

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF
RIGHT-OF-WAY TO RAMAH NAVAJO UTILITY AUTHORITY FOR INSTALLATION
AND MAINTENANCE OF THE RAMAH NAVAJO MOUNTAIN VIEW ESTATES WATER
SYSTEM EXTENSION PROJECT LOCATED ON NAVAJO NATION FEE LANDS IN
THE RAMAH CHAPTER VICINITY, NAVAJO NATION (CIBOLA COUNTY, NEW
MEXICO)

BE IT ENACTED:

SECTION ONE. AUTHORITY

Pursuant to 2 N.N.C. Section §501 (B)(2), The Resources and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

A. Ramah Navajo Utility Authority, P.O. Box 207, Pine Hill, New Mexico 87357, has submitted a right-of-way (ROW) application for to construct, operate and maintain water distribution lines, up to 6 inches in diameter on, over and across Navajo Nation Fee Lands in Ramah Chapter vicinity, Cibola County, New Mexico. The application request is attached hereto and incorporated herein as **Exhibit "A."**

B. The proposed right-of-way is described on the maps attached hereto and incorporated herein as **Exhibit "B."**

C. The General Land Development Department with the Division of Natural Resources has determined that there are no grazing permittees within the project site. The General Land Development Department memorandum dated February 13, 2017 is attached hereto as **Exhibit "C."**

D. A waiver of consideration is requested by the Ramah Navajo Utility Authority. The right-of-way project would serve a public purpose because the project will benefit Navajo residents.

E. A waiver of appraisal is requested by the Ramah Navajo Utility Authority.

F. The environmental and archaeological studies including the Biological Resource Compliance Form, the Cultural Resources Compliance Form, the Finding of No Significant Impact have been completed and attached hereto as **Exhibit "E."**

G. The application for the Right-of-Way as submitted by Ramah Navajo Utility Authority has been reviewed by the Navajo Land Department; Fish and Wildlife; Historic Preservation; Minerals; Navajo Nation Environmental Protection; Division of Natural Resources and the Department of Justice and "Approved" or found "Sufficient" by all. See **Exhibit "F."**

SECTION THREE. APPROVAL

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Ramah Navajo Utility Authority on, over and across Navajo Nation Fee Lands in Ramah Chapter vicinity, Cibola County, New Mexico. The location is more particularly described on the survey map attached hereto as **Exhibit "B."**

B. The Resources and Development Committee of the Navajo Nation Council hereby approves a waiver of consideration and a waiver of appraisal for the right-of-way.

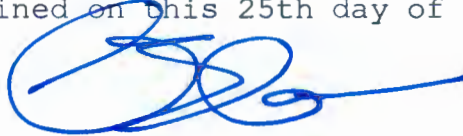
C. The Resources and Development Committee of the Navajo Nation Council hereby waives consideration for the right-of-way project because the project will benefit Navajo residents.

D. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as **Exhibit "D"**.

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

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Twin Arrows Navajo Casino Resort, Twin Arrows, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained on this 25th day of July, 2017.



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

Motion: Honorable Davis Filfred
Second: Honorable Walter Phelps



Ramah Navajo Utility Authority
P. O. Box 207
Pine Hill, New Mexico 87357
Phone: (505) 775-3061
Fax: (505) 775-3062

November 18, 2016

The Navajo Nation
Division of Natural Resources, Project Review Office
Attn: Howard Draper, Program & Projects Specialist
Navajo Land Department
Window Rock Blvd.
Presidents Building Room 181
P. O. Box 2249
Window Rock, AZ 86515
howarddraper@frontiernet.net
928-871-6490
Send Via Email and Mail

RE: Application for Grant of Right-of-Way across Navajo Tribal Fee (TNF) Lands for Ramah Mountain View Estates Waterline Distribution Project

Dear Mr. Draper:

Ramah Navajo Utility Authority (RNUA) respectfully hereby requests permission for Right-of-Way on the Navajo Tribal Fee (TNF) Lands for the Ramah Mountain View Estates Waterline Distribution Project.

Souder, Miller & Associates (SMA) is currently assisting the Navajo Nation Department of Water Resources to design and construct a distribution water line project within the Ramah Chapter of the Navajo Nation, which will be owned and operated by the Ramah Navajo Utility Authority. The project will consist of a total of approximately 2 miles of 6-inch diameter or smaller water distribution lines, providing potable water supply to unserved chapter residents. The enclosed plats show the proposed project Right-of-Way on Navajo Tribal Fee lands.

Below is a summary table of the ROW being requested across Navajo Tribal Fee lands:

ROW Area	ROW Length	ROW Width	County	Township	Range	Section	Quarter
3.28 Acres	2689.98 ft	Varies (40 ft/ 15ft)	Cibola	T9N	R15W	21	S 1/2
0.38	411.66 ft	40 ft	Cibola	T9N	R15W	28	NE ¼

Acres							
-------	--	--	--	--	--	--	--

Enclosed with this letter are the following:

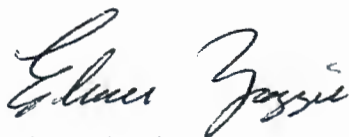
1. Check from SMA, in the amount of \$500.00 as payment for filing fee
2. Project Map
3. Easement maps and legal descriptions for ROW across Navajo Tribal Fee lands
4. BIA Finding of No New Significant Impact (FONSI), dated September 20, 2016
5. Cultural Resources Compliance Form (CRCF), signed by Navajo Historic Preservation Dept. dated June 6, 2016
6. Biological Resources Compliance Form (BRCF) from Navajo Fish and Wildlife Dept. dated November 30, 2015
7. Permission to survey on Navajo Tribal Fee lands, from BIA, May 22, 2015
8. Ramah Navajo Chapter resolution supporting the project

As this project is for the benefit of the Navajo Nation and its people, RNUA is requesting that the appraisal requirement be waived and the right of way be issued without compensation.

RNUA will comply with all Tribal and Federal regulations and requirements as stated in the Code of Federal Regulations, 25 CFR-Part 169 and the Act of February 5, 1948 (62 Stat. 17), subject to prior valid existing rights or adverse claims. RNUA requests Waiver of Damages, except to those of local improvements such as fences, corrals, homes, crops, animals and people.

Should you have any questions or require any further information, please do not hesitate to contact our authorized ROW agent, George Mihalik with Souder, Miller & Associates at 505-507-1306 on his cell or via email at george.mihalik@soudermiller.com so that we may resolve any issues quickly. We request your prompt attention in processing this application. Thank you very much for your assistance.

Sincerely,



Elmer Yazzie
Ramah Navajo Utility Authority Manager

Enclosures

CC:

Gilbert Maria, Ramah Navajo Chapter
Jason John, Navajo Department of Water Resources
George Mihalik, Souder Miller and Associates
Norman Begay, Council Delegate



Via FedEx and Email

LETTER OF TRANSMITTAL

Souder, Miller & Associates
3451 Candelaria NE, Suite D
Albuquerque, NM 87107-1948
(505) 299-0942 • Fax (505) 293-3430
1-877-299-0942

To:

The Navajo Nation
Division of Natural Resources, Project Review
Office
Attn: Howard Draper, Program & Projects
Specialist
Navajo Land Department
Window Rock Blvd.
Presidents Building Room 181
P. O. Box 2249
Window Rock, AZ 86515
howarddraper@frontiernet.net
928-871-6490

Date: November 18, 2016

Job No.: 6923836

**RE: Ramah Mountain View Estates Waterline
Extension Project Right-of-Way –**

ROW on Navajo Tribal Fee Land

We Are Sending You

- ☐ Shop drawings
☐ Copy of letter

☒ Attached

- ☐ Prints
☐ Change order

☐ Under separate cover via _____ the following items:

- ☐ Plans
☐ Samples
☐ Specifications
☐ _____

Original	Description
1 set	Application for ROW on <u>Navajo Tribal Fee</u> (TNF) on Behalf of the Ramah Navajo Utility Authority, with attachments

These are transmitted as checked below:

- ☒ For approval
☐ For your files
☐ For Your Use

- ☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections

- ☐ Resubmit _____ copies for approval
☐ Submit _____ copies for distribution
☐ Return _____ corrected prints

Comments:

Dear Mr. Draper:

Please find enclosed application for Right-of-Way (ROW) on Navajo Tribal Fee (TNF) on behalf of the Ramah Navajo Utility Authority for your review/processing, for the Ramah Navajo Mountain View Water System Expansion Project.

Please contact me at george.mihalik@soudermiller.com or call the office at 505-299-0942 or my cell at 505-507-1306 if you have any questions or concerns regarding the request.

Thank you,

George Mihalik, P.E.
Project Manager
Enclosures

MILLER ENGINEERS, INC.
DBA SOUDER, MILLER & ASSOCIATES

042683

DATE	INVOICE NO.	COMMENT	AMOUNT	NET AMOUNT
12/07/2016	120716	Tribal consent filing fee for Ramah Mountain View Water		500.00
Application Fee for Row on Navajo Tribal Fee Land for Ramah Navajo Mountain View Water system project.				
DATE 12/07/16	VENDOR Navajo Nation Land Department		TOTAL	500.00

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK IN PAPER. SEE EACH SIDE FOR OTHER SECURITY FEATURES

MILLER ENGINEERS, INC.
DBA SOUDER, MILLER & ASSOCIATES
3451 CANDELARIA RD. NE, SUITE D
ALBUQUERQUE, NM 87107
505.256.7364

WASHINGTON FEDERAL SAVINGS
SANTA FE, NM 87501
92-70083241

042683

Five Hundred and no/100

PAY
TO THE
ORDER
OF:

NAVAJO NATION LAND DEPARTMENT
P.O. BOX 2249
WINDOW ROCK AZ 86515.2249

DATE 12/07/16
AMOUNT \$500.00

James Smith
AUTHORIZED SIGNATURE
James Smith
AUTHORIZED SIGNATURE

⑈042683⑈ ⑆324170085⑆ 265 700779⑈

UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

RIGHT-OF-WAY APPLICATION MUST IDENTIFY [§169.102(a)]:

1. Applicant Name and Address:
Ramah Navajo Utility Authority of P.O. Box 207, Pine Hill, NM 87357
2. Tract(s) or parcel(s) affected by the right-of-way:
Navajo Tribal Fee Lands within Cibola County, State of New Mexico:
Section 21, Township T9N, Range R15W, S 1/2;
Section 28, Township T9N, Range R15W, NE 1/4;
3. General location (easement description):
Easement for Section 21: approximately 2,689.98 feet in length, varies from 15 feet to 40 feet in width (see plat), and covering 3.28 acres
Easement for Section 28: approximately 411.66 feet in length, 40 feet in width (see plat), and covering 0.38 acres
4. Purpose:
To Construct, Operate and Maintain water distribution lines, up to 6 inches in diameter, and associated appurtenances
5. Term (Renewal, if applicable):
perpetual
6. Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining, and managing; or removal of permanent improvements under §169.105:
Ramah Navajo Utility Authority

REQUIRED SUPPORTING DOCUMENTS [§169.102(b)]:

1. Accurate legal description of the right-of-way, its boundaries, and parcels associated with the right-of way;
2. A map of definite location of the right-of-way; (25 CFR 169.102((b)(2); survey plat signed by professional surveyor or engineer showing the location, size, and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned land, tribal land, or BIA land and with reference to the public surveys under 25 U.S.C. § 176, 43 U.S.C. § 2 AND § 1764, and showing existing facilities adjacent to the proposed project.)
3. Bond(s), insurance, and/or other security meeting the requirements of §169.103;\
4. Record of notice that the right-of-way was provided to all Indian landowners;
5. Record of consent that the right-of-way meets the requirements of §169.107, or a statement documenting a request for a right-of-way without consent under

- §169.107(b);
6. If applicable, a valuation meeting the requirements of §§ 169.110, 112, 114;
 7. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that:
 - a. The representative has authority to execute the application;
 - b. The right-of-way will be enforceable against the applicant; and
 - c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
 8. Current environmental and archaeological reports, surveys, and site assessments, as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements;
 9. If required, a statement from the appropriate tribal authority that the proposed right-of-way is in conformance with applicable tribal law.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

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

Applicant Point of Contact Information:

Name: Ramah Navajo Utility Authority - Elmer Yazzie Manager

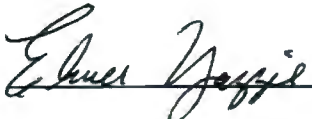
Address: P.O. Box 207, Pine Hill

State: New Mexico Zip: 87357

Phone: 505-775-3061 Fax: 505-775-3062

Email: EYazzie@ramahnavajo.org

DATE: November 18th, 2016

APPLICANT:  (Signature)

Elmer Yazzie - Ramah Navajo Utility Authority Manager (Print Name)



THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**

May 22, 2015

Souder, Miller & Associates
3451 Candelaria Road NE, Suite D
Albuquerque, New Mexico 87107-1948

*RE: Permission to Survey on
Navajo Tribal Fee Lands*

Dear Mr. Mihalik:

In response to your letter dated May 8, 2015, requesting consent for permission to cross tribal fee lands to conduct a walk-on survey for maps, archaeological, environmental and ethnographic studies and surveys. The request is hereby granted to survey for the Ramah Mountain View Estates Waterline Distribution Project within Ramah Chapter, subject to the following terms and conditions:

1. The rights of local Navajo people will be respected and protected.
2. Personnel with the Division of Natural Resources (DNR) will retain the right to monitor the field survey.
3. The field survey will be conducted at your own risk. The Navajo Nation will not be held liable for any personal injury or property damage that might occur during the course of the field survey.
4. Vehicles will be kept on existing roads and trails. Surface disturbance will be kept to an absolute minimum while conducting the field survey.
5. The Permittee will comply with all applicable Tribal and Federal laws and regulations.
6. Approval of right-of-way, business site lease or any actual construction is not implied.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Mike Halona", is written over a horizontal line.

W. Mike Halona
Department Manager III
Navajo Land Department/DNR

SEC - 28 T - 9 - N, R - 15 - W



ATTEST:


DATE _____

BY:

DATE _____

SOUDER, MILLER AND ASSOCIATES



Station 0+00 to 4+11.66 - LINE "A"		Owner NAVAJO TRIBAL FEE		Feet 411.66		Miles 0.08	Acres 0.38	Rods 24.95
40 FOOT WIDE RIGHT-OF-WAY RAMAH MOUNTAIN VIEW ESTATES WATERLINE (LINE A) NE 1/4 SECTION 28						THIS DRAWING IS INCOMPLETE AND NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED		
T-9-N, R-15-W, N.M.P.M.,				CIBOLA COUNTY, NEW MEXICO		Drawn MLS	Checked GMM	Approved JKM
Rev.	Date	Description	By	Chkd	Client: The Navajo Nation	Town: Ramah Navajo Chapter, New Mexico		Date: JULY 1, 2016
						SOUDER, MILLER & ASSOCIATES 3451 CANDELARIA ROAD NE, SUITE D ALBUQUERQUE, NM 87107 Phone: (505) 293-0942 Toll-Free (877) 299-0942 Fax: (505) 293-3430 www.soudermiller.com		Scale: 1" = 1000'
						Serving the Southwest & Rocky Mountains Albuquerque, Farmington, Las Cruces, Roswell, Santa Fe, NM, CO, AZ, Nev., TX www.soudermiller.com, So. Miller & Associates, A. Smith, R. Jones		Project No: 6923836
								Figure 1 of 2

CIBOLA COUNTY, NEW MEXICO

SEC - 28 T - 9 - N, R - 15 - W

CENTERLINE DESCRIPTION - WATER LINE "A"

A FORTY (40) FOOT WIDE TRACT OF LAND, FOR THE PURPOSES OF A WATER LINE, LOCATED IN THE NORTH EAST QUARTER (NE 1/4) OF SECTION TWENTY EIGHT (28), TOWNSHIP NINE (9) NORTH, RANGE FIFTEEN (15) WEST, N.M.P.M., CIBOLA COUNTY, NEW MEXICO, AND BEING A PORTION OF THE NAVAJO TRIBAL FEE, LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

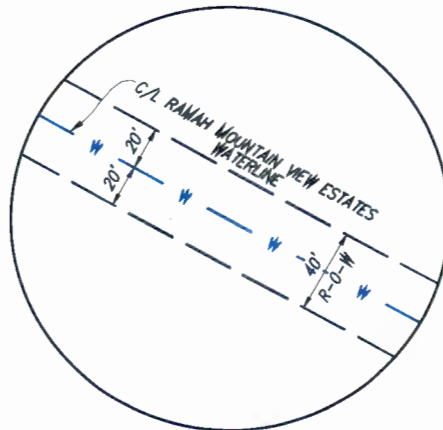
BEGINNING AT WATER LINE STATION 0+00.00 FROM WHICH A BUREAU OF INDIAN AFFAIRS ROADS BRASS CAP FOR THE CENTER QUARTER (C 1/4) OF SECTION TWENTY EIGHT (28) BEARS SOUTH 01° 15' 53" WEST, A DISTANCE OF 2282.75 FEET;

THENCE NORTH 22° 22' 31" WEST, A DISTANCE OF 10.02' FEET;

THENCE ALONG A LINE PARALLEL WITH AND 21.62 FEET EAST OF THE NORTH-SOUTH MID-SECTION LINE, NORTH 01° 28' 07" EAST, A DISTANCE OF 401.64 FEET TO THE POINT OF TERMINATION, WATER LINE STATION 4+11.66, FROM WHICH A FOUND BUREAU OF LAND MANAGEMENT BRASS CAP FOR THE NORTH QUARTER CORNER (N 1/4) OF SECTION TWENTY EIGHT (28) BEARS NORTH 87° 32' 22" WEST, A DISTANCE 21.62 FEET;

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE PROLONGED OR SHORTENED SO TO TERMINATE ON THE NORTH LINE OF SAID SECTION TWENTY EIGHT (28);

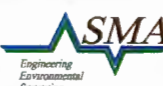
CONTAINING 16,466 SQ. FT. OR 0.38 ACRES, MORE OR LESS.



TYPICAL DETAIL
40' WIDE R-O-W
N.T.S.

Basis of Bearings:

The bearings used in the above description(s) are Grid Bearings based on the New Mexico State Plane Coordinates System of 1983, West Zone.

Station		Owner		Feet	Miles	Acres	Rods
0+00 to 4+11.66 - LINE "A"		NAVAJO TRIBAL FEE		411.66	0.08	0.38	24.95
<p align="center">40 FOOT WIDE RIGHT-OF-WAY RAMAH MOUNTAIN VIEW ESTATES WATERLINE (LINE A) NE 1/4 SECTION 28</p>							
T-9-N, R-15-W, N.M.P.M.,				CIBOLA COUNTY, NEW MEXICO			
Rev.	Date	Description	By	Chk'd	Client: The Navajo Nation	Town: Ramah Navajo Chapter, New Mexico	
					<p>SOUDER, MILLER & ASSOCIATES 3451 CANDELARIA ROAD NE, SUITE D ALBUQUERQUE, NM 87107 Phone (505) 299-0942 Toll-Free: 877-299-0942 Fax (505) 293-3430 www.soudermiller.com Serving the Southwest & Rocky Mountains Albuquerque, Farmington, Las Cruces, Roswell, Santa Fe, NM • El Paso, TX Copyright © 2016 Souder, Miller & Associates. All Rights Reserved.</p>		
<p><small>P:\A-South Boundary Map Creation\BIB\CH01\A15\Ramah Plot 1 Sec 28-417.dwg rev. 11/16/2016 JKM</small></p>					<p>THIS DRAWING IS INCOMPLETE AND NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED</p>		
<p>Drawn: <i>MLS</i> Checked: <i>GMM</i> Approved: <i>JKM</i></p>					<p>Date: JULY 1, 2016</p>		
<p>Scale: N.T.S.</p>					<p>Project No: 6923836</p>		
<p>Figure 2 of 2</p>					<p>Figure 2 of 2</p>		

SEC - 21 T - 9 - N, R - 15 - W



ATTEST:

JASON JOHN

NAVAJO NATION

DATE _____

WATER MANAGEMENT BRANCH

SURVEYOR'S STATEMENT

JOHN K. MELTON, STATES HE IS, BY OCCUPATION, A LAND SURVEYOR ENGAGED BY SOUDER, MILLER AND ASSOCIATES, TO MAKE THE SURVEY OF THE WATER DISTRIBUTION LINE RIGHT-OF-WAY SHOWN ON THIS MAP, THAT SAID SURVEY WAS MADE UNDER HIS SUPERVISION AND AUTHORITY ON THE 15 TH DAY OF JANUARY 2016 AND THAT SUCH SURVEY CONFORMS TO THE REQUIREMENTS OF 25 CFR 169.


BY:


JOHN K. MELTON

DATE _____

NM REG. P.S. #17534

SOUDER, MILLER AND ASSOCIATES

4+11.66 to 31+01.64 LINE "A"		Owner NAVAJO TRIBAL FEE		Feet 2689.98		Miles 0.51		Acres 3.28		Rods 163.03	
RIGHT-OF-WAY (VARIED WIDTH, LINES A & B) RAMAH MOUNTAIN VIEW ESTATES WATERLINE S 1/2 SECTION 21						THIS DRAWING IS INCOMPLETE AND NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED					
T-9-N, R-15-W, N.M.P.M.,						CIBOLA COUNTY, NEW MEXICO					
Rev.		Date		Description		By		Chkd		Client The Navajo Nation	
										Town: Ramah Navajo Chapter, New Mexico	
										SOUDER, MILLER & ASSOCIATES 3451 CANDLEFARIA ROAD NE, SUITE D ALBUQUERQUE, NM 87107 Phone: (505) 299-0942 Toll-Free: (877) 299-0942 Fax: (505) 293-3430 www.soudermiller.com	
											
										Serving the Southwest & Rocky Mountains Albuquerque, Farmington, Las Cruces, Lovelock, Santa Fe, NM, & Pecos, TX Copyright 2015, Soudier, Miller & Associates, A Santa Fe-based Firm	
										Date: JULY 1, 2016 Scale: 1" = 1000' Project No: 6923836	
<small>THIS DRAWING IS THE PROPERTY OF SOUTHER, MILLER & ASSOCIATES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SOUTHER, MILLER & ASSOCIATES, INC.</small>						Figure 1 of 3					

Station -- --		Owner NAVAJO TRIBAL FEE			Feet -- --		Miles -- --	Acres 3.28	Rods -- --	
RIGHT-OF-WAY (VARIED WIDTH, LINES A & B) RAMAH MOUNTAIN VIEW ESTATES WATERLINE SW 1/4 SECTION 21							THIS DRAWING IS INCOMPLETE AND NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED			
T-9-N, R-15-W, N.M.P.M.,					CIBOLA COUNTY, NEW MEXICO					
Rev.	Date	Description	By	Chkd	Client: The Navajo Nation	Town: Ramah Navajo Chapter, New Mexico	Date:	JULY 1, 2016		
						SOUDER MILLER & ASSOCIATES 3451 CANDELARIA ROAD NE, SUITE D ALBUQUERQUE, NM 87107 Phone (505) 299-0942 Toll-free (877) 299-0942 Fax (505) 293-3430 www.soudermiller.com	Scale:	N.T.S.		
							Project No:	6923836		
							Serving the Southwest & Rocky Mountains Albuquerque, 1st Amendment, Las Cruces, Roswell, Santa Fe, NM; 11th Pkwy, TX Colorado Springs, CO; Fort Collins, CO; Grand Junction, CO; Santa Fe, NM;			
							Figure 2 of 3			

CIBOLA COUNTY, NEW MEXICO

SEC - 21 T - 9 - N, R - 15 - W

CENTERLINE DESCRIPTION - WATER LINE "A"

A FORTY (40) FOOT WIDE TRACT OF LAND, FOR THE PURPOSES OF A WATER LINE, LOCATED IN THE SOUTH HALF (S 1/2) OF SECTION TWENTY ONE (21), TOWNSHIP NINE (9) NORTH, RANGE FIFTEEN (15) WEST, N.M.P.M., CIBOLA COUNTY, NEW MEXICO, AND BEING A PORTION OF THE NAVAJO TRIBAL FEE, LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT WATER LINE STATION 4+11.66 FROM WHICH A BUREAU OF LAND MANAGEMENT BRASS CAP FOR THE SOUTH QUARTER CORNER (S 1/4) OF SECTION TWENTY ONE (21) BEARS NORTH 87° 32' 22" WEST, A DISTANCE OF 21.62 FEET;

THENCE NORTH 01° 28' 07" EAST, A DISTANCE OF 20.04' FEET;

THENCE NORTH 87° 38' 11" WEST, A DISTANCE OF 2689.94 FEET TO THE POINT OF TERMINATION, ON THE WEST LINE OF SAID SECTION 21, WATER LINE STATION 31+01.64 FROM WHICH A BUREAU OF LAND MANAGEMENT BRASS CAP FOR THE SOUTHWEST CORNER (SW) OF SAID SECTION TWENTY ONE (21) BEARS SOUTH 01° 11' 53" WEST, ALONG SAID WEST LINE, A DISTANCE 20.00 FEET;

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE PROLONGED OR SHORTENED SO TO TERMINATE ON THE SOUTH AND WEST LINES OF SAID SECTION TWENTY ONE (21);

CONTAINING 107,599 SQ. FT. OR 2.47 ACRES, MORE OR LESS.

DESCRIPTION - WATER LINE "B"

TOGETHER WITH A TRACT OF LAND, FOR THE PURPOSES OF A WATER LINE, LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY ONE (21), TOWNSHIP NINE (9) NORTH, RANGE FIFTEEN (15) WEST, N.M.P.M., CIBOLA COUNTY, NEW MEXICO, AND BEING A PORTION OF THE NAVAJO TRIBAL FEE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BUREAU OF LAND MANAGEMENT BRASS CAP FOR THE SOUTHWEST CORNER (SW) OF SECTION TWENTY ONE (21); THENCE ALONG THE WEST LINE OF SECTION 21, NORTH 01° 11' 53" EAST, 40.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 01° 11' 53" EAST, A DISTANCE OF 2349.92' FEET FROM WHICH A BUREAU OF LAND MANAGEMENT BRASS CAP FOR THE WEST QUARTER CORNER (W 1/4) OF SECTION TWENTY ONE (21) BEARS NORTH 01° 11' 53" EAST, A DISTANCE 259.52 FEET; LEAVING THE WEST LINE OF SECTION 21,

THENCE SOUTH 42° 36' 29" EAST, A DISTANCE OF 21.67' FEET;

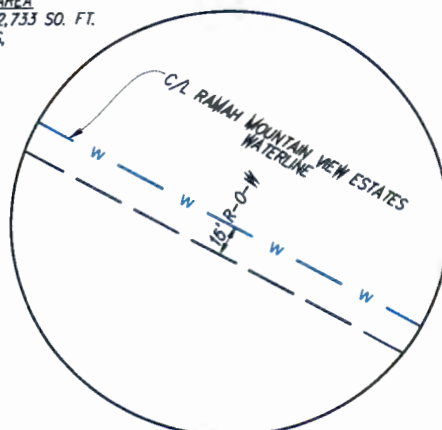
THENCE SOUTH 01° 11' 53" WEST, A DISTANCE OF 2334.59' FEET;

THENCE NORTH 87° 38' 11" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP SHALL BE PROLONGED OR SHORTENED SO TO TERMINATE ON THE SOUTH AND WEST LINES OF SAID SECTION TWENTY ONE (21);

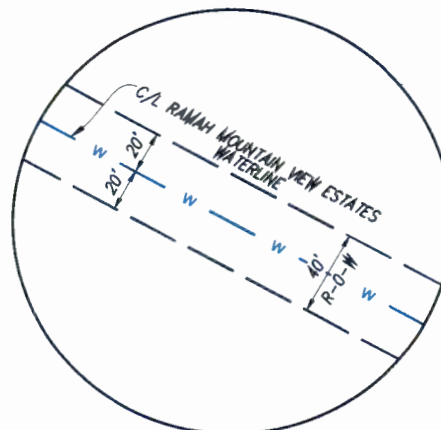
CONTAINING 35,134 SQ. FT. OR 0.81 ACRES, MORE OR LESS.

FOR A TOTAL AREA
CONTAINING 142,733 SQ. FT.
OR 3.28 ACRES,
MORE OR LESS.



TYPICAL DETAIL
15' WIDE R-O-W

N.T.S.



TYPICAL DETAIL
40' WIDE R-O-W

N.T.S.

Basis of Bearings:

The bearings used in the above description(s) are Grid Bearings based on the New Mexico State Plane Coordinates System of 1983, West Zone.

4+11.66 to 31+01.64 LINE "A"		Owner NAVAJO TRIBAL FEE	Feet 2689.98	Miles 0.51	Acres 3.28	Rods 163.03
RIGHT-OF-WAY (VARIED WIDTH, LINES A & B) RAMAH MOUNTAIN VIEW ESTATES WATERLINE S 1/2 SECTION 21			THIS DRAWING IS INCOMPLETE AND NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED			
T-9-N, R-15-W, N.M.P.M.,			CIBOLA COUNTY, NEW MEXICO			
Rev.	Date	Description	By	Chkd	Client: The Navajo Nation	Town: Ramah Navajo Chapter, New Mexico
		SMA Engineering Environmental Surveying				
		SOUDER, MILLER & ASSOCIATES 3451 CANTERBURY ROAD NE, SUITE D ALBUQUERQUE, NM 87110 Phone (505) 299-0942 Toll-free (877) 299-0942 Fax (505) 293-3430 www.soudermiller.com				
		Serving the Southwest & Rocky Mountains Albuquerque Farmington Las Cruces Roswell Santa Fe NM El Paso TX Copyright 2016 Souder, Miller & Associates. All Rights Reserved.				
		Date: JULY 1, 2016				
		Scale: N.T.S.				
		Project No: 6923836				
		Figure 3 of 3				

RAMAH MOUNTAIN VIEW ESTATES WATERLINE PROJECT MAP

CIBOLA COUNTY, NEW MEXICO
TOWNSHIP 9 NORTH, RANGE 15 WEST

Indian
Allotment
37969

Indian
Allotment
37968

Navajo
Tribal Fee

SECTION
20

SECTION
21

Indian
Allotment
37966

Navajo
Tribal
Trust

Navajo
Tribal
Fee

PROPOSED WATERLINES

PROPOSED WATERLINES

BIA ROUTE 114

BEGINNING OF PROJECT
CONNECTION TO EXISTING WATERLINE

EXISTING 6" PVC WATERLINE
MOUNTAIN VIEW WATER SYSTEM

SECTION
29

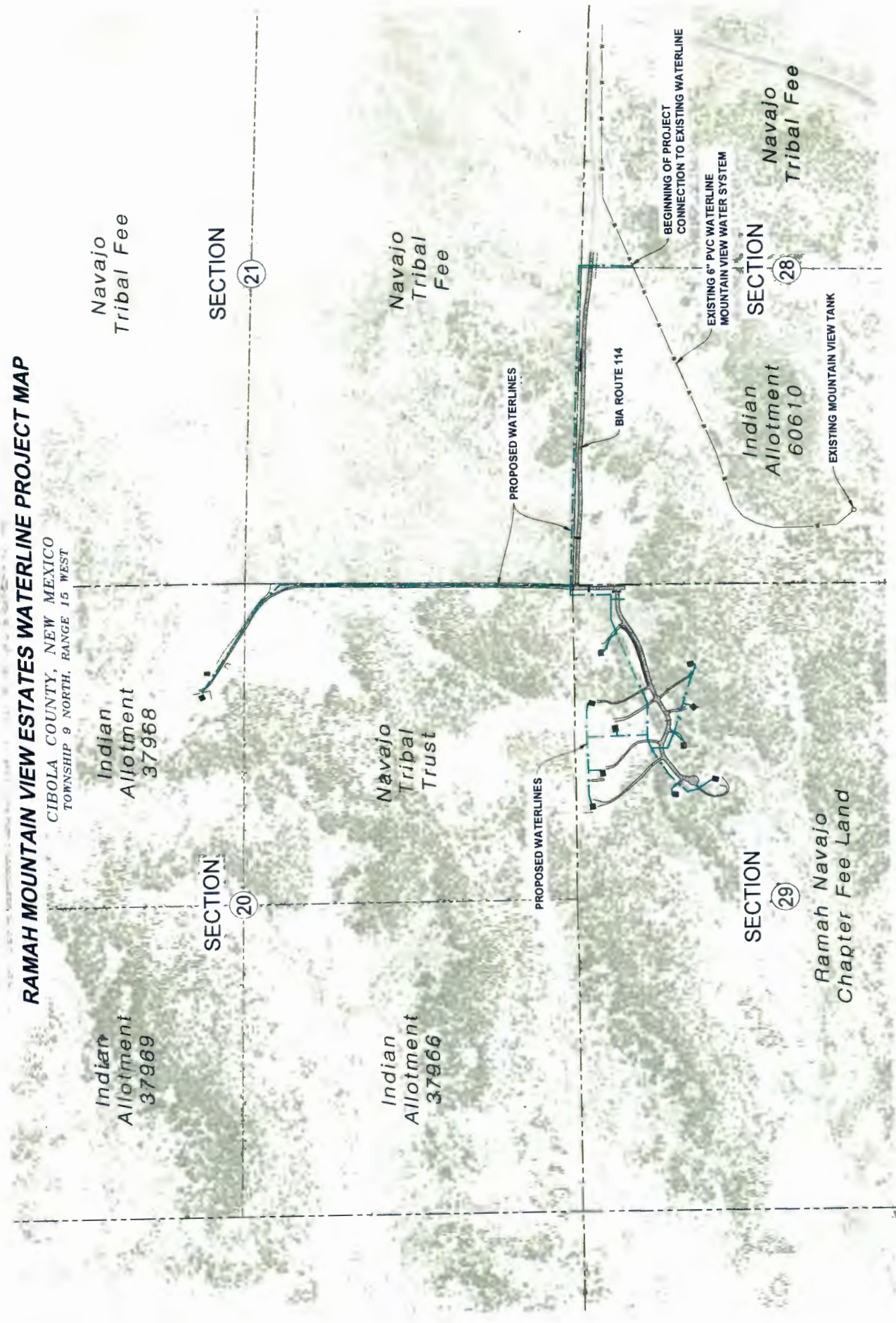
SECTION
28

Indian
Allotment
60610

Navajo
Tribal Fee

Ramah Navajo
Chapter Fee Land

EXISTING MOUNTAIN VIEW TANK



RAMAH NAVAJO CHAPTER

HC 61, Box 13 Ramah, New Mexico 87321-9601

(505) 775-7130/7132

FAX (505) 775-7137

Tribal Office



David Jose
President

Jamie Henio
Vice-President

Dixie M. Begay
Secretary/Treasurer

Norman M. Begay
Council Delegate
Navajo Nation Council

Rodger Martinez
Member
Eastern Navajo Land Board



February 13, 2017

Elerina Yazzie, Department Manager
General Land Development Department
DIVISION OF NATURAL RESOURCES
P.O. Box 69
St. Michaels, AZ 86511
Ph: (928) 871-6401
Fax: (928) 871-7039

Dear General Land Development Department,

I am the Land Board Member representing the Navajo Fee Lands located within Ramah Navajo Chapter. I have been notified there is a water system improvements project, named "Ramah Navajo Mountain View Estates Water System Extension Project" for which Ramah Navajo Utility Authority (RNA) is pursuing right-of-way across Navajo Tribal Fee Land, particularly located within Ramah Navajo Chapter: Township 9N, Range 15W, Sections 21 and 28. Below is a summary table of the ROW being requested across NAVAJO TRIBAL FEE lands:

ROW Area	ROW Length	ROW Width	County	Township	Range	Section	Quarter
3.28 Acres	2689.98 ft	Varies (40 ft/ 15ft)	Cibola	T9N	R15W	21	S 1/2
0.38 Acres	411.66 ft	40 ft	Cibola	T9N	R15W	28	NE ¼

Please find attached a map showing the project area and land status for your reference.

I have confirmed there are not any grazing permittees within this section and as a result no grazing consents are required for this project's right of way and the package should continue on being processed for approval.

If you have any questions, I can be reached at 928-871-6944 (I am located in Window Rock).

Thank you very much,


Rodger Martinez





EXHIBIT "D"

NAVAJO NATION RIGHT-OF-WAY TERMS AND CONDITIONS

RAMAH NAVAJO UTILITY AUTHORITY (GRANTEE)
(Ramah Mountain View Estates Water Line)

1. The term of the right-of-way shall be for twenty (20) years, beginning on the date the right-of-way is granted by the Secretary of the Interior.
2. Consideration for the right-of-way is assessed at \$ 67,706.33. The Navajo Nation contributes this amount to the project to provide installation and maintenance of water distribution to Navajo homes.
3. The Grantee may develop, use and occupy the right-of-way for the purpose(s) of installation and maintenance of water distribution pipeline. The Grantee may not develop, use or occupy the right-of-way 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 Grantee may not develop, use or occupy the right-of-way for any unlawful purpose.
4. In all activities conducted by the Grantee within the Navajo Nation, the Grantee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 169, subject to the terms of this right-of-way;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq., Grantee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
5. The Grantee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the right-of-way.
6. The Grantee shall clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
7. The Grantee shall reclaim all surface lands disturbed related to the right-of-way, as outlined in a restoration and revegetation plan, which shall be approved by Navajo Nation Environmental Protection Agency

(NNEPA) prior to any surface disturbance. The Grantee shall comply with all provisions of such restoration and revegetation plan and shall notify the Director of the NNEPA immediately upon completion of the surface disturbance activities so that a site inspection be can made.

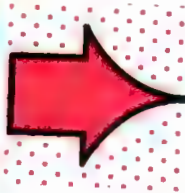
8. The Grantee shall at all times during the term of the right-of-way and at the Grantee's sole cost and expense, maintain the land subject to the right-of-way and all improvements located thereon and make all necessary and reasonable repairs.
9. The Grantee shall obtain prior written permission to cross existing rights-of-way, if any, from the appropriate parties.
10. The Grantee shall be responsible for and promptly pay all damages when they are sustained.
11. The Grantee shall indemnify and hold harmless the Navajo Nation and 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. Any such attempted assignment, conveyance or transfer without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
13. The Navajo Nation may terminate the right-of-way for violation of any of the terms and conditions stated herein. In addition, the right-of-way shall be terminable in whole or part by the Navajo Nation for any of the following causes:
 - a. Failure to comply with any terms and conditions of the grant or of applicable laws or regulations;
 - b. A non-use of the right-of-way for the purpose for which it is granted for a consecutive two (2) year period;
 - c. An abandonment of the right-of-way.
 - d. 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.
14. At the termination of this right-of-way, the Grantee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Grantee shall provide the Navajo Nation, at the Grantee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
15. Holding over by the Grantee after the termination of the right-of-way shall not constitute a renewal or extension thereof or give the Grantee any rights hereunder or in to the land subject to the right-of-way or to any improvements located thereon.
16. The Navajo Nation shall have the right, at any reasonable time during the term of the right-of-way, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.

17. By acceptance of the grant of right-of-way, the Grantee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of the Navajo Nation, including but not limited to the jurisdiction of levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Grantee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
18. By acceptance of the grant of right-of-way, the Grantee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the right-of-way or to the Navajo Nation.
19. Any action or proceeding brought by the Grantee against the Navajo Nation in connection with or arising out of the terms and conditions of the right-of-way shall be brought only in the Courts of the Navajo Nation, and no such action or proceeding shall be brought by the Grantee against the Navajo Nation in any court of any state.
20. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
21. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
22. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Grantee, and the term "Grantee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
23. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the right-of-way and all lands burdened by the right-of-way, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the right-of-way; and the right-of-way and all lands burdened by the right-of-way shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.
24. The Navajo Nation reserves the right to grant rights-of-way within the right-of-way referenced herein for utilities, provided that such rights-of-ways do not unreasonably interfere with the Grantee's use of the right-of-way.
25. The Grantee shall construct the power line in accordance with "suggested practices for Raptor Protection on Power Lines: State of the Art in 2006."

As a condition of the grant of right-of-way, the grantee agrees to the above referenced terms and conditions.

In witness whereof, the parties hereto have executed the grant of right-of-way this _____ day of _____, 2017

**SIGN
HERE**



THE NAVAJO NATION

By: _____
Russell Begaye, President

**SIGN
HERE**



By: _____
_____, General Manager

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.: Ramah Mountain View Estates Waterline Distribution

DESCRIPTION: Proposed waterline distribution project to serve the Mountain View Estates Subdivision. The waterline system would encompass approximately 9.7 acres.

LOCATION: Sections 20, 21, 28, & 29, T09N, R15W, Ramah Chapter, Cibola County, New Mexico

REPRESENTATIVE: Matt Brooks, Ecosystem Management, Inc. for Souder, Miller and Associates

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: BE-Proposed Ramah Mountain View Estates Waterline Distribution/NOV 2015/Ecosystem Management, Inc.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA


AVOIDANCE / MITIGATION MEASURES: [1] The NNDFW highly recommends that project activities avoid the migratory bird breeding season of 01 MAR-15 AUG

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/24 NOV 2015

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 11/30/15
--	--	-------------------------

<p>*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.</p>	
Representative's signature	Date



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO: _____

☒ EMI _____

NNHPD NO.: HPD-16-051

OTHER PROJECT NO.: EMI 1141

PROJECT TITLE: A Cultural Resource Survey of the Ramah Mountain View Estates Waterline Distribution Project, Cibola County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Navajo Nation, Water Management Branch, P.O. Box 9000, Window Rock, Arizona 86515

PROJECT DESCRIPTION: The Ramah Mountain View Estates Waterline Distribution Project is a waterline extension project to serve an existing residential subdivision within the Mountain View community (Mountain View Estates Subdivision). The water distribution project will bring first time water service to ten families who currently haul water for their daily needs. Additionally, the Chapter has plans to expand the subdivision, and having the water service in the community will allow for future growth. The proposed project will tie into the existing Mountain View Water System and includes approximately two miles of 6-inch, 4-inch, and 2-inch waterline and service connections to the homes. The project area is a 11,300 feet of waterline: 2869 feet on Navajo Tribal Fee Land, 931 feet on Indian Allotments, 2839 feet on Navajo Tribal Trust and 4661 feet on Ramah Band Fee Land. The area of potential effect (APE) is 10.38 acres (2.86 on Navajo Tribal Fee Land, 1.08 on Indian Allotments, 2.16 on Navajo Tribal Trust and 4.28 on Ramah Band Fee Land). The area surveyed consisted of the 40-foot right-of-way project area plus an additional 35 foot buffer on either side. The total area surveyed was 28.52 acres (7.31 on Navajo Tribal Fee Land, 4.7 on Indian Allotments, 4.77 on Navajo Tribal Trust and 11.74 on Ramah Band Fee Land). Ground disturbance will be intensive & extensive with the use of heavy equipment.

LAND STATUS: Tribal Trust, Indian Allotment, Navajo Fee, Ramah Band Land

CHAPTER: Ramah

LOCATION: T.09N, R.15W - Sec. 20, 21 28, 29 - Nicoll Lake Quadrangle, Cibola County, New Mexico NMPM

PROJECT ARCHAEOLOGIST:

Amalia Kenward

NAVAJO ANTIQUITIES PERMIT NO.:

B15048

DATE INSPECTED:

09/24/15 & 09/25/15

DATE OF REPORT:

12/2015

TOTAL ACREAGE INSPECTED:

28.52-ac Total

METHOD OF INVESTIGATION:

Class III pedestrian inventory with transects spaced 15 m apart

LIST OF CULTURAL RESOURCES FOUND:

(1) Site (NM-U-5-55)
(4) Isolated Occurrences IO

LIST OF ELIGIBLE PROPERTIES:

(1) Site (NM-U-5-55)

LIST OF NON-ELIGIBLE PROPERTIES:

(4) IO

LIST OF ARCHAEOLOGICAL RESOURCES:

(1) Site (NM-U-5-55)

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties affected with the following conditions:

Site: NM-U-5-55:

1. Site boundary will be flagged by a qualified archeologist prior to ground disturbing activities.
2. No heavy machinery or mechanical ground disturbing equipment should be operated within the site boundary.
3. The area of the site closest to the project should be fenced during waterline construction.
4. Ground disturbing activities within 50-ft of the site boundary will be monitored by a qualified archaeologist.
5. A monitoring report will be submitted to NNHPD within 30-days of the monitoring.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Tamara Billie
FINALIZED: May 24, 2016

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☒ Yes ☐ No


The Navajo Nation
Historic Preservation Office

5/27/16
Date

Navajo Region Approval

☒ Yes ☐ No


BIA - Navajo Regional Office
REGIONAL DIRECTOR, NAVAJO

6/16/16
Date



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

BIA-Ramah Navajo Agency

HC61, Box 14

Ramah, New Mexico 87321



NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT

PROPOSED ACTION:

The Ramah Chapter proposed to construct and operate a waterline extension that would tie into the existing Mountain View Water System. The proposed waterline alignment is approximately 2 miles in length, located in sections 20, 21, 28, and 29 of Township 9 North, Range 15 West, Ramah Chapter, Navajo Nation, Cibola County, Ramah, New Mexico. The proposed project would provide water from an existing 54,000-gallon water tank to 10 residents.

BIA federal actions include Grant of Easement of Right-of-Way (ROW), temporary construction easements, and permits for (3) roadways for the proposed project.

DETERMINATION:

Based on the analysis of the NEPA document entitled "Environmental Assessment for the Proposed Ramah Mountain View Estates Waterline Extension Project", it has been determined that the proposed action will not constitute a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required.

FOR FURTHER INFORMATION:

To review a copy of the "Environmental Assessment for the Proposed Ramah Mountain View Estates Waterline Extension Project" or the Finding of No Significant Impact (FONSI) contact:

BIA-Ramah Navajo Agency
HC61, Box 14
Ramah, New Mexico 87321

NOTICE OF DECISION

It is my decision to proceed with the action described above. In accordance with 25 CFR 2.7, this decision may be appealed within 30 days of this notice being posted. An appeal to the decision to proceed with the proposed wastewater system improvements should be made in writing to the BIA-SWRO, Regional Director at the address above. An appeal must be received no later than **October 24, 2016**.

Superintendent

Date



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Northern Pueblos Agency
P.O. Box 4269, Fairview Station
Española, New Mexico 87533



FINDING OF NO SIGNIFICANT IMPACT

This FONSI was completed in accordance with the National Environmental Policy Act of 1969 (NEPA), Council of Environmental Quality Regulations, Department of Interior procedures and Bureau of Indian Affairs (BIA) NEPA manual.

Proposed Project:

The Ramah Chapter proposed to construct and operate a waterline extension that would tie into the existing Mountain View Water System. The proposed waterline alignment is approximately 2 miles in length, located in sections 20, 21, 28, and 29 of Township 9 North, Range 15 West, Ramah Chapter, Navajo Nation, Cibola County, Ramah, New Mexico. The proposed project would provide water from an existing 54,000-gallon water tank to 10 residents.

BIA federal actions include Grant of Easement of Right-of-Way (ROW), temporary construction easements, and permits for (3) roadways for the proposed project.

Based on the analysis of the NEPA documents entitled "Environmental Assessment for the Proposed Ramah Mountain View Estates Waterline Extension Project" it has been determined that the proposed action will not constitute a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not required. The reasons supporting these findings are as follows:

1. There will be no contamination of soils or water from the proposed project, erosion control/management strategies will be developed utilizing Best Management Practices (BMP). The Contactor will obtain a Storm Water Pollution Prevention Plan (SWPPP) approval and National Pollutant Discharge Elimination System (NPDES) from Environmental Protection Agency (EPA).
2. BMP will be implemented to ensure that construction will limit impacts to meet federal air quality standards to reduce potential impacts to air quality.
3. Vegetation removal will be minimal and occur only within construction limits. BMP would be implemented to prevent establishment of noxious weeds in the proposed ROW.
4. Wildlife will be displaced during construction of proposed action, however there is adjacent suitable habitat available, and there will be no long-term impacts on non-avian wildlife. Pre-construction surveys for migratory birds will occur to avoid any nesting birds.
5. Section 7 of the Endangered Species Act (ESA) has been completed and a **No Effect** determination had been made by a wildlife biologist for the federally-listed species with the potential to occur within the proposed project area.
6. Section 106 of the National Historic Preservation Act (NHPA) has been completed with a **No Effect** determination by the Navajo Nation Tribal Historic Preservation Office

(THPO). If undiscovered cultural resources are found during construction the THPO will be contacted immediately for consultation on the treatment of the discovery.

7. There would be short term benefits resulting from the creation of potential job opportunities during actual construction activities. Environmental Justice impacts would not result in disproportionate negative effects to minority or low-income populations. The residents would acquire access potable water, thereby resulting in long-term, beneficial impacts.
8. The contractor will provide adequate traffic control device and warning signs to alert local drivers of equipment and activities in or near roadway. A traffic safety plan will be submitted to BIA-Division of Transportation and included in final plans for the proposed project.
9. There will be short-term impacts to noise and visual aesthetics, upon completion of the proposed project base-line conditions will resume in the area.
10. There will be no impacts to Hunting, Fishing, Gathering, Timber Harvesting, Mineral Extraction and Recreation Resources.
11. Solid waste will be disposed at an approved sanitary landfill. There are no known hazardous waste sites within the proposed project. Any contaminated soils will be tested and disposed of as required by federal regulations.

For these reasons, I declare a Finding of No Significant Impact to the human environment resulting from the proposed project. The EA for the proposed project will be available for review upon request at the BIA-Ramah Navajo Agency, HC61, Box 14, Ramah, New Mexico 87321.

Comments may be submitted by writing to the BIA-Ramah Agency Superintendent at the address above. Your comments must be received no later than **October 24, 2016**.



Superintendent

9-20-2016
Date

RNUA ROW RAMAH MOUNTAIN VIEW ESTATES

FEE LANDS

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

Document Information

Document Name: 003_R001_00007575.zip
Revision: 1
Document Desc:
Document Author: Stevie Hudson GLDD (Navajo Land Title Data System - Windowrock AZ)
Document Status: Sufficient
Document Type: 164 Review Process
Effective Date: 30-May-2017
Expires: Never
Uploaded from: Navajo Land Title Data System (NLTDS) Phase 1: Plan for Quality Management System
Step 983: 003_R001_00007575
Task 1: Upload and Manage Documents
Size: 3997 KB
Date Uploaded: 13-Feb-2017
Maintained by: Project Management Team

No Document Distribution Locations

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	<i>no comments</i>	<i>No Reply</i>	17-Feb-2017
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Please consult our office should your project impact any waterway, ephemeral or perennial. A Clean Water Act Section 401 Certification may be needed. No topographic maps were included to make that determination at this time. It is strongly encouraged to discuss with our office. Thank you (928) 871-7690.	1.	08-Mar-2017
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. BRCF #15em106 is attached. Thank you.	1.	13-Feb-2017
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	<i>no comments</i>	<i>No Reply</i>	14-Feb-2017
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. CONDITIONAL: Requires coverage under the federal Construction General Permit for storm water discharges. Notice of Intent (NOI) submitted 14 days prior to earth-moving. A Storm Water Pollution Prevention Plan developed prior to NOI submission.	1.	15-Feb-2017
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	<i>no comments</i>	<i>No Reply</i>	14-Feb-2017
Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	1. Please attached memorandum approving the project. Requirements of the Navajo Nation Primary Drinking Water Regulations and of the Domestic Wastewater Regulations are required.	1.	13-Feb-2017

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. Please note instructions from Steven Prince, Minerals Department, and comply with the instructions. Thanks.	1.	30-May-2017
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Approval contingent on compliance with all Navajo EPA and Federal EPA laws.	1.	10-Mar-2017
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	<i>no comments</i>	<i>No Reply</i>	10-Mar-2017
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	1. This vote is contingent on permanent inclusion of the uploaded Terms and Conditions document. slp	1.	15-May-2017
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. HPD-16-051. Adhere to stipulations on CRCF for site.	1.	08-Mar-2017
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	<i>no comments</i>	<i>No Reply</i>	08-Mar-2017



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ	
05/30/17 429	
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	007575
SAS #:	
UNIT:	NW

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

CLIENT TO COMPLETE

DATE OF REQUEST:	5/30/2017	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com

TITLE OF DOCUMENT: RNAU ROW RAMAH MOUNTAIN VIEW ESTATES - FEE LAND

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	5:30-17 4:58p	REVIEWING ATTORNEY/ADVOCATE:	Drum Chee 6.9.17
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DATE TIME OUT OF UNIT:

DOJ ATTORNEY / ADVOCATE COMMENTS

- Rtd. doc. to GLDD ofc. to attach the current Terms & Conditions for Fee land. There is no Terms & Conditions attached.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Tim Haze	6-13-17		

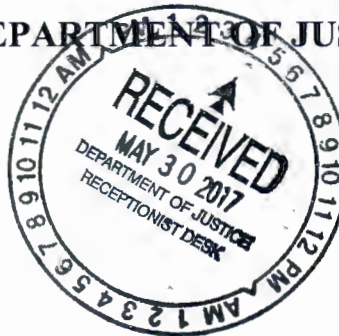
DOJ Secretary Called: _____ for Document Pick Up on _____ at _____ By: _____

PICKED UP BY: (Print) _____ DATE / TIME: _____



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



☐ RESUBMITTAL

DOJ	
05/30/17	429
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	007575
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UNIT:	NW

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CLIENT TO COMPLETE

DATE OF REQUEST:	5/30/2017	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447	E-MAIL:	steviehudson@frontier.com

TITLE OF DOCUMENT: RNAU ROW RAMAH MOUNTAIN VIEW ESTATES - FEE LAND

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	5:30-17 4:58p	REVIEWING ATTORNEY/ADVOCATE:	Armen Chee 6.9.17
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DATE TIME OUT OF UNIT: 6.14.17 @ 12:15p

DOJ ATTORNEY / ADVOCATE COMMENTS

- Rtd. doc. to GLDD ofc. to attach the Current Terms & Conditions for Fee Land. There is no Terms & Conditions attached. On

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
James Aze	6-13-17	VB Blackhat	6/14/17 11:50am

DOJ Secretary Called: Michelle for Document Pick Up on 6.14.17 at 12p By: J

PICKED UP BY: (Print)

DATE / TIME:

NNDOJ/DRRF-July 2013

6-14-17, I went & picked up A drafted updated & Current Terms & Conditions for Fee Land & inserted in the packet after Minerals Made Assessment for 20 years.
Thx- lc

COMPLETED

EXECUTIVE OFFICIAL REVIEWTitle of Document: ~~ROW~~ ROW Ramah Mountain View (Fee Land) Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: michellehoskie@frontier.com Phone Number: 928-871-6447

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

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

Sufficient Insufficient

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

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

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

☐ **Rights of Way**

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

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

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

☐ **Assignment of Mineral Lease**

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

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

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ *-ic* *✓ Blackhat* Date: *9/14/17* ☒ ☐
8. OPVP _____ Date: *6-19-17* ☒ ☐

☐ **OTHER:**

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

RAMAH NAVAJO CHAPTER

Tribal Office

HCR 61 Box 13, Ramah, New Mexico 87321

(505) 775-7130

FAX: (505) 775-7137

Rodger Martinez
President

Frank E. Paul
Vice-President

Dixie M. Begay
Secretary/Treasurer

George Apachito
Council Delegate
Navajo Nation Council

Roy Chap Martinez
Member
Eastern Navajo Land Board



RESOLUTION OF THE RAMAH NAVAJO CHAPTER

NO. 011202

Supporting the Ramah Navajo Chapter Community Planning and Development Department to coordinate with the Navajo Nation Water Resource Department to submit a funding proposal to upgrade the Ramah Waterline Extension Project located on Section 29, Mountain View Estates within the Ramah Navajo Community, Cibola County.

WHEREAS:

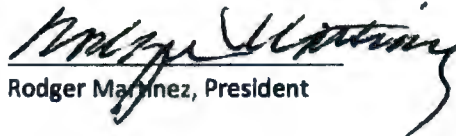
1. The Ramah Navajo Chapter is a certified and recognized Chapter of the Navajo Nation Pursuant to Tribal Council Resolution No. CJ-20-55, to execute projects in the best interest of the local community people at large; and,
2. The Navajo Nation has recognized the Ramah Chapter to be uniquely situated as a satellite community of the Navajo Nation and a recognized local government entity of the Navajo Nation pursuant to 26 N.N.C. Section 3 and 11 N.N.C., Part 1, Section 10; and,
3. The Ramah Navajo Chapter delegates the Chapter officials the authority and responsibility to plan and implement community projects with the assistance of the Ramah Navajo Chapter P.L. 93-638 programs, which will benefit the entire community; and,
4. The Ramah Navajo Chapter 638 Grants and Contracts/Department of Community Planning & Development Department administer various projects. A goal for the Ramah Navajo Chapter's Department of Community Planning and Development is developing community projects to benefit the Ramah Navajo Community people,
5. The Ramah Navajo Chapter has the authority to address local, state, national and federal issues that may affect their livelihoods; and
6. The current Ramah waterline is very insufficient, and increasing its capacity will enable more homes, businesses and other much needed facilities to be served; and,
7. Improving the operation and increasing the capacity of this facility will help to enable broad community and economic development within the chapter.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Ramah Navajo Chapter hereby request and recommends that the Navajo Department of Water Resources, RNC Community Planning/Development and the Ramah Navajo Utility Authority work together to address the waterline's deficiencies and increase its capacity.
2. The Ramah Chapter also request and recommends that the Navajo Department of Water Resources, RNC Community Planning/Development and the Ramah Navajo Utility Authority attempt to secure funding from the U.S. Department of Agriculture Rural Development.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Ramah Navajo Chapter at a duly called meeting in Ramah, New Mexico, at which a quorum was present and that the same was passed by a vote of 22 in favor, 0 opposed, 11 abstained on this 23 day of January 2012.


Rodger Martinez, President


Frank E. Paul, Vice President


Dixie Begay, Secretary/Treasurer

Motion: Joseph K. Martine
Second: Natasha Pino