

**Environmental Assessment for the Replacement of the
T' iss Ts' Ozi Bi' Olta' Community School (Crownpoint
Community School),
Crownpoint, New Mexico
Navajo Nation**



**Prepared for:
U.S. Army Corps of Engineers
Albuquerque, NM**

**And
Bureau of Indian Affairs**

**Prepared by:
Ecosystem Management, Inc.
Albuquerque, NM**



May 2007

TABLE OF CONTENTS

| | |
|--|----|
| 1.0 Purpose and Need for the Action..... | 1 |
| 1.1 Summary of the Proposed Action..... | 1 |
| 1.2 Purpose and Need for Action | 1 |
| 2.0 Alternatives | 2 |
| 2.1 No Action Alternative – Existing Crownpoint Community School..... | 2 |
| 2.2 Proposed Action – Replacement of the Crownpoint Community School | 2 |
| 2.3 Alternatives Considered but Dismissed..... | 2 |
| 3.0 Affected Environment | 6 |
| 3.1 Land Resources | 6 |
| 3.1.1 Topography | 6 |
| 3.1.2 Soils..... | 6 |
| 3.1.3 Geologic Settings and Minerals..... | 6 |
| 3.2 Water Resources..... | 6 |
| 3.2.1 Surface Water | 6 |
| 3.2.2 Ground Water | 7 |
| 3.3 Air Resources | 7 |
| 3.3.1 Air Quality..... | 7 |
| 3.3.2 Visibility | 7 |
| 3.3.3 Climate | 7 |
| 3.4 Biotic Resources..... | 7 |
| 3.4.1 Description of the Ecosystems and Biological Communities..... | 7 |
| 3.4.2 Wildlife..... | 7 |
| 3.4.3 Vegetation | 8 |
| 3.4.4 Agriculture..... | 8 |
| 3.5 Cultural Resources..... | 8 |
| 3.5.1 Traditional Cultural Properties, Historic, Religious Properties..... | 8 |
| 3.5.2 Archaeological Resources | 9 |
| 3.6 Socioeconomic Conditions..... | 9 |
| 3.6.1 Employment and Income..... | 9 |
| 3.6.2 Demographics and Trends..... | 9 |
| 3.6.3 Lifestyles, Cultural Values, Attitudes and Expectations | 9 |
| 3.6.4 Community Infrastructure | 9 |
| 3.7 Environmental Justice | 9 |
| 3.7.1 Indian Trust Resources | 10 |
| 3.8 Hazardous Waste and Materials | 10 |
| 3.9 Resource/Land Use Patterns..... | 10 |
| 3.9.1 Hunting, Fishing, and Gathering | 10 |
| 3.9.2 Timber Harvesting..... | 10 |
| 3.9.3 Agriculture..... | 10 |
| 3.9.4 Mining | 10 |
| 3.9.5 Outdoor Recreation | 10 |
| 3.9.6 Transportation Use Networks..... | 10 |
| 3.9.7 Land Use Plans | 11 |
| 3.10 Other Values..... | 11 |
| 3.10.1 Wilderness | 11 |
| 3.10.2 Sound and Noise..... | 11 |
| 3.10.3 Public Health and Safety | 11 |
| 3.10.4 Visual Setting | 11 |
| 3.10.5 Non-User Values | 12 |

| | |
|---|----|
| 4.0 Environmental Consequences of the Proposed Action | 12 |
| 4.1 Land Resources/Physical Impacts and Mitigation..... | 12 |
| 4.1.2 Geological and Soil Resources | 12 |
| 4.2 Water Resources Impacts and Mitigation..... | 12 |
| 4.3 Air Resources Impacts and Mitigation | 13 |
| 4.4 Biological Resources Impacts and Mitigation..... | 13 |
| 4.4.1 Vegetation | 13 |
| 4.4.2 Wetlands | 13 |
| 4.4.3 Threatened, Endangered, and Protected Species | 14 |
| 4.4.4 Wildlife..... | 14 |
| 4.5 Cultural Resources Impacts and Mitigation | 14 |
| 4.6 Socioeconomic Impacts and Mitigation | 14 |
| 4.6.1 Employment and Income..... | 14 |
| 4.6.2 Lifestyles, Cultural Values, Attitude, and Expectations..... | 14 |
| 4.6.3 Community Infrastructure | 14 |
| 4.7 Environmental Justice | 15 |
| 4.8 Indian Trust Resources | 15 |
| 4.9 Solid and Hazardous Wastes | 15 |
| 4.9.1 Solid Wastes | 15 |
| 4.9.2 Hazardous Wastes | 15 |
| 4.10 Resource/Land Use Patterns..... | 15 |
| 4.10.1 Transportation Use Network | 15 |
| 4.10.2 Land Use Plans | 16 |
| 4.11 Other Values..... | 16 |
| 4.11.1 Sound and Noise..... | 16 |
| 4.11.2 Public Health and Safety | 16 |
| 4.11.3 Visual Setting | 17 |
| 4.11.4 Non-User Values | 17 |
| 4.12 Cumulative Impacts..... | 17 |
| 5.0 List of Preparers | 17 |
| 6.0 List of Agencies, Organizations, and Persons Receiving Copies of the Document | 18 |
| 7.0 References | 20 |

Tables

| | |
|--|---|
| Table 1. Condition of the Crownpoint Community School Facilities | 2 |
|--|---|

Figures

| | |
|---|---|
| Figure 1. Photo of the Project Area. Aspect Southeast | 3 |
| Figure 2. Vicinity Map of the Project Area | 4 |
| Figure 3. Map of the Project Area | 5 |

Appendices

- A. Letter from Navajo Fish and Wildlife Department and Biological Resources Compliance Form
- B. Cultural Resources Compliance Form
- C. Phase I Environmental Site Assessment
- D. Addendum Phase I Environmental Site Assessment
- E. Comments on Draft Environmental Assessment and Responses to Comments

1.0 Purpose and Need for the Action

1.1 Summary of the Proposed Action

The T' iss Ts' Ozi Bi' Olta' Community School (Crownpoint Community School) would be replaced with new facilities for 497 students in Kindergarten through 8th grade as well as 20 Family and Child Education (FACE) students. The FACE program consists of three parts. The Center based program is for adults and their children aged three to five years; the Home based program is for children aged one to three years and their teen-aged mothers; and the Adult based program is for adults and their young children (personal communication, 06-12-2006, Virginia Jumbo, Crownpoint Community School).

The new facilities would consist of a dormitory facility and an academic facility. The latter complex would be comprised of general and specialized classrooms, a gymnasium, a library/media center, a cafeteria with kitchen, an administrative center, and a special programs space. Utilities lines would be extended from existing services. These would include water mains and branch lines; sewer mains and branch lines; natural gas lines; and telephone service. Water would be provided from pipelines extended from the Crownpoint Community School's existing wells and storage tanks. A paved parking would be developed for the staff and public. Streets with curb and gutter would be constructed. Sidewalks and exterior lighting would be constructed. Other elements of the project would be a school sign at the highway entrance, grade appropriate playfields and play structures, and xeriscape landscaping.

“Leadership in Energy and Environmental Design” concepts, as identified in the Architectural and Engineering Requirement Report, would be incorporated in so far as possible for the proposed new facilities. These concepts would encourage the design of “silver” certified facilities, meaning that they would save energy and incorporate sustainable design.

1.2 Purpose and Need for Action

The Crownpoint Community School was constructed in 1964 by the Bureau of Indian Affairs (BIA) Office of Indian Education. The facility is comprised of 15 structures (see Table 1). The existing campus, approximately 16 hectares (40 acres) in size, is located about 0.4 kilometer (0.25 mile) south the proposed project area. The Bureau of Indian Affairs housing area is located between the existing school campus and the proposed project area. Both the existing campus and the housing area are located within the BIA Withdrawn Administrative Area (Executive Order lands). The projected life expectancy of the facilities was 40 years. Therefore, the buildings have been utilized longer than projected. Consequently, some of the facilities are structurally unsound. Building 3010, the dormitory, was deemed unsafe for occupants in a safety inspection (personal communication, 07-19-2006, Harrison Nez, Bureau of Indian Affairs, Eastern Navajo Agency). A list of the Crownpoint Community School structures and their condition is displayed in Table 1 (Bureau of Indian Affairs, Office of Facilities Management and Construction 2006). Most structures are in poor condition.

Table 1. Condition of Crownpoint Community School Facilities

| Facility | Condition |
|------------------------------------|------------------|
| 3000 School, Other, Boarding | Poor |
| 3001 Multi-purpose | Poor |
| 3002 Gymnasium | Poor |
| 3003 Office | Poor |
| 3004 School, Elementary , Boarding | Poor |
| 3005 Storage, Non-Heated | Good |
| 3006 Shop, Facility Management | Fair |
| 3007 Pump House | Good |
| 3008 Kitchen | Poor |
| 3009 Shop, Facility Management | Poor |
| 3010 Dormitory, School | Poor |
| 3011 Storage, Non-Heated | Good |
| 3012 Dormitory, School | Poor |
| 3032 Fire Station | Poor |
| 3157 Storage, Non-Heated | Poor |

Alternatives

2.1 No Action Alternative – Existing Crownpoint Community School

Under this alternative, the existing T' iss Ts' Ozi Bi' Olta' Community School would not be replaced. The existing facilities would continue to be used. Students and staff would continue to use buildings which are in poor condition. The safety of the students and staff would be in jeopardy.

2.2 Proposed Action – Replacement of Crownpoint Community School

Academic and dormitory facilities would be constructed on a 16 hectares (40 acres) site within the Bureau of Indian Affairs Executive Order lands in Crownpoint, New Mexico on the Navajo Nation (Figure 2). The project is located within Township 17 North, Range 12 West, in the western half of Section 20 on the US Geological Survey (USGS) Crownpoint, NM 7.5 minute quadrangle (Figure 3). The proposed project site is located to the north of the existing school campus (Figure 3). Utilities and other site developments would be constructed as determined in the planning and design phase of the project. The Crownpoint Community School Board passed a resolution in support of the project in 2004 (Crownpoint Community School Board 2004).

2.3 Alternatives Considered But Dismissed

Another site considered for the new school facilities is an area located east of the existing campus and west of State of New Mexico Route 371. This area is within the Bureau of Indian Affairs Administrative Withdrawn Area. It was determined that this site is not suitable for construction of the new school facilities because there are numerous rock outcrops and hills (personal communication, 05/31/2006, Cheryl Buckel, U.S. Army Corps of Engineers).

Another alternative considered for the new school facilities is an area located within the boundaries of the existing campus. This alternative was rejected because of the lack of adequate

space and the fact that it would be too expensive (personal communication, 05/31/2006, Cheryl Buckel, U.S. Army Corps of Engineers).



Figure 1. Photo of Project Area. Aspect Southeast.

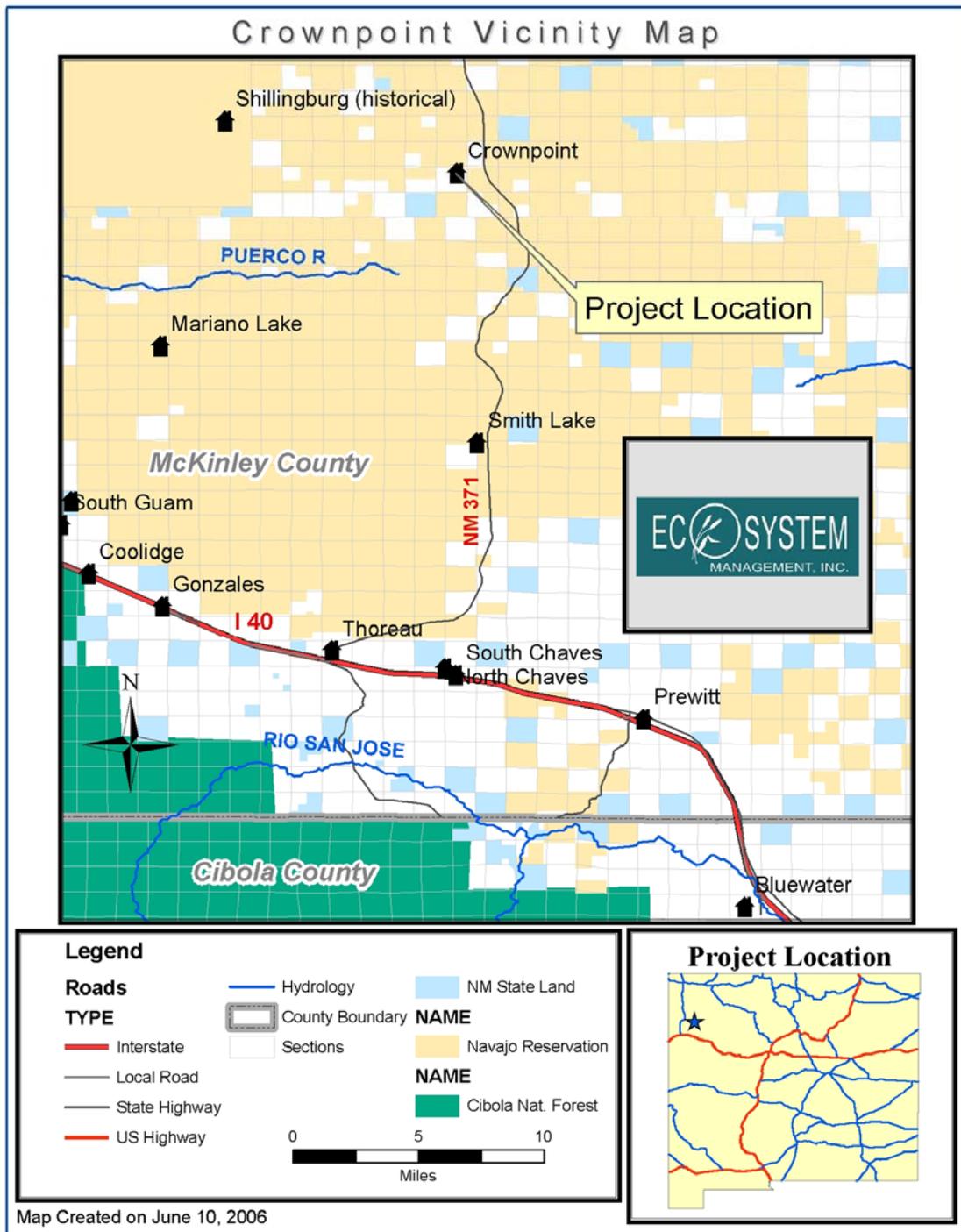


Figure 2. Vicinity Map of the Project Area.

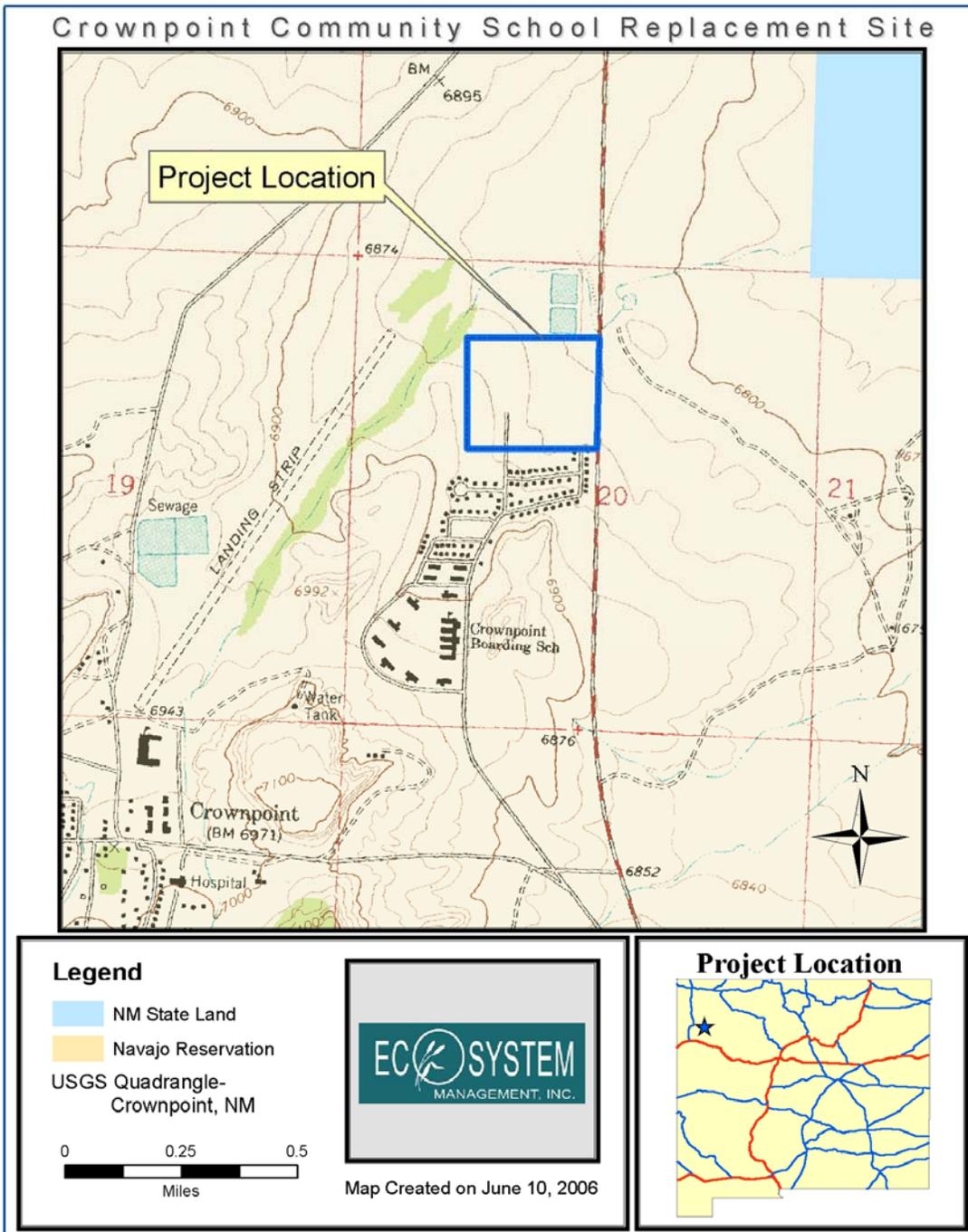


Figure 3. Map of the Project Area.

3.0 Affected Environment

3.1 Land Resources

3.1.1 Topography

The project area is located at an elevation of approximately 2,103 meters (m) (6,900 feet [ft]). The terrain is fairly level, but it is elevated in the western portion of the project area. The area drains to the east-northeast. Stormwater runoff from the housing compound to the south of the project area apparently has eroded shallow drainages across the project area.

3.1.2 Soils

There are four soil map units in the project area (Natural Resources Conservation Service 2005). The Norkiki-Kimnoli complex is comprised of eolian material and slope alluvium derived from sandstone and shale. The soils are largely sandy loams or sandy clay loams. The runoff class is medium to high, and the soils are well-drained. The Penistaja-Tintero complex is comprised of eolian material and slope alluvium derived from sandstone and shale. The runoff class is low, and the soils are well to excessively drained. Soils are sandy loams and sandy clay loams. The Hagerwest-Bond fine sandy loams are comprised of alluvium derived from sandstone and shale. The runoff class is medium to high, and the soils are well drained. The Notal-Hamburn complex is stream alluvium derived from sandstone and shale. Soils are loams, clay loams, sandy clay loams, and silty clay. The runoff class is high, and the soils are well drained (Natural Resources Conservation Service 2005).

The erosion factor, K, is defined as the susceptibility of a soil to sheet and rill erosion in tons per acre per year. The erosion factor for all soils in the project area is low to moderate (Natural Resources Conservation Service 2005).

3.1.3 Geologic Setting and Mineral Resources

The Gibson Coal Member of the Crevasse Canyon Formation is found in the project area. This formation is comprised of alternating beds of irregularly bedded and lenticular sandstone, drab siltstone and claystone, and coal (Cooley et al. 1969). There are no known mineral resources in the project area.

3.2 Water Resources

3.2.1 Surface Water

There is no surface water in the project area. There are no arroyos or other “Waters of the U.S.” in the project area. The Puerco River, located about 9.6 kilometers (6 miles) to the southwest of the project area, is probably the “Waters of the U.S” nearest to the project area. The project area does not lie within the 500-year floodplain (U.S. Army Corps of Engineers, Albuquerque District 2006). The proposed project site does receive surface runoff from areas to the south during precipitation events.

3.2.2 Ground Water

Ground water in the Crownpoint area is largely derived from the Westwater and Morrison aquifers (Crownpoint Chapter 2004). Depths to groundwater at Well No. 15-0580 (Conoco) and Well No. 15-0581 (NTUA), both located less than 1.6 kilometer (1 mile) from the project area, are 747 m (2,450 ft) and 725 m (2,377 ft) respectively. Both draw water from the Westwater Canyon Sandstone.

3.3 Air Resources

3.3.1 Air Quality

Currently, the project area is within an attainment area (does not exceed Federal air quality standards) for priority pollutants: carbon monoxide, sulphur oxides, nitrogen dioxide, lead, ozone, and particulate matter. Air quality is generally good. The animal corral associated with the Crownpoint Institute of Technology veterinary clinic is the source of unpleasant odors.

3.3.2 Visibility

Visibility is good except during high winds when there is considerable wind blown dust in the air.

3.3.3 Climate

The mean annual temperature in Crownpoint is 11 degrees Celsius (51.2 degrees Fahrenheit). The mean annual precipitation is 26 centimeters (10.24 inches). There are 130-150 frost free days in this region. The daily minimum growing temperature in nine out of ten years is higher than -0.4 degrees Celsius (24 degrees Fahrenheit) (Natural Resources Conservation Service 2005).

3.4 Biotic Resources

3.4.1 Description of Ecosystems and Biological Communities

The project area is located within the Desert Grassland biological community (Dick-Peddie 1993). The dominance of four-wing saltbush (*Atriplex canescens*) in the project area is indicative that the area is a new Desert Grassland community presumably converted from a Plains-Mesa Grassland community.

3.4.2 Wildlife

3.4.2.1 Terrestrial

The Desert Grassland community has several distinctive mammalian species that are endemic to this biome. These taxa include piñon mouse (*Peromyscus truei*) and the bushy-tailed woodrat (*Neotoma cinerea*) (Brown 1994). The coyote (*Canis latrans*) and black-tailed jackrabbit (*Lepus californicus*) are found throughout the province. Large ungulates are poorly represented, with mule deer (*Odocoileus hemionus*) being the most common.

Several avian species are characteristic of the Desert Scrub/Grasslands. These include the piñon jay (*Gymnorhinus cyanocephalus*), gray flycatcher (*Empidonax wrightii*), and mountain bluebird (*Sialia currucoides*) (Brown 1994). Other taxa in the region include the plateau striped whiptail

(*Cnemidophorus velox*), western rattlesnake (*Crotalus viridis*), and bobcat (*Lynx rufus baileyi*). The only wildlife observed during field surveys on May 31, 2006 was ravens (*Corvus corax*).

3.4.2.2 Riparian/Aquatic

There is no riparian/aquatic habitat in the project area. There are no wetlands in the project area.

3.4.2.3 Threatened and Endangered Species

The project area is located within the Crownpoint community. The project area is an area which has been designated as Zone 4 (Developed) by the Navajo Fish and Wildlife Department. Therefore, the project area does not provide suitable habitat for any federally or tribally protected animal species (letter, 06-06-2006, Navajo Fish and Wildlife Department, Appendix A).

3.4.3 Vegetation

3.4.3.1 Terrestrial

The biologist conducted field surveys on May 31, 2006. The project area is disturbed, and there are large patches of bare ground. The dominant plant species in the project area is four-wing saltbush (*Atriplex canescens*). Other species observed include sweet clover (*Melilotus officinalis*), Russian thistle (*Salsola kali*), hedgehog cactus (*Echinocereus* sp.), and prickly pear cactus (*Opuntia* sp.). There are an estimated 25 Siberian elm trees (*Ulmus pumila*), some of which are over 6 meters (20 ft) in height.

3.4.3.2 Riparian/Aquatic

There is no riparian/aquatic vegetation in the project area.

3.4.3.3 Threatened and Endangered Species

There is no suitable habitat for federally or tribally protected, threatened or endangered plant species in the project area (letter, 06-06-2006, Navajo Fish and Wildlife Department).

3.4.4 Agriculture

There are no livestock, crops, or prime or unique farmland. Livestock may occasionally wander into the area which is not fenced.

3.5 Cultural Resources

3.5.1 Traditional Cultural Properties, Historic, Religious Properties

On May 31, 2006, EMI conducted an ethnographic survey of the proposed project area. Ecosystem Management, Inc. archaeologists interviewed the Crownpoint Chapter Vice-President McGarrett Pablo to determine the locations of Traditional Cultural Properties (TCPs), religious sensitive areas, and cultural concerns regarding the proposed project. No religious or cultural properties of concern were identified in the project area (Ecosystem Management, Inc. 2006).

3.5.2 Archaeological Resources

Ecosystem Management, Inc. conducted an archaeological survey on May 31, 2006. No cultural resources, eligible for inclusion to the National Register of Historic Places, were found (Ecosystem Management, Inc. 2006).

3.6 Socioeconomic Conditions

3.6.1 Employment and Income

Major employers in the Chapter include Crownpoint Community School, Navajo Tribal Utility Authority, Navajo Housing Authority, Gallup McKinley County Schools, and the Child Development – Headstart (Crownpoint Chapter website (<http://crownpoint.nndes.org/> 2006). The median family income in Crownpoint was \$29,792 in 1999 (U.S. Census Bureau 2000).

3.6.2 Demographics and Trends

The total population of Crownpoint Chapter in 2004 was 2,906. The population in the year 2000 was 2,618. Therefore, over a four year period, the population increased by 11 percent. The largest age group is 10 to 14 years old (Crownpoint Chapter website (<http://crownpoint.nndes.org/> 2006).

3.6.3 Lifestyles, Cultural Values, Attitudes, Expectations

The Navajo people have maintained their culture and heritage. Religious practices and traditional lifestyles are often followed. Expectations are that the lives of Chapter residents will improve, in part through the enhancement of educational resources. Residents have a very respectful attitude toward education and its importance to the future of the Navajo Nation (<http://crownpoint.nndes.org/> 2006).

3.6.4 Community Infrastructure

Crownpoint is a center for government administrative offices and commercial facilities for the eastern portion of the Navajo Nation. School facilities in Crownpoint include Dine College, Crownpoint Institute of Technology, Crownpoint High School, the Junior High School and the Elementary School. Tribal offices include the Senior Citizens Center, the Community Health Representative, the Tribal Motor Pool, Tribal Land Office, Navajo Housing Authority, Navajo Law Enforcement, Chapter Administration, Department of Headstart, and the Division of Social Services. The Bureau of Indian Affairs Eastern Agency offices are located in Crownpoint. Most people in the Chapter seek medical care at the Crownpoint Indian Health Care Facility. There are several gas stations, convenience stores, and a supermarket (<http://crownpoint.nndes.org/> 2006).

The Basha's Supermarket, located in a shopping center, and the Crownpoint Indian Health Service facilities are located on the north side of Navajo Route 9, in close proximity to the project area.

3.7 Environmental Justice

Executive Order 12898 (1994) requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low income populations and communities. In 2000, approximately 90

percent of the population of the Crownpoint Chapter was Native American and approximately 27.3 percent of the Crownpoint residents had incomes below the poverty level in 2000 (U.S. Census Bureau 2000).

3.7.1 Indian Trust Resources

U.S. Department of the Interior Secretarial Order 3175 (1996) requires each bureau and office to identify potential effects of Departmental activities upon Indian Trust Resources. Indian Trust Resources or Assets are legal interests in assets held in trust by the federal government for federally recognized Indian tribes or individual Indians (U.S. Department of the Interior 1995). Trust assets may include land, water, fish, wildlife, rangeland, timber, minerals, fossils or other resources. The land at the project site is considered to be an Indian Trust Asset.

3.8 Hazardous Waste and Materials

A Phase I Environmental Site Assessment was performed in accordance with American Society for Testing and Materials (ASTM) standards (U.S. Army Corps of Engineers, Albuquerque District 2007a). One recognized environmental concern (REC) was identified in the project area. The presence of a suspected solid waste dumpsite in the northeastern corner of the site was determined when geotechnical staff drilled into the dumpsite to obtain geotechnical information. The dumpsite was closed in 1981. No documents could be located that provided information or the exact location of the dumpsite (U.S. Army Corps of Engineers, Albuquerque District 2007). Therefore, a geophysical survey was conducted to determine the extent of the suspected dumpsite (Sunbelt Geophysics 2007). The geophysical survey detected no significant burial of wastes (Appendix D). Small piles of construction rubble with pipes that may contain asbestos material were detected (Sunbelt Geophysics 2007).

3.9 Resource/Land Use Patterns

3.9.1 Hunting, Fishing, Gathering

There is no known hunting or gathering in the project area. There is no fishing.

3.9.2 Timber Harvesting

There is no known timber harvesting in the project area.

3.9.3 Agriculture

There is no known agriculture in the project area.

3.9.4 Mining

There is no mining in the project area.

3.9.5 Outdoor Recreation

People working and living in the immediate area may walk or jog across the site.

3.9.6 Transportation Use Network

The State of New Mexico Route 371 and Navajo Route 9 are immediately east and north of the project area, respectively. These are the main roads that serve Crownpoint. The only road within the project area is a dirt road that provides access, from the north, to four trailers in the Pat Chee Miller Trailer Court.

3.9.7 Land Use Plans

The project area is located within a BIA Withdrawn Administrative Area of approximately 136 hectares (335 acres). The BIA determines land use within this area. Revocable 30 day permits are issued to entities within the BIA Withdrawn Administrative Area (personal communication, 06-27-2006, Fern Becenti, Bureau of Indian Affairs, Navajo Regional Office). There are several entities with permits for facilities located within the BIA Withdrawn Administrative Area. Crownpoint Community School and a BIA housing area are located to the south of the project area. A Dine College building on permitted property is located to the west of the project area. A Crownpoint Institute of Technical veterinary clinic is located to the north of the project area. A corral associated with the CIT veterinary clinic encroaches approximately 12 feet south into the project area (personal communication, 06-27-2006, Fern Becenti, Bureau of Indian Affairs, Navajo Regional Office).

There are facilities for the BIA Eastern Agency Transportation Maintenance Yard, Navajo Department of Transportation, and BIA Natural Resources to the northwest of the project area.

Within the southwest portion of the project area, Pat Chee Miller Trailer Court is located on a 1.9 hectares (4.8 acre) parcel of land. There are four occupied trailers in the Court.

There are sewer lines which cross the property and State of New Mexico Route 371 to new sewage lagoons on the east side of the highway. Continental Divide Electric power lines are located along most of the perimeter of the project area.

3.10 Other Values

3.10.1 Wilderness

There are no wilderness areas within or close to the project area.

3.10.2 Sound and Noise

Traffic from State of New Mexico Route 371 and Navajo Route 9 is the source of most of the noise in the project area.

3.10.3 Public Health and Safety

The school facilities are over 40 years old; most of the buildings are in poor condition (see Table 1).

The project site is in close proximity to two highways, State of New Mexico Route 371 and Navajo Route 9, both of which have a fairly high volume of traffic.

A Crownpoint Institute of Technical veterinary clinic produces animal waste as a byproduct of its operations.

3.10.4 Visual Setting

Vistas of mesas and rolling hills can be seen to the east from the project area.

3.10.5 Non-User Values

The project area has value as open space.

4.0 Environmental Consequences of the Proposed Action

Environmental consequences of the implementation of the Proposed Action, Replacement of Crownpoint Community School, the preferred alternative, are described in this section.

4.1 Land Resources/Physical Impacts and Mitigation

4.1.2 Geological and Soil Resources

Foreseeable effects to the geological and soil resources of the project area from the proposed action are soil disturbance and erosion from the construction and rehabilitation of buildings. Some small initial increase in soil erosion will occur until the disturbed ground is seeded, mulched and or landscaped. Disturbed ground surface that is not landscaped will be reseeded with native plant grasses. The Navajo Division of Natural Resources will provide a reseeding plan (personal communication, 06-28-06 Judy Willeto, Navajo Division of Natural Resources).

If aggregate is obtained from the Navajo Nation for this project, then the contractor will obtain aggregate material permits through the BIA and the Navajo Tribal process, and follow all requirements of such permits, including royalties and environmental protection. With respect to development of an aggregate site, the requirements of the National Environmental Policy Act will be met before the site is mined for material.

Only minor modifications of the relatively flat terrain of the project area will occur as a result of construction of the facilities.

4.2 Water Resources Impacts and Mitigation

Foreseeable effects of the proposed action will be a temporary increase in surface water from the project area until the disturbed ground stabilizes from revegetation and mulching of the slopes. Best management practices will be incorporated into the project design plans to the fullest extent possible. Construction equipment will be inspected daily for leaks. Leaking equipment will be removed from the project site until repaired and spills are cleaned. All fuels, oils, lubricants, and hydraulic fluids will be kept in sealed, storage containers or facilities that are located within the construction area. Parking and staging areas will be located within the boundaries of the construction area. Existing roads will be used for detours, storage of equipment and hauling of materials and water to the fullest extent possible. Drainage structures will be installed in a manner that minimizes soil erosion and provides for a minimum of 30 centimeters (12 inches) of cover over the pipe. Structural replacements will be performed during periods of low-or-no flow periods to minimize water quality impacts. Any asphalt or concrete materials will be disposed of offsite in accordance with applicable federal and tribal regulations.

Section 402(p) of the Clean Water Act (CWA) clarifies that storm water discharges associated with industrial activity to waters of the United States must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Industrial activity includes storm water discharge associated with construction activities that involve clearing, grading, and excavation that result in the disturbance of more than 0.4 hectare (one acre) of total land area. Because construction activities in the proposed action will disturb more than 0.4 hectare (one acre) of land, section 402(p) of the CWA requires that the BIA and the contractor file with the Navajo Nation Environmental Protection Agency a “Notice of Intent” and comply with the terms of this permit. The construction contractor will prepare a Storm Water Pollution Prevention Plan (SWPP) and obtain the necessary permits before work commences.

The SWPP will incorporate a review of existing culverts in order to determine their adequacy to control runoff and flooding on the proposed site that could potentially impact nearby residences and other buildings. Mitigation measures to control runoff and flooding will be incorporated in the SWPP.

There will be no impacts to any “Waters of the U.S.” from the proposed action. Therefore, neither a Clean Water Act Section 401, Water Quality Certification, or Clean Water Act Section 404 permit will be required.

The proposed action will not affect the volume of surface or groundwater in the project area. Water will be required for construction activities. Although this water may be obtained from the BIA withdrawn area, it is unknown at this time as to where the water will be obtained. Permits to use water will be obtained from the appropriate agencies or persons as required. If water is obtained from the Navajo Nation, then the construction contractor will obtain a permit from the Department of Water Resources Management at least thirty days prior to construction. The contractor will notify the Navajo Nation of the location of water resources to be used during construction.

No floodplain will be impacted by the proposed action.

4.3 Air Resources Impacts and Mitigation

The proposed action will result in a temporary increase in suspended dust during construction. Dust abatement will be achieved utilizing standard equipment and practices. If any asphalt plants are operated during construction, appropriate permits will be obtained by the contractor in order to protect air quality.

The hot asphalt plant contractor will consult with Navajo EPA and obtain a permit to operate the plant. The contractor will be required to comply with standard air pollution control practices to minimize emissions.

4.4 Biological Resources Impacts and Mitigation

4.4.1. Vegetation

Approximately 16 hectares (40 acres) of vegetation and 25 Siberian elm (*Ulmus pumila*) trees will be removed as a result of construction. However, the plant community found on the site extends for many miles beyond the project area. Consequently, the construction of school facilities will have a minimal impact on vegetation. Elm trees are considered a noxious weed in some areas of the country because their roots are a hazard to underground utility lines, sidewalks and paving. A landscaping plan will be prepared for the new facility. The construction contractor

will implement Best Management Practices to prevent the introduction of non-native, invasive plants to the project area. The Navajo Nation Department of Agriculture will be consulted regarding the management and control of noxious weeds.

4.4.2 Wetlands

There are no wetlands in the project area.

4.4.3 Threatened, Endangered, and Protected Species

The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern. It has been designated a Zone 4, Developed, area by the Navajo Fish and Wildlife Department (Appendix A: letter, 06-06-2006, and Biological Resources Compliance Form, 10-02-2006, Navajo Fish and Wildlife Department).

4.4.4 Wildlife

The project area is disturbed and located within an urban area. Noise and activity during construction may disturb wildlife in the project area. However, the impacts on wildlife are expected to be minor and temporary. Wildlife is expected to move to higher quality habitat outside of the project area during construction.

Migratory birds and their nests are protected by the Migratory Bird Treaty Act (MBTA). The elm trees in the project area provide potential nesting sites, though no nests were observed during the field visit. If construction is to take place during the breeding season, a biologist will conduct a nest survey before work commences. If active nests are observed during construction, then a biologist will be contacted in order to remove the nests. The biologist will obtain a Migratory Bird Treaty Act Permit prior to removal.

4.5 Cultural Resources Impacts and Mitigation

No cultural resources were identified in the project area. The Navajo Nation Historic Preservation Division has determined that no historic properties will be affected by the proposed action (Appendix B: Cultural Resources Compliance Form, 08-17-2006). If cultural resources are identified in the area of effect of this project during construction, the criteria of effect and adverse effect (36 CFR 800.9[a] and [b]) will be applied by a qualified archaeologist who will immediately inform the Navajo Nation Historic Preservation Department and the BIA Navajo Regional Office archaeologist so they can provide guidance on which measures made be used to avoid, minimize, or mitigate effects to the resources. If an eligible property is identified during construction, then it should be avoided by a minimum of 50 feet (15 meters) (personal communication, Tamara Billie, Navajo Historic Preservation Compliance Office 02-9-2007). The BIA may recommend a preferred avoidance measure. The BIA and interested parties will be provided with all copies of the proposed and finalized treatment plans as well as the determinations of the project on the cultural resources.

4.6 Socioeconomic Conditions Impacts and Mitigation

4.6.1 Employment and Income

Construction of the school facilities will provide employment opportunities for Chapter residents. Therefore, there will be temporary, minor, and beneficial impact to employment and income of the Chapter residents.

4.6.2 Lifestyles, Cultural Values, Attitudes, Expectations

Improving educational experience and opportunities is an objective of the Crownpoint Chapter (Crownpoint Chapter 2004). Construction of the new school facilities will enhance the experience of the students and staff.

4.6.3 Community Infrastructure

It has yet to be determined what will be done with the existing campus facilities. One option is that they could be demolished or renovated. Also, the Navajo Nation has the option of taking over the existing Crownpoint Community School facilities once the new school facilities are built (personal communication, 06-13-2006, Francis Morgan, Facility Manager, Crownpoint Community School). The existing facilities could be used for community programs. However, the Navajo Nation would then be responsible for maintenance of the old facilities. It is unknown, at this time, what would be done with the proposed new buildings after approximately 40 years of use.

The Indian Health Service, the Bureau of Indian Affairs, Navajo Tribal Utility, and Continental Divide Electric will be notified before construction in order to prevent damage to utility lines.

4.7 Environmental Justice

The proposed project would have a disproportionate effect on both minority and low-income populations. Effects are expected to include temporary increases in noise, dust, and truck traffic. Other impacts are loss of vegetation and diminished visual quality. The negative effects would be offset in the long term by enhanced educational facilities and economic benefits to the Navajo Nation and its tribal members.

Those people living in the four rental trailers in the Pat Chee Miller Trailer Park will be relocated. The Bureau of Indian Affairs will notify them with sufficient lead time so they are able to find other suitable accommodations.

4.8 Indian Trust Resources

The project will utilize 16 hectares (40 acres) of Indian Trust land. This land is currently utilized for the Pat Chee Miller Trailer Park, open space, and occasional informal recreation. These resources can be provided by other facilities or land in the Crownpoint Community.

4.9 Solid and Hazardous Wastes

4.9.1 Solid Wastes

Solid waste will be produced as a result of construction activities. Measures will be taken to minimize the waste. Construction materials will be reused or recycled whenever possible. Materials that cannot be recycled or reused will be disposed of in a certified landfill.

4.9.2 Hazardous Wastes

The construction contractor will be briefed on the Phase I environmental site assessment and the geophysical survey report in case debris is encountered during construction. The construction contractor is expected to comply with all regulations that regulate the use and disposal of hazardous waste. Spill prevention, containment, disposal, and countermeasures with regard to any hazardous waste that could result from operation of the facility will be outlined in a project Spill Prevention, Control, and Countermeasures Plan

Any contaminated soils or hazardous materials encountered during construction will be disposed of in accordance with US Environmental Protection Agency protocols. No non-mitigable hazardous waste/substances will be generated on the project site during construction and school operations.

4.10 Resource/Land Use Patterns

4.10.1 Transportation Use Network

Impacts to the transportation network will be minor and short-term. The proposed action would result in increased use of Navajo Route 9 and State of New Mexico Highway 371 in the short-term. Short-term increases would consist of truck and heavy equipment use during construction. Impacts on the adjacent transportation network would be minor.

A dirt road to the Pat Chee Miller Trailer Park will be abandoned and reseeded when the trailers are removed. The road will no longer be needed.

A driveway permit will be acquired from the Bureau of Indian Affairs Department of Transportation, Navajo Regional Office (BIA DOT) for the access road to the new school from Navajo Route 9 or State of New Mexico 371. The U.S. Army Corps of Engineers will work with the Bureau of Indian Affairs Office of Facilities Management and Construction Center to begin the process as soon as the locations for access to the site are determined.

4.10.2 Land Use Plans

The construction of new school facilities will be consistent with the existing land use within the BIA Withdrawn Administrative Area. Two other educational institutions, Dine College and Crownpoint Institute of Technology, also have facilities within the BIA Withdrawn Administrative Area.

The portion of the Crownpoint Institute of Technology veterinary clinic corral that encroaches onto the project area will be dismantled. This will result in a smaller area to pen the animals, unless the corral is relocated.

The Crownpoint Community School will request a tap package from the Navajo Tribal Utility Authority for requests to extend water and sewer utility lines. The Crownpoint Community School or its designee will coordinate with the other utilities, as needed, to obtain right-of-way for utility services. All requisite permits, including the cultural and environmental compliance studies, will be obtained for the right-of-way.

4.11 Other Values

4.11.1 Sound and Noise

The proposed action will cause a temporary increase in noise during construction. All construction will take place during daylight hours in order to minimize disturbance to residents and nearby offices. Trucks and heavy equipment will be equipped with standard noise suppression mufflers in good working conditions.

4.11.2 Public Health and Safety

The public health and safety of the students and staff of the Crownpoint Community School will be substantially improved by implementation of the proposed action. Facilities in mostly poor condition will be replaced with new facilities. All work, material and installation will conform to the applicable code or regulation.

The public health and safety will not be adversely impacted by the proposed action. Signs will be posted to enhance the public safety of vehicles entering and leaving the project area from Navajo Route 9 and State of New Mexico Route 371. Fencing and signs will be used as appropriate to prevent the entry of people into construction areas.

On-site streets and drives may be all-weather surfaced and designed for bus and truck traffic. Curbs, sidewalks and gutters will be constructed where feasible. Traffic safety bumps and signage will be constructed at the appropriate locations.

The project area is located in close proximity to two busy roads. Once the new facilities are built, students and staff will probably walk across Navajo Route 9 to buy food and supplies at the Bashas' Supermarket. Therefore, it is recommended that a fence be constructed around the perimeter of the new school campus.

The animal waste produced by the CIT will continue to be disposed of in a certified landfill. There are no homeland security issues with respect to the proposed action (personal communication, 06-16-2006, Harrison Nez, Safety Office, Bureau of Indian Affairs, Eastern Navajo Agency).

4.11.3 Visual Setting

The new facilities will enhance the attractiveness of the architectural landscape of the Crownpoint community.

4.11.4 Non-User Values

Open space within the BIA Withdrawn Administrative Area will be reduced by approximately 16 hectares (40 acres). However, there is considerable open space surrounding Crownpoint.

4.12 Cumulative Impacts

Under the Preferred Alternative, Replacement of Crownpoint Community School, cumulative impacts of the proposed action on the land, water, air, and cultural resources as well as socioeconomics have been analyzed. The proposed action will result in temporary and/or minor impacts to vegetation, wildlife, and soils. Local residents, staff and students will be temporarily affected through increases in noise, traffic, and dust. The safety of the students and staff will be considerably improved by construction of the new facility. The learning environment will also be enhanced at the Crownpoint Community School.

The Crownpoint Institute of Technology veterinary clinic will incur expenses to dismantle a portion of their corral, and there will be a temporary disruption to the penning of their animals.

Residents of four trailers Pat Chee Miller Court will be relocated; they could incur increased rent and increased commuting time to their jobs.

5.0 List of Preparers

Mike Tremble, Environmental Scientist, Ecosystem Management, Inc.
Bill Hevron, Biologist, Ecosystem Management, Inc.
Richard Burleson, Archaeologist, Ecosystem Management, Inc.

Ecosystem Management, Inc.
4004 Carlisle Blvd NE Suite C
Albuquerque, NM 87107

Tele. (505) 884-8300
Fax. (505) 884-8305

6.0 List of Agencies, Organizations, and Persons Receiving Copies of the Document

Albuquerque District, Corps of Engineers
Regulatory Branch

Albuquerque District, Corps of Engineers
Corps of Engineers, South Pacific Division

Bureau of Indian Affairs
Office of Facilities Management and Construction

Navajo Fish and Wildlife Department

Navajo Nation Historic Preservation Division

Navajo Nation Environmental Protection Agency

Navajo Regional Office, Bureau of Indian Affairs, Department of Interior
Branch of Environmental Services

U.S. Fish and Wildlife Service
New Mexico Ecological Services Office

7.0 References

Bureau of Indian Affairs, Office of Facilities Management and Construction. 2006. letter dated January 20, 2006 to the Director, Navajo Region, Attention: Omar Bradley, Deputy

- Director for Trust Services from the Deputy Director, BIA Office of Facilities Management and Construction.
- Bureau of Indian Affairs, Office of Facilities Management and Construction. 2006. Structure Summary by Structure; N34-23 T' iss Ts' Ozi Bi' Olta' (Crownpoint Community School).
- Brown, D.E. 1982. Biotic Communities of the American Southwest – United States and Mexico. Desert Plants: Volume 4, Numbers 1-4.
- Cooley, M.E. et al. 1969. Regional Hydrogeology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah. Geological Survey Professional Paper 521 – A.
- Crownpoint Chapter. 2004. Crownpoint Chapter Comprehensive Community-Based Land Use Plan.
- Crownpoint Community School Board. 2004. Resolution in Support of Replacement of the Crownpoint Community School.
- Crownpoint Chapter website. 2006. <http://crownpoint.ndes.org/>.
- Dick-Peddie, William A. New Mexico Vegetation: Past, Present, and Future. 1993. University of New Mexico Press.
- Ecosystem Management, Inc. 2006. Class III Survey of 40 Acres for the T' iss Ts' Ozi Bi' Olta' Community School Replacement, Crownpoint, McKinley County, New Mexico.
- Executive Order 12898. February 11, 1994. Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- Natural Resources Conservation Service. 2005. Manuscript - McKinley County Area, McKinley County and Parts of Cibola and San Juan Counties http://soils.usda.gov/survey/online_surveys/new_mexico/index.html.
- Sunbelt Geophysics. 2007. Geophysical Survey for Buried Waste for T' iss Ts' Ozi Bi' Olta' (Crownpoint Community School) Replacement (K-8)-Project 06NON.
- U.S. Army Corps of Engineers, Albuquerque District. 2006. Crownpoint Community School Hydrology and Hydraulics Flood Hazard Determination.
- U.S. Army Corps of Engineers, Albuquerque District. 2006a. Final Level I Survey, Contaminant Survey Checklist of Proposed Construction Site.
- U.S. Army Corps of Engineers, Albuquerque District 2006b. 6-9-06 Trip Report and Attachments.
- U.S. Army Corps of Engineers, Albuquerque District 2007a. Environmental Site Assessment for Hazardous, Toxic and Radioactive Wastes for the Crownpoint Community School, McKinley County, New Mexico.

U.S. Army Corps of Engineers, Albuquerque District 2007b. Addendum Environmental Site Assessment for Hazardous, Toxic and Radioactive Wastes for the Crownpoint Community School, McKinley County, New Mexico.

U.S. Census Bureau. 2000. <http://factfinder.census.gov>.

U.S. Department of Interior. 1995. Departmental Manual 512 DM2 (from Bureau of Reclamation Section). Office of American Indian Trust. Washington, D.C.

U.S. Department of the Interior. February 13, 1996. Protection of Indian Trust Resources. Office of American Indian Trust. Washington, D.C.

Personal Communications

05-31-2006, Cheryl Buckel, U.S. Army Corps of Engineers

06-14-2006, Jerry de Groat, Real Estate Office, Bureau of Indian Affairs, Eastern Navajo Agency

06-02-2006, Jerry de Groat, Real Estate Office, Bureau of Indian Affairs, Eastern Navajo Agency

06-13-2006, Francis Morgan, Facility Manager, Crownpoint Community School

06-06-2006, Robin Grieser, Department of Transportation, Bureau of Indian Affairs, Navajo Regional Office

06-16-2006, Harrison Nez, Safety Office, Bureau of Indian Affairs, Eastern Navajo Agency

06-27-2006, Fern Becenti, Bureau of Indian Affairs, Navajo Regional Office

06-28-2006, Judy Willetto, Navajo Division of Natural Resources

07-19-2006, Harrison Nez, Bureau of Indian Affairs, Eastern Navajo Agency

02-9-2007, Tamara Billie, Navajo Historic Preservation Compliance Office

APPENDIX A

Response Letter from Department of Navajo Fish and Wildlife

**BIOLOGICAL RESOURCES COMPLIANCE FORM
 NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
 P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480**

| | |
|------------------------|-------------------------------------|
| COMPLIANCE | <input checked="" type="checkbox"/> |
| CONDITIONAL COMPLIANCE | <input type="checkbox"/> |

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Environmental Assessment for the Replacement of the T'issTsOziBi'Olta' Community School (Crownpoint Community School), Crownpoint, New Mexico Navajo Nation

DESCRIPTION: T'issTsOziBi'Olta' Community School (Crownpoint Community School) would be replaced with new facilities for 497 students in Kindergarten through 8th grade as well as 20 Family and Child Education (FACE) students. The new facilities would consist of a dormitory facility and an academic facility. The area would be comprised of general and specialized classrooms, gymnasium, library/media center, cafeteria with kitchen, administrative center and special programs space. Water mains and branch lines, sewer mains and branch lines, liquid propane tank farm with main and branch lines and telephone service will also be included in the new school facilities. It may be determined if a well, well house with a pump and chlorination system and an elevated water tank may be needed. Paved parking would be developed for the staff along with curb, gutter, sidewalks and exterior lighting. Other elements of the project would include school sign at the entrance of the campus, grade appropriate playfields and play structures and xeriscape landscaping. The new school facilities will be constructed on 40 acres site within the Bureau of Indian Affairs withdrawn administrative area in Crownpoint, New Mexico.

LOCATION: T17N, R12W, western 1/2 S20; proposed site is located north of the existing school campus

REPRESENTATIVE: Mike Tremble, Ecosystem Management Inc.

ACTION AGENCY: US Army Corps of Engineers; Bureau of Indian Affairs; Ecosystem Management Inc.

B.R. REPORT TITLE / DATE / PREPARER: Environmental Assessment for the Replacement of the T'issTsOziBi'Olta' Community School (Crownpoint Community School), Crownpoint, New Mexico Navajo Nation/July 2006/Ecosystem Management Inc., Albuquerque, New Mexico

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Per letter from Navajo Fish and Wildlife Department - Natural Heritage Program file#06EM04 dated June 06, 2006: The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern.

POTENTIAL IMPACTS

TRIBAL ENDANGERED SPECIES (G2 & G3) TAKEN: none

FEDERALLY-LISTED SPECIES AFFECTED: none

APPENDIX B

Cultural Resources Compliance Form

CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO



SHPO
REAL PROPERTY MGT/330
ESMI

NNHPD NO. HPD-06-727
OTHER PROJECT NO.

ESMI 717

PROJECT TITLE: **Class III Cultural Resource Survey of 40 Acres for the T'iis Ts'Ozi Bi' Olta' Community School Replacement, Crownpoint, New Mexico**

LEAD AGENCY: BIA/NR

SPONSOR: US Army Corps of Engineers, Albuquerque District, 4101 Jefferson Plaza NE, Albuquerque, New Mexico 87109

PROJECT DESCRIPTION: The proposed undertaking will involve the demolition & replacement for the T'iis Ts' Ozi Bi' Olta' Community School within 40 acres. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Tribal Trust

CHAPTER: **Crownpoint**

LOCATION: T17N, R12W - Sec. 20; Crownpoint Quadrangle, McKinley County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: **Richard Burleson**
NAVAJO ANTIQUITIES PERMIT NO.: B06282

DATE INSPECTED: **05/31/06**
DATE OF REPORT: **06/2006**
TOTAL ACREAGE INSPECTED: **40.0 ac**

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

| | |
|-----------------------------------|---|
| LIST OF CULTURAL RESOURCES FOUND: | Site NM-Q-23-49 & (5) Isolated Occurrences (IO 1-5) |
| LIST OF ELIGIBLE PROPERTIES: | None |
| LIST OF NON-ELIGIBLE PROPERTIES: | Site NM-Q-23-49 & (5) IO's |
| LIST OF ARCHAEOLOGICAL RESOURCES: | None |

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

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7132.

FORM PREPARED BY: TAMARA BILLIE
FINALIZED: August 8, 2006

Notification to

Proceed Recommended: Yes XX No _____
Conditions: Yes _____ No XX

Alan S. Downer, Navajo Nation
Historic Preservation Officer
Date

Navajo Region Approval:

Yes X No _____

ACTING Regional Director

8/17/06
Date

APPENDIX C

**Phase I Environmental Site Assessment
(see attached file)**

APPENDIX D

**Addendum Phase I Environmental Site Assessment
(see attached file)**

APPENDIX E

Comments on Draft Environmental Assessment and Responses to Comments

1). Comment: The draft EA outlines two alternatives; however, it fails to discuss a third alternative of locating the school within the current campus boundaries. If this alternative is not economically feasible, a discussion should be presented in the EA outlining why this alternative was considered and/or dismissed.

Response: A section, *Alternatives Considered but Dismissed*, is included in the EA. It lists two alternatives and why they were dismissed.

2). Comment: Include the earthen track in the *Reasonably Foreseeable Actions* section.

Response: The earthen track, called dirt road in the EA, is now in that section, rather than the *Proposed Action*.

3). Comment: What will happen to the constructed building after it provides the minimum of 40 years of service?

Response: This text was added to the EA: “It is unknown, at this time, what would be done with the proposed new buildings after approximately 40 years of use”.

4). Comment: Alternatives should discuss ROW for encroachments, relocation of improvements, etc.

Response: The new campus buildings and campus layout have yet to be designed. The following text is included in the EA. “A driveway permit will be acquired from the Bureau of Indian Affairs Department of Transportation, Navajo Regional Office (BIA DOT) for the access road to the new school from Navajo Route 9 or State of New Mexico 371. The Crownpoint Community School will request a tap package from the Navajo Tribal Utility Authority for requests to extend water and sewer utility lines. The Crownpoint Community School or its designee will coordinate with the other utilities, as needed, to obtain right-of-way for utility services. All requisite permits, including the cultural and environmental compliance studies, will be obtained for the right-of-way.”

5.) Comment: The Leadership in Energy and Environmental Design concepts should be incorporated in the EA. Include information mandating the project to be “silver.”

Response: “Leadership in Energy and Environmental Design” concepts, as identified in the Architectural and Engineering Requirement Report, would be incorporated in so far as possible for the proposed new facilities. These concepts would encourage the design of “silver” certified facilities, meaning that they would save energy and incorporate sustainable design.

6.) Comment: The EA analysis needs to determine impacts associated with lines that will be tied into existing NTUA infrastructure. In addition, earth moving activities associated with water lines and sewer lines need to be assessed for biological and cultural resources.

Response: EMI conducted biological and cultural resources of the entire project area. In addition, the following text is including in the EA: The Crownpoint Community School or its designee will coordinate with the other utilities, as needed, to obtain right-of-way for utility services. All requisite permits, including the cultural and environmental compliance studies, will be obtained for the right-of-way.”

7). Comment: USACE indicated that borrow material would be transported from Prewitt, NM. This action should be incorporated into the EA.

Response: The amount of aggregate and the exact location of a borrow pit is unknown at this time. The following text is in the EA: If aggregate is obtained from the Navajo Nation for this project, then the contractor will obtain aggregate material permits through the BIA and the Navajo Tribal process, and follow all requirements of such permits, including royalties and environmental protection. With respect to development of an aggregate site, the requirements of the National Environmental Policy Act will be met before the site is mined for material.

8). Comment: The NNHPD guidance states that an identified site should be avoided by a minimum of 50 feet; yet the Cultural Resources Compliance form did not have the stipulation.

Response: The following personal communication from NNHPD has been included as follows in the EA: “If an eligible property is identified during construction, then it should be avoided by a minimum of 50 feet (15 meters) (personal communication, Tamara Billie, Navajo Historic Preservation Compliance Office 02-9-2007).”

9). Comment: Provide information on potential landfills or sewer lagoons that may be buried in the project area.

Response: A geophysical survey was conducted to detect any buried waste in the project area. No substantial buried wastes or evidence of a landfill or lagoon were identified. The geophysical survey report is included in an amended Phase I environmental site assessment in the EA as an appendix.

10). Comment: The Level I survey does not meet requirements for the Phase I ASTM E1527-05.

Response: The Phase I environmental site assessment has been revised to meet those standards.

11). Comment: The EA fails to include discussion regarding potential of disease vectors associated with animal waste discarded from the veterinary clinic.

Response: The following text is included in the EA: “The animal waste produced by the CIT will continue to be disposed of in a certified landfill.”

12). Comment: What mitigation measures will be included to address runoff and potential flooding issues?

Response: The following text is included in the EA: “The SWPP will incorporate a review of existing culverts in order to determine their adequacy to control runoff and flooding on the proposed site that could potentially impact nearby residences and other buildings. Mitigation measures to control runoff and flooding will be incorporated in the SWPP.”