

RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
24<sup>th</sup> Navajo Nation Council --- Fourth Year, 2022

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF  
NAVAJO NATION TRIBAL AUTHORIZATION ACCESS (TAA) TO NAVAJO TRIBAL  
UTILITY AUTHORITY FOR THE RED MESA COMMERCIAL TRANSMISSION LINE  
LOCATED ON NAVAJO NATION TRUST LANDS ON THE NAVAJO NATION (UTAH)

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Resources and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations. 2 N.N.C. §501 (B) (2).
- B. The Resources and Development Committee of the Navajo Nation Council approved Resolution RDCJN-17-20 which delegated approvals of Tribal Authorization Access (TAA) to the Navajo Land Department, Department Manager. In Resolution RDCJN-17-20, Exhibit A, Administrative Rules and Regulations Section III(d), "The Resources and Development Committee retains the authority to approve all commercial tribal authorization accesses."

**SECTION TWO. FINDINGS**

- A. The Navajo Nation Council created the Navajo Tribal Utility Authority (NTUA) on January 22, 1959, pursuant to Resolution No. CJA-14-59, by which NTUA was authorized to construct, operate and maintain utility systems throughout the Navajo Nation. NTUA is further authorized to "expand and execute such extensions of existing utility systems as are efficient and feasible." See 21 N.N.C. § 5(A) (2).
- B. NTUA through memorandum dated September 24, 2021, attached as **Exhibit A**, submitted an "Application for Tribal Access Authorization (TAA) pursuant to RDCJN-17-20 to upgrade existing Red Mesa to Aneth transmission line with distribution underbuild and fiber optic cable in the vicinity

Red Mesa Chapter, San Juan County, Utah. The proposed project will consist of 18.10 plus or minus miles and/or 219.35 plus or minus acres. The transmission line with fiber optic cable is to provide the much needed upgrade to the Red Mesa community."

- C. The Navajo Nation Tribal Authorization Access (TAA) Terms and Conditions Navajo Tribal Utility Authority (NTUA) Red Mesa Transmission Line with Distribution Underbuild and Fiber Optic Cable Project, Work Order No. 12-200-0001 is attached as **Exhibit B**.
- D. The proposed transmission line is described in map and description attached hereto and incorporated herein as **Exhibit C**.
- E. The Right-of-Way Agent's memorandum dated April 30, 2021 states that NTUA met with the affect grazing permittees identified by the grazing official and that NTUA obtained the written consents from the affected grazing permittees. The memorandum and Consent Forms are attached as **Exhibit D**.
- F. The Heritage and Historic Preservation Department Cultural Resource Compliance Form NNHHPD NO. HPD-21-377, **Exhibit E**; the Biological Resources Compliance Form, NNDFW Review No. 21ntual47, **Exhibit F**, the Navajo Wildlife Manager, Navajo Natural Heritage Program memorandum dated September 21, 2021, **Exhibit G**, are attached.
- G. The Red Mesa Chapter Resolution No. RMC-07-041921, attached as **Exhibit H**, supports the NTUA proposed transmission line and fiber optic cable.
- H. The application for the Tribal Authorization Access (TAA) as submitted by the NTUA, has been reviewed through Executive Official Review Document No. 017372, and "Approved" by the reviewers. Review by the Department of Justice stated that the "Document is legally sufficient." See documents included in Executive Official Review Document No. 017372, **Exhibit I**.

### SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Navajo Nation Tribal Authorization Access (TAA) for the Navajo Tribal Utility Authority (NTUA) Red Mesa Transmission Line with Distribution Underbuild and Fiber Optic Cable Project, Work Order No. 12-

200-0001. The location is more particularly described on the survey map attached hereto as **Exhibit C**.

- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Navajo Nation Tribal Authorization Access (TAA) subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit B**.
- C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the Navajo Land Department, Department Manager, pursuant to Resolution RDCJN-17-20, to execute any and all documents necessary to affect the intent and purpose of this resolution.

**CERTIFICATION**

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24<sup>th</sup> Navajo Nation Council at a duly called meeting at Tsaile/Wheatfields Chapter House and by a teleconference for which a quorum was present and that same was passed by a vote of 5 in favor, and 0 opposed, on this 9<sup>th</sup> day of February 2022.



Rickie Nez, Chairperson  
Resources and Development Committee  
of the 24<sup>th</sup> Navajo Nation Council

Motion: Honorable Herman M. Daniels  
Second: Honorable Mark A. Freeland

Chairperson Rickie Nez not voting.





## NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

September 24, 2021

Mike Halona, Director  
Navajo Nation Land Department  
Post Office Box 9000  
Window Rock, Arizona 86515

Dear Mr. Halona:

The Navajo Tribal Utility Authority (NTUA) is filing an Application for Tribal Access Authorization (TAA) pursuant to RDCJN-17-20 to upgrade existing Red Mesa to Aneth transmission line with distribution underbuild and fiber optic cable in the vicinity Red Mesa Chapter, San Juan County, Utah. The proposed project will consist of 18.10± miles and/or 219.35± acres. The transmission line with fiber optic cable is to provide the much needed upgrade to the Red Mesa community.

The project is described on the attached plat entitled, *"Upgrade existing Red Mesa Transmission Line with Distribution Underbuild and Fiber Optic Cable Project, San Juan County, State of Utah, NTUA Work Order No. 12-200-0001"*.

Included in the TAA application is a completed NTUA TAA Terms and Conditions Form. NTUA edited paragraphs 7 and 20 and the edits are shown by strikeout and underline. NTUA deleted reference to NNEPA approving a restoration and revegetation plan in paragraph 7, because NNEPA does not approve restoration and revegetation plans. NTUA inserted language about sovereign immunity in paragraph 20.

The Authority will comply with all Tribal regulations and applicable Federal regulations. The Authority requests Waiver of Damages, except to those of local improvements such as fences, corrals, homes, crops, animals, and people. As this project serves the Navajo people, NTUA understands that the Navajo Nation will not require compensation for the TAA.

Attached are the pertinent application documents for your information and use. If you should have any questions, please contact Esther Kee, Right-of-Way Agent directly at 729-6406.

Sincerely yours,

Srinivasa R. Venigalla, P.E.  
Deputy General Manager  
Electric & Information Systems Division

Home Office:  
P.O. BOX 170  
FT. DEFANCE, AZ 86504

KAYENTA  
P.O. BOX 37  
KAYENTA, AZ 86033

TUBA CITY  
P.O. BOX 398  
TUBA CITY, AZ 86045

SHIPROCK  
P.O. BOX 1749  
SHIPROCK, NM 87420

CHINLE  
P.O. BOX 549  
CHINLE, AZ 86503

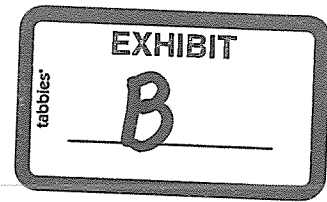
FORT DEFANCE  
P.O. BOX 587  
FT. DEFANCE, AZ 86504

DILCON  
HC 63 BOX D  
WINSLOW, AZ 86047

CROWNPOINT  
P.O. BOX 1825  
CROWNPOINT, NM 87313

CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

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**EXHIBIT "B"**

**NAVAJO NATION TRIBAL AUTHORIZATION ACCESS (TAA) TERMS AND CONDITIONS  
NAVAJO TRIBAL UTILITY AUTHORITY (NTUA)  
RED MESA TRANSMISSION LINE WITH DISTRIBUTION UNDERBUILD AND FIBER  
OPTIC CABLE PROJECT, WORK ORDER NO. 12-200-0001**

1. The term of the TAA shall be for an initial term of 25 years, whereas NTUA may provide the Nation notice to renew the TAA for an additional term of 15 years (Initial Renewal), NTUA may also provide the Nation notice to renew the TAA for an additional term of 10 years (Second Renewal) for a total maximum of 50 years, beginning on the date the TAA is authorized by the Navajo Nation.
2. Consideration for the TAA is assessed at \$ 646,686.50 for the Initial Term, \$388,011.90 plus applicable CPI adjustment for Initial Renewal and \$258,670.00 plus applicable CPI adjustment for Second Renewal and shall be paid to the Controller of the Navajo Nation, in lawful money of the United States, and a copy of the receipt for such payment provided to the Navajo Nation Minerals Department, or its successor, within \_\_\_\_\_ ( \_\_\_\_ ) days of approval of consent by the Navajo Nation.

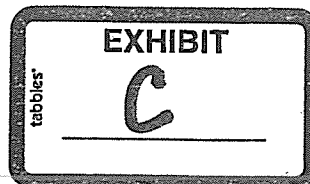
If consideration has been waived, the Navajo Nation contributes the amount listed above to the project because the project serves a public purpose and will benefit Navajo residents.

3. The Assignee may develop, use and occupy the TAA for the purpose(s) of replacing and upgrading existing Red Mesa to Aneth transmission line with distribution under-build and fiber optic cable in the vicinity of Red Mesa Chapter, San Juan County, Utah. The Assignee may not develop, use or occupy the TAA for any other purpose, nor allow others to use or occupy the TAA for any other purpose, without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Assignee may not develop, use or occupy the TAA for any unlawful purpose.
4. In all activities conducted by the Assignee within the Navajo Nation, the Assignee 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 169.4 (b); subject to the terms of this TAA.
  - 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 Heritage and Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
  - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et. seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et. seq.; and
  - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., Assignee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.

5. The Assignee 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 TAA.
6. The Assignee shall clear and keep clear the lands within the TAA to the extent compatible with the purpose, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
7. The Assignee shall reclaim all surface lands disturbed related to the TAA, as outlined in a restoration and re-vegetation plan, which shall be approved by Navajo Nation Environmental Protection Agency (NNEPA). The Assignee shall comply with all provisions of such restoration and re-vegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection is made.
8. The Assignee shall at all times during the term and at the **Assignee** sole cost and expense, maintain the land subject to the TAA and all improvements located thereon and make all necessary and reasonable repairs.
9. The Assignee shall obtain prior written permission to cross-existing TAA or rights-of-way, if any, from the appropriate parties.
10. The Assignee shall be responsible for and promptly pay all damages when they are sustained.
11. The Assignee shall indemnify and hold harmless the Navajo Nation, and respective authorized agents, employees and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of TAA by the Assignee.
12. The Assignee shall not assign, convey, transfer or sublet, in any manner whatsoever, the TAA or any interest therein, or in or to any of the improvements on the land subject to the TAA, without the prior written consent of the Navajo Nation. 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 TAA for violation of any of the terms and conditions stated herein. In addition, the TAA shall be terminable in whole or part by the Navajo Nation for any of the following causes:
  - a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;
  - b. A non-use of the TAA for the purpose for which it is granted for a consecutive two-year period; and
  - c. The use of the land subject to the TAA for any purpose inconsistent with the purpose for which the TAA is authorized.
  - d. An abandonment of the TAA.
14. At the termination of this TAA, the Assignee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear accepted. Upon the written request of the Navajo Nation, the Assignee shall provide the Navajo Nation, at the Assignee sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
15. Holding over by the Assignee after the termination of the TAA shall not constitute a renewal or extension thereof or give the Assignee any rights hereunder or in to the land subject to the TAA or to any improvements located thereon.



16. The Navajo Nation shall have the right, at any reasonable time during the term of the TAA, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
17. By acceptance of the TAA, the Assignee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, to levy fines and to enter judgements for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Assignee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the TAA, the Assignee 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 TAA or to the Navajo Nation.
19. Any action or proceeding brought by the Assignee against the Navajo Nation in connection with or arising out of the terms and conditions of the TAA shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Assignee 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 laws 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 Assignee and the term "Assignee," 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 TAA and all lands burdened by the TAA, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the TAA; and the TAA and all lands burdened by the TAA shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant TAA within a TAA or right-of-way referenced herein for utilities, provided that such the TAA or rights-of-way do not unreasonably interfere with the Assignee's use of the TAA or right-of-way.



**RIGHT OF WAY EASEMENT FOR  
NAVAJO TRIBAL UTILITY AUTHORITY  
RED MESA 115KV TRANSMISSION LINE WITH DISTRIBUTION UNDERBUILD  
AND FIBER OPTIC CABLE PROJECT NNT  
SAN JUAN COUNTY, UTAH  
WORK ORDER NUMBER 12-200-0001**

**SURVEYOR'S DESCRIPTION OF:** a right-of-way easement for the Navajo Tribal Utility Authority's Red Mesa 115kV Transmission Line with Distribution underbuild and Fiber Optic Cable Project, situated on Navajo Nation Trust Lands within section 34, Township 40 South, Range 23 East, protracted sections 3, 10, 15, 22, 27, 33 and 34, Township 41 South, Range 23 East, sections 4, 9, 16, 21, 28, 29, and 32, Township 42 South, Range 23 East, and sections 5, 8, 17, 20, and 29, Township 43 South, Range 23 East, Salt Lake Meridian, Red Mesa, San Juan County, State of Utah, and being more particularly described as follows:

A strip of land, one hundred (100) feet wide, being fifty (50) feet on each side of the following described centerline:

BEGINNING at B.O.P. Station 0+00, located in section 29, T43S, R23E, SLM, said parcel being Navajo Tribal Trust Land, having Local Coordinates of N9975851.31, E2251255.15, Latitude 37°00'50.9", Longitude -109°24'28.2", from which point the found BLM brass cap for the southwest corner of section 29, T43S, R23E, SLM, bears S86°22'17"W a distance of 4,364.62 feet, and from which point the found aluminum cap EVE 1970 marking the southeast corner of section 29, T43S, R23E, SLM, bears S80°36'43"E a distance of 936.51 feet,

Thence N02°51'34"W a distance of 225.31 feet to P.O.T. Station 2+25.31, at which point the centerline of the easement crosses a Questar gas line,

Thence continuing N02°51'34"W a distance of 39.50 feet to P.O.T. Station 2+64.81, at which point the centerline of the easement crosses a secondary power line,

Thence continuing N02°51'34"W a distance of 356.34 feet to P.O.T. Station 6+21.15, at which point the centerline of the easement crosses a water line,

Thence continuing N02°51'34"W a distance of 2,125.10 feet to P.O.T. Station 27+46.25, at which point the centerline of the easement crosses a water line,

Thence continuing N02°51'34"W a distance of 30.12 feet to P.O.T. Station 27+76.37, at which point the centerline of the easement crosses a Four Corners pipe line,

Thence continuing N02°51'34"W a distance of 139.61 feet to P.O.T. Station 29+15.98, at which point the centerline of the easement crosses an existing single phase power line,



Thence continuing N02°51'34"W a distance of 2,192.12 feet to P.O.T. Station 51+08.10, at which point the centerline of the easement enters section 20, T43S, R23E, SLM, from which point the found BLM brass cap for the southeast corner of section 20, T43S, R23E, SLM, bears N88°39'05"E a distance of 1,057.93 feet, and from which point the found BLM brass cap for the southwest corner of section 20, T43S, R23E, SLM, bears S88°39'05"W a distance of 4,223.20 feet,

Thence continuing N02°51'34"W a distance of 5,281.84 feet to P.O.T. Station 103+89.94, at which point the centerline of the easement enters section 17, T43S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 17, T43S, R23E, SLM, bears N11°29'35"E a distance of 5,415.40 feet,

Thence continuing N02°51'34"W a distance of 5,036.50 feet to P.O.T. Station 154+26.44, at which point the centerline of the easement crosses a Questar gas line,

Thence continuing N02°51'34"W a distance of 245.30 feet to P.O.T. Station 156+71.74, at which point the centerline of the easement enters section 8, T43S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 17, T43S, R23E, SLM, bears N88°39'07"E a distance of 1,342.87 feet, and from which point the found BLM brass cap for the northwest corner of section 17, T43S, R23E, SLM, bears S88°39'07"W a distance of 3,937.97 feet,

Thence continuing N02°51'34"W a distance of 4,487.72 feet to P.O.T. Station 201+59.46, at which point the centerline of the easement crosses Indian Route 5060,

Thence continuing N02°51'34"W a distance of 794.13 feet to P.O.T. Station 209+53.59, at which point the centerline of the easement enters section 5, T43S, R23E, SLM, from which point the found BLM brass cap for the southeast corner of section 5, T43S, R23E, SLM, bears N88°39'09"E a distance of 1,485.42 feet, and from which point the found BLM brass cap for the northeast corner of section 5, T43S, R23E, SLM, bears N14°19'45"E a distance of 5,500.11 feet,

Thence continuing N02°51'34"W a distance of 4,901.05 feet to P.I. Station 258+54.64, from which point the found BLM brass cap for the southwest corner of section 5, T43S, R23E, SLM, bears S35°27'36"W a distance of 6,119.19 feet,

Thence N09°44'38"E a distance of 406.12 feet to P.O.T. Station 262+60.76, at which point the centerline of the easement enters section 32, T42S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 5, T42S, R23E, SLM, bears N88°44'24"E a distance of 1,537.36 feet,

Thence continuing N09°44'38"E a distance of 5,378.04 feet to P.O.T. Station 316+38.80, at which point the centerline of the easement enters section 29, T42S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 32, T42S, R23E, SLM, bears N88°39'41"E a distance of 505.14 feet, and from which point the found BLM brass cap for the northwest corner of section 32, T42S, R23E, SLM, bears S88°39'41"W a distance of 4,778.06 feet,

Thence continuing N09°44'38"E a distance of 2,632.59 feet to P.O.T. Station 342+71.39, at which point the centerline of the easement enters section 28, T42S, R23E, SLM, from which point the found BLM brass cap for the northwest corner of section 28, T42S, R23E, SLM, bears N01°19'07"W a distance of 2,696.46 feet,

Thence continuing N09°44'38"E a distance of 2,645.57 feet to P.O.T. Station 369+16.96, at which point the centerline of the easement crosses County Road 454,

Thence continuing N09°44'38"E a distance of 102.37 feet to P.O.T. Station 370+19.33, at which point the centerline of the easement enters section 21, T42S, R23E, SLM, from which point the found BLM brass cap for the northwest corner of section 28, T42S, R23E, SLM, bears S88°38'08"W a distance of 527.27 feet, and from which point the set Base Control Station 5 having Local Coordinates of N10012691.03, E2252075.66, Latitude 37°06'54.8", Longitude -109°24'07.9", bears N86°27'36"E a distance of 221.16 feet,

Thence continuing N09°44'38"E a distance of 5,380.81 feet to P.O.T. Station 424+00.14, at which point the centerline of the easement enters section 16, T42S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 16, T42S, R23E, SLM, bears N33°52'00"E a distance of 6,463.60 feet,

Thence continuing N09°44'38"E a distance of 5,380.70 feet to P.O.T. Station 477+80.84, at which point the centerline of the easement enters section 9, T42S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 16, T42S, R23E, SLM, bears N88°38'24"E a distance of 2,692.02 feet, and from which point the found BLM brass cap for the northwest corner of section 16, T42S, R23E, SLM, bears S88°38'24"W a distance of 2,592.43 feet,

Thence continuing N09°44'38"E a distance of 5,380.65 feet to P.O.T. Station 531+61.49, at which point the centerline of the easement enters section 4, T42S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 16, T42S, R23E, SLM, bears S18°46'17"E a distance of 5,533.47 feet, and from which point the found BLM brass cap for the northeast corner of section 9, T42S, R23E, SLM bears N88°38'23"E a distance of 1,659.04 feet,

Thence continuing N09°44'38"E a distance of 5,387.83 feet to P.O.T. Station 585+49.32, at which point the centerline of the easement enters protracted section 33, T41S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 4, T42S, R23E, SLM bears N88°38'49"E a distance of 633.13 feet,

Thence continuing N09°44'38"E a distance of 3,295.63 feet to P.O.T. Station 618+44.95, at which point the centerline of the easement enters protracted section 34, T41S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 4, T42S, R23E, SLM bears S01°19'56"E a distance of 3,234.01 feet,

Thence continuing N09°44'38"E a distance of 2,085.77 feet to P.O.T. Station 639+30.72, at which point the centerline of the easement enters protracted section 27, T41S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 4, T42S, R23E, SLM bears S03°00'25"W a distance of 5,296.10 feet,

Thence continuing N09°44'38"E a distance of 5,379.79 feet to P.O.T. Station 693+10.51, at which point the centerline of the easement enters protracted section 22, T41S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 4, T42S, R23E, SLM bears S06°24'06"W a distance of 10,657.45 feet,

Thence continuing N09°44'38"E a distance of 887.56 feet to P.I. Station 701+98.07,

Thence N21°53'08"W a distance of 609.27 feet to P.I. Station 708+07.34,

Thence N11°12'25"E a distance of 550.00 feet to P.I. Station 713+57.34,

Thence N87°16'30"E a distance of 233.51 feet to P.O.T. Station 715+90.85, at which point the centerline of the easement crosses a fence line,

Thence continuing N87°16'30"E a distance of 79.47 feet to P.I. Station 716+70.32,

Thence N09°44'58"E a distance of 706.82 feet to P.O.T. Station 723+77.14, at which point the centerline of the easement crosses a fence line,

Thence continuing N09°44'58"E a distance of 883.40 feet to P.O.T. Station 732+60.54, at which point the centerline of the easement crosses a pipe line,

Thence continuing N09°44'58"E a distance of 213.07 feet to P.O.T. Station 734+73.61, at which point the centerline of the easement crosses a water line,

Thence continuing N09°44'58"E a distance of 1,552.85 feet to P.O.T. Station 750+26.46, at which point the centerline of the easement enters protracted section 15, T41S, R23E, SLM, from which point the found BLM brass cap for the northwest corner of section 3, T41S, R23E, SLM bears N10°32'14"W a distance of 15,440.65 feet,

Thence continuing N09°44'58"E a distance of 173.00 feet to P.O.T. Station 751+99.46, at which point the centerline of the easement crosses a water line,

Thence continuing N09°44'58"E a distance of 428.44 feet to P.O.T. Station 756+27.90, at which point the centerline of the easement crosses a water line,

Thence continuing N09°44'58"E a distance of 34.74 feet to P.I. Station 756+62.64,

Thence N05°31'16"E a distance of 90.33 feet to P.O.T. Station 757+52.97, at which point the centerline of the easement crosses an existing single phase power line,

Thence continuing N05°31'16"E a distance of 586.23 feet to P.I. Station 763+39.20,

Thence N09°48'51"E a distance of 4,060.05 feet to P.O.T. Station 803+99.25, at which point the centerline of the easement enters protracted section 10, T41S, R23E, SLM, from which point the found BLM brass cap for the northwest corner of section 3, T41S, R23E, SLM bears N20°28'26"W a distance of 10,545.36 feet,

Thence continuing N09°48'51"E a distance of 176.19 feet to P.O.T. Station 805+75.44, at which point the centerline of the easement crosses a pipe line,

Thence continuing N09°48'51"E a distance of 359.03 feet to P.O.T. Station 809+34.47, at which point the centerline of the easement crosses an existing three phase power line,

Thence continuing N09°48'51"E a distance of 2,691.15 feet to P.I. Station 836+25.62, from which point the found BLM brass cap for the northwest corner of section 3, T41S, R23E, SLM bears N32°19'04"W a distance of 7,928.17 feet,

Thence N15°56'28"W a distance of 2,184.29 feet to P.O.T. Station 858+09.91, at which point the centerline of the easement enters protracted section 3, T41S, R23E, SLM, from which point the found BLM brass cap for the northeast corner of section 3, T41S, R23E, SLM bears N19°10'22"E a distance of 4,995.06 feet,

Thence continuing N15°56'28"W a distance of 879.67 feet to P.O.T. Station 866+89.58, at which point the centerline of the easement crosses BIA Route 5063,

Thence continuing N15°56'28"W a distance of 3,957.20 feet to P.O.T. Station 906+46.78, at which point the centerline of the easement enters section 34, T40S, R23E, SLM, from which point the found BLM brass cap for the southwest corner of section 34, T40S, R23E, SLM bears S88°42'17"W a distance of 2,011.13 feet,

Thence continuing N15°56'28"W a distance of 3,605.57 feet to P.I. Station 942+52.35, from which point the found BLM brass cap for the southeast corner of section 27, T40S, R23E, SLM bears N65°20'46"E a distance of 4,515.18 feet,

Thence N27°21'32"E a distance of 1,298.88 feet to P.O.T. Station 955+51.23, at which point the centerline of the easement enters Lot 6, section 34, T40S, R23E, SLM, said parcel being BLM Land, from which point the found BLM brass cap for the southeast corner of section 27, T40S, R23E, SLM bears N78°14'34"E a distance of 3,581.82 feet,

The above described easement contains 219.35 acres, more or less, in area.  
The easement is 18.10 miles in length.

TOTAL FOOTAGE IN NNT = 95,551.23'  
TOTAL MILEAGE IN NNT = 18.10  
TOTAL ACREAGE IN NNT = 219.35

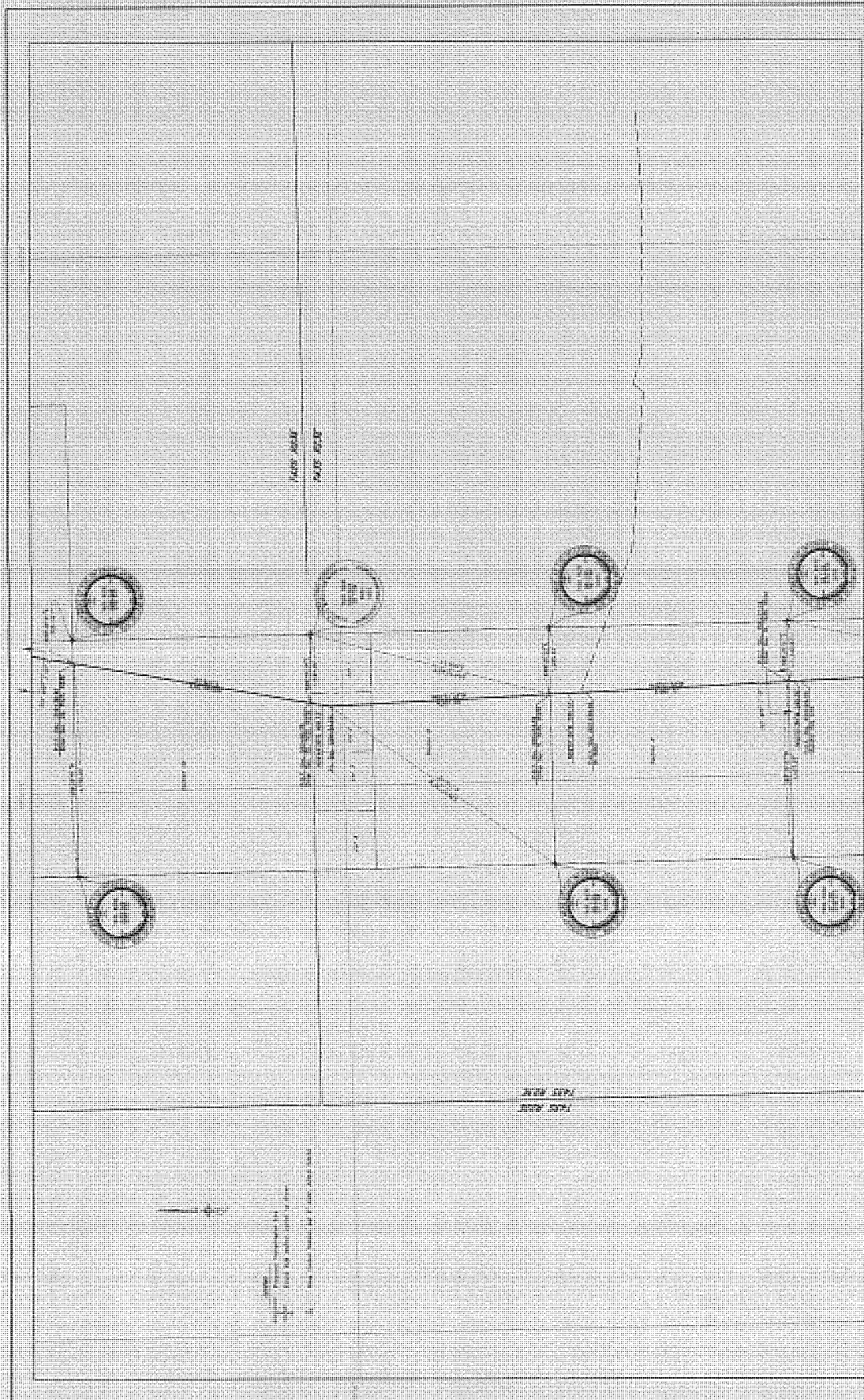
**NAVAJO TRIBAL UTILITY AUTHORITY  
RED MESA 115KV TRANSMISSION LINE WITH DISTRIBUTION UNDERBUILD  
AND FIBER OPTIC CABLE PROJECT NNT  
SAN JUAN COUNTY, UTAH  
WORK ORDER NUMBER 12-200-0001**

**FOOTAGES BY SECTION**

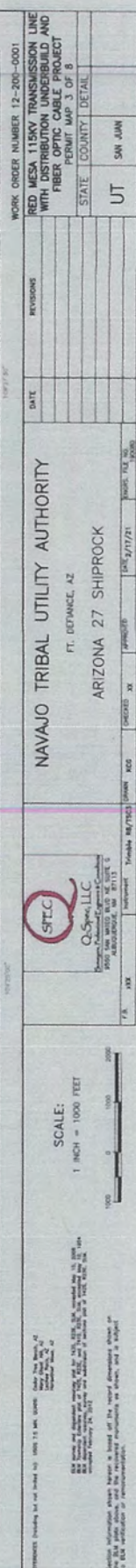
	<u>LENGTH</u>	<u>MILEAGE</u>	<u>ACREAGE</u>	<u>LAND STATUS</u>
<b><u>T40S R23E</u></b>				
Section 34	4,904.45'	0.93	11.26	NNT
<b><u>T41S R23E</u></b>				
Section 3	4,836.87'	0.92	11.10	NNT
Section 10	5,410.66'	1.02	12.42	NNT
Section 15	5,372.79'	1.02	12.33	NNT
Section 22	5,715.95'	1.08	13.12	NNT
Section 27	5,379.79'	1.02	12.35	NNT
Section 33	3,295.63'	0.62	7.57	NNT
Section 34	2,085.77'	0.40	4.79	NNT
<b><u>T42S R23E</u></b>				
Section 4	5,387.83'	1.02	12.37	NNT
Section 9	5,380.65'	1.02	12.35	NNT
Section 16	5,380.70'	1.02	12.35	NNT
Section 21	5,380.81'	1.02	12.35	NNT
Section 28	2,747.94'	0.52	6.31	NNT
Section 29	2,632.59'	0.50	6.04	NNT
Section 32	5,378.04'	1.02	12.35	NNT
<b><u>T43S R23E</u></b>				
Section 5	5,307.17'	1.00	12.18	NNT
Section 8	5,281.85'	1.00	12.13	NNT
Section 17	5,281.80'	1.00	12.12	NNT
Section 20	5,281.84'	1.00	12.13	NNT
Section 29	<u>5,108.10'</u>	<u>0.97</u>	<u>11.73</u>	NNT
<b>TOTAL</b>	<b>95,551.23'</b>	<b>18.10</b>	<b>219.35</b>	







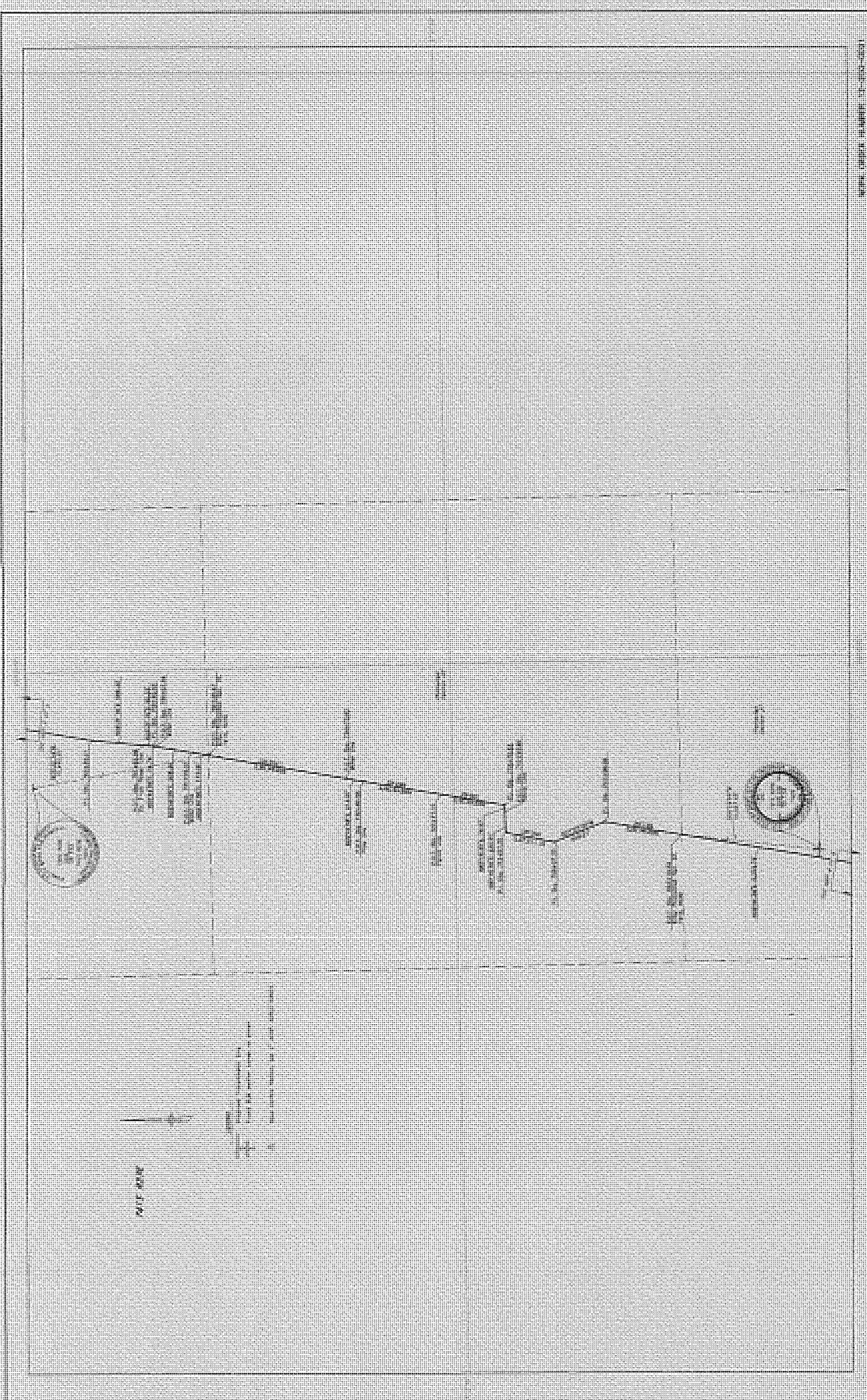




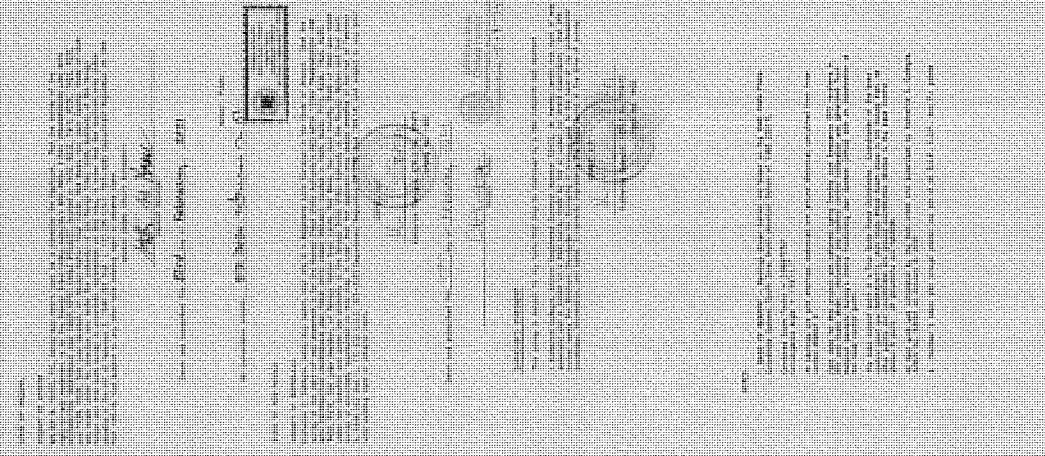
Information provided but not indexed by: 0005 1.6.00. 0005  
 Order Year Month: 12  
 Order Date: 20  
 Order Ref: 20  
 Order Ref: 20







NAVAJO TRIBAL UTILITY AUTHORITY  
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1994

# 1. Introduction

**UNITED STATES DEPARTMENT OF AGRICULTURE**


DATE RECEIVED BY THE OFFICE OF THE ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF NEW YORK  
ALBANY, N.Y.

100

1997

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

It is a well-known fact that the most common cause of death in the United States is heart disease. This is due to the fact that the heart is the most important organ in the body, and it is the only one that can be replaced. If the heart fails, the body will die. Therefore, it is very important to take care of the heart. There are many ways to do this, such as eating a healthy diet, exercising regularly, and not smoking. It is also important to get regular check-ups from a doctor to make sure the heart is working properly.

[illegible][illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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[illegible]

100-443887-100

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2. Next, gather relevant information and data. This may involve research, consultation with experts, or collecting data from various sources.

3. Once the information is gathered, it is important to analyze it carefully. This involves identifying patterns, trends, and relationships that can help in understanding the problem.

4. After analysis, the next step is to develop a plan or strategy to address the problem. This may involve identifying key steps, resources, and potential risks.

5. The final step is to implement the plan and monitor the results. This involves putting the plan into action and tracking progress to ensure that the problem is being solved effectively.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

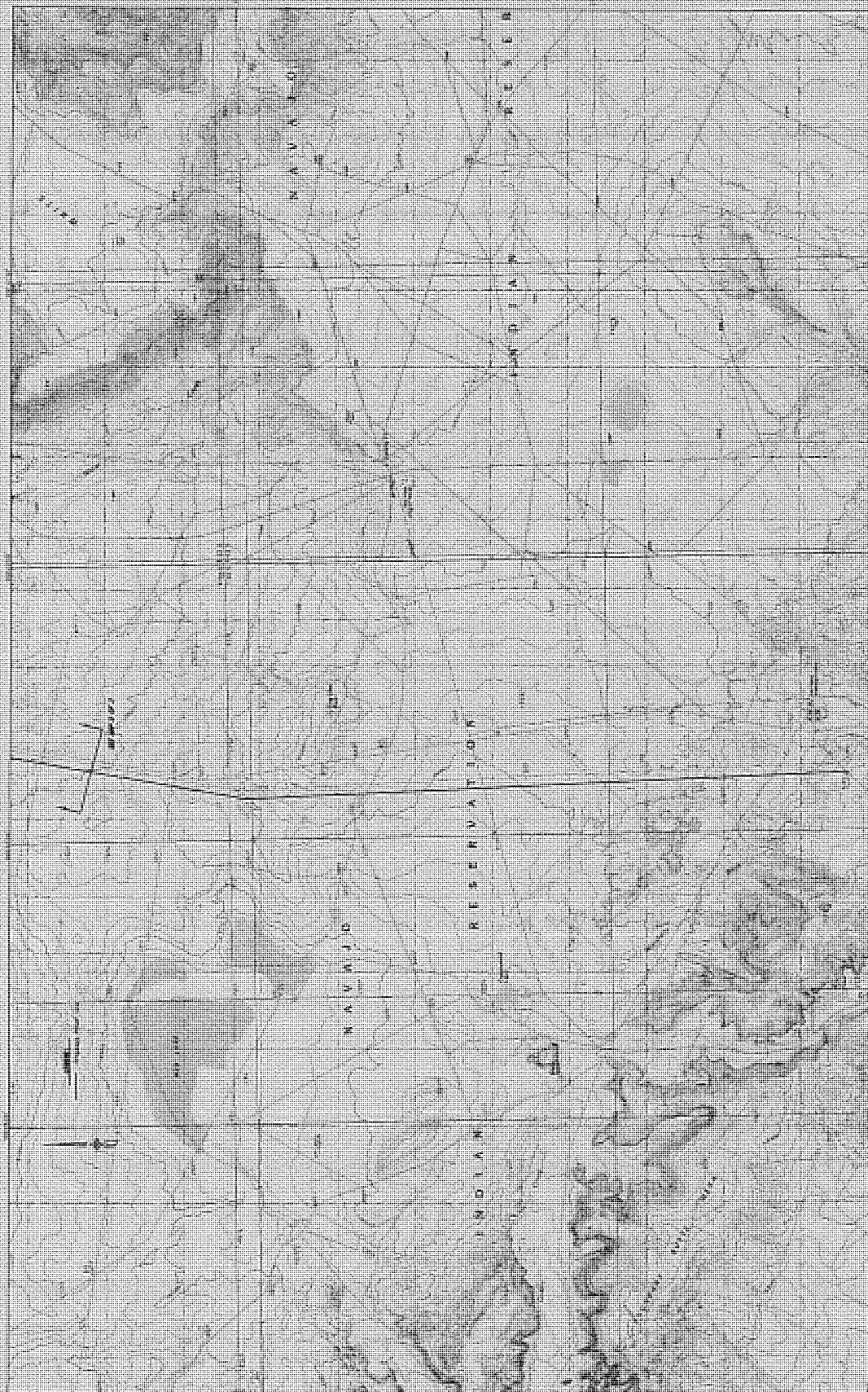






UNITED STATES DEPARTMENT OF AGRICULTURE  
BUREAU OF PLANT INDUSTRY  
WASHINGTON, D. C.  
PLANT INDUSTRY REPORT NO. 100  
1914

[illegible]

[illegible]

# TABLE



NAVAJO TRIBAL UTILITY AUTHORITY

[illegible][illegible]

...the ...

THE ABOVE PARTY REQUESTED THAT THE  
FEDERAL BUREAU OF INVESTIGATION AND  
UNITED STATES CUSTOMS AND BORDER PROTECTION  
PLEASE ADVISE THE ABOVE PARTY.

11-25-2007 11:25:00 AM

[illegible]









REFERENCE: 1000 7.5 MM. QUAD  
 GPO: 1987 O-500-000  
 U.S. GOVERNMENT PRINTING OFFICE: 1987 O-500-000

SCALE: 1 INCH = 2000 FEET  
 0 1000 2000 3000 4000

STEC  
 Q-SPEC, LLC  
 1000 San Mateo Blvd. NE, Suite 2  
 Albuquerque, NM 87115  
 F/A: 505/261-1111

PROJECT: Navajo Tribal Utility Authority  
 LOCATION: Shiprock, AZ  
 PROJECT NO.: 1000 7.5 MM. QUAD

WORK ORDER NUMBER: 1000 7.5 MM. QUAD  
 REVISIONS: 1000 7.5 MM. QUAD  
 DATE: 1000 7.5 MM. QUAD  
 LOCATION MAP 1 OF 3

STATE	COUNTY	DETAIL
UT	SN	JUN



## MEMORANDUM

TO : Sherwin Curley, ROW Supervisor  
Electric Systems Planning Section

FROM : Esther Kee, R/W Agent *ek*  
Electric Systems Planning Section

DATE : April 30, 2021

SUBJECT: Red Mesa 115kV Transmission Line w/Distribution Underbuild  
and Fiber Optic Cable Project, Work Order No. 12-200-0001

Navajo Tribal Utility Authority (NTUA) proposes to construct, operate and maintain 18.10 miles (219.35 acres) Red Mesa 115kV Transmission Line with Distribution Underbuild and Fiber Optic Cable Project across Navajo Tribal Trust Lands, located near the vicinity of Red Mesa Chapter, San Juan County, Utah.

NTUA met with the affected grazing permittees identified by Henrico Benally, Red Mesa Chapter Grazing official and informed the land users of the proposed request. NTUA obtained written consents from the affected grazing permittees: Peter Tapaha, Frank Topaha, Lupe Benally, Harrison Toney, Roselyn Maryboy and Wayne Begay with no objection along with the concurrence of Leonard Begay District 9 Grazing Committee member.

Field clearance completed, land users consent are all attached for your information and use.

Attachments



## FIELD CLEARANCE CHECKLIST

This form covers only damages and compensation to individual land users. It doesn't cover consideration or other fee to the Navajo Nation. (use back if necessary to complete this form).

1. Project Identification: NTUA WO# 12-200-0001  
Application: Navajo Tribal Utility Authority  
Type of Project: Right-of-Way  
Purpose: Red Mesa to Aneth Transmission Line w/Fiber Optic Cable Project  
Location: Red Mesa/Aneth, San Juan County, New Mexico
2. Amount of land affected: \_\_\_\_\_
3. Land Status: Trust: X Fee: \_\_\_\_\_ Other: \_\_\_\_\_
4. List names of all individuals whose land use rights will be affected by the proposed project.

Name	Census Number	Type of Land Use Right
1. <u>Peter Tapaha</u>	<u>                    </u>	<u>GP# 9-0603</u>
2. <u>Frank Topaha</u>	<u>                    </u>	<u>GP# 9-2435</u>
3. <u>Lupe Ann Benally</u>	<u>                    </u>	<u>GP# 9-2791</u>
4. <u>Harrison Toney</u>	<u>                    </u>	<u>GP# 9-2400</u>
5. <u>Roselyn Maryboy</u>	<u>                    </u>	<u>GP# 9-2457</u>
6. <u>Wayne L Begay</u>	<u>                    </u>	<u>GP#9-1089</u>
7. <u>                    </u>	<u>                    </u>	<u>                    </u>
8. <u>                    </u>	<u>                    </u>	<u>                    </u>

5. Are all the land users with claims to the affected lands as shown in Branch Land Operation records included in the list in item 4? Yes
6. Have the Grazing Committee or Land Board Member (which ever appropriate) for the affected area confirm land user list in item 4 by signing acknowledgement below. Yes

### ACKNOWLEDGEMENT

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

09-13-2021  
Date:                       
                      
Grazing Committee/Land Board Member

#9  
Dist. No.

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE  
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Peter Tapaha, hereby grant consent to the Navajo Tribe to permit Navajo Tribal Utility Authority of Post Office Box 170, Ft Defiance, Arizona 86504, to use a portion of my land use area for the following purpose: To construct, operate and maintain Red Mesa to Aneth Transmission Line across Navajo Trust lands within the vicinity of Red Mesa Chapter and Aneth Chapter, San Juan County, Utah (NTUA Work Order No. 12-200-0001), as shown on the map showing the location of the proposed project on the back of the consent form.

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

REMARKS:

3/22/21      Peter Tapaha      -      9-0603  
Date      Land User Signature (or Thumbprint)      Census No.      Permit No.

WITNESS: \_\_\_\_\_

3-22-21      Land F. Gray      #9  
Date      Grazing Committee Member      District No.

Acknowledgement of Field Agent

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

E. Parker  
Field Agent Signature

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE  
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Frank Topaha, hereby grant consent to the Navajo Tribe to permit Navajo Tribal Utility Authority of Post Office Box 170, Ft Defiance, Arizona 86504, to use a portion of my land use area for the following purpose: **To construct, operate and maintain Red Mesa to Aneth Transmission Line across Navajo Trust lands within the vicinity of Red Mesa Chapter and Aneth Chapter, San Juan County, Utah (NTUA Work Order No. 12-200-0001), as shown on the map showing the location of the proposed project on the back of the consent form.**

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

REMARKS:

3/15/21      Frank Topaha      \_\_\_\_\_      9-2435  
Date      Land User Signature (or Thumbprint)      Census No.      Permit No.

WITNESS: Sharon Topaha

3-22-21      L. F. Grey      \_\_\_\_\_      #9  
Date      Grazing Committee Member      District No.

Acknowledgement of Field Agent

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

Ethel Kue  
Field Agent Signature

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE  
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Lupe Ann Benally, hereby grant consent to the Navajo Tribe to permit Navajo Tribal Utility Authority of Post Office Box 170, Ft Defiance, Arizona 86504, to use a portion of my land use area for the following purpose: **To construct, operate and maintain Red Mesa to Aneth Transmission Line across Navajo Trust lands within the vicinity of Red Mesa Chapter and Aneth Chapter, San Juan County, Utah (NTUA Work Order No. 12-200-0001), as shown on the map showing the location of the proposed project on the back of the consent form.**

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

REMARKS:

3/15/21      x Lupe Ann Benally      \_\_\_\_\_      6-9249  
Date      Land User Signature (or Thumbprint)      Census No.      Permit No.

WITNESS: \_\_\_\_\_

3-22-21      Paul F. Gray      #9  
Date      Grazing Committee Member      District No.

Acknowledgement of Field Agent

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

Erben Ke  
Field Agent Signature

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE  
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Harrison Toney, hereby grant consent to the Navajo Tribe to permit Navajo Tribal Utility Authority of Post Office Box 170, Ft Defiance, Arizona 86504, to use a portion of my land use area for the following purpose: To construct, operate and maintain Red Mesa to Aneth Transmission Line across Navajo Trust lands within the vicinity of Red Mesa Chapter and Aneth Chapter, San Juan County, Utah (NTUA Work Order No. 12-200-0001), as shown on the map showing the location of the proposed project on the back of the consent form.

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

REMARKS:

4/15/21  
Date

Harrison Toney  
Land User Signature (or Thumbprint)

Census No. 9-2400  
Permit No.

WITNESS: \_\_\_\_\_

04-27-21  
Date

Lernard L. Dreyer  
Grazing Committee Member

9  
District No.

Acknowledgement of Field Agent

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

Ephraim H. H.  
Field Agent Signature


**CONSENT 3**

(Waiver of compensation for damages)

**CONSENT TO USE  
NAVAJO TRIBAL LANDS**


**TO WHOM IT MAY CONCERN:**

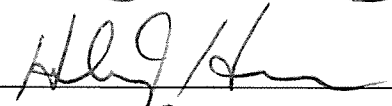
Roselyn Maryboy

I, , hereby grant consent to the Navajo Tribe to permit Navajo Tribal Utility Authority of Post Office Box 170, Ft Defiance, Arizona 86504, to use a portion of my land use area for the following purpose: **To construct, operate and maintain Red Mesa to Aneth Transmission Line across Navajo Trust lands within the vicinity of Red Mesa Chapter and Aneth Chapter, San Juan County, Utah (NTUA Work Order No. 12-200-0001)**, as shown on the map showing the location of the proposed project on the back of the consent form.

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

**REMARKS:**


3/22/21                       9-2457  
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESS: 

3-22-21  #9  
Date Grazing Committee Member District No.

Acknowledgement of Field Agent

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

  
Field Agent Signature



CONSENT 3  
(Waiver of compensation for damages)

CONSENT TO USE  
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Bob Angelo, hereby grant consent to the Navajo Tribe to permit Navajo Tribal Utility Authority of Post Office Box 170, Ft Defiance, Arizona 86504, to use a portion of my land use area for the following purpose: **To construct, operate and maintain Red Mesa to Aneth Transmission Line across Navajo Trust lands within the vicinity of Red Mesa Chapter and Aneth Chapter, San Juan County, Utah (NTUA Work Order No. 12-200-0001), as shown on the map showing the location of the proposed project on the back of the consent form.**

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

REMARKS:

3/22/21 Bob Angelo 9-2457  
Date Land User Signature (or Thumbprint) Census No. Permit No.

WITNESS: Helene

3-22-21 Paul F. B. #9  
Date Grazing Committee Member District No.

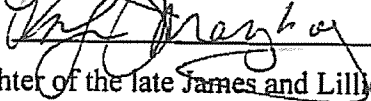
Acknowledgement of Field Agent

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

E. Burke  
Field Agent Signature

Authorization

March 12, 2021

I, Roselyn Maryboy,  the daughter of the late Robert and Francis Johnson, grand daughter of the late James and Lillie Nakai, the current grazing permit holder for the family, grazing permit number: 9-2457 gives permission to upgrade the existing electric power line which has been purchased by Navajo Tribal Utility Authority from Rocky Mountain Power line with the following conditions:

1. My family continues to reside in the area and practice much of the traditional ways of life as practiced by my late parents and late grandparents as we have livestock such as sheep, horses and other animals. This area/land may appear to be predominately desert but it continues to provide forage to feed our livestock. Over the objection of some of our my family, people from other areas of the reservation moved here and developed infrastructure like a chapter house and other buildings in the vicinity of the chapter house, NTUA office/buildings, and on going proposals for a housing unit. Some of these developments were done with out following proper protocol and not considering the grazing permit regulations.
2. Appropriate grazing permittees need to be informed and sign off on the forms required for this venture.
3. The current grazing committee person needs to be informed and involved in this development.
4. We would like to be informed as to how and who the transmission line will benefit. We have needs for an upgrade in the technology of internet, residential phone lines, land lines, air conditioning and heating systems etc. for our homes and for future homes for our children and grand children.

CONSENT 3

(Waiver of compensation for damages)

CONSENT TO USE  
NAVAJO TRIBAL LANDS

TO WHOM IT MAY CONCERN:

I, Wayne L. Begay, hereby grant consent to the Navajo Tribe to permit Navajo Tribal Utility Authority of Post Office Box 170, Ft Defiance, Arizona 86504, to use a portion of my land use area for the following purpose: **To construct, operate and maintain Red Mesa to Aneth Transmission Line across Navajo Trust lands within the vicinity of Red Mesa Chapter and Aneth Chapter, San Juan County, Utah (NTUA Work Order No. 12-200-0001), as shown on the map showing the location of the proposed project on the back of the consent form.**

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

REMARKS:

3/1/21      Wayne L. Begay      \_\_\_\_\_      9-1089  
Date      Land User Signature (or Thumbprint)      Census No.      Permit No.

WITNESS: \_\_\_\_\_

3-22-21      L. F. Begay      # 9  
Date      Grazing Committee Member      District No.

Acknowledgement of Field Agent

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

Erberke  
Field Agent Signature



# THE NAVAJO NATION

Heritage & Historic Preservation Department  
P.O. Box 4950 • Window Rock, Arizona 86515  
(928) 871-7198 (tel) • (928) 871-7886 (fax)



## CULTURAL RESOURCE COMPLIANCE FORM

NNHHPD NO.: HPD-21-377

CONSULTANT REPORT NO.: CAG 20-101

OTHER PROJECT NO.: Work Order No. 12-200-0001

**PROJECT TITLE:** A Cultural Resource Inventory of the Proposed Navajo Tribal Utility Authority Red Mesa Substation to Aneth Switch Yard Transmission Line Project in San Juan County, Utah. Work Order No. 12-200-0001.

**LEAD AGENCY:** BIA/NRO

**SPONSOR:** Esther Kee, Navajo Tribal Utility Authority, PO Box 170, Ft. Defiance, AZ, 86504

**PROJECT DESCRIPTION:** The Navajo Tribal Utility Authority (NTUA) proposes to construct and maintain a transmission line in the Red Mesa and Aneth Chapters. The installation will consist of utility pole and line construction; vehicular traffic within the right-of-way; digging holes for the electrical poles; placement of utility poles; backfilling the excavated areas; stringing of power lines and fiber optic cables; and finally, maintaining the utility lines as needed. The proposed transmission line route measures 99,374.96 feet (30,289.48 meters, 18.82 miles) in length with a right-of-way measuring 100 feet-wide (30.48 m). An area of approximately 228.13 acres (92.32 ha) is the area of effect.

**PROJECT ARCHAEOLOGIST:** Jeremy Begay

**NAVAJO ANTIQUITIES PERMIT NO.:** B20687

**DATE INSPECTED:** 11/10/2020

**TOTAL ACREAGE INSPECTED:** 387.82

**DATE OF REPORT:** 3/22/2021

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

**LAND STATUS:** NN Tribal Trust Land

**CHAPTER:** Aneth

**Number of Eligible Properties:** 2

**Number of Non-Eligible Properties:** 1

**Number of Unevaluated Properties:** 0

**Number of Burials:** 0

**Number of TCPs:** 0

**Number of Isolated Occurrences:** 4

**Number of In-Use Sites:** 3

**EFFECT/CONDITIONS OF COMPLIANCE:** No Adverse Effect

**PROCEED RECOMMENDED:** Yes

**CONDITIONS:** Yes

**SITE PROTECTIONS & EMPLOYEE EDUCATION:** All employees of the project, including the project sponsor and its contractors/subcontractors, will be educated on archaeological site locations, sensitive areas, and stipulations those places before any construction activities begin. NTUA personnel, vehicles, and company equipment will avoid all cultural resources. NTUA will inform all personnel that it is illegal to collect, damage, or disturb cultural resources and that such activities are punishable by criminal and/or administrative penalties under the provision of the Archaeological Resources Protection Act (ARPA) the Navajo Nation Cultural Resources Protection Act (CRPA).

### **Sites UT-C-53-48, UT-C-54-469:**

#### **1. Site protection barrier:**

- A qualified archaeologist will erect temporary site protection barriers before construction delineating site boundaries. The barrier will consist of flagging spaced no more than 10-ft apart.
- Barriers will remain in place throughout construction & removed after project completion.
- There will be no surface-disturbing activities or vehicle traffic within the barriers.

**~ DOCUMENT IS VOID IF ALTERED ~**





# THE NAVAJO NATION

Heritage & Historic Preservation Department  
P.O. Box 4950 • Window Rock, Arizona 86515  
(928) 871-7198 (tel) • (928) 871-7886 (fax)



## 2. Restricted access:

- All vehicular traffic will remain on pre-established roads. There will be no improvement to the existing roads.
- There will be no mechanical blading or construction of new roads within site boundaries.
- All construction/ground-disturbing activities will avoid the sites by a minimum of 50-ft from the site boundaries.
- No surface grading, cuts, fills, or benching operations will be allowed. NTUA will NOT perform any straight-line clearing for work roads.

## 3. Conditional stipulations:

- The sites will be avoided by spanning the powerline extension over the archaeological sites.
- All power poles will be placed outside of the flagged site boundaries.
- All electrical wires will be hand-carried across the sites.

## 4. Archaeological monitoring required:

- The sponsor will provide a copy of these stipulations to the archaeological monitor before the start of construction activities. No construction, including vegetation removal, may begin before the arrival of the monitor.
- The monitor will:
  - Obtain a Class C Permit before monitoring activities begin
  - Ensure the site protection barriers are visible.
  - Observe disturbing surface activities within 50-ft of the sites.
  - Submit a report of the monitoring activities within 30-days of completing monitoring activities unless other arrangements are made with NNHPD

## 5. Future maintenance:

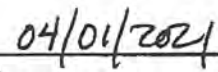
- All maintenance activities will avoid sites.
- All maintenance activities will follow the stipulations outlined in this document.

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) 871-7148.

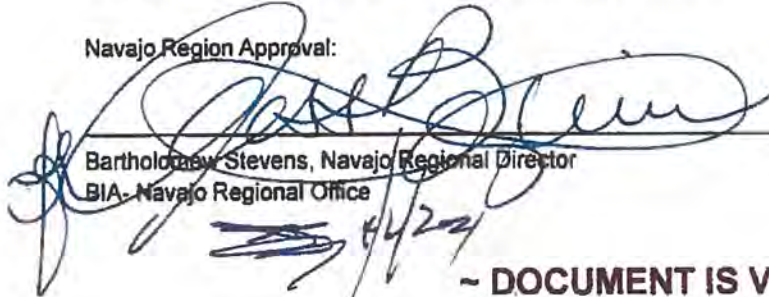
FORM PREPARED BY: Tamara Billie

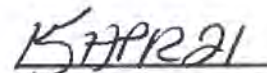
FINALIZED: 3/31/2021

  
Richard M. Begay, Department Manager/THPO  
Navajo Nation Heritage and Historic Preservation Department

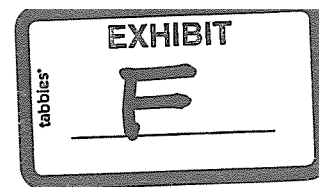
  
Date

Navajo Region Approval:

  
Bartholomew Stevens, Navajo Regional Director  
BIA- Navajo Regional Office

  
Date

~ DOCUMENT IS VOID IF ALTERED ~



NNDFW Review No. 21ntua147

**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.:** NTUA Red Mesa Transmission Line Project W.O. #12-200-0001

**DESCRIPTION:** The NTUA proposes to construct, operate and maintain a Transmission Line from Red Mesa to Aneth, San Juan County, Utah. A total length of 18.90 miles (0.80 miles located on BLM lands) and will effect 229.03 acres (9.68 acres located on BLM lands).

**LOCATION:** T 40,41,42,43S, R23E; Red Mesa to Aneth, UT, San Juan County, UT

**REPRESENTATIVE:** Esther Kee, Right-of-Agent, Navajo Tribal Utility Authority

**ACTION AGENCY:** Navajo Nation and Bureau of Indian Affairs

**B.R. REPORT TITLE / DATE / PREPARER:** Request for review and compliance / 20 OCT 2020 / Esther Kee

**SIGNIFICANT BIOLOGICAL RESOURCES FOUND:** Area 1 (San Juan River corridor) and Area 3.

**POTENTIAL IMPACTS**

**NESL SPECIES POTENTIALLY IMPACTED:** [1] *Aquila chrysaetos* (Golden Eagle) GE, MBTA; [2] *Empidonax traillii extimus* (Southwestern Willow Flycatcher) G2, MBTA; [3] *Puccinellia parishii* (Parish's Alkali Grass), G4;

**FEDERALLY-LISTED SPECIES AFFECTED:** [1] *Empidonax traillii extimus* (Southwestern Willow Flycatcher) G2, MBTA;

**OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES:** NA

**AVOIDANCE / MITIGATION MEASURES:** All construction activities should avoid the migratory bird breeding season (March 1 - August 15, of any year). A pre-construction survey could be performed if work occurs during this time period. All vehicular traffic is excluded from the Desert Creek main drainage except where the drainage is crossed by an existing and regularly used road. Construction of the line crossing Desert Creek and any temporary impacts to the Desert Creek watershed shall occur outside the growing season for Parish's alkali grass (June 15th-March 15th). Where permanent impacts are expected to occur 50ft or less from the Desert Creek drainage, NTUA shall also consult with the NNHP botanist to ensure that timing of construction, pole placement, and any additional permanent structures minimize Impacts to Parish's alkali grass to the greatest extent possible.

**CONDITIONS OF COMPLIANCE\*:** Species specific surveys shall be completed prior to work occurring if any work associated with the project occurs during the bird breeding season (February 15 - September 15) of golden eagle, burrowing owl, ferruginous hawk, and mountain plover (only in northern portion of project area). Surveys do not need to occur if all work (other than the San Juan crossing) occurs from September 16 - February 14, of any year. Protect southwestern willow flycatcher and yellow billed-cuckoo at the San Juan river crossing all work shall occur outside the nesting and chick rearing time period (May 15 - August 31, of any year). Pre-construction surveys need to occur for *Astragalus cronquistii* along the Northernmost 2 miles of the line where the project intersects with Morrison Formation. Surveys shall be completed by a qualified biologist when plants are seeding in April-June. Desert Creek is known habitat for *Puccinellia parishii*. In lieu of a second year of pre-construction surveys, NNHP would prefer that permanent impacts to Desert Creek as a result of this project are mitigated.

FORM PREPARED BY / DATE: Leanna Begay / 21 SEPT 2021

COPIES TO: (add categories as necessary)

☐ \_\_\_\_\_ ☐ \_\_\_\_\_

2 NTC § 164 Recommendation:	Signature	Date
<input type="checkbox"/> Approval	Gloria M. Tom Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	9/23/21
<input checked="" type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)		
<input type="checkbox"/> Categorical Exclusion (with request letter)		
<input type="checkbox"/> None (with memo)		

\*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.

*Sherwin Lowrey 9/29/21*

# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



21 September, 2021  
21ntua147

Esther Kee, Right Of Way Agent  
Navajo Tribal Utility Authority  
Post Office Box 170  
Fort Defiance, Arizona 86504

Dear Esther,

The Navajo Nation Department of Fish and Wildlife (NNDFW) reviewed NTUA's request for review and compliance for the proposed "Red Mesa Transmission Line" project. The NTUA proposes to construct, operate and maintain a 18.90 mile Transmission Line from Red Mesa to Aneth, San Juan County, Utah of which 0.80 miles is on BLM land. The purpose of this letter is to inform you that we are granting the proposed project *Conditional Approval*.

The following are Conditional Approvals for the Red Mesa Transmission Line Project:

1. Species specific surveys shall be completed prior to work occurring if any work associated with the project occurs during the bird breeding season (February 15 - September 15) of golden eagle, burrowing owl, ferruginous hawk, and mountain plover (only in northern portion of project area). Surveys do not need to occur if all work (other than the San Juan crossing) occurs from September 16 - February 14, of any year.
2. Protect southwestern willow flycatcher and yellow billed-cuckoo at the San Juan river crossing all work shall occur outside the nesting and chick rearing time period (May 15 - August 31, of any year).
3. Pre-construction surveys shall be completed for *Astragalus cronquistii* along the Northernmost 2 miles of the Transmission Line where the project intersects with Morrison Formation. Surveys shall be completed by a qualified biologist when plants are seeding in April-June.
4. Desert Creek is known habitat for *Puccinellia parishii*. In lieu of a second year of pre-construction surveys, NNHP would prefer that permanent impacts to Desert Creek as a result of this project are mitigated. See #2&3 below.

Recommendation and Mitigation of Conditional Approvals for the Red Mesa Transmission Line Project:

1. All construction activities should avoid the migratory bird breeding season (March 1 -



August 15, of any year). A pre-construction survey could be performed if work occurs during this time period.

2. All vehicular traffic is excluded from the Desert Creek main drainage except where the drainage is crossed by an existing and regularly used road.
3. Construction of the line crossing Desert Creek and any temporary impacts to the Desert Creek watershed shall occur outside the growing season for Parish's alkali grass (June 15th-March 15th).
4. Where permanent impacts are expected to occur 50ft or less from the Desert Creek drainage, NTUA shall also consult with the NNHP botanist to ensure that timing of construction, pole placement, and any additional permanent structures minimize impacts to Parish's alkali grass to the greatest extent possible.

Survey protocols and habitat descriptions for the species listed above can be found in the species accounts available on NNHP's website at [https://www.nndfw.org/nnhp/sp\\_account.htm](https://www.nndfw.org/nnhp/sp_account.htm). Surveys must be conducted during the appropriate time of year (for plants, during the fruiting/flowering season) by an experienced biologist who is permitted by the Navajo Nation. See here for a list of permitted consultants ([https://www.nndfw.org/bi\\_consult\\_list\\_2014.pdf](https://www.nndfw.org/bi_consult_list_2014.pdf)).

Survey reports need to be sent to NNHP prior to construction activities taking place. The survey contractor shall consult with the NNHP botanist and zoologist for positive identification and development of mitigation strategies if NESL plants and or wildlife species are found during surveys.


Please contact me via email at [lbegay@nndfw.org](mailto:lbegay@nndfw.org) with any questions that you have concerning the review of this project.

Sincerely,



Leanna Begay, Wildlife Manager  
Navajo Natural Heritage Program  
Department of Fish and Wildlife

**CONCURRENCE**



Gloria Tom, Director  
Department of Fish and Wildlife

9/23/21

Date



**RED MESA CHAPTER**  
Red Mesa, Navajo Nation, Utah



Resolution# RMC-07-041921

**SUPPORTING THE ISSUANCE OF A TRIBAL ACCESS AUTHORIZATION AGREEMENT (TAA) FROM THE NAVAJO NATION TO THE NAVAJO TRIBAL UTILITY AUTHORITY (NTUA) TO OBTAIN RIGHT-OF-WAY FOR THE PROPOSED UPGRADE OF THE EXISTING 69KV TRANSMISSION LINE; AND TO CONSTRUCT, TO OPERATE AND MAINTAIN THE TRANSMISSION LINE, WITH FIBER OPTIC CABLE FROM RED MESA SUBSTATION TO THE MONTEZUMA CREEK SUBSTATION.**

**WHEREAS:**

1. The Red Mesa Chapter is a certified Chapter of the Navajo Nation and is further recognized as local Tribal Government entity to make appropriate recommendations to the Navajo Nation and Tribal Agencies concerning matters that are in the best interest of the community; and
2. NTUA finds it is necessary to upgrade the existing 69Kv electric transmission line to provide adequate electric services to the community and surrounding communities; and
3. NTUA has completed all necessary environmental and archaeological studies, and field clearance has been obtained for the proposed undertaking; and
4. The Red Mesa Chapter requests a waiver of consideration be granted because the upgrade will allow additional electric capacity to the community and the surrounding communities; and
5. The Red Mesa Chapter finds it is in the best interest that NTUA obtains right-of-way for the proposed upgrade of the existing 69Kv transmission line.

**NOW THEREFORE BE IT RESOLVED THAT:**

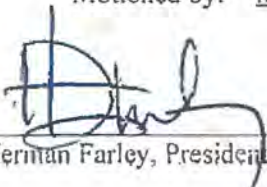
1. The Red Mesa Chapter hereby supports the Navajo Tribal Utility (NTUA) proposed transmission line and fiber optic cable installation for Telecommunication and Associated Utility facilities for expanding and enhancing utility needs; and
2. Further, the Red Mesa Chapter requests the Navajo Nation Government Entities/Offices to approve the Tribal Access Authorization and waive the consideration for NTUA's proposed transmission with fiber optic cable because it directly benefits Navajo communities; and
3. Navajo Nation President Jonathan Nez and Vice President Myron Lizer approve resolution CMA-09-20, which temporarily adjusts chapter meeting quorum requirements to three (03) registered chapter members, which may be just chapter officials, to prevent large gatherings and to encourage social distancing to prevent the spread of COVID-19.

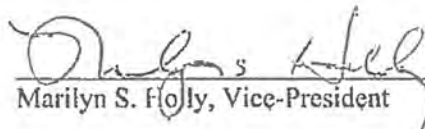
**CERTIFICATION**

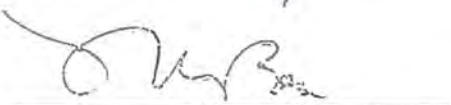
We hereby certify that the foregoing resolution was duly considered by the Red Mesa Chapter of the Northern Agency at a duly called meeting in Red Mesa, Navajo Nation, Utah, at which a quorum was present and that same passes by a vote of 10 in favor, 00 opposed, and 01 abstained on this 19<sup>th</sup> day of April 2021.

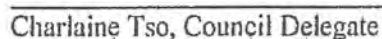
Motioned by: Mr. Leonard F. Begay

Seconded by: Ms. Marilyn S. Holly

  
Herman Farley, President

  
Marilyn S. Holly, Vice-President

  
Marlene Dee-Ben, Secretary/Treasurer

  
Charlaine Tso, Council Delegate



Title of Document: NTUA, TAA Red Mesa Commercial Trans Line Contact Name: CHISCHILLY JR, STEVEN THOMAS

Program/Division: DIVISION OF NATURAL RESOURCES

Email: stchischilly@navajo-nsn.gov Phone Number: 928-871-6447

☐ **Business Site Lease** Sufficient    Insufficient

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

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

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

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

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

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

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

☐ **Lease Purchase Agreements**

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

☐ **Grant Applications**

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

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

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

☐ **Relinquishment of Navajo Membership**

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

EOR# 11312

		Sufficient	Insufficient
<input type="checkbox"/>	<b>Land Withdrawal or Relinquishment for Commercial Purposes</b>		
1. Division:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases</b>		
1. NLD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>Rights of Way</b>		
1. NLD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	(ic) <u>V. Blumenthal</u> Date: <u>11/3/21</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. OPVP	<u>800</u> Date: <u>11/4/21</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease</b>		
1. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Assignment of Mineral Lease</b>		
1. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)</b>		
1. NLD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>OTHER:</b>		
1. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____ Date: _____	<input type="checkbox"/>	<input type="checkbox"/>





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ	
10/27/21 @ 11:25a	DATE / TIME
<input type="checkbox"/> 7 Day Deadline	
DOC #: 17372	
SAS #:	
UNIT: NM	

☐ RESUBMITTAL

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

### CLIENT TO COMPLETE

DATE OF REQUEST:	10/27/2021	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447 or x 6423	E-MAIL:	michellehoskie@navajo-nsn.gov

TITLE OF DOCUMENT: EOR# 17372, NTUA TAA Red Mesa Commercial Transmission Line

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 10.27.21 11:31 AM REVIEWING ATTORNEY/ADVOCATE: Min chue 11-05-21

DATE TIME OUT OF UNIT: 11.03.21 8:18 AM

### DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.




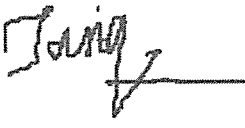

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
<i>Imnie Atse</i>	10/28/21	<i>V Blukhut</i>	11/3/21 8:18 AM

DOJ Secretary Called: Michelle for Document Pick Up on 11.03.21 at 8:18 AM By: CN

PICKED UP BY: (Print) DATE / TIME:

- END -

### Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Votes Cast	Comments	Replies	Votes	Date	Signature
Daniel Yazzie- NNEPA Program (NLTDS Supervisor and GLDD)	Environmental NNEPA Program	Navajo Nation EPA	Approved	no comments	No Reply	21-Oct-2021		
Eugenia Quintana a EPA (NLTDS Manager and GLDD)	Environmental Department	Navajo Nation EPA	Approved	1 Sufficient 1 No other comment s.	1 No Reply	08-Oct-2021		
Leanna Begay (NLTDS and GLDD)	NNDFW (Reviewer)	Navajo Nation Fish and Wildlife	Approved	1 See attached Conditional Approval memo.	1 No Reply	20-Oct-2021		
Najamh Tariq (NLTDS and GLDD)	Branch Director (Reviewer)	Department of Water Resources	Approved	no comments	No Reply	12-Oct-2021		
Patrick Antonio EPA (NLTDS and GLDD)	Principal Hydrologist	Navajo Nation EPA	Approved	1 Past NTUA transmission on line projects had EAs with detailed description of the physical project. If the transmission on line	1 No Reply	12-Oct-2021		

involves  
installing  
poles and  
stringing  
line,  
CWA  
Sections  
401 and  
404 likely  
would not  
apply  
since no  
poles will  
be  
installed  
in a  
stream  
crossing.  
Surface  
disturban  
ce greater  
than 1.0  
acre  
requires  
coverage  
under the  
federal  
Construct  
ion  
General  
Permit for  
storm  
water  
discharge  
s from  
constructi  
on sites.

Rebecca Senior	Minerals	Approved	This vote	1 No	19-Oct-
Gilchrist Mining	Department	ed	is	. Repl	2021
MIN Engineer	t		contingen	y	
(NLTDS(Reviewer)			t upon the		
and			uploaded		
GLDD)			TAA		
			Terms		
			and		



Conditions, dated 10.19.2021, permanently being included in the application approval package.  
-rkg

Tamara Senior Navajo Approved HPD-21-1 No 08-Oct-  
Billie Archeologist Nation ed . 377. . Repl 2021  
NNHP st Heritage NTUA y  
(NLTDS (Reviewer) and will  
and Historic follow all  
GLDD) Preservation stipulations  
Department outlined  
t in the  
CRCF.

*Tamara Billie*


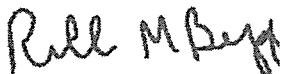
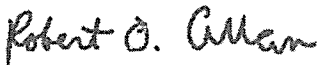
Warren Environmental Navajo Approved no No 20-Oct-  
Roan - ntal Nation ed comments Reply 2021  
EPA Department EPA  
(NLTDS Manager  
and  
GLDD)

*Warren J. Bon*

Yolanda Environmental Navajo Approved no No 19-Oct-  
Barney ntal Nation ed comments Reply 2021  
NNEPA Program EPA  
(NLTDS Manager  
and  
GLDD)



# Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
David Mikesic (NLTDS Zoologist and GLDD)	Navajo Nation	Navajo Nation Fish and Wildlife	Approved	1 the BRCF issued 9/23/21 is conditional approval requiring seasonal construction restriction or multiple bird species surveys prior to construction; pre-construction surveys needed for two plant species. See BRCF for details.	1 No Reply	21-Oct-2021	
Richard Begay (NLTDS III and GLDD)	Department Manager	Navajo Nation Heritage and Historic Preservation Department	Approved	no comments	No Reply	21-Oct-2021	
Robert Allan DNR (NLTDS)	Attorney (Approve)	Division of Natural Resources	Approved	no comments	No Reply	26-Oct-2021	

and  
GLDD)

Steven Prince  
Principal Minerals  
Petroleum Department  
MIN m  
(NLTDS Engineer  
and ( GLDD) Approver  
)

Approv ed no comments No Reply 21-Oct-2021



Valinda Shirley - e  
Executive Navajo  
NNEPA Director EPA  
(NLTDS of  
and Navajo  
GLDD) Nation  
EPA

Approv ed no comments No Reply 22-Oct-2021



W. Mike Halona  
NLD Departm  
(NLTDS ent  
- Admin) Manager  
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Approv ed 1 The . Commerce . 1 No 22-Oct-2021  
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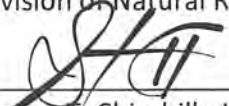
# THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT

## Memorandum

**To:** W. Mike Halona, Department Manager III  
Navajo Land Department  
Division of Natural Resources

**From:**   
Steven T. Chischilly Jr.  
Environmental Specialist  
Navajo Nation General Land Development Department  
Division of Natural Resources

**Date:** August 23, 2021

**Subject:** Environmental Compliance Determination for NTUA TAA Red Mesa to Aneth 12-200-0001 located within Section 34, of Township 40 South, Range 23 East, Protracted Sections 3,10,15,22,27,33 and 34 in Township 41 South, Range 23 East, Sections 4,9,16,21,28,29 and 32, Township 42 South, Range 23 East, Sections 5,8,17,20, and 29, Township 43 South, Range 23 East, Salt Lake Meridian, Red Mesa Chapter, San Juan County, Utah

The General Land Development Department's environmental compliance determination (ECD) confirms the above mentioned Tribal Authorization Access (TAA) application meets the environmental clearance criteria of the Navajo Nation General Leasing Regulations (16 N.N.C. § 2301 et. Seq.). The proposed TAA poses no significant impact(s) to the cultural, biological and the natural environments of the Navajo Nation.

The proposed TAA will be lawfully granted by the Navajo Nation through the authority of 25 C.F.R. §169.4(b)(3)(iii) and RDCJN-17-20, only granted to an independent legal entity wholly owned and operated by the Navajo tribe that owns one hundred percent of the trust or restricted interest in the land.

In addition, the ECD is valid so long as the "Effect/Conditions of Compliance" out-lined on "Cultural Resources Compliance Form (NNHPD No. HPD-21-377)" and the "Biological Resource Compliance Form (NNDFW Review No. 21ntua147)" are implemented.

If at anytime any historical properties, archeological resources, human remains, or other cultural items not previously reported are encountered, all activity will cease and the Navajo Nation Historic and Heritage Preservation Department will be contacted immediately.

Furthermore, the aforementioned TAA applicant will also consult with the Navajo Nation EPA to ensure compliance with all Navajo Nation Environmental laws and permits (4 N.N.C. § 901 et. Seq.) that will be enforced after said TAA is granted.

If at any time over the duration of the term of the TAA, an environmental taking or violation occurs, the grantee may be subject to disciplinary actions and possible cancellation of the permit. This pertains to all Navajo Nation and Federal environmental laws, regulations and policies applicable to the permitting based undertaking which include, but are not limited to the following:

- National Historic Preservation Act, 16 U.S.C. §§ 470 et seq.
- Endangered Species Act, 7 U.S.C. §136, U.S.C. §§1531 et seq.
- Farmland Protection Policy Act, 7 U.S.C. §§ 4201 et seq.
- Clean Air Act, 42 U.S.C. §§ 7401 et seq.
- Eagle Protection Act, 16 U.S.C. §§ 668-668c
- Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712
- Navajo Nation Environmental Policy Act, 4 N.N.C. §§ 901 et seq.
- Navajo Nation Cultural Resource Protection Act, 19 N.N.C. §§ 1001 et seq.
- Navajo Nation Solid Waste Act, 4 N.N.C. §§ 101 et seq.
- Navajo Nation Air Pollution Prevention and Control Act, 4 N.N.C. §§ 1101 et seq.
- Navajo Nation Prevention and Control Act, 4 N.N.C. §§ 1101 et seq.
- Navajo Nation Safe Water Drinking Water Act, 22 N.N.C. §§ 2501 et seq.
- Navajo Nation Clean Water Act, 4 N.N.C. §§ 1301 et seq.
- Navajo Nation Underground Storage Tank Act, 4 N.N.C. §§ 1501 et seq.
- Navajo Nation Pesticide Act, 4 N.N.C. §§ 301 et seq.
- Golden and Bald Eagle Nest Protection Regulations (GBENPR)
- Navajo Endangered Species List (NESL)
- Biological Resource Land-Use Clearance Policies and Procedure (RCP)
- All other applicable Navajo Nation and Federal Laws, Regulations and Policies

If there are any questions, do not hesitate to contact me at [Stchischilly@navajo-nsn.gov](mailto:Stchischilly@navajo-nsn.gov) or at (928)-871-6447. Thank you.



**RESOURCES AND DEVELOPMENT COMMITTEE  
24th NAVAJO NATION COUNCIL**

**FOURTH YEAR 2022**

**ROLL CALL  
VOTE TALLY SHEET**

**LEGISLATION #0017-22:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF NAVAJO NATION TRIBAL AUTHORIZATION ACCESS (TAA) TO NAVAJO TRIBAL UTILITY AUTHORITY FOR THE RED MESA COMMERCIAL TRANSMISSION LINE LOCATED ON NAVAJO NATION TRUST LANDS ON THE NAVAJO NATION (UTAH).     *Sponsor: Honorable Charlaine Tso*

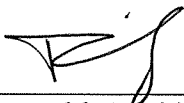
Date: February 9, 2022 – Regular Meeting ((In-Person and Teleconference)  
Location: Tsale/Wheatfields Chapter House -- Tsale, Arizona 86556  
Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

**Main Motion:**

**M:** Herman M. Daniels                      **S:** Mark A. Freeland                      **V:** 5-0-1 (CNV)  
**In Favor:** Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.  
**Opposition:** None  
**Excuse:** None  
**Not Voting:** Rickie Nez, *Chairperson*

**Amendment Motion:**

**M:** Kee Allen Begay, Jr.                      **S:** Wilson C. Stewart, Jr.                      **V:** 5-0-1 (CNV)  
**In Favor:** Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.  
**Opposition:** None  
**Excuse:** None  
**Not Voting:** Rickie Nez, *Chairperson*



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Honorable Rickie Nez, *Chairperson*  
Resources and Development Committee

*Rodney L. Tate*

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Rodney L. Tate, *Legislative Advisor*  
Office of Legislative Services