LEGISLATIVE SUMMARY SHEET
Tracking No. 0212-18

DATE: June 20, 2018

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN THE "REACH 12.2 – SAN JUAN LATERAL—NAVAJO GALLUP WATER SUPPLY PROJECT" LOCATED ON TRIBAL FEE LANDS IN TSAYATOH CHAPTER VICINITY, MCKINLEY COUNTY, NEW MEXICO

PURPOSE: Approving a Right-of-Way and Temporary Construction Easement to U.S. Bureau of Reclamation or its Assigns to Construction, Operate and Maintain the "Reach 12.2—San Juan Lateral—Navajo Gallup Water Supply Project" located on Navajo Fee Lands in Tsayatoh Chapter Vicinity, McKinley County, New Mexico.

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

5-DAY BILL HOLD PERIOD: Neau
Website Posting Time/Date: 4:31pm 6/21/18
Posting End Date: 6/26/2018
Eligible for Action: 6/27/2018

PROPOSED STANDING COMMITTEE RESOLUTION

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0212-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN THE "REACH 12.2 – SAN JUAN LATERAL—NAVAJO GALLUP WATER SUPPLY PROJECT" LOCATED ON TRIBAL FEE LANDS IN TSAYATOH 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 give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation land and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

A. The United States Bureau of Reclamation, 1235 La Plata Highway, Farmington, New Mexico 87401 has submitted a right-of-way application and temporary

construction easement to construct, operate and maintain the "Reach 12.2—San Juan Lateral—Navajo Gallup Water Supply Project" located on, over and across Navajo Nation Fee Lands in the Tsayatoh Chapter vicinity, McKinley County, New Mexico. The application is attached hereto and incorporated herein as **Exhibit D.**

B. The proposed permanent right-of-way and temporary construction easement consists of Navajo Nation Fee Lands located in McKinley County, New Mexico and the location is more particularly described on the survey map attached hereto and incorporated herein as **Exhibit B.**

C. The General Land Development Department has determined that there are no affected land users; the Department's Memorandum is attached hereto as **Exhibit C.**

D. The Bureau of Reclamation requests perpetual term.

E. The Bureau of Reclamation requests a waiver of the consideration because the project will provide a public benefit to the Navajo Nation.

F. The Resources and Development Committee finds a waiver of the bond requirement, 25 C.F.R. § 169, is in the best interest of the Navajo Nation.

G. The Resources and Development Committee finds a waiver of valuation, 25 C.F.R. § 169, is in the best interest of the Navajo Nation.

H. The Navajo Nation Executive Order No. 07-2017, attached as **Exhibit E,** designates the Navajo –Gallup Water Supply Projects as a priority project of the Navajo Nation.

I. The Tsayatoh Chapter through Resolution TSA-03-04-2013, attached as **Exhibit F,** supports the design, construction and implementation of the Navajo-Gallup Water Supply Project.

J. The environmental and archaeological studies are attached as **Exhibit G**. These include Biological Resources Compliance Form, Waste Water Compliance Memorandum, Surface and Ground Water Protection Department Memorandum and A Class III Cultural Resources Inventory for Navajo Gallup Water Supply Project Reach 12.1 and the Black Hat Tank Facility and a Bureau of Indian

Affairs Memorandum regarding the National Environmental Policy Act and National Historic Preservation Act Compliance Documents.

K. The applications for the Rights-of-Way and Temporary Construction Easement as submitted by the United States Bureau of Reclamation have been reviewed by the Fish and Wildlife Department, Historic Preservation Department, Minerals Department, Navajo Nation Environmental Protection Agency, Division of Natural Resources and the Department of Justice and "Approve" or found 'Sufficient." See **Exhibit H.**

SECTION THREE. APPROVAL

A. The Resources and Development Committee of the Navajo Nation Council hereby grants approval of a Right-of-Way and Temporary Construction easement to U.S. Bureau of Reclamation to construct, operate and maintain the "Reach 12.2—San Juan Lateral—Navajo Gallup Water Supply Project" located on Navajo Nation Fee Lands in the Tsayatoh Chapter vicinity, McKinley County, New Mexico. The location is more particularly described on the map attached hereto as **Exhibit B**.

B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Right-of-Way subject to, but not limited to, the terms and conditions incorporated herein as **Exhibit A-1.**

C. The Resources and Development Committee of the Navajo Nation Council hereby approves the Temporary Construction Easement subject to, but not limited to, the terms and conditions incorporated herein as **Exhibit A-2.**

D. The Resources and Development Committee of the Navajo Nation Council hereby waives the consideration for the Right-of-Way and Temporary Construction Easement because the "Reach 12.2—San Juan Lateral—Navajo Gallup Water Supply Project" will provide a public benefit to the Navajo Nation.

E. The Resources and Development Committee of the Navajo Nation Council hereby waives the bond requirement for the Right-of-Way and Temporary Construction Easement because the "Reach 12.2—San Juan Lateral—Navajo Gallup Water Supply Project" is in the best interest of the Navajo Nation and benefits the Navajo People.

F. The Resources and Development Committee of the Navajo Nation Council hereby waives the valuation for the Right-of-Way and Temporary Construction Easement because the "Reach 12.2—San Juan Lateral—Navajo Gallup Water Supply Project" is in the best interest of the Navajo Nation and benefits the Navajo People.

G. The Resources and Development Committee of the Navajo Nation Council hereby grants the Right-of-Way and Temporary Construction Easement as long as the Grantee Bureau of Reclamation or its successors or assigns users the right-of-way and temporary construction easement for the construction, operation and maintenance of the Navajo Gallup Water Supply Project.

H. 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.

FEE LAND FORM



NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS: BUREAU OF RECLAMATION (GRANTEE) (Navajo Gallup Water Supply Project) (Reach 12.2 San Juan Lateral – Tsayatoh Vicinity)

1. The term of the right-of-way shall begin on the date it is granted by the Navajo Nation and shall continue as long as the Grantee Bureau of Reclamation (BOR) or its successors or assigns uses the right-of-way for the construction, operation and maintenance of the Navajo Gallup Water Supply Project (Project).

2. Consideration for the use of land is assessed at $13,582.84 (adjusted annually), which shall be the Navajo Nation's contributions to the project because the Project will provide a public benefit to the Navajo Nation.

   The Grantee must obtain the approval of the Navajo Nation if any portion of the right-of-way is used for any other purpose than authorized by the approval of this right-of-way.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of constructing, operating and maintaining the Navajo Gallup Water Supply Project. The Grantee may not develop, use or occupy the right-of-way for any other purpose without the prior written approval of the Navajo Nation. 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 applicable 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. All applicable federal and Navajo Nation antiquities laws and regulations, including compliance with the Programmatic Agreement for the Consideration and Management of Effects on Historic Properties Arising from Construction of the Navajo Gallup Water Supply Project pursuant to section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation, last date of execution by all signatories being November 21, 2011, and any amendments thereto.

   b. BOR shall give employment preference to qualifying Navajos and other Indians in accordance with applicable Navajo and federal law. BOR shall utilize Navajo contractors and Navajo businesses (to purchase goods and materials) in accordance with applicable law.

   c. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. to the extent that it is applicable. 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 re-vegetation 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 re-vegetation 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 provided that nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 982 (28 U.S.C. § 1346(b), 2671 et seq.) or other applicable law.

11. The Grantee shall not assign, convey or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation. 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 condition s or withheld in the sole discretion of the Navajo Nation. Congress has authorized BOR to transfer Project title under P.L. 111-11 10602 (f). It is anticipated that after Project title is transferred to the Navajo Nation, the Navajo Tribal Utility Authority will operate and maintain the Project. Therefore, the Grantee may assign and transfer the right-of-way to the Navajo Tribal Utility Authority as authorized by federal law without further approval of the Navajo Nation.
12. At the relinquishment of this right-of-way, the Grantee, other than the United States 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 site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.

13. Holding over by the Grantee after the relinquishment 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. This provision 13 shall not apply to the United States as Grantee.

14. The Navajo Nation 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.

15. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive and 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 of the Navajo people) 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.

16. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) may be heart in the Courts of the Navajo Nation in accordance with applicable Navajo and federal law. No action or claim shall be brought against the Navajo Nation in any state court.

17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.

18. The laws of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.

19. 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.

20. 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 remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

BNB, May 6, 2012



FEE LAND FORM

NAVAJO NATION TEMPORARY CONSTRUCTION EASEMENT TERMS AND CONDITIONS:
BUREAU OF RECLAMATION (GRANTEE)
(Navajo – Gallup Water Supply Project)
(Reach 12.2 San Juan Lateral – Tsayatoh vicinity)

1. The terms of the temporary construction easement shall begin on the date it is granted by the Navajo Nation and shall continue as long as the Grantee Bureau of Reclamation (BOR) or its successors, or assigns uses the temporary construction easement for the construction, operation and maintenance of the Navajo Gallup Water Supply Project (Project).

2. Consideration for the use of land is assessed at $ 11,852.55 , which shall be the Navajo Nation's contributions to the project because the Project will provide a public benefit to this Navajo Nation.

   The Grantee must obtain the approval of the Navajo Nation if any portion of the temporary construction easement is used for any other purpose than authorized by the approval of this right-of-way.

3. The Grantee may develop, use and occupy the temporary construction easement for the purpose(s) of constructing, operating and maintaining the Navajo Gallup Water Supply Project. The Grantee may develop, use or occupy the temporary construction easement for any other purpose without the prior written approval of the Navajo Nation. 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 temporary construction easement for any unlawful purpose.

4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all applicable 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. All applicable federal and Navajo Nation antiquities laws and regulations, including compliance with Programmatic Agreement for the Consideration and Management of Effects on Historic Properties Arising from construction of the Navajo Gallup Water Supply Project Pursuant to section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulation, last date of execution by all signatories being November 21, 2011, and any amendments thereto.

   b. BOR shall give employment preference to qualifying Navajos and other Indians in accordance with applicable Navajo and federal law. BOR shall utilize Navajo contractors and Navajo businesses (to purchase goods and materials) in accordance with applicable law.

c. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. to the extent that it is applicable. 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 temporary construction easement to the extent compatible with the purpose of the temporary construction easement, 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 temporary construction easement, as outlined in a restoration and re-vegetation 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 re-vegetation 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 temporary construction easement and at the Grantee's sole cost and expense, maintain the land subject to the temporary construction easement 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 provided that nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 982 (28 U.S.C. § 1346(b), 2671 et seq.) or other applicable law.

11. The Grantee shall not assign, convey or transfer, in any manner whatsoever, the temporary construction easement 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. 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. Congress has authorized BOR to transfer Project title under P.L. 111-11 10602 (f). It is anticipated that after Project title is transferred to the Navajo Nation, the Navajo Tribal Utility Authority will operate and maintain the Project. Therefore, the Grantee may assign and transfer the temporary construction easement to the Navajo Tribal Utility Authority as authorized by federal law without further approval of the Navajo Nation.

12. At the relinquishment of this temporary construction easement, the Grantee, other than the United States 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 site assessment of the premises at least sixty (60) days prior to delivery of the said premises. This provision 12 shall not apply to the United States as Grantee.

13. Holding over by the Grantee after the relinquishment of the temporary construction easement shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the temporary construction easement or to any improvements located thereon. This provision 13 shall not apply to the United States as Grantee.

14. The Navajo Nation shall have the right, at any reasonable time during the term of the temporary construction easement, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.

15. By acceptance of the grant of temporary construction easement, 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 of the Navajo people) 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.

16. Any action or claim brought against the Navajo Nation arising out of the injury to person or property (tort) may be heard in the Courts of the Navajo Nation in accordance with applicable Navajo and federal law. No action or claim shall be brought against the Navajo Nation in any state court.

17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.

18. The laws of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.

19. 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.

20. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the temporary construction easement 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 temporary construction easement; and the temporary construction easement and all lands burdened by the temporary construction easement shall remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

BNB, May 6, 2012

EXHIBIT
tabbies
B

Navajo-Gallup Water Supply Project - Parcel No. RCH 12.2-Tribal Fee (P) - Permanent Right-of-Way

A parcel of land crossing Navajo Nation Tribal Fee Land and lying in the Northwest Quarter of Section 02, Township 16 North, Range 21 West, N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

A strip of land being 60 feet wide, lying 30 feet each side of the following described centerline:

Point of beginning being Reach 12.2 station 122221+05.58 which is a point on the East line of the Northwest quarter of said Section 02, from which the North Quarter Corner of Section 02, bears North 00°40'52" East a distance of 1960.68 feet; thence, from the point of beginning North 74°03'18" West a distance of 402.85 feet to Reach 12.2 station 122225+08.42; thence North 74°58'16" West a distance of 680.14 feet to Reach 12.2 station 122231+88.56; thence North 56°02'16" West a distance of 199.20 feet to Reach 12.2 station 122233+87.76; thence North 47°44'21" West a distance of 252.53 feet to Reach 12.2 station 122236+40.29; thence North 40°07'36" West a distance of 258.38 feet to Reach 12.2 station 122238+98.67; thence North 32°23'02" West a distance of 245.05 feet to Reach 12.2 station 122241+43.72; thence North 24°09'47" West a distance of 261.19 feet to Reach 12.2 station 122244+04.91; thence North 16°43'28" West a distance of 238.51 feet to Reach 12.2 station 12246+43.42; thence North 08°58'57" West a distance of 185.05 feet to Reach 12.2 station 122248+28.46; thence North 04°45'59" West a distance of 351.07 feet to Reach 12.2 station 122251+79.54, a point on the North line of said Section 02, and the point of terminus from which the Northwest corner of said Section 02 bears North 89°40'06" West a distance of 705.66 feet. The sidelines of said strip shall be lengthened or shortened, as necessary, so as to intersect the East and North lines of said Northwest Quarter.

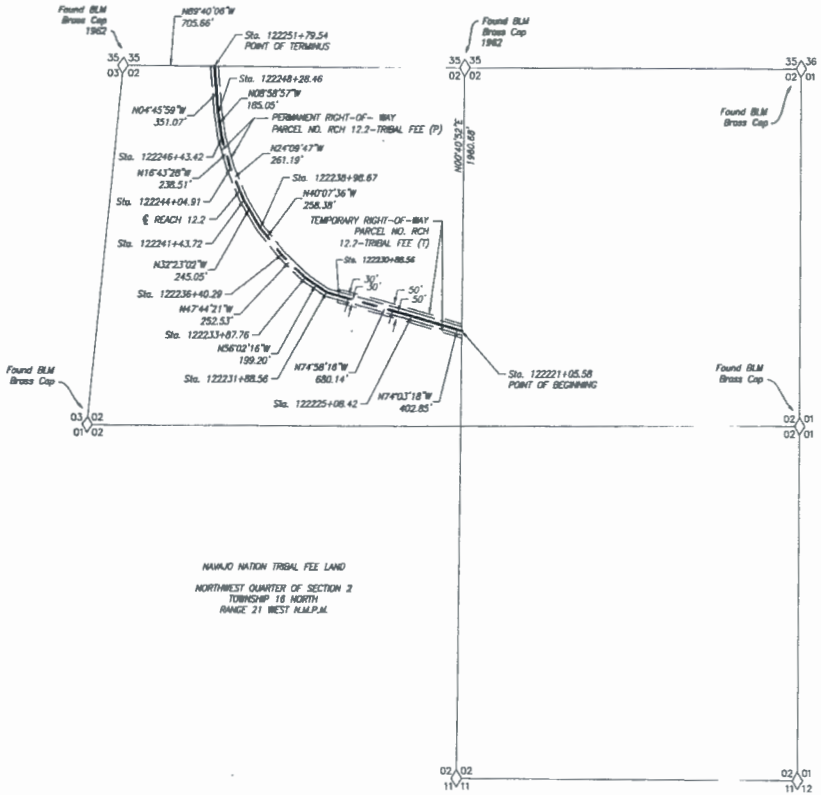
Parcel No. RCH 12.2-Tribal Fee (P) contains 4.23 acres more or less.

Navajo-Gallup Water Supply Project - Parcel No. RCH 12.2-Tribal Fee (T) - Construction (Temporary) Right-of-Way

A parcel of land crossing Navajo Nation Tribal Fee Land and lying in the Northwest Quarter of Section 02, Township 16 North, Range 21 West, N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

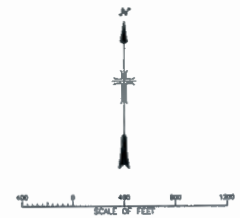
A strip of land being 100-feet wide, lying 50-feet each side from station 122221+05.58 to station 122230+88.56; thence being 60 feet wide, lying 30 feet each side from station 122230+88.56 to station 122251+79.54, of the centerline described in Parcel No. RCH12.2-Tribal Fee (P).

Less Parcel RCH 12.2-Tribal Fee (P) described above, Parcel RCH 12.2-Tribal Fee (T) contains 0.90 acres more or less.



NAVAJO NATION TRIBAL FEE LAND

NORTHWEST QUARTER OF SECTION 2
TOWNSHIP 16 NORTH
RANGE 21 WEST N.M.P.M.



NOTE

Bearings shown on this drawing are developed from the New Mexico State Plane West Zone Grid (NAD83) and are based on surveys of existing monuments. Distances shown are ground (local). The Grid Factor from distances shown to New Mexico State Plan West Zone Grid (NAD83) is 0.999720158003.

No monuments will be set.

Navajo-Gallup Water Supply Project – Reach 12.2 – Parcel No. RCH 12.2-Tribal Fee (P) – Permanent Right-of-Way – Navajo Nation Tribal Fee Land

A parcel of land crossing Navajo Nation Tribal Fee Land lying in the Northwest Quarter of Section 02, Township 16 North, Range 21 West, N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

A strip of land being 60 feet wide, lying 30 feet each side of the following described centerline:

Point of beginning being Reach 12.2 station 122221+05.58 which is a point on the East line of the Northwest quarter of said Section 02, from which the North Quarter Corner of said Section 02, bears North 00°40'32" East a distance of 1960.68 feet; thence, from the point of beginning, North 74°03'18" West a distance of 402.85 feet, to Reach 12.2 station 122225+08.42; thence North 74°58'16" West a distance of 680.14 feet, to Reach 12.2 station 122231+88.56; thence North 56°02'16" West a distance of 199.20 feet, to Reach 12.2 station 122233+87.76; thence North 47°44'21" West a distance of 252.53 feet, to Reach 12.2 station 122236+40.29; thence North 40°07'36" West a distance of 258.38 feet, to Reach 12.2 station 122238+98.67; thence North 32°23'02" West a distance of 245.05 feet, to Reach 12.2 station 122241+43.72; thence North 24°09'47" West a distance of 261.19 feet, to Reach 12.2 station 122244+04.91; thence North 16°43'28" West a distance of 238.51 feet, to Reach 12.2 station 122246+43.42; thence North 08°58'57" West a distance of 185.05 feet, to Reach 12.2 station 122248+28.46; thence North 04°45'59" West a distance of 351.07 feet, to Reach 12.2 station 122251+79.54, a point on the North line of said Section 02 and the point of terminus from which the Northwest corner of said Section 02 bears North 89°40'06" West a distance of 705.66 feet.

The sidelines of described strip shall be lengthened or shortened, as necessary, so as to intersect the East and North lines of said Northwest Quarter.

Parcel No. RCH 12.2-Tribal Fee (P) contains 4.23 acres more or less.

Navajo-Gallup Water Supply Project – Reach 12.2 – Parcel No. RCH 12.2-Tribal Fee (T) – Construction (Temporary) Right-of-Way – Navajo Nation Tribal Fee Land

A parcel of land crossing Navajo Nation Tribal Fee Land and lying in the Northwest Quarter of Section 02, Township 16 North, Range 21 West, N.M.P.M., McKinley County, New Mexico. More particularly described as follows:

A strip of land being 100 feet wide, lying 50 feet each side from station 122221+05.58 to station 122230+88.56, thence being 60 feet wide, lying 30 feet each side from station 122230+88.56 to station 122251+79.54, of the centerline described in Parcel No. RCH 12.2-Tribal Fee (P)

Less Parcel No. RCH 12.2-Tribal Fee (P) described above, Parcel No. RCH 12.2-Tribal Fee (T) contains 0.90 acres more or less.

Right-of-Way Totals:
Permanent Righ-of-Way – 3,073.96 feet (0.58 miles) in length, containing 4.23 acres.
Temporary Right-of-Way – 3,073.96 feet (0.58 miles) in length, containing 0.90 acres.

STATE OF
COUNTY

Doug Dokter, P.E., being duly sworn, says that he is the Construction Engineer of the Four Corners Construction Office, U. S. Bureau of Reclamation: That the survey of Reach 12.2, San Juan Lateral, Navajo-Gallup Water Supply Project, over and across Indian Lands, in the county of McKinley, New Mexico, was made under his direction and authority of the Bureau of Reclamation, and that such survey is accurately represented on this map.

Doug Dokter, P.E. 8/18/17
Construction Engineer Date

STATE OF NEW MEXICO
ss:
COUNTY OF SAN JUAN

Before me, a notary public, in and for said County and State on this 18th day of August, 2017, personally appeared

Doug Dokter, P.E. known to me to be the person whose name is subscribed the name of the maker thereof to the foregoing instrument as the Construction Engineer of the Four Corners Construction Office, U. S. Bureau of Reclamation, and acknowledged to me that he executed said instrument for the uses and purposes therein set forth.

My commission expires October 31, 2019

Notary Public

OFFICIAL SEAL
MICHAEL T BRAMAN
Notary Public
State of New Mexico
My Commission Expires 10-31-19

RECLAMATION
Managing Water in the West

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
NAVAJO-GALLUP WATER SUPPLY PROJECT
NEW MEXICO

SAN JUAN LATERAL – REACH 12.2
NAVAJO NATION FEE LAND
RIGHT-OF-WAY

DRAWN	HILDA CASTILLO SMITH
TRACED	HILDA CASTILLO SMITH
CHECKED	MICHAEL BRAMAN
	Gladden, Ryan L P.E.
	Dokter, Douglas T P.E.
SUBMITTED	
RECOMMENDED	
FARMINGTON, NM	2017-08-18

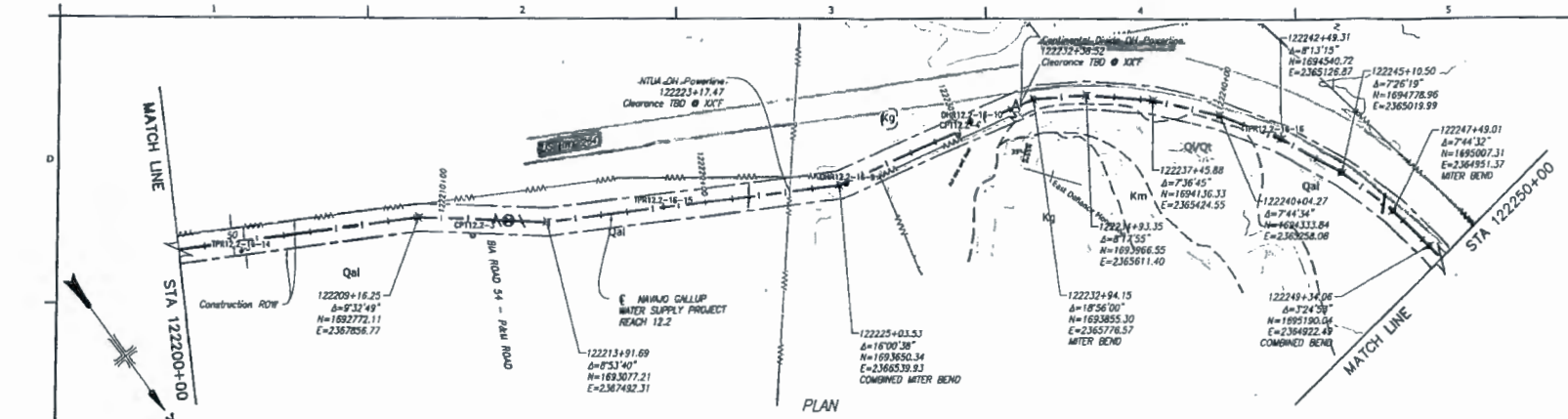
PARCEL NO. RCH 12.2-TRIBAL FEE (P)

PARCEL NO. RCH 12.2-TRIBAL FEE (T)

1695-529-60172

SHEET 1

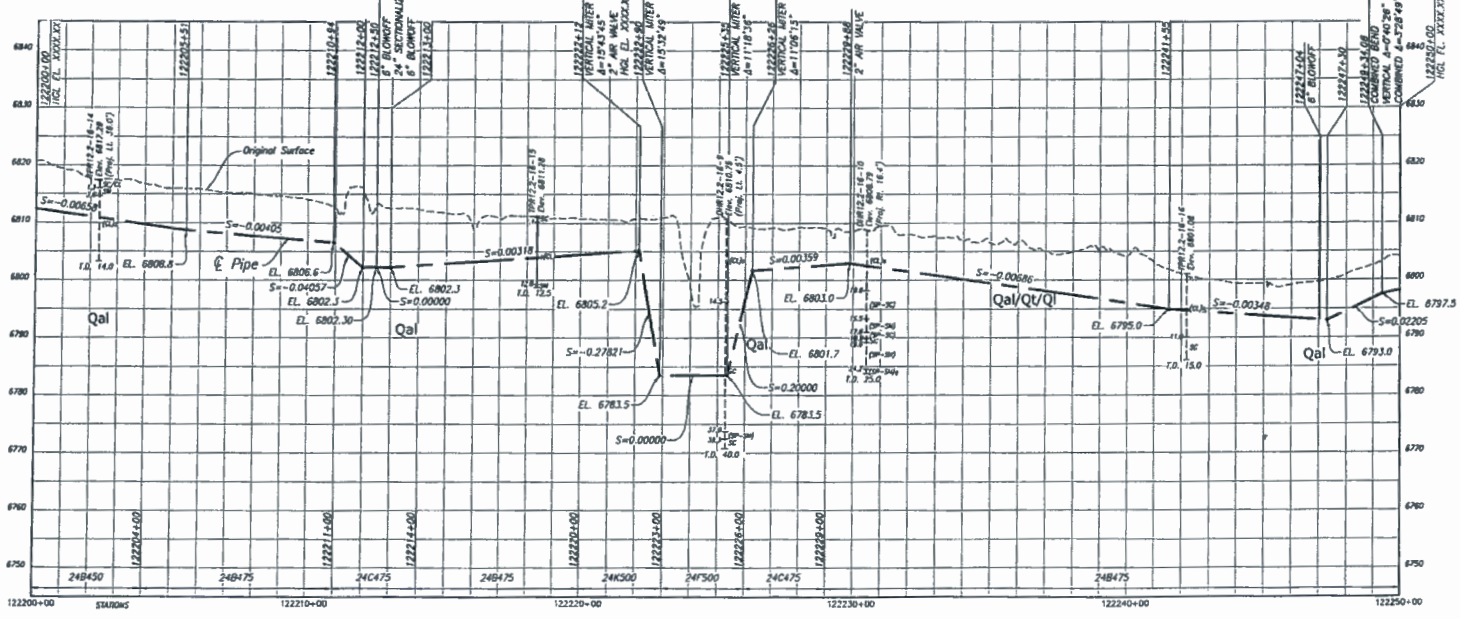
DAE JEFFRIES
DAE JEFFRIES
CAD FILENAME
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OPEN-CUT ROAD CROSSINGS	
Station	Surfacing
122211+48 TO 122212+05	PAVED
122230+80 TO 122231+20	COMPACTED BACKFILL

NOTES

1. For general notes, abbreviations, symbols and pipe classifications see 1695-D-60254



RECLAMATION
Managing Water in the West

ALWAYS THINK SAFETY

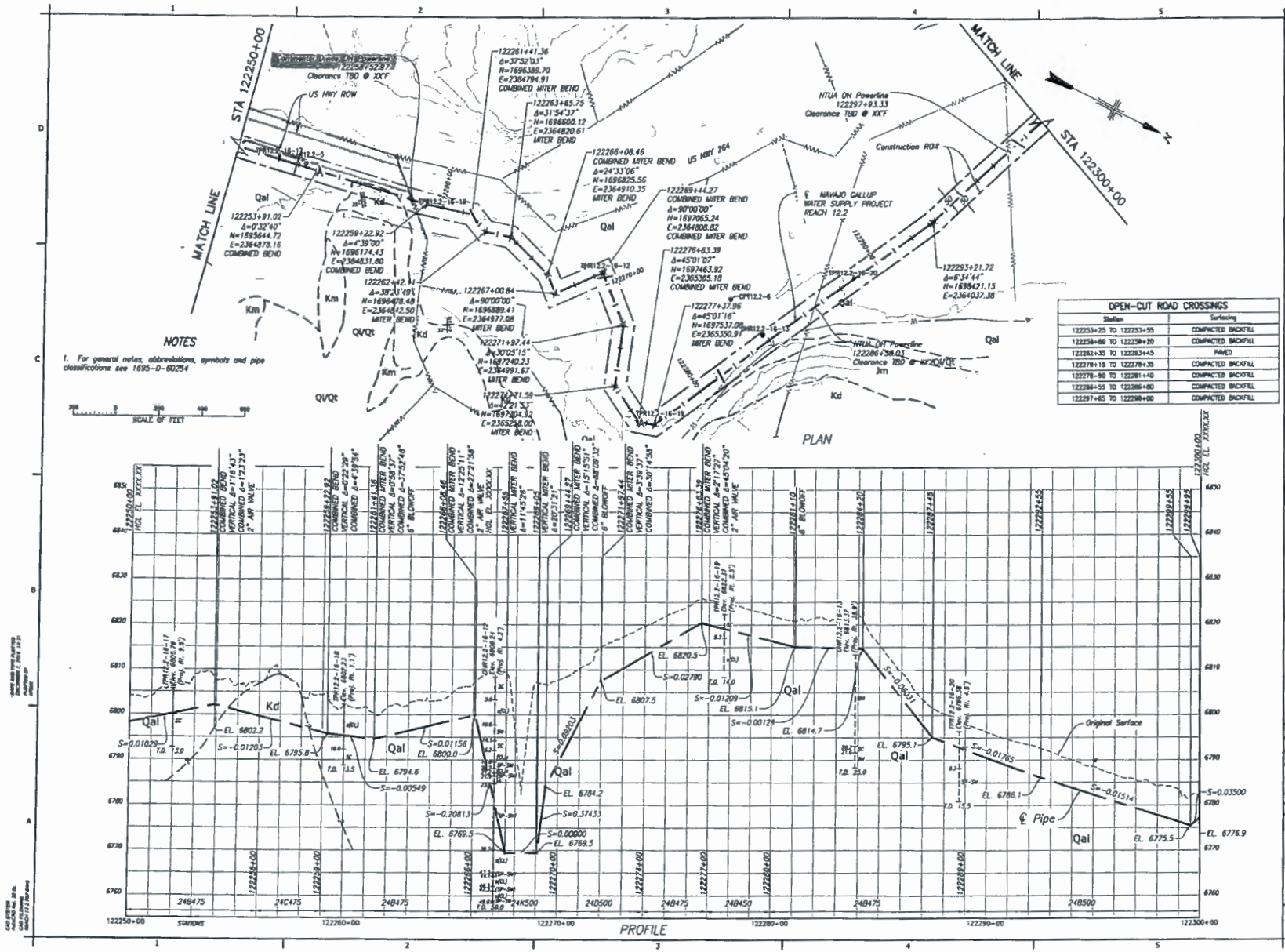
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
NAVAJO-GALLUP WATER SUPPLY PROJECT
NEW MEXICO

SAN JUAN LATERAL - REACH 12.2
LINE PIPE

STA. 122200+00
TO
STA. 122250+00

PLAN AND PROFILE

1695-D-60258
SHEET 1 OF 7



OPEN-CUT ROAD CROSSINGS	
Station	Surfacing
122253+25 TO 122253+55	COMPACTED BACKFILL
122258+68 TO 122259+20	COMPACTED BACKFILL
122262+33 TO 122263+45	PAVED
122278+15 TO 122278+35	COMPACTED BACKFILL
122278+90 TO 122281+40	COMPACTED BACKFILL
122286+55 TO 122286+80	COMPACTED BACKFILL
122297+65 TO 122298+00	COMPACTED BACKFILL

RECLAMATION
Managing Water in the West

ALWAYS THINK SAFETY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
NAVAJO-GALLUP WATER SUPPLY PROJECT
NEW MEXICO

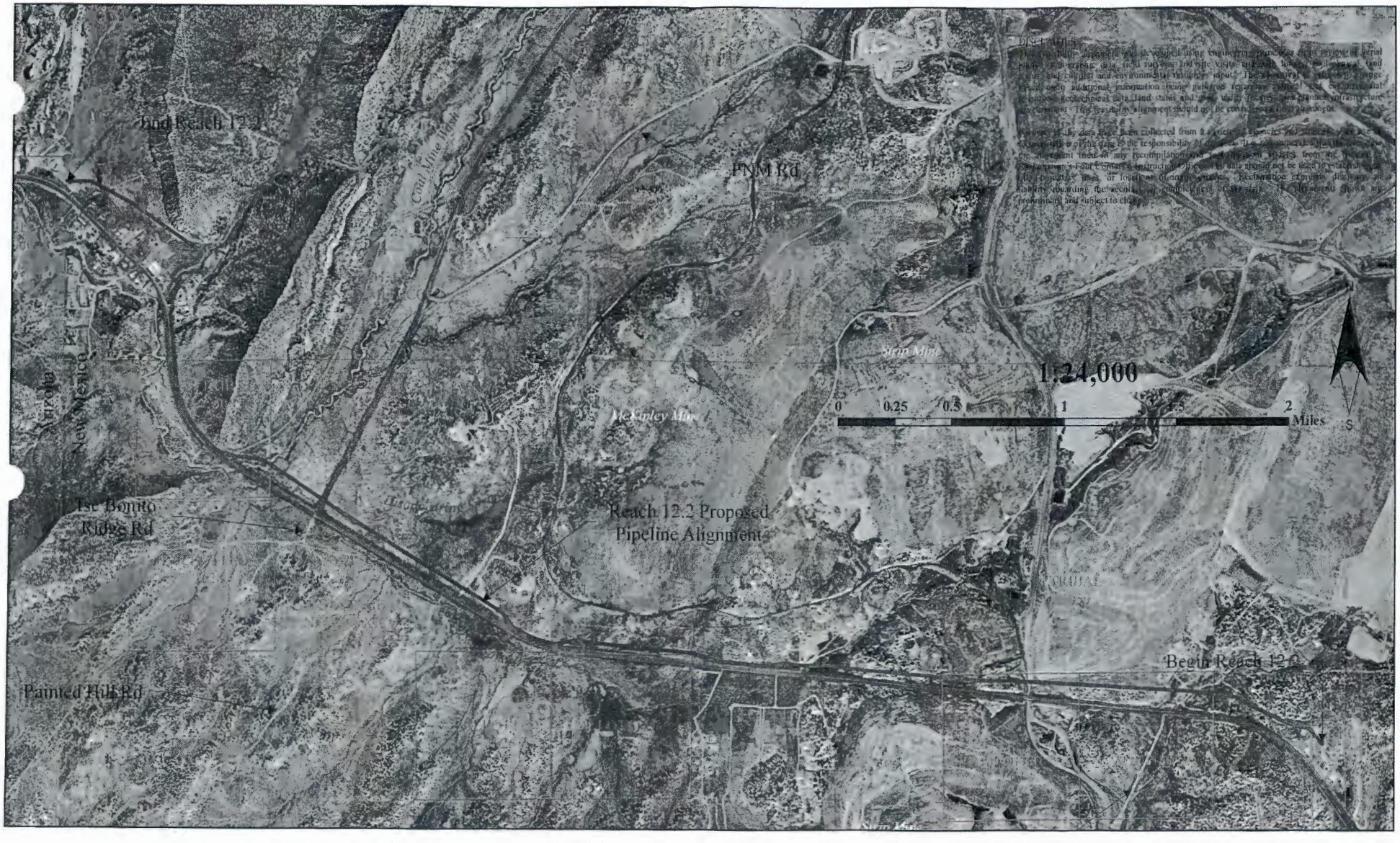
SAN JUAN LATERAL - REACH 12.2
LINE PIPE

DESIGNED
DRAWN
CHECKED
QUANTITY CHK.
APPROVED
DENVER, CO 2015-03-19

STA. 122250+00
TO
STA. 122300+00

PLAN AND PROFILE

1695-D-60259
SHEET 6 OF 7



Legend

Reach 12.2 Proposed Pipeline Alignment

Navajo-Gallup Water Supply Project
Reach 12.2 Feasibility Map

RECLAMATION
Managing Water in the West

Date: 6/29/2015



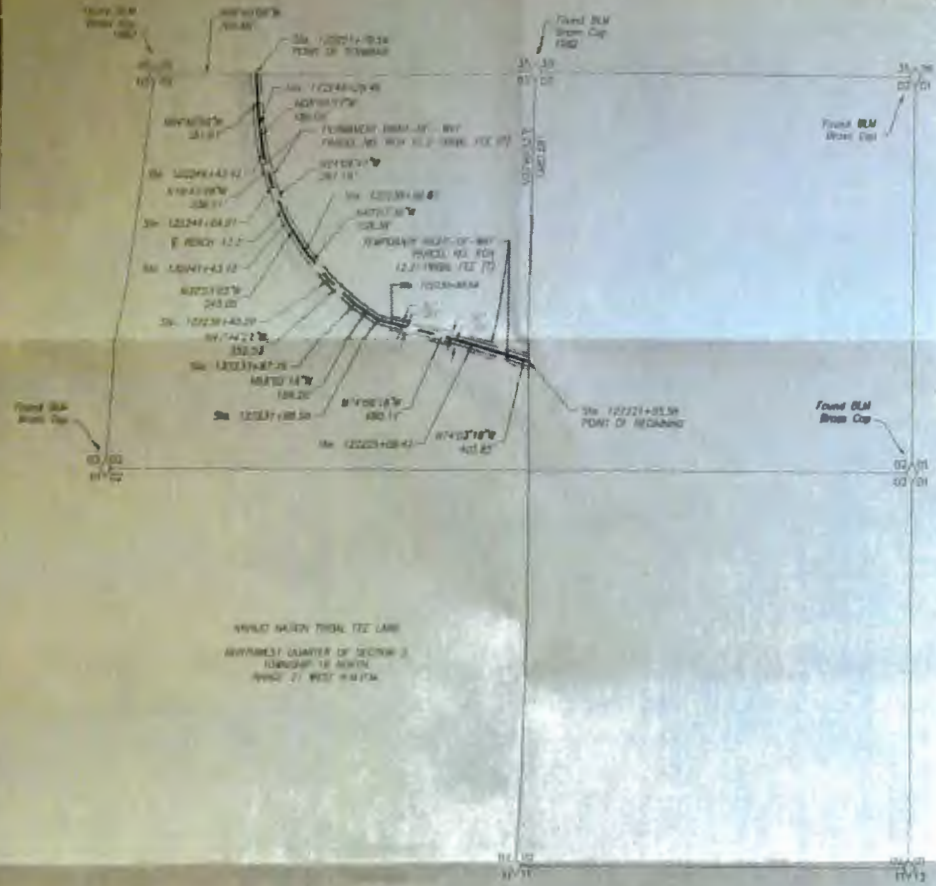
Legend

Reach 12.2 Proposed Pipeline Alignment

Navajo-Gallup Water Supply Project
Reach 12.2 Feasibility Map

RECLAMATION
Managing Water in the West

Date: 6 29 2015





RECLAMATION
Managing Water in the West

ALWAYS THINK SAFETY

SAN JUAN LATERAL – REACH 12.2
NAVAJO NATION FEE LAND
RIGHT-OF-WAY

PARCEL NO. RCH 12.2–TRIBAL FEE (P)

PARCEL NO. RCH 12.2–TRIBAL FEE (T)

1695-529-60172

Doug Dekker, PE being duly sworn, says that he is the Construction Engineer of the Four Corners Construction Office, U. S. Bureau of Reclamation; that the survey for Reach 12.2 San Juan Lateral, Navajo Gallup Water Supply Project, over and across Indian Lands, in the county of McKinley, New Mexico, was made under the direction and authority of the Bureau of Reclamation, and that such survey is accurately represented on this map.

Doug Dekker, PE 9/18/17
Construction Engineer Date

STATE OF NEW MEXICO)
) ss
COUNTY OF SAN JUAN)

Before me, a notary public, in and for said County and State on this 18th day of September, 2017, personally appeared Doug Dekker, PE known to me to be the person whose name is subscribed to the within or the annex thereto to the foregoing instrument as the Construction Engineer of the Four Corners Construction Office, U. S. Bureau of Reclamation, and acknowledged to me that he executed said instrument for the uses and purposes therein set forth.

My commission expires October 31, 2018.

Notary Public

Navajo Gallup Water Supply Project - Tribal Fee Land - Reach 12.2

Summary - Right-of-Way & Temporary Construction Easesment - Navajo Minerals

Reach Number	Description	County	Township	Range	Section	Quarter Section	From Station	To Station	Length (ft)	Right-of-Way (P)		Length (ft)	Temp. Const. Easment (T)	
										Width (ft)	Acreage		Width (ft)	Acreage
12.2	Pipeline	McKinley	16N	21W	2	NW1/4	12222105.58	12222508.42	402.84	60	0.55			
							12222508.42	12223188.56	680.14	60	0.94			
							12223188.56	12223387.76	199.20	60	0.27			
							12223387.76	12223640.29	252.53	60	0.35			
							12223640.29	12223898.67	258.38	60	0.36			
							12223898.67	12224143.72	245.05	60	0.34			
							12224143.72	12224404.91	261.19	60	0.36			
							12224404.91	12224643.42	238.51	60	0.33			
							12224643.42	12224828.46	185.04	60	0.25			
							12224828.46	12225179.54	351.08	60	0.48			
				100' (TCE) - 60' (ROW) = 40'			12222105.58	12223088.56				982.98	40	0.90
				TCE Same width as ROW			12223088.56	12225179.54				2090.98	0	0.00
						TOTALS:			3,073.96	(P)	4.23	3,073.96	(T)	0.90

EXHIBIT
tabbies
C

MEMORANDUM

TO : Elerina Yazzie, Department Manager
General Land Development Department

FROM : _____
Howard Martinez, Land Support Agent
General Land Development Department

DATE : April 11, 2018

SUBJECT : Field Investigation For Bureau of Reclamation - Reach 12.2 ROW Consent

Bureau of Reclamation of 1235 La Plata Highway, Farmington, New Mexico 87401 is requesting to grant of Temporary Construction Easement over, under, across and through Navajo Tribal Fee Lands located in Township 16 North, Range 21 West, located in the area of the Tsayatoh, Navajo Tribal Chapter, McKinley, New Mexico.

Field investigation on the above project has been completed. I met with District 16 Land Board Member, Ms. Teri Watchman to identify the affected land users. After review of her records she indicated there was no Grazing Permit Holder, therefore Director of Land Department, Mr. Mike Halona delegated to sign on behalf of Navajo Nation.

If you have any questions, I can be contacted at (928) 871-6435.

cc: Office File
BOR Navajo Gallup Water Supply Project

CONSENT FORM #1
(No expected damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, **Navajo Nation President Russell Begaye,** hereby grant consent to the to: **Bureau of Reclamation, 1235 La Plata Highway, Farmington, NM, 87401** to use a portion of Navajo Nation Fee land for the following purpose(s): **to construct the Navajo-Gallup Water Supply Project a request for a grant of Temporary Construction easement over across, and through Navajo Tribal Fee lands, located in Township 16 North, Range 21 West, located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico** as shown on the map showing the location of the proposed project on the back of this consent form.

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

Remarks:

Date	Land User Signature or Thumbprint	Census No.	Permit No.
02 April 18		NLD -	

Witness: _____ _____

Date	Grazing Official or Land Board Member	District No.
04/03/18		16

ACKNOWLEDGEMENT OF FIELD AGENT

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

Field Agent Signature

EXHIBIT tabbies D

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

APPLICATION FOR A GRANT OF TEMORARY CONSTRUCTION EASEMENT

(Tribal Fee Lands – NGWSP Reach 12.2)

1. **Applicant Name and Address**: The Bureau of Reclamation, Four Corners Construction Office, having a principle place of business at 1235 La Plata Highway, Farmington, New Mexico, 87401. Hereby petition(s) the Navajo Nation, and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Bureau of Indian Affairs (BIA) Departmental Regulations 25 C.F.R., Ch. 1, Subchapter H, Part 169, Subpart C § 169.102(a), as applicable, a request for a grant of Temporary Construction Easement (TCE) over across, and through Navajo Tribal Fee Lands located in the area of Tsayatoh Navajo Chapter, McKinley County, New Mexico.

2. **Tract(s) or Parcel(s) affected by the right-of-way**:

   Landowner Name: Navajo Nation

   Parcel No. Rch 12.2-Tribal Fee (T), a Temporary Construction Easement crossing Navajo Nation Tribal Fee land, Allotment No. 5067, located in Township 16 North, Range 21 West, Section 02, the Northwest Quarter, N.M.P.M., McKinley County, NM.

3. **General Location**: Parcel No. RCH 12.2-Tribal Fee (T), a Temporary Construction Easement, being described as a strip of land crossing Navajo Nation Tribal Fee land, Tribal Allotment No. 5067, lying in the Northwest Quarter of Section 02, Township 16 North, Range 21 West, N.M.P.M., located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. The pipeline alignment across Tribal Allotment No. 5067 is illustrated on the attached Reach 12.2 Feasibility Map dated 06-29-15.

4. **Purpose**: The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the Navajo-Gallup Water Supply Project (NGWSP) that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation, for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality treated water provided by the NGWSP will bring immediate benefits, including improved health and wellbeing to Tribal members.

5. **TCE:** The Temporary Construction Easement (TCE) will supplement the working space provided by the Permanent ROW: Parcel No. RCH 12.2-Tribal Fee (P), for the construction of a 24 inch I.D. or smaller water transmission pipeline, over, across and through Navajo Nation Tribal Fee land, Tribal Allotment No. 5067, that will be crossed by Reach 12.2 of the San Juan Lateral, a part of the Navajo-Gallup Water Supply Project, in the area of the Tsayatoh Navajo Tribal Chapter, located in McKinley County, New Mexico.

6. **TCE Description: Parcel No. Rch 12.2-Tribal Fee (T)**, a Temporary Construction Easement, is described as a strip of land crossing Navajo Nation Tribal Fee land, Tribal Allotment No. 5067, lying in Township 16 North, Range 21 West, Section 02, the Northwest Quarter, N.M.P.M., McKinley County, New Mexico, being approximately 3073.96 feet (0.58 mile) in length, and 100 feet in width, lying 50 feet each side, from Station 122221+05.58 to Station 122230+88.56; thence being 60 feet in width, lying 30 feet each side from Station 122230+88.56 to Station 122251+79.54, as illustrated on ROW Drawing No. 1695-529-

60172, and Plan and Profile Drawing No.'s 1695-D-60258 and 1695-D-60259, (Sheet No. 5 and 6 of 7), (E.S. 122200+00 to E.S. 122300+00), attached hereto, and by reference made a part hereof.

Legal Description: Parcel No. Rch 12.2-Tribal Fee (T) is described as follows: Point of beginning being Reach 12.2 station 122221+05.58, which is a point on the East line of the Northwest quarter of said Section 02, from which the North Quarter Corner of Section 02, bears North 00°40'52" East a distance of 1960.68 feet; thence, from the point of beginning North 74°03'18" West a distance of 402.85 feet to Reach 12.2 station 122225+08.42; thence North 74°58'16" West a distance of 680.14 feet to Reach 12.2 station 122231+88.56; thence North 56°02'16" West a distance of 199.20 feet to Reach 12.2 station 122233+87.76; thence North 47°44'21" West a distance of 252.53 feet to Reach 12.2 station 122236+40.29; thence North 40°07'36" West a distance of 258.38 feet to Reach 12.2 station 122238+98.67; thence North 32°23'02" West a distance of 245.05 feet to Reach 12.2 station 122241+43.72; thence North 24°09'47" West a distance of 261.19 feet to Reach 12.2 station 122244+04.91; thence North 16°43'28" West a distance of 238.51 feet to Reach 12.2 station 12246+43.42; thence North 08°58'57" West a distance of 185.05 feet to Reach 12.2 station 122248+28.46; thence North 04°45'59" West a distance of 351.07 feet to Reach 12.2 station 122251+79.54, a point on the North line of said Section 02, and the point of terminus from which the Northwest corner of said Section 02 bears North 89°40'06" West a distance of 705.66 feet. The sidelines of said strip shall be lengthened or shortened, as necessary, so as to intersect the East and North lines of said Northwest Quarter. Less Parcel No. RCH 12.2-Tribal Fee (P) that contains 4.23 acres, Parcel No RCH12.2-Tribal Fee (T) contains 0.90 acres more or less.

The total Temporary Construction Easement requested for Parcel No. Rch 12.2-Tribal Fee (T) of Reach 12.2 of the NGWSP is approximately 3073.96 feet in length (0.58 mile) and will contain 0.90 acres more or less.

7. **Term:** Reclamation requests a grant of Temporary Construction Easement (TCE) for a term of 48 months.

8. **Ownership of Permanent Improvements:** Reach 12.2 of the NGWSP across Navajo Nation Tribal Fee land, Allotment 5067 will consist of a 24 inch or less I.D. water transmission pipeline with ancillary features and appurtenances, constructed and owned by the Bureau of Reclamation. It is Reclamation's intent to transfer the operation, maintenance, and replacement (OM&R) responsibility of the Project to the NTUA. It is envisioned that Reclamation would retain title to the facilities for the foreseeable future, however, the Act does provide authority for eventual title transfer to the Navajo Nation.

9. **Construction Schedule:**
   Obtain ROW: October 9, 2018
   Obtain Bids and Establish Contracts: January 29, 2018
   Award Contract: March 19, 2018
   Notice to Proceed Issue: October 9, 2018
   Begin Construction: October 9, 2018
   Construction 50% Completed by: May, 2019
   Construction Complete: December 30, 2019

Required Supporting Documents - §169.102(b)

1. ROW/Legal Description: Parcel No. RCH 12.2-Tribal Fee (P&T)

2. ROW Drawing No. 1695-529-60172 – Parcel No. 12.2-Tribal Fee(P&T)
   Plan & Profile Drawing of ROW - Drawing No.'s 1695-D-60258 and 1695-D-60259

NGWSP Project Map – Drawing No. 1695-529-537 – Dated 03-13-17
Reach 12.2 Feasibility Map - Dated 06-29-2015
Plan and Profile Drawings No.'s 1695-D-60254 through 1695-D-60260 (CD)

3. Waiver of Bonding Requirement - 25 CFR § 169.103 - Dated 12-20-16
   Letter – Navajo Nation Support Waiver of 25 CFR § 169.103 - Dated 09-09-16

4. Title Status Report – Memo Verifying Land Status – Dated 06-15-17
   Permission to Survey - Granted 03-01-10
   Navajo Nation Executive Order No. 07-2017 in Support of the NGWSP
   Tsayatoh Chapter Resolution – TSA-03-04-2013 – Construct NGWSP

5. Valuation:
   Memo - BIA Waiver for Appraisal and Compensation - 25 CFR Part 169.12 – Dated 06-29-07
   Table - Summary of ROW and TCE - Reach 12.2 - Navajo Minerals
   Workbook - Tribal Lands - ROW and TCE Length, width and Acreage - Rch 12.2 Tribal Fee (CD)

6. Organizational Documents: Not Applicable, Applicant is United States DOI – BOR

7. Biological, Cultural Resource and Environmental Documentation:
   BRCF - NNDFW Review No. 13NC-08 - Approved 08-15-2014
   Class III Cultural Inventory Report - Dated 04-29-14 (CD)
   Class III Cultural Resources Inventory – NNHPD-15-116 and Letter of Concurrence of Eligibility Determination - Signed 02-04-14 and 02-19-2015 - Letter Dated 12-30-14
   Phase I Environmental Site Assessment - Dated 05-30-14 (CD)
   Phase I Environmental Site Assessment for Reach 12.2 - Dated November 2016 (CD)
   Memo - BIA - Acceptable NEPA and NHPA Sufficiency Documentation - Dated 10-29-2015
   Final NEPA Sufficiency Report - Concurrence Received 10-09-14 - Dated August 2014 (CD)
   Final Environmental Impact Statement and Record of Decision can be viewed at:
   http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

Applicant Point of Contact Information:
Name: Michael (Mike) Braman
Address: 1235 La Plata Highway
Farmington, New Mexico, 87401
Phone: 505-324-5024
Fax: 505-326-4388
E-mail: mbraman@usbr.gov

Date: August 30, 2017

Applicant Signature: [signature]

Print Name: Brady Longwell

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

APPLICATION FOR A GRANT OF EASEMENT FOR RIGHT-OF-WAY

(Tribal Fee Lands – NGWSP Reach 12.2)

1. **Applicant Name and Address**: The Bureau of Reclamation, Four Corners Construction Office, having a principle place of business at 1235 La Plata Highway, Farmington, New Mexico, 87401. Hereby petition(s) the Navajo Nation, and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Bureau of Indian Affairs (BIA) Departmental Regulations 25 C.F.R., Ch. 1, Subchapter H, Part 169, Subpart C § 169.102(a), as applicable, a request for a grant of Permanent Easement for Right-of-Way (ROW) over, under, across, and through Navajo Tribal Fee Lands located in the area of Tsayatoh Navajo Chapter, McKinley County, New Mexico.

2. **Tract(s) or Parcel(s) affected by the right-of-way**:

   Landowner Name: Navajo Nation

   Parcel NO. RCH 12.2-Tribal Fee (P), a Permanent Easement for Right of Way crossing Navajo Nation Tribal Fee land, Allotment No. 5067, located in Township 16 North, Range 21 West, Section 02, the Northwest Quarter, N.M.P.M., McKinley County, NM.

3. **General Location**: **Parcel No. RCH 12.2-Tribal Fee (P),** a Permanent Easement for ROW, being described as a strip of land crossing Navajo Nation Tribal Fee land, Tribal Allotment No. 5067, lying in the Northwest Quarter of Section 02, Township 16 North, Range 21 West, N.M.P.M., located in the area of the Tsayatoh Navajo Tribal Chapter, McKinley County, New Mexico. The pipeline alignment across Tribal Allotment No. 5067 is illustrated on the attached Reach 12.2 Feasibility Map dated 06-29-15.

4. **Purpose**: The Omnibus Public Land Management Act of 2009, Title X, Part III (Public Law 111-11) (Act) authorizes the Bureau of Reclamation to construct the Navajo-Gallup Water Supply Project (NGWSP) that includes water treatment plants, pipeline, several pumping stations and ancillary facilities. Once completed, the NGWSP will deliver a reliable source of potable water, sourced from the San Juan River, to Navajo communities in northwestern New Mexico, the City of Gallup, NM, and the southwest portion of the Jicarilla Apache Reservation, for municipal and industrial use. The NGWSP will connect to existing and future water distribution systems operated on the reservation by the Navajo Tribal Utility Authority (NTUA), and in Gallup, by the City of Gallup. The high quality treated water provided by the NGWSP will bring immediate benefits, including improved health and wellbeing to Tribal members.

5. **ROW**: The Permanent Easement for ROW will be used for the construction, operation, maintenance and/or replacement of a 24 inch I.D. or smaller water pipeline with ancillary features and appurtenances thereto, that are necessary for the safe and efficient operation of the pipeline. Ancillary appurtenances may include but are not limited to vaults, valves, fiber optic supervisory control and data acquisition systems (SCADA), cathodic protection systems, single phase utility power to support the operation of the pipeline infrastructure, and a patrol road.

6. **ROW Description**: **Parcel No. RCH 12.2-Tribal Fee (P),** a Permanent Easement for ROW, is described as a strip of land crossing Navajo Nation Tribal Fee land, Tribal Allotment No. 5067, lying in Township 16 North, Range 21 West, Section 02, the Northwest Quarter, N.M.P.M., McKinley County, New Mexico, being approximately 3073.96 feet (0.58 mile) in length, and 60 feet in width, lying 30 feet each side of the pipeline centerline, from Station 122221+05.58 to Station 122251+79.54, as illustrated on ROW Drawing No. 1695-529-60172, and Plan and Profile Drawing No.'s 1695-D-60258 and 1695-D-60259,

(Sheet No. 5 and 6 of 7), (E.S. 122200+00 to E.S. 122300+00). ROW Drawing No. 1695-529-60172, attached hereto, and by reference made a part hereof, illustrates the Reach 12.2 ROW as it will cross the subject parcel.

Legal Description: Parcel No. RCH 12.2-Tribal Fee (P) is described as follows: Point of beginning being Reach 12.2 station 122221+05.58, which is a point on the East line of the Northwest quarter of said Section 02, from which the North Quarter Corner of Section 02, bears North 00°40'52" East a distance of 1960.68 feet; thence, from the point of beginning North 74°03'18" West a distance of 402.85 feet to Reach 12.2 station 122225+08.42; thence North 74°58'16" West a distance of 680.14 feet to Reach 12.2 station 122231+88.56; thence North 56°02'16" West a distance of 199.20 feet to Reach 12.2 station 122233+87.76; thence North 47°44'21" West a distance of 252.53 feet to Reach 12.2 station 122236+40.29; thence North 40°07'36" West a distance of 258.38 feet to Reach 12.2 station 122238+98.67; thence North 32°23'02" West a distance of 245.05 feet to Reach 12.2 station 122241+43.72; thence North 24°09'47" West a distance of 261.19 feet to Reach 12.2 station 122244+04.91; thence North 16°43'28" West a distance of 238.51 feet to Reach 12.2 station 12246+43.42; thence North 08°58'57" West a distance of 185.05 feet to Reach 12.2 station 122248+28.46; thence North 04°45'59" West a distance of 351.07 feet to Reach 12.2 station 122251+79.54, a point on the North line of said Section 02, and the point of terminus from which the Northwest corner of said Section 02 bears North 89°40'06" West a distance of 705.66 feet. The sidelines of said strip shall be lengthened or shortened, as necessary, so as to intersect the East and North lines of said Northwest Quarter. Parcel No. RCH 12.2-Tribal Fee (P) contains 4.23 acres more or less.

The total Permanent Easement for ROW requested for Parcel No. RCH 12.2-Tribal Fee (P) of Reach 12.2 of the NGWSP is approximately 3073.96 feet in length (0.58 mile) and will contain 4.23 acres more or less.

7. **Term:** Reclamation requests a grant of Permanent Easement for Right-of-Way (ROW) without limitation in term, and for as long as the easement is used for the intended purpose.

8. **Ownership of Permanent Improvements:** Reach 12.2 of the NGWSP across Navajo Nation Tribal Trust land, Allotment 5067, will consist of a 24 inch or less I.D. water transmission pipeline with ancillary features and appurtenances, constructed and owned by the Bureau of Reclamation. It is Reclamation's intent to transfer the operation, maintenance, and replacement (OM&R) responsibility of the Project to the NTUA. It is envisioned that Reclamation would retain title to the facilities for the foreseeable future, however, the Act does provide authority for eventual title transfer to the Navajo Nation.

9. **Construction Schedule:**
   Obtain ROW: October 9, 2018
   Obtain Bids and Establish Contracts: January 29, 2018
   Award Contract: March 19, 2018
   Notice to Proceed Issue: October 9, 2018
   Begin Construction: October 9, 2018
   Construction 50% Completed by: May, 2019
   Construction Complete: December 30, 2019

Required Supporting Documents - §169.102(b)

1. ROW/Legal Description: Parcel No. RCH 12.2-Tribal Fee (P&T)

2. ROW Drawing No. 1695-529-60172 – Parcel No. 12.2-Tribal Fee(P&T)
   Plan & Profile Drawing of ROW - Drawing No.'s 1695-D-60258 and 1695-D-60259

NGWSP Project Map – Drawing No. 1695-529-537 – Dated 03-13-17
Reach 12.2 Feasibility Map - Dated 06-29-2015
Plan and Profile Drawings No.'s 1695-D-60254 through 1695-D-60260 (CD)

3. Waiver of Bonding Requirement - 25 CFR § 169.103 - Dated 12-20-16
   Letter – Navajo Nation Support Waiver of 25 CFR § 169.103 - Dated 09-09-16

4. Title Status Report – Memo Verifying Land Status – Dated 06-15-17
   Permission to Survey - Granted 03-01-10
   Navajo Nation Executive Order No. 07-2017 in Support of the NGWSP
   Tsayatoh Chapter Resolution – TSA-03-04-2013 – Construct NGWSP

5. Valuation:
   Memo - BIA Waiver for Appraisal and Compensation - 25 CFR Part 169.12 – Dated 06-29-07
   Table - Summary of ROW and TCE - Reach 12.2 - Navajo Minerals
   Workbook - Tribal Lands - ROW and TCE Length, width and Acreage - Rch 12.2 Tribal Fee (CD)

6. Organizational Documents: Not Applicable, Applicant is United States DOI – BOR

7. Biological, Cultural Resource and Environmental Documentation:
   BRCF - NNDFW Review No. 13NC-08 - Approved 08-15-2014
   Class III Cultural Inventory Report - Dated 04-29-14 (CD)
   Class III Cultural Resources Inventory – NNHPD-15-116 and Letter of Concurrence of Eligibility Determination - Signed 02-04-14 and 02-19-2015 - Letter Dated 12-30-14
   Phase I Environmental Site Assessment - Dated 05-30-14 (CD)
   Phase I Environmental Site Assessment for Reach 12.2 - Dated November 2016 (CD)
   Memo - BIA - Acceptable NEPA and NHPA Sufficiency Documentation - Dated 10-29-2015
   Final NEPA Sufficiency Report - Concurrence Received 10-09-14 - Dated August 2014 (CD)
   Final Environmental Impact Statement and Record of Decision can be viewed at:
   http://www.usbr.gov/uc/envdocs/eis/navgallup/FEIS/index.html

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

Applicant Point of Contact Information:
Name: Michael (Mike) Braman
Address: 1235 La Plata Highway
Farmington, New Mexico, 87401
Phone: 505-324-5024
E-mail: mbraman@usbr.gov

Date: August 30, 2017

Applicant Signature: _____

Print Name: _____

United States Department of the Interior
BUREAU OF RECLAMATION
Upper Colorado Region
Four Corners Construction Office
1235 La Plata Highway
Farmington, NM 87401

IN REPLY REFER TO:

FCCO-202
LND-3.00

HAND DELIVERED

AUG 30 2017

Mr. Howard P. Draper
Program and Projects Specialist
Navajo Land Department
Project Review Section
Navajo Nation Division of Natural Resources
P.O. Box 2249
Window Rock, AZ 86515

Subject: Application for a Grant of Right-of-Way (ROW) and Temporary Construction Easement (TCE) - Tribal Fee Land - Reach 12.2 - San Juan Lateral - Navajo-Gallup Water Supply Project (NGWSP), McKinley County, New Mexico

Dear Mr. Draper:

The Bureau of Reclamation hereby requests a grant of ROW and TCE over, across and through the subject Navajo Nation Tribal Fee Land that is located in the area of Tsayatoh Navajo Chapter in McKinley County, New Mexico. Enclosed are the applications for said ROW and TCE, and additional pertinent documents on CD format, which are respectfully submitted for your review and processing.

Reclamation understands that the Navajo Nation is waiving all customary fees and consideration for the ROW in accordance with the authorizing legislation in the Omnibus Public Land Management Act of 2009, Title X, Part III, Section 10602(c)(2), (Public Law 111-11).

Reclamation and the Navajo Nation have negotiated terms and conditions for the ROW and TCE and it is our understanding that the document entitled "Terms and Conditions" will be added to this application by the Navajo Nation as exhibits.

In order to maintain the congressionally mandated schedule for the construction of the NGWSP, Reclamation requests that approval of this ROW be received on or before November 10, 2017.

If you have any questions, please contact Mike Braman at 505-324-5024.

Sincerely,

Barry Longwell
Construction Engineer

17.0074
Sept 1 2017
NLD PROJECT LOG
REVIEW SECTION
MPH

cc: See Next Page.

Subject: Application for a Grant of Right-of-Way (ROW) and Temporary Construction

cc: Ms. Bidtah Becker
Executive Director
Navajo Nation Division of Natural Resources
P.O. Box 9000
Window Rock, AZ 86515

Mr. Ray Benally
Director
Navajo Nation Department of Water Resources
P.O. Box 678
Ft. Defiance, AZ 86504

Mr. Jason John
Branch Director
Navajo Nation Department of Water Resources
Water Management Branch
P.O. Box 678
Ft. Defiance, AZ 86504
(w/o encls to ea)

Bureau of Reclamation

Navajo Gallup Water Supply Project
Tribal Fee Land
Reach 12.2

TABLE OF CONTENTS

1. **Application for Grant of Easement for Right-of-Way**

2. **Application for Grant of Temporary Construction Easement**

3. **ROW/Legal Description: Parcel No. RCH 12.2-Tribal Fee (P&T)**

4. **ROW Drawing No. 1695-529-60172 - Parcel No. Reach 12.2-Tribal Fee (P&T)**
   Plan and Profile Drawing of ROW – Drawing No.'s 1695-D-60258 and 1695-D-60259
   NGWSP Project Map – Drawing no. 1695-529-537 – Dated 03-13-17
   Reach 12.2 Feasibility Map – Dated 06-29-15

5. **Waiver of Bond Requirements – 25 CFR § 169.103 – Dated 12-20-16**
   Letter – Navajo Nation Support Waiver of 25 CFR § 169.103 – Dated 09-09-16

6. **Title Status Report – Memo Verifying Land Status – Dated 06-15-17**
   Permission to Survey – Granted 03-01-10
   Navajo Nation Executive Order No. 07-2017 in support of the NGWSP
   Tsayatoh Chapter Resolution – TSA-03-04-2013 – Construction NGWSP

7. **Valuation:**
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   Table – Summary of ROW and TCE – Reach 12.2 – Navajo Minerals

8. **Biological, Cultural Resources and Environmental Documentation:**
   BRCF – NNDFW Review No. 13NC-08 – Approved 08-15-2014
   Class III Cultural Resources Inventory – NNHPD – 15-116 and Letter of Concurrence of Eligibility Determination – Signed 02-04-14 and 02-19-2015 – Letter Dated 12-30-14
   Memo – BIA – Acceptable NEPA and NHPA Sufficiency Documentation – Cultural Resources – Dated 10-29-2015

OFFICE OF THE SECRETARY OF THE INTERIOR
EXECUTIVE SECRETARIAT
Correspondence Transmittal

Date ES Received: 10/05/2016 **ES Tracking #:** ESO-00072732
Date Forwarded for Signature: 12/13/2016

To: Roberts, Lawrence S.

From: Pinto, Sharon
BIA - Navajo Regional Office

Subject: Request for Waiver under 25 C.F. R. 1.2 of the 25 C.F.R. 169.103 Bond Requirement for Right-of-Way Applications for the Navajo-Gallup Water Supply Project

Response Summary: Request for Waiver under 25 CFR § 1.2 of the 25 CFR § 169.103 Bond Requirement for Right-of-Way Applications for the Navajo-Gallup Water Supply Project

Lead Response Office: IA OTS RES
Response Writer: IA OTS RES

Surnaming Office	Approved By	Date Approved
DBIA	M. Smith	11/22/2016
IA OTS	H. Riggs	11/22/2016
IA OTS RES	S. Roundface	11/22/2016
SOLDIA	J. Turner	11/22/2016
IA Advisor	C. Hastings	11/28/2016
IA COS	S. Walters	12/09/2016

Deputy Secretary _____ _____

Associate Deputy Secretary _____ _____

Executive Secretariat _____ 12/14/16

Secretary _____

SIGMAC: **Other (NOT SECRETARY):** _____

COMMENTS:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

NOV 2 2 2016

IN REPLY REFER TO:

Memorandum

To: Principal Deputy Assistant Secretary Indian Affairs

From: Director, Bureau of Indian Affairs

Subject: Request for Waiver under 25 CFR § 1.2 of the 25 CFR § 169.103 Bond Requirement for Right-of-Way Applications for the Navajo-Gallup Water Supply Project

The Navajo-Gallup Water Supply Project (NGWSP) in northwest New Mexico is the cornerstone of the Northwestern New Mexico Rural Water Projects Act, Pub. L. 111-11, § 10301 *et seq.* (March 30, 2009) (the Settlement Act) and the 2010 Navajo Nation San Juan River Water Rights Settlement Agreement between the Navajo Nation (the Nation), the State of New Mexico, and the United States. The NGWSP is a major infrastructure project comprising about 280 miles of pipeline, 24 pumping plants and two water treatment plants, as well as numerous water regulation and storage facilities, that altogether will provide a long-term, sustainable and reliable municipal and industrial water supply from the San Juan River Basin to more than 43 Chapters on the Navajo Reservation, to the southwest portion of the Jicarilla Apache reservation, and to the city of Gallup, New Mexico. The Settlement Act provides that all project features are to be completed no later than December 31, 2024, mandating an aggressive construction schedule for a project of this scale.

On October 11, 2011, President Obama designated the NGWSP as one of 14 federal infrastructure projects to be expedited through permitting and environmental review processes, in order to improve the efficiency of federal reviews needed to help infrastructure projects move as quickly as possible from the drawing board to completion. NGWSP was the only project within the Department of the Interior (Department) to be designated among these priority projects, which came as a result of a Presidential Memorandum dated August 31, 2011, in which President Obama directed agencies to expedite environmental reviews and permit decisions for a select number of high priority infrastructure projects.

In accordance with the President's directive, the Department has worked diligently to advance the NGWSP from the drawing board to completion, and in 2012, the Bureau of Reclamation (Reclamation) in coordination and cooperation with the Bureau of Indian Affairs (BIA) began the process of preparing rights-of-way (ROW) applications, including seeking consent for the ROW's from individual Indian allottees and the Nation. Reclamation has received the necessary consents from individual Indian allottees on 25 allotments where ROW's are needed for the project. This represents all of the allotted land required for the project. In addition, Reclamation has received consent from the Navajo Nation for two parcels of Navajo tribal land, and will be seeking consent for approximately seven more ROW applications across Navajo tribal land over the next two to three years for the remaining portion of pipeline to be constructed (approximately 100 miles).

While all of the necessary consents on allotted lands were received prior to April 21, 2016, the date the new 25 CFR Part 169 Right of Way Regulations took effect, and not all applications for ROW's across allotted lands have been submitted to BIA. For instance, Reclamation has not yet

completed applications for four out of the 25 parcels of allotted lands for which it has obtained consents. In addition, Reclamation recently received consent from the Navajo Nation on two tribal land parcels and another one is pending, but the associated ROW applications for those parcels were not submitted to BIA before the new ROW regulations took effect.

The timing of the submission of these post-April 21, 2016, ROW applications has introduced a critical issue because the new ROW regulations differ in a significant way for purposes of NGWSP project completion from the pre-existing 25 CFR Part 169 Right of Way Regulations that had been in effect when Reclamation began seeking consents for the NGWSP Project and the President identified the NGWSP as a high-priority project.

The old ROW regulations at 25 CFR § 169.5 (2015) permitted BIA to grant waivers to federal agencies for the bond requirement for ROWs, in recognition that the Anti-Deficiency Act prohibits federal agencies from contracting to broad-based indemnification terms. (*See* 25 CFR § 169.5 (2015) "When the applicant is the U.S. Government or a State Government or an instrumentally thereof and is prohibited by law from executing any of the above stipulations, the Secretary may waive the requirement that the applicant agree to any stipulations so prohibited.")

The new ROW regulations omitted BIA's authority to directly waive the bond requirement in recognition of federal agencies' Anti-Deficiency Act limitations. (*See* 25 CFR § 169.103.) Instead, the new ROW regulations subject federal agencies to the bond requirements applicable to all other parties, and provide only two more nuanced avenues for waiver of the bond requirement; a 25 CFR §1.2 waiver from the Assistant Secretary – Indian Affairs, or a 25 CFR §169.103(f) waiver that requires allottees to request the waiver or for the BIA to defer to the Nation to the maximum extent possible for a determination that the waiver is in its best interest (depending upon whether the ROW is sought from allottees or the Nation). (*See* 25 CFR § 1.2 "[T]he Secretary retains the power to waive or make exceptions to his regulations as found in chapter 1 of title 25 CFR in all cases where permitted by law and the Secretary finds that such waiver or exception is in the best interest of the Indians;" and 25 CFR § 169.103(f) "We may waive the requirement for a bond, insurance, or alternative form of security: (1) For individually owned Indian land, if the Indian landowners of the majority of the interests request it and we determine, in writing, that a waiver is in the Indian landowners' best interest considering the purpose of and risks associated with the right-of-way, or … (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.")

While 25 CFR § 169.103 provides for the waiver of the requirement for a bond, insurance, or alternative form of security so long as consent for such waiver is received from the tribe (for tribal trust land) or the majority of interests of individual Indian landowners (for allotted land), this was not sought for the pending NGWSP ROW applications because the consent process was initiated well before the new rules took effect (and 25 CFR Part 169 (2016) contained clear waiver language).

Reclamation and BIA recognize that although the consent process for the NGWSP ROW's was initiated well before the new ROW regulations were proposed, the agencies could seek a determination from the Navajo Nation that waiver of the bond requirement for remaining or future trust land ROW applications would be in the Nation's best interest, and that it could seek consent from a majority of allottees for a waiver of the bond requirement for remaining or future allottee ROW applications; however, engaging in this process would result in a significant impact to the construction schedule for the NGWSP, which in turn could impact the agencies' ability to complete the project within its legislated deadline of 2024. (*See* Pub. L. 111 §10701(e)(1)(A)(ix) (March 30, 2009)("NAVAJO-GALLUP WATER SUPPLY PROJECT—Not later than December 31, 2024, the construction of all Project facilities shall be completed.").

Reclamation and the BIA recognize the allottee consent process for these ROWs took nearly four years, and re-engaging with the allottees to obtain their recommendations for waiver of the bond requirement likely will not allow Reclamation to meet the President's directive that the NGWSP move forward apace. Furthermore, re-submitting trust land ROW applications to the Nation that have either gone through, or are in the process of going through, the Nation's consent approval process would result in direct impacts to impending construction contracts where these ROWs are required. Therefore, Reclamation and BIA respectfully submit this waiver request, seeking a waiver, under 25 CFR § 1.2, of the 25 CFR § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW applicant is a federal agency, a state agency, an agency of the Nation, or an instrumentality thereof. Reclamation and BIA request that the Assistant Secretary expedite review of this request in order to aid the Department in moving the NGWSP forward in the face of the unforeseen slow-down created by the application of the new ROW regulations, which unexpectedly omitted the federal agency bond waiver provision from the 25 CFR Part 169 (2016) ROW regulations.

In the spirit of the President's initiative, and in order to meet the aggressive Congressionally mandated schedule for completing this high-priority project, we respectfully request that the Assistant Secretary waive the 25 CFR § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016, recognizing that doing so is in the best interest of the Navajo Nation, the Jicarilla Apache Nation, and their members, because it will permit NGWSP construction to proceed in accordance with a schedule that will allow the project to be completed as directed by the President of the United States and Congress and project benefits bargained for by the Tribes on behalf of their members pursuant to a negotiated water settlement to accrue to the benefit of the Tribal communities served as contemplated under the Navajo San Juan Water Rights Settlement. The Navajo Nation confirmed that the waiver was in the best interest of the Nation in the attached letter of support signed by President Begaye dated September 9, 2016.

For the reasons stated herein, we recommend approval of the Assistant Secretary to waive the regulatory requirement under 25 CFR § 169.103 for a bond for all NGWSP ROWs not issued prior to April 21, 2016, whether the ROW applicant is a federal agency, a state agency, an agency of the Nation, or an instrumentality thereof.

Concur with waiver request: _____ 12/20/2016
Director, Bureau of Indian Affairs — Date

Do not concur with waiver request: _____ _____
Director, Bureau of Indian Affairs — Date

Waiver Request is approved:

_____ 12/14/2016
Principal Deputy Assistant Secretary – Indian Affairs — Date

Waiver Request is denied:

_____ _____
Principal Deputy Assistant Secretary – Indian Affairs — Date

Attachment

THE NAVAJO NATION

September 9. 2016

Lawrence S. Roberts
Assistant Secretary – Indian Affairs
Department of the Interior
MS-3642-MIB
1849 C Street, N.W.
Washington, D.C. 20240

Subject: Navajo Nation's Support of Waiver Request under 25 C.F.R. § 1.2, of the 25 C.F.R. § 169.103 Bond Requirement for all Navajo-Gallup Water Supply Project (NGWSP) Rights of Way

Dear Assistant Secretary Roberts:

The Navajo-Gallup Water Supply Project (NGWSP) is the cornerstone of the Navajo Nation San Juan River Basin in New Mexico Water Rights Settlement Agreement (Settlement). The Navajo Nation has been working closely with the Bureau of Reclamation and the Bureau of Indian Affairs (BIA) to ensure the project's completion by 2024, the deadline mandated by the authorizing legislation. As such, and through a financial assistance agreement with Reclamation, the Nation has taken an active role in designing and constructing a portion of the project on the Cutter Lateral.

One of the major undertakings involved in getting the project built is the acquisition of the right-of-way (ROW) necessary to construct, operate, and maintain the project. On April 21, 2016, new 25 C.F.R. Part 169 ROW Regulations took effect which differ in a significant way for purposes of NGWSP project completion from the pre-existing 25 C.F.R. §169 Regulations that had been in effect when Reclamation and the Nation began seeking consents from allottees for ROW across individual Indian allotments. The new regulations omitted BIA's authority to directly waive the bonding requirement when seeking ROW. The new regulations do allow grantees to seek a waiver from individual Indian allottees and tribes, but in the case of NGWSP, going back and seeking this consent for waiver now would result in significant delays and added expenses to the project.

We understand that Reclamation and BIA are in the process of seeking a waiver, under 25 C.F.R. § 1.2, of the 25 C.F.R. § 169.103 bond requirement for all NGWSP ROWs not issued prior to April 21, 2016. whether the ROW-holder is a federal agency or an agency of the Navajo Nation. The Nation fully supports their request and believes it is in the best interest of the Nation and its people. A waiver will help ensure that Reclamation's and the Nation's ROW acquisition process is not delayed on NGWSP which will result in the project getting completed within the legislated deadline which will benefit the Nation and its people.

Sincerely,

THE NAVAJO NATION

Russell Begaye, *President*

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Eastern Navajo Agency
P.O. Box 328
Crownpoint, New Mexico 87313

IN REPLY REFER TO: 4N420

REAL ESTATE SERVICES
RIGHTS OF WAY

JUN 15 2017

OFFICIAL FILE COPY
FOUR CORNERS CONSTRUCTION OFFICE
FARMINGTON

JUN 19 2017

ACTION:
DUE DATE:

CONTROL NO:
FOLDER NO:

MEMORANDUM

TO: Michael Braman, Realty Specialist
Bureau of Reclamation

FROM: Jerry DeGroat, Realty Officer, Bureau of Indian Affairs,
Eastern Navajo Agency, Real Estate Services

SUBJECT: Request for TSR/Address Listing, NGWSP-RCH 12.2, Tsayatoh Chapter,
McKinley County, New Mexico

Real Estate Services is in receipt of a request for a Title Status Report and Address list dated June 8, 2017 for Reach 12.2 of the Navajo Gallup Water Supply Project (NGWSP) located within the vicinity of Tsayatoh, McKinley County, New Mexico. Pursuant to the provisions of the Indian Land Consolidation Act (ILCA) Amendments of 2000, an uncertified TSR with an address list is being provided for the following allotment:

Section	Township	Range	Quarter	Land Status	Tract	Chapter	County
2	16N	21W	NW/4	Tribal Fee	-	-	-
2	16N	21W	SW/4	Indian Allotment	1628	Tsayatoh	McKinley
6	16N	20W	S/2	Public Domain	-	-	-
7	16N	20W	N/2	Private	-	-	-

We are unable to provide a TSR/Address list for Section 35, Township 17 North, Range 21 West, since these lands are within Twin Lakes Chapter which is in the jurisdiction of Fort Defiance Agency. You can contact April Bowman, Supervisory Realty Specialist for further information and processing.

The enclosed TSR cites the name and percentage owned by each individual, as provided in the Indian Land Consolidation Act Amendments of 2000. Departmental Privacy Act, 43 CFR §2.56, does not allow the disclosure of personal information on individuals kept in a Privacy Act system of records, including tribal enrollment numbers. If you need further assistance regarding this issue, you may contact Ms. Rochelle Shirley, Eastern Navajo Agency FOIA Coordinator at (505) 786-6010.

Also, pursuant to provisions of the Indian Land Consolidation Act Amendments of 2000, we are providing the last known addresses on file for the listed allotment. If you have any questions please contact Jacqueline Gibson, Realty Specialist at (505) 786-6182.

Attachment(s)

CAD 3.00 (NBWSP)
I&E WSP Land Status

United States Department of the Interior
Bureau of Indian Affairs
Shiprock Agency
P.O. Box 3538
Shiprock, New Mexico 87420

SEP 1 7 2009

IN REPLY REFER TO:
Real Estate Services/2N420

OFFICIAL FILE COPY
RECEIVED BOR W.C.A.O.
GRAND JUNCTION
SEP 2 9 '09
CLASS
PRJ.
CNTR.
FLDR.

CLASS	INITIALS	SURNAME
9.20	KO	Ozga
		Tilney (Acting)

ad10082011-23

F#: 11033424
F#: 11333234
5.2.11 CA

Kathleen Ozga, Lands and Recreation Group Chief
Bureau of Reclamation
Upper Colorado Region
Western Colorado Area Office
2764 Compass Drive, Suite 106
Grand Junction, Colorado 81506-8785

Dear Ms. Ozga:

Your request for permission to initiate a preliminary surface survey for proposed San Juan Lateral water pipeline right-of-way within Shiprock, Sanostee, Two Grey I-Ells, Newcomb and Sheepsprings Chapters, Shiprock Agency, San Juan County, New Mexico is hereby granted.

Permission to survey includes conducting engineering feasibility studies for these projects. It also includes soil evaluation, preliminary archaeological, topographical right-of-way surveying, and other planning functions. You are subject to the respective terms and conditions signed by the Program and Project Specialist, Navajo Land Department dated August 14, 2009.

Approval of right-of-way is not implied. An application for right-of-way must be filed with our Agency.

Sincerely,

Regional Director

Enclosure

CUD-3.0(NGWSP)
NGWSP-Land Status

RECEIVED
MAR 12 2010
WCAO-DURANGO, CO

OFFICIAL FILE COPY
RECEIVED BOR W.C.A.O.
GRAND JUNCTION
MAR - 8 '10
CLASS
PRJ.
CNTR.
FLDR.

CLASS	INITIALS	SURNAME
3/9	KM	Ozga
		Pinto

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

Fort Defiance Agency
P.O. Box 619
Fort Defiance, Arizona 86504

Real Estate Services
M/C: 6N420

MAR 0 1 2010

Ms. Kathleen Ozga
Lands and Recreation Group Chief
Bureau of Reclamation
Western Colorado Area Office
2764 Compass Drive, Suite 106
Grand Junction, CO 81506-8785

CH: 1103267
FH: 1133234

RAD100820011-24

5.3.11 CS

Dear Ms. Ozga:

Reference is made to your request for permission to survey to begin a surface investigation, walk on along the purposed pipeline corridor for the Navajo-Gallup Water Supply Project (San Juan Lateral) commencing from Naschitti, San Juan County, to Gallup, McKinley County, New Mexico. This investigation will determine if any problems exist prior to doing the center line alignment survey. This authorization is for Navajo trust lands only, does not include Indian Allotments or private lands.

The Navajo Nation has given its concurrence to the survey by letter dated August 14, 2009 (copy enclosed).

Authorization is hereby granted to proceed with the necessary survey subject to any prior rights or adverse claims and to all applicable regulations of 25 CFR. This authorization is for SURVEY ONLY. Upon completion, a formal application for right-of-way for the project should be submitted in accordance with 25 CFR 169, to the Regional Director, Bureau of Indian Affairs, Fort Defiance Agency, Attention: Real Estate Services, P. O. Box 619, Fort Defiance, Arizona 86504.

If you have any questions, please contact Oma M. Wauneka, Realty Specialist at (928) 729-7211.

Sincerely,

ACTING Regional Director

Enclosure

cc: Director, TNN, Project Review Office, Window Rock, Az

EXHIBIT
tabbies
E

EXECUTIVE ORDER NO. 07-2017

NAVAJO-GALLUP WATER SUPPLY PROJECT IS A NAVAJO NATION PRIORITY PROJECT; THE SUCCESS OF THIS HIGH-PROFILE PROJECT WILL SHOWCASE THE NAVAJO NATION AND ITS DIVISIONS AND PROGRAMS; AND WILL PROVIDE THE OPPORTUNITY FOR ACCESSIBLE WATER TO THE EASTERN NAVAJO NATION

May 22, 2017

WHEREAS:

The Navajo-Gallup Water Supply Project (Project) is one of fourteen projects selected nationwide to be a priority of President Obama in October 2011 that will be expedited through permitting and environmental review processes. This is an important step in the Administration's efforts to improve the efficiency of federal reviews needed to help job-creating infrastructure projects move as quickly as possible from the drawing board to completion. The United States Bureau of Reclamation (BOR) is the lead federal agency tasked to construct the Project with the assistance of the Navajo Nation, Jicarilla Apache Nation and City of Gallup. This project is an enormous challenge for the Navajo Nation and is an excellent opportunity for the Nation to showcase their coordination and Programs to President Donald Trump and the United States Government.

The Project will provide a reliable long-term water supply to much of the Navajo Nation within New Mexico. The Project has an estimated construction cost of $1.131 billion. U.S. Discretionary funding received through FY2016 is $301 million and FY2017 funding request is $87 million. BOR has already received $180 million in mandatory appropriations for Project construction.

This Project is a high priority for this administration and I fully support its expedited implementation and urge cooperation among all Navajo Nation programs to make this Project a reality. This Project is an example of the success brought about by years of hard work by staff and representatives of the Navajo Nation, State of New Mexico and United States.

The foundation of our administration are the four pillars of: Navajo Veterans, Elders and Youth, Infrastructure Development, and Job Creation. These priorities were mandated by the Navajo people and we stand committed to providing progress in these areas for our great Navajo Nation. In July 2015, the Navajo Nation Three Branch Agreement was executed in cooperation with the Legislative Branch and Judicial Branch for the "One Nation, One Voice" initiative. For the first time in our history, the three branches of government stand united in the priority needs of our Navajo Nation. The Navajo-Gallup

Water Supply Project is specifically listed under these Common Priorities of the Navajo Nation.

Over the next several years the Project will be constructed in Reaches (phases). Construction may occur concurrently on several Reaches over the next several years. The legislated completion date for the Project is December 2024. It is important that the Navajo Nation programs align themselves properly to coordinate information and permitting of the various Reaches of the Project. The Navajo Nation Department of Water Resources-Water Management Branch will serve as point of contact for the Project on behalf of the entire Navajo Nation. NNDWR-WMB may be reached at (928) 729-4004.

IT IS ORDERED THAT:

The Navajo-Gallup Water Supply Project is a priority project of the Navajo Nation.

The programs within the Executive Branch are hereby directed to promptly process all necessary permits, contracts, and any related matters to this Project for its successful coordination, implementation and construction. The programs and personnel are hereby directed to review and streamline their 164 review process.

THEREFORE BE IT RESOLVED, THAT:

I, Russell Begaye, President of the Navajo Nation, by the authority vested in the Office of the President pursuant to 2 N.N.C. §§ 1005 (A) and (C)(14), hereby direct this Executive Order shall become effective immediately and remain in effect until rescinded, to be binding upon Navajo Nation Executive Branch Directors, employees, and agents, and to be subjected to enforcement under the Navajo Nation Personnel Polices Manual.

Executed this 30th day of May, 2017.

Russell Begaye, President
The Navajo Nation

ATTEST:

Ethel Branch, Attorney General
Navajo Nation Department of Justice

EXHIBIT
F
tabbies

Tsayatoh Chapter
P.O. Box 86
Mentmore, NM 87319
(505)905-2649 ◊ Fax: (505)905-0537
Website: www.tsayatoh.nndes.org
E-mail: tsayatoh@navajochapters.org

BEN SHELLY
President

REX LEE JIM,
Vice President

CHARLES S. DAMON, II,
Council Delegate

DAVID LEE,
Chapter President

WALTER HUDSON,
Chapter Vice President

LUCY ANTONE,
Secretary/Treasurer

HENRY HUDSON,
Land Board

MATTHEW AUSTIN
Community Services Coordinator

MICHELLE BITSIE,
Accounts Maintenance Specialist

RESOLUTION OF TSAYATOH CHAPTER
RESOLUTION #: TSA-03-04-2013

TSAYATOH CHAPTER SUPPORTING THE DESIGN AND CONTSTRUCTION OF THE NAVAJO GALLUP WATER SUPPLY PROEJCT

WHEREAS:

1. Pursuant to 26 N.N.C. Section 3 (A) the Tsayatoh Chapter is a duly recognized certified chapter of the Navajo Nation Government as listed at 11 N.N.C., part 1, section 10; AND

2. Pursuant to 26 N.N.C. Section 1 (B) Tsayatoh Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo nation and other local agencies for appropriate; AND

3. THE Navajo-Gallup Water Supply Project will provide reliable and sustainable municipal, industrial and domestic water supplies from the San Juan River to 43 chapters of the Navajo Nation, the City of Gallup and the southwest portion of the Jicarilla Apache Nation Reservation; AND

4. Tsayatoh Chapter is one of the 43 chapters identified to be served by the Navajo-Gallup Water Supply Project; AND

5. The Bureau of Reclamation is currently conducting pre-design surveys for design work and preparing to begin construction of the Navajo-Gallup Water Supply Project in the area.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Tsayatoh Chapter fully supports the design, construction and implementation of the Navajo-Gallup Water Supply Project; and recognizes that the project is in the best interest of the Chapter and the Tribe; AND

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Tsayatoh Chapter at a duly called meeting in Tsayatoh Chapter, Navajo Nation at which a quorum of Chapter members was present and that the same was passed by a vote of 27 in favor , 0 opposed and 2 abstained this 23rd day of April, 2013.

1st Motion: Mrs. Elizabeth Mosley

2nd Motion: Mrs. Helen Deadman

David Lee
Chapter President

EXHIBIT tabbies G

NNDFW Review No. 13NC-08

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Navajo Gallup Water Supply Project - Reach 12.1 & Reach 12.2

DESCRIPTION: The USBR proposes to construct a water line 18.3 miles in length and contains both Reaches 12.1 (218.18 acres) and 12.2 (76.36 acres). Total new disturbance for the proposed pipeline and associated infrastructure would be approximately 294.54 acres.

LOCATION: St. Michaels, Tsayatoh & Rock Springs Chapters, Apache/McKinley County, Arizona/New Mexico

REPRESENTATIVE: David Johnson, Principal Projects Manager, Nelson Consulting, Inc.

ACTION AGENCY: U.S. Department of the Interior Bureau of Reclamation (USBR) - Upper Colorado Region

B.R. REPORT TITLE / DATE / PREPARER: USDOI - Bureau of Reclamation NGWSP Reaches 12.1 & 12.2 Proposed Water Line/MAY 2012/Nelson Consulting, Inc. & SWCA Environmental Consultants

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Areas 1, 3, & 4. Suitable nesting habitat for Migratory Birds is present in and adjacent to the TCE.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: [1] The NNDFW concurs with the mitigation recommendations outlined in the BE, Section 6.5.

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 AUG 2014

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:	Signature	Date
☒Approval ☐Conditional Approval (with memo) ☐Disapproval (with memo) ☐Categorical Exclusion (with request letter) ☐None (with memo)	Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	8/15/14

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

Representative's signature Date

THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

ENVIRONMENTAL PROTECTION AGENCY
WASTE REGULATORY COMPLIANCE DEPARTMENT
P.O. BOX 3089, WINDOW ROCK, NAVAJO NATION, AZ 86515
TEL (928) 871-7993 ~ FAX: (928)871-7783

MEMORANDUM

To : NLTDS Reviewers

From : Patricia Maples (Electronic Signature)
Patricia Maples, Environmental Specialist
NNEPA Leaking Storage Tank Program

Date : October 5, 2017

Ref: Navajo Land Title Data System Electronic 164 Process Review Project No. NA-15-T51, Waterline Extensions at Red Mesa, San Juan County, Utah

Pkt #: 003_T013_00008714__zip_14_14_03

To Whom it May concern

Navajo Nation Environmental Protection Agency Leaking Storage Tank Program (NNEPA/LSTP) would like the developer to be aware that petroleum dispensing sites and both former and currently being remediated petroleum contaminated sites may be present within the proposed areas.

NNEPA/LSTP must be notified immediately if petroleum contamination is discovered during any activities anywhere within the specified reach or right of way area(s).

A table of Location coordinates is provided below.

If you have any questions, please call the program at 928-871-7993.

C: Diane Malone, Department Manager, NNEPA WRCD
Warren Roan, Environmental Specialist NNEPA
Ms. Rebecca Jamison, USEPA Region IX Project Officer
NNEPA Files

Table 1. Locations of former Leaking Storage Tank Sites along the

NAV #	Name	Closest Town	Lat	Long
NAV135	Former Thriftway Sanostee Trading Post	Sanostee	36°25'59.02"N	108°49'59.83"W
NAV059	Red Mesa Gas Station	Shiprock	36°46'39.42"N	108°41'45.79"W
NAV207	Old Newcomb Trading Post	Newcomb	36°17'8.10"N	108°42'23.56"W
NAV472	Sheep Springs Trading Post	Sheep Springs	36°8'38.28"N	108°42'28.48"W
NAV044	Old Naschitti School	Naschitti	36°3'53.77"N	108°41'1.10"W
NAV126	Giant	Tohatchi	35°51'2.74"N	108°45'22.40"W
NAV323	Tohatchi Gulf	Tohatchi	35°50'56.14"N	108°45'19.86"W
NAV320	NNOG Chevron	Tohatchi	35°50'57.62"N	108°45'23.76"W
NAV324	Allison's Trading Post	Tohatchi	35°50'58.62"N	108°45'23.53"W
NAV325	Chuska Trading Post	Tohatchi	35°50'58.58"N	108°45'22.80"W
NAV327	Tohatchi Trading Post AKA J. V. Nakai Store	Tohatchi	35°51'33.27"N	108°45'33.37"W
NAV339	Buffalo Springs Patrol Yard	Tohatchi	35°56'7.72"N	108°39'16.24"W
NAV353	Tohatchi High School	Tohatchi	35°51'43.18"N	108°45'9.55"W
NAV326	Twin Lakes Trading post	Twin Lakes	35°42'32.53"N	108°46'27.19"W
NAV406	Twin Lakes Elementary School	Twin Lakes	35°42'32.77"N	108°46'35.44"W
NAV328	Standing Rock Trading Post	Standing Rock	35°48'0.97"N	108°21'40.21"W
NAV358	Wildcat Springs Trading Post	Black Hat	35°37'48.48"N	108°55'9.36"W
NAV127	Coyote Canyon Trading Post	Coyote Canyon	35°46'30.61"N	108°37'3.46"W
NAV310	Dalton Pass Trading Post	Nahodishgish	35°42'27.02"N	108°16'54.73"W
NAV302	Thompson's Market	Church Rock	35°32'1.67"N	108°36'8.19"W
NAV346	Pueblo Pintado Trading Post	Pueblo Pintado	35°57'40.68"N	107°38'30.30"W
NAV130	Red Mesa Express	Torreon	35°47'1.38"N	107°15'47.91"W
NAV131	Red Mesa Express	Nageezi	36°14'33.56"N	107°42'14.17"W
NAV190	Huerfano Trading Post	Huerfano	36°24'14.98"N	107°51'7.94"W
NAV021	Blanco Trading Post	Huerfano	36°21'35.57"N	107°48'37.28"W
NAV248	Canon Trading Post -May actually be across Hwy 550 from this location	Huerfano	36°23'48.16"N	107°50'51.49"W

THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY

Public Water Systems Supervision Program
Post Office Box 339, Window Rock, AZ 86515
Telephone (928) 871-7755
Fax (928) 871-7818
www.navajopublicwater.org

Russell Begaye
President

Jonathan Nez
Vice President

September 29, 2017

MEMORANDUM

TO: Navajo Land Title Data Systems
Land Department
Division of Natural Resources

FROM: _____
Yolanda Barney, Environmental Program Manager
Public Water Systems Supervision Program
Surface and Ground Water Protection Department
Navajo Nation Environmental Protection Agency

SUBJECT: DOCUMENT No. 008714

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 008714: BOR, ROW & TCE Reach 12.2 San Juan Lateral – Fee Lands, TsaYaToh area. PWSSP recommends approval of this project.

All proposed drinking water projects will need to be permitted by the PWSSP-NNEPA. All proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit requirements of the PWSSP pursuant §§1501 and 1601 of the Navajo Nation Primary Drinking Water Regulations.

All proposed wastewater projects will need to be permitted by the Domestic Wastewater Program-NNEPA. Extensions, upgrades, new sewer infrastructure, septic tanks, and other wastewater infrastructure must comply with the design review and construction permit requirements pursuant to §201 of the Domestic Wastewater Program.

If there are any questions, please contact me at 871-7755.

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA
PWSID#NN3500278

HPD-15-116

United States Department of the Interior

BUREAU OF RECLAMATION
Western Colorado Area Office
Durango Field Division
185 Suttle Street, Suite 2
Durango, Colorado 81303-7911



IN REPLY REFER TO:

WCD-ERheaume
ENV-3.00

DEC 30 2014

CERTIFIED – RETURN RECEIPT REQUESTED

Mr. Ron Maldonado
Tribal Historic Preservation Officer
Cultural Resources Compliance Section
Navajo Nation Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

Subject: A Class III Cultural Resources Inventory for Navajo Gallup Water Supply Project (NGWSP) Reach 12.1 and the Black Hat Tank Facility, Navajo Nation, McKinley County, New Mexico

Dear Mr. Maldonado:

Enclosed for your review and comment is PaleoWest's Class III Inventory Report of NGWSP Reach 12.1 pipeline alignment and Black Hat tank Facility areas. The purpose of this report is to locate and document archaeological resources that have the potential to be affected by NGWSP construction activities. Reach 12.1 is comprised of 11.96 miles of linear water pipeline segments and a water storage tank facility on Black Hat hill. The Class III survey encompassed 558.43 acres on Navajo Nation and private land. The survey was conducted under the authority of General Archaeological Investigation Permit NM-13-210-S and Navajo Nation Cultural Resources Permit B13543. Reclamation is submitting this report to your office for consultation regarding concurrence of the eligibility determinations. This report is also being consulted upon with all NGWSP signatory and consulting parties in compliance with the programmatic agreement (PA) for this project.

This survey resulted in the location of twenty five archaeological sites within the project area: eight previously recorded sites, and seventeen newly recorded sites. Twenty one isolated occurrences were identified in the project area. Isolated occurrences are not considered eligible for listing on the National Register of Historic Places (NRHP) or State Register of Cultural Properties.

The nine sites located on private land in the project area are:

Site Number	Site Description	NRHP Eligibility Determination
LA 75790	An Anasazi (A.D. 800-1000) masonry pueblo. Originally recorded in 1989 and since destroyed by Highway 264.	Not Eligible
LA 55646	An Anasazi (A.D. 900-1100) artifact scatter.	Eligible under Criterion D
LA 55647	An Anasazi (A.D. 1000-1200) artifact scatter and the remains of the historic Wildcat Springs Trading Post (A.D. 1930-1951).	Prehistoric and historic components eligible under Criterion D
LA 178098	A prehistoric/historic (A.D. 1680-1800) artifact	Prehistoric and historic

LA 178098	A prehistoric/historic (A.D. 1680-1800) artifact scatter and the remains of the Tse Bonito School (A.D. 1958-1990).	Prehistoric and historic components eligible under Criterion D
LA 178099	A historic Navajo (A.D. 1880-1980) rubble mound, believed to be the remains of a small structure associated with a homestead.	Undetermined/Needs Data
LA 178100	An Anasazi (A.D. 900-1300) habitation site with a rubble mound and two small masonry surface structures.	Eligible under Criterion D
LA178943	Historic Navajo (A.D. 1965-present) inscriptions/rock art and a hearth.	Eligible under Criterion D
LA 178944	A Historic Navajo (A.D. 1950s-1990s) trash scatter with concentrated dumps.	Not Eligible
LA 178947	The remains of a modern (A.D. 1980s) structure and associated artifact scatter/trash dump.	Not Eligible

The fifteen sites located on Navajo Nation land in the project area are:

Site Number	Site Description	NRHP Eligibility Determination
NM-Q-17-47	An Anasazi (A.D. 975-1200) artifact scatter.	Eligible under Criterion D
NM-Q-17-48	An Anasazi (A.D. 900-1300) habitation site and a historic (A.D. 1940-1970) artifact scatter/trash dump.	Prehistoric and historic components eligible under Criterion D
NM-Q-17-49	A historic Navajo (A.D. 1950-1959) homesite.	Not Eligible
NM-Q-17-50	An Anasazi (A.D. 900-1300) habitation site with a rubble mound, pit structure depression, and a midden.	Eligible under Criterion D
NM-Q-17-54	A historic Navajo (A.D. 1960s-1970s) trash dump and artifact scatter.	Not Eligible
NM-Q-17-55	Anasazi (A.D. 900-1250) midden deposits and a historic Navajo (A.D. 1940s-1960s) can dump.	Prehistoric and historic components eligible under Criterion D
NM-Q-18-330	An Anasazi (A.D. 900-1100) habitation site with a small rubble mound and artifact scatter.	Eligible under Criterion D
NM-Q-18-331	An Anasazi (A.D. 700-1300) habitation site with a small rubble mound and midden.	Eligible under Criterion D
NM-Q-18-332	An Anasazi (A.D. 1000-1250) habitation site with a rubble mound possibly containing multiple surface masonry structures.	Eligible under Criterion D
NM-Q-18-333	An Anasazi (A.D. 500-900) and historic Navajo (A.D. 1900-1970s) artifact scatter with features.	Prehistoric and historic components eligible under Criterion D
NM-Q-18-334	An Anasazi (A.D. 900-1100) rubble mound and artifact scatter.	Eligible under Criterion D
NM-Q-18-335	A former Navajo (A.D. 1950-1990) ceremonial site that the owner "de-commissioned."	Not Eligible
NM-Q-18-336	An Anasazi (A.D. 700-1100) low-density artifact scatter.	Eligible under Criterion D
NM-Q-18-337	An Anasazi (A.D. 700-1100) masonry structure and	Eligible under Criterion D

	artifact scatter.	
NM-Q-18-338	An Anasazi (A.D. 700-1100) rock alignment and diffuse artifact scatter.	Eligible under Criterion D

The one site located on Private / Navajo Nation land in the project area is:

Site Number	Site Description	NRHP Eligibility Determination
NM-Q-17-53 / LA 31223	An Anasazi (A.D. 975-1200) artifact scatter with possible slab lined bins and a historic Navajo (A.D. 1920s-1935) homesite complex.	Prehistoric and historic components eligible under Criterion D

After reviewing the report and PaleoWest's recommendations, Reclamation has determined that sites LA 55646, LA 55647, LA 178098, LA 178100, LA 178943, NM-Q-17-47, NM-Q-17-48, NM-Q-17-50, NM-Q-17-53/LA 31223, NM-Q-17-55, NM-Q-18-330, NM-Q-18-331, NM-Q-18-332, NM-Q-18-333, NM-Q-18-334, NM-Q-18-336, NM-Q-18-337, and NM-Q-18-338 are eligible to the NRHP.

Reclamation has determined that sites LA 75790, LA 178944, LA 178947, NM-Q-17-49, NM-Q-17-54, and NM-Q-18-335 are not eligible to the NRHP.

Reclamation has determined that site LA 178099 has undetermined eligibility to the NRHP.

In addition to the above archaeological sites, the Reach 12.1 survey identified seventeen in-use sites located on Navajo Nation and Private land. The in-use sites are:

Site Number	Site Description	Land Status	NRHP Eligibility Determination
IUS-01	Residential complex	Navajo Nation	Not Eligible
IUS-02	House and ramada	Navajo Nation	Not Eligible
IUS-03	Well and pumphouse compound	Private	Not Eligible
IUS-04	Residential complex	Navajo Nation	Not Eligible
IUS-05	Residential complex	Navajo Nation	Not Eligible
IUS-06	Residential complex	Navajo Nation	Not Eligible
IUS-07	Residential complex	Navajo Nation	Not Eligible
IUS-08	Residential complex	Navajo Nation	Not Eligible
IUS-09	Trailer	Navajo Nation	Not Eligible
IUS-10	Commercial bar and modular home	Private	Not Eligible
IUS-11	Material pit	Private	Not Eligible
IUS-12	Abandoned adult video store	Private	Not Eligible
IUS-13	Residential complex	Navajo Nation	Not Eligible
IUS-14	PCT Precept Training Center driveway	Private	Not Eligible
IUS-15	Residential mailbox	Private	Not Eligible
IUS-16	Commercial complex	Private	Not Eligible
IUS-17	Commercial and residential complex	Private	Not Eligible

PaleoWest conducted ethnographic research for the Reach 12.1 survey, which included interviewing the current owners of the in-use sites and making NRHP eligibility recommendations. Reclamation agrees with PaleoWest's recommendations, and has determined that in-use sites IUS-01, IUS-02, IUS-03, IUS-

04, IUS-05, IUS-06, IUS-07, IUS-08, IUS-09, IUS-10, IUS-11, IUS-12, IUS-13, IUS-14, IUS-15, IUS-16, and IUS-17 are not eligible to the NRHP.

The ethnographic research conducted by PaleoWest also identified three previously reported Traditional Cultural Properties (TCPs) within 1 mile of the project area, but outside the right-of-way corridor, and five newly reported TCPs within the Reach 12.1 APE. The TCPs within the APE are:

Site Number	Site Description	Land Status	NRHP Eligibility Determination
TCP R12.1-1	Offering place	Navajo Nation	Potentially eligible under criterion B
TCP R12.1-2	Roadside commemorative site (descanso)	Private	Not Eligible
TCP R12.1-3	Ceremonial complex	Navajo Nation	Potentially eligible under criterion B
TCP R12.1-4	TeePee grounds	Navajo Nation	Potentially eligible under criterion B
TCP R12.1-5	Medicinal plant gathering area	Navajo Nation & Private	Potentially eligible under criterion B

Reclamation agrees with PaleoWest's recommendations, and has determined that TCP R12.1-1, TCP R12.1-3, TCP R12.1-4, and TCP R12.1-5 are potentially eligible to the NRHP. Furthermore, the TCPs are protectable under the American Indian Religious Freedom Act (AIRFA) and the Navajo Nation Cultural Resource Protection Act (NNCRPA). TCP R12.1-2 is not eligible to the NRHP or protectable under AIRFA and NNCRPA. However, due to the wishes of the associated families, TCP R12.1-2 will be avoided by project construction.

Reach 12.1 construction will have adverse effects on NRHP eligible resources located in the project area. The Class III inventory includes a discussion of expected adverse effects on NRHP eligible sites within the project area. A draft mitigation plan is also included within the discussion. This has been provided within the report to give your office an advance view of the type of mitigation Reclamation is proposing on Reach 12.1. Once Reclamation receives concurrence on our eligibility determinations for sites in the Reach 12.1 APE, we will re-consult on adverse effects and formally submit a draft mitigation plan.

We are requesting your acceptance of the Reach 22 class III survey and concurrence on our NRHP eligibility determinations for sites LA 75790, LA55646, LA55647, LA 178098, LA 178099, LA 178100, LA 178943, LA 178944, LA 178947, LA 31223/NM-Q-17-53, and TCP R12.1-2. If you concur, please sign in the space provided below and return the letter to me. I would appreciate receiving your concurrence and/or comments within 30 days of receiving this letter.

If you have any further questions or concerns, please feel free to contact our archaeologist Ernie Rheaume at 970-385-6521 or by email at erheaume@usbr.gov, or our Environmental Group Chief Rob Waldman at 970-385-6567 or by email at rwaldman@usbr.gov.

Sincerely,

Ed Warner
Area Manager

Concur with recommendation o
igibility and/or effects as propose

for NM State Historic Preservation Office

Enclosure

I Concur,

03/19/15

Mr. Ron Maldonado
Navajo Nation Tribal Historic Preservation Officer

WBR:ERheaume:rjames:12/19/2014:970-385-6521: A Class III Cultural Resources Inventory for Navajo Gallup Water Supply Project (NGWSP) Reach 12.1 and the Black Hat Tank Facility, Navajo Nation, McKinley County, New Mexico:T:\ADM\AAA-Durango Typing\Rheaume\NNHPD Reach 12.1 Survey Letter.docx

United States Department of the Interior

Bureau of Indian Affairs
Navajo Region
P. O. Box 1060
Gallup, New Mexico 87305

TAKE PRIDE IN AMERICA

MC 620 Branch of Environmental Quality Act Compliance and Review

OCT 2 9 2015

MEMORANDUM

To: Supervisory Civil Engineer, Engineering & Technical Support Division

Through: Deputy Director, Trust Services

From: Supervisory Environmental Protection Specialist, Branch of Environmental Quality Act Compliance & Review

Subject: National Environmental Policy Act and National Historic Preservation Act Compliance Documents - Navajo Gallup Water Supply Project

This memo provides guidance to the Division, as the Regional lead for the Navajo-Gallup Water Supply Project, concerning the various compliance documents for the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).

For NEPA, the following documents would be considered acceptable:

- Sufficiency Analysis (see attachment);
- "Finding of No New Significant Impact" per 43 CFR § 46.140 (c); or
- "Finding of No Significant Impact" per 40 CRF §1508.13.

As for compliance with the NHPA, the NGWSP does have an executed Programmatic Agreement (PA) concerning historic properties between federal, tribal, and state entities regarding effects on historic and cultural properties. The PA allows for the construction activities to proceed efficiently. In addition, there may be Reach-by-Reach compliance documents considered acceptable provided that the compliance document is signed by the Navajo Tribal Historic Preservation Officer:

- Cultural Resources Compliance Form (CRCF);
- A Bureau of Reclamation letter; or
- A letter from NNHPD.

Should you have questions regarding the NHPA, please contact Mr. Terry McClung, Regional Archaeologist at ext. 8349, or Ms. Harrilene Yazzie, Supervisory Environmental Protection Specialist, at ext. 8287, regarding questions related to the NEPA.

United States Department of the Interior

BUREAU OF RECLAMATION
Western Colorado Area Office
Durango Field Division
185 Suttle Street, Suite 2
Durango, Colorado 81303-7911

IN REPLY REFER TO

LETTER OF AGREEMENT
Between
THE U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
And
BUREAU OF INDIAN AFFAIRS

The U.S. Department of the Interior, Bureau of Reclamation and Bureau of Indian Affairs (BIA) are entering into this Agreement to provide an established process for National Environmental Policy Act (NEPA) compliance in support of the Navajo Gallup Water Supply Project (NGWSP). The NGWSP is a municipal and industrial water pipeline with associated infrastructure being built to provide water to the Navajo Nation, Jicarilla Apache Nation and the City of Gallup, NM.

The NGWSP is described and analyzed in the NGWSP Project Planning Report and Final Environmental Impact Statement (PR/FEIS) dated July 2009, and the subsequent Record of Decision dated October 1, 2009.

Reclamation and BIA officials in the project area offices have determined that National Environmental Policy Act (NEPA) compliance for updated project planning will be determined for independent sections of the pipeline as more refined information of the pipeline route and associated environmental studies are available. This information will be organized into the NGWSP NEPA Sufficiency Review Process (NEPA SRP) Environmental Analysis Form as found in Attachment A to this document. Development of this Form was the result of a collaborative effort between BIA and Reclamation as described in Attachment B (Development of a NEPA Sufficiency Review Process for Long-Term Implementation of the NGWSP.

The outcome of the NEPA SRP, collaboratively completed and signed by both agencies, will determine whether the existing PR/FEIS sufficiently addresses environmental impacts for a particular section of pipeline; or, if it doesn't, that further NEPA action is warranted (e.g., a tiered Environmental Assessment). The results of the NEPA SRP will be signed by appropriate representatives of both agencies with responsibility for determining the need for, and type of, further NEPA action.

If a additional NEPA action is required, Reclamation and BIA will provide joint oversight of the process, with Reclamation designated as the Lead Agency, and BIA designated as a Cooperating Agency according to Department of Interior NEPA guidelines at 43 CRF Part 46.

This Letter of Agreement becomes effective upon signature by authorized officials of Reclamation and BIA.

5-23-13

Ed Warner (Date)
Manager
Western Colorado Area Office
Bureau of Reclamation

6/10/13

Sharon A. Pinto (Date)
Director
Navajo Regional Office
Bureau of Indian Affairs

EXHIBIT
tabbies
H

Document No. 008714 Date Issued: 09/01/2017

EXECUTIVE OFFICIAL REVIEW

Title of Document: BOR, ROW & TCE Reach 12.2 Fee Lands Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: michellehoskie@frontier.com Phone Number: 928-871-6447

			Sufficient	Insufficient
☐ **Business Site Lease**				
1. Division:		Date:	☐	☐
2. Office of the Controller:		Date:	☐	☐
(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:	☐	☐
☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**				
1. Division:		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐
☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**				
1. Office of Management and Budget:		Date:	☐	☐
2. Office of the Controller:		Date:	☐	☐
3. Office of the Attorney General:		Date:	☐	☐
☐ **Navajo Housing Authority Request for Release of Funds**				
1. NNEPA:		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐
☐ **Lease Purchase Agreements**				
1. Office of the Controller: (recommendation only)		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐
☐ **Grant Applications**				
1. Office of Management and Budget:		Date:	☐	☐
2. Office of the Controller:		Date:	☐	☐
3. Office of the Attorney General:		Date:	☐	☐
☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**				
1. Division:		Date:	☐	☐
2. Office of the Attorney General:		Date:	☐	☐
☐ **Relinquishment of Navajo Membership**				
1. Land Department:		Date:	☐	☐
2. Elections:		Date:	☐	☐
3. Office of the Attorney General:		Date:	☐	☐

Pursuant to 2 N.N.C. § 164 and Executive Order Number 07-2013

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

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

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

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

☐ **Rights of Way**

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

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

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

☐ **Assignment of Mineral Lease**

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

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

1. NLD		Date:	☐	☐
2. F&W		Date:	☐	☐
3. HPD		Date:	☐	☐
4. Minerals		Date:	☐	☐
5. NNEPA		Date:	☐	☐
6. DNR		Date:	☐	☐
7. DOJ (ic)	VTBlackhat	Date: 4/26/18	☒	☐
8. OPVP		Date: 5-7-18	☒	☐

☐ **OTHER:**

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

NAVAJO NATION DEPARTMENT OF JUSTICE

☐ RESUBMITTAL

DOCUMENT REVIEW REQUEST FORM

RECEIVED
APR 12 2018
DEPARTMENT OF JUSTICE
RECEPTIONIST DESK

DOJ
4-12-18 350pm
DATE / TIME
☐ 7 Day Deadline
DOC #: 008714
SAS #:
UNIT: NRM

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

CLIENT TO COMPLETE			
DATE OF REQUEST:	4/12/2018	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com
TITLE OF DOCUMENT: BUREAU OF RECLAMATION - NAVAJO GALLUP WATER SUPPLY PROJECT TRIBAL FEE LAND - REACH 12.2 ROW			

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 4.12.18 4:08p

REVIEWING ATTORNEY/ADVOCATE: Irvin Chee 4.23.18

DATE TIME OUT OF UNIT: 5.1.18 @ 9:50am

DOJ ATTORNEY / ADVOCATE COMMENTS

- Standard T3C for Trust land was attached but was replaced with the correct T3C for NN Fee land & Correct TCE T3C for Fee land.

REVIEWED BY: (*Print*)	Date / Time	SURNAMED BY: (*Print*)	Date / Time
~~Irvin Chee~~	4/26/18	V Blanchat	4/26/18 11:00am

DOJ Secretary Called: Stevie for Document Pick Up on 5.1.18 at 9:35 By: BJ

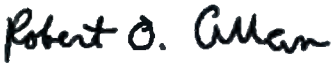
PICKED UP BY: (*Print*) DATE / TIME:

NNDOJ/DRRF-July 2013

✓ The document is now legally sufficient. The Consent(s) forms were also missing but are now attached.
Thx - I.C.

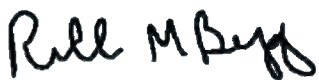
COMPLETED

Tier 1 Document Voting Results

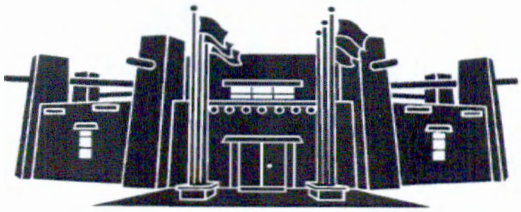
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	*no comments*	*No Reply*	03-Oct-2017	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. *CIONDITIONAL* Please contact our office concerning wash crossing. A 401 Certification may be needed for this project. BOR is familiar and abides by our regulations, we look forward to working with you and hearing from you. (928) 871-7690. Thank you.	1. *No Reply*	27-Sep-2017	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	*no comments*	*No Reply*	26-Sep-2017	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #13NC-08	1. *No Reply*	26-Sep-2017	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. WITH CONDITIONS, see memo attached.	1. *No Reply*	05-Oct-2017	
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. EA for overall project indicates coverage under the federal Construction General Permit for storm water discharges from construction sites will be obtained.	1. *No Reply*	27-Sep-2017	
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	1. Add NN Terms and Conditions Form	1. *No Reply*	06-Oct-2017	

Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	*no comments*	*No Reply*	02-Oct-2017	
Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	1. See attached memo approving the project.	1. *No Reply*	29-Sep-2017	

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. Please note that the Terms and Conditions labeled "2018-04-10 BOR fee land TC Reach 12.2 Tsayatoah.docx" are the terms and conditions that DOJ needs to review. The two T&C documents uploaded by Steven Prince, Minerals Dept., are not the correct terms and conditions for this document review. Thank you.	1. *No Reply*	10-Apr-2018	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	*no comments*	*No Reply*	11-Oct-2017	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with all NNEPA and US EPA environmental laws.	1. *No Reply*	09-Oct-2017	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	*no comments*	*No Reply*	11-Oct-2017	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. Please permanently attach to this document the two uploaded Terms & Conditions documents for the ROW and TCE.	1. *No Reply*	26-Oct-2017	
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	*no comments*	*No Reply*	16-Oct-2017	

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable LoRenzo Bates
Speaker
23rd Navajo Nation Council

MEMORANDUM

To : Honorable Seth Damon
Bááháálí, Chilchiltah. Manuelito, Red Rock, Rocksprings, Tsayatoh Chapters

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

Date : June 20, 2018

Re : PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT TO U.S. BUREAU OF RECLAMATION TO CONSTRUCT, OPERATE AND MAINTAIN THE "REACH 12.2 – SAN JUAN LATERAL—NAVAJO GALLUP WATER SUPPLY PROJECT" LOCATED ON TRIBAL FEE LANDS IN TSAYATOH CHAPTER VICINITY, MCKINLEY COUNTY, NEW MEXICO

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

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

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Thank you for your service to the Navajo Nation.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0212-18__ **SPONSOR: Seth Damon**

TITLE: An Action Relating To Resources And Development; Approving A Right-Of-Way And Temporary Construction Easement To U.S. Bureau Of Reclamation To Construct, Operate And Maintain The "Reach 12.2 – San Juan Lateral-Navajo Gallup Water Supply Project" Located On Tribal Fee Lands In Tsayatoh Chapter Vicinity McKinley County, New Mexico

***Date posted*: June 21, 2018 at 4:31 PM**

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

Written comments may be mailed to:

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

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

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0212-18

SPONSOR: Honorable Seth Damon

TITLE: An Action Relating to Resources And Development; Approving A RightOf-Way And Temporary Construction Easement To U.S. Bureau Of Reclamation To Construct, Operate And Maintain The "Reach 12.2 – San Juan Lateral-Navajo Gallup Water Supply Project" Located On Tribal Fee Lands In Tsayatoh Chapter Vicinity McKinley County, New Mexico

Posted: June 21, 2018 at 4:31 PM

5 DAY Comment Period Ended: June 26, 2018

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Inconclusive Comments	***None***

Legislative Secretary II
Office of Legislative Services

6/27/2018 8:13am
Date/Time