

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

AN ACTION

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. Section 1511 (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 and Development Committee of the Navajo Nation Council has the authority to grant final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The Newcomb Baptist Church, P.O. Box 455, Window Rock, Arizona 86515 has applied for a mission site permit within the Newcomb Chapter. The application is attached as **Exhibit G**.
- B. The Terms and Conditions for the Mission Site Permit Newcomb Baptist Church is attached as **Exhibit A**.
- C. The proposed mission site is to be located on 1.5 acres, more or less, of trust lands within the vicinity of Newcomb Chapter, Navajo Nation (New Mexico). The land description appears on the survey plat attached hereto and incorporated as **Exhibit B**.
- D. The Newcomb Chapter Grazing Officer in a letter dated September 14, 2018, attached as **Exhibit C**, stated: "There is no grazing in the area, where the future Baptist Church, west of Newcomb Chapter, about 200 yards."

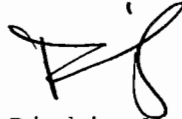
- E. The Newcomb Chapter Resolution No. NWCB-061015-090, attached as **Exhibit D**, states: "The Newcomb Chapter Membership hereby Approving the Newcomb Chapter's request to the Newcomb Christian Reform Church to surrender the Mission Site Lease and recommending transfer to the Newcomb Baptist Church."
- F. The signed petition by the local Newcomb Chapter residents in support of the Newcomb Baptist Church is attached as **Exhibit E**.
- G. The Biological Resources Compliance Formm NNDRW Review No. 19NBC-01, the Cultural Resources Compliance Form HPD-19-058 (including the Navajo Nation Archaeology Department Site Survey and Management Form), the Environmental Assessment, Newcomb Baptist Church, September 2019 with appendix, are attached as **Exhibit F**.
- H. The Application for Mission Site (Religious Site) Navajo Nation Lands is attached as **Exhibit G**. It includes the Newcomb Baptist Church Navajo Nation Corporation Act Certificate of Incorporation.
- I. The Sliding Fee Scale for Navajo Nation Mission Site Permits is attached as **Exhibit H**.
- J. The Application for mission site permit has been reviewed through the Executive Official Review Document Number 015035, including the Department of Justice and the Navajo Nation Environmental Protection Agency, and found "Sufficient" or "Approved." Executive Official Review Document Number 015035 is attached as **Exhibit I**.

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Mission Site Permit for Newcomb Baptist Church, subject to but not limited to the attached Terms and Conditions contained herein as **Exhibit A** and located on land described in **Exhibit B**, which are attached hereto and incorporated herein by this reference.
- B. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute all documents to affect the intent and purpose of this resolution.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting held by a teleconference for which a quorum was present and that same was passed by a vote of 5 in favor, and 0 opposed, on this 29th day of September 2021.

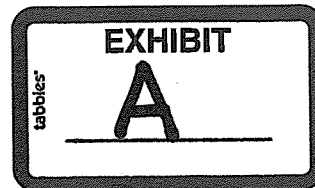
A handwritten signature in black ink, appearing to be 'Rickie Nez', with a stylized, cursive-like script.

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

Motion: Honorable Wilson C. Stewart, Jr.

Second: Honorable Thomas Walker, Jr.

Chairperson Rickie Nez not voting.



FORM Mission Site
10/01/2014
Amended 05/15/19

**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
NEWCOMB BAPTIST CHURCH (PERMITTEE)**

1. This Mission Site Permit is issued to the Newcomb Baptist Church, P.O. Box 455 Window Rock, Arizona, 86515, 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 PARCEL OF LAND SITUATED WITHIN LAND MANAGEMENT DISTRICT NO. 12 OF THE NAVAJO INDIAN RESERVATION IN THE VICINITY OF NEWCOMB, SAN JUAN COUNTY, STATE OF NEW MEXICO AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the east quarter (1/4) corner of Section 25, Township 24 North, Range 18 West, New Mexico principal meridian, San Juan County, New Mexico; Being a BLM Brass Cap; Thence S62°45'01"W, a distance of 2685.78 feet, more or less, to the Southeast corner of this lease and the point of beginning:

THENCE N47°37'18"W, A DISTANCE OF 199.63 FEET, TO A REBAR;
THENCE S42°23'37"W, A DISTANCE OF 326.62 FEET, TO A REBAR;
THENCE S47°37'18"E, A DISTANCE OF 199.63 FEET, TO A REBAR;
THENCE N42°23'37"E, A DISTANCE OF 326.62 FEET, TO A REBAR AND THE POINT OF BEGINNING.

Being 1.50 acre(s), more or less, in area, and being subject to any and all existing easements for underground utilities located herein.

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

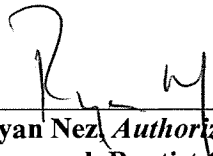
7. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted,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

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

in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.

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

Date: 9/14/2020

By: 
Ryan Nez, Authorized Agent
Newcomb Baptist Church
(Permittee)

Date: _____

By: _____

Jonathan Nez, President
The Navajo Nation

CHURCH SITE LEASE SURVEY



HOMESITE NO.

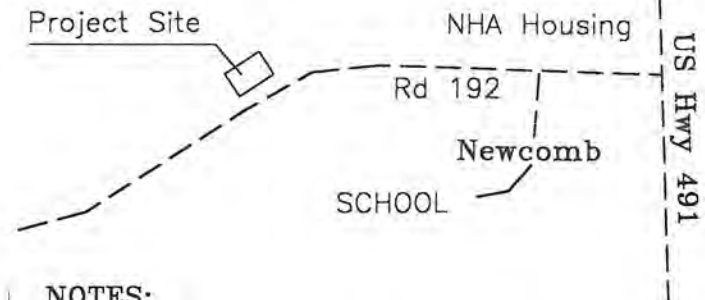
LOT DESCRIPTION:

A PARCEL OF LAND SITUATED WITHIN LAND MANAGEMENT DISTRICT NO. 12 OF THE NAVAJO INDIAN RESERVATION IN THE VICINITY OF NEWCOMB, SAN JUAN COUNTY, STATE OF NEW MEXICO AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER (1/4) CORNER OF SECTION 25, TOWNSHIP 24 NORTH, RANGE 18 WEST, NEW MEXICO PRINCIPAL MERIDIAN, SAN JUAN COUNTY, NEW MEXICO; BEING A BLM BRASS CAP; THENCE S62°45'01"W, A DISTANCE OF 2685.78 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THIS LEASE AND THE POINT OF BEGINNING:

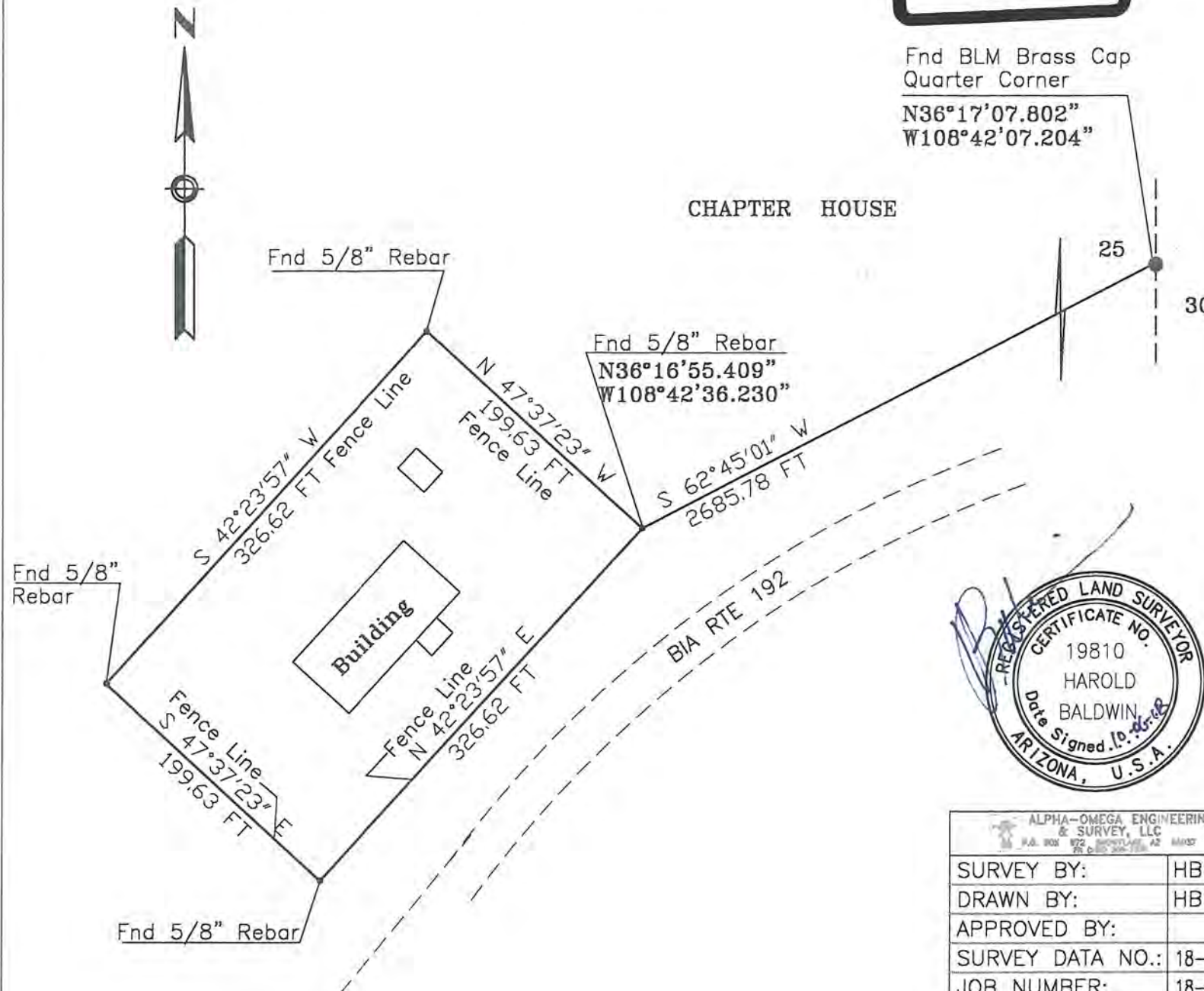
THENCE N47°37'18"W, A DISTANCE OF 199.63 FEET, TO A REBAR; THENCE S42°23'37"W, A DISTANCE OF 326.62 FEET, TO A REBAR; THENCE S47°37'18"E, A DISTANCE OF 199.63 FEET, TO A REBAR; THENCE N42°23'37"E, A DISTANCE OF 326.62 FEET, TO A REBAR AND THE POINT OF BEGINNING.

Being 1.50 acre(s), more or less, in area, and being subject to any and all existing easements for underground utilities located therein.



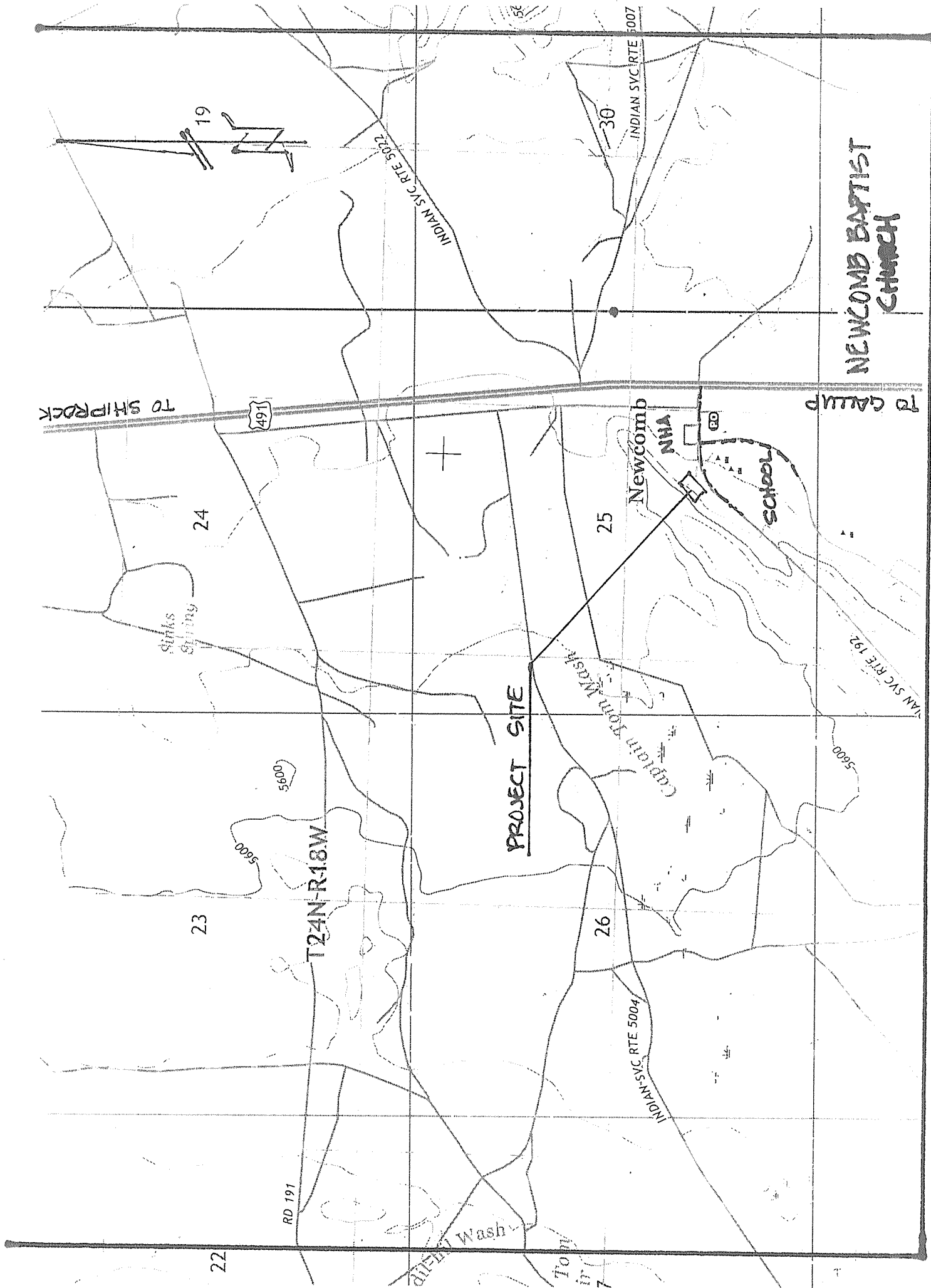
NOTES:

1. All bearings shown hereon are derived from New Mexico STATE PLANE COORDINATE SYSTEM, WEST ZONE and refer to GRID NORTH.
2. Coordinates are converted to the 1983 N.A.D. and 1988 N.A.V.D. in reference to G.P.S.
3. BLM Monuments used as control.
4. All distances around the homesite lot are ground distances.
5. 1/2" Rebar (Set) on all corners of tract, unless indicated otherwise.
6. Scale, other than Lot is 1" = 100'.
7. Underground Utilities Not Located.

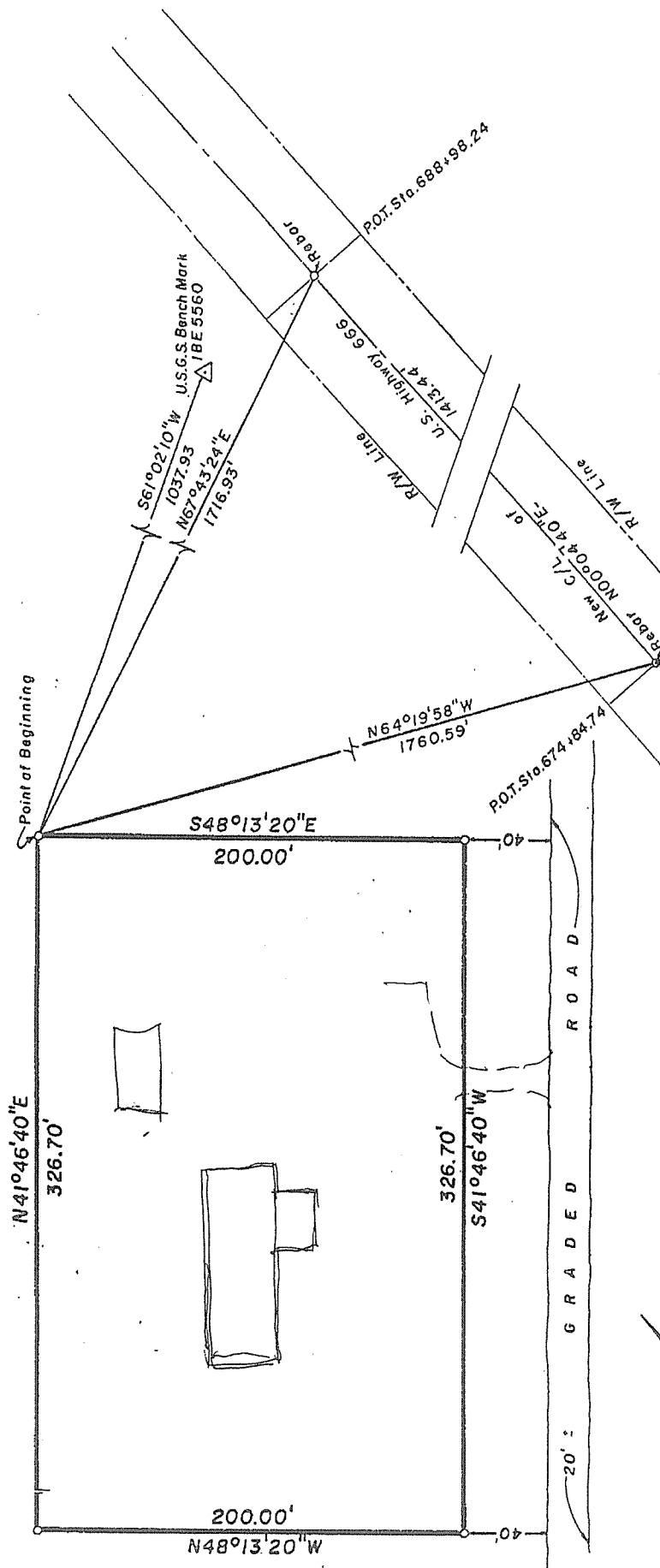


ALPHA-OMEGA ENGINEERING & SURVEY, LLC P.O. BOX 972, NEWCOMB, AZ 86037	
SURVEY BY:	HB
DRAWN BY:	HB
APPROVED BY:	
SURVEY DATA NO.:	18-068
JOB NUMBER:	18-068
SCALE: 1"=	100'

Newcomb Baptist Church	
1.50 Ac. ±	
District 12, Navajo Indian Reservation SE 1/4, Sec 25, T24N, R18W Newcomb, San Juan County, New Mexico	



Homestead No.



NEWCOMB CHRISTIAN REFORMED CHURCH

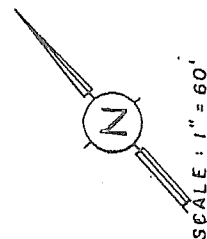
1.50 AC. ±

DISTRICT 12-NAVAJO INDIAN RESERVATION

NEWCOMB, SAN JUAN COUNTY, NEW MEXICO

ONIA

SURVEYED	BY	DS
DRAWN	BY	HSB
APPROVED	BY	HTE
FIELD BOOK NO.	74:01	
JOB NUMBER		





NEWCOMB CHAPTER

P.O. Box 7946 • Newcomb, NM 87455 • Telephone: 505-696-3300 • Fax: 505-696-5475



September 14, 2018

Navajo Nation Land Dept.
Window Rock, AZ 86515

RE: MISSION SITE LEASE

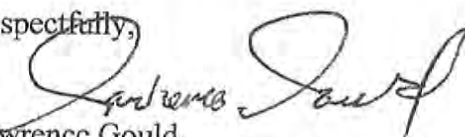
Dear Mr. Mike Halona,

Mission site lease for Newcomb Baptist Church, Pastor Ryan Nez is currently requesting a consent from local land-users. There is no grazing in the area, where the future Baptist Church, west of Newcomb Chapter, about 200 yards. Therefore, no consent is needed.

Should you have any questions, please do not hesitate to contact me at 505.612.9975 or l_gouldnc@yahoo.com.

Thank you for your time.

Respectfully,


Lawrence Gould,
Newcomb Chapter Grazing Officer

David Randolph Sr, President Willamena Smith, Vice President
Donna Benally Sec. /Treasurer Lorenzo Bates, Council Delegate
Lawrence Gould, Grazing Representative



NEWCOMB CHAPTER – NAVAJO NATION

P.O. Box # 7946, Newcomb, New Mexico 87455; Phone: 505.686-3300 Fax: 505.696.5475



FY'2018
NWCB-061015-090

Resolution of the Newcomb Chapter

APPROVING THE NEWCOMB CHAPTER'S REQUEST TO NEWCOMB CHRISTIAN REFORM CHURCH TO SURRENDER THE MISSION SITE LEASE AND RECOMMENDING TRANSFER TO THE NEWCOMB BAPTIST CHURCH

WHEREAS:

1. The Newcomb Chapter is a duly certified Chapter governmental of the Navajo Nation with delegated authority to adopt ordinances and to adopt plans on matters of local concerns in the best interest of its local community membership; and
2. Pursuant to 26 N.N.C Section 1 (B) Newcomb Chapter is vested with the authority to review all matters affecting the community and make appropriate correction when necessary and make recommendations to the Navajo Nation and other local agencies for appropriate actions; and
3. The Newcomb Christian Reform Church has established a Mission Site Lease located 1/4 mile west of the Newcomb Chapter on Navajo Route 5001; and
4. The Newcomb Christian Reform Church has not been in operation for over five years and the Newcomb Chapter has considered abandonment and is requesting the Christian Reform Church to relinquish the Mission Site Lease and recommends transfer of the Mission Site Lease to the Newcomb Baptist Church; and
5. The Newcomb Baptist Church has been utilizing the Old Chapter building for their congregation services and has displayed an interest in the Christian Reform Church Mission Site Lease; and
6. Upon the approval from the Navajo Nation Land Department of the relinquishing of Mission Site Lease from the Newcomb Christian Reform Church and transfer to Newcomb Baptist Church, the Newcomb Baptist Church will be responsible for all the required transfer documentations.

NOW THEREFORE BE IT RESOLVED THAT:

The Newcomb Chapter Membership hereby Approving the Newcomb Chapter's request to the Newcomb Christian Reform Church to surrender the Mission Site Lease and recommending transfer to the Newcomb Baptist Church.

CERTIFICATION

We, hereby certify that the foregoing Chapter Resolution was considered by the Newcomb Chapter membership at a duly called Chapter meeting at Newcomb, Navajo Nation (New Mexico) at which a quorum was present and hat same was passed by a vote of 17 in favor, 00 opposed, 02 abstained this 10th day of June, 2018.

Motioned: Paul J. Yazzie

Seconded: Etta Yazzie

David Randolph Sr., Chapter President

Donna L. Benally, Chapter Secretary/Treasurer

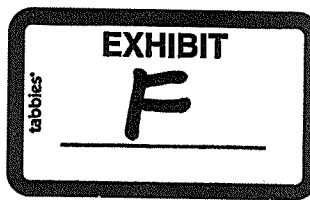
Willamena Smith, Chapter Vice President

Lawrence Gothd, Grazing Official

PETITION OF NAMES

We, the undersigned are citizens, registered voters and residents of the Navajo Nation living within the community where the Newcomb Baptist Church is being established. 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 day throughout the years. Further, we hereby give our signatures on this petition to further the development of the church

	NAME	DATE	WITNESS
1.	Etta M. Yazzie	9/11/18	[Signature]
2.	Richard Hoskie	9/11/18	[Signature]
3.	Clara Hoskie	9/11/18	[Signature]
4.	Virginia Curley	9-11-18	[Signature]
5.	Lorette Gee	9-11-18	[Signature]
6.	Verbena L Miki	9-11-18	[Signature]
7.	Margaret Curley	9-11-18	[Signature]
8.	Amarissa Begay	9-11-18	[Signature]
9.	Isiah Begay	9-11-18	[Signature]
10.	Jay Curtis	9-11-18	[Signature]
11.	Howard Seku	9-11-18	[Signature]
12.	Demonique Atchity	9-11-18	[Signature]
13.	Jenice Rivera	9-11-18	[Signature]
14.	Cheneah Begay	9-11-18	[Signature]
15.	Suzanne Begay	01/11/19	[Signature]
16.	Renae Holona	9/11/18	[Signature]
17.	Laura Holona	9/11/18	[Signature]
18.			
19.			
20.			



NNDFW Review No. 19NBC-01

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

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

PROJECT NAME & NO.: Newcomb Baptist Church- Mission Site Permit

DESCRIPTION: Newcomb Baptist Church, formerly known as Newcomb Reformed Church, proposes to obtain a mission site permit consisting of 1.5± acres. Utility extensions are onsite.

LOCATION: SE¼ of Section 25, T24N, R18W, NMPM, Newcomb, San Juan County, New Mexico

REPRESENTATIVE: Ryan Nez, Pastor of Newcomb Baptist Church

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & compliance/08 AUG 2019/Ryan Nez

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 AUG 2019

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

8/16/19

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

Representative's signature

Date

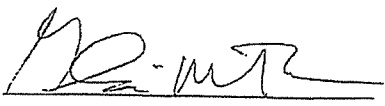
THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife

FROM : 
Gloria M. Tom, Director
Department of Fish and Wildlife

DATE : August 12, 2019

SUBJECT : DELEGATION OF AUTHORITY

I will be on travel beginning Monday, August 12, 2019 through Friday, August 16, 2019. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Monday, August 12, 2019. This delegation shall end at 5:00 p.m. on Friday, August 16, 2019.

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

ACKNOWLEDGEMENT



David Mikesic, Zoologist
Department of Fish and Wildlife



THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:		NNHPD NO.: HPD-19-058		
<input checked="" type="checkbox"/> ISB		OTHER PROJECT NO.: ISB-18-179		
PROJECT TITLE:				
A Cultural Resource Inventory of the Proposed Newcomb Baptist Church, 1.5 Acre Tract in Newcomb Chapter, San Juan County, New Mexico				
LEAD AGENCY:		BIA/NR		
SPONSOR:		Ryan Nez, Newcomb Baptist Church, PO Box 455, Window Rock, Arizona 86515		
PROJECT DESCRIPTION:				
The sponsor will be obtaining a church lease along with the construction/maintenance of an existing church within the 1.5-acre tract. Ground disturbance will be intensive and extensive with the use of heavy equipment.				
LAND STATUS:		Navajo Tribal Trust		
CHAPTER:		Newcomb		
LOCATION:		Project is located on the Newcomb Quadrangle, San Juan County, New Mexico NMPM		
T.	<u>24</u>	N., R.	<u>18</u> W- Sec. <u>25</u>	
UTM COORDINATES: Zone <u>12</u> , NAD <u>83</u>		DESIGNATION	NORTHING	EASTING
		Center	4017651.28	705609.65
		Corner A	4017708.97	705621.90
		Corner B	4017663.91	705664.31
		Corner C	4017591.50	705601.85
Corner D		4017631.25	705555.35	
PROJECT ARCHAEOLOGIST:		Iris Shirley Begaye		
NAVAJO ANTIQUITIES PERMIT NO.:		B18744		
DATE INSPECTED:		09/19/18		
DATE OF REPORT:		10/25/18		
TOTAL ACREAGE INSPECTED:		1.5 - ac		
METHOD OF INVESTIGATION:		Class III pedestrian inventory with transects spaced <u>10</u> m apart.		
LIST OF CULTURAL RESOURCES FOUND:		(1) <u>SITE</u> NM-H-46-22		
		(1) <u>IN-USE SITE</u>		
		(3) <u>ISOLATED OCCURRENCES (IO)</u>		

-DOCUMENT IS VOID IF ALTERED-

LIST OF ELIGIBLE PROPERTIES:	(1) <u>SITE</u> NM-H-46-22
LIST OF UNEVALUATED PROPERTIES:	<u>NONE</u>
LIST OF NON-ELIGIBLE PROPERTIES:	(1) <u>IN-USE SITE (IUS)</u> (3) <u>IO</u>
LIST OF ARCHAEOLOGICAL RESOURCES:	(1) <u>SITE</u> NM-H-46-22

EFFECT/CONDITIONS OF COMPLIANCE: No Adverse Effect with the following conditions:Site NM-H-46-22:

1. All ground-disturbing activities will avoid the Northeast corner of the church tract.
2. However, if ground -disturbing activities are proposed near the site, a qualified archaeologist will flag the site boundary prior to ground disturbing activities.
2. A qualified archaeologist will monitor ground-disturbing activities within 50-ft of the site boundary.
3. NNHHPD requests a report of monitoring activities within 30-days of the completed activity.

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

FORM PREPARED BY: Tamara Billie
FINALIZED: June 24, 2019

Notification to Proceed
Recommended

☒ Yes ☐ No

Conditions:

☒ Yes ☐ No

Richard M. Begay, Dept. Mgr. THPO
The Navajo Nation
Heritage & Historic Preservation Department

6/25/19
Date


Navajo Region Approval

☒ Yes ☐ No

BIA - Navajo Regional Office
Acting

6/27/19
Date

-DOCUMENT IS VOID IF ALTERED-

1. HPD REPORT NO.		2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: A Cultural Resource Inventory of the Proposed Newcomb Baptist Church, 1.5 Acre Tract in Newcomb Chapter, San Juan County, New Mexico		5. FIELDWORK DATES 09/19/2018	
AUTHOR(S): Iris Shirley Begaye		6. REPORT DATE 10/25/2018	
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Iris Shirley Begaye Org. Name: ARCHAEOLOGICAL SURVEY Org. Address: P. O. Box 3777 Window Rock, Arizona 86515 Phone: 928/206-9600		8. Permit No. B18744	
		9. Consultant Report No. ISB-18-179	
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Ryan Nez Name: Newcomb Baptist Church Address: P.O. Box 455 Window Rock, AZ 86515 Phone: 928/380-8860		11. SPONSOR PROJECT NO. N/A	
		12. AREA OF EFFECT: 1.5 ac. AREA SURVEYED: 1.5 ac.	
13. LOCATION (MAP ATTACHED):	See Figure 1.		
a. Chapter: Newcomb	e. Land Status:	Navajo Tribal Trust	
b. Agency: Shiprock	f. UTM Center:	Zone 12; 4,017,651.28 N, 705,609.65 E	
c. County: San Juan	g. Area:	NW¼ SE¼ Sec 25 T 24N R 18W NMPM	
d. State: New Mexico	h. 7.5' Map Name(s):	Newcomb, NM 1966	
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) / /			
a. Description of Undertaking: See Supplemental Sheet			
b. Existing Data Review: See Supplemental Sheet			
c. Area Environmental & Cultural Setting: See Supplemental Sheet			
d. Field Methods: See Supplemental Sheet			
15. CULTURAL RESOURCE FINDINGS:			
a. Location/Identification of Each Resource: See Supplemental Sheet			
b. Evaluation of Significance of Each Resource (above): See Supplemental Sheet			
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): Given the amount of surface and subsurface disturbance within the Newcomb Church Tract, Conditional Clearance is recommended, provided the following stipulation is adhered to:			
1. NM-H-46-22 site boundary is located at the northeast church-tract corner. The <u>northeast corner</u> of the church-tract shall be avoided by 50 feet for any future construction and associated improvements.			
17. CERTIFICATION SIGNATURE :	 General Charge: Iris Shirley Begaye		DATE: 25 October 2018

SUPPLEMENTAL SHEET (AIRS FORM)

Proposed Newcomb Baptist Church, 1.5 Acre Tract, Newcomb Chapter, San Juan County, New Mexico

ISB-18-179

13. LOCATION: See Figure 1.

e., f., g., & h. **LAND STATUS, UTM CENTER, AREA, & 7.5' SERIES MAP NAME:** Below are the UTM coordinates, legal descriptions, and 7.5' quadrangle topographic map references for the proposed 1.5 Acre Church Tract (see Figures 1 & 2).

Table 1. Newcomb Baptist Church, 1.5 Acre Tract, Newcomb Chapter:

Navajo Tribal Trust

Designation	Northing	Easting	Section	Township	Range	7.5' Reference Map
Church Tract CTR	4,017,651.28	705,609.65	25	24N	18W	Newcomb, NM 1966
CNR A	4,017,708.97	705,621.90	25	24N	18W	Newcomb, NM 1966
CNR B	4,017,663.91	705,664.31	25	24N	18W	Newcomb, NM 1966
CNR C	4,017,591.50	705,601.85	25	24N	18W	Newcomb, NM 1966
CNR D	4,017,631.25	705,555.35	25	24N	18W	Newcomb, NM 1966

14. REPORT

a. Description of Undertaking: The proposed undertaking is for the purposes of obtaining a lease and continued construction/maintenance of an existing church within a 1.5 acre tract. The undertaking will involve the maintenance of existing facilities within the surveyed area. Construction activities will include surface ground disturbance with the use of equipment to maintain the existing church facility. The area of potential effect equals approximately 65,340 sq. ft. (6,070.3 sq. m.) or 1.5 acres (0.6 ha.). An area of 1.5 acres (0.6 ha.) (65,340 sq. ft.) (6,070.3 sq. m.) was inventoried.

b. Existing Data Review: As part of this project, research was conducted using the Navajo Nation Heritage & Historic Preservation Department (NNHHPD) files in Window Rock, Arizona. Research reveals one (01) recent cultural resource inventory, five (05) previous cultural resource inventories and eight (08) previously recorded sites within one kilometer of the undertaking as follows:

Project Numbers	Site Numbers
NTM-85-304	LA35690
NTM-85-681	PL-96-550, LA7551
NTM-86-365	NM-H-10-15
HPD-92-502	NM-H-5, -6, -10
HPD-92-519, HPD-18-784	NM-H-46-22, -23 (LA89949)

c. Area of Environmental & Cultural Setting: The existing church tract is located in Shiprock Agency, Newcomb Chapter, approximately 0.1 mile southwest of the Newcomb Chapter House, San Juan County, New Mexico. The project area is located at the southeastern base of Gray Mesa and northwest of Tse-ni-cha (approximately 1.8 miles) at elevations ranging from 5,569-5,587 feet (1,697.3-1,702.8 meters) above mean sea level. The main water sources for the area are Tunsu Wash (approximately 1.7 miles east of the project area) and Captain Tom Wash (approximately 0.2 mile northwest of the project area). Vegetation in the area consists of snakeweed, rabbitbrush, prickly pear, russian thistle, low-lying perennials and other seasonal native grasses. No domesticated animals were noted within the project area. Surface sediments consist primarily of aeolian with alluvial fine sands, clay and small-medium shale pebble inclusions and shale outcrops. The surrounding area has been impacted by the development of scattered business sites, school, homes, water tanks, water lines and power lines.

d. Field Methods: On September 19, 2018, Iris Shirley Begaye, archaeologist conducted the cultural resource inventory of an existing 1.5 acre church tract. The four corner points were identified to conduct a Class III pedestrian inventory by walking parallel transects with adjacent points spaced approximately 15m apart extending out over the proposed church site. The area of potential effect equals approximately 65,340 sq. ft. (6,070.3 sq. m.) or 1.5 acres (0.6 ha.). An area of 1.5 acres (0.6 ha.) (65,340 sq. ft.) (6,070.3 sq. m.) was inventoried.

In accordance with NNHHPD guidelines, the project archaeologist interviewed the sponsor to obtain information on potential traditional cultural properties (TCPs-herb gathering areas, blessed and/or sacred places or burials) in the vicinity. The sponsor was unaware of any TCPs in the area. Traditional Cultural Properties (TCP) research was conducted at NNHHPD Traditional Cultural Property Section and revealed traditional cultural property #55. TCP #55 will not be adversely affected by the proposed undertaking.

SUPPLEMENTAL SHEET (AIRS FORM)

Proposed Newcomb Baptist Church, 1.5 Acre Tract, Newcomb Chapter, San Juan County, New Mexico
ISB-18-179

15. CULTURAL RESOURCE FINDINGS:

- a. **Location/Identification of Each Resource:** One (01) site, one (01) in-use site and three (03) isolated occurrences were identified during ISB-18-179 inventory.

Site NM-H-46-22 consists of an Anasazi PI-III Artifact Scatter. NM-H-46-22 is located northeast of this undertaking (church tract), refer to Figure 2. The 2018 updated site boundary includes the northeast church-tract corner. Field observation, ceramic sherd debris scattered at the perimeter of the fenced church tract due to levelling, church facility construction and the installation of water and power to the church facility. The origin of the sherds is indeterminate due to the amount of surface and subsurface disturbance within and outside the church tract. It is unlikely there are any significant subsurface deposits at the northwestern-northeastern portion of the church tract given the amount of shale outcrops. Construction activity within the church tract have crushed the shale outcrops resulting in gravel-size shale with sherd debris within the church tract. Levelling the central portion of the church tract resulted in shale gravel and sherd debris to be pushed and moved to the perimeter of the church tract boundary.

The undertaking was to report cultural resources within the church tract. Given the amount of ground disturbance, sherd debris and the location of NM-H-44-22 and NM-H-44-23 to the church tract, NNHPD was consulted to address management of the sherd debris at the perimeter of the church tract. NNHPD consultation recommended the inclusion of the updated site forms in this reporting with consideration to management recommendations.

Isolated Occurrence (IO) 1 consists of 5-corrugated sherds, 3 B/W sherds and 1 rim sherd.

Isolated Occurrence (IO) 2 consists of 6-corrugated sherds and 5 B/W sherds.

Isolated Occurrence (IO) 3 consists of 4-corrugated sherds and 4 B/W sherds.

In-Use Site A consists of a 1980s church building, shed with existing facilities of waterline and powerline.

- b. **Evaluation of Significance of Each Resource (above):**

NM-H-46-22 site assessment under 36 CFR 60.4 (National Register): *Site NM-H-46-22 retains integrity of materials. Potential subsurface deposits may show the site to have integrity of location and association under criterion D. NM-H-46-22 meets and exceeds the 50-year guideline with no exclusions. Under 43 CFR 7.3 (ARPA), NM-H-46-22 is of archaeological interest and is over 100 years of age; therefore, it merits protection under ARPA. Site NM-H-46-22 is not a site type normally considered for protection under ARPA.*

Isolated Occurrences (IO) do not appear to be associated with any nearby sites. In the absence of subsurface exploration or other evidence that the artifacts are associated with a nearby site, the IOs do not appear to be eligible for protection under NHPA. IOs do not meet eligibility requirements under criterion a through d, their research potential has been exhausted through recordation. The IOs do meet the 50-year eligibility guideline. The artifacts do meet the 100-year age requirement under ARPA, but do not appear to be of archaeological interest. The IOs are not materials that are usually considered for protection under AIRFA and NAGPRA.

IUA A possesses integrity of location and setting; is probably not eligible for nomination to the National Register under criteria a, b, or c, but may qualify under criterion d since it could provide information to understanding current Navajo use of the area. IUA A does not meet the 50-year guideline and thus is not Register eligible. IUA A is of archaeological interest given its research potential, but does not meet the 100-year age requirement for classification as an archaeological resource under ARPA. Thus IUA A does not merit protection under ARPA. Finally, IUA A does not retain qualities or characteristics that would make it eligible for protection under AIRFA.

16. MANAGEMENT SUMMARY (RECOMMENDATIONS):

Given the amount of surface and subsurface disturbance within the Newcomb Church Tract, **Conditional Clearance** is recommended, provided the following stipulation is adhered to:

1. NM-H-46-22 site boundary is located at the northeast church-tract corner. The northeast corner of the church-tract shall be avoided by 50 feet for any future construction and associated improvements.

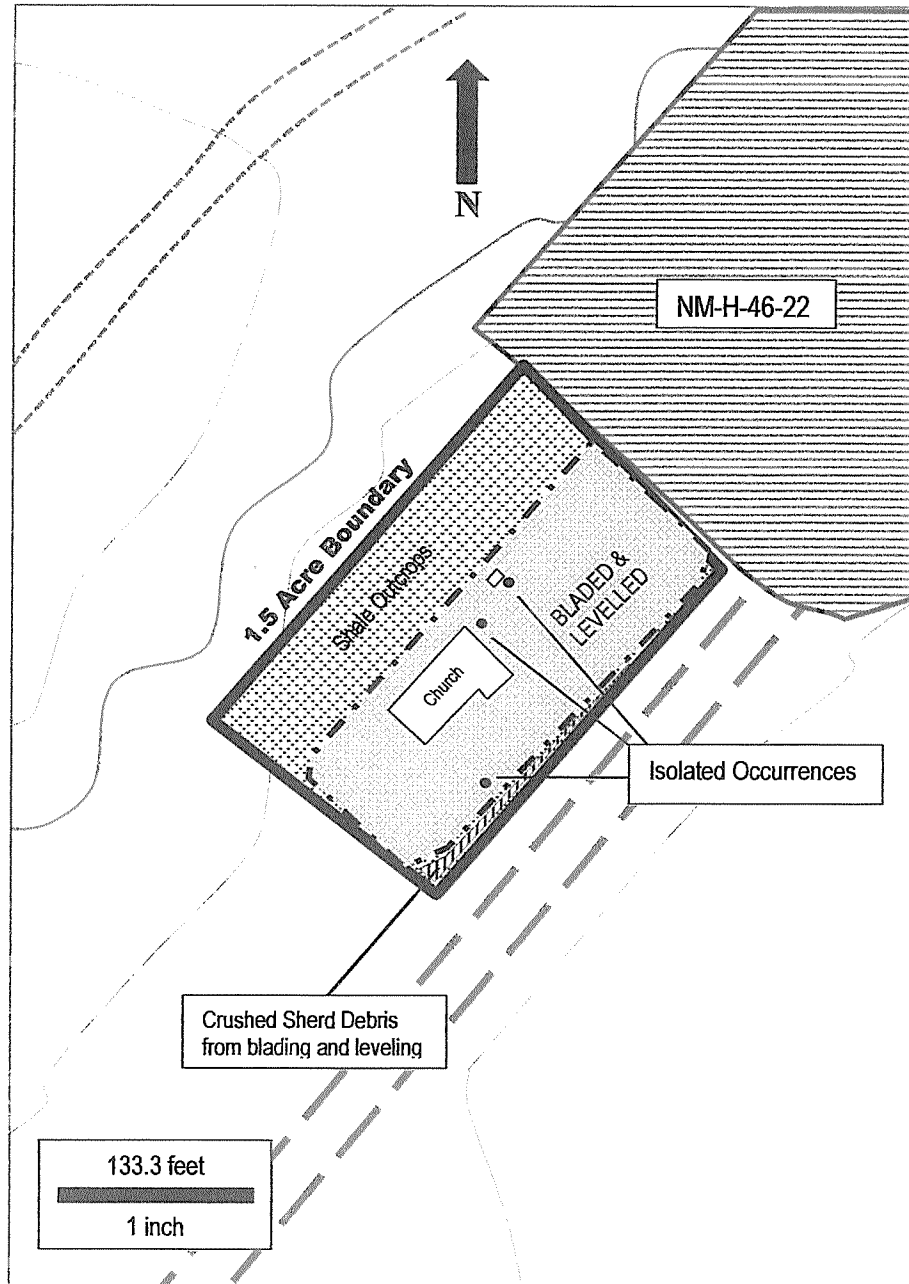


Figure 2. Newcomb Baptist Church Illustration, 1.5 Acre Tract (ISB-18-179)
 UTM Zone 12; 4,017,651.28 N, 705,609.65 E; NW¼ SE¼ Sec 25 T 24N R 18W NMPM
 7.5' USGS series map: Newcomb, NM 1966

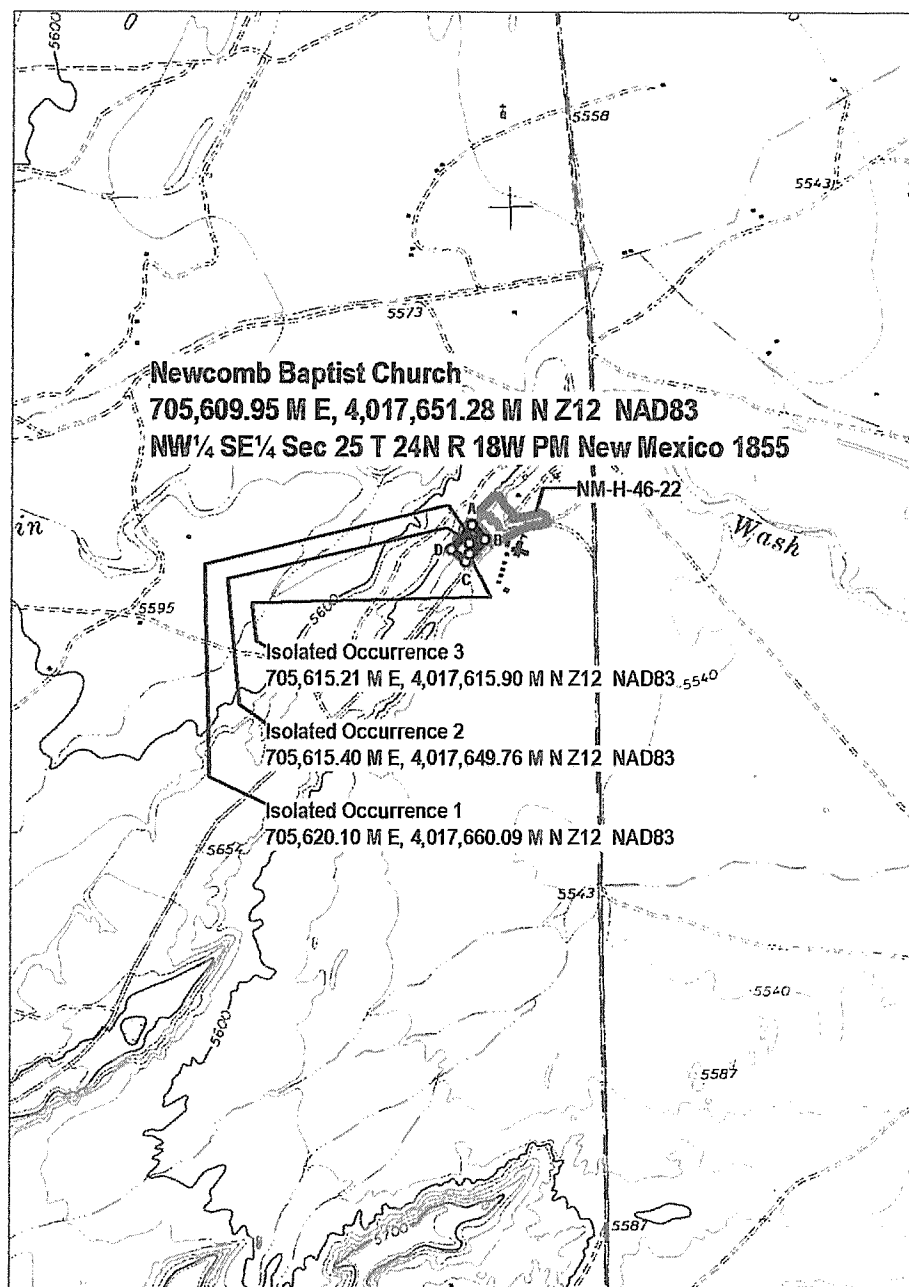


Figure 3. Newcomb Baptist Church, 1.5 Acre Tract (ISB-18-179)
 UTM Zone 12; 4,017,651.28 N, 705,609.65 E; NW¼ SE¼ Sec 25 T 24N R 18W NMPM
 7.5' USGS series map: Newcomb, NM 1966

NHPO-18-784

NAVAJO NATION ARCHAEOLOGY DEPARTMENT
Site Survey and Management Form

SITE NO: NM-H-46-22

FIELD OR OTHER NAME: LA 89948

DATE RECORDED: 06/25/2018

PROJECT NUMBER AND NAME: B18499 *A Cultural Inventory for a Proposed Waterline Extension to a Water Delivery Site Next to Newcomb Chapter House, San Juan County, New Mexico*

ORGANIZATION: Ecosystem Management, Inc.

ARCHAEOLOGIST(S): Matthew Johnson

USGS MAP REFERENCE: Newcomb, 36108-C6

LEGAL LOCATION: T24N, R18W, Section 25, S 1/2 NW SE

UTM: Zone 12N; 705669 E, 4017665 N

STATE: NM

COUNTY: San Juan

CHAPTER: Newcomb

LAND STATUS: Tribal Trust

GROUND VISIBILITY: KIND AND EXTENT OF COVER? Great Basin desert scrub, 95 percent visible ground surface.

TOPOGRAPHY: The site is situated at the southeast base of a southwest to northeast trending ridge. The ridge rises approximately 50–60 ft. above the surrounding valley, obscuring the northern view. The southeast corner of the site is located on a small sandstone outcrop. Here, 2–3 m of potential deposition is estimated based on the presence of a roadside drainage. The majority of the site is located in what used to be a natural drainage off the ridge on the northern periphery. Now the drainage area is mostly blocked by man-made bulldozer push-piles. These piles have obscured what was once likely a prominent terrace below the apex of the northern landform.

DRAINAGE: Captain Tom Wash is 260 m to the north-northwest.

ELEVATION (ft/m): 5,458 ft/1,679 m

SLOPE AND DIRECTION: 1–3 °

SEDIMENT TYPE: Tan aeolian sands with 85 percent gravel overlain in some locations by tan sandy alluvium.

OTHER:

VEGETATION PRESENT: Rabbitbrush, Russian thistle, and bunch grasses.

CULTURAL AFFILIATION(S): Anasazi SITE TYPE: Artifact Scatter
 PERIOD(S) OF OCCUPATION (DATE, IF KNOWN:) Pueblo I-Pueblo III (AD 700–1300)

HOW DATED? Ceramic cross dating

DIMENSIONS OF SITE (L x W): 129 x 89

TOTAL AREA (SQ M): 5,841

HOW DETERMINED: ArcMap area geometry calculations.

ARCHITECTURE PRESENT? NO

DESCRIBE:

ARTIFACTS OBSERVED/COUNTED: The artifact assemblage at site NM-H-46-22 was quantitatively analyzed to achieve a representative sample. EMI documented two study units (SU1 and 2) and painted motif ceramic artifacts within the general scatter. SU 1 is a 2 by 2 m unit located near the mouth of a small gully in the north-central portion of the site. Fifty-three ceramic and one lithic artifact were identified. SU 2 is a 3 m diameter circular unit around a power pole located near the southeastern extent of the site. SU 2 yielded 16 ceramic artifacts and one unworked nodule of silicified wood.

In SU 1, black-on-white types identified include possible White Mount Black-on-white and Burnham Black-on-white. The possible White Mound Black-on-white has a small amount of motif appearing to represent a series of solid pendant triangles executed in a reddish-brown mineral pigment on an unslipped surface. The sherd typed Burnham Black-on-white has a series of triangular shapes with squiggle hatchure executed in carbon based pigment and trachyte temper (Reed et al. 1998). Observed sherds were dominated by Plain Gray body sherds with trachyte temper, indicative of Chuskan manufacture. Four sherds typed as Plain Gray Lino-like have large quartz sand temper consistent with early Lino types (Hays-Gilpin and van Hartesveldt 1998). Both Clapboard Corrugated and Indented Corrugated sherds were identified in low numbers. The presence of Lino-like paste suggests the area may have been inhabited as early as AD 550; however, the earliest corresponding whiteware type identified, possible White Mound Black-on-white, did not appear until AD 700, suggesting these Lino-like sherds represent the Pueblo I period rather than the Basketmaker III period. Use of trachyte temper is thought to have begun around AD 800, thus most of the sherds observed in SU 1 likely post-date AD 800. Burnham Black-on-white dates from the late Pueblo I through early Pueblo II (AD 860–1000). SU 1 appears to represent the Pueblo I through early Pueblo II periods. However, given the disturbed nature of the site, these artifacts are unlikely to be in primary context, and thus such an analysis should be interpreted with caution.

The single lithic artifact observed in SU 1 was a silicified wood 2–4 cm flake fragment with no cortex.

NM-H-46-22 Study Unit 1 Ceramic Artifacts

Type/Series	Bowl	Jar	Unk.	Total
Burnham Black-on-white	1R*	-	-	1
Possible White Mound Black-on-white	-	1	-	1
Plain White (Cibola)	-	2	-	2
Plain White (Chuska)	-	1	1	2

Type/Series	Bowl	Jar	Unk.	Total
Plain White	2	1	-	3
Lino Gray	-	1R*	-	1
Clapboard Corrugated	-	4	-	4
Indented Corrugated (Chuska)	-	3	-	3
Neckbanded Gray (Chuska)	-	1	-	1
Plain Gray (Chuska)	-	30	-	30
Plain Gray (Lino-Like)	-	4	-	4
Plain Gray	-	1	-	1
Total	3	49	1	53

*R denotes rim sherd

The 16 ceramic artifacts in SU 2 were all utility ware except one unidentified whiteware sherd. The assemblage included Plain Gray of Chuskan manufacture, Plain Gray with Cibola style paste, Plain Gray with Lino-like paste, and two Indented Corrugated sherds of Chuskan manufacture. Lacking identifiable types, SU 2 cannot be assigned an occupation date range.

NM-H-46-22 Study Unit 2 Ceramic Artifacts

Type/Series	Bowl	Jar	Unk.	Total
Plain White	-	-	1	1
Indented Corrugated (Chuska)	-	1	-	1
Patterned Indented Corrugated (Chuska)	-	1	-	1
Plain Gray (Chuska)	-	7	-	7
Plain Gray (Lino-Like)	-	-	4	4
Plain Gray	-	-	2	2
Total	-	9	7	16

Within the general scatter several motif types were observed, dominated by the Gallup style, represented by both organic and mineral painted Chuskan varieties (Brimhall/Chuska). Other motif types include Puerco and Red Mesa. One redware sherd was observed at the site that may represent a Northern San Juan import. Zoned Corrugated sherds were also observed at the site.

Fewer than 10 lithic artifacts were observed in the general scatter, including two Narbona Pass chert cores, and Narbona Pass chert, silicified wood, and low-quality chert flakes. No ground-stone artifacts were observed at the site.

An abundance of roadside trash was observed within the site boundary including all colors of bottle glass, cans, scrap metal and modern plastics. The oldest artifacts include Georgia-green Coca-Cola bottle glass shards and one brown bottle base with "LYSOL INCORPORATED BLOOMFIELD...", although the makers mark was indiscernible. These incidental items are isolated and have accumulated over a number of years; therefore, no Recent Navajo component was defined at the site.

COLLECTION MADE: NO OF WHAT? METHOD: N/A

PHOTO TAKEN? B/W ROLL: FRAME(S): COLOR ROLL: X FRAME(S):
DSCF1198-1213

SITE DESCRIPTION: Site NM-H-46-22 is Pueblo I to Pueblo III (AD 700–1300) Anasazi artifact scatter measuring 129 by 89 m. It is situated at the base of a southwest to northeast trending landform, on its southeast side. This ridge rises approximately 50–60 ft. above the surrounding valley, obscuring the northern view. The southeast corner of the site is located on a small sandstone outcrop. Here, 2–3 m of potential deposition is estimated based on the presence of a roadside drainage. The majority of the site is located in what used to be a natural drainage off the ridge on the northern periphery. Now the drainage area is mostly blocked by man-made bulldozer push-piles. These piles have obscured what was once likely a prominent terrace below the apex of the northern landform. Vegetation on the site is limited to rabbitbrush, Russian thistle, and various bunch grasses. Sediment at the site consists of tan aeolian sands with 85 percent gravel overlain in some locations by tan sandy alluvium. The site is in poor condition. Sources of disturbance include construction and maintenance of Road 5001, the construction of two buildings, powerline installation, vehicular activity, gravel dumping, bulldozing, construction debris, roadside trash accumulation, and erosion. Road 5001 bisects the southern portion of the site along a northeast to southwest axis and has caused an unknown amount of damage. There is a building just outside the site boundary to the east. Its construction and associated vehicle activity have likely played a role in artifact displacement. The second building is located south-southwest of the site and is identified as a church compound in the original recording. While the building itself is outside the site boundary, the area around the church has been mechanically flattened with a fence constructed around the area. A portion of both the fence line and the mechanically flattened area within the church compound are in the site boundary. Several overhead power lines are installed throughout the site. Nearly the entire site area aside from the portion south of the road has been flattened by bulldozer activity. The north-northwestern extents of the flattened areas are bound by push piles. The original site form states that a gravel dump was located within or near the current site boundary. Though no dump area was observed, there is a high concentration of gravel within the site.

Site NM-H-46-22 was originally recorded by Paul Reed of the Navajo Nation Archaeology Department as a Pueblo I to Pueblo II artifact scatter with no features measuring 91 by 60 m (Reed 1992). The site was in poor condition with sources of disturbance similar to those noted above. The recorded artifact assemblage was mostly ceramic with sparse lithic artifacts. The recorder noted Escavada and Brimhall/Chuska style motifs, along with limited redware including Bluff Black-on-red of the San Juan tradition. The majority of the assemblage consisted of corrugated and Plain Gray sherds. Several pieces of angular debris were noted. Lithic materials include chert, chalcedony, and Narbona Pass chert.

The site function was noted as a probable secondary site associated with the numerous Pueblos located around the Newcomb community. Further, Reed noted that the site was likely the result of erosion and redeposition of artifacts from site LA 3223, part of the Chacoan Great House community located on the mesa and slope to the north-northwest.

NM-H-46-22 was recommended as eligible for NRHP inclusion under Criterion D due to potential for subsurface deposits in the northwestern portion of the site. The NMCRIS site summary notes that it is unlikely any significant deposits are left.

It is unknown if the original (1992) site boundary was arbitrarily chosen or considered complete. When EMI revisited the site in 2018 to update site conditions and record a new artifact

inventory, a continuous trail of artifacts were observed from site LA 3223, a Chaco Culture Archaeological Site (PL-96-550) at the top of the small mesa, and the originally defined boundary for site NM-H-46-22. Therefore it appears the original site boundary may have been arbitrary rather than complete, perhaps to encompass a disturbed portion of the extensive artifact scatter emanating from LA 3223. The original site boundary did not extend into the church compound; at present, the artifacts extend past the fence and west-southwest into the church compound.

EMI updated the site in 2018 and defined a new site boundary. The southern boundary was defined by artifact distribution and is considered complete. The eastern boundary of the site is also considered complete. Just outside the eastern boundary is a pink stucco building. Construction and associated sustained vehicle activity likely destroyed any portion of the site in the area. The original site map from 1992 does not show this building, suggesting it was built after 1992. No additional records were obtained regarding archaeological testing, monitoring, or archaeological excavation at the site. The north, northwest, and western site boundaries are considered arbitrary and incomplete. These portions of the boundary are demarcated by linear push piles running along a southwest to northeast axis. It is unclear when these push piles were created, though they appear to be quite old, and likely predate the construction of the church building within the fenced area. The southwest boundary was established where the push piles meet the fence line and the church compound. Artifacts continue upslope to the north, northwest, and west. It is unclear where the site boundary ends for site LA 3223. Site LA 3223 is a combination of approximately 17 archaeological sites with Chaco Culture associations located on the mesa top and extending north into the valley toward Captain Tom Wash. Site NM-H-46-22 has not previously been included with site LA 3223 and the NMCRIS summary for site LA 3223 states that the boundary is complete. These sites were not combined because the artifacts at NM-H-46-22 are in secondary or tertiary contexts with extensive disturbance from recent activity and are unlikely to retain direct association with the Chacoan Outlier community.

The site area south of Road 5001 rises from the plain onto a low sandstone outcrop. The majority of artifacts north of road 5001 are expected to be in secondary context as a result of southward erosion from site LA 3223. It is not reasonable to suspect upslope erosion across Road 5001. Therefore it appears the area south of Road 5001 may represent a separate locus of activity, the boundary of which is now contiguous with the runoff from site LA 3223.

Site NM-H-46-22 was recommended eligible for inclusion in the NRHP under Criterion D due to low potential for subsurface deposits in the northwest portion of the site (Reed 1992). It is unlikely that any significant subsurface deposits remain in this portion of the site, which is now in the central portion of the newly defined site boundary. However, there may be subsurface deposits near the southeastern extent of the site, on the south side of Road 5001. While the southeastern portion of the site is also disturbed, several ceramic artifacts appeared to be emanating from a power pole installation, suggesting subsurface deposits may be present beneath the disturbed surface of the site. The site has limited research potential given the disturbed context. Potential subsurface deposits south of Road 5001 may be able to answer questions regarding settlement and subsistence patterns, relationship to local Pueblos, and seasonal/regional mobility.

EMI recommends that NM-H-46-22 be entirely avoided during construction of the water delivery site and associated improvements. EMI further recommends the development of an

monitoring plan and avoidance monitoring by a qualified archaeologist for all ground-disturbing activities within 50 ft of the site boundary. If subsurface deposits are encountered during construction, construction will cease, and the Navajo Nation's *Guidelines for the Treatment of Discovery Situations* will be followed.

CONDITION OF SITE: Poor

CAUSES OF DISTURBANCE: Sources of disturbance include construction and maintenance of Road 5001, the construction of two buildings, powerline installation, vehicular activity, gravel dumping, bulldozing, construction debris, roadside trash accumulation, and erosion. Road 5001 bisects the southern portion of the site along a northeast to southwest axis and has caused an unknown amount of damage. There is a building just outside the site boundary to the east. Its construction and associated vehicle activity have likely played a role in artifact displacement. The second building is located south-southwest of the site and is identified as a church compound. While the building itself is outside the site boundary, the area around the church has been mechanically flattened with a fence constructed around the area. A portion of both the fence line and the mechanically flattened area within the church compound are in the site boundary. Several overhead power lines are installed throughout the site. Nearly the entire site area aside from the portion south of the road has been flatted by bulldozer activity. The north-northwestern extents of the flattened areas are bound by push piles. The original site form states that a gravel dump was located within or near the current site boundary. Though no dump was observed, the extremely high concentration of gravel within the site supports this disturbance factor.

LOCATION OF SITE RELATIVE TO PROJECT AREA: Approximately 70 percent of the site is within the project area, occupying the southwest half of the proposed water delivery site.

EXTENT OF INVESTIGATION TO DATE: The site was originally recorded in 1992 by Paul Reed of the Navajo Nation Archaeology Department. The site does not appear to have any subsequent visits. EMI revisited the site in 2018 to update site conditions and document a new artifact inventory.

RESEARCH POTENTIAL: The site has limited research potential given the disturbed context. Potential subsurface deposits south of Road 5001 may be able to answer questions regarding settlement and subsistence patterns, relationship to local Pueblos, and seasonal/regional mobility.

MANAGEMENT RECOMMENDATIONS: EMI recommends that NM-H-46-22 be entirely avoided during construction of the water delivery site and associated improvements. If ground disturbances is to occur within 50 ft of the site boundary, EMI recommends the development of an avoidance monitoring plan and monitoring by a qualified archaeologist. If subsurface deposits are encountered during construction, construction will cease, and the Navajo Nation's *Guidelines for the Treatment of Discovery Situations* will be followed.

SITE ASSESSMENT UNDER 36 CFR 60.4 (NATIONAL REGISTER): Site NM-H-46-22 was recommended eligible for inclusion in the NRHP under Criterion D due to low potential for subsurface deposits in the northwest portion of the site (Reed 1992). It is unlikely that any significant subsurface deposits remain in this portion of the site, which is now in the central

portion of the newly defined site boundary. However, there may be subsurface deposits near the southeastern extent of the site, on the south side of Road 5001. While the southeastern portion of the site is also disturbed, several ceramic artifacts appeared to be emanating from a power pole installation, suggesting subsurface deposits may be present beneath the disturbed surface of the site. The site has limited research potential given the disturbed context. Potential subsurface deposits south of Road 5001 may be able to answer questions regarding settlement and subsistence patterns, relationship to local Pueblos, and seasonal/regional mobility.

INTEGRITY: The site retains integrity of materials. Potential subsurface deposits may show the site to have integrity of location and association.

CRITERIA a-d: D

50 YEAR GUIDELINE: Site NM-H-46-22 meets and exceeds the 50-year guideline.

EXCLUSIONS: None

SITE ASSESSMENT UNDER 43 CFR 7.3 (ARPA): Site NM-H-46-22 is of archaeological interest and is over 100 years of age; therefore, it merits protection under ARPA.

SITE ASSESSMENT UNDER AMERICAN INDIAN RELIGIOUS FREEDOM ACT: Site NM-H-46-22 is not of a site type normally considered for protection under the provisions of AIRFA.

PROVIDE A SITE MAP (INCLUDING SITE DESIGNATION, NORTH ARROW, RECOGNIZABLE FEATURES, LANDMARKS, AND RELATIONSHIP TO PROJECT AREA).

HOW CAN SITE BE REACHED? From the Newcomb Chapter House walk 100 m west. The site is located between the pink stucco building and the white church building behind the chapter house.

OTHER COMMENTS (ETHNOGRAPHIC DATA, ETC.):

REFERENCES:

Hays-Gilpin, Kelley and Eric van Hartesveldt

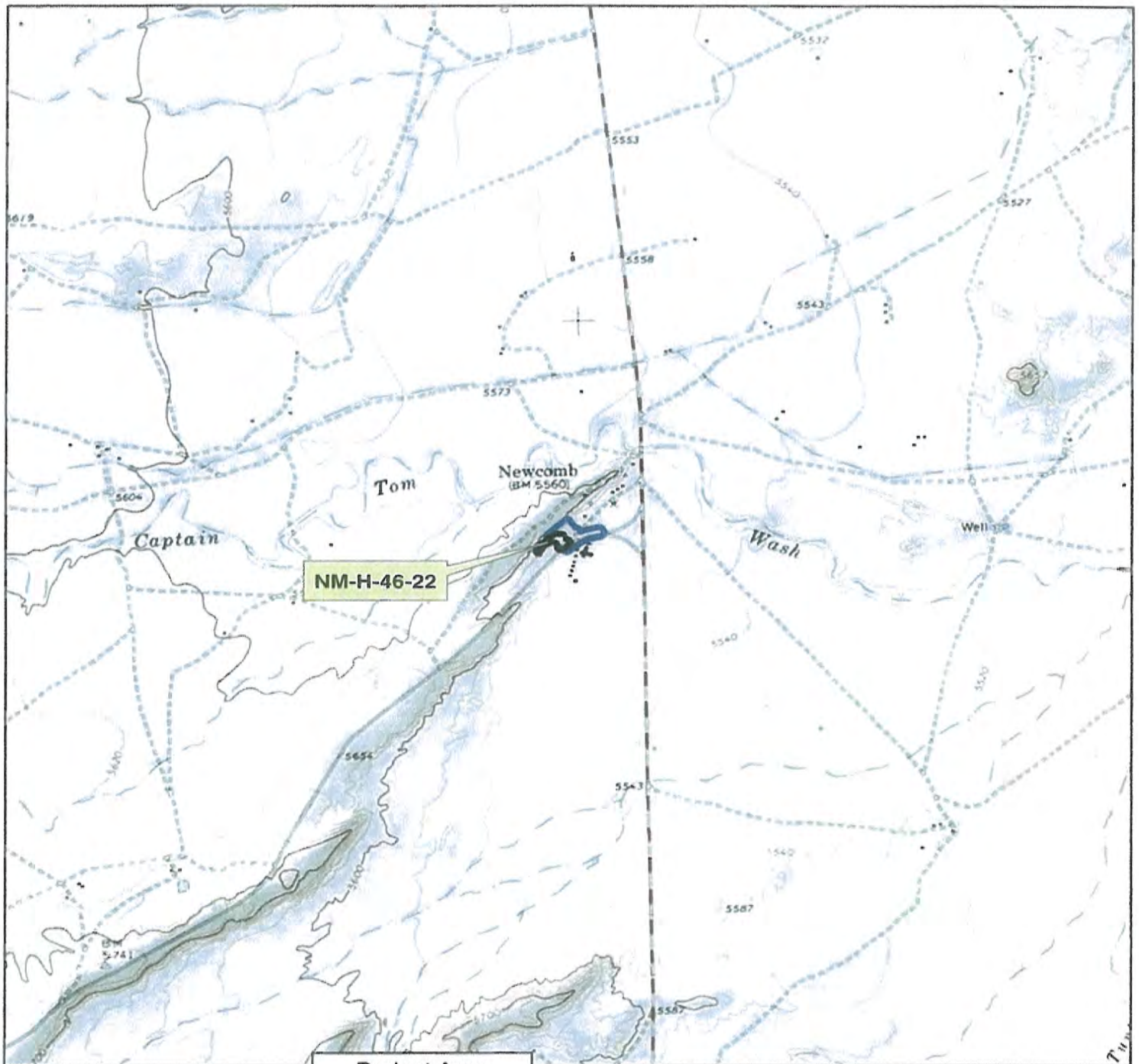
1998 *Prehistoric Ceramics of the Puerco Valley: The 1995 Chambers-Sanders Trust Lands Ceramic Conference*. Museum of Northern Arizona Ceramic Series No.7. The Museum of Northern Arizona, Flagstaff.

Reed, Lori, S., Joell Goff, and Kathy Niles Hensler

1998 *Exploring Ceramic Production, Distribution, and Exchange in the Southern Chuska Valley: Analytical Results from the El Paso Natural Gas North Expansion Project, Pipeline Archaeology 1990-1993: The El Paso Natural Gas System Expansion Project, New Mexico and Arizona*, Vol XI, Book 1, Report no. WCRM(F)074, Farmington, New Mexico.

Reed, Paul F.

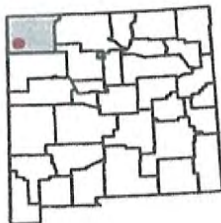
1992 *An Archaeological Survey of a Proposed Senior Citizens Center at Newcomb Chapter, San Juan County, New Mexico*. Submitted to the Navajo Nation Historic Preservation Department, Report No. HPD-92-521. Copies available from the Navajo Nation Historic Preservation Department, Window Rock, Arizona.



Newcomb
Project Area Map
USGS 7.5' Quadrangle:
Newcomb, 36108c6
T24N, R18W, Section 25
San Juan County, NM

Projection: NAD83 UTM Zone 12N
Created 5/17/2018 by NPF

Project Area



Legend

- Site Boundary
- Survey Area



1:24,000

0 500 1,000 Meters





ENVIRONMENTAL ASSESSMENT

NEWCOMB BAPTIST
CHURCH



SEPTEMBER 2019

ETD INC


ETD, Inc.
Consulting and Applied Research

Environmental Assessment

September 2019

Newcomb Baptist Church Project

Newcomb Chapter, Navajo Nation, San Juan County, New Mexico

Prepared for:

Pastor Ryan Nez
P.O. Box 455
Window Rock, Arizona 86515
(928) 380-8860

and:

Navajo Nation Division of Natural Resources
General Land Development Department
P.O. Box 69
St. Michaels, AZ 86511

Prepared by:

ETD, Inc.
2101 N. 4th Street, Suite 201
Flagstaff, Arizona 86004

Contact:

Eunice Tso
Principal
Tel: (928) 779-6032

Table of Contents

1	INTRODUCTION	1
1.1	SUMMARY	1
1.2	PURPOSE AND NEED FOR PROJECT	1
1.3	LOCATION	1
2	ALTERNATIVES (INCLUDING THE PROPOSED ACTION)	3
2.1	PROPOSED ACTION	3
2.2	NO ACTION	3
3	DESCRIPTION OF THE AFFECTED ENVIRONMENT	4
3.1	LAND RESOURCES	4
3.1.1	<i>Geology</i>	4
3.1.2	<i>Topography</i>	5
3.1.3	<i>Soils</i>	5
3.1.4	<i>Mineral Resources</i>	5
3.2	WATER RESOURCES	5
3.2.1	<i>Surface Water and Wetlands</i>	7
3.2.2	<i>Groundwater</i>	7
3.2.3	<i>Floodplains</i>	7
3.3	AIR RESOURCES	7
3.3.1	<i>Quality/Visibility</i>	7
3.3.2	<i>Climate/Meteorology</i>	7
3.4	BIOTIC RESOURCES	8
3.4.1	<i>Description of Biotic Communities</i>	8
3.4.2	<i>Vegetation and Wildlife</i>	8
3.4.3	<i>Threatened, Endangered, and Sensitive (TES) Species</i>	8
3.5	CULTURAL RESOURCES	8
3.6	SOCIOECONOMIC CONDITIONS	9
3.6.1	<i>Employment and Income</i>	9
3.6.2	<i>Demographics and Trends</i>	9
3.6.3	<i>Lifestyles, Cultural Values, Attitudes, and Expectations</i>	9
3.6.4	<i>Community Infrastructure</i>	10
3.7	ENVIRONMENTAL JUSTICE	10
3.8	INDIAN TRUST RESOURCES	10
3.9	ENVIRONMENTAL MODULE	10
3.9.1	<i>RCRA Subtitle C Sites</i>	10
3.9.2	<i>RCRA Subtitle D Sites</i>	11
3.9.3	<i>RCRA Subtitle I Sites</i>	11
3.9.4	<i>CERCLA/Superfund Sites</i>	11
3.9.5	<i>Toxic Substance Control Act (TSCA) Sites</i>	11
3.10	RESOURCES/LAND USE PATTERNS	11
3.10.1	<i>Transportation Use Network</i>	11
3.10.2	<i>Land Use Plans</i>	11
3.10.3	<i>Agriculture</i>	11
3.10.4	<i>Outdoor Recreation, Fishing, and Hunting</i>	12
3.10.5	<i>Timber Harvesting</i>	12
3.11	OTHER VALUES	12
3.11.1	<i>Wilderness Areas</i>	12
3.11.2	<i>Sound and Noise</i>	12
3.11.3	<i>Public Health and Safety</i>	12

3.11.4	Visual Setting.....	13
4	ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION.....	14
4.1	LAND RESOURCES IMPACTS.....	14
4.1.1	Geology and Topography.....	14
4.1.2	Soils.....	14
4.1.3	Mineral Resources.....	14
4.2	WATER RESOURCES IMPACTS.....	14
4.2.1	Surface Water.....	14
4.2.2	Ground Water.....	15
4.2.3	Floodplains.....	15
4.3	AIR RESOURCES IMPACTS.....	15
4.3.1	Quality/Visibility.....	15
4.3.2	Climate/Meteorology.....	15
4.4	BIOTIC RESOURCES IMPACTS.....	15
4.4.1	Biotic Community, Vegetation and Wildlife.....	15
4.4.2	Threatened, Endangered, and/or Sensitive (TES) Species.....	15
4.5	CULTURAL RESOURCES IMPACTS.....	16
4.6	SOCIOECONOMIC CONDITIONS IMPACTS.....	16
4.7	ENVIRONMENTAL JUSTICE IMPACTS.....	16
4.8	INDIAN TRUST RESOURCES IMPACTS.....	16
4.9	ENVIRONMENTAL MODULE IMPACTS.....	16
4.10	RESOURCE/LAND USE PATTERNS IMPACTS.....	17
4.10.1	Transportation Use Network.....	17
4.10.2	Land Use Plans.....	17
4.10.3	Agriculture.....	17
4.10.4	Outdoor Recreation, Fishing, and Hunting.....	17
4.10.5	Timber Harvesting.....	17
4.11	OTHER VALUES IMPACTS.....	17
4.11.1	Wilderness Areas.....	17
4.11.2	Sound and Noise.....	17
4.11.3	Public Health and Safety.....	17
4.11.4	Visual Setting.....	17
4.12	CUMULATIVE IMPACTS.....	18
4.13	SUMMARY OF MITIGATION MEASURES AND BMPs.....	18
5	LIST OF AGENCIES AND ORGANIZATIONS CONSULTED.....	19
6	DOCUMENT PREPARER'S QUALIFICATIONS AND SIGNATURE.....	19
7	REFERENCES.....	20
	APPENDIX A: BIOLOGICAL RESOURCES COMPLIANCE FORM.....	22
	APPENDIX B: CULTURAL RESOURCES COMPLIANCE FORM.....	24

List of Figures:

Figure 1. Map showing the general project location area.

Figure 2. Aerial imagery showing the project area.

Figure 3. Excerpt from the Geologic Map of Arizona showing the regional geology.

Figure 4. Water resources near the project site.

Figure 5. Overview of the project site from the southeast corner, facing west.

List of Tables:

Table 1. Project location information.

Table 2. Soils at the Project Site.

List of Acronyms:

AIRFA	American Indian Religious Freedom Act
ARPA	Archaeological Resources Protection Act
BIA	Bureau of Indian Affairs
BMPs	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CRI	Cultural Resources Inventory
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GLDD	General Land Development Department
(L)UST	(Leaking) Underground Storage Tank
MRDS	Mineral Resource Data System
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act
NNDCD	Navajo Nation Division of Community Development
NNDFW	Navajo Nation Department of Fish and Wildlife
NNEPA	Navajo Nation Environmental Protection Agency
NNFD	Navajo Nation Forestry Department
NNHHPD	Navajo Nation Heritage & Historic Preservation Department
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	National Resources Conservation Service
NRHP	National Register of Historic Places
NTUA	Navajo Tribal Utility Authority
RCRA	Resource Conservation and Recovery Act
SWPPP	Stormwater Pollution Prevention Plan
TCP	Traditional Cultural Property
TES	Threatened, Endangered, and Sensitive
TSCA	Toxic Substances Control Act
USBM	U.S. Bureau of Mines
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WRCC	Western Regional Climate Center

1 Introduction

1.1 Summary

Newcomb Baptist Church proposes to lease and operate a church and associated activities within a 1.5-acre parcel of Navajo Tribal Trust land in Newcomb Chapter of the Navajo Nation, San Juan County, New Mexico.

The *Navajo Nation General Leasing Regulations of 2013* (CO-53-13) gives the Navajo Nation authority to issue its own leases and permits for agriculture, public relations, education, recreation, telecommunications, and residential sites on fee and trust land. Newcomb Baptist Church will apply for a mission site lease from the Navajo Nation General Land Development Department (GLDD). The GLDD will approve or deny the Mission Site Lease application. The GLDD was established to process such leases and conduct the environmental review process (Subchapter 8 of CO-53-13).

1.2 Purpose and Need for Project

Newcomb Baptist Church is reaching the Newcomb community and the world with the Gospel of Jesus Christ. This church provides an opportunity for community members to gather together and practice their religion while also providing spiritual guidance and biblical counseling. The church was originally built in the 1980s and officially became a mission in April 2018 under the authority of the Ganado Baptist Church.

1.3 Location

Newcomb Chapter (in Navajo: *T'iis Nideeshgizh*, or "Cottonwood Grove Spreading From Wash") is a political subdivision of the Navajo Nation in San Juan County, New Mexico, just 35 miles south of Shiprock, New Mexico. Newcomb Chapter's land base is comprised of about 130.2 square miles. Figure 1 presents a general location map showing the project site. Information regarding the site coordinates, legal location, and USGS reference maps are shown in Table 1. The project site is accessed off of Navajo Route 5001, nearby the Newcomb Chapter House tract.

TABLE 1. PROJECT LOCATION INFORMATION

Center UTM Coordinates (WGS84 Zone 12N)	Legal Description (NMPM)	USGS 7.5' quadrangle
705610 E 4017649 N	Section 25, T.24N, R.18W	Newcomb, NM (1970 ed.)

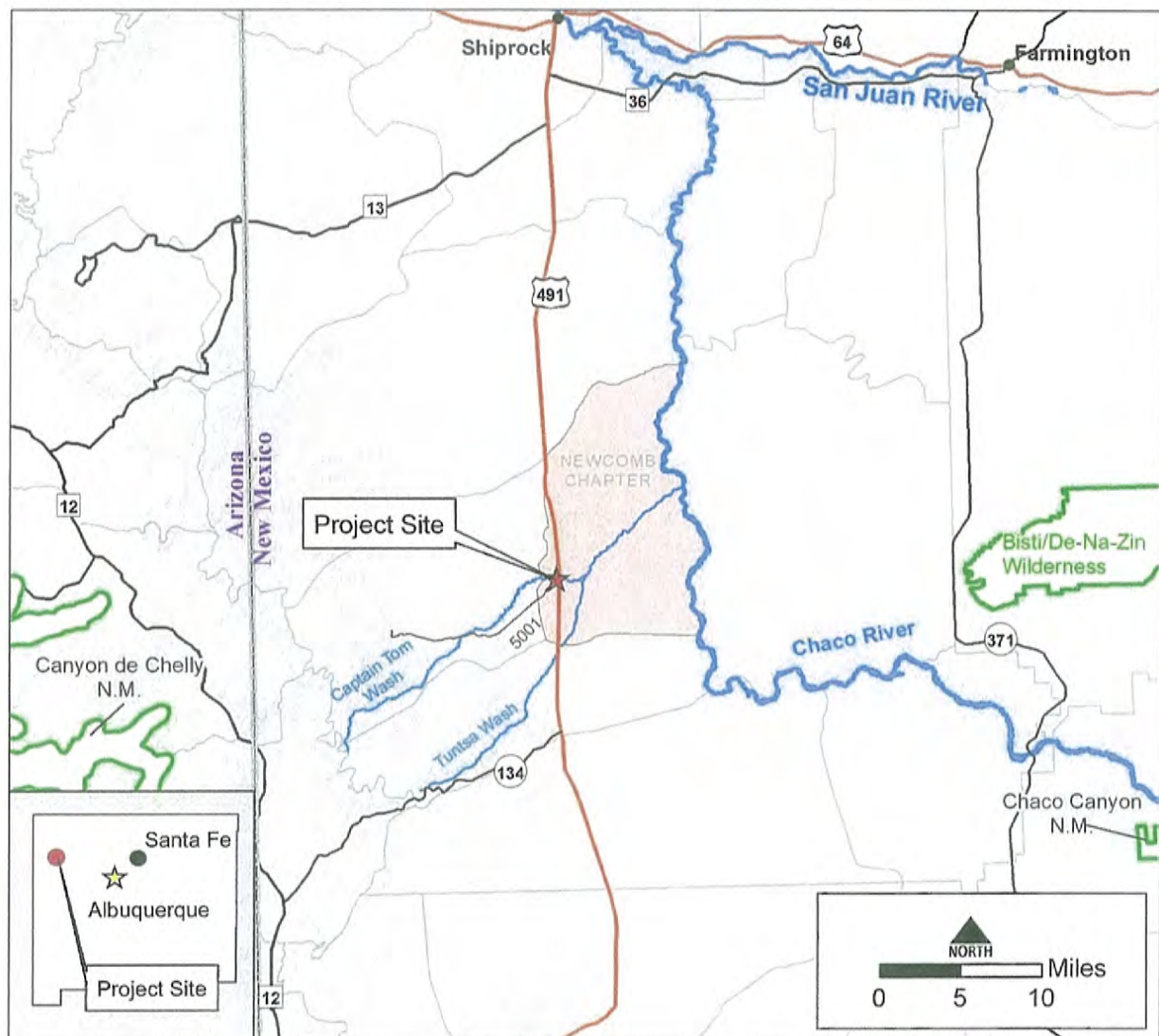


FIGURE 1. MAP SHOWING GENERAL PROJECT LOCATION AREA.

2 Alternatives (Including the Proposed Action)

Below we describe the proposed action and no action scenarios. There were no alternative actions selected for this project.

2.1 Proposed Action

Under the proposed action, Newcomb Baptist Church will acquire a mission site lease for the land that hosts their church building. Originally built in the 1980s, Newcomb Baptist Church is a 2,240 square-foot building with electricity and running water. Other structures that exist on the site include a 225 square-foot storage shed, propane tank, and a septic tank and leach field. Under the proposed action, Newcomb Baptist Church will request a 1.5-acre Mission Site Lease from the Navajo Nation to become in compliance with the Nation's leasing regulations. Newcomb Baptist Church also proposes to install a modular home (as a parsonage), a playground, a fellowship hall, and replace the fencing around the site with a chain-link fence.

2.2 No Action

Under the no action alternative, the proposed church site lease would not be approved and there would be no impact to the existing natural and human environment. Newcomb Baptist Church will continue to operate without a proper lease.



FIGURE 2. AERIAL IMAGERY SHOWING THE PROJECT AREA.

3 Description of the Affected Environment

This chapter describes the existing conditions in the study area that includes the region as well as specific project sites. It establishes the baseline data upon which the impacts have been evaluated in chapter 4.

3.1 Land Resources

This section discusses the geology, topography, soils and mineral resources in the area of the proposed project.

3.1.1 Geology

The project area lies within the Colorado Plateau, a land of scenic beauty characterized by sparsely vegetated plateaus, mesas, deep canyons, and barren badlands (Foos, 1999). The Colorado Plateau encompasses an area of about 140,000 square miles in the four corners region of Arizona, Colorado, New Mexico, and Utah (1999).

The project site lies on the edge of the San Juan structural basin (Craig et al., 1990), a northwest-trending asymmetric structural depression formed during the Laramide orogeny at the eastern edge of the Colorado Plateau. It contains a thick sequence of sedimentary rocks ranging in age from Cambrian

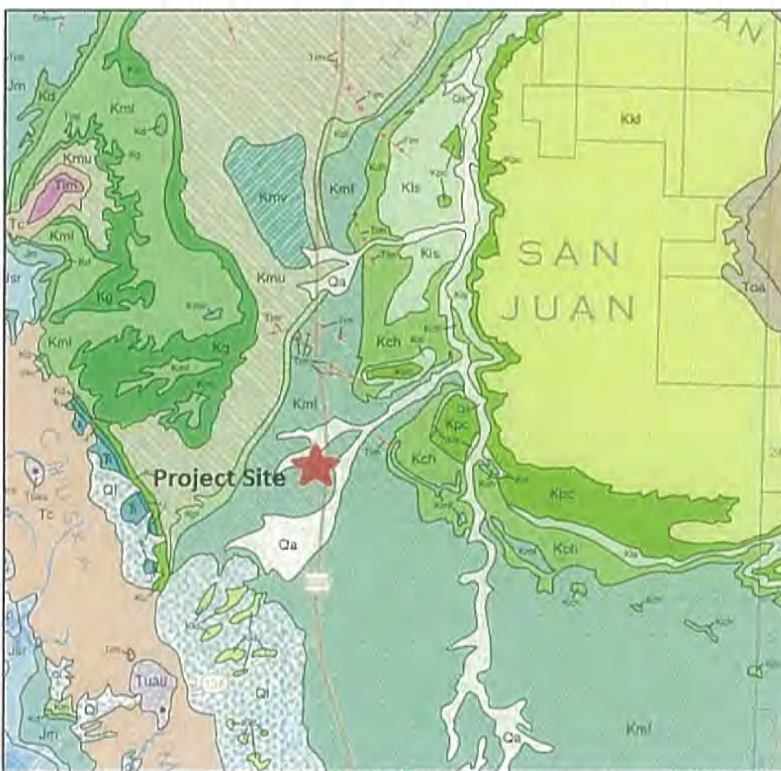


FIGURE 3. EXCERPT FROM THE NEW MEXICO GEOLOGIC MAP SHOWING THE REGIONAL GEOLOGY (SCHOLLE, 2003).

through Tertiary that dip basinward from the basin margins toward a troughlike structural center (i.e. the deepest part of the basin). The San Juan basin has been a major producer of oil and natural gas since the early 20th Century (Hoffman, 1991).

The project area has also been described as the Western San Juan Basin hydrogeologic subdivision by Cooley, et al. (1969). The Western San Juan Basin is predominately underlain by Upper Cretaceous strata, which dip north and east from the Defiance Plateau and the Zuni Mountains.

According to the New Mexico geologic map by Scholle (2003), the project site is underlain by an Upper Cretaceous unit called the Menefee Formation, the oldest exposed unit of the Mesa Verde

group (NPS, 2015). **Figure 3** presents an excerpt from the New Mexico geologic map showing the project region. There are no geologic structures near the project site. The nearest structure is a quaternary fault located 26 miles east. More quaternary faults can be found further to the south and east.

3.1.2 Topography

Topography in the project region ranges as high as 9,820 feet at the peak of Roof Butte in the Chuska Mountains, located 25 miles northwest of the project site. Elevations reach as low as 4,885 feet along the base of the San Juan River in Shiprock under the Highway 64 bridge, 34 miles north of the project site. The project site itself has a gentle dip from south to north and east to west. The existing church and shed sit at an elevation of about 5,575 feet.

3.1.3 Soils

Soils information for the project site was gathered using the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Web Soil Survey. Two soil complexes, both covering about half of the project site, were identified at the project site. They are called *Aridic Badlands-Genats complex* and *Kimbeto-Huerfano complex* (NRCS, 2019). These complexes are broken down into three soil types, listed in **Table 2**. Badland soils are surface bedrock at 8-10% slopes and does not contain any soil properties and thus was excluded from the table below. The soils are not prone to ponding or flooding, nor are they rated as hydric soils by NRCS (2019).

TABLE 2. SOILS AT THE PROJECT SITE

Soil Type	Description
Genats, 35-60% slopes	This soil is found on side slopes of escarpments and cuestas. Its parent material is slope alluvium over residuum weathered from shale. The typical profile is: channery silt loam (0-3 in.), silty clay loam (3-9 in.), silty clay (9-22 in.), and bedrock (22-26 in.). It is well-drained with very high run-off potential.
Huerfano, 1-3% slopes	This soil is found on hills and cuestas. Its parent material is alluvium over residuum weathered from sandstone. The typical profile is: fine sandy loam (0-2 in.), clay loam (2-18 in.), and bedrock (18-22 in.). Soils are well-drained with medium run-off potential.
Kimbeto, 1-4% slopes	This soil is found on hills and cuestas. Its parent material is eolian deposits and alluvium over residuum weathered from sandstone and shale. The typical profile is: loamy fine sand (0-9 in.), fine sandy loam (9-17 in., 25-32 in.), sandy clay loam (17-25 in.), loam (32-44 in.), and bedrock (44-48 in.). Soils are well-drained with low run-off potential.

3.1.4 Mineral Resources

A "mineral resource" is defined as a concentration of naturally occurring solid, liquid, or gaseous material in or on the Earth's crust in such a form and amount that economic extraction of a commodity from the concentration is currently or potentially feasible (USBM and USGS, 1980). Mineral resources records in the U.S. are maintained by the U.S. Geological Survey (USGS) in the Mineral Resource Data System (MRDS). According to the MRDS, there are no mineral resources in the immediate project area. The nearest mineral resource is a geothermal spring/well located 5.1 miles west of the project site (2008).

3.2 Water Resources

This section discusses surface water, ground water, and floodplains found in and around the project site. **Figure 4** presents a map showing ephemeral streams, wells, and wetlands in the area surrounding the

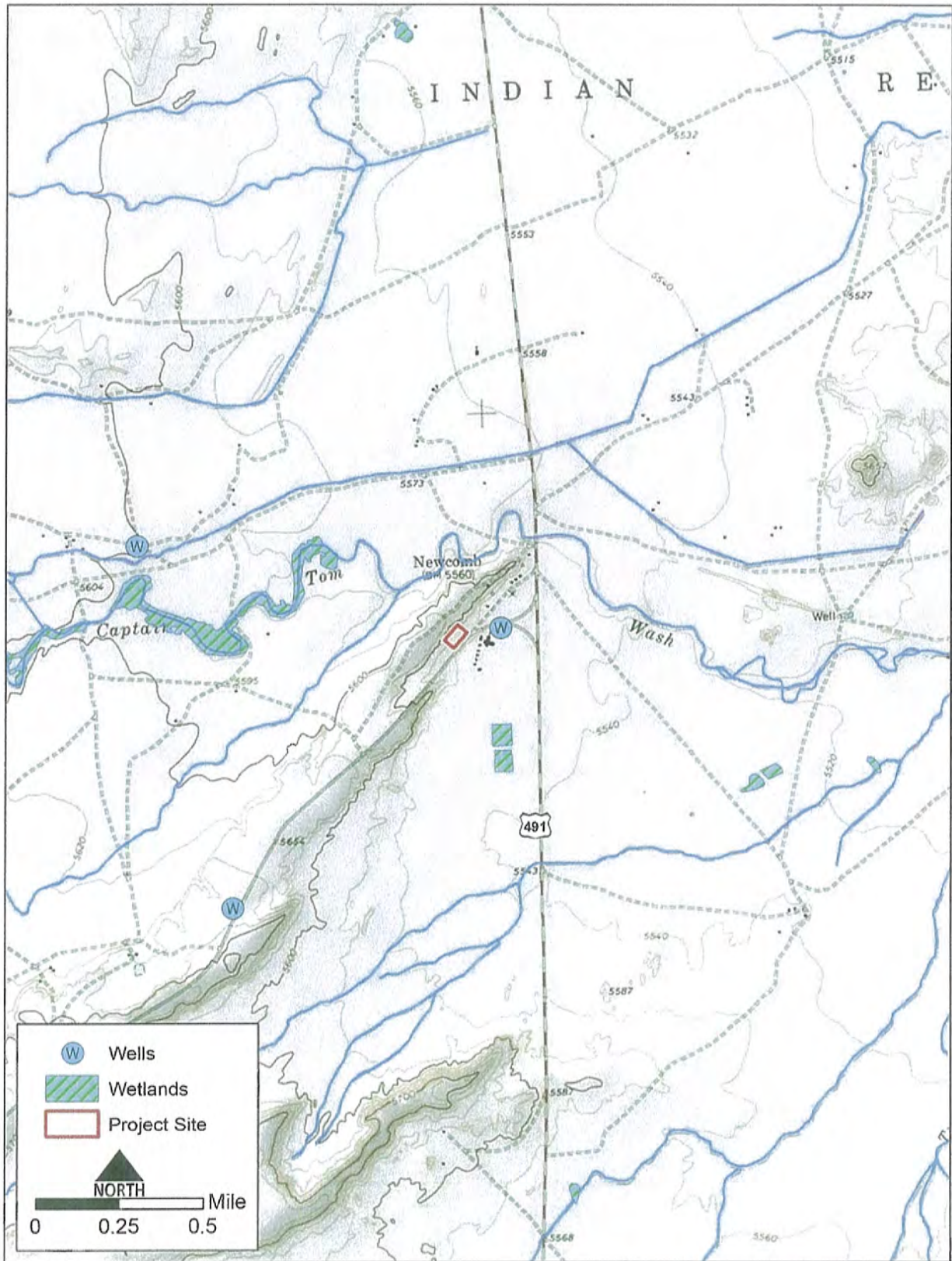


FIGURE 4. WATER RESOURCES NEAR THE PROJECT SITE (UGS 7.5' QUADRANGLE: NEWCOMB, NM (1970 ED.)).

3.2.1 Surface Water and Wetlands

In the region, the drainage pattern is northeast towards the San Juan River, located 33 miles away from the project site. Numerous tributaries that originate on the CHuska mountains flow toward larger tributaries of the San Juan, such as Chaco River. Chaco is the nearest major surface water when it is flowing. It flows from southwest to northwest and is eight (8) miles east of the project site at its closest point. In the Newcomb community, Captain Tom Wash (1,012 feet north), Tuntsa Wash (1.8 miles east), and their tributaries channel water northeast to the Chaco River when they are flowing. See Figure 4.

Wetlands information is found using the National Wetlands Inventory, which is maintained by the U.S. Fish and Wildlife Service (USFWS, 2018). Besides aforementioned rivers and washes and their tributaries, other wetlands in the project area include: community sewer lagoons to the south; small ponds to the south and east; and vegetated areas, referred to as freshwater emergent wetlands, along Captain Tom Wash to the northwest (2018). Figure 4 illustrates these wetlands.

3.2.2 Groundwater

According to information from the Navajo Nation Water Management Branch, the nearest active wells surrounding the project site draw from the Menfee Formation at depths of 1,140-4,275 feet below ground surface.

3.2.3 Floodplains

The Federal Emergency Management Agency (FEMA) nor the Navajo Nation have prepared floodplain maps for the project area. However, FEMA has designated the project area as Zone D, an area with undetermined flood hazards on FIRM Panel 35045C1900F (effective 8/5/2010).

Figure 4 shows that the project area does not have any streams or wetlands that cross into the project site. The nearest stream is Captain Tom Wash, located nearly a quarter mile from the church site on the opposite side of a small ridge. Based on the distance between the church site and the wash, the elevation difference at nearly 40 feet.

3.3 Air Resources

This section discusses air resources in terms of quality/visibility and climate/meteorology which exist in and around the project site.

3.3.1 Quality/Visibility

Air quality on the Navajo Nation is generally good. While it is “unclassified” for the National Ambient Air Quality Standards (NAAQS), it is assumed to be in-attainment of these standards according to maps posted on the U.S. Environmental Protection Agency (USEPA) website (USEPA, 2018). The Navajo Nation Environmental Protection Agency (NNEPA) has air quality monitoring stations around the Navajo Nation that monitors for criteria pollutants under NAAQS. This information is submitted to the USEPA to determine compliance with NAAQS and the Clean Air Act.

3.3.2 Climate/Meteorology

Climate and meteorological data were retrieved from the Western Regional Climate Center (WRCC) website (1971). In the project region, average annual precipitation is 5.97 in., which is scattered throughout the year (WRCC, 1971). The average maximum temperature occurs in July, reaching 94.1°F, and the average minimum temperature occurs in January, reaching 14.0°F. Winds in this region are generally from the west and southwest.

3.4 Biotic Resources

This section discusses the biological communities, including vegetation and wildlife; threatened, endangered, and sensitive (TES) species; and agricultural activities found in and near the project site.

3.4.1 Description of Biotic Communities

The project site contains plants and wildlife from the plains and great basin grassland biotic community (Brown, 1994). These grasslands are now much altered but were formerly open, grass-dominated landscapes in which grasses formed a continuous or nearly uninterrupted cover. Grasslands exhibiting characteristics of a Great Basin, or intermountain, grassland reach this area from the northwest and intergrade with plains grassland over a large transition area which includes southern Utah, northern Arizona, southwestern and south-central Colorado, and northwestern and north-central New Mexico. Such grasslands tend to be drier (180-300 mm mean annual precipitation) and colder (mean annual growing season of 125-200 days).

3.4.2 Vegetation and Wildlife

Vegetation observed at and surrounding the project site is consistent with those found in the Great Basin Desertscrub biotic community. The project site is disturbed by existing development with vegetation on the periphery of the site.



FIGURE 5. OVERVIEW OF THE PROJECT SITE FROM THE SOUTHEAST CORNER, FACING WEST.

3.4.3 Threatened, Endangered, and Sensitive (TES) Species

The project site is found within a “Low Sensitivity” area, or Area 3, as designated by the Navajo Nation Department of Fish and Wildlife (NNDFW)’s *Biological Resource Land Use Clearance Policies and Procedures* (RCS-44-08). NNDFW has reviewed the proposed action and determined the project will have no effect to any federally or tribally-listed TES species.

3.5 Cultural Resources

Cultural resources primarily include artifacts, historic places or buildings, and traditional/cultural properties (TCPs). A Cultural Resources Inventory (CRI) is conducted to determine if such resources are eligible for protection under the National Historic Preservation Act and other applicable laws as determined by the Navajo Nation Heritage & Historic Preservation Department (NNHHPD). A CRI consists of a records search, field survey, and report.

This section discusses the results of the CRI conducted by Iris Shirley Begaye under NNHHPD permit number B18101. The results were compiled into a report called, “Cultural Resources Inventory of the

Proposed Newcomb Baptist Church, 1.5 Acre Tract in Newcomb, San Juan County, New Mexico” (Begaye, 2018).

The records search revealed eight (8) previously-recorded archaeological sites within one kilometer (3,281 feet/0.6-mile) of the project site. One TCP was found nearby, but not within or adjacent to the project site. During the field survey, the project site was surveyed and one site, one in-use area (IUA), and three isolated occurrences (IOs) were identified. The archaeological site, Site NM-H-46-22, is found within the northeast corner of the church tract. The IUA, In-Use Site A, consists of a 1980s church building, shed, waterline, and powerline. The IOs consist of various sherds.

3.6 Socioeconomic Conditions

This section discusses the employment and income; demographics and trends; and lifestyles, cultural values, attitudes, and expectations; and community infrastructure in the Newcomb area.

3.6.1 Employment and Income

According to the American Community Survey 5-Year Estimates for Newcomb Chapter (DP-05), the 2017 median household income was \$18,103 and the per capita income was \$18,103. The unemployment rate was 14.9%, which is very high compared to the U.S. (about 4.4%) and New Mexico (5.9%) unemployment rates in 2017. The biggest industries in Newcomb include: educational services, and health care and social assistance (employing 51.9% of Newcomb’s labor force); construction (employing 9.7%); public administration (employing 7.3%); and transportation, warehousing, and utilities (employing 7.3%). About 33.7% of all people were reported to live at or below the poverty level.

3.6.2 Demographics and Trends

According to the American Community Survey 5-Year Estimates for Newcomb (DP-03), the 2017 population in Newcomb Chapter was 620. The median age was 40.4 years old and 89% of the population was reported to be Native American. There were 316 households in Newcomb, with an average household size of 2.0 persons per household. This is lower than the U.S. average of 2.5 persons per household.

It is prudent to note that the U.S. Census Bureau has experienced a number of unique problems in counting the American Indian population since it first began such population counts in the 1800s. Many of those problems center on political, cultural, and geographical considerations. The latest census count revealed American Indians living on American Indian Reservations were undercounted by 4.88% during the 2010 census (U.S. Census Bureau, 2012).

3.6.3 Lifestyles, Cultural Values, Attitudes, and Expectations

Navajo people continue to live a combination of traditional and modern lifestyles and their language is still thriving. Many have contemporary occupations both on and off the Navajo Nation while maintaining aspects of their culture, customs, and traditional lifestyles. Locally, they work at places such as schools, hospitals, and various, but limited commercial operations.

Grazing is the primary agricultural activity use in the Navajo Nation; farming activities are minimal. Yet, both are important from an economic and cultural standpoint (BOR, 2016). Others earn income from livestock sales, rugs and jewelry making, and food vendors. Major influences on sociocultural conditions include cultural beliefs and values, socioeconomic trends including poverty, limited employment opportunities, high unemployment, housing shortages, and lack of infrastructure (2016).

3.6.4 Community Infrastructure

Infrastructure systems found in the Newcomb area are described below:

Roads and Accessibility. U.S. Highway 491 and Navajo Route 5001 are the main thoroughfares that provide access throughout the Newcomb community. From these major roads, residents and visitors can access various areas of the Chapter and the Navajo Nation using paved and unpaved roads found throughout the community. The proposed project can be accessed off of Navajo Route 190, 0.1-mile north of the Chapter House.

Power. Navajo Tribal Utility Authority (NTUA) is the primary power utility provider across the Navajo Nation. Power utilities are present at the project site and no additional power utilities are required.

Water. NTUA is the primary water utility provider across the Navajo Nation. Water utilities are present at the project site and no additional water utilities are required.

Wastewater. Wastewater utilities on the Navajo Nation are comprised of sewer lagoons (for large housing developments), individual septic tanks, and/or dry outhouses. The church utilizes a septic tank and leach field system. No additional wastewater utilities are required for the proposed project.

Solid Waste. All solid waste generated in the Chapter is taken to the local transfer stations where Waste Management of Newcomb transports it to nearby landfills. Waste generated at the Newcomb Baptist Church is taken to the same transfer station used by Chapter residents.

3.7 Environmental Justice

Environmental justice has been defined as the pursuit of equal justice and equal protection under law for all environmental statutes and regulations without discrimination based on race, ethnicity, and/or socioeconomic status. The proposed project is in Newcomb Chapter of the Navajo Nation, where approximately 89.0% of the population is Native American and 43.4% of the population live at or below the poverty level (U.S. Census – DP03 and DP-05, 2017). The project is in an area of extreme poverty and high proportion of minority populations.

3.8 Indian Trust Resources

Indian Trust Resources includes property and interests in property: “(1) that are held in trust by the U.S. for the benefit of a tribe or individual Indians; or (2) that are subject to restrictions upon alienation,” (25 CFR Part 1000.352). The proposed project is located on Navajo Tribal Trust land. In 2012 Congress enacted the *Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act* amendments to the Indian Long-Term Leasing Act. This Act provides authority for Indian tribes to lease tribal trust lands directly pursuant to tribal law, without further Secretarial approval.

3.9 Environmental Module

Sites regulated under the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund), and the Toxic Substances Control Act (TSCA) in the study area are discussed in this section. The information below was obtained through the USEPA and through field observation.

3.9.1 RCRA Subtitle C Sites

The Subtitle C program identifies the criteria and establishes various requirements for the three categories of hazardous waste handlers: (1) generators; (2) transporters; and (3) treatment, storage, and

disposal facilities. The proposed project will not generate, handle, or store hazardous waste on or near the project site as part of the proposed action. Additionally, EnviroFacts verified that no such sites occur within one mile of the project site (USEPA, 2019a).

3.9.2 RCRA Subtitle D Sites

The Subtitle D program regulates the disposal of non-hazardous solid waste. A small amount of solid waste will be generated during construction. The construction contractor will be responsible for the proper disposal of solid waste generated during construction. EnviroFacts revealed no RCRA Subtitle D sites within one mile of the project site (USEPA, 2019a).

3.9.3 RCRA Subtitle I Sites

The Subtitle I program regulates active underground storage tanks (USTs) and abandoned and often leaking underground storage tanks (LUSTs). No evidence of USTs or LUSTs were observed in the project site during the field visit. USEPA's data reveals that there are no known USTs or LUSTs within 3,000 feet of the project area (2019b).

3.9.4 CERCLA/Superfund Sites

Superfund, established in 1980 under CERCLA, is a U.S. federal government program designed to fund the cleanup of sites contaminated with hazardous substances and pollutants. Sites managed under this program are referred to as "Superfund" sites. EnviroFacts showed no CERCLA/Superfund sites in or around the project area (USEPA, 2019a).

3.9.5 Toxic Substance Control Act (TSCA) Sites

Section 8(b) of the TSCA requires the USEPA to compile, keep current, and publish a list of each chemical substance that is manufactured or processed, including imports, in the U.S. for uses under TSCA. Chemical substances on the TSCA Inventory include: organics; inorganics; polymers; and chemical substances of unknown or variable composition, complex reaction products, and biological materials (UVCBs). EnviroFacts showed no TSCA sites in or around the project area (USEPA, 2019a).

3.10 Resources/Land Use Patterns

The following land uses or practices occur in this region: transportation use network; land use plans; agriculture; outdoor recreation, fishing, and hunting; and timber harvesting.

3.10.1 Transportation Use Network

The main regional thoroughfares in the Newcomb area is U.S. Highway 491. It runs north to south in the western portion of the project site. From here, locals and visitors can access a variety of paved and unpaved roads that provides access throughout most of the Chapter.

3.10.2 Land Use Plans

The Navajo Nation passed the Navajo Nation Local Governance Act (Title 26 of the Navajo Nation Code) to recognize Chapter-level governance on the Nation. Under this act, Chapters can develop community-based land use plans that can be used to administer land. Navajo Chapters typically publish their land use plans online at: <http://navajochapters.org/>.

3.10.3 Agriculture

Small family farms and livestock grazing, mainly sheep, cattle, and horses, are part of the agricultural activities within the Navajo Nation. In Newcomb, a 700-acre community/cooperative farming project called T'is nideeshgiizh Farm (LSR Innovations, 2004). It was established in 1900 and contains 103 plots.

No grazing or farming occurs on site or around the project site and soils at the project site are not indicative of agricultural importance (NRCS, 2019).

3.10.4 Outdoor Recreation, Fishing, and Hunting

The NNDFW oversees outdoor recreation, fishing, and hunting on the Navajo Nation. There are no fishing lakes or outdoor recreation areas near the project area. The project site is located in NNDFW Hunt Unit #3.

3.10.5 Timber Harvesting

The Navajo Nation Forestry Department (NNFD) is responsible for regulating the Nation's forests. There is currently no commercial or industrial timber harvesting on the Navajo Nation, sans local firewood collected in some wooded areas. NNFD requires all timber harvesting in Navajo forest and woodlands be permitted.

3.11 Other Values

This section discusses wilderness areas, sound and noise, public health and safety, and the visual setting within the project area.

3.11.1 Wilderness Areas

The Wilderness Act of 1964 (16 U.S.C. 1131-1136, P.L. 88-577) established the National Wilderness Preservation System, which protects federally managed wilderness areas designated for preservation in their natural condition. Wilderness areas are managed by four federal land management agencies: the National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management. The nearest designated wilderness area is the Bisti/De-Na-Zin Wilderness Area. It is situated approximately 25 miles east of the project site. This wilderness area is managed by the Bureau of Land Management. It is described as a rolling landscape of badlands which offers some of the most unusual scenery found in the Four Corners region. The wreathing of sandstone forms hoodoos – weathered rock in the form of pinnacles, spires, cap rocks, and other unusual forms. Translated from Navajo, “Bisti” (Bis-tie) means “a large area of shale hills.” “De-Na-Zin” (Deh-nah-zin) takes its name from the Navajo word for “cranes.”

3.11.2 Sound and Noise

Newcomb is a small, quiet community. Man-made sound and natural noise sources near the project site includes traffic along roads, activities in the surrounding community, and natural phenomena such as wind, thunder, and rain. The Noise Control Act of 1972 (42 U.S.C. §4901 et seq.) was passed in order to preserve the health and welfare of the U.S. population, particularly in urban areas. However, noise is primarily controlled by State and local governments. The Navajo Nation does not have any noise regulations or requirements that would be applicable to this project.

3.11.3 Public Health and Safety

Public Safety. Police services come from Shiprock, Arizona and fire protection services come from the San Juan County Fire Department, District 13 (LSR Innovations, 2004). The BIA provides wildfire fighting services throughout the Navajo Nation.

Healthcare. Residents in and around the Newcomb area attend the following healthcare organizations: Northern Native Medical Center in Shiprock, NM; Gallup Indian Medical Center in Gallup, NM; Toadlena Health Station in Toadlena, NM; and Tohatchi Health Center in Tohatchi, NM (LSR Innovations, 2004).

3.11.4 Visual Setting

The proposed project will not involve any new construction. The project is currently visible within the community and clustered amongst compatible developments. According to the Navajo Nation's Environmental Protection Act (§903): "The Navajo Nation shall employ its governmental authority pursuant to section 2 hereof, using all practicable means consistent with other essential government functions, for the following purposes: ... (B) To assure for all residents or and visitors to the Navajo Nation a safe, healthful, productive, **aesthetically pleasing and culturally appropriate environment**; ... (F) To preserve important... natural aspects of the Navajo Nation."

4 Environmental Consequences of the Proposed Action

This chapter discusses short-term and long-term impacts and effects of the proposed action and alternatives on the resources described in Chapter 3. It also identifies mitigation measures aimed at minimizing, mitigating, or eliminating these impacts and/or compensating for their impact. Mitigation measures are required by law for project sponsors to minimize risks to human health and the environment and to maintain compliance with applicable laws and regulations. Best Management Practices (BMPs), on the other hand, are recommended action steps to further prevent or reduce non-point source pollution and promote conservation.

4.1 Land Resources Impacts

4.1.1 Geology and Topography

There will be no modifications to the existing topography or regional geology as a result of either the proposed action or the no-action alternative. There will be no effect to geology and topography as a result of either the proposed action or no-action alternative.

4.1.2 Soils

During intense precipitation events, stormwater can flow over the site and erode the soils or contaminate soil from a spill or leak. Under Section 402 of the Clean Water Act, all construction site operators engaged in clearing, grading, and excavating activities that disturb **1.0-acre or more** must obtain coverage under a National Pollutant Discharge Elimination System (NPDES) General Construction permit for stormwater discharges. The permit requires a Stormwater Pollution Prevention Plan (SWPPP) that outlines BMPs for preventing soil erosion. If the proposed new developments impact an area of 1.0 or more, the project sponsor must acquire the NPDES permit and develop an SWPPP. Should the area of impact be less than 1.0-acre, no permits are required. The impacts to the soils will be minor and short-term during construction activities. Once construction is complete, there will be no effect to soils. Under the no-action alternative, there will be no effect to soils.

Mitigation Measure – Section 402 Clean Water Act Permit: If the project sponsor determines the proposed construction activities will impact an area of 1.0 acre or more, the project sponsor will develop a SWPPP and acquire an NPDES permit prior to construction activities.

4.1.3 Mineral Resources

The proposed action does not require the use of mineral resources. There will be no effect to mineral resources as a result of either the proposed action or no-action alternative.

4.2 Water Resources Impacts

4.2.1 Surface Water

During intense precipitation events, stormwater flows over the site and can pick up pollutants like sediment, debris, and chemicals from loose soil and transport them to nearby storm sewer systems or directly into rivers, lakes, or coastal waters. Under Section 402 of the Clean Water Act, all construction site operators engaged in clearing, grading, and excavating activities that disturb **1.0-acre or more** must obtain coverage under an NPDES General Construction permit for stormwater discharges. If the proposed new developments impact an area of 1.0 or more, the project sponsor must acquire the NPDES permit and develop an SWPPP. Should the area of impact be less than 1.0-acre, no permits are required. The impacts to the surface waters will be minor and short-term during construction activities.

Once construction is complete, there will be no effect to surface waters. Under the no-action alternative, there will be no effect to surface waters.

Mitigation Measure – Section 402 Clean Water Act Permit: If the project sponsor determines the proposed construction activities will impact an area of 1.0 acre or more, the project sponsor will develop a SWPPP and acquire an NPDES permit prior to construction activities.

4.2.2 Ground Water

The proposed action does not involve deep ground excavation that will affect ground water resources nor will it utilize ground water during operation. There will be no effect to ground water from the proposed action or no-action alternative.

4.2.3 Floodplains

The nearest stream is Captain Tom Wash, which is located nearly a quarter mile from the church site on the opposite side of a small ridge. Based in the distance between the church site and the wash, as well as the elevation difference at nearly 40 feet, the church site is not in a floodplain. Furthermore, the soils were categorized as “not prone to ponding or flooding, nor are they rated as hydric soils” (NRCS, 2019). There will be no impact to or from floodplains under the proposed action.

4.3 Air Resources Impacts

4.3.1 Quality/Visibility

Construction activities can create minor, temporary impacts to air quality and visibility from emissions (carbon monoxide) and dust. Dust can be mitigated by applying water to the ground before, during, and after soil disturbing activities and using newer construction equipment. Once construction activities are completed, this impact will be resolved. There will be no effect to air quality and visibility as a result of the proposed action or no-action alternative.

Recommended BMP: Identify feasible BMPs for dust abatement.

4.3.2 Climate/Meteorology

The proposed action will not significantly contribute greenhouse gases that would alter the regional climate or meteorology of the area. There are currently greenhouse gas emissions associated with travel to and from the site from church patrons. However, these impacts are negligible and temporary, especially in a regional context, and will not require any mitigation. There will be no effect to climate/meteorology from the proposed action or no-action alternative.

4.4 Biotic Resources Impacts

4.4.1 Biotic Community, Vegetation and Wildlife

The proposed action will have a minor short-term impact to individual plant and animal species at the project site (if any). Currently, the project area is already disturbed by previous developments and regular use. New construction will not clear any new areas. There will be no effect to vegetation and wildlife under the no-action alternative.

4.4.2 Threatened, Endangered, and/or Sensitive (TES) Species

The proposed project is not anticipated to result in any effects to any special-status or associated habitat. NNDFW concurred with this finding and issued a Biological Resources Compliance Form, which is attached in **Appendix A**.

4.5 Cultural Resources Impacts

Site NM-H-46-22 was found eligible for protection under the National Register of Historic Places (NRHP) and the Archaeological Resources Protection Act (ARPA); it is not eligible for protection under the American Indian Religious Freedom Act (AIRFA) or the Native American Graves Protection and Repatriation Act (NAGRPA). The IUA and IOs were not found eligible for protection under NRHP, ARPA, AIRFA, or NAGPRA. The Archaeologist recommended avoidance of Site NM-H-46-22 (by 50 feet) during construction and improvement activities. NNHHPD concurred with this finding and recommended additional mitigation measures. See the Cultural Resources Compliance Form attached in **Appendix B**.

Mitigation Measures – Site NM-H-46-22: There will be no adverse effect to this site with the following conditions:

- a. All ground-disturbing activities will avoid the northeast corner of the church tract.
- b. However, if ground-disturbing activities are proposed near the site, a qualified archaeologist will flag the site boundary prior to the ground-disturbing activities.
- c. A qualified archaeologist will monitor ground-disturbing activities within 50-ft of the site boundary.
- d. NNHHPD requests a report of monitoring activities within 30-days of the completed activity.

Discovery Clause: 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 NNHHPD must be notified at (928) 871-7198.

4.6 Socioeconomic Conditions Impacts

The proposed project will not benefit nor impact socioeconomic conditions in the project area. There will be no effect to socioeconomic conditions as a result of either the proposed action or the no-action alternative.

4.7 Environmental Justice Impacts

The proposed action takes place in an area of primarily low-income and minority populations that would benefit from a community gathering place and community services. No environmental justice issues have been identified that are associated with the proposed action or no-action alternative.

4.8 Indian Trust Resources Impacts

The project site is located on Navajo Tribal Trust land that was developed in the 1980s. While the project site may currently be in rangeland status, the project site is disturbed and does not support preferred forage by livestock. There will be no effect to Indian Trust Resources as a result of either the proposed action or the no-action alternative.

4.9 Environmental Module Impacts

Due to the absence of RCRA, CERCLA/Superfund, and TSCA sites in the immediate project vicinity, there will be no effect to such sites as a result of either the proposed action or no-action alternative. No RCRA, CERCLA, or TSCA sites will be created as a result of the proposed action or no-action alternative.

4.10 Resource/Land Use Patterns Impacts

4.10.1 Transportation Use Network

The proposed project will utilize the existing transportation use network without any modifications. There will be no effect to the transportation use network from the proposed action or no-action alternative.

4.10.2 Land Use Plans

The church at the project site has been in existence since the 1980s and new construction at the site will be minimal as a result of the proposed action. There are no land use plans available online for review; however, it is anticipated that due to the age of the site that there will be no effect to land use plans as a result of the leasing activity. Under the no-action alternative, the church would continue to exist and operate in the community. There will be no effect to land use plans under the no-action alternative.

4.10.3 Agriculture

Due to the absence of agriculture at the project site, there will be no effect to agriculture as a result of either the proposed action or no-action alternative.

4.10.4 Outdoor Recreation, Fishing, and Hunting

There are no outdoor recreation or fishing within the immediate vicinity of the project site. The project site is already disturbed and would not take away habitat for game animals. Thus, there will be no effect to such resources from the proposed action or no-action alternative.

4.10.5 Timber Harvesting

The proposed project does not require timber and would not result in unpermitted take of Navajo Nation timber. There will be no effect to timber harvesting as a result of either the proposed action or no-action alternative.

4.11 Other Values Impacts

4.11.1 Wilderness Areas

The nearest wilderness area is located almost 25 miles away from the project site. There will be no effect to wilderness areas as a result of either the proposed action or no-action alternatives.

4.11.2 Sound and Noise

There will be some elevated levels of sound and noise in the area as a result of proposed new construction; however, the impact would be minor and short-term and would be resolved once construction activities are completed. Furthermore, the impact would only occur during normal business hours (8:00am – 5:00pm). Under the no-action alternative, there will be no effect to sound and noise.

4.11.3 Public Health and Safety

The proposed project is not expected to increase or decrease the needs for public health and safety in the community. There will be no effect to public health and safety as a result of either the proposed action or the no-action alternative.

4.11.4 Visual Setting

There are no protected scenic areas or byways under federal, state, or Navajo Nation law. The church already exists and the proposed developments would not impact the visual setting. There will be no effect to the visual setting under either the proposed action or the no-action alternative.

4.12 Cumulative Impacts

Cumulative impacts result from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency or person undertakes these actions. Newcomb is a relatively rural area and the Newcomb Baptist Church has been in the community since the 1980s. New construction under the proposed action would only impact the land within the church's proposed mission site lease and provide some new public and community facilities. The church will continue to provide its community services independent of other regional projects.

4.13 Summary of Mitigation Measures and BMPs

This section summarizes all of the Best Management Practices (BMPs) and mitigation measures listed throughout Chapter 4. Mitigation measures are required by law for project sponsors to minimize risks to human health and the environment and to maintain compliance with applicable laws and regulations. BMPs are also recommended to further prevent or reduce non-point source pollution and promote conservation.

Soils & Surface Water Mitigation Measure. If the project sponsor determines the proposed construction activities will impact an area of 1.0 acre or more, the project sponsor will develop a SWPPP and acquire an NPDES permit prior to construction activities.

Air Quality BMPs. Implement feasible BMPs for dust abatement.

Cultural Resources Mitigation Measure and Discovery Clause: The Archaeologist recommended avoidance of Site NM-H-46-22 (by 50 feet) during construction and improvement activities. NNHHPD concurred with this finding and recommended the following mitigation measures (See the Cultural Resources Compliance Form attached in **Appendix B**.

- a. All ground-disturbing activities will avoid the northeast corner of the church tract.
- b. However, if ground-disturbing activities are proposed near the site, a qualified archaeologist will flag the site boundary prior to the ground-disturbing activities.
- c. A qualified archaeologist will monitor ground-disturbing activities within 50-ft of the site boundary.
- d. NNHHPD requests a report of monitoring activities within 30-days of the completed activity.

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 NNHHPD must be notified at (928) 871-7198.

5 List of Agencies and Organizations Consulted

The information used in this analysis was obtained from reports, government databases, biological and archaeological field surveys, and direct communication (either by phone or letters) with the following agencies: New Mexico Bureau of Geology and Mineral Resources, University of Akron, U.S. Census Bureau, U.S. Department of Agriculture - National Resources Conservation Service, U.S. Department of Interior - Bureau of Indian Affairs, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Geological Survey, U.S. Bureau of Mines, Federal Emergency Management Agency, Western Regional Climate Center, Navajo Nation Division of Community Development, Navajo Nation Environmental Protection Agency, Navajo Nation Department of Fish and Wildlife, Navajo Nation Heritage & Historic Preservation Department, and Navajo Nation Water Management Branch.

6 Document Preparer's Qualifications and Signature

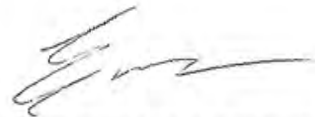
This document has been prepared by Kristin Miller, Environmental Scientist, and Eunice L. Tso, Environmental Specialist, ETD, Inc. Ms. Tso has over 25 years of experience in environmental regulatory compliance in Indian Country and is an expert in the environmental policies and regulations that affect development in Indian country. She holds a M.S. Degree in Environmental Geology from Northern Arizona University. Kristin Miller has four years of experience preparing environmental review documents under Eunice Tso. She holds a B.S. in Environmental Science from Northern Arizona University.



Kristin Miller, B.S. Environmental Science
Environmental Scientist

September 20, 2019

Date



Eunice L. Tso, M.S. Geology
Environmental Specialist

September 20, 2019

Date

7 References

- (Begaye, 2018). Begaye, I.S. October 25, 2018. *A Cultural Resource Inventory of the Proposed Newcomb Baptist Church, 1.5 Acre Tract in Newcomb Chapter, San Juan County, New Mexico*. Prepared for Newcomb Baptist Church. Consultant Report No. ISB-18-179. **PDF**.
- (BIA, 2012). U.S. Department of Interior, Bureau of Indian Affairs (BIA). 2012. *Indian Affairs National Environmental Policy Act (NEPA) Guidebook 59 IAM 3-H, Division of Environmental and Cultural Resources Management*. <<http://www.bia.gov/cs/groups/xraca/documents/text/idc009157.pdf>>. (Date Accessed: June 3, 2016). **PDF**.
- (BLM, 2018). U.S. Department of the Interior, Bureau of Land Management (BLM). 2018. *Bisti/De-Na-Zin Wilderness Area*. <<https://www.blm.gov/visit/bisti-de-na-zin-wilderness>>. (Date Accessed: October 24, 2018). **Web**.
- (BOR, 2016). Bureau of Reclamation. September 2016. *Draft Environmental Impact Statement for the Navajo Generating Station – Kayenta Mine Complex Project*. **PDF**.
- (Brown, 1994). Brown, D.E. 1994. *Biotic Communities of the American Southwest-United States and Mexico*. In: Desert Plants. Volume 4. Numbers 1-4 1982. University of Arizona, Tucson, Arizona. **Print**.
- (Cooley, et. al., 1969). Cooley, M.E.; Harshbarger, J.W.; Akers, J.P.; and Hardt, W.F. 1969. *Regional Hydrogeology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah*. U.S.G.S. Professional Paper 521-A. **PDF**.
- (Craig, et. al., 1990). Craig, et al. 1990. *Hydrogeology of the Point Lookout Sandstone in the San Juan structural basin, New Mexico, Colorado, Arizona and Utah*. U.S. Geological Survey Hydrologic Atlas 720. **PDF**.
- (Foos, 1999). Foos, Annabelle. 1999. *Geology of the Colorado Plateau*, Geology Department, University of Akron. **PDF**.
- (Hoffman, 1991). Hoffman, G. February 1991. *Geology and quality of Menfee Formation coals, Monero coal field, Rio Arriba County, New Mexico*. New Mexico Bureau of Mines and Mineral Resources, Socorro, NM 87801. Vol. 13, No.1
- (NNDCC, [no date]). Navajo Nation Division of Community Development (NNDCC). [no date]. *Navajo Nation WIND - View by Chapters – Newcomb*. <<https://navajoprofile.wind.enavajo.org/Chapter/Newcomb>>. (Date Accessed: September 10, 2019). **Web**.
- (NPS, 2015). U.S. Department of Interior, National Park Service (NPS). February 24, 2015. *Menefee Formation*. <<https://www.nps.gov/chcu/learn/nature/menefee-formation.htm>>. (Date Accessed: October 15, 2018). **Web**.
- (NRCS, 2019). U.S. Department of Agriculture (USDA), National Resource Conservation Service (NRCS). 2019. *Web Soil Survey*. <<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>>. (Date Accessed: September 9, 2019). **Web**.
- (Scholle, 2003). Scholle, P.A. 2003. *Geologic Map of New Mexico*. New Mexico Bureau of Geology and Mineral Resources. Published in cooperation with the U.S. Geological Survey. **PDF**.
- (USBM and USGS, 1980). U.S. Bureau of Mines (USBM) and U.S. Geological Survey (USGS). 1980. *Principles of a Resource/Reserve Classification for Minerals*. Geological Survey Circular 831. **PDF**.
- (U.S. Census Bureau – DP05, 2017). U.S. Census Bureau; *DP05 ACS Demographic and Housing Estimates, 2013 – 2017 American Community Survey 5-Year Estimates*; generated by Kristin Miller; using American FactFinder; <<http://factfinder2.census.gov>>; (10 September 2019). **Web**.
- (U.S. Census Bureau – DP03, 2017). U.S. Census Bureau; *DP03 Selected Economic Characteristics, 2013 – 2017 American Community Survey 5-Year Estimates*; generated by Kristin Miller; using American FactFinder; <<http://factfinder2.census.gov>>; (10 September 2019). **Web**.
- (U.S. Census Bureau, 2012). U.S. Census Bureau. 2012. *DSSD 2010 Census Coverage Measurement Memorandum Series #2010-G-01*. <https://census.gov/coverage_measurements/pdfs/g01.pdf> (Date Accessed: April 9, 2015). **PDF**.
- (USEPA, 2018). U.S. Environmental Protection Agency (USEPA). September 28, 2018. *Air Quality Analysis, Maps, EPA Region 9 Air Quality Maps and Geographic Information*. <<https://www3.epa.gov/region9/air/maps/index.html>>. (Date Accessed: August 7, 2019). **Web**.

- (USEPA, 2019a). U.S. Environmental Protection Agency (USEPA). 2019. *EnviroFacts Data Warehouse*. <<http://www.epa.gov/enviro/index.html>>. (Date Accessed: September 10, 2019). **Web**.
- (USEPA, 2019b). U.S. Environmental Protection Agency (USEPA). May 2019. *Tribal UST and LUST Data – EPA Region 6*. <<https://www.epa.gov/ust/tribal-ust-and-lust-data>>. (Date Accessed: September 10, 2019). **Web**.
- (USFWS, 2018). U.S. Fish and Wildlife Service (USFWS). 2018. National Wetlands Inventory: Wetland Mapper. <<http://www.fws.gov/wetlands/Data/Mapper.html>>. (Date Accessed: January 5, 2019). **Web**.
- (USGS, 2008). U.S. Geological Survey (USGS). 2008. *Mineral Resources On-Line Spatial Data*. <<http://mrdata.usgs.gov/>>. (Date Accessed: November 2, 2017). **Web**.
- (WRCC, 1971). Western Regional Climate Center (WRCC). 1971. *NEWCOMB, NEW MEXICO (296098), Period of Record Monthly Climate Summary – Period of Record: 6/6/1948 to 4/30/1971*. <<https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?nmnewc>>. (Date Accessed: 10/24/2018). **Web**.

Appendix A: Biological Resources Compliance Form

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

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

PROJECT NAME & NO.: Newcomb Baptist Church- Mission Site Permit

DESCRIPTION: Newcomb Baptist Church, formerly known as Newcomb Reformed Church, proposes to obtain a mission site permit consisting of 1.5± acres. Utility extensions are onsite.

LOCATION: SE¼ of Section 25, T24N, R18W, NMPM, Newcomb, San Juan County, New Mexico

REPRESENTATIVE: Ryan Nez, Pastor of Newcomb Baptist Church

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & compliance/08 AUG 2019/Ryan Nez

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA


AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 AUG 2019

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 8/16/19
--	--	------------------------

*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

Appendix B: Cultural Resources Compliance Form



THE NAVAJO NATION
HERITAGE & HISTORIC PRESERVATION DEPARTMENT
PO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 FAX: (928) 871-7886

CULTURAL RESOURCES COMPLIANCE FORM

ROUTE COPIES TO:		NNHPD NO.: HPD-19-058		
<input checked="" type="checkbox"/> ISB		OTHER PROJECT NO.: ISB-18-179		
PROJECT TITLE:				
A Cultural Resource Inventory of the Proposed Newcomb Baptist Church, 1.5 Acre Tract in Newcomb Chapter, San Juan County, New Mexico				
LEAD AGENCY:		BIA/NR		
SPONSOR:		Ryan Nez, Newcomb Baptist Church, PO Box 455, Window Rock, Arizona 86515		
PROJECT DESCRIPTION:				
The sponsor will be obtaining a church lease along with the construction/maintenance of an existing church within the 1.5-acre tract. Ground disturbance will be intensive and extensive with the use of heavy equipment.				
LAND STATUS:		Navajo Tribal Trust		
CHAPTER:		Newcomb		
LOCATION:		Project is located on the Newcomb Quadrangle, San Juan County, New Mexico NMPM		
T.	<u>24</u>	N., R.	<u>18</u> W- Sec. <u>25</u>	
UTM COORDINATES: Zone <u>12</u> , NAD <u>83</u>		DESIGNATION	NORTHING	EASTING
		Center	4017651.28	705609.65
		Corner A	4017708.97	705621.90
		Corner B	4017663.91	705664.31
		Corner C	4017591.50	705601.85
Corner D		4017631.25	705555.35	
PROJECT ARCHAEOLOGIST:		Iris Shirley Begaye		
NAVAJO ANTIQUITIES PERMIT NO.:		B18744		
DATE INSPECTED:		09/19/18		
DATE OF REPORT:		10/25/18		
TOTAL ACREAGE INSPECTED:		1.5 - ac		
METHOD OF INVESTIGATION:		Class III pedestrian inventory with transects spaced <u>10</u> m apart.		
LIST OF CULTURAL RESOURCES FOUND:		(1) <u>SITE</u> NM-H-46-22		
		(1) <u>IN-USE SITE</u>		
		(3) <u>ISOLATED OCCURRENCES (IO)</u>		

-DOCUMENT IS VOID IF ALTERED-

LIST OF ELIGIBLE PROPERTIES:	(1) <u>SITE</u> NM-H-46-22
LIST OF UNEVALUATED PROPERTIES:	<u>NONE</u>
LIST OF NON-ELIGIBLE PROPERTIES:	(1) <u>IN-USE SITE (IUS)</u> (3) <u>IO</u>
LIST OF ARCHAEOLOGICAL RESOURCES:	(1) <u>SITE</u> NM-H-46-22

EFFECT/CONDITIONS OF COMPLIANCE: No Adverse Effect with the following conditions:

Site NM-H-46-22:

1. All ground-disturbing activities will avoid the Northeast corner of the church tract.
2. However, if ground -disturbing activities are proposed near the site, a qualified archaeologist will flag the site boundary prior to ground disturbing activities.
2. A qualified archaeologist will monitor ground-disturbing activities within 50-ft of the site boundary.
3. NNHHPD requests a report of monitoring activities within 30-days of the completed activity.

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

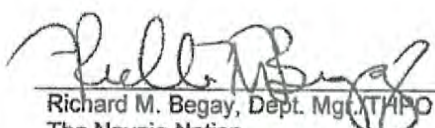
FORM PREPARED BY: **Tamara Billie**
FINALIZED: June 24, 2019

Notification to Proceed
Recommended

☒ Yes ☐ No


Conditions:

☒ Yes ☐ No


Richard M. Begay, Dept. Mgt./T/PO
The Navajo Nation
Heritage & Historic Preservation Department

6/25/19
Date

Navajo Region Approval

 6/27/19

☒ Yes ☐ No


BIA - Navajo Regional Office Acting

6/25/19
Date

-DOCUMENT IS VOID IF ALTERED-

APPLICATION FOR MISSION SITE (RELIGIOUS SITE)
NAVAJO NATION LANDS

DATE: 2-10-2020

Newcomb Baptist Church
(NAME OF CHURCH)
P.O. Box 455, Window Rock, AZ 86515
(ADDRESS)

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

- Remodel existing church building to accommodate church gathering
- Build or move house trailer to existing site.
- Build playground for the youth.

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

- Existing church building is already on-site.
- Remodel existing church building
- Future housing for pastor
- utilities will be provided by NTUA

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

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

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

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

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

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

Ryan Nez

Authorized Agent (Print Name)

Ryan M

Authorized Agent (Signature)

P.O. Box 455, Window Rock AZ 86515

Address

928-380-8860

Phone Number

reachingtherez@yahoo.com

Email Address







NAVAJO NATION CORPORATION ACT

CERTIFICATE OF INCORPORATION

To all to Whom these Presents Shall Come, Greeting:

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

NEWCOMB BAPTIST CHURCH

File Number: 102621

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was on
the _____ 19th _____ day of _____ August, 2020
authorized to transact business within the Navajo Nation as a DOMESTIC Corporation.

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



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Corporation Act at Window
Rock, Arizona, this _____ 19th _____

day of _____ August _____, 2020 A.D.

Alvin H. Wauneka

Alvin H. Wauneka
Manager, Business Regulatory Department

ARTICLES OF INCORPORATION
OF
NEWCOMB BAPTIST CHURCH

The undersigned natural persons, acting as incorporators of a corporation under the Navajo Nation Corporation Code, hereby adopt the following Articles of Incorporation.

ARTICLE I

The name of this corporation is and shall be Newcomb Baptist Church.
[Sections 3323(a)(1); 3105]

ARTICLE II

The period of duration for Newcomb Baptist Church is perpetual.
[Section 3323(a)(2)]

FILED

AUG 19 REC'D 2020


Navajo Nation Corporation Act.
Department Manager

ARTICLE III

#102621

The purpose of this corporation is that it will be operated as a nonprofit corporation under the Navajo Nation Corporation Code solely and exclusively for ministry and religious purposes. Without limiting the generality of the foregoing or the character of the affairs to be conducted by the corporation in the future, the corporation initially shall conduct the following business: establishing and maintaining churches and other buildings, including but not limited to, parsonages, schools, chapels, rescue missions, day care centers, nursing homes and cemeteries, for religious worship and other ministries in connection therewith. [Section 3323(a)(3)]

ARTICLE IV

The Corporation shall be a nonprofit corporation under the Navajo Nation Corporation Code and shall have no stock, and no dividends or pecuniary profits. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in ARTICLE III. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any

other activities not permitted to be carried on by a corporation exempt from Navajo Nation Tax under the Navajo Nation Corporation Code. [Section 3323(a)(4)]

ARTICLE V

The name and address of the initial Registered Agent for Newcomb Baptist Church is listed below. [Section 33239(a)(5)]

Ryan Nez
North of Mile Marker 446 AZ Hwy 264
Ganado, AZ 86505

ARTICLE VI

There are four directors constituting the initial board of directors for Newcomb Baptist Church who are to serve as directors until their successors are elected and qualified. The names and addresses of the board of directors are as follows: [Section 3323(a)(6)]

Joel Haynes	Mark Haynes	Hank Haskie	Ryan Nez
P.O. Box 232	P.O. Box 902	P.O. Box 3022	P.O. Box 455
Ganado, AZ 86505	Ganado, AZ 86505	Indian Wells, AZ 86031	Window Rock, AZ 86515

ARTICLE VII

The names and addresses of the incorporators for Newcomb Baptist Church are as follows: [Section 3323(a)(7)]


Ryan Nez	Joel Haynes	Mark Haynes
P.O. Box 455	P.O. Box 232	P.O. Box 902
Window Rock, AZ 86505	Ganado, AZ 86505	Ganado, AZ 86505

ARTICLE VIII


No person shall possess any property right in or to the property or assets of the corporation. Upon dissolution of this corporation as provided in the Bylaws, all assets remaining after payment of any outstanding liabilities shall be distributed exclusively for religious purposes as shall at the time qualify as an exempt organization or organizations according to Navajo Nation Corporation Code. [Section 3323(a)(8)]

ARTICLE IX

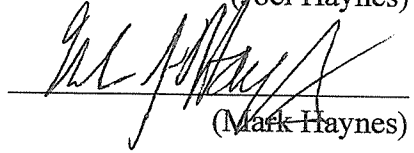
The corporation of the Newcomb Baptist Church agrees to abide by all criminal, civil and regulatory laws of the Navajo Nation. [Sections 3332, 3107(a)(10)]



(Ryan Nez)

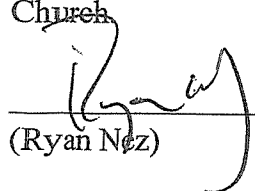


(Joel Haynes)



(Mark Haynes)

Mr. Ryan Nez has agreed to the appointment as initial Registered Agent for Newcomb Baptist Church



(Ryan Nez)

ACKNOWLEDGMENT OF THE REGISTERED AGENT

I. Ryan Nez, 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.

Ryan Nez
(Signature of Registered Agent)

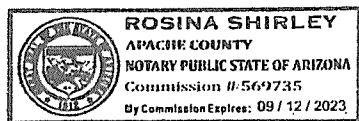
P.O. Box 455 Window Rock, AZ 86515
Mailing Address of Registered Agent

North of Mile Marker 446. AZ HWY 264 Grand
Street Address of Registered Agent - AZ 86550
Mailing Address and the exact street address. If there is no street address, a map must be included on exact location of Registered Agent.)

STATE OF Arizona

COUNTY OF Apache

The foregoing instrument was acknowledged before me this 20th day of February, 2020.



Rosina Shirley
(Notary Public)

My Commission Expires: 09/12/2023

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.

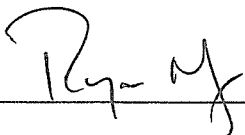
Sliding Fee Scale Form for Mission Site Permits

Application Information		Today's Date: <u>2-10-2020</u>	
Entity Name: <u>Newcomb Baptist Church</u>			
Mailing Address: <u>P.O. Box 455</u>	City: <u>Window Rock</u>	State: <u>AZ</u>	Zip: <u>86515</u>
Phone #: <u>(928) 380-8860</u>	Fax #: <u>(-) N/A</u>	Congregation Size: <u>20</u>	Acres requested: <u>1.5</u>

Income Information		
Source	Amount	Frequency (Circle One)
<u>church offering</u>	\$ <u>80.00</u>	<u>Weekly</u> 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
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
Total	\$	Weekly Monthly 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): Ryan Nez

Signature: 

Date: 2-10-2020

Document No. 015035Date Issued: 09/11/2020**EXECUTIVE OFFICIAL REVIEW**Title of Document: Mission Site, Newcomb Baptist Church Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: e_yazzie@navajo-nsn.gov Phone Number: 928-871-6447☐ **Business Site Lease** **Sufficient** **Insufficient**1. Division: _____ Date: _____ ☐ ☐2. Office of the Controller: _____ Date: _____ ☐ ☐

(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)

3. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**1. Division: _____ Date: _____ ☐ ☐2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**1. Office of Management and Budget: _____ Date: _____ ☐ ☐2. Office of the Controller: _____ Date: _____ ☐ ☐3. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Navajo Housing Authority Request for Release of Funds**1. NNEPA: _____ Date: _____ ☐ ☐2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Lease Purchase Agreements**1. Office of the Controller: _____ Date: _____ ☐ ☐

(recommendation only)

2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Grant Applications**1. Office of Management and Budget: _____ Date: _____ ☐ ☐2. Office of the Controller: _____ Date: _____ ☐ ☐3. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **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: _____ ☐ ☐2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Relinquishment of Navajo Membership**1. Land Department: _____ Date: _____ ☐ ☐2. Elections: _____ Date: _____ ☐ ☐3. Office of the Attorney General: _____ Date: _____ ☐ ☐



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

Sufficient Insufficient

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

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

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

☐ **Rights of Way**

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

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

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

☐ **Assignment of Mineral Lease**

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




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

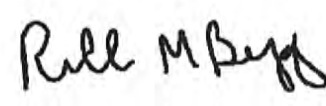
1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. Minerals _____ Date: _____ ☐ ☐
5. NNEPA _____ Date: _____ ☐ ☐
6. DNR _____ Date: _____ ☐ ☐
7. DOJ _____ Date: _____ ☐ ☐
8. OPVP _____ Date: _____ ☐ ☐

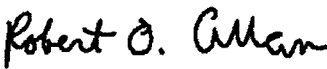
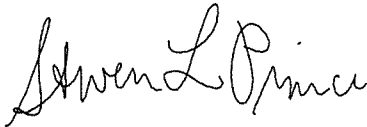
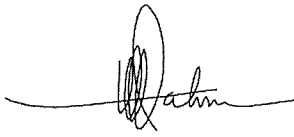
☒ **OTHER: Mission Site Permit**

1. NLD _____ Date: _____ ☐ ☐
2. F&W _____ Date: _____ ☐ ☐
3. HPD _____ Date: _____ ☐ ☐
4. NNEPA Valencia Niles Date: 8/31/2021 ☒ ☐
5. DNR _____ Date: _____ ☐ ☐
6. DOC ✓ JC 9/25/20 Paul C. Lutz Date: 9/29/2020 ☒ ☐
7. DOJ ✓ Blaudet Date: 10/2/20 ☒ ☐
8. OPVP _____ Date: 10/1/20 ☐ ☐

Sealed

Tier 1 Document Voting Results							
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	14-Sep-2020	
Pam Kyselka (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	14-Sep-2020	
Rebecca Gilchrist (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	15-Sep-2020	
Tamara Billie (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. HPD-19-058. The sponsor will adhere to requirements outlined in the CRCF for site NM-H-46-22.	1. No Reply	21-Sep-2020	

Tier 2 Document Voting Results							
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Leanna Begay (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	21-Sep-2020	
Richard Begay (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	21-Sep-2020	

Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	1. CONDITIONAL: 1) endorsement of the Navajo Nation Council Delegate should be added--See 16 N.N.C. Section 1153. B. 4; 2) Termination/Cancellation of prior permit for Christian Reformed Church should be in record, which can be completed pursuant to 16 N.N.C. Sections 1163 or 1164.	1. No Reply	22-Sep-2020	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	23-Sep-2020	
W. Mike Halona (NLTDS - Admin)	NLD Department Manager III	NLD	Approved	no comments	No Reply	21-Sep-2020	

THE NAVAJO NATION

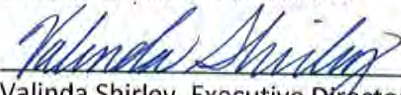


JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

August 30, 2021

MEMORANDUM

TO: Division of Natural Resources

FROM: 
Valinda Shirley, Executive Director
Navajo Nation Environmental Protection Agency

SUBJECT: **Document No. 015035, Mission Site, Newcomb Baptist Church**

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 and of the United States. Attention is directed to the following:

Navajo Nation Open Burning Regulations (NNOBR), 4 N.N.C., Chapter 11, particularly at §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Households, businesses, and other organizations are responsible to ensure waste generated from their activities are properly managed. Exempted burn activities should be voluntarily registered. In the event that the Newcomb Baptist Church will utilize open burning in its related activities, the Applicant should become familiar with activities for which burn registrations should be pursued.

NESHAP 40 CFR §61.145, Subpart M, for applicable demolition and renovation activities. For asbestos NESHAP, USEPA Region 9 has sole jurisdiction over all 25 tribal lands in Arizona. There are no Navajo Nation laws or regulations specifically related to asbestos. For asbestos (the pollutant) from a source such as demolition, the contractor would need to provide notification, wet and remove friable asbestos (40 CFR Part 61). For waste disposal related to demolition/renovation as a source, the contractor would need to provide notification and ensure there are no visible emissions from the removal activity(ies).

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

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

Navajo Nation Air Pollution Prevention and Control Act (Navajo Clean Air Act), 4 N.N.C. §§ 1134-40, Air Quality Control Programs. Provisions include Best Management Practices (BMPs) to control dust that would be generated during earth moving activities. Details the BMPs to control excessive amounts of particulates.

Navajo Nation Solid Waste Act prohibits open dumping. Open dumping is defined as the act of depositing solid waste in a non-complying manner of management practice. Solid waste generated from activities at this location should continue to be properly disposed of.

Section 402 of the Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges. The CWA regulations implementing Section 402, define “storm water discharge associated with industrial activity” to include discharges associated with construction activity, including clearing, grading, and excavation resulting in land disturbance of 1.0 acre or more. Operators at construction sites that involve clearing, grading, and excavating activities that disturb 1.0 acre or more will need to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges. A Notice of Intent (NOI) will need to be submitted to USEPA 14 days prior to earthmoving activities, including development of a Storm Water Pollution Prevention Plan (SWPPP) prior to NOI submission.

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

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

THIRD YEAR 2021

(CONSENT AGENDA ITEM 1 -2)

ROLL CALL

VOTE TALLY SHEET

LEGISLATION #0199-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR NEWCOMB BAPTIST CHURCH ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF NEWCOMB CHAPTER, NAVAJO NATION. *Sponsor: Honorable Rickie Nez*

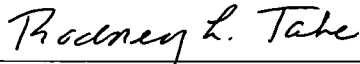
Date: September 29, 2021 – Regular Meeting (Teleconference)
Location: Resources and Development Committee members called in via teleconference from their location within the boundary of the Navajo Nation

(CONSENT AGENDA MOTION):

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



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee



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