

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council --- Third Year, 2021

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT;
APPROVING A MISSION SITE PERMIT FOR 1.5 ACRE, MORE OR LESS, FOR
MITTEN ROCK TREE OF LIFE CHURCH IN THE VICINITY OF RED VALLEY
CHAPTER, NAVAJO NATION

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

- A. The Mitten Rock Tree of Life Church has applied for a mission site within the Red Valley Chapter.
- B. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.
- C. The proposed mission site is located on 1.5 acres, more or less, within the vicinity of Red Valley Chapter, Navajo Nation (New Mexico). The survey of the Mitten Rock Tree of Life Church Tract is attached as **Exhibit B**.
- D. The Grazing Official, in a Field Clearance Checklist dated May 11, 2021, identified one grazing permit holder. The Field Clearance Checklist and the Consent to Use Navajo Tribal Lands for Mission Site with the grazing permit holder's approval are attached as **Exhibit C**.

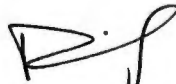
- E. The Red Valley Chapter Resolution RVC-48-15 dated September 13, 2015 "support[ing] Mitten Rock Tree of Life Church request of lease application for their existing church site for religious services to the Navajo People" and a signed petition are attached herein as **Exhibit D**.
- F. The Biological Resources Compliance Form is attached as **Exhibit E**; the Historic Preservation Department Cultural Resources Compliance Form is attached as **Exhibit F**; and the HPD Report dated 9/21/2015 Consultant Report No. DCRM 2015-50 is attached as **Exhibit G**. The Environmental Assessment prepared by the Denali Environmental Services and a memorandum dated August 24, 2015 by Denali Environmental Services are attached as **Exhibit H**.
- G. The Application, the Certificate of Incorporation, the Articles of Incorporation, and the Sliding Fee Scale Form for Mission Site Permits are attached as **Exhibit I**.
- H. The Executive Official Review document number 015695 with reviews by the Department of Justice, Department of Water Resources, Fish and Wildlife, Minerals Management Department, Historic Preservation Department, Division of Natural Resources Administration and the Navajo Land Department; and, review by the Navajo Nation Environmental Protection Agency by memorandum dated September 2, 2021 indicating "approved" or "sufficient" are attached as **Exhibit J**.

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Mission Site Permit for the Mitten Rock Tree of Life Church, 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.
- B. 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.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting held by a teleconference for which a quorum was present and that same was passed by a vote of 5 in favor, and 0 opposed, on this 17th day of November 2021.

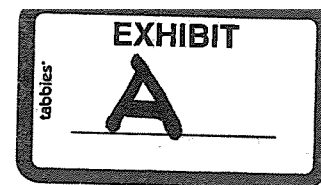


Rickie Nez, Chairperson
Resources and Development Committee
of the 24th Navajo Nation Council

Motion: Honorable Thomas Walker, Jr.

Second: Honorable Mark A. Freeland

Chairperson Rickie Nez not voting.



FORM Mission Site

10/01/2014

Amended 05/15/19

**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
MITTEN ROCK TREE OF LIFE (PERMITTEE)**

1. This Mission Site Permit is issued to the Mitten Rock Tree of Life, P.O. Box 473 Waterflow NM 87421, to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein. The term of the Mission Site Permit is effective beginning on the date the permit is approved by the Resources & Development Committee of the Navajo Nation Council or authorized representative. The Permit is authorized by Resources and Development Committee No. _____.
2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is 'NOT A LEASE' and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

TRACT DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 7, TOWNSHIP 27 NORTH, RANGE 19 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO SITUATED IN THE MITTEN ROCK AREA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Point of Beginning a point being the Northwest corner of said Parcel which bears South 75°57'01" East, a distance of 4,313.76 feet from the Northeast (NE) corner of said Section 7;

Thence North 86°20'35" East, a distance of 284.62 feet;

**Thence South 07°54'22" East, a distance of 149.34 feet;
Thence South 56°19'24" West, a distance of 194.17 feet;
Thence South 88°24'26" West, a distance of 142.10 feet;
Thence North 00°13'28" West, a distance of 241.38 feet to the Point of Beginning**

Said Parcel containing 1.5± Acres more or less in area and being subject to any restrictions, easements and reservations of record.

The annual rental rate will be \$ 15.00 per year and is due by December 30, prior to the year for which such fees are due, 16 N.N.C. § 1164. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.

7. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.
8. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 162;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
9. The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
10. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
11. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.

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12. The Permittee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the permit area by the Permittee.
 13. The Permittee shall not assign, convey or transfer, in any manner whatsoever, the permit or any interest therein, or in or to any of the improvements on the land subject to the permit, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer of the permit without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon condition or withheld in the sole discretion of the Navajo Nation.
 14. The Navajo Nation may terminate the permit for violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:
 - a. Failure to comply with any terms and conditions of the permit or of applicable laws or regulations;
 - b. Non-use of the permit; and
 - c. The use of the land subject to the permit for any purpose inconsistent with the purpose for which the permit is granted.
 15. At the termination of the permit, the Permittee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
 16. The Permittee shall give written notice to the Navajo Nation Land Department regarding any change to the Permittee's contact information, address, leadership, organizational name, or any other substantial change to the organization. The notice shall be given within thirty (30) days and delivered to the Navajo Land Department at Post Office Box 2249, Window Rock, Arizona 86515.
 17. Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof or give the Permittee any rights hereunder or in or to the land subject to the permit or to any improvements located thereon.
 18. The Navajo Nation shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
 19. By acceptance of the grant of permit, the Permittee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgements for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.

20. By acceptance of the grant of the permit, the Permittee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the permit or to the Navajo Nation.
21. Any action or proceeding brought by the Permittee against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be resolved administratively under the laws of the Navajo Nation and no action or proceeding shall be brought by the Permittee against the Navajo Nation, in any court of any state.
22. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
23. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
24. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Permittee, and the term "Permittee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
25. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the area under the permit and all lands burdened by the permit, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the permit; and the area under the permit and all lands burdened by the permit shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Date: _____

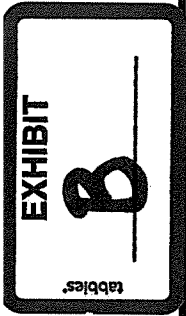
Date: _____

By: _____

By: _____

Mitten Rock Tree of Life
Jerry J. Begay
Authorized Agent

Jonathan Nez, *President*
The Navajo Nation



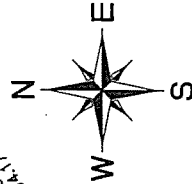
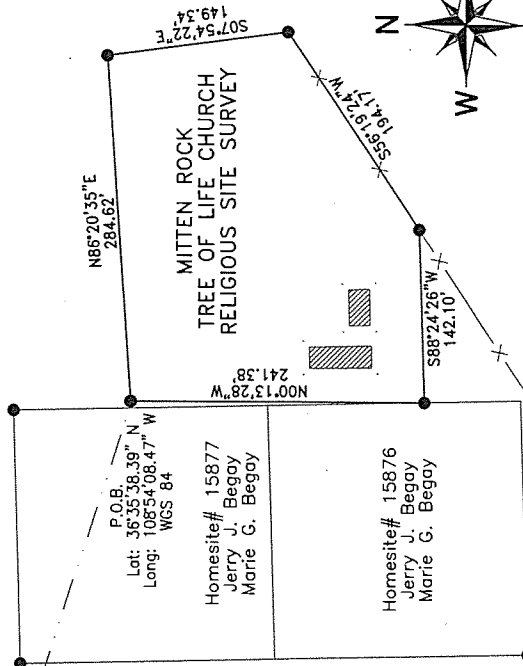
A SURVEY OF RECORD
LOCATED IN
NE1/4 OF SECTION 7,
T27N, R19W N.M.P.M.,
MITTEN ROCK, SAN JUAN COUNTY,
NEW MEXICO

Section Corner
Fd USBLM
Brass Cap
Lat: 36°35'48.74" N
Long: 108°54'59.779" W
WGS 84

Sec. 1
Sec. 6
Sec. 12
Sec. 7

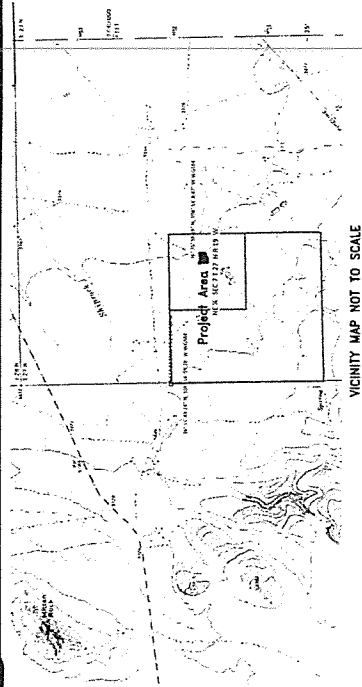
S75°57'01"E
(110) 4,313.76'

T27N, R20W N.M.P.M.
T27N, R19W N.M.P.M.



Basis of Bearing: True North as established by G.P.S.
Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163
AZPLS #29894

Lease Area is Occupied and Disturbed
Utilities are as shown



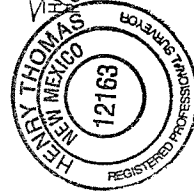
A tract of land located in the Northeast Quarter (NE1/4) of Section 7, Township 27 North, Range 19 West, N.M.P.M., San Juan County, New Mexico situated in the Mitten Rock area and is more particularly described as follows:

Commencing at the Point of Beginning a point being the Northwest corner of said Parcel which bears South 75°57'01" East, a distance of 4,313.76 feet from the Northeast (NE) corner of said Section 7;

thence North 86°20'35" East, a distance of 284.62 feet;
thence South 07°54'22" East, a distance of 149.34 feet;
thence South 56°19'24" West, a distance of 194.17 feet;
thence South 88°24'26" West, a distance of 142.10 feet;
thence North 00°13'28" West, a distance of 241.38 feet to the Point of Beginning

Said Parcel containing 1.5± Acres more or less in area and being subject to any restrictions, easements and reservations of record.

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



Henry Thomas
Registered Professional Surveyor
#12163

Drawn By:	HI
Approved:	HI
P.O. Box #2827, Shiprock NM 87420	
(505) 320-0479	
DATE: 8/27/15	
SCALE: 1"=100'	
RED VALLEY SURVEY	
MITTEN ROCK	
TREE OF LIFE CHURCH	
RELIGIOUS SITE SURVEY	
NE1/4, Sec. 7, T27N, R19W NMPLS	
Mitten Rock, San Juan County, New Mexico	
RVS#15-121	



FIELD CLEARANCE CHECKLIST

This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo Nation. Use back if necessary to complete this form.

Project Applicant: Mitten Rock Tree of Life

Project Name/Type: Mission Site Lease

Project Description: Occupy 1.5 acres for Mission site functions, New Lease.

Location: Mitten Rock, San Juan County, New Mexico

Amount of land affected: 1.5 acres

Land Status: Trust ☒ Fee ☐ Other ☐

List only valid Grazing Permittees (tally counts) whose grazing rights will be affected by project:

	Names	Permit Number	Type of Land Use Right
1	Nellie George	12-3998	Grazing Permit
2			
3			
4			
5			

ACKNOWLEDGEMENT

I acknowledge that due notice was given to the affected community of the proposed project and according to my records to the best of my knowledge, the list of individuals includes all land users who have land use rights in the affected lands.

5/11/2021
Date

Grazing Official or Land Board Member

12
District No.

**CONSENT TO USE NAVAJO TRIBAL LANDS
FOR MISSION SITE**

TO WHOM IT MAY CONCERN:

I, Nellie George, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Mitten Rock Tree of Life (Church) located approximately 5 miles from Red Valley Chapter to use approximately 1.5 acres of my assigned grazing land for church purposes.

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

REMARKS: _____

_____ Signature of Permit Holder	_____ Census No.	12-3998 Permit No.	10/21/15 Date
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WITNESSES:

Jimmy J. Begay
Mon D. Begay

Right Thumbprint

Harrison Yazzie
(Print Name) Grazing Official/Farm/Land Board
Red Valley
Chapter

Harrison Yazzie
(Signature) Grazing Official/Farm/Land Board
12 Oct 21, 2015
District No. Date

Acknowledge of Field Agent

I acknowledge that the contents of this consent form was read or fully explained to the land user in Navajo ☐ or English ☐

Signature of Land Department Field Agent Date



Red Valley Chapter Government • The Navajo Nation

P.O. Box 304 • Red Valley, Arizona 86544

Hwy 491 Route N13 Buffalo Drive, Bldg #R006-001

EXHIBIT

D

RVC-48-15

Resolution of the Red Valley Chapter

**THE RED VALLEY CHAPTER AFFIRMS THE MITTEN ROCK TREE OF LIFE CHURCH INITIATIVE
TO MAKE LEASE APPLICATION FOR THEIR EXISTING CHURCH WITH THE NAVAJO NATION
LAND DEPARTMENT OF THE NAVAJO NATION**

WHEREAS:

1. The RED VALLEY CHAPTER, pursuant to the Navajo Nation Council Resolution #CAP-34-98 dated October 01, 1998, is a recognized certified local unit of government with the responsibility to review matters pertaining to it's government, administration, membership and to decide whether issue(s) is/are in their best interest or not and act accordingly, AND
2. The RED VALLEY CHAPTER, is a certified entity of the Navajo Nation Council Government, vested with the authority to review all issues affecting the respective community; AND
3. The RED VALLEY CHAPTER strives for the betterment of its people by assisting and providing the opportunity for improvement in the areas of livelihood, health, and education, AND
4. The RED VALLEY CHAPTER, along with other vicinity chapters, recognizes the purpose and need to approve the lease application for the existing Mitten Rock Tree of Life Church, AND
5. The RED VALLEY CHAPTER recognizes the propose lease application will allow for contribution of religious services to the Navajo People in the teachings and spreading of the Gospel of the Lord Jesus Christ in accordance with instruction, doctrines, and teachings of the New Testament, and for religious, education, benevolent, charitable purposes, public worship and not for pecuniary profit, AND
6. The proposed lease application would allow the Mitten Rock Tree of Life Church to promote the work of the church in the establishment, building, promotion, organizations, development and future expansion of the church, as authorized by the church organization, AND
7. The RED VALLEY CHAPTER supports the lease renewal and property expansion request to the Navajo Nation Land Department pursuant to NNC T16 §, 11 & 1101-land leasing for public community purposes and the Bureau of Indian Affairs, Snyder Act of 1921, USC Chapter 1 & 13-appropriation for permitting & leasing activity.

NOW THEREFORE BE IT RESOLVE:

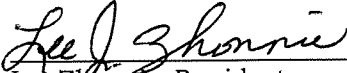
1. The RED VALLEY CHAPTER herby supports Mitten Rock Tree of Life Church request of lease application for their existing church site for religious services to the Navajo People, AND
2. The proposed church lease is located on Mitten Rock, New Mexico 7.5 Minute Quadrangle at NE ¼ Section 7 Township 27 North Range 19 West, NM PM.

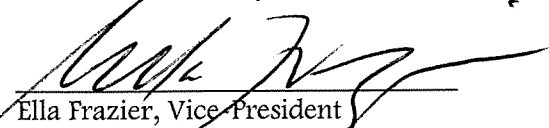
CERTIFICATION


WE, hereby certify the foregoing resolution was duly considered at duly called meeting at RED VALLEY CHAPTER, Navajo Nation, ARIZONA, at which quorum was present and that same was passed by a vote of 25 in favor, 0 opposed, and 2 abstained on this 13th day of September, 2015.

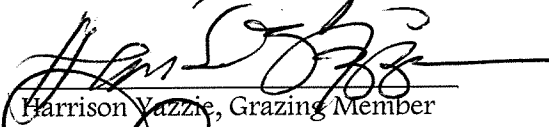
MOTION BY: Lawrence Marshall

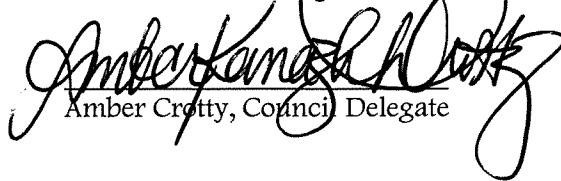
SECONDED BY: Gary Chavez


Lee Zhonnie, President


Ella Frazier, Vice President


Stella Tsosie, Secretary/Treasurer

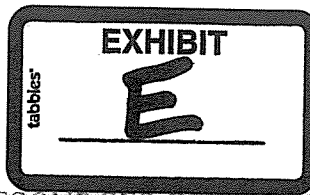

Harrison Vazzie, Grazing Member


Amber Crotty, Council Delegate

PETITION OF NAMES

We, the undersigned are citizens, registered voters and residents of RED VAILEY Chapter living within this community where the MITTEN ROCK TREE OF LIFE (Church) is being built. The primary purpose of this religious site is to provide a place to worship and basically have the church conduct religious services on any given days through out the year. Further, we hereby give our signatures on this petition to further the development of the church.

	NAME	DATE	WITNESS
01.	<u>John W. Aggie</u>	<u>9/27/15</u>	<u>J. Bayley</u>
02.	<u>Lula Hartley</u>	<u>9-27-15</u>	<u>J. Bayley</u>
03.	<u>Daniel H. Lorse</u>	<u>09/27/15</u>	<u>J. Bayley</u>
04.	<u>Judy James</u>	<u>09/27/15</u>	<u>Man D. Bay</u>
05.	<u>Christy Matis</u>	<u>9/27/15</u>	<u>Man D. Bay</u>
06.	<u>Bernadette Lanning</u>	<u>9/27/15</u>	<u>J. Bayley</u>
07.	<u>Kenneth Garrison</u>	<u>9/27/15</u>	<u>Man D. Bay</u>
08.	<u>Opie Albrecht</u>	<u>9/27/15</u>	<u>J. Bayley</u>
09.	<u>Wilma Phillips</u>	<u>9/27-15</u>	<u>Man D. Bay</u>
10.	<u>Gloria Cadman</u>	<u>9-27-15</u>	<u>Man D. Bay</u>
11.	<u>Emily V. Benally</u>	<u>9-27-15</u>	<u>Man D. Bay</u>
12.	<u>John J. Bayley</u>	<u>9/28/15</u>	<u>Man D. Bay</u>
13.	<u>Kenneth Benge</u>	<u>9-28-2015</u>	<u>J. Bayley</u>
14.	<u>J. C. Bay</u>	<u>9-28-15</u>	<u>J. Bayley</u>
15.	<u>Gene George</u>	<u>9-28-15</u>	<u>Man D. Bay</u>
16.	<u>Nellie George</u>	<u>9-28-15</u>	<u>Man D. Bay</u>
17.	<u>Man D. Bay</u>	<u>9-28-15</u>	<u>J. Bayley</u>
18.	<u>[Signature]</u>	<u>9-28-15</u>	<u>Man D. Bay</u>



NNDFW Review No. 15DANL04a2

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.: Mitten Rock Tree of Life Church Site

DESCRIPTION: The Mitten Rock Tree of Life Church proposes a mission site lease consisting of ± 1.5 acres for their existing church buildings. The church plans to expand and continue construction within the ± 1.5 -acre site.

LOCATION: NE $\frac{1}{4}$ of Section 07, T27N, R19W, Red Valley Chapter, San Juan County, New Mexico

REPRESENTATIVE: Leonard Robbins, Denali Environmental Services for Mitten Rock Tree of Life Church

ACTION AGENCY: Navajo Nation and Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Request for review and concurrence/24 AUG 2015/Leonard Robbins

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Existing church buildings & utilities onsite.

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/15 SEP 2015

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

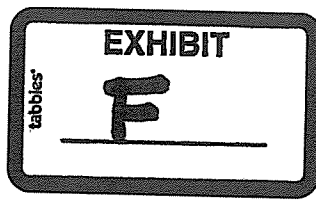
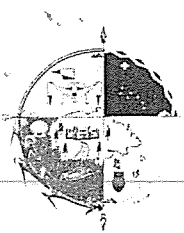
Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

9/15/15

*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
HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-15-700
<input checked="" type="checkbox"/> DCRM	OTHER PROJECT NO.: DCRM 2015-50

PROJECT TITLE: A Cultural Resources Inventory of the Proposed Mitten Rock Tree of Life Church 1.5-Acre Site in Red Valley Chapter, San Juan County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Mr. & Mrs. Jerry J. Begay, Mitten Rock Tree of Life Church, PO Box 473, Waterflow, New Mexico 87421

PROJECT DESCRIPTION: The proposed undertaking will involve the upgrade and development of an existing church site. New construction of additional church buildings; upgrade to existing facilities/utilities is anticipated along with a parking lot. The church site sits in a 1.5-acre lease area. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust					
CHAPTER:	Red Valley					
LOCATION:	T. <u>27</u> N., R. <u>19</u> W.	Sec. <u>07</u> ;	Mitten Rock	Quadrangle,	San Juan County, New Mexico	NMPM

PROJECT ARCHAEOLOGIST:	Clifford Werito
NAVAJO ANTIQUITIES PERMIT NO.:	B15419
DATE INSPECTED:	09/14/15
DATE OF REPORT:	09/21/15
TOTAL ACREAGE INSPECTED:	2.66 - ac
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced <u>10</u> m apart.

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

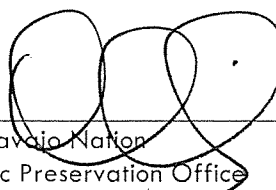
EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

FORM PREPARED BY: Tamara Billie
FINALIZED: October 8, 2015

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No
☐ Yes ☒ No


The Navajo Nation
Historic Preservation Office

10/13/15
Date

Navajo Region Approval

☒ Yes ☐ No


BIA - Navajo Regional Office

11/9/15
Date

TLN 11.5.15

Dinétahdóó

Cultural Resources Management, LLC



P.O. Box 2012 • Farmington, New Mexico 87499 • Phone: (505) 960-9478 • Fax: (505) 960-9749
E-Mail: dinetahdoo@yahoo.com

September 21, 2015

Mr. and Mrs. Jerry J. Begay, Pastors
Mitten Rock Tree of Life Church
P. O. Box 473
Waterflow, New Mexico 87421

RE: DCRM 2015-50: A Cultural Resources Inventory of the Proposed Mitten Rock Tree of Life Church 1.5–Acre Site in Red Valley Chapter, San Juan County, New Mexico.

Dear Pastors,

Enclosed is a copy of Dinétahdóó Cultural Resources Management's survey report DCRM 2015-50 concerning the cultural resources inventory of your 1.5 -Acre church site in Red Vally Chapter, San Juan County, New Mexico. Because no significant cultural resources were identified during the survey archaeological clearance has been recommended for the proposed Mitten Rock Tree of Life Church Site.

This report has been submitted to the Navajo Nation Historic Preservation Department's (NNHPD) Cultural Resource Compliance Section in Window Rock, Arizona for compliance review. You will hear directly from their office once a determination of effect has been made.

Please call me if you have any questions regarding this project. I can be contacted at (505) 960-9478

Sincerely,

for
Clifford Werito,
Archaeologist

Dinétahdóó Cultural Resources Management, LLC



P.O. Box 2012 • Farmington, New Mexico 87499 • Phone: (505) 960-9478 • Fax: (505) 960-9749
E-Mail: dinetahdoo@yahoo.com

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Please call me if you have any questions regarding this project. I can be contacted at (505) 960-9478

Sincerely,

Ben Martin
for

Clifford Werito,
Archaeologist

Chrono 2015-138
Project Files

date 08 / 25 / 2015 No. 649830
received from Jerry J. & Marie E. Begay 377.20
amount Three Hundred and Seventy-Seven and 00/100
Mitten Rock Tree of Life Church
for payment of 1.5 AC church site
☒ cash ☐ money order ☐ credit card ☐ check # _____
amount due 377.00
amount paid 377.00 from _____ to _____
balance 0 signature Clifford Werito a 42SWS

Dinétahdóó Cultural Resources Management

P.O. Box 2012, Farmington, NM 87499

Telephone: (505) 960-9478 Fax (505) 960-9749 email: dinetahdoo@yahoo.com

10076 NM 371, NAPI Industrial Complex

Type of Project:

- ☐ Cultural Resource Inventory (CRI)
☐ Environmental Assessment
☐ Biological Inventory

Date of Request: Aug 25, 2015

Client Name(s): JERRY J. BEGAY

Telephone Number or Contact Telephone Number: (928) 653-5988

Mailing Address: Jerry J. Begay
P.O. Box 473

Waterflow, NM. 87421

Physical Directions to Project Area (sketch map on back):

N 13 Hiway to Red Valley to Route 132 (Mitten Rock)

Project Description: making Application to W/D 1.5 Acres of Navajo
Trust land for the Mitten Rock Tree of Life Church

Location - UTM 687, 655E 4,051 846N

Lat. 36° 35' 37.1" N 108° 54' 8.1" W PLS 36° 35' 37.1" N - 54° 8.1" W
(unplatted)

Type of Payment: Cash

*Notes

(unplatted)

Payment Amount: \$377.00

Receipt No.: 649830

Client Signature: Jerry J. Begay

Date: 8/25/2015

By signing, you are entering into an agreement with Dinétahdóó (DCRM) to complete a professional service and you have agreed to the payment shown.

DCRM Staff Signature: [Signature]

Date: 8-25-2015

Comments & Questions: No Navajo burial and NO T.C.P.

Has 1933 to present of Marie G. Begay interview
Navajo..

Date of Completion: _____

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.	EXHIBIT G
4. TITLE OF REPORT: A Cultural Resources Inventory of the Proposed Mitten Rock Tree of Life Church 1.5 -Acre Site in Red Valley Chapter, San Juan County, New Mexico. Author (s): Clifford Werito		5. FIELDWORK DATES: September 14, 2015 6. REPORT DATE: September 21, 2015	
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin, Senior Archeologist Org. Name: Dinétahdóó CRM, LLC Org. Address: P.O. Box 2012 Farmington, NM 87499 Phone: (505) 960-9478 Fax: (505) 960-9749		8. PERMIT NO.: B15419 9. CONSULTANT'S REPORT NO.: DCRM 2015-50	
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Mr. and Mrs. Jerry J. Begay, Pastors Org. Name: Mitten Rock Tree of Life Church Org. Address: P.O. Box 473 Waterflow, New Mexico 87421 Phone: (928) 653-5988		11. SPONSOR'S PROJECT NO.: N/A 12. AREA OF EFFECT: 1.50 ac. (0.40 ha.) AREA SURVEYED: 2.66 ac. (1.08 ha.)	
13. LOCATION (MAP ATTACHED) a. Chapter: Red Valley b. Agency: Shiprock c. County: San Juan d. State: New Mexico e. Land Status: Navajo Tribal Trust f. UTM: See Supplemental Sheet; Table 1. g. Legal Description: NE ¼, Section 07, T27N, R19W. N.M.P.M. h. USGS 7.5' Maps: Mitten Rock, NM, 1966. i. Lead Agency: Bureau of Indian Affairs (BIA)			
14. REPORT a. Description of Undertaking: See Supplemental Sheet b. Existing Data Review: See Supplemental Sheet c. Area of Environmental & Cultural Setting: See Supplemental Sheet d. Field Methods: See Supplemental Sheet			
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: See Supplemental Sheet b. Evaluation of Significance of Each Resource: See Supplemental Sheet			
16. MANAGEMENT SUMMARY (RECOMMENDATION): See Supplement Sheet.			
17. CERTIFICATION: SIGNATURE: <u>Rena Martin</u> Date: <u>9/21/15</u> General Charge Name: <u>Rena Martin, Archaeologist</u> SIGNATURE: <u>Clifford Werito</u> Date: <u>9-21-2015</u> Direct Charge Name: <u>Clifford Werito, Archaeologist</u>			

13. LOCATION:

Table 1. UTM Coordinates (NAD 83 / Zone 12), and Legal Description (N.M.P.M.).

Location	Northing	Easting	¼	Section	Township	Range
Point - 1	4051810	0687643	NE	07	27N	19W
Point - 2	4051883	0687639				
Point - 3	4051891	0687727				
Point - 4	4051845	0687735				
Point - 5	4051811	0687687				

Township & Range Derived from Red Valley Facilities Maps.

14. REPORT:

- a. **Description of Undertaking:** The Mitten Rock Tree of Life Church Site clients, Pastors Jerry J. and Ms. Marie G. Begay are proposing to upgrade and develop an existing church site. The church officials may construct or place a additional church buildings; upgrade sewage facilities and electrical electric power lines; construct a parking lot and add additional improvements within the 1.5 acre (0.60 ha.) area. Construction may include: vegetation clearing, ground leveling, trenching, lying of water facilities pipelines, powerline pole placement and stringing of powerline and construction of other homestead features. The staked project area measured 284.62 ft (86.75 m) by 149.34 (45.52 m) by 194.17 ft (59.18 m) by 142.10 ft (43.31m) by 241.38 ft (73.57 m) .

- b. **Existing Data Review:** Prior to field work, a records check was conducted at the Navajo Nation Historic Preservation Department's (NNHPD) office, located in Window Rock, Arizona. The records indicated that three (3) previous surveys have been conducted within a 300 ft (91 m) radius of the project areas. The previous studies include HPD-91-573; HPD-89-07; and HPD-06-929. No cultural resources have been identified within 300-feet of the project area.

The NNHPD's Traditional Cultural Program's records showed no sacred areas within 1-mile (1.60 km) area of the proposed church site. The signed required NNHPD TCP Form is attached to the report. A check of Van Valkenburgh (1974) indicates that the closest sacred place is Mitten Rock located more than 2.3 miles from the project area.

- c. **Area of Environmental & Cultural Setting:** The proposed church site is located within the community of Red Valley Chapter in San Juan County, New Mexico. The proposed church site is located between Rock Ridge, Shiprock Wash, and Mitten Rock on the northeastern slope of Rock Ridge. Shiprock Wash is located 400 ft (121.92 m) to the northeast of the project area. The general area is characterized by low ridges, drainages and intermittent flood plains. The primary access to the project areas is by Navajo Route 132 and other associated dirt roads (See Figure 1). The survey area is partial developed and cleared. Recently disposed trash and debris was observed across the eastern edge of the project area. The vegetation community consists of Russian thistle, rabbitbrush, snakeweed, blue grama grass, Indian ricegrass, bunch grass, and prickly pear cactus. The primary drainage is Shiprock Wash. The elevation for the proposed project is 5,606 ft (2054.35 m) above sea level. The soils at the church lease site consist of loamy aeolian sand.

The Navajo name for the Red Valley is *Tse lichii da' azkani* (Red Rock Mesa). Situated between the New Mexico and Arizona border, the Red Valley chapter region encompasses 221 acres. The Red Valley vicinity is nestled in three mountain ranges including the Lukachukai Mountain, Carrizo Mountain, and Beautiful Mountain. The chapter was established in 1957. Unemployment is high; most employment opportunities can be found outside of Red Valley in the nearby towns of Shiprock and Farmington, New Mexico. In the past decade, a Senior Citizens Center, Head start Program, and NHA Housing have been constructed in the Red Valley community. A new high school, an elderly group home, a multi-purpose center, and a new chapter house now in planning for development for the future (LSR Innovations: 2004)

- d. **Field Methods:** Clifford Werito, archaeologist with DCRM, conducted the cultural resources inventory of the proposed church site. The project area was inventoried by walking parallel transects spaced no more than 10 m apart with a 50-foot buffer zone added, to the outer edges of the staked church site which contains a church and associated

features. Notes were taken on the environment and interview information. The proposed staked church area measured 284.62 ft (86.75 m) by 149.34 (45.52 m) by 194.17 ft (59.18 m) by 142.10 ft (43.31m) by 241.38 ft (73.57 m); this area of effect totals 1.5 acres (0.40 ha). In all, some 2.66 acres (1.08 ha.) was surveyed in conjunction with this project.

In accordance with NNHPD guidelines, the project archaeologist conducted an interview in effort to obtain information regarding local traditional cultural properties (TCP) and unmarked burials in the area. Mr. and Mrs. Jerry J. Begay were interviewed in Navajo; they stated that there are no known TCP or unmarked burials near the proposed Church site. Prior to the field work, the archaeologist attempted to check-in with the Red Valley Chapter however, the chapter was closed.

15. CULTURAL RESOURCE FINDINGS:

- a. Location/Identification of Each Resource:** One currently in-use site (IUS) was identified during the inventory. IUS 1 consists of the church building, a classroom building, two storage structures and other associated features. IUS 1 has been in-use from 2000 to the present.
- b. Evaluation of Significance for Each Resource:** The IUS is not an property for the National Register of Historic Places. The IUS does not meet the 100-year age definition of an archaeological resource required for protection under ARPA. The IUS does not merit protection under ARPA. And finally, the IUS does not merit protection under NAGPRA.

- 16. Management Summary (Recommendations):** Archaeological clearance is recommended for the development of the proposed Church site of The Mitten Rock Tree of Life Church Site, since no significant cultural resources were identified during the inventory.

REFERENCES:

LSR Innovations Research & Planning

2004 Chapter Images: 2004 Edition; edited by LSR Innovations for the Division of Community Development.
Window Rock, Arizona.

Van Valkenburgh, Richard F.

1974 Navajo Sacred Places. In *Navajo Indians III*, edited C. Kluckhohn, pp. 9-99. Garland
Publishing New York, New York.

MITTEN ROCK TREE OF LIFE CHURCH SITE ENVIRONMENTAL ASSESSMENT
MITTEN ROCK, NEW MEXICO



PLS: NE/4 S7 T27N R19W, L&L: 36° 35' 37.1" N 108° 54' 8.1" W
UTM: 687,655 m E 4,051,846 m N

An Application for a Mission Lease in Indian Country

Navajo Regional Director Approval In Compliance With The
National Environmental Policy Act of 1969, National Historic Preservation Act of 1966
and Endangered Species Act of 1973

Prepared by:

Mitten Rock Tree of Life Church
Post Office Box 473
Waterflow, New Mexico 87421

October 15, 2015

Denali Environmental Services
P.O. Box 1127
Fort Defiance, Arizona 86504
denali1946@msn.com

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APPENDICES:

- Appendix A Mitten Rock Tree of Life Church Land Survey
- Appendix B Red Valley Chapter Resolution
- Appendix C Cultural Resource Compliance Form
- Appendix D Biological Resource Compliance Form

MITTEN ROCK TREE OF LIFE CHURCH LEASE APPLICATION ENVIRONMENTAL ASSESSMENT

1.0 THE PROPOSED PROJECT

The Mitten Rock Tree of Life Church of Mitten Rock, New Mexico is preparing an application for a church lease. The proposed tract currently contains an existing church sanctuary, fellowship hall, parking area and shared access road. Reverends Jerry and Marie Begay, both ordained ministers, intends to make application with the Navajo Land Department of the Navajo Nation in Window Rock, Arizona. Land title survey at Appendix A depicts the proposed mission lease boundary. The application and approval action will present a long-termed lease for the existing mission site.

The proposed mission lease is located at Mitten Rock, approximately four miles east of the Red Valley Chapter, as shown at Figure 1. The Red Valley Chapter has passed a resolution approving the church proposed action, as shown at Appendix B. As part of the approval process, the Resource and Development Committee of the Navajo Nation Council would address a resolution for the proposed project.

1.1 Description of the Proposed Action.

Onsite, the proposed project area acreage at 1.5 acres would be totally developed. The proposed project site has an “as built” church building, previously constructed and operated by the applicant’s family. The proposed lease tract would include a new church building and front porch (partially built), vehicle parking, and infrastructure. The church sanctuary encompasses approximately 20’ X 50’ (1000 square feet) and the fellowship hall encompasses 20’ X 32’ (640 square feet). The proposed building would include a sanctuary, fellowship hall, classrooms, kitchen, dining area and office. Restrooms are also proposed for the church meeting hall.

Open areas, adjacent to the buildings, would be used for canopy meetings, wedding receptions, picnics, and athletic activities. Playground equipment would be temporary installed for the ministry children. A septic tank and leach field would be constructed on the northeast corner of the tract, within the lease boundaries.

Future infrastructure would include a proposed water pipeline, electrical power (as built), waste water septic tank and leach field. Utilities in the chapter area are currently provided by the Navajo Tribal Utility Authority. During operations NTUA would provide electrical power and water supply. The proposed church water line would tap into the existing community water system. The water line would be constructed on the northwest side of the church. An existing single phase 114.4 kv service line currently serves the church tract onsite. Propane gas is operational for heating.

Vehicle parking area would be expanded within the permit area. Construction of a new access road to the proposed parcel will not be required, as the church site is located adjacent to the existing main road. A turnout off the main road will provide access to the church site.

1.2 Purpose and Need

The purpose of the land use permit application is to organize and all-lawful religious business for

Mitten Rock Tree of Life Church, a nonprofit corporation. The proposed long-term church lease would support the existing church operations and maintenance of the church. Operations of the church would include Sunday religious services and Christian educational instruction for the community congregation. In the future, various incremental improvements would be constructed on the buildings and property. The proposed long-term church lease would support the operations and maintenance of the church. The need of the ministry is to provide teaching and spreading of the Gospel of the Lord Jesus Christ in accordance with the doctrines and teachings of the New Testament, and for religious educational, benevolent and charitable purposes, and public worship. The church would provide families religious services on Sunday and Christian educational instruction. The church would provide hope and faith to the congregation and a better quality of life.

1.3 Location

Mitten Rock Tree of Life Church is located on USGS topographic map entitled *Mitten Rock, New Mexico*, 7.5 minute quadrangle map. See Figure 1. The description of the church location is shown at the following USGS map waypoint descriptions at Table 1.

Table 1. United State Geological Survey Maps Waypoint Descriptions of the *Mitten Rock, New Mexico*, 7.5 Minute Quadrangle Map.

Description	Legal Description	Latitude and Longitude NAD 83	UTM Zone 12
Mitten Rock Church Site Center	NE/4 S7 T27N R19W USGS Map	36° 35' 37.1" N 108° 54' 8.1" W Garmin	687,655 E 4,051,846 N Garmin

The propose lease application would contain 1.5 acres of Navajo trust land located five miles east of Red Valley Chapter, Shiprock Navajo Agency, San Juan County, New Mexico. The proposed project is at an elevation of 5,600 feet amsl.

1.4 Project Authorization

This project was authorized by the Navajo Nation Code, Title 16 Land, Chapter 11 § 1101, Land for Public, Charitable and Religious Purposes. NNC authorizes the Navajo Nation to participate and manage land use leases on the Navajo Indian Reservation projects in rural Utah, Arizona, and New Mexico.

The Bureau of Indian Affairs is a cooperating Federal agency, as authorized by the Synder Act of November 20, 1921, 25 USC Chapter 1 § 13, which establishes appropriation for BIA leasing activity.

1.5 Purpose of Environmental Assessment

The environmental assessment is an instrument required by federal and tribal law and regulations to determine if potential impacts of a proposed action are of such significant as to require the preparation of an environmental impact statement. The proposed action is approval of a land lease permit. The approval of the church lease will allow the operator to withdraw a tract of land, on which to further construct, operate and maintain a church facility. This document addresses potential impacts and mitigation for the approval of the permit. The approval of the proposed land use is a trust responsibility of the Navajo Nation, which has jurisdiction over trust resources of the Diné People, and as managed by the Navajo Land Department.

2.0 ALTERNATIVES

2.1 Alternate Site Locations

An alternate site, of sufficient size and at a location as convenient as the proposed location, is not available. Grazing permit holders generally try to retain their grazing permitted areas intact, and not to become fragmented. As permitted, holistic grazing areas are needed to sustain livestock herds. Other land use permits, i.e. church site of adequate size, become impossible to acquire. Open areas in the vicinity are used for family residents, livestock grazing and small dry farming.

Alternate locations were reviewed: an alternative site would require a restart of approvals, starting with the grazing permit holder on trust lands, archaeology clearance, and biological resource assessment. Alternate site locations would be subject to the same assessments, approvals and clearance process as the preferred alternative. When approved, existing grazing permit holders may reverse their decisions and reject the alternate location. The approved chapter and proposed Resource and Development Committee resolutions would become moot.

2.2 No Action Alternative

If the no action is taken, the proposed long-term revocable use permit will not be approved. The existing church site would be without a church lease. Improvements to the church may not be constructed. Religious services and benefits to the local people would be curtailed and not be normally provided. Addition church construction would not go as planned. The existing tract would not be used, and would not be elevated to a higher productive state. The project would not be in compliance with the National Environmental Policy Act, and would continue to be noncompliant to Navajo Nation environmental codes. There would be no environmental assessment document, nor associated cultural and biological resource studies.

2.3 Approval of the Preferred Alternative

The preferred alternative involves approval of a tribal lease which would allow for the construction, operation and maintenance of a church site for the people of Mitten Rock. Details of the preferred alternative and scope are described in Section 1.0, Description of the Proposed Action. The proposed land use permit would be approved by resolution of the Resources and Development Committee of the Navajo Nation Council. The Navajo Nation would provide final approval. The Red Valley Chapter support resolution is attached as Appendix B.

3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS

3.1 Resources Not Considered in Detail (Non-Critical)

Initial evaluation of the alternatives indicated that there would likely be little to no direct, indirect, or cumulative effects on several resources. These resources are discussed in Sections 3.1.1 through 3.1.12 to add to the overall understanding of the environmental setting of the project area.

3.1.1 Climate

The climate in the Shiprock, New Mexico region, including Mitten Rock, is semi-arid. At an elevation of 5,600 feet above mean sea level (amsl), the region experiences four distinct climatic seasons with an annual mean maximum temperature of 71.9°F and annual mean minimum temperature of 55.3°F. Summer highs reach the mid 90's with lows in the 70's. Winter highs in January are at 46.4°F with average lows at 19.1. Average annual precipitation is 8.21 inches and average annual snowfall is less than one inch (WRCC, 2015). The existing church project would have no effect on climate. No mitigation would be required.

3.1.2 Geology and Seismicity

The mission site is located on the west flank of the San Juan Basin Syncline. The regional geologic structure is stable. Located on the eroded surface sandstone soils of the Cretaceous Era, the church project is located on the Upper Mancos Formation. Surface soils are alternating beds of tan and brown sandstone and gray and brown claystone and siltstone. There are no regional faults or fissures in the area. The geologic formation dips approximately 3-4 degrees to the east (Cooley, M.E, J.W. Harshbarger, J.P. Akers, and W.F. Hardt, 1969). Based on the history of the area, geology will not be a factor in this development. There are no surface mineral resources located on the proposed tract. No mitigation is required for any geologic adversity.

3.1.3 Fisheries

There are no fisheries or fishery habitat occurrences in the Red Valley Chapter. Berland Lake in the Chuska Mountains would be the nearest fishing lake. Red Valley residents would have to travel south to Narbona Pass, then seven miles to Berland Lake for an afternoon of picnicking and fishing. Navajo Lake and the San Juan River along the "Rim", east of Aztec, New Mexico is another fishing lake in the region.

3.1.4 Socioeconomics and Environmental Justice

The proposed lease application would have no effects on the socioeconomics of the area because the existing mission would not limit either present-day or future opportunities for agriculture, raising livestock, business, employment, or housing.

Red Valley Chapter is a sparsely populated rural chapter. There are currently 707 housing units in the Red Valley community. According to the 2004 census, approximately 1,239 people reside in the Chapter, which would indicate a population density of 3.59 people per square mile. Native Americans make up 99.1% of the population. Red Valley Chapter median family income is \$16,508 per annum (NN DED/LSRI, 2004).

Red Valley Chapter's economy is primarily based on employment with the Navajo Nation (educational, health, and social services, along with public administration). Currently most

residents in the Chapter area are wage earners, working a various government and commercial jobs in nearby towns and cities. Major employers in the vicinity include the Bureau of Indian Affairs, Navajo Nation, Red Valley School District, Red Valley Trading Post and Navajo Engineering and Construction Authority.

Federal, state and tribal government services, law and order, schools and major retail outlets are available at Shiprock and Farmington, New Mexico. An Indian Health Service Hospital is located in Shiprock, New Mexico. San Juan Regional Hospital is located in Farmington, New Mexico.

In the past, the economy was primarily based on livestock production, but this is no longer the predominate source of income, and now livestock production makes up a small percentage of the Chapter's economy (NN DED/LSRI, 2004). While unemployment is high throughout the project area, raising livestock has been a sustainable economy in the past. The retired elderly in the area still carry on the livestock raising life style. Traditional Rug weaving provides some families with a source of income. Land use areas are relatively small and not large enough to sustain a viable operating ranch for the entire family. However, the younger family members wish to be with their elders and have moved back into the old homesteads; build their new houses on rangeland. The area provides a better quality of life, in contrast to apartment living in nearby towns.

Environmental Justice

The proposed action would have no disproportionate effects on minorities or low-income populations. Consistent with the project purpose, the project would benefit the community by providing religious services and education. Executive Order 12898, Environmental Justice, requires federal agencies to assess projects to ensure there would be no disproportionately high or adverse environmental, health, or safety effects on minority and low income populations. Minorities comprise a large proportion of the population residing in the action area. The church will be for the beneficial use of the Navajo Indian People, and residents of the community. The local chapter has approved a supporting resolution, see Appendix B. A similar resolution would be approved by the Resource and Development Committee of the Navajo Nation Council.

The project would allow religious services and education to the people, lead better lives in the community, and would further provide a better quality of life for the congregation and community. The proposed action, mission site approval, will benefit all sectors of society.

3.1.5 Land Use and Zoning

With regard to Indian Trust Resources, the proposed church property would occupy a 1.5 acre parcel. The existing church property would be located on Indian trust lands. The vicinity property outside the perimeter is currently grazed year-around by domestic livestock, as marginal vegetation exist onsite. The Nellie George Family, grazing permit holder, has used the area for many years. The acreage will be withdrawn for church use. There are no other bankable assets, such as timber, fossil fuels, fossils, or valuable minerals on the tract, surface or subsurface. The proposed church lease will not impact any Indian trust assets of the Diné People.

Utilities in the Red Valley Chapter area are provided by the Navajo Tribal Utility Authority. NTUA provides electrical power and the community water supply. A single phase 114.4 kv service line serves the church and other home sites near the tract.

Navajo Route N132, a dirt road, is located on the northeast side of the church, which accesses the church property and local homesites to Navajo Route N13 and U.S. 491. Livestock grazing areas occupy the Shiprock Wash, immediately southeast. The existing land use is set aside for family livestock and residential use. There are no zoning regulations in the proposed project area.

3.1.6 Prime Farmland

There are no Prime Farmland occurrences in the proposed project area. There are no dry farms and individual irrigated fields in the near vicinity of the church properties.

3.1.7 Recreation

The Chuska Mountains provide big game hunting, fishing, gathering, and outdoor recreation. In addition to hunting and fishing as described above, it is evident that ATV is another source of recreation. ATV vehicles were observed during site reconnaissance.

Approximately every three to five years, vicinity pinon trees in the project area will yield a bumper crop of pinon nuts. Native people would gather this crop for individual consumption. The pinon nuts would also be sold to local traders for cash.

Locally, horseback riding or "Trail Riding" is another source of outdoor recreation. Annual trail rides, usually sponsored by a local family, is becoming a popular source of recreation. Numerous horses and horse stables were observed in the area.

"Chicken Pulls" or rodeos are also a traditional sport and form of outdoor recreation in the region. Rodeo grounds are located near the community.

3.1.8 Traffic

The existing church is located in a rural setting along road N132. The road, approximately three miles long, serves single-family homes and small ranches. BIA Navajo Route N13 and U.S. Highway 491 is the primary paved road serving this vicinity. The existing church and proposed lease area will not impacted the existing transportation use network; any activity and new construction at the proposed lease area would not significantly impact the use of Navajo Route N132.

3.1.9 Noise

The project area is located in a rural environment along road N132, which family homes and small ranches are located. No published noise ordinance for construction activities exists in the Navajo Indian Reservation, including the project area. Ambient noise would be increased by engine noise created by the motors of cars and pickup trucks for a very short duration. Due to the remoteness of the project area, and low volume of traffic on the route, noise would not have an effect on the

proposed action. A road grader tractor may be used during the day light hours, if maintenance is needed. Noise would not be a factor in the proposed action.

3.1.10 Floodplain

The tract is not located on a floodplain; nor located in a flood prone area. Shiprock Wash has a broad drainage basin, generally flows to the northeast at a moderate slope, which is ample drainage. Morrison Maierle Inc., 1977 floodplain maps were reviewed for flood prone areas. The project area is excluded from any floodplain designation by the floodplain study (Morrison Maierle Inc., 1977).

3.1.11 Wetlands and Riparian Habitat

The Farmington National Wetlands Inventory Map (USF&WS, 1984) indicates a PSS2J site west of the proposed project area along Shiprock Wash. The site was field checked August 17, 2015. The site is located in an impoundment in the Shiprock Wash. The wash is ephemeral; water regime flowing during the wet season, but normally dry during the rest of the year. The wash may be temporary flooded during the monsoon season. The nearby wash and dry impoundment do not exhibit hydric soils, nor hydrophilic vegetation, nor does it support a wetland hydrology (U.S. ACOE, 1987). There are no wetlands or riparian habitat occurrences on the existing mission site.

3.1.12 Solid Waste No Resource Conservation and Recovery Act (RCRA) Subtitle D non-hazardous solid waste sites occur on or near the existing mission site. During operations solid waste would be hauled off to the transfer station located at Shiprock or Waterflow transfer station by pickup truck.

3.1.13 Hazardous, Toxic, and Radiological Waste

Other than surrounding scattered housing, and livestock grazing, there are no previous industrial uses of the area. The proposed project site currently does not contain any damaged or discarded automotive or industrial equipment. No fill dirt has been brought onto the property that originated from a contaminated site. There is no evidence of leaks and spills of hazardous substance, radiological waste, or spills of petroleum products on the existing tract.

No Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste sites, nor RCRA Subtitle D, non-hazardous solid waste sites occur on or near the church site. No Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA) hazardous substance (including radiological waste) occur near the project area. No Toxic Substance Control Act (TSCA) waste sites occur on or near the existing church site. Hence, there will be no residual hazardous effects on the proposed church lease.

CRITICAL ELEMENTS

3.2 Topography and Soils

3.2.1 Existing Conditions

The tract topography is of mesa land, that dip and drain east into the broad Shiprock Wash valley. Onsite topography, eroded hills, dips approximately 3-10 percent toward the east that allow for

ample drainage toward Shiprock Wash, which drains north, eventually into the San Juan River approximately 30 miles north. Project elevation is at 5,600 feet.

Soils in the immediate vicinity of the proposed tract are disturbed and nearly devoid of any natural vegetation from existing land uses. Soils on the tract generally lack the distinct A and B horizon profiles due to the windy conditions and dune deposition during the spring. The Rock Land-Torriorthent soil association is a well-drained shallow sandy soils developing on lower sandstone and shale (NMSU AES, 1973). Surface soils are largely sandstone, and well drained, of the Upper Mancos Shale Formation (Cooley, M.E, J.W. Harshbarger, J.P. Akers, and W.F. Hardt, 1969).

3.2.2 Effects

The topography and soils will not impact the proposed undertaking.

3.2.3 Mitigation

No mitigation is required for the existing mission site topography and soils.

3.3 Water Resources and Water Quality

3.3.1 Existing Conditions

Surface water drains east into the Shiprock Wash, which flows north to the San Juan River. The primary discharges of these drainages occur during the spring months, during the spring snow thaw, and during occasional intense summer thunder showers in late summer. As a result, flow is erratic and fluctuates widely both seasonally and annually. Torrential thunder storms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969). In the future, NTUA would provide Safe Drinking water to the church and local residents from the Red Valley Community Water System. Community wells are located in the upper Shiprock Wash watershed.

3.3.2 Effects

Present and future project construction work or other related activities will not have impact on any springs, wells or aquifer recharge areas. No impacts to the natural ground water in the church vicinity may be expected by the approval of the lease application.

3.3.3 Mitigation

The propose undertaking is a church lease application. The existing church has been constructed. Future church improvements would be constructed in an incremental manner, as church funds become available. The proposed project lease area and church is an “as built” facility. Clean Water Act Section 402 (p) will not be applied for. Previous surface disturbance has stabilized.

3.4 Vegetation and Wildlife- Biotic Resources

3.4.1 Existing Conditions

The Mitten Rock church site and chapter are located in the Great Basin Grassland Ecosystem of northwest New Mexico. At an elevation of 5,600 amsl, the biome is a grassland vegetation type, with intermittent juniper, yucca, and prickly pear occurring in the low areas and on the north slopes.

The Great Basin Grasslands mean annual precipitation would range from seven to twelve inches, and the annual growing season would range from 125 – 200 days (April to September). “These transitional grassland areas also receive a larger percentage of their precipitation during the winter

and spring months; May through August rainfall averages less than 127 mm (5 inches)". At lower elevations the grassland contact is most frequently with Great Basin desert scrub (Turner, R.M. & Brown, 1994).

Perennial grasses of this biome are represented by the following species: Ring muhly *Muhlenbergia torreyi*, Blue grama *Bouteloua gracilis*, Galleta *Hilaria jamesii*, Indian ricegrass *Oryzopsis hymenoides*, Bottlebrush squirrel tail *Sitanion hystrix*, Needle and thread *Stipa comata*, Red-three awn *Aristida longiseta*, and Sand dropseed *Sporobolus cryptandrus*. Alkali sacaton *Sporobolus airoides* can be found in the swales and in the low areas along arroyos and washes (Turner, R.M. & Brown, 1994).

Forbs, although widely scattered in this sagebrush grassland community, are represented as Aster *Aster*, Coneflower *Ratibida*, Indian paint brush *Castilleja applegatei*, Thistles *Cirsium* and Groundsel *Senecio*. These forbs will present showy flowers during the wet season.

Shrubs such as Four-wing saltbush *Atriplex canescens*, Sagebrush *Artemisia*, winterfat *Ceratoides lanata*, Cholla *Opuntia*, Soapweed yucca *Yucca glauca*, rabbit brush *Chrysothamnus*, and Snake weed *Gutierrezia* would be scattered throughout the biome. Grazing and human activity may alter the distribution of snakeweed, rabbit brush, and sagebrush.

Annual plants (noxious weeds) such as cheatgrass *Bromus tectorum*, Russian thistle *Salsola kali*, tansy mustard *Descurainia obtusa*, sunflower *Helianthus annuus*, and kochia weed *Bassia hyssopifolia* occur on the parcel (De Witt I., Robert, 2006).

Distinct fauna of the Great Basin Grassland include the whitetail prairie dog *Cynomys gunnisoni*, pocket mouse *Perognathus parvus*, Ord's kangaroo rat *Dipodomys ordii*, and the montane vole *Microtus montanus*. Other mammals include the coyote *Canis latrans* and black-tailed jackrabbit *Lepus californicus*.

Birds, indigenous to the ecosystem, are the Mountain plover *Charadrius montanica*, lark blunting *Calamospiza milanocorys*, sparrow *Ammodramus*, sage thrasher *Oreoscoptes montanus*, sage sparrow *Amphispiza belli*, and horned lark *Eremophila alpestris*. Other grassland bird species include the Western meadow lark *Sturnella neglecta*, Prairie falcon *Falco mexicanus*, and Burrowing owl *Athene cuicularia* (Turner, R.M. & Brown, 1994). Due to the abundance of forage (ground borrowing rodents), Golden eagles *Aquila chrysaetos*, Cooper's hawk *Accipiter cooperii*, and Redtail hawks *Buteo jamaicensis* are occasionally sighted on the grasslands.

Due to its long cold winters in the Great Basin, reptiles are not well represented. Common species include the sagebrush lizard *Sceloporus graciosus*, and the Great Basin spadefoot toad *Scaphiopus intermontanus*, and collared lizard *Crotaphytus collaris*. The Northern desert horned lizard *Phrynosoma platyrhinos*, Northern whiptails *Cnemidophorus tigris tigris*, Great Basin gopher snake *Pituophis melanoleucus deserticola* and Great Basin rattlesnake *Crotalus viridis* are a few of the other common reptile species (Turner, R.M. & Brown, 1994).

3.4.2 Effects

The area presently provides suitable foraging and nesting habitat for small mammals and birds. The proposed lease area will have no effect on the biota, as the species are not present. Initial field surveys indicate that species are not present on the proposed lease area, therefore the proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial flora and fauna species.

3.4.3 Mitigation

Indirect mitigation is recommended for all fauna and flora on the proposed area. Natural vegetative cover can be restored over time.

3.5 Threatened and Endangered Species

3.5.1 Existing Conditions

ESA and NESL suitable habitat is not found within the tract or adjacent to the tract in the zone of influence. See the Navajo Nation ESA & NESL consultation at Appendix D.

3.5.2 Effects

Impacts posed by the existing church can be expected to be minimal. The existing church is in a rural setting, and will not have an effect on the habitat or other elements necessary for the continued survival of T&E species, as these species are generally not found on the project area. The Navajo Department of Fish and Wildlife concurs with the finding: no federal ESA or Navajo NESL species would be impacted. See Appendix D for the Biological Resource Compliance Form and biological resource consultations.

3.5.3 Mitigation

No ESA mitigation is recommended for the project.

3.6 Navajo Endangered Species List (NESL) Special Management Species

3.6.1 Existing Conditions

The Navajo Department of Fish and Wildlife's *Biological Resource Land Clearance Policy and Procedures* (BRLCP&P) was consulted. The land clearance procedure qualified the church tract and surrounding area as an Area 3, an area of low sensitivity.

3.6.2 Effects

The proposed lease area will have no effect on the NESL, as the species are not present. Initial field surveys indicate that species are not present on the proposed lease area, therefore the proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial flora and fauna species. The Navajo Department of Fish and Wildlife concurs with the finding. See Appendix D for the Biological Resource Compliance Form and biological resource consultations.

3.6.3 Mitigation

No mitigation would be required for the Navajo NESL species. See the Biological Resource Compliance Form at Appendix D and biological resource consultations.

3.7 Migratory Birds

3.7.1 Existing Conditions

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The U.S. Fish and Wildlife Service (USFWS) list of Birds of Conservation

Table 2. U.S. Fish and Wildlife Service, Division of Migratory Bird Management “Bird of Conservation Concern 2008” for the Southern Rockies/ Colorado Plateau (US F&WS, 2008).

SPECIES	HABITAT ASSOCIATION	EFFECTS	EFFECT RATING
Gunnison Sage Grouse <i>Centrocercus minimus</i>	Inhabits shrub-steppe dominated by sagebrush that provide canopy cover, shelter, & forage.	No conflict anticipated. Specie not present.	Zero
American Bittern <i>Botaurus lentiginosus</i>	Wading bird inhabits wetlands, usually dense marsh reeds, rushes and shedges.	No suitable habitat present.	Zero
Bald Eagle <i>Haliaeetus leucocephalus</i>	Coast, rivers, large lakes; in migration, also mountains, open country.	No conflict anticipated	Zero
Ferruginous hawk <i>Buteo regalis</i>	Inhabits open grasslands or desert scrub ES. Nest often occurs on rock spires and butte formations. In woodland edge habitat, flat-topped junipers.	No conflict anticipated	Low
Golden Eagle <i>Aquila crysaetos</i>	Open grasslands or desert scrub, In mountainous canyon terrain. Nest on cliffs and trees	No conflict anticipated	Low
Peregrine Falcon <i>Falco peregrinus</i>	Inhabits rugged terrain with rocky cliffs and canyons 30 to 1,000 ft. high, adjacent to rivers lakes, or streams. Urban areas with towers and buildings are also inhabited	Little conflict anticipated.	Zero
Prairie Falcon <i>Falco mexicanus</i>	Nests and forages in grassland, and open Juniper Savannah.	No conflict anticipated.	Low
Snowy Plover <i>Charadrius alexandrinus nivosus/tenuirostris</i>	Shore bird inhabits barren sandy beaches and flats.	Suitable habitat not present, no conflict anticipated.	Zero
Mountain Plover <i>Charadrius montanus</i>	Inhabits grassland plains; usually found on grassy or bare dirt fields.	Grass removal would reduce cover & nesting habitat.	Low
Long-billed Curlew <i>Numenius americanus</i>	Nests in wet & dry upland fields. In migration, a shore bird of wetlands and agriculture fields.	Suitable habitat not present, no conflict anticipated.	Zero
Yellow-billed Cuckoo <i>Coccyzus americanus</i>	No suitable riparian habitat present. Inhabits open woods, orchards, and streamside willow and alder groves.	No conflict anticipated	Zero

Flammulated Owl <i>Otus flammcolus</i>	Inhabits pine-oak woodland, ponderosa pine forest.	Suitable habitat not present.	Zero
Burrowing Owl <i>Athene cunicularia</i>	Inhabits grassland shrub-steppe dominated by mixed grasses, Casual vagrant to prairie dog colonies, occupying abandoned holes.	No suitable habitat available for the owl.	Zero
Lewis's Woodpecker <i>Melanerpes lewis</i>	Inhabits woodland forests of pine-oak. Nests in oak cavities and pine snags. Forages and stores acorns and insects.	No suitable habitat.	Zero
Willow Flycatcher <i>Empidonax traillii</i>	Inhabits brushy habitats in wet areas; also in pastures, mountain meadows.	No suitable habitat.	Zero
Gray Vireo <i>Vireo vicinior</i>	Found in juniper savannah and open JP woodland, with scrub component. Inhabits mountains and chaparral- juniper scrubland.	No suitable habitat. Little conflict anticipated.	Zero
Pinyon Jay <i>Gymnprjomus cyanocephalus</i>	Juniper Savannah, woodland, pine-oak ecosystems associated with high open habitats w/ openings, scattered trees or shrub components.	A multi ecosystem inhabitant, no conflict anticipated.	Low
Juniper Titmouse <i>Baeolophus ridgwayi</i>	Inhabits juniper-pinyon woodland.	No suitable habitat.	Zero
Veery <i>Catharus fuscescens</i>	Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.	No suitable habitat.	Zero
Bendire's Thrasher <i>Toxostoma bendirei</i>	Brushy desert shrub, especially areas of tall vegetation, cholla cactus, creosote bush and yucca.	No conflict antici-pated	Zero
Grace's Warbler <i>Dendroica graciae</i>	Inhabits coniferous or mixed forests of southwest mountains, especially yellow pines. Usually forages high in the trees.	No suitable habitat present.	Zero
Brewer's Sparrow <i>Spizella breweri</i>	Inhabits mountain meadows and sagebrush flats.	No suitable habitat present.	Zero
Grasshopper Sparrow <i>Ammodramus savannarum</i>	Inhabits moderately open grass-land habitats, with patchy bare ground (feeds and nests on ground). Avoids areas with extensive shrub cover.	Little conflict antici-pated.	Low

Chestnut-collared Long-Spur <i>Calcarius ornatus</i>	Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.	Little conflict anticipated.	Low
Black Rosy-Finch <i>Leucosticte atrata</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	No suitable habitat on the project area.	Zero
Brown-capped Rosy Finch <i>Leucosticte australis</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains..	No suitable habitat on the project area.	Zero
Cassin's Finch <i>Carpodacus cassinii</i>	Woodland Ecosystem. Species inhabits evergreen woodlands.	No suitable habitat in project area.	Zero

Concern (BCC) was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The list indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 2.

Most priority bird species occur on the USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008", (BCC 2008 list). The Service designates the Southern Rockies / Colorado Plateau region as Bird Conservation Region (BCR) 16, in which the Navajo Indian Reservation and the Shiprock Agency are located. Although migratory birds could potentially occur in the area, none were observed during the site visits.

3.7.2 Effects

Basis of Significance. An alternative would be considered to have a significant effect on vegetation and wildlife if it would:

- 1) result in the substantial loss or degradation of any plant community providing high quality wildlife habitat; or
- 2) permanently displace substantial numbers of resident wildlife species or migratory bird species.

No Action. This alternative would have no effect on existing vegetation and wildlife, including migratory birds, in the project area. The grassland habitats and associated wildlife species would be expected to remain the same.

Proposed Action. This alternative would result in a short-term and small scale loss of vegetation due to future construction. The remaining project activities are expected to occur in the existing church areas. No permanent loss of native vegetation is anticipated; native seed from the disturbed vegetation would also help to propagate the natural plant species. No long-term loss of vegetation or wildlife habitat is expected. As a result, the proposed action would have no significant effects on migratory bird species.

3.7.3 Mitigation

NN DF&W policy mandates that prior to construction; the proposed activity would require a preconstruction survey of potential nesting birds on the tract, should large-scale construction occur during the breeding season. Any bird nests found during the survey, within the proposed project area, will be reported to the NN DF&W biologist for appropriate mitigation prior to construction activities.

3.8 Air Quality

3.8.1 Existing Conditions

Ambient air quality in the project area may be regarded as good. Primary pollutants in the project area is wind-blown dust from loose topsoil common during times of high wind during the spring and dust from vehicular traffic along unimproved roads in the vicinity. Total suspended particulate matter – TPM (measured as PM_{2.5}) – has been replaced by the measure of finer particulate matter (PM₁₀) as the federal mandated measure of air borne particulate matter; since the finer particles of dust at PM 10 has been more closely correlated to negative health effects than TSP, i.e., the finer particles inhaled by humans.

3.8.2 Effects

Air quality will be affected locally by dust and a negligible amount of hydrocarbons generated by construction equipment. However, these pollutants will not be generated in sufficient concentrations to produce measurable adverse effects to structural metals, paint and fabrics, or damage to vegetation. Construction activities, facilities, and infrastructure, will not have a significant long-term effect on the ambient air quality in the project area.

3.8.3 Mitigation

Disturbed soils during site preparation would be dampened by watering for dust suppression and soil compaction.

3.9 Esthetics and Visual Resources

3.9.1 Existing Conditions

No visibility studies have been conducted in the project area. However, regional visibility in the project area can be considered to be good to marginal, depending on the season.

3.9.2 Effects

Locally, the primary pollutant in the project area is occasional wind-blown dust from loose topsoil common during times of gusting winds during the spring, and dust from vehicular traffic along unimproved roads in the area.

3.9.3 Mitigation

Disturbed soils during site preparation would be dampened by watering for dust suppression and soil compaction.

3.10 Cultural Resources

3.10.1 Existing Conditions

Denetahdoo Cultural Resources Management of Farmington, New Mexico conducted the archeological field survey of the proposed lease area, and the archaeologist crafted a field report entitled: *A Cultural Resource Inventory of the Proposed Mitten Rock Tree of Life Church, Red Valley Chapter, San Juan County, New Mexico*. The cultural resource field inventory report recommends a “No historic properties affected” determination.

3.10.2 Effects

Navajo Historic Preservation Department-Compliance Section has coordinated review of the cultural resource report with the Bureau of Indian Affairs, Navajo Regional Office. A Cultural Resource Compliance Form HPD-15-_____ has been created for this undertaking, as shown in Appendix C. No significant cultural resources were identified during the field inventory. Archaeological clearance is recommended for the development of the proposed Mitten Rock Tree of Life Church Site.

3.10.3 Mitigation

A finding of “No Historic Properties Affected” for the proposed church site. No specific mitigation is required. The Mitten Rock Church management acknowledges the following statement with respect to cultural resources during construction: *In the event of the 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 will cease and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7132.*

3.11 Native American Religious Concerns

3.11.1 Existing Conditions

As part of the archeological inventory, interviews regarding traditional cultural properties (TCPs) were conducted. No sacred sites or traditional cultural resources were identified within the proposed site.

There are several pieces of legislation or executive orders that are considered in an evaluation of Native American Religious Concerns (i.e., American Indian Religious Freedom Act [AIRFA] of 1978, Executive Order 13007, The Native American Graves Protection and Repatriation Act [NAGPRA] of 1990, and the Archaeological Resources Protection Act [ARPA] of 1979).

Traditional Cultural Properties (TCPs) are a separate class of cultural resources which may occur in the project study area, which may or may not coincide with archaeological sites and artifact loci, and may fall under the purview of one or more of the cited legislation. The National Park Service has defined TCPs as follows:

A traditional cultural property can be defined generally as one (a property) that is eligible for the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community (National Register Bulletin 38).

The field survey did not identify any known TCPs on the existing church tract. Additionally, no TCP have been identified by the local Native American tribes as a result of coordination efforts. Identification efforts for Native American Religious Concerns include interviews with chapter coordinators, home site owners, and local residents were conducted. Results of the interviews indicate there are no known TCPs within the proposed project area. There are no blessed structures, tipi grounds, or other ceremonial features associated with any in-use area.

3.11.2 Effects

Basis of Significance. An alternative would be to have a significant effect on Native American religious concerns if TCPs would have been identified and affected during the cultural resource field survey.

No Action. This alternative would have no effect on existing traditional cultural properties or American Indian Religion in the project area. This alternative would not prevent access to other sacred sites, nor would it interfere or otherwise hinder the performance of traditional ceremonies and rituals.

Proposed Action. This alternative would have no effect on existing traditional cultural properties or American Indian Religion in the project area. This alternative would not prevent access to other sacred sites nor would it interfere or otherwise hinder the performance of traditional ceremonies and rituals.

3.11.3 Mitigation Measures

No site specific Native American Religious Concerns have been recorded. In the event of any discoveries during project implementation, the NNHPD would be notified immediately.

4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE

Cumulative effects are effects of the project in consideration with other past, present, or reasonably foreseeable projects in the local area.

There are no past projects that resulted in identifiable long-term effects having a cumulative relationship with the effects of the proposed project. Currently, there are no other ongoing or reasonably foreseeable church projects in or near the project area. The proposed action will not have significant impact on the human environment. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. The grazing permit holder has relinquished 1.5 acres of trust land to the development. It is the practice of the Navajo Nation to compensate the traditional land user for the grazing resource loss.

In the future, the Navajo Nation would continue to develop projects to provide religious services and education to the Navajo population. There are no other church construction plans in the proposed project area. As a result, when the effects of the proposed projects are considered with other past, present, and reasonably foreseeable projects in the area, no significant cumulative effects are anticipated at this time. Impacts to the socioeconomic will be positive, as a church facility of this nature is expected to improve the quality of life.

With respect to cumulative impacts on regional air quality and climate change, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. However, potential impacts to natural resources and plant and animal species due to climate change are likely to be varied, including those in the southwestern United States. For example, if global climate change results in a warmer and drier climate, increased particulate matter impacts could occur due to increased windblown dust from drier and less stable soils. Cool season plant species' spatial ranges are predicted to move north

and to higher elevations, and extinction of endemic threatened/endangered plants may be accelerated.

5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Clean Air Act, as amended and recodified (42 U.S.C. 7401 et seq.) *Compliance.* The project is not expected to violate any Federal air quality standards and would not degrade the attainment of air quality objectives of the air shed.

Clean Water Act § 402 *Compliance.* The Environmental Protection Agency administers Section 402 of the Clean Water Act (formerly the Federal Water Pollution Control Act). Operators are required to obtain all necessary permits and approvals for projects requiring CWA permits prior to any disturbance activities. The existing church was constructed in increments of less than one acre. Surface disturbance is at a minimum.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) *Compliance.* No Federally listed species or special management species (NESL) or their habitats have been identified in or near the project area. ESA requires all federal departments and agencies to conserve threatened and endangered species and the habitats on which they depend, and to consult with the U. S. Fish and Wildlife Service (USFWS), on all actions authorized, funded or carried out by the agency to ensure that the action will not likely jeopardize the continued existence of any threatened and endangered species or adversely modify critical habitat.

Executive Order 11988, Floodplain Management *Compliance.* This order directs all Federal agencies to avoid to the extent possible the adverse effects associated with the modification of floodplains, and to avoid support of floodplain development wherever there is a practicable alternative. The proposed project would have no effect on floodplains, because they are not located in the project area.

Executive Order 12898 Environmental Justice *Compliance.* The order direct all Federal agencies to identify and address disproportionate adverse effects of their programs, policies, and activities on minority and low-income populations. No minority or low income populations would be directly affected in the vicinity of the proposed action. Indirect effects could include positive effects due to overall benefit related to the new water system in the area. The proposed action will benefit all sectors of society. The minority and low-income populations in the community are the focus of this project. The project would lead better lives in the community, and would further provide a better quality of life for the residents.

Farmland Protection Policy Act (7 U.S.C. 4201 et seq.) *Compliance.* There are no effects on prime farmland or farmland of statewide importance because no such farmland exist in the project area.

Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.)/ EO 13186 *Compliance.* Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16

USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The proposed action would have no significant effect on the bird species or their habitat.

National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) Compliance. The final EA and signed environmental review would be in full compliance with NEPA.

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) Compliance. The Navajo Nation Historic Preservation Department would require National Historic Preservation Act compliance and consultation with all development projects on the Navajo Nation. NNHPD has determined that NHPA § 106 responsibilities are adhered to, as no historic properties would be affected. See Appendix C.

Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) Compliance. There are no Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) sites on the existing site. The church will conduct their haulage and disposal of solid waste on a weekly basis.

6.0 PUBLIC INVOLVEMENT

The Red Valley Chapter has passed a resolution approving the site. See Appendix B. In the future, a resolution is proposed for the Resource and Development Committee of the Navajo Nation Council, as well as approval of the permit.

7.0 COORDINATION AND REVIEW OF THE EA

DCRM of Farmington, New Mexico conducted the archeological survey of the site and crafted a field report. According to the field inventory “No Historic Properties Affected” is recommended for the proposed church site when recommendations of avoidance are followed.

The Mitten Rock Church conducted consultation with the Navajo Department of Fish and Wildlife, Navajo Nation. This consultation would assure mandated protection of ESA threatened and endangered species and Tribal species of concern. The Navajo Department of Fish and Wildlife website was consulted for the Biological Resources Land Clearance Policy and Procedures. A concurrence letter and a *Biological Resource Compliance Form* is created for the project.

8.0 CONCLUSIONS

The preferred alternative is reasonable. The proposed action should not have significant adverse impacts on the human environment. No significant adverse impacts to the human environment have been identified in the development of this environment assessment.

9.0 LIST OF PREPARERS / CONSULTATION AND COORDINATION

This environmental assessment was prepared by Mr. Leonard Robbins, PES, Denali Environmental Services, P. O. Box 1127, Fort Defiance, Arizona 86504.

10.0 REFERENCES

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Western Regional Climate Center (WRCC), 2015. Shiprock, New Mexico NCDC 1981-2010 Monthly Normals, <http://www.wrcc.dri.edu>, accessed October 6, 2015.

Denali Environmental Services

P. O. Box 1127
Fort Defiance, Arizona 86504

(928) 729-2626 Phone
(928) 729-2626 Fax
denali1946@msn.com

August 24, 2015

Ms. Pam Kyselka
Navajo Fish & Wildlife Department
Natural Heritage Program
P. O. Box 1480
Window Rock, Arizona 86515

Dear Ms. Kyselka:

This letter serves to request a Biological Resource Compliance Form (BRCF) for the existing Mitten Rock Tree of Life Church east of Red Valley, Arizona. The church management is preparing a National Environmental Policy Act environmental assessment document for the existing church site. The church proposes a lease application with the Navajo Nation and the Bureau of Indian Affairs. The proposed federal action, in the ultimate, would present a finding of no significant impact (FONSI) to the human environment, including impacts to any threatened or endangered plant and animal species. This ESA biological resource compliance form request, in the ultimate, would support the NEPA conclusion.

An onsite environmental field survey was performed by Denali Environmental Services on August 17, 2015. Relative to the Biological Resource Land Clearance Policies and Procedures, the existing church site is essentially located in an *Area 4 – Community Development Area*. As shown in the text photos, USGS map at Figure 1 and the Google Earth satellite imagery, the property is located in the middle of a development area, completely surrounded by development infrastructure, including service utilities, buried telephone lines, a major road, fencing and home sites. No extraordinary circumstances were noted during the onsite visit and vicinity reconnaissance.

Description of the Proposed Action

The existing church site contains a main church sanctuary, a fellowship hall, parking area and shared access road. The proposed lease application would allow the church to expand and continue construction on the proposed 1.5 acre site and further improve the property in the future. New construction and surface disturbance would be incremental and minimal.

Enhancement projects, such as landscaping and planting, fencing, street lighting, shade house construction, an additional storage building, water pipeline alignment, etc., maybe applied to the church site in the future.

Location

The Mitten Rock Tree of Life Church is located on USGS topographic map entitled *Mitten Rock, New Mexico*, 7.5 minute quadrangle map. See Figure 1. The description of the church location is shown at the following USGS map waypoint descriptions at Table 1.

Table 1. United State Geological Survey Maps Waypoint Descriptions of the Mitten Rock Tree of Life Church, *Mitten Rock New Mexico*, 7.5 Minute Quadrangle Map.

Description	Legal Description	Latitude and Longitude NAD 83	UTM Zone 12
Church Site Center	NE/4 S7 T27N R19W USGS Map	36° 35' 37.1" N 108° 54' 8.1" W Garmin	687,655 m E 4,051,846 m N Garmin

The propose lease application would contain 1.5 acres of Navajo trust land located east of Red Valley Chapter, Shiprock Navajo Agency, San Juan County, New Mexico. The proposed project is at an elevation of 5,600 feet amsl.

Endangered Species Act Threatened and Endangered Species

The following ESA and NESL sections incorporates by reference a previous biological evaluation entitled *Stanfred Yazzie Homesite Biological Evaluation, Sanostee, New Mexico*, May 19, 2015. The T&E data request/response includes the NNDF&W ESA and NESL listing; presence of threatened, endangered, or candidate species with potential to occur on the USGS map Sanostee East, NM Quadrangle. The previous field evaluation is located approximately 12 miles south of the present church location, on the same Upper Mancos Shale geologic formation.

Existing Conditions

A field survey for threatened and endangered was conducted by Denali Environmental Services August 17, 2015. No ESA/USFWS listed species, or potential habitats, were found in the project area. Table 2 summarizes the potential for federally listed species to occur in the project area. The existing church, home sites and future construction within the proposed lease area would have no effect on the federally listed species.

Table 2. Habitat descriptions and presence of USFWS listed Threatened (T), Endangered (E), or Candidate (C) species with potential to occur on the USGS map Sanostee East, NM Quadrangle.

SPECIES	STATUS	HABITAT ASSOCIATIONS	PRESENCE
Mesa Verde cactus <i>Sclerocactus mesaeverdae</i>	NESL G2 ESA T	Highly alkaline soils in sparse shale or adobe clay badlands of the Mancos and Fruitland Formations (4,000 to 5,500 ft.)	NP
K – Known, documented observation within project area			
S – Suitable habitat and species suspected to occur within the project area			
NS – Habitat suitable but species is not suspected to occur within the project area			
NP – Habitat not present and species unlikely to occur within the project area			

Effects

Located in a community development setting, a determination of no effect is created for the Mesa Verde cactus species. Impacts posed by the existing church site can be expected to be minimal. The

existing church site is in a rural setting, and will not have an effect on the habitat or other elements necessary for the continued survival of T&E species, as the species was not found in the area.

Mitigation

The Mesa Verde cactus is not present on the existing church site, parking area, access road in the project and action area. Since there would be no effects on federally listed threatened or endangered species, or their habitat, no mitigation measures for ESA / USFWS threatened and endangered species are recommended.

Navajo Endangered Species List (NESL) Special Management Species

Existing Conditions

The one specie was listed that warranted special management consideration by the NNDF&W, see Table 3. The species has the potential to forage in the project vicinity. Direct and short-term impacts to the Ferruginous hawk would include the temporary loss of foraging habitat. Given the distance of unknown hunting territories of these raptors and suitable nesting habitat from the proposed location, it is possible that these raptors specie may forage in proximity or fly through the proposed project and action areas.

Table 3. Navajo Nation Department of Fish and Wildlife species with special management species and their potential to occur in the project and action areas based upon habitat associations.

SPECIES/NESL STATUS	HABITAT ASSOCIATIONS	POTENTIAL TO OCCUR IN PROJECT OR ACTION AREA
FAUNA		
Ferruginous Hawk (<i>Buteo regalis</i>) NESL G3	Nests in badlands, flat or rolling desert grasslands and desert scrub. Habitat surrounding the nest site must support populations of small mammals: cotton-tail and jackrabbits, prairie dogs, ground squirrels and gophers.	NS The action area contains large expanses open desert shrub and grassland habitat, suitable for foraging habitat, but the specie was not present during the field surveys.
K – Known, documented observation within project area		
S – Suitable habitat and species suspected to occur within the project area		
NS – Habitat suitable but species is not suspected to occur within the project area		
NP – Habitat not present and species unlikely to occur within the project area		

Effects

Direct impacts to the Ferruginous hawk as a result of the proposed project would include 1.5 acre of potential foraging habitat. Juniper trees are not present on the existing tract and access road. No active or inactive prairie dog mounds are present in the project and action area. During site preparation, shrubs and grass are destroyed. Raptors would avoid the project area during construction and operation due to disturbance and activity from human and vehicle presence. Indirect impacts may include a short-term change in vegetation species composition and density due to construction surface disturbance, which could affect the prey base for the raptor species. Due to the current activity (existing church site activity, livestock herding and grazing, and vehicle travel) and absence of a prey base, impacts are expected to be low.

Onsite shrub/grassland in the action area would normally provide foraging habitat for the Ferruginous hawk, as a variety of small mammals, such as the prairie dog, black-tailed jackrabbits, desert cottontails, ground squirrels, and field mice, would inhabit the grassland. These small mammals would serve as a prey base for the raptor. These small mammals are absent.

None of the special management NESL species were observed at the time of the environmental site visit. The proposed action alternative would have no effects on any of the identified NESL special management species or their habitat.

Mitigation - NESL

Construction activities shall be confined to the existing proposed project area described in the project description to avoid further disruption of foraging habitat. Since there would be no effects on NESL species, or their habitat, no specific mitigation measures for NESL species are recommended.

There is no federally designated critical habitat at the site. The proposed land use and lease approval action would have no effect on threatened, endangered or species of concern.

Existing Land Use and Surface Disturbance

The traditional land use area, permitted to the Nettie George Family, is used for livestock production and grazing, residential use, Christian religious purposes, traditional ceremonies and family gatherings. The surrounding area is currently grazed by domestic livestock.

Built three and one-half years ago, Reverend Jerry J. Begay and his wife Marie have constructed the existing church and fellowship hall. The existing church site contains the main church sanctuary, a fellowship hall, parking area and shared access road. The existing church building are located near the center of the family cluster of houses, surrounded by previous infrastructure development. The Begay Family has also acquired a one-acre home site lease in the cluster.

Navajo Route N132 rights of way is located adjacent to the proposed church site, situated approximately 300 feet on the northeast side, which allow access to the George/Begay Family cluster of homes and the existing church site. Navajo Route N13 is located 1.2 miles north.

Electrical powerlines are prevalent onsite with service to the church and surrounding local family community (clustered housing), as well as scattered housing in the vicinity. The church building is equipped with an electric pole and meter loop. NTUA provides the electrical system at 115 kv single phase electrical lines. The electrical lines also serve the home sites on the west side of the church.

NTUA Community Water Supply pipelines provide water to the home sites on the west side, adjoining the church property. The water supply is operational at the home sites. The water pipeline would be extended from the existing source to the church and fellowship hall. In the interim, potable water is hauled in during church gatherings. A septic system and leach field is proposed to service waste water onsite. Navajo Tribal Utility Authority would provide the water supply to the church and fellowship hall in the future. The septic system and leach field would be located within the proposed 1.5 acres church permit area.



Photo Point 1. Church directional sign at Navajo Route 132. Note atypical surface disturbance and noxious weeds: tumbleweed and bull head stickers.



Photo point 2. Existing Mitten Rock Tree of Life Church, Beautiful Mountain in the background.



Photo Point 1. Church directional sign at Navajo Route 132. Note atypical surface disturbance and noxious weeds: tumbleweed and bull head stickers.



Photo point 2. Existing Mitten Rock Tree of Life Church, Beautiful Mountain in the background.

Telecommunications are addressed at the location with existing land phones and mobile phones. Buried telephone lines are evident along Navajo Route N132 and on the north side of the proposed lease area. Land telephone lines are constructed to the Reverend Jerry Begay home and to the surrounding scattered housing in the vicinity.

Natural gas is not an option; propane gas is supplied by various gas vendors or hauled in by the families themselves for heating and cooking.

The as built existing access road, at 30 yards length, is in use and shared with the adjacent home sites, which would also serve the existing church property. Existing access roads to nearby ranch housing on the west side is present.

Potential impacts to the grassland fauna would include noise, increase human activity, and construction traffic hazards. The new surface disturbance associated with the proposed project would result in an approximate direct short-term loss of wildlife foraging and livestock grazing resource during construction activities.

Topography and Soils

The proposed project area would be located at an elevation of 5,600 feet amsl on the western flank of the San Juan Basin Syncline. The general topography at the church site tract is characterized as flat grasslands, distant mesas and questas. The geologic formations slope 1-2 degrees eastward. Rock Ridge on the west horizon and Mitten Rock rises approximately 400 feet above the valley plain. The landmarks are clearly visible from the church site. The distant Chuska Mountains are located on the west skyline.

Topography The proposed project area is located within the Shiprock Wash Watershed, which flows to the eastward, then north to the San Juan River. General surface gradient of the project area slopes three to four degrees to the east. The surface topography and geology/soils along the proposed project area is not expected to present any specific problems for the project. The existing church site is located at an elevation of 5,600 feet amsl.

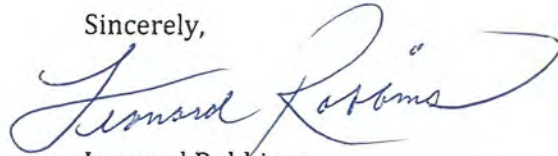
Soils The soils of the project vicinity were formed primarily from sedimentary rock of sandstone and shale. Onsite, surface soil material of the A horizon are derive from sheet wash and eolian deposits, that have eroded over eons of time in the project area. Soil texture ranges from clay, silt, sandy loams and coarse sand. The Rock Land-Torrirorthent Soil Association, at 1-3 percent slope, has been delineated in the project area. The tract is completely disturbed and devoid of natural vegetation. There are no undisturbed soils located in the proposed tract and along the access road. Because of the project small size and short term nature of the work, the project would have no effect on soil conditions long term.

The Farmington National Wetlands Inventory Map was checked. No wetland or riparian occurrences are located on the 1.5 acre church site tract, nor the existing access road, or vicinity properties.

We request a Biological Resource Compliance Form (BRCF) for the existing Mitten Rock Tree of Life Church east of Red Valley, Arizona.

Should you require additional information, you may contact Mr. Leonard Robbins, PES, Denali Environmental Services @ (928) 729-2626 phone and fax.

Sincerely,



Leonard Robbins

Denali Environmental Services, PES

Enclosure: Project Location Map



Photo point 3. Mitten Rock Church: fellowship hall on left & sanctuary on right. Access road at approximately 300 feet length, which also serves home sites in the vicinity.

Figure 1. Mitten Rock Tree of Life Church Site

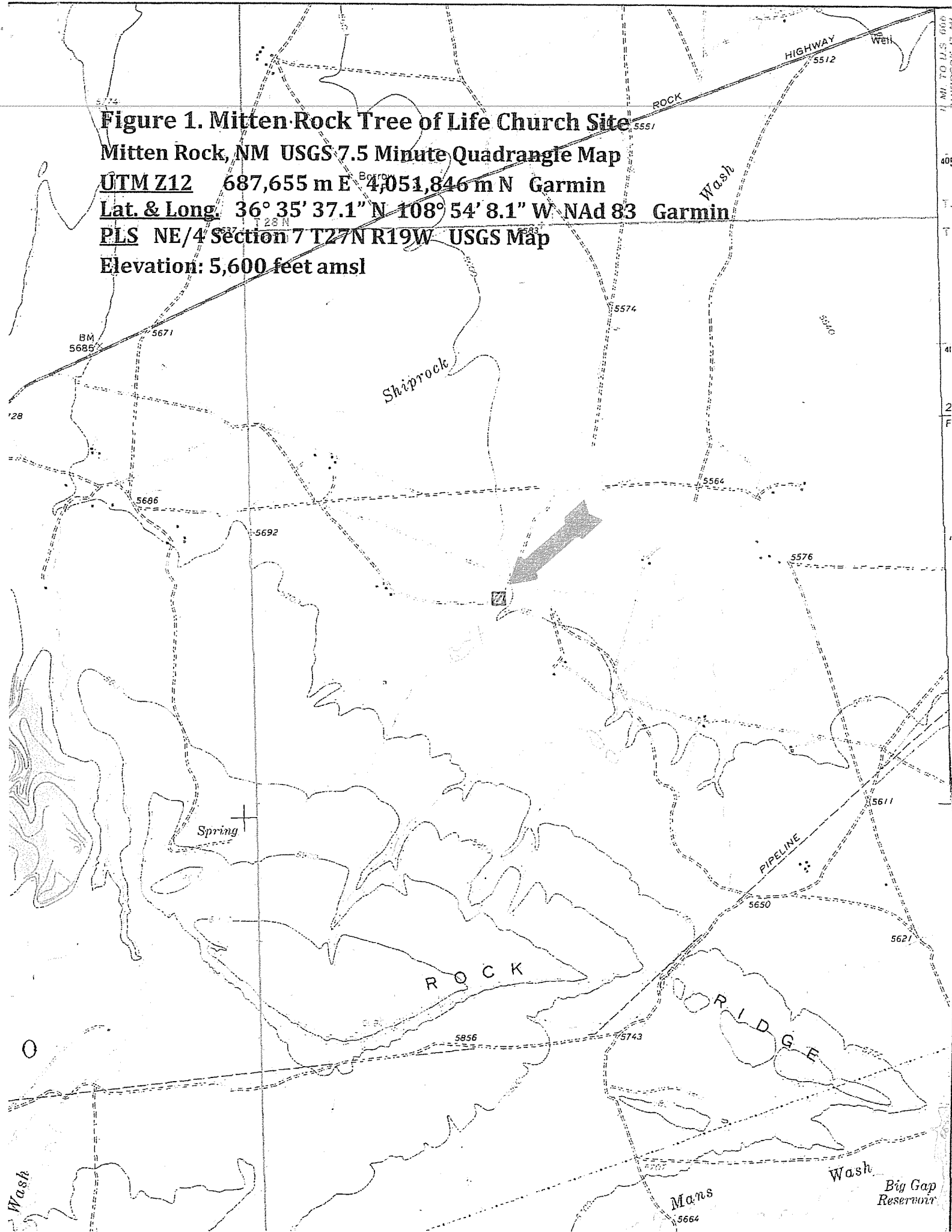
Mitten Rock, NM USGS 7.5 Minute Quadrangle Map

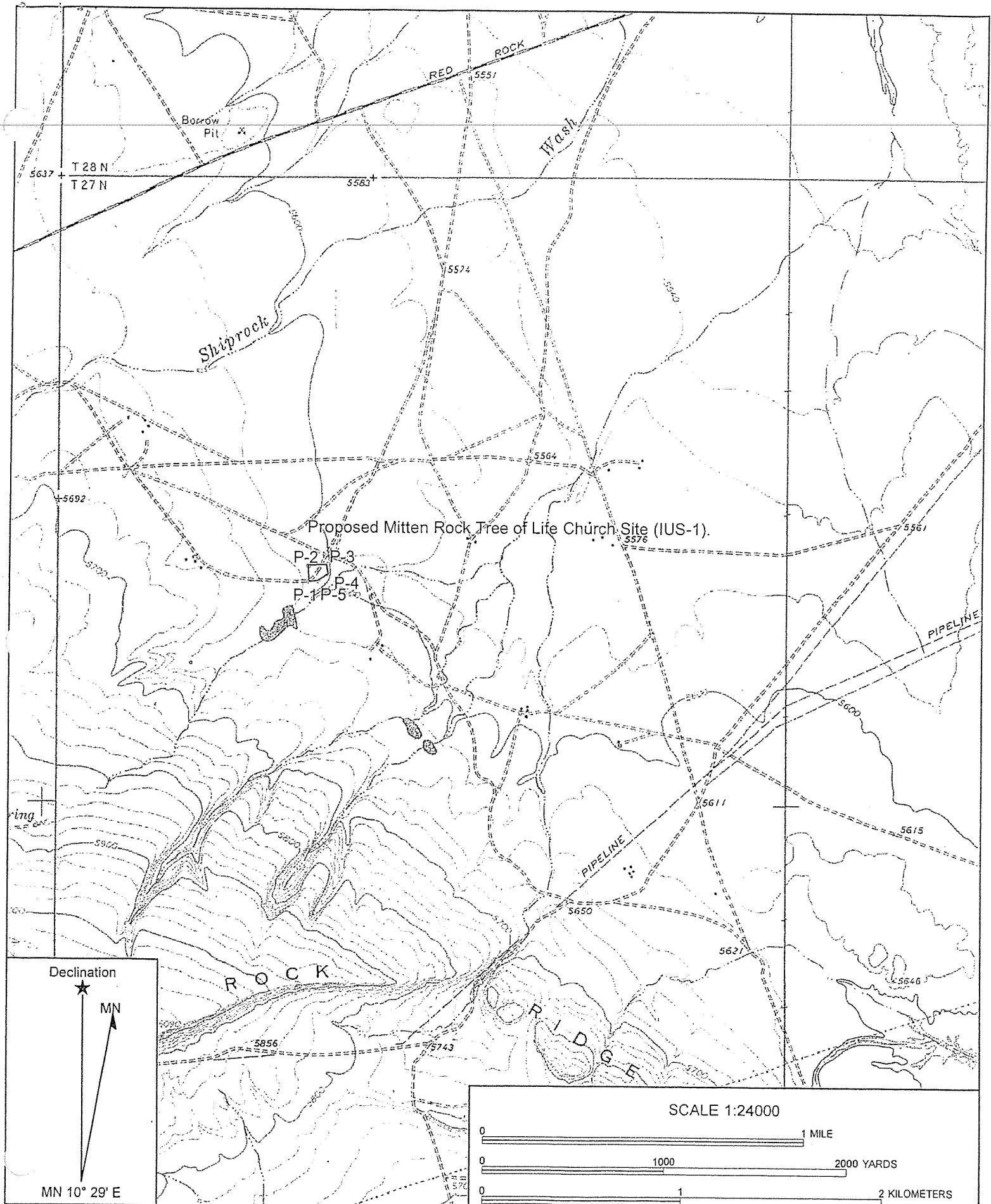
UTM Z12 687,655 m E 4,051,846 m N Garmin

Lat. & Long. 36° 35' 37.1" N 108° 54' 8.1" W NAD 83 Garmin

PLS NE/4 Section 7 T27N R19W USGS Map

Elevation: 5,600 feet amsl





Name: Mitten Rock, New Mexico, 1966

Figure 1: Map showing location of project area (DCRM 2015-50) and IUS-1. Section 07, T27N, R19W, N.M.P.M.



Mitten Rock Tree of Life

Mitten Rock Tree of Life

APPLICATION FOR MISSION SITE (RELIGIOUS SITE) NAVAJO NATION LANDS

DATE: Dec. 29, 2020

MITTEN ROCK TREE OF LIFE, Mitten Rock NM.
(NAME OF CHURCH)

Jerry J. Begay, P.O. Box 473, Waterflow NM. 87421
(ADDRESS)

hereby makes an application for a religious site covering approximately 1 1/2 acres of Navajo Nation land located in Mitten Rock, San Juan county, Arizona / New Mexico, as shown on the attached map.

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

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

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

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

Purpose - Sunday religious services and Christian educational instruction for the community congregation, provide teaching and spreading of the Gospel of the Lord Jesus Christ, in teaching old and the New Testament, for a better quality of future life.

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

building previously constructed and operate by the applicant family. Sanctuary encompasses approx. (20' x 50') 1000 sq ft. And Fellowship hall (20' x 32') (640 sq ft.)

Applicant's plan for development of water and sewer:

Water and Sewer already Constructed w/ men and
Ladies Restroom

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

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

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

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

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

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

Jerry J. Begay
Authorized Agent (Print Name)

Jerry J. Begay
Authorized Agent (Signature)

P.O. Box 473, Waterflow, NM.
Address 87421

(928) 653-5988
Phone Number

N/A
Email Address

RECEIPT

DATE 8/27/15 No. 846481

RECEIVED FROM Terry Bagzy \$400.00 DOLLARS

Four Hundred and 00/100

FOR RENT FOR Missionary s. to Survey-M. H. H.

ACCOUNT	<u>400.00</u>
PAYMENT	<u>400.00</u>
BAL. DUE	<u>0</u>

☒ CASH
☐ CHECK
☐ MONEY ORDER
☐ CREDIT CARD

FROM TO
BY H. H. H.



NAVAJO NATION CORPORATION ACT

CERTIFICATE OF INCORPORATION

To all to Whom these Presents Shall Come, Greeting:

I, the Manager of the Business Regulatory Department, DO HEREBY CERTIFY
that ***MITTEN ROCK TREE OF LIFE CHURCH, INCORPORATED***
(Non-Profit)
File Number: 102024

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was on
the 29th day of October, 2015
authorized to transact business within the Navajo Nation as a DOMESTIC Corporation.

I FURTHER CERTIFY that this corporation has filed all affidavits and required
documents and paid all filing fees required and, therefore, is incorporated as a Domestic
Corporation.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Corporation Act at Window
Rock, Arizona, this 29th

day of October, 2015 A.D.

Clarence Chee
Manager, Business Regulatory Department

ARTICLES OF INCORPORATION
OF
MITTEN ROCK TREE OF LIFE CHURCH, INCORPORATED

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned natural persons acting as incorporators of a corporation, have this day associated ourselves together for the purpose of forming a nonprofit corporation under and pursuant to the Navajo Nation Corporation Code, hereby adopts the following Articles of Incorporation for such corporation.

ARTICLE I

The name of the Corporation is the Mitten Rock Tree of Life Church, Incorporated.

ARTICLE II

The principal office and principal place of business of the corporation shall be in Mitten Rock, San Juan County, New Mexico, but other offices and places of carrying on its business may be elsewhere as the Church may authorize.

ARTICLE III

The purpose for which this corporation is organized is the transaction of any or all-lawful business for which nonprofit corporations may be incorporated under the laws of the Navajo Nation Code (NNCC, Chapter 19), as they may be amended from time to time.

ARTICLE IV

Said corporation is organized to conduct the following business:

To do all things deemed necessary, proper, or desirable for the promotion of the work of the corporation in the establishment, building, promotion, organization, development and expansion of churches and missions, as authorized by the corporation, for the teaching and spreading of the Gospel of the Lord Jesus Christ in accordance with the instruction, doctrines, and teachings of the New Testament, and for religious, educational, benevolent, and charitable purposes, and public worship, weddings, funerals and not for pecuniary profit.

ARTICLE V

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered, and to make payments and distributions in furtherance of the purposes set forth in Article IV. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue laws) or; (b) by a corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue laws).

ARTICLE VI

Upon the dissolution of the corporation, the Board of Directors, shall turn over to the Begay Family all improvements and buildings held title to by the corporation and after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of its remaining assets exclusively for the purpose of the corporation in such manner, or to such organizations organized and operated exclusively for charitable, educational, religious or scientific purpose as shall at time qualify as an exempt organization or organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue laws) as the Board of Director shall determine. Any such assets not disposed of shall be disposed of by the Court of the Navajo Nation in which the principal office of the corporation is then located, exclusively for such purpose or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE VII

The annual meeting is to be held at a place within or outside the state as fixed by the bylaws.

ARTICLE VIII

The name and address if the initial Registered Agent of the corporation is:

Reverend Jerry J. Begay
Post Office Box 473
Waterflow, New Mexico 87421

ARTICLE IX

1. The power to alter, amend or repeal the bylaws or adopt new bylaws, subject to repeal or change by the action of the members shall be vested and reserved to the members.

2. In addition to the Navajo Nation statutes, a special meeting may be called by one, or any two executive officers, or; (b) in accordance with any provision in the bylaws approved and adopted by a majority of the membership.

3. The right of members, or classes of members, to vote may be limited, enlarged or denied to the extent provided in the bylaws if such provision is approved and adopted by a majority of the membership at a reasonable time prior to any specific vote.

4. Subject to the limitations fixed in the Navajo Nation Statutes relative to the persons constituting the initial Board of Directors, the bylaws shall fix the number of directors, the manner of the election and term of office, approved by a majority of the membership.

5. A director may not be removed from office except upon the establishment of misfeasance, malfeasance, or nonfeasance, as determined by a majority of the directors and affirmed by a majority of the members or upon finding of a majority of the members, or on provisions set forth in the bylaws approved and adopted by a majority of the members.

ARTICLE X

There shall be no less than two (2) initial board of directors for the Mitten Rock Tree of Life Church, Incorporated. The names and addresses of the persons who are to serve as Board of Directors until the first annual meeting of Directors or until their successors are elected and qualified are:

1. Reverend Jerry J. Begay
Post Office Box 473
Waterflow, New Mexico 87421
2. Reverend Marie Begay
Post Office Box 473
Waterflow, New Mexico 87421

ARTICLE XI

The names and addresses of the incorporators are:

1. Reverend Jerry J. Begay
Post Office Box 473
Waterflow, New Mexico 87421

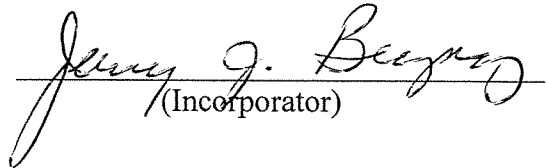
2. Reverend Marie Begay
Post Office Box 473
Waterflow, New Mexico 87421

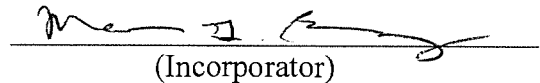
ARTICLE XII

The Mitten Rock Tree of Life Church, Incorporated shall comply with all Navajo Nation codes which the incorporators elect to set forth.

ARTICLE XIII

The Mitten Rock Tree of Life Church, Incorporated shall comply with all Navajo Nation criminal, civil, and regulatory laws of the Navajo Nation. This corporation will always function legally.


(Incorporator)


(Incorporator)



OFFICIAL SEAL
KRISTI L. LEDESMA
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires 2/6/19

ACKNOWLEDGMENT OF THE REGISTERED AGENT

I, Jerry J. Begay, having been designated to act as Registered Agent, hereby consent to act in that capacity until removed or until resignation is submitted in accordance with the Navajo Nation Corporation Code.

Jerry J. Begay
(Signature of Registered Agent)

Reverend Jerry J. Begay
Post Office Box 473
Waterflow, New Mexico 87421

1.2 Miles South of Navajo Route N13
Navajo Route 132
Mitten Rock, New Mexico

STATE OF NEW MEXICO
COUNTY OF SAN JUAN

The foregoing instrument was acknowledged by Jerry J. Begay,
Registered Agent for Mitten Rock Tree of Life Church before me this 27th day of
October, 2015.

Kristi L Ledesma
(Notary Public)

My Commission Expires 02/06/2019



OFFICIAL SEAL
KRISTI L. LEDESMA
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires 2.6.19

Sliding Fee Scale Form for Mission Site Permits

Application Information		Today's Date: <u>Dec. 29, 2020</u>	
Entity Name: <u>Re-Mitten Rock Tree of Life</u> <u>JERRY J. BEGAY</u>			
Mailing Address: <u>P.O. Box 473</u>	City: <u>Waterflow</u>	State: <u>N.M.</u>	Zip: <u>87421</u>
Phone #: <u>(928) 653-5988</u>	Fax #: () <u>N/A</u>	Congregation Size: <u>25</u>	Acres requested: <u>1.5</u>

Income Information		
Source	Amount	Frequency (Circle One)
<u>Utility Bill (NTUA)</u>	\$ <u>488.00</u>	Weekly Monthly <u>Yearly</u>
	\$	Weekly Monthly Yearly
<u>Offering</u>	\$ <u>400.00</u>	Weekly Monthly <u>Yearly</u>
	\$	Weekly Monthly Yearly
<u>Tithing</u>	\$ <u>500.00</u>	Weekly Monthly <u>Yearly</u>
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
Total	\$ <u>1,386</u>	Weekly Monthly <u>Yearly</u>

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

Name (Print): Jerry J. Begay

Signature: Jerry J. Begay

Date: Dec 29, 2020

Dec. 29, 2020

RE- Sliding Fee for Mission Site

TO WHOM IT MAY CONCERN.

The reason why the income information is low, is because there was no gathering for 9 MONTHS. and Because of the pandemic (Lock Down).

Jerry I. Begay

Sliding Fee Scale for Navajo Nation Mission Site Permits

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

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

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

Procedure:

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

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

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

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

Document No. 015695Date Issued: 01/06/2021**EXECUTIVE OFFICIAL REVIEW**Title of Document: Mission Site Mitten Rock Tree of Life Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: e_yazzie@navajo-nsn.gov Phone Number: 928-871-6447

<input type="checkbox"/>	Business Site Lease			Sufficient	Insufficient
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

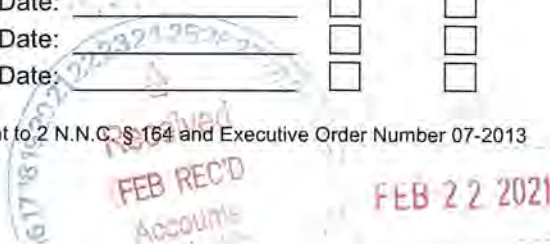
<input type="checkbox"/>	Navajo Housing Authority Request for Release of Funds				
	1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Lease Purchase Agreements				
	1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)				
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Grant Applications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/>	Relinquishment of Navajo Membership				
	1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

Sufficient Insufficient

1. Division: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

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

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐

☐ **Rights of Way**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. Office of the Attorney General: _____ Date: _____ ☐ ☐
7. OPVP _____ Date: _____ ☐ ☐

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

1. Minerals _____ Date: _____ ☐ ☐
2. OPVP _____ Date: _____ ☐ ☐
3. NLD _____ Date: _____ ☐ ☐

☐ **Assignment of Mineral Lease**

1. Minerals _____ Date: _____ ☐ ☐
2. DNR _____ Date: _____ ☐ ☐
3. DOJ _____ Date: _____ ☐ ☐

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐
8. OPVP _____ Date: _____ ☐ ☐

☒ **OTHER:**

1. _____ Date: _____ ☐ ☐
2. NNEPA _____ Valinda Shindup Date: 09/02/2021 ☒ ☐
3. DOC 1/10/25/21 _____ VP Date: 2/25/2021 ☒ ☐
4. DOJ _____ VP Date: 3/5/21 ☒ ☐
5. OPVP _____ VP Date: 3-22-21 ☒ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

☐ RESUBMITTAL

DOCUMENT REVIEW REQUEST FORM



DOJ	
3/2/21 @ 1133a	
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	015695
SAS #:	
UNIT:	Nm




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

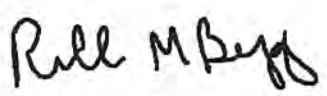
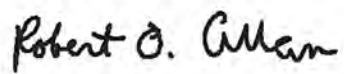
CLIENT TO COMPLETE			
DATE OF REQUEST:	12/30/2020	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447 or x 6423	E-MAIL:	michellehoskie@navajo-nsn.gov
TITLE OF DOCUMENT: EOR# 150915, Mission Site Mitten Rock Tree of Life			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 3.2.21		REVIEWING ATTORNEY/ADVOCATE: Irvin Chee 3.11.21	
DATE TIME OUT OF UNIT: 3/5/21 11:46 AM			
DOJ ATTORNEY / ADVOCATE COMMENTS			
- Rtd. Doc to GLDD office as legally insufficient because the DGC's Field Clearance Checklist is not attached			
REVIEWED BY: (Print) <u>Timothy Hise</u>		SURNAMED BY: (Print) <u>Blackhat</u>	
Date / Time <u>3-4-21</u>		Date / Time <u>3/5/21 9:30 AM</u>	
DOJ Secretary Called: <u>Michelle</u>		for Document Pick Up on <u>3/5/21</u> at <u>11:46 AM</u> By: <u>CT</u>	
PICKED UP BY: (Print)		DATE / TIME:	

NNDJ/DRRF-July 2013

to the consent that is attached. See my memo.
Thx - ic

- ER-DO -

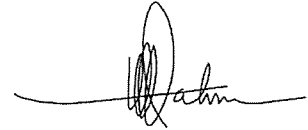
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	04-Feb-2021	
Pam Kyselka (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	04-Feb-2021	
Rebecca Gilchrist MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	09-Feb-2021	
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. HPD-15-700	1. No Reply	08-Feb-2021	

Tier 2 Document Voting Results							
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Leanna Begay (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	09-Feb-2021	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	09-Feb-2021	
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director	DNR Administration	Approved	no comments	No Reply	12-Feb-2021	

Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	<i>no comments</i>	<i>No Reply</i>	09-Feb-2021
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W. Mike Halona (NLTDS - Admin)	NLD Department Manager III	NLD	Approved	<i>no comments</i>	<i>No Reply</i>	19-Feb-2021
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NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

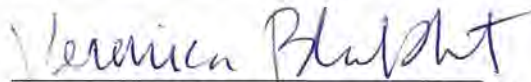
DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

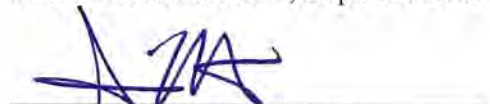
MEMORANDUM

TO: Stevie Hudson, Leasing Agent
General Land Development Department
Division of Natural Resources

THROUGH:


Veronica Blackhat, Asst. Attorney General
Natural Resources Unit, Dept. of Justice

FROM:


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

DATE: March 4, 2021

SUBJECT: **Document No. 015695: Mission Site, Mitten Rock Tree of Life within Mitton Rock, New Mexico**

The Department of Justice (DOJ) has reviewed the above-mentioned EOR document and is returning the document to GLDD (General Land Development Department) as legally insufficient.

The application for Mitten Rock Tree of Life Mission Site covering 1.5 acres is legally insufficient because the DGC's field clearance checklist certification document is not attached to the consent that is attached to the packet. Please attached the DGC's field clearance checklist certification document signed by the DGC for purpose of identifying any and all land users within the proposed area of the mission site.

Please returned the EOR packet to DOJ after the field clearance checklist certification document is attached so I can complete my review. If you should have any questions, please feel free to call me at 928 871-6347. Thank you.

xc: Elerina Yazzie, Department Manager, General Land Development Department, DNR

Z:\NRU\DNR\GLDD\Mission-Church\2021-03-04 NDOJ Memo GLDD.Doc 15695 Mitten Rock Tree of Life NM

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

September 2, 2021

MEMORANDUM

TO: Executive Reviewers

FROM:

A handwritten signature in blue ink, appearing to read "Valinda Shirley", is written over a horizontal line.

Valinda Shirley, Executive Director
Navajo Nation Environmental Protection Agency

SUBJECT: **Document No. 015695, Mission Site, Mitten Rock Church of Life, Red Valley, Arizona**

Based upon the review of the above-noted document, a vote of sufficiency is recommended. However, the following comments and recommendations are provided.

According to information from the review package, the proposed undertaking is for the Mitten Rock Tree of Life Church to obtain a mission site permit for an area of 1.5± acre and to maintain an existing structure, with possible future expansion development within the proposed mission site permit area.

1. A Check List for Mission Site Application for the Mitten Rock Church of Life is not included in this packet for Document No. 015695. Previous application packets have included check lists for mission site permit applications, and have also been check marked at #11 to indicate "ENVIRONMENTAL ASSESSMENT REPORT REVIEWED BY THE Navajo Environmental Protection Agency to ensure there is no contaminated or hazardous materials. NNEPA Office (928) 871-7692." The Environmental Assessment Report reviewed and concurred by the Navajo Nation Environmental Protection Agency (NNEPA) is not included in this Executive Review package. If the Environmental Assessment Report has been reviewed and approved by the NNEPA, please provide a copy of the completed report form to the NNEPA.
2. If this packet for Document No. 015695 is not subject to the Environmental Review Process (ERP), then a copy of the Environmental Review Record that indicates the Mission Site application is not subject to the Environmental Review Process (ERP), and that a Categorical Exclusion (CATEX) has been determined, should be included in this Executive Review package.¹
3. The Environmental Assessment developed by Denali Environmental Services indicates that solid waste would be hauled off to the transfer stations at Shiprock or Waterflow. This practice would be highly acceptable.
4. The Terms and Conditions provide that the Permittee will abide by all laws and regulations of the Navajo Nation and of the United States. Attention is directed to the following:

¹ Navajo Nation General Leasing Regulations of 2013, Subchapter 8, Environmental Review Process, § 2382. Threshold Determinations.

-
- a. **Navajo Nation Open Burning Regulations (NNOBR), 4 N.N.C., Chapter 11**, particularly at §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Households, businesses, and other organizations are responsible to ensure waste generated from their activities are properly managed. Exempted burn activities should be voluntarily registered. In the event that the Mitten Rock Church of Life Church will utilize open burning in its related activities, the Applicant should become familiar with activities for which burn registrations should be pursued.
- b. **NESHAP 40 CFR §61.145, Subpart M**, for applicable demolition and renovation activities. For asbestos NESHAP, USEPA Region 9 has sole jurisdiction over all 25 tribal lands in Arizona. There are no Navajo Nation laws or regulations specifically related to asbestos. For asbestos (the pollutant) from a source such as demolition, the contractor would need to provide notification, wet and remove friable asbestos (40 CFR Part 61). For waste disposal related to demolition/renovation as a source, the contractor would need to provide notification and ensure there are no visible emissions from the removal activity(ies).

The asbestos NESHAPs lists acceptable procedures for asbestos emissions control for demolition of buildings containing friable asbestos material (40 CFR Part 61). Tearing down buildings is considered demolition and would require notification to USEPA Region 9.

Asbestos NESHAP notifications should also be provided to the Air & Toxics Department, Box 339, Window Rock, AZ 86515, as a courtesy in informing of the particular activity(ies) being undertaken on the Navajo Nation. and, adhere to best practices that lessen fugitive dust emissions during demolition and construction activities by minimizing potential impacts during modernization activities, such as applying water to roads.

- c. **Navajo Nation Air Pollution Prevention and Control Act (Navajo Clean Air Act), 4 N.N.C. §§ 1134-40**, Air Quality Control Programs. Provisions include Best Management Practices (BMPs) to control dust that would be generated during earth moving activities. Details the BMPs to control excessive amounts of particulates.
- d. **Navajo Nation Solid Waste Act prohibits open dumping**. Open dumping is defined as the act of depositing solid waste in a non-complying manner of management practice. Solid waste generated from activities at this location should continue to be properly disposed of.
- e. **Section 402 of the Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges**. The CWA regulations implementing Section 402, define "storm water discharge associated with industrial activity" to include discharges associated with construction activity, including clearing, grading, and excavation resulting in land disturbance of 1.0 acre or more. Operators at construction sites that involve clearing, grading, and excavating activities that disturb 1.0 acre or more will need to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges. A Notice of Intent (NOI) will need to be submitted to USEPA 14 days prior to earthmoving

activities, including development of a Storm Water Pollution Prevention Plan (SWPPP) prior to NOI submission.

I can be contacted at valinda.shirley@navajo-nsn.gov. You may also contact eugeniaguintana@navajo-nsn.gov if there are any questions in this regard. Thank you.

**RESOURCES AND DEVELOPMENT COMMITTEE
24TH NAVAJO NATION COUNCIL**

THIRD YEAR 2021

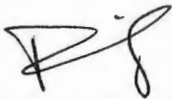
**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0237-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A MISSION SITE PERMIT FOR 1.5 ACRE, MORE OR LESS, FOR MITTEN ROCK TREE OF LIFE CHURCH IN THE VICINITY OF RED VALLEY CHAPTER, NAVAJO NATION. *Sponsor:*
Honorable Amber Kanazbah Crotty

Date: November 17, 2021 – Regular Meeting (Teleconference)
Location: Resources and Development Committee members called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Thomas Walker, Jr. **S:** Mark A. Freeland **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee

Rodney L. Tahe

Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services