

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; CERTIFYING
BÁÁHÁÁLÍ CHAPTER'S COMMUNITY-BASED LAND USE PLAN WHICH HAS
REEVALUATED AND READJUSTED BÁÁHÁÁLÍ CHAPTER'S FIRST COMMUNITY-
BASED LAND USE PLAN

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee, pursuant to 26 N.N.C. § 2004(D)(2) shall certify community-based land use plans.
- B. Pursuant to 26 N.N.C. § 2004(D)(2), "Every five years the plan shall be reevaluated and readjusted to meet the needs of the changing community" and such readjustment is subject to the certification of the Resources and Development Committee of the Navajo Nation Council.
- C. Pursuant to 26 N.N.C. § 2004 (B), "Community-Based Land Use Plan. The chapter, at a duly-called chapter meeting shall by resolution, vote to implement a community-based land use plan, after the CLUPC has educated the community on the concepts, needs, and process for planning and implementing a community-based land use plan. The community-based land use plan shall project future community land needs, shown by location and extent, of areas identified for residential, commercial, industrial, and public purposes. The land use plan shall be based upon the guiding principles and vision as articulated by the community; along with information revealed in inventories and assessments of the natural, cultural, human resources, and community infrastructure; and, finally with consideration for the land-carrying capacity. Such a plan may also include the following: 1. An open space plan which preserves for the people certain areas to be retained in their natural state or developed for recreational purposes. 2. A thoroughfare plan which provides information about the existing and proposed road network in relation to the land use of the surrounding area. 3. A community facilities plan which shows the location, type, capacity, and area served, of present and projected or required community facilities including, but not limited to, recreation areas,

schools, libraries, and other public buildings. It will also show related public utilities and services and indicate how these services are associated with future land use."

SECTION TWO. FINDINGS

- A. Pursuant to Bááháálí Resolution BHC-04-18-S09, attached as **Exhibit B**, the Bááháálí Chapter approved the Community-Based Land Use Plan which is attached as **Exhibit A**.
- B. The Resources and Development Committee of the Navajo Nation Council finds it in the best interest of the Navajo Nation to certify the Bááháálí Chapter's Community-Based Land Use Plan which has been reevaluated and readjusted to meet the needs of the changing community.

SECTION THREE. CERTIFICATION OF BÁÁHÁÁLÍ CHAPTER'S REEVALUATED AND READJUSTED COMMUNITY-BASED LAND USE PLAN

- A. The Resources and Development Committee of the Navajo Nation Council hereby certifies the reevaluated and readjusted Bááháálí Chapter's Community-Based Land Use Plan, attached hereto as **Exhibit A**.
- B. Certification of this Community-Based Land Use Plan shall not delineate adjacent chapter boundaries. Any chapter disputes rest solely with the Courts of the Navajo Nation.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Bááháálí Chapter, Breadsprings, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 3 in favor, and 0 opposed, on this 1st day of August 2018.



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

Motion: Honorable Alton Joe Shepherd
Second: Honorable Leonard Pete

Vice Chairperson Benjamin Bennett not voting.



BÁÁHÁÁLÍ CHAPTER COMPREHENSIVE LAND USE PLAN



2018

"Planning for our community"

The following Plan will guide community leaders who make the decisions about community development. This plan supports housing, public and community facilities, and economic development projects for the citizens of Bááháálí Chapter.

PROJECT TITLE:

BÁÁHÁÁLÍ CHAPTER COMPREHENSIVE LAND USE PLAN
ADOPTED BY BÁÁHÁÁLÍ CHAPTER MEMBERSHIP
RESOLUTION#

CHAPTER OFFICIALS:

LEE C. JIM, PRESIDENT
BENJAMIN LIVINGSTON, VICE PRESIDENT
ANN DESCHENY, SECRETARY/TREASURER (PAST)
DAVID M. EMERSON, SECRETARY/TREASURER (CURRENT)
DONALD ARVISO, EASTERN NAVAJO LAND BOARD REPRESENTATIVE

CHAPTER LAND USE PLANNING COMMITTEE:

GUARENA ADEKY SKEETS, CLUPC PRESIDENT
CHARLIE DAVIS, CLUPC VICE PRESIDENT (PAST)
GERALD SKEETS SR., CLUPC VICE PRESIDENT (CURRENT)
CYNTHIA JACK, CLUPC SECRETARY (PAST)
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CHAPTER MANAGER: GLORIA M. SKEET
COUNCIL DELEGATE: HONORABLE SETH DAMON

CONSULTANT:

EUNICE TSO, ETD, INC.
FLAGSTAFF, ARIZONA

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B. Community Values Survey

C. Maps:

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 Plate 2. Bááháálí Chapter Transportation Network

 Plate 3. Bááháálí Pinehaven Development Site

 Plate 4. Bááháálí Natural Resources Map

 Fort Wingate Army Depot: Negotiated Property Division Map (April 2016)

D. Chapter Lease Regulations

 Homesite Lease Regulations

 Church Site Lease Regulations

E. Chapter Project Plans of Operation

 Local Rural Addressing Plan of Operation

 Cemetery Plan of Operation

 CLUPC Plan of Operation

F. 2006 Housing Plan and Land Suitability Analysis

G. Bááháálí Chapter Infrastructure Capital Improvement Plan

1. INTRODUCTION

1.1 Overview

Bááháálí Chapter Comprehensive Land Use Plan is a community-based plan covering a broad range of topics for a long-term planning horizon. The purpose of the *Bááháálí Chapter Comprehensive Land Use Plan* is to: (1) establish guidelines for community development and organized growth; (2) address issues and seek opportunities; and (3) support housing, recreation, public facilities, and economic development projects. Bááháálí Chapter's previous land use plan was adopted in 2006. This updated plan was developed with the assistance of Planners from ETD, Inc. of Flagstaff, Arizona. A plan was developed for the following elements: land uses, housing, economic development, transportation, and public and community facilities. On April 23, 2018, members of Bááháálí Chapter adopted the plan by resolution (BRC-04-18-S09). See **Appendix A**.

Bááháálí translates to "Bread Springs" or "Bread Flowing Out". The actual spring is located high on a ridge that separates the Chapter from Fort Wingate Army Depot (FWAD). This area is part of checkerboard region; a vast expanse of land in which alternating sections of land were granted to the Santa Fe Railroad prior to the expansion of the reservation into this region. The land grants extend 40 miles both north and south away from the railroad tracks (Linford 2000). When the reservation was expanded, the checkerboard land ownership added tribal trust land. The land ownership inside the Chapter's planning boundary includes private, BLM, state, Forest Service, Department of Defense (DOD), and tribal trust land/allotments.

Bááháálí Chapter is part of the Eastern Navajo Agency (ENA). In 1995, the Navajo Nation Council recognized Bread Springs Chapter as a government entity of the Navajo Nation. The Chapter Community Service Area (CSA) encompasses 77 square miles. **Figure 1** presents a map showing the general location of Bááháálí Chapter.



FIGURE 1. BÁÁHÁÁLÍ CHAPTER GENERAL LOCATION MAP.

3. Enter into agreements for the provision of goods and services.
4. Enter into agreements with other Chapters to undertake a common goal or interest which will benefit the Chapters.
5. Enter into intergovernmental agreements with federal, state, tribal entities and/or their agencies, subject to the approval of the Naa'bik'iyati' (NABI) Committee of the Navajo Nation Council.
6. Enter into contracts or sub-contracts with the Navajo Nation for federal, state, county, and other funds, subject to the approval of the NABI Committee. This provision is not intended to alter federal contracts between Chapters and the United States, which pre-date the enactment of this Act.
7. Enter into contracts or sub-contracts for Navajo Nation general funds, with appropriate Navajo Nation divisions, programs or agencies for service delivery programs.
8. Appropriate funds, according to conditions set forth by the Navajo Nation Council, divisions, departments, or other funding sources, including Chapter claims funds and Chapter scholarship funds.
9. Retain legal counsel.
10. Establish a peacemaking system or administrative procedure for resolving disputes arising from Chapter resolutions, ordinances, or administrative action; including matters arising from personal disputes. The peacemaking system should emphasize Navajo customs for resolving disputes not otherwise contrary to Navajo law and/or custom.
11. Generate revenue through means established by the Chapter consistent with this Act.

1.5 Community Service Area

Navajo Chapters define their own community service area (CSA). These areas usually differ from other tribal and federal agencies that serve the area. For the past several years, Bááháálí Chapter has been meeting with its neighbors of Church Rock and Chichiltah Chapters to define each Chapter's CSA. The boundaries of the CSA are shown on maps, and most of the surrounding Chapters have agreed to a CSA. An exception to this is the Tse'Lichii' Chapter, which has not yet agreed to a CSA. The basis of the CSA is to ensure that the communities are being served and that Chapter members are not "double dipping" between two or more Chapters.

Bááháálí Chapter's CSA was initially created by Vanessa Begay Lee (former Land Board from 2001-2008), with the assistance of Emery Chee (former Land Board member from 2009-2016). The Chapter's CSA boundary is based upon the BIA-Natural Resources grazing permit map, and also is considered the planning area for this *Land Use Plan*. **Figure 2** shows land ownership in and around Bááháálí Chapter, as well as Bááháálí Chapter's service area, and the Bureau of Indian Affairs (BIA) and U.S. Census Bureau boundaries.

1.6 Community Participation Plan

In accordance with LGA Section 2004 C.3 (b), the duties and responsibilities of the Planner and the Bááháálí Chapter Land Use Planning Committee (CLUPC) include implementing a community education and participation plan. The following statement further clarifies the above-cited regulation: "Chapter members will be periodically informed on the progress of the land planning activities. All information pertaining to the plan shall be available to the public." Bááháálí Chapter's community participation plan involved a community values survey, planning workshops, and updates at the Chapter meetings as discussed below.

A community values survey questionnaire was developed as a method for obtaining public input. It provided insight into the residents' attitudes towards various issues. It also validated what the Committee assumed were issues. The survey results are presented in **Appendix B**.

The CLUPC held several meetings and planning workshops during the planning process. These workshops included discussions about community issues, goals, and land designations. CLUPC workshops were held on the following dates:

- October 5, 2016
- October 26, 2016
- December 1, 2016
- February 17, 2017

During five Chapter meetings, updates on the land use planning project were provided, with large maps having been created for discussion. When the plan had been drafted, it was presented in a PowerPoint format. The dates of these Chapter meetings were:

- November 18, 2016
- December 12, 2016
- January 10, 2017
- August 15, 2017
- October 9, 2017

The final draft plan was completed in April 2018. A three-day period of public hearings was held, followed by the adoption of the plan. Final public hearing dates were: April 16-19, 2018.



FIGURE 3. PLANNING SESSION

2. COMMUNITY PROFILE

UNDERSTANDING THE COMMUNITY OF BÁÁHÁÁLÍ

2.1 Regional Setting

Bááháálí Chapter is located within the State of New Mexico near the Arizona-New Mexico border 20 miles south of the City of Gallup. The Chapter is situated on the western slopes of the Zuni Mountains. Elevations within the Chapter range from 7,900 feet on the top of the “Hogbacks” (a formation of sandstone rock) to 7,000 feet at its base.

The Zuni Mountains are the result of a giant fold of rock layers followed by hundreds of millions of years of erosion. These resemble a northwesterly-trending, oval-shaped rock mass measuring 75 miles by 30 miles. The core of pink granite exposed in the center is surrounded by a wide band of Permian strata (Cooley et al., 1969). Outside of the Permian rock outcrops are younger Mesozoic rocks that form valleys, hogbacks, and mesas, which mark the outer limits of the uplift. The hogbacks are found east of the Chapter in the Cibola National Forest as shown in **Figure 4**.



FIGURE 4. PHOTO OF THE HOGBACKS LOCATED EAST OF THE CHAPTER (PHOTO BY JOHN KARL HILLS)

The region is part of the Great Basin Conifer Woodland and the Petran (Rocky Mountain) Montane Conifer Forest biotic communities, as described by Brown (1994). Sensitive wildlife zones are found in the northeast area of the Chapter in a region known as Sundance. The Navajo Department of Fish and Wildlife categorizes this area as a Zone 1-Sensitive Area. The remaining area of the Chapter is classified as an Area 3-Less Sensitive area.

Several washes flow from the Zuni Mountains westward across the Chapter toward the Puerco River, such as the Bread Springs Wash, Pine Tree Wash, Skeets Wash, and Whitewater Arroyo. Puerco River flows to the Little Colorado River and on to the Colorado River. The streams, wells, and other natural resources are shown on **Plate 4**.

Another trading post, located a half-mile west of Pointed Beard Trading Post, was called “Hard Nose Store,” and the owner was known to have problems with outlaws. In one instance, there was a gun fight during which three or four men were killed (one of whom may have been the owner, but it is unknown). Buck Wilson also opened another trading post along Pinehaven Road that went out of business in the mid 1980’s.

South of Pinehaven is a place called “Stinking Springs” in the Cibola National Forest, and a mountain called “Des Quai.” Traditional stories reveal that this mountain was a good monster that went to sleep and turned into a low-lying mountain. The mountain exhibits the monster laying with the head to the west, and is considered a holy mountain by the Navajos.

2.3 Demographics

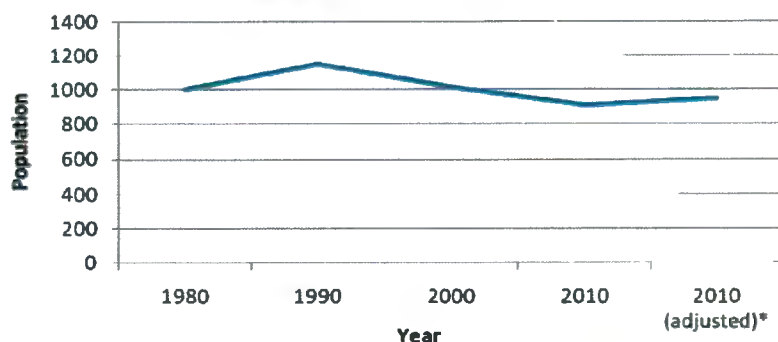
Based on U.S. Census data, Bááháálí Chapter’s population has fluctuated over the past 30 years. In 1980, the population was 1,005, and by 1990, it had increased to 1,147. In 2000, it fell to 1,017 and continued to decline to 908 by 2010. In 2012, Census data revealed that American Indians had been under-counted by 4.88% during the 2010 Census count (U.S. Census Bureau 2012). The Census Bureau recognizes its unique challenges counting people on Indian reservations for political, cultural, and geographical reasons. Undercounting any population in any part of the country means less money and less voting power. And for one-in-four American Indians living in poverty, an accurate count is crucial for getting state and federal aid (El Nassar, 2015).

When Bááháálí Chapter’s 2010 population count is adjusted for the undercount, the population would be closer to 952. **Graph 1** illustrates the population trend for the past four decades including the adjusted 2010 value. In planning for future community needs, population projections need to be estimated.

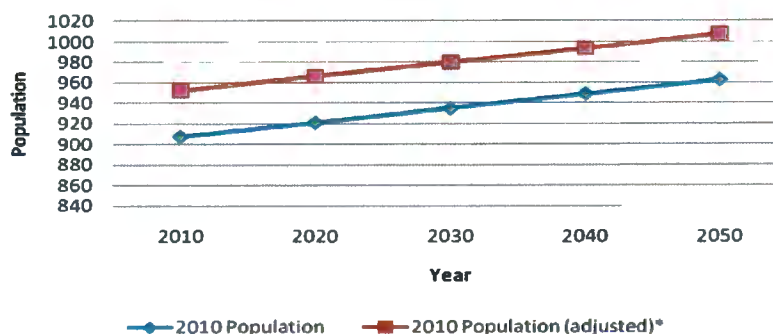
The Navajo Nation Water Management Branch utilizes a 1.48% annual growth rate for rural areas, such as a Bááháálí Chapter. For the purpose of this planning effort, the 1.48% growth rate was utilized for Bááháálí Chapter.

Graph 2 shows population projections for Bááháálí

Graph 1. Bááháálí Chapter Population (1980-2010)



Graph 2. Bááháálí Chapter Population Projects using a 1.48% Growth Rate (2010-2050)



Nation's poverty level was 39.1%; the State of New Mexico was 18.4%; and the U.S. was 12.4%. **Graph 5** compares the poverty levels.

2.4.4 Education

Educational attainment levels in 2010 for Bááháálí Chapter's population of persons 25-years-and-older are as follows: 14.5% of the population has less than a 9th grade level of education; 23.2% have high schooling, but no diploma; 41.2% achieved a high school diploma or equivalency (i.e., GED); 11.4% have some college education; 4.1% have an Associate's degree; 2.3% have a Bachelor's degree; and 3.3% have a graduate degree or higher.

2.5 Residential

Residential development must abide by the Navajo Nation's and Bááháálí Chapter's Home Site Lease Policy. The Chapter's policy is presented in **Appendix D**. Not all homes have valid leases, and the Chapter is addressing this issue.

The U.S. Census Bureau reveals there are 264 occupied homes in Bááháálí Chapter with an average household size of 3.44, based on the CSA boundaries used by the Census Bureau. Google Earth aerial imagery shows about 639 homesites scattered within the Chapter's CSA, and many of these homes are unoccupied, with about 150 home-sites located on private land. Ninety-five percent of the homes in the Chapter have running water and power, and only a few newer homes lack these services. Under the Navajo Nation Addressing Authority's Rural Address Verification Program, and as part of the development of the Navajo Nation's E-911 response plan, the houses in the Chapter will be inventoried. This information will provide the best housing data when it is complete. The Chapter's Local Rural Addressing Plan of Operation is presented in **Appendix E**.

Housing service providers for the Chapter include Navajo Housing Authority (NHA), Southwest Indian Foundation (SWIF), and Native Partnership for Housing (NPH). Currently, Bááháálí Chapter is working with NHA to develop future housing subdivision and cluster homes in Section 1, known as the Bááháálí Pinehaven Development Site (BPDS). In addition, other sites are identified in the 2006 plan for future housing development.

A housing assessment was conducted as part of the *Bááháálí Chapter Housing Plan* (Miller, Arviso, and Associates 2006). According to the housing assessment, there are four categories of housing demand:

- Replacement housing is needed, because much of the existing stock has reached or exceeded its useful life. Replacement housing is an urgent need. The number of replacement units is undetermined.
- New housing needs for new young families is predicted for the next 25 years. The number of housing units needed is undetermined.
- New housing for off-reservation members who would return to Bááháálí Chapter, along with a need to create space for members without allotments having been identified; but the number of housings sites needed is unknown.

2.7 Public Facilities

Within the Chapter House tract, Bááháálí Chapter public facilities include the Chapter House, Senior Citizen's Center, the Head Start pre-school, and rodeo arena. Other public facilities within the Chapter's service area include a storage warehouse, a Bureau of Indian Education (BIE) Day School, and the Collection and Recycling Center. **Figure 6** shows a picture of the Chapter House.



FIGURE 6. BÁÁHÁÁLÍ CHAPTER HOUSE

Bááháálí Chapter's previous *Land Use Plan* from 2006 identified the need for a day care center, nursing home, high school, a second Head Start, and fire station. The Plan also suggested that a designated area be established for nondenominational religious ceremonies. The plan supports the following various public and community facilities:

- **Day Care Center.** A central day care center to serve Bread Springs and two neighboring Chapters was identified as a community need, as well as the additional requirement of a readily-accessible site upon which to site the day care center. Consideration may be given to locating the center within the planned 160-acre housing development near Highway 160.
- **Nursing Home.** The Chapter desires a nursing home with 80 beds to serve Bread Springs, Red Rock, and Zuni. The facility would have to be centrally located, probably near Highway 160. A hilltop overlooking the 160-acre housing parcel along the entry road to the Chapter has been suggested as a possible location. A local nursing home would allow the presence of family members in a supportive community environment, and also would create jobs.
- **High School.** A community high school serving Bááháálí Chapter and surrounding Chapters is a community goal. Currently, the nearest high school is located in Gallup with a Navajo student body that is 89 percent. There are conflicts between Navajo and non-Navajo students riding the bus together, and community members believe that eliminating the long ride to Gallup and constructing a community-centered high school could enhance the Navajo language and culture, as well as being a positive step towards combating drug use and gang membership. A new high school would be centrally located, probably adjacent to Highway 160, and would create local jobs.
- **Second Head Start School.** A second Head Start facility is needed to meet the increase in the local pre-school population. The facility would be located near the Chapter House.

2.10 Grazing and Agriculture

Bááháálí Chapter lies in Grazing District 16 of the Eastern Navajo Agency. Livestock permits are issued by BIA Natural Resources, and are listed as Red Rock and Pinehaven units. The types of livestock that graze in Bááháálí are horses, cows, sheep, and goats. The total number of livestock grazing is tallied each year by the Eastern Navajo Land Board District Office. The tally count for Pinehaven and Red Rock grazing units (within the Chapter CSA) was provided by the current Land Board Member:

- Pinehaven: 810 sheep units and 205 animal (cattle) units. No horses were counted, but each unit is allowed up to 2 horses per unit, and there are 24 units in this district.
- Red Rock: 110 sheep units and 22 animal (cattle) units.

Grazing continues to decline in importance as traditional lifestyles compete with other means of livelihood, and as the rangelands also decline. Today, animals graze for part of the year, and are supplemented with hay for the remainder of the year. Bááháálí Chapter is primarily forest land, and is not as well suited to grazing and agriculture as areas of the reservation with open grasslands and water sources developed for irrigation (Miller, Arviso, and Associates, 2006).

Farming is a minor economic activity, and family farms produce fresh produce where suitable. Corn is often planted as a supplemental livestock feed. The practice of dryland farming results in wide variations in productivity, depending on precipitation during the growing season. After the corn is harvested, the remaining stalks and stubble are made available for livestock grazing.

Farming is no longer an option near streams, because the streams have turned into gullies. Examples of deepening gullies from erosion exist near the Chapter House.. Bread Springs Wash has side banks that are eroding and pose a risk of damage to the Chapter House parking lot. Flooding is also a possibility, and erosion with associated flood hazards must be corrected before additional housing gets built on the north and south sides of Bread Springs Wash, west of the Chapter House.

2.11 Cemetery

The Chapter's cemetery is located west of BPDS in Section 14. The existing community cemetery has physical constraints, because its location is an area with shallow soil over bedrock. Imported soil, plus a retaining wall, would resolve the problem (Miller, Arviso and Associates, 2006). The current site is five-acres in size. There are approximately 150 interred bodies within the site; however, records for the earliest interments have been lost. The Pastor at Pinehaven Church oversees the cemetery on behalf of the Chapter and keeps records of the newly interred. The cemetery is in need of an expansion, which is slated for completion in 2018 to the north of the current site with the addition of a parking lot. The Chapter's cemetery Plan of Operations is presented in **Appendix E**.

There are also unofficial family cemetery plots, and Bááháálí Chapter is aware of five family plots that are not formally designated under the Land Designation Policy of the Navajo Land Department, Resolution # RDCJN-33-15.

Mexico. In 2017, a total of 98.64 tons of waste was collected. Records indicate that in June 2017, 0.55 tons of recycling was collected by the CRC, and in February 2018, it collected 0.96 tons of recycling.

2.14 Utility Infrastructure

The power, water, and sewer utility systems in Bááháálí Chapter are owned and operated by the Continental Divide Electric Cooperative (CDEC) and Navajo Tribal Utility Authority (NTUA). Indian Health Service (IHS) builds water and wastewater systems for residential developments, but turns them over to NTUA for operation and maintenance. Utilities needed for public facilities or economic development usually are built on a case-by-case basis. Currently, there is no natural gas service, so most residents utilize propane gas.

2.14.1 Power

Power lines extend throughout most of the developed areas in Bááháálí Chapter, and power is owned and operated by the CDEC. Almost 95% of homes within the Chapter have access to electricity. Currently, the Chapter is working with CDEC to complete right-of-ways within the community to ensure BIA compliance.

2.14.2 Water

The Chapter depends on groundwater for its domestic water supply, which is in limited supply and will impact future development. The Navajo-Gallup Water Supply Project (currently under construction) is a major infrastructure project that, once constructed, will convey a reliable municipal and industrial water supply to a region that is dependent on limited groundwater supplies.

The Navajo-Gallup Water Supply Project, when completed, will include 280 miles of pipeline from the San Juan River to Gallup and south of Gallup. The system also includes several pumping plants, and two water treatment plants. It is designed to provide a long-term sustainable water supply to meet the future population needs through the annual delivery of 37,764 acre-feet of water from the San Juan Basin. NTUA eventually will own and operate the pipeline, and when completed, the Chapter will have ample water supply to meet economic and housing plans (<https://usbr.gov/uc/rm/navajo/nav-gallup/index.html>).

The Navajo-Gallup Water Supply Project is the cornerstone of the Navajo Nation water rights settlement in New Mexico's San Juan River Basin, and it resolves longstanding disputes about the Navajo Nation's rights to water in the area. Public Law 111-11, signed on March 30, 2009, provided the authorization to construct this important project as a major component of the Navajo Nation San Juan River Basin Water Rights Settlement in New Mexico. The Act requires that all project features are completed no later than December 31, 2024.

About 95% of homes in Bááháálí Chapter are connected to the public water system own and operated by NTUA; only a few new homes lack connections. The water system includes three (3) water tanks that store water throughout the Chapter, plus a water tower located at Bread Springs Day School. In addition, two wells provide domestic water service for the community. The remaining wells are considered livestock wells. These wells pump groundwater from either Crevasse Canyon Formation, the Mesa Verde Group, or the Gallup Sandstone. Groundwater

which Chapters will get these lands, along with any land restrictions (<https://www.ftwingate.org/history.html>).

Bááháálí Chapter is involved with a Tri-CLUP group which is comprised of Iyanbito, Churchrock, and Bááháálí Chapters. The group meets periodically to discuss the situation of the land return, and how it will impact the surrounding communities. Based on information received from the Honorable Edmund Yazzie (Council Delegate who represents Iyanbito and Churchrock Chapters), the land has been approved for a 50/40 split with the Pueblo of Zuni by the Department of the Interior. Additionally, current plans include holding commemorative memorials for the Navajo Long Walk, as the journey to Fort Sumner began at Fort Wingate.

3. THE PLAN

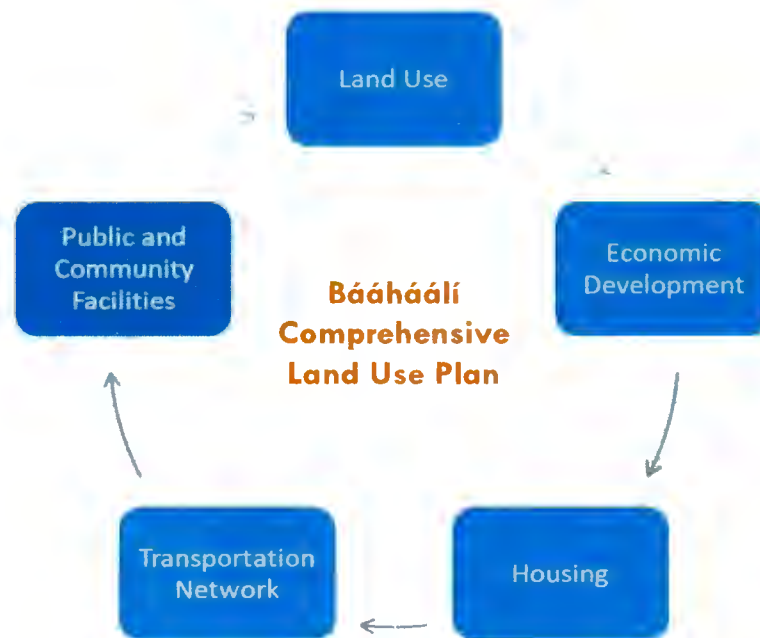
"An old saying amongst those in the planning profession is that if you fail to plan, what you are doing in reality is planning to fail "

John Conglose, Ohio State University

3.1 Overview

The purpose of the Bááháálí Chapter's Comprehensive Land Use Plan is to: (1) establish guidelines for community development and organized growth; (2) address issues and seek opportunities; and (3) support housing, recreation, public facilities, and economic development projects, while preserving the rangeland. The Plan includes five elements, with each element containing goals and strategies that address the needs of the community and community opportunities.

Through this strategic planning process, the Chapter can move towards its desired future by achieving goals and strategies. Merriam Webster Dictionary defines a **goal** as "something that you are trying to do or achieve," and a **strategy** as "a plan of action designed to achieve a specific goal or series of goals." Goals and strategies have been established for the following five (5) elements of the comprehensive plan: (1) Land Use; 2) Economic Development; 3) Housing; 4) Transportation; and 5) Public and Community Facilities.



Goal 3. Regulate illegal dumping.

STRATEGIES:

- a. Locate, GPS Map, and describe illegal dumpsites.
- b. Contact the Navajo Nation Environmental Protection Agency (EPA) to report known illegal dumpsites.
- c. Work with the New Mexico Environment Department to obtain a Recycling and Illegal Dumping (RAID) grant to clean up illegal dump sites.
- d. Conduct a public awareness campaign to prevent illegal dumpsites, and educate them about the impacts of illegal dumping on the environment.

Goal 4. Direct scattered housing developments to areas along the main roads, preserving outlying rangeland.

STRATEGIES:

- a. All applicants shall comply with the Bááháálí Chapter Home Site Lease Policy, which outlines the application process and ordinances of homesite leases in the following manner:
 - 1. Complete the Home Site Lease application form and obtain land user consents.
 - 2. Present application to the CLUPC for approval letter.
 - 3. Conduct land survey and archeological/biological studies.
 - 4. Bááháálí will review Home Site Lease application documents for completeness, and submit to the Navajo Land Department for review and approval.
- b. Violations to the Chapter Home Site Lease Policy will be reported to the Land Department Enforcement Officers, with possible release of the Home Site Lease as a consequence.

Goal 5. Work with Grazing Permit Holders to ensure that rangeland is preserved, but development can still continue.

STRATEGIES:

- a. Conduct a rangeland assessment to identify locations that are low-impact to the rangelands for possible development areas.
- b. Obtain consents for any land developments with the assistance of the Land Board Member prior to the commencing of work to ensure that the permit holders are correct.
- c. Plan larger land designation areas, rather than withdrawing smaller tracts, which would then require additional tracts.

3.3 Economic Development

According to the Community Values Survey, 78% of community residents support economic development, because it can provide local goods and services, jobs, and tax revenue for Chapter projects. Two proposed economic development areas are: (1) The southwest section of the

- d. When the market study and Master Plan are completed, publish a notice in the newspaper announcing the land availability.

Goal 4. Explore opportunities to create economic development that is compatible with the Collection Recycling Center in Section 29.

STRATEGIES:

- a. Create incentives to increase coupon sales for more business at the collection center.
- b. Complete a business plan that creates more partnerships with Navajo Nation, McKinley County, and the State of New Mexico.
- c. Plan and develop a storage unit facility.

3.4 Housing

According to the Community Values Survey, 78% of the residents surveyed prefer to live near existing utilities or along the main road versus only a few people who stated they would rather live in a remote area despite a lack of utilities. While most of the survey participants are satisfied homeowners, some identified a need for minor housing repairs or utilities. Others indicated that they do not have a home in the community. The Chapter has determined that there is a lack of quality family housing - especially for young families. Some reasons the study participants state for not having a home include: the Nation's complicated Home Site Lease process; lack of income to buy a home; and lack of qualifications for NHA's housing programs.

Goal 1. Develop a Master Plan for BPDS (Section 14), specifically for housing and parks and recreation facilities.

STRATEGIES:

- a. Advertise available prospective homesite lessees for eight (8) acres in the BPDS.
- b. Assist NHA in getting applicants for the Whitehills Public Housing Subdivision Apartment Complex and Recreation Center.
- c. Assist NHA in getting applicants for the Ponderosa Home Ownership Project.

Goal 2. Create additional housing designations.

STRATEGIES:

- a. Complete a community assessment regarding potential areas for scattered Home Site Lease plots that could be set up as cluster homes or pods; and include the sites identified in the 2006 Land Use Plan in the assessment with the identification of four additional areas.
- b. Work with Grazing Permit holders to secure land designation consents to complete the project.

2. Identify county roads and include them on the New Mexico Infrastructure Capital Improvement Plan for possible funding of all preliminary studies (centerline survey, archaeological studies, drainage studies, etc.), in order to complete ROWs.

Goal 3. Work with NDOT to complete the numbering and identification of all public access roads within the Community.

STRATEGIES:

1. Set up meeting with NDOT Eastern Agency Planner and GIS Technician to discuss all tribal roads within the community.
2. Identify all roads with a number and name.
3. Integrate the road names with the Navajo Nation Addressing Authority- Bááháálí Chapter Addressing System.

Goal 4. Development of NDOT maintenance yard project in Section 29.

STRATEGIES:

1. Support NDOT in obtaining a lease for the maintenance yard.
2. Obtain supporting resolutions from surrounding Chapters.

3.6 Public and Community Facilities

Existing public facilities within the Chapter include: a collection and recycling center (co-owned with Chichiltah Chapter); three (3) office spaces at the Chapter House; a Senior Citizen Center; a warehouse; a Head Start school; and a BIE Day School. The Community Values Survey revealed that 93% of the survey participants want a local public safety facility, and they also want construction of a youth recreation center, a gym, a police station, and basketball courts. Others also want the following: a new or improved rodeo ground, library, fitness center, community center; as well as the installation of mountain bike and hiking trails, a wellness center, computer lab, homeless shelter, and family-friendly areas.

The Bááháálí Chapter Infrastructure Capital Improvement Plan (ICIP) was recently updated and is founded on the Navajo WIND (Woven Integrated Navajo Data) System. This Plan lists all of the Capital Improvement Plans for all Navajo chapters, and Bááháálí's ICIP is presented in **Appendix G**.

Goal 1. Continue to implement the Bááháálí Chapter Infrastructure Capital Improvement Plan (ICIP).

STRATEGIES:

1. Acquire Section 16 (New Mexico State Land).
2. Create a Section 16 Master Plan for these facilities.

Goal 2. Develop a two-acre Master Plan for Section 29 that identifies a site for a public safety facility.

STRATEGIES:

4. Complete a business plan that creates more partnerships with Navajo Nation, McKinley County, and the State of New Mexico.
5. Plan and develop a storage unit facility.

4. IMPLEMENTATION

COMPONENTS OF A LAND REGULATORY SYSTEM INCLUDE A LAND USE PLAN AND ZONING ORDINANCES

4.1 Zoning Ordinances

The basic components of a land use regulatory system include zoning ordinances and a comprehensive plan (Kelly and Becker, 2000). This system regulates the types of uses that may be applied to parcels of land. For example, a zoning ordinance can stipulate where the uses may be located; how the uses may be conducted; and can place restrictions on uses of land to further the public health, safety and general welfare of the community (Kelly and Becker, 2000).

Navajo Chapters may enact zoning ordinances if the membership adopts and implements a community land use plan. In fact, part of the tasks involved in the actual implementation of the *Bááháálí Chapter Comprehensive Land Use Plan* will involve translating the goals into ordinances as necessary. However, local ordinances cannot exceed the authority of the Navajo Nation. Ordinances meet the specific needs of the local government, such as illegal dumping and tax ordinances. Ordinances must provide equal treatment and due process for all individuals, including non-tribal members.

"An ordinance means a local law, rule, or regulation enacted by an LGA-Certified Chapter pursuant to this Act"

LGA (26 N.N.C. Section 2).

4.2 Administration/Enforcement

Once a zoning ordinance is adopted, it requires the following: (1) daily administration; (2) monitoring; (3) a quasi-judicial permit process; (4) legislative amendments; (5) allowances for variance; and (6) enforcement mechanisms (Kelly and Becker, 2000). A Planning and Zoning Enforcement Officer (or the Community Land Use Planning Committee) will be responsible for reviewing all proposed ordinance drafts to ensure their compatibility with the *Comprehensive Plan* and the zoning ordinances.

Other ordinances, such as a subdivision ordinance, can further define the quality of new developments. This includes the specifications regarding lots, blocks, streets, utilities, and other improvements within the subdivision (Kelly and Becker, 2000). Building codes can regulate factors like building height, materials, size, and other design criteria to ensure a building is visually appropriate in the existing physical fabric of the community. In addition, said ordinances can stipulate building permit requirements.

(ROWs); hire Planners and/or Architects to develop Master Plans for Sections 14, 16, and 29; hire legal counsel to develop land use ordinances to give authority to the Chapter to regulate the land use plan; and continue to have the CLUPC review proposed developments and make recommendations to the Chapter.

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APPENDIX A

CHAPTER RESOLUTION ADOPTING THE *BÁÁHÁÁLÍ CHAPTER COMPREHENSIVE LAND USE PLAN*



Bááháálí Chapter
P.O. Box 6118, Gallup, New Mexico 87305
PHONE (505) 778-5788 or 778-5796
FAX (505) 778-5915
<http://baahaali.navajochapters.org>

Lee C. Jim, Chapter President
Benjamin Livingston, Chapter Vice President
David M. Emerson, Chapter Secretary/Treasurer
Donald Arviso, Land Board Member
Seth Damon, Council Delegate

Gloria Skeet deCruz, Chapter Manager

Guarena Adeky Skeets, Administrative Assistant

BHC-04-18-S09

RESOLUTION OF THE BÁÁHÁÁLÍ CHAPTER

APPROVING THE BAAHAALI CHAPTER UPDATED COMPREHENSIVE COMMUNITY-BASED LAND USE PLAN AND REQUESTING THE HONORABLE NAVAJO NATION RESOURCES AND DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL TO GRANT CERTIFICATION

WHEREAS:

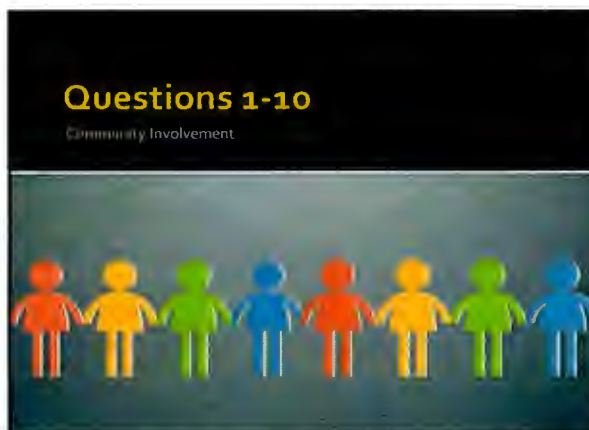
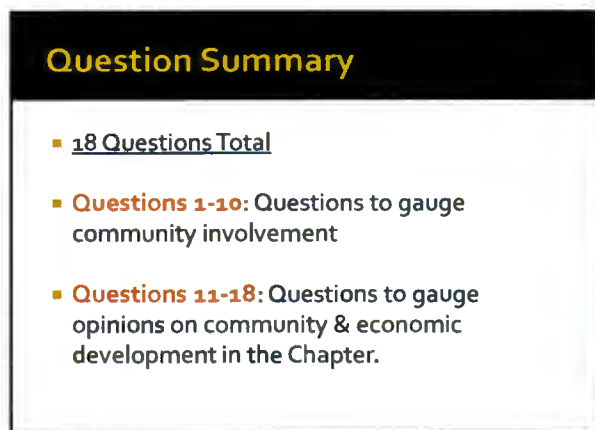
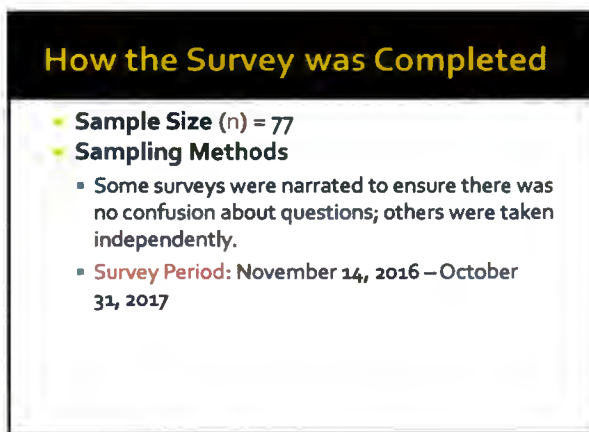
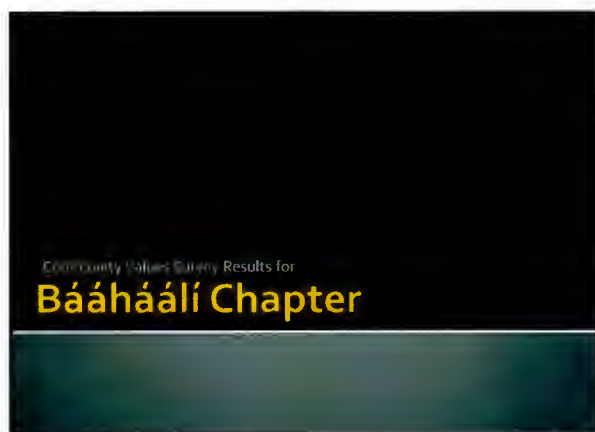
1. The Bááháálí Chapter is a duly certified local governmental entity of the Navajo Nation pursuant to NTC § 4001 with delegated authority and responsibility to promote, to receive, act up on and protect the interest and the general welfare of its constituents and to interact with other entities of the Navajo Nation, Federal Government Agencies that serve and affect the Bááháálí Chapter; and
2. Bááháálí Chapter is vested with power and authority to advocate on behalf of the community to improve the living conditions, economic infrastructure, conserve and protect its natural resources, including the respect for culture and tradition of its people and continue to grow toward self-sufficiency and sustainability through self-government; and
3. The Baahaali Chapter membership, the Community Land Use Planning Committee (CLUP), the Chapter administration and Chapter Officials, in conjunction with ETD, Inc., Flagstaff, Arizona completed the update of the comprehensive community-based land use plan in accordance with 26 N.N.C. Subsection 2004; and
4. Pursuant to Resolution No. CAP-34-98, the Navajo nation Council adopted the Navajo Nation Local Governance Act (LGA); and
5. Pursuant to the LGA, all chapters shall develop and implement a comprehensive community-based land use plan pursuant to 26 N.N.C. § 2004; and
6. In the best interest of the community, the Baahaali Chapter hereby approves the comprehensive community-based land use plan, attached hereto as Exhibit "A".

NOW THEREFORE BE IT RESOLVED THAT:

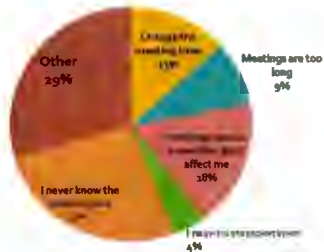
1. Bááháálí Chapter approves the Baahaali Chapter comprehensive community-based land use plan in accordance with the requirements of the Local Governance Act.
2. Baahaali Chapter further hereby requests the Honorable Navajo Nation Resources and Development Committee of the Navajo Nation Council to grant certification of our Comprehensive Community-Based Land Use Plan.

APPENDIX B

COMMUNITY VALUES SURVEY



5: If you do not attend Chapter Meetings, why not?



Question 5 (continued)

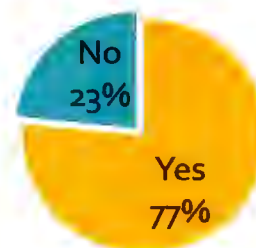
- Some responses to "Other reasons for not attending Chapter meetings" :
 - Meetings take place while I'm working
 - Other priorities
 - Hardly use Chapter House services
 - Too young
 - Meetings take too long to start
 - Not interested

6: What would encourage you to attend Chapter meetings?

- Food or refreshments (e.g. Coffee, Potluck)
- Change meetings to evenings (after 4pm) or on Sundays
- Chapter leaders
- Transportation (e.g. Shuttle)
- Agenda items relevant to my needs
- Friendlier atmosphere
- Meetings focused on agenda and Chapter goals
- English-friendly (for younger people)
- Notice ahead of time (flyers with agenda and time posted 1-2 weeks before)



7: Do you have a home in the Bááháálí Chapter Community?

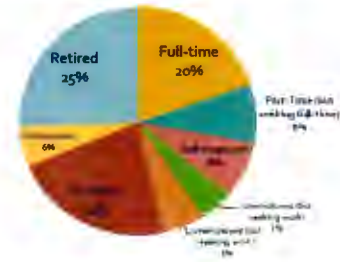


Questions 11-18

Diplomacy Economic & Community Development

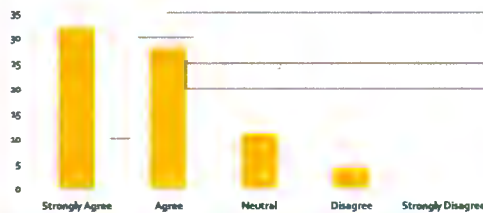


11: What is your employment status?

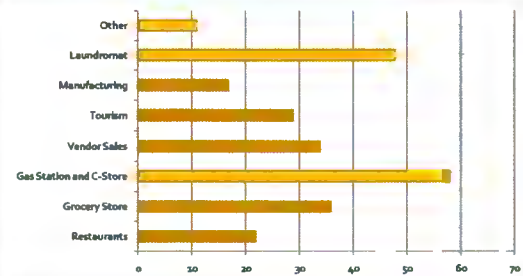


12: Do you agree or disagree with the following statement:

"I support economic development in Bááháálí Chapter because it provides local goods and services, jobs, and tax revenue for Chapter projects."



13: I support the following types of economic development in Bááháálí Chapter...

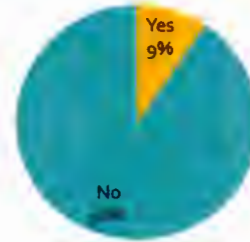


Question 16 (continued)

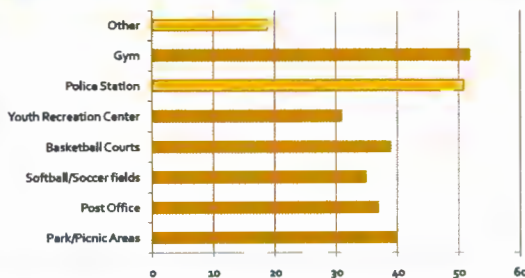
Under "Other" the following responses were generated:

- Livestock need fencing to prevent them from:
 - Livestock being hit by cars
 - grazing in other people's leases
 - overgrazing
- Professional rangeland management is needed
- Some livestock owners:
 - have no permits and let their animals roam
 - do not take care of their animals
 - Need help with food, water, and vaccinations
- Horse & dog control is needed
- Grazing Land Issues resulting from different land ownerships and limited prime grazing land

17: Is there enough public safety facilities and access to police if needed?



18: Bááhááí Chapter has some public facilities, but it needs...



Question 18 (continued)

Under "Other" the following responses were generated:

- Rodeo / Rodeo Ground Improvements
- Library
- Fitness Center
- Community Center
- Mountain Bike Trails
- Hiking Trails
- Sight-seeing



- Wellness Center
- Computer Lab
- Homeless Shelter
- Family-friendly areas
- Fishing Reservoir
- Volleyball court

APPENDIX C

MAPS

Plate 1. Baahaali Chapter Land Use Map

Existing Developments

- Wells
- Cell Towers
- Churches
- Bridges
- Homesites

Existing Land Uses

- Public/Community Facilities
- Schools
- Ceremonial Sites
- Agriculture

Future Land Uses

- Section 16 (Proposed Commercial)
- Section 14 (Residential Development Site)
- Future Residential
- Potential Future Residential
- Proposed Public/Community Facilities
- Proposed Fire Station Storage Tanks

Roads

- County Roads
- BIA Roads
- Navajo Tribal Roads
- State Route 602



Land Status/Boundaries

- Community Service Area
- Tribal Trust Land
- Non Tribal-Trust Land

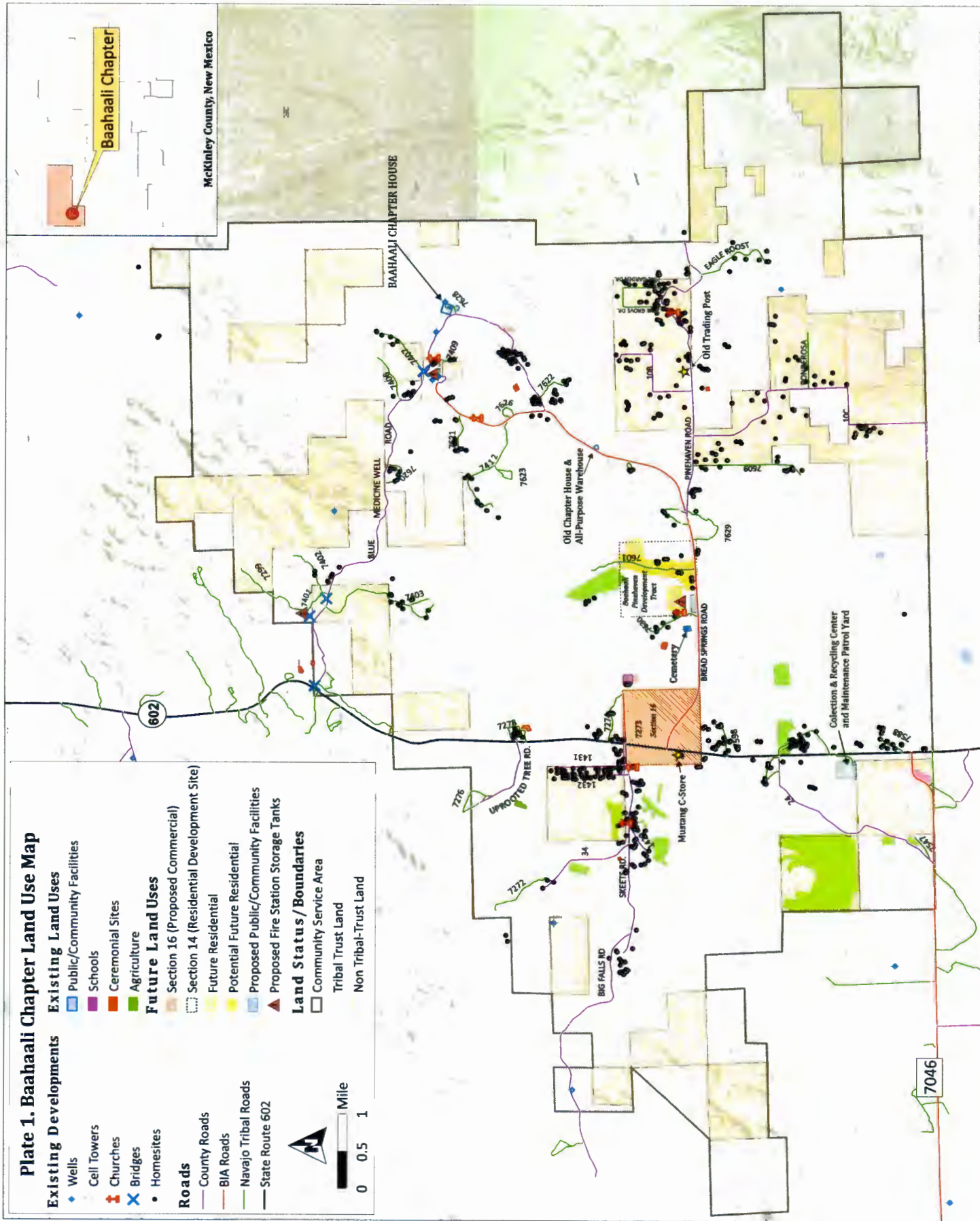


Plate 2. Baahaali Chapter Transportation Network

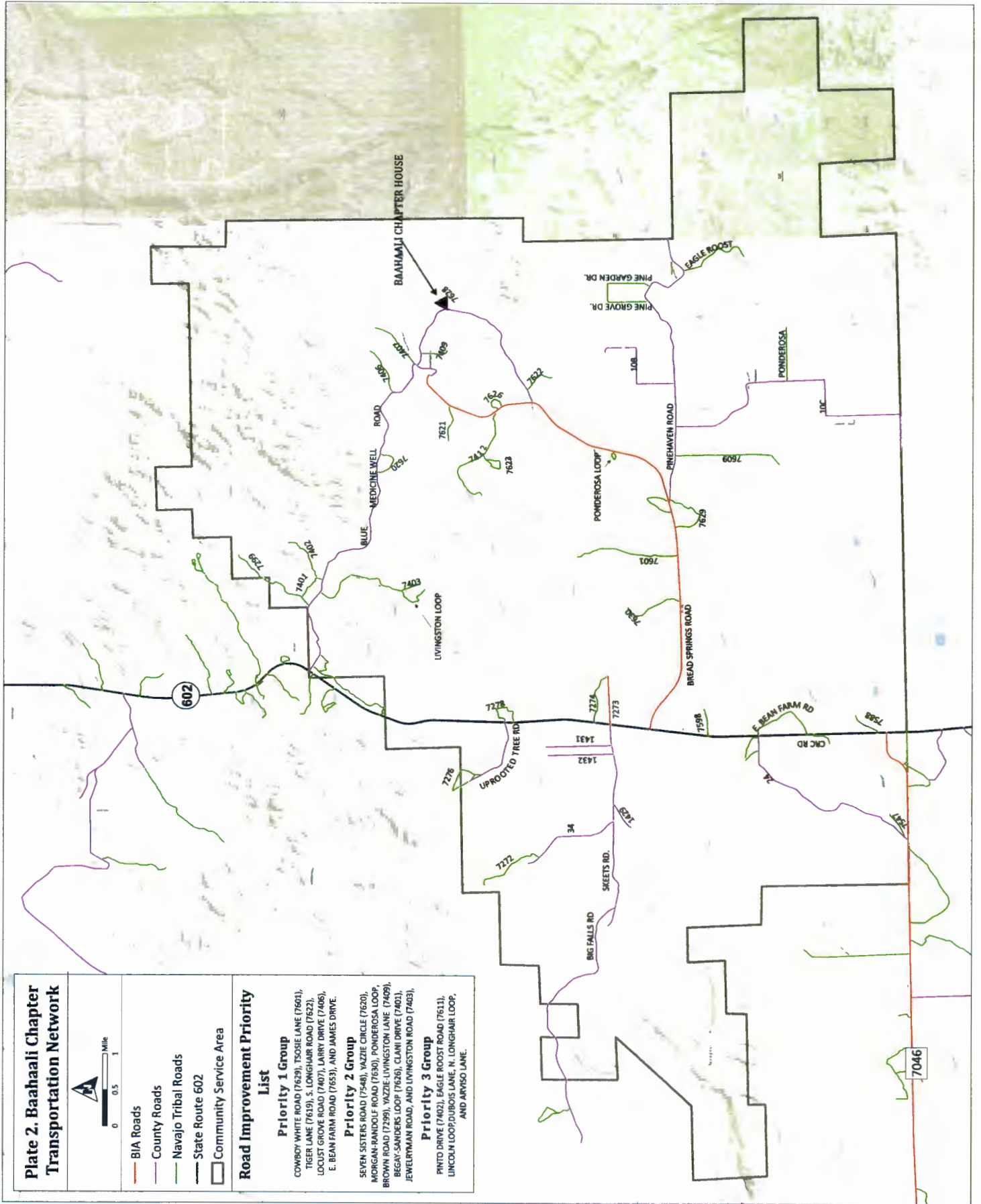
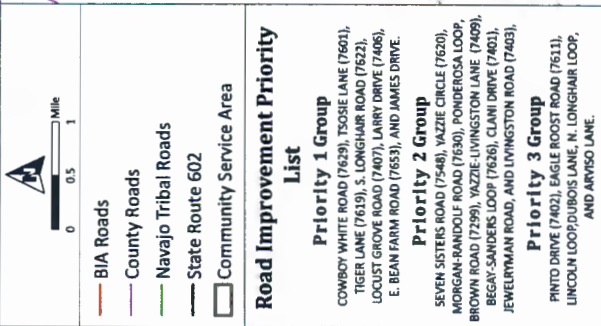
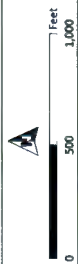


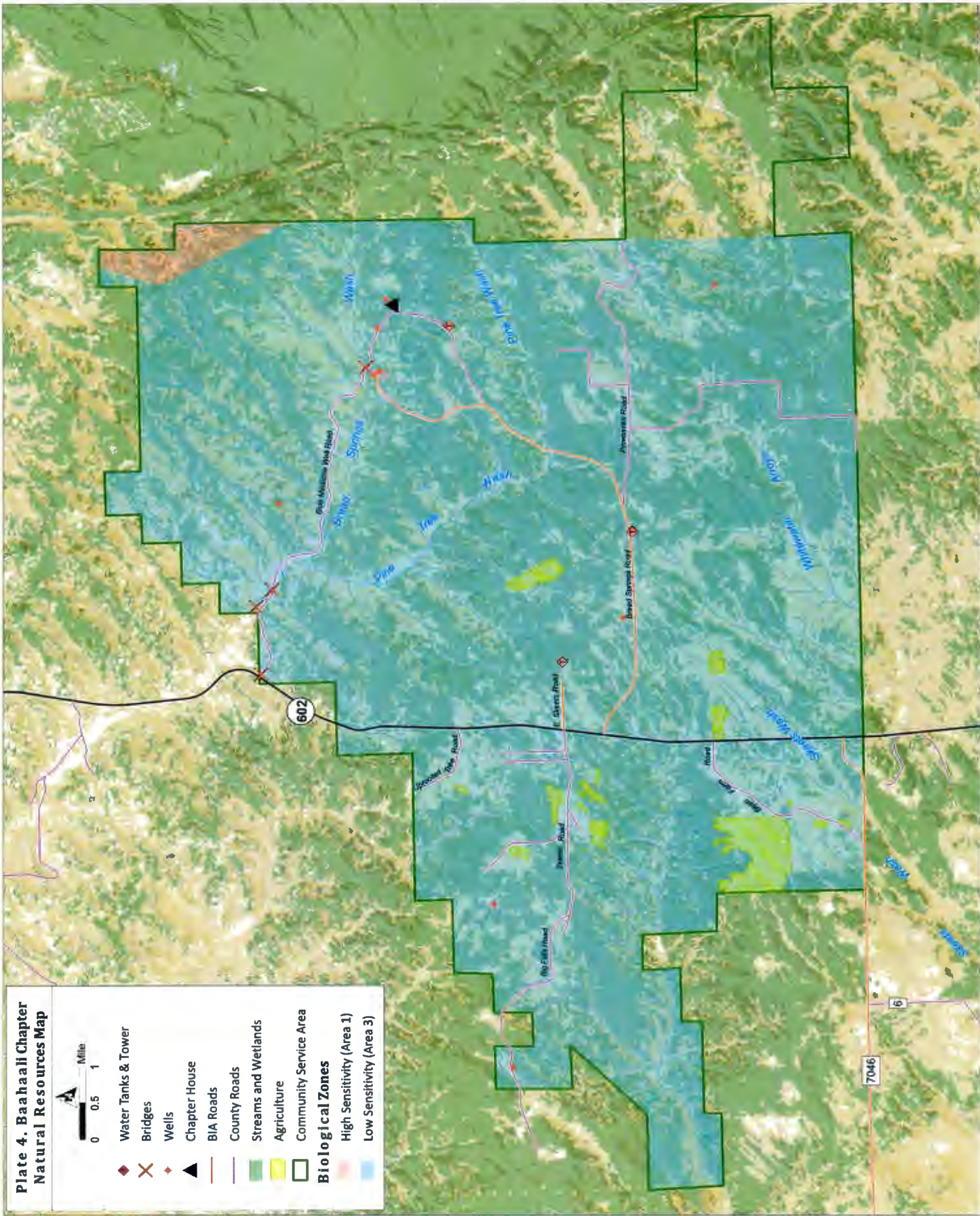
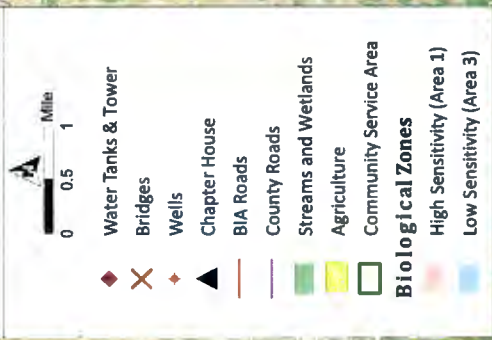
Plate 3. Baahaali Pinehaven Development Site Section 14 of T.13 N R.18 W

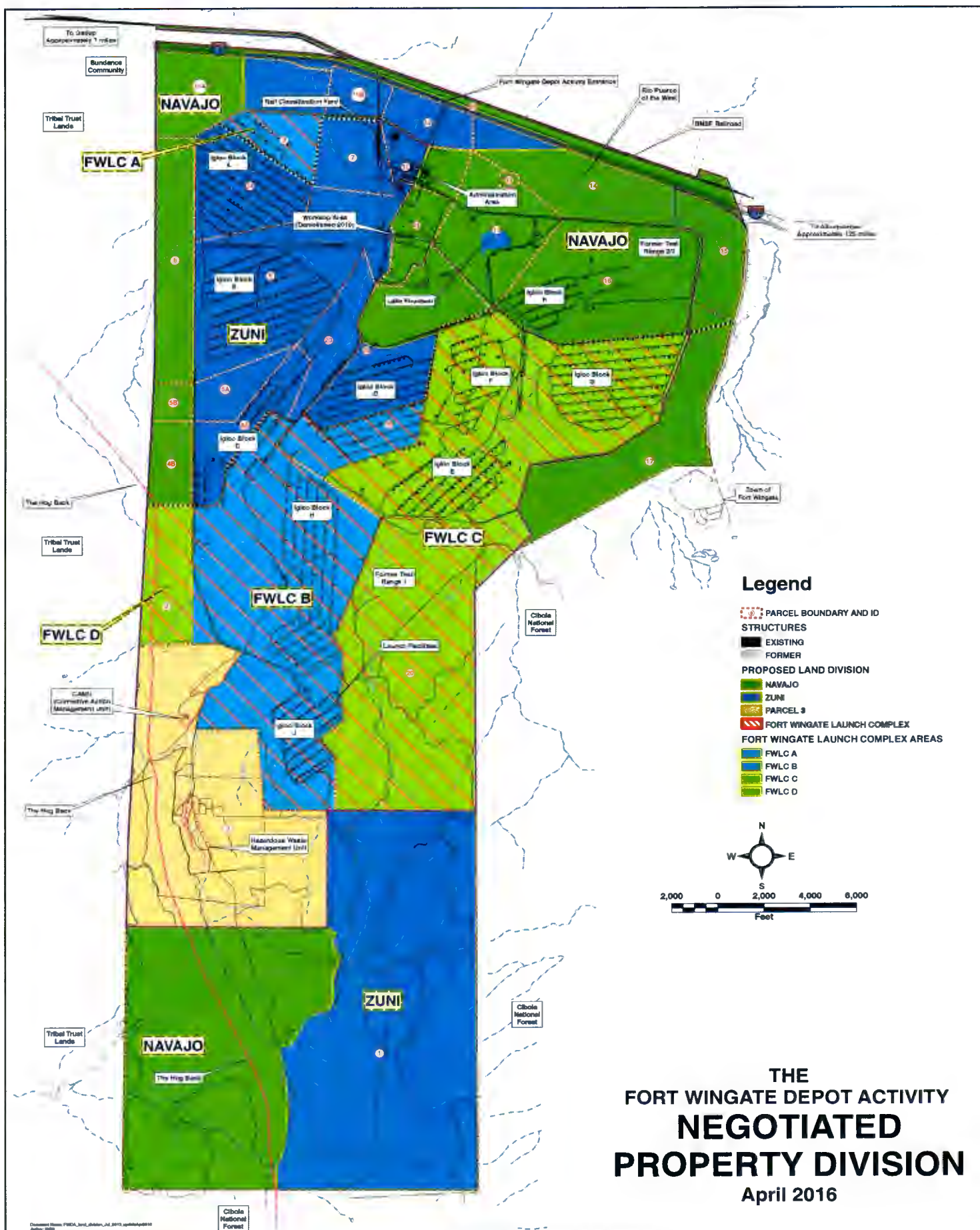


Developments		Existing Land Uses	
◆ Wells	■ Water Tank	▨ Section 14 Boundary	■ Wetlands
⛪ Church	● Homesite	■ Ceremonial Sites	■ Public/Community Facilities
Infrastructure		Future Land Uses	
— Three-Phase	— Power Line	■ 7601 Assumed Right-of-Way	■ Potential Future
— Extension	— Navajo Tribal Roads	■ Public/Community Facilities	■ Future Residential
			■ Potential Future Residential



Plate 4. Baa haail Chapter
Natural Resources Map





APPENDIX D

CHAPTER LEASE REGULATIONS



5/30/2017

Homesite Lease Policy

Bááháálí Chapter

Guarena M Adeky Skeets, CLUPC President
BÁÁHÁÁLÍ CHAPTER

I. Authority

- A. Pursuant to 2 N.N.C. § 501 (B) (3), the Resource and Development Committee has authority to delegate its authority to approve homesite and residential leases to the Navajo Land Department by approving rules and regulations implementing the delegation of authority. Pursuant to Resources and Committee Regulation No. RCD-289-93, the Resources Committee of the Navajo Nation Council delegated its authority to the Department Manager, NLD, to review and grant homesite leases. With the approval of the Navajo nation General Leasing Regulations of 2013 by the Secretary of Interior pursuant to the Navajo Nation Trust Land Leasing Act of 2000, 25 U.S. § 415(e), the Navajo Nation is authorized to unilaterally issue Leases, except mineral leases and Rights-of-Way, without the approval of the Secretary. These amendments to the Homesite Lease Regulations shall supersede the previous procedures approved by RCD-289-93 and implement the Navajo Nation General Leasing Regulations of 2013 as they relate to Homesite Leases. The Homesite Lease Regulations may be amended by the NLD consistent with applicable laws.
- B. Pursuant to 26 N.N.C. § 2004 (B) (1), the Chapter, as a duly-called chapter meeting, shall by resolution, vote to implement a community based land use plan, after the CLUPC has educated the community on the concepts, needs, and process for planning and implement a community based land use plan. The community based land use plan shall project future community land needs, shown by locations and extent, of areas identified for residential, commercial, industrial, and public purposes. The land use plan shall be based upon the guiding principles and vision as articulated by the community; along with information revealed in inventories and assessments of the natural, cultural, human resources, and community infrastructure; and finally with consideration for the land-carrying capacity.

II. Purpose

- A. To implement the Navajo Nation General Leasing Regulations of 2013, which authorizes the Navajo Nation to issue Leases, except mineral leases, and Rights-of-Way, without the approval of the Secretary.
- B. To regulate the issuance of Homesite Lease amendments: assignment, termination, and modification of leases on Navajo Nation trust and fee lands.
- C. To promote home ownership for qualified Navajo, Navajo with spouse, and beneficial non-Navajo applicants by providing for the encumbrance of the Lessee's interest in the leasehold to secure capital for development of private dwelling.
- D. To promote and encourage housing for public purposes by the Navajo Nation or Navajo Nation Tribally Designated Housing Entity (TDHE) and housing subdivisions by public, private, and/or non-profit entities.

refund or reimbursement of money paid in advance shall be made in the event of early termination or partial condemnation.

- B. Rental payments are due and payable on or before the effective date of the Lease and thereafter on or before each anniversary date of the Lease. Lessee may pay the annual rent fee in advance at any time prior to the expiration of the Lease. Rental payments shall be made by money order made out to "Navajo Nation," and shall be paid at **Bááháálí Chapter** or at the local agency NLD Office. Failure to make rental payments when due shall constitute a default under the Lease.
- C. On a housing for public purpose Master Lease or housing subdivision Master Lease, an annual rental fee shall not be assessed by NLD until an individual homesite lease is issued to an applicant.
- D. **Bááháálí Chapter shall work with the NLD in collecting lease fees on an annual basis and go as far as contacting lessees to complete their payment. A running record shall be kept at Bááháálí Chapter and shared with NLD to ensure the records are accurate.**

VII. Term

- A. Lessee shall have and hold the leased premises for a term of seventy-five (75) ears, beginning on the date of approval of the Lease by the Navajo Nation.
- B. Lessee shall give written notice of intent to renew this Lease to the Director of the NLD, or its successor at least six (6) months, but no more than twelve (12) months, prior to the expiration date of the lease.
- C. Renewal of the Lease is subject to the approval of the Navajo Nation and to the provisions of Navajo Nation law and these regulations.

VIII. Application Procedures and Requirements

- A. **Community Land Use Planning Committee:** The applicant must attend a duly called Community Land Use Planning Committee (CLUPC) meeting to inform them of the location of the proposed homesite lease. The CLUPC shall determine the viability of the proposed site and approve or disapprove.
- B. **Application Procedures:** Homesite Lease Applications will be made available at **Bááháálí Chapter**, the NLD or its agency sub-offices. Homesite Lease Applications are also available on the **Bááháálí Chapter website: baahaali.navajochapters.org and the NLD website: www.dinebikeyah.org.** A complete Homesite Lease Application package consists of:
 - 1. **Homesite Lease Application –FORM 1.** An applicant must fill out the Homesite Lease Application using black or blue ink, or must type the application. If the applicant is unable to sign the application, a thumb print is required for acknowledgement. The thumbprint must be provided in the presence of a **Bááháálí Chapter Administrative Staff member** or an NLD staff member with one (1) witness from NLD attesting to the thumbprint.

4. Homesite Lease Consent FORM 3: The LBO shall complete the Field Clearance Certification before the applicant(s) can obtain written consent from the individual(s) who has/have been identified by the LBO on the Field Clearance Certification as valid grazing permittees within the proposed homesite lease area. Thereafter, the applicant shall obtain written consent from the affected permittees listed on the Field Clearance Certification, if required.
 - a. Acknowledgement: After the applicant obtains written consent from the permittees listed on the Field Clearance Certification, the LBO must acknowledge the signatures on the consent form.
 - b. Only the Valid Grazing Permittee that will be affected within a half (1/2) mile radius of the proposed homesite lease location shall consent.
5. Land Survey Plat: Certified land surveys must be conducted by a private land surveyor who is licensed and registered with any State within the United States. Private licensed land surveyors must register with the Navajo Nation Business Regulatory Department. Private land surveyors must obtain permission to survey from the NLD.

Certified land survey plats must contain a United States Geological Survey (USGS) Quadrangle Topographic Map of the location of the legal land survey and must have the Latitude and Longitude at the Survey Tie Points and Point of Beginning (POB) on the survey plat. The survey plat shall be drawn on a legal size (8 ½ in x 14 in) document. All correction of land surveys must be completed by a registered land surveyor.

 - a. Re-Surveys: Certain circumstances may occur that require the NDL or private land surveyor to re-survey. These include, but are not limited to, shifting the homesite location and re-identifying the corners (rebars). The NLD may re-survey only if the NLD conducted the original certified land survey plat. If the survey that needs to be redone was conducted by a private land surveyor, that surveyor or another private surveyor must redo the survey.
6. Archaeological Clearance: A copy of the archaeological survey report must be included in the client's folder and be on record for any future purposes.
7. Cultural Resources Compliance Form: The Culture Resources Compliance Form, reviewed and signed by the Historic Preservation Department, will be included in the packet, once it has been received by Bááháálí Chapter.
8. Biological Resource Clearance Form: The Bááháálí Chapter shall request the Biological Resource Clearance to be completed by the Navajo Nation

1. A Housing Subdivision which is subject to a Master Lease for a Single-family residential development or housing for public purpose, where development has taken place and which is ready for conveyance of individual lots to applicants, shall be classified as a “developed area”.
2. Within a “developed area” only this Section VIII, F, shall be used and the other application procedures and requirements of Sections VIII and IX shall not apply. A Housing Subdivision may develop and use its own application form subject to the approval of the NLD.
3. A Homesite Lease within a subdivision shall be limited to the term of the Housing Subdivision Master lease. Upon renewal of the Housing Subdivision Master Lease, all of the eligible individual Homesite Leases will be renewed for a corresponding period.
4. Where there are rules and regulations related to the Housing Subdivision, special conditions or changes for the occupation of Homesite Leases within the subdivision, or a Declaration of Covenants, Conditions and Restrictions, the applicant will be provided with a copy of these documents by the Housing Subdivision Developer or TDHE, and the existence of these restrictions will be referenced on the individual Homesite Lease.
5. The hold of a Housing Subdivision Master Lease shall be the Housing Subdivision Developer or TDHE. The Housing Subdivision Developer, the TDHE, or the governing body of the Home Owners Association specified in the governing documents for the Housing Subdivision identified in Section D above, and not the NLD, shall be responsible for monitoring enforcement of these restrictions.

IX. Environmental Review Process

- A. Environmental Reviewer: The Environmental Reviewer (“ER”) insures and conducts the ER required under these regulations. The ER is responsible for carrying out the Environmental Review Process (ERP) for homesite leases pursuant to the Navajo Nation General Leasing Regulations of 2013. The ER will consult with the relevant Navajo Nation agencies and determine which agency is responsible for making compliance findings for each of the areas and/or laws identified in these regulations and 2 N.N.C. §2384 of the General Leasing Regulations.
- B. Action on Leasing Decisions Subject to Completion of ERP.
 1. Each homesite lease must go through the biological and archaeological review.
 2. Review must be conducted of all laws listed at 16 N.N.C. §2384 (CO-53-13), as well as, any other relevant laws as applicable.
- C. Environmental Review Process Exemptions

There are no fee land areas within the community, so it will not be included.

XI. Homesite Lease Abandonment

- A. Lessee shall develop the leased premises within two (2) years of the effective date of the homesite lease. Prior to the expiration of said period, lessee may request in writing from the Nation an extension of the development period for a period not to exceed two (2) additional years. Failure to develop these leased premises according to this provision shall constitute abandonment.
- B. The LBO, **Bááháálí Chapter CLUPC**, or NLD compliance officer shall be responsible for notifying the NLD Manager to make recommendations to cancel a homesite lease that has been abandoned. All such recommendations shall be supported by a field visit and written report verifying that the homesite lease premises has been abandoned.
- C. A homesite lease that has been abandoned shall be processed for termination by the NLD according to the following procedures:
 - 1. Lessee has thirty (30) days to respond to the notice of cancellation. If the lessee does not desire to develop the homesite lease, the lease shall have the first option to assign the homesite lease to a qualified applicant for a fee to recover cost and expenses for the original application or voluntarily terminate the homesite lease.
 - 2. If the lessee fails to respond within thirty (30) days, the NLD will terminate the homesite lease.
- D. The NLD Manager shall have the authority to terminate the abandoned homesite lease, as required by these regulations.
- E. For termination of homesite leases issued prior to these regulations, any termination action shall be consistent with the requirements of Navajo Nation and applicable Federal Laws.
- F. If the abandoned homesite lease is terminated, it shall revert back to **Bááháálí Chapter through** the Navajo Nation.

XII. Assignment, Modification, and Termination of Homesite Leases

- A. A homesite lease may be assigned, amended, modified or terminated through the NLD by application of the lessee or through a court order. To verify the intent of the lessees, the lessees will have to make their application in person at the Agency NLD Offices.
 - 1. The applicant shall provide a copy of an approved homesite lease issued by the NLD or BIA, in order to amend the lease document. A non-refundable application processing fee will be assessed. (Refer to Fee Schedule).
 - 2. In the event the homesite lease or any interest therein is mortgaged or pledged as security for a loan, separate approval may be required by the lender, sureties, or loan guarantors.

Property tenures. The involved parties shall notify the NLD of any such disposition by a court of competent jurisdiction.

- I. Termination: The lessee(s) may voluntarily terminate his/her/their interest in a homesite lease by signing a Termination of Homesite Lease Form. However, the applicant must pay a non-refundable termination fee and must have paid in full all rent due before the lease can be terminated. (Refer to Fee Schedule). If the lessee is in default or less than good standing, then the lessee must cure all matters constituting such default or lack of good standing; unless NLD waives such requirements and lessee surrenders the lease premises, subject to equitable consideration of lessee's private property, if applicable.
- J. A finalized homesite lease may be terminated or revert back to the Navajo Nation for further assignment. If there are no improvements on the approved homesite lease premises within two years, the LBO can recommend termination of the lease and/or assignment to another qualified individual after payment of fair market value of the lease premises with attached improvement (if any) to the lessee (See Section XI: C, 1 & 2 for procedures).
- K. In no instance will NLD terminate a homesite lease for a lessee if the request is made by a third party, regardless of the surrounding circumstances. The only exception to this rule is if a Navajo Nation Court issues an Order requiring NLD to terminate a homesite lease.
- L. If the Navajo Nation acquires an Allotment upon which a resident has a valid Residential Lease issued by the BIA, the Navajo will honor the Residential Lease for the duration of its term, so long as it complies with Section IV of these Regulations. The holder of the residential lease must submit a copy of the valid Residential Lease to the NLD. Within 6 months of the expiration of the valid Residential Lease, the resident must begin the process of acquiring a Homesite Lease in accordance of these Regulations.

XIII. Mortgages and Default

- A. A finalized homesite lease authorizes lessee(s) to encumber the leasehold interest of a homesite to finance construction of building improvements. The leasehold can be mortgaged, pledged, or encumbered as security to finance a debt or loan. The lessee(s) may transfer all or part of the leasehold interest to the Mortgagee or Deed Trustee with the understanding that the Mortgagee or Deed Trustee will release all security interests in the leasehold when the loan or note has been paid in full.
- B. The mortgage or Deed of Trust document must be recorded with the Bureau of Indian Affairs, Real Estate Services; it is recommended that the mortgagee or lender also record the aforementioned indenture with the Recorder's Office of the county in which the real estate is located. The NLD will receive copies of the

described herein when the designated LBO cannot perform his or her duty because of a conflict of interest, including actions involving relatives, or for any other legitimate reason.

F. The LBO additional responsibilities:

1. The LBO shall verify that the proposed homesite lease is not within an area withdrawn or otherwise designated for community development purposes, large or small irrigation farming projects, agricultures land use area, or if the proposed homesite would interfere with local land use plans and/or ordinances. No homesite shall be approved within landsthat are withdrawn or designated for another purpose. If the proposed lease area is within a withdrawn area, the applicant must select another location for their proposed homesite lease.
2. The LBO shall verify the proposed homesite lease is not within 750 feet of a major highway right-of-way by actual inspection of the site and coordinating with NLD. If the proposed homesite is within 750 feet of a major right-of-way, the LBO shall inform the applicant to move beyond the 750 feet corridor or find an alternate site pursuant to 14 N.N.C. § 1200. Chapter: Zoning Sides of Highways and NNC Resolution CM-9-50.
3. The LBO shall verify that the proposed homesite is not within one-half (½) mile of Navajo Nation government developed permanent livestock waters. If the proposed homesite is within a half mile of the structures, the LBO shall inform the applicant to move the proposed homesite or relocate to an alternate site ore request a written authorization from the District Grazing Committee allowing the proposed homesite through an approved resolution of the District Grazing Committee (See 3 N.N.C. § 714).

XV. Grazing Disputes to Department of Agriculture

- A. **Bááhááli Chapter** and NLD shall refer grazing and consent disputes relating to a pending homesite lease application to the LBO for adjudication or settlement. For example, NLD shall refer to the LBO when a grazing permittee revokes consent after the Field Clearance Certification is submitted. NLD shall not place the application on hold unless the LBO recommends in writing that there is an active dispute.

XVI. Homesite Leases Compliance and Restrictions

- A. Applicants shall comply with Navajo Nation environmental laws and other compliance requirements when applying for a homesite lease on Navajo Trust and Fee Lands:
1. Sanitation: Lessee shall comply with all applicable sanitation laws, regulations or other requirements of the Unites States and the Navajo Nation. Lessee shall also dispose of all solid waste in compliance with applicable federal and Navajo Nation laws either in an approved sanitary

schedule). Failure to obtain a permit will result in a civil violation and fees will be assessed.

5. The homesite lease premises may be fenced to avoid land disputes, control animals, ingress/egress, and define boundaries.
6. Homesite lease premises shall not be used for any unlawful conduct or purpose, including but not limited to bootlegging, illegal fund raising activities such as gaming (Bingo hall), dance hall, and other illegal drug activities. Any and all illegal activities conducted on the homesite lease premises shall be considered a breach of the terms of the homesite lease.
7. Lessee is prohibited from establishing a mobile home park or renting structures not designed as the primary residence within a homesite lease.
8. Lessee is prohibited from establishing more than one home building improvement as the primary residential structure, or mobile home within the leased premises. Lessee shall prohibit family members or others from establishing additional homes or mobile homes within the leased premises regardless of whether the premises is within a subdivision or a rural area.
9. The land encumbered by a homesite lease cannot be sold but the lease can be transferred or assigned to another qualified homesite lease applicant throughout the NLD upon payment to lessee for expenses incurred to establish the prior lease. For such transfers or assignments, the permanent improvements may be sold to the transferee or assignee at fair market value, or subject to the terms of any mortgage(s) or Deed of Trust or purchase agreement.
10. Modern burial sites and graves are prohibited within the homesite lease premises. All burial sites should be in a community approved cemetery. See Resource Resolution No. RCD-216-99.
11. Livestock and corrals are prohibited within the homesite lease premises, except as properly permitted by the District Land Board.
12. Lessee may operate a home-based business on lease premises; however, the Lessee shall obtain a permit from the Division of Economic Development Business Regulatory Department to do business on an approved homesite lease. The Lessee shall adhere to the Navajo Nation environmental laws and other compliance requirements under 23 N.N.C. §§ 2384 (A), (B), and (C) (Resolution CO-53-13) and shall not be disruptive to the adjacent residence(s).
13. Lessee shall not place a store front signage on the homesite lease and no hiring of employees to operate a home-based business.

XVII. Homesite Lease Enforcement

- A. Purpose: NLD shall have at least one Compliance Officer per Agency to enforce the provisions of these Homesite Lease Regulations. The Compliance Officer is

bounds of the lease premises. Additional lease adjustment fees or rent or both will apply to enlarged Homesite Leases as set forth in the Fee Schedule.

XVIII. Prior Approved Homesite Lease

- A. All previously approved leases with active terms shall remain valid, provided that the lease is in good standing. These lease agreements include the following homesite lease forms: 1) 201-65 [July 1962]; 2) 200A [May 1979]; 3) 200C [May 1994]; 4) 200C[April 1996]; 5) 200RL [April 2000]; 6) 200UL; and 7) 200NL [May 2001].

XIX. Housing for Public Purposes Master Lease

- A. Application Procedures. A Housing for Public Purposes Master Lease application shall be submitted to the NLD or at one of its agency sub-offices. A completed Housing for Public Purposes Master Lease application shall consist of the following:
1. Housing for Public Purpose Master Lease Application: The TDHE or Housing Subdivision Developer applicant must complete and submit a Housing Subdivision Master Lease Application with the following information attached to the application.
 - a. Certification of Compliance: The TDHE or Housing Subdivision Developer shall submit a Certificate of Compliance stating that all of the requirements of the Land Withdrawal Designation Regulations have been completed.
 - b. Key documents: Copies of key documents listed in the Land Withdrawal Designation Procedures.
 2. Environmental Review Clearance: The TDHE or Housing Subdivision Developer shall conduct the necessary environmental reviews to ensure compliance with federal and tribal environmental requirements for the following:
 - a. New Homesite Lease Application for TDHA or Housing Subdivision Developer Clients, as applicable;
 - b. New Subdivision Master Lease Application for TDHE or Housing Subdivision Developer; and
 - c. Existing Subdivision Master Lease for TDHE or Housing Subdivision Developer, as applicable.
- B. Final Approval: Upon verification for quality assurance by the NLD Agency Offices, the Housing or Public Purposes Master Lease Application package will be submitted to the NLD Manager or authorizes designee who will give final approval on behalf of the Navajo Nation. The NLD will submit the appropriate approved documents to the respective Bureau of Indian Affairs, Agency Real Estate Services, for recording.
- C. Homesite Lease issuance within existing Housing Subdivision:

1. Highway access: If access to a highway is required for ingress and egress, the proposed master lease applicant will contact the appropriate office or the Department of Transportation for highway access clearance.

XX. Privacy Act

- A. **Bááháálí Chapter and** NLD shall not disclose any personal records or information which are contained in any system of records by any means of communication to any person, or to another agency, except pursuant to authorized disclosures, Conditions of Disclosure, and Privacy Exceptions of the Privacy Act of 1974 (Public Law 93-579), 5 U.S.C. § 552(A), and the Navajo Nation Privacy Act, Resolution No. CAP-48-99.

XXI. Definitions

- A. Abandonment: The failure to develop the leased premises for a two (2) year period or one (1) year period for vacant lots within a subdivision. The failure to develop means, the failure to construct or establish a dwelling or other improvements (fencing, landscaping, laying a foundation).
- B. Acre: A tract of land that measures 43,560 square feet.
- C. Adult: A person who is 18 years of age or older.
- D. Appeal Bond: A bond posted upon filing of an appeal. A guarantee of a certain sum of money sufficient to protect the financial interest of the Navajo Nation pending the outcome of any appeals provided for under the General Leasing Regulations.
- E. Approving or Approval: The final action taken by the Navajo Nation to issue the homesite lease (Written authorization by the Secretary, Land Department or a delegated official or, where applicable, the “deemed approved” authorization of an amendment or sublease).
- F. Approved Encumbrance: An encumbrance approved in writing by the Lessor.
- G. Assignment: An agreement between the lessee and an assignee, whereby the assignee acquires all of the lessee’s rights, and assumes all of the lessee’s obligations under a lease.
- H. Assignee: The person to whom the homesite lease is assigned.
- I. Assignor: The person who is assigning his/her homesite lease.
- J. BIA: The Bureau of Indian Affairs (BIA) within the Department of the Interior and any tribe acting on behalf of the Secretary of the Department of Interior or Bureau of Indian Affairs under 25 CFR § 162.018
- K. Cancellation: Action to end a lease.
- L. Certificate of Navajo Indian Blood: Valid and up-to-date document issued by the Navajo Nation Vital Records Office evidencing enrollment in the Navajo Nation.
- M. Cognizant Agency: For purposes of environmental review: the Navajo Nation Environmental Protection Agency and the Navajo Nation Departments of Historic Preservation and Fish and Wildlife; and in some instance Forestry, Minerals,

which secures a debt or burdens the lease by restriction of uses or alters use rights of lessee or lessor.

- Y. Encumbrancer: means the owner or holder of an approved encumbrance
- Z. Environmental Assessment: The study of environmental and social impact upon the quality of the human environment as required by Federal laws.
- AA. Eminent Domain: The power of a sovereign government to take property for public use with notice and payment of fair and just compensation to the permittee or lessee.
- BB. Fair market rental: The amount of rental income that a leased tract of Indian land would return to the Lessor as an investment in an open and competitive market, or as determined by competitive bidding.
- CC. Fee interest: An interest in land that is owned in unrestricted fee status, and is thus freely alienable by the fee owner.
- DD. Fee Land: Unrestricted lands owned by the Navajo Nation in fee simple, which are subject to taxation by the state government.
- EE. Field Clearance: Identification of the affected grazing permittees within a proposed homesite location by the Land Board Member, and consent by permittee to the use of land for a homesite.
- FF. Grazing Permit: All livestock grazed on Navajo lands must be covered by an authorized grazing permit issued by the Superintendent or BIA based upon the recommendation of the District Grazing Committee. A Grazing Permit does not grant fee simple land ownership of the real estate, but, rather authorizes grazing use.
- GG. Holdover: Circumstances in which a lessee remains in possession of the leased premises after the lease term expires.
- HH. Homesite Lease Applicant: Eligible individual(s) who applied for a homesite lease on Navajo Nation trust or fee land but have not yet received approval of a grant of a homesite lease.
- II. Homesite Lease: A written document that grants a property interest in the use of disposition of the surface of real estate by lessee, and a bilateral contract with lessor that is approved by the Navajo nation to lease one (1) acre to less of Navajo Nation trust or fee land for residential purposes for 75 years.
- JJ. Housing for public purposes: Multi-family developments, single-family residential developments, and single-family residences, administered by a tribe or a tribally designated housing entity; or substantially financed using tribal, federal, or state housing assistance program funds.
- KK. Housing subdivision: A lease area for which a Master Lease is issued for multi-family development, single-family residential development, or housing for public purposes. It is an area where individual lots have been so designated, and where infrastructure (streets, electricity, sewer and water) have been provided in

- YY. Life estate: An interest in property held only for the duration of a designated person's life. A life estate may be created by a conveyance document or by operation of law.
- ZZ. LTRO: Land Titles and Records Office of the BIA. This office records all title to types of surface estates granted on the Navajo Nation.
- AAA. Mortgagee: The holder of a leasehold mortgage.
- BBB. Navajo: Any person who is an enrolled member of the Navajo Nation.
- CCC. Navajo Nation Trust Land: The surface estate of land or any interest therein held by the United States in trust for the Navajo Nation; land held by the Navajo Nation and subject to federal restrictions against alienation or encumbrance; land held by the United States in trust for a Navajo Nation corporation chartered under Section 17 of the Indian Reorganization Act.
- DDD. Non-Navajo: A person who is not an enrolled member of the Navajo Nation.
- EEE. Navajo Forest: All Navajo Nation controlled lands supporting specific species of trees with a specific density or crown closure; as defined by 17 N.N.C. § 520 (H).
- FFF. Navajo Woodland: All Navajo controlled lands supporting specific species of trees with a specific density or crown closure, as described in 17 N.N.C. § 520 (I).
- GGG. NEPA: The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*
- HHH. Permanent improvements: Buildings, structures, and associated infrastructure attached to the leased premises.
- III. Permit: A written authorization or license granted by the Navajo Nation whereby the permittee is granted a sue or revocable use privilege to use Navajo Nation Trust Land for a specified purpose and limited duration.
- JJJ. Permittee: A person or entity who has acquired a privilege to use Navajo land or Federal land by a permit.
- KKK. Petition: A written request submitted to the Secretary for the review of an action or inaction of the Navajo Nation that is claimed to be in violation of these Regulations. Petition may only be submitted within in thirty (30) days after exhausting all remedies available on the Navajo Nation.
- LLL. Professional Surveyor: A surveyor who engages in the practice of land surveying and is qualified to undertake such practice as confirmed by legal certification registration and licensure as a professional surveyor. The Surveyor must be registered with the respective state where he/she practices land surveying (Arizona, New Mexico, and/or Utah).
- MMM. Probate: The legal action by a court of competent jurisdiction of distributing property of the decedent and the closure of his or her estate.
- NNN. Regulations: Homesite Lease Regulations Amendments of 2015.
- OOO. Relative: A father, mother, son, daughter, brother, sister, grandmother, grandfather, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather,

a portion of the earth's surface by length, direction of boundary lines, and contour of the surface. This person is a professional and licensed surveyor.

ZZZ. Tribally Designated Housing Entity (TDHE): A TDHE is a tribally sponsored or tribally sanctioned not-for-profit entity, or limited partnership or other entity organized for the purpose of developing or improving low-income housing utilizing tax credits pursuant to 25 U.S.C. 4103(22).

AAAA. Tenure: The time of holding real estate.

BBBB. Tenancy in Common: Property held by two or more persons jointly, with equal rights to possession and enjoyment during their lives. However, unlike joint tenancy, when one co-tenant dies, the surviving co-tenant does not succeed to the decedent's interest. Rather, the decedent's fractional interest in the property must be probated.

CCCC. Termination: To end one's interest in a Homesite Lease by default or mutual consent or valid court order and allowing such interest to revert back to the Navajo Nation.

DDDD. Trespass: Unauthorized possession, occupancy or use of Navajo Nation Trust Land as defined by Navajo Nation or federal law.

EEEE. Unrestricted land: Lands where title is held by the Navajo Nation in fee simple absolute status, and the Nation is not required to obtain the approval of the Federal government to render further disposition or use of the land.

FFFF. Violation: A failure by Lessee to comply with an obligation created by the Lessee agreement to take an action, including payment of compensation, or to fail to comply with a term of the lease.

GGGG. Watering point: All tribally developed and maintained springs, wells, and dirt tanks, charcos or deep reservoirs.

HOMESITE LEASE APPLICATION FEE; PENALTIES AND FINES FEE SCHEDULE

1. Home site Lease Application Filing Fee: \$30.00
 - a. Assignment \$45.00
 - b. Amendment \$45.00
 - c. Termination \$45.00
2. **Bááháálí Chapter Administration Fee \$10.00**
3. Annual Fee \$12.00
4. Home Site Land Use Adjustment Fee
 - a. Full acre \$2,000.00 \$2,000.00
 - b. Half acre \$1000.00 \$1,000.00
5. Home Site Land Use Adjustment Rent plus Annual Fee
 - a. Full acre \$2,000.00 (\$27.00 + 12.00) \$39.00
 - b. Half acre \$1,000.00 (\$13.00 + 12.00) \$25.00
6. Archaeological Survey (Fees to be established by services provider).
7. Resurvey Fee \$350.00
8. Re-tie Survey Fee \$350.00
9. Home site Application Dispute Filing Fee \$65.00
10. Transportation Permits Fee \$30.00
11. Land Surveyor Permit Fee \$30.00

PENALTIES AND FINES

- Warning citation (No fee)
 - 2nd Citation \$100.00
 - 3rd Citation (Penalties with trespassing) \$200.00
 - 4th Citation \$500.00
1. Illegal Parking of Trailer/Mobile Home \$200.00 per month
(Fees will apply until the Tenant comes into compliance)
 2. Storage Sheds, corrals, etc., without a lease / permit to improve \$200.00 per month
(Fees will apply until the Tenant comes into compliance)
 3. Illegal burial open range locations \$500.00 per incident
(Fees will apply annually until the illegal burial sites comes into compliance)
 4. Environmental Valuation is enforced by Navajo EPA
(Junk cars/household trash).



Church Land Use Permit Regulations 2017

DRAFT

Prepared by:

General Land Development Department

Division of Natural Resources

Navajo Department of Justice

Adopted by:

Baahaali Chapter Community Land Use Planning Committee

Section 1 Authority

The Navajo Nation Trust Land Leasing Act of 2000, 25 CFR 415 authorizes the Navajo Nation to issue leases and permits on trust land without the approval of the Secretary of the Interior, as executed under the Resources and Development Committee authority.

The plan of operations of the General Land Development Department per the General Leasing Regulations of 2013, authorizes the Navajo Nation to legally carry-out its leasing authority. The Navajo Nation is the final approval authority for all Church Land Use permits (RALUP) on fee and trust lands.

Section 2 Purpose

The Navajo Nation Council adopted 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. The Church Land Use Permit Regulations applies to all Navajo Nation trust and fee lands that are within the boundaries of the Navajo Nation, including Indian allotments as appropriately held by the Navajo Nation.

All persons and entities occupying and using lands pursuant to 16 N.N.C. §§ 1151-1164 will be subject to the laws of the Navajo Nation. Any violations of these provisions by any missionary or religious group will be subject to the civil jurisdiction of the Navajo Nation (17 N.N.C. §§ 1901 – 1906, and liable for all reasonable fees associated.

Section 3 Eligibility

Any person or entity wishing to conduct religious or other related activities on Navajo trust land and fee land, including education, on the Navajo Nation.

All former issued permits are now subject to the General Leasing Regulations of 2013 and the Navajo Nation Church Land Use Permit Regulations of 2017.

Section 4 Term

All Church Land Use permits shall be for a term of five (5) years, beginning on the date of approval of the lease by the Navajo Nation. The entity or individual shall give notice of intent to renew to the General Land Development Department at least six (6) months prior to the expiration but no more than twelve (12) months. The renewal of the permit is subject to the approval of the Navajo Nation and to the provisions of the Navajo Nation law and these regulations.

Any permit, lease, etc. relating to religious use and related use that were issued by issued by the Bureau of Indian Affairs will need to come into compliance with the Church Land Use permit regulations of 2017. Any religious group affected needs to submit applications and or documents to the General Land Development Department.

Section 5 Application Procedures and Requirements

A complete Church Land Use Permit packet consists of:

Section 7 Terms and Conditions

The standard terms and conditions (including the rental rates, legal descriptions, and

Liability) is drafted and approved by the Navajo Department of Justice. Utilizing this standard terms and conditions will guarantee timely processing; however, if changes are necessary, it will prolong the processing time.

Section 8 Trespass & Trespass Fees

When an unauthorized individual or entity is in possession, or occupancy or use of Navajo Nation trust lands without an approved Church Land Use permit or when entities are in default of payments, expired leases, non-compliance with Navajo Nation or federal laws.

The Nation will issue a trespass notice for unauthorized use of the land and a trespass fee:

- | | |
|--|----------|
| 1. Trespassing / Written Warning | \$0.00 |
| 2. 2 nd Written Warning | \$100.00 |
| 3. 3 rd Written Warning | \$500.00 |
| 4. Termination Notice issued by Executive Director of the Division of Natural Resources. | |

Section 9 Abandonment

If an entity or individual leaves the permitted religious area without returning for operation for over six months and no written notification of vacancy was given to the Nation, it is considered abandoned and the Church Land Use permits is terminated.

and terms and conditions to execute paperwork on behalf of the religious group, including the seal of the corporation. (i.e. Board of Directors, etc.).

Navajo Nation Business Regulatory – this Navajo Nation entity will issue a corporate number to the religious group and all corporations must file their Articles of Incorporation with the Navajo Nation Business Regulatory.

APPENDIX E

CHAPTER PLANS OF OPERATION

BÁÁHÁÁLÍ CHAPTER
COMMUNITY LAND USE COMMITTEE
2018 PLAN OF OPERATION

I. ESTABLISHMENT

The Bááháálí Chapter Community Land Use Planning Committee (CLUPC) is hereby established as a land-use planning unit within the local chapter government to ensure the proper use of land within Bááháálí Chapter. On April 4, 2006, the Land Use Plan was approved by the Transportation and Community Development Committee of the Navajo Nation Council.

II. PURPOSE

The purpose of the CLUPC is to develop and approve the processes for local land use planning, oversee land use planning activities, and consult with the Administrative Staff of Bááháálí Chapter on projects pertaining to land use.

III. DEFINITION

- A. Land Use Planning Activity shall encompass community, economic development, zoning, land withdrawal, home site lease, etc.

IV. OBJECTIVE

- A. To implement the Navajo Nation Transportation and Community Development Committee (TCDC) approved Land Use Plan in the efficient and effective utilization of water and land resources in the community of Bááháálí, New Mexico.
- B. To ensure all development and home site leases are within the parameters of the nearest water and electric line, and near an existing road.

V. COMMITTEE DUTIES AND RESPONSIBILITIES

- A. The CLUPC shall exercise the following duties and responsibilities consistent with the Navajo Nation Local Governance Act, 26 N.N.C. Section 2004:
1. Educate the community of the concepts, needs, process of planning and implementing a land use plan.
 2. Attempt to ensure, with the general development of the community, the land use plan is based upon the guiding principles, priorities, goals, and vision as articulated by the community, and approve a public participation plan.
 3. Shall work closely with the membership and, if applicable, the Chapter Manager as planning progresses.
 4. The CLUPC shall develop recommendations for the implementation of the land use plan.

VI. MEETING AND COMPENSATION

- A. According to the Fiscal Year 2018 operating budget, CLUPC shall conduct monthly meetings for a total of twelve meetings for the year for three members.

- C. In the absence of the CLUPC President, the CLUPC Vice President shall assume the duties and responsibilities of the President for meeting purposes only or as duly assigned.
- D. The Secretary shall take roll call, keep minutes of committee meetings, maintain all records and documentation of the CLUPC, and keep in contact with the Administrative Office with news of upcoming meetings and submit meeting minute packets within ten (10) days of the meeting.
- E. The Officers shall work closely with the Chapter Manger to secure funds related to the Land Use Plan amendment development.
- F. Procure funds to provide community education and participation through public hearings via newspapers, radio, brochures, etc.
- G. Ensure the chapter members are periodically informed of the Land Use Planning Committee's achievements.

IX. MASTER PLANNING

- A. Work closely with the Chapter Administration in the development of the Comprehensive Master Plan for the Chapter Compound and the Bááháálí-Pinehaven Development Site.
- B. Ensure that public participation is fostered throughout the development of a Master Plan for the Chapter Compound and the Bááháálí-Pinehaven Development Site utilizing focus groups, public hearing, newspaper, and radio.

X. LOCAL/NAVAJO NATION RURAL ADDRESSING

- A. The Bááháálí CLUPC shall be the appointed representative for the Local/Navajo Nation Rural Addressing program.
- B. Duties and responsibilities will include verification of addresses, overseeing the identification of community public roads, the community assessment, and facilitating the address notification process.
- C. The committee will begin looking into options for future home site leasing and identifying those homes to be included in the addressing system.

XI. HOME SITE LEASE ASSISTANCE PROGRAM

- A. The Bááháálí CLUPC shall work with community members in the determination of appropriate areas for home site leases.
- B. Home Site Lease Clients shall attend a CLUPC meeting for approval of their site prior to the work being completed.
- C. The Land Board Member shall assist in the determination of home site lease locations and work with the CLUPC to complete the home site lease process in a timely manner.

XII. TECHNICAL ASSISTANCE

The CLUPC may seek technical assistance from the Chapter Administration, Navajo Nation, Federal, State, and County Governments, or others, as needed.

**BÁÁHÁÁLÍ CHAPTER
LOCAL RURAL ADDRESSING COMMITTEE MEMBER(S)
PLAN OF OPERATION**

I. ESTABLISHMENT:

This plan of operation is a supplemental plan that hereby establishes the Community Land Use Planning Committee to be the Local Rural Addressing Committee within the Bááháálí Chapter.

II. PURPOSE AND OBJECTIVES:

A. PURPOSE:

1. The Navajo Nation E911 Task Force has obtained supporting chapter resolutions from 110 chapters and all five agencies to go forth with a rural addressing project to benefit the citizens of the Navajo Nation and support a 911 system for emergency response; and
2. The Bááháálí Chapter has adopted and supported the NN E 911 and Local Rural Addressing system to complete the rural addressing; and
3. The Bááháálí Chapter will implement the task in accordance to the applicable standardized addressing system in coordination with the Navajo Nation – E 911 Office, Local Governance Support Office and McKinley County Rural Addressing Department.

B. OBJECTIVES:

1. To carry out the stated purpose, the Bááháálí Chapter Local Rural Addressing committee shall develop and implement the addressing system in accordance to the standardize system by the Navajo Nation and McKinley County Rural Addressing System; and
2. The Bááháálí Chapter shall identify operating budget for the members travel expenses for meetings/training.
3. The Bááháálí Chapter shall identify budget for rural addressing materials and supplies.

III. ORGANIZATION:

The Local Rural Address member shall be under the supervision of Chapter Coordinator and Chapter Official.

1. The LRAC is deemed necessary to accomplish the purpose(s) and objectives of the Bááháálí Chapter Rural Addressing System.
2. The LRAC members shall be the established Community Land Use Planning Committee members and the Baahaali Administrative Staff.
3. Financial transactions relating to this activity shall be process in accordance to the chapter policy and procedures.

Bááháálí Chapter Community Cemetery Plan of Operation

I. Purpose

- A. The general purpose of the Community Cemetery Plan of Operation is to provide guidance for the use of the cemetery by its community members; and
- B. To provide an outline of how cemetery plots will be planned out; and
- C. To ensure the safety of the public by placing deceased members in a designated area therefore providing more land use for future development.

II. General Description of Cemetery

- A. The Bááháálí Community Cemetery is located near the Pinehaven Bible Church, two (2) miles east of New Mexico Highway 602 on Bread Springs Road.
- B. It consists of five (5) acres with a future development of five additional acres.
- C. It will be constructed and operated in accordance with Federal and Navajo Nation regulations, laws, and/or statutes.

III. Objectives

- A. Provide an ongoing public facility for the community as a cemetery.
- B. Provide the public with related information.
- C. Provide a planned and organized cemetery.
- D. Provide efficient care and maintenance of the cemetery.
- E. Implement layout for burial plots.
- F. Provide and continue safety awareness.
- G. Responsibly provide a safe and secure burial ground that permits a healthy environment for both present and future generations.

IV. Daily Operation

- A. The cemetery's hours of operation will be 8:00 a.m. to 5:00 p.m. every day.
- B. Notice shall be given to Bááháálí Chapter if interment is to be performed to allow time for burial site preparation.
- C. A sign posting hours of operation shall be installed at the access road turnoff.

V. Site Personnel

- A. The Bááháálí Chapter Manager or his or her designee will oversee the operation of the cemetery.
- B. Pursuant to Local Governance Act (LGA), the Bááháálí Chapter shall establish an office and appoint an individual to manage the operation. If any additional personnel are required, it shall be at the discretion of the Chapter Manager to hire.
- C. The Bááháálí Chapter Manager may designate a Chapter employee to make burial plot assignments.
 - 1. The designee shall have the responsibility for assigning interment site(s), to maintain order, and efficiently use all available space.
- D. With proper notice, the Bááháálí Chapter backhoe and operator will be available to excavate the burial site.
 - 1. If the backhoe and operator are unavailable, relatives of the deceased person shall seek private contractors and be responsible for the cost of the excavation.

VI. Fees

- A. To maintain the operational costs of a self-supporting cemetery, burial fees shall be established at \$50.00 per interment.
 - 1. The monies generated from the burial fees shall be used for maintenance, repairs, and operational costs.

Bááháálí Chapter Community Cemetery Plan of Operation

on public health or public decency. The responsible Chapter will also be liable for the interment and related costs.

- C. It is in strict circumstances that exhumation shall occur. Some examples of situations where an exhumation of interred remains from a burial ground might be required or take place include:
1. Family reasons, (example), if the family of the deceased person requested that the remains be moved to another burial ground, another part of the country, etc. The family shall pay all expenses related to disinterment.
 2. For public health reasons (i.e. if a graveyard or cemetery is being moved).
 3. When a court orders an exhumation as part of a criminal investigation. At all times during the process, due regard for respect to the deceased person, other interred remains in the burial ground/graveyard and privacy of the family and friends of the deceased person is protected.

IX. Appearance

- A. The landscape of the cemetery shall be closely maintained in its natural original appearance.
1. Native Vegetation – Remnants of native vegetation will be retained wherever possible.
 2. Weed Removal – Through a regular maintenance program, undesired weed will be removed through use of biodegradable herbicide or hand tools.
 3. Fencing and Gates – the five (5) acre cemetery will be enclosed with a wrought iron fence and gate.
 4. Signage – Original signs, section markers, etc. should be conserved and retained wherever practical. Even if most must be replaced, at least some should be retained reference to original fabric.
 5. Paths – Paths will be retained and conserved. No private vehicle with the exception of a funeral hearse will be allowable within the cemetery boundaries.
 6. Roads – Gravel road shall be established and maintained to permit all weather access to the cemetery from Morgan-Randolph Road to the cemetery. Parking lot maintenance and repair shall be maintained by the Chapter Staff and McKinley County.

X. Funerary Items

- A. Policy on floral and headstone placement
1. Fresh cut flowers are encouraged throughout the year.
 2. Artificial floral arrangements may be placed during the winter months, November through March.
 3. Artificial flower arrangements shall be removed once every month. The removal shall be done without the notification of the survivors.
 4. Non-floral, stand-alone decorations shall be limited to three per interment (i.e. balloons, pinwheels, etc.) this shall be observed by all community members to reduce the amount of buildup of garbage and debris.
 5. Attaching (gluing, taping, wiring, etc.) trinkets or decorations to markers or monuments is not permitted.
 6. Headstones will be subjected to maximum of three (3) feet high and three (3) feet wide. Headstones shall compliment to overall appearance of the cemetery layout.

APPENDIX F

BÁÁHÁÁLÍ CHAPTER INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

ICIP for

Baahaali

Contact Name:	Gloria M. Skeet deCruz P.O. Box 6118 Gallup, NM, 87305
Telephone No:	(505) 778-5788
Fax No:	(505) 778-5915
Email:	Baahaali@navajochapters.org
Entity Type:	Chapter

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

Capital Improvement Vision, Trends, Goals and Project Priority Process

Baahaali Chapter has been faced with population growth in the past five years. In December of 2005, our Chapter Officials and Administrative Staff identified priorities and developed a wish list of needed improvements to our community during a two day strategic planning session. These priorities and wish list were up dated during a two day work session in February 2009. We prioritized the list based on our most critical community needs and other factors such as the age, condition, and adequacy of current infrastructure. We then consulted with various Navajo Nation and Federal entities which are associated with projects to refine our prioritized needs list and put in the dollar amounts needed, and then we planned for projects over the next six years in our ICIP.

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

B017-005	Storage	Current Bread Springs Chapter Tract, NM	1973	No Action Needed
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INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Chapter House Improvement

Project Description: The Baahaali Chapter House is in dire need of improvements to meet the growing demands of services to the community. The chapter house was built in 1961; major improvements and additions were completed in 1989 that expanded the administrative staff offices, the kitchen, the men and women's bathrooms, the chapter officials meeting area and main meeting room. The new plans and design for this project were completed by Navajo Nation Design and Engineering Services (DES) in 2013 and updated in 2016 thus making this project "construction ready". Plans are to renovate and equip the office assistant office, the chapter officials' meeting area, upgrade the electrical units in the kitchen and expand the janitor's closet. Flooring and baseboards throughout the chapter house need to be replaced. The 10-acre chapter compound where the chapter house is located was officially withdrawn in the mid-1980's. New equipment, office furniture, tables, and chairs need to be purchased for the kitchen, chapter officials meeting room, and office assistant/receptionist's office. Baahaali Chapter will follow Navajo Nation and State of New Mexico procurement laws. This project is construction ready. Navajo Nation will be fiscal agent.

Statement of Need: Maintaining a safe environment is a critical need not only for the chapter staff but also for the community members who utilize the chapter on a daily basis.

Location of Project: Current Breadsprings Chapter Tract, NM

Project Ranking: 2019 - 2 Subcode:

Potential Future Funding Sources: Capital Outlay, Chapter CIP Funds, NN CIP General Funds

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00
Construction	\$350,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$425,000.00
Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$400,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$475,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Baahaali/Chichiltah Regional Transfer Stn Improvements

Project Description: Construct improvements to the Baahaali/Chichiltah Regional Solid Waste Recycling & Collection Center (BCRSWCRC) facility by upgrading the access road to a paved road. Phase I of the project was the purchase of a trash compactor and installing it at the Transfer Station (Completed). Phase II consists of the construction of the framed bathroom/cistern system (Completed). Phase III will include the upgrade access road to the collection & recycling center site. The access road is located within Baahaali/Chichiltah Regional Solid Waste Collection & Recycling Center tract which is jointly owned, operated and maintained by Baahaali and Chichiltah Chapters (In Process). Phase IV is to redesign and upgrade the collection & recycling site for better traffic flow to ensure the safety of customers and station attendants and to equip the facility with an additional compactor and recycling bins. The five-acre facility is fully withdrawn with all the easements/rows, archaeological and environmental studies completed. Baahaali Chapter is Governance Certified with the Navajo Nation and serves as the fiscal agent for the transfer station.

Statement of Need: The Baahaali Chichiltah Regional Solid Waste Transfer Station is in dire need of a bathroom addition and cistrine system for the station attendant's office. Presently there is no running water to the transfer station.

Location of Project: TBD

Project Ranking: 2019 - 4 Subcode: Capital Outlay, Capital Outlay, Capital Outlay, Capital Outlay

Potential Future Funding Sources:

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Planning / Predesign	\$20,000.00	\$0.00	\$0.00		\$0.00	\$0.00	\$20,000.00
Architecture / Engineering	\$30,000.00	\$0.00	\$0.00		\$0.00	\$0.00	\$30,000.00
Other	\$50,000.00	\$0.00	\$0.00		\$0.00	\$0.00	\$80,000.00
Land	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
Construction	\$230,000.00	\$0.00	\$0.00		\$0.00	\$0.00	\$350,000.00
Totals	\$330,000.00	\$0.00	\$0.00		\$0.00	\$0.00	\$480,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Baahaali Lagoon Improvements

Project Description: Replace fencing and gate around the lagoon for better safety and security, install new signage, improve access road to lagoon, improve entrance to lagoon

Statement of Need:

Location of Project: Baahaali Chapter Compound

Project Ranking: 2019 - 6 Subcode:

Potential Future Funding Sources: Chapter CIP Funds

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Architecture / Engineering	\$15,000.00						\$15,000.00
Other	\$30,000.00						\$30,000.00
Land	\$0.00						\$0.00
Planning / Predesign	\$15,000.00						\$15,000.00
Construction	\$140,000.00						\$140,000.00
Totals	\$200,000.00						\$200,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Cemetery Improvement

Project Description: Baahaali has a community cemetery which has been in existence since 1949, and is in dire need of improvements. Presently, the fence and gate need to be replaced, a cattle guard needs to be installed and the access road needs to be improved and chip sealed. The main entrance into the cemetery is less than a quarter of a mile from the main road. The Baahaali Chapter Manager will be responsible for the implementation of the cemetery improvement and will work closely with members of the Baahaali Community Land Use Planning Committee (CLUPC).

When the Chapter began to address the need to improve the Cemetery, it was discovered that a land withdrawal was never completed. The Chapter is currently in the process of withdrawing the land.

Statement of Need: The community cemetery is in dire need of improvements. The cemetery needs a new fence, gate, signage and a cattle guard installed at the main entrance. In addition the access road is in dire need of improvements.

Location of Project: Baahaali Chapter

Project Ranking: 2020 - 1 Subcode:

Potential Future Funding Sources: Capital Outlay, NN CIP General Funds

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
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Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00
Construction	\$0.00	\$250,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$250,000.00
Architecture / Engineering	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45,000.00
Totals	\$0.00	\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Warehouse Improvement

Project Description: Plan, design and construct a fence and gate around the Baahaali Warehouse facilities. Install a cattle guard at the main entrance of the Warehouse compound. The Baahaali Chapter uses the warehouse to store construction supplies, hay, cement mixer and other big items and heavy equipment used by the Chapter for the community. In the past two (2) years the chapter has experienced several break ins and theft. It is critical for the warehouse to be secured with a high fence and strong gate to prevent break ins, theft and vandalism.

Other improvements to the Warehouse compound include upgrading the entrance and access road into the Warehouse compound. An open space parking area, with a roof needs, to be constructed for the Chapter's heavy equipment which include a backhoe, tractor, and two (2) flat beds.

Statement of Need: The Warehouse provides a location for the Chapter to store materials needed for construction and small equipment such as the cement mixer. As the Chapter grows in its capacity to provide more services to the community the need to expand and improve the Warehouse compound becomes an urgent need.

Location of Project: Former Breadsprings Chapter Tract, NM

Project Ranking: 2020 - 3 Subcode:

Potential Future Funding Sources: Capital Outlay, Chapter General Funds

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Architecture / Engineering	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00
Construction	\$0.00	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00
Totals	\$0.00	\$200,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$205,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Pinehaven Road Improvement

Project Description: Legislative Language: Design and Construction of Pinehaven Road, Baahaali Chapter, McKinley County

Description/Scope of Work: Pinehaven Road is a major school bus route in the Baahaali community. Pinehave Road is in dire need of improvement. Presently, the road is graveled but is in bad condition, especially after rain or snow. Pinehaven Road is project ready but is lacking funds for chip sealing.

Statement of Need: Pinehave Road is a major throughfare in the Baahaali community and is in desperate need of improvement that consist of chip sealing.

Location of Project: Pinehaven Road

Project Ranking: 2021 - 2 Subcode: Capital Outlay

Potential Future Funding Sources:

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Planning / Predesign	\$0.00	\$0.00	\$75,000.00	\$0.00	\$0.00	\$0.00	\$75,000.00
Architecture / Engineering	\$0.00	\$0.00	\$75,000.00	\$0.00	\$0.00	\$0.00	\$75,000.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$0.00	\$0.00	\$0.00	\$5,000,000.00	\$0.00	\$0.00	\$5,000,000.00
Totals	\$0.00	\$0.00	\$150,000.00	\$5,000,000.00	\$0.00	\$0.00	\$5,150,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: New Baahaali Bthrm Addns

Project Description: To plan, design and construct bathroom additions for various community members. The bathroom addition project at Baahaali is on going partnership with Indian Health Service. As more and more families have water lines connected to their residence, there will always be a need for bathroom additions.

Statement of Need: The need for bathroom addition constnuction is an on-going need as more and more families are able to get running water.

Location of Project: Scattered locations

Project Ranking: 2022 - 2 Subcode:

Potential Future Funding Sources: Capital Outlay

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$0.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$50,000.00
Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$0.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$50,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: New Equip Maintenance Yd

Project Description: The Equipment Maintenance Yard will fulfill a long term community need to maintain and upgrade school bus and community service routes. Baahaali is located in a mountainous region of northwestern New Mexico and tends to get higher level of precipitation than its neighboring Chapter communities. The Bread Springs Equipment Maintenance Yard will also provide much needed road maintenance and upgrade for the surrounding chapter communities of Chichiltah, Red Rock, Manuelito, Church Rock, Pinedale and Iyanbito.

Statement of Need: This project had been funded for \$175,000 from Navajo Nation and NM State Legislature. The NM State funds were reverted and the Navajo Nation funds were transferred to improve Tiger Lane, the number one priority road identified by Baahaali Chapter.

Location of Project: Please Fill In

Project Ranking: 2023 - 2 Subcode: Capital Outlay, County, NN CIP General Funds, NN Fuel Excise Tax Funds

Potential Future Funding Sources:

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Planning / Predesign	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$50,000.00
Construction	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$250,000.00
Other	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
Land	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
Totals	\$0.00	\$0.00	\$0.00		\$300,000.00	\$0.00	\$300,000.00

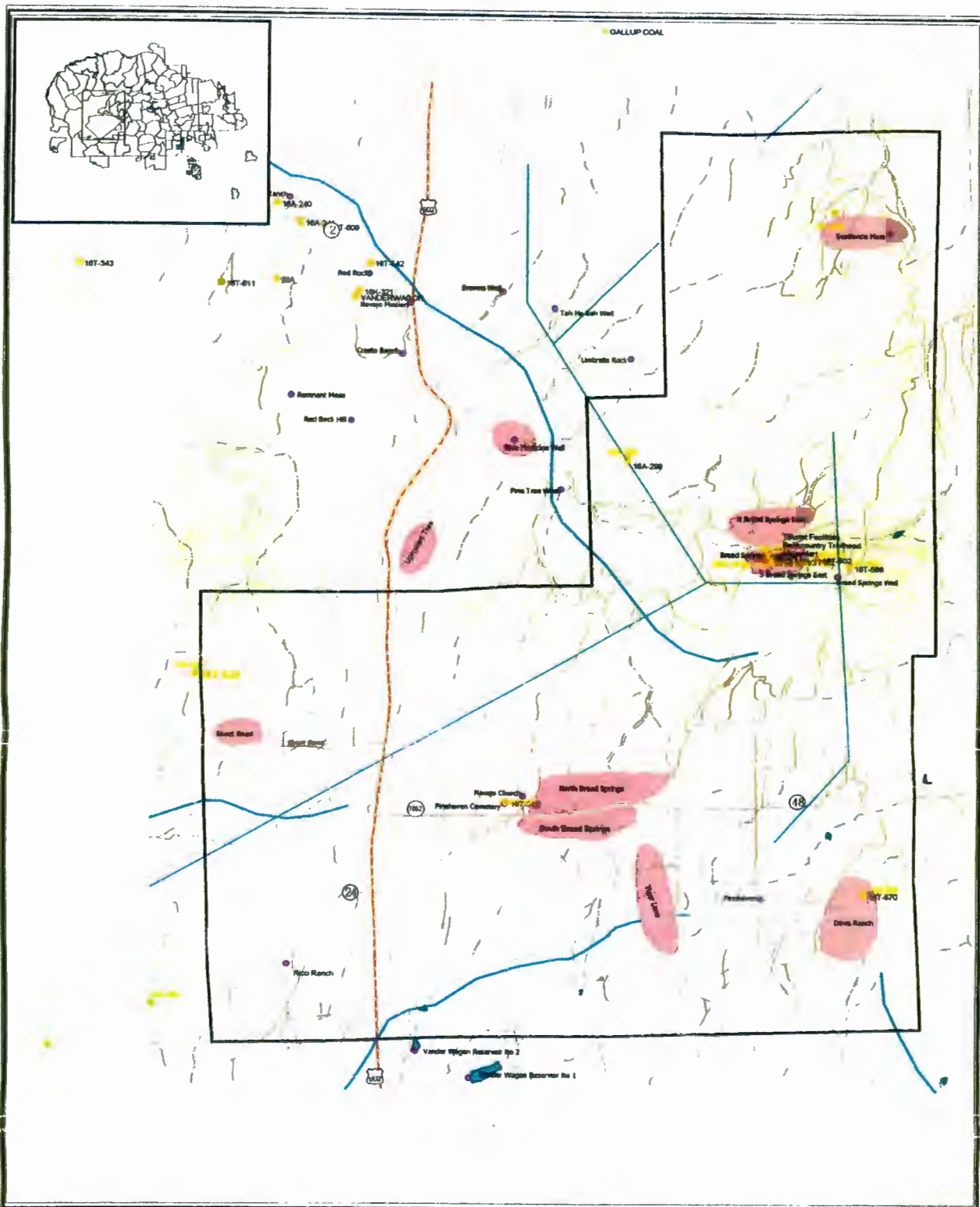
INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN 2019 - 2024

PROJECT SUMMARY

05	Baahaali	New Baahaali Bthrm Addns	2022 - 2	Housing - Block	Bathroom Additions	Capital Outlay	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00	\$50,000.00
05	Baahaali	Constr School Bus Improv Rds	2023 - 1	Transportation - Linear	Roads/Streets	County	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$900,000.00	\$900,000.00
05	Baahaali	New Equip Maintenance Yd	2023 - 2	Bldg-Government	Other	Capital Outlay, NN Fuel Excise Tax Funds, County, NN CIP General Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00	\$300,000.00
TOTAL							\$1,780,000.00	\$600,000.00	\$450,000.00	\$5,350,000.00	\$1,200,000.00	\$0.00	\$0.00	\$0.00	\$9,380,000.00	\$9,380,000.00

APPENDIX G

2006 HOUSING PLAN AND LAND SUITABILITY ANALYSIS



- Place names
- Potential Housing Sites
- Chapter Boundary
- State Highway
- Land Highway
- Dirt Roads
- Water System
- Water
- Lakes
- Woodland
- Wetlands

Designation

H01

H02

H03

H04

H05

Figure 2. Potential Housing Sites

Bread Springs Chapter

Navajo Nation Chapter Planning

Miller, Arviso and Associates, Inc.



May 15, 2001

ACCURACY STATEMENT:

The information compiled on this map has been obtained from third parties deemed to be reliable. While GIS Southwest Inc. has attempted to verify all information received, we assume no responsibility for its accuracy.

Data compiled and map composed by:

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Suite 215
Phoenix, AZ 85021
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hallock/gross inc.
planning • land design • environmental • location
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Phase II – Land Suitability Analysis

Bread Springs Chapter

Earthquake/Seismic Analysis

The sites chosen are not in an earthquake prone zone. This information was gleaned from the U.S. Geological Seismic Hazard Maps, based on probabilistic ground motion values at the nearest grid point, which encompassed the designated sites.

Reference materials: National Seismic Hazard Mapping Project.
U.S. Geological Survey, Central Region, Golden, Colorado.

The aforementioned data is deemed reliable through November 14, 2000, but periodic seismic events may naturally occur over time, therefore all or some of the sites chosen for housing or economic development purposes will require an analysis by the designer, prior to the preparation of plans, specifications and construction drawings.

Flood Hazards

Consultants have reviewed the maps prepared by the Federal Emergency Management Agency and determined that the areas chosen for home, community center, and administrative office complex would not be effected.

Arroyo flow and minor waterways can be addressed during the design for a particular project site.

Soils Analysis

The soils in the Bread Springs Chapter varies very slightly from one location to another, therefore, several sites may be combined as follows. It should be noted that expansive clay is found throughout the reservation.

Disclaimer – Engineering

According to the Soil Conservation Service, the aforementioned technical information is not site specific and does not eliminate the need for onsite investigation of soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Culturally Significant Areas

The Consultants conducted Class I Surveys of each potential housing site to determine whether any archaeological sites were in the identified areas, or vicinity thereof. The specific results of the surveys are documented in Technical report Number 2000-53.

Specific results and recommendations are contained in the referenced Technical Report Number 2000-53 and not repeated here to protect the confidentiality and nature of the archaeological sites.

Chapter Officials, community leaders and community members have affirmed that the potential sites chosen for housing have not been used in the past for traditional purposes, for gathering of herbs for medicinal uses, or ceremonial activities, such as Squaw Dances, religious and related sacred uses.

Land classified as Sacred Sites or archaeological purposes are identified under the Class I Survey Technical Report.

Landfill

There are no known landfill operations in the sites chosen for development.

A program should be designed and implemented for the collection and disposal of trash and hazardous materials in the Chapter Area. Chapter Officials, accompanied by a map specifying each location for collection boxes/dumpsters, should mandate designated Collection Sites.



Bááháálí Chapter
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PHONE (505) 778-5788 or 778-5796
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<http://baahaali.navajochapters.org>

Lee C. Jim, Chapter President
Benjamin Livingston, Chapter Vice President
David M. Emerson, Chapter Secretary/Treasurer
Donald Arviso, Land Board Member
Seth Damon, Council Delegate

EXHIBIT

B

Gloria Skeet deCruz, Chapter Manager

Guarena Adeky Skeets, Administrative Assistant

BHC-04-18-S09

RESOLUTION OF THE BÁÁHÁÁLÍ CHAPTER

APPROVING THE BAAHAALI CHAPTER UPDATED COMPREHENSIVE COMMUNITY-BASED LAND USE PLAN AND REQUESTING THE HONORABLE NAVAJO NATION RESOURCES AND DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL TO GRANT CERTIFICATION

WHEREAS:

1. The Bááháálí Chapter is a duly certified local governmental entity of the Navajo Nation pursuant to NTC § 4001 with delegated authority and responsibility to promote, to receive, act up on and protect the interest and the general welfare of its constituents and to interact with other entities of the Navajo Nation, Federal Government Agencies that serve and affect the Bááháálí Chapter; and
2. Bááháálí Chapter is vested with power and authority to advocate on behalf of the community to improve the living conditions, economic infrastructure, conserve and protect its natural resources, including the respect for culture and tradition of its people and continue to grow toward self-sufficiency and sustainability through self-government; and
3. The Baahaali Chapter membership, the Community Land Use Planning Committee (CLUP), the Chapter administration and Chapter Officials, in conjunction with ETD, Inc., Flagstaff, Arizona completed the update of the comprehensive community-based land use plan in accordance with 26 N.N.C. Subsection 2004; and
4. Pursuant to Resolution No. CAP-34-98, the Navajo nation Council adopted the Navajo Nation Local Governance Act (LGA); and
5. Pursuant to the LGA, all chapters shall develop and implement a comprehensive community-based land use plan pursuant to 26 N.N.C. § 2004; and
6. In the best interest of the community, the Baahaali Chapter hereby approves the comprehensive community-based land use plan, attached hereto as Exhibit "A".

NOW THEREFORE BE IT RESOLVED THAT:

1. Bááháálí Chapter approves the Baahaali Chapter comprehensive community-based land use plan in accordance with the requirements of the Local Governance Act.
2. Baahaali Chapter further hereby requests the Honorable Navajo Nation Resources and Development Committee of the Navajo Nation Council to grant certification of our Comprehensive Community-Based Land Use Plan.

RESOURCES AND DEVELOPMENT COMMITTEE

Regular Meeting

August 1, 2018

ROLL CALL

VOTE TALLY SHEET:

Legislation # 0213-18: An Action Relating to Resources and Development; Certifying Baahaalii Chapter's Community-Based Land Use Plan which has Reevaluated and Readjusted Baahaali Chapter's First Community-Based Land Use Plan *Sponsor: Honorable Seth Damon; Co-Sponsor: Walter Phelps*

Motion: Alton Joe Shepherd Second; Leonard Pete

Vote: 3-0-1 (VCNV)

YEAS: Leonard Pete, Walter Phelps and Jonathan Perry

EXCUSED: Davis Filfred



Benjamin Bennett, Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee