LEGISLATIVE SUMMARY SHEET
Tracking No. 0117-19

DATE: May 10, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR THE TUNNEL SPRING FELLOWSHIP CENTER ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE CHAPTER, NAVAJO NATION

PURPOSE: Approving a mission site permit for the Tunnel Spring Fellowship Center located in the Fort Defiance Chapter.

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

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date: 5.14.19 4:41pm
Posting End Date: 5.19.19
Eligible for Action: 5.20.19

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0117-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR THE TUNNEL SPRING FELLOWSHIP CENTER ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE CHAPTER, NAVAJO NATION

Section One. Authority

A. Pursuant to 16 N.N.C. Section 1151 (C), the Resources Development Committee of the Navajo Nation Council has the authority to give approval for permits for mission sites on behalf of the Navajo Nation.

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

Section Two. Title 16 of the Navajo Nation Code Provisions with Respect to Acreage of Mission Sites

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

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

Section Three. Findings

A. The Tunnel Spring Fellowship Center, Post Office Box 192, Navajo, New Mexico 87328 has applied for a mission site permit within the Fort Defiance Chapter. The application is attached as **Exhibit E**.

B. The proposed mission site is to be located on 1.47 acres, more or less, of trust lands within the vicinity of Fort Defiance, Navajo Nation (Arizona). The land description appears on the survey plat attached hereto and incorporated as **Exhibit B.**

C. The Grazing Representative in memorandum dated October 11, 2018 identified one land user. The October 11, 2018 memorandum and consent documentation are attached as **Exhibit C**.

D. The Fort Defiance Chapter Resolution No. FDC-2018-09-09-05 supporting the Tunnel Spring Fellowship Center for a mission site permit and the signed petition by the local residents in support of the Tunnel Spring Fellowship Center are attached as **Exhibit D.**

E. Resources and Development Committee Resolution No. RDCJN-33-15 delegated the authority to process and approve Land Withdrawals to the Director of the Navajo Land Department. Resolution RDCJN-33-15 approved Land Withdrawal Designation Regulations ("Regulations"). Section One of the Regulations states:

"§1. Purpose.

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

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

b. Ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land."

F. Having received the consents of the land users, **Exhibit C,** and the receipt of the Fort Defiance Chapter Resolution No. FDC-2018-09-09-05, **Exhibit D,** the purpose of the Land Withdrawal Designation has been met ensuring the rights of grazing permittees have been addressed and ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land as a mission site.

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

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

I. Biological Resources Compliance Form, the Cultural Resources Compliance Form, the Archaeological Inventory Report, the Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program memorandum, and the Environmental Department Air & Toxics Department memorandum for the Tunnel Spring Fellowship Center are attached as **Exhibit F**.

J. The application for mission site permit has been reviewed through the Executive Official Review Document No. 011314, including the Department of Justice, and

found "Sufficient" or "Approved." Executive Official Review Document No. 011314 is attached as **Exhibit G**.

Section Four. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the withdrawal of on 1.47 acres, more or less, of trust lands within the vicinity of Fort Defiance Chapter, Navajo Nation (Arizona), as described in. **Exhibit B,** for Tunnel Spring Fellowship Center, for use as a mission site.

B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Mission Site Permit for the Tunnel Spring Fellowship Center, subject to but not limited to the attached Terms and Conditions contained herein as **Exhibit A** which is attached hereto and incorporated herein by this reference.

C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes President of the Navajo Nation to execute all documents to affect the intent and purpose of this resolution.



10/01/2014
FORM Mission Site

TERMS AND CONDITIONS FOR MISSION SITE PERMIT
TUNNEL SPRING FELLOWSHIP CENTER CHURCH (PERMITTEE)

1. This Mission Site Permit is issued to the **Tunnel Spring Fellowship Center Church** to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein. The term of the Mission Site Permit is effective beginning on the date the permit is approved by the Resources & Development Committee of the Navajo Nation Council or authorized representative. The Permit is authorized by Resources and Development Committee No. _____.

2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is 'NOT A LEASE' and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.

3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.

4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.

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

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

TRACT DESCRIPTION

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 21 WEST OF THE NEW MEXICO PRINCIPAL MERIDAN (NMPM)M IN THE VICINITY OF FORT DEFIANCE, MCKINLEY COUNTY, NEW MEXICO AND THE NAVAJO NATION MANAGEMENT DISTRICT 18 UNIT 3 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at a found united states Bureau of Land Management (USBLM) quarter corner common to sections 23 and 24 of T18N, R21W a brass disk in good condition dated 1994;
Whence a United States Bureau of Land Management (USBLM) Section corner common to sections 23, 24, 25 and 26 of T18N, R21W a brass disk in good condition dated 1994 bears N00°41'15"E a distance 2640.30 feet and the basis of bearing;

THENCE S32°13'28"W a distance of 406.26 feet to a set 5/8 inch iron pin with plastic cap NMPS 9624 and the point of beginning;
THENCE S03°18'51"E a distance of 186.95 feet to a set 5/8 inch iron pin with plastic cap NMPS 9624;
THENCE S82°11'16"W a distance of 152.42 feet to a found 5/8 inch iron pin set with plastic cap NMPS 9624 corner common to the NEC WJP;
THENCE S89°23'36"W a distance of 208.60 feet to a found 5/8 inch iron pin set with plastic cap NMPS 9624 corner common to the NWC WJP;
THENCE N00°42'41"W a distance of 164.10 feet to a set 5/8 inch iron pin with plastic cap NMPS 9624;
THENCE N84°59'53"E a distance of 55.53 feet to a set 5/8 inch iron pin with a plastic cap NMPS 9624;
THENCE N82°10'12"E a distance of 298.28 feet to the point of beginning; being 1.47 acre more or less as calculated using computer software and being subject to all existing easements, rights-of-way, cultural resources and other land rights located thereon.

The annual rental rate will be $22.50 per year and is due on or before the first day of December each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.

7. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.

8. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect including but not limited to the following:

   a. Title 25, Code of Federal Regulations, Part 162;

   b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;

   c. The Navajo Preference in Employment Act, 15 N.N.C. §§ et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ et seq.; and

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

9. The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.

10. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.

11. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.

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

13. The Permittee shall not assign, convey or transfer, in any manner whatsoever, the permit or any interest therein, or in or to any of the improvements on the land subject to the permit, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer of the permit without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon condition or withheld in the sole discretion of the Navajo Nation.

14. The Navajo Nation may terminate the permit for violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:

    a. Failure to comply with any terms and conditions of the permit or of applicable laws or regulations;

    b. Non-use of the permit; and

    c. The use of the land subject to the permit for any purpose inconsistent with the purpose for which the permit is granted.

15. At the termination of the permit, the Permittee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.

16. The Permittee shall give written notice to the Navajo Nation Land Department regarding any change to the Permittee's contact information, address, leadership, organizational name, or any other substantial change to the organization. The notice shall be given within thirty (30) days and delivered to the Navajo Land Department at Post Office Box 2249, Window Rock, Arizona 86515.

17. Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof or give the Permittee any rights hereunder or in or to the land subject to the permit or to any improvements located thereon.

18. The Navajo Nation shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.

19. By acceptance of the grant of permit, the Permittee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction

to levy fines and to enter judgements for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.

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: 01/16/19

By: Arnold D. Yazzie

Tunnel Springs Fellowship Center Church
(Permittee)

Date: _____

By: _____

President
Navajo Nation

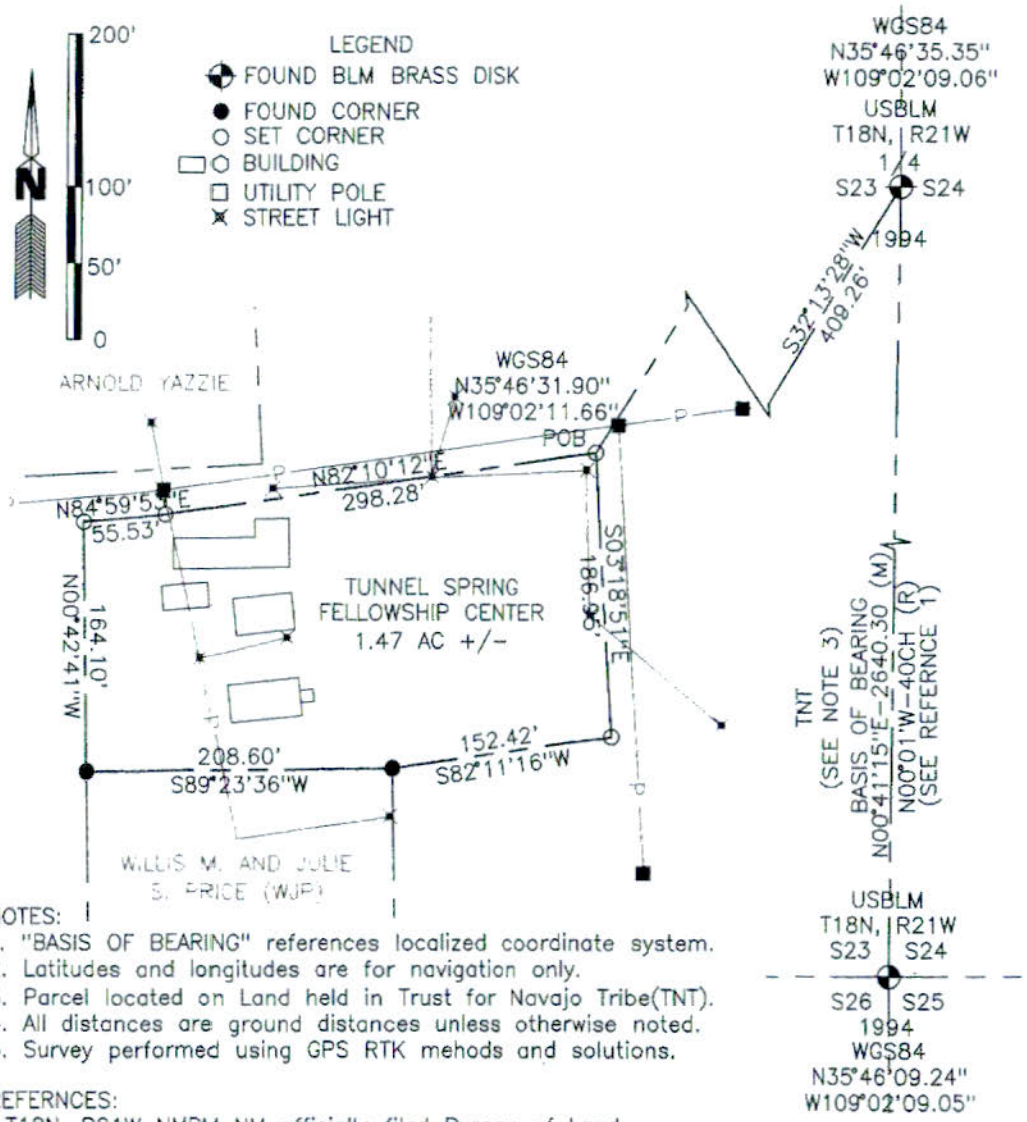
EXHIBIT

B

Mission Site Lease
For
Tunnel Spring Fellowship Center

Survey Plat

March, 2019



NOTES:
1. "BASIS OF BEARING" references localized coordinate system.
2. Latitudes and longitudes are for navigation only.
3. Parcel located on Land held in Trust for Navajo Tribe(TNT).
4. All distances are ground distances unless otherwise noted.
5. Survey performed using GPS RTK mehods and solutions.

REFERNCES:
1.T18N, R21W NMPM NM officially filed Bureau of Land Management February 05, 1997. Copy of plat filed at Navajo Land Department and the Bureau of Indian Affairs.

SURVEY PLAT AND LEGAL DESCRIPTION OF TUNNEL SPRING FELLOWSHIP CENTER CHURCH LEASE

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 23 TOWNSHIP 18 NORTH RANGE 21 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN (NMPM) IN THE VICINITY OF FOR DEFIANCE, McKINLEY COUNTY, NEW MEXICO AND IN THE NAVAJO NATION MANAGEMENT DISTRICT 18 UNIT 3 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND UNITED STATES BUREAU OF LAND MANAGEMENT (USBLM) QUARTER CORNER COMMON TO SECTIONS 23 AND 24 OF T18N, R21W A BRASS DISK IN GOOD CONDITION DATED 1994;

WHENCE A UNITED STATES BUREAU OF LAND MANAGEMENT (USBLM) SECTION CORNER COMMON TO SECTIONS 23, 24, 25 AND 26 OF T18N, R21W A BRASS DISK IN GOOD CONDITION DATED 1994 BEARS N00°41'15"E A DISTANCE OF 2640.30 FEET AND THE BASIS OF BEARING;

THENCE S32°13'28"W A DISTANCE OF 409.26 FEET TO A SET 5/8 INCH IRON PIN WITH PLASTIC CAP NMPS 9624 AND THE POINT OF BEGINNING;

THENCE S03°18'51"E A DISTANCE OF 186.95 FEET TO A SET 5/8 INCH IRON PIN WITH PLASTIC CAP NMPS 9624;

THENCE S82°11'16"W A DISTANCE OF 152.42 FEET TO A FOUND 5/8 INCH IRON PIN SET WITH PLASTIC CAP NMPS 9624 CORNER COMMON TO THE NEC WJP;

THENCE S89°23'36"W A DISTANCE OF 208.60 FEET TO A FOUND 5/8 INCH IRON PIN SET WITH PLASTIC CAP NMPS 9624 CORNER COMMON TO THE NWC WJP;

THENCE N00°42'41"W A DISTANCE OF 164.10 FEET TO A SET 5/8 INCH IRON PIN WITH PLASTIC CAP NMPS 9624;

THENCE N84°59'53"E A DISTANCE OF 55.53 FEET TO A SET 5/8 INCH IRON PIN WITH A PLASTIC CAP NMPS 9624;

THENCE N82°10'12"E A DISTANCE OF 298.28 FEET TO THE POINT OF BEGINNING;

BEING 1.47 ACRE MORE OR LESS AS CALCULATED USING COMPUTER SOFTWARE, AND BEING SUBJECT TO ALL EXISTING EASEMENTS, RIGHTS-OF-WAY, CULTURAL RESOURCES AND OTHER LAND RIGHTS LOCATED THEREON.

Surveyed By: LLY, Sr. Date: 9/9/2017
Drawn By: LLY, Sr. Date: 9/29/2017

MICHAEL P. PAISANO NEW MEXICO 9624 REGISTERED PROFESSIONAL SURVEYOR

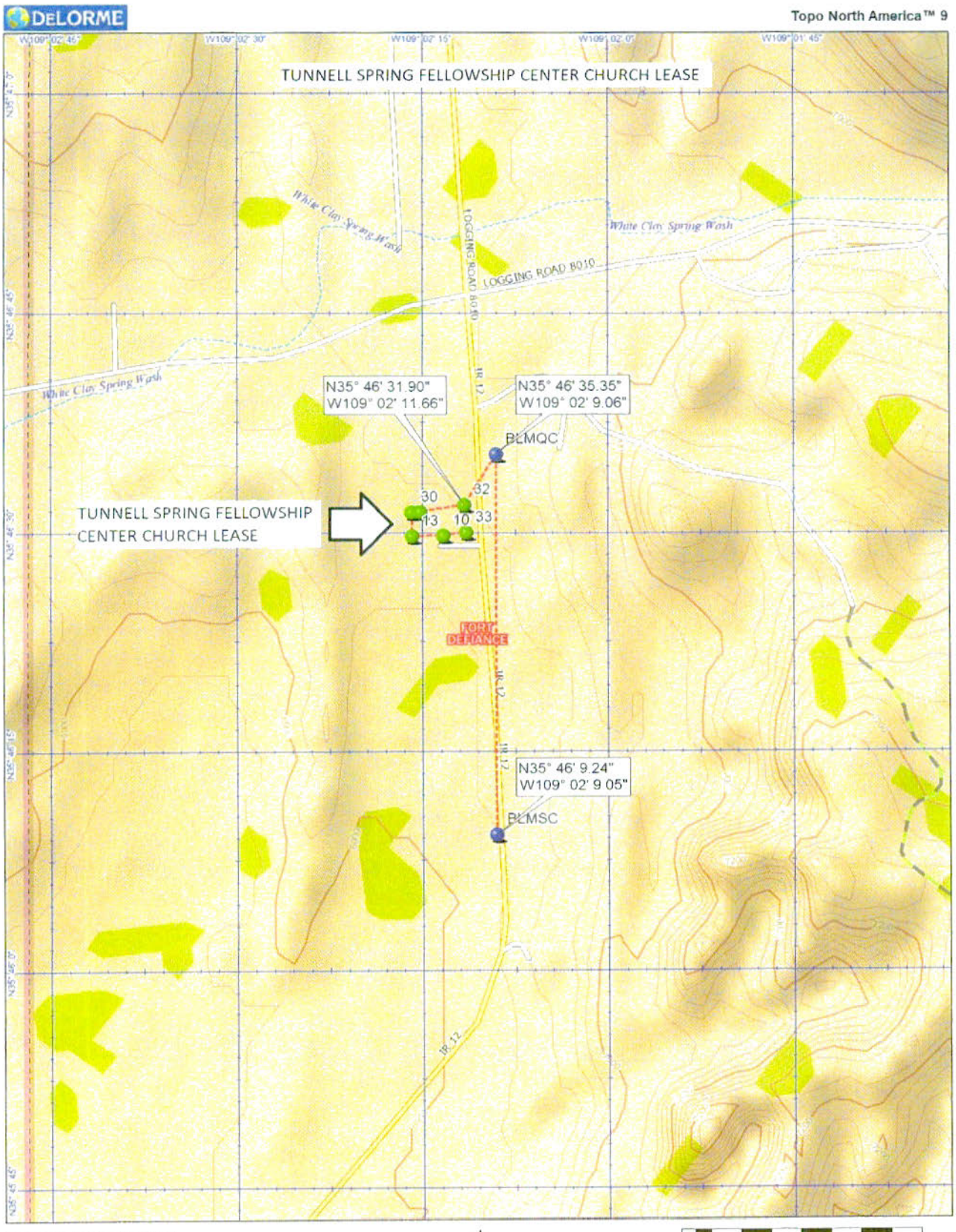
SURVEYOR CERTIFICATE

I, Michael Paisano, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico do hereby certify that this plat shown hereon was prepared from a bona fide land survey conducted by me or under my direct supervision

9/23/17

Michael P. Paisano, Professional Surveyor

SURVEY PLAT AND LEGAL DESCRIPTION OF
TUNNEL SPRING FELLOWSHIP CENTER CHURCH LEASE
1.47 ACRES +/-, NAVAJO INDIAN RESERVATION, DISTRICT 18, UNIT 3
SE 1/4 OF SECTION 23, T18N, R21W, NMPM
FORT DEFIANCE, McKINLEY COUNTY, NEW MEXICO


DeLORME
Topo North America™ 9
TUNNELL SPRING FELLOWSHIP CENTER CHURCH LEASE
White Clay Spring Wash
LOGGING ROAD 8010
IR 12
N35° 46' 31.90"
W109° 02' 11.66"
N35° 46' 35.35"
W109° 02' 9.06"
BLMQC
30
32
13
10
33
TUNNELL SPRING FELLOWSHIP
CENTER CHURCH LEASE
FORT DEFIANCE
N35° 46' 9.24"
W109° 02' 9.05"
BLMSC
Data use subject to license.
© DeLorme Topo North America™ 9
www.delorme.com
MN (9.6° E)
0 200 400 600 800 1000 1200 1400 1600 ft
Data Zoom 14-3



Mission Site Lease
For
Tunnel Spring Fellowship Center

Consent(s)

March, 2019

THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366 • Ft Defiance, Arizona 86504
Phone: (928) 729-4352 • Fax (928) 729-4353
Email: ftdefiance@navajochapters.org

Wilson C. Stewart, Jr., *President*
Aaron Sam, *Vice-President*
Brenda Wauneka, *Secretary/Treasurer*
Herman Billie, *Grazing Official*
Benjamin Bennett, *Council Delegate*

RUSSELL BEGAYE
Navajo Nation President

JONATHAN NEZ
Navajo Nation Vice President

October 11, 2018

To: General Leasing Dept.

From: Herman Billie
Fort Defiance Chapter Grazing Official

Herman Billie

Re: Tunnel Springs Fellowship Center

This Church is next door to Grazing Permittee Julia Price home. She is the only Permittee in this vicinity (area).

Lastly, this has been built at least 40 years.

Thank You.

CONSENT TO USE NAVAJO TRIBAL LANDS
FOR MISSION SITE

TO WHOM IT MAY CONCERN:

I, JULIE H. PRICE, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit TUNNEL SPRING FELLOWSHIP CENTER (Church) located approximately 4.5 miles from FT. DEFIANCE Chapter to use approximately 1.47 acres of my assigned grazing land for church purposes.

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

REMARKS: _____

Julie H. Price		18-18-75	2-11-18
Signature of Permit Holder	Census No.	Permit No.	Date

WITNESSES:

Right Thumbprint

HERMAN BILLIE	Herman Billie	
(Print Name) Grazing Official/Farm/Land Board	(Signature) Grazing Official/Farm/Land Board	
FORT DEFIANCE	18-3	04/25/18
Chapter	District No.	Date

Acknowledge of Field Agent

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

Signature of Land Department Field Agent Date



Mission Site Lease
For
Tunnel Spring Fellowship Center

Chapter Resolution

March, 2019

THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366 • Ft Defiance, Arizona 86504
Phone: (928) 729-4352 • Fax (928) 729-4353
Email: ftdefiance@navajochapters.org

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Benjamin Bennett *Council Delegate*

RUSSELL BEGAYE
Navajo Nation President

JONATHAN NEZ
Navajo Nation Vice President

FDC-2018-09-09-05

RESOLUTION OF FORT DEFIANCE CHAPTER

Recommending the Approval of a Mission Site Lease for Tunnel Spring Fellowship Center in Rabbit Brush, New Mexico

WHEREAS:

1. The Fort Defiance Chapter is a duly certified chapter of the Navajo Nation pursuant to Navajo Nation Code, Title 26, Sections 4001 and 4006 with authority to address and take action on the needs and concerns of its people, and
2. Fort Defiance Chapter was LGA certified on January 15, 2016 by the Resource and Development Committee of the Navajo Nation Council pursuant to Resolution RDCJA-05-06, and
3. Tunnel Spring Fellowship Center has been in existence for many years, comprising of about 1.47 acres and located in Rabbit Brush north of the chapter, and
4. The Center had not acquired an official mission site lease from the Navajo Nation but has been in operation for many years and the Center is currently proceeding with obtaining a lease, and
5. The CLUPC considered this matter and recommends issuance of a mission site lease to Tunnel Spring Fellowship Center.

NOW THEREFORE BE IT RESOLVED THAT:

Fort Defiance Chapter hereby recommends the approval of a mission site lease to Tunnel Spring Fellowship Center in accordance with the Navajo Nation law related to mission site leasing.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which a quorum was present and that same was approved by a vote of 30 approved, 1 opposed, and 9 abstained, this 9th day of September 2018.

MOTIONED: Benjamin Bennett SECONDED: Georgina Chischilly

Wilson C. Stewart, Jr., Chapter President

Benjamin Bennett, Council Delegate

Mission Site Lease
For
Tunnel Spring Fellowship Center

Petition of Names

March, 2019

PETITION OF NAMES

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

	NAME	DATE	WITNESS
01.	Julia H. Price	3/11/15	Arnold D. Yazzie
02.	Herbert Barren	3/11/15	Arnold D. Yazzie
03.	Nelson Rrii	3/11/15	Arnold D. Yazzie
04.	[illegible]	3/11/15	Arnold D. Yazzie
05.	Leroy Watts (JERRY WATTS)	3/11/15	Arnold D. Yazzie
06.	Arnold D. Yazzie	3/11/15	[illegible]
07.	Linda Church	3/18/15	Arnold D. Yazzie
08.	Julie Clarke	3-15-15	Arnold D. Yazzie
09.	Julia Laughlin	10-06-15	Arnold D. Yazzie
10.	Bruce L. Harvey	10-06-15	Arnold D. Yazzie
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

NAME	DATE	WITNESS
19.		
20.		
21.		
22.		
23.		
24.		
25.		

THUMBPRINT

26.		
27.		
28.		
29.		
30.		

** SIGNING FOR ANOTHER PERSON WILL CAUSE THIS PETITION TO BE VOID.



Mission Site Lease
For
Tunnel Spring Fellowship Center

Application

March, 2019

APPLICATION FOR MISSION SITE (RELIGIOUS SITE)
NAVAJO NATION LANDS

DATE: 3/09/2015

TUNNEL SPRING FELLOWSHIP CENTER
(NAME OF CHURCH)

P.O. Box 192, NAVAJO NEW MEXICO 87328
(ADDRESS)

hereby makes an application for a religious site covering approximately 1.47 acres of Navajo Nation land located in NEAR FT. DEFIANCE & MCKINLEY 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:

- ☐ Supporting Chapter Resolution
- ☐ Land Use Consent
- ☐ Survey Plat
- ☐ Current Petition of Names
- ☐ Copy of Articles of Incorporation
- ☐ Other Supporting Documents

GENERAL LAND DEVELOPMENT DEPARTMENT

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:

THE LAND WILL BE USED MAINLY TO WORSHIP THE LORD JESUS CHRIST AND TO TRAIN AND RAISE UP NAVAJO AND NATIVE AMERICAN CHRISTIAN PASTORS AND MISSIONARIES. THIS IS A PLACE WHERE PEOPLE CAN COME FOR SPIRITUAL HELP AND WE WANT TO BE A LIGHT ON THE NAVAJO NATION. ALL OUR ACTIVITIES WILL BE CHRIST-CENTERED.

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

5 BUILDINGS ALREADY EXIST AND ARE IN USE. CHURCH BUILDINGS ARE ON FAMILY LAND.

1. CHURCH BUILDING - BUILT AROUND 1973 - COST AROUND $5,000
2. FELLOWSHIP HALL WITH KITCHEN - BUILT AROUND 1973 - COST AROUND $5,000
3. MULTI-PURPOSE BUILDING - BUILT AROUND 1999 - COST AROUND $1,500
4. REST ROOMS WITH SHOWERS - STARTED IN 2014 AND ARE UNFINISHED - COST AROUND $12,000
5. SHED - USED TO STORE CAMPMEETING TENT AND MISCELLANEOUS EQUIPMENT - COST AROUND $500.

Applicant's plan for development of water and sewer:

ALREADY INSTALLED WATER LINE TO FELLOWSHIP HALL AND REST-ROOM FACILITY. ALREADY INSTALLED SEPTIC TANK AND DRAIN FIELD FOR FELLOWSHIP HALL AND REST ROOM FACILITY.

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

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

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

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

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

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

ARNOLD D. YAZZIE
Authorized Agent (Print Name)

Arnold D. Yazzie
Authorized Agent (Signature)

P.O. Box 192, NAVAJO, NM 87328
Address

(928) 729-5641
Phone Number

horsesoldiers@juno.com
Email Address

Mission Site Lease
For
Tunnel Spring Fellowship Center

Sliding Fee Scale

March, 2019

Sliding Fee Scale Form for Mission Site Permits

Application Information			Today's Date:	
Entitiy Name: TUNNEL SPRING FELLOWSHIP CENTER				
Mailing Address: P.O. Box 192		City: NAVAJO	State: N M	Zip: 87328
Phone #: (928) 729-5641	Fax #: ( )		Congregation Size: average 25	Acres requested: 1.47

Income Information

Source	Amount	Frequency (Circle One)
CHURCH OFFERINGS JANUARY 2018	$ 756.40	Weekly (Monthly) Yearly
CHURCH OFFERINGS FEBRUARY 2018	$ 954.64	Weekly (Monthly) Yearly
CHURCH OFFERINGS MARCH 2018	$ 985.59	Weekly (Monthly) Yearly
CHURCH OFFERINGS APRIL 2018	$ 862.00	Weekly (Monthly) Yearly
CHURCH OFFERINGS MAY 2018	$ 569.12	Weekly (Monthly) Yearly
CHURCH OFFERINGS June 2018	$ 949.00	Weekly (Monthly) Yearly
CHURCH OFFERINGS JULY 2018	$ 927.07	Weekly (Monthly) Yearly
CHURCH OFFERINGS August 2018	$ 1161.17	Weekly (Monthly) Yearly
we receive an offering every week - but I added each month together	$	Weekly Monthly Yearly
Total	$ 7064.99	Weekly Monthly Yearly

AS SECRETARY/TREASURER I WROTE THE ABOVE INCOME INFORMATION. CHURCH OFFERINGS VARY FROM MONTH TO MONTH and YEAR TO YEAR, THE CONGREGATION IS SMALL and THEY GIVE SACRIFICIALLY. JUDY A. YAZZIE Judy A. Yazzie 9-03-2018

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): ARNOLD D. YAZZIE

Signature: Arnold D. Yazzie

Date: 10-10-2018

GENERAL LAND DEVELOPMENT DEPARTMENT

Sliding Fee Scale for Navajo Nation Mission Site Permits

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

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

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

Procedure:

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

Table 1

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

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

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

Mission Site Lease
For
Tunnel Spring Fellowship Center

Articles of Incorporation

March, 2019

NAVAJO NATION
CORPORATION CODE

CERTIFICATE OF AUTHORITY

To all to Whom these Presents Shall Come, Greeting:

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

TUNNEL SPRING FELLOWSHIP CENTER
File Number 101181

a CORPORATION organized under the laws of the STATE OF NEW MEXICO was on the 22nd day of April, 2009, authorized to transact business within the Navajo Nation as FOREIGN CORPORATION.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Navajo Nation Corporation Code. Done at Window Rock, the Capital of the the Navajo Nation, this 22nd day of April 2009 A.D.

Director, Business Regulatory Department
Division of Economic Development

7306 BUTLER'S

EXHIBIT
F

Mission Site Lease
For
Tunnel Spring Fellowship Center

Biological Survey

March, 2019

NNDFW Review No. 18tsfc-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.: Tunnel Spring Fellowship Center

DESCRIPTION: Proposed 1.47-acre mission site. This review includes all associated utilities.

LOCATION: SE¼ of Section 23, T18N, R21W, NMPM, Fort Defiance, McKinley County, New Mexico

REPRESENTATIVE: Arnold Yazzie, Tunnel Spring Fellowship Center

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for concurrence/27 APR 2018/unknown

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Existing mission site.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/02 MAY 2018

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:
- ☒ Approval
- ☐ Conditional Approval (with memo)
- ☐ Disapproval (with memo)
- ☐ Categorical Exclusion (with request letter)
- ☐ None (with memo)

Signature  Date 5/3/18

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

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

Representative's signature Date

Mission Site Lease
For
Tunnel Spring Fellowship Center

Cultural, Historical & Archaeological

March, 2019

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-17-932
☑ ISB	OTHER PROJECT NO.: ISB-17-177

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Tunnel Springs Fellowship Center in Fort Defiance Chapter, McKinley County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Arnold Yazzie, Tunnel Springs Fellowship Center, PO Box 192, Navajo, New Mexico 87328

PROJECT DESCRIPTION: The proposed undertaking will involve the construction and/or lease of a fellowship center. The area of potential effect for the church lease is 1.47-acre. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust Land
CHAPTER:	Fort Defiance
LOCATION:	*T.* 18 *N.*, *R.* 21 *W-* *Sec.* 23; Fort Defiance Quadrangle, Apache County Arizona G&SRPM
PROJECT ARCHAEOLOGIST:	Iris Shirley Begaye
NAVAJO ANTIQUITIES PERMIT NO.:	B17728
DATE INSPECTED:	10/10/17
DATE OF REPORT:	10/25/17
TOTAL ACREAGE INSPECTED:	1.47 – ac
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced 15 m apart.
LIST OF CULTURAL RESOURCES FOUND:	**(1) In-Use Site (IUS)**
LIST OF ELIGIBLE PROPERTIES:	**None**
LIST OF NON-ELIGIBLE PROPERTIES:	**(1) IUS**
LIST OF ARCHAEOLOGICAL RESOURCES:	**None**

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

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

FORM PREPARED BY: **Tamara Billie**
FINALIZED: January 3, 2018

Notification to Proceed Recommended ☑ Yes ☐ No

Conditions: ☐ Yes ☑ No

Richard M. Begay, Dept. Mgr. THPO 1/4/18
The Navajo Nation Date
Heritage & Historic Preservation Department

Navajo Region Approval ☒ Yes ☐ No

BIA – Navajo Regional Office 1/24/18 Date

Mission Site Lease
For
Tunnel Spring Fellowship Center

Environmental Assessment Report

March, 2019

1. HPD REPORT NO.	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.

4. TITLE OF REPORT: A Cultural Resource Inventory of the Proposed Tunnel Springs Fellowship Center in Fort Defiance Chapter, McKinley County, New Mexico

5. FIELDWORK DATES
10/10/2017

6. REPORT DATE
10/25/2017

AUTHOR(S): Iris Shirley Begaye

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.
B17728

9. Consultant Report No.
ISB-17-177

10. SPONSOR NAME AND ADDRESS:

Ind. Responsible: Arnold Yazzie
Name: Tunnel Springs Fellowship Center
Address: P.O. Box 192
Navajo, NM 87328
Phone: 928/729-5641

11. SPONSOR PROJECT NO.
N/A

12. AREA OF EFFECT: 1.47 ac.
AREA SURVEYED: 1.47 ac.

13. LOCATION (MAP ATTACHED):

a. Chapter: Fort Defiance
b. Agency: Fort Defiance
c. County: McKinley
d. State: New Mexico

See Figure 1.

e. Land Status: Navajo Tribal Trust
f. UTM Center: Zone 12; 3,960,789.05 N,677,423.79E
g. Area: NE1/4 SE1/4 Sec 23 T18N R 21W NMPM
h. 7.5' Map Name(s): Fort Defiance, AZ-NM Provisional Edition 1982

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): Archaeological clearance is recommended for the proposed project.

17. CERTIFICATION SIGNATURE :

General Charge Name: Iris Shirley Begaye

DATE: 25 October 2017

SUPPPLEMENTAL SHEET (AIRS FORM)
Proposed Tunnel Springs Fellowship Center, Fort Defiance Chapter, McKinley County, New Mexico
ISB-17-177

14. REPORT

a. Description of Undertaking: The proposed fellowship center will involve the continued construction of a fellowship center within the surveyed area. Construction activities will include ground disturbance (leveling, trenching, laying of pipelines, power line pole placement, stringing of power line). The area of potential effect equals approximately 64,033.2 sq. ft. (5,948.9 sq. m.) or 1.47 acres (0.6 ha.). An area of 64,033.2 sq. ft. (5,948.9 sq. m.) or 1.47 acres (0.6 ha.) 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 previous cultural resource inventories within one kilometer of the undertaking as follows:

HPD-00-695/NNAD-00-127 A Cultural Resources Inventory of a Proposed Fiber Optic Cable Line to Parallel Navajo Route 12 and Two Telephone Service Line Extensions, for Navajo Communications company, Fort Defiance, Apache County, Arizona to Rabbitbrush, McKinley County, New Mexico, Karen A. Tilden, July 28, 2000. Installation of a fiber optic line and phone line extension recording (3) sites, (13) isolated occurrences and (10) in-use sites. Sites reported are more than 50 ft. from the proposed homesite and will not be affected.

HPD-96-549/DCD1-96-076 A Cultural Resource Inventory of the Lawrence Gorman Homesite and NTUA Waterline Extension, Fort Defiance Chapter, McKinley County, New Mexico, Maxine Yazzie, July 2006, August 21, 1996. Inventory reports (1) site, NM-P-9-22 a 1900's Navajo Sweatlodge which is located more than 50 ft. from the proposed undertaking and will not be affected.

HPD-95-576/BOR-95-009 A Cultural Resource Inventory for a Proposed N12 Dike Located near Fort Defiance, McKinley County, New Mexico, G. Stuart Benally, October 30, 1995. Cultural resource inventory reporting no cultural resources within the survey area.

HPD-92-713/NNAD91-385 Addendum II/NA-91-766 An Archaeological Survey of 57 Homes to be Served with Water and Wastewater facilities by the Twin Buttes Project at the Fort Defiance, and Red Lake Chapters, McKinley and Apache Counties, Arizona-New Mexico" and Archaeological Survey for Water Line Extensions to serve 58 Homes by the Twin Buttes Project of the Fort Defiance, and Red Lake Chapters, McKinley and Apache Counties , Arizona-New Mexico.", Mary Francis, Lawrence T. Notah, September 1992 and June 1993. Cultural resource inventory reporting (14) sites, (9) isolated occurrences, (58) in-use sites and (15) TCPs. Site NM-P-9-16 (Multicomponent, Navajo Anasazi BII-PI) reports a historic grave and is more than 50 ft. from the undertaking. Also reported within 1 kilometer is a Medicinal Plant gathering area located more than 50 ft. from the proposed undertaking. All reported cultural resources are more than 50 ft. from the proposed undertaking and will not be affected.

c. Area of Environmental & Cultural Setting: The homesite is located in Fort Defiance Agency, Fort Defiance Chapter, approximately 3.2 miles northeast of the Fort Defiance Chapter House, McKinley County, New Mexico. The project area is located in the Black Creek Valley, a broad area of low ridges and alluviated valley between the Defiance Plateau and Chuska Mountains at an elevation of 6,936 feet (2,114.1 meters). Vegetation in the area consists of juniper, pinon, saltbush, rabbitbrush, broom snakeweed, narrow leaf yucca, prickly pear and other seasonal native grasses. Dogs were the only domesticated animals noted within the project area. Surface sediments range from red coarse sandy loam to fine clay loam with sandstone. The major water sources for the area are the Black Creek (approximately 1.2 miles west of the project area) and White Clay Spring (approximately 0.4 mile north of the project area). The nearest ephemeral drainage is 0.1 mile north of the project area. Navajo Route 12 is approximately 0.1 mile east of the project area. The surrounding area has been impacted by the development of numerous homes, water lines, power lines, gas pipelines, medical facility, churches, schools and numerous secondary roads.

d. Field Methods: On October 10, 2017, Iris Shirley Begaye, archaeologist conducted the cultural resource inventory of a proposed fellowship center. The fellowship center area was located by the sponsor. The 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 homesite area. The area of potential effect equals approximately 64,033.2 sq. ft. (5,948.9 sq. m.) or 1.47 acres (0.6 ha.). An area of 64,033.2 sq. ft. (5,948.9 sq. m.) or 1.47 acres (0.6 ha.)was inventoried.

In accordance with NNHPD 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 NNHPD Traditional Cultural Property Section and revealed traditional cultural properties #603 and #485b. TCP #603 (Chuska Mountains and #485b (Black Creek) are more than 100 feet away from the undertaking, therefore, will not be impacted.

15. CULTURAL RESOURCE FINDINGS:

a. **Location/Identification of Each Resource:** One (01) in-use site was identified during ISB-17-177 inventory.
In-Use Site A consists of three buildings, travel trailer, playground, 1965 church, 1967 fellowship hall and outhouses.

b. **Evaluation of Significance of Each Resource (above):** IUA A possesses integrity of location and setting; is probably 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 meet the 50-year guideline and thus is 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.

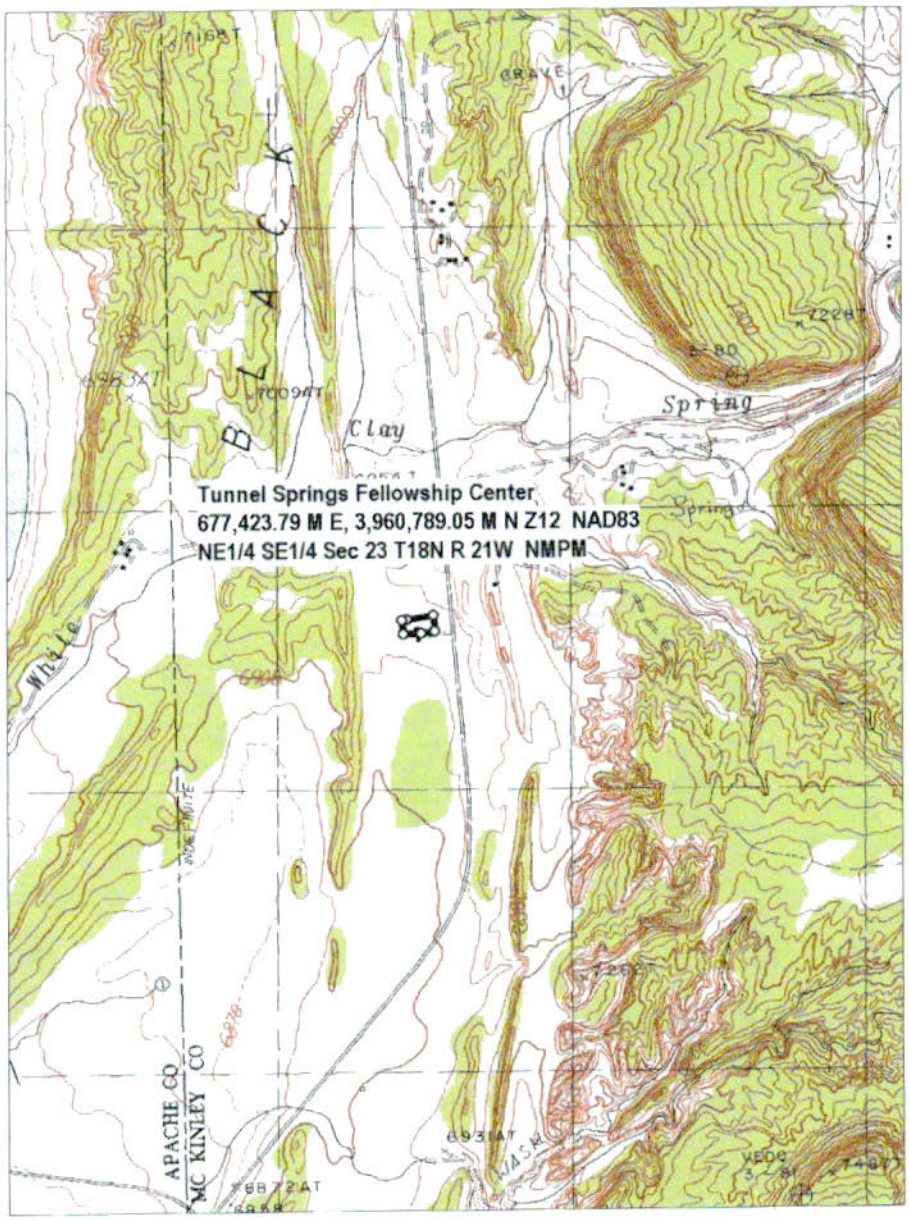


Figure 1. Tunnel Springs Fellowship Center (ISB-17-177)
UTM, Zone 12, 3,960,789.05 N,677,423.79 E; NE1/4 SE1/4 Sec 23 T18N R 21W NMPM
7.5' USGS series map: Fort Defiance, AZ-NM Provisional Edition 1982

THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY

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

Russell Begaye
President

Jonathan Nez
Vice President

October 17, 2018

MEMORANDUM

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

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

SUBJECT: DOCUMENT No. 011314

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 011314, Tunnel Springs Fellowship Center Mission Site in Navajo, New Mexico. This application for mission site will include a church building, fellowship hall with kitchen, multipurpose building, rest rooms with showers and shed for storage on 1.47 acre lot and will require water and wastewater infrastructure. PWSSP recommends conditional approval of this document.

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

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

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

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA
PWSID#NN0403000
PWSID#NN04180018

THE NAVAJO NATION

RUSSELL BEGAYE - PRESIDENT
JONATHAN NEZ - VICE PRESIDENT

Navajo Nation Environmental Protection Agency – Air & Toxics Department
P.O. Box 339 Window Rock, AZ 86515 • Bldg # 2318 Window Rock Blvd.
Tel: 928. 871.6790 Fax: 928.871.6757

October 29, 2018

MEMORANDUM

TO: Navajo Land Title Data System

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

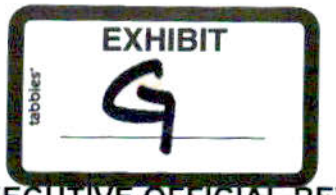
SUBJECT: **Document No. 011314, Tunnel Springs Fellowship Center Mission Site**

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

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

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

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



Document No. 011314 Date Issued: 10/12/2018

EXECUTIVE OFFICIAL REVIEW

Title of Document: Mission Site, Tunnel Springs Fellowship Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: elerina_yazzie@frontier.com Phone Number: 928-871-6447

			Sufficient	Insufficient
☐	**Business Site Lease**			
	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: _____	☐	☐

EOR #011314

☐ **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

1. NLD		Date:	☐	☐
2. F+W		Date:	☐	☐
3. HHPD		Date:	☐	☐
4. NNEPA		Date:	☐	☐
5. DNR		Date:	☐	☐
6. OOC ✓ AC 12/21/18	CRowaan	Date: 12/27/18	☑	☐
7. DOJ (ICO)	VBlackhat	Date: 1/17/19	☒	☐
8. OPVP		Date: 1-25-19	☐	☑

NAVAJO NATION DEPARTMENT OF JUSTICE

☐ RESUBMITTAL

DOCUMENT REVIEW REQUEST FORM

RECEIVED
JAN – 3 2019
DEPARTMENT OF JUSTICE
RECEPTIONIST DESK

DOJ
01/03/19 14:29
DATE / TIME
☐ 7 Day Deadline
DOC #: 011314
SAS #:
UNIT: NRLU

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

CLIENT TO COMPLETE

DATE OF REQUEST: 1/3/18
ENTITY/DIVISION: GLDD/DNR
CONTACT NAME: Michelle, Howard Draper
DEPARTMENT: Gen Land Develop Dept
PHONE NUMBER: X-6447
E-MAIL:

TITLE OF DOCUMENT: Mission Site, Tunnel Springs Fellowship

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 1.3.19 4:40p
REVIEWING ATTORNEY/ADVOCATE: Irene Chee 1.14.19

DATE/TIME OUT OF UNIT: 1.18.19 1:30 pm

DOJ ATTORNEY / ADVOCATE COMMENTS

Document is now legally sufficient after making some corrections to the Terms & Conditions. All of the required documents are also attached. Thx-IC COMPLETED

REVIEWED BY: (*PRINT*)	DATE / TIME	SURNAMED BY: (*PRINT*)	DATE / TIME
Irene Chee	1-17-19	V Blackhat	1-17-19 4:59 pm

DOJ Secretary Called: Howard Draper for Document Pick Up on 1.18.19 at 835 By: [illegible]

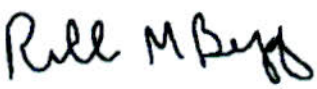
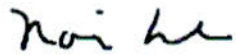
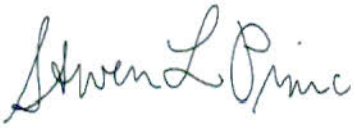
PICKED UP BY: (*PRINT*) DATE / TIME:

NNDOJ/DRRF-July 2013

Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signiture
Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)	Air and Toxics - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Comments attached.	1. *No Reply*	29-Oct-2018	
Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Reviwer	Navajo Nation Environmental Protection Agency	Approved	1. All waters of the US and waters of the Navajo Nation are protected under the CWA. Contact LeeAnna Martinez for any 401 Cert relative activities at (928)871-7700.	1. *No Reply*	16-Oct-2018	
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	*no comments*	*No Reply*	15-Oct-2018	
Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #031309A (J.Cole)	1. *No Reply*	16-Oct-2018	
Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)	Water Quality - Supervisor	Navajo Nation Environmental Protection Agency	Approved	1. Land surface disturbances greater than 1.0 acre require coverage under the federal Construction General Permit for storm water discharges from	1. *No Reply*	16-Oct-2018	

				construction sites. A Notice of Intent (NOI) must be electronically submitted to USEPA 14 days prior to earthmoving. A Storm water pollution prevention plan must be developed prior to NOI submission.			
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	*no comments*	*No Reply*	17-Oct-2018	Robert O. Allen
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. HPD-08-780	1. *No Reply*	16-Oct-2018	Tamara Billie
Warren Roan - EPA (Navajo Land Title Data System - Windowrock AZ)	Storage Tanks Program - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Any concerns or impacts regarding storage tanks or releases of regulated substances from storage tanks contact Warren Roan at (928)871-7993.	1. *No Reply*	26-Oct-2018	Warren J Roan
Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)	Public Water System Supervision Program	Navajo Nation Environmental Protection Agency	Approved	1. Please see attached memorandum approving this project.	1. *No Reply*	17-Oct-2018	Yolanda Barney

Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signiture
Bidtah N. Becker (FBFA)	FBFA Users	FBFA Action Team	Approved	1. GLDD--I am marking this document sufficient. That being said, Chad Smith has not yet marked the document sufficient. If he marks the document insufficient, please inform me immediately. Thanks.	1. *No Reply*	14-Nov-2018	
Chad Smith - F&W (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	*no comments*	*No Reply*	10-Dec-2018	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	*no comments*	*No Reply*	31-Oct-2018	
Ronnie Ben EPA (Navajo Land Title Data System - Windowrock AZ)	Underground Injection Control - Reviewer	Navajo Nation Environmental Protection Agency	Approved	1. Conditional Approval and contingent on compliance with all US EPA and Navajo Nation EPA environmental laws.	1. *No Reply*	05-Nov-2018	
Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	*no comments*	*No Reply*	30-Oct-2018	

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

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General Land Development Department

CHECK LIST FOR MISSION SITE APPLICATION

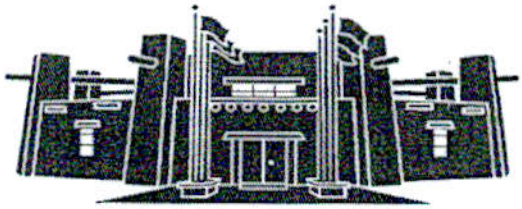
1. ✓ **APPLICATION** for religious activities is filled out by the applicant
2. ✓ **FILING FEE** of $100.00 made payable to The Navajo Nation
3. ✓ **CONSENT(S)** Contact your local Chapter Grazing Official or Land Board Member
4. ✓ **PETITION OF NAMES** endorsing the proposed mission site from surrounding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

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

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

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

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

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

DATE: May 10, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR THE TUNNEL SPRING FELLOWSHIP CENTER ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE CHAPTER, NAVAJO NATION

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

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

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0117-19_____ SPONSOR: Wilson C Stewart, Jr.

TITLE: An Action Relating To Resources And Development Committee; Approving A Mission Site Permit For The Tunnel Spring Fellowship Center On Navajo Nation Trust Lands In The Vicinity Of Fort Defiance Chapter, Navajo Nation

Date posted: May 14, 2019 at 4:41pm

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

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

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

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0117-19

SPONSOR: Honorable Wilson C Stewart Jr.

TITLE: An Action Relating To Resources And Development Committee; Approving A Mission Site Permit For The Tunnel Spring Fellowship Center On Navajo Nation Trust Lands In The Vicinity Of Fort Defiance Chapter, Navajo Nation

Posted: May 14, 2019 at 4:41 PM

5 DAY Comment Period Ended: May 19, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

5-20-19 9:20am
Date/Time