

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF
RIGHT-OF-WAY TO CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.,
FOR THE WHITEHORSE CHAPTER, SANDOVAL CAMP ELECTRICAL POWER LINE
LOCATED ON NAVAJO NATION TRUST LANDS IN WHITE HORSE LAKE
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., P.O. Box 1087, Grants, New Mexico 87020, has submitted a right-of-way (ROW) application for the Whitehorse Chapter, Sandoval Camp Electrical Power Line on, over and across Navajo Nation Trust Lands in White Horse Lake Chapter vicinity, McKinley County, New Mexico. The application request is attached hereto and incorporated herein as **Exhibit "A"**.
- B. The proposed right-of-way is described in maps and surveyor's description attached hereto and incorporated herein as **Exhibit "B"**.
- C. The Grazing Committee District No. 20 has identified three land users and has obtained their consents. These are attached hereto as **Exhibit "C"**.
- D. A waiver of consideration for the right-of-way project is requested. The right-of-way project would serve a public purpose because the project will benefit Navajo residents.

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

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Continental Divide Electric Cooperative, Inc. for the Whitehorse Chapter, Sandoval Camp Electrical Power Line located on Navajo Nation Trust Lands in White Horse Lake Chapter vicinity, McKinley County, New Mexico. The location is more particularly described on the survey map attached hereto as **Exhibit "B"**.
- B. The Resources and Development Committee of the Navajo Nation Council hereby waives consideration for the right-of-way project because the project will benefit Navajo residents.
- C. The Resources and Development Committee of the Navajo Nation Council hereby waives the requirement for bond, insurance or alternative form of security on the part of the Grantee based on the determination that the project benefits the Navajo Nation and such waiver is in the best interest of the Navajo Nation, pursuant to Title 25 CFR § 169.103.
- D. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit "D"**.

- E. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Navajo Nation Museum, Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 3 abstained on this 7th day of February, 2018.



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

Motion: Honorable Davis Filfred
Second: Honorable Leonard Pete



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 25, T18N, R06W, NMPM, McKinley County, New Mexico
4. Purpose: (Per the request of the Navajo Nation and Whitehorse Chapter), Construction, Operation, and Maintenance of 14.4/24.9 kV Electrical Distribution Line for the Whitehorse Chapter – Sandoval Camp Powerline Project, WO#52595
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: August 24, 2017

Applicant:  (Signature)

Debbie Olivar or Steve Morales (Print Name)



CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC.

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

August 24, 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 Whitehorse Chapter – Sandoval Camp Project, WO#52595

Dear Ms. Yazzie,

Continental Divide Electric Cooperative, Inc. is requesting right-of-way for the proposed 14.4/24.9 kV distribution overhead Power line for the Whitehorse Chapter – Sandoval Camp Poweline Project, WO#52595. 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 #135006
2. Right of way Application
3. Archaeological Report
4. Cultural Resources Compliance Form
5. Environmental Report
6. FONSI
7. Biological Resources compliance Form
8. Navajo Fish & Wildlife
9. Field Clearance
10. Legals
11. Map (4)

This project traverses over and across Navajo Tribal Trust Land. The distance on Navajo Tribal Trust Land is 2,349.10' feet in length, 20' feet in width, and 1.06 acres.

Continental Divide Electric Cooperative Inc. requests that the Navajo Nation waive consideration, bond, insurance or alternative form of security since only Navajos are being served off of this Electrical Line.

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

Sincerely,

Debbie Olivar
Engineering/ROW
Enclosures





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

PLEASE DETACH AND RETAIN

No. 135006

Date: 08/29/2017

DATE	INVOICE	DESCRIPTION	GROSS	NET
08/29/2017	WORK ORDER NO. 52595	WORK ORDER NO. 52595 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. 135006

95-219/1070

Wells Fargo Bank, NA
Grants, NM 87020

FIVE HUNDRED AND NO. / 100*****

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

9997

DATE	CHECK NO.	AMOUNT
08/29/2017	135006	\$*****500.00

Rant E. Castro
Comm. V. Spence

SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

⑈ 135006 ⑈ ⑆ 107002192⑆ 2811880586 ⑈



**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
LINE "A"
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 52595**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Sandoval Camp Power Line Project, Line "A", located within sections 3, and 10 Township 17 North, Range 6 West, and sections 25, 34, 35, and 36, Township 18 North, Range 6 West, New Mexico Principal Meridian, Allotted Land, Private Land and Navajo Tribal Trust Land, Whitehorse Chapter, 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 35114, located in NE¼ section 10, T17N, R6W, NMPM, said parcel being Indian Allotment 16200, and from which point the found USCGS brass cap "Wind 1958" bears S11°52'37"W a distance of 2,630.87 feet,

Thence N35°46'03"W a distance of 27.60 feet to P.O.T. Station 0+27.60 at which point the centerline of the easement crosses a fence line,

Thence continuing N35°46'03"W a distance of 172.67 feet to P.I. Station 2+00.27,

Thence N27°49'37"E a distance of 138.40 feet to P.O.T. Station 3+38.67, at which point the centerline of the easement crosses a fence line,

Thence continuing N27°49'37"E a distance of 682.89 feet to P.O.T. Station 10+21.56, at which point the centerline of the easement crosses a fence line and enters section 3, T17N, R6W, NMPM, said parcel being Private Land, and from which point the found stone monument for the northeast corner of section 3, T17N, R6W, NMPM bears N20°05'07"E a distance of 5,660.67 feet,

Thence continuing N27°49'37"E a distance of 2,258.82 feet to P.O.T. Station 32+80.38,

Thence continuing N27°49'37"E a distance of 979.15 feet to P.O.T. Station 42+59.53, at which point the centerline of the easement crosses a fence line,

Thence continuing N27°49'37"E a distance of 70.75 feet to P.I. Station 43+30.28,

Thence N00°13'54"W a distance of 2,384.96 feet to P.O.T. Station 67+15.24, at which point the centerline of the easement enters section 34, T18N, R6W, NMPM, said parcel being Private Land, and from which point the found stone monument for the northeast corner of section 3, T17N, R6W, NMPM bears N89°15'12"E a distance of 409.20 feet,

Thence continuing N00°13'54"W a distance of 256.34 feet to P.O.T. Station 69+71.58, at which point the centerline of the easement crosses a fence line,

Thence continuing N00°13'54"W a distance of 787.71 feet to P.O.T. Station 77+59.29, at which point the centerline of the easement crosses a New Mexico Gas Company gas line,

Thence continuing N00°13'54"W a distance of 2,981.11 feet to P.I. Station 107+40.40, from which point the found stone monument for the northeast corner of section 34, T18N, R6W, NMPM, bears N17°08'36"E a distance of 1,320.98 feet,

Thence N79°00'52"E a distance of 391.25 feet to P.O.T. Station 111+31.65, at which point the centerline of the easement crosses a fence line,

Thence continuing N79°00'52"E a distance of 13.64 feet to P.O.T. Station 111+45.29, at which point the centerline of the easement enters section 35, T18N, R6W, NMPM, said parcel being Private Land, and from which point the found stone monument for the northeast corner of section 34, T18N, R6W, NMPM bears N00°23'29"W a distance of 1,185.16 feet,

Thence continuing N79°00'52"E a distance of 5,371.50 feet to P.O.T. Station 165+16.79, at which point the centerline of the easement enters section 36, T18N, R6W, NMPM, said parcel being Private Land, and from which point the found stone monument for the northeast corner of section 3, T17N, R6W, NMPM bears S45°41'18"W a distance of 7,330.14 feet,

Thence continuing N79°00'52"E a distance of 3.76 feet to P.I. Station 165+20.55, from which point the Base Station, having true New Mexico State Plane West, NAD83, US survey feet coordinates of: N 1730828.80, E 2840883.91, Latitude 35°45'23", Longitude -107°26'11" bears N49°18'19"W a distance of 1,090.42 feet,

Thence N54°21'46"E a distance of 164.13 feet to P.O.T. Station 166+84.68, at which point the centerline of the easement crosses a fence line and enters section 25, T18N, R6W, NMPM, said parcel being Tribal Trust Land, and from which point the found stone monument for the northeast corner of section 34, T18N, R6W, NMPM bears N89°18'38"W a distance of 5,418.63 feet,

Thence continuing N54°21'46"E a distance of 525.87 feet to P.O.T. Station 172+10.55,

Thence continuing N54°21'46"E a distance of 240.01 feet to P.O.T. Station 174+50.56,

Thence continuing N54°21'46"E a distance of 170.08 feet to E.O.P. Station 176+20.64, the terminus for the above described centerline for Line "A", from which point the Base Station, having true New Mexico State Plane West, NAD83, US survey feet coordinates of: N 1730828.80, E 2840883.91, Latitude 35°45'23", Longitude -107°26'11" bears N87°40'13"W a distance of 1,722.24 feet.

The above described right-of-way easement contains 8.09 acres, more or less, in area. The right-of-way easement is 3.34 miles in length

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
TAP "A-1"
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Sandoval Camp Power Line Project, Tap "A-1", located within section 3, Township 17 North, Range 6 West, New Mexico Principal Meridian, Private Land, Whitehorse, 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 32+80.38 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-1", located in section 3, T17N, R6W, NMPM, said parcel being Private Land,

Thence S70°10'05"E a distance of 920.04 feet to E.O.P. Station 9+20.04, the terminus for the above described centerline for Tap "A-1", from which point the found USCGS brass cap "Wind 1958" bears S27°54'48"W a distance of 5,826.73 feet.

The above described right-of-way easement contains 0.42 acres, more or less, in area. The right-of-way easement is 0.17 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
TAP "A-2"
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Sandoval Camp Power Line Project, Tap "A-2", located within sections 33 and 34, Township 18 North, Range 6 West, New Mexico Principal Meridian, Private Land, Whitehorse, McKinley County, State of New Mexico, and being more particularly described as follows:

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

Beginning at P.I. Station 107+40.40 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-2", located in section 34, T18N, R6W, NMPM, said parcel being Private Land, from which point the found stone monument for the northeast corner of section 34, T18N, R6W, NMPM, bears N17°08'36"E a distance of 1,320.98 feet,

Thence S79°00'52"W a distance of 3,266.05 feet to P.I. Station 32+66.05, from which point the found stone monument for the northwest corner of section 33, T18N, R6W, NMPM, bears N75°12'31"W a distance of 7,118.76 feet,

Thence N61°16'35"W a distance of 1,911.60 feet to P.O.T. Station 51+77.65, at which point the centerline of the easement enters section 33, T18N, R6W, NMPM, said parcel being Private Land, and from which point the quarter corner common to sections 33 and 28, T18N, R6W, NMPM, being a found mound of stones, bears N69°55'37"W a distance of 2,752.53 feet,

Thence continuing N61°16'35"W a distance of 1,657.81 feet to E.O.P. Station 68+35.46, the terminus for the above described centerline for Tap "A-2", from which point the quarter corner common to sections 33 and 28, T18N, R6W, NMPM, being a found mound of stones, bears N82°32'53"W a distance of 1,141.16 feet,

The above described right-of-way easement contains 3.14 acres, more or less, in area. The right-of-way easement is 1.29 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
TAP "A-3"
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Sandoval Camp Power Line Project, Tap "A-3", located within section 25, Township 18 North, Range 6 West, New Mexico Principal Meridian, Tribal Trust Land, Whitehorse, 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 172+10.55 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-3", located in section 25, T18N, R6W, NMPM, said parcel being Navajo Tribal Trust Land,

Thence N33°39'06"W a distance of 240.05 feet to P.O.T. Station 2+40.05,

Thence continuing N33°39'06"W a distance of 210.11 feet to E.O.P. Station 4+50.16, the terminus for the above described centerline for Tap "A-3".

The above described right-of-way easement contains 0.21 acres, more or less, in area. The right-of-way easement is 0.08 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
TAP "A-3a"
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Sandoval Camp Power Line Project, Tap "A-3a", located within section 25, Township 18 North, Range 6 West, New Mexico Principal Meridian, Tribal Trust Land, Whitehorse, McKinley County, State of New Mexico, and being more particularly described as follows:

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

Beginning at P.O.T. Station 2+40.05 of Tap "A-3" said point being B.O.P. Station 0+00 for Tap "A-3a", located in section 25, T18N, R6W, NMPM, said parcel being Navajo Tribal Trust Land,

Thence N86°11'54"E a distance of 92.09 feet to E.O.P. Station 0+92.09, the terminus for the above described centerline for Tap "A-3a".

The above described right-of-way easement contains 0.04 acres, more or less, in area. The right-of-way easement is 0.02 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
TAP "A-3b"
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Sandoval Camp Power Line Project, Tap "A-3b", located within section 25, Township 18 North, Range 6 West, New Mexico Principal Meridian, Tribal Trust Land, Whitehorse, McKinley County, State of New Mexico, and being more particularly described as follows:

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

Beginning at P.O.T. Station 2+40.05 of Tap "A-3" said point being B.O.P. Station 0+00 for Tap "A-3b", located in section 25, T18N, R6W, NMPM, said parcel being Navajo Tribal Trust Land,

Thence N02°04'51"E a distance of 187.22 feet to E.O.P. Station 1+87.22, the terminus for the above described centerline for Tap "A-3b".

The above described right-of-way easement contains 0.09 acres, more or less, in area. The right-of-way easement is 0.04 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
TAP "A-4"
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Sandoval Camp Power Line Project, Tap "A-4", located within section 25, Township 18 North, Range 6 West, New Mexico Principal Meridian, Tribal Trust Land, Whitehorse, 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 174+50.56 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-4", located in section 25, T18N, R6W, NMPM, said parcel being Navajo Tribal Trust Land,

Thence N45°41'46"W a distance of 210.04 feet to P.I. Station 2+10.04,

Thence N42°28'37"W a distance of 66.31 feet to E.O.P. Station 2+76.35, the terminus for the above described centerline for Tap "A-4".

The above described right-of-way easement contains 0.13 acres, more or less, in area. The right-of-way easement is 0.05 miles in length.

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
TAP "A-5"
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO**

SURVEYOR'S DESCRIPTION of a right-of-way easement for the Continental Divide Electric Cooperative Inc.'s Sandoval Camp Power Line Project, Tap "A-5", located within section 25, Township 18 North, Range 6 West, New Mexico Principal Meridian, Tribal Trust Land, Whitehorse, McKinley County, State of New Mexico, and being more particularly described as follows:

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

Beginning at E.O.P. Station 176+20.64 of Line "A" said point being B.O.P. Station 0+00 for Tap "A-5", located in section 25, T18N, R6W, NMPM, said parcel being Navajo Tribal Trust Land,

Thence N59°46'06"W a distance of 157.32 feet to E.O.P. Station 1+57.32, the terminus for the above described centerline for Tap "A-5".

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

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 52595**

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	2+00.27	N35°46'03"W	50'	20'	0.02	IA 16200
2	2+00.27	S27°49'37"W	50'	20'	0.02	IA 16200
3	43+30.28	S76°12'09"E	50'	20'	0.02	PRIVATE
4	107+40.40	N00°13'54"W	50'	20'	0.02	PRIVATE
5	165+20.55	S23°18'41"E	50'	20'	0.02	PRIVATE
6	176+20.64	N54°21'46"E	50'	20'	0.02	NTT
TAP A-1						
7	0+00.00	N70°10'05"W	50'	20'	0.02	PRIVATE
8	9+20.04	S70°10'05"E	50'	20'	0.02	PRIVATE
TAP A-2						
9	32+66.05	S08°52'09"W	50'	20'	0.02	PRIVATE
10	68+35.46	N61°16'35"W	50'	20'	0.02	PRIVATE
TAP A-3						
11	0+00.00	S33°39'06"E	50'	20'	0.02	NTT
12	4+50.16	N33°39'06"W	50'	20'	0.02	NTT
TAP A-4						
13	0+00.00	S45°41'46"E	50'	20'	0.02	NTT
14	2+10.04	N45°41'46"W	50'	20'	0.02	NTT
TOTAL			700'		0.28	

TOTAL 14 GUYS

14 Guys X 0.02 acres = 0.28 ACRES

SUMMARY DESCRIPTION

<u>SEGMENT</u>	<u>LENGTH</u>	<u>MILES</u>	<u>WIDTH</u>	<u>ACREAGE</u>
LINE "A"	17,620.64'	3.34	20'	8.09
TAP "A-1"	920.04'	0.17	20'	0.42
TAP "A-2"	6,835.46'	1.29	20'	3.14
TAP "A-3"	450.16'	0.08	20'	0.21
TAP "A-3a"	92.09'	0.02	20'	0.04
TAP "A-3b"	187.22'	0.04	20'	0.09
TAP "A-4"	276.35'	0.05	20'	0.13
TAP "A-5"	157.32'	0.03	20'	0.07
SUBTOTAL	26,539.28'	5.02		12.19
GUY EASEMENTS	700.00'	0.13	20'	0.28
TOTAL	27,239.28'	5.15		12.47

**RIGHT OF WAY EASEMENT FOR
CDEC'S SANDOVAL CAMP POWER LINE PROJECT
WHITEHORSE, MCKINLEY COUNTY, NEW MEXICO
CDEC WORK ORDER NUMBER 52595**

SECTION SUMMARY

<u>LAND STATUS</u>	<u>POWER LINE FOOTAGE</u>	<u>POWER LINE MILEAGE</u>	<u>ACREAGE</u>	<u>GUY FOOTAGE</u>	<u>GUY ACREAGE</u>	<u>TOTAL FOOTAGE</u>	<u>TOTAL ACREAGE</u>
<u>T17N R6W</u>							
Section 3	Private	6,613.72'	1.25	3.04	150.00'	0.06	6,763.72'
NE¼ Sec. 10	IA 16200	1,021.56'	0.19	0.47	100.00'	0.04	1,121.56'
<u>T18N R6W</u>							
Section 25	NTT	2,099.10'	0.40	0.96	250.00'	0.10	2,349.10'
Section 33	Private	1,657.81'	0.31	0.76	50.00'	0.02	1,707.81'
Section 34	Private	9,607.70'	1.82	4.41	100.00'	0.04	9,707.70'
Section 35	Private	5,371.50'	1.02	2.47	0.00'	0.00	5,371.50'
Section 36	Private	167.89'	0.03	0.08	50.00'	0.02	217.89'
TOTAL		26,539.28'	5.02	12.19	700.00'	0.28	27,239.28'
							12.47



WORK ORDER NUMBER 32565

SANDOVAL CAMP
DISTRIBUTION LINE PROJECT

PERMIT MAP 1 OF 1

STATE COUNTY DEAC

NM MCKINLEY

CONTINENTAL DIVIDE ELECTRIC CO-OP., INC.

GRANTS, NM

NEW MEXICO 22 MCKINLEY

DATE

REVISIONS

TD SERVICES

1800 San Mateo, Suite 200, Santa Fe, NM 87505

Telephone (505) 833-1111

Fax (505) 833-1112

Internet: www.tdservices.com

SCALE: 1 INCH = 1000 FEET

0 500 1000 2000

NOTES:

1. This is a preliminary map and should not be used for construction purposes.

2. The 1/2" scale map is located on the back of this map.

3. The 1/4" scale map is located on the back of this map.

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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 Sandoval Camp Power Line Project, Work Order #52595, Whitehorse Chapter
Location: Sandoval Camp, Whitehorse Lake Chapter
Identification number(s): Work Order Number 52595
2. Amount of land affected: 1.06 acres, 20' width, 2,349.10' length
3. Land status: Trust XX Fee _____ Other _____
4. List names of all individuals whose land use right will be affected by project:

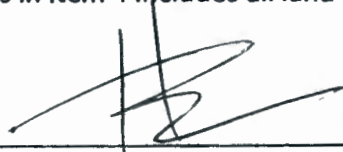
	Names	Census Number	Type of Land Use Right
1.	<u>Annie S. Yazzie</u>		
2.	<u>Marilynn L. Sandoval</u>		
3.	<u>Clyde Yazzie</u>	<u>6, 1, 5</u>	
4.			

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 _____
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.

4/26/17
Date


Grazing Committee or Land Board Member District No. 20

CONSENT FORM -3
(Waiver of compensation for damages)

Consent to Use
Navajo Nation Lands

TO WHOM IT MAY CONERN:

I, Amie S Yazzie, 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 Sandoval Camp, work order #52595, Whitehorse Chapter

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

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

REMARKS: _____

4-25-17 Amie S Yazzie _____
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESSES

4/26/17 [Signature] 20
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Field Agent Signature

CONSENT FORM -3
(Waiver of compensation for damages)

Consent to Use
Navajo Nation Lands

TO WHOM IT MAY CONERN:

I, Clyde Yazzie, 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 Sandoval Camp, work order #52595, Whitehorse Chapter

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

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

REMARKS: _____

04/24/17 [Signature] _____
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESSES

4/26/17 [Signature] 20
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Field Agent Signature

FIELD CLEARANCE CHECKLIST

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

1. Project Identification: Continental Divide Electric Cooperative, Inc.
Type of Project: Electrical Powerline Extension
Purpose: Right-of-way easement for construction, operation, & maintenance of 14.4 kv electrical distribution power line for the Sandoval Camp Power Line Project, Work Order #52595, Whitehorse Chapter
Location: Sandoval Camp, Whitehorse Lake Chapter
Identification number(s): Work Order Number 52595
2. Amount of land affected: 1.06 acres, 20' width, 2,349.10' 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>Marilynn L. Sandoval</u>	<u>_____</u>	<u>_____</u>
2.	<u>_____</u>	<u>_____</u>	<u>_____</u>
3.	<u>_____</u>	<u>_____</u>	<u>_____</u>
4.	<u>_____</u>	<u>_____</u>	<u>_____</u>

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

5/10/17
Date


Grazing Committee or Land Board Member District No. 20

CONSENT FORM -3
(Waiver of compensation for damages)

Consent to Use
Navajo Nation Lands

TO WHOM IT MAY CONERN:

I, Marilynn L. Sandoval, 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 Sandoval Camp, work order #52595, Whitehorse Chapter

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

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

REMARKS: _____

5/9/17 Marilynn L. Sandoval _____
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESSES

5/10/17 [Signature] 20
Date Grazing Committee or Land Board Member District No.

Acknowledgement of Field Agent

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

Field Agent Signature



EXHIBIT "D"

**NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS
CONTINENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (GRANTEE)
Whitehorse Chapter, Sandoval Camp, 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 \$38,829.60 and shall be split into three equal annual payments, the first of which being \$284,808.60 to be paid 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. Each of the two subsequent payments (adjusted for CPI, based on the June 2017 CPI-Urban Index) shall be paid on the next two anniversaries of the approval of and consent to the grant of the ROW by the Navajo Nation.

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

On April 21, 2016, Bureau of Indian Affairs revised and implemented the updated Right-of-Way Regulations. As part of this update, a bond, insurance or alternative form of security is now required for all Right-of-Ways. The Bureau of Indian Affairs, pursuant to 25 CFR § 169.103 (f) (2), may waive the requirement "... for tribal land, deferring to the maximum extent possible, to the tribe's determination that a waiver of a bond, insurance or alternative form of security is in its best interest."

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

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

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of construction, maintenance, and operation of a 14.4/24.9 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.

Y:\NRU\DNR\Land\Rights of Way\Terms and Conditions\2015-07-21 FORM Standard ROW Trust Land Terms and Conditions

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.
4. TITLE OF REPORT: A Cultural Resource Inventory of the Proposed Sandoval Camp Powerline Project in Whitehorse Lake Chapter, McKinley County, New Mexico, for Continental Divide Electric Cooperative, Inc. (Work Order #52595).		5. FIELDWORK DATES: January 31, 2017
Author (s): Jeremy Begay & Shane V. Wero		6. REPORT DATE: April 25, 2017
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin, Senior Archeologist 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.: NNHPD: #B17030 NM State Permit: #NM-17-236-S NMCRIIS Activity #: 137407
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Mr. Steve 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 Fax: (505) 287-2234		9. CONSULTANT'S REPORT NO.: DCRM 2017-02
11. SPONSOR'S PROJECT NO.: WO# 52595		12. AREA OF EFFECT: 12.47 ac. (5.05 ha.) AREA SURVEYED: 56.28 ac. (22.78 ha.)
13. LOCATION (MAP ATTACHED)		
a. Chapter: Whitehorse Lake b. Agency: Eastern Navajo c. Counties: McKinley d. State: New Mexico e. Land Status: Navajo Tribal Trust / Private Land / Navajo Allotment #16200 f. UTM: See Table 1. g. Legal Description: See Table 1. h. USGS 7.5' Maps: See Table 1 i. Lead Agency: Bureau of Indian Affairs (BIA) and State of New Mexico		
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: See supplemental sheet. b. Evaluation of Significance of Each Resource: See supplemental sheet.		
16. MANAGEMENT SUMMARY (RECOMMENDATION): Since no significant archaeological resources were identified, it is recommended that archaeological clearance be granted for the construction of the proposed Sandoval Camp Powerline Project undertaking, provided that all stipulations stated in the report are adhered to during all phases of construction.		
17. CERTIFICATION:		
SIGNATURE: <u>Rena Martin</u>		Date: <u>4/24/17</u>
General Charge Name: <u>Rena Martin, Archaeologist</u>		
SIGNATURE: <u>Jeremy Begay</u>		Date: <u>4/24/17</u>
Direct Charge Name: <u>Jeremy Begay, Archaeologist</u>		



DCRM 2017-02:
A Cultural Resource Inventory of the Proposed Sandoval Camp Powerline Project
in Whitehorse Lake Chapter, McKinley County, New Mexico, for Continental
Divide Electric Cooperative, Inc. (Work Order #52595)

Prepared by

Jeremy Begay, Archaeologist
Shane V. Wero, Archaeologist

HPD Permit No.: B17030

April 25, 2017

Submitted by:

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

Submitted to

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

Prepared for

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

Abstract

The following report is submitted to the Navajo Nation Historic Preservation Department's Cultural Resources Compliance Program for review as part of the Navajo Nation cultural resources clearance process. The report details the results of the cultural resources inventory conducted in conjunction with the project entitled "*DCRM 2017-02: A Cultural Resource Inventory of the Proposed Sandoval Camp Powerline Project in Whitehorse Lake Chapter, McKinley County, New Mexico, for Continental Divide Electric Cooperative, Inc. (Work Order #52595)*" The project was conducted at the request of Mr. Steve Morales, GIS Analyst-ROW Agent. The project will involve the installation of an electric powerline in Whitehorse Lake Chapter, McKinley County, New Mexico. Construction will consist of heavy machinery and vehicle traffic within the right-of-way, boring of holes for utility poles and anchor placement, backfilling, and stringing of utility as well as fiber optic cables. The project area is located on Navajo Tribal Trust Lands within the Eastern Navajo Agency under the jurisdiction of the Bureau of Indian Affairs (BIA), Private Lands, and Navajo Allotment #16200. The project area can be found on the Rincon Marquez, N. Mex. 1961 Photorevised 1989 and Mesita Del Gavilan, N. Mex. 1961 Photorevised 1989- 7.5' series USGS quadrangle maps. The project area is in Townships 17N & 18N / Range 06 West Sections 03, 10, 25, 33, 34, 35, and 36. The total number of acres surveyed in conjunction with this project is approximately 56.28 (22.78 ha.). Four isolated occurrences (IOs) and twelve in-use sites (IUSs) were identified during the survey. It is recommended that archaeological clearance be granted for the construction of the proposed undertaking provided that all stipulations stated in the report are adhered to during all phases of construction.

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Introduction

On January 31st, 2017, Mr. Jeremy Begay, Mr. Mathew Martin, and Mr. Jeffery Begay, archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted an archaeological inventory of approximately 5.15 miles (8.3 km) of a proposed overhead distribution powerline within Whitehorse Lake Chapter in McKinley County, New Mexico, for Continental Divide Electric Cooperative, Inc. Mr. Steve Morales, GIS Analyst and Right-of-Way Agent, requested the cultural resources inventory. Four isolated occurrences (IOs) and twelve in-use sites (IUSs) were identified during the inventory of the proposed line. This cultural resources inventory was completed under Navajo Nation Cultural Resources Inventory Permit Number B17030, New Mexico State Permit # NM-17-236-S and NMCRIS Activity #137407.

Description of Undertaking

The Continental Divide Electric Cooperative (CDEC) proposes to construct, operate, and maintain the distribution lines which will provide electrical power to the Sandoval Camp in the Whitehorse Lake Chapter, McKinley County, New Mexico. Installation of a distribution powerline will consist of placing utility poles, conductor components, anchor lines, and associated hardware. The construction will involve vehicular traffic within the right-of-way (ROW), removal of vegetation, boring of holes with a mechanical auger, placing of utility poles and anchors, backfilling the excavated areas, and stringing of utility lines. The length of the proposed powerline is 27,239.28 ft. (5.15 miles; 8.3 km). The area of effect measures 12.47 acres (5.05 ha.). The total area surveyed is 56.28 acres (22.78 ha.).

Location

The proposed project is near Rincon Marquez Road (Navajo Route 7004) in Whitehorse Lake Chapter, McKinley County, New Mexico. The project area can be located on the Rincon Marquez, N. Mex. 1961 Photorevised 1989 and Mesita Del Gavilan, N. Mex. 1961 Photorevised 1989, 7.5-minute USGS quadrangle maps. A portion of the project area is on Navajo Tribal Trust Lands within the Eastern Navajo Agency under the jurisdiction of the Bureau of Indian Affairs (BIA) and other portions of the powerline lie within Private Lands owned by Fernandez Company, Ltd., DBA Floyd E. Ranch, commonly known as the Bell Ranch and also within Navajo Allotment Land #16200. Figure 1 shows the project area. Table 1 provides the areas for each land status and Table 2 provides UTM coordinates and legal descriptions for the project area.

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

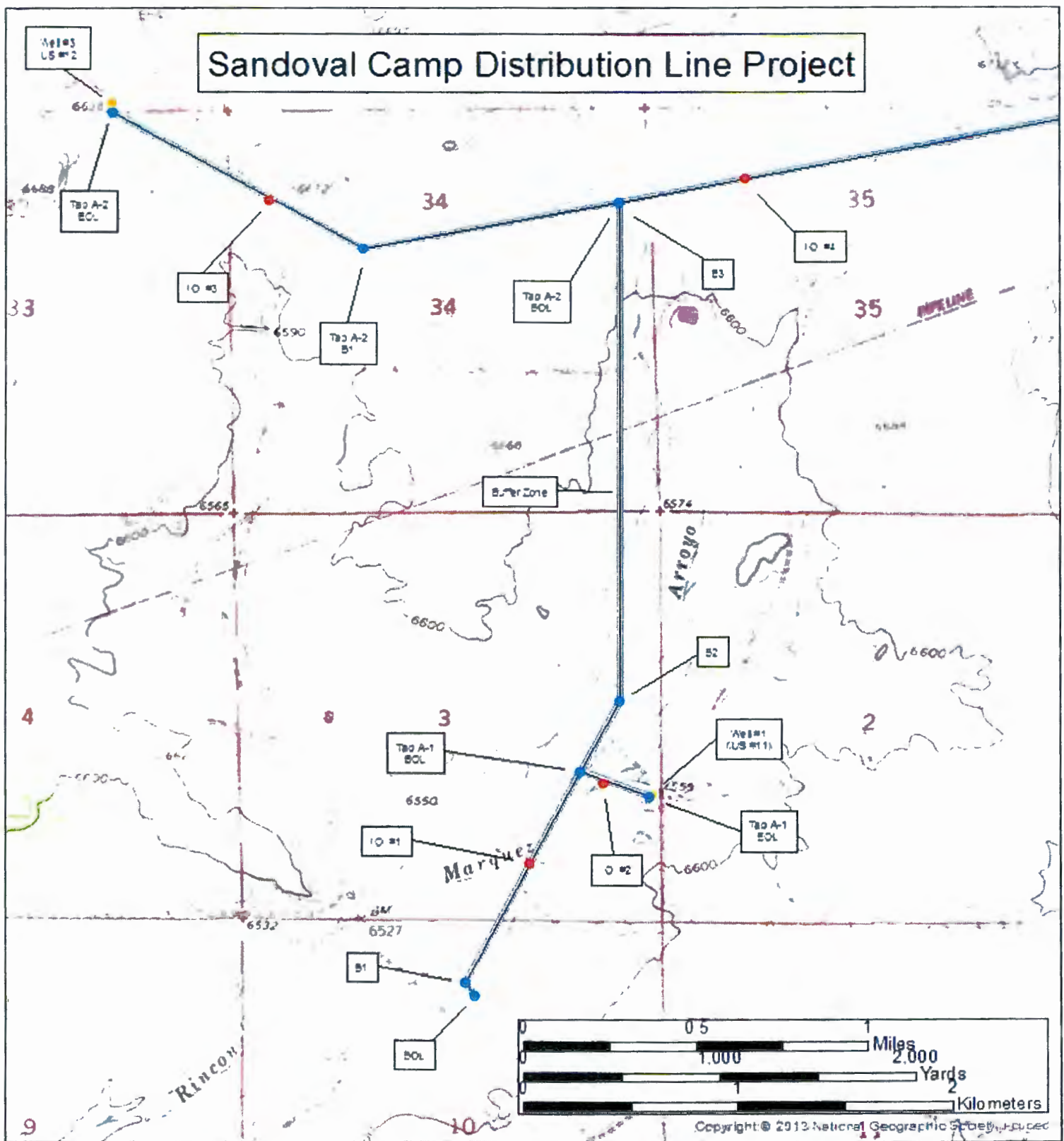
Land Status	Area of Effect		Area Surveyed	
	Acres	Hectares	Acres	Hectares
Private	10.9	4.41	49.11	19.87
Navajo Indian Allotment	0.51	0.20	2.32	0.94
Navajo Nation Tribal Trust	1.06	0.42	4.85	1.96
Totals	12.47	5.05	56.28	22.78

Table 2. UTM Coordinates and Legal Descriptions for the proposed CDEC Sandoval Camp Powerline Project near Whitehorse Lake Chapter, McKinley County, New Mexico.

Designation	UTM Coordinates: Zone 13 (NAD 83)		Legal Description						USGS Map Name (7.5' Quadrangle)	
	Northing	Easting	¼	¼	¼	Sec.	T	R		
Sandoval Camp Powerline-Line A										
BOL	3956050	0277598	SW	NW	NE	10	17N	06W	Mesita Del Gavilan, N. Mex 1961 P.R. 1989	
B1	3956100	0277564	SW	NW	NE	10	17N	06W		
B2	3957197	0278182	SE	SE	NE	03	17N	06W		
B3	3959149	0278230	SE	NE	NE	34	18N	06W	Rincon Marquez, N. Mex. 1961 P.R. 1989	
B4	3959435	0279971	NW	NW	NW	36	18N	06W		
EOL	3959622	0280249	SE	SW	SW	25	18N	06W		
Sandoval Camp Powerline -Tap A-1										
BOL	3956919	0278025	SW	NE	SE	03	17N	06W	Mesita Del Gavilan, N. Mex 1961 P.R. 1989	
EOL	3956812	0278285	SE	NE	SE	03	17N	06W		
Sandoval Camp Powerline -Line A-2										
BOL	3959149	0278230	SE	NE	NE	34	18N	06W	Rincon Marquez, N. Mex. 1961 P.R. 1989	
B1	3958990	0277250	NW	SE	NW	34	18N	06W	Mesita Del Gavilan, N. Mex 1961 P.R. 1989	
EOL	3959539	0276311	NE	NW	NE	33	18N	06W	Rincon Marquez, N. Mex. 1961 P.R. 1989	
Sandoval Camp Powerline -Tap A-3										
BOL	3959552	0280144	SW	SW	SW	25	18N	06W		
EOL	3959669	0280072	SW	SW	SW	25	18N	06W		
Sandoval Camp Powerline -Tap A-3a										
BOL	3959613	0280104	SW	SW	SW	25	18N	06W		
EOL	3959614	0280134	SW	SW	SW	25	18N	06W		
Sandoval Camp Powerline -Tap A-3b										
BOL	3959613	0280104	SW	SW	SW	25	18N	06W		
EOL	3959641	0280108	SW	SW	SW	25	18N	06W		
Sandoval Camp Powerline -Tap A-4										
BOL	3959593	0280204	SE	SW	SW	25	18N	06W		
EOL	3959653	0280148	SW	SW	SW	25	18N	06W		
Sandoval Camp Powerline Tap A-5										
BOL	3959622	0280249	SE	SW	SW	25	18N	06W		
EOL	3959646	0280208	SE	SW	SW	25	18N	06W		

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

Sandoval Camp Distribution Line Project



Legend

- Bends
- Isolated_Occurrences
- IUS_CenterPoint
- Powerline
- Buffer_Zone



DCRM
Dinésháá Cultural Resources Management LLC

DCRM 2017-02
Mesita Del Gavilan New Mexico
1961 PR 1989
Rincon Marquez New Mexico
1961 PR 1989
Sandoval Camp Distribution Line Project
Scale 1:24,000 (1 inch = 2,000 ft)
Figure 1 Map showing project area
and identified cultural resources

[illegible]

Service User Credits Source: Esri, DigitalGlobe, GeoEye, Earthstar
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IGN, GE, GeoEye, and the GIS User Community
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Legend

- Bends
- Isolated_Occurrences
- IUS_CenterPoint
- Powerline
- Buffer_Zone



D C R M

Dineetahdó Cultural Resources Management LLC



DCRM 2017-02
Mesita Del Gavilan, New Mexico
1961 P R 1989
Rincon Marquez, New Mexico
1961 P R 1989
Sandoval Camp Distribution Line Project
Scale 1:24 000 (1 inch = 2 000 ft)
Figure 1 Map showing project area
and identified cultural resources

Environmental and Cultural Setting

The Chaco Mesa area is located within the extreme eastern portion of the Navajo Nation and includes several Navajo Chapters situated in some of the most isolated areas of the reservation. The topography is dominated by the broad Chaco cuesta, a north dipping, sedimentary land mass that has been bisected by the Chaco wash and its numerous tributaries. Years of erosion have created numerous large landmarks such as; the Chaco Mesa, Sisnatheel Mesa, the Torreon Wash, Mesa Cortada, Fajada Wash, and Red Mountain. As a result of erosion of these landforms and others, large alluvial fans and floodplains have formed in the lower regions where medium to coarse grained alluvial, fluvial, colluvial, and aeolian sand has been deposited. Sedimentary clasts ranging in size from pebbles to boulders are scattered throughout the region owing to their close proximity to source areas. Vegetation varies from the higher elevations to the lower areas with the more prominent species being; juniper, pinion pine, gambel oak, sagebrush, snakeweed, rabbit brush, narrow and broad leaf yucca, prickly pear and cholla cacti, Indian rice grass, ring muhly, Russian thistle, and four wing salt bush. The average elevation for the project area is at 6,634 ft. (2,022 m) amsl.

White Horse Lake. The Navajo name for White Horse Lake is *Ligaii bito*, when translated, means “White horse water”. Many locals say that the name of the community comes from a descendant of Chief Whitehorse and not from white horses. This man moved from Aneth, Utah to be with a woman he met from the area. As for the lake, it was a man-made lake that was used for livestock and also provided a local water source. The community can be described as a tight-knit community with a population of about 900 local people. As a rural area, the Whitehorse Lake Chapter district is finding ways for economic growth. Whitehorse Chapter has three sub-community areas: White Horse Lake, Sandspring, and Rincon Marquis (LSR Innovations: 2004).

Existing Data Review

A literature search at the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock, Arizona, indicated that two previous archaeological projects have been conducted within 300 ft. (91 m) of the project area: NNCRMP 85-47 and NNHPD 01-784. The literature research revealed one significant archaeological resource that was identified near the proposed CDEC Sandoval Camp Powerline Project. The site identified, NM-R-21-07 (LA 50395) consists of a Navajo Specialized Activity area (1890-1910 A.D.). During the DCRM survey it was noted that site NM-R-21-07 (LA 50295) was not within the survey area of the proposed powerline.

Van Valkenburgh (1974) indicates that Pueblo Pintado (*Kin Teel*) is approximately 19.7 miles (31.8 km) northwest of the project area.

The Navajo Nation Historic Preservation Department’s Traditional and Sacred Place files show one sacred area near the proposed Sandoval Camp Powerline Project: Chaco Mesa (Tse gai / “White Rock”), located 3.6 miles (5.8 km) northwest of the nearest power line segment. The proposed Sandoval Camp Powerline Project will have no impact on the identified Traditional Cultural Properties (TCPs).

Field Methods

On January 31, 2017, Mr. Jeremy Begay, Mr. Matthew Martin, and Mr. Jeffery Begay, archaeologists with Dinétahdóó Cultural Resources Management (DCRM), conducted a cultural

resources inventory of the proposed powerline for the Continental Divide Electric Cooperative, Inc. (CDEC). The project area was surveyed by walking two parallel transects, one on each side of the centerline, with surveyors spaced no more than 10 m apart. A 90-ft-wide (30.48-m-wide) corridor was surveyed for the proposed powerline. This included 20 ft. (6.1 m) for the right-of-way and 35 ft. (10.6 m) for a buffer zone on each side of the right-of-way.

The proposed electrical power line totaled 27,239.28 feet (5.15 miles [8.3 km]). Approximately 56.28 acres (22.78 ha.) was inventoried in conjunction with the project.

Isolated occurrences were recorded upon discovery once they had been determined not to be associated with an archaeological site. The locations of all isolated occurrences identified during the inventory were recorded using a handheld GPS unit.

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

Cultural Resource Findings

Four (4) isolated occurrences (IO) and three (3) in-use sites (IUSs) were identified within or near the project area. See Table 2 for a description of the isolated occurrences. Table 3 provides a summary of the in-use sites.

Isolated Occurrences

Table 3. Isolated occurrences identified during the proposed CDEC Sandoval Camp Powerline Project near Whitehorse Lake Chapter, McKinley County, New Mexico.

IO #	UTM Zone 12		Description
	Northing	Easting	
1	3956562	0277826	(1) "NEHI" Beverage Bottle
2	3956867	0278112	(1) Narbona Pass Chert Tertiary Flake
3	3959185	0276900	(1) Mottled Chert Primary Flake
4	3959230	0278715	(1) Enamel Mixing Utility Bowl

In-Use Sites

Table 4. In-Use Sites Identified during the proposed CDEC Sandoval Camp Powerline Project near Whitehorse Lake Chapter, McKinley County, New Mexico.

IUS# and Client Name	Summary of Structures	Interviewee	Interview Results (Dates of Occupation)
Sandoval Camp			
I. Shanell Sandoval	Brown House (#1926G) with associated features	Herbert Lewis	No TCP or burials; 1959 to present.

IUS# and Client Name	Summary of Structures	Interviewee	Interview Results (Dates of Occupation)
Sandoval Camp			
2. Marilyn Sandoval	Brown House (#1926E) with associated features	Herbert Lewis	No TCP or burials; 1959 to present.
3. Shannon Wilson	Cream-colored Hogan with associated features		
4. Herbert & Ruth Lewis	Stone House with associated features		
5. Ester Yazzie Lewis	Stone House with associated features		
6. Sandoval Camp Church	White Church Building		
7. Nellie Yazzie	Stone House with associated features		
8. Annie Yazzie	Grey House with associated features		
9. Elaine Barbone	Stone House (#1926A) with associated features		
10. Woody Yazzie	Grey House (#1926B) with associated features		
11. Well #1	Stock tank, shed, fence and associated features	No Contact	Unknown TCP or burials
12. Well #2	Windmill, stock tank and associated features	No Contact	Unknown TCP or burials

Evaluation of Significance

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

The National Historic Preservation Act

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

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

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

Archaeological Resources Protection Act

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

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

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

American Indian Religious Freedom Act

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

Native American Graves Protection and Repatriation Act

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

Navajo Nation law and policy also protects cultural resources on lands under Navajo Nation government jurisdiction. The **Navajo Nation Cultural Resources Protection Act of 1988** (NTC CMY-19-88) is modeled on the federal laws which require consideration of the effects of an undertaking on significant cultural resources. It also authorizes the Navajo Nation Historic Preservation Department to create and maintain a “Navajo Nation Register of Cultural Properties and Cultural Landmarks.” The Register is to include “buildings, districts, objects, places, sites, and

structures significant in Navajo Nation history, architecture, archaeology, engineering, and culture” on Navajo lands. The Register and its criteria for eligibility have yet to be established.

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

Table 5. Evaluation & Eligibility of Cultural Resources Identified during the CDEC Sandoval Camp Powerline Project near White Horse Lake Chapter, McKinley County, New Mexico.

Cultural Resource No.	Description	Evaluation	
Isolated Occurrences #1-4	Historical artifacts and lithic debitage	NRHP	Not Eligible 1. 50-year guideline met 2. Lacks integrity 3. Does not meet criteria a-d
		ARPA	Is Eligible? No 1. 100-year guideline met? Yes 2. Is of archaeological interest? No
		AIRFA	Does not merit consideration
		NAGPRA	Does not merit consideration
In-Use Sites #1-12	1950s-present	NRHP	Not Eligible; Navajo Nation policy precludes nomination of in-use sites
		ARPA	Is Eligible? No 1. 100-year guideline met? No 2. Is of archaeological interest? No
		AIRFA	Does not merit consideration
		NAGPRA	Does not merit consideration

Recommendations

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

References Cited

Begay-Kurley, Antoinette

- 2001 A Cultural Resources Inventory of a Proposed Water Line and Two Water Troughs in Rincon Marquez, McKinley County, New Mexico for the Navajo Nation Department of Water Resources Whitehorse Lake Well No. 15T-570 Water Line Extension Project. Navajo Nation Archaeology Department, Window Rock, Arizona. (NNAD 01-174)

LSR Innovations Research & Planning

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

McEnany, Tim

- 1985 Seven Navajo Sites in the Rincon Marquez Area; An Archaeological Survey of 4.43 miles of Transmission Right-of-Way. Navajo Nation Cultural Management Program, Window Rock, Arizona. (NNCRMP 85-47)

Van Valkenburgh, Richard F.

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

NMCRIS INVESTIGATION ABSTRACT FORM (NIAF)

1. NMCRIS Activity No.: 137407	2a. Lead (Sponsoring) Agency: Navajo Nation	2b. Other Permitting Agency(ies): State of New Mexico	3. Lead Agency Report No.: B17030															
4. Title of Report: A Cultural Resources Inventory of the Proposed Sandoval Camp Powerline for Continental Divide in McKinley Co, NM. Author(s) Jeremy Begay, Shane Wero			5. Type of Report <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Positive															
6. Investigation Type <input type="checkbox"/> Research Design <input checked="" type="checkbox"/> Survey/Inventory <input type="checkbox"/> Test Excavation <input type="checkbox"/> Excavation <input type="checkbox"/> Collections/Non-Field Study <input type="checkbox"/> Overview/Lit Review <input type="checkbox"/> Monitoring <input type="checkbox"/> Ethnographic study <input type="checkbox"/> Site specific visit <input type="checkbox"/> Other																		
7. Description of Undertaking (what does the project entail?): Continental Divide Electrical Coop. Proposes to construct, operate, and maintain an electrical power line to service eleven Navajo residences in the Sandoval Camp, McKinley Co, NM.		8. Dates of Investigation: (from: 01/31/2017 to: 1/31/2017) 9. Report Date: April 25, 2016																
10. Performing Agency/Consultant: Dinéahdóó CRM Principal Investigator: Rena Martin Field Supervisor: Jeremy Begay Field Personnel Names: Jeffrey Begay		11. Performing Agency/Consultant Report No.: 2017-02 12. Applicable Cultural Resource Permit No(s): NM-17-236-S																
13. Client/Customer (project proponent): Continental Divide Electrical Cooperative, Inc. Contact: Mr. Steve Morales Address: PO Box 1087 Grants, NM, 87020 Phone: (505) 285-6656		14. Client/Customer Project No.: #52595																
15. Land Ownership Status (<i>Must be indicated on project map</i>): <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="text-align: left;">Land Owner</th> <th style="text-align: center;">Acres Surveyed</th> <th style="text-align: center;">Acres in APE</th> </tr> </thead> <tbody> <tr> <td>Private</td> <td style="text-align: center;">49.11</td> <td style="text-align: center;">10.9</td> </tr> <tr> <td>Navajo Nation Tribal Trust</td> <td style="text-align: center;">4.85</td> <td style="text-align: center;">1.06</td> </tr> <tr> <td>Navajo Allotment (#16200)</td> <td style="text-align: center;">2.32</td> <td style="text-align: center;">0.51</td> </tr> <tr> <td style="text-align: right;">TOTALS</td> <td style="text-align: center;">56.28</td> <td style="text-align: center;">12.47</td> </tr> </tbody> </table>				Land Owner	Acres Surveyed	Acres in APE	Private	49.11	10.9	Navajo Nation Tribal Trust	4.85	1.06	Navajo Allotment (#16200)	2.32	0.51	TOTALS	56.28	12.47
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17. Survey Data: <p>a. Source Graphics <input type="checkbox"/> NAD 27 <input checked="" type="checkbox"/> NAD 83 <input checked="" type="checkbox"/> USGS 7.5' (1:24,000) topo map <input type="checkbox"/> Other topo map, Scale: <input checked="" type="checkbox"/> GPS Unit Accuracy <input type="checkbox"/> <1.0m <input checked="" type="checkbox"/> 1-10m <input type="checkbox"/> 10-100m <input type="checkbox"/> >100m</p> <p>b. USGS 7.5' Topographic Map Name USGS Quad Code</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 60%;">Mesita Del Galivan</td> <td style="width: 40%;">35107-F4</td> </tr> <tr> <td>Rincon Marquez</td> <td>35107-G4</td> </tr> </table> <p>c. County(ies): McKinley</p>				Mesita Del Galivan	35107-F4	Rincon Marquez	35107-G4											
Mesita Del Galivan	35107-F4																	
Rincon Marquez	35107-G4																	

17. Survey Data (continued):

d. Nearest City or Town: Torreon

e. Legal Description:

Township (N/S)	Range (E/W)	Section	¼	¼	¼
17N	06W	10	SW	NW	NE
17N	06W	10	SW	NW	NE
17N	06W	03	SE	SE	NE
18N	06W	34	SE	NE	NE
18N	06W	36	NW	NW	NW
18N	06W	25	SE	SW	SW
17N	06W	03	SW	NE	SE
17N	06W	03	SE	NE	SE
18N	06W	34	SE	NE	NE
18N	06W	34	NW	SE	NW
18N	06W	33	NE	NW	NE
18N	06W	25	SW	SW	SW
18N	06W	25	SW	SW	SW
18N	06W	25	SW	SW	SW
18N	06W	25	SW	SW	SW
18N	06W	25	SW	SW	SW
18N	06W	25	SW	SW	SW
18N	06W	25	SE	SW	SW
18N	06W	25	SW	SW	SW
18N	06W	25	SE	SW	SW
18N	06W	25	SE	SW	SW

Projected legal description? Yes [], No [x] Unplatted []

f. Other Description (e.g. well pad footages, mile markers, plats, land grant name, etc.):

18. Survey Field Methods:

Intensity: ☒ 100% coverage ☐ <100% coverage

Configuration: ☐ block survey units ☒ linear survey units (l x w): ☐ other survey units (specify):

Scope: ☒ non-selective (all sites recorded) ☐ selective/thematic (selected sites recorded)

Coverage Method: ☒ systematic pedestrian coverage ☐ other method (describe)

Survey Interval (m): 10 Crew Size: 3 Fieldwork Dates: 1/31/2017

Survey Person Hours: 10 Recording Person Hours: 0 Total Hours: 10

Additional Narrative:

19. Environmental Setting (NRCS soil designation; vegetative community; elevation; etc.): The Chaco Mesa area is located within the extreme eastern portion of the Navajo Nation and includes several Navajo Chapters situated in some of the most isolated areas of the reservation. The topography is dominated by the broad Chaco cuesta, a north dipping, sedimentary land mass that has been bisected by the Chaco wash and its numerous tributaries. Years of erosion have created numerous large landmarks such as; the Chaco Mesa, Sinsatheel Mesa, the Torreon Wash, Mesa Cortada, Fajada Wash, and Red Mountain. As a result of erosion of these landforms and others, large alluvial fans and floodplains have formed in the lower regions where medium to coarse grained alluvial, fluvial, colluvial, and aeolian sand has been deposited. Sedimentary clasts ranging in size from pebbles to boulders are scattered throughout the region owing to their close proximity to source areas. Vegetation varies from the higher elevations to the lower areas with the more prominent species being; juniper, pinion pine, gambel oak, sagebrush, snakeweed, rabbit brush, narrow and broad leaf yucca, prickly pear and cholla cacti, Indian rice grass, ring muhly, Russian thistle, and four wing salt bush.

20.a. Percent Ground Visibility: 90 b. Condition of Survey Area (grazed, bladed, undisturbed, etc.): Grazed

21. CULTURAL RESOURCE FINDINGS ☒ Yes, See Page 3 ☐ No, Discuss Why:

22. Required Attachments (check all appropriate boxes):

- ☒ USGS 7.5 Topographic Map with sites, isolates, and survey area clearly drawn
- ☒ Copy of NMCRIS Mapserver Map Check
- ☐ LA Site Forms - new sites (*with sketch map & topographic map*)
- ☐ LA Site Forms (update) - previously recorded & un-relocated sites (*first 2 pages minimum*)
- ☐ Historic Cultural Property Inventory Forms
- ☒ List and Description of isolates, if applicable
- ☐ List and Description of Collections, if applicable

23. Other Attachments:

- ☐ Photographs and Log
 - ☐ Other Attachments
- (Describe):

24. I certify the information provided above is correct and accurate and meets all applicable agency standards.

Principal Investigator/Responsible Archaeologist: Rena Martin

Signature Rena Martin

Date 1/24/17

Title (if not PI):

25. Reviewing Agency:

Reviewer's Name/Date

Accepted () Rejected ()

Tribal Consultation (if applicable): ☐ Yes ☐ No

26. SHPO

Reviewer's Name/Date:

HPD Log #:

SHPO File Location:

Date sent to ARMS:

CULTURAL RESOURCE FINDINGS

[fill in appropriate section(s)]

1. NMCRIS Activity
No.:

137407

2. Lead (Sponsoring) Agency:
Navajo Nation

3. Lead Agency Report No.:

SURVEY RESULTS:

Sites discovered and registered: 0

Sites discovered and NOT registered: 0

Previously recorded sites revisited *(site update form required)*: 0

Previously recorded sites not relocated *(site update form required)*: 0

TOTAL SITES VISITED: 0

Total isolates recorded: 4

Non-selective isolate recording? ☒

Total structures recorded *(new and previously recorded, including acequias)*: 0

MANAGEMENT SUMMARY: Archaeological clearance is recommended with the general stipulations that 1) all construction activities must be restricted to the proposed right-of-way and, 2) that any new discoveries will immediately halt all construction activities and be reported to the appropriate entities.

IF REPORT IS NEGATIVE YOU ARE DONE AT THIS POINT.

SURVEY LA NUMBER LOG

Sites Discovered:

LA No.	Field/Agency No.	Eligible? (Y/N, applicable criteria)



THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:

☒ DCRM

NNHPD NO.: **HPD-17-342 - REVISED**

OTHER PROJECT NO.: **DCRM 2017-02**

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Sandoval Camp Powerline Project in Whitehorse Lake Chapter, McKinley County, New Mexico for Continental Divide Electric Cooperative, Inc. (W.O. #52595)

LEAD AGENCY: BIA/NR

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

PROJECT DESCRIPTION: The undertaking proposes to construct, maintain and operate the distribution lines which will provide power to the Sandoval Camp. The length of the proposed powerlines is 27,239.28-ft (5.15 mi) with a **20-ft wide right-of-way**. The area of effect measures 12.47-acres total (10.9-ac=Private; **0.51-ac=IA; 1.06-ac=NNTL**). Ground disturbance will be extensive with the use of heavy equipment and vehicular traffic within the right-of-way (ROW).

LAND STATUS: Navajo Tribal Trust, Private Land, Navajo Indian Allotment #16200

CHAPTER: Whitehorse Lake

LOCATION: Project is located on the Mesita Del Gavilan & Rincon Marquez Quadrangles, McKinley County, New Mexico NMPM

T. **17** N. R. **06** W. Sec. **03, 10**

T. **18** N. R. **06** W. Sec. **25, 33, 34, 36**

PROJECT ARCHAEOLOGIST: Jeremy Begay & Shane V. Wero

NAVAJO ANTIQUITIES PERMIT NO.: B17030

DATE INSPECTED: 01/31/17

DATE OF REPORT: 04/25/17

TOTAL ACREAGE INSPECTED: 56.28-ac total (49.11-ac=Private; **2.32-ac=IA; 4.85-ac = NNTL**)

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

LIST OF CULTURAL RESOURCES FOUND: (12) In-Use Sites (IUS)

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: (12) IUS

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: **Tamara Billie**

FINALIZED: June 12, 2017 - **Revised**

Notification to Proceed
Recommended

☒ Yes ☐ No

Conditions:

☐ Yes ☒ No

Tamara Billie 06/12/17
Richard M. Begay, Director/THPO
The Navajo Nation
Heritage & Historic Preservation Office

Navajo Region Approval

☒ Yes ☐ No

[Signature] 6-16-17
BIA - Navajo Regional Office
Date

**SANDOVAL CAMP POWER LINE ENVIRONMENTAL ASSESSMENT
RIGHT OF WAY APPLICATION FOR TEN HOMES & TWO WELLS WO# 52595
WHITE HORSE LAKE CHAPTER, NEW MEXICO**



**Sandoval Camp, New Mexico Line "A" End of Project
PLS: SW/4 Section 25 Township 18 North Range 6 West, NMPM
Latitude 35° 45' 21.9" N Longitude 107° 25' 56.3" W, NAD 83
UTM: 280,120 m E 3,959,419 m N, Zone 13 Elevation: 6,684 amsl**

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
denali1946@msn.com**

February, 2017

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Appendices

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SANDOVAL CAMP POWER LINE ENVIRONMENTAL ASSESSMENT

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct and operate a power line to serve Sandoval Camp in Whitehorse Lake Chapter, New Mexico. The proposed right of way application would require a National Environmental Policy Act environmental assessment document to support the decision-making process. The proposed power line would provide electrical service to 10 existing homes, and two livestock water wells. CDECI would make application for the new power line extension with the Eastern Navajo Agency, Bureau of Indian Affairs in Crownpoint, New Mexico.

1.0 THE PROPOSED PROJECT AND LOCATION

1.1 Description of the Proposed Action

The power line would be single phase 14.4 kilo volt line, 20 feet width. As shown in Table 1 below, the proposed power distribution line and taps would be located on Individual allotment land, Navajo Nation tribal trust land and private land. Indian allotment land would total approximately 1,121.56 feet or 0.21 mile, and would encompass 0.51 total acreage. Navajo trust lands would total 2,349.10 feet or 0.44 mile, 1.06 total acres. The BIA and the Navajo Nation would administer and manage (including guy footage and acreage) 3,470.66 total feet, or 0.65 mile, at 1.57 total right of way acres. See Table 1 below.

Table 1. Total Length, Miles & Acres of Rights of Way Required for the Proposed Sandoval Camp Power Line Project.

Land Status	Length Feet	Width Feet	Length Miles	ROW Acres
Indian Allotment NE/4 S10 T17N R6W	1,121.56	20	0.21	0.51
Navajo Tribal Trust SW/4 S25 T18N R6W	2,349.10	20	0.44	1.06
Subtotals	3,470.66	20	0.65	1.57
Totals (including guy) BIA/NN administered	3,470.66	20	0.65	1.57
Private: S3 T17N R6W S33 34 35 36 T18N R6W	23,768.62	20	4.50	10.90
Total Project	27,239.28	20	5.15	12.47

In reference to Figure 1 Sandoval Camp Electrical Power Line, CDECI proposes to tap on to the existing power line at CDECI Pole # 35114 as shown in near the bottom of the map. Line A would serve the 10 families at Sandoval Camp directly, and two livestock water wells at taps A-1 & A-2 on

private land. As illustrated in Table 1, the proposed CDECI power line would traverse 27,239.28 feet, or 5.15 miles of Indian Allotment, Navajo Tribal trust, and private land at 12.47 acres.

1.2 Purpose and Need

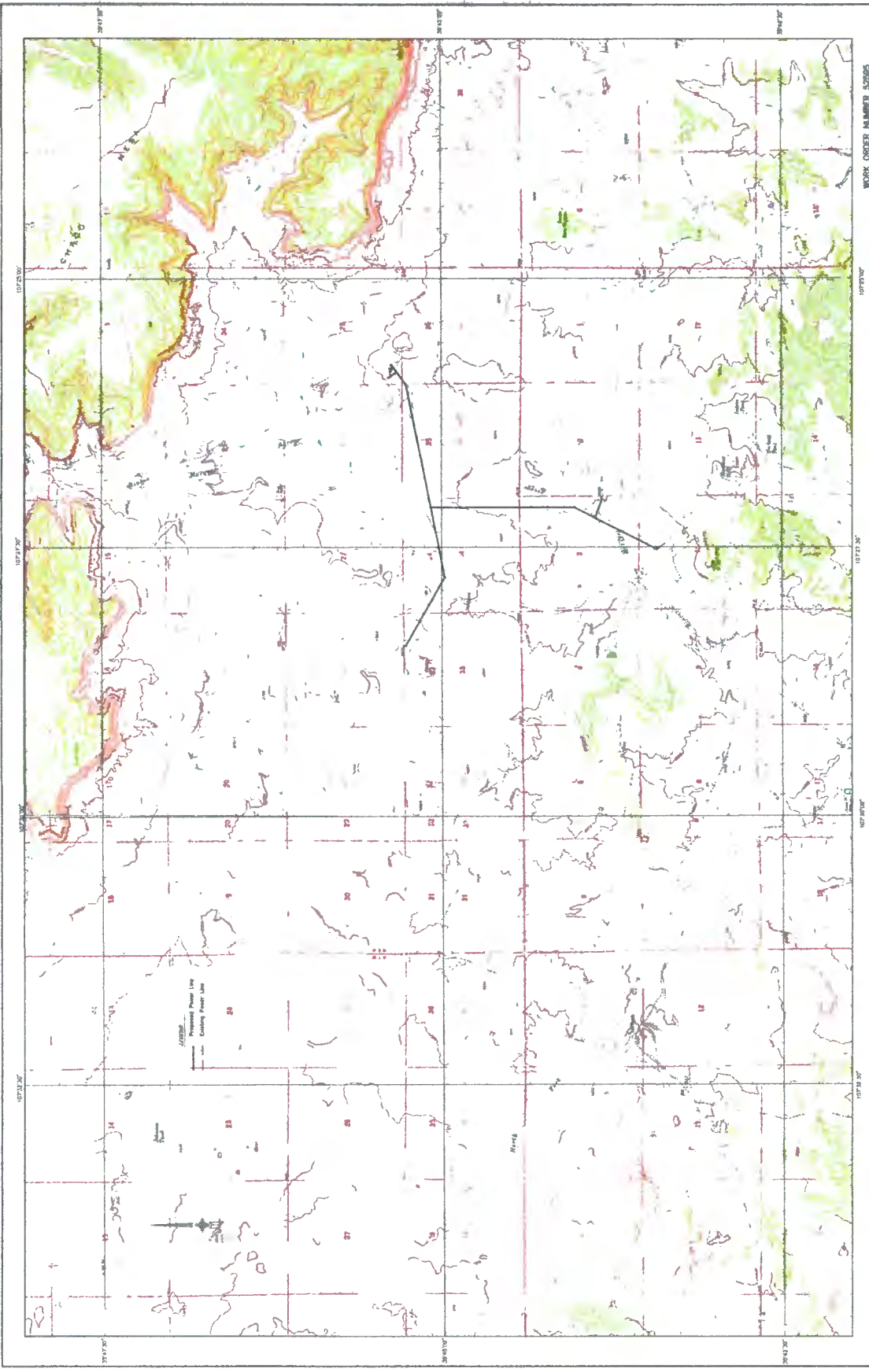
The proposed initiative would provide an electrical power line to 10 homes, and two water wells. The power line extension initiative would enable families to refrigerate meat, milk and eggs for longer periods and buy additional perishable grocery items that would otherwise spoil. Television news media 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. The proposed utility would play a vital part in serving the needs and interest of the people and community, often in remote-underserved regions of the Navajo Nation.

1.3 Project Location

The proposed power line and electrical taps would serve Sandoval Camp in the Whitehorse Lake Chapter, New Mexico. Table 1 describes the coordinate locations on the USGS topographic maps entitled *Mesita Del Gavilan, NM, and Rincon Marquez, NM* 7.5 Minute Quadrangle maps.

Table 2. Sandoval Camp Power Lines CDECI Line A, and Taps "A-1" at Well 1, "A-2" at Well 3, and Taps "A-3" through "A-5" at Sandoval Camp.

Description	Public Land Survey NMPM	Latitude and Longitude NAd 83	UTM Zone 13
CDECI Line "A" @ Pole 35114 BOP	NE/4 S10 T17N R6W	35° 43' 20.0" N 107° 27' 29.1" W	277,712 m E 3,955,785 m N
Tap "A-1" @ Well 1	SE/4 S3 T17N R6W	35° 43' 49.4" N 107° 27' 3.7" W	278,370 m E 3,956,614 m N
Tap "A-2" @Well 3	NE/4 S33 T18N R6W	35° 45' 16.1" N 107° 28' 26.8" W	276,351 m E 3,959,336 m N
Tap "A-3" Sandoval Camp	SW/4 S25 T18N R6W	35° 45' 23.5" N 107° 25' 57.2" W	280,115 m E 3,959,472 m N
Tap "A-3a" & "A-3b" Sandoval Camp	SW/4 S25 T18N R6W	35° 45' 23.2" N 107° 25' 56.8" W	280,125 m E 3,959,463 m N
Tap "A-4" Sandoval Camp	SW/4 S25 T18N R6W	35° 45' 24.7" N 107° 25' 55.1" W	280,169 m E 3,959,506 m N
Tap "A-5" Sandoval Camp	SW/4 S25 T18N R6W	35° 45' 24.1" N 107° 25' 53.3" W	280,213 m E 3,959,487 m N
CDECI Line "A" @ Sandoval Camp EOP	SW/4 S25 T18N R6W	35° 45' 21.9" N 107° 25' 56.3" W	280,120 m E 3,959,419 m N



CONTINENTAL DIVIDE ELECTRIC CO-OP., INC.		WORK ORDER NUMBER 42095	
GRANTS, NM		SANDOVAL CAMP	
NEW MEXICO 22 MCKINLEY		DISTRIBUTION LINE PROJECT	
PREPARED BY: [blank]		PRELIMINARY MAP	
CHECKED BY: [blank]		STATE COUNTY DETAIL	
DATE: [blank]		NM	
SCALE: 1 INCH = 2000 FEET		TOLERANCE	
1" = 0 1000 2000 4000 8000 16000 32000 64000 128000 256000 512000 1024000 2048000 4096000 8192000 16384000 32768000 65536000 131072000 262144000 524288000 1048576000 2097152000 4194304000 8388608000 16777216000 33554432000 67108864000 134217728000 268435456000 536870912000 1073741824000 2147483648000 4294967296000 8589934592000 17179869184000 34359738368000 68719476736000 137438953472000 274877906944000 549755813888000 1099511627776000 2199023255552000 4398046511104000 8796093022208000 17592186044416000 35184372088832000 70368744177664000 140737488355328000 281474976710656000 562949953421312000 1125899906842624000 2251799813685248000 4503599627370496000 9007199254740992000 18014398509481984000 36028797018963968000 72057594037927936000 144115188075855872000 288230376151711744000 576460752303423488000 1152921504606846976000 2305843009213693952000 4611686018427387904000 9223372036854775808000 18446744073709551616000 36893488147419103232000 73786976294838206464000 147573952589676412928000 295147905179352825856000 590295810358705651712000 1180591620717411303424000 2361183241434822606848000 4722366482869645213696000 9444732965739290427392000 18889465931478580854784000 37778931862957161709568000 75557863725914323419136000 151115727451828646838272000 302231454903657293676544000 604462909807314587353088000 1208925819614629174706176000 2417851639229258349412352000 4835703278458516698824704000 9671406556917033397649408000 19342813113834066795298816000 38685626227668133590597632000 77371252455336267181195264000 154742504910672534362390528000 309485009821345068724781056000 618970019642690137449562112000 1237940039285380274899124224000 2475880078570760549798248448000 4951760157141521099596496896000 9903520314283042199192993792000 19807040628566084398385987584000 39614081257132168796771975168000 79228162514264337593543950336000 158456325028528675187087900672000 316912650057057350374175801344000 633825300114114700748351602688000 1267650600228229401496703205376000 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The proposed project (BOP) distribution powerline, labeled Line "A", is located on an Individual Indian Allotment 16200, which taps off an existing distribution line at Pole 35114. The proposed distribution Line "A" terminates (EOP) on Navajo Tribal Trust Lands at Sandoval Camp. The bulk of the distribution powerline, including Taps "A-1" and "A-2", crosses Private land of the \F/ Lee Ranch. The proposed project area is located in White Horse Lake Chapter, McKinley County, New Mexico. Sandoval Camp is at an elevation of 6,684' above mean sea level (amsl).

1.4 Project Authorization

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

The Bureau of Indian Affairs is the lead Federal agency, as authorized by the Snyder Act of November 20, 1921, 25 USC Chapter 1 § 13, which establishes appropriation for BIA permitting and leasing activity. The proposed right of way approval would allow CDECI to acquire the power line property long term, construct the 11.4 kv electrical power line, and provide electrical service to 10 families, and two livestock wells.

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

1.5 Purpose of Environmental Assessment

The environmental assessment is an instrument required by federal law and regulations to determine if potential impacts of a federal action are of such significant as to require the preparation of an environmental impact statement. The proposed federal action is approval of 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.

2.0 ALTERNATIVES

2.1 Alternate Site Locations

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

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

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 propose 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 propose right of ways, which would allow for the construction of the proposed electrical power line extensions. The propose right of way locations, generally on Indian trust land, adjacent to existing roads and pipelines would be the best alternatives. The propose 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 Whitehorse Lake 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 Eastern Navajo Agency, BIA, would provide final approval.

3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS

3.1 Resources Not Considered in Detail

3.1.1 Climate

Grants-Milan Municipal Airport is the nearest weather station to the project area. The proposed power line project is located in a semi-arid climate. The project area experiences four distinct climatic seasons and has an annual average maximum temperature of 67.2°F and average minimum temperature of 32.1°F. Summer highs in July reach the 88.0 °F range with lows in the 54.2°F average. Winter highs are usually in the 46.9°F range with lows at 15.2. Average annual precipitation is 8.44 inches in the Grants area (WRCC 2017). Due to the small size and scattered nature of the proposed project areas, climate would have no effect on the proposed scattered 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. Power line construction activities will not have a significant effect on the ambient air quality in the project area. No direct mitigation is required.

3.1.3 Geology and Seismicity

The Sandoval Camp Power Line Project is located on the Cretaceous Menefee Formation of the Mesa Verde Group. The geologic structure is stable in the Rincon Marquez region. Chaco Mesa is the prominent land form north of the project area. Chaco Mesa is characterized as a north dipping cuesta of Cretaceous shale and sedimentary rock, bisected by numerous tributaries that flow south to Rincon Marquez Wash, and north to the Fejada Wash on the north side. The cuesta is covered with P-J trees. There are no regional faults or fissures in the area (Wilkes, M. E. Compiler, 2005). The proposed power line is located on a gradual slope, dipping generally 2 to 3 degrees to the southwest to Rincon Marquez Wash. Based on the history of the area, geology and seismicity 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

The proposed project is located in the White Horse Lake Chapter, Eastern Navajo Agency. 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 is social and political life, was introduced as a bureaucratic substitute for the headman system in the late 1920's. The chapter, district and agency system that has developed back then, operates simultaneously as an instrument of the Navajo Nation government and the Bureau of Indian Affairs (Iverson, P., 2002). The 2004 census of the White Horse Lake Chapter sets the population at 1,692 people (NN DCD/LSRI, 2004).

In general, local housing conditions are good to excellent. Employment and living standards of the Diné People in the greater White Horse Lake area may be better than what may be considered averaged. This is afforded because of the availability of educational opportunities and wage work available in Crownpoint and Torreon. 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 White Horse Lake area are ranchers and wage earners, working a various government and commercial jobs in nearby towns. Bureau of Indian Affairs, Indian Health Service, and the Navajo Nation are the major employers in the region. Federal, and state government services, schools and major retail outlets are available in Cuba, New Mexico.

Road construction and maintenance are provided by the county, the BIA, and the Navajo Nation DOT. Community Water Supply at Rincon Marquez is operated by Navajo Tribal Utility Authority (NTUA). Continental Divide Electric Cooperative, Inc. (CDECI) provides electrical power.

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 Sandoval Camp Power Line Project will be for the beneficial use of the White Horse Lake Community. As indicated, the majority of the local population is of Native American decent, representing 98% 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 and private rancher has agreed to the site location, has relinquished part of his land use area for the right of way. White Horse Lake Chapter has approved a supporting resolution, see Appendix B. In the future, the proposed power line will be reviewed by the BIA for approval of the right of way.

3.1.6 Land Use and Zoning

At an elevation of 6,684 feet amsl, Sandoval Camp is located on Navajo Indian trust lands. The village of Sandoval Camp, located on trust land, is use for home sites, and one Baptist Church. The adjacent private land is used for rangeland and livestock production, thence the two livestock wells.

Chaco Mesa at 7,200 feet amsl dominates the northern landscape. Chaco Mesa is a north dipping cuesta of sedimentary rock, bisected by numerous tributaries that flow south to Rincon Marquez Wash on the south side, and tributaries that flow north to the Fejada Wash on the north side. Land form in the project area, south of Chaco Mesa, is characterized as high plateau and mesas.

On allotted land south of the \F/ Lee Ranch, the home sites are built by the owners. The proposed electrical taps will serve two existing livestock watering points on the \F/ Lee Ranch. There are no comprehensive land use plans for the proposed project area.

The area surrounding Sandoval Camp, the land use is primarily rangeland and livestock watering points. 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 for access to the homes, ranches, windmills and ranch property.

Indian Trust Resources. The power line right of way acreage will be withdrawn for the electrical power line rights of way. 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 not known in the Whitehorse Lake area. There are no irrigated fields. Agriculture is not the family life style in the project area. Livestock production and rangeland is the primary land use in the region.

3.1.8 Recreation

Whitehorse Lake Chapter residents will travel to nearby Cibola National Forest or Santa Fe National Forest for an afternoon of picnicking and fishing.

Navajo Department of Fish and Wildlife designates the project area as a big game hunting unit. NDF&W big game species include deer, elk, and pronghorn antelope.

Gathering - approximately every three to five years, vicinity pinyon trees in the Whitehorse Lake 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.

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 White Horse Lake.

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

3.1.9 Traffic

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

3.1.10 Noise

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

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

3.1.11 Floodplain

According to Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (Official) maps, the village of Sandoval Camp is not located in a flood prone area, Panel 35031C1050 E. The Sandoval Camp area is excluded from any floodplain designation by the agency (FEMA, 2017). The proposed power line alignment, at 5.15 miles total length, however, would cross over the tributaries of the Rincon Marquez Arroyo at three places, Panel 35031C1425E. The arroyo is dry most of the year. The power line alignments would span the drainages of Rincon Marquez Arroyo, which are designated as 1% Annual Chance of Flood Hazard (FEMA, 2017). The site topography generally dip south at approximately 2-3 degrees, which allows for ample drainage.

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

3.1.12 Wetlands and Riparian Habitat

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

3.1.13 Hazardous, Toxic, and Radiological Waste

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

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

3.2 Topography and Soils

Existing Conditions

Soils on the tracts are generally from sandstone and shales. The existing Pinyon-Juniper-Sagebrush community is a positive indicator of deep sandy-loam soils. These soils are generally free of any chemical adversity. Parent material exists at the C horizon. Parent soils of the C horizon contain clays, shale and sandstone of the Cretaceous Formation (NNWMB, 2017).

Effects

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

Mitigation

The new power lines would not have any impact to topography or soils. No mitigation is required to the existing ground cover or topography.

3.3 Water Resources and Water Quality

Existing Conditions

Chaco Mesa at 7,200 feet amsl dominates the northern landscape. Land form of the Chaco Mesa is characterized as a high cuesta that dips north, with south protruding plateaus, bisected by numerous tributaries that flow south to Rincon Marquez Wash on the south side, and tributaries that flow north to the Fejada Wash on the north side. Sandoval Camp is situated south of Chaco Mesa on relatively flat land. Outcrops of the Menefee Formation are of shale and sedimentary (sandstone) rock. Torrential thunderstorms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969).

The Torreon/Ojo Encino Community Water System, operated by Navajo Tribal Utility Authority (NTUA), provides Safe Drinking Water to residents of the surrounding communities of Rincon Marquez, including Sandoval Camp. Sandoval Camp does not have a local water supply. A water point is located approximately five miles south of Sandoval Camp. Water storage tanks are located at various locations at Tinian, Torreon Mission, and Ojo Encino tanks. The existing community water pipelines are located in the Rincon Marquez Community.

Effects

The propose 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 propose project may be expected.

Mitigation

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 – Desert Grassland

The project area is encompassed by the Desert Grassland Ecosystem in the high plateau country of northwestern New Mexico (Brown, D. E., 1994).

Existing Conditions

The project area is located in the Great Basin Grassland Ecosystem of northwestern New Mexico. At an average elevation of 6,680 feet amsl, perennial grasses of the grassland biome are represented by the following species: Ring muhly *Mulenburgia torreyi*, Blue grama *Bouteloua gracilis*, Galleta *Hilaria jamesii*, Indian ricegrass *Oryzopsis hymenoides*, Bottlebrush squirrel tail *Sitanion hystrix*, Needle and thread *Stipa comata*, Red-three awn *Aristida longiseta*, and Sand dropseed *Sporobolus cryptandrus*. Alkali sacaton *Sporobolus airoides* can be found in the swales and in the low areas along arroyos and washes (Turner, R.M. & Brown, 1994).

Forbs, although widely scattered in the grassland community, are represented as Aster *Aster*, Coneflower *Ratibida*, Indian paint brush *Castilleja applegatei*, Thistles *circuimmus* and Groundsel *Senecio*. These forbs will present showy flowers during the spring and wet season.

Shrubs such as Four-wing saltbush *Atriplex canescens*, Sagebrush *Artemisia spp.*, Winterfat *Ceratoides lanata*, Cholla *Opuntia spp.*, Soapweed yucca *Yucca glauca*, Rabbit brush *Chrysothamnus*, and Snake weed *Gutierrezia* would be scattered throughout the biome. Grazing and human activity may alter the distribution of snakeweed, rabbit brush, and sagebrush.

Annual plants such as Cheatgrass *Bromus tectorum*, Russian thistle *Salsolia kali*, Tansy mustard *Descurainia obtusa*, Sunflower *Helianthus annuus*, and Kochia weed *Bassia hyssopifolia* occur on the biome (De Witt I., Robert, 2006).

A distinct fauna of the Great Basin Grassland include the Whitetail antelope ground squirrel *Ammospermophilus leucurus*, Great Basin pocket mouse *Perognathus parvus*, Ord's kangaroo rat *Dipodomys ordi*. White-tail prairie dogs *Cynomys gunnisoni* occur on the grasslands. Other mammals include the coyote *Canis latrans* and black-tailed jackrabbit *Lepus californicus* (Brown, D. E., 1994).

Several birds are characteristic of the Great Basin Desert Grassland – Sage thrasher *Oreoscoptes montanus*, Sage sparrow *Amphispiza belli*, and Horned lark *Eremophila alpestris* (Brown, D. E., 1994).

Due to its long cold winters in the grassland reptiles are not as well represented. Common species include the Sagebrush lizard *Sceloporus graciosus*, and the Great Basin Spadefoot toad *Scaphiopus intermontanus*, and collared lizard *Crotaphytus collais*. The Northern desert horned lizard *Phrynosoma platyrhinos*, Northern whiptails *Cnemidophorus tigris tigris*, Great Basin gopher snake *Pituophis melanoleucus deserticola* and Great Basin rattlesnake *Crotalus viridis* are a few of the other common species (Brown, D. E., 1994).

Effects

The proposed electrical power line construction would have minimum effect on the Desert Grassland Ecosystem. Special conservation plant species are not present in the proposed project area. Riparian and riverine ecosystems are not present in the project area.

Mitigation

The new power lines would not have any impact to the existing Desert Grassland plant community. No mitigation is required to the existing plant community.

3.5 Endangered Species Act (ESA) /Navajo Endangered Species List (NESL) Species of Concern

Existing Conditions

Denali Environmental Services conducted an onsite reconnaissance of the proposed power line projects on January 27, 2017. Infrastructure development (houses, roads, and livestock water wells) adjoin the proposed electrical right of way. Families living in the project area have acquired home site leases. One individual Indian allotment is located at the BOP. Desert Grassland habitat along the proposed right of way is present. During the field survey no ESA/USFWS listed species, known or potential species, or critical habitats, were found in the project area. No extraordinary environmental circumstances were noted during the reconnaissance.

In regard to the Navajo Endangered Species List (NESL), on May 9, 2017 Navajo Department of Fish and Wildlife *Biological Resource Land Clearance Policy and Procedures* (RCP) was consulted with the NHP Biologist. The Project Specific Review (PSR) found the northern part of the project area to be in an "Area 3". The "Area 3" Biological Resource Sensitivity designation is an area of low biological resource sensitivity. However, the computer generated d-base also indicated Sandoval Camp to be in a "Raptor Sensitive Area (RSA) in Sections 34, 35, & 36 Townships 18 North and Range 6 West." Chaco Mesa to the north of Sandoval Camp would be the source of raptor nesting sites, notably the Golden Eagle. The RSA generally encompasses Chaco Mesa. The Biological Resource Compliance Form is enclosed at Appendix D.

Effects

The entire tract was inspected for possible ESA and NESL threatened and endangered species. According to the BRCF the following NESL species would potentially be impacted: 1) Burrowing Owl *Athene cunicularia*, and 2) Golden Eagle *Aquila chrysaetos*.

Mitigation

In accordance with the NDF&W-NHP BRCF: the north portion of the CDECI distribution line from EOP Sta. 176+20.64 Line "A" to EOP Sta. 88+35.45 Tap "A-2" is located in a Raptor Sensitive Area (RSA). The proposed distribution line in Sections 34, 35, & 36 Township 18 North and Range 6 West shall be constructed with a raptor-safe power pole design per Raptor Electrocution Prevention Regulations (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions with the RSA.

During any future construction planning, the *Navajo Nation Raptor Electrocution Prevention Regulations*, RCS-43-08, would be complied with to reduce the unlikelihood of potential raptor

electrocution. A single electrical power line would follow the design standards to protect Golden Eagles, Bald Eagles, Ferruginous Hawks and other raptors.

3.6 Migratory Bird Treaty Act Birds

Existing Conditions

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. Onsite field surveys for MBTA species was conducted by Denali Environmental Services on January 27, 2017. 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 2.

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.

Effects

Although migratory birds could potentially occur in the area, none were observed during the environmental site visit. With respect to Table 2, 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 re-established, 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

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

Table 2. 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.	No conflict anticipated.	Zero
Burrowing Owl <i>Athene cunicularia</i>	Inhabits grassland shrub-steppe dominated by mixed grasses. Casual vagrant to prairie dog colonies, occupying abandoned holes.	Suitable habitat, little conflict anticipated.	Moderate
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.	No conflict anticipated.	Zero
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.	Low
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.	Low
Juniper Titmouse <i>Baeolophus ridgwayi</i>	Inhabits juniper-pinyon woodland.	No conflict anticipated.	Zero
Veery <i>Catharus fuscescens</i>	Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.	No conflict anticipated.	Zero
Bendire's Thrasher <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.	No conflict anticipated.	Zero
Brewer's Sparrow <i>Spizella breweri</i>	Inhabits mountain meadows and sagebrush flats.	No conflict anticipated.	Zero
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.	No suitable habitat in project area.	Zero

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.

3.7 Esthetics and Visual Resources

3.8.1 Existing Conditions

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

3.8.2 Effects

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

3.8.3 Mitigation

No direct mitigation is proposed for esthetics and visual resources.

3.8 Cultural Resources

Existing Condition

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project archeological survey and crafted a field report entitled: *A Cultural Resource Inventory of the Proposed Sandoval Camp Powerline Project in Whitehorse Lake Chapter, McKinley County, New Mexico for Continental Divide Electric Cooperative, Inc. (W.O. #52595)*. A Cultural Resource Compliance Form, NNHPD Number HPD-17-342, has been created for this undertaking, as shown in Appendix C.

Effects

As part of the archeological inventory, interviews regarding traditional cultural properties (TCPs) were conducted with chapter officials. No sacred sites or traditional cultural resources were identified within the proposed site. According to the field inventory “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) 871-7198.*

4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE

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

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

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

In regard to cumulative impacts on regional air quality and climate change from greenhouse gas emissions, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. Analyzing greenhouse gases emission and the effects of climate change relevant to a proposed action – particularly how climate change may change an action’s effects of a propose project – is currently not available. The propose action, construction of a new power line, is not listed among the

standard of performance for new stationary source in accordance with 40 Code of Federal Regulation part 60, National Ambient Air Quality Standard (NAAQS, CAA, 1990).

5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

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

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

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

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

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

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

Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.)/ EO 13186 *Compliance.* Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more

fully implement the MBTA. The proposed action would have no significant effect on the bird species or their habitat.

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

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

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

6.0 PUBLIC INVOLVEMENT

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

7.0 COORDINATION AND REVIEW OF THE EA

Dinetahdoo Cultural Resource Management, LLC of Farmington, New Mexico conducted the project archeological survey and crafted a field report entitled: *A Cultural Resource Inventory of the Proposed Sandoval Camp Powerline Project in Whitehorse Lake Chapter, McKinley County, New Mexico for Continental Divide Electric Cooperative, Inc. (W.O. #52595)*. A Cultural Resource Compliance Form, NNHPD Number HPD-17-342, has been created for this undertaking, as shown in Appendix C.

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

8.0 CONCLUSIONS

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, denali1946@msn.com.

10.0 REFERENCES

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

Council on Environmental Quality, White House, 2016. *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*. CEQ Memorandum for Heads of Federal Departments and Agencies, August 1, 2016. Source: Climate Adaption Knowledge Exchange (CAKE) www.cakex home page activated October 20, 2016.

Cooley, M.E, J.W. Harshbarger, J.P. Akers, and W.F. Hardt, 1969. *Regional Hydrology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah*. USGS Paper 521-A, USPO, Washington D C.

Federal Emergency Management Administration (FEMA), 2017. National Flood Hazard Layer (Official), USGS The National Map: Orthoimagery, ESRI, of Sandoval Camp, Whitehorse Lake Chapter, McKinley County, New Mexico.

Hiel, K. D., O'Kane S. L. Jr., Reeves, L. M., & Clifford, A., 2013. *Flora of the Four Corner Region, Vascular Plants of the San Juan River Drainage- Arizona, Colorado, New Mexico, Utah*, Missouri Botanical Garden Press, St. Louis, Missouri, USA.

NAAQS, CAA, 1990. National Ambient Air Quality Standards 40 Code of Federal Regulations Part 60, The Clean Air Act of 1990, U.S. Government Printing Office, Washington D.C.

NN DED/LSRI, 2004. *Navajo Nation Chapter Images*, 2004 Edition. Navajo Nation Division of Economic Development/ Edited by LSR Innovations. Window Rock, Arizona.

NNHP, 2008. Navajo Nation Department of Fish and Wildlife, Natural Heritage Program *Navajo Nation Endangered Species List, Species Account*, Navajo Department of Fish and Wildlife, Natural Heritage Program, Window Rock, Arizona.

NNHP, 2008. Navajo Nation Department of Fish and Wildlife, Natural Heritage Program *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, Navajo Department of Fish and Wildlife, Natural Heritage Program, Window Rock, Arizona.

U.S. ACOE, 1987. Wetlands Delineation Manual of 1987, U.S. Army Corps of Engineers, Washington DC.

U.S. Fish and Wildlife Service, 1984. *Chaco Mesa, NM National Wetlands Inventory Map*, U.S. Department of the Interior, Fish and Wildlife Service, Washington D.C.

U.S. Fish and Wildlife Service (US F&WS), 2008. *Birds of Conservation Concern* USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008", (BCC 2008 list). Division of Migratory Bird Management, U.S. Department of the Interior, Fish and Wildlife Services, Arlington, Virginia.

U.S. Geological Service, 1963-1973. USGS 7.5 Minute Quadrangle Maps: *Mesita Del Gavilan, NM, and Rincon Marquez, NM* 7.5 Minute Quadrangles, Denver, Colorado.

U.S Natural Resource Conservation Services, Web Soil Survey activated February, 2017.

WRCC, 2017. Grants-Milan Municipal Airport Weather Station, Western Regional Climate Center, 2215 Raggio Parkway, Reno, NV, wrcc@dri.edu, activated June 27, 2017.

Wilks, M. E., compiler, 2005, *New Mexico Geologic Highway Map*: New Mexico Geological Society and New Mexico Bureau of Geology and Mineral Resources, Socorro, New Mexico.



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

AUG 16 2017

MC: 460 Branch of Environmental Quality Act Review & Compliance

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

Dear Mr. Robbins:

The Environmental Assessment, EA-17-18697, **Continental Divide Electric Cooperative, Inc. (CDEC) Sandoval Camp Power Line Environmental Assessment**, received July 7, 2017, has been reviewed in the Branch of Environmental Quality Act Review and Compliance, Navajo Regional Office.

Continental Divide Electric Cooperative, Inc. (CDECI) of Grants, New Mexico is proposing to construct and operate a power line to serve Sandoval Camp in Whitehorse Lake Chapter, New Mexico. The proposed power line would provide electrical service to 10 existing homes, and two livestock water wells. The power line would be a single phase 14.4 kilo volt line with a 20 foot wide corridor. The length of power line on Indian allotment land would total approximately 1,121.56 feet or 0.21 miles for a total of 0.51 acres. The length of power line on Navajo Tribal Trust lands would total 2,349.10 feet or 0.44 miles with a total of 1.06 acres. The total disturbance on BIA managed lands would be 3,470.66 feet. The total proposed project power line length totals 27,239.28 feet with 23,768.62 of the project traversing private land.

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

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

Sincerely,

Acting Regional Director, Navajo

Enclosure

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT, EA-17-18697
CONTIENTAL DIVIDE ELECTRIC COOPERATIVE, INC. (CDEC) SANDOVAL
CAMP POWER LINE ENVIRONMENTAL ASSESSMENT**

Denali Environmental Services

**Location: Fire Rock Well, NM Quadrangle, USGS 7.5-Minute Series Maps
Section 10, T17N, R6W, NMPM
Section 25, T18N, R6W, NMPM**

Whitehorse Lake Chapter, McKinley County, New Mexico

Continental Divide Electric Cooperative, Inc. (CDEC) of Grants, New Mexico is proposing to construct and operate a power line to serve Sandoval Camp in Whitehorse Lake Chapter, New Mexico. The proposed power line would provide electrical service to 10 existing homes, and two livestock water wells. The power line would be a single phase 14.4 kilo volt line with a 20 foot wide corridor. The length of power line on Indian allotment land would total approximately 1,121.56 feet or 0.21 miles for a total of 0.51 acres. The length of power line on Navajo Tribal Trust lands would total 2,349.10 feet or 0.44 miles with a total of 1.06 acres. The total disturbance on BIA managed lands would be 3,470.66 feet. The total proposed project power line length totals 27,239.28 feet with 23,768.62 of the project traversing private land.

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

1. **Beneficial and adverse environmental impacts:** The EA demonstrates that there will be no significant adverse or beneficial impacts on the quality of the human environment, including, climate, air quality, geology and seismicity, fisheries, socioeconomics and environmental justice, land use and farming, prime farmland, recreation, traffic, noise, floodplain, wetland and riparian habitat, and hazardous, toxic and radiological waste.
2. **Public health and safety:** The proposed CDEC Sandoval Camp Power Line will not have an effect on public health and safety due to the rural location of the proposed power line. With the installation of the power line, the health and public safety of the community will improve.
3. **Clean Water Act (CWA) Compliance:** When a project spans, crosses or results in work in a river bed, stream bed or wetland, permits from the U.S. Army Corps of Engineers (ACOE) and/or the Navajo Nation Environmental Protection Agency, Water Quality Program may be required, including: Section 401, Water Quality Certification; Section 402(p), Storm Water Pollution Prevention Plan, if the project activity will disturb surfaces of ½ acre or more; and Section 404, Permit for Discharge of Dredge or Fill Material into Waters of the US. The applicant shall submit and obtain approval for all required applications prior to construction. The applicant shall adhere to all mitigation measures and strategies developed with the U.S. Army of Engineers and the Navajo Nation Environmental Protection Agency: Based on the EA, this project may cross Waters of the United States. According to the EA, the proposed power line will cross the Rincon Marquez Arroyo in three places (EA, Section 3.1.11 Floodplain). Before construction begins, Continental Divide Electric Cooperative, Inc. (CDEC) shall make contact with the Navajo Nation Environmental Protection Agency and confirm that this project is in compliance with the Clean Water Act (CWA).

4. **Unique characteristics of the geographic area:** The project area is not unique within its geographical setting and is similar to other areas in the region. There are no prime farmlands, wild and scenic rivers, wilderness areas, refuges, park lands, unique ecological areas, or other unique or rare characteristics of the land and aquatic environs that will be significantly affected.
5. **Degree to which the effects on the quality of the human environment are likely to be highly controversial:** There are no known scientific controversies over the effects of the proposed project on the human environment.
6. **Degree to which the effects are highly uncertain or involve unique or unknown risks:** There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.
7. **Degree to which this action will establish a precedent for future actions with significant effects:** This project will not set a precedent for similar projects that may be implemented by the BIA or other agencies.
8. **Relationship to other actions with cumulatively significant impacts:** There are no known incremental effects of the action that become significant when added to other past, present, or reasonably foreseeable future actions that have affected, or will affect, the project area.
9. **Degree to which the action may affect districts, sites, objects, or structures listed on, or eligible for, the National Register of Historic Places, or may cause loss of significant cultural resources:** The Navajo Nation Historic Preservation Department (NNHPD) issued Revised Cultural Resources Compliance Form (CRCF), NNHPD No. HPD-17-342, dated June 16, 2017. The CRCF was issued with a "No historic properties affected" determination with no conditions.

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

10. **Degree to which the action may affect threatened, endangered, or sensitive species or their habitat:** The Navajo Nation Department of Fish and Wildlife (NNDFW) issued Biological Resources Compliance Form (BRCF), NNDFW Review No. 17dan101a3, dated May 18, 2017. A conditional approval was granted with avoidance/mitigation measures and conditions of compliance.

Avoidance/mitigation measures include: The CDEC will implement mitigation measures to avoid impacts to the Burrowing Owl (*Athene cunicularia*) and Mountain Plover (*Charadrius montanus*).

Conditions of Compliance include: The north portion of the distribution line from EOP Sta. 176+20.64 Line "A" to EOP Sta. 88+35.45 Tap "A-2" is located in a Raptor Sensitive Area (RSA). The proposed distribution line in Sections 34, 35, and 36 T18N R06W shall be constructed with a raptor-safe power pole design per Raptor Electrocution Prevention Regulations (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions within the RSA.

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 power line right-of-way acreage will be withdrawn for the electrical power line right-of-way. There are no other bankable assets such as: timber, fossil fuels, fossils or valuable minerals on the tracts, surface or subsurface (EA Section 3.1.6 Indian Trust Resources). Based on the EA, there are no Indian Trust Assets within the proposed project area.
13. **Climate Change:** In regard to cumulative impacts on 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 emissions and the effects of climate change relevant to a proposed action, particularly how climate change may change an action's effects of the proposed project is currently not available (EA Section 4.0).

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.

Justine A. Vanvay
Acting Regional NEPA Coordinator

AUG 15 2017

Date

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

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

PROJECT NAME & NO.: Sandoval Camp Distribution Line

DESCRIPTION: CDEC proposes to construct, operate, and maintain a distribution power line to serve a family community consisting of 10 families. The length of the proposed distribution line would be 3,470.66 ft. (0.65 miles) with a 20-ft. wide corridor. Total land use on Indian Allotment and Tribal Trust Lands would be 1.57 acres.

LOCATION: Whitehorse Lake 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: Biological Evaluation (BE) report not prepared. PSR done on 09 MAY 2017 by P.Kyselka.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Raptor Sensitive Area (RSA) in Sections 34, 35, & 36 T18N R06W

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Athene cunicularia* (Burrowing Owl) G4, MBTA; [2] *Aquila chrysaetos* (Golden Eagle) G3, BGEPA, GBENPR, REPR, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: The CDEC will implement mitigation measures to avoid impacts to the Burrowing Owl (*Athene cunicularia*) and Mountain Plover (*Charadrius montanus*).

All project personnel and equipment will remain in the project area. Ground disturbance outside the proposed action area is strongly discouraged.

CONDITIONS OF COMPLIANCE*: The north portion of the distribution line from EOP Sta. 176+20.64 Line "A" to EOP Sta. 88+35.45 Tap "A-2" is located in a Raptor Sensitive Area (RSA). The proposed distribution line in Sections 34, 35, & 36 T18N R06W shall be constructed with a raptor-safe power pole design per Raptor Electrocution Prevention Regulations (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions within the RSA.

FORM PREPARED BY / DATE: Pamela A. Kyselka/09 MAY 2017; amended on 18 MAY 2017

C:\old_pc2010\My Documents\NNHPR\BRCF_2017\17danl02a3.doc

COPIES TO: (add categories as necessary)



2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

[Handwritten Signature]

5/18/17

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

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

Representative's signature

Date



PRESIDENT
RUSSELL BEGAYE
VICE PRESIDENT
JONATHAN NEZ

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

18 May 2017

17danlo2a3

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

Dear Mr. Robbins,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed your request for biological compliance for the proposed **Sandoval Camp Distribution Line** project located in Whitehorse Chapter, New Mexico. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The north portion of the distribution line from EOP Sta. 176+20.64 Line "A" to EOP Sta. 88+35.45 Tap "A-2" is located in a Raptor Sensitive Area (RSA). The proposed distribution line in Sections 34, 35, & 36 T18N R06W shall be constructed with a raptor-safe power pole design per Raptor Electrocution Prevention Regulations (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions within the RSA.

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

Sincerely,

Pamela A. Kyselka, Wildlife Biologist
Navajo Natural Heritage Program
Department of Fish and Wildlife

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

5/18/17
Date

Document No. 008731Date Issued: 09/06/2017**EXECUTIVE OFFICIAL REVIEW**Title of Document: CDEC, ROW Whitehorse Chpt Sandoval
CampContact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina_yazzie@frontier.comPhone Number: 928-871-6447

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

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

Sufficient Insufficient

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

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

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

☐ **Rights of Way**

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

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

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

☐ **Assignment of Mineral Lease**

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

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

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ *(ic)* *✓ Blumh...* Date: *11/6/17* ☒ ☐
8. OPVP _____ Date: *11-9-17* ☒ ☐

☐ **OTHER:**

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



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
10/26/17 @ 9452
DATE / TIME
☐ 7 Day Deadline
DOC #: 008731
SAS #:
UNIT: New

☐ 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: 10/26/2017 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 Whitehorse Chapter Sandoval Camp

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 10.26.17 9:59m REVIEWING ATTORNEY/ADVOCATE: Kevin Chee 11.06.17
DATE TIME OUT OF UNIT: 11.6.17 4:33 P

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.

REVIEWED BY: (Print) Timothy Hise Date / Time 11/6/17 SURNAME BY: (Print) Blackhart Date / Time 11/6/17 2:00pm

Emailed DOJ Secretary Called: Michelle & Stevie for Document Pick Up on 11.6.17 at 4:30 By: B






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	no comments	No Reply	20-Sep-2017	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	13-Sep-2017	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	08-Sep-2017	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #17danlo2a3	1. No Reply	08-Sep-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	08-Sep-2017	
Patrick Antonio (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Overall project has ROW of 12.47 acres, with 1.06 acres being NN Trust and 0.51 acre being NN Allotment. EA says there is no physical damage to the surface. Unclear how many acres will be disturbed. If the project disturbs more than	1. No Reply	18-Sep-2017	

1.0 acre of
land surface,
coverage is
required
under the
federal
Construction
General
Permit for
discharges
from
construction
sites.

Robert Allan Deputy DNR Administration Approved no comments No Reply 27-Sep-2017
DNR Director
(Navajo Land DNR
Title Data
System -
Windowrock
AZ)

Robert O. Allan


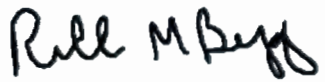


Tamara Billie HPD Historic Preservation Department Approved 1. HPD-17-342 Revised 1. No Reply 11-Sep-2017
NNHP Reviewer
(Navajo Land
Title Data
System -
Windowrock
AZ)

Tamara Billie

Yolanda Public Navajo Nation Environmental Protection Agency Approved no comments No Reply 08-Sep-2017
Barney EPA Water System Supervision Program
(Navajo Land
Title Data
System -
Windowrock
AZ)

Yolanda

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	24-Oct-2017	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	27-Sep-2017	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval contingent on compliance with all NNEPA and EPA environmental laws.	1. No Reply	28-Sep-2017	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	27-Sep-2017	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	04-Oct-2017	
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	no comments	No Reply	27-Sep-2017	