### LEGISLATIVE SUMMARY SHEET Tracking No. <u>0/23-19</u>

**DATE:** May 10, 2019

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR 3.5 ACRES FOR THE NATIVE AMERICAN INDIAN RELIGION OF EASTERN DINÉ CHAPTER IN THE VICINITY OF NAGEEZI CHAPTER, NAVAJO NATION

**PURPOSE:** Approving a mission site permit and terms and conditions for religious and community services facility for the Native American Indian Religion of Eastern Diné Chapter., located in the Nageezi Chapter.

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.

	DLD PERIOD: 2008 Structure Resources & Development Committee
Website Post Posting End I	ing Time/Date: 5-16, 19 4:46pm Date: 5-21-19
Eligible for A	
1	PROPOSED STANDING COMMITTEE RESOLUTION
2	24 <sup>th</sup> NAVAJO NATION COUNCIL First Year, 2019
3	INTRODUCED BY
4	11 2
5	Nastr
6	(Prime Sponsor)
7	
8	TRACKING NO. 0123-19
9	
10	AN ACTION
11	RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
12	APPROVING A MISSION SITE PERMIT FOR 3.5 ACRES FOR THE NATIVE
13	AMERICAN INDIAN RELIGION OF EASTERN DINÉ CHAPTER IN THE
14	VICINITY OF NAGEEZI CHAPTER, NAVAJO NATION
15	
16	Section One. Authority
17	A. Pursuant to 16 N.N.C. Section 1151 (C), the Resources Development Committee of
18	the Navajo Nation Council has the authority to give approval for permits for
19	mission sites on behalf of the Navajo Nation.
20	B. Pursuant to 2 N.N.C. Section 501 (B)(2), the Resources Development Committee of
21	the Navajo Nation Council has the authority to give final approval for all land
22	withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface
23	easements and bonding requirements on Navajo Nation lands and unrestricted (fee)
24	land. This authority shall include subleases, modifications, assignments, leasehold
25	encumbrances, transfers, renewals, and terminations.
26	
27	Section Two. Title 16 of the Navajo Nation Code Provisions with Respect to
28	Mission Sites
29	A. Pursuant to 16 N.N.C. § 1159 (B) the following acreage limitations shall apply to all
30	applicants for permits:

1	1. Mission site for purely religious activities: one and one-half (1 1/2) acres;
2	2. Mission site for religious activities and community services facilities: three and
3	one-half (3 1/2) acres;
4	3. Mission site for religious activities and either substantial medical or accredited
5	educational programs: eight (8) acres; and
6	4. The Resources and Development Committee may, in the case of applications for
7	mission sites in or near areas withdrawn for townships in the Navajo Nation,
8	limit site acreage to less than two and five-tenths (2 5/10) acres, and may set
9	rental fees with due regard for present or future competing demands for land use
10	in such areas.
11	D. Pursuant to 16 N.N.C. § 1159 (C) "community service facilities" shall be deemed to
12	include only those permanent improvements upon the permitted site which are for
13	the purpose of providing recreational programs, non-religious educational programs,
14	including adult education, and other non-religious programs of benefit to the
15	community.
16	
17	Section Three. Findings
18	A. The Native American Indian Religion of Eastern Diné Chapter, Post Office Box 295,
19	Nageezi, New Mexico has applied for a Mission Site Permit within the Nageezi
20	Chapter, as further described in Exhibit E, attached hereto and incorporated herein
21	by this reference.
22	B. The proposed mission site is located on 3.5 acres, more or less, within the vicinity of
23	Nageezi Chapter, Navajo Nation (New Mexico). The land description appears on
24	the survey plat attached hereto and incorporated as <b>Exhibit B</b> .
25	C. The Grazing Official identified two land users who gave their consents which are
26	attached hereto as Exhibit C.
27	D. The Nageezi Chapter Resolution NC-18-049 dated March 4, 2018 entitled
28	"Supporting Native American Indian Religion of Eastern Diné Chapter in Renewing
29	Their 3.5 Acres Mission Site Lease" and the petition signed by the local residents are
30	also attached herein as Exhibit D.

- B. Pursuant to 16 N.N.C. § 1159 (B) the acreage limitations for permits for a mission site for religious activities and community services facilities is three and one-half (3 1/2) acres. The Native American Indian Religion of Eastern Diné Chapter request is for three and one half (3.5) acres.
- C. The Native American Indian Religion of Eastern Diné Chapter request for three and one-half (3 1/2) acres is stated in the application. The accompanying Letter of Justification from the Native American Indian Religion of Eastern Diné Chapter Secretary and the application are attached as **Exhibit E.** The Letter of Justification states that "*The organization plans to build small arbors with picnic tables; a basketball court and volleyball court as a recreation center to benefit the youth and children as community services facilities and to build a cultural center to provide 'Non-religious' adult education programs to improve the way of life; and any other improvements as needed.*"
- D. The Resources and Development Committee finds that the planned programs are sufficient to demonstrate the use of the three and one-half (3.5) acres for community service activities pursuant to 16 N.N.C. § 1159 (B).
- E. Resources and Development Committee Resolution No. RDCJN-33-15 delegated the authority to process and approve Land Withdrawals to the Director of the Navajo Land Department. Resolution RDCJN-33-15 approved Land Withdrawal Designation Regulations ("Regulations"). Section One of the Regulations states:

"§1. Purpose.

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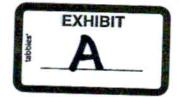
30

The purpose of these Regulations is to clarify and expedite the Land Withdrawal Designation process on the Navajo Nation, and explains that a Land Withdrawal Designation does not authorize development or disturbance on Navajo Nation land. This Land Withdrawal Designation process does not apply to how to get a lease. Prior to any development on land, a lease must be obtained in addition to the withdrawal. The purpose of a Land Withdrawal Designation is to designate an area of land for further development by,

1	a. Ensuring that the rights of grazing permittees, who are in compliance with
2	their grazing permits, are properly addressed as applicable and as required
3	under 16 N.N.C. §§ 1401 et seq. and to prevent any subsequent claims to the
4	land; and
5	b. Ensuring that the affected Chapter supports the Land Withdrawal
6	Designation and use of the land."
7	F. Having received the consents of the land users, Exhibit C, and the receipt of the
8	Nageezi Chapter Resolution NC-18-049, Exhibit D, the purpose of the Land
9	Withdrawal Designation has been met ensuring the rights of grazing permittees have
10	been addressed and ensuring that the affected Chapter supports the Land Withdrawal
11	Designation and use of the land as a mission site.
12	G. The Resources and Development Committee approval of a Land Withdrawal for the
13	purposes of a mission site with this legislation will serve a public purpose of
14	expediting the process of the approval of a Mission Site Permit.
15	H. The Department of Fish and Wildlife Biological Resources Compliance Form is
16	attached as Exhibit F; the Cultural Resources Compliance Form is attached as
17	Exhibit G; and, the Navajo Nation Environmental Protection Agency Surface and
18	Ground Water Protection Department Memorandum is attached as Exhibit H.
19	I. The Executive Official Review Document No. 009968 has been reviewed by the
20	Navajo Land Department of Fish and Wildlife; Historic Preservation; Navajo Nation
21	Environmental Protection Agency; Division of Natural Resources; the Division of
22	Community Development and the Department of Justice and found "Sufficient" or
23	"Approved." Executive Official Review Document No. 009968 is attached as
24	Exhibit I.
25	E. The Terms and Conditions for the Mission Site Permit is attached as Exhibit A.
26	
27	Section Four. Approval
28	A. The Resources and Development Committee of the Navajo Nation Council hereby
29	approves the withdrawal of 3.5 acres, more or less, of trust lands within the vicinity
30	

of Nageezi Chapter, Navajo Nation, as described in **Exhibit B**, for Native American Indian Religion of Eastern Diné Chapter for use as a mission site.

- B. The Resources and Development Committee of the Navajo Nation Council hereby approves and consents to the Mission Site Permit for the Native American Indian Religion of Eastern Diné Chapter subject to but not limited to the attached Terms and Conditions contained herein as **Exhibit A** which is attached hereto and incorporated herein by this reference.
- C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes President of the Navajo Nation to execute all documents to affect the intent and purpose of this resolution.



#### 10/01/2014 FORM Mission Site

#### TERMS AND CONDITIONS FOR MISSION SITE PERMIT NATIVE AMERICAN INDIAN RELIGION OF EASTERN DINE CHAPTER (PERMITTEE)

- 2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is '<u>NOT A LEASE</u>' and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
- 3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
- 4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
- 5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
- 6. The legal land description of the premises is described as follows:

#### TRACT DESCRIPTION

A three and one-half (3.50) acre tract of land in the Southeast one-quarter (SE ¼) of Section one (1), Township twenty-three (23) North, Range eight (8) West, N.M.P.M., San Juan County, New Mexico, and being more particularly described as follows:

BEGINNING N 60°36'28" W 2136.24 feet from the Southeast corner of said Section 1; THENCE S 56°33'31" W 483.82 feet; THENCE N 36°18'32" W 316.77 feet; THENCE N 56°40'19" E 480.65 feet; THENCE S 36°53'25" E 315.99 feet to the point of beginning.

- 7. The annual rental rate will be <u>\$ 45.00</u> per year and is due on or before the first day of December each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.
- 8. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.
- 9. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect including but not limited to the following:
  - a. Title 25, Code of Federal Regulations, Part 162;
  - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
  - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ et seq.; and
  - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 <u>et seq.</u> Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
- The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
- 11. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
- 12. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.
- 13. The Permittee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the permit area by the Permittee.

- 14. The Permittee shall not assig, convey or transfer, in any manner whatsoever, the permit or any interest therein, or in or to any of the improvements on the land subject to the permit, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer of the permit without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon condition or withheld in the sole discretion of the Navajo Nation.
- 15. The Navajo Nation may terminate the permit for violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:
  - Failure to comply with any terms and conditions of the permit or of applicable laws or regulations;
  - b. Non-use of the permit; and
  - c. The use of the land subject to the permit for any purpose inconsistent with the purpose for which the permit is granted.
- 16. At the termination of the permit, the Permittee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
- 17. The Permittee shall give written notice to the Navajo Nation Land Department regarding any change to the Permittee's contact information, address, leadership, organizational name, or any other substantial change to the organization. The notice shall be given within thirty (30) days and delivered to the Navajo Land Department at Post Office Box 2249, Window Rock, Arizona 86515.
- 18. Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof or give the Permittee any rights hereunder or in or to the land subject to the permit or to any improvements located thereon.
- 19. The Navajo Nation shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
- 20. By acceptance of the grant of permit, the Permittee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgements for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
- 21. By acceptance of the grant of the permit, the Permittee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the

general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the permit or to the Navajo Nation.

- 22. Any action or proceeding brought by the Permittee against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be resolved administratively under the laws of the Navajo Nation and no action or proceeding shall be brought by the Permittee against the Navajo Nation, in any court of any state.
- 23. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
- 24. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
- 25. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Permittee, and the term "Permittee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
- 26. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the area under the permit and all lands burdened by the permit, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the permit; and the area under the permit and all lands burdened by the permit shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Date: 3/13/18

By:

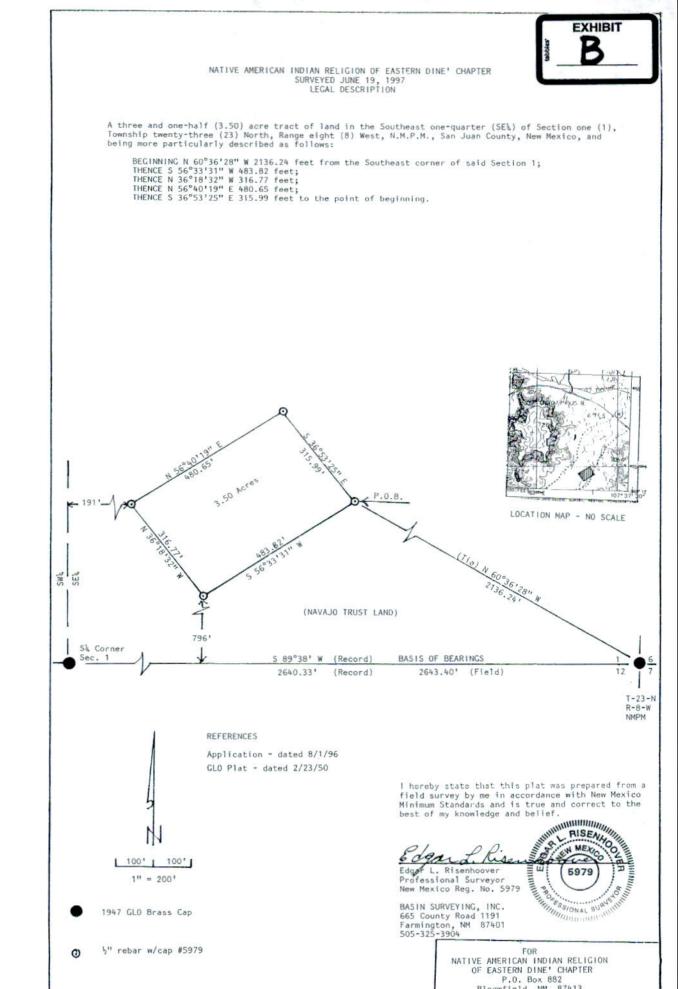
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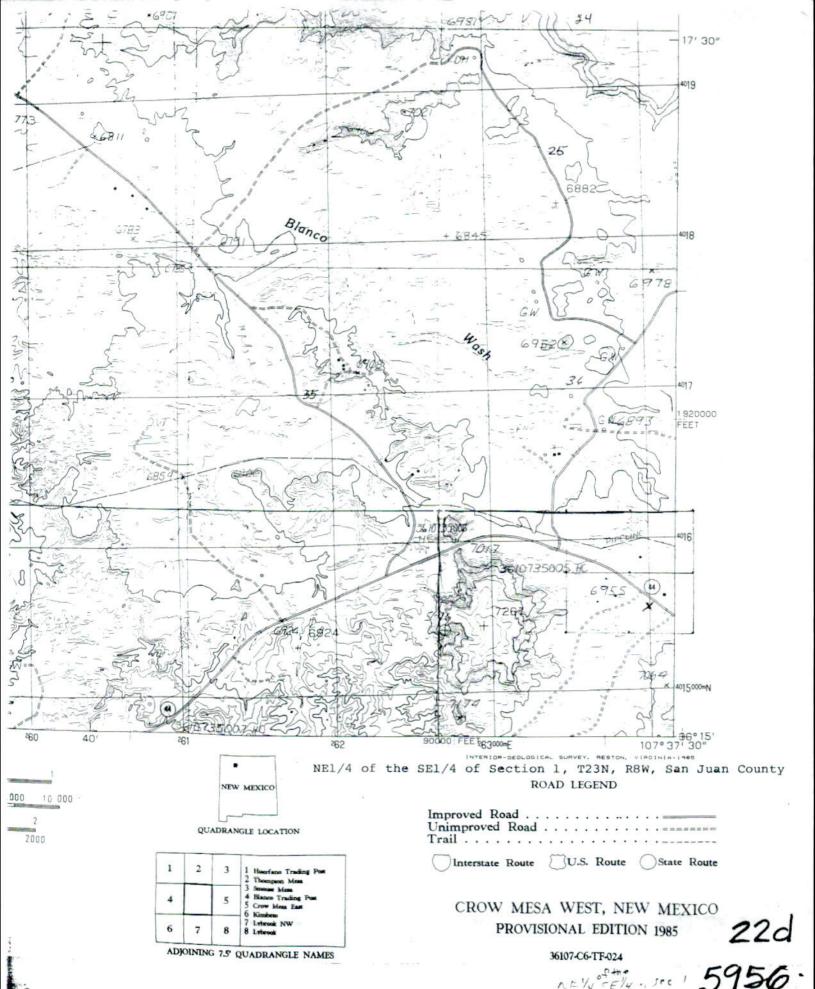
Permittee

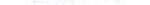
Date:

By:

Russell Begaye Navajo Nation President







Consent Form #3 (Waiver of compensation for damages)



#### CONSENT TO USE NAVAJO TRIBAL LANDS

#### TO WHOM IT MAY CONCERN:

1, JounRomanch hereby grant consent to the Navajo Nation and
the Bureau of Indian Affairs to permit NATIVE AMERICAN LACIAN ACTIVENOT
EASTERN DINE Chapter
to use a portion of my land use area for the following purpose(s): - To manage
business meeting and to sponte a perite
prayer ceremony and Conferences ANNUALLY
for Mative American Church members.
as shown on the map showing the location of the proposed project on the back of this consent form.

I hereby waive any rights I may have to compensate for the diminishment in value of my land use rights as a result of the above referenced project as proposed.

#### **REMARKS:**

3/15/20, DATE	LAND USER SIGNATURE CENSUS (OR THUMBPRINT)	Large Comm. <u>3000086</u> NO. PERMIT NO.
	20RP 7588 Bloo AM field Address (P.O. Box, City, State, Zip) 8741-	Social Security No.
WITNESS: 3 15 18 DATE	GRAZING COMMITTEE OR LAND BOARD MEMBER	1 S DISTRICT NO.
	Acknowledgement of Field Agent	
	at the contents of this consent form was $read$ or <u>fu</u> or <u>f</u>	illy explained to the land
6.5 t 1	Field Agent Signature	

#### CONSENT TO USE NAVAJO NATION LAND FOR MISSION SITE WITHDRAWAL

#### TO WHOM IT MAY CONCERN:

I, Leo Dennison Sr hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Native American Indian Religion of the Nageezi Chapter. The Church Organization is to use a partial of my assigned grazing area for the purpose of withdrawing 3, 5 acres of land for religious purposes.

Further, I hereby waive any rights I may have to compensation for the taking of my land use and diminishment of land value as a result of the above caption:

REMARKS: <u>The requested acreas is on Tribal Trust Land.</u>

Permit Holder's Signature (or thumb-print)

WITNESS:

ilno

Census No.

19

District No.

20 Permit No.

12-20-95 Date

1-07-96

Date

Attested by Grazing Committee/Land Board

11150

Acknowledgement of Church Agent: MATZHO 55100

\* A thumb-print requires 2 witnesses



#### NAGEEZI CHAPTER EASTERN NAVAJO AGENCY DISTRICT 19

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Russell Begaye , Navajo Nation President

Jonathan Nez, Navajo Nation Vice-President

#### RESOLUTION OF NAGEEZI CHAPTER EASTERN AGENCY, DISTRICT 19

#### **RESOLUTION # NC-18-049**

#### SUPPORTING NATIVE AMERICAN INDIAN RELIGION OF EASTERN DINÉ CHAPTER IN RENEWING THEIR 3.5 ACRES MISSION SITE LEASE

#### WHEREAS:

Pursuant to 26 N.N.C. §1(B), the Nageezi Chapter is delegated the governmental authority to make decisions over local matters consistent with Navajo Law, Custom, and Tradition and under 11 N.N.C., Part 1, Section 10, is delegated authority to make local decisions in the best interest and welfare of the community members; and

Nageezi Chapter with the population of 2500 to 3000 residents, registered and non-registered voters, is made of up of nine (09) sub-communities including and not limited to: Nageezi, Lybrook, Twin Pines, Blanco, Kimbeto, Chaco Canyon, Escavada, Betoni Wash, Kinnadiz, and Dzilth-na-o-dithhle, being one of the largest land base chapter in the Eastern Agency of the Navajo Nation; and

Navajo Nation General Land Development Department has informed Native American Indian Religion of Eastern Diné Chapter that their 3.5 acres mission site lease needs to be renewed; and

The 3.5 acres mission site lease is located at SE ¼ of Section 01, T23N, R08W, Nageezi Chapter, San Juan County, New Mexico; and

Native American Indian Religion of Eastern Diné Chapter must submit a mission site application to renew their mission site lease. A Chapter Resolution supporting the renewal of the mission site lease must be included in the application; and

A significant number of community members of Nageezi Chapter are members of the Native American Indian Religion of Eastern Diné Chapter; and

Native American Indian Religion of Eastern Diné Chapter conduct business meetings and sponsor a peyote ceremony/conference annually for Native American Church members at the 3.5 acres mission site lease.

#### NOW THEREFORE BE IT RESOLVED THAT:

1. NAGEEZI CHAPTER HEREBY SUPPORTS NATIVE AMERICAN INDIAN RELIGION OF EASTERN DINÉ CHAPTER IN RENEWING THEIR 3.5 ACRES MISSION SITE LEASE

2. NAGEEZI CHAPTER HEREBY REQUESTS NAVAJO NATION GENERAL LAND DEVELOPMENT DEPARTMENT TO ASSIST NAGEEZI CHAPTER AND NAGEEZI CHAPTER LAND BOARD MEMBER IN RESOLVING THE DISPUTE ON THE ACCESS ROAD TO THE 3.5 ACRES MISSION SITE LEASE

#### CERTIFICATION

WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION NO. NC-18-049 was duly presented and discussed at a duly called meeting of Nageezi Chapter, Navajo Nation (New Mexico), at which a quorum was present, motioned by Juanita Jaquez, seconded by Danny Platero Sr., was voted on with 20 in favor, 00 opposed, and 04 abstained, this 04th day of March 2018.

1. 24

Ervin Chavez, Chapter President

Jessica Platero, Secretary/Treasurer

#### TO WHOM IT MAY CONCERN:

WE, THE UNDERSIGNED, WHO ARE NON-MEMBERS AND MEMBERS OF THIS CHURCH HEREBY GIVE OUR CONSENTS TO THE NAVAJO NATION FOR THE PURPOSE OF BUILDING A CHURCH:

NAMES 01. 5511 TYM 36.04 02. 37 minuel 03. 38.\_\_\_ 04. 39.\_\_\_\_ 05. 40. 06. 41. 07. 42.\_\_\_\_ 08. 62 020 43. 09. no 44.\_\_\_\_ 10. 45. 11. 46.\_\_\_\_ 12. 47.\_\_\_\_ 13. 48.\_\_\_\_ 14. 49.\_\_\_\_ 15. 50. 16. 51. 17. marson 51.\_\_\_\_\_ 18. 52.\_\_\_\_ SR 19. mnison 53. 20. 4xm 54.\_\_\_\_ 21. 55. . 22. 56. 23. 57. 24. 58. 25. 59.\_\_\_\_ 26. . 60. 27. 61. 28. 62. 29. marcil 63. 30. Anto 64.\_\_\_\_ AFFI 31. 65. reid 32. lan 66. 33. uncon 67.\_\_\_\_\_ Mayne & 34. 68.\_\_\_\_ 35. K.A 11 69.\_\_\_\_

TO WHOM IT MAY CONCERN:

WE, THE UNDERSIGNED, WHO ARE NON-MEMBERS AND MEMBERS OF THIS CHURCH HEREBY GIVE OUR CONSENTS TO THE NAVAJO NATION FOR THE PURPOSE OF BUILDING A CHURCH:

NAME / THUMB PRINT:

01. Thumb print of <u>Norman Benally</u> Date: 12/20/95 JESSICH PLATERD WITNESS: CIM UM Sen alla WITNESS: YGU Dinging the Date: i 12/20/95 02. Thumb print of Joe Dennison Jr WITNESS: A MANGAN Simolla WITNESS: XU JESSICH/ PLATERO Etta M Benally 03. Thumb print of Date:\_\_\_\_12/20/95 WITNESS: Maapulan 1 WITNESS: Harcener 04. Thumb print of Jessica Platero Date: 12/20/95 WITNESS: Manual Benally WITNESS: Fat Lauren the 05. Thumb print of Date:\_\_\_\_ 12/20/95 Leo Dennison Sr WITNESS: Mannan Benalin WITNESS: THE Oungon 4 Mary Dennison Date: 12/20/95 06. Thumb print of WITNESS: Marman Bunally WITNESS: TAV Cumon 20

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TO WHOM IT MAY CONCERN:

WE, THE UNDERSIGNED, WHO ARE NON-MEMBERS AND MEMBERS OF THIS CHURCH HEREBY GIVE OUR CONSENTS TO THE NAVAJO NATION FOR THE PURPOSE OF BUILDING A CHURCH:

NAME / THUMB PRINT:

01.	Thumb print of	Ben Norberto	Date:	12/20/95
	Left Thumb print of	WITNESS	Si da Vaca	an Binally
02.	Thumb print of	Danny Platero Sr	Date:	12/20/95
		WITNESS	: Jacob	Bengelly
03.	Thumb print of	James Jaquez	Date:	12/20/95
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		WITNESS WITNESS	: Juin	unor M
05.	Thumb print of	Joe Dennison Sr 💛	Date	12/20/95
06.	Thumb print of		- Jac Jain	an Benally
		WITNESS	Ja Vern	an Brandly

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TO WHOM IT MAY CONCERN:

WE, THE UNDERSIGNED, WHO ARE NON-MEMBERS AND MEMBERS OF THIS CHURCH HEREBY GIVE OUR CONSENTS TO THE NAVAJO NATION FOR THE PURPOSE OF BUILDING A CHURCH:

NAME / THUMB PRINT:

01.	Thumb print of	Henry Chavez	Date:	12/20/95
02.	Thumb print of		/	12/20/95
03.	Thumb print of			unor ge
04.	Thumb print of	Emma Martinez	. /	un Binalily iz/20/95
05.	Thumb print of	Gloria Norberto		an Benalda uno for 12/20/95
06.	Thumb print of		Date:	12/20/95
		WITNESS: WITNESS:	Javen	un Bindia

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TO WHOM IT MAY CONCERN:

WE, THE UNDERSIGNED, WHO ARE NON-MEMBERS AND MEMBERS OF THIS CHURCH HEREBY GIVE OUR CONSENTS TO THE NAVAJO NATION FOR THE PURPOSE OF BUILDING A CHURCH:

NAME / THUMB PRINT:

01.	Thumb print of _	Nancy Denn	nison	Date:	12/20/95	
02.	Thumb print of	Susie Padill	WITNESS:	TO Same	m Ben 12/20/95	ully
03.	Thumb print of	Almira Denr	WITNESS:	Jalou	12/20/95	
× 04.	Thumb print of		WITNESS:		an Ben	cal (4
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#### ACTION BY CHAPTER ON MISSION SITE APPLICATION FOR LAND WITHIN THE NAVAJO RESERVATION

Name of	Applicant:	Native	America	an Indian	n Rel	igion	of Easter	n Dine' Ch	apter
Address	·	P.O. B	ox 882,	Bloomfie	eld N	M 874	13		
Land to	be used	for Missio	n Site: _	Developm	ent	of bui	ldings, pa	arking area	as,
Other:	tepee gro	ounds, sh	elters,	offices	and	octage	on hogan.		
Acreage	Requested:				_				24 
Location	or Descript	tion of land	to be wi	thdrawn	7-8	miles	southeast	of Nageez	i, NM
Tribal	Frust Land	1 located	east of	Nageezi	NM	in the	SE 1/4 of	Section 1	1,
T23N, R81	۷.								

We, the undersigned, duly elected officers of <u>Nageezi Chapter</u>, P.O. Box 100, Nageezi, NM 87037

(Name and Address of Chapter)

hereby certify that this application for this specific mission site was considered by the Chapter on this \_7th \_ day of \_\_\_\_\_\_\_\_, January \_\_\_\_\_\_\_, 19\_\_\_\_, 19\_\_\_\_\_, 19\_\_\_\_\_, 19\_\_\_\_\_, 19\_\_\_\_\_, 19\_\_\_\_\_, 19\_\_\_\_\_, 0\_\_\_\_\_, opposed.

Date January 7, 1996

ng Chapter President

Chapter Vice President

Chapter Secretary

#### NAVAJO NATION COUNCIL DELEGATE'S CONSENT

Date January 7, 1996

	I,	Hen	ry He	esuse				_ Nava	jo	Nation	Council	Delegate	from
Distr	ict No.	1	9	_ herewi	th	grant	my	approv	al	of			
the e	establish	ment	ofa	mission	site	by the	Θ	Native	Am	erican	Indian	Religion	of
East	ern Dir	ne' C	hapte	er, P.O.	Box	882, I	Bloc	omfield	NM	87413.	, reque	sted loca	tion
at _	south	east	of N	Nageezi,	NM.								
				pose.] M						establis	hment of	this missio	on are
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										S	70		
						Sig	ned	· nd	en	uf	> 2/2		

Navajo Mation Council Delegate

19 District No.

## APPLICATION FOR MISSION SITE (RELIGIOUS SITE) NAVAJO NATION LANDS

## DATE: March 13, 2018

EXHIBIT

Native American Indian Religion of Eastern Dine Chapter (NAME OF CHURCH)

P.O. Box 295 Nageezi, NM 87037 (ADDRESS)

hereby makes an application for a religious site covering approximately <u>3.5</u> acres of Navajo Nation land located in <u>Nagelzi</u>, <u>San Juan</u> county, Arizona (New Mexico, as shown on the attached map.

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

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



Land Use Consent

🗹 Survey Plat

Current Petition of Names

Copy of Articles of Incorporation

Other Supporting Documents

Detailed statement of the purpose(s) for which said Navajo Nation land shall be used. If a missionary or mission body proposes to establish facilities for educational, medical or other non-religious activities, this paragraph shall set forth fully the extent and character thereof: <u>This is a permanent foundation set in 1987 with a hogan structure</u> which is used to conduct prayer meetings and manage business meetings. There are additional buildings arbor, parking lot and nine (9) tecpee Spots which can be used for ceremonies and used for National Convension Day. This is all open to the community. Description of building and improvements to be placed on tribal land and the estimated cost thereof: <u>The permanent hogan structure has a 30 feet diameter. There</u> 13 a 14 × 24 ft Kitchen which is located 50 yards away. Also, <u>the parking lot takes up about an acre of the 3.5 acre total.</u> <u>Earthern foundation for nine (9) tecpees covers a 12 foot diameter.</u>

This is all established within the 3.5 acres and there is no plans for improvement or additional structures at the moment. Plans for development of water and sewer:

Currently, there are no utilities powering this establishment. Haul water from neighboring church or chapter house in 200 gal. barrel. Once Mission site is updated, Temez Electric will provide power.

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

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

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

In all cases of applications on behalf of unincorporated bodies where documents do no explicit give one individual authority to execute necessary papers, a power of attorney executed before a notary public by all associated parties for this purpose should be attached. If this is not supplied, all such persons must personally sign this application and all other documents submitted to the Navajo Agency.

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

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

Norman Benally Authorized Agent (Print Name)

Authorized Agent (Signature)

P.O. Box 295 Nageezi, NM 87413 Address

(505) 947-0702

Phone Number

rhharrison 50 @ yahoo.com Email Address



NATIVE AMERICAN INDIAN RELIGION

of Eastern Diné Chapter Physical Address: 10771 U.S. 550, Nageezi NM 87037

TO:	General Land Development Department
	Window Rock, AZ
DATE:	August 27, 2018
FROM:	Richard Harrison, Secretary
SUBJECT:	Letter of Justification

The Native American Indian Religion of Eastern Diné Chapter is a duly certified non-profit organization established in 1988; and is incorporated in the State of New Mexico, Charter #1395870; and NM EID #85-0368221; and is incorporated with the Navajo Nation Corporation Code #100210, dated April, 1994.

Native American Indian Religion of Eastern Diné Chapter is the sole owner and the Mission Site is located seven (7) miles SE of Nageezi, NM on NM 550; a three and one half (3.5) acre tract of Tribal Trust land in the SE ¼ of Section 1, T23N, R8W.

The Mission Site of 3.5 acres is fenced for the establishment of a permanent foundation of a structural Hogan, buildings, arbor, parking areas and tepee grounds. The purpose is to manage business meetings and to sponsor a peyote ceremony/conference annually for Native American Church members. The organization plans to build small arbors with picnic tables; a basketball court and volleyball court as a recreation center to benefit the youth and children as community services facilities and to build a cultural center to provide 'Non-religious' adult educational programs to improve the way of life; and any other improvements as needed.

It is the desire and intention of Native American Indian Religion organization is to foster and preserve our aboriginal culture, sacred sites, and the religious beliefs and the healing through its divine powers; and to promote the teachings of traditional ways to worship a Heavenly Father through the use of peyote sacrament, and to protect our spiritual and moral values.

Native American Indian Religion of Eastern Diné Chapter is updating its legal records and the following records: Biological Survey, Cultural, Historical and Archaeological Compliance Report, and Environmental Assessment Report are already on file with the land department. Thank you for help.

Sincerely,

chald Harrison

Mr. Richard Harrison, Secretary Mailing Address: 49 CR 3961, Farmington NM 8741, PH: 505/947-0702

# RECEIVED JUL 29 2018 DEPARTMENT OF JUSTICE NATURAL RESOURCES UNIT

TO:	ATTN: ERVIN CHEE NN Dept of Justice	FROM:	RICHARD HARRISON, Secretary	1.04.94
FAX	(928) 871-6177 6200	FAX:	NONE	
PHONE:	(928) 871-6222	PHONE	505/947-0702	
SUBJECT:	Letter of Proposal	DATE:	August 27, 2018	

COMMENTS: Letter of Justification, dated 3/2/18 PLEASE call me when you received the documents. Thank you

Cover fax page and 1 attachment





# NAVAJO NATION CORPORATION CODE

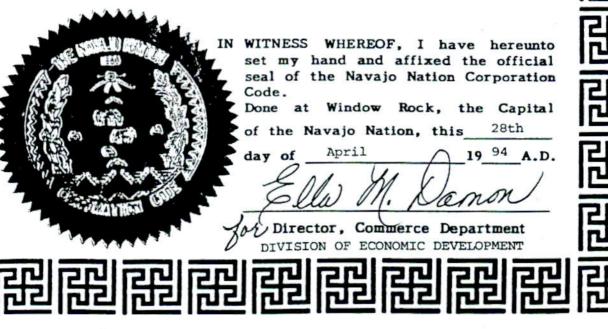
CERTIFICATE OF INCORPORATION

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, the Director of the Commerce Department, DO HEREBY CERTIFY that \*\*\*NATIVE AMERICAN INDIAN RELIGION OF EASTERN DINE CHAPTER - File Number 100210\*\*\*

I FURTHER CERTIFY that this corporation has filed all affidavits and paid filing fees required to date and, therefore, is in good standing within the Navajo Nation.



## THE NAVAJO NATION

PETERSON ZAH

April 29, 1994

MARSHALL PLUMMER VICE PRESIDENT

Mr. Norman Benally, Registered Agent NATIVE AMERICAN INDIAN RELIGION OF EASTERN DINE CHAPTER NBU 3043, Space 28, Cr#5476 Farmington, NM 87499

Dear Mr. Benally:

Please find enclosed a Certificate of Incorporation symbolizing the acceptance and approval of your Articles of Incorporation. Your Certificate of Incorporation should be placed in a conspicuous area within your organization.

Also, in accordance with the Navajo Nation Corporation Code, all corporate entities are required to file an annual report. This report is due on or before the last day of the first quarter, after the closed of your operation year.

If you have any questions regarding this matter do not hesitate to contact us at the above address or telephone number. Thank you.

Sincerely,

Frank D. Nez, Jr., Director Business Regulatory Department

Enclosure

Pg (100f 3)

#### Sliding Fee Scale for Navajo Nation Mission Site Permits

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

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

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

#### Procedure:

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

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

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

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

#### NNDFW Review No. 18NAIR01a3

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



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

PROJECT NAME & NO .: Native American Indian Religion of Eastern Dine Chapter

DESCRIPTION: Proposed 3.5-acre mission site. This review includes all associated utilities.

LOCATION: SE<sup>1/4</sup> of Section 01, T23N, R08W, NMPM, Nageezi Chapter, San Juan County, New Mexico

REPRESENTATIVE: Norman Benally, President-Native American Indian Religion of Eastern Dine Chapter

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & concurrence/13 FEB 2018/Norman Benally SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Existing mission site.

#### POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE\*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/13 FEB 2018

COPIES TO: (add categories as necessary)

2 NTC § 164 Recommendation:	Signature	Jah Date 2/13/18
Approval		
Conditional Approval (with mer		a Nation Donortment of Fish and Wildlife
Disapproval (with memo)		o Nation Department of Fish and Wildlife
Categorical Exclusion (with requ	est letter)	
None (with memo)		

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

Representative's signature

Date



THE NAVAJO NATION

Russell Begaye Jonathan Nez

#### MEMORANDUM

TO : Jeffrey Cole, Wildlife Manager Department of Fish and Wildlife DIVISION OF NATURAL RESOURCES

FROM : <u>Here</u> for Gloria M. Tom, Director Department of Fish and Wildlife DIVISION OF NATURAL RESOURCES

DATE : February 13, 2018

SUBJECT : DELEGATION OF AUTHORITY

I will be on out of the office and I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 am Tuesday February 13, 2018. This delegation shall end at 5:00 pm. on Tuesday, February 13, 2018.

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

ACKNOWLEDGEMENT:

Jeffrey Cole, Wildlife Manager Department of Fish and Wildlife DIVISION OF NATURAL RESOURCES

Cc: file

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



COPIES TO
SHPO
REAL PROPERTY MGT/330
NNAD

NNHPD NO. <u>HPD-96-739</u> OTHER PROJECT NO. NNAD-96-226

PROJECT TITLE: An Archaeological Survey of the Proposed Parcel of land for the Native American Indian Religion of Eastern Dine Chapter in Nageezi Chapter, San Juan County, New Mexico

LEAD AGENCY: BIA Navajo Area Office

SPONSOR: Norman Benally, Native American Indian Religion of Eastern Dine Chapter, P.O. Box 882, Bloomfield, New Mexico 87413

PROJECT DESCRIPTION: Construction of a hogan, building for office/kitchen, shelters, parking lots and earthen foundations for teepees

LAND STATUS: Tribal Trust CHAPTER: Nageezi LOCATION: T23N, R8W, Section 1, San Juan County, New Mexico

PROJECT ARCHAEOLOGIST: Nathaniel Todea NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 11/01/96 DATE OF REPORT: 11/13/96 TOTAL ACREAGE INSPECTED: 3.50 Acres

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 12 m apart.

LIST OF CULTURAL RESOURCES FOUND: LIST OF ELIGIBLE PROPERTIES: LIST OF NON-ELIGIBLE PROPERTIES: LIST OF ARCHAEOLOGICAL RESOURCES: (1) In-Use Site None In-Use Site A None

EFFECT/CONDITIONS OF COMPLIANCE:

No historic properties were located. Pursuant to 36 CFR 800.4 (d), a copy of this form and the report have been provided to the SHPO notifying them that no historic properties were found.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified 520-871-7132-

FORM PREPARED BY: Iris Begaye FINALIZED: December 10, 1996

Notification to Proceed Recommended: Conditions:

No Yes xx Alan Downer Yes No Navajo Nation Historic Preservation Officer 9 Date NO Yes Director Area Date

Agency Approval:



THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY

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



Jonathan Nez

Vice President

Russell Begaye President

April 12, 2018

#### MEMORANDUM

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

FROM:

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

SUBJECT: DOCUMENT No. 009968

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 009968, Native American Indian Religion of Eastern Dine Chapter Mission Site. Currently, there is no water or wastewater infrastructure at this facility. When the Native American Indian Religion of Eastern Dine Chapter plans to install water and wastewater facilities, construction permits will be required. PWSSP recommends approval of this document.

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

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

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

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA

EXECUTIVE OFFICIAL REVIEW         Title of Document:       Native American Indian Religion Of East       Contact Name:       YAZZIE, ELERINA B         Program/Division:       DIVISION OF NATURAL RESOURCES         Email:       elerin_yazzie@froniter.com       Phone Number:       928-871-6447         Business Site Lease       Sufficient Insufficient         1. Division:       Date:	Doc	ument No.	009968	EXHIBIT	Date Issued:	03/22/2018	
Program/Division:       DIVISION OF NATURAL RESOURCES         Email:       elerin_yazzie@froniter.com       Phone Number:       928-871-6447         Business Site Lease       Sufficient Insufficient         1. Division:       Date:       Date:         2. Office of the Controller       Date:       Date:         (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)       3. Office of the Attorney General:       Date:         Dusiness and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions       1. Division:       Date:			J	EXECUTIVE OFFICIAL	REVIEW		
Email:       elerin_yazzie@froniter.com       Phone Number:       928-871-6447         Business Site Lease       Sufficient Insufficient         1. Division:       Date:       Date:         2. Office of the Controller       Date:       Date:         (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)       3. Office of the Attorney General:       Date:         Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions       1. Division:         2. Office of the Attorney General:       Date:       Date:         2. Office of the Attorney General:       Date:       Date:         3. Office of the Attorney General:       Date:       Date:         4. Office of the Attorney General:       Date:       Date:         2. Office of the Attorney General:       Date:       Date:         3. Office of the Attorney General:       Date:       Date:       Date:         3. Office of the Attorney General:       Date:       Date:       Date:       Date:         3. Office of the Attorney General:       Date:       Date: <t< td=""><td>Title</td><td>of Document:</td><td>Native American In</td><td>dian Religion Of East</td><td>Contact Name: YA</td><td>ZZIE, ELERINA B</td><td></td></t<>	Title	of Document:	Native American In	dian Religion Of East	Contact Name: YA	ZZIE, ELERINA B	
Business Site Lease       Sufficient Insufficient         1. Division:       Date:       Date	Prog	gram/Division:	DIVISION OF NAT	URAL RESOURCES			
1. Division:       Date:	Ema	ail: e	lerin_yazzie@fronite	er.com	Phone Number:	928-871-6447	
Investment) or Delegation of Approving and/or Management Authority of Leasing transactions         1. Division:       Date:		<ol> <li>Division:</li> <li>Office of the (only if Procure)</li> </ol>	e Controller ement Clearance is no	n an	Date: he initiation of the E.O. re	eview)	nt
2. Office of the Attorney General: Date:   Bate: Date:     Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications    1. Office of Management and Budget: Date:   2. Office of the Controller: Date:   3. Office of the Attorney General: Date:   Wavajo Housing Authority Request for Release of Funds    1. NNEPA: Date:   2. Office of the Attorney General: Date:   2. Office of the Controller: Date:   (recommendation only) Date:   2. Office of the Attorney General: Date:   Date: Date:   3. Office of the Attorney General: Date:   2. Office of the Attorney General: Date:   3. Office of the Controller: Date:   (recommendation only) Date:   2. Office of Management and Budget: Date:   2. Office of the Controller: Date:   3. Office of the Attorney General: Date:   2. Office of the Attorney General: Date:   3. Office of the Controller: Date:   3. Office of the Attorney General: Date:   3. Office of the Attorn							
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2. Office of the Controller:       Date:       Date:       Date:         3. Office of the Attorney General:       Date:       Date:       Date:         Navajo Housing Authority Request for Release of Funds       I. NNEPA:       Date:       Date:       Date:         2. Office of the Attorney General:       Date:       Date:       Date:       Date:       Date:         2. Office of the Attorney General:       Date:       Date:       Date:       Date:       Date:         2. Office of the Controller:       Date:		Fund Manage	ment Plan, Expendit	ure Plans, Carry Over Re	quests, Budget Modifica	ations	
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Relinquishment of Navajo Membership		Relinquishme	nt of Navajo Membe	rship			
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	Land Withdrawal or Relinquishment for Commercial Purposes		Cufficient	Insufficient
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	2. Office of the Attorney General:	Date:		
	Land Withdrawals for Non-Commercial Purposes, General Land		Leases	
	1. NLD	Date:		
	2. F&W	Deter		
	3. HPD	Date:		
	4. Minerals	Date:		
	5. NNEPA	Date:		
	6. DNR	Date:		
	7. DOJ			
	Rights of Way	_ Date:	[_]	
	1. NLD	Date:		
	2. F&W	Date:		
	3. HPD	Date:		
	4. Minerals	_ Date:		
	5. NNEPA	_ Date:		
		Date:		
	6. Office of the Attorney General:	_ Date:		
	7. OPVP			
	Oil and Gas Prospecting Permits, Drilling and Exploration Perm	its, Mining Permit, Mini	ng Lease	
	1. Minerals	Date:		
	2. OPVP	Date:		
	3. NLD	Date:		
	Assignment of Mineral Lease			
	1. Minerals	Date:		
	2. DNR	Date:		
	3. DOJ	Date:		
_	ROW (where there has been no delegation of authority to the Na			- Notion's
	consent to a ROW)	avajo Land Department	to grant th	e Nation's
	1. NLD	Date:		
	2. F&W	Data		
	3. HPD			
	4. Minerals	Date:		
	5. NNEPA	_ Date:		
	6. DNR	Date:		
	7. DOJ	Date:		
	8. OPVP	_ Date:		
	-	_ Date:		
X	OTHER: MISSION SITE			
	1. Navajo Land Dept.	Date:		
	2. Fishand Wildlife	Date:		
	3. HHPD	Date:		
	4. NNEPA	Date:		
	5. DNR	Date:		
	6. Division of Comm. Dev.	Date: 5/22)19	N N	
	7 OOC VECTORIS URW	Date: 6/7/14	- 12	
	8 DOJ-CC PLUDY	Date: 9/5/18	FA	11

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ANNANANANA	NAVAJO NATION DEP.	ARTMENT OF	JUSTICE
RESUBMITTAL (May 2016	DOCUMENT REVIEW REQUEST FORM	RECEIVED JUN 1 1 2018 DEPARTMENT OF JURY RECEIVENTIONIET DESK	$\begin{array}{c} \text{DOJ} \\ 6 - 11 - 8 & 306 \text{ pr} \\ DATE / TIME \\ \hline 7 \text{ Day Deadline} \\ \text{Doc } #009968 # 2 \\ \text{SAS } # \\ \hline \text{UNIT: } MM \end{array}$
*** FOR NNDOJ USE (	ONLY - DO NOT CHANGE OR REVISE FOI	A CONTRACTOR OF	HIS FORM WILL NOT BE ACCEPTED. ***
		COMPLETE	
DATE OF REQUEST:	6/11/2018	DIVISION:	Division Natural Resources
CONTACT NAME:	Michelle Hoskie or Stevie Hudson	DEPARTMENT:	General Land Development Department
PHONE NUMBER:	871-6447 or 871-6423	E-MAIL:	michellehoskie@frontier.com
TITLE OF DOCUMEN	Γ: NATIVE AMERICAN INDIAN RI	ELIGION OF EASTER	IN DINE CHAPTERS MISSION SITE
	DOJ SECRETAR	Y TO COMPLETE	
DATE/TIME IN UNIT:	6.11.18 REVIEWIN	NG ATTORNEY/AD	DVOCATE: 4- 15.18
DATE TIME OUT OF U	INIT: 9.5.18 12:10		0
	DOJ ATTORNEY / AD	VOCATE COMM	ENTS
ocument is not	& finally legally suffi	gent. See men	mo.
REVIEWED BY (Print	Late / Pime	SURNAMED BY VB lackle	(Print) Date / Time 1 9-5-18 11:23 Am
DOJ Secretary Called: 7	Michelle for Documer	nt Pick Up on 9.5	18 at 11:50 By: 7
PICKED UP BY: (Print	)		DATE / TIME:
NDOJ/DRRF-July 2013			





# THE NAVAJO NATION

## **RUSSELL BEGAYE** PRESIDENT **ONATHAN NEZ** VICE PRESIDENT

DCDA-M18001

TO

FROM

#### MEMORANDUM

#### CARL SMITH Executive Director

DIVISION OF COMMUNITY DEVELOPMENT

PO Box 1904 Window Rock, AZ 86515

PH: 928.871.7182 Fax: 928.871.7189

WEBSITES NNDCD.org NavajoChapters.org

MISSION: Provide opportunities for the Navajo communities to be self-governing and ALL CONCERNED

Carl Smith, Executive Director **Division of Community Development** 

DATE October 2, 2017

SUBJECT FY 2018 Standing Delegation of Authority :

self-sufficient.

In my absence from the office, two DCD personnel are designated to assume delegation of authority to act in my capacity as DCD Executive Director to assure proper operation, handle routine administrative matters, and have signatory approval, except those matters they feel require my attention. The order of delegation will be as follows:

- 1. Norbert Nez, Computer Operations Manager **Division of Community Development**
- 2. Marlon Stevens, Department Manager II **Community Housing & Infrastructure Department**

Your assistance and cooperation will be appreciated.

Acknowledged by:

Norbert Nez, Computer Operations Manager **Division of Community Development** 

Acknowledged by:

Marlon Stevens, Department Manager II Community Housing & Infrastructure Dept. Division of Community Development



## NAVAJO NATION DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH ATTORNEY GENERAL

CHERIE ESPINOSA ACTING DEPUTY ATTORNEY GENERAL

#### MEMORANDUM

TO: Executive Official Reviewers FROM: •

Irvin Chee, Tribal Court Advocate Natural Resources Unit, Dept. of Justice

DATE: September 5, 2018

#### SUBJECT: Document No. 9968#2 – Native American Indian Religion of Eastern Dine Chapters Mission Site

The above-referenced document was submitted through the Executive Official Review process. This document is now legally sufficient after the sponsors were able to finalize their justification for the request for 3.5 acres of land. The consent forms are attached. Ms. Bidtah Becker's comments on the Data System is regarding which terms and conditions to use, Lease or Permit? We issue church lease only if the church is involved with school like Immanual Mission or St. Bonaventure Mission sites since they are involved with school. If it's pure religious without school involvement, we use the terms and conditions for mission site permit like in this case.

If you have any questions, please contact me at 871-6347. Thank you.

xc: Elerina Yazzie, Department Manager, General Land Development Department (GLDD) Veronica Blackhat, Assistant Attorney General, Natural Resources Unit, NNDOJ

X:\NRU\DNR\GLDD\Mission-Church\2018-09-05 NNDOJ Memo- Doc 9968#2 Native American Indian Religion of Eastern Dine Chapters Mission Site

**Tier 2 Document Voting Results** User Vote Vote Name Job Title Department **Comments** Replies Signature Cast Date (Facility) Bidtah N. FBFA Users FBFA Action Approved 1. Dear DOJ- 1. No 23-May-2018 Becker Team can you Reply (FBFA) please Macken opine on whether the applicant should obtain a mission site permit OR should it obtain a lease? Thank you. Richard Navajo Historic Approved 15-May-2018 no No **Begay NNHP Nation** Preservation comments Reply (Navajo Land Historic Department all M Bugg Title Data Preservation System -Officer Windowrock AZ) Ronnie Ben UndergroundNavajo Nation Approved 1. Documents 18-May-2018 1. No EPA Injection Environmental are outdated Reply (Navajo Land Control -Protection and should be noi he Title Data Reviewer Agency made current. System -Conditional Windowrock Approval AZ) contingent on compliance with all NNEPA and USEPA environmental laws. Sam DiswoodTechnical Fish and Wildlife Approved no 13-May-2018 No (Navajo Land Review comments Reply Title Data System -Same I disered Windowrock AZ) Steven PrinceTechnical Navajo Nation Approved 14-May-2018 no No MIN Reviewer Minerals comments Reply (Navajo Land Management Title Data Aven System -Windowrock AZ) W. Mike Manager III NLD Approved 21-May-2018 noNo Halona Navajo Land Administration comments Reply (Navajo Land Department Title Data System -Windowrock AZ)

			Tier 1	Document	Voting	, Results		
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature	
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved 1	. Comments attached.	1. No Reply	11-May-2018	ky	Q:X
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved 1	These structures already exist; the material provided does not indicate they are expanding or adding to the already existing structure.	1. No Reply	20-Apr-2018	Lee In	dy Ailmosth
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	11-Apr-2018		
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Review	Fish and Wildlife	Approved 1	. ≠18NAIR01a3	3 1. No Reply	11-Apr-2018	ya	
(Navajo Land	Tanks		Approved 1	It is impossible to locate this parcel precisely given the thumbnail map in the upper right hand corner o the legal survey. the survey starting section corner is T.23N.,R.8- 9 W., and is located in the Oil and Gas Fields of the Four Corners Area, see Volumes 1-11, 1978 Pages 427-428 Nageezi Gallup (Oil), T. 23 N., R. 8- 9 W., NMPM, San Juan County, New		20-Apr-2018	Patricia	Mgalu

Mexico. Approval is granted on the condition that if petroleum contamination is discovered, regardless if it originates from an oil well or oil supply pipeline network or a gas station or other fueling facility, the NNEPA will be notified immediately. Water Patrick Navajo Nation Approved 1. There are no 1. No 13-Apr-2018 Antonio EPA Quality -Environmental plans for Reply (Navajo Land Supervisor Protection additional Title Data Agency structures at System -Pati Atri this time. Windowrock Does not AZ) require coverage under the federal Construction General Permit for storm water discharges from construction sites. Robert Allan Deputy DNR Approved 13-Apr-2018 no No DNR Director Administration Robert O. allam comments Reply (Navajo Land DNR Title Data System -Windowrock AZ) Tamara Billie HPD Historic Approved 1. HPD-96- 1. No Reply 24-Apr-2018 NNHP Reviewer Preservation 739 (Navajo Land Department Title Data Famenfall System -Windowrock AZ) Approved 1. Please see Yolanda Public Navajo Nation 12-Apr-2018 1. No Barney EPA Water Environmental memorandum Reply (Navajo Land System Protection approving the Title Data SupervisionAgency project. System -Program Windowrock AZ)

Office of Legislative Counsel Telephone: (928) 871-7166 Fax # (928) 871-7576



Honorable Seth Damon Speaker 24<sup>th</sup> Navajo Nation Council

#### MEMORANDUM

TO: Honorable Mark Freeland Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint Chapters

FROM:

Mariana Kahn, Attorney Office of Legislative Counsel

- DATE: May 10, 2019
- SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR 3.5 ACRES FOR THE NATIVE AMERICAN INDIAN RELIGION OF EASTERN DINÉ CHAPTER IN THE VICINITY OF NAGEEZI CHAPTER, NAVAJO NATION

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

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

#### THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0123-19 SPONSO

SPONSOR: Mark A. Freeland

TITLE: An Action Relating To Resources And Development Committee; Approving A Mission Site Permit For 3.5 Acres for The Native American Indian Religion Of Eastern Diné Chapter In The Vicinity Of Nageezi Chapter, Navajo Nation

Date posted: May 16, 2019 at 4:46pm

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) 871-7590

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

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

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

#### LEGISLATION NO.: 0123-19

#### SPONSOR: Honorable Mark AFreeland

#### TITLE: <u>An Action Relating To Resources And Development Committee; Approving A</u> <u>Mission Site Permit For 3.5 Acres for The Native American Indian Religion Of Eastern Diné</u> Chapter In The Vicinity Of Nageezi Chapter, Navajo Nation

#### Posted: May 16, 2019 at 4:46 PM

#### 5 DAY Comment Period Ended: May 22, 2019

#### **Digital Comments received:**

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

en

Legislative Tracking Secretary Office of Legislative Services

5-22.19 8:21am Date/Time