

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
OF THE 23RD NAVAJO NATION COUNCIL---Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR MISSION SITE FOR THE SPIRITUAL HOPE PENTECOSTAL CHURCH ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF TOADLENA/TWO GREY HILLS CHAPTER, NAVAJO NATION

Section One. Authority

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.

Section Two. Findings

A. The Spiritual Hope Pentecostal Church, P.O. Box 522, Kirtland, New Mexico 87417, has applied Revocable Use Permit for Mission site within the Toadlena/Two Grey Hills Chapter, as further described in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

B. The proposed mission site is to be located on 1.5 acres, more or less, in the vicinity of Toadlena/Two Grey Hills Chapter, Navajo Nation. The land description appears on the survey plat attached hereto and incorporated herein as **Exhibit "B."**

C. The District Grazing Official, Derry Lewis, identified one land user and his consent is attached hereto as **"Exhibit C."**

D. The Toadlena/Two Grey Hills Chapter Resolution No. TDLA/TGH-14-08-14-15 authorizing the approval of a mission site for the Spiritual Hope Pentecostal Church comprising 1.5 acres for religious use and the signed petition by the local residents are also attached as **Exhibit "D."**

E. On June 16, 2015, the Resources and Development Committee of the Navajo Nation Council (RDCJN-33-15) delegated the Director of Navajo Land Department, Division of Natural Resources, the power and authority to give final approval of all land withdrawal designations on the Navajo Nation. The Land Withdrawal Designation has been approved for five (5) years for the Spiritual Hope Pentecostal Church, attached as **Exhibit "E."**

F. Biological, Historical, Cultural and Archaeological surveys and clearances for this permit were completed including an Environmental Assessment report, and are all attached and labeled as **Exhibit "F."**

Section Three. Approval

A. Resources and Development Committee of the Navajo Nation Council hereby approves and consents to the Revocable Use Permit to the Spiritual Hope Pentecostal Church, subject to, but not limited to the attached Terms and Conditions both contained in **Exhibit "G"** for the use of 1.5 acres, more or less, as described in **Exhibit "B."**

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 23rd Navajo Nation Council at a duly called meeting at Leupp Chapter, Leupp, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, 1 abstained this 14th day of February, 2017.



**Alton Joe Shepherd, Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council**

**Motion: Honorable Davis Filfred
Second: Honorable Walter Phelps**

Document No. 005405Date Issued: 02/03/2016**EXECUTIVE OFFICIAL REVIEW**Title of Document: RUP-Spiritual Hope Pentecostal Church Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 928/871-6447

<input type="checkbox"/>	Business Site Lease			Sufficient	Insufficient
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Navajo Housing Authority Request for Release of Funds				
	1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Lease Purchase Agreements				
	1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)				
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Grant Applications				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Relinquishment of Navajo Membership				
	1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

1. Division: _____ Date: _____ ☐ ☐

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

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

1. NLD *nm* _____ Date: *05 Feb 16* ☒ ☐

2. F&W _____ Date: *19 Feb, 2016* ☒ ☐

3. HPD _____ Date: *22 Feb 2016* ☒ ☐

4. Minerals _____ Date: _____ ☐ ☐

5. NNEPA _____ Date: *3-2-2016* ☒ ☐

6. DNR _____ Date: *3/16/16* ☒ ☐

7. DOJ *(ic)* _____ Date: *4/28/16* ☒ ☐

☐ Rights of Way

1. NLD _____ Date: _____ ☐ ☐

2. F&W _____ Date: _____ ☐ ☐

3. HPD _____ Date: _____ ☐ ☐

4. Minerals _____ Date: _____ ☐ ☐

5. NNEPA _____ Date: _____ ☐ ☐

6. Office of the Attorney General: _____ Date: _____ ☐ ☐

7. OPVP _____ Date: _____ ☐ ☐

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

1. Minerals _____ Date: _____ ☐ ☐

2. OPVP _____ Date: _____ ☐ ☐

3. NLD _____ Date: _____ ☐ ☐

☐ Assignment of Mineral Lease

1. Minerals _____ Date: _____ ☐ ☐

2. DNR _____ Date: _____ ☐ ☐

3. DOJ _____ Date: _____ ☐ ☐

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

1. NLD _____ Date: _____ ☐ ☐

2. F&W _____ Date: _____ ☐ ☐

3. HPD _____ Date: _____ ☐ ☐

4. Minerals _____ Date: _____ ☐ ☐

5. NNEPA _____ Date: _____ ☐ ☐

6. DNR _____ Date: _____ ☐ ☐

7. DOJ _____ Date: _____ ☐ ☐

8. OPVP _____ Date: _____ ☐ ☐

☐ OTHER:

1. _____ Date: _____ ☐ ☐

2. _____ Date: _____ ☐ ☐

3. _____ Date: _____ ☐ ☐

4. _____ Date: _____ ☐ ☐

5. _____ Date: _____ ☐ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
03/29/16 1037a
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 005405
SAS #:
UNIT: NRH

☒ RESUBMITTAL

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

CLIENT TO COMPLETE

DATE OF REQUEST:	3/24/2016	DIVISION:	Natural Resources
CONTACT NAME:	Howard Draper or Kayla Bia	DEPARTMENT:	Navajo Land Dept.
PHONE NUMBER:	871-6447 or 6401	E-MAIL:	Click here to enter text.
TITLE OF DOCUMENT: Approving a Revocable Use Permit for Mission Site for the Spiritual Hope Pentecostal Church in the vicinity of Two Grey Hills/Toadlena, San Juan County, New Mexico.			

DOJ SECRETARY TO COMPLETE

RECEIVED MAR 29 2016 DEPARTMENT OF JUSTICE NATURAL RESOURCES UNIT	DATE / TIME IN UNIT: 03/29/16 11:10 am	REVIEWING ATTORNEY/ADVOCATE: 12 via 04/07/16
DATE / TIME OUT OF UNIT: 04/28/16 4:32 am	SB	

DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Terrence A. [Signature]	4-27-16	Veronica Blackhat	4/28/16 8:24 am
DOJ Secretary Called: Kayla Bia for Document Pick Up on 04/28/16 at 9:14 am By: SB			
PICKED UP BY: (Print)	DATE / TIME:		

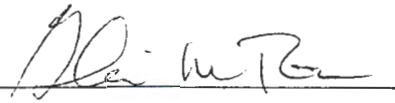


THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

MEMORANDUM

TO : Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife

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

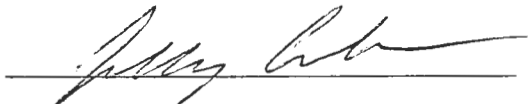
DATE : February 18, 2016

SUBJECT : **DELEGATION OF AUTHORITY**

I will be on leave on Friday, February 19, 2016. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Friday, February 19, 2016. This delegation shall end at 5:00 p.m. on Friday, February 19, 2016.

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

ACKNOWLEDGEMENT


Jeffrey Cole, Wildlife Manager
Department of Fish and Wildlife



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

President, Navajo Nation
Window Rock, Arizona

Date 1-14-16

SPIRITUAL HOPE PENTECOSTAL CHURCH

(Name of Church)

2.7 miles from Toadlena/TWO GREY HILLS CHAPTER EAST ROUTE 5004
1/2 OFF SOUTH

(Address)

hereby makes application for a religious site covering approximately 1.5 acres of Navajo Nation land located in Two Grey Hills, N.M., 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 type="checkbox"/> Articles of Incorporation | <input type="checkbox"/> Land Use Consent |
| <input checked="" type="checkbox"/> Chapter Resolution | <input checked="" type="checkbox"/> Survey Plat |
| <input checked="" type="checkbox"/> Petition of Names | <input 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:

Mission site for purely religious activities - Church worship.
Open to community for weddings, funerals etc. prayer meetings

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

Beige with white roof - Church is already built and just need
a mission site lease permit
Land Administration said it was OK to build on our Home-site
Lease. but it was wrong so were getting the mission site lease first
Applicant's plan for development of water and sewer. than do Home site lease
Yes, just about .5 miles from east is the water & sewer
People have water & sewer about from east & West.

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

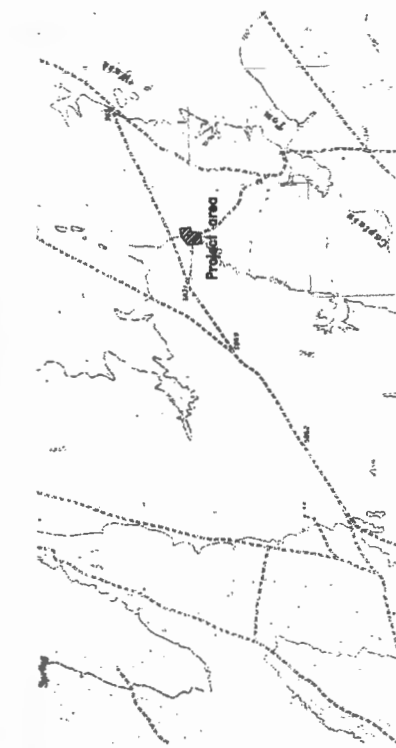
In all cases of applications on behalf of Unincorporated bodies where documents do not explicit give one individual authority to execute necessary papers, a power of attorney executed before a notary public by all associated parties for this purpose should be attached. If this is not supplied, all such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

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

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

David WASHBURN
(Print Name) Authorized Agent

David Washburn x
(Signature) Authorized Agent
P.O. Box 522
Address Kirtland, New Mex. 87417
505-860-7932
Phone



VICINITY MAP- NOT TO SCALE

A tract of land located in the Northwest Quarter (NW 1/4) of Section 4 of Township 23 North, Range 18 West, N.M.P.M. and also in the Southwest Quarter (SW 1/4) of Section 33, Township 24 North, Range 18 West, N.M.P.M. San Juan County, New Mexico being situated in the Newcomb area and being more particularly described as follows:

Commencing at the Northeastly corner of said Parcel a point which bears North 76°25'09" West, a distance of 1,019.65 feet from the North Quarter (1/4) Corner of Section 4, Township 23 North, Range 18 West, N.M.P.M.

thence South 06°57'23" East, a distance of 158.38 feet;
thence South 82°45'04" West, a distance of 71.29 feet;
thence South 06°24'44" West, a distance of 154.50 feet;
thence South 83°00'38" West, a distance of 171.80 feet;
thence South 06°59'07" West, a distance of 212.15 feet;
thence North 83°03'25" East, a distance of 181.95 feet;
thence North 83°03'25" East, a distance of 124.99 feet to the Point of Beginning

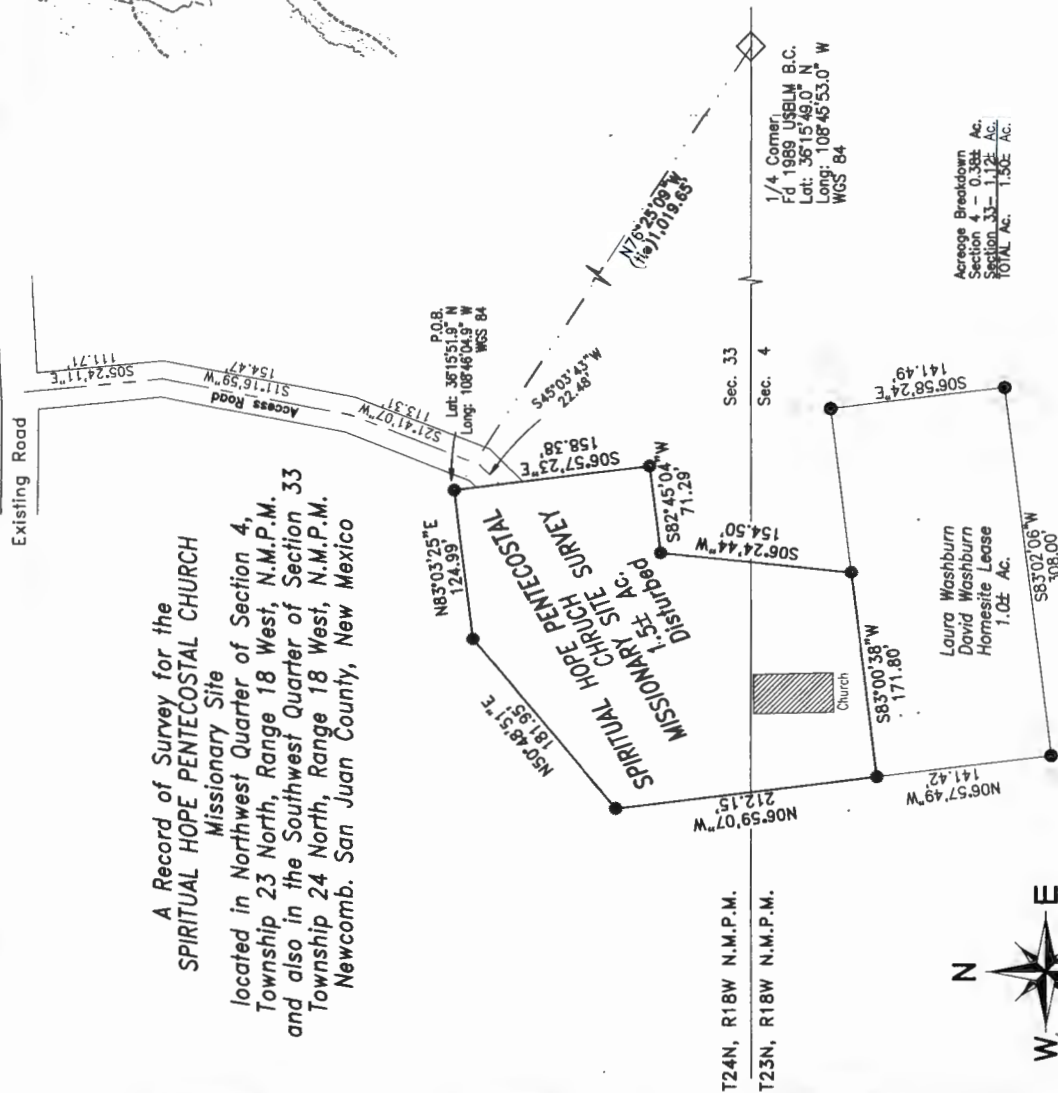
Said Parcel containing 1.54 Acres more or less in area and being subject to any restrictions, easements and reservations of record.

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



Henry Thomas
Registered NMPLS #12163

Drawn By	HT
Approved	HT
P.O. Box	#2877 Shiprock, NM 87420
Phone	(505) 335-0479
State	N.M.
Survey	SPRITUAL HOPE PENTECOSTAL CHURCH MISSIONARY SITE SURVEY
Scale	1" = 100'
Ac.	1.54
Shiprock Agency, Navajo Indian Reservation	
NW 1/4, Sec. 4, T23N, R18W NMPM	
SW 1/4, Sec. 33, T24N, R18W NMPM	
Newcomb, San Juan County, New Mexico	
RVS#15-04	



Acresage Breakdown
Section 4 - 0.382 Ac.
Section 33 - 1.152 Ac.
TOTAL AC. - 1.532 Ac.

Basis of Bearing: Solar Observation 08-29-14 P.M.
Denotes set 1/2 x 18" Rebar with plastic Cap. AZPLS #12163
AZPLS #29894

Lease Area is Disturbed
Utilities not located

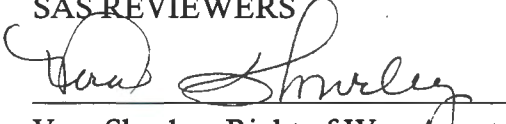


THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



INTER OFFICE MEMO:

TO : SAS REVIEWERS
FROM : 
Vera Shurley, Right of Way Agent
Project Review Section/NLD
DATE : January 15, 2015
SUBJECT : Field Clearance Report for Spiritual Hope Pentecostal Church

Spiritual Hope Pentecostal Church, Post Office Box 522, Kirtland, New Mexico 87417 submitted an application for a Revocable Use Permit for mission site. A visit was conducted to the site to find an existing church building, unpaved parking area and access road. The church is adjacent to the homesite Lease of David and Laura Washburn. The church presently have Sunday and Wednesday church activities.

The existing site of the church is situated in the Northwest Quarter (NW1/4) of Section 4, T23N, R18W and also in the Southwest Quarter (SW1/4) of Section 33, T24N, R18W, NMPM, on 1.5 acres in the vicinity of Toadlena/Two Grey Hills, District 12, Shiprock Agency, San Juan County, State of New Mexico.

The District Grazing Committee Member, Derry Lewis identified one land user, Randolph R. Begay who gave his consent and understood the purpose of his consent.

This completes my field clearance for the above mentioned project.

cc: Project File

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

TO WHOM IT MAY CONCERN:

I, Randolph R Begay, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit SPIRITUAL HOPE PENTECOSTAL (Church) located approximately 2.7 miles from TOADLENA/TWO GREY HILLS Chapter to use approximately 1.5 acres of my assigned grazing land for church purposes.

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

REMARKS: According to the concern on this matter and agreement was taken into considering, therefore I have given my approval.

Randolph R. Begay
Signature of Permit Holder

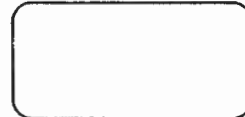
203,694
Census No.

12-3790

0455 RB 9/25/2014
Permit No. Date

WITNESSES:

Right Thumbprint



Derry Lewis
(Print Name) Grazing Official/Farm/Land Board

Derry Lewis
(Signature) Grazing Official/Farm/Land Board

Toadlena/Two Grey Hills
Chapter

12
District No.

10-21-14
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]
Signature of Land Department Field Agent

1/15/2016
Date



TOADLENA / TWO GREY HILLS CHAPTER

P.O. Box 7894, Newcomb, New Mexico 87455 • Phone 505-789-3100 • Fax 505-789-3100

"HOME OF THE FAMOUS TWO GREY HILLS RUGS"

Stanley Hardy
President

Lolita Spencer
Secretary / Treasurer



David Tom
Council Delegate

Andrew Deschenie
Vice-President

Derry Lewis
Grazing Officer

EXHIBIT

D

tabbies

RESOLUTION TDLA/TGH-14-08-14-15

**AUTHORIZING THE APPROVAL OF A MISSION SITE FOR THE SPIRITUAL HOPE PENTECOSTAL CHURCH
COMPRISING OF ONE AND HALF (1-1/2) ACRE OF LAND FOR RELIGIOUS USE TO THE BUREAU OF
INDIAN AFFAIRS AND THE NAVAJO NATION UNDER THE TOADLENA/TWO GREY HILLS CHAPTER OF
SAN JUAN COUNTY, NEW MEXICO**

WHEREAS:

1. The Toadlena/Two Grey Hills Chapter is certifies and recognized as a government entity of the Navajo Nation given authority to act on behalf of its community to recommend, support and approve all land related projects such as right-of-ways, land withdrawal for community and economic development including home sites, mission sites; AND
2. The Two Grey Hills Baptist Church has selected a site situated of one and half (1-1/2) acre of land located on the Toadlena/Two Grey Hills Chapter, San Juan County, New Mexico; AND
3. The Church's primary purposes is to develop the site, construct a building for use on Sunday morning and evening service, conduct wedding, funerals and to establish religious ministries to members of the church and including social and auxiliary function during the week for youths; AND
4. The Chapter has withdrawn the area where the church site is proposed and has given its consent to permit the religious organization permission to utilize one and half (1-1/2) acre for development area.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Toadlena/Two Grey Hills Chapter hereby approve the one and half (1-1/2) acre tract of land withdrawn for the Spiritual Hope Pentecostal Church and direct that to Navajo Land Department to do all thing necessary to complete the processing of this application. Furthermore, should the Church liquidate, the permit holder shall reclaim the land taken for religious purpose, and the site will be reincorporated back into his grazing use otherwise directed by the Resource & Development Committee of the Navajo Nation.
2. The Toadlena/Two Grey Hills Chapter direct the Navajo Division of Natural Resource to approve the site selected and charge the religious group minimal fee for its ground site.



August 14, 2014

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Toadlena/Two Grey Hills Chapter at a duly called meeting at Two Grey Hills, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of **18** in favor, **0** oppose and **1** abstained on this **14th** day of **August, 2014**.

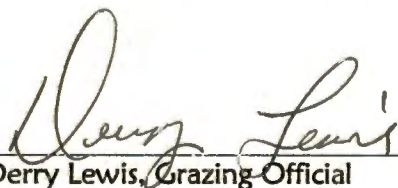
Motioned by: Ella Rose Yazzie

Seconded by: LaVera J. Curley


Mr. Stanley Hardy, President


Mr. Andrew Deschenie, Vice-President


Ms. Lolita Spencer, Secretary/Treasurer


Mr. Derry Lewis, Grazing Official

UNAVAILABLE FOR SIGNATURE

Mr. David L. Tom, Council Delegate

PETITION OF NAMES

We, the undersigned are citizens, registered voters and residents of Tadlena / Two Grey Hills Chapter living within this community where the SPIRITUAL HOPE PENTECOSTAL CHURCH (Church) is ~~being~~ built. The primary purpose of this religious site is to provide a place to worship and basically have the church conduct religious services on any given days through out the year. Further, we hereby give our signatures on this petition to further the development of the church.

NAME	DATE	WITNESS
01. <u>Freddie K. Begay</u>	<u>7-13-14</u>	
02. <u>Lella Wilson</u>	<u>7.13.14</u>	
03. <u>David WASHBURN</u>	<u>7-13-14</u>	
04. <u>Mary Ann Dake</u>	<u>7-13-14</u>	
05. <u>Albert S. Kentman</u>	<u>7-13-14</u>	
06. <u>Raymond Lee Olson</u>	<u>7-23-14</u>	
07. <u>Lella Wilson</u>	<u>7/13/14</u>	
08. <u>Johnnie</u>	<u>7/15/14</u>	
09. <u>Frankie Hunt</u>	<u>7/15/14</u>	
10. <u>LaVera Curley</u>	<u>7/15/14</u>	
11. <u>Blair Giering</u>	<u>7-15-14</u>	
12. <u>Alvin J. Giering</u>	<u>7-15-14</u>	
13. <u>Darrell Peters</u>	<u>7-15-14</u>	
14. <u>Angie & Frank</u>	<u>07-15-2014</u>	
15. <u>Sharon Johnson</u>	<u>07-15-2014</u>	
16. <u>Mae Begaye</u>	<u>07-15-14</u>	
17. <u>Benny J. Giering</u>	<u>07-15-14</u>	
18. <u>Imy Lee</u>	<u>07-29-14</u>	

NAME

DATE

WITNESS

19.	<u>John R. Boop</u>	<u>7-29-14</u>	_____
20.	<u>Chad</u>	<u>7-29-14</u>	_____
21.	<u>Randolph R. Begay</u>	<u>9-25-14</u>	_____
22.	<u>Sandra Washburn</u>	<u>9-26-14</u>	_____
23.	<u>[Signature]</u>	<u>9/26/14</u>	_____
24.	<u>Cheryl</u>	<u>9/26/14</u>	_____
25.	_____	_____	_____

THUMBPRINT

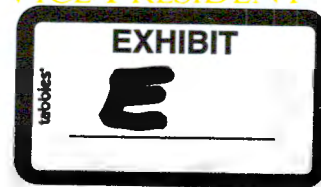
26.	_____	_____	_____
27.	_____	_____	_____
28.	_____	_____	_____
29.	_____	_____	_____
30.	_____	_____	_____

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



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



January 15, 2016

David Washburn
P.O. Box 522
Kirtland, New Mexico 87417

RE: Spiritual Hope Pentecostal Church

Dear Mr. Washburn:

Enclosed for your information and use is an approved Land Withdrawal Designation for the Spiritual Hope Pentecostal Church. The Designation authorizes construction, operation, maintenance and application of a Revocable Use Permit for mission site on 1.5 acres of tribal trust lands. The area is located in the Northwest Quarter (NW4) of Section 4 of Township 23 North, Range 18 West, N.M.P.M., and also in the Southwest Quarter (SW4) of Section 33, Township 24 North, Range 18 West, N.M.P.M., in the Toadlena/Two Grey Hills community, District 12, Shiprock Agency, San Juan County, State of New Mexico.

On June 16, 2015, the Resources and Development Committee of the Navajo Nation Council through RDCJN-33-15, delegated the Director of Navajo Land Department (NLD), Division of Natural Resources (DNR), the power and authority to give final approval of all land withdrawal designations on the Navajo Nation.

The Land Withdrawal Designation has been approved for Spiritual Hope Pentecostal Church for five (5) years. Within ninety (90) days prior to expiration, you must notify and request for another (5) year withdrawal from Navajo Land Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Halona", with a long, sweeping underline that extends to the left.

W/ Mike Halona, Department Manager III
Navajo Land Department
Division of Natural Resources

XC: File

**SPIRITURAL HOPE CHURCH LEASE APPLICATION, TWO GREY HILLS, NEW MEXICO
ENVIRONMENTAL ASSESSMENT**

EXHIBIT

F



**PLS: SW/4 S33 T24N R18W - NW/4 S4 T23N R18W, L&L: 36° 15' 50.0" N 108° 46' 7.6" W,
UTM: 700,477 E 4,015,491 N**

**An Application for Church Lease in Indian Country
Navajo Regional Director Approval in Compliance With The
National Environmental Policy Act of 1969, National Historic Preservation Act of 1966
And Endangered Species Act of 1973**

Prepared by:

**Two Grey Hills Spiritual Hope Pentecostal Church
Post Office Box 522
Kirtland, New Mexico 87417**

August 28, 2015

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

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SPIRITUAL HOPE PENTECOSTAL CHURCH, TWO GREY HILLS ENVIRONMENTAL ASSESSMENT

1.0 THE PROPOSED PROJECT

The Spiritual Hope Pentecostal Church of Two Grey Hills, New Mexico is preparing a church lease application. The proposed tract would be used to finalize construction of a new church sanctuary and fellowship hall. The proposed tract would be served with a proposed water pipeline, electrical power, a waste water treatment facility and propane gas. The David and Laura Washburn intend to make application with the Navajo Land Department in Window Rock, Arizona, and the Navajo Regional Office, Bureau of Indian Affairs, Gallup, New Mexico. The Federal application and approval action will present a long-termed lease for the church site.

Located approximately four miles northeast of Two Grey Hills Chapter, the proposed 1.5 acre lease area is shown on the USGS topographic map entitled *Tsin-nas-kid, New Mexico* at Figure 1. The church land survey describes the property and location at Appendix A. The Two Grey Hills Chapter has passed a resolution approving the church proposed action, as shown at Appendix B. In the future, the Resource and Development Committee of the Navajo Nation Council would address a committee resolution for the proposed project; final approval would be implemented by the Navajo Land Department of the Navajo Nation.

1.1 Description of the Proposed Action.

The proposed land use includes an existing church building, restrooms, vehicle parking, and infrastructure. The church building would encompass approximately 60'X60' (3600 square feet). The proposed building would include a sanctuary, fellowship hall, classrooms, kitchen and dining area and office. The lobby area constructed in the middle of the structure includes men and women restrooms. The new lease would allow the church to continue church construction on the 1.5 acre site and further improve the property in the future. New construction and surface disturbance would be incremental and minimal, as the main church sanctuary has already been built. Enhancement projects, such as landscaping and planting, fencing, street lighting, shade house construction, an additional storage building, electrical powerline alignment, etc., maybe applied to the church site in the future.

The proposed church lease of 1.5 acre site would be totally developed. Appendix A depicts the land survey boundaries of the proposed lease area. A vehicle parking area would be included. Open areas, adjacent to the buildings, would be used for ramada canopy meetings, wedding receptions, picnics, and athletic activities. With respect to community services, playground equipment would be temporary installed for the ministry children. In the future, various incremental improvements would be constructed on the buildings and property.

Infrastructure is planned. In the interim potable water is hauled in during church gatherings. A septic system and leach field is proposed to service waste water onsite. Navajo Tribal Utility Authority would provide the electrical power. Telecommunications are addressed with mobile phones. Propane gas is supplied for heating and cooking.

Figure 1. Spiritual Hope Pentecostal Church, Two Grey Hills, NM

Tsin-nas-kid, New Mexico USGS 7.5 Minute Quadrangle Map

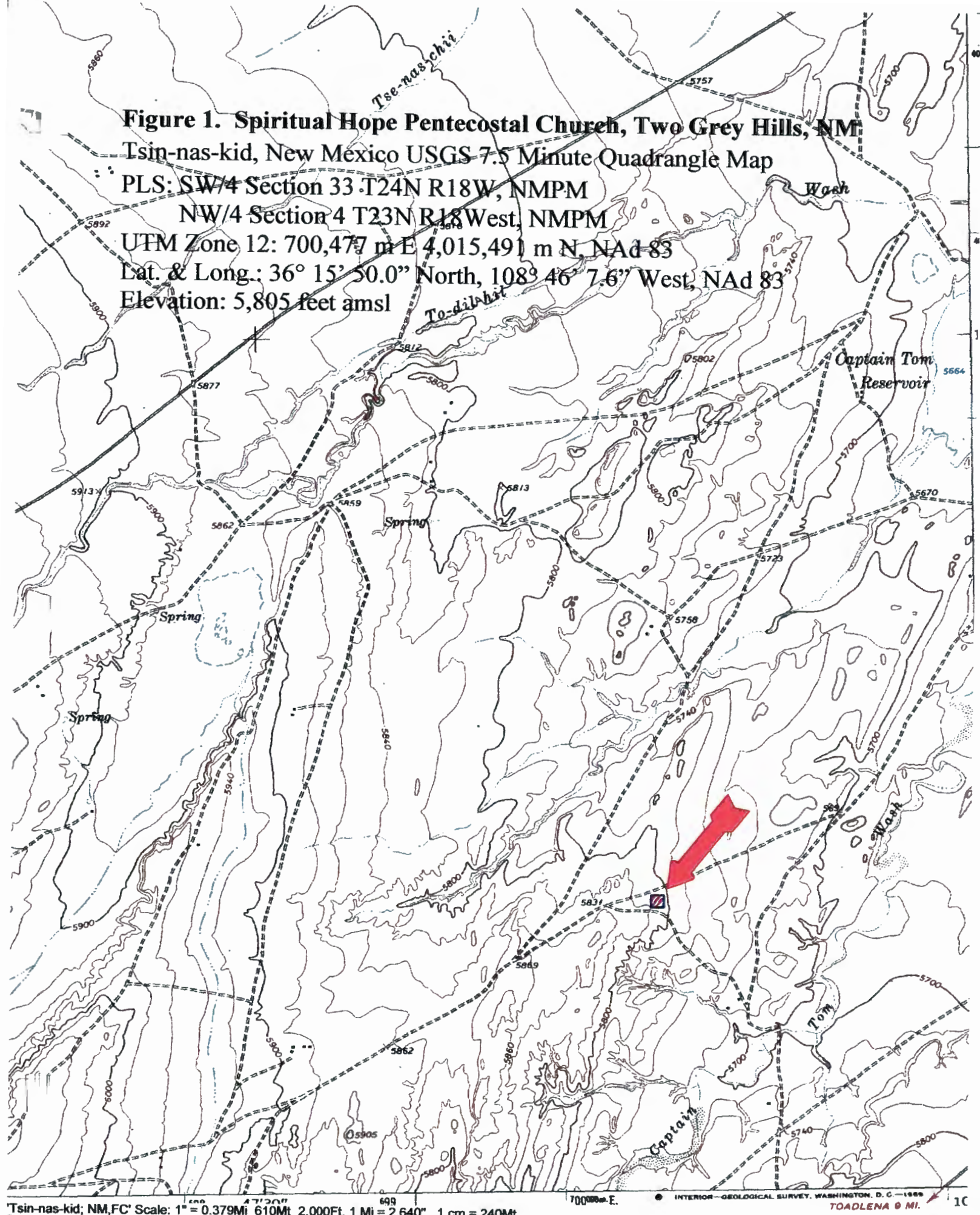
PLS: SW/4 Section 33 T24N R18W, NMPM

NW/4 Section 4 T23N R18W, NMPM

UTM Zone 12: 700,477 m E 4,015,491 m N, NAD 83

Lat. & Long.: 36° 15' 50.0" North, 108° 46' 7.6" West, NAD 83

Elevation: 5,805 feet amsl



Construction of a new access road to the proposed parcel will not be required, as existing roads will provide access to the church site. An existing access road, at approximately 450 feet in length and 16 feet wide, connects to Navajo Route N5004, the main road. The access road is used exclusively for the church and the proposed Washburn homesite.

1.2 Location

Spiritual Hope Pentecostal Church is located on USGS topographic map entitled *Tsin-nas-kid, New Mexico*, 7.5 minute quadrangle map. See Figure 1. The description of the church location is shown at the following USGS map waypoint descriptions at Table 1.

Table 1. United State Geological Survey Maps Waypoint Descriptions of the Spiritual Hope Pentecostal Church, *Tsin-nas-kid, New Mexico*, 7.5 Minute Quadrangle Map.

Description	Legal Description	Latitude and Longitude NAD 83	UTM Zone 12
Church Site Center	SW/4 S33 T24N R18W NW/4 S4 T23N R18W	36° 15' 50.0" N 108° 46' 7.6" W	700,477 E 4,015,491 N

The propose lease application would contain 1.5 acres of Navajo trust land located four miles north of Two Grey Hills Chapter, Shiprock Navajo Agency, San Juan County, New Mexico. The proposed project is at an elevation of 6,805 feet amsl.

1.3 Purpose and Need

The purpose of the land use permit application is to organize and all-lawful religious business for the Spiritual Hope Pentecostal Church, a nonprofit corporation. The proposed long-term church lease would support new construction, operations and maintenance of the church. Operations of the church would include Sunday religious services and Christian educational instruction for the community congregation. The need of the ministry is to provide teaching and spreading of the Gospel of the Lord Jesus Christ in accordance with the doctrines and teachings of the New Testament. Religious educational, benevolent-charitable gatherings and public worship are planned for the church. The church would provide families religious services on Sunday and Christian educational instruction. The church would provide hope and faith to the congregation and a better quality of life.

1.4 Project Authorization

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

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

1.5 Purpose of Environmental Assessment

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

2.0 ALTERNATIVES

2.1 Alternate Site Locations

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

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

2.2 No Action Alternative

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

2.3 Approval of the Preferred Alternative

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

3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS

3.1 Resources Not Considered in Detail (Non-Critical)

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

3.1.1 Climate

Located in San Juan County, New Mexico, Two Grey Hills Chapter has a semi-arid climate, at an elevation of 6,805 feet above mean sea level. The chapter experiences four distinct climatic seasons and has an annual average maximum temperature of 69.2°F and average minimum temperature of 14.0°F. Summer highs reach the mid 90's with lows in the upper 50's to lower 60's. Winter highs are usually at 42.6's with average lows at 14.0. Average annual precipitation is 6.0 inches and average annual snowfall is 0.5 inches with an average snow depth of less than one inch (WRCC 2013). Due to the size and nature of the work, the proposed project would have no effect on climate. Since there would be no effects on climate, no mitigation would be required.

3.1.2 Geology and Seismicity

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

3.1.3 Fisheries

There are no fisheries or fishery habitat occurrences in the Two Grey Hills Chapter. Berland Lake in the Chuska Mountains would be the nearest fishing lake. Two Grey Hills residents would have to travel north of Narbona Pass 10 miles to Berland Lake for an afternoon of picnicking and fishing. Another fishing lake would include Navajo Lake in along the "Rim", east of Aztec, New Mexico.

3.1.4 Socioeconomics and Environmental Justice

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

Two Grey Hills Chapter is a sparsely populated rural chapter. There are currently 483 homes in the Two Grey Hills community. According to the 2004 census, approximately 1,100 people reside in the Chapter, which would indicate a population density of 8.2 people per square mile. Native Americans make up 94.8% of the population (NN DED/LSRI, 2004).

Two Grey Hills Chapter's economy is primarily based on employment with the Navajo Nation (educational, health, and social services, along with public administration). Currently most residents in the Chapter area are wage earners, working a various government and commercial jobs in nearby towns and cities. Major employers in the vicinity include the BIA Toadlena Boarding School, Newcomb School District, Toadlena Trading Post, Two Grey Hills Trading Post and Two Grey Hills Chapter.

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

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

Environmental Justice

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

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

3.1.5 Land Use and Zoning

Located in Shiprock Navajo Agency, the existing church property would be located on Indian trust lands. The vicinity property is currently grazed year-around by domestic livestock, as marginal vegetation exist onsite. For many years the project site was used by the grazing permit holder. The location has planned infrastructure features in support of the existing church.

With regard to Indian Trust Resources, the church currently occupies a 1.5 acre parcel. This acreage will be withdrawn for the church. There are no other bankable assets, such as timber, fossil fuels, fossils, or valuable minerals on the tract, surface or subsurface. The proposed church lease will not impact any Indian trust assets of the Diné People.

Utilities in the Two Grey Hills Chapter area are provided by the Navajo Tribal Utility Authority. NTUA provides electrical power and the community water supply. NTUA power lines are in operation just east of the existing church. In the future, a single phase 14.4 kv service line would serve the church and other properties on the tract.

Navajo Route N5004, a dirt road, is located on the west side of the church, which accesses Two Grey Hill to U.S 491. Livestock grazing areas occupy the Captain Tom Wash, immediately southeast. The existing land use is set aside for family livestock and residential use. There are no zoning regulations in the proposed project area.

3.1.6 Prime Farmland

There are no Prime Farmland occurrences in the proposed project area. Except for irrigated fields along the Captain Tom Wash east of the church, dry farm land is very limited in the Two Grey Hills area. There are no dry farms and individual irrigated fields in the near vicinity of the church properties.

3.1.7 Recreation

Nearest fishing lake from Two Grey Hills would be Berland Lake, located approximately 15 air miles west on top of the mountain; the lake offers picnicking and fishing. The Chuska Mountains provide big game hunting, fishing, gathering, and outdoor recreation. In addition to hunting and fishing as described above, it is evident that ATV is another source of recreation. ATV vehicles were observed during site reconnaissance.

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

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

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

3.1.8 Traffic

The existing church is located in a rural setting along road N5004. The road, approximately four miles long, serves single-family homes and small ranches. U.S. Highway 491 is the primary paved road serving this vicinity. The existing church and proposed lease area will not impact the existing transportation use network; any activity and new construction at the proposed lease area would not significantly impact the use of Navajo Route N5004.

3.1.9 Noise

The project area is located in a rural environment along road N5004, which family homes and small ranches are located. No published noise ordinance for construction activities exists in the Navajo Indian Reservation, including the project area. Ambient noise would be increased by engine noise created by the motors of cars and pickup trucks for a very short duration. Due to the remoteness of the project area, and low volume of traffic on the route, noise would not have an effect on the proposed action. A road grader tractor may be used during the day light hours, if maintenance is needed. Noise would not be a factor in the proposed action.

3.1.10 Floodplain

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

3.1.11 Wetlands and Riparian Habitat

The Toadlena National Wetlands Inventory Map (USF&WS, 1984) indicates a PSS2J site south of the proposed project area along Captain Tom Wash. The site was field checked August 28, 2014. The site is located in a low flat area in the Captain Tom Wash. The Captain Tom Wash is ephemeral; water regime is dry, non-tidal and may be temporary flooded during the monsoon season. The impoundment is located approximate one mile away up-stream from the proposed church site. The purported wetland site do not exhibit hydric soils, nor hydrophilic vegetation, nor does it support a wetland hydrology (U.S. ACOE,1987). There are no wetlands or riparian habitat occurrences on the proposed church site.

3.1.12 Solid Waste No Resource Conservation and Recovery Act (RCRA) Subtitle D non-hazardous solid waste sites occur on or near the church site. During operations solid waste would be hauled off to the transfer station located at the Burnham Road/US 491 Junction by pickup truck.

3.1.13 Hazardous, Toxic, and Radiological Waste

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

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

CRITICAL ELEMENTS

3.2 Topography and Soils

3.2.1 Existing Conditions

The tract topography is of mesa land, that dip and drain east into the broad Captain Tom Wash valley. Onsite topography, eroded hills, dips approximately 3-10 percent toward the east that allow for ample drainage toward Chaco Wash, which drains north, eventually into the San Juan River approximately 50 miles north. Project elevation is at 5,800 feet.

Soils in the immediate vicinity of the proposed tract are disturbed and nearly devoid of any natural vegetation from existing land uses. Soils on the tract generally lack the distinct A and B horizon

profiles due to the arid climate, windy conditions during the spring and excessively drained sandy soils. (USDA, NRCS, 2014). Surface soils are largely sandstone, and well drained, of the Cretaceous Point Lookout Formation (Cooley, M.E, J.W. Harshbarger, J.P. Akers, and W.F. Hardt, 1969).

3.2.2 Effects

The topography and soils, as they exists now, will not impact the proposed undertaking.

3.2.3 Mitigation

No mitigation is required for the project topography and soils.

3.3 Water Resources and Water Quality

3.3.1 Existing Conditions

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

3.3.2 Effects

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

3.3.3 Mitigation

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

3.4 Vegetation and Wildlife- Biotic Resources

3.4.1 Existing Conditions

The Two Grey Hills church site and chapter are located in the Great Basin Grassland Ecosystem of northwest New Mexico. At an elevation of 5,800 amsl, the biome is a sagebrush-grassland vegetation type, with intermittent juniper, yucca, and prickly pear occurring in the low areas and on the north slopes.

The Great Basin Grasslands mean annual precipitation would range from seven to twelve inches, and the annual growing season would range from 125 – 200 days (April to September). “These transitional grassland areas also receive a larger percentage of their precipitation during the winter and spring months; May through August rainfall averages less than 127 mm (5 inches)”. At lower elevations the contact is most frequently with Great Basin desertscrub (Turner, R.M. & Brown, 1994).

Perennial grasses of this biome are represented by the following species: Ring muhly *Mulenburgia torreyi*, Blue grama *Bouteloua gracilis*, Galleta *Hilaria jamesii*, Indian ricegrass *Oryzopsis hymenoides*, Bottlebrush squirrel tail *Sitanion hystrix*, Needle and thread *Stipa comata*, Red-three awn *Aristida longiseta*, and Sand dropseed *Sporobolus cryptandrus*. Alkali sacaton *Sporobolus*

airoides can be found in the swales and in the low areas along arroyos and washes (Turner, R.M. & Brown, 1994).

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

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

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

Distinct fauna of the Great Basin Grassland include the whitetail prairie dog *Cynomys gunnisoni*, pocket mouse *Perognathus parvus*, Ord's kangaroo rat *Dipodomys ordii*, and the montane vole *microtus montanus*. Other mammals include the coyote *Canis latrans* and black-tailed jackrabbit *Lepus californicus*. Although rare in the Huerfano Chapter, Pronghorn antelope are occasionally spotted on the grasslands in the lands area to the south.

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

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

3.4.2 Effects

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

3.4.3 Mitigation

Indirect mitigation is recommended for all fauna and flora on the proposed area. Natural vegetative cover can be restored over time. The proposed undertaking will have minimal effect on vegetation and potential habitat in the area.

3.5 Threatened and Endangered Species

3.5.1 Existing Conditions

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

3.5.2 Effects

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

3.5.3 Mitigation

No ESA mitigation is recommended for this project.

3.6 Navajo Endangered Species List (NESL) Special Management Species

3.6.1 Existing Conditions

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

3.6.2 Effects

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

3.6.3 Mitigation

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

3.7 Migratory Birds

3.7.1 Existing Conditions

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The U.S. Fish and Wildlife Service (USFWS) list of Birds of Conservation Concern (BCC) was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The list indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 4.

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

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

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

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

Grasshopper Sparrow <i>Ammodramus savannarum</i>	Inhabits moderately open grass- land habitats, with patchy bare ground (feeds and nests on ground). Avoids areas with extensive shrub cover.	Little conflict antici- pated.	Low
Chestnut-collared Long- Spur <i>Calcarius ornatus</i>	Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.	Little conflict antici- pated.	Low
Black Rosy-Finch <i>Leucosticte atrata</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	No suitable habitat on the project area.	Zero
Brown-capped Rosy Finch <i>Leucosticte australis</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains..	No suitable habitat on the project area.	Zero
Cassin's Finch <i>Carpodacus cassinii</i>	Woodland Ecosystem. Species inhabits evergreen woodlands.	No suitable habitat in project area.	Zero

3.7.2 Effects

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

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

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

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

3.7.3 Mitigation

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

3.8 Air Quality

3.8.1 Existing Conditions

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

3.8.2 Effects

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

3.8.3 Mitigation

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

3.9 Esthetics and Visual Resources

3.9.1 Existing Conditions

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

3.9.2 Effects

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

3.9.3 Mitigation

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

3.10 Cultural Resources

3.10.1 Existing Conditions

Denetahdoo Cultural Resources Management of Farmington, New Mexico conducted the archeological field survey of the proposed lease area, and the archaeologist crafted a field report entitled: *A Cultural Resource Inventory of the Proposed Spiritual Hope Pentecostal Church Site and David and Laura Washburn Home Site in Newcomb Chapter, San Juan County, New Mexico*. The cultural resource field inventory report recommends a “No historic properties affected” determination.

3.10.2 Effects

Navajo Historic Preservation Department-Compliance Section has coordinated review of the cultural resource report with the Bureau of Indian Affairs, Navajo Regional Office. A Cultural Resource Compliance Form HPD-15-129 has been created for this undertaking, as shown in Appendix C. A historic property was discovered at Site NM-H-47-124, next to the access road.

3.10.3 Mitigation

A finding of “No Historic Properties Affected with the following conditions” to Site NM-H-47-124:

1. Site boundary will be flagged by a qualified archaeologist prior to ground disturbing activities.
2. All construction activities will avoid the site by a minimum distance of 50 feet from the site boundary.

The Spiritual Hope Church management acknowledges the following statement with respect to cultural resources during construction: *In the event of the discovery [“discovery” means any previously unidentified or incorrectly identified cultural resources; including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices] all operations in the immediate vicinity will cease and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7132.*

3.11 Native American Religious Concerns

3.11.1 Existing Conditions

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

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

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

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

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

3.11.2 Effects

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

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

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

3.11.3 Mitigation Measures

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

4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE

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

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

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

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

5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

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

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

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

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

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

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

Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.)/ EO 13186 Compliance. Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The proposed action would have no significant effect on the bird species or their habitat.

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

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) Compliance. The Navajo Nation Historic Preservation Department would also require NHPA compliance and consultation with all development projects on the Navajo Nation. NNHPD has determined that

NHPA § 106 responsibilities are adhered to, as no historic properties would be affected. See Appendix C.

Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) Compliance. There are no Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) sites on the proposed site. The church will conduct their haulage and disposal of solid waste on a weekly basis. Existing restrooms with toilets would be employed during operations.

6.0 PUBLIC INVOLVEMENT

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

7.0 COORDINATION AND REVIEW OF THE EA

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

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

8.0 CONCLUSIONS

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

9.0 LIST OF PREPARERS / CONSULTATION AND COORDINATION

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

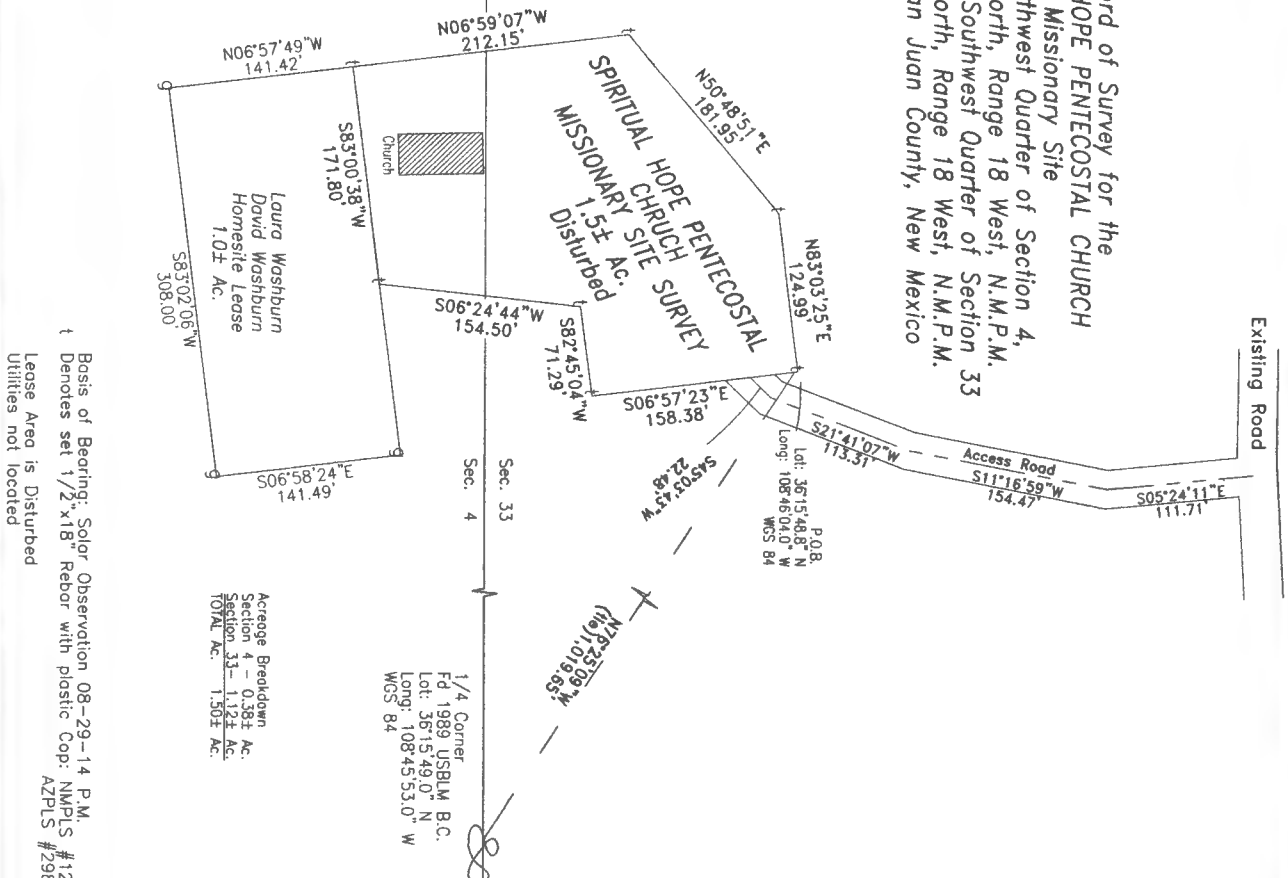
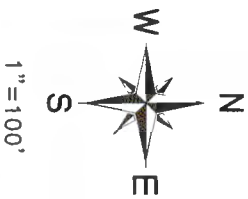
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Appendix A
Land Use Survey Plat

A Record of Survey for the
SPIRITUAL HOPE PENTECOSTAL CHURCH
 Missionary Site
 located in Northwest Quarter of Section 4,
 Township 23 North, Range 18 West, N.M.P.M.,
 and also in the Southwest Quarter of Section 33
 Township 24 North, Range 18 West, N.M.P.M.,
 Newcomb, San Juan County, New Mexico



Basis of Bearing: Solar Observation 08-29-14 P.M.
 † Denotes set 1/2 x 18" Rebar with plastic Cap: NMPLS #12163
 Lease Area is Disturbed
 Utilities not located
 AZPLS #29894

Acceage Breakdown
 Section 4 - 0.38± Ac.
 Section 33 - 1.0± Ac.
 TOTAL Ac. - 1.38± Ac.

VICINITY MAP - NOT TO SCALE

A tract of land located in the Northwest Quarter (NW 1/4) of Section 4 of Township 23 North, Range 18 West, N.M.P.M., and also in the Southwest Quarter (SW 1/4) of Section 33, Township 24 North, Range 18 West, N.M.P.M. San Juan County, New Mexico being situated in the Newcomb area and being more particularly described as follows:

Commencing at the Northeastly corner of said Parcel a point which bears North 76°25'09" East, a distance of 1,019.65 feet from the North Quarter (1/4) Corner of Section 4, Township 23 North, Range 18 West, N.M.P.M.,

thence South 06°57'23" East, a distance of 158.38 feet;
 thence South 82°45'04" West, a distance of 71.29 feet;
 thence South 06°24'44" West, a distance of 154.50 feet;
 thence South 83°00'36" West, a distance of 171.80 feet;
 thence South 06°59'07" West, a distance of 212.15 feet;
 thence North 50°48'51" East, a distance of 181.95 feet;
 thence North 83°03'25" East, a distance of 124.99 feet to the Point of Beginning
 Said Parcel containing 1.5± Acres more or less in area and being subject
 to any restrictions, easements and reservations of record.

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

Henry Thomas
 Registered NMPLS#12163

Shippack
 MISSIONARY SITE
 1.5± Ac.
 Reservation
 # NMPLS
 W NMPLS

Appendix B
Local Chapter Resolution



TOADLENA / TWO GREY HILLS CHAPTER



P.O. Box 7894, Newcomb, New Mexico 87455 • Phone 505-789-3100 • Fax 505-789-3101

"HOME OF THE FAMOUS TWO GREY HILLS RUGS"

Stanley Hardy
President

Lolita Spencer
Secretary / Treasurer



David Tom
Council Delegate

Andrew Deschenie
Vice-President

Derry Lewis
Grazing Officer

RESOLUTION TDLA/TGH-14-08-14-15

**AUTHORIZING THE APPROVAL OF A MISSION SITE FOR THE SPIRITUAL HOPE PENTECOSTAL CHURCH
COMPRISING OF ONE AND HALF (1-1/2) ACRE OF LAND FOR RELIGIOUS USE TO THE BUREAU OF
INDIAN AFFAIRS AND THE NAVAJO NATION UNDER THE TOADLENA/TWO GREY HILLS CHAPTER OF
SAN JUAN COUNTY, NEW MEXICO**

WHEREAS:

1. The Toadlena/Two Grey Hills Chapter is certifies and recognized as a government entity of the Navajo Nation given authority to act on behalf of its community to recommend, support and approve all land related projects such as right-of-ways, land withdrawal for community and economic development including home sites, mission sites; AND
2. The Two Grey Hills Baptist Church has selected a site situated of one and half (1-1/2) acre of land located on the Toadlena/Two Grey Hills Chapter, San Juan County, New Mexico; AND
3. The Church's primary purposes is to develop the site, construct a building for use on Sunday morning and evening service, conduct wedding, funerals and to establish religious ministries to members of the church and including social and auxiliary function during the week for youths; AND
4. The Chapter has withdrawn the area where the church site is proposed and has given its consent to permit the religious organization permission to utilize one and half (1-1/2) acre for development area.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Toadlena/Two Grey Hills Chapter hereby approve the one and half (1-1/2) acre tract of land withdrawn for the Spiritual Hope Pentecostal Church and direct that to Navajo Land Department to do all thing necessary to complete the processing of this application. Furthermore, should the Church liquidate, the permit holder shall reclaim the land taken for religious purpose, and the site will be reincorporated back into his grazing use otherwise directed by the Resource & Development Committee of the Navajo Nation.
2. The Toadlena/Two Grey Hills Chapter direct the Navajo Division of Natural Resource to approve the site selected and charge the religious group minimal fee for its ground site.



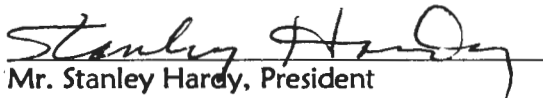
August 14, 2014

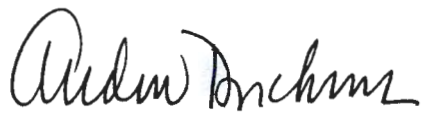
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Toadlena/Two Grey Hills Chapter at a duly called meeting at Two Grey Hills, Navajo Nation (New Mexico), at which a quorum was present and that same was passed by a vote of **18** in favor, **0** oppose and **1** abstained on this **14th** day of **August, 2014**.

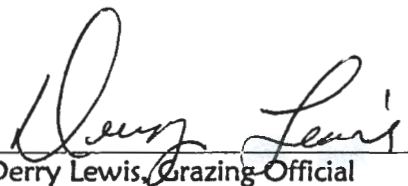
Motioned by: Ella Rose Yazzie

Seconded by: LaVera J. Curley


Mr. Stanley Hardy, President


Mr. Andrew Deschenie, Vice-President


Ms. Lolita Spencer, Secretary/Treasurer


Mr. Derry Lewis, Grazing Official

UNAVAILABLE FOR SIGNATURE

Mr. David L. Tom, Council Delegate

Appendix C
Cultural Resource Compliance Form

COPY ^{4/20/15}THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENTPO Box 4950, Window Rock, Arizona 86515
TEL: (928) 871-7198 / 7134 FAX: (928) 871-7886

CULTURAL RESOURCE COMPLIANCE FORM

ROUTE COPIES TO:	NNHPD NO.: HPD-15-129
<input checked="" type="checkbox"/> DCRM	OTHER PROJECT NO.: DCRM 2014-23

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Spiritual Hope Pentecostal Church Site and David and Laura Washburn Homesite in the Newcomb Chapter, San Juan County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: David & Laura Washburn, PO Box 522, Kirtland, New Mexico 87417

PROJECT DESCRIPTION: The undertaking consists of the expansion of the existing church parking area and improvement to the existing church site. Ground disturbing activities will include construction of a home and the installation of utilities. Ground disturbing activities will be intensive and extensive with the use of heavy equipment.

LAND STATUS:	Navajo Tribal Trust
CHAPTER:	Newcomb
LOCATIONS:	T. 24 N, R. 18 W – Sec. 33; T. 23 N, R. 18 W – Sec. 04; Tsin Nas Kid Quadrangle, San Juan County, New Mexico NMPM

PROJECT ARCHAEOLOGIST:	Clifford Werito
NAVAJO ANTIQUITIES PERMIT NO.:	B14449
DATE INSPECTED:	07/25/2014
DATE OF REPORT:	02/12/2015
TOTAL ACREAGE INSPECTED:	4.42 - acres
METHOD OF INVESTIGATION:	Class III pedestrian inventory with transects spaced <u>10</u> m apart.

LIST OF CULTURAL RESOURCES FOUND:	(1) Site (NM-H-47-124); (2) In-Use Sites (IUS)
LIST OF ELIGIBLE PROPERTIES:	(1) Site (NM-H-47-124)
LIST OF NON-ELIGIBLE PROPERTIES:	(2) IUS
LIST OF ARCHAEOLOGICAL RESOURCES:	(1) Site (NM-H-47-124);

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected with the following conditions:

Site NM-H-47-124:

1. Site boundary will be flagged by a qualified archaeologist prior to ground disturbing activities.
2. All construction activities will avoid the site by a minimum of 50-ft from site boundary.

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: March 2, 2015

Notification to Proceed
Recommended
Conditions:

☒ Yes ☐ No

☒ Yes ☐ No

Tamara Billie 3/3/15
The Navajo Nation
Historic Preservation Office

Date

Navajo Region Approval

☒ Yes ☐ No

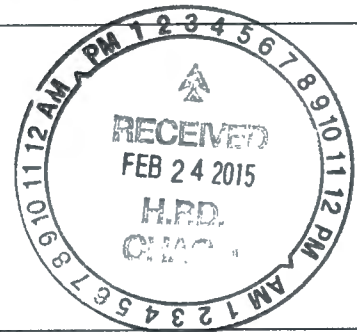
[Signature] 3/30/15
BIA – Navajo Regional Office

Date

Turn 3.26.15

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

1. RECEIPIENTS ACCESSION NO:	2. (FOR HPD USE ONLY)	3. HPD REPORT NO. HPD-15-129
4. TITLE OF REPORT: A Cultural Resources Inventory of the Proposed Spiritual Hope Pentecostal Church Site and David and Laura Washburn Homesite in the Newcomb Chapter, San Juan County, New Mexico.		5. FIELDWORK DATES: July 25, 2014
Author (s): Clifford Werito		6. REPORT DATE: February 12, 2015
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin, Anthropologist Org. Name: Dinétahdóó CRM, LLC Org. Address: P.O. Box 2012 Farmington, NM 87499 Phone: (505) 960-9478 Fax: (505) 960-9749		8. PERMIT NO.: B14449 ✓ pd \$50 2/18/15 #720890
		9. CONSULTANT'S REPORT NO.: DCRM 2014-23
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: David & Laura Washburn Org. Name: Private Individual Org. Address: P.O. Box 522 Kirtland, New Mexico 87417 Phone: (505) 598-1276		11. SPONSOR'S PROJECT NO.: None
		12. AREA OF EFFECT: 2.50 ac (1.01 ha) AREA SURVEYED: 4.42 ac (1.79 ha)
13. LOCATION: a. Chapter: Newcomb + Agency: Shiprock County: San Juan d. State: New Mexico e. Land Status: Navajo Tribal Trust Lands		f. UTM: See Table 1 g. Legal Description: See Table 1 h. USGS 7.5' Map: Tsin-Nas-Kid, N. Mex. 1966. Lead Agency: HPD
14. REPORT OR SUMMARY: (Attach additional pages if necessary)		
a. Description of Undertaking: See Supplemental Sheet		
b. Existing Data Review: See Supplemental Sheet		
c. Area of Environmental & Cultural Setting: See Supplemental Sheet		
d. Field Methods: See Supplemental Sheet		
15. CULTURAL RESOURCE FINDINGS: (Attach additional pages if necessary)		
a. Location/Identification of Each Resource: See Supplemental Sheet.		
b. Evaluation of Significance of Each Resource: See Supplemental Sheet		
16. MANAGEMENT SUMMARY/RECOMMENDATIONS: See Supplemental Sheet		
17. CERTIFICATION:		
Signature: <u>Rena Martin</u>		Date: <u>2/12/15</u>
General Charge Name: Rena Martin, Archaeologist		
Signature: <u>Clifford Werito</u>		Date: <u>2-12-2015</u>
Direct Charge Name: Clifford Werito, Archaeologist		



13. Location:

Table 1. Client Names, UTM Coordinates, and Legal Descriptions.

Client Names	UTM Coordinates NAD 83-Zone 12		Legal Description (NMPM)			
	Northing	Easting	1/4	Sec.	T	R
1). Spiritual Hope Pentecostal Church Site						
Corner 1	4015585	0700504	SE	33	24N	18W
Corner 2	4015539	0700512				
Corner 3	4015531	0700492				
Corner 4	4015483	0700485	NW	4	23N	18W
Corner 5	4015484	0700437				
Corner 6	4015528	0700423	SE	33	24N	18W
Corner 7	4015577	0700467				
2). David & Laura Washburn Homesite						
Southwest Corner	4015440	0700444	NW	4	23N	18W
Northwest Corner	4015485	0700437				
Northeast Corner	4015495	0700531				
Southeast Corner	4015451	0700534				

Legal Descriptions Derived From Red Valley Survey Plat.

Report:

- a. **Description of Undertaking:** Pastor Laura Washburn of the Spiritual Hope Pentecostal Church (IUS-1) is proposing to expand the existing church parking area and improve the existing church site. The improvement may include ground leveling, development of the parking area, fencing, trenching, lying of water facilities and pipelines, powerline pole placement and stringing of powerline, and the construction of other church features within the 1.5 acre (0.61 ha.) area. A portion of the church site is located within the previously approved homesite of David & Laura Washburn (DCRM 2004-40 / HPD 04-488).

The proposed David & Laura Washburn homesite consists of an existing homestead (IUS-2). A portion of the proposed homesite is located within the original approved homesite (DCRM 2004-40 / HPD 04-488). The client proposes to improve their residential site or construct and/ or place a home within the proposed 1.0 acre (0.40 ha.) area. Construction may include ground leveling, trenching, lying of water facilities and pipelines, powerline pole placement and stringing of powerline and construction from other homestead features.

- b. **Existing Data Review:** Prior to field work, a records check was conducted at the Navajo Nation Historic Preservation Department's (NNHPD) Cultural Resources Compliance Program and Traditional Cultural Program in Window Rock, Arizona. The records in the Cultural Compliance Program section indicated that one previous survey has been conducted within a 300-ft (91.44 m) radius of the project area and that one previously identified archaeological site (NM-H-47-124) is located near the proposed church and homesite.

A records check was also done at the Traditional Cultural Properties (TCP) offices as well. The TCP records showed no previously identified traditional cultural properties were within a 1.5-mile radius of the proposed project areas. TCP No. 125 / *Dzil Doo Bigha Jooghai* / Mountain That you can't go through or on top / Gray Mesa, was listed in the records check, but is well out of the project areas.

A check of Van Valkenburgh (1974) indicates that the closest sacred place is White Cone (*Sel hils osl blhaa*), commonly referred to as "Slender Male Sand (Piles) / by people" and is located approximately 22.0 miles (35.40 km) southwest of the project areas.

- c. **Area of Environmental & Cultural Setting:** The proposed project areas are located on the east slope of a rocky ridge west of the Captain Tom Reservoir and north of Captain Tom Wash. The environmental aspect of the region resides in a transitional zone that is characterized by rocky ridges, rolling grasslands, and aeolian ridges that lead into the Captain Tom Wash drainage. The project areas are accessible by a two track-road off of Navajo Route No. 15004. The vegetation observed includes; shadscale, juniper, muhly grass, snakeweed, four-wing saltbush, prickly pear, yucca, and alkali sacton. The soils in the project area consist of aeolian sand deposited on sandstone bedrock. The elevation ranges between 5,774 feet (2,017.77 m) and 5,970 feet (2,023.87 m) above sea level. The location of the project areas are all located within a 400 ft (121.92 m) radius area (See Figure. 1). The church site (IUS-1) consists of a single church building, storage, and a dirt parking area. The homesite (IUS-2) consists of a trailer house and other associated features.

The Navajo name for Newcomb is T'iss nideeshgiizh, which, when translated, means Cottonwood grove spreading (from wash). Early farmers planted columns of cottonwood trees running in different directions, which may have led to the formation of the Navajo community. The Newcomb community has been a growing community. Much is anticipated in the Newcomb area because of recent funding that has allowed the expansion of State Highway 491 (LSR Innovations: 2004).

Field Methods: On July 25, 2014, Mr. Clifford Werito, a DCRM archaeologist, conducted the field inventory for cultural resources within the proposed church and homesite. The staked church site measures 158.38 ft. (48.27m) by 71.29 ft (21.73m) by 154.50 ft (47.09) by 171.80 (52.36m) by 212.15 ft (64.66m) by 181.95 ft (55.46m) by 124.99 (88.09m), or 1.50 acres (0.60 ha.). A 50-foot (15.2 m) cultural buffer zone was added to most of the outer boundary of the staked church site, except where it connects to the proposed homesite. The total area surveyed for the church site is 2.54 acres (1.03 ha.).

The staked homesite measures, 2141.49 ft. (45.56m) by 308.00 ft (93.87m) by 141.42 ft (43.10m) by 171.80 (52.36m), or 1.00 acres (0.40 ha.). A 50-foot (15.2 m) wide cultural buffer zone, was added to outer sides of the staked homesite area, with a total surveyed area of 1.88 acres (0.76 ha.). The proposed church site and proposed homesite are connected on the north side. The total combined survey areas is 4.42 ac. (1.79 ha.).

In accordance with NNHPD guidelines, the project archaeologists interviewed the client, Mrs. Laura Washburn, if there were any local traditional cultural properties or unmarked graves. Mrs. Washburn stated and that she does not know of any TCPs within and near the project area.

15. Cultural Resource Findings:

- a. **Location/Identification of Each Resource:** During the field survey of the project areas, one previously recorded archaeological site (NM-H-47-124), and two in-use sites (IUS#1 & 2) were identified. A description of the identified cultural resources can be found below.

Archaeological Sites

Site Number: NM-H-14-124 (Figure 2)

USGS 7.5' Map: Tsin-Nas-Kid, N. Mex. 1966

Legal Description: SW ¼, SE ¼, SW ¼; Projected Section 04, T 23N, R 18W

Site Type: Anasazi / PI-PII / Habitation

Site Size: 27 by 21m (567 sq m)

Site Setting: The site is situated on a southeast-facing slope of a rocky low ridge.

Site Description: The site was relocated during the current survey (2014). NM-H-14-124 appears to be in the same condition when it was originally recorded in 2004. Mrs. Washburn placed a protected barrier north of the site which effectively closed off a dirt road access. Mrs. Washburn proposed to fence off the site area, for protection.

NM-H-47-124 was recorded in 2004 in conjunction with the original David and Laura Washburn homesite survey, by DCRM (2004 / HPD-04-488). Site NM-H-47-124 is currently located within the cultural buffer zone of the proposed Spiritual Hope Pentecostal Church site. The site contains one rubble mound and a moderately disturbed midden area. The rubble mound measures approximately 6 by 5m while the midden area measures roughly 27 by 11m. Most of the site appears to have been bladed with the rubble mound and midden being the only two features left of what may have been a larger site. The blading may explain why ceramic sherds are scattered throughout the eastern portion of the proposed church site.

In-Use Sites

In-use site no. 1 is the Spiritual Hope Pentecostal Church, consisting of a church building, 2 storage buildings, a dirt parking lot, and other associated features. The church was built in 2010 and is currently in use.

In-use site no. 2 is the current homesite of David and Laura Washburn, which consists of one mobile home and other associated features. The home site dates from 2000 to 2014.

- b. **Evaluation of Significance for Each Resource:** Site NM-H-47-124 possesses integrity of location, setting, and material cited in 36 CFR 60.4. The site does not meet criteria a, b, or c, but may meet criterion d. The site may be eligible for the National Register of Historic Places, because site may provide information pertaining to the prehistoric Anasazi use of the area. The site does meet the 100-year age requirement, it appears to be of archaeological interest, the site however does not appear to be eligible for protection under ARPA due to the amount of disturbance to the site. The site is not eligible for protection under AIRFA, or NAGPRA.

The in-use sites (IUS's) may possess one or more of the qualities of integrity cited in CFR 60.4. The IUSs do not meet criteria a, b, c or d. The IUSs do not meet the 50-year age guideline and are not eligible for inclusion into the National Register of Historic Places. The IUSs do not meet the 100-year age definition of an archaeological resource required for protection under ARPA. The IUSs do not contain any structures that have been blessed; and thus, it is not eligible for protection under AIRFA. And finally, the IUSs do not merit protection under NAGPRA.

16. Management Summary/Recommendations:

Archaeological clearance is recommended for the proposed undertakings provided that 1) all construction/ground disturbance occur within the proposed church and homesite areas and 2) any new discoveries of cultural materials be immediately reported to the Navajo Nation Historic Preservation Department.

REFERENCE(S):

Chavez, Loretta and Shane V. Wero

2004 A Cultural Resources Inventory of the Proposed David and Laura Washburn 1-Acre Homesite near Two Grey Hills, San Juan, New Mexico.

LSR Innovation

2003 Chapter Images: 2004 Edition, edited by LSC Innovation for the Division of Community Development, Window Rock, Arizona.

Van Valkenburgh, Richard F.

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

NM-H-47-124

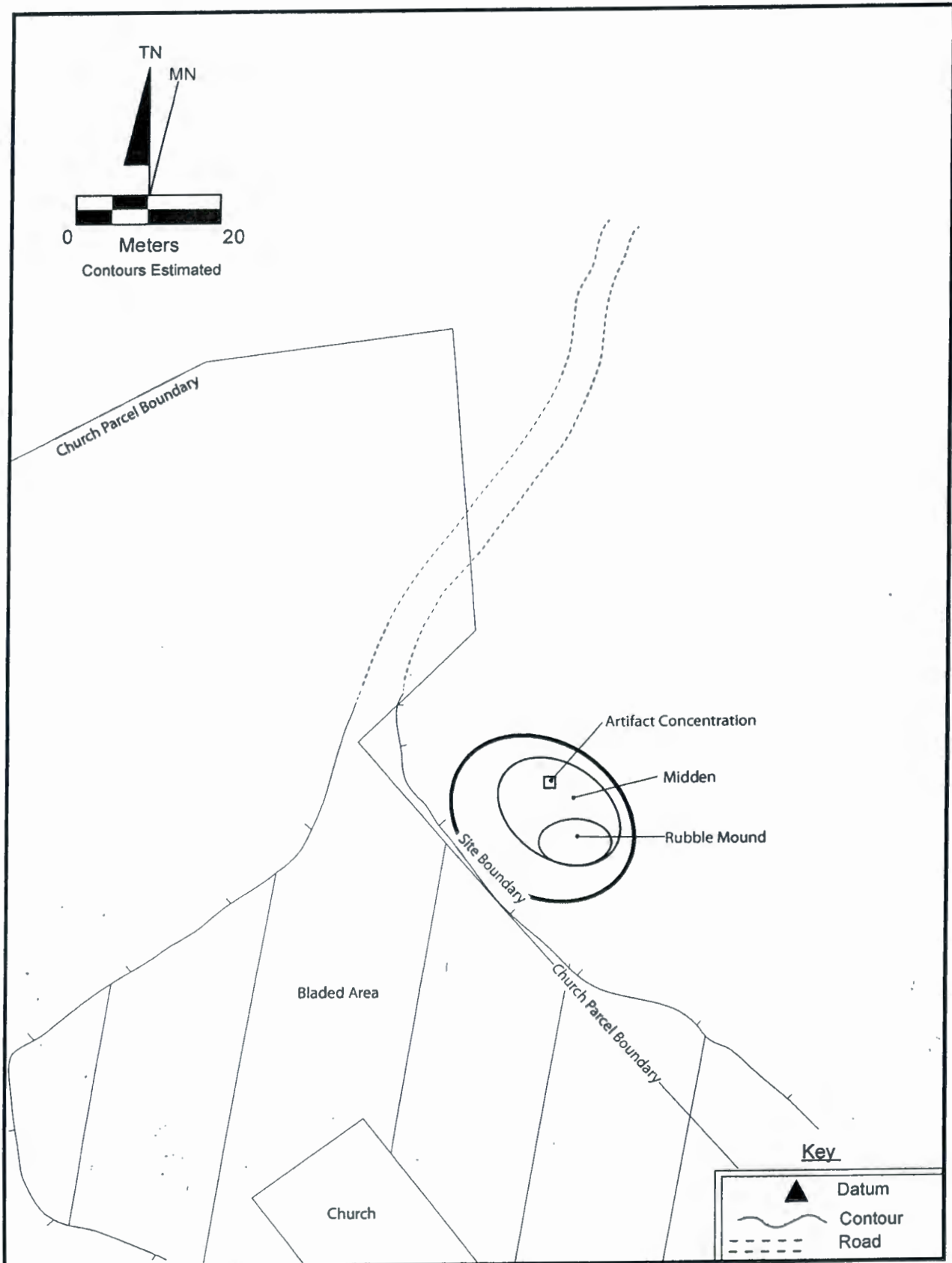


Figure 2: General site map of NM-H-47-124 (DCRM 2014-23).

**Navajo Nation Archaeology Department
Site Survey and Management Update Form**

Site Number: NM-H-47-124

Original Site Number: NM-H-47-124

Date: February 03, 2015

Current Project Number and Name: DCRM 2014- 23: A Cultural Resources Inventory of the Proposed Spiritual Hope Pentecostal Church Site and David and Laura Washburn Homesite in the Newcomb Chapter , San Juan County, New Mexico.

Updated by: DCRM

Archaeologist: Clifford Werito

New Location Information:

Legal Description: NW ¼, NE ¼, NW ¼ of Section 04, T 23N, R 18W, NMPM

UTM Coordinates: NAD 83, Zone 12, 40153309N, 0700556E

Other: N/A

Location of Site Relative to Current Project Area: NM-H-47-124 is located within the eastern buffer zone of the church site and the David and Laura Washburn homesite.

Site Assessment (indicate any changes from original evaluation): The only changes to the site is the legal description, which was taken from Red Valley Survey Plats.

36 CFR 60.4 (National Register of Historic Places): No Changes

Archaeological Resources Protection Act (ARPA): No Changes

American Indian Religious Freedom Act (AIRFA): No Changes

Recommendations: Archaeological clearance is recommended for the proposed undertakings provided that 1) all construction/ ground disturbance occur within the proposed church and homesite areas and 2) any new discoveries of cultural materials be immediately reported to the Navajo Nation Historic Preservation Department.

NAVAJO NATION SITE AND SURVEY MANAGEMENT FORM
Dinétahdóó CRM & Ed Services

SITE NO: NM-H-47-124 OTHER IDENTIFICATION: None DATE RECORDED: 4/29/04

PROJECT NUMBER & NAME: DCRM 2004-40: A Cultural Resources of the David and Laura Washburn
Homesite, Two Grey Hills, San Juan County, New Mexico.

ORGANIZATION: Dinétahdóó CRM & Ed Services ARCHAEOLOGIST(S): Loretta Chavez

USGS MAP REFERENCE: Tsin-Nas-Kid, N. Mex., 1966, 7.5' series

LEGAL LOCATION: SW1/4, SE1/4, SW1/4, Sec. 33; T24N, R18W

UTM COORDINATES (Zone 12): N4015309, E700556

STATE: New Mexico COUNTY: San Juan CHAPTER: Two Grey Hills

GROUND VISIBILITY (kind/extent of cover): 70% ground visibility, 30% vegetation coverage

TOPOGRAPHY: The site is situated on a southeast-facing gently slope of a low ridge.

DRAINAGE: Capitan Tom Wash is located to the east.

ELEVATION (ft/m): 5800 ft/1903 m SLOPE & DIRECTION: 5% southeast

SOIL TYPE: Aeolian and alluvium deposits OTHER: Sandstone and shale outcrop

VEGETATION PRESENT: Shadscale, muhly grass, snakeweed, saltbush, alkali-sagebrush, and cedar.

CULTURAL AFFILIATION: Anasazi SITE TYPE: Habitation

PERIOD OF OCCUPATION (Date, if known): PI-PII

How dated: Ceramic type

DIMENSIONS OF SITE (l x w): 26 by 20 m TOTAL AREA (sq. m): 520 sq. m

How determined: measured with a metric tape

ARCHITECTURE PRESENT?: Yes DESCRIBE: Rubble

ARTIFACTS OBSERVED/COUNTED: 100 or more

COLLECTIONS MADE? N/A OF WHAT: N/A METHOD: N/A

PHOTOS TAKEN: Yes COLOR: Roll-2004-02 Frame-27 (NW orientation)

SITE DESCRIPTION: The site is located within the northeastern corner of the proposed homesite. The site is characterized by one rubble mound and a moderately disturbed midden area. The rubble mound measures

approximately 6 by 5 m. The midden measures roughly 27 by 11 m. Most of the site appears to have been bladed; the rubble mound and midden area appear to be what may be left of the site. The blading may explain why body sherds are scattered sparsely throughout the homesite area. The rubble mound appears to be intact.

ETHNOGRAPHIC DATA: None

CONDITION OF SITE: Poor

CAUSES OF DISTURBANCE: Natural erosion, blading, and homesite activities

LOCATION OF THE SITE RELATIVE TO PROJECT AREA: The site is located within the northeastern boundary of the proposed homesite.

EXTENT OF INVESTIGATION TO DATE: This recording

RESEARCH POTENTIAL: The site may provide information on Anasazi use of the area.

RECOMMENDATIONS: It is recommended that all homesite development and utility installation be restricted to the western half of the proposed homesite.

SITE ASSESSEMENT UNDER 36 CFR 60.4 (National Register):

INTEGRITY: Integrity of location, setting, material, and association.

CRITERIA a-d: Criterion d

EXCULSIONS: None of the exclusions apply to the site. The site meets the 50-year age guideline.

SITE ASSESSMENT UNDER 43 CRF 7.3 (Archaeological Resources Protection Act): The site meets the 100-year age requirement; the site is of archaeological interest.

SITE ASSESSMENT UNDER AIRFA (American Indian Religious Freedom Act): The site does not appear to merit protection under AIRFA.

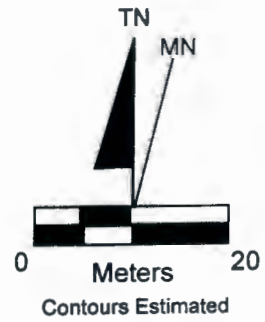
SITE ASSESSMENT UNDER NAGPRA (Native American Graves Protection and Repatriation Act): The site does not appear to merit protection under NAGPRA.

PROVIDE A SITE MAP (including site description, north arrow, scale, recognizable features, landmarks, and relationship to project area):

HOW CAN SITE BE REACHED? (See attached USGS Map):

OTHER COMMENTS (Ethnographic data, etc): None

NM-H-47-124



Key

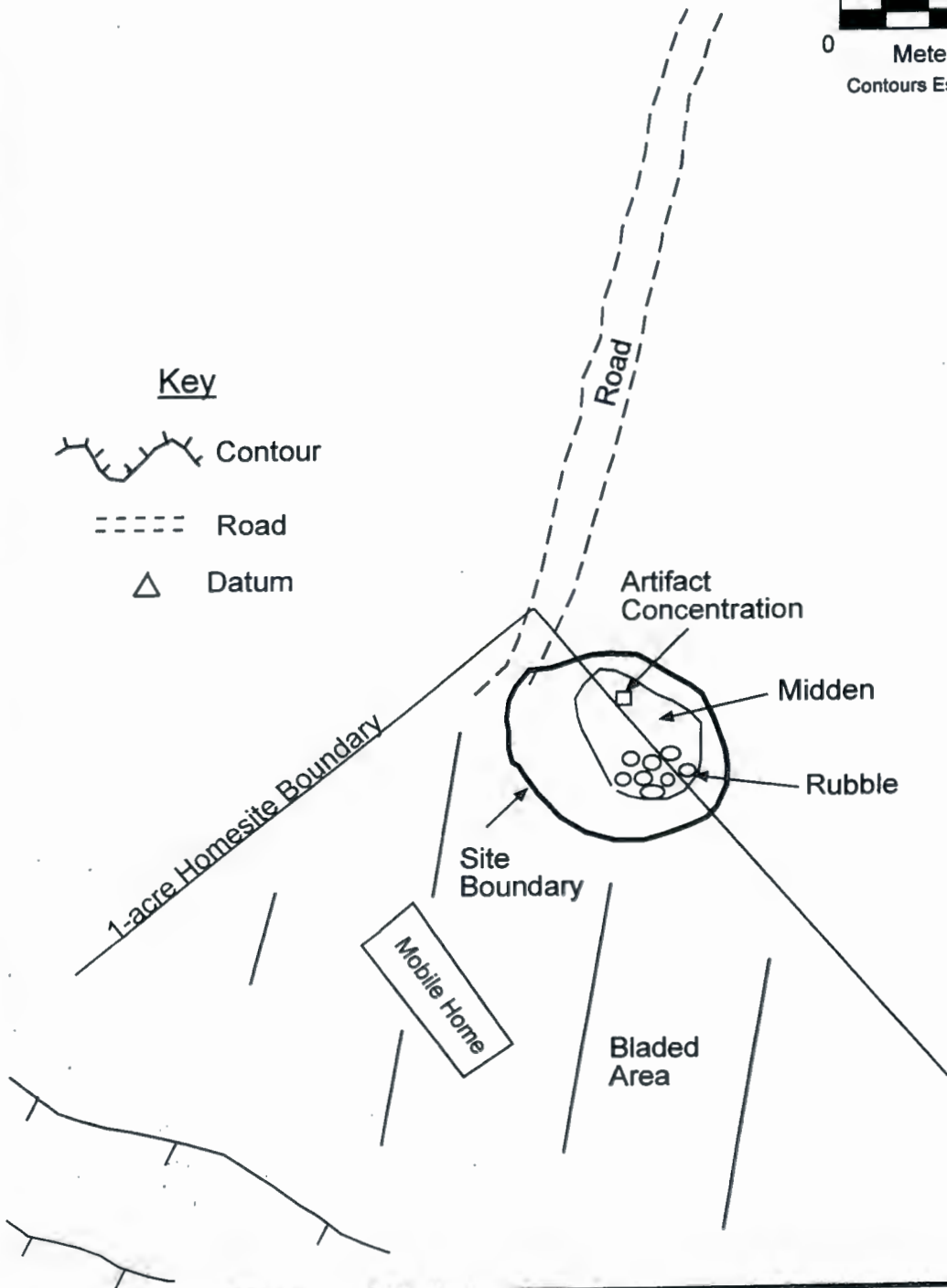
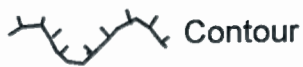


Figure 3: General Site Map NM-H-47-124 (DCRM 2004-40)



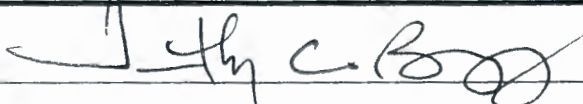
THE NAVAJO NATION
Historic Preservation Department
Cultural Resource Compliance Section
PO Box 4950, Window Rock, AZ 86515

TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

DATE	8-29-2014
COMPANY	DCRM
PROJECT NAME	A CRE of the Proposed Spiritual Hope Pentecostal Church site and David + Leona Washburn Homestead in the Navajo County, JSE, NM
PROJECT NUMBER	DCRM 2014-23
PERMIT NUMBER	B14449
PROJECT LOCATION	Newcomb, NM
USGS QUAD MAP:	Tsin-Nas-Kid, NM, 1966

A literature search of TCP Records at NNHPD on the above date indicates the following:

<input checked="" type="checkbox"/>	There are <u>no</u> TCP(s) present within the project area and/or buffer zone. The project may proceed as proposed.
<input type="checkbox"/>	TCP(s) <u>are</u> present within the project area and/or buffer zone. Project may have the potential to adversely affect TCP(s). Please document TCP(s) as a summary (with only general location information) in the body of reports submitted for review to HPD/CRCS. Give full detail on the TCP Documentation Forms in a separate, and clearly labeled, confidential appendix.
<input type="checkbox"/>	Project may proceed with the following stipulations: Note # 125 TCP in report & findings
<input type="checkbox"/>	Further consultation is required. Consult with the following:
<input type="checkbox"/>	There are no mitigative measures. Project may not proceed.

Researcher's Name:		8/29/14
NNHPD/TCP Program Reviewer:		

**Return this form along with report to the NNHPD/Compliance Section.



THE NAVAJO NATION
Historic Preservation Department
Cultural Resource Compliance Section
PO Box 4950, Window Rock, AZ 86515

TRADITIONAL CULTURAL PROPERTY (TCP) RECORD
SEARCH VERIFICATION FORM

Note: In addition to the TCP Record search, the consultant must demonstrate that a good-faith effort to consult with 1.) Surface user(s): grazing-permit holder(s) (individuals whose consents for right-of-way have been sought by developer); any other residents in or within view of the proposed project area. 2. Chapter(s) within which the proposed project is

Dinéahdóó
Cultural Resources Management, LLC



P.O. Box 2012 • Farmington, New Mexico 87499 • Phone: (505) 960-9478 • Fax: (505) 960-9749

E-Mail: dinetahdoo@yahoo.com

February 12, 2015

Ms. Tamara Billie, NNHPD Program Manager
NNHPD-Cultural Resources Compliance Section
P.O. Box 4950
Window Rock, Arizona 86515

RE: Submission of DCRM 2014-23: A Cultural Resources Inventory of the Proposed Spiritual Hope Pentecostal Church Site and David and Laura Washburn Homesite in the Newcomb Chapter, San Juan County, New Mexico.

Dear Ms. Billie,

Enclosed are two copies for your review of Dinéahdóó Cultural Resources Management's survey report DCRM 2014-23, concerning the cultural resources inventory of the proposed Spiritual Hope Pentecostal Church Site and David and Laura Washburn Homesite in the Newcomb Chapter, San Juan County, New Mexico. Because no significant cultural resources were identified in the staked church and home sites during the survey, archaeological clearance is recommended for the proposed church site and homesite. The project was upheld by delayed legal survey plats by Red Valley. The specific location of the project area coincides with the legal information provided by Mr. Henry Thomas of Red Valley Survey.

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

Sincerely,

Clifford Werito, Archaeologist



Chrono 2015:14
Project Files

Appendix D
Biological Resource 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.: Spiritual Hope Pentecostal Church - Mission Site

DESCRIPTION: The Spiritual Hope Pentecostal Church of Two Grey Hills proposes the renewal of an existing ±1.50-acre mission site for the construction of a new church building. All associated utilities are currently onsite.

LOCATION: 36°15'50.0"N 108°46'07.6"W, Two Grey Hills, San Juan County, New Mexico

REPRESENTATIVE: Leonard Robbins, Denali Environmental Services for Spiritual Hope Pentecostal Church

ACTION AGENCY: Navajo Nation & Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Request for review & compliance/31 OCT 2014/Leonard Robbins

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

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

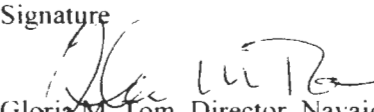
AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/24 NOV 2014

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

<u>2 NTC § 164 Recommendation:</u> <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 31 11/26/14
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*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 _____

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.: Spiritual Hope Pentecostal Church - Mission Site

DESCRIPTION: The Spiritual Hope Pentecostal Church of Two Grey Hills proposes the renewal of an existing ±1.50-acre mission site for the construction of a new church building. All associated utilities are currently onsite.

LOCATION: 36°15'50.0"N 108°46'07.6"W, Two Grey Hills, San Juan County, New Mexico

REPRESENTATIVE: Leonard Robbins, Denali Environmental Services for Spiritual Hope Pentecostal Church

ACTION AGENCY: Navajo Nation & Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Request for review & compliance/31 OCT 2014/Leonard Robbins

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

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

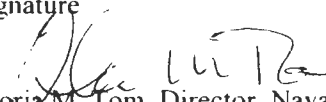
AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/24 NOV 2014

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

<u>2 NTC § 164 Recommendation:</u> <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 31 11/26/14
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*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

Denali Environmental Services

P. O. Box 1127
Fort Defiance, Arizona 86504

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

October 31, 2014

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

Dear Ms. Kyselka:

This letter serves to request a Biological Resource Compliance Form (BRCF) for the Spiritual Hope Pentecostal Church of Two Grey Hills, New Mexico. The ministry is preparing a National Environmental Policy Act environmental review document for the Navajo Nation and the Bureau of Indian Affairs. The Church proposes make lease application for 1.5 acres of trust land for existing and new construction at the location. A finding of no significant impact (FONSI) to the human environment would be required to support the approval the church lease approval. A NDF&W's BRCF would support the FONSI determination.



Photo 1. Spiritual Hope Pentecostal Church, Two Grey Hills, New Mexico

Navajo Department of Fish and Wildlife October 26, 2014 data request/response letter (enclosed) from Sonya Detsoi, Wildlife Technician, indicates *"The project is not expected to affect any federally listed species or significantly impact tribally listed species or other species of concern."* Relative to the Biological Resource Land Clearance Policies and Procedures, the data response letter designates the proposed project is located in an *Area 3 – Low Sensitivity Wildlife Resources*.

The Spiritual Hope Pentecostal Church is located on USGS topographic map entitled *Tsin-nas-kid*,

New Mexico, 7.5 minute quadrangle map at Figure 1. The description of the church location is shown at the following USGS map waypoint descriptions at Table 1.

Table 1. United States Geological Survey map waypoint descriptions of the Spiritual Hope Pentecostal Church, *Tsin-nas-kid*, New Mexico, 7.5 Minute Quadrangle Map.

Description	Legal Description	Latitude and Longitude NAD 83	UTM Zone 12
Church Site Center	SW/4 S33 T24N R18W NW/4 S4 T23N R18W	36° 15' 50.0" N 108° 46' 7.6" W	700,477 E 4,015,491 N

The propose lease application would contain 1.5 acres of Navajo trust land located three miles northeast of Two Grey Hills Chapter, Shiprock Navajo Agency, San Juan County, New Mexico. The proposed project is at an elevation of 6,805 feet amsl.

Denali Environmental Services staff conducted an onsite field visit and vicinity reconnaissance on August 28, 2014. The entire 1.5 acre tract was inspected for possible ESA and NESL threatened and endangered species. The proposed site is located in a Desert Grassland Ecosystem. Past and present land uses are prevalent; onsite and vicinity property soils are largely atypical, previously disturbed. The proposed land use and action area would have no effect on wetland resources.

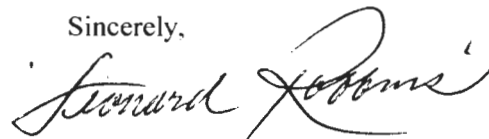
Toadlena, NM National Wetlands Inventory Map was reviewed. The wetlands inventory map does not indicate any wetland resources in the project or action area. In accordance to the Wetlands Manual (U.S. ACOE, 1987), the proposed lease area does not exhibit any hydric soils, nor hydrophilic vegetation, nor does it support a wetland hydrology. The proposed lease would not impact riparian habitat or wetland resources. The proposed land use and lease approval action would have no effect on wetland resources.

During construction planning, the *Navajo Nation Raptor Electrocution Prevention Regulations*, Navajo Council Resource and Development Committee Resolution RCS-43-08, would be complied with to reduce the likelihood of potential raptor electrocution. All single or three phase electrical power poles and cross arms would follow the design standards to protect Golden Eagles, Bald Eagles, Ferruginous Hawks and other raptors.

We conclude that the proposed lease application of the existing church site, impacts to fauna and flora would be low and are not expected to last more than the construction period in the project and action area. The proposed action on the 1.5 acre lease would not have a long-term impact to vicinity land use and loss of desert grassland habitat.

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

Sincerely,



Leonard Robbins, PES
Denali Environmental Services



NAVAJO NATION
Department of Fish & Wildlife
Navajo Natural Heritage Program
P.O. Box 1480
Window Rock, AZ 86515



Phone: 928.871.6472 • Fax: 928.871.7603 • <http://nnhp.nndfw.org>

Ben Shelly, President

Rex Lee Jim, Vice-President

21 October 2014

File#14DANL-03

Leonard Robbins
Denali Environmental Services, PES
P.O. Box 1127
Fort Defiance, AZ 86504

NAVAJO ENDANGERED SPECIES LIST (NESL) INFORMATION FOR:

PROJECT: SPIRITUAL HOPE PENTECOSTAL CHURCH OF TWO GREY HILLS
LAT/LONG: 36° 15' 50.0" N, 108° 46' 7.6" W
UTM 700477E, 4015491N
TWO GREY HILLS, SAN JUAN COUNTY, NM

Mr. Robbins:

The following information on species of concern¹ is provided in response to your 15 September 2014 request concerning the subject project, which consists of the Spiritual Hope Pentecostal Church of Two Grey Hills, San Juan County, NM. The new lease would allow the church to continue church construction on the 1.5-acre site and further improve the property in the future. New construction and surface disturbance would be incremental and minimal, as the main church sanctuary has already been built. Enhancement projects such as landscaping and planting, fencing, street lighting, shade house construction, an additional storage building, electrical powerline alignment, etc., may be applied to the church site in the future.

The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern.

AREA 3 of The Biological Resource Land Clearance Policies & Procedures

Area 3-Low Sensitivity Wildlife Resources: This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on 'islands' of habitat, but islands are relatively small, limited in number and well spaced across the landscape. (For detailed information regarding "Area 3" please refer to our website at nndfw.org).

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

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

This response is based on information in the Navajo Natural Heritage Program database; knowledge of staff biologists about the project area; the scope of the project; the USGS topographic map of the project area; and information you provided. Because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

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

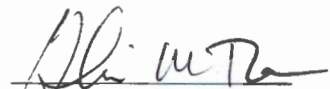
An invoice for this information is attached.

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



Sonja Detsoi, Wildlife Tech.
Natural Heritage Program
Department of Fish and Wildlife

C O N C U R R E N C E



Gloria M. Tom, Director
Department of Fish & Wildlife
Division of Natural Resources

xc: file/chrono

Denali Environmental Services

P. O. Box 1127
Fort Defiance, Arizona 86504

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

September 15, 2014

Ms. Sonya Detsoi
Navajo Fish & Wildlife Department
Natural Heritage Program
Attn: T&E Data Request
P. O. Box 1480
Window Rock, Arizona 86515

Dear Ms. Detsoi:

The Spiritual Hope Pentecostal Church of Two Grey Hills, New Mexico is preparing a National Environmental Policy Act environmental assessment document for an existing church. The church planning committee proposes to make application for a new church lease with the Navajo Nation and the Bureau of Indian Affairs. The proposed federal action, in the ultimate, would present a finding of no significant impact to the human environment, including impacts to any threatened or endangered plant and animal species. This Endangered Species Act biological data request in the ultimate would support that NEPA and FONSI conclusion.

Description of the Proposed Action

The new lease would allow the church to continue church construction on the 1.5 acre site and further improve the property in the future. New construction and surface disturbance would be incremental and minimal, as the main church sanctuary has already been built. Enhancement projects, such as landscaping and planting, fencing, street lighting, shade house construction, an additional storage building, electrical powerline alignment, etc., maybe applied to the church site in the future.

Infrastructure is planned. In the interim potable water is hauled in during church gatherings. A septic system and leach field is proposed to service waste water onsite. Navajo Tribal Utility Authority would provide the electrical power. Telecommunications are addressed with mobile phones. Propane gas is supplied for heating and cooking. An existing access road is in use.

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

Location

The Spiritual Hope Pentecostal Church is located on USGS topographic map entitled *Tsin-nas-kid, New Mexico*, 7.5 minute quadrangle map. See Figure 1. The description of the church location is shown at the following USGS map waypoint descriptions at Table 1.

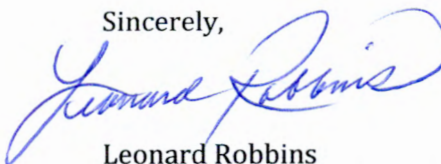
Table 1. United State Geological Survey Maps Waypoint Descriptions of the Spiritual Hope Pentecostal Church, *Tsin-nas-kid*, New Mexico, 7.5 Minute Quadrangle Map.

Description	Legal Description	Latitude and Longitude NAD 83	UTM Zone 12
Church Site Center	SW/4 S33 T24N R18W NW/4 S4 T23N R18W	36° 15' 50.0" N 108° 46' 7.6" W	700,477 E 4,015,491 N

The propose lease application would contain 1.5 acres of Navajo trust land located north of Two Grey Hills Chapter, Shiprock Navajo Agency, San Juan County, New Mexico. The proposed project is at an elevation of 6,805 feet amsl.

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

Sincerely,



Leonard Robbins
Denali Environmental Services, PES

Enclosure: Project Location Map



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION


OFFICE OF ENVIRONMENTAL REVIEW

PO BOX 339 WINDOW ROCK ARIZONA 86515 Office: 928/871-7188 Fax: 928/871-7996

Website: www.navajonationepa.org

M E M O R A N D U M

TO: Howard Draper, Program & Project Specialist
Project Review Office
Navajo Land Department
Division of Natural Resources

FROM: 
Rita Whitehorse-Larsen, Senior Environmental Specialist
Office of Executive Director/Administration
Office of Environmental Review
NNEPA

DATE: March 2, 2016

SUBJECT: 164 EOR 005405 Revocable Use Permit (RUP) Spiritual Hope Pentecostal Church

The Spiritual Hope Pentecostal Church, Newcomb, New Mexico, submitted a RUP for their existing church building, restrooms, parking lot and utility infrastructure on 1.5 acres. NNEPA reviewed¹ and recommends *conditional approval* for the proposed action. The proposed RUP action will not significantly impact the Navajo Nation's environmental resources. This environmental clearance is only for the 1.5 acres RUP. The proposed RUP site is located at 36°15'51.9"W 108°46'04.9"W WGS 84, Newcomb, San Juan County, New Mexico (Legal Survey Plat Red Valley Survey).

1. Navajo Nation Safe Drinking Water Act:

- a. NNEPA highly recommends for Spiritual Hope Pentecostal to refrain from developing a septic tank system and leachfield and instead to connect to the community sewerline and waterline utility infrastructure.

If there are any questions, you may contact Rita Whitehorse-Larsen at 928/871-7188. Thank you.

Cc: Spiritual Hope Pentecostal Church, PO Box 522, Kirtland, New Mexico, 87417
NNEPA Pubic Water System Supervision Program; Administration chrono file
Contact Person: David Washburn, PO Box 505-860-7932

¹ Denali Environmental Services. Spiritual Hope Church Lease Application Two Grey Hills [Newcomb] New Mexico Environmental Assessment. August 2015.



**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
SPIRITUAL HOPE PENTECOSTAL CHURCH (PERMITTEE)**

1. This Mission Site Permit is issued to the **SPIRITUAL HOPE PENTECOSTAL CHURCH, POST OFFICE BOX 522, KIRTLAND, NEW MEXICO 87417** 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. This Permit is authorized by Resources and Development Committee No. _____.
2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is "NOT A LEASE" and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

TRACT DESCRIPTION

A Tract of land located in the Northwest Quarter (NW4) of Section 4, of Township 23 North, Range 18 West, N.M.P.M., and also in the Southwest Quarter (SW4) of Section 33, Township 24 North, Range 18 West, N.M.P.M., San Juan County, New Mexico being situate in the Newcomb area and being more particularly described as follows:

Commencing at the Northeasterly corner of said Parcel a point which bears North 76° 25' 09" West, a distance of 1,019.65 feet from the North Quarter (1/4) Corner of Section 4, Township 23 North Range 18 West, N.M.P.M.,

thence, South 06° 57' 23" East, a distance of 158.38 feet;
thence, South 82° 45' 04" West, a distance of 71.29 feet;
thence, South 06° 24' 44" West, a distance of 154.50 feet;
thence, South 83° 00' 38" West, a distance of 171.80 feet;
thence, North 06° 59' 07" West, a distance of 212.15
thence, North 50° 48' 51" East, a distance of 181.95 feet;
thence, North 83° 03' 25" East, a distance of 124.99 feet to the Point of Beginning

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

7. The annual rental is set at \$ 22.50 per year and is due on or before the first day of January of each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.
8. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.
9. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 162;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 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.
10. The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
11. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.

12. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.
13. The Permittee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the permit area by the Permittee.
14. The Permittee shall not 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 conditions or withheld in the sole discretion of the Navajo Nation.
15. The Navajo Nation may terminate the permit for violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:
 - 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.
16. At the termination of the permit, the Permittee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
17. The Permittee shall give written notice to the Navajo Nation Land Department regarding any change to the Permittee's contact information, address, leadership, organizational name, or any other substantial change to the organization. The notice shall be given within thirty (30) days and delivered to the Navajo Land Department at Post Office Box 2249, Window Rock, Arizona 86515.
18. Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof or give the Permittee any rights hereunder or in or to the land subject to the permit or to any improvements located thereon.
19. The Navajo Nation shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
20. By acceptance of the grant of permit, the Permittee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have

a proximate (legal) effect on persons or property within the Navajo Nation.

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

Date: 1-14-14

By: David Kashlun
Spiritual Hope Pentecostal Church
Permittee

Date: _____

By: _____
President
Navajo Nation