

RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
24<sup>th</sup> Navajo Nation Council --- First Year, 2019

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF  
RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.,  
FOR THE ECHO CANYON POWERLINE PROJECT LOCATED ON NAVAJO NATION  
TRUST LANDS IN MARIANO LAKE CHAPTER VICINITY (MCKINLEY COUNTY,  
NEW MEXICO)

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

- A. The Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico 87020, has submitted a right-of-way application for Echo Canyon Powerline Project on, over and across Navajo Nation Trust Lands in Mariano Lake Chapter vicinity, McKinley County, New Mexico. The application request is attached hereto and incorporated herein as **Exhibit E**.
- B. The proposed right-of-way is described in map and description attached hereto and incorporated herein as **Exhibit B**.
- C. The Grazing Committee/Land Board Member of District Number 16 has identified one land user who consents to the use of the land by the Continental Divide Electric Cooperative, Inc. The "Consent to Use, Navajo Nation Lands" document is attached as **Exhibit C**.

- D. A waiver of valuation of the right-of-way and waiver of compensation for a twenty year right-of-way is requested. See, 25 CFR § 169.110 (a)(1), (2) and (3). **Exhibit A**, the terms and conditions states that the compensation for a twenty year right-of-way is \$194,227.88.
- E. A request is made for a grant of a fifty-year right-of-way.
- F. The Resources and Development Committee, through resolution number RDCD-97-18, **Exhibit F**, limited the amount of a waiver of consideration to no more than 50% that will be allowed for utility companies requesting a waiver of consideration.
- G. 25 CFR § 169.110 addresses how much monetary compensation must be paid for a right-of-way over or across tribal land. It states: (a) A right-of-way over or across tribal land may allow for any payment amount negotiated by the tribe, and we will defer to the tribe and not require a valuation if the tribe submits a tribal authorization expressly stating that it:
- (1) Has agreed upon compensation satisfactory to the tribe;
  - (2) Waives valuation; and
  - (3) Has determined that accepting such agreed-upon compensation and waiving valuation is in its best interest.
- (b) The tribe may request, in writing, that we determine fair market value, in which case we will use a valuation in accordance with § 169.114. After providing the tribe with the fair market value, we will defer to a tribe's decision to allow for any compensation negotiated by the tribe.
- (c) If the conditions in paragraph (a) or (b) of this section are not met, we will require that the grantee pay fair market value based on a valuation in accordance with § 169.114.
- H. A waiver of the bond, insurance, or alternative form of security on the part of Continental Divide Electric Cooperative, Inc. is requested.
- I. 25 CFR § 169.103 states: (a) You must include payment of bonds, insurance, or alternative forms of security with your application for a right-of-way in amounts that cover:



- (1) The highest annual rental specified in the grant, unless compensation is a one-time payment;
- (2) The estimated damages resulting from the construction of any permanent improvements;
- (3) The estimated damages and remediation costs from any potential release of contaminants, explosives, hazardous material or waste;
- (4) The operation and maintenance charges for any land located within an irrigation project;
- (5) The restoration of the premises to their condition at the start of the right-of-way or reclamation to some other specified condition if agreed to by the landowners.

\* \* \* \*

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

\* \* \* \*

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

- J. The environmental studies and archaeological clearances, including the Finding of No Significant Impact (FONSI) dated May 22, 2019, are attached as **Exhibit D**.
- K. The application for the Right-of-Way as submitted by the Continental Divide Electric Cooperative, Inc., has been reviewed Executive Official Review process, including review by the Department of Justice and "Approved" or found "Sufficient.". See documents included in Executive Official Review Document No. 012792, **Exhibit G**.

### SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for the Echo Canyon Powerline Project on Navajo Nation Trust Lands in Mariano Lake Chapter, McKinley County, New Mexico. The location is more particularly described on the survey map attached hereto as **Exhibit B**.

- B. The Resources and Development Committee of the Navajo Nation Council hereby waives valuation and waives compensation of \$97,113.94, which is fifty percent of the assessed \$194,227.88 for the right-of-way project for 20 year term, because it has been determined that accepting the agreed-upon compensation and waiving valuation is in its best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.110.
- C. The Resources and Development Committee of the Navajo Nation Council hereby waives the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that the project benefits the Navajo Nation and such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).
- D. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit A**.
- E. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

#### CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24<sup>th</sup> Navajo Nation Council at a duly called meeting at the Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, and 0 opposed, on this 16<sup>th</sup> day of October 2019.



Rickie Nez, Chairperson  
Resources and Development Committee  
of the 24<sup>th</sup> Navajo Nation Council

Motion: Honorable Thomas Walker, Jr.  
Second: Honorable Herman M. Daniels

Chairperson Rickie Nez not voting.





EXHIBIT " D "

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

CONTINENTAL DIVIDE ELECTRICAL COOPERATIVE, INC. (GRANTEE)

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Secretary of Interior.
2. Consideration for the right-of-way is assessed at \$ 194,227.88 and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within 10 days of approval of and consent to the grant of the right-of-way by the Navajo Nation.  
  
If consideration has been waived, the Navajo Nation contributes the amount listed above to the project because the project serves a public purpose and will benefit Navajo residents.
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of construction, operation, and maintenance of a 14.4 kV electrical distribution line. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
  - a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way.
  - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
  - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
  - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.

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



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



In Reply, Refer to:  
4N420 – Real Estate Services  
Rights of Way

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



AUG 28 2015

Debbie Olivar, ROW/Engineering  
Continental Divide Electric Cooperative, Inc.  
P.O. Box 1087  
Grants, New Mexico 87020

Permission  
to Survey  
BIA/ENAA

Dear Ms. Olivar:

Reference is made to the receipt of the Tribal Consent dated May 27, 2015, for permission to survey, to conduct a walk-on survey for maps, archaeological, environmental and ethnographic surveys and studies for the proposed electric power line in the **Mariano Lake Chapter, entitled Echo Canyon Project.**

The Navajo Nation has given its concurrence to the survey for tribal trust lands, as contained in the letter from the Navajo Land Department. Prior to entry upon or across allotted land, consent from the Indian land owners is required.

Subject to any prior rights or adverse claims and to all applicable regulations of 25 CFR 169, authorization is hereby granted to proceed with the necessary survey subject to the following terms and conditions of the Navajo Nation:

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

This authorization is for **SURVEY ONLY** on Tribal Trust Lands, according to the Tribal Consent received on July 21, 2015.

If you have any question, please contact our Rights-of-Way Section at (505) 786-6002.

Sincerely,

  
Superintendent, Eastern Navajo Agency





# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

May 27, 2015

Rec 5/29/15

Lester Tsosie, Superintendent  
Bureau of Indian Affairs  
Eastern Navajo Agency  
P.O. Box 328  
Crownpoint, New Mexico 87313

## RE: Permission to Survey on Trust Lands

Dear Mr. Tsosie:

Our office received a request for Permission to Survey from Continental Divide Electric Cooperative, Inc., to conduct a walk on survey for maps, archaeological, environmental and ethnographic surveys and studies for the proposed electric power line in the Mariano Lake Chapter (Echo Canyon Project), McKinley County, New Mexico. The proposed survey is more particularly described on the attached survey map.

Permission is hereby granted to Continental Divide Electric Cooperative, Inc., subject to the following terms and conditions:

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

Sincerely,

Howard Draper  
Program & Project Specialist  
Navajo Land Department/DNR

## Attachments

CC: Mariano Lake Chapter  
Debbie Olivar, CDEC  
Project File

Permission  
to Survey  
NLD



**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
LINE "A"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Line "A", located within sections 35 and 36, Township 16 North, Range 14 West, and sections 3, 10 and 11, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust and Allotted Land, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, existing pole 41036, located in SW¼ section 36, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, from which point the found original stone monument E115, bears S64°16'27"E a distance of 5,369.62 feet,

Thence S26°35'52"W along an existing line a distance of 182.10 feet to P.O.T. Station 1+82.10, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S26°35'52"W a distance of 348.69 feet to P.O.T. Station 5+30.79, at which point the centerline of the easement crosses a fence line,

Thence continuing S26°35'52"W a distance of 76.43 feet to P.O.T. Station 6+07.22, at which point the centerline of the easement crosses BIA Route 49 at calculated mile post 15.20 and calculated highway station 491+60.22,

Thence continuing S26°35'52"W a distance of 76.06 feet to P.O.T. Station 6+83.28, at which point the centerline of the easement crosses a fence line,

Thence continuing S26°35'52"W a distance of 3.84 feet to P.O.T. Station 6+87.12, an existing pole and the beginning of new construction,

Thence continuing S26°35'52"W a distance of 204.51 feet to P.I. Station 8+91.63, said point being B.O.P. Station 0+00 for Tap "A-1",

Thence N85°47'59"W a distance of 48.51 feet to P.O.T. Station 9+40.14, at which point the centerline of the easement enters section 35, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, from which point the found original stone monument E115, bears S73°47'01"E a distance of 5,503.94 feet,



Thence continuing N85°47'59"W a distance of 1,990.32 feet to P.O.T. Station 29+30.46, at which point the centerline of the easement crosses BIA Route 3412,

Thence continuing N85°47'59"W a distance of 211.33 feet to P.I. Station 31+41.79, from which point the found rebar with yellow plastic cap marking the southeast corner of section 35, T16N, R14W, NMPM bears S52°47'21"E a distance of 2,757.39 feet,

Thence N67°33'39"W a distance of 862.20 feet to P.O.T. Station 40+03.99, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N67°33'39"W a distance of 55.97 feet to P.O.T. Station 40+59.96, said point being B.O.P. Station 0+00 for Tap "A-2",

Thence continuing N67°33'39"W a distance of 331.90 feet to P.I. Station 43+91.86, said point being B.O.P. Station 0+00 for Tap "A-3",

Thence S42°45'29"W a distance of 940.00 feet to P.O.T. Station 53+31.86, said point being B.O.P. Station 0+00 for Tap "A-4",

Thence continuing S42°45'29"W a distance of 93.64 feet to P.O.T. Station 54+25.50, at which point the centerline of the easement crosses BIA Route 3412,

Thence continuing S42°45'29"W a distance of 422.10 feet to P.O.T. Station 58+47.60, at which point the centerline of the easement crosses a PNM 115kV Transmission Line,

Thence continuing S42°45'29"W a distance of 504.25 feet to P.O.T. Station 63+51.85, said point being B.O.P. Station 0+00 for Tap "A-5",

Thence continuing S42°45'29"W a distance of 855.34 feet to P.O.T. Station 72+07.19, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S42°45'29"W a distance of 39.69 feet to P.O.T. Station 72+46.88, at which point the centerline of the easement crosses over the original stone monument for northeast corner of section 3, T15N, R14W, NMPM, and enters section 3, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, from which point the found rebar with yellow plastic cap marking the southeast corner of section 35, T16N, R14W, NMPM bears S89°28'30"E a distance of 5,289.95 feet,

Thence continuing S42°45'29"W a distance of 66.10 feet to P.O.T. Station 73+12.98, at which point the centerline of the easement crosses BIA Route 7113,

Thence continuing S42°45'29"W a distance of 98.89 feet to P.I. Station 74+11.87,

Thence S07°18'05"W a distance of 320.00 feet to P.O.T. Station 77+31.87, said point being B.O.P. Station 0+00 for Tap "A-6",

Thence continuing S07°18'05"W a distance of 640.00 feet to P.I. Station 83+71.87, from which point the found rebar with yellow plastic cap marking the southeast corner of section 35, T16N, R14W, NMPM bears N79°29'19"E a distance of 5,618.01 feet,

Thence S00°16'44"E a distance of 3,180.12 feet to P.O.T. Station 115+51.99, said point being B.O.P. Station 0+00 for Tap "A-7",

Thence continuing S00°16'44"E a distance of 377.94 feet to P.I. Station 119+29.93,

Thence S31°33'11"E a distance of 379.56 feet to P.O.T. Station 123+09.49, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S31°33'11"E a distance of 37.68 feet to P.O.T. Station 123+47.17, at which point the centerline of the easement crosses BIA Route 7113,

Thence continuing S31°33'11"E a distance of 11.76 feet to P.O.T. Station 123+58.93, at which point the centerline of the easement enters NE¼ section 10, T15N, R14W, NMPM, said parcel being IA 1213, from which point the found fence post and rock monument marking the southwest corner of section 2, T15N, R14W, NMPM bears N89°54'10"E a distance of 16.37 feet,

Thence continuing S31°33'11"E a distance of 30.42 feet to P.O.T. Station 123+89.35, at which point the centerline of the easement enters NW¼ section 11, T15N, R14W, NMPM, said parcel being IA 1883, from which point the found fence post and rock monument marking the southwest corner of section 2, T15N, R14W, NMPM bears N00°59'32"E a distance of 25.95 feet,

Thence continuing S31°33'11"E a distance of 60.70 feet to P.O.T. Station 124+50.05, at which point the centerline of the easement crosses a fence line,

Thence continuing S31°33'11"E a distance of 221.47 feet to P.O.T. Station 126+71.52, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S31°31'11"E a distance of 194.05 feet to P.I. Station 128+65.57,

Thence S14°40'17"E a distance of 878.43 feet to P.I. Station 137+44.00,

Thence S12°18'12"W a distance of 944.33 feet to P.O.T. Station 146+88.33, at which point the centerline of the easement crosses an NTUA water line,



Thence continuing S12°18'12"W a distance of 35.64 feet to E.O.P. Station 147+23.97, the terminus for the above described centerline for Line "A", said point being B.O.P. Station 0+00 for Tap "A-8", from which point the found fence post marking the southwest corner of section 3, T15N, R14W, NMPM bears N68°02'58"W a distance of 5,965.88 feet,

The above described right-of-way easement contains 6.76 acres, more or less, in area.  
The right-of-way easement is 2.79 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-1"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-1", located within sections 35 and 36 Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.I. Station 8+91.63 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-1", located in SW¼ section 36, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S26°35'52"W a distance of 108.01 feet to P.O.T. Station 1+08.01, at which point the centerline of the easement enters section 35, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Land, from which point the found original stone monument E115, bears S74°47'22"E a distance of 5,476.81 feet,

Thence continuing S26°35'52"W a distance of 110.14 feet to E.O.P. Station 2+18.15, the terminus for the above described centerline for Tap "A-1".

The above described right-of-way easement contains 0.10 acres, more or less, in area. The right-of-way easement is 0.04 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-2"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-2", located within section 35 Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 40+59.96 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-2", located in section 35, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N15°20'23"E a distance of 109.99 feet to E.O.P. Station 1+09.99, the terminus for the above described centerline for Tap "A-2".

The above described right-of-way easement contains 0.05 acres, more or less, in area. The right-of-way easement is 0.02 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-3"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-3", located within sections 34 and 35, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.I. Station 43+91.86 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-2", located in section 35, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N67°33'39"W a distance of 679.94 feet to P.O.T. Station 6+79.94, said point being B.O.P. Station 0+00 for Tap "A-3a",

Thence continuing N67°33'39"W a distance of 965.25 feet to P.O.T. Station 16+45.19, at which point the centerline of the easement crosses BIA Route 7113,

Thence continuing N67°33'39"W a distance of 429.02 feet to P.O.T. Station 20+74.21, at which point the centerline of the easement enters E½NE¼ section 34, T16N, R14W, NMPM, said parcel being IA 1332, from which point the found rebar with yellow cap marking the southeast corner of section 35, T16N, R14W, NMPM bears S60°52'02"E a distance of 6,031.65 feet,

Thence continuing N67°33'39"W a distance of 535.80 feet to P.O.T. Station 26+10.01, said point being B.O.P. Station 0+00 for Tap "A-3b",

Thence continuing N67°33'39"W a distance of 300.01 feet to P.I. Station 29+10.02,

Thence N16°43'06"E a distance of 300.17 feet to P.I. Station 32+10.19, from which point the Base Station having the True New Mexico State Plane West, NAD83, US Survey Feet Coordinates of N1671502.65, E2574579.63, Latitude 35°35'35", Longitude -108°19'58" bears N55°55'17"W a distance of 10,984.61 feet.



Thence N42°54'10"W a distance of 84.92 feet to E.O.P. Station 32+95.11, the terminus for the above described centerline for Tap "A-3"

The above described right-of-way easement contains 1.51 acres, more or less, in area. The right-of-way easement is 0.62 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-3a"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-3a", located within section 35, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Nation Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 6+79.94 of Tap "A-3" said point being B.O.P. Station 0+00 for Tap "A-3a", located in section 35, T16N, R14W, NMPM, said parcel being Navajo Nation Trust Lands,

Thence N35°03'52"E a distance of 160.08 feet to E.O.P. Station 1+60.08, the terminus for the above described centerline for Tap "A-3a"

The above described right-of-way easement contains 0.07 acres, more or less, in area. The right-of-way easement is 0.03 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-3b"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-3b", located within section 34, Township 16 North, Range 14 West, New Mexico Principal Meridian, Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 26+10.01 of Tap "A-3" said point being B.O.P. Station 0+00 for Tap "A-3b", located in E $\frac{1}{2}$ NE $\frac{1}{4}$  section 34, T16N, R14W, NMPM, said parcel being IA 1332,

Thence S02°00'41"E a distance of 444.89 feet to P.O.T. Station 4+44.89, at which point the centerline of the easement enters SE $\frac{1}{4}$  section 34, T16N, R14W, NMPM, said parcel being IA 1333, from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM, bears S09°49'17"E a distance of 2,687.20 feet,

Thence continuing S02°00'41"E a distance of 605.13 feet to P.O.T. Station 10+50.02, said point being B.O.P. Station 0+00 for Tap "A-3b1",

Thence continuing S02°00'41"E a distance of 330.06 feet to P.I. Station 13+80.08, from which point the found original stone monument for the southeast corner of section 34, T16N, R14W, NMPM, bears S13°57'00"E a distance of 1,765.27 feet,

Thence S09°38'17"W a distance of 94.96 feet to P.I. Station 14+75.04,

Thence S06°46'17"W a distance of 76.42 feet to E.O.P. Station 15+51.46, the terminus for the above described centerline for Tap "A-3b".

The above described right-of-way easement contains 0.71 acres, more or less, in area. The right-of-way easement is 0.29 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-3b1"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-3b1", located within section 34, Township 16 North, Range 14 West, New Mexico Principal Meridian, Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 10+50.02 of Tap "A-3b" said point being B.O.P. Station 0+00 for Tap "A-3b1", located in SE¼ section 34, T16N, R14W, NMPM, said parcel being IA 1333,

Thence S19°03'59"W a distance of 150.03 feet to E.O.P. Station 1+50.03, the terminus for the above described centerline for Tap "A-3b1".

The above described right-of-way easement contains 0.07 acres, more or less, in area. The right-of-way easement is 0.03 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-4"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-4", located within section 35, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 53+31.86 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-3", located in section 35, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S56°45'09"E a distance of 144.02 feet to P.O.T. Station 1+44.02, at which point the centerline of the easement crosses BIA Route 3412,

Thence continuing S56°45'09"E a distance of 175.30 feet to P.I. Station 3+19.32,

Thence S74°31'41"E a distance of 100.01 feet to E.O.P. Station 4+19.33, the terminus for the above described centerline for Tap "A-4".

The above described right-of-way easement contains 0.19 acres, more or less, in area. The right-of-way easement is 0.08 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-5"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-5", located within section 35, Township 16 North, Range 14 West, and section 2, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands and Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 63+51.85 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-5", located in section 35, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S17°23'22"E a distance of 370.00 feet to P.O.T. Station 3+70.00, said point being B.O.P. Station 0+00 for Tap "A-5a",

Thence continuing S17°23'22"E a distance of 237.28 feet to P.O.T. Station 6+07.28, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S17°23'22"E a distance of 73.78 feet to P.O.T. Station 6+81.06, at which point the centerline of the easement crosses a fence line,

Thence continuing S17°23'22"E a distance of 13.93 feet to P.O.T. Station 6+94.99, at which point the centerline of the easement enters NW¼ section 2, T15N, R14W, NMPM, said parcel being 1A 1210, from which point the found original stone monument for the southwest corner of section 35, T16N, R14W, NMPM bears N89°34'14"W a distance of 815.41 feet,

Thence continuing S17°23'22"E a distance of 45.00 feet to P.I. Station 7+39.99,

Thence S26°03'57"E a distance of 100.06 feet to E.O.P. Station 8+40.05, the terminus for the above described centerline for Tap "A-5".

The above described right-of-way easement contains 0.39 acres, more or less, in area. The right-of-way easement is 0.16 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-5a"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-5a", located within section 35, Township 16 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 3+70.00 of Tap "A-5" said point being B.O.P. Station 0+00 for Tap "A-4a", located in section 35, T16N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N46°02'23"E a distance of 679.92 feet to P.I. Station 6+79.92,

Thence N72°47'09"E a distance of 99.95 feet to E.O.P. Station 7+79.87, the terminus for the above described centerline for Tap "A-5a".

The above described right-of-way easement contains 0.36 acres, more or less, in area. The right-of-way easement is 0.15 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-6"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-6", located within section 3, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 77+31.87 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-6", located in section 3, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S65°31'41"W a distance of 50.39 feet to P.O.T. Station 0+50.39, at which point the centerline of the easement crosses a fence line,

Thence continuing S65°31'41"W a distance of 95.44 feet to P.O.T. Station 1+45.83, at which point the centerline of the easement crosses a fence line,

Thence continuing S65°31'41"W a distance of 144.22 feet to P.O.T. Station 2+90.05, said point being B.O.P. Station 0+00 for Tap "A-6a",

Thence continuing S65°31'41"W a distance of 289.94 feet to P.I. Station 5+79.99,

Thence S80°31'19"W a distance of 100.01 feet to E.O.P. Station 6+80.00, the terminus for the above described centerline for Tap "A-6".

The above described right-of-way easement contains 0.31 acres, more or less, in area. The right-of-way easement is 0.13 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-6a"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-6a", located within section 3, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 2+90.05 of Tap "A-6" said point being B.O.P. Station 0+00 for Tap "A-6a", located in section 3, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence N48°54'28"W a distance of 139.94 feet to E.O.P. Station 1+39.94, the terminus for the above described centerline for Tap "A-6a".

The above described right-of-way easement contains 0.06 acres, more or less, in area. The right-of-way easement is 0.03 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-7"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-7", located within section 3, Township 15 North, Range 14 West, New Mexico Principal Meridian, Navajo Tribal Trust Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.O.T. Station 115+51.99 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-7", located in section 3, T15N, R14W, NMPM, said parcel being Navajo Tribal Trust Lands,

Thence S89°25'44"W a distance of 1,196.11 feet to P.O.T. Station 11+96.11, at which point the centerline of the easement crosses a fence line,

Thence continuing S89°25'44"W a distance of 3,350.60 feet to P.O.T. Station 45+46.71, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing S89°25'44"W a distance of 73.39 feet to P.I. Station 46+20.10, from which point the found fence post marking the southwest corner of section 3, T15N, R14W, NMPM, bears S30°02'19"W a distance of 815.96 feet.

Thence N14°42'21"W a distance of 170.06 feet to E.O.P. Station 47+90.16, the terminus for the above described centerline for Tap "A-7",

The above described right-of-way easement contains 2.20 acres, more or less, in area. The right-of-way easement is 0.91 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-8"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-8", located within section 11, Township 15 North, Range 14 West, New Mexico Principal Meridian, Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at E.O.P. Station 147+23.97 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-8", located in NW¼ section 11, T15N, R14W, NMPM, said parcel being IA 1883,

Thence S87°16'06"E a distance of 107.95 feet to P.I. Station 1+07.95, said point being B.O.P. Station 0+00 for Tap "A-8a",

Thence S00°11'20"E a distance of 103.72 feet to E.O.P. Station 2+11.67, the terminus for the above described centerline for Tap "A-8".

The above described right-of-way easement contains 0.10 acres, more or less, in area. The right-of-way easement is 0.04 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
TAP "A-8a"  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Echo Canyon Power Line Project, Tap "A-8a", located within section 11, Township 15 North, Range 14 West, New Mexico Principal Meridian, Allotted Lands, Mariano Lake, McKinley County, State of New Mexico, and being more particularly described as follows:

A strip of Land, twenty (20) feet wide, being ten (10) feet on each side of the following described centerline:

Beginning at P.I. Station 1+07.95 of Tap "A-8" said point being B.O.P. Station 0+00 for Tap "A-8a", located in NW¼ section 11, T15N, R14W, NMPM, said parcel being IA 1883,

Thence N46°26'49"E a distance of 64.72 feet to E.O.P. Station 0+64.72, the terminus for the above described centerline for Tap "A-8a".

The above described right-of-way easement contains 0.03 acres, more or less, in area. The right-of-way easement is 0.01 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521**

**GUY EASEMENT DESCRIPTION**

<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A					
1	8+91.63	S85°47'59"E	50'	20'	0.02
2	31+41.79	S13°19'11"W	50'	20'	0.02
3	43+91.86	N42°45'29"E	50'	20'	0.02
4	74+11.87	N64°58'13"W	50'	20'	0.02
5	83+71.87	N86°29'21"W	50'	20'	0.02
6	119+29.93	S74°05'03"W	50'	20'	0.02
7	128+65.57	N66°53'16"E	50'	20'	0.02
8	137+44.00	N88°48'51"E	50'	20'	0.02
9	147+23.97	S12°18'12"W	50'	20'	0.02
TAP A-1					
10	2+18.15	S26°35'52"W	50'	20'	0.02
TAP A-3					
11	29+10.02	N67°33'39"W	50'	20'	0.02
12	29+10.02	S16°43'06"W	50'	20'	0.02
13	32+10.19	N16°43'06"E	50'	20'	0.02
TAP A-3B					
14	0+00.00	N02°00'41"W	50'	20'	0.02
15	13+80.08	S02°00'41"E	50'	20'	0.02
TAP A-4					
16	0+00.00	N56°45'09"W	50'	20'	0.02
17	3+19.32	S56°45'09"E	50'	20'	0.02
TAP A-5					
18	0+00.00	N17°23'22"W	50'	20'	0.02
19	7+39.99	S79°06'47"E	50'	20'	0.02
TAP A-5A					
20	0+00.00	S46°02'23"W	50'	20'	0.02
21	6+79.92	N46°02'23"E	50'	20'	0.02
TAP A-6					
22	0+00.00	N65°31'41"E	50'	20'	0.02
23	5+79.99	S65°31'41"W	50'	20'	0.02
TAP A-7					
24	0+00.00	N89°25'44"E	50'	20'	0.02
25	46+20.10	S89°25'44"W	50'	20'	0.02
TOTAL			1,250'		0.50

TOTAL 25 GUYS

25 Guys X 0.02 acres = 0.50 ACRES

### SUMMARY DESCRIPTION

<u>SEGMENT</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE "A"	14,723.97'	2.79	20'	6.76
TAP "A-1"	218.15'	0.04	20'	0.10
TAP "A-2"	109.99'	0.02	20'	0.05
TAP "A-3"	3,295.11'	0.62	20'	1.51
TAP "A-3a"	160.08'	0.03	20'	0.07
TAP "A-3b"	1,551.46'	0.29	20'	0.71
TAP "A-3b1"	150.03'	0.03	20'	0.07
TAP "A-4"	419.33'	0.08	20'	0.19
TAP "A-5"	840.05'	0.16	20'	0.39
TAP "A-5a"	779.87'	0.15	20'	0.36
TAP "A-6"	680.00'	0.13	20'	0.31
TAP "A-6a"	139.94'	0.03	20'	0.06
TAP "A-7"	4,790.16'	0.91	20'	2.20
TAP "A-8"	211.67'	0.04	20'	0.10
TAP "A-8a"	64.72'	0.01	20'	0.03
SUBTOTAL	28,134.53'	5.33		12.91
GUY EASEMENTS	1,250.00'	0.24	20'	0.50
<b>TOTAL</b>	<b>29,384.53</b>	<b>5.57</b>		<b>13.41</b>



RIGHT OF WAY EASEMENT FOR  
CDEC'S ECHO CANYON POWER LINE PROJECT  
MARIANO LAKE, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 52521

SECTION SUMMARY

	LAND STATUS	POWER LINE LENGTH	POWER LINE MILES	POWER LINE ACREAGE	GUY FOOTAGE	GUY ACREAGE	TOTAL FOOTAGE	TOTAL ACREAGE
<u>T15N R14W</u>								
NW¼ Sec. 2	IA 1210	145.06'	0.03	0.07	50.00'	0.02	195.06'	0.09
Section 3	NTT	10,722.15'	2.03	4.92	350.00'	0.14	11,072.15'	5.06
NE¼ Sec. 10	IA 1213	30.42'	0.01	0.01	0.00'	0.00	30.42'	0.01
NW¼ Sec. 11	IA 1883	2,611.01'	0.49	1.20	150.00'	0.06	2,761.01'	1.26
<u>T16N R14W</u>								
E½NE¼ Sec. 34	IA 1332	1,665.79'	0.31	0.76	200.00'	0.08	1,865.79'	0.84
SE¼ Sec. 34	IA 1333	1,256.60'	0.24	0.58	50.00'	0.02	1,306.60'	0.60
Section 35	NTT	10,655.35'	2.02	4.89	400.00'	0.16	11,053.89'	5.05
SW¼ Sec. 36	NTT	1,048.15'	0.20	0.48	50.00'	0.02	1,099.61'	0.50
<b>TOTAL</b>		<b>28,134.53'</b>	<b>5.33</b>	<b>12.91</b>	<b>1,250.00'</b>	<b>0.50</b>	<b>29,384.53'</b>	<b>13.41</b>

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













NOTICE: This drawing was prepared by the undersigned and is a true and correct copy of the original drawing on file with the State of New Mexico. It is not to be used for any other purpose without the written consent of the undersigned.

*J. L. McQuinn*  
Professional Engineer  
State of New Mexico  
License No. 10000  
Date: 10/1/87



NOTICE: This drawing was prepared by the undersigned and is a true and correct copy of the original drawing on file with the State of New Mexico. It is not to be used for any other purpose without the written consent of the undersigned.

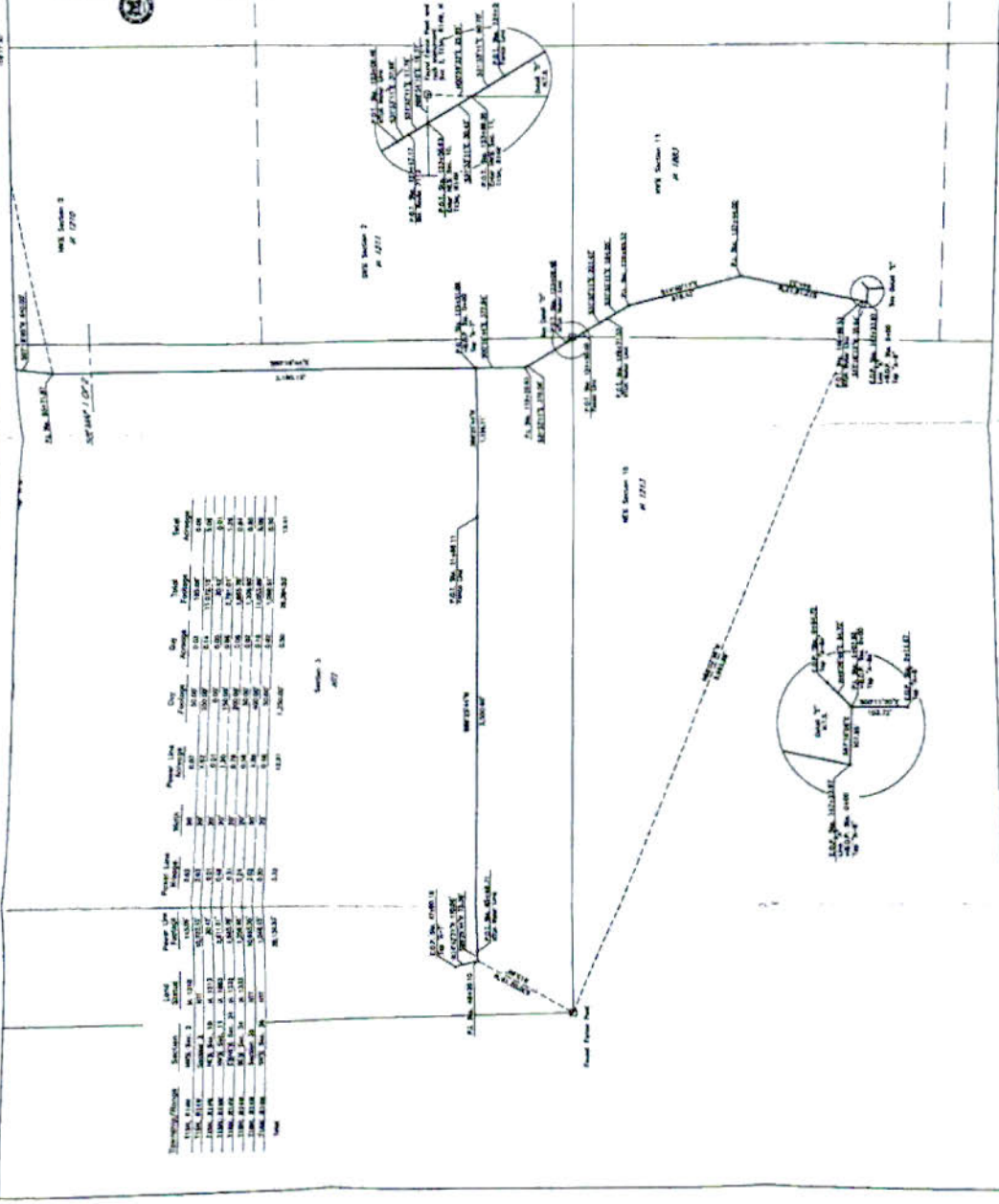
*J. L. McQuinn*  
Professional Engineer  
State of New Mexico  
License No. 10000  
Date: 10/1/87

NOTICE: This drawing was prepared by the undersigned and is a true and correct copy of the original drawing on file with the State of New Mexico. It is not to be used for any other purpose without the written consent of the undersigned.

*J. L. McQuinn*  
Professional Engineer  
State of New Mexico  
License No. 10000  
Date: 10/1/87

LEGEND

—	Proposed Power Line
---	Existing Power Line
●	Point of Interest
○	Point of Interest
□	Point of Interest
△	Point of Interest



10/1/87

WORK ORDER NUMBER 55231

ECHO CANYON ROAD  
POWER LINE PROJECT  
FORM NO. 2 OF 2

STATE COUNTY DETAIL  
NM MCKINLEY

CONTINENTAL DIVIDE ELECTRIC CO-OP, INC.  
GRANTS, NM  
NEW MEXICO 22 MCKINLEY



SCALE:  
1" = 400 FEET

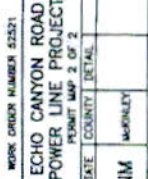


NOTES: 1. This drawing is a true and correct copy of the original drawing on file with the State of New Mexico. It is not to be used for any other purpose without the written consent of the undersigned.

2. This drawing is a true and correct copy of the original drawing on file with the State of New Mexico. It is not to be used for any other purpose without the written consent of the undersigned.

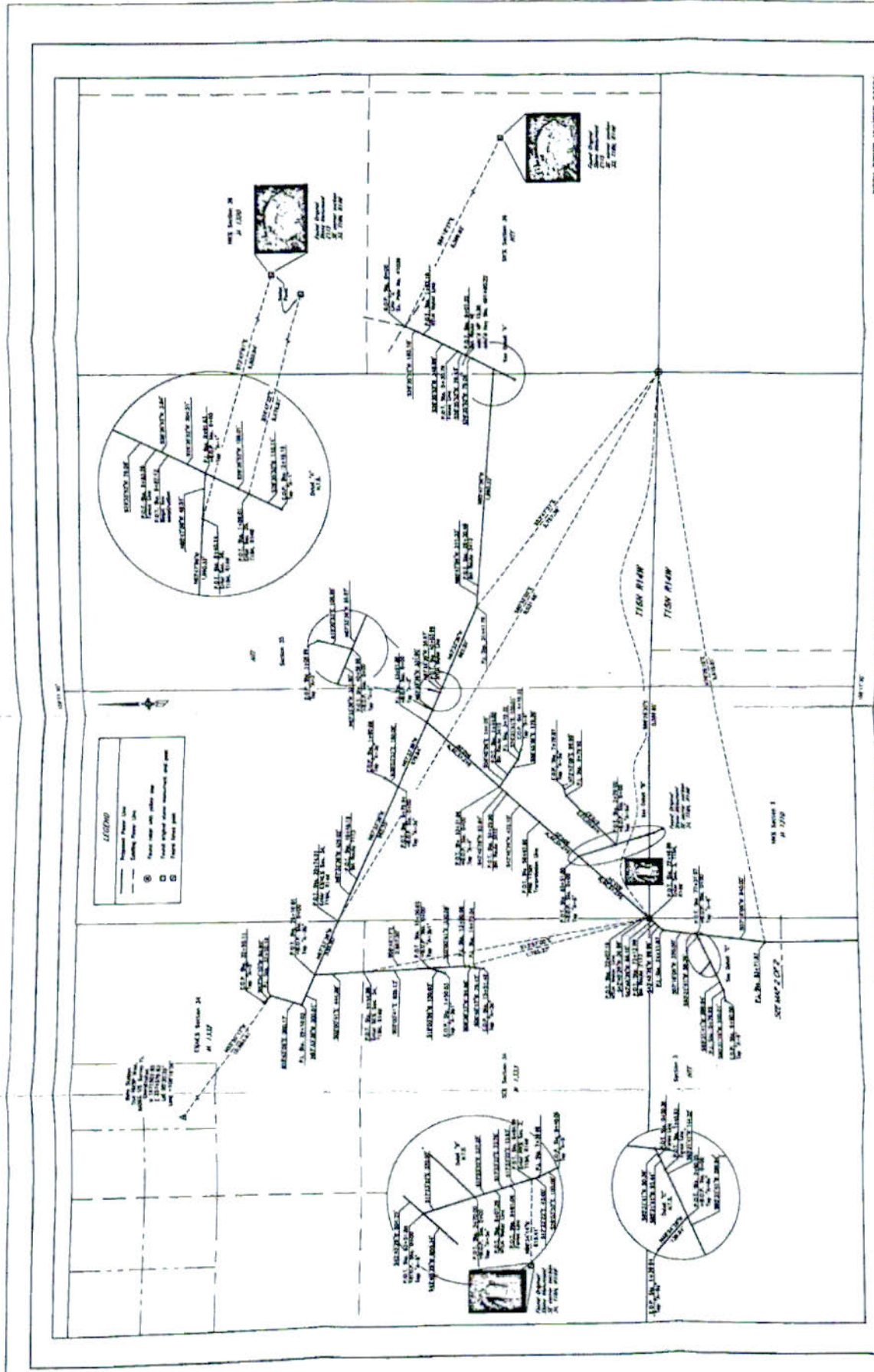




[illegible]

1/A	0012-	Inspected	10/10/11	01/11/11
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1997, the rankings are based on the purpose selection found in the literature. Rankings are subject to verification.



WORK ORDER NUMBER 52521

ECHO CANYON ROAD  
POWER LINE PROJECT  
PERMIT MAP 1 OF 2

STATE COUNTY DETAIL  
NM MCKINLEY

CONTINENTAL DIVIDE ELECTRIC CO-OP, INC.  
GRANTS, NM  
NEW MEXICO 22 MCKINLEY

DATE  
REVISIONS

SCALE: 1 INCH = 400 FEET

REFERENCES: 1. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.







Consent to Use  
Navajo Nation Lands

TO WHOM IT MAY CONERN:

I, Louise Davis, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Cooperative, Inc. PO Box 1087, 200 East High Street, Grants New Mexico 87020 to use a portion of my land use area for the following purpose(s): Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Echo Canyon Power Line Project Work Order #52521

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

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

REMARKS: \_\_\_\_\_  
\_\_\_\_\_

5/31/17      Louise Davis      \_\_\_\_\_      \_\_\_\_\_  
Date      Land User Signature (or Thumbprint)      Census No.      Permit No.

WITNESSES

Seasha K. Jones  
\_\_\_\_\_

5/31/17      [Signature]      16  
Date      Grazing Committee or Land Board Member      District No.

Acknowledgement of Field Agent

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

\_\_\_\_\_  
Field Agent Signature



## FIELD CLEARANCE CHECKLIST

(This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo nation. Use back if necessary to complete this form.)

1. Project Identification: Continental Divide Electric Cooperative, Inc.  
Type of Project: Electrical Powerline Extension  
Purpose: Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Echo Canyon Power Line Project WO#52521  
Location: Mariano Lake Chapter, Section 3, T15N, R14W, Section 35 & SW/4 of Section 36, T16N, R14W, McKinley Cty New Mexico  
Identification number(s): Work Order #52521
2. Amount of land affected: 10.61 acres, 20' width, 23,225.65' length
3. Land status: Trust XX Fee \_\_\_\_\_ Other \_\_\_\_\_
4. List names of all individuals whose land use right will be affected by project:

|    | Names                       | Census Number               | Type of Land Use Right      |
|----|-----------------------------|-----------------------------|-----------------------------|
| 1. | <u>Louise Davis</u>         | <u>                    </u> | <u>                    </u> |
| 2. | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| 3. | <u>                    </u> | <u>                    </u> | <u>                    </u> |
| 4. | <u>                    </u> | <u>                    </u> | <u>                    </u> |

5. Are all land users with claims to the affected lands as shown in Branch of Land Operations records included in the list of Item 4 YES
6. Have Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm land user list in Item 4 by signing acknowledgement below.

## ACKNOWLEDGEMENT

I acknowledge that due notice was given to the affected community of the Proposed project, and according to my records and to the best of my knowledge, the list of individuals in Item 4 includes all land users who have land use rights in the affected lands.

8/31/19  
Date

  
Grazing Committee or Land Board Member District No. 16



United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
Navajo Regional Office  
P.O. Box 1060  
Gallup, New Mexico 87301



MAY 22 2019

IN REPLY REFER TO:  
465: Office of Environmental Quality Act Compliance and Review

Mr. Leonard Robbins  
Denali Environmental Services  
P.O. Box 1127  
Fort Defiance, Arizona 86504

Dear Mr. Robbins:

The Environmental Assessment (EA), **EA-19-34981**, received September 18, 2018, for the **CDECI Echo Canyon Road Power Line**, was reviewed in the Branch of Environmental Quality Act Compliance and Review, Navajo Regional Office.

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is seeking a right-of-way (ROW) to construct, operate, and maintain an electrical power line to serve the Echo Canyon Road Community in Mariano Lake Chapter, New Mexico. The proposed power line would provide electrical service to 17 existing homes. The existing power line taps and proposed extensions for the 17 homes would be included in the ROW application. CDECI is asking for a ROW width of 20 feet with a combined length (power line and guy) at 5.33 miles (29,384.53 feet), encompassing 13.41 total acres. The development of the right-of-way will require the issuance of a timber cutting permit prior to any forest harvesting. Navajo Tribal Trust land totals 23,225.65 feet, encompassing 10.61 acres and Indian Allotted lands total 6,158.88 feet, encompassing 2.80 acres.

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

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

Sincerely,

Bartholomew Stevens  
Regional Director, Navajo

Enclosure



**FINDING OF NO SIGNIFICANT IMPACT  
ENVIRONMENTAL ASSESSMENT EA-19-34981  
CDECI ECHO CANYON ROAD POWER LINE**

**CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.**

**Location: Mariano Lake Chapter, NM Quadrangle USGS 7.5 Minute Series Map**

**Sections 2, 3, 10, and 11, T15N, R14W NMPM  
Sections 34, 35, and 36, T16N, R14W, NMPM**

**Mariano Lake Chapter, McKinley County, New Mexico**

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is seeking a right-of-way (ROW) to construct, operate, and maintain an electrical power line to serve the Echo Canyon Road Community in Mariano Lake Chapter, New Mexico. The proposed power line would provide electrical service to 17 existing homes. The existing power line taps and proposed extensions for the 17 homes would be included in the ROW application. CDECI is asking for a ROW width of 20 feet with a combined length (power line and guy) at 5.33 miles (29,384.53 feet), encompassing 13.41 total acres. The development of the right-of-way will require the issuance of a timber cutting permit prior to any forest harvesting. Navajo Tribal Trust land totals 23,225.65 feet, encompassing 10.61 acres and Indian Allotted lands total 6,158.88 feet, encompassing 2.80 acres.

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

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment, including: climate, air quality, geology and seismicity, fisheries, socioeconomics and environmental justice, land use and zoning, prime farmland, recreation, traffic, noise, floodplains, wetlands and riparian habitat, hazardous, toxic and radiological waste, topography and soils, water resources and water quality, vegetation and wildlife, threatened and endangered species, migratory birds, esthetics and visual resources, and cultural resources.
2. **Public health and safety:** The proposed project is located in a predominately rural setting (EA Section 3.1.9 Traffic). Construction of new access roads along the power line will not be required; existing access roads will be used (EA Section 1.1 Description of the Proposed Action). Therefore, the impact to public health and safety will be minimal. The health and safety of the community will improve with the installation of the proposed power line. Surface trees and shrubs would be trimmed along the electrical right of way. Pinyon pine and Juniper trees under the proposed power line will be harvested to avoid any physical interference and to avoid fires.



3. **Clean Water Act (CWA) Compliance:** When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section 402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of ½ acre or more; and Section 404, Permit for Discharge of Dredge or Fill Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army Corps of Engineers and the Navajo Nation Environmental Protection Agency: According to National Flood Hazard Layer maps, the proposed project area is not located in a flood prone area, and is excluded from any floodplain designation by the Federal Emergency Management Agency. On the north side, the proposed power line segment would span a short segment of an arroyo of the Puerco river a short distance of approximately 20 feet (right-of-way width). The arroyo is dry most of the year (EA Section 3.1.11 Floodplain). The proposed project area would not traverse any wetland or riparian habitat on or adjacent to the proposed tract. There are no jurisdictional wetlands within the project area (EA Section 3.1.12 Wetlands and Riparian Habitat). CDECI will contact ACOE and the Navajo Nation EPA for consultation to ensure no permits are needed prior to construction.
4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to other areas in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.
5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.
6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.
7. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.
8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** The Navajo Nation Historic Preservation Department (NNHPD) issued



a Cultural Resources Compliance Form (CRCF) with NNHPD No. HPD-18-385 (revised) on September 4, 2018 approving the project with conditions of compliance.

**EFFECTS/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions:**

**B17396/TCP1:**

1. TCP will be avoided by all construction activities by a minimum of 50-feet.
2. Once construction is completed, TCP will continue to be avoided by routine maintenance activities.

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

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** A Biological Resources Compliance Form (BRCF) with NNDFW Review No. 17dan1101ec, was issued by the Navajo Nation Department of Fish and Wildlife (NNDFW) on January 29, 2018, approving the proposed action with no avoidance/mitigation measures and no conditions of compliance.
11. **Whether the action violates Federal or local laws or requirements imposed for the protection of the environment:** The proposed project will not violate any Federal or Tribal environmental laws or requirements. An approved Tribal forest product harvesting permit, Bureau of Indian Affairs forest product harvesting permit and/or contract will be issued to the Permittee and/or Contractor prior to any forest product harvesting activities on Tribal Trust Land; this includes harvest of non-native tree species (e.g., tamarisk, Russian olive). Best management practices will be identified within the Standard Provisions and Special Provisions developed by the Navajo Forestry Department and Bureau of Indian Affairs and attached to the permit and/or contract. An approved Bureau of Indian Affairs forest product harvesting permit and/or contract will be issued to the Permittee and/or Contractor prior to any forest product harvesting activities on Allotted Land; this includes harvest of non-native tree species (e.g., tamarisk, Russian olive). Best management practices will be identified within the Standard Provisions and Special Provisions developed by the Bureau of Indian Affairs and attached to the permit and/or contract.
12. **Indian Trust Assets:** The proposed project area does not contain any Indian Trust Assets in the form of perennial water resources, fisheries, paleontology resources or agricultural resources. The proposed project area will need to schedule an appraisal of any forest products harvested and removed from the project area in accordance with the Navajo Nation Forest and Woodland Regulations (RCMA-48-01) and Indian Affairs Manual 3 – Harvest of Forest Products. It is anticipated the gross stumpage (appraised value minus cost to harvest/transport/implement mitigation requirements) to be less than \$25,000.00 due to small size of the proposed project area. The Navajo Nation Woodland Inventory Analysis Report (1986-1991 measurement) for Mariano Lake Chapter estimates there is approximately 664.13 cubic feet of commercial forest products per acre. These forest products are comprised of both juniper (*Juniperus* spp.) and pinyon pine (*Pinus edulis*) trees. The site produces approximately 4.99 cubic feet of forest


products per acre per year (EA Section 3.1.6 Land Use and Zoning). CDEC will contact the Navajo Forestry Program and the BIA Navajo Region Forestry program prior to construction to obtain the proper permits and appraisals. The proposed project area is not part of any right-of-way avoidance and exclusion areas, wilderness area, special management area, area of critical environmental concern, or other protected area.

13. **Climate Change, its effects on the proposed action and its environmental impacts:** With respect to cumulative impacts on regional air quality and climate change, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. However, potential impacts to natural resources and plant and animal species due to climate change are likely to be varied, including those in the southwestern United States. For example, if global climate change results in a warmer and drier climate, increased particulate matter impacts could occur due to increased windblown dust from drier and less stable soils. Cool season plant species' spatial ranges are predicted to move north and to higher elevations, and extinction of endemic threatened/endangered plants may be accelerated (EA Section 4.0 Cumulative Impacts and Considerations for Selection of the Preferred Alternative).

## CONCLUSION

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

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





Bartholomew Stevens  
Regional Director, Navajo  
Bureau of Indian Affairs  
U.S. Department of the Interior



Date



# ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

|   |                       |  |
|---|-----------------------|--|
| 1. HPD REPORT NO:   | 2. (FOR HPD USE ONLY) | 3. RECIPIENT'S ACCESSION NO.   |
| 4. TITLE OF REPORT: A Cultural Resource Inventory of the Proposed Continental Divide Electric Cooperative Inc. (CDEC) Echo Canyon Powerline Project in Mariano Lake Chapter, McKinley County, New Mexico. (Work Order #52521).  |                       | 5. FIELDWORK DATES:<br>June 15, 2017   |
| Author (s): Patricia Moone, Arlo Werito, and Shane V. Wero  |                       | 6. REPORT DATE:<br>April 16, 2018  |
| 7. CONSULTANT'S NAME AND ADDRESS:<br>Gen. Charge: Rena Martin, Senior Archeologist<br>Org. Name: Dinétahdóó CRM LLC.<br>Org. Address: P.O. Box 2012<br>Farmington, NM 87499<br><br>Phone: (505) 960-9478 Fax: (505) 960-9749  |                       | 8. PERMIT NO.: NNHPD: #B17396  |
|   |                       | 9. CONSULTANT'S REPORT NO.:<br>DCRM 2017-33                                      |
| 10. SPONSOR'S NAME AND ADDRESS:<br>Ind. Responsible: Mr. Steve Morales, GIS Analyst / ROW<br>Org. Name: Continental Divide Electric Cooperative, Inc.<br>Org. Address: P.O. Box 1087<br>Grants, New Mexico 87020<br><br>Phone: (505) 285-6656 Fax: (505) 287-2234   |                       | 11. SPONSOR'S PROJECT NO.:<br>WO# 52521  |
|   |                       | 12. AREA OF EFFECT: 13.41 ac. (5.42 ha.)<br>AREA SURVEYED: 60.71 ac. (24.57 ha.) |
| 13. LOCATION (MAP ATTACHED)   |                       |  |
| a. Chapter: Mariano Lake<br>b. Agency: Eastern Navajo<br>c. Counties: McKinley<br>d. State: New Mexico<br>e. Land Status: Navajo Tribal Trust & Navajo Allotment #1883, #1210, #1332, #1333, #1213.<br>f. UTM: See Table 1.<br>g. Legal Description: See Table 1.<br>h. USGS 7.5' Maps: See Table 1<br>i. Lead Agency: Bureau of Indian Affairs (BIA) |                       |  |
| 14. REPORT  |                       |  |
| a. Description of Undertaking: See Supplemental Sheet<br>b. Existing Data Review: See Supplemental Sheet<br>c. Area of Environmental & Cultural Setting: See Supplemental Sheet<br>d. Field Methods: See Supplemental Sheet   |                       |  |
| 15. CULTURAL RESOURCE FINDINGS:   |                       |  |
| a. Location/Identification of Each Resource: Eighteen in-use sites and one TCP were identified.<br>b. Evaluation of Significance of Each Resource: See supplemental sheet.  |                       |  |
| 16. MANAGEMENT SUMMARY (RECOMMENDATION): It is recommended that archaeological clearance be granted for the proposed undertaking, provided that all stipulations stated in the report are adhered to during all phases of construction.   |                       |  |
| 17. CERTIFICATION:  |                       |  |
| SIGNATURE:   |                       | Date: 4-16-18  |
| General Charge Name: Rena Martin, Archaeologist   |                       |  |
| SIGNATURE:   |                       | Date: 4-16-18  |
| Direct Charge Name: Shane V. Wero, Archaeologist  |                       |  |

DCRM 2017-33:  
A Cultural Resource Inventory of the Proposed Continental Divide Electric  
Cooperative Inc. (CDEC) Echo Canyon Powerline Project in Mariano Lake  
Chapter, McKinley County, New Mexico. (Work Order #52521)

Prepared by

Shane V. Wero, Archaeologist  
Patricia Moone, Ethnographer  
Arlo Werito, GIS Technician

HPD Permit No.: B17396

October 27, 2017

Submitted by:

Rena Martin, Supervisory Archaeologist  
Dinétahdóó Cultural Resources Management, LLC  
P.O. Box 2012  
Farmington, NM 87499

Submitted to

Navajo Nation Historic Preservation Department  
Cultural Resources Compliance Section  
P.O. Box 4950  
Window Rock, Arizona 86515

Prepared for

Mr. Steve Morales, GIS Analyst-ROW Agent  
Continental Divide Electric Cooperative, Inc.  
P.O. Box 1087  
Grants, New Mexico 87020



## **Abstract**

The following report is submitted to the Navajo Nation Historic Preservation Department's Cultural Resources Compliance Program for review as part of the Navajo Nation cultural resources clearance process. The report details the results of the cultural resources inventory conducted in conjunction with the project entitled "*DCRM 2017-33: A Cultural Resource Inventory of the Proposed Continental Divide Electric Cooperative, Inc.(CDEC) Echo Canyon Powerline Project in Mariano Lake Chapter, McKinley County, New Mexico. (Work Order #52521)*" The project was conducted at the request of Mr. Steve Morales, GIS Analyst-ROW Agent. The project will involve the installation of an electric powerline in Mariano Lake Chapter, McKinley County, New Mexico. Construction will consist of heavy machinery and vehicle traffic within the right-of-way, boring of holes for utility poles and anchor placement, backfilling, and stringing of utility as well as fiber optic cables. The project area is located on Navajo Tribal Trust Lands within the Eastern Navajo Agency under the jurisdiction of the Bureau of Indian Affairs (BIA) and Navajo Allotments #1883, #1210, #1213, #1332, and #1333. The project area can be found on the Mariano Lake, N. Mex. 1963 Photorevised 1980- 7.5' series USGS quadrangle map. The project area is in Township 16 North, Range 14 West Sections 34, 35, and 36; and Township 15 North, Range 14 West, Sections 02, 03, 10 and 11. The total number of acres surveyed in conjunction with this project is approximately 60.71 acres (24.57 ha.) Eighteen in-use sites (IUSs) and one Traditional Cultural Property (TCP) were identified during the survey. It is recommended that archaeological clearance be granted for the construction of the proposed undertaking provided that all stipulations stated in the report are adhered to during all phases of construction.

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## Introduction

On June 15<sup>th</sup>, 2017, Mr. Arlo Werito, Ms. Tristen Moone, Ms. Lisa Zohnnie and Ms. Brandi Bitsilli, archaeologists and archaeological technicians with Dinétahdóó Cultural Resources Management (DCRM), conducted an archaeological inventory of approximately 5.3 miles (9.01 km) of an existing overhead distribution powerline within Mariano Lake Chapter in McKinley County, New Mexico, for Continental Divide Electric Cooperative, Inc. Mr. Steve Morales, GIS Analyst and Right-of-Way Agent, requested the cultural resources inventory. Eighteen in-use sites (IUSs) and one Traditional Cultural Property (TCP) were identified during the inventory of the powerline. This cultural resources inventory was completed under Navajo Nation Cultural Resources Inventory Permit Number B17396.

## Description of Undertaking

The Continental Divide Electric Cooperative (CDEC) proposes to construct, operate, and maintain the distribution lines which will provide electrical power to the eighteen homesites in the Mariano Lake Chapter district in McKinley County, New Mexico. Installation of a distribution powerline will consist of placing utility poles, conductor components, anchor lines, and associated hardware. The construction will involve vehicular traffic within the right-of-way (ROW), removal of vegetation, boring of holes with a mechanical auger, placing of utility poles and anchors, backfilling the excavated areas, and stringing of utility lines. The length of the proposed powerline is 29,384.53 ft. (5.3 miles; 9.01 km). The area of effect measures 13.41 acres (5.42 ha.). The total area surveyed is 60.71 acres (24.57 ha.).

## Location

The proposed project area can be accessed by Navajo Route 49 and various dirt roads in the Mariano Lake Chapter district in McKinley County, New Mexico. A majority of the homesites to be served can be accessed by various dirt roads stemming from Navajo Route 49 and Echo Canyon Road. The project area can be located on the Mariano Lake, N. Mex. 1963 Photorevised 1980-7.5-minute USGS quadrangle map. A portion of the project area is on Navajo Tribal Trust Lands within the Eastern Navajo Agency under the jurisdiction of the Bureau of Indian Affairs (BIA) and other portions of the powerline lie within Navajo Allotment Lands #1883, # 1210, #1213, #1332, and #1333. Figure 1 shows the project area. Table 1 provides the areas for each land status and Table 2 provides UTM coordinates and legal descriptions for the project area.

**Table 1: Area of Effect and Area Surveyed Breakdown by Land Status**

| Land Status   | Area of Effect |             | Area Surveyed |              |
|---|----------------|-------------|---------------|--------------|
|   | Acres          | Hectares    | Acres         | Hectares     |
| Navajo Indian Allotments<br>#1883, #1210, #1213, #1332,<br>and #1333 (6,158.88 ft.) | 2.80           | 1.13        | 12.72         | 5.15         |
| Navajo Nation Tribal Trust<br>(23,225.65 ft.)                                       | 10.61          | 4.29        | 47.99         | 19.42        |
| <b>Totals (29,384.53 ft.)</b>   | <b>13.41</b>   | <b>5.42</b> | <b>60.71</b>  | <b>24.57</b> |



Table 2. UTM Coordinates and Legal Descriptions for the proposed CDEC Echo Canyon Powerline Project near Mariano Lake Chapter, McKinley County, New Mexico.

near Mariano Lake Chapter, McKinley County, New Mexico.

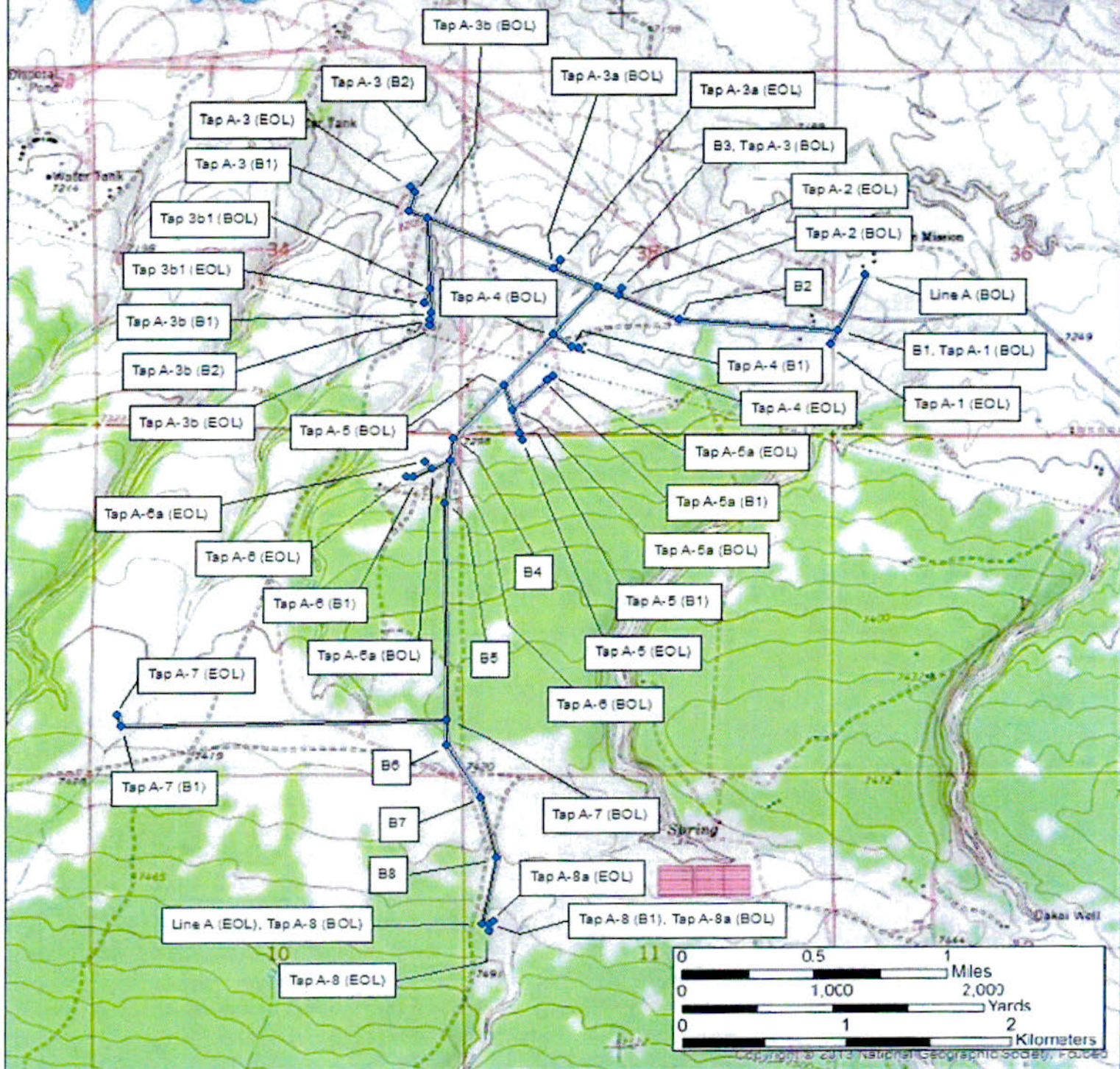
| Designation | UTM Coordinates:<br>Zone 13 (NAD 83) |         | Legal Description |    |    |      |     |     | USGS Map<br>Name<br>(7.5'<br>Quadrangle)   |
|-------------|--------------------------------------|---------|-------------------|----|----|------|-----|-----|--|
|             | Northing                             | Easting | ¼                 | ¼  | ¼  | Sec. | T   | R   |  |
| Line A      |                                      |         |                   |    |    |      |     |     | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
| BOL         | 3939973                              | 0746436 | NW                | NW | SW | 36   | 16N | 14W |  |
| B1          | 3939724                              | 0746323 | SW                | NW | SW | 36   | 16N | 14W |  |
| B2          | 3939754                              | 0745637 | SW                | NW | SE | 35   | 16N | 14W |  |
| B3          | 3939888                              | 0745280 | NW                | NE | SW | 35   | 16N | 14W |  |
| B4          | 3939193                              | 0744677 | NE                | NE | NE | 03   | 15N | 14W |  |
| B5          | 3938901                              | 0744649 | SE                | NE | NE | 03   | 15N | 14W |  |
| B6          | 3937825                              | 0744689 | SE                | SE | SE | 03   | 15N | 14W |  |
| B7          | 3937594                              | 0744842 | NW                | NW | NW | 11   | 15N | 14W |  |
| B8          | 3937322                              | 0744923 | SW                | NW | NW | 11   | 15N | 14W |  |
| EOL         | 3937028                              | 0744868 | SW                | SW | NW | 11   | 15N | 14W |  |
| Tap A-1     |                                      |         |                   |    |    |      |     |     | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
| BOL         | 3939724                              | 0746323 | SW                | NW | SW | 36   | 16N | 14W |  |
| EOL         | 3939664                              | 0746293 | NE                | SE | SE | 35   | 16N | 14W |  |
| Tap A-2     |                                      |         |                   |    |    |      |     |     | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
| BOL         | 3939855                              | 0745374 | NE                | NE | SW | 35   | 16N | 14W |  |
| EOL         | 3939887                              | 0745380 | NE                | NE | SW | 35   | 16N | 14W |  |
| Tap A-3     |                                      |         |                   |    |    |      |     |     | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
| BOL         | 3939888                              | 0745280 | NW                | NE | SW | 35   | 16N | 14W |  |
| B1          | 3940201                              | 0744450 | SW                | SE | NE | 34   | 16N | 14W |  |
| B2          | 3940289                              | 0744473 | NE                | SE | NE | 34   | 16N | 14W |  |
| EOL         | 3940308                              | 0744454 | NW                | SE | NE | 34   | 16N | 14W |  |
| Tap A-3a    |                                      |         |                   |    |    |      |     |     | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
| BOL         | 3939961                              | 0745085 | NE                | NW | SW | 35   | 16N | 14W |  |
| EOL         | 3940003                              | 0745115 | NW                | NE | SW | 35   | 16N | 14W |  |
| Tap A-3b    |                                      |         |                   |    |    |      |     |     | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
| BOL         | 3940168                              | 0744535 | SE                | SE | NE | 34   | 16N | 14W |  |
| B1          | 3939749                              | 0744564 | SW                | SE | NE | 34   | 16N | 14W |  |
| B2          | 3939719                              | 0744559 | NW                | SE | NE | 34   | 16N | 14W |  |
| EOL         | 3939696                              | 0744557 | NW                | SE | NE | 34   | 16N | 14W |  |
| Tap A-3b1   |                                      |         |                   |    |    |      |     |     | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
| BOL         | 3939854                              | 0744554 | NE                | NE | SE | 34   | 16N | 14W |  |
| EOL         | 3939792                              | 0744532 | SE                | NE | SE | 34   | 16N | 14W |  |
| Tap A-4     |                                      |         |                   |    |    |      |     |     | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
| BOL         | 3939672                              | 0745093 | SE                | NW | SW | 35   | 16N | 14W |  |
| B1          | 3939621                              | 0745176 | NW                | SE | SW | 35   | 16N | 14W |  |
| EOL         | 3939613                              | 0745203 | NW                | SE | SW | 35   | 16N | 14W |  |
| Tap A-5     |                                      |         |                   |    |    |      |     |     |  |
| BOL         | 3939437                              | 0744886 | NW                | SW | SW | 35   | 16N | 14W |  |
| B1          | 3939224                              | 0744963 | SE                | SW | SW | 35   | 16N | 14W |  |

| Designation | UTM Coordinates:<br>Zone 13 (NAD 83) |         | Legal Description |    |    |      |     |     | USGS Map<br>Name<br>(7.5'<br>Quadrangle)<br>Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980 |
|-------------|--------------------------------------|---------|-------------------|----|----|------|-----|-----|--|
|             | Northing                             | Easting | ¼                 | ¼  | ¼  | Sec. | T   | R   |  |
| EOL         | 3939198                              | 0744975 | NE                | NW | NW | 2    | 15N | 14W |  |
| Tap A-5a    |                                      |         |                   |    |    |      |     |     |  |
| BOL         | 3939330                              | 0744923 | SE                | SW | SW | 35   | 16N | 14W | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980   |
| B1          | 3939470                              | 0745070 | NE                | SW | SW | 35   | 16N | 14W |  |
| EOL         | 3939485                              | 0745099 | NE                | SW | SW | 35   | 16N | 14W |  |
| Tap A-6     |                                      |         |                   |    |    |      |     |     |  |
| BOL         | 3939100                              | 0744665 | NE                | NE | NE | 3    | 15N | 14W | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980   |
| B1          | 3939020                              | 0744506 | NE                | NE | NE | 3    | 15N | 14W |  |
| EOL         | 3939014                              | 0744478 | SW                | NE | NE | 3    | 15N | 14W |  |
| Tap A-6a    |                                      |         |                   |    |    |      |     |     |  |
| BOL         | 3939060                              | 0744587 | NE                | NE | NE | 3    | 15N | 14W | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980   |
| EOL         | 3939084                              | 0744556 | NE                | NE | NE | 3    | 15N | 14W |  |
| Tap A-7     |                                      |         |                   |    |    |      |     |     |  |
| BOL         | 3937935                              | 0744685 | NE                | SE | SE | 3    | 15N | 14W | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980   |
| B1          | 3937879                              | 0743278 | NW                | SW | SW | 3    | 15N | 14W |  |
| EOL         | 3937923                              | 0743268 | NW                | SW | SW | 3    | 15N | 14W |  |
| Tap A-8     |                                      |         |                   |    |    |      |     |     |  |
| BOL         | 3937028                              | 0744868 | SW                | SW | NW | 11   | 15N | 14W | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980   |
| B1          | 3937028                              | 0744900 | SW                | SW | NW | 11   | 15N | 14W |  |
| EOL         | 3936996                              | 0744901 | SW                | SW | NW | 11   | 15N | 14W |  |
| Tap A-8a    |                                      |         |                   |    |    |      |     |     |  |
| BOL         | 3937028                              | 0744900 | SW                | SW | NW | 11   | 15N | 14W | Mariano Lake,<br>N. Mex. 1963<br>P.R. 1980   |
| EOL         | 3937043                              | 0744913 | SW                | SW | NW | 11   | 15N | 14W |  |

KEY: BOL = Beginning of Line B = Bend EOL = End of Line P.R. Photorevised



# Proposed Continental Divide Electric Cooperative Echo Canyon Powerline Project



## Legend

- Bends
- Powerline
- Buffer\_Zone



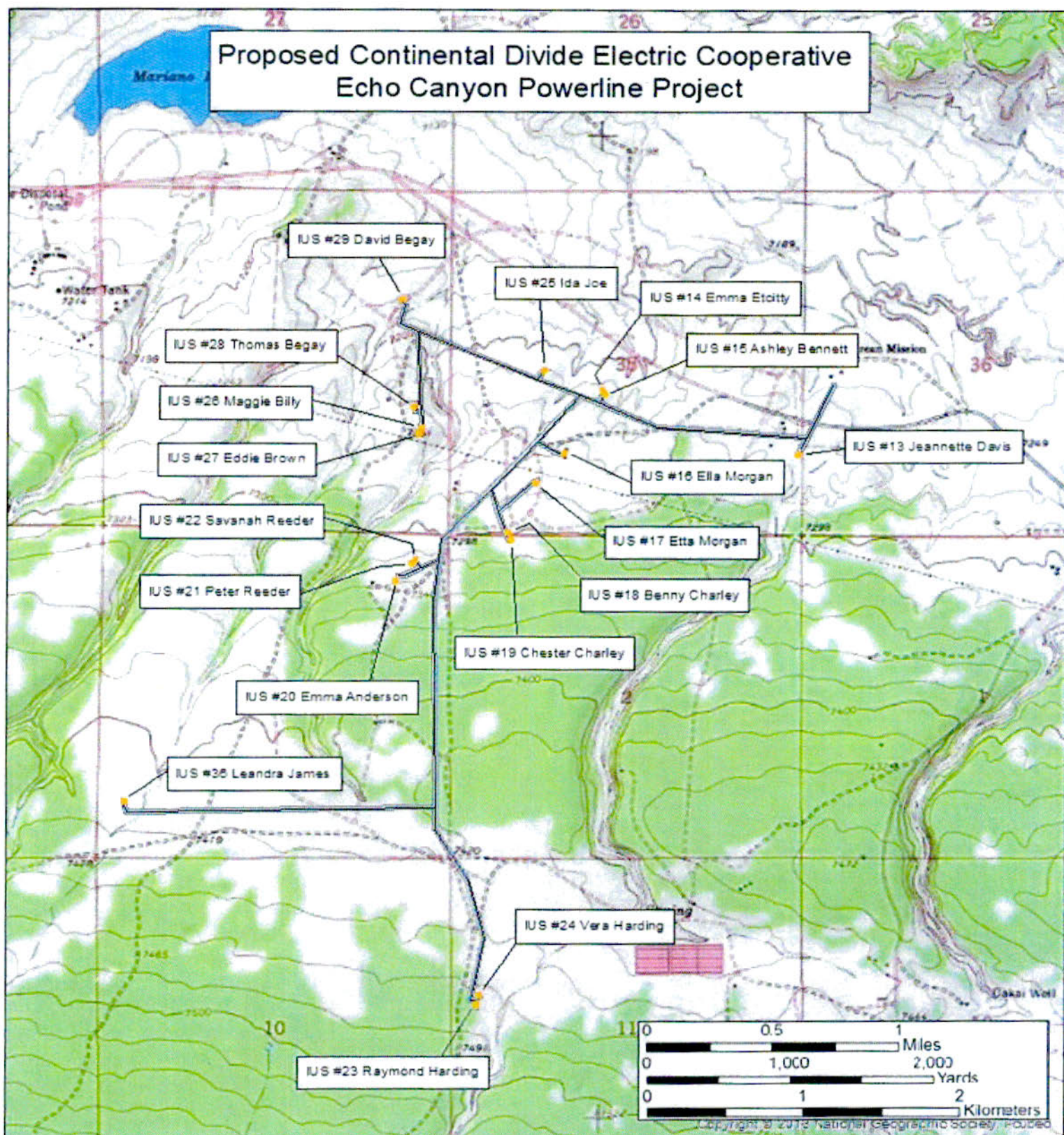
**DCRM**  
Dinéahdó Cultural Resources Management LLC

DCRM 2017-33  
Mariano Lake, New Mexico  
1963 P.R. 1980  
Scale: 1:24,000  
(1 inch = 2,000 feet)

Figure 1: Map showing project area.



# Proposed Continental Divide Electric Cooperative Echo Canyon Powerline Project



## Legend

- IUS
- Powerline
- Buffer\_Zone



**DCRM**  
Dinéahdó Cultural Resources Management LLC

DCRM 2017-33  
Mariano Lake, New Mexico  
1963 P.R. 1980  
Scale: 1:24,000  
(1 inch = 2,000 feet)

Figure 2: Map showing project area.



## Environmental and Cultural Setting

The Zuni Uplift is a large sedimentary landmass that was uplifted during the onset of the Laramide Orogeny during the Cretaceous-Tertiary transition. A considerable amount of tectonic activity during this time is responsible for exposing numerous geologic facies ranging in age from the Neogene Period to the Precambrian. Erosion of the numerous facies have produced a multitude of geographic features and geologic structures such as the Hogback, Fenced-Up Horse Canyon, Zuni Mountains, Oso Ridge, and the Malpais badlands. Within the uplift, strata representing marine transgressive and nonmarine regressive cycles have been exposed as well as Precambrian basement rock which have produced redeposited packages of fine to coarse grained alluvial, fluvial, colluvial, residual, and aeolian sand, silt, clay, and multi-lithic sand. Outcrops of sedimentary, metamorphic, and igneous bedrock as well as pebble to boulder sized clasts derived from these outcrops are scattered throughout the region. Situated in the mixed conifer environ, the Zuni Uplift supports flora such as; Ponderosa and pinion pine, juniper, gambel oak, Aspen, green ephedra, sagebrush, Indian rice grass, ring muhly, blazing star, alkali sacaton, amaranth, drop seed, narrow and broad leaf yucca, prickly pear and cholla cacti, and Russian thistle. The project area is situated within the northern edge of the Zuni Uplift with exposed outcrops of Jurassic Sedimentary rocks. The project area lies between Fallen Timber Ridge and the Continental Divide at the base of a northern slope as the landscape transitions to an open valley. A majority of the homesites are located at the base of the northern slope with large arroyos nearby. The homesites also lie within a juniper-pinon forest. The homesites are well developed with bladed sections and maintained dirt roads.

The Navajo name for Mariano Lake is *Be'ek'id Hóteelí*, when translated, means "Wide Lake". After the signing of the 1868 Treaty, an elderly man named Chief Mariano Martinez settled the lake area. Chief Martinez and his scouts began construction of an earthen embankment to catch rain and melting snow run-off. Construction of the earthen dam was achieved by using arrowheads, sticks and blankets to dig and remove dirt. Because Chief Martinez mobilized the construction of the dam, the lake became known as "Mariano Lake", and eventually, the community became known by the same name. After World War II, the community building could no longer be used due to the land ownership change. In 1958, the current chapter house was built with Navajo Tribal Trust funds (LSR Innovations: 2004).

## Existing Data Review

A literature search at the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock, Arizona, indicated that four previous archaeological projects have been conducted within 300 ft. (91 m) of the project area: NNHPD 96-185, NNHPD 00-447, NNHPD 06-295 and NNHPD 07-231. The literature research revealed six significant archaeological resource that were identified near the proposed CDEC Echo Canyon Powerline Project. The sites identified include; NM-Q-7-24 (Navajo Habitation 1960's A.D.), NM-Q-7-25 (NNHPD Site form not found), NM-Q-7-26 (NNHPD Site form not found), NM-Q-7-28 (Navajo Habitation Unknown Date), NM-Q-7-29 (Navajo Habitation 1940's A.D.) and NM-Q-27-25 (Anasazi Field House 900 A.D-1100 A.D.). During the DCRM survey it was noted that all previously recorded sites were not within the survey area of the proposed powerline.

Van Valkenburgh (1974) indicates that Hosta Butte (*Ak'i Dah Nást'áni*) is approximately 5.05 miles (8.13 km) northeast of the project area.



The Navajo Nation Historic Preservation Department's Traditional and Sacred Place files show two sacred areas near the proposed Echo Canyon Powerline Project: Mariano Lake (*Be'ek'id Hóteelí* / "Wide Lake"), located 1.14 miles (1.83 km) northwest of the nearest power line segment and Dalton Pass (*Nihodeeshgiizh* / "Gap Extending Downward"), located 5.6 miles (8.9 km) northwest of the nearest powerline segment. Consultations with Mr. Timothy Begay (NNHPD TCP Personnel) indicated that the proposed Echo Canyon Powerline Project will have no impact on the identified Traditional Cultural Properties (TCPs).

## Field Methods

On June 14<sup>th</sup>, 2017, Mr. Arlo Werito, Ms. Tristen Moone, Ms. Lisa Zohnnie and Ms. Brandi Bitsilli, archaeologists and archaeological technicians with Dinétahdóó Cultural Resources Management (DCRM), conducted a cultural resources inventory of the proposed powerline for the Continental Divide Electric Cooperative, Inc. (CDEC). The project area was surveyed by walking two parallel transects, one on each side of the centerline, with surveyors spaced no more than 10 m apart. A 90-ft-wide (27.43-m-wide) corridor was surveyed for the proposed powerline. This included 20 ft. (6.10 m) for the right-of-way and 20 ft. (6.10 m) for a buffer zone on each side of the right-of-way. A total of 60.71 acres (24.57 ha.) was inventoried in conjunction with the project.

None of the in-use sites were mapped out of respect for the privacy of the individuals; however, as per NNHPD guidelines, the client or a neighbor was interviewed regarding the dates of occupation and questions were asked regarding potential traditional cultural properties (TCPs, such as herb-gathering areas, blessed and/or sacred places) and burials in the vicinity. The Mariano Lake Chapter House was also visited and staff and officials were informed of the project's objectives. DCRM archaeologists contacted Ms. Leandra James (Mariano Lake Chapter Community Service Coordinator). Ms. James was asked about any known burials or TCPs. Ms. James informed DCRM archaeologists that she did not know of any TCPs or burials near the proposed line. Continental divide

## Cultural Resource Findings

Eighteen (18) in-use sites (IUSs) and one (1) Traditional Cultural Property (TCP) were identified within or near the project area within Navajo Tribal Trust Lands. 3 provides a summary of the in-use sites.

### In-Use Sites

Table 3. In-Use Sites Identified during the proposed CDEC Echo Canyon Powerline Project near Mariano Lake Chapter, McKinley County, New Mexico.

| IUS and Client Name (CDEC #)  | Summary of Structures                                    | Interviewee                             | Interview Results (Dates of Occupation)                         |
|-------------------------------|--|---|---|
| <b>Echo Canyon</b>            |  |   |   |
| 1. Emma Etcitty-Charley (#14) | Tan house with associated features and In-Use Nidaa Site | Emma Etcitty-Charley and Ashley Bennett | One nearby TCP (Nidaa) and no Burials. Occupation since 1970's. |
| 2. Ashley Bennett (#15)       | Tan House with associated features                       |   |   |



| IUS and Client Name<br>(CDEC #) | Summary of Structures   | Interviewee                       | Interview Results (Dates<br>of Occupation)        |
|---------------------------------|---|-----------------------------------|---|
| <b>Echo Canyon</b>              |   |                                   |   |
| 3. Ella Morgan (#16)            | Grey Hogan with Blue roof<br>and associated features                              | No Contact                        | Unknown TCPs or<br>Burials; Unknown<br>Occupation |
| 4. Etta Morgan (#17)            | Peach colored house with<br>associated features                                   | No Contact                        | Unknown TCPs or<br>Burials; Unknown<br>Occupation |
| 5. Benny Charley (#18)          | Brown house with associated<br>features   | Benny and<br>Chester Charley      | No TCPs or Burials;<br>Occupation since 1980's    |
| 6. Chester Charley<br>(#19)     | Tan hogan with associated<br>features.  |                                   |   |
| 7. Emma Anderson<br>(#20)       | Grey house with red colored<br>roof.  | Emma Anderson                     | No TCPs or Burials;<br>Occupation since 1980's    |
| 8. Peter Reeder (#21)           | Green colored house with<br>associated features                                   | Alberta Reeder<br>and Pete Reeder | No TCPs or Burials;<br>Occupation since 1970's    |
| 9. Savannah Reeder<br>(#22)     | Brown colored hogan with<br>associated features.                                  |                                   |   |
| 10. Raymond Harding<br>(#23)    | Tan colored house with<br>associated features                                     | Raymond<br>Harding                | No TCPs or Burials;<br>Occupation since 1970's    |
| 11. Vera Harding (#24)          | Tan colored mobile home   |                                   |   |
| 12. Ida Joe (#25)               | Wooden house frame (still<br>under construction) and 1<br>shed.                   | Ida Joe                           | No TCPs or Burials;<br>Occupation since 2016      |
| 13. Maggie Billy (#26)          | White colored house with<br>associated features.                                  | No Contact                        | Unknown TCPs or<br>Burials; Unknown<br>Occupation |
| 14. Eddie Brown (#27)           | Grey colored hogan  | No Contact                        | Unknown TCPs or<br>Burials; Unknown<br>Occupation |
| 15. Thomas Begay<br>(#28)       | Tan colored house with blue<br>trim and associated features.                      | No Contact                        | Unknown TCPs or<br>Burials; Unknown<br>Occupation |
| 16. David Begay (#29)           | Blue colored house with<br>green roof, 1 corral, 1<br>garden, 1 hogan and 1 shed. | David Begay                       | No TCPs or Burials;<br>Occupation since 1995      |
| 17. Leandra James<br>(#36)      | Brown double-wide mobile<br>home.   | Leandra James                     | No TCPs or Burials;<br>Occupation since 1990's.   |
| 18. Jeanette Davis<br>(#13)     | 2 houses, 2 hogans, and 3<br>corrals  | Jeanette Davis                    | No TCPs or Burials,<br>Lifelong resident.         |

### Traditional Cultural Property

One Traditional Cultural Property (TCP) was identified during the survey. A *Nidaa* site was discovered near the residence of Ms. Emma (Etcitty) Charley's homestead. An interview by DCRM archaeologists revealed that the *Nidaa* site was still in-use with the last known ceremony taking place during 2016. DCRM Archaeologists consulted with Ms. Emma (Etcitty) Charley who said that her grandpa had used the *Nidaa* site in recent times (2016). It was determined that the

TCP was located on the northern edge of the buffer zone and will not be impacted by the proposed Echo Canyon powerline.

### **Evaluation of Significance**

All cultural resources are evaluated for significance under certain federal statutes for the preservation and management of these resources. This process is intended to ensure that cultural resources are not inadvertently destroyed by the proposed undertaking, and to ensure that local communities are involved in the decision-making process. Although the Navajo Nation has enacted the Navajo Nation Cultural Resources Protection Act (NNCRMP), it has not instituted regulations, nor is there a process to evaluate resources under this act.

#### *The National Historic Preservation Act*

Under the Section 106 process of the National Historic Preservation Act (NHPA; 36 CFR 60.4), cultural resources may be eligible for nomination to the National Register of Historic Places if they are more than 50 years old and "possess integrity of location, design, setting, material, workmanship, feeling, and association." One or more of the following criteria (a-d) must be applicable:

- a. associated with events that have made a significant contribution to the broad patterns of our history; or
- b. associated with the lives of a person significant in our past; or
- c. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. has yielded, or may be likely to yield, information important in prehistory or history.

As defined in 36 CFR 60.4, cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historical buildings; properties primarily commemorative in nature; and properties that have achieved significance within the past 50 years are not ordinarily considered eligible for the National Register. However, such properties may qualify if they are integral parts of districts that do meet the eligibility criteria.

#### *Archaeological Resources Protection Act*

The Archaeological Resources Protection Act of 1979 (ARPA; 43 CFR Part 7) has two fundamental purposes:

- to protect irreplaceable archaeological resources on public lands and Indian lands from unauthorized excavation, removal, damage, alteration, or defacement; and
- to increase communication and exchange of information among governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained prior to enactment of the Act.

In order for a resource to be considered an archaeological resource and thus merit protection, it must be both more than 100 years old and of archaeological interest.



### *American Indian Religious Freedom Act*

The American Indian Religious Freedom Act (AIRFA [P.L. 95-341]) affirms that American Indians have the right to believe, express, and exercise their traditional religions and have access to sites, use and possession of sacred objects, and freedom of worship through ceremonies and rites. Any site or place (prehistoric or historic) that has religious, ceremonial, or sacred aspects or components needs to be dealt with in light of this law. Anasazi sites related to Navajo cultural traditions qualify for protection, as do all Navajo ceremonial sites, unmarked traditional places, and residential structures whose owners/users want them protected for religious and cultural reasons.

### *Native American Graves Protection and Repatriation Act*

The Native American Graves Protection and Repatriation Act (NAGPRA [P.L. 101-601]) provides protection of Native American graves; establishes procedures and legal standards for the repatriation of human remains, funeral objects, sacred objects, and objects of cultural patrimony, including those from archaeological contexts; and provides the United States district courts jurisdiction over any action brought by any person alleging a violation of the Act. The Act also recognizes certain tribal, Native Hawaiian, and individual rights in regard to burial sites located on federal and Indian lands, and it sets forth procedures for the intentional excavation and inadvertent discoveries of these items.

Navajo Nation law and policy also protects cultural resources on lands under Navajo Nation government jurisdiction. The **Navajo Nation Cultural Resources Protection Act of 1988** (NTC CMY-19-88) is modeled on the federal laws which require consideration of the effects of an undertaking on significant cultural resources. It also authorizes the Navajo Nation Historic Preservation Department to create and maintain a "Navajo Nation Register of Cultural Properties and Cultural Landmarks." The Register is to include "buildings, districts, objects, places, sites, and structures significant in Navajo Nation history, architecture, archaeology, engineering, and culture" on Navajo lands. The Register and its criteria for eligibility have yet to be established.

The **Navajo Nation Policy for the Protection of Jishcháá'** covers all human remains, associated funerary items, and unassociated funerary items on land under Navajo Nation jurisdiction. It emphasizes non-disturbance as the required treatment of these items unless disturbance is unavoidable. It sets forth procedures for intentional excavation and inadvertent discovery of these items.

**Table 4. Evaluation & Eligibility of Cultural Resources Identified during the CDEC Echo Canyon Powerline Project near Mariano Lake Chapter, McKinley County, New Mexico.**

| Cultural Resource No. | Description   | Evaluation |  |
|-----------------------|---------------|------------|--|
|                       |               |            |  |
| In-Use Sites<br>#1-18 | 1970s-present | NRHP       | Not Eligible; Navajo Nation policy precludes nomination of in-use sites                  |
|                       |               | ARPA       | Is Eligible? No<br>1. 100-year guideline met? No<br>2. Is of archaeological interest? No |
|                       |               | AIRFA      | Does not merit consideration   |
|                       |               | NAGPRA     | Does not merit consideration   |

| Cultural Resource No.                  | Description       | Evaluation |  |
|--|-------------------|------------|--|
| Traditional Cultural Property (TCP #1) | <i>Nidaa</i> Site | NRHP       | Not Eligible; Navajo Nation policy precludes nomination of in-use sites                  |
|  |                   | ARPA       | Is Eligible? No<br>1. 100-year guideline met? No<br>2. Is of archaeological interest? No |
|  |                   | AIRFA      | Does merit consideration due to the site being used for present-day ceremonial purposes. |
|  |                   | NAGPRA     | Does not merit consideration   |

## Recommendations

Archaeological clearance is recommended for the proposed CDEC Echo Canyon Powerline with the stipulation that any new discoveries found during construction be reported immediately to the Navajo Nation Historic Preservation Department in Window Rock, Arizona, and that all construction activities be restricted to the proposed right-of-way corridors and existing roads.

**Traditional Cultural Property (TCP #1):** It was determined that the TCP was located on the northern edge of the buffer zone and will not be impacted by the proposed Echo Canyon powerline. Avoidance is recommended for TCP #1.

## References Cited

LSR Innovations Research & Planning

2004 Chapter Images: 2004 Edition. Navajo Nation Division of Community Development, Window Rock, Arizona.

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places. In *Navajo Indians III*, edited by C. Kluckhohn, pp. 9-99. Garland Publishing, New York.





THE NAVAJO NATION  
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:

☒ DCRM

NNHPD NO.: **HPD-18-385 - REVISED**

OTHER PROJECT NO.: **DCRM 2017-33**

**PROJECT TITLE:** A Cultural Resource Inventory of the Proposed Continental Divide Electric Cooperative Inc. (CDEC) Echo Canyon Powerline Project in Mariano Lake Chapter, McKinley County, New Mexico. (Work Order #52521)

**LEAD AGENCY:** BIA/NR

**SPONSOR:** Steve Morales, GIS Analyst/ROW, Continental Divide Electric Cooperative, Inc., PO Box 1087, Grants, New Mexico 87020

**PROJECT DESCRIPTION:** The proposed undertaking will involve the upgrade/construction, operation & maintenance of distribution line to serve eighteen homes. The powerline measures approximately 29,384.53-ft/5.3-miles. The right-of-way is 20-ft wide. The area of effect is 13.41-acres (Allotment=2.8-ac; NNTL=10.61-ac). Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

**LAND STATUS:** Navajo Tribal Trust & Indian Allotments #1883, 1210, 1213, 1332, 1333

**CHAPTER:** Mariano Lake

**LOCATION:** Project is located on the Mariano Lake Quadrangle, McKinley County, New Mexico NMPM

T. 16 N., R. 14 W- Sec. 34, 35, 36

T. 15 N., R. 14 W- Sec. 2, 3, 10, 11

**PROJECT ARCHAEOLOGIST:** Patricia Moone, Arlo Werito, Shane V. Wero

**NAVAJO ANTIQUITIES PERMIT NO.:** B17396

**DATE INSPECTED:** 06/15/17

**DATE OF REPORT:** 04/16/18

**TOTAL ACREAGE INSPECTED:** 60.71 – ac total (IA=12.72-ac; NNTL=47.99-ac)

**METHOD OF INVESTIGATION:** Class III pedestrian inventory with transects spaced 10-15 m apart.

**LIST OF CULTURAL RESOURCES FOUND:** **(18) IN-USE SITES (IUS)**  
**(1) TRADITIONAL CULTURAL PROPERTY (B17396/TCP1)**

**LIST OF ELIGIBLE PROPERTIES:** NONE

**LIST OF NON-ELIGIBLE PROPERTIES:** **(18) IUS**  
**(1) TCP (B17396/TCP1)**

**LIST OF ARCHAEOLOGICAL RESOURCES:** NONE

**-DOCUMENT IS VOID IF ALTERED-**

**EFFECT/CONDITIONS OF COMPLIANCE:** No historic properties affected with the following conditions:

**B17396/TCP1:**

1. TCP will be avoided by all construction activities by a minimum of 50-ft.
2. Once construction is completed, TCP will continue to be avoided by routine maintenance activities.

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

FORM PREPARED BY: **Tamara Billie**

FINALIZED: August 27, 2018 - *Revised*

Notification to Proceed  
Recommended

☒ Yes ☐ No

Conditions:

☒ Yes ☐ No

*Richard M. Begay* 8/27/18  
Richard M. Begay, Dept. Mgr./THPO  
The Navajo Nation  
Heritage & Historic Preservation Department

Navajo Region Approval

☒ Yes ☐ No

*[Signature]*  
BIA - Navajo Regional Office

9/4/18  
Date



**ECHO CANYON ROAD POWER LINE ENVIRONMENTAL ASSESSMENT  
RIGHT OF WAY APPLICATION FOR SEVENTEEN HOMES WO # 52521  
MARIANO LAKE, NEW MEXICO**



**PLS: SE/4 Section 3 Township 15 North Range 14 West, NMPM  
Lat. & Long.: 35° 33' 10.9" N 108° 18" 0.0" W NAd 83  
UTM: 744,800 m E 3,937,531 m N Zone 12  
Elevation 7,421' amsl**

**Prepared by**

**CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.  
200 East High Street / P.O. Box 1087  
Grants, New Mexico 87020**

**DENALI ENVIRONMENTAL SERVICES  
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**September, 2018  
Revised May, 2019**

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### Appendices

- Appendix A Real Estate Land Survey Plat
- Appendix B Mariano Lake Chapter Resolution
- Appendix C Cultural Resource Compliance Form
- Appendix D Biological Resource Compliance Form



## ECHO CANYON ROAD POWER LINE ENVIRONMENTAL ASSESSMENT

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is seeking a right-of-way (ROW) to construct, operate, and maintain an electrical power line to serve the Echo Canyon Road Community in Mariano Lake Chapter, New Mexico. The proposed power line would provide electrical service to 17 existing homes. The proposed power line application would require a National Environmental Policy Act environmental assessment document to support the decision-making process.

### 1.0 DESCRIPTION OF THE PROPOSED ACTION AND PROJECT LOCATION

#### 1.1 Description of the Proposed Action

The existing power line taps and proposed extensions for the 17 homes would be included in the right of way application, as shown in Table 1 below. The electrical line would be single phase 14.4 kilo volt line. CDECI is asking for a ROW width of 20 feet with a combined length (power line and guy) at 5.33 miles (29,384.53 feet), encompassing 13.41 total acres. Navajo Tribal Trust land totals 23,225.65 feet, encompassing 10.61 acres, and Indian Allotted lands total 6,158.88 feet, encompassing 2.80 acres.

Table 1. Continental Divide Electric Cooperative, Inc. Echo Canyon Road Power Line Project Navajo Tribal Trust land, and Individual Allotted Lands.

| Power Line Right of Way Dimensions and Acreage |             |            |            |                      |       |               |
|--|-------------|------------|------------|----------------------|-------|---------------|
| Public Land Survey                             | Land Status | PL Footage | PL Mileage | PL/Guy Total Footage | Width | Total Acreage |
| NW/4 S2 T15N R14W                              | IA          | 145.06'    | 0.03       | 195.06'              | 20'   | 0.09          |
| S3 T15N R14W                                   | NTT         | 10,722.15' | 2.03       | 11,072.15'           | 20'   | 5.06          |
| NE/4 S10 T15N R14W                             | IA          | 32.42'     | 0.01       | 30.42'               | 20'   | 0.01          |
| NW/4 S11 T15N R14W                             | IA          | 2,611.01'  | 0.49       | 2,761.01'            | 20'   | 1.26          |
| NE/4 S34 T16N R14W                             | IA          | 1,665.79'  | 0.31       | 1,865.79'            | 20'   | 0.84          |
| SE/4 S34 T16N R14W                             | IA          | 1,256.60'  | 0.24       | 1,306.60'            | 20'   | 0.60          |
| S35 T16N R14W                                  | NTT         | 10,655.35' | 2.02       | 11,053.89'           | 20'   | 5.05          |
| SW/4 S36 T16N R14W                             | NTT         | 1,048.15'  | 0.02       | 1,099.61'            | 20'   | 0.05          |
| Subtotal NTT                                   |             |            |            | 23,225.65'           |       | 10.61         |
| Subtotal IA                                    |             |            |            | 6,158.88'            |       | 2.80          |
| Total  |             | 28,134.53' | 5.33       | 29,384.53'           |       | 13.41         |

Surface trees and shrubs would be trimmed along the electrical right of way. Approximately 110 noncommercial trees (pinon-juniper) under the proposed power line will be cut to avoid any physical interference and to avoid fires. The proposed power line right of way would not be bladed. Construction of new access roads along the power line will not be required; existing access roads will be used.

#### 1.2 Purpose and Need

The proposed right of way would serve 17 local families with electricity to their homes. The power line extension initiative would enable families to refrigerate meat, milk and eggs for longer periods,



and buy additional perishable grocery items that would otherwise spoil. Television news media and entertainment can now be enjoyed by the families. School age kids can now do their homework via satellite internet. The proposed initiative would also provide telecommunication via direct telephone communication. Overall, the proposed utility would play a vital part in serving the needs and interest of the people and community, often in remote and underserved regions of the Navajo Nation.

### 1.3 Location

Echo Canyon Road Power Line Project is located east and southeast of the Mariano Lake Community, on the north and south side of Navajo Route 49. The *Mariano Lake, NM* USGS 7.5 Minute quadrangle topographic map, at Figure 1 illustrates the Echo Canyon Road Power Line project location.

Table 2. Location of the Echo Canyon Road Power Line Project, Mariano Lake, NM USGS 7.5 Quadrangle Map, Continental Divide Electrical Cooperative, Inc.

| Description                   | Public Land Survey | Latitude and Longitude NAd 83    | UTM, Zone 12              |
|-------------------------------|--------------------|----------------------------------|---------------------------|
| Line A BOP<br>@<br>Pole 41036 | NW/4 S36 T16N R14W | 35° 34' 22.2" N 108° 16' 50.2" W | 746,514 m E 3,939,838 m N |
| Line A<br>EOP                 | NW/4 S11 T15N R14W | 35° 32' 47.0" N 108° 17' 54.4" W | 744,954 m E 3,936,826 m N |

Located on Navajo tribal trust, and Individual Indian Allotted lands, the proposed powerline is located in Mariano Lake Chapter, McKinley County, New Mexico, at an average elevation of 7,200' amsl.

### 1.4 Project Authorization

This project was authorized by the Navajo Nation Code, Title 16 Land, Chapter 11 § 1101, land for public community purposes. NNC authorizes the Navajo Nation to participate and manage land use leases on the Navajo Indian Reservation projects in rural Utah, Arizona, and New Mexico.

The Bureau of Indian Affairs is the lead Federal agency, as authorized by the Snyder Act of November 20, 1921, 25 USC Chapter 1 § 13, which establishes appropriation for BIA permitting right of ways and leasing activity. The proposed right of way approval would allow CDECI to acquire the power line property long term, construct a 11.4 kv electrical power line, and provide electrical service to local residents.

Shown at Appendix B, the Mariano Lake Chapter has passed a resolution approving the proposed electrical power line.

### 1.5 Purpose of Environmental Assessment



The environmental assessment is an instrument required by federal law and regulations to determine if potential impacts of a federal action are of such significant as to require the preparation of an environmental impact statement. The proposed federal action is approval of an electrical right-of-way. The approval of the right-of-way would allow the operator to withdraw a tract of land, on which to further construct and operate a electrical utility infrastructure. This document addresses potential impacts and mitigation for the approval of the right-of-way. The proposed land use of Indian trust land is managed by the Navajo Nation, and administered by Bureau of Indian Affairs.

## **2.0 ALTERNATIVES**

### **2.1 Alternate Site Locations**

Alternate alignments, of sufficient width and length at locations as convenient as the proposed locations, are not available. Due to the size of grazing permitted areas needed to sustain livestock herds, right of ways become impossible to acquire with respect to individual Indian allotments and Navajo tribal trust lands. Open areas in the community are used for family subsistence on livestock and the traditional family way of life. On adjoining land, individual Indian allotment holders generally try to retain their grazing allotments intact, and not to become fragmented. Holistic grazing areas, on trust and allotted land, are needed to sustain livestock herds. Other power line alignments at the other locations would become difficult to acquire.

An alternate site location, on trust land or allotments, would be subject to the same assessments, approvals and clearance process as the preferred alternative. Numerous archaeological occurrences could render the other proposed sites unfeasible for the proposed use. Potential grazing permit holders may reverse their decisions and reject the alternate location.

### **2.2 No Action Alternative**

If the no action alternative is taken, the proposed long term right of way would not be approved. The proposed electrical power line would not go as planned. Residents would be without electrical service to their homes for some unknown time in the future. The proposed power line alignments would not be elevated to a higher productive state. The approved chapter resolution and future land board decisions would become moot.

### **2.3 Approval of the Preferred Alternative**

The preferred alternative involves approval of the proposed right of way, which would allow for the construction of the electrical power line. The proposed right of way locations, adjacent to existing roads would be the best alternatives. The proposed power line is direct, designed at the shortest route, which would have the least amount of environmental impact. A forum for public involvement in the decision-making process for the project was provided. The Mariano Lake Chapter support resolution is attached as Appendix B. The Land Board Committee of the Eastern Navajo Agency, and the Resources and Development Committee of the Navajo Council would review and recommend approval of the project. The Eastern Navajo Agency, BIA, would provide final approval.



### **3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS**

#### **3.1 Resources Not Considered in Detail**

##### **3.1.1 Climate**

The Gallup Municipal Airport is the nearest weather station to the project area. The proposed power line project is located in a semi-arid climate. The project area experiences four distinct climatic seasons and has an annual average maximum temperature of 66.0°F and average minimum temperature of 44.3°F. Summer highs reach the 85.1°F range with lows in the 45.0°F average. Winter highs are usually in the 44°F range with lows at 13.6. Average annual precipitation is 11.08 inches in the Gallup area. The average annual snowfall is 30.6 inches (WRCC 2015). Due to the small size and nature of the proposed lease area, the proposed project would have no effect on climate. Since there would be no effects on climate, no mitigation would be required.

##### **3.1.2 Air Quality**

Ambient air quality in the project area may be regarded as good. Primary pollutants in the project area is wind-blown dust from loose topsoil common during times of high wind during the spring and dust from vehicular traffic along unimproved roads in the vicinity. These pollutants will not be generated in sufficient concentrations to produce measurable adverse effects to housing or damage to vegetation. Power line construction activities will not have a significant effect on the ambient air quality in the project area. No direct mitigation is required.

##### **3.1.3 Geology and Seismicity**

The Echo Canyon Road Power Line Project is largely located on the Cretaceous Dakota Sandstone and Lower Mancos Shale Formation (Kdm), ascending from the lower San Juan Basin to the north, and part of the Zuni Uplift. The geologic structure is stable in the Echo Canyon Road area, there are no regional faults or fissures in the area. The proposed power line is located on a geologic slope, generally dipping 3 to 4 degrees north toward the San Juan Basin (Wilkes, M. E. Compiler, 2005). Based on the history of the area, geology and seismicity will not be a factor in this development. No mitigation would be required for any geologic adversity.

##### **3.1.4 Fisheries**

There are no fisheries or fishery habitat occurrences in the proposed right of way area. No mitigation is required for any fishery adversity.

##### **3.1.5 Socioeconomics and Environmental Justice**

The proposed project is located in the Mariano Lake Chapter, Eastern Navajo Agency. From the time the Navajo Reservation and Indian Allotments were established in the early 20<sup>th</sup> century, Navajo social and political organization were based on the family, extended family, the clan, and related clans, with informal local leaders or headmen. The chapter system, now a strong element is social and political life, was introduced as a bureaucratic substitute for the headman system in the late 1920's. The chapter, district and agency system that has developed back then, operates simultaneously as an instrument of the Navajo Nation government and the Bureau of Indian Affairs (Iverson, P., 2002). The 2004 census of the Mariano Lake Chapter sets the total population at 870 people (NN DCD/LSRI, 2004).



In general, local housing conditions are good to excellent. Employment and living standards of the Diné People in the greater Mariano Lake area may be better than what may be considered averaged. This is afforded because of the availability of educational opportunities and wage work available in Mariano Lake, Gallup, and Crownpoint. Dwellings in the surrounding area have been built by their owners and have two to three bedrooms. Modular homes in the area are a popular source of improved housing for those who can afford to purchase them.

While unemployment is high throughout the Checkerboard Area, raising livestock has been a sustainable economy in the past. Currently most residents in the Mariano Lake area are ranchers and wage earners, working a various government and commercial jobs in nearby towns. Bureau of Indian Affairs, Indian Health Service, and the Navajo Nation are the major employers in the region. Federal, and state government services, schools and major retail outlets are available in Gallup, and Grants, New Mexico.

The retired elderly in the Checkerboard Area still carry on the ranching life style. Individual allotments are relatively small and not large enough to sustain a viable operating ranch for the entire family, however. The younger family members wish to be with their elders and have moved back into the old homesteads; built their new houses on the ranch land, as the area provides a better quality of life, in contrast to apartment living in nearby towns.

### **Environmental Justice**

The Echo Canyon Road Power Line Project will be for the beneficial use of the Mariano Lake Community. As indicated, the majority of the local population is of Native American decent, representing 99.4% of the population. The mandate of environmental justice on impacted minorities and low income populations applies equally among the population, as the proposal will benefit the population as a whole. The local grazing lease holder and private rancher has agreed to the site location, has relinquished part of his land use area for the right of way. Mariano Lake Chapter has approved a supporting resolution, see Appendix B. In the future, the proposed power line will be reviewed by the BIA for approval of the right of way.

#### **3.1.6 Land Use and Zoning**

At an average elevation of 7,200 feet amsl, Echo Canyon Road project is located on Indian allotted land, and Navajo Indian trust lands. The area surrounding Mariano Lake, the land use is primarily rangeland, and livestock production. Rangeland is the basic land use in the project area. For many years the land is used by the local families for home sites and domestic livestock grazing (sheep, cows and horses). Earthen catchment basins are located throughout the project area. During the dry season livestock water is hauled from nearby windmills by truck to livestock range locations. Cattle guards, metal gates, barbed wire fences, windmills, and access roads have been built to manage ranch operations. Residential leases are also located on the ranch property.

Public road construction and maintenance are provided by the Bureau of Indian Affairs, and the Navajo Nation DOT. Community Water Supply at Mariano Lake is operated by Navajo Tribal Utility Authority (NTUA). Continental Divide Electric Cooperative, Inc. (CDECI) provides electrical power.

### **Indian Trust Resources**

The forest products scheduled to be harvested and removed from the project area will be appraised in accordance to the *Navajo Nation Forest and Woodland Regulations* (RCMA-48-01) and *Indian Affairs Manual 3 – Harvest of Forest Products*. It is anticipated the gross stumpage (appraised value minus cost to harvest/transport/implement mitigation requirements) to be less than \$25,000.00 due to the small size of the proposed project area.

The power line right of way acreage will be withdrawn for the power line right of way. There are no other bankable assets, such as fossil fuels, fossils, or valuable minerals on the proposed tracts, surface or subsurface.

### **3.1.7 Prime Farmland**

Prime farm land is not known in the Mariano Lake area. There are no irrigated fields. Agriculture is not the family life style in the project area. Livestock production and rangeland is the primary land use in the region.

### **3.1.8 Recreation**

Mariano Lake Chapter residents will travel to nearby Cibola National Forest for an afternoon of picnicking and fishing. Navajo Department of Fish and Wildlife designates the project area as a big game hunting unit. NDF&W big game species include deer, and elk.

Gathering - approximately every three to five years, vicinity pinyon trees in the region will yield a bumper crop of pinyon nuts. Native people will gather this crop for individual consumption. The pinyon nuts would also be sold to local traders for cash.

Horseback riding is another recreational source, as horses and horse stables were observed. "Chicken Pulls" or rodeos are also a traditional sport and form of outdoor recreation in the region. Community rodeo grounds are located at Mariano Lake.

Outdoor recreation would come in relation to the traditional livestock raising to the people in the vicinity of Mariano Lake. In contrast to their regular jobs, fence building, ranching, farming activities would provide the ultimate form of outdoor recreation to the local families. This type of outdoor recreation (life style) would provide the relaxation, at the same time feeling of accomplishment, and family member reinforcement.

### **3.1.9 Traffic**

Motorized traffic using the existing roads will not be a factor during construction and operation of the power line. The proposed power line is located in a predominantly rural setting. Traffic will not be a significant factor in this proposed action.

### **3.1.10 Noise**



In acoustics, noise is defined as any undesired sound. The measurement of any sound stimulus is commonly made with a meter and a frequency analyzer. Meter measurement results are given in decibels (db). The normal ambient noise level in the vicinity of the proposed site fluctuates between 1 db (soft whisper) and occasionally 10 db (strong winds). Construction activities will generate noises which cannot be considered normal for the area. Noise levels in the 90 to 100 db range may be generated by the operation of heavy construction equipment.

Construction hours of operation will be 8:00 am to 7:00 pm during the day light hours. Noise from construction activities will not have a significant adverse effect on the local population and environment.

#### **3.1.11 Floodplain**

According to National Flood Hazard Layer maps, the proposed project area is not located in a flood prone area, and is excluded from any floodplain designation by the Federal Emergency Management Agency. On the north side, the proposed power line alignment would span a short segment of arroyo of the Puerco River, a short distance of approximately 20 feet (right of way width). All major drainages in the area are designated as 1% Annual Chance of Flood Hazard (FEMA, 2018). The arroyo is dry most of the year. The site topography at this site generally dip west at approximately 2-3 degrees, which allows for ample drainage.

Generally, the primary discharges of these drainages in the Navajo region occur during the spring months, during the spring snow thaw, and during occasional intense summer thundershowers in late summer. As a result, flow is erratic and fluctuates widely both seasonally and annually. Torrential thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969).

#### **3.1.12 Wetlands and Riparian Habitat**

The proposed project and action area would not traverse any wetland or riparian habitat on or adjacent to the proposed tract. There are no jurisdictional wetlands within the project area. The Gallup, NM National Wetlands Map were reviewed. Livestock impoundments are classified as Palustine (*PUSAh*), unconsolidated shoreline, temporary flooded, and a dike/impoundment. *PUSAh* locations are located throughout the project area. These water impoundments are livestock watering points. The project would have no effect on the impoundments, as wetlands or riparian habitat occurrences do not exist on the project site. Existing livestock watering impoundments in the vicinity do not exhibit hydric soils, nor hydrophilic vegetation, nor do they support a wetland hydrology (U.S. ACOE, 1987). There are no wetlands or riparian habitat occurrences on or near the proposed project area alignments. No mitigation measures are recommended for wetland / riparian areas.

#### **3.1.13 Hazardous, Toxic, and Radiological Waste**

Other than roaming livestock, there are no previous industrial uses of the area. The proposed power line and adjoining property have never been used as a gas station, motor repair facility, commercial printing facility, dry cleaner, photo developing laboratory, junk yard or landfill, or as a



waste treatment, storage, disposal, processing or recycling facility. The propose project does not contain any damaged or discarded automotive or industrial batteries, pesticides, paints or other chemicals (stored or used). No fill dirt has been brought onto the property that originated from a contaminated site. There is no evidence of leaks and spills of hazardous substance or spills of petroleum products on the properties.

No Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste sites, nor RCRA Subtitle D, non-hazardous solid waste sites occur on or near the project area. No Toxic Substance Control Act (TSCA) waste sites occur on or near the existing site. Hence, there will be no residual hazardous effects on the proposed right of way.

### **3.2 Topography and Soils**

#### *Existing Conditions*

In the project area, dipping cuerdas of shale and sedimentary rock is bisected by numerous tributaries that flow north to the Rio Puerco wash. The Rio Puerco flows west. Land form in the project area, and north of Mariano Lake, is characterized as high ridges and hills at an average elevation of 7200' amsl.

Soils on the proposed right of way are generally from sandstone of the Highdye-Evpark-Bryway and Evpark-Arabrab Soil Associations. Soils are made up of sandy loams and clays at 1 to 15 inches deep. The existing sagebrush and grassland-Pinyon-Juniper Savannah is a positive indicator of deep sandy loam soils. These soils are generally free of any chemical adversity. Bedrock or parent material exists at the C horizon at 15" to 20" deep. Parent soils of the C horizon contain sandstone of the Dakota Formation (NRCS, 2018).

#### *Effects*

The propose project construction work or other related activities would not have impact on the surface topography or soils in the project area. No impacts to the surface and natural ground (soils) in the vicinity of the proposed project.

#### *Mitigation*

The proposed power lines would not have any impact to topography or soils. No mitigation is required to vicinity soils, or topography.

### **3.3 Water Resources and Water Quality**

#### *Existing Conditions*

Land form in the Echo Canyon Road area is characterized as high ridges and hills that dip north, bisected by numerous tributaries that flow north to the Puerco River wash, normally dry most of the year. Outcrops of the Lower Mancos Formation are of shale and sedimentary rock. Torrential thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969).

The Mariano Lake Community Water System, operated by Navajo Tribal Utility Authority (NTUA). The utility provides Safe Drinking Water to residents of Mariano Lake and the surrounding communities of Rocky Canyon, Red Willow, and Echo Canyon. The BIA school operates their own



water system and distribution. Water storage tanks are located south of Mariano Lake. The existing water pipelines are located throughout subchapters.

#### *Effects*

The proposed project construction work or other related activities would not have impact on any springs, wells or aquifer recharge areas. No impacts to the surface and natural ground water in the vicinity of the proposed project may be expected.

#### *Mitigation*

The new power lines would not have any impact to the existing community water system. No mitigation is required.

### **3.4 Vegetation and Wildlife Biotic Community - Pinyon-Juniper (P-J) Savannah Ecosystem**

#### *Existing Conditions*

The proposed project area, Echo Canyon Road, is located in the Pinyon-Juniper (P-J) Savannah Ecosystem, located in high plateau country of northwestern New Mexico (Brown, D. E., 1994). At approximately 7,200 feet amsl, the proposed right of way tract is characterized by natural open areas and the P-J ecotone, Pinyon pine *Pinus edulis*, Juniper trees *Juniperus monosperma* and numerous natural grasses. These trees and grasses are the dominant species in this savannah biome type.

The P-J and natural grass biome encompasses the entire Echo Canyon Road project area. Under natural conditions, growing amid the P-J understory, are shrubs, grasses, forbs and annuals. These plants form the ecological backbone of the savannah ecosystem. The ecosystem provides food, shelter, cover, and nesting sites for birds, mammals, insects, and reptiles. Sagebrush, rabbit brush, yucca and snakeweed are some of the shrub species. Grass cover may be a mixture of dropseed, galleta, blue grama, ring muhly, and other species (Brown, D.E., and C.H. Lowe, 1994).

The natural open areas are typically composed of annuals, grasses, e.g. cheatgrass *Bromus tectorum* blue grama *Bouteloua gracilis*, galleta *Pleuraphis jamesii*, dropseeds *Sporobolus cryptandrus* and Indianrice grass *Oryzopsis hymenoides*, and shrubs, e.g. rabbitbrush *Chrysothamnus nauseosus*, sagebrush *Artemisia spp.*, threadleaf groundsel *Senecio flaccidus*, banana yucca *Yucca baccata* and broom snakeweed *Gutierrezia sarothrae*.

Annual plants such as cheatgrass *Bromus tectorum*, Russian thistle *Salsolia kali*, tansy mustard *Descurainia obtusa*, sun flower *Helianthus annuus* and kochia weed *Bassia hyssopifolia* occur on the site.

The fauna of the Juniper Savannah is somewhat diverse than that of other habitats. Mule deer *Odocoileus hemionus* and elk *cervus canadensis* may roam the area in transit during late fall and winter months. Other big game species, the black bear *Ursus americanus* and wild turkey *Meleagris gallopavo*, are not found in the project area, as marginal foraging habitat exists. Mule deer and elk may frequent the area during the cold winter months. Construction of the proposed

site in this residential and rural setting will not have an effect on the natural habitat necessary for the continued survival of these species.

Most abundant small mammals include blacktail jack rabbits *Lepus californicus*, mountain cottontails *Sylvilagus nuttalli*, pinyon mice *Peromyscus truei*, valley gophers *Thomomys bottae*, porcupines *Erethizon dorsatum*, Mexican woodrats *Neotoma mexicana* and Ord's kangaroo rats *Dipodomys ordi*.

Characteristic breeding birds of this ecosystem include common night hawks *Chordeiles minor*, pinyon jay *gymnorhinus cyanocephalus*, Northern flickers *Colaptes auratus*, Western kingbirds *Tyrannus verticalis*, horned larks *Eremophila alpestris*, loggerhead shrikes *Lanius ludovicianus*, sparrows *Spizella* spp., grey-headed juncos *Junco hyemalis* and common ravens *Corvus corax*.

Reptiles include striped plateau lizards *Sceloporus virgatus*, plateau whiptails *Cnemidophorus velox* and short-horned lizards *Phrynosoma douglassii*.

#### *Effects*

The proposed project is located in a rangeland and human activity area. Existing houses are located in the project area. Rangeland and livestock production is the dominant land use the project area (§ 5.2). Local residents use the Echo Canyon Road and adjoining Navajo Route 49 to commute daily to and from work. Construction traffic and local traffic noise would be low and frequent.

#### *Mitigation*

The forest products scheduled to be harvested and removed from the project area will be appraised in accordance to the *Navajo Nation Forest and Woodland Regulations* (RCMA-48-01). Forest products will be removed in accordance with Navajo Nation and Bureau of Indian Affairs laws and regulations.

Forest products harvested on Navajo Tribal Trust Lands will be harvested in accordance with the attached Standard Provisions and Special Provisions A. An approved Tribal Permit form or Bureau of Indian Affairs permit form will be issued to the Permittee prior to any product harvesting activities.

Forest products harvested on Indian Allotments will be harvested in accordance with the attached Standard Provisions and Special Provisions B. An approved Bureau of Indian Affairs permit form will be issued to the Permittee by the Navajo Region Branch of Forestry prior to any forest product harvesting activities.

The single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelihood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards to protect Golden Eagles and Ferruginous Hawks. No other direct mitigation is recommended for the fauna species.



### 3.5 Threatened and Endangered Species

#### 3.5.1 Federal Threatened and Endangered Species

In consultation with the Navajo Natural Heritage Program, a field survey of the Echo Canyon Road Power Line Project was conducted May 1, 2017. Based on the field surveys, no Federal Endangered Species Act listed species, or potential habitats were found in the proposed project area. Therefore a no effect was determined for the listed species. Biological Resources Compliance Form, 18danl101ec, was received January 29, 2018. Table 3 summarizes the potential for federally listed species that would occur in the project area. Project Biological Resource Compliance Form is exhibited at Appendix D. The proposed action alternative would have no effect on the listed federally ESA, NESL, and MBTA species.

##### 3.5.1 Existing Conditions

The field survey was conducted to determine existing condition of wildlife habitat (cover, shelter/nesting activity, watering, forage condition & space), current land use and impacts of human activity, and possible project mitigation. The field survey also included a reconnaissance of wetland resources. The entire proposed project area was covered during pedestrian and roadside surveys. No ESA listed species or potential critical habitat, that would warrant special management consideration, were found in the proposed project area.

The Navajo Natural Heritage Program data response lists one Federal ESA species, the Zuni Rhizome Fleabane, listed as threatened. The proposed project is not expected to affect any federally listed species in the project area.

##### 3.5.1 Effects-Table 3

Table 3 illustrates the U. S. Fish and Wildlife Service Endangered Species Act listing. The table describes the species existing condition/habitat requirements, species effects, and occurrence.

Table 3. Federal ESA Species Listed in Consultation with the Navajo Natural Heritage Program, Navajo Department of Fish & Wildlife.

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|---|--|--|
| Zuni Rhizome Fleabane<br><i>Erigeron rhizomatus</i><br>(ESA T, NESL G3) | Zuni Rhizome Fleabane <i>Erigeron rhizomatus</i> (ESA T, NESL G3) is typically found on fine textured clay soils on hillsides of mid to high elevations of 7,000 to 8,300 feet. It is known to inhabit clay soils derived from the Chinle Formation in the Zuni and Chuska Mountains, and to similar clays of the Baca Formation in the Datil and Sawtooth ranges in New Mexico (NNHP, 2008). On the Navajo Nation the species is found on the slopes of the Chuska Mountains from Lukachukai and west of Red Valley, Apache County, Arizona south to Navajo in McKinley County, New Mexico. | <b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. |

The Rhizome Fleabane was not found on the project right of way or zone of influence during the field surveys. Initial field surveys indicate T&E species are not present on the proposed right of

way, therefore potential use of marginal habitat by the species would not be loss. The proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial ESA flora and fauna species. Approval of the proposed right of way would not have a long termed adverse effect on the species, as the species are not present on the proposed project area.

#### *3.5.1 Mitigation-Avoidance*

The Rhizome Fleabane is not found in the project right of way or zone of influence. No mitigation is planned for the fleabane species.

#### **3.5.2 Navajo Endangered Species List (NESL) Special Management Species**

In consultation with the Navajo Natural Heritage Program, a field survey of the Echo Canyon Road Power Line Project was conducted May 1, 2017. Based on the field surveys, no Navajo Endangered Species List species, or potential habitats were found in the proposed project area. Therefore a no effect was determined for the listed species. Biological Resources Compliance Form, 18dan1101ec, was received January 29, 2018. Table 3 summarizes the potential for federally listed species that would occur in the project area. Project Biological Resource Compliance Form is exhibited at Appendix D. The proposed action alternative would have no effect on the listed federally ESA, NESL, and MBTA species.

#### *3.5.2 Existing Conditions*

Onsite field surveys for threatened and endangered species were conducted by Denali Environmental Services to determine existing condition of wildlife habitat (cover, shelter/nesting activity, watering, forage condition & space), current land use and impacts of human activity, and possible project mitigation. The field survey also included a reconnaissance of wetland resources. The entire proposed project area was covered during the roadside and pedestrian surveys; none of the special management NESL species were observed during the surveys.

The Navajo Natural Heritage Program April 4, 2017 letter lists known and potential species that warranted special management considerations by the proposed project. Table 4 illustrates the NESL species, as listed in the Navajo Natural Heritage Program data request/response letter. With respect to the species listing, the table describes the species existing condition/habitat requirements, and species effects. The proposed action would have no significant effects on any of the NESL special management species.

#### *3.5.2 Effects – Table 4.*



Table 4. Navajo Nation Department of Fish and Wildlife Special Management Species and their Potential to Occur in the Project Action Areas Based Upon Habitat Associations.

| SPECIES<br>/NESL STATUS   | HABITAT ASSOCIATIONS  | POTENTIAL TO OCCUR IN<br>PROJECT OR ACTION AREA  |
|---|---|--|
| <b>FAUNA</b>  |   |  |
| Golden Eagle<br><i>Aquila chrysaetos</i><br>NESL G3                                   | Nest on steep cliffs, normally adjacent to foraging habitat of desert grasslands or desertscrub. Nests are reused and tend to become a huge mass of sticks and debris. Generally, Golden Eagle foraging habitat is present outside the project area. The onsite shrub/grassland adjacent to the action area would provide foraging habitat for the raptor, as a variety of small mammals would inhabit the grassland. These small mammals, of marginal abundance, would serve as prey for the raptor. | NS - Habitat is marginally suitable, but species is not suspected to occur within the project area. The natural area contains large expanses of dense Pinyon-Juniper and sagebrush woodland, which may be suitable for foraging habitat. The woodland generally lacks the prey base as required for the eagle. The eagle may use the prey base for marginal foraging. The specie was not present during the field surveys. |
| Peregrine Falcon<br><i>Falco peregrinus</i><br>NESL G4<br>Delisted from<br>endangered | Natural foraging habitat surrounding nest site must support populations of their preferred prey. Foraging habitat includes support populations of their preferred prey. Doves, pigeons, waterfowl and small birds are their preferred forage.   | NS - Habitat is marginally suitable, but species is not suspected to occur within the project area. The action area contains large expanses pinyon/juniper & sagebrush woodland that may not be suitable for foraging & nesting, as the rodent prey base is not present. The specie was not present during the field surveys.  |
| Ferruginous Hawk<br><i>Buteo regalis</i><br>NESL G3                                   | Nests are located in badlands, flat or rolling desert grasslands, and desertscrub. Most nests on Eastern Navajo Agency are on pinnacles, small buttes, or short cliffs; fewer are placed in tops of juniper trees or on the ground. Foraging habitat for the hawk include populations of prey animals: cottontails, jack rabbits, and prairie dogs. The hawk is a year around resident of the Navajo Nation; most breed in northwestern New Mexico,   | NS In an area of moderate human activity and noise, no Ferruginous Hawks or nests were found along the proposed right of way or zone of influence. Previous and existing land uses (residential clusters, small farm plots, livestock grazing and transportation corridor) of the property has rendered the right of way unsuitable for hawk nesting.  |
| Burrowing Owl <i>Athene cunicularia</i><br>NESL G4                                    | The owl found in dry, open, short-grass, treeless plains. inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes in grassland biomes at 6,200-6,400 feet amsl, the owl rarely dig their own burrows and are typically associated with prairie dog  | NS - Habitat suitable but species is not suspected to occur within the project area. No large prairie dog colonies or short grassland occur within the project or action area. The proposed action alternative would have no effect on the listed NESL owl species or their habitat.   |



|   |   |   |
|---|---|---|
|   | colonies. Use areas that include shrubs such as fourwing saltbush and rabbitbrush, the owl also inhabits human-modified landscapes, such as golf courses and parking lots.  |   |
| Northern Leopard Frog<br><i>Lithobates pipiens</i><br>NESL G2 | Species requires wetland and aquatic habitats. It inhabits wet meadows and fields bordering springs, slow streams, marshes, bogs, ponds, canals, flood plains, reservoirs, lakes, and is usually found near permanent water with rooted aquatic vegetation. | <b>K</b> – Known, documented observation within project area. The action area contains an open mix-conifer & oak forest. Suitable wetland or riparian habitat, the aquatic habitat for the frog is not present on the propose project area. The species was not present during the field surveys. |

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| Sivinskii's Fleabane<br><i>Erigeron sivinskii</i><br>NESL G4   | The Sivinski's fleabane <i>Erigeron sivinskii</i> ranges from Apache County, Arizona and McKinley County, New Mexico. The fleabane occurs on steep barren ground, shale slopes of the Chinle Formation, in pinyon-juniper woodland, and the Great Basin Desert Scrub communities. Known populations occur at 6100 feet to 7400 feet elevation. Suitable habitat can be identified year around.  | <b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the fleabane.   |
| Acoma Fleabane<br><i>Erigeron acomanus</i><br>(NESL G3)        | Acoma Fleabane occurs in the pinyon-juniper woodland, on sandy soils of the Entrada Sandstone Formation. The fleabane is found at 7,000 feet amsl, north of Thoreau and north of Prewitt, New Mexico. The plant flowers in July, June thru August is recommended for the best time to field survey for the plant.   | <b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the fleabane.   |
| Navajo Bladderpod<br><i>Lesquerella navajoensis</i><br>NESL G3 | Species mostly occurs on windward, windswept mesa rims and nearby habitat with little vegetative cover and high insolation. Also found at the base and slopes of small hills of the Chinle Formation. Typically only found in a combination of Todilto Limestone overlaying Entrada Sandstone or Chinle outcrops in pinyon-juniper communities. Suitable habitat can be identified year around. | <b>NP</b> – Habitat not present and species unlikely to occur within the project area. The plant species was not present during the field surveys. No mitigation is recommended for the bladderpod. |

**K** – Known, documented observation within project area.

**S** – Suitable habitat and species suspected to occur within the project area.

**NS** – Habitat suitable but species is not suspected to occur within the project area.



**NP – Habitat not present and species unlikely to occur within the project area.**

The proposed power line right of way will have no effect on NESL species, as the species are not present. Initial field surveys indicate T&E species are not present on the proposed right of way, therefore potential use of marginal habitat by NESL species would not further be loss. The proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial NESL flora and fauna species. Approval of the proposed right of way would not have a long-term adverse effect on these species, as these species are not present on the proposed project area.

#### *3.5.2 Mitigation of NESL Species*

We conclude disturbed surface would be at a temporary loss. In the aftermath of construction, the reclaimed right of way would likely again contain favorable wildlife habitat, forage and cover, required for all species, including threatened and endangered species. The seed mixture could contain forbs and shrubs that would present suitable habitat. This indirect mitigation is recommended for all fauna and flora on the proposed right of way, including ESA and NESL species. Natural vegetative cover can be restored over time.

The single phase electrical powerline would be designed according to the Avian Power Line Interaction Committee's *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* (APLIC/U.S. F&WS, 2005). In addition, the single phase electrical powerline would be designed according to the avian protection on power lines. The *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the unlikelihood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards. No other direct mitigation is recommended for the fauna species. The proposed power line project should not impact any threatened & endangered species or their habitat.

### **3.6 Migratory Bird Treaty Act- Birds**

#### *Existing Conditions*

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. In 2008, the U.S. Fish and Wildlife Service (USFWS) list of "Birds of Conservation Concern" was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The area indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 5.

Most priority bird species occur on the USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008". The Service designates the Southern Rockies / Colorado Plateau region as Bird Conservation Region 16, which the Navajo Indian Reservation and Eastern Navajo Agency are included.

#### *Effects-Table 5*



Table 5. U.S. Fish and Wildlife Service, Division of Migratory Bird Management "Bird of Conservation Concern 2008" for the Southern Rockies/ Colorado Plateau (US F&WS, 2008).

| SPECIES   | HABITAT ASSOCIATION  | EFFECTS   | EFFECT RATING |
|---|--|---|---------------|
| Gunnison Sage Grouse<br><i>Centrocercus minimus</i>                 | Inhabits shrub-steppe dominated by sagebrush that provide canopy cover, shelter, & forage.   | No suitable habitat.  | Zero          |
| American Bittern<br><i>Botaurus lentiginosus</i>                    | Wading bird inhabits wetlands, usually dense marsh reeds, rushes and sedges.   | No suitable habitat present.  | Zero          |
| Bald Eagle<br><i>Haliaeetus leucocephalus</i>                       | Nests in old growth ponderosa pine and Douglas fir forest. Forages on fish and waterfowl. Inhabits the coast, rivers, large lakes; also mountain open country.             | Generally, the Montane Ponderosa Pine forest type is suitable habitat for the Bald Eagle. | Low           |
| Ferruginous hawk<br><i>Buteo regalis</i>                            | Inhabits open grasslands or desert scrub ecosystems. Nest often occurs on rock spires and butte formations. In woodland edge habitat, nests on flat-topped junipers.       | Little conflict anticipated   | Low           |
| Golden Eagle<br><i>Aquila crysaetos</i>                             | Open grasslands or desert scrub, In mountainous canyon terrain. Nest on cliffs and trees   | Little conflict anticipated   | Low           |
| Peregrine Falcon<br><i>Falco peregrinus</i>                         | Inhabits rugged terrain with rocky cliffs and canyons 30 to 1,000 ft. high, adjacent to rivers lakes, or streams. Urban areas with towers and buildings are also inhabited | Little conflict anticipated.  | Low           |
| Prairie Falcon<br><i>Falco mexicanus</i>                            | Nests and forages in grassland, and open Juniper Savannah.   | No conflict anticipated.  | Low           |
| Snowy Plover<br><i>Charadrius alexandrinus nivosus/tenuirostris</i> | Shore bird inhabits barren sandy beaches and flats.  | Suitable habitat not present, no conflict anticipated.                                    | Zero          |
| Mountain Plover<br><i>Charadrius montanus</i>                       | Inhabits grassland plains; usually found on grassy or bare dirt fields.  | Suitable habitat not present, no conflict anticipated.                                    | Low           |
| Long-billed Curlew<br><i>Numenius americanus</i>                    | Nests in wet & dry upland fields. In migration, a shore bird of wetlands and agriculture fields.   | Suitable habitat not present, no conflict anticipated.                                    | Zero          |
| Yellow-billed Cuckoo<br><i>Coccyzus americanus</i>                  | No suitable riparian habitat present. Inhabits open woods, orchards, and streamside willow and alder groves.   | No conflict anticipated   | Zero          |
| Flammulated Owl<br><i>Otus flammcolus</i>                           | Inhabits pine-oak woodland, ponderosa pine forest.   | Suitable habitat present.   | Moderate      |



|  |  |  |      |
|--|--|--|------|
| Burrowing Owl<br><i>Athene cunicularia</i>             | Inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes.                 | Little conflict anticipated.                               | Low  |
| Lewis's Woodpecker<br><i>Melanerpes lewis</i>          | Inhabits woodland forests of pine-oak. Nests in oak cavities and pine snags. Forages and stores acorns and insects.                            | Little conflict anticipated.                               | Low  |
| Willow Flycatcher<br><i>Empidonax traillii</i>         | Inhabits brushy habitats in wet areas; also in pastures, mountain meadows.   | No suitable habitat.                                       | Zero |
| Gray Vireo<br><i>Vireo vicinior</i>                    | Found in juniper savannah and open JP woodland, with scrub component. Inhabits mountains and chaparral-juniper scrubland.                      | No suitable habitat. Little conflict anticipated.          | Low  |
| Pinyon Jay<br><i>Gymnoprjonus cyanocephalus</i>        | Juniper Savannah, woodland, pine-oak ecosystems associated with high open habitats w/ openings, scattered trees or shrub components.           | A multi ecosystem inhabitant, little conflict anticipated. | Low  |
| Juniper Titmouse<br><i>Baeolophus ridgwayi</i>         | Inhabits juniper-pinyon woodland.  | No suitable habitat.                                       | Zero |
| Veery<br><i>Catharus fuscescens</i>                    | Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.   | No suitable habitat.                                       | Zero |
| Bendire's Thrasher<br><i>Toxostoma bendirei</i>        | Brushy desert shrub, especially areas of tall vegetation, cholla cactus, creosote bush and yucca.  | No suitable habitat.                                       | Zero |
| Grace's Warbler<br><i>Dendroica graciae</i>            | Inhabits coniferous or mixed forests of southwest mountains, especially yellow pines. Usually forages high in the trees.                       | Suitable habitat present. Little conflict anticipated      | Low  |
| Brewer's Sparrow<br><i>Spizella breweri</i>            | Inhabits mountain meadows and sagebrush flats.   | Little conflict anticipated                                | Low  |
| Grasshopper Sparrow<br><i>Ammodramus savannarum</i>    | Inhabits moderately open grassland habitats, with patchy bare ground, and avoid areas with extensive shrub cover. Feeds and nests on ground.   | No suitable habitat.                                       | Zero |
| Chestnut-collared Longspur<br><i>Calcarius ornatus</i> | Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.  | No suitable habitat.                                       | Zero |
| Black Rosy-Finch<br><i>Leucosticte atrata</i>          | Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains. | Project area may contain suitable habitat.                 | Low  |

|   |   |  |     |
|---|---|--|-----|
| Brown-capped Rosy Finch<br><i>Leucosticte australis</i> | Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.. | Project area may contain suitable habitat. | Low |
| Cassin's Finch<br><i>Carpodacus cassinii</i>            | Woodland Ecosystem. Species inhabits evergreen woodlands.   | Project area may contain suitable habitat. | Low |

Although migratory birds could potentially occur in the area, none were observed during the environmental site visits. With respect to Table 5, the proposed construction would have no significant effect on the migratory bird species or their habitat. The proposed action alternative would result in a short-term and small scale loss of vegetation due to construction. No permanent loss of native vegetation is anticipated at the project area. Eolian deposits of native seed from the undisturbed vegetation would also help to propagate native plant species.

Once the habitat has reestablished, wildlife and migratory bird species would be expected to return to the area. To avoid any potential effects to migratory bird species or migratory bird habitat, the construction of the project would take place outside the nesting season. No long-term loss of vegetation or wildlife habitat is expected. As a result, the proposed replacement action would have no significant effects on migratory bird species.

#### *Mitigation of Migratory Birds*

The proposed project construction would have no significant effect on the migratory bird species or their habitat. NNDF&W policy mandates that prior to construction the proposed activity would require a preconstruction survey of potential nesting birds on the tract, should construction occur during the breeding season. Any bird nests found within the proposed project area will be reported to the NDF&W biologist for appropriate mitigation prior to construction activities.

The activity will minimize the possibility of unintentional take of migratory birds. The proposed construction would involve vegetative disturbance (brush and tree removal). Construction activities from May 15 to July 31 will not be permitted without a migratory bird nest survey. If any active nests are located within the proposed project area, projects activities will not be permitted until written approval by NNDF&W biologist. The operator will monitor any active nests located from a nest survey.

In conclusion, Federal ESA listed T&E species and NESL Species of Concern are not present on the existing and power line right of way. The species are unlikely to be present on the right of way due to the absence of habitat: cover, forage, and nesting habitat requirements. The existing power line and immediate vicinity is disturbed by human activity. At various project construction intervals in the project area has resulted in an atypical vegetative cover and disturbed soils, as various intervals of grading and uncontrolled grazing were implemented. Suitable species habitat is not found within the proposed project area or adjacent to the existing roadway.



### 3.7 Esthetics and Visual Resources

#### Existing Conditions

Unlike other federal public lands, no regional esthetics or visibility studies have been conducted or designated in the project area. However, regional esthetics and visibility in the project area can be considered to be good.

#### Effects

The proposed project is not located on public lands within an area designated under any federal classification. The Native American People consider their lands as sacred, because of the traditional cultural property, historic tradition, sensitivity, scenic quality, and distance. The tribe would not allow degradation to even those lands containing the least amount of valued esthetics and visual resources, which basically do not exist on tribal lands. After construction, the visual modification would contain the power line, which level of change may be visible, but should not attract attention long-term. During construction, impact to esthetics and visual resources in the project area will be moderate and short-term; visual impacts would be low during operations and maintenance.

#### Mitigation

No direct mitigation is proposed for esthetics and visual resources.

### 3.8 Cultural Resources

#### Existing Condition

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project Archeological field survey and crafted a field inventory report entitled: *A Cultural Resource Inventory of the Proposed Continental Divide Electric Cooperative Inc (CDEC) Echo Canyon Powerline Project in Mariano Lake Chapter, McKinley County, New Mexico (Work Order #52521)*. A Cultural Resource Compliance Form, NNHPD Number HPD-18-385 - Revised, has been created for this undertaking, as shown in Appendix C.

As part of the archeological inventory, interviews regarding traditional cultural properties (TCPs) were conducted with the local land users and chapter officials.

#### Effects/Mitigation-Conditions of Compliance

No historic properties affected with the following condition for site B17396/TCP1:

1. TCP will be avoided by all construction activities by a minimum of 50-ft.
2. Once construction is completed, TCP will continue to be avoided by routine maintenance activities.

The project sponsor acknowledges the following statement with respect to cultural resources during construction: *In the event of the 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 will cease and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7198.*

### 4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE



Cumulative effects are effects of the project in consideration with other past, present, or reasonably foreseeable projects in the local area. There are no past projects that resulted in identifiable long-term effects having a cumulative relationship with the effects of the proposed project.

In the future, there would be no other proposals or other right of way applications planned in the reasonably foreseeable future in the area. The proposed lease application action will not have significant impact on the human environment. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. The grazing permit holders and allotment owners would relinquish trust land and allotted land respectively to the development. It is the practice of the government to compensate the traditional land user for the grazing resource loss.

Climate change results from the incremental addition of greenhouse gases a (GHG) emissions from millions of individual sources, which collectively have a large impact on a global scale. Climate change is a particularly complex challenge given its global nature and the inherent interrelationships among its sources, causation, mechanisms of action, and impacts (CEQ, 2016).

In regard to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gases emission and the effects of climate change relevant to a proposed action – particularly how climate change may change an action's effects of a propose project – is currently not available. The propose action, construction of a new power line, is not listed among the standard of performance for new stationary source in accordance with 40 Code of Federal Regulation part 60, National Ambient Air Quality Standard (NAAQS, CAA, 1990).

## **5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS**

**Clean Air Act, as amended and recodified (42 U.S.C. 7401 et seq.)** *Compliance.* The proposed project is not expected to violate any Federal air quality standards and would not degrade the attainment of air quality objectives of the air shed.

**Clean Water Act § 402** *Compliance.* The Environmental Protection Agency administers Section 402 of the Clean Water Act (formerly the Federal Water Pollution Control Act). Operators are normally required to obtain all necessary permits and approvals for projects requiring CWA permits prior to any disturbance activities.

**Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)** *Compliance.* No Federally listed species or their habitats have been identified in or near the project area. ESA requires all federal departments and agencies to conserve threatened and endangered species and the habitats on which they depend, and to consult with the U. S. Fish and Wildlife Service (USFWS), on all actions authorized, funded or carried out by the agency to ensure that the action will not likely jeopardize the continued existence of any threatened and endangered species or adversely modify critical



habitat. Special management species (NESL) habitat has been identified as Raptor Sensitive Area. CDECI will implement measures to avoid impacts to the species during construction.

**Executive Order 11988, Floodplain Management** *Compliance.* This order directs all Federal agencies to avoid to the extent possible the adverse effects associated with the modification of floodplains, and to avoid support of floodplain development wherever there is a practicable alternative. Floodplains would have no effect on the proposed project, as shown in Section 3.1.11.

**Executive Order 12898 Environmental Justice** *Compliance.* The order direct all Federal agencies to identify and address disproportionate adverse effects of their programs, policies, and activities on minority and low-income populations. The proposed action will benefit all sectors of society; no minority or low income populations would be directly adversely affected from proposed action. Indirect effects could include positive effects due to overall benefit related to the project site in the area. The project would increase the quality of life for the residents.

**Farmland Protection Policy Act (7 U.S.C. 4201 et seq.)** *Compliance.* There are no effects on prime farmland or farmland of statewide importance because no prime farmland exists in the project area.

**Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.)/ EO 13186** *Compliance.* Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The proposed action would have no significant effect on the bird species or their habitat.

**National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.)** *Compliance.* The final EA and signed FONSI are in full compliance with NEPA.

**National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.)** *Compliance.* The Navajo Nation Historic Preservation Department requires NHPA compliance and consultation with all development projects on the Navajo Nation. NNHPD has determined that NHPA § 106 responsibilities are adhered to, as no historic properties would be affected. See Appendix C.

**Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA)** *Compliance.* There are no Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) sites on the proposed site.

## **6.0 PUBLIC INVOLVEMENT**

The Mariano Lake Chapter has passed a resolution approving the proposed power line extensions. See Appendix B. In the future, the Eastern Navajo Agency would review and consider the right of



way application, and process the application for passage. The Branch of Environmental Quality Act Compliance and Review of the Navajo Regional Office, BIA, would make a Finding of No Significant Impact determination as result of their review.

## **7.0 COORDINATION AND REVIEW OF THE EA**

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project archeological survey and crafted a field report. Cultural Resource Compliance Form, NNHPD Number HPD-18-385, has been created for this undertaking, as shown in Appendix C.

CDECI conducted consultation with the Navajo Department of Fish and Wildlife, Navajo Nation. The consultation would assure mandated protection of Federal Endangered Species Act (ESA) and Navajo Endangered Species List (NESL) threatened and endangered species. The Navajo Department of Fish and Wildlife website was consulted for the Biological Resources Land Clearance Policy and Procedures. A NDF&W-NHP concurrence letter and a *Biological Resource Compliance Form*, at Appendices D, is created for the project.

## **8.0 CONCLUSIONS**

This Environmental Assessment addresses the proposed action relative to the existing conditions, potential effects, and mitigation for the power line construction, on the Navajo Indian lands. The preferred alternative is reasonable. Impacts to the environment would be non-significant and short-term. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. There would be no cumulative adverse effects of the proposed project. The proposed action would not significantly affect the quality of the human environment; no significant impacts have been identified in the development of this environment assessment. Therefore, furtherance of an environmental impact statement development will not be required. CDECI construction and operations of the proposed power line project is recommended.

## **9.0 LIST OF PREPARERS / CONSULTATION AND COORDINATION**

This environmental assessment was prepared by Mr. Leonard Robbins, PES, Denali Environmental Services, P. O. Box 1127, Fort Defiance, Arizona 86504, denali1946@msn.com.

## **10.0 REFERENCES**

Brown, D.E., 1994. *Biotic Communities of Southwestern United States and Northwestern Mexico*. University of Utah Press, Salt Lake City, Utah.

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- U.S. Fish and Wildlife Service, 1984. *Gallup, NM National Wetlands Inventory Map*, U.S. Department of the Interior, Fish and Wildlife Service, Washington D.C.
- U.S. Fish and Wildlife Service (US F&WS), 2008. *Birds of Conservation Concern* USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008", (BCC 2008 list). Division of Migratory Bird Management, U.S. Department of the Interior, Fish and Wildlife Services, Arlington, Virginia.
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- WRCC, 2015. Gallup Municipal Airport Weather Station, Western Regional Climate Center, 2215 Raggio Parkway, Reno, NV, [wrcc@dri.edu](mailto:wrcc@dri.edu), activated November 30, 2017.
- Wilks, M. E., compiler, 2005, *New Mexico Geologic Highway Map*: New Mexico Geological Society and New Mexico Bureau of Geology and Mineral Resources, Socorro, New Mexico.

**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.: Echo Canyon Road Power Line Right-of-Way, WO#52521

DESCRIPTION: CDEC proposes to construct, operate, and maintain a power line project to serve 17 homes within Mariano Lake Chapter. The combined length of the power lines would be 29,384.53 ft. in length within 20-ft. wide ROW corridor, encompassing 13.41 acres.

LOCATION: Sections 2, 3, 10, & 11, T15N, R14W and Sections 34, 35, & 36, T16N, R14W, Mariano Lake Chapter, McKinley County, New Mexico

REPRESENTATIVE: Leonard Robbins, Denali Environmental Services for Continental Divide Electric Cooperative, Inc. (CDEC)

ACTION AGENCY: Navajo Nation and Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Echo Canyon Road Electrical Power Line Project WO#52521 BE for ROW Application/JAN 2018/Denali Environmental Services

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE\*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/29 JAN 2018

COPIES TO: (add categories as necessary)

☐
☐

2 NTC § 164 Recommendation:

Signature

*Gloria M. Tom*

Date

*1/29/2018*

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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



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

Representative's signature

Date

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS



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

1. Application Name and Address: Continental Divide Electric Cooperative, Inc., PO Box 1087, 200 East High Street, Grants, New Mexico 87020
2. Allotment Number(s) affected by the right-of-way: \_\_\_\_\_
3. General location (easement location): Navajo Tribal Trust Land, Echo Canyon Project, Mariano Lake Chapter, NMPM, McKinley County, New Mexico
4. Purpose: (Per the request of the Navajo Nation and Mariano Lake Chapter), Construction, Operation, and Maintenance of Single Phase 14.4/24.9 kv Electrical Distribution Line & It's appurtenances for the Echo Canyon Power Line Project WO#52521. Will you please include the following language in the Presidents letter and Resolution; "The Resources and Development Committee of the Navajo Nation Council hereby waives the requirements for the bond, consideration for right of way, insurance or alternative form of security on part of the Grantee, based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25, CFR 169.103" The Resources and Development Committee of the Navajo Nation Council hereby agrees to waive compensation/consideration and valuation on part of the Grantee, based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25, CFR 169.110"
5. Term (Renewal, if applicable): 50 Years
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing permanent improvements under §169.105: Continental Divide Electric Cooperative Inc.

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of-way;
2. A map of definite location of the right-of-way; [169.102(b)(2)]; survey plat signed by professional surveyor or engineering showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 and § 1764, and showing existing facilities adjacent to the proposed project.
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103:
4. Record that notice of the right-of-way was provided to all Indian landowners;



5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right-of-way without consent under §169.107(b);
6. If applicable, a valuation meeting and requirements of §§ 169.110, 112, 114;
7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:
  - a. The representative has authority to execute the application;
  - b. The right-of-way will be enforceable against the applicant; and
  - c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
8. Current environmental and archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements;
9. If required, a statement from the appropriate tribal authority that the proposed right-of-way is in conformance with applicable tribal law.

THE APPLICANT FURTHER STRIPULATES AND EXPRESSLY AGREES AS FOLLOW:

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

Applicant Point of Contact Information:

Name: Continental Divide Electric Cooperative, Inc.

Address: 200 East High Street, PO Box 1087, Grants

State: Grants Zip: 87020

Phone: (505) 285-6656

Email: dolivar@cdec.coop or smorales@cdec.coop

Date: May 28, 2019

Applicant:   (Signature)

Debbie Olivar or Steve Morales (Print Name)

RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
23<sup>rd</sup> Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A  
LIMIT OF THE WAIVER OF RIGHT-OF-WAY CONSIDERATION OF UP TO FIFTY  
PERCENT (50%) OF THE ASSESSED CONSIDERATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- 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, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers include, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The Resources and Development Committee receives many requests from utility companies seeking one hundred percent (100%) waivers of payment of right-of-way consideration.
- B. Right-of-way consideration fees generate substantial income for the Navajo Nation which is used to fund Navajo Nation programs for the Navajo People. With the anticipated closure of the Navajo Generating Station, the Navajo Nation will more urgently rely upon funds raised from right-of-way consideration. Because of the obligation to fund Navajo Nation programs, it is in the best interest of the Navajo Nation to limit the waiver of right-of-way consideration.
- C. The Code of Federal Regulations (CFR) § 169.110 (a) (1)(2)(3) provides that the Navajo Nation may negotiate its right-of-way compensation, not require valuation of the right-of-way and authorize that it "[h]as determined that accepting such agreed-upon compensation and waiving valuation is in its best interest".



- D. The Navajo Nation has agreement to waive consideration with the United States Bureau of Reclamation for the Navajo-Gallup Water Supply project. Limiting the waiver of consideration will not apply to these type of agreements between the Navajo Nation and the federal government.

**SECTION THREE. APPROVAL**

- A. The Resources and Development Committee of the Navajo Nation Council hereby limits the waiver of utility right-of-way consideration to up fifty (50) percent of the total consideration except instances of pre-existing contracts and agreements stating otherwise.

**CERTIFICATION**

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at the Twin Arrows Navajo Casino & Resort, Leupp, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, and 0 opposed, on this 17<sup>th</sup> day of December 2018.



Alton Joe Shepherd, Chairperson  
Resources and Development Committee  
of the 23<sup>rd</sup> Navajo Nation Council

Motion: Honorable Leonard Pete  
Second: Honorable Davis Filfred

Chairperson Alton Joe Shepherd not voting.

Document No. 012792Date Issued: 06/26/2019**EXECUTIVE OFFICIAL REVIEW**Title of Document: CDEC, ROW Mariano Lake - Echo Canyon  
Pow Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina\_yazzie@navajo-nsn.gov Phone Number: 928/871/6447

| <input type="checkbox"/> |  |       |             | Sufficient               | Insufficient             |
|--------------------------|--|-------|-------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <b>Business Site Lease</b>   |       |             |                          |                          |
|                          | 1. Division:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. Office of the Controller:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)  |       |             |                          |                          |
|                          | 3. Office of the Attorney General:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>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</b>   |       |             |                          |                          |
|                          | 1. Division:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. Office of the Attorney General:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications</b>  |       |             |                          |                          |
|                          | 1. Office of Management and Budget:  | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. Office of the Controller:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 3. Office of the Attorney General:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>Navajo Housing Authority Request for Release of Funds</b>   |       |             |                          |                          |
|                          | 1. NNEPA:  | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. Office of the Attorney General:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>Lease Purchase Agreements</b>   |       |             |                          |                          |
|                          | 1. Office of the Controller:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | (recommendation only)  |       |             |                          |                          |
|                          | 2. Office of the Attorney General:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>Grant Applications</b>  |       |             |                          |                          |
|                          | 1. Office of Management and Budget:  | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. Office of the Controller:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 3. Office of the Attorney General:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>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</b> |       |             |                          |                          |
|                          | 1. Division:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
|                          | 2. Office of the Attorney General:   | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <b>Relinquishment of Navajo Membership</b>   |       |             |                          |                          |
|                          | 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"/>           | <b>Land Withdrawal or Relinquishment for Commercial Purposes</b> |             |                          | 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 type="checkbox"/> | <b>Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases</b> |             |                          |                          |  |
| 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"/> |  |

|                                    |                      |             |                          |                          |  |
|------------------------------------|----------------------|-------------|--------------------------|--------------------------|--|
| <input type="checkbox"/>           | <b>Rights of Way</b> |             |                          |                          |  |
| 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"/> | <b>Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease</b> |             |                          |                          |  |
| 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"/> | <b>Assignment of Mineral Lease</b> |             |                          |                          |  |
| 1. Minerals              | _____                              | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |  |
| 2. DNR                   | _____                              | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |  |
| 3. DOJ                   | _____                              | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |  |

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

|             |                  |                      |                                     |                          |  |
|-------------|------------------|----------------------|-------------------------------------|--------------------------|--|
| 1. NLD      | _____            | Date: _____          | <input type="checkbox"/>            | <input type="checkbox"/> |  |
| 2. F&W      | _____            | Date: _____          | <input type="checkbox"/>            | <input type="checkbox"/> |  |
| 3. HPD      | _____            | Date: _____          | <input type="checkbox"/>            | <input type="checkbox"/> |  |
| 4. Minerals | _____            | Date: _____          | <input type="checkbox"/>            | <input type="checkbox"/> |  |
| 5. NNEPA    | _____            | Date: _____          | <input type="checkbox"/>            | <input type="checkbox"/> |  |
| 6. DNR      | _____            | Date: _____          | <input type="checkbox"/>            | <input type="checkbox"/> |  |
| 7. DOJ (ic) | <u>V Blument</u> | Date: <u>8/13/19</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| 8. OPVP     | <u>8/26/19</u>   | Date: <u>8/26/19</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |

|                          |               |             |                          |                          |  |
|--------------------------|---------------|-------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <b>OTHER:</b> |             |                          |                          |  |
| 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

☐ RESUBMITTAL

## DOCUMENT REVIEW REQUEST FORM



|   |
|---|
| DOJ                                     |
| 07/29/19 @ 1:37                         |
| DATE / TIME                             |
| <input type="checkbox"/> 7 Day Deadline |
| DOC #: 012792                           |
| SAS #:                                  |
| UNIT: NM                                |

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

### CLIENT TO COMPLETE

|                  |                                  |             |                                     |
|------------------|----------------------------------|-------------|-------------------------------------|
| DATE OF REQUEST: | 7/29/2019                        | DIVISION:   | NATURAL RESOURCES                   |
| CONTACT NAME:    | Michelle Hoskie or Stevie Hudson | DEPARTMENT: | GENERAL LAND DEVELOPMENT DEPARTMENT |
| PHONE NUMBER:    | x 6447 or x 6423                 | E-MAIL:     | steviehudson@frontier.com           |

TITLE OF DOCUMENT: EOR#12792 CDEC, ROW Mariano-Lake Echo Canyon

### DOJ SECRETARY TO COMPLETE

|                    |                   |                              |                      |
|--------------------|-------------------|------------------------------|----------------------|
| DATE/TIME IN UNIT: | 7-29-19<br>4:12pm | REVIEWING ATTORNEY/ADVOCATE: | Iwin Chee<br>8-07-19 |
|--------------------|-------------------|------------------------------|----------------------|

DATE TIME OUT OF UNIT: 8-13-19 1:20pm

### DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.

|                      |             |                      |                  |
|----------------------|-------------|----------------------|------------------|
| REVIEWED BY: (Print) | Date / Time | SURNAMED BY: (Print) | Date / Time      |
| Imae [Signature]     | 8/13/19     | V Blaukhat           | 8/13/19 12:08 pm |

DOJ Secretary Called: Michelle for Document Pick Up on 8-13-19 at 1:20pm By: CJ




|                       |              |
|-----------------------|--------------|
| PICKED UP BY: (Print) | DATE / TIME: |
|-----------------------|--------------|

NNDJ/DRRF-July 2013


- GLDD -



### Tier 1 Document Voting Results

| User Name (Facility)  | Job Title          | Department                        | Vote Cast | Comments  | Replies     | Vote Date   | Signature   |
|---|--------------------|-----------------------------------|-----------|---|-------------|-------------|---|
| Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)      | Approver           | Department of Water Resources     | Approved  | no comments   | No Reply    | 27-Jun-2019 |   |
| Pam Kyselka (Navajo Land Title Data System - Windowrock AZ)       | Technical Review   | Fish and Wildlife                 | Approved  | 1. #17danl101ec   | 1. No Reply | 27-Jun-2019 |    |
| Rebecca Gilchrist (Navajo Land Title Data System - Windowrock AZ) | Technical Reviewer | Navajo Nation Minerals Management | Approved  | 1. This vote is contingent upon the uploaded revised Terms and Conditions, dated 7/16/2019, permanently being included in the application approval package. rkg | 1. No Reply | 23-Jul-2019 |    |
| Tamara Billie (Navajo Land Title Data System - Windowrock AZ)     | HPD Reviewer       | Historic Preservation Department  | Approved  | 1. HPD-18-385R. CDEC shall adhere to stipulations for documented TCP.   | 1. No Reply | 27-Jun-2019 |  |

### Tier 2 Document Voting Results

| User Name (Facility)                                       | Job Title        | Department        | Vote Cast | Comments    | Replies  | Vote Date   | Signature   |
|--|------------------|-------------------|-----------|-------------|----------|-------------|---|
| Chad Smith (Navajo Land Title Data System - Windowrock AZ) | Technical Review | Fish and Wildlife | Approved  | no comments | No Reply | 25-Jul-2019 |  |

|  |  |                                  |          |   |   |   |          |             |
|--|--|----------------------------------|----------|---|---|---|----------|-------------|
| Richard Begay<br>NNHP<br>(Navajo<br>Land Title<br>Data System<br>-<br>Windowrock AZ) | Navajo Nation<br>Historic Preservation<br>Department<br>Preservation Officer | Historic Preservation Department | Approved | 1 | Please note conditions of archaeological clearance. | 1 | No Reply | 23-Jul-2019 |
|--|--|----------------------------------|----------|---|---|---|----------|-------------|

Richard M Begay

|   |                        |                    |          |  |             |  |          |             |
|---|------------------------|--------------------|----------|--|-------------|--|----------|-------------|
| Robert Allan DNR<br>(Navajo<br>Land Title<br>Data System<br>-<br>Windowrock AZ) | Deputy Director<br>DNR | DNR Administration | Approved |  | no comments |  | No Reply | 25-Jul-2019 |
|---|------------------------|--------------------|----------|--|-------------|--|----------|-------------|

Robert O. Allan

|  |                    |                                   |          |  |             |  |          |             |
|--|--------------------|-----------------------------------|----------|--|-------------|--|----------|-------------|
| Steven Prince MIN<br>(Navajo<br>Land Title<br>Data System<br>-<br>Windowrock AZ) | Technical Reviewer | Navajo Nation Minerals Management | Approved |  | no comments |  | No Reply | 25-Jul-2019 |
|--|--------------------|-----------------------------------|----------|--|-------------|--|----------|-------------|

Steven L Prince

|                                     |                       |               |          |  |             |  |          |             |
|-------------------------------------|-----------------------|---------------|----------|--|-------------|--|----------|-------------|
| W. Mike Halona<br>(NLTDS - Everytt) | DCD Division Director | Navajo Nation | Approved |  | no comments |  | No Reply | 23-Jul-2019 |
|-------------------------------------|-----------------------|---------------|----------|--|-------------|--|----------|-------------|

W. Mike Halona





# CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

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

June 7, 2019

The General Land Development Department  
Attn: Ms. Elerina Yazzie, Program Manager  
Project Review Office  
PO Box 69  
Saint Michaels, Arizona 86511

Re: Submitting ROW Package for the Mariano Lake Chapter – Echo Canyon Powerline Project  
WO#52521

Dear Ms. Yazzie,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4/24.9 kV distribution overhead Power line for the Mariano Lake Chapter – Echo Canyon Powerline Project, WO#52521. The power line Right-of-way packet consists of the following documents being submitted for review by the Division of Natural Resources, Project Review Office.

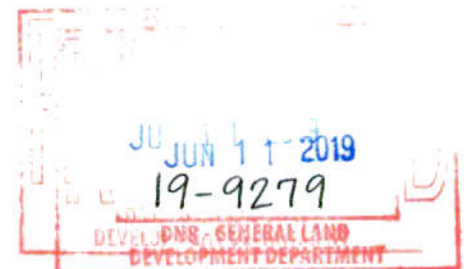
1. \$500.00 Filing Fee, Check #139245
2. Permission to Survey from NLD and BIA/ENA
3. Right of way Application
4. Archaeological Report
5. Cultural Resources Compliance Form
6. Environmental Report
7. FONSI
8. Biological Resources compliance Form
9. Field Clearance/Grazing for Louise Davis
10. Legals
11. Map (4)

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 23,225.65' feet in length, 20' feet in width, and 10.61 acres.

**Continental Divide Electric Cooperative Inc. requests that the Navajo Nation waive consideration, bond, insurance or alternative form of security since only Navajos are being served off of this Electrical Line. We also ask that the term of right-of-way be granted for 50 years.** If you have any questions, please contact our office at your earliest convenience.

Sincerely,

Debbie Olivar  
Engineering/ROW  
Enclosures



**RESOURCES AND DEVELOPMENT COMMITTEE**  
**24<sup>th</sup> Navajo Nation Council**

**ROLL CALL**  
**VOTE TALLY SHEET:**

**Legislation # 0296-19:** An Action Relating to Resources and Development; Approving the Grant of Rights-of-Way to Continental Divide Electric Cooperative, Inc., for the Echo Canyon Powerline Project located on Navajo Nation Trust Lands in Mariano Lake Chapter Vicinity (McKinley County, New Mexico) *Sponsor: Honorable Edmund Yazzie*

**October 16, 2019 – Regular Meeting**

**Meeting Location:** Navajo Nation Council Chambers  
Window Rock, Arizona

**MAIN MOTION:**

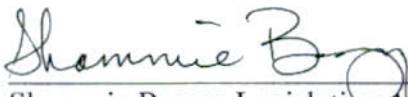
M: Honorable Thomas Walker, Jr. S: Honorable Herman M. Daniels Vote: 4-0-1(CNV)

YEAS: Thomas Walker, Jr., Wilson C. Stewart, Jr., Herman M. Daniels and Kee Allen Begay, Jr.

EXCUSED: Mark A. Freeland



\_\_\_\_\_  
Honorable Rickie Nez, Presiding Chairman  
Resources and Development Committee



\_\_\_\_\_  
Shammie Begay, Legislative Advisor  
Office of Legislative Services