LEGISLATIVE SUMMARY SHEET
Tracking No. 0158-22

DATE: September 14, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; CLARIFYING AND AMENDING THE TERMS AND CONDITIONS OF MISSION SITE PERMITS TO SPECIFY THAT THE FIVE-YEAR REVIEW TO REEVALUATE THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS IS AN ADMINISTRATIVE FUNCTION TO BE PERFORMED BY THE NAVAJO LAND DEPARTMENT; DIRECTING THE NAVAJO LAND DEPARTMENT TO DEVELOP REGULATIONS FOR THE FIVE-YEAR REVIEWS OF MISSION SITE PERMITS TO REEVALUATE THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS

PURPOSE: The purpose of this legislation is to clarify and amend the Terms and Conditions of Mission Site Permits such that the Permit would state: "This Permit shall be reviewed every five (5) years by the Navajo Nation Land Department to reevaluate the rent and compliance with the terms and conditions." In addition, the legislation would direct the Navajo Land Department to develop regulations for the five-year reviews of Missions Site Permits to reevaluate the rent and compliance with terms and conditions.

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: S. Johnson
Website Posting Time/Date: 9:58 pm; 09-15-22
Posting End Date: 09-20-22
Eligible for Action: 09-21-22

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0158-22

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; CLARIFYING AND AMENDING THE TERMS AND CONDITIONS OF MISSION SITE PERMITS TO SPECIFY THAT THE FIVE-YEAR REVIEW TO REEVALUATE THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS IS AN ADMINISTRATIVE FUNCTION TO BE PERFORMED BY THE NAVAJO LAND DEPARTMENT; DIRECTING THE NAVAJO LAND DEPARTMENT TO DEVELOP REGULATIONS FOR THE FIVE-YEAR REVIEWS OF MISSION SITE PERMITS TO REEVALUATE THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS

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.

C. Pursuant to 2 N.N.C. § 501 (B) (3), the Resources and Development Committee is authorized to delegate its powers to appropriate divisions of the Navajo Nation for efficiency and streamlining of government processes provided the Committee first grants final approval of rules and regulations governing such delegations.

Section Two. Title 16 of the Navajo Nation Code Provisions with Respect to termination of Mission Site Permits

A. Pursuant to 16 N.N.C. § 1151 (A): The Navajo Nation Council adopts 16 N.N.C. §§ 1151-1164 for the issuance of permits to missionaries and mission bodies to conduct religious and other related activities on the Navajo Nation.

B. Pursuant to 16 N.N.C. § 1152: No mission site permit may be renewed or issued except on a revocable basis; provided that such permit shall be cancelled by the Secretary for failure to carry out the purpose or purposes for which it was renewed or issued within a reasonable time.

C. Pursuant to 16 N.N.C. § 1164: If any missionary or mission group shall fail to pay yearly rental fees due, by December 30, prior to the year for which such fees are due, the mission site permit granted such missionary or mission group shall automatically terminate.

Section Three. Terms and Conditions of Mission Site Permits with regard to review and termination of the Mission Site Permits

A. The Navajo Nation Terms and Conditions for Mission Site Permit, FORM Mission Site 10/01-2014 at Paragraph Number 5 states:

"5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions."

B. The Navajo Nation Terms and Conditions for Mission Site Permit, FORM Mission Site 10/01-2014 at Paragraph Number 15 states:

"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."

Section Four. Findings

A. The Resources and Development Committee has approved several Mission Site Permits for various religious institutions throughout the Navajo Nation. These Mission Site Permit resolutions have included the approval of Mission Site Permit Terms and Conditions.

B. The Mission Site Permit Terms and Conditions include a provision for a five-year review. For example, the Terms and Conditions for the Red Lake Grace Bible Church, Resolution RDCA-10-17 (with its Exhibit F, the Terms and Conditions) is attached as **Exhibit 1**.

C. The Terms and Conditions of RDCA-10-17's Exhibit F states that "This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions."

D. There is uncertainty as to whether this "review" is to be performed by a Division of Natural Resources department or whether the Resources and Development Committee is to conduct the "review."

E. The function of reviewing to reevaluate rent and compliance with the terms and conditions is an administrative function and should be performed by the Navajo Nation Land Department. The Resources and Development Committee is not an administrative body rather it is a policy making body.

D. If the Navajo Nation Land Department determines that the rent should be amended, the proposed amendment would be presented to the Resources and Development Committee through legislation. In addition, "If any missionary or mission group shall fail to pay yearly rental fees due, by December 30, prior to the year for which such fees

are due, the mission site permit granted such missionary or mission group shall automatically terminate." 16 N.N.C. § 1164.

F. If the Navajo Nation Land Department determines that the terms and conditions of the mission site permit are not complied with, the terms and conditions state that the permit may be terminated. A proposed termination of the mission site permit would be presented to the Resources and Development Committee through legislation. Terms and Conditions, Paragraph 15; 16 N.N.C. § 1152.

Section Five. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby clarifies that the Terms and Conditions Paragraph 5 requirement to review a mission site permit every five (5) years to reevaluate the rent and compliance with the terms and conditions is an administrative responsibility.

B. The Resources and Development Committee of the Navajo Nation Council hereby amends the Terms and Conditions of Mission Site Permits such that:

"This Permit shall be reviewed every five (5) years by the Navajo Nation Land Department to reevaluate the rent and compliance with the terms and conditions."

Section Six. Directive to Navajo Nation Land Department

The Navajo Nation Land Department is hereby directed to develop regulations for the five-year reviews of Missions Site Permits to reevaluate the rent and compliance with terms and conditions. These regulations are to be presented for approval to the Resources and Development Committee 30 days after this resolution has been signed by the Resources and Development Committee Chairperson, Vice-Chairperson or Pro Tem Chairperson.

EXHIBIT
tabbies
1

10/01/2014
FORM Mission Site

TERMS AND CONDITIONS FOR MISSION SITE PERMIT
Red Lake Grace Bible Church (PERMITTEE)

1. This Mission Site Permit is issued to Red Lake Grace Bible Church, Post Office Box 853, Tonalea, Arizona 86044 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. This 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 in unsurveyed Secttion 14, Township 34 North, Range 13 East, Gila and Salt River Meridian, in the vicinity of Tonalea, Coconio County, State of Arizona, said parcel being more particularly described as follows:

Commencing at a found national geodetic survey brass capped pipe dated 1970 from which a reference mark (s funnel shaped water tower) lies south 61°35'45" West (basis of bearing per N.G.S. data sheet);

Thence North 31° 54' 43" East, a distance of 7695.94 feet to a ½" re-bar with plastic cap stamped "LS 14184" set at the point of beginning;

Thence North 17° 23' 14" East, a distance of 505.12 feet to a ½ " re-bar with plastic cap stamped "LS 14184" (set);
Thence South 72° 36' 46" East, a distance of 258.71 feet to a ½ " re-bar with plastic cap stamped "LS 14184" (set);
Thence South 17° 23' 14" West, a distance of 505.12 feet to a ½ " re-bar with plastic cap stamped "LS 14184" (set);
Thence North 72° 36' 46" West, a distance of 258.71 feet to the point of beginning;

Said parcel of land contains 3.00 acres more or less and is subject to any and all existing easements for underground utilities located therein.

7. The annual rental is set at $_____ per year and is due on or before the first day of January of 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 Permitee 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. §§ 601 et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ 201 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 conditions 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 judgments 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:_____

By:

_____

Red Lake Grace Bible Church
Permittee

Date:_____

By:

_____

President
Navajo Nation

RDCJA-10-17

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Third Year 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR THE EXISTING MISSION SITE 3.00 ACRES FOR THE RED LAKE GRACE BIBLE CHURCH, NAVAJO NATION

BE IT ENACTED

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, nom-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 Mission Sites

A. Pursuant to 16 N.N.C. § 1153 (A), No permit to enlarge the area of Navajo Nation land presently under permit to a missionary or mission body, and no permit to grant Navajo Nation land for a new mission site will be granted by the Resources Committee unless the application for such permit has first been reviewed by the Navajo Land Department of the Navajo Nation.

B. Pursuant to 16 N.N.C. § 1153 (B), the application for a mission site shall contain:

1. An exact description of the Navajo Nation land for which application is made.

2. A detailed statement of the purpose or purposes for which the 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, the application shall set forth fully the extent and character thereof.

3. A signed petition of a substantial number of Navajos residing in the vicinity of the proposed site endorsing the proposed permit.

4. An endorsement of Navajo Nation Council Delegates of the District in which the proposed site is located.

5. A description of buildings and improvements to be placed on Navajo Nation lands and an estimate of the cost thereof. Pursuant to 16 N.N.C. § 1155, the Resources and Development Committee is authorized to deny or grant, on behalf of the Navajo Nation, any permit with special consideration to the establishment of too many missions in any one area or at any one point.

C. 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).

G. Pursuant to 16 N.N.C. § 1161, no application for a mission site permit for an area of Navajo Nation land in excess of the limitations, established in 16 N.N.C. § 1159, shall be granted by the Resources and Development Committee unless the application for such permit has been reviewed and approved by the Division of Community Development of the Navajo Nation, and by the Navajo Land Department of the Navajo Nation.

Section Three. Findings

A. The Red Lake Grace Bible Church, Post Office Box 853, Tonalea, Arizona 86044 has applied for a Revocable Use Permit for Mission Site within the Tonalea Chapter, as further described in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

B. The existing mission site is located on 3.00 acres, more or less, within the vicinity of Tonalea, Navajo Nation (Arizona). The land description appears on the survey plat attached hereto and incorporated as **Exhibit "B."**

C. Pursuant to 16 N.N.C. Section 1153 (A), this request for a mission site permit has been reviewed by the Navajo Land Department. See attached Executive Official Review Document No. 005306 attached as **Exhibit "G."**

D. The District 1 Grazing Official identified two land user who gave his consent which is attached hereto as **Exhibit "C."**

E. The Tonalea Chapter Resolution No. TN10-001-00 entitled "The Tonalea Chapter hereby supports and recommends to the Bureau of Indian Affairs and the Navajo Nation to grant a mission site lease to Red Lake Grace Brethren Church Comprising of three acres of land for religious use, Tonalea, Coconino County, Arizona." There is also a subsequent Tonalea Chapter Resolution with no number entitled, "The Tonalea Chapter hereby acknowledges and supports the Red Lake Grace Bible Church land withdrawl and Name Change, formerly Red Lake Grace Brethren Church." and the signed petition by the local residents are also attached herein as **Exhibit "D."**

F. Biological, Cultural and Archaeological surveys and clearances for this permit were completed including an Environmental Assessment, are all attached herein as **Exhibit "E."**

G. A detailed statement of the purpose for which the land shall be used states: (1) to conduct worship services during the week (Sunday, Wednesday and as needed) and to assist families in providing funerals and wedding ceremonies; and (2) to have special meetings throughout the year (such as Thanksgiving, Christmas, Easter, Camp meetings, Vacation Bible School (VBS), Youth Activities and other various events); which accompanies the Application for Revocable Use Permit (Religious Site), attached as **Exhibit "A."**

H. The Resources and Development Committee finds that the Red Lake Grace Bible Church's requested use of 3.00 acres, more or less, will also be used for community service facilities such as providing recreational programs of benefit to the community.

I. Resources and Development Committee Resolution No. RDCJN-33-15 delegated the authority to process and approve Land Withdrawals to the Director of the Navajo Land Department. Resolution RDCJN-33-15 approved Land Withdrawal Designation Regulations ("Regulations"). Section One of the Regulations states:

"§1. Purpose. The purpose of these Regulations is to clarify and expedite the Land Withdrawal Designation process on the Navajo Nation, and explains that a Land Withdrawal Designation does not authorize development or disturbance on Navajo Nation land. This Land Withdrawal Designation process does not apply to how to get a lease. Prior to any development on land, a lease must be obtained in addition to the withdrawal. The purpose of a Land Withdrawal

Designation is to designate an area of land for further development by,

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

b. Ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land."

J. Having received the consents of the land users, **Exhibit "C,"** and the receipt of the Tonalea Chapter Resolution No. RVC-56-15, **Exhibit "D,"** the purpose of the Land Withdrawal Designation has been met ensuring the rights of grazing permittees have been addressed and ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land as a mission site.

K. The Resources and Development Committee approval of a Land Withdrawal for the purposes of a mission site with this legislation will serve a public purpose of expediting the process of the approval of a Revocable Use Permit for this mission site.

L. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit "F."**

Section Four. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the withdrawal of on 3.00 acres, more or less, of trust lands within the vicinity of Tonalea Chapter, Navajo Nation (Arizona), as described in **Exhibit "B,"** for Red Lake Grace Bible Church, for use as a mission site.

B. The Resources and Development Committee of the Navajo Nation Council hereby approves and consents to the Revocable Use Permit for a Mission Site for the Red Lake Grace Bible Church, subject to but not limited to the attached Terms and Conditions contained herein as **Exhibit "F"** which is attached hereto and incorporated herein by this reference.

C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes President of the Navajo Nation to execute all documents to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Bodaway-Gap Chapter, Bodaway-Gap (Navajo Nation), at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 11th day of January 2017.

Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Jonathan Perry

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Paul Begay
Coppermine, K'aii'to, LeChee, Tonalea/Red Lake, Bodaway/Gap) Chapters

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

DATE: September 14, 2022

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; CLARIFYING AND AMENDING THE TERMS AND CONDITIONS OF MISSION SITE PERMITS TO SPECIFY THAT THE FIVE-YEAR REVIEW TO REEVALUATE THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS IS AN ADMINISTRATIVE FUNCTION TO BE PERFORMED BY THE NAVAJO LAND DEPARTMENT; DIRECTING THE NAVAJO LAND DEPARTMENT TO DEVELOP REGULATIONS FOR THE FIVE-YEAR REVIEWS OF MISSION SITE PERMITS TO REEVALUATE THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS

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. 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). You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0158-22__ **SPONSOR:** Paul Begay, Jr.

TITLE: An Action Relating to Resources and Development; Clarifying and Amending the Terms and Conditions of Mission Site Permits to Specify that the Five-Year Review to Reevaluate the Rent and Compliance with the Terms and Conditions is an Administrative Function to be Performed by the Navajo Land Department; Directing the Navajo Land Department to Develop Regulations for the Five-Year Reviews of Mission Site Permits to Reevaluate the Rent and Compliance with the Terms and Conditions

Date posted: September 15, 2022 at 9:58PM

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.: 0158-22

SPONSOR: Honorable Paul Begay, Jr.

TITLE: An Action Relating to Resources and Development; Clarifying and Amending the Terms and Conditions of Mission Site Permits to Specify that the Five-Year Review to Reevaluate the Rent and Compliance with the Terms and Conditions is an Administrative Function to be Performed by the Navajo Land Department; Directing the Navajo Land Department to Develop Regulations for the Five-Year Reviews of Mission Site Permits to Reevaluate the Rent and Compliance with the Terms and Conditions

Posted: September 15, 2022 at 9:58 PM

5 DAY Comment Period Ended: September 20, 2022

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Comments/Recommendations	*None*

Legislative Tracking Secretary
Office of Legislative Services

September 21, 2022; 8:15 AM
Date/Time