

LEGISLATIVE SUMMARY SHEET

Tracking No. 0111-19

DATE: May 9, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR THE OLD PATH BAPTIST CHURCH ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE CHAPTER, NAVAJO NATION

PURPOSE: Approving a mission site permit for the Old Paths Baptist Church Fort Defiance Potter's House Christian Center located in the Fort Defiance Chapter.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Dear Box
Website Posting Time/Date: 5.9.19 7:25pm
Posting End Date: 5.14.19
Eligible for Action: 5.15.19

Resources & Development Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0111-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
A MISSION SITE PERMIT FOR THE OLD PATHS BAPTIST CHURCH ON
NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE
CHAPTER, NAVAJO NATION

Section One. Authority

- A. Pursuant to 16 N.N.C. Section 1151 (C), the Resources Development Committee of the Navajo Nation Council has the authority to give approval for permits for mission sites on behalf of the Navajo Nation.
- B. Pursuant to 2 N.N.C. Section 501 (B)(2), the Resources Development Committee of the Navajo Nation Council has the authority to give final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

Section Two. Title 16 of the Navajo Nation Code Provisions with Respect to Acreage of Mission Sites

- A. Pursuant to 16 N.N.C. § 1159 (B) the following acreage limitations shall apply to all applicants for permits:

1. Mission site for purely religious activities: one and one-half (1 1/2) acres;
2. Mission site for religious activities and community services facilities: three and one-half (3 1/2) acres;
3. Mission site for religious activities and either substantial medical or accredited educational programs: eight (8) acres; and
4. The Resources and Development Committee may, in the case of applications for mission sites in or near areas withdrawn for townships in the Navajo Nation, limit site acreage to less than two and five-tenths (2 5/10) acres, and may set rental fees with due regard for present or future competing demands for land use in such areas.

D. Pursuant to 16 N.N.C. § 1159 (C) "community service facilities" shall be deemed to include only those permanent improvements upon the permitted site which are for the purpose of providing recreational programs, non-religious educational programs, including adult education, and other non-religious programs of benefit to the community.

E. Pursuant to 16 N.N.C. § 1160 (A), the acreage limitations established by 16 N.N.C. § 1159 may be waived by the Resources and Development Committee upon a showing by the applicant that planned programs will be of sufficient benefit to the Navajo People to justify waiver of acreage limitations. No waiver of acreage limitations shall be granted unless the applicant has complied with 16 N.N.C. §§ 1153 and 1161, and all other procedures provided by law.

F. Pursuant to 16 N.N.C. § 1160 (B) no waiver of acreage limitations shall be granted in cases of applications subject to acreage limitations established by 16 N.N.C. § 1159(B)(1) (regarding a mission site for purely religious activities which is limited to one and one-half acres).

Section Three. Findings

A. The Old Paths Baptist Church, Post Office Box 455, Window Rock, Arizona 86515 has applied for a mission site permit within the Fort Defiance Chapter. The application is attached as **Exhibit E**.

- 1 B. The proposed mission site is to be located on 3.50 acres, more or less, of trust lands
2 within the vicinity of Fort Defiance, Navajo Nation (Arizona). The land description
3 appears on the survey plat attached hereto and incorporated as **Exhibit B**.
- 4 C. The Grazing Representative in memorandum dated January 25, 2018 identified two land
5 users. The January 25, 2018 memorandum and consent documentation are attached as
6 **Exhibit C**.
- 7 D. The Fort Defiance Chapter Resolution No. FDC-2017-09-05-02 supporting the Old
8 Paths Baptist Church for a mission site permit and the signed petition by the local
9 residents in support of the Old Paths Baptist Church are attached as **Exhibit D**.
- 10 E. Pursuant to 16 N.N.C. § 1159 (B) the acreage limitations for permits for a mission
11 site for religious activities and community services facilities is three and one-half (3
12 1/2) acres. The Old Paths Baptist Church request is for three and one half (3.5) acres.
- 13 F. The Old Paths Baptist Church request for three and one-half (3 1/2) acres is stated in
14 a document, attached as **Exhibit E**. It states, in part, that "Old Paths Baptist Church
15 facilities need to include buildings to accommodate youth classes, programs and
16 recreational activities. It is our desire to install a basketball court, volleyball court
17 and other such necessities to reach out and enhance the lives of our youth. We host
18 Youth Summer Camps and Vacation Bible School Programs. In my experience, we
19 have seen 100 or more youth attend Vacation Bibles Schools and Summer Camps.
20 With 3.5 acres we would have the necessary space to expand as much as might be
21 necessary to be successful in ministering and educating the local youth."
- 22 G. The Resources and Development Committee finds that the planned programs stated in
23 **Exhibit E** are sufficient to demonstrate the use of the three and one-half (3.5) acres
24 for community service activities pursuant to 16 N.N.C. § 1159 (B).
- 25 H. Resources and Development Committee Resolution No. RDCJN-33-15 delegated the
26 authority to process and approve Land Withdrawals to the Director of the Navajo
27 Land Department. Resolution RDCJN-33-15 approved Land Withdrawal
28 Designation Regulations ("Regulations"). Section One of the Regulations states:
29 "§1. Purpose.
30

1 The purpose of these Regulations is to clarify and expedite the Land
2 Withdrawal Designation process on the Navajo Nation, and explains that a
3 Land Withdrawal Designation does not authorize development or disturbance
4 on Navajo Nation land. This Land Withdrawal Designation process does not
5 apply to how to get a lease. Prior to any development on land, a lease must be
6 obtained in addition to the withdrawal. The purpose of a Land Withdrawal
7 Designation is to designate an area of land for further development by,

8 a. Ensuring that the rights of grazing permittees, who are in compliance with
9 their grazing permits, are properly addressed as applicable and as required
10 under 16 N.N.C. §§ 1401 *et seq.* and to prevent any subsequent claims to the
11 land; and

12 b. Ensuring that the affected Chapter supports the Land Withdrawal
13 Designation and use of the land.”

14 I. Having received the consents of the land users, **Exhibit C**, and the receipt of the Fort
15 Defiance Chapter Resolution No. FDC-2017-09-05-02, **Exhibit D**, the purpose of the
16 Land Withdrawal Designation has been met ensuring the rights of grazing permittees
17 have been addressed and ensuring that the affected Chapter supports the Land
18 Withdrawal Designation and use of the land as a mission site.

19 J. The Resources and Development Committee approval of a Land Withdrawal for the
20 purposes of a mission site with this legislation will serve a public purpose of
21 expediting the process of the approval of a Mission Site Permit.

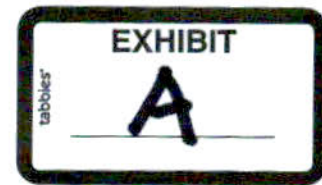
22 K. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.

23 L. Biological Resources Compliance Form, the Cultural Resources Compliance Form
24 and the Archaeological Inventory Report Documentation for the Old Paths Baptist
25 Church are attached as **Exhibit F**.

26 M. The application for mission site permit has been reviewed through the Executive
27 Official Review Document No. 010186, including the Department of Justice, and
28 found “Sufficient” or “Approved.” Executive Official Review Document No.
29 010186 is attached as **Exhibit G**.

1 **Section Four. Approval**

- 2 A. The Resources and Development Committee of the Navajo Nation Council hereby
3 approves the withdrawal of on 3.5 acres, more or less, of trust lands within the
4 vicinity of Fort Defiance Chapter, Navajo Nation (Arizona), as described in. **Exhibit**
5 **B**, for Old Paths Baptist Church, for use as a mission site.
- 6 B. The Resources and Development Committee of the Navajo Nation Council hereby
7 approves the Mission Site Permit for the Old Paths Baptist Church, subject to but not
8 limited to the attached Terms and Conditions contained herein as **Exhibit A** which is
9 attached hereto and incorporated herein by this reference.
- 10 C. The Resources and Development Committee of the Navajo Nation Council hereby
11 authorizes President of the Navajo Nation to execute all documents to affect the
12 intent and purpose of this resolution.
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**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
OLD PATHS BAPTIST CHURCH (PERMITTEE)**

1. This Mission Site Permit is issued to the Old Paths Baptist Church, P.O. Box 455 Window Rock, Arizona 86515 to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein. The term of the Mission Site Permit is effective beginning on the date the permit is approved by the Resources & Development Committee of the Navajo Nation Council or authorized representative. The Permit is authorized by Resources and Development Committee No. _____.
2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is 'NOT A LEASE' and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

TRACT DESCRIPTION

A PARCEL OF LAND SITUATED WITHIN LAND MANAGEMENT DISTRICT NO. 18 OF THE NAVAJO INDIAN RESERVATION IN THE VICINITY OF FT DEFIANCE, IN MCKINLEY COUNTY, STATE OF NEW MEXICO AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 01, TOWNSHIP 17 NORTH, RANGE 21 WEST OF THE NEW MEXICO PRINCIPLE MERIDIAN, MCKINLEY COUNTY, NEW MEXICO BEING A BLM BRASS CAP; THENCE N73°16'01"W, A DISTANCE OF 2361.51 FEET, MORE OR LESS TO THE SOUTHEASTERLY CORNER OF THIS LEASE AND THE POINT OF BEGINNING;

THENCE N54°40'02"W, A DISTANCE OF 390.46 FEET;
THENCE N35°20'06"E, A DISTANCE OF 390.46 FEET;
THENCE S54°40'02"E, A DISTANCE OF 390.46 FEET;
THENCE S35°20'06"W, A DISTANCE OF 390.46 FEET; TO THE POINT OF BEGINNING.

Being 3.50 acre(s), more or less, in area, and being subject to any and all existing easements for underground utilities located therein.

7. The annual rental rate will be \$ 45.00 per year and is due on or before the first day of December each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.
8. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.
9. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 162;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
10. The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
11. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
12. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.

13. The Permittee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the permit area by the Permittee.
14. The Permittee shall not assign, convey or transfer, in any manner whatsoever, the permit or any interest therein, or in or to any of the improvements on the land subject to the permit, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer of the permit without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon condition or withheld in the sole discretion of the Navajo Nation.
15. The Navajo Nation may terminate the permit for violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:
 - a. Failure to comply with any terms and conditions of the permit or of applicable laws or regulations;
 - b. Non-use of the permit; and
 - c. The use of the land subject to the permit for any purpose inconsistent with the purpose for which the permit is granted.
16. At the termination of the permit, the Permittee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
17. The Permittee shall give written notice to the Navajo Nation Land Department regarding any change to the Permittee's contact information, address, leadership, organizational name, or any other substantial change to the organization. The notice shall be given within thirty (30) days and delivered to the Navajo Land Department at Post Office Box 2249, Window Rock, Arizona 86515.
18. Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof or give the Permittee any rights hereunder or in or to the land subject to the permit or to any improvements located thereon.
19. The Navajo Nation shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
20. By acceptance of the grant of permit, the Permittee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgements for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.

21. By acceptance of the grant of the permit, the Permittee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the permit or to the Navajo Nation.
22. Any action or proceeding brought by the Permittee against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be resolved administratively under the laws of the Navajo Nation and no action or proceeding shall be brought by the Permittee against the Navajo Nation, in any court of any state.
23. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
24. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
25. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Permittee, and the term "Permittee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
26. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the area under the permit and all lands burdened by the permit, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the permit; and the area under the permit and all lands burdened by the permit shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Date: _____

Date: _____

By: _____

By: _____

Old Paths Baptist Church
Permittee

Russell Begaye
Navajo Nation President

TERMS AND CONDITIONS FOR MISSION SITE PERMIT

Old Paths Baptist Church (PERMITTEE)

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3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

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Commencing at the South corner of Section 01, Township 17 North, Range 21 East/West, West NM Principle Meridian, McKinley County, NM. Being a BLM Brass Cap; Thence N73°16'01"W. A Distance of 2361.51 Feet to the Southeasterly corner of this permit and the point of Beginning;

THENCE N54°40'02"W, A DISTANCE OF 390.46 FEET;
THENCE N35°20'06"E, A DISTANCE OF 390.46 FEET;

THENCE 55°40'02"E, A DISTANCE OF 390.46 FEET;
THENCE S35°20'00"W, A DISTANCE OF 390.46 FEET, TO THE POINT OF BEGINNING.

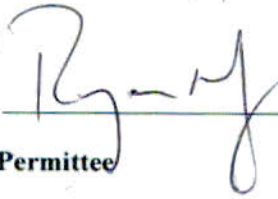
7. The annual rental rate will be \$ 45.00 per year and is due on or before the first day of December each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.
8. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.
9. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 162;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
10. The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
11. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
12. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.
13. The Permittee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the permit area by the Permittee.

14. The Permittee shall not assign, convey or transfer, in any manner whatsoever, the permit or any interest therein, or in or to any of the improvements on the land subject to the permit, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer of the permit without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon condition or withheld in the sole discretion of the Navajo Nation.
15. The Navajo Nation may terminate the permit for violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:
 - a. Failure to comply with any terms and conditions of the permit or of applicable laws or regulations;
 - b. Non-use of the permit; and
 - c. The use of the land subject to the permit for any purpose inconsistent with the purpose for which the permit is granted.
16. At the termination of the permit, the Permittee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
17. The Permittee shall give written notice to the Navajo Nation Land Department regarding any change to the Permittee's contact information, address, leadership, organizational name, or any other substantial change to the organization. The notice shall be given within thirty (30) days and delivered to the Navajo Land Department at Post Office Box 2249, Window Rock, Arizona 86515.
18. Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof or give the Permittee any rights hereunder or in or to the land subject to the permit or to any improvements located thereon.
19. The Navajo Nation shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
20. By acceptance of the grant of permit, the Permittee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgements for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
21. By acceptance of the grant of the permit, the Permittee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the

general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the permit or to the Navajo Nation.

22. Any action or proceeding brought by the Permittee against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be resolved administratively under the laws of the Navajo Nation and no action or proceeding shall be brought by the Permittee against the Navajo Nation, in any court of any state.
23. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
24. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
25. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Permittee, and the term "Permittee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
26. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the area under the permit and all lands burdened by the permit, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the permit; and the area under the permit and all lands burdened by the permit shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Date: 11-13-17

By: 
Permittee

Date: _____

By: _____

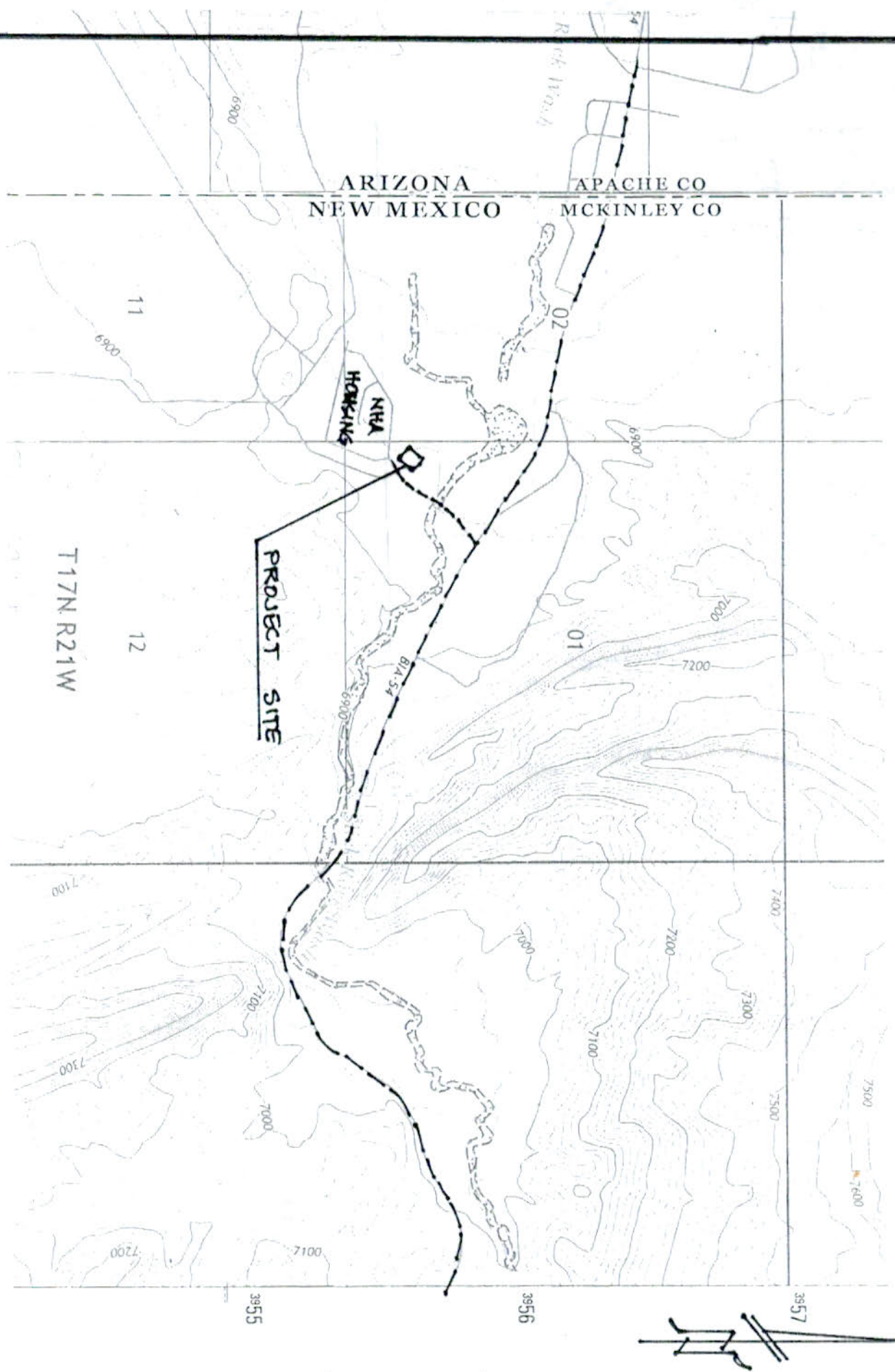

Russell Begaye
Navajo Nation President



Mission Site
For
Old Paths Baptist Church

Survey Plat

March 2019



ARIZONA
NEW MEXICO

APACHE CO
MCKINLEY CO

NHA
HOCKING

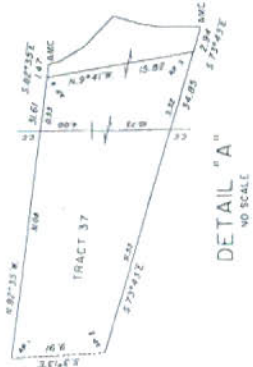
PROJECT SITE

T17N R21W

OLD PATHS BAPTIST CHURCH

TOWNSHIP 27 NORTH, RANGE 31 EAST, OF THE GILA AND SALT RIVER MERIDIAN, ARIZONA

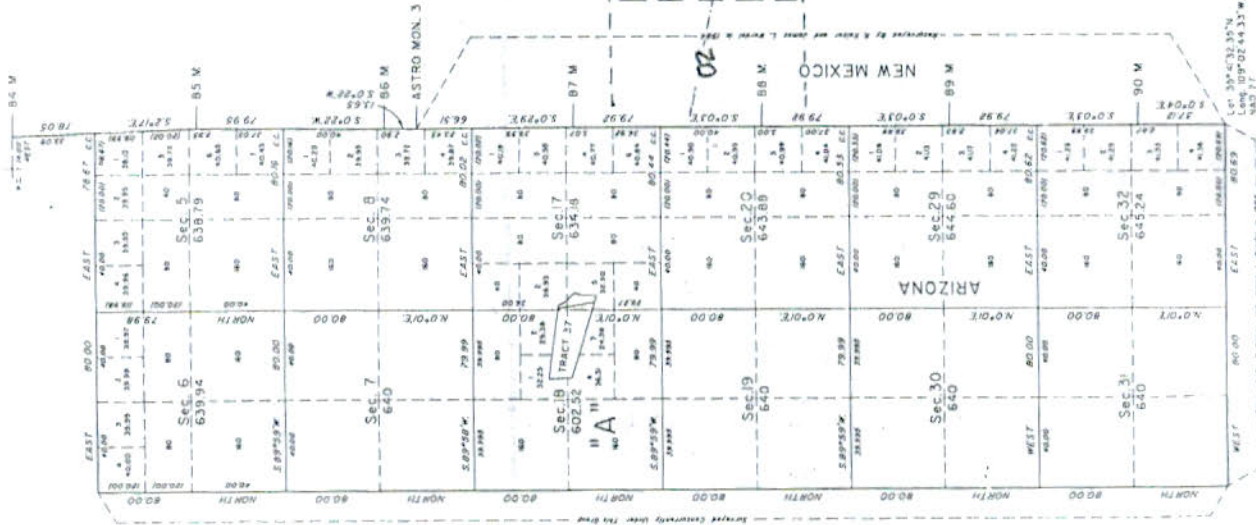
DEPENDENT RESURVEY AND SURVEY



The history of surveys is tabulated in the field notes.

This plat represents the dependent resurvey of a portion of the Arizona-New Mexico State Line from between the 94 mile post and Astronomical Station No. 3, and Tract 37, designed to restore the corners in their true original locations according to the best available evidence; and a survey of the north boundary, subdivisional lines, certain portion lines in section 17, and a portion of the median line of Black Creek in section 17, and latitudinal traverses of portions of the right and left banks of Black Creek in section 17, in Township 27 North, Range 31 East, Gila and Salt River Meridian, Arizona.

Except as indicated herein, the bearings and areas are as shown on the plat approved October 21, 1921. This survey was executed by Kevin R. DeBassett and Clinton T. Shockey, Cadastral Surveyors, beginning April 12, 1988, and completed August 21, 1990, pursuant to Special Instructions dated November 27, 1987, and Supplemental Special Instructions dated March 26, 1990, for Group No. 699, Arizona.



PROJECT SITE

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Phoenix, Arizona July 30, 1990

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Jerry A. Tollet

Acting Chief Cadastral Surveyor of Arizona





Mission Site
For
Old Paths Baptist Church

Consent Forms

March 2019



THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366 • Ft Defiance, Arizona 86504
Phone: (928) 729-4352 • Fax (928) 729-4353
Email: ftdefiance@navajochapters.org

Wilson Steward, Jr., *President*
Aaron Sam, *Vice-President*
Brenda Wauneka, *Secretary/Treasurer*
Herman Billie, *Grazing Official*
Benjamin Bennett, *Council Delegate*

RUSSELL BEGAYE
Navajo Nation President

JONATHAN NEZ
Navajo Nation Vice President

MEMORANDUM

TO : Navajo Land Department
P.O. Box 2249
Window Rock, AZ

FROM : Herman Billie
Herman Billie, Razing Representative
Fort Defiance Chapter

DATE : January 25, 2018

SUBJECT : Consent forms for Old Paths Baptist Church 3 ½ acres

This memo is to verify that the consent forms signed by Stella Scott and Loraine Nelson for the Old Paths Baptist Church are valet in accordance with the mission site lease process. The individuals have a valet grazing permit and have consent to withdraw a mission site and acreage will be determined by Navajo Nation Land Department. The proposed site is located east of the Fort Defiance Chapter near Pigeon Springs Housing development in New Mexico.

If you should have any questions or concerns regarding this matter please feel free to contact me at 928-729-4352. Thank you.

Cc: Wilson Stewart Jr., President
Fort Defiance Chapter
Ryan Nez, Pastor
Old Paths Baptist Church
File

CONSENT FORM #1

(No expected damages)

**CONSENT TO USE
NAVAJO TRIBAL LANDS**

TO WHOM IT MAY CONCERN

I Stella Scott ^{and Lorraine W. Nelson} hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit old Path Baptist Church to use a portion of my land use area for the following purpose church site 3 1/2 acres.

_____ as shown on the map showing the location of the proposed project on the back of this consent form.

I acknowledge that I do not expect any damage to my improvements or diminishment in value of my land use rights and/or I expect the value of my land use rights to be enhanced as a result of the above-referenced project as proposed.

REMARKS:

8/7/2017

Date

8/28/17

WITNESS:

[Signature]
Land User Signature or (Thumbprint)

Lorraine W. Nelson

Census No.

18-08-11

Permit No.

18-929

8/22/17

Date

[Signature]

Grazing Committee or Land Board Member

18-3

District No.

Acknowledgement of Field Agent

I acknowledgement that the contents of this consent form was read // or fully explained // to the land user in Navajo // or English // (check where applicable)

Field Agent Signature



Mission Site
For
Old Paths Baptist Church

Chapter Support Resolution

March 2019



THE NAVAJO NATION

Fort Defiance Chapter
P.O. Box 366 ♦ Fort Defiance, Arizona 86504
Phone: (928) 729-4352 ♦ Fax (928) 729-4353
Email: fdefiance@navajochapters.org

Wilson Stewart, Jr. *President*
Aaron Sam, *Vice President*
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Herman Billie, *Grazing Official*
Benjamin Bennett, *Council Delegate*

RUSSELL BEGAYE
Navajo Nation President

JONATHAN NEZ
Navajo Nation Vice President

RESOLUTION OF FORT DEFIANCE CHAPTER

FDC-2017-09-05-02

SUPPORTING AND RECOMMENDING THE APPROVAL OF A CHURCH SITE REQUESTED BY OLD PATH BAPTIST CHURCH

WHEREAS:

1. Fort Defiance Chapter is duly certified Chapter of the Navajo Nation in accordance with Navajo Nation Code 2, Section 4001 and 4006, with authority to address and take action on the needs and concerns of its people; and
2. Fort Defiance Chapter was governance-certified on January 15, 2016, which provides autonomy in Chapter structure and governance; and
3. Old Paths Baptist Church, Window Rock, Arizona, is requesting the Navajo Nation for a mission site leases to conduct church services, with related programs, classes and recreational activities for youths. A copy of the church's Articles of Incorporation of Old Baptist Church; and
4. Old Paths Baptist Church is requesting the Fort Defiance Chapter for a parcel of land for the church site; and
5. Community Land Use Plan Committee has designated a 3.5 acres of land northwest of Pigeon Springs Housing Subdivision on Route 54 (Coal Mine).

NOW THEREFORE BE IT RESOLVED THAT

1. Fort Defiance Chapter hereby supports and recommends approval of a church site for Old Baptist Church, Window Rock, Arizona, to conduct services with related programs, classes and recreational activities for youths.
2. Fort Defiance Chapter further designated a parcel of land of 3.5 acres northwest of Pigeon Springs Housing Subdivision on Route 54 (Coal Mine) for use by the church.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting which a quorum was present and that same was approved by a vote of 25 in favor, 1 opposed, 0 abstained, this 5th day of September 2017.

MOTIONED BY: Ronnie Harris

SECONDED BY: Sharon Yazzie

Wilson Stewart, Jr.
Wilson Stewart, Jr. Chapter President

Herman Billie Sept. 09, 2017
Herman Billie, Grazing Official

Benjamin Bennett
Benjamin Bennett, Council Delegate

Mission Site
For
Old Paths Baptist Church

Petition of Names

March 2019

PETITION OF NAMES

We, the undersigned are citizens, registered voters and residents of the Navajo Nation living within the community where the **OLD PATHS BAPTIST CHURCH** is being built. The primary purpose of this religious site is to provide a place to worship and basically have the church conduct religious services on any given days throughout the year. Further, we hereby give our signatures on this petition to further the development of the church.

	NAME	DATE	WITNESS
01.	Merlene Smiley	3/14/18	Ryan Nez
02.	Julia Dennison	3/14/18	Ryan Nez
03.	Emory Wanneka	3/14/18	Ryan Nez
04.	Patrick Bosne	3/14/18	Ryan Nez
05.	Perry Wanneka	3/21/18	Ryan Nez
06.	Betty Wanneka	3/21/18	Ryan Nez
07.	Beth Ann Nelson	3/21/18	Ryan Nez
08.	Asa-Ryan Begay	3/21/18	Ryan Nez
09.	Julian Wetcheman	3/21/18	Ryan Nez
10.	Shen Miles	3/21/18	Ryan Nez
11.	Dorena Wanneka	3/21/18	Ryan Nez
12.	Rand Davis	3/21/18	Ryan Nez
13.	Nerissa Wanneka	3/21/18	Ryan Nez
14.	Amber Nez	3/21/18	Ryan Nez
15.	Samantha Jones	3/21/18	Ryan Nez
16.	Morrigh Nez	3/21/18	Ryan Nez
17.	Timothy X. Begay	3/21/18	Ryan Nez
18.	Shawndee Begay	3/21/18	Ryan Nez



Mission Site
For
Old Paths Baptist Church

Application

March 2019

APPLICATION FOR REVOCABLE USE PERMIT (RELIGIOUS SITE) NAVAJO NATION LANDS

DATE: 11-13-17

Old Paths Baptist Church

(NAME OF CHURCH)

P.O. Box 455 Window Rock, Az 86515

(ADDRESS)

hereby makes an application for a religious site covering approximately 3.5 acres of Navajo Nation land located in Ft. Defiance, McKinley county, Arizona / New Mexico, as shown on the attached map.

After the local chapter approval of this application and with approval of land clearance given by the Navajo Land Department, a survey plat and legal description of the site prepared by a licensed or registered surveyor shall be submitted to the Navajo Land Department or the Bureau of Indian Affairs for review.

In Support of said application, the applicant hereby submits the following information:

- | | |
|---|--|
| ☒ Supporting Chapter Resolution | ☒ Land Use Consent |
| ☒ Survey Plat | ☐ Current Petition of Names |
| ☒ Copy of Articles of Incorporation | ☐ Other Supporting Documents |

Detailed statement of the purpose(s) for which said Navajo Nation land shall be used. If a missionary or mission body proposes to establish facilities for educational, medical or other non-religious activities, this paragraph shall set forth fully the extent and character thereof:

- Develop acreage with necessary utilities to build church facilities
- Build facilities to accommodate church gatherings and church services
- Install developments of a youth center, basket ball courts, volleyball courts
- Build suitable living quarters for a full-time pastor or caretaker to maintain grounds

Description of building and improvements to be placed on tribal land and the estimated cost thereof:

- modular buildings
- future youth center
- future housing for pastor/caretaker

Applicant's plan for development of water and sewer:

Utilities will be provided by NTA

All corporations must attach hereto a copy of their Articles of Incorporation. If foreign to the state where religious site is to be located, the corporation must supply a certified copy of their authority to do business in the state.

All corporations must furnish evidence of authority of the person(s) signing this application to execute papers on their behalf. Evidence should ordinarily be in the form of a general resolution of the Board of Directors certified by the Secretary over the seal of the corporation.

For the purpose of conducting business within the Navajo Reservation, all corporations must file their Articles of Incorporation with the Economic Development Commerce Department of the Navajo Nation. The Commerce Department will issue a corporate number to the church organization.

In all cases of applications on behalf of unincorporated bodies where documents do no explicit give one individual authority to execute necessary papers, a power of attorney executed before a notary public by all associated parties for this purpose should be attached. If this is not supplied, all such persons must personally sign this application and all other documents submitted to the Navajo Agency.

Unincorporated applicants should submit articles depicting their organization, unless none exists, in which case an explanation of the nature of the organization should be listed on a separate sheet.

Applicant agrees to give preference to qualified local residents of the Navajo Nation for employment in the construction of any improvement on the church site if the permit is granted.

Ryan Nez
Authorized Agent (Print Name)

[Signature]
Authorized Agent (Signature)

P.O. Box 455 Window Rock, AZ 86515
Address

928-380-8860
Phone Number

reachingtherez@yahoo.com
Email Address



Old Paths Baptist Church

Old Paths Baptist Church in Ft. Defiance, AZ is requesting a revocable use permit for a 3.5 acre land site. It is our desire in this writing to explain why we are requesting more than the standard 1.5 acre plot and to justify our request with five justifications:

Justification #1

Old Paths Baptist Church facilities need to include buildings to accommodate youth classes, programs and recreational activities for the youth in the community. It is our desire to install a basketball court, volleyball court and other such necessities to reach out and enhance the lives of our community's youth. We host Youth Summer Camps and Vacation Bible School Programs. In my experience, we have seen 100 or more youth attend Vacation Bibles Schools and Summer Camps. With 3.5 acres, we would have the necessary space to expand as much as might be necessary to be successful in ministering and educating the local youth of the community.

Justification #2

Old Paths Baptist Church facilities need to accommodate a multi-purpose hall that can be used for dinners, wedding receptions, funeral receptions and other events that community members may need. These facilities would also enable the church to offer community counseling for troubled youth, marriages or family issues that need a guiding influence.

Justification #3

Due to the increasing rise of vandalism to church facilities and properties across the Navajo Nation, there is a necessity for the pastor or a church leader to live on site to oversee the well-being of the facilities. We request this 3.5 acre plot so as to accommodate the need to have a family living on site. An on-site family, would also allow the church to be very accessible to community members who need assistance.

Justification #4

Old Paths Baptist Church is committed to ministerial training. Educational buildings to train community members in church ministries as a vocational avenue would be of great benefit to the area.

Justification #5

Old Paths Baptist Church is honored to have a reputation for being very involved in the community and assists in numerous activities that benefit our veterans. 3.5 acres would set no limit to the ways we can serve these national servants.

We believe these justifications to be sufficient reason to request that the site's size be allowed to include a total of 3.5 acres instead of a 1.5 acre plot, which would clearly not suffice for the church's building plans. Granting Old Paths Baptist Church this 3.5 acre site in its entirety would ensure our ability as a congregation to provide the community of Ft. Defiance, AZ and the surrounding areas with all the benefits we believe they deserve as a people. Thank you for your consideration of our request.

Sincerely,

Ryan Nez
Missionary Pastor



P.O. Box 455
Windowrock, AZ 86515



928-380-8860



Old Paths

Mission Site
For
Old Paths Baptist Church

Articles of Incorporation

March 2019



NAVAJO NATION CORPORATION ACT

CERTIFICATE OF INCORPORATION

To all to Whom these Presents Shall Come, Greeting:

I, the Manager of the Business Regulatory Department, DO HEREBY CERTIFY
that ***OLD PATHS BAPTIST CHURCH***
(Non Profit)
File Number: 102081

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was on
the 19th day of May, 2016
authorized to transact business within the Navajo Nation as a DOMESTIC Corporation.

I FURTHER CERTIFY that this corporation has filed all affidavits and required
documents and paid all filing fees required and, therefore, is incorporated as a Domestic
Corporation.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Corporation Act at Window
Rock, Arizona, this 19th

day of May, 2016 A.D.

Clarence Chee
Manager, Business Regulatory Department

FILED

File Number: 102081

MAY 19 2016

Navajo Nation Corporation Act.

Department Manager

ARTICLES OF INCORPORATION
OF
OLD PATHS BAPTIST CHURCH

The undersigned natural persons, acting as incorporators of a corporation under the Navajo Nation Corporation Code, hereby adopt the following Articles of Incorporation.

ARTICLE I

The name of this corporation is and shall be Old Paths Baptist Church.
[Sections 3323(a)(1); 3105]

ARTICLE II

The period of duration for Old Paths Baptist Church is perpetual.
[Section 3323(a)(2)]

ARTICLE III

The purpose of this corporation is that it will be operated as a nonprofit corporation under the Navajo Nation Corporation Code solely and exclusively for ministry and religious purposes. Without limiting the generality of the foregoing or the character of the affairs to be conducted by the corporation in the future, the corporation initially shall conduct the following business: establishing and maintaining churches and other buildings, including but not limited to, parsonages, schools, chapels, rescue missions, day care centers, nursing homes and cemeteries, for religious worship and other ministries in connection therewith. [Section 3323(a)(3)]

ARTICLE IV

The Corporation shall be a nonprofit corporation under the Navajo Nation Corporation Code and shall have no stock, and no dividends or pecuniary profits. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in ARTICLE III. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any

other activities not permitted to be carried on by a corporation exempt from Navajo Nation Tax under the Navajo Nation Corporation Code. [Section 3323(a)(4)]

ARTICLE V

The name and address of the initial Registered Agent for Old Paths Baptist Church is listed below. [Section 33239(a)(5)]

Ryan Nez
North of Mile Marker 446 AZ Hwy 264
Ganado, AZ 86505

ARTICLE VI

There are four directors constituting the initial board of directors for Old Paths Baptist Church who are to serve as directors until their successors are elected and qualified. The names and addresses of the board of directors are as follows: [Section 3323(a)(6)]

Joel Haynes	Mark Haynes	Hank Haskie	Ryan Nez
P.O. Box 232	P.O. Box 902	P.O. Box 3022	P.O. Box 455
Ganado, AZ 86505	Ganado, AZ 86505	Indian Wells, AZ 86031	Window Rock, AZ 86515

ARTICLE VII

The names and addresses of the incorporators for Old Paths Baptist Church are as follows: [Section 3323(a)(7)]

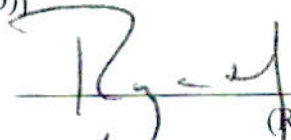
Ryan Nez	Joel Haynes	Mark Haynes
P.O. Box 455	P.O. Box 232	P.O. Box 902
Window Rock, AZ 86505	Ganado, AZ 86505	Ganado, AZ 86505

ARTICLE VIII

No person shall possess any property right in or to the property or assets of the corporation. Upon dissolution of this corporation as provided in the Bylaws, all assets remaining after payment of any outstanding liabilities shall be distributed exclusively for religious purposes as shall at the time qualify as an exempt organization or organizations according to Navajo Nation Corporation Code. [Section 3323(a)(8)]

ARTICLE IX

The corporation of the Old Paths Baptist Church agrees to abide by all criminal, civil and regulatory laws of the Navajo Nation. [Sections 3332, 3107(a)(10)]



(Ryan Nez)

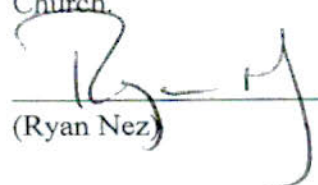


(Joel Haynes)



(Mark Haynes)

Mr. Ryan Nez has agreed to the appointment as initial Registered Agent for Old Paths Baptist Church.



(Ryan Nez)

Mission Site
For
Old Paths Baptist Church

Sliding Fee Scale

March 2019

Sliding Fee Scale for Navajo Nation Mission Site Permits

Purpose: These policies serve as a guide for the Navajo Land Department to determine Mission Site Permit fees in order to assure that a fair cost-determination has been made.

Policy: A sliding scale for permit fees will be provided to Mission Site Permit applicants, and based on their ability to pay. Ability to pay is determined by the size and annual income of the mission, as well as the number of acres utilized. The sliding scale is not a comprehensive formula, but is used for guidance to determine permit fees. The Navajo Land Department shall determine the permit fee for each mission on a case-by-case basis. The Navajo Land Department has the authority to adjust the sliding scale and permit fee as they see fit, in accordance with Navajo Nation and federal law.

Scope: These policies apply to all Mission Site Permits in the Navajo Nation.

Procedure:

1. Entities applying for Mission Site Permits must provide written verification of income.
2. Self-declaration may only be used in special circumstances. Entities that are unable to provide written verification must provide a signed statement of income, and why they are unable to provide independent verification. This statement will be presented to the Navajo Land Department for review and final determination as to the sliding fee percentage.
3. Permit fees will be determined at the discretion of the Navajo Land Department on a case-by-case basis for entities unable or unwilling to provide any level of documentation.
4. Pursuant to 16 N.N.C. § 1157 the Navajo Land Department will require a minimum charge of \$15.00 per acre per year for all mission sites in the Navajo Nation.
5. Permit cost will increase based on the annual income of the mission and the number of acres used, pursuant to Table 1 below. An additional \$15 will be assessed for each acre and each \$10,000 increase in annual income. An additional fee may also be added for missions with large congregations.

Table 1						
Annual Income	\$0-\$20,000	\$20,000-\$30,000	\$30,000-\$40,000	\$40,000-\$50,000	\$50,000-\$60,000	\$60,000-\$70,000
	Minimum Fee	Minimum Fee	Minimum Fee	Minimum Fee	Minimum Fee	Minimum Fee
	\$15	\$30	\$45	\$60	\$75	\$90

2	\$30	\$45	\$60	\$75	\$90	\$105
3	\$45	\$60	\$75	\$90	\$105	\$120
4	\$60	\$75	\$90	\$105	\$120	\$135
5	\$75	\$90	\$105	\$120	\$135	\$150
6	\$90	\$105	\$120	\$135	\$150	\$165
7	\$105	\$120	\$135	\$150	\$165	\$180
8	\$120	\$135	\$150	\$165	\$180	\$195

6. Any mission that is actively conducting substantial medical or accredited educational programs on its site shall be exempt from the permit fee.
7. The Navajo Land Department requires payment by December 30 of each year, prior to the year for which fees are due. If any mission fails to pay the required amount by the due date, their Mission Site Permit will automatically terminate in accordance with 16 N.N.C. § 1157.

Sliding Fee Scale Form for Mission Site Permits

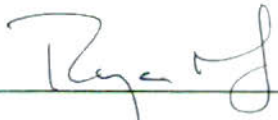
Application Information		Today's Date: 11-17-17	
Entity Name: Old Paths Baptist Church			
Mailing Address: P.O. Box 455	City: Window Rock	State: AZ	Zip: 86515
Phone #: (928) 380-8860	Fax #: ()	Congregation Size: 30	Acres requested: 3.5

Income Information

Source	Amount	Frequency (Circle One)
offerings	\$ 150.00	<u>Weekly</u> Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
Total	\$	Weekly Monthly Yearly

I do hereby swear or affirm that the information provided on this application is true and correct to the best of my knowledge and belief. As an agent of the applicant entity, I hereby acknowledge that I read the foregoing disclosure and understand it.

Name (Print): Ryan Nez

Signature: 

Date: 11-17-17

General Land Development Department

CHECK LIST FOR MISSION SITE APPLICATION

1. ☒ **APPLICATION** for religious activities is filled out by the applicant
2. ☒ **CONSENT(S)** Contact your local Chapter Grazing Official or Land Board Member
3. ☐ **PETITION OF NAMES** endorsing the proposed mission site from surrounding residents in the vicinity.
4. ☒ **SLIDING FEE SCALE** Filled out by applicant to determine annual rental fee
5. ☒ **SURVEY PLAT** showing the exact location of the proposed mission site. Fees associated with services.
6. ☒ **CHAPTER RESOLUTION** Supporting the withdrawal of land for mission site and permit.
7. ☒ **ARTICLES OF INCORPORATION** Submit to Navajo Nation Business Regulatory Department to issue a Certificate of Incorporation authorizing to transact business within Navajo Nation as a Non-profit organization.
8. ☒ **BIOLOGICAL SURVEY** performed by the Fish and wildlife Department. Fees associated with service. (928) 871-6451/6452
9. ☒ **CULTURAL, HISTORICAL AND ARCHAEOLOGICAL** compliance report issued by the Historic & Heritage Preservation Department after the cultural resources conduct their service (928) 871-7147/7148
10. ☒ **ENVIRONMENTAL ASSESSMENT REPORT** reviewed by the Navajo Environmental Protection Agency to ensure there is no contaminated or hazardous materials. NNEPA Office (928) 871-7692

Note: It is the policy of the Navajo Nation that the minimum acreage to conduct religious activities shall be 1½ acres. Acreage more than 1½ shall require justification from the applicant. While the permit is pending final approval, **NO** religious organization shall construct, operate, install or otherwise effect any improvements upon Navajo Nation land without processing a valid mission site permit. Failure to comply will cause the Navajo Nation to set reasonable rental fee or other remedies at law.

****Incomplete packages will not be processed and returned to you****



Mission Site
For
Old Paths Baptist Church

Biological Survey

March 2019

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.: Old Paths Baptist Church - Mission Site

DESCRIPTION: Proposed 3.5-acre mission site. This review includes all associated utilities.

LOCATION: SW¼ of Section 01, T17N, R21W, NMPM, Fort Defiance, McKinley County, New Mexico

REPRESENTATIVE: Ryan Nez, Old Paths Baptist Church

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/22 JAN 2018/Ryan Nez

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/22 JAN 2018

COPIES TO: (add categories as necessary)



2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

1/22/18

*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

Mission Site
For
Old Paths Baptist Church

Cultural, Historical &
Archaeological

March 2019



THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT

PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-18-037
☒ ISB	OTHER PROJECT NO.: ISB-17-201

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Old Paths Baptist Church, 3.5-Acre Tract in Fort Defiance Chapter, McKinley County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Ryan Nez, Old Paths Baptist Church, PO Box 455, Window Rock, Arizona 86515

PROJECT DESCRIPTION: The proposed undertaking will involve the construction and/or lease of a 3.5-acre church tract. Ground disturbing activities may be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust												
CHAPTER:	Fort Defiance												
LOCATION:	T.	<u>17</u>	N.,	R.	<u>21</u>	W-	Sec.	<u>01</u>	Window Rock	Quadrangles,	McKinley	County	New Mexico NMPM
PROJECT ARCHAEOLOGIST:	Iris Shirley Begaye												
NAVAJO ANTIQUITIES PERMIT NO.:	B17857												
DATE INSPECTED:	11/17/17												
DATE OF REPORT:	12/15/17												
TOTAL ACREAGE INSPECTED:	3.5 - ac												
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced <u>15</u> m apart.												
LIST OF CULTURAL RESOURCES FOUND:	None												
LIST OF ELIGIBLE PROPERTIES:	None												
LIST OF NON-ELIGIBLE PROPERTIES:	None												
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) 871-7198.

FORM PREPARED BY: **Tamara Billie**
FINALIZED: February 12, 2018

Notification to Proceed
Recommended

☒ Yes ☐ No

Conditions:

☐ Yes ☒ No

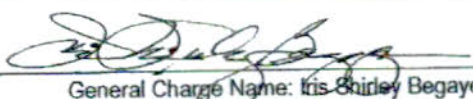

Richard M. Begay, Dept. Mgr./THPO
The Navajo Nation
Heritage & Historic Preservation Department
Date 02/12/18

Navajo Region Approval

☒ Yes ☐ No


BIA - Navajo Regional Office
Date 2/28/18


2/28/2018

1. HPD REPORT NO.		2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: A Cultural Resource Inventory of the Proposed Old Paths Baptist Church, 3.5 Acre Tract in Fort Defiance Chapter, McKinley County, New Mexico		5. FIELDWORK DATES 11/17/2017	
AUTHOR(S): Iris Shirley Begaye		6. REPORT DATE 12/15/2017	
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Iris Shirley Begaye Org. Name: ARCHAEOLOGICAL SURVEY Org. Address: P. O. Box 3777 Window Rock, Arizona 86515 Phone: 928/206-9600		8. Permit No. B17857	
		9. Consultant Report No. ISB-17-201	
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Ryan Nez Name: Old Paths Baptist Church Address: P.O. Box 455 Window Rock, AZ 86515 Phone: 928/380-8860		11. SPONSOR PROJECT NO. N/A	
12. AREA OF EFFECT: 3.5 ac. AREA SURVEYED: 3.5 ac.			
13. LOCATION (MAP ATTACHED): a. Chapter: Fort Defiance b. Agency: Fort Defiance c. County: McKinley d. State: New Mexico		See Figure 1 e. Land Status: Navajo Tribal Trust f. UTM Center: Zone 12; 3,955,604.68N, 677,747.99 E g. Area: SW/4 Section 01, T 17N, R 21W NMPM h. 7.5' Map Name(s): Window Rock, AZ-NM Prov. Ed. 1983	
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) / /			
a. Description of Undertaking:		See Supplemental Sheet	
b. Existing Data Review:		See Supplemental Sheet	
c. Area Environmental & Cultural Setting:		See Supplemental Sheet	
d. Field Methods:		See Supplemental Sheet	
15. CULTURAL RESOURCE FINDINGS:			
a. Location/Identification of Each Resource:		See Supplemental Sheet	
b. Evaluation of Significance of Each Resource (above):		See Supplemental Sheet	
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): Archaeological clearance is recommended for the proposed project.			
17. CERTIFICATION: SIGNATURE:		 General Charge Name: Iris Shirley Begaye	
		DATE: 15 December 2017	

SUPPLEMENTAL SHEET (AIRS FORM)

PROPOSED OLD PATHS BAPTIST CHURCH, 3.5 ACRE TRACT, FORT DEFIANCE CHAPTER, MCKINLEY COUNTY, NEW MEXICO
ISB-17-201

13. LOCATION: See Figure 1.

e., f., g., & h. **LAND STATUS, UTM CENTER, AREA, & 7.5' SERIES MAP NAME:** Below are the UTM coordinates, legal descriptions, and 7.5' quadrangle topographic map references for the proposed 3.5 Acre Church Tract (see Figures 1 & 2).

Table 1. Old Paths Baptist Church, 3.5 Acre Tract, Fort Defiance Chapter:

Navajo Tribal Trust

Waterline Extension	Northing	Easting	Section	Township	Range	7.5' Reference Map
Church Tract CTR	3,955,604.68	677,747.99	01	17N	21W	Window Rock, AZ-NM Prov. Ed. 1983
CNR A	3,955,525.10	677,762.20	01	17N	21W	Window Rock, AZ-NM Prov. Ed. 1983
CNR B	3,955,592.99	677,664.27	01	17N	21W	Window Rock, AZ-NM Prov. Ed. 1983
CNR C	3,955,691.70	677,730.76	01	17N	21W	Window Rock, AZ-NM Prov. Ed. 1983
CNR D	3,955,623.78	677,828.69	01	17N	21W	Window Rock, AZ-NM Prov. Ed. 1983

14. REPORT

a. **Description of Undertaking:** The proposed undertaking is to construct a church within a 3.5 acre tract. The undertaking will involve the construction of a church and associated facilities within the surveyed area. Construction activities will include surface and subsurface ground disturbance with the use of heavy equipment (leveling, trenching, laying of pipelines, power line pole placement, stringing of power line). The area of potential effect equals approximately 152,460.0 sq. ft. (14,163.9 sq. m.) or 3.5 acres (1.4 ha.). An area of 3.5 acres (1.4 ha.) (152,460.0 sq. ft.) (14,163.9 sq. m.) was inventoried.

b. **Existing Data Review:** As part of this project, research was conducted using the Navajo Nation Heritage & Historic Preservation Department (NNHHPD) files in Window Rock, Arizona. Research reveals four (4) previous cultural resource inventories and five (5) previously recorded sites within one kilometer of the undertaking as follows:

Project Numbers	Site Numbers
NTM-87-216, HPD-03-1158, HPD-05-1145	None
HPD-05-1147	NM-P-24-2, -3, -4, -5, -7

c. **Area of Environmental & Cultural Setting:** The proposed church is located in Fort Defiance Agency, Fort Defiance Chapter, approximately 2.4 miles southeast of the Fort Defiance Chapter House, McKinley County, New Mexico. The project area is located within Black Creek Valley, southwest of Slick Rock (approximately 1.7 miles) an elevation of 6,884 feet (2,098.1 meters) above mean sea level. The main water sources for the area are Black Creek Wash (approximately 2.2 miles west of the project area) and Slick Rock Wash (approximately 350 feet northeast of the project area). Vegetation in the area consists of saltbush, sagebrush, snakeweed, rabbitbrush, prickly pear, russian thistle and other seasonal native grasses. No domesticated animals were noted within the project area. Surface sediments consist primarily of aeolian with alluvial fine sands, clay and small-medium pebble inclusions. The surrounding area has been impacted by the development of scattered business sites, homes, water tanks, water lines and power lines.

d. **Field Methods:** On November 17, 2017, Iris Shirley Begaye, archaeologist conducted the cultural resource inventory of the proposed 3.5 acre church tract. The four corner points were identified to conduct a Class III pedestrian inventory by walking parallel transects with adjacent points spaced approximately 15m apart extending out over the proposed church site. The area of potential effect equals approximately 152,460.0 sq. ft. (14,163.9 sq. m.) or 3.5 acres (1.4 ha.). An area of 3.5 acres (1.4 ha.) (152,460.0 sq. ft.) (14,163.9 sq. m.) was inventoried.

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15. CULTURAL RESOURCE FINDINGS:

- a. **Location/Identification of Each Resource:** None.
b. **Evaluation of Significance of Each Resource (above):** None.

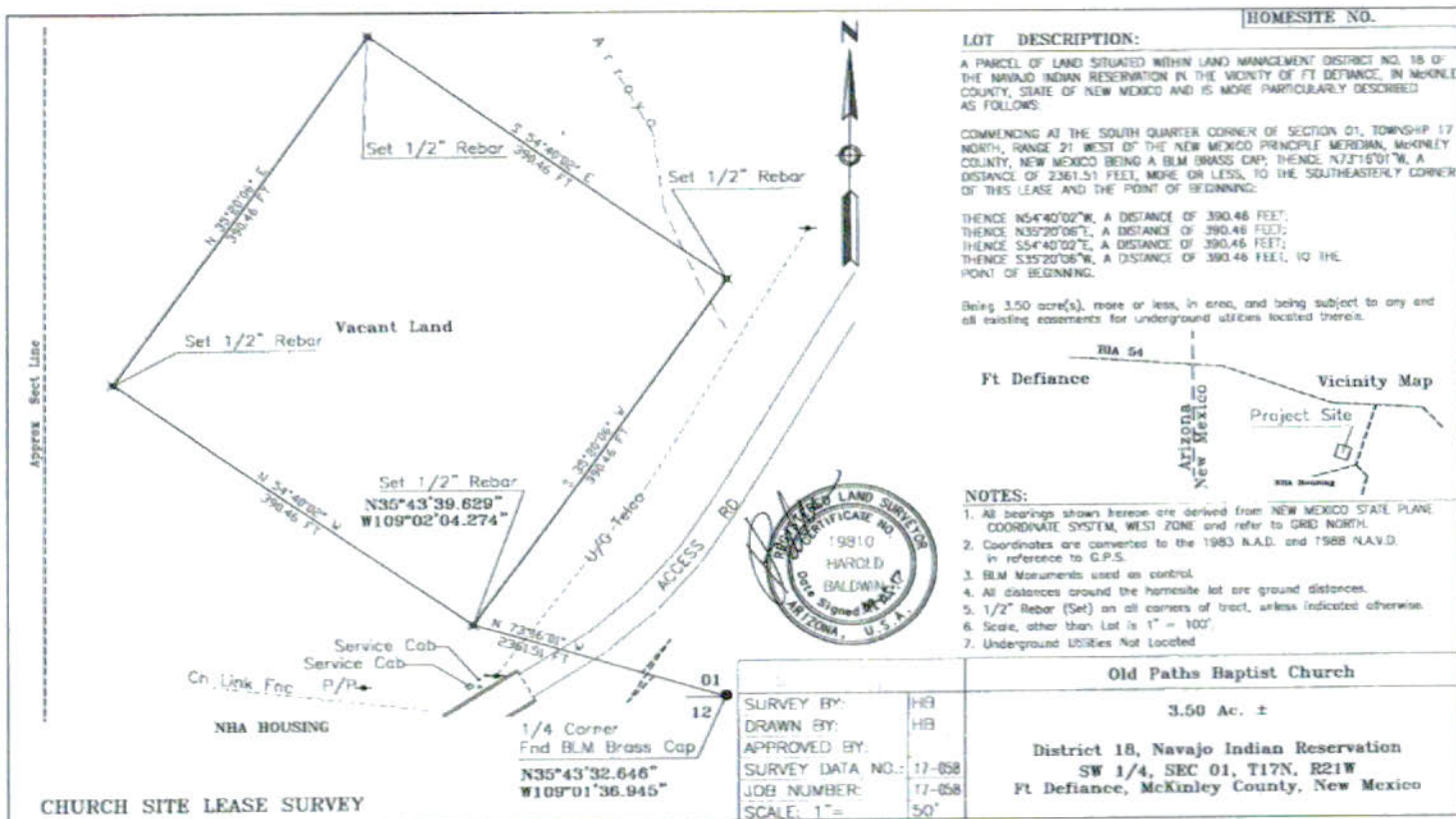


Figure 1. Old Paths Baptist Church, 3.5 Acre Tract, Fort Defiance Chapter, McKinley County, New Mexico (ISB-17-201)

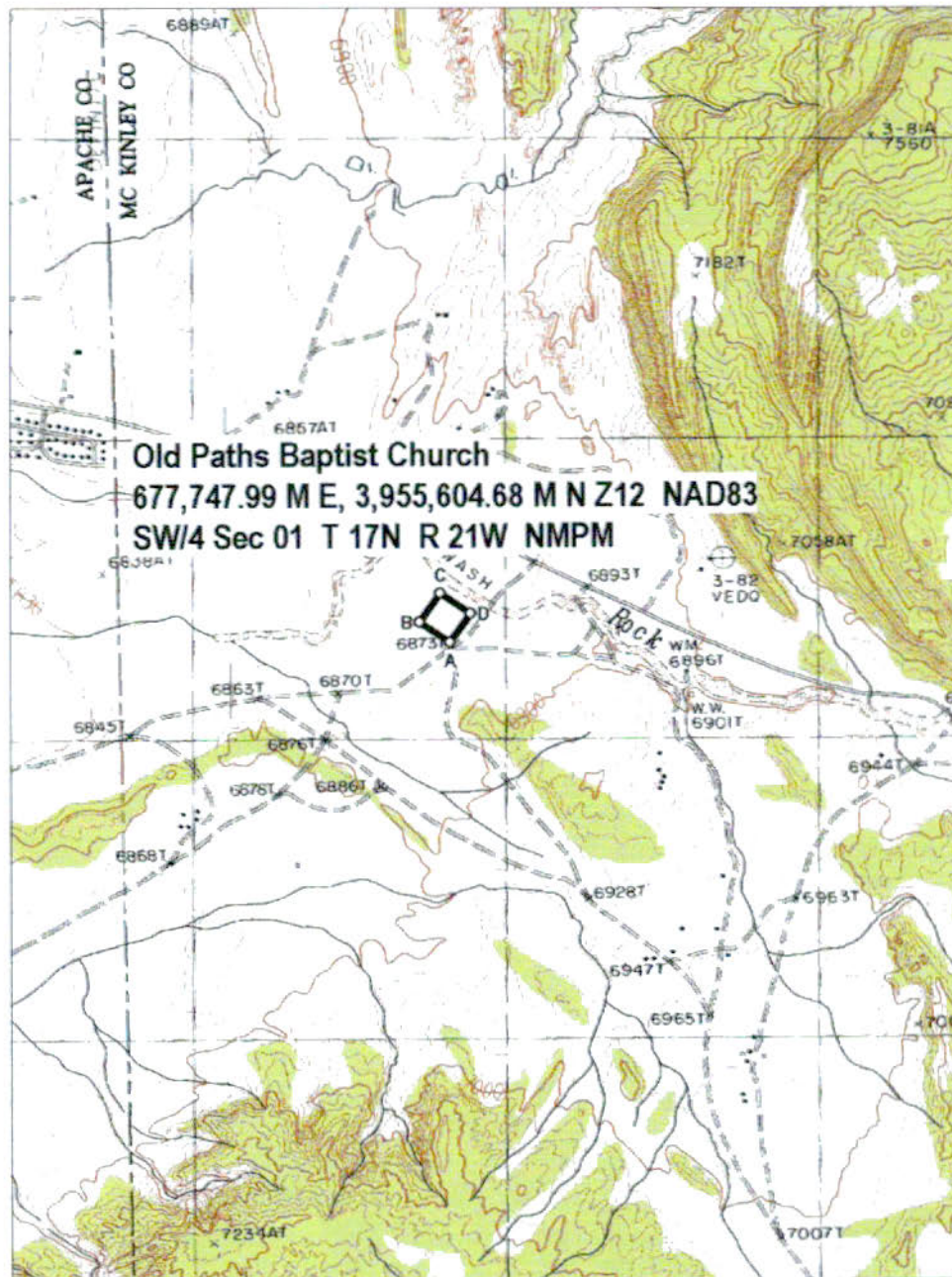
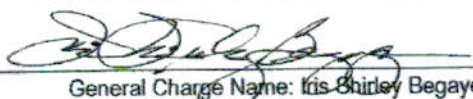


Figure 2. Old Paths Baptist Church, 3.5 Acre Tract (ISB-17-201)
 UTM Zone 12; 3,955,604.68N, 677,747.99 OE; SW/4 Section 01, T 17N, R 21W NMPM
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ISB-17-201

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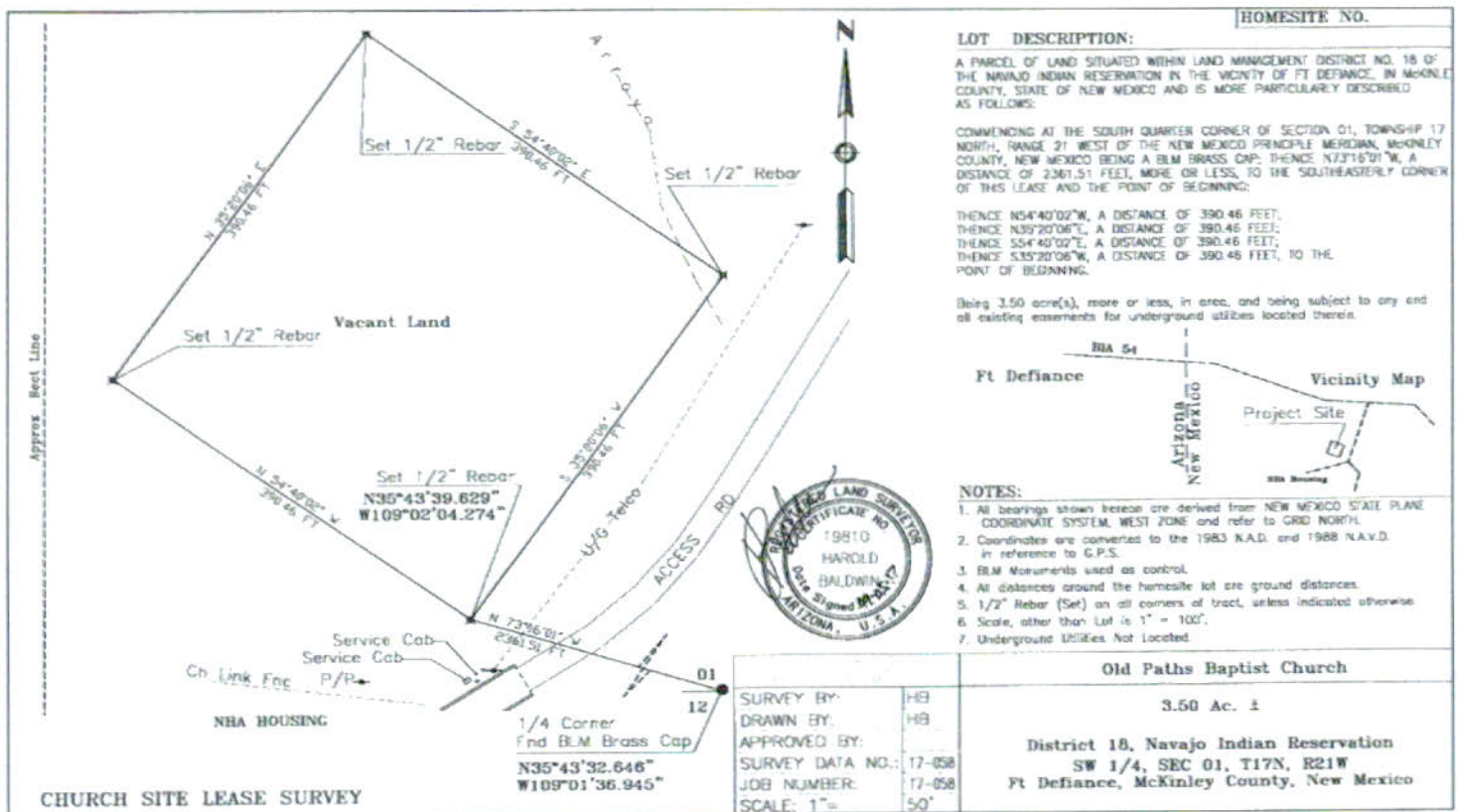


Figure 1. Old Paths Baptist Church, 3.5 Acre Tract, Fort Defiance Chapter, McKinley County, New Mexico (ISB-17-201)

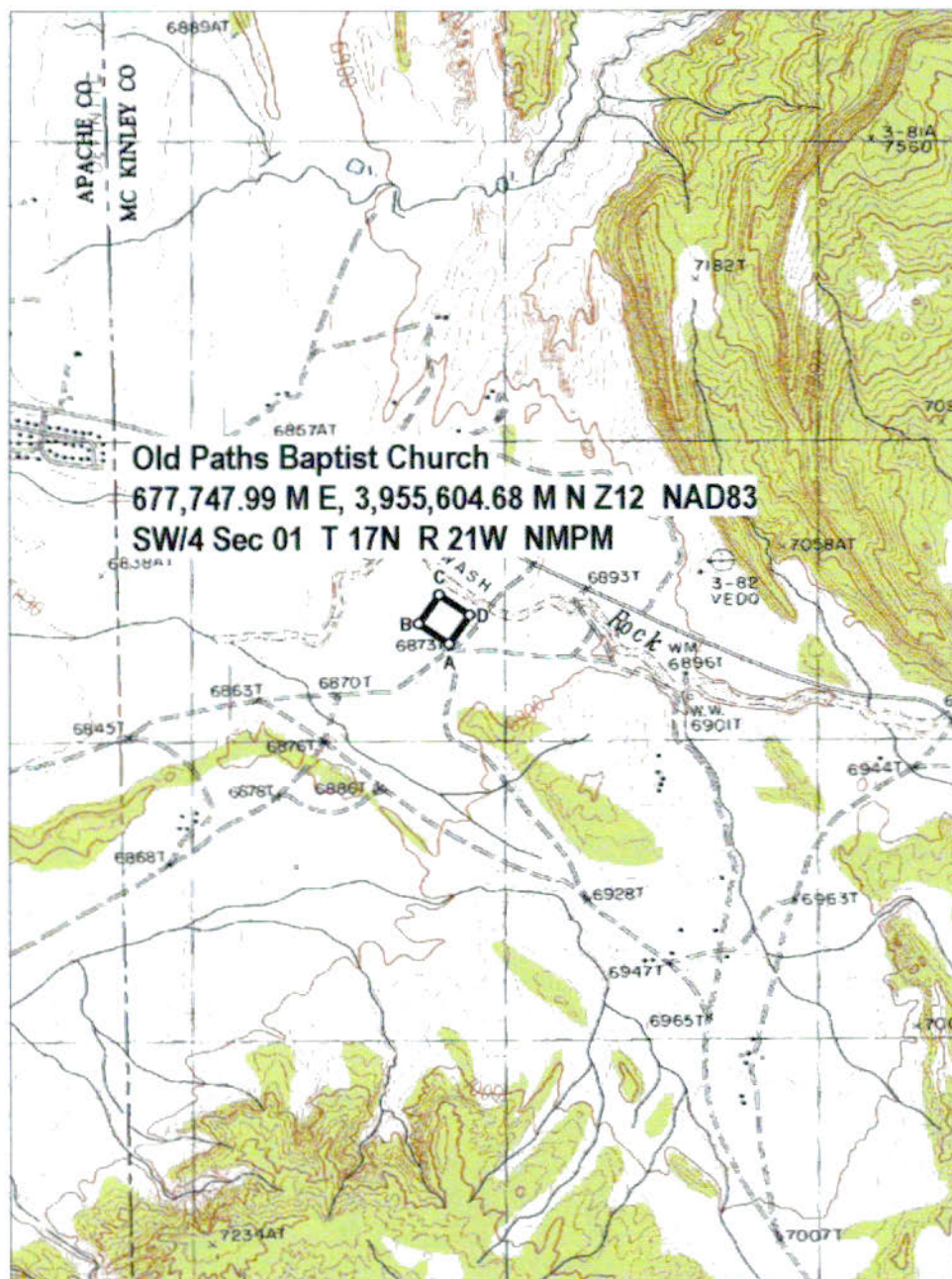


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 UTM Zone 12: 3,955,604.68N, 677,747.99 0E; SW/4 Section 01, T 17N, R 21W NMPM
 7.5' USGS series map: Window Rock, AZ-NM Prov. Ed. 1983

Mission Site
For
Old Paths Baptist Church

Environmental Assessment Report

March 2019



THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY

Public Water Systems Supervision Program
Post Office Box 339, Window Rock, AZ 86515
Telephone (928) 871-7755
Fax (928) 871-7818
www.navajopublicwater.org



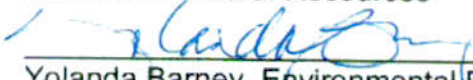
Russell Begaye
President

Jonathan Nez
Vice President

May 7, 2018

MEMORANDUM

TO: Navajo Land Title Data Systems
Land Department
Division of Natural Resources

FROM: 
Yolanda Barney, Environmental Program Manager
Public Water Systems Supervision and Domestic Wastewater Programs
Surface and Ground Water Protection Department
Navajo Nation Environmental Protection Agency

SUBJECT: DOCUMENT No. 010186

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 010186, Old Paths Baptist Church Revocable Use Permit (Religious Site) near Pigeon Springs Housing Development in Fort Defiance Chapter (New Mexico). This organization is proposing to develop acreage with necessary utilities to build church facilities and future housing for pastor/caretaker of the proposed facility. This project will develop water and wastewater infrastructure and request NTUA to provide services. PWSSP recommends approval of this project and requires the project sponsor to ensure compliance with water and wastewater construction permits and operating permits.

All proposed drinking water projects will need to be permitted by the PWSSP-NNEPA. All proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit requirements of the PWSSP pursuant §§1501 and 1601 of the Navajo Nation Primary Drinking Water Regulations. Compliance with §109 of the NNPDWR is also required.

All proposed wastewater projects will need to be permitted by the Domestic Wastewater Program-NNEPA. Extensions, upgrades, new sewer infrastructure, septic tanks, and other wastewater infrastructure must comply with the design review and construction permit requirements pursuant to §201 of the Domestic Wastewater Program. Compliance with §105 of the Domestic Wastewater Regulations is required.

The regulations can be viewed at www.navajopublicwater.org for drinking water and www.navajonationepa.org for wastewater (please view Departments, then Surface and Ground Water Protection Department, and finally Domestic Wastewater Program).

If there are any questions, please contact me at 871-7755.

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA
PWSID#NN0403000
DWWPIDNN#04180018

Document No. 010186Date Issued: 04/26/2018**EXECUTIVE OFFICIAL REVIEW**Title of Document: Mission Site, Old Paths Baptist Church Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina_yazzie@frontier.com Phone Number: 928-871-6447

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

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

Sufficient Insufficient

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

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

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

☐ **Rights of Way**

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

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

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

☐ **Assignment of Mineral Lease**

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

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

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | ☐ | ☐ |
| 2. F&W | _____ | Date: _____ | ☐ | ☐ |
| 3. HPD | _____ | Date: _____ | ☐ | ☐ |
| 4. Minerals | _____ | Date: _____ | ☐ | ☐ |
| 5. NNEPA | _____ | Date: _____ | ☐ | ☐ |
| 6. DNR | _____ | Date: _____ | ☐ | ☐ |
| 7. DOJ | _____ | Date: _____ | ☐ | ☐ |
| 8. OPVP | _____ | Date: _____ | ☐ | ☐ |

☒ **OTHER: Mission Site**

- | | | | | |
|------------------------------|-------|---------------|-------------------------------------|--------------------------|
| 1. Navajo Land Dept. | _____ | Date: _____ | ☐ | ☐ |
| 2. Fish & Wildlife | _____ | Date: _____ | ☐ | ☐ |
| 3. Heritage & Historic Pres. | _____ | Date: _____ | ☐ | ☐ |
| 4. NN EPA | _____ | Date: _____ | ☐ | ☐ |
| 5. Division of Natural Res. | _____ | Date: _____ | ☐ | ☐ |
| 6. OOC | _____ | Date: 6/26/18 | ☒ | ☐ |
| 7. DOJ (ic) | _____ | Date: 8/15/18 | ☒ | ☐ |
| 8. OPVP | _____ | Date: 8/21/18 | ☒ | ☐ |

✓ 6/26/18

Yvonne
V Blackhet



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
6/27/18 @ 433p	DATE / TIME
☐ 7 Day Deadline	
DOC #: 010186	
SAS #:	
UNIT: NRU	

☐ RESUBMITTAL

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

CLIENT TO COMPLETE

DATE OF REQUEST:	6/27/2018	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 871-6423	E-MAIL:	michellehoskie@frontier.com

TITLE OF DOCUMENT: DOC#10186 Mission Site, Old Paths Baptist Church

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	6.27.18 5 pm	REVIEWING ATTORNEY/ADVOCATE:	Levin Chee 7.9.18
DATE TIME OUT OF UNIT:	8/16/18 825 AM MM		

DOJ ATTORNEY / ADVOCATE COMMENTS

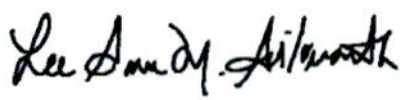
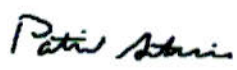
- Document is legally sufficient after some corrections were made.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Time MM	8/14/18	V Blackhat	8/15/18 4:15pm

DOJ Secretary Called: Michelle for Document Pick Up on 8/16/18 at 820 AM By: MM

PICKED UP BY: (Print)	DATE / TIME:
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Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Comments attached.	1. No Reply	11-May-2018	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	10-May-2018	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	05-May-2018	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. 18OPBC01a4	1. No Reply	09-May-2018	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	no comments	No Reply	21-May-2018	
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Land surface disturbance greater than 1.0 acre requires coverage under the federal Construction General Permit for storm water discharges from construction sites. A Notice of Intent (NOI) must be electronically sent to USEPA 14 days prior to earthmoving. A storm water pollution prevention plan must be developed	1. No Reply	07-May-2018	

prior to NOI
submission.

Robert Allan Deputy DNR Director
(Navajo Land DNR Title Data System - Windowrock AZ)
DNR Administration
Approved
no comments
No Reply
05-Jun-2018

Robert O. Allan

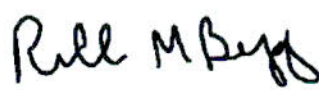
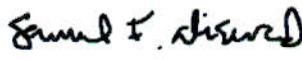
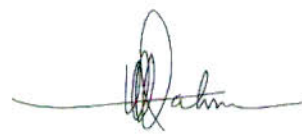
Tamara Billie HPD NNHP Reviewer
(Navajo Land Title Data System - Windowrock AZ)
Historic Preservation Department
Approved
1. HPD-18-037
1. No Reply
08-May-2018

Tamara Billie

Yolanda Barney EPA Public Water System Supervisor
(Navajo Land Title Data System - Windowrock AZ)
Navajo Nation Environmental Protection Agency
Approved
1. Please attached memorandum approving this project.
1. No Reply
07-May-2018

Yolanda Barney

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. Please note the comment from Mike Halona. In regards to his comment, DOJ, can you confirm if this application is consistent with the Navajo Nation code requirements on the amount of land that can be permitted for mission sites. Thank you.	1. No Reply	26-Jun-2018	
Richard Begay NNHP (Navajo Land Historic Title Data System - Windowrock AZ)	Navajo Nation Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	11-Jun-2018	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval granted and contingent on compliance with all NNEPA and USEPA environmental laws. See program memos attached.	1. No Reply	11-Jun-2018	
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	05-Jun-2018	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	07-Jun-2018	
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III	NLD Navajo Land Administration	Approved	1. The RDC must approve the acreage for the church for 3.5.	1. No Reply	05-Jun-2018	



THE NAVAJO NATION

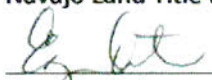
RUSSELL BEGAYE - PRESIDENT
JONATHAN NEZ - VICE PRESIDENT

Navajo Nation Environmental Protection Agency – Air & Toxics Department
P.O. Box 339 Window Rock, AZ 86515 • Bldg # 2318 Window Rock Blvd.
Tel: 928.871.6790 Fax: 928.871.6757

May 11, 2018

MEMORANDUM

TO: Navajo Land Title Data System

FROM: 
Eugenia Quintana, Environmental Department Manager
Air & Toxics Department

SUBJECT: Document No. 010186, Old Paths Baptist Church

Based upon the review of the above-noted document, a vote of sufficiency is recommended. However, the following comments and recommendations are provided.

1. If Revocable Use Permits (RUPs) are to be the standard form of issuance to religious organizations for mission site leases, a clear definition of a RUP and the conditions under which a RUP issued by the Navajo Nation, needs to be provided on the DNR website, and provided clearly on the RUP. Does the Applicant understand the utility of a Revocable Use Permit (RUP)?

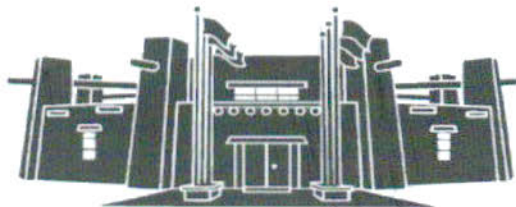
RUPs were previously issued by the BIA, or its sister agencies, for temporary projects that would be subject to revocation at any time. Given that the information provided indicates that there will be permanent development on the 3.5 acres the Old Paths Baptist Church is proposing to acquire for a mission site lease, the project will not be temporary.

The Fort Defiance Chapter Resolution No. FDC-2017-09-05-02, dated 09-05-17, provides for the support of a mission site lease, and does not indicate a RUP.

2. It is recommended that the GLLD consider documenting Environmental Reviews (ERs) and providing ER documentation in the 164 packages that are introduced for electronic review. The ER could contain a determination that a particular project is being considered for a Categorical Determination (CD) and the ER determination could also provide brief points for considering a CD.
3. The Navajo Nation Open Burn Regulations prohibits open burning of household waste, unless the burning is an exempted activity defined in the regulations. The Applicant should become familiar with §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Given that there is an inadequate network of solid waste disposal facilities on the Navajo Nation, instances of open burning often coincide with open dumping, which is also prohibited

on the Navajo Nation. Households, businesses, and other organizations are responsible to ensure waste generated from their activities are properly managed.

I can be contacted directly at 871-7800 or at eugeniaquintana@navajo-nsn.gov if there are any questions in this regard. Thank you.



MEMORANDUM

TO: Honorable Wilson Stewart, Jr.
Crystal, Fort Defiance, Red Lake, Sawmill Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: May 9, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING A MISSION SITE PERMIT FOR THE OLD PATHS BAPTIST
CHURCH ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF
FORT DEFIANCE CHAPTER, NAVAJO NATION

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0111-19

SPONSOR: Wilson C Stewart Jr.

TITLE: An Action Relating To Resources And Development Committee;
Approving A Mission Site Permit For The Old Paths Baptist Church On Navajo
Nation Trust Lands In The Vicinity of Fort Defiance Chapter, Navajo Nation

Date posted: May 09, 2019 at 7:25 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0111-19

SPONSOR: Honorable Wilson C Stewart Jr.

TITLE: An Action Relating To Resources And Development Committee; Approving A Mission Site Permit For The Old Paths Baptist Church On Navajo Nation Trust Lands In The Vicinity of Fort Defiance Chapter, Navajo Nation

Posted: May 09, 2019 at 7:25 PM

5 DAY Comment Period Ended: May 14, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

5-15-19 8:20am
Date/Time