

LEGISLATIVE SUMMARY SHEET

Tracking No. 0213-18

DATE: June 19, 2018

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, CERTIFYING BÁÁHÁÁLÍ CHAPTER'S COMMUNITY-BASED LAND USE PLAN WHICH HAS REEVALUATED AND READJUSTED BÁÁHÁÁLÍ CHAPTER'S FIRST COMMUNITY-BASED LAND USE PLAN

PURPOSE: The Chapters are required to reevaluate and readjust their initial Community-Based Land Use Plan every five years. The purpose of this legislation is for the Resources and Development Committee to certify Bááháálí Chapter's new Community-Based Land Use Plan which has been reevaluated and readjusted since the Chapter's first Community-Based Land Use Plan was approved.

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

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL—Fourth Year, 2018

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0213-18

AN ACTION

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

BE IT ENACTED:

SECTION 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), "Every five years the plan shall be reevaluated and readjusted to meet the needs of the changing community" and such readjustment is subject to the certification of the Resources and Development Committee of the Navajo Nation Council.
- C. Pursuant to 26 N.N.C. § 2004 (B), "Community Based Land Use Plan. The chapter, at a duly-called chapter meeting shall by resolution, vote to implement a community based land use plan, after the CLUPC has educated the community on the concepts, needs, and process for planning and implementing a community based land use plan. The community based land use plan shall project future community land needs, shown by location and extent, of areas identified for

1 residential, commercial, industrial, and public purposes. The land use plan shall
2 be based upon the guiding principles and vision as articulated by the community;
3 along with information revealed in inventories and assessments of the natural,
4 cultural, human resources, and community infrastructure; and, finally with
5 consideration for the land-carrying capacity. Such a plan may also include the
6 following: 1. An open space plan which preserves for the people certain areas to
7 be retained in their natural state or developed for recreational purposes. 2. A
8 thoroughfare plan which provides information about the existing and proposed
9 road network in relation to the land use of the surrounding area. 3. A community
10 facilities plan which shows the location, type, capacity, and area served, of
11 present and projected or required community facilities including, but not limited
12 to, recreation areas, schools, libraries, and other public buildings. It will also
13 show related public utilities and services and indicate how these services are
14 associated with future land use.”

15 16 **SECTION 2. FINDINGS**

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

24 25 **SECTION 3. Certification of Bááháálí Chapter’s Reevaluated and** 26 **Readjusted Community-Based Land Use Plan**

- 27 A. The Resources and Development Committee of the Navajo Nation Council hereby
28 certifies the reevaluated and readjusted Bááháálí Chapter’s Community-Based
29 Land Use Plan, attached hereto as **Exhibit A**.

1 B. Certification of this Community-Based Land Use Plan shall not delineate adjacent
2 chapter boundaries. Any chapter disputes rest solely with the Courts of the
3 Navajo Nation.
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BÁÁHÁÁLÍ CHAPTER COMPREHENSIVE LAND USE PLAN



2018

"Planning for our community"

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

PROJECT TITLE:

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

CHAPTER OFFICIALS:

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1. INTRODUCTION

1.1 Overview

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

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

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



FIGURE 1. BÁÁHÁÁLÍ CHAPTER GENERAL LOCATION MAP.

The Chapter is situated along the west flanks of the Zuni Mountains. Streams flow westerly toward the Puerco River. Fort Wingate Army Depot and Cibola National Forest are located next to the Chapter on its northeast and east boundaries. El Morro National Monument, Ramah Navajo Chapter, and the Zuni Reservation lie further to the south. Gallup lies 20 miles to the north.

1.2 Vision Statement

Bááháálí Chapter is committed to servant-leadership where we value the community and their participation. We envision a place where people can come together and pursue self-sufficiency by practicing community stewardship.

1.3 Contents of the Plan

The Bááháálí Chapter Comprehensive Land Use Plan contains four (4) sections as listed below:

- Section 1 presents an overview of the land use planning project and its purpose.
- Section 2 presents a community profile that includes a description of the regional setting, existing land uses, population trends, economic indicators, and infrastructure systems.
- Section 3 presents the plan that identifies strategic goals for six elements. These goals and strategies were based in part on the community survey. See **Appendix B**.
- Section 4 discusses the process for implementing the plan and adopting and administering zoning ordinances.
- The plan references four maps, referred to as plates. See **Appendix C**.

1.4 Authority to Regulate Land

Bááháálí Chapter is a political subdivision of the Navajo Nation government and is subject to Navajo Nation laws, regulations, rules, and policies. The Navajo Nation Local Governance Act (LGA), Title 26 of the Navajo Nation Code, gives delegation of authority to Navajo Chapters for managing land within its boundaries. Bááháálí Chapter received LGA certification on December 24, 2008. Under LGA Section 103, Certified Chapters, by 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 and Development Committee of the Navajo Nation Council. This provision shall not apply to allotments.
2. Acquire, sell and 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 Naa'bik'iyati' (NABI) Committee of the Navajo Nation Council.
6. Enter into contracts or sub-contracts with the Navajo Nation for federal, state, county, and other funds, subject to the approval of the NABI Committee. This provision is not intended to alter federal contracts between Chapters and the United States, which pre-date the enactment of this Act.
7. Enter into contracts or sub-contracts for Navajo Nation general funds, with appropriate Navajo Nation divisions, programs or agencies for service delivery programs.
8. Appropriate funds, according to conditions set forth by the Navajo Nation Council, divisions, departments, or other funding sources, including Chapter claims funds and Chapter scholarship funds.
9. Retain legal counsel.
10. Establish a peacemaking system or administrative procedure for resolving disputes arising from Chapter resolutions, ordinances, or administrative action; including matters arising from personal disputes. The peacemaking system should emphasize Navajo customs for resolving disputes not otherwise contrary to Navajo law and/or custom.
11. Generate revenue through means established by the Chapter consistent with this Act.

1.5 Community Service Area

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

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

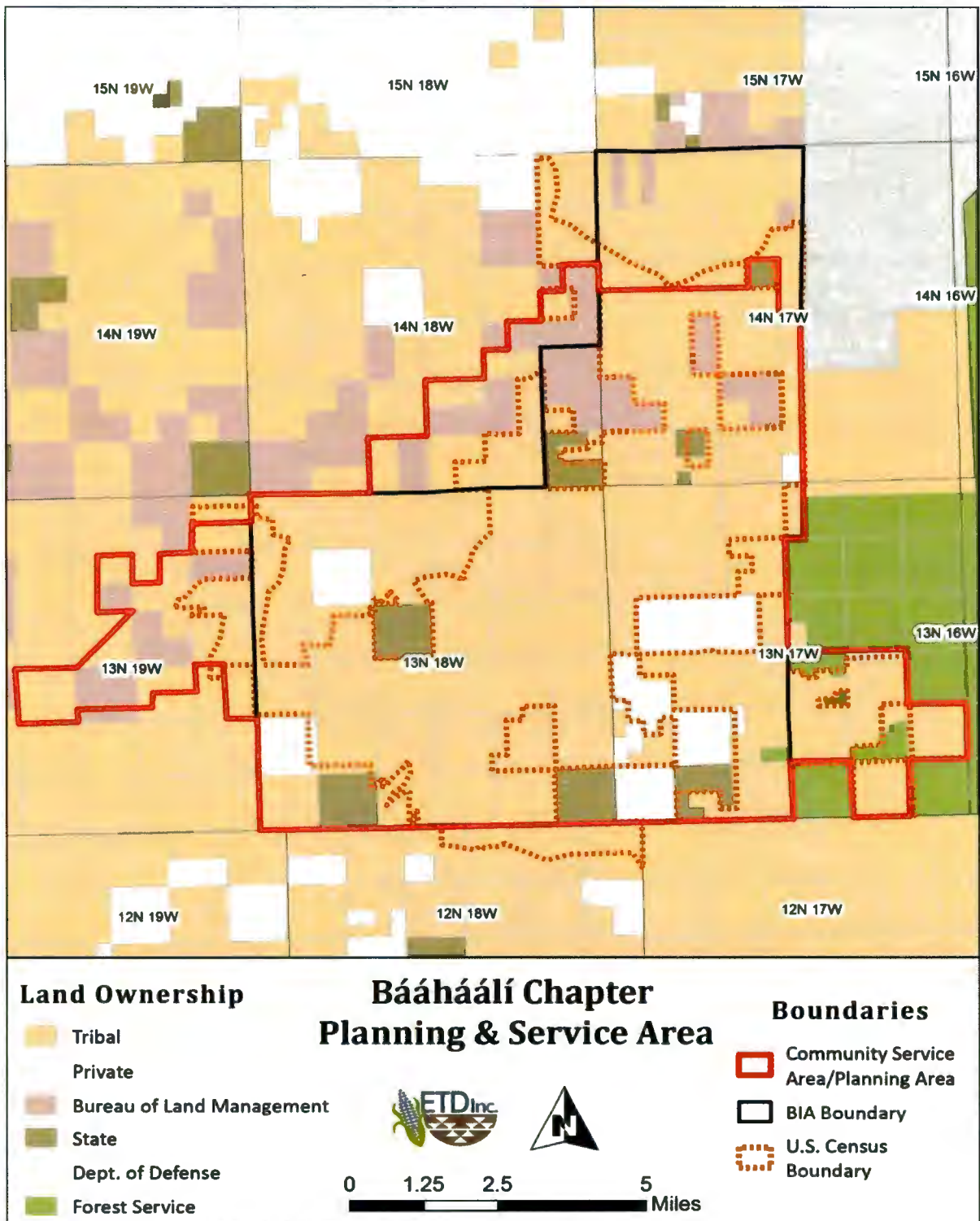


FIGURE 2. CHAPTER PLANNING AND SERVICE AREA

1.6 Community Participation Plan

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

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

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

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

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

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

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



FIGURE 3. PLANNING SESSION

2. COMMUNITY PROFILE

UNDERSTANDING THE COMMUNITY OF BÁÁHÁÁLÍ

2.1 Regional Setting

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

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



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

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

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

2.2 History

Bááháálí Chapter

Bááháálí Chapter has several interpretations as to the origin of its name. One version comes from the U.S. Calvary era when soldiers came upon a mountain spring, where they dipped their bread to make it soft enough to eat. This caused some bread pieces to flow downstream and be seen by the locals, who then called the area "Bread Springs" (where the bread came from the spring), which is the English translation of "Bááháálí."

The first documented record of Navajo grazing in this area occurred in 1881 before the presence of the railroad. However, Navajos claim they were grazing livestock in this region as early as 1866 (Linford 2000). In the late 1950s, the first leaders of the community began meeting under a tree near the old Bread Springs Day School, which was built by local tradesmen. It was from those first meetings that a Chapter community was established.

The original Bááháálí Chapter House was first constructed in 1959, and is currently used as an all-purpose building. Since then, the Chapter House has been relocated to its current site. In the late 1970s, one major roadway was paved in Bááháálí (Bread Springs Road). Additionally, later in the 1990s, the Blue Medicine Road was chip sealed. This allowed residents to access State Route 602 and travel to Gallup. Before the roads were paved, Bááháálí was a self-sustaining agrarian community (Navajo Times 2012).

In 2008, Honorable Charles Damon of the 21st Navajo Nation Council had legislation approved to change the Chapter's name from Bread Springs to Bááháálí. The reason for this was to eliminate the confusion between Bread Springs and Birdsprings (another Navajo Chapter).

Pinehaven

Pinehaven is the non-Indian community that is surrounded by tribal trust land; i.e., Bááháálí Chapter. Around 1881, several trading posts were established in the region along with white settlements.

The name "Pinehaven Valley" was given to this area by the settlers who saw this beautiful land with pine trees that covered the entire valley and beyond. The valley was over three to four miles long (from the east side of the Hogback to the south-westerly direction).

In the mid-1800s, there was a great demand for lumber in Gallup, Grants, and other towns. This demand brought forth construction of a saw-mill, which was established in Pinehaven. Outsiders and local people were hired to cut all the good pine trees in Pinehaven Valley, all the way to the Hogback area. The resulting stumps are still visible today.

With this settlement came demands for groceries and dry goods, resulting in the establishment of trading posts. The most well-known trading post was called "Pointed Beard," located along Pinehaven road. The owner of Pointed Beard respected the Navajo way-of-life and held an "Appreciation Day" with activities for men, women, and children. Horse races were held that had a grand prize (predominantly for the men). The participants of the race started with a saddle in their hand, and following the firing of the shotgun, the men saddled and raced their horses for two or three miles. The owner gave away groceries, saddles, and other necessities as prizes.

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

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

2.3 Demographics

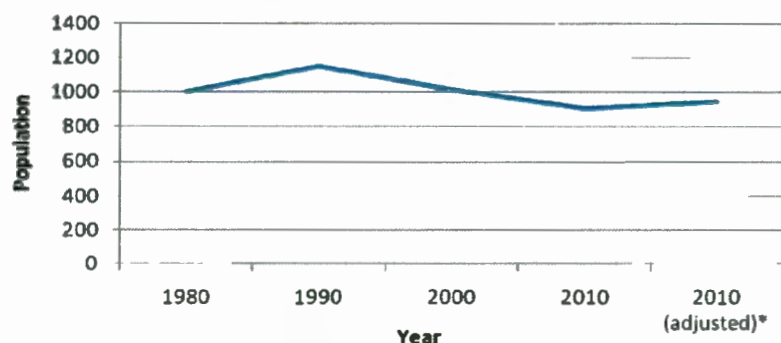
Based on U.S. Census data, Bááháálí Chapter's population has fluctuated over the past 30 years. In 1980, the population was 1,005, and by 1990, it had increased to 1,147. In 2000, it fell to 1,017 and continued to decline to 908 by 2010. In 2012, Census data revealed that American Indians had been under-counted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

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

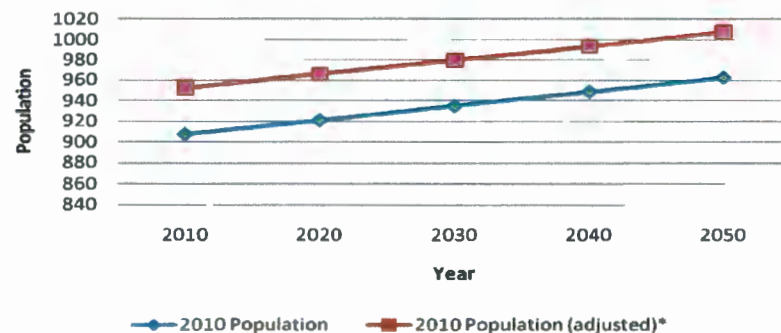
The Navajo Nation Water Management Branch utilizes a 1.48% annual growth rate for rural areas, such as a Bááháálí Chapter. For the purpose of this planning effort, the 1.48% growth rate was utilized for Bááháálí Chapter.

Graph 2 shows population projections for Bááháálí

Graph 1. Bááháálí Chapter Population (1980-2010)



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



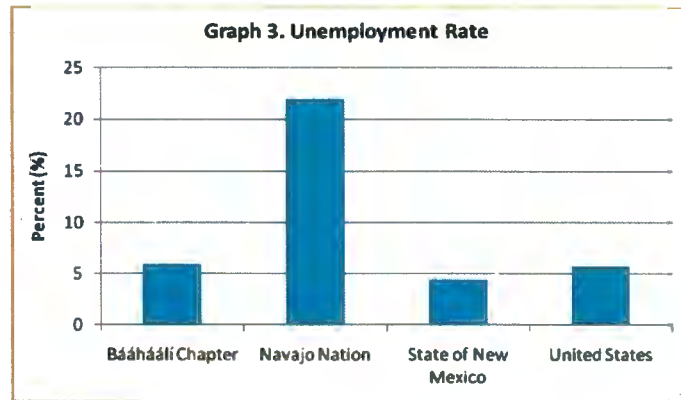
Chapter for the next 35 years. In 2050, the population would be 963, but with the population adjustment, the population in 2050 would be 1008.

2.4 Economic Indicators

Economic indicators are presented below for Bááháálí Chapter. Indicators are compared to the Navajo Nation, State of New Mexico, and U.S. The indicators are: (1) unemployment rate; (2) median household income; (3) poverty level; and (4) education levels based on the latest census data (U.S. Census Bureau, 2010). However, these indicators do not account for a strong underground economy that exists on the Navajo Nation from unreported sales of livestock, arts and crafts, roadside stands, and flea markets. This is an industry that contributes about \$6 million a year to a \$1.3 billion annual economy; although the jobs are not counted in the tribe's employment statistics (Fonseca 2009).

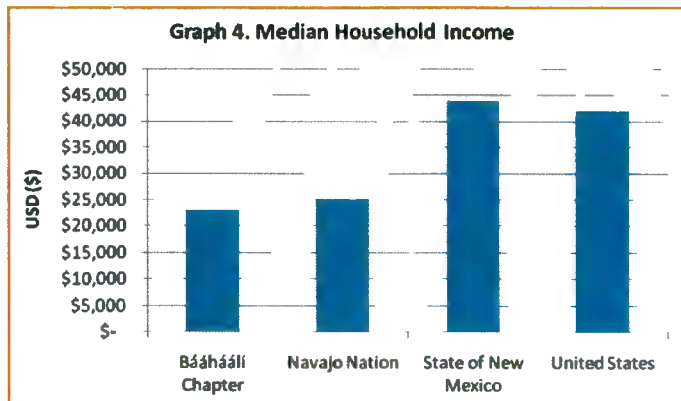
2.4.1 Unemployment

Unemployment is defined as the number of unemployed civilians who are looking for jobs divided by the total labor force. In 2010, the unemployment rate in Bááháálí Chapter was 5.9%. **Graph 3** shows a comparison of the unemployment rate for Navajo Nation at 21.9%; the State of New Mexico at 4.4%; and, the U.S. at 9.3%.



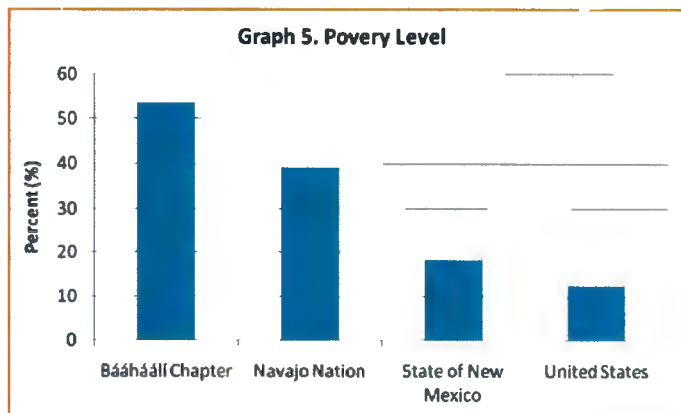
2.4.2 Median Household Income

The median household income in Bááháálí Chapter was \$22,992 in 2010. **Graph 4** shows a comparison of the median household income for Navajo Nation at \$25,166; the State of New Mexico at \$43,820; and the U.S. at \$41,994.



2.4.3 Poverty

The poverty level, or the percentage of the population that lives at or below the poverty level, for Bááháálí Chapter was 53.5% in 2010. The Navajo



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

2.4.4 Education

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

2.5 Residential

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

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

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

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

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

- Emergency shelter is needed for families who suffer loss of their home from fire or other damage. An estimated 10 units under Chapter control would meet the needs of the homeless and others. Shelter would be temporary, with a limit of stays set in place based on circumstances.

Potential housing sites were identified by the Chapter in consultation with community members. These sites were evaluated in a land suitability analysis by Miller, Arviso, and Associates.

Appendix F presents the housing assessment and map of potential housing sites. These potential housing sites include:

- Plan for Bááháálí Pinehaven Development Site (BPDS) housing site encompassing 160 acres. It includes White Hills Public Housing and Ponderosa homeownership projects.
- Blue Medicine Well housing site
- Breadsprings North and Breadsprings South housing sites, located on each side of Bread Springs Wash near the Chapter House
- BIA Road 7602 housing site
- Skeet Road housing sites (near the Mustang gas station)
- Uprooted Tree housing site
- Davis Ranch (Tiger Lane) housing site
- Sundance Coal Mine housing site, near Rehoboth, separated from other areas by a big mountain with unpaved access road

2.6 Commercial

The closest commercial development is the Mustang convenience store, located along Highway 602 in Section 16. While it is within Bááháálí Chapter's service boundary, it is situated on State land. Therefore, Chapter residents can buy groceries and liquor, but it does not benefit the Chapter in terms of any lease fees or taxes. **Figure 5** shows a picture of the Mustang store.



FIGURE 5. MUSTANG COMMERCIAL DEVELOPMENT

2.7 Public Facilities

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



FIGURE 6. BÁÁHÁÁLÍ CHAPTER HOUSE

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

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

- **Fire Station.** In 2008, a fire station was constructed in Pinehaven. Today, water storage tanks are needed to support the fire station. Three water tank sites are currently being considered.

2.8 Churches and Ceremonial Grounds

There are six churches located within Bááháálí Chapter. The churches are as follows: Pinehaven Mission Church, St. Patrick's Catholic Church, Bread Springs Church of God, the Bááh Háálí Church of God-Holiness, Fellowship Church of God, and Valley View Church. Only two churches have valid leases, and the rest are in the process of getting a valid site lease. The Chapter has drafted its Church Site Leasing Regulations.



FIGURE 7. ONE OF SIX CHURCHES

A site designated for nondenominational religious use has been identified near the Chapter House to eliminate conflicts among residents, and to provide a more orderly process in which health and spiritual practices can occur. Chapter members hope that having the site will encourage young adults to train as practitioners.

2.9 Recreation

Bááháálí Chapter has an outdoor recreational area, which is a rodeo arena located next to the Chapter House that has been in existence since 1930.



FIGURE 8. RODEO ARENA

2.10 Grazing and Agriculture

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

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

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

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

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

2.11 Cemetery

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

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

2.12 Transportation Network

There are four types of roads in Bááháálí Chapter: state roads, county roads, BIA roads, Navajo tribal roads, and many residential access roads. Jurisdiction over the BIA and Navajo tribal roadways will soon fall under the Navajo Department of Transportation (NDOT). Bread Springs Road is the only roadway with a valid right-of-way (ROW), whereas the remaining Bááháálí Chapter roads lack a right-of-way, making it difficult to propose road improvement projects.

Table 1 presents an inventory of the roads in Bááháálí Chapter.

Table 1. Inventory of Roads in Bááháálí Chapter			
A. State Road: Highway 602			
B. County Roads			
Road # and Name 10 - Old Bread Springs 10A - Pine Haven 24 - Bean Farm Rd. 34 - Skeets Road	Road # and Name 46 - Bittersprings Rd. 46 - Blue Medicine Well 250 - R. Chavez Rd. 350 - Tracy Lane	Road # Name 350 - Howard Lane C350 - Glory Land Lane Uprooted Tree Rd.	Road Name 3 Private (no names) Pine Grove Dr. Pine Garden Dr. Panther
C. BIA Roads:			
7273 - E. Skeets Rd.	7062 - Bread Springs Rd.		
D. Tribal Roads:			
7299 - Brown Rd. 7401 - Clani Dr. 7402 - Pinto Dr. 7403 - Livingston Rd. 7406 - Larry Dr. 7407 - Locus Grove Rd. 7409 - Yazzie-Livingston 7412 Pine Tree Wash	7598 - Seven Sisters 7601 - Tsosie Ln. 7609 - Tiger Ln. 7611 - Eagle Roost Rd. 7620 - Yazzie Cr. 7621 - Umbrella Canyon 7622 - S. Longhair Rd. 7623 - Lee Loop	7626 - Begay-Sanders 7628 - Chapter House Dr. 7629 - Cowboy White Rd. 7630 - Morgan-Randolf 7653 - E. Bean Farm Rd. Ponderosa Loop Ponderosa Lincoln Loop	Dubois Ln. James Dr. Jewelryman Rd. N. Longhair Loop Aviso Ln.

2.13 Illegal Dump Sites and Solid Waste Management

Waste dumping is an ongoing problem in Bread Springs, and there are about 20 illegal dump sites throughout the Chapter. The Chapter has requested help from Navajo Environmental Protection Agency, but to date no one has come to assess the situation. Bread Springs is beginning to work with neighboring Chapters to reduce the potential of new dumping and remove existing material. The problem is principally one of solid waste dumping. The extent of hazardous materials that may have been dumped, if any, is not known.

In 2008, Bááháálí Chapter, in partnership with Chichiltah Chapter, reopened the Bááháálí Chichiltah Regional Solid Waste Collection and Recycling Center (CRC) to address the need for waste disposal. The waste collected at CRC is transported to Red Rock Landfill in Thoreau, New

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

2.14 Utility Infrastructure

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

2.14.1 Power

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

2.14.2 Water

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

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

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

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

from the Crevasse Canyon Formation and the Mesa Verde Group are found at depths varying from 360 to 822 feet below ground surface. Groundwater from the Gallup Sandstone is found at 1,800 feet below ground surface. **Table 2** lists an inventory of the wells.

Table 2. Domestic and Livestock Wells in Bááháálí Chapter			
Well No.	Name/Owner	Status	Type
16A-299			
16K-341			
16T-342	Larry Chee	Inactive	Windmill/Livestock
16T-502			
16T-530	Deswood	Inactive	Windmill/Livestock
16T-547			
16T-562	Lincoln	Active	Windmill/Livestock
16T-563	Chris Begay	Active	Windmill/Livestock
16T-564	Westley Begay	Active	Windmill/Livestock
16T-569	Ray Francisco	Inactive	Windmill/Livestock
16T-570	White Davis	Active	Windmill/Livestock
16T-579	Charley Davis	Active	Windmill/Livestock
16T-598	NTUA	Active	
16T-599	Brenda James	Active	Windmill/Livestock
BRD SPRG PM2	NTUA	Active	Domestic
BRD SPRG PM3	NTUA	Active	Domestic

2.15 Telecommunications

Telecommunication service includes hardwire and wireless infrastructure. CenturyLink supplies the hardwire service and is currently working to secure the right-of-way and to upgrade their system to provide high speed Internet via fiber-optics. Wireless service providers include Cellular One, AT&T, Sprint, and Verizon. Most residents utilize wireless services since it is available; yet, it is not reliable. Internet satellite service providers include Hughesnet and Exceed Wildblue.

2.16 Fort Wingate Army Depot (FWAD)

In 1870, a U.S. Executive Order designated the land for military use, and by 1919, the Army had built the largest storage of high explosives in the world. The land falls within the traditional territory of both Navajo and Zuni people. Bááháálí Chapter, along with Iyanbito and Churchrock Chapters, are located adjacent to the property. FWAD is undergoing clean-up, and has had no active mission since January 1993. It was selected as one of several U.S. military sites under the Base Realignment and Closure Act (BRCA). The goal of the BRCA is to close and reclaim areas no longer useful to the military, allowing the land to be used for other purposes. The Army has already transferred 5,854 acres to the U.S. Department of Interior, and the goal is to turn the lands (after final environmental clean-up) over to the Bureau of Indian Affairs (BIA) to benefit the Navajo Nation and the Pueblo of Zuni. Thereafter, the Navajo Nation government will decide

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

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

3. THE PLAN

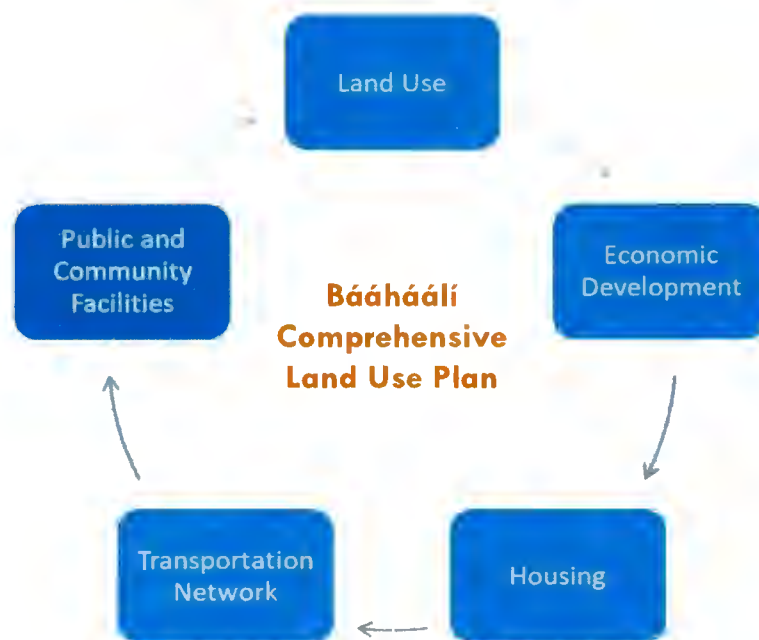
'An old saying amongst those in the planning profession is that if you fail to plan, what you are doing in reality is planning to fail'

John Conglose, Ohio State University

3.1 Overview

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

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



3.2 Land Use

Land use within Bááháálí Chapter includes rangeland, residential developments (primarily scattered homes), churches, ceremonial sites, roads, and utilities. Future housing, parks and recreation are considered for Section 14, with plans already under way. Section 14 is located on the north side of Bread Springs Road about a quarter-mile from Highway 602. Five other sites are under consideration, pending land users' approval.

Commercial developments and public safety facilities are considered for Section 16, which is located on the east side of Highway 602 at the junction with Breadsprings Road, is currently state land that the Chapter desires to obtain through a land exchange.

Proposed future developments will require approval by the CLUPC in accordance with this Plan. **Plate 1** shows the existing and future land uses within Bááháálí Chapter. The goals and strategies for overall land uses also are presented below.

Goal 1. All housing, commercial development, church sites, ceremonial areas, and grazing uses must have valid leases or permits.

STRATEGIES:

- a. Identify land uses without a valid lease/permit, develop list of land use violations, and contact Navajo Land Department/BIA Natural Resources for guidance on how to get in compliance on Navajo land regulations.
- b. Submit letters to responsible parties to inform them of the requirements, and assist them in completing the process for home site leases, church site leases, business site leases, and grazing permits.
- c. Conduct a public awareness campaign regarding illegal land use with assistance from the Land Board member, Navajo Land Department, and/or other appropriate entity to remain in compliance.
- d. Finalize the Chapter's Church Site Lease Policy.

Goal 2. Ensure land is available for housing, economic development, public facilities, and education.

STRATEGIES:

- a. Develop a BPDS Section 14 Master Plan to create an organized and livable housing community that includes parks and recreation. Complete a land designation for all areas identified within the Plan (as shown in **Plate 3**).
- b. Acquire land tract Section 16, T13N, R18W, under a land exchange with the State of New Mexico for economic development, public facilities, and possibly education facilities.
- c. Identify a land parcel for a public safety facility (and regional maintenance patrol yard) next to the Collection and Recycling Center in Section 29, T13N, R18W, so that the Navajo Division of Transportation (NDOT) can assume operations and maintenance. Then, plan accordingly for a public safety facility within the maintenance patrol yard.

Goal 3. Regulate illegal dumping.**STRATEGIES:**

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

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

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

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

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

3.3 Economic Development

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

negotiated property from FWAD that will be turned over to Bááháálí Chapter; and (2) Section 16, located along Highway 602. FWAD land can provide ecotourism opportunities; while Section 16 can provide a prime location for a commercial development.

First, the land needs to be acquired by the Chapter, then designated for commercial development and master planned. A planned development site is more attractive to a potential business owner. Also, some Chapters choose to adopt a tax ordinance to generate revenue for their community. Nonetheless, Chapters that conduct limited transactions or purchases, may conclude that it is fruitless to develop and adopt a tax ordinance.

Goal 1. Acquire land in Section 16 through a land exchange, and designate the area for Residential/Educational/Commercial Development.

STRATEGIES:

- a. Obtain Chapter resolution to support land acquisition, and seek support of the Navajo Nation Council.
- b. Designate that the area have three zones: Residential/educational/commercial development; and develop a Master Plan.

Goal 2. Develop Master Plan and market studies to support commercial development for gas station, convenience store, laundromat, vendor area, grocery store, tourism, and feed store.

STRATEGIES:

- a. Develop a Request-for-Proposals (RFP) to select an outside consultant to conduct a market study for the commercial tract.
- b. Identify a tract of land for the Master Plan. Issue RFPs for the following types of consultants: (1) a certified Land Surveyor to survey site boundaries for legal description; (2) an Environmental Consultant to conduct archaeological inventories, biological assessments, and prepare an Environmental Assessment (EA); and (3) a Planner to prepare a site plan for the development.
- c. When the market study and Master Plan are completed, publish a notice in the newspaper announcing the land availability.

Goal 3. Develop a Master Plan and market studies for ecotourism on the FWAD acquired land.

STRATEGIES:

- a. Encourage a Council Delegate, the Navajo Land Department, and BIA Division of Natural Resources to support the Chapter in acquiring the southwest portion of the FWAD.
- b. Once the land is acquired, develop a RFP to select an outside consultant to conduct a market-feasibility study for ecotourism.
- c. Identify Master Plan land tract. Issue RFPs for: (1) a certified Land Surveyor to survey site boundaries for legal description; (2) an Environmental Consultant to conduct archaeological inventories, biological assessments, and prepare an Environmental Assessment (EA); and (3) a Planner to prepare a site plan for the development.

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

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

STRATEGIES:

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

3.4 Housing

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

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

STRATEGIES:

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

Goal 2. Create additional housing designations.

STRATEGIES:

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

3.5 Transportation

The Community Values Survey revealed that the community is generally dissatisfied with the transportation network in Bááháálí Chapter. As aforementioned, with the exception of Bread Springs Road, all community roads lack a legal ROW, which affects the Chapter's ability to adequately initiate an improvement project, be that project on a county, tribal, or private road. The Chapter has identified 25 roads that require improvement and has prioritized those roadways. Road improvement projects are grouped into three categories: *Priority 1*, *Priority 2*, and *Priority 3*. **Plate 2** illustrates Bááháálí Chapter's transportation network and lists the priority road improvement projects. **Table 3** lists the roads that have been prioritized for road improvement projects.

Table 3. Bááháálí Chapter Tribal Road Improvement Projects		
Priority 1	Priority 2	Priority 3
Blue Medicine Well Road Rodeo Road Pine Haven Road Cowboy White Road (7629) Tsosie Lane (7601) Tiger Lane (7619) S. Longhair Road (7622) Locust Grove Road (7407) Larry Drive (7406) E. Bean Farm Road (7653) James Drive	Seven Sisters Road (7548) Yazzie Circle (7620) Morgan-Randolf Road (7299) Yazzie-Livingston Lane (7409) Begay-Sanders Loop (7626) Clani Drive (7401) Ponderosa Loop Jewelryman Road	Pinto Drive (7402) Eagle Roost Road (7611) Lincoln Loop Dubois Lane N. Longhair Loop Arviso Lane

Goal 1. Beginning with Priority 1 road projects, work with NDOT to initiate ROWs for all tribal roads.

STRATEGIES:

1. Meet with NDOT and share road improvement goals and strategies for the Chapter.
2. Seek funding to conduct environmental assessments and legal surveys.
3. Identify additional funding sources for ROWs and planning efforts.
4. Obtain cost estimates for ROWs, road improvement designs, and construction costs.
5. Work with County for ROWs and road improvements.

Goal 2. Work with the McKinley County Roads Department to initiate ROWs for all county roads.

STRATEGIES:

1. Meet with the McKinley County Roads Manager to develop a plan for obtaining allotment recipients' ROW consent, and to establish allotment ownership near county roads.

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

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

STRATEGIES:

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

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

STRATEGIES:

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

3.6 Public and Community Facilities

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

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

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

STRATEGIES:

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

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

STRATEGIES:

1. Work with Navajo Department of Public Safety for a local substation.

Goal 3. Conduct Building Assessments for Chapter House and Senior Center.

STRATEGIES:

1. Hire an Architect to conduct a building assessment to determine its condition for expansion and to evaluate the ability to expand and upgrade the facilities.
2. Ensure that building assessment and conceptual expansion plans have cost estimates.

Goal 4. Move Warehouse to Chapter Compound.

STRATEGIES:

1. Identify site for a new warehouse location.
2. Obtain cost estimates and obtain Chapter's approval for project.

Goal 5. Transfer a portion of Ft. Wingate Land Acquisition to Bááháálí Chapter for outdoor recreation and open space for wildlife.

STRATEGIES:

1. Encourage leadership to support Chapter control of the land acquisition.
2. Develop a plan identifying outdoor recreation opportunities and wildlife habitat preservation areas.

Goal 6. Expand the cemetery.

STRATEGIES:

1. Obtain land designation approximately five acres north of the existing cemetery in Section 15.
2. Obtain land designation for a 1.5-acre parking lot east of the existing cemetery.
3. Develop a plan to fence the cemetery, add a parking lot and driveway, and appropriate signage within the cemetery.
4. Improve the access road to the cemetery.

Goal 7. Explore opportunities to enhance the site, and create opportunities that are compatible with the Collection Recycling Center in Section 29.

STRATEGIES:

1. Redesign the five-acre collection and recycling center tract in order to provide easier access and better traffic flow.
2. Continue to support NDOT to complete road improvement from Highway 602 to the Recycling Center.
3. Create incentives to increase coupon sales for more business at the collection center.

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

4. IMPLEMENTATION

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

4.1 Zoning Ordinances

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

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

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

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

4.2 Administration/Enforcement

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

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

4.3 Zoning Ordinance Procedure

According to LGA Section 2001, a proposed ordinance of LGA-certified chapters shall contain the following:

- a. An ordinance number
- b. A title that indicates the nature of the subject matter of the ordinance.
- c. A preamble that states the intent, need, or reason for the ordinance.
- d. Rules and regulations governing the enforcement of the ordinance, budgetary information, and where applicable, a statement indicating the penalty for violation of the ordinance.
- e. A statement indicating the date when the ordinance shall become effective.
- f. The signature of the Chapter President; thus, officially recording the transaction or writing.
- g. The proposed ordinance shall be read into the record at two consecutive Chapter meetings, of which one may be designated a special meeting, in order to provide information and an opportunity to discuss and comment on the proposed ordinance(s).
- h. All ordinances shall be read in both English and Navajo. After the final reading, the proposed ordinance shall be posted at public places within the Chapter boundaries at least 14 calendar days prior to the vote. The date of the vote shall be decided upon by the Chapter elected officials.
- i. All ordinances shall be compiled and maintained by the Chapter for public information. Copies of ordinances shall be filed with the central Records Management Department of the Navajo Nation.

4.4 Future Chapter Ordinances

Based on the Plan, the following ordinances will be required for its support. Bááháálí Chapter will use resources available from departments within the Navajo Nation to enforce the ordinances, and if necessary, the Chapter will enter into Intergovernmental Agreements.

1. Residential and commercial zoning ordinances
2. Illegal dumping ordinances

4.5 Conclusion

Upon adoption of a zoning ordinance by the Chapter membership, the Chapter government must be prepared to monitor and enforce the ordinance. The Chapter government will need to develop both an administrative process and staff positions for monitoring and enforcing zoning; an example of this would be a Planning and Zoning Office and board.

The Bááháálí Chapter Comprehensive Land Use Plan requires the development and adoption of ordinances to ensure that future development consistency with the Plan. At a minimum, Chapter officials must do the following: meet with stakeholders to obtain their approval for future zoned areas; compile and organize all records related to land withdrawals, leases, and rights-of-way

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

References Cited

- Brown, D.E. 1994. Biotic Communities of the American Southwest-United States and Mexico. In: Desert Plants. Volume 4. Numbers 1-4 1982. University of Arizona, Tucson, Arizona.**
- Cooley, M.E., Harshbarger, J.W., Akers, J.P., & Hardt, W.F. (1969). Regional Hydrogeology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah. Geological Survey Professional Paper 521-A. Prepared in cooperation with the Bureau of Indian Affairs and the Navajo Tribe, United States Government Printing Office, Washington.**
- El Nasser, Haya. 2015. "U.S. Census Challenge: Counting Every Native American and Alaska Natives." Al Jazeera. (Date Accessed: 2/16/17). Web.**
- Fonseca, F. 2009. Navajos Largely Unscathed by Recession. Associated Press: May 17, 2009.**
- Kelly and Becker. 2000. Community Planning: An Introduction to the Comprehensive Land Use Plan. Copyright 2000 by Island Press, Washington, DC.**
- Linford. 2000. Navajo Places, History, Legend, Landscape. University of Utah Press, Salt Lake City, Utah.**
- LSR Innovations. 2004. Chapter Images: Profiles of 110 Navajo Nation Chapters. Prepared for the Navajo Nation Division of Community Development, Window Rock, Arizona.**
- Navajo Nation Division of Water Resources (NNDWR), 2009. GIS Wells Data. (Date Accessed: October 2009).**
- Navajo Times, 2012. "Sandwiched: Between Gallup and Zuni, a Navajo chapter slices out an identity." <<http://www.navajotimes.com/news/chapters/100412san.php>>. (Date Accessed: October 18, 2016).**
- Swaback Partners, PLLC. 2013. The Sustainable Journey of Beauty: A Planning Manual for developing new housing and community initiatives on the Navajo Nation. Prepared for Navajo Housing Authority.**
- U.S. Census Bureau. 2016. American Fact Finder. Available from: www.census.gov. (Dates Accessed: October 2016).**

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APPENDIX A

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



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

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

Gloria Skeet deCruz, Chapter Manager

Guarena Adeky Skeets, Administrative Assistant

BHC-04-18-S09

RESOLUTION OF THE BÁÁHÁÁLÍ CHAPTER

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

WHEREAS:

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

NOW THEREFORE BE IT RESOLVED THAT:

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

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Bááháálí Chapter at a duly called meeting in Bááháálí, Navajo Nation, New Mexico at which a quorum of Chapter Members were present and that the same was passed by a vote of 42 in favor, 00 opposed and 01 abstained this 23rd day of April, 2018.

Chapter Official
Bááháálí Chapter

Motioned by: Loretta Arviso
Second by: Chee Savage

gms

APPENDIX B

COMMUNITY VALUES SURVEY

Community Involvement Survey Results for

Bááháálí Chapter

How the Survey was Completed

- **Sample Size (n) = 77**
- **Sampling Methods**
 - Some surveys were narrated to ensure there was no confusion about questions; others were taken independently.
 - **Survey Period:** November 14, 2016 – October 31, 2017

Question Summary

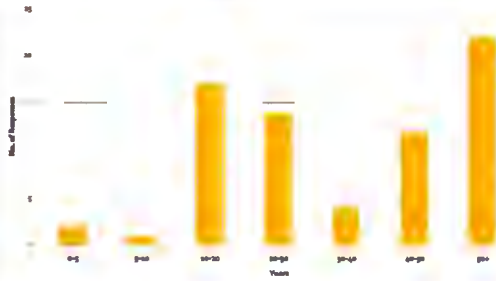
- **18 Questions Total**
- **Questions 1-10:** Questions to gauge community involvement
- **Questions 11-18:** Questions to gauge opinions on community & economic development in the Chapter.

Questions 1-10

Community Involvement



1: How many years have you lived in Bááháálí Chapter?



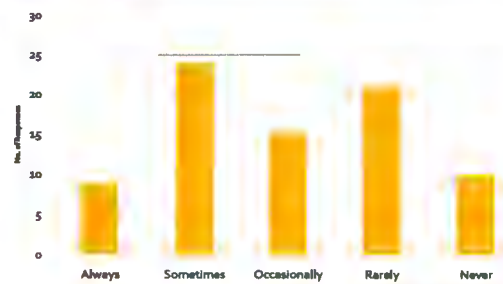
2: Do you enjoy living in the Bááháálí Chapter Community?

95%
yes 👍

3: Are you a registered voter in Bááháálí Chapter?

83%
yes 👍

4: Do you attend Chapter House meetings?



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



Question 5 (continued)

Some responses to "Other reasons for not attending Chapter meetings" :

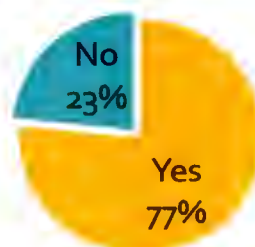
- Meetings take place while I'm working
- Other priorities
- Hardly use Chapter House services
- Too young
- Meetings take too long to start
- Not interested

6: What would encourage you to attend Chapter meetings?

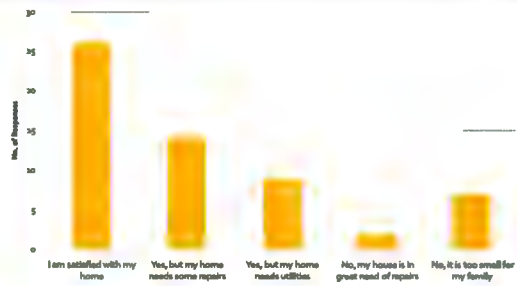
- Food or refreshments (e.g. Coffee, Potluck)
- Change meetings to evenings (after 4pm) or on Sundays
- Chapter leaders
- Transportation (e.g. Shuttle)
- Agenda items relevant to my needs
- Friendlier atmosphere
- Meetings focused on agenda and Chapter goals
- English-friendly (for younger people)
-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



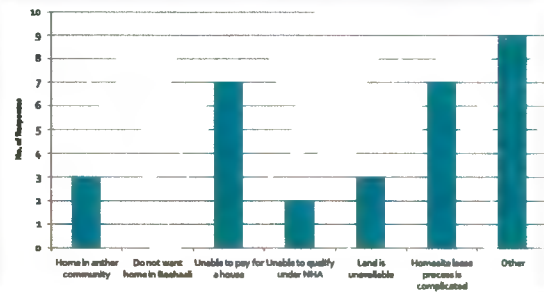
7: Do you have a home in the Bááhááli Chapter Community?



8: Are you satisfied with your home?



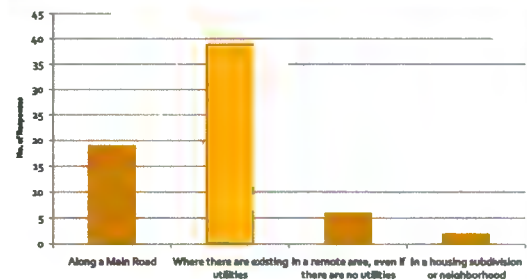
9: If you are not a homeowner, what are the reasons keeping you from getting a home?



Other:

- Some individuals that chose "Other" are in the process of obtaining a Homesite Lease.
- Residing in the city
- Living at home with parents

10: If I had a choice, I would live...

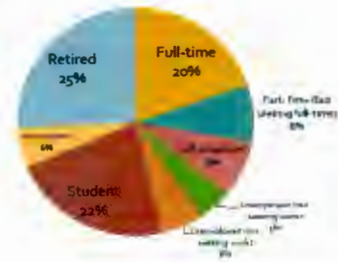


Questions 11-18

Summary of Economic & Community Development

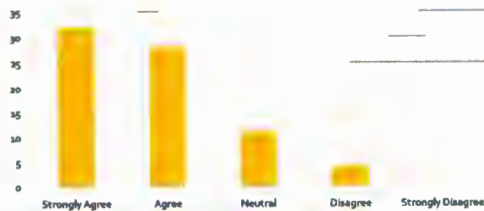


11: What is your employment status?

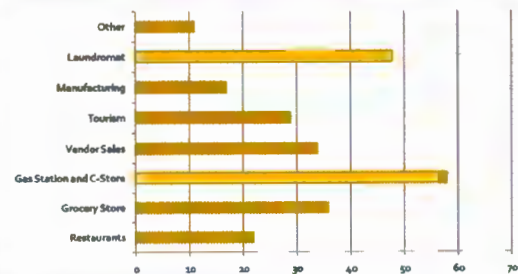


12: Do you agree or disagree with the following statement:

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



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

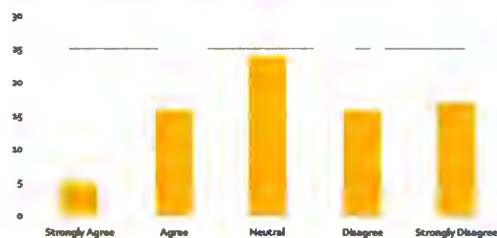


Question 13 (continued)

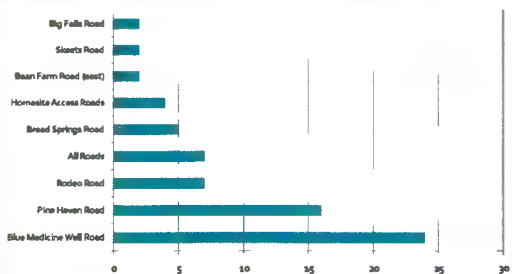
- The following responses were generated under "Other":
 - Feed Store
 - Vendor-regulated facilities (e.g. Flea Market)
 - Recreation Center
 - Trash Dump
 - Farmer's Market
 - Fishing Reservoir
 - Hiking/Biking/Jeep Trails
 - Workshops to learn life skills/new skills
 - Walk for Breast Cancer/Diabetes/Health-focus

14: Do you agree or disagree with the following statement...

"I am satisfied with the road system in Bááháálí Chapter."

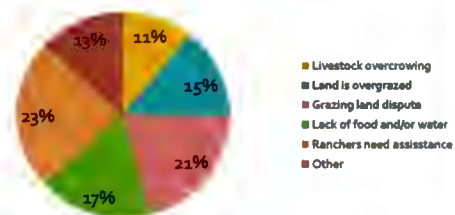


15: Which roads are in need of repair?



16: Raising livestock is important to Navajo culture, yet there are many issues surrounding livestock.

What are do you think are the main issues regarding livestock and rangeland?



Question 16 (continued)

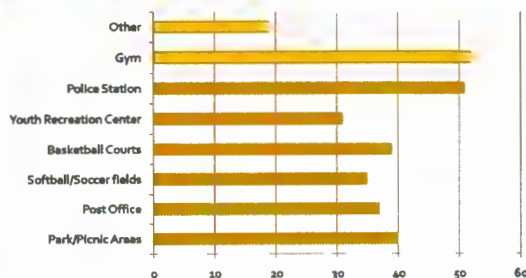
Under "Other" the following responses were generated:

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

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



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



Question 18 (continued)

Under "Other" the following responses were generated:

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



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

Conclusions

Most people who took the survey...

- Enjoy living in the community
- Registered Voters
- Generally satisfied homeowners
- Retired, Student, or full-time/seeking full-time work
- Sometimes attend Chapter Meetings
- Support Economic Development

To encourage people to attend Chapter Meetings...

- Have food and refreshments
- Change the meeting time
- Clearly advertise meeting time and agenda early on

Most People would like to live...

- Where there are existing utilities
- Along main roads

Conclusions (continued)

Top 3 Economic Developments:

- Gas Station & C-Store
- Laundromat
- Grocery Store

Many people are neutral or not satisfied with road conditions.

Top 3 Roads that need Improvement:

- Blue Medicine Well Road
- Pinehaven Road
- Rodeo Road
- Honorable Mention: Bread Springs Road

There are many issues surrounding livestock, especially rancher assistance, grazing land dispute, & lack of food/water.

- Some suggest better rangeland management and fencing are needed

There is a lack public safety facilities and access to police when needed.

Top 3 Public Facilities:

- Gym
- Police Station
- Parks & Picnic Areas

Questions?

APPENDIX C

MAPS

Plate 1. Baahaali Chapter Land Use Map

Existing Developments

- Wells
- Cell Towers
- Churches
- Bridges
- Homesites

Existing Land Uses

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

Future Land Uses

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

Land Status/Boundaries

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

Roads

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



0 0.5 1
Mile

Baahaali Chapter

McKinley County, New Mexico

BAAHAALI CHAPTER HOUSE

BLUE MEDICINE WELL ROAD

Old Chapter House & AIP Purpose Warehouse

BREAD SPRINGS ROAD

PRINCEWILL ROAD

Old Trading Post

EAGLE ROOST

SONNEROSA

Collection & Recycling Center and Maintenance Patrol Yard

7046

602

7276

UPROOTED TREE RD.

7277

34

BIG FALLS RD

7278

SKEETS RD

7279

Mustang C-Store

7273

Section 16

7274

7275

1432

1431

7276

7277

7278

7279

7280

7281

7282

7283

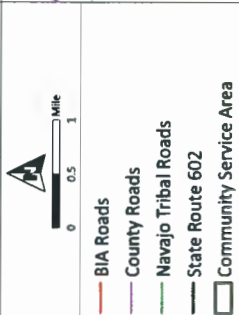
7284

7285

7286

7287

Plate 2. Baahaali Chapter Transportation Network



Road Improvement Priority List

- Priority 1 Group**
 COWBOY WHITE ROAD (7629), TOSSE LANE (7601),
 TIGER LANE (7619), S. LONGHAIR ROAD (7622),
 LOCUST GROVE ROAD (7407), LARRY DRIVE (7406),
 E. BEAN FARM ROAD (7653), AND JAMES DRIVE.
- Priority 2 Group**
 SEVEN SISTERS ROAD (7548), YAZZIE CIRCLE (7620),
 MORGAN-RANDOLF ROAD (7630), PONDEROSA LOOP,
 BROWN ROAD (7299), YAZZIE LIVINGSTON LANE (7409),
 BEGAY-SANDERS LOOP (7626), CLANI DRIVE (7401),
 JEWELRYMAN ROAD, AND LIVINGSTON ROAD (7403).
- Priority 3 Group**
 PINTO DRIVE (7402), EAGLE ROOST ROAD (7611),
 LINCOLN LOOP, DUBOIS LANE, N. LONGHAIR LOOP,
 AND ARYISO LANE.

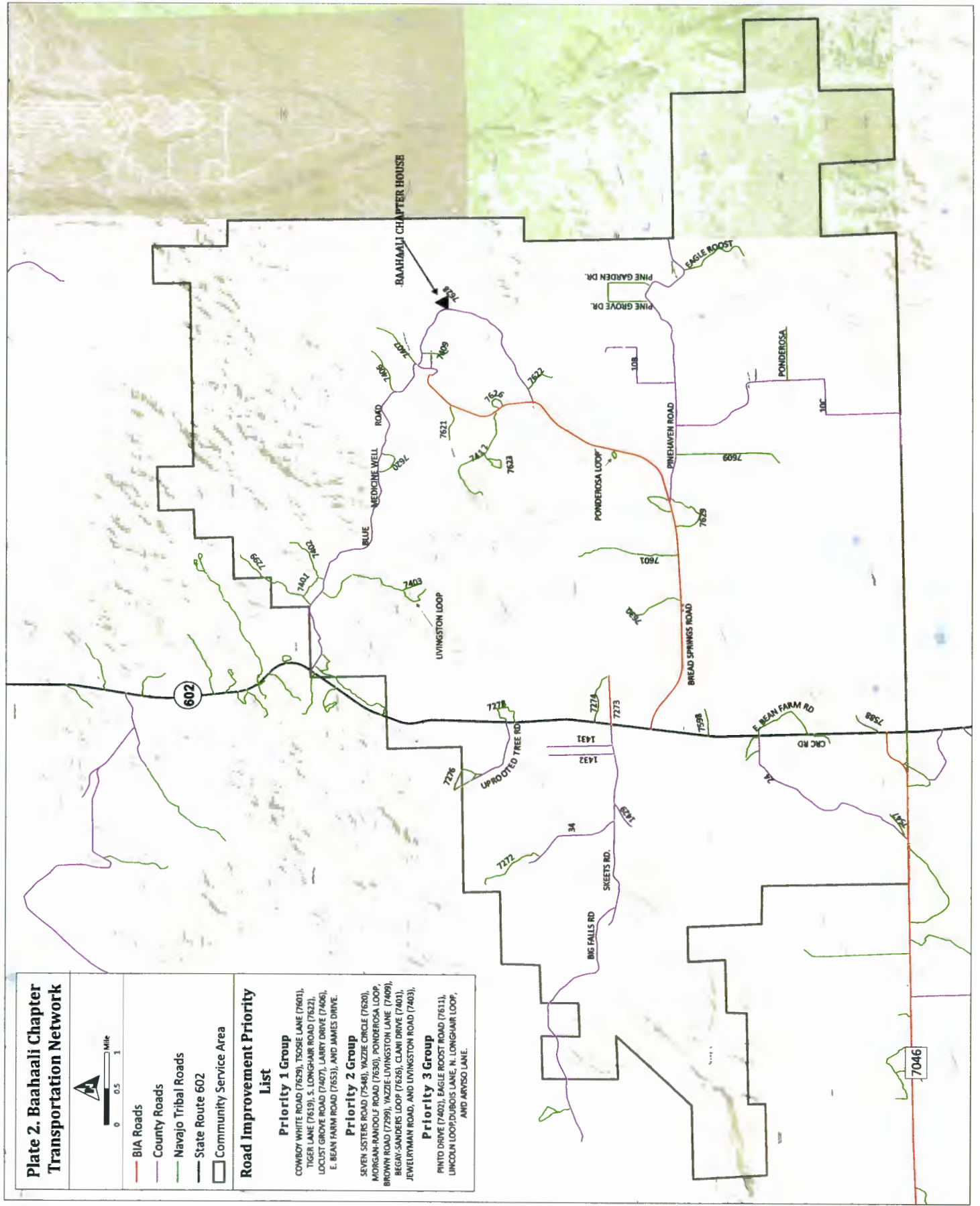
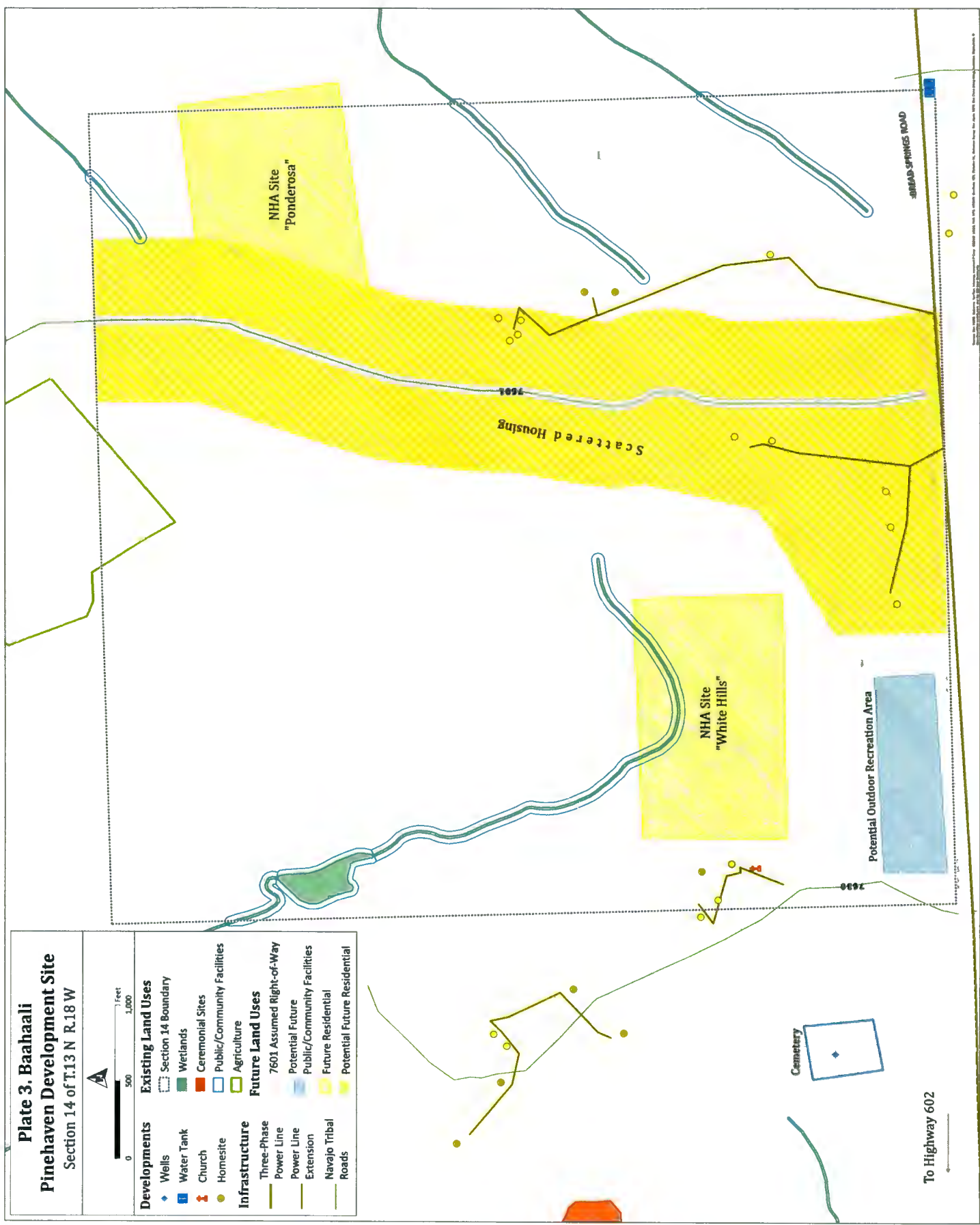
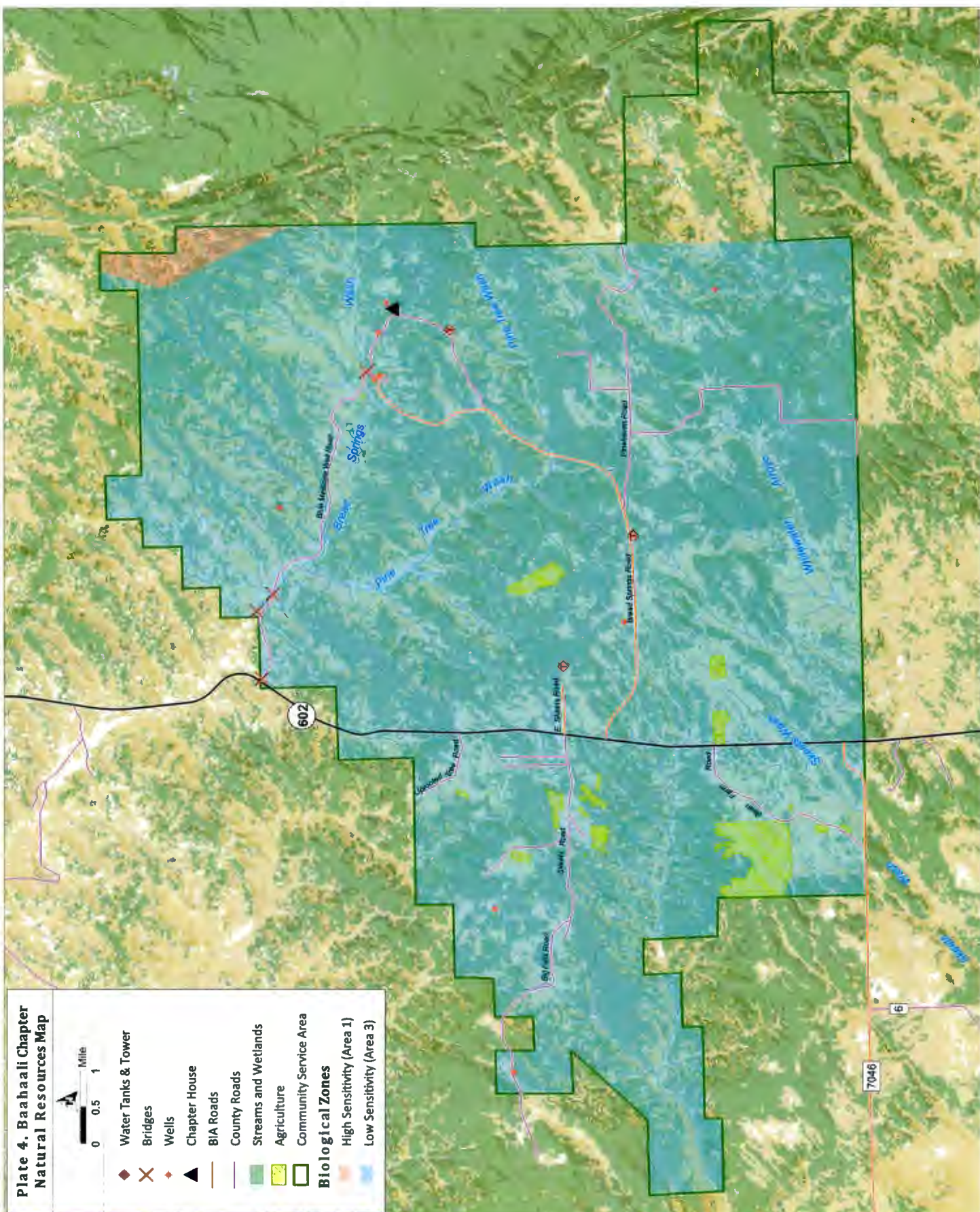


Plate 3. Baahaali
Pinehaven Development Site
 Section 14 of T.13 N R.18 W



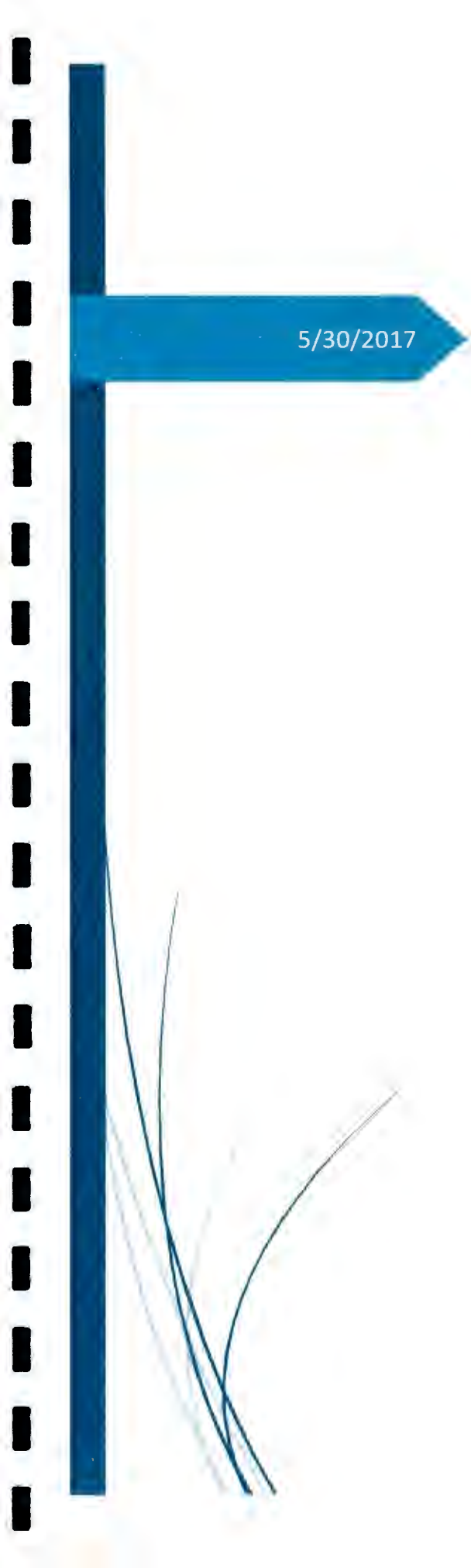
Developments		Existing Land Uses	
Wells	Blue diamond	Section 14 Boundary	Dashed line
Water Tank	Blue square	Wetlands	Green wavy line
Church	Red cross	Ceremonial Sites	Red square
Homesite	Yellow circle	Public/Community Facilities	Blue square
Infrastructure		Agriculture	Green square
Future Land Uses		7601 Assumed Right-of-Way	
Three-Phase	Thick black line	Potential Future Public/Community Facilities	Blue wavy line
Power Line	Thin black line	Future Residential	Yellow square
Extension	Thin black line	Potential Future Residential	Yellow square
Navajo Tribal Roads	Thin black line		



[illegible]

APPENDIX D

CHAPTER LEASE REGULATIONS



5/30/2017

Homesite Lease Policy

Bááháálí Chapter

Guarena M Adeky Skeets, CLUPC President
BÁÁHÁÁLÍ CHAPTER

- I. Authority
- II. Purpose
- III. Scope
- IV. Applicant Eligibility Requirements
- V. Amount of Land Available
- VI. Annual Rental Fee
- VII. Term
- VIII. Application Procedures and Requirements
- IX. Environmental Review Process
- X. Incomplete Pending Application
- XI. Homesite Lease Abandonment
- XII. Assignment, Modification, and Termination of Homesite Leases
- XIII. Mortgage and Default
- XIV. Land Board Member Responsibilities
- XV. Grazing Disputes to Department of Agriculture
- XVI. Homesite Leases Compliance and Restrictions
- XVII. Homesite Lease Enforcement
- XVIII. Prior Approved Homesite Lease
- XIX. Housing for Public Purposes Master Lease
- XX. Privacy Act
- XXI. Definitions
- XXII. References
 - A. CAP-48-99 The Privacy Act
 - B. CM-9-50 NNC approved 750 feet highway ROW on both sides of highway
 - C. RDC-216-99 Community Cemeteries
 - D. RDC-289-93 Approving the Homesite Lease Policy and Procedures
 - E. RCJA-05-06 Approving and Promulgating New Rules for Land, Grazing and Farming Disputes
 - F. RCMA-34-03 Biological Resource Land Use Clearance Policies and Procedures
 - G. RCN-194-02 OHA to Hear and Decide Disputes concerning Grazing Rights, Land Boundaries, and Fences
- XXIII. Appendix
 - A. Homesite Lease Processing Flowchart
 - B. Homesite Lease Applications FORM 1
 - C. Field Clearance Certification FORM 2
 - D. Consent FORM 3
 - E. Environmental Review Form
 - F. Biological Data Request Form
 - G. Request for Homesite Lease Investigation Form/Flowchart
 - H. Homesite Lease Application Fee, Penalties, and Fines Fee Schedule

I. Authority

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

II. Purpose

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

- E. To assist the members of Bááháálí Chapter with a faster processing method for completing homesite leases in a timelier manner.
- F. To monitor the process of homesite leases within the Bááháálí Community Service area to ensure homesite leases are within existing roads and infrastructure.
- G. To keep track of homesite lease fees and ensure that homesite leasees understand the importance of paying their fees.

III. Scope

- A. The Bááháálí Chapter Homesite Lease Policy shall apply to Bááháálí Chapter trust and fee lands, which are within the community service boundaries, as well as any allotments held by the Navajo Nation government.

IV. Applicant Eligibility Requirements

- A. An applicant must be an enrolled member of the Navajo Nation; however, a non-member of the Navajo Nation who is legally married to an enrolled member of the Navajo Nation may be eligible through joint husband-wife application.
 - 1. There must be proof of such legal marriage, by issuance of a valid marriage license or Navajo Nation Court Order validating a marriage under the laws or jurisdiction of the Navajo Nation or any State.
 - 2. A non-member is also eligible if such individual's presence within the Navajo Nation's territorial jurisdiction is of indefinite duration and beneficial to the Navajo Nation. Non-member eligibility can be determined in the following instance and manner:
 - a. Non-member eligibility will be determined by the approval of a Housing Subdivision Master Lease which pre-approves the issuance of individual homesite leases, subleases, or assignments, to non-members that meet certain well defined requirements, documenting skills beneficial to the Navajo Nation, and whose presence is of indefinite duration.
 - b. Homesite lease applications that are not within a Housing Subdivision Master Lease or housing for public purpose lease will be determined on a case-by-case basis by the NLD.
- B. An applicant must be eighteen (18) years of age or older.

V. Amount of Land Available

- A. An applicant can apply for only one Homesite Lease, with the lease premises generally limited to one (1) acre or less of tribal trust or fee land, excluding withdrawals of lands for residential subdivisions and other types of withdrawals.

VI. Annual Rental Fee

- A. Lessee shall pay the Navajo Nation, in lawful money of the United States, a monthly rental of One Dollar (\$1.00), or \$12.00 per year. Lessee agrees that no

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

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

VII. Term

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

VIII. Application Procedures and Requirements

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

- a. Type of Tenancy: An applicant should specify how they want to receive the grant of a lease: as a Single Person, or co-tenants—joint tenants with the right of survivorship, tenants in common, or community property.
 - i. Future property disposition will be determined by this status in cases of divorce, death of a Lessee, or probate of a Lessee's estate.
 - ii. If applicants want to file as "Joint Tenants with Right of Survivorship" or "Community Property", a copy of the marriage license or validating Court Order is required, if applicable.

The following information shall be attached to the application before submission for processing at the Navajo Land Agency offices

- b. Certificate of Navajo Indian Blood/Tribal Enrollment Identification Card: The applicant(s) must attach an original Certificate of Indian Blood. Copies of the Certificate of Indian Blood can be obtained from the Agency Vital Records Office. All personal data must correspond with the Certificate of Navajo Indian Blood such as: Name(s), age(s), census number(s) and signature(s).
 - c. Non-refundable Application Fee: Applicant must submit a \$30.00 money order payable to: The Navajo Nation, PO Box 2249, Window Rock, Arizona 86515. Upon review and acceptance of the home site lease application, the NLD will issue a receipt for the filing fee.
 - d. Administration Fee: Applicant must submit a \$10.00 money order payable to: Bááháá'í Chapter, PO Box 6118, Gallup, New Mexico 87305. This fee is to cover the cost of folder development, copies of the packet to be sent to NLD and BIA, and other administrative costs.
- 2. Homesite Lease Application FORM 1 – Section 2: The applicant shall ensure that the Land Board Official (LBO) physically verifies and acknowledges the proposed home site location utilizing a hand-held Global Positioning System (GPS) unit by reading the Latitude/Longitude coordinates in North American Datum 1983 (NAD83), identifying the center point of the proposed home site location, and write the coordinates onto the Homesite Lease Application. If the homesite location is changed after acknowledgment is made by the LBO, it will render the Homesite Lease Application invalid.
 - 3. LBO must complete the Field Clearance Certification Form 2.

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

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

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

Fish and Wildlife with the completion of the Biological Data Request Form.

- C. Environmental Review Form: The applicant shall complete the environmental review form and submit it to the Navajo Land Department for review by the Environmental Reviewer.
- D. Upon verification for quality assurance by **Bááháálí Chapter**, the Homesite Lease Application package will be submitted to the NLD Manager or authorized designee who will give final approval on behalf of the Navajo Nation. The NLD will submit the following appropriate approved documents to the respective Bureau of Indian Affairs, Agency Real Estate Services, for recording.
 - 1. The package will include the following documentation:
 - a. Completed Application with updated CIB Form
 - b. Biological Resources Compliance Form (Navajo Nation Department of Fish & Wildlife)
 - c. Cultural Resources Compliance Form (Historic Preservation Department)/Archaeology Inventory Report (Archaeology Department)
 - d. Environmental Review Form
 - e. Certified land survey plat (Registered surveyor)
- E. Additional Application Requirements
 - 1. Forest or Woodland: If the proposed homesite is within the Navajo forest or woodlands, the LBO shall advise the applicant(s) to contact the Navajo Forestry Department. The Navajo Forestry Department shall determine whether the proposed homesite will impact the Navajo Nation forest or woodland pursuant to RCJY-142-92. The Forestry Department may issue a letter stating requirements and conditions to proceed with the proposed homesite lease application.
 - 2. Highway Access: If access to a highway is required for ingress and egress, the proposed homesite lease applicant must contact the appropriate Navajo or State Department of Transportation for Highway access clearance.
 - a. If access is needed for a homesite lease along Bread Springs Road, a driveway permit will be completed and submitted to Bááháálí Chapter with the homesite lease application and will be forwarded to the BIA Roads Department for approval.
 - 3. All applicants and lessees shall provide **Bááháálí Chapter** with a current valid address or any changes at all times.
- F. Conveyance within Housing Subdivision: When an applicant applies for a conveyance of a lot within a subdivision, the applicant will be responsible for all costs associated with the conveyance.

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

IX. Environmental Review Process

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

1. The department conducting biological or archaeological clearance shall develop and internal procedures that exempts proposed homesite leases from thorough review if the area meets exclusion criteria.
2. The departments may work with individual Chapters to identify land withdrawal designation areas for residential development. A Chapter, at their expense, will conduct environmental studies as required within a tract of land before any development occurs.

D. Conditional Compliance Determination Summary

1. Compliance Determination Summary issued with a requirement of mitigation or a “conditional approval” requires the lessee to comply with the conditions stated. If these conditions are not met, the homesite leasee is in violation of the lease, and the lease may be terminated at the Nation’s discretion.

E. Compliance Determinations from Earlier Environmental Review Documents

1. If an existing homesite lease underwent an environmental review and pursuant to these regulations, prior Homesite Lease Regulations, or other applicable law, or constructed dwellings prior to 1974, those review determinations may be utilized to meet compliance requirements.
2. The ER shall review the previous environmental review documents to determine whether a new review is necessary, or whether the previous environmental review adequately accesses the impacts of the prior leasing decision.

X. Incomplete Pending Application

A. Homesite Lease Assistance Program: Bááháálí Chapter provides an assistance program that completes the land survey, archaeological survey, and submits the biological review request.

1. The application packet will be returned to the applicant if one or more of the following documents are not completed or disapproved within one (1) year from the date of submission:
 - a. Lack or disapproval of Biological Resource Clearance;
 - b. Lack or disapproval of Environmental Compliance Determination Summary;
 - c. Lack or disapproval of Cultural Resource Compliance/ Archaeological Survey Clearance; and
 - d. Lack of a land survey.

B. PENDING APPLICATION: A homesite lease application that is incomplete for one or more of the following reasons shall be returned to the applicant within **two (2) months from the date of submission:**

1. Lack of Land Use Consent
2. Lack of Updated CIB

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

XI. Homesite Lease Abandonment

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

XII. Assignment, Modification, and Termination of Homesite Leases

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

- B. Assignment: To assign an approved homesite lease to another eligible person, the Lessee/Assignor and proposed Assignee shall submit a new homesite lease application FORM 1 with the following documents attached to the application:
1. Certificate of Indian Blood.
 2. Certified Legal Survey Plat utilizing a BLM Cadastral monument, if applicable.
 3. A Cultural Resource Compliance Form with Archaeological Survey Clearance Form, as may be applicable, issued by the Navajo Historic Preservation Department.
 4. Biological Resource Compliance Form approved by the Navajo Fish and Wildlife Department, if applicable.
 5. Title Status Report (TSR) to verify and check for any outstanding encumbrances, liens, etc.
- C. No assignment of a homesite lease shall be made during the two (2) year development period without a court order or an extension of the development period not to exceed two (2) additional years, unless there is a collateral assignment of interests to a creditor to finalize construction of improvements.
- D. Upon verification of the application by NLD, the requests for amendments, modifications and terminations shall be packaged and submitted to the NLD Manager who shall give final approval on behalf of the Navajo Nation. The approved lease amendment, modification, or termination shall be recorded with the Agency Bureau of Indian Affairs and Navajo Land Title Data System.
- E. In the event one of the Lessees dies with a Joint Tenancy with Right of Survivorship tenure in effect, all rights to occupy the land and leasehold interests shall go directly to the Surviving Tenant, if he or she is an enrolled member of the Navajo Nation without the need of assignment of the deceased co-tenant's interest in the home site lease. The death certificate of the deceased co-tenant should be recorded.
- F. Modification: Modifications are non-material amendments to a homesite lease, including such matters as technical corrections, implementation of Navajo Nation court order(s), legal name changes, and changes in marital status, legal land description changes, and any corrections needed to a homesite lease.
- G. In a probate proceeding, the Navajo Nation Courts may distribute the leasehold interest including attached improvements of an established homesite lease to beneficiaries under a will or to the heirs at law according to Navajo law.
- H. In the event of divorce, the Navajo Nation Court shall have jurisdiction to redistribute the leasehold interest of a homesite lease pursuant to Navajo Nation law. The Homesite lease and attached improvements must not be separated in such Court Order. All field clearance(s) shall be recognized and will remain in effect. This regulation will also apply to Tenancy in Common and Community

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

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

XIII. Mortgages and Default

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

mortgage or Deed of Trust documents from the Bureau of Indian Affairs Real Estate Services and record it in the Navajo Land Title Data System.

- C. In the event the Lessee/Borrower (Mortgagor/Trustor) defaults on the Mortgage or loan secured by the Deed of Trust, the Mortgagee or Deed Trustee has the authority to foreclose on the secured Homesite Lease through the Navajo Nation Courts or as provided by the Navajo Nation Deed of Trust Act. The Mortgagee or the Deed Trustee may have the right to possession of improvements on the leased premises and rents collected as provided by Navajo Nation law and the loan document or agreement.
- D. Any and all permanent buildings and improvements on the leased property shall remain on the premises and shall be subjected to the Navajo Nation's Right-of-First Refusal to purchase the leased premises with improvements prior to any resale of the premises.
- E. Default: Should Lessee default in any payment of monies when due under the Lease or be in violation of any other provisions of the lease, said violation may be acted upon by the Navajo Nation pursuant to applicable law.
- F. Leasehold interest of a homesite lease can be sold at a fair market value to a qualified applicant. If there are no improvements on the premises, the lessee can retrieve expenses and fees incurred for lease encumbrance such as archaeological and legal survey expenses. The lessee must record the lease and insure all required lease documents are recorded with the Navajo Land Title Data Systems (NLTDS).

XIV. Land Board Official Responsibilities

- A. Homesite Lease Application FORM-1 Section 2: See Section VIII. B for compliance.
- B. Field Clearance Certification FORM 2: The LBO shall be responsible for identifying and acknowledging all valid grazing permittees who have interests within one-half (1/2) mile of the proposed homesite lease location, which is directly affected and impacted by the proposed Homesite identified in Section 2 of the Field Clearance Certification FORM 2.
- C. It is the responsibility of the LBO to write-in the name of the valid Permit holder(s) and Permit number(s) on the Field Clearance Certification FORM 2 for the applicant to obtain signatures from the permittees.
- D. Homesite Lease Consent FORM 3: After the applicant obtains written consents from the permittees listed by the LBO on the Field Clearance Certification FORM 2, the LBO must acknowledge the Form, certifying to the best of their knowledge the truth and accuracy of the approval of consenting permittees before the application is submitted to NLD for processing.
- E. Conflict of Interest: The homesite applicant may request the Navajo Nation Grazing Management Office to appoint an alternate LBO to perform the duties

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

F. The LBO additional responsibilities:

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

XV. Grazing Disputes to Department of Agriculture

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

XVI. Homesite Leases Compliance and Restrictions

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

landfill, transfer station, or other commercial sanitary collection service. Lessee shall maintain the entire leased premises in a safe and sanitary condition, presenting a good appearance both inside and outside of the leased premises. Septic systems and leach/drain fields shall be situated within the lease premises.

2. Hazardous Substances: Lessee shall not dispose of hazardous substances or materials on or in the leased premises.
 3. Environmental Hazards: All non-operational vehicles must be removed and cleared from the homesite lease premises. For failure to comply with Navajo Nation environmental laws, the Navajo Nation EPA shall impose environmental sanctions for non-compliance in accordance with Navajo EPA regulations.
- B. Minerals: All minerals, including sand and gravel, contained in or on the leased premises are reserved for the use of Lessor. Lessor also reserves the right to enter upon the leased premises and search for and remove minerals located on the property, paying just compensation for any damage or injury caused to Lessee's personal property or improvements constructed by Lessee.
- C. Biological Resource Land Clearance Policy and Procedures (RCP): No homesite lease shall be approved within Area 1: Highly Sensitive Area; and Area 2: Moderately Sensitive Area which are protected under the Federal and Navajo Nation Laws, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process in accordance with Resolution No. RCMA-34-03, subject to prior approvals or exceptions granted by the Navajo Nation Council or its duly authorized Committee.
- D. Homesite Lease Residential Use Restriction: A homesite lease is intended for residential purposes primarily a Single-family residence; lessee shall not use any part of the homesite lease premises for any unlawful conduct or illegal activities.
1. Applicants shall not disturb or commence construction activities on the proposed site until the application receives an approved homesite lease.
 2. A homesite lease shall not be issued if it is to be located within the boundaries of a mission site lease, other homesite lease, business site lease or area designated for business development, or other land withdrawals intended for community development or other purposes.
 3. A homesite lease shall not be issued if it is located within 750 feet of a major highway right-of-way (14 N.N.C. §1200. Chapter: Zoning Sides of Highways and NNC Resolution CM-9-50).
 4. A homesite lease is required prior to transporting mobile homes or any other structures intended for use as a home onto the Navajo Nation. A transportation permit must be obtained from the NLD before any mobile home or other structure enters Navajo Trust or Fee Lands (See Fee

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

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

XVII. Homesite Lease Enforcement

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

authorized to conduct investigations, draft findings, coordinate with Navajo Nation departments and programs, including the Department of Agriculture, Rangers, Forestry, EPA, Police, Department of Justice, Fish & Wildlife, and BIA, and make disposition recommendations to the NLD Manager. It is the policy of the NLD to work collaboratively with homesite lessee(s) to resolve compliance issues prior to resorting to litigation and termination of the lease.

- B. Homesite Lease Request for Investigation: Written requests for investigation of homesite lease compliance matters can be submitted to the appropriate NLD Agency Office. All complete and valid requests for investigation of homesite lease compliance matters shall be forwarded to the Compliance Officer. Within thirty (30) days of receipt, the Compliance Officer will review the request and determine whether it warrants investigation. The Compliance Officer shall provide written notice to the requesting party indicating whether the request for investigation will be granted.
- C. Investigations: All investigations performed by the Compliance Officer shall be completed within ninety (90) days from the date of submission of the Homesite Lease Investigation Form. The NLD Compliance Officer will conduct an investigation based on the information contained in the Request for Investigation submitted to NLD. The Compliance Officer shall interview individuals, conduct research, and collect all pertinent documentation. The Compliance Officer is authorized to obtain the assistance of other Navajo Nation Departments, Bureau of Indian Affairs, and/or other governmental entities while conducting an investigation.
- D. The Compliance Officer shall submit a detailed written investigation report containing the findings from the investigation. The Compliance Officer shall submit this report to the NLD Manager with any recommendations.
- E. The NLD Manager shall review the Compliance Officer's report and take appropriate action based on the information and recommendation of the Compliance Officer within thirty (30) days. NLD shall keep official records all documents.
- F. Where the designated Compliance Officer cannot perform his or her duty due to conflict of interest, another Compliance Officer from a different NLD Agency Office will be assigned to investigate. Conflicts of interest can be defined as any situation in which the Compliance Officer is in a position to exploit a professional or official capacity in some way for his/her personal or occupational benefit.
- G. There are many actual homesites with improvements (corrals and buildings) that exceed the one (1) acre size limitation. To gain compliance, enforcement actions may authorize the enlargement of an existing Homesite Lease, not to exceed an additional one (1) acre, to bring existing residential improvements within the

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

XVIII. Prior Approved Homesite Lease

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

XIX. Housing for Public Purposes Master Lease

- A. Application Procedures. A Housing for Public Purposes Master Lease application shall be submitted to the NLD or at one of its agency sub-offices. A completed Housing for Public Purposes Master Lease application shall consist of the following:

1. Housing for Public Purpose Master Lease Application: The TDHE or Housing Subdivision Developer applicant must complete and submit a Housing Subdivision Master Lease Application with the following information attached to the application.
 - a. Certification of Compliance: The TDHE or Housing Subdivision Developer shall submit a Certificate of Compliance stating that all of the requirements of the Land Withdrawal Designation Regulations have been completed.
 - b. Key documents: Copies of key documents listed in the Land Withdrawal Designation Procedures.
2. Environmental Review Clearance: The TDHE or Housing Subdivision Developer shall conduct the necessary environmental reviews to ensure compliance with federal and tribal environmental requirements for the following:
 - a. New Homesite Lease Application for TDHA or Housing Subdivision Developer Clients, as applicable;
 - b. New Subdivision Master Lease Application for TDHE or Housing Subdivision Developer; and
 - c. Existing Subdivision Master Lease for TDHE or Housing Subdivision Developer, as applicable.

- B. Final Approval: Upon verification for quality assurance by the NLD Agency Offices, the Housing or Public Purposes Master Lease Application package will be submitted to the NLD Manager or authorizes designee who will give final approval on behalf of the Navajo Nation. The NLD will submit the appropriate approved documents to the respective Bureau of Indian Affairs, Agency Real Estate Services, for recording.

- C. Homesite Lease issuance within existing Housing Subdivision:

1. A Housing Subdivision which is subject to a Master Lease for housing for public purposes, where development has taken place and which is ready for issuance of individual homesite leases to applicant(s), shall be classified as a "developed area".
2. Within a "developed area" only this Section 20 shall be used and the other application procedures and requirements of this regulation shall not apply. A Housing Subdivision for public purposes may develop and use its own application form subject to the approval of the NLD.
3. The TDHE or Housing Subdivision Developer, as applicable, shall assist its homebuyers and ensure compliance with the lease application requirements for the issuance of individual homesite leases to applicant(s) within the housing subdivision. The TDHE or Housing Subdivision Developer, as applicable, will prepare and submit the individual homesite lease applications to the NLD for its final approval. PROVIDED, however, that existing Housing Subdivisions or developed areas subject to existing homesite leases or assignments of lease for developed lots shall continue to be encumbered by the provisions and covenants of the existing homesite lease or assignment of lease for the residential improvement and lot.
4. An individual homesite lease within a subdivision shall start a new term from the date of issuance by the NLD. The term of the Housing Subdivision Master Lease shall be separate and independent of any individual homesite lease issued by the NLD within the housing subdivision.
5. Where there are rules and regulations related to the Housing Subdivision, special conditions or charges for the occupation of Homesite Leases within the subdivision, Land Use Restrictions. Or a Declaration of Covenants, Conditions and Restrictions, the individual applicant(s) will be provided with a copy of those documents by the TDHE or Housing Subdivision Developer, as applicable, and the existence of the restriction will be referenced on the individual Homesite Lease.
6. The holder of a Housing Subdivision Master Lease shall be the TDHE or Housing Subdivision Developer, as applicable. The TDHE or Housing Subdivision Developer, as applicable, specified in the governing documents for the Housing Subdivision identified in Section D above, and not the NLD, shall be responsible for monitoring and enforcement of the restrictions in the housing unit.

D. Additional Application Requirements:

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

XX. Privacy Act

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

XXI. Definitions

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

- Parks and Recreation; and any successor or equivalent Navajo Nation agencies with authority for environmental compliance review.
- N. Collateral Assignment: An assignment of leasehold interest to secure a loan, mortgage, or deed of trust to finance development of the homesite or to purchase an existing house situated on a homesite lease.
- O. Community Property: Any property that is acquired by husband or wife during a marriage that is not separate or gift property to either the husband or wife. Community property principles will govern the distribution of the marital property upon dissolution of marriage in a fair and just manner, and may govern distribution of property upon the death of one spouse in accordance with 9 N.N.C. § 205.
- P. Compliance Determination: The final action determination of the Environmental Reviewer that the proposed leasing action complies or does not comply with the Environmental Review Process set forth in sub-chapter 8 of the Navajo Nation General Leasing Regulations of 2013.
- Q. Conflict of Interest: A conflict between public obligation and private interest that will not allow pertinent official to discharge their duty in an unbiased manner.
- R. Consent or consenting: The act of written authorization by a person empowered to agree, permit and approve the grant of a homesite lease within their grazing pasture or area by the Land Board Member and Grazing Permittee(s).
- S. Day: A calendar day, unless otherwise specified
- T. Deed of Trust: A deed conveying the leasehold interest of lessee (trustor) to a trustee as security until the lender (beneficiary) is repaid a loan. In the event of breach in repayment of the loan, the deed trustee is empowered to foreclose on the lease hold interest and improvements and resell the property in a commercially reasonable manner.
- U. Delegation of Authority: Where, upon approval of the Resource and Development Committee of the Navajo Nation Council, or its successor, authority of the Committee is delegated to a subdivision of Navajo Nation government to approve grants of homesite leases, and their assignment, transfer or other lawful disposition. Said authority may also be delegable pursuant to the Local Governance Act, 26 N.N.C. §§ 1-2005, as amended, or other relevant Navajo Nation law.
- V. Improvement: Any structure; home, building, or fencing of surveyed tract, such as building a shack, ramada, storage shed, foundation constructed for a residential purpose.
- W. Egress: The act of going out or leaving; exit.
- X. Encumbrance: Any indenture or proper court order that restricts the ability of lessee to freely, unilaterally further dispose of the leasehold, such as with a collateral assignment of lease under a mortgage, deed of trust or other instrument,

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

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

anticipation of issuing homesite leases to individual applicants within the Subdivision

- LL. Infrastructure: The basic improvements, facilities, and utilities needed for the functioning of a home or dwelling; such as waterline, power line, telephone, sidewalks, housing subdivision parks or playgrounds, and roads.
- MM. Ingress: The act of going in or entering, the right to enter; a means of entering; entrance
- NN. Interest, when used with respect to Indian land: An ownership right to the surface estate of Indian land.
- OO. Joint Tenancy with Right of Survivorship: Property held by two or more persons jointly, with equal rights to possession and enjoyment during their lives. Under the doctrine of survivorship, the entire estate, upon the death of one of the joint tenant, goes to the survivor without the need to probate the descendant's estate. This shall not apply to married couples involving a non-Navajo spouse.
- PP. Land Board Official: The elected Navajo Nation Official responsible for grazing or farming and land matters within their assigned respective district unit boundary. Such Land Board Official shall mean the Eastern Navajo Land Board Member.
- QQ. Land Status: The current type of land or disposition or management of the real estate and surface use rights.
- RR. Lease: A written agreement between the lessor and a lessee, issued under these Regulations as authorized by 25 U.S.C. §§ 415 (a) or (e). The lessee is granted a right to possess Navajo Nation Trust Land for a specific purpose and limited duration.
- SS. Leasing Decision: In the context of the environmental review process; means the following types of lease transactions that will be acted upon by the Navajo Nation or its delegated political subdivision; 1) Issuance of a lease; 2) Amendment or modification of a lease; 3) Assignment or transfer of a lease; and 4) Granting of a Sublease as applicable.
- TT. Lease Document: A lease, amendment, assignment, sublease, or leasehold mortgage.
- UU. Leasehold Interest: Claim or right to enjoy the exclusive possession and use of an asset or property for a stated definite period, as created by a written lease.
- VV. Leasehold mortgage: A mortgage, deed of trust, or other instrument that pledges a lessee's leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.
- WW. Lessee: An individual or individuals who has or have a finalized homesite lease approved by the Navajo Nation.
- XX. Lessor: The Navajo Nation or its duly authorized designee, the Navajo Land Department (NLD) Manager.

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

stepmother, stepson, stepdaughter, stepsister, stepbrother, half-brother, half-sister, or legally adopted persons by court order.

PPP. Restricted land: Land where the beneficial title to which is held by the Nation or an Individual Indian, that can only be alienated or encumbered by the beneficial owner; or, if encumbered by a homesite lease, by the lessee, with the approval of the Navajo Nation.

QQQ. Right-of-Way: A property right which may or may not be attached to the land, to use for a purpose unrelated to residential use, such as strips of land for roadways, railroads, power line, oil and natural gas lines, telephone lines, waterlines, and other utility distribution service lines.

RRR. Secretary: The Secretary of the Interior or his duly authorized representative or successor.

SSS. Significant Impact: A determination that an action will have a significant effect on the quality of the human environment after considering the following:

1. Effects on public health and safety;
2. Effects on the unique characteristics of the geographic areas, including its historic or cultural resources, park lands, or ecologically critical areas;
3. Highly controversial effects on the human environment;
4. Highly uncertain or unknown effects on the human environment;
5. Effects in terms of precedent for future actions with significant effects'
6. Effects that may be individually significant, but when considered with other projects, have a significant impact on the environment.
7. Effects that cause loss or destruction of scientific, cultural, or historical resources; and
8. Effects on endangered or threatened species or habitat protected under Navajo Nation or federal law.

TTT. Single-family residence: A building with one dwelling unit on a tract of land under a single residential lease, or as defined by applicable tribal law or other tribal authorization.

UUU. Single-family residential development: Two or more single-family residences owned, managed, or developed by a single entity.

VVV. Sublease: A written agreement by which the lessee grants a right of possession no greater than that held by the lessee under the Lease.

WWW. Surety: One who guarantees the performance of another's performance of an undertaking, for example payment of a debt.

XXX. Surface Use: The right or privilege to utilize the external layer of land for various types of land use.

YYY. Surveyor: The Navajo Nation Official responsible for providing a legal land description of the leased premises by drafting a survey plat from data concerning

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

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

AAAA. Tenure: The time of holding real estate.

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

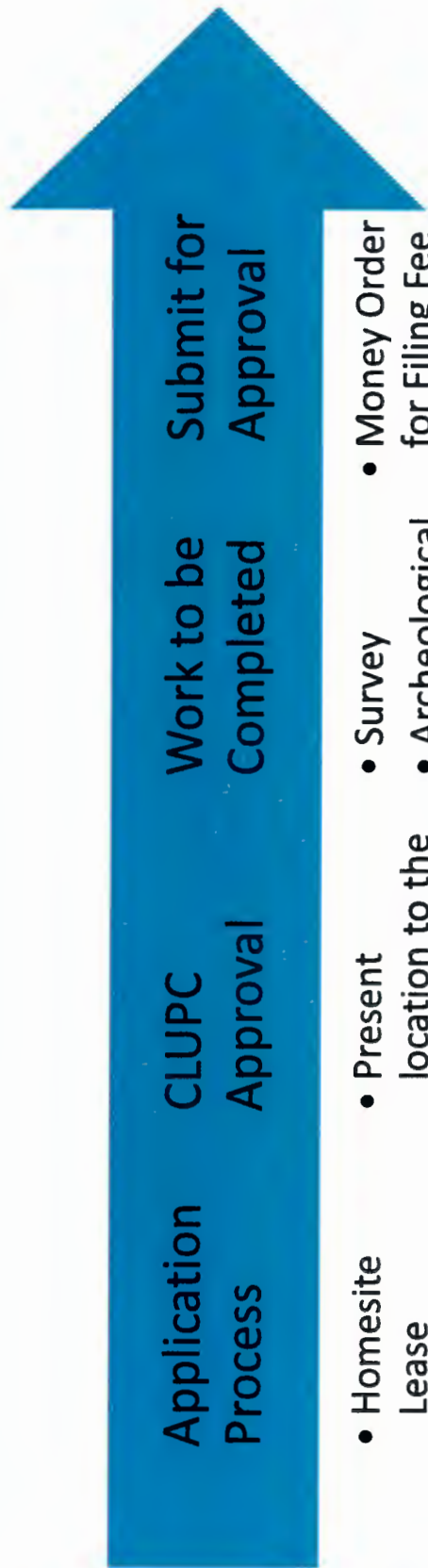
CCCC. Termination: To end one's interest in a Homesite Lease by default or mutual consent or valid court order and allowing such interest to revert back to the Navajo Nation.

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

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

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

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



Application Process

CLUPC Approval

Work to be Completed

Submit for Approval

- | | | | |
|--|--|--|---|
| <ul style="list-style-type: none">• Homesite Lease Application Packet• Updated CIB Form | <ul style="list-style-type: none">• Present location to the CLUPC meeting• Land Board to assist with GPS readings and map out on Google Earth Pro | <ul style="list-style-type: none">• Survey• Archeological Survey• Biological Report• Environmental Review | <ul style="list-style-type: none">• Money Order for Filing Fee• Money Order for Admin Fee• All documents reviewed for accurateness• Submit packet to Navajo Land Department-Home Site Lease Office |
|--|--|--|---|

HOMESITE LEASE APPLICATION FEE; PENALTIES AND FINES FEE SCHEDULE

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

PENALTIES AND FINES

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



Church Land Use Permit Regulations 2017

DRAFT

Prepared by:

General Land Development Department

Division of Natural Resources

Navajo Department of Justice

Adopted by:

Baahaali Chapter Community Land Use Planning Committee

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Appendix

- A. Application
- B. Navajo Nation Consent Forms
- C. Terms and Conditions

Section 1 Authority

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

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

Section 2 Purpose

The Navajo Nation Council adopted 16 N.N.C. §§ 1151-1164 for the issuance of permits to missionaries and mission bodies to *conduct religious and other related activities* on the Navajo Nation. The Church Land Use Permit Regulations applies to all Navajo Nation trust and fee lands that are within the boundaries of the Navajo Nation, including Indian allotments as appropriately held by the Navajo Nation.

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

Section 3 Eligibility

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

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

Section 4 Term

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

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

Section 5 Application Procedures and Requirements

A complete Church Land Use Permit packet consists of:

1. **Application** – application form is available at the General Land Development Department and is attached hereto as Appendix A.
2. **Chapter Supporting Resolution** - the General Land Development Department can tell you who the local government (chapter) is. Applicant will need to attend a Chapter Planning meeting and explain the logistics of your project and request to be placed on the next Regular Chapter meeting agenda and request a chapter supporting resolution. A Community Land Use Planning Committee supporting resolution can be attached to ensure proposed development is not interfering with the Community Land Use Plan, but is not required,
3. **Consents** – The local Grazing Officer can assist to identify the grazing permittees in the proposed developed area and the General Land Development Department will provide you with approved Navajo Nation Consent Forms, attached hereto as Appendix B.
4. **Legal Survey Plat** with legal description, including road access and utility easements.
5. **Copy of Articles of Incorporation and Certificate** – issued and certified by authorizing entity (such as Navajo Business Regulatory).
6. **Biological Resource Compliance Form** issued by the Navajo Fish and Wildlife Department
7. **Cultural Resources Compliance Form** issued by the Navajo Historic Preservation Department

Section 6 Available Land

The acreage used for each permit site shall be the minimum acreages necessary to conduct religious activities.

Applicant does not need to apply for a land withdrawal, according to the Land Withdraw Designation Regulations (RDCJN-33-15), Church Land Use permits are not identified as community or industrial development. Permits that are regulated by the Navajo Land Department, as directed by the Navajo Nation Council on a five-year basis, N.N.C. § 1151.

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

Acreage Limitations:

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

Section 7 Terms and Conditions

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

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

Section 8 Trespass & Trespass Fees

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

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

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

Section 9 Abandonment

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

Section 10 Filing & Annual Fees

The entity or individual is responsible for annual rental fees for each application.

Annual Income	Annual Rental Payment
\$0 - \$10,000	\$35.00
\$20 - \$30,000	\$45.00
\$30 - \$40,000	\$55.00
\$40 - \$50,00	\$65.00
\$50 - \$60,000	\$75.00
\$60 - \$70,000	\$85.00

Section 11 Cancellation of Limited-Use Permits

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

Section 12 Modifications

Any modification will require a new application for a permit to be issued.

Section 13 Record Keeping & Tracking

The General Land Development Department will store all records of issued approved permits in the Navajo Nation System for monitoring, tracking, locating and storing all documents. The Navajo Nation System will automatically notify recipients of payment and document due dates, and expiration dates via email.

Section 14 Prohibited

Any form of gaming (bingo, cakewalk, or fund-raising activities) is prohibited. Any use of illegal drugs or alcohol is prohibited. Any use of firearms or weapons is prohibited. Cemeteries are prohibited on religious sites. Community cemetery lands are withdrawn, operated and maintained by the local Navajo governments or chapters.

Section 15 Definitions

Valid Grazing Permittee – holds a tally count of livestock within the past two years.

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

Articles of Incorporation – Certified copies of a group's authority to do business in the state, this includes the evidence of authority of the responsible person(s) that sign the application

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

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

APPENDIX E

CHAPTER PLANS OF OPERATION

**BÁÁHÁÁLÍ CHAPTER
COMMUNITY LAND USE COMMITTEE
2018 PLAN OF OPERATION**

I. ESTABLISHMENT

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

II. PURPOSE

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

III. DEFINITION

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

IV. OBJECTIVE

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

V. COMMITTEE DUTIES AND RESPONSIBILITIES

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

VI. MEETING AND COMPENSATION

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

- B. Stipend paid to the identified paid community members shall be \$125.00, provided that the meeting is announced in advance and posted for the public to see.
 - 1. A claim form must be submitted to the Chapter Manager along with a copy of the meeting report form, sign in sheet, agenda, and minutes of the meeting.
 - 2. A quorum of $\frac{3}{4}$ must be in attendance for stipend to be paid (two out of the three members).
 - 3. Fringe benefits will be deducted for each member, per the Internal Revenue Service standards.
- C. The budget for the compensation will be for a total of \$4,500.00 for the year and will include fringe benefits at a rate of 7.65%.

VII. MEMBERSHIP

- A. The CLUPC shall consist of three community members to receive a stipend, Chapter Manager, a Chapter Official, Land Board Member and volunteer community members who have expertise to provide valuable contributions to the overall land use planning process.
- B. Selection of the committee shall be conducted by the Chapter President, conducive to the recommendations from the present Community Land Use Planning Committee. The Chapter President will then forward their recommendations to the Planning Committee.
- C. During a duly called chapter meeting, the recommendations will be approved by a simple majority vote by the community membership.
- D. Subcommittees (technical and public advisory committees) comprising of voting and non-voting members of the chapter, may be established to assist the CLUPC.
- E. Three consecutive unexcused absences will be cause for removal from the committee.

VIII. SELECTION OF AND DUTIES AND RESPONSIBILITIES OF COMMITTEE OFFICERS

- A. The members of CLUPC, at their first duly called meeting, shall elect a President, Vice President, and Secretary of the committee.
 - 1. Guarena Adeky Skeets, CLUPC President
 - 2. Gerald Skeets, Sr., CLUPC Vice President
 - 3. Marcelene King, CLUPC Secretary/Treasurer
- B. The duties of the Committee President are to preside over duly called CLUPC meetings, sign documents pertaining to approved resolutions and other paperwork requiring a signature, and represent the committee during the duly-called chapter meeting to give reports of progress made by the committee.

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

IX. MASTER PLANNING

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

X. LOCAL/NAVAJO NATION RURAL ADDRESSING

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

XI. HOME SITE LEASE ASSISTANCE PROGRAM

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

XII. TECHNICAL ASSISTANCE

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

XII. ETHICS

Members of the CLUPC are required to comply with Navajo Nation Ethics and Government Law.

XIII. AMENDMENTS

The CLUPC Plan of Operation will be amended annually to comply with the fiscal year budget, and require a majority vote during a duly called chapter meeting.

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

I. ESTABLISHMENT:

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

II. PURPOSE AND OBJECTIVES:

A. PURPOSE:

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

B. OBJECTIVES:

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

III. ORGANIZATION:

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

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

IV. DUTIES, AND RESPONSIBILITIES:

The following is a scenario that briefly describes the initiation of the *Local Rural Addressing Committee* and some of the steps they are expected to take as part of the rural addressing roll-out.

1. Prerequisite: Chapter Resolutions adopted supporting *Enhanced 9-1-1* and *Rural Addressing* by each Chapter.
2. Identify the *Local Rural Addressing Committee* (Committee), possibly by starting with an existing committee and identifying volunteers, plus identifying other community members that will represent their chapter and work together to plan, coordinate, implement, and maintain rural addressing.
3. Provide orientation and training to Committee members so they understand their roles and responsibilities.
4. The Committee members are expected to represent the benefits and positive aspects of rural addressing to the Diné and personally maintain a supportive attitude and expectancy for the desired results.
5. Using maps furnished and their combined local knowledge, the Committee members meet to review and develop recommendations for road names. This requires coordinating with outside entities: the county, surrounding chapters, and possibly others to ensure no duplicate names are being recommended and the continuity of road names are maintained as they cross multiple community boundaries.
6. The Committee then signs off on the recommended road names and turns the marked-up maps and recommendations over to the GIS consultant to perform their "in-house" work.
7. During the *Field Verification* phase of the project, at least one Committee member must accompany contracted field collection personnel at all times and function as a guide, interpreter, and assistant.
8. The Committee and individual members will facilitate the *Address Notification* process by helping deliver, explain, fill out (complete) and pick up the address notifications forms.
9. The Committee and individual members will remain alert for new roads and new addressable structures being added in their community, and ensure the proper notification and follow-up processes are initiated.

VII. LEGISLATIVE OVERSIGHT:

The LRAC member shall operate under the legislative oversight of the Chapter Officials and Chapter Membership.

VIII. AMENDMENT:

Section I through IV may be amended from time to time by the majority vote with a quorum present at a duly called chapter meeting as recommended by the Local Rural Addressing Committee member. The Chapter Administration, Chapter Delegates, Chapter Officials, or Chapter Membership can recommend amendments.

Bááháálí Chapter Community Cemetery Plan of Operation

- I. Purpose
 - A. The general purpose of the Community Cemetery Plan of Operation is to provide guidance for the use of the cemetery by its community members; and
 - B. To provide an outline of how cemetery plots will be planned out; and
 - C. To ensure the safety of the public by placing deceased members in a designated area therefore providing more land use for future development.
- II. General Description of Cemetery
 - A. The Bááháálí Community Cemetery is located near the Pinehaven Bible Church, two (2) miles east of New Mexico Highway 602 on Bread Springs Road.
 - B. It consists of five (5) acres with a future development of five additional acres.
 - C. It will be constructed and operated in accordance with Federal and Navajo Nation regulations, laws, and/or statutes.
- III. Objectives
 - A. Provide an ongoing public facility for the community as a cemetery.
 - B. Provide the public with related information.
 - C. Provide a planned and organized cemetery.
 - D. Provide efficient care and maintenance of the cemetery.
 - E. Implement layout for burial plots.
 - F. Provide and continue safety awareness.
 - G. Responsibly provide a safe and secure burial ground that permits a healthy environment for both present and future generations.
- IV. Daily Operation
 - A. The cemetery's hours of operation will be 8:00 a.m. to 5:00 p.m. every day.
 - B. Notice shall be given to Bááháálí Chapter if interment is to be performed to allow time for burial site preparation.
 - C. A sign posting hours of operation shall be installed at the access road turnout.
- V. Site Personnel
 - A. The Bááháálí Chapter Manager or his or her designee will oversee the operation of the cemetery.
 - B. Pursuant to Local Governance Act (LGA), the Bááháálí Chapter shall establish an office and appoint an individual to manage the operation. If any additional personnel are required, it shall be at the discretion of the Chapter Manager to hire.
 - C. The Bááháálí Chapter Manager may designate a Chapter employee to make burial plot assignments.
 - 1. The designee shall have the responsibility for assigning interment site(s), to maintain order, and efficiently use all available space.
 - D. With proper notice, the Bááháálí Chapter backhoe and operator will be available to excavate the burial site.
 - 1. If the backhoe and operator are unavailable, relatives of the deceased person shall seek private contractors and be responsible for the cost of the excavation.
- VI. Fees
 - A. To maintain the operational costs of a self-supporting cemetery, burial fees shall be established at \$50.00 per interment.
 - 1. The monies generated from the burial fees shall be used for maintenance, repairs, and operational costs.

Bááháálí Chapter Community Cemetery Plan of Operation

- B. If a deceased person is given the indigent's burial, the responsible organization for the interment shall pay the interment fee.

VII. Layout

- A. The cemetery shall have a layout of graves in straight line incorporated into a grid system.
- B. The entrance shall have a gateway with a central drive for the funeral hearse.
 - 1. The central drive shall consist of gravel road that will be maintained throughout the year by the Bááháálí Chapter.
- C. Ground Layout
 - 1. A margin of three (3) feet inside the boundary wall of each burial ground must be allowed.
 - 2. There shall be a passageway of three (3) feet in width between rows of grave space for pedestrian travel.
- D. Burial Plot Layout
 - 1. Grave spaces must be clearly and permanently marked, such as with a number, to facilitate the location of an individual grave at any time.
 - 2. Grave spaces have to be at least nine (9) feet long by four (4) feet wide for adults and at least six (6) feet long by three (3) feet wide in the case of children less than twelve years of age.
 - 3. Family interments shall be established in grave spaces only.
 - 4. It is allowable to reopen a grave in order to bury a member of the same family but a space of at least one foot above the previous burial must be left. Generally, it is possible to bury three or four persons in each grave space.
 - 5. At the time of first interment, or burial at a grave space, it should be sunk to a depth of at least six (6) feet or to a lesser depth.

VIII. Practices

- A. Bááháálí Chapter will strictly adhere to the provisions of the Navajo Nation, Federal Laws, regulations, and statutes related to burials.
 - 1. Request(s) shall be made to Bááháálí Chapter for interment site(s) and shall be assigned accordingly at the Chapter's cemetery policy and procedures.
 - 2. The interment fee shall be paid before plot assignment.
 - 3. The Chapter Manager or his/her designee shall record the description and location of each assigned plot. The purpose for this practice will be to ensure proper identification of the deceased's burial is recorded for present and future reference.
 - 4. Person(s) visiting the cemetery shall use walkways provided.
 - 5. Every quarter (three months), garbage and funerary debris shall be removed and disposed of in proper containers located at the Bááháálí Chichiltah Regional Solid Waste Transfer Station by the designated caretaker of the Cemetery.
 - 6. The community shall be provided with the protocols set forth in this plan of operation.
- B. Indigent's grave
 - 1. If someone dies without means to pay for burial and has no traceable next of kin, it is the responsibility of the Chapter, which the deceased person is enrolled in to ensure that he/she is buried in a dignified manner that does not impinge

Bááháálí Chapter Community Cemetery Plan of Operation

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

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

IX. Appearance

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

X. Funerary Items

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

Bááháálí Chapter Community Cemetery Plan of Operation

XI. Public Safety

- A. A list of telephone numbers shall be posted next to the hours of operation at the access road and cemetery entrance in case of emergencies, they are listed below:

Gallup Indian Medical Center	(505) 722-1000
Rehoboth McKinley Christian Health Clinic	(505) 863-7200
Zuni Indian Health Service Hospital	(505) 782-4431
Navajo Police Department	(505) 786-2050
McKinley County Sheriff's Department	(505) 722-7205
New Mexico State Police	(505) 863-9353
Pinehaven Volunteer Fire Department	(505) 778-5959
Vanderwagen Volunteer Fire Department	(505) 778-5100

XII. Dead Livestock

- A. In respect to the public's health and environmental, the cultural and traditional practice of killing a livestock (i.e. horse) for afterlife travel shall not be permitted at the cemetery.

XIII. Performance Measures

- A. To maintain a continuous orderly appearance, the Bááháálí Chapter Administration will conduct evaluations of the cemetery twice (2) a year.
1. Periodic inspection of the area.
 2. Response to any emergency situation(s) within twenty-four (24) hours.
 3. The Bááháálí Chapter to ensure the safety of the cemetery will carry out random inspection.
 4. Design, construct, install, and repair equipment and facilities.

XIV. Amendment

This Plan of Operation may be amended upon recommendation of the Bááháálí Land Use Planning Committee (CLUPC) at any regular duly called Chapter Meeting.

APPENDIX F

BÁÁHÁÁLÍ CHAPTER INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

ICIP for

Baahaali

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

Capital Improvement Vision, Trends, Goals and Project Priority Process

Vision

Baahaali Chapter foresees a positive future for the community in respect to visioning upgraded resources facilities and expansions along with adequate roads and parking. We also foresee community facilities that will provide intergenerational activities in preserving the culture and traditions of Navajo families. In the first year of our Infrastructure Capital Improvement Plan, we are planning to prepare a Five & Ten-Year Community Plan. We are also planning to pursue funding for equipment. Our equipment needs includes a truck, a motor grader, computer equipment, and GPS equipment. New equipment will add to our insurance, fuel, and equipment repair costs, but those additional costs will be partially offset by a reduction in equipment rental costs and labor costs.

Trends

The Baahaali Chapter is located in a rural area of the Navajo Nation approximately 25 miles south of Gallup, New Mexico, 7 miles east of New Mexico HWY 602 between the Red Rock and Chichiltah Chapters. The Baahaali Chapter achieved local governance certification by the Navajo Tribal Council on December 24, 2008. Presently, Baahaali has successful in securing funds from the Navajo Nation and the New Mexico State Capital Outlay funds. With LGA certification Baahaali Chapter is now eligible to seek for funds from the Federal and State Governments, the Bureau of Indian Affairs, the Indian Health Services and private foundations. We currently serve 1,622 Chapter Members based on the 2000 Census.

Baahaali Chapter House was renovated and expanded in 1992; we have built a Warehouse, a Senior Citizen's Center and a Headstart Building. These buildings have been constructed with Navajo Nation funding. Water Projects in the chapter area are funded by the Federal Government (Indian Health Service).

Population growth has been a trend that has always been a real challenge for us, and we expect that to continue to increase. The growth we have already experienced combined with the barely adequate Chapter facilities have resulted in needing to seek funding outside of the Navajo Nation, the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). On December 24, 2008, Baahaali Chapter achieved Local Governance Act (LGA) Certification with the Navajo Nation which now allows the Chapter to seek funding from other sources than those listed above. Presently, there is only one local business, Mustang Gas and Convenience Store within the chapter boundaries to generate a tax base. However, this will change within the next 10 years, when Baahaali begins to develop their 160 acre Baahaali/Pinhaven Development site which will include a laundry mat, convience store, maintance yard, child care and adult in-home care and head start centers.

Another trend that concerns us, is increasing regulation from all levels of government. At the Tribal level, that means additional costs in our projects for right-of-way permits, planning & zoning permits, variances, and reviews. The Highway Department now requires costly surveys and mapping of any work done in their rights-of-way, including tap-ins into existing mains. At the state and especially federal level we are closely watching the new EPA regulations.

Goals

Baahaali Chapter's goal is to enhance the quality of life and public health of the residents within its chapter boundary by providing services. We strive to achieve this goal by taking advantage of available funding sources and creating partnerships with Navajo Nation, neighboring Chichiltah and Red Rock Chapters, State and Federal entities and by working to keep our existing facilities.

Priority Process

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

Capital Improvement Vision, Trends, Goals and Project Priority Process

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

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

EXISTING CAPITAL INVENTORY

Parent #	Capital	Physical Location	Year built / Acquired	Condition	Requested Status	Proposed Project
	Baahaali Senior Citizens	Baahaali Chapter Tract	0		Renewal	Renovate Baahaali Senior Citizens
	Baahaali Sewer Lagoon	Baahaali Chapter Compound	0		Renewal	Baahaali Lagoon Improvements
B017-003	Bread Pre-school	Current Breadsprings Chapter Tract, NM	1975		No Action Needed	
B017-004	Bread Springs Chapter Warehouse	Former Breadsprings Chapter Tract, NM	1983		Renewal	Warehouse Improvement
B017-006	Bread Springs Rodeo Grounds	Current Breadsprings Chapter Tract, NM	1973		No Action Needed	Rodeo Arena Improvement
B017-001	Current Bread Springs Chapter House	Current Breadsprings Chapter Tract, NM	1963		No Action Needed	Chapter House Improvement
B017-002	Former Chapter House	Former Breadsprings Chapter Tract, NM	1965		Renewal	
B017-007	Pump House	Current Breadsprings Chapter Tract, NM	1972		No Action Needed	Water Well Improvement

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

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

Baahaali

ICIP Capital Project Description

Project Title: Baahaali Powerline Extensions/House Wiring

Project Description: Secure easements/ROW, archaeological and environmental studies, to plan, design, construct Phase IV powerline extensions (approximately 3 miles) and construct electrical house wiring for households in the Baahaali Community, McKinley County. Phase I and II consisted of the planning/design, archaeological and environmental studies, easement/ROW and powerline construction for six homes and is complete. Phase III consists of the of the planning/design, archaeological and environmental studies, easement/ROW and powerline construction for six homes and is still in process. Phase IV consists of the of the planning/design, archaeological and environmental studies, easement/ROW and powerline construction for 4 homes. The powerline project will be managed by Baahaali Chapter and Continental Divide Electric Cooperative, INC, Continental Divide Electric Cooperative, INC will operate and maintain the line after construction through an MOU. The fiscal agent is the Navajo Nation.

Statement of Need: Baahaali Chapter has recieved \$140,000 thus far for Powerline Extension Project to serve 20 families. This project has a significant shortfall and has over 10 families on the waiting list. Baahaali Chapter will work jointly with Chichiltah, Red Rock and Church Rock in securing additional for powerline extensions for our community members.

Location of Project: Electric Service Line Agreements are currently being initiated between the Navajo Nation and Continental Divide Electric Cooperative, Inc. Scattered locations

Project Ranking: 2019 - 1 Subcode: Capital Outlay, Capital Outlay, Capital Outlay, Capital Outlay, NN CIP General Funds

Potential Future Funding Sources:

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Planning / Predesign	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,000.00
Land	\$330,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$340,000.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00
Architecture / Engineering	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,000.00
Construction	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00
Totals	\$450,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$374,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Chapter House Improvement

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

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

Location of Project: Current Breadsprings Chapter Tract, NM

Project Ranking: 2019 - 2 Subcode:

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

Estimated Costs Not Yet Funded

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

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Land Development Comprehensive Master Plan

Project Description: Develop Comprehensive Master Plan for land development to include 683 acres with five land tracts: Baahaali-Pinehaven site (640 ac), Baahaali Chapter Compound (22 ac), Cemetery Tract (10 ac), Warehouse Tract (5 ac) and Transfer Station Tract (5 ac). The Baahaali Chapter plans for 40 units of housing, an adult day care center, a Head Start Learning Center, a Regional Veterans Center, a Day Care Center, a walking/running/ biking trail, a Fitness Center, a community garden, a laundromat, convenience store, warehouse site, cemetery and the transfer station site. The comprehensive master plan will serve as a "road map" for a planned community. The 22-acre chapter compound will assist the chapter in the expansion of the rodeo area, powwow arena, recreational vehicle & camping site, recreation center, facility care taker's home. Baahaali Chapter will own and update the master plan.

Statement of Need: As the Baahaali community grows, the demand for more housing increases. Presently, housing is a number one need. Baahaali Chapter is planning to develop and 30 - 40 unit housing development site to meet the housing shortage.

Location of Project: Baahaali Chapter

Project Ranking: 2019 - 3 Subcode:

Potential Future Funding Sources: Capital Outlay, Certified Chapter Funds, NM Tribal Infrastructure Fund, NN CIP General Funds

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Construction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$55,000.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Planning / Predesign	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$120,000.00
Totals	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$175,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Baahaali/Chichiltah Regional Transfer Stn Improvements

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

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

Location of Project: TBD

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

Potential Future Funding Sources:

Estimated Costs Not Yet Funded

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

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Water Well Improvement

Project Description: The project is to upgrade the existing Baahaali livestock water well. Baahaali Chapter will work with the Navajo Water Resource Department to complete the project and the project will take 12 months to complete. The Chapter has completed the land withdrawal which includes the ROW, the cultural resource inventory, environmental studies. Improvements to the water well will include: installing a coin operation system for the well; erecting a secure fence around the 1-acre well; paving the surface around the well 50 feet; replace the old 5,000 gallon water tank with 10,000 gallon tank; install a new water pump; and install a 50,000 gallon storage water tank for wildfire purposes. The project is ready for construction. The Baahaali Chapter will own, operate, and maintain the well and will be the fiscal agent for the project.

Statement of Need:

Location of Project: Current Breadsprings Chapter Tract, NM

Project Ranking: 2019 - 5 Subcode:

Potential Future Funding Sources: Chapter CIP Funds, NM Tribal Infrastructure Fund, NN CIP General Funds

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,000.00
Other	\$130,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$130,000.00
Construction	\$80,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$80,000.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00
Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00
Totals	\$210,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$238,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Baahaali Lagoon Improvements

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

Statement of Need:

Location of Project: Baahaali Chapter Compound

Project Ranking: 2019 - 6 Subcode:

Potential Future Funding Sources: Chapter CIP Funds

Estimated Costs Not Yet Funded

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

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: New Chapter Vehicle

Project Description: Purchase new vehicle for chapter administration to conduct official business on behalf of the chapter and the community.

Statement of Need: Due to the rural location of the Chapter House travel is required by the chapter administration on a weekly basis for bank deposits, mail, project follow-ups in Window Rock & Crownpoint, meetings, trainings & work sessions and project site visits within the community.

Location of Project: Chapter Tract

Project Ranking: 2019 - 7 Subcode:

Potential Future Funding Sources: Capital Outlay, Chapter Other

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$40,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,000.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$40,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Cemetery Improvement

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

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

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

Location of Project: Baahaali Chapter

Project Ranking: 2020 - 1 Subcode:

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

Estimated Costs Not Yet Funded

2019 2020 2021 2022 2023 2024 TOTAL NOT YET FUNDED

Planning / Pre-design	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00
Construction	\$0.00	\$250,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$250,000.00
Architecture / Engineering	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$45,000.00
Totals	\$0.00	\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Renovate Baahaali Senior Citizens

Project Description: Design and construct a new grease trap for the kitchen and construct a new storage shed for the Baahaali Senior Center. The existing grease trap is old and needs to be replaced and relocated further away from the sidewalk. The existing storage shed is a small, out-dated mobile unit, with no electricity and is situated on cinder blocks. A new storage shed needs to be constructed with electricity and heating and built on a solid foundation. Funding from the Navajo Nation and the State of New Mexico were used to expand the Senior Center's dining area, construct a recreation area for the seniors and add 2 new office spaces for the Senior Center staff (supervisor, van driver, and cook). Baahaali has secured the land, archaeological and environmental studies. The Chapter owns the center, Navajo Area Agency on Aging will operate the center and the Baahaali Chapter will be the fiscal agent for the project.

Statement of Need: The Baahaali Senior Center is in dire need of a major renovation and expansion. In June of 2010, Baahaali Chapter lost over \$600,000 in NM Capital Outlay funds for the renovation and expansion of the senior center because NAAA and DES were not able to complete a third party contract with LAM Corporation even though the bid was awarded on March 17, 2009. The chapter will continue to seek funds to complete the renovation and expansion for the Senior Center.

The Baahaali Senior Center serves over 75 elders in the community, with increasing numbers each year as the first "Baby Boom Generation" turned 65 years old in 2010. The senior center is very limited in their services due to the size of the center. the senior center staff currently have no office and there is a desperate need to expand the dining area and install ADA approved showers in both the men and women's bathroom. the senior center desperately needs a laundry room so staff do not need to drive into Gallup to wash their kitchen linen.

Location of Project: Baahaali Chapter Tract

Project Ranking: 2020 - 2 Subcode:

Potential Future Funding Sources: Capital Outlay, State Grants

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00
Construction	\$0.00	\$90,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$510,000.00
Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,000.00
Architecture / Engineering	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25,000.00
Totals	\$0.00	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$600,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Warehouse Improvement

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

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

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

Location of Project: Former Breadsprings Chapter Tract, NM

Project Ranking: 2020 - 3 **Subcode:**

Potential Future Funding Sources: Capital Outlay, Chapter General Funds

Estimated Costs Not Yet Funded

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

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Rodeo Arena Improvement

Project Description: Legislative Language: Plan, design, construct and equip the Baahaali Rodeo Arena.

Description/Scope of Work: Baahaali Rodeo Arena was built in 1968 and needs major improvements and renovations. Presently the Rodeo Arena generates the largest revenue for the chapter. Improvements to the rodeo area include, installing electrical lines to arena and announcer stand, installing a water line and trough for livestock, graveling the entrance way and parking area to reduce dust, replacing the rodeo arena stand, building a ramada for concessions stands and an eating area and building a secure fence around the rodeo grounds to prevent people from sneaking in with out paying a fee during rodeo events. Improving the rodeo grounds will allow the chapter to increase their revenues by renting out the facilities for evening events.

Statement of Need: The Baahaali Rodeo Arena has been an excellent source of revenue for the Chapter. Improvements to the arena will greatly increase the revenue for the chapter by allowing the facility to open for evening events such as rodeos and Pow Wows.

Location of Project: Current Breadsprings Chapter Tract, NM

Project Ranking: 2021 - 1 Subcode:

Potential Future Funding Sources: Capital Outlay

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Other	\$0.00	\$0.00	\$0.00	\$200,000.00	\$0.00	\$0.00	\$200,000.00
Planning / Predesign	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00
Architecture / Engineering	\$0.00	\$0.00	\$50,000.00	\$0.00	\$0.00	\$0.00	\$50,000.00
Construction	\$0.00	\$0.00	\$200,000.00	\$0.00	\$0.00	\$0.00	\$200,000.00
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00
Totals	\$0.00	\$0.00	\$300,000.00	\$200,000.00	\$0.00	\$0.00	\$505,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Pinehaven Road Improvement

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

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

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

Location of Project: Pinehaven Road

Project Ranking: 2021 - 2 Subcode:

Potential Future Funding Sources: Capital Outlay

Estimated Costs Not Yet Funded

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

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Water Shed Project

Project Description: The Baahaali Water Shed Project will focus on land restoration and erosion control. Lands within the Baahaali community are eroded and in poor condition. The primary goal of the project is to install restoration structures and to teach Navajo land owners, in the communities of Baahaali, Chichiltah and Red Rock, restoration techniques to reduce erosion, harvest water, slow down runoffs and stabilize gullies, headcuts and streambeds. Restoration of these lands will result in increased vegetation ground cover which will reduce sedimentation and provide grazing for livestock.

Statement of Need: Baahaali is located in mountainous region with an elevation above 7,000 feet. During monsoon seasons rain falls can cause major erosion and damage to the landscape. Land restoration and water preservation will not only benefit members of our community their livestock and farm fields but will also benefit the ecosystem in which wildlife exist. The Baahaali community has a diverse ecosystem and wildlife that make our community special.

Location of Project: Baahaali Chapter

Project Ranking: 2022 - 1 Subcode: Capital Outlay

Potential Future Funding Sources:

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$0.00	\$0.00	\$0.00	\$100,000.00	\$0.00	\$0.00	\$100,000.00
Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$0.00	\$0.00	\$0.00	\$100,000.00	\$0.00	\$0.00	\$100,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: New Baahaali Bthrm Addns

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

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

Location of Project: Scattered locations

Project Ranking: 2022 - 2 Subcode:

Potential Future Funding Sources: Capital Outlay

Estimated Costs Not Yet Funded

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

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: Constr School Bus Improv Rds

Project Description: The Baahaali community School Bus Route Improvement Project is an on going project and has identified eight (8) roads as priorities. This project has a significant shortfall. Thus far, environmental assessments and archeological clearances have been completed. The chapter is in the process of bidding out a contract to complete drainage studies on all 8 priority roads. This project has been funded for \$88,000 from Navajo Nation Fuel Excise Tax Funds. A pre-conference bid was completed by Navajo Department of Transportation (NDOT) and iina ba, Inc. of Farmington, NM was selected. As of May 20, 2010, NDOT has not executed a third-party contract with iina ba, Inc. to complete the drainage study. School bus route improvements will not only benefit Baahaali students attending Head Start, BIE or Gallup McKinley County Schools, but daily commuters. Baahaali Chapter is seeking funds to complete phase III which consist of completing center line surveys for the 8 priority roads.

Statement of Need: Baahaali Chapter has identified 8 priority roads in high need of improvement. Due to the enormity of the project it will be completed in phases. Baahaali Chapter has completed Phase I (Arch. Clearance & Environmental Studies). A pre-conference bid was completed in May 2007 and iina ba, Inc. of Farmington, NM was selected to complete the Drainage Study. As of May 20, 2010, a third-party contract has not been executed with NDOT and iina ba, Inc.

Location of Project: Scattered locations

Project Ranking: 2023 - 1 Subcode:

Potential Future Funding Sources: County

Estimated Costs Not Yet Funded

	2019	2020	2021	2022	2023	2024	TOTAL NOT YET FUNDED
Construction	\$0.00	\$0.00	\$0.00	\$0.00	\$900,000.00	\$0.00	\$900,000.00
Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$900,000.00	\$0.00	\$900,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN FY 2019 - 2024

Baahaali

ICIP Capital Project Description

Project Title: New Equip Maintenance Yd

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

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

Location of Project: Please Fill In

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

Potential Future Funding Sources:

Estimated Costs Not Yet Funded

2019 2020 2021 2022 2023 2024 TOTAL NOT YET FUNDED

Planning / Predesign	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00
Construction	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$250,000.00	\$0.00	\$250,000.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Architecture / Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00	\$0.00	\$300,000.00

INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN 2019 - 2024

PROJECT SUMMARY

Agency	Chapter	Project Title	Rank	Category	Sub Category	Funding Sources	2019	2020	2021	2022	2023	2024	Total
05	Baahaali	Baahaali Powerline Extensions/House Wiring	2019 - 1	Utilities--Power - Linear	Single Phase	NN CIP General Funds,Capital Outlay,Capital Outlay,Capital Outlay,Capital Outlay	\$450,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$450,000.00
05	Baahaali	Chapter House Improvement	2019 - 2	Bldg-Community	Chapter House	Capital Outlay,Chapter CIP Funds,NN CIP General Funds	\$400,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$400,000.00
05	Baahaali	Land Development Comprehensive Master Plan	2019 - 3	Comprehensive Studies	Land Use Plan	Capital Outlay,Certified Chapter Funds,NM Tribal Infrastructure Fund,NN CIP General Funds	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150,000.00
05	Baahaali	Baahaali/Chichiltah Regional Transfer Stn Improvements	2019 - 4	Utilities--Solid Waste	Solid Waste Transfer Station	Capital Outlay,Capital Outlay,Capital Outlay	\$330,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$330,000.00
05	Baahaali	Water Well Improvement	2019 - 5	Water - Block	Water Sources	NM Tribal Infrastructure Fund,NN CIP General Funds,Chapter CIP Funds	\$210,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$210,000.00
05	Baahaali	Baahaali Lagoon Improvements	2019 - 6	Water - Block	Wastewater	Chapter CIP Funds	\$200,000.00						\$200,000.00
05	Baahaali	New Chapter Vehicle	2019 - 7	Equipment	Vehicle	Capital Outlay,Chapter Other	\$40,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,000.00
05	Baahaali	Cemetery Improvement	2020 - 1	Real Estate - Block	Cemetery Tract	NN CIP General Funds,Capital Outlay	\$0.00	\$300,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$300,000.00
05	Baahaali	Renovate Baahaali Senior Citizens	2020 - 2	Bldg-Community	Senior Citizen's	Capital Outlay,State Grants	\$0.00	\$100,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100,000.00
05	Baahaali	Warehouse Improvement	2020 - 3	Bldg-Community	Warehouse	Chapter General Funds,Capital Outlay	\$0.00	\$200,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$200,000.00
05	Baahaali	Rodeo Arena Improvement	2021 - 1	Recreational Areas	Rodeo Grounds	Capital Outlay	\$0.00	\$0.00	\$300,000.00	\$200,000.00	\$0.00	\$0.00	\$500,000.00
05	Baahaali	Pinehaven Road Improvement	2021 - 2	Transportation - Linear	Roads/Streets	Capital Outlay	\$0.00	\$0.00	\$150,000.00	\$5,000.00	\$0.00	\$0.00	\$5,150,000.00
05	Baahaali	Water Shed Project	2022 - 1	Water - Est. cost	Water Shed	Capital Outlay	\$0.00	\$0.00	\$0.00	\$100,000.00	\$0.00	\$0.00	\$100,000.00

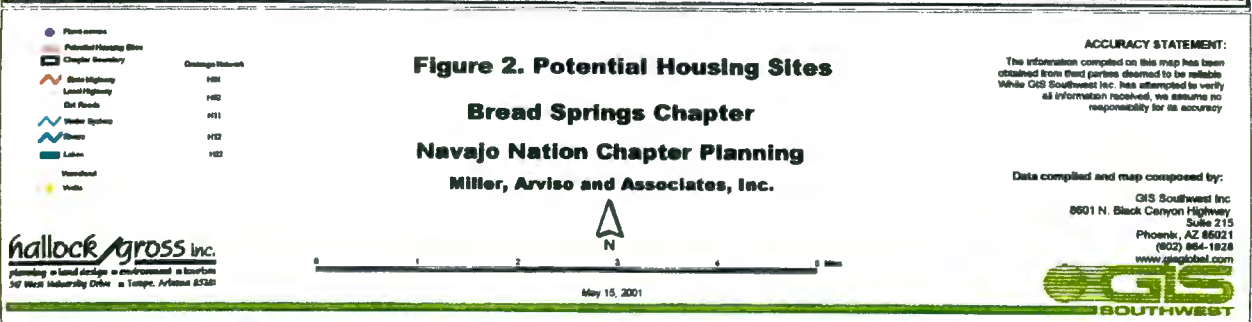
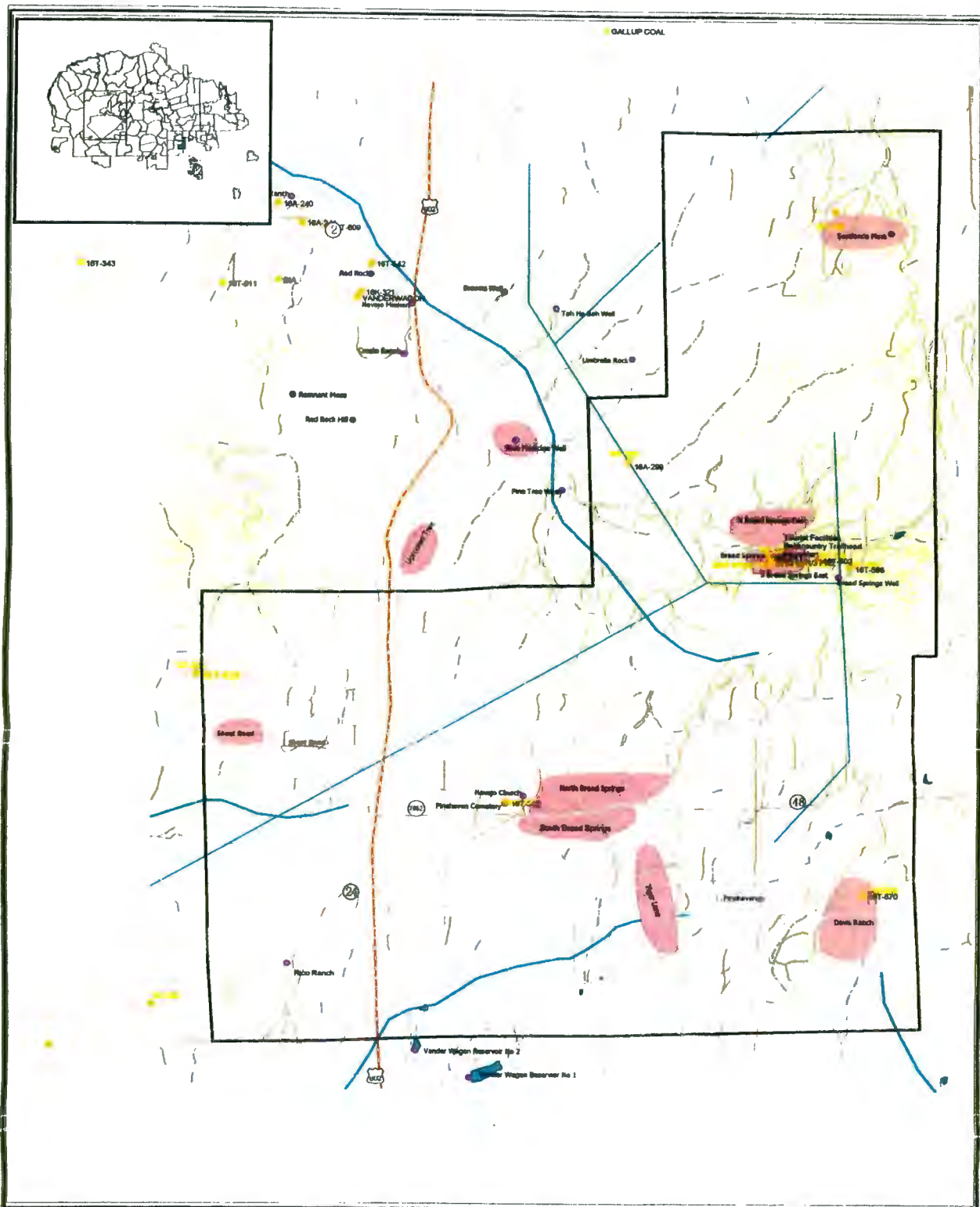
INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN 2019 - 2024

PROJECT SUMMARY

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

APPENDIX G

2006 HOUSING PLAN AND LAND SUITABILITY ANALYSIS



Phase II – Land Suitability Analysis

Bread Springs Chapter

Earthquake/Seismic Analysis

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

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

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

Flood Hazards

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

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

Soils Analysis

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

Sites 1,2, 3, 4, 5, 6, 7, and 8

The soils at these sites are predominantly alluvial material derived from sandstone and shale, with slopes varying 1 – 9 percent. Typically the landform consists of ridges and dip-slope on Cuesta and Mesa.

Vegetation

The potential vegetation consist of Gambel's Oak, antelope bitterbrush, banana yucca, big sagebrush, blue grama, bottlebrush squirrel tail, broom snake weed, eriogonum, mutton grass, one seed juniper, prairie June grass, two needle pinion and western wheat grass.

Annual Precipitation

The annual precipitation varies between 13 – 16 inches per year.

Permeability

Permeability of the soil varies from moderately slow to slow.

Wildlife Habitat

Habitat for rangeland wildlife is considered limited. Wildlife attracted to this area include deer, coyote, jackrabbit, hawks, occasionally elk and ground squirrels. The potential as habitat for these sites for housing is extremely poor. There are no known protected species under the Navajo Nation or Federal Endangered Species Act or Wildlife Laws known to be in these areas.

Environmental

These sites will require application of an environmental assessment. In early spring, windblown dust is common to the area, but the pinon junipers and other vegetation served as partial barriers.

Disclaimer – Engineering

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

Culturally Significant Areas

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

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

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

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

Landfill

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

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



Bááháálí Chapter
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FAX (505) 778-5915
<http://baahaali.navajochapters.org>

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

EXHIBIT

B

Gloria Skeet deCruz, Chapter Manager

Guarena Adeky Skeets, Administrative Assistant

BHC-04-18-S09

RESOLUTION OF THE BÁÁHÁÁLÍ CHAPTER

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

WHEREAS:

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

NOW THEREFORE BE IT RESOLVED THAT:

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



MEMORANDUM

To : Honorable Seth Damon
Bááháálí, Chilchiltah. Manuelito, Red Rock, Rocksprings, Tsayatoh Chapters

From : Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

Date : June 19, 2018

Re : PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE,
CERTIFYING BÁÁHÁÁLÍ CHAPTER'S COMMUNITY-BASED LAND
USE PLAN WHICH HAS REEVALUATED AND READJUSTED
BÁÁHÁÁLÍ CHAPTER'S FIRST COMMUNITY-BASED LAND USE
PLAN

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5). If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Thank you for your service to the Navajo Nation.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0213-18__

SPONSOR: Seth Damon

TITLE: An Action Relating To Resources And Development Committee, Certifying Baahaali Chapter's Community-Based Land Use Plan Which Has Reevaluated And Readjusted Baahaali Chapter's First Community-Based Land Use Plan

Date posted: June 21, 2018 at 4:36 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

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

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

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

LEGISLATION NO.: 0213-18

SPONSOR: Honorable Seth Damon

TITLE: An Action Relating to Resources And Development Committee, Certifying Baahaali Chapter's Community-Based Land Use Plan Which Has Reevaluated And Readjusted Baahaali Chapter's First Community-Based Land Use Plan

Posted: June 21, 2018 at 4:36 PM

5 DAY Comment Period Ended: June 26, 2018

Digital Comments received:

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



Legislative Secretary II
Office of Legislative Services

6/27/2018 8:13am

Date/Time

RESOURCES AND DEVELOPMENT COMMITTEE

Regular Meeting

August 1, 2018

ROLL CALL

VOTE TALLY SHEET:

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

Motion: Alton Joe Shepherd Second; Leonard Pete

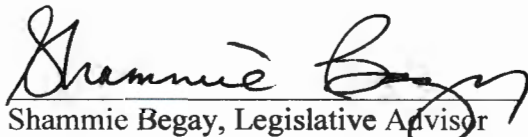
Vote: 3-0-1 (VCNV)

YEAS: Leonard Pete, Walter Phelps and Jonathan Perry

EXCUSED: Davis Filfred



Benjamin Bennett, Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee