

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

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE:
CERTIFYING TSE'II'AHÍ' CHAPTER'S COMMUNITY-BASED LAND USE
PLAN

BE IT ENACTED:

SECTION 1. AUTHORITY

- A. The Resources and Development Committee, pursuant to 26 N.N.C. §2004(D) (2) shall certify community-based land use plans.
- B. Pursuant to 26 N.N.C. §2004(D)(2) the Community Based Land Use Plan as approved by the Chapter membership, shall be submitted to the proper committee of the Navajo Nation Council for certification.

SECTION 2. FINDINGS

- A. Pursuant to 26 N.N.C. § 2004 (B), "Community Based Land Use Plan. The chapter, at a duly-called chapter meeting shall by resolution, vote to implement a community based land use plan, after the CLUPC has educated the community on the concepts, needs, and process for planning and implementing a community based land use plan. The community based land use plan shall project future community land needs, shown by location and extent, of areas identified for residential, commercial, industrial, and public purposes. The land use plan shall be based upon the guiding principles and vision as articulated by the community; along with information revealed in inventories and assessments of the natural, cultural, human resources, and community infrastructure; and, finally with consideration for the land-carrying capacity. Such a plan may also include the following: 1. An open space plan which preserves for the people certain areas to be retained in their natural state or developed for recreational purposes. 2. A thoroughfare plan which provides information about the existing and proposed road network in relation to the land use of the surrounding area. 3. A community facilities plan which shows the location, type, capacity, and area served, of present and projected or required community facilities

including, but not limited to, recreation areas, schools, libraries, and other public buildings. It will also show related public utilities and services and indicate how these services are associated with future land use."

- B. The Tse'ii'ahi' Chapter has submitted the Tse'ii'ahi' Chapter Community-Based Land Use Planning Committee Five Year Land Use Plan. See Exhibit "A".
- C. Pursuant to the Tse'ii'ahi' Land Use Planning Committee Resolution, the Tse'ii'ahi' Chapter approved the Community-Based Land Use Plan by Resolution TSEII.1216.1205. See Exhibit "B".
- D. The Resources and Development Committee of the Navajo Nation Council finds it in the best interest of the Navajo Nation to certify the Tse'ii'ahi' Chapter's Community-Based Land Use Plan as found at Exhibit "A".

SECTION 3. Certification of Tse'ii'ahi' Chapter's Community-Based Land Use Plan

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

CERTIFICATION

I, hereby certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Standing Rock Chapter, Standing Rock, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained on this 6th day of September, 2017.



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

Motion: Honorable Walter Phelps
Second: Honorable Leonard Pete

Tse'ii'ahi' (Standing Rock) Chapter Community Land Use Plan 2017



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Velvet Kalleco – Vice President
Arlene Coan – Secretary/Treasurer
Clinton Jim – Land Board District 15
Honorable Jonathan Perry – 23rd Navajo Nation Council Delegate

Tse'ii'ahi' (Standing Rock) Chapter Administration

Janice Padilla – Community Services Coordinator
Vacant – Account Maintenance Specialist
Kelly Craig – Office Specialist

Tse'ii'ahi' (Standing Rock) Chapter Community Land Use Planning Committee Officials

Kelly Craig - Chairwoman
Edison Leslie - Vice Chair
Omar Kalleco – Secretary
Tillie Lewis – Member
Rosalie Morgan – Member
Jonnye Tso – Member

Resources

Lance Begaye - Navajo Division of Transportation
Mike Halona - Navajo Nation Land Department

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Karie Smith – Senior Project Manager
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- Appendix A: Resolution of the Transportation and Community Development Committee – TCDCMY-13-07
- Appendix B: Tse'ii'ahi' (Standing Rock) Chapter Community Land Use Planning Committee 2015 (Public Participation Plan)
- Appendix C: Leasing Documents
- Navajo Nation Division of Natural Resources – Land Withdrawal Information
 - General Leasing Regulations – Navajo Land Department
- Appendix D: Resolution of the Tse'ii'ahi' Chapter – Resolution No.: TSEII.0716.7000 Adopting and Approving the Tse'ii'ahi' Chapter Infrastructure Capital Improvement Plan (ICIP) for 2018-2022
- Appendix E: Resolutions:
- Resolution of the Standing Rock Chapter – Name Change to Tse'ii'ahi' Chapter
 - Navajo Legislative Bill 0765-09 – Ethics and Rules Committee
 - Navajo Nation Code: Title 26 Navajo Nation Local Governance Act
 - Resolution Approving Tse'ii'ahi (Standing Rock) Chapter Community Land Use Plan 2017
- Appendix F: Maps of Tse'ii'ahi (Standing Rock) Chapter Areas

Vision Statement

To protect traditional and cultural values to achieve sustainability for Tse'ii'ahi' (Standing Rock) Community and its future generations.

Executive Summary

The Tse'ii'ahi' (Standing Rock) Community Land Use Planning Committee was formed in 1994. A community Land Use Plan for the Tse'ii'ahi' (Standing Rock) Chapter was developed ten years later. The “2004 Plan” was presented and certified by the Transportation and Community Development Committee of the Navajo Nation Council through Resolution TCDCMY-13-07 in 2007 (Appendix A). The present document serves as an update to the 2004 plan.

Tse'ii'ahi' (Standing Rock) Chapter has been creating a vision for the future of the community for several years. The Tse'ii'ahi' (Standing Rock) Chapter Land Use Plan Update was developed via interviews and meetings with the Community Land Use Planning Committee, Chapter officials and Chapter members. The Plan is a reference tool for the Chapter leaders and staff and provides a general guide for proposed development. Chapter Officials can use the Plan to understand what needs to be done for the Chapter to be successful. As a “living document” the Plan will evolve over time and will be reviewed on an ongoing basis, as new information is gathered. It is not intended to set in stone a rigid collection of rules but rather be a guide that is flexible and practical.

This official public document adopted by the local government serves as a policy guide to decisions about the physical development of the community. The Plan indicates in a general way how the leaders want the community to develop in the next 20 years and should be updated every five years.

As the various land use elements are discussed throughout this document, the Community Land Use Planning Committee has made recommendations for action to address concerns identified in some cases. The document includes a summary of these recommendations at the end, some of which are reflected in the current Infrastructure Capital Improvements Plan for FY 2018-2022, also included.

Introduction

The Tse'ii'ahi' (Standing Rock) Chapter is located in a rural area of the Navajo Nation, approximately 15 miles northwest of Crownpoint, New Mexico. The Chapter is accessed by Navajo Route 9 between the Crownpoint and Coyote Canyon Chapters. Tse'ii'ahi' (Standing Rock) Chapter land base consists of 74,104 acres. The entire community is within the jurisdiction of the Navajo Nation Reservation, within the Eastern Navajo Agency and within Grazing District 15.

The Navajo Nation established local political jurisdictions called Chapters based on grazing rights and range management in the 1930's. The Local Governance Act was promulgated in 1998 to decentralize authority from the central government toward greater local control and decision-making based on local culture and traditions. The Local Governance Act dictates that Chapters desiring to administer their own lands and make decisions about land uses and growth are required to develop a land use plan.



The Intent of the Update

The Community Land Use Plan is considered a living document which is recommended to be updated every 5 years. The Land Use Committee and Tse'ii'ahi' (Standing Rock) Chapter Officials recognize that without current land use plans and specific land designation, the Chapter could be adversely developing an area which should be planned for another use. With the assistance of Souder, Miller and Associates, this is the first Community Land Use Plan update since the 2004 plan that set the framework for planning within the Tse'ii'ahi' (Standing Rock) Community.

LONG RANGE PLANNING

- IS AN ORGANIZED WAY OF DETERMINING COMMUNITY NEEDS AND SETTING GOALS AND OBJECTIVES TO ADDRESS THOSE NEEDS
- IS THE ART AND SCIENCE OF ANTICIPATORY PROBLEM SOLVING
- BRIDGES THE GAP FROM WHERE WE ARE TO WHERE WE WANT TO GO

Public Participation

The Community Land Use Planning Committee developed a citizen participation plan in 2015. This guide, *“implements the citizen participation activities within a wider context of developing a community vision in guiding the principles and its goals for the community.”* The Community Land Use Planning Committee held several meetings during the course of this effort. The dates of these meetings are as follows:

Community Land Use Planning Committee Meetings were held on:

December 30, 2014	January 7, 2015	March 4, 2015	April 8, 2015
May 5, 2015	June 10, 2015	July 8, 2015	August 12, 2015
September 8, 2015	October 1, 2015	November 10, 2015	December 3, 2015

Working Sessions were held on:

September 8, 2015	May 14, 2015
June 16, 2015	

Public Hearings were held on:

February 4, 2015	May 6, 2015
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Special Meeting was held on:

December 21, 2015

A copy of the 2015 Plan is contained in Appendix B. The plan specifically served to:

- Provide a better understanding of the citizen participation process.
- Define responsibilities of the Community Land Use Planning Committee at several levels.
- Apply experience and research in citizen participation program development from projects to housing community development work.

During the planning process with Souder, Miller and Associates, an initial planning workshop was held on November 7, 2016 with the Community Land Use Planning Committee, Chapter Officials and Administration, and representatives from the Bureau of Indian Education. Issues were discussed regarding land use, facility needs, community history, and the existing land use plan. Other meetings were held to discuss the project. The various meetings and their activities are summarized as follows:

Tse'ii'ahi' (Standing Rock) Chapter Community Land Use Plan 2017

Community Land Use Planning Committee Meetings	Meeting Highlights
January 5, 2016	Submitting updated Plan of Operation for approval. Changing of members with vacancy of vice chair position. Updating on the manual progress and information need for the start. Discussing eminent domain and inviting community to the meetings for the cemetery need.
February 4, 2016	Discussed cemetery need and location. Possibly within the chapter tract. Manual update notes were discussed. Updates from Capital Improvement office on roads, projects and ICIP listing. Importance of CLUPC and the projects for the community.
March 3, 2016	Regular meeting was about the steps that were given by Council Delegate Mr. Perry on the process of the manual for updates. Home site leases as well as the general leases drafts are in process of becoming final. More community assessments for the manual, people, homes and animal & grazing permits. Some discussion of rural addressing for the community.
May 6, 2016	Filling the vacant vice chair, member term questions & discussion and manual update information. At this point were trying to find additional sources for the production, assistance on info for the community in references to land board questions and concerns.
June 3, 2016	More community members in attendance for this meeting. Home site and general leasing discussed. Lease flow chart, home site and general lease packets given out to the members, community and officials.
July 22, 2016	Visitors from outside entities, Capital Improvement on updates on Tse'ii'ahi' Chapter projects, then NCS engineers with a proposal on manual production, and few discussions on the community issues for the cemetery.
August 9, 2016	Submitted a resolution on the manual. Continual monthly meetings & have a report & submit to the chapter. Being consistent with the school board. More discussions on the community assessment and manual production. Inquiry on quotes for manual.
September 7, 2016	Committee updates for the manual, plan of operation, & committee members. RDC plan of having the manual updated every 5 years. Members are getting all maps/documents/reports together for the manual inserts. CHR requests for a community garden/walking trail. Supporting resolution for Wellness Center in Crownpoint.
October 20, 2016	Introduction of Project, CLUPC Committee, Chapter Official, and Souder, Miller & Associates representatives. Discussion of various issues and history of 2003 Land Use Plan
November 7, 2016	Discussion of previous plan, recommended updates. CLUPC Committee, Chapter Official, School Representatives, Souder, Miller & Associates staff
December 9, 2016	Discussion of the Draft Plan Submittal, CLUPC Committee, Chapter Officials, Navajo Division of Transportation, Souder, Miller & Associates staff
January 6, 2017	Public Hearing Approving Tse'ii'ahi' (Standing Rock) Chapter Community Land Use Plan 2016 Update
January 17, 2017	Public Hearing Approving Tse'ii'ahi' (Standing Rock) Chapter Community Land Use Plan 2016 Update

Community Questionnaire

A questionnaire asking community members to prioritize needed services was administered in 2004 by the CLUPC.

Road improvements were checked most frequently (52 votes), followed by youth programs and water/electrical lines (42 checks respectively) and then trash and litter services (25 checks). Sixteen members listed the need for a new chapter house and telephone services, twelve mentioned a multi-purpose building followed by public safety and a grocery store.

The Community Land Use Planning Committee is working on an updated questionnaire to be administered as timing and funding permit.

Tse'ii'ahi' (Standing Rock) Chapter Community Members Vision for Development and Recommendations (2004)	
Needs	# Members Requested
Roads Improvements	52
Youth Programs	42
Water/Electrical Lines	42
Trash/Litter	25
Community Services/ Facilities Needed	# Members Requested
New Chapter House	16
Telephone Service	16
Multi-Purpose Building	12
Public Safety	7
Grocery Store	5

Source: Standing Rock Chapter Navajo Nation Community Based Land Use Plan, 2004

Navajo Nation Local Governance Act

The 1998 Navajo Nation Local Governance Act grants Chapters authority over local issues relating to economic development, taxation and revenue generation, infrastructure development, and land use planning. By assisting chapters in becoming self-governing entities, the Local Governance Act creates opportunities for the improvement of the chapter members' quality of life by:

- Developing opportunities for economic development
- Conserving natural resources and preserving Navajo heritage and culture
- Ensuring government accountability
- Creating an atmosphere of experimentation and learning
- Developing experienced, professional administrators

The Local Governance Act sets forth a process by which local chapters are granted power over local issues. As part of this process chapters must adopt a Five Management System which sets up policies and procedures for chapter administration of 1) personnel, 2) property, 3) procurement, 4) fiscal, and 5) record keeping.

Chapters may also develop and adopt a community-based land use plan which provides local chapters the tools to administer their land. The community-based land use plan, according to the Local Governance Act, section 2004 (B), as amended by the Navajo Nation Council on July 23, 2004 and ratified by the chapters in November 2004:

“shall project future community land needs, shown by location and extent, of areas identified for residential, commercial, industrial and public purposes. The land use plan shall be based upon the guiding principles and vision as articulated by the community; along with information revealed in inventories and assessments of the natural, cultural, human resources and community infrastructure; and finally with consideration for the land-carrying capacity.”

The Local Governance Act, as amended, states that a community-based land use plan may also include an open space element, a thoroughfare plan, and a community facilities plan.

The Chapter is working toward achieving Local Governance Act Certification with the Navajo Nation.

Community Demographic Update

Community Socio-Economic Update

The Navajo Nation Division of Economic Development reported a total population of 680 for the Tse'ii'ahi' Chapter in 2000. The U.S. Census Bureau in 2010 reported a total population of 641. This was a 5.7% decrease in population over a ten-year period.

The Chapter experienced population growth over the past five years within the Chapter boundaries and performed their own population assessment despite the federal report. Chapter representatives surveyed and found a total of 742 members in 2016, a more representative record of the actual population within the community.

Tse'ii'ahi' (Standing Rock) Chapter Navajo Nation Reservation (2010)		
Age Groups	Persons	Portion of Total
Under 5	42	6.6
5 to 9	51	8.0
10 to 14	51	8.0
15 to 19	72	11.2
20 to 24	44	6.9
25 to 29	32	5.0
30 to 34	36	5.6
35 to 39	57	8.9
40 to 44	46	7.2
45 to 49	48	7.5
50 to 54	42	6.6
55 to 59	33	5.1
60 to 64	23	3.6
65 to 69	14	2.2
70 to 74	8	1.2
75 and over	42	6.3
TOTAL	641	100%

Source: U.S. Census Bureau, Fact Finder Profile of General Population and Housing Characteristics 2010

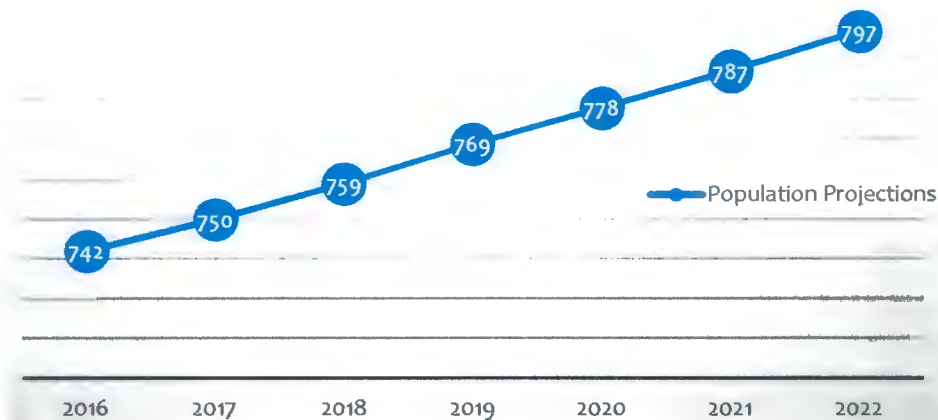
The following is self-report data from the Tse'ii'ahi' (Standing Rock) Community Land Use Planning Committee survey which was performed in 2016 regarding housing units.

Tse'ii'ahi' (Standing Rock) Chapter Self-Reported Population and Housing (2016)		
	Housing Units	Population
Total Community Members		742
Total Homes Outside NHA	129	
Total Scattered Homes	3	
Total NHA Homes	86	
Veteran Homes	2	
Total Homes	220	

Source: CLUPC Questionnaire and Survey

Future Population Projections

A conservative growth rate projection was used to estimate future population for Tse'ii'ahi' (Standing Rock) Chapter for the time period of 2016 to 2022 based on actual numbers provided by Community Land Use Planning Committee. An estimated growth rate of 1.2% was used to project the future population growth.



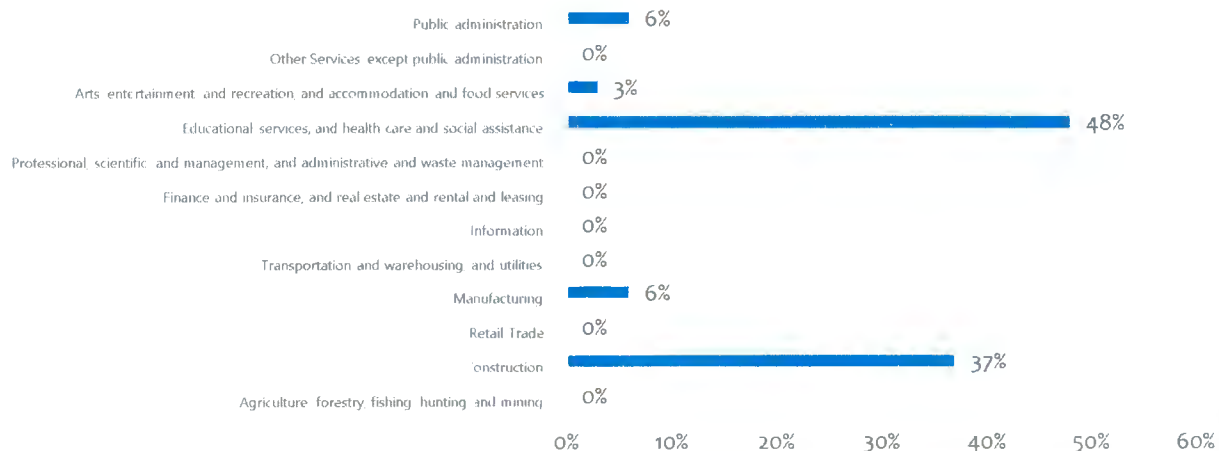
Source: <http://www.metamorphosisalpha.com/ias/population.php>

Employment and Income

The following information was obtained from the Tse'ii'ahi' (Standing Rock) Chapter, Navajo Nation Reservation and Off-Reservation Trust Land (Population and Housing Narrative Profile: 2005-2009). For employment by industry, the most common occupations were: construction, extraction, maintenance and repair occupations. The median income of households in Tse'ii'ahi' (Standing Rock) Chapter was \$26,133. Thirty-nine percent of the households received employment income and 38 percent received retirement income other than Social Security. The average income from Social Security was \$9,290. These income sources are not mutually exclusive; that is, some households received income from more than one source.



Employment by Industry in Tse'ii'ahi' (Standing Rock) Chapter Navajo Nation Reservation and Off-Reservation Trust Land 2005-2009



Source: Standing Rock Chapter, Navajo Nation Reservation and Off-Reservation Trust Land (Population and Housing Narrative Profile: 2005-2009)

Poverty and participation in government programs

Just over a third (36 percent) of the population in Tse'ii'ahi' (Standing Rock) Chapter were in poverty according to the Tse'ii'ahi' (Standing Rock) Chapter, Navajo Nation Reservation and Off-Reservation Trust Land Population and Housing Narrative Profile: 2005-2009.

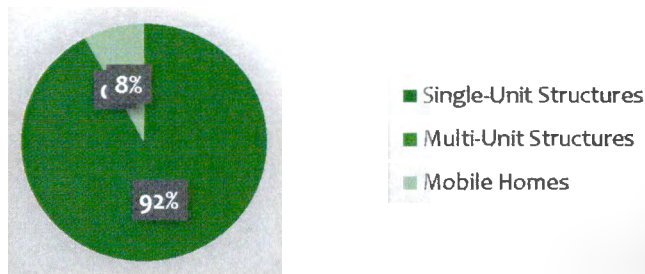
Two-thirds, (66 percent) of related children under 18 were below the poverty level, compared with 25 percent of those 65 years old and over. Thirty-six percent of all families and 65 percent of families with female householder had incomes below the poverty level.¹

In 2005-2009, for the employed population 16 years and older, the leading industries in Standing Rock Chapter were manufacturing and public administration, 48 and 22 percent respectively.

Housing

In the same community profile study, Tse'ii'ahi' (Standing Rock) Chapter was documented having a total of 450 housing units, 37 percent of which were vacant. Of the total housing units, 89 percent are single-unit structures, less than 0.5 percent are multi-unit structures, and 11 percent are mobile homes. Ten percent of the housing units were built since 1990.

The Types of Housing Units in Standing Rock Chapter; Navajo Nation Reservation and Off- Reservation Trust Land (2005-2009)



In 2005-2009, Tse'ii'ahi' (Standing Rock) Chapter had 170 occupied housing units. Of those units 160 (92 percent) were owner occupied and 13 (8 percent) renter occupied. Sixty-four percent of the households did not have telephone service and 9 percent of the households did not have access to a car, truck, or van for private use. Multi vehicle households were not rare. Thirty-two percent had two vehicles and another 28 percent had three or more.

This data differs from the self-report housing data is because of the vacant units which may be a Hogan or additional dwelling on the same property.

¹ Standing Rock Chapter, Navajo Nation Reservation and Off-Reservation Trust Land (Population and Housing Narrative Profile: 2005-2009)

Housing Goals:

Navajo Housing Authority has constructed 86 dwelling units southeast of the Chapter House. The newest Navajo Housing Authority homes have varying styles. There are two story townhouses, partial Hogan foyers and ranch style.

Currently there are three scattered housing units in the area. Some community members felt that apartment complexes could better serve young Navajo families who are going to school or receiving welfare benefits. Home mortgage is not for everyone due to the high unemployment rate in Tse'ii'ahi' (Standing Rock).



“WHEN A FAMILY HAS NO TIES TO THE COMMUNITY, THERE APPEARS TO BE LACK OF RESPECT FOR PROPERTY AND PEOPLE. THERE IS VANDALISM, ASSAULT, DOMESTIC VIOLENCE AND BURGLARY. THE COMMUNITY RESIDENTS DO NOT FEEL THAT HOUSING CLUSTERS ARE A SAFE PLACE TO LIVE. THE POPULAR CHOICE FOR HOUSING ARE SCATTERED HOMES.”

COMMUNITY LAND USE PLANNING COMMITTEE



Recommendations (depending on availability of funds):

- Construct one (1) home per year to meet the future needs.
- Average Size 1-2 bedroom.
- Minimum 1 acre scattered housing sites.

Community Facilities Update

Tse'ii'ahi' (Standing Rock) Chapter has several public facilities located within their boundaries. The following is a list of those facilities.

Chapter House

The Chapter House was built in 1959 and first renovated in 1972. A second renovation occurred in 2003. The building is approximately 2,675 square feet with separate restrooms, conference room, full functioning kitchen, three offices and a large meeting room.



Recommendations:

- The existing Chapter House is in good condition. A long-term project would be a new facility.

Navajo Nation Community Health Representative and New Mexico State University Tribal Extension (Agriculture/Farm/Livestock) Office

This building serves the two facilities - the Navajo Nation Community Health Representative and New Mexico State University's Extension (Agriculture/ Farm/Livestock) office.

The Community Health Representative and Outreach program assist in improving the general health status of the Navajo people through direct home health care, community health care and health education in coordination with tribal and Indian Health Service programs.



The New Mexico State University Tribal Extension (Agriculture/Farm/Livestock) Office helps develop and deliver community-based education programs that will revitalize agriculture, implement culturally appropriate youth leadership programs and strengthen the bonds between

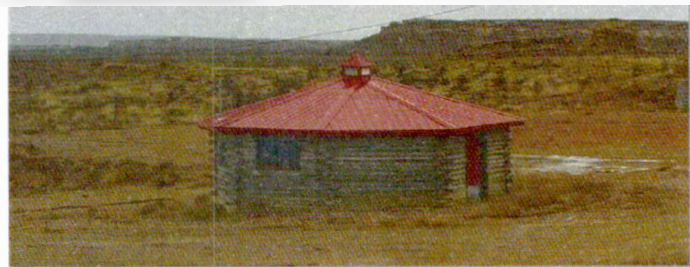
individuals, families and communities. The Tribal Extension agent provides educational programs based on the needs of the local community. Advisory boards made up of community members provide input and support for local programming. Education programs are designed to fortify and revitalize agricultural and natural resource practices, develop 4-H youth leadership opportunities and strengthen families through instruction in nutrition, health, parenting, money management and other family resources.

Recommendations:

- In the future, the building needs to be renovated or replaced.

Hogan

The eight sided Hogan was built in 1987 and is used as a cultural resource center. The building is used for traditional ceremonies when needed.



Recommendations:

- Gravel around the facility is needed to provide easier access for community members.

Tse'ii'ahi' (Standing Rock) Bureau of Indian Education Community School

Built in 1935, the Tse'ii'ahi' (Standing Rock) Community School is operated by the Bureau of Indian Education. The school houses kindergarten to fourth grade and has a student population of 97 from four surrounding Chapters (Tse'ii'ahi, Coyote Canyon, Crownpoint and Nahodishgish).



Recommendations:

- Bureau of Indian Education Staff and Chapter Officials have indicated that the school needs to be replaced. The No Child Left Behind School Facilities and Construction Negotiated Rule-Making Committee (replaced by the 'Every Student Succeeds Act' in 2015) established the process and criteria for determining how to select which schools are priorities for replacement. Under that process, the National Review Committee (a committee of educators, facility experts and Indian Affairs Office of Facilities, Property and Safety Management staff) reviews schools' applications under the criteria identified in the report, ranks the top 10 projects, and invites those 10 schools to present at a public hearing to make their case for funding and answer questions. Bureau of Indian Education Staff need to continue submitting an application for school construction. There is an immediate need for a cafeteria and larger offices. The following chart is an example of the New School Replacement and Renovation Criteria.²

² The new school replacement and renovation formula and criteria is published along with the application and review process in chapter 3 of the NCLB report. Broken Promises, Broken Schools: report of the *No child Left Behind School Facilities and Construction Negotiated Rulemaking Committee*, December 2011."

Summary Score for:		
Description of Graded Criteria	Maximum Points	School's Points
Condition of Facilities and Educational Space Deficiencies		
Crowding		
Declining or Constrained Enrollment Associated with Poor Facilities		
Inappropriate Education Space		
Accreditation Risk		
School Age		
Cultural Space Needs		
Total		

Source: <http://www.bia.gov/cs/groups/public/documents/document/idc1-033529.pdf>

The Bureau of Indian Affairs, Office of Facilities Management and Construction provides School Facilities Space Templates for review and space planning.

(<http://www.bia.gov/cs/groups/xofecr/documents/text/idc-040415.pdf>)

Demolished Early Childhood Development/New Head Start Facility

Built in 1973, this building served 15-20 pre-school aged children. The building was approximately 1,801 square feet with a 192 square foot storage building. It has since been demolished.



Proposed Project: Planning and design is complete for the new facility which will be approximately 3,900 square feet. The Chapter has secured the land, archaeological and environmental studies and compliances. The construction (including soft costs) is approximately \$3.6 million. The Chapter has received funding from the New Mexico Capital Outlay program to which matching funds must be provided by the Chapter.



Source: Indigenous Design Studio + Architecture, April 28, 2016

Recommendations:

- A new Head Start Facility has been designed by the Architectural firm of Indigenous Design Studio. The new facility will be located on the Chapter tract, and directly north of the Chapter House. The vicinity of the site includes Bureau of Indian Education School on the southeast corner of the Chapter House. The vicinity includes a sewer lagoon, for the Bureau of Indian Education School and a sewer lagoon for the Chapter government tract.

Senior Citizen Center

The senior center facility was built in 2012 and services approximately 30-45 members of the community, housing afternoon meals, arts and crafts, etc. The building is also used for emergency purposes if needed. Home pickup and delivery is provided by a van.



Historical Structures

Built in 1930, this was the first Chapter house for the community. The 1,197-square foot building is not insured under the Navajo Nation Property Management and has no official value. This has been identified as a “historical building” by the community. It is located west of the Bureau of Indian Education School.



This small dwelling unit has also been identified as a “historical building” The 450-square foot building is located north of the senior center. Before becoming inhabitable, the building was used in the past as a rental unit for community members.



Recommendations:

- These buildings are not in use and pose potential hazards to the community. It is recommended that these two buildings be torn down.

Warehouse

Reconstructed in 2006, the 1,800-square foot warehouse is used for storing the back hoe, motor grader and project materials.



Recommendations:

- The existing facility is not large enough to serve all of the storage needs of the community. A new warehouse is needed (approximately 3,600 square feet) within the same vicinity. The new facility will house heavy equipment, new vehicles, and additional housing materials as well as storage for hay, wood and coal.

Trash/Transfer Station

Built in 2000, the trash/transfer station is used by the community. The station is located at the main entrance to the community school and chapter buildings off of NN Route 9. The electricity has been connected and the station house is fully equipped with heat, cooling and restroom/shower amenities. The facility is open two days a week. In the future the community would like the facility open 5 days a week.



Tse'ii'ahi' (Standing Rock) Cellular Communication Tower

The construction of the Cellular Communication Tower was approved by tribal resolution in March, 2010. The environmental assessment was completed in May, 2011. Cellular One Tower was dedicated in August, 2011. The tower serves the community for all cellular telephone needs. In the future, the community would like to bring in additional carriers.



Religious Facilities

There are two religious facilities located within the Tse'ii'ahi' (Standing Rock) community. The Shepard Bible Baptist Church and the SOZO New Life Fellowship Church.



Land Status

Tse'ii'ahi' (Standing Rock) Chapter is located within the jurisdiction of the Navajo Nation. The total area of the Chapter is 74,104 acres. The Chapter is located within the Eastern Navajo Agency and Grazing District 15.

The Chapter has been correcting the chapter service line which has generated confusion over responsibility to provide services to registered community residents located outside the service lines. Collaboration with Nahodishgish Chapter is a priority for the Tse'ii'ahi' (Standing Rock) Land Use Planning committee.

Tasks to be accomplished:

- Chapters need to identify and agree on their service lines.
- Tse'ii'ahi' (Standing Rock) Chapter will develop three alternatives for a boundary pursuant to the latest land surveying methods, i.e. Township, Range Unit, Section.
- Develop a chapter base inventory of existing home site, business site, mission site leases, dry farms and rights-of-way.
- Create a Tse'ii'ahi' (Standing Rock) Land Management Policies and Procedures utilizing a land inventory database and mapping software.

The current Tse'ii'ahi' (Standing Rock) Chapter Boundary Map is on the following page. Following that is a map of the Eastern Navajo Agency (ENA) consisting of the 31 Chapters along with the number representing the total population for each Chapter. According to the 2010 U.S. Census, ENA has a total population of 33,216. ENA has a total of 1,039,210 acres and 1,637 grazing permittees.³

³ <http://www.bia.gov/WhoWeAre/RegionalOffices/Navajo/WeAre/EasternNavajo/index.htm>

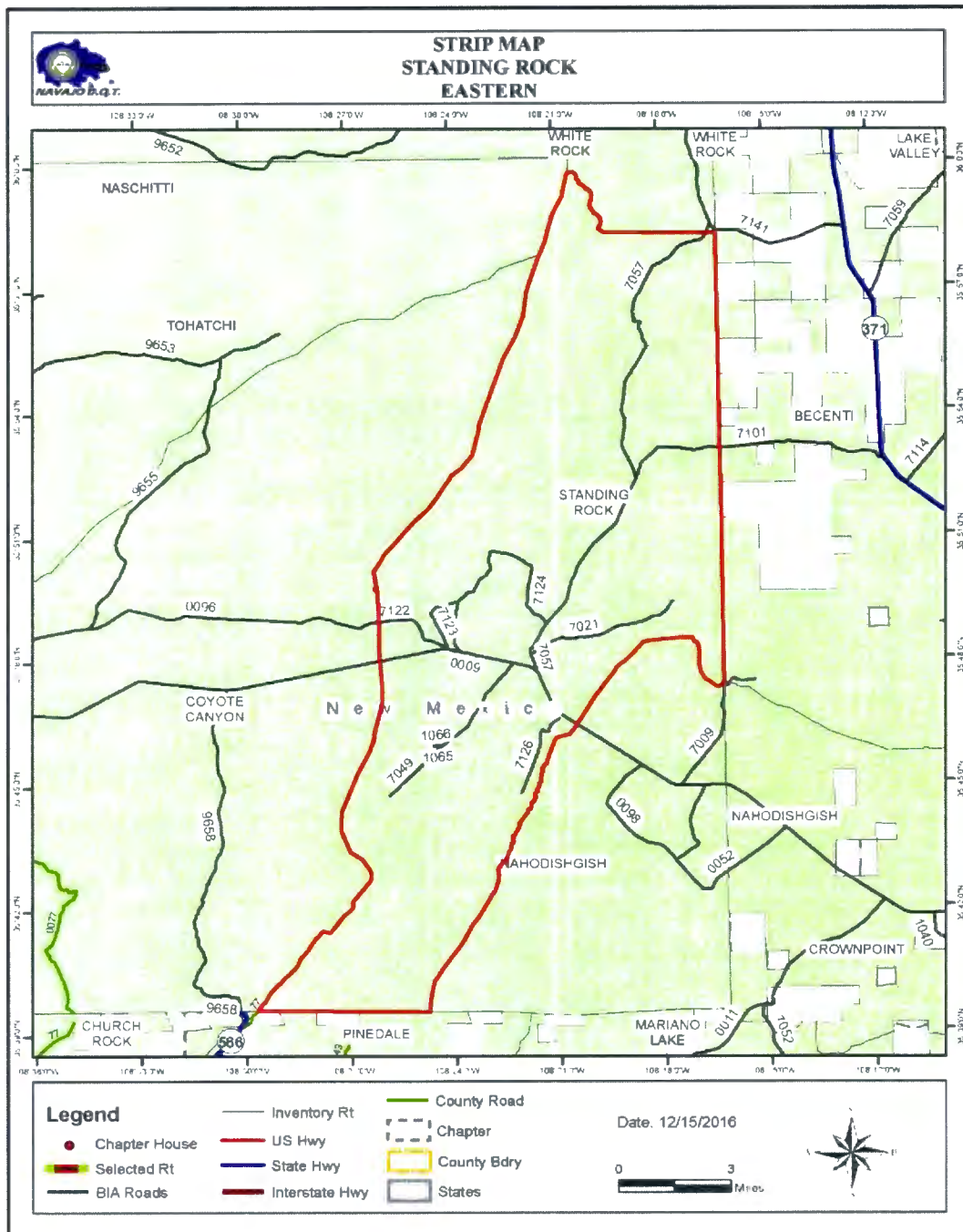


Figure 1 – Boundary Map

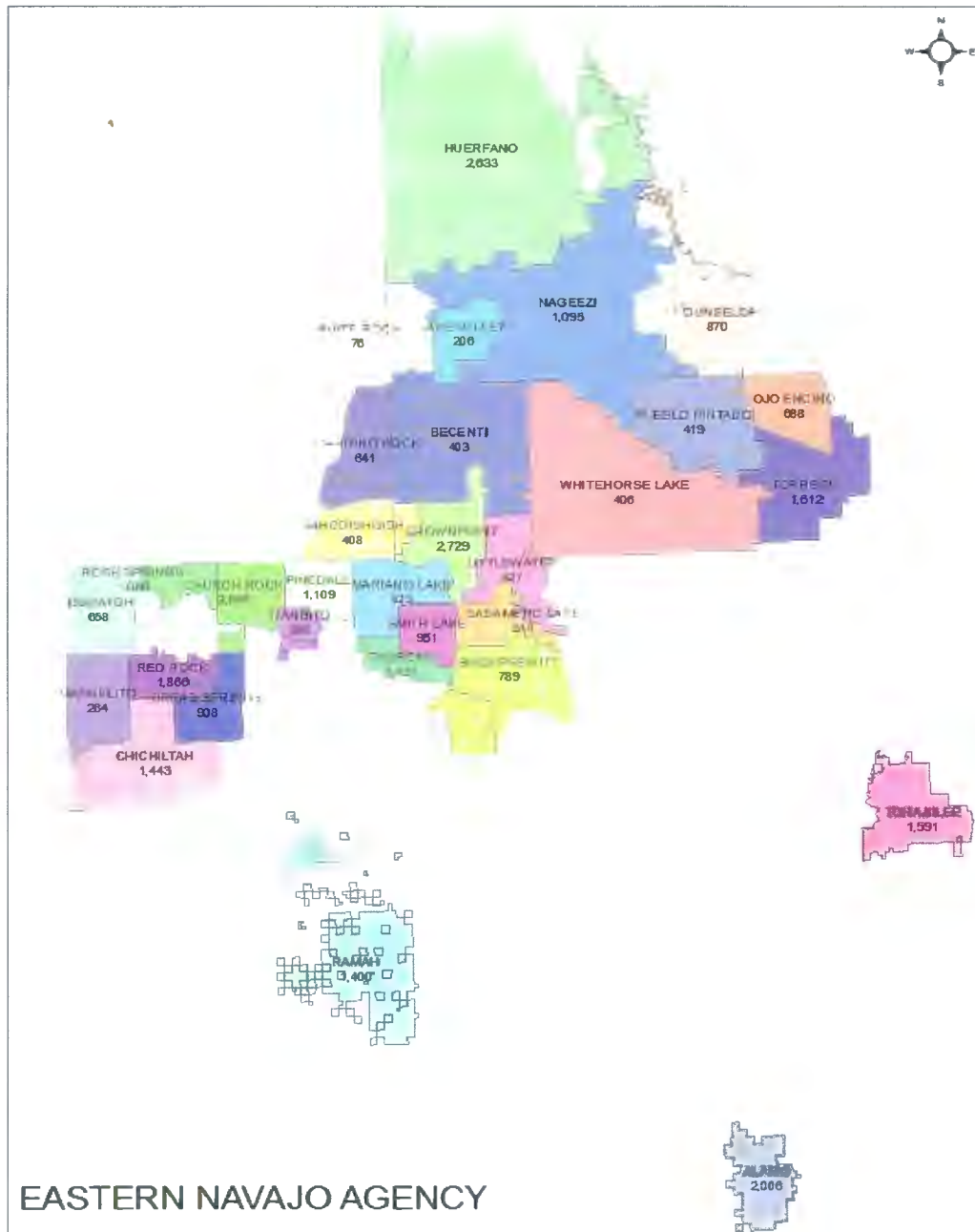


Figure 2 – Eastern Navajo Agency 31 Chapters Boundary Map

Land Identification

The Resources Committee of the Navajo Nation Council provides the legislative oversight for the Division of Natural Resources that includes the Navajo Nation Department of Fish & Wildlife. The Committee has the responsibility and authority to adopt policies, procedures and regulations that protect the biological resources of the Navajo Nation. The Resources Committee,

by Resolution No. RCMA-34-03, dated March 13, 2003, approved the Biological Resource Land Clearance Policies and Procedures. The Resource Committee assists the Navajo Nation government and chapters with ensuring compliance with federal and Navajo laws which protect wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process.

The Navajo Nation Department of Fish & Wildlife has identified and mapped wildlife habitat and sensitive areas that cover the entire Navajo Nation. The Navajo Nation has been divided into six types of wildlife areas. The Resource Committee's Policies and Procedures explains what restrictions apply in each area and describes the process for the planning and approval of projects with respect to wildlife resources.

The two wildlife areas within the Tse'ii'ahi' (Standing Rock) Chapter planning area identified by the BRLC Policies and Procedures are summarized below:

- Red – Highly Sensitive Area – recommend little or no development. This area contains the best habitat for endangered and rare plant, animal and game species, and the highest concentration of these species on the Navajo Nation. The purpose of this area is to protect these valuable and sensitive biological resources to the maximum extent possible. Development within this area is not recommended.
- Blue – Low Sensitive Area – least restrictions on development. This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on “islands” of habitat, but these islands are relatively small, limited in number and well-spaced across the landscape. Small-scale development to serve the private needs of individuals is acceptable within this area.

The major portion of the planning area is categorized as Low Sensitivity (blue), including major drainage ways. High Sensitivity (red) classification has been given to some of the southern portion of the Chapter.

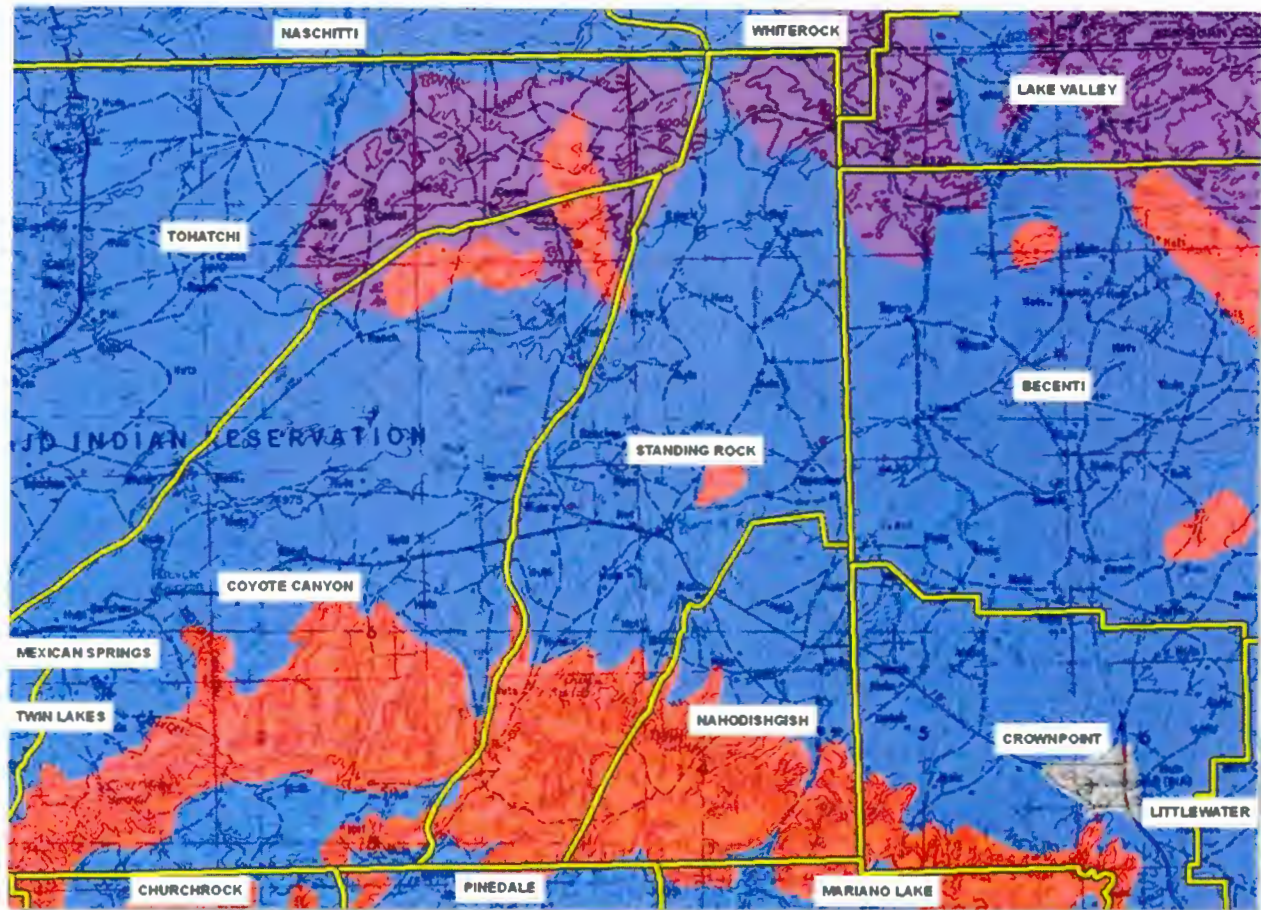


Figure 3 – Biological Resource Land Identification Map

Land Withdrawal

Proceeding with land withdrawal for the purposes of community-based land use planning has been a cumbersome process. Conflicts have arisen with individuals holding grazing permits, the boundaries of which may be poorly defined. On June 17, 2015 the Resources and Development Committee of the Navajo Nation council passed a resolution approving the Land Withdrawal Designation Regulation to designate land for future development. The new regulation clarifies and expedites the land withdrawal designation process. The purpose of this regulation was to help Chapters develop their community land use plans and designate an area of land for future development by ensuring that the rights of grazing permittees, who are in compliance with their grazing permits are properly addressed as applicable and as required under 16 N.N.C. § 1401 et seq. and to prevent any subsequent claims to the land and ensuring that the affected chapter supports the land withdrawal designation and use of the land. (See Appendix C) The Director of the Navajo Land Department has the power and authority to give final approval of all Land Withdrawal Designations on the Navajo Nation.

Eminent Domain

Eminent domain is available as a tool for enforcing the community's wishes, based on the LGA authority. Eminent domain refers to the power of the government to take private land for public use under certain circumstances. In accordance Navajo Nation Code: Title 26, Section 2005, Navajo Nation Local Governance Act, *"Eminent domain" means the taking of land used by an individual, or legal person or entity, in which an individual, or legal person or entity, has an interest for a governmental purpose. "Just compensation" must be paid to the user for taking of such as prescribed by Navajo law."* At this time the Tse'ii'ahi' (Standing Rock) Chapter has not exercised its right to eminent domain.

Navajo Land Buy-Back Program

The Land Buy-Back Program for the Navajo Nation works to unify fractionated tribal land bases that resulted from the failed historical policy of allotment. Fractionation affects approximately 150 locations and results in tracts of land with potentially hundreds of owners. Over the next decade, the Program and various tribes will partner to help communities consolidate these lands across Indian Country. Landowners are encouraged to contact the Navajo Nation Land Buy-Back Program or the U.S. Department of the Interior to learn about eligibility and to update their contact information. The Cobell Settlement Agreement provides for a \$1.9 Billion Trust Land Consolidation Fund to be used over a ten-year period to purchase fractional interests. The Navajo Buy-Back Program provides education to Navajo allotment owners; develops and maintains a mailing list of shareholders including attempts of creating contact information on land owners whose whereabouts are unknown; notifies eligible shareholders of the opportunity to sell their interests; identifies shareholders willing to sell; and disseminates and provides information on the Program including answering questions and offering services to help complete their interest packets⁴.

The Navajo Land Buy-Back Program applies to community residents who own allotment land outside the Chapter boundaries.

Grazing and Agriculture

Livestock grazing (mainly cattle and sheep) is still an important practice in the Tse'ii'ahi' (Standing Rock) Chapter. According to the previous land use plan, and the Community Land Use Planning Committee, the following are recommendations pertaining to grazing and agriculture⁵.

⁴ Source: Navajo Buy Back Program, www.bbp.navajo-nsn.gov

⁵ Source: CLUPC Document provided

Recommendations:

- Encourage the continued outreach and education on grazing management practices through the Navajo Nation Department of Agriculture and the Bureau of Indian Affairs, Natural Resources Department for grazing permit holders.
- Work closely with the Land Board to assess the grazing permit holders on what type of infrastructure and projects they see as a priority to improve grazing practices. Coordinate resources that can assist with funding and in-kind contributions.
- Prepare a community drought management and water conservation plan that can alleviate some of the water shortages for livestock and farming projects.
- Bring available resource agencies to the Chapter that can assist with an integrated approach to range and agricultural management.

According to the Navajo Rangeland Improvement Act of 2014, “An Act to Improve the Ecological Health and Productivity of Navajo Rangelands in Order to Protect the Interests of Present and Future Generations of the Navajo People” §321 Voluntary Associations and Cooperatives⁶:

- General - Permittees within specific range units are encouraged to establish livestock associations or cooperatives to support livestock management planning for the individual range unit.
- Establishment of Protocol - The recognized livestock association or cooperative will establish internal protocol, membership, and decision making process. A livestock association or cooperative may maintain a fund management plan should the association or cooperative decide to develop a monetary fund for the organization.
- Specific livestock management planning can include but is not limited to:
 1. Support fencing of the grazing district where membership will cooperatively implement and maintain the fenced area for rotational grazing, range area to rest for a specific period of time, enclose noxious weeds for eradication, etc.
 2. Cooperatively purchase bulls for breeding and advance the herd toward superior genetic traits for the specific cow-calf operation, quality beef product, good mothering characteristics, and heartiness.
 3. To determine breeding season for the production of uniform calves.
 4. To cooperatively determine sale time and dates with the objective to have a full truck load of cattle at premium price through direct sale and/or video auction.
 5. Agreement on livestock supplementation after a soil or vegetative study has been completed or as a short-term remedy for a rough winter or lengthy freeze.

Cooperatives are an essential part of the U.S. economy, especially in rural communities. In addition to helping farmers and ranchers market their products and acquire farm supplies, cooperatives help meet many other needs, such as supplying electricity, telecommunications, credit and financial services, housing, food, hardware and building supplies, among other services.

⁶ Source: [http://www.agriculture.navajo-nsn.gov/Forms/Navajo%20Rangeland%20Improvement%20Act%2004-23-14%20\(Draft\).pdf](http://www.agriculture.navajo-nsn.gov/Forms/Navajo%20Rangeland%20Improvement%20Act%2004-23-14%20(Draft).pdf)

Co-ops are usually organized to meet a need that the marketplace is not fulfilling adequately. The United States Department of Agriculture Rural Development provides financial assistance opportunities to assist rural businesses including cooperatives and agricultural producers. United States Department of Agriculture helps rural residents form new cooperatives and improve the operations of existing ones.

Technical Assistance can be obtained by contacting the following:

coopinfo@wdc.usda.gov

USDA

Rural Development State Office

6200 Jefferson, NE Room 255

Albuquerque, NM 87109

Phone: 505-761-4950



Figure 4 Grazing Map

General Leasing Regulations

The Navajo Nation is authorized to issue leases without the approval of the Secretary of Interior "Except Mineral Leases". According to 16 N.N.C. §2301, Navajo Nation General Leasing Regulations of 2013, leases are required for any short or long term use or where any permanent structure is fixed or located on Navajo Trust Land⁷. Failure to comply with this will be addressed pursuant to applicable Navajo Nation Law. Leases that apply to General Leasing Regulations include:

- Renewable Energy Leases.
- Agricultural Leases.
- Telecommunications Site Leases.
- Leases for:
 - Public.
 - Religious.
 - Educational.
 - Recreation.
 - Residential.

"To promote self-determination, encourage self-sufficiency, and improve efficiency of leasing of Navajo Nation Trust Lands."

No lease shall be approved more than twelve (12) months prior to the commencement of the term of the lease. Any such lease may include the option to renew for up to two additional terms, each of which may not exceed 25 years on such terms and conditions as may be specified in such Lease, or such greater terms as may be authorized by Congress.

- 75 Year Lease applies to:
 - Home-site Leases.
- Various years terms applies to:
 - Public.
 - Recreational.
 - Educational.
 - Religious.
- 25 Year Lease applies to:
 - Any other lease than those listed above

All applicants need to submit a Letter of Application to the Land Department with all the required supporting documents. A final lease application requires the following documents for processing:

⁷ Source: <http://www.navajonationcouncil.org/Navajo%20Nation%20Codes/Title%2016/CQ-53-13.pdf>

- Completed Lease Form.
- Appraisal (if applicable).
- A Certified Site Survey, Survey Plat and Legal Description (Leases shall contain adequate site surveys and legal descriptions based on metes and bounds, rectangular or lot and block systems).
- Documentation of an Environmental Review.
- Other applicable documents that may be required by Navajo Nation or Federal Law.

General Leasing Regulations provided by the Navajo Land Department is provided in Appendix C.

Commercial and Industrial Development / Economic Development

The Navajo Nation Economic Development office states its commitment *“to providing new business opportunities and partnerships with individuals, small business owners, and large commercial/industrial and tourism establishments. In order to become more efficient and accessible, we are working to upgrade and implement our programs to benefit these burgeoning business relationships.”*⁸

The department assists with the following:

- Revise the Business Site Lease regulations
- Implement the Local Governance Act
- Develop land use planning measures
- Finance small business development
- Create job opportunities
- Expand new and private business to the reservation
- Recognize business opportunities in tourism, commercial and real estate development, use of natural resources, and infrastructure improvements

Old Trading Post Site

At one time the 3-acre business site lease was administered under the Navajo Nation Division of Economic Development and served as an area with a Trading Post. The site had a store, two (2) gasoline pumps, electricity, water, and telephone line.



Recommendations:

- A request should be made to the Navajo Nation Economic Development Office to conduct a feasibility study for the site to determine the best use. The site could accommodate a larger store, laundry mat and/or feed store.

⁸ Source: <http://navajobusiness.com/tribalDevelopment/index.htm>

Tse'ii'ahi' (Standing Rock) Chapter Economic Development Strategic Work Session

In December, 2015 a meeting was held to discuss projects for the Chapter. The following is a list of projects which were identified during the strategic meeting. Some projects have previously been discussed in this report, some projects are currently underway, and some projects have been completed.

10 Year Goals

Head Start Facility	Tse'ii'ahi' Water Line Extension
Regional Beacon-Bisti Lateral Water Project	Power Line/ House Project
New Community Cemetery	Purchase Heavy Equipment
Rio Lobo Canyon Pipeline Road (N7049)	New Tse'ii'ahi' Community School
Garage for Senior Center	House Wiring
Bathroom Additions	Multi-Purpose Building
Tse'ii'ahi' Convenience Store	Telephone Lines
Maintenance Yard	Chapter Loop Crossing (N7124) Replace Culvert and/or Construction of new Bridge

Long Range Goals

Livestock Facility	Public Safety Building with Helipad
Road Improvements	Home (scattered sites)
Community Trail and Park	Elder Day Care Facility
Recreational Area	Fence Line Right-of-Way
Marquee-Scrolling / Street Light	Solar Power
Camp Ground	Wind Farm
Casino	Mobile Home Community
Emergency Water Hauling Point	Store / Feed Store
Natural Gasoline Extension	Turning Point / Bus Stop (Shelter)
Distribution Center for Coal/Wood	Carwash

During the course of the Community Land Use Plan Update, the Community Land Use Planning Committee identified additional projects.

2016 Projects

Trail / Walking Path	Rural Addressing
Five Management System Certification	Cemetery
Community Garden	Fire Station

Health Care

Residents travel fifteen (15) miles to Crownpoint Comprehensive Health Care Facility. They also travel 55 – 60 miles to Gallup, New Mexico to be seen at the Gallup Indian Medical Center or Rehoboth McKinley Christian Hospital health care services.

Recommendations:

- Advocate for a mobile health unit that can go to homes of residents that may not have transportation. Plan for a Clinic to be housed in or near the Senior Citizen Center. This will meet the future demands as the elder population increases in the next 10 years. Coordinate with Indian Health Service, Emergency Medical Services and Public Safety organizations to incorporate new emergency response programs that utilize heart monitoring and satellite linkage to physicians that provide medical instructions to first responders.

Fire Station/Hydrants

Crownpoint Fire Rescue provides Fire, Emergency Medical Services, and Technical Rescue Services for Crownpoint and the surrounding areas. Every year, the firefighters and paramedics respond to an average of 3,500 calls for service.

Recommendations:

- A Chapter Fire Station could be responsible for fire prevention and suppression, public education, emergency medical services and hazardous materials emergency response. The station could provide support services for Crownpoint.
- There are currently nine fire hydrants located within the Navajo Housing Authority area and one hydrant located in the Bureau of Indian Education School area. Chapter representatives would like the installation of additional fire hydrants within the community. When locating fire hydrants, the Chapter should consider population trends, property valuation, loss potential and fire history to help prioritize the selections. High priority hydrants should be installed first. Once the areas have been determined, the closest water sources need to be identified (streams, ponds, etc.). Three miles or less between hydrants is a good average distance to keep turnaround time to a reasonable minimum.
- The Tse'ii'ahi Community Land Use Planning Committee should begin by identifying an area for the proposed facility. Conversations need to occur with Navajo Nation to determine the eligibility requirements and steps required when requesting funding for a fire station. They should also identify locations where fire hydrants are needed.

Public Safety

The nearest Navajo Department of Public Safety is approximately 19 to 20 miles from the community.



Recommendations:

- Encourage the development of the Navajo Housing Authority neighborhood watch. Coordinate with the Chapter Alert Team. Designated individuals need to have two way radios to ensure communication to public safety officers. Identify high risks areas of the community so that requests to public safety officers can respond quickly. Also, periodic patrolling of those areas can be requested. Plan and lobby for an inter-agency public safety sub-stations.

Infrastructure Analysis

This section describes the existing and needed infrastructure in the Tse'ii'ahi' (Standing Rock) community. The major arterial road is Navajo Route 9 that runs through the Chapter east to west 38 miles connecting SR 371 and US/State Highway 491 (formally 666). There are also four major school bus routes in the community.

Transportation/Roads

Transportation and land use planning are intertwined. With coordination, Tse'ii'ahi' (Standing Rock) Chapter can plan more comprehensively for housing, commercial and retail uses, and for the provision of education and other public services, all in the context of accessible transportation. Depending on the needs of the community these efforts can result in the installation of a public transit line, the construction of bicycle or pedestrian paths, or the design of new roadways.

The Navajo Division of Transportation is directly funded from the Federal Highway Administration and manages its Road Construction Fund, including Programming the Navajo Nation Transportation Improvement Program. This authorizes the Nation to perform planning, design, construction and maintenance of highways, roads, and bridges. Bureau of Indian Affairs will continue to perform "inherent federal functions" such as right-of-way approvals and road inventory. Under federal law, the Indian reservation Roads Program allows 2% of its road construction funds to be used for tribal transportation planning. Work by the Section includes updates to the Navajo Nation Long Range Transportation Plan every five years. The Navajo Nation Long Range Transportation Plan provides comprehensive analysis to address roads and other transportation needs to meet development needs of the Navajo nation. Another planning tool is the Tribal Transportation Improvement Program which should be updated every five years. An important part of the planning process includes public hearings on transportation projects usually held at Chapter houses in partnership with other transportation stakeholders. The Navajo Nation Division of Transportation has completed their Long Range Transportation Plan, April 2016.

Currently the access into the Tse'ii'ahi' (Standing Rock) Chapter planning boundary area is off the major arterial New Mexico State Highway 371 and Navajo Service Route 9. Figure 5 illustrates the ownership of routes in the Chapter, i.e. county, state, tribal, or BIA.

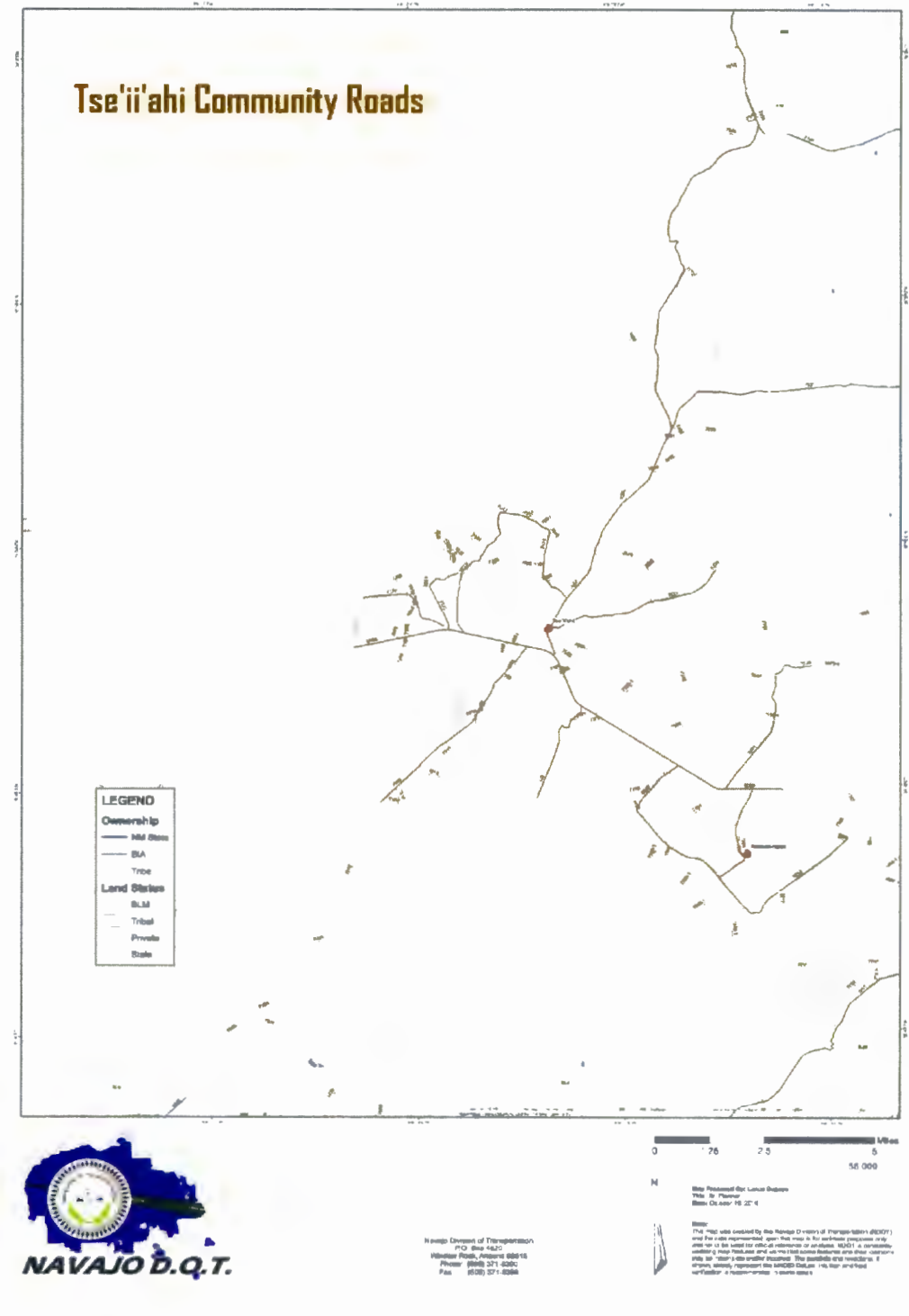


Figure 5 Community Roads

Recommendations: The Chapter would like the following projects:

- Continue to lobby for funding of Rio Lobo Canyon Pipeline Road (N7049) to all government agencies. The rural roads within Rio Lobo Canyon Pipeline Road are in dire need of improvements and are subject to frequent flooding due to intense canyon watershed and breached water retention ponds upstream. (See Figure 6)



Figure 6 Lobo Canyon Pipeline Road Identified Sites for Improvement

- Tse'ii'ahi' (Standing Rock) Chapter Loop Crossing (N7124) - 15 mile route. Prior culverts have blown-out. There is community support for re-establishing loop for emergency accessibility and school bus route. (See Figure 7)
- Prioritize and lobby for upgrading the school bus routes; N7124, N7057 and N7049



Figure 7 Chapter Loop Crossing at N7124

Bridges/Culverts

Crossings over arroyos need maintenance and repairs. Bridges are expensive to construct and maintain, in some cases, low water crossings could be a viable option that provides a safe crossing while being functionally careful.

Recommendations:

- Two low water crossings are needed on Navajo Route 7124. Coordination with the Navajo Division of Transportation needs to occur in order to determine the exact locations. Replacement of culverts or the construction of new bridges need to be determined.

Transit

The Navajo Transit system is available from Crownpoint, 16 miles east of the Chapter. The Route 9 bus travels to and from Crownpoint and Fort Defiance, with various stops along the way including New Mexico Highway 491, Route 9 Junction, Tse'ii'ahi' (Standing Rock) Chapter House, Navajo Housing Authority Housing Area and several other stops. Transit users can use www.navajotransit.com for updated schedules. The schedule is also provided at the Chapter House.

Recommendations:

- The community would like improved bus stops with shelters at current bus stop locations.

Walking

Walking and bicycling trails increase community livability and can improve the economy by encouraging tourism; preserving and restoring open space; and providing opportunities for physical activity to improve fitness and mental health.

Recommendations:

- The community would like walking trails within the Tse'ii'ahi' (Standing Rock) Chapter. Figure 8 illustrates the proposed location of the path.



Figure 8 General Area to Accommodate Proposed Walking Path

Airport

The nearest commercial airports are the Gallup Municipal Airport (48 miles southwest), Four Corners Regional Airport (93 miles north in Farmington) and Albuquerque International Airport (146 miles east). The nearest medical use airport is located in Crownpoint 13 miles east of the Tse'ii'ahi' (Standing Rock) Chapter.

Thoroughfare Plan Concept

A Thoroughfare Plan is a long-range plan that identifies the location and type of roadway facilities that are needed to meet projected long-term growth within the area. A Thoroughfare Plan provides a functional hierarchy of major streets that permits travel between origins and destinations with directness, ease and safety, and is designed to:

“provide for the orderly development of an adequate major street system as land development occurs or as traffic increases; reduce the costs of major street improvements, mainly through coordination with private action; reduce travel and transportation costs; enable private interests to plan their actions, improvements, and development with full knowledge of public intent; minimize the disruption of people and business (development can be prohibited in a road corridor, saving future disruption); reduce environmental impacts on air quality, wetlands, historic sites, parks and other publicly used recreational areas, archeological sites, endangered species, and neighborhoods.”⁹

Historically, roadways have been classified by guidelines developed by the American Association of State Highway and Transportation Officials based on function. The American Association of State Highway and Transportation Officials guidelines reinforced by the Federal Highway Administration’s process of functional classification. Functional classification groups roadways according to the traffic level of service. Classification elements include traffic volume, road size, urban design, and land use.

Generally, the classifications are defined as follows:

Arterial: Provides highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.

Collector: Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.

Local: Consists of all roads not defined as arterials or collectors; primarily provides access to land with little or no through movement.

Recommendations:

- It is highly recommended that a more transportation-focused study for the Chapter be undertaken with the assistance of Navajo Nation Division of Transportation. The study would include determining the conditions of current roadways, average daily trips on the roadways, combined with future land use plans to determine where the greatest amount of traffic would be routed. This study would also include development and improvements of adjacent Chapters and overall future plans of the major arterials of the Navajo Nation. Coordination of the study would include various transportation related agencies such as New Mexico Department of Transportation, McKinley County Department of Transportation and the Navajo Nation Division of Transportation. Since a Thoroughfare Plan anticipates development and the need for expanded facilities, local governments can program the capital investments necessary to meet those long-term needs.

⁹ Thoroughfare Planning http://www.crtpo.org/PDFs/What_is_a_TFare.pdf

Utilities

Natural Gas

Navajo Tribal Utility Authority provides natural gas services to approximately 58 customers in the Chapter area. Natural gas service is provided via a (4) inch steel pipeline. The natural gas pipeline presently operates at 200 psi. The remaining homes, commercial and public buildings rely on individual propane tanks, pellet stoves or firewood. Navajo Tribal Utility Authority provides residential and commercial natural gas to customers located in Navajo Country where distribution facilities of adequate capacity and suitable pressure are adjacent to the premises to be served.

Recommendations:

- Expand natural gas throughout the Tse'ii'ahi' (Standing Rock) community.

Electric

Navajo Tribal Utility Authority provides electrical services to 146 homes including the 86 Navajo Housing Authority homes. There are approximately 10 homes without electrical power.

Proposed Project: Powerline/House-wiring Project - To plan, design and construct Power line Extension including archaeological and environmental studies to serve approximately 5 homes within 2.5 miles in the Tse'ii'ahi' (Standing Rock) Chapter. Phase 1 is the planning will include easements and right-of-way, archaeological and environmental studies. The design will be conducted concurrently with the planning and will take approximately 12 months. Phase 2 will consist of the construction of the powerline and will take 12 months. The Tse'ii'ahi' (Standing Rock) Chapter will manage the project, the Navajo Nation will be the fiscal agent for the project, Navajo Tribal Utility Authority will own and operate the powerline.

Recommendations:

- Update and resubmit power line extension proposal to tribal, state, and possible federal funding sources.
- Annually inventory how many homes are in need of house wiring and power line extension/hookups.
- Encourage potential homeowners and home site lease applicants to locate near existing power lines.

Water/Wastewater

Navajo Tribal Utility Authority operates and maintains the drinking water system. The system serves 138 homes including the 86 Navajo Housing Authority housing units. There are 46 homes without domestic water system. Three (3) sewer lagoon cells accommodate the housing units. The

majority of the community residents have septic tank systems. The Chapter tract and Bureau of Indian Education School use a separate sewer lagoon located north of the Chapter House.

Proposed Project:

Tse'ii'ahi' (Standing Rock) Waterline Extension - The project is to plan (including land acquisition, easement/rights-of-way, archeological and environmental studies and clearances), design, construct, for the Tse'ii'ahi' (Standing Rock) waterline extensions, to include land acquisition, archaeological and environment studies in Standing Rock Chapter, McKinley County. The project will consist of approximately 33 miles of PVC waterline. Phase I Planning will include: land acquisition, easement/ROW, archeological and environmental studies and clearances. Phase I Planning will take no longer than 24 months to complete. Phase II and III will include design and construction of the Tse'ii'ahi' (Standing Rock) Waterline Extensions. Phase II will take no longer than 24 months to complete. Phase III will take no longer than 30 months to complete. The Navajo Tribal Utility Authority will own and operate the system. The Navajo Nation will be the fiscal agent.

Regional Beacon-Bisti Lateral Water Project - regional water supply system will include planning, design and construction of a water transmission line. The project will interconnect eight chapters with proposed reaches of the Navajo Gallup Water Supply Project. The design will include approximately 31 miles of 6 to 16-inch diameter PVC pipeline (exact length and diameters will not be known until design completion). Phase I will consist of the planning (feasibility study) for the water supply that inter-connects up to eight water systems in Coyote Canyon, Tse'ii'ahi' (Standing Rock), White Rock, Nahodishgish, Crownpoint, Littlewater, Becenti, and/or Lake Valley chapters. Phase II and III will include easements and rights of ways, archaeological and environmental studies. Phase IV will include the design of the project and Phase V will consist of the construction. Navajo Nation will own the water project, NTUA will operate water system and Navajo Nation will be the fiscal agent. The Tse'ii'ahi' (Standing Rock) Chapter has received funding to conduct part of the feasibility study.

Recommendations:

- Continue to seek funding for residents that have no plumbing and domestic water lines.
- Inventory on an annual basis how many homes are in need of plumbing and water line extension/hookups.
- Encourage potential homeowners and home site lease applicants to locate near existing water lines.

Solid Waste

Residents use the trash/transfer station which is located off of Navajo Route 9.

Telephone/Communication

Navajo Frontier Communications provides landline telephone and internet service to the residents. It is estimated that 30% of the homes are without conventional telephone line service due to being located in a remote area of the community. Cellular phones are also used, Tse'ii'ahi' (Standing Rock) has developed, constructed and managed a Cellular One tower in an area that has reliable tower signals.

Recommendations:

- Research actual number of homes without telephone service and develop a proposal based on a feasibility study to determine what type of service can be implemented.
- Continue to update the needs through a community assessment, determine the high-risk residents, and coordinate with the Chapter Local Emergency Response Team.

Solar/Renewable Energies

The search for reliable and clean energy supplies has increasingly become a greater policy and planning priority. Benefits of pursuing clean energy development on tribal lands include:

- Long-term stabilization of energy costs
- Economic development
- Revenue generation opportunity
- Opportunity to conserve and sustain natural resources
- Energy self-sufficiency
- Strengthened tribal energy infrastructure

According to the community questionnaire, 92% of community members are interested in learning more about solar power. The U.S. Department of Energy Office of Indian Energy Policy and Programs commissioned an updated estimate of renewable energy potential on Indian lands to reflect and incorporate fast-moving renewable technology efficiency innovations. Updated data was analyzed by the Department of Energy Office of Indian Energy and by the Department of Energy's National Renewable Energy Laboratory, which used geospatial methodology to update and substantiate the estimated renewable energy technical potential on tribal lands. The purpose was to provide tribal governments with data to make informed decisions about renewable development options for their communities.

Recommendations:

It is the recommendation of this plan that Tse'ii'ahi' (Standing Rock) Chapter work with the U.S. Department of Energy Office of Indian Energy Policy and Programs to obtain an estimate of renewable energy potential on their lands. Renewable energy resources may include biomass, solar power, geothermal, hydropower, solar photovoltaics, and wind.¹⁰

¹⁰ <http://www.nrel.gov/docs/fy13osti/57048.pdf>

Land Suitability Analysis Update

The 2004 Community Based Land Use Plan identified three sites for potential development (Sites 1, 2A/2B, 3A/3B). During the course of that study, soils, ground/surface water, slopes and topography, vegetation, wildlife and archaeological sites were discussed. None of the sites indicated any potential problems with land development. When the Tse'ii'ahi' (Standing Rock) Chapter begins to identify future areas of development the following list of natural and cultural resources should be identified for each specific location.

Floodplain Areas

Executive Order 11988, Floodplain Management, and Executive Order 13690, Establishing a Federal Flood Risk Management Standard requires that any potential impact to floodplain areas be studied, assessed and identified to reduce the risk of floods loss; to minimize the impact of floods on human safety, health, and welfare; and to restore and preserve the natural and beneficial values served by floodplains.

The particular geology and climatic characteristics of the Navajo Nation make it especially vulnerable to short-term and long-term trends in precipitation and temperature. The University of Colorado Law School has prepared a report entitled "*Considerations for Climate Change and Variability Adaptation on the Navajo Nation*" which documents landscape changes and surface processes related to climate variability in this region, and it's linkages to ecosystem function. This work provides a foundation for evaluating flood hazards and risks associated with dust and sand storms. Through their work, information on geologic hazards, characterization of aquifers, soils, and environmentally sensitive areas were provided which may help community-based chapter governments. It is recommended that the Chapter obtain a copy of this plan and use it as a reference tool when planning in response to climate changes.

Recommendations:

- The Community Land Use Planning Committee would like to work with Federal Emergency Management Agency and prepare a Flood Plain Study.

Natural Resources

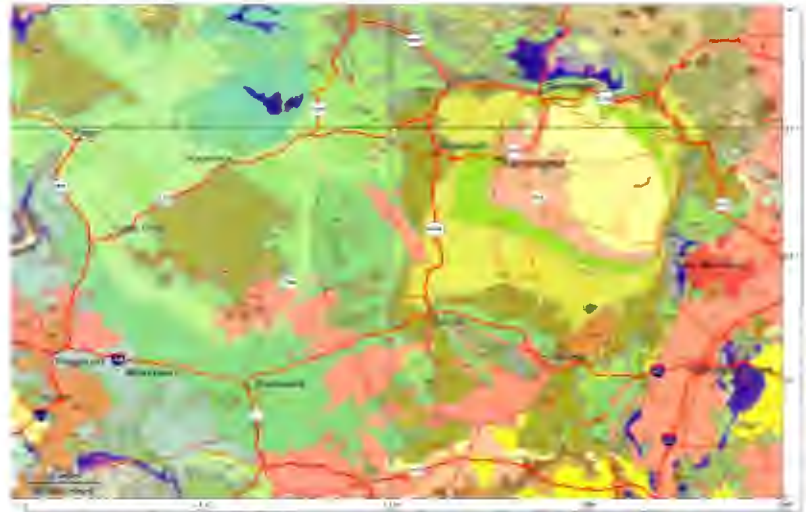
Natural resources are an important part of a community's character and appearance. Natural resources include geology/soils, climate, groundwater, surface water, wetlands, air quality, vegetation, wildlife, and threatened and endangered species.

The Tse'ii'ahi' (Standing Rock) Chapter lies within the Navajo Reservation in McKinley County. The Continental Divide, which separates the Atlantic and Pacific drainages of North America, runs north to south through the Southeastern part of the community.

The larger, eastern portion of the Chapter is located within the western tributary system of the Rio Puerco of the East, which forms part of the Rio Grande drainage system. The smaller, western portion of the community is located within the eastern tributary system of the Puerco River (also known as the Rio Puerco of the West), which is part of the Colorado River drainage system.

Geology/Soils

There are a variety of soils types in the community (30 in all) ranging from fine sandy loams to clays. Two of the most common soils are the Celavar-Atarque complex, which are comprised of 1 to 8 percent slopes (sandy clay loam to sandy loam, well drained, moderate shrink-swell potential, and moderate permeability), and Evpark-Arabab complex, with 2 to 6 percent slopes.



Source: http://geomaps.wr.usgs.gov/navajo/4corners/maps/geology_labels_to_wns.html

Climate

Tse'ii'ahi' (Standing Rock) averages about 15 inches of precipitation annually. Yearly evapotranspiration is near 30 inches; however, resulting in a semi-arid climate. Approximately 55% of the annual precipitation is due to winter storms from the Pacific Northwest. Snow accumulation from these storms rarely exceeds one foot, with much of it melting rapidly due to intense winter sunshine and the physical setting of the community lying in a basin). In the summer, isolated thundershowers develop from moist, tropical air from the Gulf of Mexico. Much of this moisture is lost from evaporation due to the intense summer sun.

Temperatures in the winter usually range between the upper thirties and the low forties (degrees Fahrenheit). Tse'ii'ahi' (Standing Rock) occupies a shallow depression that is subject to significant cold air pooling. As a result, temperatures occasionally drop below five degrees Fahrenheit. The pooling of cold air shortens the growing season here to less than 120 days a year. In the summer, temperatures generally reach highs from 90 to 95 degrees Fahrenheit.

Wetlands

Wetlands are lands transitional between terrestrial and aquatic systems that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a

prevalence of vegetation that is typically adapted for life in saturated soil conditions. Wetland system and classes are based on criteria set forth in the Clean Water Act of 1977, Executive Order 11990, and other regulatory materials.

The Natural Wetlands Inventory recognizes a wetland as such if it has one or more of the following three attributes:

- At least periodically, the land supports predominantly hydrophytes (any plant growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content)
- The substrate is predominantly undrained hydric soil (soil that is wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants)
- The substrate is non-soil and saturated with water or covered by shallow water at some time during the growing season of each year.

Both natural and man-made wetlands are present within the Chapter boundary, according to the U.S. Fish and wildlife Service, Natural Wetlands Inventory. These are all relatively small, mostly man-made, and only retain moisture for short periods of time.

Air Quality

Section 109 of the Clean Air Act (42 U.S.C. 1857-1857I, as amended by Public Law 91-604) requires that national primary and secondary ambient air quality standards be established. The Tse'ii'ahi' (Standing Rock) Chapter is located in McKinley County. The county has reached attainment, which indicates ambient air quality meets or exceeds the National Ambient Air Quality Standards.

The Navajo Nation monitors air quality through the Navajo Air Quality Program. In 1995, the Navajo Air Quality Program developed the Navajo Nation Air Pollution and Control Act, which authorized the regulation of air pollution sources on the Navajo Nation. In 1998, the United States Environmental Protection Agency finalized the Tribal Authority Rule implementing the provisions of Section 301 (d) of the Clean Air Act and authorized eligible Indian Tribes to be treated in the same manner as States in implementing their own tribal air programs through a Tribal Implementation Plan. The program has the authority to regulate different sources of air pollution located on the Navajo Nation. The program also follows the National Ambient Air Quality Standards for allowable levels of pollution.

The Navajo Nation maintains four monitoring stations, which operate 24 hours a day and take readings every 15 minutes. The monitoring stations are at the following locations

- Shiprock
- Fort Defiance
- Crownpoint
- Nazlini

Living Resources

Living resources consist of the plant and animals that reside in different habitats in Tse'ii'ahi' (Standing Rock). Taken together, these elements can be observed and used to monitor the health of the local ecosystem. A high diversity of species present usually indicates a healthier system both for wildlife and for people living nearby. By identifying and mapping the vegetation, noting potential wildlife, and being aware of potentially present threatened and endangered plants and animals, the community can take steps to avoid building in sensitive areas and protect the overall environmental health of Tse'ii'ahi' (Standing Rock).

Threatened and Endangered Species

Navajo Nation Division of Natural Resources Department of Fish and Wildlife has developed a *Navajo Endangered Species List Resources Committee Resolution No. RCS-41-08*.

- Group 1: Those species or subspecies that no longer occur on the Navajo Nation.
- Group 2 (G2) & Group 3 (G3): "Endangered" -- Any species or subspecies whose prospects of survival or recruitment within the Navajo Nation are in jeopardy or are likely within the foreseeable future to become so.
 - G2: A species or subspecies whose prospects of survival or recruitment are in jeopardy.
 - G3: A species or subspecies whose prospects of survival or recruitment are likely to be in jeopardy in the foreseeable future.
- Group 4: Any species or subspecies for which the Navajo Nation Department of Fish and Wildlife Navajo Nation Department of Fish and Wildlife does not currently have sufficient information to support their being listed in G2 or G3 but has reason to consider them. The Navajo Nation Department of Fish and Wildlife will actively seek information on these species to determine if they warrant inclusion in a different group or removal from the list. The Navajo Nation Department of Fish and Wildlife shall determine the appropriate group for listing a species or subspecies due to any of the following factors:
 1. The present or threatened destruction, modification, or curtailment of its habitat;
 2. Over-utilization for commercial, sporting or scientific purposes;
 3. The effect of disease or predation;
 4. Other natural or man-made factors affecting its prospects of survival or recruitment within the Navajo Nation; or
 5. Any combination of the foregoing factors.

Open Space and Recreation

The benefits of a vibrant open space, parks, and recreation system include improved human health and well-being, habitat conservation, ecological vitality, and cultural protection. The Open Space and Recreation Plan should identify areas that should be preserved for the benefit of community use and enjoyment. Areas that are culturally significant, contain wildlife and vegetation and drainage corridors and benefit the entire community should also be identified. When applicable, large areas of wildlife habitat should be linked with corridors that can be utilized by small and large wildlife. Larger washes and drainage corridors are ideal habitat, as they tend to have a more diverse and dense vegetation for both food supply and shelter.

Providing varied passive and active parks and recreation opportunities is essential to the community. Parks and recreation needs may vary - for this reason, many types of parks and recreation opportunities are necessary to meet the needs of the community. Some people will solely use ball fields, while others will only hike and be interested in a trail network. There are a host of potential recreational opportunities available.

A key to planning for parks and recreation within the community is the acquisition and appropriation of land to these uses. When considering future acquisitions, the Chapter should weigh the potential value of the land for meeting future demand of open space, parks, and recreation for the community. Land acquisition for new parks and open space need to be strategically planned to maximize existing and new resources, improve connections to trails and the open space network, and protect view sheds.

Much of the Chapter land is designated for grazing. However, the trend of raising livestock has diminished drastically over the past 30 years. The southern part of the chapter is a forest area, mountainous and has limited access by way of dirt roads. The majority of this land has been identified for open space due to the terrain.

The community would like hiking, walking trails and a jogging track planned in conjunction with any proposed tourism projects.

Recommendations:

- Within the Chapter tract there is land that is occasionally used for baseball. This recreation area could be expanded to include; basketball court, volleyball, running trail/track and a picnic area
- Improve enforcement of wood chopping permits

Proposed Multi-Purpose Facility

A multi-purpose center is a facility which can be enjoyed by people of all ages from promoting healthier lifestyles. A multi-purpose facility can house such things as gymnasium, library with computers and internet connections, nutrition center, welcoming area, indoor basketball courts, classrooms, community meetings and many more activities. The community assessment indicated strong support for youth orientated activities. The facility could accommodate youth, seniors and the community for many uses ranging from animal educational shows, recreational games for the youth and the use for family functions for the community.



Southern Ute Indian Tribe Multi-Purpose Facility

Recommendations:

- It is recommended that the Chapter identify an area for a multi-purpose facility and coordinate with Indian Health Service, Boys & Girls Club, Tribal, State and Federal programs for the planning and development of the proposed facility.

Expansion of Existing Community Cemetery

The Chapter wants to expand the existing cemetery. The proposed location of the expansion is west of the transfer station. Phase 1 is the planning phase which includes land withdrawal (acquisition) easements/rights-of-way, archaeological and environmental studies. Phase 2 will include the design of the project. Phase 3 will include the construction of the new cemetery. The Tse'ii'ahi' (Standing Rock) Chapter will own and operate the cemetery. The Navajo Nation will be the fiscal agent for the project.

Recommendations:

- Proceed with design and construction of the proposed cemetery.

Spiritual, Culture and Tradition

The community has traditional Hatathlii's, Native American Church and Christian church denominations. Like other Navajo communities, there is a mixture of inter-faiths. There is mutual respect for each other's own belief practices.

The main element is any culture that makes them distinct is the language. It is estimated that one-third of the Navajo families' reservation-wide speak the Navajo language fluently.¹¹

¹¹ Dine Culture and Language, Navajo Division of Education

The traditional Dine' way of life has transformed into a cash based society. Historically Dine' lived "with" Shi'ma Naha'za'an (Mother Earth) respecting her ways, raising livestock, hunting and agriculture. Today, keeping with tradition is through honoring K'e relationships, acknowledgment of family and social structures. There are traditional ceremonies that do keep the clans together by contributing what they can towards the "sing."

Updated Land Use Plan

Existing Land Use

The following exhibit illustrates the existing Land Use for the Tse'ii'ahi' (Standing Rock) Chapter.



Figure 9 – Existing Land Use Designations

Proposed Land Use/Future Development

The following exhibit illustrates the Proposed Land Use for the Tse'ii'ahi' (Standing Rock) Chapter.



Figure 10 – Proposed Land use Designations

Infrastructure Capital Improvement Plan

The following table illustrates the approved Infrastructure Capital Improvement Plan for FY 2018-2022. The Infrastructure Capital Improvement Plan illustrates the projects discussed throughout this Community Land Use Plan Update. Appendix D contains Resolution No: TSEIL.0716.7000 approving the Infrastructure Capital Improvement Plan.

Infrastructure Capital Improvement Plan FY 2018-2022

Standing Rock Chapter Project Summary													
ID	Year	Rank	Project Title	Category	Funded to date	2018	2019	2020	2021	2022	Total Project Cost	Amount Not Yet Funded	Phase?
25541	2018	001	New Headstart Center	Admin/Service Facilities (local)	155,854	2,000,000	1,500,000	0	0	0	3,655,854	3,500,000	No
21272	2018	002	Tse'n'ahi Waterline Extensions	Water Supply	0	400,000	800,000	4,300,000	0	0	5,500,000	5,500,000	Yes
27839	2018	003	Regional Beakon-Baati Lateral Water Project	Water Supply	500,000	1,150,000	750,000	11,500,000	0	50,000,000	65,900,000	65,400,000	Yes
12395	2018	004	Powerline/Housewiring Project	Utilities (publicly-owned)	0	117,000	350,000	0	0	0	467,000	467,000	Yes
29199	2018	005	New Community Cemetery Improvements	Other	0	90,000	60,000	100,000	0	0	250,000	250,000	Yes
31899	2019	001	New Senior Center Van	Senior Facilities	0	0	45,000	0	0	0	45,000	45,000	No
31814	2019	002	Senior Citizen Center Improvements	Senior Facilities	0	0	330,000	0	0	0	330,000	330,000	No
12499	2020	001	New Multi-Purpose Bldg	Admin/Service Facilities (local)	0	0	0	105,000	1,500,000	0	1,805,000	1,805,000	Yes
14427	2020	002	Rio Lobo Canyon Rd/BIA Road 7124	Highways/Roads/Streets/Bridges	0	0	0	150,000	150,000	0	300,000	300,000	Yes
10285	2020	003	New Tse'ii'ahi Comm Sch	Admin/Service Facilities (local)	0	0	0	510,000	4,500,000	0	5,010,000	5,010,000	Yes
29330	2020	004	New Garage for Senior Center	Senior Facilities	0	0	0	20,000	0	0	20,000	20,000	No
19155	2020	005	New House Wiring	Housing-Related Cap Infra	0	0	0	318,000	0	0	318,000	318,000	No
19146	2021	001	New Community Gas Pipe Line	Utilities (publicly-owned)	0	0	0	0	408,000	300,000	708,000	708,000	Yes
10213	2021	003	Center Bthrm Addns	Housing-Related Cap Infra	0	0	0	0	150,000	0	150,000	150,000	No
19159	2021	004	New Telephone Lines	Utilities (publicly-owned)	0	0	0	0	375,000	0	375,000	375,000	No
26698	2021	005	New Tse'ii'ahi Convenience Store	Economic Development	0	0	0	0	70,000	1,100,000	1,170,000	1,170,000	Yes

Tuesday, July 12, 2016

Standing Rock Chapter/ICP 13026

Tuesday, July 12, 2016

Standing Rock Chapter/ICIP 13026

Summary and Conclusion

The Community Land Use Planning Committee adhered to the community participation plan by incorporating the wants, needs and desires of the community members. The land use planning process provided systematic steps for the completion of the land use plan. The land use plan begins with the vision statement, followed by the public participation process and an update on the Chapter's demographic data. An assessment was performed on all community facilities which resulted in several recommendations for new buildings. The existing infrastructure and utilities were looked at and potential improvements were recommended. The land use inventory resulted in existing and proposed land uses.

Some of the projects have been identified in the Chapter's 2018-2022 Infrastructure Capital Improvement Plan. The Chapter can use the following summary list of recommendations made throughout the development of the present Plan as it establishes planning priorities for anticipated capital projects. This plan will help in the planning and fiscal management of future projects in relation to location, timing and financing over multi-year periods.

Proposed Land Use Recommendations

Short-term Priority Projects 2020-2022

- Multi-Use building location.
- Expansion of community cemetery.

Long-term Priority Project 2022 - 2031

- Community garden area.
- Emergency watering point.
- Recreation location (baseball, basketball court, running trail/track, picnic area).
- Commercial/business beltway.
- Walking path location.

Proposed Facilities Recommendations

Short-term Priority Projects 2018-2022

- New Head Start facility.
- Construction of new warehouse facility.
- New Bureau of Indian Education School.

Long-term Priority Project 2022 - 2031

- Construction of 1 home per year (1-Acre minimum housing site).
- New chapter house (long range project).
- Renovate or replace Navajo Nation Health Representative and New Mexico State University Tribal Extension office.
- Gravel area around Hogan.
- Remove two dilapidated and inhabitable buildings.

Proposed Infrastructure Recommendations

Short-term Priority Projects 2020-2022

- Rio Lobo Canyon Pipeline Road (N7049) – road improvement project.

Long-term Priority Projects 2020-2030

- Tse'ii'ahi' (Standing Rock) Chapter Loop Crossing (N7124) – road improvement project including new culverts and/or bridge.
- N7124 – upgrade road with construction of low water crossings.
- N7057 – upgrade road.
- N7049 – upgrade road.
- Improve bus stops and construct bus stop shelters.

Proposed Utilities Recommendations

Short-term Priority Projects 2020-2025

- 2.5 miles of powerline extension and construction.
- Waterline extension project /house wiring - Submitted a resolution on the manual. Continual monthly meetings & have a report & submit to the chapter. Being consistent with the school board. More discussions on the community assessment and manual production. Inquire about quotes for manual.
- Water/wastewater - continue to seek funding for residents that have no plumbing and domestic water lines.
- Determine number of homes without telephone service and develop types of services available.

Long-term Priority Projects 2020-2030

- Expand natural gas to the Tse'ii'ahi (Standing Rock) community.
- Determine the feasibility of installing solar/renewable energies within the Chapter boundaries.

Proposed Recommendations/Follow-Up Items for the Community Land Use Planning Committee

Ongoing Until Completed

- Encourage continual outreach and education on grazing management practices and permit applications.
- Prepare a community drought management and water conservation plan.
- Work with Navajo Nation Economic Development Office to conduct an economic development feasibility study for the Old Trading Post Site to determine the best future use.
- Advocate for a mobile health unit.
- Coordinate with Indian Health Service, Emergency Medical Services to incorporate new emergency response programs.
- Identify locations for new fire hydrants.
- Determine eligibility requirements and process to request funding for a fire station.

- Encourage the development of a neighborhood watch program in the Navajo Housing Authority Neighborhood and interagency public safety sub-stations.
- Coordinate with Navajo DOT on development of a Thoroughfare Plan.
- Work with Federal Emergency Management Agency (FEMA) to prepare a Flood Plain Study.

Navajo Nation Policies

- Tse'ii'ahi' (Standing Rock) Chapter follows the policies set forth by the Navajo Nation (A copy of the Resolutions, Bills and Policies the Chapter feels applicable are contained in Appendix E and will be added to as the Chapter sees fit).
- As the Chapter begins to implement the land use plan, they may choose to develop their own guidelines and policies.

Appendix A

Resolution of the
Transportation and Community Development Committee
TCDCMY-13-07

RESOLUTION OF THE
TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL-First Year, 2007

AN ACTION RELATING TO COMMUNITY DEVELOPMENT;
CERTIFYING THE STANDING ROCK CHAPTER'S
COMMUNITY-BASED LAND USE PLAN

BE IT ENACTED:

1. The Navajo Nation hereby certifies Standing Rock Chapter's Community-Based Land Use Plan attached as Exhibit 'A'. The Chapter shall amend the Community-Based Land Use Plan every five years, and such amendment is subject to the certification of the Transportation and Community Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §423(C)(2).

2. Certification of the Community-Based Land Use Plan shall not delineate adjacent chapter boundaries.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Transportation and Community Development Committee of the Navajo Nation Council at a duly called meeting at Standing Rock Chapter, Navajo Nation (New Mexico), at which a quorum was present and the same was passed by a vote of 7 in favor and 0 opposed, this 11th day of May, 2007.


Chairperson, Transportation and
Community Development Committee

Witness: Willie Begay
Secretary: Leslie Dele

Appendix B

Tse'ii'ahi' (Standing Rock) Chapter
Community Land Use Planning Committee 2015
(Public Participation Plan)



Tse'ii'ahi'

*Community Land Use
Planning Committee*

2015

Purpose

This plan serves as a guide for Tse'ii'ahi (Standing Rock) Community Land Use Planning Committee to implement the citizens participation activities within a wider context of developing a community vision in guiding the principles and its goals for the community. It also serves to:

- ♦ Provide a better understanding of the citizen participation process
- ♦ Define responsibilities of Community Land Use Planning Committee at several levels
- ♦ Apply experience and research in citizen participation program development from projects to housing community development work

Our effective citizen participation plan development is based on the philosophy that people have both the desire and ability to plan and carry out development programs to enrich their lives. The degree to which this is accomplished depends on people having the opportunities to learn and apply the knowledge, imagination, and the experience toward solving mutual problems. This guide suggests sound and proactive ways to develop programs and plans using a citizen participation process. Experience has that only effective development problems can be achieved only with the support and involvement of our community members.

Some key benefits of a citizen participation plan is as part of the program development process are:

1. It keeps consultants and development professionals in direct touch with the people that the programs are designed to benefit (program beneficiaries).
 2. It increases the quality and effectiveness of programs because the knowledge, creativity, and leadership skills of the local community members are utilized. We feel a greater responsibility for the success of programs when we all help to develop them.
 3. The involvement of citizens multiplies the efforts of Land Use Planning Committees and will produce more successful programs than professionals could produce alone.
 4. It provides for continued evaluation which people determine as planning progress to set new objectives to keep the planning going in the right direction.
 5. It provides a means of coordinating programs with other groups, organizations and other entities of Tse'ii'ahi Chapter that are addressing problems of the same or similar nature.
 6. It helps to identify resources needed to conduct some effective programs and to legitimize these needs.
 7. It has helped people develop their confidence and leadership. People had an opportunity to satisfy their basic needs to participate as members of a group, render services and receive recognition.
-

OPPORTUNITIES

The intended outcome of the consolidated planning process is the integration of the broad base of knowledge and expertise of citizens with workers in the housing and community development fields. Together, the Navajo Nation, state agencies and community based organizations are the Tse'ii'ahi (Standing Rock) Chapters most valuable assets— a major investment of resources in the Tse'ii'ahi (Standing Rock) community's future. Tse'ii'ahi (Standing Rock) land use plans can help maintain a good return on that investment by responding to community members varied needs for economic growth and stability.

Future planning efforts will focus in four areas: providing decent housing; providing a suitable living environment; providing expanded economic opportunity; improving the effectiveness of programs. Tse'ii'ahi (Standing Rock) Chapter Land Use Plan used a priority-focused planning process that will coordinate housing and community development activities among program units throughout the Northern and Eastern Navajo and encourage solutions, multi-disciplinary programs. This has required a planning and management process that is appropriate for the complexity of the organizational structure. For the changing external factors influencing programs and the need to accountable for the public and the private resources that has been granted or that it will coordinate.

This plan has guided the project and can be used in the future when the Tse'ii'ahi Chapter has to update their community based land use plan.

Tse'ii'ahi (Standing Rock) Chapter

Introduction

The Navajo Nation Chapter Governments are now working towards becoming a "Governance Certified Chapter" under the provisions of the Navajo Nation Code (N.N.C) Title 26 Local Governance Act of 1998 (LGA). Once the Tse'ii'ahi Chapter demonstrates their capacity to develop and implement the Five Management System and received certification from the Transportation and Community Development Committee of the Navajo Nation Council, they are on their way to have more local decision-making authority.

The Chapters must also develop a comprehensive community-based land use plan. When the land use plan is certified by the same oversight committee, the chapter may administer land if they choose to do so. They can issue home site and business site leases and ensure the policy and the procedures are in compliance with the Navajo Nation and Federal Laws.

The Office of Navajo Government Development has been awarded a grant from Navajo Housing Authority funded under Native American Housing Assistance Self Determination Act (NAHASDA). The grant is to provide technical assistance to chapters in developing the beginnings of their community-based comprehensive land use plan. The project provides \$40,000 for 30 chapters for 4 years, starting in 1999, 2000, 2001 and 2002. The emphasis of the land use planning project is to assist Tse'ii'ahi (Standing Rock) Chapter in identifying land for housing based on a community assessment and provide a technical report pertaining to the lands that are identified for housing. Both LGA and NAHASDA require that a Public Participation Plan be developed.

The Tse'ii'ahi (Standing Rock) Land Use Plan will combine the planning, application, and reporting processes for NAHASDA lead entity, Navajo Housing Authority (NHA). The plan will be used as a guide and reference for the planning and development of these programs. It contains information related to the Navajo Nation housing and community development policy regarding citizen participation and program development.

The Standing Rock Land Use Plan examines the current housing situation, explores the housing and community development needs of the Standing Rock Chapter, and sets priorities for spending grant monies.

A vital component of exploring the Navajo Nation housing and the community development needs and setting spending priorities is the participation of citizens. The development of the Tse'ii'ahi (Standing Rock) Chapter Land Use Plan will offer citizens the opportunity to play an active and vital role in the process of Tse'ii'ahi (Standing Rock) strategic planning sessions.

*"Community Planning Conference" circa 1961;
to discuss the land and water conservation
plan. (Source: Bureau of Indian Affairs Land
Operations Report)*



Purpose

The intended outcome of the consolidated planning process is the integration of the broad base of knowledge and expertise of citizens with workers in the housing and community development fields. Together, the Navajo Nation, state agencies and community-based organizations are few of the Tse'ii'ahi (Standing Rock) Chapter's most valuable assets, a major investment of resources in the community's future. Tse'ii'ahi land use plans can help maintain a good return on that investment by responding to community members various needs for economic growth and stability.

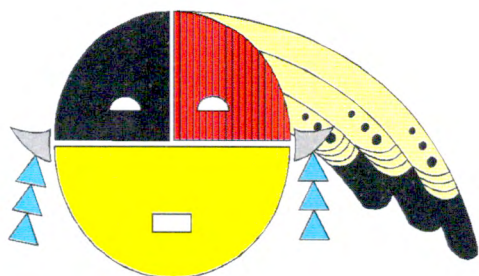
Future planning efforts will focus in four areas: providing decent housing; providing a suitable living environment; providing expanded economic opportunity and improving the effectiveness of programs. Tse'ii'ahi (Standing Rock) Chapter Land Use Plan will use a priority focused planning process that will coordinate housing and community development activities among program units throughout the Northern and Eastern Navajo agencies and encourages solution-oriented, multidisciplinary programs. This will require a planning and management process that is appropriate for the complexity of the organizational structure, the changing external factors influencing programs, and the need to be accountable for the public and private resources it has been granted or that it will coordinate.

Community planning is not new to the Navajo Communities. When it comes to land use and water, the people do come together to discuss the issues and solutions as depicted in the photograph above. A generation after generation tradition, as our elders have left for us to practice. If Chapter Governments, land users and various community organizations were provided adequate funding and resources there could and can be positive changes.

In the 1960's there was sufficient financial and human resources that made a great impact on land and water conservation projects in the communities. As we continue, we have now faced drought, land and resources to sufficient loss revenue.

Navajo Legend: Stinging Insects

When the Black Thunder people came to Tse'ii'ahi (Standing Rock), a place about nineteen miles east of Naschitti, the leader of the Black Thunder people looked back at the long line of his people, and far off in the distance he saw a boy throwing dust and dirt high into the air. Black Thunder went on again and then a little later stopped once more and looked back, and again saw the boy throwing dust and dirt into the air. This happened four times and the leaders wondered what it meant. Finally they stopped and talked it over and at last, becoming very curious, they decided to send someone back to see what the boy was doing, so Black Thunder told some people to run back and find out, and when they arrived at the place where the boy had last been seen, they could find nothing there but a yellow worm about three inches long. The people all crowded together to look at it, and as nothing else was to be seen there they said it must be the boy. The leader told one of the men to pick up the worm, and as he reached down the worm leaped high in the air, as high as the men standing about. They were frightened at this and stepped back, and the worm jumped again and again until it had jumped four times, and at the fourth jump it turned into a man, and quantities of bees poured out of his mouth and lighted on all the people, getting into their hair, eyes, and ears, and stinging and frightening them badly. They begged the man to stop sending these bees to torment them, but he did nothing but laugh and laugh, and sent forth more bees in swarms until the people were in great agony. At last they gave the man a Yellow Kehtahn and he drew in his breath and sucked all the bees back into his mouth. This was the first time that any of the people had seen bees, and there were all kinds, honeybees, hornets, and bumblebees, and every kind of bee, big and little. Then they saw that the man was Begochiddy, and were greatly amazed. The Kehtahn which they gave him was filled with tobacco and the end stuffed with sacred pollen, and this has been Begochiddy's Kehtahn ever since. Begochiddy told the people that he would go with them and watch over them, and the people were glad and went on their way, when suddenly Begochiddy disappeared from their midst and they did not see him go, so they knew that he had gone up into the sky. Begochiddy releases bees from his mouth as a demonstration of his cosmic place, for bees, which occur elsewhere in Navajo mythology, are almost certainly the host of stars, and Begochiddy, as Polaris, is Lord of Hosts.



Haile Chant and Water Chant;
1946, Mary C. Wheelwright.

Community Assessment

The following charts and graphs were formatted based on the U.S. Census 2000 Summary File 1 and 2. It provides an overview of what the Tse'ii'ahi (Standing Rock) demographics, the findings are based on the census report. Also included is the 2015 Resident Survey, completed and initiated by local community land use planning members and implemented by 6 (six) members who visited a total of 185 homes.

The findings of the data gathering from various programs are included are the existing land use portion of this final report. Since the information deals mainly with land use trends and future needs of the community. We find that there are many resources to benefit from if we provide a accurate assessment.

The vision of the community members were derived from several public meetings. We ask the community what are some of there hopes and dreams for the Tse'ii'ahi (Standing Rock), "your" community. In the resident survey the question was asked of what are the top priorities of the community. The list of those are also included in the section.

The Community Land Use Planning Committee request that a map of the 5 regions that are sub-communities be made part of this plan. This is helpful because you can see where more development is happening as compare to the outlying areas of the community. Another map was requested to include the original customary use prior to the 1980 Census Tract Maps were created.

Just as other chapters, the gender is evenly split. A recent 2015 resident survey was taken by the head of house member (s) in our community and completed with these numbers:

Nearly half of the population is under the age of 24 yrs. old. If the youth stay in the community, of course the housing needs will be overwhelming for the chapter.

One solution is to encourage the families to begin "family land use planning": begin plotting home sites on paper; where are they to obtain water and electricity? Is there enough families to construct a small scale sewer lagoon?

Just as other chapters, the gender is evenly split. A recent 2015 resident survey was taken by the head of house member (s) in our community and completed with these numbers:

Nearly half of the population is under the age of 24 yrs. old. If the youth stay in the community, of course the housing needs will be overwhelming for the chapter.

One solution is to encourage the families to begin “family land use planning”: begin plotting home sites on paper; where are they to obtain water and electricity? Is there enough families to construct a small scale sewer lagoon?

History

Land Use Planning Background

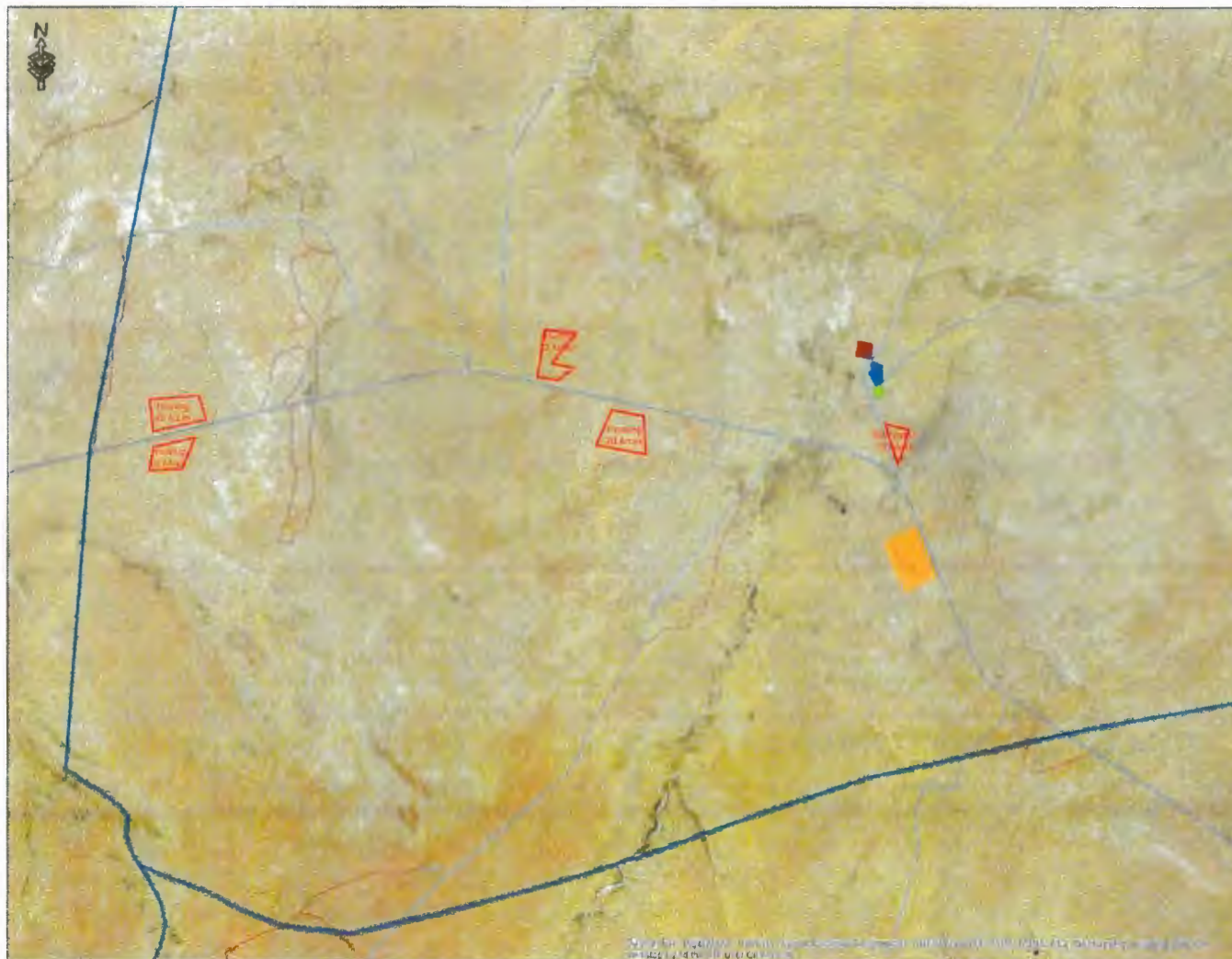
- ♦ Project started in 1999, Anna Rondon as the consultant
- ♦ In 2007– Plan was certified by the TCDC
- ♦ Per LGA, Title 26; Section 2004: CLUPC; Land Use Variations
- ♦ Update and Certified once every 5/10 years
- ♦ From December 2014 to June 2015; CLUPC assignment is to update the Plan

Methodology

- ♦ The Tse'ii'ahi Chapter and CLUPC will not utilize a consultant to update the Plan
- ♦ A Timeline was established ending July 2015

Community Assessment

- ♦ The committee members were assigned to do the community assessment in the months of March, April and May 2015
- ♦ Attached is a summary of the actual data collected



Standing Rock
LUP

Legend

--- Parcel Roads

Type

Parcel

Parcel Overlay

MM_Parcel_101013

--- not other values

Type/Land

SHL Land

Shrubland

Forestland

Flowering

Mountain

Storage Habitat

Proposed

School

Major Highway 750' Buffer

--- NHT, Tribal Roads

--- NHT, County Roads

--- NHT, State Roads

--- Major Highways

0 100 200 300 400 Feet

DISCLAIMER

Information provided is for informational purposes only and is not intended to be used for any other purpose. The Navajo Nation is not responsible for any errors or omissions in this information. The Navajo Nation is not responsible for any damages, including consequential damages, arising from the use of this information. The Navajo Nation is not responsible for any damages, including consequential damages, arising from the use of this information.

NAVAJO LAND DEPARTMENT
GIS SECTION

NAVAJO LAND DEPARTMENT
300 6th St
Window Rock, NM 86501
1-800-551-7341

DATE: 10/10/2013

ICIP Listing (2017-2021)

- ♦ By Tse'ii'ahi Chapter Resolution No.:

TSEII.0615.6000

- ♦ Top three (5) Prioritized Projects:

1. Renovation of the Navajo Nation Head Start Complex
 2. Regional Beacon Bisti Lateral Water Project
 3. Purchase Heavy Equipment
 4. Cemetery
 5. Rio Lobo Canyon Road
-

Appendix C

Leasing Documents

- Navajo Nation Division of Natural Resources – Land Withdrawal Information
- General Leasing Regulations – Navajo Land Department



Navajo Nation Division of Natural Resources
P.O. Box 9000
Window Rock, Arizona 86515
(928) 871-6592 & 6593
Fax# (928) 871-7040
dnrpr@navajo-nsn.gov

FOR IMMEDIATE RELEASE

June 17, 2015

New Land Withdrawal Designation Regulations Approved

WINDOW ROCK, AZ. – The Resources and Development Committee of the Navajo Nation Council passed a resolution on Tuesday, June 16th approving the Land Withdrawal Designation Regulation to designate land for future development.

The Navajo Land Department has been working diligently to amend regulations to clarify and expedite the land withdrawal designation process, which was causing a little confusion among the chapters and making project time lines longer. These regulations will enhance the chapter Land Use Plans.

Navajo Nation Land Department Director Mike Halona, stated, "We're trying to clarify the difference between a land withdrawal designation process and land conveyance process. We hope the passage of these new regulations will help clarify and streamline the land withdrawal process for the Navajo chapters to develop their community land use plans. Without recording chapter land use plan (CLUP) land designation, we could be adversely developing within an area planned for other use."

A land withdrawal designation does not authorize development or disturbance on Navajo Nation land. Moreover, it does not apply to how to get a lease. Prior to any development on the land, a lease must be obtained in addition to the withdrawal.



Navajo Nation Division of Natural Resources
P.O. Box 9000
Window Rock, Arizona 86515
(928) 871-6592 & 6593
Fax# (928) 871-7040
dnrpr@navajo-nsn.gov

The purpose of a land withdrawal designation is to designate an area of land for future development by ensuring that the rights of grazing permittees, who are in compliance with their grazing permits are properly addressed as applicable and as required under 16 N.N.C. § 1401 et seq. and to prevent any subsequent claims to the land and ensuring that the affected chapter supports the land withdrawal designation and use of the land.

Halona added, "With the approval of the Navajo Nation General Leasing Regulations of 2013, which gave the Navajo Nation authority to approve leases; this Land Withdrawal Designation Regulation is step one in the Land Use Planning process. The Navajo Land Department is in the process of establishing a Navajo General Leasing Office, where all leases and permits will be administered by the Navajo Nation. Land Withdrawal Designation Regulations was just one among other regulations that are being developed."

The Resources Development Committee within approval of this legislation also included that "the Navajo Nation government may develop on land designated by the Land Withdrawal Designation without a lease for government purposes only."

The Resources and Development Committee authorized the Navajo Land Department director the power and authority to give final approval of all land withdrawal designations on the Navajo Nation.

For more information about how to acquire a land withdrawal, contact the Navajo Nation Land Department at (928) 871-6401.

General Leasing Regulations

"To promote self-determination, encourage self-sufficiency, and improve efficiency of leasing of Navajo Nation Trust Lands."



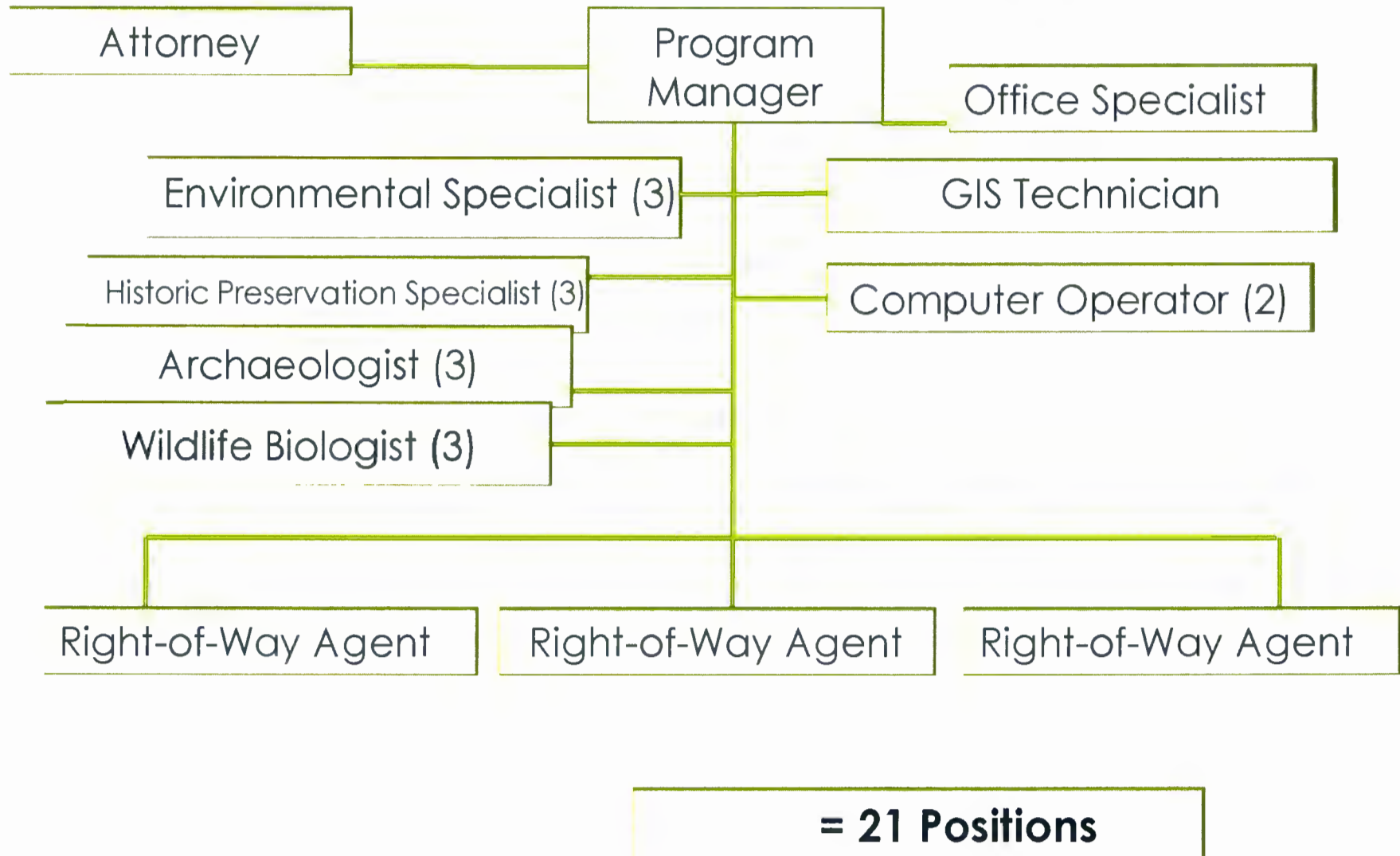
Navajo Land Department

Elerina Yazzie, Program Manager

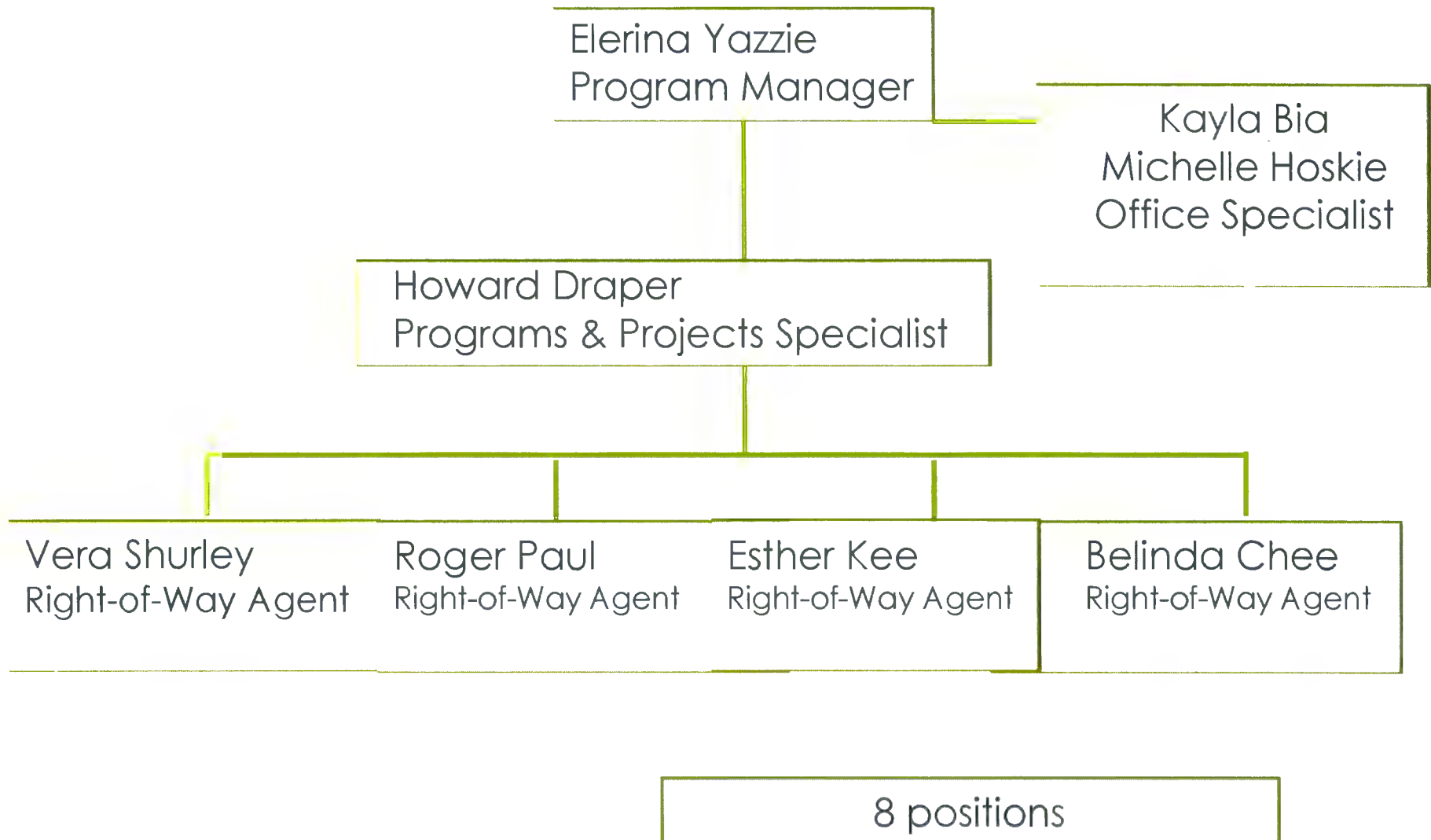
Navajo Land Department Consultation Work Session

Sheraton by the Airport, Albuquerque, NM

April 20 - 21, 2016

[illegible]

General Leasing//Project Review Office



What's the General Leasing Regulations of 2013?

- Date effective: May 16, 2016
- The Navajo Nation is authorize to issue leases without the approval of the Secretary of Interior EXCEPT MINERAL LEASES
- "The process on the Navajo Nation for agriculture, public, religious, educational, recreational and residential leases must be streamlined.....provided such leases are executed under tribal regulations approved by the Secretary.....The Secretary is authorized to approve tribal regulations if such regulations are consistent with 25 U.S.C. § 415 (a), including any amendments and that an **Environmental Process** is provided."

Codified Under Navajo Nation Code

16 N.N.C. §2301 et seq.

Title 16 LAND

**Chapter 23. Navajo Nation General Leasing Regulations of
2013.**

Subchapter 1. General Provisions

Purpose and Scope:

- Implement the authority of the Navajo Nation to issue Leases and Permits (pursuant to the Navajo Leasing Act) **and to establish a streamlined procedure(s) for environmental review, approval, management and enforcement of leases for trust lands.**
- ...The General Leasing Regulations must be in place prior to any Leases or Permits being approved under the authority of the Navajo Leasing Act.
- These regulations apply to all Leases and Permits for use or possession of Navajo Nation Trust Lands authorized (under 25 U.S.C. §§ 415(a), 415(e) and 635(a)) including Leases for the development or utilization of natural resources

What is a Lease?

- A written agreement between the lessor and a lessee, issued under these Regulations (as authorized by 25 U.S.C. §§ 415 A and E), wherein the lessee is granted a right to possess Navajo Nation Trust Land for a specific purpose and limited duration.

*****Leases are required for any short or long term use or where any permanent structure is fixed or located on Navajo Trust Land. Failure to comply with this will be addressed pursuant to applicable Navajo Nation Law.***

Leases that apply to General Leasing Regulations...

- ▣ Renewable Energy Leases
- ▣ Agricultural Leases
- ▣ Telecommunication Site Leases
- ▣ Leases for:
 1. Public
 2. Religious
 3. Educational
 4. Recreational
 5. Residential

Duration of Leases

No Lease shall be approved more than twelve (12) months prior to the commencement of the term of the lease. Any such lease may include the option to renew for up to two additional terms, each of which may not exceed 25 years on such terms and conditions as may be specified in such Lease, or such greater terms as may be authorized by Congress.

- 75 Year Lease applies to:
Residential
- Various years terms
Public, Recreational, Educational, Religious or
- 25 Year Lease applies to:
Any other lease than those listed above

Obtaining a Lease

All applicants need to submit a Letter of Application to the Land Department with the all required supporting documents.

A final lease application requires the following documents for processing:

1. Completed Lease Form
2. Appraisal (if applicable)
3. A Certified Site Survey, Survey Plat and Legal Description (Leases shall contain adequate site surveys and legal descriptions based on metes and bounds, rectangular or lot and block systems).
4. Documentation of an Environmental Review
5. Other applicable documents that may be required by Navajo Nation or Federal Law

1. Completed Lease Form

- Lease shall be in a *form approved by the Navajo Nation* in accordance with applicable law and shall include standard terms and conditions, *that can only be modified by the approval of the Navajo Nation.*
- Group 2 – “Streamliners” (established at DNR Supervisory Meeting on January 20 – 21, 2016, Twin Arrows) Right-of-Way processing & Streamlining (RDC Leadership Meeting with DNR in November 2015)
- “Letter of Application” versus an application and a required document checklist

Establishing transparency, accountability and efficiency.

2. Appraisal

How are appraisals completed?

The Fair Annual Lease Value shall be determined by an appraisal performed by the Navajo Nation (Licensed Appraiser) utilizing the following data:

1. Improvement Cost
2. Replacement Cost
3. Earning Capacity
4. Sales and Lease Data of Comparable Sites

Appraisals are not required for a Lease for:

1. Residential purposes (home sites, schools, religious facilities or medical facilities)
2. Leases for use of Federal, state, local governments, non-profits, public projects/ utilities for Navajo people or;
3. For other public purposes as authorized by applicable laws and regulations.

The Uniform Standards of Professional Appraisal Practice shall be utilized and an appraisal value of trust land shall be attached to every Lease

4. Environmental Review Process (ERP)

- Prior to exercising leasing authority under these regulations, the Navajo Nation shall create a position within the Navajo Nation Division of Natural Resources to be the Environmental Compliance Officer for Leases or Environmental Reviewer.
- The Navajo Nation shall not approve of any lease or permit if there is a determination of *Environmental Review non-compliance under Subchapter 8* in these regulations, if passed it will be considered null and void.
- **The Lessee is responsible for Environmental Compliance Determination**

The Navajo Nation shall not make a final Leasing or Permitting decision unless the Nation has ensured compliance with the ERP.

Environmental Reviewer's Authorities & Duties

1. Review all proposed Leases and Permits to ensure compliance with the General Leasing Regulations and other applicable law & policies
2. Establish procedures to expedite the Compliance Determination process and consult with appropriate Navajo Nation agencies in the development and implementation of any such procedures
3. Perform the ERP and make a summary of Environmental Review Findings and Compliance Determinations or "Compliance Determination Summary"

Threshold Determinations – CATEX/FONSI

▣ Leasing and Permitting Decisions Not Subject to ERP

1. The Navajo Nation is not required to undertake an environmental review under these regulations for activities exempt under Navajo Nation or federal law
2. The Navajo Nation is not required to undertake an environmental review under these Regulations for the activities it determines are a CATEX, unless the activities may have a Significant Impact on the quality of the human environment.
3. If the ER determines that a leasing decision is exempt or qualifies as a CATEX, the ER shall provide written documentation of such determination.

If the ER determines, after consulting with the proper agencies that the leasing decision by its nature would not individually or cumulatively have a Significant Impact on human health or the environment, to include the biological and cultural resources of the Nation, the ER shall issue a written Finding of No Significant Impact (FONSI) and the leasing decision shall be exempt from additional requirements of the ERP

CATEX –Activities

1. Acquisition, repair, improvement, reconstruction or rehabilitation of buildings and improvements not requiring a change in land use
2. Acquisition, repair, improvement, reconstruction or rehabilitation of facilities (other than buildings) and improvements not changing the size or capacity and not changing the design use
3. Activities already contemplated under a master lease for which the environmental review was already completed
4. Renewals, extensions and amendments to existing leases and permits where the environmental review was already completed and No Significant Impact to the human environment will occur
5. Removal of materials and architectural barriers that restrict the accessibility of elderly and handicapped persons.

Leasing Decision Has Impacts

- The leasing decision is subject to the Environmental Review Process (ERP) when the ER determines it will individually or cumulatively have a Significant Impact on human health or the environment including but not limited to: Impacting, Altering or Disturbing the biological and cultural resources of the Navajo Nation.
- In this instance the leasing decision shall not be made until the ER completes the ERP required by the General Leasing Regulations.

Lessee Responsible for Environmental Compliance Determinations

- [illegible]

Applicable Environmental Laws

1. National Historic Preservation Act, 16 U.S.C S470
 2. Endangered Species Act, 7 U.S.C. S136, 1531
 3. Farmland Protection Policy Act, 7 U.S.C. S4201
 4. Clean Air Act, 42 U.S.C. S7401
 5. Eagle Protection Act, 16 U.S.C. S668-668c
 6. Migratory Bird Treaty Act, 16 U.S.C. S703 -712
-
1. Navajo Environmental Policy Act, 19 N.N.C.
 2. Navajo Cultural Resources Protection Act, 19 N.N.C
 3. Navajo Solid Waste Act, 4 N.N.C
 4. Navajo Air Pollution Prevention and Control Act, 4 N.N.C.
 5. Navajo Safe Drinking Water Act, 22 N.N.C
 6. Navajo Clean Water Act, 4 N.N.C
 7. Navajo Underground Storage Tank Act, 4 N.N.C
 8. Navajo Pesticide Act, 4 N.N.C
 9. Golden and Bald Eagle Nest Protection Regulations (GBENPR)
 10. Navajo Endangered Species List
 11. Biological Resource Land-Use Clearance Policies and Procedures

Compliance Determinations

- The lessee shall request a Compliance Determination from each agency identified by the ER and shall provide the agency with information required to make the determination.
- The findings and compliance determinations must be signed by the agency official responsible for such findings and determinations.
- The compliance determination performed by the agencies must clearly describe the leasing decision under consideration and provide an evaluation of the leasing decision's impact on the regulated resource/condition, and provide a finding whether the leasing decision will comply with all applicable environmental laws.
- If the ER and lessee have made reasonable efforts to obtain a compliance determination from the respective agencies and are unable to within thirty (30) days of the agency having received the request, the ER may make the compliance determination, provided, the compliance determination must be supported by knowledge and reliable information that can be obtained from other sources.

Public Notice Requirements & Hearings

- If the ER Finds that a leasing decision is likely to have a Significant Impact on the human environment, the ER will consider and analyze reasonable alternatives that may minimize the impacts and provide the public notice of the Navajo Nation's intent to complete an ERP as well as the opportunity to comment on the alternatives.
- The notice will be published in a local newspaper for thirty (30) days, comment period, with notice on where the Environmental Review Record (ERR) can be obtained.
- The ER will decide or not to hold public hearings.

Compliance Determinations in Existing or Previous Review Documents

- Existing leases – have undergone an environmental review pursuant to the General Leasing Regulations, the Nations' Business Site Leasing Regulations or the Nation Environmental Policy Act of 1969, those earlier environmental review documents may be used to meet one or more compliance determination(s) under the General Leasing Regulations subject to the ER's determination that the compliance determination adequately evaluates the impacts of the leasing decision.
- As early in the process the ER should review the earlier environmental review documents and assess whether the compliance determinations in those documents sufficiently evaluate the impacts of the leasing decision. If disturbances associated with the leasing decision were not evaluated by the earlier environmental review documents, a compliance update or amendment from the agency that has regulatory responsibility for there resouce that has not been adequately evaluated shall be required.

National Environmental Protection Agency (NEPA) Reviews

- In the event a federal agency requires the lessee to conduct an environmental review under the National Environmental Protection Agency (NEPA) in connection with a federal decision that is related to the leasing decision, the ER may use those NEPA documents for purposes of the ERP if the documents meet the requirements of the General Leasing Regulations

Finding of Environmental Compliance and Completion of the ERP

Before the ER may complete the ERP, the ER shall:

1. Ensure that the public comment period has passed – all comments are considered including the Navajo Nation if any and record it into the record
2. Find and place in the record a signed, dated statement that the leasing decision is in compliance with all applicable environmental requirements (“Finding of Compliance”)
3. The summary of the compliance findings in the record shall include:
 - The identification of the source of a compliance determination if contained in an earlier environmental review
 - A summary and copy of each agency’s compliance determination for all applicable environmental laws under that agency’s purview, including any conditions of compliance or required mitigation.

Upon completion of the ERP, the ER will transfer the record to the appropriate Nation legislative body – Resources and Development Committee

Revisions on ERR

- The ER will reopen an Environmental Review Record (ERR) if there are changes in the nature, magnitude or extent of a proposed activity, and that activity was not already contemplated and may have a significant effect on the human environment.
- There are changes in the circumstances and environmental conditions, and these were concealed in the original ERR.
- There are changes in data and conditions since the original ERR was completed

Once the responsible entity reevaluates the ERR, it shall either revise the ERR or develop a new ERR.

Terms & Conditions

- ▣ Leases shall be in a form approved by the Navajo Nation in accordance with applicable law and shall include standard terms and conditions. The standard terms and conditions may be modified only with the approval of the Navajo Nation
- ▣ Leases may contain a provision that requires a leasee to consent to the jurisdiction of the Navajo Nation to address all issues arising out of the lease.

Performance Bond

- The lessee, unless otherwise provided, shall obtain a performance bond in an amount that reasonably assures performance of the lease.

This bond will guarantee:

1. The annual lease payment
2. The estimated development costs of improvements
3. Compliance with a reclamation plan, if applicable – lessee is required to submit the plan before approval and implement the plan at termination of the lease
4. Any additional amount necessary to ensure compliance with the lease.

The Navajo Nation may waive the bond requirement or reduce the amount if it is in the best interest of the people. This bond requirement does not apply where the Navajo Nation has waived the rent (except where a reclamation plan is necessary).

Insurance

A lessee shall obtain insurance from a nationally accredited insurance company (with a rating of "A" or equivalent) and must be authorized to do business in the state where the premises is located or authorized by the Navajo Nation. The insurance requirements shall not apply to home site lease or when the Navajo Nation is the lessee.

The insurance shall cover liability and the amount shall be efficient to cover:

1. Improvements
2. Personal injury or death
3. Any reasonably potential or foreseeable loss of the lessor and the United States.
4. Shall expressly identify the lessor and the US as additional named insurance parties

The Navajo Nation may waive the insurance requirement for any lessee that is an entity or enterprise of the Navajo Nation.

Improvements

- The improvements to the premises shall become the property of the Navajo Nation at the termination of the leasehold unless otherwise stated in the lease. *(If the lease authorizes the improvements to be removed by the lessee, the lease shall specify the time allowed for such removal).*
- If provided for in the lease, a lessee may develop equity value in the improvements and sell its interest in the lease based on the equity value. The Navajo Nation shall have a right of first refusal to purchase such interest.

Subleases, Assignments, Amendments and Encumbrances

- All subleases, assignments, amendments or encumbrances of any lease shall require the written consent of the Navajo Nation as well as any sureties, unless otherwise provided herein.
- Sublease – a lease may authorize a sublease (in whole or in part) however, the lessee is still responsible for its duties and responsibilities under the lease notwithstanding any subleasing of the leasehold or any part of it.
- Encumbrances – the lease may authorize encumbrances to the leasehold interest for the purpose of financing to develop and improve the premises subject to the approval of the Navajo Nation.

*If a sale or foreclosure happens and the encumbrancer is the purchaser, the Nation or lessee, provided the encumbrancer/assignee must agree in writing to be bound by all terms and conditions of the lease.

*If the purchaser is a party other than the encumbrancer, approval by the Navajo Nation is required and any approved purchaser must agree in writing to be bound by all the terms and conditions of the lease.

Lease Administration

- A. The Navajo Nation shall administer leases executed pursuant to the General Leasing Regulations and may administer existing leases previously approved by the Secretary as may be provided for under a 638 or other applicable authority.
- B. The Navajo Nation shall employ sound real estate management practices in exercising its authority under the General Leasing Regulations including without limitation in accounting, collections, monitoring, enforcement, relief and remedies.
- C. Political subdivisions of the Navajo Nation may issue leases pursuant to a Delegation of Authority provided they do so in accordance with the General Leasing Regulations.

Accounting & Administration Fees

- [illegible]

Enforcement

- The Navajo Nation and its delegated political subdivisions shall have the authority to enforce the terms and conditions of the leases and permits issued under the General Leasing Regulations
- **Defaults and Remedies**
 1. A lease shall include provisions for fair notice, default and remedies.
 2. Upon a showing to the Nation that there has been a violation of the lease or of the General Leasing Regulations by a lessee, the lessee shall be provided with written notice of the alleged breach and given ten (10) days to show cause on why the lease should not be cancelled.
 3. Upon request by the lessee, the lessee shall be given a reasonable opportunity to cure a breach which the Navajo Nation determines can be corrected and the lessee shall proceed to perform and complete the corrective actions within a reasonable time period as established by the Navajo Nation's authorized representative.

Cancellations

- If the Navajo Nation cancels a lease – the Navajo Nation shall provide the lessee with thirty (30) days advance notice of the cancellation by certified mail, which shall become effective thirty-two days after mailing. Such notice shall state the right to appeal to the Office of Hearings and Appeals and a statement of any monies due.
- In the event of a cancellation of a lease - the filing of an appeal shall not change the effective date of the cancellation but shall stay any eviction proceeding. Pending the outcome of the appeal, the lessee shall make all requisite payments, as well as comply with the terms of the lease, including any requirements for environmental or hazardous waste remediation and reclamation of the leasehold remises. If the lessee fails to make such payments pending the outcome of the appeal, the stay shall be lifted and the Navajo Nation may immediately commence eviction proceedings, bring an action in forcible entry and detainer, and pursue remedies under the Navajo Nation Civil Trespass Act or take other action the Navajo Nation deems appropriate.

Penalties

- A lease shall specify the rate of interest to be charged if the lessee fails to make payments in a timely manner and identify additional late payment penalties.
- Unless the lease provides otherwise, interest charges and late payment penalties shall apply in the absence of any specific notice to the lessee from the Navajo Nation and the failure to pay such amounts shall be treated as a breach of the lease.

Harmful or Threatening Activities

- If a lessee or other party causes or threatens to cause immediate and significant harm to the premises, or engages in criminal activity thereon, the Navajo Nation may take appropriate emergency action in accordance with Navajo Nation law – including immediately cancelling the lease.
- Other actions:
 - ◆ commencing with eviction proceedings
 - ◆ bringing an action in forcible entry and detainer
 - ◆ pursuing remedies under Navajo Civil Trespass Act or;
 - ◆ taking any other action deemed appropriate to protect the public interest, the premises and the environment.

Holdover and Trespass

- A lessee remains in possession after the expiration or cancellation of a lease – the Navajo Nation may treat such as a holdover tenancy or a trespass.
- If it's a trespass – the Navajo Nation may pursue any remedy available under Navajo or Federal law

Appeals

- A lessee or interested party may appeal a final determination made by the Navajo Nation regarding a lease within twenty (20) days of the determination.
- This appeal is required to be filed with the Navajo Nation Office of Hearings and Appeals in a written format that contains:
 1. the basis of the appeal
 2. a short statement demonstrating the interest of the appellant
 3. a short statement indicating the nature and circumstance of the appeal
 4. a short statement indicating the remedy being sought.

A stay of enforcement shall be effectuated only by the filing of an appeal bond set by OHA pending the exhaustion of all available Navajo Nation remedies, except in matters involving home site leases, which shall not require an appeal bond. Service of process shall be made on the authorized Navajo Nation representative identified in the lease and to the Navajo Office of Attorney General in accordance with the Navajo Rules of Civil Procedure.

Appeal Bond

- An appeal bond shall be set in an amount sufficient to protect the Navajo Nation from all financial losses that may occur as a result of the appeal. The appeal bond requirements shall not be separately appealed but may be contested during the appeal as a preliminary matter for an expedited decision by OHA.
- OHA shall uphold the determination of the Navajo Nation UNLESS:
 1. Arbitrary, an abuse of discretion or otherwise not in accordance with the law
 2. In excess of statutory jurisdiction, authority or limitations or short of statutory right
 3. Without observance of procedure required by law or;
 4. Unsupported substantial evidence

Appeals to the Navajo Nation Supreme Court

- The lessee or interested party may appeal, within thirty (30) days, the final decision of OHA to the Navajo Nation Supreme Court.
- A stay of execution may be effected by the Navajo Nation Supreme Court only by the filing of an Appeal Bond except in matters involving home site leases that don't require appeal bonds.
- The failure to exhaust all administrative remedies before the OHA or to file an appeal within thirty (30) days shall be a jurisdictional bar to the filing and consideration of any such appeal. Review shall be limited to issues of law and the record. The court shall uphold findings of fact if supported by substantial evidence and review issues of law de novo. A finding of fact is supported by substantial evidence where, upon examining the relevant evidence, a reasonable mind could except the evidence as adequate to support the conclusion.

Records

- All records will be recorded at the (except Permits that do not involve any land disturbance):

Land Title Records Office
Southwest Regional Office
P.O. Box 26567
Albuquerque, New Mexico 87125

- ▣ Copies of leases, subleases, amendments, renewals, cancellations, etc. shall be provided to each Navajo Regional Office for *information purposes only to:*

*Eastern Navajo Agency
Real Estate Services
P.O. Box 328
Crownpoint, New Mexico 87313*

- ▣ Navajo Land Title Data System (NLTDs)

DNR Supervisory Meeting Group 2

Action Plan Worksheet – 12 Areas

1. Identify Reviewers & Approvers in 164 Process
(establish working relationships w/departments)
2. Jurisdictional Issues, Sec. 106, CATEX, FONSI
3. Completion of Forms (checklist & application)
4. Development of Right-of-Way Regulations
5. Software Language Consistency & Compatibility
6. Timelines, Tracking, Transparency of Reviews
7. Staff & Funding Issues
8. Managing Right-of-Way Documents
9. Internal Training (all reviewers & support staff – NLTDS)
10. Finalize Draft of Plan of Operation for DNR
11. RDC Approval
12. Public Education & Political Leadership Training; Website

Group 2 Streamliner's Meetings

- February 4, 2016 – (first meeting) discussed Group 2's Action Plan (12 Items)
- February 12, 2016 – (informal meeting at Twin Arrows) in order to streamline, the group came to the conclusion that we need to automate the NN process for project review including the 164 process
- February 18 – reviewed draft of Right-of-Way application and checklist, Software Consistency Language
- March 17, 2016 – FONSI/CADEX Issue
- March 28, 2016 – Navajo Environmental Protection Agency Pilot Project proposed to the President's Office
- April 6, 2016 – NLTDS Demonstration to Navajo EPA and President's Office
- April 14, 2016 – Recap discussion of direction, NLTDS training and implemental in May 2016
- April 28, 2016 – next meeting

Where can I get information?

- ▣ Navajo Nation Land Department
P.O. Box 2249
Window Rock, AZ 86515
- ▣ Phone: (928) 871-6401
- ▣ www.dinebikeyah.com

Appendix D

Resolution of the Tse'ii'ahi' Chapter - Resolution No.: TSEII.0716.7000
Adopting and Approving the Tse'ii'ahi' Chapter
Infrastructure Capital Improvement Plan (ICIP) for 2018-2022



THE NAVAJO NATION
TSE'II'AHÍ' (Standing Rock) CHAPTER
P.O. BOX 247
CROWNPOINT, NEW MEXICO 87313
(505) 786-2247/2248
FAX: (505) 786-2249
Email address: standingrock@navajochapters.org

Russell Bogaça, Navajo Nation President

Jonathan Nez, Navajo Nation Vice-President

RESOLUTION OF THE TSE'II'AHÍ' CHAPTER
RESOLUTION NO.: TSEII.0716.7000

Adopting and Approving the Tse'ii'ahi' Chapter Infrastructure Capital Improvement Plan (ICIP) for 2018 – 2022

WHEREAS:

1. Pursuant to 26 NNC, Section 3 (A) the Tse'ii'ahi' Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed in 11 NNC, part 1, section 10; and
2. Pursuant to 26 NNC, Section 1 (B) Tse'ii'ahi' 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 Tse'ii'ahi' Chapter recognizes that the financing of public capital projects has become a major concern of the Navajo Nation and nationally. In times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and
4. The systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and
5. The Tse'ii'ahi' Chapter with this process contributes to local and state efforts in project identification and selection in short and long range capital planning efforts, along with project ready projects. The Infrastructure Capital Improvement Plan 2018-2022 Prioritize Project List.

NOW THEREFORE BE IT RESOLVED THAT:

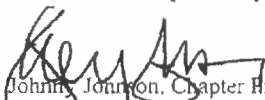
The Tse'ii'ahi' Chapter supports the Prioritize Project List for 2018-2022 and has adopted the attached Infrastructure Capital Improvement Plan (ICIP). It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for Navajo Nation's Infrastructure.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Tse'ii'ahi' Chapter at a duly called chapter meeting at which a quorum was present and that the same was passed by a vote of 34 in favor, 00 opposed and 02 abstained this 12th day of July 2016.

Motion by: Billy Yazzie, Jr.

Second by: Michael Coan


Johnny Johnson, Chapter President
TSE'II'AHÍ' CHAPTER

Johnny Johnson, Chapter President
Velvet Keaseo, Chapter Vice-President
Arlene Tec-Coan, Chapter Secretary/Treasurer

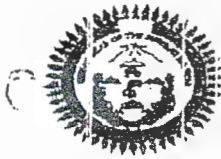
Jonathan Perry, Council Delegate

Janice Padilla, Community Service Coordinator
Kelly Craig, Office Specialist
Clinton Jim, Land Board Member

Appendix E

Resolutions:

- Resolution of the Standing Rock Chapter – Name Change to Tse’ii’ahi’ Chapter
- Navajo Legislative Bill 0765-09 – Ethics and Rules Committee
- Navajo Nation Code: Title 26 Navajo Nation Local Governance Act
- Resolution Approving Tse’ii’ahi (Standing Rock) Chapter Community Land Use Plan 2017



THE NAVAJO NATION
STANDING ROCK CHAPTER
P.O. BOX 207
CROWNFORD, N.M. 87313
(505) 786-2247/2248
FAX: (505) 786-2249

RESOLUTION OF THE STANDING ROCK CHAPTER
Resolution No.: STAN.0809.5005

Requesting the Name Change of Standing Rock Chapter to be officially known as "Tse'li'ahi" Chapter" and Requesting to the appropriate Standing Committee of the Navajo Nation Council and to the Full Navajo Nation Council for their Approval

WHEREAS:

1. The Standing Rock is certified by the Navajo Nation Council, vested with the authority and responsibility to plan, promote development of chapter government which enhances local self-governance and to implement projects in the best interest of the community; and
2. Most Dine' people living in the local community in the early 1900's have adopted the traditional name for a protruding rock formation, a key landmark as "Tse'li'ahi" which translates into Standing Rock; and
3. In the spring of 1991 the local school board wrote a formal letter requesting to the Department of Interior, Bureau of Indian Affairs requesting the school name to be changed from Standing Rock Community School to Tse'li'ahi Community School; and
4. The request was published in the Federal Register in March 1991, and thereof authorized all formal documents and communications to utilize the new name as "Tse'li'ahi" Community School.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Standing Rock Chapter hereby supports the request of the name change of Standing Rock community to be officially known as "Tse'li'ahi" Chapter" and requesting to the appropriate Standing Committee of the Navajo Nation Council and to the full Navajo Nation Council for their approval.
2. From the beginning of the "Na'haa'ta" concept which evolved in the current governmental structure of local decision making deems it appropriate to identify itself as unique.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Standing Rock Chapter in duly called meeting at which a quorum was present and that same was passed by a vote of 43 in favor, 00 opposed and 02 abstained on this 18th day of August 2009.

Motion by: Velvet Kalleco

Second by: Edison Johnson

A handwritten signature in black ink, appearing to read "Johnny Johnson".

Johnny Johnson, Chapter President

Johnny Johnson, Chapter President
Rory C. Smith, Chapter Vice President
Aileen Tse'li'ahi, Chapter Secretary/Treasurer
Harry Mulford, Council Delegate

Anita Altred, Land Board Member
Rosta Smith, Community Services Coordinator
Ann Bobo, Office Specialist

21st NAVAJO NATION COUNCIL

Fourth Year, 2016

COMMITTEE REPORT

Mr. Speaker,

The TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL, to whom has been assigned

NAVAJO LEGISLATIVE BILL 0765-09

Has had it under consideration and reports the same as DO PASS with no amendments.

And thence referred to the ETHICS AND RULES COMMITTEE.

Respectfully Submitted,


Sampson Begay, Chairperson

Adopted: 
Advisor

Not Adopted: _____
Advisor

Date: 1/7/2017

The vote was 7 in favor and 0 opposed

Motion: Omar Begay, Jr.

Second: Willie Begay

21st Navajo Nation Council

Fourth Year 2010

Mr. Speaker,

The **ETHIC AND RULES COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL 0765-09

Has had it under consideration and reports the same with a **DO PASS with NO AMENDMENTS :**

And therefore referred to the **21ST NAVAJO NATION COUNCIL.**

Respectfully submitted,

Francis Redhouse, Chairperson

Adopted: 
Advisor

Not Adopted: _____
Advisor

Date: **January 08, 2010**

The vote was 7 in favor and 0 opposed
Excused:
Absent:

Dr-12-17 06:35pm From-Navajo Election Administration

*6298717344

T-834 P 002/022 P-225

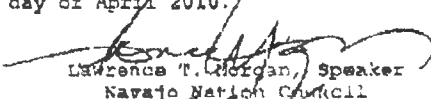
CAP-23-10

Section 4. Savings Clause

If any provision of this Act is determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 53 in favor and 7 opposed, this 22nd day of April 2010.



Lawrence T. Morgan, Speaker
Navajo Nation Council

Date

Motion: Edmund Yezzie
Second: Peterson B. Yezzie

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of _____ 2010.


Dr. Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (12), this _____ day of _____ 2010 for the reason(s) expressed in the attached letter to the Speaker.

Dr. Joe Shirley, Jr., President
Navajo Nation

NAVAJO NATION CODE: TITLE 26

Navajo Nation Local Governance Act

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Chapter 1
NAVAJO NATION CHAPTERS

Subchapter 1. Generally

Section 1. Title; Purpose; Authorization; Prior Inconsistent Law Superseded; Amendment

A. Title

This Act shall be cited as the "Navajo Nation Local Governance Act" and herein codified in Title Twenty Six (26) of the Navajo Nation Code.

B. Purpose

1. The ~~purpose of the~~ Local Governance Act is to recognize governance at the local level. Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition. This Act clearly defines the executive and legislative functions of the Chapter as well as the duties and responsibilities of Chapter officials and administrators consistent with the Navajo Nation's policy of "separation of powers" and "checks and balances."

2. Enactment of the Local Governance Act ~~allows~~ authorizes Chapters to make decisions over local matters. This authority, in the long run, will improve community decision making, allow communities to excel and flourish, enable Navajo leaders to lead towards a prosperous future, and improve the strength and sovereignty of the Navajo Nation. Through adoption of this Act, Chapters are compelled to govern with responsibility and accountability to the local citizens.

C. Authorization

The Navajo Nation Council, by Resolution CAP-34-98, hereby approves the Navajo Nation Local Governance Act.

D. Prior Inconsistent Law Superseded

~~Under~~ On the effective date of the Navajo Nation Local Governance Act, all inconsistent enactments, laws, rules, policies, ordinances and regulations of the Navajo Nation and all branches, divisions, departments, offices and political subdivisions thereof are superseded hereby and/or amended to comply herewith.

E. Amendment

This Act may be amended by the Navajo Nation Council subject to approval of a majority of all Chapters of the Navajo Nation; ~~or this Act may be amended by referendum vote of a majority of all Chapters as set forth in 11 N.N.C., Navajo Nation Election Code.~~

Section 2. Definitions

The language contained in this Section applies generally to all Chapters except as otherwise provided in this Act.

1. "Accounting system" means the methods and records established and maintained to identify, assemble, analyze, classify, record and report a Chapter's financial transactions and to maintain accountability, in accordance with generally accepted governmental accounting principles (GAGAP), or another comprehensive basis of accounting, other than (GAGAP) of such transactions and for the related assets and liabilities. NNC Resolution # CJY-42-04
2. "Administrative functions" are those activities of the Chapter government which are non-legislative, and involve the conduct of programs.
3. "Allotment" means a parcel of land either owned by the United States in trust for an Indian (trust allotment) or owned by an Indian subject to restriction imposed by the United States against alienation (restricted fee allotment).
4. "Alternative form of Chapter governance" means to give a new design, function or organization to the existing Chapter government.
5. "Attendance" means to be present.
6. "Chapters" are units of local government which are political subdivisions of the Navajo Nation.
7. "Chapter Certification" means the process required of a community group, pursuant to Section 3, seeking to establish a certified Chapter of the Navajo Nation Government.
8. "Chapter employee" means any person or entity working for, or rendering or exchanging any services or performing any act for or on behalf of the Chapter in return for any form of payment or other compensation or thing of value received or to be received at any time temporarily, permanently or indefinitely, in any capacity; ~~whether as agent, servant, representative, consultant, advisor, independent contractor or otherwise.~~
9. "Chapter meeting minutes" means the record of all action taken at a duly called meeting of the Chapter.
10. "Chapter membership" means:
 - a. for voting purposes and participation in the Chapter government, all registered voters of the Chapter, or those representing such voters pursuant to governing models adopted by the Transportation and Community Development committee of the Navajo Nation Council pursuant to this Act. NNC Resolution # CO-51-04
 - b. for purposes of services and benefits, all tribal members young and old, who either reside within or are registered in the Chapter. An individual may not be a member of more than one Chapter.
11. "Chapter official" - ~~means the following public officials elected by the Chapter membership: Chapter President, Chapter Vice President, and Chapter Secretary/Treasurer~~

The President, Vice-President, and Secretary/Treasurer of a certified chapter, or, for purposes of the Election Code, other officials who may be locally elected based upon governing models adopted by the Transportation and Community Development Committee of the Navajo Nation Council pursuant to this Act. NNC Resolution # CO-51-04

12. "Chapter ~~ordinance referendum~~ ballot measure" means the official ~~vote~~ action of a Chapter's registered voters on a proposed resolution or ordinance pursuant to Section 1003 (B) and 2001(H) et seq. of this Act. NNC Resolution # CO-51-04

13. "Chapter resident" means one who dwells permanently or continuously within the ~~boundaries of a Chapter~~ service area.

14. "Chapter resolution" means the document recording the official action taken by the Chapter membership at a duly call Chapter meeting.

15. "Community Based Land Use Plan" means a document adopted by Chapter resolution setting forth current and proposed uses of land within Chapter ~~boundaries~~ service area, illustrating such uses by map or plat.

16. "Contracting" means the act of entering into written agreements which impose legal obligations on the parties who are signatories to the agreement.

17. "Custodian" means having day to day charge of official books, records, documents, equipment, property and funds of the Chapter.

18. "Eminent domain" means the taking of land used by an individual, or legal person or entity, in which an individual, or legal person or entity, has an interest for a governmental purpose. "Just compensation" must be paid to the user for taking of such as prescribed by Navajo law.

19. "Filing System" means the system by which all Chapter documents are maintained.

20. "Five Management System" means a management system which includes: ~~accounting~~ fiscal, procurement, ~~filing~~ records, personnel and property management.

21. "Governance Procedure Requirements" means the process Chapters must complete pursuant to Section 102 to begin exercising authorities pursuant to this Act.

22. "Governmental purposes" means activities carried out by the Chapter for the general health, safety and welfare of the Chapter membership.

23. "Local governance" means governance by and through Chapter governmental bodies as set forth by this Act.

24. "Manager" means the individual who is responsible for administering the Five Management System and the administration of the Chapter

25. "Navajo Nation law" means Navajo statutes, administrative regulations and Navajo common law.

26. "Ordinance" means a local law, rule or regulation enacted by a Chapter pursuant to this

Act.

27. "Oversight" means the general supervision of administrative functions by the Chapter officials and/or the manager to ensure accountability.

28. "Personal property" is all supplies, materials, equipment and other property, including expendable and nonexpendable property, capitalized and non-capitalized, but does not include real property or fixtures. Capitalized property is nonexpendable property having acquisition value of \$1,000.00 or more.

29. "Personnel management" means the system by which recruitment, retention and termination of employees is administered at the Chapter.

30. "Property management" means the system by which the Chapter administers accounts for real and personal property obtained or controlled as a result of past transactions, events or circumstances.

31. "Real property" is any interest in land, together with the improvements, structures and fixtures located thereon.

32. "Registered voter" means having one's name officially placed on a list of eligible voters.

33. "Sub-contract" means the act of entering into a written agreement between a Navajo Nation Chapter and a Navajo Nation division, program or entity.

34. "Technical assistance" means services rendered by the central Navajo Nation government with respect to the authority to be exercised by Chapters as described herein.

Section 3. Chapter Certification

A. There shall be certified at least one Chapter organization in each Chapter precinct which elects delegates to the Navajo Nation Council. The list of certified Chapters is at 11 N.N.C. Part 1 Section 10.

B. Until increased by certification by the Navajo Nation Council, the number of certified Chapters shall not exceed one hundred and ten (110).

C. Additional Chapter may be certified only if all of the following are met:

1. Upon presentation of evidence to the Navajo Nation Council that the proposed Chapter represents a community group which has existed and functioned as a community for four (4) continuous years.

2. Upon presentation of evidence that the population of the area exceeds 1,000 persons for each of the existing Chapters and that there is a need to establish others.

3. Upon presentation of evidence that the topography or the unique demography of the Chapter area makes it necessary to have more than one Chapter to allow residents access to Chapter Meetings.

Section 101. Chapter Governance Requirements

- A. To ensure accountability, all Chapters ~~are required to~~ shall adopt and operate under a Five Management System. Chapters shall develop policies and procedures for the Five Management System consistent with applicable Navajo Nation Law.
- B. Chapters wanting to administer land, pursuant to this Act, are required to develop a community based land use plan based upon results of a community assessment.

Section 102. Governance Procedure Requirements

- A. The Navajo Nation Auditor General's office shall review the Chapter's Five Management System policies and procedures and recommend governance certification of the policies and procedures to the Transportation and Community Development Committee.
- B. Upon review and recommendation by the Auditor General's office, the Transportation and Community Development Committee of the Navajo Nation Council shall certify the Five Management System policies and procedures. Also, the committee shall review, if applicable, the Chapter's community based land use plan. Upon governance certification by the Transportation and Community Development Committee, the Chapter may exercise authorities pursuant to Section 103 (D) of this Act.
- C. Chapters subsequently approving a community based land use plan must receive certification from the Transportation and Community Development Committee. Certification by the Transportation and Community Development Committee authorizes Chapters to administer land pursuant to Section 103 (E) ~~(D)~~ (1).

Section 103. Chapter Authority

- A. The members of each Chapter, at a duly called meeting, are authorized to oversee the authority delegated to the Chapter pursuant to this Act.
- B. All authority exercised by a Chapter shall be consistent with Navajo Nation law.
- C. All authority exercised by a Chapter, pursuant to this Act, may be preempted by Navajo Nation Council statutes and/or resolutions.
- D. All Chapters, by Chapter resolution, may exercise the following authorities, including, but not limited to:
 - 1. Issue home and business site leases or permits. The issuance of leases and permits shall be done in accordance with uniform rules and regulations promulgated by the Resources Committee and the Economic Development Committee of the Navajo Nation Council. This provision shall not apply to allotments.
 - 2. Acquire, sell or lease property of the Chapter.
 - 3. Enter into agreements for the provision of goods and services.
 - 4. Enter into agreements with other Chapters to undertake a common goal or interest

which will benefit the Chapters.

5. Enter into intergovernmental agreements with federal, state, tribal entities and/or their agencies, subject to the approval of the Intergovernmental Relations Committee of the Navajo Nation Council.

6. Enter into contracts or sub-contracts with the Navajo Nation for federal, state, county and other funds, subject to the approval of the Intergovernmental Relations Committee. This provision is not intended to alter federal contracts between Chapters and the United States which pre-date the enactment of this Act.

7. Enter into contracts or sub-contracts for Navajo Nation general funds, with appropriate Navajo Nation divisions, programs or agencies for service delivery programs.

8. Appropriate funds, according to conditions set forth by the Navajo Nation Council. divisions, departments or and other funding sources, including Chapter claims funds and Chapter scholarship funds.

~~9. Reallocate funds, subject to existing funding or contract requirements, provided that 30% percent of the registered members of the Chapter approve the reallocation. NNC Resolution # CJY-42-04~~

10. Retain legal counsel.

11. Establish a peacemaking system or administrative procedure for resolving disputes arising from Chapter resolutions, ordinances, or administrative action; including matters arising from personal disputes. The peacemaking system should emphasize Navajo custom for resolving disputes not otherwise contrary to Navajo law and/or custom.

12. Generate revenue through means established by the Chapter consistent with this Act.

E. Chapters may adopt the following ordinances pursuant to Section 2001 of this Act.

1. Amend the land use plan to meet the changing needs of the community.

2. Acquire property by eminent domain, pursuant to Section 2005 of this Act. This provision shall not apply to allotments.

3. Acquire and administer capital improvement project funds.

4. Zoning ordinances consistent with the Chapter's community based land use plan.

5. Regulatory ordinances for governmental purposes, enforcement of which shall be by the Chapter, for the general health, safety and welfare of the Chapter membership, consistent with Navajo Nation law.

6. An alternative form of Chapter governance based upon models ~~provided~~ adopted by the Transportation and Community Development Committee of the Navajo Nation

Council.

7. A municipal form of government or Chapter sub-units based upon models provided by the Transportation and Community Development Committee of the Navajo Nation Council.

8. Local taxes pursuant to a local tax code developed by the Navajo Tax Commission and approved by the Navajo Nation Council.

9. Local fees based upon guidelines established by the Navajo Nation Council.

10. Issue community bonds.

11. Compensate the Chapter President, the Vice President, and the Secretary/Treasurer or other officials who maybe locally elected based upon governing models adopted by the Transportation and Community Development Committee of the Navajo Nation Council pursuant to this Act.

13. Shall implement the land use plan for socio-economic, community development, infrastructure development, community facility development, roads, and other community projects.

14. Implement housing plans, recreation, and conservation plans, comply with environmental laws and develop a master land use plan through chapter ordinances and zoning ordinances.

15. Develop capital improvement plans with local, tribal, federal and state entities.

F. Chapter members may delegate the resolution authority to the Chapter administration through the Chapter ordinance process. The delegation of authority specifically applies to: the issuance of home, business and other site leases, contracting, the authority to acquire, sell or lease personal property of the Chapter, and to appropriate funds.

G. The Chapter Officials and/or the Chapter membership are prohibited from granting monetary loans and approving per capita distribution of Chapter funds to the Chapter membership.

H. All residents of the Chapter, whether registered voters or not, are subject to the jurisdiction of the Chapter pursuant to this Section.

Chapter 2

CHAPTER GOVERNMENT

Subchapter 5. Navajo Nation Chapters, Officials and Administration - Generally

Section 1001. Duties and Responsibilities of Chapter Officials

A. Chapter officials are elected by the Chapter membership to facilitate the conduct of Chapter meetings and guide policy making within the Chapter. The administrative functions of the Chapter government are to be left to the Chapter employees. An individual may not serve as both a Chapter official and Chapter employee at the same time.

B. The duties and responsibilities of the Chapter officials are as follows:

1. The Chapter President shall:

a. Consult with the Chapter Vice President, Secretary/Treasurer, Council Delegate(s), and Chapter staff in preparation of the agenda for each Chapter meeting. ~~If applicable, the~~ President shall also consider proposed agenda items from the planning meeting.

b. Preside and maintain order over Chapter meetings. All Chapter meetings shall be conducted according to the standard order of business pursuant to Section 1003 of this Act.

c. Provide all residents of the community with equal opportunity to speak on issues before the Chapter.

d. Recommend the establishment of and appointment to the standing and special committees of the Chapter to the membership for approval. All committees shall have a Chapter approved Plan of Operation, detailing scope of work and tenure.

e. Adjourn or postpone a Chapter meeting in the event of:

1. A lack of quorum;

2. Disorder at the meeting;

3. Unforeseen emergency;

4. When a Chapter meeting is adjourned, recessed or postponed, the Chapter President shall provide notice to the Chapter members as to the time and place of the next or continued Chapter meeting.

f. Vote in case of a tie.

g. Call emergency or special Chapter meetings.

h. Coordinate, plan and organize to improve Chapter functions and activities.

i. Ensure that the duties and responsibilities of the Vice President and the Secretary/Treasurer are carried out in the best interest of the Chapter community.

j. Work closely with the Vice President, and Secretary/Treasurer, to ensure that the Chapter administration is adequately meeting the Chapter's directives and expending funds according to conditions of the Navajo Nation Council and/or the Chapter's annual budgetary objectives; and shall report to the Chapter membership.

k. Follow-up with Tribal, Federal and State governments or their agencies on resolutions, ordinances, recommendations, proposals and projects of the Chapter.

l. Take action to protect the life and property of the members of the Chapter in case of an emergency or other crisis.

m. Carry out the decisions of the Chapter and not frustrate those decisions in any way.

n. Work closely with Council members, Chapter elected officials, committees and other concerned groups or agencies.

o. Encourage and promote community participation in planning and development.

p. Mediate disputes, if appropriate, of families residing within the Chapter and/or refer such family disputes to appropriate social service or law enforcement authorities, as the circumstances may require.

q. Represent the Chapter at meetings which the Chapter has interest.

r. Keep informed of all Chapter related activities and acts to advance the interests of the community in all matters.

s. Have authority to sign all contracts, leases and all other official documents upon approval by of the Chapter membership, unless otherwise stated.

t. Delegate to the Vice President certain duties and responsibilities of the presidency, when the President is otherwise incapacitated or is unavailable to perform his duties. Support and assist the President and Secretary/Treasurer in carrying out the decisions of the Chapter and not act to frustrate those decisions.

2. The Chapter Vice President shall:

a. Automatically assume the duties and responsibilities of the Chapter President, in the absence of the President during Chapter meetings.

b. In the event of an unforeseen situation, assume delegated duties and responsibilities of the Chapter President for a reasonable time period.

c. Assist the President and Secretary/Treasurer with their duties and responsibilities: including recording and writing the minutes of Chapter meetings and prepare, finalize all resolutions, proposals, letters and other important documents, record votes and other official actions of the Chapter.

d. Work closely with Chapter elected officials, committees and other concerned groups or agencies.

e. Monitor community projects.

f. Represent the Chapter at meetings of which the Chapter has interest.

g. Support and assist the President and Secretary/Treasurer in carrying out the decisions of the Chapter and not act to frustrate those decisions.

h. Mediate disputes, if appropriate, of families residing within the Chapter and/or refer such family disputes to appropriate social service or law enforcement authorities, as the circumstances may require.

i. Represent the Chapter at meetings which the Chapter has interest.

j. Keep informed of all Chapter related activities and acts to advance the interests of the community in all matters.

3. The Chapter Secretary/Treasurer shall:

a. Maintain complete and accurate records of all Chapter activities and provide written information ~~when called upon~~.

b. Assist the President and Vice President in preparing the agenda.

c. Prepare and finalize all resolutions, proposals, letters and other important documents for distribution to appropriate agencies.

d. Take the minutes of Chapter meetings and record in detail all resolutions, votes and other official actions of the Chapter. Discussion of all action items shall be recorded with an an tape recording machine electronic device.

e. Follow up with the Chapter President and Vice President on all referrals of resolutions, proposals, correspondence and other related matters.

f. Represent the Chapter at meetings of which the Chapter has an interest.

g. Work closely with the Chapter President, Vice President, and other Chapter committees.

h. Monitor the maintenance of an adequate accounting system to ensure accountability of all funds and expenditures; and shall report to the Chapter President and membership.

i. Shall, in consultation with the Chapter President and Vice President, ensure that the administration prepares monthly financial reports of all transactions and expenditures of the Chapter by categories. The Secretary/Treasurer is responsible for providing all financial reports to the Chapter membership at duly called Chapter meetings.

~~j. Keep~~ Maintain records of meeting claims, forms, sign-in sheets, agenda, meeting minutes attendance and payment of Chapter officials.

~~k. Turn-over,~~ Submit to the Chapter manager, within 10 working days of the official action, all resolutions, minutes and other official documents finalized by the Secretary/Treasurer.

~~I. Co-sign all Chapter checks along with the Chapter manager. In the event that the Secretary/Treasurer is unavailable, the Chapter President or the Vice President may co-sign Chapter checks.~~

m. Delegate to the President or Vice President to co-sign checks when the Secretary/Treasurer is otherwise incapacitated or is unavailable to perform his/her duties.

n. Support and assist the President and Vice President in carrying out the decisions of the Chapter and not act to frustrate those decisions.

o. Mediate disputes, if appropriate, of families residing within the Chapter and/or refer such family disputes to appropriate social service or law enforcement authorities, as the circumstances may require.

p. Represent the Chapter at meetings which the Chapter has interest.

q. Keep informed of all Chapter related activities and acts to advance the interests of the community in all matters.

C. Elected officials of the Navajo Nation Chapters shall serve for a term of four (4) years and shall not be limited to the number of terms he or she may serve.

D. Elected officials of the Navajo Nation Chapters shall take the oath of office before assuming official duties.

E. To prevent impropriety or a conflict of interest, the Elected officials are prohibited from direct involvement in the management and operations of the Chapter administration.

F. Elected officials, immediately upon resignation, removal or expiration of the term of office, shall turn over to the duly certified successor, all books, records, and property in his/her possession belonging to the Chapter.

~~G. Elected officials are prohibited from conducting financial transactions three (3) months prior to the general election for Chapter officials, except for general operating costs. NNC Resolution CJY-43-04~~

H. G. Elected officials shall comply with all Navajo Nation laws, Chapter ordinances and resolutions. These officials shall perform the duties enumerated above, and such other duties as may be consistent with Navajo law, including this Act and applicable plans of operation enacted by the Chapter membership.

I. H. Elected officials of the Navajo Nation Chapters shall attend, upon taking the oath of office, a training session on Ethics in Government sponsored by the Ethics and Rules Office of the Navajo Nation. Chapter officials shall maintain a high standard of conduct in all Chapter business consistent with Navajo law, including this law, and the Navajo Nation Ethics and Government law. Chapter officials are prohibited from rendering opinions, directions or decisions contrary to the sound practice of leadership or contrary to the best interest of the Chapter.

Section 1002. Meetings; Meeting Notice Requirement; Compensation of Chapter Officials

A. Number of meetings. Each Chapter shall conduct one planning and one regular chapter meeting per month. ~~determine the number of meetings to be held each month and the time and place for such meetings (subject to the right of the Chapter President may call special or emergency meetings when necessary).~~

B. Meeting Notice. The Chapter officials shall post all Chapter meeting agendas within the Chapter ~~boundaries~~ premises at least 48 hours prior to the meeting.

C. Compensation of Chapter Officials

1. Chapter officials shall be compensated for only the number of meetings provided for in the Navajo Nation and Chapter approved budgets. It is nonetheless the obligation of Chapter officials to be present at all Chapter meetings.

2. A Chapter meeting claim form signed only by the claimant shall be attached to each of the regularly scheduled Chapter meeting reports filed by the Chapter Secretary/Treasurer with the ~~Chapter Government Development Department, Division of Community Development, or if applicable, by the Chapter administration.~~

a. Each regularly scheduled Chapter meeting report and claim form shall be correctly filled out before it will be accepted and processed for payment by the ~~Chapter Government Development Department, Division of Community Development, or if applicable, by the Chapter Administration;~~

b. Each Chapter President, Vice President, Secretary/Treasurer (the appointed acting Secretary and/or the Chapter President Pro-Tempore) shall be paid in accordance with the approved fiscal year budget;

c. No Chapter official shall be compensated for a Planning and Chapter meeting unless he or she was in official attendance from the beginning to the end of at that all meetings; and

d. ~~Reports will be furnished for all Chapter meetings, regular or special, and state whether or not Chapter officials are to be compensated for attendance at such meetings.~~

Section 1003. Order of Business

A. The Chapter President or in the absence of the President, the Vice President shall chair all regular or special Chapter meetings. In the absence of the President and Vice President, the Chapter members present may select a Chairperson Pro Tempore for that meeting only.

B. All Chapter meetings require a quorum of 25 registered Chapter members to conduct official Chapter business. Chapters, whether governance certified or not, may amend the quorum requirement, based upon models and procedural regulations adopted by the Transportation and Community Development Committee of the Navajo Nation Council, ~~pursuant to a Chapter ordinance referendum.~~ Adoption of an amended quorum requirement

requires approval by chapter ballot measure in accordance with 11 N.N.C. §§401-408. NNC
Resolution # CO-51-04

C. Chapters may adopt standard rules for conducting Chapter meetings.

D. Procedural Rules for Motions.

1. The approval or amendments to the agenda, minutes, report(s) and resolution(s) under old and new business of the agenda shall be done in the following manner:

a. Upon presenting the agenda, minutes, report(s), resolution(s) and/or issue(s) of the agenda, the Chapter President shall request a motion to accept the matter before the Chapter membership and recognize a second to the main motion.

b. Upon receiving a motion and a second to the main motion, the Chapter President shall provide an opportunity to members of the Chapter to address the matter before the Chapter membership.

c. Any member of the Chapter may propose an amendment to the main motion which would require a second. The Chapter membership shall vote on the proposed amendment motion. If the amendment motion passes, it shall take precedence over the part of the main motion subject to a proposed amendment. Only one motion to amend the main motion shall be on the floor.

d. Any member of the Chapter may propose a substitute motion and if it passes, it shall take the place of the main motion. The substitute motion shall be seconded and voted on.

e. Any member of the Chapter may propose to table the legislation or issue before the Chapter. The motion to table the matter shall be seconded and voted on without discussion. If the tabling motion passes, it shall take precedence over other motions.

2. The Chapter President, Vice President, and Secretary/Treasurer, at a duly called Chapter meeting, are to refrain prohibited from making personal statements and opinions as presiding officers. Presiding officers are prohibited from making the main motions and second motions on substantive and administrative matters. They may make motions and second motions during planning meetings.

Section 1004. Chapter Administration

A. The Chapter shall enact, by resolution, plans of operation for all executive functions and administrative policies of the Chapter, including but not limited to: record-keeping, accounting fiscal, personnel, payroll, property management, contracting procurement and program management. The Five Management system shall be the basis of enacting the plans of operation and administrative policies. The Chapter administration shall follow the duties and responsibilities prescribed in the plans of operation and shall comply with all administrative policies and procedures enacted by the Chapter.

B. The Chapter manager shall co-sign all Chapter checks.

C. The Chapter manager shall be the custodian of all official books, records, documents, and funds of the Chapter. Failure of the manager to safeguard these items is cause for removal and assessment of applicable penalties pursuant to Navajo Nation law and/or local adopted FMS Policies and Procedures.

D. Members of the Chapter, individually, are prohibited from direct involvement in the management and operations of the government or administration.

Subchapter 7. Navajo Nation Chapter Regulations and Procedure

Section 2001. Chapter Ordinance Procedure

A. All proposed ordinance(s) shall contain the following:

1. an ordinance number;
2. a title which indicates the nature of the subject matter of the ordinance;
3. a preamble which states the intent, need or reason for the ordinance;
4. the subject of the ordinance;
5. rules and regulations governing the enforcement of the ordinance, budgetary information, and where applicable, a statement indicating the penalty for violation of the ordinance;
6. a statement indicating the date when the ordinance shall become effective;
7. the signature of the Chapter President to make an official recording of the transaction or writing.

B. The proposed ordinance shall be read into the record at two consecutive Chapter meetings, of which one may be designated a special meeting, to provide information and an opportunity to discuss and comment on the proposed ordinance(s).

C. All proposed ordinances shall be read in both English and Navajo.

D. After the final reading, the proposed ordinance shall be posted at public places within the Chapter boundaries a minimum of fourteen (14) days prior to the vote. The date of the vote shall be decided upon at this time.

E. Passage of all ordinance(s), except those listed in subsection H, by the Chapter requires a majority of the ~~registered~~ votes cast, by the Chapter membership during a regular or a special election meeting. *NNC Resolution # CO-51-04*

F. All ordinances shall be compiled and maintained at the Chapter for public information. Copies of ordinances shall be filed with the central Records Management Department of the Navajo Nation.

G. Ordinances shall be amended or rescinded by the process provided in this Section. All ordinances proposing amendments shall clearly indicate new language by underscoring and

deletions by over striking.

H. The Chapter ~~ordinance referendum ballot measure~~ shall be used for the adoption of an alternative form of Chapter governance, a municipal form of government, Chapter sub-units, local taxes and fees, issuance of community bonds and compensation of Chapter officials. ~~Adoption of a chapter ballot measure shall be in accordance with 11 N.N.C. §§401-408, and shall require approval subject to the procedural requirements set forth in this Section including the following:~~ *NNC Resolution # CO-51-04*

~~1. The Chapter shall be responsible for the funding and administration of referendum elections concerning such ordinances. The Navajo Nation Election Administration shall provide the necessary assistance.~~ *NNC Resolution # CO-51-04*

~~2. The votes cast shall be by secret ballot prepared by the Chapter administration.~~ *NNC Resolution # CO-51-04*

~~3. Ordinances by referendum require passage by majority of the registered voters.~~ *NNC Resolution # CO-51-04*

I. Challenges to ordinances shall be pursuant to 1 N.N.C., Chapter 5, Subchapter 1, section 501 et. seq.

Section 2002. Chapter Contract Requirements

A. Except as otherwise provided in this Act, all contracts authorized to be executed on behalf of a Chapter, and utilizing Navajo Nation funds shall:

1. expressly state the liability of the Chapter under the contract;
2. be approved by the Chapter membership, before being executed on behalf of the Chapter;
3. have sufficient funds appropriated and available;
4. comply with the Business Procurement Act, 12 N.N.C. Section 1501 et seq., the Employment Preference Act, 15 N.N.C. Section 601 et seq., the Business Preference Act, 5 N.N.C. Section 201 et seq., and rules and regulations promulgated thereto;
5. be awarded only after public advertisement and bidding;
6. not waive the sovereign immunity of the Navajo Nation;
7. provide access to all contracts or papers to the public; and, if applicable
8. not exceed 10% of the accepted bid. If the 10% cap is exceeded by change orders, modifications or amendments, such change orders, modifications or amendments shall be subject to the provisions of Section 2002(A)(5) above.

B. All executed contracts and papers, and any modifications thereof, shall be filed at the Chapter.

**Section 2003. Chapter Finance Accounting System; Chapter Appropriations;
Budget Process; Chapter Insurance** *NNC Resolution No. CJY-42-04*

A. The Chapter shall adopt an accounting system deemed acceptable by the Auditor General.

B. In accordance with the exception provided in 12 N.N.C. §820 (N), funds appropriated to the Chapters by the Navajo Nation shall not be subject to a lapse of appropriation at the end of the fiscal year provided that Chapters shall budget those funds in the subsequent fiscal year in accordance with the purposes and conditions originally set forth by the Navajo Nation Council in its appropriations. *NNC Resolution No. CJY-42-04*

~~B~~ C. Budget Process *NNC Resolution No. CJY-42-04*

1. At least one month before the end of the Navajo Nation fiscal year, the manager, in consultation with the Chapter officials, shall prepare, schedule and explain the annual Chapter budget to the membership. Chapters are required to follow the annual budget instruction of the Navajo Nation Office of Management and Budget when formulating the annual Chapter budget and when the budget concerns Navajo general funds. At a duly called planning meeting, the manager shall present a proposed annual budget for the ensuing fiscal year. The manager shall, to the extent allowed by law, include the objectives of the membership in the proposed budget.

2. The budget shall consist of financial information, including but not limited to: a statement on prior financial expenditures; capital improvement funds; debts; encumbrances, ~~lapses of appropriation~~, and budget objectives from the current year and the status of those objectives. *NNC Resolution No. CJY-42-04*

3. The manager, in consultation with the Chapter officials, shall finalize the budget for approval by the Chapter membership. The Chapter membership shall vote upon the budget at a duly called Chapter meeting in which reasonable notice has been given to the Chapter membership that said meeting will include approval of the annual budget. The budget expenditures shall not exceed the total of the estimated income for the fiscal year. No payments shall be made or obligated except in accordance with the appropriation duly enacted by the Chapter or adopted by the Navajo Nation Council.

~~C~~ D. To protect the interests of the Chapter, the Chapter shall participate in the Navajo Nation's insurance and employee benefit programs, subject to the terms and conditions of such programs. In the event that a Chapter elects not to participate in the Navajo Nation's programs, the Chapter shall establish adequate coverage through the creation of a self-insurance program or the procurement of appropriate policies.

~~D~~ E. Chapter funds shall not be used for personal, business or other forms of loans. Per capita distribution of funds by the Chapter is prohibited. ~~No financial transaction or expenditures of funds shall be made three months before or after the general election of Chapter officials, except for general operating costs.~~ *NNC Resolution No. CJY-43-04*

~~E. E.~~ Any person, agent, or Chapter official misappropriating or misusing Chapter funds or property shall be subject to prosecution under the applicable laws of the Navajo Nation, and, if appropriate, under the laws of the United States federal government.

**Section 2004. Zoning; ~~Comprehensive~~ Community Based Land Use Plan;
Land Use Variations** *NNC Resolution CJY-41-04*

A. Zoning

1. Chapters may enact zoning ordinances provided that the membership adopt and implement a ~~comprehensive~~ community based land use plan pursuant to Section 2004(B). *NNC Resolution CJY-41-04*

2. Adoption of all local zoning ordinances shall be done pursuant to Section 103(E)(4) of this Act.

3. The Chapter shall be responsible for the enforcement of all zoning ordinances adopted by the membership. The Chapter shall provide and maintain information relative to all matters arising from adopted zoning ordinances.

4. All proposed amendments to zoning ordinances shall first be reviewed by the ~~Local Planning Board~~ Community Land Use Planning Committee (CLUPC), and shall require approval by the Chapter membership before becoming effective. *NNC Resolution CJY-41-04*

B. ~~Comprehensive~~ Community Based Land Use Plan *NNC Resolution CJY-41-04*

~~4. The Chapter, at a duly-called chapter meeting called for that purpose, shall by resolution, vote to implement a comprehensive community based land use plan, after the Chapter Planning Board CLUPC has educated the community on the concepts, needs, and process for planning and implementing a community based land use plan. The comprehensive community based land use plan shall project future community land needs, shown by location and extent, of areas identified for residential, commercial, industrial, and public purposes. The land use plan shall designate future land use be based upon the guiding principles and vision as articulated by the community; along with information revealed in inventories and assessments of the natural, cultural, human resources, and community infrastructure; and, finally with the consideration for the land-carrying capacity. Such a plan shall may also include, but not be limited to the following:~~ *NNC Resolution CJY-41-04*

~~21. An open space plan which preserves for the people certain areas to be retained in their natural state or developed for recreational purposes.~~ *NNC Resolution CJY-41-04*

~~3. A land use plan which projects future community land needs, shown by location and extent, areas to be used for residential, commercial, industrial, and public purposes.~~ *NNC Resolution CJY-41-04*

~~4 2. A thoroughfare plan which provides a system of and design for major streets, information about the existing and proposed road network in relation to the distinguishing between limited access, primary, and secondary thoroughfares, and relating major thoroughfares to the road network and land use of the surrounding area.~~ *NNC Resolution CJY-41-04*

5 3. A community facilities plan which shows the location, type, capacity, and area served, of present and projected or required community facilities including, but not limited to, recreation areas, schools, libraries, and other public buildings. It will also show related public utilities and services and indicate how these services are associated with future land use.

C. Presentation of Comprehensive Plan Establishment and Duties of the Community Land Use Planning Committee *NNC Resolution CJY-41-04*

1. Upon approval and passage of a Chapter resolution stating the Chapter's desire to develop and implement a ~~comprehensive~~ community based land use plan, the Chapter shall establish a Community Land Use Planning Committee (CLUPC) to approve the processes for planning and to oversee planning activities. ~~The committee shall work closely with the designated planner and the community residents as planning progresses.~~ The CLUPC committee shall be comprised of voting members of the Chapter that have expertise to provide valuable contributions to the overall land planning process. Subcommittees such as technical, and public advisory committees, comprising of voting and non-voting members may be established to assist the CLUPC committee. *NNC Resolution CJY-41-04*

2. The CLUPC committee may hire a planner, subject to availability of funds, to be responsible for preparing the CLUP community based land use plan. At a minimum, the planner shall exhibit leadership qualities and organization abilities along with experience or education in the discipline of land planning. *NNC Resolution CJY-41-04*

3. The planner shall work under the supervision of the CLUPC committee and with the community residents. The duties and responsibilities of the planner shall include, ~~but are not limited to~~ the following: *NNC Resolution CJY-41-04*

a) Coordinating all land planning activities.

b) Developing a community education and participation plan describing methods that will foster public education participation through public hearing, newspaper and radio. Chapter members will be periodically informed on the progress of the land planning activities. All information pertaining to the plan shall be available to the public. The CLUPC committee shall approve the community participation plan. *NNC Resolution CJY-41-04*

c) Developing and implementing a community assessment ascertaining the goals, priorities, and vision for the future of the community.

d) Inventorying and assessing pertinent data. The planner shall request data and seek technical assistance when necessary for compilation of all available data from tribal, federal, and state agencies for inventorying and assessing natural, cultural, and human resources, as well as community infrastructure. In addition, Chapters may hire consultants to assist with the inventory and assessments.

e) In the event a Chapter lacks the resources to hire a planner, the CLUPC shall be responsible for conducting the duties described in this subsection. *NNC Resolution CJY-41-04*

D. Presentation and Approval of Comprehensive the Community Based Land Use Plan by the Chapter and Certification by the Transportation and Community Development Committee

1. Upon completion of the resource inventories inventory, assessments, and community assessment, the planning board CLUPC shall prepare a community based land use plan as described in Section 101. Local planning and zoning ordinances may also be presented at this time. The community based land plan shall be presented to the local residents in one or more public meetings and through the various multimedia. The community members shall have 60 days to comment in writing or in testimony at a final public hearing. Upon compliance with the notice requirements, the Chapter, at a duly-called chapter meeting, shall by resolution, vote to adopt the community based land use plan. NNC Resolution CJY-41-04

2. The CLUPC committee, after consideration for public input shall make necessary adjustments, as approved by the Chapter membership finalize the plan, and shall submit the plan to the Transportation and Community Development Committee of the Navajo Nation Council. The Transportation and Community Development e Committee by committee resolution shall approve certify the community based land use plan. Every five years the plan shall be reevaluated and readjusted to meet the needs of the changing community. NNC Resolution CJY-41-04

E. Land Use Variations

The utilization of all withdrawn lands of the community as defined by the adopted Comprehensive Community Based Land Use Plan shall be in accordance with applicable Navajo Nation and federal law, and the provisions of said plan; variations to said plan must be consistent with Section 103(E)(4). NNC Resolution CJY-41-04

Section 2005. Eminent Domain Requirements

A. Damages to Improvements of Individual Navajo Indians

1. Whenever a Navajo Nation Chapter disposes of land containing any improvement belonging to a Navajo Indian who will not donate the same, whether the disposition is made by surface lease, permit, consent to grant of right-of-way or consent to commencement of construction on a proposed right-of-way, or in any other manner that gives the grantee or proposed grantee exclusive use of the surface of the land containing such improvement, or authorizes the grantee or proposed grantee to use the surface of the land in such manner that said improvement or improvements must be removed, damaged, or destroyed, the Chapter will pay damages to the rightful claimant of such improvement or improvements.

2. As used in this Section "improvement" means house, hogans sunshade, stables, storage sheds, dugouts, and sweathouses; sheep and horse corrals, and pens, and fences lawfully maintained; irrigation ditches, dams, development work on springs, and other water supply developments; any and all structures used for lawful purposes and other things having economic value. Where any improvement of a Navajo Indian is readily removable and such person has an opportunity to remove the same, damages payable on account of said improvement shall be limited to the reasonable cost of removal, if any, even though the claimant thereof may have failed to remove such improvement and it may have been destroyed or damaged in the authorized course of use of the land on which it is located.

3. No damages shall be paid to any person for any improvement, when such person at the time of building or acquiring said improvement knew or with reasonable diligence ought to have known that the area in which it was located was proposed to be disposed of by the Chapter adversely to such person's interest.

4. Damages to be paid to individual Navajo Indians under this Section shall be fixed by negotiation and consent between the Chapter President of the Chapter or his or her authorized representative and the individual involved. If no agreement satisfactory to the Chapter President or his or her representative can be reached within a reasonable time, the Chapter President shall appoint one appraiser, the individual shall appoint one appraiser, and the two appraisers so appointed shall appoint a third appraiser; but if they cannot agree upon the third appraiser within 10 days, the Chapter President may appoint him or her. The three appraisers shall examine the improvement alleged to be damaged and shall appraise and determine the damages. Their determination shall be submitted to the Natural Resources Committee of the Navajo Nation Council and when, if, and as approved by said Committee the amount thereof shall be final. The Chapter shall pay the fees of said appraisers, except where they are regular Navajo Nation employees, in which case they shall not be entitled to any fees. In addition the Chapter shall pay the reasonable and necessary expenses of said appraisers, whether or not such appraisers are Navajo Nation employees.

B. Economic Damage to Intangible Interests of Navajo Indians

1. Whenever as a result of a Navajo Nation Chapter granting any lease or permit embracing Navajo Nation land, or granting permission by the Chapter for the use of Navajo Nation land, or as a result of the use of Navajo Nation land under such lease, permit or permission, the value of any part of such land for its customary use by any Navajo Indian formally lawfully using the same is destroyed or diminished, the Chapter will compensate the former Navajo Indian user in the manner hereinafter specified.

2. When the livelihood of the former Navajo Indian user is gravely affected by the new use, such user shall have first priority in resettling on other lands acquired by the Navajo Nation, except the area acquired pursuant to the Act of September 2, 1958 (72 Stat. 1686); and the Chapter shall pay the expense of removing said person, his or her family, and property to any new land made available for his or her use, and such shall constitute full compensation to such Navajo.

3. In all other cases involving damages under this paragraph, the amount thereof shall be fixed and determined in the manner specified in 26 N.N.C. Section 2005(A)(4) above.

4. Whereby reseeding, irrigation, or otherwise, the remaining land in the customary use area of any individual damaged by the governmental exercise of eminent domain is within a reasonable time made able to provide the same economic return as his or her former entire customary use area, no damages shall be payable to such person, except for the period, if any, between adverse disposition of the land in the customary use area and the time when the productivity of the remaining land achieves equality with the entire former customary use area.

5. Only lawful and authorized use shall be compensated under this Section. Thus, no person shall be compensated for loss of use of land for grazing animals in excess of his or her

permitted number, or without a permit.

6. Every person otherwise entitled to damages under subsection (3) of this Section shall not be entitled to receive any payment thereof until that person has surrendered for cancellation that person's grazing permit as to all animal units in excess of the carrying capacity of the land remaining in that person's customary use area. Persons so surrendering their grazing permits shall be entitled to an immediate lump sum payment based on the current market value for each sheep unit canceled.

C. Adverse Disposition of Navajo Nation Land Not to be Made Until Individual Damages are Estimated

Neither lessee, permittee, or the grantee of a right-of-way or other interest in or right to use Navajo Nation lands shall commence any construction thereon, nor make any change in the grade or contour thereof or remove any surface vegetation thereon until the damages to the improvements thereon or the customary use rights of all the individuals affected thereby have been estimated by the Office of Navajo Land Administration of the Navajo Nation. Unless the Chapter membership has previously authorized the payment of such damages from nonreimbursable funds of the Chapter, the Chapter President shall require the applicant for such lease, permit or grant of a right-of-way or other interest in or right to use Navajo Nation lands to deposit with the Chapter Secretary/Treasurer an amount equal to at least double the estimate of damage made by the Office of Navajo Land Administration. After the lease, permit, or grant of right-of-way or user has become final and the damages have been determined, either by appraisal, estimate or by consent as hereinbefore provided, the Chapter President shall cause the Secretary/Treasurer to pay, from and out of this deposit, to the person or persons damaged thereby such sum as he, she or they may be entitled to under the terms of this Section, and to return to the applicant the excess thereof, except that where the individual damaged has not consented to the determination of the amount thereof, it shall be withheld in order to satisfy the excess amount, if any, determined under 26 N.N.C. Section 2005(A)(4). Such disbursements shall be made without further appropriation of the Navajo Nation Chapter membership. All sums held by the Secretary/Treasurer of the Navajo Nation Chapter, pursuant to the terms of this Section, for a period of more than 30 days shall be deposited in a Federal Savings and Loan Association or invested in the bonds of the United States until needed for disbursement.

Section 2006. [Reserved]

Section 2007. [Reserved]

Section 2008. [Reserved]

Subchapter 9. [Reserved]

Subchapter 11. [Reserved]

Subchapter 13. [Reserved]

ONGD: 9/4/97; Revised 4/28/98; As amended by the NNC on 4/20/98



THE NAVAJO NATION
TSE'II'AHÍ' (Standing Rock) CHAPTER
P.O. BOX 247
CROWNPOINT, NEW MEXICO 87313
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FAX: (505) 786-2249
Email address: standingrock@navajochapters.org

Russell Begaye, Navajo Nation President

Jonathan Nez, Navajo Nation Vice-President

**RESOLUTION OF THE TSE'II'AHÍ' CHAPTER
RESOLUTION: TSEII.1216.1205**

Adopting and Approving the Tse'ii'ahi' Community Land Use Planning (CLUPC) Manual and Recommending to the 23rd Navajo Nation Council Resource and Development Committee (RDC) for the Re-Certification of the 2017 Tse'ii'ahi' Community Land Use Plan.

WHEREAS:

1. Pursuant to NNC Title 26, the Tse'ii'ahi' Chapter is recognized local government entity of the Navajo Nation, established and a duly certified chapter of the Navajo Nation to exercise local governing powers to review and support activities benefiting the chapter community; and
2. Pursuant to 26 NNC, Section 1 (b) Tse'ii'ahi' 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 Tse'ii'ahi' Chapter and Tse'ii'ahi' Community Land Use Planning Committee has been creating a vision for the future of the community. The CLUPC Manual was developed from interviews and meeting with chapter officials and community membership; and
4. The Plan is a reference and funding tool for Navajo Nation, State of New Mexico and other entities and funding sources. This Manual also provides a general guide for chapter leaders, staff and provides a general guide for proposed developments; and
5. The Tse'ii'ahi' Chapter CLUPC plans is a guidance to administer land use relating to economic development; conserving natural resources and preserving Navajo heritage and culture; ensuring government accountability; creating an atmosphere of experimentation and learning; develop experience and professional administrators.

NOW THEREFORE BE IT RESOLVED THAT:

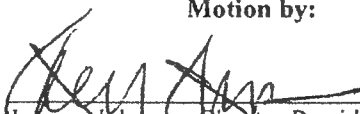
The Tse'ii'ahi' Chapter respectfully adopts and approves the Tse'ii'ahi' Community Land Use Planning (CLUPC) Manual and Recommending to the 23rd Navajo Nation Council Resource and Development Committee (RDC) for the Re-Certification of the 2017 Tse'ii'ahi' Community Land Use Plan.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Tse'ii'ahi' Chapter at a duly called meeting at which a quorum was present and that the same was passed by a vote of 23 in favor, 00 opposed and 06 abstained this 17th day of January 2017.

Motion by: Celia Hanna

Second by: Sadie Peshlakai


Johnny Johnson, Chapter President
TSE'II'AHÍ' CHAPTER

Johnny Johnson, Chapter President
Phyllis Willetto, Chapter Vice-President
Arline Tso-Conn, Chapter Secretary/Treasurer

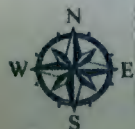
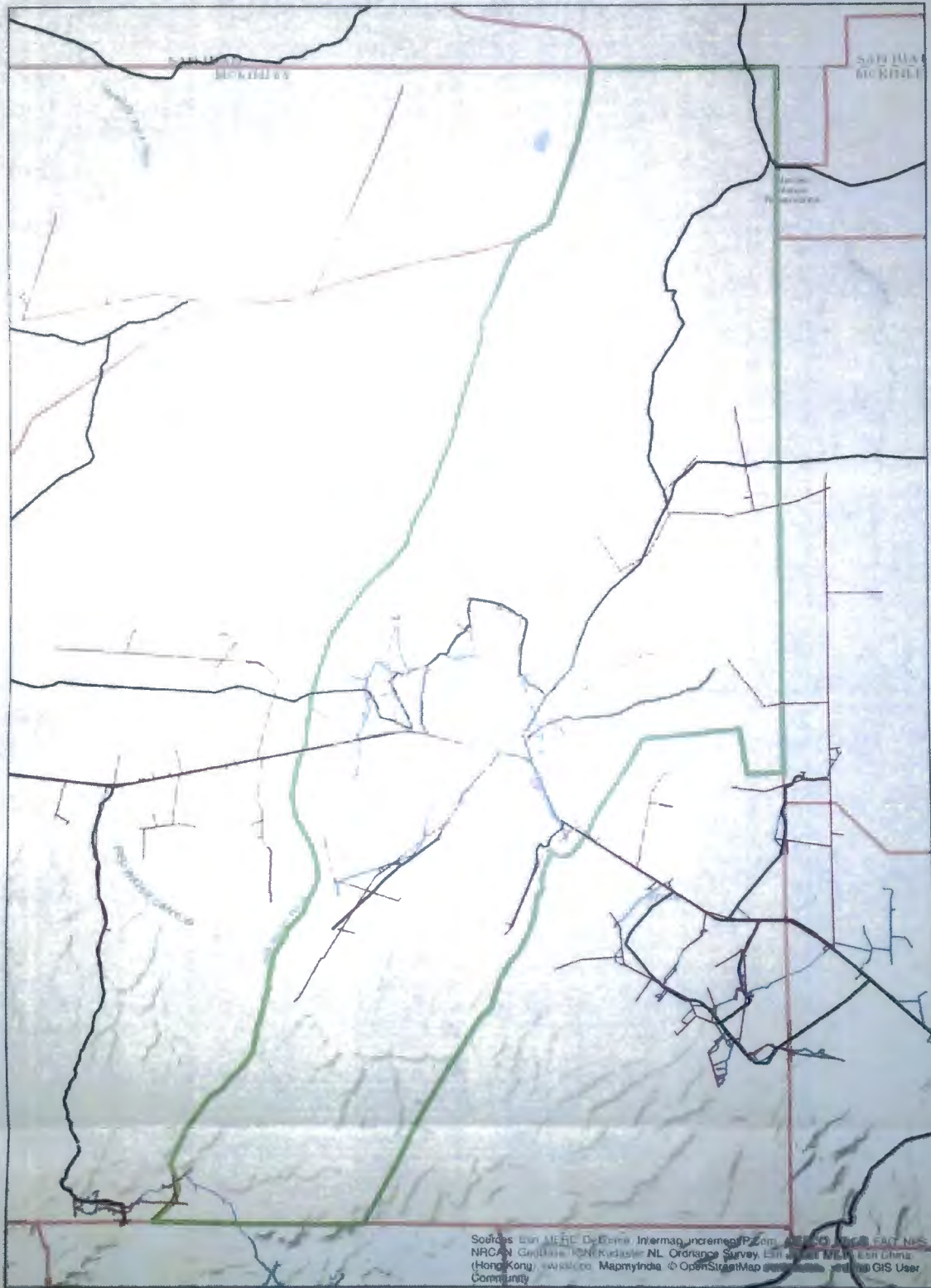
Jonathan Perry, Council Delegate

Jenice Padilla, Community Services Coordinator
Kelly Craig, Office Specialist
Annie B. Alfred, Land Board Member

Appendix F

Maps of Tse'ii'ahi (Standing Rock) Chapter Areas

STANDING ROCK CHAPTER (TSE II'AHÍ) OF THE NAVAJO NATION



Legend

- Power Line
- Service Waterline
- Main Waterline
- BIA Road
- Standing Rock Chapter Boundary
- Chapter Boundaries

0 1 2 4 6 8 Miles





THE NAVAJO NATION
TSE'II'AHÍ' (Standing Rock) CHAPTER
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(505) 786-2247/2248
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EXHIBIT

B

Russell Begay, Navajo Nation President

Jonathan Ngz, Navajo Nation Vice-President

RESOLUTION OF THE TSE'II'AHÍ' CHAPTER
RESOLUTION: TSEII.1216.1205

Adopting and Approving the Tse'ii'ahi' Community Land Use Planning (CLUPC) Manual and Recommending to the 23rd Navajo Nation Council Resource and Development Committee (RDC) for the Re-Certification of the 2017 Tse'ii'ahi' Community Land Use Plan.

WHEREAS:

1. Pursuant to NNC Title 26, the Tse'ii'ahi' Chapter is recognized local government entity of the Navajo Nation, established and a duly certified chapter of the Navajo Nation to exercise local governing powers to review and support activities benefiting the chapter community; and
2. Pursuant to 26 NNC, Section 1 (b) Tse'ii'ahi' 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 Tse'ii'ahi' Chapter and Tse'ii'ahi' Community Land Use Planning Committee has been creating a vision for the future of the community. The CLUPC Manual was developed from interviews and meeting with chapter officials and community membership; and
4. The Plan is a reference and funding tool for Navajo Nation, State of New Mexico and other entities and funding sources. This Manual also provides a general guide for chapter leaders, staff and provides a general guide for proposed developments; and
5. The Tse'ii'ahi' Chapter CLUPC plans is a guidance to administer land use relating to economic development; conserving natural resources and preserving Navajo heritage and culture; ensuring government accountability; creating an atmosphere of experimentation and learning; develop experience and professional administrators.

NOW THEREFORE BE IT RESOLVED THAT:

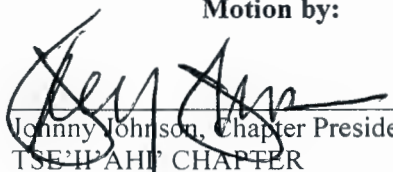
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CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Tse'ii'ahi' Chapter at a duly called meeting at which a quorum was present and that the same was passed by a vote of 23 in favor, 00 opposed and 06 abstained this 17th day of January 2017.

Motion by: **Celia Hanna**

Second by: **Sadie Peshlakai**


Johnny Johnson, Chapter President
TSE'II'AHÍ' CHAPTER

Johnny Johnson, Chapter President
Phyllis Willgo, Chapter Vice-President
Arlene Tso-Coen, Chapter Secretary/Treasurer

Jonathan Perry, Council Delegate

Janice Padilla, Community Service Coordinator
Kelly Craig, Office Specialist
Annie B. Alfred, Land Board Member



Community Land Use Planning Committee

Tse'ii'ahi' (Standing Rock) Chapter

PO Box 247

Crownpoint, NM 87313

(505) 786-2247

RESOLUTION OF THE TSE'II'AHÍ' COMMUNITY LAND BASE USE PLANNING COMMITTEE

Resolution No: TSECLUPC-2017-JAN-001

TSE'II'AHÍ' CHAPTER COMMUNITY LAND USE PLANNING COMMITTEE ADOPTING UPDATE
TSE'II'AHÍ' CHAPTER COMMUNITY BASED LAND USE PLANNING MANUAL BOOKLET

WHEREAS;

1. The Tse'ii'ahi' Chapter is a certified chapter of the Navajo Nation with the oversight and responsibility assist the community concerns and matters pursuant to the Local Governance Act (LGA) which implements to alternative form of Chapter governance to 26 NN & 2004; and
2. The Tse'ii'ahi' Chapter Community Land Use Planning Committee provided a primary public hearing on January 6, 2017 and a second public hearing on January 17, 2017 at the Tse'ii'ahi' Chapter; and
3. The Tse'ii'ahi' Chapter Community Land Use Planning Committee will continue to implement the Chapter Community Based Land Use Plan Manual Booklet to benefit the local and surrounding communities with the involvement of the chapter, the schools, the state, tribal, federal and counties offices.

NOW THEREFORE IT BE RESOLVED THAT;

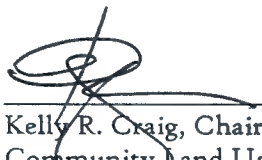
- A. Tse'ii'ahi' Chapter Community Land Use Planning Committee hereby adopts the updated Tse'ii'ahi' Chapter Community Based Land Use Plan Manual Booklet for recertification which will be forwarded to the Tse'ii'ahi' Chapter membership for approval.
- B. The approval of the Tse'ii'ahi' Chapter membership Community Based Land Use Planning Manual Booklet will be forwarded to the 23rd Navajo Nation Council, Resources and Development Committee for final approval.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Tse'ii'ahi' Chapter Community Land Use Planning Committee at a duly called meeting at which a quorum was present and the same was passed by a vote of 5 in favor, 0 opposed and 1 abstained on this 6th day of January 2017.

Motion by: Rosalie Morgan

Second by: Jonnye Tso



Kelly R. Craig, Chair
Community Land Use Planning Committee
Tse'ii'ahi' Chapter