

**RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
Of the 23rd Navajo Nation Council---First Year 2015**

**AN ACTION**

**RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO RESOLUTE ANETH, LLC. TO CONSTRUCT, OPERATE AND MAINTAIN THE RESOLUTE RATHERFORD UNITS 10-12 4.5" O.D. WELDED STEEL WATER INJECTION PIPELINE AND ASSOCIATED ANCILLARY FACILITIES ON, OVER AND ACROSS NAVAJO NATION TRUST LANDS (SAN JUAN COUNTY, UTAH)**

**BE IT ENACTED:**

**Section One. Findings**

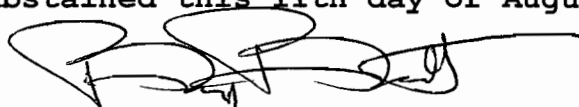
1. The Navajo Nation hereby finds the following with respect to this resolution:
  - A. Pursuant to 2 N.N.C., Section 501(B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to grant final approval of rights-of-way on Navajo Nation lands and unrestricted (fee) land; and
  - B. The Resolute Aneth, LLC, 1675 Broadway, Suite 1950, Denver, Colorado 80202, has submitted a right-of-way application, attached as Exhibit A, to construct, operate and maintain the Ratherford Unit 10-12 4.5" O.D. Welded Steel Water Injection Pipeline on Lease No. 14-20-603-4043 and 14-20-603-355, on and over and across Navajo Nation Trust Lands (San Juan County, State of Utah); and
  - C. The proposed right-of-way is situated on, over and across Navajo Nation Trust Lands in Section 10 & 15, Township 41 South, Range 24 East, Salt Lake Meridian, Aneth Chapter, San Juan County, Utah. Said lines will be 7,488.77 feet in length, 50 feet in width (20 feet

wide final width plus 30 feet during construction) totaling 8.596 acres, more or less, in area (3.438 acres for pipeline final width + 5.158 acres for temporary construction corridor). The location is more particularly described on the map attached hereto and incorporated herein as Exhibit B; and

- D. The Navajo Land Department staff of the Division of Natural Resources has obtained the necessary consents of the affected land users (grazing permittees) which are attached hereto and incorporated hereto as Exhibit C; and
  - E. The environmental studies and archaeological studies have been completed and incorporated herein by this reference.
- 2. The Navajo Nation hereby approves the granting of a right-of-way Resolute Aneth, LLC, to construct, operate and maintain the Ratherford Unit 10-12 4.5" Steel Water Injection pipeline on, over and across Navajo Nation Trust Lands (San Juan County, Utah). The location is more particularly described on the survey map attached hereto as Exhibit B.
  - 3. The Navajo Nation approves the granting of a right-of-way to Resolute, Aneth, LLC, subject to but not limited to the terms and conditions contained in Exhibit D.
  - 4. The Navajo Nation hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to effectuate the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the foregoing 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 Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 0 abstained this 11th day of August, 2015.

A handwritten signature in black ink, appearing to read 'Benjamin Bennett', with a long horizontal flourish extending to the right.

Benjamin Bennett, Vice Chairperson  
Resources and Development Committee  
Of the 23<sup>rd</sup> Navajo Nation Council

Motion: Honorable Leonard Tsosie  
Second: Honorable Walter Phelps  
Vote: 4-0 (Vice Chairman Not Voting)



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION

LANDOWNER NAME: The Navajo Nation ALLOTMENT NUMBER: N/A (Navajo Tribal Trust)

COMES NOW THE APPLICANT Resolute Aneth, LLC of 1675 Broadway, Suite 1950, Denver, Colorado 80202 respectfully files under the names and provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U. S. C. 323-328), and Departmental Regulations 25 CFR 169, an application for the grant of right-of-way for the following purposes and reasons:

To build, operate, and maintain a buried 4.5" O. D. welded steel water injection pipeline from the Ratherford Unit 10-12 to the Ratherford Unit 10-23; 10-44; and 15-41 wells:

Across the following described Navajo Indian Reservation tribal trust land:

Sections 10 and 15, Township 41 South, Range 24 East, SLB&M, San Juan County, Utah.

Said right-of-way on Tribal land to be a corridor 1.42 miles or 7,488.77 feet long by 50 feet wide (20 feet wide final width plus 30 feet during construction); totaling 8.596 acres in area and more particularly described and shown on the maps of definite location attached and made a part hereof. Thus, there will be total Tribal land use of 8.596 acres (= 3.438 acres for pipeline final width + 5.158 acres for temporary construction corridor), all within the Ratherford Unit and for which authorization is being sought simultaneously via Sundry Notice.

THE APPLICANT UNDERSTANDS AND HEREBY EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

- (a) To construct and maintain the right-of-way in a workmanlike manner
- (b) To pay promptly 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 on account of the survey, granting, construction and maintenance of the right-of-way
- (c) 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.
- (d) To restore the lands as nearly as 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.
- (e) 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 to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project.
- (f) To take soil and resources conservation and protection measures, including weed control, on the land covered by the right-of-way.
- (g) 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.
- (h) 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.
- (i) That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition. The determination of "reasonably possible" is subject to Secretary's approval.

(j) 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 of the names and addresses of its principal officers.

(k) 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.

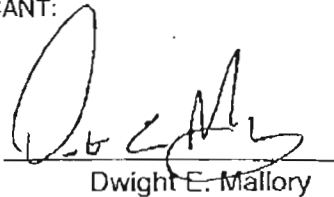
(l) During the term of this Grant of Easement, if any previously unidentified cultural resources are discovered within the easement area, work should be halted immediately and the BIA and/or Tribal Contractor should be contacted immediately.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform and abide by all the 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: 2/24/14

APPLICANT:



Dwight E. Mallory  
Environmental & Regulatory Manager

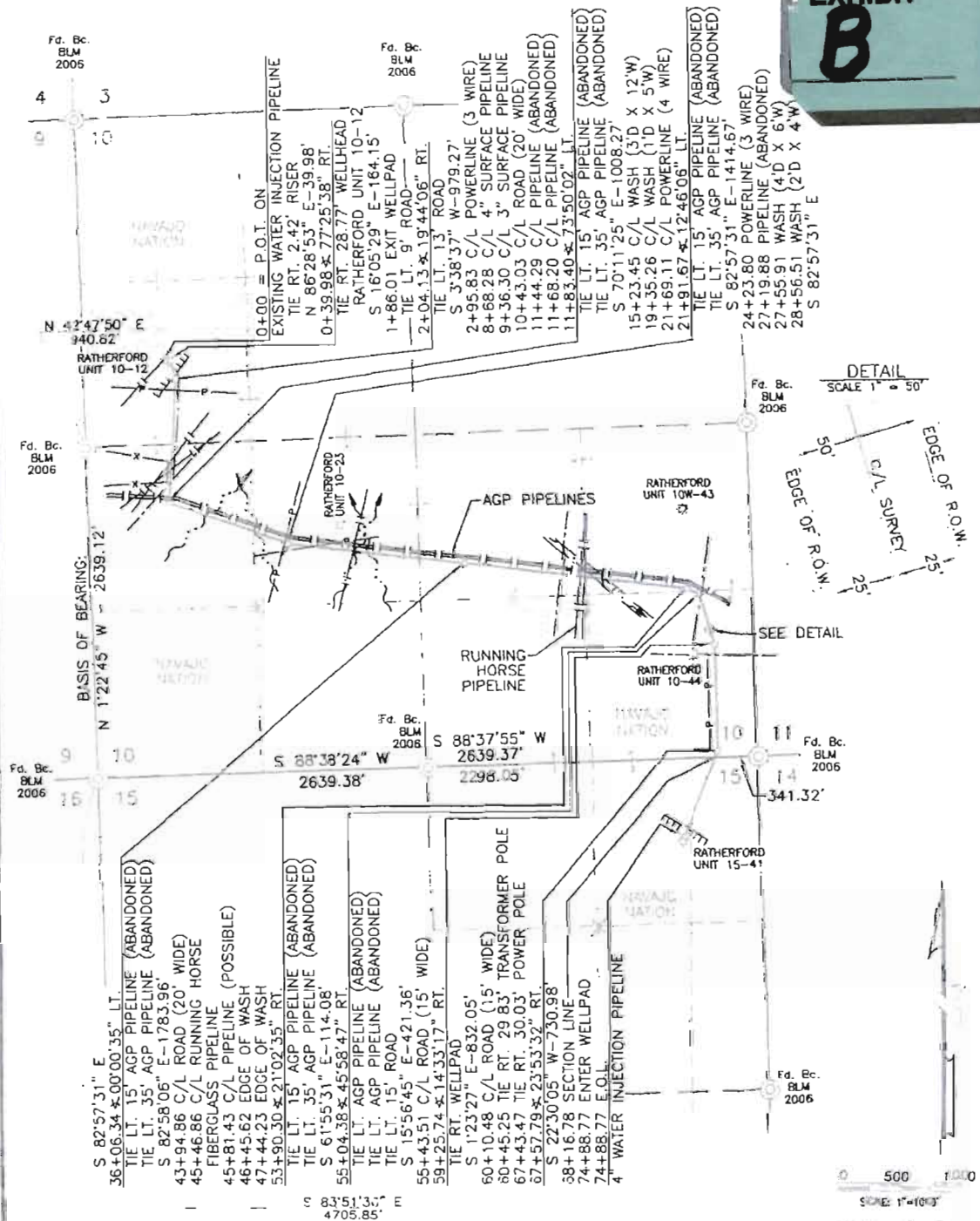
# RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

4" WATER INJECTION PIPELINE FROM WELL 10-12 TO WELLS 10-W12 & 15-41  
THE NW 1/4, THE S 1/2 OF SECTION 10 &  
THE NE 1/4 OF SECTION 15, T-41-S, R-24-E, SALT LAKE MERIDIAN  
SAN JUAN COUNTY, UTAH

EXHIBIT

B



1. BASIS OF BEARINGS: MONUMENTED WEST LINE OF THE SW 1/4 OF SECTION 10, T-41-S, R-24-E, SALT LAKE MERIDIAN, SAN JUAN COUNTY, UTAH BEARS: N 1°22'45" W - 2639.12'
2. BEARINGS & DISTANCES SHOWN ARE BASED UPON THE UTAH COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (CONVERSION SCALE FACTOR: 0.99978484)

I, JOHN A. WUKORICH, UTAH PROFESSIONAL SURVEYOR NO. 7219139, DO HEREBY CERTIFY THAT THIS EASEMENT SURVEY WAS MADE BY AN ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED, AND THAT THE SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN UTAH, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JOHN A. WUKORICH, P.L.S. #22913  
DATE 5-23-2013

OWNER	STATION	FEET/RODS	ACRES
NAVAJO NATION	0+00 TO 74+88.77	7488.77/453.865	8.596

RESOLUTE ANETH, LLC  
AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

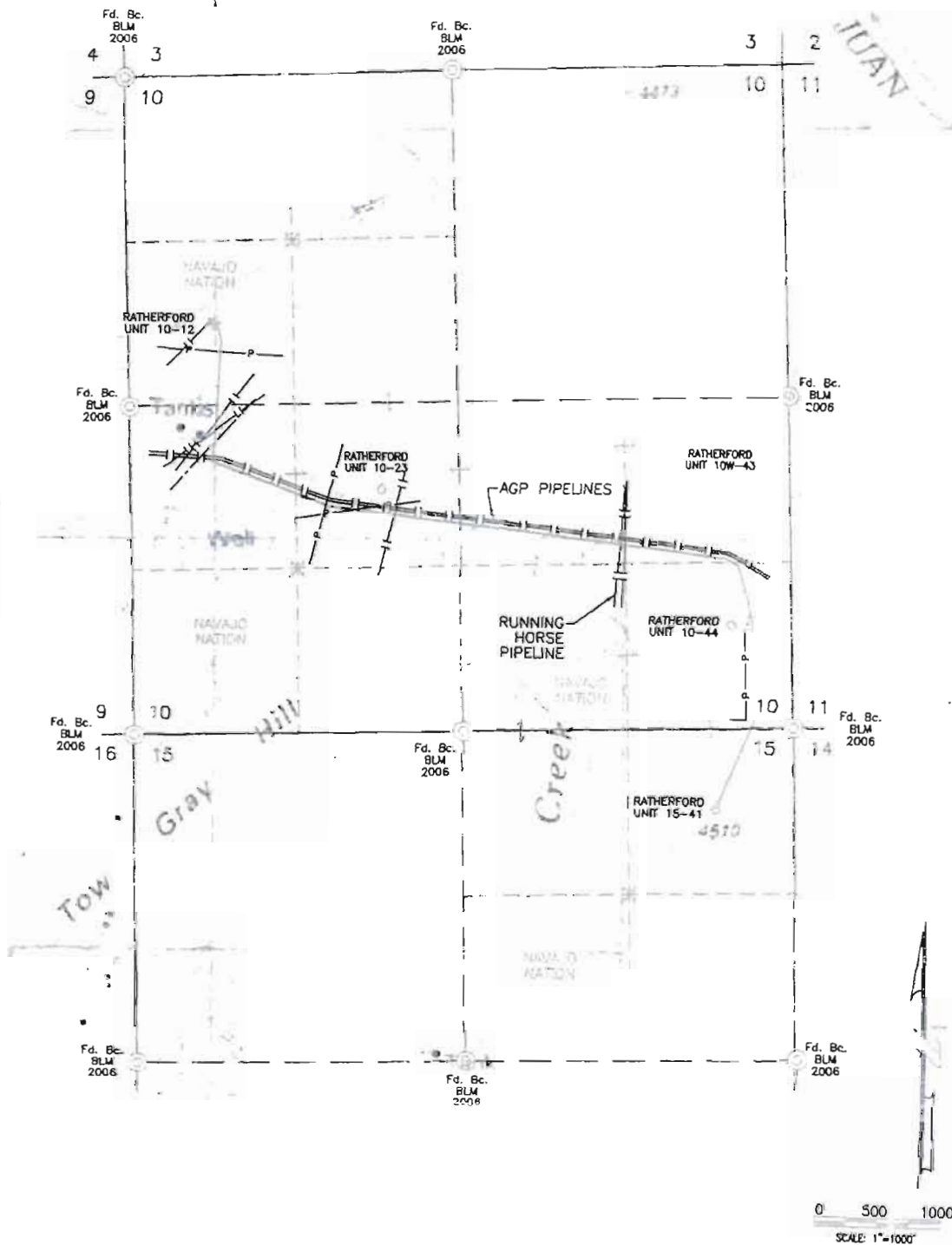
SURVEYED: 04/25/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: H.S.	DATE DRAWN: 05/02/13	FILE NAME: 10495P01

UNITED FIELD SERVICES INC. P.O. BOX 3651 FARMINGTON, NM 87499 OFFICE: (505)334-0408

# RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

4" WATER INJECTION PIPELINE FROM WELL 10-12 TO WELLS 10-W12 & 15-41  
THE NW 1/4, THE S 1/2 OF SECTION 10 &  
THE NE 1/4 OF SECTION 15, T-41-S, R-24-E, SALT LAKE MERIDIAN  
SAN JUAN COUNTY, UTAH



WHITE MESA VILLAGE QUADRANGLE

RESOLUTE ANETH, LLC		
AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY		
SURVEYED: 04/25/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: H.S.	DATE DRAWN: 05/02/13	FILE NAME: 10495T01
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> <b>UNITED</b> FIELD SERVICES INC.         </div> <div>           P.O. BOX 3651 FARMINGTON, NM 87499 OFFICE: (505)334-0408         </div> </div>		





THE  
NAVAJO  
NATION

COPY

Utah Land Office/Navajo Land De  
Post Office Box 410  
Montezuma Creek, Utah 84534



REX LEE JIM  
VICE - PRESIDENT

BEN SHELLY  
PRESIDENT

## MEMORANDUM

To: Mr. Howard P. Draper, Senior Programs & Projects Specialist  
Project Review Section/Navajo Land Department  
Division of Natural Resources

From: Belinda Clark  
Belinda Clark, Senior Right-of-Way Agent  
Utah Land Office/Navajo Land Department

Date: July 18, 2013

Subject: Field Clearance for Resolute Natural Resources

Pursuant to the field clearance request, the Utah Land Office has completed the below cited Field Clearance with Mr. Bruce H. Benally, Grazing Committee Member of Red Mesa Chapter, and four (4) grazing permittees. Thus, forward the proposed project for approval. The proposed projects are described below:

Ratherford Unit 10-12 4" O.D. Buried Water Injection Pipeline; 50' x 7,488.77'/8.596 acres in Sections 10 and 15, T41S, R24E, San Juan County, Utah.

All of the original Field Clearance documents are attached. For any inquiries, call me at (435) 651-3504, fax (435) 651-3506 or email at [belclark@frontiernet.net](mailto:belclark@frontiernet.net). And if you should have any questions to the company you may Mr. Roger Atcity at [ratcity@rnr.com](mailto:ratcity@rnr.com) or Mr. Brian Wood, Consultant with Permits West, Incorporated at (505) 466-8120. Thank you.

### Attachments

xc:

Brian Wood, Consultant/Permits West, Inc.  
Roger Atcity/Resolute Natural Resources  
W. Mike Halona, Dept. Mgr. III/NLD/DNR/NN  
I. Harlan Charley, SPPS/NLD/DNR/NN  
Bruce H. Benally, GCM/Red Mesa Chapter/NN  
Akhtar Zaman, Director/Minerals Dept./NN  
Bill Freeman/NNPA/NN  
Bertha Spencer/BLA  
Utah Bureau of Land Management  
File. Utah Land Office/NLD/DNR/NN

EXHIBIT "C"





THE  
NAVAJO  
NATION

COPY

"CONFIDENTIAL INFORMATION"

Utah Land Office/Navajo Land Dept./DNR  
Post Office Box 410  
Montezuma Creek, Utah 84534

BEN SHELLY  
PRESIDENT

REX LEE JIM  
VICE - PRESIDENT

July 18, 2013

COPY

Mr. Roger Atcitty, Production Supervisor  
Resolute Natural Resources  
Post Office Box 100  
Montezuma Creek, Utah 84534

Subject: Surface Damage Compensation Request for Ratherford Unit 10-12 4" O.D. Buried  
Water Injection Pipeline

Dear Mr. Atcitty:

The Utah Land Office has completed your said Field Clearances with Mr. Bruce H. Benally, Grazing Committee Member of Red Mesa Chapter, and four (4) grazing permittee. The surface damage payment will be made according to the payment recommendation. The proposed projects are described below with its measurement, calculations, amount and payees:

Ratherford Unit 10-12 4" O.D. Buried Water Injection Pipeline: 50' x 7,488.77/8,596 acres in Sections 10 and 15, T41S, R24E, San Juan County, Utah. Calculations: 8,596 acres x \$610 per acres = \$5,243.56.

Thus, make the checks payable to:

- 1) Isabelle Sam, \$
- 2) Cecelia Dee, \$
- 3) Samuel Dee, \$
- 4) Rosita Nakai, \$

Send the checks to our office for our accountability and distribution. For inquiries, please call me at (435) 651-3504, fax (435) 651-3506 or email at [belclark@frontiernet.net](mailto:belclark@frontiernet.net). And please be advised that all payments are confidential. Thank you.

Sincerely,

  
Belinda Clark, Senior Right-of-way Agent  
Utah Land Office/Navajo Land Department  
Division of Natural Resources

cc:  
Brian Wood, Consultant/Permits West, Inc.  
Howard P. Draper, Sup./PRS/NLD/DNR/NN  
W. Mike Halona, Deps. Mgr. IU/NLD/DNR/NN  
I. Harlan Charley, SP/PS/NLD/DNR/NN  
Bruce H. Benally, GCM/Red Mesa Chapter/NN  
File: Utah Land Office/NLD/DNR/NN



THE  
NAVAJO  
NATION



Utah Land Office Navajo Land Dept./DNR  
Post Office Box 410  
Montezuma Creek, Utah 84534

BEN SHELLY  
PRESIDENT

REX LEE JIM  
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## MEMORANDUM

COPY

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Project Review Section/Navajo Land Department  
Division of Natural Resources

From:   
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### Attachments

zc  
Brian Wood, Consultant/Permits West, Inc.  
Roger Atcity/Resolute Natural Resources  
W Mike Halona, Dept Mgr IILNLD/DNR/NN  
I Harlan Charley, SPPS/NLD/DNR/NN  
Bruce H. Benally, GCM/Red Mesa Chapter/NN  
Akhtar Zaman, Director-Minerals Dept. NN  
Bill Freeman/NNEPA/NN  
Bartha Spencer/BLA  
Utah Bureau of Land Management  
File, Utah Land Office/NLD/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: Resolute Natural Resources Company, Post Office Box 800, Montezuma Creek, Utah 84534

Identification:

Purpose: Ratherford Unit 10-12 4" O.D. Buried Water Injection Pipeline

Location (Legal Description): In Sections 10 and 15, T41S, R24E, San Juan County, Utah.

Amount of land affected: 50' x 7,488.77/8,596 acres

Land status: Trust Fee Other

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

	<u>Names</u>	<u>Census No.</u>	<u>Type of and Use Right</u>
a.	Isabelle Sam		Grazing Rights
b.	Cecelia Dee		Grazing Rights
c.	Samuel Dee		Grazing Rights
d.	Rosita Nakai		Grazing Rights

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
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.

7/8/2013  
Date

Bruce H. Benally  
Bruce H. Benally, Grazing Committee Member  
Red Mesa Chapter

09  
District

4. Are any damages expected to individual improvements? Yes No

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. Nominal surface/grazing damages is expected on the projects. Surface damage compensation will be paid out to the affected grazing permittees. And the disturbed grazing area will be reclaimed/reseed per Bureau of Indian Affairs regulations after the completion of the project.

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. Isabelle Sam	None	None	Yes, consent # 2
b. Cecelia Dee	None	None	Yes, consent # 2
c. Samuel Dee	None	None	Yes, consent # 2
d. Rosita Nakai	None	None	Yes, consent # 2

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>
a. Isabelle Sam		Yes	Yes, consent # 2
b. Cecelia Dee		Yes	Yes, consent # 2
c. Samuel Dee		Yes	Yes, consent # 2
d. Rosita Nakai		Yes	Yes, consent # 2

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 paid out accordingly to the Grazing Committee Member's Payment Recommendation.

6. Is a topographical map of the project attached? Yes No
7. Was the project fully explained to the land users? Yes No
8. Which chapter will be affected by the project? Red Mesa Chapter

9. Are supporting chapter resolution attached? Yes No

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

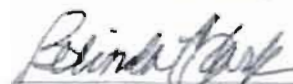
Yes No If yes, what will be received?

Approved by:

Field Clearance Conducted by:

Utah Land Office/Navajo Land Department

Navajo Land Department  
(NLD)



Belinda Clark, Senior Right of Way Agent

(NLD approval necessary only if the  
field clearance was conducted by  
other than NLD Office)

Date July 18, 2013



## GRAZING COMMITTEE RECOMMENDATION

Date: June 11, 2013

Project Name/Legal Description: Ratherford Unit 10-12 4" O.D. Buried Water Injection Pipeline: 50' x 7,488.77'/8.596 acres in Sections 10 and 15, T41S, R24E, San Juan County, Utah.

Pursuant to the Shiprock Agency Grazing Committee Resolution dated July 20, 2007, in determining eligibility for grazing permittee/land use permittee to receive surface damage compensation; I Bruce H. Benally, Grazing Committee Member of District 09, Red Mesa Chapter recommend this/these individual (s) as:

/ / Recipient(s) of the surface damage and /or nuisance compensation deriving from the above referenced project from \_\_\_\_\_ and compensation to be distributed as follows:

/X/ The permittees to consent to the above-referenced project:

No.	Name	Census #	Soc. Sec. #	Livestock Tally?	% Distribution
1.	Isabelle Sam			Yes or No	<u>21</u> %
2.	Cecelia Dee			Yes or No	<u>21</u> %
3.	Samuel Dee			Yes or No	<u>21</u> %
4.	Rosita Nakai			Yes or No	<u>37</u> %
					<u>100</u> %

Remark(s):

Witnesses: \_\_\_\_\_

CONCURRENCE:

Bruce H. Benally  
Grazing Committee Member  
Bruce H. Benally, Red Mesa Chapter

ACKNOWLEDGEMENT:

Belinda Clark  
Utah Land Office/Navajo Land Department  
Belinda Clark, Senior ROW Agent

CONSENT FORM 2  
(Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

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

Resolute Natural Resources  
Post Office Box 100  
Montezuma Creek, Utah 84534

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

Ratherford Unit 10-12 4" O.D. Buried Water Injection Pipeline; 50' x 7.488.77/8.596 acres in Sections 10 and 15, T41S, R24E, San Juan County, Utah


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

My consent is given subject to the receipt of compensation in the amount of \$418.62, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks:

7-17-13  
Date

X

  
Land user Signature  
Isabelle Sam

Census No. \_\_\_\_\_  
Permit No. \_\_\_\_\_  
SS No. \_\_\_\_\_

Address: PO Box 103, Montezuma Creek, Utah 84534

Witness: Maria Sam

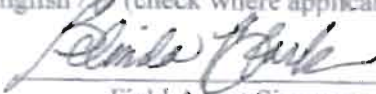
7/18/2013  
Date

  
Grazing Committee Member Signature  
Bruce H. Benally, Red Mesa Chapter

District 09

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).

  
Field Agent Signature  
Belinda Clark, Senior ROW Agent



CONSENT FORM 2  
(Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

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

Resolute Natural Resources  
Post Office Box 100  
Montezuma Creek, Utah 84534

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

Ratherford Unit 10-12 4" O.D. Buried Water Injection Pipeline: 50' x 7,488.77/8.596 acres in Sections 10 and 15, T41S, R24E, San Juan County, Utah.

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

My consent is given subject to the receipt of compensation in the amount of \$1118.63, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks:

07/18/13  
Date

X Cecelia Dec  
Land user Signature  
Cecelia Dec

Census No.  
Permit No.  
SS No. :

Address: PO Box 21, Montezuma Creek, Utah 84534

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

7/18/2013  
Date

Bruce H. Benally  
Grazing Committee Member Signature  
Bruce H. Benally, Red Mesa Chapter

District 09

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 Clark  
Field Agent Signature  
Belinda Clark, Senior ROW Agent

CONSENT FORM 2  
(Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

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

Resolute Natural Resources  
Post Office Box 100  
Montezuma Creek, Utah 84534

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

Ratherford Unit 10-12 4" O.D. Buried Water Injection Pipeline: 50' x 7,488.77/8.596 acres in Sections 10 and 15, T41S, R24E, San Juan County, Utah.

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

My consent is given subject to the receipt of compensation in the amount of \$ 618.63, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks:

7/18/13 X [Signature] Census No.         
Date Land user Signature Permit No.         
Samuel Dee SS No.         
Address: PO Box 305, Montezuma Creek, Utah 84534

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

7/18/2013 [Signature] District 09  
Date Grazing Committee Member Signature  
Bruce H. Benally, Red Mesa 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 Clark, Senior ROW Agent

CONSENT FORM 2  
(Compensation for damages)

CONSENT TO USE  
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

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

Resolute Natural Resources  
Post Office Box 100  
Montezuma Creek, Utah 84534

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

Ratherford Unit 10-12 4" O.D. Buried Water Injection Pipeline; 50' x 7,488.77/8,596 acres in Sections 10 and 15, T41S, R24E, San Juan County, Utah.

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

My consent is given subject to the receipt of compensation in the amount of \$ 1887.68, which I acknowledge as good and adequate compensation for the diminishment in value of my land use rights as a result of the above-referenced proposed project.

Remarks:

7-17-13  
Date

x Rosita Nakai  
Land user Signature  
Rosita Nakai

Census No. :  
Permit No. :  
SS No. :

Address: PO Box 366, Montezuma Creek, Utah 84534

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

7/18/2013  
Date

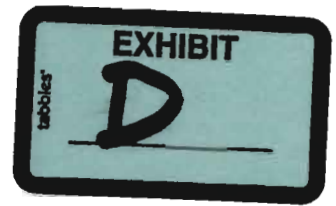
Bruce H. Benally  
Grazing Committee Member Signature  
Bruce H. Benally, Red Mesa Chapter

District 09

ACKNOWLEDGEMENT OF FIELD AGENT

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

Belinda Clark  
Field Agent Signature  
Belinda Clark, Senior ROW Agent



**EXHIBIT "D"**

**NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS**

**RESOLUTE ANETH, LLC (GRANTEE)**

**Rathford Unit 10-12 Water Pipeline and Ancillary Facilities Project**

1. The term of the right-of-way shall expire on October 17, 2025.
2. Consideration for the right-of-way is assessed at \$30,106.57 and shall be paid in full to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within 10 days of approval of and consents to the grant of the right-of-way by the Navajo Nation.

Consideration for the grant of the right-of-way is hereby waived.

☐ NO      ☐ YES

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

3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of constructing, operating and maintaining a 4 inch water pipeline and ancillary facilities. The Grantee may not develop, use or occupy the right-of-way for any other purpose, nor allow others to use or occupy the right-of-way for any other purpose, without the prior written approval of the Navajo Nation and the Secretary of the Interior. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
  - a. Title 25, Code of Federal Regulations, Part 169; subject to the terms of this right-of-way.
  - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archaeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
  - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
  - d. The Navajo Nation Water Code, 22 N.N.C. §§ 1101 et seq. Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.

6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by the Navajo Nation Environmental Protection Agency (NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection can be made.
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior and their respective authorized agents, employees, landusers and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of right-of-way by the Grantee.
12. The Grantee shall not assign, convey, transfer or sublet, in any manner whatsoever, the right-of-way or any interest therein, or in or to any of the improvements on the land subject to the right-of-way, without the prior written consent of the Navajo Nation and the Secretary of the Interior. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
  - a. Failure to comply with any term or condition of the grant or of applicable laws or regulations;
  - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two year period; and
  - c. The use of the land subject to the right-of-way for any purpose inconsistent with the purpose for which the right-of-way is granted.
  - d. An abandonment of the right-of-way.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with a phase 1 environmental site assessment of the premises at least sixty (60) days prior to delivery of said premises.
15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in or to the land subject to the right-of-way or to any improvements located thereon.



16. The Navajo Nation and the Secretary of the Interior shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.

**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.:** Ratherford Unit Water Injection Pipeline

**DESCRIPTION:** Resolute proposes construct, operate and maintain a 7,488.77-ft. water injection pipeline and associated facilities connecting the Ratherford Unit wells 10-12, 10-23, 10-44, and 15-41 within a 20-ft wide corridor. A temporary construction corridor will be 50 ft. wide, with future maintenance activity limited to the 20-ft. wide corridor. Total disturbance for the proposed project would be 8.596 acres.

**LOCATION:** Section 10 & 15, T41S, R24E, San Juan County, Utah

**REPRESENTATIVE:** Kitty Wood, Permits West, Inc.

**ACTION AGENCY:** Resolute Aneth, LLC (Resolute)

**B.R. REPORT TITLE / DATE / PREPARER:** Ratherford Unit 10-12, et al. Water Injection Pipeline & Ancillary Facilities, Appendices 3 & 4/23 AUG 2013/Permits West, Inc.

**SIGNIFICANT BIOLOGICAL RESOURCES FOUND:** Area 3. Several Cutler's Milkweed plants are scattered north of the Ratherford Unit 15-41 well pad.

**POTENTIAL IMPACTS**

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

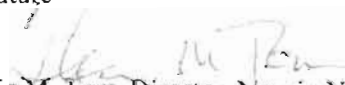
**AVOIDANCE / MITIGATION MEASURES:** NA

**CONDITIONS OF COMPLIANCE\*:** NA

**FORM PREPARED BY / DATE:** Pamela A. Kyselka/02 DEC 2013

**COPIES TO:** (add categories as necessary)

☐ \_\_\_\_\_ ☐ \_\_\_\_\_

<b>2 NTC § 164 Recommendation:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	<b>Signature</b>  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	<b>Date</b> 12/03/13
--	--	-------------------------



\*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

# CULTURAL RESOURCES COMPLIANCE FORM

THE NAVAJO NATION  
HISTORIC PRESERVATION DEPARTMENT  
PO BOX 4950  
WINDOW ROCK, ARIZONA 86515

## ROUTE COPIES TO:

☒ CASA

NNHPD NO. **HPD-13-433**

OTHER PROJECT NO.: CASA 13-27

PROJECT TITLE: Cultural Resource Inventory, Resolute Aneth LLC's Proposed Water Injection Pipeline from Well 10-12 to Wells 10-W12 and 15-41, Rutherford Unit San Juan County, Utah

LEAD AGENCY: BIA/NR

SPONSORS: Brian Wood, Permits West, 37 Verano Loop, Santa Fe, New Mexico 87508

PROJECT DESCRIPTION: The proposed undertaking involves constructing a 7,488.77-ft of new 4-inch water injection pipeline from Well 10-12 to Wells 10-W12 & 15-41. A 150-ft wide corridor was inventoried for a 50-ft wide right-of-way. The area of effect is 8.596-acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Red Mesa

LOCATION: T.41S, R.24E - Sec. 10 & 15; White Mesa Village Quadrangle, San Juan County, Utah SLP

PROJECT ARCHAEOLOGIST: Mary Errickson

NAVAJO ANTIQUITIES PERMIT NO.: B13338

DATE INSPECTED: 05/22/13

DATE OF REPORT: 05/28/13

TOTAL ACREAGE INSPECTED: 25.788 ac.

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 15 m apart.

LIST OF CULTURAL RESOURCES FOUND: **None**

LIST OF ELIGIBLE PROPERTIES: **None**

LIST OF NON-ELIGIBLE PROPERTIES: **None**

LIST OF ARCHAEOLOGICAL RESOURCES: **None**

EFFECT/CONDITIONS OF COMPLIANCE: **No historic properties affected.**

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7147.


FORM PREPARED BY: Tamara Billie

FINALIZED: June 13, 2013

Notification to

Proceed Recommended: Yes ☒ No ☐


Conditions: Yes ☐ No ☒

  
Navajo Nation

Date

Tribal Historic Preservation Officer

Navajo Region Approval: Yes ☒ No ☐

  
BIA-Regional Director

Date

**Appendix 5 - 1**

**CULTURAL RESOURCES COMPLIANCE FORM**

THE NAVAJO NATION  
HISTORIC PRESERVATION DEPARTMENT  
PO BOX 4950  
WINDOW ROCK, ARIZONA 86515

**ROUTE COPIES TO:**☒ CASA**NNHPD NO. HPD-13-433****OTHER PROJECT NO.: CASA 13-27**

**PROJECT TITLE:** Cultural Resource Inventory, Resolute Aneth LLC's Proposed Water Injection Pipeline from Well 10-12 to Wells 10-W12 and 15-41, Ratherford Unit San Juan County, Utah

**LEAD AGENCY:** BIA/NR

**SPONSORS:** Brian Wood, Permits West, 37 Verano Loop, Santa Fe, New Mexico 87508

**PROJECT DESCRIPTION:** The proposed undertaking involves constructing a 2,485.77 ft of new 4-inch water injection pipeline from Well 10-12 to Wells 10-W12 & 15-41. A 150-ft wide corridor was inventoried for a 50-ft wide right-of-way. The area of effect is 8.596-acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

**LAND STATUS:** Navajo Tribal Trust

**CHAPTER:** Red Mesa

**LOCATION:** T.41S, R.24E - Sec. 10 & 15; White Mesa Village Quadrangle, San Juan County, Utah SLPW

**PROJECT ARCHAEOLOGIST:** Mary Erickson

**NAVAJO ANTIQUITIES PERMIT NO.:** B13338

**DATE INSPECTED:** 05/22/13

**DATE OF REPORT:** 05/28/13

**TOTAL ACREAGE INSPECTED:** 25,788 ac

**METHOD OF INVESTIGATION:** Class III pedestrian inventory with transects spaced 15 m apart.

**LIST OF CULTURAL RESOURCES FOUND:**

None

**LIST OF ELIGIBLE PROPERTIES:**

None

**LIST OF NON-ELIGIBLE PROPERTIES:**

None

**LIST OF ARCHAEOLOGICAL RESOURCES:**

None

**EFFECT/CONDITIONS OF COMPLIANCE:** No historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7147.

**FORM PREPARED BY:** Tamara Billie

**FINALIZED:** June 13, 2013

**Notification to**

**Proceed Recommended:**

Yes ☒ No ☐

**Conditions:**

Yes ☐ No ☒

Navajo Nation

Date

Tribal Historic Preservation Officer

**Navajo Region Approval:**

Yes ☒ No ☐

Acting

BIA-Regional Director

Date

TW 6-28-13



# THE NAVAJO NATION

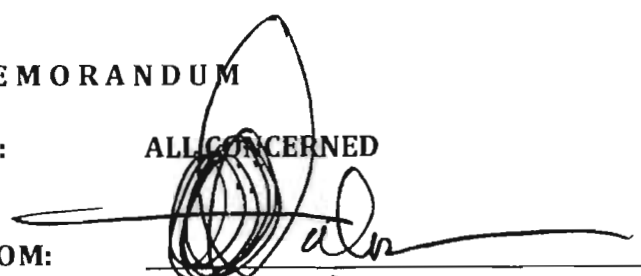
**BEN SHELLY**  
PRESIDENT

**REX LEE JIM**  
VICE-PRESIDENT

## MEMORANDUM

**TO:** ALL CONCERNED

**FROM:**

  
W. Mike Halon, Department Manager III  
Navajo Land Department  
DIVISION OF NATURAL RESOURCES

**DATE:** October 7, 2013

**SUBJECT:** STANDING DELEGATION OF AUTHORITY FOR FY-2014

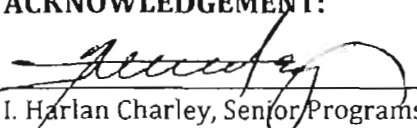
Please be advised the personnel listed below, will be delegated for the Navajo Land Department in my absence, from the office as follows:

1. Immanuel Harlan Charley, Senior Programs & Projects Specialist
2. Everytt Begay, GIS Supervisor
3. Howard Draper, Program & Projects Specialist
4. Irma Roanhorse, Administrative Assistant


This delegation of Authority is for reviewing all documents, directing and signing off on routine administrative duties with the exception of those documents that need my personal attention and review.


Your cooperation is appreciated and expected. If you need additional information, please call my office at (928) 871-6401, thank you.

## ACKNOWLEDGEMENT:

  
I. Harlan Charley, Senior Programs & Projects Specialist

  
Everytt Begay, GIS Supervisor

  
Howard Draper, Program & Projects Specialist

  
Irma Roanhorse, Administrative Assistant

## DISTRIBUTION(S)

cc Frederick H. White, Executive Director, DNR  
Chrona/Dlr

# **ENVIRONMENTAL ASSESSMENT**

**ON BEHALF OF**

**RESOLUTE ANETH, LLC**

**1675 BROADWAY, SUITE 1950**

**DENVER, CO 80202**

**FOR**

**RATHERFORD UNIT 10-12, ET AL.**

**WATER INJECTION PIPELINE AND ANCILLARY FACILITIES**

**SECTIONS 10 AND 15, TOWNSHIP 41S, RANGE 24E**

**SAN JUAN COUNTY, UTAH**

**August 23, 2013**

**PREPARED BY:**



**FOR:**

***Resolute***  
*Energy Corporation*

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## **1. Introduction**

Resolute Aneth, LLC (Resolute), a wholly owned subsidiary of Resolute Natural Resources Company, proposes to construct a water injection pipeline and associated facilities connecting its Ratherford Unit wells 10-12, 10-23, 10-44, and 15-41 (Proposed Action). The project would be constructed on Navajo Tribal Leases operated by Resolute within the Ratherford Unit. The proposed project area is located on Navajo Tribal Trust land approximately 2.3 to 3.5 miles southeast of the town of Montezuma Creek. The Proposed Action would be under the jurisdiction of the Farmington Field Office of the Bureau of Land Management and the Bureau of Indian Affairs. This project EA addresses site-specific resources and/or impacts as required by the National Environmental Policy Act of 1969 (NEPA), as amended (Pub. L.91-90, 42 U.S.C. 4321 et seq.).

### **1.1 Purpose and Need**

The purpose for the Proposed Action is to construct a water injection pipeline from an existing injection pipeline that runs from the Ratherford Unit water injection well 10-12, connects 10-23 and 10-44, and terminates at the Ratherford Unit 15-41 injection well for enhanced oil recovery. The existing low pressure water injection tubing is inadequate and the new pipeline is needed to deliver the pressures required to optimize secondary recovery in the Ratherford Unit of the Aneth Oil Field. The need for the project is established by BLM's responsibility under the Federal Onshore Oil & Gas Leasing Reform Act of 1987 to request to extract mineral resources from Federal Lease Land for Oil & Gas development and to have legal access on Indian Trust Land managed by the Bureau of Indian Affairs (BIA).

### **1.2 Conformance with Applicable Land Use Plan and Other Environmental Assessments**

This EA addresses the resources and impacts on a site-specific basis as required by the National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-90, 42 USC 4321 et seq.). The proposed project would not be in conflict with any local, county, or state plans.

### **1.3 Federal, State or Local Permits, Licenses or Other Consultation Requirements**

#### ***Federal***

The Federal Water Pollution Control Act (Clean Water Act) has been amended to provide that certain storm water discharges from field activities or operation, including construction, associated with oil and gas exploration, production, processing, or treatment operation or transmission facilities are exempt from Nation Pollutant Discharge Elimination System permit requirements. The action encourages voluntary application of best management practices for oil and gas field activities and operation to minimize the discharge of pollutants in storm water runoff and protect water quality (FR 06-12-06, V. 71, No. 112). This action applies to all States, Federal lands and Indian Country regardless of whether EPA or a State is the NPDES permitting authority. States have the authority to regulate any discharges, pursuant to state law, through a non-NPDES permit program.

## ***Tribal***

The Navajo Natural Heritage Program, Department of Fish & Wildlife (NFWD) was consulted for a list of species with the potential to occur in the White Mesa Village, Utah (1989) 7.5' USGS Quadrangle. Project biologists performed a survey of the Proposed Action to determine habitat suitability for the species listed in the August 2, 2013 correspondence (Appendix 3) from the NFWD that are known to or have the potential to occur in the listed Quadrangle. The findings of the biological surveys are found in Appendices 3 and 4.

A Sundry Notice for New Construction of Water Injection Pipeline dated August 19, 2013 was filed with the Bureau of Indian Affairs to build, operate and maintain the water injection pipelines and ancillary facilities. A copy of the Sundry Notice is attached as Appendix 1.

A Field Clearance from the Navajo Nation Utah Land Office dated July 18, 2013 has been issued for the Proposed Action.

Additionally, the Operator is required to:

- Comply with all applicable Federal, State and Local laws and regulations.

## **2. Alternatives Including the Proposed Action**

### **2.1 Alternative A - No Action**

The BLM NEPA Handbook (H-1790-1) states that for Environmental Assessments (EAs) on externally initiated proposed actions, the No Action Alternative generally means that the proposed activity will not take place. This option is provided in 43 CFR 3162.3-2 (h) (2). This alternative would deny the approval of the proposed application, and the current land and resource uses would continue to occur in the proposed project area. No mitigation measures would be required.

Under the terms of valid Indian mineral leases, the lessee has the obligation to develop mineral resources. Other laws, regulations, and policy include provisions for the economic development of existing leases. By federal law, the government must abide by the terms, conditions, and provisions agreed to when leases were issued. In the Council of Environmental Quality (CEQ) regulations (40 CFR 1500.3), it states that parts 1500-1508 of this title provide regulations applicable to and binding on all Federal agencies for implementing the procedural provisions of the Nation Environmental Policy Act of 1969 "except where compliance would be inconsistent with other statutory requirements."

The No Action Alternative is presented for baseline analysis of resource impacts.

### **2.2 Alternative B Proposed Action**

Resolute filed a Sundry Notice with Notice of Intent for New Construction dated August 19, 2013 with the Farmington Field Office for construction of the Proposed Action. A copy of the Notice is attached as Appendix 1. The Proposed Action would be located in Southeastern Utah in the White Mesa Village (1989) 7.5' USGS Quadrangle, San Juan County as shown on the topographic location

map in Appendix 1, in Township 41S, Range 24E Sections 10 and 15.

The Proposed Action involves installing 7,488.77 feet of buried 4.5-inch O.D. steel water injection pipelines from the Ratherford Unit 10-12 injection well to the Ratherford Unit 10-23, 10-44 and 15-41 injection wells. The pipeline trench would be at least 48 inches deep. The temporary construction corridor will be 50 feet wide, with future maintenance and/or repairs limited to a 20 foot wide corridor. Over 90 percent of the route parallels existing roads, pipelines, and power lines. A summary of the land use for the Proposed Action is given in Table 2.1. The Proposed Action would be located on Tribal Trust surface and Indian Leases. The Proposed Action is located entirely within the White Mesa Village, Utah (1979) 7.5' USGS Quadrangle San Juan County, Utah in the Aneth Chapter in the Shiprock Agency of the Navajo Nation.

Table 2.1 Project Land Use Summary

Surface Owner	Section, Township, Range 37.23859, -109.27603 to 37.23331, -109.26184	Pipeline- linear feet	Land Use (acres)*
Navajo Nation	Sec. 10 & 15, T41S, R24E	7,488.77	8.596
<b>Total land use</b>		<b>7,488.77</b>	<b>8.596</b>

### 2.2.1 Reclamation

The entire 30-foot wide corridor will be fully reclaimed except in locations where the corridor overlaps existing roads. Future maintenance or repairs will be limited to a maximum width of 20 feet. The corridor will be cleaned, re-contoured, stockpiled soil, brush, and rock spread over disturbed areas, water bars built, seed bed harrowed, and seeded (mix and method determined by BIA). Fiberglass warning markers with emergency phone numbers will be installed as the final step. The 4' high markers will be intervisible and on the shoulder of each road crossing.

### 2.3 Alternatives Considered But Not Analyzed In Detail

No significant issues were identified for the present location of the Proposed Action during the following activities:

1. On-site inspections; and
2. Threatened, Endangered and Special Status Species Surveys of the location of the Proposed Action.
3. Class III Archaeological Survey

### 3. Description of Affected Environment

Field inspections of the proposed project were conducted by the following personnel:

Charles Black – Permits West, Inc., wildlife survey;  
Brian Wood - Permits West, Inc., Sundry Notice;

Marian Rohman – Permits West, Inc., botany survey.

This section describes the environment that would be affected by implementation of the Proposed Action described in Section 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Certain critical environmental components require analysis under BLM policy. These items are included below in Table 3.0. Following the tables, only the aspects of the affected environment that are potentially impacted are described.

Table 3.0: Resource Elements of the Affected Environment

Resources	Located in Project Area	Not Located in Project Area	Further Analysis Presented in Text	Basis for No Further Analysis
Air Quality	X		X	
Areas of Critical Environmental Concern		X		No ACEC exists within or adjacent to the boundaries of the Proposed Action.
Cultural Resources	X		X	
Native American Religious Concerns		X		
Environmental Justice	X		X	
Farmlands, Prime or Unique		X		No Prime or Unique Farmlands are present within or adjacent to the Proposed Action.
Floodplains		X		Although there is no FIRM map available for the area, there is no evidence that suggests that the Proposed Action is located in a floodplain.
Invasive, Non-native Species	X		X	
Threatened or Endangered Species		X		See Wildlife and Plant Survey Reports in Appendices 3 and 4.
Wastes, Hazardous or Solid		X	X	
Water Quality – Surface/Ground		X	X	
Wetlands/Riparian Zones		X		
Wild and Scenic Rivers		X		The Proposed Action is not within or adjacent to any areas designated as wild and scenic rivers.
Wilderness		X		The Proposed Action is not within or adjacent to any designated wilderness areas.
General Topography/Surface Geology	X		X	
Mineral Resources	X		X	See cumulative impacts section 4.0.
Soils/Watershed/Hydrology	X		X	
Paleontology		X		There is no known paleontology within or adjacent to the Proposed Action.
Vegetation, Forestry	X		X	
Livestock Grazing	X		X	
Special Status Species		X		Refer to the wildlife and plant reports

				attached in Appendices 3 and 4, respectively, for a description and location of suitable habitat.
Wildlife	X		X	
Wild Horse and Burros		X		There would be no short or long-term impacts to wild horses and burros.
Recreation		X		The Proposed Action is not located in a designated recreation area..
Visual Resources	X		X	
Public Health and Safety		X		Due to the isolated location of the Proposed Action, public health and safety issues have not been identified for the Proposed Action.
Noise	X		X	No change in noise level.

### 3.1 General Topography/Surface Geology

Topography in the project area varies from fairly flat mesa tops to rugged, broken topography with prominent shale and sandstone outcropping. The elevation of the project site ranges from approximately 4,602 to 4,490 feet. Prominent topographical features in reference to the Proposed Action include Flat Top Mountain to the west, White Mesa to the south and the San Juan River to the north and east.

The area is in the Colorado Plateau Physiographic Province. The surficial geology of the Proposed Action is the Morrison Formation deposited in the Jurassic Period approximately 135-190 million years ago. This layer is several hundred feet thick and consists of gray, soft sandstones, siltstones, and shales of varying brighter colors which form distinct horizontal bands in the surrounding badlands, canyons, and cliffs. This combination leads to harder sandstone slumping down slopes as the softer underlying siltstone erodes. Otherwise, there is no evidence of mass wasting from landslides or mud flows. Strata dip south at approximately 40 feet per mile.

Oil and gas in the Aneth Unit are produced from Pennsylvanian age Desert Creek and Ismay limestones. The average pay zone is 49 feet thick. Well depths range from 5,500 to 6,500 feet.

#### 3.1.1 Direct and Indirect Effects

There are no impacts expected to general topography and surface geology.

### 3.2 Air Quality

The project area lies within the Four Corners Interstate Air Quality Control Region. At the present time, the project area is in attainment for all state and national ambient air quality standards as defined in the Clean Air Act of 1972, as amended). The USEPA, Region IX, and the Navajo Nation EPA Air Quality Control program are responsible for administering air quality regulations on Navajo Tribal Trust Lands in Utah. Navajo Nation Air Quality Control program (NNAQCP) is responsible for the implementation and enforcement of the Navajo Air Pollution Prevention and Control Act (NAPPCA), as described in Title 4, Chapter 11, Sec. 1101-1162 of the NAPPCA and encompassing the area defined in 7 NN Sec. 254.

Air quality is classified into one of four categories (I, IA II, or III) for each type of emission. These categories are:

- I Significant violation of Federal standard from several sources exist for part of the region. Special emission controls needed.
- IA Significant violation of Federal standard from a single source (coal fired power plant) exist for part of the region.
- II Better air quality.
- III Best air quality.

San Juan County is in the Class II category which addresses prevention of significant deterioration of air quality. Air quality parameters range from Class IA for sulfur oxides and particulates to Class III for nitrogen dioxide, carbon monoxide, and photo chemical oxidants. These categories indicate air quality is good to very good, with some deterioration allowed.

The closest Class I area is Mesa Verde National Park, 35+ air miles east. No deterioration is allowed in a Class I area. Overall air quality is good. Nitrogen dioxide, carbon monoxide, and photo chemical oxidants are rated best. Violations of particulate and sulfur oxide levels occur south of the state line due to coal fired power plants in Arizona and New Mexico.

### **3.2.1 Direct and Indirect Effects**

1. There would be a short-term increase in dust during construction of the Proposed Action. This impact would subside as disturbed areas are reclaimed as described in Section 2.2.1.
2. The Proposed Action would lead to a local increase in combustive emissions from operating vehicles and earth moving equipment.

### **3.2.2 Mitigation**

1. Reclamation of disturbed area as outlined in Section 2.2.1.
2. Spraying water over disturbed areas for dust control, if necessary.
3. Limiting surface disturbance and vehicular traffic to the approved locations.
4. Compliance with Environmental Protection Agency's Clean Air Act and all applicable state, tribal and local regulations.

## **3.3 Water Quality: Surface and Groundwater**

The hydrologic setting of the area is characterized by several ephemeral drainages filled with alluvium which is the principle source of ground water recharge. Surface flows are associated with small ephemeral drainage from snow melt, and summer thunderstorms. According to the Aneth Plant weather station the average precipitation and snow fall in the area is 7.84 and 2.4 inches, respectively. The average annual maximum temperature is 69.7 °F, with the highest average temperature of 95.5 °F occurring in the month of July. The average annual minimum temperature is

41.0 °F, with the lowest average temperature of 18.5 °F occurring in the month of January (Western Regional Climate Center 2010).

The permit activity is in an area that has not been delineated on the Federal Emergency Management Agency Flood Insurance Rate Map for the 100-year floodplain. Impacts on floodplains typically occur when the topography within a floodplain is substantially modified either by placement or removal of materials within the floodplain. Because the pipeline will be buried below the scour line and the ground returned to its original grade, the permit activity will not substantially modify topography in the permit activity area. Therefore, no impacts on floodplains are anticipated.

The Proposed Action would north into the San Juan River, which is approximately one mile north of the Proposed Action. The San Juan River is the closest perennial water resource in the area of the Proposed Action (USDOI, 2010).

The Navajo and Entrada Formations are the main aquifers in the area. Both are sweeter than more alkaline, perched, shallow aquifers. The Entrada sandstone, ~ 200' below the surface at the lowest point of the project, is the closest reliable aquifer.

### **3.3.1 Direct and Indirect Effects**

Increased sediment loading to the adjacent surface drainages through runoff of disturbed soils.

### **3.3.2 Mitigation**

The following mitigation measures would reduce the amount of sediment loading from run-off into local drainages:

1. Reclamation outlined in Section 2.2.1 will re-vegetate disturbed areas, stabilizing the soil.
2. Installation of water bars along the entire length of the pipeline to control erosion.

## **3.4 Soils – Watershed – Hydrology**

The Proposed Action would be constructed in the Aneth-Sheppard association, rolling (AUC) and the Badland-Typic Torrifluvents association, steep (BD). The soils in the AUC association are Eolian deposits derived from sandstone and the soils in the BD association are mixed alluvium and/or mixed eolian deposits. The AUC association consists of deep, loamy fine sand that is somewhat excessively drained and has a 1 to 8 percent slopes. The BD association consists of loam to unweathered bedrock that is well drained and has 0 to 10 percent slopes (NRCS 2013).

The Proposed Action would be located in the Lower San Juan (Four Corners) 4<sup>th</sup> Level Hydrologic Unit delineated by the United States Geological Survey.

### **3.4.1 Direct and Indirect Effects**



1. Soils would be structurally reduced and mixed, exposed to the elements of wind and water erosion, and compacted.
2. Due to wind and water, the soils would be subject to an undetermined amount of erosion until vegetation is established.
3. Natural drainage patterns would be disrupted for construction of the Proposed Action.

#### **3.4.2 Mitigation**

1. Reclamation outlined in Section 2.2.1 would return the pipeline trench area to pre-construction contours to restore natural drainage patterns.
2. Installation of water bars along the entire length of the pipeline to control erosion.

### **3.5 Hazardous or Solid Waste Materials**

As a result of the construction and operation of the Proposed Action, solid waste materials would be generated. These materials would include typical field waste during construction of the pipeline. Generation of hazardous waste would not be expected. If hazardous waste is inadvertently generated, the proper authorities would be consulted regarding the disposal of such waste.

#### **3.5.1 Direct and Indirect Effects**

Trash and unwanted materials would be generated by construction.

#### **3.5.2 Mitigation**

All trash would be placed in a portable trash cage and hauled to the San Juan County landfill. There would be no burial or burning of trash. Human waste would be disposed of in chemical toilets and hauled to an approved dump station.

### **3.6 Livestock Grazing**

There is evidence of cattle, horse, goats, and sheep grazing in the area of the Proposed Action.

#### **3.6.1 Direct and Indirect Effects**

The Proposed Action would clear approximately 7.192 acres on Tribal Trust surface. Impacts from loss of vegetation is expected to be minimal due to previous disturbance from existing roads, pipelines and heavy grazing.

#### **3.6.2 Mitigation**

1. Resolute would pay surface damage fees as determined by the Tribal Land Administration Office.
2. Reclamation outlined in Section 2.2.1 will mitigate the clearing of land once vegetation is re-established in 1-3 years.

3. Installation of four-foot high fiberglass pipeline warning markers with emergency phone numbers would be installed intervisibly along trenches.
4. Grazing Permittees will be made aware of pipelines that will cross their pastures.

### **3.7 Vegetation, Forestry**

The habitat at the beginning of the line includes a mix of Cutler's ephedra (*Ephedra cutleri*), broom snakeweed (*Gutierrezia sarothrae*), and four-wing saltbush (*Atriplex canescens* var. *canescens*) with areas dominated by Bigelow's rabbitbrush (*Chrysothamnus nauseosus* var. *bigelovii*). The dunal areas are dominated by Bigelow's rabbitbrush, sandhill muhly (*Muhlenbergia pungens*), and purple sage (*Poliochintha incana*). The cobble slopes are dominated by sego lily (*Calochortus* prob. *nuttallii*) and shadscale (*Atriplex confertifolia*) with red brome (*Bromus rubens*) and fluffgrass (*Erioneuron pulchellum*). The mesa top on the east end of the project area is a blackbrush community dominated by blackbrush (*Coleogyne ramosissima*) and Torrey's ephedra (*Ephedra torreyana*). The dominant plant along Saghez Creek is Rusby's goldenbush (*Haplopappus rusbyi*) with occasional desert saltgrass (*Distichlis spicata*) and a few small tamarisk (*Tamarix chinensis*). Russian thistle (*Salsola tragus*) is present and frequently dominant throughout the project area. See the Botanical Survey Report (Appendix 4) for a complete inventory of observed vegetative communities and plant species in the project area.

#### **3.7.1 Direct and Indirect Effects**

Although the Proposed Action would be constructed along existing disturbance, some vegetation would be removed or impacted during construction of the Proposed Action.

#### **3.7.2 Mitigation**

Reclamation outlined in Section 2.2.1 would mitigate impacts to vegetation and forestry from the construction of the Proposed Action by vegetating disturbed areas.

### **3.8 Invasive, Non-native Species**

Invasive weeds were not found in the area of the Proposed Action.

#### **3.8.1 Direct and Indirect Effects**

Noxious weeds may spread and become established in disturbed areas within the Proposed Action.

#### **3.8.2 Mitigation**

Resolute will make every effort to ensure that noxious weeds do not spread over disturbed areas. Approved methods of control and eradication of noxious weeds will be used. The Navajo Nation EPA Pesticides Program, Glenna Lee, Program Manager (928) 871-7815) will be contacted for a list of approved herbicides and applicators.

### **3.9 Wildlife**

Wildlife occurring in the area is typical of arid grasslands and shrublands of the Great Basin desert. This includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Ampisiza bilineata*), as well as jackrabbits (*Lepus spp.*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Cnemidophorus spp.*).

#### **3.9.1 Direct and Indirect Effects**

The wildlife that uses the site may be displaced during construction.

#### **3.9.2 Mitigation**

Reclamation outlined in Section 2.2.1 would mitigate impacts to wildlife from the construction of the Proposed Action by re-establishing natural contours and vegetation, reducing habitat fragmentation.

### **3.10 Visual Resources**

Natural visual landmarks close to the project area are The San Juan River to the north and east and White Mesa to the south, and Flat Top Mesa to the west. Dominant landscape colors are tan and gray. Manmade features include oil and gas facilities, dirt roads and power lines.

#### **3.10.1 Direct and Indirect Effects**

Short-term impacts to visual quality would come from dust, truck traffic and placement of heavy equipment during the construction of the Proposed Action.

#### **3.10.2 Mitigation**

Reclamation outlined in Section 2.2.1 would re-establish natural contours and vegetation to pre-construction state.

### **3.11 Cultural or Historical Values**

Complete Archaeological Service Associates conducted an archaeological survey of the Proposed Action within previously inventoried pipeline corridors. No sites were found. The Cultural Resources Compliance Letter is attached as Appendix 5.

#### **3.11.1 Direct and Indirect Effects**

1. The Proposed Action has the potential to disturb the site listed in the Cultural Resources Compliance Form.
2. Potential exists for excavation and direct impacts to unidentified cultural resources during construction of the Proposed Action.

### **3.11.2 Mitigation**

Any cultural and/or paleontology resource (historic or prehistoric site or object) discovered by Resolute during the Proposed Action, or any person working on their behalf, would be immediately reported to the Navajo Nation Historic Preservation Department (NNHPD) at (928) 871-7148 and/or the BLM archaeologist. Resolute would suspend all operations in the immediate area of such discovery until approval to proceed is issued by NNHPD. An evaluation of the discovery would be made by the NNHPD archaeologist to determine appropriate action to prevent the loss of significant cultural or scientific values.

## **3.12 Environmental Justice**

Executive Order 12898 requires federal agencies to assess projects to ensure there is no disproportionately high or adverse environmental, health, or safety effects on minority and low-income populations. The project is located in San Juan County, Utah. The County population in 2000 was 14,413 (United States Census Bureau 2000). Approximately 55.7 percent of the County population is Native American, of whom the vast majority is Navajo. County per capita income was \$10,229 in 2000, the lowest rate in the state. The average per capita income for Native Americans was \$6,816 in 2000.

### **3.12.1 Direct and Indirect Effects**

No minority or low income populations would be directly affected in the vicinity of the Proposed Action. Indirect effects could include positive effects due to overall employment opportunities related to the oil and gas and service support industry in the region as well as the economic benefits to Tribal, state and county governments related to royalty payments and severance taxes. Negative effects could include a small increase in activity and noise disturbance in areas used for grazing. However, these effects would apply to all land users in the area of the Proposed Action.

## **3.13 Noise**

The Proposed Action is in an isolated location and is not in or within 400 feet of a BLM designated Noise Sensitive Area (NSA), nor within 400 feet of any dwelling, residence, or building.

### **3.13.1 Direct and Indirect Effects**

Short term impacts to noise associated with the Proposed Action would be transient operations limited to construction. This would include increased traffic on the access roads for the duration of the construction.

### **3.13.2 Mitigation**

1. Construction of the Proposed Action will take place during daylight hours.

2. Vehicle traffic will be restricted to approved areas and will not exceed what is necessary for the construction of the Proposed Action.

#### **4. Cumulative Effects**

Surface disturbance caused by the development of the Proposed Action would be added to that already existing in the general area. Construction for the Proposed Action is within an existing pipeline corridor.

#### **5. Consultation/Coordination**

This section includes individuals or organizations from the public, public land users, the interdisciplinary team, and permittees that were contacted during the development of this document.

**Table 5.1 Interdisciplinary Team**

ID Team Member	Title	Organization	Performed Onsite Inspection?
Nicole Corbin	Author	Permits West, Inc.	NO
Charles Black	Wildlife Biologist	Permits West, Inc.	YES
Brian Wood	Consultant	Permits West, Inc.	YES
Marian Rohman	Botanist	Permits West, Inc.	YES

#### **Contact Information:**

Brian Wood  
Permits West, Inc.  
37 Verano Loop  
Santa Fe, NM 87508  
(505)466-8120

Resolute Aneth, LLC  
1675 Broadway, Suite 1950  
Denver, CO 80202  
(303) 534-4600

#### **6. References**

Natural Resource Conservation Service, (NRCS 2010). National Cooperative Soil Survey, *Soil Survey of San Juan County, Utah, Navajo Indian Reservation*. Accessed 6/26/2010. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

U.S. Department of the Interior (USDOI, 2010). Bureau of Land Management and United States Forest Service Accessed 6/26/2010. [www.geocommunicator.gov](http://www.geocommunicator.gov)

U.S. Census Bureau, 2000, Fact Sheet, San Juan County, UT, Census 2000 Demographic Profile Highlights.

[http://factfinder.census.gov/servlet/SAFFacts?\\_event=ChangeGeoContext&geo\\_id=05000US49037&geoContext=&street=&county=San+Juan+County&cityTown=&state=&zip=&lang=en&\\_sse-on&ActiveGeoDiv=&\\_useEV=&pctxt=fph&pgsl=010&submenuId=factsheet\\_1&ds\\_name=DEC\\_2000](http://factfinder.census.gov/servlet/SAFFacts?_event=ChangeGeoContext&geo_id=05000US49037&geoContext=&street=&county=San+Juan+County&cityTown=&state=&zip=&lang=en&_sse-on&ActiveGeoDiv=&_useEV=&pctxt=fph&pgsl=010&submenuId=factsheet_1&ds_name=DEC_2000)

Western Regional Climate Center (WRCC 2010), Aneth Plant, UTAH (420157), Period of Record Monthly Climate Summary, Period of Record: 5/3/1900 to 2/29/2008. Accessed 6/26/2010. <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ut0157>

## **7. Appendices**

1. **Sundry Notice**
2. **Navajo Fish & Wildlife Correspondence Letter**
3. **Threatened, Endangered and Special Status Wildlife Species Report**
4. **Botanical Survey Report**
5. **Cultural Resources Compliance Letter**
6. **Photo Looking North**
7. **Photo Looking West**
8. **Biological Resources Compliance Form**

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

FORM APPROVED  
OMB No. 1004-0137  
Expires: October 31, 2013

**SUNDRY NOTICES AND REPORTS ON WELLS**  
*Do not use this form for proposals to drill or to re-enter an abandoned well. Use Form 3160-3 (APD) for such proposals.*

**SUBMIT IN TRIPLICATE – Other instructions on page 2.**

1. Type of Well

☐ Oil Well ☐ Gas Well ☒ Other

2. Name of Operator  
Resolute Aneth LLC

3a. Address  
1875 Broadway, Suite 1650, Denver, CO 80202

3b. Phone No. (include area code)  
303 534 4600

4. Location of Well (Frontage, Sec., T., R., M., or Survey Description)  
1990 FSL & 660 FNL 10-41s-24e 51d

5. Lease Serial No.  
14-20-603-4043

6. If Indian, Allottee or Tribe Name  
Navajo Nation

7. If Unit of CA/Agreement, Name and/or No.  
Ratherford

8. Well Name and No.  
Ratherford Unit 10-12

9. API Well No.  
43-037-15712

10. Field and Pool or Exploratory Area  
Greater Aneth

11. County or Parish, State  
San Juan, UT

**12. CHECK THE APPROPRIATE BOX(ES) TO INDICATE NATURE OF NOTICE, REPORT OR OTHER DATA**

TYPE OF SUBMISSION	TYPE OF ACTION			
<input checked="" type="checkbox"/> Notice of Intent	<input type="checkbox"/> Acidize	<input type="checkbox"/> Deepen	<input type="checkbox"/> Production (Start/Resume)	<input type="checkbox"/> Water Shut-Off
<input type="checkbox"/> Subsequent Report	<input type="checkbox"/> Alter Casing	<input type="checkbox"/> Fracture Treat	<input type="checkbox"/> Reclamation	<input type="checkbox"/> Well Integrity
<input type="checkbox"/> Final Abandonment Notice	<input type="checkbox"/> Casing Repair	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Recomplete	<input checked="" type="checkbox"/> Other <u>water injection</u>
	<input type="checkbox"/> Change Plans	<input type="checkbox"/> Plug and Abandon	<input type="checkbox"/> Temporarily Abandon	<u>pipeline</u>
	<input type="checkbox"/> Convert to Injection	<input type="checkbox"/> Plug Back	<input type="checkbox"/> Water Disposal	

13. Describe Proposed or Completed Operation: Clearly state all pertinent details, including estimated starting date of any proposed work and approximate duration thereof. If the proposal is to deepen directionally or recomplete horizontally, give subsurface locations and measured and true vertical depths of all pertinent markers and zones. Attach the Bond under which the work will be performed or provide the Bond No. on file with BLM BIA. Required subsequent reports must be filed within 30 days following completion of the involved operations. If the operation results in a multiple completion or recompletion in a new interval, a Form 3160-4 must be filed once testing has been completed. Final Abandonment Notices must be filed only after all requirements, including reclamation, have been completed and the operator has determined that the site is ready for final inspection.)

Will lay 7,488.77' long 4.5" O. D. steel water injection pipeline from 10-12 to 15-41. All of route is inside unit.  
Pipeline will start at 10-12 and connect:  
Ratherford Unit 10-23 (43-037-16402; 1949 FSL & 2009 FNL 10-41s-24e; 14-20-603-4043)  
Ratherford Unit 10-44 (43-037-30450; 820 FSL & 510 FNL 10-41s-24e; 14-20-603-40430)  
Ratherford Unit 15-41 (43-037-15719; 660 FNL & 660 FNL 15-41s-24e; 14-20-603-355)  
Land use = 7,488.77' x 50' = 8,596 acres

Pipeline will be buried 48" deep. Pipe will be X-42/X-52 with Synergy pipe wrap coating.  
Wall thickness = 0.337" (Schedule 80)  
Operating pressure = 3000 psi Test pressure = 3700 psi Burst pressure = 7788 psi

See attached map and plat.

cc: BIA, BLM, Mallory, Navajo Nation

14. I hereby certify that the foregoing is true and correct. Name (printed type)

Brian Wood (505) 466-8120

Title Consultant

Signature

Date 08/19/2013

**THIS SPACE FOR FEDERAL OR STATE OFFICE USE**

Approved by

Title

Date

Conditions of approval, if any, are attached. Approval of this notice does not warrant or certify that the applicant holds legal or equitable title to those rights in the subject lease which would entitle the applicant to conduct operations thereon.

Office

Title is U.S.C. Section 1891 and Title 43 U.S.C. Section 1322, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on page 2)

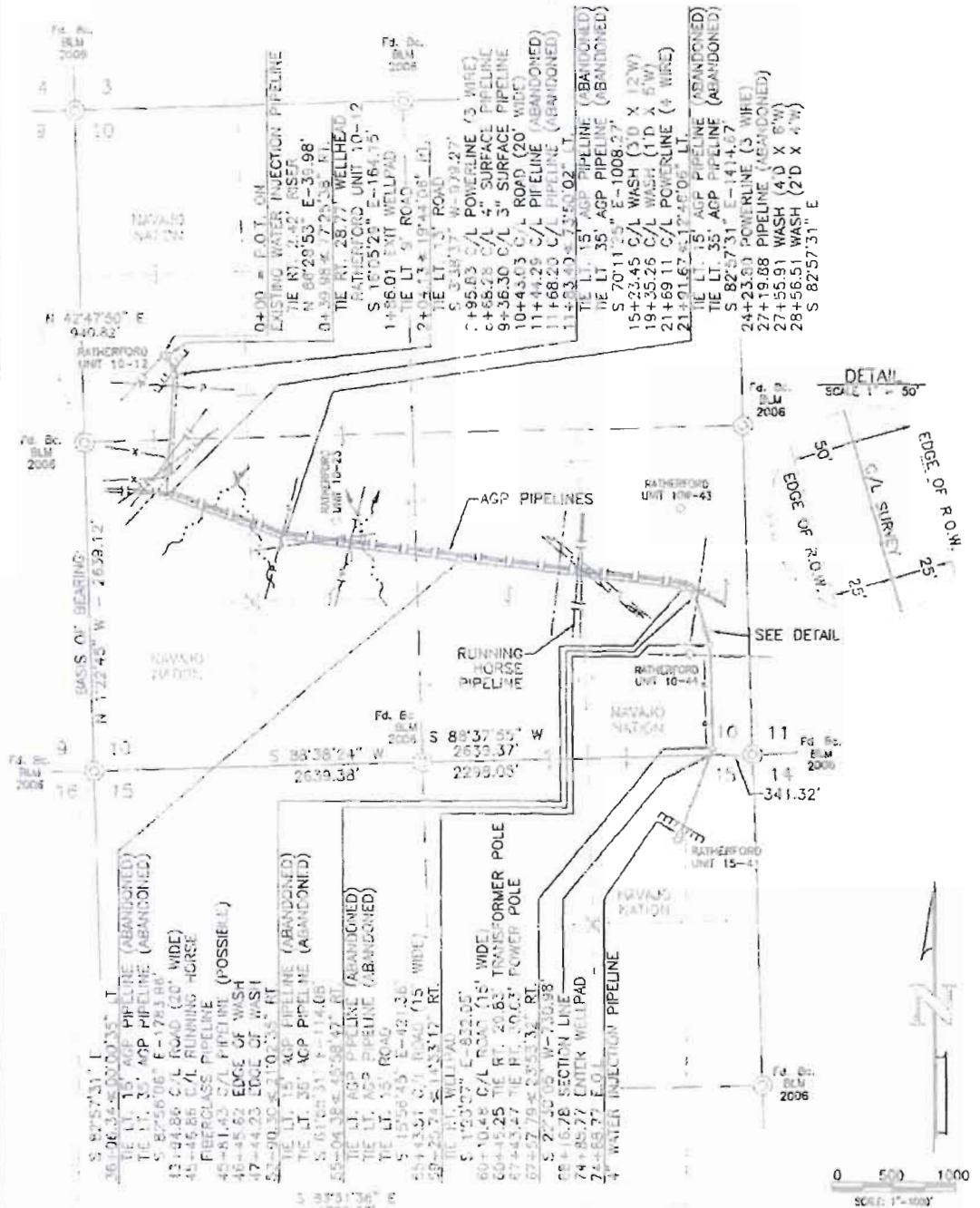
**Appendix 1 - 1**



# RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

4" WATER INJECTION PIPELINE FROM WELL 10-12 TO WELLS 10-W12 & 15-41  
THE NW 1/4, THE S 1/2 OF SECTION 10 &  
THE NE 1/4 OF SECTION 15, T-41-S, R-24-E, SALT LAKE MERIDIAN  
SAN JUAN COUNTY, UTAH



NOTES:  
1. BASIS OF SURVEY: MONUMENTED WEST LINE OF THE NW 1/4 OF SECTION 10, T-41-S, R-24-E, SAN JUAN COUNTY, UTAH. BEARS N 122°45' W - 2639.12'.  
2. BEARINGS & DISTANCES SHOWN ARE BASED UPON THE UTM COORDINATE SYSTEM, ZONE 12N, UTM 22 (CORNER SCALE FACTOR: 0.999994).  
3. JOHN A. VUKOBICH, UTAH PROFESSIONAL SURVEYOR NO. 7219129, DO HEREBY CERTIFY THAT THIS EASEMENT SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THE SURVEY, AND THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN UTAH AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JOHN A. VUKOBICH, PLS. 7219129  
DATE: 5-23-2013  
RESOLUTE ANETH, LLC

OWNER	STATION	FEET/RODS	ACRES
NAVAJO NATION	0+00 TO 74+88.77	7483.77/453.865	5.598

**RESOLUTE ANETH, LLC**  
A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

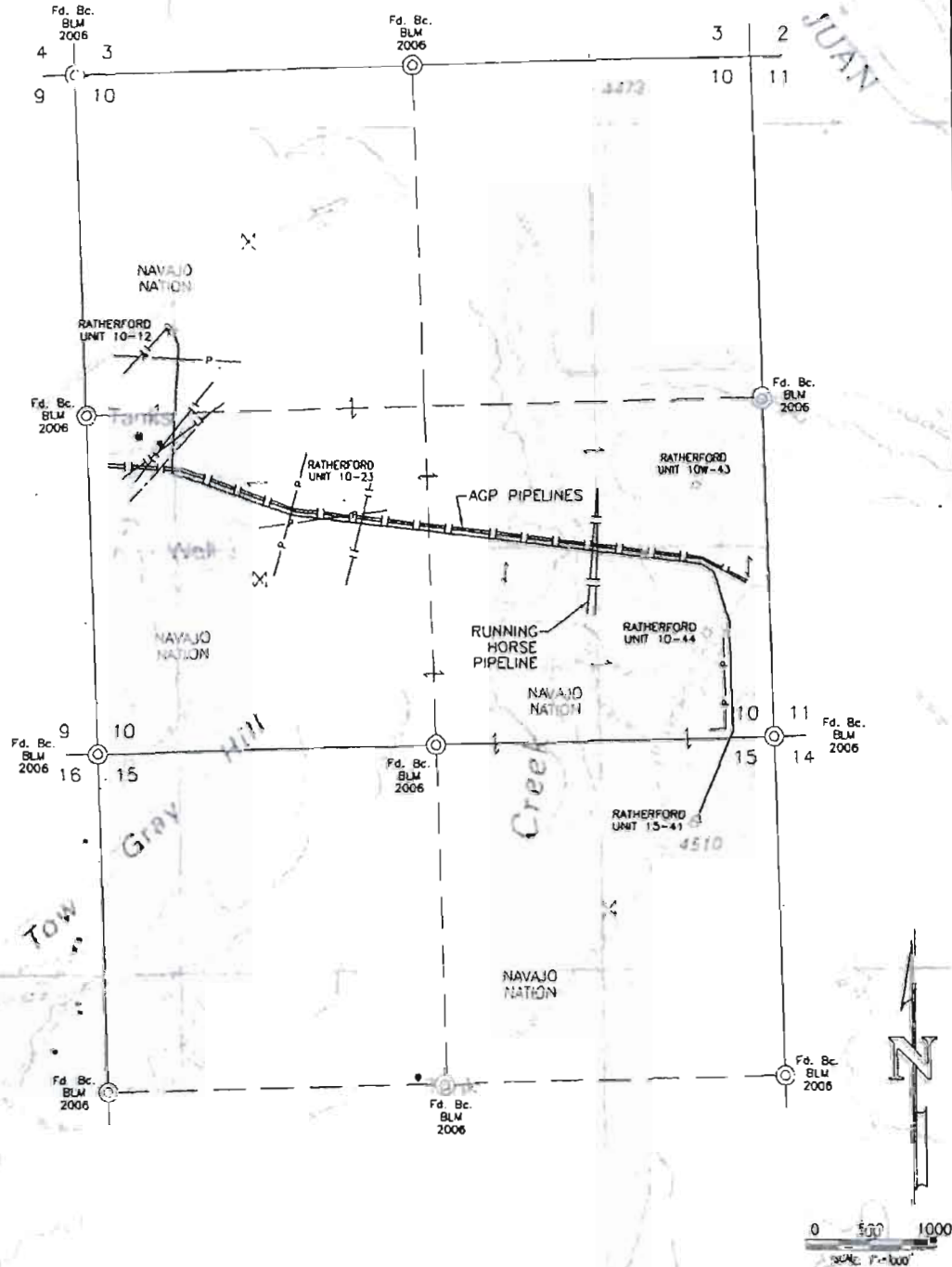
SURVEYED: 04/25/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: H.S.	DATE DRAWN: 05/03/13	FILE NAME: 10405P01

P.O. BOX 3851  
FARMINGTON, NM 87499  
OFFICE: (505)334-0408

# RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

4" WATER INJECTION PIPELINE FROM WELL 10-12 TO WELLS 10-W12 & 15-41  
THE NW 1/4, THE S 1/2 OF SECTION 10 &  
THE NE 1/4 OF SECTION 15, T-41-S, R-24-E, SALT LAKE MERIDIAN  
SAN JUAN COUNTY, UTAH



WHITE MESA VILLAGE QUADRANGLE

RESOLUTE ANETH, LLC

AS A WHOLLY OWNED SUBSIDIARY OF RESOLUTE NATURAL RESOURCES COMPANY

SURVEYED: 04/25/13	REV. DATE:	APP. BY: J.A.V.
DRAWN BY: H.S.	DATE DRAWN: 05/02/13	FILE NAME: 10495T01

UNITED  
FIELD SERVICES INC.

P.O. BOX 3851  
FARMINGTON, NM 87499  
OFFICE: (505)334-0408



NAVAJO NATION  
Department of Fish & Wildlife  
Navajo Natural Heritage Program  
P.O. Box 1480  
Window Rock, AZ 86515



Phone: 928.871.6472 • Fax: 928.871.7603 • <http://nnhp.nndfw.org>

Bar Shelly, President

Steve Lee, Vice President

02 August 2013

File#13PERM-05

Brian Wood  
Permits West, Inc.  
37 Verano Loop  
Santa Fe, NM 87508

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: RESOLUTE ANETH, LLC  
RATHERFORD UNIT 10-12 WATER LINE  
LOCATED IN LEGAL DESCRIPTION T41S, R24E, SECTION 10 & 15  
UTM COORDINATES:  
WELL 10-12: 653010, 4122529N  
WELL 15: 41: 654231E, 4121348N  
MONTEZUMA CREEK, SAN JUAN COUNTY, UT

Mr. Wood:

The following information on species of concern<sup>1</sup> is provided in response to your 1 May 2013 request concerning the subject project, which consists of the Resolute Aneth, LLC Ratherford Unit 10-12 waterline. The project is located approximately 3 miles southeast of Montezuma Creek, San Juan County, UT.

Species of concern known to occur on or near the project site(s) include:

1. *Xyrauchen texanus*

Known to occur within three miles of the project site:

1. *Empidonax traillii extimus*

Species of concern with potential to occur on the 7.5-minute *White Mesa Village, UT* quadrangle(s) containing the project boundaries include the following. Potential is based primarily on quadrangle-wide coarse habitat characteristics and species range information. Your project biologist should determine

<sup>1</sup>"Species of concern" include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For each species, the following tribal and federal statutes are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate or NESL group 4 status; please be aware of these species during surveys and inform the NFWO of observations. Documentation that these species are more numerous or widespread than currently known, and addressing those species in project planning and management is important for conservation and may contribute to ensuring they will not be uplisted in the future. Species without ESA or NESL legal protection (e.g., NESL group 4 species) are only included in responses on a regular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

**Appendix 2 - 1**

habitat suitability at the project site(s).

	SCIENTIFIC NAME	COMMON NAME	NESL STATUS	FEDERAL STATUS AND/OR *MBTA
1.	<i>Aquila chrysaetos</i>	Golden Eagle	G3	MBTA
2.	<i>Astragalus cronquistii</i>	Cronquist Milk-verb	G3	
3.	<i>Buteo regalis</i>	Ferruginous Hawk	G3	MBTA
4.	<i>Catostomus discobolus</i>	Bluehead Sucker	G4	
5.	<i>Ceryle alcyon</i>	Belted Kingfisher	G4	MBTA
6.	<i>Charadrius montanus</i>	Mountain Plover	G4	ESA Proposed Threatened; MBTA.
7.	<i>Cinclus mexicanus</i>	American Dipper	G3	MBTA
8.	<i>Coccyzus americanus</i>	Yellow-billed Cuckoo	G2	ESA Candidate species; MBTA.
9.	<i>Cottus bairdi</i>	Mottled Sculpin	G4	
10.	<i>Dendroica petechia</i>	Yellow Warbler	G4	MBTA
11.	<i>Empidonax traillii eximius</i>	Southwestern Willow Flycatcher	G2	ESA Endangered; MBTA.
12.	<i>Falco peregrinus</i>	Peregrine Falcon	G4	MBTA
13.	<i>Gila robusta</i>	Roundtail Chub	G2	ESA Candidate Species
14.	<i>Haliaeetus leucocephalus</i>	Bald Eagle	G2	MBTA
15.	<i>Lithobates pipiens</i>	Northern Leopard Frog	G2	
16.	<i>Mustela nigripes</i>	Black-footed Ferret	G2	ESA Endangered
17.	<i>Psychrocheilus luciae</i>	Colorado Pike minnow	G2	ESA Endangered
18.	<i>Xyrauchen texanus</i>	Razorback Sucker	G2	ESA Endangered

\*MBTA = Migratory Bird Treaty Act

### AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3-Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3" please refer to our website at [nndfw.org](http://nndfw.org)).

Potential for the black-footed ferret should be evaluated if prairie-dog towns of sufficient size (per NFWD guidelines) occur in the project area.

Potential for Puccinellia parishii should be evaluated if wetland conditions exist that contain white alkaline crusts.

## **Appendix 2 - 2**

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts.<sup>2</sup> Further questions pertaining to surveys should be referred to Species Account. Surveyors on the Navajo Nation must be permitted by the Director, NFWD. Contact Jeff Cole at (928) 871-6595 for permitting procedures. Questions pertaining to surveys should be directed to the NFWD Zoologist (Chad Smith) for animals at 871-7070 and Botanist (Andrea Hazelton) for plants at (928) 523-3221. Questions regarding biological evaluations should be directed to Pamela Kyselka (Acting Environmental Reviewer) at 871-7065.

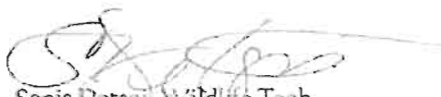
Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the NFWD's Natural Heritage Program (NHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

The information in this report was identified by the NFWD's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is strongly recommended. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

For a list of sensitive species on the Navajo Nation in addition to the species listed on the Navajo Endangered Species List (NESL) please refer to our website at [www.nndfw.org](http://www.nndfw.org).

An invoice for this information is attached.

If you have any questions I may be reached at (928) 871-6472.



Sonja Detsor, Wildlife Tech.  
Natural Heritage Program  
Department of Fish and Wildlife

xc: file chrono



THREATENED, ENDANGERED, AND SPECIAL STATUS  
WILDLIFE SPECIES REPORT  
FOR RESOLUTE ANETH LLC'S PROPOSED  
RATHERFORD UNIT 10-12 TO RU 15-41 WATER INJECTION LINE  
SAN JUAN COUNTY, UTAH

### **1.0 Introduction**

Threatened, endangered and special status wildlife species surveys were conducted at the proposed Ratherford Unit 10-12 to RU 15-41 well buried water injection line (NW4 and S/2 Section 10 and NE/4 of Section 15, T 41 S, R 24 E). The project area is located approximately 3 miles southeast of Montezuma Creek on Navajo Nation Tribal Lands.

### **2.0 Methods**

On August 16, 2013, Wildlife Biologist Charles Black conducted a pedestrian survey of the project area to inspect for the potential presence of threatened, endangered, or special status species. Weather during surveys was partly cloudy and breezy, with daytime highs around 90° F. The survey area consisted of the proposed water injection line and a 25-foot buffer around either side of the line. Habitat and existing conditions were evaluated. A 0.5-mile radius around the project area was surveyed for raptor nests. An additional 1.0-mile line-of-sight survey was conducted from the project area for raptor nests. The surveyor used 10 X 40 binoculars.

### **3.0 Description of Existing Habitat**

The project scope included the proposed 7,488.77' long RU 10-12 to RU 15-41 water injection line. Most (>90%) of the route parallels other pipelines, roads, or power lines.

Topography in the project area is gently rolling to hilly. The route crosses the south slope of Tow Gray Hill. The route also crossed a large, broad desert wash which runs from south to north. The water line route is located 0.9 miles southwest of the San Juan River, at its closest point.

Vegetation throughout the project area is dominated by arid shrubland with a high percentage of bare ground. Grass cover is very minimal. Dominant shrubs include shadscale (*Atriplex confertifolia*), blackbrush (*Coleogyne spp.*), rabbitbrush (*Chrysothamnus spp.*) and sagebrush (*Artemisia spp.*). There are no perennial streams or wetlands in the project area.

Wildlife occurring in the area is typical of arid grasslands and shrublands of the Great Basin desert. This includes passerines such as horned larks (*Eremophila alpestris*),

black-throated sparrows (*Ampisiza bilineata*), as well as jackrabbits (*Lepus spp.*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Cnemidophorus spp.*).

#### **4.0 Threatened, Endangered, and Special Status Wildlife Species**

According to the August 2, 2013 correspondence from the Navajo Natural Heritage Program, the following species have the potential to occur on the land covered by the White Mesa Village, 7.5-minute quadrangle.

For the species listed below, the following tribal and federal statuses are indicated: the Navajo Endangered Species List (NESL), the federal Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBT) and the Eagle Protection Act (EPA).

Species	Status	Habitat	Habitat Suitability Within the Project Area
Golden eagle ( <i>Aquila chrysaetos</i> )	Navajo Endangered Species List (NESL) Group 3, MBTA, EPA	A wide variety of open habitats, typically nests in steep cliffs typically > 30 meters in height	See discussion below
Ferruginous hawk ( <i>Buteo regalis</i> )	NESL Group 3, MBTA	Open grasslands and deserts, typically nests atop rocky pinnacles, small buttes and cliffs	NP
Bluehead sucker ( <i>Catostomus discobolus</i> )	NESL Group 4	Streams, creeks and rivers	NP
Belted kingfisher ( <i>Ceryle alcyon</i> )	NESL Group 4, MBTA	A variety of wetland habitats	NP
American dipper ( <i>Cinclus mexicanus</i> )	NESL Group 3, MBTA	Found along swift flowing free-stone streams and rivers in montane areas	NP
Mountain plover ( <i>Charadrius montanus</i> )	NESL Group 4, ESA proposed threatened, MBTA	Dry, disturbed, or intensively grazed, open, flat tablelands. Bare ground, short vegetation, and flat topography are indicators of ideal habitat.	NP
Southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> )	NESL Group 2, MBTA, Federal-Endangered	Cottonwood-willow habitats within perennial riparian areas	NP
Yellow-billed Cuckoo ( <i>Coccyzus americanus</i> )	NESL Group 2, ESA Candidate, MBTA	Mature riparian woodlands along watercourses	NP
Mottled sculpin ( <i>Cottus</i> )	NESL	Bottom dwelling, living	NP

## **Appendix 3 - 2**



<i>bairdi</i> )	Group 4	beneath rocks in cool streams and occasionally lakes	
Yellow warbler ( <i>Setophaga petechia</i> )	NESL Group 4, MBTA	Riparian areas along watercourses	NP
Peregrine falcon ( <i>Falco peregrinus</i> )	NESL Group 4, MBTA	Nests in sheer cliff faces typically > 30 meters in height usually near water or mesic canyons. In migration, occurs in a variety of lowland, wetland habitats	NP
Roundtail chub ( <i>Gila robusta</i> )	NESL Group 2	Pools and rapids of moderate to large rivers	NP
Bluehead sucker ( <i>Catostomus discobolus</i> )	NESL Group 4	Small perennial headwater streams in montane areas, larger streams and rivers	NP
Bald Eagle ( <i>Haliaeetus leucocephalus</i> )	NESL - (Sensitive Species), MBTA, EPA, Federal-Threatened	Winters along lakes and rivers with large trees	NP
Black-footed ferret ( <i>Mustela nigripes</i> )	NESL Group 2, Federal-Endangered	Grassland or shrubby habitats where large, densely populated prairie dog towns are present	NP
Colorado pikeminnow ( <i>Ptychocheilus lucius</i> )	NESL Group 2, Federal-Endangered	Turbid, deep, strong-flowing currents in large rivers	NP
Northern leopard frog ( <i>Rana pipiens</i> )	NESL Group 2	Wetlands with permanent water and aquatic vegetation	NP
Razorback sucker ( <i>Xyrauchen texanus</i> )	NESL Group, Federal-Endangered	Strong currents and backwaters of large rivers	NP

No Navajo Nation Department of Fish & Wildlife species were observed during the surveys. If habitat suitability was observed, a discussion of the species follows in Section 5.0

### **5.0 Results**

No federally or Navajo listed threatened, endangered, or special status species were observed during 8/16/12 wildlife surveys.

#### **Golden Eagle**

The area is potential foraging habitat for the golden eagle. This raptor requires steep cliffs that are typically > 30 meters in height (Mikesic, D. G. and Nystedt, J. R., 2005). No active eagle nests were observed during surveys. Golden eagles occasionally forage

in the project area. This species should not be adversely impacted by the proposed project.

### **Migratory Birds**

Migratory birds are protected under the Migratory Bird Treaty Act. Birds protected under the Act include all common songbirds, waterfowl, shorebirds, hawks, owls, eagles, ravens, crows, native doves and pigeons, swifts, martins, swallows and others, including their body parts (feathers, plumes etc.), nests, and eggs. The Act protects migratory birds from a "take". Take is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities". A "take" does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof.

Nine bird species observed during the wildlife surveys are protected under the Migratory Bird Treaty Act (see the species list in Section 6.0 below). Because of the relatively small scale of the proposed disturbance, it is unlikely that the activity would result in a "take" of migratory birds.

### **6.0 Species Observed During the Survey**

#### Avian species observed:

Turkey vulture (*Cathartes aura*)  
Mourning dove (*Zenaidura macroura*)  
Horned lark (*Eremophila alpestris*)  
Say's phoebe (*Sayornis saya*)  
Common raven (*Corvus corax*)  
Rock wren (*Salpinctus obsoletus*)  
Black-throated sparrow (*Amphispiza bilineata*)  
Sage sparrow (*Amphispiza belli*)  
House finch (*Carpodacus mexicanus*)

#### Mammalian species observed:

Black-tailed jackrabbit (*Lepus californicus*)  
Antelope ground squirrel (*Ammospermophilus leucurus*)  
Desert cottontail (*Sylvilagus auduboni*)

#### Reptilian species observed:

Plateau lizard (*Sceloporus tristicus*)  
Plateau striped lizard (*Cnemidophorus velox*)

Mammalian observations are generally from tracks, scat, and other signs.

## **Appendix 3 - 4**

## **7.0 Recommendations**

There are no recommendations regarding wildlife for this proposed project.

## **8.0 References**

Mikesic, D. G. and J. R. Nystedt. 2001. Species Accounts for *Aquila chryaetos*.  
Updated 15 February 2005. Navajo Natural Heritage Program. P. O. Box  
1480, Window Rock, Arizona 86515.

**RESOLUTE ANETH, LLC  
PROPOSED RATHERFORD UNIT WATER INJECTION PIPELINE  
FROM WELL 10-12 TO 15-41 PROJECT**

**Sections 10 & 15, T. 41 S., R. 24 E.  
San Juan County, Utah**

**PLANT SURVEY REPORT**

By Marian J. Rohman      August 22, 2013

This report discusses the potential for disturbance to plant species listed as Species of Concern by the Navajo Natural Heritage Program (NNHP) and the United States Fish and Wildlife Service (USFWS) that could occur in the project area. Cronquist's milkvetch is listed in Group 3 on the Navajo Endangered Species List (NESL) and has the potential to occur on the White Mesa Village, UT, quadrangle that encompasses the project area (Detsoi, 2013). Parish's alkali grass is listed in Group 4. Potential habitat for Parish's alkali grass (*Puccinellia parishii*) needs to be evaluated if wetland conditions exist that contain white alkaline crust (Detsoi, 2013). In addition, Cutler's milkweed (*Asclepias cutleri*), a plant listed as sensitive by the NNHP, will be discussed. Navajo sedge (*Carex specuicola*) is listed as threatened by the United States Fish and Wildlife Service (USFWS) and reported to be present in the San Juan County (USFWS, 2013).

NESL Group 3 species are those whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future. Group 4 species do not have sufficient information to support their being listed as endangered, but there is reason to consider them (NNHP, 2008a). NNHP Sensitive species are those species for which the NNHP collects information (NNHP, 2008b). USFWS threatened species are those that are likely to become endangered in the foreseeable future (USFWS, 2013).

Cronquist's milkvetch is a medium-sized milkvetch that closely resembles the more common Hopi milkvetch (*Astragalus fucatus*) vegetatively. It has pink-purple flowers with a pale keel and wing that are dispersed along the flowering stalk when blooming. The pods are uniformly green, narrow, and drooping, with a pronounced furrow separating the pod into two locules. Leaves have sheathing but not truly connate stipules. Hopi milkvetch has uniformly light pink flowers that are clustered near the top of the flowering stalk when first blooming. The stalk elongates as the flowers wilt and go to fruit. The pods are highly mottled, inflated, and unilocular. The leaves have minimally connate stipules (UNPS, 2003-2013; Roth, 2001a; personal observation). On the Navajo Nation, Cronquist's milkvetch flowers from late April to June and grows at elevations of 4600 to 5800 feet (Roth, 2001a; personal observation). On the Morrison Formation, it usually grows in open blackbrush-Bigelow's rabbitbrush communities (*Coleogyne ramosissima*-*Chrysothamnus nauseosus* var. *bigelovii*) on sandy clay loam soil,

often in transition areas between clay loam and sandy loam soils and frequently near sandstone outcrops (personal observation).

Parish's alkali grass is a short-lived winter or spring annual that is easily distinguished from its perennial relatives. It grows in alkaline springs, seeps, and seasonally wet areas, from elevations of 5000 to 7200 feet with flowers and fruits occurring from mid-April to early June (Roth, 2001c). Sufficient alkalinity for the species is indicated by a white alkaline crust along the edges of its habitat when wet, and covering the area when dry (Detsoi, 2012; personal observation). Personal observations have placed this species as low as 4510 feet elevation

Navajo sedge is a perennial grass-like plant with leaves that are 1-3 mm wide and dried persistent leaf bases. The flowers are inconspicuous with the female flowers located above the males in 2-4 short spikelets clustered at the end of a long thin stalk. The perigynia are strongly flattened with broad hyaline margins on the pistillate scales. Navajo sedge is unusual in having both lenticular and trigonous achenes. Flowering and fruit set occur from spring to summer, but most of the reproduction appears to be vegetative. The plants are typically found in seeps and hanging gardens, on vertical sandstone cliffs and in alcoves from 4600 to 7200 feet (Roth, 2001b).

Cutler's milkweed is a small, delicate plant with narrow linear leaves and pink to dull purple flowers. The narrow fruits are generally pendulous. It grows on sand dunes and sandy or gravelly habitats in mixed desert shrub and piñon-juniper communities at 4200 – 4700 feet. (Utah Native Plant Society, 2003-2013; Welsh, et al., 2003; personal observation)

## **PROJECT DESCRIPTION**

The proposed project consists of the construction of a 4" water injection pipeline extending from Ratherford Unit (RU) Well 10-12 to the Well 15-41. The proposed pipeline is 7488.77 feet long within a 50-foot-wide corridor. The total land use for the proposed project is 8.596 acres. The proposed project area is located on Navajo Tribal Trust land approximately 2.3 to 3.5 miles southeast of the town of Montezuma Creek.

The proposed pipeline leaves the existing RU 10-12 well in the SW/4 NW/4 of Section 10 and heads south along an existing dirt road. It turns east, initially following an existing dirt road and passes south of the existing RU 10-23 well, then cross-country following an existing pipeline corridor. It descends down a cobble slope and crosses Sahgzie Creek, a large dry drainage, then climbs another cobble slope to the next mesa top and turns south. The proposed pipeline passes on the east side of the existing RU 10-44 well and ends at the existing RU 15-41 well in the NE/4 of Section 15.

The landscape is an area of rolling hills and mesas with occasional semi-stabilized sand dunes. There are several drainages of varying sizes in the project area. The habitat at the beginning of the line includes a mix of Cutler's ephedra (*Ephedra cutleri*), broom snakeweed (*Gutierrezia sarothrae*), and four-wing saltbush (*Atriplex canescens* var. *canescens*) with areas dominated by

## **Appendix 4 - 2**

Bigelow's rabbitbrush (*Chrysothamnus nauseosus* var. *bigelovii*). The dunal areas are dominated by Bigelow's rabbitbrush, sandhill muhly (*Muhlenbergia pungens*), and purple sage (*Poliomintha incana*). The cobble slopes are dominated by sego lily (*Calochortus* prob. *nuttallii*) and shadscale (*Atriplex confertifolia*) with red brome (*Bromus rubens*) and fluffgrass (*Erioneuron pulchellum*). The mesa top on the east end of the project area is a blackbrush community dominated by blackbrush (*Coleogyne ramosissima*) and Torrey's ephedra (*Ephedra torreyana*). The dominant plant along Saghie Creek is Rusby's goldenbush (*Haplopappus rusbyi*) with occasional desert saltgrass (*Distichlis spicata*) and a few small tamarisk (*Tamarix chinensis*). Russian thistle (*Salsola tragus*) is present and frequently dominant throughout the project area.

The proposed project begins in the Aneth-Sheppard association, rolling (AUC) soil unit. This unit consists of aeolian deposits derived from sandstone with a soil texture of loamy fine sand. It quickly crosses into the Badland-Typic Torrifluvents association, steep (BD) unit, with a small area of the AUC unit on the east mesa top. The BD unit consists of mixed alluvium and alluvium and/or aeolian deposits derived from sandstone and shale. The soil textures are loam and sandy loam (NRCS, 2013). The underlying bedrock is the Morrison Formation (Hintze, 1980). The elevation at the beginning of the line is approximately 4535 feet. It drops down to 4480 feet at the creek crossing then climbs back up to 4595 feet on the top of the east mesa. Disturbances in the area include the existing well pads, dirt roads, surface and buried pipelines, a power line with a mechanically cleared area near the power line, and a fenced valve.

## METHODOLOGY

The project area was surveyed on July 2, 2013, by botanist Marian Rohman. The survey was accomplished by walking a zigzag transect on each side of the centerline covering a 40-foot corridor and a buffer zone of 200 feet on each side of the corridor. The emphasis of the survey was to inspect for the identified species of concern; however, all plants were identified in order to provide a more complete description of the environment. A list of the plants observed in the project area is included at the end of this report.

## SURVEY RESULTS

**Species of Interest to the Navajo Natural Heritage Program and the United States Fish and Wildlife Service:** Cronquist's milkvetch is identified by the NNHP as a species of concern for the proposed project area (Detsoi, 2013). In addition, any wetlands conditions need to be evaluated for the potential for Parish's alkali grass (Detsoi, 2013). Navajo sedge is listed as Threatened and present in San Juan County, Utah, by the USFWS (USFWS, 2013). In addition, Cutler's milkweed, a NNHP sensitive species, will be discussed. The following table lists these species with their protection status, habitat requirements, and potential to occur in the project area.

SPECIES STATUS*	HABITAT	POTENTIAL TO OCCUR IN THE PROJECT AREA**
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<i>Asclepias cutleri</i> Cutler's milkweed  NNHP Sensitive	On sand dunes and sandy or gravelly soils in mixed desert shrub and piñon-juniper communities between 4200 and 4700 feet. Flowers from April to May. (UNPS, 2003-2013)	<b>Habitat Present:</b> this species is growing in the project area on a semi-stabilized dunal area. (K)
<i>Astragalus cronquistii</i> Cronquist's milkvetch  NNHP G3	Salt desert shrub and blackbrush communities on sandy or gravelly soils derived from the Cutler and Morrison Formations between 4700 and 5800 feet (Roth, 2001a, UNPS, 2003-2013). On the Morrison Formation, it usually grows in open blackbrush-Bigelow's rabbitbrush communities on sandy clay loam soil, often in transition areas between clay loam and sandy loam soils and frequently near sandstone outcrops (personal observation). Flowers from late April to June (Roth, 2001a, UNPS, 2003-2013).	<b>No Appropriate Habitat:</b> there are no appropriate soil conditions in the project area. (NP)
<i>Carex specuicola</i> Navajo sedge  USFWS Threatened NNHP Group 3	Restricted to seeps, springs, or hanging gardens in Navajo Sandstone between 4600 and 7200 feet. Flowering/fruiting period is from late June to September (Roth, 2001b; UNPS 2003-2013).	<b>No appropriate habitat:</b> there are no seeps, springs, or hanging gardens and no Navajo Sandstone Formation in the project area. (NP)
<i>Puccinellia parishii</i> Parish's alkali grass  NNHP G4	Alkaline springs, seeps, and seasonally wet areas such as washes at 4510 to 7200 feet (Roth, 2001c; personal observation).	<b>No appropriate habitat:</b> there are no alkaline springs, seeps or seasonally wet areas in the project area. (NP)

Status\* NNHP – Navajo Endangered Species List (NNHP, 2008a)

G3 – a species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future

G4 – a species or subspecies where there is not currently sufficient information to support its being listed as endangered, but there is reason to consider it

Navajo Nation Sensitive Species List (NNHP, 2008b)

Sensitive – Species for which the NNHP collects information

USFWS – U.S. Fish and Wildlife Service (USFWS, 2013)

Threatened – a species that is likely to become endangered in the foreseeable future.

Potential to Occur\*\*

K – Known, documented observation within project area.

S – Habitat suitable and species suspected to occur within the project area.

NS – Habitat suitable but species is not suspected to occur within the project area.

NP – Habitat is not present and species are unlikely to occur within the project area.

## **Appendix 4 - 4**



There are several plants of Cutler's milkweed scattered through a semistabilized dunal area just north of the RU 15-41 well pad.

**Noxious Weeds:** There are seventeen species listed on the BIA Navajo Noxious Weed List (OSM, 1999). One of these species, Russian knapweed (*Centaurea repens*), is present as scattered plants at the RU 10-12 and RU 10-44 well pads. Russian knapweed is a Priority B species, indicating that it is a new noxious weed known to have invaded isolated locales on the reservation. Emphasis is placed on immediate control, prevention of seed spread, and eradication. Education, awareness, identification, control, and monitoring are the priorities (OSM, 1999).

## DISCUSSION

No plant species of interest to the Navajo Natural Heritage Program or the United States Fish and Wildlife Service will be impacted by the proposed project.

QuickTime™ and a  
decompressor  
are needed to see this picture

## REFERENCES

Detsoi, Sonja. 2013. Navajo Endangered Species List (NESL) Information for: Project: Resolute Aneth, LLC. Ratherford Unit 10-12 Water Line Located in Legal Description T41S, R24E, Section 10 & 15. UTM Coordinates: Well 10-12: 653010E, 4122529N Well 15-41: 654231E, 4121348N, Montezuma Creek, San Juan County, UT. Wildlife Technician, Navajo Natural Heritage Program. Letter of 2 August to Brian Wood, Permits West, Inc. Santa Fe, NM.

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Natural Resources Conservation Services, United States Department of Agriculture (NRCS). 2013. Web Soil Survey. <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed August 22.

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## **PLANTS OF THE PROPOSED RATHERFORD UNIT WATER INJECTION PIPELINE FROM WELL 10-12 TO WELLS 10-W12 & 15-41 PROJECT**

Scientific and common names according to Welsh et al., 2003  
Identifications based on Welsh et al., 2003, and Weber and Wittman, 2012

### **Trees**

<i>Tamarix chinensis</i>	Tamarisk
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### **Shrubs and Subshrubs**

<i>Atriplex canescens</i> var. <i>canescens</i>	Four-wing saltbush
<i>Atriplex confertifolia</i>	Shadscale
<i>Atriplex gardneri</i> var. <i>cuneata</i>	Gardner's saltbush

<i>Chrysothamnus nauseosus</i> var. <i>bigelovii</i>	Bigelow's rabbitbrush
<i>Chrysothamnus nauseosus</i> var. <i>graveolens</i>	Rubber rabbitbrush
<i>Coleogyne ramosissima</i>	Blackbrush
<i>Ephedra torreyana</i>	Torrey's ephedra
<i>Ephedra viridis</i> var. <i>viscida</i>	Cutler's ephedra
<i>Eriogonum leptocladon</i>	Sand buckwheat
<i>Gutierrezia sarothrae</i>	Broom snakeweed
<i>Haplopappus rusbyi</i>	Rusby's goldenbush
<i>Penstemon ambiguus</i>	Bush penstemon
<i>Poliomintha incana</i>	Purple sage
<i>Vanclevea stylosa</i>	Resinbush
<i>Yucca</i> sp.	Narrow-leaf yucca

### Cacti

<i>Opuntia polyacantha</i>	Central pricklypear
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### Grasses and Grass-like Plants

<i>Aristida purpurea</i>	Purple threeawn
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Distichlis spicata</i>	Desert saltgrass
<i>Erioneuron pulchellum</i>	Fluffgrass
<i>Hilaria jamesii</i>	Galleta
<i>Muhlenbergia pungens</i>	Sandhill muhly
<i>Sporobolus airoides</i>	Alkali sacaton
<i>Sporobolus contractus</i>	Spike dropseed
<i>Sporobolus cryptandrus</i>	Sand dropseed
<i>Stipa hymenoides</i>	Indian ricegrass

### Forbs

<i>Abronia fragrans</i>	Sand-verbena
<i>Ambrosia acanthicarpa</i>	Bur ragweed
<i>Asclepias cutleri</i>	Cutler's milkweed
<i>Asclepias macrosperma</i>	Eastwood's milkweed
<i>Astragalus</i> sp.	Milkvetch
<i>Astragalus amphioxys</i>	Crescent milkvetch
<i>Astragalus fucatus</i>	Hopi milkvetch
<i>Astragalus nuttallianus</i>	Small-flowered milkvetch
<i>Atriplex</i> sp.	Orache
<i>Calochortus</i> prob. <i>nuttallii</i>	Sego lily
<i>Centaurea repens</i>	Russian knapweed
<i>Chaenactis stevioides</i>	Stevia dusty-maiden
<i>Chaetopappa ericoides</i>	Rose heath
<i>Chamaesaracha coronopus</i>	False nightshade
<i>Chamaesyce parryi</i>	Parry's spurge

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**THE  
NAVAJO  
NATION**

**THE DIVISION OF NATURAL RESOURCES**

*Land, Water, Power, and Quality of Life*

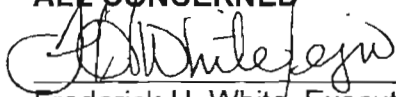
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**Ben Shelly**  
President

**Rex Lee Jim**  
Vice-President

April 15, 2014

**M E M O R A N D U M**

**TO: ALL CONCERNED**  
**FROM:**   
Frederick H. White, Executive Director  
Division of Natural Resources  
**SUBJECT: Delegation of Authority**

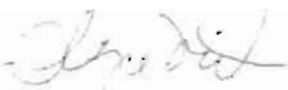
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Be advised that Ms. Hope Wilson, Senior/Programs Projects Specialist, DNR, is hereby given the authority to oversee activities of the Division of Natural Resources, April 15, 2014, beginning at 8:00 a.m. through 5:00 p.m.

Ms. Wilson is responsible for reviewing all documents and for directing and signing off on routine duties except for those that she feels needs my personal attention.

Your cooperation with Ms. Wilson is appreciated.

**ACKNOWLEDGED:**



Ms. Hope Wilson  
Senior Programs and Projects Specialist  
Division of Natural Resources



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF ENVIRONMENTAL REVIEW

PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996

Website: [www.navajonationepa.org](http://www.navajonationepa.org)

**M E M O R A N D U M**

**TO:** Esther Kee, Right-of-Way Agent  
Project Review Office  
Navajo Land Department  
Division of Natural Resources

**FROM:**

Rita Whitehorse-Larsen, Senior Environmental Specialist  
Office of Environmental Review

**THROUGH:**

Stephen B. Etsitty, Executive Director  
Navajo Nation Environmental Protection Agency

**DATE:** January 22, 2014

**SUBJECT:** 164 EOR 000941 SundryNotice.Resolute.Ratherford Unit

The Navajo Nation Environmental Protection Agency (NNEPA) has reviewed<sup>1</sup> and recommends *conditional approval* due to the proposed water injection pipeline project. Resolute Aneth LLC, 1675 Broadway Suite 1950, Denver, CO, 80202, submitted a sundry notice on a new water injection pipeline construction. Resolute proposes to lay 7,488.77' long 4.5" O.D. steel water injection pipeline from 10-12 to 15-41. All of route is inside unit. Pipeline will start at 10-12 and connect Ratherford Unit 10-23, Ratherford Unit 10-44 and Ratherford Unit 15-41. Pipeline will be buried 48" deep and will be X-42/X-52 with Synergy pipe wrap coating with wall thickness at 0.337" Schedule 80, operating pressure at 3000 psi; Test pressure at 3700 psi and Burst pressure at 7788 psi. The proposed land disturbance is 7,488.77'x50' at 8.596 acres.

<sup>1</sup> Permits West. Environmental Assessment for Resolute Aneth LLC for Ratherford Unit 10-12, et al. Water Injection Pipeline and Ancillary Facilities Sections 10 and 15, T41S, R24E, San Juan County, UT. August 2013.

The EA enclosed with the SAS packet stated that the proposed project will have a direct and indirect effect to air quality, environmental justice, farmlands, waste (hazardous or solid), water quality (surface/ground), topography, surface geology, mineral resources, soils/watershed/hydrology, vegetation, livestock grazing, wildlife, visual resources, public health/safety and noise. If the following mitigation measures as stated in the EA are adhered to, the proposed project will have a low and minimal impact to the environmental resources.

NNEPA recommends the following:

**1. Navajo Nation Clean Water Act:**

- a. 401- *"CWA Section 401 Certification is required.[proposed action crosses] tributary leading into San Juan River"* as determined by Leeanna Martinez Silversmith, Senior Environmental Specialist and Patrick Antonio, Principal Hydrologist, NNEPA Surface and Groundwater Department, Water Quality Program.
- b. 402 – *"The federal General Construction Permit requirements for storm water discharges applicable if more than 1.0 acre new land disturbance occurs (road building, clearing etc.)"* as determined by Patrick Antonio, Principal Hydrologist, NNEPA, Surface & Groundwater Protection Department, Water Quality.
- c. NNEPA recommends *the voluntary application of Best Management Practices for oil and gas field activities and operation to minimize the discharge of pollutants in storm water runoff and protect water quality* (excerpt from EA page 1).
- d. Adequate drainage features will be installed where necessary in compliance with US EPA and Navajo EPA guidelines to control run-off from the proposed project area.
- e. Drainage ditches will be installed above the cut to direct water around the pad reducing sediment loading from disturbed soils from the well pad.

**2. Navajo Nation Safe Drinking Water Act:**

- a. Resolute should call before digging to ensure there are no existing drinking waterlines and/or domestic waste waterlines are located within the premises of the proposed site to avoid significant impacts to the Aneth and surrounding communities' safe drinking water resources.

**3. Navajo Nation Air Pollution Prevention and Control Act:**

- a. Suppressing dust to lessen air impacts to community members and public located in or near the proposed action.
- b. Complete and submit the enclosed Air Quality Activity Application directly to address as stated on the application.

**4. Navajo Nation Pesticide Act:**

- a. Resolute is required to monitor and prevent invasive and noxious weeds either by manual or chemical control.
- b. Before applying any chemicals, contact the NNEPA Pesticide Program at 928/871-7815/7810/7892 to ensure the product is in compliance and appropriately applied by a certified and licensed applicator.
- c. Pesticide staff will also may need to be onsite to monitor during pesticide/herbicide application.

**5. Navajo Nation Solid Waste Act:**

- a. Solid waste generated from the construction and operation activities will be collected and transported by contractor to a designated trash bins to minimize significant impacts to human and wildlife resources.
  - b. If a sub-contractor will be hired to transport waste, ensure the contractors are certified and licensed with the Navajo Nation Business Regulatory Office.
  - c. The contractor must submit a copy of the landfill receipt/ticket to guarantee the construction waste has been properly disposed.
  - d. Do not allow public to take construction and operation waste. Cumulatively NNEPA gets complaints and reports on illegal trash dumpings on rural areas and in the waters of the US and Navajo Nation.
  - e. All illegal waste currently on the proposed site is the responsibility of the land user.
- 6. *Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act (NNCERCLA)*
  - a. Approved by the Navajo Nation Council, CF-07-08, February 26, 2008, the NN CERCLA includes petroleum (including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel (or mixtures of natural gas and synthetic gas)) unlike the US CERCLA or the Superfund Law and mandates petroleum, operator and guarantor to report petroleum release  $\geq 25$  gallons at the site and/or during transport immediately to the Navajo Nation Department of Emergency Management within the Navajo Nation Division of Public Safety.
  - b. In the event of a hazardous material spill, releases would be contained and disposed of in accordance with federal and tribal regulations, the project representative shall contact NNEPA Waste Regulatory and Compliance Department, Superfund Office, at 928/871-6859 or NNEPA OER at 928/871-7188 to report hazardous waste spills as defined according to the NN CERCLA.
  - c. If production fluids (gasoline, diesel and propane) will be stored on the project site, preventative and precautionary measures will need to be taken to avoid risks and impacts to the Navajo Nation environmental resources.
  - d. Resolute's disposal of any liquid and solid waste generated during construction, operation and maintenance activities will be transported to permitted facilities.
  - e. Resolute will implement measures for safe handling and storage of materials.
- 7. *Navajo Nation Storage Tank Act:*
  - a. Amended and approved by the Navajo Nation Council, CJA-09-12, February 2012, the aboveground tanks are included to be regulated.
  - b. No underground or aboveground greater than 100 gallons is expected to be at the proposed site.
  - c. If there will be any plans to install an UST or AST, NNEPA Storage Tank Program will be informed. The design specifications must meet the requirements listed in the Storage Tank Act. Mr. Warren Roan, Tanya Yazzie or Nathaniel Yazzie can be reached at 928/871-7993/7995/7763/7808.
- 8. *Others:*
  - a. Resolute will comply with the vegetative reclamation per Navajo Agriculture Department's recommended seed mix within the disturbed areas of the ROW



corridors. Ms. Judy Willetto is the contact person for the vegetation seeding reclamation activities. She can be reached at 928/871-6592/6593.

- b. We recommend Resolute to backfill and re-contour the soil material as naturally as possible to lessen the impact to the natural drainages (i.e. redirecting the natural direction of the watershed, creating standing water, creating flooding to the existing roads, etc.) of the land.
- c. Avoid unnecessary ground disturbance and removal of vegetation within and adjacent to the ROW corridors.
- d. NNEPA also recommends Resolute to minimize establishing new access roads for the proposed waterline. In the past, we received complaints from community members about company(ies) blading and removing soil to establish roads to gain access to install the water lines. We recommend that if Resolute will clear the vegetation cover, the disturbed areas will need to be reclaimed.
- e. Road safety must be enforced for the proposed project site. The existing road is used by Navajo Community members, buses from surrounding local schools and the public therefore traffic signs and good eye sight distance from the turnout are required.
- f. The pit will be fenced sheep tight on three sides with woven wire fence topped with barbed wire. The fourth side will be fenced once the rig moves off site.
- g. The reserve pit will be lined with a minimum 8 mil plastic liner.
- h. Water zones will be protected with casing, cement and weighted mud. Fresh water encountered during drilling will be recorded by depth, cased and cemented.
- i. Following all the construction activities, the disturbed areas will be re-contoured to as near as possible pre-construction conditions. Reclamation and installation of erosion control devices would also lessen long-term impacts.
- j. All hazards to livestock and wildlife would be fenced or contained.
- k. The surface equipment will be painted to blend into the surrounding ecosystem however due to safety reasons; some equipment or parts of equipment may be required to be painted with appropriate colors.

If there are any questions, please contact Rita Whitehorse-Larsen at 928/871-7399. Thank you.


Cc: Resolute Aneth LLC (Resolute), 1675 Broadway Suite 1950, Denver, Colorado, 80202  
NNEPA Water Quality; UIC; Air Quality, OPP; Pesticides; Radon; RCRP; Storage Tank Program;  
Superfund; Administration chrono file  
*Contact: Brian Wood, Permits West, LLC 505/466-8120; Resolute Aneth LLC 303/534-4600*  
*7.5 Minute Quad: White Mesa 1 Range, UT*



## MEMORANDUM

**TO:** WHOM IT MAY CONCERN  
The Executive Branch

**FROM:**

  
Heather Clah, Legal Counsel  
Office of the President & Vice President

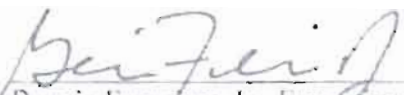
**DATE:** May 9, 2014

**SUBJECT:** Delegation of Authority

Please be advised that this memorandum will serve as a standing delegation of authority for May 12, 2014, from 8:00AM to 5:00PM and May 19, 2014, from 8:00AM to 5:00PM for signatory authority for 164 Review documents.

If you have any questions you may contact Brittany Smith, Administrative Assistant for the Office of Legal Counsel, Office of the President and Vice President at (928) 871-7004.

### ACKNOWLEDGEMENT:



Bennie Francisco Jr., Executive Staff Assistant  
Office of the President & Vice President



### CONCURRENCE:



Arbin Mitchell, Chief of Staff  
Office of the President & Vice President

cc: Ben Shelly, President  
Rex Lee Jim, Vice President  
Legislative Branch  
Judicial Branch