

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE  
GRANT OF RIGHT-OF-WAY TO BUREAU OF INDIAN AFFAIRS, NAVAJO  
REGION, DIVISION OF TRANSPORTATION FOR THE CONSTRUCTION AND  
MAINTENANCE OF THE LUPTON BRIDGE AND APPROACH ROAD, PROJECT  
N9402(2) 1,2&3 LOCATED ON NAVAJO NATION TRUST LANDS IN LUPTON  
CHAPTER, (APACHE COUNTY, ARIZONA)

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. 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. Bureau of Indian Affairs, Navajo Region, Division of Transportation has submitted a right-of-way (ROW) application on, over and across Navajo Nation Trust Lands in Lupton Chapter vicinity, Apache County, Arizona. The application request is attached hereto and incorporated herein as **Exhibit A**.

B. The proposed right-of-way is on Route No. N9402, Project N9402(2) 1,2&3, Lupton Chapter, Apache County, Arizona. Maps are attached hereto and incorporated herein as **Exhibit B**, Right-of-Way Description is attached as **Exhibit C**.

C. The Navajo Land Department identified seven (7) grazing permittees on the proposed project site. Consent to use the land was obtained by six (6) grazing permittees and are attached along with the Utah Land Office/General Land Development Department memorandum dated May 9, 2017 are attached hereto and incorporated as **Exhibit D**.

D. The Executive Official Review conducted by the Department of Justice indicated the Bureau of Indian Affairs (BIA) is required by 16 N.N.C. §§ 140 et seq., to estimate the surface damages, if any, and BIA is required to deposit with the Navajo Nation, double the estimated damages determined by Navajo Land Department to ensure appropriate compensation, if any, to Mr. Shirley, a permittee who was unable to be located for his consent. The Memorandum by the Department of Justice is attached hereto and incorporated herein as **Exhibit E**.

E. A waiver of consideration is requested. The right-of-way project would serve a public purpose because the project will benefit Navajo residents. Re-submittal of the Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1,2,&3, located in Lupton, Apache County, Arizona is attached and incorporated herein as **Exhibit F** and Terms and Conditions is attached and incorporated herein as **Exhibit G**.

F. The environmental and archaeological studies has been completed and attached hereto as **Exhibit H**.

G. It is in the best interest of the Navajo Nation to grant the right-of-way to Bureau of Indian Affairs, Navajo Region, Division of Transportation, because the project will benefit Navajos living in the area.

### **SECTION THREE. APPROVAL**

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Bureau of Indian Affairs, Navajo Region, Division of Transportation on, over and across Navajo Nation Trust Lands in Lupton Chapter vicinity, Apache County, Arizona. The location is more particularly described on the survey map attached as **Exhibit B**.

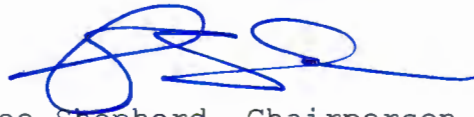
B. The Resources and Development Committee of the Navajo Nation Council hereby waives consideration for the right-of-way project because the project will benefit Navajo residents.

C. The Resources and Development 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 G**.

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

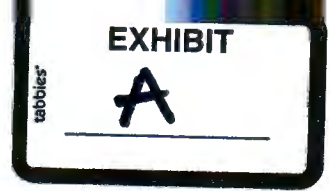
**CERTIFICATION**

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23<sup>rd</sup> Navajo Nation Council at a duly called meeting at Becenti Chapter, Becenti, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 29th day of August, 2017.

A handwritten signature in blue ink, appearing to read 'Alton Joe Shepherd', is written over the printed name.

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

Motion: Honorable Jonathan Perry  
Second: Honorable Leonard Pete



**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BUREAU OF INDIAN AFFAIRS**

**RIGHT-OF-WAY APPLICATION**

LANDOWNER NAME: Navajo Nation

LAND STATUS: Navajo Tribal Trust

DESCRIPTION OF LAND: SECTION 05, SE QUARTER (1/4), T22N, R31E, G&SRM, APACHE COUNTY, ARIZONA

COMES NOW THE APPLICANT: Bureau of Indian Affairs, Navajo Region, Division of Transportation of this 20 day of April, 20 16, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 USC 323-328), and Departmental Regulations 25 CFR 169, an application of a SEVENTY FIVE TERM EASEMENT (term of years) right-of-way for the following purposes and reasons:

The purpose of the proposed action is to improve the safety and efficiency of transportation along Route N9402, BIA Project N9402(2)1,2&3, including BIA Bridge N9402, the Lupton Chapter Bridge, and the Approach Road, whereas the local and other community residents along this route who depend upon N9402(2) for travel to Window Rock, AZ and Gallup, NM for goods and services by upgrading the existing bridge and dirt road to an all weather approach road including realignment, asphaltic pavement, and related traffic safety improvements. Currently, the existing bridge and roadway is at times impassable during wet and inclement weather due to the clayey soils, thus jeopardizes the public's health and safety. The proposed improvements will also address the expected increase in traffic volumes throughout the future.

Across the following described restricted land (easement description)

**SECTION 05, TOWNSHIP 22 NORTH, RANGE 31 EAST, G&SRM, NAVAJO NATION LANDS**

Beginning at Engineer's survey centerline, POINT OF BEGINNING. Station 0+473.813 meters, on BIA Road N9402(2)1,2&3, whence said point having a Modified Arizona State Plane Coordinate of N = 480594.691m, E = 312933.736 and a NORTH AMERICAN DATUM of 1983 Geodetic Coordinate of N = 35°19'39.2501" W = 109°04'20.5924" and Arizona State Plane Coordinate - East Zone of N = 480461.712m, E = 312847.148m, which a protracted section corner tie is made to a common section corner of 5, 4, 8 & 9, Township 22 North, Range 31 East, G&SRM, Apache County, Arizona, bears a calculated S 89°08'09" E, a distance of 196.903 meters,

THENCE, N 24°34'09" E, continuing with said centerline N9402(2)1,2&3 a distance of 16.187 meters to  
 END OF PROJECT Station 0+490.000m, whence said point having a Modified Arizona State Plane  
 Coordinate of N = 480609.412m, E = 312940.466m and a NORTH AMERICAN DATUM of 1983  
 Geodetic Coordinate of N = 35°19'39.7252" W = 109°04'20.3196" and Arizona State Plane Coordinates  
 - East Zone N= 480476.429m, E = 312853.876m, which a protracted section corner tie is made to a  
 common section corner of 5, 4, 8 & 9, Township 22 North, Range 31 East, G&SRM, Apache County,  
 Arizona, bears a calculated S 86°27'49" E, a distance of 190.514 meters, and whence a NGS Geodetic  
 Control tie was made to "B 503", bears N 36°21'27" W, a distance of 415.490 meters all within the  
 Navajo Nation Trust Lands;

The Project Right of Way width of 23.000 meters left and 23.000 meters right on each side of said  
 centerline survey N9402(2)1,2&3 which contains 0.016 kilometers (0.01 miles) in length, and contains  
 0.074 hectares (0.18 acres) more or less.

#### SUMMARY BY LAND STATUS

LAND STATUS	BEGIN STA TO END STA	LENGTH(M)	WIDTH(M)	HECTARES
SECTION 5 (NAVAJO NATION)	0+473.813 TO 0+490.000	16.187	46.000	0.074±
TOTAL		16.187	46.000	0.074±
		(53.11ft)	(150.92ft)	(0.18ac) ±

NOTE: AREA WAS CALCULATED USING PERIMETER OF EASEMENT CORRIDOR.



Said right-of-way to be 16.187m (53.11 ft.) in length, 46.000 meters in width, and 0.074ha (0.18 ac.) in size (or area), as shown on attached map of definite location, attached hereto, and made a part hereof.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the right-of-way in a workmanlike manner.
- ~~2. To pay all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land due to the survey, granting, construction and maintenance of the right-of-way.~~
3. To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.
4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction, to the extent compatible with the purpose for which the right-of-way was granted.
5. To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
6. To take soil and resources conservation protection measures, including weed control, on the land covered by the right-of-way.
7. To do everything reasonable within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.
8. To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.
9. That upon revocation or termination of the right-of-way, the applicant shall, so far as in reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.
- ~~10. To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.~~

11. That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.
12. During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

**THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:**

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

DATE: 4/20/16

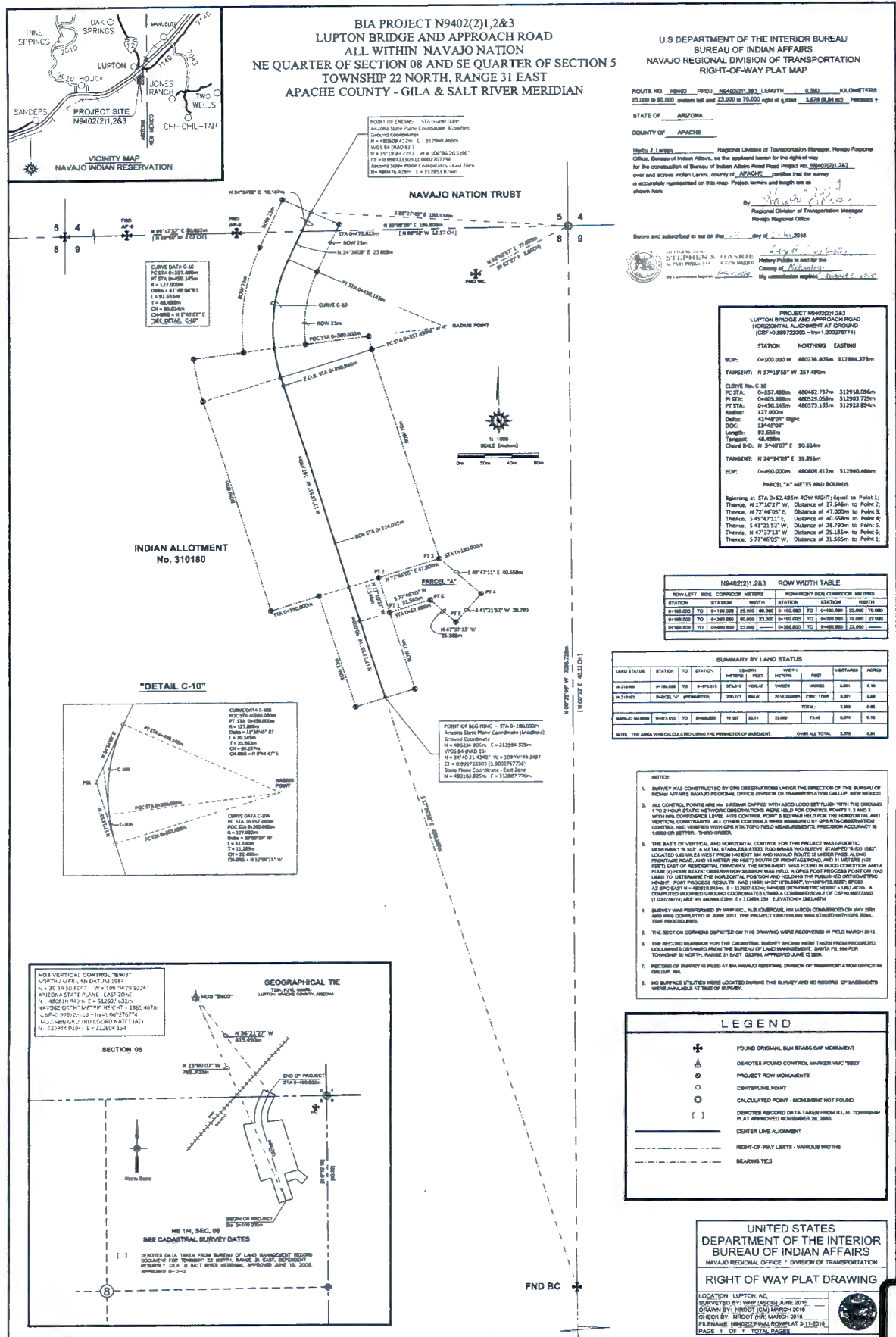
APPLICANT: 

**REQUIRED SUPPORTING DOCUMENTS WERE SENT ON December 27, 2010:**

1. (X) Map (plats) of definite location (2 original mylars & 2 copies, See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10 and 169.11).

**DOES NOT APPLY**

- 3 (X) OST-OAS Approved Appraisal Report
4. (X) Deposit of estimated damages or compensation (See 169.4 and 169.14).
5. (X) Evidence of Authority of Officers to Execute Papers (ROW Form 94-4)
6. (X) For corporation or business, requirements of 25 CFR 169.4 and 169.5 (unless previously filed):
  - ( ) a. State certified copy of corporate charter or articles of incorporation.
  - ( ) b. Certified copy of corporate resolution, by-laws, articles of partnership or association authorizing signatory to file the application.







**RIGHT-OF-WAY DESCRIPTION**  
**BIA ROAD Project No. N9402(2)1,2&3**  
**LUPTON BRIDGE No. N656 AND APPROACH ROAD PROJECT**  
**NAVAJO NATION, APACHE COUNTY, ARIZONA**  
**GILA & SALT RIVER PRINCIPLE MERIDIAN**

A strip of land with varied widths along the following described centerline and lying within the NE Quarter of Section 08, and the SE Quarter of Section 05 Township 22 North, Range 31 East, Gila & Salt River Meridian and more particularly described as follows:

Beginning at Engineer's survey centerline, POINT OF BEGINNING. Station 0+100.000 meters, on BIA Road N9402(2)1,2&3, whence said point having a Modified Arizona State Plane Coordinate of N = 480236.805m, E = 312994.375m and a NORTH AMERICAN DATUM of 1983 Geodetic Coordinate of N = 34°40'31.4248" W = 109°04'49.3497" and Arizona State Plane Coordinate - East Zone of N = 480103.925m, E = 312907.770m, said point having a cadastral tie to the east corner of Section 08, also being the west corner of Section 9, Township 22 North, Range 31 East, G&SRM, Apache County, Arizona, bears a calculated S 17°36'53" E, a distance of 470.297 meters, and whence a NGS Geodetic Control tie was made to "B 503", bears N 23°00'07" W, a distance of 768.300 meters.

SECTION 08, TOWNSHIP 22 NORTH, RANGE 31 EAST, G&SRM, INDIAN ALLOTMENT No. 310180

THENCE, N 17°13'55" W, continuing with said centerline N9402(2)1,2&3, a distance of 90.000 meters to POT Station 0+190.000m, which the left right of way width extends from 23.000m to 60.000m, and the right of way width extends from 23.000m to 70.000m;

THENCE, N 17°13'55" W, continuing with said centerline N9402(2)1,2&3, a distance of 167.490 meters to PC Station 0+357.490m;

THENCE, continuing with said centerline N9402(2)1,2&3 along a two part arc of Curve C-10 to POC Station 0+380.000m, having a radius of 127.000 meters, a central angle of 10°09'19" RIGHT, having an arc length of 22.510 meters, a tangent distance of 11.285 meters, a chord distance of 22.480 meters and a chord bearing of

N 12°09'15" W, which the left right of way width reduces from 60.000m to 23.000m, and the right of way width reduces from 70.000m to 23.000m;

THENCE, continuing with said centerline N9402(2)1,2&3 along the second arc of Curve C-10 to PT Station 0+450.145m, having a radius of 127.000 meters, a central angle of 31°38'45" RIGHT, having an arc length of 70.145 meters, a tangent distance of 35.992 meters, a chord distance of 69.257 meters and a chord bearing of N 08°44'47" E;

THENCE, N 24°34'09" E, continuing with said centerline N9402(2)1,2&3, a distance of 23.668 meters to POT Station 0+473.813m, said point being on the north line of Section 8, Township 22 North, Range 31 East, G&SRM, Apache County, Arizona, which a protracted section corner tie is made to a common section corner of 5, 4, 8 & 9, and said section bears a calculated N 89°08'09" E, a distance of 196.903 meters all within the Indian Allotment No. 310180;

#### SECTION 05, TOWNSHIP 22 NORTH, RANGE 31 EAST, G&SRM, NAVAJO NATION LANDS

THENCE, N 24°34'09" E, continuing with said centerline N9402(2)1,2&3 a distance of 16.187 meters to END OF PROJECT Station 0+490.000m, whence said point having a Modified Arizona State Plane Coordinate of N = 480609.412m, E = 312940.466m and a NORTH AMERICAN DATUM of 1983 Geodetic Coordinate of N = 35°19'39.7252" W = 109°04'20.3196" and Arizona State Plane Coordinates - East Zone N= 480476.429m, E = 312853.876m, which a protracted section corner tie is made to a common section corner of 5, 4, 8 & 9, Township 22 North, Range 31 East, G&SRM, Apache County, Arizona, bears a calculated S 86°27'49" E, a distance of 190.514 meters, and whence a NGS Geodetic Control tie was made to "B 503", bears N 36°21'27" W, a distance of 415.490 meters all within the Navajo Nation Trust Lands;

**PARCEL "A"**  
**METES AND BOUNDS DESCRIPTION**  
**INDIAN ALLOTMENT No. 310180**

Beginning at Point 1, said point being at the 23.000 meters Right - Right-of-Way line at STA 0+62.486m of the aforementioned N9402(2)1,2&3 centerline;

Thence, N 17°10'27" W, a distance of 27.546m to Point 2;

Thence, N 72°46'05" E, a distance of 47.000m to Point 3;

Thence, S 49°47'11" E, a distance of 40.658m to Point 4;

Thence, S 41°21'52" W, a distance of 28.790m to Point 5;

Thence, N 47°37'13" W, a distance of 25.185m to Point 6;

Thence, S 72°46'05" W, a distance of 31.565m to Point 1;

Parcel "A" consist of a perimeter length of 200.743 meters (658.61 feet) and contains 0.201 hectares and 0.50 acres, more or less.

The Project Right of Way width varies 23.000 meters to 60.000 meters left and 23.000 meters to 70.000 meters right on each side of said centerline survey N9402(2)1,2&3 of which contains 0.390 kilometers (0.242 miles) in length, and contains 3.579 hectares (8.84 acres) more or less.

**SUMMARY BY LAND STAUS**

SUMMARY BY LAND STAUS									
Land Status	Station	to	Station	Length Meters      Feet		Width Meters      Feet		Hectares	Acres
IA 310180	0+100.000	to	0+473.813	373.813	1226.42	Varies	Varies	3.304	8.16
IA 310180	Parcel “A” (Perimeter)			200.743	658.61	2010.332sqm	21631.17sqft	0.201	0.50
TOTAL:								3.505	8.66
Navajo Nation	0+473.813	to	0+490.000	16.187	53.11	23.000	75.46	0.074	0.18
NOTE: The area was calculated using the perimeter of easement corridor.      Overall total:								3.579	8.84



# THE NAVAJO NATION

RUSSELL BEGA  
JONATHAN NE

Utah Land Office/General Land Development Dept.  
Post Office Box 410  
Montezuma Creek, Utah 84534



## MEMORANDUM

To: Ms. Elerina Yazzie, Program Manager  
General Land Development Department  
Division of Natural Resources

From: *Belinda Chee*  
Belinda Chee, Senior Right-of-Way Agent  
Utah Land Office/General Land Development Department

Date: May 9, 2017

Subject: Field Clearance for Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road

Pursuant to the Field Clearance request, the Utah Land Office has completed the below cited Field Clearance with Mr. Randall Comb, Grazing Committee Member of Lupton Chapter, and seven (7) grazing permittees has consented, and one (1) grazing permittee was unable to be contacted due to living somewhere in Phoenix, Arizona. Thus, forward the proposed project for further process and approval. The proposed projects are described below:

Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, 16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size, in Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Lupton Chapter, Apache County, Arizona.

For any inquiries, call me at (435) 651-3504, fax (435) 651-3506, email at [belchee@frontier.com](mailto:belchee@frontier.com) And if you should have any questions to the applicant you may contact Lupton Chapter at Post Office Box 403, Lupton, AZ 86508, Phone (928) 688-2128, Fax (928) 688-3150, Email at [lupton@navajochapters.org](mailto:lupton@navajochapters.org) Thank you.

### Attachments

xc:  
Randall Comb, GCM/Lupton Chapter/NN  
Lupton Chapter/NN  
Akhtar Zaman, Director/Minerals Dept./NN  
NNEPA/NN  
Bertha Spencer/BIA  
File, Utah Land Office/GLDD/DNR/NN



## 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. If necessary, use the back of this form for completion.)

Project Identification:

Applicant: **United State Department of the Interior, Bureau of Indian Affairs, Navajo Region, Post Office Box 1060, Gallup, New Mexico 87305**

Identification:

Purpose: **Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, Arizona.**

Location (legal description): **In Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Apache County, Arizona.**

Amount of land affected: **16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size**

Land status: **Trust** Fee Other

1. List of land use/grazing permittee whose land use rights will be affected project:

<u>Names</u>	<u>Census No.</u>	<u>Permit #:</u>	<u>Type of and Use Right</u>
a. Roselyn Barney	609,379	18-09-05	Grazing Right
b. Alvin Blackgoat	53,827	18-24-97	Grazing Right
c. Marlene Apachee	110,870	18-23-95	Grazing Right
d. Carol Chester	603,728	18-25-95	Grazing Right
e. Delores Lee	110,871	18-24-95	Grazing Right
f. Perry Shirley		18-	Grazing Right
g. Tom Shirley	45,217	18-08-10	Grazing Right
h. Willardine Shirley	110,869	18-10-10	Grazing Right


***NOTE: Unable to obtain written consent from Mr. Perry Shirley on numerous attempt. Mr. Perry Shirley resides in Tempe, Arizona.***

2. Are all land users in the above list no. 4 with claims to the affected lands shown in the Branch of Land Operations records? Yes No *bc*
3. Have the Grazing Committee or Land Board Member (whichever is appropriate) for the affected area confirm the list no. 4 by signing acknowledgement form 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 no. 4 includes all land users who have rights in the affected lands.

05/02/2017  
Date

  
Grazing Committee Member  
Randall Comb, Lupton Chapter

18-6B  
District

4. Are any damages expected to individual improvements? Yes / **No – Existing Wooden Bridge**

If yes, contact the Director of Navajo Land Administration because special arrangements will have to be made to compensate for these damages.

If no give full explanations why:

No damages is expected to individual improvement. Surface damage compensation will be waived.

5. List of land users where diminishment in value of land use rights is expected and/or where land use rights is expected to be enhanced as a result of the project. Specify whether or not there is diminishment or enhancement in value of land use rights. Note whether or not land users have consented and which consent forms were used. (If no expected damages, use Consent Form No. 1.)

<u>Names</u>	<u>Expected Diminishment</u>	<u>Expected Enhancement</u>	<u>Did Land Users Consent? Form?</u>
a. <b>Roselyn Barney</b>	<b>None</b>	<b>None</b>	<b>Yes, Consent #3</b>
b. <b>Alvin Blackgoat</b>	<b>None</b>	<b>None</b>	<b>Yes, Consent #3</b>
c. <b>Marlene Apachee</b>	<b>None</b>	<b>None</b>	<b>Yes, Consent #3</b>
d. <b>Carol Chester</b>	<b>None</b>	<b>None</b>	<b>Yes, Consent #3</b>
e. <b>Delores Lee</b>	<b>None</b>	<b>None</b>	<b>Yes, Consent #3</b>
f. <b>Perry Shirley</b>	<b>None</b>	<b>None</b>	<b>No. Unable to contacted.</b>
g. <b>Tom Shirley</b>	<b>None</b>	<b>None</b>	<b>Yes, Consent #3</b>
h. <b>Willardine Shirley</b>	<b>None</b>	<b>None</b>	<b>Yes, Consent #3</b>

6. List again the land users from list no. 8 where land use rights value will be diminished as a result of the project. Specify if land users is to receive compensation and the monetary amount in-kind compensation to be received, and use Consent Form No. 2. Indicate whether compensation is be received is adequate for the estimated damages to land use rights. Note whether land users have consented and which consent forms used. (If waiver of compensation for damages, use Consent Form No. 3.)

<u>Names</u>	<u>Compensation Amount</u>	<u>Is Amount Adequate</u>	<u>Did Land Users Consent? Form?</u>
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a. Roselyn Barney	Waived	Waived	Yes
b. Alvin Blackgoat	Waived	Waived	Yes
c. Marlene Apachee	Waived	Waived	Yes
d. Carol Chester	Waived	Waived	Yes
e. Delores Lee	Waived	Waived	Yes
f. Perry Shirley	Waived	Waived	<u>No, unable to be contacted, lives in Phx.</u>
g. Tom Shirley	Waived	Waived	Yes
h. Willardine Shirley	Waived	Waived	Yes

7. How, when and by whom will land users be paid compensation? If any, is it specified in list no. 9 above?

Surface damages compensation will be waived.

8. Is a topographical map of the project attached? Yes **No**

9. Was the project fully explained to the land users? **Yes** No

10. Which chapter will be affected by the project? **Lupton**

11. Are supporting chapter resolution attached? Yes No

12. Will chapter receive any payments or benefits from the project?

Yes No If yes, what will be received?

Approved by:

Field Clearance Conducted by:

UTAH LAND OFFICE/GLDD

\_\_\_\_\_  
General Land Development Department  
(GLDD)

  
\_\_\_\_\_  
Belinda Chee, Senior ROW Agent

(GLDD approval necessary only if the  
Field Clearance was conducted by  
other than GLDD Office)

Date: May 9, 2017

CONSENT FORM 3  
(Waiver of Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Roselyn Barney, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

United State Department of the Interior, Bureau of Indian Affairs, Navajo Region, Post Office Box 1060, Gallup, New Mexico 87305

To use a portion of my land use area for the following purpose(s):

Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, 16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size, in Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Apache County, Arizona.

As shown on the map showing the location of the proposed project attached.

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

Remarks:

2-26-17      X Roselyn Barney      Census No. \_\_\_\_\_  
Date      Land user Signature      Permit No. 18-09-05

Address: P.O. Box

Witness: \_\_\_\_\_ Lupton Az. 86508

2-26-17      Randall Comb      District 18-6B  
Date      Grazing Committee Member Signature  
Randall Comb, Lupton Chapter

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Chee  
Field Agent Signature  
Belinda Chee, Senior Right-of-Way Agent



CONSENT FORM 3  
(Waiver of Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, ALVIN BLACKGOAT, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

United State Department of the Interior, Bureau of Indian Affairs, Navajo Region, Post Office Box 1060, Gallup, New Mexico 87305

To use a portion of my land use area for the following purpose(s):

Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, 16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size, in Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Apache County, Arizona.

As shown on the map showing the location of the proposed project attached.

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

Remarks:

4/27/17  
Date

X Alvin Blackgoat  
Land user Signature

Census No. \_\_\_\_\_  
Permit No. 18-24-97

Address: Box

Witness: \_\_\_\_\_

Lupton, AZ 86508

4/27/17  
Date

Randall Comb  
Grazing Committee Member Signature  
Randall Comb, Lupton Chapter

District 18-6B

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Chee  
Field Agent Signature  
Belinda Chee, Senior Right-of-Way Agent

CONSENT FORM 3  
(Waiver of Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Tom Shirley, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

United State Department of the Interior, Bureau of Indian Affairs, Navajo Region, Post Office Box 1060, Gallup, New Mexico 87305

To use a portion of my land use area for the following purpose(s):

Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, 16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size, in Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Apache County, Arizona.

As shown on the map showing the location of the proposed project attached.

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

Remarks:

1-28-17  
Date

X Tom Shirley  
Land user Signature

Census No. \_\_\_\_\_  
Permit No. 18-08-10

Address: P.O. Box

Witness: \_\_\_\_\_ Lupton, AZ 86508

1/28/17  
Date

Randall Comb  
Grazing Committee Member Signature  
Randall Comb, Lupton Chapter

District 18-6B

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Chee  
Field Agent Signature  
Belinda Chee, Senior Right-of-Way Agent

CONSENT FORM 3  
(Waiver of Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Dolores Lee, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

United State Department of the Interior, Bureau of Indian Affairs, Navajo Region, Post Office Box 1060, Gallup, New Mexico 87305

To use a portion of my land use area for the following purpose(s):

Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, 16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size, in Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Apache County, Arizona.

As shown on the map showing the location of the proposed project attached.

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

Remarks:

01/28/2017  
Date

X Dolores Lee  
Land user Signature

Census No \_\_\_\_\_  
Permit No. 18-2495

Address: PO Box Lupton, AZ 86508

Witness: \_\_\_\_\_

1/28/2017  
Date

Randall Comb  
Grazing Committee Member Signature  
Randall Comb, Lupton Chapter

District 18-6B

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Chee  
Field Agent Signature  
Belinda Chee, Senior Right-of-Way Agent

CONSENT FORM 3  
(Waiver of Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Willardine Shirley, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

United State Department of the Interior, Bureau of Indian Affairs, Navajo Region, Post Office Box 1060, Gallup, New Mexico 87305

To use a portion of my land use area for the following purpose(s):

Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, 16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size, in Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Apache County, Arizona.

As shown on the map showing the location of the proposed project attached.

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

Remarks:

1-28-17      X Willardine Shirley      Census No. \_\_\_\_\_  
Date      Land user Signature      Permit No. 18-10-10

Address: Box

Witness: \_\_\_\_\_ Lupton, Arizona 86508

1/28/17      Randall Comb      District 18-6B  
Date      Grazing Committee Member Signature  
Randall Comb, Lupton Chapter

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Chee  
Field Agent Signature  
Belinda Chee, Senior Right-of-Way Agent



CONSENT FORM 3  
(Waiver of Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Carol Chester, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

United State Department of the Interior, Bureau of Indian Affairs, Navajo Region, Post Office Box 1060, Gallup, New Mexico 87305

To use a portion of my land use area for the following purpose(s):

Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, 16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size, in Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Apache County, Arizona.

As shown on the map showing the location of the proposed project attached.

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

Remarks:

03/14/17      X [Signature]      Census No. \_\_\_\_\_  
Date      Land user Signature      Permit No. 18-25-95

Address: P.O. Box Lupton, AZ 86508

Witness: [Signature]

03/15/17      [Signature]      District 18-6B  
Date      Grazing Committee Member Signature  
Randall Comb, Lupton Chapter

ACKNOWLEDGEMENT OF FIELD AGENT

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

[Signature]  
Field Agent Signature  
Belinda Chee, Senior Right-of-Way Agent

CONSENT FORM 3  
(Waiver of Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Marlene S. Apachee, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona, to permit:

United State Department of the Interior, Bureau of Indian Affairs, Navajo Region, Post Office Box 1060, Gallup, New Mexico 87305

To use a portion of my land use area for the following purpose(s):

Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2) 1, 2 & 3, located in Lupton, 16.187m (53.11 ft.) in length, 46,000 meters in width, and 0.074ha (0.18 ac.) in size, in Section 05, SE Quarter (1/4), T22N, R31E, G&SRM, Apache County, Arizona.

As shown on the map showing the location of the proposed project attached.

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

Remarks:

1/29/17  
Date

X Marlene S Apachee  
Land user Signature

Census No. \_\_\_\_\_  
Permit No. 18-23-95

Address: P.O. Box  
Lupton, AZ 86508

Witness: \_\_\_\_\_

1/29/17  
Date

Randall Comb  
Grazing Committee Member Signature  
Randall Comb, Lupton Chapter

District 18-6B

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Chee  
Field Agent Signature  
Belinda Chee, Senior Right-of-Way Agent



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

ETHEL B. BRANCH  
ATTORNEY GENERAL

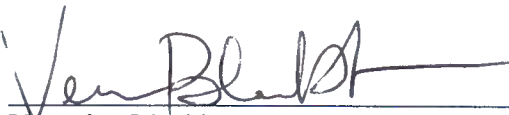
RODGERICK T. BEGAY  
DEPUTY ATTORNEY GENERAL



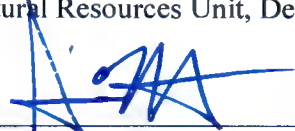
MEMORANDUM

TO: 164 Document Reviews

THROUGH:

  
Veronica Blackhat, Asst. Attorney General  
Natural Resources Unit, Department of Justice

FROM:

  
Irvin Chee, Tribal Court Advocate  
Natural Resources Unit, Department of Justice

DATE: June 13, 2017

SUBJECT: **Document No. 007138: Bureau of Indian Affairs Right-of-Way Road including Lupton Chapter Bridge in Lupton, Arizona.**

The Department of Justice (DOJ) has reviewed the above-referenced 164 Review Document request and has the following comments:

Senior Right-of-Way (ROW) Agent with Utah Land Office, Ms. Belinda Chee, along with Mr. Randall Comb, Lupton District Grazing Committee (DGC) member had identified eight grazing permittees. Seven permittees had consented and one was unable to be located for his consent. According to Ms. Chee and Mr. Comb, Mr. Perry Shirley was unable to be located for his consent because he is residing in Phoenix, Arizona. Therefore, the BIA is required by 16 N.N.C. §§ 1401 *et seq.*, to estimate the surface damages, if any, and BIA is required to deposit with the Navajo Nation, double the estimated damages determined by Navajo Land Department (NLD) to ensure appropriate compensation, if any, to Mr. Shirley, a permittee who was unable to be located for his consent. If Mr. Shirley, above-named permittee, later gives his consent and seeks no consideration, the surface damages compensation should be returned to BIA.

If the affected use area is shared by Mr. Perry Shirley and others who have already consented, then the amount of the deposit required should only reflect their prorated share of the damages. DOJ requests NLD to follow the procedures set for at 16 N.N.C. §§ 1401 *et seq.*, in processing the ROW for BIA Navajo Route Road.

If you have any questions, please feel free to call me at 928- 871- 6347. Thank you.

xc: W. Mike Halona, Department Manager, Navajo Land Department

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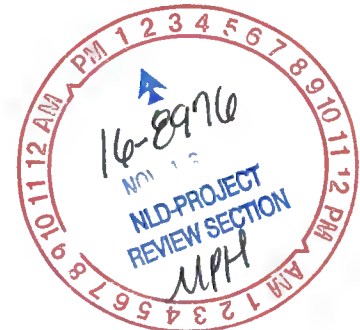


In Reply Refer To:  
Division of Transportation  
M/C: N370

## United States Department of the Interior

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

OCT 19 2016



Mr. Russell Begaye

President, The Navajo Nation

Attention: Mike Halona, Land Administration Office

Re: Re-submittal of the Right-of-Way Application for Construction and Maintenance of the Lupton Bridge and Approach Road, Project N9402(2)1,2&3, located in Lupton, Apache County, Arizona

President Begaye:

The Naa'bik'iyati Committee of the 22<sup>nd</sup> Navajo Nation Council (NNC) has authorized the BIA Navajo Region Division of Transportation (BIA-NRDOT) to improve the BIA Route N9402(2)1,2&3 Bridge and Approach Road traversing through Navajo Nation and Indian Allotments lands.

At the request of community members and the Navajo Nation Resource Development Committee (RDC), this road Project is scheduled for improvements so as to alleviate hardship/difficult traveling conditions during the winter and rainy seasons, especially for the school buses and the elders. This Project crosses through one (1) Indian Allotment land and a small tract of Navajo Nation Trust lands.

A Right-of-Way Application was submitted to the Navajo Nation on July 25, 2003 (enclosed) but was returned (no returned copy available) to the Bureau indicating no Navajo Nation lands were part of this Project. After lengthy research and assistance from the Bureau of Land Management Cadastral Surveys; it has been determined a small portion of this Project does include Navajo Nation Trust lands.

BIA-NRDOT is re-submitting the Right-of-Way Application and supporting documents for BIA Project N9402(2)1,2&3, Lupton Bridge and Approach Road crossing Navajo Nation lands. Furthermore, BIA-NRDOT is requesting the Navajo Nation to waive any and all compensation subject to this application. The supporting documentation includes:

1. One original and a photocopy of the Title 25, Part 169 Right-of-Way Application;
2. One original reproducible right-of-way plat map;



3. Two photocopies of the right-of-way plat map;
4. Two photocopies of the legal description; and
5. One photocopy of the Environmental Assessment (EA) report consisting the Archaeological Clearance report and Finding of No Significant Impact report;

In addition, BIA-NRDOT is requesting the Right-of-Way Grant of Easement Terms and Conditions include a utility provision as follows:

*Control all access to adjoining properties, any utility crossings or installations, and oversize or over weight vehicles through the permitting process consistent with Title 23, Code of Federal Regulations Part 645 and 710.*

Your consideration for this Right-of-Way Grant is greatly appreciated. Should you have any questions or need additional information, please contact Mr. Herby Larsen, Division Manager, at (505) 863-8281 or Mr. Harold Riley, Planning and Design Chief, at (505) 863-8284.

Sincerely,

A handwritten signature in dark ink, appearing to be "Herby Larsen", written over a horizontal line.

Regional Director, Navajo

Enclosures

cc: Fort Defiance Agency DOT w/out copies  
Fort Defiance Real Estate Services w/ copies

**TERMS AND CONDITIONS**

Right-of-Way for BIA

Project No. N9402(2)1,2&3

Navajo Route N9402 including the Lupton Chapter Bridge – Apache County, AZ

- a. The term of the right-of-way shall be 75 years.
- b. Consideration for the grant of the right-of-way is hereby waived, because the project will benefit Navajos living in the area.
- c. 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 may be hereafter in force and effect, including but not limited to the following:
  - i. Title 25, Code of Federal Regulations, Parts 162 and 169;
  - ii. All applicable Federal and Tribal antiquities laws and regulations, with the following additional condition: In the event of a 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; and
  - iii. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Preference Law, 5 N.N.C. §§ 201 et seq.;
- d. 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 construction and maintenance of the project.
- e. 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 and all improvements thereon and make all necessary and reasonable repairs.
- f. The Grantee shall obtain permission to cross-existing rights-of-way from the appropriate parties before construction the proposed project.
- g. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
- h. The Grantee shall not assign, convey or transfer, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the

land, without the prior written consent of the Navajo Nation and the Secretary. 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.

- i. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land or to any improvements located thereon.
- j. 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 buildings and other improvements erected or placed thereon.
- k. Nothing contained herein shall be construed to affect or be deemed a waiver of the sovereign immunity from suit of the Navajo Nation.
- l. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, 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.
- m. Grantee shall retain as much of the natural vegetation within the right-of-way as possible.
- n. Grantee shall re-vegetate all disturbed areas.
- o. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the rights-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the traveling public, and all activities conducted or otherwise occurring within the right-of-way, and specifically including, but not limited to, jurisdiction to enforce speed limits and compliance with traffic control devices, jurisdiction to enforce Navajo Nation laws applicable to the operation of motor vehicles and jurisdiction to adjudicate disputes arising from motor vehicle accidents or other conduct, or activities 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 consistent with federal law.

FINDING OF NO SIGNIFICANT IMPACT  
ENVIRONMENTAL ASSESSMENT DOCUMENT EA-02-071  
RIO PUERCO BRIDGE, PROJECT N9402(2)1,2 & 3

NAVAJO REGION BRANCH OF ROADS

LOCATION: Lupton Quadrangle, USGS, 7.5 Minute Map

Section 5&8, T22N, R31E

Lupton, Apache County, Arizona

The proposed action is the replacement of an existing bridge (No. 656) which crosses the Rio Puerco River on Navajo Route 9402 approximately 1 kilometer (0.6 mile) south of the Lupton Chapter House, Lupton, Apache County, Arizona. The new bridge, a two-lane, five-span reinforced concrete bridge, will be installed at the same location as the existing bridge. The road approaches will be graveled, pending asphalt paving in the future. The project is sponsored by the Navajo Region Branch of Roads, P.O. Box 1060, Gallup, New Mexico 87305.

The project environmental assessment (EA) was reviewed in the Branch of Environmental Services, Navajo Regional Office. Based on the proposed action information contained in the environmental assessment, and the mitigation measures specified in the document, it is determined that the proposed project will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be required.

The following references, incorporated in the project environmental assessment document, serve as the bases for this decision:

1. Agency and public involvement was solicited, and environmental issues relative to the bridge replacement project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed and "no action" alternatives.
3. In compliance with the Endangered Species Act, informal consultation was held with the Navajo Fish and Wildlife Department (NFWD), Natural Heritage Program and the U.S. Fish and Wildlife Service. The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern (Appendix D - NFWD Letter). If active bird nests are found prior to or during construction, the NFWD is to be contacted immediately for coordination of mitigation (Appendix D - Biological Resources Compliance Form, NNDF&WL Review No. 003-008).



4. Potential impacts to flood plains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990. There are no jurisdictional wetlands in the project area (Appendix D - Biological Evaluation Report). The described action will have no effect on wetlands, riparian areas, flood plains, or other sensitive areas.

5. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 and 36 CFR 800.9 (b) consultation, a cultural resource inventory was performed for the proposed project by archaeologists from the Navajo Nation Historic Preservation Department (NNHPD), Roads Section. The NNHPD issued Cultural Resources Compliance Form (CRCF) NNHPD No. 03-110 indicating that no historic properties will be affected by the undertaking (Appendix C).

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.

6. The contractor shall be responsible for recontouring and reclaiming all disturbed areas within the right-of-way according to recommendations provided by the Navajo Department of Agriculture (Appendix E).

7. In compliance with the Clean Water Act, as amended, Section 401 consultation with the U.S. Environmental Protection Agency for Clean Water Act Certification shall be conducted prior to construction (EA, Part 3.4.).

8. In compliance with the Clean Water Act, as amended, Section 402 (p), Storm Water Pollution Protection, the contractor shall comply with all the conditions of the general NPDES permit and shall develop a Storm Water Pollution Prevention Plan prior to initiating construction activities (EA, Part 3.4).

9. In compliance with the Clean Water Act, Section 404, as amended, the contractor shall consult with the Army Corps of Engineers prior to construction regarding 404 determination. It is anticipated that the project will be authorized under Nationwide Permit No. 14, Linear Transportation Crossings.

10. In accordance with the Resource Conservation and Recovery Act, Subtitle C, Hazardous Waste, the contractor shall implement Best Management Practices (BMPs) Nos. 7 and 8 regarding potential spills and handling of oil, fuel, lubricants and hydraulic fluids (Appendix E - BMPs).



11. In accordance with the Resource Conservation and Recovery Act, Subtitle D, Non-Hazardous Waste, the contractor shall implement Best Management Practices (BMPs) No. 6 regarding trash disposal (Appendix E - BMPs).

12. Cumulative and secondary effects on soil, water, air, vegetation, cultural resources, wildlife resources (species and habitat) were considered, and the proposed mitigation measures were found to be acceptable.

13. In accordance with Executive Order 12898 on Environmental Justice, impacts to minority and low-income populations and communities have been considered by the Regional NEPA Coordinator, as have impacts to Indian trust resources.

The proposed project, supported by resolution of the Lupton Chapter (Appendix A), would alleviate the safety hazards associated with the existing bridge, and allow safe travel for community residents living on the south side of the Rio Puerco River.

  
Regional NEPA Coordinator

08-14-03  
Date

**ENVIRONMENTAL ASSESSMENT  
FOR NAVAJO ROUTE 9402  
PROJECT N 9402 (2)1,2 & 3 - RIO PUERCO BRIDGE  
RIO PUERCO RIVER CROSSING  
LUPTON, APACHE COUNTY, ARIZONA**

**PREPARED FOR  
BUREAU of INDIAN AFFAIRS  
NAVAJO REGIONAL BRANCH OF ROADS  
P. O. Box 1060  
GALLUP, NEW MEXICO 87305**

**PREPARED BY  
BUREAU of INDIAN AFFAIRS  
NAVAJO REGIONAL BRANCH of ROADS  
P. O. Box 1060  
GALLUP, NEW MEXICO 87305**

**February 19, 2003**

# ENVIRONMENTAL ASSESSMENT FOR N 9402(2)1,2&3

## 1.0 Purpose of and need for the Action

### 1.1 Summary of Proposed Action:

The Bureau of Indian Affairs (BIA), Navajo Regional Branch of Roads is proposing to replaced the existing bridge on Navajo Route 9402, approximately one (1) kilometer (0.6 mile) south of Lupton Chapter House, Lupton, Arizona.

The existing bridge structure crosses the Rio Puerco River. The bridge consists of a one lane, five - span steel truss with timber decking. The existing bridge will be replaced by a two lane, five (5) span reinforced concrete bridge. The proposed bridge will be at the same location as the existing bridge. The road approaches will be graveled for a final riding surface until traffic counts are high enough to justify asphalt paving some time in the future. Total project area involved is approximately 8.8 acres.

The current traffic volume for this project is 482 vehicles per day for FY 2001, with a projected volume of 717 vehicles per day by 2021. This project is proposed for construction in FY 2003.

### 1.2 Purpose and Need for Action :

The existing crossing is used daily by school buses and the local community. The Lupton Chapter requested that this bridge be replaced as the bridge is in dire need of replacement. To repair and up-keep the maintenance of the structure would cost the maintenance department more money in the future and the bridge is becoming unsafe for the commuters that use this bridge crossing.

The need for action is the existing one lane bridge is very old. The nuts and bolts are loose on the wood decking and it is falling apart. The guard rails on the bridge are not up to standard specification, thus a new bridge is required. The river bank at the north bridge corner is eroding and concrete curbing and other debris has been dumped into this section to try to prevent continuous erosion.

### 1.3 Location :

The project is located in Section 8, Township 22 North and Range 31 East in Lupton, Apache County, Arizona.

### 1.4 Vicinity Map and Project Location Map:

See Appendix B

## 2.0 Alternatives :

### 2.1 Alternative 1; No Action:

2

Under the no action alternative the existing bridge will not be improved and will continue to deteriorate and become unsafe for the commuters to travel on. It will

require a significant amount of maintenance to keep it operational. The maintenance funds needed for this would put additional strain on the BIA maintenance department. Other alternatives were considered but eliminated as the existing road alignment was preferred.

Impacts to other alternatives would cost considerable through additional feasibility assessment of the environment crossing. More disturbance to the wash and the embankment will occur if a new alignment was chosen.

## **2.2 Alternative 2; Preferred Alternative;**

The existing bridge will be removed and replaced with a new bridge structure at the same alignment location to avoid additional disturbance to the channel. The existing road approach alignment will remain unchanged. The new bridge has been designed to meet AASHTO specifications. With the new bridge in-place, the commuters will be able to cross the river safely. Without the new bridge, the community will be adversely affected.

## **3.0 Affected Environment:**

### **3.1 Land Resources:**

1. Topography, Soils, and Geology will not be affected by this project.

### **3.2 Water Resources:**

#### **1. Surface water:**

There is no evidence of surface water, except during the rainy season on the proposed project vicinity. Any storm water that drains into the Rio Puerco River during or before construction start will be protected by stormwater / pollution and erosion / sediment control devices.

2. No springs are known to exist within the proposed project, although there is an old artesian well near by. This well is no longer used by the community. The depth of this ground water is unknown.

#### **3. Wetlands:**

Wetland delineation will not be required. The Biological Report indicates that there is no wetland within the ROW of the project site and therefore will not be affected. ( See BE report Appendix D).

4. The Navajo Regional Branch of Roads will be applying for the Clean Water Act Section 401, Water Certification and Clean Water Act 404, Nationwide Permit # 14 verification before the construction begins.

the Navajo Regional Branch of Roads.

**3.3 Air Resources:**

1. **Air Quality, Visibility, and Climate and Meteorology will not be affected by the bridge construction.**

**3.4 Biotic Resources:**

1. **The project area is located within the Great Basin Desert Scrub biotic community. The junipers primarily grow on the north and south plateaus.**
2. **Wildlife, The project area provides potential habitat for terrestrial wildlife such as common ravens, crows, and varieties of small birds. (See BE report Appendix D).**
3. **Riparian / Aquatic, Within the Rio Puerco River aquatic plant life is limited at the project site. Only Saltcedar and Rubber rabbit brush, and grasses were observed. No aquatic wildlife was observed during the survey, however, some amphibian species could utilize the water ponds within the river.**
4. **No threatened or endangered species were observed during the biological survey. However, during the field survey house finches and European starlings were observed nesting on the existing bridge. A qualified biologist is required to do another survey prior to construction start to ensure the bird nesting is not active. House finch is protected by MBTA.**

**5. Vegetation:**

**A few widely scattered Juniper, shrubs, such as Rabbit Brush, Saltcedar, sage brush, Russian thistle, Plains prickly-pear cactus, Narrowleaf yucca and various grasses exist in the general area.**

**No riparian nor aquatic life were observed during the survey or threatened and endangered species in the project area.**

**Minimal adverse impact is expected by the construction of this project.**

**3.5 Cultural Resources:**

**1. Traditional Cultural Properties, Historic, Religious Properties:**

**A survey was conducted by the Navajo Historic Preservation Dept. Roads Planning Program with negative results.**

**2. Archaeological Resources:**

**No archaeological resources were identified during the assessment survey. Since the Traditional Cultural Properties, Historic, Religious Properties and**



Archaeological findings were negative. It will not be affected. ( See Appendix C).

**3.6 Socioeconomic Conditions:**

Socioeconomic Conditions will not be affected due to bridge construction. Employment and Income, Demographics and Trends, and lifestyles, Cultural values, attitudes, expectations will continue without considerable adverse effects.

Commuters that travel to work will be temporarily delayed due to distance of the detour road. Once the new bridge is completed, The commuters will have quick and safer access to where ever they are going to take care of their business.

**Community Infrastructure:**

In the community of Lupton there are three Trading Posts, two gas stations, one garage, one general store, one restaurant, two churches, one pre-school, one Senior Citizen Center and a Navajo Nations Chapter House. There is one Oil Refinery but no longer in operation due to violation and was cited by USEPA.

There are no elementary, middle or High schools. The students commute to Sanders, Arizona for their education. These are the main areas of employment, other then Window Rock, Arizona ( Navajo Nation Capital ).

There are two paved roads. Navajo Route N12 which leads to Window Rock and Highway I-40 which runs west and east, leading to major towns such as Flagstaff, Arizona to the west and Gallup, New Mexico to the east.

Since there is no medical clinic, The Lupton residents go to Gallup medical centers for their health care needs.

**3.7 Environmental Justice:**

In accordance with the Presidents' Executive Order 12898 on Environmental Justice, impacts to minority and low income populations and community have been evaluated.

**3.7.1 Indian Trust Resources:**

Since there are no trust assets obtainable within the proposed project, it will not be affected and a full assessment of the trust assets will not be included in the environmental document.

**3.8 Environmental Module:**

Under this module , the Navajo Regional Branch of Roads and its contractor shall comply with the National Environmental Protection Act, Federal Regulations as well as the Navajo Nations Regulations.

**3.8.1 The Navajo Branch of Roads must ensure that the contractor Implement the Resource Conservation and Recovery Act Subtitle C, hazardous substance / waste /materials**

**4**

**(proposed use, storage, handling, etc.) sites.**

**3.8.2 The contractor shall address the Resource Conservation and Recovery Act Subtitle D, nonhazardous solid waste sites.**

**3.8.3 Resource Conservation and Recovery Act Subtitle I, Under Ground Storage Tanks;**

**The under ground storage tanks will not be used, therefore it will have no affect on the project activity.**

**Before the contractor addresses the issues above, the contractor is required to obtain permits from the Navajo Environmental Protection Agency (NEPA) and the State of Arizona if required for proper handling, transporting, disposal, and storage of hazardous material as well as solid waste.**

**The contractor must also adhere to the following Governmental Acts;**

**1. All mitigation measures will follow the Navajo Regional Branch of Roads Best Management Practices.**

**2. National Historic Preservation Act of 1996**

**3. Clean Air Amendments of 1972**

**4. Endangered Species Act of 1973**

**5. Archaeological and Historic Preservation Act of 1974**

**6. Fish and Wildlife Coordination Act**

**7. Protection of Wetlands, Executive Order 11990**

**8. Floodplain  
Management,  
Executive Order 11988**

**3.8.4 /3.8.5 Comprehensive Environmental Response Compensation, and Liability Act Sites, include any Environmental Site Assessments;**

**The lead agency and the contractor must follow all the USEPA requirements to avoid penalties associated with the construction activity. All permits must be obtained from permitting agencies to dispose of solid waste, hazardous material and toxic substance.**

**All disposal sites must be licenced to accept such wastes for proper storage.**

**3.9 Resource / Land Use Patterns;**

**There are no resource use patterns for the following within the proposed project; Hunting, Fishing, Gathering, Timber Harvesting, Agriculture, Mining, nor Outdoor Recreation in the Bridge construction site.**

---

There is a need for a transportation net work and therefore a new bridge is being

5

proposed for construction to improve the transportation system. This also falls under the land use pattern other then the development of housing and commercial use.

### **3.10 Other Values;**

The following critical elements of the environment are not present within the project site and therefore are not affected by the No Action nor the Proposed Action alternative. Area of concerns are Wilderness, Sound and Noise, Visual Setting, Farm lands, Scenic Rivers and Recreation.

## **4.0 Environmental Consequences of the Proposed Action:**

### **Impacts;**

Overall, There are no significant adverse impacts expected of any kind. Very minor and insignificant impacts could be expected due to the removal of the existing bridge and the commuters having to make a long detour to get to their destination during the duration of the bridge construction.

### **4.1 Physical Impacts and Mitigation;**

Adverse physical impacts associated with the bridge construction improvement would be minimal. The existing channel will not be altered.

The existing bridge will be replaced with a new prestressed concrete bridge with improvement of the road approaches.

**Mitigation;** The contractor will water down the road approach disturbance to control dust during the grading. Stormwater pollution and erosion / sediment control devices will be implemented and all disturbed areas will be reseeded with native seeds.

#### **4.1.1 Water Resources;**

No surface or ground water were observed that would be affected by the construction of the new bridge. Adverse impact will be minimal.

However, for mitigation the contractor shall incorporate a Storm Water Pollution Prevention Plan to avoid, reduce any sediment runoff into the Rio Puerco Wash.

### **4.2 Biological Impacts and Mitigation;**

Other than the removal of sparse grass cover within the project area, no significant adverse impact to the wildlife, plant life or domestic livestock is expected.

#### **4.2.1 Threatened and / or Endangered Species Impacts;**

No evidence of riparian, aquatic wildlife nor terrestrial, aquatic vegetation species within the proposed project were identified, therefore no impact is expected. However, European startling and House finch were observed nesting under the existing bridge.

Only House finch is protected by MBTA. ( See Biological Evaluation Report attached ).

6

Mitigation; Mitigation for biological community, If the contractor identifies an active bird nest prior to construction start, a qualified biologist need to remove the bird occupying the nest.

- 4.3 Environmental Module; During construction, the contractor may generate solid waste and at times hazardous material and toxic substance.

Prior to construction start the contractor is required to obtain permits through Navajo Environmental Protection Agency for handling of solid waste, hazardous material and toxic substance and how it will be contain at the project site.

Mitigation; To minimize disposal impacts, the contractor will submit a plan to NEPA (as required) for proper disposal of such commodities and identify proper permitted landfill facilities for disposal.

- 4.4 Cumulative Impacts;

The proposed construction of the bridge will have only minor impacts on the resources of the project area. However, these impacts will be avoided, reduced, or mitigated by the implementation of Bureau of Indian Affairs, Branch of Roads Best Management Practices and Measures (See Appendix E ).

- 5.0 Prepared By: Johnny M. Lomatewama, Environmental Eng. Tech.

- 6.0 Consultation and Coordination:

Navajo Regional Branch of Roads  
Gallup, New Mexico

Navajo Regional Office  
Branch of Environmental Services  
Gallup, New Mexico

Navajo Fish and Wildlife Department  
Window Rock, Arizona

U.S Fish and Wildlife Ecological Services  
Phoenix, Arizona

Navajo Historic Preservation Department  
Window Rock, Arizona

Navajo Environmental Protection Agency  
Window Rock, Arizona

Ft. Defiance Branch of Roads  
Ft. Defiance, Arizona

Lupton Chapter

## APPENDIX A

### CHAPTER RESOLUTION



# Lupton Chapter Administration

*Joseph Bonally Sr. President*  
*Joseph Bonally Jr. Vice President*  
*Charles Lee Hodge Secretary/Treasurer*

P.O. Box 403  
Lupton, Arizona 86508  
(928) 688-2128  
Fax: (928) 688-3156  
E-mail: [lupton\\_chapter@hotmail.com](mailto:lupton_chapter@hotmail.com)

*Tom J. Goodrich, Council Delegate*  
*Leonard Inc, Grazing Official*  
*Frank R. Shirley, Coordinator*

LUPT 2002-03-08

## RESOLUTION OF THE LUPTON CHAPTER LUPTON (NAVAJO NATION) ARIZONA

### REQUESTING THE TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL TO PROVIDE FUNDS FOR THE REPLACEMENT OF THE RIO PUERCO WASH BRIDGE (N652) AND THE BRIDGE TO REMAIN ON THE ROAD CONSTRUCTION PRIORITY SCHEDULE FOR FISCAL YEAR 2002-2003

1. The Lupton Chapter is a certified chapter of the Navajo Nation Government and is delegated the authority and responsibility to consider and act upon any requests on behalf of local constituents; and
2. The Transportation and Community Development Committee continues to serve as a standing committee of the Navajo Nation Council, whose purpose is to be responsible for planning and coordinating all roads and transportation activities of the Navajo Nation; and
3. The Navajo Nation's annual allocation of road construction funds is utilized for projects listed on the Navajo Nation's approval Road Construction Priority Schedule and/or for bridge rehabilitation/replacements throughout the reservation; and
4. Within the past year, the Lupton Chapter community members have been requesting the various transportation and roads department to provide the funds to repair/re-deck the Rio Puerco Wash Bridge (N652); and
5. In February, 2002, the bridge was partially re-decked but the wood material cannot withstand the daily flow of traffic and the unsafe condition of the bridge will be extremely hazardous without continued adequate road maintenance; and
6. The Rio Puerco Wash Bridge serves many of the community residents, elderly and disabled who reside south of the Rio Puerco River, including school bus routes, and to get to various places of businesses for food, materials, an accessible route to and from the place of employment for many area residents, and to provide other basic necessities to sustain their livelihood; and
7. Despite requests from the community members and the chapter officials, the Navajo Nation Transportation Committee has not issued any plans demonstrating how it will provide the funding to replace the Rio Puerco Wash Bridge.

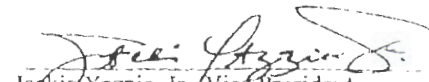
**NOW, THEREFORE, BE IT RESOLVED BY THE LUPTON CHAPTER:**

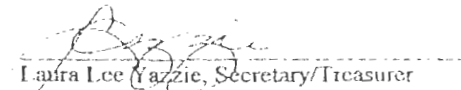
1. The Lupton Chapter Officials and Community Members hereby requests the Transportation and Community Development Committee of the Navajo Nation Council to provide the funds for the replacement of the Rio Puerco Wash Bridge (N652) and the Bridge remain on the Road Construction Priority Schedule for Fiscal Year 2002-2003; and
2. The Lupton Chapter states that in all cases, the safety of the residents of the Lupton Chapter Community have been taken into account and has prioritized the identified improvement project based on the relative need and safety, and
3. The Lupton Chapter further requests that the chapter officials will work closely with the Transportation and Community Development Committee of the Navajo Nation Council to coordinate and actively participate in order to specify the use of transportation funding to replace the Rio Puerco Wash Bridge within the Lupton Community.

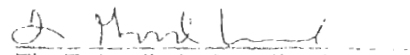
**CERTIFICATION**

We hereby certify that the foregoing resolution was considered at a duly called meeting by the Lupton Chapter Community at Lupton, Navajo Nation, Arizona, at which a quorum was present and the same was passed by a vote of 28 in favor and 0 opposed, this 11<sup>th</sup> day of March, 2002.

  
Kee Lee Benally, President

  
Jackie Yazzie, Jr., Vice President

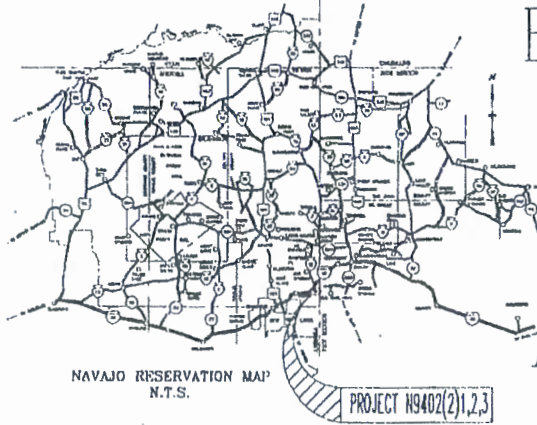
  
Laura Lee Yazzie, Secretary/Treasurer

  
Tim T. Goodluck, Council Delegate

## APPENDIX B

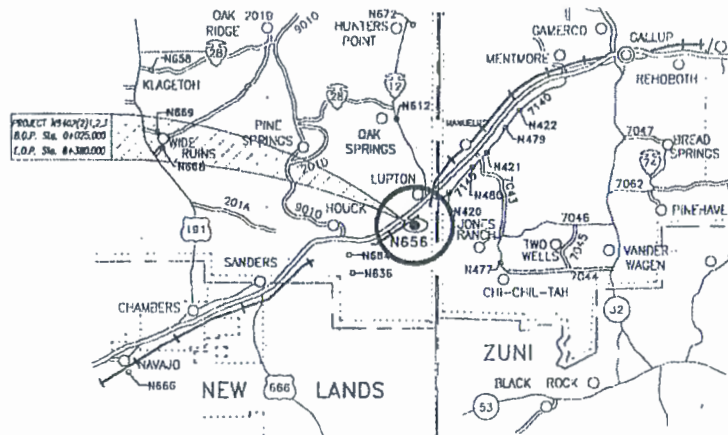
PROJECT LOCATION MAP  
AND  
BRIDGE DETAIL DRAWING

# UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS NAVAJO REGION ROUTE



## PROJECT N9402(2)1,2,3 RIO PUERCO BRIDGE APACHE COUNTY ARIZONA

SHEET No.	SHEET DESCRIPTION
1	PROJECT COVER SHEET
2	GENERAL PROJECT NOTES AND QUANTITIES
3	PLAN AND PROFILE (ROADWAY)
4	DETAIL PLAN AND PROFILE
5	BRIDGE NOTES AND QUANTITIES
6	STRUCTURE LOCATION PLAN
7	STRUCTURE LOCATION PROFILE
8	EMBANKMENT - EARTHWORK PLAN
9	GEOTECHNICAL INFORMATION-1
10	GEOTECHNICAL INFORMATION-2
11	GEOTECHNICAL INFORMATION-3
12	GEOTECHNICAL INFORMATION-4
13	GEOTECHNICAL BORING PLAN & PROFILE
14	ABUTMENT DETAILS
15	WINDMILL DETAILS
16	ABUTMENT - WINDMILL REINFORCING
17	PIER DETAILS
18	TRANSVERSE SECTION AND DETAILS
19	FRAMING PLAN
20	TYPE B1-1370 BEAM DETAILS
21	BEARING PAD DIAGRAM
22	RODDED STEEL DIAPHRAGMS FOR PRESTRESSED CONCRETE BRIDGES
23	END DIAPHRAGM DETAILS
24	LONGITUDINAL SECTION UNDER BEAM
25	BRIDGE SLAB DETAIL
26	APPROACH SLAB DETAIL
27	APPROACH CAULKING
28	STANDARD GUARDRAIL RAISING
29	END TREATMENT - E17900
30	CAULKING DETAILS



DESIGN DATA	
Current ADT (2001)	182 ypd
Future ADT (2011)	212 ypd
Design Hourly Volume	30 ypd
Minimum Radius	150m
Super Elevation (°/mi)	4%
Design Speed	50 km/h
Min. Roadway Width	6.6m
Min. Shoulder Width	1.5m
Min. Bridge Width	4.6m
Min. Passing Sight Distance	345m
Min. Stopping Sight Distance	65m
(d) value for crest vertical curves	7
(d) value for sag vertical curves	13
Maximum Grade	8%
Minimum Tangent Length Between Curves	100m
FBI Slope Clear Recovery Zone Width	3.0m
Cut Slope Clear Recovery Zone Width	3.0m

LENGTH OF PROJECT		
STATION TO STATION	METERS	KILOMETERS
B.O.P. Station 0+025.000		
E.O.P. Station 0+149.500	124.500	0.1246
B.O.P. Station 0+275.434	125.934	0.1258
E.O.P. Station 0+380.000	104.566	0.1046
TOTAL	355.000	0.3550

### LEGEND

STATIC LINE	
RESERVATION LINE	
COUNTY LINE	
TOWNSHIP or RANGE LINE	
SECTION LINE	
NATIONAL FOREST LINE	
HIGHWAY RIGHT-OF-WAY LINE	
UNLINKED PROPERTY	
SECTION CORNER and 1/4 CORNER	
POWER LINE and POLES	
TELEPHONE LINE and POLES	
POLE GUY and ANCHOR	
TRAFFIC SIGN	
GUARD RAIL	
DEFINITION	
BARBED WIRE FENCE	
WIRELESS FENCE	
CATTLE GUARD	
CULVERTS	
CONCRETE BOX CULVERTS	
GROUND LINE - PARTIAL	
GROUND LINE - ROCK	
EXISTING ROAD	
SIDE ROAD FURNISH	
TRELS and SHUTTERS	
CHANNEL or DITCH	
DIKE or DITCH BLOCK	
RIPRAP	
RAILROAD TRACK	
GAS LINE	
UTILITY LINE	
WELL	
SCHOOL	
CHURCH	
WINDMILL	
RIGHT-OF-WAY ALIGNMENT	
PAVED	
GRADED	
UNIMPROVED	

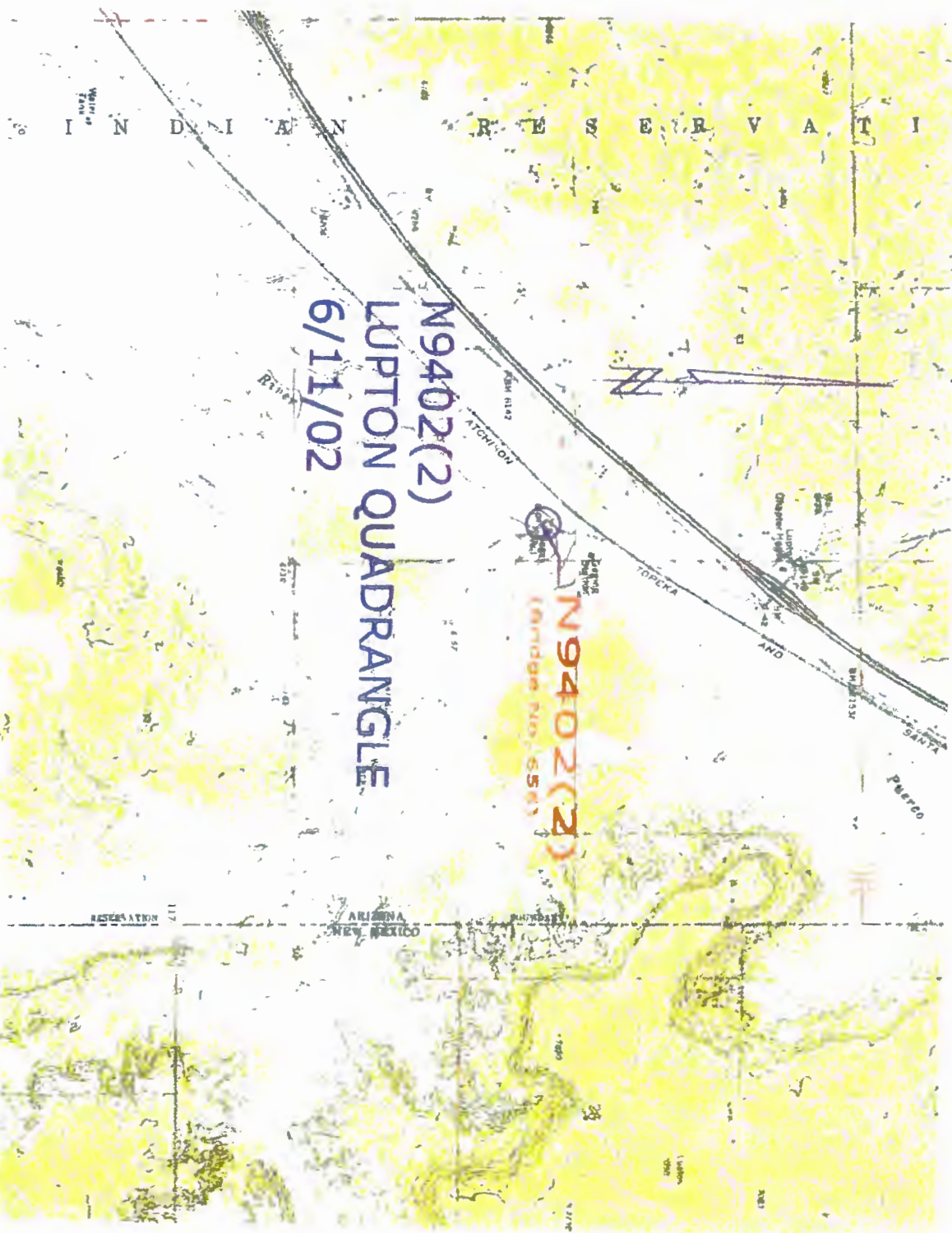
U.S. DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS		U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION	
REGIONAL ROAD OFFICER	DATE	REGIONAL ROAD OFFICER	DATE
AGENCY ROAD ENGINEER	DATE	AGENCY ROAD ENGINEER	DATE
REGIONAL OFFICER	DATE	REGIONAL OFFICER	DATE

PROJECT COVER SHEET

PAIKI A NATIVE AMERICAN UTM

SH: 01 of 3

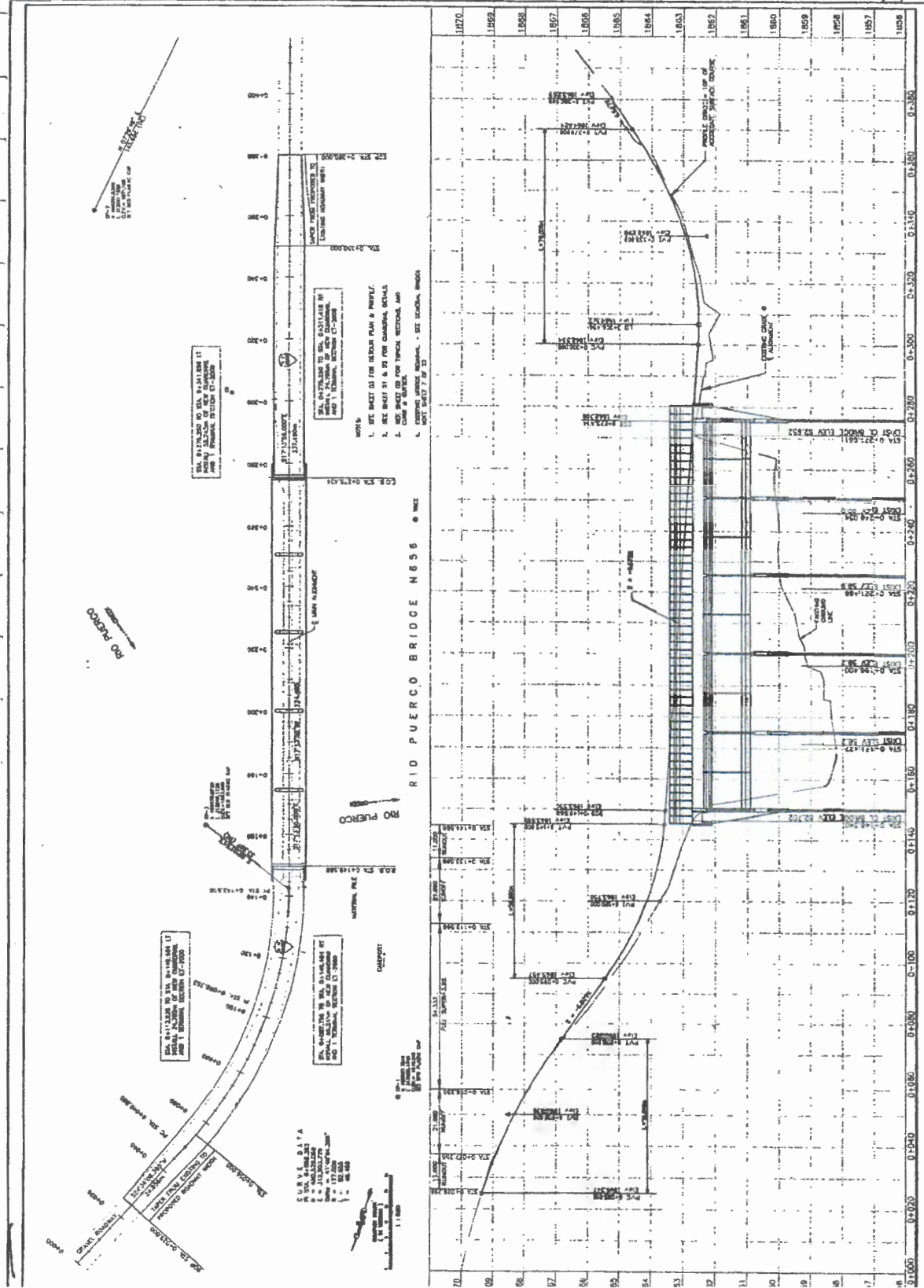




N9402(2)  
LUPTON QUADRANGLE  
6/11/02

N9402(2)  
(Midge Run 656)





CULTURAL RESOURCES COMPLIANCE FORM  
HISTORIC PRESERVATION DEPARTMENT  
PO BOX 4950  
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO  
\_AZ\_ SHFO  
\_X\_ ACHP  
\_X\_ REAL PROPERTY MGT/330  
\_X\_ BIA Branch of Roads  
\_X\_ Pueblo of Acoma  
\_X\_ Pueblo of Laguna  
\_X\_ Hopi Tribe  
\_X\_ Pueblo of Zia  
\_X\_ Pueblo of Zuni

REVIEW NO. 03-110  
OTHER PROJECT NO.  
FOR-02-010  
SPONSOR # N9402 N2640400

PROJECT TITLE: A Cultural Resources Assessment of the NS402 (1)/656 Rio Puerco Bridge Easement in Lupton, Fort Defiance Agency, Apache County, Arizona.

LEAD AGENCY: Bureau of Indian Affairs, Navajo Regional Office.

SPONSOR: Harold Riley, Bureau of Indian Affairs, Navajo Regional Office, Branch of Roads

PROJECT DESCRIPTION: The undertaking will involve the construction of a new bridge and approach roads on either end. Bridge improvements will involve the construction of a single span, prestressed, concrete-beam bridge with a cast in place concrete deck. Approach road improvements on either end will include heavy grading and minor realignments of the existing roadway. Ground disturbance will be intensive and extensive within the proposed right-of-way. All improvements will take place between stations 0+100 m and 0+490 m. The area of effect for the north approach road 92 m wide (46 m on both sides of the center line) and 110 m long; for the bridge it is 130 m wide (70 m right and 60 m left of the center line); and for the south approach road it is 90 m long and 92 m wide (46 m on both sides of the center line). The total area of effect 10.6 acres (4.3 ha).

LAND STATUS: Navajo Tribal Trust

CHAPTER(S): Lupton

LOCATION: Project crosses Rio Puerco near the community of Lupton, Arizona. See 7.5' USGS map entitled "Lupton, Arizona."

BOE Township 22N Range 31E; Section 8, NE 1/4, NE 1/4, NW 1/4; UTM 3910537N, 675244E

Bridge center point - Township 22N Range 31E; Section 8, NE 1/4, NE 1/4, NW 1/4;  
UTM 3946745N, 675279E

ECP Township 12N Range 31E; Section 8, NE 1/4, NE 1/4, NE 1/4; UTM 3910889N 675280E

PROJECT ARCHAEOLOGIST(S): Loretta Holyan  
PROJECT ETHNOGRAPHER (S): Paul Jim, Patsy Dehiya  
NAVAJO ANTIQUITIES PERMIT NO.: Navajo Tribal Code

DATE INSPECTED: January 22, February 6 - 7, and February 19, 2003.

DATE OF REPORT: March 13, 2003.

TOTAL ACREAGE INSPECTED: 10.6 acres (4.3 ha).

METHOD OF INVESTIGATION: Archaeological Methods: Class III pedestrian survey for total area of effect with transects spaced no more than 15 meters apart. Ethnographic Methods: Interviews with local residents and knowledgeable individuals.

LIST OF CULTURAL RESOURCES FOUND: AZ-P-41-129; In use bridge.

LIST OF ELIGIBLE PROPERTIES: None.

LIST OF NON-ELIGIBLE PROPERTIES: AZ-P-41-129; In use bridge.

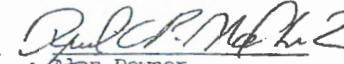
LIST OF ARCHAEOLOGICAL RESOURCES: None.

EFFECT/CONDITIONS OF COMPLIANCE: Pursuant to Stipulation 3 of "A Programmatic Agreement among the Navajo Nation, the Bureau of Indian Affairs-Navajo Area Office, the Advisory Council on Historic Preservation, the Arizona State Historic Preservation Officer, the New Mexico State Historic Preservation Officer, and the Utah State Historic Preservation Officer for Cultural Resource Management Projects Conducted Under the Auspices of the Navajo Nation Historic Preservation Department, Roads Planning Section within the Boundaries of the Navajo Nation," the Navajo Nation Historic Preservation Department has determined that no historic properties will be affected by the undertaking.

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 928-871-7688.

FORM PREPARED BY: Reid Nelson  
FINALIZED: April 9, 2003

Notification to  
Proceed Recommended: Yes ☒ No ☐  
Conditions: Yes ☐ No ☒

  
Alan Downer  
Navajo Nation Historic  
Preservation Officer

4-9-03  
Date

Agency Approval: Yes ☒ No ☐



  
ACTING Regional Director

4-9-03  
Date

**CULTURAL RESOURCES INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)**

<b>1. HPD Report No.</b> HPD-03-110	<b>2. (For HPD Use Only)</b>	<b>3. Recipient's Accession No.</b>
<b>4. Title of Report:</b> A Cultural Resources Assessment of the N9402(1)/ 656 Rio Puerco Bridge Easement in Lupton, Fort Defiance Agency, Apache County, Arizona. HPD-03-110\BIA-BOR-02-010.  <b>Author(s):</b> Paul Jim, Loretta Holyan and Patsy Dehiya		
<b>5. Fieldwork Dates:</b> February 06, 07, 19, 2003	<b>6. Report Date:</b> 03/13/03	
<b>7. Consultant's Name and Address</b> <b>General Charge:</b> Reid Nelson, Program Manager <b>Name:</b> Navajo Nation Historic Preservation Dept. (NNHPD) Roads Planning Program <b>Organization Address:</b> P.O. Box 4950, Window Rock, Arizona 86515 <b>Phone:</b> (928) 871-7688	<b>8. Permit:</b> NTC (Navajo Tribal Code)  <b>9. Consultant's No.:</b> BIA-BOR No. 02-010	
<b>10. Sponsor's Name and Address:</b> <b>Individual:</b> Mr. Harold Riley <b>Organization:</b> BIA Navajo Region-Branch of Roads <b>Address:</b> Box 1060, Gallup NM 87305 <b>Phone:</b> (505) 863-8200 x281	<b>11. Sponsor's Project No.:</b> N3640400  <b>12. Area of Effect:</b> 10.6 ac (4.3 ha) <b>Area Surveyed:</b> 10.6 ac (4.3 ha)	
<b>13. Location (map attached):</b> See Figures 1 - 2		
<b>a. Chapter(s):</b> Lupton <b>b. Agency:</b> Fort Defiance <b>c. County:</b> Apache <b>d. State:</b> Arizona <b>e. Land Status:</b> Navajo Tribal Trust Land	<b>f. UTM's (see Table 1)</b> <b>g. Legals (see Table 1)</b> <b>h. USGS 7.5' map(s):</b> Lupton, Arizona - New Mexico (Map Tech. Inc. 1997)	

Table 1. UTM Coordinates and Legal Description for the Proposed N9402(1) Rio Puerco Wash Bridge located in Lupton, Arizona. Points taken with hand-held Global Positioning System (GPS).

Map UTM Point	UTM Zone 12		Legal Description				
	Easting	Northing	Section	¼	¼	¼	T R
BOP	675344 E	3910532 N	Section 8 ;	NE;	NE;	NW	22 N 31 E
AZ-P-41-129	675310 E	3910465N	Section 8 ;	NE;	NE;	NW	22 N 31 E
N656 Bridge	675269 E	3940745 N	Section 8 ;	NE;	NE;	NW	22 N 31 E
EOP	675280 E	3910889 N	Section 8 ;	NE;	NE;	NE	22 N 31 E

† Point is taken at the center of the bridge and site.

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.: N9402(2)1,2,&3/Navajo Route 9402

DESCRIPTION: NRDOT is acquiring ROW on 8.62 acres of Indian Allotment and 0.182 acres on Tribal Trust for a total of 8.806 acres in order to replace the existing Lupton bridge. The ROW for the road is 46 m in length, 23 ft. left and right of the centerline. The ROW for the bridge is 167 m in length, 60 m left and 70 m right of the center line. The bridge replacement would include the construction of a two (2) lane roadway surface with guardrails, warning signage, and other safety, erosion and sedimentation control features. Construction would occur in 2017.

LOCATION: NR 9402 Bridge, protracted T22N, R31E, Sections 5 & 8, G&SRM, Lupton, Apache County, Arizona

REPRESENTATIVE: Raymond Lucero, BIA NRDOT Engineer

ACTION AGENCY: Bureau of Indian Affairs, Navajo Regional Office Division of Transportation (NRDOT)

B.R. REPORT TITLE / DATE / PREPARER: Request for review and concurrence/16 MAR 2016/Raymond Lucero

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Nesting habitat is present within the Puerco River.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE\*: [1] Project construction shall avoid the Migratory Bird breeding season of 15 MAR-15 AUG or surveys will precede all ground-disturbing activities. The survey shall include the bridge structure and a 50 m (165 ft.) buffer outside the edge of disturbance. Removal or disturbance of nesting habitat (i.e. trees & shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging.

FORM PREPARED BY / DATE: Pamela A. Kyselka/05 APR 2015



COPIES TO: (add categories as necessary)

☒ 7/18/16

☐

**2 NTC § 164 Recommendation:**

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo).

*David Mikesic*

4/6/16

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

05 April 2016

16BIA02dot

Raymond Lucero, NRDOT Engineer  
Bureau of Indian Affairs  
Navajo Region Division of Transportation  
Post Office Box 1060  
Gallup, New Mexico 87305

Dear Raymond,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed your request for review and concurrence on the **Right-of-Way Acquisition on Indian Allotment** for the proposed **Replacement of the Lupton Bridge & Improvement of the N9402 Roadway Approaches** located in Lupton, Arizona. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval because there is nesting habitat present within the Puerco River.

Project construction shall avoid the Migratory Bird breeding season of 15 MAR-15 AUG or surveys will precede all ground-disturbing activities. The survey shall include the bridge structure and a 50 m (165 ft.) buffer outside the edge of disturbance. Removal or disturbance of nesting habitat (i.e. trees & shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledging.

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

Sincerely,

A handwritten signature in black ink, appearing to read "P. Kyselka".

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

**CONCURRENCE**

A handwritten signature in black ink, appearing to read "Gloria Tom".  
\_\_\_\_\_  
Gloria Tom, Director  
Department of Fish and Wildlife

A handwritten date "4/6/16" in black ink.  
\_\_\_\_\_  
Date

xc: CONS-100-16  
BIA


# THE NAVAJO NATION



RUSSELL BEGAYE  
JONATHAN NEZ

## MEMORANDUM

TO : David Mikesic, Zoologist  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCES

FROM :   
for Gloria M. Tom, Department Manager II  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCES

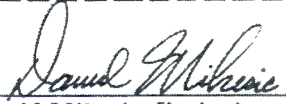
DATE : April 5, 2016

SUBJECT : DELEGATION OF AUTHORITY

I will be on travel Tuesday, April 5, 2016 through Thursday, April 7, 2016. Therefore, I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 2:00 pm on Tuesday, April 5, 2016. This delegation shall end at 5:00 p.m. on Thursday, April 7, 2016.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

## ACKNOWLEDGEMENT:

  
David Mikesic, Zoologist  
Department of Fish & Wildlife

# **APPENDIX E**

## **BEST MANAGEMENT PRACTICES AND RESEEDING MIXTURE**

## SECTION 625 -TURF ESTABLISHMENT

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### 625.02 Material.

Add the following:

The seed shall be delivered to the project site in standard, sealed, undamaged containers. Each container shall be labeled in accordance with the U.S. Department of Agriculture rules and regulations under the Federal Seed Act. Labels shall indicate the variety or strain of seed, the percentage of germination, purity and weed content, and the date of analysis which shall not be more than nine (9) months prior to the delivery date.

Seed shall consist of the type shown in section 625.07 below. Application rates of seed as specified are for Pure Live Seed (PLS). PLS is determined by multiplying the sum of the germination and hard or dormant seed by the purity.

Weed content shall not exceed 0.5%.

Straw mulch shall be certified, "Weed free". Copies of the certification shall be furnished to the COR prior to application of mulch.

### 625.03 Turf Establishment Season.

Add the following:

Seeding and mulching shall be performed immediately when final slope grading is completed but shall not be done during the months of November 15 through March 15.

### 625.04 Preparing Seedbed.

The second sentence of the first paragraph is superseded with the following:

Remove all weeds, sticks, high stone concentration areas with stones of 75mm in size or larger, and other debris detrimental to application, growth, or maintenance of the turf.

Add the following:

Seedbed preparation shall be accomplished with a disc harrow, chiseling tool or with other equipment which will provide an even mixture of fertilizer into the soil.

Tillage will not be required on slopes of 2:1 or steeper. However, such slopes shall be fertilized, seeded and mulched as required. Tillage operation shall be performed so as to produce a soil surface that is rough, firm and free of clods.

Tillage shall be performed across the slope when practical. No work shall be done when the moisture content of the soil is unfavorable.

In areas which, in the opinion of the COR, are too rocky to till without drastically disturbing the completed roadway sections, the COR will approve a reduction of tillage accordingly.

### 625.05 Watering.

This section is superseded with the following:



Moisten seeding areas before seeding and maintain the moisture until 10 days after germination (as required) . The water used shall be measured and paid for in accordance with the unit price bid for item 20601.

625.06

**Fertilizing.**

Add the following:

All areas to be seeded shall have ammonium phosphate, at a rate of 56 kg per Ha, uniformly applied to the surfaces to be seeded and tilled into a minimum of 76mm of the surface.

625.07

**Seeding.**

Add the following:

Seeding shall be accomplished by the Dry Method.

After the tillage is completed and accepted by the COR, seed shall be planted by drill, except that on slopes too steep or rocky, seed may be broadcast provided that it is covered by dragging, hand raking or other approved methods. The type of seed and pure live seed rate is as follows:

<u>Species</u>	<u>Cultivar</u>	<u>Kg PLS per Hectares</u>
Alkali Sacaton	Native	2.25
Galleta	Viva	2.25
Indian Rice Grass	Paloma	2.25
Western Wheatgrass	Arriba	3.37
Created Wheatgrass	Ephraim	3.37
Scarlot Globemallow		0.56
Total		14.05

Seed shall be planted approximately 6mm deep, with a maximum depth of 13mm. The distance between the drilled furrows shall not be more than 203mm. If the furrow openers on the drill exceed 203 mm, the area shall be drilled twice. Seeding shall be done with grass seeding equipment with double disc openers, depth bands, packer wheels or drag chains, rate control attachments, seed boxes with agitators and separate boxes for small seed.

Seed of different sizes shall be sowed from at least two separate boxes adjusted or set to provide the seeding rate specified above.

625.08

**Mulching:**

The first sentence is superseded with the following:

Apply straw mulch at a rate of 4500kg/Ha after seeding by the following methods:

625.11

**Method of Measurement.**

The first sentence is superseded with the following:

Measure seeding by the hectare on the ground surface, or by the slurry. Fertilizer and mulching shall not be measured for payment but shall be considered a subsidiary obligation of the Contractor covered under the work for this section.

rev: 7/18/01

## Best Management Practices

In order to avoid, reduce, or mitigate potentially adverse impacts during the construction of this project, the Navajo Regional Division of Transportation Contractor will incorporate the following best management practices (to the fullest extent).

1. Construct the project in accordance with the Manual for Standard Specifications for Construction of roads on Federal Highway Projects (FP-03), and in compliance with all applicable Navajo Tribal and Federal laws, codes, safety regulations, and executive orders.
2. The BIA Contractor will avoid any increase in sedimentation of bodies of water on or near the project by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP). The Contractor will implement the SWPPP prior to any ground-disturbing activities. Adjustments in the SWPPP, during construction, shall be coordinated with the AOTR to insure compliance with the Clean Water Act.
3. The BIA Contractor shall stockpile the existing topsoil for uses in re-vegetation of borrow pits and roadway slopes, where feasible in accordance with the FP-03 and contract specifications.
4. The cut and fill volumes will be balanced as much as possible to avoid the use of borrow sources and all slopes shall be rounded to blend into the existing terrain. All disturbed ground on the project will be disked, seeded, mulched, and re-vegetated as described in section 625 of the supplemental specifications.
5. The following BMPs will be followed for all structural improvements, including any pipelines, storage tanks, and troughs:
  - a) Any existing pipelines shall be protected in-place unless otherwise stated in the design plans. All existing trash shall be removed from project site, and no trash will be allowed on property.
  - b) All equipment brought in from off the site will be power washed before entering the site to avoid the possible introduction and invasion of noxious and invasive weeds. All construction debris, falsework, forms, and equipment would be removed from project site at the end of each day unless specifically authorized in writing by the AOTR.
  - c) Ground disturbance from the heavy equipment would be re-seeded with a certified weed free seed mix. The seed would be suitable to area and match existing native species.
  - d) If an archeological site is encountered, construction must cease in the area, and the AOTR and BIA Regional DOT office must be notified immediately.
  - e) If at any time, populations of noxious weeds are encountered, construction must cease and measures must be taken to clear the right of way. The problem area would be sprayed with the appropriate herbicide. By law, the target weed must be listed on the label of the herbicide being applied, and the rate applied must be in accordance with the manufacturer's recommendations in accordance with section 109.02(m) of the supplemental specifications for this project.

6. Construction hours will be between 6:00 am and 8:00 pm, Monday through Saturday, (weather permitting). In high wildlife use areas, an alternate construction schedule may be used in consultation with the Navajo Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service.
7. The Contractor's camp and equipment storage area will be kept clean and free of oils, waste materials, and other litter at all times, to prevent such materials from entering bodies of water. All trash will be disposed of in accordance with EPA regulations and all camp sites and equipment storage areas will be restored to their natural condition at project completion (in accordance with permit requirements). Acquiring of permits shall be closely coordinated with the AOTR.
8. The Contractor will inspect daily all construction equipment for leaks and notify the BIA AOTR/Project Manager on the removal of leaking equipment from the project site until the leaking equipment is repaired and spills cleaned up to the satisfaction of the Project Manager and Environmental Quality Office. Equipment will be washed down in a designated area to prevent transport of mud, noxious weeds, and other debris from leaving the project limits when transporting equipment off the project site. Such debris will be collected and hauled off to a disposal site by the Contractor. The Contractor must have a spill prevention plan in place to contain spills, mitigate the spills, and remove all the pollutants off the project to an approved waste repository.
9. Noxious weed control Standard Operating Procedures for work on New Lands will be as follows:
  - a. Ensure equipment involved in land disturbing actions, be clean of noxious weed seeds or propagative parts prior to entry on site. When working in areas with noxious weeds equipment should be cleaned prior to moving off site.
  - b. Survey and inventory proposed work areas for noxious weeds; take reasonable measures to avoid spread of noxious weeds found (ie - cleaning equipment with pressure washers, stockpiling overburden material for later treatment, avoiding driving through weed patches). Consult with the BIA regional DOT office on any known species of noxious weeds in the project area before construction begins.
  - c. Use only certified weed free erosion control and re-vegetation materials (eg. mulch, seed, natural fiber mats).
  - d. If fill dirt or gravel will be required, the source needs to be noxious weed free to the fullest extent possible.
  - e. The site should be monitored for the life of the project for the presence of noxious weeds (includes maintenance & construction activities). If weeds are found the AOTR will be notified and the AOTR will determine the best method for the control of the particular weed species in consultation with the Regional DOT office.
  - f. Reclamation and re-vegetation of the work site will use species specified by the specifications. All seed should be certified weed free. The area will be monitored to determine the success of the re-vegetation, and re-vegetation may have to be continued until successful.
  - g. Any need for noxious weeds treatment shall be in accordance with section 109.02(m) of the FP-2003.

10. All oils, fuels, lubricants, and hydraulic fluids will be kept in sealed storage containers and or facilities that meet EPA regulations for preventing contamination of the environment. Again a spill prevention plan must be in place.
11. Damage to trees and shrubs outside of the construction limits will be replaced by the Contractor at his expense as directed by the AOTR.
12. Parking and staging areas will be limited to the construction limits. Existing roads will be used for detours, storage of equipment, and the hauling of materials and water to the fullest extent possible. The Contractor shall cooperatively work with the AOTR in the construction and maintenance of the detour road. Storage areas within the construction limits will utilize existing disturbed areas and be kept as small as possible as authorized in writing by the AOTR.
13. The installation of drainage structures will be undertaken in such fashion so as to minimize soil erosion and to provide for a minimum of 610 mm of cover over the pipe as measured from the roadway shoulder.
14. Structural replacements will be performed during periods of low- or no-flow periods to minimize water quality impacts. The Contractor shall install Lined waste pits for concrete or asphalt on the project in a level ground at least 100 feet away from any drainage and outside the construction limits. If these pits are to be located on private property, the Contractor must get permission in writing from property owners. No dumping of waste concrete will be allowed on the project site except in the lined pits which will immediately be removed from the project once the concrete or asphalt work is finished. Any and all excess concrete and asphalt materials will be disposed of (off site) in accordance to EPA regulations and the FP-2003.
15. The Contractor will acquire water-use and aggregate material permits through the BIA and land owners, and follow all requirements of such permits, including royalties and environmental protection.
16. The Navajo Regional Division of Transportation and construction Contractor will acquire and comply with the following regulations regarding the Federal Clean Water Act:
  - a. Section 404 permit
  - b. Water Quality (Section 402) Certification
  - c. National Pollution Discharge Elimination System (NPDES) permit and the Storm Water Pollution Prevention Plan

A Notice to Proceed with work that may impact waters of the U.S. or Navajo Nation waters will NOT be issued until the 401, 402, 404 and other project permits are in place and the requirements are reviewed and discussed with the contractor.
17. Comply with all mitigation requirements concerning archaeological sites on or near the project site as defined in the compliance documents.





Document No. 007138Date Issued: 12/05/2016**EXECUTIVE OFFICIAL REVIEW**Title of Document: BIA DOT ROW for N9402(2)1,2&3 Lupton AZ Contact Name: BIA, KAYLA L.Program/Division: DIVISION OF NATURAL RESOURCESEmail: klbia@frontier.com Phone Number: 928/871-6447

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

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

Sufficient      Insufficient

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
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: 1/24/17 ☒ ☐  
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
6. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
7. DOJ (fic) \_\_\_\_\_ Date: 6/16/17 ☒ ☐  
8. OPVP \_\_\_\_\_ Date: 6/18/17 ☒ ☐

☐ **OTHER:**

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



# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ	
05-11-17	452pm
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	007138#2
SAS #:	
UNIT:	NRU

☒ RESUBMITTAL  
(Feb 2017)

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

CLIENT TO COMPLETE			
DATE OF REQUEST:	5/11/2017	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com
TITLE OF DOCUMENT: BIA DOT ROW FOR N9402(2)1,2&3 LUPTON, AZ			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 5/12/17 8AM		REVIEWING ATTORNEY/ADVOCATE: Irvin Chcc	
DATE TIME OUT OF UNIT: 6-19-17 @ 3:10 PM RJ			
DOJ ATTORNEY / ADVOCATE COMMENTS			
Document is legally sufficient. See memo.			
REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Irvin Chcc	6-16-17	Blackhat	6/16/17 10:40am
DOJ Secretary Called: Michelle H. for Document Pick Up on 6-19-17 at 2:50, By: RJ			
PICKED UP BY: (Print)		DATE / TIME:	

NNDOJ/DRRF-July 2013

COMPLETED



**Navajo Land Title Data System (NLTDs)**  
**Navajo Land Title, Navajo Land Title Data System - Windowrock AZ:**  
**Document Information**

Document Information	
Document Name:	004_L007_00007138.zip
Revision:	
Version:	1
Document Desc:	
Document Author:	Michelle Hoskie NLD (Navajo Land Title Data System - Windowrock AZ)
Document Status:	Sufficient
Document Type:	164 Review Process
Effective Date:	24-Jan-2017
Expires:	Never
Uploaded from:	Navajo Land Title Data System (NLTDs) Phase 1: Plan for Quality Management System
	Step 960: 004_L007_00007138
	Task 1: Upload and Manage Documents
Size:	10474 KB
Date Uploaded:	10-Jan-2017
Maintained by:	Project Management Team

**No Document Distribution Locations**

Tier 1 Document Voting Results						
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. No comments.	1.	11-Jan-2017
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. ROW agreement only visible to review. No other information except the 4 page document.	1.	13-Jan-2017
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. BRCF 16BIA02dot attached to EA pp. 21-24	1.	11-Jan-2017
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	<i>no comments</i>	<i>No Reply</i>	19-Jan-2017
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. Please include the terms and conditions document which has been uploaded with this package. The "sufficient" vote is contingent on that file being included. slp	1.	10-Jan-2017

Tier 2 Document Voting Results						
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. Sufficient so long as the FINAL ROW Terms and Conditions are made part of final ROW.	1.	23-Jan-2017
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. contingent sufficient based on abiding laws and regulations as mentioned in the terms and conditions.	1.	23-Jan-2017
Rowena Cheromiah MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This vote is contingent on the inclusion of the FINAL Terms and Conditions attached. RCheromiah	1.	20-Jan-2017
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. No comments	1.	20-Jan-2017
Tamara Billie HPD (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	<i>no comments</i>	<i>No Reply</i>	23-Jan-2017
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	<i>no comments</i>	<i>No Reply</i>	23-Jan-2017





☐ RESUBMITTAL

# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ
02-06-17 958
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 007138
SAS #:
UNIT: NRW

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

### CLIENT TO COMPLETE

DATE OF REQUEST: Feb 6, 2017 ENTITY/DIVISION: DNR ~~GLDD~~  
CONTACT NAME: Michelle Hoskie DEPARTMENT: GLDD  
PHONE NUMBER: x 6447 E-MAIL: michellehoskie@frontier.com  
TITLE OF DOCUMENT: BIA DOT ROW for N9402(2) 1, 2, & 3 Lupton AZ

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 2/6/17 11am REVIEWING ATTORNEY/ADVOCATE: Irvin Chee  
DATE/TIME OUT OF UNIT:

### DOJ ATTORNEY / ADVOCATE COMMENTS

- Rtd. doc. to GLDD to attach the right Terms & Conditions. Wrong T&C is attached.  
Please attach BIA Roads-Gen T&C which is the right T&C for this project.

REVIEWED BY: (PRINT) Irvin Chee	DATE / TIME 2-22-17	SURNAMED BY: (PRINT)	DATE / TIME
------------------------------------	------------------------	----------------------	-------------

DOJ Secretary Called: \_\_\_\_\_ for Document Pick Up on \_\_\_\_\_ at \_\_\_\_\_ By: \_\_\_\_\_

PICKED UP BY: (PRINT) \_\_\_\_\_ DATE / TIME: \_\_\_\_\_