

**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 GRANTING OF A RIGHT-OF-WAY TO RESOLUTE ANETH, LLC, TO CONSTRUCT, OPERATE AND MAINTAIN A 69KV POWER LINE TO RESOLUTE RATHERFORD UNIT ON, OVER AND ACROSS NAVAJO NATION TRUSTS LANDS (SAN JUAN COUNTY, UTAH)

BE IT ENACTED:

SECTION ONE. FINDINGS

- A. Pursuant to 2 N.N.C. Section 501 (B)(2)(a), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of rights-of-way on Navajo Nation lands and unrestricted (fee) land; and
- B. 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 a 69kV power line to Resolute Ratherford Unit (San Juan County, Utah); and
- C. The proposed right-of-way is situated across Navajo Nation Trust Lands in Sections 25 & 36, Township 40 South, Range 23 East; Sections 30 & 31, Township 40 South, Range 24 East; Section 1, Township 41 South, Range 23 East; Sections 6, 7, 16, & 18, Township 41 South, Range 24 East, Salt Lake Meridian, Aneth Chapter, San Juan County, Utah. Said lines will be 5.154 miles (27,213.01 feet or 1,649.274 rods) long by 100 feet wide during construction and 40 feet after construction, plus anchors. Total Tribal land use to be 63.233 acres, of which 27.541 acres will be permanent and the remaining 35.692 acres will be temporary for the duration of construction. 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 as Exhibit C; and

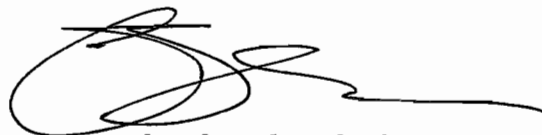
E. The environmental studies and cultural resources inventories have been completed and are attached hereto and incorporated herein by this reference.

SECTION TWO. APPROVING THE GRANTING OF A RIGHT-OF-WAY TO RESOLUTE ANETH, LLC, TO CONSTRUCT, OPERATE AND MAINTAIN A 69KV POWER LINE TO RESOLUTE RATHERFORD UNIT ON, OVER AND ACROSS NAVAJO NATION TRUSTS LANDS (SAN JUAN COUNTY, UTAH)

- A. The Navajo Nation Council's Resources and Development Committee hereby approves the granting of a right-of-way to Resolute Aneth, LLC, to construct, operate and maintain a 69kV power line 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.
- B. The Navajo Nation Council's Resources and Development Committee hereby 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.
- C. The Navajo Nation Council's Resources and Development Committee 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

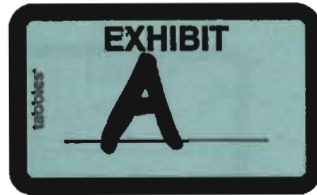
I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 0 abstained this 11th day of August, 2015.



**Alton Joe Shepherd, Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council**

Motion: Honorable Walter Phelps
Second: Honorable Leonard Tsosie
Vote: 3-0 (Chairman Not Voting)

RIGHT-OF-WAY APPLICATION



COMES NOW THE APPLICANT Resolute Aneth, LLC of 1675 Broadway, Suite 1950, Denver CO 80202. This 3rd day of March, 2014, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. L. 17-25 USC 323), and Departmental Regulations 25 CFR 169 an application for a term of 20 (twenty) years, right-of-way for the following purposes and reasons: 69 kV power line to Resolute's Rafterford Unit.

Across the following described land (Easement description) on Navajo Tribal Trust Land as shown on the attached plats.

Sections 25 & 36, T. 40 S., R. 23 E.; Sections 30 & 31, T. 40 S., R. 24 E.; Section 1, T. 41 S., R. 23 E.; Sections 6, 7, & 16-18, T. 41 S., R. 24 E.; all SLM; all San Juan County, Utah

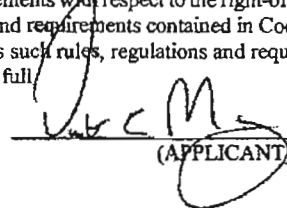
Said right-of-way to be 5.154 miles (27,213.01 feet or 1,649.274 rods) long by 100' wide during construction and 40' after construction, plus anchors. Total Tribal land use to be 63.233 acres, of which 27.541 acres will be permanent and the remaining 35.692 acres will be temporary for the duration of construction.

SAID APPLICANT DOES HEREBY UNDERSTAND AND EXPRESSLY AGREE AS FOLLOWS:

- (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 may be possible to their original condition upon the completion of construction to the extent compatible with the purposes 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 dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
- (f) To take soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way.
- (g) To do everything reasonably 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 conditions.
- (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 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.

SAID APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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


(APPLICANT)

DATED: March 3, 2014

ATTEST: Wanda G. Smith

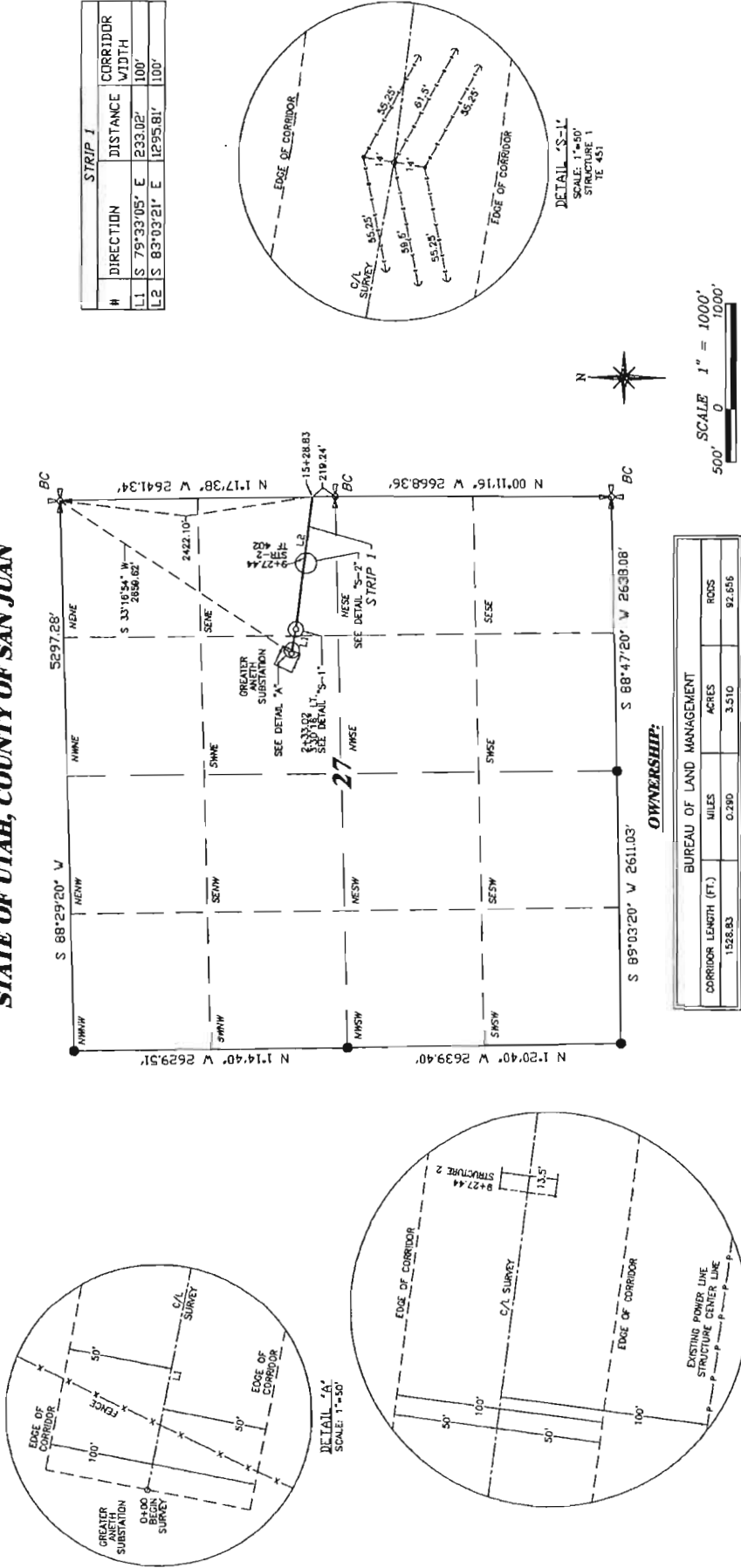
SUPPORTING DOCUMENTS:

1. Written consent of landowners (one copy) *
2. Maps of definite location one (1) linen tracings, two (2) print copies.
(See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10, and 169.11.
3. Corporate qualifications (see 169.4 and 169.5).
4. Evidence of Officers to Execute Form (Forms 1-154d) (Corporate applicant only).
5. Tribal land — Resolution of Council

EXHIBIT "A"

SECTION 27, TOWNSHIP 40 SOUTH, RANGE 23 EAST, of the SALT LAKE MERIDIAN STATE OF UTAH, COUNTY OF SAN JUAN

STRIP 1		
#	DIRECTION	CORRIDOR WIDTH
L1	S 79°33'05" E	233.02'
L2	S 83°03'21" E	1295.81'
		100'



DATUM
UTAH SP SOUTH (1927)

LEGEND

- FOUND MONUMENT SECTION CORNER
- FOUND MONUMENT QUARTER CORNER
- CALCULATED SECTION CORNER
- - - PROPOSED GUY WIRE & ANCHOR

UNITED FIELD SERVICES INC.

P.O. BOX 3651
FARMINGTON, N.M.
(505) 334-0408

SCALE: 1" = 1000'

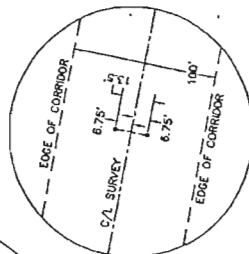
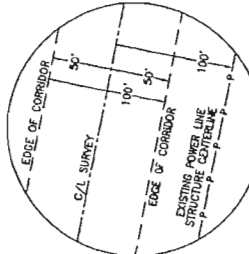
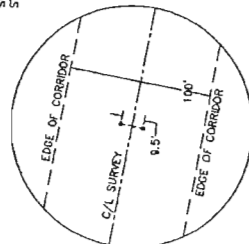
JOB No. 9835
DATE: 01/12/11

**GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE**

PREPARED FOR:
**RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY**

BY: H.S. DMC, P.E. 9835001 REV. DATE 01/18/13





REFERENCES:

R-1) OWNERSHIP PLAT C
SAN JUAN SCHOOL
BOOK 661, PAGE 1
DATED: JULY 9, 19

R-2) ORIGINAL GLO PLAT
OF SECTION 25 AN
U.S. DEPARTMENT C
DATED: FEBRUARY 1

STRIP 1		
#	DIRECTION	CORRIDOR WIDTH
L6	S 79°15'48" E	3987.42'
L7	N 86°06'44" E	753.83'

BUREAU OF LAND MANAGEMENT				
	CORRIDOR LENGTH (FT.)	MILES	ACRES	RODS
POWER LINE	4741.25	0.898	10,884	287,348
ANCHOR POCKET	N/A	N/A	0.053	N/A
TOTAL	4741.25	0.898	10,937	287,348







OWNERSHIP:



SCALE 1" = 1000'

DATUM
UTAH SP SOUTH (1927)

LEGEND

-  FOUND MONUMENT
 SECTION CORNER
 FOUND MONUMENT
 QUARTER CORNER
 CALCULATED SECTION CORNER
 PROPOSED GUY WIRE & ANCHOR

SHEET 3 OF 13

GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE
PREPARED FOR:

**RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY**

BY: H.S. DWG. F: 9835M03 REV. DATE: 09/18/13

UNITED
FIELD SERVICES INC.

SCALE: 1" = 1000'

P.O. BOX 3651
FARMINGTON, N.M.
JOB No. 9835

DATE: 01/14/11

11/21/2019

SECTION 25, TOWNSHIP 40 SOUTH, RANGE 23 EAST, of the SALT LAKE MERIDIAN STATE OF UTAH, COUNTY OF SAN JUAN

BUREAU OF LAND MANAGEMENT	FEET	MILES	ACRES PERMANENT	ACRES CONSTRUCTION	RODS
NAVAJO NATION TRIBAL TRUST (OUTSIDE OF RATHERFORD UNIT)	11,705.90	2.217	27,011	N/A	709.448
NAVAJO NATION TRIBAL TRUST (WITHIN RATHERFORD UNIT)	8,950.59	1.695	9.371	20.955	542.480
TOTAL	18,262.42	3.459	18.170	42.278	1,106.814
	38,918.81	7.371	54.552	63.233	2,358.722

DATUM
UTAH SP SOUTH (1927)

LEGEND

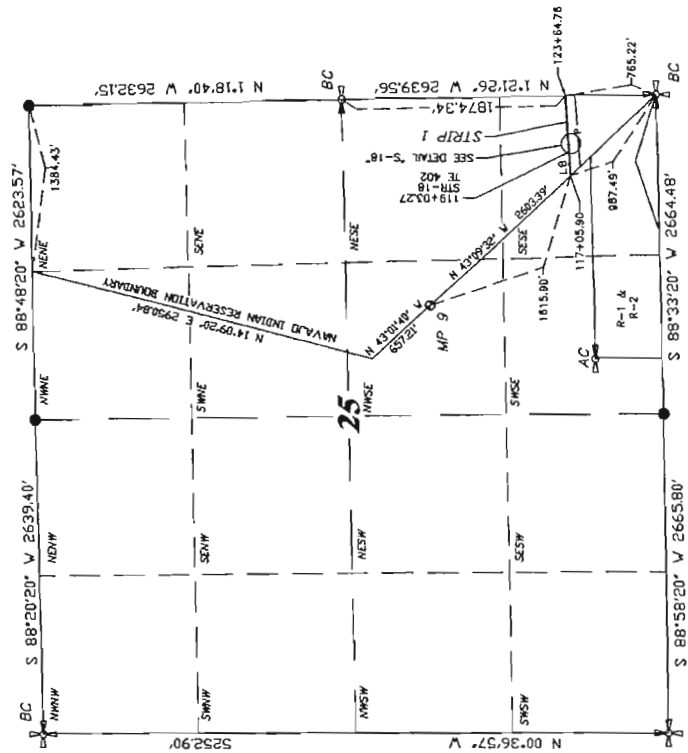
- FOUND MONUMENT SECTION CORNER
- FOUND MONUMENT QUARTER CORNER
- CALCULATED SECTION CORNER
- FOUND MONUMENT MILE POST 9

APPLICANT'S CERTIFICATE

I, PATRICK E. FLYNN, DO HEREBY CERTIFY THAT I AM THE VICE PRESIDENT, GOVERNMENTAL AND CORPORATE AFFAIRS, FOR RESOLUTE ANETH, LLC. HEREINAFTER DESIGNATED THE APPLICANT. THAT JOHN A. VUKONICH WHO SUBSCRIBED TO THE FOREGOING AFFIDAVIT IS CONTRACTED BY THE APPLICANT AS A PROFESSIONAL LAND SURVEYOR AND THAT HE WAS DIRECTED BY THE APPLICANT TO SURVEY THE LOCATION OF THE PROPOSED GREATER ANETH SUBSTATION TO RATHERFORD UNIT 69 KV POWER LINE, 5.154 MILES IN LENGTH AND TO PREPARE THIS TEN PAGE MAP (SHEETS 4-13). THAT THE LOCATION OF SAID POWER LINE SURVEY BEGINS ON THE WEST LINE OF THE NAVAJO INDIAN RESERVATION (SE 1/4 SE 1/4 SECTION 25) IN TOWNSHIP 40 SOUTH, RANGE 23 EAST, PASSES THROUGH SECTIONS 30 AND 31 IN TOWNSHIP 40 SOUTH, RANGE 24 EAST, THROUGH SECTION 36, TOWNSHIP 40 SOUTH, RANGE 23 EAST, SECTION 1, TOWNSHIP 41 SOUTH, RANGE 23 EAST, THROUGH SECTIONS 6, 7, 18, 17, ENDING IN THE NW 1/4 SW 1/4 OF SECTION 16 IN TOWNSHIP 41 SOUTH, RANGE 24 EAST, SALT LAKE MERIDIAN, SAN JUAN COUNTY, UTAH. IS ACCURATELY REPRESENTED ON THIS MAP. THAT SUCH SURVEY AS REPRESENTED ON THIS MAP HAVE BEEN ADOPTED BY THE APPLICANT AS THE DEFINITE LOCATION OF THE RIGHT-OF-WAY THEREBY SHOWN; AND THAT THE MAP HAS BEEN PREPARED TO BE FILED WITH THE SECRETARY OF THE INTERIOR OR HIS DULY AUTHORIZED REPRESENTATIVE AS PART OF THE APPLICATION FOR SAID RIGHT-OF-WAY TO BE GRANTED THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, WITH THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR IMPROVEMENTS, THEREON AND THEREAFTER, FOR SUCH PURPOSES, AND WITH THE FURTHER RIGHT IN THE APPLICANT, ITS SUCCESSORS AND ASSIGNS, TO TRANSFER THIS RIGHT-OF-WAY BY ASSIGNMENT, GRANT, OR OTHERWISE.

PATRICK E. FLYNN
VICE PRESIDENT, GOVERNMENTAL AND CORPORATE AFFAIRS
RESOLUTE ANETH, LLC

SCALE
500' 1" = 1000'
0 1000'



DETAIL "S-18"
SCALE 1"=50'

REFERENCES:

- R-1) OWNERSHIP PLAT CLAIM DEED TO NAVAJO NATION TRIBAL TRUST (TRACT 37), BOOK 651, PAGE 161-162, DATED: JULY 9, 1984.
- R-2) ORIGINAL G.D. PLAT, DEPENDENT RESURVEY AND SURVEY OF SECTION 25 AND THE SURVEY OF TRACT 37 U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT DATED: FEBRUARY 14, 1984

#	DIRECTION	DISTANCE	CONST. CORRIDOR WIDTH
LB	N 86°06'44" E	658.86'	100'

- 100' WIDE DURING CONSTRUCTION AND 40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM

OWNERSHIP:			
NAVAJO NATION TRIBAL TRUST			
CORRIDOR LENGTH (FT.)	MILES	ACRES	RODS
658.86	0.125	1.513**	39.831

** 1.513 ACRES DURING CONSTRUCTION AND 0.605 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM

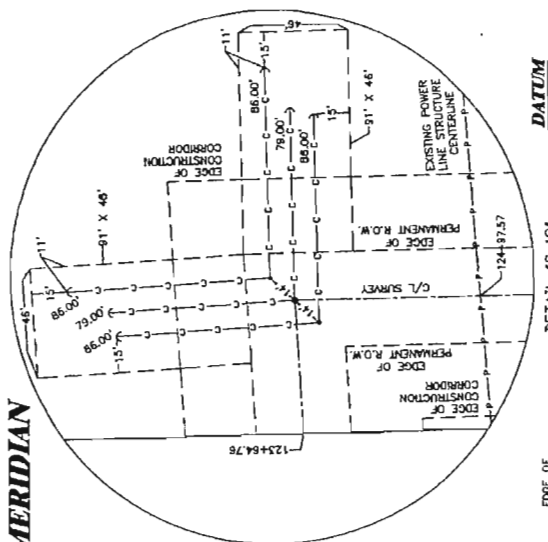
SHEET 4 OF 13

GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE
PREPARED FOR:
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY

UNITED FIELD SERVICES INC.	
P.O. BOX 3651 FARMINGTON, N.M. (505) 334-0408	SCALE: 1" = 1000' JOB No. 9835 DATE: 01/12/11

BIG H.S. DING, P. 9835004, REV. DATE 08/18/13

SHIP 40 SOUTH, RANGE 24 EAST, of the SAN JUAN STATE OF UTAH, COUNTY OF SAN JUAN



6-1
7M30 230
8-1 2020
9-1 2020
E701+421
MSUS

MS35

MS45

MS35

STRIP 1
L10 128+21.15
0.12415 BT

2590.3*

NAVAJO NATION TRIBAL TRUST				
	CORRIDOR LENGTH (FT.)	MILES	ACRES	RODS
POWER LINE	822.47	0.156	1,888**	48.847
ANCHOR POCKET	N/A	N/A	0.301***	N/A
TOTAL	822.47	0.156		48.847

* 1,888 ACRES POWER LINE SECTION AND 0.755 ACRES FOR REMAINDER OF RIGHT-OF-WAY TRAIL.
 ** 0.301 ACRES ANCHOR POCKET AND 0.538 ACRES FOR REMAINDER OF RIGHT-OF-WAY TRAIL.

UNITED
FIELD SERVICES INC.

No. 7219139

LAND SURVEY

DETAIL 'TYP.'

SCALE 1" = 1000'

500' 0 1000'

SECTION LINE

S 88°25'13" V
54.75' 131+87.23

SCALE: 1"=100'

GREATER ANETH SUBSTATION

TO BATHEREORD UNIT 69 kV POWER LINE

AND SUBSTATION SITE

PREPARED FOR:

RESOLITE ANETH LLC as a wholly owned subsidiary of

RESOURCENATURAL RESOURCES COMPANY

BY: H.S. DWG. #: 0835405 REV. DATE: 08/16/13

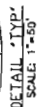
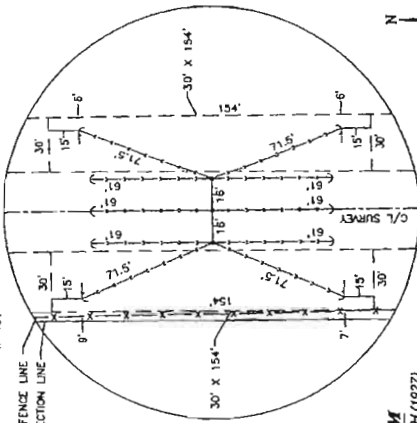
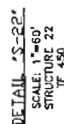
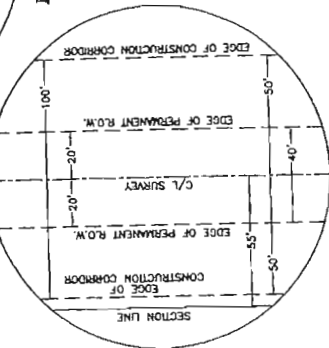
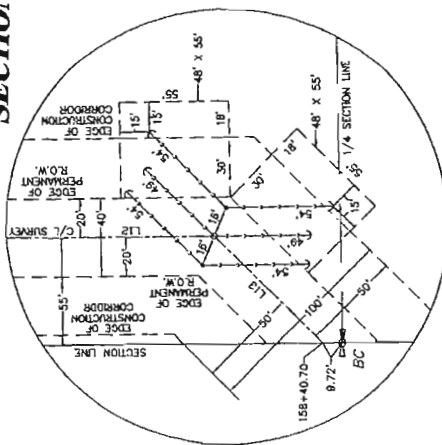
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5

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7

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STRIP 1			
#	DIRECTION	DISTANCE	CONST. CORRIDOR WIDTH *
L11	S 1°20'41" E	2576.21'	100'
L12	S 44°02'20" W	77.26'	100'

100' WIDE DURING CONSTRUCTION AND
40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM

NAVAJO NATION TRIBAL TRUST				
	CORRIDOR LENGTH (FT.)	MILES	ACRES	ROADS
POWER LINE	2653.47	0.502	6.092**	180.816
ANCHOR POCKETS	N/A	N/A	N/A	N/A
TOTAL	2653.47	0.502	6.137	160.816

** 6.092 ACRES DURING CONSTRUCTION AND 2.437 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM
*** 0.045 ACRES DURING CONSTRUCTION AND 0.413 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM

UTAH SP SOUTH (1927)

LEGEND

LAND MONUMENT

SECTION CORNER

QUARTER CORNER / SIXTEENTH CORNER

CULATED SECTION CORNER

PROPOSED GUY WIRE & ANCHOR

SHEET 6 OF 13

GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 kV POWER LINE
AND SUBSTATION SITE

PREPARED FOR:
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY

BY: H.S. DWG. #: 9835M06 REV. DATE: 09/18/

UNITED
FIELD SERVICES INC.

SCALE: 1" = 1000'

1000 0000

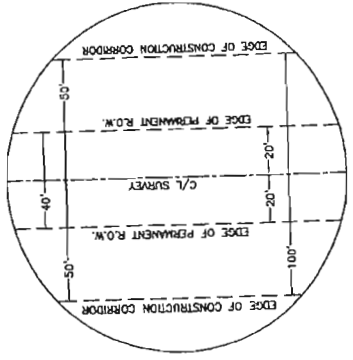
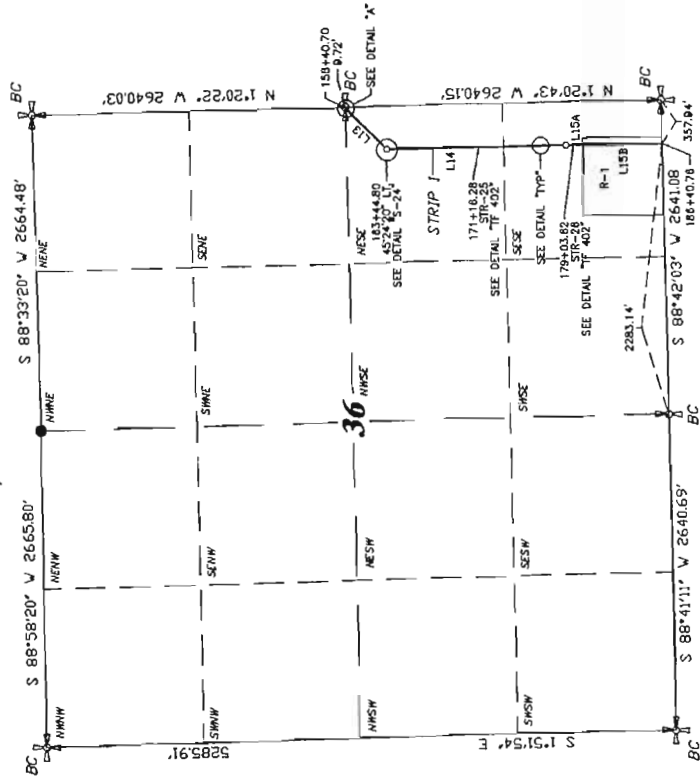
JOB NO. 3833

DATE: 07/12/17

SCALE 1" = 1000'

SCALE 1" = 1000'

SECTION 36, TOWNSHIP 40 SOUTH, RANGE 23 EAST, of the SALT LAKE MERIDIAN STATE OF UTAH, COUNTY OF SAN JUAN



DETAIL "A"
SCALE: 1"=50'

REFERENCES:

R-1) MONTEZUMA CREEK PLANT SITE LEASE PLAT,
FILE NO. 2084-10-R10,
DATED: NOVEMBER 4, 2004

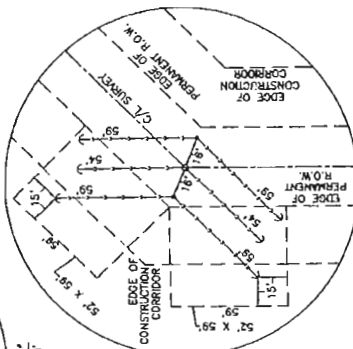
#	DIRECTION	DISTANCE	CONST. CORRIDOR WIDTH
L13	S 44°02'20" W	504.10'	100'
L14	S 1°22'00" E	1497.47'	100'
L15A	S 1°21'54" E	139.71'	100'
L15B	S 1°21'54" E	658.78'	100'

100' WIDE DURING CONSTRUCTION AND
40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM

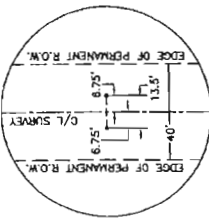
OWNERSHIP:

NAVAJO NATION TRIBAL TRUST			
POWER LINE	CORRIDOR LENGTH (FT.)	ACRES	RODS
ANCHOR POCKET	2800.08	0.530	188.701
TOTAL	2800.08	0.530	188.701

** 8.428 ACRES DURING CONSTRUCTION AND 2.571 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.
*** 0.080 ACRES DURING CONSTRUCTION AND 0.141 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.



DETAIL "S-24"
SCALE: 1"=40'
STRUCTURE 24
IF 451



DETAIL "IF 402"
SCALE: 1"=50'
STRUCTURES 25 & 26

UTAH SP SOUTH (1927)

LEGEND

- FOUND MONUMENT
- SECTION CORNER
- FOUND MONUMENT
- QUARTER CORNER
- CALCULATED SECTION CORNER
- PROPOSED GUY WIRE & ANCHOR

SCALE: 1" = 1000'
500' 0 1000'

SHEET 7 OF 13

UNITED FIELD SERVICES INC.

P.O. BOX 3651
FARMINGTON, N.M.
(505) 334-0408

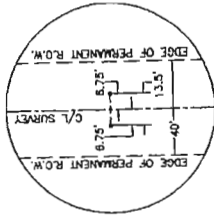
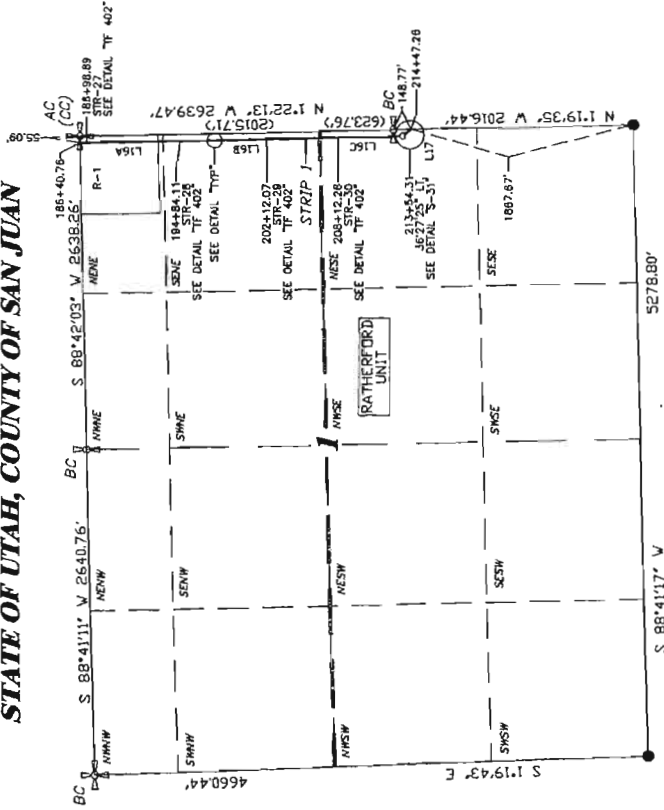
**GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE**

PREPARED FOR:
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY

DATE: 01/12/11

BY: H.S. DWG. #: 9335007 REV. DATE: 09/18/13

SECTION 1, TOWNSHIP 41 SOUTH, RANGE 23 EAST, of the SALT LAKE MERIDIAN STATE OF UTAH, COUNTY OF SAN JUAN



DETAIL - TYP.
SCALE: 1"=50'
STRUCTURES 21, 22, 23 & 24

REFERENCES:

R-1) MONTELEONE CREEK PLANT SITE LEASE PLAT
ELABORON OPERATING COMPANY, SAN JUAN COUNTY, UTAH
FILE NO. 2004-10-8106
DATE: NOVEMBER 4, 2004

#	DIRECTION	DISTANCE	CONST. CORRIDOR
L16A	S 1°21'54" E	657.19'	100'
L16B	S 1°21'54" E	1358.54'	100'
L16C	S 1°21'54" E	697.82'	100'
L17	S 37°49'18" E	92.95'	100'

* 100' WIDE DURING CONSTRUCTION AND
40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM

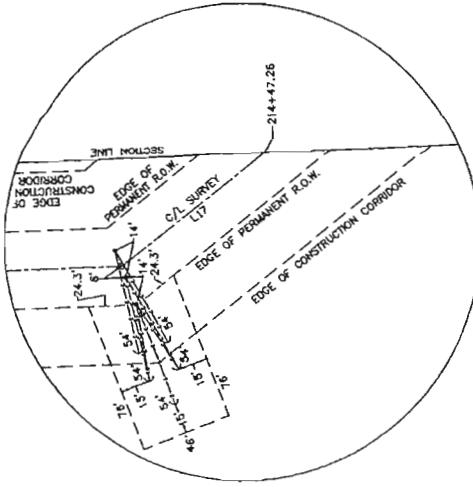


SCALE 1" = 1000'
500 0 1000'

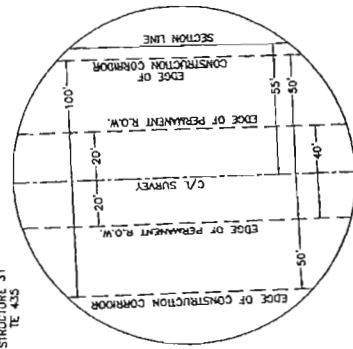
OWNERSHIP:

POWER LINE	CORRIDOR LENGTH (FT.)	ACRES	FOOS
ANCHOR POCKET	2808.30'	0.532	170.091
ANCHOR POCKET	N/A	N/A	N/A
TOTAL	2808.30'	0.532	170.091

OF WHICH 790.77 FEET IN RATHERFORD UNIT AND 2018.23 FEET OUTSIDE RATHERFORD UNIT
** 81.03 ACRES DURING CONSTRUCTION AND 0.228 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM IN RATHERFORD UNIT.
*** 4.628 ACRES DURING CONSTRUCTION AND 1.851 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM IN RATHERFORD UNIT.
**** 0.043 ACRES DURING CONSTRUCTION AND 0.076 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM IN RATHERFORD UNIT.



DETAIL - TYP.
SCALE: 1"=50'
STRUCTURE 31
TE 435



DETAIL - TYP.
SCALE: 1"=50'

DATUM

UTAH SP SOUTH (1927)

LEGEND

- FOUND MONUMENT
- SECTION CORNER
- ROUND MONUMENT
- QUARTER CORNER
- CALCULATED SECTION CORNER
- PROPOSED GUY WIRE & ANCHOR

SHEET 8 OF 13

UNITED
FIELD SERVICES INC.

TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE

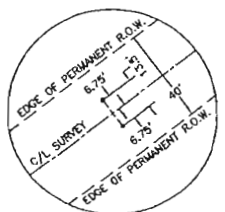
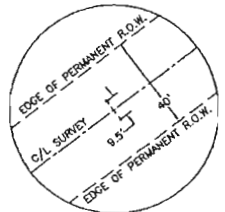
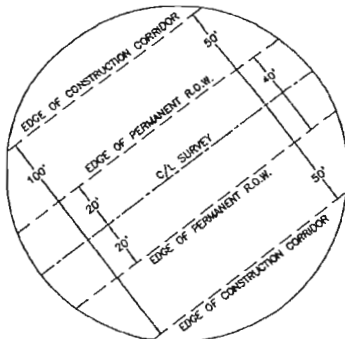
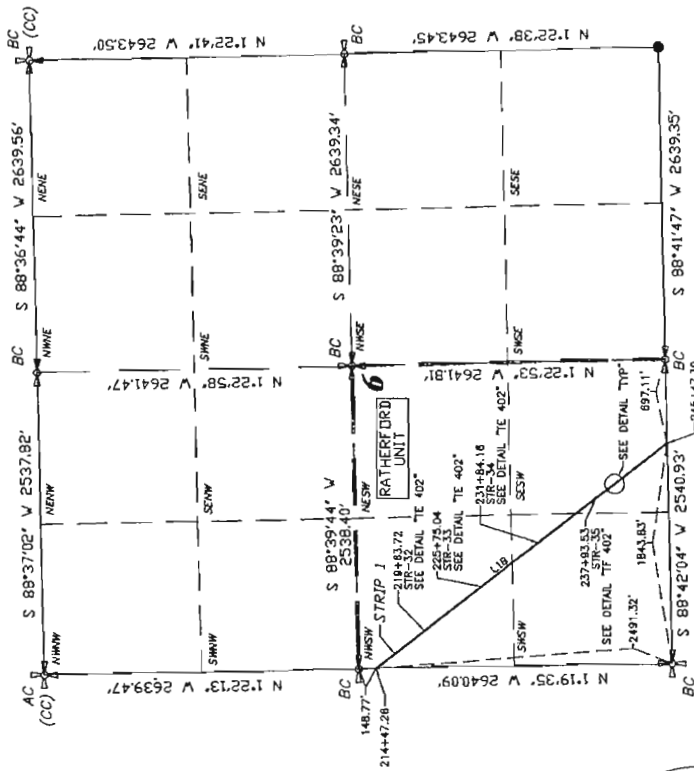
PREPARED FOR:
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY

P.O. BOX 3651
FARMINGTON, N.M.
(505) 334-0408

SCALE: 1"=1000'
JOB No. 9835
DATE: 01/12/11

BY: H.S. DWG. # 9835008 REV. DATE: 05/18/13

SECTION 6, TOWNSHIP 41 SOUTH, RANGE 24 EAST, of the SALT LAKE MERIDIAN STATE OF UTAH, COUNTY OF SAN JUAN



DETAIL "TE 402"
SCALE 1"=30'
STRUCTURES 32, 33 & 34

DETAIL "TE 402"
SCALE 1"=30'
STRUCTURE 35

OWNERSHIP:

CORRIDOR LENGTH (FT.)	MILES	ACRES	RODS
3100.13	0.567	7.117**	157.887

** 7.117 ACRES DURING CONSTRUCTION AND
2.847 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.

DATUM
UTAH SP SOUTH (1927)

LEGEND

- FOUND MONUMENT
- SECTION CORNER
- FOUND MONUMENT
- QUARTER CORNER
- CALCULATED SECTION CORNER

REFERENCES:

R-1) MONTICUMA CREEK PLANT SITE LEASE PLAT,
ELKHORN OPERATING COMPANY, SAN JUAN COUNTY, UTAH,
FILE NO. 2004-10-R106,
DATED: NOVEMBER 4, 2004.

#	DIRECTION	DISTANCE	CONST. CORRIDOR WIDTH
LIB	S 37°49'18" E	3100.13'	100'

100' WIDE DURING CONSTRUCTION AND
40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM



SCALE
500' 0 1000'
1" = 1000'

SHEET 9 OF 13

UNITED
FIELD SERVICES INC.

**GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE**

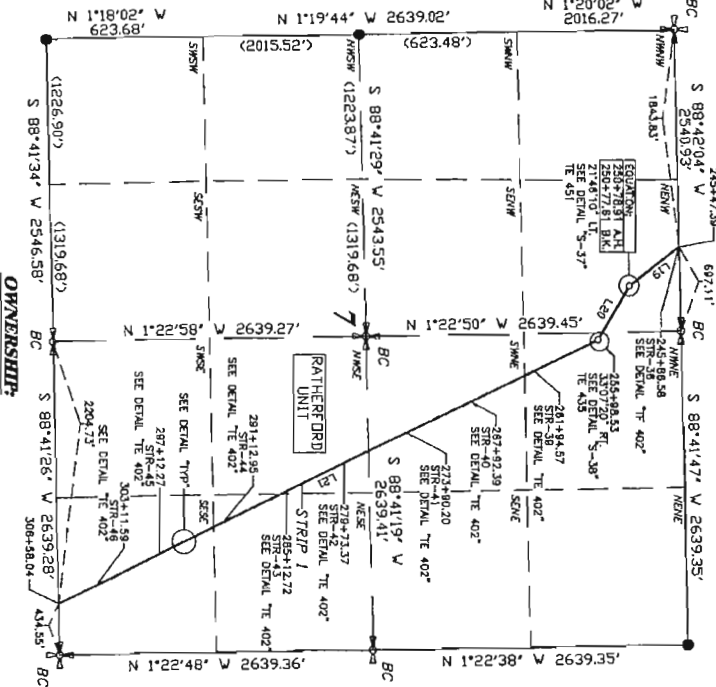
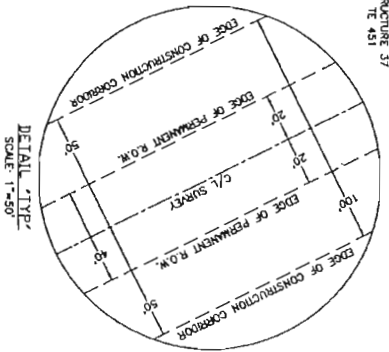
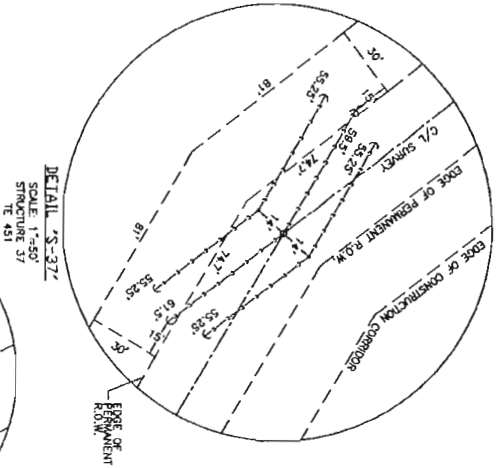
PREPARED FOR:
**RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY**

P.O. BOX 3651
FARMINGTON, N.M.
(505) 334-0408

SCALE: 1"=1000'
JOB No. 9835
DATE: 01/12/11

BY: H.S. DWS, P. 9835009 REV. DATE: 08/18/13

SECTION 7, TOWNSHIP 41 SOUTH, RANGE 24 EAST, of the SALT LAKE MERIDIAN STATE OF UTAH, COUNTY OF SAN JUAN



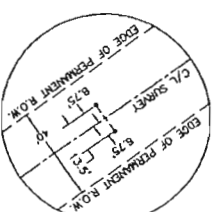
NAVAJO NATION TRIBAL TRUST			
	CORRIDOR LENGTH (FT.)	MALES	ACRES
POWER LINE	6109.35	1.157	14.025
ANCHOR POCKET	N/A	N/A	0.043
TOTAL	6109.35	1.157	14.070

** 14.025 ACRES DURING CONSTRUCTION AND 2.610 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.
*** 0.043 ACRES DURING CONSTRUCTION AND 0.196 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.

- DATUM**
UTAH SP SOUTH (1927)
- LEGEND**
- FOUND MONUMENT
 - SECTION CORNER
 - FOUNDER MONUMENT
 - QUARTER CORNER
 - CALCULATED SECTION CORNER
 - PROPOSED GUY WIRE & ANCHOR

#	DIRECTION	DISTANCE	CONST. CORRIDOR WIDTH
119	S 37°49'18" E	530.22'	100'
120	S 59°05'32" E	519.62'	100'
121	S 62°28'08" E	503.95'	100'

* 100' WIDE DURING CONSTRUCTION AND 40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM

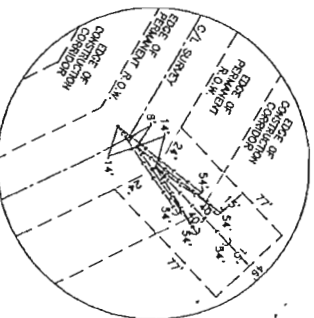


DETAIL 'S-37'
SCALE 1"=50'
STRUCTURE 37
TE 451

DETAIL 'S-38'
SCALE 1"=50'
STRUCTURE 38
TE 455



SCALE 1" = 1000'
0 500' 1000'

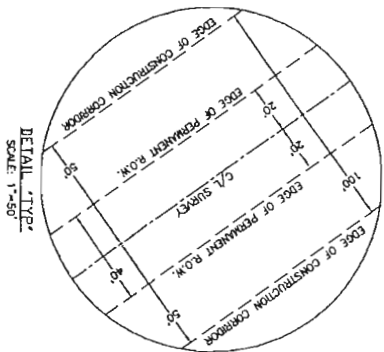


UNITED FIELD SERVICES INC.
P.O. BOX 3651
FARMINGTON, N.M.
(505) 334-0408





SCALE: 1" = 1000'
JOB No. 8835
DATE: 01/12/11

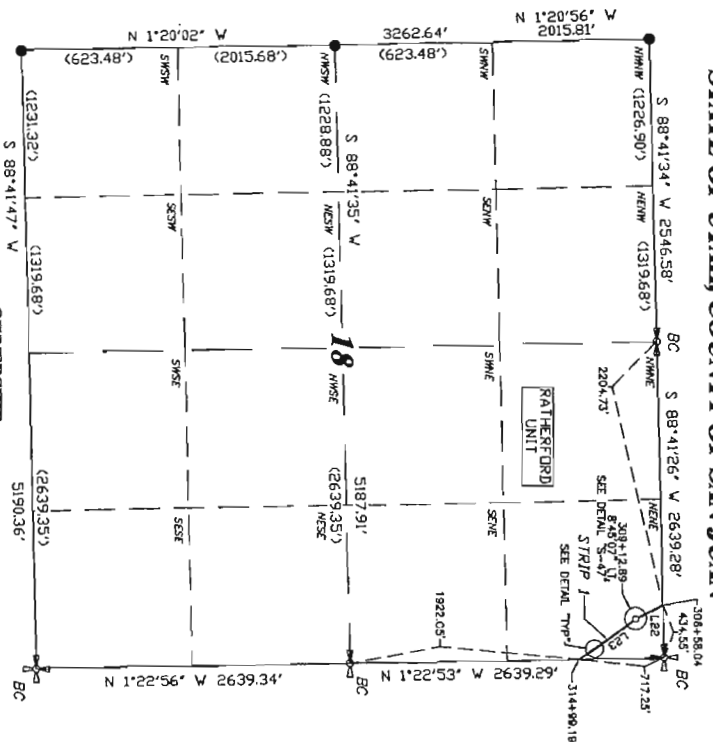
GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE
PREPARED FOR:
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY

SHEET 10 OF 13
BY: H.S. DWG. # 883510 REV. DATE: 08/18/13

[illegible]

LEGEND

-  FOUND MONUMENT
 SECTION CORNER
 FOUND MONUMENT
 QUARTER CORNER
 CALCULATED SECTION CORNER
 PROPOSED GUY WIRE & ANCHOR



NAVAJO NATION TRIBAL TRUST			
	COMPRESSOR LENGTH (FT.)	MILES	ACRES
POWER LINE	84.15	0.159	1,831**
ANCHOR POCKET	N/A	N/A	0.040**
TOTAL	84.15	0.159	1,971
			50.079

1.931 ACRES DURING CONSTRUCTION AND 0.772 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.
0.040 ACRES DURING CONSTRUCTION AND 0.221 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.

OWNERSHIP:

UNITED
FIELD SERVICES INC.

P.O. BOX 3651
FARMINGTON, N.M.
(505) 334-0408

SCALE: 1"=1000'
JOB NO. 9835
DATE: 01/12/11

GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE
PREPARED FOR:
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY

BY: H.S. DWG. #: 9803M11 REV. DATE: 09/18/11

STRIP 1		
#	DIRECTION	CONST. CORRIDOR WIDTH #
L225	26.2808° E	254.85'
L235	35.713° E	100'
L235	35.713° E	100'

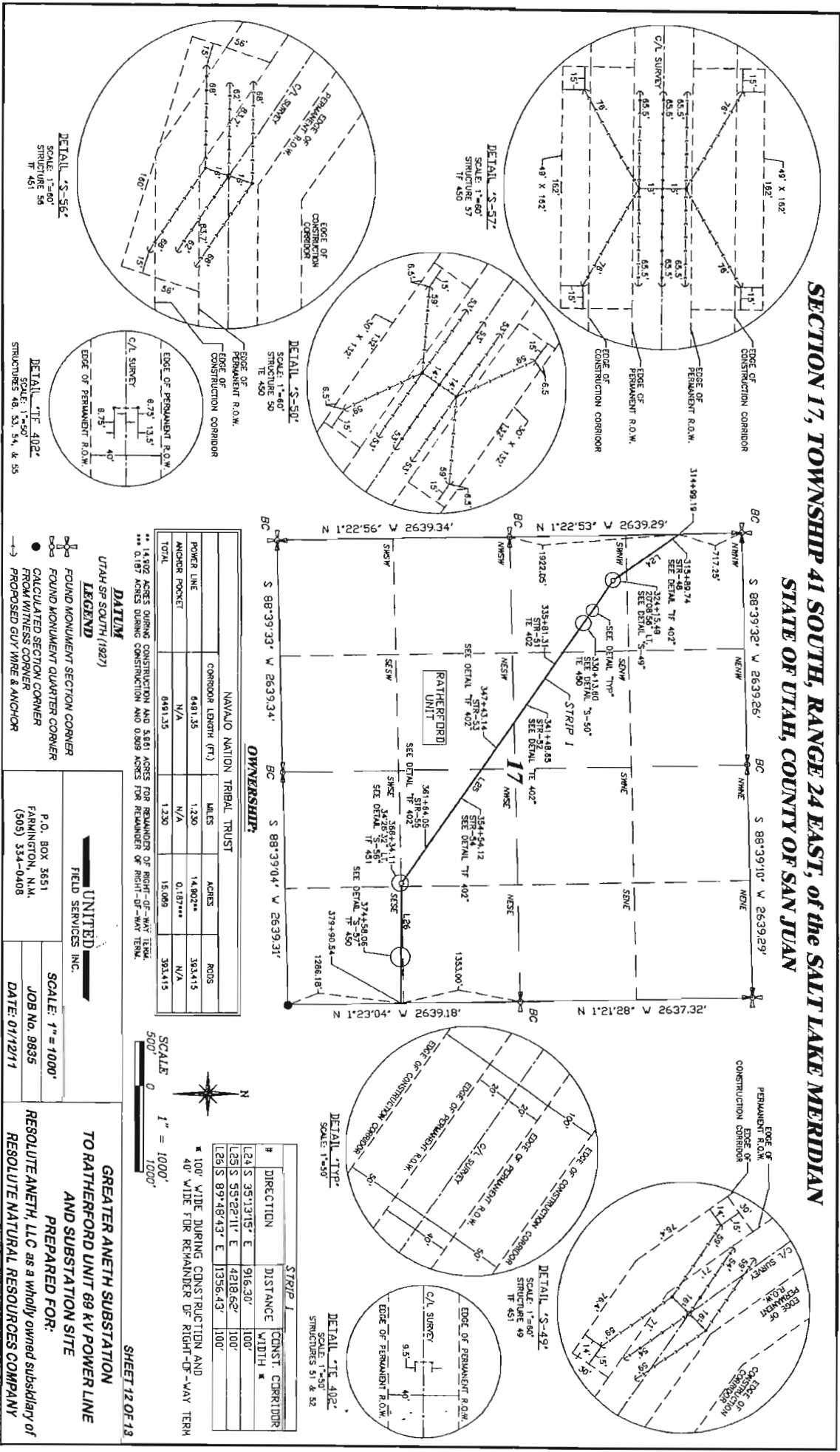
100' WIDE DURING CONSTRUCTION AND 40' WIDE FOR REMAINDER OF RIGHT-OF-WAY

- 100' WIDE DURING CONSTRUCTION AND 40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM



SCALE 1" = 1000'
0 1000'

SECTION 17, TOWNSHIP 41 SOUTH, RANGE 24 EAST, of the SALT LAKE MERIDIAN STATE OF UTAH, COUNTY OF SAN JUAN



NAVALO NATION TRIBAL TRUST			
CORRIDOR LENGTH (FT.)	ACRES	RODS	
POWER LINE	6481.35	1.250	14.802**
ANCHOR POCKET	N/A	N/A	0.187**
TOTAL	6481.35	1.250	15.009

14.802 ACRES DURING CONSTRUCTION AND 0.601 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.
0.187 ACRES DURING CONSTRUCTION AND 0.509 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.

DATUM
UTAH SP SOUTH (1927)
LEGEND
FOUND MONUMENT SECTION CORNER
CALCULATED SECTION CORNER
FROM WITNESS CORNER
PROPOSED GUY WIRE & ANCHOR

UNITED FIELD SERVICES INC.
P.O. BOX 3651
FARMINGTON, N.M.
(505) 334-0408
SCALE: 1"=1000'
JOB NO. 9835
DATE: 01/12/11
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY
BY: [Signature] DATE: 03/18/13

**GREATER ANETH SUBSTATION
TO RATHERFORD UNIT 69 KV POWER LINE
AND SUBSTATION SITE
PREPARED FOR:**
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY
BY: [Signature] DATE: 03/18/13

#	DIRECTION	DISTANCE	CONST. CORRIDOR WIDTH
1	S 35°13'15" E	916.30'	100'
2	S 55°22'11" E	4218.62'	100'
3	S 89°48'43" E	1356.43'	100'

* 100' WIDE DURING CONSTRUCTION AND 40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM

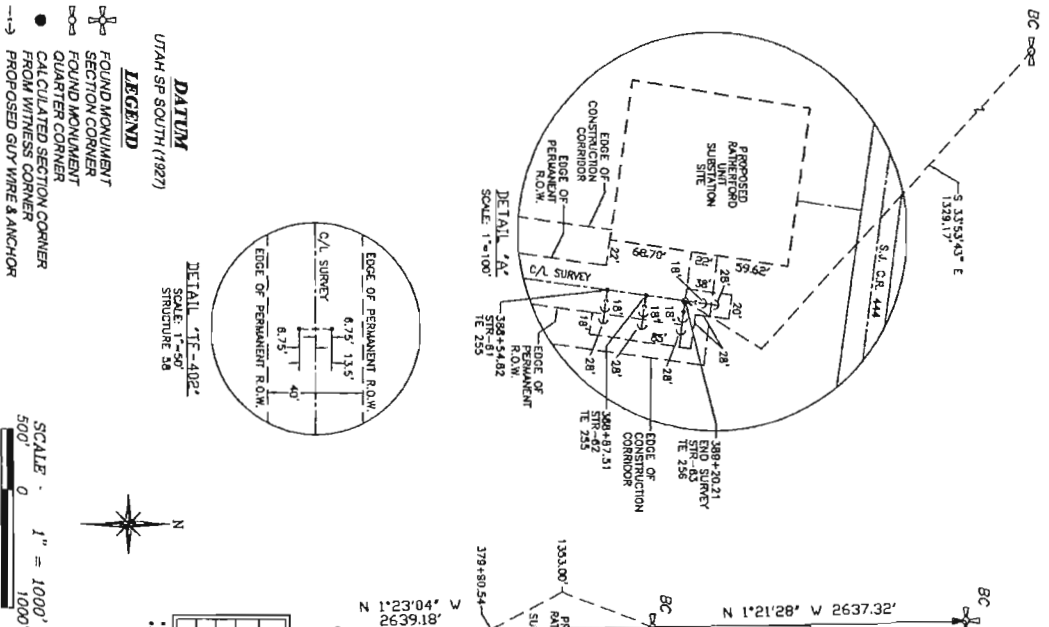
STRIP 1
DISTANCE
CONST. CORRIDOR WIDTH
100'

DETAIL TYPE 402
SCALE 1"=50'
STRUCTURES 51 & 52

DETAIL TYPE 402
SCALE 1"=50'
STRUCTURES 51 & 52

DETAIL TYPE 402
SCALE 1"=50'
STRUCTURES 51 & 52

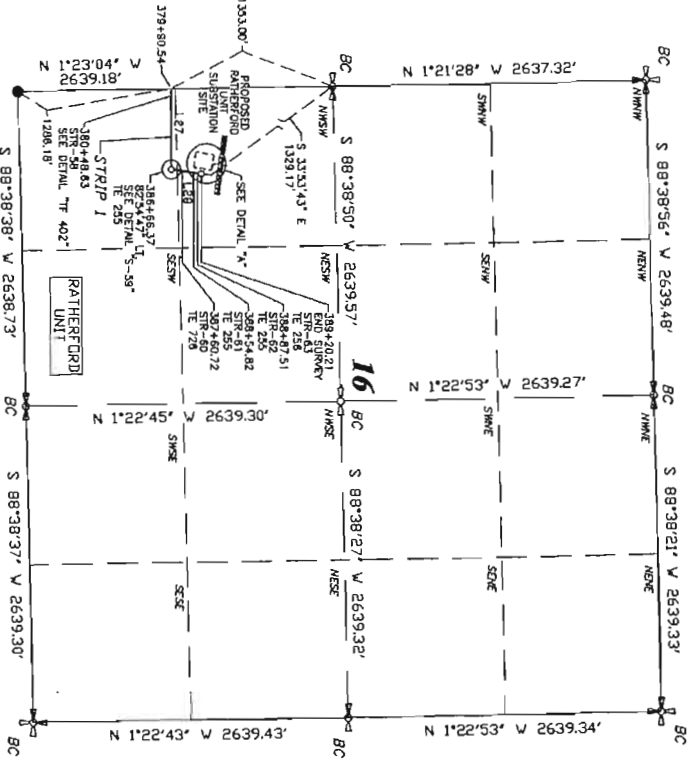
SECTION 16, TOWNSHIP 41 SOUTH, RANGE 24 EAST, of the SALT LAKE MERIDIAN STATE OF UTAH, COUNTY OF SAN JUAN



NAVAJO NATION TRIBAL TRUST			
POWER LINE	CORRIDOR LENGTH (FT)	MILES	ACRES
	523.67	0.176	2.166**
ANCHOR POCKET	N/A	N/A	0.007***
TOTAL	523.67	0.176	2.173

** 2.166 ACRES DURING CONSTRUCTION AND 0.007 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.
*** 0.007 ACRES DURING CONSTRUCTION AND 0.004 ACRES FOR REMAINDER OF RIGHT-OF-WAY TERM.

OVERSHP:



DETAIL 'S-59'
SCALE: 1"=400'
STRUCTURE 59
TE 255

#	DIRECTION	DISTANCE	CONST. CORRIDOR WIDTH *
1	S 89°48'43" E	675.93	100'
2	S 71°6'30" E	253.84	100'

* 100' WIDE DURING CONSTRUCTION AND 40' WIDE FOR REMAINDER OF RIGHT-OF-WAY TERM

UNITED
FIELD SERVICES, INC.

P.O. BOX 3651
FARMINGTON, N.M.
(505) 334-0408

SCALE: 1"=1000'
JOB NO. 9835
DATE: 01/12/11

GREATER ANETH SUBSTATION
AND SUBSTATION SITE
PREPARED FOR:
RESOLUTE ANETH, LLC as a wholly owned subsidiary of
RESOLUTE NATURAL RESOURCES COMPANY



**THE
NAVAJO
NATION**

BEN SHELLEY
PRESIDENT

"CONFIDENTIAL INFORMATION"

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

REX LEE JIM
VICE - PRESIDENT

October 10, 2013

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

Subject: Surface Damage Compensation Request for Ratherford Unit 69 kV Supply Project

Dear Mr. Atcity:

The Utah Land Office has completed your said field clearances with Mr. Bruce H. Benally and Mr. Calvin C. Thomas, Grazing Committee Member of Aneth and Red Mesa Chapter, and six (6) 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 69 kV Supply Project: Power Line 100' x 27.213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres. Calculations: 63.714 acres x \$610 per acres rate = \$38,865.54.

Thus, make the checks payable to:

- 1) Ann Litsui, SS#
- 2) Arlene S. Begay, SS#
- 3) Carmelita Whitney, SS#
- 4) Dorothy J. Todechene, SS#
- 5) Sadie Silas, SS#
- 6) Pete N. Benally, SS#
- 7) Victoria M. Joe, SS#

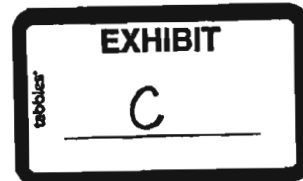
Send the checks to our office for our accountability and distribution. For inquiries, please call me at (435) 651-3504, fax (435) 651-3506 or email at belclark@frontiernet.net Thank you.

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, Dept. Mgr. HUNLD/DNR/NN
L. Harlan Charley, SPPS/NLD/DNR/NN
Calvin C. Thomas, GCM/Aneth Chapter/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

PAID
10/10/13

MEMORANDUM

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

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

Date: October 10, 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 Mr. Calvin C. Thomas, Grazing Committee Member of Aneth Chapter, and (6) grazing permittees has consented. Thus, forward the proposed project for approval. The proposed projects are described below:

Ratherford Unit 69 kV Supply Project: Power line 100' x 27.213.01/62.472 acres and Anchors 0.751 acres = 63.233 acres. SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres. in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E. Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres.

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. And if you should have any questions to the company you may call Mr. Brian Wood, Consultant with Permits West, Incorporated at (505) 466-8120. Thank you.

Attachments

cc:
Brian Wood, Consultant/Permits West, Inc.
Roger Arcity/Resolute Natural Resources
W. Mike Halona, Dept. Mgr. III/NLD DNR/NN
I. Harlan Charley, SPPS/NLD DNR/NN
Calvin C. Thomas, GCM/Aneth Chapter/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
Akhtar Zaman, Director/Minerals Dept./NA
Bill Freeman/NNEPA/NN
Bertha Spencer/BIA
File, Utah Land Office/NLD/DNR/NA

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 100, Montezuma Creek, Utah 84534

Identification:

Purpose: ^{list} Ratherford 69 kV Supply Project: Power line, Anchors, SubStation and Road.

Location (Legal Description): In Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah.

Amount of land affected: Power line 100' x 27,213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, and SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres. Total of 63.714 acres.

Land status: Trust Fee Other

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

<u>Names</u>	<u>Census No.</u>	<u>Type of and Use Right</u>
a. Ann Litsui		Grazing Rights (within Aneth Chapter)
b. Arlene S. Begay		Grazing Rights (within Red Mesa Chapter)
c. Carmelita J. Whitney		Grazing Rights (within Red Mesa Chapter)
d. Dorothy J. Todechene		Grazing Rights (within Red Mesa Chapter)
e. Pete N. Benally		Grazing Rights (within Red Mesa Chapter)
f. Victoria M. Joe		Grazing Rights (within Red Mesa Chapter)

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 confirms 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.

10/8/13
Date

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

09
District

10/10/13
Date

Calyon C. Thomas
Calyon C. Thomas, Grazing Committee Member
Aneth Chapter

12
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 are expected to individual improvement. Nominal surface/grazing damages are 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.

5. List of land users where diminishment in value of land use rights is expected and/or where land use rights are 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. Ann Litsui	None	None	Yes, consent # 2
b. Arlene S. Begay	None	None	Yes, consent # 2
c. Carmelita J. Whitney	None	None	Yes, consent # 2
d. Dorothy J. Todechene	None	None	Yes, consent # 2
e. Pete N. Benally	None	None	Yes, consent # 2
f. Victoria M. Joe	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. Ann Litsui	\$4,719.57	Yes	Yes, consent # 2
b. Arlene S. Begay	\$7,482.87	Yes	Yes, consent # 2
c. Carmelita J. Whitney	\$7,482.87	Yes	Yes, consent # 2
d. Dorothy J. Todechene	\$7,784.82	Yes	Yes, consent # 2
e. Pete N. Benally	\$7,784.82	Yes	Yes, consent # 2
f. Victoria M. Joe	\$3,610.59	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

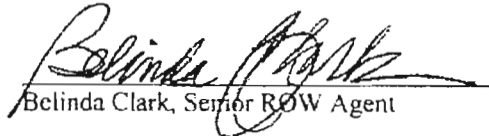
7. Was the project fully explained to the land users? Yes No
8. Which chapter will be affected by the project? Aneth & Red Mesa Chapters
9. Are supporting chapter resolution attached? Yes No
10. Will chapter receive any payments or benefits from the project?
- Yes No If yes, what will be received?

Approved by:

Field Clearance Conducted by:

Utah Land Office/Navajo Land Department

Navajo Land Department
(NLD)


Belinda Clark, Senior ROW Agent

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

Date: October 10, 2013

GRAZING COMMITTEE RECOMMENDATION

Date: August 12, 2013

Project Name/Legal Description: ^{unit} Ratherford 69 kV Supply Project: Power line 100' x 27.213.01' 62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 132' x 150' 0.456 acres and Road 20' x 54.88' 0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres. For the sum of \$38,865.54.

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, Calvin C. Thomas, Grazing Committee Member of District 12, Aneth Chapter, and I, Bruce H. Benally, Grazing Committee Member of District 09, Red Mesa Chapter recommend this/these individual (s) as:

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

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

No.	Name	Census #	Soc. Sec. #	Any Livestock Tally Count?	% Distribution
-----	------	----------	-------------	-------------------------------	----------------

Aneth Chapter:

1) Ann Litsui	Yes or No	_____	%
---------------	-----------	-------	---

Red Mesa Chapter:

1) Arlene S. Begay	Yes or No	_____	%
2) Carmelita Whitney	Yes or No	_____	%
3) Dorothy J. Todechene	Yes or No	_____	%
4) Pete N. Benally	Yes or No	_____	%
5) Victoria M. Joe	Yes or No	_____	%

Witnesses: _____

ACKNOWLEDGEMENT:

x Calvin Thomas 10/10/13
Grazing Committee Member
Calvin Thomas, Aneth Chapter

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

CONCURRENCE:

Belinda Clark
Utah Land Office Navajo Land Dept.
Belinda Clark, Senior ROW Agent

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Ann Litsui, 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 ^{with} 69 kV Supply Project: Power line 100' x 27.213.01' / 63.233 acres, SubStation ^{132 kV} 83' x 150' / 0.456 acres and Road 20' x 54.88' / 0.025 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, 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 \$ _____ 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:

9-19-13
Date

X Ann Litsui
Land user Signature
Ann Litsui

Census No. _____
Permit No. _____
SS No. _____

Address: P. O. Box 731, Montezuma Creek, UT 84534

10/10/13
Date

Calvin C. Thomas
Grazing Committee Member Signature
Calvin C. Thomas, Aneth Chapter

District 12

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was read /L/ or fully explained /L/ to the land user in Navajo /L/ or English /L/ (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, Arlene S. Begay, 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 69 kV Supply Project; Power line 100' x 27.213.01' / 63,233 acres, SubStation 125' x 150' / 0.456 acres and Road 20' x 54.88' / 0.025 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, 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 \$_____, 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:

4-20-13 Date X Arlene S. Begay Land User Signature
Arlene S. Begay
Census No. _____
Permit No. _____
SS No. _____
Address: PO Box 325, Montezuma Creek, Utah 84534

Witness: _____

11/8/2013 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 RCW Agent

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Carmelita J. Whitney, 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 69 kV Supply Project; Power line 100' x 27.213.01' 63.233 acres, SubStation 132' x 150' 0.456 acres and Road 20' x 54.88' 0.025 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, 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 \$_____ 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:

9-19-2013
Date

Carmelita Whitney
Land User Signature
Carmelita J. Whitney

Census No. _____
Permit No. _____
SS No. _____

Address: PO Box 597, Montezuma Creek, Utah 84534

Witness: _____

11/8/2013
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, Dorothy J. Todechene, 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):

^{unit}
Ratherford 69 kV Supply Project; Power line 100' x 27.213.01' / 63.233 acres. SubStation 124' x 150' / 0.456 acres and Road 20' x 54.88' / 0.025 acres, in Section 25, T40S, R23E, Sections 30 and 31. T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. ^{132 ka}

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 \$ _____ 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: Requested to share \$500 to Sedie Silas.

7-17-13
Date

X Dorothy Todechene
Land User Signature
Dorothy J. Todechene

Census No. _____
Permit No. _____
SS No. _____

Address: P.O. Box 374, Montezuma Creek, Utah 84534

Witness: _____

10/4/2013
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 12/ or fully explained 12/ to the land user in Navajo 12/ or English 12/ (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, Pete N. Benally, 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 69 kV Supply Project; Power line 100' x 27.213.01/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 23' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, 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 \$ _____ 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:

7-23-13
Date

X Pete N. Benally
Land User Signature
Pete N. Benally

Census No. _____
Permit No. _____
SS No. 0
Address: P.O. Box 306, Montezuma Creek, Utah 84534

Witness: _____

10/8/2013
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

CONSENT FORM 2
(Compensation for damages)

CONSENT TO USE
NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Victoria M. Joe, 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):

WV
Ratherford 69 kV Supply Project: Power line 100' x 27.213.01' / 62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation *WV* 125' x 150' / 0.456 acres and Road 20' x 54.88' / 0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, 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 \$ _____ 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: *Requesting to round off to \$4,000.00 on compensation.*

9/30/13
Date

X *[Signature]*
Land User Signature
Victoria M. Joe

Census No.
Permit No.
SS No. _____

Address: PO Box 166, Montezuma Creek, Utah 84534

Witness: _____

10/8/2013
Date

[Signature]
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).

[Signature]
Field Agent Signature
Belinda Clark, Senior ROW Agent



THE
NAVAJO
NATION

COPY

XC: Brian Wood

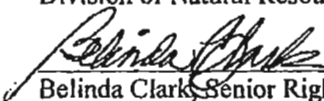
Utah Land Office/Navajo Land Dept./DNR
Post Office Box 410
Montezuma Creek, Utah 84534

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE - PRESIDENT

MEMORANDUM

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

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

Date: October 10, 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 Mr. Calvin C. Thomas, Grazing Committee Member of Aneth Chapter, and (6) grazing permittees has consented. Thus, forward the proposed project for approval. The proposed projects are described below:

Ratherford Unit 69 kV Supply Project; Power line 100' x 27,213.01'/62.472 acres and anchors 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres.

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. And if you should have any questions to the company you may call Mr. Brian Wood, Consultant with Permits West, Incorporated at (505) 466-8120. Thank you.

Attachments

xc:

Brian Wood, Consultant/Permits West, Inc.
Roger Alcity/Resolute Natural Resources
W. Mike Halona, Dept. Mgr. III/NLD/DNR/NN
I. Harlan Charley, SPPS/NLD/DNR/NN
Calvin C. Thomas, GCM/Aneth Chapter/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
Akhtar Zaman, Director/Minerals Dept./NN
Bill Freeman/NNEPA/NN
Bertha Spencer/BIA
File. Utah Land Office/NLD/DNR/NN



THE
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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

October 10, 2013

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

Subject: Surface Damage Compensation Request for Ratherford Unit 69 kV Supply Project

Dear Mr. Atcitty:

The Utah Land Office has completed your said field clearances with Mr. Bruce H. Benally and Mr. Calvin C. Thomas, Grazing Committee Member of Aneth and Red Mesa Chapter, and six (6) 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:

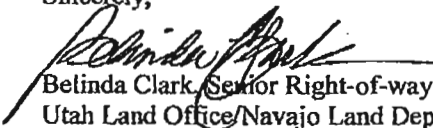
Ratherford Unit 69 kV Supply Project; Power Line 100' x 27,213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres. Calculations: 63.714 acres x \$610 per acres rate = \$38,865.54.

Thus, make the checks payable to:

- 1) Ann Litsui, SS#
- 2) Arlene S. Begay,
- 3) Carmelita Whitney,
- 4) Dorothy J. Todechene.
- 5) Sadie Silas, SS#
- 6) Pete N. Benally,
- 7) Victoria M. Joe,

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 Thank you.

Sincerely,


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

xc:
Brian Wood, Consultant/Permits West, Inc.
Howard P. Draper, Sup./PRS/NLD/DNR/NN
W. Mike Halona, Dept. Mgr. III/NLD/DNR/NN
I. Harlan Charley, SPPS/NLD/DNR/NN
Calvin C. Thomas, GCM/Aneth Chapter/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
File, Utah Land Office/NLD/DNR/NN



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"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

October 10, 2013

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

Subject: Additional Surface Damage Compensation Request by Victoria Joe for
Ratherford Unit 69 kV Supply Project

Dear Mr. Atcitty:

This memo is to inform you that Mrs. Victoria M. Joe of Ratherford Unit is requesting for additional surface damage compensation for said proposed project, her share was \$_____, but she is requesting it to be rounded off to \$_____. Therefore, relay this message onto your superiors. Then please let me know the determination of this request. *-Yes*

For inquiries, please call me at (435) 651-3504, fax (435) 651-3506 or email at belclark@frontiernet.net Thank you.

Sincerely,

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

xc:

Brian Wood, Consultant/Permits West, Inc.
Howard P. Draper, Sup./PRS/NLD/DNR/NN
W. Mike Halona, Dept. Mgr. III/NLD/DNR/NN
I. Harlan Charley, SPPS/NLD/DNR/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
File, Utah Land Office/NLD/DNR/NN

PERMITS WEST, INC.
PROVIDING PERMITS for LAND USERS
37 Verano Loop, Santa Fe, New Mexico 87508 (505) 466-8120

September 20, 2013

Belinda Clark
Utah Navajo Land Office
P. O. Box 410
Montezuma Creek, UT 84534

Dear Belinda,

On behalf of Resolute Aneth, LLC as a wholly owned subsidiary of Resolute Natural Resources Company, I am requesting field clearance for the following project in the Aneth and Red Mesa Chapters.

Ratherford Unit 69 kV Supply Project
Section 25, T. 40 S., R. 23 E.
Sections 30 & 31, T. 40 S., R. 24 E.
Sections 6, 7, 16, 17, & 18, T. 41 S. R. 24 E.

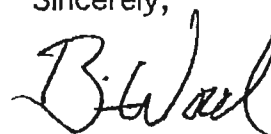
Power line: $100' \times 27,213.01' = 62.473$ acres
+ structure anchors = 0.760 acres
Total = 63.233 acres

Section Number (north to south)	Structure Numbers	Acres
30	19, 20	0.301
31	21, 22, 23	0.045
36	24,	0.060
1	31	0.043
7	37, 38	0.045
18	47	0.040
17	49, 50, 56, 57	0.187
16	59, 61, 62, 63	0.039
TOTAL		0.760

Anchors are of various sizes and are shown in the "DETAIL" circles on the plats.
This replaces my September 19 request.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Wood", with a stylized flourish at the end.

Brian Wood

cc: Roger Atcitty

PERMITS WEST, INC.

PROVIDING PERMITS for LAND USERS



THE
NAVAJO
NATION

COPY

"CONFIDENTIAL INFORMATION"

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

REX LEE JIM
VICE - PRESIDENT

BEN SHELLEY
PRESIDENT

October 10, 2013

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

Subject: Surface Damage Compensation Request for Ratherford Unit 69 kV Supply Project

Dear Mr. Atcitty:

The Utah Land Office has completed your said field clearances with Mr. Bruce H. Benally and Mr. Calvin C. Thomas, Grazing Committee Member of Aneth and Red Mesa Chapter, and six (6) 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 69 kV Supply Project; Power Line 100' x 27,213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres. Calculations: 63.714 acres x \$610 per acres rate = \$38,865.54.

Thus, make the checks payable to:

- 1) Ann Litsui, SS# 585
- 2) Arlene S. Begay, SS#
- 3) Carmelita Whitney, SS#
- 4) Dorothy J. Todechene
- 5) Sadie Silas, SS#
- 6) Pete N. Benally, SS#
- 7) Victoria M. Joe, SS#

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 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 Haiona, Dept. Mgr. III/NLD/DNR/NN
I. Harlan Charley, SPPS/NLD/DNR/NN
Calvin C. Thomas, GCM/Aneth Chapter/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
File, Utah Land Office/NLD/DNR/NN

EXHIBIT "C"



THE
NAVAJO
NATION

COPY

XC: Brian Wood

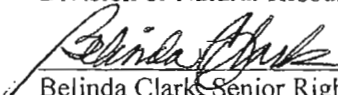
Utah Land Office/Navajo Land Dept./DNR
Post Office Box 410
Montezuma Creek, Utah 84534

WEN SHELLEY
PRESIDENT

REX LEE JIM
VICE - PRESIDENT

MEMORANDUM

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

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

Date: October 10, 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 Mr. Calvin C. Thomas, Grazing Committee Member of Aneth Chapter, and (6) grazing permittees has consented. Thus, forward the proposed project for approval. The proposed projects are described below:

Ratherford Unit 69 kV Supply Project: Power line 100' x 27,213.01'/62.472 acres and Anchors 0.751 acres = 63.233 acres, SubStation 132' x 150'/0.456 acres and Road 20' x 54.88'/0.025 acres = 0.481 acres, in Section 25, T40S, R23E, Sections 30 and 31, T40S, R24E, Sections 6, 7, 16, 17 and 18 and 17, T41S, R24E, within Aneth and Red Mesa Chapter, San Juan County, Utah. Total of 63.714 acres.

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. And if you should have any questions to the company you may call 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
Calvin C. Thomas, GCM/Aneth Chapter/NN
Bruce H. Benally, GCM/Red Mesa Chapter/NN
Akhtar Zaman, Director/Minerals Dept./NN
Bill Freeman/NNEPA/NN
Bertha Spencer/BIA
File. Utah Land Office/NLD/DNR/NN

September 20, 2013

Belinda Clark
Utah Navajo Land Office
P. O. Box 410
Montezuma Creek, UT 84534

Dear Belinda,

On behalf of Resolute Aneth, LLC as a wholly owned subsidiary of Resolute Natural Resources Company, I am requesting field clearance for the following project in the Aneth and Red Mesa Chapters.

Ratherford Unit 69 kV Supply Project
Section 25, T. 40 S., R. 23 E.
Sections 30 & 31, T. 40 S., R. 24 E.
Sections 6, 7, 16, 17, & 18, T. 41 S. R. 24 E.

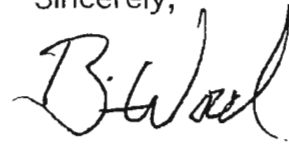
Power line: 100' x 27,213.01' = 62.473 acres
+ structure anchors = 0.760 acres
Total = 63.233 acres

Section Number (north to south)	Structure Numbers	Acres
30	19, 20	0.301
31	21, 22, 23	0.045
36	24,	0.060
1	31	0.043
7	37, 38	0.045
18	47	0.040
17	49, 50, 56, 57	0.187
16	59, 61, 62, 63	0.039
TOTAL		0.760

Anchors are of various sizes and are shown in the "DETAIL" circles on the plats.
This replaces my September 19 request.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Wood", written in a cursive style.

Brian Wood

cc: Roger Atcitty



EXHIBIT "D"

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

RESOLUTE ANETH, LLC (GRANTEE)
(69kV Power Line to Resolute Ratherford Unit)

1. The term of the right-of-way shall be for twenty (20) years, effective the day it is approved by the Secretary of Interior. This date shall be known as the effective date.
2. Consideration for the right-of-way is assessed at \$62,328.95 per year for twenty years. The first payment is due of the effective date. Subsequent annual payment shall be paid on or before each anniversary of the effective date. All subsequent annual payments shall be subject to annual adjustments based upon the increase in the Consumer Price Index (CPI), US City Average for All Urban Consumers. The CPI for May 2014 shall use for CPI on all future adjustments.

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 69kV Power Line to Resolute Ratherford Unit. 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.

Said right-of-way is = 5.154 mile (=27,213.01 feet or 1,649,274 (rods) long and 100 feet construction width reverting to 40 feet final width; Total Tribal land to be 63.233 acres, of which 27,541 acres will be permanent and the remaining 35.692 acres will be temporary for the duration of construction and more particularly described and shown on the map of definite location to be attached and made a part hereof.

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 I 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.

ENVIRONMENTAL ASSESSMENT
FOR

**RESOLUTE ANETH, LLC
1675 BROADWAY, SUITE 1950
DENVER, CO 80202
(303) 434-4600**

**GREATER ANETH SUBSTATION TO RATHERFORD
UNIT SUBSTATION 69 kV POWER LINE**

**BUREAU OF INDIAN AFFAIRS, SHIPROCK AGENCY
SECTIONS 25 and 36, T. 40 S., R. 23 E.;
SECTIONS 30 and 31, T. 40 S., R. 24 E.;
SECTION 1 T. 41 S., R. 23 E.;
SECTIONS 6, 7, 16, 17, and 18 T. 41 S., R. 24 E.
SAN JUAN COUNTY, UTAH**

OCTOBER 17, 2013

PREPARED BY:

PERMITS WEST.INC.

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1. Introduction

Resolute Aneth LLC (Resolute), a wholly owned subsidiary of Resolute Natural Resources Company, proposes to construct a comprehensive project including a 69 kV power line from the Greater Aneth Substation to its proposed Ratherford Unit (RU) Substation, the RU Substation itself, and an associated access road. The comprehensive project is located north, west, and south of the town of Montezuma Creek, Utah in San Juan County. Because the project will be constructed on both Bureau of Land Management (BLM) land and Navajo Nation Tribal Trust land, it falls under the jurisdictions of the Monticello Field Office (MFO) of the BLM and the Bureau of Indian Affairs (BIA). Therefore, separate Environmental Assessments (EAs) are being developed for the BIA addressing site-specific resources and/or impacts on Navajo Nation Tribal Trust land as required by BIA, and for the BLM addressing site-specific resources and/or impacts on BLM lands as required by the National Environmental Policy Act (NEPA), as amended (NEPA 1969).

In addition, Resolute proposes to divide the BIA portion of the project into two phases for ease of construction: Phase I: RU Substation and access road, and Phase II: Greater Aneth Substation to RU Substation 69 kV power line. This EA covers Phase II: Greater Aneth Substation to RU Substation 69 kV power line. A separate EA is being developed for Phase I.

1.1 Purpose and Need

The enhanced oil recovery process in the Aneth Oil Field has exceeded the current power supply and requires additional power to continue operations. The purpose of the Proposed Action is to construct a 69 kV power line to accommodate the power needs of enhanced oil recovery (water alternating with gas, or “WAG”) activities in the Aneth Oil Field. Approval of the Proposed Action will allow Resolute to continue to develop mineral resources in the Aneth Oil Field.

1.2 Conformance with Applicable Land Use Plans and Other Environmental Assessments

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this site-specific Environmental Assessment (EA) tiers to, and incorporates by reference, the information and analysis contained in the BLM MFO Record of Decision and Approved Resource Management Plan (RMP) (USDI, BLM 2008). This EA addresses the resources and impacts on a site-specific basis as required by the NEPA, as amended (NEPA 1969). The proposed project will not be in conflict with any local, county, or state plans.

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

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 National Pollutant Discharge Elimination System (NPDES) permit requirements (NPDES 2006). The action encourages voluntary application of Best Management Practices (BMPs) for oil and gas field activities and operation to minimize the discharge of pollutants in storm water runoff and protect water quality (NPDES 2006). This action applies to all states, federal lands, and Indian Country regardless of whether the Environmental Protection Agency (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.

Compliance with Section 106, Responsibilities of the National Historic Preservation Act, are adhered to by following the BLM – New Mexico State Historic Preservation Officer (SHPO) protocol agreement, which is authorized by the National Programmatic Agreement between the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, and other applicable BLM handbooks (NHPA 1966).

The Navajo Nation Department of Fish & Wildlife (NNDFW)-Natural Heritage Program has been consulted with respect to species of concern that are known to occur, or that have the potential to occur, within the area of the Proposed Action (Appendix 5). Species of concern listed by the NNDFW will be evaluated in Section 3 of this document and in the Wildlife and Plant Survey Reports attached as Appendices 3 and 4, respectively.

Additionally, Resolute is required to:

- Comply with all applicable federal, state, and local laws and regulations.
- Obtain the necessary permits for construction including, but not limited to, rights-of-way permission.

2. Alternatives Including the Proposed Action

2.1 Alternative A - No Action

The BLM NEPA Handbook (H-1790-1) states that for 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) (USDI, BLM January 2008). This alternative would deny approval to construct the Proposed Action on Navajo Tribal Trust land, and the current land and resource uses would continue to occur in the proposed project area. No mitigation measures would be required.

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

2.2 Alternative B - Proposed Action

Resolute's comprehensive project consists of constructing a power line from the Greater Aneth Substation to its proposed RU Substation, and constructing the proposed RU Substation and access road. The power line is "L"-shaped, with an east-west section and a north-south section. The Proposed Action covered by this EA involves only the eastern portion of the east-west section, and the north-south section of the power line.

The Proposed Action is located west and south of the town of Montezuma Creek, Utah, as indicated in Figure 1, below. It is located in Sections 25 and 36 in T. 40 S., R. 23 E.; Sections 30 and 31 in T 40 S., R. 24 E.; Section 1 in T. 41 S., R. 23 E.; and Sections 6, 7, 16, 17, and 18 in T. 41 S., R. 24 E.

Proposed structures on Navajo Nation Tribal Trust will include 46 above ground wooden structures (poles) and several associated guy anchors. Poles will range in height from 51 ft to 87 ft and all pole structures will include either one or three wooden poles. The estimated duration of the project is approximately two months.

2.2.1 Power Line Construction

Resolute will construct an overhead, raptor-safe, 69 kV power line to accommodate the power needs of enhanced oil recovery activities in the Aneth Oil Field. The maximum capacity of the proposed power line will be 69,000 volts. Usage will depend on demand, but will occur year-round. Intensified development (e.g., horizontal wells have led to greater fluid volumes that must be pumped) has increased demand beyond what can be supplied by Rocky Mountain Power's existing 69 kV power line in the Ratherford Unit of the Aneth Oil Field. Rocky Mountain's structures are not sufficiently strong or high enough to support a second or new set of heavier conductors (wires).

The power line will traverse 27,213.01 feet (5.154 miles) along a temporary 100-foot-wide corridor for a total of 63.233 construction use acres. The right-of-way (ROW) for the remainder of the lease term after construction will be 40 feet except where additional ROW is required for guy anchors, totaling 27.541 permanent use acres. The power line route enters Navajo Tribal Trust land heading east-west. Then it turns south and crosses Hwy. 162 and the San Juan River. It travels through portions of an abandoned residential area, then turns southeast and crosses the unpaved Phillips Camp Road. The proposed line climbs the northeast side of Flat Top Mountain, crosses the top, and descends the southwest side. It continues southeast and crosses the paved Red Mesa Road to end at the proposed Ratherford Substation site.

The project will make use of 35.692 temporary acres to allow trucks to access and drive around structures during construction. Since most of the route crosses open, gently rolling terrain, trucks will be able to travel cross-country to access the power line during construction without removal of soil or construction of new roads. To accommodate poles or anchors, the top six inches of topsoil will be scraped, stockpiled, and then reseeded.

Construction will only be performed when the soil is dry enough to adequately support construction equipment and vehicles. When the soil is too wet (ruts more than six in. deep), construction will be postponed until conditions improve. Maintenance will be conducted as necessary.

General construction Best Management Practices (BMPs) will be implemented to prevent erosion and off-site migration of soils and other materials.

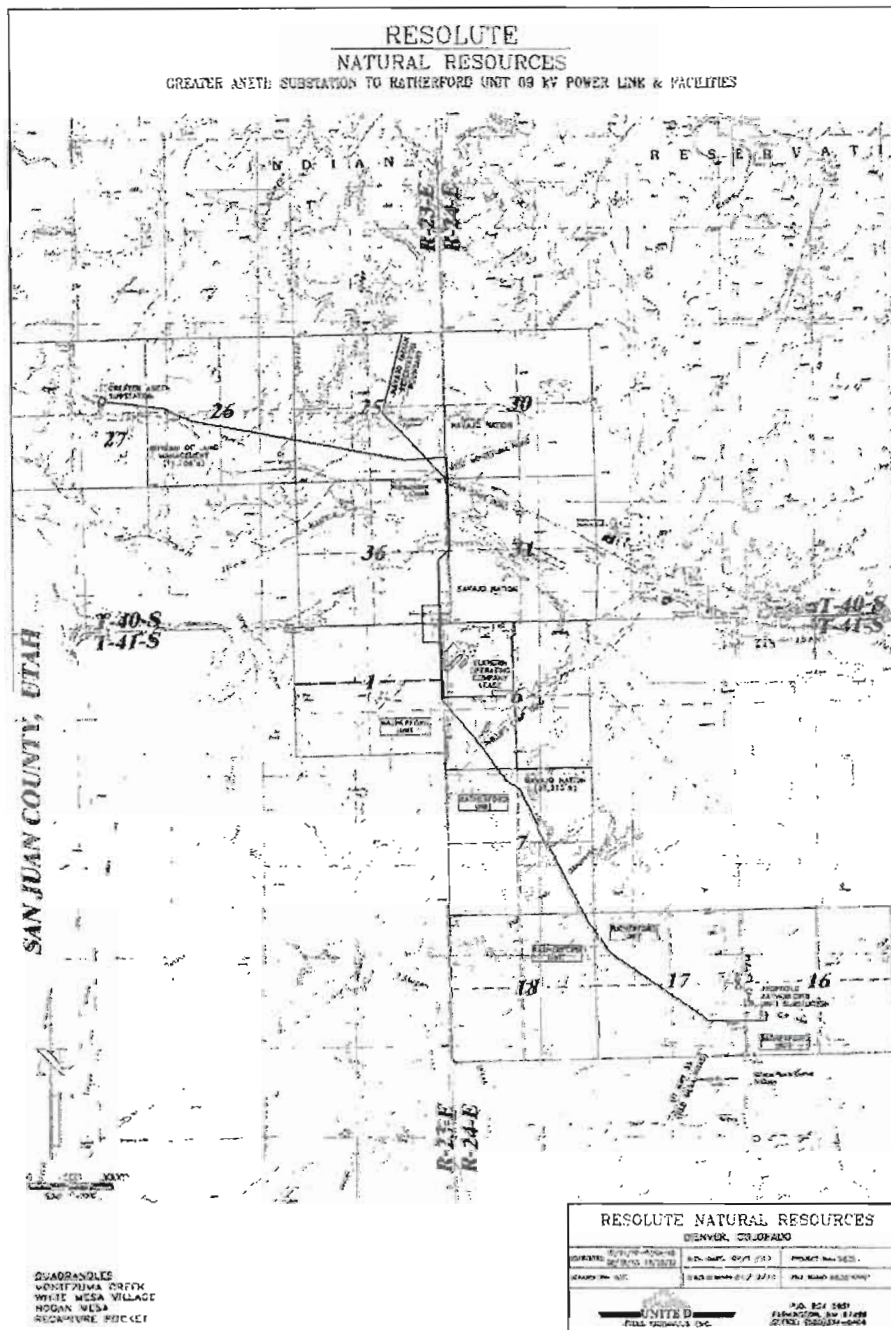


Figure 1: Overview of the Project Area by Section

2.2.2 Reclamation

Reclamation will begin once each phase of construction or use is completed. With the exception of small pockets for anchors or poles, all affected lands will be seeded to reestablish a viable replacement plant community and control erosion. A qualified botanist will monitor the community annually for a period of three years to check erosion, revegetation success, and noxious weeds. A seed mix will be drilled as prescribed by the Navajo Nation, BIA, or BLM (Table 2.2). If seed is broadcast rather than drilled, rates will be doubled and the seed will be covered using some type of drag. Weeds will be controlled in accordance with Navajo Nation EPA requirements.

Table 2.1: Proposed Reclamation Seed Mixture

Common Name	Variety	Pure Live Seeds (lbs/acre)
four wing saltbush	<i>Atriplex canescens</i>	2
shadscale	<i>Atriplex confertifolia</i>	1
winterfat	<i>Eurotia lanata</i>	2
alkali sacaton	<i>Sporobolus airoides</i>	3
Indian ricegrass	<i>Oryzopsis hymenoides</i>	3
galleta grass	<i>Hilaria jamesii</i>	3
scarlet globemallow or Cicer milkvetch	<i>Sphaeralcea coccinea</i> or <i>Astragalus sabulosus</i>	1

2.3 Alternatives Considered But Not Analyzed In Detail

An alternative that was considered is to run the power line directly southeast in a straight line from the Greater Aneth Substation to the RU Substation rather than in an “L”-shaped route. This alternative would have been approximately 1.3 miles shorter, but it would have required a half-mile power line span across the San Juan River. Because this alternative would involve a span 1000 feet longer than what is proposed in the Proposed Action, it was not analyzed in detail. No other significant issues were identified for the present location of the Proposed Action during the following activities:

1. on-site inspections;
2. Cultural Resources Inventories;
3. Threatened, Endangered, and Special Status Species Surveys; and the

4. review of Navajo Nation Department of Fish and Wildlife species of concern known to occur or with the potential to occur in the 7.5-minute Montezuma Creek, UT Quadrangle.

Therefore, no further alternatives other than the No Action alternative were considered.

3. Description of Affected Environment

This section describes the environment that would be affected by implementation of the Proposed Action. 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 3.1. Non-critical elements of the affected environment are included in Table 3.2. Following the tables, only the aspects of the affected environment that are potentially impacted are described.

Table 3.1: Critical 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 Resources	X		X	
Areas of Critical Environmental Concern (ACEC)		X		The Proposed Action is not within an ACEC. The Closest ACEC is the Hovenweep ACEC approximately 15 miles northeast of the Proposed Action.
Cultural Resources	X		X	
Native American Religious Concerns		X		The site-specific Class III survey identified no known remains that fall within the purview of the National American Graves Protection and Repatriation Act (1990).
Environmental Justice	X		X	
Farmlands, Prime or Unique		X		All visual surveys indicated that no farmlands are present.
Floodplains		X	X	
Invasive, Non-native Species	X		X	
Threatened or Endangered Species	X		X	
Wastes, Hazardous or Solid	X		X	
Water Quality – Surface/Ground	X		X	
Wetlands/Riparian Zones	X		X	
Wild and Scenic Rivers		X		The Proposed Action is not within or adjacent to any areas designated as a wild and scenic river.
Wilderness		X		The Proposed Action is not within or adjacent to any designated wilderness areas.

Table 3.2: Non-Critical 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
General Topography/Surface Geology	X		X	
Land Use	X		X	
Livestock Grazing	X		X	
Mineral Resources	X		X	
Noise	X		X	
Paleontology		X		No paleontological resources were identified in the Proposed Action area.
Public Health and Safety	X		X	
Recreation		X		The Proposed Action is not located in or near a designated recreation area.
Soils/Watershed/Hydrology	X		X	
Special Status Species	X		X	
Vegetation, Forestry	X		X	
Visual Resources	X		X	
Wild Horse and Burros		X		There are no known wild horses or burros in the Proposed Action area.
Wildlife	X		X	

3.1 Air Resources

The proposed project is located in San Juan County, Utah on mixed land ownership. There are no air quality compliance regulations defined by the Navajo Nation. However, the BLM MFO has published general information on air quality regulations and guidance in its Record of Decision and Approved RMP (USDI, BLM 2008). Therefore, the BLM must consider and analyze the potential effects of BLM and BLM-authorized activities on air resources as part of the planning and decision making process.



In addition to the air quality information in the 2008 RMP, new information about greenhouse gases (GHGs), and their effects on national and global climate conditions has emerged. On-going scientific research has identified the potential impacts of GHG emissions such as carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), water vapor, and several trace gases, on global climate. Through complex interactions on a global scale, GHG emissions may cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although GHG levels have varied for millennia (along with corresponding variations in climatic conditions), industrialization and burning of fossil carbon sources have caused GHG concentrations to increase measurably, and may contribute to overall climatic changes, typically referred to as global warming.

Alongside the increase in GHG concentrations, there has been a tightening of regulations. On October 17, 2006, the EPA issued a final ruling on the lowering of the National Ambient Air Quality Standard (NAAQS) for particulate matter that is 2.5 microns in diameter (PM_{2.5}) or smaller in size. This ruling became effective on December 18, 2006, stating that the 24-hour standard for PM_{2.5} was lowered to 35 ug/m³ from the previous standard of 65 ug/m³. This revised PM_{2.5} daily NAAQS was promulgated to better protect the public from short-term particle exposure. (EPA 2006)

Regarding air quality decisions, the 2008 RMP defers to either the State of Utah or the EPA. Air resources include air quality and climate, which are subdivided into applications, activities, and management. The EPA has the primary responsibility for regulating air quality, including seven nationally regulated ambient air pollutants. Regulation of air quality is also delegated to some states, of which Utah is one. Air quality is determined by atmospheric pollutants and chemistry, dispersion meteorology, and terrain; and also includes applications of noise, smoke management, and visibility. Climate is the composite of generally prevailing weather conditions of a particular region throughout the year, averaged over a series of years. Greenhouse gases and the potential effects of GHG emissions on climate are not regulated by the EPA, however climate is important to consider because it has the potential to influence renewable and non-renewable resource management.

Air Quality

The primary sources of air pollution are dust from blowing wind on disturbed or exposed soil, and exhaust emissions from motorized equipment.

Air quality in the area near the proposed project is generally good and is not located in any of the areas designated by the EPA as “non-attainment areas” for any listed pollutants regulated under the Clean Air Act.

The EPA’s Inventory of US Greenhouse Gas Emissions and Sinks found that total U.S. GHG emissions were over 6.7 billion metric tons and that total U.S. GHG emissions have increased by 8.4% from 1990 to 2011. Emissions decreased from 2010 to 2011 by 1.6%

(108.0 million metric tons CO₂ Eq.). The decrease was due to a decrease in carbon intensity of fuels consumed to generate electricity (due to a substitution of coal use by natural gas and an increase in hydropower use), and relatively mild winter conditions. (EPA 2013)

Since 1990, U.S. emissions have increased at an average annual rate of 0.4 percent (EPA 2013). It is likely, then, that levels of these GHGs will continue to increase. But, it is hoped that the rate of increase will continue to slow as greater awareness of the potential environmental and economic costs associated with increased levels of GHG's result in behavioral and industrial adaptations.

Other factors that currently affect air quality in the area include dust from livestock, dust from recreational use, dust from vehicular traffic on disturbed or unpaved surfaces, and emissions from oil and gas production activities.

Climate

The average global temperature has risen about 1.4°F (0.8°C) from 1880 to 2012. The continued increase in GHG levels in Earth's atmosphere assures a long-term rise in global temperatures. On the current course of GHG increases, scientists expect each successive decade to be warmer than the previous one. (National Aeronautics and Space Administration [NASA] 2013)

In 2007, the Intergovernmental Panel on Climate Change (IPCC) predicted a warming of about 0.2°C per decade for the next two decades, and then a further warming of about 0.1°C per decade (IPCC 2007). The National Academy of Sciences (NSA) believes that the need for urgent action to address climate change is now indisputable and it has called on the G8+5 nations to seize all opportunities to coordinate their simultaneous work on the climate and economic agendas (NSA 2009).

A report on climate change by the U.S. Government Accountability Office (GAO) found that, "federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. These effects include, among others: 1) physical effects such as droughts, floods, glacial melting, and sea level rise; 2) biological effects, such as increases in insect and disease infestations, shifts in species distribution, and changes in the timing of natural events; and 3) economic and social effects, such as adverse impacts on tourism, infrastructure, fishing, and other resource uses" (GAO 2007). It is not, however, possible to predict with any certainty regional or site-specific effects on climate relative to the proposed action and subsequent actions.

3.1.1 No Action Alternative

3.1.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to air quality would occur.

3.1.2 Proposed Action

3.1.2.1 Direct and Indirect Effects

Air Quality

There would be a short-term (approximately two months) increase in dust during construction of the Proposed Action. This impact would subside as disturbed areas are reclaimed.

1. There will be a minor, short-term increase (approximately two months) in local combustive emissions from operating vehicles and earth moving equipment.
2. There will be a minor long-term impact to air quality from motorized vehicles performing periodic maintenance of the power line.
3. There will be minor and sporadic, long-term fugitive dust creation during maintenance of the power line.

Climate

No quantifiable impacts to the climate are anticipated as a result of the Proposed Action.

3.1.2.2 Mitigation

1. Resolute will apply water for dust control, if necessary.
2. Surface disturbance and vehicular traffic will be limited to the approved locations to reduce combustive emissions and dust.
3. Resolute will comply with the EPA's Clean Air Act and all applicable state and local regulations.

3.2 Cultural Resources

Complete Archaeological Service Associates performed a Class III archaeological survey in the project area. A determination of "no historic properties affected" was made. Documentation of the report is attached as Appendix 2.

3.2.1 No Action Alternative

3.2.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to cultural resources would occur.

3.2.2 Proposed Action

3.2.2.1 Direct and Indirect Effects

The archaeological survey identified two previously recorded sites, UT-C-43-308 and UT-C-54-292 that are considered significant and eligible for nomination to the National Register of Historic Places and eligible for protection under the Archaeological Resources Protection Act. Also, a Traditional Cultural Property (TCP) #1 was identified that has qualities meriting protection under the American Indian Religious Freedom Act. If these three areas are not protected, the potential exists to impact them.

The potential also exists to impact undiscovered or improperly inventoried cultural resources that may be discovered during construction of the Proposed Action.

3.2.2.2 Mitigation

1. Regarding TCP #1 and sites UT-C-43-308 and UT-C-54-292:
 - prior to construction flag and temporarily fence all boundaries under the supervision of a qualified archaeologist;
 - do not place any vehicular traffic, poles, or guy wires in these areas;
 - hand-carry all wires within these areas and within the 50-foot buffer zones; and
 - a qualified archaeologist will monitor all construction within 50 feet of these areas.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered during the Proposed Action by Resolute, or any person working on their behalf, will be immediately reported to the Navajo Nation Historic Preservation Department (NNHPD) at (928) 871-7148 and any other necessary agencies. Resolute will suspend all operations in the immediate area of such discovery until approval to proceed is issued by NNHPD. An evaluation of the discovery will be made by the NNHPD archaeologist to determine appropriate action to prevent the loss of significant cultural or scientific values.

3.3 Environmental Justice

Executive Order 12898 requires federal agencies to assess projects to ensure there are no disproportionately high or adverse environmental, health, or safety effects on minority and low-income populations (1994). Minorities comprise greater than half of the population residing in San Juan County (USDI, BLM August 2008).

3.3.1 No Action Alternative

3.3.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to environmental justice would occur.

3.3.2 Proposed Action

3.3.2.1 Direct and Indirect Effects

There are no residences within the project area and very few residences near the project area. The nearest residence is approximately one-tenth of a mile from the power line. The Proposed Action is not located on public lands and the area is not used for wood gathering or hunting. There are grazing permits in the area. Indirect effects could include positive effects due to increased employment opportunities in the oil and gas, and service support industry in the region as well as the economic benefits to state and county governments related to royalty payments and severance taxes. Direct effects to minority or low-income populations include a slight increase in activity and noise disturbance.

3.3.2.2 Mitigation

Regarding an increase in activity and noise disturbance, see Section 3.14 Noise, below.

3.4 Floodplains

The permit activity is in an area that has not been delineated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the 100-year floodplain (FEMA 2010). Impacts on floodplains typically occur when the topography within a floodplain is substantially modified either by placement or removal of materials within the floodplain.

3.4.1 No Action Alternative

3.4.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to floodplains would occur.

3.4.2 Proposed Action

3.4.2.1 Direct and Indirect Effects

Because this is a power line, the permit activity will not substantially modify topography in the permit activity area. Therefore, no impacts to floodplains are anticipated. Additional information on floodplains is covered under Section 3.16 Soils/Watershed/Hydrology, below.

3.4.2.2 Mitigation

No mitigation is required.

3.5 Invasive, Non-native Species

There are seventeen species listed on the BIA Navajo Noxious Weed List (USDI, OSM 1999). Two species, halogeton (*Halogeton glomeratus*) and Russian knapweed (*Acroptilon repens*), are present. Both of these species are classified as "Priority B", indicating that they are new noxious weeds known to have invaded isolated locales on the reservation. Emphasis is placed on immediate control, prevention of seed spread, and eradication. The halogeton was observed as scattered plants across most of the top of Flat Top Mountain. The Russian knapweed was observed, and sometimes dominant, under the tamarisk along the north side of the San Juan River.

3.5.1 No Action Alternative

3.5.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to invasive, non-native species would occur.

3.5.2 Proposed Action

3.5.2.1 Direct and Indirect Effects

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

3.5.2.2 Mitigation

1. All disturbed areas will be seeded with an approved seed mix.
2. Resolute will make every effort to ensure that noxious weeds do not spread over disturbed areas. If noxious weeds become established within the Proposed Action area, Resolute will contact the Navajo Nation EPA Pesticides Program for a list of approved herbicides and applicators.

3.6 Threatened or Endangered Species

On August 22 and 23, 2012, and in the spring and early summer of 2013, wildlife biologists conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species.

Two Navajo Nation Endangered Species were observed during the surveys: the southwestern willow flycatcher (*Empidonax trailii eximius*), and the yellow warbler (*Setophagus petechia*).

Although not observed during the surveys, the project area provides potential habitat for the bald eagle (*Haliaeetus leucocephalus*), the golden eagle (*Aquila chrysaetos*), the peregrine falcon (*Falco peregrinus*), and potentially the belted kingfisher (*Ceryle alcyon*). These are all Navajo Nation Endangered Species and protected by the Migratory Bird Treaty Act (MBTA). Since these species may only occasionally forage in or occur in the project area, they should not be adversely impacted by the proposed project. The full Threatened, Endangered, and Special Status Wildlife Species Report is attached as Appendix 3. No threatened or endangered plant species occur in the Proposed Action area. The full Plant Survey Report is attached as Appendix 4.

3.6.1 No Action Alternative

3.6.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to threatened or endangered species would occur.

3.6.2 Proposed Action

3.6.2.1 Direct and Indirect Effects

The MBTA 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.

Nesting migratory birds could be adversely impacted by a potential take.

3.6.2.2 Mitigation

Perform construction activities outside of the breeding season of the southwestern willow flycatcher, yellow warbler, and belted kingfisher (May 1 – August 31). This will protect nesting migratory birds from a potential take.

3.7 Wastes, Hazardous or Solid

As a result of the construction of the Proposed Action, solid waste materials will be generated. These materials may include typical field waste such as charts and plats, welding rods, excess conductor wire, bent anchors, anchor line spools, broken insulators, damaged bolts and fittings, broken poles and cross arms, scrap lumber, laths, stakes, flagging, nylon rope, lunch trash, and cardboard. Generation of hazardous waste is not expected. If hazardous waste were inadvertently generated, the proper authorities would be consulted regarding the disposal of such waste.

3.7.1 No Action Alternative

3.7.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts from wastes, hazardous or solid, would occur.

3.7.2 Proposed Action

3.7.2.1 Direct and Indirect Effects

Trash and unwanted materials will be generated by construction.

3.7.2.2 Mitigation

All trash will be placed in a portable trash cage and hauled to the county landfill. There will be no burial or burning of trash. Human waste will be disposed of in chemical toilets and hauled to an approved dump station off of the reservation.

3.8 Water Quality – Surface/Ground

The Proposed Action is located in a depression known as the Paradox Basin. The flows associated with ephemeral drainage in the project area are classified as calcium sulfate and sodium sulfate water. Predominate ions are sodium (Na) and sulfates (SO₄) with increasing concentrations as the flow moves downstream. Salinity (salt) concentrations also increase as the water flows downstream, especially where it flows in close proximity to salty evaporite deposits. Water quality in the Paradox Basin is largely controlled by frequency and distribution of these evaporite deposits, porous sandstone, inter-bedded shale, and dissolved solids, which are inorganic ions of sodium, potassium, calcium, magnesium, bicarbonate, chloride, and sulfates.

Recharge from precipitation is the primary source of groundwater in the project area. The project area receives approximately 7.84 inches of annual precipitation (WRCC 2012). Permeability can be low, reducing yields depending on the location in the Paradox Basin.

The east-west section of the power line corridor drains into Montezuma Creek, which flows south into the San Juan River. The north-south section drains into the San Juan River.

The groundwater zones present beneath the project area are the Dakota-Glen Canyon and the Coconino-De Chelly (Allen 2011). The Dakota-Glen Canyon aquifer system is the shallower of the two aquifers underlying the project area. There are two groundwater wells just west of the town of Montezuma Creek and approximately 750 yards from where the power line enters Navajo Tribal Trust land. In general, most diversions (surface and groundwater) are located along the San Juan River.

3.8.1 No Action Alternative

3.8.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to water quality – surface/ground would occur.

3.8.2 Proposed Action

3.8.2.1 Direct and Indirect Effects

1. A direct effect is the increased sediment loading to the adjacent surface drainages through runoff of disturbed soils.
2. Although no hazardous substances as defined by the Comprehensive Environmental Response, Compensation, and Liability Act will be used, and no Resources Conservation and Recovery Act-defined hazardous wastes will be generated during construction or operation, construction equipment could experience a spill of on-board fluids and/or materials that could potentially get into the surface or groundwater system.

3.8.2.2 Mitigation

The following actions will be taken to protect surface and groundwater resources:

1. Any spilled contaminants will be cleaned up as soon as possible to prevent run-off of contaminants into surface hydrology or infiltration into groundwater.
2. The Proposed Action will be reclaimed as outlined in Section 2.2.2. Re-seeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years.

3.9 Wetlands/Riparian Zones

In the Proposed Action area there are 2.62 acres of Other Waters of the U.S. (WoUS). The wetland area is approximately 130 feet west of the power line's Structure #23 anchor. The full Preliminary Wetland Delineation and Jurisdictional Determination is attached as Appendix 6.

3.9.1 No Action Alternative

3.9.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to wetlands/riparian zones would occur.

3.9.2 Proposed Action

3.9.2.1 Direct and Indirect Effects

The power line will avoid the wetland area by constructing Structure #23 exclusively on upland habitat, avoiding any effect to the nearby WoUS.

3.9.2.2 Mitigation

No mitigation is required.

3.10 General Topography/Surface Geology

The elevation at the northwest end of the project area (on BLM land) is 4645 feet. The land drops down to 4390 feet at the San Juan River, rises to 5125 feet on Flat Top Mountain, and descends back to 4715 feet at the southeast end of the project area. All elevations are approximate. Topography across the project area varies from relatively flat and smooth with gently rolling terrain on a low grade, to moderately steep slopes on either side of Montezuma Creek. Drainage in the project area varies, but ultimately all drainages flow to the San Juan River. The surficial geology of the project area is comprised of three units, the Morrison Formation (J2) on all upland areas, Alluvium and Colluvium (Qa) on all active stream beds, and Older Alluvial Deposits (Qao) on abandoned terraces surrounding the town of Montezuma Creek (UGS 2011).

Disturbances in the project area include the Greater Aneth Substation, power lines, two paved highways with cleared right-of-way corridors, dirt and two-track roads, pipelines, an abandoned residential area including an abandoned sewage pond, a small structure and cleared area on Flat Top Mountain, and grazing by horses, sheep, and cattle.

3.10.1 No Action Alternative

3.10.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to general topography and surface geology would occur.

3.10.2 Proposed Action

3.10.2.1 Direct and Indirect Effects

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1. A direct effect to the natural topography will result from leveling the area for construction activities.
 2. An indirect effect to natural drainage patterns will result from leveling the natural topography.
 3. The indirect effect of disturbance and loss to soil and seed banks will result from leveling the natural topography.

3.10.2.2 Mitigation

1. Surface disturbance and vehicular traffic will be limited to approved locations to reduce the area of disturbance.
2. Disturbed areas will be reclaimed pursuant to Section 2.2.2. Reseeding will help prevent soil loss and seed bank disturbance/loss. Successful reclamation will take two to three years.
3. Use of BMPs listed in Section 2.2.

3.11 Land Use

The Proposed Action is located on Navajo Tribal Trust land. Current land uses include utility corridors, grazing, and oil and gas development.

3.11.1 No Action Alternative

3.11.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to current land uses would occur.

3.11.2 Proposed Action

3.11.2.1 Direct and Indirect Effects

Short-term impacts will come from clearing the land for power line construction. Long-term impacts will come from small pockets of the land remaining cleared anchors or poles.

3.11.2.2 Mitigation

Reclamation of the Proposed Action as stated in Section 2.2.2 will replace, and may even enhance, vegetative cover removed for construction by replacing shrubs with grass. Successful reclamation is expected to take at least two to three years.

3.12 Livestock Grazing

The Proposed Action is located on Navajo Tribal Trust land. Land in the project area is currently grazed by several permittees.

3.12.1 No Action Alternative

3.12.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to livestock grazing would occur.

3.12.2 Proposed Action

3.12.2.1 Direct and Indirect Effects

Short-term impacts will come from clearing the land for power line construction (approximately two months). Long-term impacts will come from small pockets of the land remaining cleared for anchors or poles. Temporary use land (35.692 acres) will only be required during construction and will be entirely reclaimed and seeded following completion. The proposed action will also require the permanent use of 27.541 acres of land. Following reclamation, most permanently affected lands will be returned to their primary existing function of grazing. Permanently affected lands will contain the overhead conductors (wires), power poles, and other necessary infrastructure within an easement as outlined in the Proposed Action.

3.12.2.2 Mitigation

A process is underway to gain written permission from grazing permittees for Resolute's proposed use of Navajo Tribal Trust lands as part of this project. Once all grazing permittees have been signed, the Navajo Nation will supply Resolute with a surface damages compensation letter specifically outlining the payees and amounts for disbursement of damages.

3.13 Mineral Resources

The Proposed Action is located in the historic Aneth Oil Field, which has been a source for petroleum extraction since the 1950's (McPherson).

3.13.1 No Action Alternative

3.13.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed. The indirect impact of this would be that without increased power, mineral resources would be extracted from the Aneth Oil Field at their current rate, meaning that depletion of these resources would occur more slowly than under the Proposed Action alternative.

3.13.2 Proposed Action

3.13.2.1 Direct and Indirect Effects

A long-term indirect effect of the power line is the increased rate of extraction of oil and gas resources from the Aneth Oil Field that will be enabled by construction of the Proposed Action.

3.13.2.2 Mitigation

The Navajo Nation will be compensated through royalty payments for the use of the land for the Proposed Action.

3.14 Noise

Noise is not currently regulated or managed by the Navajo Nation. The Proposed Action is in a rural location and is not near any designated Noise Sensitive Area (NSA). The nearest residence to the proposed power line is approximately one-tenth of a mile away. Low level noises are emitted from the residents, traffic on roadways, and operation of wells and infrastructure in the Aneth Oil Field. The most likely receptors of noise generated from the Proposed Action would be those traveling to the area for work activities and persons in nearby residences.

3.14.1 No Action Alternative

3.14.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect noise impacts would occur.

3.14.2 Proposed Action

3.14.2.1 Direct and Indirect Effects

1. Noise will be generated as part of construction activities associated with the Proposed Action. Noise will occur for a period of approximately two months. Once construction is complete and operation begins, noise levels will return to background levels.
2. Occasional maintenance and/or monitoring vehicles will travel to and within the project area during normal operations.

3.14.2.2 Mitigation

1. Construction will be conducted during daylight hours and will be limited to approved locations.
2. Vehicular traffic will be restricted to approved areas and will not exceed what is necessary for the construction and maintenance of the Proposed Action.
3. Noise associated with construction activities will cease after approximately two months.

3.15 Public Health and Safety

There are a few residences near the project area with the nearest home approximately one-tenth of a mile from the power line. Most activity in the project area is from oil and gas industry workers and dispersed residences. Resolute employees are the most likely persons to be in the vicinity of the Proposed Action.

3.15.1 No Action Alternative

3.15.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to public health and safety would occur.

3.15.2 Proposed Action

3.15.2.1 Direct and Indirect Effects

Risks to the public associated with the construction of a power line include wildfire, increased traffic on public roads, fire and explosion, spills of vehicular fluids or water, and potential air emission exposure.

3.15.2.2 Mitigation

1. Only approved areas will be used during construction to minimize hazards to workers and the general public.
2. All applicable laws, regulations, and policies will be followed during construction and maintenance activities, or while responding to any emergency.
3. BMPs and appropriate Occupational Safety and Health Administration standards and guidelines will be implemented to minimize negative effects to public health and safety.

3.16 Soils/Watershed /Hydrology

Soils

The soils in the Paradox Basin were formed primarily in two kinds of parent material, alluvial sediment and sedimentary rock. The alluvial sediment is material that was deposited in river valleys and on mesas, plateaus, and ancient river terraces. The material has been mixed and sorted in transport and has a wide range in mineralogy and particle size. There are five distinct soil types in the project area. They include:

- Nakai loamy fine sand, one to eight percent slope;
- Badland-Typic Torrifluvents association, steep;
- Aquic Ustifluvents-Typic Fluvaquents association, gently sloping;
- Aneth-Sheppard association, rolling; and
- Badland

(SoilWeb Earth, 2013). The underlying bedrock is predominantly the Morrison Formation (Hintze, 1980).

Watershed

The Paradox Basin consists of broad mesas interspersed with several deep canyons with steep canyon walls, dry washes, entrenched narrow valleys, alluvial fans, and floodplains drained by the San Juan River. One of the primary drainages in the project area is Montezuma Creek. Montezuma Creek drains parts of southwestern Colorado and southeastern Utah from north of U.S. Highway 491 to Montezuma Creek, UT. Elevations in the project area range from approximately 4,390 feet to 5,125. The Tribal land is characterized by relatively flat to gently rolling terrain with a small ephemeral westerly flowing drainage that is an unnamed tributary to Montezuma Creek. Montezuma Creek has a broad floodplain associated with it; however currently, it flows infrequently with stormwater due to an upstream dam constructed in the 1980's near Monticello, UT that captures runoff from the Abajo Mountains. Therefore, the hydrology of Montezuma Creek has been altered and no longer functions as it did historically.

Hydrology

Hydrology of the project area is directly affected by the stream flow regimes of the San Juan River and the periodic flash flood events down Montezuma Creek wash.

The hydrologic setting of the project area is characterized by several ephemeral drainages filled with alluvium. Ephemeral flow is the principle source of groundwater recharge. Surface flows are associated with small ephemeral flows from snowmelt and summer thunderstorms. Drainages in the project area are categorized as sandy, silty, clayey, or gravelly sediment on the floodplain or streambeds. The alluvial cover usually conceals evidence of discharge, and small field springs are often the only surface expression of groundwater discharge. Most discharge to alluvial channels is lost by evapotranspiration. However, some water also moves as subsurface flow.

The proposed project is almost entirely within the Montezuma Creek and Bucket Canyon watersheds. The east-west section of the project area is drained by several unnamed ephemeral arroyos that flow into Montezuma Creek. Montezuma Creek then flows into the San Juan River. The north-south section of the project area always drains toward the San Juan River. The San Juan River is the closest perennial surface water to the project area.

3.16.1 No Action Alternative

3.16.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to soils, watershed, or hydrology would occur.

3.16.2 Proposed Action

3.16.2.1 Direct and Indirect Effects

1. Soils will be structurally reduced and mixed, exposed to the elements of wind and water erosion, and compacted.
2. Due to wind and water, the soils will be subject to an undetermined amount of erosion until vegetation is established.
3. Construction will temporarily disturb lands and create new alignments that will require earthwork.
4. Natural drainage patterns will be disrupted for construction of the Proposed Action.

3.16.2.2 Mitigation

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1. Successful reclamation of the Proposed Action outlined in Section 2.2.2 will reduce long-term negative impacts to soils, watershed, and hydrology. Re-seeding will reduce sediment loading by stabilizing the soil. Successful reclamation is expected to take two to three years.
 2. Use of BMPs will reduce impacts to soils, watershed, and hydrology.

3.17 Special Status Species

On August 22 and 23, 2012, and in the spring and early summer of 2013, wildlife biologists conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species.

Although not observed during the surveys, the following species listed as “sensitive” by the Utah Division of Wildlife may forage in or occur in the project area: big free-tailed bat (*Nyctinomops myotis*), kit fox (*Vulpus microtis*), silky-pocket mouse (*Perognathus flavus*), and Townsend’s big-eared bat (*Corynorhinus townsendii*). Since these species may only occasionally forage in or occur in the project area, they should not be adversely impacted by the proposed project.

Twenty-nine bird species observed during the wildlife surveys are protected under the MBTA. If the listed mitigation measures are followed, these species should not be adversely impacted by the Proposed Action. The full Threatened, Endangered, and Special Status Wildlife Species Report is attached as Appendix 3.

Additionally, the project area offers habitat for Cutler’s milkweed (*Asclepias cutleri*) which is listed as sensitive by the Navajo Natural Heritage Program (NNHP); and limited potential habitat for Cronquist’s milkvetch (*Astragalus cronquistii*) listed as sensitive by the NNHP and the BLM, Hole-in-the-rock prairie clover (*Dalea flavescens* var. *epica*) listed as sensitive by the BLM, and Cataract gilia (*Gilia latifolia* var. *imperialis*) listed as sensitive by the BLM. The full Plant Survey Report is attached as Appendix 4.

3.17.1 No Action Alternative

3.17.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to special status species would occur.

3.17.2 Proposed Action

3.17.2.1 Direct and Indirect Effects

Given the relatively small scale of the proposed disturbance for the Proposed Action and the fact that the big free-tailed bat, kit fox, silky-pocket mouse, and Townsend's big-eared bat may only occasionally forage in or occur in the project area, they should not be adversely impacted by the proposed project. In general, animals could be directly impacted by spilled contaminants or falling into open cavities. They could be indirectly impacted by loss of vegetative cover.

3.17.2.2 Mitigation

1. Promptly clean up any spilled contaminants.
2. Cover any open cavities with mesh to keep animals out.
3. Use effective reclamation methods, as described in Section 2.2.2.

3.18 Vegetation, Forestry

The project area is located in the Aneth Oil Field. It is comprised of unmanaged riparian woodland and sagebrush scrub habitat that is currently utilized for livestock range, and oil and gas field development. The overall project area is previously disturbed from construction of well pads, roads, water diversion/flood control structures, and industrial development.

As the power line enters the Navajo Nation and crosses the floodplain of the San Juan River, it goes through a belt of tamarisk (*Tamarix chinensis*) with an understory of Russian knapweed (*Centaurea repens*). The floodplain on the south side of the river supports scattered glabrate rabbitbrush (*Chrysothamnus nauseosus* var. *graveolens*) with a band of sandbar willow (*Salix exigua* var. *stenophylla*). The river flows at the base of a steep rocky slope on the south side. The top of the slope is a gently rolling plain supporting broom snakeweed (*Gutierrezia sarothrae*), Greene's rabbitbrush (*Chrysothamnus Greenei*), and Cutler's ephedra (*Ephedra viridis* var. *viscida*) with areas of Bigelow's rabbitbrush (*Chrysothamnus nauseosus* var. *bigelovii*) and with Russian thistle (*Salsola tragus*) along the dirt roads.

The northeast side of Flat Top Mountain is rocky with exposed shale and supports shadscale (*Atriplex confertifolia*) and Torrey's ephedra (*Ephedra torreyana*), particularly at the base. The top of the mesa is dominated by Torrey's ephedra, broom snakeweed, shadscale, central pricklypear (*Opuntia polyacantha*), galleta (*Hilaria jamesii*), and large areas of mat-saltbush (*Atriplex corrugata*). On the southwest side of the mesa, the proposed power line passes through very open terrain with broom snakeweed, Cutler's ephedra, false buffalograss

(*Munroa squarrosa*), sand dropseed (*Sporobolus cryptandrus*), and occasional areas of shadscale. There are no forestry resources in the project area. A complete inventory of plant species can be found in Appendix 4.

3.18.1 No Action Alternative

3.18.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to vegetation or forestry would occur.

3.18.2 Proposed Action

3.18.2.1 Direct and Indirect Effects

The Proposed Action will disturb a total of 63.233 acres of during construction and will permanently disturb 27.541 acres.

3.18.2.2 Mitigation

Reclamation, as outlined in Section 2.2.2, will mitigate impacts to vegetation from the construction of the Proposed Action. Reseeding will replace vegetation removed during construction. Successful reclamation is expected to take two to three years.

3.19 Visual Resources

Visual resources are not currently inventoried or managed by the Navajo Nation. However, the BLM has developed a Visual Resource Management (VRM) classification system designed to maintain or enhance visual qualities and describe different degrees of modification to the landscape. There are four VRM classes (Classes I through IV), which identify suggested degrees of allowed human modification to a landscape. Class I allows the least modification and Class IV allows the most (USDI, BLM 2008).

The nearest designated VRM area is the western portion of Resolute's comprehensive project (which is on BLM land and is not covered under this EA). It is designated as VRM Class III. Projects constructed in Class III areas must partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape (USDI, BLM 2008).

3.19.1 No Action Alternative

3.19.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to visual resources would occur.

3.19.2 Proposed Action

3.19.2.1 Direct and Indirect Effects

1. Short-term impacts to visual resources could come from dust, truck traffic, placement of heavy equipment during construction (approximately two months), and clearing of vegetation for the power line route.
2. Changes in contrast, color, and line of the project area will result from the general removal of vegetation from the power line route. Also, the power line itself will interrupt the line of sight and introduce vertical elements to the landscape.

3.19.2.2 Mitigation

1. Reclaiming the project area as outlined in Section 2.2.2 will reduce impacts to visual resources by reestablishing a viable plant community.
2. The power line will be constructed near or parallel to existing power lines, or adjacent to or within already disturbed areas, where feasible. They will be similar in form, line, color, texture, scale, and space to other utilities and alignments near or crossing the project area.

3.20 Wildlife

Wildlife occurring in the area is typical of arid grasslands and shrublands and degraded riparian corridors of the Great Basin Desert. This includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Ampisiza bilineata*) yellow-breasted chat (*Icteria virens*), as well as black-tailed jackrabbits (*Lepus californicus*), kangaroo rats (*Dipodomys spp.*) and whiptail lizards (*Aspidoscelis spp.*). A complete inventory of observed species is included in Appendix 3.

3.20.1 No Action Alternative

3.20.1.1 Direct and Indirect Effects

Under the No Action Alternative, the project would not be approved or constructed and no direct or indirect impacts to wildlife would occur.

3.20.2 Proposed Action

3.20.2.1 Direct and Indirect Effects

The wildlife that uses the site may die or be displaced during construction. Removal of vegetation for construction of the Proposed Action may reduce wildlife forage and cover in the area.

3.20.2.2 Mitigation

1. Reclamation of the Proposed Action as outlined in Section 2.2.2 will reduce the long-term impacts to wildlife that use the area. Reseeding disturbed areas will replace vegetation removed during construction. In some instances, there may be a benefit from successful reclamation due to an increase in vegetative cover and wildlife forage. Successful reclamation is expected to take two to three years.
2. Heavy, earth-moving equipment will be restricted to existing roads and the proposed power line route to reduce impacts to ground dwelling wildlife at the project site.

3.21 Cumulative Effects

3.21.1 No Action Alternative

Under the No Action Alternative, this project would not be approved or constructed. However, without this project, it is likely that other development of oil wells, water injection wells, power lines, and associated facilities on public and Tribal lands in the Aneth Oil Field will continue to occur. The most likely cumulative effects of the No Action Alternative continuing with reasonably foreseeable future development is habitat fragmentation for wildlife and plants, disturbance of soils resulting in potential reductions in air quality, and increased traffic from construction and maintenance of future facilities.

3.21.2 Proposed Action

The Proposed Action will disturb a total of 63.233 acres during construction and 26,541 permanent acres on Navajo Tribal trust, adding to the disturbance already existing in the general area. The Proposed Action is located in the Aneth oil field. There are two water wells, 25 injection wells, 26 oil wells, and 12 plugged wells within a mile of the Proposed Action. Analysis of cumulative impacts for reasonably foreseeable future development of new oil wells, water injection wells, power lines, and associated facilities on public and Tribal lands in the Aneth Oil Field is expanding and will continue to occur. The most likely cumulative effects from the Proposed Action coupled with reasonably foreseeable future development is accelerated habitat fragmentation for wildlife and plants, disturbance of soils resulting in potential reductions in air quality, and increased traffic from construction and maintenance of future facilities.

The lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential cumulative impacts of the proposed project. However, potential impacts to natural resources and plant and animal species due to climate change are likely to be varied, including those in the southwestern United States. For example, if global climate change results in a warmer and drier climate, increased particulate matter impacts could occur due to increased windblown dust from drier and less stable soils. Cool season plant species' spatial ranges are predicted to move north and to higher elevations, and extinction of endemic threatened and endangered plants may be accelerated.

4. Consultation/Coordination

This section identifies the project interdisciplinary team that participated in the development of this document.

Table 4.1: Project Interdisciplinary Team

Member	Title	Organization	Onsite Inspection	Date of Inspection
Liz Berdugo	Consultant/Author	Permits West, Inc.	no	n/a
Charles Black, Cindy Lawrence, Geoff Carpenter	Wildlife Biologist	Permits West, Inc.	yes	8/22-23/2012, 5/30/13, 6/5/13, 6/22/13, 7/2/13, 7/17/13
Marian Rohman	Field Botanist	Permits West, Inc.	yes	8/10/12, 9/7/12, 6/26/13
Curtis Pattillo	Principal Biologist	Southwest Environmental, Inc.	yes	7/16/13
Mary Errickson, Laurens Hammack	Archaeologist	Complete Archaeological Services Associates	yes	6/24/13 – 7/10/13

5. Contact Information

Permits West, Inc.
37 Verano Loop
Santa Fe, NM87508
505-466-8120
FAX: 505-466-9682

Dwight E. Mallory
Resolute Aneth, LLC
1675 Broadway, Suite 1950
Denver, CO 80202
(303) 434-4600

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RIGHT-OF-WAY APPLICATION

COMES NOW THE APPLICANT Resolute Aneth, LLC of 1675 Broadway, Suite 1950, Denver CO 80202. This 3rd day of March, 2014, who hereby petition(s) the Bureau of Indian Affairs and respectfully files under the terms and provisions of the Act of February 5, 1948 (62 Stat. L. 17-25 USC 323), and Departmental Regulations 25 CFR 169 an application for a term of 20 (twenty) years, right-of-way for the following purposes and reasons: 69 kV power line to Resolute's Rutherford Unit.

Across the following described land (Easement description) on Navajo Tribal Trust Land as shown on the attached plats.

Sections 25 & 36, T. 40 S., R. 23 E.; Sections 30 & 31, T. 40 S., R. 24 E.; Section 1, T. 41 S., R. 23 E.; Sections 6, 7, & 16-18, T. 41 S., R. 24 E.; all SLM; all San Juan County, Utah

Said right-of-way to be 5.154 miles (27,213.01 feet or 1,649.274 rods) long by 100' wide during construction and 40' after construction, plus anchors. Total Tribal land use to be 63.233 acres, of which 27.541 acres will be permanent and the remaining 35.692 acres will be temporary for the duration of construction.

SAID APPLICANT DOES HEREBY UNDERSTAND AND EXPRESSLY AGREE AS FOLLOWS:

- (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 may be possible to their original condition upon the completion of construction to the extent compatible with the purposes 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 dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.
- (f) To take soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way.
- (g) To do everything reasonably 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.
- (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 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.

SAID APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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


(APPLICANT)

DATED: March 3, 2014

ATTEST: JULIE GROSS

SUPPORTING DOCUMENTS:

- 1. Written consent of landowners (one copy) *
- 2. Maps of definite location one (1) linen tracings, two (2) print copies.
(See 25 CFR 169.6, 169.7, 169.8, 169.9, 169.10, and 169.11).
- 3. Corporate qualifications (see 169.4 and 169.5).
- 4. Evidence of Officers to Execute Form (Forms 1-154d) (Corporate applicant only).
- 5. Tribal land — Resolution of Council

CULTURAL RESOURCES COMPLIANCE FORM

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

ROUTE COPIES TO:

☒ CASA

NNHPD NO. **HPD-13-656**

OTHER PROJECT NO.: **CASA 13-44**

PROJECT TITLE: Cultural Resource Inventory, Resolute Natural Resources Ratherford Unit 69 Kv Supply Line Project, Montezuma Creek, San Juan County, Utah

LEAD AGENCY: BIA/NR

SPONSOR: Brian Wood, Permits West, 37 Verano loop, Santa Fe, New Mexico 87508

PROJECT DESCRIPTION: Resolute Natural Resources will construct 27,213.02 feet (5.154 miles) of new 69 Kv powerline, a new 150-ft. by 132-ft. substation, and 54.88 feet of substation access road. The area of effect is 63,714-ft. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust

CHAPTER: Aneth, Red Mesa

LOCATION: T.40S, R.23E - Sec. 25 & 36;
T.40S, R.24E - Sec. 30 & 31;
T.41S, R.23E - Sec. 01;
T.41S, R.24E - Sec. 06, 07, 16, 17, & 18;
Montezuma Creek & White Mesa Village Quadrangles, San Juan County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: Mary Errickson

NAVAJO ANTIQUITIES PERMIT NO: B13501

DATE INSPECTED: 06/24/13 - 07/10/13

DATE OF REPORT: 08/20/13

TOTAL ACREAGE INSPECTED: 134.705 ac.

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

LIST OF CULTURAL RESOURCES FOUND: (3) Sites (UT-C-54-292, UT-C-43-308, UT-C-54-323); (1) Traditional Cultural Property (TCP)

LIST OF ELIGIBLE PROPERTIES: (2) Sites (UT-C-54-292, UT-C-43-308)

LIST OF NON-ELIGIBLE PROPERTIES: (1) Site (UT-C-54-323); (1) TCP

LIST OF ARCHAEOLOGICAL RESOURCES: (2) Sites (UT-C-54-292, UT-C-43-308)

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

Sites UT-C-54-292, UT-C-43-308, TCP:

1. Site boundaries & TCP boundary will be flagged by a qualified archaeologist prior to all construction activities.
2. Sites will be avoided by spanning the powerline extension across the sites & TCP; a) all power poles will be placed 50-ft outside of the site/TCP boundaries; b) all electrical wires will be hand-carried across the sites/TCP; c) all construction traffic should be confined to the existing roads and right-of-way.
3. Markers will be placed along access roads to assure future maintenance patrols do not drive through sites/TCP.
4. Once construction is completed, sites/TCP will continue to be avoided by routine maintenance activities by using established drive-arounds.

UT-C-54-323: No further work is warranted.

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: September 16, 2013

Notification to

Proceed Recommended:

Conditions:

Yes ☒ No

Yes ☒ No

The Navajo Nation
Historic Preservation Office

Date

9-24-13

Navajo Region Approval:

Yes ☒ No

Acting BIA - Navajo Regional Office

Date

10/29/13

Tim 10.29.13

**THREATENED, ENDANGERED, AND SPECIAL STATUS
WILDLIFE SPECIES REPORT
FOR RESOLUTE ANETH LLC'S PROPOSED GREATER ANETH SUBSTATION TO
RATHERFORD UNIT 69 kV POWER LINE
SAN JUAN COUNTY, UTAH**

1.0 Introduction

Threatened, endangered, and special status wildlife species surveys were conducted in the project area for the proposed Greater Aneth Substation to Ratherford Unit 69kV Power Line. The project site is located in S/2 NE/4 Section 27, SW/4 NW/4 and N/2 S/2 Section 26, and NW/4 SW/4 and S/2 S/2 Section 25, T. 40 S., R. 23 E., and SW/4 SW/4 Section 30, W/2 NW/4 and NW/4 SW/4 Section 31, T 40 S., R. 24, E., and E/2 SE/4 Section 36, T. 40 N., R. 23 E., and E/2 NE/4 and NE/4 SE/4 Section 1, T. 41 S., R. 23E., and NW/4 SW/4 and SE/4 SW/4 Section 6, NE/4 NW/4, W/2 NE/4, N/2 SE/4, and SE/4 SE/4 Section 7, NE/4 NE/4 Section 18, W/2 NW/4, SE/4 NW/4, NE/4 SW/4, NW/4 SE/4, and SE/4 SE/4 Section 17, T. 41 N., R. 24 E. The proposed power line route is 38,918.91 feet in length. The majority of the power line is located on Navajo Nation Tribal Trust lands. The northwestern-most portion of the power line route is on BLM-administered lands and is located in the S/2 NE/4 of Section 27, the SW/4 NW/4 and N/2 S/2 of Section 26, and the NW/4 SW/4 and S/2 S/2 of Section 25 in T. 40 S., R. 23 E.

2.0 Methods

On August 22 and 23, 2012, and in the spring and early summer of 2013, Wildlife Biologists Geoff Carpenter, Cindy Lawrence, and Charles Black conducted pedestrian surveys of the project area to inspect for the potential presence of threatened, endangered, or special status species. Weather during the 2012 surveys was warm. On the 22nd the afternoon high temperature was 85° F and breezy with gusts. On the 23rd it was cooler, with high temperatures in the low 70s° F and partly overcast with rains in the afternoon and evening. The surveyed area consisted of the proposed 38,918.91-foot-long 69 kV power line route between the Greater Aneth Substation and the Ratherford Unit Substation. A 50-foot project buffer was surveyed on either side of the proposed power line. Habitat and existing conditions were evaluated. A half-mile radius around the project area was surveyed for raptor nests. An additional one-mile line-of-sight survey was conducted from the project area for raptor nests. The surveyors used 10 x 40 and 8 x 50 binoculars.

Prior to the survey, Permits West Inc. made a data request to the Navajo Natural Heritage Program regarding Navajo Nation endangered species known to occur or with the potential to occur on the 7.5-Minute Montezuma Creek, UT Quadrangle. The request reply was received on August 22, 2012.

In addition, the Utah Division of Wildlife Resources (DWR) Listed and Sensitive Species in San Juan County was reviewed (downloaded and reviewed July 23, 2013).

Based on habitat evaluation, it was determined that sufficient habitat for the southwestern willow flycatcher (*Empidonax trailii extimus*) existed where the proposed power line crosses the

floodplain of the San Juan River. Formal flycatcher surveys were conducted at the site during the spring and early summer of 2013. These surveys followed US Fish and Wildlife Service (USFWS) protocol. And, both surveyors attended a Southwestern Willow Flycatcher survey protocol training on May 15, 2013 and were permitted by the USFWS to conduct surveys. For further details of the survey methodology, see Section 6.0 of this report.

3.0 Description of Existing Habitat

The surveyed area consisted of the proposed 38,918.91-foot-long 69 kV power line route between the Greater Aneth Substation and the Ratherford Unit Substation, which is located at the eastern terminus of the power line.

Terrain in the project area varies from rugged and broken, with hills, mesas, and shale and sandstone outcroppings, to fairly flat. The power line route crosses the top of Flat Top Mesa, a small butte with fairly steep sides, but lacking in sheer, vertical cliff faces. The power line route crosses the San Juan River and numerous ephemeral drainages.

Vegetation throughout the majority of the project area is dominated by arid shrubland with a high percentage of bare ground. Grass cover is very sparse. Dominant shrubs include shadscale (*Atriplex confertifolia*), blackbrush (*Coleogyne spp.*), rabbitbrush (*Chrysothamnus spp.*), Mormon tea (*Ephedra spp.*) and big sagebrush (*Artemisia tridentata*). A large amount of Russian thistle (*Salsola spp.*) is present in areas of heavy disturbance.

The riparian corridor along the San Juan River where it's crossed by the power line route is dominated by dense stands of Russian olive (*Elaeagnus angustifolia*) with some salt cedar (*Tamarix spp.*). On the north side of the river on the west side of the crossing, there are significant stands of sandbar or coyote willow (*Salix exigua*). The power line crosses the San Juan where Montezuma Creek wash enters the river. Riparian vegetation on the south side of the river is very thin and non-existent in many places. Riparian vegetation along Montezuma Creek wash is almost non-existent. In the area where the power line crosses the floodplain, there is no cottonwood (*Populus spp.*) overstory or canopy.

Wildlife occurring in the area is typical of arid grasslands, shrublands, and degraded riparian corridors of the Great Basin Desert. It includes passerines such as horned larks (*Eremophila alpestris*), black-throated sparrows (*Ampisiza bilineata*) and yellow-breasted chat (*Icteria virens*), as well as black-tailed jackrabbits (*Lepus californicus*), kangaroo rats (*Dipodomys spp.*), and whiptail lizards (*Aspidoscelis spp.*).

4.0 Threatened, Endangered, and Special Status Wildlife Species

According to the August 22, 2012 correspondence from the Navajo Natural Heritage Program, the threatened and endangered species listed in the table below have the potential to occur in the 7.5-Minute Montezuma Creek, UT Quadrangle.

For these species, 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

(MBTA) and the Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate or NESL group 4 status.

Species	Status*	Habitat	Habitat Suitability in Project Area**
Golden eagle (<i>Aquila chrysaetos</i>)	NESL Group 3, MBTA, EPA	A wide variety of open habitats, typically nests in steep cliffs > 30 m high	See discussion in Section 5.0, 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	Small perennial headwater streams in montane areas, larger streams, and rivers	NP
Belted kingfisher (<i>Ceryle alcyon</i>)	NESL Group 4, MBTA,	A variety of wetland habitats	See discussion in Section 5.0, below
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	NESL Group 3, MBTA, ESA-C	Mature cottonwood riparian corridors	See discussion in Section 5.0, below
Mountain plover (<i>Charadrius montanus</i>)	NESL Group 4, MBTA, ESA- Proposed T	Seeks dry, disturbed, or intensively grazed, open, flat tablelands. Bare ground, short vegetation, and flat topography are indicators of ideal habitat	NP
American dipper (<i>Cinclus mexicanus</i>)	NESL Group 3, MBTA	Found along swift flowing free-stone streams and rivers in montane areas	NP
Mottled sculpin (<i>Cottus bairdi</i>)	NESL Group 4	Bottom dwelling, living beneath rocks in cool streams and occasionally lakes	NP
Yellow warbler (<i>Setophagus petechia</i>)	NESL Group 4, MBTA	Cottonwood-willow habitats within perennial riparian areas	See discussion in Section 5.0, below
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	NESL Group 2, MBTA, ESA-E	Cottonwood-willow habitats within perennial riparian areas	See discussion in Section 5.0, below
Peregrine falcon (<i>Falco peregrinus</i>)	NESL Group 4, MBTA	Nests in sheer cliff faces typically > 30 m high, usually near water or mesic canyons. In migration, occurs in a variety of lowland, wetland habitats	See discussion in Section 5.0, below
Roundtail chub (<i>Gila robusta</i>)	NESL Group 2	Pools and rapids of moderate to large rivers	NP

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Bald Eagle (<i>Haliaeetus leucocephalus</i>)	NESL - Sensitive Species, MBTA, EPA, ESA-T	Winters along lakes and rivers with large trees	See discussion in Section 5.0, below
Black-footed ferret (<i>Mustela nigripes</i>)	NESL Group 2, ESA-E	Grassland or shrubby habitats where large, densely populated prairie dog towns are present	NP
Colorado pikeminnow (<i>Ptychocheilus lucius</i>)	NESL Group 2, ESA-E	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 2, ESA-E	Strong currents and backwaters of large rivers	NP

Status*

E Endangered T Threatened C Candidate

Habitat Suitability in the Project Area**

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 not present and species unlikely to occur within the project area.

The next table lists Utah DWR Listed and Sensitive Species in San Juan County (downloaded and reviewed July 23, 2013).

For the species listed below, the following Utah DWR Listed and Sensitive Species are indicated: the federal ESA, the Utah DWR Wildlife Species (SPC), and species receiving special management under a conservation agreement in order to preclude the need for Federal Listing (CS).

Species	Status*	Habitat	Habitat Suitability in Project Area**
Allen's big-eared bat (<i>Idionycteris phyllotis</i>)	SPC	A variety of montane forested habitats including ponderosa pine, pinyon, and riparian corridors	NP
American white pelican (<i>Pelecanus erythrorhynchos</i>)	SPC	Wetland habitats such as lakes, ponds, rivers, marshes and mudflats	NP
Arizona toad (<i>Bufo microscaphus</i>)	SPC	Riparian floodplains at low elevations	NP
Big free-tailed bat (<i>Nyctinomops myotis</i>)	SPC	A variety of habitats from desert scrub to montane woodland where rocky outcroppings or cliff faces are present	See discussion in Section 5.0, below

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Bobolink (<i>Dolichonyx oryzivorus</i>)	SPC	Grassy meadows, open pastures, and prairies	NP
Common chuckwalla (<i>Sauromalus ater</i>)	SPC	Open chaparral and cottonwood riparian areas at low elevations near rocky areas	NP
Desert night lizard (<i>Xantusia vigilis</i>)	SPC	Lowland desert habitats	NP
Flannelmouth sucker (<i>Catostomus latipinnis</i>)	CS	Pools and eddies of main channels of large streams and rivers	NP
Fringed myotis (<i>Myotis thysanodes</i>)	SPC	Occurs primarily in montane areas. These bats roost in colonies inside of caves, mine tunnels, rock crevices, and old buildings	NP
Gray wolf (<i>Canis lupus</i>)	ESA-E	A wide variety of habitats from montane wooded areas to open deserts	NP
Gunnison prairie dog (<i>Cynomys gunnisoni</i>)	SPC	Grassland or shrubby habitats	NS
Gunnison sage grouse (<i>Centrocercus minimus</i>)	ESA-C	Arid, open areas typically dominated by monotypic sagebrush (<i>Artemisia spp</i>)	NP
Kit fox (<i>Vulpes microtis</i>)	SPC	A variety of lowland desert habitats	See discussion in Section 5.0, below
Lewis woodpecker (<i>Melanerpes lewis</i>)	SPC	Open ponderosa pine woodland; open montane riparian areas	NP
Mogollon vole (<i>Microtis Mogollonensis</i>)	SPC	Montane scrub within ponderosa and mixed conifer habitat	NP
Northern goshawk (<i>Accipiter gentilis</i>)	SPC	Mature ponderosa pine, mixed conifer, and spruce-fir forest	NP
Short-eared owl (<i>Otus flammeus</i>)	SPC	Open habitats such as marshes, pastures, and prairies	NP
Silky-pocket mouse (<i>Perognathus flavus</i>)	SPC	Sandy desert and montane grasslands	See discussion in Section 5.0, below
Smooth green snake (<i>Opheodrys vernalis</i>)	SPC	Grassy marshes, damp meadows, and forest edges in foothills	NP
Spotted bat (<i>Euderma maculatum</i>)	SPC	Ponderosa pine woodland; marshes in montane habitats	NP
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	ESA-T	Deep rocky canyons near mature montane forests or cottonwood-willow riparian bottoms below 9500 feet in elevation	NP
Three-toed woodpecker (<i>Picoides tridactylus</i>)	SPC	Mixed conifer and spruce fir forests in montane areas; prefers recently burned areas	NP
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	SPC	Desert scrub, pinyon-juniper woodland, and ponderosa pine	See discussion in Section 5.0, below

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		woodland	
Yavapai mountainsnail (<i>Oreohelix yavapai</i>)	SPC	Riparian or wetland habitats in montane areas	NP
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	ESA-C	Extensive mature riparian woodlands	See discussion in Section 5.0, below

Status*

E Endangered

T Threatened

C Candidate

Habitat Suitability in Project Area**

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 not present and species unlikely to occur within the project area.

5.0 Results

Two Navajo Nation Endangered Species were observed during surveys. This was the NESL Group 4 yellow warbler (*Setophagus petechia*) and the Southwestern willow flycatcher (*Empidonax traillii extimus*). No Utah DWR sensitive species were observed. However, habitat suitability for some species was observed and is discussed below.

Various bat and myotis species

Although no bats or myotis were observed during surveys, the project area offers potential foraging habitat for two species of Utah DWR Sensitive bats. These species include the Townsend's big-eared bat and the big free-tailed bat. No suitable roost structures for any of these species were observed on or near the proposed project area. Because these species may only occasionally forage in the project area, these species should not be adversely impacted by the proposed project.

Golden Eagle

The area offers potential foraging habitat for the golden eagle. This raptor requires steep cliffs that are typically greater than 30 m high (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.

Bald Eagle

The majority of the site is poor foraging habitat for wintering or migrant bald eagles due to a lack of prey base. Large cottonwood snags along the San Juan River are completely absent from the project area. Wintering or migratory eagles may occasionally occur in this area. Because no impact to riparian habitat along the San Juan River is anticipated from the proposed project, and given the uncommon occurrence of bald eagles in the area, this species should not be adversely impacted by the proposed project.

Belted Kingfisher

No kingfishers were detected in the project area despite intensive riparian surveys along the San Juan River in the spring and early summer of 2013. There seems to be a lack of nest structures for the kingfisher, such as exposed earthen banks, old cottonwood snags, etc. This species appears to be absent from the river in the project area. This species should not be adversely impacted by the proposed project.

Southwestern Willow Flycatcher

This NESL Group 2 and federal ESA-Endangered species was observed in the project area. It required formal surveys that are outlined in detail in Section 6.0, below.

Peregrine Falcon

The area is potential foraging and migrational habitat for the peregrine falcon. This raptor requires steep cliffs that are typically greater than 30 m in height (Mikesic, D. G. and Nystedt, J. R., 2005). No active raptor nests were observed during surveys. Peregrine falcons could occasionally occur within the Proposed Action area during migration. This species should not be adversely impacted by the proposed project.

Kit Fox

Although the project area is on the periphery of this species' known range, kit foxes could potentially occur in lower areas of the project site. Although a few individuals of this species may be adversely impacted by maintenance activities, no significant adverse impact to the species as a whole is anticipated. Given the temporary nature of the proposed disturbance and the existing moderate-to-heavy disturbance throughout the site, habitat for this species should not be adversely impacted by the proposed project.

Silky Pocket Mouse

This species could potentially occur in lower areas of the project site. Although a few individuals of this species may be adversely impacted by maintenance activities, no significant adverse impact to the species as a whole is anticipated. Given the temporary nature of the proposed disturbance and the existing moderate-to-heavy disturbance throughout the site, habitat for this species should not be adversely impacted by the proposed project.

Yellow-billed Cuckoo

Riparian habitat near the project area is degraded and lacking in mature stands of native riparian vegetation. This rapidly declining, riparian-obligate species requires a continuous, mature cottonwood canopy for nesting. There are no mature cottonwoods in the floodplain where the Proposed Action is located. The project area lacks suitable habitat for this species.

Yellow Warbler

This species was found to be a summer resident and presumed nesting species along the riparian corridor of the San Juan River. At least three singing male warblers were observed during southwestern willow flycatcher surveys in June and July of 2013 (see Appendix 1). These observations were generally in areas where significant stands of sandbar willow are present.

This species is an NESL group 4 species. Navajo Nation Zoologist Chad Smith was consulted on this matter on July 23, 2013. He indicated that no formal mitigation for this species would be required, other than a seasonal avoidance for construction activities. Measures outlined in the MBTA will be sufficient to ensure that this species will not be adversely impacted by the proposed action. See Section 8.0 Recommendations, below, for details.

Migratory Birds

Migratory birds are protected under the MBTA. 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.

Twenty-nine bird species observed during the wildlife surveys are protected under the MBTA. A full list is in Section 7.0, below. If the measures in Section 8.0 Recommendations of this report are followed, this species should not be adversely impacted by the proposed project.

6.0 Southwestern Willow Flycatcher Surveys

Because significant patches of sandbar willow were found to be present along the north bank of the San Juan River where the proposed power line will cross, it was determined that formal southwestern willow flycatcher surveys would be conducted at the site. In accordance with the USFWS survey protocol, all areas with suitable or potential nesting habitat were surveyed within a 0.25-mile radius of the proposed action. Five separate survey sessions were conducted in association with the proposed project between May 29 and July 17, 2013. Surveys were conducted between 0530 and 1100 each morning. For this project, survey efforts were divided into two separate sites, and were labelled as Ratherford to Bluff Bench East (RU-BB East) and Ratherford to Bluff Bench West (RU-BB West) (see Appendix 1). No survey sites were established on the south side of the river due to lack of dense riparian vegetation.

RU-BB East

The RU-BB East site habitat is generally poor, with little to no potential for flycatcher nesting. The site consists of a 0.25 linear transect which parallels the river. Vegetation is dominated by dense, mature Russian olive thickets. Riparian vegetation at this site is well above the water level of the river, and there is no sign of inundation or saturated soils. There is a small island located just east of the power line route. Some willow stands are located on this island, but they are generally too thin to support nesting flycatchers.

This site was surveyed on May 30, June 5, June 22, July 2, and July 17, 2013. No willow flycatcher detections were made at this site on any of the five visits (see Appendix 1).

RU-BB West

Habitat at the RU-BB West site has better potential for flycatcher nesting. This site is adjacent to an old construction yard which extends southward almost to the river. This site includes the west bank of Montezuma Creek wash where it enters the San Juan River. The site is dominated by fairly dense, mature stands of sandbar willow, with a few scattered Russian olive. Soils in the area lack inundation or saturation even when water levels are high. Habitat at this site seems suitable for nesting flycatchers, although willow patches are slightly thin due to clearing in the construction yard.

This site was surveyed on May 30, June 5, June 22, July 2, and July 17, 2013. On May 30, two flycatchers were detected here (see Detections one and two in Appendix 1). On June 5, one flycatcher detection was made (See Detection 3 in Appendix 1). All of these birds appear to have been migrants of other *trillii* subspecies. No flycatchers were detected here during the June, 22, July 1, and July 17 surveys.

Riparian habitat along the San Juan River within the 0.25-mile species buffer for the proposed power line does provide migratory habitat for willow flycatchers of subspecies other than *extimus*. This is particularly true on the north bank of the river and in areas where sandbar willow is present. It appears that riparian habitat in the area is slightly too degraded for nesting southwestern willow flycatchers, or perhaps, the San Juan River in the Four Corners region is not within the breeding range of this subspecies. Disturbance and habitat loss created by on-going construction activities at the work yard, as well as the spread of exotic riparian vegetation seem to be the main limiting factors for nesting southwestern willow flycatchers in the area.

7.0 Species Observed During the Survey

Avian species observed:

Mallard (*Anas platyrhynchos*)
Great Blue Heron (*Ardea herodias*)
Red-tailed hawk (*Buteo jamaicensis*)
American kestrel (*Falco sparverius*)
Turkey vulture (*Cathartes aura*)
Spotted sandpiper (*Actitis macularia*)
Killdeer (*Charadrius vociferus*)
Eurasian collared-dove (*Streptopelia decaocto*)
Mourning dove (*Zenaidura macroura*)
Warbling vireo (*Vireo gilvus*)
Common raven (*Corvus corax*)
Cliff Swallow (*Petrochelidon pyrrhonota*)
Western kingbird (*Tyrannus verticalis*)
Willow flycatcher (*Empidonax trillii*)- migrants of other subspecies (not *extimus*)
Western wood-pewee (*Contopus sordidulus*)
Say's phoebe (*Sayornis saya*)
Northern mockingbird (*Mimus polyglottus*)
Rock wren (*Salpinctes obsoletus*)
Lucy's warbler (*Vermivora luea*)
Yellow warbler (*Setophaga petechia*)
Yellow-rumped warbler (*Setophaga coronata*)
Wilson's warbler (*Wilsonia pusilla*)
Yellow-breasted chat (*Icteria virens*)
Black-headed grosbeak (*Pheucticus melanocephalus*)
Spotted Towhee (*Pipilo maculatus*)
Black-throated Sparrow, (*Amphispiza bilineata*)
Black-headed grosbeak (*Guiraca caerulea*)

House finch (*Carpododus mexicanus*)
Brown-headed cowbird (*Molothrus ater*)

Mammalian species observed:

Kangaroo rat (*Dipodomys spp.*)
Antelope ground squirrel (*Ammospermophilus leucurus*)
Red fox (*Vulpes vulpes*)
Coyote (*Canis latrans*)
Desert cottontail (*Sylvilagus audubonii*)
Black-tailed jackrabbit (*Lepus californicus*)

Reptilian species observed:

Western whiptail (*Aspidoscelis tigris*)
Plateau striped whiptail (*Aspidoscelis velox*)
Side-blotched lizard (*Uta stansburiana*)
Red-spotted toad (*Bufo punctatus*)

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

8.0 Recommendations

Construction activities associated with this project should take place outside of the breeding season of the southwestern willow flycatcher, yellow warbler, yellow-billed cuckoo, and belted kingfisher (May 1-August 31). The avoidance of construction activities during these species' nesting season will also protect nesting migratory birds from a potential take due to construction activities associated with this project.

9.0 References

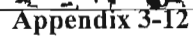
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10.0 Appendices

Appendix 1 – Southwest willow flycatcher surveys

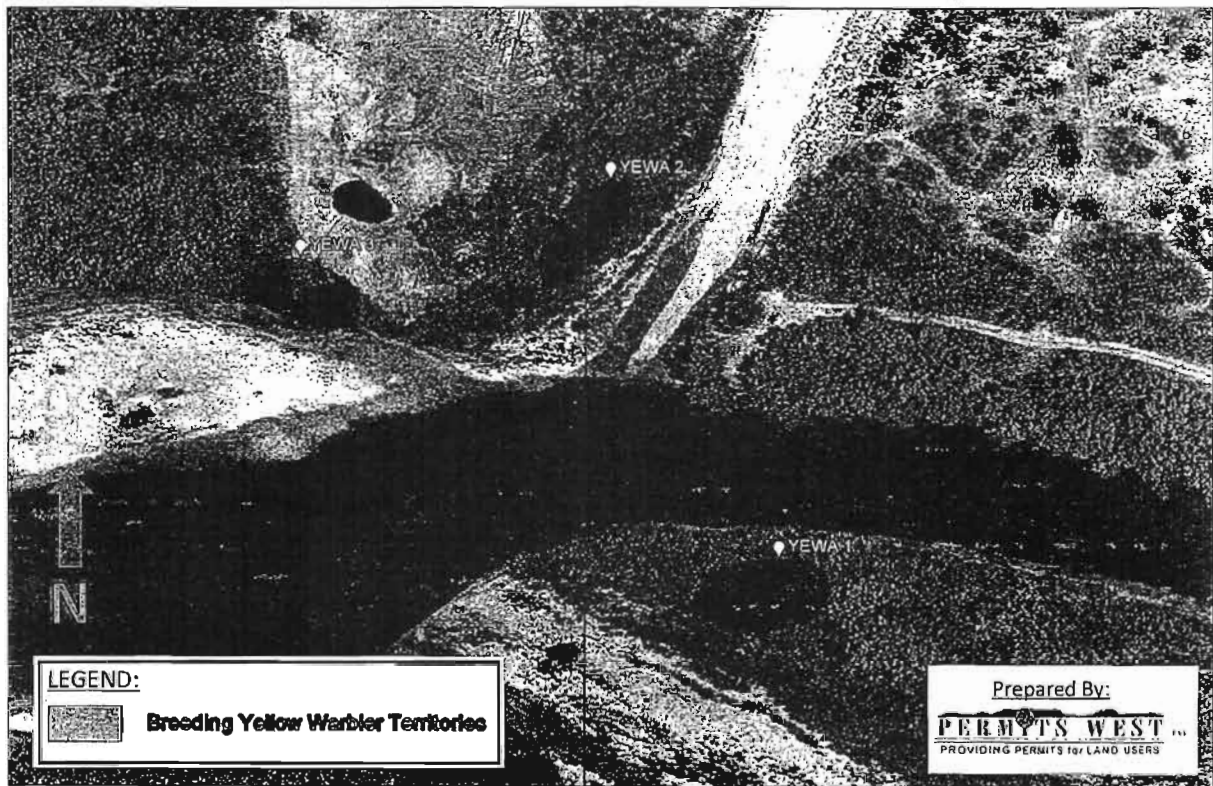
Section 36, T. 40 S., R. 23 E., and Section 31, T. 40 S., 24 E., SLM, San Juan County, UT



Resolute - Greater Aneth Sub to Ratherford Unit 69kV Power Line

Breeding Yellow Warbler Territories

Section 36, T. 40 S., R. 23 E., and Section 31, T. 40 S., 24 E., SLM, San Juan County, UT



Appendix 3-13

RESOLUTE ANETH, LLC

**PROPOSED GREATER ANETH SUBSTATION TO
RATHERFORD UNIT 69kV POWER LINE**

**S/2 NE/4 Section 27, SW/4 NW/4 and N/2 S/2 Section 26, and NW/4 SW/4 and
S/2 S/2 Section 25, T. 40 S., R. 23 E., and**

**SW/4 SW/4 Section 30, W/2 NW/4 and NW/4 SW/4 Section 31,
T 40 S., R. 24, E., and**

E/2 SE/4 Section 36, T. 40 N., R. 23 E., and

E/2 NE/4 and NE/4 SE/4 Section 1, T. 41 S., R. 23E., and

**W/2 SW/4 and SE/4 SW/4 Section 6,
NE/4 NW/4, W/2 NE/4, N/2 SE/4, and SE/4 SE/4 Section 7,
NE/4 NE/4 Section 18, and
W/2 NW/4, SE/4 NW/4, NE/4 SW/4, N/2 SE/4, and SE/4 SE/4 Section 17,
T. 41 N., R. 24 E**

San Juan County, Utah

PLANT SURVEY REPORT

Prepared for Permits West, Inc., Santa Fe, New Mexico
By Marian J. Rohman August 15, 2013

This report discusses the potential for disturbance to plant species listed as Species of Concern by the Navajo Natural Heritage Program (NNHP), the Bureau of Land Management (BLM), and the United States Fish and Wildlife Service (USFWS) that could occur in the project area. Cronquist's milkvetch (*Astragalus cronquistii*) and Bluff phacelia (*Phacelia indecora*) are species listed by the NNHP that have the potential to occur on the Montezuma Creek, UT, 7.5-minute quadrangle (Detsoi, 2012a). Cronquist's milkvetch is also listed for the White Mesa Village, UT, 7.5-minute quadrangle (Detsoi, 2012b). These quadrangles contain the boundaries of the portion of the project that occurs on Navajo Tribal land. In addition, potential habitat for Parish's alkali grass (*Puccinellia parishii*) needs to be evaluated if wetland conditions exist that contain white alkaline crust (Detsoi, 2012a, 2012b). Cutler's milkweed (*Asclepias cutleri*), a plant listed as sensitive by the NNHP (NNHP, 2008b) will also be discussed. Cronquist's

milkvetch is listed in Group 3 and Bluff phacelia and Parish's alkali grass are listed in Group 4 on the Navajo Endangered Species List (NESL) (NNHP, 2008a).

There are thirteen Sensitive Species listed by the BLM as occurring on BLM-administered land in San Juan County, Utah (BLM, 2002), and one species, Navajo sedge (*Carex specuicola*), listed as threatened by the United States Fish and Wildlife Service (USFWS) (USFWS, 2013).

PROJECT DESCRIPTION

The project consists of the construction of a 69kV power line. The project area is located approximately 2.3 to 3.9 miles west-northwest to 3.1 miles south of the town of Montezuma Creek in San Juan County, Utah. The proposed power line is 38,918.91 feet long within a 100-foot-wide corridor.

The northwest portion of the proposed power line occurs on BLM-administered land. The line length in this portion is 11,705.9 feet within a 100-foot corridor. There are 12 temporary off-easement ways accessing the poles during construction. These easement ways total 3,370 feet in length within a 20-foot corridor with a land use of 1.547 acres. The total permanent land use on BLM-administered land is 27.011 acres. This portion of the line is in the S/2 NE/4 of Section 27, the SW/4 NW/4 and N/2 S/2 of Section 26, and the NW/4 SW/4 and S/2 S/2 of Section 25 in T. 40 S., R. 23 E.

The east end of the east-west section of the proposed power line and all of the north-south portion of the proposed power line occur on Navajo Tribal Trust land. The line length on Navajo Tribal Trust land is 27,213.01 feet with a total land use of 63.233 acres, including the anchors. The Navajo Tribal Trust portion of the project area is located in the SE/4 SE/4 of Section 25, T. 40 S., R. 23 E., the SW/4 SW/4 of Section 30, and the W/2 NW/4 and NW/4 SW/4 of Section 31 in T. 40 S., R. 24 E., the E/2 SE/4 of Section 36 in T. 40 N., R. 23 E., the E/2 NE/4 and NE/4 SE/4 of Section 1 in T. 41 S., R. 23 E., and the W/2 SW/4 and SE/4 SW/4 of Section 6, the NE/4 NW/4, W/2 NE/4, N/2 SE/4, and SE/4 SE/4 of Section 7, the NE/4 NE/4 of Section 18, and the W/2 NW/4, SE/4 NW/4, NE/4 SW/4, N/2 SE/4, and SE/4 SE/4 of Section 17 in T. 41 N., R. 24 E.

The proposed power line corridor begins at the existing Greater Aneth Substation in the SW/4 NE/4 of Section 27, R. 40 S., R. 23 E., on BLM-administered land. It heads east-southeast across Bucket Canyon and over a small mesa and enters Navajo Tribal Trust land. The proposed line turns south and crosses Hwy. 162 and the San Juan River. It travels through portions of an abandoned residential area, then turns southeast and crosses the unpaved Phillips Camp Road. The proposed line climbs the northeast side of Flat Top Mountain, crosses the top, and descends the southwest side. It continues southeast and crosses the paved Red Mesa Road to end at the proposed Ratherford Unit Substation in the SE/4 SE/4 of Section 17 in T. 41 N., R. 24 E.

The northwest end of the project area is in an area of mixed desert shrub and desert grassland communities. The most common plants are blackbrush (*Coleogyne ramosissima*), Torrey's ephedra (*Ephedra torreyana*), Bigelow's rabbitbrush (*Chrysothamnus nauseosus* var. *bigelovii*),

broom snakeweed (*Gutierrezia sarothrae*), four-wing saltbush (*Atriplex canescens* var. *canescens*), Indian ricegrass (*Stipa hymenoides*), and sixweeks fescue (*Festuca octoflora*) with areas of shadscale (*Atriplex confertifolia*), particularly near the drainages, and sand buckwheat (*Eriogonum leptocladon*). Areas with exposed shale, particularly on the sides of Bucket Canyon, are dominated by shadscale and Bigelow's rabbitbrush. The base of the canyon supports galleta (*Hilaria jamesii*), sand buckwheat, and alkali sacaton (*Sporobolus airoides*).

As the line crosses the floodplain of the San Juan River, it goes through a belt of tamarisk (*Tamarix chinensis*) with an understory of Russian knapweed (*Centaurea repens*). The floodplain on the south side of the river supports scattered glabrate rabbitbrush (*Chrysothamnus nauseosus* var. *graveolens*) with a band of sandbar willow (*Salix exigua* var. *stenophylla*). The river flows at the base of a steep rocky slope on the south side. The top of the slope is a gently rolling plain supporting broom snakeweed, Greene's rabbitbrush (*Chrysothamnus greenei*), and Cutler's ephedra (*Ephedra viridis* var. *viscida*) with areas of Bigelow's rabbitbrush and with Russian thistle (*Salsola tragus*) along the dirt roads.

The northeast side of Flat Top Mountain is rocky with exposed shale and supports shadscale and Torrey's ephedra, particularly at the base. The top of the mesa is dominated by Torrey's ephedra, broom snakeweed, shadscale, central pricklypear (*Opuntia polyacantha*), galleta, and large areas of mat-saltbush (*Atriplex corrugata*). On the southwest side of the mesa, the proposed pipeline passes through very open terrain with broom snakeweed, Cutler's ephedra, false buffalograss (*Munroa squarrosa*), sand dropseed (*Sporobolus cryptandrus*), and occasional areas of shadscale.

The soils north of the San Juan River are predominantly in the Badland-Typic Torrifluvents soil unit. This unit consists of mixed alluvium and aeolian deposits and alluvium or aeolian deposits derived from sandstone and shale. The soil textures range from loam to sandy loam. South of the river, the soils surrounding Flat Top Mountain are predominantly the Aneth-Sheppard Association rolling soil unit which consists of aeolian deposits derived from sandstone with textures of loamy fine sand and fine sand. The mesa itself is within the Badland soil type, which occurs on hills and hillslopes. (NRCS, 2013) The underlying bedrock is predominantly the Morrison Formation (Hintze, 1980).

The elevation at the northwest end of the project area is 4645 feet. The land drops down to 4390 feet at the San Juan River, rises to 5125 feet on Flat Top Mountain, and descends back to 4715 feet at the southeast end of the project area. All elevations are approximate. Disturbances in the project area include the existing Greater Aneth Substation, power lines, two paved highways with cleared right-of-way corridors, dirt and two-track roads, pipelines, an abandoned residential area including an abandoned sewage pond, a small structure and cleared area on Flat Top Mountain, and grazing by horses, sheep, and cattle.

METHODOLOGY

The project area was initially surveyed between August 10 and September 7, 2012, by botanist Marian Rohman. The temporary BLM easement ways, relocated portions of the proposed line

south of the San Juan River, and previously identified potential Cronquist's milkvetch habitat were surveyed on June 26, 2013. The corridor and easement ways were surveyed by walking a zigzag transect on each side of the centerline covering the corridor and a buffer zone of 200 feet on each side of the corridor. The corridor width for the proposed power line is 100 feet and the width for the proposed easement ways and access is 20 feet. The intensive survey of potential Cronquist's milkvetch habitat was accomplished by walking parallel transects approximately 15 feet apart and perpendicular to the center line through the power line corridor and buffer. The emphasis of the surveys 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 is included at the end of this report.

SURVEY RESULTS

Species of Interest to the Navajo Natural Heritage Program, the Bureau of Land Management, and the United States Fish and Wildlife Service: Cronquist's milkvetch and Bluff phacelia are identified by the NNHP as species of concern in the proposed project area (Detsoi, 2012a, 2012b). In addition, any wetlands conditions need to be evaluated for the potential for Parish's alkali grass (Detsoi, 2012a, 2012b). Cutler's milkweed, a species listed as sensitive by the NNHP (NNHP, 2008b), will also be discussed. There are thirteen Sensitive Species listed by the BLM as occurring on BLM-administered land in San Juan County, Utah (BLM, 2002). Navajo sedge is listed as Threatened and present in San Juan County, Utah, by the USFWS (USFWS, 2013). 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**
<i>Allium geyeri</i> var. <i>chatterleyi</i> Chatterley onion BLM Sensitive Species	Piñon-juniper, mountain mahogany, and ponderosa pine-manzanita communities between 6600 and 8200 feet. Flowers from late June to early August (UNPS, 2003-2013).	No appropriate habitat: there are no appropriate plant communities in the project area. The project area is well below the known elevation range of the species. (NP)
<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).	Habitat present: this species is growing in the project area on sandy soil in a mixed desert shrub community. (K)

<i>Astragalus cronquistii</i> Cronquist's milkvetch BLM Sensitive Species NNHP Group 3	Salt desert shrub and blackbrush communities on sandy or gravelly soils derived from the Cutler and Morrison Formations between 4700 and 5800 feet. Flowers from late April to June (Roth, 2001a, UNPS, 2003-2013).	Limited potential habitat: there is one area of moderately good potential habitat in the project area. The area was surveyed during the growing season for the species and no plants were found. (NS)
<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).	No appropriate habitat: there are no seeps, springs, or hanging gardens and no Navajo Sandstone Formation in the project area. (NP)
<i>Cymopterus beckii</i> Pinnate spring-parsley BLM Sensitive Species NNHP Sensitive	Piñon-juniper, mountain brush, ponderosa pine/manzanita, conifer/oak, and Douglas fir communities in sandy or stony places between 5600 and 7500 feet. Flowers from April to July (UNPS, 2003-2013).	No appropriate habitat: there are no appropriate plant communities in the project area. The project area is well below the known elevation range of the species. (NP)
<i>Dalea flavescens</i> var. <i>epica</i> Hole-in-the-rock prairie clover BLM Sensitive Species	Sandstone bedrock and sandy areas in blackbrush and mixed desert shrub communities between 4700 and 5000 feet. Flowers from May to June (UNPS, 2003-2013).	Limited potential habitat: there are limited sandstone bedrock and sandy areas in blackbrush and mixed desert shrub communities in the project area. No plants of this or any species of <i>Dalea</i> were seen. (NS)
<i>Erigeron kachinensis</i> Kachina daisy BLM Sensitive Species	Lower elevation seeps, springs, and hanging gardens and higher elevation mesic slopes in aspen and ponderosa pine communities between 5200 and 8000 feet. Flowers May to July, occasionally into August (UNPS, 2003-2013).	No appropriate habitat: there are no seeps, springs, or hanging gardens in the project area. The project area is mostly below the known elevation range of the species. (NP)
<i>Eriogonum racemosum</i> var. <i>nobilis</i> Bluff buckwheat BLM Sensitive Species	Saltbush- <i>Populus</i> community in sand at about 4250 foot elevation. Known only from the type location (UNPS, 2003-2013).	No appropriate habitat: there is no saltbush- <i>Populus</i> community in the project area. The project area is well above the known elevation of the species. (NP)

<i>Gilia latifolia</i> var. <i>imperialis</i> Cataract gilia BLM Sensitive Species	Shadscale and other mixed desert shrub communities, especially in wash bottoms and at the bases of ledges between 3800 and 5200 feet. Flowers from June to October (UNPS, 2003-2013).	Limited potential habitat: there are occasional mixed desert shrub communities in wash bottoms in the project area. No plants of this species were seen. (NS)
<i>Habenaria zothecina</i> Alcove bog-orchid BLM Sensitive Species	Seeps, hanging gardens, and moist stream banks in mixed desert shrub, piñon-juniper, and oakbrush communities between 4000 and 6200 feet. Flowers from late July to August (UNPS, 2003-2013).	No appropriate habitat: there are no seeps, hanging gardens or moist stream banks in the project area. (NP)
<i>Lomatium latilobum</i> Canyonlands lomatium BLM Sensitive Species	Mainly in piñon-juniper and desert shrub communities, in rock crevices and sandy deposits of Entrada and Navajo Sandstone between 5000 and 6000 feet. Typically flowers from April to June (UNPS, 2003-2013).	No appropriate habitat: there is no Entrada or Navajo Sandstone Formation in the project area. The project area is mostly below the known elevation range of the species. (NP)
<i>Pediomelum aromaticum</i> var. <i>tuhyi</i> Tuhy breadroot BLM Sensitive Species	Piñon-juniper and mixed desert shrub communities on the Entrada, Kayenta, and Mossback Formations on rimrock or shallow sand between 5600 and 6500 feet. Flowers from May to June (UNPS, 2003-2013).	No appropriate habitat: there is no Entrada, Kayenta, or Mossback Formation in the project area. The project area is well below the known elevation range of the species. (NP)
<i>Perityle specuicola</i> BLM Sensitive Species NNHP Group 3	Desert shrub and hanging garden communities in narrow, protected canyons, alcoves, and at cliff bases in Navajo Sandstone and the Cedar Mesa Formation between 3690 and 4200 ft. Flowers from mid-July to late September (Roth, 2001c; UNPS, 2003-2013).	No appropriate habitat: there no Navajo Sandstone or Cedar Mesa Formation in the project area. The project area is above the known elevation range of the species. (NP)
<i>Phacelia indecora</i> Bluff phacelia BLM Sensitive Species NNHP Group 4	Hanging gardens and on moist slopes along the San Juan River and its' tributaries (Roth, 2008) between 3600 and 4500 feet. Flowers in May (Roth, 2001d).	No appropriate habitat: there are no hanging gardens or moist slopes in the project area. (NP)
<i>Puccinellia parishii</i> Parish's alkali grass NNHP Group 4	Alkaline springs, seeps, and seasonally wet areas such as washes at 4510 to 7200 feet. (Roth, 2001e; personal observation)	No appropriate habitat: there are no alkaline springs, seeps or seasonally wet areas in the project area. (NP)

<i>Sphaeralcea janaeae</i> Jane globemallow BLM Sensitive Species	Warm and salt desert shrub communities on the White Rim and Organ Rock Members of the Cutler Formation between 4000 and 4600 feet. Flowers from May to July (UNPS, 2003-2013).	No appropriate habitat: there is no Cutler Formation in the project area. (NP)
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Status*

- BLM – Bureau of Land Management (BLM, 2002)
- NNHP – Navajo Endangered Species List (NNHP, 2008a)
- Group 3 – a species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future
- Group 4 – a species or subspecies where there is not currently sufficient information to support listing it as endangered, but there is reason to consider it Sensitive Species List (NNHP, 2008b)
- Sensitive – a species that the NNHP wishes to receive information on so that they can continue to analyze its distribution and abundance, but does not need to be avoided (Roth, 2008)
- 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 in the Project Area**

- 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 not present and species unlikely to occur within the project area

Cutler's milkweed is present as several scattered plants along the power line corridor in Section 6 in T. 41 N, R. 24 E. This species is listed as sensitive by the NNHP, indicating that they wish to receive information on its location so they can continue to analyze its distribution and abundance. However, the plant does not need to be avoided (Roth, 2008).

Noxious Weeds: There are twenty-eight species listed on the State of Utah Noxious Weed List (UDAF, 2010). This list is used by the BLM for weed management on the lands they administer in Utah (Curtis, 2008). None of these species are present on the BLM portion of the project area.

There are seventeen species listed on the BIA Navajo Noxious Weed List (USDI, OSM, 1999). Two of these species are present on Navajo Tribal Trust land in the project area. Halogeton (*Halogeton glomeratus*) is present as scattered plants across most of the top of Flat Top Mountain. Russian knapweed is present, sometimes dominant, under the tamarisk along the north side of the San Juan River. Both halogeton and Russian knapweed are Priority B species, indicating that they are new noxious weeds 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, Bureau of Land Management, or the United States Fish and Wildlife Service that need to be avoided will be impacted by the proposed project.

Signature of Author: _____
Marian J. Rohman

September 23, 2013

REFERENCES

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**PLANTS OF THE PROPOSED GREATER ANETH SUBSTATION TO RATHERFORD
UNIT 69kV POWER LINE**

Scientific and common names according to Welsh et al., 2003

Identifications based on Welsh et al., 2003, and Weber and Wittman, 2012

Trees

<i>Elaeagnus angustifolia</i>	Russian olive
<i>Fraxinus anomala</i>	Singleleaf ash
<i>Populus fremontii</i>	Fremont's cottonwood
<i>Tamarix chinensis</i>	Tamarisk
<i>Ulmus pumila</i>	Siberian elm

Shrubs and Subshrubs

<i>Artemisia bigelovii</i>	Bigelow's sagebrush
<i>Artemisia filifolia</i>	Sand sagebrush
<i>Artemisia spinescens</i>	Budsage
<i>Artemisia tridentata</i>	Big sagebrush
<i>Atriplex canescens</i> var. <i>canescens</i>	Four-wing saltbush
<i>Atriplex canescens</i> x <i>corrugata</i> or <i>confertifolia</i>	Hybrid saltbush
<i>Atriplex confertifolia</i>	Shadscale
<i>Atriplex corrugata</i>	Mat-saltbush
<i>Atriplex gardneri</i> var. <i>cuneata</i>	Gardner's saltbush
<i>Bassia americana</i>	Gray molly
<i>Brickellia microphylla</i> var. <i>scabra</i>	Rough brickellbush
<i>Brickellia oblongifolia</i> var. <i>linifolia</i>	Mohave brickellbush
<i>Chrysothamnus Greenei</i>	Greene's rabbitbrush
<i>Chrysothamnus nauseosus</i> var. <i>bigelovii</i>	Bigelow's rabbitbrush
<i>Chrysothamnus nauseosus</i> var. <i>graveolens</i>	Glabrate rabbitbrush
<i>Coleogyne ramosissima</i>	Blackbrush
<i>Encelia frutescens</i> var. <i>resinosa</i>	Bush encelia
<i>Ephedra torreyana</i>	Torrey's ephedra
<i>Ephedra viridis</i> var. <i>viscida</i>	Cutler's ephedra
<i>Eriogonum corymbosum</i> var. <i>corymbosum</i>	Fremont's buckwheat
<i>Eriogonum leptocladon</i>	Sand buckwheat
<i>Gutierrezia sarothrae</i>	Broom snakeweed
<i>Haplopappus rusbyi</i>	Rusby's goldenbush
<i>Rhus aromatica</i> var. <i>simplicifolia</i>	Skunkbush
<i>Rhus aromatica</i> var. <i>trilobata</i>	Skunkbush
<i>Salix exigua</i> var. <i>stenophylla</i>	Sandbar willow
<i>Suaeda torreyana</i> var. <i>torreyana</i>	Torrey's seepweed
<i>Yucca</i> sp.	Narrow-leaved yucca

Cactus

<i>Opuntia polyacantha</i>	Central pricklypear
<i>Sclerocactus whipplei</i> var. <i>roseus</i>	Whipple's fishhook

Grasses and Grass-like Plants

Aristida purpurea
Bouteloua barbata var. *barbata*
Bromus rubens
Bromus tectorum
Distichlis spicata
Erioneuron pulchellum
Festuca octoflora
Hilaria jamesii
Muhlenbergia pungens
Munroa squarrosa
Sporobolus airoides
Sporobolus contractus
Sporobolus cryptandrus
Sporobolus flexuosus
Stipa hymenoides

Purple threeawn
Sixweeks grama
Red brome
Cheatgrass
Desert saltgrass
Fluffgrass
Sixweeks fescue
Galleta
Sandhill muhly
False buffalograss
Alkali sacaton
Spike dropseed
Sand dropseed
Mesa dropseed
Indian ricegrass

Forbs

Abronia fragrans
Ambrosia acanthicarpa
Arenaria fendleri var. *eastwoodiae*
Artemisia dracunculus
Artemisia ludoviciana
Asclepias cutleri
Asclepias macrosperma
Astragalus amphioxys
Astragalus fucatus
Astragalus mollissimus var. *thompsonae*
Astragalus nuttallianus
Astragalus praelongus
Centaurea repens
Chaetopappa ericoides
Chamaesyce fendleri
Chamaesyce glyptosperma
Chamaesyce parryi
Chenopodium album var. *berlandieri*
Chenopodium leptophyllum
Comandra umbellata var. *pallida*
Cordylanthus wrightii
Cryptantha sp.
Cryptantha crassispala var. *elachantha*
Delphinium andersonii var. *scaposum*
Descurainia pinnata
Dicoria brandegei

Fragrant sand-verbena
Bur ragweed
Eastwood's sandwort
Tarragon
Louisiana wormwood
Cutler's milkweed
Eastwood's milkweed
Crescent milkvetch
Hopi milkvetch
Woolly locoweed
Small-flowered milkvetch
Stinking milkvetch
Russian knapweed
Rose heath
Fendler's euphorb
Ridge-seeded spurge
Parry's spurge
Lamb's quarter
Narrowleaf goosefoot
Bastard toadflax
Wright's bird'sbeak
Perennial cryptanth
Plain's cryptanth
Pale larkspur
Pinnate tansy-mustard
Brandegge's sandplant

<i>Eriogonum divaricatum</i>	Spreading buckwheat
<i>Eriogonum inflatum</i>	Desert trumpet
<i>Eriogonum salsuginosum</i>	Smooth buckwheat
<i>Eriogonum wetherillii</i>	Wetherill's buckwheat
<i>Halogeton glomeratus</i>	Halogeton
<i>Haplopappus spinulosus</i> var. <i>paradoxus</i>	Spiny goldenweed
<i>Helianthus annuus</i>	Common sunflower
<i>Hymenoxys acaulis</i> var. <i>ivesiana</i>	Ive's woolybase
<i>Ipomopsis gunnisonii</i>	Gunnison's gilia
<i>Lygodesmia grandiflora</i>	Showy rushpink
<i>Machaeranthera canescens</i> var. <i>aristata</i>	Hoary aster
<i>Mentzelia albicaulis</i>	Whitestem blazing-star
<i>Mirabilis linearis</i>	Narrowleaf umbrellawort
<i>Oxytenia acerosa</i>	Copperweed
<i>Penstemon angustifolius</i> var. <i>venosus</i>	Veined penstemon
<i>Phacelia</i> sp.	Phacelia
<i>Phacelia ivesiana</i>	Ive's phacelia
<i>Plantago patagonica</i>	Wooly plantain
<i>Rumex hymenosepalus</i>	Canaigre
<i>Salsola tragus</i>	Russian-thistle
<i>Senecio douglasii</i> var. <i>longilobus</i>	Douglas' groundsel
<i>Sphaeralcea coccinea</i>	Common globemallow
<i>Sphaeralcea grossulariifolia</i>	Gooseberry-leaf globemallow
<i>Sphaeralcea leptophylla</i>	Slenderleaf globemallow
<i>Stanleya pinnata</i> var. <i>pinnata</i>	Prince's plume
<i>Stephanomeria exigua</i>	Annual wirelettuce
<i>Streptanthella longirostris</i>	Little twistflower
<i>Tiquilia latior</i>	Woody tiquilia
<i>Tribulus terrestris</i>	Puncture vine
<i>Tripterocalyx carneus</i> var. <i>wootonii</i>	Wooton's sandverbena
<i>Xanthium strumarium</i>	Cocklebur



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>

Ben Shelly, President

Rex Lee Jim, Vice-President

26 September 2012

File#12PERM-27

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

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: RESOLUTE ANETH LLC
RATHERFORD TO McELMO POWER LINE PROJECT
LEGAL DESCRIPTION SEC. 31, T40S, R25E;
SEC. 6, T41S, R25E
SECTIONS 1, 10-12 & 15-17, T41S, R24E
SAN JUAN COUNTY, UT
UTM COORDINATES
651037E, 4120297N (SOUTHWEST END)
659132E, 4125090N (NORTHEAST END)
LOCATED 3 MILES EAST OF MONTEZUMA CREEK, UT

Mr. Wood:

The following information on species of concern¹ is provided in response to your 18 August 2012 request concerning the subject project, which consists of the proposed 6 mile long 69kV overhead power line Resolute Aneth LLC Ratherford to McElmo Power Line Project. The project site is located 3 miles east of Montezuma Creek, UT legal descriptions Section 31, T40S, R25E; Section 6, T41S, R25E, Sections 1, 10-12, & 15-17, T41S, R24E, San Juan County, UT. UTM Coordinates 651037E, 4120297N (southwest end), 659132E, 4125090N, Montezuma Creek, San Juan County, UT.

Each 7.5-minute quadrangle containing project boundaries is addressed separately below. For potentially occurring species these species lists are quadrangle-specific rather than project-specific. Potential for species has been determined primarily on quadrangle-wide coarse habitat characteristics and species range

¹"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 statuses 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 NFWF of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these 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.

information. Your project biologist should determine habitat suitability at the project site(s).

A total of eighteen (18) species both known and/or potential are included in this response. They are:

	SCIENTIFIC NAME	COMMON NAME	NESL STATUS	FED. STATUS and/or MBTA*
1.	<i>Aquila chrysaetos</i>	Golden Eagle	G3	MBTA
2.	<i>Astragalus cronquistii</i>	Cronquist Milk-vetch	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 extimus</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>Ptychocheilus lucius</i>	Colorado Pikeminnow	G2	ESA Endangered
18.	<i>Xyrauchen texanus</i>	Razorback Sucker	G2	ESA Endangered

*MBTA=Migratory Bird Treaty Act

WHITE MESA VILLAGE, UT 7.5-MINUTE QUADRANGLE

Project Location: Resolute Aneth LLC, Ratherford to McElmo P/L Project

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

1. *Xyrauchen texanus*

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

Known to occur within three miles of the project site:

1. *Empidonax traillii extimus*
2. *Astragalus cronquistii*

Species of concern with potential to occur on the 7.5-minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Buteo regalis*
3. *Catostomus discobolus*
4. *Ceryle alcyon*
5. *Charadrius montanus*
6. *Cinclus mexicanus*
7. *Coccyzus americanus*
8. *Cottus bairdi*
9. *Dendroica petechia*
10. *Falco peregrinus*
11. *Gila robusta*
12. *Haliaeetus leucocephalus*
13. *Lithobates pipiens*
14. *Mustela nigripes*
15. *Ptychocheilus lucius*

AREA 1: HIGHLY SENSITIVE WILDLIFE RESOURCES

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

ANETH, UT 7.5-MINUTE QUADRANGLE

Project Location: Resolute Aneth LLC, Ratherford to McElmo P/L Project

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. *Astragalus cronquistii*

Species of concern with potential to occur on the 7.5-minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Buteo regalis*
3. *Catostomus discobolus*
4. *Ceryle alcyon*
5. *Charadrius montanus*
6. *Cinclus mexicanus*
7. *Coccyzus americanus*
8. *Cottus bairdi*
9. *Dendroica petechia*
10. *Empidonax traillii extimus*
11. *Falco peregrinus*
12. *Gila robusta*

13. *Haliaeetus leucocephalus*
14. *Lithobates pipiens*
15. *Mustela nigripes*
16. *Ptychocheilus lucius*

AREA 1: HIGHLY SENSITIVE WILDLIFE RESOURCES

AREA 2: MODERATELY SENSITIVE WILDLIFE RESOURCES

NAVAJO CANYON, UT 7.5-MINUTE QUADRANGLE

Project Location: Resolute Aneth LLC, Ratherford to McElmo P/L Project
Known to occur within three miles of the project site:

1. *Astragalus cronquistii*
2. *Xyrauchen texanus*

Species of concern with potential to occur on the 7.5-minute quadrangle(s) containing the project boundaries include the following:

1. *Aquila chrysaetos*
2. *Buteo regalis*
3. *Coccyzus americanus*
4. *Dendroica petechia*
5. *Empidonax traillii extimus*
6. *Mustela nigripes*

AREA 2: MODERATELY SENSITIVE WILDLIFE RESOURCES

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 exists that contain white alkaline crusts.

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts.⁴ 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) 871-7068 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.

The powerline(s) should be designed according to the Avian Power Line Interaction Committee's 'Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006' (Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA).

Does the project design include guy wires for structural support? If so, and if bird species may occur in relatively high concentrations in the project area, then guy wires should be equipped with highly visual markers to reduce the potential mortality due to bird-guy wire collisions. Examples of visual markers

⁴ Available free of charge on our website at <http://nnhp.navajofishandwildlife.org/>

include aviation balls and bird flight diverters. Birds can be expected to occur in relatively high concentrations along migration routes (e.g., rivers, ridges or other distinctive linear topographic features) or where important habitat for breeding, feeding, roosting, etc. occurs. The U.S. Fish and Wildlife Service recommends marking guy wires with at least one marker per 100 meters of wire.

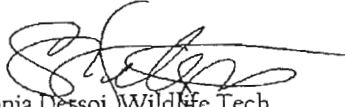
Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (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.

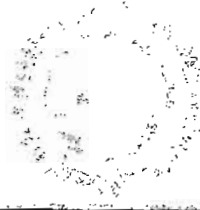
For a list of sensitive species on the Navajo Nation in addition to the species listed on the Navajo Endangered Species List (NESL) please refer to our website at www.nndfw.org.

An invoice for this information is attached.

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


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

xc: file/chrono



**PRESIDENT
BEN SHELLY
VICE PRESIDENT
REX LEE JIM**

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

27 February 2014

27 February 2014

12PERM-27

Kitty Wood
Permits West, Inc.
37 Verano Loop
Santa Fe, New Mexico 87508

Kitty Wood
Permits West, Inc.
37 Verano Loop
Santa Fe, New Mexico 87508

Dear Mrs. Wood,

Dear Mrs. Wood,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed the Environmental Assessment for Resolute's proposed **Greater Aneth Substation to Rutherford Unit Substation 69kV Power Line** project located in the vicinity of Montezuma Creek, Utah. The purpose of this letter is to inform you that we are granting the proposed project a Conditional Approval. The project is approved with the following conditions:

[1] The entire length of the proposed 69kv power line shall be constructed with a raptor-safe power pole design per Raptor Electrocution Prevention Regulations (REPR). All guy wires shall be marked with highly visual daytime markers to prevent collisions within the RSA.

[2] Power line construction shall avoid the riparian corridor on the San Juan River at a distance of 0.2 km (1/8 mi) during 15 APR-31 AUG to avoid impacts to nesting migratory birds.

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

Sincerely,

Sincerely,

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

Re: 12PERM-27
Date: 2/28/14
By: [Signature]

CONCURRENCE

Gloria Tom, Director
Department of Fish and Wildlife

2/28/14
Date: 2/28/14

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.: Greater Aneth Substation to Ratherford Unit Substation 69kV Power Line

DESCRIPTION: Resolute proposes to construct an overhead, raptor-safe 69kV power line to accommodate the need for additional power in the Aneth Oil Field. The power line would be 27,213.01 ft. in length along a temporary 100-ft. wide construction corridor, or 63,233 acres. The permanent ROW would be 40-ft. except where additional acreage is required for guy anchors, totaling 27,541 acres. The project would also require an additional 35.692 temporary acres for construction vehicle access.

LOCATION: Sections 25 & 36, T40S, R23E; Sections 30 & 31, T40S, R24E; Section 1, T41S, R23E; Sections 6, 7, 16, 17, & 18, T41S, R24E, vicinity of Montezuma Creek, Aneth & Red Mesa Chapters, San Juan County, Utah

REPRESENTATIVE: Kitty Wood, Permits West, Inc. for Resolute Aneth, LLC

ACTION AGENCY: Navajo Nation and Bureau of Indian Affairs - Navajo Region

B.R. REPORT TITLE / DATE / PREPARER: EA-Greater Aneth Substation to Ratherford Unit Substation 69kV Power Line/17 OCT 2013/Permits West, Inc.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 1 & 3. The entire project is within a Raptor Sensitive Area (RSA). REPR applies to the entire line. Nesting habitat is present for Migratory Birds along the San Juan River corridor.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: [1] *Aquila chrysaetos* (Golden Eagle), G3, GBENPR, REPR, BGEPA, MBTA; [2] *Dendroica petechia* (Yellow Warbler), G4, MBTA.

FEDERALLY-LISTED SPECIES AFFECTED: [1] *Empidonax traillii extimus* (Southwestern Willow Flycatcher), G2, Endangered with designated Critical Habitat, MBTA. Surveys were conducted in 2013 in accordance with the USEWS survey protocol in all areas with suitable or potential nesting habitat within a 0.25-mi. radius of the proposed action. Surveys were negative.

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: [1] The NNDFW concurs with the mitigation measures in Section 3.20.2.2.

CONDITIONS OF COMPLIANCE*: [1] The entire length of the proposed 69kv power line shall be constructed with a raptor-safe power pole design per Raptor Electrocution Prevention Regulations (REPR). All guy wires shall be

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marked with highly visual daytime markers to prevent collisions within the RSA; [2] Power line construction shall avoid the riparian corridor on the San Juan River at a distance of 0.2 km (1/4 mi) during 15 APR-31 AUG to avoid impacts to nesting migratory birds.

FORM PREPARED BY / DATE: Pamela A. Kyselka/27-FEB-2014

COPIES TO: (add categories as necessary)



B/A

2 NTC § 164 Recommendation:

Signature

Date

☐ Approval

☒ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

2/28/14

*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

[Signature]

Representative's signature

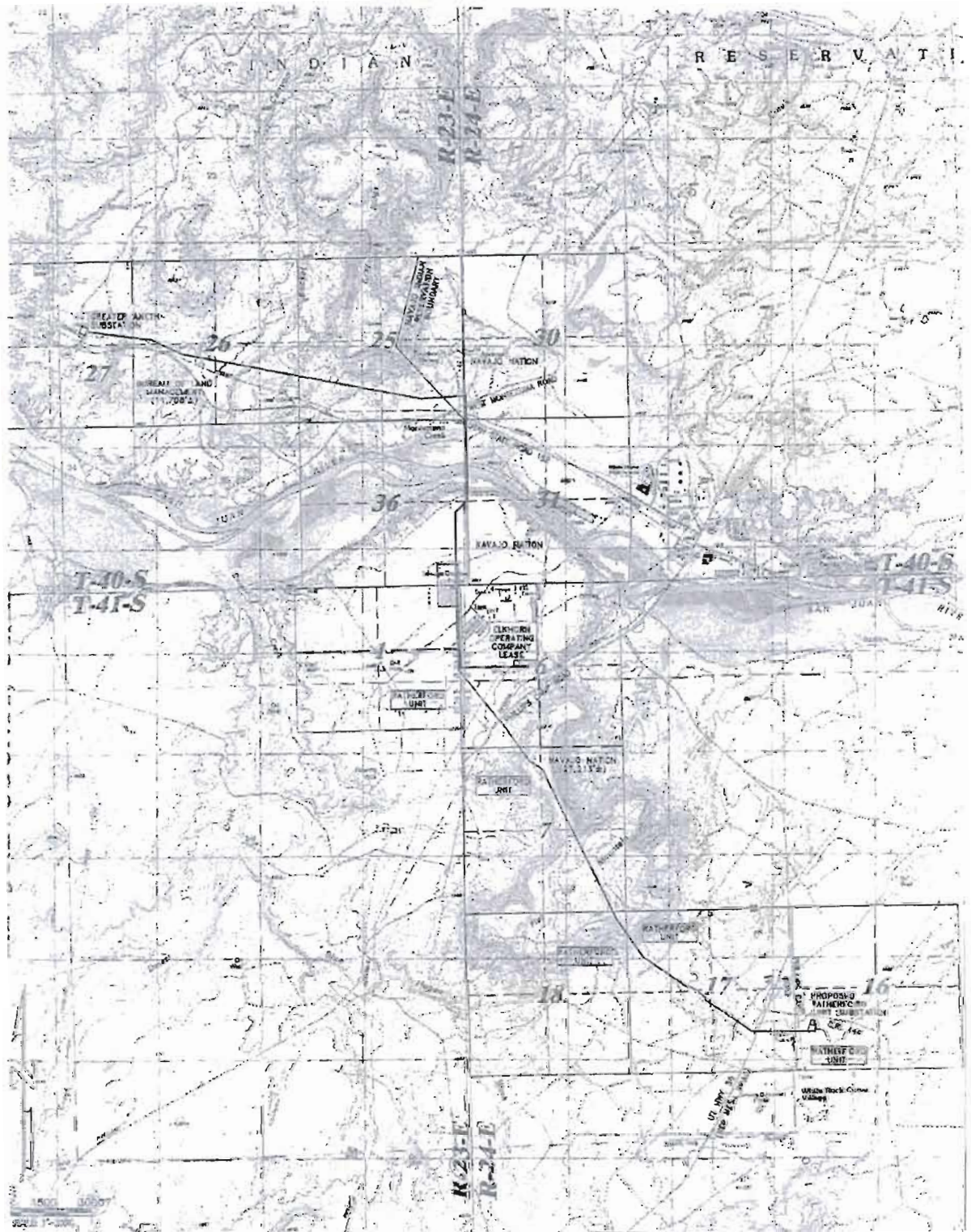
Date

3-3-14

RESOLUTE

NATURAL RESOURCES

GREATER ANETH SUBSTATION TO RATHERFORD UNIT 69 KV POWER LINE & FACILITIES



DIAGRAMS
MONTZUMA CREEK
WHITE MESA VILLAGE
OAK MESA
ECA "TUNE" POCKET

RESOLUTE NATURAL RESOURCES DENVER, COLORADO

SURVEYED: 10/21/10-11/04/10	REV. DATE: 02/11/13	PROJECT No.: 9835
DRAWN BY: V.C.	DATE DRAWN: 01/12/11	FILE NAME: 9835TCP1

UNITED
FIELD SERVICES INC.

P.O. BOX 3651
FARMINGTON, NM 87403
OFFICE: (505)334-0408



ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION
OFFICE OF ENVIRONMENTAL REVIEW
PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996
Website: www.navajonationnepa.org

M E M O R A N D U M

TO: Howard Draper, Program & Project Specialist
Project Review Office
Navajo Land Department
Division of Natural Resources

FROM:

Rita Whitehorse-Larsen, Senior Environmental Specialist
Office of Executive Director/Administration
Office of Environmental Review
NNEPA

DATE: August 19, 2014

SUBJECT: 164 EOR 001587 ROW 69kV Powerline for Resolute

Resolute Aneth, LLC, 1675 Broadway, Suite 1950, Denver, Colorado, 80202, submitted a right-of-way (ROW) application to construct, operate and maintain a 69kV powerline to Resolute Ratherford Unit, San Juan County, Utah. The Ratherford Unit 69kV Supply Project consists of powerline 100'x27,213.01'/62.472 acres and anchors 0.751 acres totaling 63.233 acres; substation 132'x150'/0.456 acres and road 20'x54.88'/0.025 acres totaling 0.481 acres. The enhanced oil recovery process in the Aneth Oil Field exceeded the current power supply and requires additional power to continue operations.

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends *conditional approval* for the proposed action.

¹ Permits West. Environmental Assessment for Resolute Aneth LLC Greater Aneth Substation to Ratherford Unit Substation 69 kV Power Line. October 2013.

If the following mitigation measures as stated in the environmental assessment (EA) are adhered to, the proposed project will have a low and minimal impact to the environmental resources.

1. Navajo Nation Clean Water Act:

- a.* 401- A Section 401 certification is required if any drainage with discernable ordinary high water mark will be crossed/disturbed as determined by Patrick Antonio, Principal Hydrologist, NNEPA Water Quality Program on previous proposed projects.
- b.* 402 –Land surface disturbance in excess of 1.0 acre will require compliance with the federal General Construction Permit requirements for storm water discharges. The project will disturb 63.704 acres of land.
- c.* 404 – Boring under the drainage will require a Section 404 as determined by Patrick Antonio, Principal Hydrologist, NNEPA Water Quality Program. Contact the US Army Corps of Engineers.

2. 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 receives 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.

3. 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.

If there are any questions you may contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.

Cc: Resolute Aneth, LLC, 1675 Broadway, Suite 1950, Denver, Colorado, 80202
NNEPA Water Quality; Air Quality - OPP; RCRP; Storage Tank Program; Administration chrono
file
Contact Person: Brian Wood, Permits West, Inc., 505-466-8120