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 LEASE FOR THE HELPING HANDS FOR CHRIST, BAPTIST MINISTRY, INC., COMPOSED OF 1.5 ACRES (MORE OR LESS) LOCATED IN BECLABITO COMMUNITY, NAVAJO NATION, SAN JUAN COUNTY, NEW MEXICO

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 give final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

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

A. 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.

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

1. Mission site for purely religious activities: one and one-half (1 1/2) acres;

2. Mission site for religious activities and community services facilities: three and one-half (3 1/2) acres;

3. Mission site for religious activities and either substantial medical or accredited educational programs: eight (8) acres;

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.

Section Three. Findings

A. The Helping Hands for Christ Baptist Ministry, Inc., has applied for Revocable Use Permit For Mission Site consisting of 1.5 acres, more or less, within Beclabito Chapter, Navajo Nation (See **Exhibit A**) and more particularly described in the Terms and Conditions as found at **Exhibit B.**

B. Consent to use Navajo Nation land for religious activities has been given by the grazing permit holder as attested to by the Project Review Section of the Navajo Land Department. See **Exhibit C.**

C. The land description appears on the survey plat as found at **Exhibit D.**

D. The Beclabito Chapter, by Resolution 18-12-19, has approved the request for a Mission Site Lease of 1.5 acres, more or less, within Beclabito Chapter, Navajo Nation. *See* **Exhibit E.**

E. The request for a mission site permit has been reviewed and found sufficient by the Navajo Nation Fish and Wildlife, Historic Preservation, General Land Department and the Department of Justice. *See* **Exhibit F.**

F. The Resources and Development Committee finds it to be in the best interest of the Navajo Nation to grant a Revocable Use Mission Site Lease to the Helping Hands for Christ Baptist Ministry, Inc., within Beclabito Chapter, Navajo Nation.

Section Four. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the granting of a Revocable Use Mission Site Lease of 1.5 acres, more or less, to the Helping Hands for Christ Baptist Ministry, Inc., as further described and subject to the Terms and Conditions as found at **Exhibit C.**

B. The Resources and Development Committee of the Navajo Nation Council hereby approves the payment of $652.50 for the use of the land for 29 years (from 1989) assessed at $15.00 per acre for a fee of $22.50 for 1.5 acres.

C. The Resources and Development Committee of the Navajo Nation Council hereby approves an annual rental fee of $22.50 annual fee for 1.5 acres, which is the minimum fee of $15.00 per acre. This annual fee is to be assessed going forward starting in 2018.

D. The Resources and Development Committee of the Navajo Nation Council hereby directs the General Land Development Department to insert the $22.50 as the annual rental fee at paragraph 7 in the Terms and Conditions, **Exhibit B.**

E. 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 3 in favor, 0 opposed, 1 abstained on this 30th day of May 2018.

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

Motion: Honorable Jonathan Perry
Second: Honorable Benjamin Bennett

EXHIBIT
A

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

President, Navajo Nation
Window Rock, Arizona

Date 6-9-2017

HELPING HAND for CHRIST BAPTIST MINISTRY, INC. dba-BECLABITO BAPTIST CHURCH
(Name of Church)

P.O. BOX 1379, WATERFLOW, NM 87421
(Address)

hereby makes application for a religious site covering approximately 1.5 acres of Navajo Nation land located in BECLABITO, NEW MEXICO, SAN JUAN 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:

- ☑ Articles of Incorporation
- ☑ Chapter Resolution
- ☑ Petition of Names
- ☑ Land Use Consent
- ☑ Survey Plat
- ☑ 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:

To hold Sunday and mid-week church services. Do VBS, rallies, revivals, hold Bible studies and social functions for the Beclabito area youth and adults. Conduct weddings and funerals. Use the buildings for beneficent activities such as free food and clothing distributions. The church will act as a backup emergency command center in case of a community catastrophe.

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

- A CHURCH SANCTUARY BUILDING WITH ATTACHED YOUTH CENTER: 4480 SQ. FT.
- A PARSONAGE DWELLING FOR THE MINISTERS OF THE CHURCH: 1160 SQ. FT.
- A STORAGE SHED : 280 SQ. FT. $
TOTAL SQ. FT. 5920 SQ. FT. X $120. PER SQ. FOOT = 710400.00

Applicant's plan for development of water and sewer.

NTUA has installed proper electric and water lines with meters. The parsonage has its own 1000 gallon concrete septic tank and 100 feet of leachfield. The church and youth center has its own 1000 gallon concrete septic tank and 100 feet of leachfield. The septic tanks and leachfields are now installed and are in good working order.

All corporations must attach hereto a certified 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 explicit give one individual authority to execute necessary papers, a power of attorney executed before a notary public by all associated parties for this purpose should be attached. If this is not supplied, all such persons must personally sign this application and all other documents submitted to the Navajo Agency.

Unincorporated applicants should submit articles depicting their organization, unless none exits, 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.

KENNETH DALE GREENWELL
(Print Name) Authorized Agent

HELPING HANDS FOR CHRIST BAPTIST
MINISTRY INC
PO BOX 1379
WATERFLOW NM 87421-1379

Kenneth D. Greenwell
(Signature) Authorized Agent

P.O. BOX 1379 WATER FLOW, NM 87421
Address

928-656-3577
Phone

17-9059
JUL - 7 2017
~~NED PROJECT~~
REVIEW SECTION
GUDD

" Copy

ARITCLES OF INCORPORATION
OF

FILED IN OFFICE OF
STATE CORPORATION COMMISSION
OF NEW MEXICO

FEB 13 1995

CORPORATION DEPARTMENT

Helping Hands For Christ Baptist Ministry
(NAME OF CORPORATION)

The undersigned, acting as incorporator(s) of a corporation under the New Mexico Nonprofit Corporation Act 53-8-1 to 53-8-99 NMSA 1978), adopt(s) the following Articles of Incorporation for such corporation:

FIRST: The corporate name of the corporation is Helping Hands For Christ Baptist Ministry.

SECOND: The period of its duration is Perpetual.

THIRD: The purpose of purposes for which the corporation is organized are:

see attached

FOURTH: (If dissolution provision is not set forth within this Articles of Incorporation, then powers enumerated under the Nonprofit Corporation Act will prevail. Attach schedule, if needed.)

Dissolution provisions are set forth under these articles of incorporation as attached and made part there of.

"Copy"

ARTICLES OF INCORPORATION

THE PURPOSE FOR WHICH THIS CORPORATION IS ORGANIZED IS:

1. To conduct the business of the ministry of the Lord Jesus Christ. To proclaim the Bible as the absolute and infallible Word of God as preserved in the collection of sixty-six Books, beginning with Genesis 1 and ending with Revelation 22, by the authority of the Holy Bible as declared by the Authorized King James Version 1611 Edition, for the purpose as defined in II Timothy 3:15,16. We believe in the historical and fundamental doctrines of the faith in regard to the deity of the Lord Jesus Christ, the virgin birth, the blood atonement for sin, the bodily resurrection of Christ and the second coming of Christ. We believe in the two ordinances given to the Church, water Baptism by immersion and the Lord's Supper. We believe in the free gift of eternal life, the Trinity of God in three persons, the Father, Son and Holy Spirit; co-equal and eternally existing, the rapture of the Church, the subsequent tribulation and the millennium reign of the Lord Jesus Christ on this earth. The goal of this corporation is to glorify the Lord Jesus Christ through evangelism of lost persons, the edification of the saints, and to disciple believers in the Word of God, conforming them to the image of Christ so to lead others to the Lord Jesus Christ to carry on this ministry.

2. The corporation is irrevocably dedicated to and operated exclusively for nonprofit purposes and no part of the income or assets of the corporation shall be distributed to, or used for, the benefit of any individual other than to carry on business in connection with nonprofit purposes or that permitted by not-for-profit companies formed under the laws of New Mexico and to do any and all things to the same extent as natural persons might or could do.

3. The Corporation is organized exclusively for charitable, educational, religious, scientific purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

4. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, directors, officers or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered.

5. To purchase, acquire, own, hold, sell, assign, transfer, or dispose of, mortgage, pledge or otherwise encumber, shares of stock of any corporation of this state or any other state, county, nation or government, or any interest therein, and to exercise all rights, powers and privileges of ownership pertaining thereto.

6. To buy, or otherwise acquire, sell or otherwise dispose of, pledge or otherwise contract, stocks, bonds, notes, debentures, accounts receivable and all other types of securities or evidences of indebtedness.

7. To invest its funds, secured or unsecured, upon any such terms and conditions as its Board of Directors may duly authorize.

8. To Own, hold, build, construct and erect buildings or structures of any type, and to buy, sell, lease, manage, operate, maintain, repair, restore, remodel, and rebuild any of the same.

9. To buy, acquire, own, hold, lease, sell, dispose of, mortgage, or encumber real estate and personal property of all kinds and to operate, manage, restore and maintain the same.

10. To execute mortgages, deeds, deeds of trusts, contracts, agreements, articles of agreement and any other written instruments.

11. To borrow money. execute notes, bonds, debentures or other forms of indebtedness, and to secure the payment of the same by mortgage, contract, agreement, deed of trust or other form of encumbrances.

12. To conduct its business, carry on its operations and have offices anywhere within this state and in any other state, territory, district or possession of the United States, or in any foreign country, by the powers granted by the laws of the State of New Mexico.

13. To have and exercise all powers necessary or convenient to effective any or all of the purposes for which the corporation is formed.

14. To be a General or Limited partner as its Board of Directors may duly authorize.

15. To make, alter or amend bylaws not in consistent with these Articles of Incorporation or with the laws of New Mexico or the administration and regulation of the affairs of the corporation and to adopt emergency bylaws and exercise emergency powers as permitted by law and adopted by the Directors at any regular meeting or at any special meeting called for that purpose so long as they are not inconsistent with the provisions of these articles.

16. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation and the corporation shall not participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of any candidate for public office.

17. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), or (b) by a corporations contributions which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law).

18. Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the Circuit Court of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

FILE DUPLICATE ORIGINALS

AFFIDAVIT OF ACCEPTANCE OF APPOINTMENT BY DESIGNATED INITIAL REGISTERED AGENT

To the State Corporation Commission
State of New Mexico

STATE OF New Mexico)
) SS.:
COUNTY OF San Juan)

On this 7th day of August, 19 2015, before me a Notary Public in and for the State and County aforesaid, personally appeared George Kelly Jr, who is to me known to be the person and who, being duly sworn, acknowledged to me that he does hereby accept his appointment as the Initial Registered Agent of Beclabito Baptist Church

the Corporation which is named in annexed Articles of Incorporation, and which is applying for a Certificate of Incorporation pursuant to the provisions of the Nonprofit Corporation Act of the State of New Mexico.

REGISTERED AGENT'S SIGNATURE

BY (1) George Kelly Jr
PRESIDENT

Subscribed and sworn to before me on the day, month, and year first above set forth

Liliane Charlie
NOTARY PUBLIC
Commission Expires: 7/26/2018

(Notarial seal)

NOTE: (1) If the Agent is a Corporation then the affidavit must be executed by the President or Vice-President of the Corporation.

NMSCC-CD
FORM RA-4
(REV 8/83)

FILE DUPLICATE ORIGINALS

AFFIDAVIT OF ACCEPTANCE OF APPOINTMENT BY DESIGNATED INITIAL REGISTERED AGENT

FILED IN OFFICE OF
STATE CORPORATION COMMISSION
OF NEW MEXICO

FEB 13 1995

CORPORATION DEPARTMENT

To the State Corporation Commission
State of New Mexico

STATE OF New Mexico)
) SS.:
COUNTY OF San Juan)

On this 7th day of February, 19 95, before me a Notary Public in and for the State and County afores personally appeared Kenneth Dale Greenwell, who is to me known to be the person and who, being sworn, acknowledged to me that he does hereby accept his appointment as the Initial Registered Agent of Helping Hands For Christ Baptist Ministry

the Corporation which is named in annexed Articles of Incorporation, and which is applying for a Certificate of Incorporation pursua the provisions of the Nonprofit Corporation Act of the State of New Mexico.

Kenneth D. Greenwell
REGISTERED AGENT'S SIGNATURE

BY (1) Kenneth Dale Greenwell
X PRESIDENT

Subscribed and sworn to before me on the day, month, and year first above set forth

Lydia C. Cook/ Lydia C Cook
NOTARY PUBLIC
Commission Expires: 4/28/96

(Notarial seal)

NOTARY

NOTE: (1) If the Agent is a Corporation then the affidavit must be executed by the President or Vice-President of the Corporation.

NMSCC-CD
FORM RA-4
(REV 8/83)

FIFTH: The name of its initial registered agent and the street address and city of the initial registered office in New Mexico are:

NAME — ADDRESS (Post Office Box unacceptable unless geographical location is given)

Kenneth Dale Greenwell
Helping Hands For Christ Baptist Ministry
P.O. Box 1379
Watterflow, NM 87421

Kenneth Dale Greenwell
Beclabito Baptist Church Site
Reservation Road 5038, North of 64 Highway
Mile Marker #5, House No. 2789
Shiprock, NM 87420

SIXTH: The number of directors constituting the initial board of directors is Three (3 or more), and the names and addresses of the persons who have consented to serve as the initial directors are:

(ATTACH SCHEDULE, IF NEEDED)

Kenneth Dale Greenwell
Reservation Road 5038
North of 64 Highway
Mile Marker #5, House No. 2789
Shiprock, NM 87420

Evelyn Mae Greenwell
Reservation Road 5038
North of 64 Highway
Mile Marker #5, House No. 2789
Shiprock, NM 87420

Charles Harper
Route 5
Box 40
Gallup, NM 87301

SEVENTH: The name and address of each incorporator:

(ATTACH SCHEDULE, IF NEEDED)

NAME — ADDRESS

Kenneth Dale Greenwell
Reservation Road 5038
North of 64 Highway
Mile Marker #5, House No. 2789
Shiprock, NM 87420

Evelyn Mae Greenwell
Reservation Road 5038
North of 64 Highway
Mile Marker #5, House No. 2789
Shiprock, NM 87420

DATED: February 6, 1995

Kenneth Dale Greenwell
Evelyn Mae Greenwell

Signature of Incorporator(s)

(FILE DUPLICATE ORIGINALS)

FEB 13 1995

Sliding Fee Scale Form for Mission Site Permits

Application Information			Today's Date: 7-5-2017
Entity Name: Helping Hands for Christ Baptist Ministry Inc.			
Mailing Address: P.O. Box 1379	City: Waterflow	State: NM	Zip: 87421
Phone #: (928) 656-3577	Fax #: ( ) -none	Congregation Size: 30	Acres requested: 1.5

Income Information

Source	Amount	Frequency (Circle One)
OFFERING & TITHE	$ 200.00	(Weekly) Monthly Yearly
CONTRIBUTIONS FROM CHURCHES & FAMILYS	$ 5000.00	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): KENNETH D. GREENWELL

Signature: Kenneth D. Greenwell

Date: 7-5-2017

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.

EXHIBIT
B

10/01/2014
FORM Mission Site

TERMS AND CONDITIONS FOR MISSION SITE PERMIT
HELPING HAND FOR CHRIST BAPTIST MINISTRY, INC (PERMITTEE)
DBA – BECLABITO BAPTIST CHURCH

1. This Mission Site Permit is issued to the **Helping hand for Christ Baptist Ministry, Inc** 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 LOCATED IN THE EAST ONE-HALF (E1/2) OF SECTION 08 OF PROJECTED TOWNSHIP 30 NORTH, RANGE 20 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO SITUATE IN THE BECLABITO AREA AND BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

Commencing at the Most northerly corner of said Parcel a point which bears South 13°43'59" West, a distance of 8,063.58 feet from the Northeast Corner of Section 05, Township 30 North, Range 20 West, N.M.P.M.

THENCE South 29°18'42" East, a distance of 304.10 feet;

THENCE South 22°21'03" West, a distance of 179.45 feet;
THENCE North 67°39'28" West, a distance of 238.45 feet;
THENCE North 22°20'17" East, a distance of 368.12 feet to the Point of Beginning said parcel containing 1.5± 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: 7-5-2017

By: Kenneth D. Greenwell

Helping Hand for Christ Baptist Ministry, Inc.
Permittee

Date: 9-24-17

By: Russell Begaye

Russell Begaye
Navajo Nation President

10/01/2014
FORM Mission Site

TERMS AND CONDITIONS FOR MISSION SITE PERMIT
HELPING HAND FOR CHRIST BAPTIST MINISTRY, INC (PERMITTEE)
DBA – BECLABITO BAPTIST CHURCH

1. This Mission Site Permit is issued to the **Helping hand for Christ Baptist Ministry, Inc** 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 LOCATED IN THE EAST ONE-HALF (E1/2) OF SECTION 08 OF PROJECTED TOWNSHIP 30 NORTH, RANGE 20 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO SITUATE IN THE BECLABITO AREA AND BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

Commencing at the Most northerly corner of said Parcel a point which bears South 13°43'59" West, a distance of 8,063.58 feet from the Northeast Corner of Section 05, Township 30 North, Range 20 West, N.M.P.M.

THENCE South 29°18'42" East, a distance of 304.10 feet;

THENCE South 22°21'03" West, a distance of 179.45 feet;
THENCE North 67°39'28" West, a distance of 238.45 feet;
THENCE North 22°20'17" East, a distance of 368.12 feet to the Point of Beginning said parcel containing 1.5± 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: 7-5-2017

By: Kenneth D. Greenwell

Helping Hand for Christ Baptist Ministry, Inc.
Permittee

Date: 9-28-17

By: Russell Begaye

Russell Begaye
Navajo Nation President

EXHIBIT

C

CONSENT TO USE
NAVAJO NATION LAND
FOR RELIGIOUS ACTIVITIES

TO WHOM IT MAY CONCERN:

I, Daisy Mae Morgan, hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit "Red Wash" Beclabito Baptist Church, Helping Hands for Christ Baptist Ministry Inc., located approximately 2 miles east of Beclabito Chapter to use approximately 1.5 acres of my assigned grazing land for church purposes.

Furthermore, I hereby waive any rights I may have to compensation for the taking of my land use and the diminishment of my land value as a result of the above request. Should the church liquidates or if the land taken for religious uses is no longer needed, then, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: Location of proposed Mission Site for Helping Hands for Christ Baptist Ministry, Inc. - Approximately two miles east of the Beclabito Chapter House, off 64 Highway, north on Reservation Road number 5038, across the road from Mrs. Daisy Morgan, in land area 0510.

Daisy Morgan — Permit Holder's Signature

29449 — Census No.

12-1219 — Permit No.

4-10-0000 — Date

WITNESSES:

THUMB PRINT:

Douglas R. Diswood — Attested by Grazing Committee/Land Board

12-4 — District No.

03-08-01 — Date

Kenneth D. Greenwell — Acknowledgement by Church/Field Agent

03-08-01 — Date

A thumb print requires 2 witnesses.

PETITION ENDORSING CHURCH SITE

A formal request from a group of people to a higher authority giving them the rights to build a church. This requirement entails obtaining signatures from surrounding areas.

Helping Hands For Christ Baptist Ministry, Incorporated
Beclabito Baptist Church

We, THE UNDERSIGNED are citizens and residents of the Navajo Nation living within this community where the church is being built. The primary purpose of this religious site is to provide a place to worship, and, basically, have the church conduct religious services on any given days through out the years. Further, we hereby give our signatures on this petition sheet to further the development of this church.

	Names	Date	Witness
01.	Daisy Morgan	4-30-2000	
02.	Mr & Mrs. Jack Blackson	2-16-01	
03.	Ezekiel B. Johnson	8-31-2000	
04.	Tom Begay	9-3-2000	
05.	Jessie mae Begay	9-8-2000	
06.	Norma Willis	9-8-2000	
07.	Lilly A. Tallbraltes	9-8-2000	
08.	Laura Begay	9-8-2000	
09.	Gebert Power	9-8-2000	
10.	James Clani	9-8-2000	
11.	[illegible]	9-8-2000	
12.	Elmer B. Billy	8-31-000	
13.	Barbara A. Peters	2-22-01	
14.	Mary A. Nelson	8-31-00	
15.	Edward Begay	4-07-2000	
16.	Lillie Begay	4-07-2000	
17.	Helen A Begay	4-07-2000	
18.	Elizabeth Billy	4-30-2000	
19.	Matilda Chee	4-30-00	
20.	Edward R. Austin	4-30-00	
21.	[illegible]		
22.	Bruce Riley	4-30-00	

	Names	Date	Witness
23.	Fannie E Sandoval	04/30/00	[illegible]
24.	Bennie Lee Billy	4/30/00	[illegible]
25.	[illegible]	4/30/00	[illegible]
26.	[illegible]	12/10/00	[illegible]
27.	Sara Hazeen	3-1-01	[illegible]
28.	Lula Palmer	3-3-01	[illegible]
29.	Colletta Wilson	3-4-01	[illegible]
30.	[illegible]	3-4-01	[illegible]
31.	Mr & Mrs. Leo Redhouse	3-4-01	[illegible]
32.	X Paulena Jennally	3-24-01	[illegible]
33.	Lee M. Nelson	3-24-01	[illegible]

Thumb print

34.			
35.			
36.			
37.			
38.			
39.			
40.			

Note: Signing another person names will caused this petition to be voided and returned.

ORIG =
goes with D

Date: April 29, 2009

I, Council Delegate from District twelve herewith endorse the establishment of the mission site by the Helping Hands for Christ Baptist Ministry, dba-Beclabito Baptist Church at Beclabito Community highway 64 BIA Road 5038.

[Should the Delegate oppose] My reason for opposing the establishment of this Mission are as follows: _____

Signed _____

Council Delegate, District 12

Attested _____, CSC

EXHIBIT

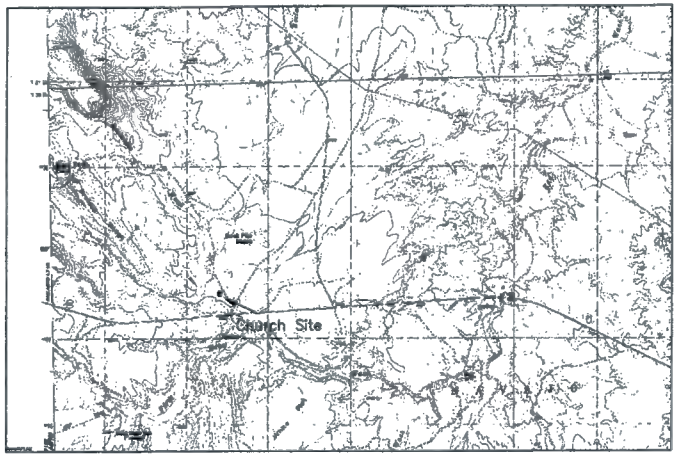
D

T31N, R20W
T30N, R20W

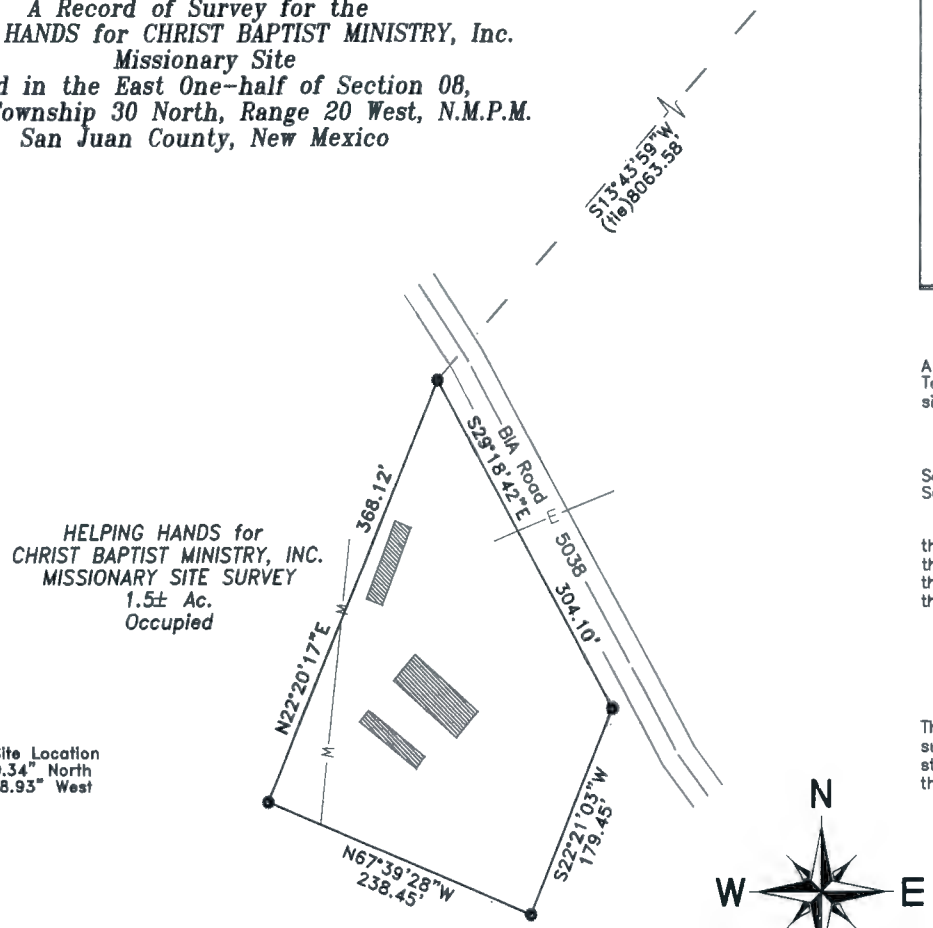
Section Corner
Found USGLO
Brass Cap

32 33
05 04

A Record of Survey for the HELPING HANDS for CHRIST BAPTIST MINISTRY, Inc. Missionary Site located in the East One-half of Section 08, Projected Township 30 North, Range 20 West, N.M.P.M. San Juan County, New Mexico



Vicinity Map Not to scale



A tract of land located in the East One-half (E1/2) of Section 08 of Projected Township 30 North, Range 20 West, N.M.P.M., San Juan County, New Mexico situate in the Beclabito area and being more particularly described as follows:

Commencing at the Most northerly corner of said Parcel a point which bears South 13°43'59" West, a distance of 8,063.58 feet from the Northeast Corner of Section 05, Township 30 North, Range 20 West, N.M.P.M.

thence South 29°18'42" East, a distance of 304.10 feet;
thence South 22°21'03" West, a distance of 179.45 feet;
thence North 67°39'28" West, a distance of 238.45 feet;
thence North 22°20'17" East, a distance of 368.12 feet to the Point of Beginning
Said Parcel containing 1.5± Acres more or less in area and being subject to any restrictions, easements and reservations of record.

This is to certify that this plat was prepared from field notes of actual surveys made under my supervision. This survey complies with the minimum standards of property surveys in New Mexico and is accurately represented on the plat

HENRY THOMAS
NEW MEXICO
12163
REGISTERED PROFESSIONAL SURVEYOR

Henry Thomas
Registered NMPLS #12163

Basis of Bearing: Solar Observation 05-05-09 A.M.
● Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163
AZPLS #29894

Lease Area is Occupied
Underground Utilities not located

RED VALLEY SURVEY P.O. Box #2827, Shiprock NM 87420 Ph.# (505)320-0479	Drwn. E HT Approv HT
HELPING HANDS FOR CHRIST BAPTIST MINISTRY, INC. 1.5± Ac. Shiprock Agency, Navajo Indian Reservation E1/2, Sec. 08, Projected T30N, R20W NMPM Beclabito, San Juan County, New Mexico	DATE 05-06- SCALE 1"=10
Rev.#	
RVS#09-28	

BECLABITO CHAPTER
HC 61 Box 20
Shiprock, New Mexico 87420-9702
Telephone: (928) 656-3265 Fax: (928) 656-3813

EXHIBIT
tabbies
E

Resolution 18-12-19

RESOLUTION OF BECLABITO CHAPTER

AN ACTION APPROVING AND REAFFIRMING THE MISSION SITE LEASE (RALUP) FOR HHC, INC. BECLABITO BAPTIST CHURCH, TO THE NAVAJO NATION GENERAL LAND DEPARTMENT, THE NAVAJO NATION BUSINESS REGULATORY AND THE NAVAJO NATION DIVISION OF RESOURCES TO UPDATE THE MISSION SITE LEASE, AKA AS THE RELIGIOUS ACTIVITY LIMITED-USE PERMIT (RALUP), COMPOSED OF 1.5 ACRES OF LAND PURELY FOR RELIGIOUS PURPOSES, LOCATED IN BECLABITO COMMUNITY, SAN JUAN COUNTY, NEW MEXICO

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A) the Beclabito Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10: and

2. Pursuant to 26 N.N.C. Section 1 (B) the Beclabito Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate action: and

3. 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; and

4. The Plan of Operations of the General Land Development Department per the General Leasing Regulations of 2013, authorizes the Navajo Nation to legally carry-out its leasing authority. The Navajo Nation is the final approval authority for all Religious Activity Limited-Use Permits (RALUP) on fee and trust lands; and

5. The Beclabito Chapter finds that, the HHC (Helping Hands For Christ Ministry) Inc., Beclabito Baptist Church, is located at 36°49'40.34" North and 108°58'38.93" West, on a suitable 1.5 acre plot of land located two (2) miles east of the Beclabito Chapter house; and

6. The Beclabito Chapter finds that the Grazing Permit holder(s), residing in close proximity has given their "land-use consent" attested by the Chapter District Grazing Committee for the Beclabito Mission Site Lease in 2001 and that the same is now required to update the RALUP lease documents.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Beclabito Chapter, hereby, approves and supports the request to reaffirm the withdrawn 1.5 acres plot of land for the H.H.C., Inc., Beclabito Baptist Church directing the Navajo General Land Development, Navajo Business Regulatory Department and the Navajo Natural Resources Division to do all things necessary to complete the process in updating the ***RELIGIOUS ACTIVITY LIMITED-USE PERMIT (RALUP***); and

2. The Beclabito Chapter Resolution No. BECL-18-12-19, shall amend and supersede the 2001 Beclabito Resolution No. BECL-01-08-3 in validating the H.H.C., Inc., Beclabito ***Religious Activity Limited-Use Permit (RALUP)*** purely for religious purposes, in accordance with the General Leasing Regulations of 2013 and the Navajo Nation Religious Activities Limited-Use Permit Regulations of 2017.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Beclabito Chapter at a duly called meeting in Beclabito, Navajo Nation, New Mexico at which a quorum was present and that the same was passes by a vote of 19 in favor 00 oppose 04 abstained on this **19th** day of **December, 2017**

Raymond H. Charley, President

Hazel J. Sherman, Vice-President

Larry L. Jack, Secretary-Treasurer

Amber K. Crotty, Council Delegate

Renita Anderson, Grazing Committee

Motioned: Susie John
Seconded: Melissa Kelly

BECLABITO CHAPTER
Beclabito Express Store
Shiprock, New Mexico 87420
Telephone: (928) 656-3265 Fax: (928) 656-3813

Resolution No. BECL-01-08-3:

Helping Hands For Christ Ministry, Inc.
Beclabito Baptist Church

RESOLUTION OF THE BECLABITO CHAPTER

Recommending To The Bureau Of Indian Affairs and The Navajo Nation To Grant A Mission Site to the Comprising of 1.5 Acres of Land for Religeous Use, Beclabito Community, San Juan County, New Mexico.

WHEREAS:

1. The Beclabito Chapter is certified and recognized as a government entity of the Navajo Nation given authority to act on behalf of its community to recomend, support and approve all land related projects such as right-of-way, land withdrawl for community and economic development including homesite, mission sites, and,

2. The HHC, Inc., Beclabito Baptist Church, has selected a site situated on a 1.5 acres tract of land located two miles east of the Beclabito Chapter House, between mile marker 5 & 6, off 64 Highway, northwest on Reservation Road number 5038, across Road 5038 from Daisy Morgan, in land area 0510.

3. The Church and Missions primary purposes is to develope the site, construct buildings for use on Sunday morning and evening services, conduct weddings, funerals and to establish religious ministries to members of the church and including social and auxiliary functions during the week for youth, and

4. The permit holder(s) living within the area where the church site is proposed have given their consents to permit the religious organization permission to utilize 1.5 acres of their grazing lands.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Beclabito Chapter hereby approves the 1.5 acres of withdrawn for the HHC, Inc., Beclabito Baptist Church and direct the Navajo Land Department to do all things necessary to complete the processing of this application. Further, should the Mission liquidate, the permit holder shall reclaim the land taken for religious purpose, and the site will be reincorporated back into his or her grazing use or otherwise directed by the Resources Committee of the Navajo Nation.

2. The Beclabito Chapter directs the division of Natural Resources of the Navajo Nation Council to approve the site selected and charge the religious group the minimal fee for its ground site.

Resolution No. BECL-01-08-33

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Beclabito Chapter at a duly called meeting at which a quorum was present and that the same was passed by a vote of 28 in favor. 00 opposed 01 abstained. this day of 3-08- 2001.

Motioned: Elizabeth Billy

Seconded: Rosemary Lee

Chapter President

Chapter Vice President

Chapter Secretary- Treasurer

Council Delegate

Grazing Member

EXHIBIT F

Document No. 008321 Issued: 07/07/2017

EXECUTIVE OFFICIAL REVIEW

Title of Document: , Helping Hand for Christ Baptist Min Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: michellehoskie@frontier.com Phone Number: 928-871-6447

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

Pursuant to 2 N.N.C. § 164 and Executive Order Number 07-2013

EOR# 8321

☐ **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. NLD		Date:	☐	☐
2. F+W		Date:	☐	☐
3. HHPD		Date:	☐	☐
4. NNEPA		Date:	☐	☐
5. DNR		Date:	☐	☐
6. DOJ – (IC)	V Blackhat	Date: 9/15/17	☒	☐
7. OPVP	[illegible]	Date: 9-22-17	☒	☐

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. GLDD: Please note comment from Robert Allan. Please address his comment. Thank you.	1. *No Reply*	01-Sep-2017	BNBecker
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	*no comments*	*No Reply*	18-Aug-2017	Rill M Begay
Ronnie Ben EPA (Navajo Land 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 EPA environmental laws.	1. *No Reply*	17-Aug-2017	[illegible]
Sam Diswood (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	*no comments*	*No Reply*	16-Aug-2017	Samuel F. Diswood
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	*no comments*	*No Reply*	17-Aug-2017	Steven L Prince
W. Mike Halona (Navajo Land Title Data System - Windowrock AZ)	Manager III Navajo Land Department	NLD Administration	Approved	*no comments*	*No Reply*	23-Aug-2017	[illegible]

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	*no comments*	*No Reply*	13-Jul-2017	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviwer	Navajo Nation Environmental Protection Agency	Approved	*no comments*	*No Reply*	16-Aug-2017	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	*no comments*	*No Reply*	17-Jul-2017	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #14DOEL-01	1. *No Reply*	07-Jul-2017	
Pam Maples EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	*no comments*	*No Reply*	10-Jul-2017	
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Appears to be RUP renewal. 2014 EA mentions proposed construction which may have already occurred. Will not require coverage under the federal Construction General Permit for storm water discharges from construction sites due to being below the 1.0 acre threshold.	1. *No Reply*	10-Jul-2017	

Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	1.	1. The Terms and Conditions Form should be corrected. It should read "Helping Hands For Christ Baptist Ministry, Inc. 2. Paragraph 14 should be corrected to read as follows: "The Permittee shall not assign . . ."	1. *No Reply*	14-Jul-2017	Robert O. Allan
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1.	HPD-09-505	1. *No Reply*	24-Jul-2017	Tamara Billie
Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	1.	Please see attached memorandum approving this document	1. *No Reply*	11-Jul-2017	Yolanda Barney

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL (Sept 2017)

RECEIVED OCT 12 2017 DEPARTMENT OF JUSTICE RECEPTIONIST DESK

DOJ
10-12-17 2:10p
DATE / TIME
☐ 7 Day Deadline
DOC #: 008321 #2
SAS #:
UNIT: NNL

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

CLIENT TO COMPLETE

DATE OF REQUEST:	10/12/2017	DIVISION:	of natural resources
CONTACT NAME:	Michelle hoskie	DEPARTMENT:	general land development
PHONE NUMBER:	871-6447	E-MAIL:	michellehoskie@frontier.com

TITLE OF DOCUMENT: RESUB: Doc #008321 -- Church land use permit -- beclabito bapitist church

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 10.12.17 2:45p REVIEWING ATTORNEY/ADVOCATE: Irvin Chee 10-23-17

DATE TIME OUT OF UNIT: 11.16.17 10:10 BJ

DOJ ATTORNEY / ADVOCATE COMMENTS

- Rtd. doc. to GLDD to have Sponsors update their Chapter Rsln. & the Consent of the land user. See my attach note.

REVIEWED BY: (*Print*)	Date / Time	SURNAMED BY: (*Print*)	Date / Time
Irvine Chee	11/15/17		

Emailed: DOJ Secretary Called: Michelle/Stevie for Document Pick Up on 11.16.17 at 10am By: BJ

~~PICKED UP~~ H/D BY: (*Print*) Irvin Chee DATE / TIME: 11.15.17 3:15p

NNDOJ/DRRF-July 2013

See note. attached →

GLDD's COPY

11/15/17

Elenina/Stevie,

According to Legislative Branch, Mr. Ed McCool, the Beclabito Chapter Rsln. that w/drew the land is too Old & Outdated, along with the consent of the grazing permittee. Although I informed Ed that once the land is w/drawn for a specific purpose, it cannot be w/drawn again unless the Rsln. is rescinded and/or cancelled for non-use. Regardless, I went & informed the Beclabito Chapter & the Chapter DEC member to contact the sponsor, Mr. Kenneth Greenwell, to update their Chapter Rsln. & the consent by the land user. I further informed them to have Mr. Greenwell call or contact me but there was no response. Please let Mr. Mike Halona explain & inform Ed that once the land is w/drawn, it cannot be w/drawn again since Mr. Halona had stated that at many meetings. Also, since the Rsln. was never rescinded or cancelled, the consent does not need to be updated because the consent is the supporting statement to Beclabito Chapter Rsln. The other thing we could do is to just let the sponsor update their Rsln. & the consent for the land use. I will leave this up to you guys. Thx. - IRVINE.

Irvin Chee

From: Ed McCool <edmccool@navajo-nsn.gov>
Sent: Thursday, October 12, 2017 12:15 PM
To: Irvin Chee
Subject: RE: RUP Helping Hands for Christ, Beclabito Baptist Church Mission Site Permit.

Irvine,

Don't necessarily agree with you. More information is needed about what exactly the transaction is that's going on here. *The land users permission and the petition with the signatures are all also 16 years old.* Raymond Charley is listed as the Chapter President.

From: Irvin Chee [mailto:ichee@nndoj.org]
Sent: Thursday, October 12, 2017 12:03 PM
To: Ed McCool <edmccool@navajo-nsn.gov>
Cc: Veronica Blackhat <vblackhat@nndoj.org>
Subject: RE: RUP Helping Hands for Christ, Beclabito Baptist Church Mission Site Permit.

Ed

Like I said, 16 year old chapter resolution might be old but could still be used if the resolution was never rescinded. In this case, the resolution was never rescinded according to the sponsors. Let's do this, I will come by and pick-up the packet and I will re-review the packet and have chile re-do another resolution. This is simple and let's don't make it sounds like we don't care. The bottom line is, the resolution was never rescinded. What I am saying is, we can still use the old resolution since it's not rescind. If it was rescind, then I would have definitely told them to re-do the resolution. I will come by to pick up the packet momentarily.

Thx.-Irvine

From: Veronica Blackhat
Sent: Thursday, October 12, 2017 11:37 AM
To: Irvin Chee
Subject: RE: RUP Helping Hands for Christ, Beclabito Baptist Church Mission Site Permit.

Irvin,

Let's discuss. If you're saying that 16 years is a long time, maybe we should not have signed off as legally sufficient. What do you recommend? Would it be possible to get something from the Chapter?

Veronica Blackhat, Assistant Attorney General
Natural Resources Unit
Navajo Nation Department of Justice
PO Box 2010
Window Rock, Navajo Nation (Arizona) 86515
(928)871-6347 phone
(928)871-6177 fax
vblackhat@nndoj.org

If this e-mail message concerns legal or related matters, this communication and any attachments are attorney-client privileged and confidential, and intended for use only by the individual or entity named above as the intended recipient. If

NAVAJO NATION DEPARTMENT OF JUSTICE

☐ RESUBMITTAL

DOCUMENT REVIEW REQUEST FORM

RECEIVED SEP - 8 2017 DEPARTMENT OF JUSTICE RECEPTIONIST DESK

9/8/17 9:44am DOJ
DATE / TIME
☐ 7 Day Deadline
DOC #: 008321
SAS #:
UNIT: NRU

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

CLIENT TO COMPLETE

DATE OF REQUEST:	9/8/2017	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 6401	E-MAIL:	michellehoskie@frontier.com

TITLE OF DOCUMENT: CHURCH LAND USE PERMIT - BECLABITO BAPTIST CHURCH

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 9.8.17 10:15 REVIEWING ATTORNEY/ADVOCATE: Irwin Chee 9.19.17

DATE TIME OUT OF UNIT: 9.18.17 @ 10:28 B

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.

REVIEWED BY: (*Print*)	Date / Time	SURNAMED BY: (*Print*)	Date / Time
Irwin Chee	9/15/17	VBlackhat	9/15/17 11:30AM

DOJ Secretary Called: Michelle for Document Pick Up on 10:15 at 9.18.17 By: B

PICKED UP BY: (*Print*) DATE / TIME:

NNDOJ/DRRF-July 2013

COMPLETED

CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO
NM SHPO
REAL PROPERTY MGT/330
XX NNAD

NNHPD NO. **HPD-09-505**
OTHER PROJECT NO.
NNAD 09-208

PROJECT TITLE: **A Cultural Resource Inventory of the Proposed Helping Hands For Christ Baptist Ministry, Inc. 1.5-Acre Ministry Site near Beclabito, San Juan County, New Mexico**

LEAD AGENCY: BIA/NR

SPONSOR: **Kenneth D. Greenwell P.O. Drawer 1090 Teec Nos Pos, Arizona 86514**

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of a house and associated facilities within the 1.5 acre lease area. Ground disturbance will be extensive and intensive.

LAND STATUS: Navajo Tribal Trust
CHAPTER: Beclabito
LOCATION: T.30N, R.20W; Section 8; Rocky Point Quadrangle; San Juan County, New Mexico; NMPM

PROJECT ARCHAEOLOGIST: **Aleda Myerson**
NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: **5/15/09**
DATE OF REPORT: 6/2/09
TOTAL ACREAGE INSPECTED: **4.51**

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 15 m apart.

LIST OF CULTURAL RESOURCES FOUND:	**(1) In-Use Area (IUA)**
LIST OF ELIGIBLE PROPERTIES:	None
LIST OF NON-ELIGIBLE PROPERTIES:	(1) IUA
LIST OF ARCHAEOLOGICAL RESOURCES:	None

EFFECT/CONDITIONS OF COMPLIANCE: **No historic properties affected.**

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7148.

FORM PREPARED BY: Ettie Anderson
FINALIZED: June 8, 2009

Notification to Proceed Recommended: Yes XX No ___
Conditions: Yes ___ No XX

Tamara Bell 6/9/09
for Alan S. Downer — Date
Navajo Nation Historic Preservation Officer

Navajo Region Approval: Yes ✓ No ___
for 6/17/09

6-18-09
Regional Director — Date

NNDFW Review No. 14DOEL-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.: Beclabito Baptist Church Site

DESCRIPTION: The Helping Hand for Christ Baptist Ministry, Inc. proposes the renewal of an existing ±1.50-acre mission site. All associated utilities are currently onsite.

LOCATION: Section 8, T30N, R20W, NMPM, Beclabito, San Juan County, New Mexico

REPRESENTATIVE: John E. Dodge, Dodge Environmental, LLC.

ACTION AGENCY: Navajo Nation & Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Beclabito Baptist Church Lease Site/MAY 2014/John E. Dodge

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Existing church site.

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/16 JUL 2014

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:	Signature	Date
☒Approval ☐Conditional Approval (with memo) ☐Disapproval (with memo) ☐Categorical Exclusion (with request letter) ☐None (with memo)	Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	7/17/14

*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

C:\old_pc2010\My Documents\NNHP\BRCF_2014\14DOEL-01.doc

NNDFW –B.R.C.F.: FORM REVISED 12 NOV 2009

Dodge Environmental, LLC.

March 23, 2014

Pamela A. Kyselka, Wildlife Biologist
The Navajo Nation
Department of Fish and Wildlife
P.O. Box 1480
Window Rock, AZ 86515

RE: Review—Biological Evaluation Report for the Proposed Beclabito Baptist Church Lease Site Project, San Juan County, New Mexico

Ms. Kyselka;

Please find one unbound, double-side, copy of the Biological Evaluation report for your review of the above reference project, located in San Juan County, New Mexico on the Navajo tribal trust lands. Our services were performed in accordance with the Navajo Nation Biological Evaluation Guideline of the Navajo Nation Department of Fish and Wildlife.

If you have any question or require additional information, please feel free to contact me at your convenience at (505) 330-1361 or e-mail at dodgeenvironmental@yahoo.com.

Sincerely,

John E. Dodge,
Biologist/President

Cc: Kenneth D. Greenwell, Pastor with Helping Hand for Christ Baptist Ministry, Inc.

Enclosure

Dodge Environmental, LLC • P.O. Box 75 • Fruitland, NM 87416 • Phone (505) 330-1361 • Fax (505) 327-9546

NAVAJO NATION
Department of Fish & Wildlife
Navajo Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515

NNHP
Navajo Natural Heritage Program

Phone: 928.871.6472 • Fax: 928.871.7603 • http://nnhp.nndfw.org

Ben Shelly, President

Rex Lee Jim, Vice-President

12 May 2014

File#14DOEL-01

John Dodge, President/Biologist
Dodge Environmental, LLC
P.O. Box 75
Fruitland, NM 87416

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: PROPOSED BECLABITO BAPTIST CHURCH LEASE
T30N, R20W, SEC. 8, NMPM
BECLABITO, SAN JUAN COUNTY, NM

Mr. Dodge:

The following information on species of concern[1] is provided in response to your 17 March 2014 request concerning the subject project, which consists of the proposed mission site lease for the existing Beclabito Baptist Church located on a 1.5 acre-parcel adjacent to Navajo Route 5038, Beclabito, San Juan County, NM. Legal Description of the project site is T30N, R20W, Sec. 8, NMPM, Beclabito, San Juan County, NM.

The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern.

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3-Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3" please refer to our website at nndfw.org).

Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g.,

[1] "Species of concern" include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For each species, the following tribal and federal statuses are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with **only** ESA candidate or NESL group 4 status; please be aware of these species during surveys and inform the NFWD of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these species in project planning and management is important for conservation and may contribute to ensuring they will not be uplisted in the future. Species without ESA or NESL legal protection (e.g., NESL group 4 species) are only included in responses on a regular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the "Corps of Engineers Wetlands Delineation Manual" (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the NFWD's Natural Heritage Program (NHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

This response is based on information in the Navajo Natural Heritage Program database; knowledge of staff biologists about the project area; the scope of the project; the USGS topographic map of the project area; and information you provided. Because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

For a list of sensitive species on the Navajo Nation in addition to the species listed on the Navajo Endangered Species List (NESL) please refer to our website at www.nndfw.org.

An invoice for this information is attached.

If you have any questions I may be reached at (928) 871-6472.

Sonja Detsoi, Wildlife Tech.
Natural Heritage Program
Department of Fish and Wildlife

CONCURRENCE

Gloria M. Tom, Director
Department of Fish & Wildlife
Division of Natural Resources

xc: file/chrono

THE NAVAJO NATION
ARCHAEOLOGY DEPARTMENT

% DINÉ COLLEGE, P.O. BOX 580, SHIPROCK, NEW MEXICO 87420 TELEPHONE: 505-368-1214, FAX: 505-368-1215

June 2, 2009

Helping Hands for Christ Baptist Ministry, Inc.
% Kenneth D. Greenwell
P.O. Drawer 1090
Teec Nos Pos, AZ 86514

Dear Mr. Greenwell:

Attached for your files is a copy of the Navajo Nation Archaeology Department's report NNAD 09-208. The report details the results of the archaeological survey of your proposed church location. One in-use area (IUA A) was identified during the archaeological inventory. The IUA does not merit protection under the current legislation; therefore, a determination of no historic properties affected (archaeological approval) is recommended for the proposed undertaking.

Please note that receipt of this report does not constitute approval. The report has been submitted to the Navajo Nation Historic Preservation Department (NNHPD) for review on behalf of the Bureau of Indian Affairs (BIA). Once a determination of archaeological approval has been made on your proposed church site, you will be notified by the NNHPD. Should you have any questions concerning this report, contact me at (505) 368-1214.

Sincerely,

Antoinette Kurley-Begay
Principal Archaeologist

Enclosure

ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.

4. TITLE OF REPORT:
A Cultural Resource Inventory of the Proposed Helping Hands For Christ Baptist Ministry, Inc. 1.5-Acre Ministry Site near Beclabito, San Juan County, New Mexico

AUTHOR: Aleda Myerson

5. FIELDWORK DATES
May 15, 2009

6. REPORT DATE
June 2, 2009

7. CONSULTANT NAME AND ADDRESS:
Gen'l Charge: Robert M. Begay
Org. Name: Navajo Nation Archaeology Department
Org. Address: P. O. Box 689
Window Rock, Arizona 86515
Phone: (928) 871-6540

8. Permit No.
NTC

9. Consultant Report No.
NNAD 09-208

10. SPONSOR NAME AND ADDRESS:
Ind. Responsible: Helping Hands for Christ Baptist Ministry, Inc.
Org. Name: % Kenneth D. Greenwell
Org. Address: P.O. Drawer 1090
Teec Nos Pos, Arizona 86514
Phone: (928) 656-3577

11. SPONSOR PROJECT NO.
N/A

12. AREA OF EFFECT: 1.50 acres/0.60 ha
AREA SURVEYED:4.51 acres/1.83 ha

13. LOCATION (MAP ATTACHED):
a. Chapter: Beclabito
b. Agency: Shiprock
c. County: San Juan
d. State: New Mexico
e. Land Status: Tribal Trust
f. UTM Center: Zone 12, 4077514N, 680430E
g. Area: T.30N, R.20W; E½, Sec. 8; NMPM (Derived from Red Valley Survey plat)
h. 7.5' Map Name(s): Rocky Point, N.Mex., 1983

14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) / /

a. Description of Undertaking: The client proposes to construct a house with associated facilities within the 1.5-acres (0.60 ha) ministry site. The area of potential effect measures 304.10 feet (92.71 m) by 179.45 feet (54.71 m) by 238.45 feet (72.69 m) by 368.12 feet (112.23 m). Ground disturbance, both surface and subsurface, will be extensive. The lead federal agency for this proposed undertaking is the Bureau of Indian Affairs.

b. Existing Data Review: A check of Navajo Nation Historic Preservation Department and NNAD Shiprock Office archival records indicated that no projects have been conducted, and no sites have been recorded within a 500-foot (152-m) radius of the project area.

c. Area Environmental & Cultural Setting: The project is located in the Beclabito Chapter. The nearest major water source is an unnamed ephemeral drainage located approximately 669 feet (204 m) to the west. The elevation of the project area is 5285 feet (1611 m). Vegetation consists of prickly pear cactus, juniper, narrowleaf yucca, snakeweed, sagebrush, globemallow, saltbush, Indian ricegrass, and various grasses. Soils in the project area consist of clay and aeolian sand with gravel and bedrock. The cultural setting is urban and development includes nearby highway, roads, water lines, and power lines.

d. Field Methods: An archaeological survey was conducted by Antoinette Kurley-Begay, Aleda Myerson, and Matthew Pettigrew. A good faith effort to conduct a Traditional Cultural Property (TCP) interview with Daisy Morgan, the grazing permit holder of the proposed church site, was made by the archaeologists, however, these attempts were futile. A Class III pedestrian survey was conducted on the project area by walking concentric circular transects spaced 50 feet (15.24 m) apart extending out to a 250-foot (76.22-m) radius area centered over the 1.5-acre proposed homesite. The total area surveyed equals approximately 4.51 acres (1.83 ha).

15. CULTURAL RESOURCE FINDINGS:

a. Location/Identification of Each Resource: One in-use area (IUA A) was encountered during the survey. IUA A consists of three mobile homes that date from 1993 to the present. The IUA is located within proposed ministry site. One of the three mobile homes is used as a storage place. The second mobile home is the current church. The third mobile home is the homestead of Mr. and Mrs. Greenwell who are the caretakers of the church. The IUA is not blessed in the Navajo traditional way, and neither Mr. and Mrs. Greenwell, the clients, were aware of any burials or TCPs in the immediate vicinity of the ministry site.

b. Evaluation of Significance of Each Resource (above): IUA A lacks integrity. IUA A is not eligible for nomination to the National Register under criterion a through d. IUA A does not meet the 50-year eligibility guideline and thus is not Register eligible. The IUA is not of archaeological interest, and it does not meet the 100-year age requirement for classification as an archaeological resource under ARPA. Thus, IUA A does not merit protection under ARPA. Finally, IUA A does not retain qualities or characteristics that would make it eligible for consideration under AIRFA.

16. MANAGEMENT SUMMARY (RECOMMENDATIONS): A determination of no historic properties affected is recommended for the proposed undertaking since no significant cultural resources meriting protection were identified.

17. CERTIFICATION: SIGNATURE: [signature] for DATE: 6/2/09
General Charge Name: Robert M. Begay, Department Manager

SIGNATURE: [signature] DATE: June 2, 2009
Direct Charge Antoinette Kurley-Begay, Principal Archaeologist

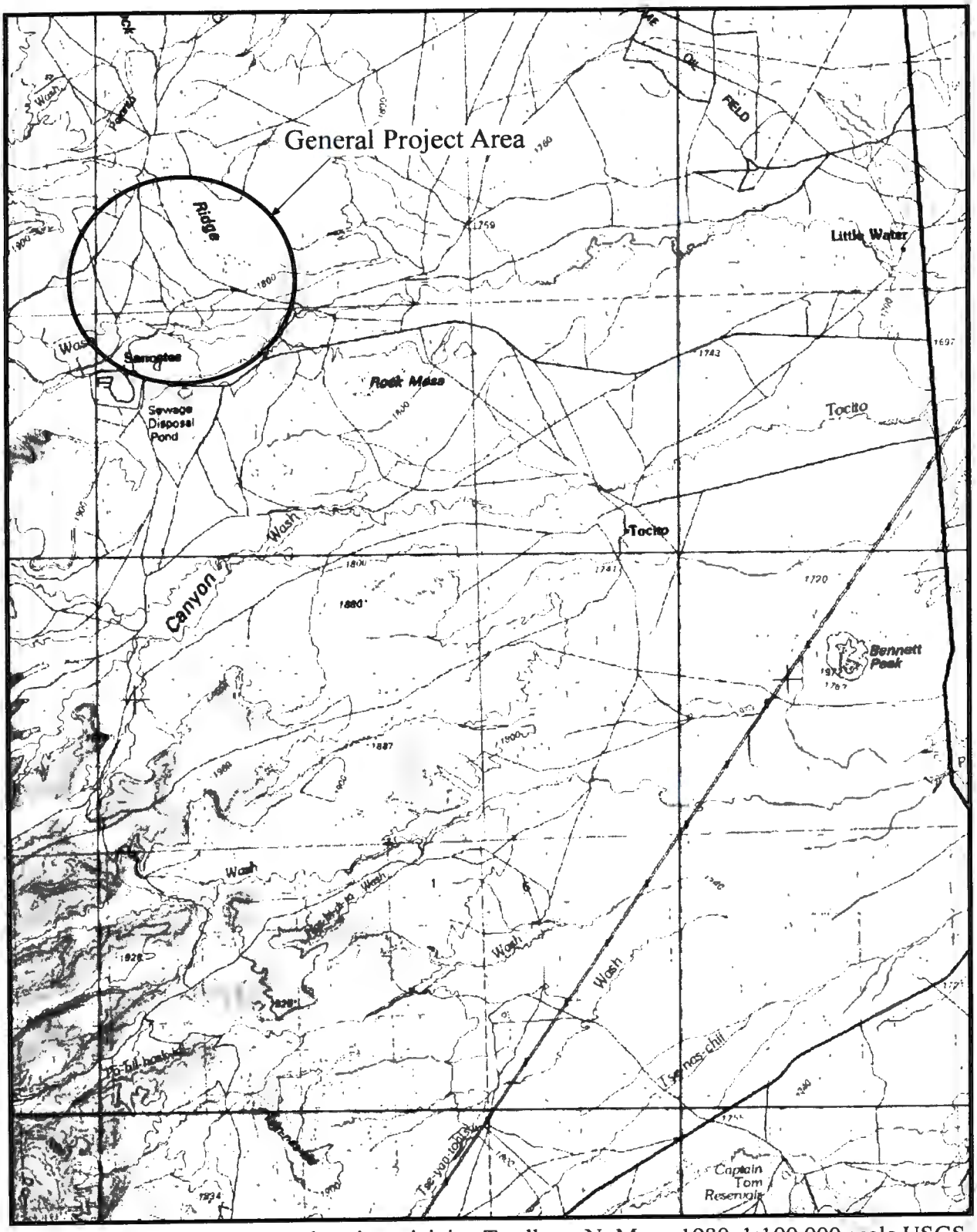


Figure 1. Map showing general project vicinity. Toadlena, N. Mex.; 1980, 1:100,000 scale USGS map.

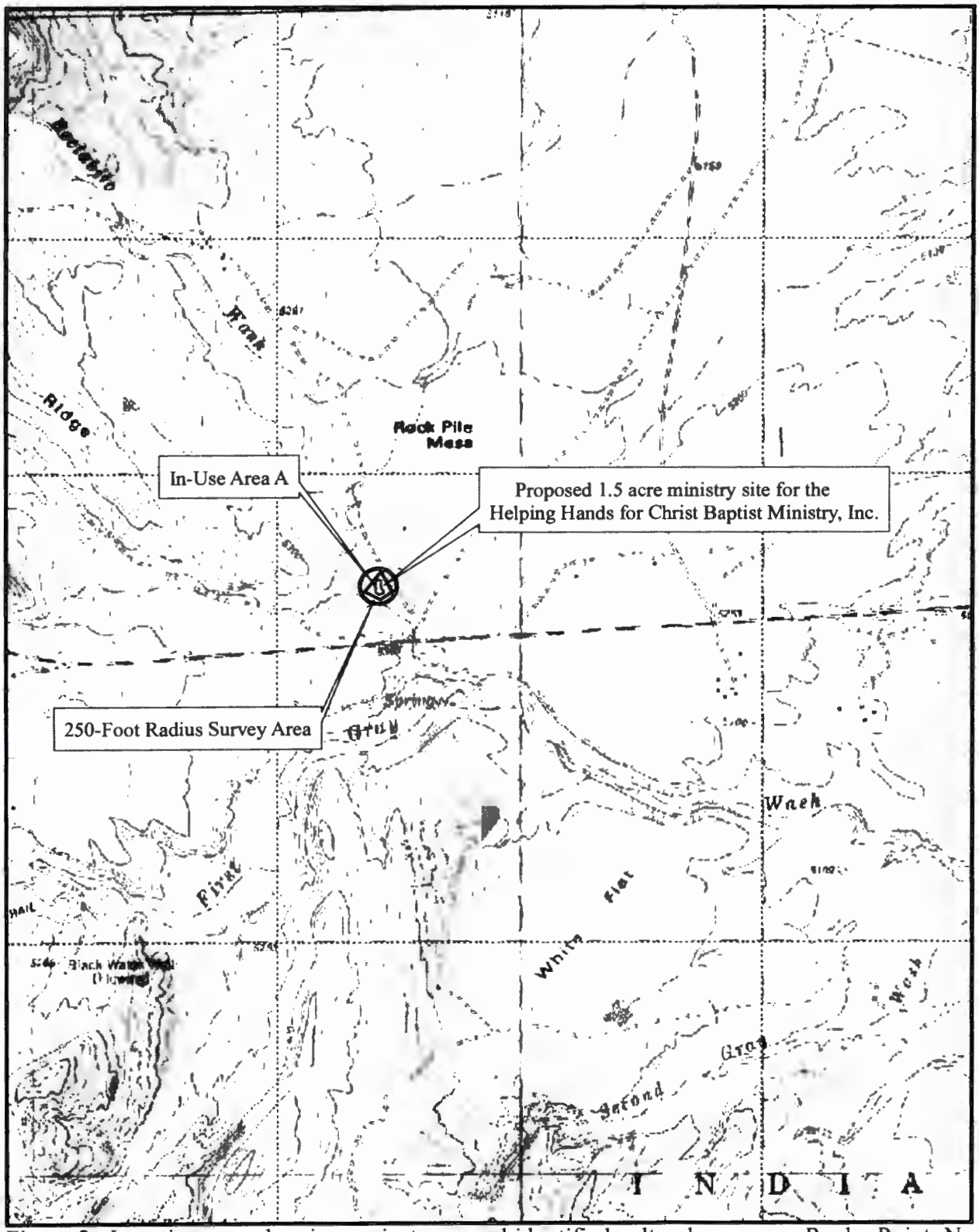


Figure 2. Location map showing project area and identified cultural resource. Rocky Point, N. Mex., 1983, 7.5' series USGS map; T.30N, R.20W, NMPM (NNAD 09-208).

THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY

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

Russell Begaye
President

Jonathan Nez
Vice President

July 11, 2017

MEMORANDUM

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

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

SUBJECT: DOCUMENT No. 008321

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 008321: Revocable Use Permit for the Helping Hand for Christ Baptist Ministry, Inc. This facility will be used for church activities. PWSSP recommends approval of this revocable use permit with the following conditions.

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

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

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

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA
PWSID#NN3500245
DWWP#NN35120020

Environmental Assessment

Proposed Beclabito Baptist Church Lease Site Project
San Juan County, New Mexico

Project Applicant:
Helping Hand for Christ Baptist Ministry, Inc.
P.O. Box 1379
Waterflow, New Mexico 86504

Prepared By:
Dodge Environmental, LLC.
P.O. Box 75
Fruitland, New Mexico 87416

August 2014

TABLE OF CONTENTS

1. Summary of Proposed Action 1

1.1 Purpose and Need for Action 1

1.2 Location and Maps 2

2. Alternatives Including The Proposed Action 3

2.1 Alternative A – No Action 3

2.2 Alternative B – Proposed Action 3

2.3 Action Alternative 4

3. Description of Affected Environment 5

3.1 Land Resources 5

3.1.1 Topography 5

3.1.2 Soils 5

3.1.3 Geological Setting and Mineral Resources 5

3.2 Water Resources 6

3.2.1 Surface Water 6

3.3 Air Resources 7

3.3.1 Air Quality 7

3.3.2 Visibility 8

3.3.3 Climate/Meteorology 8

3.4 Biotic Resources 8

3.4.1 .Description of Ecosystem and Biological Communities 9

3.4.2 Wildlife and Vegetation 9

3.4.3 Agriculture 11

3.5 Cultural Resources 11

3.5.1 Archaeological Resources 12

3.5.2 Traditional Cultural, Historic, and Religious Properties 12

3.6 Socioeconomic Conditions 12

3.6.1 Employment and Income 12

3.6.2 Demographics and Trends 13

3.6.3 Lifestyles, Cultural Values, Attitudes and Expectations 13

3.6.4 Community Infrastructure 13

3.7 Environmental Justice 14

3.7.1 Indian Trust Resources 14
3.8 Environmental Module 14
3.8.1 Resource Conservation and Recovery Act Subtitle C, Hazardous Wastes/Materials 14
3.8.2 Resource Conservation and Recovery Act Subtitle D, Non-hazardous Solid Waste 14
3.8.3 Resource Conservation and Recovery Act Subtitle I, Underground Storage Tanks 15
3.8.4 Comprehensive Environmental Response Compensation and Liability Act/Toxic Substances Control Act Sites 15
3.9 Resource/Land Use Patterns 15
3.9.1 Hunting, Fishing, Gathering 15
3.9.2 Timber Harvesting 15
3.9.3 Agriculture 15
3.9.4 Mining 15
3.9.5 Outdoor Recreation 15
3.9.6 Transportation Use Network 16
3.9.7 Land Use Plans 16
3.10 Other Values 16
3.10.1 Wilderness 16
3.10.2 Noise 16
3.10.3 Public Health and Safety 16
3.10.4 Visual Setting 16
4. Environmental Consequences 18
4.1 Land Resources/Physical Impacts and Mitigation 18
4.2 Water Resources Impacts and Mitigation 19
4.3 Air Resources Impacts and Mitigation 20
4.4 Biological Impacts and Mitigation 20
4.5 Cultural Resources Impacts and Mitigation 20
4.6 Socioeconomic Impacts and Mitigation 20
4.7 Environmental Module Impacts and Mitigation 21
4.8 Visual Resources Impacts and Mitigation 21
4.9 Noise Impact and Mitigation 21
4.10 Cumulative Impacts 22
5. List of Preparers 23

6. Agencies, Organizations, and Persons to Receive Environmental Assessment 24

7. References and Literature Cited 25

APPENDICES

Appendix A — Beclabito Chapter Resolution No. BECL-01-08-33 ..... A-1

Appendix B — Maps B-1

Appendix C — Legal Land Survey Plat C-1

Appendix D — Photos D-1

Appendix E — Navajo Data Requested for NNHP Species of Concern E-1

Appendix F — Biological Resources Compliance Form F-4

Appendix G — Cultural Resources Compliance Form G-1

LIST OF TABLES

Table 2-1. Land status and permitted acres for the proposed action 3

Table 3-1. Soil mapping units and parameters in the proposed action. 5

Table 3-2. Priority bird species listed by New Mexico PIF for Great Basin scrub habitat associated with the proposed action. 10

ACRONYMS

Acronym	Description
BE	Biological Evaluation
BIA	Bureau of Indian Affairs
BMP	Best Management Practices
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
FEMA	Federal Emergency Management Agency
HHCBM	Helping Hand for Christ Baptist Ministry, Inc.
IUA	In-Use Area
MBTA	Migratory Bird Treaty Act
NEPA	National Environmental Policy Act
NESL	Navajo Nation Endangered Species List
NNAD	Navajo Nation Archaeology Department
NNDFW	Navajo Nation of Department Fish and Wildlife
NNEPA	Navajo Nation Environmental Protection Agency
NNHP	Navajo Natural Heritage Program
NNHPD	Navajo Nation Historic Preservation Department

NRCS	Natural Resources Conservation Services
NRCS	Natural Resources Conservation Services
NTUA	Navajo Tribal Utility Authority
PIF	Partners in Flight
RCP	Biological Resources Land Clearance Policies and Procedures
ROW	right-of-way
SWPPP	Storm Water Pollution Prevention Plan
TCP	Traditional Cultural Properties
U.S.	United States
USFWS	U. S. Fish and Wildlife Services
USGS	U.S. Geological Survey

1. Summary of Proposed Action

The Helping Hand for Christ Baptist Ministry, Inc. (HHCBM) is proposing a church site lease renewal to their existing, as-built Beclabito Baptist Church on 1.5-acres tract of land on Tribal Trust lands on the Navajo Nation in San Juan County, New Mexico. This proposed project would reconcile the current, as-built facility with a revocable use permit on the Navajo Nation to allow the renovation and operation of the Church.

Through a Chapter Resolution, with the community member of Beclabito Chapter has agreed mission site of 1.5-acres of land for religious purpose to the Beclabito community. A copy of the resolution is provided in Appendix A.

HHCBM retained Dodge Environmental, LLC to prepare an Environmental Assessment (EA) for the project. This EA describes the pre- project environment and describes impacts (both construction and long-term operation) of the action and the no action alternative. The content and format of this EA is in accordance with the simplified version of the 30 Bureau of Indian Affairs (BIA) Manual Supplements 1. The long- and short-term consequences and cumulative impacts of the action and other actions in the general project area vicinity are described.

1.1 Purpose and Need for Action

The purpose of the proposed action is to support the mission of the HHCBM to obtain church site lease and implemented a utilities right-of-way (ROW) infrastructures to the existing, as-built Beclabito Baptist Church on 1.5-acres tract of land on Tribal Trust lands on the Navajo Nation in San Juan County, New Mexico. The goal is to provide Beclabito Chapter residence, with Church services, including wedding services, funeral services, and to promote religion ministries. The need for a Church center was established in 2001 when Beclabito Chapter member voted to develop church services for the community of Beclabito Chapter area. The need for the action is established by the BIA's responsibility under 25 Code of Federal Regulations (CFR), Part 162 and Part 169. An approved permit grant issued by the BIA would authorize the church lease and utility right-of-way construction of the proposed action.

1.2 Location and Maps

The proposed project area would be located within the northeastern portion of the Navajo Nation on Tribal Trust lands in San Juan County, New Mexico. The proposed project area is located south of United States (U.S.) Highway 64, adjacent to Navajo Route 5038, and about 2.1 miles west of Beclabito, New Mexico (Appendix B). A project survey plat is provided as Appendix C. Photographs of the proposed project area location are provided in Appendix D.

The proposed project area is located at Longitude 36° 49′40.34″ North and Latitude -108°58′38.93″ West in North American Datum 1998.

The proposed project area can be found on the Rocky Point, New Mexico U.S. Geological Survey (USGS) 7.5-minute quadrangle map. The legal description of the proposed project is Section 8 Township 30 North, Range 20 West, New Mexico Principal Meridian, San Juan County, New Mexico.

2. Alternatives Including The Proposed Action

2.1 Alternative A – No Action

Under the No-Action, the revocable use permit for the Beclabito Baptist Church Lease Site would not be issue. Use of the existing area would continue at current levels and the as-built Church facility would remain inoperative. However, the No-Action Alternative would not meet the purpose or need identified for the community of Beclabito area.

2.2 Alternative B – Proposed Action

HHCBM is proposing a revocable use permit and authorizes the renovation and operation of the existing, as-built Beclabito Baptist Church facility located within 1.5-acres tract on Navajo Nation Tribal Trust lands. Moderate development exists on the existing Church lease area and includes: a church building, and a private residence. Table 2-1; provide the land status and permitted acreage for the proposed project area.

During operation and maintenance, HHCBN maintains the Beclabito Baptist Church facility according to the parameters established plan. The Beclabito Baptist Church building was constructed in July 2, 2010 (Kenneth D. Greenwell, HHCBN, pers. comm., June 13, 2014).

The as-built Beclabito Baptist Church would require the extension of existing water, electric, telephone, and sanitary sewer system that are located on the proposed lease area. Electric and water services would be provided by the Navajo Tribal Utility Authority (NTUA) from the existing overhead electric lines and subsurface water line located on within the 1.5-acres tract. The exiting utilities services will be evaluated at the time of service connection to the as-built Beclabito Baptist Church facility.

The renovation and operation for the as-built Beclabito Baptist Church would be confined within the existing 1.5-acre tract boundary. No temporary use areas outside of the tract boundaries would be required. During construction activities, traffic to the proposed project area would consist of various construction equipment and vehicles. During operation of the church facilities traffic would consist of site employees and members of the church and the public that utilize the facilities. Access to the project area would be from Navajo Route 5038 via U.S. Highway 64.

Table 2-1. Land status and permitted acres for the proposed action

Project Component	Bureau of Land Management	Navajo Nation Tribal Trust Land	Indian Allotment	Private (Fee)
Beclabito Baptist Church Lease area	-	1.5	-	-
TOTAL		1.5		

2.3 Action Alternative

The proposed project area has already been developed and is pending to being used by the lessee (HHCBM). No other alternative were identified for the proposed action that would met the purpose and need for the proposed project area.

3. Description of Affected Environment

3.1 Land Resources

3.1.1 Topography

The proposed project area lies within an area known as Rock Pile Mesa. The proposed project located within a region characterized by low local and sloping broad plains interspersed by washes and eroded mesas. The area is on a relatively flat to gentle gradient with northerly aspect at 0 to 2 degree. The elevation at the project area is near 5,310 feet.

3.1.2 Soils

Soils in the proposed project area are variable and range from loam sand to fine sandy loam. No biological soil crusts were observed within the project area. The major soil-mapping unit occur within the project area is Farview-Beclabito-Rock outcrop complex, 1 to 10 percent slopes (NRCS 2012). The following descriptions are summarized from *Soil Survey: Shiprock Area, Parts of San Juan County, New Mexico and Apache County, Arizona*, from the Natural Resources Conservation Services (NRCS) Web Soil Survey (NRCS 2012).

Farview-Beclabito-Rock outcrop complex, 0 to 10 percent slopes: This soil mapping is found on cuestas, mesas, and structural benches at elevation ranging from 4,900 to 5,000 feet. The soil mapping unit is formed from alluvium and eolian material derived from sandstone. This unit is composed of 60 percent Farview soil, 20 percent Beclabito soil, 10 percent rock, and 10 percent contrasting inclusion (NRCS 2012).

Table 3-1. Soil mapping units and parameters in the proposed action.

Soil Mapping	Soil Name	Permeability	Available Water	Surface Runoff	Water Erosion	Soil Erosion	Drainage Class
Farview-Beclabito-Rock outcrop complex	Farview	Moderate rapid	Very low	Rapid	Slight	Severe	Well drained
	Beclabito	Moderately slow	Low to moderate	Medium	Moderate	Severe	Well drained
	Rock outcrop	-	-	-	-	-	-

3.1.3 Geological Setting and Mineral Resources

The proposed project is located on the Four Corners platform of the Colorado Plateau physiographic region. Geologically, the proposed project lies on the Recapture Member of the Morrison Formation from the Upper Jurassic Period (Ward 1990). The terrace hills are exposed of small fragments of sandstone and siltstone of varying sizes and assortments. No prominent geological features such as caves, cliffs, large outcrops or slickrock occur in the project area. The most prominent topographical feature in the

immediate vicinity of the proposed project area is Shiprock Peak, a volcanic neck that rises about 1,700 feet above the area, is located about 7 miles to the southeast of the project area.

Mineral resources available in the Beclabito Chapter include oil, sand and gravel deposits (Navajo Nation 2004). There are no active mines or other mineral development activities in the proposed project area or general vicinity.

3.2 Water Resources

3.2.1 Surface Water

The proposed project would be located in the Upper Colorado River Hydrologic Region and is part of the middle San Juan sub-watershed. Surface water is short-lived and occurs primarily as spring runoff from snowmelt, and summer and fall thunderstorms. Factors that influence surface water quality in the proposed project area are atmospheric deposition, resource extraction, riparian vegetation removal, stream bank destabilization, and agricultural and rangeland activities.

The nearest perennial water source is the San Juan River located approximately 6 miles northeast of the project area. There is shallow drainage with no defined ordinary high water mark would traverse the southwest corner of the proposed project area. This shallow drainage is not shown as a defined drainage on the USGS National Hydrography Dataset.

There are no perennial water resources in the form of rivers, lakes, ponds, or streams within the proposed project area and no wetlands or aquatic vegetation occur within the proposed project area or immediate vicinity.

3.2.1.1 Clean Water Act Section 401

There are no perennial or intermittent streams located within the proposed project area. The development activities and proposed project did not and will not impact any wetland, riparian area, or jurisdictional water of the U.S. as defined by the U.S. Army Corp of Engineers. Also, there would be no discharge associated with development activities or other disturbance within jurisdictional waterways. Construction projects greater than 1 acre are regulated. Since the renovation would be less than 1 acre and is already proposed lease is already developed, therefore, Section 401 of the Clean Water Act water quality certification is not applicable to the proposed action.

3.2.1.2 Clean Water Act Section 402

The Navajo Nation Environmental Protection Agency (NNEPA) regulates stormwater runoff from construction activities on the Navajo Nation through the National Pollutant Discharge Elimination System program (see http://cfpub.epa.gov/npdes/stormwater/ const.cfm). Only construction projects greater than 1 acre are regulated. The proposed renovation activities would include ground disturbing activities affecting less than 1 acre. As part of the permitting process for the action, the construction activities would require preparation of Storm Water Pollution Prevention Plan (SWPPP) under the National Pollutant Discharge Elimination System program. At this time, the development activities have not been finalized and a project specific SWPPP has not been prepared. Once the development activities of the action are final, a project specific SWPPP would be prepared by the contractor for this proposed project.

3.2.1.3 Clean Water Act Section 404

The construction and development activities did not occur within any wetlands or jurisdictional waters of the U.S.; therefore Clean Water Act Section 404 permitting is not required. There were no discharges of dredged or fill material into any wetlands or jurisdictional waters of the U.S. during construction and development activities.

3.2.1.4 Floodplains

Executive Orders 11988 and 11990 require evaluation of potential impacts to floodplains and wetlands. The proposed project area is not located within a floodplain, and does not cross any major drainage. There are no wetlands within the proposed project area.

3.2.1.5 Groundwater

The proposed project area is located within the Mesa Verde aquifer system, which is a subset of the general Colorado Plateau Aquifers (Robson and Banta, 1995). In the San Juan Basin, the Mesa Verde aquifer consists of sandstone, coal, siltstone, and shale of the Mesaverde Group (Robson and Banta 1995). In the San Juan Basin, Mesaverde aquifer has maximum thickness of about 4,500 feet in the southern part of the basin (Robson and Banta 1995). The quality of the water in the Mesa Verde aquifer is variable. Sparse data indicate that the Total Dissolved Solids concentration ranges from about 1,000 to 4,000 milligrams per liter in part of the Kaiparowits and San Juan Basin and the High and Wasatch Plateaus (Robson and Banta 1995).

A search of the New Mexico State Engineers Office - Water Administration and Technical Engineering Resource System database for the proposed project area and vicinity (1-mile radius) was performed on June 2014. The database has no records of registered water wells located within the proposed project area or vicinity (1-mile radius).

No water wells were identified within the proposed project area or vicinity. There are no springs within the project area. Furthermore, no windmill wells for stock watering occur in proximity to the proposed project area. The proposed action would not require drilling of water well.

3.3 Air Resources

3.3.1 Air Quality

The proposed project area lies within the exterior boundaries of the Navajo Nation in northwest New Mexico. The Navajo Nation Air Quality Control Program has established Title V Operating Permit Program authority from the U.S. Environmental Protection Agency. This gives the Navajo Nation permitting authority over the major air pollution sources on Navajo land.

Air quality in the area is affected both by nearby industry, climate conditions, and the natural terrain of the area. The primary sources of air pollutants are electrical power generation plants, vehicular traffic, and natural resources development activities. The largest impacts to air quality in the region are three coal-fired power plants: two in New Mexico (Public Service Company of New Mexico - San Juan Power Generating Station and the Arizona Public Service - Four Corners Power Generating Station) and one in

Arizona (Navajo Power Plant). At the present time, air quality within the Navajo Nation is within the parameters defined by all national ambient air quality standards in amendments to the federal Clean Air Act of 1969 (NATD 2005).

The proposed project area is considered a Class II air quality area. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soil and motorized vehicles using existing dirt roads near the proposed project area.

3.3.2 Visibility

Due to the rural and developed nature of the project area and the lack of significant pollutant sources within the project vicinity, visibility is considered good. Visibility is primarily affected by climactic conditions, including lower visibility at times of high winds with associated airborne particulate matter, and also lower visibility associated with precipitation events. Particulate matter associated with vehicle traffic on dirt and gravel roads can also be a source of medium range visibility impairment.

3.3.3 Climate/Meteorology

The project area is located in a semi-desert climate. The project area typically has warm summers and cold winters. Climatological data are summarized from the Western Regional Climate Center from the period between 1926 through 2013 from a Teec Nos Pos, Arizona station that represents similar conditions to those present in the project area. The average maximum high temperature generally occurs in July and reaches about 93.1° Fahrenheit. Average minimum low temperature generally occurs in January and approaches about 20.07° Fahrenheit. The mean annual precipitation is 8.09 inches per year (WRCC 2014). Precipitation is characterized by a multi-peaked distribution with the highest rainfall occurring from July through October.

3.4 Biotic Resources

The proposed project would be located within a "low sensitivity area" (Area 3), as identified by the Navajo Nation Department of Fish and Wildlife (NNDFW) and described in the Biological Resources Land Clearance Policies and Procedures (RCP) RCS-44-08 that was approved September 10, 2008 (NNDFW 2008). Area 3 has low, fragmented concentration of species of concern.

A biological inventory, including threatened and endangered species surveys of the proposed project area was conducted by a biologist from Dodge Environmental, LLC. A Biological Evaluation (BE) prepared by Dodge Environmental, LLC; *Proposed Beclabito Baptist Church Lease Site Project, San Juan County, New Mexico* was submitted to the NNDFW on May 23, 2014. A consultation letter regarding Navajo species of concern was issued by NNDFW to Dodge Environmental, LLC on May 12, 2014, and is provided as Appendix E. A copy of the Biological Resources Compliance Form issued by NNDFW is provided as Appendix F.

3.4.1 .Description of Ecosystem and Biological Communities

The following sections in this EA are based upon biological inventory conducted by a biologist from Dodge Environmental, LLC during the biological resource field survey, conducted on April 10, 2014. The surveys were conducted under the 2014 NNDFW Special Permit #762.

In addition, a reconnaissance field survey of the proposed project area was conducted by Dodge Environmental, LLC on April 10, 2014. All references in this section are included in the BE.

3.4.2 Wildlife and Vegetation

3.4.2.1 Terrestrial

The natural vegetation types in the project and action area are described as open Great Basin desert scrub (saltbush series) (Dick-Peddie 1993). The present distribution and composition of the vegetation community in portion of the project area has been affected by current church activities with limited vegetation. The current vegetation is dominated by woody species, such as shadscale saltbush (*Atriplex confertifolia*), and winterfat (*Krascheninnikovia lanata*). Understory is dominated by herbaceous species such as purple threeawn (*Aristia purpurea*) and James' galleta (*Pleuraphis jamesii*). Overall, the vegetation cover was visually estimated to range from 0 to 20 percent. No trees occur within the proposed project area; or riparian vegetation occurs within the project area or the immediate vicinity.

Wildlife that may be in the general vicinity includes a variety of mammals, birds, and reptiles common to the Great Basin desert scrub habitat within the Colorado Plateau. Much of the natural wildlife habitat has been modified by human habitation and activities associated with established church and residence development. This level of development has reduced the suitability of the area for wildlife. No mammalian wildlife species were observed or otherwise detected though tracks, burrows, scat, or other sign within the project area. Livestock may occasionally wander in the general vicinity.

The surrounding terrain provides potential foraging habitat for a variety of raptors including red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), and other species such as common raven (*Corvus corax*). Similarly power-line structures could be utilized as perches for a variety of species. Ravens were the most abundant bird species observed in the project area. No raptor or sign of raptor. No nests were observed in the project area or in the immediate vicinity of the. No raptors or signs of consistent raptor use were observed during the field survey on April 10, 2014.

3.4.2.2 Riparian/Aquatic

There are no wetlands, floodplains, springs, or permanent natural water resources, nor riparian or aquatic habitats located in the proposed project area.

A search of the U.S. Fish and Wildlife Services (USFWS) National Wetland Inventory maps for the proposed project area and vicinity was performed on June 2014 at http://www.fws.gov/wetlands/Data/Mapper.html. No mapped wetland areas were identified within the project area.

3.4.2.3 Threatened and Endangered Species

In accordance with Section 7 of the Endangered Species Act of 1973 (as amended), the proposed action area was evaluated for the potential for occurrences of USFWS federally listed threatened, endangered, proposed and candidate species. According to the USFWS, there were 11 federally listed threatened, endangered, or candidate species with potential to occur in San Juan County, New Mexico (USFWS 2014). The potential of each species to occur in the proposed action area was evaluated based upon project-specific habitat analyses (i.e., the biological field surveys on April 10, 2014) and the habitat associations of each species. The action area is defined as a 1/3-mile radius around the project area

Because the proposed project occurs on the tribal trust lands on the Navajo Nation, a list of Navajo species of concern was obtained through consultation with the NNDFW. Navajo species of concern include those listed on the Navajo Endangered Species List (NESL) (Mikesic and Roth 2008) including federally protected species and other rare or otherwise sensitive species such as those protected under the Eagle Protection Act and the Migratory Bird Treaty Act (MBTA), or species of economic and cultural significance.

The NNDFW has no record of Navajo species of concern occurring on or near the proposed project area. According to NNDFWS, the proposed projects would not expect to effect any federally listed species or significantly impact any tribal listed species or other species of concern. The NNDFW consultation letters, dated May 12, 2014 are enclosed with this report as Appendix E.

Based on findings in the BE report and the Biological Resources Compliance Form determined that no federally listed or NESL species of concern would be impacted by the proposed project (Appendix F).

3.4.2.4 Migratory Birds

Under the Migratory Bird Treaty Act (16 U.S. Code §703-712) and Executive Order 13186—*Responsibilities of Federal Agencies to Protect Migratory Birds*, federal agencies are required to consider management impacts to migratory birds.

The MBTA ensures that all migratory birds and their parts (e.g., eggs, nests, and feathers) are protected from taking, killing, capture, transport, sale, or purchase. The Great Basin desert scrub habitat found in the project area could support an array of bird species. The New Mexico Partners in Flight (PIF) identified 11 priority bird species within this habitat type for the State of New Mexico. Table 3-2 includes species listed by New Mexico PIF as priority bird species that could occur in the area. None of these listed priority birds were observed within the project area during the biological survey conducted on April 10, 2014.

Table 3-2. Priority bird species listed by New Mexico PIF for Great Basin scrub habitat associated with the proposed action.

COMMON NAME	SCIENTIFIC NAME	HABITAT TYPE
Bendire's thrasher	*Toxostoma bendirei*	Great Basin scrub
Black-throated sparrow	*Amphispiza bilineata*	Great Basin scrub
Ferruginous hawk	*Buteo regalis*	Great Basin scrub
Gray vireo	*Vireo vicinior*	Great Basin scrub

COMMON NAME	SCIENTIFIC NAME	HABITAT TYPE
Loggerhead shrike	*Lanius ludovicianus*	Great Basin scrub
Mountain bluebird	*Sialia currucoides*	Great Basin scrub
Sage sparrow	*Amphispiza belli*	Great Basin scrub
Sage thrasher	*Oreoscoptes montanus*	Great Basin scrub
Scaled quail	*Callipepla squamata*	Great Basin scrub
Swainson's hawk	*Buteo swainsoni*	Great Basin scrub
Vesper sparrow	*Pooecetes gramineus*	Great Basin scrub

Source: USFWS 2002 and NMPIF 2007

Because of it is previously disturbed habitat, the proposed project area provides relatively poor breeding habitat for migratory bird species. The proposed project area does not represent preferred nesting habitat for these 11 priority species, although marginal foraging habitat does occur. Based on findings in the Biological Resources Compliance Form determined the project is not expected to impact any MBTA (Appendix E).

3.4.3 Agriculture

The project area is located within Land Management District 12 of the Shiprock Navajo Agency of the BIA, Natural Resources Department. Livestock grazing permits are administered by the BIA Natural Resources Program in accordance to the Navajo Grazing Resources regulations (25 CFR §167). The Navajo Nation Department of Agriculture assists with management of livestock grazing activities on the Navajo Nation primarily through district grazing committees. All three parties, the BIA, the Navajo Nation Department of Agriculture, and the grazing committees, coordinate their activities in an effort to utilize and manage range resources.

Domestic animals were observed in the immediate vicinity of the project area and included dogs (*Canis lupus familiaris*), and horses (*Equus caballus*).

The project area is not used for cultivated or non-cultivated agriculture. There are no prime or unique farmlands in the project area or vicinity. There are no individual family farms located within the Beclabito Chapter (Navajo Nation 2004).

3.5 Cultural Resources

A Class III cultural resources inventory was completed for the direct area of potential effect for the proposed project was conducted by Aleda Myerson of Navajo Nation Archaeology Department (NNAD) on May 15, 2009. The cultural resources field survey included walking transects spaced 15 meters apart for the project. A literature review and archival data research from the Navajo Nation Historic Preservation Department (NNHPD) was conducted. A total of 4.51 acres was surveyed during the field inspection.

The cultural resources report, *A Cultural Resources Inventory of the Proposed Helping Hand for Christ Baptist Ministry, Inc. 1.5-Acre Ministry Site near Beclabito, San Juan County, New Mexico* was submitted under separate cover to the NNHPD on June 2, 2009 (Consultant Report #NNAD 09-208). The

cultural resources survey work was completed under Navajo Tribal Code Antiquities Permit. A Cultural Resources Compliance Form for the proposed project area is provided in Appendix G.

In conjunction with Class III cultural field survey of the project area, a Class I cultural resources literature search was completed by NNAD, to review and contextualize any previous surveys and reports.

3.5.1 Archaeological Resources

One In-Use Area (IUA) was documented during the cultural survey on May 15, 2009. The IUA is not eligible for National Register of Historic Places nor does it merit protection under the Archaeological Resources Protection Act. No features of archaeological interest that may merit protection under the American Indian Religious Freedom Act occur in the project area.

3.5.2 Traditional Cultural, Historic, and Religious Properties

In additional to the archaeological resources survey, the NNAD conducted a Traditional Cultural Properties (TCP) assessment for the proposed location. No TCP were identified in or around the proposed project area.

3.6 Socioeconomic Conditions

The proposed project is located within the rural development, adjacent to Navajo Route 5038, within the Beclabito Chapter of the Shiprock Navajo Agency. The Beclabito Chapter is located approximately 2.1 miles west of the proposed project. The total population of Beclabito Chapter from the 2000 census was reported at 525 people (U.S. Census Bureau of 2000). The Beclabito Chapter supports a total of six churches, which includes the Assembly of God, Navajo Christian Church, Southern Baptist, and Navajo Baptist, and including Traditional Navajo and Native American Church. Students in the Beclabito Chapter attend Beclabito Pre-School (i.e., pre-school/head start) and Beclabito Day School (i.e., kindergarten to 8th grade). Medical clinics and major health care facilities for residences in the Beclabito Chapter area are located in Shiprock (Northern Navajo Medical Center), Farmington (San Juan Regional Medical Center), Teec Nos Pos, Arizona (Teec Nos Pos Health Center), and Montezuma, Utah (Montezuma Clinic) (Navajo Nation 2004).

3.6.1 Employment and Income

The primary employers in Beclabito Chapter include the Navajo Nation, BIA Day School, and Beclabito Express (Navajo Nation 2004).

According to the 2000 U.S. Census 47.3 percent of people 16 years old and over were in labor force, 20.8 percent of workers were unemployed, 60.4 percent of workers were private wage/salary workers, 29.8 percent were government workers, 9.8 percent were self-employed workers, and 0.0 percent were unpaid family workers (U.S. Census 2000).

The median household income in 1999 was $19,205 and the median family income was $22,315. Per capita income for the Chapter was reported as $7,350. The median earning for a full time, year round

employed male were $20,114 and for a full time year round employed female were $26,250. In 2000, 35 percent of all families in Beclabito Chapter were in poverty status (U.S. Census Bureau 2000).

3.6.2 Demographics and Trends

The population of Beclabito Chapter has increased by 8 percent in the past 30 years. The population over the period range from 484 (1980 year), to 383 (1990 year), and 525 by 2000 years (U.S. Census Bureau of 2000).

Of the people living in Beclabito Chapter, 48.5 percent (254) were male and 51.5 percent (271) were females with the median age at 30.2 years old.

The population consist of 98.8 percent American Indian/Alaska Native, 0.6 percent white and two or more races, and the remaining are 0.0 percent include Black or African American, Asian, and Native Hawaiian, and some other race, and (U.S. Census Bureau 2010). English-speaking only households include 25 percent of the population and 75 percent speaks Navajo/Native America (U.S. Census Bureau 2000).

3.6.3 Lifestyles, Cultural Values, Attitudes and Expectations

The Beclabito Chapter encompasses approximately 135 square miles in the northwestern New Mexico (Navajo Nation 2004). The project area is located approximately 15.5 miles west of Shiprock, New Mexico — which is the main urban center within the Navajo Indian Reservation in northwest New Mexico. The general vicinity of the project area include rural residential. A detailed evaluation of the lifestyles within the general vicinity was beyond the scope of analysis for this assessment.

3.6.4 Community Infrastructure

Commercial establishment located within the Beclabito Chapter include one gas station/convenience store. The Shiprock District Navajo Police cover the Beclabito Chapter area (Navajo Nation 2004).

Tribal services agencies that provide services within the Beclabito Chapter include: Community Health Services, Chapter Administration, Department of Head Start, and Senior Citizens Center Program (Navajo Nation 2004).

Housing data for Beclabito Chapter in 2000, reported a total of about 218 houses with about 24 percent vacant. Almost 27 percent of these housing units were lacking complete plumbing or kitchen facilities. More than 68 percent were lacking telephone services. About 13 percent of the houses reported no vehicles available. These rates for lacking plumbing and transportation services in housing units are comparable to the rest of the Navajo Nation (U.S. Census Bureau 2000).

Electricity and water is currently provided to project area by NTUA. Existing subsurface water lines and overhead power line are located on and adjacent to the project area. There are no fire hydrates near the project area.

Natural gas is supplied by propane tank, located on the proposed project area. Wastewater at the existing residence is treated in existing private septic system located on the project area.

3.7 Environmental Justice

In accordance with Executive Order 12898, the proposed project area was evaluated for impacts to minority and low income populations. Approving the proposed project is not expected to result in disproportionate shares of negative environmental impacts affecting any group of people due to a lack of political or economic strength.

The proposed project would be beneficial to the communities of the Beclabito Chapter in San Juan County, New Mexico on the Navajo Nation.

3.7.1 Indian Trust Resources

There are no Indian Trust Assets in the form of perennial water resources, fisheries, saleable timber, minerals, paleontological resources, or agricultural resources in the project area or immediate vicinity.

3.8 Environmental Module

A search of facilities registered with or monitored by the U.S. EPA in Beclabito, New Mexico was completed with the Envirofacts search program (http://www.epa.gov/enviro/index.html) in June 2014. The program provides information on hazardous waste handlers, air pollution point sources, superfund sites, toxic release inventory sites, Brownfield sites and other databases compiled in the Envirofacts Warehouse. The search results are summarized in the following sections.

No facilities were identified for the proposed project area or within a 1.0 mile radius of the proposed project area.

3.8.1 Resource Conservation and Recovery Act Subtitle C, Hazardous Wastes/Materials

There are no identified Resources Conservation and Recovery Act facilities located within the proposed project area. There were no areas of solid waste disposal or land filling observed within the project area. During the construction phase of the project no potentially hazardous materials (gasoline, diesel, and propane) will be stored on site. All fuel storage, vehicle fueling and vehicle and equipment maintenance will be performed at off-site facilities.

3.8.2 Resource Conservation and Recovery Act Subtitle D, Non-hazardous Solid Waste

There are no known solid waste disposal facilities located within the proposed project area, or within a 1.0 mile radius of the proposed project area, as reported at the U.S. EPA Envirofacts web site. Surface disturbance and construction activities associated with the proposed action may generate an insignificant volume of non-hazardous solid waste. All waste generated as part of construction activities will be disposed on in a permitted facility.

3.8.3 Resource Conservation and Recovery Act Subtitle I, Underground Storage Tanks

There are no registered underground storage tank facilities located at the proposed project area or within a 1 mile radius of the project area as reported at the U.S. EPA Envirofacts web site. There were no surface indications (fill or vent pipes or retail fuel dispensers) of underground storage tank facilities observed on the ground surface within the project area.

3.8.4 Comprehensive Environmental Response Compensation and Liability Act/Toxic Substances Control Act Sites

There are no existing hazardous materials transport, storage or disposal facilities within the project area or general vicinity.

3.9 Resource/Land Use Patterns

The proposed project is located within the Beclabito Chapter of the Shiprock Navajo Agencies. Local natural resources located within the Beclabito Chapter include oil, sand and gravel resources (Navajo Nation 2004).

3.9.1 Hunting, Fishing, Gathering

There are no fisheries or permanent water resources in the project area or immediate vicinity. The San Juan River is located approximately 6 miles northeast but does not provide fishing opportunities for sustenance. The project area is not considered a hunting or gathering area.

3.9.2 Timber Harvesting

The project area contains no saleable timber and the surrounding area does not provide firewood sources.

3.9.3 Agriculture

The project area is not used for cultivated or non-cultivated agriculture. There are no prime or unique farmlands in the project area.

3.9.4 Mining

The project area contains no known extractable mineral resources.

3.9.5 Outdoor Recreation

The project area is not a known recreational destination.

3.9.6 Transportation Use Network

The primary east to west transportation route though the Beclabito Chapter is the U.S. Highway 64, which provide access to Farmington to the east and Shiprock to the west. There is a network of secondary Navajo Routes within the Beclabito Chapter for access.

3.9.7 Land Use Plans

No land use plans have been implemented for the proposed project area. The 110 chapters of the Navajo Nation are developing land use plans under the Local Governance Act. The NNDFW has delineated six types of wildlife sensitivity areas to assist the Navajo Nation government and local chapters in ensuring compliance with federal and tribal wildlife/environmental laws in the development of land use plans.

The proposed project would be located within a "low sensitivity area" (Area 3), as identified by the NNDFW. Area 3 has low, fragmented concentration of species of concern.

The existing land use in the general vicinity can be characterized as utilities corridor ROW, rural residence, and open space.

3.10 Other Values

3.10.1 Wilderness

The project area is not located within a designated wilderness area.

3.10.2 Noise

Ambient noise levels in the area are generally low to moderate. Ambient noise levels attributed to nearby highways, and residential developments vary with time of day and seasonal events but are generally low to moderate. Vehicle traffic in the vicinity was moderate during the time of the field survey. Due to the proximity of the project area to dirt and paved highway and depending on the time of day, the amount of vehicle traffic and background noise varies, but is generally low to moderate.

3.10.3 Public Health and Safety

Depending on the time of day, the amount of vehicle traffic on Navajo Route 5038 is low volume of traffic.

The Navajo Nation Tribal Police Department provides general law enforcement coverage to the Navajo Indian Reservation. The Navajo Nation Tribal Fire Department and the San Juan County Fire Department respond to fire. The project area lies about 15.5 miles to the nearest public services by the local Navajo Nation.

3.10.4 Visual Setting

The implementation of the proposed action would result in no construction or change to the current operation of the facility. Visual resources in the area are limited to the view of the existing development

from the Navajo Route 5038 and U.S. Highway and neighboring residences. As a result, there would be no change to visual setting.

4. Environmental Consequences

This section analyzes the environmental consequences of the proposed action in accordance with Council on Environmental Quality (CEQ) Guidelines. Only those elements of the environment that could be impacted by the proposed project area will be discussed. The rationale for not discussing impacts to any of the resources presented in Section 3.0 is also provided in this section.

Environmental resources can be affected in many ways during implementation of an action. The effect, or impact, is defined as any change or alteration in the pre-existing condition of the environment produced by the future action, either directly or indirectly.

Impacts can be beneficial to the resource (positive) or adverse (negative) and can be either long-term (permanent, residual) or short-term (incidental, temporary). Short-term impacts affect the environment for only a limited time period and the environment usually reverts rapidly to the pre-construction condition. Short-term impacts are often disruptive and obvious. Long-term impacts are substantial and permanent alterations to the pre-project environment.

With long-term impacts, the environment would essentially not revert to the pre-existing condition during the lifetime of the project and beyond. Long-term impacts are defined as those impacts whose results endure more than five years.

For the purpose of this EA, potential impacts have been divided into three categories:

> Significant - as defined in CEQ guidelines (40 CFR 1500-1508), impacts which are substantial in severity and therefore should receive the greatest attention in decision-making.
>
> Moderate - impacts that cause a degree of change that is easy to detect, but do not meet the criteria for significant impacts.
>
> Low - impacts which cannot be easily detected and cause little change in the existing environment.

The Proposed Action is the issuance of permit lease to the Helping Hand for Christ Baptist Ministry, Inc. to allow for the operation and maintenance of the existing as-built Beclabito Baptist Church, and the commence construction of utilities services to the existing Church facility. The Church would provide services to the community of Beclabito Chapter area. The impacts of issuing the permit would include the short-term impact associated with the proposed construction activities, and the potential long-term impacts and benefits of the operation of the utilities services, with mitigation measures to reduce potential impact to the environmental.

4.1 Land Resources/Physical Impacts and Mitigation

This EA address the current environmental condition of the as-built Beclabito Baptist Church facility that has been constructed. No land alternations or construction is proposed in this section. No new impacts are expected to topography, or soils of the action in this section.

The existing church facility affected less than 1.5-acres of previously disturbed soil within the project area. Long-term effect to soils will be low. Some continual effects would occur from vehicle accessing the site for routine residence and visit. Long-term impacts to project area soils would be low.

The remaining proposed action would require new utilities construction located within 1.5-acres church lease site. The primary construction impact activities would result from the direct trenching to install water line, power line and sewer systems. These activities would cause slight modifications to the topography of the project area. Disturbance resulting from the construction activities of the utilities services would consist primarily of trenching and surface disturbance. Due to the existing disturbance being located on relatively gentle gradients, and based on the limited amount of clearing required, the impact to the topography would be low. The impact would be long-term, as the modification would be present for the life of the project.

Impacts to project area soils would include disturbance and compaction along travel routes used by vehicles and other equipment from previously infrastructure projects. Less than 1.5 acres of soil disturbance would occur due to construction activities. Disturbed areas would be susceptible to wind and water erosion until re-vegetation has been achieved. Following project completion, long-term effects to soils would be low. Some continual effects would occur from vehicles accessing the site for routine maintenance and inspection. The project activities (construction and vehicle travel) would result in the potential for short-term soil disturbance. Long-term impacts to project area soils would be low.

After completion of construction activities, the re-contouring of disturbed areas to as near as possible to pre-construction conditions would lessen impacts to topography. Vehicular activity would be restricted to the permanent corridor ROW. To further mitigate resource damage, timing of construction operations would be planned to avoid wet periods when soils are saturated.

No impacts to unique geologic features or locations of unusual scientific value are expected as a result of the proposed action. The action activities do not include utilization of mineral resources.

4.2 Water Resources Impacts and Mitigation

The proposed construction activities would have the potential to impact surface water quality in the project area and general vicinity. Impacts to surface water would occur primarily as a result of ground disturbing activities and the exposure of soils to erosion. Other potential impacts associated with construction activities include potentials spills of fluids or chemicals from vehicles and equipment. The potential impacts to surface water resources would be low and short-term. After construction activities are completed potential impacts would be low and long-term.

No impacts to ground water are anticipated since construction activities are not expected to reach ground water depth.

After approval of the project, a SWPPP would be prepared for the proposed construction activities. The SWPPP would be prepared in compliance with United State EPA and NNEPA requirements. The SWPPP would include administrative and construction best management practices (BMPs) to protect soil and surface water resources from erosion and increases in sediment loading. The SWPPP would include an inspection schedule for monitoring the project BMPs and criteria for determining when restoration has been achieved and the SWPPP permit can be terminated.

No floodplains would be impacted by the proposed action.

4.3 Air Resources Impacts and Mitigation

The proposed construction activities would have the potential to temporarily impact area air quality. The impacts would be low and short-term, primarily due to exposure of area soils to wind erosion and operation of equipment during construction activities. The project does not include any industrial activities that would require permitting through the U.S. EPA or the Navajo Nation EPA air quality programs. The short-term impacts to air quality may also affect visibility in the general project area, depending on the severity of wind events.

Standard mitigation measures would include restricting vehicle and pedestrian traffic to the project area during construction, to prevent soil mixing and compaction in adjacent areas, sprinkling of fresh water on the ground during construction activities and reclamation of disturbed areas when project construction activities are completed.

No impacts to the climate are anticipated as a result of the proposed project.

4.4 Biological Impacts and Mitigation

Based on information from the Biological Resources Compliance Form no impacts to any of the USFWS federally listed threatened, endangered, proposed, and candidate species with potential to occur in San Juan County, New Mexico and Navajo species of concern are expected as a result of the proposed action.

No specific mitigation measures are recommended for federally listed or Navajo species of concern. A copy of the Biological Resources Compliance Form is provided in Appendix E.

4.5 Cultural Resources Impacts and Mitigation

With adherence to the cultural resource conditions of approval, no impacts to cultural resources are expected to occur as a result of implementation of the proposed action and archaeological clearance for the project has been recommended.

If cultural resource sites are discovered during construction activities then all work would be stopped and the NNHPD would be notified immediately. A copy of the Cultural Resource Compliance Form is provided in Appendix F.

4.6 Socioeconomic Impacts and Mitigation

In compliance with Executive Order 12898, this EA determined that the action is not expected to result in disproportionate shares of negative environmental impacts affecting any group of people due to a lack of political or economic strength.

The proposed construction activities would potentially provide positive socioeconomic impacts to the Beclabito Chapter in the form of short-term construction jobs and increased economic activities to chapter businesses. The long-term operation of the action will benefit and improve the quality of life by providing reliable community services for residents in the Beclabito Chapter area. These impacts will be positive

and long-term. The public health and safety hazards of the community would improve as a result of implementation of the proposed action.

4.7 Environmental Module Impacts and Mitigation

During implementation of the proposed action, construction contractors would establish programs duties associated with overall environmental compliance. Solid wastes generated during construction activities would be disposed of in a safe manner that would be properly contained in a secure dumpster specifically for the solid waste. Any solid waste produced during the construction of the proposed action would be appropriately disposed of in a permitted landfill.

The proposed action would not include the use of large quantities of hazardous materials (i.e., gasoline, diesel, and propane) or the generation of hazardous waste.

No existing hazardous materials sites or facilities were identified within the project area. Contractors would implement good housekeeping and BMPs to minimize the potential impacts from hazardous materials. While commercial preparations of fuels and lubricants for project use may contain some hazardous constituents, all hazardous materials would be properly contained on site, stored and transported in a manner consistent with manufacturer's recommendations and applicable federal or Navajo Nation regulations. No generation of hazardous wastes are anticipated. All construction activities would be completed per NNEPA requirements. With compliance to federal and Navajo Nation laws, low- and long-term impacts to public health and safety are anticipated. In the event of a hazardous material spill, releases would be contained and disposed in accordance with federal and tribal regulations. The proposed action would be constructed and operated to meet all industry standards and applicable federal, state, and tribal requirements.

4.8 Visual Resources Impacts and Mitigation

The proposed action would result in low short- to long-term visual modification to topography and vegetation, and a permanent change in the visual character of the area. During construction activities, vehicles and construction equipment would be highly visible. Since the proposed project would be on and adjacent to existing disturbance (i.e., Church facility, private residence, Navajo Route 5038, U.S. Highway 64 and scatter rural residence), the contrast of the disturbance created by the removal of vegetation would attract attention but would not dominate the view of a casual observer. Re-contouring and re-seeding of the project utilities would minimize impacts to visual resources. The proposed action would result in moderate long-term visual impacts and a permanent change in the visual character of the area from installation of the utilities structures. Since there are other occurrences of similar disturbances in the area, the level of change to the character of the landscape would be moderate.

4.9 Noise Impact and Mitigation

During the construction activities there would be a short-term increase in ambient noise levels in the proposed project area and vicinity. These increases would occur during construction and would be localized and would not exceed any federal or Navajo Nation guidelines. Construction activities would take place during daylight hours in order to minimize disturbance to residents. It is anticipated that noise

impacts are expected to be low for the short-term. After the project is constructed, noise impacts would result primarily from occasional vehicle use when maintenance personnel are accessing the project area.

4.10 Cumulative Impacts

In conjunction with an analysis of the impacts associated solely with the action, there is the requirement under the NEPA to determine the cumulative impacts of proposed actions being evaluated (42 USC § 4321 et seq.). Cumulative impact analysis is important in understanding how multiple actions in a particular time period and space (geographic boundaries) impact the environment. Whereas the individual impact of one project in a particular area or region may not be considered significant, the result of numerous projects in the same area or region may cumulatively result in significant impacts. Cumulative impact analysis, as applied to NEPA, is subject to interpretation in analyzing the magnitude of impacts to a particular area or region as a result of the proposed action and other actions, including reasonably foreseeable actions.

Since the proposed Beclabito Baptist Church lease site project is located within the existing 1.5 acres parcel would contribute air quality impacts to the local environmental during construction activities. The project utilities would also have the potential to contribute to surface water quality impacts during construction activities. The proposed project is not anticipated to cause or cumulatively add to existing impacts that would be above regulatory compliance thresholds. There would be beneficial effects to residents in the area.

5. List of Preparers

John Dodge, President/Biologist
Dodge Environmental, LLC
P.O. Box 75
Fruitland, NM 87416
(505) 330-1361

6. Agencies, Organizations, and Persons to Receive Environmental Assessment

Pamela A. Kyselka, Wildlife Biologist
Sonja Detsoi, Wildlife Technician
The Navajo Nation
Department of Fish and Wildlife
P.O. Box 1480
Window Rock, AZ 86515

Tamara Billie
The Navajo Nation
Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

Kenneth D. and Evelyn M. Greenwell
Helping Hand for Christ Baptist Ministry, Inc.
P.O. Box 1379
Waterflow, New Mexico 86504

7. References and Literature Cited

Dick-Peddie. 1993. New Mexico Vegetation: Past, Present and Future. University of New Mexico Press, Albuquerque, NM.

Mikesic, D. and D. Roth. Revised 2008. Navajo Nations Endangered Species List; Species Accounts; Version 3.08. Navajo Natural Heritage Program, Division of Natural Resources, Department of Fish and Wildlife, Window Rock, Arizona.

Natural Resources Conservation Services (NRCS) Web Soil Survey. 2012. Shiprock Area, Part of San Juan County, New Mexico and Apache County, Arizona. Available at http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm

Navajo Air and Toxics Department (NATD). 2005. Air and Toxics Department Update, Volume I, Issue 1. August 2005. Window Rock, Arizona.

Navajo Nation Department of Fish & Wildlife (NNDFW). 2008. Biological Resource Land Use Clearance Polices and Procedures (RCP). RCP-44-08.

Navajo Nation. 2004. Chapter Images: 2004. Profiles of 110 Navajo Nation Chapters. Larry Rodgers, editor. LSR Innovations, Research and Planning. Division of Community Development. Window Rock, Navajo Nation, Arizona, USA.

New Mexico Partners in Flight. 2007. New Mexico Bird Conservation Plan Version 2.1. C. Rustay and S. Norris, compilers. Albuquerque, New Mexico.

Robson, S. G., and E. R. Banta. 1995. Ground-water atlas of the United States: Arizona, Colorado, New Mexico, Utah. U.S. Geological Survey, HA 730-C.

U.S. Census Bureau. 2000. American FactFinder – 2000 Census. Suitland, MD: U.S. Census Bureau. Web site: factfinder.census.gov.

U.S. Fish and Wildlife Service (USFWS). 2002. Birds of conservation concern 2002. U.S. Fish and Wildlife Service, Division of Migratory Birds, Arlington, VA. 99 pp.

USFWS. 2014. IPaC-Information, Planning and Conservation System. Listed and Sensitive Species in San Juan County, NM. U.S. Fish and Wildlife Service Environmental Conservation Online System. Available at http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action. Accessed April 2014.

Ward, A.W., 1990, Geologic map emphasizing the surficial deposits of the Farmington 30' X 60' quadrangle, New Mexico and Colorado: U.S. Geological Survey, Miscellaneous Investigations Series Map I-1978, scale 1:100,000. Available at http://ngmdb.usgs.gov/Prodesc/proddesc_10056.htm.

Western Regional Climate Center (WRCC). 2014. Western U.S Climate Historical Summaries. Western Regional Climate Center, Reno, NV. Available at http://www.wrcc.dri.edu/summary/Climsmaz.html

Appendix A— Beclabito Chapter Resolution No. BECL-01-08-33

BECLABITO CHAPTER
Beclabito Express Store
Shiprock, New Mexico 87420
Telephone: (928) 656-3265 Fax: (928) 656-3813

Resolution No. BECL-01-08-3

Helping Hands For Christ Ministry, Inc.
Beclabito Baptist Church

RESOLUTION OF THE BECLABITO CHAPTER

Recommending To The Bureau Of Indian Affairs and The Navajo Nation To Grant A Mission Site to the Comprising of 1.5 Acres of Land for Religeous Use, Beclabito Community, San Juan County, New Mexico.

WHEREAS:

1. The Beclabito Chapter is certified and recognized as a government entity of the Navajo Nation given authority to act on behalf of its community to recomend, support and approve all land related projects such as right-of-way, land withdrawl for community and economic development including homesite, mission sites, and,

2. The HHC, Inc., Beclabito Baptist Church, has selected a site situated on a 1.5 acres tract of land located two miles east of the Beclabito Chapter House, between mile marker 5 & 6, off 64 Highway, northwest on Reservation Road number 5038, across Road 5038 from Daisy Morgan, in land area 0510.

3. The Church and Missions primary purposes is to develope the site, construct buildings for use on Sunday morning and evening services, conduct weddings, funerals and to establish religious ministries to members of the church and including social and auxiliary functions during the week for youth, and

4. The permit holder(s) living within the area where the church site is proposed have given their consents to permit the religious organization permission to utilize 1.5 acres of their grazing lands.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Beclabito Chapter hereby approves the 1.5 acres of withdrawn for the HHC, Inc., Beclabito Baptist Church and direct the Navajo Land Department to do all things necessary to complete the processing of this application. Further, should the Mission liquidate, the permit holder shall reclaim the land taken for religious purpose, and the site will be reincorporated back into his or her grazing use or otherwise directed by the Resources Committee of the Navajo Nation.

2. The Beclabito Chapter directs the division of Natural Resources of the Navajo Nation Council to approve the site selected and charge the religious group the minimal fee for its ground site.

President – Ray D. Lee *Vice President – Tom Bekis* *Secretary/Treasurer – Jerry Benally*
Council Delegate – Wilford S. Yabeny *Grazing Official – Douglas Dirwood*

Resolution No. BECL-01-08-33

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Beclabito Chapter at a duly called meeting at which a quorum was present and that the same was passed by a vote of 18 in favor. 00 opposed 01 abstained. this day of 3-08- 2001.

Motioned: Elizabeth Billy

Seconded: Rosemary Lee

Chapter President

Chapter Vice President

Chapter Secretary- Treasurer

Council Delegate

Grazing Member

MAP

Appendix B— Maps

Beclabito Baptist Church Lease Site (1.5-acres)		Dodge Environmental, LLC
Helping Hands for Christ Baptist Ministry, Inc.		
Township 30 North, Range 20 West, Section 8	Site Detail Map	
Rock Point, NM 7.5 minute USGS 24K Quadrangle Map	AERIAL MAP	
San Juan County, New Mexico	5/23/2014	

Figure 1. Project Vicinity Map.

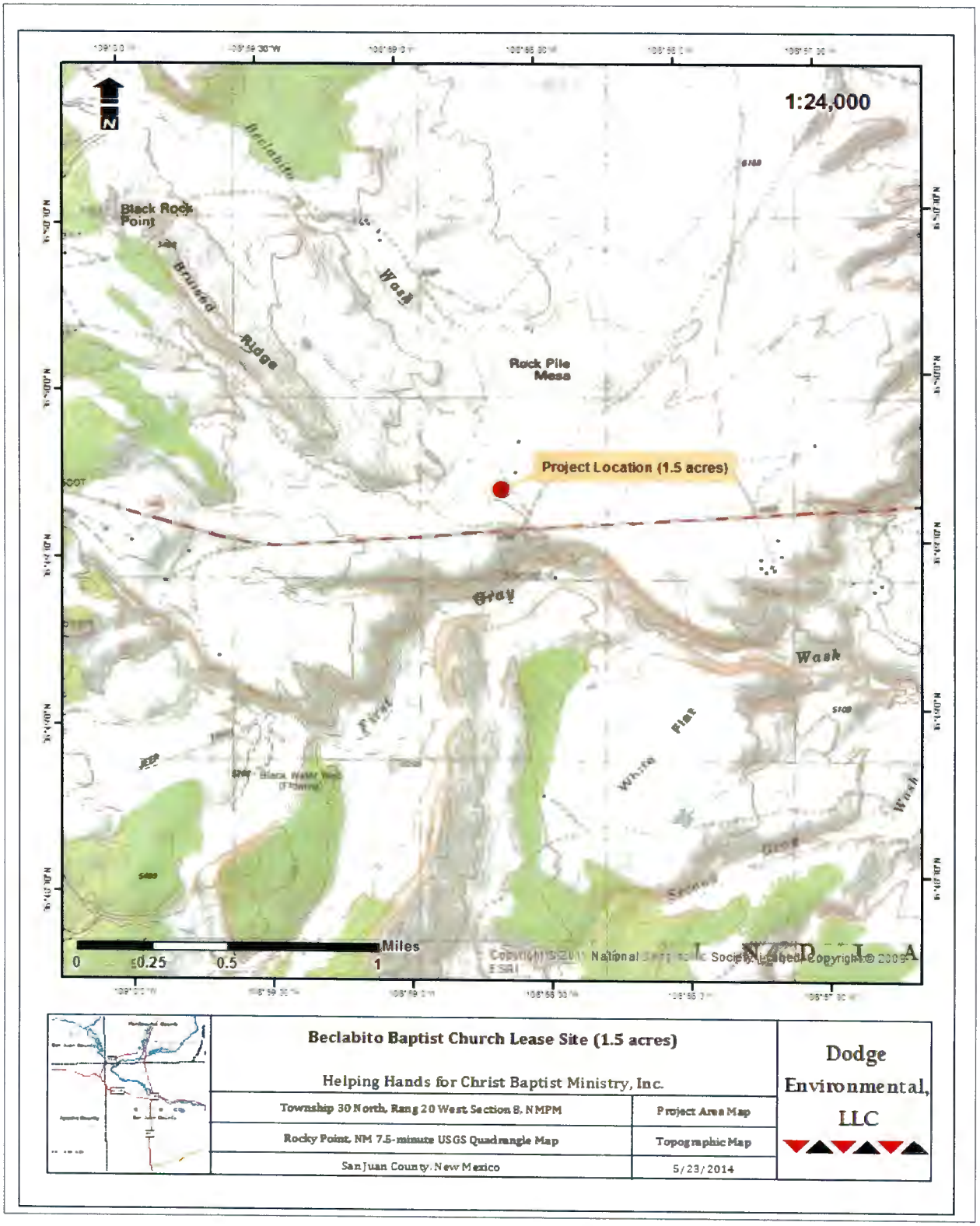


Figure 2. Project Area Map.

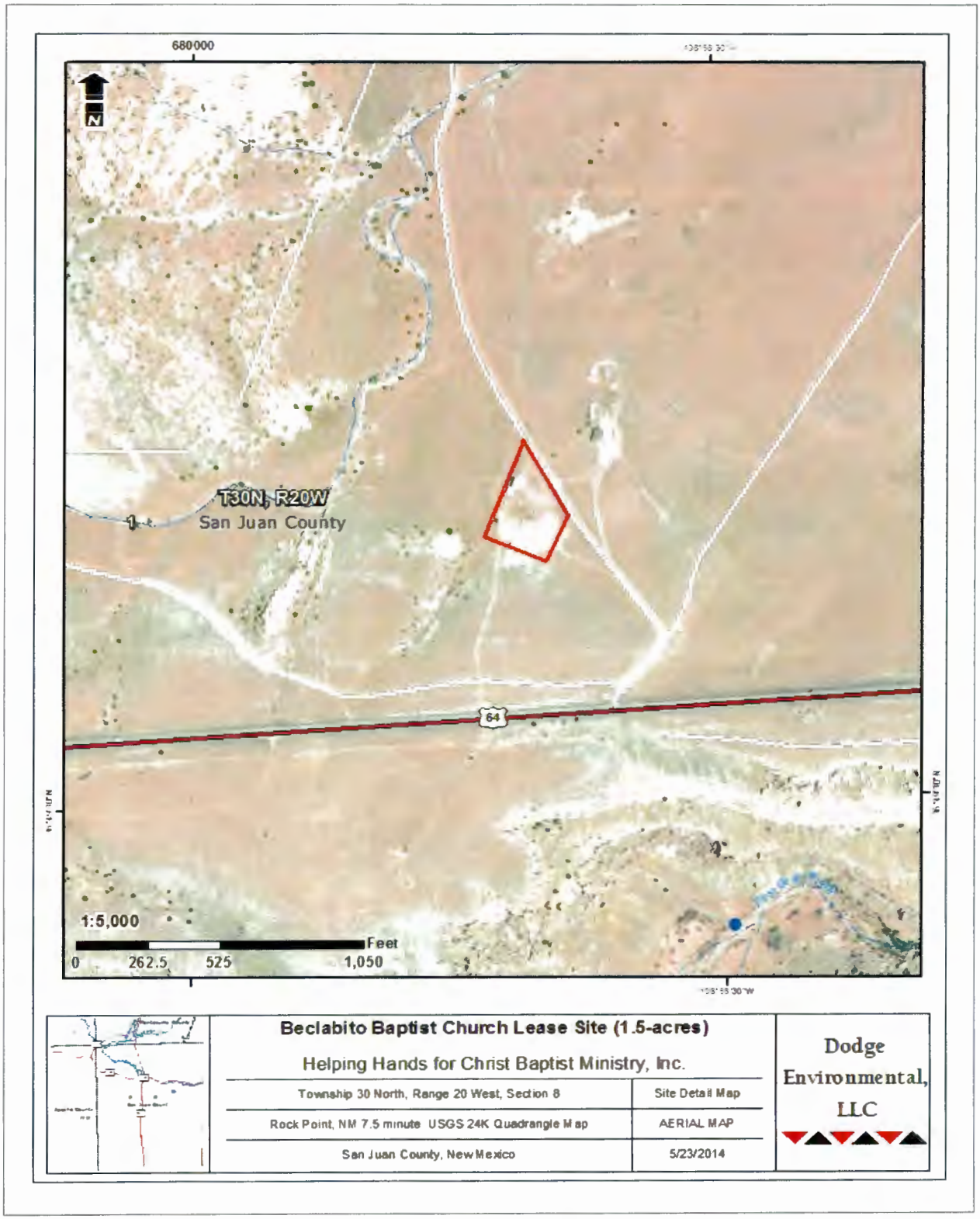
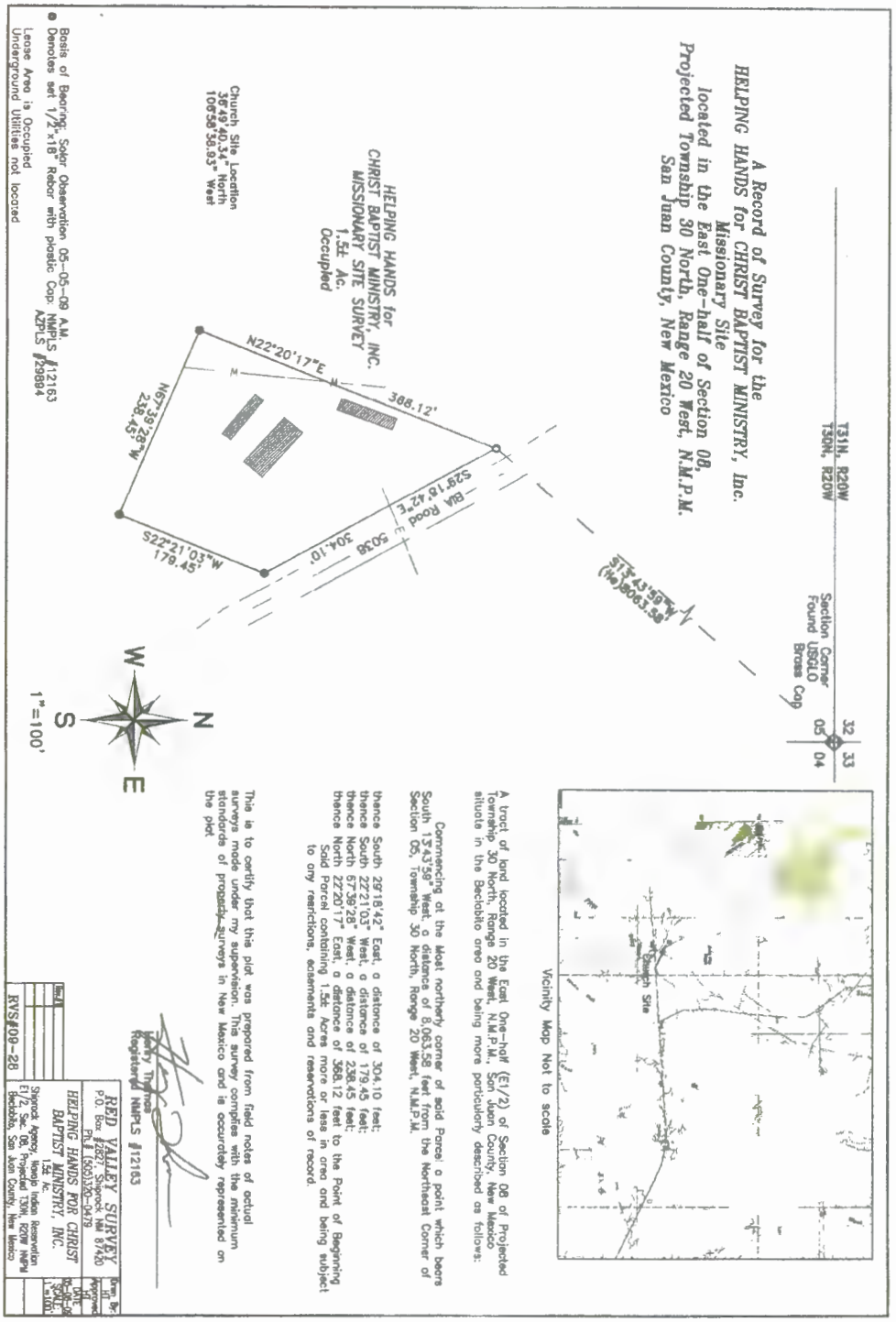


FIGURE 3. AERIAL MAP

Appendix C— Legal Land Survey Plat


A Record of Survey for the
HELPING HANDS for CHRIST BAPTIST MINISTRY, Inc.
Missionary Site
located in the East One-half of Section 08,
Projected Township 30 North, Range 20 West, N.M.P.M.
San Juan County, New Mexico
T31N, R20W
T30N, R20W
Section Corner
Found USGLO
Brass Cap
32
33
05
04
Vicinity Map Not to scale
Church Site
A tract of land located in the East One-half (E1/2) of Section 08 of Projected Township 30 North, Range 20 West, N.M.P.M., San Juan County, New Mexico situate in the Beclabito area and being more particularly described as follows:
Commencing at the Most northerly corner of said Parcel a point which bears South 13°43'59" West, a distance of 8,063.58 feet from the Northeast Corner of Section 05, Township 30 North, Range 20 West, N.M.P.M.
thence South 29°18'42" East, a distance of 304.10 feet;
thence South 22°21'03" West, a distance of 179.45 feet;
thence North 67°39'28" West, a distance of 238.45 feet;
thence North 22°20'17" East, a distance of 368.12 feet to the Point of Beginning
Said Parcel containing 1.5± Acres more or less in area and being subject to any restrictions, easements and reservations of record.
This is to certify that this plat was prepared from field notes of actual surveys made under my supervision. This survey complies with the minimum standards of property surveys in New Mexico and is accurately represented on the plat
Registered NMPLS #12163
RED VALLEY SURVEY
P.O. Box 2267, Shiprock, NM 87420
Ph.# (505)368-0479
HELPING HANDS FOR CHRIST BAPTIST MINISTRY, INC.
Shiprock Agency, Navajo Indian Reservation
E1/2, Sec. 08, Projected T30N, R20W NMPM
Beclabito, San Juan County, New Mexico
RVS#09-28
HELPING HANDS for
CHRIST BAPTIST MINISTRY, INC.
MISSIONARY SITE SURVEY
1.5± Ac.
Occupied
Church Site Location
36°49'40.34" North
108°38'38.93" West
N22°20'17"E
368.12'
S29°18'42"E
EIA Road
304.10'
S22°21'03"W
179.45'
N67°39'28"W
238.45'
S13°43'59"W
(Ne)8063.58'
W
N
E
S
1"=100'
Basis of Bearing: Solar Observation 05-05-09 A.M.
Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163 AZPLS #29894
Lease Area is Occupied
Underground Utilities not located

Appendix D— Photos

Photograph 1: Proposed project looking south from Navajo Route 5038 (4/10/2014).

Photograph 2: Proposed project looking southeast toward proposed project from the northwest property lease (4/10/2014).

Photograph 3: Proposed project looking west from Navajo Route 5038 (4/10/2014).

Photograph 4: Proposed project looking north from hill located south of the property lease site (4/10/2014).

Appendix E— Navajo Data Requested for NNHP Species of Concern

NAVAJO NATION
Department of Fish & Wildlife
Navajo Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515

NNHP
Navajo Natural Heritage Program

Phone: 928.871.6472 • Fax: 928.871.7603 • http://nnhp.nndfw.org

Ben Shelly, President

Rex Lee Jim, Vice-President

12 May 2014

File#14DOEL-01

John Dodge, President/Biologist
Dodge Environmental, LLC
P.O. Box 75
Fruitland, NM 87416

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: PROPOSED BECLABITO BAPTIST CHURCH LEASE
T30N, R20W, SEC. 8, NMPM
BECLABITO, SAN JUAN COUNTY, NM

Mr. Dodge:

The following information on species of concern[1] is provided in response to your 17 March 2014 request concerning the subject project, which consists of the proposed mission site lease for the existing Beclabito Baptist Church located on a 1.5 acre-parcel adjacent to Navajo Route 5038, Beclabito, San Juan County, NM. Legal Description of the project site is T30N, R20W, Sec. 8, NMPM, Beclabito, San Juan County, NM.

The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern.

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3-Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3" please refer to our website at nndfw.org).

Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g.,

[1] "Species of concern" include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For each species, the following tribal and federal statuses are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with **only** ESA candidate or NESL group 4 status; please be aware of these species during surveys and inform the NFWD of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these species in project planning and management is important for conservation and may contribute to ensuring they will not be uplisted in the future. Species without ESA or NESL legal protection (e.g., NESL group 4 species) are only included in responses on a regular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the 'Corps of Engineers Wetlands Delineation Manual' (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the NFWD's Natural Heritage Program (NHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

This response is based on information in the Navajo Natural Heritage Program database; knowledge of staff biologists about the project area; the scope of the project; the USGS topographic map of the project area; and information you provided. Because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

For a list of sensitive species on the Navajo Nation in addition to the species listed on the Navajo Endangered Species List (NESL) please refer to our website at www.nndfw.org.

An invoice for this information is attached.

If you have any questions I may be reached at (928) 871-6472.

Sonja Detsoi, Wildlife Tech.
Natural Heritage Program
Department of Fish and Wildlife

CONCURRENCE

Gloria M. Tom, Director
Department of Fish & Wildlife
Division of Natural Resources

xc: file/chrono

Appendix F— Biological Resources Compliance Form

NNDFW Review No. 14DOEL-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.: Beclabito Baptist Church Site

DESCRIPTION: The Helping Hand for Christ Baptist Ministry, Inc. proposes the renewal of an existing ±1.50-acre mission site. All associated utilities are currently onsite.

LOCATION: Section 8, T30N, R20W, NMPM, Beclabito, San Juan County, New Mexico

REPRESENTATIVE: John E. Dodge, Dodge Environmental, LLC.

ACTION AGENCY: Navajo Nation & Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Beclabito Baptist Church Lease Site/MAY 2014/John E. Dodge

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Existing church site.

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/16 JUL 2014

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)

7/17/14

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

*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 7-23-2014

C:\old_pc2010\My Documents\NNHP\BRCF_2014\14DOEL-01.doc

Page 1 of 1

NNDFW –B.R.C.F.: FORM REVISED 12 NOV 2009

Appendix G— Cultural Resources Compliance Form

CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO

NM	SHPO	
	REAL PROPERTY MGT/330	
XX	NNAD	

NNHPD NO. **HPD-09-505**
OTHER PROJECT NO.
NNAD 09-208

PROJECT TITLE: **A Cultural Resource Inventory of the Proposed Helping Hands For Christ Baptist Ministry, Inc. 1.5-Acre Ministry Site near Beclabito, San Juan County, New Mexico**

LEAD AGENCY: BIA/NR

SPONSOR: **Kenneth D. Greenwell P.O. Drawer 1090 Teec Nos Pos, Arizona 86514**

PROJECT DESCRIPTION: The proposed undertaking will involve the construction of a house and associated facilities within the 1.5 acre lease area. Ground disturbance will be extensive and intensive.

LAND STATUS: Navajo Tribal Trust
CHAPTER: Beclabito
LOCATION: T.30N, R.20W; Section 8; Rocky Point Quadrangle; San Juan County, New Mexico; NMPM

PROJECT ARCHAEOLOGIST: **Aleda Myerson**
NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: **5/15/09**
DATE OF REPORT: 6/2/09
TOTAL ACREAGE INSPECTED: **4.51**

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 15 m apart.

LIST OF CULTURAL RESOURCES FOUND:	**(1) In-Use Area (IUA)**
LIST OF ELIGIBLE PROPERTIES:	None
LIST OF NON-ELIGIBLE PROPERTIES:	(1) IUA
LIST OF ARCHAEOLOGICAL RESOURCES:	None

EFFECT/CONDITIONS OF COMPLIANCE: **No historic properties affected.**

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7148.

FORM PREPARED BY: **Ettie Anderson**
FINALIZED: **June 8, 2009**

Notification to Proceed Recommended:	Yes XX	No ___	Tamara Bell for Alan S. Downer, Navajo Nation Historic Preservation Officer	6/9/09 Date
Conditions:	Yes ___	No XX		
Navajo Region Approval:	Yes ✓	No ___	Regional Director	6-18-09 Date

for 6/17/09

RESOURCES AND DEVELOPMENT COMIMTTEE
Regular Meeting
May 30, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0181-18: An Action Relating to Resources and Development; Approving a Mission Site Lease for the Helping Hands for Christ Baptist Ministry, Inc., Composed of 1.5. Acres (More or Less) Located in Beclabito Community, Navajo Nation, San Juan County, New Mexico. *Sponsor: Honorable Amber K. Crotty*

MAIN MOTION: Jonathan Perry S: Benjamin Bennett V: 3-0-1 (CNV)
ROLL CALL VOTE TALLY:
YEAS: Alton Joe Shepherd, Leonard Pete, and Jonathan Perry
NAYS:
EXCUSED: Davis Filfred and Walter Phelps

AMENDMENT # 1:
MOTION: Benjamin Bennett S: Jonathan Perry V: 3-0-1 (CNV)
ROLL CALL VOTE TALLY:
YEAS: Benjamin Bennett, Leonard Pete, and Jonathan Perry
NAYS:

AMENDMENT # 2:
MOTION: Benjamin Bennett S: Jonathan Perry V: 3-0-1 (CNV)
ROLL CALL VOTE TALLY:
YEAS: Benjamin Bennett, Leonard Pete, and Jonathan Perry
NAYS:

Alton Joe Shepherd, Chairperson
Resources and Development Committee

Shammie Begay, Legislative Advisor
Resources and Development Committee