



## 23<sup>rd</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Walter Phelps, Primary  
Sponsor of proposed legislation hereby withdraw my  
sponsorship of the proposed legislation. The legislation  
tracking number is 0275-18

If there are any co-sponsors, they may re-sponsor the same  
bill by beginning a new legislation.

SPONSOR SIGNATURE:

Walter Phelps

DATE:

11/28/18

**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0275-18

**DATE:** June 6, 2018

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION;  
AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE  
NAVAJO NATION CHURCH LAND USE PERMIT REGULATIONS

**PURPOSE:** Approving the Navajo Nation Navajo Nation Church Land Use Permit  
Regulations.

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

5-DAY BILL HOLD PERIOD:                       
Website Posting Time/Date: 4:59pm 8.10.18  
Posting End Date: 08-15-18  
Eligible for Action: 08-16-18

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2018  
INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0275-18

AN ACTION  
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE NAVAJO  
NATION CHURCH LAND USE PERMIT REGULATIONS

BE IT ENACTED:

**Section One. Authority**

- A. Pursuant to 16 N.N.C. § 1151 (A), “[t]he Navajo Nation Council adopts 16 N.N.C. §§ 1151- 1164 for the issuance of permits to missionaries and mission bodies to conduct religious and other related activities on the Navajo Nation.”
- B. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 500 (C), exercises oversight authority over land.
- C. Pursuant to 2 N.N.C. § 501 (B) (1) the Resources and Development Committee has the enumerated power “[t]o promulgate rules and regulations governing transportation, community development, local government unites, land acquisitions for the Navajo Nation, environmental protection, and the use, sale, exchange, and development of Navajo Nation lands and/or resources, whether held in fee or trust status.”

**Section Two. Findings**



1           A. The Navajo Nation General Land Development Department has submitted  
2           proposed Navajo Nation Church Land Use Permit Regulations, attached as  
3           **Exhibit A**, for approval by the Resources and Development Committee.  
4

5           **Section Three. Approval**

6           Resources and Development Committee of the Navajo Nation Council hereby  
7           approves the Navajo Nation Church Land Use Permit Regulations, **Exhibit A**.  
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# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



05/07/18	DOJ
8:50am	DATE / TIME
<input type="checkbox"/>	7 Day Deadline
DOC #: 009671#3	
SAS #:	
UNIT: NRU	

☒ RESUBMITTAL  
3/28/2018

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

### CLIENT TO COMPLETE

DATE OF REQUEST: May 4, 2018 ENTITY/DIVISION: NATURAL RESOURCES  
CONTACT NAME: Elerina Yazzie DEPARTMENT: GLDD  
PHONE NUMBER: 871-6447 E-MAIL: elerina.yazzie@frontier.com

TITLE OF DOCUMENT: #009671 - Church Land Use Permit Regulations  
for review the changes again.

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 5/7/18 REVIEWING ATTORNEY/ADVOCATE: Imine Chee  
9am 5/10/17

DATE/TIME OUT OF UNIT:

### DOJ ATTORNEY / ADVOCATE COMMENTS

- Document was Rtd. to GLDD ofc. for corrections. Document is now legally sufficient after corrections were made by the Sponsors

REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
<u>Imine Chee</u>	<u>5/14/18</u>	<u>VB Blackhart</u>	<u>5/14/18 1:48pm</u>

DOJ Secretary Called: \_\_\_\_\_ for Document Pick Up on \_\_\_\_\_ at \_\_\_\_\_ By: \_\_\_\_\_

PICKED UP BY: (PRINT) Elerina Yazzie DATE / TIME: 5/14/18 3:10pm

**EXECUTIVE OFFICIAL REVIEW**Title of Document: Church Land Use Permit Regulations Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: e\_yazzie@navajo-nsn.gov Phone Number: 928-871-6447☐ **Business Site Lease** Sufficient    Insufficient

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(recommendation only)			
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Grant Applications**

1. Office of Management and Budget: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Elections: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

Sufficient    Insufficient

1. Division: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. Office of the Attorney General: \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

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

☐ **Rights of Way**

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

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

1. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. OPVP \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ **Assignment of Mineral Lease**

1. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. DOJ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

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

☐ **OTHER:**

1. DNR \_\_\_\_\_ B. B. B. B. B. Date: 2/08/2018 ☒ ☐  
2. DOJ - (IC) \_\_\_\_\_ V. B. B. B. B. Date: 5/19/18 ☒ ☐  
3. \_\_\_\_\_ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. \_\_\_\_\_ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. \_\_\_\_\_ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐



# **Church Land Use Permit Regulations 2018**

**General Land Development Department  
Division of Natural Resources  
NAVAJO NATION**



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## **Appendix**

- A. Application and Checklist**
- B. Navajo Nation Consent Forms**
- C. Terms and Conditions**
- D. Title 16**
- E. General Leasing Regulations**

## **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 carryout its land leasing authority. The Navajo Nation is the final approval authority for all Church Land Use Permits 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.

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, that may include educational activities, in conjunction with religious activities on the Navajo Nation.

All issued permits before 2012 for religious activities must be converted to the new permits issued under the General Leasing Regulations of 2013.

## **Section 4      Term**

All church land use permits shall be for a term of five years, beginning on the date of approval of the permit 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 these regulations.

## **Section 5      Application Procedures and Requirements**

A complete Church Land Use Permit packet consists of:

1. Application – application and checklist is available at the General Land Development Department and are attached hereto as **Appendix A**.
2. Official Local NN Chapter Supporting Resolution - Applicant will need to attend a Chapter Planning meeting and explain the logistics of your project and request to be placed on the next Regular Chapter meeting agenda and request a chapter supporting resolution. A Community Land Use Planning Committee supporting resolution can be

attached to ensure proposed development is not interfering with the Community Land Use Plan, but it is *not* required.

3. Consents – The local Grazing Officer or Land Board will identify the grazing permittees in the proposed developed area and the General Land Development Department will provide approved Navajo Nation Consent Forms, attached hereto as **Appendix B**.
4. Survey Plat with legal description, must include road access and utility easements (grazing permittee consent also covers consent for infrastructure).
5. Copy of Articles of Incorporation and a copy of Certificate of Incorporation – issued and certified by authorizing entity (such as Navajo Business Regulatory, State of Arizona, or any State with corporation commissions prescribed by state law, etc.).
6. Biological Resource Compliance Form issued by the Navajo Fish and Wildlife Department.
7. Cultural Resources Compliance Form issued by the Navajo Historic Preservation Department.

## **Section 6      Available Land**

The acreage used for each church land use permit site shall be the minimum acreage necessary to conduct religious activities. Applicants do not need to apply for land withdrawals because according to the Land Withdraw Designation Regulations (RDCJN-33-15), Church land use permits are not identified as community or industrial development. Church land use permits are *permits* that are issued and regulated by the Navajo Land Department, as directed by the Navajo Nation Council on a five-year basis, 16 N.N.C. § 1151.

The Navajo Nation Code 16 N.N.C. states §1159, which the Navajo Nation policy regarding acreage use for each religious activity permit is set at a minimum acreage requirement.

Acreage Limitations:

Religious Activities Only	1.5 acres
Religious Activities and Community Facilities	3.5 acres
Religious Activities and medical/educational	8 acres

## **Section 7      Terms and Conditions**

The standard terms and conditions (including the rental rates, legal descriptions and liability) that are approved by the Navajo Department of Justice are attached hereto as **Appendix C**. 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**

It is considered trespassing when an unauthorized individual or entity is in possession, or occupancy or use of Navajo Nation trust or fee lands without an approved church land use permit.

Permits will be suspended for those entities that are in default or non-compliance with Navajo Nation laws, such as, and not limited to default of payments, expired permits, or non-submittal of required documents.

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 <sup>nd</sup> Written Warning   | \$100.00 |
| 3. 3 <sup>rd</sup> Written Warning   | \$500.00 |
| 4. Termination Notice issued by Executive Director of the Division of Natural Resources. |          |

## **Section 9      Abandonment**

If the Permittee 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 permit is terminated.

## **Section 10      Filing & Annual Fees**

The Permittee is responsible for paying annual rental fees for each application. The calculation for annual fees is based on acreage.

## **Section 11      Cancellations of Permits**

The Navajo Nation has the authority to cancel any approved permits if these regulations are not met, including non-payments or if an entity or individual is unwilling to provide requested documentation within 30 days of the requested date or when permitted area is not utilized for religious purposes.

## **Section 12      Modifications**

Any modification will require a new application for a Church Land Use Permit to be issued, (including name and acreage changes) and approved by the Resources and Development Committee.

## **Section 13      Record Keeping & Tracking**

The General Land Development Department will store all records of issued approved permits in the Navajo Nation System for monitoring, tracking, locating and storing all documents. The Navajo Nation System will automatically notify recipients of payment and document due dates, and expiration dates via email. If postage mail is requested, applicant must submit the request in writing to GLDD with a self-addressed stamped envelope enclosed.



## **Section 14     Definitions**

### **CLUPR – Church Land Use Permit Regulations**

**Valid Grazing Permittee** – holds a tally count of livestock within the past two years and not in any grazing violations and currently utilizing the grazing area.

**Community Service Facilities** – are permanent improvements upon which the permitted sites are provided for educational programs or any non-religious programs that are benefiting the community.

**Articles of Incorporation** – Certified copies of a group's authority to do business in the state or Nation (an entity can organize under Navajo law); this includes the evidence of authority of the responsible person(s) that sign the application 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.

**TERMS AND CONDITIONS FOR MISSION SITE PERMIT**  
**\_\_\_\_\_ CHURCH (PERMITTEE)**

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

**SAMPLE TRACT DESCRIPTION**

**EX: A TRACT OF LAND SITUATE IN NORTHEAST QUARTER (NE1/4) OF SECTION \_\_\_\_\_, TOWNSHIP \_\_\_\_\_ SOUTH, RANGE 25 EAST, S.L.B.M., SAN JUAN COUNTY, UTAH SITUATED IN THE ANETH AREA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Point of Beginning a point being the Southeasterly corner of said Parcel which bears North \_\_\_\_\_ West, a distance of \_\_\_\_\_ feet from the Eastern Quarter (1/4) corner of said Section 21;

THENCE South 68° 00' 45" West, a distance of 357.35 feet;

THENCE North 13° 30' 28" West, a distance of 342.05 feet;  
THENCE South 89° 30' 19" East, a distance of 483.23 feet;  
THENCE South 20° 17' 28" West, a distance of 207.49 feet to the Point of Beginning

Said Parcel containing \_\_\_\_\_ ± acres more or less in area and being subject to any restrictions, easements, and reservations of record.

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

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



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

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
**Church Permittee**

\_\_\_\_\_  
**Navajo Nation President**



**Church Land Use Permit Check List**  
General Land Development Department

1. \_\_\_\_\_ Application -available at the General Land Development Department.
2. \_\_\_\_\_ Chapter Supporting Resolution - local community support.
3. \_\_\_\_\_ Consents - Grazing Officer can provide list of permittees.
4. \_\_\_\_\_ Legal Survey Plat with legal description, showing road access and utility easements.
5. \_\_\_\_\_ Copy of Articles of Incorporation and Certificate - issued and certified by authorizing entity (such as Navajo Business Regulatory).
6. \_\_\_\_\_ Biological Resource Compliance Form issued by the Navajo Fish and Wildlife Department
7. \_\_\_\_\_ Cultural Resources Compliance Form issued by the Navajo Historic Preservation Department

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**Return completed packages to:**

General Land Development Department  
Attn: Religious Site  
P.O. Box 69  
St. Michaels, AZ 86511  
Phone: (928) 871-6447

**Or scan and email to:**

Michelle Hoskie, Office Specialist	<a href="mailto:michellehoskie@frontier.com">michellehoskie@frontier.com</a>
Stevie Hudson, Senior Office Specialist	<a href="mailto:steviehudson@frontier.com">steviehudson@frontier.com</a>

**If you have questions, contact:**

Elerina Yazzie, Department Manager	<a href="mailto:elerina_yazzie@frontier.com">elerina_yazzie@frontier.com</a>
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**Church Land Use Permit Application**  
General Land Development Department

**Date:** \_\_\_\_\_

**Navajo Agency:** \_\_\_\_\_

\_\_\_\_\_  
**Name of Church**

\_\_\_\_\_  
**Name of Responsible Contact Person**

\_\_\_\_\_  
**Email (required)**

\_\_\_\_\_  
**Mailing Address**

\_\_\_\_\_  
**City**

\_\_\_\_\_  
**State**

\_\_\_\_\_  
**Zip**

\_\_\_\_\_  
**Phone**

\_\_\_\_\_  
**Physical Address (if different from mailing)**

\_\_\_\_\_  
**Mobile**

\_\_\_\_\_  
**County**

**COMPLETE THE FOLLOWING**  
(Attach additional sheets if necessary).

**Detailed statement of the purpose(s) the Navajo Nation lands will be used for.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Complete only, if proposing to establish facilities for educational, medical or other non-religious activities. Provide a description of proposed development and purposes.**

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**Detailed statement of existing OR proposed buildings (including improvements) placed or will place on tribal land with estimated cost(s).**

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**Water and Sewer developmental plans or existing plans.**

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The information that I (we) have provided on this application is true and complete to the best of my knowledge. Any misrepresentation or omission of any fact in this application or any other material used in the application process, can be justification for denial of permit issuance by the Navajo Nation. My signature below authorizes the Navajo Nation to verify all documents submitted.

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Print Name

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Signature

---

Date

**CONSENT FORM #1**  
(No expected damages)

**CONSENT TO USE  
NAVAJO TRIBAL LANDS**

**TO WHOM IT MAY CONCERN**

I \_\_\_\_\_ hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs, Window Rock, Arizona to permit \_\_\_\_\_ of \_\_\_\_\_ to use a portion of my land use area for the following purpose \_\_\_\_\_

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

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

**REMARKS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

_____	_____	_____	_____
Date	Land User Signature or (Thumbprint)	Census No.	Permit No.

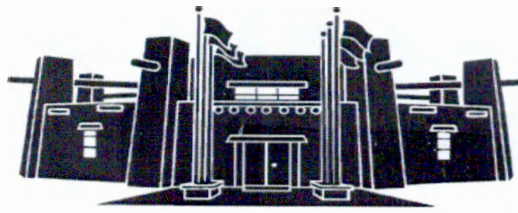
**WITNESS:**  
\_\_\_\_\_

_____	_____	_____
Date	Grazing Committee or Land Board Member	District No.

**Acknowledgement of Field Agent**

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

\_\_\_\_\_  
**Field Agent Signature**



## MEMORANDUM

TO: Honorable Walter Phelps  
Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake Chapters

FROM:

*Mariana Kahn*

Mariana Kahn, Attorney  
Office of Legislative Counsel

DATE: June 6, 2018

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION  
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE  
NAVAJO NATION CHURCH LAND USE PERMIT REGULATIONS

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

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

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0275-18\_\_\_\_\_ SPONSOR: Walter Phelps

**TITLE: An Action Relating to Resources and Development; Approving the Navajo Nation Church Land Use Permit Regulations**

***Date posted:*** August 10, 2018 at 4:59pm

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7590

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

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



**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0275-18**

**SPONSOR: Honorable Walter Phelps**

**TITLE: An Action Relating to Resources and Development; Approving the Navajo Nation Church Land Use Permit Regulations**

**Posted: August 10, 2018 at 4:59pm**

**5 DAY Comment Period Ended: August 15, 2018**

**Digital Comments received:**

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

  
\_\_\_\_\_  
**Legislative Secretary H  
Office of Legislative Services**

8/16/2018 7:57am  
\_\_\_\_\_  
**Date/Time**