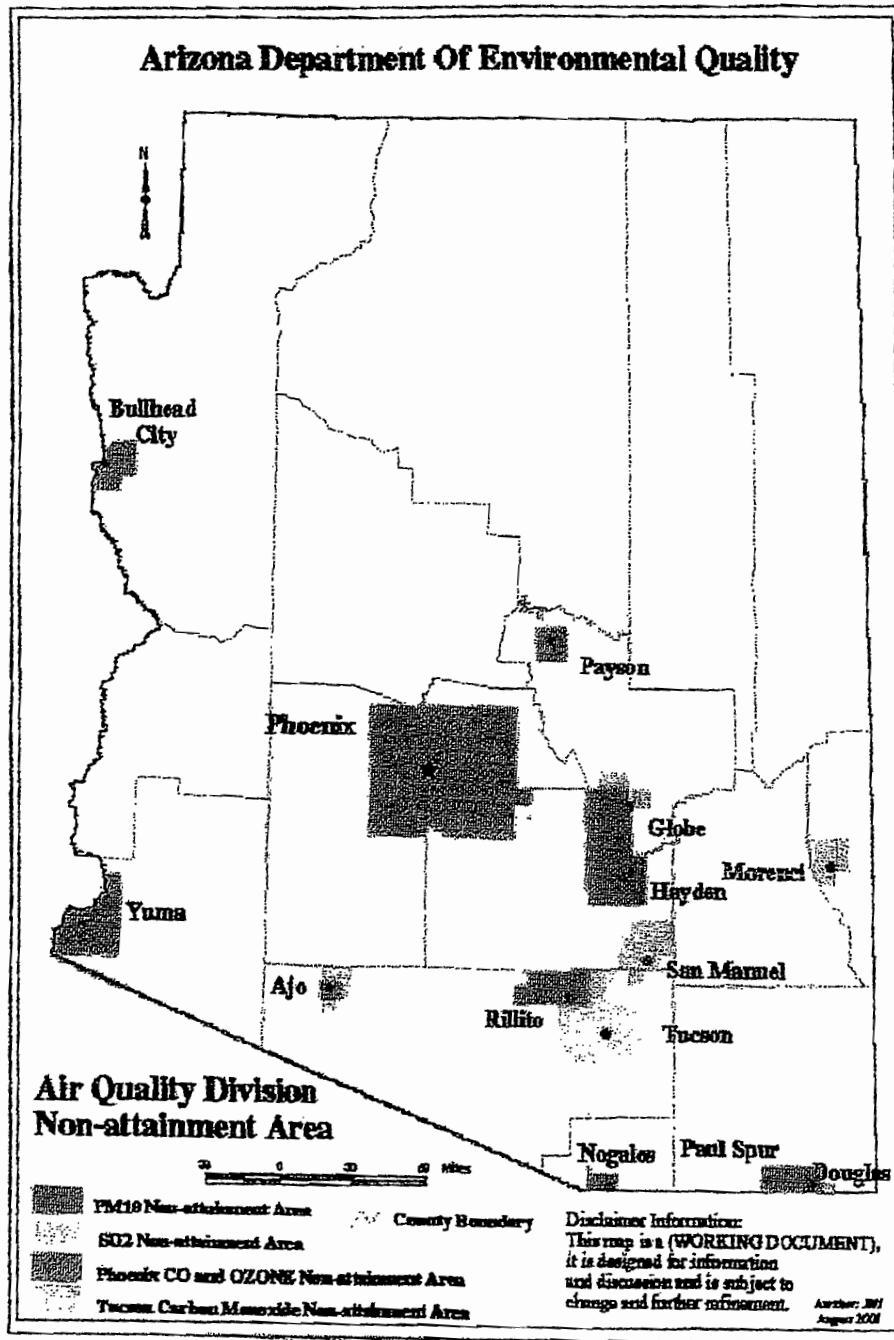
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Appendix D

**Arizona Department of Environmental Quality
Air Quality Division
Non-attainment Areas**

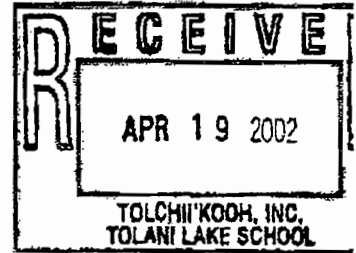
Arizona Department Of Environmental Quality





Appendix E

**Navajo Tribal Utility Authority
Letter of Utility Availability**



NAVAJO TRIBAL UTILITY AUTHORITY
AN ENTERPRISE OF THE NAVAJO NATION

April 18, 2002

Mr. Ronald White
Tolchii'Koooh, Inc.
HC - 61 Box 300
Winslow, Arizona 86047

Dear Mr. White,

As you have requested, Dilkon N.T.U.A. is pleased to inform of the utilities that are on site for Birdsprings area, the future site for the Elderly Group Home:

1. Electricity - We do have single phase power line providing power to his community.
2. Water - This community also has water lines available for your tie in. We do have three wells in Leupp to provide source of water to this community.
3. Sewer - We do have a two-cell lagoon for this area as well.

Please, if you have any questions or need more assistance, do not hesitate to call us at (928) 657-3258 or 3259, I can also be reached by e-mail at jpauljr@ntua.com

Sincerely,

Justin Paul, Jr., Manager
Dilkon District
Navajo Tribal Utility Authority

Appendix F

**Resolution No. BS-03-012-02
Resolution of the Birdsprings Chapter
Western Navajo Agency**

**Resolution No: 03-02-001
Resolution of Birdsprings Senior Council
Western Navajo Agency**



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Flood Control Studies
For
AZ Communities
Project evaluation Report
NN

US Army Corps of Engineers
Los Angeles Dist.
South Pacific Div.
June 1994



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EXECUTIVE SUMMARY

The United States Army Corps of Engineers Los Angeles District (Corps) notified all fifteen Arizona counties in 1993 that the Corps would be conducting Flood-Control Studies for Arizona Communities. Requests for evaluations of potential flood-control projects under the Continuing Authorities Program (CAP) were received for sites in thirteen Arizona counties. Reports have been prepared for each request. This report summarizes the results of the Flood Control Studies for Arizona Communities pre-reconnaissance study for a total of one site submitted by the Navajo Nation in Coconino County.

The study was conducted under the U.S. Army Corps of Engineers Continuing Authorities Program (CAP) and makes a preliminary evaluation of the potential for United States Army Corps of Engineers involvement in a flood-control project on the Little Colorado River at Bird Springs on the Navajo Nation in Coconino County, Arizona. The applicable CAP authority was Section 205 (Flood-Control).

Most-likely solutions, structural and non-structural, were developed and evaluated according to five basic screening criteria:

1. The project must have a preliminary benefit/cost ratio high enough to be reasonably considered as potentially greater than 1.0 after further, more detailed study;
2. The project must meet U.S. Army Corps of Engineers Planning guidelines;
3. The project must have no significant environmental constraint which cannot be avoided or mitigated;
4. The project must have a local sponsor capable and willing to provide the appropriate matching funds; and
5. The most likely solution to the project must be technically feasible.

This report summarizes the results of a pre-reconnaissance study to make an initial appraisal of the potential for Federal involvement on the Little Colorado River.

The Bird Springs community is scattered for approximately 12 miles along the Little Colorado River upstream of Sunrise. The Bird Springs Chapter House, located 10 miles east of Sunrise, is the center of community activities. It serves as the center of local government and provides child care and other services. All other development in Bird Springs is residential with the exception of a pumping station for a gas supply line located on Highway 15 approximately 8 miles east of Sunrise.

Access to Bird Springs from Sunrise is east along Highway 15 on the north side of the Little Colorado River. Access from Winslow is northwest on Highway 2 to Highway 71, and across the Little Colorado River in a dip crossing. Alternate access is available through Sunrise on

Highway 15 rather than on Highway 71. A few residents living south of the river can drive directly to Winslow or Sunrise without crossing the river, but they must use the Highway 71 dip crossing or the Sunrise/Highway 15 alternate route to reach the Chapter House.

The Little Colorado River, with a drainage area of approximately 20,000 square miles, is the main source of flooding. Tributary flooding is significant from the Corn Creek and Bird Springs washes. The Corn Creek Wash, with drainage area of approximately 2,900 square miles, drains through the Bird Springs community and Old Leupp. The Bird Springs Wash, with a drainage area of approximately 55 square miles, drains into a natural depression on the north side of the Little Colorado River. The Chapter House and associated buildings are in this natural depression. Flooding of the Chapter House from Bird Springs Wash flows can be expected to occur frequently.

Under without-project conditions the maximum non-damaging discharge for the Chapter House is a 2-year flood. The maximum non-damaging discharge for the remainder of the Bird Springs area, including the Old Leupp townsite, is a 10-year flood.

According to the Corps of Engineers 1988 Reconnaissance report, most Bird Springs residences within the floodplain are elevated to protect against flood damage, but the Chapter House is not. Flooding damages to structures and contents may therefore be limited to the Chapter House and associated buildings. However, the actual elevation of homes could not be verified in this analysis, and a detailed flood study providing water surface elevations for comparison with lowest floor elevations has not been performed.

Consequently, for purposes of this analysis it is assumed that all of the homes within the floodplain are constructed at the surrounding ground surface. This provides a maximum-possible estimate of flood damages. Without-project flood damages to structures and contents are estimated at \$66,500 per year. It should be understood that due to the elevation of the homes, actual flood damages should be less.

Damages associated with traffic delays because of flooding of the Highway 71 dip crossing are estimated at \$61,700 per year. Emergency services costs are estimated at \$1,930 per year. Total estimated flood-related damages under without project conditions are \$130,130.

Flood-control alternatives investigated included:

- 1) Enlarging the proposed Leupp Irrigation Project to provide a flood-control benefit. The annualized flood-control-related cost of this alternative is a minimum of \$6,767,000 per year. The total Leupp Project cost, including flood control, will be a minimum of \$114,000,000 annualized at \$9,408,000 per year.
- 2) Non-structural flood control including relocation, flood proofing and flood warning.

Potential flood-related NED benefits from Alternative 1 include flood damage reduction, reduction in traffic delays and reduction in emergency costs and are estimated at \$123,780 per year. The benefit/cost ratio is less than 0.18. Furthermore, under Corps guidelines the

flood-control benefit must be at least 10% of the total benefit in a multiple-use project such as this one, and this project does not meet this criterion.

Conclusions

Based upon this pre-reconnaissance preliminary screening, relocation of the Chapter House appears to meet all of the Flood Control Studies for Arizona Communities criteria. Relocation has the potential to warrant Federal interest after further, more-detailed study.

With the exception of the Chapter House (Alternative 2), no flood-proofing or relocation project was identified that would likely warrant Corps of Engineers participation.

A large-scale flood-control project on the Little Colorado River at Bird Springs does not meet all of the Flood Control Studies for Arizona Communities screening criteria. Specifically, the benefit/cost ratio is not high enough to be reasonably considered as potentially greater than 1.0 after further, more detailed study. Inclusion of potential agricultural benefits from the Leupp Project has been evaluated, but flood-control benefits are not high enough for the project to be considered a multi-purpose project which would potentially qualify for Corps of Engineers assistance.

Erosion protection of the existing Highway 71 dip crossing of the Little Colorado River was considered, but no project was identified that would likely warrant Corps of Engineers participation. Construction of a bridge at that location is more appropriately the subject of a regional transportation needs study.

Flood warning could benefit the Bird Springs area, but should more appropriately be the subject of a regional rather than a site-specific study. The alternatives and recommendations are summarized in the following table:

RESOLUTION OF BIRDSPRINGS SENIOR COUNCIL

Western Navajo Agency

Resolution No: 03-02-001

Requesting of the Birdsprings Chapter to support the selection of the building design, orientation and plot design by the Birdsprings Senior Council for the purpose of constructing a combination Senior Citizen Center and Elderly Group Home of 10 Units.

WHEREAS:

1. The Birdsprings Senior Council shall provided input on activities and decision that affect the functions of the site, advise, make recommendations, and assist all Navajo Area Agency on Aging programs concerning all matters related to comprehensive planning and development of elderly programs: and,
2. Pursuant to N.N.C. 4048 (a), Birdsprings Chapter is a certified of the Navajo Nation Council with vested authority to adopt local ordinances and to approve plans and take a position on matters of local concerns that is in the best interest of local people and the Navajo Nation: and,
3. The Birdsprings Senior Council exercising their authority to advocate and decided on behalf of the elders of the Birdsprings Community have selected Plan # 3 as the building, orientation and plot design of the proposed Senior Center/Group Home Building: and,
4. The Design allows the Senior Center/Group Home to face east for traditional purposes and has some environmental and climatic advantages such as thawing of winter snow, etc.: and
5. The orientation will allow for additional parking spaces for the chapter if and when needed and also allow for future expansion of the building: and,

NOW THEREFORE BE IT RESOLVED:

Requesting of the Birdsprings Chapter to support the selection of the building design, orientation and plot design by the Birdsprings Senior Council for the purpose of constructing a combination Senior Citizen Center and Elderly Group Home of 10 Units.

CERETIFICATION

We herby certify that the foregoing resolution was considered by the Birdsprings Chapter at a duly called Birdsprings Senior Council meeting at which a quorum was present and that the same was passed by a vote of 16 in favor, 0 opposed and 0 abstained on the 4 day of March 2002.

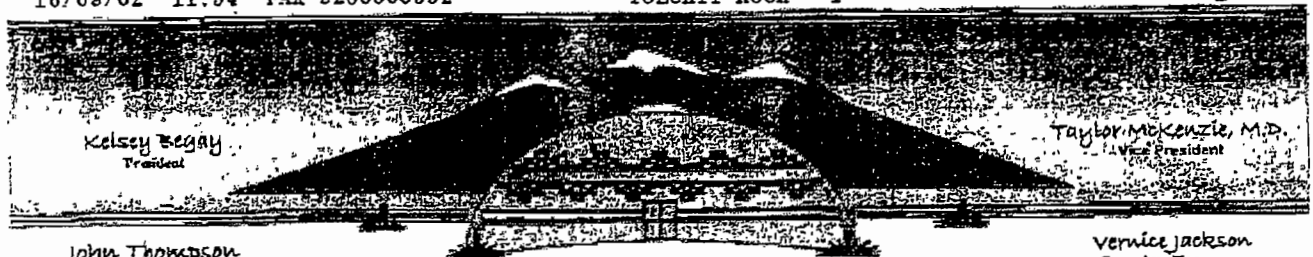
Motioned by: Pauline Todachennie Seconded by: Leroy Long

Rosebell Walker, President

Leroy Long, Vice President

Jackie Johnson, Secreatry

Dolly Wagoner
Dolly Wagoner, Supervisor



John Thompson
President

Isabelle Walker
Vice President

Tsidi To'ii

Freddie Howard
Council Delegate

Vernice Jackson
Secretary/Treasurer

Thomas Walker, Jr.
Grazing Official

RESOLUTION OF THE BIRDSPRINGS CHAPTER WESTERN NAVAJO AGENCY

Resolution No.: BS-03-012-02

**ACKNOWLEDGING AND SUPPORTING THE RECOMMENDATION OF THE
BIRDSPRINGS SENIOR COUNCIL IN IDENTIFYING THE SOUTHEAST AREA
WITHIN THE 15-ACRE LAND TRACT AS THE DESIGNATED AREA FOR THE
BIRDSPRINGS SENIOR CENTER.**

WHEREAS:

1. The Birdsprings Chapter is a certified chapter established and recognized by the Navajo Nation council with local governance powers to review all matters affecting the development of the community, 2 N.I.C. sec. 4045 (a) and 26 N.N.C. 103; and
2. The Navajo Area Agency on Aging is recognized and established by the Navajo Nation Council to address issues and concerns pertinent to the welfare and well being of the elderly population of the Navajo Nation and provides services relevant to the care and attention of the elderly residents within the Navajo Nation chapters; and
3. The Senior Center is an established and recognized entity of the Navajo Nation entitled to provisions that will improve the production and services on behalf of the elderly community within Birdsprings; and
4. Through the efforts of the Senior representation via the Birdsprings Senior Council, an application was submitted for funding to the State and the Navajo Nation, particularly Capital Improvement Office, which has been approved and prioritized; and
5. The Senior Center Council has determined the location of the Senior Center to be on the southeast side of Birdsprings Chapter, which places the Senior Center Project into Phase Two, the Construction Phase; and
6. The southeast side allows for the proposed parking lot of the Senior Center to be available to the chapter in case additional parking space is needed, plus provides adequate space if an addition to the senior center is needed.

Birdsprings Chapter * Post Office Box K * Winslow, Arizona 86047
☎ (928) 686-3266 * FAX (928) 686-3269

7. Of the three floor plans presented from Loren Sadler Architect, Inc., Floor Plan #3 was chosen due to centrally locating the parking lot allowing for additional parking space for the chapter.

NOW, THEREFORE, LET IT BE RESOLVED THAT:

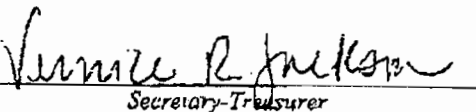
The Birdsprings Chapter hereby supports the efforts of the Birdsprings Senior Council and approves the plan of the Birdsprings Senior Center Project to be located on the southeast side of the chapter.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Birdsprings Chapter at a duly called meeting at Birdsprings, Arizona at which a quorum was present and that the same was passed by a vote of 25 in favor, 0 opposed, and 0 abstained, this 8th day of March 2002.


President


Vice President


Secretary-Treasurer


Grazing Official

Council Delegate

EXECUTIVE OFFICIAL REVIEWTitle of Document: W/drawal_15acres.Tsidi To'ii Chapter Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 928 871-6447☐ **Business Site Lease** Sufficient Insufficient

- | | | | |
|---|-------------|--------------------------|--------------------------|
| 1. Division: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Controller: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review) | | | |
| 3. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

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

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

- | | | | |
|---|-------------|--------------------------|--------------------------|
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| 2. Office of the Controller: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Navajo Housing Authority Request for Release of Funds**

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

☐ **Lease Purchase Agreements**

- | | | | |
|--|-------------|--------------------------|--------------------------|
| 1. Office of the Controller: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| (recommendation only) | | | |
| 2. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Grant Applications**

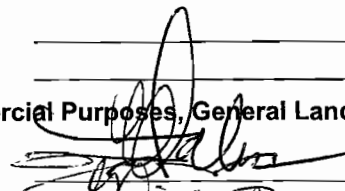
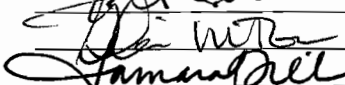
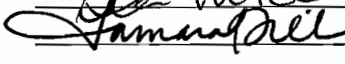
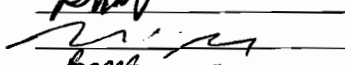
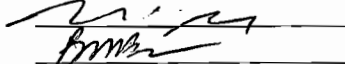
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| 2. Office of the Controller: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

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

☐ **Relinquishment of Navajo Membership**

- | | | | |
|--|-------------|--------------------------|--------------------------|
| 1. Land Department: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Elections: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Office of the Attorney General: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

<input type="checkbox"/> Land Withdrawal or Relinquishment for Commercial Purposes		Sufficient	Insufficient
1. Division:	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases			
1. NLD X		Date: 05 March 15	<input checked="" type="checkbox"/> <input type="checkbox"/>
2. F&W		Date: 2/26/15	<input checked="" type="checkbox"/> <input type="checkbox"/>
3. HPD		Date: 3/4/15	<input checked="" type="checkbox"/> <input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
5. NNEPA	_____	Date: 3-4-2015	<input checked="" type="checkbox"/> <input type="checkbox"/>
6. DNR		Date: 3/5/15	<input checked="" type="checkbox"/> <input type="checkbox"/>
7. DOJ (ic)		Date: 3/4/15	<input checked="" type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Rights of Way			
1. NLD	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease			
1. Minerals	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Assignment of Mineral Lease			
1. Minerals	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)			
1. NLD	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
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<input type="checkbox"/> OTHER:			
1.	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
2.	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
3.	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
4.	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>
5.	_____	Date: _____	<input type="checkbox"/> <input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ	
3/4/15	2:15 p.m.
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #: 003521	
SAS #:	
UNIT: NPU	

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CLIENT TO COMPLETE			
DATE OF REQUEST:	2/24/2015	DIVISION:	Natural Resources
CONTACT NAME:	Vera	DEPARTMENT:	Land
PHONE NUMBER:	871-6447 or 6401	E-MAIL:	
TITLE OF DOCUMENT: TSIDI (BIRDSPRINGS) CHAPTER LANDWITHDRAWAL OF 15 ACRES FOR CHAPTER DEVELOPMENT IN COCONINO COUNTY, ARIZONA			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	3/4/15 3:25 PM	REVIEWING ATTORNEY/ADVOCATE:	Alvin Chee 3/13/15
DATE TIME OUT OF UNIT:			
DOJ ATTORNEY / ADVOCATE COMMENTS			
- Document is legally sufficient. ✓			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Tina Aase	3/4/15	Becker	3/4/15 4:30 pm
DOJ Secretary Called: Howard Drake for Document Pick Up on 3/5/15 at 8:00 By: AS			
PICKED UP BY: (Print)		DATE / TIME:	

NNDOJ/DRRF-July 2013

COMPLETED



**THE
NAVAJO
NATION**

MINERALS DEPARTMENT

Post Office Box 1910

Window Rock, Arizona 86515

Phone: (928) 871-6587 • Fax: (928) 871-7095

Ben Shelly
President

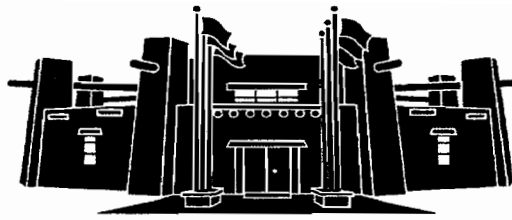
Rex Lee Jim
Vice-President

January 28, 2015

To: Whom it may Concern

From: Ram Das, Principal Mining Engineer

Note: Mr. Howard Draper, Project Review, NLD stated on 8/20 that Land Withdrawls don't require terms & conditions. DOJ made there cover sheet and Mr. Draper is not sure why they put Minerals on it because we don't usually review it. He told us not to worry about it, and Minerals does not need to sign.



MEMORANDUM

TO: Hon. Walter Phelps
Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake Chapters

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

DATE: March 27, 2015

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE LAND WITHDRAWAL OF 14.99 ACRES, MORE OR LESS, KNOWN AS THE TSIDI TO'II (BIRDSPRINGS) CHAPTER TRACT "A", NAVAJO NATION TRUST LANDS (COCONINO COUNTY, ARIZONA), THE SOUTHEAST CORNER OF WHICH WILL BE USED FOR THE BIRDSPRINGS SENIOR CENTER

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

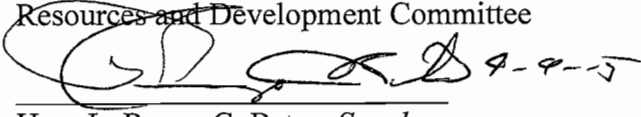
If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.



April 7, 2015

MEMORANDUM

TO : *Honorable Members*
Resources and Development Committee

FROM : 
Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Resources and Development Committee;

Legislation No. 0119-15

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE LAND WITHDRAWAL OF 14.99 ACRES, MORE OR LESS, KNOWN AS THE TSIDI TO'II (BIRDSPRINGS) CHAPTER TRACT "A", NAVAJO NATION TRUST LANDS (COCONINO COUNTY, ARIZONA), THE SOUTHEAST CORNER OF WHICH WILL BE USED FOR THE BIRDSPRINGS SENIOR CENTER.

As the Committee assigned to consider the legislation, Legislation No. 0119-15 must be placed on the Resources and Development Committee's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0119-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Robert Willie, *Controller*
Dominic Beyer, *Executive Director, OMB*
Honorable Walter Phelps, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0119-15_____

SPONSOR: Walter Phelps

TITLE: An Action Relating To Resources and Development; Approving the Land Withdrawal of 14.99 Acres, More or Less, Known as the Tsidi To'ii (Birdsprings) Chapter "A", Navajo Nation Trust Lands (Coconino County, Arizona), the Southeast Corner of Which Will Be Used For The Birdsprings Senior Center

Date posted: April 10, 2015 at 10:50am

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

Written comments may be mailed to:

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

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

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0119-15

SPONSOR: Honorable Walter Phelps

TITLE: Relating To Resources and Development; Approving the Land Withdrawal of 14.99 Acres, More or Less, Known as the Tsidi To'ii (Birdsprings) Chapter "A", Navajo Nation Trust Lands (Coconino County, Arizona), the Southeast Corner of Which Will Be Used For The Birdsprings Senior Center.

Posted: April 10, 2015 at 10:50am

5 DAY Comment Period Ended: April 15, 2015

Digital Comments received: *No comments were received.*

Latanya Burbank
Policy Analyst
Office of Legislative Services

4-16-15 8:55 AM.
Date/Time