

JOE SHIRLEY, JR.
MEMBER OF THE BOARD
DISTRICT I
P.O. Box 1952, Chinle, AZ 86503

ALTON JOE SHEPHERD
CHAIRMAN OF THE BOARD
DISTRICT II
P.O. Box 994, Ganado, AZ 86505

DOYEL SHAMLEY
VICE CHAIR OF THE BOARD
DISTRICT III
P.O. Box 428, St. Johns, AZ 85936

**BOARD OF SUPERVISORS
OF APACHE COUNTY**

P.O. BOX 428
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-7503
FACSIMILE: (928) 337-2003



RYAN PATTERSON
MANAGER-CLERK
ST. JOHNS, AZ 85936

**NOTICE OF A SPECIAL PUBLIC MEETING AND AGENDA OF
THE APACHE COUNTY BOARD OF SUPERVISORS**

May 2, 2018

**Board of Supervisors' Hearing Room, First Floor
75 West Cleveland Street
St. Johns, Arizona**

1:00 p.m. MST (2:00 p.m. DMST)

1. Emergency Management: Discussion and possible approval of a resolution to enter into Stage II Fire Restrictions on Friday, May 4, 2018 at 12:01 a.m. This is due to increased large fire potential, additional Red Flag conditions forecasted and diminished firefighting resources in the immediate area.
2. Engineering Department: Discussion and possible approval of Attachment C & D to the Master Intergovernmental Agreement with the Navajo Nation Department of Transportation (NDOT). The original approval was re-written by NDOT. No substantive changes were made, only format changes.

Pursuant to the Americans with Disabilities Act, the Apache County Board of Supervisors endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact the Clerk of the Board's office at (928)337-7503, TDD (928)-337-4402 at least 48 hours prior to the meeting (not including weekends or holidays) so that an accommodation can be arranged. One or more members of the Board of Supervisors may participate telephonically or through video communication.

Posted: this 1 day of May 2018 @ 11:00 a.m. by BTB.

A handwritten signature in black ink, appearing to read "R. Patterson", is written over a horizontal line.

Ryan Patterson
Clerk of the Board

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

Emergency Management

Date/Signature: 4/30/2018

Bevink Parks for Shannon Eggar

Describe in detail what you want to say to the Board and what action you want the Board to take:

Emergency Management request authorization to enter into Stage II Fire Restrictions on Friday, May 4, 2018 at 12:01 A.M. This is due to increased large fire potential, additional Red Flag conditions forecasted and diminished firefighting resources in the immediate area.

BOS Meeting Date Requested 5/2/2018

PRE-AGENDA ITEM REVIEW

Legal Review:

Signature

Check if item does not require review

Finance Review:

Signature

Check if item does not require review

Human Resources Review:

Signature

Check if item does not require review

Other Review:

Signature

Check if item does not require review

Reviews completed, item approved for Agenda. Board Clerk's Initials

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RYAN PATTERSON
MANAGER-CLERK
ST. JOHNS, AZ 85936

Resolution # 2018 - ____
**A RESOLUTION OF THE BOARD OF SUPERVISORS OF APACHE COUNTY,
ARIZONA, DECLARING STAGE II FIRE RESTRICTIONS DUE TO SEVERE
TEMPERATURES AND EXTREME FIRE DANGER**

WHEREAS, Apache County Board of Supervisors has previously enacted Ordinance 2018-03 establishing the Apache County Outdoor Fire Ordinance detailing restrictions and punishments in certain situations of high fire danger, and;

WHEREAS, Apache County has a legal and ethical obligation to protect the health, safety and welfare of the citizens of Apache County, and;

WHEREAS, the people, lands, infrastructure and economic activities within the boundaries of Apache County are under imminent threat from wildfire due to strong winds, relatively high temperatures and extremely dry conditions, and;

WHEREAS, the threat of such fires serves as a detriment of the County's residents' health, safety, welfare and economic well-being;

NOW, THEREFORE, BE IT RESOLVED, that, effective May 4, 2018 at 12:01 a.m., the Board of Supervisors of Apache County, Arizona, does hereby establish Stage II Fire Restrictions as defined in Apache County Ordinance 2018-03, with the obligations and sanctions established therein.

PASSED, ADOPTED AND APPROVED at St. Johns, Arizona on May 2, 2018 2018.

APACHE COUNTY BOARD OF SUPERIVOSRS

By: Alton Joe Shepherd
Chairman of the Board



APACHE COUNTY – STAGE II FIRE RESTRICTIONS

STAGE II: Fire Restrictions

The following acts are **prohibited** until further notice:

1. Building maintaining, attending, or using a fire, campfire, charcoal, coal, or wood stove including fires in developed campgrounds or improved sites.
2. Smoking, except within an enclosed vehicle or building.
3. Mechanical and Industrial Prohibitions
 - a. Operating any internal combustion engine other than exemption 7 below.
 - b. Welding, or operating acetylene or other torch with open flame.
 - c. Using an explosive.
4. Operating motorized vehicles off designated roads and trails.
5. Use of any and all fireworks.
6. Use of Tracer bullets and/or explosive targets.

Exemptions:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Industrial operations where specific operations and exemptions are identified and mitigation measures are implemented as outlined in an agency plan.
3. Persons operating internal combustion engines with spark arrestors such as lawnmowers and landscaping equipment in maintained landscaped space.
4. Welding, or operating acetylene or other torch with open flame in an enclosed or developed area designated for that purpose that is equipped with appropriate fire protection.
5. Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
6. Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the generator.
7. Operating motorized vehicles on designated roads and trails so long as you park in an area devoid of vegetation within 10 feet of the roadway.
8. Emergency repair of public utilities and railroads and mitigation measures are implemented as outlined in an agency plan.
9. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
10. After coordination with the Emergency Management Director/Manager, any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
11. All land within a town boundary is exempted unless otherwise stated by town ordinance.

For more preparedness information please visit any of the following websites:

www.311info.net

<https://www.facebook.com/311infor.net>

<https://www.facebook.com/ApacheCountyEM>

<https://www.co.apache.az.us>

ORDINANCE NO. 2018-03



OUTDOOR FIRE ORDINANCE

An ordinance of the Board of Supervisors of Apache County, Arizona, repealing Ordinance No. 2014-05 (Open Outdoor Fire Ordinance); establishing fire zones in the unincorporated area; establishing restrictions on certain outdoor fires; providing for the implementation of emergency fire restrictions; and specifying civil and criminal penalties for violations.

Preface

The purpose of fire restrictions is to reduce the risk of human-caused fires during periods of unusually high fire danger and/or burning conditions. Fire restrictions impose many limitations on the public, and therefore should be implemented only after all other prevention measures have been taken. These measures include, but are not limited to: increasing the number of prevention signs, public contacts, media campaigns, increased enforcement of the restrictions, etc. Fire restrictions should be considered when high to extreme fire danger is predicted to persist. Other considerations are the level of human-caused fire occurrences being experienced, firefighting resources available, high human-caused risk potential, live fuel moisture is at or approaching historic thresholds, no significant relief in fire weather potential in the immediate forecast, large fire activity occurring on a unit (within the county) or within the Region, and fire preparedness levels so indicate. An appropriate level of preparedness to meet wildland fire management objectives is based upon an assessment of vegetation, climate, and topography utilizing the National Fire Danger rating system (NFDRS).

Emergency closures have an extreme impact on the public and fire agencies, and are discouraged except under the most severe conditions. Closures should be implemented only in situations where the public's safety cannot be guaranteed. Closures are not justified by fire danger alone, but should be driven by the potential for risk to life safety due to extreme fire behavior, high potential for human-caused fires, severe shortages of resources, and numerous large fires.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF APACHE COUNTY AS FOLLOWS:

1. **TITLE**
This ordinance shall be known as the Apache County Outdoor Fire Ordinance.
2. **REPEAL OF PRIOR ORDINANCE**
Ordinance No. 2014-05 the Open Outdoor Fire Ordinance, is hereby repealed in its entirety.
3. **EFFECTIVE AREA / FIRE ZONES**
This Ordinance is effective in the unincorporated area of Apache County, exclusive of areas under the jurisdiction of the United States, the State of Arizona or a federally recognized Indian tribe. For purposes of this Ordinance, the unincorporated area has been divided into two fire zones as depicted on the map attached hereto.

4. PURPOSE / AUTHORITY OF EMERGENCY MANAGEMENT DIRECTOR

- 4.1** The purpose of this Ordinance is to help provide a uniform system for political subdivisions in Apache County to determine what fire restrictions are needed and when they are to be put into place during emergency fire conditions.
- 4.2** It is the duty of the Apache County Emergency Management Director/Manager, (after consultation as the Emergency Management Director/Manager deems appropriate, with the U.S. Forest Service ("USFS"), local Fire Districts, state or municipal Emergency Management Directors, or other fire officials) to initiate fire restrictions within any fire zone (or zones) during emergency fire conditions as described in Section 7.
- 4.2.1** The Emergency Management Director/Manager shall utilize the USFS Apache-Sitgreaves NFRDS and Fire Preparedness level indicators (www.fs.fed.us) to help determine when such restrictions are necessary. As a general guideline, emergency fire restrictions should be considered when the Energy Release Components (ERC) reading reaches 90% for the last 5 days.
- 4.2.2** The Emergency Management Director/Manager shall attempt to coordinate with other fire officials in the affected zone(s) a uniform date for implementing such restrictions.
- 4.2.3** When the Emergency Management Director/Manager determines that such restrictions are necessary, and the date of implementation has been determined, the Emergency Management Director shall recommend to the Chairman of the Board of Supervisors or designee, that such restrictions be ordered pursuant to the Chairman's emergency powers under Title 26, Chapter 2, Article 1 of the Arizona Revised Statutes. Upon the issuance of the Chairman's order, the Emergency Management Director shall promptly take appropriate steps to notify residents and visitors of the nature and extent of the restrictions and the effective date.
- 4.2.4** Upon issuance of the initial order, the County shall suspend issuance of burning permits until the emergency fire restriction order is lifted.
- 4.2.5** Upon issuance of the initial order, the Chairman authorizes the Emergency Management Director/Manager to modify the restriction level or cancel the restrictions as conditions warrant per the NFRDS and Preparedness levels indicators to determine the cancellation of restrictions.

The Emergency Management Director/manager shall immediately notify the Chairman and the County Manager of any changes in restriction and provide an update of the change in restrictions at the next legally scheduled Board meeting.

5. **DEFINITIONS**

- 5.1 "Campfire" means an open outdoor fire used only for the cooking of food or for providing personal warmth for human beings or for recreational purposes.
- 5.2 "Charcoal Fire" means an open outdoor fire which uses primarily charcoal as the combustible material, and which is used only for the purpose of cooking food.
- 5.3 "Combustion Engines" means an engine which generates mechanical power from a fuel. This includes an engine in which combustion is intermittent such as four-stroke, two-stroke, gas turbines, and diesel engines.
- 5.4 "Emergency Management Director" means the County official designated as such by the Board of Supervisors.
- 5.5 "Firearms" means a weapon that launches one or more projectiles at high velocity through the confined burning of a propellant
- 5.6 "Fireworks" means any composition or device consisting of a combination of explosives and combustibles, detonated to generate colored lights, pyrotechnic displays, smoke, and noise for amusement or entertainment purposes.
- 5.7 "Flue" means a pipe, tube, channel, duct or passage through which hot air, gas, steam, smoke or fire may pass, such as a chimney, stovepipe or stack.
- 5.8 "Open Outdoor Fire" means any burning, oxidation or combustion of combustible material of any type in the open where the products of combustion are not directed through a flue, but not including campfires and charcoal fires.
- 5.9 "Recreational Fire" means burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit with a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking or similar purposes.
- 5.10 "Red Flag Warning" (or "Red Flag Conditions") means a determination by the National Oceanic and Atmospheric Administration to inform the County and other

agencies of the imminent or actual occurrence of extreme fire danger or extreme fire conditions.

6. NON-EMERGENCY FIRE RESTRICTIONS

The following restrictions are in effect at all times in all zones, except as they may be superseded by emergency fire restrictions pursuant to Section 7:

- 6.1** It is unlawful for any person to start, ignite, cause or permit to be ignited, or allow or maintain any open outdoor fire except as allowed by permit through the Emergency Management Director, the applicable Fire District, or the Arizona Department of Environmental Quality pursuant to Title 49, Chapter 3 of the Arizona Revised Statutes. The following fires are exempt from this restriction:

EXEMPTIONS:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

- 6.1.1** Fires used only for the cooking of food or for providing warmth for human beings or for recreational purposes (campfires and charcoal fires); for the branding of animals; for the purpose of frost protection in falming or nursery; or for the disposal of flags pursuant to federal law.
- 6.1.2** Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or such permission is given for the purpose of instruction in the methods of fighting fires.
- 6.1.3** Fires set or permitted by authority of the director of the Arizona Department of Agriculture or by Apache County agricultural agents for the purposes of disease and pest prevention.
- 6.1.4** Fires authorized by special permits as issued by the Emergency Management Director/Manager.
- 6.1.5** After coordination with the Emergency Management Director/Manager, Fires set by or permitted by the federal government or any of its departments, agencies or agents, or by the State or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

6.1.6 Fires permitted by any rule or regulation adopted pursuant to Title 49, Chapter 3, Article 3 of the Arizona Revised Statutes, by any special or conditional permit issued by a hearing board established under said Article 3, or by any rule or conditional permit issued pursuant to Title 49, Chapter 3, Article 2, when pursuant to ARS § 49-402 the Arizona Department of Environmental Quality has assumed jurisdiction of the portion of Apache County where the fire is located.

6.1.7 Fires permitted by Local Fire Chief's within their Jurisdiction.

6.1.8 Fires for the purpose of burning rubbish, waste material or refuse.

7. **EMERGENCY FIRE RESTRICTIONS**

In addition to the non-emergency fire restrictions set forth in Section 6, the following emergency fire restrictions when ordered and in effect shall apply to the zone(s) in which they have been implemented:

- 7.1 During "Red Flag Warning" conditions, as posted by the National Weather Service, no open outdoor fires, campfires, charcoal fires or outdoor smoking are permitted on either public or private property within the unincorporated area of the affected zone(s).
- 7.2 When it has been determined by the Emergency Management Director/Manager that additional emergency fire restrictions are needed to assure the safety of the public in any zone(s), the Director shall recommend that the Chairman of the Board of Supervisors order additional emergency restrictions at the appropriate restriction stage level.
- 7.3 When it has been determined by the Emergency Management Director/Manager that additional emergency fire restrictions are needed to assure the safety of the public in any zone(s), the issuance of burning permits shall be suspended until the emergency fire restrictions are lifted.
- 7.3.1 Burn permits issued prior to the emergency fire restrictions declaration shall be suspended until the fire restrictions have been lifted.
- 7.4 It shall be unlawful for any person to use fireworks when emergency fire restrictions are in effect. Prohibitions of fireworks include but are not limited to consumer or display fireworks, ground and handheld sparkling devices, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, tracer bullets and/or explosive targets in the unincorporated areas of Apache County.

STAGE I: Fire Restrictions

The following acts are prohibited until further notice:

1. Building, maintaining, attending, or using a fire, campfire, unless noted in the exemptions below.
2. Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.
3. Use of any and all fireworks.
4. Use of Tracer bullets and/or explosive targets.

Note: for the smoking provision, each agency/tribe must cite their actual regulations/laws; therefore the wording for the prohibition may be slightly different.

Exemptions:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

1. Fires used only for the cooking of food or for providing warmth for human beings or for recreational purposes (campfires and charcoal fires) in an area that is designated for that purpose and is barren or cleared of all debris.
2. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
3. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
4. After coordination with the Emergency Management Director/Manager, any Federal, State, local officer or member of an organized rescue or firefighting force in the performance of an official duty.
5. All land within a city boundary is exempted unless otherwise stated by city ordinance.
6. Other exemptions unique to each agency/tribe.

STAGE II: Fire Restrictions

The following acts are prohibited until further notice:

1. Building maintaining, attending, or using a fire, campfire, charcoal, coal, or wood stove including fires in developed campgrounds or improved sites.
2. Smoking, except within an enclosed vehicle or building.
3. Mechanical and Industrial Prohibitions
 - a. Operating any internal combustion engine other than exemption 7 below.
 - b. Welding, or operating acetylene or other torch with open flame.
 - c. Using an explosive.
4. Operating motorized vehicles off designated roads and trails.
5. Use of any and all fireworks.
6. Use of Tracer bullets and/or explosive targets.

Exemptions:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Industrial operations where specific operations and exemptions are identified and mitigation measures are implemented as outlined in an agency plan.
3. Persons operating internal combustion engines with spark arrestors such as lawnmowers and landscaping equipment in maintained landscaped space.
4. Welding, or operating acetylene or other torch with open flame in an enclosed or developed area designated for that purpose that is equipped with appropriate fire protection.
5. Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
6. Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the generator.
7. Operating motorized vehicles on designated roads and trails so long as you park in an area devoid of vegetation within 10 feet of the roadway.
8. Emergency repair of public utilities and railroads and mitigation measures are implemented as outlined in an agency plan.
9. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
10. After coordination with the Emergency Management Director/Manager, any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
11. All land within a town boundary is exempted unless otherwise stated by town ordinance.

STAGE III: Fire Restrictions

Extreme Fire Danger is the method that would be employed if conditions are so extreme that the potential of a catastrophic disaster is highly likely.

Examples include:

- Potential loss of life due to explosive fire conditions.
- Potential for extreme or blowup fire behavior.
- Stage II restrictions are not effective in reducing the number of human-caused fires.
- Resources across the geographic area are at a critical shortage level.

The following acts are prohibited until further notice:

1. Building maintaining, attending, or using a fire, campfire, charcoal, coal, or wood stove including fires in developed campgrounds or improved sites.
2. Smoking, except within an enclosed vehicle or building.
3. Mechanical and Industrial Prohibitions
 - a. Operating any internal combustion engine.
 - b. Welding, or operating acetylene or other torch with open flame.
 - c. Using an explosive.
4. Operating motorized vehicles off designated roads and trails.
5. Use of any and all fireworks.
6. Use of explosive targets.
7. Use of tracer round ammunition.

EXEMPTIONS:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Emergency repair of public utilities and railroads as per attached conditions.
3. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
4. After Coordination with the Emergency Management Director/Manager, any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
5. All land within a city boundary is exempted unless otherwise stated in city ordinance.
6. Other exemptions unique to each town /tribe.

8. FIRES EXEMPT FROM EMERGENCY RESTRICTIONS

The following fires are exempt from the provisions of the emergency fire restrictions set forth in Section 7.

EXEMPTIONS:

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

- 8.1 Fires set or permitted by any public officer, federal, state or local, in the performance of the officer's official duties.
- 8.2 Fires set or permitted by the State Entomologist or Apache County agricultural agents for the purpose of disease and pest prevention.
- 8.3 After coordination with the Emergency Management Director/Manager, Fires set or permitted by the United States, the State of Arizona or any federally recognized Indian tribe, or any of their respective departments, agencies or political subdivisions, for the purpose of fire prevention or control, or watershed rehabilitation or control through vegetative manipulation.
- 8.4 Any federally recognized Indian Tribe.
- 8.5 Fires permitted by the Emergency Management Director or designee. The conditions of the permit, including permitted date(s) and the nature of the burning, shall be clearly stated on every such permit issued.
- 8.6 Fires permitted by Local Fire Chiefs within their Jurisdiction.

9. FAILURE TO OBEY LAWFUL ORDER

Under Emergency Fire Restrictions, Stage II or III, failure to obey a lawful order by the Emergency Management Director/Manager, a peace officer, a firefighter or other officer of a Fire District, or uniformed personnel of the USFS acting within the officers area of Jurisdiction or failure to comply with the requirements of this Ordinance (including without limitation an order to extinguish or put out any lit, burning or smoldering materials during emergency fire restrictions) shall be a distinct and separate violation of this Ordinance.

10. ENFORCEMENT /PENALTIES

- 10.1** This Ordinance may be enforced by the Emergency Management Director or designee, any peace officer acting within the officer's area of jurisdiction, a firefighter or other officer of a Fire District acting within the officer's area of jurisdiction, or uniformed personnel of the USFS acting within their area of jurisdiction.
- 10.2** Civil Violation. Except as set forth in Section 10.3, when a violation of this Ordinance is undesignated or is designated a first offense by the enforcement official or prosecuting attorney, a person found to have violated this Ordinance shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than one hundred dollars (\$100) nor more than seven hundred and fifty dollars (\$750), plus surcharges, fees and court costs, plus restitution for any medical treatment required, reimbursement for emergency response personnel and equipment and any property damage or other economic loss suffered by any person as a result of such violation.
- 10.3** Criminal Violation. When a person convicted of a violation of this Ordinance has previously been charged with a violation of this Ordinance during the preceding 12 months, or has refused to obey the lawful order of an officer as set forth in Section 9, the person shall be deemed to have committed a Class 2 misdemeanor and shall be subject to a fine of not less than two hundred and fifty dollars (\$250) nor more than seven hundred and fifty dollars (\$750) for each violation or count, plus surcharges, fees and restitution for any medical treatment required and reimbursement for emergency response personnel and equipment, and any property damage or other economic loss suffered by any person as a result of such violation.
- 10.4** Continuing violations. If any violation of this Ordinance is a continuing one, each day shall be deemed a separate violation.

SO ORDAINED by the Apache County Board of Supervisors at St. Johns, Arizona on February 26, 2018


APACHE COUNTY BOARD OF SUPERVISORS

By:



Mr. Alton Sheppard, Board Chairman

ATTEST:



Ryan Patterson
Clerk of the Board
Supervisors

Apache County Board of Supervisors
AGENDA ITEM REVIEW FORM

date/time stamp

Submitter's Name: (Individual, Organization, or County Department)

Engineering

Date/Signature:

5-1-18



Describe in detail what you want to say to the Board and what action you want the Board to take:

Consent Agenda: ~~is~~ Approval of Attachment C + D to
Master TGA with Navajo Nation DOT. Original approval
was re-written by NDOT. No substantive changes made.
Format changes only.

BOS Meeting Date Requested _____

PRE-AGENDA ITEM REVIEW

Review Routing / /Legal / /Finance / /Purchasing / /Human Resource / /Other: _____

Legal Review:

see email from Joe Kang

Signature: _____

Finance Review: _____

Signature: _____

Human Resources Review: _____

Signature: _____

Other Review: _____

Signature: _____

Reviews completed, item approved for Agenda.

Supervisor/Board Clerk's Initials _____

Tamie Herrick

From: Ferrin Crosby
Sent: Tuesday, May 1, 2018 8:39 AM
To: Tamie Herrick
Cc: Beth Bond; Ryan Patterson; Travis Simshauser; Gabriel Freeland; Patrick Sandoval
Subject: Fwd:

Tamie,
Please create a new agenda item as a consent item. I would like to try to get this on the emergency bos meeting scheduled for tomorrow.

Thank you,

Ferrin

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Joe Young <jyoung@apachelaw.net>
Date: 5/1/18 7:36 AM (GMT-07:00)
To: Ferrin Crosby <cfcros@co.apache.az.us>, Gabriel Freeland <gfreeland@co.apache.az.us>
Subject: RE:

I think we should go back for BOS approval, but because the substantive matters were approved, we can just do consent agenda.

From: Ferrin Crosby [mailto:cfcros@co.apache.az.us]
Sent: Monday, April 30, 2018 6:54 AM
To: Gabriel Freeland <gfreeland@co.apache.az.us>
Cc: Joe Young <JYoung@apachelaw.net>
Subject:

Gabe, Joe,

As requested by NNDOT the format changes are attached.
One question for Joe is do we need to get BOS approval again?

If these look ok to you I can get the signatures on my end.

Thanks,

Ferrin

ATTACHMENT C

PROJECT	FISCAL YEAR	APPROVING RESOLUTION	BUSINESS UNIT	AMOUNT
N124 Aspen Loop Oak Springs, AZ	2007 2015	TCDCMA-08-07 RDCS-61-14	C01320.9024 C01515.9024	\$ 300,174.00 306,504.00
Total				\$ 606,679.00

The allocated funds will be used for 10.7 miles of road improvement by culvert replacements, preparing the road by re-crowning, limestone and mag chloride application.

NAVAJO NATION

Russell Begaye, President

Date

APACHE COUNTY

Alton Joe Shepherd, Chairman
Board of Supervisors

Date

ATTEST:

Clerk of the Board

Approved as a form and found to be within the powers and authority of the County Board of Supervisors under the laws of the State of Arizona.

County Attorney

Date

ATTACHMENT C

(N-124 Aspen Loop C-402)

1. **Funding.** For the initial PROJECT as described in Attachment A, the NATION has set aside up to SIX HUNDRED SIX THOUSAND, SIX HUNDRED SEVENTY-NINE dollars (\$606,679.00) as payment to the COUNTY for materials, equipment costs, labor and supplies procured for the PROJECT in connection with the PROJECT.

1.1 Funding for Additional PROJECTS. For each additional PROJECT as described in Section 1.1 above, the funding source for such PROJECT shall be set forth in the Attachment describing that PROJECT.

Scope of Work for N-124-Aspen Loop Road (C-402)

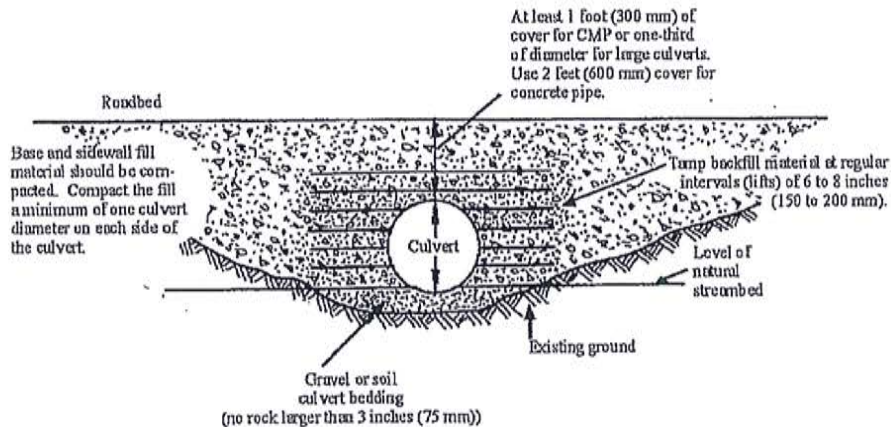
The following is the Apache County "Scope of Work" (SOW) for the construction project located along Apache County Road C-402 and BIA Route N-124 also known as Aspen Loop. The project limits are for approximately 10 miles along Aspen Loop consisting of the replacement or new installation of approximately 45 steel corrugated metal pipe (CMP) culverts as indicated in the NDOT "N124 Aspen Loop CMP Inventory" spread sheet date *May 23, 2016* and attached maps titled "N124 Aspen Loop Aerial, Oak Springs Presentation", dated December 22, 2015. Corrugate culvert piping material will be provided to Apache County work forces during the construction phase. After the installation of the CMP's, the roadway geometrics will be shaped to a typical and or previous profile. The roadway surface material will be cut, rolled and compacted with supplied water. Aggregate gravel material (Limestone) will be placed on the compacted sub-grade material. Road stabilizer (Magnesium Chloride) will be applied to the roadway surface material which will bind the material allowing for stronger load bearing and dust control.

Scope of Work

Apache County will perform the following:

- County will install approx. 45 culverts of 48-inch diameter and less.
- County will transport bedding material (limestone) from St. Johns to the project sites
- County will provide the resources for the placement of water along the road for compaction
- County will provide Traffic Control along the project route
- Culvert trench excavation
- Culvert installation per NDOT culvert design
- Compaction of shading and sub-grade material surrounding culverts up to and including established grade surface
- Roadway profile reshaped to previous conditions
- Culvert backfilling per County specification as show below in Figure 1

Fig. 1 Cross Section View of Typical Culvert Installation



Apache County **will not** be responsible for the following:

- Survey staking (NDOT to provide survey staking w/off set laths indicating location and size of culverts w/inlet and outlet elevations as well as roadway profiles at road hazardous locations)
- Utility clearance to be completed by others
- Water Permits will be the responsibility of the Navajo DOT Project Management. The estimated water usage is 40,000 gallons
- Apache County will request the Navajo Nation Department of Roads provide delivery of culverts from the Chapter to the project site as needed
- No compaction testing or analysis
- Culvert inventory prior to start of construction

Timeline

The start of the project is dependent on obtaining the approved 404 & 401 permits by NDOT with the required CMP's to be delivered (by others) at or near the project site. Other considerations are the County's regular workloads this season, as well as any weather delays. The County anticipates the project could start as early as winter of 2017 and continue thru the Summer months of 2018.

Contacts

- Ferrin Crosby: Apache County Engineer, (928) 337-7528
- Dave Swietanski: Apache County Roads Manager, (928) 337-7505, C (928) 245-6658
- Rafael Lynch: Apache County Road Yard Foreman, (928) 688-2745, C (928) 587-1454

Aspen Loop Culverts

Reuse Reuse

	Existing Culverts		Selected Design			Existing Culverts		Selected Design	
	No.	Size	No.	Size		No.	Size	No.	Size
DS1					DS38	1	18"	1	30"
DS2			1	54"	DS39			1	24"
DS3					DS40			1	30"
DS4			1	24"	DS41			1	24"
DS5	1	60"	2	72" ?	DS42			1	24"
DS6	1	72"	4	96" ?	DS43			1	30"
DS7					DS44			1	24"
DS7B					DS45			1	24"
DS8			1	30"	DS46			1	24"
DS9					DS47			1	24"
DS10					DS48			1	24"
DS11	1	18"	1	24"	DS49			1	24"
DS12			1	36"	DS50	1	24"	1	36"
DS13			1	24"					
DS14									
DS15									
DS16			1	36"					
DS17			1	42"					
DS18									
DS19									
DS20			1	24"					
DS21									
DS22			1	72"					
DS23									
DS24			1	24"					
DS25									
DS26			1	24"					
DS27			1	24"					
DS28			1	24"					
DS29			1	24"					
DS30			1	24"					
DS31			1	24"					
DS32			1	24"					
DS33									
DS34			1	24"					
DS35			1	24"					
DS36*			6	54" ?					
DS37			1	24"					
DS37B									

- NOTES:**
- * 8-10 locations may affect farm fields
 - * 9 potential arch. conflicts
 - * 45 culverts under 48"
 - * DS36 possible low-water crossing

	New Culverts			New Culverts	
	No.	Size		No.	Size
DS1			DS38	1	30"
DS2	1	54"	DS39	1	24"
DS3			DS40	1	30"
DS4	1	24"	DS41	1	24"
DS5	2	72" ?	DS42	1	24"
DS6	4	96" ?	DS43	1	30"
DS7			DS44	1	24"
DS7B			DS45	1	24"
DS8	1	30"	DS46	1	24"
DS9			DS47	1	24"
DS10			DS48	1	24"
DS11	1	24"	DS49	1	24"
DS12	1	36"	DS50	1	36"
DS13	1	24"			
DS14					
DS15					
DS16	1	36"			
DS17	1	42"			
DS18					
DS19					
DS20	1	24"			
DS21					
DS22	1	72"			
DS23					
DS24	1	24"			
DS25					
DS26	1	24"			
DS27	1	24"			
DS28	1	24"			
DS29	1	24"			
DS30	1	24"			
DS31	1	24"			
DS32	1	24"			
DS33					
DS34	1	24"			
DS35	1	24"			
DS36	6	54" ?			
DS37	1	24"			
DS37B					

TOTALS	
No.	Size
24	24"
4	30"
3	36"
1	42"
1 or 7	54"
0 or 2	72"
0 or 4	96"

TOTAL Still Needed	
No.	Size
23	24"
4	30"
3	36"
1	42"
1 or 7	54"
0 or 4	96"

*before looking to chapter house supply

Actual Inventory		
24 in	30 ft	15
30 in	30 ft	4
36 in	20 ft	12
42 in	30 ft	6
54 in	20 ft	9
72 in	20 ft	11
72 in	10 ft	4
96 in	20 ft	15

*assume 30 ft minimum

Need to Order	
8	24"
0 or 2, 5	54"

COST ESTIMATE

Mag Chloride - Applied

10.7 mile (5280)(24)/9(0.30)/184.5 per ton = 204 tons of Mag @ \$152./ton = **\$31,008**

Limestone Material (only)

4-inch (24)(10.7 miles)(127 lbs/cf)(5280)/2000 = 28,700 tons @ \$10/ton = **\$287,000**

Transportation of Limestone (90 miles one way to site)

28,700 tons of limestone material/22 ton per truck load = 1,305 truckloads x 90-miles loaded one way =
117,450 total miles x \$2.50 /mile = **\$293,635**

Estimated Total Cost \$611,643

NNDOT Funding \$606,679

Apache County to make up \$4,964 shortfall



Navajo Nation Environmental Protection Agency
P. O. Box 339, Window Rock, AZ 86515
Phone: 928-871-7690 • Fax: 928-871-7996



Russell Begaye,
President

Jonathan Nez,
Vice-President

December 22, 2017

Taft Blackhorse
Department of Project Management
Navajo Division of Transportation
P.O. Box 4620
Window Rock, AZ 86515

JSB 1-2-28/17

RE: Clean Water Act § 401 Water Quality Certification Award for Navajo Division of Transportation, County Road 402/N124, Aspen Loop Road, Oak Springs, Arizona (Certification ID No. 2016-0183WR)

Dear Mr. Blackhorse:

The Navajo Nation Environmental Protection Agency (Navajo EPA) has reviewed the above-referenced 401 Water Quality Certification Complete Application received on October 30, 2017. The Public Notice has ended, no comments were received, and therefore Bureau of Reclamation has been awarded for their 401 Certification project.

Apache County and Navajo Division of Transportation will be coordinating with one another to carry out the road improvement project to "Aspen Loop." The improvement consist of replacing culverts and installing new culverts, approximately 45 steel corrugated metal pipe(CMP) culverts will be installed. After the installations of the CMPs the roadway geometrics will be shaped to a typical and or previous profile. The roadway surface material will be cut, rolled and compacted with supplied water. Aggregate gravel material will be placed on the compact sub-grade material. Road stabilizer will be applied to the roadway surface material. The project will result in excavating and dredging activity total of 761 cubic yards. The total water body disturbance is 0.12 acres.

Your request for a 401 certification is hereby granted with the following conditions:

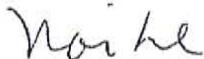
1. Navajo Division of Transportation, NDOT shall provide a copy of these Clean Water Act § 401 Water Quality Certification conditions to all appropriate contractors and subcontractors. NDOT shall ensure that these conditions are understood by all appropriate contractors and subcontractors. NDOT shall keep at copy of these conditions at the construction site where the workers may read it.
2. Erosion control and/or bank protection features (e.g., silt fences, straw bales, riprap, or mulching) shall be used, where appropriate, to minimize channel or bank erosion and soil loss. These features shall be maintained, as necessary, during pre-construction and construction periods. Denuded areas shall be revegetated as soon as possible with native plants and seed.
3. Earthen fill placed in locations subject to scour shall contain no more than ten percent (10%) of particles finer than 0.25 mm diameter (passing a No. 60 sieve, on a dry weight basis).
4. Upon completion of construction, the work area shall be restored to maintain the stability of upstream and downstream segments of the impacted surface water bodies listed above with respect to erosion and sedimentation.
5. NDOT is responsible for ensuring construction material and/or fill, placed within the ordinary high water mark (OHWM), is free from substances (including fines that may be associated with rip-rap material) that can cause or contribute to pollution of a surface water.
6. Debris (such as soil, silt, sand, rubbish, cement, asphalt, oil or petroleum products, organic materials, tires or batteries) derived from construction activities shall not be deposited at any site where it may be washed into Water of the United States and shall be properly disposed of after completion of the NDOT is responsible for ensuring construction material and/or fill, placed within the ordinary high

7. NDOT shall have a spill containment plan to ensure that pollutants are contained, removed and properly disposed of. In addition, equipment maintenance shall be performed at an upland site away from Waters of the Navajo Nation.
8. Runoff and seepage from alterations of the natural environment into the impacted surface water bodies listed above shall not cause a violation of Navajo Nation Surface Water Quality Standards.
9. Construction materials, including concrete, asphalt, and piping, shall consist of materials that do not leach pollutants into surface or ground waters. Activities shall be conducted and monitored to ensure that pollution from concrete formation and equipment washing does not drain into surface or ground waters.
10. At completion, all construction residues, equipment and non-native materials shall be removed from and properly disposed of outside the 100-year floodplain.
11. Stockpiles of construction materials shall be stored outside of jurisdictional waters.
12. No discharge of process water, material processing residue, wastewater or other residual material is authorized within jurisdictional waters.
13. Flows shall be diverted around work operations or the work shall be performed during low water conditions when the area is naturally dewatered. When there is water flow within the construction area, construction activity shall cease and construction equipment relocated outside the watercourse.
14. Photographic documentation before the project commences and after the project is completed shall be submitted to Lee Anna Martinez-Silversmith at Navajo EPA.

This certification is approved with the understanding that the subject activities are consistent with the terms, conditions, and regional conditions of the United States Army Corps of Engineers (USCOE) Nationwide Permit Program. If there are any substantive changes in the proposed project that may affect water quality, the applicant shall notify our office. Failure to do so will result in revocation of this certification. This certification is valid for the period specified in the USCOE Nationwide Permit Regulations (33 CFR Part 330). If for some reason the USCOE permit is revoked, suspended or modified, this certification may also be revoked, suspended or modified.

If you have any further questions regarding this certification, please contact our office at 928-871-7700.

Sincerely,



Ronnie Ben
Department Director
Surface and Groundwater Protection Department
Navajo Nation Environmental Protection Agency

cc: Gil Arviso, Apache County-Ganado
Ferrin Crosby, Apache County-Show Low
File

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

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

PROJECT NAME & NO.: N124 (Aspen Loop Road) Culvert Replacement

DESCRIPTION: The Navajo Division of Transportation (NDOT) proposes to replace a total of 37 culverts on N124.

LOCATION: BOP: 670190E 3924760N EOP: 672290E 3935510N, Oak Springs, Apache County, Arizona

REPRESENTATIVE: Verna Tsosie, Environmental Specialist, NDOT

ACTION AGENCY: NDOT

B.R. REPORT TITLE / DATE / PREPARER: Requets for Biological Clearance/11 OCT 2011/Verna Tsosie

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. FONSI issued on 20 OCT 2006.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: [1] Avoid the Migratory Bird breeding season of 15 APR-15 AUG.

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/28 OCT 2011

COPIES TO: (add categories as necessary)

_____ _____

2011 NOV 4 PM 5:00
NAVAJO DIVISION
OF TRANSPORTATION
ADMINISTRATION

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

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature _____ Date _____


THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

MEMORANDUM

TO : Viola Willetto, Wildlife Manager
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

FROM : 
Kevin Gleason, Wildlife Law Enforcement Manager
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

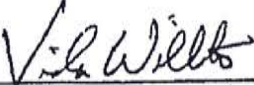
DATE : November 01, 2011

SUBJECT : **DELEGATION OF AUTHORITY**

I will be out in the field and I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Wednesday, November 02, 2011. This delegation shall end at 5:00 p.m. on Wednesday, November 02, 2011.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT:


Viola Willetto, Wildlife Manager
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

xc: Frederick H. White, Executive Director, DNR

2011 NOV 4 PM 5 09
NAVAJO DIVISION
OF TRANSPORTATION
ADMINISTRATION



United States Department of the Interior

Bureau of Indian Affairs
Navajo Region
P. O. Box 1060
Gallup, New Mexico 87305



MC 620: Division of Environmental, Cultural & Safety Management

Mr. Joe Shirley, Jr.

President, The Navajo Nation

Attention: Gene Martinez, Senior Programs & Projects Specialist, Navajo Nation Department of Transportation, Division of Community Development



Dear President Shirley:

The Environmental Assessment (EA), EA-06-077 for the proposed Improvements to 10.07 Miles of Navajo Route 124 (N124), also known as Aspen Loop Road, located east of Oak Springs, Apache County, Arizona, has been reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. A Finding of No Significant Impact (FONSI) has been determined for the proposed action which will not have a significant impact on the quality of the natural and human environment. An environmental impact statement for the road improvement project is not required.

If you have questions, you may contact Ms. Harrilene Yazzie, Regional NEPA Coordinator, at (505) 863-8287.

Sincerely,

Acting Regional Director, Navajo

Enclosure

cc: Gene Martinez, Navajo Department of Transportation, The Navajo Nation, P.O. Box 4620, Window Rock, AZ 86515

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT DOCUMENT, EA-06-077
IMPROVEMENTS TO 10.07 MILES OF NAVAJO ROUTE 124 (N124)**

**NAVAJO NATION DEPARTMENT OF TRANSPORTATION & BUREAU OF INDIAN
AFFAIRS, NAVAJO REGION, DEPARTMENT OF TRANSPORTATION**

**Location: Surrender Canyon, AZ & Hunters Point, AZ, Quadrangles, USGS 7.5-Minute Series
Maps**

BOP: UTM Zone 12, N3924760, E670190

EOP: UTM Zone 12, N3935510, E672290

Oak Springs, Apache County, Arizona

The proposed action is approval of a right-of-way (ROW) grant by the Bureau of Indian Affairs (BIA) for improvements to 10.07 miles of the existing Navajo Route 124 (N124), also known as Aspen Loop Road, in Oak Springs, Apache County, Arizona. Proposed improvements will consist of realigning the existing ROW, cutting, filling/backfilling and grading, installation and/or replacement of culverts, and paving the road surface. The roadway to be improved is 10.07 miles long and 300 feet wide encompassing approximately 366.2 acres of Navajo Tribal Trust land. The project begins at the intersection of N124 and N12 south of the Oak Springs Chapter House, proceeds north paralleling the Black Creek Wash toward Aspen Canyon, loops around the east uplands of Oak Springs community and eventually ends back at N12 south of Hunters Point. The project is sponsored by the Navajo Nation Department of Transportation, P.O. Box 4620, Window Rock, Arizona 86515, and the BIA, Navajo Region, Department of Transportation, P.O. Box 1060, Gallup, New Mexico, 87305.

The environmental assessment (EA) was reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. Based on the environmental assessment, and the mitigation measures specified in the document, it is determined that the proposed project will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be required.


The following references, incorporated in the environmental assessment, serve as the bases for this decision:

1. Agency and public involvement was solicited, and environmental issues relative to the proposed project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed action and two potentially viable alternatives including the "no action" alternative.
3. In compliance with the Endangered Species Act, informal consultation was held with the Navajo Department of Fish and Wildlife (NDFW), Natural Heritage Program (NHP). The NDFW provided a list of species of concern either known to occur on or near the project site(s), or having the potential to occur on the *Hunter's Point, AZ-NM & the Surrender Canyon, AZ, USGS 7.5-minute quadrangles* containing the project boundaries (Appendix C-June 13, 2005, Consultation Letter). Doug Loebig, biologist with Múukui-ci Cultural and Environmental Services (MCES), surveyed the proposed project site on September 29 and October 5, 6, 7, and 17, 2005. The project area was examined by walking parallel, zig-zag transects. Project boundaries and significant biological locations were plotted with GPS equipment. The proposed improvements to N124 should have no effect to listed species. It is recommended that construction activities be strictly confined to the non-breeding season (September through March). If construction work cannot be confined to the existing road in all riparian zones and Bio Locations 1 through 8, additional consultations with the NDFW biologists and species-specific surveys shall be conducted during the appropriate season where sensitive species habitat modification is anticipated (Appendix D-Biological Assessment).

13. Cumulative and secondary effects on soil, water, air, noise, vegetation, cultural resources, and wildlife resources (species and habitat) were considered, and the proposed mitigation measures were found to be acceptable. The contractor shall reclaim all disturbed areas within the right-of-way according to recommendations provided by the Navajo Nation Department of Agriculture (Appendix G).

14. In accordance with Executive Order 12898 on Environmental Justice, impacts to minority and low-income populations and communities have been considered by the Regional NEPA Coordinator, as have impacts to Indian Trust Resources.

The proposed action will result in an improved, safe, road for school buses, public service vehicles, and local community members living in the area commuting to work as well as those traveling for pleasure, especially during inclement weather.


Regional NEPA Coordinator

10/20/06
Date

Ferrin Crosby

From: Priscilla Lee <plee@navajodot.org>
Sent: Monday, February 5, 2018 11:53 AM
To: Ferrin Crosby; Gabriel Freeland; Taft Blackhorse
Cc: Doyel Shamley; Travis Simshauser; Richard C. Guinn
Subject: RE: 404 permit for Aspen Loop

Hello Ferrin:

Sorry, I had requested Taft to reply to your question. I spoke with Mr. Blackhorse and he informed me that N124 Aspen Loop will not need a 404 permit.

Sorry, I was out in Santa Fe last week.

I hope we still can make the Agenda.

plee

From: Ferrin Crosby [mailto:cfcros@co.apache.az.us]
Sent: Tuesday, January 23, 2018 2:18 PM
To: Gabriel Freeland <gfreeland@co.apache.az.us>; Taft Blackhorse <tblackhorse@navajodot.org>
Cc: Doyel Shamley <doyel.shamley@co.apache.az.us>; Travis Simshauser <tsimshauser@co.apache.az.us>; Richard C. Guinn <rguinn@co.apache.az.us>; Priscilla Lee <plee@navajodot.org>
Subject: 404 permit for Aspen Loop

Gentlemen,

Today on the conference call I thought I heard mentioned that the 404 permit is still outstanding.

The last time we met in person, this was brought up and I was told that a 500.00-dollar fee was required for the 401 certification.

Am I confusing the two permits? When I received the 401 permit I believed that the 500-dollar fee must have been paid by NDOT.

Please clarify if an Army Corps 404 permit is required? If so, what is the anticipated time frame to receive it? I understood that no jurisdictional waterways would be impacted by the project.

As Supervisor Shamley has made a point of insuring all clearances have been met prior to Board of Supervisor approval I just want to be sure we have everything before the meeting on the 6th of Feb.

Please respond to me as soon as possible so I can place the IGA amendment on the agenda next Monday.

Thank you for your attention to this,

Ferrin

Ferrin Crosby

From: Joe Young
Sent: Tuesday, December 19, 2017 4:23 PM
To: Ferrin Crosby; Travis Simshauser; Michael Whiting
Cc: Dave Swietanski; Ryan Patterson
Subject: RE: Amendment to IGA xxxxxxx (Aspen Loop)

Follow Up Flag: FollowUp
Flag Status: Flagged

Is this scope of work the original project? If so, I am ok with the document.

As far as making the amendment, we can either take this document and drop it into the original IGA and call it an amended and restated IGA and have the parties sign again (this is preferred), or we can just adopt it as an amendment where all we need is the IGA identifying information, a statement that the original IGA is hereby amended to include the following information, then include your new document, then we need a new signature page.

From: Ferrin Crosby [mailto:cfcros@co.apache.az.us]
Sent: Monday, December 11, 2017 7:19 AM
To: Travis Simshauser; Joe Young; Michael B. Whiting
Cc: Dave Swietanski; Ryan Patterson
Subject: FW: Amendment to IGA xxxxxxx (Aspen Loop)

Joe, Michael,

This past Tuesday we discussed the Aspen loop project and the intent to move forward once we receive the 401 Clean Water Act Certification.

I have put together most of what I think we need for the amendment. What I need is your review and expertise in tying it to the existing IGA District 2 signed earlier this fall.

If I can help get any more information together, please let me know.

Thanks for your help,

Ferrin

ATTACHMENT D

PROJECT	FISCAL YEAR	APPROVING RESOLUTION	BUSINESS UNIT	AMOUNT
N-9056 Jeddito (Besh bi'to')	2017-2018		C01516	650,000.00
Total				\$650,000.00

- Estimate is subject to changes with unforeseen changes and unforeseen conditions of Scope of Work with approval of the Project Manager and Construction Manager

PROJECT DESCRIPTION:

RDCS-61-14 resolution requires the equal distribution of \$13 million Road Fund, \$2.6 million per agency, and \$650,000 for N9056. In preliminary discussions, the Jeddito Chapter, Navajo DOT, and Apache County have been coordinating their effort to comply with RDCS-61-14 for the subgrade preparation, gravel, soil stabilizer and culvert installation. N-9056 comes off SR 264 and compasses a 4 miles stretch of road. The funding for road maintenance and road improvements will do handled by Navajo DOT with Apache County District 2 coordinating road improvements. Navajo DOT will fund the project through Apache County and Apache County will administer the funds to acquire all necessary material, equipment and man power for completion of road improvement.

NAVAJO NATION

Russell Begaye, President

Date

APACHE COUNTY

Alton Joe Shepherd, Chairman
Board of Supervisors

Date

ATTEST:

Clerk of the Board

Approved as a form and found to be within the powers and authority of the County Board of Supervisors under the laws of the State of Arizona.

County Attorney

Date