

LEGISLATIVE SUMMARY SHEET

Tracking No. 0118-19

DATE: May 10, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR THE WHITE WATER COMMUNITY CHURCH ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF NASCHITTI COMMUNITY CHAPTER, NAVAJO NATION

PURPOSE: Approving a mission site permit for the White Water Community Church located in the Naschitt Community Chapter.

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

5-DAY BILL HOLD PERIOD: AmBgr
Website Posting Time/Date: _____
Posting End Date: 5-19-19
Eligible for Action: 5-20-19

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

W. McStwa
(Prime Sponsor)

TRACKING NO. 0118-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
A MISSION SITE PERMIT FOR THE WHITE WATER COMMUNITY CHURCH ON
NAVAJO NATION TRUST LANDS IN THE VICINITY OF NASCHITTI
COMMUNITY CHAPTER, NAVAJO NATION

Section One. Authority

- A. Pursuant to 16 N.N.C. Section 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. Section 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. Title 16 of the Navajo Nation Code Provisions with Respect to Acreage of Mission Sites

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

1. Mission site for purely religious activities: one and one-half (1 1/2) acres;
2. Mission site for religious activities and community services facilities: three and one-half (3 1/2) acres;
3. Mission site for religious activities and either substantial medical or accredited educational programs: eight (8) acres; and
4. The Resources and Development Committee may, in the case of applications for mission sites in or near areas withdrawn for townships in the Navajo Nation, limit site acreage to less than two and five-tenths (2 5/10) acres, and may set rental fees with due regard for present or future competing demands for land use in such areas.

Section Three. Findings

- A. The White Water Community Church, HCR 330 Box 50 Suite 4105, Tohatchi, New Mexico 87325 has applied for a mission site permit within the Naschitti Community Chapter. The application is attached as **Exhibit E**.
- B. The proposed mission site is to be located on 1.5 acres, more or less, of trust lands within the vicinity of Naschitti Community Chapter, Navajo Nation (New Mexico). The land description appears on the survey plat attached hereto and incorporated as **Exhibit B**.
- C. Three Land User Consent documents are attached as **Exhibit C**.
- D. The Naschitti Community Chapter Resolution No. NAS-08-08-083 supporting the White Water Community Church for a mission site permit and the signed petition by the local residents in support of the White Water Community Church are attached as **Exhibit D**.
- E. Resources and Development Committee Resolution No. RDCJN-33-15 delegated the authority to process and approve Land Withdrawals to the Director of the Navajo Land Department. Resolution RDCJN-33-15 approved Land Withdrawal Designation Regulations ("Regulations"). Section One of the Regulations states:

“§1. Purpose.

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

8 a. Ensuring that the rights of grazing permittees, who are in compliance with
9 their grazing permits, are properly addressed as applicable and as required
10 under 16 N.N.C. §§ 1401 *et seq.* and to prevent any subsequent claims to the
11 land; and

12 b. Ensuring that the affected Chapter supports the Land Withdrawal
13 Designation and use of the land.”

14 F. Having received the consents of the land users, **Exhibit C**, and the receipt of the
15 Naschitti Community Chapter Resolution No. NAS-08-08-083, **Exhibit D**, the
16 purpose of the Land Withdrawal Designation has been met ensuring the rights of
17 grazing permittees have been addressed and ensuring that the affected Chapter
18 supports the Land Withdrawal Designation and use of the land as a mission site.

19 G. The Resources and Development Committee approval of a Land Withdrawal for the
20 purposes of a mission site with this legislation will serve a public purpose of
21 expediting the process of the approval of a Mission Site Permit.

22 H. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.

23 I. The Cultural Resources Compliance Form, the Archaeological Inventory Report, the
24 Navajo Nation Environmental Protection Agency’s Public Water Systems
25 Supervision Program memorandum, the Environmental Department Air & Toxics
26 Department memorandum, the Office of Environmental Health, Indian Health Service
27 memorandum, and the Survey for the Threatened, Endangered and Navajo Sensitive
28 Species for the White Water Community Church are attached as **Exhibit F**.

29 J. The application for mission site permit has been reviewed through the Executive
30 Official Review Document No. 011271, including the Department of Justice, and

1 found "Sufficient" or "Approved." Executive Official Review Document No.
2 011271 is attached as **Exhibit G**.

3
4 **Section Four. Approval**

- 5 A. The Resources and Development Committee of the Navajo Nation Council hereby
6 approves the withdrawal of on 1.5 acres, more or less, of trust lands within the
7 vicinity of Naschitti Community Chapter, Navajo Nation (New Mexico), as described
8 in. **Exhibit B**, for White Water Community Church, for use as a mission site.
- 9 B. The Resources and Development Committee of the Navajo Nation Council hereby
10 approves the Mission Site Permit for the White Water Community Church, subject to
11 but not limited to the attached Terms and Conditions contained herein as **Exhibit A**
12 which is attached hereto and incorporated herein by this reference.
- 13 C. The Resources and Development Committee of the Navajo Nation Council hereby
14 authorizes President of the Navajo Nation to execute all documents to affect the
15 intent and purpose of this resolution.
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**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
WHITE WATER COMMUNITY CHURCH (PERMITTEE)**

1. This Mission Site Permit is issued to the **White Water Community Church** 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 SOUTHWEST QUARTER (SW1/4) OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO SITUATED IN THE NASCHITTI AREA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Point of Beginning a point being the Southwesterly corner of said parcel which bears North, 39°59'29" East, a distance of 1,230.12 feet from the Southwest corner of said Section 2;

THENCE North 24°08'44" East, a distance of 206.54 feet;

THENCE South 65°51'10" East, a distance of 316.33 feet;

THENCE 24°08'44" West, a distance of 206.54 feet;
THENCE 65°51'12" West, a distance of 316.33 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 \$22.50 per year and is due on or before the first day of December each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.

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. §§ et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
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.

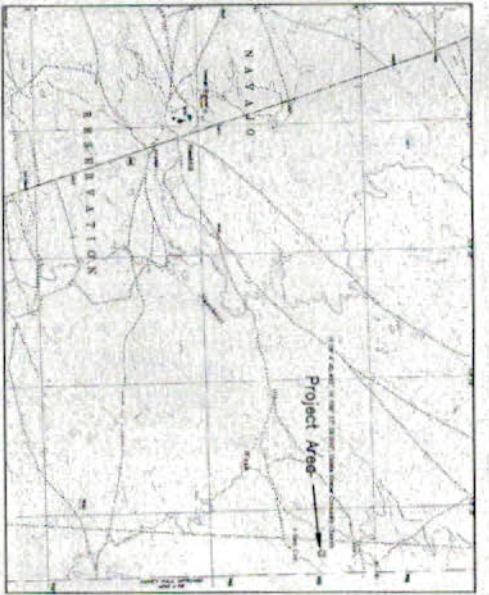
12. The Permittee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the permit area by the 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.

- President
Navajo Nation**

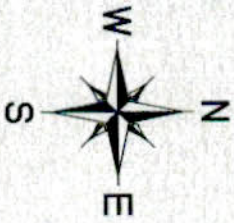
Mission Site Lease
For
White Water Community Church

(6) Survey Plat

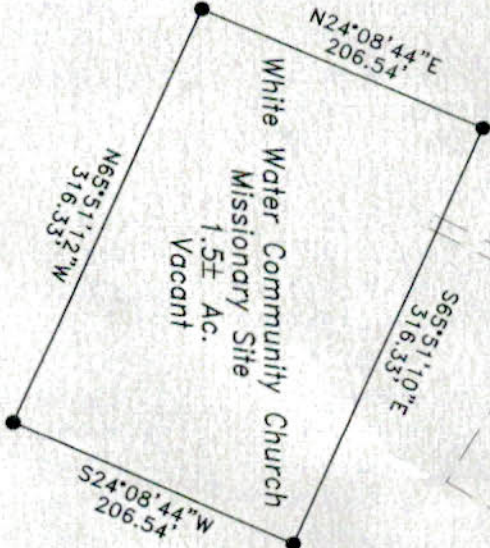
March, 2019



Vicinity Map Not to Scale



1"=100'



HSL# 15933

Legal Description.

A tract of land located in the Southwest Quarter Township 21 North, Range 17 West, N.M.P.M., Section 36, situated in the Naschitti area and is more particularly described as follows:

Commencing at the Point of Beginning of said Parcel which bears North 39°59'22" East, a distance of 316 feet from the Southwest corner of said Section

thence North 24°08'44" East, a distance of 206.54 feet, thence South 65°51'10" East, a distance of 316 feet, thence South 24°08'44" West, a distance of 206.54 feet, thence North 65°51'12" West, a distance of 316 feet, to any restrictions, easements and reservations of

Said Parcel containing 1.5± Acres more or less, to any restrictions, easements and reservations of



Henry Thomas
Registered Professional Surveyor

- Basis of Bearing: Solar Observations
- Denotes set 1/2 x 18" Rebar w/ 1/4" Corner
- Lease Area is Vacant
- Utilities are as shown

S3
S2
S10
S11
Section Corner
Fd 1983 USBLM
Brass Cap

S89°56'51"E
2639.36'

S2
S11

1/4 Corner
Fd 1983 USBLM
Brass Cap

RVS#08-114

Section 2,
y, New Mexico
ed as follows:
Southwesterly
stance of 1,230.12

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being subject

of actual
the minimum
y represented on

#12163

08 PM
p: NMPLS #12163
AZPLS #29894

KEY SURVEY	Drawn By:	HT
	Approved:	HT
Shiprock NM 87420	DATE	8/21/08
COMMUNITY CHURCH	SITE SURVEY	SCALE: 1"=100'
± Ac.	Tract 14	T21N, R17W NMPM
		County, New Mexico

**RED VALLEY SURVEY
HENRY THOMAS
P.O. BOX 2827
SHIPROCK, NEW MEXICO
87420
(505) 320-0479**

August 22, 2008

White Water Community Church
Attn Kevin Yazzie
Naschitti, New Mexico

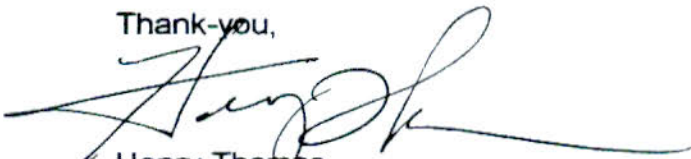
Re: Missionary Site Survey

Actual survey cost for a Missionary Site Lease being 1,5 acre located on
N.T.I.T. land in the Naschitti area San Juan County, New Mexico

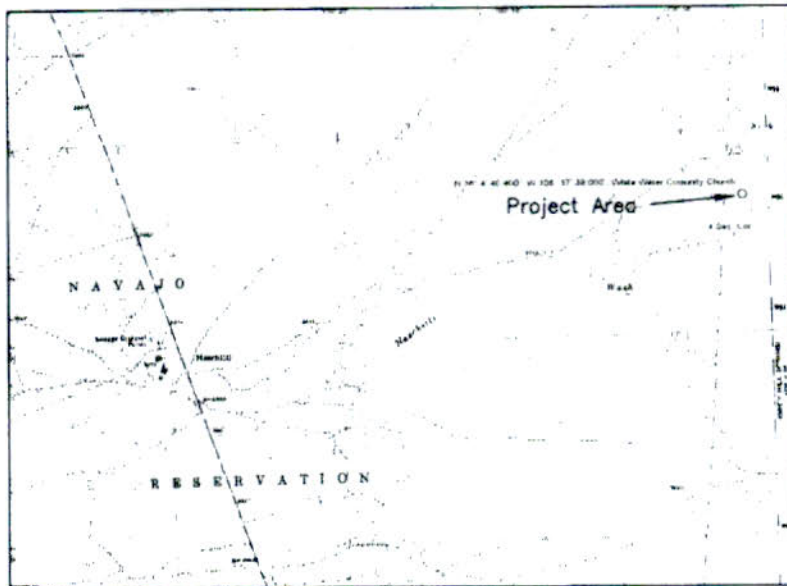
- 1) Office Research
- 2) Field Survey
- 3) Drafting
- 4) Field Research
- 5) Field Calculation
- 6) Office Calculation
- 7) Travel
- 8) Taxes

TOTAL SURVEY FEE : \$600.00

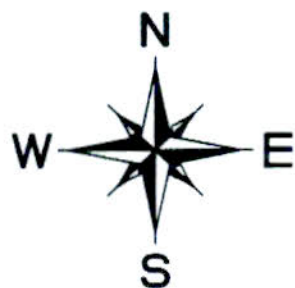
Thank-you,



Henry Thomas



Vicinity Map Not to Scale



1" = 100'

S3 S2
S10 S11

Section Corner
Fd 1983 USBLM
Brass Cap

N39°59'29"E
(file) 1,230.12'

N24°08'44"E
206.54'

S65°51'10"E
316.33'

White Water Community
Missionary Site
1.5± Ac.
Vacant

N65°51'12"W
316.33'

S89°56'51"E
2639.36'

HSI

Legal Description.


A tract of land located in the Southwest Quarter (SW1/4) of Section 2, Township 21 North, Range 17 West, N.M.P.M., San Juan County, New Mexico situated in the Naschitti area and is more particularly described as follows:

Commencing at the Point of Beginning a point being the Southwesterly corner of said Parcel which bears North 39°59'29" East, a distance of 1,230.12 feet from the Southwest corner of said Section 2;

thence North 24°08'44" East, a distance of 206.54 feet;
thence South 65°51'10" East, a distance of 316.33 feet;
thence South 24°08'44" West, a distance of 206.54 feet;
thence North 65°51'12" West, a distance of 316.33 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 N.M.P.L.S. #12163



Basis of Bearing: Solar Observation 8-20-08 PM
● Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163
AZPLS #29894

Lease Area is Vacant
Utilities are as shown

S2

S11

1/4 Corner
Fd 1983 USBLM
Brass Cap

RVS#08-114

RED VALLEY SURVEY P.O. Box #2827, Shiprock NM 87420 (505)320-0479		Drawn By: HT
WHITE WATER COMMUNITY CHURCH MISSIONARY SITE SURVEY 1.5± Ac. District 14 SW1/4, Sec. 02, T21N, R17W NMPM Naschitti, San Juan County, New Mexico		Approved: HT DATE: 8/21/08 SCALE: 1"=100'



Mission Site Lease
For
White Water Community Church

(3) Consent(s)

March, 2019

**CONSENT TO USE
NAVAJO NATION LAND
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Lillie Etsitty hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit White Water Full Gospel Church located approximately 4 miles E. of Naschitti Chapter to use approximately 2 acres of my assigned grazing land for church purposes.

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

Further remarks: _____

Lillie H. Etsitty
Permit Holder's Signature

Census No.

14-08-84
Permit No.

3/30/08
Date

WITNESSES:

THUMB PRINT:

Willis Nez
Attested by Grazing Committee/Land Board

14-1
District No.

6-25-08
Date

Willis Nez
Acknowledgement by church/field agent:

1/4/09
Date

CONSENT TO USE
NAVAJO NATION LAND
FOR RELIGIOUS ACTIVITIES

TO WHOM IT MAY CONCERN:

I, Elizabeth Baldwin, hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit White Water Full Gospel Church located approximately 4 miles E. of Naschitti Chapter to use approximately 2 acres of my assigned grazing land for church purposes.

Furthermore, I hereby waive any rights I may have to compensation for the taking of my land use and the diminishment of my land value as a result of the above request. Should the church liquidates or if the land taken for religious 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.

Further remarks: _____

Elizabeth Baldwin

Permit Holder's Signature

Census No.

Permit No.

04-29-08

Date

WITNESSES:

Gwelyn Becenti

THUMB PRINT:

Willis
Attested by Grazing Committee/Land Board

District No.

6-25-08

Date

NIGHTS REC

Ken D. Maly
Acknowledgement by church/field agent:

1/4/09
Date

CONSENT TO USE
NAVAJO NATION LAND
FOR RELIGIOUS ACTIVITIES

TO WHOM IT MAY CONCERN:

I, Linda Smiley, hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit White Water Full Gospel Church located approximately 4 miles E. of Naschitti Chapter to use approximately 2 acres of my assigned grazing land for church purposes.

Furthermore, I hereby waive any rights I may have to compensation for the taking of my land use and the diminishment of my land value as a result of the above request. Should the church liquidates or if the land taken for religious 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.

Further remarks: _____

Linda H. Smiley
Permit Holder's Signature

Census No.

14-01-01
Permit No.

4-21-08
Date

WITNESSES:

THUMB PRINT:

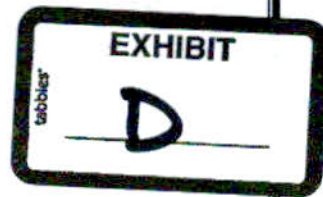
Walt
Attested by Grazing Committee/Land Board
H. T. D. M. Z.

14-1
District No.

6-25-08
Date

Yeri Shurley
Acknowledgement by church/field agent:

1/4/09
Date



Mission Site Lease
For
White Water Community Church

(7) Chapter Resolution

March, 2019

Naschitti Community Chapter

P.O. Box Drawer D, Sheepsprings, New Mexico 87364

Phone: 505-732-5400/5401 Fax: 732-5406



NAS-08-08-083

RESOLUTION OF THE NASCHITTI COMMUNITY CHAPTER

THE NASCHITTI COMMUNITY CHAPTER IS HEREBY SUPPORTING AND APPROVING THE REQUEST OF THE MISSION SITE LEASE FOR THE NASCHITTI WHITE WATER COMMUNITY CHURCH OF NEW MEXICO AND TO PROCEED WITH THE CONSTRUCTION OF BUILDING A COMMUNITY CHURCH.

WHEREAS:

1. The Naschitti Community Chapter is recognized as a local government entity pursuant to 26 N.N.C. Section 1, (B), (1), (2), Section 103, (B), is delegated certain authorities, and responsibilities with respect to local matters consistent with Navajo Nation Laws; and
2. The White Water Community Church is a Church that will benefit all Naschitti community members & welcomes all residents of the Naschitti Community & adjacent communities; and
3. The White Water Community Church will actively seek creative ways presenting the teachings and gospel to all the people of the Naschitti community & adjacent communities; and
4. The Christian Faith is a belief that has much to offer to the Diné of the Naschitti community in counseling for troubled and despaired individuals. What the church beliefs is not that God has a special group of people that God loves more than others or that there is a culture and language among the people of the human race which God favors but instead God loves all individuals; and
5. The White Water Community Church will offer ministries of compassion for those in crisis and desperate need of the teachings of the Holy Bible which will be offered to everyone that individuals may be able to apply the principles for enhancing their wellbeing; and
6. The Mission Statement of the White Water Community Church is to share the love of God with the people of the Naschitti Community and the world is such a way that they have the best opportunities to become fully developed followers of Christ.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Naschitti Community Chapter supports & approves the request of the Mission Site Lease for the Naschitti White Water Community Church of New Mexico and to proceed with the construction of building a community church.

Naschitti Community Chapter

NAS-08-08-083

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered and moved for approval by Jim Henry and Seconded by Roger Lawless at a duly called meeting of the Naschitti Community Chapter, at which a quorum was present and that the same was passed by a vote of 24 in favor, 00 opposed, and 08 abstentions on this 11th day of August, 2008.


Hoskie Bryant, Chapter President

Mission Site Lease
For
White Water Community Church

(4) Petition of Names

March, 2019

White Water
PETITION FOR THE Full Gospel CHURCH

(1)

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

Names	Date	Witness
01. <u>Robert Yazzie, Robert Yazzie</u>	<u>3/09/08</u>	<u>Yazzie</u>
02. <u>Kristin Yazzie, Robert Yazzie</u>	<u>3/09/2008</u>	<u>Yazzie</u>
03. <u>Amber Zinke, Clinton Zinke</u>	<u>3/09/2008</u>	
04. <u>Breanna Smiley, Breanna Smiley</u>	<u>3/09/2008</u>	
05. <u>Sunny Aaron Begaye, Sunny Aaron</u>	<u>3/09/2008</u>	
06. <u>Linda Y. Smiley, Linda Smiley</u>	<u>3/9/08</u>	<u>Yazzie</u>
07. <u>Sarah Yazzie, Sarah Yazzie</u>	<u>3/9/08</u>	<u>K. Begay</u>
08. <u>Albert Yazzie, Albert Yazzie</u>	<u>3/9/08</u>	<u>K. Begay</u>
09. <u>Katherine Begay</u>	<u>3-9-08</u>	<u>Yazzie</u>
10. <u>Luan Hickey, Luan</u>	<u>3-9-08</u>	<u>Yazzie</u>
11. <u>_____</u>	<u>3-9-08</u>	<u>K. Begay</u>
12. <u>Madrey Hapine, Madrey Hapine</u>	<u>3-9-08</u>	<u>Yazzie</u>
13. <u>Shawn Begaye, Shawn Begaye</u>	<u>3-9-08</u>	<u>Yazzie</u>
14. <u>Jamell Begay, Jamell Begay</u>	<u>3-9-08</u>	<u>K. Begay</u>
15. <u>Sherry Begay, Sherry Begay</u>	<u>3-9-08</u>	<u>K. Begay</u>
16. <u>Lana Begay, Lana Begay</u>	<u>3/9/08</u>	<u>K. Begay</u>
17. <u>Sage Begay, Sage Begay</u>	<u>3/9/08</u>	<u>K. Begay</u>
18. <u>Phil C. Begay</u>	<u>3/9/08</u>	<u>K. Begay</u>
19. <u>Julian Gage</u>	<u>3/30/08</u>	<u>Yazzie</u>
20. <u>Theresa Sigalla</u>	<u>3/30/08</u>	<u>K. Begay</u>
21. <u>Travis H. Baker</u>	<u>3/30/08</u>	<u>K. Begay</u>
22. <u>Ed Allen</u>	<u>3/30/08</u>	<u>K. Begay</u>

Names	Date	Witness
23. <u>STEVE BLACK</u>	<u>3-23-08</u>	<u>K. J. Jazze</u>
24. <u>Ronan Yarric</u>	<u>3-23-08</u>	<u>K. J. Jazze</u>
25. <u>Amalia Black</u>	<u>3-23-08</u>	<u>K. J. Jazze</u>
26. <u>Berlinda Gaddy</u>	<u>3-30-08</u>	<u>K. J. Jazze</u>
27. <u>Dwanda Gaddy</u>	<u>4-5-08</u>	<u>K. J. Jazze</u>
28. <u>Phillip C. Cera</u>	<u>4-6-08</u>	<u>K. J. Jazze</u>
29. <u>Michael H. Haddy</u>	<u>4/6/08</u>	<u>K. J. Jazze</u>
30. <u>Michael H. Haddy</u>	<u>4-6-08</u>	<u>K. J. Jazze</u>
31. <u>Monique Haddy</u>	<u>4/8/08</u>	<u>K. J. Jazze</u>
32. <u>Janet H. Haddy</u>	<u>4/8/08</u>	<u>K. J. Jazze</u>
33. <u>Marie J. Stevens</u>	<u>4-27-08</u>	<u>K. J. Jazze</u>
Thumb print	<u>7/22/08</u>	<u>Sybil J. Jazze</u>
34. _____	_____	_____
35. _____	_____	_____
36. _____	_____	_____
37. _____	_____	_____
38. _____	_____	_____
39. _____	_____	_____
40. _____	_____	_____

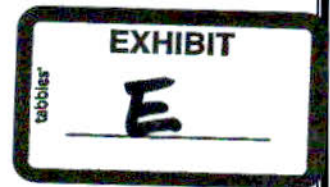
White Water
PETITION FOR THE Full Gospel CHURCH

(1)

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

Names	Date	Witness
01. <u>Georgette Henry</u>	<u>4/27/08</u>	<u>Synggie</u>
02. <u>Cory Henry</u>	<u>4/27/08</u>	<u>Synggie</u>
03. <u>Shawntay Henry</u>	<u>4/27/08</u>	<u>K. Benge</u>
04. <u>Donathan Henry</u>	<u>4/27/08</u>	<u>K. Benge</u>
05. <u>Rory Henry</u>	<u>4/27/08</u>	<u>K. Benge</u>
06. <u>Cy Henry</u>	<u>4/27/08</u>	<u>K. Benge</u>
07. <u>Corinnida Henry</u>	<u>4/27/08</u>	<u>K. Benge</u>
08. <u>Jimmy Henry</u>	<u>6-25-08</u>	<u>Synggie</u>
09. <u>Willie J. Willie</u>	<u>6/23/08</u>	<u>Synggie</u>
10. <u>Jeremy Willie</u>	<u>6/23/08</u>	<u>Synggie</u>
11. <u>Nathan Jones</u>	<u>6/23/08</u>	<u>Synggie</u>
12. <u>Joseph Benge JR</u>	<u>6/23/08</u>	<u>Synggie</u>
13. <u>James Benge</u>	<u>6/23/08</u>	<u>Synggie</u>
14. <u>James Benge</u>	<u>6/23/08</u>	<u>Synggie</u>
15. <u>Teresa Bonetokai</u>	<u>6/27/08</u>	<u>K. Benge</u>
16. <u>Phillip Doster</u>	<u>07/13/08</u>	<u>Synggie</u>
17. <u>Ernest Parklebai</u>	<u>7/13/08</u>	<u>Synggie</u>
18. <u>Celia Lahlakar</u>	<u>2/13/08</u>	<u>Synggie</u>
19. <u>Rosemary Lanie</u>	<u>7/27/08</u>	<u>Synggie</u>
20. <u>Hubert Lanie</u>	<u>7/26/08</u>	<u>Synggie</u>
21. <u>Benny Lee</u>	<u>7/27/08</u>	<u>Synggie</u>
22. <u>Charles Jones</u>	<u>7/27/08</u>	<u>Synggie</u>

	Names	Date	Witness
23.	Bart [Signature]	03/30/08	K. Benge
24.	Everett Billy	3/30/08	K. Benge
25.	[Signature]	3/30/08	K. Benge
26.	Theresa S. Benge, Sharon L. Benge	3/30/08	Syazzi
27.	Alfred Benge	3-30-08	Syazzi
28.	William Benge	3-30-08	Syazzi
29.	Andrea Japane	4-27-08	Syazzi
30.	William Japane	4-27-08	Syazzi
31.	Larry Lapko	04-27-08	Syazzi
32.	Alexander Japane	04-27-08	Syazzi
33.	[Signature]	03-23-08	Syazzi
	Thumb print		
34.			
35.			
36.			
37.			
38.			
39.			
40.			



Mission Site Lease For White Water Community Church

(1) Application

March, 2019

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

DATE:

10/01/18

White Water Community Church

(NAME OF CHURCH)

HCR 330 Box 50 Suite 4109, Tonatchi, NM 87325

(ADDRESS)

hereby makes an application for a religious site covering approximately 1.5 acres of Navajo Nation land located in Naschelli 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:

Facilities for christian faith activities, counseling,
and meetings

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

Will construct a worship building, Fellowship Hall,
Youth Ministry Hall, parking space and playground.

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

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

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

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

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

Kevin Yazzie
Authorized Agent (Print Name)

Kevin Yazzie
Authorized Agent (Signature)

HER 330 BOX 50 Suite 4109, Tohatchi,
Address NM 87325

(505) 701-6272
Phone Number

Kevin-yazzie@rocketmail.com
Email Address



Mission Site Lease
For
White Water Community Church

(2) Filing Fee

March, 2019

Sliding Fee Scale Form for Mission Site Permits

Application Information		Today's Date: <u>10/01/2018</u>	
Entity Name: <u>White Water Community Church</u>			
Mailing Address: <u>PO Box 50 Suite 4109</u>		City: <u>Tobatchi</u>	State: <u>N.M.</u>
Phone #: <u>(505) 701-6272</u>		Fax #: () <u>0</u>	Zip: <u>87325</u>
		Congregation Size: <u>75</u>	Acres requested: <u>1.5</u>

Income Information		
Source	Amount	Frequency (Circle One)
<u>Tithing / offering</u>	\$ <u>800.00</u>	Weekly <u>Monthly</u> Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
Total	\$ <u>800.00</u>	Weekly <u>Monthly</u> Yearly

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

Name (Print): Kevin Yazzie

Signature: [Signature]

Date: 10/01/2018

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.

Mission Site Lease
For
White Water Community Church

(8) Articles of Incorporation

March, 2019



NAVAJO NATION CORPORATION CODE

CERTIFICATE OF INCORPORATION

To all to Whom these Presents Shall Come, Greeting:

I, the Director of the Business Regulatory Department, DO HEREBY
CERTIFY that

THE WHITE WATER COMMUNITY CHURCH
File Number 101123

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was
on the 20th day of August, 2008 ,
authorized to transact business within the Navajo Nation as a Nonprofit Corporation.

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



IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the official seal
of the Navajo Nation Corporation Code at
Window Rock, Arizona, this 20th

day of August, 2008 A.D.

Frank A. Foy Jr.
Director, Business Regulatory Department

ARTICLES OF INCORPORATION
OF
THE WHITE WATER COMMUNITY CHURCH

KNOW ALL MEN BY THESE PRESENT:

That the Undersigned, nature person(s), acting as incorporator of a non profit Corporation under the Navajo Nation Corporation Act, hereby adopt these Articles of incorporation for the Corporation.

ARTICLE I

The name of this corporation shall be: WHITE WATER COMMUNITY CHURCH

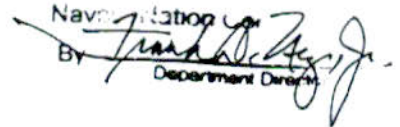
FILED

File Number 101123

AUG 20 2008

ARTICLE II

This duration of this corporation shall be perpetual.

Navajo Nation
By  Department Director

ARTICLE III

The place of business and regular office of said corporation shall be at White Water Community Church on the Navajo Nation Reservation and in said office all regular and special meetings of the church shall be held, unless of unforeseen circumstances, a different place shall be designated.

ARTICLE IV

The membership of this church shall be these persons (see second pages) who are elected by the White Water Community Church as members hereof, and for such term as said general assembly may determine.

Vacancies in the membership of said church may be filled by the church upon nomination by the Church congregation of the White Water Community Church.

Resignations by, or from, members of this church shall be addressed to, and filed with, the Secretary of said church.

ARTICLE V

The officers of this church shall consist of a President, a Vice President, Secretary, Treasurer and three members.

The officers shall be elected every 3 years by the church.

The officers shall serve until their successors have been elected and qualified.

ARTICLE VI

The annual meeting of the Board shall be held on a day fixed in the by-laws; and if no day be so provided, then on Monday following the second Sunday of January of each year.

Special meetings may be called by the President or the Secretary one week in either oral or written notice of such special meeting having first been given to each member of the church.

ARTICLE VII

The objects and purposes of this church are benevolent, charitable, educational and Christian faith, as hereinafter set forth.

The objects and purposes of this church are to disseminate the truths and Principles of the Holy Bible, and diffuse more generally the Blessings of Christian Benevolence and Charity, Christian education and the Christian religion, throughout the Navajo Indian Reservation in connection with the church of the White Water Community Church by:

The establishment, support, and promotion of missionary work, such as churches, evangelism, and whatever may be necessary to conduct church activities;

The promotion of aggressive evangelism, to inspire zeal in soul winning through intercessory prayer, personal evangelism, and the distribution of literature, and whatever else may be necessary for the Conduct of spreading the word of God;

The establishment and support of publishing house for the purpose of printing and disseminating gospel literature for the spread of the doctrines and truths of the Christian religion as held and taught by the church of the White Water Community Church, and the doing and performance of any other acts which may be necessary to the conduct of business of the publication arm of this corporation;


The supervision of Sunday schools and Sunday school work at the Church of the White Water Community Church, is to promote religious education through the study of the Holy Bible, the training of Sunday school teachers and workers, the organization of Sunday schools, and the establishment of standards of efficiency and the performance of any other acts which may be necessary to conduct said business;


And, the supervision of the work of young people in the Church of the White Water Community Church, shall promote the welfare by the study of the Holy Bible, instruction in the doctrines of the Church, training of young people in the work of the church, the organization of young people's Societies, and the direction and superintendence of young people's activities, and the performance of Any other acts which may be necessary to the conduct of young people's ministries:

ARTICLE VIII

The White Water Community Church agrees to abide by all criminal, civil and regulatory laws of the Navajo Nation. (Sections 3332, 3107(a) (10)).

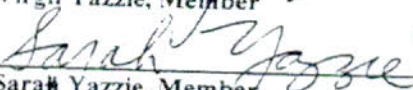

Kevin Yazzie, (Pastor) President



Bryan Smiley, Vice President


Linda Smiley, Secretary


Kristin Yazzie, Treasurer


Virgil Yazzie, Member


Sarah Yazzie, Member


Katherine Begay, Member

ACKNOWLEDGMENT OF THE REGISTERED AGENT

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

Kevin Yazzie
(Signature of Registered Agent)

(Address of Registered Agent -The address must be an exact street address. If there is no street address, a map must be included on exact location of Registered Agent.)

STATE OF New Mexico

COUNTY OF McKinley

The foregoing instrument was acknowledged by Kevin Yazzie, Registered Agent for White Water Community Church before me this 13 day of Aug., 2008.

Christa DeFleeter
(Notary Public)

My Commission Expires: 12-17-2008





Mission Site Lease
For
White Water Community Church

(10) Cultural,
Historical/Archaeological

March, 2019

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

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

NNHPD NO. HPD-08-780
OTHER PROJECT NO. _____
DCRM 2008-77

PROJECT TITLE: A Cultural Resources Inventory of the Proposed White Water Community 1.50-Acre Church Site in Naschitti, San Juan County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Kevin Yazzie, PO Box 4199, Gallup, New Mexico 87305

PROJECT DESCRIPTION: The proposed undertaking will involve the development of a church along with the installation of associated facilities/utilities within the 1.5-acre lease area. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Tribal Trust

CHAPTER: Naschitti

LOCATION: T21N, R17W - Sec. 2; Naschitti Quadrangle, San Juan County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: Clifford Werito
NAVAJO ANTIQUITIES PERMIT NO.: B08506

DATE INSPECTED: 09/08/08

DATE OF REPORT: 09/09/08

TOTAL ACREAGE INSPECTED: 1.5-acre

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 10 m apart.

LIST OF CULTURAL RESOURCES FOUND:	None
LIST OF ELIGIBLE PROPERTIES:	None
LIST OF NON-ELIGIBLE PROPERTIES:	None
LIST OF ARCHAEOLOGICAL RESOURCES:	None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

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

FORM PREPARED BY: Tamara Billie
FINALIZED: September 23, 2008


Notification to

Proceed Recommended:

Yes ☒ No ☐

Conditions:

Yes ☐ No ☒


Alan S. Downer, Navajo Nation
Historic Preservation Officer

10-2-08
Date

Navajo Region Approval:

Yes ☒ No ☐


Acting Regional Director

10/21/08
Date

30 10/14/08

Dinétahdóó Cultural Resources Management

P.O. Box 2012 • Farmington New Mexico 87499
Telephone #: 505-598-9478 • Fax #: 505-598-9485 • dinetahdoo@yahoo.com

September 9, 2008

Mr. Kevin Yazzie,
P.O. Box 4199
Gallup, New Mexico, 87305

RE: Submission of the Cultural Resources Inventory Report: DCRM 2008-77; A
Cultural Resources Inventory of the Proposed White Water Community 1.50-Acre Church
Site in Naschitti, San Juan County, New Mexico.

Dear Mr. Yazzie,

Enclosed is a copy of the Dinétahdóó Cultural Resources Management's survey report DCRM 2008-77.

No significant cultural resources were located within the proposed church site; therefore archaeological clearance is recommended for the proposed undertaking within the 1.50 acre area.

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

Please call me if you have any questions regarding this report or any other questions regarding the review process or invoice. I can be contacted at (505) 598-9478

Sincerely,



Clifford Werito, Archaeologist

Chrono 2008: 228
Project files

Dinétahdóó Cultural Resources Management

P.O. Box 2012, Farmington, NM 87499

Telephone: (505) 598-9478 Fax (505) 598-9485 email: dinetahdoo@yahoo.com

Old Headstart Building Navajo Route 36 (N36), Upper Fruitland, NM

Type of Project:

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

Date of Request: 9/3/08

Client Name(s): Kevin Yazzie

Telephone Number or Contact Telephone Number: (505) 306-1722

Mailing Address: P.O. Box 4199

Gallup, NM 87305

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

Approximately 4.4 miles East of Naschitti Public School, Route N69.

Project Description: 1.5 acre Arch Barney

Type of Payment: Cash

*Notes

Payment Amount: 429.00

Receipt No.: 646898

Client Signature: Kevin Yazzie

Date: 09/03/2008

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: Bern March

Date: 9/3/08

Comments & Questions: _____

Date of Completion: _____

RECEIPT

date 9 / 3 / 08 No. 646898

received from White Water Com. Church 429⁰⁰
amount Four hundred twenty nine ⁰⁰/₁₀₀

for payment of 1.5 acre Church & Site Survey
☐ cash ☐ money order ☐ credit card ☐ check #

amount due	<u>429⁰⁰</u>
amount paid	<u>429⁰⁰</u>
balance	<u>0</u>

from to
signature Brian Mackin
42SWS

CULTURAL RESOURCES INVENTORY REPORT DOCUMENTATION PAGE (HPD Jan/91)

1. HPD REPORT NO:	2. (FOR HPD USE ONLY)	3. RECIPIENT'S ACCESSION NO.			
4. TITLE OF REPORT: A Cultural Resources Inventory of the Proposed White Water Community 1.50-Acre Church Site in Naschitti, San Juan County, New Mexico. Author (s): Clifford Werito		5. FIELDWORK DATES: September 8, 2008 6. REPORT DATE: September 9, 2008			
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin and Loretta Chavez Org. Name: Dinétahdóó CRM Org. Address: P.O. Box 2012 Farmington, NM 87499 Phone: (505) 598-9478 or (505) 598-9485		8. PERMIT NO.: BO8506 9. CONSULTANT'S REPORT NO.: DCRM 2008-77			
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Kevin Yazzie Org. Name: (Private Individual) Org. Address: PO Box 4199 Gallup, New Mexico 87305 Phone: (505) 306-1722		11. SPONSOR'S PROJECT NO.: None 12. AREA OF EFFECT: 1.50 ac. (0.60 ha.) AREA SURVEYED: 1.50 ac. (0.60 ha.)			
<table style="width:100%; border: none;"> <tr> <td style="width:40%; vertical-align: top;"> 13. LOCATION (MAP ATTACHED) a. Chapter: Naschitti b. Agency: Fort Defiance c. County: San Juan d. State: New Mexico </td> <td style="width:60%; vertical-align: top;"> e. Land Status: Tribal Trust f. UTM: Zone 12, 3994995N, 0713711E g. Legal Description: SW¼, Section 2, T21N, R17W, N.M.P.M. h. USGS 7.5' Maps: Naschitti, New Mex., 1966. </td> </tr> </table>			13. LOCATION (MAP ATTACHED) a. Chapter: Naschitti b. Agency: Fort Defiance c. County: San Juan d. State: New Mexico	e. Land Status: Tribal Trust f. UTM: Zone 12, 3994995N, 0713711E g. Legal Description: SW¼, Section 2, T21N, R17W, N.M.P.M. h. USGS 7.5' Maps: Naschitti, New Mex., 1966.	
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14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT // a. Description of Undertaking: See Supplemental Sheet b. Area of Environmental & Cultural Setting: See Supplemental Sheet c. Existing Data Review: See Supplemental Sheet d. Field Methods: See Supplemental Sheet					
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: No cultural resources were identified during the survey. b. Evaluation of Significance of Each Resource: N/A					
16. MANAGEMENT SUMMARY (RECOMMENDATION): Archaeological clearance is recommended for the development of the proposed White Water Community Church Site, since no cultural resources were identified within the surveyed area.					
<table style="width:100%; border: none;"> <tr> <td style="width:20%; vertical-align: top;"> 17. CERTIFICATION: </td> <td style="width:50%; vertical-align: top;"> SIGNATURE: <u>Loretta Chavez for</u> General Charge Name: Rena Martin, Archaeologist SIGNATURE: <u>Clifford Werito</u> Direct Charge Name: Clifford Werito, Archaeologist </td> <td style="width:30%; vertical-align: top;"> Date: <u>9-9-08</u> Date: <u>9-9-08</u> </td> </tr> </table>			17. CERTIFICATION:	SIGNATURE: <u>Loretta Chavez for</u> General Charge Name: Rena Martin, Archaeologist SIGNATURE: <u>Clifford Werito</u> Direct Charge Name: Clifford Werito, Archaeologist	Date: <u>9-9-08</u> Date: <u>9-9-08</u>
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14. REPORT:

- a. **Description of Undertaking:** The client is proposing to construct and develop a church within the 1.50 acre (0.60ha.) survey area. Construction may include ground leveling, trenching, installing an electrical powerline and sanitation facilities, the placement of associated structures, paving of a parking lot, and fencing.
- b. **Area of Environmental & Cultural Setting:** The project area is located within the community of Naschitti, New Mexico on Tribal Trust Lands in the Fort Defiance Agency. The proposed Church site of White Water Community is located approximately 4.0 miles (6.4 km) east of Naschitti Chapter House and 800 feet (243.8 m) northwest of Naschitti Wash. The project area is accessible by two track roads leading off Navajo Road 69 (See Figure 1). The elevation is approximately 5690 ft (1,734.3 m) above mean sea level.

The project area is located on a southeast facing slope and overlooking the Naschitti Wash to the Southeast. The surface sediments consist of aeolian loamy sandy deposits. Vegetation in the project area consists of bunch grass, shadscale, and Russian thistle. Vegetation coverage is approximately 20-percent. The project area is located on undeveloped open lands.

Naschitti. The Navajo name for Naschitti is *Nahashch'idii* ("Badger"). The Chapter is located in the eastern quadrant of the Navajo Nation and is about forty miles north of Gallup, New Mexico. The Naschitti community was founded and established in 1893. The name originates from a badger that was digging for shelter or for food, but instead dug up water. People made a well out of the badger's discovery and have gotten drinking water from it for years. The first trading post in Naschitti was built around 1915 about one half mile south of the present store. (LSR Innovations: 2004)

- c. **Existing Data Review:** Prior to field work, a records check was conducted at the Navajo Nation Historic Preservation Department's (NNHPD) office in Window Rock, Arizona. The records indicate that one previous survey was been conducted within a 300 ft (91.44 m). This previous survey is NNHPD No. 02-852. No cultural resource was identified during the survey.

A check of Van Valkenburgh (1974) indicates that the closest sacred place is Chuska Peak (Ch Ooshgail/White Colored Spruce Trees) located approximately 12 miles (19.3 km) to the west

- d. **Field Methods:** On September, 2008, Clifford Werito conducted a field inventory of cultural resources on the proposed church lease site. All four corners of the survey site were located. The project area measures 206.08 (62.8m) by 316.33 ft (96.4m). The project area was surveyed by walking parallel transects spaced no more than 10 ft apart with no buffer zone added. In all, a total 1.50-acre (0.60ha.) was surveyed.

In accordance with NNHPD guidelines, the project archaeologist was to conduct an interview in effort to obtain information regarding local traditional cultural properties (TCPs) and unmarked burials in the area. Kevin Yazzie was interviewed in English; he did not know of any TCPs or unmarked burials.

REFERENCES:

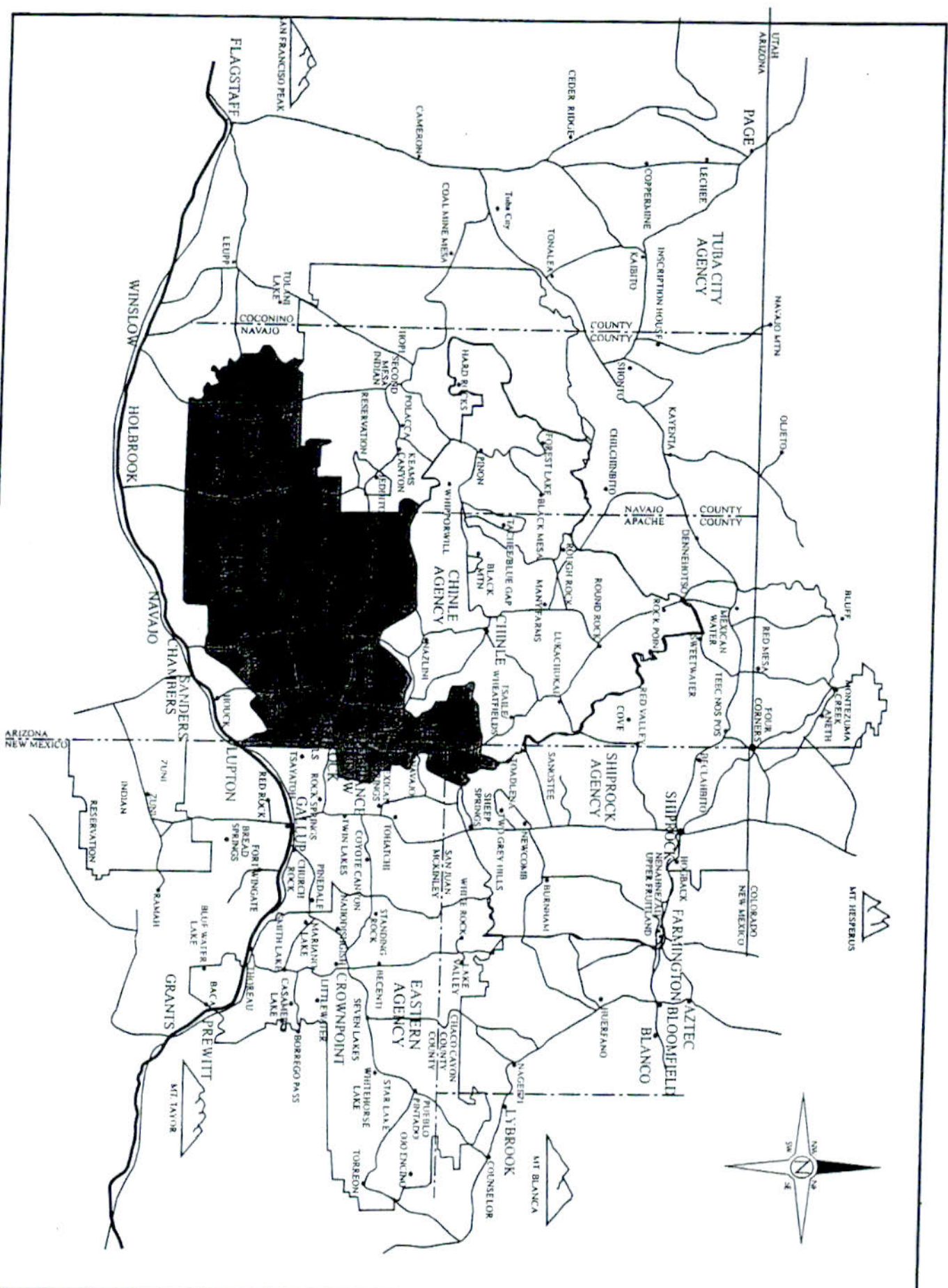
LSR Innovations

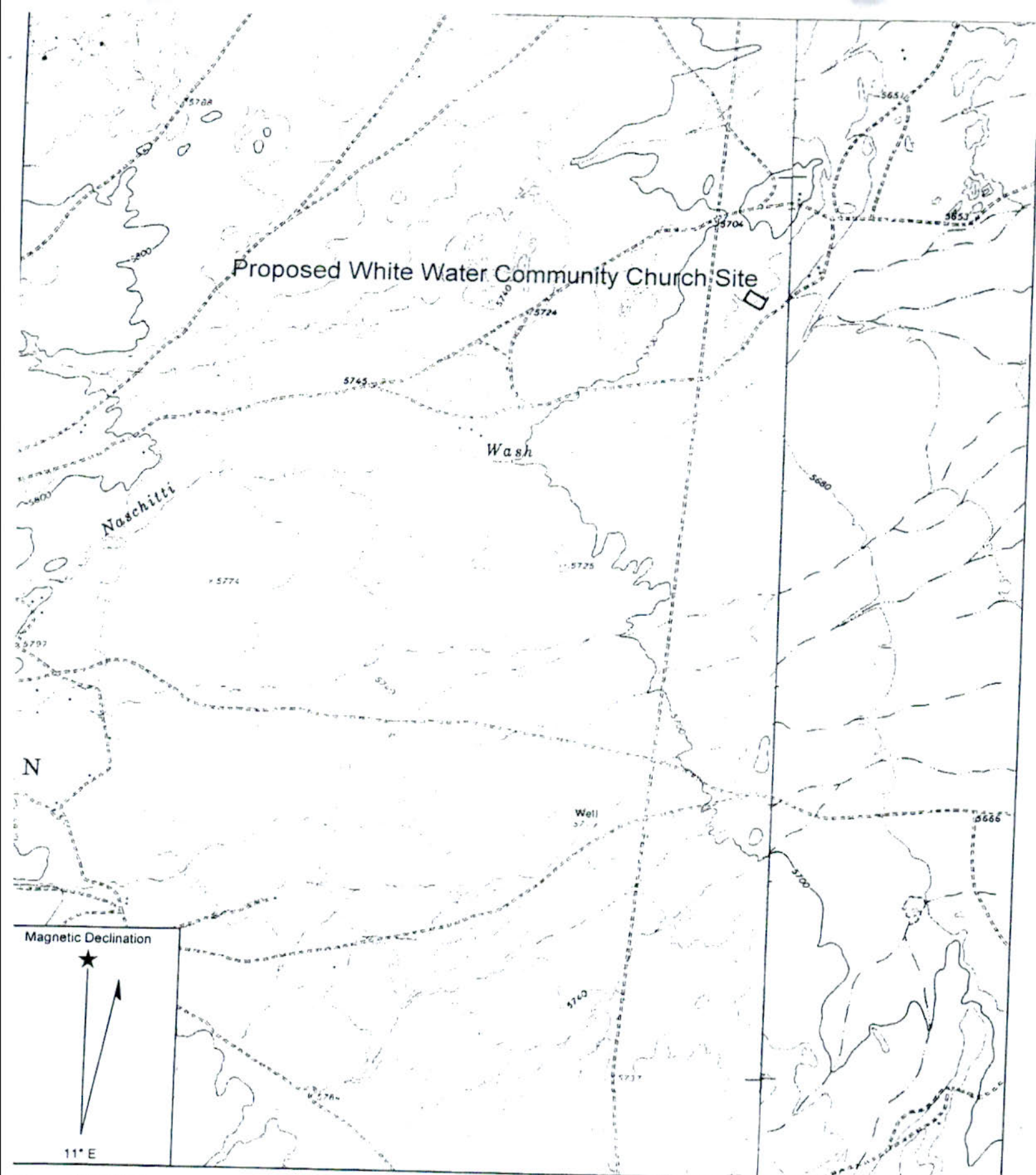
2004 Chapter Images: 2004 Edition; edited by LSR Innovations for the Division of Community Development. Window Rock, Arizona.

Van Valkenburgh, Richard F.

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

Figure 1. General Project Location Map (DCRM 2008-77).





Name: NASCHITTI
Date: 9/9/2008
Scale: 1 inch equals 2000 feet

Location: 12 0712627 E 3993408 N NAD 27
Caption: Figure 2: Map showing project area. T21N, R17W, Section 2
(DCRM 2008-77).

Mission Site Lease
For
White Water Community Church

(11) Environmental Assessment
Report

March, 2019



United States Department of the Interior

Bureau of Indian Affairs
Navajo Region
P. O. Box 1060
Gallup, New Mexico 87305



MC 620: Division of Environmental, Cultural & Safety Management

AUG 12 2009

Ms. Cassandra Gould
Environmental Scientist
Nelson Consulting, Inc.
600 Reilly Avenue
Farmington, New Mexico 87401

Dear Ms. Gould:

The Environmental Assessment (EA), EA-09-106, for the proposed White Water Community Church Missionary Site with Associated Facilities, on approximately 1.5 acres of Navajo Tribal Trust land near Naschitti, San Juan County, New Mexico, has been reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. Mr. Kevin Yazzie proposes to obtain a revocable use permit to develop a missionary site with associated facilities on undeveloped land adjacent to a residential site. The proposed project will consist of clearing the proposed project area, leveling the ground, trenching, installing electric lines, water lines and sanitation facilities, constructing associated structures, paving a parking lot and driveway and fencing the site. The operator has sought applicable clearances from various agencies, i.e., driveway permit, utility clearance, etc. The proposed missionary site is located approximately four miles east of Naschitti, New Mexico. A Finding of No Significant Impact (FONSI) has been determined for the proposed action. It will not have a significant impact on the quality of the natural and human environment. An environmental impact statement for the proposed project is not required.

If you have questions, you may contact Ms. Harilene J. Yazzie, Regional NEPA Coordinator, at (505) 863-8287.

Sincerely,

Regional Director, Navajo

Enclosure

cc: Kevin Yazzie, P.O. Box 4199, Gallup, New Mexico 87305

**FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT DOCUMENT, EA-09-106
WHITE WATER COMMUNITY CHURCH MISSIONARY SITE WITH ASSOCIATED
FACILITIES**

KEVIN YAZZIE

**Location: Naschitti, NM, Quadrangle, USGS 7.5 Minute Series Map
SW ¼, Section 2, T21N, R17W, NMPM
Naschitti Chapter, San Juan County, New Mexico**

The proposed action is approval, by the Bureau of Indian Affairs, of a Revocable Use Permit for development of a 1.5-acre tract of Navajo Tribal Trust land as a church site. Mr. Kevin Yazzie proposes to develop a missionary site with associated facilities on undeveloped land adjacent to a residential site. The proposed project will consist of clearing the proposed project area, leveling the ground, trenching, installing electric lines, water lines and sanitation facilities, constructing associated structures, paving a parking lot and driveway and fencing the site. The operator shall seek applicable clearances from various agencies, i.e., access permits, utility clearances, etc. The proposed missionary site is located approximately four miles east of Naschitti, New Mexico. The project is sponsored by Kevin Yazzie, P.O. Box 4199, Gallup, New Mexico 87305.

The project environmental assessment (EA) was reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. Based on the environmental assessment and the mitigation measures specified in the document, it is determined that the proposed action will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be required.

The following references, incorporated in the environmental assessment, serve as the bases for this decision:

1. Agency and public involvement was solicited. Environmental issues relative to the proposed project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed and "no action" alternatives.
3. In compliance with the Endangered Species Act of 1973, informal consultation was held with the Navajo Nation Department of Fish and Wildlife (NNDFW), Natural Heritage Program (NHP). The NNDFW provided a list of species of concern known to occur within three miles of the proposed project site and with the potential to occur on the *Naschitti, NM, USGS 7.5-Minute Quadrangle* containing the project boundaries. The proposed project area is an *Area 3: Low Sensitivity Wildlife Resources Zone* (October 24, 2008, letter from the NNDFW). NCI conducted a pedestrian field survey of the proposed action area on September 24, 2008. The survey consisted of ten-foot, parallel transects within the entire proposed project area and a ten-foot buffer zone around the entire project area. Binoculars were used to survey the project area and vicinity for raptors and raptor nests. All plants, animals, and animal sign and habitat observed

within the action area were recorded. The proposed action area represents potential foraging and nesting habitat for Ferruginous hawk and Mountain plover and potential habitat for the Mesa Verde cactus. However, none of these species were observed within or surrounding the proposed action area during the survey. No impacts to any Federal or Tribal TES species are expected from the proposed action (EA-Appendix A-T&E Species Survey Report). The NNDFW issued Biological Resources Compliance Form (BRCF), NNDF & WL Review No. 031309A indicating Compliance with Tribal and Federal laws protecting biological resources (EA-Appendix E-BRCF).

4. Potential impacts to floodplains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990 respectively. The proposed project area does not contain any wetlands, seeps, springs or riparian areas (EA, Part 3.2.1).

5. Water Resources- the Naschitti Wash is approximately 0.25 miles south of the proposed action area and is the nearest water source within the area (EA, Part 3.2.1.). Sedimentation, resulting from both wind and water erosion, would be realized down-gradient of the proposed action until successful vegetation has established. This may increase sedimentation into the Naschitti Wash and nearby drainages. Low impacts to water quality would be expected for the short term and long term. Long term impacts to surface hydrologic quality and quantity would be low (EA, Part 4.2.).

6. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 and 36 CFR 800.9 (b), a cultural resources inventory of the proposed project area was conducted by Dinétahdóó Cultural Resources Management (DCRM). The Navajo Nation Historic Preservation Department (NNHPD) issued Cultural Resources Compliance Form (CRCF), NNHPD No.HPD-08-780 indicating "No historic properties affected" (EA, Appendix B, CRCF).

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.

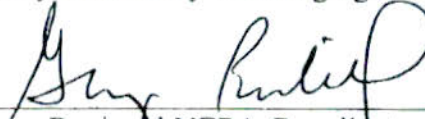
7. RCRA, Subtitles C and D, Hazardous and Non-Hazardous Solid Waste- no RCRA Subtitle C hazardous waste sites occur on the proposed church site or adjacent to it. No hazardous materials will be used on the project site. Hazardous substances that may be found at the site may include copper wire and acids/gels (corrosives), oil, fuel, hydraulic fluid and coolants associated with vehicles (EA, Part 3.9.1 & Appendix D-Photographs). Non-hazardous solid waste generated at the proposed project area, if any, will be stored in appropriate containers and disposed at an approved facility on an as-needed basis (EA, Part 3.9.2.).

8. Community Infrastructure – utilities in the Naschitti Chapter area are provided by the Navajo Tribal Utility Authority (NTUA). NTUA issued a utility clearance letter to the project sponsor, who will work with the NTUA to obtain the utilities (EA-Appendix E-March 18, 2009, Letter from the NTUA to Mr. Yazzie). A septic system may be used for sewer disposal. If a sewer lagoon is decided upon, Mr. Yazzie will work with the NTUA (EA, Part 4.8).

9. Cumulative and secondary effects on soil, water, air, noise, vegetation, cultural resources, and wildlife resources (species and habitat) were considered, and the proposed mitigation measures were found to be acceptable.

10. In accordance with Executive Order 12898 on Environmental Justice, impacts to minority and low-income populations and communities have been considered by the Regional NEPA Coordinator, as have impacts to Indian Trust Resources.

The proposed action will provide the White Water community residents with a permanent facility where they can congregate for religious services and other church/community activities.


Regional NEPA Coordinator

8/11/09
Date



THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY

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



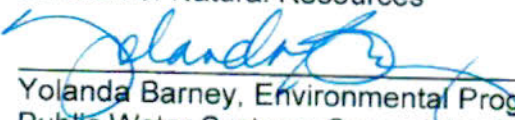
Russell Begaye
President

Jonathan Nez
Vice President

October 17, 2018

MEMORANDUM

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

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

SUBJECT: DOCUMENT No. 011271

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 011271, White Water Community Church Mission Site in Naschitti, New Mexico. This application for mission site will include a worship building, fellowship hall, youth ministry hall, parking space and playground on a 1.5 acre lot and will require water and wastewater infrastructure. PWSSP recommends conditional approval of this document.

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

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

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

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA
PWSID#NN3500268
PWSID#NN35140010



THE NAVAJO NATION

RUSSELL BEGAYE - **PRESIDENT**
JONATHAN NEZ - **VICE PRESIDENT**

Navajo Nation Environmental Protection Agency - Air & Toxics Department
P.O. Box 339 Window Rock, AZ 86515 • Bldg # 2318 Window Rock Blvd.
Tel: 928.871.6790 Fax: 928.871.6757

October 29, 2018

MEMORANDUM

TO: Navajo Land Title Data System

FROM: 
Eugenia Quintana, Environmental Department Manager
Air & Toxics Department

SUBJECT: **Document No. 011271, White Water Community Church Mission Site**

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

The Terms and Conditions provide that the permittee will abide by all laws and regulations of the Navajo Nation including ensuring air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.

Attention is directed to the Navajo Nation Open Burn Regulations. The regulations prohibit open burning of household waste, unless the burning is an exempted activity defined in the regulations. The Applicant should become familiar with §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Given that there is an inadequate network of solid waste disposal facilities on the Navajo Nation, instances of open burning often coincide with open dumping, which is also prohibited on the Navajo Nation. In the event that the White Water Community Church will utilize open burning in its related activities, the permittee should become familiar with activities for which burn registrations should be pursued.

I can be contacted directly at 871-7800 or at eugeniaquintana@navajo-nsn.gov if there are any questions in this regard. Thank you.



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE
INDIAN HEALTH SERVICE

Navajo Area Indian Health Service
GALLUP INDIAN MEDICAL CENTER
516 East Nizhoni Boulevard
P.O. Box 1337
Gallup, New Mexico 87301-1337

Office of Environmental Health

October 6, 2008

Kevin Yazzie, Owner
White Water Community Church
P.O. Box 4199
Gallup, NM 87305

Dear Mr. Yazzie,

On September 24, 2008, Mr. Wayne Hall, District Sanitarian and Delores Loretto, Environmental Health Specialist, evaluated the land where the proposed church building for the White Water Community Church is to be constructed. The purpose of the land evaluation was to evaluate the sanitary requirements for the structure. The proposed church construction site is located approximately three mile east of the Naschitti Chapter route 69 east of the route 491 right of way. The exact location of the proposed construction site was determined from your map.

Electricity-The site is accessible to a single-phase power line less than 100 feet away.

Water-No water is currently provided to the site. Water lines for the church must be paid for by the organization. IHS will not be able to assist in the construction of the individual water line for the church. Federal law requires that 86-121 projects serve only homes.

Sewage-No sewer lines are currently available to the location. On-site sewage disposal is possible in the space provided at the site. A sand filtration sewage disposal system is recommended due to the high clay content of the soil at the site.

Flooding-The site is not subject to flooding.

This site will be appropriate for construction of a church as soon as water is provided to the location.

Please feel free to disseminate this correspondence to any appropriate organizations or persons necessary for the development of this construction project. Should you have any questions, please give me a call at (505) 722-1708.

Sincerely,

Delores Loretto
Environmental Health Specialist
Gallup Service Unit

Concurrence by:

Wayne Hall, MPH, REHS
District Sanitarian
Gallup/Crownpoint Service Units

xc: Arlene Touchin, Program Manager, RBDO, P.O. Box 663, Window Rock, AZ
Arthur Hubbard, Sr. Economic Development Spec., Ft. Defiance RBDO, P.O. Box 663, Window Rock, AZ
DEHS, OEHE, NAIHS
File: Sanitary Clearance/Correspondence

**A SURVEY FOR THE THREATENED,
ENDANGERED AND NAVAJO SENSITIVE SPECIES**

For the:

Proposed White Water Community Church
Missionary Site

SAN JUAN COUNTY, NEW MEXICO

Prepared By:

Nelson Consulting, Inc
Farmington, NM

Prepared for:

Kevin Yazzie
Naschitti, NM

November 2008

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EXECUTIVE SUMMARY

In September of 2008, Mr. Kevin Yazzie retained Nelson Consulting, Inc. to conduct a threatened/endangered/sensitive species survey for the proposed White Water Community Church missionary site. The project is located on Navajo Nation Tribal Trust lands within the boundaries of the Navajo Nation, in San Juan County, New Mexico. The purpose of the survey was to comply with the Endangered Species Act of 1973, as amended, and the Navajo Nation code requirements for endangered species (17NNC507). No threatened, endangered, or sensitive species, or designated critical habitats of listed species, were found during the field investigation of the proposed action area. The area does contain potential raptor foraging habitat and potential nesting habitat. Threatened, endangered, and sensitive species clearance is recommended for the proposed project.

PROJECT DESCRIPTION

Mr. Kevin Yazzie, located in Naschitti, New Mexico, 87325, retained Nelson Consulting Inc. (NCI) to conduct a threatened, endangered, sensitive species (TES) survey for the proposed White Water Community Church missionary site.

The maximum disturbance associated with the proposed action would be approximately 1.50 acres. The proposed project would consist of clearing the proposed project area (PPA) and constructing a missionary site and associated facilities. Survey plats describing the dimensions of the proposed project are located in Appendix A. The purpose of this project is to provide religious services within San Juan County

The purpose of the TES species survey was to comply with the Endangered Species Act of 1973, as amended, and the Navajo Nation code requirements for endangered species (17NNC507). Navajo Nation code requirements for endangered species are enforced by the Navajo Natural Heritage Program (NNHP), Department of Fish and Wildlife (DFW). Other laws, such as the Migratory Bird Treaty Act (MBTA) and the Eagle Protection Act (EPA), also protect sensitive biological resources. The objectives of the survey were to compile a list of federal or tribal TES species, including species of concern, potentially occurring in the PPA; to provide a physical and biological description of the proposed action area; to determine the presence of federally or tribally listed TES species and/or critical habitat in the proposed action area; to assess potential impacts the proposed project may have on TES species or critical habitat present in the proposed action area; and to determine the presence of any invasive weed species in the proposed action area.

LOCATION

The missionary site is proposed to be developed in the San Juan Basin of northern New Mexico, approximately four (4) miles east of Naschitti, New Mexico. The project is located on Navajo Nation Tribal Trust Lands. More specifically, the PPA is located within:

SW¼, Section 02
Township 21 North, Range 17 West
New Mexico Principal Meridian, San Juan County, New Mexico

The missionary site is at 5,685 mean feet above sea level. The project is located on the Naschitti and Grey Hill Springs, United States Geological Survey (USGS) 7.5 Minute Quadrangle map (see Appendix A, Figure 2). Construction is proposed for spring of 2009. The GPS coordinates at the proposed missionary site are:

Kevin Yazzie
Proposed White Water Community Church
Missionary Site

AFFECTED ENVIRONMENT

Most of northwestern New Mexico is contained within the Colorado Plateau, with the San Juan Basin being the dominant feature. The primary topographic features of the San Juan Basin are broad mesas and plateaus, interspersed with deep canyons and dry washes. The Basin drains into the Colorado River via the San Juan River, which is fed by the La Plata, Animas, and the Los Piños Rivers.

Surface geology and stratigraphy of the proposed project is comprised of the Menefee Formation. The Menefee Formation is also present at Mesa Verde National Park, and is named for Menefee Mountain near the park. The Menefee consists of interbedded claystone, carbonaceous siltstone, and coal beds, and ranges in thickness from 400 to over 1000 feet. Depositional environments include nearshore marine and fluvial environments, with swamp areas producing coal beds.

The PPA is located on a relatively flat area with cobblestones. Sandstone outcrops are located in the northwest of PPA. The PPA is adjacent to Naschitti Wash, which would constitute a perennial water source. The Naschitti Wash is located approximately 0.25 miles south of the proposed action area. Ground water supplies are moderately deep and very limited.

The Soil Conservation Service (now the Natural Resource Conservation Service [NRCS]) has surveyed the soils in the proposed action area. Complete soil information is available in the Soil Survey of Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona and McKinley and San Juan Counties, New Mexico, developed by the United States Department of Agriculture, NRCS. Soils of the proposed action are mapped as the Notal-Jocity family complex, 0-2 % slopes. Soils of this map unit are located at elevations between 5,800 to 6,500 feet. The unit is 50% Notal, 0 to 2% slopes and 40% Jocity family, 0 to 2% slopes.

- Notal soils are formed from stream alluvium derived from sandstone and shale. No single profile is typical, but the profile commonly observed is clay loam at approximately 0 to 3 inches, clay at 3 to 38 inches, silty clay loam at 38 to 45 inches, and clay at 45 to 60 inches. Permeability is slow, and this soil type is well drained. Effective rooting depth is more than 80 inches. Runoff is high. The available water capacity is high.
- Jocity family soil is well drained. It is found in flood plains on valley floors, and parent material is stream alluvium derived from sandstone and shale. The typical profile consists of loam at 0 to 4 inches, clay loam at 4 to 9 inches, sandy clay loam at 9 to 15 inches, clay loam at 15 to 20 inches, loam at 20 to 27 inches, fine sandy loam at 27 to 48 inches, and silt loam at 48 to 60 inches. Permeability is moderately high with high available water holding capacity. Effective rooting depth is 80 inches or more.

Vegetation within the proposed action area consists of small shrubs and bunch grass communities. Dominant flora observed in the area surrounding existing disturbance consisted of spiny shadscale (*Atriplex confertifolia*) and broom snakeweed (*Gutierrezia sarothrae*). Grass species included cheatgrass (*Bromus tectorum*), alkali sacaton (*Sporobolus aeroides*), and galleta (*Pleuraphis jamesii*). Several forb species also occur in the area. Ground cover (including litter) varies from approximately 15% to 20% within the proposed action area.

No unique vegetation such as cottonwoods or willows is found within the proposed action area. No federal or State of New Mexico listed noxious/invasive weeds were observed during the on-site inspection of the proposed action area. Plant species observed within the proposed action area are listed in Appendix B.

Wildlife potentially occurring in the PPA includes a variety of mammals, birds, and reptiles common to the San Juan Basin. The PPA provides potential raptor foraging habitat; however, no raptors or signs thereof were observed during the survey. According to the BLM-FFO's latest geographic information system (GIS) raptor nest data, no active or historic raptor nests have been recorded within 1/3-mile of the PPA. Appendix C provides a list of fauna observed within the PPA.

According to the NHP-DFW species data list for the PPA is located in Area 3: Low Sensitivity Wildlife Resources. This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on "islands" of habitat, but islands are relatively small, limited in number and well spaced across the landscape. However, the NHP-DFW has recognized that the area within Area 3 may not be completely surveyed for the potential occurrence of sensitive species of habitat.

THREATENED AND ENDANGERED SPECIES

Threatened and Endangered Flora

In following the guidelines of the Endangered Species Act of 1973, as amended, and Navajo Nation code requirements, NCI consulted with the NHP-DFW to determine TES flora species with potential to occur in the PPA. NHP-DFW Species of concern include species that are listed as protected, candidate, or rare by the NHP-DFW or by the United States. According to the NHP-DFW, one (1) NHP-DFW flora species of concern has the potential to occur in the PPA: Mesa Verde cactus, which is known to occur within three miles of the PPA (Appendix D). This species is described in Table 1.0 below. During a field survey of the PPA on 24 September 2008, Cassandra Gould, an NCI biologist, observed no flora species of concern.

Threatened and Endangered Fauna

Three NNHP fauna species of concern have the potential to occur in the Naschitti, NM 7.5-minute quadrangle (Attachment D). Of these species, one (1) is federally listed (Mountain Plover). These species are described in Table 1.0 below. During a field survey of the PPA on 24 September 2008, Cassandra Gould, an NCI biologist, observed no listed (NNHP-NDFW or federal) fauna species or signs thereof.

Species Eliminated From Detailed Evaluation

Listed in Table 1.0 are TES Fauna species that are known to or have the potential to occur in the proposed action area. The table also provides specific reasons for elimination of species from detailed evaluation.

Table 1.0: Navajo Endangered Species List (NESL) Flora and Fauna with the Potential to Occur in the General Region of the Proposed Project Area

Species Name	Status	Habitat	Potential to Occur Within PPA
PLANTS			
Mesa Verde Cactus (<i>Sclerocactus mesae-verdae</i>)	NESL ^a Group 2; ESA ^b Threatened	Sparsely vegetated, low, rolling, clay hills formed from Mancos or Fruitland shale formations at 1500-1700 m (4900-5500 ft); prefers soils that are highly alkaline, gypsiferous, and vertic	Elevation 5685 ft. but no sparsely vegetated, low, rolling, clay hills within PPA; no Mancos or Fruitland shale formations within PPA (see discussion below)
BIRDS			
Ferruginous Hawk (<i>Buteo regalis</i>)	NESL Group 3; MBTA ^c	Nests on ground in grassland areas, on badland outcrops, small buttes, cliffs, or H-frame powerline structures	Potential foraging habitat within PPA; potential nesting habitat in surrounding bluffs (see discussion below)
Mountain Plover (<i>Charadrius montanus</i>)	NESL Group 4; MBTA;ESA proposed threatened	Flat to mildly sloping grassland, semi-desert, or badland areas with sparse vegetation and large bare areas	Potential foraging habitat within PPA; potential nesting habitat in surrounding badland area (see discussion below)
MAMMALS			
Kit Fox (<i>Vulpes macrotis</i>)	NESL Group 4	Dens excavated in desert scrub or desert grasslands with alluvial or silty-clay soils	Potential habitat within PPA; however, no sign of dens

^aNavajo Endangered Species List (NESL):

Group 1: Species or subspecies that no longer occur on Navajo Land

Group 2: "Endangered" species or subspecies that are in danger of being eliminated from all or a significant portion of their ranges on the Navajo Nation

Group 3: Species or subspecies that are considered likely to become endangered throughout all or a significant portion of their ranges on the Navajo Nation within the foreseeable future

Group 4: Species or subspecies for which NDFW does not currently have sufficient information for inclusion in Group 2 or 3, but which are being considered

^bESA: Federal Endangered Species Act

^cMBTA: Migratory Bird Treaty Act

Species Warranting Detailed Evaluation

According to the NNHP, four (4) NHIP-DFW listed flora and fauna species have the potential to occur in the general region of the PPA. This includes one flora species which is known to occur within three miles of the location. Habitat present within and immediately surrounding the PPA provides potential habitat for two of the listed fauna species. The species with potential to occur in the PPA are discussed below:

Mesa Verde Cactus (*Sclerocactus mesae-verdae*)

Navajo/Federal Status: NESL group 2: ESA Threatened

Habitat: Occurs on sparsely vegetated, low, rolling, clay hills formed from Mancos or Fruitland shale formations at 1500-1700 m (4900-5500 ft). This species prefers soils that are highly alkaline, gypsiferous, and vertic.

Evaluation: The elevation of the PPA (5585') is near to the range of this species. However, the geology of the area is Menefee Sandstone, and the location is located in existing disturbance and within a residence area. A ten-foot transect survey was conducted on the PPA, but no plants of this species were located.

Ferruginous Hawk (*Buteo regalis*)

Navajo/Federal Status: NELS group 3: MBTA

Habitat: The Ferruginous Hawk nests on badland outcrops, small buttes, cliffs, H-frame powerline structures, or the ground in grassland areas. Most nests on the Navajo Reservation are on clay or rock pinnacles, small buttes, or short cliffs less than 30 meters in height; fewer are placed in the tops of juniper trees or on the ground; and there is one record of a nest on the cross arm of a transmission-line tower. Habitat surrounding the nest site must support populations of their preferred prey items of cottontails, jackrabbits, prairie dogs, ground squirrels, and gophers.

Evaluation: The open desert scrub within the PPA provides potential foraging habitat for the Ferruginous Hawk. The sandstone outcroppings near the location constitute potential nesting habitat. No Ferruginous Hawks or Ferruginous Hawk nests were observed during the biological survey.

Mountain Plover (*Charadrius montanus*)

Navajo/Federal Status: NELS group 4: MBTA: ESA proposed threatened

Habitat: The Mountain plover nests in flat to slightly rolling expanses of grassland, semi-desert, or badland, in an area with short, sparse vegetation; large, bare areas; and which is typically disturbed. The Mountain plover may also nest in plowed or fallow cultivation fields. Nest is a scrape in dirt often next to a grass clump or old cow manure pile. Migration habitat is similar to breeding habitat.

Evaluation: The open desert scrub within the PPA provides potential foraging habitat for the Mountain plover. The badland sandstone outcroppings near the location constitute potential nesting habitat. No Mountain plover or Mountain plover nests were observed during the biological survey.

SURVEY METHODS AND MATERIALS

NCI conducted a pedestrian field survey of the proposed action area on 24 September 2008. The survey consisted of ten-foot, parallel, pedestrian transects within the entire proposed project area and the ten-foot buffer zone around the entire project area. Binoculars were used to survey the project area and vicinity for raptors and raptor nests. All plants, animals, and animal sign and habitat observed within the proposed action area were recorded.

POTENTIAL IMPACTS

The proposed action area represents potential foraging and nesting habitats for the Ferruginous hawk and Mountain plover and potential habitat for the Mesa Verde Cactus. However, no Ferruginous hawk, Mountain plover, or Mesa Verde cacti were observed within or surrounding the proposed action area during the biological survey on 24 September 2008.

Potential impacts from the proposed action would include the short-term destruction of approximately 1.50 acres of habitat utilized by the Ferruginous hawk, Mountain plover, and Mesa Verde cactus. The project area represents moderate to good raptor foraging habitat, as H-power lines and powerlines were observed in the project area during the on-site inspection of 24 September 2008. However, no recent raptor use of these structures was observed. The proposed White Water Community Church would utilize overhead powerline construction in a fashion that is raptor- and wildlife-safe. Otherwise, the powerline would be buried to avoid raptors and other wildlife in the surrounding area.

No impacts to any federal or Tribal TES species are expected from the proposed White Water Community Church Missionary Site.

CERTIFICATION

It is believed by Nelson that the proposed project would not violate any of the provisions of the Endangered Species Act of 1973, as amended. Conclusions of this report are based on actual field examination and are correct to the best of my knowledge.


Ms. Cassandra Gould, Biologist
Nelson Consulting, Inc.
(505) 327-6331

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Jennifer Bell
600 Reilly Avenue
Farmington, NM 87401
(505) 327-6331

Kevin Yazzie
Proposed White Water Community Church
Missionary Site

COORDINATION AND CONSULTATION

Sonja Detsoi-Navajo Department of Fish and Wildlife-Natural Heritage Program

David Malecki- Navajo Department of Fish and Wildlife-Natural Heritage Program

Loretta Tsosie- Northern Navajo Regional Office, BIA

Kevin Yazzie-Project manager for White Water Community Church

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APPENDIX A

MAPS, PLATS, and PHOTOGRAPHS

Figure 1: Vicinity Map
 Kevin Yazzie
 Proposed White Water Community Church Missionary Site
 T21N, R17W, Section 02, N.M.P.M
 San Juan County, New Mexico

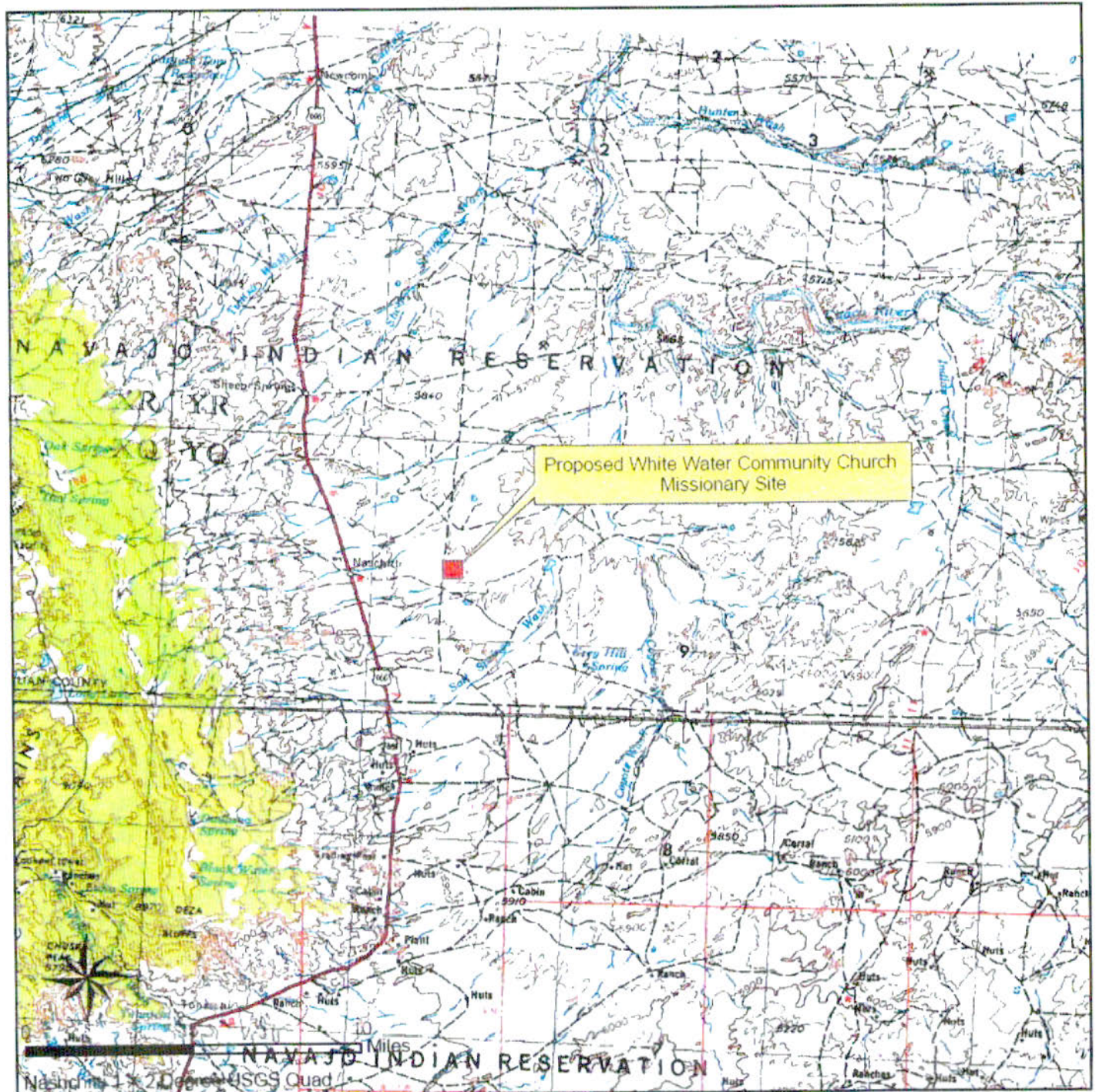
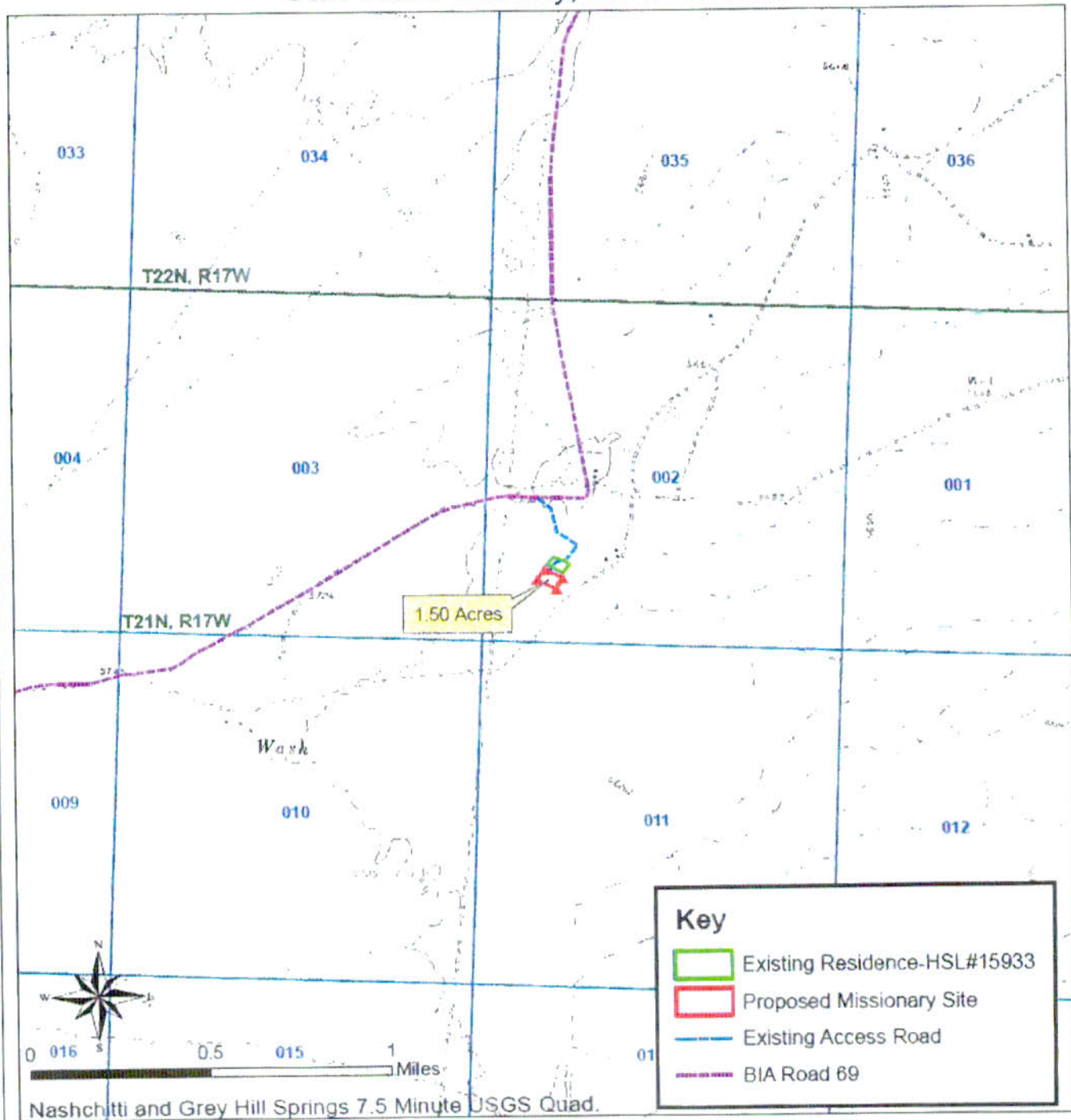
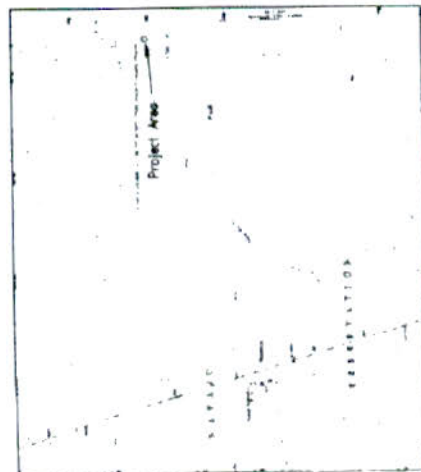


Figure 2.0: Project Area Map
Kevin Yazzie

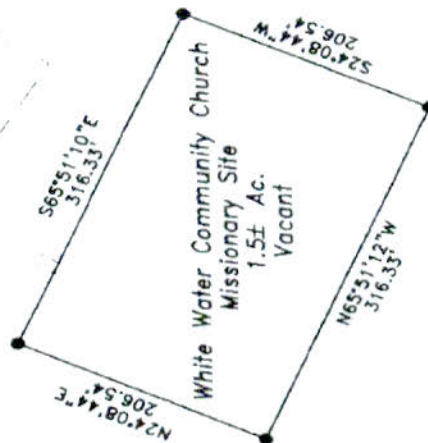
Proposed White Water Community Church Missionary Site
T21N, R17W, Section 02, NMPM
San Juan County, New Mexico





Vacuity Map Not to Scale

HSL# 19933



1"=100'

S3
S10
S11
Section Corner
Fd 1983 USBLM
Brass Cap

S89°56'51"E
2639.36'

S2

S11

1/4 Corner
Fd 1983 USBLM
Brass Cap

Basis of Bearing: Solar Observation 8-20-08 PM
● Denotes set 1/2 x 18" Rebar with plastic cap NW/4 S. #1253
A2PLS #29894

Lease Area is Vacant
Utilities are as shown



[Signature]
Dorothy Thomas
Registered UPLS #12153

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.

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

Commencing at the Point of Beginning a point being the Southwesterly corner of said Parcel which bears North 39°59'29" East a distance of 1,230.12 feet from the Southwest corner of said Section 2.

thence North 24°08'44" East, a distance of 206.54 feet;
thence South 65°51'10" East, a distance of 316.33 feet;
thence South 24°08'44" West, a distance of 206.54 feet;
thence North 65°51'12" West, a distance of 316.33 feet to the Point of Beginning.

Legal Description

A tract of land located in the Southwest Quarter (SW 1/4) of Section 2, Township 21 North, Range 17 West, N.M.P.M., San Juan County, New Mexico situated in the Noshit area and is more particularly described as follows:

RED VALLEY SURVEY	
P.O. Box 13827	Shawnee, MO 64202
Surveyor's Office	
WHITE WATER COMMUNITY CHURCH	
MISSIONARY SITE SURVEY	
1.5± Ac.	
Surveyed by: Dorothy Thomas	
Surveyed on: 8-20-08	
Surveyed for: 1.5± Ac.	
Surveyed in: Sec. 02, T21N, R17W, NMPM	
Surveyed in: San Juan County, New Mexico	
RVS#08-114	



South of the proposed action area looking north at residential area



At east side of the proposed action area looking to west

APPENDIX B

FLORA OCCURRING IN THE PROPOSED PROJECT AREA

**FLORA OCCURRING IN
THE PROPOSED WHITE WATER COMMUNITY CHURCH MISSIONARY SITE**

GRASSES

Pleuraphis jamesii syn. *Hilaria jamesii*
Sporobolus aeroides

Galleta
Alkali Sacaton

HERBACEOUS FORBES

Salsola tragus
Sphaeralcea ambigua
Eriogonum spp.

Russian Thistle
Globemallow
Buckwheat

SHRUBS

Atriplex canescens
Atriplex confertifolia
Gutierrezia sarothrae (Pursh) Britt. & Rusby

Four-wing Saltbush
Spiny Shadscale
Broom snakeweed

APPENDIX C

FAUNA OBSERVED IN OR NEAR THE PROPOSED PROJECT AREA

FAUNA OBSERVED IN
THE PROPOSED WHITE WATER COMMUNITY CHURCH MISSIONARY SITE

MAMMALS

Livestock
Livestock Scat
Domestic pets

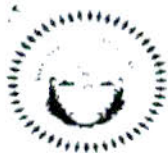
REPTILES

Cnemidophorus spp.

Whiptail

APPENDIX D

**NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE SPECIES OF CONCERN CONSULTATION
LETTER**



THE
NAVAJO
NATION

JOE SHIRLEY, JR.
PRESIDENT
Ben Shelly
VICE PRESIDENT

Dept. of Fish & Wildlife • P.O. Box 1180 • Window Rock, AZ 86515 • (928) 871-6151 • FAX (928) 871-7066

24 October 2008

File #08N406

Cassandra Gould, Environmental Scientist
Nelson Consulting, Inc.
660 Reilly Ave.
Farmington, NM 87401

SUBJECT: WHITE WATER COMMUNITY CHURCH MISSIONARY SITE
LOCATED IN LEGAL DESCRIPTION T21N, R17W, SEC. 02, SW 1/4
SAN JUAN COUNTY, NM

Ms. Gould

The following information on species of concern¹ is provided in response to your 29 September 2008 request concerning the subject project, which consists of the proposed missionary site for the proposed White Water Community Church Missionary Site located in legal description T21N, R17W, Section 02, SW 1/4, San Juan County, NM.

Known to occur within three miles of the project site:

1. Sclerocactus mesae-verdae (Mesa Verde Cactus); NESL group 2; ESSA threatened.

Species of concern with potential to occur on the 7.5-minute *Naschitti, NM* quadrangle(s) containing the project boundaries include the following. Potential is based primarily on quadrangle-wide coarse habitat characteristics and species range information. Your project biologist should determine habitat suitability at the project site(s).

1. Buteo regalis (Ferruginous Hawk); NESL group 3; MBTA.
2. Charadrius montanus (Mountain Plover); NESL group 4; ESA proposed threatened; MBTA.
3. Vulpes macrotis (Kit Fox); NESL group 4.

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect

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

ground water quality


Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the 'Corps of Engineers Wetlands Delineation Manual' (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the NFWD's Natural Heritage Program (NHP) office, or may be purchased through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale, and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

The information in this report was identified by the NFWD's biologists and computerized database, and is based on data available at the time of this response. If project planning takes more than two (02) years from the date of this response, verification of the information provided herein is necessary. It should not be regarded as the final statement on the occurrence of any species, nor should it substitute for on-site surveys. Also, because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

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

An invoice for this information is attached.

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


Sonja Detsai, Wildlife Tech
Natural Heritage Program
Department of Fish and Wildlife

xc: file/chrono

APPENDIX E

NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
BIOLOGICAL RESOURCE COMPLIANCE FORM

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

COMPLIANCE	<input checked="" type="checkbox"/>
CONDITIONAL COMPLIANCE	<input type="checkbox"/>

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.: Kevin Yazzie's Whitewater Community Church

DESCRIPTION: Church

LOCATION: Whitewater, NM

REPRESENTATIVE: Cassandra Gould

ACTION AGENCY: Church

B.R. REPORT TITLE / DATE / PREPARER: Survey Report/NCI/November 2008

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: NA

POTENTIAL IMPACTS

TRIBAL ENDANGERED SPECIES (G2 & G3) TAKEN: 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: J. Cole 03/13/09

COPIES TO: (add categories as necessary)

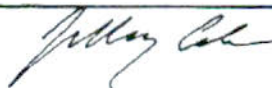
- ☐ Navajo Environmental Protection Agency
☐ U.S. Fish and Wildlife Service, NM Field Office
☐ U.S. Fish and Wildlife Service, AZ Field Office

- ☐ BIA Navajo Region, Environmental Services
☐ U.S. Fish and Wildlife Service, UT Field Office
☐ (Other)

2 NTC § 164 Recommendation:

- ☒ Approval
☐ Conditional Approval (with memo)
☐ Disapproval (with memo)
☐ None (with memo)

Signature



Date 3-13-09

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

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

Representative's signature



Date 3/13/09



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Navajo Region Office
Division of Real Estate Services
P. O. Box 1060

Gallup, New Mexico 87305-1060

IN REPLY REFER TO:

N425-Branch of Leases/Permits

MAR 12 2010

HAND-DELIVER

Honorable Joe Shirley, Jr.

President, Navajo Nation

Attention: Division of Natural Resources, Navajo Land Department

Dear Mr. Shirley:

Enclosed for your use and distribution are three (3) copies of the approved Revocable Use Permit issued to the White Water Community Church. The mission site is located in Nashchitti, New Mexico.

If you have any questions, Ms. Dawn Cody, Realty Specialist may be reached at 505-863-8394.

Sincerely,


for Regional Director

Enclosure

Cc: Fort Defiance Agency, Real Estate Services w/o enclosure

MISSION SITE PERMIT

The Mission Site is issued to the **White Water Community Church, Post Office Box 4199, Gallup, New Mexico 87305** to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein.

The Permittee shall comply with all Federal and Tribal Laws, including archaeological and environmental laws and regulations.

This Permittee is revocable at the discretion of the Resources Committee of the Navajo Nation Council with the approval of the Secretary of the Interior, or his/her authorized representative. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes.

The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated or 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 up 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.

This Permit is not transferable, except with the consent of the Resources Committee of the Navajo Nation Council and approval of the Secretary of the Interior, or his/her authorized representative.

The annual rental is set at \$22.50 per year (\$15.00 per acre) and is due on or before the first day of January of each year the Permit remains in effect. If the Permittee fails to pay the rent when due, it shall be assessed a \$50.00 late fee and 6% interest on the balance due.

Pursuant to 25 CFR § 162.604 (g), the permittee must comply with the following stipulation:

- a) While the permit premises are in trust or restricted status, all of the permittee's obligations under this permit, and the obligations of his sureties, are to the United States as well as the owner of the land.
- b) Nothing contained in this permit shall operate to delay or prevent a termination of federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the permit; however, such termination shall not serve to abrogate the permit. The owners of the land and the permittee and his surety or sureties shall be notified of any such change in the status of the land.

- c) The permittee agrees that he/she will not use or cause to be used any part of the permit premises for any unlawful conduct or purpose.

The legal land description of the premises is described as follows:

TRACT DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW ¼) OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO SITUATED IN THE NASCHITTI AREA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Point of Beginning a point being the Southwesterly corner of said Parcel which bears North 39°59'29" East, a distance of 1,230.12 feet from the Southwest corner of said Section 2:

thence North 24°08'44" East, a distance of 206.54 feet;
thence South 65°51'10" East, a distance of 316.33 feet;
thence South 24°08'44" West, a distance of 206.54 feet;
thence North 65°51'12" West, a distance of 316.33 feet to the Point of Beginning

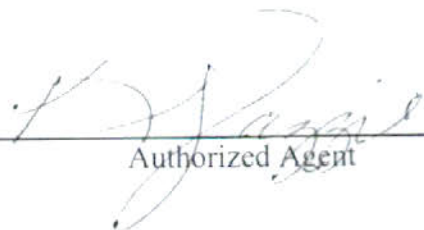
Said Parcel containing 1.5± Acres more or less in area and being subject to any restrictions, easements and reservations of record.

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.

This permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions of the permit.

This permit is authorized by Resources Committee Resolution No. 109-09.

WHITE WATER COMMUNITY CHURCH

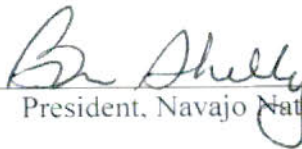


Authorized Agent

Dated this 16 day of November, 2009 at Window Rock,
Arizona.

Resources Committee Resolution RCN-109-09

THE NAVAJO NATION



President, Navajo Nation

Approved MAR 12 2010
Pursuant to Secretarial Redlegation Order
209 DM 8, 230 DM 1 and 1AM 4



Regional Director, Navajo Region
Bureau of Indian Affairs

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL - Third Year, 2009

AN ACTION

RELATING TO RESOURCES; APPROVING THE GRANTING OF A
REVOCABLE USE PERMIT-MISSION SITE FOR WHITE WATER COMMUNITY
CHURCH FOR 1.5 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST
LANDS LOCATED IN NASCHITTI CHAPTER

BE IT ENACTED:

1. The Navajo Nation finds the following with respect to the approval of this Revocable Use Permit-Mission Site for the White Water Community Church for 1.5 acres, more or less, of Navajo Nation Trust lands located in the Naschitti Chapter:
 - a) The Resources Committee, pursuant to 16 N.N.C. § 1151, has the authority to grant revocable use permits for mission sites within the Navajo Nation; and
 - b) The White Water Community Church, Post Office Box 4199, Gallup, New Mexico, has applied for a mission site with the Naschitti Chapter community on land as further described within Exhibit "No. 1" at Tab "B" as found attached hereto; and
 - c) The District Grazing Committee has identified three land users and all have consented and the Navajo Land Department has received the Chapter resolution, Council Delegates' endorsement and a petition signed by local residents, all of which are found at Tab "C" within Exhibit "No. 1"; and
 - d) Biological, historical, cultural and archaeological surveys and clearances for the permit were completed and are attached within Exhibit "No. 1"; and

- e) It is in the best interest of the Naschitti community and the Navajo Nation that the requested Revocable Use Permit-Mission Site be approved for the White Water Community Church.

2. The Navajo Nation hereby approves the granting of a Revocable Use Permit-Mission Site for the White Water Community Church under the Terms and Conditions and as further described within Exhibit "No. 1".

3. The President of the Navajo Nation is hereby authorized to execute all documents necessary to implement the intent and purpose of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 6 in favor and 0 opposed, this 2nd day of November, 2009.



George Arthur, Chairperson
Resources Committee

Motion: Norman John, II
Second: Harry H. Clark

**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
WHITE WATER COMMUNITY CHURCH (PERMITTEE)**

1. The term of the Mission Site Permit (Permit) is effective beginning on the date the permit is approved by the Secretary of the Interior and is revocable at the discretion of the Resources Committee of the Navajo Nation Council with the approval of the Secretary of the Interior or his or her authorized representative.
2. Consideration to the Navajo Nation for the grant of the permit shall be \$ 22.50 per year due the first of January of each year the permit remains in effect.
3. 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 and the Secretary of the Interior. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. The Permittee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior 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.
9. 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 and the Secretary of the Interior. 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 conditions or withheld in the sole discretion of the Navajo Nation.
10. 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 with approval of the Secretary of Interior or his or her 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.
11. 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.
12. 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.
13. The Navajo Nation and the Secretary 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.
14. 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 judgments 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.
15. 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.

16. 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.
17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
18. 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.
19. 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.
20. 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.

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

Date: 08-11-08

President, Navajo Nation
Window Rock, Arizona

White Water Community Church C/O Kevin Yazzie
(Name of Applicant)

P.O. Box 4199 Gallup, NM 87305
(Address)

hereby makes application for a religious site covering approximately 1 1/2 acres of Navajo Nation Land located in Naschitti near Naschitti Chapter as shown on the map.

After the local chapter approval of this application and with approval of land clearance given by 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"/> Article of Incorporation | <input checked="" type="checkbox"/> Land use consent |
| <input type="checkbox"/> Chapter resolution | <input checked="" type="checkbox"/> Site location |
| <input checked="" type="checkbox"/> Petition of names | <input type="checkbox"/> Others |

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

Facilities for Christian faith activities, counseling, and meetings.

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

Will construct a worship building, Fellowship Hall, Youth Ministry Hall, parking space and playground.

Applicant's plan for development of water and sewer.

We will temporarily utilize portable outbouses while we work with NTUA & Office of Environmental Health (OEH) for water, sewage and electricity.

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


All corporations must furnish evidence of authority of the person or persons signing this application to execute papers in 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 corporation must file their Articles of Incorporation with the Economic Development Commerce Department of the Navajo Nation. The Commerce Department will issued a corporate number to the church organization.

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

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


Kevin Yazzie

Pastor

Document No. 011271Date Issued: 10/03/2018**EXECUTIVE OFFICIAL REVIEW**Title of Document: Mission Site, White Water Community Church Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina_yazzie@frontier.com 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"/>

☐ **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"/>

☐ **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"/>

☐ **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"/>

☐ **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"/>

☐ **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"/>

☐ **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"/>

☐ **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: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Rights of Way

- | | | | | |
|------------------------------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Assignment of Mineral Lease

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☐ 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: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☒ OTHER: Mission Site

- | | | | | |
|-------------|----------|----------------|-------------------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HHPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. OOC | 12/21/18 | Date: 12/27/18 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ (ic) | _____ | Date: 1-17-19 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. OPVP | _____ | Date: 2-25-19 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- U. Rodriguez*
[Signature]



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



01/03/19 DOJ 4:27pm
DATE / TIME
☐ 7 Day Deadline
DOC #: 011271
SAS #:
UNIT: NRL

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

CLIENT TO COMPLETE

DATE OF REQUEST: 1/3/18 ENTITY/DIVISION: BLDD / DNR
CONTACT NAME: X-6447 DEPARTMENT: Gen. Land Develop. Dept.
PHONE NUMBER: Michelle Howard Draper E-MAIL:
TITLE OF DOCUMENT: Mission Site, White Water Community Church

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 1.3.19 REVIEWING ATTORNEY/ADVOCATE: Truitt Chee
835 1.14.19
DATE/TIME OUT OF UNIT: 1.18.19 10am

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is now legally sufficient after making some corrections to the Terms & Conditions. All the required

REVIEWED BY: (PRINT) Truitt Chee DATE / TIME 1-17-19 SURNAMED BY: (PRINT) VBlackhat DATE / TIME 1-17-19 5:00pm


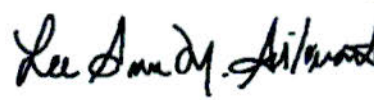


DOJ Secretary Called: Howard Draper for Document Pick Up on 1.18.19 at 835 By: RJ

PICKED UP BY: (PRINT) DATE / TIME:

NNDJ/DRRF-July 2013

Documents are attached,
COMPLETED -JC

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. See attached comments.	1. No Reply	29-Oct-2018	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. All waters of the US and waters are protected under the CWA. Contact LeeAnna Martinez for a 401 Cert Application at (928)871-7700.	1. No Reply	16-Oct-2018	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	15-Oct-2018	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #18tsf-01	1. No Reply	16-Oct-2018	
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. No immediate infrastructure construction planned. Coverage not required under the federal Construction General Permit for storm water discharges	1. No Reply	16-Oct-2018	

				from construction sites.				
Robert Allan DNR (Navajo Land Title Data System - Windowroc k AZ)	Deputy Director DNR	DNR Administration	Approve d	no comments	No Reply	24-Oct- 2018		Robert O. Allan
Tamara Billie NNHP (Navajo Land Title Data System - Windowroc k AZ)	HPD Reviewer	Historic Preservation Department	Approve d	1. HPD-17- 932	1. No Reply	16-Oct- 2018		Lamont Billie
Warren Roan - EPA (Navajo Land Title Data System - Windowroc k AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approve d	1. Any concerns or impacts regarding storage tanks or releases of regulated substances from storage tanks contact Warren Roan at (928)871- 7993.	1. No Reply	26-Oct- 2018		Warren J. Roan
Yolanda Barney EPA (Navajo Land Title Data System - Windowroc k AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approve d	1. Please see attached memorandu m approving the project.	1. No Reply	17-Oct- 2018		Yolanda Barney

Tier 2 Document Voting Results								
User Name (Facility)	Job Title	Departme nt	Vote Cast	Comments	Replies	Vote Date	Signature	
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approve d	1. GLDD - I am marking this document sufficient. That being said, Chad Smith from Fish and	1. No Reply	14-Nov- 2018	B.N. Becker	

Wildlife has not yet marked this document. If he marks the document insufficient, please inform me immediately. Thanks.

Chad Smith - F&W (Navajo Land Title Data System - Windowroc k AZ)	Technical Review	Fish and Wildlife	Approve d	no comments	No Reply	10-Dec- 2018
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Chad Smith

Richard Begay NNHP (Navajo Land Title Data System - Windowroc k AZ)	Navajo Nation Historic Preservation Department n Officer	Historic Preservation Department	Approve d	no comments	No Reply	31-Oct- 2018
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Richard M Begay

Ronnie Ben EPA (Navajo Land Title Data System - Windowroc k AZ)	Undergrou nd Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approve d	1 Conditional Approval is contingent on compliance with all US EPA and Navajo Nation EPA environment al laws.	1 No Reply	05-Nov- 2018
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Ronnie Ben

Steven Prince MIN (Navajo Land Title Data System - Windowroc k AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approve d	no comments	No Reply	30-Oct- 2018
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Steven L Prince

W. Mike Halona (NLTDS - Everytt)	DCD Division Director	Navajo Nation	Approve d	no comments	No Reply	09-Nov- 2018
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W. Mike Halona

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Division of Andy Frain Services

761 Shoreline Drive, Aurora, IL 60504 - 1-(331)-208-5133

Version: [10.744](#) Click the Version Number to Download Release Notes



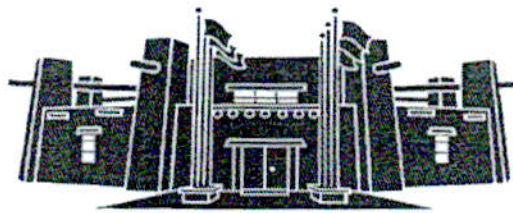
General Land Development Department

CHECK LIST FOR MISSION SITE APPLICATION

1. ☒ **APPLICATION** for religious activities is filled out by the applicant
2. ☒ **FILING FEE** of \$100.00 made payable to The Navajo Nation
3. ☒ **CONSENT(S)** Contact your local Chapter Grazing Official or Land Board Member
4. ☒ **PETITION OF NAMES** endorsing the proposed mission site from surrounding residents in the vicinity.
5. ☒ **SLIDING FEE SCALE** Filled out by applicant to determine annual rental fee
6. ☒ **SURVEY PLAT** showing the exact location of the proposed mission site. Fees associated with services.
7. ☒ **CHAPTER RESOLUTION** Supporting the withdrawal of land for mission site and permit.
8. ☒ **ARTICLES OF INCORPORATION** Submit to Navajo Nation Business Regulatory Department to issue a Certificate of Incorporation authorizing to transact business within Navajo Nation as a Non-profit organization.
9. ☒ **BIOLOGICAL SURVEY** performed by the Fish and wildlife Department. Fees associated with service. (928) 871-6451/6452
10. ☒ **CULTURAL, HISTORICAL AND ARCHAEOLOGICAL** compliance report issued by the Historic & Heritage Preservation Department after the cultural resources conduct their service (928) 871-7147/7148
11. ☒ **ENVIRONMENTAL ASSESSMENT REPORT** reviewed by the Navajo Environmental Protection Agency to ensure there is no contaminated or hazardous materials. NNEPA Office (928) 871-7692

Note: It is the policy of the Navajo Nation that the minimum acreage to conduct religious activities shall be 1½ acres. Acreage more than 1½ shall require justification from the applicant. While the permit is pending final approval, **NO** religious organization shall construct, operate, install or otherwise effect any improvements upon Navajo Nation land without processing a valid mission site permit. Failure to comply will cause the Navajo Nation to set reasonable rental fee or other remedies at law.

****Incomplete packages will not be processed and returned to you****



MEMORANDUM

TO: Honorable Wilson Stewart, Jr.
Crystal, Fort Defiance, Red Lake, Sawmill Chapters

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

DATE: May 10, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
APPROVING A MISSION SITE PERMIT FOR THE WHITE WATER
COMMUNITY CHURCH ON NAVAJO NATION TRUST LANDS IN THE
VICINITY OF NASCHITTI COMMUNITY CHAPTER, NAVAJO NATION

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

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

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.