

PROJECT LAND, RIGHTS-OF-WAY, RELOCATIONS, AND DAMAGES

The proposed pipeline corridor needs a 60-foot-wide permanent ROW and a 150-foot temporary ROW (the total length of the pipeline is approximately 262 miles). Of this corridor, 8 percent is allotted Navajo Land, and 57 percent is Navajo Reservation Fee and Trust Land. The remainder is divided among a number of State, Federal, and private ownerships. The distribution of the land status is shown in table F-6. Existing utility ROW will be used where possible.

Table F-6.—Land status of the Navajo-Gallup
water supply pipeline

Land status	San Juan River Alternative (miles)
Main Navajo Reservation	126
Checkerboard area	
Bureau of Land Management	39
Indian allotment	22
Navajo Fee land	11
Navajo Trust land	12
Private	36
State	13
Other	4
Total	262

The Navajo Nation Department of Natural Resources recommended that project parameters assume that the ROW within the Navajo Nation would be donated with no direct cost. Damages and necessary relocations associated with facility construction would be a project cost. It is also assumed that there would be no direct project costs for ROW on Federal and State land. The Navajo Nation requires that an appraisal of the proposed ROW be conducted. This evaluation is based on the beneficial use of the land and the value of the product in the pipeline. The fair market value of the corridor through the allotted land is between \$240,000 and \$480,000, and the fair market value of the corridor through Tribal Trust Land is between \$14.1 and \$23.5 million.



Pipeline construction.

As described in the Code of Federal Regulations 25 Part 169 – Rights-Of-Way Over Indian Lands, the Bureau of Indian Affairs (BIA) has a multi-step process for establishing ROWs across Trust Land (information on the specific procedures is available from BIA). Depending on the number of Indian land allotments crossed by the proposed project corridor, the ROW procedures may be complicated. The land affected must be appraised, the individual allotment owners must be contacted and informed, and consents for the proposed project must be obtained. This process could take 18 months or longer. The cost of this process is included in the non-contract costs associated with the proposed project.

Depending on the specific pipeline location, approximately 36 miles of the alignment could be on private land. It is assumed that there would be no direct project cost for obtaining this ROW.

The water treatment plant at the San Juan River diversion is to be located on private land. A 20-acre piece of land would be required. Six families will be re-located and their houses and land purchased at fair market value.

Cultural Resources

Although the SJRPNM Alternative is decidedly less impacting to cultural resources than the NIIP alternatives, significant impacts would result from the proposed project. An analysis predicts that approximately 104 historic properties would exist in the Area of Potential Effects of the preferred alternative. Of the 104 properties, it is anticipated that approximately 83 of them would require some level of mitigative treatment—either archeological testing or full data recovery. The contract costs for performing such work (as estimated in December 2002) are estimated at \$5.7 million. Other cultural resource costs include ethnographic investigations; identification and evaluation of in-use areas; non-contract (administrative) costs; consultation with Navajo Nation chapters and State, Tribal, and Federal entities; Native American Graves and Repatriation Act repatriation; unanticipated contingencies; and museum curation of cultural materials. Therefore, the total cost of a cultural resources program is estimated to be a maximum of 4% of the total project cost, \$34.5 million (based on January 2007 prices). Other projects in the region, the Dolores and Animas LaPlata Projects, have needed this level of cultural resource program funding.

Environmental Mitigation

The construction of the proposed project diversion, treatment plant, pumping plant, and pipeline within the San Juan River Valley would impact approximately 25 acres of riparian and wetland area. Assuming a 3:1 mitigation ratio, 75 acres of similar adjacent land would be purchased or a permanent ROW obtained. This land's riparian and wetland characteristics would be enhanced through land management (i.e., fencing, grading, weed control, and planting vegetation).

Construction of the proposed project pumping plants and storage tanks along the pipeline would impact approximately 50 acres. It is anticipated that an equal number of adjacent lands would be improved through range enhancement (i.e., fencing, seeding, and constructing wildlife watering stations). Construction of the Cutter Lateral treatment plant and pumping plant would impact approximately 10 acres. It is anticipated that an equal number of adjacent lands would be improved through seeding, fertilizing, and mulching. Pipeline construction would impact an area up to 300 feet wide along the pipeline alignment. It is anticipated that this area would be re-seeded, fertilized, and mulched to restore the vegetation. This re-seeding would occur as sections of the pipeline are constructed.