

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE  
GRANT OF RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC  
COOPERATIVE, INC. FOR LITTLEWATER SPRINGS PROJECT WO#50895,  
LOCATED ON NAVAJO NATION TRUST LANDS IN LITTLEWATER CHAPTER,  
NAVAJO NATION (MCKINLEY COUNTY, NEW MEXICO)

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

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

**SECTION TWO. FINDINGS**

- A. Continental Divide Electric Cooperative, Inc., has submitted a right-of-way application to construct, operate and maintain a 14.4/24.9 kV electrical distribution line for the Littlewater Chapter-Littlewater Springs Powerline Project, WO#50895, on, over and across Navajo Nation Trust Lands in Littlewater Chapter vicinity, McKinley County, New Mexico. The application request is attached hereto and incorporated herein as **Exhibit C**.
- B. The proposed right-of-way is described in map attached hereto and incorporated herein as **Exhibit B**.
- C. In memorandum dated March 24, 2017, the Right of Way Agent, Lucinda Henry, has identified one permittee who granted his consent to the use of the land by Continental Divide Electric Cooperative, Inc. The memorandum dated March 24, 2017 and the user consent are attached hereto as **Exhibit D**.

- D. A waiver of consideration is requested. The Navajo Nation finds that the right-of-way project would benefit the Navajo Nation and is the best interest of the Navajo Nation to waive consideration.
- E. A waiver of the bond, insurance, or alternative form of security on the part of Continental Divide Electric Cooperative, Inc., is requested. The Navajo Nation finds that the project benefits the Navajo Nation and the waiver of the bond, insurance, or alternative form of security is in the best interest of the Navajo Nation.
- F. The environmental and archaeological studies, including the Archaeological Inventory Report, the Cultural Resources Compliance Form, the Environmental Assessment Report, the Finding of No Significant Impact, the Biological Resources Compliance Form and the Navajo Department of Fish and Wildlife memorandum, have been completed and are attached as **Exhibit E**.
- G. The application for the Right-of-Way as submitted by Continental Divide Electric Cooperative, Inc., has been reviewed by the Navajo Land Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient" by all. See **Exhibit F**.

### **SECTION THREE. APPROVAL**

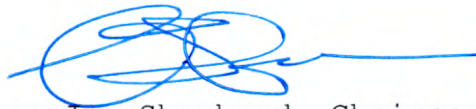
- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc., on, over and across Navajo Nation Trust Lands in Littlewater Chapter vicinity, McKinley County, New Mexico. The location is more particularly described on the survey map attached hereto as **Exhibit B**.
- B. The Resources and Development Committee of the Navajo Nation Council hereby waives consideration for the right-of-way project because the project will benefit Navajo Nation.
- C. The Resources and Development Committee of the Navajo Nation Council hereby waives the requirement for a bond, insurance or alternative form of security on the part of the Grantee, based on the determination that the project benefits the

Navajo Nation and such a waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.103 (f) (2).

- D. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit A**.
- E. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

**CERTIFICATION**

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at the Indian Wells Chapter, Indian Wells, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 11<sup>th</sup> day of April 2018.



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

Motion: Honorable Leonard Pete  
Second: Honorable Walter Phelps



**NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS  
CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (GRANTEE)  
Littlewater Springs Project, WO# 50895**

1. The term of the right-of-way shall be for twenty ( 20 ) years, beginning on the date the right-of-way is granted by the Secretary of the Interior.
2. Consideration for the right-of-way is assessed at \$ 63,445.49 and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within ten ( 10 ) days of approval of and consent to the grant of the right-of-way by the Navajo Nation.

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

On April 21, 2016, Bureau of Indian Affairs revised and implemented the updated Right-of-Way Regulations. As part of this update, a bond, insurance or alternative form of security is now required for all Right-of-Ways. The Bureau of Indian Affairs, pursuant to 25 CFR § 169.103 (f) (2), may waive the requirement "... 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."

The Resources and Development Committee finds that the waiver of the requirement for a bond, insurance, or alternative form of security for all projects of the Continental Divide Cooperative, Incorporation requiring a Right-of-Way is in the best interest of the Navajo Nation.

The Resources and Development Committee hereby waives the requirement for a bond, insurance or alternative form of security for all projects of Continental Divide Cooperative, Incorporation requiring Right-of-Way, based on the determination that such a waiver is in the best interest of the Navajo Nation.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of construction, operation, and maintenance of a 14.4 kV electrical distribution line. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
  - a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way.
  - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly

identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;

- c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
  - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
  6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
  7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection be can made.
  8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
  9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
  10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
  11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
  12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
  13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
    - a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;

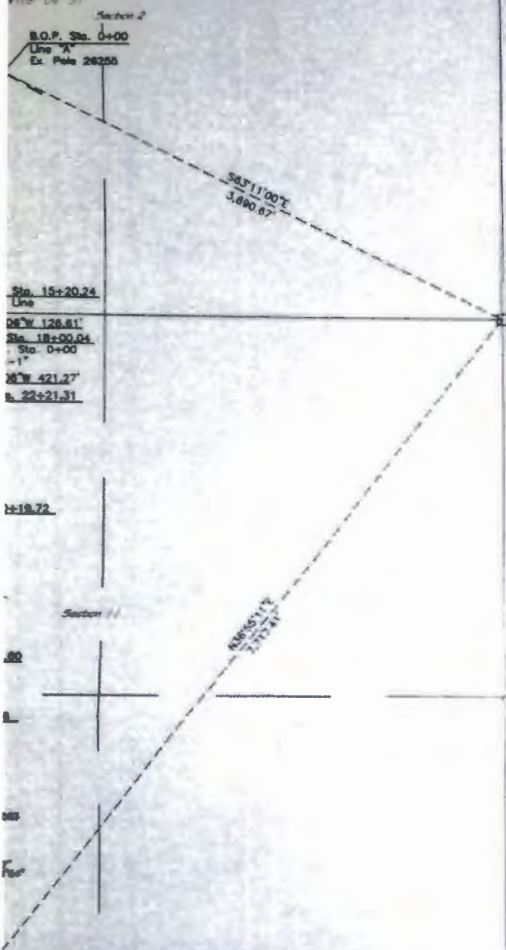


- b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two-year period; and
  - c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
  - d. An abandonment of the right-of-way.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation and the Secretary shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of

the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.

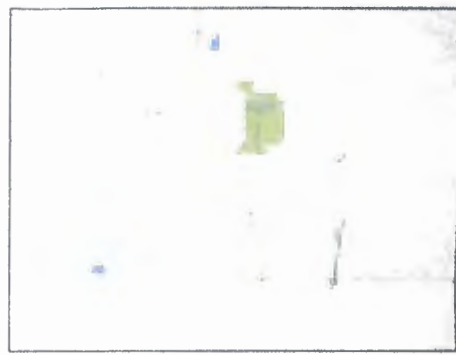
23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

1000000 04  
2000000 24  
3000000 34  
4000000 44  
5000000 54



- LEGEND**
- Proposed Power Line
  - - - Existing Power Line
  - Found Stone Monument
  - ◆ Found Fence Corner
  - △ Base Station, set 2" Aluminum Cap NMP5 22500

Found Stone Monument  
for NE corner section 11, T16N, R12W



AIRCA MAP  
N.T.S.

T16N R12W  
T16N R11W

Found Fence Corner  
Locally accepted as  
quarter section corner

calculated point

Township/Range	Section	Land Status	Power Line Footage	Power Line Mileage	Width	Power Line Acreage	Guy Footage	Guy Acreage	Total Footage	Total Acreage
T16N, R12W	SW 1/4 Sec. 2	A 1017	1,873.43'	0.317	20'	0.77	90.00'	0.02	1,723.43'	0.79
T16N, R12W	SW 1/4 Sec. 11	MTT	5,520.77'	1.046	20'	2.53	190.00'	0.06	5,670.77'	2.59
T16N, R12W	SW 1/4 Sec. 14	MTT	1,951.93'	0.370	20'	0.90	290.00'	0.10	2,551.93'	1.00
<b>Total</b>			<b>9,346.13'</b>	<b>1.733</b>		<b>4.20</b>	<b>480.00'</b>	<b>0.18</b>	<b>9,596.13'</b>	<b>4.38</b>

EXHIBIT  
**18**

CONTINENTAL DIVIDE ELECTRIC COOP. INC  
GRANTS, NM  
NEW MEXICO 22 MCKINLEY

DATE	REVISIONS

CDEC WORK ORDER NUMBER: 50895

**LITTLEWATER SPRINGS  
POWERLINE PROJECT**

PERMIT MAP 1 OF 1

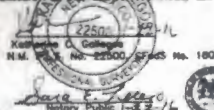
STATE	COUNTY	DETAIL
NM	MCKINLEY	



# **SURVEYOR'S STATEMENT**

I hereby certify that the accompanying sketch was made from notes taken by me or under my supervision in an actual field survey meeting the minimum standards for surveying in New Mexico and that the sketch shows the location of the distribution easement shown thereon to the best of my knowledge and belief.

TRANSMISSION & DISTRIBUTION SERVICES, LLC



**SARA E. LUCERO**  
Notary Public - State of New Mexico  
My Commission Expires 12/31/2016

# **APPLICANT'S CERTIFICATE**

This is to certify that Katherine C. Gallegos of Transmission & Distribution Services, LLC, who subscribed the statement above is the person engaged by the undersigned applicant to prepare this map which has been adopted by the applicant as the location of the electric distribution line right-of-way easement thereon shown, and that this map is filed as part of the complete application, and in order that the applicant may obtain the benefits of the Act of February 3, 1948 (62 Stat. L. 17) (25 U.S.C. 323-328) Department Regulation 25 CFR, as amended, and to further certify that the right-of-way easement herein described is desired for the operation and maintenance of an electric distribution facility.

*[Signature]*  
SECRETARY

*[Signature]*  
AUTHORIZED OFFICER

Found Stone Monument and #4 Rebar for NW corner section 11, T18N, R12W



# **NOTES:**

1. **BISS OF BEARING** - Bearings shown hereon are based on the New Mexico State Plane Coordinate System, West Zone, North American Datum of 1983.

Computed ground to grid scale factor = .9999467  
 $\Delta \alpha = -00'08.41''$ . All bearings are grid bearings, distances are ground distances.

Field data for this project was obtained using Trimble dual frequency GPS receivers in GRS and static mode. Horizontal and vertical control calibration was determined from National Geodetic Survey's Online Positioning User Service (OPUS) with an observation of the base control point.

The base control point is a true State Plane Coordinate. Coordinates are NAD83, New Mexico State Plane, West Zone, in US Survey feet. All other points and coordinates are ground coordinates related to the base control point. All elevations are NAVD83.

All field work was completed by the field crew and supervised by Katherine C. Gallegos, NMS No. 22500 on January 15, 2016.

2. No. 5 rebar set at all P.I. Points, B.O.P. Points, and E.O.P. Points.

# **DESCRIPTION**

WIDTH OF RIGHT-OF-WAY EASEMENT TO BE 20 FEET.

1. LENGTH OF RIGHT-OF-WAY EASEMENT ACROSS TRIBAL TRUST LAND TO BE 7,472.70 FEET (1.418 MILES). GUY EASEMENTS TO BE 400.00 FEET TOTAL = 7,872.70 FEET
2. ACREAGE OF RIGHT-OF-WAY EASEMENT ACROSS TRIBAL TRUST LAND TO BE 3.43 ACRES. GUY EASEMENT ACREAGE TO BE 0.16 ACRES TOTAL = 3.59 ACRES
3. LENGTH OF RIGHT-OF-WAY EASEMENT ACROSS ALLOTTED LAND TO BE 1,873.43 FEET (0.317 MILES). GUY EASEMENTS TO BE 80.00 FEET TOTAL = 1,953.43 FEET
4. ACREAGE OF RIGHT-OF-WAY EASEMENT ACROSS ALLOTTED LAND TO BE 0.77 ACRES. GUY EASEMENT ACREAGE TO BE 0.02 ACRES TOTAL = 0.79 ACRES

REFERENCES (including but not limited to): USGS 7.5 MIN. QUADS: CHAMERO LAKE, NM  
HEARTY ROCK, NM

USBLD Original Plat of Survey for T18N, R12W, N88W, excepted November 30, 1881.

Section and quarter section lines shown hereon were exported from the BLM Geospatial/waterfalls and adjusted based on the original field statements on hand, and are subject to verification. Field Crew speaks with the Chapter President in regards to section corner locations.

**SCALE:**

1 INCH = 800 FEET



2990 San Mateo Blvd. NE, Suite C  
Albuquerque, NM 87113

P.E. #1422-S

Trimbale RS/TBCS

UPON

CONTIN



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

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

1. Application Name and Address: Continental Divide Electric Cooperative, Inc., PO Box 1087, 200 East High Street, Grants, New Mexico 87020
2. Tracts(s) or parcel(s) affected by the right-of-way: \_\_\_\_\_
3. General location (easement location): Navajo Tribal Trust Land, W/2 of Section 11, T16N, R12W, NW/4 of Section 14, T16N, R12W, NMPM, McKinley County, New Mexico
4. Purpose: (Per the request of the Navajo Nation and Littlewater Chapter), Construction, Operation, and Maintenance of 14.4/24.9 kV Electrical Distribution Line for the Littlewater Chapter – Littlewater Springs Powerline Project, WO#50895 Will you please include the following language in the Presidents letter and Resolution : " The Resources and Development Committee of the Navajo Nation Council hereby waives the requirements for a bond, consideration for right of way, insurance or alternative form of security on part of the Grantee, based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25, CFR 169.103" The Resources and Development Committee of the Navajo Nation Council hereby agrees to waive compensation/consideration and valuation on part of the Grantee, based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25, CFR 169.110"
5. Term (Renewal, if applicable): 50 Years
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing permanent improvements under §169.105: Continental Divide Electric Cooperative Inc.

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

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



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

THE APPLICANT FURTHER STRIPULATES AND EXPRESSLY AGREES AS FOLLOW:

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

Applicant Point of Contact Information:

Name: Continental Divide Electric Cooperative, Inc.

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

State: Grants Zip: 87020

Phone: (505) 285-6656

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

Date: October 18, 2017

Applicant:   (Signature)

Debbie Olivar or Steve Morales (Print Name)



Continental Divide Electric Cooperative, Inc  
PO Box 1087  
Grants, NM 87020-1087

PLEASE DETACH AND RETAIN

No. 135318

Date: 10/27/2017

DATE	INVOICE	DESCRIPTION	GROSS	NET
10/27/2017	WORK ORDER NO. 50895	WORK ORDER NO. 50895	500.00	500.00
	Vendor: 9997 THE NAVAJO NATION		Totals: 500.00	500.00

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND WATERMARK/LINES ON THE BACK - HOLD AT ANGLE TO VIEW



Continental Divide Electric Cooperative, Inc  
PO Box 1087  
Grants, NM 87020-1087

No. 135318

95-219/1070

Wells Fargo Bank, NA  
Grants, NM 87020

FIVE HUNDRED AND NO / 100\*\*\*\*\*

PAY THE NAVAJO NATION  
TO PO BOX 2249  
THE WINDOW ROCK AZ 86515  
ORDER  
OF

DATE	CHECK NO.	AMOUNT
10/27/2017	135318	\$*****500.00

*Randy E. Castro*  
*Coima V. Sandoval*

9997

SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

⑈ 135318 ⑈ ⑆ 107002192⑆ 2811880586⑈





# CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

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

October 30, 2017

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

Re: Submitting ROW Package for the Littlewater Chapter – Littlewater Springs Project, WO#50895

Dear Ms. Yazzie,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4/24.9 kV distribution overhead Power line for the Whitehorse Chapter – Littlewater Springs Powerline Project, WO#50895. The power line Right-of-way packet consists of the following documents being submitted for review by the Division of Natural Resources, Project Review Office.

1. \$500.00 Filing Fee, Check #135318
2. Permission to Survey from NLD & BIA/ENA
3. Right of way Application
4. Archaeological Report
5. Cultural Resources Compliance Form
6. Environmental Report
7. FONSI
8. Biological Resources compliance Form
9. Navajo Fish & Wildlife
10. Field Clearance/Grazing
11. Authorization to Cross NTUA's Waterline & Authorization to Cross BIA RT 488
12. Legals
13. Map (4)

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 7,872.70' feet in length, 20' feet in width, and 3.59 acres.

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

Sincerely,

Debbie Olivar  
Engineering/ROW  
Enclosures

18-9099  
NOV - 6 2017  
~~RECEIVED~~  
REVIEW SECTION  
GLDD



THE NAVAJO NATION

## Navajo Land Department

P.O. Box # 2249 · Window Rock, Arizona 86515 · (928) 871-6401 · FAX: (928) 871-7039

February 5, 2014

Jerry DeGroat, Realty Specialist  
Bureau of Indian Affairs  
Eastern Navajo Agency  
P.O. Box 328  
Crownpoint, New Mexico 87313

Dear Mr. DeGroat:

The Little Water Chapter, d.b.a. Continental Divide Electrical Cooperative, Inc. (CDEC), has submitted a permission to survey request to conduct a walk-on survey for maps, archaeological, environmental and ethnographic surveys and studies for *proposed power line* right-of-way on Navajo Nation Trust Lands in the Little Water vicinity, McKinley County, New Mexico. The proposed survey is more particularly described on the attached survey map.

The request for CDEC is hereby granted, subject to the following terms and conditions:

1. The rights of local Navajo people will be respected and protected.
2. Personnel with the Division of Natural Resources (DNR) will retain the right to monitor the field survey.
3. The field survey will be conducted at your own risk. The Navajo Nation will not be held liable for any personal injury or property damage that might occur during the course of the field survey.
4. Vehicles will be kept on existing roads and trails. Surface disturbance will be kept to an absolute minimum while conducting the field survey.

Letter to Jerry DeGroat

~~January 21, 2014~~ <sup>H/D</sup> February 05, 1914

Page two

5. The Permittee will comply with all applicable Tribal and Federal laws and regulations.
6. Approval of right-of-way, business site lease or any actual construction is not implied.

Sincerely,



Howard Phillip Draper, Program &  
Specialist  
Navajo Land Department, DNR

Hpd

ATTACHMENTS

Xc: project file  
Little Water Chapter  
Navajo Land Department-Crownpoint  
Lucinda Henry, Independent Consultant  
HC 33, Box 10A, Gallup, NM



In Reply, Refer to:

4N420 – Real Estate Services  
Rights of Way

United States Department of the Interior  
Bureau of Indian Affairs  
Eastern Navajo Agency  
P. O. Box 328

Crownpoint, New Mexico 87313

MAY 13 2014



*Rec 5/30/14*

Cesar Martin, Right of Way Coordinator  
Continental Divide Electric Cooperative, Inc.  
P.O. Box 1087  
Grants, New Mexico 87020

Dear Mr. Martin:

Reference is made to the receipt of the Tribal Consent dated February 5, 2014, for permission to survey, to conduct a walk-on survey for maps, archaeological, environmental and ethnographic surveys and studies for the proposed power line right of way, entitled Littlewater Springs Power Line Extension, Project No. 50895.

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

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

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

This authorization is for SURVEY ONLY on Tribal Trust Lands, according to the Tribal Consent dated February 5, 2014.

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

Sincerely,

Superintendent, Eastern Navajo Agency





## NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

November 9, 2016

Debbie Olivar  
Continental Divide Electric Cooperative, Inc.  
200 E. High Street  
P.O. Box 1087  
Grants, New Mexico 87020

### RE: Utility Encroachment Permission for Littlewater Springs Project

Dear Ms. Olivar:

The Navajo Tribal Utility Authority (NTUA) received your request for permission to cross existing waterlines in Township 16 North, Range 12 West, Sections 2 and 11, NMPM Littlewater, McKinley County, New Mexico. Permission is hereby granted with the acceptance of the specifications and conditions of NTUA:

1. All proposed utilities crossing NTUA's existing waterline, shall cross perpendicularly through the centerline Right-of-Way.
2. No physical improvements are allowed.
3. The Permittee shall be responsible for any and all damages to NTUA water lines during the construction work.
4. Minimum separation of water line crossing is 18" vertical clearance and 15 feet minimum horizontal clearance from other underground pipelines. Minimum vertical clearance for all overhead powerline shall have a minimum of 18 feet clearance.
5. Install Tee Post at utilities intersection and at any vertical visibility separations.
6. The existing waterline shall not cross between the power line and down guy/anchors.
7. The Permittee must apply for a new permit crossing for any new encroachments, crossing or construction.

Please notify the Water/Wastewater Department three days prior to construction at (928) 729-6114.

Sincerely,

Gregory Bahe, Supervisor  
Water/Wastewater Department

XC: Thomas Bayless, Water/Wastewater Manager  
Project File

Home Office: P.O. BOX 170 FT. DEFANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFANCE P.O. BOX 587 FT. DEFANCE, AZ 86504	DILCON HC 83 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
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CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.



1200 Blk/11k

United States Department of the Interior  
Bureau of Indian Affairs  
Navajo Regional Office Division of Transportation

*Application for Permission for Utility crossing within BIA Right-of-Way*  
(Authorization: 23 USC Part 123, 23 CFR Part 645 Subpart A & B, 25 CFR Part 170)  
Rev:03/04/2014

**Background:** *to be filled out by Agency DOT Office*

Agency: EASTERN

Route No: N488

Project No: N488  
(Assigned by Regional DOT Office)

Date: 08/05/2016

Permit No: 4N370-2016-488-246  
(Assigned by Regional DOT Office)

**Section (A):** *to be filled out by applicant*

APPLICATION is hereby made by Continental Divide Elec. Coop, address: 200 E. High St. Grants, NM 87020 Phone: 505-285-6656 to construct utility crossing(s) at the following location(s) PDT Station 2+02.68 (Attach location map) adjacent to or crossing BIA Route: 488 Station/Mile Post: 1.4 MILES SOUTH OF N488(1) Street: \_\_\_\_\_ for the purpose of (supplying service to): ☒ residence / ☐ Business: \_\_\_\_\_ / ☐ School: \_\_\_\_\_ / ☐ Other: \_\_\_\_\_

The utility shall be constructed by the applicant on or by (date) 12/31/18 and shall take 14 calendar days to complete (attach appropriate engineering sketches of each utility location). The applicant further agrees (at their entire expense) to comply with all the conditions, restrictions, and regulations of both the BIA Navajo Regional Division of Transportation (NRDOT) and the Navajo Nation including the requirements of Section (B) thru (F) below including the following:

1. All underground utility installations (on asphalt or concrete surfaced roads) shall cross the roadways by a boring method with a minimum cover depth of (1) one meter below the lowest ditch line elevation unless otherwise specified in section (E) below; All overhead utilities shall have a minimum of 5.5 meter clearance above the roadway surface.
2. A traffic control plan shall be prepared and submitted for approval as required in Section (C) below. This traffic control plan must be implemented prior to any work performed within the roadway right-of-way and shall meet the requirements of the "Manual on Uniform Traffic Control Devices" (MUTCD), latest edition;

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Navajo Region  
Division of Transportation

during utility installations and shall maintain at least one lane of traffic open for the public at all times.

4. All components of the above utility installation shall comply with applicable federal, state, tribal, and other local governing body laws and regulations and industry codes;
5. Any and all damages to the roadway right-of-way and appurtenances shall be repaired and/or replaced to the satisfaction of the (NRDOT) Manager;
6. The applicant shall restore the lands within the roadway right-of-way to its natural conditions including drainage, re-seeding and mulching;
7. Relocate any and all utilities within the roadway right-of-way if the NRDOT Manager determines that the utility crossing will interfere with future roadway construction and maintenance or poses a safety hazard to the traveling public;
8. Construct exposed utility lines, poles, anchors, and facility appurtenances outside the clear recovery zones of the roadway as determined by the NRDOT Manager (*preferably next to the right-of-way lines whenever possible*);
9. All utility lines crossing the roadway shall be installed in a casing pipe per attached details. Casing pipe shall be steel, ductile iron, or reinforced concrete or other approved material. Electrical, cable TV or telephone lines may be encased in non-metallic conduit. High pressure and/or hazardous liquid utility lines may call for additional protection requirements;
10. Mark all utility crossings with approved permanent markers next to the road right-of-way lines;
11. Maintain the utility lines, and all utility appurtenances, at all times so as not to allow a condition to exist which would be a safety hazard to the traveling public and/or maintenance problem to the roadway or associated structures. Promptly repair any damages to the facilities with an emergency traffic control plan implemented in accordance with the procedures outlined in the MUTCD Manual, latest edition. Prior to any utility repairs or maintenance, the utility owner must notify the appropriate Agency DOT Engineer as soon as possible after any emergency is discovered or 3 days in advance of all other routine maintenance work;
12. Upgrading of existing permitted utility lines is allowed provided the utility line does not change location with respect to the roadway. If the utility line is to be moved or the angle of the crossing with respect to the road changes substantially, the utility owner must apply for a new permit crossing;
13. Should at any time in the future the utility line(s), stated herein, no longer are to be used, these line(s) shall be removed or abandoned in place, as directed by the

Agency DOT Engineer. The applicant shall submit a letter, to the NRDOT Agency Road Engineer, requesting that the utility owner/applicant be relieved of the requirements of this permit. The Agency DOT Engineer shall promptly forward with his/her recommendation this request to the NRDOT Manager for action. All overhead lines and poles shall be removed from the roadway rights-of-way limits by the owner/applicant as directed by the NRDOT Manager;

14. On pressure lines, shut-off valves, shall be located at the roadway rights-of-way lines where such utility enters and leaves the roadway rights-of-way.

**Section (B):** *to be filled out by the Agency DOT Engineer (check all that applies)*

The above utility encroachment(s) shall require the following appurtenances which the applicant agrees to install in accordance with the BIA NRDOT design and construction standards.

The above utility encroachment(s) shall require: / / construction plans submitted for approval prior to construction; / / \_\_\_\_\_ meters of casing \_\_\_\_\_ mm diameter/size (min); / / manholes, valves, or poles offset \_\_\_\_\_ meters from roadway shoulder; / / markers for identification purposes; / / construct crossing at 90° to the roadway; / / As-Built drawings in accordance with BIA NRDOT standards. The Applicant shall further comply with the following (*please type*): SECTION A: #1 THROUGH #14

**Section (C):** *to be filled out by the NRDOT Manager (check all that apply)*

The above described utilities require (*entirely at the applicant's expense*) :

- ☒ / complete set of utility crossing drawings reflecting clearances, depth of cover, all pertinent dimensions of proposed facility with respect to the roadway, shoulder ditches, and road rights-of-way lines, structural cover details, etc.
- ☒ / structural analysis
- ☒ / traffic control plan meeting the requirements of the MUTCD
- ☒ / geotechnical analysis & utility installation requirements for special utility installations
- ☒ / archeological & environmental compliance/clearance documents
- ☒ / Consent from the Navajo Nation <sup>(1)</sup>
- ☐ / Consent from the State of New Mexico <sup>(1)</sup>
- ☐ / Consent from the State of Arizona <sup>(1)</sup>
- ☐ / Consent from Indian Allotted <sup>(1)</sup>
- ☐ / Consent from Private Land Owner <sup>(1)</sup>

(1) Consent from the underlying land owner must be acquired in writing if the utility is crossing such land.

Any and all analyses shall be performed by registered professionals licensed in the field for which the analysis or documentation is required. The analysis required above shall conform to the BIA NRDOT standards which shall be furnished upon request. The recommendations furnished in the



analysis report(s) shall be implemented by the applicant at the time the utility(s) are constructed. **In no case shall the roadway surfacing be structurally less than the adjoining roadway surfacing unless specifically waived or otherwise addressed in Section (E) below when installing utilities in open cut trenches.**

**Section (D):** *general construction requirements*

The applicant shall (*at his/her entire expense*) install the utility(s) to the lines and grades as shown on attached details or as required in the (*approved*) utility drawings. The work shall conform to the **Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects (FP), latest edition**, relevant national, state, tribal, or local codes approved by NRDOT office, and the following:

- Open cut trenches through roadways shall be backfilled and compacted as per attached details and the FP, section 209. Boring pits and other excavations shall be backfilled and compacted as per attached details and the FP, section 209 with the compaction being 90% of maximum density.
- The top 152mm (6 inches) of natural ground and subgrade of road crossings shall be scarified, adjusted for optimum moisture and compacted in accordance with applicable provisions of section 204 of the FP. All subgrade construction shall be in accordance with section 204 of the FP.
- If the natural ground underneath the proposed utility crossing under the roadway prism shows unstable material, the area shall be excavated to the depths required and stabilized with structural backfill in accordance with section 704 and/or section 213 of the FP.
- The applicant shall furnish test results, certifications for all materials, and copies of all pertinent inspection records to the Agency Road Engineer to review in the field for acceptance of the work.
- The applicant shall notify the Agency DOT Engineer at least 5 working days prior to start of work and upon completion of work within the BIA right-of-way.
- The applicant shall be responsible for developing and implementing a Traffic Control Plan that meets the requirements of the MUTCD (*latest edition with supplements*) and properly maintain this plan for all work within the BIA road right-of-way.
- Any buried non-metallic utility lines shall have a metallic tape or other approved method of effectively locating the lines.

The applicant shall further comply with the following (*please type*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section (E):** to be filled in by NRDOT Manager

The Regional Division of Transportation hereby grants the following exception(s) to this utility crossing permit request (please type):

NRDOT Mgr (initials):

**Section (F):** approvals

This permit is hereby issued to the foregoing applicant for the expressed purpose set forth in this application and upon expressed condition that every requirement herein is faithfully performed and all the work to be performed in accordance with the plans, specifications, and requirements stipulated herein.

This permit shall have a term of perpetuity from the date approved below or unless item (13) of Section (A) is executed. This permit shall be canceled if installation within the road right-of-way is not completed by December 2018. The permit is transferrable and enforceable to all future owners/heirs/ successors of the utility described above.

**Signed:**

**Recommend for Approval:**

Continental Divide Elec. Coop.  
Name of utility owner (print)

Debbie Oliver (DDO) 5/17/16  
Applicant (owner) signature Date

[Signature] 7/20/2016  
Agency Road Engineer Date

Technical Engineer / RDW  
Applicant Title

**Concurred by:**

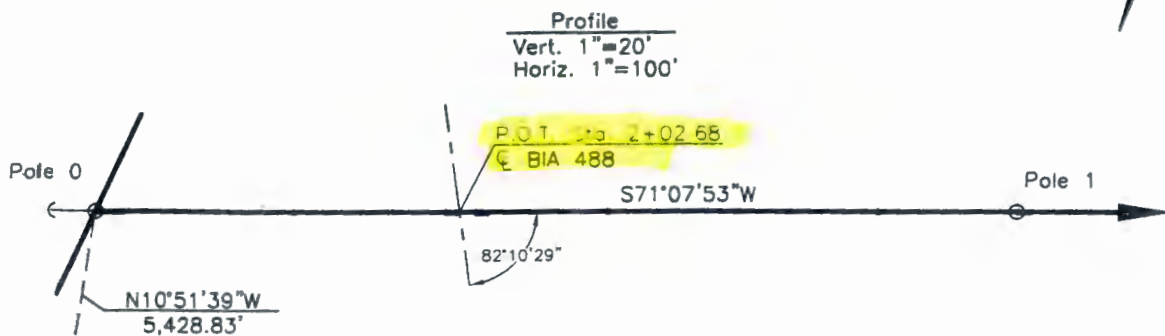
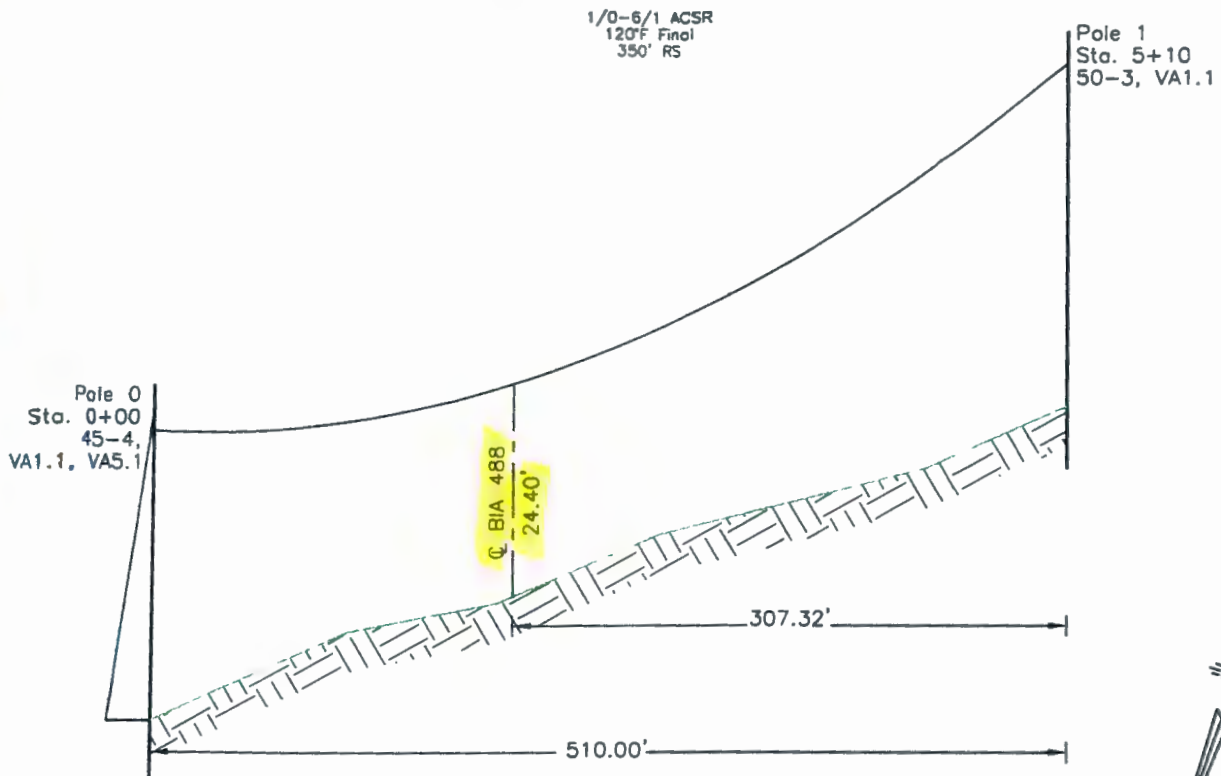
**Approved By:**

[Signature] 5/2/16  
Regional NRDOT Manager Date  
Herby J. Larsen

[Signature] 8/3/16  
Navajo Regional Director Date  
Sharon Pinto

SKETCH SHOWING A PROPOSED CDEC 1Ø 14.4kV DISTRIBUTION LINE  
CROSSING OVER BIA ROUTE 488  
IN SW¼ SECTION 14, T16N, R12W, NMPM  
LITTLE WATER, MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 50895

Tap A-2  
XING 1



Plan  
Horiz. 1"=100'

T&D #NM22-  
ACADREF: TAP A-1 BIA 488 XING 1.DWG

T & D SERVICES, LLC  
CONSULTING ENGINEERS & SURVEYORS  
9550 SAN MATEO BLVD NE, SUITE G  
ALBUQUERQUE, NM 87113

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.  
NEW MEXICO 22 MCKINLEY

SCALE: 1"=100' HORZ.

DATE: FEB. 2, 2016

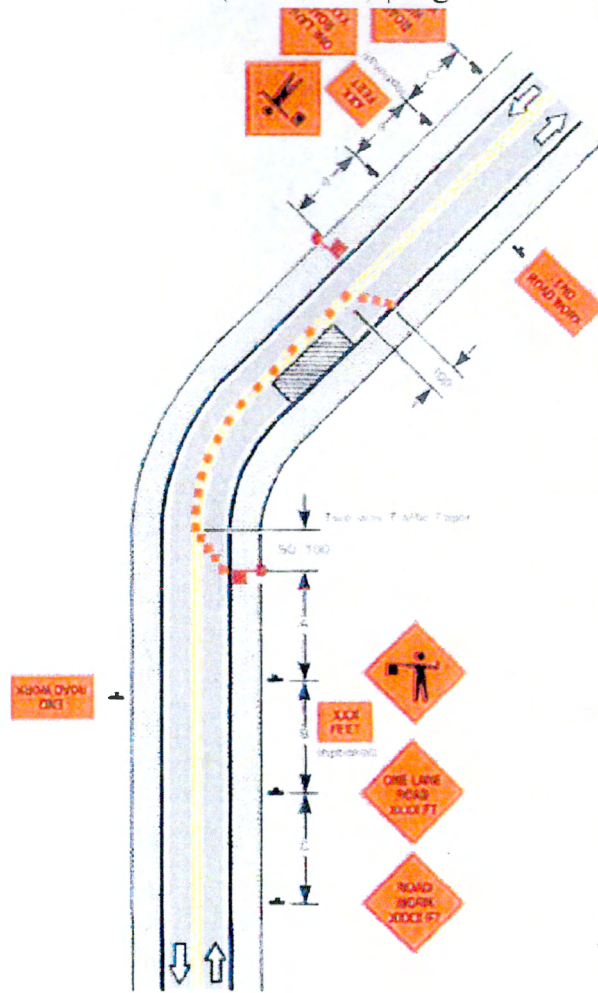


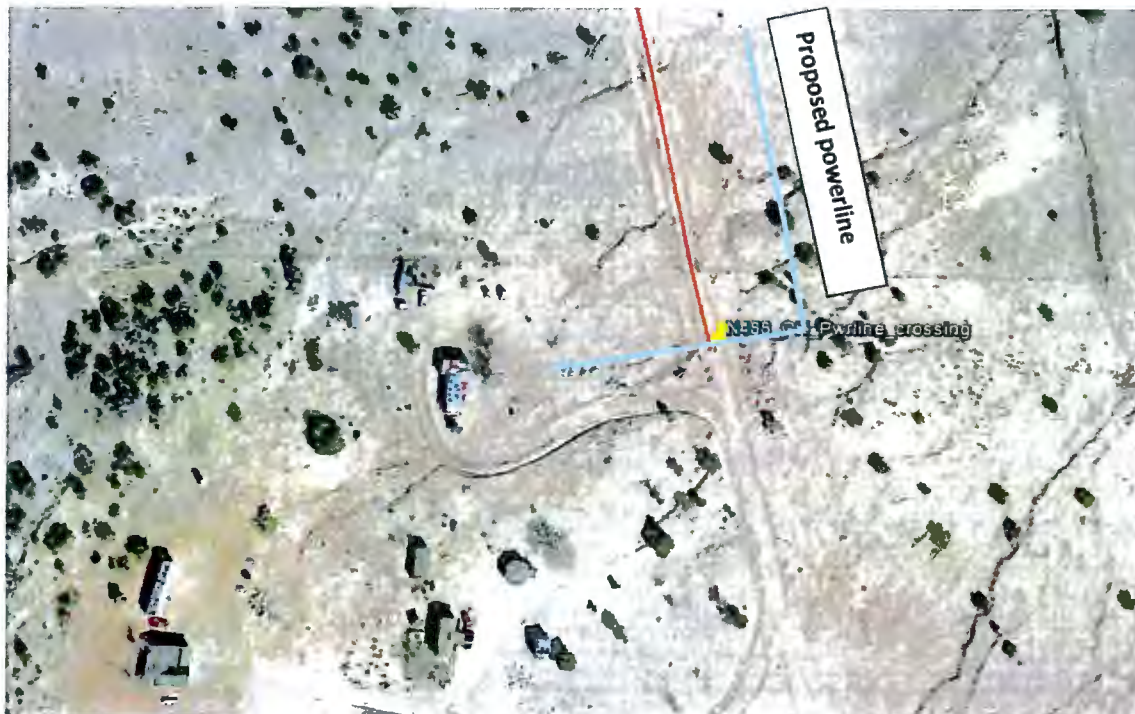
Figure TA-10. Lane closure for one lane-two way traffic control.

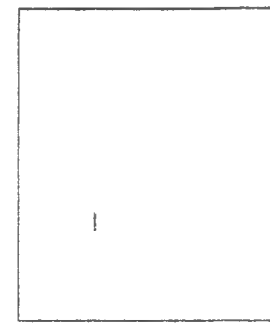
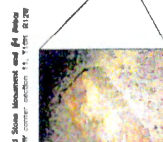
### Lane Closure on Low-Volume, Two-Lane Road

1. This temporary traffic control zone traffic control application may be used as an alternate traffic control plan to the lane closure with flaggers (figure TA-10), when the following conditions exist.
  - a. Traffic volume is such that sufficient gaps exist for traffic that must yield.
  - b. Drivers from both directions must be able to see approaching traffic through and beyond the work site.
2. The YIELD signs and YIELD AHEAD signs may be covered and flaggers used, as needed, during daylight working hours to control the flow of traffic through the work space. When flaggers are used, the ADVANCE FLAGGER sign shall be used in place of the YIELD AHEAD sign.
3. The Type A flashing warning lights may be placed on the ROAD WORK AHEAD and the ONE LANE ROAD AHEAD signs, whenever a night lane closure is necessary.



**N488- Little Water springs Road- Overhead Powerline crossing at 1.4 miles.**





Section and quarter section lines shown herein were surveyed from the BLM Geomantic/section table and adjusted based on the original field measurements on hand, and are subject to verification. Field Crew spoke with the Chapter President in regards to section corner locations.

JOHN	CUR / KCC	CHECKED	KCC	APPROVED	DATE 1/18/18	ENDS FILE NO MAY 27 - 150A

[illegible]

SMOISLAE

DATE \_\_\_\_\_

DE ELE  
GRANTS. NM

NEW MEXICO 22 MCKINLEY

ENDORS FILE NO  
MUT-1506

DATE 1/18/18

APPROVED

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Example

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Chomsky

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Field

**RIGHT OF WAY EASEMENT FOR  
CDEC'S LITTLE WATER SPRINGS  
POWER LINE PROJECT  
LINE "A"  
MCKINLEY COUNTY, NEW MEXICO  
WORK ORDER NUMBER 50895**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Little Water Springs Power Line Project, Line "A" located within sections 2, 11, and 14, Township 16 North, Range 12 West, New Mexico Principal Meridian, Tribal Trust Land and Allotted Land, Little Water, McKinley County, State of New Mexico, and being more particularly described as follows:

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

BEGINNING at B.O.P. Station 0+00, existing pole number 26255, located in the SW  $\frac{1}{4}$  of section 2, T16N, R12W, NMPM, said parcel being Indian Allotment number 1017, and from which point the found original stone monument for the northwest corner of section 11, T16N, R12W, NMPM, bears S50°45'13"W a distance of 2,590.56 feet, and from which point the found original stone monument for the northeast corner of section 11, T16N, R12W, NMPM, bears S63°11'00"E a distance of 3,690.67 feet,

Thence S10°14'06"W a distance of 1,520.24 feet to P.O.T. Station 15+20.24, at which point the centerline of the power line easement crosses a water line,

Thence continuing S10°14'06"W a distance of 153.19 feet to P.O.T. Station 16+73.43, at which point the centerline of the power line easement enters the W $\frac{1}{2}$  of section 11, T16N, R12W, NMPM, said parcel being Tribal Trust Land, and from which point the found original stone monument for the northwest corner of section 11, T16N, R12W, NMPM, bears N89°44'11"W a distance of 1,708.89 feet,

Thence continuing S10°14'06"W a distance of 126.61 feet to P.O.T. Station 18+00.04,

Thence continuing S10°14'06"W a distance of 421.27 feet to P.O.T. Station 22+21.31, at which point the centerline of the power line easement crosses a water line,

Thence continuing S10°14'06"W a distance of 798.41 feet to P.O.T. Station 30+19.72, at which point the centerline of the power line easement crosses a fence,

Thence continuing S10°14'06"W a distance of 1,042.88 feet to P.O.T. Station 40+62.60, at which point the centerline of the power line easement crosses a fence,

Thence continuing S10°14'06"W a distance of 400.46 feet to P.O.T. Station 44+63.06, at which point the centerline of the power line easement crosses a fence,



Thence continuing S10°14'06"W a distance of 226.92 feet to P.I. Station 46+89.98, from which point the Base Station having True New Mexico State Plane West, NAD83, US survey feet coordinates of N:1684647.21, E:2649272.77, Latitude 35°37'47", Longitude -108°04'54", bears S87°50'07"E a distance of 536.76 feet,

Thence S03°38'35"W a distance of 2,259.03 feet to P.O.T. Station 69+49.01, at which point the centerline of the power line easement crosses a fence,

Thence continuing S03°38'35"W a distance of 13.47 feet to P.O.T. Station 69+62.48, at which point the centerline of the power line easement enters the NW¼ of section 14, T16N, R12W, NMPM, said parcel being Tribal Trust Land, and from which point the found original stone monument for the northwest corner of section 11, T16N, R12W, NMPM, bears N11°05'44"W a distance of 5,344.22 feet,

Thence continuing S03°38'35"W a distance of 87.44 feet to P.O.T. Station 70+49.92,

Thence continuing S03°38'35"W a distance of 653.62 feet to P.O.T. Station 77+03.54, at which point the centerline of the power line easement crosses a fence,

Thence continuing S03°38'35"W a distance of 116.45 feet to P.I. Station 78+19.99,

Thence S72°48'27"W a distance of 324.30 feet to E.O.P. Station 81+44.29, the terminus for the above described centerline for Line A, and from which point the found original stone monument for the northeast corner of section 11, T16N, R12W, NMPM, bears N36°55'11"E a distance of 7,717.41 feet.

The above described right-of-way easement contains 3.74 acres, more or less, in area. The right-of-way easement is 1.543 miles in length.



**RIGHT OF WAY EASEMENT FOR  
CDEC'S LITTLE WATER SPRINGS  
POWER LINE PROJECT  
TAP "A-1"  
MCKINLEY COUNTY, NEW MEXICO  
WORK ORDER NUMBER 50895**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Little Water Springs Power Line Project, Tap "A-1" located within the W<sup>1</sup>/<sub>2</sub> of section 11, Township 16 North, Range 12 West, New Mexico Principal Meridian, Tribal Trust Land, Little Water, McKinley County, State of New Mexico, and being more particularly described as follows:

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

BEGINNING at P.O.T. Station 18+00.04 of Line "A", said point being B.O.P. Station 0+00 for Tap "A-1", located in the W<sup>1</sup>/<sub>2</sub> of section 11, T16N, R12W, NMPM, said parcel being Tribal Trust Land,

Thence S82°58'38"W a distance of 231.72 feet to E.O.P. Station 2+31.72, the terminus for the above described centerline for Tap "A-1",

The above described right-of-way easement contains 0.11 acres, more or less, in area. The right-of-way easement is 0.044 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S LITTLE WATER SPRINGS  
POWER LINE PROJECT  
TAP "A-2"  
MCKINLEY COUNTY, NEW MEXICO  
WORK ORDER NUMBER 50895**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Little Water Springs Power Line Project ,Tap "A-2" located within the NW¼ of section 14, Township 16 North, Range 12 West, New Mexico Principal Meridian, Tribal Trust Land, Little Water, McKinley County, State of New Mexico, and being more particularly described as follows:

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

BEGINNING at P.O.T. Station 70+49.92 of Line "A", said point being B.O.P. Station 0+00 for Tap "A-2", located in the NW¼ of section 14, T16N, R12W, NMPM, said parcel being Tribal Trust Land,

Thence S71°07'53"W a distance of 202.68 feet to P.O.T. Station 2+02.68, at which point the centerline of the power line easement crosses BIA Route 488,

Thence continuing S71°07'53"W a distance of 567.44 feet to E.O.P. Station 7+70.12, the terminus for the above described centerline for Tap "A-2",

The above described right-of-way easement contains 0.35 acres, more or less, in area. The right-of-way easement is 0.146 miles in length.

**RIGHT OF WAY EASEMENT FOR  
CDEC'S LITTLE WATER SPRINGS  
POWER LINE PROJECT  
MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 50895**

**GUY EASEMENT DESCRIPTION**

<u>GUY NO.</u>	<u>STATION</u>	<u>BEARING</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE A					
1	0+00.00	N10°14'06"E	50'	20'	0.02
2	46+89.98	N83°03'39"W	50'	20'	0.02
3	78+19.99	S03°38'35"W	50'	20'	0.02
4	78+19.99	N72°48'27"E	50'	20'	0.02
5	81+44.29	S72°48'27"W	50'	20'	0.02
TAP A-1					
6	0+00	N82°58'38"E	50'	20'	0.02
7	2+31.72	S82°58'38"W	50'	20'	0.02
TAP A-2					
8	0+00	N71°07'53"E	50'	20'	0.02
9	7+70.12	S71°07'53"W	<u>50'</u>	<u>20'</u>	<u>0.02</u>
TOTAL			450'		0.18

TOTAL 9 GUYS

9 Guys X 0.02 acres = 0.18 ACRES

RIGHT OF WAY EASEMENT FOR  
CDEC'S LITTLE WATER SPRINGS  
POWER LINE PROJECT  
MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 50895

SUMMARY DESCRIPTION

<u>SEGMENT</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE "A"	8,144.29'	1.543	20'	3.74
TAP "A-1"	231.72'	0.044	20'	0.11
TAP "A-2"	<u>770.12'</u>	<u>0.146</u>	20'	<u>0.35</u>
SUBTOTAL	9,146.13'	1.733		4.20
GUY EASEMENTS	<u>450.00'</u>			<u>0.18</u>
<b>TOTAL</b>	<b>9,596.13'</b>	<b>1.733</b>		<b>4.38</b>



CDEC'S LITTLE WATER SPRINGS  
POWER LINE PROJECT  
MCKINLEY COUNTY, NEW MEXICO  
CDEC WORK ORDER NUMBER 50895

SECTION SUMMARY

	<u>LAND STATUS</u>	<u>POWER LINE LENGTH</u>	<u>POWER LINE MILES</u>	<u>POWER LINE ACREAGE</u>	<u>GUY FOOTAGE</u>	<u>GUY ACREAGE</u>	<u>TOTAL ACREAGE</u>	<u>TOTAL FOOTAGE</u>
<b><u>T16N R12W</u></b>								
SW¼ Section 2	LA 1017	1,673.43'	0.317	0.77	50.00'	0.02	0.79	1,723.43'
W½ Section 11	NTT	5,520.77'	1.046	2.53	150.00'	0.06	2.59	5,670.77'
NW¼ Section 14	NTT	<u>1,951.93'</u>	<u>0.370</u>	<u>0.90</u>	<u>250.00'</u>	<u>0.10</u>	<u>1.00</u>	<u>2,201.93'</u>
<b>TRIBAL LAND TOTAL</b>		<b>9,146.13'</b>	<b>1.733</b>	<b>4.20</b>	<b>450.00'</b>	<b>0.18</b>	<b>4.38</b>	<b>9,596.13'</b>

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



March 24, 2017

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

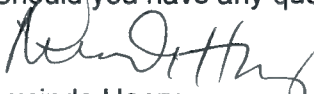
Dear Ms. Yazzie,

Continental Divide Electric Coop. Inc of PO Box 1087, Grants, NM 87002 is submitting Field Clearance package for electrical Distribution Line Project Work Order # 50895 on Navajo Trust Land within W/2 sec. 11, NW/4 sec. 14, 16N; R112W/ PMNM; McKinley County, New Mexico Total footage 7872.70', Length, 1.416 miles; 3.59 acreage, 20' width.

The Landboard identified one permittee Herbert Enrico affected by the proposed project. I informed the grazing permittee on the proposed request and he waived for surface damage payment and he did not have any objections. I obtained the grazing permittee's consent along with concurrence of District #15 Landboard, Ms. Violet Nelson.

I have attached field clearance, land user consent and proposed map attached to the rights-of-way package.

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

  
Lucinda Henry  
ROW Agent

xc CDEC

## FIELD CLEARANCE CHECKLIST

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

1. Project Identification:

Continental Divide Electrical Cooperative, Inc

Type of Project: Electrical Powerline Extension

Purpose Right of way to construction; operation; maintenance of 14.4K electrical distribution line for Work Order 50895, Little Water Spring /Little Water Chapter, NM McKinley County.

Location: Heart Butte/Little Water Chapter, w/2 Sec. 11, NW/4 Sec 14, T16N, R12W

Identification number(s): work order #50895

2. Amount of land affected: 1.416 miles, 3.59 Acreage, 20' Width

3. Land status: Trust XX Fee \_\_\_\_\_ Other \_\_\_\_\_

4. List names of all individuals whose land use rights will be affected by project:

	Names	Census Number	Type of Land Use Right
1.	<u>Herbert Enrico</u>	<u>                    </u>	<u>Grazing</u>
2.	<u>                    </u>	<u>                    </u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>                    </u>

5. Are all land users with claims to the affected lands as shown in Branch of Land Operations records included in the list in Item 4 yes

6. Have Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm land user list in Item 4 by signing acknowledgement below.

### ACKNOWLEDGEMENT

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

2/10/17  
Date

[Signature]  
Grazing Committee or Land Board Member

#15  
District No.

CONSENT FORM -3  
(Waiver of compensation for damages)

Consent to use  
NAVAJO NATION L LANDS

TO WHOM IT MAY CONCERN:

I, Herbert Enrico, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electrical Cooperative, Inc. of PO Box; 1087; Grants. New Mexico 87002-1087 to use a portion of my land use area for the following purpose (s): Right of way to construction; operation; maintenance of 14.4K electrical distribution line for Work Order 50895, Little Water Spring/Little Water Chapter, as shown on the map showing the location of the proposed project on the back of this consent form.

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

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

2/10/2017 Herbert Enrico 400,470 E464201728C  
Date Land User Signature (or thumbprint) Census No. Permit No.

WITNESSES

Paula Henry

2/10/17 Paula Henry  
Date Grazing Committee or Land Board Member

#15  
District No

Acknowledgement of Field Agent

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

Paula Henry  
Field Agent Signature



## ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD 2010)

11. HPD REPORT NO.: DCD1 99-201.2

11. TITLE OF REPORT: A Cultural Resource Inventory of Line A, Tap A-1, and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, New Mexico

AUTHOR(S): Denise R.E. Copeland

11. FIELDWORK DATE(S):

February 29 and March 16, 2016

11. REPORT DATE(S):

February 6, 2017

11. CONSULTANT NAME AND ADDRESS:

Gen. Charge: Denise R.E. Copeland, Principal Archaeologist

Org. Name: Capital Improvement Office

Org. Address: P.O. Box 335

Fruitland, New Mexico 87416

Phone: 505 368-1059

11. PERMIT NO.:

NTC

11. CONSULTANT REPORT NO.:

DCD1 95-139.2.

11. SPONSOR NAME AND ADDRESS:

Ind. Responsible: Debbie Olivar

Org. Name: Continental Divide Electric Cooperative, Inc.

Org. Address: P.O. Box 1087

Grants, New Mexico 87020

Phone: 505 285-6656

11. SPONSOR PROJECT NO.:

Work Order # 50895

11. 

	NTT	IA
AOE:	3.59 ac	0.79 ac
AS:	18.08 ac	3.95 ac

11. LOCATION (MAP ATTACHED):

a. Chapter: Littlewaterf. UTM Center: NAD 83, Zone 12; See Table 2b. Agency: Easterng. Legal: T 16 N R 12W See Table 1 NMPMc. County: McKinleyh. 7.5' USGS Map(s): Heart Butte, New Mexico 1963d. State: New MexicoCasamero Lake, New Mexico 1963e. Land Status: See Table 1i. Lead Agency: BIA/Navajo Region

11. REPORT ATTACHMENTS:

a. **Description of Undertaking:** The undertaking consists of construction of 20 ft/6.1 m R-O-W for 9,596.13 ft of a CDEC single-phase powerline extension for six homes. Ground disturbing activities will include installation of utilities.

b. **Existing Data Review:** As part of this project, the archival data of the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock were consulted. Four completed projects (HPD# 96-279, 99-201, 00-672 and 05-1196) have been conducted within 1 km of the current project. Three known recorded sites, NM-Q-24-33, NM-Q-24-34 and NM-G-8-95 have been recorded within 1 km of the current project. A TCP record search was conducted on October 19, 2015 and no TCP's were identified.

c. **Area Environmental and Cultural Setting:** The powerline is found and located ca. 3.0 miles east of the community of Crownpoint. An unnamed drainage is located approximately 500 ft west and flows to the north. The vegetation includes grama grass, juniper, pinyon, prickly pear cactus, Russian thistle, and snakeweed, Whipple cactus and various grasses.

d. **Field Methods:** Katherine Gallegos, PLS, Transmission and Distribution Services, LLC provided the drawing showing the location of the powerline. The investigation was conducted by (100%) a Class III level pedestrian inventory of a 100 ft right-of-way corridor x 9,596.13 ft of powerline extension. The approximate project was covered by parallel transects spaced 15 m apart. A total of 22.03 ac was inventoried. The author interview Mr. Hebert Enrico and Ms. Genevieve Castillo, Littlewater Chapter Manager on February 29, 2016 regarding TCP's and no TCP's were identified within or near the area.

11. CULTURAL RESOURCE FINDINGS:

a. **Location/identification of Each Resource:** Six in-use sites (IUS-1 through IUS-6) and three sites NM-Q-24-33, NM-Q-24-58 and NM-Q-25-91 were identified within the proposed project area. See attached.

b. **Evaluation of Significance of Each Resource:** In-use sites (IUS-1 through IUS-6) and site NM-Q-24-58 do not meet the 50-year guideline for inclusion into the National Register of Historic Places. Sites NM-Q-24-33 and NM-Q-25-91 appear to be eligible for the National Register of Historic Places under criterion "d". No historic properties will be affected. No historic properties will be affected.

11. MANGEMENT SUMMARY (RECOMMENDATIONS): Notice to proceed for the undertaking is recommended.

11. CERTIFICATION:

SIGNATURE: Denise R.E. Copeland

Direct Charge Name: Denise R.E. Copeland

February 6, 2017

Date

A Cultural Resource Inventory of Line A, Tap A-1, and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, New Mexico

**11. LOCATION (MAP ATTACHED):**

e. Land Status:/g. Legal

<b>TABLE 1</b> <b>Line by Line -- Legal Description and Land Status of Littlewater Springs Powerline</b> <b>T16N, R12W, NMPM -- NAD 83</b>						
			Length of Line		ROW	Survey Corridor
Line	Legal Description	Land Status	# of Feet	Meters	Acres	Acres
Line A	SW ¼, Sec. 2	IA 1017	1,673.43	510.06	0.77	3.84
	W ½, Sec. 11	NTT	5,289.05	1,612.10	2.43	12.14
	NW ¼, Sec. 14	NTT	1,384.49	421.99	0.64	3.18
Tap A-1	NW ¼, Sec. 11	NTT	231.72	70.63	0.10	0.53
Tap A-2	NW ¼, Sec. 14	NTT	567.44	172.96	0.26	1.30
Guy Footage	SW ¼, Sec. 2	IA 1017	50.00	15.24	0.02	0.11
	W ½, Sec. 11	NTT	150.00	45.72	0.06	0.34
	NW ¼, Sec. 14	NTT	250.00	76.20	0.10	0.57
<b>Total</b>			<b>9,596.13</b>	<b>2,924.90</b>	<b>4.38</b>	<b>22.03</b>

f. UTM Center:

**TABLE 2**  
**UTM Coordinate Locations of the Littlewater Springs Powerline**  
**(NAD 83, Zone 13)**

Line	Point	Northing	Easting	Quad Map
Line-A BOP	1	39 48 229.9	7 64 319.5	Heart Butte, NM
Tap A-1 BOP	2	39 47 686.8	7 64 239.4	
Tap A-1 EOP	3	39 47 675.9	7 64 109.6	
Line-A	4	39 46 814.9	7 64 110.8	
Tap A-2 BOP	5	39 46 095.5	7 64 088.2	Casamero Lake, NM
Tap A-2 EOP	6	39 46 012.5	7 63 868.5	
Line-A	7	39 45 860.8	7 64 080.9	
Line-A EOL	8	39 45 828.6	7 63 987.4	

### 13. CULTURAL RESOURCE FINDINGS:

#### a. Location/identification of Each Resource:

**SITE NO.:** NM-Q-24-58

**LEGAL LOCATION:** T 16N R 12W; SW ¼ of Section 11; NMPM

**UTM:** Zone 12, N 39 47 620.2m; E 7 63 194.1m NAD 83

**LAND STATUS:** Tribal Trust

**STATE:** New Mexico **County:** McKinley **CHAPTER:** Littlewater

**USGS MAPS REFERENCE AND DATE:** Heart Butte, New Mexico 1963

The site consists of dismantled historic frame hogan with a bathroom addition. The of a hogan ring, 6 m diameter. No artifacts were found around hogan. The site covers an area 12 m x 38 m for a total area of 456 sq m.

Ms. June Barbone, Littlewater Sectary/Treasurer said family dismantled the hogan after the death of Sadie Benally in the fall of 1991.

**SITE NO.:** NM-Q-24-33

**LEGAL LOCATION:** T 16N R 12W; NW ¼ of Section 11; NMPM

**UTM:** Zone 12, N 39 74 200 m, E 7 64 169 m; NAD 83

**LAND STATUS:** Tribal Trust

**STATE:** New Mexico **County:** McKinley **CHAPTER:** Littlewater

**USGS MAPS REFERENCE AND DATE:** Heart Butte, New Mexico 1963

**SITE TYPE:** Historic Navajo/Anasazi slab-lined cist and Artifact Scatter

**SITE SIZE:** (L x W): 55 x 60 m TOTAL AREA (Sq. m): ca. 3,300

The site consists of an Anasazi P II-III cist and artifact scatter and a Navajo Sheep Camp. Three features were found on the site, two historic (Features 2 and 3) and one prehistoric (Feature 1).

Feature 1 is a slab-lined cist measuring 1 m in diameter. No artifacts were found associated with the feature. Feature 2 is an area of grey soil/ash measuring 6 by 11 meters near the Navajo oven. The only artifact found on the feature is a leather strap. Feature 3 consists of the remains of a rock oven. The feature measures 2 m in diameter. No artifacts were associated with this feature. In addition to the historic features, two scattered logs were noted on the western side of the site. One is 70 cm long and burned on both ends, the other log is 50 cm long with the north end being buried.

The following historic artifacts were found within the western one-third of the site: a lard can, a meat can, a coffee can, and a Chevrolet car body. The following prehistoric artifacts were found within the eastern two-thirds of the site: 23 greyware sherds, six Gallup Black-on-White sherds, 27 corrugated sherds, one whiteware sherd, and one chert interior flake.

**SITE NO.:** NM-Q-25-91

**LEGAL LOCATION:** T 16N R 12W; NW ¼ of Section 14; NMPM

**UTM:** Zone 12, N 39 46 095.2m, E 7 64 069.3 m; NAD 83

**LAND STATUS:** Tribal Trust

**STATE:** New Mexico **County:** McKinley **CHAPTER:** Littlewater

**USGS MAPS REFERENCE AND DATE:** Casamero Lake, New Mexico 1963

**SITE TYPE:** Historic Navajo/Anasazi Artifact Scatter

**SITE SIZE:** (L x W): 8 x 8 m TOTAL AREA (Sq. m): ca. 64.

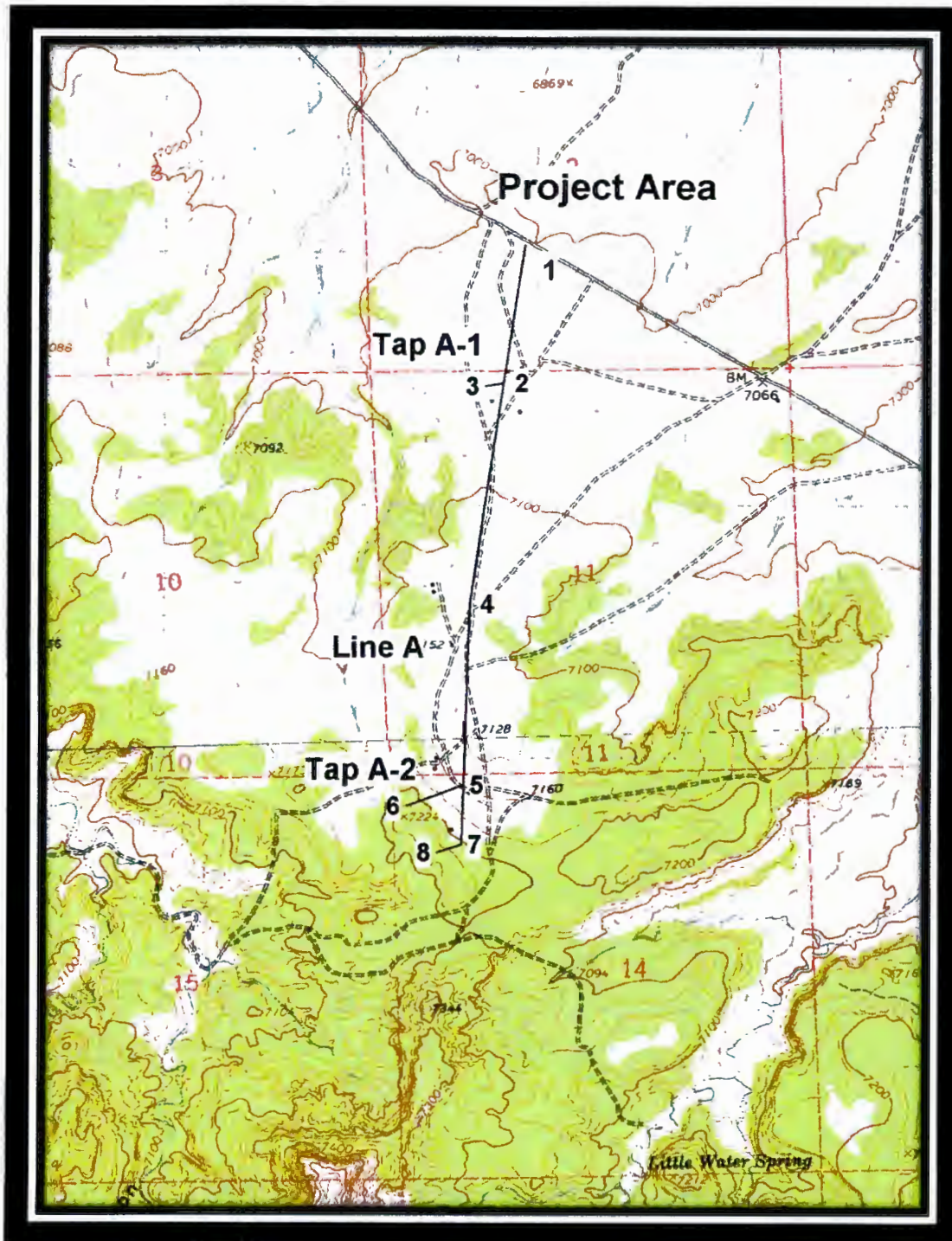
The site consists of one historic feature (Feature 1) was found on the site and a prehistoric artifact scatter. Feature 1 consists of a meter pile of burnt sandstone and maybe a possible sweatlodge discard pile. No other features were found. The following prehistoric artifacts were found within the eastern two-thirds of the site: 23 greyware sherds, six Gallup Black-on-White sherds, 27 corrugated sherds, one whiteware sherd, and one chert interior flake.

In-use sites 1 through 6 are listed in Table 3.

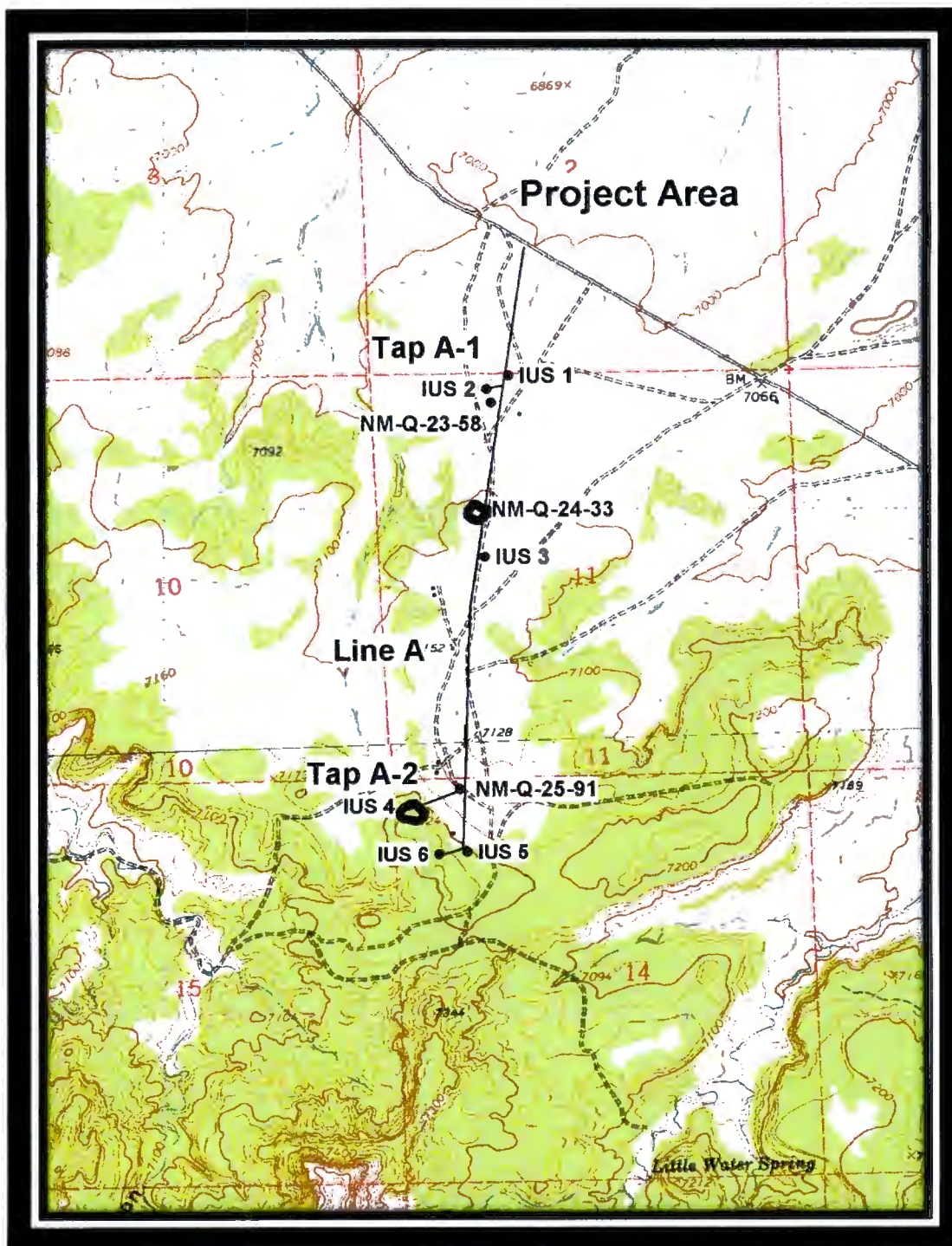
**TABLE 3**  
**UTM Coordinate Locations of the Littlewater Springs Powerline**  
**(NAD 83, Zone 13)**

Line	Hse No.	Owner	Date	Description
Line-A	1	Leo Thompson	1974	A cinderblock house (former Mable Thompson), a shed, a corral w/ a shed and an outhouse.
Tap A-1	2	James Livingston	1974	A cinderblock house (former Margie Benally), trash and a burned hogan.
Line A	3	Alfred Norman Bigman	Ca. 1972	A stucco frame house (former Cecil Bigman), an eight sided hogan, a rock pile, a frame shed w/ rock addition, a dismantled shed, an outhouse, a chicken coop, a basketball standard, and a family graveyard (located on the east side of home).
Tap A-2b	4	Lucille Yazzie, Leslie Chavez Cademan and James Enrico	1964 - 1966	A frame house (Leslie Chavez Cademan/Former Dorothy & Leon Chavez 1964-1966); a frame hogan (James Enrico, 1979); a frame house (Lucille Yazzie/ former Willey & Mary Tom, 1980) a hogan (Lucille Yazzie, 1975) and a trailer (L. Yazzie, 1978).
Line A	5	Peterson Enrico	2006	Frame Hogan w/frame additions
	6	Herbert Enrico	1997	Frame house and corrals



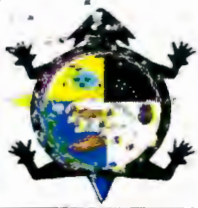


**Figure 1:** Specific Location of the Line A, Tap A-1 and Tap-2 of the Littlewater Powerline Extension. Numbers are UTM coordinate locations. Map is U.S.G.S 7.5 Heart Butte, NM, 1963. Work Order No. 50895 (DCD1 95-139.2).



**Figure 2:** Specific Location of the Line A, Tap A-1 and Tap-2 of the Littlewater Powerline Extension with cultural resources. Numbers are in-use site locations. Map is U.S.G.S 7.5 Heart Butte, NM, 1963. Work Order No. 50895 (DCD1 95-139.2).





THE NAVAJO NATION  
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:

☒ DCD1

NNHPD NO.: **HPD-99-201.2 - REVISED**

OTHER PROJECT NO.: DCD1 95-139.2

**PROJECT TITLE:** A Cultural Resource Inventory of Line A, Tap A-1, and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, New Mexico

**LEAD AGENCY:** BIA/NR

**SPONSOR:** Debbie Olivar, CDEC, PO Box 1087, Grants, New Mexico 87020

**PROJECT DESCRIPTION:** The undertaking consists of the construction of a 20-ft wide by **9,596.13** ft of a CDEC single-phase powerline extension to serve six homes. The area of effect is 4.38-acres. Ground disturbance will be intensive & extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust & Indian Allotment 1017													
CHAPTER(S):	Littlewater													
LOCATION:	T.	16	N.	R.	12	W	Sec.	2, 11, 14	Heart Butte & Casamero Lake	Quads	McKinley	County	New Mexico	NMPM
PROJECT ARCHAEOLOGIST:	Denise R. E. Copeland													
NAVAJO ANTIQUITIES PERMIT NO.:	NTC													
DATE INSPECTED:	02/29/16 & 03/16/16													
DATE OF REPORT:	06/06/17													
TOTAL ACREAGE INSPECTED:	22.03 – total acres (18.08=NTT; 3.95=IA)													
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced <u>15</u> m apart.													
LIST OF CULTURAL RESOURCES FOUND:	(3) Sites (NM-Q-24-33, NM-Q-24-58, NM-Q-25-91) (6) In-Use Sites (IUS)													
LIST OF ELIGIBLE PROPERTIES:	(2) Sites (NM-Q-24-33, NM-Q-25-91)													
LIST OF NON-ELIGIBLE PROPERTIES:	(1) Site (NM-Q-24-58) (6) IUS													
LIST OF ARCHAEOLOGICAL RESOURCES:	(1) Site (NM-Q-25-91)													

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

**Site NM-Q-24-58:**

1. Site boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Site will be avoided by a minimum of 50-ft by confining all work to the existing roads and the 30-ft wide right-of-way.

**Site NM-Q-24-33:**

1. A qualified archaeologist will flag site boundary prior to all construction activities.
2. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged site boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and 30-ft wide right-of-way.
3. All ground disturbing activities will be confined to the eastern side of the powerline and on existing road.
4. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-around.

**Site NM-Q-24-91:**

1. A qualified archaeologist will flag site boundary prior to all construction activities.
2. Ground disturbance will be limited to south of the powerline, avoiding the site by a minimum of 50-ft from site boundary.

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

FORM PREPARED BY: **Tamara Billie**

FINALIZED: June 6, 2017 - **Revised**

Notification to Proceed  
Recommended

☒ Yes ☐ No

Conditions:

☒ Yes ☐ No

  
Richard M. Begay, Director/THPO  
The Navajo Nation  
Heritage & Historic Preservation Office

Date

Navajo Region Approval

☒ Yes ☐ No

  
BIA - Navajo Regional Office

Date



**AN  
ENVIRONMENTAL ASSESSMENT  
for  
Little Water Springs CDEC 14.4/24.9 kV 1Ø Power Line Project  
CDEC WO #50895**

Continental Divide Electric Cooperative, Inc.  
P. O. Box 1087  
Grants, New Mexico 87020

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

**June 2017**

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

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

## TABLE OF CONTENTS

<b>Executive Summary</b> .....	<b>i</b>
<b>I. DESCRIPTION OF THE PROPOSED ACTION</b> .....	<b>1</b>
A. PROJECT DESCRIPTION .....	1
B. PURPOSE AND NEED FOR ACTION .....	2
C. LOCATION.....	3
<b>II. ALTERNATIVES</b> .....	<b>4</b>
A. PREFERRED ALTERNATIVE – APPROVAL OF A RIGHT-OF-WAY FOR THE LITTLE WATER SPRINGS POWER LINE PROJECT .....	4
B. REASONABLE ALTERNATIVES.....	4
1. <i>No Action Alternative</i> .....	4
2. <i>Alternate Alignments</i> .....	4
3. <i>Alternatives Beyond BIA Authority</i> .....	4
a. Solar Energy .....	4
b. Wind Energy .....	4
c. Portable Gas Generators .....	4
<b>III. DESCRIPTION OF THE AFFECTED ENVIRONMENT</b> .....	<b>5</b>
A. LAND RESOURCES .....	5
1. <i>Topography</i> .....	5
2. <i>Soils</i> .....	5
3. <i>Geological Setting and Mineral Resources</i> .....	5
a. Geology .....	5
b. Mineral Resources.....	6
4. <i>Paleontology</i> .....	6
B. WATER RESOURCES .....	6
1. <i>Surface Water</i> .....	6
a. Floodplain Management [24 CFR 55, Executive Order 11988] .....	6
b. Wild and Scenic River Act [Sections 7(b) and (c)] .....	6
c. Wetland Protection [Executive Order 11990].....	6
2. <i>Ground Water</i> .....	7
a. Sole Source Aquifers [40 CFR 149].....	7
C. AIR RESOURCES (CLEAN AIR ACT [SECTIONS 176 (C), (D) AND 40 CFR 6, 51, 93]) .....	7
1. <i>Quality</i> .....	7
2. <i>Visibility</i> .....	7
3. <i>Climate/Meteorology</i> .....	7
D. BIOTIC RESOURCES .....	8
1. <i>Description of Ecosystems and Biological Communities</i> .....	8
2. <i>Wildlife</i> .....	8
a. Terrestrial .....	8
b. Riparian/Aquatic .....	8
c. Threatened and Endangered Species, Endangered Species Act [50 CFR 402].....	8
d. Species of Concern.....	8
3. <i>Vegetation</i> .....	9
a. Terrestrial .....	9
b. Riparian/Aquatic .....	9
c. Threatened and Endangered Species, Endangered Species Act [50 CFR 402].....	9
d. Species of Concern.....	9
E. CULTURAL RESOURCES, HISTORIC PRESERVATION [36 CFR PART 800].....	9
1. <i>Traditional Cultural, Historic and Religious Properties</i> .....	10
2. <i>Archaeological Resources</i> .....	10

(Cont.)

(Cont.)

F. SOCIOECONOMICS .....	10
1. <i>Employment</i> .....	10
2. <i>Demographics</i> .....	10
3. <i>Lifestyles, Cultural Values</i> .....	10
4. <i>Community Infrastructure</i> .....	10
G. RESOURCE AND LAND USE PATTERNS .....	11
1. <i>Agriculture, Farmland Protection Policy Act [7 CFR 658]</i> .....	11
2. <i>Residential Land Use</i> .....	11
3. <i>Waste Material</i> .....	11
a. <i>Solid Waste</i> .....	11
b. <i>Hazardous Waste</i> .....	11
H. OTHER VALUES .....	12
1. <i>Sound and Noise, Noise and Abatement Control [24 CFR 51B]</i> .....	12
2. <i>Public Health and Safety</i> .....	12
3. <i>Visual Setting</i> .....	12
4. <i>Explosive and Flammable Operations [24 CFR 518]</i> .....	12
5. <i>Airport Clear Zones and Accident Potential Zones [24 CFR 51D]</i> .....	12
<b>IV. ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION AND MEASURES FOR MITIGATION .....</b>	<b>13</b>
A. LAND RESOURCES .....	13
1. <i>Topography</i> .....	13
2. <i>Soils</i> .....	13
3. <i>Geological Setting and Mineral Resources</i> .....	13
a. <i>Geology</i> .....	13
b. <i>Mineral Resources</i> .....	13
4. <i>Paleontology</i> .....	13
B. WATER RESOURCES .....	13
1. <i>Surface Water</i> .....	13
a. <i>Floodplain Management [24 CFR 55, Executive Order 11988]</i> .....	13
b. <i>Wild and Scenic River Act [Sections 7(b) and (c)]</i> .....	13
c. <i>Wetland Protection [Executive Order 11990]</i> .....	13
2. <i>Ground Water</i> .....	13
a. <i>Sole Source Aquifers [40 CFR 149]</i> .....	13
C. AIR RESOURCES (CLEAN AIR ACT [SECTIONS 176 (C), (D) AND 40 CFR 6, 51, 93]) .....	13
1. <i>Quality</i> .....	13
2. <i>Visibility</i> .....	14
3. <i>Climate/Meteorology</i> .....	14
D. BIOTIC RESOURCES .....	14
1. <i>Description of Ecosystem and Biological Communities</i> .....	14
2. <i>Wildlife</i> .....	14
a. <i>Terrestrial</i> .....	14
b. <i>Riparian/Aquatic</i> .....	14
c. <i>Threatened and Endangered Species</i> .....	14
d. <i>Other Species of Concern</i> .....	14
3. <i>Vegetation</i> .....	15
a. <i>Terrestrial</i> .....	15
b. <i>Riparian/Aquatic</i> .....	15
c. <i>Threatened and Endangered Species</i> .....	15
d. <i>Other Species of Concern</i> .....	15
4. <i>Biological Resources Compliance</i> .....	15

(Cont.)

(Cont.)

E. CULTURAL AND ARCHAEOLOGICAL RESOURCES .....	15
1. <i>Traditional Cultural, Historic and Religious Properties</i> .....	15
2. <i>Archaeological Resources</i> .....	15
F. SOCIOECONOMICS .....	16
1. <i>Employment</i> .....	16
2. <i>Demographics</i> .....	16
3. <i>Lifestyles, Cultural Values</i> .....	16
4. <i>Community Infrastructure</i> .....	16
G. RESOURCE AND LAND USE PATTERNS.....	16
1. <i>Agriculture, Farmland Protection Policy Act [7 CFR 658]</i> .....	16
2. <i>Residential Land Use</i> .....	16
4. <i>Waste Material</i> .....	16
a. <i>Solid Waste</i> .....	16
b. <i>Hazardous Waste</i> .....	16
H. OTHER VALUES .....	17
1. <i>Sound and Noise</i> .....	17
2. <i>Public Health and Safety</i> .....	17
3. <i>Visual Setting</i> .....	17
4. <i>Explosive and Flammable Operations [24 CFR 518]</i> .....	17
V. COMPLIANCE WITH EXECUTIVE AND SECRETARIAL ORDERS .....	18
6. <i>Environmental Justice</i> .....	18
7. <i>Indian Trust Resources</i> .....	18
VI. CONCLUSIONS REGARDING SIGNIFICANCE.....	19
VII. CONSULTATION AND COORDINATION.....	20
A. PERSONS OR AGENCIES INVOLVED IN THE PROPOSED ACTION .....	20
B. PERSONS OR AGENCIES PROVIDING INFORMATION .....	20
C. REFERENCES.....	20
VIII. DOCUMENT PREPARER.....	20

#### APPENDICES

Appendix A	Wild and Scenic Rivers, New Mexico, <a href="http://www.nps.gov/rivers/wildriverslist.html">www.nps.gov/rivers/wildriverslist.html</a>
Appendix B	EPA Designated Sole Source Aquifers in EPA Region VI. <a href="http://www.epa.gov/safewater/swp/ssa/reg6.html">www.epa.gov/safewater/swp/ssa/reg6.html</a>
Appendix C	New Mexico Air Quality Bureau Correspondence, August 1, 2005
Appendix D	Air State Implementation Plans, EPA Region VI: South Central
Appendix E	Correspondence, Littlewater Chapter CDEC Power Line Project, 16jrae 101, Navajo Natural Heritage Program, Department of Fish and Wildlife 19 July 2016 Biological Resource Compliance Form, NNDFW Review No. 16jrae101-LWS 7/19/17
Appendix F	A Cultural Resources Inventory of Lines A, Tap A-1 and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, NM (DCD1 95-139.2), February 6, 2017
Appendix G	<i>A Cultural Resource Compliance Form NNHPD NO.:HPD-99-201.2 REVISED, 6/9/17</i>
Appendix H	Guy Wire Diagram



## Executive Summary

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

The BIA approval of a right-of-way for an electrical power line project for Continental Divide Electric Cooperative, Inc. (CDEC) in the Littlewater Chapter (LC) is a federal action requiring an environmental assessment (EA) as mandated by NEPA. Approval of the requested right-of-way for the Little Water Springs Power Line Project (LWSPLP) power line will allow CDEC the right of ingress and egress to construct, operate, maintain, repair, replace and remove, poles, wires, cables, conductors, markers and other necessary fixtures and appurtenances as may be required to provide 1 $\phi$ , 14.4/24.9 kV electrical service to homesites in the LC.

The LWSPLP is found on the *Heart Rock Quadrangle and Casamero Lake Quadrangle, New Mexico-McKinley, 7.5 Minute Series (Topographic)* map; and located in *Sections 2, 11 and 14, T 16 N, R 12 W, NMPM*.

An archaeological inventory, report and clearance have been completed for the project. The NNHP were consulted regarding the effect of the proposed undertaking on biotic resources.

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

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

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

**ENVIRONMENTAL ASSESSMENT**  
**for**  
**Little Water Springs CDEC 14.4/24.9 kV 1Ø Powerline Project**  
**CDEC WO #50895**  
**Littlewater Chapter**

Continental Divide Electric Cooperative, Inc.  
P. O. Box 1087  
Grants, New Mexico 86020

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

## **I. Description of the Proposed Action**

Execution and approvals of right-of-way agreements by the Bureau of Indian Affairs (BIA), consistent with the prudent management of tribal trust lands and resources, are federal actions subject to an environmental assessment as mandated by the *National Environmental Policy Act of 1969, as Amended, (NEPA)*. BIA policies and procedures for *NEPA* compliance are defined in *40 CFR Parts 1500-1508, Department of the Interior (DOI), Departmental Manual 516 DM, 59 LAM 3, Compliance Manual*. The BIA approval of a right-of-way, across Navajo Tribal Trust (NTT) and Indian Allotted (IA) lands, for the Little Water Springs Power Line Project (LWSPLP) for Continental Divide Electric Cooperative, Inc. (CDEC) in the Littlewater Chapter (LC) is a federal action requiring an environmental assessment (EA) as mandated by *NEPA*.

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

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

### **A. Project Description**

The proposed project entails construction of a single-pole, overhead 1Ø, 14.4/24.9 kV electrical power line. Construction will consist of placing class 3 and class 5 power poles approximately 350 feet apart. Poles will vary in height from 35 feet to 40 feet. Poles subject to unequal stresses, such as poles set at angle points (points where the alignment makes acute changes in direction) will require guy wires. Guy wires will not be required for every pole. A truck-mounted auger will be used to excavate holes approximately 14 inches in diameter and from five to six feet in depth. Similar holes will be augured for anchors where required. It is estimated that each 14-inch hole will disturb approximately 1.1 square feet of ground surface at each pole location. The power line project right-of-way (ROW) will be 20' in width and require approximately 26 poles and 9 anchors, resulting less than 50 square feet of surface disturbance for the entire project. Anchor (guy) wires will vary from 25' to 40' in length (*Appendix H*) and remain in the right-of-way; and not fall outside the ROW. Upon completion of the pole setting operation, the conductor (wire) will be reeled from truck mounted cable spools and strung on the poles. Some vegetation may be impacted from truck and trailer traffic required for hauling poles; and stringing the wire conductor. Access road construction road will not be required. Only rubber-tired equipment will be used for power line construction. All project equipment and personnel shall remain in the project ROW. The best available construction practices will be used to limit impacts to land, water (surface and ground), and biological resources.

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

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

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

#### ***B. Purpose and Need for Action***

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

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

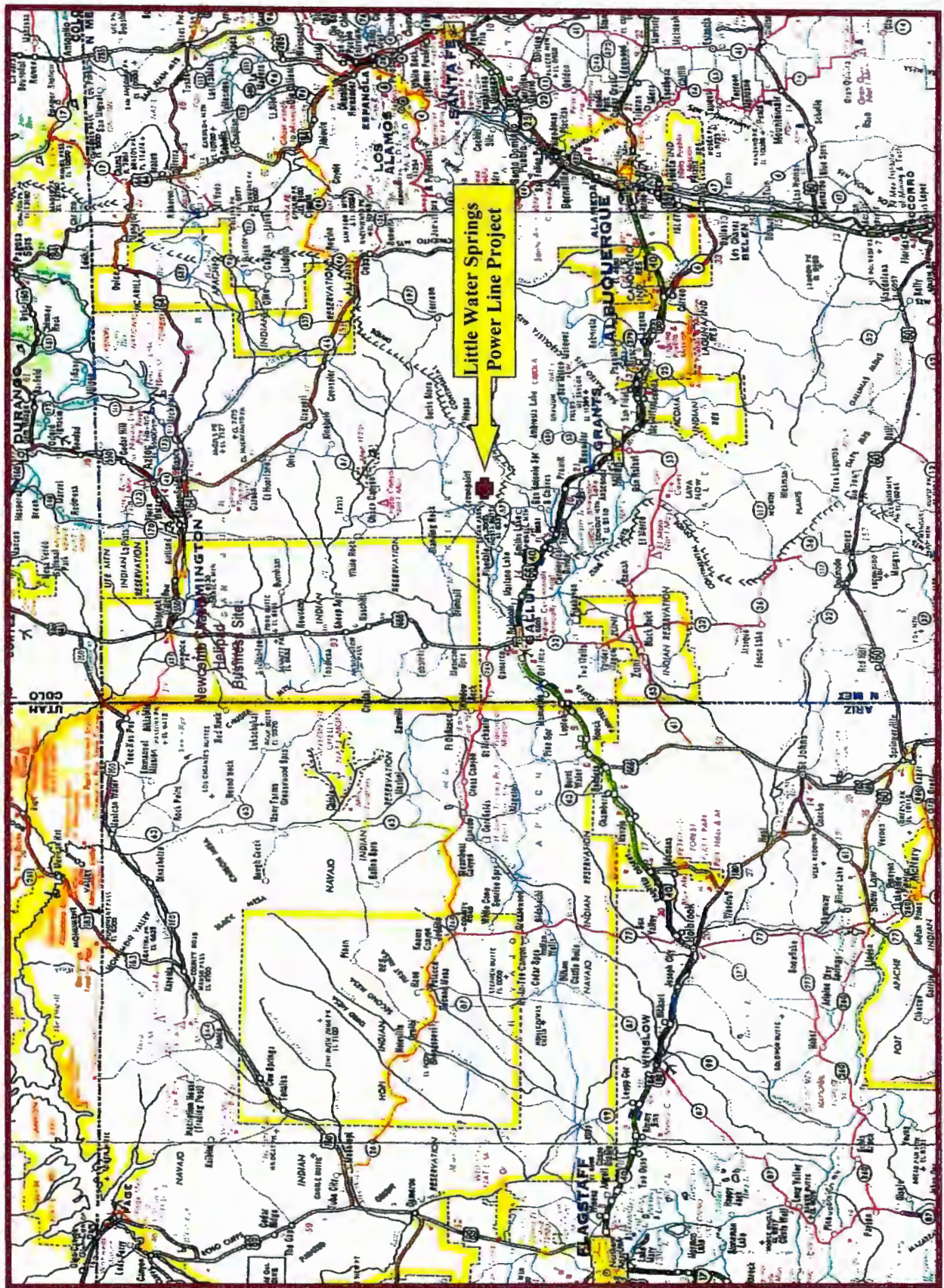
### **C. Location**

The LWSPLP is found on the *Heart Rock Quadrangle and Casamero Lake Quadrangle, New Mexico-McKinley, 7.5 Minute Series (Topographic)* map; and located in *Sections 2, 11 and 14, T 16 N, R 12 W, NMPM*. Maps showing a more exact location and site photographs are shown in *Figures 1-6*.

The proposed LWSPLP right-of-way (ROW) is 20' in width, and located as follows:

Location	Land Status	Length	Acreage	Guy Footage	Guy Acreage	Total Acreage	Total Footage
<b>T16N R12W</b>							
SW ¼ Section 2	IA 1017	1,673.43'	0.77	50.0'	0.02	0.79	1,723.43'
W ¼ Section 11	NTT	5,520.77'	2.53	150.0'	0.06	2.59	5,670.77'
NW ¼ Section 14	NTT	1,951.34'	0.90	250.0'	0.10	1.00	2,201.93'
<b>Tribal Land Total</b>		<b>9,146.13'</b>	<b>4.20</b>	<b>450'</b>	<b>0.18</b>	<b>4.38</b>	<b>9,596.13'</b>

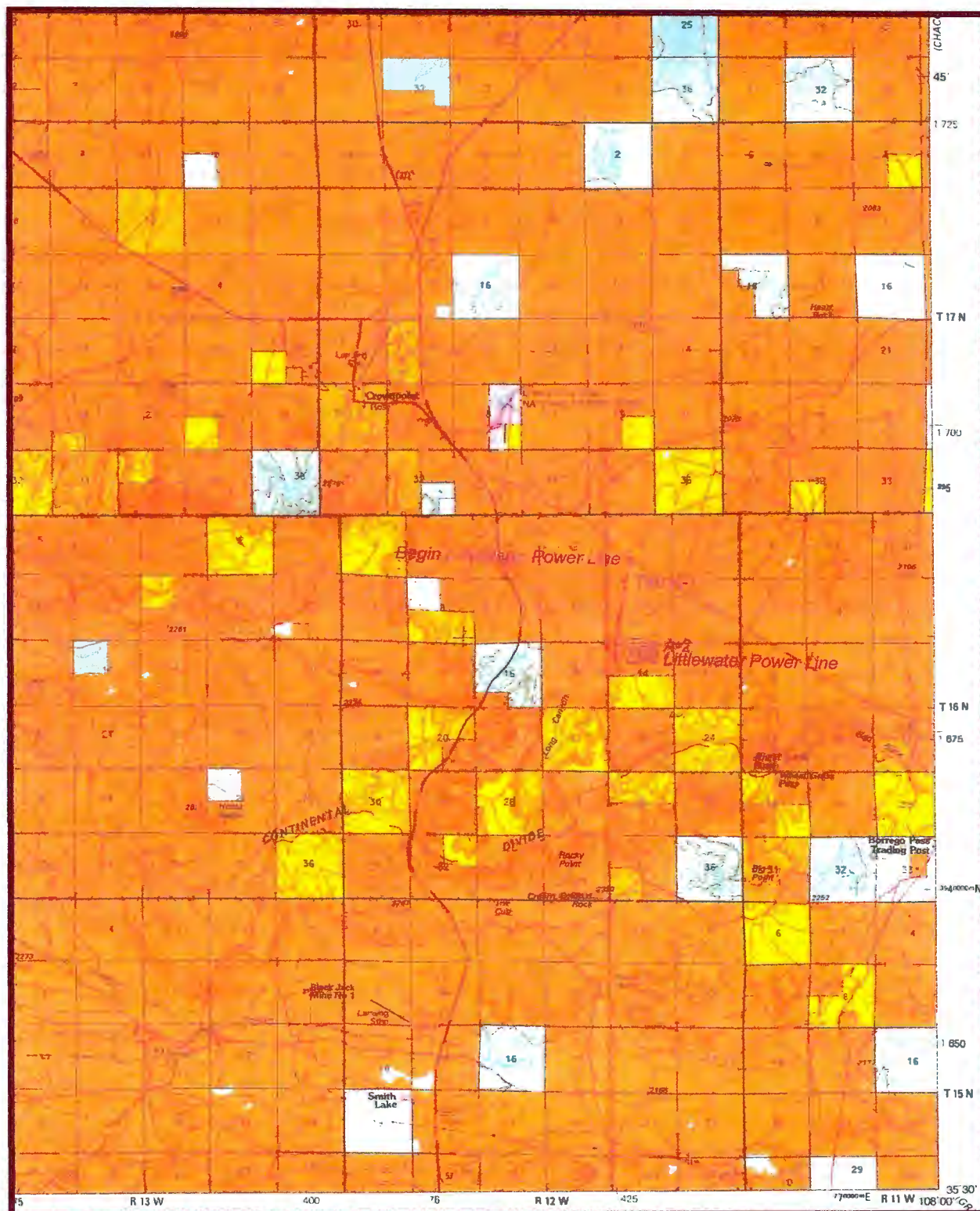




**Figure Sheet 1**  
**Little Water Springs CDEC Power Line Project**  
**Littlewater Chapter**



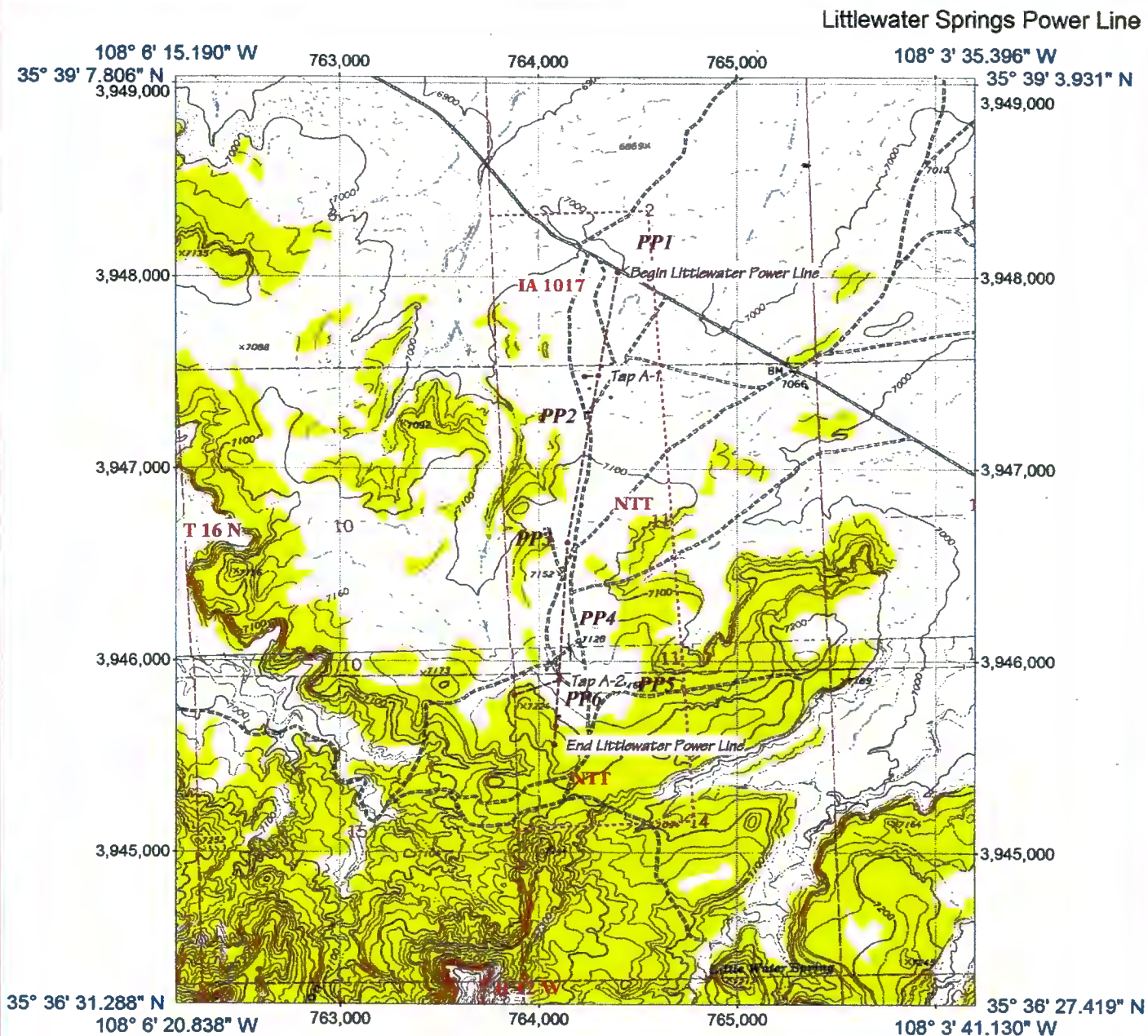




**Figure Sheet 2**  
**Little Water Springs CDEC Power Line Project**  
**Littlewater Chapter**



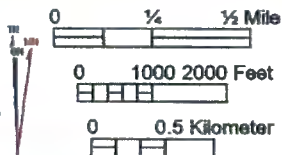




**PP1 Photo Point**

1927 North American Datum; UTM grid  
zone 12  
Generated by BigTopo7 ([www.igage.com](http://www.igage.com))  
Map compiled from USGS Quads: Heart  
Rock; NM Casamero Lake; NM

UTM Grid and 2018 Magnetic North  
Distribution at Center of Sheet  
GN to TN -1.700° (-30 mils)  
TN to MN 0.351° (706 mils)



**HEART ROCK QUADRANGLE  
CASAMERO LAKE QUADRANGLE  
NEW MEXICO - MC KINLEY CO.  
7.5 MINUTE SERIES (QUADRANGLE)**

**Littlewater Springs Power Line**



## Figure Sheet 3

### Little Water Springs CDEC Power Line Project

### Littlewater Chapter









**Figure Sheet 5**  
**Little Water Springs CDEC Power Line Project**  
**Littlewater Chapter**



*Photo Point 1 Looking south from beginning of*



*Photo Point 2 Looking south*



*Photo Point 3 Looking south*



*Photo Point 4 Looking south*



*Photo Point 5 Looking south toward end of line*



*Photo Point 6 Looking SW Tap A-2*

## II. Alternatives

### ***A. Preferred Alternative – Approval of a Right-of-way for the Little Water Springs Power Line Project***

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

### ***B. Reasonable Alternatives***

#### **1. No Action Alternative**

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

#### **2. Alternate Alignments**

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

#### **3. Alternatives Beyond BIA Authority**

Families to be served are on NTL. Homesites cannot be served without entering NTL. There are no other feasible alignments which will meet the purpose of the proposed project. No alternatives “*Beyond BIA Authority*” are available.

##### ***a. Solar Energy***

Direct conversion of solar radiation to electricity for individual residences can be accomplished on a small scale. However, solar-power systems, as a primary source of providing fully adequate electrical service has not achieved great success because of inconsistency of operations and expense. In remote areas where access to major distribution systems are unavailable, solar energy systems may be considered as a viable alternative.

##### ***b. Wind Energy***

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

##### ***c. Portable Gas Generators***

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

### III. Description of the Affected Environment

#### A. Land Resources

##### 1. Topography

The topography in the area ranges from gently sloping to undulating foothills. The project alignment has no significant breaks in the topography. The LWSPLP ranges from an elevation of approximately 7,000 feet to 7,200 feet.

##### 2. Soils

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

The project begins in Penistaja – Tintero Complex and extends into Hospah-Skyvillage-Rock outcrop Complex soils.

Penistaja soil is deep and well drained. It formed in alluvial and eolian material derived dominantly from sandstone and shale. Permeability of Penistaja soil is moderate. Available water capacity is high. Effective rooting depth 60 inches or more. Runoff is medium and the hazard of water erosion is moderate. The hazard of soil blowing is severe. Soils in the Penistaja series are classified as Ustollic Haplargids, fine-loamy, mixed, mesic. These deep, well drained soils are on mesas and plateaus.

Tintero soil is fine sandy loam, somewhat excessively drained. It is eolian material and fan and slope alluvium derived from sandstone. Available water capacity is moderate. Runoff is low, and the hazard of water erosion is slight. The hazard of soil blowing is slight. These soils are classified as coarse-loamy, mixed superactive, mesic Ustic Haplocambids.

Hospah soils consist of well drained soils on sideslopes on hills and ridges and breaks. Parent material is colluvium and residuum from sandstone and shale. Permeability is slow. Water capacity is very low. Runoff is very high. These soils are classified as Clayey, mixed superactive. Calcareous, mesic, shallow Ustic Torriorthents.

Skyvillage soils consist of shallow, well drained. These soils formed in eolian material derived dominantly from sandstone. Permeability of Skyvillage soil is moderately rapid. Runoff is medium, and the hazard of water erosion is moderate. Available water capacity is very low. Effective rooting depth is 10 to 20 inches. The hazard of soil blowing is severe. The soils in the Skyvillage series are classified as loamy, mixed (calcareous), mesic, Lithic Ustic. These soils are on benches and edges of mesas.

Rock outcrop consists almost entirely of exposed sandstone bedrock. It occurs on canyon walls and steep breaks. Included in this unit are small areas of shale or mudstone bedrock and some shallow or very shallow sandy soils. Rock outcrop is mostly barren. The vegetation is sparse.

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

#### 3. Geological Setting and Mineral Resources

##### a. Geology

The LWSPLP lies within the San Juan Basin, which is in the Navajo and Datil physiographic sections of the Colorado Plateaus Province. Geologic deposits within the basin range from Cambrian (600 million years old) to Recent age and are as much as 15,000 feet thick. In the project area some of the Precambrian granite rocks are exposed which may be well over 600 million years old. Dakota sandstone and Mancos shale underlie the alluvium of the Rio Puerco Valley. The San Juan Basin is an asymmetric structural feature with a northwest trending axis. The Hogback Monocline and the San Juan Uplift bound the basin on the north. The Nacimiento Uplift, the Brazos Uplift and the Jemez Mountains Caldera form the rim on the east.

#### ***b. Mineral Resources***

Extensive uranium deposits are found throughout the area. However, there are no mineral resources on or in the vicinity of the LWSPLP.

#### **4. Paleontology**

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

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

#### ***B. Water Resources***

##### **1. Surface Water**

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

No defined drainages cross or are adjacent to the proposed LWSPLP alignment.

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

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

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

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

##### ***c. Wetland Protection [Executive Order 11990]***

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

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

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

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



## **2. Ground Water**

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

### ***a. Sole Source Aquifers [40 CFR 149]***

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

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

### **1. Quality**

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

The New Mexico Air Quality Bureau no longer maintains ambient air quality monitors in areas where the air quality is generally good as acknowledged in correspondence included in *Appendix C*. Because of the absence of air quality problems; no air monitoring stations are located in the LC. No published studies for air quality have been conducted in the LC. However, ambient air quality may be regarded as good to excellent, that is, near pristine. Primary pollution in the vicinity of the proposed project is wind blown dust from loose topsoil common during times of high winds and dust from vehicular traffic along unimproved roads in the area. The designated nonattainment areas (an area that exceeds EPA air quality standards for pollutants) in *Region VI* are shown in *Appendix D*. The proposed LWSPLP is not within a designated nonattainment area.

### **2. Visibility**

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

### **3. Climate/Meteorology**

Due to the latitude and elevation of the area, precipitation occurs as snow in the winter, rain in the summer and both in the fall and spring. Winter precipitation generally occurs from air masses that originate in the extratropical Pacific or Canada. Summer precipitation usually occurs due to localized thunderstorm activity from air masses that primarily originate in the Gulf of Mexico. Winds at higher altitudes generally move from west to east, while surface winds are influenced somewhat by the local topography, solar insolation, and the proximity of high and low pressure areas. Prevailing winds in the project area are from southwest to northeast.

The Western Regional Climate Center data shows that the average annual maximum temperature in the project area is 63.8° F, with an average high of 84.7° F in July and a low of 40.8° F in January. The average annual minimum temperature is 38.1° F, with an average high of 58.8° F in July and a low of 18.9° F in January. The average annual total precipitation is 10.73 inches with a high average rainfall of 2.18 inches in July and a low of 0.46 inches in November. The average annual snowfall is 19.2 inches with a high average of 5.7 inches in February. The average minimum snowfall of 0.1 inches is recorded in May, with no recorded snowfall from June thru September.

## **D. Biotic Resources**

### **1. Description of Ecosystems and Biological Communities**

On July 5, 2016, a visit to the LWSPLP was conducted by EAS to become familiar with the project area and the physical, biotic and hydrospheric environments. Habitat may be best described as a Piñon-Juniper Habitat.

### **2. Wildlife**

#### **a. Terrestrial**

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

#### **b. Riparian/Aquatic**

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

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

The Navajo Natural Heritage Program (NNHP) was consulted regarding the effect of the proposed undertaking on federally listed threatened or endangered species. On 19 July 2016 the NNHP responded to this consultation. The NNHP have identified the following listed threatened or endangered species that may have potential to occur on the *Casamero Lake Quadrangle* (Appendix E).

Black-footed ferret (*Mustela nigripes*) NESL group 2; USESA endangered

The Black-footed ferret is a weasel-like mammal that has yellow-buff coloration with black feet, tail tip and eye-mask; a blunt, light colored nose. Body length 15 to 18 inches, tail length 5 to 6 inches. Habitat is grassland plains and surrounding mountain basins to 10,500 feet in elevation. Usually found in conjunction with prairie dogs, which are their primary food source; and provide abandoned burrows for habitat.

#### **d. Species of Concern**

The NNHP have been consulted regarding the effect of the proposed undertaking on other species of concern. The NNHP have identified the following species of concern with potential to occur on the *Heart Rock Quadrangle* and *Casamero Lake Quadrangle* (Appendix E).

Kit fox (*Vulpes macrotis*)

The Kit fox head and body approximately 15-20 inches in length and the tail 9-12 inches long. A small, slender fox with exceptionally large ears; the body is pale gray washed with rusty color; belly whitish with a black tip on tail. Remains in burrow during day and forages at night; feeds on small rodents. Preferred habitat is a open level, sandy ground; low desert vegetation, junipers.

Peregrine falcon (*Falco peregrinus*) NESL group 4; MBTA

A medium-sized falcon about 14-18 inches long, narrow wings that commonly span 43 inches. Adults have a blue-gray backs with white chests and heavily barred bellies. Younger birds (less than 1 year of age) have brown backs, heavily streaked underparts, and buff-colored chests. Both adults and immatures have dark heads and with a distinct mustache mark below the eye. Very similar to the American peregrine falcon except that it is slightly smaller and paler. The Arctic peregrine falcon nests in the treeless tundra areas of Alaska, Canada and Greenland and migrate south through Canada and the United States. They spend the winter in warmer climates from the southern United States to southern Argentina and Chile. Nests are on cliffs or bluffs and are usually near rivers or lakes that provide habitat for the shorebirds, songbirds and waterfowl upon which falcons prey. The arctic falcon eats mostly birds that are caught in mid-air.

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

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

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

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

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

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

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

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

### **3. Vegetation**

#### **a. Terrestrial**

Plant species in the LWSPLP area include blue grama, dropseed, banana yucca, Russian thistle, Buffalo grass, wheatgrass, alkali sacaton, winterfat, western wheatgrass, bottlebrush, squirreltail, galleta, tumble grass, threeawn, dropseed, buckwheat, needleandthread, Indian ricegrass, Mormon tea, muttongrass, Bigelow's sagebrush, fourwing saltbush, spineless horsebrush, broom snakeweed, rabbit brush, prickly pear, oneseed juniper and piñon.

#### **b. Riparian/Aquatic**

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

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

The Navajo Natural Heritage Program (NNHP) was consulted regarding the effect of the proposed undertaking on federally listed threatened or endangered species. On 19 July 2016 the NNHP responded to this consultation. No federally listed threatened or endangered species were identified that may have potential to occur on the *Heart Rock Quadrangle* and *Casamero Lake Quadrangle* (Appendix E).

#### **d. Species of Concern**

The NNHP have been consulted regarding the effect of the proposed undertaking on other species of concern. The NNHP have identified the following species of concern with potential to occur on the *Heart Rock Quadrangle* and *Casamero Lake Quadrangle* (Appendix E).

Heil's milkvetch (*Astragalus heilii*)

Low, subcaulescent perennial, basifixed pubescent; stems mostly 2-4 cm long, obscured by stipules and leaf bases. Peduncles slender, 1-7 cm long; racemes with (1)2-4 ascending flowers, calyx 2.3 mm long; flowers 4-5 mm long, whitish or tinged violet; pods spreading or pendulous, the body ellipsoid, subinflated, 9-9.8 mm long, 4.5-4.6mm thick, slightly dorsiventrally, thin-walled, red-mottled, unilocular; ovules 8-10. Flowers in mid to late May. Habitat is rocky ledges of the Mesa Verde Group in Pinion-juniper communities at 7,200 ft.

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

The LWSPLP was inventoried by the Navajo Nation Capital Improvement Office (NNCIO). Prior to fieldwork a records check using the Navajo Nation Historic Preservation Department (NNHPD) files in Window Rock, Arizona was conducted to identify previous projects and recorded within 1 km of the LWSPLP. A Class III pedestrian survey was conducted by walking parallel transects spaced approximately 15m apart for the entire LWSPLP right-of-way corridors.

A complete description of this work and results are found in the archaeological report titled *A Cultural Resources Inventory of Lines A, Tap A-1 and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline)*, Littlewater Chapter, McKinley County, NM (DCD1 95-139.2), February 6, 2017 (Appendix F). A *Cultural Resource Compliance Form NNHPD NO.: HPD-99-201.2 - REVISED* was issued for this undertaking on June 9, 2017 (Appendix G).

## **1. Traditional Cultural, Historic and Religious Properties**

During the course of fieldwork ethnographic interviews was conducted with Mr. Hebert Enrico and Ms. Genevieve Castillo, Littlewater Chapter Manager in an effort to secure information on any possible TCPs, blessed or sacred places or structures; or graves that might be present in or near the project area. No traditional, cultural, historic, religious properties or burials were identified within or near the area of the LWSPLP alignment.

## **2. Archaeological Resources**

During the course of the survey six in-use sites (IUS-1 through IUS-6), and three sites NM-Q-24-33, NM-Q-24-58 and NM-Q-25-91 were identified within the project area. IUS-1 through IUS-6 and NM-Q-24-58 do not meet the 50-year guideline for inclusion into the *National Register of Historic Properties*. Sites NM-Q-24-33 and NM-Q-25-91 appear to be eligible for the *National Register of Historic Properties* under criterion "d".

## **F. Socioeconomics**

### **1. Employment**

Unemployment on the Navajo Nation is high. Living standards of Navajo people in this area may be considered average for the reservation. Because of the remote location of LC, availability of wage work is limited. The Navajo Tribal government is the major employer in the area. Private sector employment such as service stations, motels and restaurants and other service businesses are not available locally, but are found in Crownpoint, 12 miles west.

### **2. Demographics**

The Navajo Nation encompasses 16.2 million acres in northwest New Mexico, northeast Arizona and southeast Utah. The 2000 census set the Navajo Nation resident population at a total of 180,462 persons, 165,673 being Navajo. The proposed project is located in the LC, Eastern Navajo Agency. The 2000 census of the Navajo Nation set the population of the LC at 571.

### **3. Lifestyles, Cultural Values**

From the time the Navajo Reservation was established until the early 20th century, Navajo social and political organization were based on the extended family, the clan, and related clans, with informal local leaders or headmen. The chapter system, now a strong element in social and political life, was introduced as a bureaucratic substitute for the headman system in the late 1920's. The Chapter, District and Agency system has developed from the basis of the BIA and Navajo Tribal political system. The Navajo of today is subject to a fluidity and change that appears to characterize Navajo culture. There may not be, in fact, a single Navajo culture; rather a continuum from most traditional to most "modern" (that is, most like Anglo culture). In American culture, one is accustomed to thinking of certain activities as religious, or economic or political; in Navajo society, these divisions do not necessarily exist nor are they perceived. For Navajos, man, nature, and supernatural forces are inextricably interwoven, and everyday acts are infused with the concept of the supernatural. Despite changes in Navajo society, traditional practices are still strong. Christian and the Native American Church preach primary responsibility to one's nuclear family and only secondary responsibility to other kin. Many Navajos, who subscribe to a belief in these non-traditional religions, are still strongly bound by tradition to their kinship and community groups through Navajo religious practices. Most traditional families have an area marked by a bush or plant where family members leave offerings of used material and paraphernalia from sings or ceremonies. Only individual families, medicine men or singers may know areas. Such areas are numerous and can only be identified by inquiry in each community. Because a nuclear family could scarcely survive without reciprocal relationships, the clan system is continually reinforced. Withdrawal of group or clan support is an economic, as well as, a psychological threat.

### **4. Community Infrastructure**

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



Borrego Pass School and Crownpoint elementary, mid and high schools serve the children in the area. The Navajo Community College and Crownpoint Institute of Technology in Crownpoint provide advanced educational opportunities. Social services available within the Littlewater Chapter include Community Health Representative, Department of Employment and Training and Community Services.

Gas, groceries and sundries are not available locally. Basha's Supermarket, one restaurant, three gasoline stations, three convenience stores, two laundromats and a variety of other small business such as feed stores, video shops and car washes are located in Crownpoint 12 miles west. The major trade centers are Gallup and Grants, New Mexico. There is one Christian and 2 Native American churches serving the Littlewater community.

The BIA, County of McKinley and the State of New Mexico provide road construction and maintenance in the chapter. Utilities available in the area are provided by the Navajo Tribal Utilities Authority, Indian Health Service, Citizens Telecom (Navajo Communications) and Continental Divide Electric Cooperative, Inc.

### ***G. Resource and Land Use Patterns***

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

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

Grazing by sheep, goats, cattle and horses is the primary use of the land by local inhabitants. Rangeland may be classified by its carrying capacity in sheep units; that is, the amount of land needed to graze one sheep for one year (one cow requires four sheep units; one horse, five sheep units). According to studies conducted in the area, the best grazing areas would require 20 to 30 acres per sheep unit. In poorer grazing areas, as many as 500 acres would be required per sheep unit. The area may be considered good to poor. There are no prime or unique farmlands within or adjacent to the LWSPLP area.

#### **2. Residential Land Use**

In general, housing conditions range from poor to excellent in the LC. Many of the dwellings in the area have been built by their owners and have three rooms or fewer. Mobile homes are a popular source of improved housing. However, many of the mobile homes lack water and sewer and are dependent on outhouses and hauled water. This situation is constantly improving as Indian Health Service projects gradually expand water systems on the reservation allowing families to enjoy water, indoor plumbing utilizing septic tanks and leach fields for sanitary systems. 212 houses were reported in the LC in the 2000 census; of this number 61 were found vacant, 13 mobile homes are located in the Chapter. 33 homes lack water and sewer and are dependent on outhouses and hauled water. LC has no definite town limits or zoning restrictions specifying types of construction or specific areas for commercial, industrial or residential development. NHA housing projects in the area are laid out in the conventional urban system of homes located along streets and alleys. In the rural areas of the chapter, the populations of Navajo families reside in a rural form. That is in the manner found in farming and ranching communities where the families reside in "open compounds" or areas where one or more homes are located and surrounded by acres of farmland or grazing areas. Often several families, composed of the parents, and one or more sons and/or daughters, live at the same location.

#### **3. Waste Material**

##### ***a. Solid Waste***

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

##### ***b. Hazardous Waste***

A field trip to the LWSPLP site was conducted on July 5, 2016. There are no hazardous or toxic waste materials in the LWSPLP area.

## **H. Other Values**

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

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

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

The ambient noise levels in the LC ranges between 0-db (soft whisper) and 100-db from occasional truck. Due to the location and topography, the area along the LWSPLP will not be subject to noise levels higher than an occasional 80-db level.

### **2. Public Health and Safety**

Medical services are provided by the Gallup Indian Medical Center and Rehoboth McKinley Christian Hospital in Gallup, New Mexico; the Cibola General Hospital in Gants, New Mexico and Crownpoint Indian Health Care Facility in Crownpoint, New Mexico.

The McKinley County Sheriff's Department, New Mexico State Police and Navajo Police Crownpoint District, provide public safety services. The LC has no local fire suppression services.

### **3. Visual Setting**

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

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

### **4. Explosive and Flammable Operations [24 CFR 518]**

A field trip to the LWSPLP area was conducted on July 5, 2016. The site was found to be clear of dumps, landfills, industrial sites or other facilities or locations that contain hazardous wastes. The site is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances.

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

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

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

### **A. Land Resources**

#### **1. Topography**

The LWSPLP alignment topography is unbroken. No modification of the topography will be required.

#### **2. Soils.**

Construction and operation of the LWSPLP will not require or generate and pollutants or materials which would effect the soils.

#### **3. Geological Setting and Mineral Resources**

##### **a. Geology**

The LWSPLP will have no effect on the geological setting.

##### **b. Mineral Resources**

The LWSPLP will have no effect on mineral resources.

#### **4. Paleontology**

The LWSPLP will have no effect on paleontology.

### **B. Water Resources**

#### **1. Surface Water**

No defined drainages will be blocked, impounded or diverted because of LWSPLP or operations. Measures to assure surface runoff is managed so water erosion and pollution do not occur will be implemented. Runoff from the LWSPLP will contain no toxic or hazardous materials.

Surface water will not be adversely affected by the LWSPLP.

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

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

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

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

##### **c. Wetland Protection [Executive Order 11990]**

The LWSPLP will not have an adverse effect on wetlands.

#### **2. Ground Water**

The LWSPLP will have no effect on the ground water.

##### **a. Sole Source Aquifers [40 CFR 149]**

The LWSPLP will have no effect on sole source aquifers.

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

#### **1. Quality**

LWSPLP will not generate or release pollutants which will result in visibility reduction, damage to materials such as structural metals, paint and fabrics, damage to vegetation, and physiological damage to man and animals.

The LWSPLP will not have an effect on the air quality.

## **2. Visibility**

The LWSPLP will have no effect on visibility.

## **3. Climate/Meteorology**

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

### **D. Biotic Resources**

#### **1. Description of Ecosystem and Biological Communities**

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

#### **2. Wildlife**

##### **a. Terrestrial**

Wildlife will not be adversely impacted by the LWSPLP.

##### **b. Riparian/Aquatic**

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

##### **c. Threatened and Endangered Species**

The following federally listed threatened or endangered species were identified that may have potential to occur on the *Casamero Lake Quadrangle (Appendix E)*

Black-footed ferret (*Mustela nigripes*) NESL group 2; USESA endangered

Usually found in conjunction with prairie dogs, which are their primary food source; and provide abandoned burrows for habitat. No prairie dog colonies were observed in the area of the LWSPLP alignment. Habitat to support a population of Black-footed ferrets is not found in the area. LWSPLP is not expected to have an adverse impact on the Black-footed ferret.

##### **d. Other Species of Concern**

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

Kit fox (*Vulpes macrotis*)

Remains in burrow during day and forages at night. Preferred habitat is open level, sandy ground; low desert vegetation, junipers. Habitat type in the project area may be best described as a Major Erosional Area. Vegetation is relatively sparse with alkaline or saline soils. Animal densities are low due to the low vegetative cover. Habitat along the LWSPLP alignment is marginal for this species and in consideration of its nocturnal habit the proposed LWSPLP is not expected to have an adverse impact on the Kit fox.

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

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

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

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

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



Peregrine falcon (*Falco peregrinus*) NESL group 4; MBTA

Cliffs, bluffs rivers and lakes that provide habitat for the Peregrine falcon are not found in the immediate vicinity of the LWSPLP. It is not expected that the LWSPLP project will have an adverse impact on the Peregrine falcon or its habitat..

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

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

### **3. Vegetation**

#### **a. Terrestrial**

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

#### **b. Riparian/Aquatic**

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

#### **c. Threatened and Endangered Species**

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

#### **d. Other Species of Concern**

The NNHP have identified the following species of concern with potential to occur on the *Heart Rock Quadrangle and Casamero Lake Quadrangle (Appendix E)*.

Heil's milkvetch (*Astragalus heilii*)

Rocky ledges of the Mesa Verde Group are not found on or near the LWSPLP right-of-way. It is not expected that the LWSPLP project will not have an adverse impact on this species or its habitat.

### **4. Biological Resources Compliance**

All proposed power lines shall be constructed with a raptor-safe power pole design as per *Avian Power Line Committee's Suggested Practices for Raptor Protection on Power Lines; The State of the Art 2006 (Edison Electric Institute, APLIC and the California Energy Commission, Washington D. C. and Sacramento, CA)* and the *Navajo Nation Raptor Electrocution Prevention Regulations. Biological Resources Compliance Form -----*

### **E. Cultural and Archaeological Resources**

The LWSPLP was inventoried by the Navajo Nation Capital Improvement Office (NNCIO). A complete description of this work and results are found in the archaeological report titled *A Cultural Resources Inventory of Lines A, Tap A-1 and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, NM (DCD1 95-139.2), February 6, 2017 (Appendix F)*. A *Cultural Resource Compliance Form NNHPD NO.: HPD-99-201.2 - REVISED* was issued for this undertaking on June 9, 2017 (*Appendix G*).

#### **1. Traditional Cultural, Historic and Religious Properties**

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

#### **2. Archaeological Resources**

Six in-use sites (IUS-1 through IUS-6), and three sites NM-Q-24- 33, NM-Q-24-58 and NM-Q-25-91 were identified within the project area. IUS-1 through IUS-6 and NM-Q-24-58 do not meet the 50-year guideline for inclusion into the *National Register of Historic Properties*.

Sites NM-Q-24-33 and NM-Q-25-91 appear to be eligible for the *National Register of Historic Properties* under criterion “d”. A *Cultural Resource Compliance Form NNHPD NO.: HPD-99-201.2 - REVISED* was issued for this undertaking on June 9, 2017 (*Appendix G*) with “No historic properties affected” with the following conditions:

**NM-Q-24- 58**

1. Site boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Site will be avoided by a minimum of 50-ft by confining all work to the existing roads and the 30-ft wide right-of-way.

**NM-Q-24- 33**

1. A qualified archaeologist will flag site boundary prior to all construction activities.
2. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside the flagged boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and the 30-ft. wide right-of-way.
3. All ground disturbing activities will be confined to the eastern side of the powerline and on existing road.
4. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-arounds.

**NM-Q-24- 91**

1. A qualified archaeologist will flag site boundary prior to all construction activities.
2. All ground disturbing activities will be limited to the south side of the powerline, by voiding the site by a minimum if 50-ft from the site boundary.

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

***F. Socioeconomics***

**1. Employment**

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

**2. Demographics**

The LWSPLP will not affect demographics of the LC.

**3. Lifestyles, Cultural Values**

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

**4. Community Infrastructure**

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

***G. Resource and Land Use Patterns***

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

The LWSPLP will have no effect on agriculture in the LC.

**2. Residential Land Use**

The LWSPLP will have no effect on residential land use.

**4. Waste Material**

***a. Solid Waste***

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

***b. Hazardous Waste***

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

***H. Other Values***

**1. Sound and Noise**

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

**2. Public Health and Safety**

The LWSPLP will not effect on public health and safety in the LC.

**3. Visual Setting**

The LWSPLP will not have an adverse effect on the visual setting or visual resources in the LC.

**4. Explosive and Flammable Operations [24 CFR 518]**

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

## **V. Compliance with Executive and Secretarial Orders**

### **6. Environmental Justice**

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

### **7. Indian Trust Resources**

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



## VI. Conclusions Regarding Significance

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

## **VII. Consultation and Coordination**

### ***A. Persons or agencies involved in the proposed action***

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

### ***B. Persons or agencies providing information***

Ms. Genevieve Castillo, Littlewater Chapter Manager  
Navajo Nation Capital Improvement Office  
The Navajo Nation, Natural Heritage Program, Navajo Fish and Wildlife Department  
Steve Morales, GIS Analyst/ROW Continental Divide Electric Cooperative, Inc.

### ***C. References***

- \_\_\_\_\_ 2017 A Cultural Resources Inventory of Lines A, Tap A-1 and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, NM (DCD1 95-139.2), February 6, 2017
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- \_\_\_\_\_ 2005 . Western Wild and Scenic Rivers, New Mexico
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- \_\_\_\_\_ 2005. Designated Nonattainment Areas, EPA Region VI.

## **VIII. Document Preparer**

Jim R. Analla, Consultant  
Environmental Assessment Services  
P. O. Box 1034  
Gallup, New Mexico 87305  
(505) 905-3943

# Appendix A

**Wild and Scenic Rivers**  
**[www.nps.gov/rivers/wildriverslist.html](http://www.nps.gov/rivers/wildriverslist.html)**



# Wild & Scenic Rivers By State

*"... the time has also come to identify and preserve fine-flowing stretches of our great rivers before growth and development make the beauty of the unspoiled waterway a memory."*

*- President Lyndon Johnson*

Designated WSRs  
River Information  
Rivers & Trails  
WSR Council  
Publications  
Study Rivers  
About WSRs  
Guidelines  
Site Index  
Agencies  
WSR Act  
NRI

Questions?

- |   |   |   |
|---|---|---|
| • <a href="#">Alabama</a>                 | • <a href="#">Kentucky</a>              | • <a href="#">New Jersey / Pennsylvania</a> |
| • <a href="#">Alaska</a>                  | • <a href="#">Louisiana</a>             | • <a href="#">New Mexico</a>                |
| • <a href="#">Arizona</a>                 | • <a href="#">Maine</a>                 | • <a href="#">New York / Pennsylvania</a>   |
| • <a href="#">Arkansas</a>                | • <a href="#">Massachusetts</a>         | • <a href="#">North Carolina</a>            |
| • <a href="#">California</a>              | • <a href="#">Michigan</a>              | • <a href="#">Ohio</a>                      |
| • <a href="#">Colorado</a>                | • <a href="#">Minnesota / Wisconsin</a> | • <a href="#">Oregon</a>                    |
| • <a href="#">Connecticut</a>             | • <a href="#">Mississippi</a>           | • <a href="#">Pennsylvania</a>              |
| • <a href="#">Delaware / Pennsylvania</a> | • <a href="#">Missouri</a>              | • <a href="#">Tennessee</a>                 |
| • <a href="#">Florida</a>                 | • <a href="#">Montana</a>               | • <a href="#">Texas</a>                     |
| • <a href="#">Georgia / Carolinas</a>     | • <a href="#">Nebraska</a>              | • <a href="#">Washington</a>                |
| • <a href="#">Idaho</a>                   | • <a href="#">Nebraska / S Dakota</a>   | • <a href="#">West Virginia</a>             |
| • <a href="#">Idaho / Oregon</a>          | • <a href="#">New Hampshire</a>         | • <a href="#">Wisconsin</a>                 |
| • <a href="#">Illinois</a>                | • <a href="#">New Jersey</a>            | • <a href="#">Wyoming</a>                   |

## Managing Agencies

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

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

## Arizona

- [Verde, USFS](#)

## New Mexico

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



# Appendix B

**Designated Sole Source Aquifers  
in EPA Region VI  
[www.epa.gov/safewater/swp/ssa/reg6.html](http://www.epa.gov/safewater/swp/ssa/reg6.html)**



**U.S. Environmental Protection Agency**

## Source Water Protection

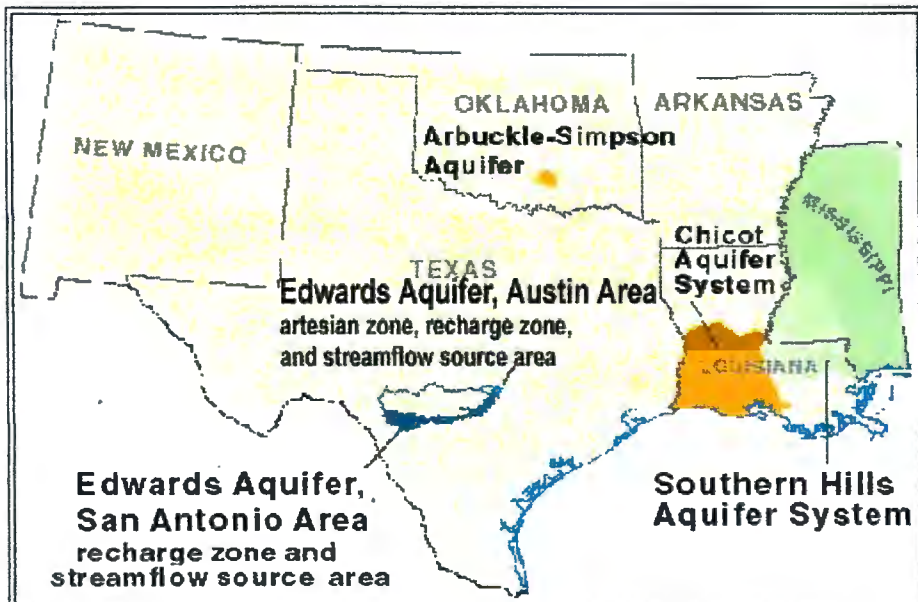
Recent Additions | Contact Us | Search:

**GO**

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

# DESIGNATED SOLE SOURCE AQUIFERS IN EPA REGION VI

**Arkansas, Louisiana, New Mexico, Oklahoma, Texas**



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

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

### DESIGNATED SOLE SOURCE AQUIFERS IN REGION 6:

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

# **Appendix C**

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



**BILL RICHARDSON**  
Governor

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

**Air Quality Bureau**  
2048 Galisteo St.  
Santa Fe, NM 87505  
Phone (505) 827-1494  
Fax (505) 827-1523

[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



**RON CURRY**  
Secretary

**DERRITH WATCHMAN-MOORE**  
Deputy Secretary

August 1, 2005

Mr. Jim Analla  
PO Box 1034  
Gallup, NM 87305

Dear Mr. Analla:

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

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

Sincerely,

Josephine Ball  
Quality Assurance Manager  
New Mexico Air Quality Bureau



# Appendix D

## Air State Implementation Plans EPA Region VI: South Central

## Air State Implementation Plans

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

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

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

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

# **Appendix E**

**Correspondence  
Littlewater Chapter CDEC Power Line Project, 16jrae 101  
Navajo Natural Heritage Program  
Department of Fish and Wildlife  
9 July 2016**

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



# NNHP

Navajo Natural Heritage Program

PO Box 1480  
Window Rock, AZ  
86515

P 928.871.6472  
F 928.871.7603

<http://nnhp.nndfw.org>

16jrae101

19-July-2016

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

**SUBJECT: Littlewater Chapter CDEC Power Line Project**

Jim R. Analla,

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

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

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

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

Species of concern include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For legally protected species, the following tribal and federal statuses are indicated: NESL, federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate, NESL group 4 status, and species listed on the Sensitive Species List. Please be aware of



these species during surveys and inform the NNDFW of observations. Reported observations of these species and documenting them in project planning and management is important for conservation and may contribute to ensuring they will not be up listed in the future.

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

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

### Species

AQCH = *Aquila chrysaetos* / Golden Eagle NESL G3

**\*\*All or parts of this project currently are within areas protected by the Raptor Electrocution Prevention Regulations; consult with NNDFW zoologist or EA Reviewer for more information and recommendations.**

## 2. Potential Species

### Species

AQCH = *Aquila chrysaetos* / Golden Eagle NESL G3

ASHE = *Astragalus heilii* / Heil's Milk-vetch NESL G4

ATCU = *Athene cunicularia* / Burrowing Owl NESL G4

BURE = *Buteo regalis* / Ferruginous Hawk NESL G3

CHMO = *Charadrius montanus* / Mountain Plover NESL G4

FAPE = *Falco peregrinus* / Peregrine Falcon NESL G4

MUNI = *Mustela nigripes* / Black-footed Ferret NESL G2 FE

VUMA = *Vulpes macrotis* / Kit Fox NESL G4

## 3. Quadrangles (7.5 Minute)

### Quadrangles

Casamero Lake (35108-E1) / NM

Heart Rock (35108-F1) / NM

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

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Heart Butte Power Line	None	AQCH	Heart Rock (35108-F1) / NM	None	VUMA, CHMO, BURE, ATCU, AQCH, ASHE	Area 3
Heart Butte Power Line Tap A-1	None	None	Heart Rock (35108-F1) / NM	None	VUMA, CHMO, BURE, ATCU, AQCH, ASHE	Area 3
Heart Butte Power Line Tap A-2	None	None	Heart Rock (35108-F1) / NM	None	VUMA, CHMO, BURE, ATCU, AQCH, ASHE	Area 3

SITE	EO1MI	EO3MI	QUAD	MSO	POTS	AREAS
Heart Butte Power Line Tap A-3	None	None	Heart Rock (35108-F1) / NM	None	VUMA, CHMO, BURE, ATCU, AQCH, ASHE	Area 3
Littlewater Power Line	None	AQCH	Casamero Lake (35108-E1) / NM	None	MUNI, FAPE, CHMO, AQCH, ASHE	Area 3
Littlewater Power Line	None	AQCH	Heart Rock (35108-F1) / NM	None	VUMA, MUNI, CHMO, BURE, ATCU, AQCH, ASHE	Area 3
Littlewater Power Line Tap A-1	None	AQCH	Heart Rock (35108-F1) / NM	None	CHMO, BURE, ATCU, AQCH, ASHE	Area 3
Littlewater Power Line Tap A-2	None	AQCH	Casamero Lake (35108-E1) / NM	None	MUNI, FAPE, CHMO, AQCH, ASHE	Area 3

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

- A. **Biological Resource Land Use Clearance Policies and Procedures (RCP)** - The purpose of the RCP is to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws which protect, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process. After years of research and study, the NNDFW has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation.
- The following is a brief summary of six (6) wildlife areas:
1. **Highly Sensitive Area** – recommended no development with few exceptions.
  2. **Moderately Sensitive Area** – moderate restrictions on development to avoid sensitive species/habitats.
  3. **Less Sensitive Area** – fewest restrictions on development.
  4. **Community Development Area** – areas in and around towns with few or no restrictions on development.
  5. **Biological Preserve** – no development unless compatible with the purpose of this area.
  6. **Recreation Area** – no development unless compatible with the purpose of this area.
- None** - outside the boundaries of the Navajo Nation
- This is not intended to be a full description of the RCP please refer to the our website for additional information at <http://www.nndfw.org/clup.htm>.
- B. **Raptors** – If raptors are known to occur within 1 mile of project location: Contact Chad Smith at 871-7070 regarding your evaluation of potential impacts and mitigation.
- o **Golden and Bald Eagles**- If Golden or Bald Eagle are known to occur within 1 mile of the project, decision makers need to ensure that they are not in violation of the Golden and Bald Eagle Nest Protection Regulations found at [http://nnhp.nndfw.org/docs\\_reps/gben.pdf](http://nnhp.nndfw.org/docs_reps/gben.pdf).
  - o **Ferruginous Hawks** – Refer to "Navajo Nation Department of Fish and Wildlife's Ferruginous Hawk Management Guidelines for Nest Protection" [http://nnhp.nndfw.org/docs\\_reps.htm](http://nnhp.nndfw.org/docs_reps.htm) for relevant information on avoiding impacts to Ferruginous Hawks within 1 mile of project location.
  - o **Mexican Spotted Owl** - Please refer to the Navajo Nation Mexican Spotted Owl Management Plan [http://nnhp.nndfw.org/docs\\_reps.htm](http://nnhp.nndfw.org/docs_reps.htm) for relevant information on proper project planning near/within spotted owl protected activity centers and habitat.

- C. **Surveys** – Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts [http://nnhp.nndfw.org/sp\\_account.htm](http://nnhp.nndfw.org/sp_account.htm). Surveyors on the Navajo Nation must be permitted by the Director, NNDFW. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NNDFW Zoologist (Chad Smith) for animals at 871-7070, and Botanist (Andrea Hazelton) for plants at (928)523-3221. Questions regarding biological evaluation should be directed to Jeff Cole at 871-7068.
- D. **Oil/Gas Lease Sales** – Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect ground water quality.
- E. **Power line Projects** – These projects need to ensure that they do not violate the regulations set forth in the Navajo Nation Raptor Electrocution Prevention Regulations found at [http://nnhp.nndfw.org/docs\\_reps/repr.pdf](http://nnhp.nndfw.org/docs_reps/repr.pdf).
- F. **Guy Wires** – Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.
- G. **San Juan River** – On 21 March 1994 (Federal Register, Vol. 59, No. 54), the U.S. Fish and Wildlife Service designated portions of the San Juan River (SJR) as critical habitat for *Ptychocheilus lucius* (Colorado pikeminnow) and *Xyrauchen texanus* (Razorback sucker). Colorado pikeminnow critical habitat includes the SJR and its 100-year floodplain from the State Route 371 Bridge in T29N, R13W, sec. 17 (New Mexico Meridian) to Neskahai Canyon in the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian) up to the full pool elevation. Razorback sucker critical habitat includes the SJR and its 100-year floodplain from the Hogback Diversion in T29N, R16W, sec. 9 (New Mexico Meridian) to the full pool elevation at the mouth of Neskahai Canyon on the San Juan arm of Lake Powell in T41S, R11E, sec. 26 (Salt Lake Meridian). All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of critical habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.
- H. **Little Colorado River** - On 21 March 1994 (Federal Register, Vol. 59, No. 54) the U.S. Fish and Wildlife Service designated Critical Habitat along portions of the Colorado and Little Colorado Rivers (LCR) for *Gila cypha* (humpback chub). Within or adjacent to the Navajo Nation this critical habitat includes the LCR and its 100-year floodplain from river mile 8 in T32N R6E, sec. 12 (Salt and Gila River Meridian) to its confluence with the Colorado River in T32N R5E sec. 1 (S&GRM) and the Colorado River and 100-year floodplain from Nautuloid Canyon (River Mile 34) T36N R5E sec. 35 (S&GRM) to its confluence with the LCR. All actions carried out, funded or authorized by a federal agency which may alter the constituent elements of Critical Habitat must undergo section 7 consultation under the Endangered Species Act of 1973, as amended. Constituent elements are those physical and biological attributes essential to a species conservation and include, but are not limited to, water, physical habitat, and biological environment as required for each particular life stage of a species.



- I. **Wetlands** – In Arizona and New Mexico, potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the Navajo Natural Heritage Program (NNHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NNHP). The NNHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation. In Utah, the U.S. Fish & Wildlife Service's National Wetlands Inventory maps are not yet available for the Utah portion of the Navajo Nation, therefore, field surveys should be completed to determine whether wetlands are located close enough to the project site(s) to be impacted. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. For more information contact the Navajo Environmental Protection Agency's Water Quality Program.
- J. **Life Length of Data Request** – The information in this report was identified by the NNHP and NNDFW's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NNDFW information is continually updated, any given information response is only wholly appropriate for its respective request.
- K. **Ground Water Pumping** - Projects involving the ground water pumping for mining operations, agricultural projects or commercial wells (including municipal wells) will have to provide an analysis on the effects to surface water and address potential impacts on all aquatic and/or wetlands species listed below. NESL Species potentially impacted by ground water pumping: *Carex specuicola* (Navajo Sedge), *Cirsium rydbergii* (Rydberg's Thistle), *Primula specuicola* (Cave Primrose), *Platanthera zothecina* (Alcove Bog Orchid), *Puccinellia parishii* (Parish Alkali Grass), *Zigadenus vaginatus* (Alcove Death Camas), *Perityle specuicola* (Alcove Rock Daisy), *Symphyotrichum welshii* (Welsh's American-aster), *Coccyzus americanus* (Yellow-billed Cuckoo), *Empidonax traillii eximius* (Southwestern Willow Flycatcher), *Rana pipiens* (Northern Leopard Frog), *Gila cypha* (Humpback Chub), *Gila robusta* (Roundtail Chub), *Ptychocheilus lucius* (Colorado Pikeminnow), *Xyrauchen texanus* (Razorback Sucker), *Cinclus mexicanus* (American Dipper), *Speyeria nokomis* (Western Seep Fritillary), *Aechmophorus clarkia* (Clark's Grebe), *Ceryle alcyon* (Belted Kingfisher), *Dendroica petechia* (Yellow Warbler), *Porzana carolina* (Sora), *Catostomus discobolus* (Bluehead Sucker), *Cottus bairdi* (Mottled Sculpin), *Oxytoma kanabense* (Kanab Ambersnail)



## 6. Personnel Contacts

### Wildlife Manager

Sam Diswood

928.871.7062

[sdiswood@nndfw.org](mailto:sdiswood@nndfw.org)

### Zoologist

Chad Smith

928.871.7070

[csmith@nndfw.org](mailto:csmith@nndfw.org)

### Botanist

Vacant

### Biological Reviewer

Pamela Kyselka

928.871.7065

[pkyselka@nndfw.org](mailto:pkyselka@nndfw.org)

### GIS Supervisor

Dexter D Prall

928.645.2898

[prall@nndfw.org](mailto:prall@nndfw.org)

### Wildlife Tech

Sonja Detsoi

928.871.6472

[sdetsoi@nndfw.org](mailto:sdetsoi@nndfw.org)

## 7. Resources

National Environmental Policy Act

Navajo Endangered Species List:

<http://nnhp.nndfw.org/endangered.htm>

Species Accounts:

[http://nnhp.nndfw.org/sp\\_account.htm](http://nnhp.nndfw.org/sp_account.htm)

Biological Investigation Permit Application

[http://nnhp.nndfw.org/study\\_permit.htm](http://nnhp.nndfw.org/study_permit.htm)

Navajo Nation Sensitive Species List

[http://nnhp.nndfw.org/study\\_permit.htm](http://nnhp.nndfw.org/study_permit.htm)

Various Species Management and/or Document and Reports

[http://nnhp.nndfw.org/docs\\_reps.htm](http://nnhp.nndfw.org/docs_reps.htm)

Consultant List

(Coming Soon)

*Dexter D Prall*

Digitally signed by Dexter D Prall  
DN: cn=Dexter D Prall, o=Navajo Nation  
Department of Fish and Wildlife,  
ou=Navajo Natural Heritage Program,  
email=prall@nndfw.org, c=US  
Date: 2016.07.19 08:18:07 -0700

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

# **Appendix F**

**A Cultural Resources Inventory  
of Lines A, Tap A-1 and Tap A-2  
of the Littlewater Springs Powerline  
(a reroute of the former  
Line B and Tap B-1 of Littlewater Powerline)  
Littlewater Chapter, McKinley County  
NM (DCD1 95-139.2)  
February 6, 2017**

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD 2010)

11. HPD REPORT NO.: DCD1 99-201.2

11. TITLE OF REPORT: A Cultural Resource Inventory of Line A, Tap A-1, and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, New Mexico

AUTHOR(S): Denise R.E. Copeland

11. FIELDWORK DATE(S):  
February 29 and March 16, 2016

11. REPORT DATE(S):  
February 6, 2017

11. CONSULTANT NAME AND ADDRESS:

Gen. Charge: Denise R.E. Copeland, Principal Archaeologist  
Org. Name: Capital Improvement Office  
Org. Address: P.O. Box 335  
Fruitland, New Mexico 87416  
Phone: 505 368-1059

11. PERMIT NO.:

NTC

11. CONSULTANT REPORT NO.:

DCD1 95-139.2.

11. SPONSOR NAME AND ADDRESS:

Ind. Responsible: Debbie Olivar  
Org. Name: Continental Divide Electric Cooperative, Inc.  
Org. Address: P.O. Box 1087  
Grants, New Mexico 87020  
Phone: 505 285-6656

11. SPONSOR PROJECT NO.:

Work Order # 50895

	NTT	IA
AOE:	3.59 ac	0.79 ac
AS:	18.08 ac	3.95 ac

11. LOCATION (MAP ATTACHED):

- |                                    |  |
|------------------------------------|--|
| a. Chapter: <u>Littlewater</u>     | f. UTM Center: <u>NAD 83, Zone 12: See Table 2</u>       |
| b. Agency: <u>Eastern</u>          | g. Legal: <u>T 16 N R 12W See Table 1 NMPM</u>           |
| c. County: <u>McKinley</u>         | h. 7.5' USGS Map(s): <u>Heart Butte, New Mexico 1963</u> |
| d. State: <u>New Mexico</u>        | <u>Casamero Lake, New Mexico 1963</u>                    |
| e. Land Status: <u>See Table 1</u> | i. Lead Agency: <u>BIA/Navajo Region</u>                 |

11. REPORT ATTACHMENTS:

- Description of Undertaking:** The undertaking consists of construction of 20 ft/6.1 m R-O-W for 9,596.13 ft of a CDEC single-phase powerline extension for six homes. Ground disturbing activities will include installation of utilities.
- Existing Data Review:** As part of this project, the archival data of the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock were consulted. Four completed projects (HPD# 96-279, 99-201, 00-672 and 05-1196) have been conducted within 1 km of the current project. Three known recorded sites, NM-Q-24-33, NM-Q-24-34 and NM-G-8-95 have been recorded within 1 km of the current project. A TCP record search was conducted on October 19, 2015 and no TCP's were identified.
- Area Environmental and Cultural Setting:** The powerline is found and located ca. 3.0 miles east of the community of Crownpoint. An unnamed drainage is located approximately 500 ft west and flows to the north. The vegetation includes grama grass, juniper, pinyon, prickly pear cactus, Russian thistle, and snakeweed, Whipple cactus and various grasses.
- Field Methods:** Katherine Gallegos, PLS, Transmission and Distribution Services, LLC provided the drawing showing the location of the powerline. The investigation was conducted by (100%) a Class III level pedestrian inventory of a 100 ft right-of-way corridor x 9,596.13 ft of powerline extension. The approximate project was covered by parallel transects spaced 15 m apart. A total of 22.03 ac was inventoried. The author interview Mr. Hebert Enrico and Ms. Genevieve Castillo, Littlewater Chapter Manager on February 29, 2016 regarding TCP's and no TCP's were identified within or near the area.

11. CULTURAL RESOURCE FINDINGS:

- Location/identification of Each Resource:** Six in-use sites (IUS-1 through IUS-6) and three sites NM-Q-24-33, NM-Q-24-58 and NM-Q-25-91 were identified within the proposed project area. See attached.
- Evaluation of Significance of Each Resource:** In-use sites (IUS-1 through IUS-6) and site NM-Q-24-58 do not meet the 50-year guideline for inclusion into the National Register of Historic Places. Sites NM-Q-24-33 and NM-Q-25-91 appear to be eligible for the National Register of Historic Places under criterion "d". No historic properties will be affected. No historic properties will be affected.

11. MANGEMENT SUMMARY (RECOMMENDATIONS): Notice to proceed for the undertaking is recommended.

11. CERTIFICATION:

SIGNATURE: Denise R.E. Copeland  
Direct Charge Name: Denise R.E. Copeland

February 6, 2017  
Date



A Cultural Resource Inventory of Line A, Tap A-1, and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, New Mexico

11. LOCATION (MAP ATTACHED):

a. Land Status:/g. Legal

<b>TABLE 1</b> <b>Line by Line -- Legal Description and Land Status of Littlewater Springs Powerline</b> <b>T16N, R12W, NMPM -- NAD 83</b>						
			Length of Line		ROW	Survey Corridor
Line	Legal Description	Land Status	# of Feet	Meters	Acres	Acres
Line A	SW ¼, Sec. 2	IA 1017	1,673.43	510.06	0.77	3.84
	W ½, Sec. 11	NTT	5,289.05	1,612.10	2.43	12.14
	NW ¼, Sec. 14	NTT	1,384.49	421.99	0.63	3.18
Tap A-1	NW ¼, Sec. 11	NTT	231.72	70.63	0.10	0.53
Tap A-2	NW ¼, Sec. 14	NTT	567.44	172.96	0.26	1.30
Guy Footage	SW ¼, Sec. 2	IA 1017	50.00	15.24	0.02	0.11
	W ½, Sec. 11	NTT	150.00	45.72	0.06	0.34
	NW ¼, Sec. 14	NTT	250.00	76.20	0.10	0.57
Total			9,596.13	2,924.90	4.38	22.03

f. UTM Center:

**TABLE 2**  
**UTM Coordinate Locations of the Littlewater Springs Powerline**  
**(NAD 83, Zone 13)**

Line	Point	Northing	Easting	Quad Map
Line-A BOP	1	39 48 229.9	7 64 319.5	Heart Butte, NM
Tap A-1 BOP	2	39 47 686.8	7 64 239.4	
Tap A-1 EOP	3	39 47 675.9	7 64 109.6	
Line-A	4	39 46 814.9	7 64 110.8	
Tap A-2 BOP	5	39 46 095.5	7 64 088.2	Casamero Lake, NM
Tap A-2 EOP	6	39 46 012.5	7 63 868.5	
Line-A	7	39 45 860.8	7 64 080.9	
Line-A EOL	8	39 45 828.6	7 63 987.4	

### 13. CULTURAL RESOURCE FINDINGS:

#### a. Location/identification of Each Resource:

SITE NO.: NM-Q-24-58

LEGAL LOCATION: T 16N R 12W; SW ¼ of Section 11; NMPM

UTM: Zone 12, N 39 47 620.2m; E 7 63 194.1m NAD 83

LAND STATUS: Tribal Trust

STATE: New Mexico County: McKinley CHAPTER: Littlewater

USGS MAPS REFERENCE AND DATE: Heart Butte, New Mexico 1963

The site consists of dismantled historic frame hogan with a bathroom addition. The of a hogan ring, 6 m diameter. No artifacts were found around hogan. The site covers an area 12 m x 38 m for a total area of 456 sq m.

Ms. June Barbone, Littlewater Sectary/Treasurer said family dismantled the hogan after the death of Sadie Benally in the fall of 1991.

SITE NO.: NM-Q-24-33

LEGAL LOCATION: T 16N R 12W; NW ¼ of Section 11; NMPM

UTM: Zone 12, N 39 74 200 m, E 7 64 169 m; NAD 83

LAND STATUS: Tribal Trust

STATE: New Mexico County: McKinley CHAPTER: Littlewater

USGS MAPS REFERENCE AND DATE: Heart Butte, New Mexico 1963

SITE TYPE: Historic Navajo/Anasazi slab-lined cist and Artifact Scatter

SITE SIZE: (L x W): 55 x 60 m TOTAL AREA (Sq. m): ca. 3,300

The site consists of an Anasazi P II-III cist and artifact scatter and a Navajo Sheep Camp. Three features were found on the site, two historic (Features 2 and 3) and one prehistoric (Feature 1).

Feature 1 is a slab-lined cist measuring 1 m in diameter. No artifacts were found associated with the feature. Feature 2 is an area of grey soil/ash measuring 6 by 11 meters near the Navajo oven. The only artifact found on the feature is a leather strap. Feature 3 consists of the remains of a rock oven. The feature measures 2 m in diameter. No artifacts were associated with this feature. In addition to the historic features, two scattered logs were noted on the western side of the site. One is 70 cm long and burned on both ends, the other log is 50 cm long with the north end being buried.

The following historic artifacts were found within the western one-third of the site: a lard can, a meat can, a coffee can, and a Chevrolet car body. The following prehistoric artifacts were found within the eastern two-thirds of the site: 23 greyware sherds, six Gallup Black-on-White sherds, 27 corrugated sherds, one whiteware sherd, and one chert interior flake.

SITE NO.: NM-Q-25-91

LEGAL LOCATION: T 16N R 12W; NW ¼ of Section 14; NMPM

UTM: Zone 12, N 39 46 095.2m, E 7 64 069.3 m; NAD 83

LAND STATUS: Tribal Trust

STATE: New Mexico County: McKinley CHAPTER: Littlewater

USGS MAPS REFERENCE AND DATE: Casamero Lake, New Mexico 1963

SITE TYPE: Historic Navajo/Anasazi Artifact Scatter

SITE SIZE: (L x W): 8 x 8 m TOTAL AREA (Sq. m): ca. 64.

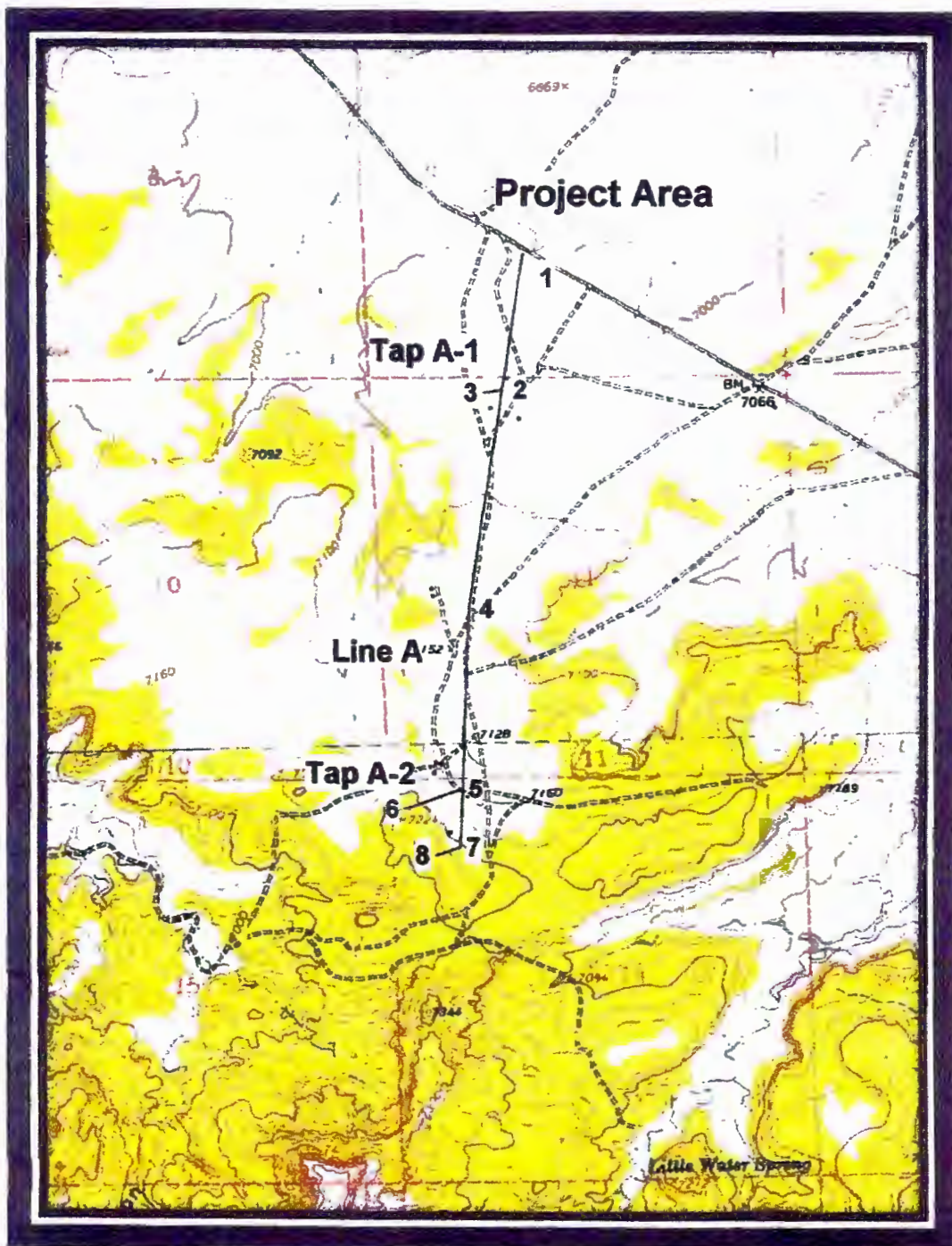
The site consists of one historic feature (Feature 1) was found on the site and a prehistoric artifact scatter. Feature 1 consists of a meter pile of burnt sandstone and maybe a possible sweatlodge discard pile. No other features were found. The following prehistoric artifacts were found within the eastern two-thirds of the site: 23 greyware sherds, six Gallup Black-on-White sherds, 27 corrugated sherds, one whiteware sherd, and one chert interior flake.

In-use sites 1 through 6 are listed in Table 3.

**TABLE 3**  
**UTM Coordinate Locations of the Littlewater Springs Powerline**  
**(NAD 83, Zone 13)**

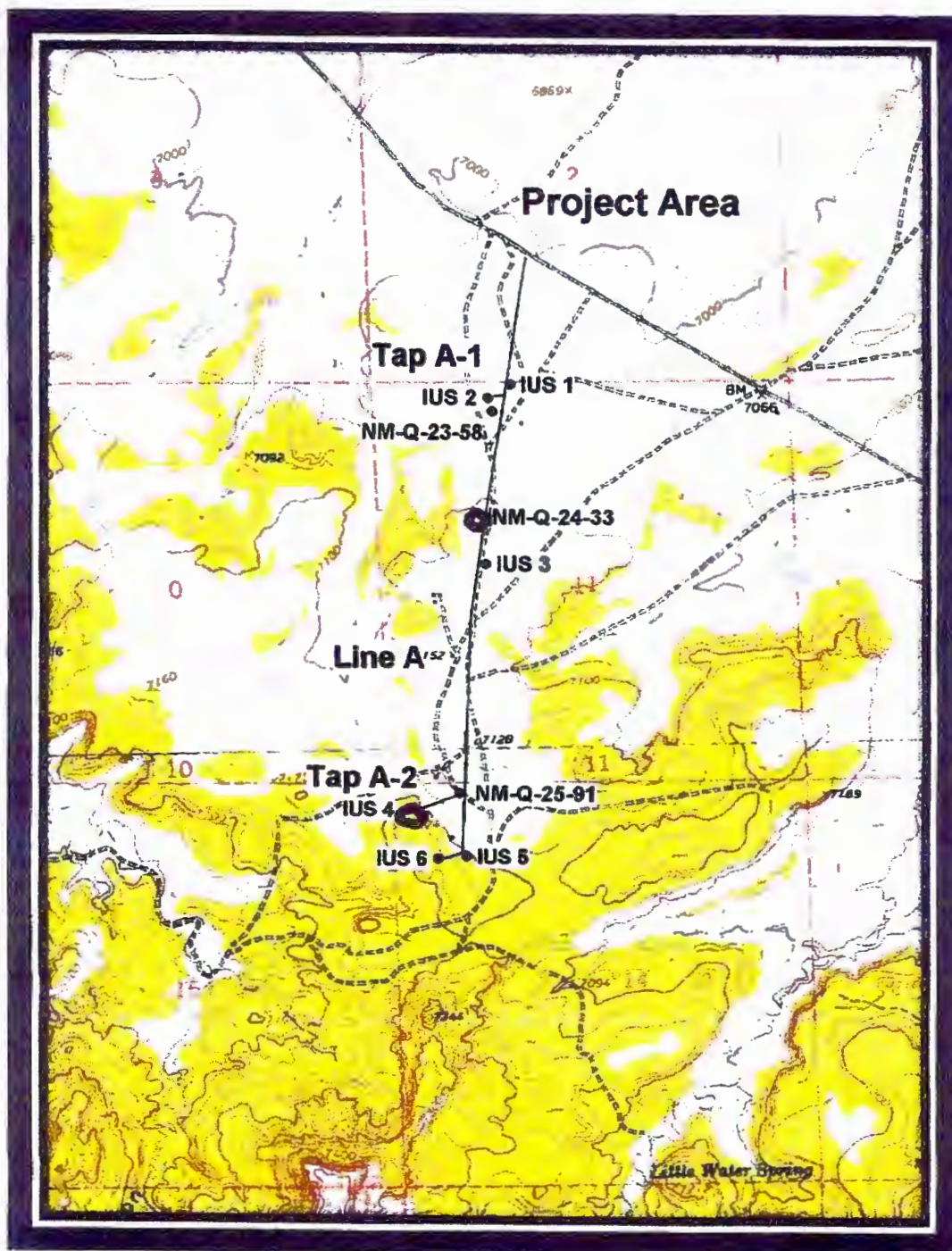
Line	Hse No.	Owner	Date	Description
Line-A	1	Leo Thompson	1974	A cinderblock house (former Mable Thompson), a shed, a corral w/ a shed and an outhouse.
Tap A-1	2	James Livingston	1974	A cinderblock house (former Margie Benally), trash and a burned hogan.
Line A	3	Alfred Norman Bigman	Ca. 1972	A stucco frame house (former Cecil Bigman), an eight sided hogan, a rock pile, a frame shed w/ rock addition, a dismantled shed, an outhouse, a chicken coop, a basketball standard, and a family graveyard (located on the east side of home).
Tap A-2b	4	Lucille Yazzie, Leslie Chavez Cademan and James Enrico	1964 - 1966	A frame house (Leslie Chavez Cademan/Former Dorothy & Leon Chavez 1964-1966); a frame hogan (James Enrico, 1979); a frame house (Lucille Yazzie/ former Willey & Mary Tom, 1980) a hogan (Lucille Yazzie, 1975) and a trailer (L. Yazzie, 1978).
Line A	5	Peterson Enrico	2006	Frame Hogan w/frame additions
	6	Herbert Enrico	1997	Frame house and corrals





**Figure 1:** Specific Location of the Line A, Tap A-1 and Tap-2 of the Littlewater Powerline Extension. Numbers are UTM coordinate locations. Map is U.S.G.S 7.5 Heart Butte, NM, 1963. Work Order No. 50895 (DCD1 95-139.2).





**Figure 2:** Specific Location of the Line A, Tap A-1 and Tap-2 of the Littlewater Powerline Extension with cultural resources. Numbers are in-use site locations Map is U.S.G.S 7.5 Heart Butte, NM, 1963. Work Order No. 50895 (DCD1 95-139.2).

# Appendix G

**A Cultural Resource Compliance Form  
NNHPD NO.: HPD-99-201.2 - REVISED  
June 9, 2017**



THE NAVAJO NATION  
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:

☒ DCD1

NNHPD NO.: **HPD-99-201.2 - REVISED**

OTHER PROJECT NO.: DCD1 95-139.2

PROJECT TITLE: A Cultural Resource Inventory of Line A, Tap A-1, and Tap A-2 of the Littlewater Springs Powerline (a reroute of the former Line B and Tap B-1 of Littlewater Powerline), Littlewater Chapter, McKinley County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Debbie Olivar, CDEC, PO Box 1087, Grants, New Mexico 87020

PROJECT DESCRIPTION: The undertaking consists of the construction of a 20-ft wide by **9,596.13**-ft of a CDEC single-phase powerline extension to serve six homes. The area of effect is 4.38-acres. Ground disturbance will be intensive & extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust & Indian Allotment 1017													
CHAPTER(S):	Littlewater													
LOCATION:	T.	16	N.	R.	12	W	Sec.	2, 11, 14	Heart Butte & Casamero Lake	Quads	McKinley	County	New Mexico	NMPM
PROJECT ARCHAEOLOGIST:	Denise R. E. Copeland													
NAVAJO ANTIQUITIES PERMIT NO.:	NTC													
DATE INSPECTED:	02/29/16 & 03/16/16													
DATE OF REPORT:	06/06/17													
TOTAL ACREAGE INSPECTED:	22.03 – total acres (18.08=NTT; 3.95=IA)													
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 15 m apart.													
LIST OF CULTURAL RESOURCES FOUND:	(3) Sites (NM-Q-24-33, NM-Q-24-58, NM-Q-25-91) (6) In-Use Sites (IUS)													
LIST OF ELIGIBLE PROPERTIES:	(2) Sites (NM-Q-24-33, NM-Q-25-91)													
LIST OF NON-ELIGIBLE PROPERTIES:	(1) Site (NM-Q-24-58) (6) IUS													
LIST OF ARCHAEOLOGICAL RESOURCES:	(1) Site (NM-Q-25-91)													



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

**Site NM-Q-24-58:**

1. Site boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Site will be avoided by a minimum of 50-ft by confining all work to the existing roads and the 30-ft wide right-of-way.

**Site NM-Q-24-33:**

1. A qualified archaeologist will flag site boundary prior to all construction activities.
2. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged site boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and 30-ft wide right-of-way.
3. All ground disturbing activities will be confined to the eastern side of the powerline and on existing road.
4. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-around.

**Site NM-Q-24-91:**

1. A qualified archaeologist will flag site boundary prior to all construction activities.
2. Ground disturbance will be limited to south of the powerline, avoiding the site by a minimum of 50-ft from site boundary.

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

FORM PREPARED BY: **Tamara Billie**

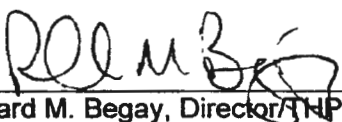
FINALIZED: June 6, 2017 - *Revised*

Notification to Proceed  
Recommended

☒ Yes ☐ No

Conditions:

☒ Yes ☐ No

  
Richard M. Begay, Director/THPO  
The Navajo Nation  
Heritage & Historic Preservation Office  
Date 6/7/2017

Navajo Region Approval

☒ Yes ☐ No

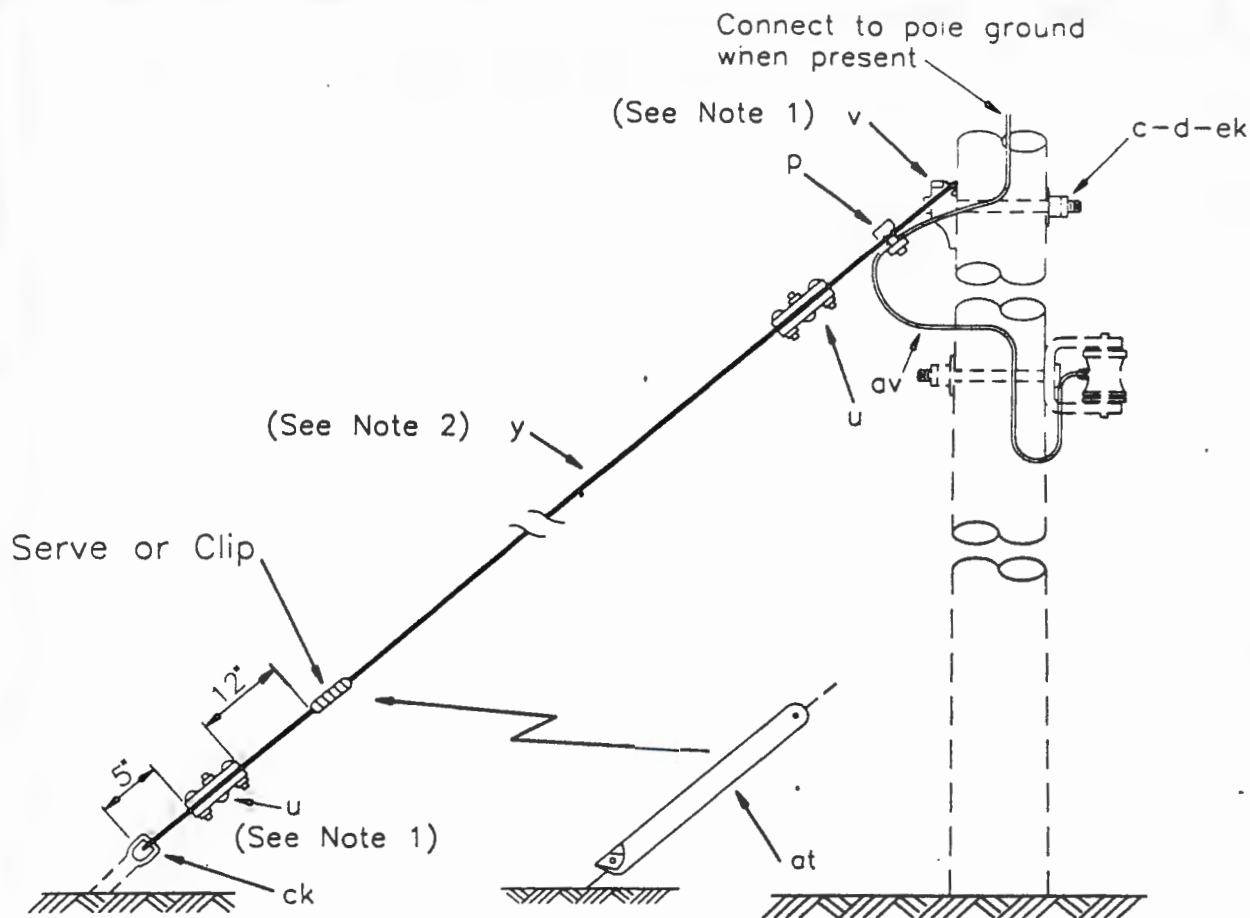
  
BIA - Navajo Regional Office  
Date 6/9/17

[Type here]



# Appendix H

## Guy Wire Digram



NOTES:

1. Other accepted and equivalent guy deadend (item "u") and attachment (item "v") material may be substituted for the ones shown.
2. Specify guy wire size, type and required length.

ITEM	QTY	MATERIAL
c	1	Bolt, machine, 5/8" x req'd length
d	1	Washer, square, 2 1/4"
p		Connectors, guy bond and as req'd
u	2	Deadend for guy strand (See Note 1)
v	1	Guy attachment (See Note 1)
y		Guy wire, as req'd (See Note 2)
at	1	Guy marker
av		Jumpers, as req'd
ck	1	Clamp, anchor bonding
ek	1	Locknuts

DESIGN PARAMETERS:

MAXIMUM WORKING  
LOAD = LESSER OF  
5,200 lbs HORIZONTAL  
OR ALLOWABLE GUY WIRE TENSION

SINGLE DOWN GUY  
(THROUGH BOLT TYPE)

DEC 1998

RUS

E1.1



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

MC: 480 Branch of Environmental Quality Act Review & Compliance

OCT 12 2017

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

Dear Mr. Analla:

The Environmental Assessment, **EA-17-19458, Continental Divide Electric Cooperative, Inc. Littlewater Springs Power Line Project**, received August 10, 2017, has been reviewed in the Branch of Environmental Quality Act Review and Compliance, Navajo Regional Office.

Continental Divide Electric Cooperative, Inc. (CDEC) proposes a right-of-way (ROW) for the construction of a single-pole overhead 14.4/24.9 kV power line, also known as the Littlewater Springs CDEC Power Line Project. This power line will serve the Littlewater Chapter area. The proposed project is found on the Heart Rock Quadrangle and Casamero Lake Quadrangle, New Mexico-McKinley, 7.5 Series map and located in Sections 2, 11 and 14, T16N, R12W NMPM. The power line would have a total length of 9,596.13 feet with a 20 foot wide corridor. The guy line ROW will have a 20 foot wide corridor. The power line project will require approximately 26 poles and 9 anchors, resulting in approximately 50 square feet of surface disturbance for the entire project. The best available construction practices will be used to limit impacts to land, water (surface and ground), and biological resources.

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

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

Sincerely,

Regional Director, Navajo

**FINDING OF NO SIGNIFICANT IMPACT  
ENVIRONMENTAL ASSESSMENT, EA-17-19458  
CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (CDEC) LITTLE  
WATER SPRINGS CDEC POWER LINE PROJECT-CDEC WO #50895**

**Jim R. Analla EA Services**

**Location: Heart Rock and Casamero Lake Quadrangle, New Mexico-McKinley  
USGS 7.5-Minute Series Maps  
Sections 2, 11 and 14, T 16 N, R 12 W, NMPM**

**Little Water Chapter, McKinley County, New Mexico**

Continental Divide Electric Cooperative, Inc. (CDEC) proposes a right-of-way (ROW) for the construction of a single-pole overhead 14.4/24.9 kV power line, also known as the CDEC Little Water Springs Power Line Project. This power line will serve the Littlewater Chapter area. The proposed project is found on the Heart Rock Quadrangle and Casamero Lake Quadrangle, New Mexico, 7.5 Series map and located in Sections 2, 11 and 14, T16N, R12W NMPM. The power line would have a total length of 9,596.13 feet with a 20 foot wide corridor. The power line project (ROW) will be 20 feet in width and require approximately 26 poles and 9 anchors, resulting in approximately 50 square feet of surface disturbance for the entire project. Anchor (guy) wires will vary from 25 feet to 40 feet in length (Appendix H) and remain in the (ROW); and not fall outside the ROW. The best available construction practices will be used to limit impacts to land, water (surface and ground), and biological resources.

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

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment, including, topography, soils, geology, mineral and paleontological resources, water resources, air resources, vegetation, socioeconomics, resource and land use patterns, sound and noise, public health and safety, visual setting, environmental justice and Indian trust assets.
2. **Public health and safety:** The CDEC Little Water Springs Power Line Project will not have an effect on public health and safety. With the installation of the power line, the health and public safety of the community will improve.
3. **Clean Water Act (CWA) Compliance:** When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section 402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of ½ acre or more; and Section 404, Permit for Discharge of Dredge or Fill Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army of Engineers and the Navajo Nation Environmental Protection Agency: Based on the EA, this project has no attributes of wetlands are present on LWSPLP, nor does the project cross any Waters of the United States. Before construction begins, (CDEC) shall make contact with the Navajo Nation Environmental Protection Agency and confirm that this project is in compliance with the Clean Water Act (CWA).



4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to other areas in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.
5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.
6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. Design and construction of the Littlewater Springs Power Line Project shall be in accordance with the *Avian Power Line Committee's Suggested Practices for Raptor Protection on Power Lines; The State of the Art 2006* (Edison Electric Institute, APLIC and the California Energy Commission, Washington D.C. and Sacramento, Ca) and the *Navajo Nation Raptor Electrocution Prevention Regulations*. All applicable sections of the latest revision of the *National Electrical Safety Code and National Electrical Code* or local Laws or Ordinances whichever is most stringent and shall be followed.
7. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.
8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** The Navajo Nation Historic Preservation Department (NNHPD) issued Cultural Resources Compliance Form, NNHPD No. HPD-99-201.2, dated June 09, 2017. The CRCF was issued with "No historic properties affected with the following conditions;"
  - **Site NM-Q24-58:** Site boundary will be flagged by a qualified archaeologist prior to all construction activities. Site shall be avoided by a minimum of 50-ft by confining all work to the existing roads and the 20-ft wide right-of-way.
  - **Site NM-Q-24-33:** A qualified archaeologist will flag site boundary prior to all construction activities. Site will be avoided by spanning the powerline extension; a) all power poles will be placed outside of the flagged site boundary; b) all electrical wires will be hand-carried across the site; c) all construction traffic should be confined to the existing road and a 20-ft wide right-of-way. All ground disturbing activities will be confined to the Eastern side of the powerline and on existing road. Once construction is completed, site will continue to be avoided by routine maintenance activities by using established drive-around.
  - **Site NM-Q-24-91:** A qualified archaeologist will flag site boundary prior to all construction activities. Ground disturbance will be limited to South of the powerline, avoiding the site by a minimum of 50-ft from site boundary.

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

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** The Navajo Nation Department of Fish and Wildlife (NNDFW) issued Biological Resources Compliance Form (BRCF), NNDFW Review No. 17jrae101-LWS, dated July 19, 2017. A conditional approval was granted with avoidance/mitigation measures and conditions of compliance.

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

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

11. **Whether the action violates Federal or local laws or requirements imposed for the protection of the environment:** The proposed project will not violate any Federal or tribal environmental laws or requirements.
12. **Indian Trust Assets:** The EA has been prepared to assess the impacts from the approval of the HBPLP to the Navajo Indian environment and trust resources. The proposed action is conducted in compliance with *Secretarial Order 3175, Departmental Responsibilities for Indian Trust Resources*. Based on the EA, there are no Indian Trust Assets within the proposed project area.
13. **Climate Change:** The proposed action would have no effect on climate change. (EAS-1701 Section IV, Paragraph C, Part 3).

## CONCLUSION

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

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

  
Regional NEPA Coordinator

10/11/2017  
Date

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

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

**PROJECT NAME & NO.:** Little Water Springs Power Line, CDEC WO#1701

**DESCRIPTION:** CDEC proposes a right-of-way for the construction, operation, and maintenance of a single-pole overhead 14.4/24.9kV power line. The power line would be a total of 9,596.13 ft. in length with a 20-ft. wide corridor (including guys and anchors), consisting of 3.59± acres on Navajo Tribal Trust Lands and 0.79± acres Navajo Indian Allotted Lands.

**LOCATION:** Sections 2, 11, & 14, T16N, R12W, NMPM, Littlewater Chapter, McKinley County, New Mexico

**REPRESENTATIVE:** J.R. Analla EA Services for Continental Divide Electric Cooperative, Inc. (CDEC)

**ACTION AGENCY:** Bureau of Indian Affairs and Navajo Nation

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

**SIGNIFICANT BIOLOGICAL RESOURCES FOUND:** Area 3. Cumulative Raptor Sensitive Area (CRSA) onsite.

**POTENTIAL IMPACTS**

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

**FEDERALLY-LISTED SPECIES AFFECTED:** NA

**OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES:** NA

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

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

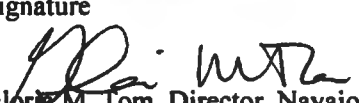
**FORM PREPARED BY / DATE:** Pamela A. Kyselka/19 JUL 2017

COPIES TO: (add categories as necessary)



BIA



2 NTC § 164 Recommendation:	Signature	Date
<input type="checkbox"/> Approval		7/19/17
<input checked="" type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)		
<input type="checkbox"/> Categorical Exclusion (with request letter)		
<input type="checkbox"/> None (with memo)		
Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife		

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

Representative's signature

Date





**PRESIDENT  
RUSSELL BEGAYE  
VICE PRESIDENT  
JONATHAN NEZ**

---

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

19 July 2017

16jrae101-LWS

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

Dear Jim,

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

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist  
Navajo Natural Heritage Program

CONCURRENCE

Gloria Tom, Director  
Department of Fish and Wildlife

7/19/17

Date



Document No. 009090

Date Issued: 11/06/2017

**EXECUTIVE OFFICIAL REVIEW**

Title of Document: CDEC, ROW Littlewater Springs Prjt Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: e\_yazzie@navajo-nsn.gov Phone Number: 928-871-6447

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

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

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

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

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

*mm*

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

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ - (ic)	<i>VB</i>	Date: <i>1/31/18</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. OPVP	<i>12</i>	Date: <i>2-8-18</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

☐ **OTHER:**

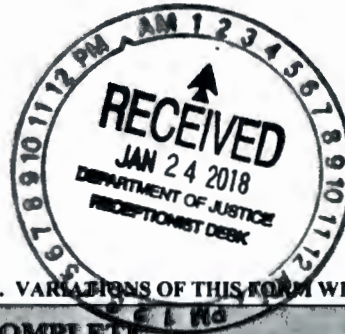
1. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>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



# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ	
01/24/18	156r
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	009090
SAS #:	
UNIT:	NRW

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

### CLIENT TO COMPLETE

DATE OF REQUEST:	1/24/2018	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 6401	E-MAIL:	michellehoskie@frontier.com

TITLE OF DOCUMENT: CDEC ROW LITTLEWATER SPRINGS PROJECT

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	1-24-18 2:30 PM	REVIEWING ATTORNEY/ADVOCATE:	Shirley Lee 2-2-18
DATE TIME OUT OF UNIT:	2-1-18 @ 905r		

### DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient after the right T&C was attached.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
JANNE HEE	1-31-18	V. Blackhart	1/31/18 4:10 pm

Emailed Stevie &  
DOJ Secretary Called: Michelle for Document Pick Up on 2-1-18 at 830 By: [Signature]






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

NNDOJ/DRRF-July 2013

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	1. Sufficient.	1. No Reply	13-Nov-2017	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. EA indicates no crossing or impacts in arroyos or waterways. No CWA Section 401 needed should that follow through the project.	1. No Reply	06-Dec-2017	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	13-Nov-2017	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #16jrae101-LWS	1. No Reply	13-Nov-2017	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. You know what? I give up. Township and Range is not usable to me. Just don't hit any contamination. good luck.	1. No Reply	29-Nov-2017	
Patrick Antonio (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. The total amount of actual surface disturbance for the project appears to be less than the 1.0 acre threshold requiring coverage under the federal Construction General Permit for storm water discharges from construction sites.	1. No Reply	13-Nov-2017	

Robert Allan Deputy  
DNR Director  
(Navajo Land DNR  
Title Data  
System -  
Windowrock  
AZ)

DNR  
Administration

Approved

1. Should include the draft authorizing cover resolution in all future ROW applications.

1. No  
Reply

08-Jan-2018

Robert O. Allan

Tamara Billie HPD  
NNHP Reviewer  
(Navajo Land  
Title Data  
System -  
Windowrock  
AZ)

Historic  
Preservation  
Department

Approved

1. Adhere to stipulations for sites NM-Q-24-33, NM-Q-24-58, NM-Q-25-91 as outlined in the CRCF HPD-99-201.2R

1. No  
Reply

06-Dec-2017

Tamara Billie

Yolanda Public  
Barney EPA Water  
(Navajo Land System  
Title Data Supervision  
System - Agency  
Windowrock Program  
AZ)

Navajo Nation  
Environmental  
Protection  
Agency

Approved


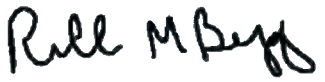



no  
comments

No  
Reply

09-Nov-2017

Yolanda Barney

## 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 Mr. Allan has requested that the draft authorizing resolution be included. It is my understanding that Legislative Counsel with the Legislative Branch drafts the resolution. I recommend that GLDD set up a meeting with DNR, RDC, and Legislative Counsel to discuss how best to continue to streamline the processing of ROWs. Thank you.	1. No Reply	24-Jan-2018	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	09-Jan-2018	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with all NNEPA and USEPA environmental laws. Review staffs reviewer's comments and requirements.	1. No Reply	10-Jan-2018	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	11-Jan-2018	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This vote is contingent on the uploaded terms and conditions file permanently replacing the original "D. Terms and Conditions.pdf" as the approval	1. No Reply	10-Jan-2018	

package moves  
forward in the  
process. slp

W. Mike      Manager III NLD  
Halona      Navajo Land Administration  
(Navajo Land Department  
Title Data  
System -  
Windowrock  
AZ)

Approved    *no comments*    *No Reply*    08-Jan-2018

A handwritten signature in black ink, appearing to read "W. Mike", with a long horizontal line extending to the left.



## RESOURCES AND DEVELOPMENT COMMITTEE

**Regular Meeting**  
**April 11, 2018**

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

**Legislation # 0112-18:** An Action Relating to Resources and Development, Approving the Grant of Right-of-Way Continental Divide Electric Cooperative, Inc., For Little Water Springs Project WO # 50895, Located on Navajo Nation Trust Lands in Littlewater Chapter, Navajo Nation (McKinley County, New Mexico). *Sponsor: Honorable Leonard Tsosie; Co-Sponsor: Honorable Benjamin Bennett*

**MAIN MOTION:** Leonard H. Pete      S: Benjamin Bennett      V: 3-0-1  
(CNV)

### **ROLL CALL VOTE TALLY:**

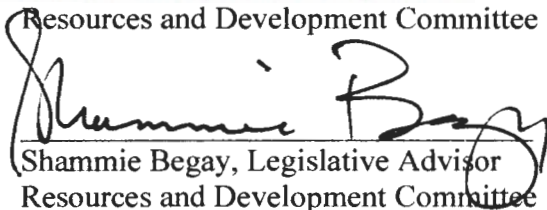
**YEAS:** Benjamin Bennett; Leonard H. Pete and Walter Phelps

**NAYS:** NONE

**NOT VOTING/EXCUSED:** Jonathan Perry, Davis Filfred and Alton Joe Shepherd  
(Presiding)



Alton Joe Shepherd, Chairperson  
Resources and Development Committee



Shammie Begay, Legislative Advisor  
Resources and Development Committee