

Four Corners Power Plant and  
Navajo Mine Energy Project  
DEIS

APPENDIX

B

CULTURAL RESOURCES  
DOCUMENTS



Four Corners Power Plant and  
Navajo Mine Energy Project  
DEIS

APPENDIX

**B.1**

LIST OF CULTURAL RESOURCES  
IDENTIFIED IN THE APE



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**Table B-1 Archaeological sites in Navajo Mine Area III North within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
LA 19374	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19375	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19411	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19412	Navajo Nation	Previously recorded lithic and ceramic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19413	Navajo Nation	Previously recorded artifact scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19596	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19599	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19605	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19414	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19439	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19439A	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19437	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19464	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
LA 19463	Navajo Nation	Previously recorded artifact scatter with features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19480	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19546	Navajo Nation	Previously recorded artifact scatter with features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19548	Navajo Nation	Previously recorded habitation	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19515	Navajo Nation	Previously recorded rock ring	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19516	Navajo Nation	Previously recorded artifact scatter and habitation	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19553	Navajo Nation	Previously recorded artifact scatter and multiple residence	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19325	Navajo Nation	Previously recorded multiple structures	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19334	Navajo Nation	Previously recorded hogan and cairn	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19327	Navajo Nation	Previously recorded multiple structures	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19508	Navajo Nation	Previously recorded hogans and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19509	Navajo Nation	Previously recorded hogan and wall	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19511	Navajo Nation	Previously recorded structures	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
LA 19549	Navajo Nation	Previously recorded hogan	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19551	Navajo Nation	Previously recorded multiple structures and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19554	Navajo Nation	Previously recorded habitation and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19580	Navajo Nation	Previously recorded habitation and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19587	Navajo Nation	Previously recorded hogan and rockshelter	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19588	Navajo Nation	Previously recorded habitation and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19583	Navajo Nation	Previously recorded hogan and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19576	Navajo Nation	Previously recorded structures	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19573	Navajo Nation	Previously recorded coal mine	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible

**Table B-2 Archaeological sites in Navajo Mine Area IV North within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
NM-H-28-2	Navajo Nation	Previously recorded artifact scatter	Anasazi	Not eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-28-4	Navajo Nation	Previously recorded habitation/ field house	Anasazi	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-28-174	Navajo Nation	Previously recorded habitation and feature	Anasazi/ Navajo	Eligible	Eligible	Tested 2007; Data recovery conducted 2008; Avoidance	Eligible
NM-H-29-100	Navajo Nation	Previously recorded seasonal ranching habitation	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-101	Navajo Nation	Previously recorded sandstone quarry	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-102	Navajo Nation	Previously recorded temporary camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-103	Navajo Nation	Previously recorded temporary camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-104	Navajo Nation	Previously recorded feature	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-105	Navajo Nation	Previously recorded habitation	Navajo	Eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-106	Navajo Nation	Previously recorded habitation	Navajo	Eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-107	Navajo Nation	Previously recorded single residence habitation	Navajo	Eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-108	Navajo Nation	Previously recorded storage structure	Anasazi	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-109	Navajo Nation	Previously recorded feature	Navajo	Not eligible	Not eligible	No further work	Not eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
NM-H-29-110	Navajo Nation	Previously recorded habitation	Anasazi	Eligible	Eligible	Avoidance; limited testing; site may be outside APE	Eligible
NM-H-29-111	Navajo Nation	Previously recorded sheep camp	Navajo	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-112	Navajo Nation	Previously recorded water control features	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-113	Navajo Nation	Previously recorded features	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-31	Navajo Nation	Previously recorded feature	Unknown	Eligible	Not eligible	No further work	Not eligible
NM-H-29-32	Navajo Nation	Previously recorded features	Unknown	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-33	Navajo Nation	Previously recorded features	Unknown/ possible Navajo	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-34	Navajo Nation	Previously recorded artifact scatter and multiresidence habitation complex	Anasazi/ Navajo	Eligible	Eligible	Tested 2007; Data recovery conducted 2007; Avoidance	Eligible
NM-H-29-35	Navajo Nation	Previously recorded habitation	Navajo	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-29-80	Navajo Nation	Habitation	Anasazi	Eligible	Eligible	Tested 2007; Data recovery conducted 2007; Avoidance	Eligible
NM-H-29-81	Navajo Nation	Rockshelter/ temporary camp	Navajo	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-82	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
NM-H-29-83	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-84	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-85	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-86	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-87	Navajo Nation	Shepherders camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-88	Navajo Nation	Habitation	Anasazi	Eligible	Eligible	Data recovery conducted 2008; Avoidance	Eligible
NM-H-29-89	Navajo Nation	Mining test pits	Recent Anglo-Euro/American Mining	Not eligible	Eligible	Avoidance	Eligible
NM-H-29-90	Navajo Nation	Shepherders camp	Navajo	Not eligible	Not Eligible	Avoidance	Not Eligible
NM-H-29-91	Navajo Nation	Previously recorded Wagon road and masonry wall support	Navajo	Not eligible	Eligible	Avoidance	Eligible
NM-H-29-92	Navajo Nation	Previously recorded features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-29-93	Navajo Nation	Previously recorded coal mine shaft/ test pit	Unspecified historic	Not eligible	Eligible	Avoidance	Eligible
NM-H-29-94	Navajo Nation	Previously recorded water control check-dams	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-95	Navajo Nation	Previously recorded water control earthen dam	Unknown	Not eligible	Not eligible	No further work	Not eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
NM-H-29-96	Navajo Nation	Previously recorded habitation	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-97	Navajo Nation	Previously recorded multi-residence habitation complex	Navajo	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-29-98	Navajo Nation	Previously recorded habitation	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-99	Navajo Nation	Previously recorded ceramic scatter and pastoral residence	Anasazi/ Navajo	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-36-22	Navajo Nation	Previously recorded lithic scatter and lithic and ceramic scatter	Anasazi	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-36-23	Navajo Nation	Previously recorded temporary camp and burial	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-24	Navajo Nation	Previously recorded artifact scatter with features	Archaic/ Anasazi	Eligible	Eligible	Data recovery conducted 2008; Avoidance	Eligible
NM-H-36-25	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-36-26	Navajo Nation	Previously recorded artifact scatter and sheep herders camp	Anasazi/ Navajo	Eligible	Eligible	Data recovery conducted 2007; Avoidance	Eligible
NM-H-36-28	Navajo Nation	Previously recorded fieldhouse and pastoral habitation	Anasazi/ Navajo	Eligible	Eligible	Data recovery conducted 2007; Avoidance	Eligible
NM-H-36-29	Navajo Nation	Previously recorded buried pueblo	Anasazi	Eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-30	Navajo Nation	Previously recorded feature	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
NM-H-36-31	Navajo Nation	Previously recorded activity area and habitation	Anasazi/ Navajo	Eligible	Eligible	Data recovery conducted 2007; Avoidance	Eligible
NM-H-36-35	Navajo Nation	Previously recorded activity area	Anasazi	Eligible	Eligible	Avoidance; testing/ additional ethnographic investigation; site may be outside APE	Eligible
NM-H-36-76	Navajo Nation	Lithic scatter	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-77	Navajo Nation	Temporary camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-78	Navajo Nation	Lithic scatter and feature	Unknown/ Navajo	Not eligible	Not Eligible	Tested 2007; Avoidance	Not eligible
NM-H-36-79	Navajo Nation	Petroglyph panel	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-80	Navajo Nation	Lithic scatter and cairn markers	Unknown/ Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-81	Navajo Nation	Previously recorded lithic scatter and shepherders camp	Unknown/ Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-82	Navajo Nation	Previously recorded activity areas	Archaic	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-36-83	Navajo Nation	Previously recorded lithic scatter	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-36-84	Navajo Nation	Previously recorded temporary camp	Navajo	Not eligible	Eligible	Avoidance	Eligible
NM-H-36-85	Navajo Nation	Previously recorded water control dams	Unknown recent	Not eligible	Eligible	Avoidance	Eligible
NM-H-36-86	Navajo Nation	Previously recorded lithic scatter and temporary camp	Unknown/ Navajo	Not eligible	Eligible	Avoidance	Eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
NM-H-36-87	Navajo Nation	Previously recorded shepherders camp	Navajo	Not eligible	Eligible	Avoidance	Eligible
NM-H-37-46	Navajo Nation	Previously recorded lithic scatter	Archaic	Not eligible	Not eligible	No further work	Not eligible
NM-H-37-47	Navajo Nation	Previously recorded ceramic and lithic scatter	Anasazi	Not eligible	Not Eligible	Tested 2007; Avoidance	Not eligible
NM-H-37-48	Navajo Nation	Previously recorded ceramic and lithic scatter	Anasazi	Eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-37-49	Navajo Nation	Previously recorded shepherders camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-37-50	Navajo Nation	Previously recorded lithic scatter and habitation	Unknown/ Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-37-51	Navajo Nation	Previously recorded shepherders camp	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-37-52	Navajo Nation	Previously recorded lithic scatter	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-37-53	Navajo Nation	Previously recorded ceramic scatter	Anasazi	Not eligible	Not eligible	No further work	Not eligible
NM-H-37-54	Navajo Nation	Previously recorded activity area	Navajo	Not eligible	Not eligible	No further work	Not eligible

**Table B-3 Archaeological sites in Burnham Road within APE**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO/SHPO Concurrence with OSM Findings
NM-H-28-175	Navajo Nation	Previously recorded artifact scatter with feature	Unknown	Eligible	Eligible	Avoidance	Eligible
NM-H-28-176	Navajo Nation	Previously recorded multiple habitation	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-28-177	Navajo Nation	Previously recorded artifact scatter with features	Archaic	Eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-28-178	Navajo Nation	Artifact scatter with features	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible

**Table B-4 Archaeological sites in Navajo Mine Area IV South within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
NM-H-36-134	Navajo Nation	Previously recorded single residence	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-135	Navajo Nation	Previously recorded multiple residences	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-136	Navajo Nation	Previously recorded single residence	Anasazi	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-137	Navajo Nation	Previously recorded artifact scatter and features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-138	Navajo Nation	Previously recorded artifact scatter and features/ rock art panel	Unknown/ Navajo	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-139	Navajo Nation	Previously recorded artifact scatter and features	Archaic	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-140	Navajo Nation	Previously recorded single residence	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-141	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-144	Navajo Nation	Previously recorded multiple residence	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-145	Navajo Nation	Previously recorded artifact scatter and features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-146	Navajo Nation	Previously recorded lithic scatter/ artifact scatter and features	Unknown/ Navajo	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-147	Navajo Nation	Previously recorded ceremonial feature	Navajo	Eligible	Eligible	Avoidance	Eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
NM-H-36-149	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-150	Navajo Nation	Previously recorded artifact scatter and single residence	Anasazi/ Navajo	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-151	Navajo Nation	Previously recorded residential complex	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-152	Navajo Nation	Previously recorded features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-153	Navajo Nation	Previously recorded artifact scatter	Archaic	Not eligible	Not eligible	No further work	Not eligible
NM-H-36-236	Navajo Nation	Features	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-36-237	Navajo Nation	Artifact scatter	Unknown	Eligible	Eligible	Avoidance	Eligible
NM-H-36-240	Navajo Nation	Feature	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-36-244	Navajo Nation	Single residence and burials	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-247	Navajo Nation	Single residence/ recent trash dump	Navajo	Residence eligible/ trash dump not eligible	Eligible	Avoidance	Eligible
NM-H-36-248	Navajo Nation	Rock art panels	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-254	Navajo Nation	Artifact scatter/ artifact scatter and features	Unknown/ Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-260	Navajo Nation	Artifact scatter and features	Anasazi	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-50	Navajo Nation	Previously recorded multiple residence/ rock art panels	Anasazi/ Navajo	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-272	Navajo Nation	Feature	Navajo	Not eligible	Not eligible	No further work	Not eligible

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
NM-H-37-91	Navajo Nation	Previously recorded artifact scatter and rock artifact/ artifact scatter with features and rock art	Unknown/ Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-37-92	Navajo Nation	Previously recorded artifact scatter and features	Archaic	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-37-93	Navajo Nation	Previously recorded artifact scatter and features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-37-94	Navajo Nation	Previously recorded artifact scatter	Archaic	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-37-95	Navajo Nation	Previously recorded artifact scatter and features	Archaic	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-37-96	Navajo Nation	Previously recorded artifact scatter and features	Archaic	Eligible	Eligible	Avoidance; testing	Eligible

**Table B-5 Archaeological sites identified in FCPP within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO/SHPO Concurrence with OSM Findings
NM-H-20-12	Navajo Nation	Previously recorded structural site	Anasazi	Eligible	Pending	No further work; site may be outside APE	Pending
NM-H-20-13	Navajo Nation	Previously recorded sherd and lithic scatter	Anasazi	Unevaluated	Pending	No further work; site may be outside APE	Pending
NM-H-20-14	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Pending	No further work; site may be outside APE	Pending
NM-H-20-15	Navajo Nation	Previously recorded sheepherding camp	Navajo	Eligible	Pending	Avoid and fence. Site adjacent to APE; ethnographic study needed	Pending
NM-H-20-16	Navajo Nation	Previously recorded habitation	Anasazi	Eligible	Pending	No further work; site may be outside APE	Pending
NM-H-20-17	Navajo Nation	Previously recorded feature	Anasazi	Eligible	Pending	No further work; site may be outside APE	Pending
NM-H-20-18	Navajo Nation	Previously recorded field house	Anasazi	Eligible	Pending	Avoid and fence. Site adjacent to APE.	Pending
NM-H-20-19	Navajo Nation	Previously recorded field house	Anasazi	Eligible	Pending	Avoid and fence. Site adjacent to APE.	Pending
NM-H-20-20	Navajo Nation	Previously recorded artifact scatter and feature	Anasazi	Not eligible	Pending	Site tested in 2007; no further work.	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO/SHPO Concurrence with OSM Findings
NM-H-20-21	Navajo Nation	Previously recorded structural site and cairns	Anasazi/ Late Historic/ Navajo	Eligible	Pending	No further work. Site may be outside APE; ethnographic study needed.	Pending
NM-H-20-62	Navajo Nation	Previously recorded multiple residence	Anasazi	Eligible	Pending	Avoidance; data recovery	Pending
NM-H-20-63	Navajo Nation	Previously recorded artifact scatter	Anasazi	Not eligible	Pending	No further work	Pending
NM-H-20-128	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending	Avoidance; testing	Pending
NM-H-20-152	Navajo Nation	Hogan	Navajo	Eligible	Pending	Avoidance	Pending
NM-H-20-154	Navajo Nation	Previously recorded multiple residence	Anasazi	Eligible	Pending	Avoidance	Pending
NM-H-20-155	Navajo Nation	Previously recorded residence	Anasazi	Eligible	Pending	Avoidance	Pending
NM-H-21-154	Navajo Nation	Previously recorded artifact scatter and recent trash dump	Anasazi/ modern	Not eligible	Pending	No further work	Pending
NM-H-21-155	Navajo Nation	Previously recorded artifact scatter with features	Navajo	Not eligible	Pending	No further work	Pending
NM-H-21-156	Navajo Nation	Previously recorded possible hearth	Unknown	Unevaluated	Pending	Avoidance; testing	Pending
NM-H-21-173	Navajo Nation	Previously recorded rock cairn	Navajo	Not eligible	Pending	No further work	Pending

**Table B-6 Archaeological sites identified in ROW for APS 500-kV to Moenkopi Substation within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-I-25-121	Navajo Nation	Artifact scatter with feature	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-25-124	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-38-46	Navajo Nation	Previously Recorded Habitation	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-38-47	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-38-49	Navajo Nation	Flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-I-38-50	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-38-51	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-38-52	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-I-39-137	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-39-138	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-39-139	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-39-140	Navajo Nation	Artifact scatter with features	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-39-141	Navajo Nation	Artifact scatter	Basketmaker/ Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-48	Navajo Nation	Sweat lodge with features and artifact scatter	Unknown/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-49	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-50	Navajo Nation	Artifact scatter with features	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-51	Navajo Nation	Trash dump	Navajo	Not Eligible	Pending	No further work	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-I-44-52	Navajo Nation	Sweat lodge and artifact scatter with features	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-53	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-54	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-55	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-56	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-57	Navajo Nation	Dam and reservoir	Navajo	Not Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-58	Navajo Nation	Lithic scatter	Unknown	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-59	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-I-44-60	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-61	Navajo Nation	Check dam	Unknown	Not Eligible	Pending	No further work	Pending
AZ-I-44-62	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-63	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-64	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-65	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-66	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-67	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-44-68	Navajo Nation	Habitation	Navajo/ Unknown	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-I-45-101	Navajo Nation	Artifact scatter with features	Anasazi/ Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-45-102	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-45-103	Navajo Nation	Artifact scatter with feature	Unknown	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-45-104	Navajo Nation	Artifact scatter with feature	Archaic/ Anasazi	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-45-105	Navajo Nation	Flaked stone quarry with features	Unknown/ Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-45-106	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-45-107	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-51-1	Navajo Nation	Habitation	Navajo/ Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-I-52-78	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-63-66	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-64-67	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-I-64-68	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-100	Navajo Nation	Artifact scatter with feature	Anasazi	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-101	Navajo Nation	Habitation and sweat lodge	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-91	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-92	Navajo Nation	Artifact scatter with features	Basketmaker/ Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-J-57-93	Navajo Nation	Artifact scatter with features and sweat lodge	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-94	Navajo Nation	Artifact scatter with features	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-95	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-96	Navajo Nation	Artifact scatter with feature	Basketmaker/ Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-97	Navajo Nation	Habitation	Navajo	Not Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-98	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-57-99	Navajo Nation	Artifact scatter with features	Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-58-125	Navajo Nation	Habitation and sweat lodge	Anasazi/ Navajo/ Unknown	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-J-58-126	Navajo Nation	Artifact scatter	Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-58-127	Navajo Nation	Habitation and sweat lodge	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-58-128	Navajo Nation	Habitation	Anasazi/ Navajo/ Historic	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-58-129	Navajo Nation	Sweat lodge	Navajo/ Unknown	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-58-130	Navajo Nation	Sweat lodge	Navajo/ Unknown	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-58-131	Navajo Nation	Sweat lodge	Navajo/ Unknown	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-59-107	Navajo Nation	Artifact scatter with features and sweat lodges	Anasazi/ Navajo/ protohistoric-historic	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-J-59-108	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-J-59-109	Navajo Nation	Sweat lodge	Navajo/ Unknown	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-K-53-4	Navajo Nation	Previously Recorded Road	Euro-American	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-17-1	Navajo Nation	Lithic scatter	Unknown/ Prehistoric	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-17-2	Navajo Nation	Flaked stone scatter	Unknown/ Prehistoric	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-17-3	Navajo Nation	Flaked stone scatter	Unknown/ Prehistoric	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-17-4	Navajo Nation	Lithic scatter	Early Archaic	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-17-5	Navajo Nation	Artifact scatter with features	Early Archaic/ Patayan	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-1	Navajo Nation	Artifact scatter	Archaic/ Patayan	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-M-18-10	Navajo Nation	Lithic scatter	Unknown/ Prehistoric	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-11	Navajo Nation	Artifact scatter	Patayan	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-12	Navajo Nation	Artifact scatter	Patayan	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-13	Navajo Nation	Flaked stone scatter	Unknown/ Prehistoric	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-14	Navajo Nation	Artifact scatter	Patayan	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-2	Navajo Nation	Lithic scatter	Unknown/ Prehistoric	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-3	Navajo Nation	Flaked stone scatter	Unknown/ Prehistoric	Not Eligible	Pending	No further work	Pending
AZ-M-18-4	Navajo Nation	Flaked stone scatter	Unknown/ Prehistoric	Not Eligible	Pending	No further work	Pending
AZ-M-18-5	Navajo Nation	Artifact scatter	Unknown/ Prehistoric	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-M-18-6	Navajo Nation	Artifact scatter	Archaic/ Patayan	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-7	Navajo Nation	Flaked stone scatter	Archaic	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-8	Navajo Nation	Lithic scatter	Unknown/ Prehistoric	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-18-9	Navajo Nation	Artifact scatter	Late Archaic/ Patayan	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-19-1	Navajo Nation	Corral and artifact scatter	Unknown/ Prehistoric	Not Eligible	Pending	No further work	Pending
AZ-M-19-2	Navajo Nation	Flaked stone scatter	Archaic	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-M-19-3	Navajo Nation	Flaked stone scatter	Unknown	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-11-18	Navajo Nation	Artifact scatter	Unknown	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-12-47	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-N-12-57	Navajo Nation	Artifact scatter with feature	Navajo	Not Eligible	Pending	No further work	Pending
AZ-N-12-58	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-12-59	Navajo Nation	Structure with artifacts	Navajo	Not Eligible	Pending	No further work	Pending
AZ-N-12-60	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-12-61	Navajo Nation	Habitation	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-12-62	Navajo Nation	Artifact scatter with features	Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-12-63	Navajo Nation	Flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-N-12-64	Navajo Nation	Flaked stone scatter with features	Unknown/ Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-13-16	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-13-17	Navajo Nation	Artifact scatter	Cohonina	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
AZ-N-14-12	Navajo Nation	Artifact scatter with feature	Unknown	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-14-13	Navajo Nation	Sweat lodge and corral	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-N-7-1	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-Z-25-1	Navajo Nation	Lithic scatter	Unknown	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-Z-25-2	Navajo Nation	Artifact scatter	Patayan	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-Z-25-3	Navajo Nation	Flaked stone scatter	Unknown	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
AZ-Z-25-4	Navajo Nation	Flaked stone scatter	Unknown	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-20-146	Navajo Nation	Sherd scatter with features	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
NM-H-20-147	Navajo Nation	Previously Recorded Chacoan Great House Community	Anasazi/Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-20-148	Navajo Nation	Habitation	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-20-153	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-20-77	Navajo Nation	Previous Recorded Artifact scatter with feature	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-20-84	Navajo Nation	Previously Recorded Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-20-90	Navajo Nation	Previously Recorded Artifact scatter with features	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-30-24	Navajo Nation	Artifact scatter with features	Archaic/ Anasazi/ Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-32-103	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
NM-H-32-104	Navajo Nation	Rock art	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-H-32-105	Navajo Nation	Previously Recorded Habitation	Anasazi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-I-25-122	Navajo Nation	Habitation	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
NM-I-25-123	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

**Table B-7 Archaeological sites identified in ROW of APS 500-kV to Moenkopi Substation on Hopi tribal lands within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
001-2009	Hopi	Habitation	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
002-2009	Hopi	habitation	Hisatsinom/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
003-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
004-2009	Hopi	Developed spring	Hopi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
005-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
006-2009	Hopi	Hogan	Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
007-2009	Hopi	Artifact scatter and feature	Navajo	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
008-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
009-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
010-2009	Hopi	Artifact scatter	Hisatsinom	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
011-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
012-2009	Hopi	Artifact scatter and feature	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
013-2009	Hopi	Artifact scatter	Hisatsinom	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
014-2009	Hopi	Habitation	Hisatsinom/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
015-2009	Hopi	Artifact scatter and feature	Hisatsinom	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
016-2009	Hopi	Artifact scatter and feature	Hisatsinom	Unevaluated	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
017-2009	Hopi	Artifact scatter and feature	Basketmaker	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
018-2009	Hopi	Rock art and feature	Unknown	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
019-2009	Hopi	Rock art, features, and artifact scatter	Hisatsinom/ Hopi	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
020-2009	Hopi	Artifact scatter and feature	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
021-2009	Hopi	Habitation	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
022-2009	Hopi	Rock shelter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
023-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
024-2009	Hopi	Artifact scatter and feature	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
025-2009	Hopi	Artifact scatter and habitation	Hisatsinom/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
026-2009	Hopi	Rock art and artifact scatter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
027-2009	Hopi	Artifact scatter and feature	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
028-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending
029-2009	Hopi	Habitation	Hisatsinom/ Navajo	Eligible	Pending	Flag; hand cutting only, no vehicles or heavy machinery	Pending

**Table B-8 Archaeological sites identified in ROW of APS 345-kV to Cholla Switchyard within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
AZ-I-57-29	Navajo Nation	Flake stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-I-57-30	Navajo Nation	Flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-I-57-31	Navajo Nation	Lithic scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-I-57-32	Navajo Nation	Flaked stone scatter and features	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-I-57-33	Navajo Nation	Flaked stone scatter	Unknown	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-O-56-8	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-O-56-9	Navajo Nation	Artifact scatter and feature	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-06-94	Navajo Nation	Flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-P-07-59	Navajo Nation	Previously recorded flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-P-07-60	Navajo Nation	Previously recorded habitation	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-07-61	Navajo Nation	Previously recorded flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-P-11-43	Navajo Nation	Flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-P-11-44	Navajo Nation	Flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
AZ-P-11-45	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-11-46	Navajo Nation	Flaked stone scatter	Unknown	Not Eligible	Pending	No further work	Pending
AZ-P-12-68	Navajo Nation	Habitation	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-12-69	Navajo Nation	Previously recorded multiple room blocks and kivas	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-20-160	Navajo Nation	Sherd scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-20-161	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-20-162	Navajo Nation	Artifact scatter and feature	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-20-163	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-21-79	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-21-80	Navajo Nation	Flaked stone scatter	Unknown	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-29-65	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-30-16	Navajo Nation	Previously recorded artifact scatter and feature	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
AZ-P-30-45	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-30-46	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-30-47	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-30-48	Navajo Nation	Artifact scatter and feature	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-30-49	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-30-50	Navajo Nation	Artifact scatter and features	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
AZ-P-34-10	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-34-9	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-47-1	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-48-10	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-48-11	Navajo Nation	Structure	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-48-7	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
AZ-P-48-8	Navajo Nation	Habitation	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
AZ-P-48-9	Navajo Nation	Habitation	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-143	Navajo Nation	Previously Recorded Habitation	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-20-98	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-20-99	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-21-209	Navajo Nation	Bread oven	Navajo	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-29-138	Navajo Nation	Previously recorded trash dump	Navajo	Not Eligible	Pending	No further work	Pending
NM-H-29-139	Navajo Nation	Previously recorded habitation with multiple room blocks, kivas, and artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-35-20	Navajo Nation	Habitation	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-35-21	Navajo Nation	Artifact scatter and features	Anasazi/Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-35-22	Navajo Nation	Artifact scatter and features	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
NM-H-35-23	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-35-24	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-35-25	Navajo Nation	Artifact scatter and features	Anasazi/ Unknown	Not Eligible	Pending	No further work	Pending
NM-H-35-26	Navajo Nation	Habitation	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-35-27	Navajo Nation	Artifact scatter and features	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-35-28	Navajo Nation	Artifact scatter and feature	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-35-29	Navajo Nation	Rock art, artifact scatter, and features	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-35-30	Navajo Nation	Artifact scatter and features	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-47-125	Navajo Nation	Previously recorded habitation and artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-47-126	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-47-127	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-47-128	Navajo Nation	Previously recorded habitation	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
NM-H-47-129	Navajo Nation	Artifact scatter and features	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-47-130	Navajo Nation	Artifact scatter and feature	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-47-131	Navajo Nation	Trash dump	Navajo	Not Eligible	Pending	No further work	Pending
NM-H-47-132	Navajo Nation	Sherd scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-47-133	Navajo Nation	Artifact scatter and features	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-47-134	Navajo Nation	Previously recorded habitation	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-47-135	Navajo Nation	Artifact scatter and feature	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-47-32	Navajo Nation	Previously recorded artifact scatter and feature	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-47-94	Navajo Nation	Previously recorded habitation	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-49-115	Navajo Nation	Artifact scatter and feature	Anasazi	Not Eligible	Pending	No further work	Pending
NM-H-49-116	Navajo Nation	Artifact scatter and features	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-49-117	Navajo Nation	Previously recorded hogan	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
NM-H-49-2	Navajo Nation	Previously recorded flaked stone scatter	Anasazi	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-50-180	Navajo Nation	Previously recorded room block, pit house, and trash mound	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-50-181	Navajo Nation	Artifact scatter and feature	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-50-182	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-H-50-183	Navajo Nation	Artifact scatter	Anasazi/ Navajo	Eligible	Pending	No vehicles or heavy machinery	Pending
NM-H-50-184	Navajo Nation	Previously recorded habitation	Anasazi	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending
NM-I-57-35	Navajo Nation	Previously recorded habitation	Unknown/ Navajo	Eligible	Pending	No vehicles or heavy machinery; monitor	Pending

**Table B-9 Archaeological sites identified in ROW for APS 345-kV to San Juan Generating Station on Navajo Lands within APE.**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended by Applicant</b>	<b>THPO Concurrence with OSM Findings</b>
NM-H-21-213	Navajo Nation	Residence	Navajo	Eligible	Pending	Rubber-tire use of existing road, tracked vehicles in dry conditions only	Pending
NM-H-21-214	Navajo Nation	Residence	Navajo	Eligible	Pending	Rubber-tire use of existing road, tracked vehicles in dry conditions only	Pending

**Table B-10 Archaeological sites identified in ROW for PNM FC Transmission Line on BLM, state, and private lands within APE.**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended by Applicant</b>	<b>SHPO Concurrence with OSM Findings</b>
LA 68213	Private (continues onto BLM and State)	Previously recorded Farmer's Mutual Ditch	Anglo	Eligible	Eligible	Avoidance and use of existing roads	Eligible
LA 83965	Private (continues onto BLM and Navajo)	Previously recorded Jewett Valley Ditch	Anglo/Euro-American and Navajo	Eligible	Eligible	Avoidance and use of existing roads	Eligible

**Table B-11 Archaeological sites identified in ROW for PNM FW Transmission Line on Navajo Lands within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
NM-G-48-68	Navajo Nation	Previously recorded artifact scatter with features	Unknown	Eligible	Pending	Data recovery/ coordinate pole work	Pending
NM-H-21-49	Navajo Nation	Previously recorded residence	Navajo	Not eligible	Pending	Avoidance; existing access road bypasses site/ coordinate pole work	Pending
NM-H-39-7	Navajo Nation	Previously recorded artifact scatter with features	Late Paleoindian to Early Archaic	Not eligible	Pending	No further work	Pending
NM-H-39-53	Navajo Nation	Previously recorded artifact scatter with features	Unknown	Not eligible	Pending	No further work	Pending
NM-H-39-81	Navajo Nation	Previously recorded sheep herding camp	Navajo	Not eligible	Pending	No further work	Pending
NM-H-39-95	Navajo Nation	Previously recorded artifact scatter	Unknown	Not eligible	Pending	No further work	Pending
NM-H-40-93	Navajo Nation	Previously recorded artifact scatter with features	Navajo	Not eligible	Pending	No further work	Pending
NM-R-4-41	Navajo Nation	Previously recorded artifact scatter	Unknown	Unevaluated	Pending	Rubber tire use of existing road	Pending
NM-R-4-42	Navajo Nation	Previously recorded artifact scatter	Unknown	Unevaluated	Pending	Avoidance; existing access road bypasses site	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
NM-R-4-43	Navajo Nation	Previously recorded artifact scatter	Unknown	Not eligible	Pending	No further work	Pending
NM-R-5-13	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Pending	Rubber tire use of existing road	Pending
NM-G-50-37	Navajo Nation	Artifact scatter	Unknown	Unevaluated	Pending	Avoidance; existing access road bypasses site	Pending
NM-G-50-38	Navajo Nation	Artifact scatter	Unknown	Not eligible	Pending	No further work	Pending
NM-G-50-39	Navajo Nation	Artifact scatter with feature	Unknown	Eligible	Pending	Rubber tire use of existing road	Pending
NM-G-51-75	Navajo Nation	Historic dump	Navajo	Not eligible	Pending	No further work	Pending
NM-G-51-76	Navajo Nation	Artifact scatter with features	Unknown/ Navajo	Eligible	Pending	Rubber tire use of existing road	Pending
NM-G-51-77	Navajo Nation	Artifact scatter with features	Unknown	Eligible	Pending	Data recovery/ coordinate pole work	Pending
NM-G-62-200	Navajo Nation	Artifact scatter	Unknown	Unevaluated	Pending	Rubber tire use of existing road	Pending
NM-H-21-212	Navajo Nation	Artifact scatter with features	Anasazi	Unevaluated	Pending	Testing	Pending
NM-R-5-14	Navajo Nation	Artifact scatter	Unknown	Unevaluated	Pending	Rubber tire use of existing road	Pending
NM-R-5-15	Navajo Nation	Artifact scatter	Archaic	Unevaluated	Pending	Rubber tire use of existing road	Pending
NM-R-10-18	Navajo Nation	Artifact scatter with features	Navajo	Not eligible	Pending	No further work	Pending
NM-R-10-19	Navajo Nation	Multiple residences	Navajo	Eligible	Pending	Avoidance; existing access road bypasses site	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO Concurrence with OSM Findings
NM-R-10-20	Navajo Nation	Residence	Navajo	Eligible	Pending	Avoidance; existing access road bypasses site	Pending
NM-R-11-16	Navajo Nation	Historic dump	Navajo	Not eligible	Pending	No further work	Pending
NM-R-11-17	Navajo Nation	Residence	Navajo	Eligible	Pending	Rubber tire use of existing road	Pending
NM-R-12-6	Navajo Nation	Residence, commercial	Navajo	Eligible	Pending	Rubber tire use of existing road; coordinated pole work	Pending
NM-R-12-7	Navajo Nation	Artifact scatter with feature	Unknown	Unevaluated	Pending	Rubber tire use of ROW centerline; coordinate pole work	Pending

**Table B-12 Archaeological sites identified in ROW for PNM FW Transmission Line on BLM, State, Zia Pueblo, and private lands within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	SHPO Concurrence with OSM Findings
LA 9176	State	Previously recorded multiple residence	Navajo	Eligible	Pending	Rubber-tire use of existing road	Pending
LA 9177	BLM	Previously recorded artifact scatter with features	Navajo	Not Eligible	Pending	No further work	Pending
LA 13943	Private	Previously recorded artifact scatter	Ancestral Pueblo	Not Eligible	Pending	No further work	Pending
LA 28997	BLM	Previously recorded artifact scatter with features	Unknown/ Navajo	Not Eligible	Pending	No further work	Pending
LA 157254	BLM	Previously recorded artifact scatter with features	Unknown/ Navajo	Eligible	Pending	Rubber-tire use of existing road	Pending
LA 173639	BLM	Residence	Navajo	Not Eligible	Pending	No further work	Pending
LA 173640	BLM	Artifact scatter	Archaic	Not Eligible	Pending	No further work	Pending
LA 173641	BLM	Artifact scatter	Unknown	Unevaluated	Pending	Rubber-tire use of existing road	Pending
LA 173642	BLM, Navajo Nation*	Artifact scatter	Unknown	Unevaluated	Pending	Rubber-tire use of existing road	Pending
LA 173643	BLM	Simple feature	Navajo	Not Eligible	Pending	No further work	Pending
LA 173644	BLM	Hunting blind	Unknown/ historic	Not Eligible	Pending	No further work	Pending
LA 173645	BLM	Artifact scatter with feature	Unknown	Not Eligible	Pending	No further work	Pending

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	SHPO Concurrence with OSM Findings
LA 173646	BLM	Artifact scatter with features	Ancestral Pueblo	Eligible	Pending	Use existing road	Pending
LA 173647	BLM, Navajo Nation*	Artifact scatter	Unknown	Not Eligible	Pending	No further work	Pending
LA 173648	BLM	Artifact scatter	Unknown	Not Eligible	Pending	No further work	Pending
LA 173649	BLM	Artifact scatter	Unknown	Not Eligible	Pending	No further work	Pending
LA 173650	BLM	Historic dump	Unknown/ recent	Not Eligible	Pending	No further work	Pending
LA 173651	BLM	Artifact scatter with features	Unknown	Eligible	Pending	Excavation of exposed features. Monitoring or consultation.	Pending
LA 173652	BLM	Historic dump	Unknown/ historic	Not Eligible	Pending	No further work	Pending
LA 173653	BLM	Artifact scatter	Unknown	Not Eligible	Pending	No further work	Pending
LA 173796	Private	Artifact scatter	Unknown	Not Eligible	Pending	No further work	Pending

**Table B-13 Archaeological sites identified in ROW for PNM FW 345-kV Rio Puerco to West Mesa within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
LA 175230	State Trust	Artifact scatter with features	Unknown	Eligible	Pending	Monitor	Pending
LA 175231	Private	Artifact scatter	Unknown	Not Eligible	Pending	No further work	Pending
LA 175232	Private	Artifact scatter	Unknown	Eligible	Pending	Monitor	Pending
LA 175233	Private	Artifact scatter	Late Archaic	Eligible	Pending	Monitor	Pending
LA 175234	Private	Artifact scatter with features	Unknown	Eligible	Pending	Monitor	Pending
LA 175235	Private	Artifact scatter with features	Euro-American	Not Eligible	Pending	No further work	Pending
LA 162292	Private	Previously recorded artifact scatter	Unknown	Unevaluated	Pending	Monitor	Pending
LA 54635	Private	Previously recorded artifact scatter	Basketmaker II	Unevaluated	Pending	No further work	Pending
LA 146435	Private	Previously recorded artifact scatter	Early to Late Archaic	Not Eligible	Pending	No further work	Pending
LA 146431	Private	Previously recorded artifact scatter with features	Early to Late Archaic	Eligible	Pending	Monitor	Pending
LA 146432	Private	Previously recorded artifact scatter	Early to Late Archaic/ Ancestral Pueblo	Eligible	Pending	Monitor	Pending
LA 54642	Private	Previously recorded artifact scatter	Basketmaker II/ Anasazi	Eligible	Pending	Monitor	Pending

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended by Applicant</b>	<b>THPO/SHPO Concurrence with OSM Findings</b>
LA 54643	Private	Previously recorded artifact scatter	Ancestral Pueblo	Unevaluated	Pending	Monitor	Pending
LA 137833	Private	Previously recorded artifact scatter with features	Late Archaic	Eligible	Pending	Monitor	Pending
LA 111622	Private	Previously recorded artifact scatter with features	Middle to Late Archaic/ Developmental Pueblo	Eligible	Pending	Monitor	Pending
LA 52100	Petroglyph National Monument	Previously recorded petroglyphs	Unknown	Eligible	Pending	No further work	Pending

**Table B-14 Navajo historic resources/in-use areas identified in Mine Area IV North within APE.**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
IUA1*	Navajo Nation	Post A.D. 1945/Habitation Complex (Gilmore residence)	Navajo	NRHP Criterion D	Not Eligible	Relocation/compensation completed/Avoidance	Not Eligible
IUA2	Navajo Nation	Circa A.D. 1920-Present/Habitation-Pastoral	Navajo	NRHP Criterion D	Not Eligible	Relocation/compensation completed	Not Eligible

\*Alice Gilmore House is recorded as TCP.

**Table B-15 Navajo historic resources/in-use areas identified in Mine Area IV South within APE.**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
IUA1/LA 19685	Navajo Nation	A.D 1945 -Present. Habitation Complex	Navajo	NRHP Criterion D	Not Eligible	Relocation/ compensation prior to disturbance	Not Eligible
IUA2/LA 19951	Navajo Nation	A.D 1945 -Present. Habitation Complex	Navajo	NRHP Criterion D	Not Eligible	No further work/ Avoided	Not Eligible

**Table B-16 Navajo historic resources/in-use areas identified in ROW for PNM FC Transmission Line within APE.**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended by Applicant</b>	<b>THPO Concurrence with OSM Findings</b>
NM-94-810 [ LA 108059]	Navajo Nation	Yellowman Siphon/ Water Conveyance AD 1934-present	Anglo/Euro-American and Navajo	Not Eligible	Pending	No further work	Pending
AC HPL 1	Navajo Nation	Water Conveyance AD 1870-present	Anglo/Euro-American and Navajo	Pending	Pending	Avoidance	Pending

**Table B-17 Navajo historic resources/in use areas identified in ROW for PNM FW Transmission Line between Rio Puerco and West Mesa within APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	SHPO Concurrence with OSM Findings
HCPI 31358	Private	Irrigation ditch	Unknown	Not Eligible	Not Eligible	No further work	Pending

\*Site extends onto BLM and Navajo Nation lands.

\*\*Site previously determined eligible for the NRHP.

<sup>1</sup>Listed on the NRHP as part of Las Imagines Archaeological District.

**Table B-18 Navajo TCPs identified in Navajo Mine Area 3 within APE.**

<b>Site #</b>	<b>TCP Number</b>	<b>Internal Ref/ TCP Name</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Report/ BNCC</b>	<b>NN CRPA</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Finding</b>
	Kelley TCP 2	Onion gathering area	Navajo	Not Eligible (NRHP)	Yes	Not Eligible (NRHP)	No further work, replanted	Not Eligible (NRHP)

**Table B-19 Navajo TCPs identified in Navajo Mine Area 4 North within APE.**

Site Number	TCP Number	Internal Ref/ TCP Name	Affiliation	NRHP Eligibility Recommendation from Report/ BNCC	NN CRPA	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Finding
	TCP 1*	Offering area (Alice Gilmore site)	Navajo	NRHP Criterion A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	Mitigated as TCP	Not Eligible (NRHP)
	Chavez TCP 2	Lightning- struck corral/ offering area	Navajo	NRHP A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	No further work, outside buffer	Not Eligible (NRHP)
	TCP 3	Mineral- gathering area	Navajo	NRHP (A & D) AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	No further work, not affected by mining	Not Eligible (NRHP)
	TCP 4	Mineral- gathering area	Navajo	NRHP (A & D) AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	No further work, not affected by mining	Not Eligible (NRHP)
	Deenasts'a a' Bito	Where wild sheep drink	Navajo	Identified NRHP	Yes	Not Eligible	No further work	Not Eligible
	Deenasts'a a' Dah Njah	Where wild sheep bed	Navajo	Identified NRHP	Yes	Not Eligible	No further work	Not Eligible
	Lok'aa' Deeshjin (Cottonwo d Spring)	Sacred place	Navajo	Identified NRHP	Yes	Pending	Avoidance, may be outside APE	Pending

Site Number	TCP Number	Internal Ref/ TCP Name	Affiliation	NRHP Eligibility Recommendation from Report/ BNCC	NN CRPA	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Finding
	To Ba Jisdahi (Water that you wait for)	Well and possible ntl'iz (offering place)	Navajo	Identified NRHP	Yes	Pending	Avoidance, may be outside APE	Pending
	Tse Achiih (Nose Rock)	Sacred place	Navajo	Identified NRHP	Yes	Pending	Avoidance, unsure of location	Pending

\*Alice Gilmore House is also recorded as an IUA.

**Table B-20 Navajo TCPs identified in Navajo Mine Area 4 South within APE.**

Site Number	TCP Number	Internal Ref/ TCP Name	Affiliation	NRHP Eligibility Recommendation from Report/ BNCC	NN CRPA	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Finding
	TCP 5	Eagle-nesting area/offering site	Navajo	NRHP Criteria A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	Avoidance	Not Eligible (NRHP)
	TCP 7	Death Hogan/house	Navajo	NRHP Criteria A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	Avoidance	Pending
	Bii' Diich' ii Dahazkani (Tangy Spring Mesa Breeze Mountain)	Eagle taking area (possibly same as TCP 5)	Navajo	Identified NRHP	Yes	Eligible	Avoidance, No further work	Eligible
	Halii	Spring and nlt'iz (offering place)	Navajo	Identified NRHP	Yes	Pending	Avoidance	Pending

**Table B-21 Navajo TCPs identified in Burnham Road within APE.**

Site Number	TCP Number	Internal Ref	Affiliation	Location	NRHP Eligibility Recommendation from Report/ BNCC	NN CRPA	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Finding
	TCP 9	Herb gathering area	Navajo	Burnham	NRHP Criteria A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	Avoidance	Not Eligible (NRHP)

**Table B-22 Navajo TCPs identified in FCPP area within APE.**

Site Number	TCP Number	Report Internal Reference/ TCP Name	Affiliation	NRHP Eligibility Recommendation from Report	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
NM-H20-15	Kfl203-1	Sheep Camp	Navajo	Eligible (Criterion D, possibly A and /or B), NNCRPA, AIRFA	Pending	Avoidance	Pending
NM-H20-21			Navajo	Eligible (Criterion D), NNCRPA, AIRFA	Pending	Avoidance	Pending
NM H-20-152	Kfl203-6	Sheep Camp	Navajo	Eligible Criteria b and D	Pending	Avoidance	Pending
	Kfl203-2	Small yellow hills	Navajo	Eligible Criterion b	Pending	Avoidance	Pending
	Kfl203-3	Sacred canyon	Navajo	Eligible Criteria A and B	Pending	Avoidance	Pending
	Kfl203-4	Historic horse and ceremonial travel corridor	Navajo	Eligible Criteria A and B	Pending	Avoidance	Pending
	Kfl203-5	Zone with The Hogback and Chaco Wash	Navajo	Eligible Criteria A and B	Pending	Avoidance	Pending

**Table B-23 Archaeological sites within footprint for Alternative B.**

Area	Site
<b>Archaeological Sites Inside the APE</b>	
IV South	NM-H-36-134
IV South	NM-H-36-135
IV South	NM-H-36-136
IV South	NM-H-36-137
IV South	NM-H-36-138
IV South	NM-H-36-139
IV South	NM-H-36-140
IV South	NM-H-36-141
IV South	NM-H-36-144
IV South	NM-H-36-145
IV South	NM-H-36-146
IV South	NM-H-36-147
IV South	NM-H-36-149
IV South	NM-H-36-150
IV South	NM-H-36-151
IV South	NM-H-36-152
IV South	NM-H-36-237
IV South	NM-H-36-244
IV South	NM-H-36-247
IV South	NM-H-36-248
IV South	NM-H-36-254
IV South	NM-H-36-260
IV South	NM-H-36-50
IV South	NM-H-37-91
IV South	NM-H-37-92
IV South	NM-H-37-93
IV South	NM-H-37-94
IV South	NM-H-37-95
IV South	NM-H-37-96
IV South	NM-H-36-148
IV South	NM-H-36-239
IV South	NM-H-36-155

Area	Site
<b>Archaeological Sites Outside the APE</b>	
IV South	NM-H-36-166
IV South	NM-H-36-163
IV South	NM-H-36-276
IV South	NM-H-36-159
IV South	NM-H-36-158
IV South	NM-H-36-277
IV South	NM-H-36-154
IV South	NM-H-36-234
IV South	NM-H-36-162
IV South	NM-H-36-165
IV South	NM-H-36-167
IV South	NM-H-36-238
IV South	NM-H-36-164
IV South	NM-H-36-169
IV South	NM-H-36-171
IV South	NM-H-36-261
IV South	NM-H-37-90
IV South	NM-H-37-57
IV South	NM-H-37-86
IV South	NM-H-37-80
IV South	NM-H-37-87
IV South	NM-H-37-88
IV South	NM-H-37-82
IV South	NM-H-37-83
IV South	NM-H-37-84
IV South	NM-H-37-85
IV South	NM-H-37-79
IV South	NM-H-37-81
IV South	NM-H-37-76
IV South	NM-H-37-78
IV South	NM-H-37-66
IV South	NM-H-37-101
IV South	NM-H-37-89
IV South	NM-H-37-71
IV South	NM-H-37-73
IV South	NM-H-37-70

<b>Area</b>	<b>Site</b>
IV South	NM-H-37-67
IV South	NM-H-36-170
IV South	NM-H-37-99
IV South	NM-H-37-74
IV South	NM-H-37-72
IV South	NM-H-37-65
IV South	NM-H-37-75
IV South	NM-H-37-77
IV South	NM-H-37-68
IV South	NM-H-37-7
IV South	NM-H-37-69
IV South	NM-H-37-104
IV South	NM-H-37-64
IV South	NM-H-37-63
IV South	NM-H-36-174
IV South	NM-H-36-177
IV South	NM-H-36-187

**Table B-24 TCPs within footprint of Alternative B within APE.**

Area	Site	Descriptions	Affiliation	Action Recommended	Project Effects
IV South	TCP-7	Death Hogan/House	Navajo	Avoidance	Evaluation Ongoing
IV South	Dii' Diich' ii Dahazkani (Tangy Spring Mesa Breeze Mountain)	Eagle taking area	Navajo	Avoidance, no further work	Evaluation Ongoing
IV South	Halii	Spring and Nlt'iz (offering place)	Navajo	Avoidance	Evaluation Ongoing

**Table B-25 Archaeological sites within footprint for Alternative C.**

Area	Site
<b>Archaeological Sites Inside APE</b>	
IV North	NM-H-28-2
IV North	NM-H-28-4
IV North	NM-H-28-174
IV North	NM-H-29-102
IV North	NM-H-29-103
IV North	NM-H-29-105
IV North	NM-H-29-107
IV North	NM-H-29-110
IV North	NM-H-29-34
IV North	NM-H-29-35
IV North	NM-H-29-80
IV North	NM-H-29-87
IV North	NM-H-29-88
IV North	NM-H-29-89
IV North	NM-H-29-91
IV North	NM-H-29-92
IV North	NM-H-29-93
IV North	NM-H-29-96
IV North	NM-H-29-97
IV North	NM-H-29-98
IV North	NM-H-29-99
IV North	NM-H-36-23
IV North	NM-H-36-24
IV North	NM-H-36-25
IV North	NM-H-36-26
IV North	NM-H-36-28
IV North	NM-H-36-29
IV North	NM-H-36-30
IV North	NM-H-36-31
IV North	NM-H-36-35
IV North	NM-H-36-76
IV North	NM-H-36-77
IV North	NM-H-36-79
IV North	NM-H-36-80
IV North	NM-H-36-81

<b>Area</b>	<b>Site</b>
IV North	NM-H-36-82
IV North	NM-H-36-84
IV North	NM-H-36-85
IV North	NM-H-36-86
IV North	NM-H-36-87
IV North	NM-H-37-48
IV North	NM-H-37-49
IV North	NM-H-37-50
IV North	NM-H-37-52
IV South	NM-H-36-134
IV South	NM-H-36-135
IV South	NM-H-36-136
IV South	NM-H-36-137
IV South	NM-H-36-138
IV South	NM-H-36-139
IV South	NM-H-36-140
IV South	NM-H-36-141
IV South	NM-H-36-144
IV South	NM-H-36-145
IV South	NM-H-36-146
IV South	NM-H-36-147
IV South	NM-H-36-149
IV South	NM-H-36-150
IV South	NM-H-36-151
IV South	NM-H-36-152
IV South	NM-H-36-237
IV South	NM-H-36-244
IV South	NM-H-36-247
IV South	NM-H-36-248
IV South	NM-H-36-254
IV South	NM-H-36-260
IV South	NM-H-36-50
IV South	NM-H-37-91
IV South	NM-H-37-92
IV South	NM-H-37-93
IV South	NM-H-37-94
IV South	NM-H-37-95

<b>Area</b>	<b>Site</b>
IV South	NM-H-37-96
IV South	NM-H-36-148
IV South	NM-H-36-239
IV South	NM-H-36-155
<b>Archaeological Sites Outside APE</b>	
IV South	NM-H-36-156
IV South	NM-H-36-166
IV South	NM-H-36-163
IV South	NM-H-36-276
IV South	NM-H-36-159
IV South	NM-H-36-158
IV South	NM-H-36-277
IV South	NM-H-36-154
IV South	NM-H-36-234
IV South	NM-H-36-162
IV South	NM-H-36-165
IV South	NM-H-36-167
IV South	NM-H-36-238
IV South	NM-H-36-164
IV South	NM-H-36-169
IV South	NM-H-36-171
IV South	NM-H-36-261
IV South	NM-H-37-90
IV South	NM-H-37-57
IV South	NM-H-37-86
IV South	NM-H-37-80
IV South	NM-H-37-87
IV South	NM-H-37-88
IV South	NM-H-37-82
IV South	NM-H-37-83
IV South	NM-H-37-84
IV South	NM-H-37-85
IV South	NM-H-37-79
IV South	NM-H-37-81
IV South	NM-H-37-76
IV South	NM-H-37-78
IV South	NM-H-37-66

<b>Area</b>	<b>Site</b>
IV South	NM-H-37-101
IV South	NM-H-37-89
IV South	NM-H-37-71
IV South	NM-H-37-73
IV South	NM-H-37-70
IV South	NM-H-37-67
IV South	NM-H-36-170
IV South	NM-H-37-99
IV South	NM-H-37-74
IV South	NM-H-37-72
IV South	NM-H-37-65
IV South	NM-H-37-75
IV South	NM-H-37-77
IV South	NM-H-37-68
IV South	NM-H-37-7
IV South	NM-H-37-69
IV South	NM-H-37-104
IV South	NM-H-37-64
IV South	NM-H-37-63
IV South	NM-H-36-174
IV South	NM-H-36-177
IV South	NM-H-36-187

**Table B-26 TCPs within the footprint for Alternative C within APE.**

Area	Site	Descriptions	Affiliation	Action Recommended	Project Effects
IV North	Lok'aa Deeshijn (Cottonwood Spring)	Sacred place	Navajo	Avoidance	Evaluation Ongoing
IV North	To Ba Jisdahi (Water that you wait for)	Well and possible Ntl'iz (offering place)	Navajo	Avoidance	Evaluation Ongoing
IV North	Tse Achiih (Nose Rock)	Sacred place	Navajo	Avoidance	Evaluation Ongoing
IV South	TCP-7	Death Hogan/House	Navajo	Avoidance	Evaluation Ongoing
IV South	Dii' Diich' ii Dahazkani (Tangy Spring Mesa Breeze Mountain)	Eagle taking area	Navajo	Avoidance, no further work	Evaluation Ongoing
IV South	Halii	Spring and Nlt'iz (offering place)	Navajo	Avoidance	Evaluation Ongoing

Four Corners Power Plant and  
Navajo Mine Energy Project  
DEIS

APPENDIX

# B.2

PROGRAMMATIC AGREEMENT FOR  
THE NAVAJO MINE



March 13, 2014 Draft

**PROGRAMMATIC AGREEMENT (Amendment #2)**

**Between**

**Office of Surface Mining Reclamation and Enforcement,**

**Bureau of Indian Affairs, Bureau of Land Management,**

**United States Environmental Protection Agency,**

**United States Army Corps of Engineers,**

**Navajo Nation Tribal Historic Preservation Officer,**

**Advisory Council on Historic Preservation,**

**Navajo Transitional Energy Company, LLC, and**

**BHP Billiton Mine Management Company**

**Regarding**

**Management of Historic Properties at**

**Navajo Mine Area III, Area IV North, Area IV South and the Burnham Road North and South  
Realignments**

This Programmatic Agreement (“Agreement”) is between the Office of Surface Mining Reclamation and Enforcement, Western Region (OSMRE); the U.S. Bureau of Indian Affairs (BIA), the U.S. Bureau of Land Management (BLM), United States Environmental Protection Agency (EPA), United States Army Corps of Engineers (USACE), Navajo Nation Tribal Historic Preservation Officer (NNTHPO), the Advisory Council on Historic Preservation (ACHP), Arizona Public Service Company (APS), Public Service Company of New Mexico (PNM), Navajo Transitional Energy Company, LLC (NTEC), and BHP Billiton Mine Management Company (MMCo).

**RECITALS**

**WHEREAS**, NTEC, APS, PNM and MMCo are proponents of the Four Corners Power Plant and Navajo Mine Energy Project (“Project”) whose purpose is to facilitate on-going operations at the Four Corners Power Plant (FCPP) and on NTEC’s Navajo Mine lease and associated properties to provide for long-term, reliable, continuous, and uninterrupted base load electrical power to customers in the southwestern U.S., using a reliable and readily available and permitted fuel source; and

**WHEREAS**, NTEC proposes to mine a portion of Area IV North, Area IV South, and to continue to mine in Area III, and to permanently realign Burnham Road which (as shown in Attachment A to this Agreement) are within NTEC's lease boundary on the Navajo Reservation southwest of Farmington in northwestern New Mexico. NTEC's activities are termed the "Mine Project" for mining in Area III, Area IV North, and Area IV South (including both the Navajo Mine Surface Mining Control and Reclamation Act of 1977 (SMCRA) Permit Area and the proposed Pinabete Permit Area) and the completed realignment of Burnham Road North and the eventual realignment of Burnham Road South; and

**WHEREAS**, the Mine Project includes the following primary components that would be operated for the anticipated life of the project:

- Open pit surface coal mining and related activities (under the Navajo Mine SMCRA Permit and the proposed Pinabete Permit Area which includes portions of Area IV North and Area IV South),
- Reclamation activities,
- Mining infrastructure (e.g., roads, facilities, powerlines);
- Realignment of Burnham Road South, the application or proposal for which will be submitted in the future in advance of planned mining activities in the areas traversed by the existing Burnham Road ; and

**WHEREAS**, pursuant to Section 106 of the National Historic Preservation Act (NHPA), OSMRE, the Navajo Nation Tribal Historic Preservation Officer, which is the Director of the NNTHPO, the USACE, BIA, BLM, and BHP Navajo Coal Company (BNCC) were signatory parties to an Amended Programmatic Agreement governing permitted mining, reclamation, and related activities in Area III and Area IV North of BNCC's mine lease (2011 Amended Programmatic Agreement); and

**WHEREAS**, through the execution of this Second Amended Programmatic Agreement ("Agreement" or "APA"), OSMRE, NNTHPO, USACE, USEPA, BIA, BLM, and NTEC seek to amend the 2011 Amended Programmatic Agreement, in accordance with its terms, to accommodate certain project modifications; and

**WHEREAS**, OSMRE is the lead Federal agency responsible for ensuring compliance with Section 106 of the NHPA and under the Indian Lands Program, would need to approve, pursuant to the SMCRA, the mining permit for the proposed coal mining and therefore is a Signatory to this Agreement; and

**WHEREAS**, the Navajo Nation, acting through its Historic Preservation Department, has assumed the role of the NNTHPO pursuant to Section 101(d)(2) of the NHPA, as amended, and therefore the NNTHPO is a Signatory to this APA; and

**WHEREAS**, the USACE would need to approve, pursuant to Section 404 of the Clean Water Act, a permit(s) for the proposed mining in Areas III, IV North and IV South, has agreed to participate in the Section 106 consultation process, and therefore is a Signatory to this APA; and

**WHEREAS**, the EPA would need to approve a revised Section 402 National Pollutant Discharge Elimination System (NPDES) permit, has agreed to participate in the Section 106 consultation process, and therefore is a Signatory to this APA; and

**WHEREAS**, the BIA: (a) has approved a realignment of a portion of the Burnham Road, now completed (BIA Road N-5028) (“Burnham Road North”); (b) would need to evaluate and approve a realignment of another portion of the Burnham Road to be proposed in the future (“Burnham Road South”) as depicted on Attachment A; and (c) has applications for rights-of-way renewal pending for certain roads, and has agreed to participate in the Section 106 consultation process, and therefore is a Signatory to this APA; and.

**WHEREAS**, the BLM would need to approve new Resource Recovery and Protection Plan pursuant to BLM regulations and the Indian Mineral Leasing Act, has agreed to participate in the Section 106 consultation process, and therefore is a Signatory to this APA; and

**WHEREAS**, as the result of a series of transactions, NTEC is now the lessee of the Navajo Mine Lease and holds the Navajo Mine SMCRA Permit and will be the Pinabete Permit Area SMCRA permittee in the event OSMRE determines to grant that permit; and

**WHEREAS**, MMCo and NTEC have entered an agreement under which MMCo will be serving as the mine manager for a period of time, and pursuant to which MMCo has certain obligations to NTEC to pursue the issuance of federal permits and approvals required for operation of Navajo Mine for periods after July 6, 2016; and

**WHEREAS**, NTEC (and its predecessor), as the proponent of the Mine Project, has provided information for mapping the Mine Project area and the Area of Potential Effects (APE) as determined by OSMRE in consultation with NNTHPO, agencies, and other consulting parties, and, using qualified outside consultants as specified in this Agreement, stands ready to undertake inventory work, to assist in evaluating eligibility, to assist in seeking to resolve adverse effects on historic properties, and fund activities related to the identification, evaluation, and treatment of adverse effects, and has been invited to participate as a Signatory to this Agreement; and

**WHEREAS**, this Agreement shall apply to all activities, including short-term construction and long-term operation, mining, reclamation and all related activities authorized and associated with the Mine Project including all modifications and revisions;

**WHEREAS**, Section 106 of the NHPA and its implementing regulations for *Protection of Historic Properties*, Title 36, Code of Federal Regulations, Part 800 (36 CFR 800), require a Federal Agency with direct or indirect jurisdiction over a Federal, federally assisted, or federally permitted or approved undertaking to take into account the effects of the undertaking on historic properties included in or eligible for the National Register of Historic Places (NRHP), and, prior to approval of an undertaking, to afford the ACHP, consulting parties, and other interested parties a reasonable opportunity to comment on the undertaking (the Section 106 review process); and

**WHEREAS**, the ACHP has elected to participate in the Section 106 process; and

**WHEREAS**, during the previous 2011 Amended Programmatic Agreement, in addition to the participation of, and consultation with, NNTHPO, OSMRE sought consultation with tribes through correspondence and telephone inquiries; and

**WHEREAS**, prior to the execution of this Agreement, OSMRE (and its predecessor agency, the United States Geological Service, or USGS) has completed certain steps to comply with Section 106 of the NHPA in order to permit mining activities in Area III as memorialized in a 1978 Memorandum of Agreement, as amended, and related correspondence; and

**WHEREAS**, in accordance with the terms and conditions of the original 2011 Amended Programmatic Agreement, which this Agreement is intended to amend and supersede, OSMRE and other parties have complied with, and substantially completed the work required by, Stipulations in this Agreement for significant portions of Area IV North (as reflected in a November 9, 2009 letter referenced in Attachment G); and

**WHEREAS**, prior to the execution of this Agreement, OSMRE, NNTHPO and other parties have completed certain steps to comply with Section 106 of the NHPA relating to Navajo Mine activities; and

**NOW, THEREFORE**, the Signatories to this Agreement shall fulfill the following stipulations during the Burnham Road South realignment, and construction, operation, mining, reclamation and all related activities in Areas III, IV North and IV South. This will take into account the effects of the Mine Project on archaeological, historical, and Traditional Cultural Properties (TCPs) listed in or eligible for inclusion in the NRHP or otherwise subject to consideration under the Native American Graves Protection and Repatriation Act (NAGPRA), The Navajo Nation Policy for the Protection of Jishchaa, and related Federal and Navajo Nation cultural resources policies and regulations (Attachment B).

## **STIPULATIONS**

### **Stipulation 1. The Area of Potential Effect and Identification of Historic Properties**

- A. OSMRE, in consultation with the NNTHPO, and other consulting parties has established the APE, as defined at 36 CFR 800.16(d). For the Navajo Mine the APE includes mining areas and a one mile buffer around these areas for the additional consideration of TCPs (Attachment A).
- B. Under the direction of OSMRE and with the NNTHPO, and other consulting parties, through qualified outside consultants, NTEC (or its predecessor in interest) has conducted extensive inventory work for the identification of cultural resources within the APE, including archaeological and ethnographic investigations and surveys, as of the date of this Agreement.

### **Stipulation 2. Evaluation of Historic Properties for Eligibility**

- A. In consultation with the NNTHPO, OSMRE has made determinations of eligibility for listing on the NRHP of sites identified through inventory work considered in accordance with the 2011

Amended Programmatic Agreement (Area III and Area IV North), and the 2009 Cultural Resources Compliance Form (HPD-09-611-Revised) prepared for Desert Rock Energy Project (Area IV South), as summarized in Attachment C. Determinations of eligibility for potential TCPs within the APE and outside the Mine Lease boundaries will be reviewed and finalized.

- B. When making determinations of eligibility for the NRHP of reported, newly discovered, or reevaluated sites that may be necessary, OSMRE shall consult with the NNTHPO to seek consensus determinations of the NRHP eligibility of properties identified on the Navajo Mine. OSMRE also shall consult with the Signatories to this Agreement and take into account their views.
- C. If the NNTHPO or other Signatories to this Agreement disagree with OSMRE determinations of eligibility, OSMRE shall consult with the objecting party or parties to resolve the objection. If a resolution cannot be agreed upon, OSMRE shall forward the required documentation to the Keeper of the NRHP for a final determination pursuant to regulations for *Determinations of Eligibility for the National Register of Historic Places* (36 CFR 63).
- D. Nothing in this Agreement shall be construed to require OSMRE to reconsider eligibility determinations made under the 2011 Amended Programmatic Agreement or its predecessor agreements, including without limitation the 1978 Memorandum of Agreement; or the 2009 Cultural Resources Compliance Form (HPD-09-611-Revised) prepared for Desert Rock Energy Project (Area IV South).

**Stipulation 3. Determination of Effect and Adverse Effect of the Project on Historic Properties**

- A. As summarized in Attachment C, OSMRE, in consultation with NNTHPO, NTEC, and review by consulting parties, OSMRE has applied the criteria of adverse effect (36 CFR 800.5) to NRHP-eligible properties located within the APE.
- B. OSMRE, in consultation with NNTHPO and other consulting parties who are Signatories to this Agreement, shall continue to apply the criteria of adverse effect (36 CFR 800.5) to NRHP-eligible properties located within the APE. OSMRE shall provide a review opportunity for all Signatories to this Agreement in accordance with Stipulation 7 to comment on effects to eligible and listed properties.
- C. Unless mining plans change which would result in a change to the APE, (Stipulation 5) nothing in this Agreement shall be construed to require OSMRE to reconsider effect or adverse effect determinations made under the 2011 Amended Programmatic Agreement; or the 2009 Cultural Resources Compliance Form (HPD-09-611-Revised) prepared for Desert Rock Energy Project (Area IV South).

**Stipulation 4. Responsibilities of Federal Agencies and Project Proponents**

- A. OSMRE, as a result of its permitting responsibilities, is the lead federal agency under Section 106 of the National Historic Preservation Act, as amended. OSMRE and NNTHPO shall coordinate as necessary to ensure that each of their respective responsibilities is clearly defined.
- B. NTEC and MMCo shall be responsible for communicating with OSMRE and/or NNTHPO regarding compliance with this Agreement, recognizing that NTEC is responsible for any obligations of the Mine Project proponents.

**Stipulation 5. Project Modifications**

If development designs or changes in designs, including without limitation the submittal of a specific proposal for the realignment of Burnham Road South, require expansion or other modification of the APE or materially modify the nature of potential effects, NTEC shall retain qualified outside consultants to undertake supplemental inventory work in newly defined portions of the APE, to identify any historic properties in the expanded or modified APE, and to provide recommendations on eligibility and assess effects. OSMRE shall consult with the NNTHPO on the NRHP-eligibility of any newly identified cultural resources, about the effect of the project on any NRHP-eligible properties, and about treatment to avoid, reduce, or mitigate any identified adverse effects, in a manner consistent with Stipulations 1, 2, and 3.

**Stipulation 6. Resolution of Adverse Effects**

- A. In accordance with the 1978 Memorandum of Agreement, as amended, relating to prior construction, mining, reclamation and all related activities on NTEC's mine lease, including without limitation Area III, OSMRE's predecessor, the Advisory Council, the New Mexico State Historic Preservation Officer (predecessor to NNTHPO under Section 106 of the National Historic Preservation Act), and Utah International, Inc. (BNCC and NTEC's predecessor), those agencies complied with the then existing requirements of Section 106 of the National Historic Preservation Act and its implementing regulations. Compliance is demonstrated by the December 12, 1984 letter from OSMRE's Mr. Allen D. Klein to Utah International's Mr. R.C. Diederich, and the July 1, 1986 letter from OSMRE's Mr. Melvin L. Shilling to Utah International's Mr. John Grubb (Attachment G).
- B. As summarized in Attachments C and D, OSMRE, NNTHPO, and NTEC consulted, and identified minimization, avoidance, and mitigation measures to resolve adverse effect determinations, and implemented measures to resolve adverse effects concerning certain historic properties within the APE.
- C. OSMRE, NNTHPO, and the other Signatories shall consult and identify minimization, avoidance, and mitigation measures to resolve any other adverse effect determinations concerning any other historic properties within the APE, not already addressed as shown in Attachments C and D or that may be identified in the future.
- D. If any of the consulting parties who execute this Agreement as Invited Signatories advise OSMRE and/or NNTHPO of concerns about effects on properties to which they ascribe traditional religious or

cultural significance, OSMRE in consultation with the NNTHPO shall seek to consult with them about possible measures to resolve the adverse effects.

E. For additional mining, or related activity of the Mine Project, OSMRE and NNTHPO shall guide NTEC in development of plans to resolve adverse effects, including without limitation treatment plans (Treatment Plans). Treatment Plan(s) shall conform to federal requirements (Attachment B), and in consideration of the Navajo Nation's policies under the Navajo Nation Cultural Resources Protection Act (CMY-19-88), and will address any adverse effects, the resolution of which is agreed to be appropriate, on historic properties, including traditional cultural properties. The nature of the treatment may vary for the various types of affected historic properties, and separate Treatment Plans may be developed for different portions of the APE or for different types of historic properties. Treatment Plan(s) shall:

1. Be consistent with the Secretary of the Interior's Standards and Guidelines, as amended and annotated ([http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm)), and other applicable ordinances, regulations, and policies of the Navajo Nation; and
2. Describe the properties to be affected by mining and associated operations and the nature of those effects; and
3. Identify the significant values of the properties within relevant historic contexts, as defined in NRHP Bulletin 16 (How to Complete the NRHP Registration Form) and Navajo regulation and guidance, and how those values would be affected; and
4. Specify any measures to avoid, reduce, or mitigate adverse effects on those significant values.
5. Specify safety and related protocols to facilitate access by Navajo Nation members who have an identifiable interest in Navajo TCPs and burial sites on the Mine Lease, provided such access does not interfere with operations and activities on the Mine Lease.

F. OSMRE, in consultation with the NNTHPO, shall review draft Treatment Plan(s). On approval of the Treatment Plan(s), NTEC shall proceed to implement the Final Treatment Plan(s).

G. OSMRE shall distribute the approved the final Treatment Plan(s) to all parties to this agreement pursuant to Stipulation 7.

H. OSMRE in conjunction with NNTHPO shall ensure that the Treatment Plan(s) is implemented.

I. Many of the affected historic properties are likely to be archaeological sites and if avoidance is not feasible, treatment, if any, is likely to involve studies to recover and preserve important archaeological materials and information. Treatment Plan(s) that involves archaeological data recovery shall specify at a minimum:

1. Research questions and goals that are derived from relevant historic contexts, as applicable to the region in which the project is located, and which can be addressed

through data recovery and archival studies, along with an explanation of their relevance and importance; and

2. Fieldwork and analytical methods that are appropriate for the collection of the requisite data to address the defined research questions; and
3. The level of effort to be expended on the treatment of each property, including rationale and methods for proposed sampling; and
4. Strategies for distributing and/or archiving collected information to both professional and nonprofessional audiences, including a proposed schedule of reports or media products (if multiple related studies are conducted to recover data, the strategies for distributing information shall include the preparation of a synthesis to integrate the results of the multiple related studies); and
5. Methods and procedures for addressing any human remains and cultural objects pursuant to Stipulation 8, including plans of action or burial agreements as warranted; and
6. Qualifications of the study team; and
7. Obtainment of any necessary cultural resource permits.

J. If mining and related activities remain unchanged, nothing in this Agreement shall be construed to require OSMRE to reconsider or require further treatment or other steps to resolve adverse effects for historic properties considered previously in Section 106 consultations relating to activities at Navajo Mine and ancillary facilities.

#### **Stipulation 7. Review, Comment, and Consultation**

- A. Plans prepared in accordance with this Agreement shall be consistent with guidelines of the Secretary of the Interior and NNTHPO.
- B. OSMRE in conjunction with the NNTHPO shall consider any comments on draft plans or any other requests for consultation or comment from Signatories provided within thirty (30) calendar days, and request the project proponent to make appropriate revisions. OSMRE shall submit final documents to the NNTHPO and other parties to this Agreement for reference.
- C. If any Signatory does not respond within thirty (30) calendar days of any request for consultation, OSMRE will consider that Signatory to have waived its consultation right concerning that request or to have agreed with the agency recommendation.

#### **Stipulation 8. Treatment of American Indian Remains and Cultural Objects**

The treatment of American Indian remains and any funerary objects, sacred objects, or objects of cultural patrimony (cultural objects) found on the Navajo Reservation shall be addressed in accordance

with the *Navajo Nation Policy for the Protection of Jishchaá: Gravesites, Human Remains, and Funerary Items* (Jishchaá Policy), and in a manner that is consistent with the NAGPRA and its implementing regulations (43 CFR 10).

**Stipulation 9. Authorization of Construction and Mining**

- A. For purposes of compliance with cultural resources management requirements, including without limitation NHPA Section 106 and NAGPRA, NTEC is authorized to continue with construction, mining, reclamation, and all related activities in Area III of the Mine Lease.
- B. For purposes of compliance with cultural resources management requirements, including without limitation NHPA Section 106 and NAGPRA, NTEC is authorized to continue with construction, mining, reclamation, and all related activities in the portion of Area IV North of the Mine Lease permitted for mining and related activities under the Navajo Mine SMCRA Permit.
- C. Following implementation of Treatment Plans that may be determined to be necessary or appropriate for other Mine Project areas as approved pursuant to Stipulation 6 of this Agreement, OSMRE may, in its discretion, authorize the initiative of construction, mining, reclamation and other activities in those areas covered by a fully implemented Treatment Plan(s).

**Stipulation 10. Confidentiality**

The distribution of sensitive information about the locations and nature of inventoried historic properties shall be limited as provided for by Section 304 of the National Historic Preservation Act, 36 CFR 800.11(c), and Section 9(a) of the Archaeological Resource Protection Act, 16 USC 470hh (a); regulations implementing the Surface Mining Control and Reclamation Act (30 CFR 773.6(d) (3) (iii)), and the Navajo Nation Privacy Act at 2 N.N.C. Section 85. Pursuant to this stipulation, the consulting parties to this Agreement agree to appropriately control the distribution of any confidential information they may receive as a result of their participation in this Agreement.

**Stipulation 11. Unanticipated Discoveries**

If archaeological resources or cultural objects are unexpectedly discovered during project implementation by activities other than archaeological testing or data recovery excavations conducted pursuant to a Treatment Plan, they shall be treated as discoveries. All work that might adversely affect the discovery shall cease and the Plan for Treatment of Unanticipated Discoveries of Archaeological Resources (Attachment E) shall be implemented.

**Stipulation 12. Damage of Known Historic Properties**

If known historic properties are affected, directly or indirectly, in a manner that was not anticipated or authorized, the damages shall be treated as violations of the Archaeological Resources Protection Act; the Navajo Nation Cultural Resources Protection Act, as applicable; and SMCRA. The project proponent shall cease all work at the site of the damage and immediately notify NNTHPO. In turn, NNTHPO shall

coordinate with the proper law enforcement agency, which will conduct an investigation and pursue criminal penalties or civil assessments as warranted. OSMRE inspectors may become involved as necessary.

### **Stipulation 13. Curation**

All cultural materials collected from the Navajo Reservation lands in conjunction with inventory and treatment activities will remain the property of the Navajo Nation. OSMRE and the NNTHPO shall ensure that artifacts and records resulting from the inventory and treatment programs are curated in accordance with 36 CFR 79, except for the disposition of human remains and associated cultural objects, which shall be determined in consultation pursuant to Stipulation 8. NTEC will pay reasonable curation costs at a NNTHPO-approved facility.

### **Stipulation 14. Professional Qualifications and Permits**

OSMRE shall ensure that all historic preservation work pursuant to this Agreement is conducted by or under the supervision of a person or persons meeting the Secretary of the Interior's *Professional Qualifications Standards* (36 CFR 61), and in accordance with all required permits including those required under the Archaeological Resource Protection Act and the Navajo Nation Code.

### **Stipulation 15. Dispute Resolution**

Should any Signatory Party to this agreement object in writing to any actions proposed or carried out pursuant to this Agreement, OSMRE shall notify the NNTHPO and consult with this party to resolve the objection. If OSMRE determines that the objection cannot be resolved, that agency shall forward all documentation relevant to the dispute to the Advisory Council. Within 30 days after receipt of all pertinent documentation, the Advisory Council shall either:

1. Advise OSMRE that the ACHP concurs in the proposed response to the objection; or
2. Provide OSMRE with recommendations that the agency shall take into account in reaching a final decision regarding the dispute; or
3. Notify OSMRE that it will comment pursuant to 36 CFR 800.7(c), and proceed to comment. OSMRE shall take into account any ACHP comments made under this provision.

Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute. The responsibility of OSMRE to carry out all actions under this Agreement that is not the subject of the dispute will remain unchanged.

### **Stipulation 16. Amendments and Termination**

- A. Any Signatory to this Agreement may request that it be amended by informing OSMRE in writing of the reason for the request and the proposed amendment language, whereupon OSMRE shall inform the other Signatories and request their views concerning the proposed amendment. All

Signatories must agree to any amendment before it can take effect, and such agreement shall not be unreasonably withheld.

- B. In the event that the terms of the Agreement cannot be or are not being carried out, the Signatories shall consult to seek amendment of the Agreement. If an agreement cannot be reached on an amendment, any Signatory may terminate it pursuant to 36 CFR 800.6(c) (8). OSMRE then shall either seek to negotiate a memorandum of agreement under 36 CFR 800.6(c) or request and consider the comments of the Advisory Council, pursuant to 36 CFR 800.7(a).

#### **Stipulation 17. Duration**

OSMRE and NNTHPO and the signatory parties shall review this Agreement in January every five years after its execution as long as mining and related operations continue in operation in any of Area III, Area IV North, and Area IV South to determine whether the Agreement needs to continue and whether any changes and/or termination may be needed. If at any other time the Signatories agree that the goals of the Agreement have been fulfilled, the Agreement may be terminated by mutual consent.

#### **Stipulation 18. Execution**

- A. Execution of this Agreement, filing of the Agreement with the ACHP pursuant to 36 CFR 800.6(b) (1) (iv), and implementation of its terms is evidence that OSMRE have taken into account the effects of Area III, Area IV North, Area IV South mining on historic properties protected under Section 106 of the NHPA, and has afforded the ACHP an opportunity to comment.
- B. On execution of this Agreement, all prior agreements regarding compliance with NHPA Section 106 and its implementing Agreements are superseded and replaced by this Agreement.

## **ATTACHMENTS**

**Attachment A - Navajo Mine Location and APE Map**

**Attachment B - Regulations and Guidelines**

**Attachment C - Archeological Sites within the Mine Lease Area – Status Table [TO BE UPDATED AS NEEDED] (comprehensive list of all current and previous determinations within the APE)**

**Attachment D - Traditional Cultural Properties (TCP) Sites within the APE – Status Table [TO BE UPDATED AS NEEDED] (comprehensive list of all current and previous determinations within the APE)**

**Attachment E – Plan for Treatment of Unanticipated Discoveries of Archaeological Resources**

**Attachment F - Definitions**

**Attachment G - List of Documents Reflecting Prior Compliance Efforts**

**Area of Potential Effect**  
Navajo Mine

**PROJECT BOUNDARIES**

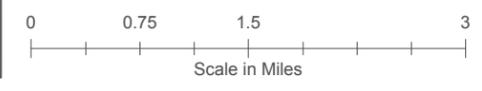
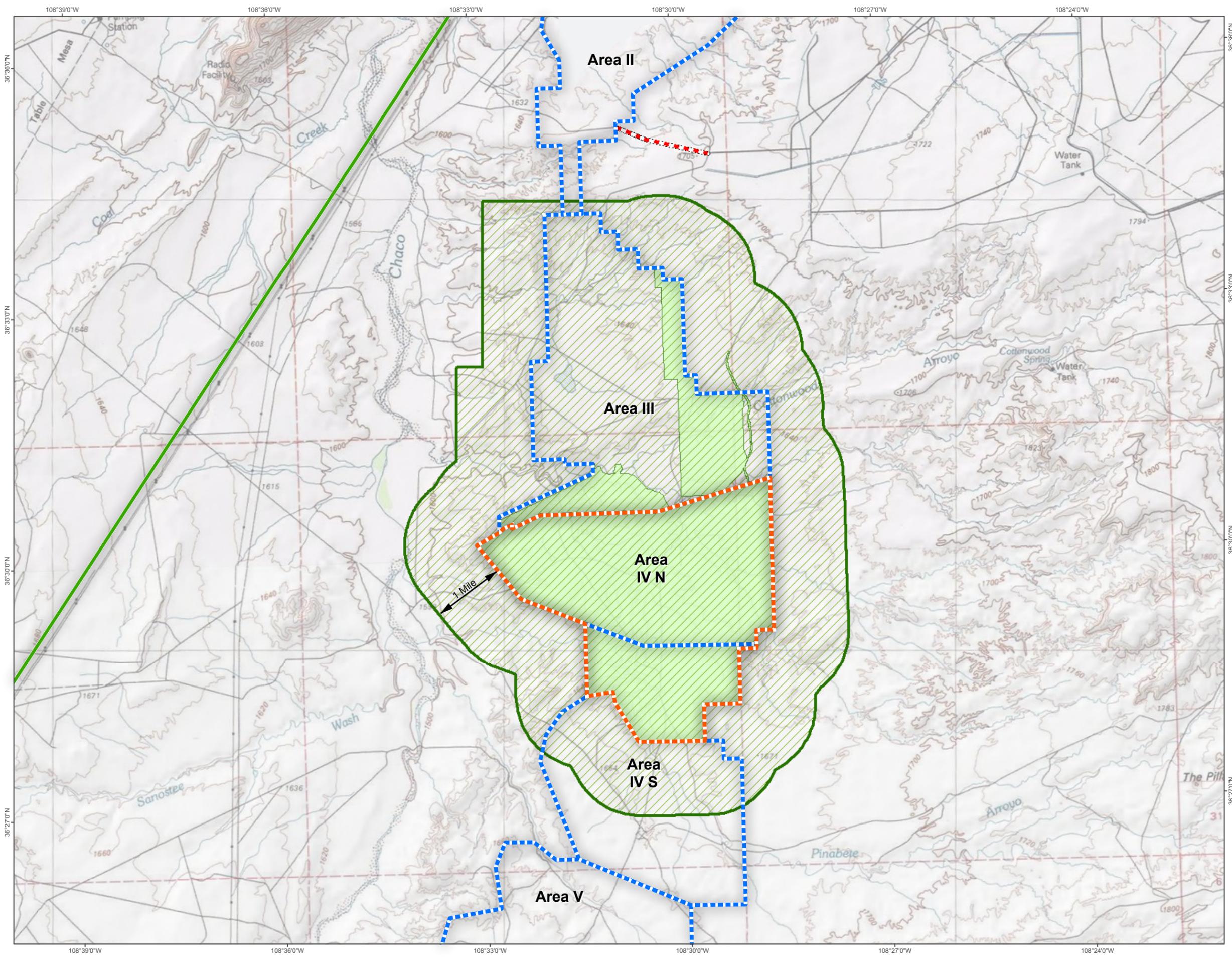
- Navajo Mine Lease Area 
- Pinabete Mine Permit Boundary 

**TRANSMISSION LINES**

- 345kV 

**AREA OF POTENTIAL EFFECT**

- TCP APE 
- Mining Related Disturbance Area 
- Area III Road 





## **Attachment B - Regulations and Guidelines**

Navajo Nation Cultural Resources Protection Act (NNCRPA) (CMY-19-88)

National Historic Preservation Act (NHPA); (16 USC 470 et seq.)

NHPA Implementing Regulations (36 CFR Part 800)

National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (NPS 1990; Revised 1992; 1998)

Archaeological Resources Protection Act (ARPA; 16 USC 470, 43 CFR 7)

American Indian Religious Freedom Act (ARPA; 42 USC 1996 and 1996a)

Native American Graves Protection and Repatriation Act (NAGPRA; 25 USC 3001; 43 CFR 10)

Using Section 106 to Protect Historic Properties (2011)

The ACHP's guidance on conducting archaeology under Section 106 (2009)

The ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007)

The Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983)

BLM 8110 Manual: Identifying and Evaluating Cultural Resources

The Navajo Nation Policy for the Protection of Jishchaa'

Navajo Nation Policy for the Disposition of Cultural Resource Collections



**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

**Table C-1. Archaeological sites in Navajo Mine Area III North.**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
LA 19374	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19375	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19411	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19412	Navajo Nation	Previously recorded lithic and ceramic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19413	Navajo Nation	Previously recorded artifact scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19596	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19599	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19605	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Mitigated; No further work	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
LA 19414	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19439	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19439A	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19437	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19464	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19463	Navajo Nation	Previously recorded artifact scatter with features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19480	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19546	Navajo Nation	Previously recorded artifact scatter with features	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
LA 19548	Navajo Nation	Previously recorded habitation	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19515	Navajo Nation	Previously recorded rock ring	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19516	Navajo Nation	Previously recorded artifact scatter and habitation	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19553	Navajo Nation	Previously recorded artifact scatter and multiple residence	Anasazi	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19325	Navajo Nation	Previously recorded multiple structures	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19334	Navajo Nation	Previously recorded hogan and cairn	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19327	Navajo Nation	Previously recorded multiple structures	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19508	Navajo Nation	Previously recorded hogans and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
LA 19509	Navajo Nation	Previously recorded hogan and wall	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19511	Navajo Nation	Previously recorded structures	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19549	Navajo Nation	Previously recorded hogan	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19551	Navajo Nation	Previously recorded multiple structures and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19554	Navajo Nation	Previously recorded habitation and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19580	Navajo Nation	Previously recorded habitation and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19587	Navajo Nation	Previously recorded hogan and rockshelter	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19588	Navajo Nation	Previously recorded habitation and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
LA 19583	Navajo Nation	Previously recorded hogan and features	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19576	Navajo Nation	Previously recorded structures	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible
LA 19573	Navajo Nation	Previously recorded coal mine	Navajo	Eligible	Eligible	Mitigated; No further work	Eligible

**Table C-2. Archaeological sites in Navajo Mine Area IV North.**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
NM-H-28-2	Navajo Nation	Previously recorded artifact scatter	Anasazi	Not eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-28-4	Navajo Nation	Previously recorded habitation/ field house	Anasazi	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-28-174	Navajo Nation	Previously recorded habitation and feature	Anasazi/ Navajo	Eligible	Eligible	Tested 2007; Data recovery conducted 2008; Avoidance	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
NM-H-29-100	Navajo Nation	Previously recorded seasonal ranching habitation	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-101	Navajo Nation	Previously recorded sandstone quarry	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-102	Navajo Nation	Previously recorded temporary camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-103	Navajo Nation	Previously recorded temporary camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-104	Navajo Nation	Previously recorded feature	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-105	Navajo Nation	Previously recorded habitation	Navajo	Eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-106	Navajo Nation	Previously recorded habitation	Navajo	Eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-107	Navajo Nation	Previously recorded single residence habitation	Navajo	Eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-108	Navajo Nation	Previously recorded storage structure	Anasazi	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-109	Navajo Nation	Previously recorded feature	Navajo	Not eligible	Not eligible	No further work	Not eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
NM-H-29-110	Navajo Nation	Previously recorded habitation	Anasazi	Eligible	Eligible	Avoidance; limited testing; site may be outside APE	Eligible
NM-H-29-111	Navajo Nation	Previously recorded sheep camp	Navajo	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-112	Navajo Nation	Previously recorded water control features	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-113	Navajo Nation	Previously recorded features	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-31	Navajo Nation	Previously recorded feature	Unknown	Eligible	Not eligible	No further work	Not eligible
NM-H-29-32	Navajo Nation	Previously recorded features	Unknown	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-33	Navajo Nation	Previously recorded features	Unknown/ possible Navajo	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-34	Navajo Nation	Previously recorded artifact scatter and multiresidence habitation complex	Anasazi/ Navajo	Eligible	Eligible	Tested 2007; Data recovery conducted 2007; Avoidance	Eligible
NM-H-29-35	Navajo Nation	Previously recorded habitation	Navajo	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-29-80	Navajo	Habitation	Anasazi	Eligible	Eligible	Tested 2007; Data recovery	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
	Nation					conducted 2007; Avoidance	
NM-H-29-81	Navajo Nation	Rockshelter/ temporary camp	Navajo	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-29-82	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-83	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-84	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-85	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-86	Navajo Nation	Cairn	Possible Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-87	Navajo Nation	Shepherders camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-88	Navajo Nation	Habitation	Anasazi	Eligible	Eligible	Data recovery conducted 2008; Avoidance	Eligible
NM-H-29-89	Navajo Nation	Mining test pits	Recent Anglo-Euro/ American Mining	Not eligible	Eligible	Avoidance	Eligible
NM-H-29-90	Navajo Nation	Shepherders camp	Navajo	Not eligible	Not Eligible	Avoidance	Not Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
NM-H-29-91	Navajo Nation	Previously recorded Wagon road and masonry wall support	Navajo	Not eligible	Eligible	Avoidance	Eligible
NM-H-29-92	Navajo Nation	Previously recorded features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-29-93	Navajo Nation	Previously recorded coal mine shaft/ test pit	Unspecified historic	Not eligible	Eligible	Avoidance	Eligible
NM-H-29-94	Navajo Nation	Previously recorded water control check-dams	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-95	Navajo Nation	Previously recorded water control earthen dam	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-29-96	Navajo Nation	Previously recorded habitation	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-97	Navajo Nation	Previously recorded multi-residence habitation complex	Navajo	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-29-98	Navajo Nation	Previously recorded habitation	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-29-	Navajo	Previously	Anasazi/	Eligible	Eligible	Avoidance;	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
99	Nation	recorded ceramic scatter and pastoral residence	Navajo			data recovery	
NM-H-36-22	Navajo Nation	Previously recorded lithic scatter and lithic and ceramic scatter	Anasazi	Not eligible	Pending	Tested 2007; Avoidance	Pending (Eligible)
NM-H-36-23	Navajo Nation	Previously recorded temporary camp and burial	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-24	Navajo Nation	Previously recorded artifact scatter with features	Archaic/Anasazi	Eligible	Eligible	Data recovery conducted 2008; Avoidance	Eligible
NM-H-36-25	Navajo Nation	Previously recorded lithic scatter	Archaic	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-36-26	Navajo Nation	Previously recorded artifact scatter and sheep herders camp	Anasazi/Navajo	Eligible	Eligible	Data recovery conducted 2007; Avoidance	Eligible
NM-H-36-28	Navajo Nation	Previously recorded fieldhouse and pastoral habitation	Anasazi/Navajo	Eligible	Eligible	Data recovery conducted 2007; Avoidance	Eligible
NM-H-36-29	Navajo	Previously recorded buried	Anasazi	Eligible	Eligible	Tested 2007; Avoidance	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
	Nation	pueblo					
NM-H-36-30	Navajo Nation	Previously recorded feature	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-31	Navajo Nation	Previously recorded activity area and habitation	Anasazi/ Navajo	Eligible	Eligible	Data recovery conducted 2007; Avoidance	Eligible
NM-H-36-35	Navajo Nation	Previously recorded activity area	Anasazi	Eligible	Eligible	Avoidance; testing/ additional ethnographic investigation; site may be outside APE	Eligible
NM-H-36-76	Navajo Nation	Lithic scatter	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-77	Navajo Nation	Temporary camp	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-78	Navajo Nation	Lithic scatter and feature	Unknown/ Navajo	Not eligible	Not Eligible	Tested 2007; Avoidance	Not eligible
NM-H-36-79	Navajo Nation	Petroglyph panel	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-80	Navajo Nation	Lithic scatter and cairn markers	Unknown/ Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-36-81	Navajo Nation	Previously recorded lithic scatter and shepherders camp	Unknown/ Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
NM-H-36-82	Navajo Nation	Previously recorded activity areas	Archaic	Eligible	Eligible	Avoidance; data recovery	Eligible
NM-H-36-83	Navajo Nation	Previously recorded lithic scatter	Unknown	Not eligible	Not eligible	No further work	Not eligible
NM-H-36-84	Navajo Nation	Previously recorded temporary camp	Navajo	Not eligible	Eligible	Avoidance	Eligible
NM-H-36-85	Navajo Nation	Previously recorded water control dams	Unknown recent	Not eligible	Eligible	Avoidance	Eligible
NM-H-36-86	Navajo Nation	Previously recorded lithic scatter and temporary camp	Unknown/ Navajo	Not eligible	Eligible	Avoidance	Eligible
NM-H-36-87	Navajo Nation	Previously recorded shepherders camp	Navajo	Not eligible	Eligible	Avoidance	Eligible
NM-H-37-46	Navajo Nation	Previously recorded lithic scatter	Archaic	Not eligible	Not eligible	No further work	Not eligible
NM-H-37-47	Navajo Nation	Previously recorded ceramic and lithic scatter	Anasazi	Not eligible	Not Eligible	Tested 2007; Avoidance	Not eligible
NM-H-37-48	Navajo Nation	Previously recorded ceramic and lithic scatter	Anasazi	Eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-37-49	Navajo	Previously recorded	Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Findings
	Nation	shepherders camp					
NM-H-37-50	Navajo Nation	Previously recorded lithic scatter and habitation	Unknown/ Navajo	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-37-51	Navajo Nation	Previously recorded shepherders camp	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-37-52	Navajo Nation	Previously recorded lithic scatter	Unknown	Not eligible	Eligible	Tested 2007; Avoidance	Eligible
NM-H-37-53	Navajo Nation	Previously recorded ceramic scatter	Anasazi	Not eligible	Not eligible	No further work	Not eligible
NM-H-37-54	Navajo Nation	Previously recorded activity area	Navajo	Not eligible	Not eligible	No further work	Not eligible

**Table C-3. Archeological sites in Navajo Mine Area IV South APE.**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
NM-H-36-134	Navajo Nation	Previously recorded single residence	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-	Navajo	Previously	Navajo	Eligible	Eligible	Avoidance	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended by Applicant</b>	<b>THPO/SHPO Concurrence with OSM Findings</b>
135	Nation	recorded multiple residences					
NM-H-36-136	Navajo Nation	Previously recorded single residence	Anasazi	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-137	Navajo Nation	Previously recorded artifact scatter and features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-138	Navajo Nation	Previously recorded artifact scatter and features/ rock art panel	Unknown/ Navajo	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-139	Navajo Nation	Previously recorded artifact scatter and features	Archaic	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-140	Navajo Nation	Previously recorded single residence	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-141	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-144	Navajo Nation	Previously recorded multiple residence	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-145	Navajo	Previously recorded artifact	Navajo	Eligible	Eligible	Avoidance	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

Site #	Land Ownership	Description	Affiliation	NRHP Eligibility Recommendation from Applicant	NRHP Determination by OSM	Action Recommended by Applicant	THPO/SHPO Concurrence with OSM Findings
	Nation	scatter and features					
NM-H-36-146	Navajo Nation	Previously recorded lithic scatter/ artifact scatter and features	Unknown/ Navajo	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-147	Navajo Nation	Previously recorded ceremonial feature	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-149	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-150	Navajo Nation	Previously recorded artifact scatter and single residence	Anasazi/ Navajo	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-151	Navajo Nation	Previously recorded residential complex	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-152	Navajo Nation	Previously recorded features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-153	Navajo Nation	Previously recorded artifact scatter	Archaic	Not eligible	Not eligible	No further work	Not eligible
NM-H-36-236	Navajo	Features	Navajo	Not eligible	Not eligible	No further work	Not eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended by Applicant</b>	<b>THPO/SHPO Concurrence with OSM Findings</b>
	Nation						
NM-H-36-237	Navajo Nation	Artifact scatter	Unknown	Eligible	Eligible	Avoidance	Eligible
NM-H-36-240	Navajo Nation	Feature	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-36-244	Navajo Nation	Single residence and burials	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-247	Navajo Nation	Single residence/ recent trash dump	Navajo	Residence eligible/ trash dump not eligible	Eligible	Avoidance	Eligible
NM-H-36-248	Navajo Nation	Rock art panels	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-254	Navajo Nation	Artifact scatter/ artifact scatter and features	Unknown/ Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-36-260	Navajo Nation	Artifact scatter and features	Anasazi	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-50	Navajo Nation	Previously recorded multiple residence/ rock art panels	Anasazi/ Navajo	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-36-272	Navajo Nation	Feature	Navajo	Not eligible	Not eligible	No further work	Not eligible
NM-H-37-91	Navajo Nation	Previously recorded artifact scatter and rock artifact/ artifact scatter with	Unknown/ Navajo	Eligible	Eligible	Avoidance	Eligible

**ATTACHMENT C. Archeological Sites within the Mine Lease Area – Status Table**

<b>Site #</b>	<b>Land Ownership</b>	<b>Description</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Applicant</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended by Applicant</b>	<b>THPO/SHPO Concurrence with OSM Findings</b>
		features and rock art					
NM-H-37-92	Navajo Nation	Previously recorded artifact scatter and features	Archaic	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-37-93	Navajo Nation	Previously recorded artifact scatter and features	Navajo	Eligible	Eligible	Avoidance	Eligible
NM-H-37-94	Navajo Nation	Previously recorded artifact scatter	Archaic	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-37-95	Navajo Nation	Previously recorded artifact scatter and features	Archaic	Eligible	Eligible	Avoidance; testing	Eligible
NM-H-37-96	Navajo Nation	Previously recorded artifact scatter and features	Archaic	Eligible	Eligible	Avoidance; testing	Eligible



**ATTACHMENT D. Traditional Cultural Properties (TCP) Sites within APE – Status Table**

**Table D-1. TCPs identified in Navajo Mine Area III.**

<b>Site Number</b>	<b>TCP Number</b>	<b>Internal Ref/ TCP Name</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Report/ BNCC</b>	<b>NN CRPA</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Finding</b>
	Kelley TCP 2	Onion gathering area	Navajo	Not Eligible (NRHP)	Yes	Not Eligible (NRHP)	No further work, replanted	Not Eligible (NRHP)

**Table D-2. TCPs identified in Navajo Mine Area IV North.**

<b>Site Number</b>	<b>TCP Number</b>	<b>Internal Ref/ TCP Name</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Report/ BNCC</b>	<b>NN CRPA</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Finding</b>
	TCP 1*	Offering area (Alice Gilmore site)	Navajo	NRHP Criterion A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	Mitigated as TCP	Not Eligible (NRHP)
	Chavez TCP 2	Lightning-struck corral/ offering area	Navajo	NRHP A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	No further work, outside buffer	Not Eligible (NRHP)
	TCP 3	Mineral-gathering area	Navajo	NRHP (A & D) AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	No further work, not affected by mining	Not Eligible (NRHP)

**ATTACHMENT D. Traditional Cultural Properties (TCP) Sites within APE – Status Table**

Site Number	TCP Number	Internal Ref/ TCP Name	Affiliation	NRHP Eligibility Recommendation from Report/ BNCC	NN CRPA	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Finding
	TCP 4	Mineral-gathering area	Navajo	NRHP (A & D) AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	No further work, not affected by mining	Not Eligible (NRHP)
	Deenasts'aa ' Bito	Where wild sheep drink	Navajo	Identified NRHP	Yes	Not Eligible	No further work	Not Eligible
	Deenasts'aa ' Dah Njah	Where wild sheep bed	Navajo	Identified NRHP	Yes	Not Eligible	No further work	Not Eligible
	Lok'aa' Deeshjin (Cottonwood Spring)	Sacred place	Navajo	Identified NRHP	Yes	Pending	Avoidance, may be outside APE	Pending
	To Ba Jisdahi (Water that you wait for)	Well and possible ntl'iz (offering place)	Navajo	Identified NRHP	Yes	Pending	Avoidance, may be outside APE	Pending
	Tse Achiih (Nose Rock)	Sacred place	Navajo	Identified NRHP	Yes	Pending	Avoidance, unsure of location	Pending

\*Alice Gilmore House is also recorded as an IUA.

**ATTACHMENT D. Traditional Cultural Properties (TCP) Sites within APE – Status Table**

**Table D-3. TCPs identified in Navajo Mine Area IV South.**

Site Number	TCP Number	Internal Ref/ TCP Name	Affiliation	NRHP Eligibility Recommendation from Report/ BNCC	NN CRPA	NRHP Determination by OSM	Action Recommended	THPO Concurrence with OSM Finding
	TCP 5	Eagle-nesting area/offering site	Navajo	NRHP Criteria A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	Avoidance	Not Eligible (NRHP)
	TCP 7	Death Hogan/house	Navajo	NRHP Criteria A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	Avoidance	Pending
	Bii' Diich' ii Dahazkani (Tangy Spring Mesa Breeze Mountain)	Eagle taking area (possibly same as TCP 5)	Navajo	Identified NRHP	Yes	Eligible	Avoidance, No further work	Eligible
	Halii	Spring and nlt'iz (offering place)	Navajo	Identified NRHP	Yes	Pending	Avoidance	Pending

**ATTACHMENT D. Traditional Cultural Properties (TCP) Sites within APE – Status Table**

**Table D-4. TCPs identified in Burnham Road.**

<b>Site Number</b>	<b>TCP Number</b>	<b>Internal Ref</b>	<b>Affiliation</b>	<b>Location</b>	<b>NRHP Eligibility Recommendation from Report/ BNCC</b>	<b>NN CRPA</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Finding</b>
	TCP 9	Herb gathering area	Navajo	Burnham	NRHP Criteria A & D AIRFA NNTCP NNTCS	Yes	Not Eligible (NRHP)	Avoidance	Not Eligible (NRHP)

**ATTACHMENT D. Traditional Cultural Properties (TCP) Sites within APE – Status Table**

**Table D-5. TCPs identified in FCPP.**

<b>Site Number</b>	<b>TCP Number</b>	<b>Report Internal Reference/ TCP Name</b>	<b>Affiliation</b>	<b>NRHP Eligibility recommendation from report</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Findings</b>
NM-H20-15	Kfl203-1	Sheep Camp	Navajo	Eligible (Criterion D, possibly A and /or B), NNCRPA, AIRFA	Pending	Avoidance	Pending
NM-H20-21			Navajo	Eligible (Criterion D), NNCRPA, AIRFA	Pending	Avoidance	Pending
NM H-20-152	Kfl203-6	Sheep Camp	Navajo	Eligible Criteria b and D	Pending	Avoidance	Pending
	Kfl203-2	Small yellow hills	Navajo	Eligible Criterion b	Pending	Avoidance	Pending
	Kfl203-3	Sacred canyon	Navajo	Eligible Criteria A and B	Pending	Avoidance	Pending
	Kfl203-4	Historic horse and ceremonial travel corridor	Navajo	Eligible Criteria A and B	Pending	Avoidance	Pending
	Kfl203-5	Zone with The Hogback and Chaco Wash	Navajo	Eligible Criteria A and B	Pending	Avoidance	Pending

**ATTACHMENT D. Traditional Cultural Properties (TCP) Sites within APE – Status Table**

**Table D-6. TCPs identified in the ROW of APS 500-kV to Moenkopi Substation.**

<b>Site Number</b>	<b>TCP Number</b>	<b>Internal Ref</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Report</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Finding</b>
		Unnumbered TCP 1		Unevaluated	Pending	Avoidance	Pending
		Unnumbered TCP 2					
		Unnumbered TCP 3					
		Unnumbered TCP 4					
		Unnumbered TCP 5					
		Unnumbered TCP 6					

**Table D-7. TCPs identified in the ROW of APS 345-1 Four Corners-Cholla-Pinnacle Peak.**

<b>Site Number</b>	<b>TCP Number</b>	<b>Internal Ref</b>	<b>Affiliation</b>	<b>NRHP Eligibility Recommendation from Report</b>	<b>NRHP Determination by OSM</b>	<b>Action Recommended</b>	<b>THPO Concurrence with OSM Finding</b>
		Unnumbered TCP		Unevaluated	Pending	Avoidance	Pending

## **Attachment E**

### **Plan for Treatment of Unanticipated Discoveries of Archaeological Resources**

In the event that unanticipated archaeological resources are discovered during implementation of mining activities within the APE, or should known archaeological resources be inadvertently affected in a manner that was not anticipated, the following procedures shall be implemented:

1. The project proponent(s) and contractor(s) shall immediately halt all activities in the vicinity of the discovery and take steps to stabilize and protect the discovered resource until it can be evaluated.
2. The project proponents shall immediately notify NNTHPO and OSMRE, and arrange for an archaeologist with appropriate expertise to document and preliminarily assess the find and formulate a recommendation regarding whether the discovery is NRHP-eligible and merits further consideration. The archaeologist shall prepare the documentation and conduct the assessment in accordance with any permits that may be required pursuant to the Archaeological Resources Protection Act and the Navajo Nation Cultural Resources Protection Act. The assessment shall address the following factors:
  - A. The nature of the resource, such as the number and kinds of artifacts, and presence or absence of archaeological features. This may require screening of already disturbed deposits, photographs of the discovery, and collection of other information.
  - B. The spatial extent of the resource. This may require additional testing, mapping, or inspection.
  - C. The nature of the deposits in which the discovery was made. This may require additional testing, inspection, or interviews with persons involved in the discovery.
  - D. The contextual integrity of the resource, damage related to the initial discovery, and potential impacts of the continued activity that resulted in the discovery.
3. If the preliminary evaluation concludes that the find is not a type of resource protected by Federal laws or Navajo Nation laws and policies, the evaluating archaeologist shall document that conclusion and provide documentation to NNTHPO and OSMRE. If OSMRE concurs, they may authorize resumption of the activity that resulted in the discovery, with the provision that NNTHPO approval also must be obtained pursuant to the Navajo Nation Cultural Resources Protection Act.
4. If the preliminary evaluation concludes that a discovery is a type of resource that may be eligible for the NRHP or protected by the Navajo Nation Cultural Resources Protection Act or other Navajo Nation policies, the evaluating archaeologist shall provide that documentation and recommendations to the NNTHPO and OSMRE.

A. OSMRE shall evaluate the discovery in consultation with the NNTHPO, and if they concur that the find is not eligible for the NRHP, no further action shall be required, and OSMRE may authorize resumption of the activity that resulted in the discovery, with the provision that NNTHPO approval also must be obtained pursuant to the Navajo Nation Cultural Resources Protection Act.

B. If OSMRE and NNTHPO concur that the find is eligible for the NRHP or is protected by the Navajo Nation Cultural Resources Protection Act or other Navajo Nation policies, they shall review the applicability of any relevant Treatment Plan. If they determine that a plan is appropriate, OSMRE shall ensure that the project proponents implement the plan to treat the discovery. If OSMRE and NNTHPO conclude that the plan is not applicable, OSMRE shall ensure that the project proponents prepare and implement a supplemental plan to resolve the adverse effects. The supplemental plan shall be reviewed and revised pursuant to Stipulation 8 except that the period of review by the participating parties shall be limited to 5 days. The project proponents shall not resume the activity that resulted in the discovery in the vicinity of the discovery until NNTHPO and OSMRE has determined that the adverse effect has been resolved and has authorized resumption of the activity.

5. Any discoveries of human remains and their associated or cultural items shall be treated pursuant to Stipulation 8.

## Attachment F

### Definitions

**Concurring Parties:** An invited consulting party to this PA that agrees with the content of the PA. The refusal of a concurring party to sign the PA does not invalidate this PA as noted in 36 CFR Part 800.6(c) (3). Concurring parties may not terminate the PA.

**Consulting Parties:** Parties that have consultative roles in the Section 106 process, as defined in 36 CFR Part 800.2(c).

**Data Recovery:** The recovery of archaeological information from a historic property subject to an adverse effect.

**Determination of Effect:** A determination made by OSMRE in regards to a Project's effect upon a historic property as defined in 36 CFR Part 800.

**Determination of Eligibility:** A determination made by OSMRE in regards to a cultural resource's eligibility for inclusion in the NRHP and more fully described in 36 CFR Part 60 and 36 CFR Part 800.16(1)(2).

**Effect:** An alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the (see 36 CFR Part 800.16(g)).

**Environmental Impact Statement:** An analysis of a major federal action's environmental impacts conducted consistent with the National Environmental Policy Act (NEPA).

**Historic Property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural significance to an Indian tribe or Native Hawaiian organization and that meet the NRHP criteria (see 36 CFR Part 800.16(1) (1)).

**Invited Signatory:** OSMRE has invited PNM and APS to be signatories to this PA pursuant to 36 CFR Part 800.6(c) (2). The refusal of any invited signatory to sign the PA does not invalidate the PA.

**Signatory Parties:** All signatories to this PA, other than Concurring Parties, which includes OSMRE, BLM, BIA, EPA, the Corps, NNTHPO, NTEC, and MMCo.

**Treatment Plan:** A plan developed in consultation with the parties to this Agreement that identifies the minimization and mitigation measure for historic properties located within the APE that will be adversely affected by the Project.

## Attachment G

### List of Documents Reflecting Prior Compliance Efforts

1. Fetterman, Jerry. 2011. Cultural Resource Investigations within Area IV North, BHP Navajo Coal Company's Navajo Mine, Navajo Reservation, Nenahnezad Chapter, Shiprock Agency, San Juan County, New Mexico. Volume I: Introduction and Preceramic Occupations; Volume 2: Anasazi Occupations; Volume 3: Navajo Occupations.
2. November 9, 2009 Letter from Brenda A. Steele, OSMRE, to Ron Maldonado, NNTHPO, regarding compliance with 2007 Programmatic Agreement, including signed acknowledgment by NNTHPO and OSMRE concerning fulfillment of 2007 Programmatic Agreement Stipulations;
3. Honeycutt, L. 2008. Preliminary Report on Excavation of 19 Sites, Lease Area IVN, BHP Billiton Navajo Coal Company's Navajo Mine, Navajo Reservation, Nenahnezad Chapter, Shiprock Agency, San Juan County, New Mexico;
4. Johnson, J. Harris, N., Yost, S.W., Messerli, T.F. & Shine, T. 2007. NRHP Eligibility Testing at 33 Sites Located within Lease Area IV North, BHP Billiton Navajo Coal Company's Navajo Mine, Navajo Reservation, Nenahnezad Chapter, Shiprock Agency, San Juan County, New Mexico, (EMI Report Number 745), Ecosystem Management Inc.;
5. Kelly, K., Francis, H., Martin, R., Torrez-Nez, J. and Bernard M. 2007. Each Place Brings Stories. Navajo Mine, Area IV North Cultural Resources Intensive Data Recovery Project, Navajo Ethnography Sub-Project. Dine'tahdoo CRM, Farmington, New Mexico;
6. Fetterman, J. 2007. Cultural Resource Summary and Site Specific Recommendations for Phase II Investigations within Lease Area IV North, BHP-Billiton Navajo Coal Company's Navajo Mine, Navajo Reservation, Nenahnezad Chapter, Shiprock Agency, San Juan County, New Mexico. Woods Canyon Archaeological Consultants, Inc. Prepared for BHP Navajo Mine.
7. March 07, 2008 Cultural Resources Compliance Form, NNPHD No. HPD-06-843-Revised, Project Title: Cultural Resource Survey of 188 Acres (76 hectares) for Proposed Realignment of Burnham Road, within and outside the Navajo Mine Lease Area, Located in the Nenahnezad Chapter, Navajo Nation, San Juan County New Mexico;
8. Programmatic Agreement for Area IV North, executed in June and August, 2007, and attachments;
9. Burleson, R. 2006. Cultural Resources Survey of 188 Acres (76 hectares) for a Proposed Realignment of Burnham Road, Within the Navajo Mine Lease Area, Located in the Nenahnezad Chapter, Navajo Nation, San Juan County, New Mexico, (EMI Report Number 685a), Ecosystem Management, Inc.;

10. Burlison, R., Phippen, R. and Yost, S.W. 2006. Data Recovery and Treatment Plan For 47 Sites Located on Lease Area IV North, BHP Billiton Navajo Coal Company's Navajo Mine, Navajo Reservation, Nenahnezad Chapter, Shiprock Agency, San Juan County, New Mexico, (EMI Report Number 685), Ecosystem Management, Inc.;
11. Chavez, L. 2006. An Ethnographic Assessment of Navajo Traditional Cultural Properties and Burials within the BHP-Navajo Mine Coal Company Lease Areas IV-North, IV-South, and V, San Juan County, New Mexico for URS Corporation in Conjunction with BHP, Navajo Nation Archaeology Department, Window Rock.
12. June 08, 2005, Cultural Resources Compliance Form, NNHPD No. HPD-04-1252, Project Title: The Eligibility Evaluation of Cultural Resources Located Within Lease Area IV North of BHP Billiton Navajo Coal Company's Navajo Mine, Navajo Indian Reservation, Nenahnezad Chapter, Shiprock Agency, San Juan County, New Mexico;
13. Meininger, J. and L. Wharton. 2004. The Eligibility Evaluation of Cultural Resources Location Within Lease Area IV North of BHP Billiton Navajo Coal Company's Navajo Mine, Navajo Indian Reservation, Nenahnezad Chapter, Shiprock Agency, New Mexico, (DCA Technical Report No. 04-DCA-114) Larry L. Baker, Executive Director, San Juan County Museum Association, Division of Conversation Archaeology;
14. Mietty, T. 1997. The On-Site Inspection and Eligibility Evaluation of Twenty-Three Sites Located in Area IV North of BHP World Mineral's Navajo Mine, Nenahnezad Chapter, Shiprock Agency, San Juan County, New Mexico, Prepared by Division of Conservation Archaeology.
15. July 01, 1986 Letter from Melvin L. Shilling, OSMRE Mining Analysis Division, to John W. Grubb, Utah International, Inc. (predecessor to BNCC), providing approval for continued mining activities at Dixon Pit in the area of a "possible" human burial SJC-1345;
16. December 12, 1984 Letter from Allen D. Klein, Administrator, OSMRE Western Technical Center, to Mr. R.C. Diederich, Utah International, Inc. (predecessor to BNCC) providing archaeological clearance and authorizing mining operations in Area III, subject to limited conditions;
17. Hogan, P. and J. Winter. 1983. Economy and Interaction Along the Lower Chaco River. University of New Mexico, Office of Contract Archaeology;
18. York, F. E. 1980. An Historic Ethnography of Navajo Sites on the UII Lease. In Human Adaptations in a Marginal Environment: The UII Mitigation Project: Archaeological Report of the Mitigation of Eight Archeological Sites in Mining Area III of the Utah International, Inc. on Navajo Reservation Land for the Utah International, Inc., edited by James L. Moore and Joseph C. Winter. Office of Contract Archaeology. University of New Mexico, Albuquerque.
19. Moore, James L. and J. Winter. 1980. Human Adaptations in a Marginal Environment: The UII Mitigation Project. Office of Contract Archaeology. University of New Mexico Albuquerque.

20. Memorandum of Agreement between Advisory Council on Historic Preservation, the United States Geological Survey (predecessor for these purposes to OSMRE), and the New Mexico State Historic Preservation Officer (predecessor to NNTHPO for these purposes), ratified March 1, 1978 by the Advisory Council, as amended;
21. Reher, Charles A. 1977. Settlement and Subsistence Along the Lower Chaco River: The Coal Gasification (CGP) Survey. Charles Reher, editor. University of New Mexico Press.

Four Corners Power Plant and  
Navajo Mine Energy Project  
DEIS

APPENDIX

# B.3

PROGRAMMATIC AGREEMENT FOR  
THE FCPP AND TRANSMISSION LINES



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**Programmatic Agreement**  
between  
Office of Surface Mining Reclamation and Enforcement,  
Bureau of Indian Affairs,  
Bureau of Land Management,  
U.S. Environmental Protection Agency,  
National Park Service,  
Navajo Nation Tribal Historic Preservation Officer,  
Hopi Cultural Preservation Office,  
Zia Pueblo,  
Advisory Council on Historic Preservation,  
New Mexico State Historic Preservation Officer,  
Arizona State Historic Preservation Officer,  
Arizona Public Service Company, and  
Public Service Company of New Mexico  
regarding  
Management of Historic Properties Associated with the  
Four Corners Power Plant, Ancillary Facilities, and Transmission Lines

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1 **RECITALS**

2 **WHEREAS**, Arizona Public Service Company (APS) and Navajo Transitional Energy  
3 Company, LLC (NTEC) are proponents of the Four Corners Power Plant and Navajo Mine  
4 Energy Project whose purpose is to facilitate on-going operations at the Four Corners Power  
5 Plant (FCPP) and on NTEC’s Navajo Mine lease to provide for long-term, reliable, continuous,  
6 and uninterrupted base load electrical power to customers in the southwestern U.S., using a  
7 reliable and readily available fuel source; and

8 **WHEREAS**, the Bureau of Indian Affairs (BIA) (Navajo Region Office and Western Region  
9 Office), Bureau of Land Management (BLM), U.S. Environmental Protection Agency (EPA),  
10 and National Park Service (NPS) have designated the Office of Surface Mining Reclamation and  
11 Enforcement (OSMRE) as the lead federal agency for purposes of the National Environmental  
12 Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA) in  
13 accordance with 36 CFR § 800.2(a)(2), until this Programmatic Agreement (“Agreement”) is  
14 executed and then, if a Record of Decision is issued, BIA will become the lead federal agency  
15 for purposes of NHPA implementation; and

16 **WHEREAS**, NTEC is seeking a Surface Mining Control and Reclamation Act (SMCRA) permit  
17 for a new 5,600-acre permit area at Navajo Mine within its existing lease and is also seeking to  
18 renew its permit on the Navajo Mine in 2014 for up to 25 years in increments of 5-year permit  
19 renewals from OSMRE and to re-align Burnham road; and

20 **WHEREAS**, OSMRE receives and considers applications for and renewals of SMCRA permits  
21 and has determined the issuance of a SMCRA permit for the Navajo Mine includes review under  
22 Section 106 of the NHPA (16 USC 470f, as amended) and its implementing regulations,  
23 “Protection of Historic Properties,” (36 CFR Part 800) and is therefore a Signatory to this  
24 Agreement; and

25 **WHEREAS**, APS operates the FCPP, which receives coal solely from the Navajo Mine, and  
26 executed a lease amendment with the Navajo Nation (Amendment and Supplement No. 3 to  
27 Supplemental and Additional Indenture of Lease Between the Navajo Nation and Arizona Public  
28 Service Company, El Paso Electric Company, Public Service Company of New Mexico, Salt  
29 River Project Agricultural Improvement and Power District, and Tucson Electric Power  
30 Company) on March 7, 2011, which provides Navajo Nation consent to extend the term of the  
31 FCPP lease for an additional 25 years, beginning on July 7, 2016 until 2041, and also provides  
32 Navajo Nation consent to renew rights-of-way (ROWs) for both the plant site and certain  
33 Transmission Lines and related facilities until 2041; and

34 **WHEREAS**, APS has also received the consent of the Hopi Tribe to extend the term of the  
35 ROW for a Transmission Line across the Hopi Indian Reservation until 2041 and that Release  
36 and Consent Agreement between Hopi Tribe and APS became effective November 1, 2013; and

1 **WHEREAS**, Public Service Company of New Mexico (PNM) and the Navajo Nation have  
2 executed a ROW Extension/Renewal Agreement, which was approved by the Navajo Nation in  
3 October 2010; and

4 **WHEREAS**, the EPA issued a Clean Air Act Final Implementation Plan (FIP) for the Best  
5 Available Reduction Technology (BART) at the FCPP (40 CFR § 49.5512); and

6 **WHEREAS**, APS complied with the FIP by shutting down Units 1, 2, and 3 on December 30,  
7 2013 and plans to install selective catalytic reduction (SCR) devices on Units 4 and 5 by July  
8 2018; and

9 **WHEREAS**, prior to retrofitting Units 4 and 5 with SCR, APS will be required to obtain a Clean  
10 Air Act Prevention of Significant Deterioration (PSD) permit from EPA; and

11 **WHEREAS**, the Project requires federal approvals for portions of four Transmission Lines,  
12 including the Moenkopi switchyard and ancillary facilities (hereinafter “Transmission Lines”)  
13 (Attachment A) that are owned and operated by either APS or PNM and that interconnect with  
14 the FCPP and its ancillary facilities and transmit FCPP power and thus are part of the  
15 Undertaking:

- 16 • APS FCPP to Cholla 345-kilovolt (kV) Transmission Line, terminating at the Navajo  
17 Nation Reservation southern boundary,
- 18 • APS FCPP to Moenkopi El Dorado 500-kV Transmission Line, and 14 mile segment  
19 from Moenkopi to the Navajo Nation Reservation western boundary,
- 20 • PNM FCPP to San Juan Generating Station FC 345-kV Transmission Line, and
- 21 • PNM FCPP to West Mesa FW 345-kV Transmission Line; and

22 **WHEREAS**, Section 106 of the NHPA and its implementing regulations require a Federal  
23 Agency with direct or indirect jurisdiction over a Federal, federally assisted, or federally  
24 permitted or approved Undertaking to take into account the effects of the Undertaking on historic  
25 properties included in or eligible for the National Register of Historic Places (NRHP), afford the  
26 Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the  
27 Undertaking, and consult with applicable Tribal and State Historic Preservation Offices and  
28 Indian tribes; and

29 **WHEREAS**, OSMRE has determined that the Project approvals constitute an “Undertaking” as  
30 defined at 36 CFR § 800.16(y) and that the construction and maintenance of the Project  
31 components may have an adverse effect on properties listed in or eligible for listing in the  
32 NRHP, and OSMRE has consulted with the Navajo Nation Tribal Historic Preservation Officer  
33 (NNTHPO), Hopi Cultural Preservation Office (HCPO), Zia Pueblo, New Mexico and Arizona  
34 State Historic Preservation Officers (SHPOs), and the ACHP for the Project, pursuant to  
35 36 CFR Part 800; and

1 **WHEREAS**, OSMRE, in consultation with the NNTHPO, HCPO, Zia Pueblo, New Mexico  
2 SHPO, Arizona SHPO, and the ACHP, has determined that a Programmatic Agreement is  
3 appropriate to govern the implementation of the Undertaking because all effects of the  
4 Undertaking on historic properties cannot be known prior to the approval of the Project and there  
5 is the potential to encounter unanticipated historic properties during the life of the Project and  
6 thus final identification and evaluation of certain historic properties may be deferred to a later  
7 point in time as provided for in this Agreement; and

8 **WHEREAS**, pursuant to 36 CFR § 800.14(b), OSMRE has elected to execute two Programmatic  
9 Agreements for the FCPP and Navajo Mine Energy Project (one for the Navajo Mine and one for  
10 the FCPP, ancillary facilities and Transmission Lines), given the different aspects of the  
11 Undertaking, the jurisdiction of various federal agencies, and the separate Project Proponents and  
12 their respective responsibilities, and because effects on historic properties cannot be fully  
13 determined prior to the renewal of permits for the Undertaking; and

14 **WHEREAS**, OSMRE intends to amend the existing Programmatic Agreement for the Navajo  
15 Mine and has prepared this Agreement to address the FCPP, ancillary facilities and Transmission  
16 Lines, and associated responsibilities related to continued operation of those facilities (“FCPP  
17 Programmatic Agreement” or “Agreement”); and

18 **WHEREAS**, OSMRE, in consultation with the NNTHPO, HCPO, Zia Pueblo, New Mexico  
19 SHPO, Arizona SHPO, and the ACHP, has determined and documented the FCPP, Ancillary  
20 Facilities and Transmission Lines Project Area of Potential Effect (APE) as depicted in  
21 Attachment A including:

- 22 • All areas within the power plant lease and ROW boundaries, including proposed new  
23 ash disposal areas, as well as Morgan Lake and the existing lease areas or corridors for  
24 a water pipeline from the power plant area to the San Juan River, water pipeline access  
25 road from the pumping plant to Morgan Lake, a pumping plant on the southern side of  
26 the San Juan River, a 69-kV Transmission Line from the power plant to the pumping  
27 station, County Road 6675 from the FCPP to the San Juan River, and
- 28 • The four existing Transmission Line ROW corridors, as discussed above, the Moenkopi  
29 switchyard and other ancillary facilities; and

30 **WHEREAS**, OSMRE has determined that federal actions associated with APS’s lease  
31 extensions, permitting required in advance of the SCR construction, and renewal of plant site and  
32 Transmission Line ROWs are part of the Undertaking, and that APS will have continuing  
33 obligations with respect to operation and maintenance of these existing facilities and under this  
34 PA, and OSMRE has therefore invited APS to be an Invited Signatory to this Agreement; and

35 **WHEREAS**, OSMRE has determined that federal actions associated with PNM’s renewal of  
36 Transmission Line ROWs are part of the Undertaking, and that PNM will have continuing

1 obligations with respect to operation and maintenance of these existing facilities and under this  
2 PA, and OSMRE has therefore invited PNM to be an Invited Signatory to this Agreement; and

3 **WHEREAS**, the FCPP and associated APS ancillary facilities and Transmission Lines are  
4 located on Navajo Nation and the Hopi Indian Reservation lands held in trust by the United  
5 States; and

6 **WHEREAS**, PNM Transmission Lines are located on the Navajo Nation and Zia Pueblo lands  
7 held in trust by the United States and portions of such Transmission Lines are also located on  
8 Federal lands administered by the BLM and NPS, as well as State of New Mexico, private lands  
9 Navajo Nation trust lands, and individual Navajo allotments; and

10 **WHEREAS**, the BIA has determined that reauthorization of the FCPP lease and plant site  
11 ROWs, and ancillary facility and Transmission Line ROWs on Indian Trust lands is a federal  
12 action and Undertaking that requires the BIA to comply with Section 106 and 36 CFR Part 800  
13 and the BIA Navajo Nation Region Office and BIA Western Region Office are therefore  
14 Signatories to this Agreement; and

15 **WHEREAS**, the BIA Southwest Region Office, which serves the Zia Pueblo, has been invited to  
16 sign this Agreement as an Invited Signatory; and

17 **WHEREAS**, the NNTHPO performs selected historic preservation functions for the BIA  
18 pursuant to the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as  
19 amended) within the Navajo Nation; and

20 **WHEREAS**, the BLM has determined that approving any Transmission Line ROW  
21 reauthorization crossing BLM lands is a federal action and part of the Undertaking that requires  
22 the BLM to comply with Section 106 of the NHPA and 36 CFR Part 800 and is therefore a  
23 Signatory to this Agreement; and

24 **WHEREAS**, the EPA has determined that EPA's issuance of a PSD permit is a federal action  
25 and part of this Undertaking that requires the EPA to comply with Section 106 of the NHPA and  
26 36 CFR Part 800 and is therefore a Signatory to this Agreement; and

27 **WHEREAS**, BIA has determined that reauthorization of the FCPP lease and plant site ROWs,  
28 and ancillary facility and Transmission Line ROWs on Navajo Nation land are federal actions  
29 and part of the Undertaking that require BIA Navajo Region Office, in consultation with the  
30 Navajo Nation, to comply with Section 106 of the NHPA and 36 CFR Part 800 and the Navajo  
31 Nation is therefore a Signatory to this Agreement, by and through the NNTHPO; and

32 **WHEREAS**, it has been determined that the renewal of the Transmission Lines crossing Hopi  
33 lands is a federal action and part of the Undertaking that requires the BIA Western Region  
34 Office, in consultation with the Hopi Tribe, to comply with Section 106 of the NHPA and

1 36 CFR Part 800 and the Hopi Tribe is therefore a Signatory to this Agreement, by and through  
2 the HCPO; and

3 **WHEREAS**, it has been determined that the renewal of the FW Transmission Line crossing Zia  
4 Pueblo lands is a federal action and part of the Undertaking that requires the BIA Southwest  
5 Region Office, in consultation with the Zia Pueblo, to comply with Section 106 of the NHPA and  
6 36 CFR Part 800 and the Zia Pueblo is therefore a Signatory to this Agreement; and

7 **WHEREAS**, NPS has assumed a pre-existing, perpetual ROW for the PNM FCPP to West Mesa  
8 FW 345-kV Transmission Line crossing the Petroglyph National Monument, and has been  
9 invited to sign this Agreement as an Invited Signatory Party; and

10 **WHEREAS**, PNM's FCPP to West Mesa FW 345-kV Transmission Line crosses New Mexico  
11 State and private lands and pursuant to the New Mexico Cultural Properties Act, the New  
12 Mexico SHPO is responsible for the protection, preservation, and interpretation of historic  
13 properties within the State of New Mexico and is therefore a Signatory to this Agreement; and

14 **WHEREAS**, pursuant to 36 CFR § 800.2(c)(2)(i)(B), the BIA must also consult with the  
15 Arizona SHPO, in addition to the Hopi Tribe, regarding undertakings occurring on or affecting  
16 historic properties on Hopi tribal lands because the Hopi Tribe has not assumed SHPO functions  
17 and the Arizona SHPO is therefore a Signatory to this Agreement; and

18 **WHEREAS**, should the Hopi Tribe assume the function of the Arizona SHPO under Section  
19 101(d)(2) of the NHPA with respect to the Hopi Reservation, the roles of the Arizona SHPO will  
20 be replaced by the Hopi THPO; and

21 **WHEREAS**, OSMRE has invited the Indian tribes listed in Attachment B to participate in  
22 consultation; and

23 **WHEREAS**, the ACHP has participated in consultation and has been invited by OSMRE under  
24 36 CFR § 800.6(c)(2) to sign this Agreement as a Signatory; and

25 **WHEREAS**, Attachment C includes summary information on the identification, evaluation, and  
26 effect assessment updates on Historic Properties within the APE; and

27 **WHEREAS**, Attachment D summarizes consultation with Indian tribes and Nations, SHPOs,  
28 and other agencies; and

29 **WHEREAS**, the Parties recognize that the Navajo Nation has granted APS a “covenant not to  
30 regulate” in the Navajo Nation’s lease agreements with APS, including Lease Amendment #3;  
31 and

32 **NOW, THEREFORE**, OSMRE, BIA, BLM, EPA, NPS, NNTHPO, the HCPO, Zia Pueblo,  
33 New Mexico SHPO, Arizona SHPO, ACHP, APS, and PNM agree that the following  
34 stipulations and procedures will be implemented in order to take into account the effect of the

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- 1 Undertaking on historic properties and to satisfy all responsibilities under Section 106 of the
- 2 NHPA, Archaeological Resources Protection Act (ARPA), the Native American Graves
- 3 Protection and Repatriation Act (NAGPRA), and any applicable tribal cultural resources policies
- 4 and regulations.

1 **STIPULATIONS**

2 **Stipulation I. Definitions**

3 The definitions found at 36 CFR § 800.16 apply throughout this Agreement except where  
4 another definition is offered in Attachment E.

5 **Stipulation II. Standards**

6 A. Identification and evaluation studies and treatment measures required under the terms of  
7 this Agreement will be carried out by or performed under the direct on-site supervision of  
8 a professional(s) who meets, at a minimum, the *Secretary of the Interior's Historic*  
9 *Preservation Professional Qualification Standards* (48 Fed. Reg. 44716, September 29,  
10 1983).

11 B. In developing scopes of work for identification and evaluation, studies and treatment  
12 measures required under the terms of this Agreement, APS and PNM will take into  
13 account the regulations and guidelines as listed in Attachment F, as applicable. OSMRE,  
14 BIA, BLM, NPS, NNTHPO, and HCPO, Zia Pueblo, and other consulting parties, as  
15 appropriate, will review any scopes of work developed by APS and/or PNM.

16 **Stipulation III. Confidentiality**

17 The distribution of sensitive information about the locations and nature of inventoried historic  
18 properties and properties of religious and cultural significance to Indian tribes, including  
19 information provided by Indian tribes to assist in the identification of such properties, shall be  
20 limited as provided for by Section 304 of NHPA (16 USC 470w3), Section 9 of the ARPA (16  
21 USC § 470hh) and its implementing regulations (43 CFR § 7.18), Navajo Nation Cultural  
22 Resources Protection Act (CRPA), the Navajo Nation Privacy Act at 2 N.N.C. Section 85 and  
23 SMCRA (Public Law 95-87), as applicable, in addition to other applicable laws. Pursuant to this  
24 Stipulation, the Parties to this Agreement agree to appropriately safeguard and control the  
25 distribution of any confidential information they may receive as a result of their participation in  
26 this Agreement. Such safeguarded information is exempt from disclosure under the Freedom of  
27 Information Act (5 USC 552).

28 **Stipulation IV. Responsibilities of Federal Agencies with Land Management and Other**  
29 **Permitting Authorities**

30 A. OSMRE will comply with and ensure the requirements of Section 106 and its  
31 implementing regulations (36 CFR Part 800) are met for the completion of the  
32 Section 106 activities undertaken prior to the finalization of the Agreement. On the  
33 Effective Date of this agreement, established in Stipulation XV, BIA Navajo Regional

1 Office will assume lead responsibility for the activities within the Agreement. OSMRE  
2 will remain a Signatory to the Agreement.

3 B. Consultation for this Project will be coordinated through OSMRE until BIA assumes this  
4 responsibility.

5 **Stipulation V. General Consultation Process for FCPP Site and Transmission Lines**

6 **A. Consultation**

7 OSMRE provided the NNTHPO, HCPO, BLM, NPS, SHPOs, and other consulting  
8 parties with an opportunity to provide their views on the identification and evaluation of  
9 historic properties as defined in 36 CFR § 800.16(1), including properties of religious and  
10 cultural significance to Indian tribes, and the treatment of affected historic properties, in  
11 connection with the APS FCPP Lease Amendment/Plant Site ROW Renewals/and  
12 Transmission Line ROW Renewals.

13 **B. Identification and Evaluation of Historic Properties**

14 i. APS and PNM, through qualified outside consultants, have conducted extensive  
15 inventory work for the identification of cultural resources within the APE, including  
16 archaeological, architectural/engineering, and ethnographic investigations and  
17 surveys, as of the date of this Agreement. This work was reviewed by or completed  
18 under the direction of OSMRE, in consultation with the consulting parties, as  
19 appropriate and as defined in Attachment E (“Appropriate Consulting Parties”).

20 ii. OSMRE, in consultation with the Appropriate Consulting Parties has made  
21 determinations of eligibility for listing on the NRHP for sites that were identified  
22 through the inventory work undertaken to identify cultural resources. The  
23 determinations of eligibility made to date are summarized in Attachment C to this  
24 Agreement.

25 iii. OSMRE, in consultation with the Appropriate Consulting Parties, has applied the  
26 criteria of adverse effect (as outlined in 36 CFR § 800.5) to NRHP-listed or  
27 NRHP-eligible properties located within the APE to assess whether the properties  
28 may be adversely effected by the Undertaking, as summarized in Attachment C  
29 to this Agreement.

30 iv. The Parties agree that additional determinations of eligibility or effects  
31 determinations, as described in Attachment C, will be completed as necessary and  
32 included in the Cultural Resources Management and Treatment Plan provided for  
33 in Stipulations V.C.iv prior to land disturbing activities in those areas.

1           **C. Treatment of Historic Properties and Resolution of Adverse Effects**

2           i.     Whenever feasible and practicable, avoidance of adverse effects to historic  
3                 properties will be the preferred treatment. Cultural resources that are unevaluated  
4                 will be treated as eligible for the NRHP and will be avoided, where practicable.  
5                 Any resources that cannot be avoided will be subject to the provisions of  
6                 Stipulation V.C.ii or Stipulation V.C.iii. BIA will provide information regarding  
7                 development of mitigation measures for historic properties to the Appropriate  
8                 Consulting Parties.

9           ii.    When historic properties are identified in the APE pursuant to Stipulation V.B.iii,  
10                on Tribal Trust lands, the BIA will apply the criteria of adverse effect in  
11                accordance with 36 CFR § 800.5(a) in consultation with the Appropriate  
12                Consulting Parties consistent with the protocols established in Stipulations VI,  
13                VII, and VIII.

14           iii.  When historic properties are identified in the APE pursuant to Stipulation V.B.iii,  
15                on federal lands or state lands, the applicable federal land manager (BLM or NPS)  
16                or New Mexico SHPO, as appropriate, will apply the criteria of adverse effect in  
17                accordance with 36 CFR § 800.5(a) in consultation with the Appropriate  
18                Consulting Parties consistent with the protocols established in Stipulations VIII.

19           iv.  Cultural Resources Management and Treatment Plan

20                BIA, in consultation with the Appropriate Consulting Parties, shall guide the  
21                Project Proponents to develop a Cultural Resources Management and Treatment  
22                Plan (CRMTP) that specifies measures to avoid, minimize, or mitigate identified  
23                adverse effects to historic properties within the APE. The CRMTP will set forth  
24                the appropriate process for how historic properties that may be adversely affected  
25                by activities covered by this Agreement within the APE are to be treated with  
26                specific consideration for both the type of historic property and the relevant  
27                jurisdiction. The CRMTP shall be completed within 90 days of execution of this  
28                Agreement, unless otherwise agreed to by the Signatories and Invited Signatories  
29                to this Agreement.

30                The CRMTP will allow for a streamlined ARPA permitting process for the  
31                implementation of mitigation measures for historic properties on federal lands, if  
32                an ARPA permit is necessary. The CRMTP will allow for a maximum of thirty  
33                (30) days for the issuance of an ARPA permit from the federal land manager  
34                given the consultation to date and level of involvement between all Appropriate  
35                Consulting Parties. The ARPA permit will be issued for the full three years  
36                allowed under 16 USC 470aa-mm; 43 CFR § 7. The CRMTP will also include an

1 initial summary matrix of activities related to the Undertaking within the APE,  
2 including activities associated with identification, evaluation, and mitigation of  
3 historic properties.. The summary matrix will be updated yearly (until  
4 termination of this Agreement as outlined in Stipulation XIII) and submitted to  
5 the BIA and Appropriate Consulting Parties. The CRMTP will be reviewed  
6 annually by Appropriate Consulting Parties, and amended as necessary, as  
7 provided for in Stipulations XVII.B.

8 **Stipulation VI. Navajo Protocols**

9 **A. FCPP Plant Site and Transmission Lines**

10 i. Coordination with the Navajo Nation THPO

11 The BIA Navajo Area Office and the Navajo Nation have entered into a contract  
12 pursuant to the Indian Self-determination and Education Act (P.L. 93-638, as  
13 amended) under which the Navajo Nation Historic Preservation Department  
14 (HPD) performs selected historic preservation functions for the BIA.

15 The NNTHPO will oversee the identification by the Proponent or its contractor  
16 and complete evaluations of historic properties within the APE located within  
17 the exterior boundaries of the Navajo Reservation, assess effects, and resolve  
18 any adverse effects to those historic properties (including appropriate treatment  
19 measures) consistent with the terms of this Agreement and in accordance with  
20 Navajo Nation policies, procedures, and guidelines for the preservation and  
21 protection of cultural resources; traditional cultural properties; cemeteries,  
22 gravesites, and human remains; and historic, modern, and contemporary  
23 abandoned sites, as appropriate.

24 BIA will coordinate consultation with the Appropriate Consulting Parties to  
25 meet their responsibilities under Section 106 of the NHPA and will review and  
26 concur with information and determinations regarding the identification and  
27 evaluation of historic properties from the NNTHPO, and resolution of adverse  
28 effects.

29 ii. Operation and Maintenance

30 a. Procedures that have been Determined Not To Affect Historic Properties

31 The Parties to this Agreement agree that the majority of activities related to  
32 operation and maintenance of the FCPP, ancillary facilities, and both APS  
33 and PNM's Transmission Lines are not likely to affect historic properties.  
34 In general, these activities occur largely on the surface within areas that are

1 already disturbed, do not introduce new structural or visual elements, and  
2 require only nominal ground disturbance or alterations to existing structures.  
3 Therefore, the Parties agree that the following Project operations and  
4 maintenance activities will not affect historic properties and are exempt  
5 from further review/consultation:

6 (i) Aerial Maintenance and Non-Earth Disturbing Operation and  
7 Maintenance Activities

8 The Parties agree that Routine Aerial Maintenance and Non-Earth  
9 Disturbing Activities will not affect historic properties. When the  
10 Routine Maintenance consists solely of Aerial Maintenance or Non-  
11 Earth Disturbing Activities, the activity does not require prior  
12 notification, review, assessments, or consultation with NNTHPO or BIA  
13 and no notice will be given. Additionally, no review by the Project  
14 Proponents will be required for these activities.

15 Examples include but are not limited to:

- 16 • Maintenance, retrofit, or replacement of above-ground electric  
17 Transmission Line structure components including insulators,  
18 hardware, cross-braces, cross-members, static cable lines, or  
19 switches, and conductors;
- 20 • Filling voids or cavities in the wood of utility poles;
- 21 • Repair, replacement, or installation of transmission pole numbers;  
22 and/or
- 23 • Repair, replacement, or installation of pole-mounted components  
24 such as insulators, conductors, cross arms, bracing and associated  
25 hardware.
- 26 • Transmission and distribution electric line patrols;
- 27 • Remote or manual electrical switching work, including turning  
28 electric services on or off;
- 29 • Electric line spotting; and/or
- 30 • Vegetation management within the ROW using non-mechanical  
31 means that do not cause ground disturbance.

1 (ii) Earth Disturbing Activities in Areas of Previous Disturbance that Have  
2 Been Surveyed

3 The Parties agree that when the Routine Maintenance consists solely of  
4 Earth Disturbing Activities in Areas of Previous Disturbance in Areas  
5 that Have Been Surveyed, the activity does not require prior notification,  
6 review, assessments, or consultation with federal agencies or consulting  
7 parties and no notice will be given. Additionally, no review by the  
8 Project Proponent will be required for these activities. However, if  
9 during the course of preparing for the work activity it is discovered that  
10 a known historic property exists within 50 feet of the activity,  
11 procedures for Areas Previously Surveyed and Cultural Resources  
12 within 50 feet of the Activity described in Stipulation V.B.iv will be  
13 followed. If there are no known historic properties within 50 feet of the  
14 activity, no further review is required for these activities.

15 Examples of Earth Disturbing Activities in Areas of Previous  
16 Disturbance include but are not limited to:

- 17 • Anchor repair and maintenance (involves digging 1-3 feet in  
18 diameter and up to 1-2 feet in depth around an existing anchor to  
19 remove wind-blown deposits and expose the anchor rod and buried  
20 guy wires);
- 21 • Road blading on existing previously bladed access roads;
- 22 • Erosion control work to protect the ROW from erosion in areas of  
23 previous disturbance;
- 24 • Excavations to repair or replace ground wires;
- 25 • Excavations immediately around the base of transmission poles;
- 26 • Re-grading previously established, mechanically-leveled pads  
27 around transmission structures to permit safe equipment set-up,
- 28 • Work within existing fenced/walled perimeters of electric  
29 substations or switching stations;
- 30 • Remedial treatment of poles (involves disturbing approximately  
31 1-2 feet in diameter and up to 3 feet in depth around the base of an  
32 existing pole to examine pole condition and possibly apply a  
33 treatment);
- 34 • Maintenance, repair, installation, or replacement of certain ancillary  
35 facilities including, but not limited to, gates, fences, and signs;

- 1                                   • Repair of existing access roads that do not traverse historic
- 2                                   properties using in-kind materials with all work conducted within the
- 3                                   existing footprint of the road;
- 4                                   • Annual inspection of pipeline, concrete vaults and works, excavation
- 5                                   of water course at end of piping to Morgan Lake, and repairs of joint
- 6                                   to joint and pipe wall erosion;
- 7                                   • Annual maintenance inspection with truck, maintenance with bucket
- 8                                   truck, and access to ROW by dirt access road for 69-kV
- 9                                   Transmission Line; and/or
- 10                                  • Biannual inspection and as needed paving repairs and replacement of
- 11                                  paving, chip sealing, relining, and Botts' dots replacements for
- 12                                  roads.

13                                  b. Actions Involving Historic Buildings or Structures (including Towers)

14                                  The Parties agree that any adverse effect to National Register eligible or

15                                  listed historic buildings or structures resulting from other actions related to

16                                  the Undertaking shall be resolved through preparation of appropriate: (1)

17                                  inventory; (2) evaluation of adverse effects; and (3) mitigation.

18                                  c. Procedures for which Additional Evaluation is Required

19                                   (i) Internal Evaluation Process

20                                   For activities that may affect historic properties, the Project Proponent

21                                   will first conduct the following Internal Review Process, as appropriate

22                                   to the project, and in conformance with applicable standards in

23                                   Stipulation II:

- 24                                   • Determine if the work is within the Project APE;
- 25                                   • If the work is within the Project APE, review existing information on
- 26                                   historic properties (including historic properties identified in
- 27                                   Attachment C);
- 28                                   • Assess the potential existence of historic properties through reviewing
- 29                                   existing field survey and other research; and
- 30                                   • Determine the degree of existing disturbance by performing a field
- 31                                   inspection, as appropriate.

32                                   (ii) Earth Disturbing Activities in Non-Disturbed Areas

1 The Parties agree that when the Routine Maintenance activities result in  
2 Earth Disturbing Activities in areas that may have not been previously  
3 disturbed, the activity is subject to the following additional processes:

4 (a) Area Previously Surveyed and No Cultural Resources

5 If the area has been previously surveyed and no cultural resources  
6 are identified, the Project Proponent will proceed with the Routine  
7 Maintenance. No notification or approval will be required before  
8 work begins. The Project Proponent will maintain records of  
9 projects that proceed under these circumstances for a period of three  
10 (3) years. During that time, records will be made available to the  
11 NNTHPO and the BIA.

12 (b) Area Previously Surveyed and Cultural Resources within 50 feet of  
13 the Activity

14 If the area has been previously surveyed and cultural resources are  
15 identified within 50 feet of the activity, a Permitted Contractor will  
16 evaluate the anticipated effect of the Routine Maintenance activity  
17 on the known resource prior to commencement of the activity.

18 **No Impact.** If the results of the Internal Evaluation Process indicate  
19 that any identified cultural resources can and will be avoided, the  
20 Project Proponent will submit a Maintenance Evaluation Report via  
21 email or hard-copy within ten (10) days of conducting the review to  
22 the NNTHPO and the BIA. This report will confirm that the  
23 resources can and will be avoided and the Project Proponent may  
24 proceed with the Project. No response or approval will be required  
25 before work begins.

26 **(Adverse Effects) Impact.** If the results of the Internal Evaluation  
27 Process indicate that cultural resources will be impacted, the Project  
28 Proponent will submit the Maintenance Evaluation Report via email  
29 or hard-copy within ten (10) days of conducting the review to the  
30 NNTHPO and the BIA. The NNTHPO and BIA will review the  
31 Maintenance Evaluation Report and provide concurrence within  
32 fifteen (15) business days. If no response from the NNTHPO or BIA  
33 is received by the Project Proponent within fifteen (15) days, the  
34 Project Proponent may proceed with the Project provided the Project  
35 Proponent follows the resource management recommendations  
36 outlined in the Maintenance Evaluation Report.

1 Records will be provided to the NNTHPO and BIA.

2 (c) Area has not been Previously Surveyed

3 A Permitted Contractor will conduct a survey of the area by  
4 systematically walking over the ground surface, including those  
5 areas listed in Attachment G of this Agreement, and in any areas  
6 later added to the APE in the event of future potential Project  
7 modifications after issuance of any Record of Decision, provided  
8 they follow the NNTHPO permitting process. This survey is  
9 designed to gather information about potential cultural resources  
10 prior to the commencement of the maintenance activity and will  
11 determine whether cultural resources are likely to be present. The  
12 following procedures will be implemented depending on the findings  
13 of the cultural resources survey:

14 **Negative Survey.** If the survey results indicate no cultural resources  
15 are present, the Project Proponent will submit a negative survey  
16 report via email or hard-copy within ten (10) days of conducting the  
17 survey to the NNTHPO and BIA, and may proceed with the activity.  
18 No response or approval from the NNTHPO and BIA will be  
19 required before work begins.

20 **Positive Survey.** If cultural resources sites are discovered during the  
21 survey they will be recorded on applicable forms. The Project  
22 Proponent will submit a written report via email or hard-copy  
23 following applicable guidelines to the NNTHPO and BIA. The  
24 NNTHPO and BIA will review the report and provide a  
25 determination of any impacts of the proposed activity within fifteen  
26 (15) business days of the receipt of the report. If no response from  
27 the NNTHPO or BIA is received by the Project Proponent within  
28 fifteen (15) days, the Project Proponent may proceed with the Project  
29 provided the Project Proponent follows the management  
30 recommendations outlined in the report.

31 The Project Proponent will provide records to the NNTHPO and  
32 BIA.

33 (d) Attachment H (Unanticipated Discovery Procedures and Protocols)  
34 should be followed if an unanticipated discovery occurs.

35 iii. Emergency Maintenance and Response

1 A number of events can occur with the Project APE that require a rapid  
2 response in order to safeguard facilities, provide for protection of wildlife  
3 habitat, protect public and private property, and prevent serious injury or loss of  
4 human life. These include, but are not limited to: structural or mechanical  
5 failure; transmission outages due to maintenance conditions; fire; wind and  
6 electrical storms; flood; and earthquake. The emergency maintenance and  
7 response procedure is designed to be implemented in the event such events  
8 occur.

9 Emergency Maintenance typically commences within 24 hours of discovery and  
10 may do so immediately with notification to the NNTHPO and BIA. When an  
11 Emergency Maintenance activity results in potential impacts to cultural  
12 resources, the Project Proponent will follow the expedited procedures outlined  
13 below, after the emergency work is completed.

14 An APS or PNM archaeologist will be notified of the need for Emergency  
15 Maintenance work within twenty-four (24) hours. After the Emergency  
16 Maintenance work, the APS or PNM archaeologist will evaluate the  
17 potential impacts to cultural resources and will prepare a report that  
18 outlines the emergency work conducted, the impacts, and any proposed  
19 mitigation measures within fifteen (15) business days. The NNTHPO and  
20 BIA will review the report within ten (10) business days.

## 21 **Stipulation VII. Hopi Protocols for APS Transmission Line ROW**

### 22 **A. Hopi Cultural Preservation Office Authority**

23 The HCPO is the official branch of the Hopi tribal government that oversees cultural  
24 resources management on the Hopi Reservation. The HCPO reviews and issues permits  
25 for all outside researchers and contractors seeking to conduct cultural resources work on  
26 the Hopi Reservation. In addition, the HCPO has the right of first refusal to conduct any  
27 cultural resources projects, including those related to compliance with Section 106 of the  
28 NHPA, on the Hopi Reservation. Therefore, the HCPO will serve as the initial contractor  
29 for APS for any work conducted on the Hopi Reservation under this Agreement.

### 30 **B. Coordination with HCPO**

- 31 i. APS will convene an annual meeting with the HCPO in order to discuss  
32 anticipated projects for the coming year. At this time, an assessment will be  
33 made as to which activities may require further consultation or notification of  
34 the HCPO when they are implemented. Projects that are identified as needing no  
35 further consultation can be considered as *Activities with No Potential to Impact*  
36 *Historic Properties* under Stipulation VII.C.i for the purposes of this

1 Agreement. APS will provide BIA and Arizona SHPO a written summary of  
2 the annual meeting.

3 ii. Ongoing consultation will occur between APS, the HCPO, BIA, and Arizona  
4 SHPO as new projects are added or substantial changes occur to previously  
5 discussed projects.

6 iii. Some information regarding historic properties, including Traditional Cultural  
7 Properties (TCPs), may be deemed sensitive and should not be released to  
8 parties beyond those necessary for the specific implementation of activities  
9 covered under this Agreement. The release of sensitive information is subject to  
10 the laws listed in Stipulation III, as applicable. Any use of information  
11 regarding historic properties on the Hopi Reservation other than for the purpose  
12 of implementing the activities covered under this Agreement requires  
13 consultation and concurrence by the HCPO.

14 iv. HCPO may request to monitor any activities occurring under this Agreement on  
15 the Hopi Reservation.

## 16 **C. Routine Maintenance**

17 Routine Maintenance is defined as those activities required to maintain existing  
18 infrastructure in a safe, operational status. It includes activities that do not result in  
19 ground disturbance and those that have the potential to cause ground disturbance.

20 i. Activities with No Potential to Impact Historic Properties.

21 The Parties agree that activities that do not have the potential to affect historic  
22 properties will require no further review or consultation beyond that identified  
23 under Stipulation VII.B.i (Coordination with Hopi Cultural Preservation Office).  
24 The HCPO should be notified when work crews will be conducting these  
25 activities for information purposes. These types of activities include, but are not  
26 limited to, Aerial Maintenance and Non-Earth Disturbing Operation and  
27 Maintenance Activities:

28 Examples of Aerial Maintenance include but are not limited to:

- 29 • Maintenance, retrofit, or replacement of above-ground electric Transmission  
30 Line structure components including insulators, hardware, cross-braces,  
31 cross-members, static cable lines, or switches, and conductors.

32 Examples of Non-Earth Disturbing Activities include but are not limited to:

- 33 • Transmission Line patrols on existing roads,

- 1 • Repair, replacement, or installation of transmission pole numbers,
- 2 • Repair, replacement, or installation of pole-mounted components such as
- 3 insulators, conductors, cross arm, bracing and associated hardware,
- 4 • Electric line spotting, or
- 5 • Vegetation management within the ROW using non-mechanical means.

6 Should any previously unidentified or undocumented historic properties be  
7 encountered during the conduct of an Exempt Activity, the procedures provided  
8 in Attachment H (Unanticipated Discovery Procedures and Protocols) should be  
9 followed.

10 ii. Activities with potential to impact historic properties

11 Any activity that may cause surface or subsurface ground disturbance is  
12 considered to have the potential to impact historic properties. This includes, but  
13 is not limited to:

- 14 • Repair of existing access roads, including blading, and the development of
- 15 new access roads.
- 16 • Erosion control work to protect the ROW from erosion,
- 17 • Excavations to repair or replace ground wires,
- 18 • Excavations immediately around the base of transmission poles,
- 19 • Maintenance, repair, installation, or replacement of certain ancillary facilities
- 20 including, but not limited to, gates, fences, and signs,
- 21 • Vegetation management within the ROW using mechanical means,
- 22 • Annual maintenance inspection with truck, maintenance with bucket truck,
- 23 and access to ROW by dirt access road.

24 For these types of activities, APS will first conduct an Internal Review Process to  
25 determine if the activity is within the Project ROW or previously inventoried  
26 APE:

- 27 a. If the activity is within the Project ROW or previously inventoried APE, APS
- 28 will assess the potential existence of historic properties, including TCPs,
- 29 through a review of existing field surveys and other information on historic
- 30 properties (including historic properties identified in Attachment C);

1 (i) No Historic Properties Present

2 Work will follow the procedures identified under Stipulation VII.B.i  
3 (Activities with No Potential to Impact Historic Properties). APS will  
4 maintain records of activities that proceed under these circumstances for  
5 a period of three (3) years. During that time, records will be made  
6 available to the HCPO, the BIA, and Arizona SHPO.

7 (ii) Historic Properties Present

8 APS will identify whether there is the potential for the activity to affect  
9 the historic property. If the historic property is an archaeological site  
10 located more than 50 feet from the ground disturbing activities, the  
11 project can proceed following the procedures under  
12 Stipulation VII.C.ii.a.(i) (No Historic Properties Present). If there is a  
13 historic property within 50 feet of the anticipated ground disturbance, or  
14 the property is a non-archeological TCP, the HCPO, BIA, and Arizona  
15 SHPO will be notified by APS and in conjunction with APS, will  
16 evaluate the anticipated effect of the activity on the known resource prior  
17 to commencement of the activity. This evaluation may require fieldwork  
18 and technical documentation from HCPO and/or other qualified  
19 professionals, for which HCPO can be compensated from APS. The  
20 outcome of this assessment will be either:

21 • **No Affect.** If the results of the evaluation process indicate that any  
22 identified cultural resources can and will be avoided, APS will submit  
23 a Maintenance Evaluation Report via email or hard-copy within ten  
24 (10) days of the evaluation to the HCPO and the BIA. The BIA will  
25 forward the report to the Arizona SHPO. This report will confirm  
26 that the resources can and will be avoided and APS may proceed with  
27 the Project. No response or approval will be required before work  
28 begins.

29 • **Adverse Effects.** If the results of the evaluation process indicate that  
30 cultural resources will be impacted, APS, in consultation with, and  
31 concurrence from the HCPO and BIA, will develop a plan to mitigate  
32 those impacts, recognizing Hopi Tribal Ordinance 26 constraints.  
33 This plan will then be submitted to the BIA for transmittal to the  
34 Arizona SHPO for concurrence. If no response is received from the  
35 Arizona SHPO within thirty (30) days, BIA and APS may assume  
36 concurrence with the mitigation plan. Work on the planned activity

1 can commence once the components within the mitigation plan are  
2 completed.

3 (iii) If the work falls outside of the Project ROW or previously inventoried  
4 APE, the procedures under Stipulation VII.C.iii (Project Area has Not  
5 been Inventoried for Historic Properties (not in ROW) will be followed.

6 iii. Project Area has Not been Inventoried for Historic Properties (not in ROW)

7 Activities in any areas not previously inventoried, including new access routes  
8 into the ROW, and any areas added to the APE in the event of future potential  
9 Project modifications, shall be subject to Section 106 compliance consistent with  
10 the process established in this Agreement. The HCPO will be provided the first  
11 right of refusal to conduct the necessary research and identify and evaluate the  
12 historic properties. Should HCPO decide not to conduct the work, an outside  
13 contractor may be employed by APS provided they follow the HCPO permitting  
14 process. APS will provide funding to complete any additional identification and  
15 evaluation under this section.

16 Technical documentation completed under this section will be provided to APS  
17 and the BIA for submittal to the Arizona SHPO (and HCPO if documentation is  
18 completed by an outside entity) for concurrence with evaluations. Once the  
19 inventory process has been completed, the procedures outlined in Stipulation  
20 VII.B.ii will be followed.

#### 21 **D. Emergencies**

22 A number of events can occur within the Project APE that require a rapid response in  
23 order to safeguard facilities, provide for protection of wildlife habitat, protect public  
24 and private property, and prevent serious injury or loss of human life. These include,  
25 but are not limited to:

- 26 • Structural or mechanical failure;
- 27 • Transmission outages due to maintenance conditions;
- 28 • Fire;
- 29 • Wind and electrical storms;
- 30 • Flood; and
- 31 • Earthquake.

32 Emergency Maintenance typically commences within twenty-four (24) hours of  
33 discovery. As soon as the need for Emergency Maintenance is known, APS should

1 notify HCPO and the BIA of the situation by email or phone. APS should conduct an  
2 expedited review for the potential presence of historic properties in the area of the  
3 emergency as outlined in Stipulation VII.B.ii above and notify HCPO and BIA of the  
4 results as soon as completed, where practicable.

5 If the Emergency Maintenance activity is likely to result in potential impacts to  
6 known cultural resources or if there has not been a historic properties inventory of the  
7 area, then APS will enable APS cultural program staff and HCPO staff to conduct  
8 monitoring of the Emergency Maintenance and APS will provide for expedited  
9 documentation of any historic properties that are encountered, where practicable.  
10 APS will submit a report detailing the activities that occurred during the Emergency  
11 Maintenance within ten (10) days of the incident to HCPO, and the BIA. If historic  
12 properties are affected, the BIA will forward the documentation to the Arizona  
13 SHPO.

14 Any discovery situations will follow the protocols set forth in Attachment H.

15 F. Replacement of SHPO by Hopi THPO

16 At the current time, the Hopi Tribe has not assumed the role of the Arizona SHPO.  
17 Should that occur during the duration of this agreement, the roles of the Arizona SHPO  
18 will be replaced by the Hopi THPO.

19 **Stipulation VIII. Protocols for Federal, State, Private Lands, Zia Pueblo Lands, and other**  
20 **Tribal Lands on PNM Transmission Line ROW**

21 **A. Coordination with the Applicable Federal Land Manager, Zia Pueblo, or New**  
22 **Mexico SHPO**

23 The BLM will oversee the identification and complete evaluations of historic  
24 properties within the APE located on BLM land, assess effects, and resolve any  
25 adverse effects to those historic properties (including appropriate treatment measures)  
26 in consultation with New Mexico SHPO and Appropriate Consulting Parties  
27 consistent with the terms of this Agreement.

28 NPS will oversee the identification and complete evaluations of historic properties  
29 within the APE located on NPS land, assess effects, and resolve any adverse effects to  
30 those historic properties (including appropriate treatment measures) in consultation  
31 with New Mexico SHPO and Appropriate Consulting Parties consistent with the  
32 terms of this Agreement.

33 BIA will oversee the identification and complete evaluations of historic properties  
34 within the APE located on Allotted Indian land, assess effects, and resolve any

1 adverse effects to those historic properties (including appropriate treatment measures)  
2 in consultation with Appropriate Consulting Parties consistent with the terms of this  
3 Agreement.

4 BIA Southwest Region will oversee the identification and complete evaluations of  
5 historic properties within the APE located on Zia Pueblo land, assess effects, and  
6 resolve any adverse effects to those historic properties (including appropriate  
7 treatment measures) in consultation with Zia Pueblo, New Mexico SHPO, and  
8 Appropriate Consulting Parties consistent with the terms of this Agreement.

9 The New Mexico SHPO will oversee the identification and complete evaluations of  
10 historic properties within the APE located on State of New Mexico land and private  
11 property, assess effects, and resolve any adverse effects to those historic properties  
12 (including appropriate treatment measures) in consultation with Appropriate  
13 Consulting Parties consistent with the terms of this Agreement.

14 **B. Operation and Maintenance**

15 i. Procedures that have been determined not to affect historic properties

16 The Parties to this Agreement agree that the majority of activities related to  
17 operation and maintenance of the Transmission Lines are not likely to affect  
18 historic properties. In general, these activities occur largely on the surface within  
19 areas that are already disturbed, do not introduce new structural or visual  
20 elements, and require only nominal ground disturbance or alterations to existing  
21 structures. Therefore, the Parties agree that the following project operations and  
22 maintenance activities will not affect historic properties and are exempt from  
23 further review/consultation:

24 a. Aerial Maintenance and Non-Earth Disturbing Operation and Maintenance  
25 Activities

26 The Parties agree that Routine Aerial Maintenance and Non-Earth Disturbing  
27 Activities will not affect historic properties. When the Routine Maintenance  
28 consists solely of Aerial Maintenance or Non-Earth Disturbing Activities, the  
29 activity does not require prior notification, review, assessments, or  
30 consultation with federal agencies or consulting parties and no notice will be  
31 given. Additionally, no review by PNM will be required for these activities.

32 Examples of Aerial Maintenance include but are not limited to:

- 33 • Maintenance, retrofit, or replacement of above-ground electric
- 34 Transmission Line structure components including insulators,

1 hardware, cross-braces, cross-members, static cable lines, or switches,  
2 and conductors, or

- 3 • Filling voids or cavities in the wood of utility poles.

4 Examples of Non-Earth Disturbing Activities include but are not limited to:

- 5 • Transmission and distribution electric line patrols,
- 6 • Repair, replacement, or installation of transmission pole numbers,
- 7 • Repair, replacement, or installation of pole-mounted components such  
8 as insulators, conductors, cross arm, bracing and associated hardware,  
9 Remote or manual electrical switching work, including turning electric  
10 services on or off,
- 11 • Electric line spotting, or
- 12 • Vegetation management within the ROW using non-mechanical  
13 means.

14 b. Earth Disturbing Activities in Areas of Previous Disturbance that Have Been  
15 Surveyed

16 The Parties agree that when the Routine Maintenance consists solely of Earth  
17 Disturbing Activities in Areas of Previous Disturbance in Areas that Have  
18 Been Surveyed, the activity does not require prior notification, review,  
19 assessments, or consultation with federal agencies or consulting parties and no  
20 notice will be given. However, if a known historic property exists within 50  
21 feet of the activity, procedures for Areas Previously Surveyed and Cultural  
22 Resources within 50 feet of the Activity described in Stipulation V.B.iv. will  
23 be followed. If there are no known historic properties within 50 feet of the  
24 activity, no further review is required for these activities.

25 Examples of Earth Disturbing Activities in Areas of Previous Disturbance  
26 include but are not limited to:

- 27 • Anchor repair and maintenance (involves digging 1-3 feet in diameter  
28 and up to 1-2 feet in depth around an existing anchor to remove wind-  
29 blown deposits and expose the anchor rod and buried guy wires),
- 30 • Road blading on existing previously bladed access roads,
- 31 • Erosion control work to protect the ROW from erosion in areas of  
32 previous disturbance,
- 33 • Excavations to repair or replace ground wires,

- 1 • Excavations immediately around the base of transmission poles,
- 2 • Re-grading previously established, mechanically-leveled pads around
- 3 transmission structures to permit safe equipment set-up,
- 4 • Work within existing fenced/walled electric substations or switching
- 5 stations,
- 6 • Remedial treatment of poles (involves disturbing approximately 1-2
- 7 feet in diameter and up to 3 feet in depth around the base of an existing
- 8 pole to examine pole condition and possibly apply a treatment),
- 9 • Maintenance, repair, installation, or replacement of certain ancillary
- 10 facilities including, but not limited to, gates, fences, and signs,
- 11 • Repair of existing access roads that do not traverse historic properties
- 12 using in-kind materials with all work conducted within the existing
- 13 footprint of the road.

14 ii. Procedures for which additional evaluation is required

15 (a) Internal Evaluation Process

16 For activities that may affect historic properties, PNM will first conduct the  
17 following Internal Review Process, as appropriate to the Project, and in  
18 conformance with applicable standards in Stipulation II:

- 19 • Determine if the work is within the Project APE;
- 20 • If the work is within the Project APE, review existing information on
- 21 historic properties (including historic properties identified in
- 22 Attachment C);
- 23 • Assess the potential existence of historic properties through reviewing
- 24 existing field survey and other research;
- 25 • Determine the degree of existing disturbance by performing a field
- 26 inspection as appropriate.

27 (b) Earth Disturbing Activities in Non-Disturbed Areas

28 The Parties agree that when the Routine Maintenance activities result in  
29 Earth Disturbing Activities in areas that may have not been previously  
30 disturbed, the activity is subject to the following additional processes:

31

1 (i) Area Previously Surveyed and No Cultural Resources

2 If the area has been previously surveyed and no cultural resources are  
3 identified, PNM will proceed with the Routine Maintenance. No  
4 notification or approval will be required before work begins. PNM will  
5 maintain records of projects that proceed under these circumstances for a  
6 period of three (3) years. During that time, records will be made  
7 available to the applicable federal land manager on federal lands or New  
8 Mexico SHPO on State lands and the BIA.

9 (ii) Area Previously Surveyed and Cultural Resources within 50 feet of the  
10 Activity

11 If the area has been previously surveyed and cultural resources are  
12 identified within 50 feet of the activity, a Permitted Contractor will  
13 evaluate the anticipated effect of the Routine Maintenance activity on  
14 the known resource prior to commencement of the activity.

15 **No Impact.** If the results of the Internal Evaluation Process indicate that  
16 any identified cultural resources can and will be avoided, PNM will  
17 submit a Maintenance Evaluation Report via email or hard-copy within  
18 ten (10) days of conducting the review to the applicable federal land  
19 manager on federal lands or New Mexico SHPO on State lands and the  
20 BIA. This report will confirm that the resources can and will be avoided  
21 and PNM may proceed with the Project. No response or approval will  
22 be required before work begins.

23 **(Adverse Effects) Impact.** If the results of the Internal Evaluation  
24 Process indicate that cultural resources will be impacted, PNM will  
25 submit the Maintenance Evaluation Report via email or hard-copy  
26 within ten (10) days of conducting the review to the applicable federal  
27 land manager on federal lands or New Mexico SHPO on State lands and  
28 the BIA on tribal lands. The applicable federal land manager on federal  
29 lands or New Mexico SHPO on State lands and BIA will review the  
30 Maintenance Evaluation Report and provide concurrence within thirty  
31 (30) business days. If no response from the applicable federal land  
32 manager on federal lands or New Mexico SHPO on State lands or BIA is  
33 received by PNM within thirty (30) days, PNM may proceed with the  
34 Project provided PNM follows the resource management  
35 recommendations outlined in the Maintenance Evaluation Report.

1 Records will be provided to the applicable federal land manager or New  
2 Mexico SHPO, BIA and the Appropriate Consulting Parties.

3 (iii) Area has not been Previously Surveyed

4 A Permitted Contractor will conduct a survey of the area by  
5 systematically walking over the ground surface, including those areas  
6 listed in Attachment G of this Agreement, and in any areas later added to  
7 the APE in the event of future potential modifications after issuance of  
8 any Record of Decision provided the permitting processes are followed.  
9 This survey is designed to gather information about potential cultural  
10 resources prior to the commencement of the maintenance activity and  
11 will determine whether cultural resources are likely to be present. The  
12 following procedures will be implemented depending on the findings of  
13 the cultural resources survey:

14 **Negative Survey.** If the survey results indicate no cultural resources are  
15 present, PNM will submit a negative survey report via email or hard-  
16 copy within ten (10) days of conducting the survey to the applicable  
17 federal land manager on federal lands or New Mexico SHPO on State  
18 lands and BIA, and may proceed with the activity. No response or  
19 approval from the applicable federal land manager on federal lands or  
20 New Mexico SHPO on State lands and BIA will be required before work  
21 begins.

22 **Positive Survey.** If cultural resources sites are discovered during the  
23 survey they will be recorded on applicable forms. PNM will submit a  
24 written report via email or hard-copy following applicable guidelines to  
25 the applicable federal land manager on federal lands or New Mexico  
26 SHPO on State lands and BIA. The applicable federal land manager on  
27 federal lands or New Mexico SHPO on State lands and BIA will review  
28 the report and provide a determination of any impacts of the proposed  
29 activity within thirty (30) business days of the receipt of the report. If no  
30 response from the applicable federal land manager on federal lands or  
31 New Mexico SHPO on State lands or BIA is received by PNM within  
32 thirty (30) days, PNM may proceed with the Project provided PNM  
33 follows the management recommendations outlined in the report.

34 Records will be provided to the applicable federal land manager on  
35 federal lands or New Mexico SHPO on State lands, BIA and the  
36 Appropriate Consulting Parties.

1           **C. Emergency Maintenance and Response**

2           A number of events can occur with the Project APE that require a rapid response in  
3           order to safeguard facilities, provide for protection of wildlife habitat, protect public  
4           and private property, and prevent serious injury or loss of human life. These include,  
5           but are not limited to: structural or mechanical failure; transmission outages due to  
6           maintenance conditions; fire; wind and electrical storms; flood; and earthquake. The  
7           emergency maintenance and response procedure is designed to be implemented in the  
8           event such events occur.

9           Emergency Maintenance typically commences within 24 hours of discovery and  
10          may do so immediately with notification to the appropriate land manager and  
11          BIA. When an Emergency Maintenance activity results in potential impacts to  
12          cultural resources, APS will follow the expedited procedures outlined below,  
13          after the emergency work is completed.

14                   A PNM archaeologist will be notified of the need for Emergency  
15                   Maintenance work within twenty-four (24) hours. After the Emergency  
16                   Maintenance work, the PNM archaeologist will evaluate the potential  
17                   impacts to cultural resources and will prepare a report that outlines the  
18                   emergency work conducted, the impacts, and any proposed mitigation  
19                   measures within fifteen (15) business days. The BIA and appropriate land  
20                   manager will review the report within ten (10) business days.

21           **Stipulation IX. Cultural Resources Awareness Training**

22           APS and PNM personnel will complete cultural resources awareness training that is agreed upon  
23           by the NNTHPO, HCPO and Arizona SHPO, or Zia Pueblo and New Mexico SHPO, as  
24           appropriate, in consultation with BIA and the Appropriate Consulting Parties.

25           **Stipulation X. Unanticipated Discoveries During Operation and Maintenance of the**  
26           **Project**

27           **A. Unanticipated Discoveries of Archaeological Resources**

- 28           i. If the discovery occurs within the Navajo Nation, the Navajo Nation Guidelines for  
29           Discovery Situations, as listed in Attachment H, will be followed by the NNTHPO.
- 30           ii. If the discovery occurs within the Hopi Tribe Reservation, guidance in Attachment H  
31           will be followed by the HCPO.
- 32           iii. If the discovery occurs within Zia Pueblo lands, guidance from Section 106 of the  
33           NHPA and ARPA, as listed in Attachment H, will be followed by the Zia Pueblo and  
34           BIA Southwest Region.

- 1           iv. If the discovery occurs within federal lands, guidance from Section 106 of the NHPA  
2           and ARPA, as listed in Attachment H, will be followed by the federal land manager  
3           and APS or PNM, as appropriate.
- 4           v. If the discovery occurs within New Mexico State or private lands, guidance from  
5           New Mexico Cultural Properties Act (N.M. Stat. Part 18-6-1 through 18-6-17, as  
6           amended through 2005) and implementing regulation 4.10.11 New Mexico  
7           Administrative Code (NMAC), as listed in Attachment H, will be followed by the  
8           New Mexico SHPO and PNM.

9           **B. Unanticipated Discovery of Human Burials and Remains, and Funerary Objects**

10           When an unmarked human burial or unregistered grave is encountered during operation  
11           and maintenance activities, the Project proponent will ensure that any and all human  
12           remains, sacred objects, and objects of cultural patrimony will be treated with dignity and  
13           respect.

- 14           i. Discovery of Human Remains, Funerary Objects and Objects of Cultural Patrimony  
15           Within the Exterior Boundaries of the Navajo Nation

16           Upon discovery, APS or PNM will comply with any applicable laws and regulations,  
17           including, but not limited to, Navajo Nation Policy for the Protection of Jishchaa',  
18           Navajo Nation CRPA (CMY-19-88), Navajo Nation Policy for the Disposition of  
19           Cultural Resource Collections, and Navajo Nation Guidelines for Discovery  
20           Situations, as summarized in Attachment H.

- 21           ii. Hopi Tribe Reservation

22           Upon discovery, APS will comply with applicable laws and regulations including  
23           Native American Graves Protection Act (NAGPRA) (25 USC 3001[3]; 43 CFR § 10),  
24           ACHP Policy Statement Regarding the Treatment of Burial Sites, Human Remains,  
25           and Funerary Objects (February 23, 2007), and any guidance provided by the HCPO.  
26           Policies and guidelines are provided in Attachment H.

- 27           iii. Zia Pueblo Lands

28  
29           Upon discovery, PNM will comply with applicable laws and regulations including  
30           NAGPRA (25 USC 3001[3]; 43 CFR § 10), ACHP Policy Statement Regarding the  
31           Treatment of Burial Sites, Human Remains, and Funerary Objects (February 23, 2007),  
32           and any guidance provided by the Zia Pueblo. Policies and guidelines are provided in  
33           Attachment H.

1 iv. Federal Lands

2 Upon discovery, APS or PNM will comply with applicable laws, regulations, and  
3 guidelines including NAGPRA (25 USC 3001[3]; 43 CFR § 10), and ACHP Policy  
4 Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary  
5 Objects (February 23, 2007). Policies and guidelines are provided in Attachment H.

6 v. Tribal and Allotted Lands

7  
8 Upon discovery, APS or PNM will comply with applicable laws, regulations, and  
9 guidelines including NAGPRA (25 USC 3001[3]; 43 CFR § 10), and ACHP Policy  
10 Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary  
11 Objects (February 23, 2007). Policies and guidelines are provided in Attachment H.

12  
13 vi. New Mexico State or Private Lands

14 Upon discovery, PNM will comply with the New Mexico Cultural Properties Act  
15 (N.M. Stat. Part 18-6-1 through 18-6-17, as amended through 2005) and implementing  
16 regulation 4.10.11 NMAC. The ACHP Policy Statement Regarding the Treatment of  
17 Burial Sites, Human Remains, and Funerary Objects (February 23, 2007) shall also be  
18 followed. Policies and guidelines are provided in Attachment H.

19 **Stipulation XI. Curation**

20 A. The BLM and NPS may curate any artifacts, materials or records resulting from  
21 archaeological identification and mitigation conducted on Federal lands under their  
22 jurisdiction in accordance with 36 CFR Part 79 and NAGPRA (25 USC 3001[3]; 43 CFR  
23 Part 10). Human remains shall not be curated.

24 B. On land controlled or owned by the BLM and NPS, those agencies will determine the  
25 disposition of human burials, human remains, and funerary objects in accordance with  
26 applicable federal law and in consultation with Appropriate Consulting Parties.

27 C. PNM will return all artifacts recovered from private lands to the respective landowner  
28 after analysis is complete. PNM will encourage and assist landowners in donating any  
29 returned artifacts to a local curation facility. PNM shall pay all required curation fees  
30 associated with the donation.

31 D. On Tribal Trust Land, the Tribe will be offered the artifacts and if the Tribe declines, BIA  
32 will ask the appropriate SHPO/THPO as to disposition of artifacts after the study is  
33 completed. In New Mexico, if the Tribe declines, the artifacts shall be curated at the  
34 Museum of Indian Arts and Culture.

- 1 E. On Tribal Fee Land, where a Tribe holds title to property and pays state and county taxes  
2 on it, the Tribe will be offered the artifacts and if the Tribe declines, BIA will ask the  
3 appropriate SHPO as to disposition of artifacts after the study is completed. In New  
4 Mexico, if the Tribe declines, the artifacts shall be curated at the Museum of Indian Arts  
5 and Culture.
- 6 F. On BIA lands acquired by Public Land Order 2198, which are sometimes referred to as  
7 BIA Administrative Lands, the artifacts become the property of the U.S. Government  
8 (BIA).
- 9 G. NNTHPO may curate any artifacts, materials or records resulting from archaeological  
10 identification and mitigation conducted within Navajo Nation under their jurisdiction in  
11 accordance with applicable laws and regulations, including Navajo Nation Policy for the  
12 Protection of Jishchaa', Navajo Nation CRPA (CMY-19-88), and Navajo Nation Policy  
13 for the Disposition of Cultural Resource Collections.
- 14 H. The HCPO may curate any artifacts, materials or records resulting from archaeological  
15 identification and mitigation conducted within Hopi Tribe Reservation under their  
16 jurisdiction in accordance with applicable laws and regulations.
- 17 I. If the work is on Allotted Indian land held in trust for the allottee and their heirs or  
18 otherwise subject to a restraint on alienation ("Allotted Indian Land") and the owner(s)  
19 want the artifacts, the artifacts (except for human remains, funerary objects, sacred  
20 objects and objects of cultural patrimony) will be given to the owner(s) after a reasonable  
21 study time.
- 22 J. If the work is on Allotted Indian Land and the owner(s) wants the artifacts in order to sell  
23 them, BIA will not give the artifacts to the Allotted land owner, and instead will ask the  
24 Tribe as to disposition of the artifacts after any study is completed. 25 CFR § 262.8(c)  
25 gives authority to withhold artifacts if an agency believes the landowners will sell them.
- 26 K. If the work is on Allotted Indian Land and the owner(s) does not want the artifacts, the  
27 Tribe will be asked as to disposition of artifacts after study.
- 28 L. If artifacts are recovered on Allotted Indian Land that is located outside of an official  
29 reservation boundary and the owner(s) does not want the artifacts, BIA will consult with  
30 various tribes and the applicable SHPO as to the disposition after study. In New Mexico  
31 the artifacts shall be curated at the Museum of Indian Arts and Culture.

32 **Stipulation XII. Reporting**

- 33 A. The Proponents will prepare a summary matrix of activities related to the Undertaking  
34 within the APE, including activities associated with identification, evaluation and  
35 mitigation of historic properties as listed in Attachment C. The summary matrix will be

1 completed yearly by the 25 of January in each year (until termination of this Agreement  
2 as outlined in Stipulation XVIII) and submitted to the BIA and consulting parties.

3 B. Every two years following the execution of this Agreement until it expires or is  
4 terminated, the BIA with the assistance of the BLM, EPA, OSMRE, and ACHP, as  
5 necessary, will provide the SHPOs, consulting Indian tribes, and other consulting parties  
6 to this Agreement, a progress report summarizing the work carried out pursuant to its  
7 terms. The progress report will be submitted by March 1 of each bi-annum. Such report  
8 will include any scheduling changes proposed, any issues encountered, and any disputes  
9 and objections received in the efforts to carry out the terms of this Agreement. The BIA  
10 will maintain and update a list of current contact information for the SHPOs, consulting  
11 Indian tribes, and other consulting parties and will be distributed in each report. The  
12 consulting parties will have 30 days to comment on the report unless otherwise extended  
13 by the BIA.

14 C. Every two years, the BIA will also organize a meeting for all consulting parties after the  
15 comment period has ended and prior to the completion of the final report.

16 D. APS and PNM shall address timely comments and recommendations submitted by the  
17 BIA and other consulting parties on the March 1 report and will submit a final report.  
18 The final report will be submitted by the BIA to the NNTHPO, HCPO, SHPOs, and other  
19 consulting parties.

20 E. Other reports associated with the operations and maintenance of the power plant and  
21 Transmission Lines will follow the protocols set forth in Stipulations V, VI, VII, VIII,  
22 and IX.

23 **Stipulation XIII. No Waiver of Rights or Obligations between APS and Navajo Nation**

24 A. This Agreement is intended strictly to satisfy the federal agencies' Section 106  
25 responsibilities for this Undertaking. Nothing in this Agreement shall be deemed a  
26 waiver of any rights or obligations of any Party under any existing leases or ROWs,  
27 including but not limited to the covenant not to regulate granted to APS. APS, through  
28 this Agreement, voluntarily agrees to work with the NNTHPO to determine protocols for  
29 the identification, evaluation, and treatment of historic properties that are mutually  
30 acceptable to the NNTHPO and APS, and is intended to establish a practical substitute  
31 for Navajo Nation jurisdiction.

32 B. The Parties agree that the acts or omissions of the Parties pursuant to this Agreement  
33 have no effect on the scope, validity, or effect of the "covenant not to regulate", and do  
34 not constitute a waiver, abandonment, forfeiture, or relinquishment of APS's rights to  
35 invoke the "covenant not to regulate" either during pendency of or upon expiration or  
36 termination of this Agreement.

1 C. The Parties further agree that this Agreement and any actions taken pursuant to this  
2 Agreement may not be used, or offered or entered into evidence, in any proceeding  
3 relating to the jurisdictional authority or lack of jurisdictional authority of the Navajo  
4 Nation over APS, including without limitation any proceeding concerning the scope,  
5 validity, or effect of the covenant not to regulate.

6 **Stipulation XIV. Dispute Resolution**

7 A. Should any Signatory or Invited Signatory to the Agreement object at any time to any  
8 actions proposed or the manner in which the terms of this Agreement are implemented,  
9 the BIA will consult with such party to resolve the objection within 30 calendar days. If  
10 the BIA determines that such objection cannot be resolved, the BIA will:

11 i. Forward all documentation relevant to the dispute, including the BIA's proposed  
12 resolution, to the ACHP. The ACHP will provide the BIA with its advice on the  
13 resolution of the objection within 30 calendar days of receiving adequate  
14 documentation. Prior to reaching a final decision on the dispute, the BIA will prepare  
15 a written response that takes into account any timely advice or comments regarding  
16 the dispute from the ACHP, Signatories and Invited Signatories received within  
17 30 calendar days of BIA forwarding the documentation relevant to the dispute, and  
18 provide them with a copy of this written response. The BIA will then proceed  
19 according to its final decision.

20 ii. If the ACHP does not provide its advice regarding the dispute within the 30 calendar  
21 day time period, the BIA is responsible for making a final decision on the dispute and  
22 proceeding accordingly. Prior to reaching such a final decision, the BIA will prepare  
23 a written response that takes into account any timely comments regarding the dispute  
24 from the Signatories, Invited Signatories, and Concurring Parties, and provide them  
25 and the ACHP with a copy of such written response.

26 B. Any dispute pertaining to the NRHP eligibility of historic properties or cultural resources  
27 covered by this Agreement will be addressed by the BIA per 36 CFR § 800.4(c)(2).

28 C. The appropriate lead federal agencies are responsible for carrying out all other actions  
29 subject to the terms of this Agreement that are not the subject of the dispute.

30 **Stipulation XV. Effective Date**

31 This Agreement shall take effect upon execution of the Agreement and issuance of the Record of  
32 Decision by OSMRE.

1 **Stipulation XVI. Duration**

- 2 A. This Agreement expires 25 years from its effective date unless extended by written  
3 agreement of the Signatories and Invited Signatories prior to expiration.
- 4 B. One year prior to expiration of this Agreement, the BIA shall consult with the other  
5 Signatories and Invited Signatories to reconsider the terms of the Agreement and, if  
6 applicable, have the Signatories extend the term of the originally executed Agreement.  
7 Extensions are treated as amendments in accordance with Stipulation XVII. Signatories  
8 will notify the Invited Signatories and Concurring parties as to the course of action they  
9 will pursue.

10 **Stipulation XVII. Amendment**

- 11 A. Any Signatory or Invited Signatory to this Agreement may propose in writing to the other  
12 Signatories and Invited Signatories that it be amended. The Signatories and Invited  
13 Signatories will consult for no more than 30 days in an effort to reach agreement on an  
14 amendment. Any amendment will be effective on the date it is signed by all of the  
15 Signatories.
- 16 B. The CRMTP may be amended as provided for in that document. Modifications,  
17 additions or deletions to the CRMTP shall not require an amendment to this Agreement.

18 **Stipulation XIII. Termination**

- 19 A. Only Signatories and Invited Signatories may terminate this Agreement in its entirety. If  
20 any Signatory or Invited Signatory to this Agreement determines that its terms will not or  
21 cannot be carried out, that party will immediately consult with the other parties to attempt  
22 to develop an amendment per Stipulation XVII. If within thirty (30) days an amendment  
23 cannot be reached, any Signatory, Invited Signatory or Concurring Party may terminate  
24 its participation in the Agreement upon written notification to the other Signatories,  
25 Invited Signatories, and Concurring Parties.
- 26 B. Termination by the NNTHPO, HCPO, Zia Pueblo, or an individual SHPO shall only  
27 terminate the application of this Agreement within the jurisdiction of that party.
- 28 C. If the Agreement is terminated in its entirety, the BIA shall either seek to negotiate a  
29 memorandum of agreement under 36 CFR § 800.6(c) or request, take into account, and  
30 respond to the comments of the ACHP in accordance with 36 CFR § 800.7(a). Following  
31 consultation with the ACHP, the BIA will notify the Signatories, Invited Signatories, and  
32 Concurring Parties as to the course of action it will pursue.

1 **Stipulation XIX. Coordination with Other Federal Reviews**

2 In the event that APS or PNM applies for federal funding or approvals and the Undertaking  
3 remains unchanged, such funding or approving agency may comply with Section 106 of the  
4 NHPA by agreeing in writing to the terms of this Agreement and notifying and consulting with  
5 the applicable federal or state agency and Appropriate Consulting Party. Any necessary  
6 amendments will be considered in accordance with Stipulation XVII.

7 **Stipulation XX. Scope of the Agreement**

8 This Agreement is limited in scope to actions that will facilitate the operation and maintenance  
9 of the FCPP, ancillary facilities, and Transmission Lines and is entered into solely for the  
10 purpose of taking into account the effects of those aspects of the Undertaking on historic  
11 properties.

12 **EXECUTION** of this Agreement by OSMRE, BIA, BLM, EPA, NPS, NNTHPO, HCPO, Zia  
13 Pueblo, ACHP, New Mexico SHPO, Arizona SHPO, APS, and PNM and implementation of its  
14 terms evidence that OSMRE, BIA, BLM, EPA, and NPS have taken into account the effects of  
15 continued operations at the FCPP, associated Transmission Lines, and ancillary facilities on  
16 historic properties and afforded the ACHP an opportunity to comment.

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**SIGNATORY PARTIES**

**OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT**

By \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF INDIAN AFFAIRS (Navajo Region Office)**

By \_\_\_\_\_ Date \_\_\_\_\_

**BUREAU OF INDIAN AFFAIRS (Western Region Office)**

By \_\_\_\_\_ Date \_\_\_\_\_

**NAVAJO NATION TRIBAL HISTORIC PRESERVATION OFFICER**

By \_\_\_\_\_ Date \_\_\_\_\_

**HOPI TRIBAL CHAIRMAN**

By \_\_\_\_\_ Date \_\_\_\_\_

1 **ZIA PUEBLO CHAIRMAN**

2

3 By \_\_\_\_\_ Date \_\_\_\_\_

4

5

6 **BUREAU OF LAND MANAGEMENT**

7

8 By \_\_\_\_\_ Date \_\_\_\_\_

9

10

11 **U.S. ENVIRONMENTAL PROTECTION AGENCY**

12

13 By \_\_\_\_\_ Date \_\_\_\_\_

14

15

16 **NATIONAL PARK SERVICE**

17

18 By \_\_\_\_\_ Date \_\_\_\_\_

19

20

21 **NEW MEXICO STATE HISTORIC PRESERVATION OFFICER**

22

23 By \_\_\_\_\_ Date \_\_\_\_\_

24

25

26 **ARIZONA STATE HISTORIC PRESERVATION OFFICER**

27

28 By \_\_\_\_\_ Date \_\_\_\_\_

1

2 **ADVISORY COUNCIL ON HISTORIC PRESERVATION**

3

4 By \_\_\_\_\_ Date \_\_\_\_\_

1 **INVITED SIGNATORY PARTIES**

2

3 **BUREAU OF INDIAN AFFAIRS (Southwest Region Office)**

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5 By \_\_\_\_\_ Date \_\_\_\_\_

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7

8 **ARIZONA PUBLIC SERVICE COMPANY**

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10 By \_\_\_\_\_ Date \_\_\_\_\_

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13 **PUBLIC SERVICE COMPANY OF NEW MEXICO**

14

15 By \_\_\_\_\_ Date \_\_\_\_\_

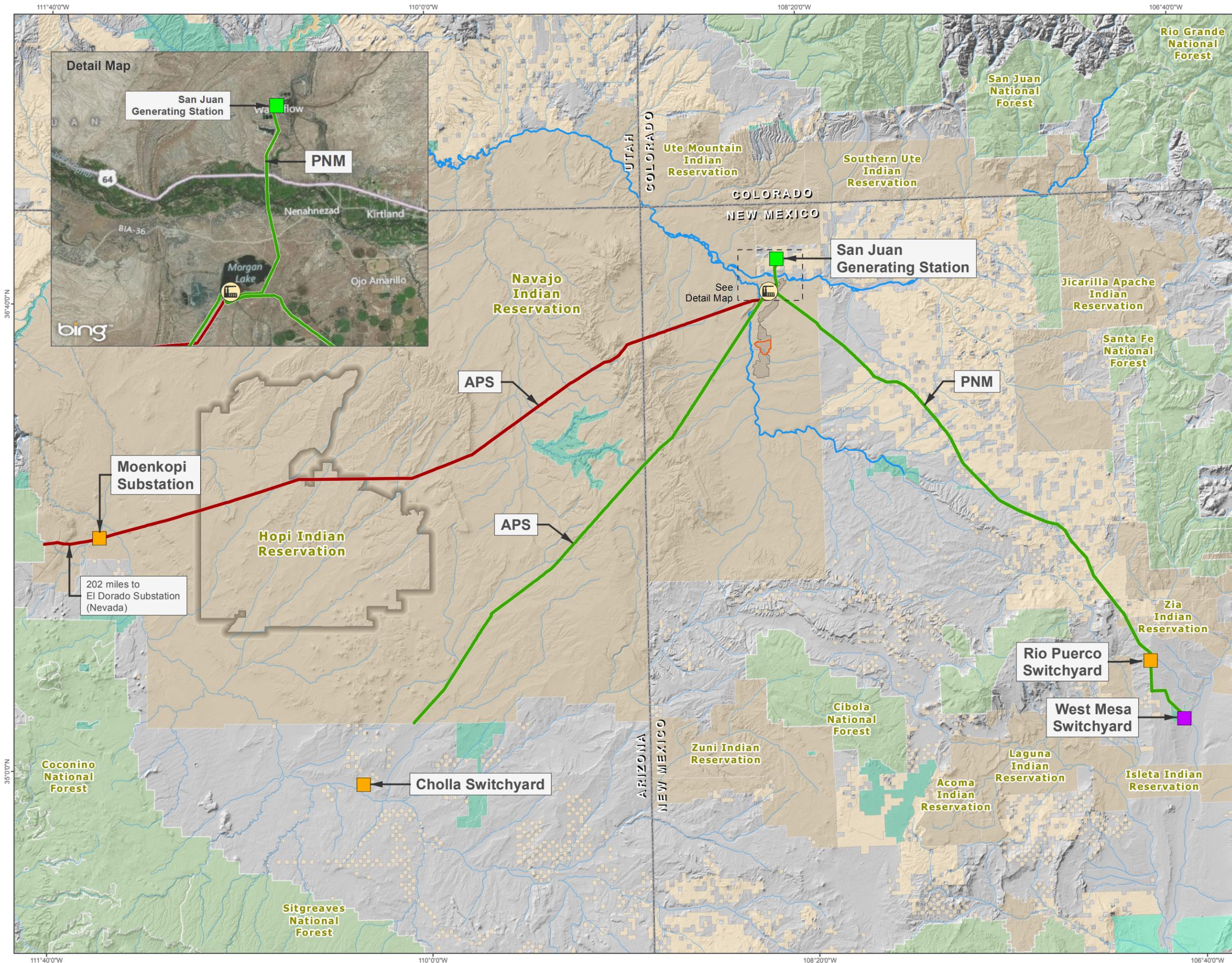
- 1 **ATTACHMENTS**
- 2 **Attachment A: Project Maps**
- 3 **Attachment B: List of Indian Tribes Invited by Lead Federal Agency to Participate in**
- 4 **Consultation and Consultation Record**
- 5 **Attachment C: Current List of National Register Eligible Properties (Historic Properties)**
- 6 **and Unevaluated Properties within the APE (as of February 28, 2014)**
- 7 **Attachment D: Agency, Consulting Tribes, and Proponent Contact List**
- 8 **Attachment E: Definitions**
- 9 **Attachment F: Regulations and Guidelines Referenced**
- 10 **Attachment G: List of Areas to be Surveyed under the PA**
- 11 **Attachment H: Unanticipated Discovery of Archaeological Materials and Human Remains:**
- 12 **Procedures and Protocols**

# Attachment A

Project Maps



Project Location



PROJECT FACILITIES

- Four Corners Power Plant
- Generating Station
- Substation
- Switchyard

PROJECT BOUNDARIES

- Pinabete Mine Permit Boundary
- Navajo Mine Lease Areas

TRANSMISSION LINES

- 345kV
- 500kV

FEDERAL MANAGING GROUP

- Forest Service
- Bureau of Land Management
- Fish and Wildlife Service
- National Park Service
- Bureau of Indian Affairs
- Bureau of Reclamation

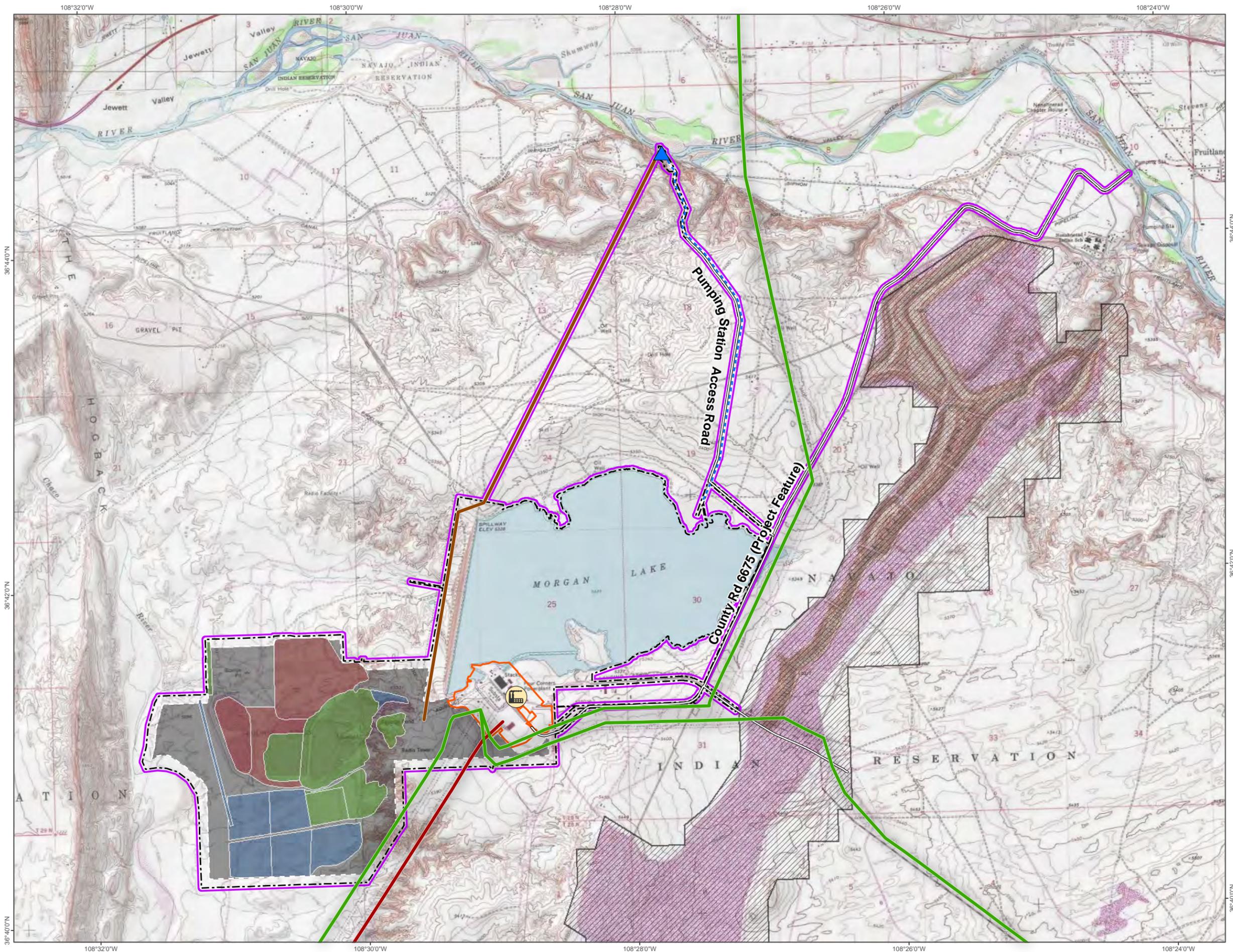




# Four Corners Power Plant and Navajo Mine Energy Project

## AFFECTED ENVIRONMENT

**Figure 4.4-2**  
Area of Potential Effect  
Four Corners Power Plant



### PROJECT FACILITIES

- Four Corners Power Plant 
- Pumping Station 
- Pumping Station Pipeline 

### PROJECT BOUNDARIES

- Four Corners Lease Boundary 
- Navajo Mine Lease Area 
- Power Plant Fence Line 

### TRANSMISSION LINES

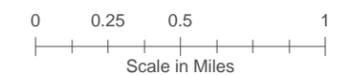
- 345kV 
- 500kV 
- 69kV - Pumping Station to Power Plant 

### AREAS OF POTENTIAL EFFECT

- Area of Potential Effect 

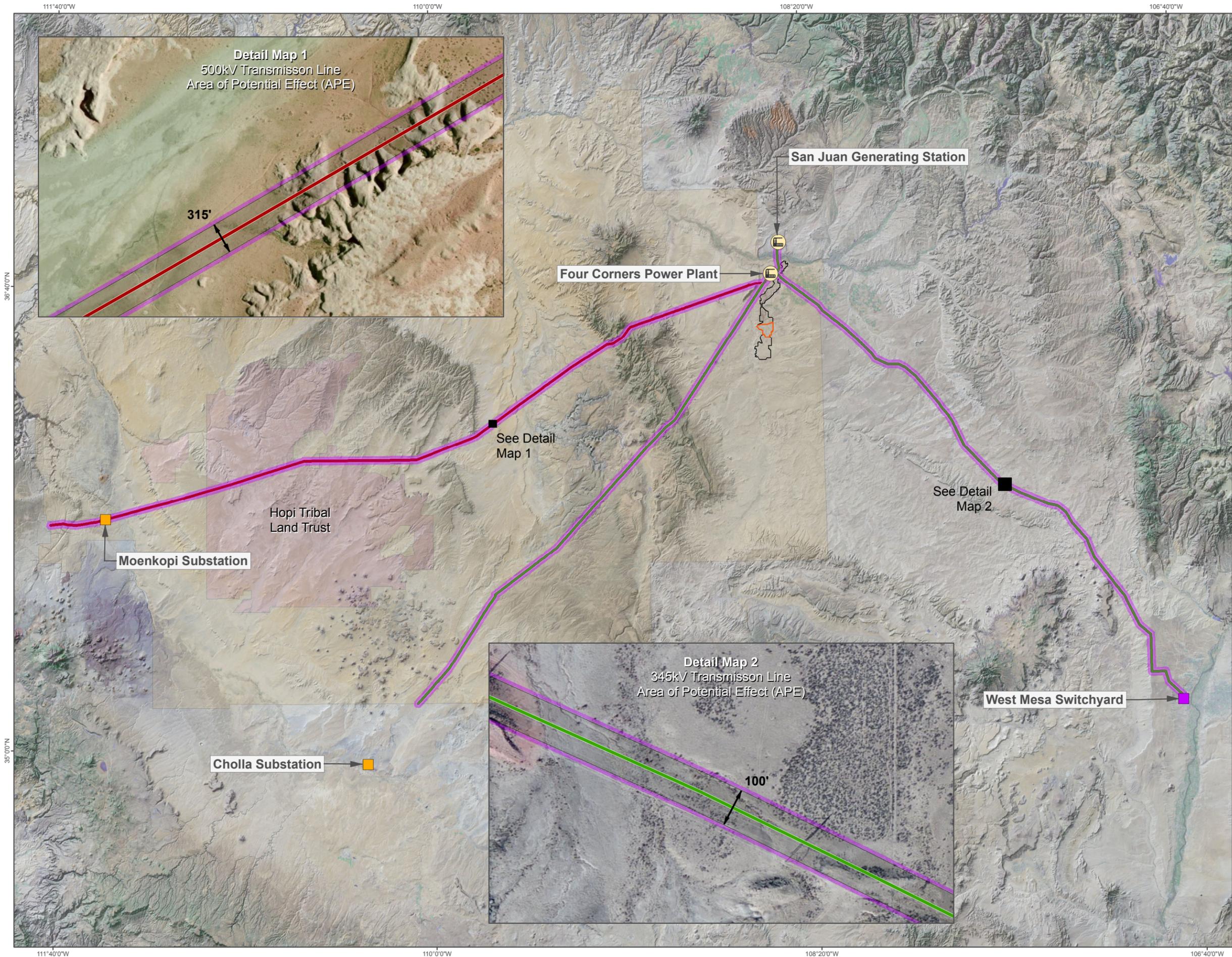
### ASH FACILITIES

- Existing Active Facility 
- Existing Inactive Facility 
- Future Facility 
- Future Ash Disturbance Area 





Area of Potential Effect  
Transmission Lines



PROJECT FACILITIES

- Four Corners Power Plant 
- Substation 
- Switchyard 

PROJECT BOUNDARIES

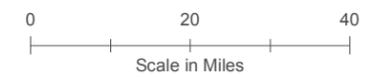
- Navajo Mine Lease Area 
- Proposed Pinabete Permit Boundary 
- Area of Potential Effect 

TRANSMISSION LINES

- 345kV 
- 500kV 

OTHER FEATURES

- County Boundaries 
- Hopi Tribal Trust Lands 
- Navajo Nation Tribal Trust Lands 





## Attachment B

List of Indian Tribes Invited by Lead Federal Agency to  
Participate in Consultation and Consultation Record



## Attachment B: List of Indian Tribes Invited by Lead Federal Agency to Participate in Consultation and Consultation Record

INDIAN TRIBES INVITED TO PARTICIPATE IN CONSULTATION	
1	Comanche Nation
2	Fort McDowell Yavapai Nation
3	Havasupai Tribe
4	Hopi Tribe
5	Hualapai Indian Tribe
6	Jicarilla Apache Nation
7	Kaibab of Paiute Indians
8	Kewa Pueblo, formerly Santo Domingo Pueblo
9	Kiowa Tribe of Oklahoma
10	Las Vegas Tribe of Paiute Indians
11	Moapa Band of Paiute Indians
12	Navajo Nation
13	Ohkay Owingeh, formerly Pueblo of San Juan
14	Paiute Indian Tribe of Utah (Cedar, Kanosh, Koosharem, Indian Peaks, and Shivwits Bands)
15	Pueblo of Acoma
16	Pueblo of Cochiti
17	Pueblo of Ildefonso
18	Pueblo of Isleta
19	Pueblo of Jemez
20	Pueblo of Laguna
21	Pueblo of Nambe
22	Pueblo of San Felipe
23	Pueblo of Sandia
24	Pueblo of Santa Ana
25	Pueblo of Santa Clara
26	Pueblo of Tesuque
27	Pueblo of Zia
28	Ramah Navajo Chapter
29	San Carlos Apache Tribe
30	San Juan Southern Paiute Tribe of Arizona
31	Southern Ute Indian Tribe
32	Ute Mountain Tribe of the Ute Mountain Indian Reservation
33	White Mountain Apache Tribe of the Fort Apache Reservation
34	Ysleta Del Sur Pueblo
35	Zuni Pueblo



## Attachment C

Current List of National Register Eligible Properties (Historic Properties)  
and  
Unevaluated Properties within the APE (as of February 28, 2014)



## Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)

**TABLE C-1. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN FCPP AREA**

SITE #	LAND OWNERSHIP	DESCRIPTION	AFFILIATION	NRHP DETERMINATION BY OSM	THPO/SHPO CONCURRENCE WITH OSM FINDINGS
NM-H-20-12	Navajo Nation	Previously recorded structural site	Anasazi	Eligible	Pending
NM-H-20-13	Navajo Nation	Previously recorded sherd and lithic scatter	Anasazi	Unevaluated	Pending
NM-H-20-14	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Pending
NM-H-20-15	Navajo Nation	Previously recorded sheepherding camp	Navajo	Eligible	Pending
NM-H-20-16	Navajo Nation	Previously recorded habitation	Anasazi	Eligible	Pending
NM-H-20-17	Navajo Nation	Previously recorded feature	Anasazi	Eligible	Pending
NM-H-20-18	Navajo Nation	Previously recorded field house	Anasazi	Eligible	Pending
NM-H-20-19	Navajo Nation	Previously recorded field house	Anasazi	Eligible	Pending
NM-H-20-21	Navajo Nation	Previously recorded structural site and cairns	Anasazi/ Late Historic/ Navajo	Eligible	Pending
NM-H-20-62	Navajo Nation	Previously recorded multiple residence	Anasazi	Eligible	Pending
NM-H-20-128	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending
NM-H-20-152	Navajo Nation	Hogan	Navajo	Eligible	Pending
NM-H-20-154	Navajo Nation	Previously recorded multiple residence	Anasazi	Eligible	Pending
NM-H-20-155	Navajo Nation	Previously recorded residence	Anasazi	Eligible	Pending
NM-H-21-156	Navajo Nation	Previously recorded possible hearth	Unknown	Unevaluated	Pending

Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)

**TABLE C-2. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN ROW FOR APS 500-KV TO MOENKOPI SUBSTATION**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
AZ-I-25-121	Navajo Nation	Artifact scatter with feature	Anasazi	Eligible	Pending
AZ-I-25-124	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-38-46	Navajo Nation	Previously Recorded Habitation	Anasazi/ Navajo	Eligible	Pending
AZ-I-38-47	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-38-50	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-38-51	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-38-52	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
AZ-I-39-137	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending
AZ-I-39-138	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-39-139	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending
AZ-I-39-140	Navajo Nation	Artifact scatter with features	Navajo	Eligible	Pending
AZ-I-39-141	Navajo Nation	Artifact scatter	Basketmaker/ Navajo	Unevaluated	Pending
AZ-I-44-48	Navajo Nation	Sweat lodge with features and artifact scatter	Unknown/ Navajo	Eligible	Pending
AZ-I-44-49	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending
AZ-I-44-50	Navajo Nation	Artifact scatter with features	Anasazi/ Navajo	Eligible	Pending
AZ-I-44-52	Navajo Nation	Sweat lodge and artifact scatter with features	Anasazi/ Navajo	Eligible	Pending
AZ-I-44-53	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending
AZ-I-44-54	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
AZ-I-44-55	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
AZ-I-44-56	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending
AZ-I-44-58	Navajo Nation	Lithic scatter	Unknown	Unevaluated	Pending
AZ-I-44-59	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-44-60	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-44-62	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending
AZ-I-44-63	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
AZ-I-44-64	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-44-65	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-44-66	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
AZ-I-44-67	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
AZ-I-44-68	Navajo Nation	Habitation	Navajo/ Unknown	Eligible	Pending
AZ-I-45-101	Navajo Nation	Artifact scatter with features	Anasazi/ Navajo	Unevaluated	Pending
AZ-I-45-102	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-45-103	Navajo Nation	Artifact scatter with feature	Unknown	Unevaluated	Pending
AZ-I-45-104	Navajo Nation	Artifact scatter with feature	Archaic/ Anasazi	Unevaluated	Pending
AZ-I-45-105	Navajo Nation	Flaked stone quarry with features	Unknown/ Navajo	Unevaluated	Pending
AZ-I-45-106	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending
AZ-I-45-107	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending
AZ-I-51-1	Navajo Nation	Habitation	Navajo/ Anasazi	Eligible	Pending
AZ-I-52-78	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-63-66	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
AZ-I-64-67	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-I-64-68	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-J-57-100	Navajo Nation	Artifact scatter with feature	Anasazi	Unevaluated	Pending
AZ-J-57-101	Navajo Nation	Habitation and sweat lodge	Anasazi/ Navajo	Eligible	Pending
AZ-J-57-91	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-J-57-92	Navajo Nation	Artifact scatter with features	Basketmaker/ Anasazi/ Navajo	Eligible	Pending
AZ-J-57-93	Navajo Nation	Artifact scatter with features and sweat lodge	Navajo	Eligible	Pending
AZ-J-57-94	Navajo Nation	Artifact scatter with features	Anasazi/ Navajo	Eligible	Pending
AZ-J-57-95	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending
AZ-J-57-96	Navajo Nation	Artifact scatter with feature	Basketmaker/ Anasazi/ Navajo	Eligible	Pending
AZ-J-57-98	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-J-57-99	Navajo Nation	Artifact scatter with features	Navajo	Unevaluated	Pending
AZ-J-58-125	Navajo Nation	Habitation and sweat lodge	Anasazi/ Navajo/ Unknown	Eligible	Pending
AZ-J-58-126	Navajo Nation	Artifact scatter	Navajo	Unevaluated	Pending
AZ-J-58-127	Navajo Nation	Habitation and sweat lodge	Anasazi/ Navajo	Eligible	Pending
AZ-J-58-128	Navajo Nation	Habitation	Anasazi/ Navajo/ Historic	Eligible	Pending
AZ-J-58-129	Navajo Nation	Sweat lodge	Navajo/ Unknown	Eligible	Pending
AZ-J-58-130	Navajo Nation	Sweat lodge	Navajo/ Unknown	Eligible	Pending
AZ-J-58-131	Navajo Nation	Sweat lodge	Navajo/ Unknown	Eligible	Pending
AZ-J-59-107	Navajo Nation	Artifact scatter with features and sweat lodges	Anasazi/ Navajo/ protohistoric-historic	Eligible	Pending
AZ-J-59-108	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
AZ-J-59-109	Navajo Nation	Sweat lodge	Navajo/ Unknown	Eligible	Pending
AZ-K-53-4	Navajo Nation	Previously Recorded Road	Euro-American	Eligible	Pending
AZ-M-17-1	Navajo Nation	Lithic scatter	Unknown/ Prehistoric	Unevaluated	Pending
AZ-M-17-2	Navajo Nation	Flaked stone scatter	Unknown/ Prehistoric	Unevaluated	Pending
AZ-M-17-3	Navajo Nation	Flaked stone scatter	Unknown/ Prehistoric	Unevaluated	Pending
AZ-M-17-4	Navajo Nation	Lithic scatter	Early Archaic	Unevaluated	Pending
AZ-M-17-5	Navajo Nation	Artifact scatter with features	Early Archaic/ Patayan	Eligible	Pending
AZ-M-18-1	Navajo Nation	Artifact scatter	Archaic/ Patayan	Eligible	Pending
AZ-M-18-10	Navajo Nation	Lithic scatter	Unknown/ Prehistoric	Eligible	Pending
AZ-M-18-11	Navajo Nation	Artifact scatter	Patayan	Unevaluated	Pending
AZ-M-18-12	Navajo Nation	Artifact scatter	Patayan	Unevaluated	Pending
AZ-M-18-13	Navajo Nation	Flaked stone scatter	Unknown/ Prehistoric	Unevaluated	Pending
AZ-M-18-14	Navajo Nation	Artifact scatter	Patayan	Unevaluated	Pending
AZ-M-18-2	Navajo Nation	Lithic scatter	Unknown/ Prehistoric	Eligible	Pending
AZ-M-18-5	Navajo Nation	Artifact scatter	Unknown/ Prehistoric	Eligible	Pending
AZ-M-18-6	Navajo Nation	Artifact scatter	Archaic/ Patayan	Eligible	Pending
AZ-M-18-7	Navajo Nation	Flaked stone scatter	Archaic	Unevaluated	Pending
AZ-M-18-8	Navajo Nation	Lithic scatter	Unknown/ Prehistoric	Unevaluated	Pending
AZ-M-18-9	Navajo Nation	Artifact scatter	Late Archaic/ Patayan	Eligible	Pending
AZ-M-19-2	Navajo Nation	Flaked stone scatter	Archaic	Unevaluated	Pending
AZ-M-19-3	Navajo Nation	Flaked stone scatter	Unknown	Unevaluated	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
AZ-N-11-18	Navajo Nation	Artifact scatter	Unknown	Unevaluated	Pending
AZ-N-12-47	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending
AZ-N-12-58	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-N-12-60	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-N-12-61	Navajo Nation	Habitation	Anasazi	Eligible	Pending
AZ-N-12-62	Navajo Nation	Artifact scatter with features	Navajo	Unevaluated	Pending
AZ-N-12-64	Navajo Nation	Flaked stone scatter with features	Unknown/ Navajo	Unevaluated	Pending
AZ-N-13-16	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-N-13-17	Navajo Nation	Artifact scatter	Cohonina	Eligible	Pending
AZ-N-14-12	Navajo Nation	Artifact scatter with feature	Unknown	Eligible	Pending
AZ-N-14-13	Navajo Nation	Sweat lodge and corral	Navajo	Eligible	Pending
AZ-N-7-1	Navajo Nation	Artifact scatter	Anasazi	Unevaluated	Pending
AZ-Z-25-1	Navajo Nation	Lithic scatter	Unknown	Unevaluated	Pending
AZ-Z-25-2	Navajo Nation	Artifact scatter	Patayan	Eligible	Pending
AZ-Z-25-3	Navajo Nation	Flaked stone scatter	Unknown	Unevaluated	Pending
AZ-Z-25-4	Navajo Nation	Flaked stone scatter	Unknown	Unevaluated	Pending
NM-H-20-146	Navajo Nation	Sherd scatter with features	Anasazi	Eligible	Pending
NM-H-20-147	Navajo Nation	Previously Recorded Chacoan Great House Community	Anasazi/Navajo	Eligible	Pending
NM-H-20-148	Navajo Nation	Habitation	Anasazi	Eligible	Pending
NM-H-20-153	Navajo Nation	Artifact scatter with features	Anasazi	Eligible	Pending
NM-H-20-77	Navajo Nation	Previous Recorded Artifact scatter with feature	Anasazi	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
NM-H-20-84	Navajo Nation	Previously Recorded Habitation	Navajo	Eligible	Pending
NM-H-20-90	Navajo Nation	Previously Recorded Artifact scatter with features	Anasazi	Eligible	Pending
NM-H-30-24	Navajo Nation	Artifact scatter with features	Archaic/ Anasazi/ Navajo	Unevaluated	Pending
NM-H-32-103	Navajo Nation	Habitation	Navajo	Eligible	Pending
NM-H-32-104	Navajo Nation	Rock art	Anasazi/ Navajo	Eligible	Pending
NM-H-32-105	Navajo Nation	Previously Recorded Habitation	Anasazi	Eligible	Pending
NM-I-25-122	Navajo Nation	Habitation	Navajo	Eligible	Pending
NM-I-25-123	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

**TABLE C-3. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN ROW OF APS 500-kV TO MOENKOPI SUBSTATION ON HOPI TRIBAL LANDS**

SITE #	LAND OWNERSHIP	DESCRIPTION	AFFILIATION	NRHP DETERMINATION BY OSM	THPO CONCURRENCE WITH OSM FINDINGS
001-2009	Hopi	Habitation	Hisatsinom	Eligible	Pending
002-2009	Hopi	Habitation	Hisatsinom/ Navajo	Eligible	Pending
003-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending
004-2009	Hopi	Developed spring	Hopi	Eligible	Pending
005-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending
006-2009	Hopi	Hogan	Navajo	Eligible	Pending
007-2009	Hopi	Artifact scatter and feature	Navajo	Unevaluated	Pending
008-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending
009-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending
010-2009	Hopi	Artifact scatter	Hisatsinom	Unevaluated	Pending
011-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending
012-2009	Hopi	Artifact scatter and feature	Hisatsinom	Eligible	Pending
013-2009	Hopi	Artifact scatter	Hisatsinom	Unevaluated	Pending
014-2009	Hopi	Habitation	Hisatsinom/ Navajo	Eligible	Pending
015-2009	Hopi	Artifact scatter and feature	Hisatsinom	Unevaluated	Pending
016-2009	Hopi	Artifact scatter and feature	Hisatsinom	Unevaluated	Pending
017-2009	Hopi	Artifact scatter and feature	Basketmaker	Eligible	Pending
018-2009	Hopi	Rock art and feature	Unknown	Eligible	Pending
019-2009	Hopi	Rock art, features, and artifact scatter	Hisatsinom/ Hopi	Eligible	Pending
020-2009	Hopi	Artifact scatter and feature	Hisatsinom	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
021-2009	Hopi	Habitation	Hisatsinom	Eligible	Pending
022-2009	Hopi	Rock shelter	Hisatsinom	Eligible	Pending
023-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending
024-2009	Hopi	Artifact scatter and feature	Hisatsinom	Eligible	Pending
025-2009	Hopi	Artifact scatter and habitation	Hisatsinom/ Navajo	Eligible	Pending
026-2009	Hopi	Rock art and artifact scatter	Hisatsinom	Eligible	Pending
027-2009	Hopi	Artifact scatter and feature	Hisatsinom	Eligible	Pending
028-2009	Hopi	Artifact scatter	Hisatsinom	Eligible	Pending
029-2009	Hopi	Habitation	Hisatsinom/ Navajo	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

**TABLE C-4. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN ROW OF APS 345-KV TO CHOLLA SWITCHYARD**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO/SHPO CONCURRENCE WITH OSM FINDINGS</b>
AZ-I-57-32	Navajo Nation	Flaked stone scatter and features	Navajo	Eligible	Pending
AZ-I-57-33	Navajo Nation	Flaked stone scatter	Unknown	Eligible	Pending
AZ-O-56-8	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-O-56-9	Navajo Nation	Artifact scatter and feature	Anasazi	Eligible	Pending
AZ-P-07-60	Navajo Nation	Previously recorded habitation	Navajo	Eligible	Pending
AZ-P-11-45	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
AZ-P-12-68	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-P-12-69	Navajo Nation	Previously recorded multiple room blocks and kivas	Anasazi	Eligible	Pending
AZ-P-20-160	Navajo Nation	Sherd scatter	Anasazi	Eligible	Pending
AZ-P-20-161	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-20-162	Navajo Nation	Artifact scatter and feature	Anasazi	Eligible	Pending
AZ-P-20-163	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-21-79	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
AZ-P-21-80	Navajo Nation	Flaked stone scatter	Unknown	Eligible	Pending
AZ-P-29-65	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-30-16	Navajo Nation	Previously recorded artifact scatter and feature	Anasazi	Eligible	Pending
AZ-P-30-45	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
AZ-P-30-46	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-30-47	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO/SHPO CONCURRENCE WITH OSM FINDINGS</b>
AZ-P-30-48	Navajo Nation	Artifact scatter and feature	Anasazi	Eligible	Pending
AZ-P-30-49	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-30-50	Navajo Nation	Artifact scatter and features	Anasazi	Eligible	Pending
AZ-P-34-10	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-34-9	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-47-1	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-48-10	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-48-11	Navajo Nation	Structure	Anasazi	Eligible	Pending
AZ-P-48-7	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
AZ-P-48-8	Navajo Nation	Habitation	Navajo	Eligible	Pending
AZ-P-48-9	Navajo Nation	Habitation	Navajo	Eligible	Pending
NM-H-143	Navajo Nation	Previously Recorded Habitation	Anasazi	Eligible	Pending
NM-H-20-98	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Pending
NM-H-20-99	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Pending
NM-H-21-209	Navajo Nation	Bread oven	Navajo	Eligible	Pending
NM-H-29-139	Navajo Nation	Previously recorded habitation with multiple room blocks, kivas, and artifact scatter	Anasazi	Eligible	Pending
NM-H-35-20	Navajo Nation	Habitation	Navajo	Eligible	Pending
NM-H-35-21	Navajo Nation	Artifact scatter and features	Anasazi/Navajo	Eligible	Pending
NM-H-35-22	Navajo Nation	Artifact scatter and features	Anasazi	Eligible	Pending
NM-H-35-23	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO/SHPO CONCURRENCE WITH OSM FINDINGS</b>
NM-H-35-24	Navajo Nation	Previously recorded artifact scatter and features	Anasazi	Eligible	Pending
NM-H-35-26	Navajo Nation	Habitation	Navajo	Eligible	Pending
NM-H-35-27	Navajo Nation	Artifact scatter and features	Anasazi/ Navajo	Eligible	Pending
NM-H-35-28	Navajo Nation	Artifact scatter and feature	Anasazi/ Navajo	Eligible	Pending
NM-H-35-29	Navajo Nation	Rock art, artifact scatter, and features	Anasazi/ Navajo	Eligible	Pending
NM-H-35-30	Navajo Nation	Artifact scatter and features	Anasazi/ Navajo	Eligible	Pending
NM-H-47-125	Navajo Nation	Previously recorded habitation and artifact scatter	Anasazi	Eligible	Pending
NM-H-47-126	Navajo Nation	Artifact scatter	Anasazi	Eligible	Pending
NM-H-47-127	Navajo Nation	Habitation	Anasazi/ Navajo	Eligible	Pending
NM-H-47-128	Navajo Nation	Previously recorded habitation	Anasazi/ Navajo	Eligible	Pending
NM-H-47-129	Navajo Nation	Artifact scatter and features	Anasazi	Eligible	Pending
NM-H-47-130	Navajo Nation	Artifact scatter and feature	Anasazi	Eligible	Pending
NM-H-47-132	Navajo Nation	Sherd scatter	Anasazi	Eligible	Pending
NM-H-47-133	Navajo Nation	Artifact scatter and features	Anasazi/ Navajo	Eligible	Pending
NM-H-47-134	Navajo Nation	Previously recorded habitation	Anasazi/ Navajo	Eligible	Pending
NM-H-47-135	Navajo Nation	Artifact scatter and feature	Anasazi/ Navajo	Eligible	Pending
NM-H-47-32	Navajo Nation	Previously recorded artifact scatter and feature	Anasazi	Eligible	Pending
NM-H-47-94	Navajo Nation	Previously recorded habitation	Anasazi/ Navajo	Eligible	Pending
NM-H-49-116	Navajo Nation	Artifact scatter and features	Anasazi/ Navajo	Eligible	Pending
NM-H-49-117	Navajo Nation	Previously recorded hogan	Navajo	Eligible	Pending

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO/SHPO CONCURRENCE WITH OSM FINDINGS</b>
NM-H-49-2	Navajo Nation	Previously recorded flaked stone scatter	Anasazi	Eligible	Pending
NM-H-50-180	Navajo Nation	Previously recorded room block, pit house, and trash mound	Anasazi	Eligible	Pending
NM-H-50-181	Navajo Nation	Artifact scatter and feature	Navajo	Eligible	Pending
NM-H-50-182	Navajo Nation	Sweat lodge	Navajo	Eligible	Pending
NM-H-50-183	Navajo Nation	Artifact scatter	Anasazi/ Navajo	Eligible	Pending
NM-H-50-184	Navajo Nation	Previously recorded habitation	Anasazi	Eligible	Pending
NM-I-57-35	Navajo Nation	Previously recorded habitation	Unknown/ Navajo	Eligible	Pending

Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)

**TABLE C-5. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN ROW FOR PNM FC TRANSMISSION LINE ON NAVAJO LANDS**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
NM-H-21-213	Navajo Nation	Residence	Navajo	Eligible	Pending
NM-H-21-214	Navajo Nation	Residence	Navajo	Eligible	Pending

Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)

**TABLE C-6. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN ROW FOR PNM FC TRANSMISSION LINE ON BLM, STATE, AND PRIVATE LANDS\***

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>SHPO CONCURRENCE WITH OSM FINDINGS</b>
LA 68213	Private (continues onto BLM and State)	Previously recorded Farmer's Mutual Ditch	Anglo	Eligible	Eligible
LA 83965	Private (continues onto BLM and Navajo)	Previously recorded Jewett Valley Ditch	Anglo/Euro-American and Navajo	Eligible	Eligible

\*Table to be updated based on ongoing consultation with BLM.

**Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)**

**TABLE C-7. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN ROW FOR PNM FW TRANSMISSION LINE ON NAVAJO LANDS**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
NM-G-48-68	Navajo Nation	Previously recorded artifact scatter with features	Unknown	Eligible	Pending
NM-R-4-41	Navajo Nation	Previously recorded artifact scatter	Unknown	Unevaluated	Pending
NM-R-4-42	Navajo Nation	Previously recorded artifact scatter	Unknown	Unevaluated	Pending
NM-R-5-13	Navajo Nation	Previously recorded artifact scatter	Anasazi	Eligible	Pending
NM-G-50-37	Navajo Nation	Artifact scatter	Unknown	Unevaluated	Pending
NM-G-50-39	Navajo Nation	Artifact scatter with feature	Unknown	Eligible	Pending
NM-G-51-76	Navajo Nation	Artifact scatter with features	Unknown/ Navajo	Eligible	Pending
NM-G-51-77	Navajo Nation	Artifact scatter with features	Unknown	Eligible	Pending
NM-G-62-200	Navajo Nation	Artifact scatter	Unknown	Unevaluated	Pending
NM-H-21-212	Navajo Nation	Artifact scatter with features	Anasazi	Unevaluated	Pending
NM-R-5-14	Navajo Nation	Artifact scatter	Unknown	Unevaluated	Pending
NM-R-5-15	Navajo Nation	Artifact scatter	Archaic	Unevaluated	Pending
NM-R-10-19	Navajo Nation	Multiple residences	Navajo	Eligible	Pending
NM-R-10-20	Navajo Nation	Residence	Navajo	Eligible	Pending
NM-R-11-17	Navajo Nation	Residence	Navajo	Eligible	Pending
NM-R-12-6	Navajo Nation	Residence, commercial	Navajo	Eligible	Pending
NM-R-12-7	Navajo Nation	Artifact scatter with feature	Unknown	Unevaluated	Pending

Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)

**TABLE C-8. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN ROW FOR PNM FW TRANSMISSION LINE ON BLM, STATE, ZIA PUEBLO, AND PRIVATE LANDS\*.**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>SHPO CONCURRENCE WITH OSM FINDINGS</b>
LA 9176	State	Previously recorded multiple residence	Navajo	Eligible	Pending
LA 157254	BLM	Previously recorded artifact scatter with features	Unknown/ Navajo	Eligible	Pending
LA 173641	BLM	Artifact scatter	Unknown	Unevaluated	Pending
LA 173642	BLM, Navajo Nation*	Artifact scatter	Unknown	Unevaluated	Pending
LA 173646	BLM	Artifact scatter with features	Ancestral Pueblo	Eligible	Pending
LA 173651	BLM	Artifact scatter with features	Unknown	Eligible	Pending

\*Table to be updated based on ongoing consultation with BLM.

Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)

**TABLE C-9. ARCHAEOLOGICAL HISTORIC PROPERTIES IDENTIFIED IN ROW FOR PNM FW 345-KV RIO PUERCO TO WEST MESA.**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO/SHPO CONCURRENCE WITH OSM FINDINGS</b>
LA 175230	State Trust	Artifact scatter with features	Unknown	Eligible	Pending
LA 175232	Private	Artifact scatter	Unknown	Eligible	Pending
LA 175233	Private	Artifact scatter	Late Archaic	Eligible	Pending
LA 175234	Private	Artifact scatter with features	Unknown	Eligible	Pending
LA 162292	Private	Previously recorded artifact scatter	Unknown	Unevaluated	Pending
LA 54635	Private	Previously recorded artifact scatter	Basketmaker II	Unevaluated	Pending
LA 146431	Private	Previously recorded artifact scatter with features	Early to Late Archaic	Eligible	Pending
LA 146432	Private	Previously recorded artifact scatter	Early to Late Archaic/ Ancestral Pueblo	Eligible	Pending
LA 54642	Private	Previously recorded artifact scatter	Basketmaker II/ Anasazi	Eligible	Pending
LA 54643	Private	Previously recorded artifact scatter	Ancestral Pueblo	Unevaluated	Pending
LA 137833	Private	Previously recorded artifact scatter with features	Late Archaic	Eligible	Pending
LA 111622	Private	Previously recorded artifact scatter with features	Middle to Late Archaic/ Developmental Pueblo	Eligible	Pending
LA 52100	Petroglyph National Monument	Previously recorded petroglyphs	Unknown	Eligible	Pending

Attachment C: Current List of National Register Eligible Properties (Historic Properties) and Unevaluated Properties within the APE (as of February 28, 2014)

**TABLE C-10. HISTORIC RESOURCES/IN-USE AREAS HISTORIC PROPERTIES IDENTIFIED IN ROW FOR PNM FC TRANSMISSION LINE.**

<b>SITE #</b>	<b>LAND OWNERSHIP</b>	<b>DESCRIPTION</b>	<b>AFFILIATION</b>	<b>NRHP DETERMINATION BY OSM</b>	<b>THPO CONCURRENCE WITH OSM FINDINGS</b>
AC HPL 1	Navajo Nation	Water Conveyance AD 1870-present	Anglo/Euro-American and Navajo	Unevaluated	Pending

\* Site extends onto BLM and Navajo Nation lands.

\*\* Site previously determined eligible for the NRHP.

<sup>1</sup> Listed on the NRHP as part of Las Imagines Archaeological District.



## Attachment D

Agency, Consulting Tribes, and Proponent Contact List



# Attachment D: Agency, Consulting Tribes, and Proponent Contact List

## AGENCY CONTACTS

### ADVISORY COUNCIL ON HISTORIC PRESERVATION

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## Attachment D: Agency, Consulting Tribes, and Proponent Contact List

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## Attachment D: Agency, Consulting Tribes, and Proponent Contact List

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# Attachment D: Agency, Consulting Tribes, and Proponent Contact List

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## Attachment D: Agency, Consulting Tribes, and Proponent Contact List

### PROPONENTS

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# Attachment E

## Definitions



## Attachment E: Definitions

**Appropriate federal lead agency** refers to OSMRE before execution of the Agreement and issuance of a Record of Decision for the Navajo Mine and refers to the BIA thereafter

**Appropriate Consulting Parties:** For the purposes of implementing this PA after execution, the role of consulting parties will depend on the particular federal, state, and tribal jurisdictional areas. OSMRE and BIA will involve consulting parties in findings and determinations under the Section 106 process, consistent with the regulations at 36 CFR Part 800.

**Concurring Parties:** An invited consulting party to this PA that agrees with the content of the PA. The refusal of a concurring party to sign the PA does not invalidate this PA as noted in 36 CFR Part 800.6(c) (3). Concurring parties may not terminate the PA.

**Consulting Parties:** Parties that have consultative roles in the Section 106 process, as defined in 36 CFR Part 800.2(c).

**Determination of Effect:** A determination made by a federal agency in regards to a Project's effect upon a historic property as defined in 36 CFR Part 800.

**Determination of Eligibility:** A determination made by a federal agency in regards to a cultural resource's eligibility for inclusion in the National Register of Historic Place (NRHP) and more fully described in 36 CFR Part 60 and 36 CFR Part 800.16(1)(2).

**Earth Disturbing Activity:** Work conducted by APS, PNM, or their contractors that results in ground disturbance more than three inches in depth or 10 centimeters, cumulatively, in surface area.

**Effect:** An alteration to the characteristics of a property qualifying it for inclusion in or eligibility for the NRHP (see 36 CFR Part 800.16 9i).

**Historic Property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural significance to an Indian tribe or Native Hawaiian organization and that meet the NRHP criteria (see 36 CFR Part 800.16(1)(a)).

**Invited Signatory:** OSMRE has invited PNM, APS, and BIA Southwest Region Office to be signatories to this PA pursuant to 36 CFR Part 800.6(c) (2). Invited Signatories have the right to seek amendment or termination of the Agreement. The refusal of any invited signatory to sign the PA does not invalidate the PA.

**Maintenance Evaluation Report:** Report to be written by PNM or APS, as appropriate, outlining the results of the Internal Evaluation Process for maintenance activities that require additional evaluation. The Report will include management recommendations and confirming impacts to identified cultural resources. Report to be submitted to land managing agency.

**Project Proponent:** For the purposes of this PA, Project Proponent means either APS or PNM, as appropriate.

**Public Land Order 2198:** This was an order issued on Aug. 26 1960 and provided for a land consolidation program to adjust Navajo Indian Land use and non-Indian use in areas outside of and in the vicinity of the Navajo Reservation in New Mexico. Much of the 2198 land was later transferred into Trust Land status per a land exchange agreement between Navajo Tribe and US Dept. of Interior BLM and BIA, on May 1st 1991 [authorized by Indian Land Consolidation Act of 1983, Public Law 97-459 (96 Stat. 2517)]. The remaining 2198 Lands are BIA Administrative Lands.

## Attachment E: Definitions

**Signatory Parties:** All signatories to this PA which includes OSMRE, BLM, BIA, Navajo Nation Tribal Preservation Office (THPO), the Hopi THPO, and the State Historic Preservation Offices (SHPOs) of New Mexico and Arizona. (Signatory parties include the federal agency[ies], SHPOS, THPOs [or designee] if the undertaking is carried out on Tribal land or affects historic properties on Tribal land, and also any OSMRE invited signatories [not including invited concurring parties]).

**Treatment Plan:** A plan developed in consultation with the parties to this PA that identifies the minimization and mitigation measure for historic properties located within the APE that will be adversely affected by the Project.

**Undertaking:** Any project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency (36 CFR Part 301(7)). The term Undertaking is used in this PA to refer to all federal permits and approvals for the Four Corners Power Plant and Navajo Mine Energy Project.

## Attachment F

Regulations and Guidelines Referenced



## Attachment F: Regulations and Guidelines Referenced

National Historic Preservation Act (NHPA; 16 USC 470 et seq.)

Section 106 of the NHPA (36 CFR Part 800)

National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (NPS 1990; Revised 1992; 1998)

Archaeological Resources Protection Act (ARPA; 16 USC 470, 43 CFR 7)

American Indian Religious Freedom Act (ARPA; 42 USC 1996 and 1996a)

Native American Graves Protection Act (NAGPRA; 25 USC 3001; 43 CFR 10)

The ACHP's guidance on conducting archaeology under Section 106 (2007)

The ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007)

The Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-42, September 29, 1983)

The "*Treatment of Archaeological Properties*" (ACHP 1983)

BLM 8110 Manual: Identifying and Evaluating Cultural Resources

Section 28 of the Mineral Leasing Act of 1920 (30 USC 185)

Title V of the Federal Land Policy and Management Act of 1976 (43 USC 1701)

The Secretary of the Interior's Standards for the Rehabilitation (36 CFR 67)

The Navajo Nation Policy for the Protection of Jishchaa'

Navajo Nation Cultural Resources Protection Act

Navajo Nation Policy for the Disposition of Cultural Resource Collections

Hopi Preservation procedures/guidelines

New Mexico Cultural Properties Act (Section 18-6 through 18-6-23; New Mexico Statutes Annotated 1978)

New Mexico Prehistoric and Historic Sites Preservation Act of 1989 (Sections 18-8-1 through 18-8-8; New Mexico Statutes Annotated 1978)

Arizona State Historic Preservation Act of 1982 including Arizona Revised Statutes 41-862 through 41-864

The Arizona Antiquities Act of 1960, including Arizona Revised Statutes 41-841 through 41-845



## Attachment G

List of Areas to be Surveyed under the PA



## Attachment G: List of Areas to be Surveyed Under the PA

**TABLE G-1. AREAS NOT SURVEYED AND ADDITIONAL WORK REQUIRED AS OF DRAFT PA**

<b>PROJECT AREA</b>	<b>LOCATION</b>	<b>STATUS</b>
F CPP	Morgan Lake, including dam and 100-foot buffer around the lake	Report forthcoming
F CPP	Pumping plant area, including 100-foot buffer around the plant	Report forthcoming
F CPP	69-kV transmission line from F CPP to pumping plant, including 100-foot corridor centered on the transmission line	Report forthcoming
F CPP	Water pipeline from San Juan River to Morgan Lake, including 100-foot corridor centered on the pipeline, and water pipeline access road from pumping plant to Morgan Lake, including 100-foot corridor centered on the road	Report forthcoming
F CPP	County Road 6675 from F CPP to San Juan River, including 150-foot corridor centered on the road	Report forthcoming
APS	F CPP complex and electrical switchyard	Report forthcoming
APS	Additional 328-foot corridor adjacent to both sides of the ROW for 500-kV transmission line for 34 miles on Hopi Reservation	Report forthcoming



## Attachment H

Unanticipated Discovery of Archaeological Materials and Human Remains: Procedures and Protocol



# Attachment H: Unanticipated Discovery of Archaeological Materials and Human Remains: Procedures and Protocols

## NAVAJO NATION PROCEDURES AND PROTOCOLS

### I. Unanticipated Discoveries within the Exterior Boundaries of the Navajo Nation

In the event of an unanticipated discovery within the Navajo Nation, the Navajo Nation Historic Preservation Department (HPD) Guidelines for the Treatment of Discovery Situations will be followed, as outlined below.

#### Protocol

- A. These guidelines must be followed in any situation involving the discovery of any kind of cultural or historic property, including historical and prehistoric archaeological sites and traditional cultural properties, and human remains, whether previously identified or unknown.
- B. In the event of a discovery, the project sponsor will inform the project contractor to temporarily cease work within 50 feet of the site. A 100-foot-radius avoidance zone will be maintained around discoveries containing human remains.
- C. HPD will be contacted within one (1) working day at (928) 871-7147 or -7148 to arrange for proper evaluation of any discovery.
- D. When a cultural or historic property is discovered:
  - a. HPD will make a determination of effect and significance of the cultural or historic property (ies) by the most efficient and expeditious means and notifies the BIA of these determinations.
  - b. HPD will consult with interested parties, including other Indian tribes, during development of a scope-of-work and will take into account comments from interested parties into the scope-of-work.
  - c. In the event of a dispute concerning the disposition of human remains discovered on the Navajo Nation, the Navajo Nation Historic Preservation Officer will make all final decisions regarding resolution of disputes in accordance with Navajo Nation policies.

#### Administrative Procedures

For discovery situations where a scope-of-work has been approved:

- A. HPD will define a 50-foot-radius avoidance zone around the discovery (100-foot-radius if the discovery contains human remains) to remain in effect for the duration of investigations at the site.
- B. HPD will make recommendations regarding significance and eligibility for nomination to the National Register of Historic Places for each discovered property.
- C. If the property is eligible, HPD will establish a schedule to complete treatment.

## Attachment H: Unanticipated Discovery of Archaeological Materials and Human Remains: Procedures and Protocols

- D. HPD will implement or direct its contractor to implement the scope-of-work at each discovery consistent with the approved scope-of-work for the undertaking.
- E. The methods of excavation, recordation, conservation, analysis, preservation, storage, interviewing or consultation with knowledgeable individuals and interested parties, and reporting of discoveries shall be consistent with the scope-of-work, the general and specific methods of treatment outlined below, and stipulations of any existing memorandum of agreement or programmatic agreement applicable to the undertaking.
- F. HPD will simultaneously notify the BIA and all declared interested parties upon the completion of treatment.
- G. The BIA will wait three (3) working days after work is completed at the discovery before letting the project contractor continue work in the avoidance zone. This period will enable consulting and interested parties to submit comments.
- H. The results of the investigations at a discovery will be incorporated into the draft technical report. Confidential data resulting from the ethnographic assessment and provenience data for all cultural and historic sites will be provided in one or more detachable appendices. Confidential appendices will only be distributed to appropriate parties.
- I. The contractor will finalize the technical report, incorporating or addressing comments received from HPD.

For discoveries situations where a scope-of-work has not been approved:

- A. HPD will define a 50-foot-radius avoidance zone around the discovery (100-foot-radius if the discovery contains human remains) to remain in effect for the duration of investigations at the discovery.
- B. HPD will make recommendations regarding significance and eligibility for nomination to the National Register of Historic Places for each discovered property.
- C. If the property is eligible, HPD will establish a schedule to complete treatment.
- D. HPD will prepare or direct a cultural resource management contractor to provide a scope-of-work within five (5) working days of the request.
- E. The methods of excavation, recordation, conservation, analysis, preservation, storage, consultation, and reporting of discoveries shall be consistent with the scope-of-work, the general and specific methods of treatment outlined below, and stipulations of any existing memorandum of agreement or programmatic agreement applicable to the undertaking.
- F. Upon approval of the scope-of-work by HPD, HPD will direct its contractor to implement the plan.

## Attachment H: Unanticipated Discovery of Archaeological Materials and Human Remains: Procedures and Protocols

- G. HPD will simultaneously notify the BIA and all declared interested parties upon the completion of treatment.
- H. BIA will wait three (3) working days after work is completed at the discovery before letting the project contractor continue work in the avoidance zone.
- I. The results of investigations at a discovery will be incorporated into a draft technical report. Confidential data resulting from the ethnographic assessment and provenience data for all cultural and historic sites will be provided in one or more detachable appendices. Confidential appendices will only be distributed to appropriate parties.
- J. The contractor will finalize the technical report, incorporating or addressing comments received from HPD.

### General Methods of Treatment

In all discovery situations the existing ground surface in the vicinity of the discovery will be mapped to show the relationship of the discovery to the project area, topographic features, cultural features, and surface artifacts. The map will be prepared using, at a minimum, a compass and measuring tape.

#### Archaeological Methods:

Assessment and treatment of cultural resources may be accomplished using archaeological methods. Data recovery strategies for historic properties may include in situ preservation, scientific testing and excavation, and documentation. This information will be used to develop a scope-of-work for treatment of affected properties. The plan will be implemented after approval of HPD.

The general process for treatment of archaeological components of historic properties is as follows:

1. Assessment of situation by a qualified archaeologist.
2. Development of a strategy to determine the significance of the property if significance is not explicit from visible evidence. Initiate a testing program if necessary.
3. Development of a strategy for data recovery and implementation of the plan for data recovery.

#### Ethnographic Methods:

Assessment and treatment of cultural resources and burials may be accomplished using ethnographic methods. Methods include conducting interviews with chapter officials, local and customary land users, and other knowledgeable individuals to elicit information regarding these surface features. This information will be used to develop a scope-of-work for treatment of affected properties. The plan will be implemented after approval of HPD.

## Attachment H: Unanticipated Discovery of Archaeological Materials and Human Remains: Procedures and Protocols

The general process for treatment of traditional cultural properties, historical sites, and burials (not found in the context of a historic property) is as follows:

1. Assessment of situation by a qualified anthropologist and/or cultural specialist.
2. Consultation with chapter officials, local and customary land users, and other knowledgeable individuals.
3. In the case of unclaimed human remains, consultation with interested parties, including officials from other Indian tribes.
4. Development of a scope-of-work, in consultation with HPD.
5. Implementation of the scope-of-work upon approval by HPD.
6. Preparation of a technical report; confidentiality of information will be ensured.

Burials not found in the context of a historic property will be treated in accordance with the Navajo Nation Policies and Procedures Concerning the Protection of Cemeteries, Gravesites and Human Remains and the Native American Graves Protection and Repatriation Act.

### **Specific Method of Treatment:**

The following methods of treatment are offered for situations in which a research design or scope-of-work has not been approved for the undertaking. If a research design or scope-of-work has been approved for a specific undertaking, discovered historic and cultural properties, and human remains, shall be treated in a manner consistent with the research design or scope-of-work, using the following treatment methods as a guideline.

#### Ash Stains, Hearths, and Other Thermal Features:

The location will be mapped and the feature will be profiled and photographed. Excavated fill will be screened through quarter-inch or smaller mesh. If it appears that the feature can be dated through association of artifacts or stratigraphy, appropriate samples may be taken, including charcoal fragments for radiocarbon dating. Should the feature appear likely to yield botanical remains, pollen and flotation samples may be collected. HPD must be consulted before any samples are analyzed.

#### Storage Pits:

The location will be mapped and the feature will be profiled and photographed. The feature will be fully excavated, and the fill must be screened through quarter-inch or smaller mesh screen. If it appears that the feature can be dated through association of artifacts or stratigraphy appropriate samples may be taken. Should the feature appear likely to yield botanical remains, pollen and flotation samples may be collected. All artifacts will be collected. HPD must be consulted before any samples are analyzed.

#### Buried or Partially Buried Structures, Middens, and Other Features:

## Attachment H: Unanticipated Discovery of Archaeological Materials and Human Remains: Procedures and Protocols

Examples of buried or partially buried features include pit structures, pothouses, and kivas. The location will be mapped and the feature will be profiled and photographed. Treatment of buried or partially buried features is a two-stage process involving (1) nature and extent testing within the area of effect to define the boundary of the feature and detect the presence of additional features and (2) data recovery within the area of effect. Systematic trenching in conjunction with 1 by 1 m test units, or other subsurface investigative techniques, may be used within the area of effect. Consultation with HPD is required after the initial recording has been completed for review of the data recovery plan.

Excavated fill will be screened through quarter-inch or smaller mesh. If it appears that the feature can be dated through association of artifacts or stratigraphy, or by radiographic or archeomagnetic dating, appropriate samples may be taken. Should the feature appear likely to yield botanical remains, pollen and flotation samples may be collected. HPD must be consulted before any samples are analyzed.

### Miscellaneous Prehistoric Features:

Examples of miscellaneous features include buried cultural horizons and agricultural features. The location will be mapped and the feature will be profiled and photographed. The strategy for treatment of miscellaneous prehistoric features is the same as that for buried or partially buried features.

### Surface Features:

Examples of surface features include field houses, jacal structures, ramadas, masonry structures, historical, contemporary, and modern structures, and various types of historic landscapes. The location will be mapped and the feature(s) will be photographed. Treatment of surface features may be a multistage process involving (1) intensive and extensive documentation of the property to define the boundary of the feature and detect the presence of additional features, (2) consultation with local and customary users, and other knowledgeable individuals, in order to determine the nature of the site, place, property, or feature and recommend a treatment plan, and (3) implementation of data recovery or the treatment plan within the area of effect.

The strategy discussed above for treatment of buried or partially buried features may be the appropriate way to treat some surface features and should be used as a guideline for data recovery. Alternatively, the strategy espoused below for traditional cultural properties and historical sites may be more appropriate and should be used as a guideline for treatment.

### Traditional Cultural Properties (TCPs) and Historical Sites:

Examples of traditional or historical features include named landscape features, mineral or herb gathering areas, offering areas, hogans, trail markers, cairns, sheep corrals, ceremonial sites (e.g., Enemy Way sites), sweathouses, and tepee grounds. If a TCP or historical site is encountered, or information about a possible site is provided to the project sponsor or their agent by any knowledgeable or concerned individual, the project sponsor must ensure that work is discontinued within a 50-foot-radius of the property and contact HPD within one (1) day of the discovery. Treatment of TCPs or historical sites is a two-stage process involving (1) consultation with HPD along with local and customary users, and other knowledgeable individuals, in order to determine the nature of the site, place, property, or feature and recommend a scope-of-work

## Attachment H: Unanticipated Discovery of Archaeological Materials and Human Remains: Procedures and Protocols

and (2) implementation of the scope-of-work. Examples of treatment include, but are not limited to, the following:

1. Avoiding the remaining portion of the property through use of protective fencing or redesign of the undertaking or project.
2. Monitoring the remaining portion of the property during construction and/or erection of protective fencing to ensure protection.
3. Moving material remains of the TCP. This activity may include participation of local medicine men or women for ceremonial blessings.
4. Restricting construction activities to certain seasons or times of the day.
5. Conducting ceremonies for the well-being of properties that have been affected.

HPD will recommend the best possible treatment as guided by interviews and consultation.

### **II. Discovery of Human Remains Within the Exterior Boundaries of the Navajo Nation**

- A. Upon discovery of human remains (whether modern, contemporary, historical, or prehistoric), APS or PNM, as appropriate, will comply with any applicable laws and regulations, which may include Navajo Nation Policy for the Protection of Jishchaa', Navajo Nation Cultural Resources Protection Act (CRPA, CMY-19-88), Navajo Nation Policy for the Disposition of Cultural Resource Collections, Navajo Nation Guidelines for Discovery Situations, Native American Graves Protection Act (NAGPRA)(25 USC 3001[3]; 43 CFR 10), and ACHP Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects (February 23, 2007).
- B. Upon encountering an unmarked burial grave or unregistered grave during operations and/or maintenance activities, APS or PNM, as appropriate, will immediately stop work within a one-hundred (100) foot radius of the point of discovery. APS or PNM, as appropriate, will implement interim measures to protect the discovery in situ and from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery. *Under no circumstances* shall APS or PNM further disturb human remains except under the formal direction of Navajo Nation THPO.
- C. APS or PNM, as appropriate, will notify the Navajo Nation THPO and BIA Navajo Region within twenty-four (24) hours of the discovery.
- D. The Navajo Nation THPO will determine the treatment, including mitigation and disposition of the unmarked human burial or unregistered grave in consultation with the BIA Navajo Region.
- E. APS or PNM, as appropriate, will implement the treatment and disposition measures deemed appropriate by the Navajo Nation THPO, which will be in accordance with

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the laws of the Navajo Nation. Claimed human remains shall not be disturbed without the consent of the next-of-kin. Unclaimed human remains shall be treated according to the provisions of the Navajo Nation Policies and Procedures Concerning the Protection of Cemeteries, Gravesites and Human Remains and the Native American Graves Protection and Repatriation Act.

- F. APS or PNM, as appropriate, will resume operations and/or maintenance in the area of discovery upon receipt of written authorization from the Navajo Nation THPO.

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## HOPI TRIBE PROCEDURES AND PROTOCOLS

### I. Unanticipated Discoveries within the Hopi Tribe Reservation

In the event of an unanticipated discovery within the Hopi Tribe Reservation, the following guidelines will be followed.

- A. APS shall immediately notify the HCPO within twenty-four (24) hours by email or phone.
- B. APS in consultation with the HCPO and BIA will arrange for an archaeologist with appropriate expertise to document and preliminarily assess the finding and formulate a recommendation regarding whether the discovery is eligible for the NRHP and merits further consideration. Any archaeologist working on the Hopi Tribal Lands shall at all times be in compliance with any and all applicable permitting requirements. The assessment shall address the following factors:
  - a. The nature of the resource, such as the number and kinds of artifacts, and presence of absence of archaeological features. This may require screening of already disturbed deposits, photographs of the discovery, and collection of other information.
  - b. The spatial extent of the resource. This may require additional testing, mapping, or inspection to delineate the boundaries of the site. Boundary delineation should not take the place of formal site testing.
  - c. The nature of the deposits in which the discovery was made. This may require additional testing, inspection, or interviews with persons involved in the discovery. Any testing activities that impact archaeological deposits will need concurrence from the HCPO before being implemented.
  - d. The contextual integrity of the resource, damage related to the initial discovery, and potential impacts of the continued activity that resulted in the discovery.
- C. HCPO will make a NRHP eligibility determination in accordance with Stipulations V.A. or V.B., within seven (7) calendar days following discovery. Where a property is determined not to be eligible, records of this assessment will be made available to the BIA and Arizona SHPO. The Arizona SHPO and BIA would have seven (7) calendar days to provide comment on the determination. Activities that led to the discovery may resume under the protocols of Stipulation VIII.B.ii.a.
- D. For properties determined eligible or potentially eligible, the Arizona SHPO will make a concurrence of this determination. If it was an activity that originally led to the Discovery Situation, the activity will cease until a plan is developed under Stipulation VIII.B.ii. and can be developed and implemented.

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### **II. Discovery of Human Remains Within the Hopi Tribe Reservation**

- A. Compliance with applicable laws and regulations including Native American Graves Protection Act (NAGPRA)(25 USC 3001[3]; 43 CFR § 10), ACHP Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects (February 23, 2007), and any guidance provided by the HCPO including Ordinance 26, will be followed as appropriate.
- B. When encountering an unmarked burial grave or unregistered grave during operations and/or maintenance activities, APS will cease the activity within a one-hundred fifty (150) foot radius surrounding the location of discovery and will notify the HCPO and BIA of the discovery within twenty-four (24) hours. The HCPO will respond immediately and will keep BIA apprised of the discovery. The HCPO will notify the Arizona SHPO within forty-eight (48), if applicable. During this time, APS will ensure that any and all human remains, sacred objects, and objects of cultural patrimony will be protected from looting or vandalism and treated with dignity and respect. Human remains, sacred objects, and objects of cultural patrimony should not be removed or further disturbed without concurrence from the HCPO.
- C. APS will facilitate the implementation of the treatment and the disposition for human remains, sacred items, and objects of cultural patrimony that are deemed appropriate by the HCPO.
- D. APS will resume operations and/or maintenance in the area of discovery upon receipt of written authorization from the HCPO.

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## ZIA TRIBE PROCEDURES AND PROTOCOLS

### I. Unanticipated Discoveries within Zia Pueblo Lands

In the event of an unanticipated discovery within Zia Pueblo Lands, the following guidelines will be followed.

- A. PNM shall immediately notify the Zia Pueblo and BIA Southwest Region within twenty-four (24) hours by email or phone.
- B. PNM, in consultation with the Zia Pueblo and BIA Southwest Region, will arrange for an archaeologist with appropriate expertise to document and preliminarily assess the finding and formulate a recommendation regarding whether the discovery is eligible for the NRHP and merits further consideration. The archaeologist shall prepare the documentation and conduct the assessment in accordance with any permits that may be required, as applicable. The assessment shall address the following factors:
  - a. The nature of the resource, such as the number and kinds of artifacts, and presence of absence of archaeological features. This may require screening of already disturbed deposits, photographs of the discovery, and collection of other information.
  - b. The spatial extent of the resource. This may require additional testing, mapping, or inspection to delineate the boundaries of the site. Boundary delineation should not take the place of formal site testing.
  - c. The nature of the deposits in which the discovery was made. This may require additional testing, inspection, or interviews with persons involved in the discovery.
  - d. The contextual integrity of the resource, damage related to the initial discovery, and potential impacts of the continued activity that resulted in the discovery.
- C. The Zia Pueblo and BIA Southwest Region shall notify the appropriate consulting parties within forty-eight (48) hours that it will take comments concerning the unanticipated discovery. A NRHP eligibility determination will be made in accordance with Stipulations V.A. or V.B. within seven (7) calendar days following notification, after considering the timely filed views of the appropriate consulting parties. Where a property is determined not to be eligible, records of this assessment will be made available to the New Mexico SHPO. The New Mexico SHPO would have seven (7) calendar days to provide comment on the determination. Activities that led to the discovery may resume under the protocols of Stipulation IX.B.ii.a.

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- D. For properties determined eligible or potentially eligible pursuant to Stipulations V.A. or V.B. by the Zia Pueblo and BIA Southwest Region, the New Mexico SHPO will make a concurrence of this determination. If it was an activity that originally led to the Discovery Situation, the activity will cease until a plan is developed under Stipulation VIII.B.ii. and can be developed and implemented.

### **II. Discovery of Human Remains Within Zia Pueblo Lands**

- A. Upon discovery, PNM will comply with applicable laws and regulations including Native American Graves Protection Act (NAGPRA)(25 USC 3001[3]; 43 CFR 10), ACHP Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects (February 23, 2007), and any guidance provided by the Zia Pueblo.
- B. Upon encountering an unmarked burial grave or unregistered grave during operations and/or maintenance activities, PNM will immediately stop work within a one-hundred fifty (150) foot radius of the point of discovery. PNM will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
- C. PNM will notify the Zia Pueblo and BIA Southwest Region within twenty-four (24) hours of the discovery. The Zia Pueblo will notify the New Mexico SHPO within twenty-four (24) hours of notification. The local law enforcement will notify the Medical Examiner.
- D. The Zia Pueblo, in consultation with the BIA Southwest Region and New Mexico SHPO, will determine the treatment, including mitigation and disposition of the unmarked human burial or unregistered grave.
- E. PNM will implement the treatment and disposition measures deemed appropriate by the Zia Pueblo, BIA Southwest Region, and New Mexico SHPO. PNM will resume operations and/or maintenance in the area of discovery upon receipt of written authorization from the Zia Pueblo and BIA Southwest Region.

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## FEDERAL LAND PROCEDURES AND PROTOCOLS

### I. Unanticipated Discoveries within Federal Lands

In the event of an unanticipated discovery within federal lands, Section 106 of the NHPA and ARPA will be followed and the following guidelines will apply.

- A. PNM shall immediately notify the federal land manager within twenty-four (24) hours by email or phone.
- B. PNM, in consultation with the federal land manager, will arrange for an archaeologist with appropriate expertise to document and preliminarily assess the finding and formulate a recommendation regarding whether the discovery is eligible for the NRHP and merits further consideration. The archaeologist shall prepare the documentation and conduct the assessment in accordance with any permits that may be required pursuant to ARPA, as applicable. The assessment shall address the following factors:
  - a. The nature of the resource, such as the number and kinds of artifacts, and presence of absence of archaeological features. This may require screening of already disturbed deposits, photographs of the discovery, and collection of other information.
  - b. The spatial extent of the resource. This may require additional testing, mapping, or inspection to delineate the boundaries of the site. Boundary delineation should not take the place of formal site testing.
  - c. The nature of the deposits in which the discovery was made. This may require additional testing, inspection, or interviews with persons involved in the discovery.
  - d. The contextual integrity of the resource, damage related to the initial discovery, and potential impacts of the continued activity that resulted in the discovery.
- C. The federal land manager shall notify the Appropriate Consulting Parties within forty-eight (48) hours that it will take comments concerning the unanticipated discovery. A NRHP eligibility determination will be made in accordance with Stipulations V.A.ii or V.B.ii, within seven (7) calendar days following notification, after considering the timely filed views of the Appropriate Consulting Parties, as defined in Attachment E. Where a property is determined not to be eligible, PNM may resume the activity that resulted in the discovery.
- D. For properties determined eligible or potentially eligible, pursuant to Stipulations V.A.ii or V.B.ii, the federal land manager will review the Cultural Resources

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- Management and Treatment Plan to identify applicable actions to resolve adverse effects and will notify Appropriate Consulting Parties.
- E. The Appropriate Consulting Parties will have forty-eight (48) hours to provide their views on the proposed actions.
  - F. The federal land manager will ensure that the timely filed recommendations of the Appropriate Consulting Parties are taken into account prior to granting approval of the measures that PNM will implement to resolve adverse effects.
  - G. Consistent with the terms of this Agreement, PNM will carry out the approved measures prior to resuming operations and/or maintenance activities in the location of the discovery.

### **II. Discovery of Human Remains Within Federal Lands**

- A. Upon discovery, PNM will comply with applicable laws, regulations, and guidelines including Native American Graves Protection Act (NAGPRA)(25 USC 3001[3]; 43 CFR 10), and ACHP Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects (February 23, 2007).
- B. Upon encountering an unmarked burial grave or unregistered grave during operations and/or maintenance activities, PNM will immediately stop work within a one-hundred fifty (150) foot radius of the point of discovery. PNM will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
- C. PNM will notify the federal land manager within twenty-four (24) hours of the discovery. The federal land manager will notify the BIA, SHPO, and any appropriate consulting parties, as defined in Attachment E, within twenty-four (24) hours of notification. The local law enforcement will notify the Medical Examiner.
- D. The federal land manager, in consultation with the SHPO, will determine the treatment, including mitigation and disposition of the unmarked human burial or unregistered grave.
- E. PNM will implement the treatment and disposition measures deemed appropriate by the federal land manager. All necessary permits will be issued by the federal land manager in consultation with the affected tribes and SHPO.
- F. PNM will resume operations and/or maintenance in the area of discovery upon receipt of written authorization from the federal land manager.

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## NEW MEXICO STATE OR PRIVATE LANDS PROCEDURES AND PROTOCOLS

### I. Unanticipated Discoveries within New Mexico State or Private Lands

In the event of an unanticipated discovery within New Mexico state or private lands, New Mexico Cultural Properties Act (N.M. Stat. Part 18-6-1 through 18-6-17, as amended through 2005) and implementing regulation 4.10.11 New Mexico Administrative Code (NMAC) will be followed and the following guidelines will apply.

- A. PNM shall immediately notify the NM SHPO within twenty-four (24) hours by email or phone.
- B. PNM, in consultation with the NM SHPO, will arrange for an archaeologist with appropriate expertise to document and preliminarily assess the finding and formulate a recommendation regarding whether the discovery is eligible for the NRHP and merits further consideration. The archaeologist shall prepare the documentation and conduct the assessment in accordance with any permits that may be required pursuant to ARPA, as applicable. The assessment shall address the following factors:
  - b. The nature of the resource, such as the number and kinds of artifacts, and presence of absence of archaeological features. This may require screening of already disturbed deposits, photographs of the discovery, and collection of other information.
  - c. The spatial extent of the resource. This may require additional testing, mapping, or inspection to delineate the boundaries of the site. Boundary delineation should not take the place of formal site testing.
  - d. The nature of the deposits in which the discovery was made. This may require additional testing, inspection, or interviews with persons involved in the discovery.
  - e. The contextual integrity of the resource, damage related to the initial discovery, and potential impacts of the continued activity that resulted in the discovery.
- C. The NM SHPO shall notify the appropriate consulting parties within forty-eight (48) hours that it will take comments concerning the unanticipated discovery. A NRHP eligibility determination will be made in accordance with Stipulations V.A.ii or V.B.ii, within seven (7) calendar days following notification, after considering the timely filed views of the Appropriate Consulting Parties, as defined in Attachment E. Where a property is determined not to be eligible, PNM may resume the activity that resulted in the discovery.

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- D. For properties determined eligible or potentially eligible, pursuant to Stipulations V.A.ii or V.B.ii, the NM SHPO will review the Cultural Resources Management and Treatment Plan to identify applicable actions to resolve adverse effects and will notify Appropriate Consulting Parties.
- E. The Appropriate Consulting Parties will have forty-eight (48) hours to provide their views on the proposed actions.
- F. The NM SHPO will ensure that the timely filed recommendations of the Appropriate Consulting Parties are taken into account prior to granting approval of the measures that PNM will implement to resolve adverse effects.
- G. Consistent with the terms of this Agreement, PNM will carry out the approved measures prior to resuming operations and/or maintenance activities in the location of the discovery.

### **II. Discovery of Human Remains within New Mexico State or Private Lands**

- A. Upon discovery, PNM will comply with the New Mexico Cultural Properties Act (N.M. Stat. Part 18-6-1 through 18-6-17, as amended through 2005) and implementing regulation 4.10.11 New Mexico Administrative Code (NMAC). The ACHP Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects (February 23, 2007) shall also be followed.
- B. Upon encountering an unmarked burial grave or unregistered grave during operations and/or maintenance activities, PNM will immediately stop work within a one-hundred fifty (150) foot radius of the point of discovery. PNM will implement interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb any human remains or other items in the immediate vicinity of the discovery.
- C. PNM will notify the local law enforcement within twenty-four (24) hours of the discovery. The local law enforcement will notify the Medical Examiner, and PNM will notify the NM SHPO, BIA, ACHP, consulting Indian tribes, and appropriate consulting parties within twenty-four (24) hours of notification.
- D. The NM SHPO will determine the treatment, including mitigation and disposition of the unmarked human burial or unregistered grave in consultation with PNM and in accordance with 4.10.11 NMAC.
- E. PNM will implement the treatment and disposition measures deemed appropriate by the NM SHPO. If excavation is planned, a consultant holding an Annual Unmarked Human Burial Excavation Permit will conduct the excavations.

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PNM will resume operations and/or maintenance in the area of discovery upon receipt of written authorization from either the Medical Examiner or the NM SHPO, whoever has jurisdiction under state law.