

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A
MISSION SITE PERMIT FOR THE FORT DEFIANCE POTTER'S HOUSE
CHRISTIAN CENTER ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF
FORT DEFIANCE CHAPTER, NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. TITLE 16 OF THE NAVAJO NATION CODE PROVISIONS WITH
RESPECT TO MISSION SITES

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

1. An exact description of the Navajo Nation land for which application is made.
 2. A detailed statement of the purpose or purposes for which the said Navajo Nation land shall be used. If a missionary or mission body proposes to establish facilities for educational, medical, or other non-religious activities, the application shall set forth fully the extent and character thereof.
 3. A signed petition of a substantial number of Navajos residing in the vicinity of the proposed site endorsing the proposed permit.
 4. An endorsement of Navajo Nation Council Delegates of the District in which the proposed site is located.
 5. A description of buildings and improvements to be placed on Navajo Nation lands and an estimate of the cost thereof. Pursuant to 16 N.N.C. § 1155, the Resources and Development Committee is authorized to deny or grant, on behalf of the Navajo Nation, any permit with special consideration to the establishment of too many missions in any one area or at any one point.
- C. Pursuant to 16 N.N.C. § 1159 (B), the following acreage limitations shall apply to all applicants for permits:
1. Mission site for purely religious activities: one and one-half (1½) acres;
 2. Mission site for religious activities and community services facilities: three and one-half (3½) acres;
 3. Mission site for religious activities and either substantial medical or accredited educational programs: eight (8) acres; and
 4. The Resources and Development Committee may, in the case of applications for mission sites in or near areas withdrawn for townships in the Navajo Nation, limit site acreage to less than two and five-tenths (2 5/10) acres, and may set rental fees with due regard for present or future competing demands for land use in such areas.

- D. Pursuant to 16 N.N.C. § 1159 (C), "community service facilities" shall be deemed to include only those permanent improvements upon the permitted site which are for the purpose of providing recreational programs, non-religious educational programs, including adult education, and other non-religious programs of benefit to the community.
- E. Pursuant to 16 N.N.C. § 1160 (A), the acreage limitations established by 16 N.N.C. § 1159, may be waived by the Resources and Development Committee upon a showing by the applicant that planned programs will be of sufficient benefit to the Navajo People to justify waiver of acreage limitations. No waiver of acreage limitations shall be granted unless the applicant has complied with 16 N.N.C. §§ 1153 and 1161, and all other procedures provided by law.
- F. Pursuant to 16 N.N.C. § 1160 (B), no waiver of acreage limitations shall be granted in cases of applications subject to acreage limitations established by 16 N.N.C. § 1159 (B) (1), (regarding a mission site for purely religious activities which is limited to one and one-half (1½) acres).
- G. Pursuant to 16 N.N.C. § 1161, no application for mission site permit for an area of Navajo Nation land in excess of the limitations established in 16 N.N.C. § 1159 shall be granted by the Resources and Development Committee unless the application for such permit has been reviewed and approved by the Division of Community Development of the Navajo Nation, and by the Navajo Land Department of the Navajo Nation.

SECTION THREE. FINDINGS

- A. The Fort Defiance Potter's House Christian Center, Post Office Box 1540, Window Rock, Arizona 86515, has applied for a mission site permit within the Fort Defiance Chapter. The application is attached as **Exhibit E**.
- B. The proposed mission site is located 1.10 acres, more or less, of trust land within the vicinity of Fort Defiance, Navajo Nation (Arizona). The land description appears on the survey plat attached hereto and incorporated as **Exhibit B**.
- C. The Grazing Official for the Fort Defiance Chapter, through letter dated April 23, 2018, has determined that there are no grazing permittees in the area. The letter is attached as **Exhibit C**.

- D. The Fort Defiance Chapter Resolution No. FDC-2018-04-15-02, supporting the Fort Defiance Potter's House Christian Center for a mission site permit and the signed petition by the local residents in support of the Fort Defiance Potter's House Christian Center are attached as **Exhibit D**.

- E. Resources and Development Committee Resolution RDCJN-33-15, delegated the authority to process and approve Land Withdrawals to the Director of the Navajo Land Department. Resolution RDCJN-33-15, approved Land Withdrawal Designation Regulations ("Regulations"). Section One of the Regulations states:
 - "§1. Purpose
 The purpose of these Regulations is to clarify and expedite the Land Withdrawal Designation process on the Navajo Nation, and explains that a Land Withdrawal Designation does not authorize development or disturbance on Navajo Nation land. This Land Withdrawal Designation process does not apply to how to get a lease. Prior to any development on land, a lease must be obtained in addition to the withdrawal. The purpose of a Land Withdrawal Designation is to designate an area of land for further development by,
 - a. Ensuring that the rights of grazing permittees, who are in compliance with their grazing permits, are properly addressed as applicable and as required under 16 N.N.C. §§ 1401 *et seq.*, and to prevent any subsequent claims to the land; and
 - b. Ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land."

- F. Having received the consents of the land users, **Exhibit C**, and the receipt of the Fort Defiance Chapter Resolution No. FDC-2018-04-15-02, **Exhibit D**, the purpose of the Land Withdrawal Designation has been met ensuring the rights of grazing permittees have been addressed and ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land as a mission site.

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

- H. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.
- I. Biological Resources Compliance Form for the Fort Defiance Potter's House Christian Center Mission Site is attached as **Exhibit F**. The Cultural Resources Compliance Form for the Fort Defiance Potter's House Christian Center is attached as **Exhibit G**. The Archaeological Inventory Report Documentation for the Fort Defiance Potter's House Christian Center is attached as **Exhibit H**. The Navajo Business and Procurement Act Clearance is attached as **Exhibit I**.
- J. The application for mission site permit has been reviewed through the Executive Official Review Document No. 010230, including the Department of Justice, and found "Sufficient" or "Approved". Executive Official Review Document No. 010230 is attached as **Exhibit J**.

SECTION FOUR. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the withdrawal of 1.10 acres, more or less, of trust lands within the vicinity of Fort Defiance Chapter, Navajo Nation (Arizona), as described in **Exhibit B**, for Fort Defiance Potter's House Christian Center, for use as a mission site.
- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Mission Site Permit for the Fort Defiance Potter's House Christian Center, subject to but not limited to the attached Terms and Conditions contained herein as **Exhibit A**, which is attached hereto and incorporated herein by this reference.
- C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute all documents to affect the intent and purpose of this resolution.

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 Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, and 0 opposed, on this 27th day of December 2018.

A handwritten signature in black ink, appearing to read 'Alton Joe Shepherd', written over a faint circular stamp or seal.

Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Davis Filfred
Second: Honorable Jonathan Perry

Chairperson Alton Joe Shepherd not voting.

10/01/2014
FORM Mission Site



**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
FORT DEFIANCE POTTER'S HOUSE CHRISTIAN CENTER (PERMITTEE)**

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

TRACT DESCRIPTION

A TRACT OF LAND SITUATED WITHIN THE SOUTHEAST QUARTER (SE/4) OF SECTION 18; TOWNSHIP 27 NORTH, RANGE 31 EAST, GILA AND SALT RIVER MERIDIAN AT FORT DEFIANCE, APACHE COUNTY, STATE OF ARIZONA AND THE NAVAJO NATION AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at a Bureau of Land Management, Cadastral Survey, Brass Cap, the East One-Quarter (1/4) Corner of Section 19, Township 27 North, Range 31 East, Gila and Salt River Meridian, from whence a Navajo Control System, Brass Cap No. "FD-53.24, a Limbaugh Engineering and Aerial Survey Inc., brass cap, having Arizona State Plane Coordinates, East Zone: X = 827,389.30 feet and Y = 1,721.202.72 feet, bears South 02°26'50" West a distance of 1,042.43 feet;

THENCE on a Geodetic Bearing of North 03°30'22" West a distance of 3,265.85 feet to the Northeast Corner and The True Point of Beginning of the herein described Tract;

THENCE South 42°30'20" West a distance of 166.89 feet to the Southeast Corner;

THENCE North 55°07'53" West a distance of 269.43 feet to the South west Corner;

THENCE North 27°24'30" East a distance of 164.87 feet to the Northwest Corner, said Corner being a Found 5/8 – inch rebar and being the Northwest Corner of Fort Defiance Chapter House Addition Tract;

THENCE South 55°29'14" East parallel and adjacent with and 74.58 feet Southerly of The Centerline of B.I.A. Route No. 110, a distance of 313.02 feet To The Northeast Corner and The True Point of Beginning of the herein described Tract.

The annual rental rate will be \$ 90.00 per year and is due on or before the first day of December each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.

7. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.
22. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
23. 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.
24. 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.
25. 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:

Fort Defiance Potter's House
(Permittee)

Russell Begaye
Navajo Nation President

LEGAL DESCRIPTION OF

A Tract of Land Situated within The Southeast Quarter (SE/4) of Section 18; Township 27 North, Range 31 East, Gila and Salt River Meridian at Fort Defiance, Apache County, State of Arizona and The Navajo Nation and is being more particularly described as follows:

COMMENCE at a Bureau of Land Management, Cadastral Survey, Brass Cap, The East One-Quarter (1/4) Corner of Section 19, Township 27 North, Range 31 East, Gila and Salt River Meridian, from whence a Navajo Control System, Brass Cap No. 7D-53.24, a Litchbaugh Engineering and Aerial Survey, Inc., brass cap, having Arizona State Plane Coordinates, East Zone: X= 827,389.30 feet and Y= 1,721,202.72 feet, bears South (2°26'53" West a distance of 1,042.43 feet;

Thence on a Geobelt Bearing of North (3°30'22" West a distance of 3,255.85 feet to the Northeast Corner and The True Point of Beginning of the herein described Tract;

Thence South (2°30'20" West a distance of 165.89 feet to the Southeast Corner;

Thence North (5°07'53" West a distance of 269.43 feet to the Southwest Corner;

Thence North (7°24'30" East a distance of 164.87 feet to the Northeast Corner, said Corner being a Round 5/8-Inch rebar and being the Northwest Corner of Fort Defiance Chapter House Addition Tract;

Thence South (5°29'14" East parallel and adjacent with and 74.56 feet Southwesterly of The Outer-line of B.I.A. Route No. 110, a distance of 313.02 feet To The Northeast Corner and The True Point of Beginning of The herein described Tract.

The above described Tract of Land contains 1.10 acres, more or less, in Acres and subject to any and all existing underground Utilities located Thereon.

The Basis of Bearing No. 44°19'39" West, compiled from Litchbaugh Engineering Survey, Inc., Navajo Control System Brass Cap No. 7D-53.24 to 7D-59.15°. All bearings are Geobelt and Ground Distances situated in Arizona State Plane Coordinates System, East Zone, Transverse Mercator Projection.

SURVEYOR'S CERTIFICATION

I, Jerry J. House, a duly Registered Land Surveyor under the laws of the State of Arizona do hereby certify that this survey and plat shown hereon was prepared from field notes of an actual survey conducted by me or under my direct supervision and that the same is true and correct to the best of my knowledge and belief.

Jerry J. House
 Jerry J. House, Registered Land Surveyor
 Arizona Certificate No. 14667
 P.O. Box 510, Tucsua, N.M. 87323



FT. DEFANCE POTTER'S HOUSE
 CHRISTIAN CENTER 1.10 AC. ±
 SE/4, Section 18, T.27N., R.31E., G.B.S.R.M.,
 Ft. Defiance, Apache County, Arizona

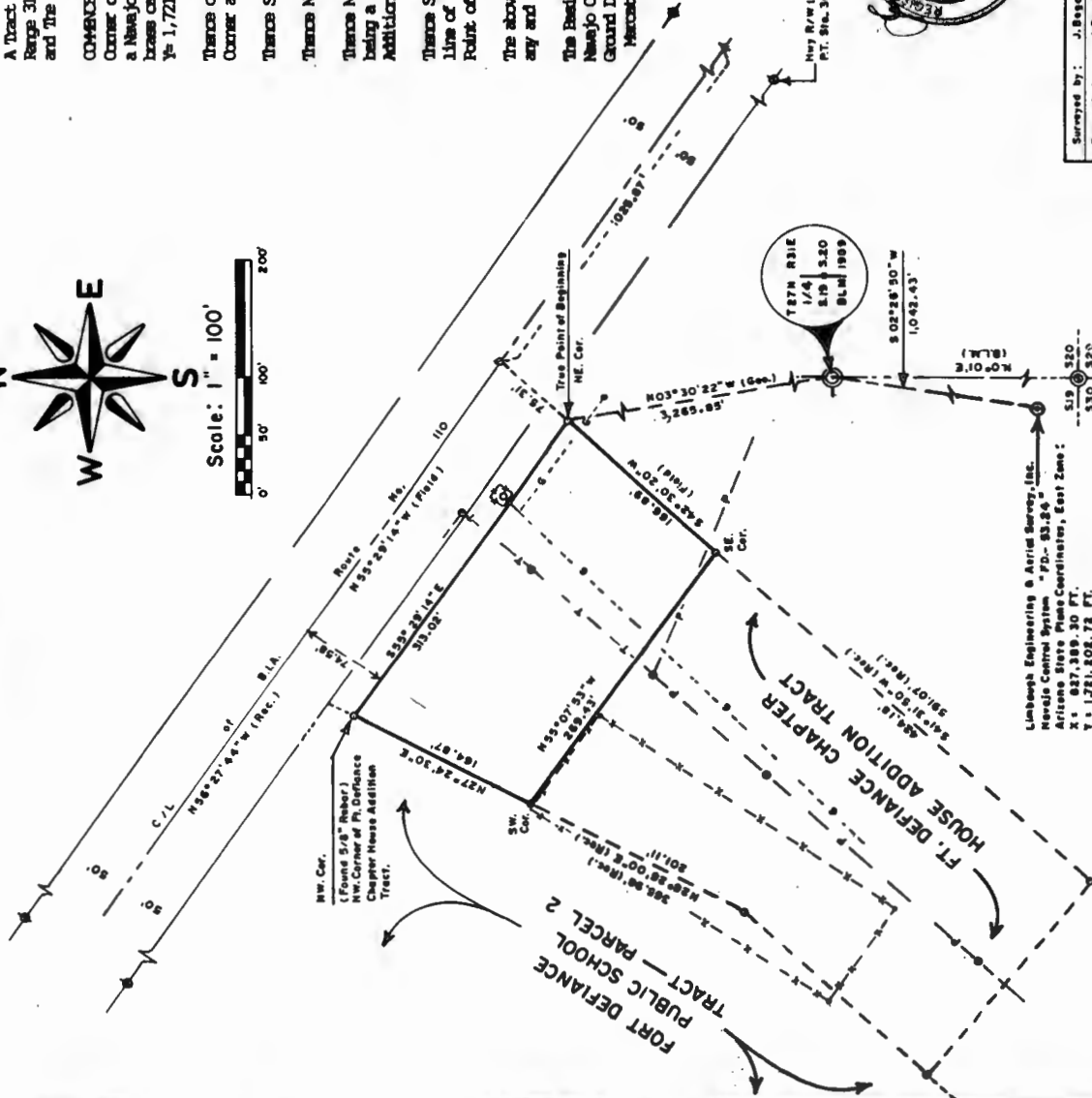
Surveyed by:	J. Bossey	Date:	03/28/98
Drawn by:	J. Bossey	Date:	04/02/98
Checked by:	Jerry J. House	Date:	04/07/98
Revisions:			

NOTE: All corners are marked with 5/8" rebar.

Litchbaugh Engineering & Aerial Survey, Inc.
 Navajo Control System - 7D-53.24
 Arizona State Plane Coordinates, East Zone:
 X = 827,389.30 FT.
 Y = 1,721,202.72 FT.
 46° ± 00' 30" 37"



Scale: 1" = 100'





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

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

RUSSELL BEGAYE
Navajo Nation President



JONATHAN NEZ
Navajo Nation Vice President

April 23, 2018

Fort Defiance Chapter
P.O Box 366
Fort Defiance, Az. 86504
(928)-729-4352
Fax # (928)729-4353

Fort Defiance Grazing Official

Enference To your Request Re:

To consent to The Potter House Christian Center. This Church is in good standing and there is no
Grazing Permittee in this area.

Herman Billie

GRAZING OFF.

FORT DEFIANCE CHAPTER



THE NAVAJO NATION

Fort Defiance Chapter

P.O Box 366 ♦ Fort Defiance, Arizona 86504

Phone: (928) 729-4352 ♦ Fax (928) 729-4353

Email: ftdefiance@navajochapters.org



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Herman Billie, Grazing Official

Benjamin Bennett, Council Delegate

RUSSELL BEGAYE
Navajo Nation President

JONATHAN NEZ
Navajo Nation Vice President

RESOLUTION OF FORT DEFIANCE CHAPTER

FDC-2018-04-15-02

Supporting and Approving Fort Defiance Potter's House Christian Center to be Established on the North Side of the Office of Navajo Nation Community Health Representative.

WHEREAS:

1. Fort Defiance Chapter is a certified chapter of the Navajo Nation in accordance with Navajo Nation Code 2, Section 4001 and 4006, with authority to address and take action on the needs and concerns of its people; and
2. Fort Defiance Chapter was governance-certified January 15, 2016, which provides autonomy in its structure and governance; and
3. Potter's House initially obtained approval by the chapter for a parcel land to build a church, however, the mission site lease process was never pursued; and
4. Fort Defiance Chapter consequently relinquished the land, by Resolution FD-06-19-05, to "Reaffirming Relinquishing Land and Approval Fort Defiance Potter's House Christian Center to be Established on the North Side of CHR Building Which Is Identified as Fort Defiance Chapter"; and
5. Potter's House Christian House had discovered that a formal mission site lease was not completed and is currently requesting the chapter to approve the parcel of land on which the church is currently located (copy of land survey is attached).

NOW THEREFORE BE IT RESOLVED THAT:

1. Fort Defiance Chapter hereby supports and approves the Potter's House Christian House occupation of the site on which it is not situated.
2. Fort Defiance Chapter, through its Community Land Use Plan, requests that proper procedure is followed in the acquisition of the site son and inform the chapter of the final decision.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the chapter at a duly called meeting at which a quorum was presented and that same was approved by a vote of 43 in favor, 3 opposed, 0 abstained, this 8th day of April 2018.

MOTIONED: Benjamin Bennett

SECONDED: Katherine Arviso

Wilson C. Stewart, Jr. Chapter President



23rd Navajo Nation Council

September 5, 2018

Ref: Fort Defiance Chapter Resolution FDC-2018-04-15-02 Mission Site Lease for Potters House

To Whom It May Concern:

This letter to document my support for the Potters House Church mission site lease, which is located in the Fort Defiance, Arizona area next to the old Window Rock School field-house. The Fort Defiance chapter has passed a resolution FDC-2018-04-15-02 on April 15, 2018 which documents this.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Bennett", with a long horizontal line extending to the right.

Benjamin Bennett
Navajo Nation Council Delegate
Resources and Development Committee
The Navajo Nation Council

Cc: Navajo Nation Department of Justice
Navajo Land Department
Fort Defiance Chapter
Martin Haven, Pastor, Potters House
File

PETITION FOR THE FORT DEFIANCE POTTER'S HOUSE CHURCH

We, THE UNDERSIGNED, are citizens and residents of the Navajo Nation living within this community. This religious site shall serve to provide a place of worship and also to conduct religious services on any given days throughout the years. Further, we hereby give our signatures on this petition sheet to further the development of this church.

NAME	DATE	WITNESS
(1) Thomas P. Sholock	04/14/18	J. Waller
(2) Shane Baloo	4/14/18	J. Waller
(3) Eleanor Dela Rosa	4/15/18	J. Waller
(4) Conan Francisco	4/15/18	J. Waller
(5) Orlando Tapaha	4/15/18	J. Waller
(6) Jacqueline Francisco	4-15-18	J. Waller
(7) D. Wachmere	4-15-18	J. Francisco
(8) Elsie Don	4-15-18	J. Francisco
(9) Nigella Harmon	4-15-18	J. Francisco
(10) Vern Nozle	4-14-18	J. Francisco
(11) Kay Lola Woods	4-15-18	J. Francisco
(12) Hampton	4-15-18	J. Francisco
(13) Tashina Brown	4/15/18	J. Francisco
(14) Augustina Peterson-Teller	4/15/18	J. Francisco
(15) Ron Wood	4/15/18	J. Francisco
(16) Reginald Teller	4/15/2018	J. Francisco
(17) Timothy Poma	4/15/2018	J. Francisco
(18) L. S. S. S.	4/15/2018	J. Francisco
(19) ELIZABETH LYCH MARGARET LYCH	4/15/18	J. Francisco
(20) Rose Cook	4-15-18	J. Francisco
(21) Melita Marie	4/15/18	J. Francisco
(22) Camela Bayal	4/15/18	J. Francisco
(23) Dangle	4/15/18	J. Francisco
(24) [Signature]	4-15-18	J. Francisco
(25) Victor Benally	04/15/2018	J. Francisco

NAME	DATE	WITNESS
(26) Young Larry	4/15/2018	San Francisco
(27) Benjamin Jones Jr	4-15-18	San Francisco
(28) Jonathan Billie	4-15-18	San Francisco
(29) Brandon Lee	4-15-18	San Francisco
(30) Chloe ^{Caroletha} Monnelito	4/15/18	San Francisco
(31) Chloe	4/15/18	San Francisco
(32) Gwendolyn Tom	4-15/18	San Francisco
(33) Kaitlyn Trinh	4/15/18	San Francisco
(34) Mikael Jones	4/15/18	San Francisco
(35) Wanda Hurley	4/15/18	San Francisco
(36) Marica Owens	4/15/18	San Francisco
(37) Ray Price	4/15/18	San Francisco
(38) Shaye Hadley	4/15/18	DWalehman
(39) Ami Fleming	4/15/18	DWalehman
(40) Wilfredo Brown	04/15/18	DWalehman
(41) Debbie Brown	04/15/18	DWalehman
(42) Henry Warren Sr.	04/15/18	DWalehman
(43) Marie Warren	04/15/18	DWalehman
(44) Carly Seely	4/15/18	DWalehman
(45) Jonathan Pineda	4/15/18	DWalehman
(46) Yuri Bandy	4/15/2018	DWalehman
(47) Yuri Bandy	4-15-2018	DWalehman
(48)		
(49)		
(50)		

APPLICATION FOR MISSION SITE (RELIGIOUS SITE)
NAVAJO NATION LANDS

EXHIBIT

E

DATE: 4/12/18

Fort Defiance Potters House Christian Center
(NAME OF CHURCH)

P.O. Box 1540 Window Rock, AZ 86515, Rte 110 (Kit Carson Dr.) E Indn
(ADDRESS) Rte 112

hereby makes an application for a religious site covering approximately 1.10 acres of Navajo Nation land located in Fort Defiance, Apache county, Arizona / New Mexico, as shown on the attached map.

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

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Supporting Chapter Resolution | <input checked="" type="checkbox"/> Land Use Consent |
| <input checked="" type="checkbox"/> Survey Plat | <input checked="" type="checkbox"/> Current Petition of Names |
| <input checked="" type="checkbox"/> Copy of Articles of Incorporation | <input checked="" type="checkbox"/> Other Supporting Documents |

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

Church services, youth outreaches, funerals, weddings,
Marriage and family counseling, Drug and Alcohol Counseling

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

Existing Building in place - Approx 3600 sq. Feet
\$360,000 estimated value.

RECEIVED

plans for development of water and sewer:

Already in Place - as per as built NTUA plans.

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

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

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

In all cases of applications on behalf of unincorporated bodies where documents do not explicitly give one individual authority to execute necessary papers, a power of attorney executed before a notary public by all associated parties for this purpose should be attached. If this is not supplied, all such persons must personally sign this application and all other documents submitted to the Navajo Agency.

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

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

MARTIN HAVEN

Authorized Agent (Print Name)

Chris Descheen

928-429-6004

M. Haven

Authorized Agent (Signature)

P.O. Box 1540

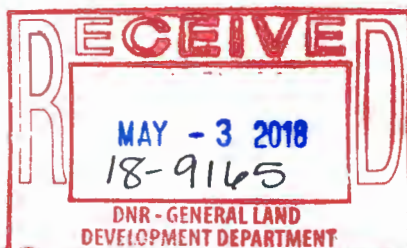
Address

928-729-2044

Phone Number

martin.haven@frontier.net.net

Email Address



Sliding Fee Scale Form for Mission Site Permits

Application Information		Today's Date: <u>5/3/18</u>	
Entity Name: <u>Fort Defiance Potter's House Church</u>			
Mailing Address: <u>P.O. Box 1540</u>	City: <u>Window Rock</u>	State: <u>AZ</u>	Zip: <u>86515</u>
Phone #: <u>(928) 729-2044</u>	Fax #: ()	Congregation Size: <u>55</u>	Acres requested: <u>1.10</u>

Income Information			
Source	Amount	Frequency (Circle One)	
<u>Tithes & offerings</u>	\$ <u>80,000</u>	Weekly	Monthly <u>Yearly</u>
	\$	Weekly	Monthly Yearly
	\$	Weekly	Monthly Yearly
	\$	Weekly	Monthly Yearly
	\$	Weekly	Monthly Yearly
	\$	Weekly	Monthly Yearly
	\$	Weekly	Monthly Yearly
	\$	Weekly	Monthly Yearly
	\$	Weekly	Monthly Yearly
	\$	Weekly	Monthly Yearly
Total	\$	Weekly	Monthly Yearly

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

Name (Print): Martin Haven

Signature: 

Date: 5/3/18

Sliding Fee Scale for Navajo Nation Mission Site Permits

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

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

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

Procedure:

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

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

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

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



NAVAJO NATION LIMITED LIABILITY COMPANY ACT

CERTIFICATE OF AUTHORITY

To all to Whom these Presents Shall Come, Greeting:

I, the Manager of the Business Regulatory Department, DO HEREBY CERTIFY
that ***THE POTTERS' HOUSE OF FORT DEFIANCE LLC***
File Number: 102352

a Limited Liability Company organized under the laws of the STATE OF
ARIZONA was on the 25th day of
April, 2018, authorized to transact business with the Navajo
Nation as a FOREIGN Limited Liability Company.

I FURTHER CERTIFY that this Limited Liability Company has filed all affidavits
and required documents and paid all filing fees required and, therefore, is registered as a
Foreign Limited Liability Company with the Navajo Nation.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Limited Liability Company Act
at Window Rock, Arizona, this 25th

day of April, 2018 AD

Beverly J. Coho
Manager, Business Regulatory Department

STATE OF ARIZONA



FILED

File Number: 102352

APR 25 2018

Office of the
CORPORATION COMMISSION

Navajo Nation Corporation Act

[Signature]
Department Manager

CERTIFICATE OF GOOD STANDING

To all to whom these presents shall come, greeting:

I, Ted Vogt, Executive Director of the Arizona Corporation Commission, do hereby certify that

*****THE POTTERS HOUSE OF FORT DEFIANCE LLC*****

a domestic limited liability company organized under the laws of the State of Arizona, did organize on the 16th day of November 2017.

I further certify that according to the records of the Arizona Corporation Commission, as of the date set forth hereunder, the said limited liability company is not administratively dissolved for failure to comply with the provisions of A.R.S. section 29-601 et seq., the Arizona Limited Liability Company Act; and that the said limited liability company has not filed Articles of Termination as of the date of this certificate.

This certificate relates only to the legal existence of the above named entity as of the date issued. This certificate is not to be construed as an endorsement, recommendation, or notice of approval of the entity's condition or business activities and practices.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Arizona Corporation Commission. Done at Phoenix, the Capital, this 5th day of April, 2018, A. D.



[Signature]
Ted Vogt, Executive Director

By: 1866691

FILED: 11/16/2017 4:54:52 PM AZ
CORP. COMMISSION
FILE #: L22356910

DOCUMENT # 06132261

DO NOT WRITE ABOVE THIS LINE; RESERVED FOR ACC USE ONLY.

ARTICLES OF ORGANIZATION

FILED

File Number: 102352
APR 25 2018

Navajo Nation Corporation Act.

SPD
Department Manager

1. **ENTITY TYPE:** LIMITED LIABILITY COMPANY
2. **ENTITY NAME:** THE POTTERS HOUSE OF FORT DEFIANCE LLC
3. **FILE NUMBER:** L22356910
4. **STATUTORY AGENT NAME AND ADDRESS:**

Street Address:

MARTIN HAVEN

KIT KARSON DR. & INDN RTE. 112

FORT DEFIANCE , AZ 86504

Mailing Address:

MARTIN HAVEN

P.O. BOX 1540

WINDOW ROCK , AZ 86504

5. **ARIZONA KNOWN PLACE OF BUSINESS ADDRESS:**

KIT KARSON DR. & INDN RTE. 112

FORT DEFIANCE , AZ 86504

6. **DURATION:** Perpetual

7. **MANAGEMENT STRUCTURE:** Manager-Managed

The names and addresses of all Managers are:

- 1 **MARTIN HAVEN**

P.O BOX 1540

WINDOW ROCK , AZ 86515

SIGNATURE: Martin Haven

11/16/2017



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

April 25, 2018

Martin Haven
The Potters House of Fort Defiance LLC
PO Box 1540
Window Rock, Arizona 86515

RE: File Number 102352

Dear Manager/Member:

The Business Regulatory Department (BRD) is in receipt of your request for registering as a Foreign Limited Liability Company under the Navajo Nation Limited Liability Company Act 5 N.N.C. § 3600 *et. seq.* Attach please find a Certificate of Authority for *The Potters House of Fort Defiance LLC*. Please ensure that the Certificate of Authority is located in a conspicuous area of your organization.

Upon registering, it is the entity's responsibility to fulfill and comply with all requirements (i.e. annual reports, fees, etc.) outlined in the Code. For example, under § 3630, all entities authorized to conduct business within the Navajo Nation have to file an annual report and accounting to the BRD. These requirements are important to ensure that all entities are transacting business in a lawful manner while providing services within the Navajo Nation.

If you have any questions, please contact the BRD at 928-871-6714 or 7365.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Coho".

Beverly J. Coho
Department Manager
Business Regulatory Department
Division of Economic Development

Enclosures

NNDFW Review No. 18PHCC-01

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Fort Defiance Potter's House Christian Center

DESCRIPTION: The Fort Defiance Chapter relinquishes 1.10 acres of land for the Fort Defiance Potter's House Christian Center.

LOCATION: SE¼ of Section 18, T27N, R31E, G&SRM, Fort Defiance, Apache County, Arizona

REPRESENTATIVE: Chris Descheenie, Fort Defiance Potter's House Christian Center

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review and concurrence/23 APR 2018/Chris Descheenie

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 4 - Community Development Area.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/23 APR 2018

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

4/24/18

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature

Date



THE NAVAJO NATION

RUSSELL BEGAYE President
JONATHAN NEZ Vice President

MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

FROM : Gloria M. Tom
Gloria M. Tom, Director
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

DATE : April 23, 2018

SUBJECT : DELEGATION OF AUTHORITY

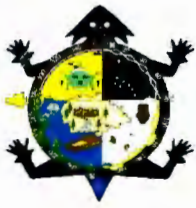
I will be on leave from Monday, April 23, 2018 thru Tuesday, April 24, 2018. Therefore, I am delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective at 8:00 am, April 23, 2018 and ending at 5:00 pm, April 24, 2018.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT:


David Mikesic
David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCE

xc: File



THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES INVENTORY DETERMINATION FORM

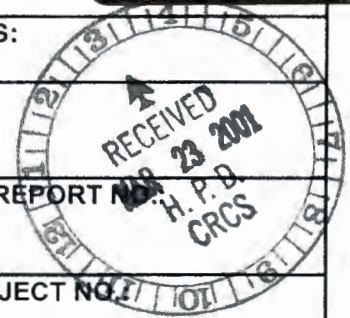
SPONSOR: Martin Haven & Chris Deschine		NNHPD NO.: HPD-01-158
ADDRESS: PO Box 1540		PROJECT NO.: DCD1-01-012
Window Rock, AZ 86515		UNDERTAKING: MISSION SITE
REPORT TITLE: A Cultural Resource Inventory of the Navajo Child Special Advocacy Program Tract, Ft. Defiance Chapter, Apache County, Arizona		
NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT RECOMMENDATIONS: A Cultural Resources Compliance Form (CRCF) may not be included in this "archaeological approval" due to the nature of sensitive cultural resources documented. This in no way affects any authority of the NNHPD-Cultural Resource Compliance Section to issue an "archaeological approval" for this undertaking. A cultural resource inventory survey <u>is not</u> required for this undertaking for reason(s) indicated below:		
	THE PROPOSED PROJECT IS LOCATED WITHIN AN AREA THAT HAS BEEN PREVIOUSLY INVENTORIED FOR CULTURAL RESOURCES AND DOCUMENTED IN THE NNHPD REPORT LISTED ABOVE. THE PREVIOUS ARCHAEOLOGICAL INVENTORY FINDS THAT PROPOSED PROJECT WILL HAVE A "NO HISTORIC PROPERTIES WILL BE AFFECTED" WITHIN THE AREA OF THIS UNDERTAKING. ARCHAEOLOGICAL APPROVAL IS HEREBY GRANTED FOR THE UNDERTAKING WITHIN THE AREA NOTED IN ATTACHMENT(S).	
	<u>ATTACHMENT A</u> (Report) HPD-01-158	
	<u>ATTACHMENT B</u> (Location) 7.5" Quadrangle Map of Project Area, (Undertaking) Resolution of Fort Defiance Chapter, Reaffirming Relinquishing Land and Approving Fort Defiance Potter's House Christian Center.	
	<u>ATTACHMENT C</u> (Legal Plat Description) FT. DEFIANCE POTTER'S HOUSE CHRISTIAN CENTER. A total of 3.61 acres was inventoried for previous project, one In-use site (A) was identified consisting of a frame house, two double wide trailers in an enclosed area and remains of a trailer (post 1983). The in-use site is less 50 years old: therefore, not eligible for inclusion to the National Register of Historic Places.	
	Note: Attach USGS map copy of project area & other supporting documents.	
<input type="radio"/>	Previous ground disturbance within the last fifty (50) years has modified the surface so extensively that the likelihood of finding any cultural properties is negligible (e.g., within a flood plain).	
<input type="radio"/>	Undertaking will not require any surface disturbing activities (e.g. aerial spraying, hand application of chemicals, travel on existing roads, etc).	
<input type="radio"/>	Other:	
Reviewed/Prepared by: Olsen John, Archaeologist		Date: Wednesday, April 4, 2018
NOTIFICATION TO PROCEED IS RECOMMENDED:		YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Richard M. Begay, Dept. Mgr./THPO Navajo Nation Heritage & Historic Preservation Department		DATE: 4/9/18

DISCOVERY CLAUSE: In the event of a discovery (discovery means any previously unidentified or incorrectly identified cultural resources including, but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices), all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at 928.871.7198.

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

EXHIBIT

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO. H
4. TITLE OF REPORT: A Cultural Resource Inventory of the Navajo Child Special Advocacy Program Tract, Ft. Defiance Chapter, Apache County, Arizona Author (s): Maxine L. Yazzie		5. FIELDWORK DATES: March 15, 2001
		6. REPORT DATES: March 22, 2001
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Denise R.E. Copeland, Archaeologist III Org. Name: Capital Improvement Office Org. Address: P.O. Box 2150 Shiprock, New Mexico 87420 Phone: (505) 368-1059		8. PERMIT NO.: NTC
		9. CONSULTANT REPORT NO.: DCD1 01-012
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Ms. Juanita Billy Phone: (520) 871-6853 Org. Name: Navajo Child Special Advocacy Program Org. Address: P. O. Box 1789 Ft. Defiance, Arizona 86520		11. SPONSOR PROJECT NO.: N/A
		12. AREA OF EFFECT 0.60 ac AREA SURVEYED 3.61 ac
13. LOCATION (MAP ATTACHED)		
a. Agency: <u>Ft. Defiance</u> e. UTM Points: Zone <u>12</u> NW Corner (1) <u>39 56 280 N 6 75 120 E</u> SW (2) <u>39 56 240 N 6 74 060 E</u> SE (3) <u>39 56 340 N 6 76 920 E</u> NE (4) <u>39 56 420 N 6 75 020 E</u> ANGLE (5) <u>39 56 320 N 6 75 060 E</u>		
b. Chapter: <u>Ft. Defiance</u> f. Land Owner/User Name: <u>Tribal Trust</u>		
c. County: <u>Apache</u> g. Area: <u>T 27 N, R 21 E</u> Unplatted <u>T 27 N, R 31 E</u>		
d. State: <u>Arizona</u> h. 7.5' Map Name(s): <u>Window Rock, Arizona-New Mexico 1983</u>		
14. REPORT /x/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT //		
a. Description of Undertaking: The undertaking consists of the placement of a modular office building. Ground disturbing activities will include surface leveling and scraping of the area, the installation of utilities and the paving of additional parking lots.		
b. Existing Data Review: As part of this project, the archival data of the Navajo Nation Historic Preservation Department (NNHPD) in Window Rock were consulted. Completed projects include HPD #'s 89-228, 90-213, 91-071, 92-688, 94-499, 94-657.2, 94-686, 95-427, 95-556, 98-739, 98-281, 98-877, 99-187, and 00-935 and no documented sites within 1 km.		
c. Area Environmental & Cultural Setting: The project area is located along the northern edge of the Black Creek in the community of Ft. Defiance, Arizona. The northern edge of the tract is a paved parking lot. The east is bounded by a paved road. Vegetation on the southern undisturbed portion of the tract include Chinese Elm, prickly pear cactus, snakeweed, tamerisk, and various grasses.		
d. Field Methods: Ms. Juanita Billy supplied the author with the project area map. The investigation was conducted by (100%) Class III level pedestrian inventory using transects spaced 15 m apart. A total of 3.61 ac was inventoried. Ms. Billy was interviewed about Traditional Cultural Properties and none were identified within or near the area.		
15. CULTURAL RESOURCE FINDINGS:		
a. Location/Identification of Each Value: One in-use site (A) was noted including a frame house, two double wide trailers in an enclosed fence area and remains of a trailer (post 1983) in the area, during the inventory.		
b. Evaluation of Significance of Each Value (above): The in-use site is less than 50 years old; therefore, not eligible for inclusion to the National Register of Historic Places. No historic properties were found.		
16. MANAGEMENT SUMMARY (Recommendations): Notice to proceed for the undertaking is recommended.		
17. CERTIFICATION:		
SIGNATURE: <u>Maxine L. Yazzie</u> Date: <u>March 22, 2001</u> General Charge Name: Maxine L. Yazzie		
SIGNATURE: <u>Denise R.E. Copeland</u> Date: <u>March 22, 2001</u> Review by Name: Denise R.E. Copeland		



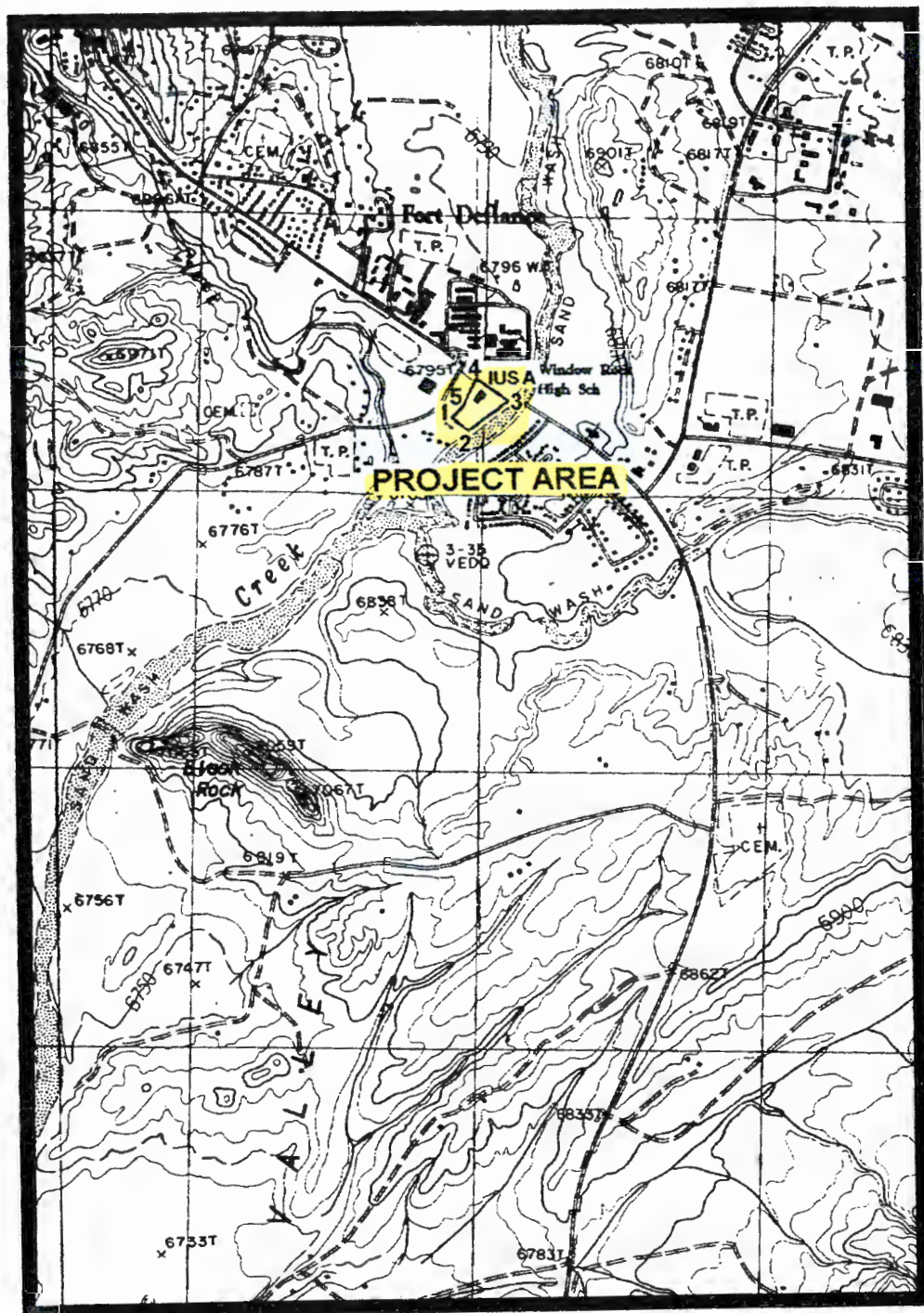
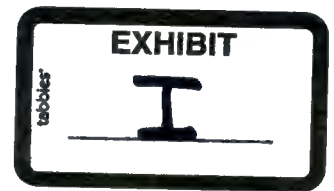


Figure 1: Specific Location of the Navajo Child Special Advocacy Program Tract. Numbers are UTM Coordinates. IUS A is the in-use site. Map is after U.S.G.S. quad Window Rock, Arizona-New Mexico 1983. DCD1 01-012.



THE NAVAJO NATION



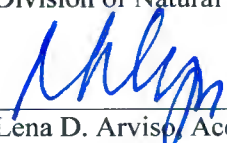
RUSSELL BEGAYE
PRESIDENT

September 10, 2018

JONATHAN NEZ
VICE - PRESIDENT

MEMORANDUM

TO: Stevie Rae Hudson, Senior Office Specialist
General Land Development Department
Division of Natural Resources

FROM: 
Lena D. Arviso, Accounting Manager
Office of the Controller

SUBJECT: "Navajo Business and Procurement Act clearance check"

Pursuant to your request dated September 7, 2018 (*Received in Account Receivable on 09/10/2018 @ 1:00p.m.*) seeking procurement clearance check on the following individual/ Business is as follows:

Name/ Address	Business Address	A.R. Debt Due	Action
Fort Defiance Potters House Christian Center Location: Fort Defiance, Arizona Executive Review Package: 010230	Post Office Box 1540 Window Rock, AZ 86515	\$0.00	Procurement cleared

The Navajo Nation reserves the right to rescind and revise the procurement clearance when and if any information becomes available regarding the businesses eligibility status.

Thank you for complying with the "NNB&P ACT". Our office requests that all relevant information of the individual(s) / business (es) was provided to ensure an accurate clearance check. ***The information contained in this memorandum is privileged and confidential under the Navajo Nation Privacy Act, 2 N.N.C., § 86.*** Therefore, when disseminating this information block out any information that is not applicable if this procurement memo is to be faxed/ emailed or copied to a third party.

Should you have any questions, please contact Accounts Receivable Section at 871-6770 or 6127. Thank you.

/mj

CC: Accounts Receivable File



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

To: ALL CONCERNED

From: Leya D. Arviso
Leya D. Arviso, Accounting Manager
Office of the Controller

Date: June 11, 2018

Subject: STANDING DELEGATION OF AUTHORITY

Please be informed that this memorandum will serve as a standard delegation of authority when the Accounting Manager is on leave, travel, or attending meetings away from the office.

The individuals will be delegated the responsibility to sign any documents that are of a "routine" nature. All other documents considered "significantly questionable" will be referred to the Accounting Manager upon her return.

Your cooperation with the delegated individuals is expected and appreciated. Thank you.

ACKNOWLEDGEMENT:

1. Roberta Holyen
Roberta Holyen, Accountant
Cashier Section
2. Judy Cordero
Judy Cordero, Accountant
Accounts Receivable Section
3. Marena Tsingine
Marena Tsingine, Associate Accountant
Accounts Receivable Section

DISTRIBUTION



Document No. 010230

Date Issued: 05/03/2018

EXECUTIVE OFFICIAL REVIEW

Title of Document: Mission Site, Ft. Defiance Potter's House

Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: elerina_yazzie@frontier.com

Phone Number: 928-871-6447

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

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

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **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: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☒ **OTHER: Mission Site**

1. Navajo Land Dept.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Fish and Wildlife	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HHPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. OOC	_____ <i>see 9/10/18</i>	Date: <i>9/17/18</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. DOJ <i>(ic)</i>	_____ <i>V Blackhart</i>	Date: <i>9/20/18</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____ <i>Ⓢ</i>	Date: <i>28.07.2018</i>	<input type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
9-17-18 @ 4:54p	
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	010230
SAS #:	
UNIT:	NAM

☒ RESUBMITTAL

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

CLIENT TO COMPLETE

DATE OF REQUEST:	9/17/2018	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 871-6423	E-MAIL:	michellehoskie@frontier.com
TITLE OF DOCUMENT: FORT DEFIANCE POTTERS HOUSE CHRISTIAN CENTER MISSION SITE PERMIT - EOR NO. 10230			

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: REVIEWING ATTORNEY/ADVOCATE:

DATE TIME OUT OF UNIT: 9.20.18 @ 12p

DOJ ATTORNEY / ADVOCATE COMMENTS

- Fort Defiance Potters House Christian Center Mission Site Permit is legally sufficient. The Request for 1.10 acres is good for

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
SPRIME GARE	9/20/18	V Blackhat	9/20/18 11:07AM



DOJ Secretary Called: Stevie H for Document Pick Up on 9-20-18 at 11:15 By: Jy

PICKED UP BY: (Print) DATE / TIME:

NNDJ/DRRF-July 2013

purely religious purpose which is less than one and one half (1 1/2) acres of land. All the required documents are attached
This - ic

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. The Navajo Nation Open Burn Regulations prohibits open burning of household waste, unless the burning is an exempted activity defined in the regulations. The Applicant should become familiar with §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Given that there is an inadequate network of solid waste disposal facilities on the Navajo Nation, instances of open burning often coincide with open dumping, which is also prohibited on the Navajo Nation. Households, businesses, and other organizations are responsible to ensure waste generated from their activities are properly managed.	1. No Reply	02-Aug-2018	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. contact LeeAnna Martinez or Patrick Antonio at (928)871-7185 for any waters of the US or waters Navajo Nation crossing and any surface disturbance 1.0 acre or more.	1. No Reply	30-Jul-2018	

Najamh Tariq (Navajo Land Title Data System - Windowrock AZ) Approver Department of Water Resources Approved no comments No Reply 05-Jun-2018

Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ) Technical Review Fish and Wildlife Approved 1. #18PHCC-01 1. No Reply 13-Jun-2018

par

Patrick Antonio EPA Quality - (Navajo Land Title Data System - Windowrock AZ) Water Quality - Supervisor Navajo Nation Environmental Protection Agency Approved 1. Structure already in place. No new construction planned. 1. No Reply 12-Jun-2018

Peter Antonio

Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ) Deputy Director DNR Administration Approved 1. CONDITIONAL-1) Need to add in form for approval by the Council Delegate. 2) Should document the building improvement on the property. 1. No Reply 11-Jul-2018

Robert O. Allan


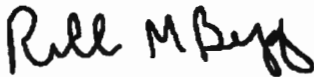


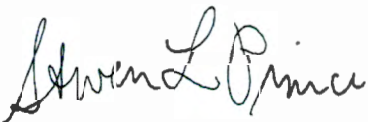
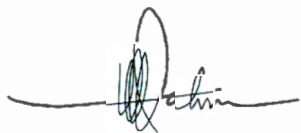
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ) HPD Reviewer Historic Preservation Department Approved 1. HPD-01-158 1. No Reply 05-Jun-2018

Tamara Billie

Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ) Public Water System Supervision Program Navajo Nation Environmental Protection Agency Approved no comments No Reply 05-Jun-2018

Yolanda Barney

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	no comments	No Reply	15-Aug-2018	
Richard Begay NNHP (Navajo Land Historic Title Data System - Windowrock AZ)	Navajo Nation Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	06-Aug-2018	
Ronnie Ben EPA (Navajo Land Control - Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. conditional approval contingent on compliance with all NNEPA and USEPA environmental laws.	1. No Reply	06-Aug-2018	
Sam Diswood (Navajo Land Review Title Data System - Windowrock AZ)	Technical Reviewer	Fish and Wildlife	Approved	no comments	No Reply	07-Aug-2018	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	03-Aug-2018	
W. Mike Hlalona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	no comments	No Reply	03-Aug-2018	

RESOURCES AND DEVELOPMENT COMMITTEE
Special Meeting


ROLL CALL
VOTE TALLY SHEET:

Legislation # 0434-18: An Action Relating to Resources and Development; Approving a Mission Site Permit for the Fort Defiance Potter's House Christian Center on Navajo Nation Trust Lands in the Vicinity of Fort Defiance Chapter, Navajo Nation *Sponsor: Honorable Benjamin Bennett*

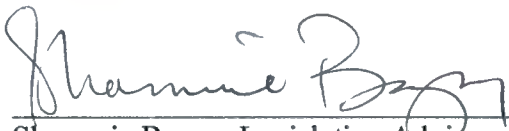
MAIN MOTION:

M: Davis Filfred S: Jonathan Perry Vote: 4-0-1(CNV)
YEAS: Davis Filfred, Benjamin Bennett, Walter Phelps and Jonathan Perry
NAYS:
EXCUSED: Leonard Pete

Date: December 27, 2018 –Special Meeting
Meeting Location: Navajo Nation Council Chambers, Window Rock, Arizona



Honorable Alton Joe Shepherd, Presiding Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services