



## 23<sup>rd</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Dwight Witherspoon, Primary  
Sponsor of proposed legislation hereby withdraw my  
sponsorship of the proposed legislation. The legislation  
tracking number is 0099-15.

If there are any co-sponsors, they may re-sponsor the same  
bill by beginning a new legislation.

\* Picked by Dwight Witherspoon w/original SAS  
given by L Burbank

SPONSOR SIGNATURE:

Dwight Witherspoon

DATE:

6/22/15

**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0092-15**

**DATE:** March 12, 2015

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE WITHDRAWAL OF 1.50 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LAND FOR MISSION SITE PURPOSES; AND APPROVING A REVOCABLE USE PERMIT (MISSION SITE) FOR THE AZEE' BEE NAHAGHA OF DINE NATION OF WHIPPOORWILL CHAPTER ON 1.5 ACRES OF NAVAJO NATION TRUST LANDS LOCATED IN WHIPPOORWILL, NAVAJO COUNTY, ARIZONA

**PURPOSE:** This resolution, if approved, will amend approve the withdrawal of 1.50 acres, more or less, of Navajo Nation Trust Land for mission site purposes, and will approve the revocable use permit for the Azee' Bee Nahagha of Dine Nation of Whippoorwill Chapter.

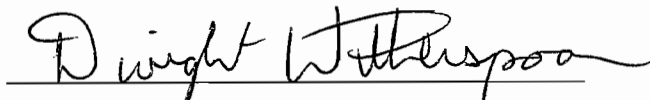
**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: Latanya Burt  
Website Posting Time/Date: 2:59pm 3/16/15  
Posting End Date: 3/21/15  
Eligible for Action: 3/22/15

## PROPOSED STANDING COMMITTEE RESOLUTION

23<sup>rd</sup> NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0092-15

## AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE  
WITHDRAWAL OF 1.50 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST  
LAND FOR MISSION SITE PURPOSES; AND APPROVING A REVOCABLE USE  
PERMIT (MISSION SITE) FOR THE AZEE' BEE NAHAGHA OF DINE NATION  
OF WHIPPOORWILL CHAPTER ON 1.5 ACRES OF NAVAJO NATION TRUST  
LANDS LOCATED IN WHIPPOORWILL, NAVAJO COUNTY, ARIZONA

BE IT ENACTED:

**Section One. Findings**

- A. Pursuant to 2 N.N.C. §501 (B)(2)(a), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of land withdrawals and non-mineral leases of Navajo Nation trust land.
- B. Pursuant to 16 N.N.C. § 1151 (C), the Resources and Development Committee of the Navajo Nation Council has the authority to give approval on behalf of the Navajo Nation for all revocable use permits for Mission Sites.
- C. The Azee' Bee Nahagha of Dine Nation of Whippoorwill Chapter, P.O. Box 4228, Blue Gap, Arizona 86520 has applied for a Revocable Use Permit for a Religious Site in the Whippoorwill community to withdraw 1.50 acres, more or less, of Navajo Tribal Trust lands, as further described in Exhibit A, attached hereto and incorporated herein this reference.

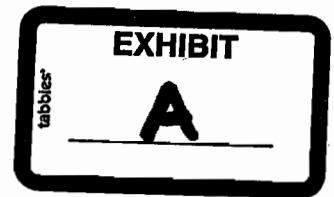
- 1 D. The Whippoorwill Chapter passed Resolution No. WC14-025 supporting the  
2 withdrawal of 1.5 acres, more or less, in the Whippoorwill Chapter vicinity, Navajo  
3 Nation (Navajo County, Arizona) for the establishment of the Azee' Bee Nahagha  
4 of Dine Nation to conduct Native American Church ceremonies, conferences, and  
5 meetings. The resolution and signed petition by local residents are attached hereto  
6 and incorporated herein as Exhibit B.
- 7 E. The proposed land withdrawal of Navajo Nation trust lands is more particularly  
8 described on the survey map attached hereto as Exhibit C.
- 9 F. The site encompasses 1.50 acres, more or less, of the Navajo Nation Trust Land,  
10 which is located in the Southeast (SE1/4) of Section 9, Township 30 North, Range  
11 21 East, situated in the Whippoorwill Spring area, Navajo County, Arizona. The  
12 land description appears on the survey plat attached hereto and incorporated herein  
13 as Exhibit C.
- 14 G. The District Grazing Official, David Shonie, identified two land users, who gave  
15 their consent without objection. The consent forms are attached as Exhibit D.
- 16 H. Biological, Historical, Cultural and Archaeological surveys and clearances for this  
17 permit were completed including an Environmental Assessment report, and are all  
18 attached and labeled as Exhibit E.
- 19 I. It is in the best interest of Whippoorwill community and the Navajo Nation that a  
20 land withdrawal and a Revocable Use Permit be approved for use by the Azee' Bee  
21 Nahagha of Dine Nation of the Whippoorwill Chapter. See additional supporting  
22 documents and approvals attached and labeled as Exhibit G.

23  
24 **Section Two. Approval:**

- 25 A. The Navajo Nation hereby approves the withdrawal of 1.5 acres, more or less, of  
26 Navajo Nation Trust Land for mission site purposes. The 1.5 acres, more or less,  
27 are located in Whippoorwill Chapter, Navajo Nation (Navajo County, Arizona), as  
28 described in Exhibit C.
- 29 B. The Navajo Nation hereby approves and consents to the issuance of a Revocable  
30 Use Permit to the Azee' Bee Nahagha of Dine Nation of the Whippoorwill Chapter,

1 subject to, but not limited to the attached Terms and Conditions both contained in  
2 Exhibit F which is attached hereto and incorporated herein by this reference.

- 3 C. The Resources and Development Committee of the Navajo Nation Council does  
4 hereby authorize the President of the Navajo Nation to execute all documents to  
5 affect the intent and purpose of the resolution.  
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APPLICATION FOR REVOCABLE USE PERMIT (RELIGIOUS SITE)  
NAVAJO NATION LANDS

President, Navajo Nation  
Window Rock, Arizona

Date July 17, 2014

Azee' Bee Nahagha of Dine Nation of Whippoorwill Chapter  
(Name of Church)

PO Box 4228 Blue Gap Az 86520  
(Address)

hereby makes application for a religious site covering approximately 1 1/2 acres of Navajo Nation land located in Whippoorwill, Navajo 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 type="checkbox"/> Chapter Resolution        | <input type="checkbox"/> Survey Plat                |
| <input 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:

land site will be used to establish church house and office space for  
Azee Bee Nahagha of Dine Nation congregation and to hold meeting  
and conference related to Azee Bee Nahagha of Dine Nation; will also  
be used for Azee Bee Nahagha peyote ceremonies.

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

will build 25' x 60' bldg to serve as church house and office  
space. will set up 2 portable toilets on landslide. These units  
will be removed when permanent restrooms are completed.

Applicant's plan for development of water and sewer.

A water well will be dug. Electricity is already established  
from the main power line.

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.

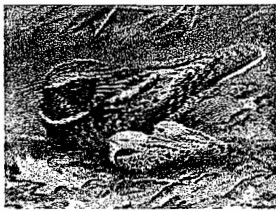
Applicant agrees to give preference to qualified local residents of the Navajo Nation for employment in the construction of any improvement on the church site if the permit is granted.

Sylvia Mike  
(Print Name) Authorized Agent

[Signature]  
(Signature) Authorized Agent

PO Box 4228 Bluecap, Az 86520  
Address

928 725-3455 / 928 225-7789  
Phone



## Whippoorwill Chapter

P.O. Box 279 Pinon, AZ 86510

Phone: (928)725-3728/3713 Fax: (928)725-3745

<http://whippoorwill.nndes.org>



Jennifer Begay-Chapter President\*Elroy Bahe.-Chapter Vice President\*Kathline Kaye-Begay-Chapter Sec/Treasurer\*Dwight Witherspoon, Council Delegate

### **RESOLUTION OF THE WHIPPOORWILL CHAPTER**

WC14-025

#### Supporting and re-affirming the approval of One and Half (1.5) Acres of land withdrawal for the Azee Bee Nahagha of the Whippoorwill Chapter.

#### **WHEREAS:**

1. The Navajo Nation Council Resolution CS-34-98 enacted the Navajo Nation Local Governance Act and codified it under Title 26 of the Navajo Nation Code; and
2. Pursuant to Title 26 N.N.C., Section B-1&2, the purpose of the Local Governance Act is to recognize at the local level and to delegate to chapter government with respect to local matters consistent with Navajo Laws including custom and tradition and to make decisions over local matter; and
3. On October 04, 1981, the Whippoorwill Chapter approved land withdrawal of Native American Church of Navajoland (NACNL) of Whippoorwill Chapter, aid land located  $\frac{3}{4}$  -mile south from the Whippoorwill Chapter House (attached EXHIBIT "i"); and
4. On December 02, 1981, the residents of the Whippoorwill Chapter submitted a petition to BIA Real Property Management, Chinle Agency, supporting land withdrawal for (NACNL) of Whippoorwill Chapter (attached EXHIBIT "ii"); and
5. On January 13, 1982, three (3) affected local customary land users signed a Land Use Consent form for (NACNL) of Whippoorwill Chapter for religious and related activities (attached EXHIBIT "iii"); and
6. On August 02, 2003, the (NACNL) officially changed its name from (NACNL of Whippoorwill Chapter (attached EXHIBIT "iiii"); and
7. On November 11, 2013, the Red Valley Survey performed a legal survey of the proposed land withdrawal for the ABNDN of Whippoorwill Chapter (attached EXHIBIT "iiii").

#### **NOW, THEREFORE BE IT RESOLVED THAT:**

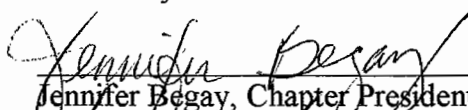
The Whippoorwill Chapter hereby supports and re-affirms the approval of One and Half (1.5) Acres of land withdrawal for the Azee Bee Nahagha of the Whippoorwill Chapter.

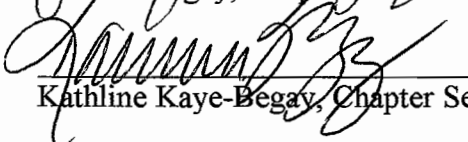
#### **CERTIFICATION**

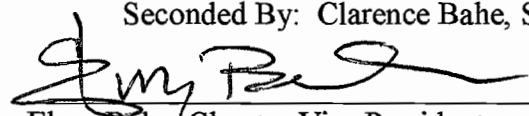
We hereby certify that this foregoing resolution was duly considered by the Whippoorwill Chapter at a duly called meeting in Whippoorwill, (Navajo Nation) Arizona at which a quorum of Chapter members was present and that the same was passed by a vote of 83 in favor, 00 opposed and 04 abstained on 13<sup>th</sup> day of December 2013.

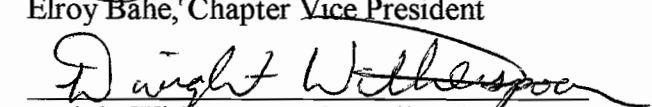
Motion By: Theresa Toadlena

Seconded By: Clarence Bahe, Sr.

  
Jennifer Begay, Chapter President

  
Kathline Kaye-Begay, Chapter Sec./Treasurer

  
Elroy Bahe, Chapter Vice President

  
Dwight Witherspoon, Council Delegate



Petition for Land withdrawal  
for Native American Church  
grounds.  
Whippoorwill Springs Chapter

RECEIVED  
REAL PROPERTY AGT.

DEC 2 1981

B.I.A. CHINLE AGENCY  
CHINLE, ARIZ.

We, the undersigned people of Whippoorwill Chapter have willfully signed this petition supporting the Land withdrawal for NAC purpose:

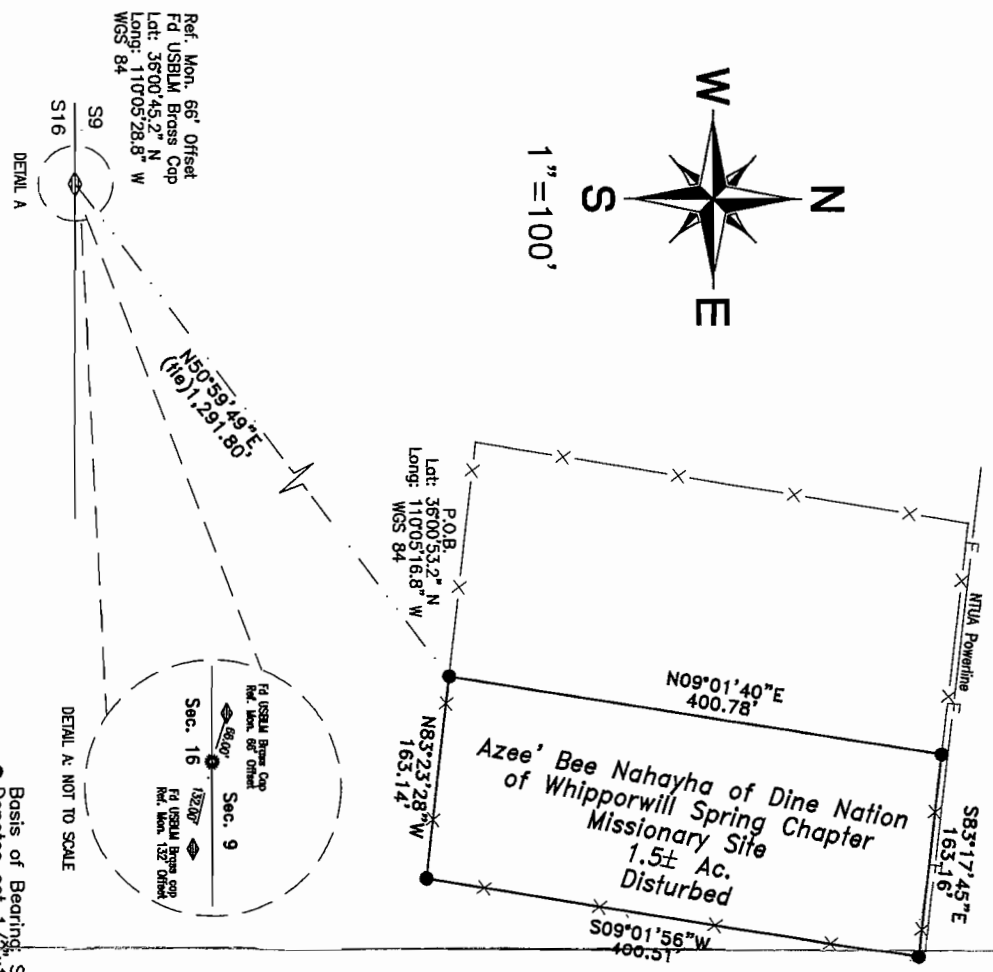
1. Andrew Chee
2. Harry Chee
3. Alice Chee
4. Rebecca Chee
5. Renee Chee
6. Yarnell Chee
7. Chosebrah Yazzie
8. Rose Ann Jim
9. Calvin Phillips
10. Albert Wartz
11. Leroy Phillips
12. Jacqueline Chee
13. Louise Chee
14. Eddie Yazzie
15. Benson Begay
16. Darlene Begay
17. Bessie B. Tossie
18. Irene Marilyn Kacy.
19. Allen Chee
20. Thomas Yazzie
21. Johnson Yazzie
22. Betty Chee
23. Adrian Chee
24. Bernice Yazzie
25. Delores Chee
26. Besty Keesie
27. Joe Benally
28. Kee Chee
29. BAA Chee
30. LENA Joe
31. Amy Baker
32. Robt Ben
33. Verna Ben
34. Cassandra Ben
35. Janga Ben
36. Victor Ben
37. Clarence Baker
38. Alvin Ben Bitis Baker
39. Marlene Baker
40. Keantle Lee Baker
41. Alfred Tom
42. Alice Ben
43. Ke John Ben
44. Mary Nut Louis
45. Lorena Woody
46. Nokai Woody
47. Anna W. Begay
48. Sadie Tom
49. Mary Mike
50. Della Gene

51. Danny Francis
52. Evangeline Francis
53. Louella Francis
54. Albert Francis
55. Miriam Francis
56. Daniel Francis
57. Danny Francis Jr.
58. Emerald Francis
59. Jonathan Francis
60. Miguel Francis
61. Steven Charley
62. Roberta Francis
63. Jack K. Hayes
64. Lorraine Hayes
65. Florencia Hayes
66. Larned Hayes
67. Larry Hayes
68. Julian Hayes
69. Clifford Hayes
70. Cardaleen Hayes
71. Elizabeth Hayes
72. David Beahm
73. Mary Kenna
74. Ned Kenna
75. Dorah Belint
76. Jennifer Rae Belint
77. Michael Belint
78. Yolanda Belint
79. Norma Belint
80. David Belint

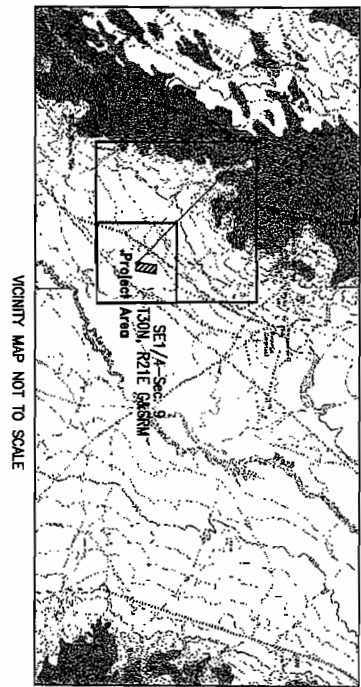
81. Ann Kenna
82. Ann Hayes
83. Wayne Hayes
84. Davis Leo Kenna
85. Harry Dossie
86. Julia Dossie
87. William Neg
88. Rosita Neg
89. Harry Dossie
90. Ella Dossie
91. Rita Dossie
92. Anita Dossie
93. Milton Dossie
94. Fernando Neg
95. Anita Neg
96. Peter Neg
97. Peter Neg
98. Annie Lane B. Gay
99. Juan B. Gay
100. Heeda Kaye
101. Annie Kaye
102. Angela Kaye
103. Ella Kaye
104. Marie D. B. Gay
105. Glenda Kaye
106. Marvian Kaye
107. David K. B. Gay
108. Alfred Hayes
109. ALLEN DEAY
110. Laurence B. Gay

111. Clow ney Bits. B.che	142.
112. Hula chee	143.
113. George Nutlanis	144.
114. John Tazze	145.
115. Ella Mae Lee	146.
116. Rita Bago	147.
117. Stetta B. Tsoosie	148.
118. Hara Apodie	149.
119. Lloyd Apodie	150.
120. Mury 2y	151.
121. Kee S. W.	152.
122. Miranda Ann watz	153.
123. Annie wortz	154.
124. Lita wortz	155.
125. Francis wortz	156.
126. Lola Bago	157.
127. Ella Bago	158.
128. Lita W.	159.
129. Anderson Preston	160.
130. Kee Tsoosie	161.
131. Eloise Preston	162.
132. Raymond Jimmy	163.
133. Susie Jim	164.
134. Sadie Jim	165.
135. Nelson G. Kee	166.
136. Henry Tsoosie	167.
137. Lerene Tsoosie	168.
138.	169.
140.	170.
141.	172.

A RECORD OF SURVEY  
LOCATED IN THE  
SE1/4 OF SECTION 9, T30N, R21E G&SRM  
NAVAJO COUNTY, ARIZONA



Basis of Bearing: Solar Observation 10-10-13 PM  
Denotes set 1/2"x18" Rebar with plastic Cap: NMPUS #12163  
Lease Area is Disturbed  
Utilities are as shown



Legal Description.

A tract of land located in the Southeast Quarter (SE1/4) of Section 9, Township 30 North, Range 21 East, G&S.R.M., Navajo County, Arizona, situated in the Whipporwill Spring area and is more particularly described as follows:

Commencing at the Point of Beginning a point being the Southwesterly corner of said Parcel which bears North 50°59'49" East, a distance of 1,291.80 feet from a Reference Monument which is set for the South Quarter of said Section 9;

thence North 09°01'40" East, a distance of 400.78 feet;  
thence South 83°17'45" East, a distance of 163.16 feet;  
thence South 09°01'56" West, a distance of 400.51 feet;  
thence North 83°23'28" West, a distance of 163.14 feet to the Point of Beginning

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

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



Henry Thomas  
Registered Arizona P.L.S.# 29894

RED VALLEY SURVEY		Drawn By:
P.O. Box #2827, Shiprock, NM 87420		HT
(505)320-0479		DATE
AZEE' BEE NAHAYHA OF DINE		1/12/13
NATION OF WHIPPORWILL		SCALE:
SPRING CHAPTER		1"=100'
MISSIONARY SITE SURVEY		
1.50± Ac. District 10, Chinle Agency		
SE1/4, Sec. 9, T30N, R21E, G&SRM		
Whipporwill, Navajo County, Arizona		
RVS#13-248		



THE NAVAJO NATION  
WINDOW ROCK, NAVAJO NATION (ARIZONA) 86515



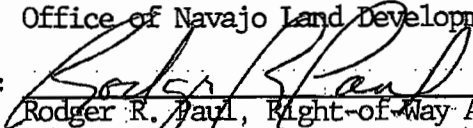
PETER MACDONALD  
CHAIRMAN, NAVAJO TRIBAL COUNCIL

FRANK E. PAUL  
VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

JAN 15 1982

MEMORANDUM

TO : Harry J. Yazzie, Supervisor  
Surface Use Section  
Office of Navajo Land Development

FROM :   
Rodger R. Paul, Right-of-Way Agent I  
Surface Use Section  
Office of Navajo Land Development

SUBJECT : Land Withdrawal for Native American Church Services.

On January 13, I worked in Whippoorwell Chapter on the land withdrawal for Native American Church Services requested by the Chapter.

The chapter requested for two (2) acres, which is located one (1) mile south of the Chapter House.

I contacted the grazing committee member George Nat Louis. According to Mr. Nat Louis there were three (3) landusers in the propose site:

- (1) Haskie Ben, C#449, Permit #5786
- (2) Lena Joe, C#1863, Permit #4.459
- (3) Joe Benally, C#246, Permit #4.338

All the above landusers gave their consent for the landwithdrawal requested by the Chapter.

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

TO WHOM IT MAY CONCERN:

I, Haskie Ben, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Azee' Bee Nahagha of Dine Nation (Church) located approximately 2 miles from Whippoorwill 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.

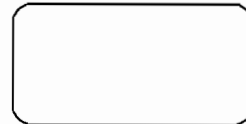
REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<u>x Haskie Ben</u> Signature of Permit Holder	<u>449</u> Census No.	<u>57-86</u> Permit No.	<u>7/18/2014</u> Date
---	--------------------------	----------------------------	--------------------------

WITNESSES:

Right Thumbprint

\_\_\_\_\_  
\_\_\_\_\_



David Shonie  
(Print Name) Grazing Official/Farm/Land Board

David Shonie  
(Signature) Grazing Official/Farm/Land Board

Whippoorwill  
Chapter

4  
District No.

7/18/2014  
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 ☐

Gra Shurley  
Signature of Land Department Field Agent

7/18/2014  
Date

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

TO WHOM IT MAY CONCERN:

I, Lena Joe, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Azee' Bee Nahagha of Dine Nation (Church) located approximately 2 miles from Whippoorwill 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

H. Shunaprint  
Signature of Permit Holder

1863  
Census No.

4.459  
Permit No.

7/18/2014  
Date

WITNESSES:

Henry E. Brown  
\_\_\_\_\_

Right Thumbprint of Lena Joe



David Shonie  
(Print Name) Grazing Official/Farm/Land Board

David Shonie  
(Signature) Grazing Official/Farm/Land Board

Whippoorwill Chapter  
Chapter

4  
District No.

7/18/2014  
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 ☐

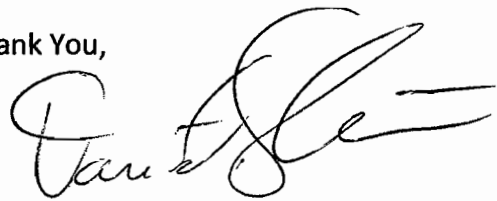
Tara Shurly 7/18/2014  
Signature of Land Department Field Agent Date

July 22, 2014

To whom it may concern,

Please accept this letter to verify that Mr. Joe Benally, C#246, Permit # 4,338 is deceased, He passed on June 25, 2011. His son, Gabriel Benally states that no probate is in process yet to change the name on his Homesite Lease.

Thank You,



Whipparwill Grazing officer  
928 675 9219





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.: Azee' Bee Nahagha of Dine Nation, Inc. (ABNDN) Mission Site

DESCRIPTION: The ABNDN is proposing a  $\pm 1.5$ -acre mission site for the enhancement and preservation of religious teachings. The site will be used intermittently for church activities until funding is secured for an on-site permanent facility.

LOCATION: SE $\frac{1}{4}$  of Section 09, T30N, R21E, G&SRM, Whippoorwill Chapter, Navajo County, Arizona

REPRESENTATIVE: Lorenzo Bedonie, Board of Directors, District 4, Chinle Agency

ACTION AGENCY: Azee' Bee Nahagha of Dine Nation, Inc. (ABNDN)

B.R. REPORT TITLE / DATE / PREPARER: EA-Native American Church Office & Mission Site/date  
unknown/Tom Y. Bahe, Whippoorwill Chapter and William Hunter, Real Property Management, Chinle Agency

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Home cluster is adjacent to the proposed 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/09 JAN 2014

COPIES TO: (add categories as necessary)

☐ \_\_\_\_\_ ☐ \_\_\_\_\_

2 NTC § 164 Recommendation:

Signature

Date

- ☒ Approval  
☐ Conditional Approval (with memo)  
☐ Disapproval (with memo)  
☐ Categorical Exclusion (with request letter)  
☐ None (with memo)

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

01/09/14

\*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

*Foremo Bedonie*

Date *1-15-14*



THE NAVAJO NATION  
HISTORIC PRESERVATION DEPARTMENT

PO Box 4950, Window Rock, Arizona 86515 Tel: (928) 871-7148 Fax: (928) 871-7886

**CULTURAL RESOURCE INVENTORY DETERMINATION FORM**

SPONSOR: <b>Dennison Begay</b>	NNHPD NO.: <b>NTM-81-601</b>
ADDRESS: <b>PO Box 4035</b>	PROJECT NO.: <b>CRMP 81-210</b>
<b>Blue Gap, Arizona 86520</b>	UNDERTAKING: <b>Mission Site Lease</b>

REPORT TITLE: **An Archaeological Survey of a Native American Church Site near Whippoorwill Chapter**

**NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT RECOMMENDATIONS:**

A Cultural Resources Compliance Form (CRCF) is not included in this "archaeological approval" due to the nature of sensitive cultural resources documented. This in no way affects any authority of the NNHPD-Cultural Resource Compliance Section to issue an "archaeological approval" for this undertaking. A cultural resource inventory survey is not required for the reason(s) indicated below:

<input checked="" type="radio"/>	The proposed project is located within an area that has been previously inventoried for cultural resources and documented in the NNHPD report listed above. The previous archaeological inventory found that "No Historic Properties will be Affected" within the area of this undertaking. Archaeological approval is hereby granted for the undertaking within the area noted in attachment(s).
	<b>Attachment A (Letter dated January 18, 1982/Archaeological Clearance)</b>
	<b>Attachment B (Project Location)</b>
	<b>Attachment C (Letter)</b>
	<b>3.0-Acres was inventoried for the project area.</b>
	Note: Attach USGS map copy of project area & other supporting documents.
<input type="radio"/>	Previous ground disturbance within the last fifty (50) years has modified the surface so extensively that the likelihood of finding any cultural properties is negligible (e.g., within a flood plain).
<input type="radio"/>	Undertaking will not require any surface disturbing activities (e.g. aerial spraying, hand application of chemicals, travel on existing roads, etc).
<input type="radio"/>	Other:

Reviewed by: <b>Tamara Billie, Senior Archaeologist</b>	DATE: <b>September 9, 2013</b>
NOTIFICATION TO PROCEED RECOMMENDED:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
 Navajo Nation Historic Preservation Department	DATE: <b>9-12-13</b>
NAVAJO REGIONAL APPROVAL:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
 Bureau of Indian Affairs, Navajo Area Office	DATE: <b>9/23/13</b>

TLN 9, 2013

**DISCOVERY CLAUSE**

In the event of a discovery (discovery" means any previously unidentified or incorrectly identified cultural resources including, but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices), all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at 928.871.7147.



United States Department of the Interior  
NATIONAL PARK SERVICE  
SOUTHWEST REGION  
P.O. Box 728  
Santa Fe, New Mexico 87501

330

IN REPLY REFER TO:

H24(SWR-PS)

JAN 18 1982

*[Handwritten signature]*  
*[Handwritten initials]*

Memorandum

To: Real Property Management, Bureau of Indian Affairs, Chinle Agency  
Attention: Mr. William Hunter

From: Supervisory Archeologist, Branch of Indian Cultural Resources

Subject: Archeological Clearance; Native American Church Site near  
Whippoorwill, Navajo County, Arizona NIM 81-601

Ms. Genevieve Pino, Archeologist with the Navajo Nation Cultural Resource Management Program (NNCRMP) has recommended archeological clearance for a Native American Church site near Whippoorwill, which she surveyed on December 9, 1981 (Report #CRMP-81-210).

The site lies on unplatted land in Navajo County at UTM coordinates (12), 582460E, 3986230N. A 3-acre tract was surveyed.

The inspection revealed no cultural resources within the project impact zone. Therefore, archeological clearance is granted for the 3-acre church tract described herein and indicated on the enclosed map.

This clearance does not constitute approval of right-of-way or concurrence in the proposed project by the Bureau of Indian Affairs. It is one of several mandated requirements which must be accomplished prior to the granting of rights-of-way, easements, or approvals by the BIA for land-modifying projects on lands under their jurisdiction.

Should any previously unrecorded and/or previously undetected cultural material be discovered during construction operations, all work must cease in the immediate area of the exposed resources. Archeologists from this office and from the NNCRMP should then be notified to arrange an on-site inspection to determine the significance and disposition of the archeological remains.

It is the responsibility of project sponsors to notify subcontractors of the boundaries of the archeological clearance and stipulations under which clearance is granted.

JAN 18 1982

If you have any questions concerning this clearance, please contact Bruce Panowski, Archeologist with this office. He can be reached at (505) 988-6775.

*Ted B. Ledaal*

Enclosures

cc:

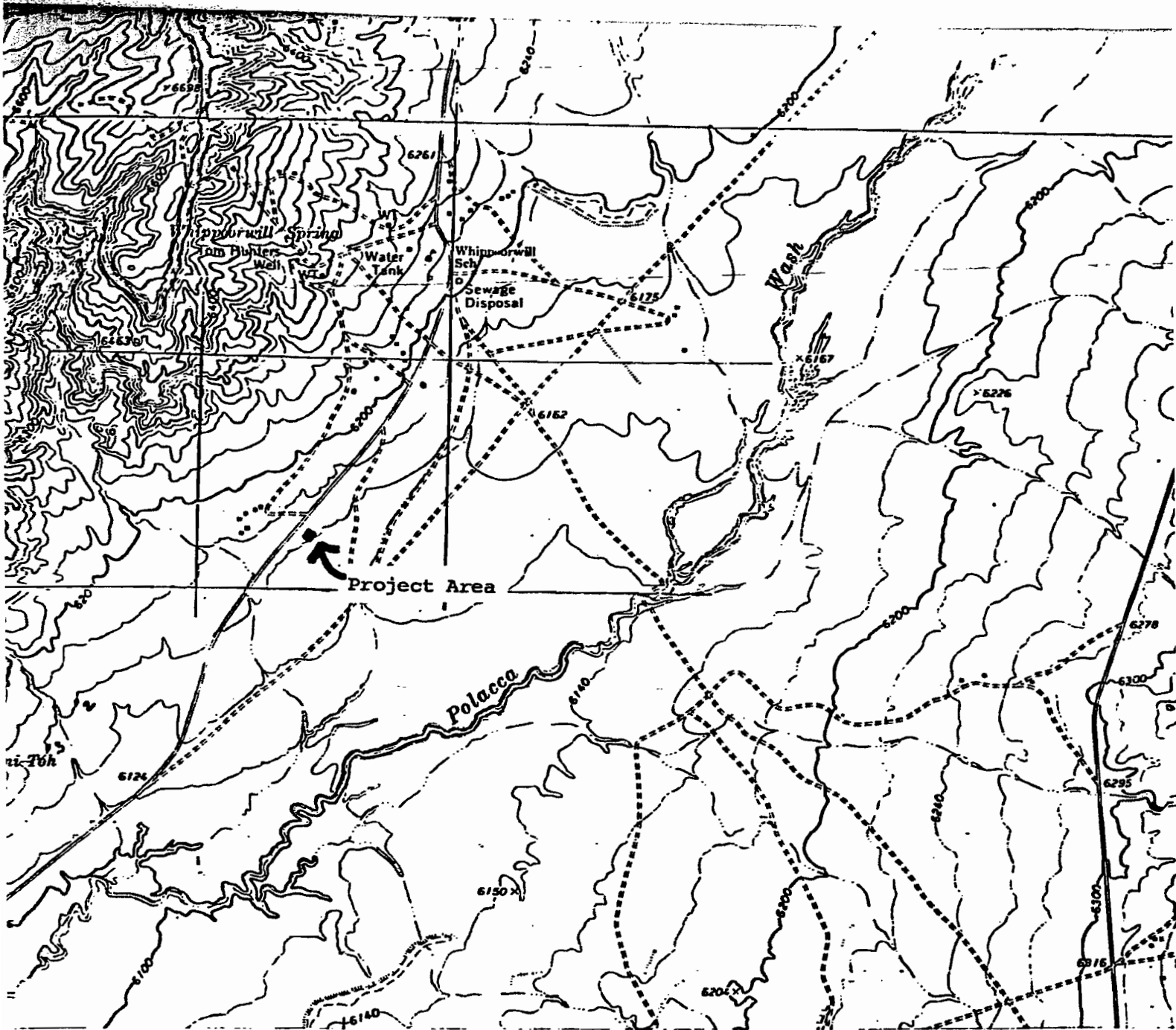
BIA, Navajo Area Office, Window Rock, AZ (2)

Dr. David Doyel, NNCRMP, Window Rock, AZ (w/o encl.)

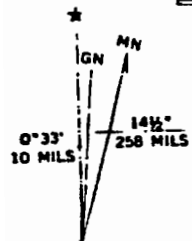
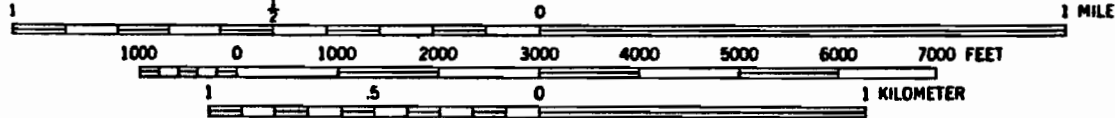
S.H.P.O., Arizona

Mr. Larry Beck, NNCRMP, Window Rock, AZ

ATTACHMENT B



SCALE 1:24 000



Location of Project Area.

## ATTACHMENT C

**FROM THE OFFICE OF**  
Johansen LaPahe  
PO BOX 520  
Window Rock, AZ 86515  
(928)871-6388  
jlapahe@navajo-nsn.gov

**TO:** Historic Preservation Department  
Window Rock, AZ

**FROM:** Johansen LaPahe, Community Development Specialist  
Judicial Branch of the Navajo Nation- Peacemaking Program

**RE:** Requesting Updated Arch. Clearance Form

I am a life-time resident of Whippoorwill Springs community located on the Navajo Reservation. I am requesting HPD of Window Rock, AZ to release an updated Arch Clearance form #NTM81-601 to my uncle Mr. Dennison Begay.

This particular form is a Mission Site least reserved as a Spiritual Ceremonial Site located 1 mile south of Whippoorwill Springs Chapter house. ABNDN Officials in the community are in the process of obtaining a permit for this site. Therefore, this updated form is needed to complete the process.

Your understanding and consideration is greatly appreciated. If you have further questions, please contact me at (928)871-6388 or (505)701-1906. Thank you



**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](http://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:**

A handwritten signature in black ink, appearing to read "Rita Whitehorse-Larsen".

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

**DATE:** December 2, 2014

**SUBJECT:** 164 EOR 002751 RUP for AzeeBeeNahagha of Whippoorwill Arizona

The Azee'Bee Nahagha of Dine Nation of Whippoorwill Chapter, PO Box 4228, BlueGap, Arizona, 86520, submitted a revocable use permit (RUP) application to withdraw 1.5 acres of the Navajo Nation land located in Whippoorwill, Navajo County, Arizona. The land site will be used to establish church house, office space and peyote ceremonies for Azee'Bee Nahagha of Dine Nation. A 25'x60' building will be built to serve as a church house and office space. A water well will be dug on the premise. Power is readily available from the main power line. The proposed site is located at LAT/LONG: 36°00'53.2"N 110°05'16.8"W, SE/4 of Section 09, T30N, R21E, G&SRM, Whippoorwill, Navajo County, Arizona.

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed<sup>1</sup> and recommends **conditional approval** for the proposed action. NNEPA Public Water System Supervision Program (PWSSP) recommends *all proposed drinking water projects to be permitted by the PWSSP and all proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit pursuant the §§1501 and 1601 of the Navajo Nation Primary Drinking*

<sup>1</sup> Bahe, Tom Y and William Hunter. An Environmental Assessment Report for a Native American Church Office and Mission Site. June 1983.



*Water Regulations. All proposed wastewater projects will be permitted by the Domestic Wastewater Program. Extensions, upgrades, new sewer infrastructure, septic tanks and other wastewater infrastructure must comply with the design review and construction permit requirements pursuant to §201 of the Domestic Wastewater Program. Contact Yolanda Barney, Environmental Program Manager, NNEPA, Surface & Groundwater Protection Department, PWSSP at 928/871-7755 for questions.*

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

Cc: Azee'Bee Nahagha of Dine Nation of Whippoorwill Chapter, PO Box 4228, BlueGap,  
Arizona, 86520  
NNEPA Administration, PWSSP chrono file

An Environmental Assessment Report  
for a  
Native American Church Office  
and  
Mission Site

Submitted by  
Bureau of Indian Affairs  
Chinle Agency  
P.O. Box 7H  
Chinle, Arizona 86503

Prepared by  
Tom Y. Bahe, NAC Vice-President  
Community Planning Committee Chairman  
Whipporwill Chapter  
Navajo Nation

and

William Hunter, Realty Officer  
Real Property Management  
Chinle Agency  
(602) 674-5278  
June 1983

Prepared for a  
Mission Site Permit Request  
by the Native American Church  
of Navajoland

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### 3. Proposed Action

#### A. Project Description

The proposed project is a request for a Mission Site Permit and a withdrawal of Navajo Tribal trust land for programs of benefit to the Native American Church members and other activities associated to enhance and preserve religious teachings. The types of construction would include erection and completion of an office and church building, distribution of electrical and sanitary lines and equipment, and improvements but not a major alterations of natural environmental quality or degradation of important aesthetic resources.

#### B. Purpose and Need

The establishment of a church in the area is requested by public involvement in the decision making processes leading to proposed actions to foster, promote and preserve human values and religions. The need for a permit is a requirement of the Navajo Tribal Code and the Code of Federal Regulations promulgating procedures and practices on the Navajo Reservation in determining the best use and interest of property.

#### C. Location

The project would be in Northeastern Arizona in Navajo County of the newly Navajo Partition Land of the former Executive Order Joint-Use Area approximately one mile south of the Whippoorwill Chapter. The total area to be impacted by this project is approximately two (2) acres, more or less.

#### D. Vicinity Map

- a. Figure 1 is a map showing the general location of the proposed project and action within Arizona.
- b. Figure 2 shows the site location on a reduced vicinity map of the area affected.

### 4. Existing Environment

#### A. Topography

Topography varies from a low, flat valley elevation of 6,100 feet above sea level surrounded by mesas and sloping plateaus that range up to 6,600 feet above sea level. The project area contains no unique topographical features, but is situated directly east at the base of Whippoorwill Spring Mesa.

#### B. Climate

The climate surrounding the Whippoorwill Chapter is representation of an area with low humidity and high aridity. The average annual precipitation is concentrated in the months of July through October.

The average minimum winter temperature is 10 degrees F and average maximum summer temperature is 95 degrees F.

C. Air Quality

The air quality in the proposed project area is very good.

D. Soils

The soil is generally poor in quality with a low production potential. The soil is witnessed to have little or no erosion hazard risk in the project area.

E. Water

The water supply in the immediate area is diminutive. However, there are 2 wells within the chapter area from where the community residents haul water. The IHS has initiated the construction of a new regional water system with 100,000 to 500,000 gallon capacity storage tank to service Pinon and Whippoorwill Chapters. No impact is anticipated on water quality or quantity.

F. Vegetation

The pre-dominant plant in the community is greasewood, rabbit brush with some scattered Pinon-Juniper in the higher elevations. Grounds cover consists of bunch grasses, shrubs such as rabbit brush, saltbrush, greasewood, shallowweed and some yucca. Vegetation of the project site is not unique or unusual, and reflects a history of heavy grazing by domestic animals, and very little forage remains.

G. Wild Life

The wild life species that are found in this area are prairie dogs, jack rabbits, antelope squirrels, pocket mouse, kangaroos rats, various lizards and snakes. Mammals living on or near project site will be unaffected by the project and will avoid human contact.

H. Domestic Livestock

Some of the domestic livestock found in the area are owned by local livestock owners, and they are sheep, goats, horses and some hereford bred cattles. The project will not have a negative impact on domestic livestock because of the two acres involved and the poor grazing potential in its current state.

I. Threatened and/or Endangered species

There are no known endangered species inhabiting this vicinity.

J. Socio-economics

There are about seven (7) families living near the project area and the chapter house is about one (1) mile north from the area. The

presence of the mission site will not impact but provide direct and indirect benefits to the area residents with its support facilities.

K. Archeological

There are no archeological sites in the general project area. Archeological clearance has already been granted for this project as recommended in the archeological survey report submitted by Genevieve Pino, Navajo Nation Cultural Resource Management Program.

5. Impacts:

A. Physical Impacts:

Two (2) acres of land will be utilized for the proposed project. The water quality will not be effected by the project. The air quality maybe temporarily altered by dust in the vicinity of the project during excavation of trench for footing and foundation of building.

B. Biotic Impacts:

There will be a slight impact on the wildlife in the immediate project area. There are no biotic biological impacts anticipated directly on the domestic livestock.

C. Threatened and/or Endangered Species Impact:

There are no known endangered species in the vicinity, therefore, no serious impacts anticipated.

D. Socio-economic Impacts:

No socio-economic impact is anticipated in the general project area. There are no public facilities, or developed areas which will be adversely effected by proposed project.

E. Archeological Impacts:

There are no archeological sites on the project area. Archeological survey was conducted by Genevieve Pino, Navajo Nation Cultural Resource Management Program, and clearance No. is NTM 81-601. Survey was done December 09, 1981. Report No. CRMP-81-201.

## 6. Mitigation Measures

### A. Physical Resources

There are no proposed compensation for the anticipated adverse impacts of the land, water and air quality. The quality of water and air will remain quite unchanged by this project.

### B. Biotic Resources

The project after its completion will be fenced and anticipation of compensation for biotic impacts is negative. Livestock interference should be minimal because of sparse vegetation.

### C. Socioeconomic Resources

The need for a Mission site has been petitioned for and a chapter meeting has been conducted that favored mission activities in the proposed area. Local land users have consented to use of their land use area.

### D. Archeological Resources

None

## 7. Consultation and Coordination

### A. Personnel

Tom Y. Bahe, NAC Vice-President  
Community Planning Committee Chairman  
Whippcorwill Chapter  
Navajo Nation

William Hunter, Realty Officer  
Bureau of Indian Affairs  
Chinle Agency  
Chinle, Arizona 86503

### B. Consultation/Coordination

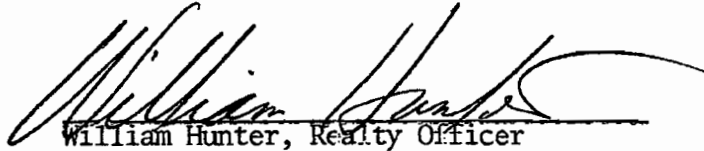
Charles Nixon, Acting Natural Resource  
Manager, Branch of Land Operations  
Chinle Agency

Charles L. Mitchell, Range Technician  
Branch of Land Operations  
Chinle Agency

C. Bibliography

None

8. Signature

A handwritten signature in dark ink, appearing to read "William Hunter", is written over a horizontal line.

William Hunter, Realty Officer  
Bureau of Indian Affairs  
Chinle Agency  
P. O. Box 7H  
Chinle, Arizona 86503



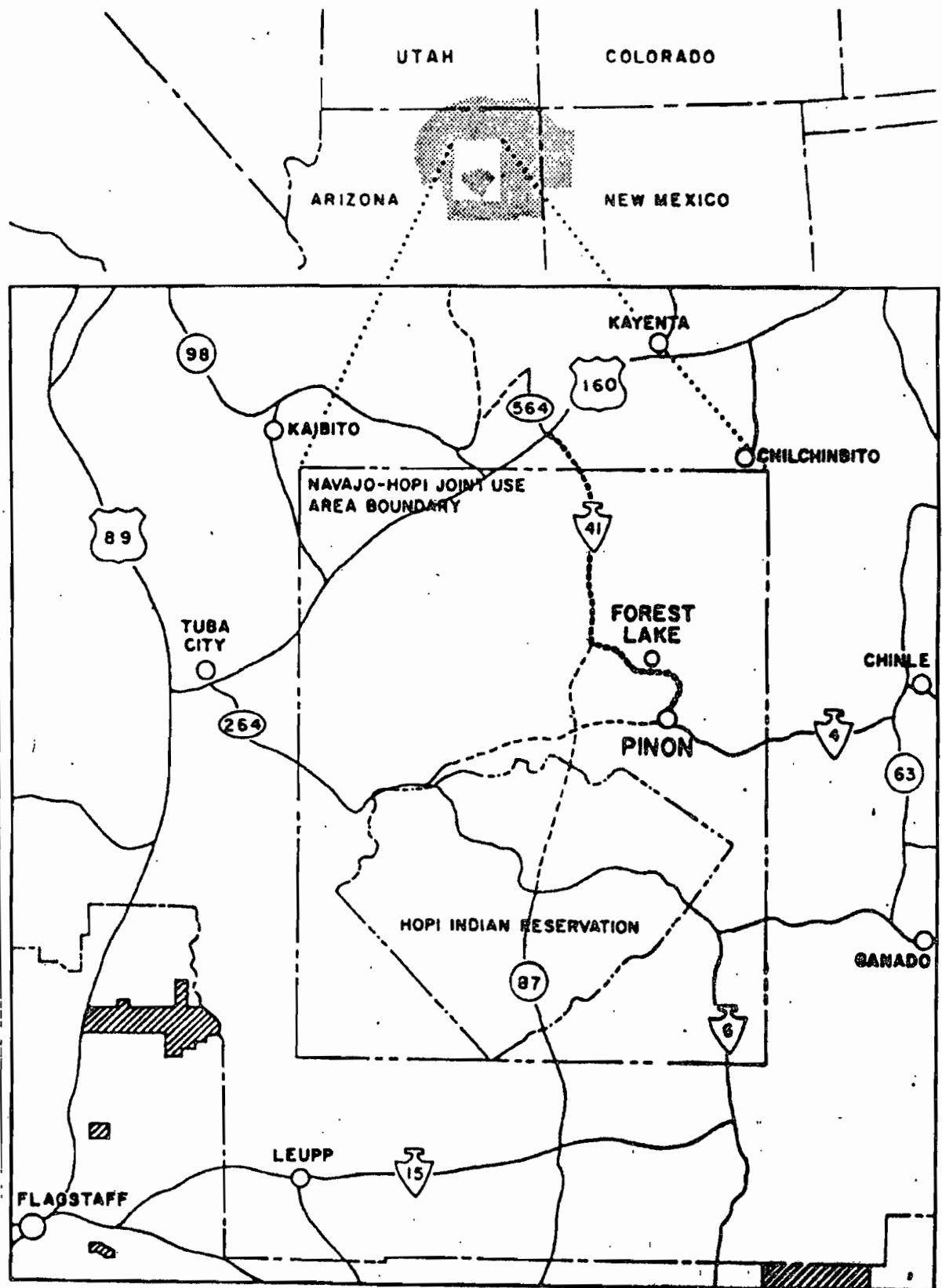
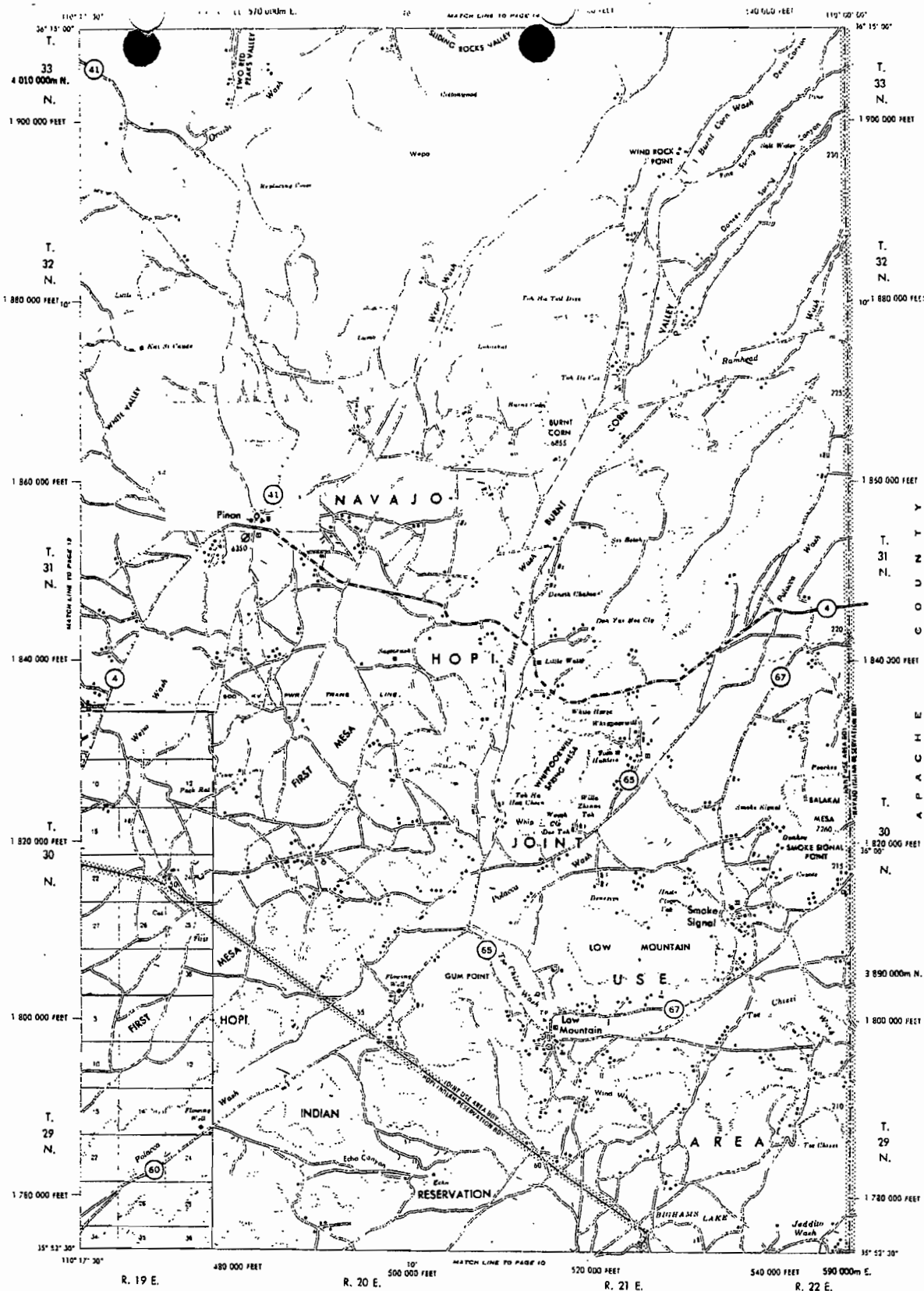


Figure 1. Vicinity map of area where project will take place. The study site is indicated with a star.



GENERAL HIGHWAY MAP  
 NAVAJO COUNTY, ARIZONA  
 ARIZONA HIGHWAY DEPARTMENT  
 PHOTOGRAMMETRY AND MAPPING DIVISION  
 IN COOPERATION WITH THE  
 U.S. DEPARTMENT OF TRANSPORTATION  
 FEDERAL HIGHWAY ADMINISTRATION

1971

AHD

1:250,000 PHOTOGRAPHY 1971  
 U.S.G.S.  
 NORTH AMERICAN DATUM  
 1983 EPOCH  
 SYSTEM, ZONE 12  
 NOT TO BE USED AT NOMINAL COST.  
 17th AVE., PHOENIX, ARIZONA 85007



## REVOCABLE USE PERMIT TERMS AND CONDITIONS

FORM RUP



This is a Revocable Use Permit ("Permit") entered into by and between The Navajo Nation and Azee' Bee Nahagha of Dine Nation of Whippoorwill Chapter ("Permittee"), P.O. Box 4228 Blue Gap, Arizona 86520

### THE TRACT COVERED BY THIS PERMIT

The Tract covered by this Permit is an area located in the vicinity Whippoorwill Spring Chapter, and is specifically described as follows:

#### Legal Description

A tract of land located in the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section 9, Township 30 North, Range 21 East, G.&S.R.M., Navajo County, Arizona situated in the Whippoorwill Spring area and is more particularly described as follows:

Commencing at the Point of Beginning a point being the Southwesterly corner of said Parcel which bears North  $50^{\circ} 59' 49''$  East, a distance of 1,291.80 feet from a reference Monument which is set for the South Quarter of said Section 9;

Thence North  $09^{\circ} 01' 40''$  East, a distance of 400.78 feet;

Thence South  $83^{\circ} 17' 45''$  East, a distance of 163.16 feet;

Thence South  $09^{\circ} 01' 56''$  West, a distance of 400.51 feet;

Thence North  $83^{\circ} 23' 28''$  West, a distance of 163.14 feet to the Point of Beginning

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

### TERM OF USE

The term of the Permit is effective beginning on the date the permit is approved by the Resources and Development Committee of the Navajo Nation Council or authorized representative. This Permit is authorized by Resources and Development Committee No. \_\_\_\_\_.

This Permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The Permit will automatically be revoked if the Permittee fails to use the land herein described for meetings, conferences and ceremonial purposes, or is in violation of any other provision of the Permit. It is understood and agreed that this instrument is **NOT A LEASE**. This Permit shall not to be construed as granting any leasehold interest or right in the land herein described, but is merely a temporary and terminable permit.

### COMPENSATION FOR USE

The annual rental is set at \$\_\_\_\_\_ per year and is due on or before the first day of January of each year the Permit remains in effect. If the Permittee fails to pay the rent when due, this Permit will be automatically terminated. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.

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

# **REVOCABLE USE PERMIT TERMS AND CONDITIONS**

## **TERMS AND CONDITION OF USE**

### **1. APPLICABILITY OF TERMS AND CONDITIONS OF USE**

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.

### **2. PURPOSE AND CONDUCT OF BUSINESS**

This Permit is issued to Permittee for the use and occupation of Navajo Nation Trust Lands for conducting meetings, conferences and ceremonial purposes, and shall be subject to the terms and conditions set forth herein.

### **3. TRANSFERABILITY**

This Permit is not transferable. 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 upon conditions or withheld in the sole discretion of the Navajo Nation.

### **4. DEVELOPMENT OF LAND**

The Permittee may develop, use and occupy the area under the permit for the purpose(s) of conducting meetings, conferences and ceremonial functions. 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.

### **5. LAWFUL ACTIVITY**

The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose. 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 Act, 5 N.N.C. §§ 201 et seq.; and

## REVOCABLE USE PERMIT TERMS AND CONDITIONS

- 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.
- e. All applicable air quality laws requiring Permittee to ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.

### 6. MAINTENANCE OF THE LAND AND IMPROVEMENTS THEREON

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.

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.

### 7. INDEMNIFICATION

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 of the permit area by the Permittee.

### 8. TERMINATION OF PERMIT

- a) The Navajo Nation may terminate the permit due to Permittee's 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:
  - i. Failure to comply with applicable laws or regulations;
  - ii. Non-use of the permit; and
  - iii. Any use of the land within the permit area that is inconsistent with the purpose for which the permit is granted.
- b) At the termination of the permit, the Permittee shall peaceably and without legal process relinquish 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.
- c) 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 to the land subject to the permit or to any improvements located thereon.
- d) The Permittee shall be given at least thirty (30) days written notice before this Permit is terminated and revoked, except in the case of nonpayment. If the Permittee fails to pay the rent when due, this Permit will be automatically terminated.

## **REVOCABLE USE PERMIT TERMS AND CONDITIONS**

- e) Upon termination of the Permit, the Permittee shall have ninety (90) days in which to remove from the site any and all buildings, structures, materials, equipment, and other personal property owned by the Permittee. After the expiration of 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.

### **9. INSPECTION OF PREMISES**

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.

### **10. JURISDICTION**

- a) 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.
- b) 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.
- c) 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.

### **11. DISPUTE RESOLUTION**

Any action 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 through informal negotiation and mediation.

### **12. SOVEREIGN IMMUNITY OF THE NAVAJO NATION**

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

## REVOCABLE USE PERMIT TERMS AND CONDITIONS

### 13. CHOICE OF LAW

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.

Date: 02-27-15

Date: \_\_\_\_\_



Azee' Bee Nahagha of Dine Nation of  
Whippoorwill Chapter

\_\_\_\_\_  
President, Navajo Nation



Document No. 002751

Date Issued: 09/17/2014

**EXECUTIVE OFFICIAL REVIEW**

Title of Document: AzeeBeeNahagha @ Whipporwill Contact Name: DRAPER, HOWARD

Program/Division: DIVISION OF NATURAL RESOURCES

Email: howarddraper@frontiernet.net Phone Number: 928 871-6447

☐ **Business Site Lease** Sufficient    Insufficient

1. Division: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)			
3. Office of the Attorney General: _____	Date: _____	□	□

☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

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

☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____	Date: _____	□	□
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Lease Purchase Agreements**

1. Office of the Controller: _____	Date: _____	□	□
(recommendation only)			
2. Office of the Attorney General: _____	Date: _____	□	□

☐ **Grant Applications**

1. Office of Management and Budget: _____	Date: _____	□	□
2. Office of the Controller: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□

☐ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

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

☐ **Relinquishment of Navajo Membership**

1. Land Department: _____	Date: _____	□	□
2. Elections: _____	Date: _____	□	□
3. Office of the Attorney General: _____	Date: _____	□	□



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

Sufficient    Insufficient

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

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

1. NLD \_\_\_\_\_ Date: 04 Dec 14 ☒ ☐  
2. F&W \_\_\_\_\_ Date: 10/16/14 ☒ ☐  
3. HPD \_\_\_\_\_ Date: 10/22/14 ☒ ☐  
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. NNEPA \_\_\_\_\_ Date: 12-8-2014 ☒ ☐  
6. DNR \_\_\_\_\_ Date: 12/5/14 ☒ ☐  
7. DOJ \_\_\_\_\_ Date: 12/22/14 ☒ ☐  
8. OPVP \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
*attach permits*

☐ **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:**

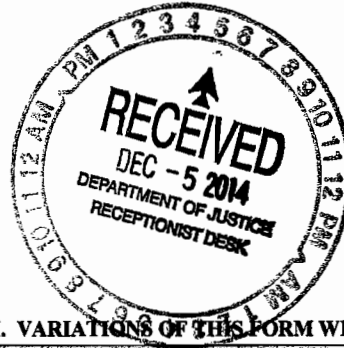
1. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
4. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐



# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



DOJ
12/05/14 2445p
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 002751
SAS #:
UNIT: NAM

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

### CLIENT TO COMPLETE

DATE OF REQUEST:	10/10/2014	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	VERA	DEPARTMENT:	LAND
PHONE NUMBER:	6447 OR 6490	E-MAIL:	
TITLE OF DOCUMENT: REVOCABLE USE PERMIT FOR THE AZEE BE NAHAGHA OF WHIPPOORWILL SPRINGS ON 1.5 ACRES TRACT TO CONDUCT NAC SERVICES.			

### DOJ SECRETARY TO COMPLETE

DATE/TIME: 12/8/14 8:30am	REVIEWING ATTORNEY/ADVOCATE: Sage Garland 12/17/14
DATE/TIME: 12/8/14 8:30am	UNIT: NATURAL RESOURCES UNIT

### DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient. Vera- Please see email from 12/19/14 for Revocable Use Permit Form.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Sage Garland	12/19/14	Becker	12/22/14 3:45pm

DOJ Secretary Called: Genavieve Hardy for Document Pick Up on 12/23/14 at 8:30 By: 18

PICKED UP BY: (Print)	DATE / TIME:
-----------------------	--------------

NNDOJ/DRRF-July 2013

# COMPLETED

# AZEÉ BEE NAHAGHÁ OF DINÉ NATION



**Articles of Incorporation (ABNDN 2013-11-01)**

Revised 11/02/2013

**Constitution (ABNDN 2014-02-02)**

Revised 02/08/2014

**Bylaws (ABNDN 2014-02-02)**

Revised 02/08/2014



RESOLUTION OF THE ABNDN, INC.  
BOARD OF DIRECTORS

Approving the Azeé Bee Nahaghá of Diné Nation, Inc.  
Articles of Incorporation

WHEREAS:

1. The Azeé Bee Nahaghá of Diné Nation, Inc. (ABNDN) is governed by the Board of Directors as provided for in its Constitution and Bylaws; and
2. The Native American Church of Navajoland (NACNL), now known as ABNDN, Inc., was established on June 11, 1966 as a non-profit organization. It incorporated in the state of New Mexico on May 15, 1972 by filing an Articles of Incorporation and a Certificate of Incorporation was issued on the same date; and
3. In October 1982, Lloyd and Violet Etsitty of Chinle, Arizona filed an application to the Navajo Tribal Council and the Bureau of Indian Affairs requesting relinquishment of their farmland and assignment to the NACNL, Inc. for church and conferences site; and
4. On December 12, 1989, the Navajo Tribal Council Advisory Committee approved a Revocable Use Permit for parcel of land located in Chinle, AZ for NACNL, Inc. On April 3, 1992, the President of the Navajo Nation signed the permit designating a permanent business location for NACNL, Inc. in Chinle, Arizona; and
5. On June 11, 1984 and May 14, 1999, NACNL, Inc. incorporated in the state of Arizona in Phoenix, AZ and the Navajo Nation in Window Rock, AZ respectively as a foreign corporation; and
6. On August 2, 2003, the NACNL, Inc. Board of Directors officially approved changing the name of NACNL, Inc. to ABNDN, Inc.; and
7. On January 23, 2004, the Navajo Nation officiated a Certificate of Amendment changing Corporate Name from Native American Church of Navajoland, Inc. to Azeé Bee Nahaghá of Diné Nation, Inc. through file # 100455; and
8. The initial Articles of Incorporation was filed with the state of New Mexico on May 15, 1972, since then the documents had been updated as follow:
  - A. December 27, 1993
  - B. August 4, 1997; and



## **ARTICLES OF INCORPORATION AZEÉ BEE NAHAGHÁ OF DINÉ NATION, INC.**

### **ARTICLE I NAME AND LOCATION**

**SECTION 1.1** The name of the corporation shall be: Azeé Bee Nahaghá of Diné Nation, Inc. (ABNDN, Inc.)

**SECTION 1.2** The principle place of business shall be:

Azeé Bee Nahaghá of Diné Nation, Inc.  
U. S. Hwy 191, Mile Post 452  
P. O. Box 1570  
Chinle, AZ 86503

**SECTION 1.3** The ABNDN, Inc. will exist perpetual in the manner provided by law.

### **ARTICLE II PURPOSE**

The purpose of this corporation (ABNDN, Inc.) is to:

**SECTION 2.1** Foster, promote, protect, and preserve the teaching of Hinááh Azeé following the principles of Nitsáhákees, Nahat'á, Iná, and Sihasin.

**SECTION 2.2** Enhance self-reliance, self-respect, sobriety, charity, rightful living and work for unity in the meaningful use of Hinááh Azeé in a bona fide Azeé Bee Nahaghá.

**SECTION 2.3** Advocate, support, sustain, and conduct traditional healing that cultivate mental and social wellbeing, seek harmony, balance, and strive for the common goods.

**SECTION 2.4** Make it known that ABNDN, Inc. is a non-profit organization with tax exempt status exclusively for charitable and spiritual healing (Nahaghá) purposes within the meaning of Section 501(c)(3) and 509(a) of Internal Revenue Code.

### **ARTICLE III POWERS**

**SECTION 3.1** The Corporation shall be composed of members rather than stockholders. It shall issue no capital stock. No part of the corporation revenue shall be used to the benefit of, or be distributed to its members, board of directors, executive officials, or other private person,

except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of its purposes.

**SECTION 3.2** The property of this corporation is dedicated to ABNDN 501(c)(3) exempt purpose(s), and no part of the assets of this corporation shall be used to the benefit of any member, director, official, or any private person. The greatest amount of indebtedness or liability to which the corporation may at any time subject itself, is \$100,000.

## **ARTICLE IV POLITICAL ACTIVITIES**

**SECTION 4.1** No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation. The corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

## **ARTICLE V INDEMNIFICATION**

**SECTION 5.1** The corporation shall indemnify (reimburse) any person for expenses incurred while serving at its direction, in all circumstances in which such indemnification is specifically permitted and provided for by the ABNDN Bylaws.

## **ARTICLE VI DISSOLUTION**

**SECTION 6.1** Upon the dissolution of this corporation, its remaining assets, if any, shall be distributed by the Board of Directors to one or more non-profit, charitable and spiritual healing (Nahaghá) organizations which are tax exempted under Section 501(c)(3) of the Internal Revenue Code, so that the remaining assets shall be used for the purpose of carrying on an activity consistent with the purposes for which this corporation was organized.

## **ARTICLE VII BOARD OF DIRECTORS**

**SECTION 7.1** The Board of Directors shall oversee the general affairs of the ABNDN, Inc. The Board of Directors may be elected or re-elected every four (4) years for additional term(s).

The name and address of the Board of Directors are:

- |                    |                                  |
|--------------------|----------------------------------|
| 1. Avin Joe        | P. O. Box 666, Tonalea, AZ 86044 |
| 2. Lorenzo Bedonie | P. O. Box 384, Pinon, AZ 86510   |
| 3. Charlotte James | P. O. Box 122, Houck, AZ 86506   |
| 4. Emmett Johnson  | P. O. Box 74, Shiprock, NM 87420 |

List of Board of Directors is shown on Exhibit A, Page 5 of 5

**SECTION 7.2** There shall be at least not less than twelve (12) and not more than eighteen (18) Board of Directors; and shall serve a four (4) year term; coinciding with the term of the Executive officials. If a Board of Directors position becomes vacated, an ABNDN certified member shall be elected or appointed to serve the remaining term.

## **ARTICLE VIII EXECUTIVE OFFICIALS**

**SECTION 8.1** The Executive Official, the President and Vice-President shall be elected or re-elected for a four (4) year term and shall appoint the Secretary and Treasurer.

The name and address of each executive official is:

Steven S. Benally, President	P. O. Box 896, Tees Nos Pos, AZ 86514
LeRoy Thomas, Vice President	P. O. Box 7147, Winslow, AZ 86047
Irene Yazzie, Secretary	P. O. Box 108, Rock Point, AZ 86545
Randy Begay, Treasurer	P. O. Box 491, San Carlos, AZ 85550

## **ARTICLE IX INCORPORATORS**

The name and address of each incorporator is:

Steven S. Benally	P. O. Box 896, Tees Nos Pos, AZ 86514
LeRoy Thomas	P. O. Box 7147, Winslow, AZ 86047
Avin Joe	P. O. Box 666, Tonalea, AZ 86044
Lorenzo Bedonie	P. O. Box 384, Pinon, AZ 86510
Charlotte James	P. O. Box 122, Houck, AZ 86506

## **ARTICLE X STATUTORY AGENT**

**Section 10.1** The Statutory Agent shall serve a four (4) year term and may be appointed or re-appointed for additional year(s).

Roddy Begaye's mailing address: 4C Regional HCR 2829-1 Sweetwater Drive, Red Mesa, AZ 86514, P. O. Box 1490, Tees Nos Pos, AZ 86514 is the appointed and lawful Statutory Agent of ABNDN. The Statutory Agent is appointed for the purpose of accepting service of process; i.e., lawsuit papers or other legal documents.

## **ARTICLE XI MEMBERSHIP**

**Section 11.1** Membership shall be extended to an individual who shall meaningfully use Hinááh Azeé in a bona fide practice of a spiritual healing (Nahaghá). A registered member is

entitled to use the feathers of protected migratory birds. Membership is renewable every four (4) years.

**Section 11.2** ABNDN membership is authorized and protected by; 1NNC Navajo Bill of Rights; 17 NNC Subsection 394(c) and 395(c), P.L. 103-344 American Indian Religion Freedom Act of 1994 and 1978, ARS § 13-3402B, NM Stat § 30-31-6 Schedule I.D, Utah Stat § 58-37-8(12)(a) and the Constitution of the United States of America.

## ARTICLE XII AMENDMENT

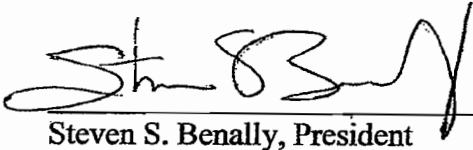
**SECTION 12.1** The Board of Directors shall have the power to adopt, amend, and rescind these Articles.

**SECTION 12.2** Any proposed amendment(s) to the Article(s) shall be presented first to the general membership, then to the Board of Directors for final adoption. The amendment(s) shall be adopted by affirmative vote of two-thirds (2/3) majority votes cast at a meeting.

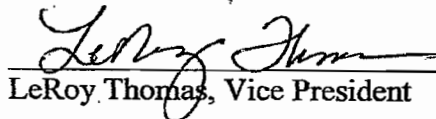
## CERTIFICATION

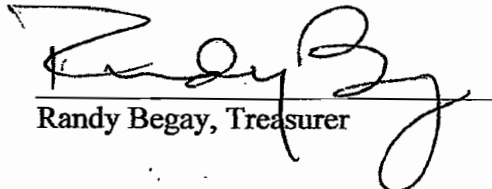
Certified these Articles of Incorporation by action of the ABNDN, Inc. Board of Directors at a duly called meeting at Monument Valley, Utah, Navajo Nation on the 02 day of November 2013.

The same was passed by votes of 12 In Favor 0 Opposed 0 Abstained

  
Steven S. Benally, President

  
Irene Yazzie, Secretary

  
LeRoy Thomas, Vice President

  
Randy Begay, Treasurer



## BOARD OF DIRECTORS

Avin Joe - District 1  
P. O. Box 666  
Tonalea, AZ 86044

Ted Kee - District 2  
P. O. Box 7631  
Shonto, AZ 86054

Julius Fatt - District 3  
P. O. Box 4113  
Page, AZ 86040

Lorenzo Bedonie - District 4  
P. O. Box 384  
Pinon, AZ 86510

Richard Monroe - District 5  
HC-61 Box 3024  
Winslow, AZ 86047

KeeTsosie Jr. - District 7  
P. O. Box 3545  
Indian Wells, AZ 86031

Kenneth Black - District 8  
P. O. Box 1896  
Kayenta, AZ 86033

Blackhorse Benally - District 9A  
HCR 6100 Box 38-928  
Tee Nos Pos, AZ 86514

Herman Farley - District 9B  
P. O. Box 286  
Montezuma Creek, UT 84534

Joseph Tso - District 10  
P. O. Box 3800  
Chinle, AZ 86503

Timothy Roy - District 11  
P. O. Box 1364  
Lukachukai, AZ 86507

Emmett Johnson - District 12A  
P. O. Box 74  
Shiprock, NM 87420

Gary Johnhat - District 12C  
P. O. Box 7356  
Newcomb, NM 87328

Lisa Tsosie - District 17  
P. O. Box 2354  
Window Rock, AZ 86515

Frank Begaye - District 18A  
P. O. Box 514  
Fort Defiance, AZ 86504

Charlotte James - District 18B  
P. O. Box 122  
Houck, AZ 86506

Patrick Arthur - District 23  
P. O. Box 324  
Vanderwagon, NM 87321

## STATUTORY AGENT

Roddy Begaye  
4C Regional HCR 2829-1,  
Sweetwater Dr., Red Mesa, AZ 86514 or  
P. O. Box 1490, Tees Nos Pos, AZ 86514

# THE NAVAJO NATION



BEN SHELLY PRESIDENT  
REX LEE JIM VICE PRESIDENT

July 18, 2014

## MEMORANDUM

TO : All Concern

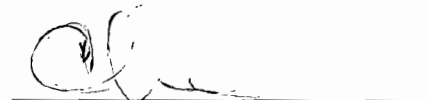
FROM: : Native American Church Officers  
Whippoorwill chapter

SUBJECT : Authority to Execute Paperwork


We, the Azéé Bee Nahaghá of Dine Nation (Whippoorwill Chapter) officers, hereby delegate Ms. Sylvia Mike, the full authority to execute documents for the Azéé Bee Nahaghá of Dine (Whippoorwill Chapter) establishment including permit to occupy the site of 1.5 acre south of the Whippoorwill Chapter.

Thank you.

  
Harrison Mike, President

  
Cynthia Natonabah, Treasurer

### ACKNOWLEDGED:

  
Dennison Begay, Vice President



**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
PUBLIC HEALTH SERVICE  
OFFICE OF ENVIRONMENTAL HEALTH & ENGINEERING  
P.O. BOX 694  
MANY FARMS, ARIZONA 86538  
(928) 781-3816**

February 24, 2014

Azee'Bee Nahagha'of Dine'Nation  
Whippoorwill Chapter, District 4  
C/O Sylvia Mike  
P.O. Box 4228  
Blue Gap, Arizona 86520

Dear Ms. Mike,

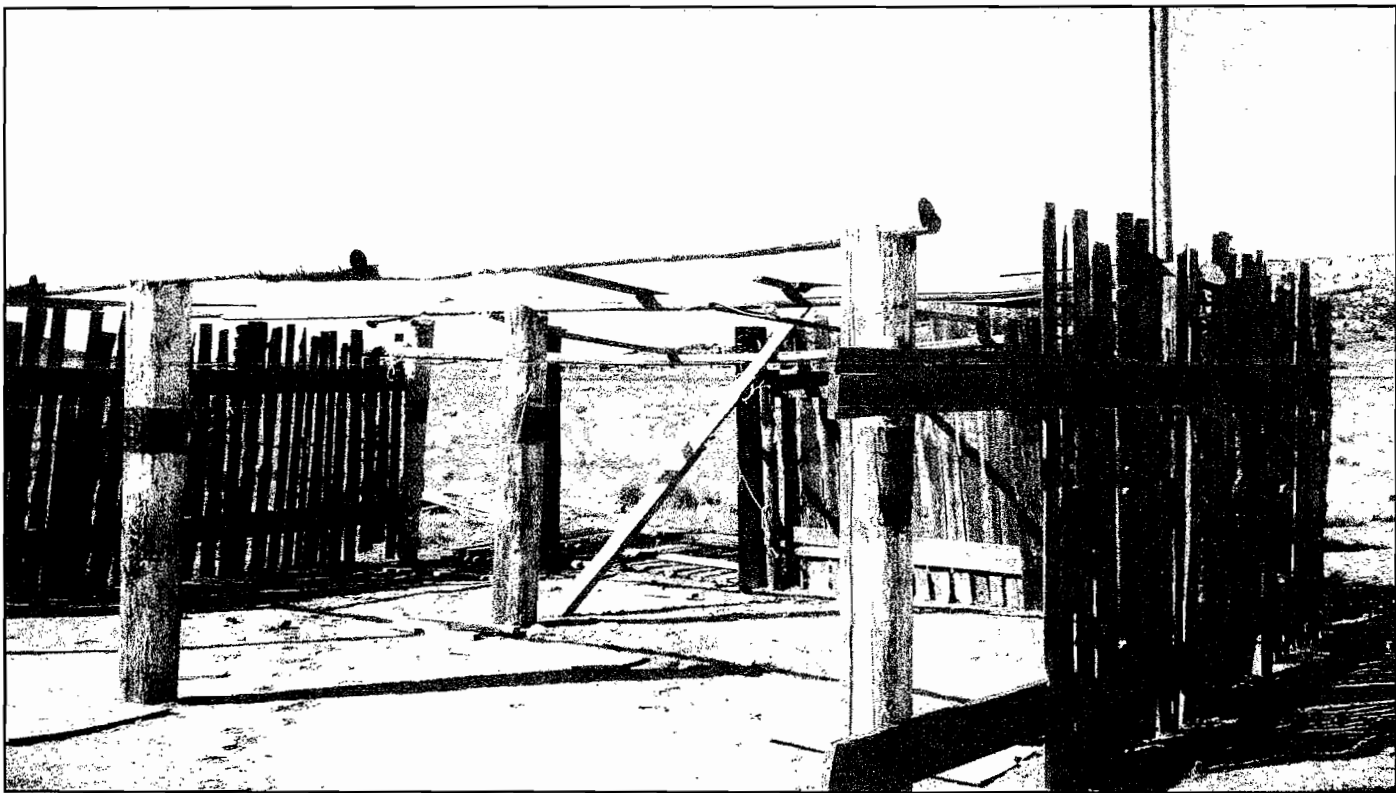
On February 19, 2014 our office staff met with Sylvia Mike to conduct a sanitary clearance located in the Southeast Quarter of Section 9, Township 30 North, Range 21 East, Gila and Salt River Meridian, Navajo County, Arizona, in Whippoorwill Springs area. The site is approximately 0.75 miles South-Southwest of Whippoorwill Chapter House off of Indian Route 65 in Whippoorwill, Arizona.

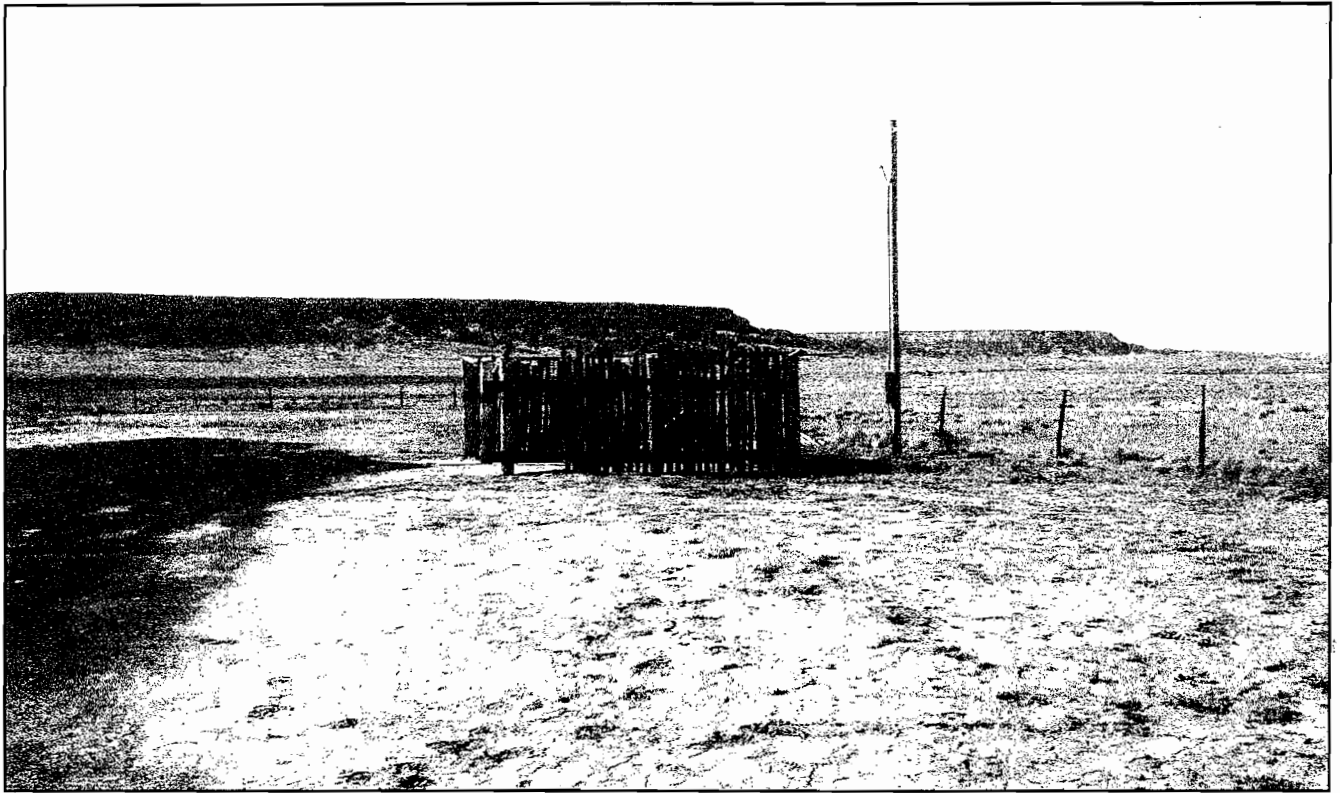
The site is a rectangular 1.5 acres tract of open land. It is flat and slopes down towards the East. The site has a fence running around the entire perimeter.

The proposed operations for this site are to conduct Native American Church activities such as gatherings, ceremonies, and other similar events. The site is currently used for activities a few times per year in which 150-200 people are usually anticipated to attend. The site was assessed to determine the feasibility of holding such activities as an operation.

There is one small open-air 'shack' that is set up to provide some shade and shelter and to be utilized for activities. There is no running water supply and no septic system for the site. Portable toilets are set up during events to control human wastes. Water supplies are brought in containers. It was indicated that there were no current plans to develop running water, gas supply, or septic systems. There were also no current plans to develop other structures that would need these utilities. There is one power line that runs to a pole that supplies the small shack structure on the property. There is no telephone service to this site.

The site is favorable for its intended functionality based on the information provided to us during the site visit and subsequently described within this document.





Sincerely,

*Donna Gilbert, REHS*

Donna Gilbert, REHS, MPH  
Service Unit Sanitarian  
Chinle Service Unit

Xc: Sylvia Mike, P.O. Box 4228, Blue Gap, Arizona 86520  
Whippoorwill Chapter, P.O. Box 279, Pinon, AZ 86510  
Brian Johnson, Director, DEHS, NAO  
Many Farms OEH: File



## NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

February 12, 2014

Ms. Sylvia Mike  
Azee' Bee Nahagha' of Dine Nation  
Whippoorwill Chapter, District 4  
P.O. Box 4228  
Blue Gap, Arizona 86520

**RE: NEW WITHDRAWN LAND, ABNDN UTILITY CLEARANCE, NAVAJO COUNTY, WHIPPOORWILL, ARIZONA**

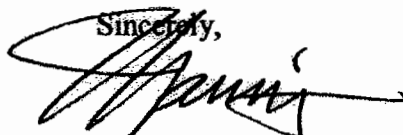
Dear Ms. Mike:

We have verified the utility location on attached map. We have use the NTUA ArcFM Map Arial Photo and labeled the existing utility lines.

1. Existing Single Phase line adjacent to the north side of tract approximately 5 ft. where ROW is in place. NTUA has a clearance for ROW of 15 ft. on both sides of overhead line totaling a width of 30 ft.
2. Existing 6" water line is located 900 ft. due west of withdrawn site.

Utility clearance will be required for proposed water line to the site with complete environmental assessments, legal survey and road crossing permit. We also require easements within the site tract for all utilities. Our ROW and easements clearance is 30ft.

If you require additional information or have any questions, please feel free to contact the Chinle NTUA District Office Customer Service and Engineering Department, (928) 729-4717 or 1-800-528-5011.

Sincerely,  


Wallace Yazzie  
Engineering & Customer Services

Home Office: P.O. BOX 170 FT. DEFIANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1749 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFIANCE P.O. BOX 587 FT. DEFIANCE, AZ 86504	DILCON HC 63 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
--	---	--	---	--	---	--	---

CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

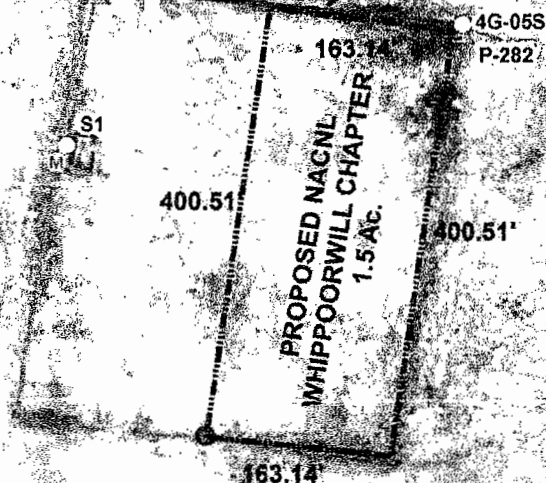
# Azee' Bee Nahagha of Dine' Nation

## Whippoorwill Chapter - Whippoorwill Arizona

Existing 6" PVC Water Line west side of NRoute 65 to extend to proposed site will require BIA Rd Xing out ROW clearance is 15ft both side, 30ft width.

Note: In letter states updated information from BIA, we have no information on BIA roads only the utilities in area we can provide information.

Exist Overhead Electric Line 1-Phase #4 ACSR Line, adjacent to north fence our ROW easments is 15ft. on both side, 30 ft. width.





UNITED STATES GOVERNMENT

# Memorandum

TO : *[Signature]* Superintendent, Chinle Agency  
Attention: William Hunter, Real Property

DATE: January 14, 1982

FROM : Agency Road Engineer

SUBJECT: Request for Clearance - Land Withdrawal - Native American Church

According to the information received, the land withdrawal near Whippoorwill for the Native American Church does not conflict with any present or known proposed roads so this office has no recommendations.

*Paul Helfinstein*

RECEIVED  
JAN 15 1982

JAN 15 1982

B.I.A. CHINLE AGENCY  
CHINLE, ARIZ.

## Sliding Fee Scale Form for Mission Site Permits

<b>Applicant Information</b>		<b>Today's Date:</b> 10 / 10 / 2014	
Entity Name: <u>ABNM of Whippoorwill Chapt.</u>			
Mailing Address: <u>PO Box 4228</u>	City: <u>Blue Gap</u>	State: <u>AZ</u>	Zip: <u>86520</u>
Phone #: ( <u>928</u> ) - <u>725 3455</u>	Fax #: (     ) -	Congregation size:	Acres requested: <u>1 1/2</u>

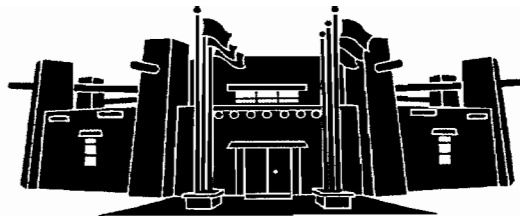
Income Information		
Source	Amount	Frequency (Circle one)
<u>Member Donation after each</u>	\$ <u>10<sup>00</sup></u>	<u>Weekly</u> Monthly Yearly
<u>ceremonies</u>	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
<b>TOTAL</b>	\$	Weekly Monthly Yearly

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

Name (Print): Sylvia Mike

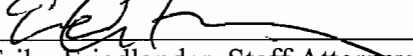
Signature: [Signature]


Date: 10-10-14



## MEMORANDUM

**TO:** Honorable Dwight Witherspoon  
Navajo Nation Council

**FROM:**   
Erika Friedlander, Staff Attorney  
Office of Legislative Counsel

**THRU:**   
Levon B. Henry, Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** March 12, 2015

**SUBJECT:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;  
APPROVING THE WITHDRAWAL OF 1.50 ACRES, MORE OR LESS,  
OF NAVAJO NATION TRUST LAND FOR MISSION SITE PURPOSES;  
AND APPROVING A REVOCABLE USE PERMIT (MISSION SITE) FOR  
THE AZEE' BEE NAHAGHA OF DINE NATION OF WHIPPOORWILL  
CHAPTER ON 1.5 ACRES OF NAVAJO NATION TRUST LANDS  
LOCATED IN WHIPPOORWILL, NAVAJO COUNTY, ARIZONA

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

OLC No. 15-303-1

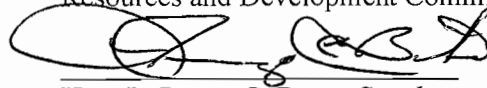


March 13, 2015

**MEMORANDUM**

**TO :** *Honorable Members  
Resources and Development Committee*

**FROM :**

 3-13-15  
*Hon. LoRenzo C. Bates, Speaker  
23<sup>rd</sup> Navajo Nation Council*

**SUBJECT :** **ASSIGNMENT OF LEGISLATION**

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Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign following legislation to the Resources and Development Committee;

**Legislation No. 0092-15**

**RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE WITHDRAWAL  
1.50 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST LAND FOR MISSION  
PURPOSES; AND APPROVING A REVOCABLE USE PERMIT (MISSION SITE) FOR  
AZEE' BEE NAHAGHA OF DINE NATION OF WHIPPOORWILL CHAPTER ON 1.5 AC  
OF NAVAJO NATION TRUST LANDS LOCATED IN WHIPPOORWILL, NAVAJO COUNTY,  
ARIZONA.**

As the Committee assigned to consider the legislation, Legislation No. 0092-15 must be placed on Resources and Development Committee's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0092-15

xc: Hon. Ben Shelly, *President*  
The Navajo Nation  
Harrison Tsosie, *Attorney General*  
Mark Grant, *Controller*  
Dominic Beyer, *Executive Director, OMB*  
Honorable Dwight Witherspoon, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0092-15\_\_\_\_\_

SPONSOR: Dwight Witherspoon

**TITLE: An Action Relating To Resources and Development; Approving the Withdrawal of 1.50 Acres, More or Less, of Navajo Nation Trust Land for Mission Site Purposes; and Approving a Revocable Use Permit (Mission Site) For The Azee' Bee Nahaga of Dine' Nation of Whippoorwill Chapter on 1.5 Acres of Navajo Nation Trust Lands Located in Whippoorwill, Navajo County, Arizona**

**Date posted: March 16, 2015 at 2:51pm**

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

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

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

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

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0092-15

SPONSOR: Honorable Dwight Witherspoon

TITLE: Relating To Resources and Development; Approving the Withdrawal of 1.50 Acres, More or Less, of Navajo Nation Trust Land for Mission Site Purposes; and Approving a Revocable Use Permit (Mission Site) For The Azee' Bee Nahaga of Dine' Nation of Whippoorwill Chapter on 1.5 Acres of Navajo Nation Trust Lands Located in Whippoorwill, Navajo County, Arizona.

Posted: March 16, 2015 at 2:51 pm

5 DAY Comment Period Ended: March 21, 2015

Digital Comments received: *No comments were received.*



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Executive Director  
Office of Legislative Services

3/23/2015 - 9:00 AM

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Date/Time