

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF
RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A
14.4 kv ELECTRICAL DISTRIBUTION LINE FOR THE BREADSPRINGS
CHAPTER POWERLINE PROJECT WO#85856 IN THE BREADSPRINGS CHAPTER,
MCKINLEY COUNTY, NEW MEXICO

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

- A. The Continental Divide Electric Cooperative, Inc. PO Box 1087, 200 East High Street, Grants, New Mexico, has submitted a right-of-way (ROW) application for the construction, operation and maintenance of a 14.4 kv Electrical Distribution Line for the Breadsprings Chapter Powerline Project WO #85856. The application request is attached hereto and incorporated herein at Exhibit "A" Tab ROW Application.
- B. The proposed Right-of-Way is described on the maps attached hereto and incorporated herein at Exhibit "A" Tab Maps.
- C. The General Land Development Department within the Division of Natural Resources has determined that there is one permittee and that permittee has granted consent. See Exhibit "A" Tab Field Clearance.

- D. The Terms and Conditions provide for consideration for the right-of-way to be assessed at \$22,763.50, as found in Exhibit "B".
- E. The consideration for the right-of-way may be waived at the discretion of the Committee when the right-of-way project serves a public purpose because the project benefits Navajo residents.
- F. 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 Agency; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient" by all. See Exhibit "C".
- G. The environmental and archaeological studies including the Biological Resource Compliance Form, the Cultural Resources Compliance Form and the Finding of No Significant Impact have all been completed and attached hereto as Exhibit "A" Tabs FONSI, BRCF.
- H. The Navajo Nation "...may waive the requirement for a bond, insurance, or alternative form of security :...(2) For tribal land, deferring, to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest." 25 CFR § 169.103 (f) (2).
- I. The Resources and Development Committee of the Navajo Nation finds that the waiver of the requirement for a bond, insurance, or alternative form of security with respect to the Right of Way to Continental Divide Electric Cooperative for Breadsprings Powerline Project WO#85856 is in the best interest of the Navajo Nation.
- J. The Resources and Development Committee of the Navajo Nation Council finds it to be in the best interest of the Navajo Nation to approve granting the Right-of-Way to Continental Divide Electric Cooperative, Inc. for the construction, operation and maintenance of a 14.4 kv Electrical Distribution Line for the Breadsprings Powerline Project WO #585856 in Breadsprings Chapter, Navajo Nation, McKinley County, New Mexico as found and attached and incorporated herein at Exhibit "A".

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for the construction, operation and maintenance of a 14.4 kv Electrical Distribution Line for the Breadsprings Powerline Project WO #85856 in Breadsprings Chapter, Navajo Nation, McKinley County, New Mexico as found and attached and incorporated herein at Exhibit "A".
- B. 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 found in Exhibit "B".
- C. The Resources and Development Committee approves the waiver of consideration and waiver of the requirement for a bond, insurance, or alternative form of security because the project will benefit Navajo residents and it is in the best interest of the Navajo Nation.
- D. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to 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 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, Tse Bonito, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 27th day of September, 2017.

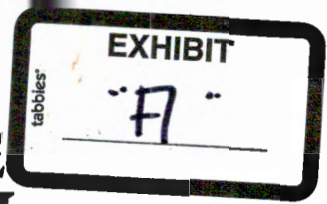


Benjamin Bennett, Vice Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Jonathan Perry
Second: Honorable Davis Filfred



CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.



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

April 3, 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 Breadsprings Chapter Project, WO#85856

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 Breadsprings Chapter Poweline Project, WO#85856. 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 #134480
2. Grant of Permission to Survey – Navajo Tribal Trust Land from Ms. Vera Shurley (Copy)
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. Copy of approved crossing for **BIA Route 7062** and **NTUA Crossing**
11. Field Clearance
12. Legals
13. Map (4)

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 3,442.98' feet in length, 20' feet in width, and 1.581 acres.

Continental Divide Electric Cooperative Inc. requests that the Navajo Nation waive damages since only Navajos are being served off of this Electrical Line.

If you have any questions, please contact our office at your earliest convenience.

Sincerely,

Debbie Olivar
Engineering/ROW
Enclosures



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, Section 13, T13N, R18W, NMPM, McKinley County, New Mexico
4. Purpose: (Per the request of the Navajo Nation and Breadsprings Chapter), Construction, Operation, and Maintenance of 14.4 kv Electrical Distribution Line for the Breadsprings Chapter Powerline Project WO#85856
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: June 1, 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. 134480

Date: 06/01/2017

COPY

DATE	INVOICE	DESCRIPTION	GROSS	NET
06/01/2017	WORK ORDER NO. 85856	WORK ORDER NO. 85856 FILING FEE	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. 134480

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

9997

DATE	CHECK NO.	AMOUNT
06/01/2017	134480	\$*****500.00

Randy G. Gentry
Community Services

⑈134480⑈ ⑆107002192⑆ 2811880586⑈



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

August 29, 2016

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

RE: Bread Springs Chapter Project, WO# 85856

Dear Ms. Olivar:

Reference is made to your request for permission to survey for the proposed extension of electrical service to serve Raymond Smith and Lois Wilson in the vicinity of Breadsprings Chapter, McKinley County, New Mexico on Navajo Tribal Trust Lands in the SW1/4 of Section 13, Township 13 North, Range 18 West. The Navajo Nation has given its authorization and you are hereby granted to proceed with the necessary survey.

Permission to survey includes surveys for mapping, archaeological, ethnographic surveys & studies and is 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.
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. An application for right-of-way must be filed with Navajo Land Department.

Sincerely,

Vera Shurley
Right of Way Agent
Navajo Land Department

CC: Prewitt Chapter
File

FIELD CLEARANCE CHECKLIST

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

1. Project Identification: Continental Divide Electric Cooperative, Inc.
Type of Project: Electrical Powerline Extension
Purpose: Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Breadsprings Power Line Project WO#85856
Location: Breadsprings Chapter, Section 13, T13N, R18W, McKinley County New Mexico
Identification number(s): Work Order #85856
2. Amount of land affected: 1,581 acres, 20' width, 3,442.98' length
3. Land status: Trust XX Fee _____ Other _____
4. List names of all individuals whose land use right will be affected by project:

	Names	Census Number	Type of Land Use Right
1.	<u>[Signature]</u>	_____	<u>Grazing permit</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

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

ACKNOWLEDGEMENT

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

4-13-17
Date

[Signature]
Grazing Committee or Land Board Member District No. 016

Consent to Use
Navajo Nation Lands

TO WHOM IT MAY CONERN:

I, Ellyn Jewellman, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to Permit Continental Divide Electric Cooperative, Inc. PO Box 1087, 200 East High Street, Grants New Mexico 87020 to use a portion of my land use area for the following purpose(s): Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Breadsprings Power Line Project Work Order #85856

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

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

REMARKS: _____

13 APR 17 Ellyn Jewellman Perlock 25
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESSES

[Signature] 4/13/2017

4-13-17 Ronald Arino 016
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

[Signature]
Field Agent Signature

April 17, 2017

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

Dear Ms. Yazzie,

Continental Divide Electric Coop. Inc., PO Box 1087, Grants New Mexico 87020 is submitting the Field Clearance for the Electrical Distribution Line Project within Section 13, T13N, R18W, NMPM, McKinley County, New Mexico within Breadsprings Chapter, Work Order #85856. The length is 3,442.98' feet, Width is 20' feet, and acreage is 1.581.

The Landboard identified one permittee, Ellyn Jewelryman, affected by the proposed project. I informed the grazing permittee and proposed request and she waived the damages payment and she did not have any objections. I obtained the grazing permittee's consent along with concurrence of the District 016, Mr. Donald Arviso. Land users will not be compensated for the proposed Electrical Powerline Distribution Project.

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

Should you have any questions or need additional information, please contact me.

Gloria Skeet
Breadsprings Chapter Manager

xc CDEC



NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

May 12, 2017

Debbie Olivar, Technical Engineer/ROW
Continental Divide Electric Cooperative, Inc.
PO Box 1087
Grants, New Mexico 87020

RE: Utility Encroachment Permission

Dear Ms. Olivar,

The Navajo Tribal Utility Authority (NTUA) received your request for permission to across an existing waterline right-of-way in Township 13 North, Range 18 West, Section 13, NMPM within the Breadsprings Chapter area, McKinley County. 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 waterlines 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.

Permission is granted for 90 days from the date of this letter, however if additional time is needed, please notify the Water/Wastewater Department at (928) 729-6114.

Sincerely,

Vera Shurley, Right of Way Agent
Water/Wastewater Department

xc: Thomas Bayles, W/WW Manager
Project File

Home Office: P.O. BOX 170 FT. DEFIANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFIANCE P.O. BOX 587 FT. DEFIANCE, AZ 86504	DILCON HC 63 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
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CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.



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: 7062

Date: 05/24/2017
Permit No: 4N370-2017-7062-250
(Assigned by Regional DOT Office)

Project No: _____
(Assigned by Regional DOT Office)

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

APPLICATION is hereby made by Continental Divide Elec. Corp, address: 200 E. High St, Grants, NM 87020 Phone: 505-285-6656 to construct utility crossing(s) at the following location(s) POT Station 3+70.68 (Attach location map) adjacent to or crossing BIA Route: 7062
Station/Mile Post: Station 164+21.88/MP 3.17 Street: _____
for the purpose of (supplying service to): ☒ residence / ☐ Business: _____
/ ☐ School: _____ / ☐ Other: _____

. The utility shall be constructed by the applicant on or by (date) _____ and shall take _____ 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;
3. The Utility Owner accepts full responsibility for the safety of the traveling public

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 (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 ⁽¹⁾
- ☐ Consent from the State of New Mexico ⁽¹⁾
- ☐ Consent from the State of Arizona ⁽¹⁾
- ☐ Consent from Indian Allotted ⁽¹⁾
- ☐ Consent from Private Land Owner ⁽¹⁾

(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*): Permit is part of
applicant SAS Process - Applicant shall contact /update
Agency on progress and construction work timeline.

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 Olivar (Signature) 4/12/17
Applicant (owner) signature Date

(Signature) 5/6/2017
Agency Road Engineer Date
Robert Babbitt

Technical Engineer/RDW
Applicant Title

Concurred by:

(Signature) 5/18/17
Regional NRDOT Manager Date
Herby J. Larsen

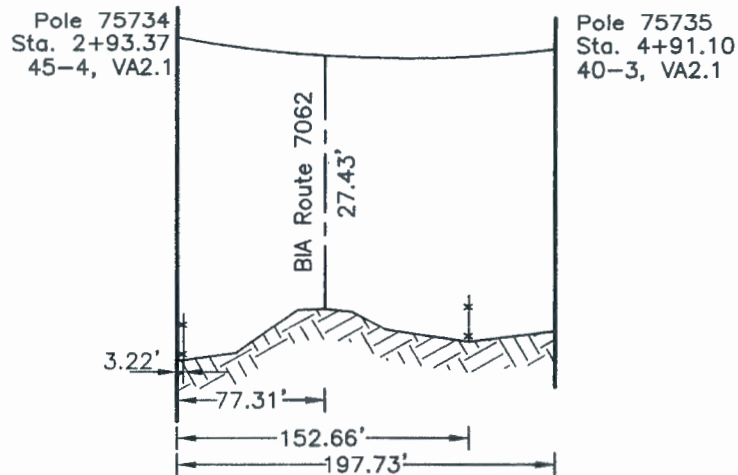
Approved By:

(Signature) 5.19.17
Navajo Regional Director Date
Acting John Halliday

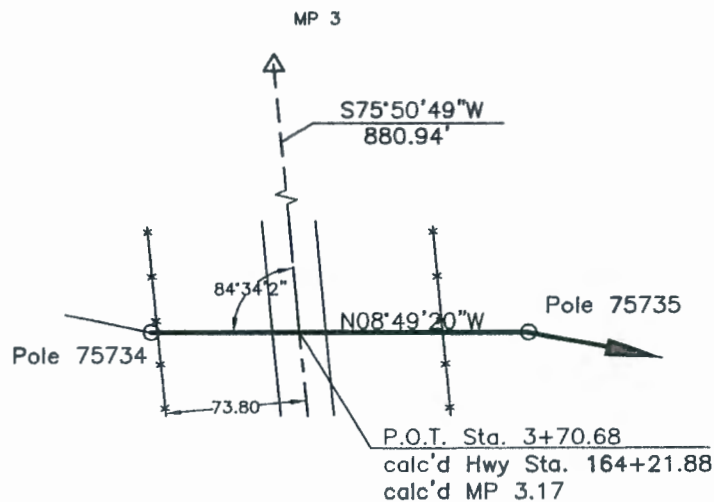
SKETCH SHOWING AN EXISTING CDEC 1Ø 14.4/24.9kV DISTRIBUTION LINE
CROSSING OVER BIA ROUTE 7062
IN SECTION 13 T13N, R18W, NMPM
BREAD SPRINGS CHAPTER, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85856

1/0-6/1 ACSR
120' Final
350' RS

Line A
BIA XING 1



Profile
Vert. 1"=20'
Horiz. 1"=100'



Plan
Horiz. 1"=100'

T&D #160085
ACADREF: BIA 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

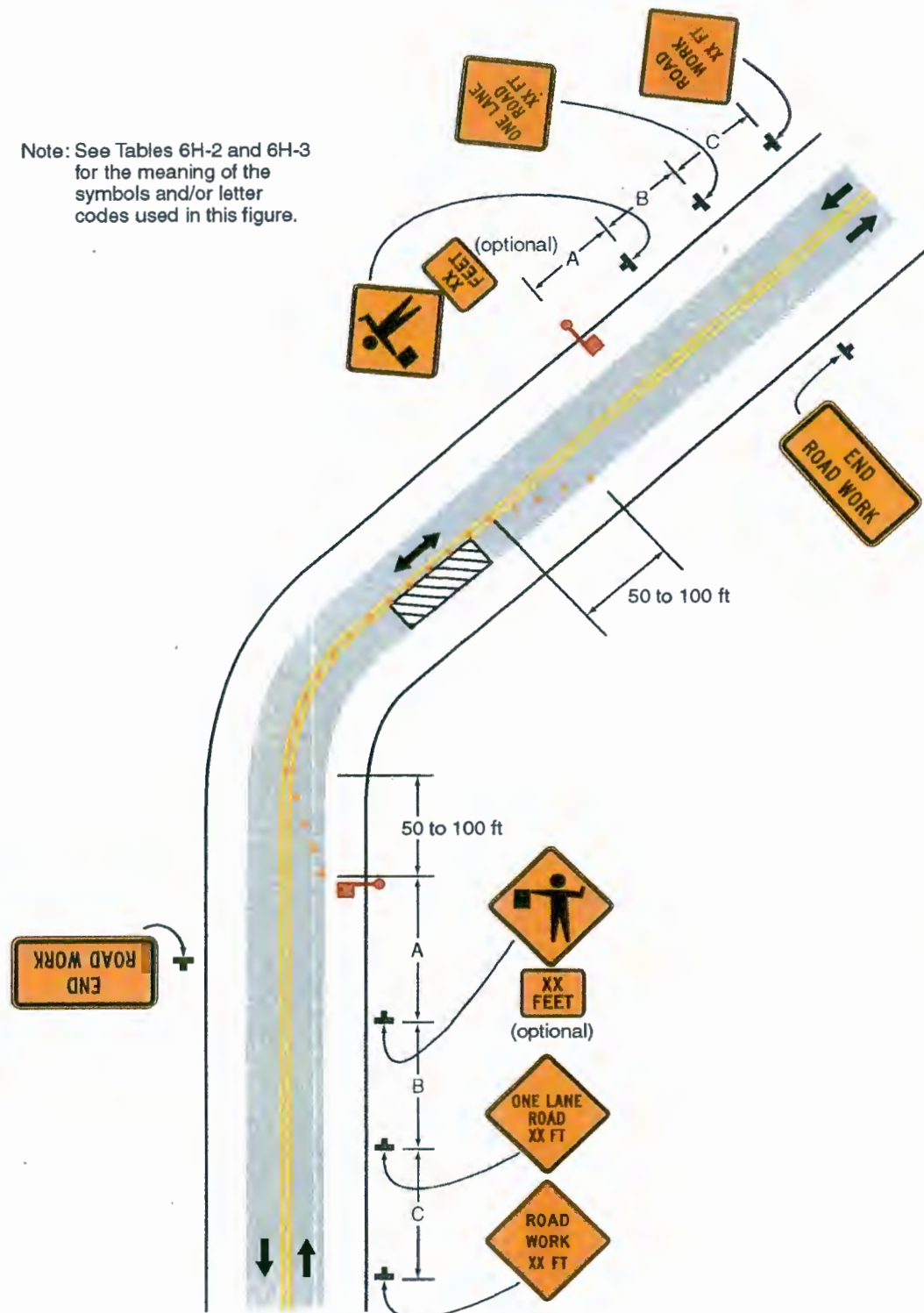
SCALE: 1"=100' HORZ.

DATE: DEC. 15, 2016



Figure 6H-10. Lane Closure on a Two-Lane Road Using Flaggers (TA-10)

Note: See Tables 6H-2 and 6H-3 for the meaning of the symbols and/or letter codes used in this figure.

**Typical Application 10**

**RIGHT-OF-WAY EASEMENT FOR
BREAD SPRINGS POWER LINE PROJECT
LINE A
MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85856**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Bread Springs Power Line Project, Line "A", located within section 13, Township 13 North, Range 18 West, New Mexico Principal Meridian, Navajo Nation Trust Land, 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 73616 located in section 13, T13N, R18W, NMPM, said parcel being Navajo Nation Trust Land, and from which point the northeast corner of section 13, T13N, R18W, NMPM, being a wooden post marked with a metal tag, bears N36°13'51"E a distance of 6,383.94 feet, and from which point the Base Station having true New Mexico State Plane West, NAD83, US Survey feet coordinates of N1583891.84, E2462944.19, Lat. 35°21'00.4", Long. -108°42'20.6", bears S83°56'52"W a distance of 1,142.66 feet,

Thence N00°56'25"W along an existing power line, a distance of 264.12 feet to P.O.T. Station 2+64.12, at which point the centerline of the easement crosses a water line,

Thence continuing N00°56'25"W a distance of 29.25 feet to P.I. Station 2+93.37,

Thence N08°49'20"W a distance of 3.22 feet to P.O.T. Station 2+96.59, at which point the centerline of the easement crosses a fence,

Thence continuing N08°49'20"W a distance of 74.09 feet to P.O.T. Station 3+70.68, at which point the centerline of the easement crosses BIA Route 7062 at calculated highway station 164+21.88 and calculated mile post 3.17,

Thence continuing N08°49'20"W a distance of 75.35 feet to P.O.T. Station 4+46.03, at which point the centerline of the easement crosses a fence,

Thence continuing N08°49'20"W a distance of 45.07 feet to P.I. Station 4+91.10,

Thence N00°14'17"E a distance of 175.08 feet to P.O.T. Station 6+66.18, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N00°14'17"E a distance of 176.00 feet to P.I. Station 8+42.18,

Thence N03°50'27"E a distance of 225.56 feet to P.O.T. Station 10+67.74,

Thence continuing N03°50'27"E a distance of 225.10 feet to P.I. Station 12+92.84,

Thence N42°59'20"E a distance of 25.60 feet to P.O.T. Station 13+18.44, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N42°59'20"E a distance of 333.82 feet to P.O.T. Station 16+52.26,

Thence continuing N42°59'20"E a distance of 156.68 feet to P.O.T. Station 18+08.94, at which point the centerline of the easement crosses an NTUA water line,

Thence continuing N42°59'20"E a distance of 376.10 feet to E.O.P. Station 21+85.04, the point of termination for the above described easement for Line "A", from which point the northeast corner of section 13, T13N, R18W, NMPM, being a wooden post marked with a metal tag, bears N44°38'53"E a distance of 4,508.44 feet.

The above described right-of-way easement contains 1.003 acres, more or less, in area.
The right of way easement is 0.41 miles in length.

**RIGHT-OF-WAY EASEMENT FOR
BREAD SPRINGS POWER LINE PROJECT
TAP A-1
MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85856**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Bread Springs Power Line Project, Tap "A-1", located within section 13, Township 13 North, Range 18 West, New Mexico Principal Meridian, Navajo Nation Trust Land, McKinley County, State of New Mexico, and being more particularly described as follows:

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

BEGINNING at P.O.T. Station 10+67.74 of Line "A", said point being B.O.P. Station 0+00 for Tap "A-1", located in section 13, T13N, R18W, NMPM, said parcel being Navajo Nation Trust Land,

Thence N40°24'55"W a distance of 240.06 feet to P.I. Station 2+40.06,

Thence N49°58'29"W a distance of 117.94 feet to E.O.P. Station 3+58.00, the point of termination for the above described easement for Tap "A-1", from which point the northeast corner of section 13, T13N, R18W, NMPM, being a wooden post marked with a metal tag, bears N46°32'29"E a distance of 5,562.54 feet.

The above described right-of-way easement contains 0.164 acres, more or less, in area.
The right of way easement is 0.07 miles in length.

**RIGHT-OF-WAY EASEMENT FOR
BREAD SPRINGS POWER LINE PROJECT
TAP A-2
MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85856**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Bread Springs Power Line Project, Tap "A-2", located within section 13, Township 13 North, Range 18 West, New Mexico Principal Meridian, Navajo Nation Trust Land, 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 16+52.26 of Line "A", said point being B.O.P. Station 0+00 for Tap "A-2", located in section 13, T13N, R18W, NMPM, said parcel being Navajo Nation Trust Land,

Thence S10°42'02"E a distance of 399.94 feet to E.O.P. Station 3+99.94, the point of termination for the above described easement for Tap "A-2", from which point the northeast corner of section 13, T13N, R18W, NMPM, being a wooden post marked with a metal tag, bears N40°54'27"E a distance of 5,279.65 feet.

The above described right-of-way easement contains 0.184 acres, more or less, in area.
The right of way easement is 0.08 miles in length.

**BREAD SPRINGS POWER LINE PROJECT
MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85856**

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	S00°56'25"E	50'	20'	0.023	
2	2+93.37	N85°07'08"E	50'	20'	0.023	
3	4+91.10	S85°42'29"W	50'	20'	0.023	
4	8+42.18	N87°57'38"W	50'	20'	0.023	
5	12+92.84	N66°35'06"W	50'	20'	0.023	
6	21+85.04	N42°59'20"E	50'	20'	0.023	
TAP A-1						
7	0+00.00	S40°24'55"E	100'	20'	0.046	OH GUY
8	2+40.06	N40°24'55"W	50'	20'	0.023	
TAP A-2						
9	3+99.94	S10°42'02"E	<u>50'</u>	20'	<u>0.023</u>	
			500'		0.230	
TOTAL 9 GUYS			8 Guys x 0.02 acres = 0.184 ACRES			
			1 Guy x 0.04 acres = <u>0.046</u> ACRES			
			TOTAL = 0.230			

**BREAD SPRINGS POWER LINE PROJECT
MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 85856**

SUMMARY DESCRIPTION

<u>SEGMENT</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE "A"	2,185.04'	0.41	20'	1.003
TAP "A-1"	358.00'	0.07	20'	0.164
TAP "A-2"	<u>399.94'</u>	<u>0.08</u>	20'	<u>0.184</u>
SUBTOTAL	2,942.98'	0.56		1.351
GUY EASMENTS	<u>500.00'</u>	<u>0.09</u>		<u>0.230</u>
	3,442.98'	0.65		1.581

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.
4. TITLE OF REPORT: A Cultural Resources Inventory of the Proposed Bread Springs Powerline serving Two clients within the Bread Spring Chapter, McKinley County, New Mexico.		5. FIELDWORK DATES: September 13th, and 20th, 2016
Author (s): Jeffrey Begay and Jeremy Begay		6. REPORT DATE: January 12, 2017
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin, Anthropologist Org. Name: Dinétahdóó CRM LLC. Org. Address: P.O. Box 2012 Farmington, NM 87499 Phone: (505) 960-9478 Fax: (505) 960-9749		8. PERMIT NO.: B16733
		9. CONSULTANT'S REPORT NO.: DCRM 2016-56
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Steven Morales, GIS Analyst / ROW Org. Name: Continental Divide Electric Cooperative, Inc. Org. Address: P. O. Box 1087 Grants, New Mexico 87020 Phone: (505) 285-6656 ext. 1021		11. SPONSOR'S PROJECT NO.: Work Order No. 85856
		12. AREA OF EFFECT: 1.581 ac. (0.63 ha.) AREA SURVEYED: 7.11 ac. (2.87 ha.)
13. LOCATION (MAP ATTACHED)		
a. Chapter: Bread Springs b. Agency: Eastern Navajo c. County: McKinley d. State: NM		e. Land Status: Navajo Tribal Trust f. UTM: See Table 1. g. Legal Description: See Table 1. h. USGS 7.5' Map: Pinehaven, N. Mex. P.R. 1979 i. Lead Agency: Navajo Nation
14. REPORT		
a. Description of Undertaking: See Supplemental Sheet b. Existing Data Review: See Supplemental Sheet c. Area of Environmental & Cultural Setting: See Supplemental Sheet d. Field Methods: See Supplemental Sheet		
15. CULTURAL RESOURCE FINDINGS:		
a. Location/Identification of Each Resource: Two in-use-sites, no identified archaeological sites. b. Evaluation of Significance of Each Resource: See supplemental sheet.		
16. MANAGEMENT SUMMARY (RECOMMENDATION): See supplemental sheet.		
17. CERTIFICATION:		
SIGNATURE: 		Date: 1-12-2017
General Charge Name: <u>Rena Martin, Archaeologist</u>		
SIGNATURE: 		Date: 1-12-2017
Direct Charge Name: <u>Jeffrey Begay, Archaeologist</u>		

CRID Supplemental Sheet:

13. LOCATION

Table 1. UTM Coordinates, Legal Descriptions, and USGS 7.5 Min Quadrangular Names.

Designation	UTM Coordinates Zone 12 (NAD 83)		Legal Descriptions						USGS Map Name (7.5' Quadrangle)
	Northing	Easting	¼	¼	¼	Sec.	T	R	
Line A									PINEHAVEN, N. MEX., P.R. 1979
BOL	3914336	0708823	SW	SW	SE	13	13N	18W	
B1	3914424	0708818	SW	SW	SE	13	13N	18W	
B2	3914484	0708807	SW	SW	SE	13	13N	18W	
B3	3914591	0708804	SW	SW	NE	13	13N	18W	
B4	3914728	0708808	SW	NW	SE	13	13N	18W	
EOL	3914932	0708988	SW	NW	SE	13	13N	18W	
Tap A-1									
BOL	3914659	0708807	SW	SW	NE	13	13N	18W	
EOL	3914714	0708759	SW	NW	SE	13	13N	18W	
IUS 1. Raymond Smith	3914746	0708735	SW	NW	SE	13	13N	18W	
Tap A-2									
BOL	3914809	0708881	SW	NE	SW	13	13N	18W	
EOL	3914692	0708908	SW	SE	NW	13	13N	18W	
IUS 2. Lois Wilson	3914672	0708885	SW	SE	NW	13	13N	18W	

* BOL indicates Beginning of Line

EOL indicates End of Line

B indicates Bend

14. REPORT:

- a. **Description of Undertaking:** Continental Divide Electric Coop. proposes to construct, operate and maintain a distribution powerline with extensions to serve two clients within the Bread Springs Chapter in McKinley County, New Mexico. Construction will consist of vehicle / heavy equipment traffic within the right-of-ways (ROW), clearing the ROW, drilling, setting, backfilling post holes: the stringing of utility lines, and the installation of associated equipment. The proposed utility line measures 3,442.98 feet (1,049.42 m, 0.65 miles) in length with a right-of-way measuring 20 feet-wide (6.09 m). The area-of-effect equals 1.581 acres (0.63 ha).
- b. **Existing Data Review:** Prior to field work, a records check was conducted at the Navajo Nation Historic Preservation Department's (NNHPD) office, located in Window Rock, Arizona. The records indicated that numerous previous surveys have been conducted within a 300 ft (91 m) radius of the project area. As a result of these surveys, no previously documented archaeological site were located within 300-feet of the project area.

The NNHPD-TCP records search indicated that no sacred sites are within 1-mile of the proposed project area.

A check of Van Valkenburg's sacred places indicated, *Tse in desgizh* / ("Gapped Rock"), more commonly known as Twin Buttes is located 12.310 miles (19.812 km) northwest of the project area.

- c. **Area of Environmental & Cultural Setting:** The project area is located on the Zuni Uplift, a large sedimentary landmass that was uplifted during the onset of the Laramide Orogeny during the Cretaceous-Tertiary transition. A considerable amount of tectonic activity during this time is responsible for exposing numerous geologic facies ranging in age from the Neogene Period to the Precambrian. Erosion of the numerous facies have produced a multitude of geographic features and geologic structures such as the Hogback, Fenced Up Horse Canyon, Zuni Mountains, Oso Ridge, and the Malpais badlands. Within the uplift, strata representing marine transgressive and nonmarine regressive cycles have been exposed as well as Precambrian basement rock which have produced redeposited packages of fine to coarse grained alluvial, fluvial, colluvial, residual, and aeolian sand, silt, clay, and multi-lithic sand. Outcrops of sedimentary, metamorphic, and igneous bedrock as well as pebble to boulder sized clasts derived from these outcrops are scattered throughout the region. Situated in the mixed conifer environ, the Zuni Uplift supports flora such as; Ponderosa and pinion pine, juniper, gambel oak, Aspen, green ephedra, sagebrush, Indian rice grass, ring muhly, blazing star, alkali sacaton, amaranth, drop seed, narrow and broad leaf yucca, prickly pear and cholla cacti, and Russian thistle.

Bread Springs. The Navajo name for Bread Springs is Baahaali, which, when translated, means, Bread flowing out. No Overview was provided in the LSR Chapter book.

- d. **Field Methods:** On September 13th, and 20th, 2016, Clifford Werito and Jeffrey Begay, archaeologists with DCRM, conducted the cultural resources inventory of the proposed powerline extensions. The project areas were surveyed by walking parallel transects spaced no more than 10 m apart on either side of the center line, with a 35-foot buffer zone added to the each side of the right-of-way. In all, a total of 7.11 ac. (2.87 ha.) were surveyed in conjunction with this project. Notes were taken on the environment, the IUS's, and any interview information collected with the residents.

In accordance with NNHPD guidelines, the project archaeologists made an effort to interview the clients or nearby residents to obtain information regarding local traditional cultural properties (TCPs) and unmarked burials in the area. The results of the interviews as well as information regarding occupation dates can be found below.

15. CULTURAL RESOURCE FINDINGS:

- a. **Location/Identification of Each Resource:** No identified archaeological sites were encountered and two currently in-use sites (IUS) were identified during the survey.

Table 2. In-Use Site (IUS)

IUS # and Client (s) Name	Description	Contact Person	Interview Results/ Date of Occupation
IUS 1. Raymond Smith	1 hogan and associated features	Ms. Smith	No TCP/burials; 2015 to present.
IUS 2. Lois Wilson	1 house and 1 Ramada and associated features	Bruce Wilson	No TCPs or burials; 1996s to present.

b. Table 3: Evaluation of Significance for Each Resource:

In-Use Sites 1- 2	Navajo homesteads 1960s to present.	NAGPRA	Does not merit consideration
		NRHP	Not eligible
		ARPA	1. 100-year guideline not met 2. Not of archaeological interest
		AIRFA	Does not merit protection
		NAGPRA	Does not merit protection

RECOMMENDATIONS:

Archaeological clearance is recommended for the proposed undertaking with the following stipulations:

(1) All construction equipment and activities must be restricted to the ROW; and (2) any discoveries must be reported to the NNHPD and all activities must be halted within 50 feet of the discoveries.

REFERENCES:

Francisco, Aldon

1993 An Archaeological Survey of 85 Scattered Homes and Water Line Extensions on the Red Rock South Water System, Phase II, near Red Rock, McKinley County, New Mexico. NNHPD-94-429.

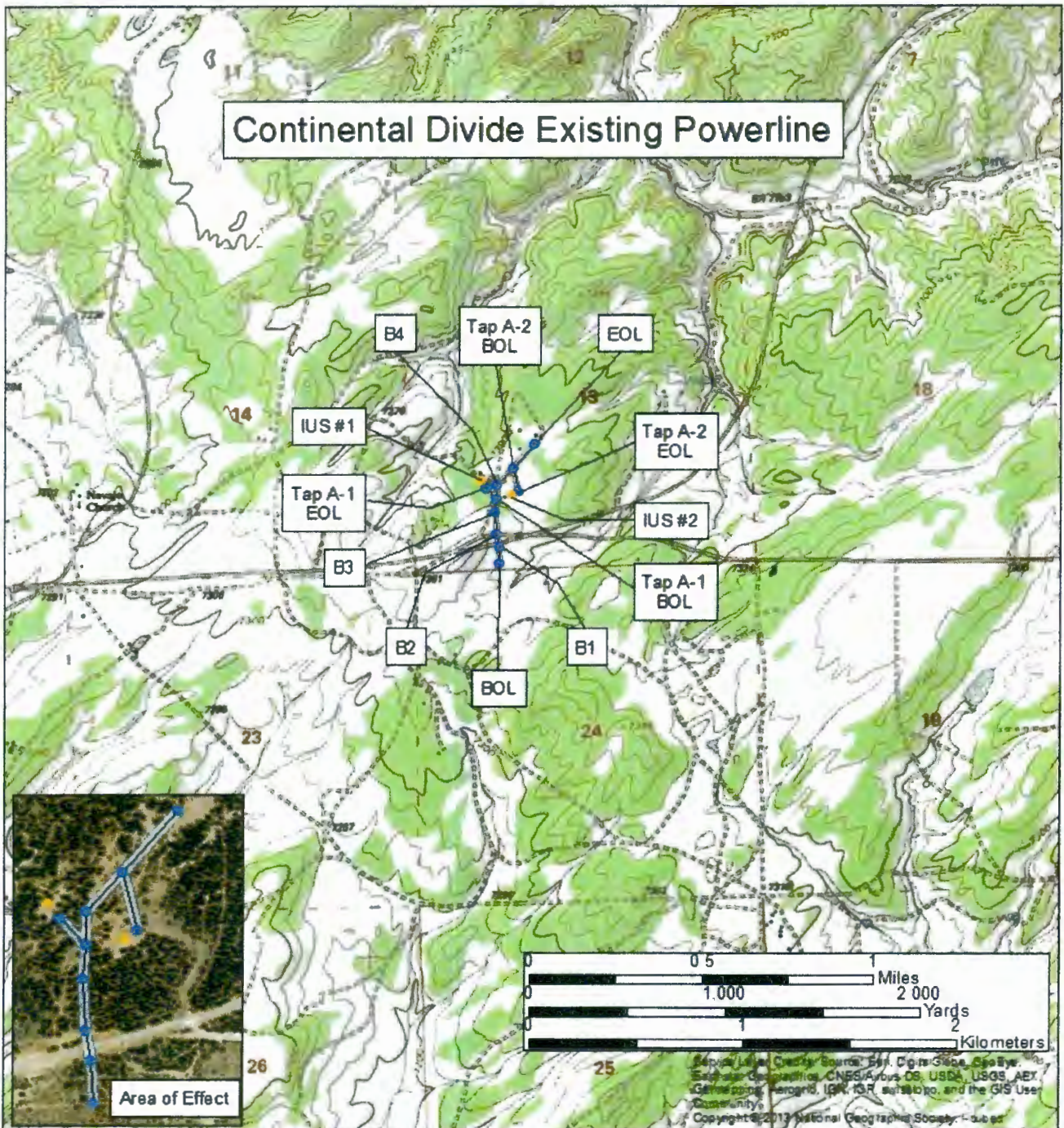
LSR Innovations Research & Planning

2004 Chapter Images: 2004 Edition; edited by LSR Innovations for the Division of Community Development. Window Rock, Arizona.

Van Valkenburgh, Richard F.

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

Continental Divide Existing Powerline



Legend

- IUS
- Powerline_Bends
- Powerline
- Buffer_Zone



DCRM

Dinéahdó Cultural Resources Management LLC



DCRM 2016-56
Pinehaven, New Mexico
1963 P.R. 1979
Continental Divide Existing PL
Scale: 1:24,000
(1 inch=2,000 feet)

Map 1. Map showing project area
and identified cultural resources



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:

☒ DCRM

NNHPD NO.: **HPD-17-069 - REVISED**

OTHER PROJECT NO.: **DCRM 2016-56**

PROJECT TITLE: A Cultural Resources Inventory of the Proposed Bread Springs Powerline serving Two clients within the Bread Springs Chapter, McKinley County, New Mexico. Clients: Raymond Smith & Lois Wilson

LEAD AGENCY: BIA/NR

SPONSOR: Steven Morales, GIS Analyst / ROW, Continental Divide Electric Cooperative, Inc., P.O. Box 1087, Grants, New Mexico, 87020.

PROJECT DESCRIPTION: The proposed undertaking will involve the construction, operation, and to maintain a distribution powerline with extensions to serve two clients within the Bread Springs Chapter in McKinley County, New Mexico. The proposed utility line measures 3,442.98 ft. (1,049.42 m or 0.65 mi) in length with a right-of-way measuring 20 ft. wide (6.09 m) The area of effect equals **1.581** ac (0.63 ha). Ground disturbing activities will be intensive and extensive with the use of heavy equipment within the right-of-way (ROW).

LAND STATUS: Navajo Tribal Trust

CHAPTER: Bread Springs

LOCATION: T. 13 N., R. 18 W- Sec. 13; Pinehaven Quadrangle, McKinley County New Mexico NMPM

PROJECT ARCHAEOLOGIST: Jeffrey Begay and Jeremy Begay

NAVAJO ANTIQUITIES PERMIT NO.: B16733

DATE INSPECTED: 09/13/2016 and 09/20/2016

DATE OF REPORT: 01/12/2017

TOTAL ACREAGE INSPECTED: 7.11 - ac

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

LIST OF CULTURAL RESOURCES FOUND: (2) In-Use Areas (IUA)

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: (2) In-Use Area (IUA)

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

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

FORM PREPARED BY: Lukai Nez

FINALIZED: March 20, 2017 - **Revised**

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No

☐ Yes ☒ No

The Navajo Nation
Historic Preservation Office

3/20/17
Date

Navajo Region Approval

Feb 23/2017

☒ Yes ☐ No

BIA - Navajo Regional Office

Acting

Date

MAR 30 2017



**United States Department of the Interior
Bureau of Indian Affairs
Navajo Region
P. O. Box 1060
Gallup, New Mexico 87305**

MC: 460 Branch of Environmental Quality Act Compliance & Review

APR 05 2017

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

Dear Mr. Robbins:

The Environmental Assessment (EA), **EA-17-17597**, received March 28, 2017, for the proposed Bread Springs-Pinehaven Power Line ROW Application for Two Homes, WO No. 85856, was reviewed in the Branch of Environmental Quality Act Compliance and Review, Navajo Regional Office.

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct and operate an electrical power line in the Bread Springs Chapter, south of Gallup, New Mexico. The proposed power line would provide electrical service to two existing homes.

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

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

Sincerely,

Acting Regional Director, Navajo

Enclosure

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT EA-17-17597
BREAD SPRINGS –PINE HAVEN POWER LINE RIGHT-OF-WAY FOR TWO HOMES
W.O. NO. 85856**

CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

**Location: Pinehaven, NM, USGS 7.5 Minute Series Map
BOP: SW/4, Section 13, T13N, R18W, NMPM
EOP: SW/4, Section 13, T13N, R18W, NMPM**

Bread Springs Chapter, McKinley County, New Mexico

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct and operate an electrical power line in the Bread Springs Chapter, south of Gallup, New Mexico. The proposed power line would provide electrical service to two existing homes. The electrical line would be a single phase 14.4 kilo volt line which will cross over Navajo Route 7062. The existing power line "A" at 2,185.04 feet would provide an electrical source to proposed taps "A-1" and "A-2." Right-of-way easement width would be 20 feet wide. The total length of the proposed right-of-way easement would be 3,442.98 feet. The acreage of the right-of-way easement is 1.581 acres.

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

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment, including: topography and soils, water resources and water quality, vegetation and wildlife biotic communities, federal endangered species act, Navajo endangered species list (NESL) special management species, migratory bird treaty act, esthetics and visual resources, and cultural resources.
2. **Public health and safety:** The Bread Springs power line project will be for the beneficial use of the community. Bread Springs Chapter has approved a supporting resolution. The new infrastructure would be for the beneficial use of the population. It would allow the people to lead better lives in the community and surrounding areas and would further provide a better quality of life for the Diné people (EA, Environmental Justice).
3. **Clean Water Act (CWA) Compliance:** Clean Water Act (CWA) Compliance: When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section 402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of ½ acre or more; and Section 404, Permit for Discharge of Dredge or Fill Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army Corps of Engineers and the Navajo Nation Environmental Protection Agency: The Environmental Protection Agency administers Section 402 of the Clean Water Act. Operators are normally required to obtain all necessary permits and approvals for projects requiring CWA permits prior to any disturbance activities.

4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to other areas in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.
5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.
6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.
7. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.
8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** A cultural resources inventory of the project area has been completed by Diné'ḥ't'ahdóó Cultural Resource Management (DCRM). The Navajo Nation Historic Preservation Department issued NNHPD No. HPD-17-069 stating "No historic properties affected" (EA, Appendix C, CRCF).

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

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** A Biological Resources Compliance Form, NNDFW Review No. 16dan1104a, was issued by the Navajo Nation Department of Fish and Wildlife on 12/7/2016 approving the proposed action. There are no *Avoidance/Mitigation Measures*. A Condition of Compliance is that vegetation removal within the power line corridor shall avoid the migratory bird breeding season of 01 April to 31 August or surveys will be required.
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 project area does not contain Indian Trust assets in the form of perennial water resources, fisheries, saleable timber, paleontology resources or agricultural resources. The project area is not part of any right-of-way avoidance and exclusion areas, wilderness area, special management area, area of critical environmental concern, or other protected area.
13. **Climate Change, its effects on the proposed action and its environmental impacts:** Climate change results from the incremental addition of greenhouse gas (GHG) emissions

from millions of individual sources which collectively have a large impact on a global scale. Climate change is a particularly complex challenge given its global nature and the inherent interrelationships among its sources, causation, mechanisms of action and impacts (CEQ 2016). With respect to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gas emission and the effects of climate change relevant to a proposed action, particularly how climate change may change an action's effects of a proposed project is currently not available. The proposed action, construction of a new power line, is not listed among the standards of performance for new stationary source in accordance with 40 Code Federal Regulations Part 60, National Ambient Air Quality Standard.

Native American lands, people and culture are likely to be disproportionately affected by climate change. Effect of climate change on the lands and people of Southwestern Native Nations are likely to be greater than elsewhere because of endangered cultural practices, limited water rights, and social, economic, and political marginalization, all of which are relatively common among indigenous people (Garfin, G., A. Jardine, R. Merideth, M. Black, and S. LeRoy, eds., 2013).

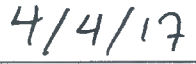
CONCLUSION

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.



Acting Regional NEPA Coordinator



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.: Bread Springs/Pinehaven Power Line, WO#85856

DESCRIPTION: CDEC proposes to construct, operate, and maintain two power line extensions to serve two homes. The combined length of the proposed power line extensions would be 3,442.98 ft. with a 20-ft. wide ROW. Total land use for the ROW would be approximately 1.581 acres.

LOCATION: Bááháálí Chapter, McKinley County, New Mexico

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

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Bread Springs/Pinehaven Power Line/AUG 2016/DES

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: Nesting habitat is present for non-Endangered migratory birds.

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: [1] Vegetation removal within the power line corridor shall avoid the migratory bird breeding season of 01 APR – 31 AUG or surveys will be required. The survey must include a survey buffer of 50 meters outside the edge of the power line corridor. Removal or disturbance of nesting habitat (i.e. trees & shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging.

FORM PREPARED BY / DATE: Pamela A. Kyselka/03 OCT 2016; amended on 11 JAN 2017

COPIES TO: (add categories as necessary)

☒ BIA ☐

2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

01/12/17

*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

11 January 2017

16dan104a

Leonard Robbins
Denali Environmental Services
Post Office Box 1127
Fort Defiance, Arizona 86504

Dear Leonard,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Biological Evaluation for Continental Divide Electric Cooperative's proposed **Bread Springs/Pinehaven Power Line** project located in Bááhááli Chapter, New Mexico. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. Pursuant to the Migratory Bird Treaty Act (U.S. Code Title 16, Chapter 7, 703-712), migratory birds not listed under the NESL or ESA are prohibited from take by federal law. Vegetation removal within the power line corridor shall avoid the migratory bird breeding season of 01 APR – 31 AUG or surveys will be required. The survey must include a survey buffer of 50 meters outside the edge of the power line corridor. Removal or disturbance of nesting habitat (i.e. trees & shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging.

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

01/12/17

Date

**BREAD SPRINGS-PINEHAVEN POWER LINE ENVIRONMENTAL ASSESSMENT
RIGHT OF WAY APPLICATION FOR TWO HOMES WO# 85856
BREAD SPRINGS CHAPTER, NEW MEXICO**



**PLS: SW/4 Section 13 Township 13 North Range 18 West, NMPM
Lat. & Long.: 35° 21' 1.7" N 108° 42' 6.9" W, NAd 83
UTM: 708,911 m E 3,914,137 m N, Z12**

Prepared by

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

**DENALI ENVIRONMENTAL SERVICES
P.O. Box 1127
Fort Defiance, Arizona 86504**

April, 2017

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

BREAD SPRINGS-PINEHAVEN POWER LINE ENVIRONMENTAL ASSESSMENT

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct and operate an electrical power line in the Bread Springs Chapter, south of Gallup, New Mexico. The proposed power line would provide electrical service to two existing homes in the chapter. The proposed right of way application would require a National Environmental Policy Act environmental assessment document to support the decision-making process.

1.0 THE PROPOSED PROJECT AND LOCATION

1.1 Description of the Proposed Action

The electrical line would be a single phase 14.4 kilo volt line, which crosses over Navajo Route N7062 (see cover photo). Existing power lines in the vicinity are operational, currently serving several families. The existing Power Line "A" at 2,185.04 feet would provide an electrical source to proposed Taps "A-1" and "A-2". Right of way easement width would be 20 feet wide. Total length of the proposed right of way easement would be 3,442.98 feet that would provide electrical service to two additional homes. The acreage of right of way easement across Tribal trust land total 1.581 acres. Table 1 below describes the area involved for the existing and proposed power line.

Table 1. Continental Divide Electric Cooperative, Inc. Bread Springs/Pinehaven Electric Power Line.

	Power Line Right of Way Dimensions and Acreage			
	Length	Miles	Width	Acreage
Line "A"	2,185.04'	0.41	20'	1.003
Tap "A-1"	358.00'	0.07	20'	0.164
Tap "A-2"	399.94'	0.08	20'	0.184
Subtotal	2,942.98'	0.56	20'	1.351
Guy Easements	500.00'	0.09		0.230
Total	3,442.98'	0.65		1.581

Surface trees and shrubs would be trimmed along the electrical right of way. Trees under the line will be cut to avoid any physical interference and to avoid fires during emergency situations. The power line right of way would not be bladed. Construction of a new access road to the proposed project site will not be required; existing access roads will be used.

1.2 Purpose and Need

The proposed rights of way would serve two local families with electricity to their homes. The power line extension initiative would enable families to refrigerate meat, milk and eggs for longer periods and buy additional perishable grocery items that would otherwise spoil. Television news media and entertainment can now be enjoyed by the families. The elderly can move about their homes at night. School age kids can now do their homework with electrical lights and via satellite internet. The proposed initiative would also provide telecommunication via direct telephone communication. Overall, the proposed utility would play a vital part in serving the needs and interest of the people and community, often in remote and underserved regions of the Navajo Nation.

1.3 Project Location

The existing power line and propose extensions are located in the Bread Springs Chapter, north of Navajo Route N7062 and east of State Highway 602. USGS 7.5 Minute Quadrangles topographic map, at Figures 1 entitled *Pinehaven, NM* illustrates the project location. Table 2 below describes the coordinate locations.

Table 2. Bread Springs/Pinehaven Electrical Power Line Location, CDECI WO# 85856.

Description	USGS Quadrangle	Public Land Survey NMPM	Latitude and Longitude, NAd 83	UTM Zone 12
Existing Line BOP	Pinehaven, NM	SW/4 Section 13 T13N R18W	35° 21' 1.7" N 108° 42' 6.9" W	708,911 m E 3,914,137 m N
Existing Line EOP	Pinehaven, NM	SW/4 Section 13 T13N R18W	35° 21' 21.0" N 108° 41' 59.8" W	709,067 m E 3,914,756 m N

At an elevation of 7,300 feet amsl, the existing tap and propose power line would be located on Navajo tribal trust land, Bread Springs Chapter, McKinley County, New Mexico.

1.4 Project Authorization

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

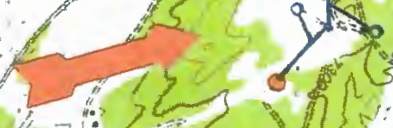
The Bureau of Indian Affairs is the lead Federal agency, as authorized by the Snyder Act of November 20, 1921, 25 USC Chapter 1 § 13, which establishes appropriation for BIA permitting and leasing activity. The proposed right of way approval would allow CDECI to acquire the power line property long term, construct the single phase 14.4 kilo volt electrical power line, and provide electrical service to two families.

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

1.5 Purpose of Environmental Assessment

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

Figure 1. Bread Springs/Pine Heaven, NM Power Line
 Continental Divide Electric Cooperative, Inc. WQ# 85856
 USGS 7.5 Minute Quadrangle Map: Bread Springs, NM
 BOP PLS SW/4 Section 13 T13N R18W, NMPM
 Lat. & Long.: 35° 21' 1.7" N 108° 42' 6.9" W, NAD 83
 UTM: 708,911 m E 3,914,137 m N, Zone 12
 EOP PLS SW/4 Section 13 T13N R18W, NMPM
 Lat. & Long.: 35° 21' 21.0" N 108° 41' 59.8" W, NAD 83
 UTM: 709,067 m E 3,914,756 m N, Zone 12
 Elevation: 7,300 feet amsl



neaven: NM, FC Scale: 1" = 0.379MI 610MT 2,000FT 1 MI = 2.640" 1 cm = 240MT

2.0 ALTERNATIVES

2.1 Alternate Site Locations

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

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

2.2 No Action Alternative

If the no action alternative is taken, the proposed long term right of way would not be approved. The proposed electrical power line would not go as planned. Infrastructure for the residents would become moot. The proposed power line alignments would not be elevated to a higher productive state.

2.3 Approval of the Preferred Alternative

The preferred alternative involves approval of the proposed right of way, which would allow for the construction of the proposed electrical power line extensions. The proposed right of way locations, generally on Indian trust land, adjacent to existing roads and pipelines would be the best alternatives. The proposed power lines extensions are direct, designed at the shortest route, which would have the least amount of environmental impact. A forum for public involvement in the decision-making process for the project was provided. The Bread Springs Chapter support resolution is attached as Appendix B. The Resources and Development Committee of the Navajo Nation Council would review and recommend approval of the project. The BIA would provide final approval.

3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS

3.1 Resources Not Considered in Detail

3.1.1 Climate

Gallup Municipal Airport is the nearest weather station to the project area. The proposed power line project is located in a semi-arid climate. The Bread Springs Chapter experiences four distinct climatic seasons and has an annual average maximum temperature of 66.0°F and average minimum temperature of 44.3°F. Summer highs reach the 85.1 °F range with lows in the 45.0°F average. Winter highs are usually in the 44°F range with lows at 13.6. Average annual precipitation is 11.08 inches in the Gallup area. The average annual snowfall is 30.6 inches (WRCC 2016). Due to the

small size and nature of the proposed project area, climate would have no effect on the proposed power line project. No mitigation would be required.

3.1.2 Air Quality

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

3.1.3 Geology and Seismicity

The Bread Springs power line project is located on the northwest flank of the Zuni Mountain uplift and south of the San Juan Basin syncline. The northwest flank is characterized by narrow valleys and rolling P-J covered hills, eroded from beds of the Cretaceous rock. As part of the Mesa Verde Group geologic formation, Bread Springs Chapter is located on the Crevasse Canyon Formation of Upper Cretaceous Rock. The geologic structure is stable. There are no regional faults or fissures in the area (Wilkes, M. E. Compiler, 2005). The site is flat dipping generally 2 to 8 degrees to the northwest. Based on the history of the area, geology will not be a factor in this development.

3.1.4 Fisheries

There are no fisheries or fishery habitat occurrences in the propose lease area. No mitigation is required for any fishery adversity.

3.1.5 Socioeconomics and Environmental Justice

From the time the Navajo Reservation and Indian Allotment were established in the early 20th century, Navajo social and political organization were based on the family, extended family, the clan, and related clans, with informal local leaders or headmen. The chapter system, now a strong element 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 that has developed back then, operates simultaneously as an instrument of the Navajo Nation government and the Bureau of Indian Affairs (Iverson, P., 2002).

The proposed project is located in the Bread Springs Chapter, Eastern Navajo Agency. The 2004 census of the Bread Springs Chapter sets the population at 1,017 people (NN DCD/LSRI, 2004). In general, local housing conditions are good to excellent. Dwellings in the surrounding area have been built by their owners and have two to three bedrooms. Modular homes in the area are a popular source of improved housing for those who can afford to purchase them.

While unemployment is high throughout the Checkerboard Area, raising livestock has been a sustainable economy in the past. Currently most residents in the chapter area are wage earners, working a various government and commercial jobs in nearby towns and cities. The Indian Health Service, Bureau of Indian Affairs in Gallup, IHS in Zuni, and the Navajo Nation government in Window Rock areas are the major employers in the region. Employment and living standards of the

Diné People in the greater Bread Springs area may be better than what may be considered averaged. This is afforded because of the availability of educational opportunities and wage work available in Gallup and vicinity. Federal, state and tribal government services, law and order, schools and major retail outlets are available at Zuni, Gallup, and Crownpoint, New Mexico. Indian Health Service Hospitals are located in Zuni, Gallup, and Crownpoint. BIA Navajo Regional Offices are located in Gallup.

Road construction and maintenance are provided by the BIA, and the Navajo Nation DOT. Utilities in the area are provided by the Navajo Tribal Utility Authority and Continental Divide Electric Cooperative, Inc. CDECI provides electrical power. Approximately 40 % of the Checkerboard Area residents have access to electrical power services (NNDED, LSRI, 2004). Water supply and waste water systems are operated by NTUA.

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

Environmental Justice. The Bread Springs power line project will be for the beneficial use of the community. As indicated, the majority of the local population is of Native American decent, representing 97.3 % of the population. The mandate of impacted minorities and low income populations applies equally among the population, as the proposal will benefit the population as a whole. The local grazing lease holder has agreed to the site location, has relinquished part of his traditional use area for the right of way, and would be compensated for the grazing resource lost. Bread Springs Chapter has approved a supporting resolution, see Appendix B. In the future, a resolution is proposed for the Resource Committee of the Navajo Nation Council, as well as BIA approval of the right of way.

3.1.6 Land Use and Zoning

At an average elevation of 7,200 feet amsl the area is characterized as a Pinyon-Juniper and Sagebrush Woodland Ecosystem. The area land use is primarily rangeland and residential home sites. The proposed power line extensions are located on Navajo Indian trust lands. Land form is characterized as high plateau and mesas on the west flank of the Zuni Mountains. There is no comprehensive land use plans for the proposed project area.

Rangeland is the basic land use in the project area. For many years the land is used by the local families for farming, home sites and domestic livestock grazing (sheep, cows and horses). Earthen catchment basins are located throughout the project area. During the dry season livestock water is hauled from a nearby windmill by truck to livestock range locations. A cattle guard, metal gate, roadway fence and access roads have been built to the existing homes, and ranch property.

As shown on the topographic maps, existing residents are located throughout the project area; home sites belonging to local relatives are set in clusters. Rangeland fencing, home site access roads, water lines, and existing power lines are associated with the residents in the project area.

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

3.1.7 Prime Farmland

Dry farm land is very limited in the project area. There are no irrigated fields. A few agriculture fields (family plots) are located in the project area. These fields would be used to grow traditional crops such as corn, beans, and squash. No prime farmland has been designated in vicinity of the project area.

3.1.8 Recreation

Bread Springs Chapter residents will travel to nearby Cibola National Forest for an afternoon of picnicking and fishing. McGaffey Lake, near McGaffey would be the nearest fishing lake. Other fishing lakes include Nutria Lake and Ojo Caliente Lake on the Zuni Reservation, and Whiskey and Wheatfields Lake in the Chuska Mountains on the Navajo Indian Reservation. Rainbow and cutthroat trout are the favorite of the fishermen's take.

New Mexico State Fish and Game Department designates the project area as big game hunting unit 10. New Mexico big game species include deer, elk, bear, cougar, pronghorn antelope, Barbary sheep, bighorn sheep, javalina, oryx, and ibex.

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

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

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

In addition to the hunting, fishing, and gathering as described above, it is evident that ATV is another source of recreation. ATV vehicles were observed during site reconnaissance.

3.1.9 Traffic

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

3.1.10 Noise

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

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

3.1.11 Floodplain

The power line alignments are not located on any floodplain; nor located in a flood prone area. The site topography generally dip northwest at approximately 2-8 degrees northwest, which allows for ample drainage. Federal Emergency Management Agency floodplain maps were reviewed for the project. The project area is excluded from any floodplain designation by the agency (FEMA, 2016).

3.1.12 Wetlands and Riparian Habitat

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

3.1.13 Hazardous, Toxic, and Radiological Waste

Other than roaming livestock grazing, there are no previous industrial uses of the area. The proposed power line and adjoining property have never been used as a gas station, motor repair facility, commercial printing facility, dry cleaner, photo developing laboratory, junk yard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility. The proposed project does not contain any damaged or discarded automotive or industrial batteries, pesticides, paints or other chemicals (stored or used). No fill dirt has been brought onto the property that originated from a

contaminated site. There is no evidence of leaks and spills of hazardous substance or spills of petroleum products on the properties.

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

3.2 Topography and Soils

Existing Conditions

Land form is generally rolling hills, with occasional mesa rock outcrop, at 2-8 percent slope. Soils on the tract are of the Parkelei-Fraguni Complex and Parkelei-Evpark Associations, generally deep fine sandy loams. The existing Pinyon-Juniper-Sagebrush community is a positive indicator of deep sandy-loam soils. These soils are generally free of any chemical adversity (NRCS, 2017). Parent material exists at the C horizon. Parent soils of the C horizon contain clays, shale and sandstone of the Cretaceous Formation (NNWMB, 2008).

Effects

Soils or surface topography at 2-8 percent slope would not have impact on the propose project construction work or other related activities. No significant impacts to soils or topography surface and natural geology in the vicinity of the propose project may be expected by the approval of the right of way application. Previous electrical line, water line construction and access road surface disturbance has stabilized.

Mitigation

The proposed undertaking would be a right of way application for construction of existing power line taps and propose power line extensions. The new power lines would not have any impact to the topography or soils. No mitigation is required to the topography and soil resources.

3.3 Water Resources and Water Quality

Existing Conditions

The project area drains south to the confluence of White Water Arroyo north east of Vanderwagen, New Mexico. No wetlands or riparian habitat are found in the region. White Water Arroyo flows southwest, crosses the Arizona border, and drains into the Puerco River east of Allentown, Arizona. The Puerco River joins the Little Colorado River near Holbrook, Arizona. Primary discharges of these drainages occur during the spring months, during the spring snow thaw, and during occasional intense summer thundershowers in late summer. Torrential thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969).

The Bread Springs Community Water System provides Safe Drinking Water to residents of surrounding communities. Water wells and storage tanks are located at various locations in the upper watershed. Navajo Tribal Utility Authority (NTUA) operates the Bread Springs Community Water System and provides Safe Drinking Water to the community. The existing community water pipelines are located throughout the community.

Effects

The proposed project construction work or other related activities would not have impact on any springs, wells or aquifer recharge areas. No impacts to the surface and natural ground water in the vicinity of the proposed project may be expected by the approval of the right of way application. Previous electrical line, water line construction and access road surface disturbance has stabilized.

Mitigation

The proposed undertaking would be a right of way application for construction of existing power line taps and proposed power line extensions. The new power lines would not have any impact to the existing community water system, no mitigation is required to the existing community water system.

3.4 Vegetation and Wildlife Biotic Communities – Pinyon/Sagebrush

Bread Springs Chapter is located in the Great Basin Conifer Woodland Ecosystem and is located in high plateau country of northwestern New Mexico (Brown, D. E., 1994). At the average elevation of 7,200 feet amsl, the proposed right of way tract is encompassed by the Pinyon-Juniper and Sagebrush Woodland Ecosystem. Pinyon pine *Pinus edulis*, Juniper trees *Juniperus monosperma* and Sagebrush *Artemisia* spp. are the dominant tree and shrub species in this woodland habitat type. Under natural conditions and growing amid the P-J canopy understory are other shrubs, grasses, forbs and annuals. These plants of the woodland ecosystem provide habitat for birds, mammals, insects and reptiles (Brown, D. E., 1994).

The natural open areas of the woodland are typically composed of Blue grama *Bouteloua gracilis*, Galleta *Pleuraphis jamesii*, Dropseed *Sporobolus cryptandrus*, and Indian ricegrass *Oryzopsis hymenoides*, and shrubs, e.g., Sagebrush *Artemisia* spp., Rabbitbrush *Chrysothamnus nauseosus*, Threadleaf groundsel *Senecio flaccidus*, Banana yucca *Yucca baccata*, and Broom snakeweed *Gutierrezia sarothrae* (Brown, D. E., 1994).

Annual plants and noxious weeds, such as Cheatgrass *Bromus tectorum*, Russian thistle *Salsola kali*, Tansy mustard *Descurainia obtusa*, Sunflower *Helianthus annuus*, and Kochia weed *Bassia hyssopifolia* occur on the proposed electrical right of way.

Fauna of the typical P-J Woodland habitat is somewhat diverse than that of the other habitat types. Most abundant mammals include the Blacktail jackrabbits *Lepus californicus*, Mountain cottontails *Sylvilagus nuttalli*, Pinyon mice *Peromyscus truei*, Valley gophers *Thomomys bottae*, White-tail prairie dogs *Cynomys gunnisoni*, Porcupines *Erethizon dorsatum*, Mexican woodrats *Neotoma mexicana*, and Ord's kangaroo rats *Dipodomys ordi* (Brown, D. E., 1994).

Characteristic breeding birds of the P-J Ecosystem include the Common night hawk *Cordeiles minor*, Pinyon jay *gymnorhinus cyanocephalus*, Northern flicker *Colaptes auratus*, Western kingbirds *Tyrannus verticalis*, Horned larks *Eremophila alpestris*, Loggerhead shrikes *Lanius ludovicianus*, Sparrows *Spizella spp.*, Grey-headed juncos *junco hyemalis*, and Common ravens *Corvus corax* (Brown, D. E., 1994).

Reptiles include Striped plateau lizards *Sceloporus virgatus*, Plateau whiptails *Cnemidophorus velox*, and Short-horned lizards *Phrynosoma douglassii* (Brown, D. E., 1994).

3.5 Federal Endangered Species Act

The Navajo Department of Fish and Wildlife-Natural Heritage Program (NNHP) consultation letter (NNHP 24, 2016) does not list any Federal ESA species. During the field survey no ESA/USFWS listed species, known or potential species or habitats, were found in the project area.

Existing Conditions

An onsite field survey for threatened and endangered species was conducted by Denali Environmental Services on August 17, 2016 and September 2, 2016. The entire proposed project area was covered during pedestrian and roadside surveys. No ESA listed species or potential critical habitat, that would warrant special management consideration, were found in the propose project area.

Effects

The electrical power line construction would have no effect on ESA species, as habitats are not present in the project area.

Mitigation

Since Federal ESA fauna are not present, no mitigation measures for the ESA threatened and endangered species are recommended.

3.6 Navajo Endangered Species List (NESL) Special Management Species

Existing Conditions

Denali Environmental Services conducted an onsite reconnaissance on the propose power line on August 17, 2016 and September 2, 2016. One raptor species were listed that warranted special management consideration by the NNHP, the Golden Eagle. See Table 2. Infrastructure development (road and water line) adjoins the proposed electrical right of way. Families living in the project area have acquired approved home site leases. The project area appears to be altered: natural grasses have gone toward more woody species, after many generations of livestock grazing. Only the sagebrush shrub and P-J canopy is present; the diversity of ground forbs and grasses are not present. Wildlife habitat is not present and wildlife species are not likely to occur within the project area. No other extraordinary environmental circumstances were noted during the site visit and reconnaissance.

Other potential impacts during construction to the P-J fauna would include noise and increase human activity. The new activity disturbance associated with the proposed project would result in an approximate direct short-term loss of wildlife foraging during construction activities.

The action area of the scattered electrical power line contains large expanses of dense woodland habitat, comprise of Pinyon, Juniper & Sagebrush. Woodland openings are generally used for farming or livestock rangeland. The woodland is not suitable for the Northern Leopard Frog, borrowing and foraging. The species are not present.

Effects

If the Golden Eagle were present, there would be the potential for direct and short-term impacts to the foraging habitat. Given the distance of unknown hunting territories of these raptors and suitable nesting habitat from the proposed location, it is possible that these raptors specie may forage in proximity or fly through the proposed project and action areas.

Table 2. Navajo Natural Heritage Program Special Management Species.

SPECIES/NESL STATUS	HABITAT ASSOCIATIONS	POTENTIAL TO OCCUR IN PROJECT OR ACTION AREA
FAUNA		
Golden Eagle (<i>Aquila chrysaetos</i>) NESL G3	Nest on steep cliffs, normally adjacent to foraging habitat of desert grasslands or desert scrub, that provide primary prey of prairie dogs, cottontail and jack rabbits.	NP The action area contains large expanses of dense Pinyon, Juniper and Sagebrush woodland habitat, which may not be suitable for the usual foraging raptors, as in the grassland habitat. The woodland lack the prey base as required for the eagle. The specie was not present during the field surveys.
Northern Leopard Frog <i>Lithobates pipiens</i> NESL G2	Species requires wetland and aquatic habitats. It inhabits wet meadows and fields bordering springs, slow streams, marshes, bogs, ponds, canals, floodplains, reservoirs, lakes, and is usually found near permanent water with rooted aquatic vegetation.	NP The action area contains large expanses pinyon/juniper & sagebrush woodland that may not be suitable for foraging & nesting, as the aquatic habitat is not present. The specie was not present during the field surveys.
K – Known, documented observation within project area		
S – Suitable habitat and species suspected to occur within the project area		
NS – Habitat suitable but species is not suspected to occur within the project area		
NP – Habitat not present and species unlikely to occur within the project area		

Impacts posed by the propose powerline and existing home sites can be expected to be minimal. The proposed power line and is in a rural setting, and will not have an effect on the habitat or other elements necessary for the continued survival of T&E species, as the eagles were not found on the project area.

Direct impacts to the Golden Eagle as a result of the proposed project would include approximately 1.581 acres of potential foraging habitat. Juniper trees are present on the existing tract and adjacent to the access road. No active and inactive prairie dog mounds or ground squirrels are present in the project and action area. During site preparation, shrubs and grass would be destroyed. Raptors would avoid the project area during construction and operation due to disturbance and activity from human and vehicle presence. Indirect impacts may include a short-term change in vegetation species composition and density due to construction surface disturbance, which could affect the prey base for the raptor species. Due to the current activity (existing home site activity, livestock herding and grazing, and vehicle travel) and absence of a prey base, impacts are expected to be low.

The onsite shrub/grassland along the proposed action area would provide foraging habitat for the Ferruginous hawk, as a variety of small mammals, such as the prairie dog, black-tailed jackrabbits, desert cottontails, ground squirrels, and field mice, that would inhabit the woodland. These small mammals would serve as prey for the raptor.

None of the special management NESL species were observed at the time of the onsite visits. The proposed action alternative would have no effects on any of the identified NESL special management species or their habitat.

Mitigation

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

3.7 Migratory Bird Treaty Act

Existing Conditions

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The U.S. Fish and Wildlife Service (USFWS) list of Birds of Conservation Concern (BCC) was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The area indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 9.

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

Table 3. U.S. Fish and Wildlife Service, Division of Migratory Bird Management "Bird of Conservation Concern 2008" for the Southern Rockies/ Colorado Plateau (US F&WS, 2008).

SPECIES	HABITAT ASSOCIATION	EFFECTS	EFFECT RATING
Gunnison Sage Grouse <i>Centrocercus minimus</i>	Inhabits shrub-steppe dominated by sagebrush that provide canopy cover, shelter, & forage.	No suitable habitat.	Zero
American Bittern <i>Botaurus lentiginosus</i>	Wading bird inhabits wetlands, usually dense marsh reeds, rushes and sedges.	No suitable habitat present.	Zero
Bald Eagle <i>Haliaeetus leucocephalus</i>	Nests in old growth ponderosa pine and Douglas fir forest. Forages on fish and waterfowl. Inhabits the coast, rivers, large lakes; also mountain open country.	No suitable habitat.	Zero
Ferruginous hawk <i>Buteo regalis</i>	Inhabits open grasslands or desert scrub ecosystems. Nest often occurs on rock spires and butte formations. In woodland edge habitat, nests on flat-topped junipers.	Little conflict anticipated.	Low
Golden Eagle <i>Aquila crysaetos</i>	Nest on steep cliffs. Foraging habitat of open grasslands or desert scrub; primary prey of prairie dogs, cotton tails & jack rabbits.	Little conflict anticipated.	Low
Peregrine Falcon <i>Falco peregrinus</i>	Inhabits rugged terrain with rocky cliffs and canyons 30 to 1,000 ft. high, adjacent to rivers lakes, or streams. Urban areas with towers and buildings are also inhabited.	Little conflict anticipated.	Low
Prairie Falcon <i>Falco mexicanus</i>	Nests and forages in grassland, and open Juniper Savannah.	Little conflict anticipated.	Low
Snowy Plover <i>Charadrius alexandrinus nivosus/tenuirostris</i>	Shore bird inhabits barren sandy beaches and flats.	Suitable habitat not present, no conflict anticipated.	Zero
Mountain Plover <i>Charadrius montanus</i>	Inhabits grassland plains; usually found on grassy or bare dirt fields.	Grass removal would reduce cover & nesting habitat.	Low
Long-billed Curlew <i>Numenius americanus</i>	Nests in wet & dry upland fields. In migration, a shore bird of wetlands and agriculture fields.	Suitable habitat not present, no conflict anticipated.	Zero

Yellow-billed Cuckoo <i>Coccyzus americanus</i>	No suitable riparian habitat present. Inhabits open woods, orchards, and streamside willow and alder groves.	No conflict anticipated.	Zero
Flammulated Owl <i>Otus flammcolus</i>	Inhabits pine-oak woodland, ponderosa pine forest.	Suitable habitat present.	Moderate
Burrowing Owl <i>Athene cunicularia</i>	Inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes.	No suitable habitat.	Zero
Lewis's Woodpecker <i>Melanerpes lewis</i>	Inhabits woodland forests of pine-oak. Nests in oak cavities and pine snags. Forages and stores acorns and insects.	Little conflict anticipated.	Moderate
Willow Flycatcher <i>Empidonax traillii</i>	Inhabits brushy habitats in wet areas; also in pastures, mountain meadows.	No suitable habitat.	Zero
Gray Vireo <i>Vireo vicinior</i>	Found in juniper savannah and open JP woodland, with scrub component. Inhabits mountains and chaparral-juniper scrubland.	Little conflict anticipated.	Moderate
Pinyon Jay <i>Gymnprjomus cyanocephalus</i>	Juniper Savannah, woodland, pine-oak ecosystems associated with high open habitats w/ openings, scattered trees or shrub components.	A multi ecosystem inhabitant, little conflict anticipated.	Moderate
Juniper Titmouse <i>Baeolophus ridgwayi</i>	Inhabits juniper-pinyon woodland.	Little conflict anticipated.	Moderate
Veery <i>Catharus fuscescens</i>	Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.	Little conflict anticipated.	Low
<i>Toxostoma bendirei</i>	Brushy desert shrub, especially areas of tall vegetation, cholla cactus, creosote bush and yucca.	Little conflict anticipated.	Low
Grace's Warbler <i>Dendroica graciae</i>	Inhabits coniferous or mixed forests of southwest mountains, especially yellow pines. Usually forages high in the trees.	Little conflict anticipated.	Moderate
Brewer's Sparrow <i>Spizella breweri</i>	Inhabits mountain meadows and sagebrush flats.	Little conflict anticipated.	Moderate
Grasshopper Sparrow <i>Ammodramus savannarum</i>	Inhabits moderately open grassland habitats, with patchy bare ground, and avoid areas with extensive shrub cover. Feeds and nests on ground.	Little conflict anticipated.	Low

Chestnut-collared Longspur <i>Calcarius ornatus</i>	Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.	Little conflict anticipated.	Low
Black Rosy-Finch <i>Leucosticte atrata</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	No suitable habitat on the project area.	Zero
Brown-capped Rosy Finch <i>Leucosticte australis</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	No suitable habitat on the project area.	Zero
Cassin's Finch <i>Carpodacus cassinii</i>	Woodland Ecosystem. Species inhabits evergreen woodlands.	Suitable habitat in project area.	Moderate

Effects

Although migratory birds could potentially occur in the area, none were observed during the environmental site visits on August 17, 2016 and September 2, 2016. With respect to Table 3, the proposed project construction would have no significant effect on the migratory bird species or their habitat. The proposed action alternative would result in a short-term and small scale loss of vegetation due to construction. No permanent loss of native vegetation is anticipated at the project area. Eolian deposits of native seed from the undisturbed vegetation would also help to propagate native plant species.

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

Mitigation of Migratory Birds

With respect to Table 3, the proposed power line construction would have no significant effect on the migratory bird species or their habitat. Construction of the project would take place outside the nesting season. NNDF&W policy mandates that prior to construction the proposed activity would require a preconstruction survey of potential nesting birds on the tract, should construction occur during the breeding season. Any bird nests found within the proposed project area will be reported to the NNDF&W biologist for appropriate mitigation prior to construction activities.

The activity will minimize the possibility of unintentional take of migratory birds. The proposed construction would involve vegetative disturbance (brush and tree removal). Construction activities from May 15 to July 31 will not be permitted without a migratory bird nest survey. If any

active nests are located within the proposed project area, projects activities will not be permitted until written approval by NNDF&W biologist. The operator will monitor any active nests located from a nest survey.

3.8 Esthetics and Visual Resources

No visibility studies have been conducted in the project area. However, regional visibility in the project area can be considered to be good.

Effects

Locally, the primary ambient air pollutant in the project area is occasional wind-blown dust from loose topsoil common during times of gusting winds during the spring, and dust from vehicular traffic along unimproved roads in the area.

Mitigation

Disturbed soils during any future site preparation would be dampened by watering for dust suppression and soil compaction.

3.9 Cultural Resources

Existing Condition

Prior to a field survey, a record search of the Navajo Historic Preservation Department (NHPD) archival files was conducted by personnel of Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico. DCRM also conducted the project archeological survey and crafted a field inventory report entitled: *A Cultural Resource Inventory of the Proposed Bread Springs Powerline serving two clients within the Bread Springs Chapter, McKinley County, New Mexico. Clients: Raymond Smith & Lois Wilson.* In consultation with the NHPD, shown at Appendices C, a Cultural Resource Compliance Form, NNHPD Number HPD-17-069, has been created for this undertaking.

Effects

According to the cultural resource compliance form-Effect/Conditions of Compliance-"No historic properties affected".

Mitigation

The project sponsor acknowledges the following statement with respect to cultural resources during construction: *In the event of the discovery [“discovery” means any previously unidentified or incorrectly identified cultural resources; including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices] all operations in the immediate vicinity will cease and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7132.*

4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE

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

Currently, CDECI operates the power line grid in the Bread Springs Chapter. CDECI would make application for the new power line extension with the Navajo Agency, Bureau of Indian Affairs, Gallup, New Mexico.

In the future, there would be no other proposals or other right of way applications planned in the reasonably foreseeable future in the area. The proposed lease application action will not have significant impact on the human environment. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. Actual land disturbance during construction would involve drilling and setting the electrical poles at a pre-determined distance. A small fraction of the grazing resource, at 1.581 acres of trust land, would not loss entirely to the development. It is the practice of the tribal government to compensate the traditional land user for the grazing resource loss.

Climate change results from the incremental addition of greenhouse gases a (GHG) emissions from millions of individual sources, which collectively have a large impact on a global scale. Climate change is a particularly complex challenge given its global nature and the inherent interrelationships among its sources, causation, mechanisms of action, and impacts (CEQ, 2016). With respect to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gases emission and the effects of climate change relevant to a proposed action – particularly how climate change may change an action's effects of a propose project – is currently not available. The propose action, construction of a new power line, is not listed among the standard of performance for new stationary source in accordance with 40 Code of Federal Regulation part 60, National Ambient Air Quality Standard.

Native American lands, people, and culture are likely to be disproportionately affected by climate change. Effect of climate change on the lands and people of Southwestern Native Nations are likely to be greater than elsewhere because of endangered cultural practices, limited water rights, and social, economic, and political marginalization, all of which are relatively common among indigenous people (Garfin, G., A. Jardine, R. Merideth, M. Black, and S. LeRoy, eds., 2013).

5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

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

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

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

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

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

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

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

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

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

Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) Compliance.

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

6.0 PUBLIC INVOLVEMENT

The Bread Springs Chapter has passed a resolution approving the proposed power line extensions. See Appendix B. In the future, the Eastern Navajo Agency would review and consider the right of way application, and process the application for passage. The Branch of Environmental Quality Act Compliance and Review of the Navajo Regional Office, BIA, would make a Finding of No Significant Impact determination as result of their review.

7.0 COORDINATION AND REVIEW OF THE EA

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project archeological survey and recommends a no effect in their field report. As shown at Appendices C, the Navajo Historic Preservation Department reaffirms the determination at *Cultural Resource Compliance Form NNHPD No. HPD-17-069*.

CDECI conducted consultation with the Navajo Department of Fish and Wildlife, Navajo Nation. The consultation would assure mandated protection of Federal Endangered Species Act and Navajo Species of Concern. The Navajo Department of Fish and Wildlife website was consulted for the Biological Resources Land Clearance Policy and Procedures. A Navajo Natural Heritage Program concurrence letter and a *Biological Resource Compliance Form*, at Appendices D, are created for the project.

8.0 CONCLUSIONS

The preferred alternative is reasonable. No significant adverse impacts to the human environment have been identified in the development of this environment assessment.

9.0 LIST OF PREPARERS / CONSULTATION AND COORDINATION

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

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NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS
CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (GRANTEE)
(Breadsprings Chapter Electrical Power Line)

1. The term of the right-of-way shall be for fifty (50) 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 \$ 22,763.50 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.

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of construction, maintenance and operation 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.

Document No. 008121ed: 06/05/2017**EXECUTIVE OFFICIAL REVIEW**Title of Document: CDEC, ROW Breadsprings Chpt Powerline Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: michellehoskie@frontier.com Phone Number: 928-871-6447☐ **Business Site Lease** Sufficient Insufficient

1. Division: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
3. Office of the Attorney General: _____	Date: _____	□	□

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

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

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

1. Office of Management and Budget: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

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

1. NNEPA: _____	Date: _____	□	□
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____	Date: _____	□	□
(recommendation only)			
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Grant Applications**

1. Office of Management and Budget: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

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

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

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____	Date: _____	□	□
2. Elections: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

☐ **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"/>

☒ **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>V. Blumenthal</i>	Date: <u>8/17/17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. OPVP	<i>12</i>	Date: <u>8-29-17</u>	<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



DOJ
8/3/17 3:12pm
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 008121
SAS #:
UNIT: NR4

☐ RESUBMITTAL

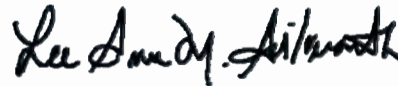


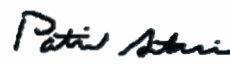
*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST:	8/3/2017	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 BREADSPRINGS CHAPTER POWERLINE			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT:	8.3.17 3:20	REVIEWING ATTORNEY/ADVOCATE:	Sharon Chee 8.14.17
DATE TIME OUT OF UNIT: 8.18.17 @ 11:25 AM			
DOJ ATTORNEY / ADVOCATE COMMENTS			
- Document is legally sufficient.			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Immett Ace	8/17/17	V Blackhat	8/18/17 8:30 AM
DOJ Secretary Called: Stevie		for Document Pick Up on 8.18.17 at 11am By: [Signature]	
PICKED UP BY: (Print)		DATE / TIME:	

NNDOJ/DRRF-July 2013


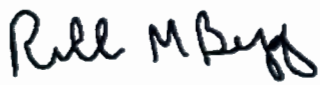



COMPLETED

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. No comments.	1. No Reply	09-Jun-2017	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Please consult with our Water Quality Office regarding your project. Several waterway crossing occurring at this project location. A Clean Water Act Section 401 Certification may be needed for this project. You may contact our office at (928) 871-7690 or email at lamartinez@navajo-nnsn.gov. Thank you.	1. No Reply	13-Jun-2017	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	08-Jun-2017	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. 16dan1101a	1. No Reply	07-Jun-2017	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	07-Jun-2017	
Patrick Antonio (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Proposed land surface disturbance 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	06-Jun-2017	

Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	no comments	No Reply	27-Jun-2017	Robert O. Allan
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved 1.	HPD-17-069 - Revised	1. No Reply	07-Jun-2017	Tamara Billie
Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	07-Jun-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	no comments	No Reply	02-Aug-2017	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	29-Jun-2017	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Project Conditional Approval based on compliance with all NNEPA and EPA environmental laws.	1. No Reply	27-Jun-2017	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	27-Jun-2017	
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 & Conditions document being permanently included as part of the approval package. slp	1. No Reply	21-Jul-2017	
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	1. An excellent packet for a project.	1. No Reply	30-Jun-2017	