

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council --- Fourth Year, 2022

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT;
APPROVING A MISSION SITE PERMIT FOR 1.0 ACRE, MORE OR LESS, FOR
TSE SIANNI BIBLE CHURCH, INC., IN THE VICINITY OF SHONTO
CHAPTER, NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. Pursuant to 16 N.N.C. § 1151 (C), the Resources Development Committee of the Navajo Nation Council has the authority to give approval for permits for mission sites on behalf of the Navajo Nation.
- B. Pursuant to 2 N.N.C. § 501 (B)(2), the Resources Development Committee of the Navajo Nation Council has the authority to give final approval for all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The Tse Sianni Bible Church, Inc. has applied for a mission site within the Shonto Chapter.
- B. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.
- C. The proposed mission site is located on 1.0 acres, more or less, within the vicinity of Shonto Chapter, Navajo Nation (Arizona). The survey of the Tse Sianni Bible Church, Inc. Tract is attached as **Exhibit B**.
- D. The Grazing Officials, in memoranda dated September 13, 2021 and March 25, 2013, have stated that grazing permits have been cancelled in this area of the Navajo Partitioned Land; therefore, no land user consents were necessary. In addition, the September 13, 2021 memorandum states "the building is

already occupied and being utilized. The community fully support the operation of the Church and there are no complaints." The March 25, 2013 letter states "To my knowledge, no grazing permittee, other than the Church will be affected by undertaking, and there are no land disputes at the location of the Church." The September 13, 2021 and the March 25, 2013 memoranda are attached as **Exhibit C**.

- E. The Shonto Chapter Resolution SH03-53-13 dated March 24, 2013 "recommends to the Land Department and the Bureau of Indian Affairs Land offices to expedite the mission site lease application for the congregation of the Tse Sianni Bible Church and to accept all the documents showing this tract of land has met the requirements [of] a land withdrawal." Shonto Chapter Resolution SH03-53-13, a signed petition, and statement from Navajo Nation Council Delegate for District 2, dated February 16, 2022, approving the establishment of the mission are attached as **Exhibit D**.
- F. The Biological Resources Compliance Form 20TSBC-01 is attached as **Exhibit E**; the Historic Preservation Department Cultural Resources Compliance Form No. HPD90-340 is attached as **Exhibit F**. The Biological Evaluation for a One-acre Residential Site on the Navajo Nation, Shonto, Arizona prepared for Tse Sianni Bible Church, prepared by SWCA Environmental Consultants is attached as **Exhibit G**.
- G. The Application, the Certificate of Incorporation, the Articles of Incorporation, and the Sliding Fee Scale Form for Mission Site Permits are attached as **Exhibit H**.
- H. The Executive Official Review document number 015267 with reviews by the Department of Justice, Department of Water Resources, Fish and Wildlife, Minerals Management Department, Historic Preservation Department, Division of Natural Resources Administration and the Navajo Land Department; and, review by the Navajo Nation Environmental Protection Agency by memorandum dated February 16, 2022 indicating "approved" or "sufficient" are attached as **Exhibit I**.

SECTION THREE. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Mission Site Permit for the Tse Sianni Bible Church, Inc., subject to but not limited to the attached Terms and Conditions contained herein as **Exhibit A** which is attached hereto and incorporated herein by this reference.

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

CERTIFICATION

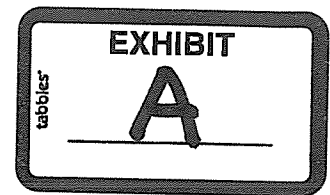
I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting held by a teleconference for which a quorum was present and that same was passed by a vote of 5 in favor, and 0 opposed, on this 2nd day of March 2022.



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

Motion: Honorable Thomas Walker, Jr.
Second: Honorable Wilson C. Stewart, Jr.

Chairperson Rickie Nez not voting.



**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
TSE SIANNI BIBLE CHURCH, INC. (PERMITTEE)**

1. This Mission Site Permit is issued to the Tse Sianni Bible Church, Inc. P.O. Box 7248, Shonto, Arizona 86054, to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein. The term of the Mission Site Permit is effective beginning on the date the permit is approved by the Resources & Development Committee of the Navajo Nation Council or authorized representative. The Permit is authorized by Resources and Development Committee No. _____.
2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is 'NOT A LEASE' and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

TRACT DESCRIPTION

A PARCEL OF LAND SITUATED WITHIN UNSURVEYED SECTION 35, TOWNSHIP 36 NORTH, RANGE 15 EAST, GILA AND SALT RIVER MERIDIAN, DISTRICT 02, NAVAJO NATION, IN VICINITY OF SHONTO, NAVAJO COUNTY, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at a stand brass disk found at National Geodetic Survey control station "Kelly" (PID #GP0431, published state plane coordinates NAD83, Arizona East zone 0203, Northing=1,982,192.05 ft., Easting=535,312.63 ft., Elev=6200.33 ft., National Geodetic survey data base, R1), Thence N 44°52'40" E (basis of baring, GPS derived) (Grid N 45°12'38" E, 15472.42 ft., National Geodetic Survey processed Opus Data, R2), A distance of 15478.05 feet to a ½" rebar with plastic cap stamped "GPS RLS 42048", said point being the point of beginning of the herein described parcel of land;

THENCE N 00°21'56" E, A distance of 208.71 feet to ½" rebar with plastic cap stamped "GPS RLS 42048";

THENCE S 89°38'24" E, A distance of 208.71 feet to ½" rebar with plastic cap stamped "GPS RLS 42048";

THENCE S 00°21'56" W, A distance of 208.71 feet to ½" rebar with plastic cap stamped "GPS RLS 42048";

THENCE N 89°38'04" W, A distance of 208.71 feet to the point of beginning.

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

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

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

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

Date: _____

Date: _____

By:

By:

Tse Sianni Bible Church, Inc.
Lincoln Johnson
(Authorized Agent)

Jonathan Nez, *President*
The Navajo Nation

EXHIBIT

B

RESULTS OF SURVEY

TSE' SIANII BIBLE CHURCH

1.00 ± ACRE

LOCATED WITHIN UNSURVEYED SECTION 35

T. 36 N., R. 15 E., G.S.R.M.

DISTRICT 02, NAVAJO NATION

SHONTO, NAVAJO COUNTY, ARIZONA

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED WITHIN UNSURVEYED SECTION 35, TOWNSHIP 36 NORTH, RANGE 15 EAST, GILA & SALT RIVER MERIDIAN, DISTRICT 02, NAVAJO NATION, IN VICINITY OF SHONTO, NAVAJO COUNTY, STATE OF ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STANDARD BRASS DISK FOUND AT NATIONAL GEODETIC SURVEY CONTROL STATION "KELLY" (PID #GP0431, PUBLISHED STATE PLANE COORDINATES NAD83, ARIZONA EAST ZONE 0203, NORTHING=1,982,192.05 FT., EASTING=535,312.63 FT., ELEV.=6200.33 FT., NATIONAL GEODETIC SURVEY DATA BASE, R1), THENCE N 44°52'40" E (BASIS OF BEARING: GPS DERIVED) GRID N 45°12'38" E, 15472.42 FT., NATIONAL GEODETIC SURVEY PROCESSED OPUS DATA, R2), A DISTANCE OF 15478.05 FEET TO A 1/2" REBAR WITH PLASTIC CAP STAMPED "GPS RLS 42048", SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;
THENCE N 00°21'56" E, A DISTANCE OF 208.71 FEET TO 1/2" REBAR WITH PLASTIC CAP STAMPED "GPS RLS 42048";
THENCE S 89°38'04" E, A DISTANCE OF 208.71 FEET TO A 1/2" REBAR WITH PLASTIC CAP STAMPED "GPS RLS 42048";
THENCE S 00°21'56" W, A DISTANCE OF 208.71 FEET TO A 1/2" REBAR WITH PLASTIC CAP STAMPED "GPS RLS 42048";
THENCE N 89°38'04" W, A DISTANCE OF 208.71 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING 1.00 ACRES MORE OR LESS, AND BEING SUBJECT TO ANY AND ALL EXISTING EASEMENTS FOR UTILITIES LOCATED THEREIN.

EXHIBIT "A"

LEGEND:

- ▲ - FOUND STANDARD BRASS CAP STAMPED "KELLY"
- - FOUND 5/8" REBAR WITH NO IDENTIFICATION
- ◎ - SET 1/2" REBAR W/ PLASTIC CAP STAMPED "GPS RLS 42048"

REFERENCES:

- (R1) PUBLISHED CONTROL DATA SHEET "KELLY", PID #GP0431, NATIONAL GEODETIC SURVEY DATA BASE.
- (R2) STATE PLANE COORDINATES (NAD83) PER NATIONAL GEODETIC SURVEY, O.P.U.S. PROCESSED GPS DATA.

SURVEYOR'S NOTE:

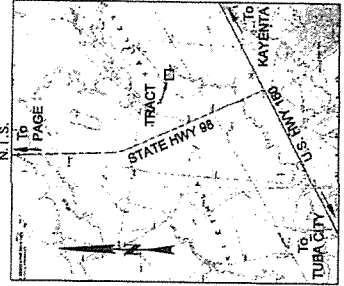
1. GRID BEARING WAS COMPUTED BETWEEN THE STATE PLANE COORDINATES OF N.G.S STATION "KELLY" AND "POINT OF BEGINNING". STATE PLANE COORDINATES WERE DERIVED FROM GPS DATA AND PROCESSED THROUGH N.G.S. OPUS.

CERTIFICATION:

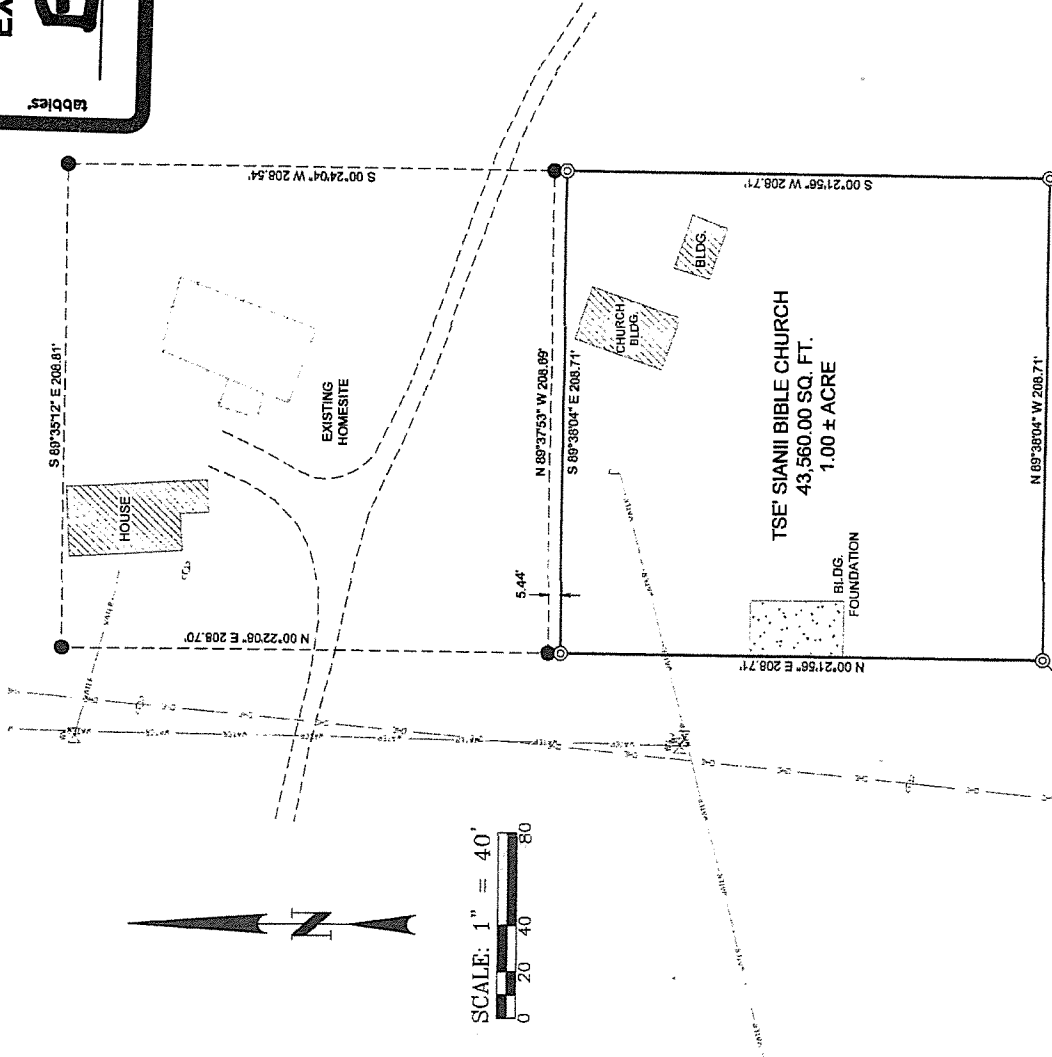
THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WERE MADE UNDER MY DIRECTION DURING THE MONTH OF NOVEMBER OF 2009; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

HALBERT O. GOLDTOOTH AZ RLS 42048

VICINITY MAP
N.T.S.



SCALE: 1" = 40'



BASE OF BEARING
N 45°12'38" E 15472.42 GRID
GPS DERIVED
N 45°12'38" E 15478.05 GROUND

N.G.S CONTROL STATION "KELLY"
STATE PLANE COORDINATES (R1)
ARIZONA EAST ZONE (203)
NORTHING: 1,982,192.05 FT
EASTING: 535,312.63 FT
ELEV.: 6200.33 FT
COMBINED FACTOR: 0.09963788
CONVERGENCE: -0°19'58"

GOLDTOOTH PRECISION SOLUTIONS, INC.
P.O. BOX 640 TUBA CITY, AZ 86045 Ph: (929)203-4652 Fax: (929)203-5073



Job No.: 0015
Surveyed: November 02, 2009
File: 9015 Tse Sianii Bible Church.dwg
Drawn by: H. Goldtooth
Checked by: H. Goldtooth
Revised: n/a
Scale: 1" = 40'
Sheet: 1 of 1

EXPIRES 3-31-2011

Halbert O. Goldtooth, AZ R.L.S. 42048

BRITTANY HUNT SHONTO GRAZING OFFICIAL

| 928-429-2303 | brittanyhunt2013@yahoo.com

September 13, 2021

Department of Navajo Nation Justice
Navajo Nation Department of Justice Attorney
Navajo Nation Land Department
2 B Taylor Road, St. Michaels, AZ 86511

Dear Department of Navajo Nation Justice:

I am writing on behalf of the Tse Sianni Bible Church, Inc. Case number 15267. The coordinate is N 36°28'35.8" W 110°41'21.5" The church does not have to have permit holders sign a consent form because it is located on Navajo Partitioned Lands and there are no recognized permit holders. The building is already occupied and being utilized. The community fully support the operation of the Church and there are no complaints.

Sincerely,



Brittany Hunt Shonto Grazing Official

President
ELIZABETH WHITETHORNE-BENALLY
Vice-President
STANLEY YAZZIE
Secretary / Treasurer
FREIDA LAUGHTER
Grazing Representative
FRANK LAUGHTER
Council Delegate
JONATHAN M. NEZ




East Representative
JAMES BEGISHI
South Representative
NELDA ACHEE
West Representative
WINNIFRED BRONSTON
North Representative
VACANT
Manager
ROBERT K. BLACK, JR.

Date: March 25, 2013

To: Land Administration
Western Navajo Agency
Tuba City, Arizona 86033

From:


Frank Laughter, Grazing Official
Shonto Community Governance
Shonto, Arizona 86054

SUBJECT: Grazing Permit (Consent)

The Tse' Siannii Bible Church of Shonto is submitting, re-affirming resolution from the Shonto Governance.

Tse' Siannii Church is located in the Navajo Partition Land (Executive Order). All grazing permits were cancelled in 1974; therefore, no consent is needed in this area. To my knowledge, no grazing permittee, other than the Church will be affected by undertaking, and there are no land disputes at the location of the Church.

Xc: Copy

President
ELIZABETH WHITETHORNE-BENALLY

Vice-President
STANLEY YAZZIE

Secretary / Treasurer
FREIDA LAUGHTER

Grazing Representative
FRANK LAUGHTER

Council Delegate
JONATHAN M. NEZ

RESOLUTION OF THE



**SHONTO CHAPTER
THE NAVAJO NATION**

EXHIBIT

D

East Representative
JAMES BEGISHIE

South Representative
NELDA ACHEE

West Representative
WINNIFRED BRONSTON

North Representative
VACANT

Manager
ROBERT K. BLACK, JR.

SH03-53-13

APPROVING ONE (1) ACRE OF LAND WITHDRAWN FOR THE TSE SIANNI BIBLE CHURCH LOCATED IMMEDIATELY SOUTH OF ROUTE 6304 AND ONE MILE NORTHEAST OF THE JUNCTION OF U.S. HIGHWAY 160 AND ARIZONA ROUTE 98.

WHEREAS:

1. Pursuant to TCDCS-98-99, The Transportation and Community Development Committee approved the Governance Certification of the Five Management System Policies and Procedures, pursuant to the Local Governance Act, Title 26, N.N.C Section 102 (B); and
2. The Shonto Community Governance is a governance-certified chapter of the Navajo Nation Government with vested authority to establish local ordinance, approve plans, and take positions on matter of concern that are in the best interest of the community and the Navajo Nation; and
3. The Shonto Community Governance recognizes the approval of the signed Mission Site Lease application dated April 24, 1989, by the chapter officials in office during that period namely: Chapter President Jones Grass, Vice-President Irene Smith, Secretary/Treasurer Josephine Grass and Navajo Nation Council Delegate Stanley Yazzie. The approval was for one (1) acre of land withdrawn immediately south of Route 6304 and one (1) mile northeast of the junction of U.S. Highway 160 and Arizona Route 98 which is with the jurisdiction of the Shonto Community Governance; and
4. The Shonto Community Governance recognizes the existing church called Tse Sianni Bible Church which has yet to go forward after the April 24, 1989 mission site application approval to the various land withdrawal approving agencies; and
5. The Shonto Community Governance also recognizes the efforts of the current Pastor Lincoln Johnson and the Tse Sianni Bible Church in obtaining the necessary clearances and documents to finalize a church site lease for the congregation of the Tse Sianni Bible Church.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Shonto Community Governance hereby reaffirms the Mission Site Lease application approval on April 24, 1989 during a regularly scheduled chapter meeting for withdrawing one (1) acre of land located south of Route 6304 and one (1) mile northeast of the Junction of Highway 160 and Arizona Route 98.

2. The Shonto Community Governance recommends to the Navajo Land Department and the Bureau of Indian Affairs Land offices to expedite the mission site lease application for the congregation of Tse Sianni Bible Church and to accept all the documents showing this tract of land has met the requirements a land withdrawal. (Exhibit A)


CERTIFICATION

I hereby certify that the foregoing resolution was duly considered at a Shonto Community Governance General Assembly meeting in Shonto, Navajo Nation, Arizona, at which a quorum was present and that the same was passed by a vote of 36 in favor, 0 opposed and 3 abstained on this 24th day of March 2013.

Motion: Felix Fuller

Second: James Begishie

CONCURRENCE:


Elizabeth Whitethorne-Benally, President
Shonto Community Governance

PETITION OF NAMES

We, the undersigned are citizens, registered voters and residents of Shonto Chapter living within this community where the Tse Sianni Bible 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 throughout the year. Further, we hereby give our signatures on this petition to further the development of the church.

	NAME	DATE	WITNESS
01.	<u>Geraldine Johnson</u>	<u>3-6-89</u>	<u></u>
02.	<u>Lee Johnson</u>	<u>3-6-89</u>	<u></u>
03.	<u>John Johnson</u>	<u>3-6-89</u>	<u></u>
04.	<u>Margaret Johnson</u>	<u>3-6-89</u>	<u></u>
05.	<u>Frank Johnson</u>	<u>3-6-89</u>	<u></u>
06.	<u>Billy Johnson</u>	<u>3-6-89</u>	<u></u>
07.	<u>Mary Lou Johnson</u>	<u>3-6-89</u>	<u></u>
09.	<u>Haskan Bitsi</u>	<u>3-6-89</u>	<u></u>
10.	<u>Anna Bitsoui</u>	<u>3-6-89</u>	<u></u>
11.	<u>Rita Manygoats</u>	<u>3-6-89</u>	<u></u>
12.	<u>Aleta Bitsi</u>	<u>3-6-89</u>	<u></u>
13.	<u>Helen Peshlakai</u>	<u>3-6-89</u>	<u></u>
14.	<u>Arlene Barlow</u>	<u>3-6-89</u>	<u></u>
15.	<u></u>	<u></u>	<u></u>
16.	<u></u>	<u></u>	<u></u>
17.	<u></u>	<u></u>	<u></u>
18.	<u></u>	<u></u>	<u></u>

"consent of the Individual"

Petition for Mission site withdrawal

We, the undersigned, being residents of this local area, North east section of Junction 160 and 98, do agree that the future site of Tse' Siani Bible Church, to be 01 acre, be supported by the Shonto chapter and do sign our names to this petition in support of the same.


Name	SSN	Date
1. Geraldine Johnson		3-6-89
2. Lee Johnson		3/6/89
3. John Johnson	SSN 585-56-7168	3/6/89
4. Margaret Johnson		3/6/89
5. Mark Johnson		3/6/89
6. Billy Johnson		3/6/89
7. Mary Lou Johnson		3/6/89
8. Manny Barlow		3/6/89
9. Haskow Bitsi		3/6/89
10. Anna Bitsi		3/6/89
11. Reta Marygoats		3/6/89
12. Aleta Bitsi		3/6/89
13. Helen Peshlakai		3-6-89
14. Alene Barlow		
15.		
16.		
17.		
18.		
19.		
20.		

Date: February 16, 2022

I, Council Delegate from District 2, herewith approve the
establishment of the mission site on the Tse Sianni Bible Church located in Shonto
Arizona.

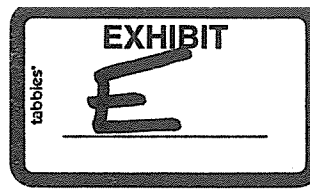
[Should the Delegate oppose] My reason for opposing the establishment of this mission are as
follows: _____

Signed:

_____

Council Delegate, District: Herman Daniels, Jr., District No. 2

Attested:



NNDFW Review No. 20TSBC-01

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

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

PROJECT NAME & NO.: Tse'Sianii Bible Church - Mission Site Permit

DESCRIPTION: Proposed mission site permit for 1.0± acre.

LOCATION: Unsurveyed Section 35, T36N, R15E, G&SRM, Shonto, Navajo County, Arizona

REPRESENTATIVE: General Land Development Department

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: BE for a One-acre Residential Site on Navajo Nation/MAR 2010/SWCA Environmental Consultants

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Existing church building(s) with several nearby home structures.

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/26 OCT 2020

COPIES TO: (add categories as necessary)

☐ _____

☐ _____

<u>2 NTC § 164 Recommendation:</u>	Signature	Date
<input checked="" type="checkbox"/> Approval	<i>Gloria M. Tom</i> Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	10/26/20
<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)		

*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.

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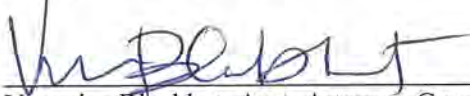
NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

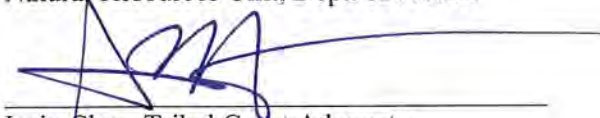
Doreen N. McPaul
Attorney General

Kimberly A. Dutcher
Deputy Attorney General

MEMORANDUM

TO: Stevie Hudson, Leasing Agent
General Leasing Development Department
Navajo Land Department

THROUGH: 
Veronica Blackhat, Asst. Attorney General
Natural Resources Unit, Dept. of Justice

FROM: 
Irvin Chee, Tribal Court Advocate
Natural Resources Unit, Dept. of Justice

DATE: November 10, 2020

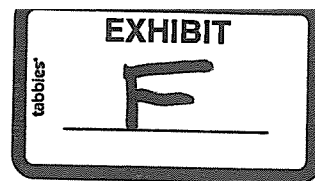
SUBJECT: **Document No. 015287: Mission Site Tse Sianni Bible Church in Shonto, Arizona**

The Department of Justice (DOJ) is returning the above-mentioned Division of Natural Resources/Executive Official Review (EOR) document to General Leasing Development (GLDD) as legally insufficient.

There are two terms and conditions attached. Please decide which one to attach. There is also a statement by the District Grazing Committee (DGC) member, Mr. Frank Laughter, who indicated that Tse Sianni Church is located within Navajo Partition land (NPL) and all grazing permits within NPL were cancelled in 1974. Therefore, no land user's consent is necessary or required. The DGC had indicated that all grazing permits were cancelled within NPL in 1974 then why are there two land users consent attached indicating they consented to the taking of their one acre grazing forage for Tse Sianni Bible without the signature of the DGC and without field clearance checklist certification document signed by the DGC? If you are going to attached the two land user's consent that is already attached than have the DGC sign the two consent forms since they are not signed and to also attach the DGC's field clearance checklist certification document.

Please return the EOR packet to DOJ after the concerns are addressed so I can complete my review. If you should have any questions, please feel free to call me at 928 871-6347. Thank you.

xc: Mike W. Halona, Department Manager
Navajo Land Department



CULTURAL RESOURCES COMPLIANCE FORM
HISTORIC PRESERVATION DEPARTMENT
P.O. BOX 2898
WINDOW ROCK, ARIZONA 86515

ROUTING:	COPIES TO	NNHPD NO. <u>HPD90-340</u>
<u>AZ</u>	S.H.P.O	BIA PROJECT NO. <u>NTM-90-303</u>
<u>Tuba City</u>	AGENCY	OTHER PROJECT NO
<u>X</u>	REAL PROPERTY MGT/330	<u>NNAD-90-209</u>
<u>X</u>	NNAD	

PROJECT TITLE: Archaeological Survey of a proposed 1 acre Bible Church site near Shonto, AZ.

SPONSOR: Lincoln Johnson, Tse Siannii Bible Church, P.O. Box 682, Shonto, AZ 86054

PROJECT DESCRIPTION: Survey of Tse Siannii Bible Church

LAND STATUS: Tribal Trust

CHAPTER: Shonto

LOCATION (legal): T35N, R16E, Sec. unplatted, Navajo County, AZ.

PROJECT ARCHAEOLOGIST: Javier F. Torres
NAVAJO ANTIQUITIES PERMIT NO.: NTC

DATE INSPECTED: 6/28/90

DATE OF REPORT: 7/2/90

TOTAL ACREAGE INSPECTED: 1 ac

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 7-8 m apart.

LIST OF CULTURAL RESOURCES FOUND: None

LIST OF ELIGIBLE PROPERTIES: None

LIST OF NON-ELIGIBLE PROPERTIES: None

LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties were located. Pursuant to 36 CFR 800.4(d), a copy of this form and the report have been provided to the SHPO notifying them that no historic properties were found. This notice to proceed is not effective until after 15 days receipt by the SHPO. If no timely objections are made, no further consultation with this office is required.


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 602-871-6437.

FORM PREPARED BY: Jane King
FINALIZED: ldavis7/31/90

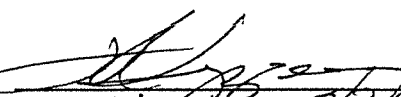
Notification to
Proceed Recommended:
Conditions:

Yes X No
Yes No X


Alan Downer
Navajo Nation Historic
Preservation Officer
8/1/90
Date

Agency Approval:

Yes ✓ No
ACTING


Area Director 8/3/90

**Biological Evaluation for a
One-acre Residential Site on the
Navajo Nation, Shonto, Arizona**

Prepared for
Tse Sianni Bible Church

Prepared by
SWCA Environmental Consultants

March 2010



**BIOLOGICAL EVALUATION FOR A 1-ACRE RESIDENTIAL SITE
ON THE NAVAJO NATION, SHONTO, ARIZONA**

Prepared for

Tse Sianni Bible Church
P.O. Box 7248
Shonto, Arizona 86054
Attn: Lincoln Johnson

Prepared by

SWCA Environmental Consultants
114 North San Francisco Street,
Suite 100
Flagstaff, Arizona 86001
(928) 774-5500
www.swca.com

SWCA Project No. 16069

March 2010

EXECUTIVE SUMMARY

This biological evaluation has been prepared as part of an effort to determine the effects of the Proposed Action on threatened and endangered species listed by the U.S. Fish and Wildlife Service for Navajo County, Arizona, and to determine impacts on species of concern listed by the Navajo Nation Department of Fish and Wildlife that are known to occur in or near the proposed project area or that have the potential to occur within the U.S. Geological Survey 7.5-minute quadrangle map, Black Mesa Wash NW, Arizona, on which the project boundaries are located. This biological evaluation covers approximately one acre. The objectives of this biological evaluation are to 1) describe vegetation communities in the project area; and 2) evaluate habitat suitability for both federally listed and special-status species.

Fifteen federally listed species are addressed in this biological evaluation, eleven of which are listed by USFWS as threatened or endangered and are therefore protected under the authority of the Endangered Species Act. Three are listed by the U.S. Fish and Wildlife Service as candidate or conservation agreement and currently receive(s) no statutory protection under the Endangered Species Act. The remaining species is delisted by the U.S. Fish and Wildlife Service and currently receives no statutory protection under the Endangered Species Act. Of the federally listed species, none are known to occur in the proposed project area. It is highly unlikely that the Proposed Action will have an effect on any federally listed species or its habitat.

None of the twelve species listed as species of concern by the Navajo Nation Department of Fish and Wildlife have the potential to occur in the proposed project area. The Navajo Nation Department of Fish and Wildlife is the lead permitting agency and has the authority and final decision regarding what affect the Proposed Action will have on any federally listed species and whether to require species-specific surveys for any protected species.

1.0 INTRODUCTION

SWCA Environmental Consultants (SWCA) was contracted by Tse Sianna Bible Church to complete a biological evaluation (BE) for a proposed development on Navajo Nation tribal lands.

The scope of work for this BE included:

- review of the Navajo Nation Department of Fish and Wildlife (NNDFW) sensitive-species list;
- review of the U.S. Fish and Wildlife Service (USFWS) species list for Navajo County;
- field reconnaissance of the property, and
- evaluation of the potential for the species listed in this report to occur in the project area.

2.0 METHODS

An SWCA biologist conducted a field reconnaissance of the project area on March 12, 2010. Weather conditions were mostly sunny, with temperatures of about 52 degrees Fahrenheit. The project area, which totals approximately one acre, is located on unplatted land (Black Mesa Wash NW U. S. Geological Survey [USGS] 7.5-minute Quadrangle), in Navajo County, Arizona (see Figure 1). The reconnaissance consisted of a pedestrian survey of the project area to evaluate vegetation and landscape features considered important to the potential occurrence of special-status plant and animal species. Vegetation was classified to the community level according to the map "Biotic Communities of the Southwest" (Brown 1994). No species-specific surveys were conducted during site reconnaissance.

2.1 Species Identification

The USFWS maintains a list of protected species and the critical habitat that is known to occur in each Arizona county. These species are currently listed or are proposed for listing as endangered or threatened under the Endangered Species Act of 1973 (ESA) (16 United States Code [USC] §1531 *et seq.*). The list also includes candidate species. The ESA specifically prohibits the "take" of a listed species. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct." Some bird species also receive legal protection under the federal Migratory Bird Treaty Act (MBTA) (16 USC §§703–712).

Only species listed by the USFWS are afforded protection under the ESA. The special-status species evaluated in this BE were based on the list of endangered, threatened, candidate, and conservation agreement species for Navajo County, Arizona, available at the USFWS website (USFWS 2010). The USFWS species list is provided in Appendix A.

At the request of SWCA, NNDFW provided a list of NN species of concern, federally listed species, species listed under the MBTA and Eagle Protection Act, and species listed due to their cultural and economic significance that are known to occur on or near the project site or within the USGS 7.5-minute quadrangle Black Mesa Wash NW, Arizona. Both the request and response letters are included in Appendix B.

The potential for occurrence in the project area of the species addressed in this BE was based on: 1) documented records; 2) existing information on distribution; and 3) qualitative comparisons of the habitat requirements of each species with vegetation communities or landscape features in the proposed

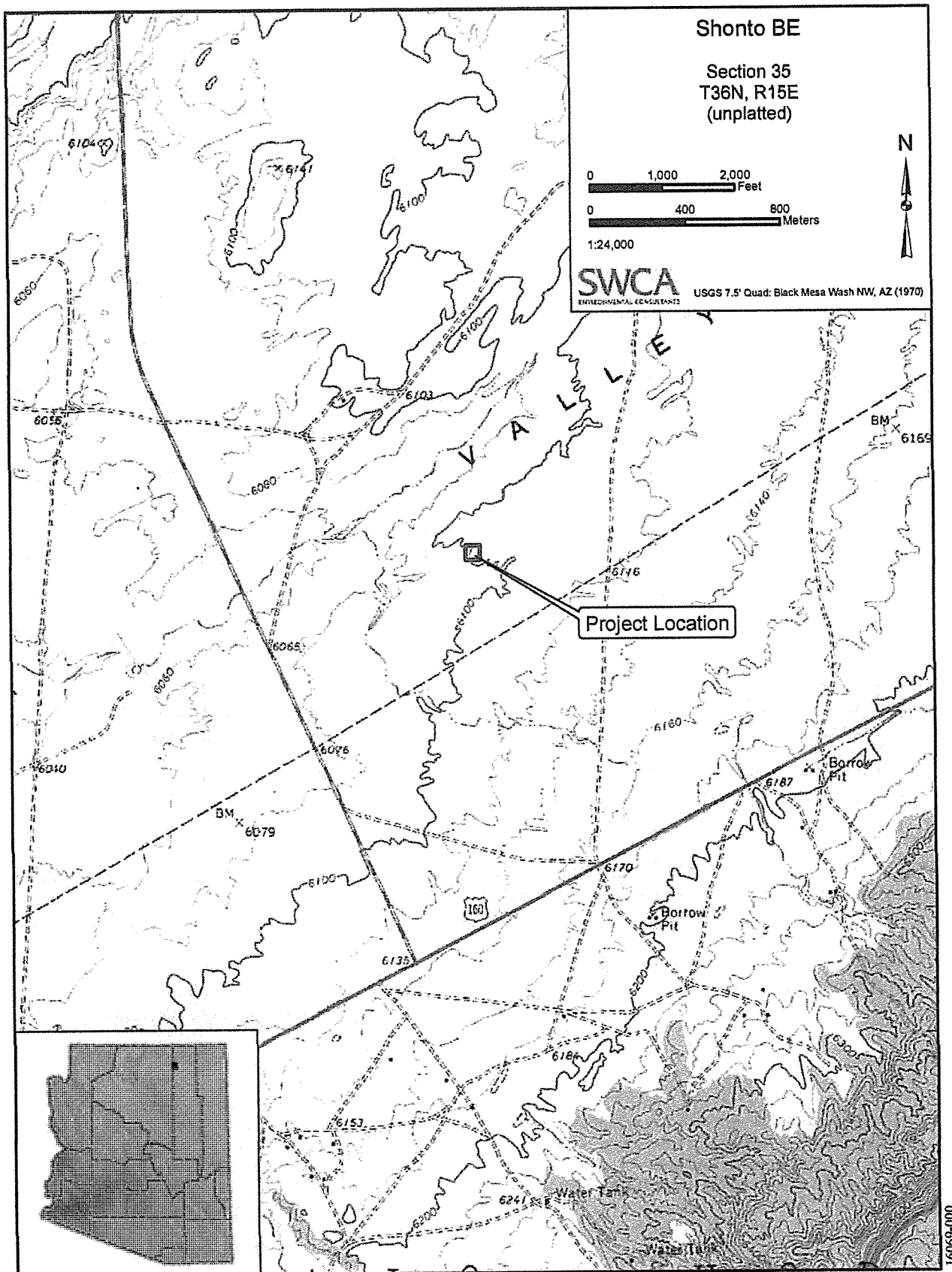


Figure 1. General location of the project area.

project area.¹ Possible impacts to these species were evaluated based on reasonably foreseeable project-related activities.

2.2 Species Evaluation

The potential for occurrence of each species was summarized according to the categories listed below. Because not all species are accommodated precisely by a given category (i.e., category definitions may be too restrictive), an expanded rationale for each category assignment is provided. Potential for occurrence categories are as follows:

- *Known to occur*—the species has been documented in the project area by a reliable observer.
- *May occur*—the project area is within the species' currently known range, and vegetation communities, soils, etc., resemble those known to be used by the species.
- *Unlikely to occur*—the project area is within the species' currently known range, but vegetation communities, soils, etc., do not resemble those known to be used by the species, or the project area is clearly outside the species' currently known range.

Those species listed by the USFWS were assigned to one of three categories of possible effect, following USFWS recommendations. Because species listed by the NNDFW are not protected under the authority of the ESA, effects determinations for these species do not follow USFWS recommendations. The effects determinations recommended by USFWS include:

- *May affect, is likely to adversely affect*—the project is likely to adversely affect a species if: 1) the species is known to occur in the project area; and 2) project activities would disturb areas or habitat elements known to be used by the species, or would directly affect an individual.
- *May affect, is not likely to adversely affect*—the project is not likely to adversely affect a species if: 1) the species may occur but its presence has not been documented; and 2) project activities would not result in disturbance to areas or habitat elements known to be used by the species.
- *No effect*—the project will have no effect on a species if: 1) the species is considered unlikely to occur (range, vegetation, etc., are inappropriate); and 2) the species or its sign was not observed during surveys of the project area.

Because species not listed as threatened or endangered are not protected under the authority of the ESA, impact determinations for these species do not follow USFWS recommendations. Instead, the impact determinations for any species not protected under the ESA² are as follows:

- *No impact*—the project will have no impact on a species if 1) the species is considered unlikely to occur (range, vegetation, etc., are inappropriate); and/or 2) the species or its sign was not observed during surveys of the project area.

¹ We agree with Hall et al. (1997) that habitat is organism specific and thus not synonymous with vegetation community. However, we have refined their definition to read as follows: habitat is an area in which some members of a species regularly occur continuously or seasonally. In the field, habitat is operationally defined by the presence or absence of a species. Areas that appear suitable for a species but that have not been surveyed are considered possible habitat. We avoid using the term 'potential' with respect to habitat because potential is defined as 'capable of becoming but not yet in existence'; 'possible,' on the other hand, is defined as 'of uncertain likelihood.' We also avoid using the terms 'unoccupied habitat' or 'suitable, but unoccupied habitat,' which represent a contradiction in terms.

² This includes the sensitive species listed by the Bureau of Land Management and wildlife of special concern or other special-status species designated by the State of Arizona.

- *Beneficial impact*—the project is likely to benefit the species, whether it is currently present or not, by creating or enhancing habitat elements known to be used by the species.
- *May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability*—the project is not likely to adversely impact a species if 1) the species may occur but its presence has not been documented; and/or 2) project activities would not result in disturbance to areas or habitat elements known to be used by the species.
- *May impact individuals and is likely to result in a trend toward federal listing or loss of viability*—the project is likely to adversely impact a species if 1) the species is known to occur in the project area; and/or 2) project activities would disturb areas or habitat elements known to be used by the species, or would directly affect an individual.

3.0 RESULTS

3.1 Ecological Overview

The project area is in the Great Basin Desertscrub biotic community as defined by Brown (1994) at an elevation between 6,108 and 6,122 feet above mean sea level. The proposed project area is located on the Navajo Indian Reservation, north of the U.S. Highway 160.

Animal species or their sign observed in the proposed project area included domestic sheep (*Ovis aries*), and common ravens (*Corvus corax*). No other wildlife or sign was observed within the proposed project area; however, the area has the potential to support the wildlife species typical of the Great basin Desertscrub, such as coyotes, ground squirrels, birds, lizards, and snakes.

There are no wetlands, aquatic habitats (including stock ponds), broadleaf deciduous riparian vegetation communities (i.e., communities containing willow, cottonwood, or ash, etc.), or potential bat roost sites (e.g., natural caves or mine features) that occur in the proposed project area.

3.2 Vegetation

The dominant vegetative species (USDA 2010) observed in the project area were big sagebrush (*Artemisia tridentata*) and spineless horsebrush (*Tetradymia Canescens*). The herbaceous understory was mostly comprised of Utah agave (*Agave utahensis*), whipple cholla (*Opuntia whipplei*), broom snakeweed (*Gutierrezia sarothrae*), and rubber rabbitbrush (*Chrysothamnus nauseosus*). Appendix C provides representative photos of the proposed project area.

3.3 Species Evaluation

3.3.1 Federally Listed Species

Fifteen species are listed by USFWS for Navajo County. Habitat requirements, potential for occurrence and possible effects on these 15 species are summarized in Table 1; none of the 15 species listed for Navajo County by USFWS have the potential to occur in the proposed project area. The proposed project area is either clearly beyond the known geographic or elevational range of these species, and/or it does not contain vegetation or landscape features known to support these species.

Table 1. Federally Listed Species Potentially Occurring in Navajo County, Arizona

Range or habitat information is from Heritage Data Management System (HDMS 2008); USFWS Arizona Ecological Services Field Office (USFWS 2010); *Arizona Rare Plant Field Guide* (Arizona Rare Plant Committee n.d.); and Corman and Wise-Gervais (2005).

Common Name (Species Name)	USFWS Status*	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Apache (Arizona) trout (<i>Oncorhynchus apache</i>)	T	Found in small, cold, high-gradient streams on substrates that consist of boulders, rocks, and gravel with some sand or silt at elevations below 5,000 feet in mixed-conifer forests and mountain meadows. Restricted to streams in the upper Salt, Gila, Blue, and Little Colorado drainages in the White Mountains on the White Mountain Apache Indian Reservation and in the Apache-Sitgreaves National Forest. Populations introduced outside the historic range may still exist in the Coronado National Forest and the northern portion of the Kaibab National Forest.	Unlikely to occur. The project area does not contain any aquatic habitat and the project area is outside of the geographic range of this species.	No effect.
Black-footed ferret (<i>Mustela nigripes</i>)	E	Found on grassland plains in mountain basins at elevations below 10,500 feet, usually in association with prairie dogs, which serve as a primary source of food and burrows. Only reintroduced populations are known to exist in the wild. In Arizona, they occur only in Aubrey Valley in Coconino County.	Unlikely to occur. There were no colonies or large prairie dog towns observed in the project area or adjacent to the project area.	No effect.
California condor (<i>Gymnogyps californianus</i>)	E	Nesting sites are in caves, crevices, and potholes in isolated regions of the Southwest. USFWS began reintroducing an experimental, nonessential population of California condors into northern Arizona and southern Utah in 1996. On November 5, 2003, a pair successfully fledged one nestling from a cave at Grand Canyon, becoming the first California condor to be successfully hatched and reared in the wild since 1984.	Unlikely to occur. No suitable nesting habitat is located in the project area, and suitable foraging habitat in the project area is not likely.	No effect.
Chiricahua leopard frog (<i>Lithobates [Rana] chiricahuensis</i>)	T	Restricted to springs, livestock tanks, and streams in the upper portions of watersheds at elevations between 3,281 and 8,890 feet in central, east-central, and southeastern Arizona. Populations in central and east-central Arizona are disjunct from those in southeastern Arizona and may be distinct species.	Unlikely to occur. There is no aquatic habitat in the project area and the project area is outside of the geographic range of this species.	No effect.
Little Colorado spinedace (<i>Lepidomeda vittata</i>)	T	Inhabits small to medium-sized streams, where it is characteristically found in pools with fine gravel and silt-mud substrates at elevations between 4,000 and 8,000 feet. Occurs in East Clear Creek and its tributaries (Coconino County); Chevelon and Silver creeks (Navajo County); and Nutrioso Creek and the Little Colorado River (Apache County).	Unlikely to occur. There is no aquatic habitat within the project area.	No effect.

Table 1. Federally Listed Species Potentially Occurring in Navajo County, Arizona (Continued)

Range or habitat information is from Heritage Data Management System (HDMS 2008); USFWS Arizona Ecological Services Field Office (USFWS 2010); *Arizona Rare Plant Field Guide* (Arizona Rare Plant Committee n.d.); and Corman and Wise-Gervais (2005).

Common Name (Species Name)	USFWS Status*	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Loach minnow (<i>Tiaroga cobitis</i>)	T	Found in small to large perennial creeks and rivers, typically in shallow, turbulent riffles with cobble substrate, swift currents, and filamentous algae at elevations below 8,000 feet. The range in Arizona is limited to reaches in the East Fork of the White River (Navajo County); Aravaipa, Deer, and Turkey creeks (Graham and Pinal counties); San Francisco and Blue rivers; and Eagle, Campbell Blue, and Little Blue creeks (Greenlee County). A population was discovered in the Black River in 1996.	Unlikely to occur. There is no aquatic habitat within the project area and the project area is outside of the geographic range of this species.	No effect.
Mexican gray wolf (<i>Canis lupus baileyi</i>)	E	Found in oak and pine-juniper savannahs in the foothills and in mixed-conifer woodlands at elevations above 4,000 feet. The last known naturally occurring U.S. specimen was found dead in New Mexico in 1970. In 1998, the first 11 Mexican wolves from captive stock were reintroduced into the wild as an experimental, nonessential population in the Apache National Forest in southeastern Arizona.	Unlikely to occur. There are no oak and pine-juniper savannahs and mixed-conifer woodlands in the project area.	No effect.
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	T	Found in mature, montane forests and woodlands and steep, shady, wooded canyons. Can also be found in mixed-conifer and pine-oak vegetation types. Generally nests in older forests of mixed conifers or ponderosa pine–Gambel oak. Nests in live trees on natural platforms (e.g., dwarf mistletoe brooms), snags, and canyon walls at elevations between 4,100 and 9,000 feet.	Unlikely to occur. The project area is outside the geographic range for breeding records of this species and does not contain mixed-conifer and pine-oak vegetation types.	No effect.
Navajo sedge (<i>Carex specuicola</i>)	T	Found in seeps and hanging gardens on vertical Navajo sandstone cliffs and alcoves at elevations between 4,400 and 7,000 feet. In Arizona, the range includes the Navajo Creek drainage east to the Rock Point–Mexican Water area.	Unlikely to occur. The project area does not contain any seeps or hanging gardens where Navajo sedge might be found.	No effect.
Peebles Navajo cactus (<i>Pediocactus peeblesianus</i> var. <i>peeblesianus</i>)	E	Found in weakly alkaline, gravelly soils where the host gravel can occur on a variety of substrates, including but not limited to the Shinarump conglomerate of the Chinle Formation. Most of the gravels that host this cactus are remnants of bars or terraces of Little Colorado paleochannel gravels. This species occurs at elevations ranging from 5,400 to 5,600 feet.	Unlikely to occur. The project area is outside of the geographic range of this species.	No effect.
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	E	Found in dense riparian habitats along streams, rivers, and other wetlands where cottonwood, willow, boxelder, saltcedar, Russian olive, buttonbush, and arrow weed are present. Nests are found in thickets of trees and shrubs, primarily those that are 13 to 23 feet tall, among dense, homogeneous foliage. Habitat occurs at elevations below 8,500 feet.	Unlikely to occur. The project area does not contain any riparian habitat or stands of dense vegetation.	No effect.

Table 1. Federally Listed Species Potentially Occurring in Navajo County, Arizona (Continued)

Range or habitat information is from Heritage Data Management System (HDMS 2008); USFWS Arizona Ecological Services Field Office (USFWS 2010); *Arizona Rare Plant Field Guide* (Arizona Rare Plant Committee n.d.); and Corman and Wise-Gervais (2005).

Common Name (Species Name)	USFWS Status*	Range or Habitat Requirements	Potential for Occurrence in Project Area	Determination of Effect
Northern Mexican gartersnake (<i>Thamnophis eques megalops</i>)	C	Found at 3,000–8,500 feet in cienegas, stock tanks, large-river riparian woodlands and forests, streamside gallery forests. Core population areas in the U.S. include mid/upper Verde River drainage, mid/lower Tonto Creek. Status on tribal lands unknown. Strongly associated with the presence of a native prey base including leopard frogs and native fish.	Unlikely to occur. Although status on tribal lands is unknown, the project area is well outside the geographic range of this species it does not contain cienegas, stock tanks, large-river riparian woodlands and forests, and streamside gallery forests where water is present.	No effect.
Roundtail chub (<i>Gila robusta</i>)	C	Warm streams and large tributaries of the Colorado River basin. Typical adult microhabitat consists of pools up to 6 feet deep adjacent to swifter riffles and runs.	Unlikely to occur. There is no aquatic habitat within the project area and the project area is outside of the geographic range of this species.	No effect.
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	C	Typically found in riparian woodland vegetation (cottonwood, willow, or saltcedar) at elevations below 6,600 feet amsl. Dense understory foliage appears to be an important factor in nest site selection. The highest concentrations in Arizona are along the Agua Fria, San Pedro, upper Santa Cruz, and Verde river drainages and Cienega and Sonoita creeks.	Unlikely to occur. The project area does not contain riparian woodland vegetation (cottonwood, willow, or saltcedar).	No effect.
Peregrine falcon (<i>Falco peregrinus</i>)	D	Found from 3,500 to 9,000 feet in areas with rocky, steep cliffs, primarily near water, where prey (primarily shorebirds, songbirds, and waterfowl) concentrations are high. Nests are found on ledges of cliffs, and sometimes on human-made structures such as office towers and bridge abutments.	Unlikely to occur. The project area does not contain suitable habitat for roosting, nesting, or foraging.	No effect.

***USFWS Status Definitions**

C = Candidate. Candidate species are those for which USFWS has sufficient information on biological vulnerability and threats to support proposals to list as endangered or threatened under the ESA. However, proposed rules have not yet been issued because they are precluded by other listing activity that is a higher priority. This listing category has no legal protection.

D = Delisted. Threats to this species have been eliminated or reduced to the point that the species has recovered and no longer meets the definition of threatened or endangered under the Endangered Species Act.

E = Endangered. The ESA specifically prohibits the take of a species listed as endangered. Take is defined by the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct.

T = Threatened. The ESA specifically prohibits the take of a species listed as threatened. Take is defined by the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct.

3.3.2 NNDFW Special Status Species

The NNDFW response letter indicated one species of concern known to occur within 3 miles of the proposed project site and 11 species of concern that have the potential to occur within the area indicated on the USGS Black Mesa Wash NW 7.5-minute quadrangle, which contains the project boundaries. The potential of occurrence is based primarily on quadrangle-wide coarse habitat characteristics and species range information. The species listed by the NNDFW are discussed in Table 2.

Twelve special status species listed on the Navajo Endangered Species list (NESL) were reported by the NNDFW for this project. Habitat descriptions and occurrences for Navajo Nation Endangered Species were obtained from the NNDFW, Navajo Natural Heritage Program (Mikesic et al. 2005).

Table 2. Special-Status Species with the Potential to Occur in the USGS 7.5-Minute Quadrangle Black Mesa Wash NW, Arizona, which Contains the Project Area

Species	Scientific Name	Status*	Range/Habitat Requirements	Likelihood of Occurrence in Project Area
Known to occur within 3 miles of the project site				
Rydberg's thistle	<i>Cirsium rydbergii</i>	NESL group 4	Found in hanging gardens, seeps and sometimes stream banks below hanging gardens. Habitat occurs at elevations between 3300 and 6500 feet.	Unlikely to occur.
Species with potential to occur on the USGS 7.5 minute Black Mesa Wash NW quadrangle				
Golden eagle	<i>Aquila chrysaetos</i>	NESL group 3; MBTA; EPA	Nests on steep cliffs, usually those adjacent to grasslands that provide foraging habitat.	Unlikely to occur.
Northern saw-whet owl	<i>Aegolius acadicus</i>	NESL group 4, MBTA	Nests in tree cavities in relatively open ponderosa pine, Douglas-fir, or mixed conifer forests; may also nest in old-growth riparian woodlands. Wintering habitat is variable but dense vegetation is critical.	Unlikely to occur.
Ferruginous hawk	<i>Buteo regalis</i>	NESL group 3; MBTA	Nests on low cliffs or rock pinnacles in badlands, grasslands, or desert scrub.	Unlikely to occur.
Mountain plover	<i>Charadrius montanus</i>	NESL group 4, USFWS T, MBTA	Typically nests in flat ($\leq 2^\circ$ slope) to slightly rolling expanses of grassland, semi-desert, or badland, in an area with short, sparse vegetation, large bare areas (often $\geq 1/3$ of total area), and that is typically disturbed (e.g. grazed); may also nest in plowed or fallow cultivation fields. Nest is a scrape in dirt often next to a grass clump or old cow manure pile. Migration habitat is similar to breeding habitat.	Unlikely to occur.
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	NESL group 2; USFWS E; MBTA	Found in dense riparian habitats along streams, rivers, and other wetlands where cottonwood, willow, boxelder, saltcedar, Russian olive, buttonbush, and arrow weed are present. Nests are found in thickets of trees and shrubs, primarily those that are 13 to 23 feet tall, among dense, homogeneous foliage. Habitat occurs at elevations below 8,500 feet.	Unlikely to occur.
Peregrine falcon	<i>Falco peregrinus</i>	NESL group 4; MBTA	Nests on cliffs, often near a forest habitat or a water source.	Unlikely to occur.
Black-footed ferret	<i>Mustela nigripes</i>	NESL group 2; USFWS E	Found on grassland plains in mountain basins at elevations below 10,500 feet, usually in association with prairie dogs, which serve as a primary source of food and burrows. Only reintroduced populations are known to exist in the wild. In Arizona, they occur only in Aubrey Valley in Coconino County.	Unlikely to occur.
Northern leopard frog	<i>Rana pipiens</i>	NESL group 2	Found in wetlands with permanent water and aquatic vegetation, especially cattails.	Unlikely to occur.

Table 2. Special-Status Species with the Potential to Occur in the USGS 7.5-Minute Quadrangle Black Mesa Wash NW, Arizona, which Contains the Project Area (Continued)

Species	Scientific Name	Status *	Range/Habitat Requirements	Likelihood of Occurrence in Project Area
Mexican spotted owl	<i>Strix occidentalis lucida</i>	NESL group 3; USFWS E; MBTA	Found in mature, montane forests and woodlands and steep, shady, wooded canyons. Can also be found in mixed-conifer and pine-oak vegetation types. Generally nests in older forests of mixed conifers or ponderosa pine-Gambel oak. Nests in live trees on natural platforms (e.g., dwarf mistletoe brooms), snags, and canyon walls at elevations between 4,100 and 9,000 feet.	Unlikely to occur.
Welsh's milkweed	<i>Asclepias welshii</i>	NESL group 3, USFWS T	Found in active sand dunes derived from Navajo sandstone in sagebrush, juniper, and ponderosa pine communities. Known populations occur from elevations between 5000 and 6230 feet.	Unlikely to occur.
Parish's alkali grass	<i>Puccinellia parishii</i>	NESL group 4	Found in Alkaline seeps, springs, and seasonally wet areas such as washes. Populations are known to occur from elevations between 5000 and 7200 feet.	Unlikely to occur.

* NESL = Navajo Endangered Species Lists

Group 2: Endangered; a species or subspecies whose prospects of survival or recruitment within the Navajo Nation are in jeopardy.

Group 3: Endangered; a species or subspecies whose prospects of survival or recruitment within the Navajo Nation are likely to be in jeopardy in the foreseeable future.

Group 4: Any species or subspecies for which the Navajo Nation Department of Fish and Wildlife NNDFW does not currently have sufficient information to support their being listed in G2 or G3 but has reason to consider them. The NNDFWL will actively seek information on these species to determine if they warrant inclusion in a different group or removal from the list.

EPA = Eagle Protection Act

MBTA = Migratory Bird Treaty Act

3.3 Species Name

RYDBERG'S THISTLE

Habitat and Range Requirements. Rydberg's thistle grows in hanging gardens, seeps, and sometimes stream banks below hanging gardens at elevations between 3,300 and 6,500 feet. On Navajo Nation lands, the distribution includes localities in Southern San Juan County, Utah, northern Coconino & Apache counties, Arizona. Flowers appear in late spring; fruits in September through October (Mikesic and Roth 2008).

Habitat Evaluation and Suitability. Rydberg's thistle grows in hanging gardens, seeps, and sometimes stream banks below hanging gardens. The proposed project area is within the known elevational range for Rydberg's thistle; however, there are no hanging gardens, seeps of stream banks below hanging gardens within the project area. Known occurrences and suitable habitat are near the project area (within 3 miles). The distance to known locations from the project area is unknown at this time.

Determination of Effect. The proposed project area is within the range for the Rydberg's thistle; however there is no suitable habitat for this species within the project area itself.

4.0 LIMITATIONS AND WARRANTY

Within the limitations of schedule, budget, and scope of work, SWCA warrants that this study was conducted in accordance with accepted environmental science practices, including the technical guidelines, evaluation criteria, and species' listing status in effect at the time this evaluation was performed, as outlined in the species evaluation.

The results and conclusions of this report represent the best professional judgment of SWCA scientists and are based on information provided by the project proponent and on information obtained from agencies and other sources during the course of the study. No other warranty, expressed or implied, is made. This report should be reviewed by the appropriate regulatory agencies prior to any detailed site-planning or construction activities.

5.0 LITERATURE CITED

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APPENDIX A
USFWS Species List

Navajo County

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Apache (Arizona) trout	<i>Oncorhynchus gilde apache</i>	Threatened	Yellowish to yellow-olive cutthroat-like trout with large dark spots on body. Dorsal, anal, and caudal fins edged with white. No red lateral band.	Apache, Coconino, Gila, Graham, Greenlee, Navajo	> 5,000 ft	Streams and rivers generally above 6,000 ft. elevation with adequate stream flow and shading; temperatures below 77 degrees F; and substrate composed of boulders, rocks, gravel and some sand and silt.	Presently restricted to drainages in the White Mountains. Hybridization with introduced trout has complicated efforts to maintain the genetic purity of some populations. Special regulations (4d Rule) allow Arizona to manage species as a sport fish.
Black-footed ferret	<i>Mustela nigripes</i>	Endangered	Weasel-like, yellow-buff coloration with black on feet, tail tip, and eye mask. It has a blunt light colored nose and is 15-18 inches long and tail length is 5-6 inches.	Apache, Coconino, Navajo, Yavapai	< 10,500	Grassland plains generally found in association with prairie dogs.	Unsurveyed prairie dog towns may be occupied by ferrets or may be appropriate for future reintroduction efforts. The Service developed guidelines for surveying prairie dog towns which are available upon request. No wild populations of this species are currently known to exist in Arizona. Reintroduced population exists in Aubrey Valley (Coconino County), Arizona.
California condor	<i>Gymnogyps californianus</i>	Endangered	Very large vulture (47 in. wingspan to 9 1/2 ft. weight to 22 lbs); adult plumage blackish; immature more brownish; adult wing linings white; immature mottled; head and upper parts of neck bare; yellow-orange in adults; grayish in mature.	Apache, Coconino, Mohave, Navajo, Yavapai	Varies	High desert canyons and plateaus.	Recovery program has reintroduced condors to Northern Arizona, with the first release (6 birds) in December 1998. The release site is located at the Vermilion Cliffs (Coconino County), with an experimental/nonessential area designated for most of Northern Arizona and Southern Utah. The area in Arizona is within a polygon formed by Hwy 191, Interstate 40, and Hwy 93, and extends north of the Arizona-Utah and Nevada borders. Breeding is documented in Arizona.

Friday, February 05, 2010

Navajo County

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COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Chiricahua leopard frog	<i>Lithobates [Pana] chiricahuensis</i>	Threatened	Cream colored tubercles (spots) on a dark background on the rear of the thigh, dorsolateral folds that are interrupted and deflected medially, and a call given out of water distinguish this spotted frog from other leopard frogs.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, Navajo, Pima, Santa Cruz, Yavapai	3,900-8,900 ft	Streams, rivers, backwaters, ponds, and stock tanks that are mostly free from introduced fish, crayfish, and bullfrogs.	Require permanent or nearly permanent water sources. Populations north of the Gila River may be a closely-related, but distinct, undescribed species. A special rule allows take of frogs due to operation and maintenance of livestock tanks on State and private lands.
Little Colorado spinedace	<i>Lepidomeda vittata</i>	Threatened	Small (<4 inches long) silvery minnow.	Apache, Coconino, Navajo	4,000-8,000 ft	Moderate to small streams; found in pools and riffles with water flowing over fine gravel and silt substrate.	Critical habitat includes eighteen miles of East Clear Creek, eight miles of Chevelon Creek, and five miles of Nutrioso Creek.
Loach minnow	<i>Tiaroga cobitis</i>	Threatened	Small (<3 inches) slender, elongated fish, olive colored with dirty white spots at the base of the dorsal and caudal fins. Breeding males vivid red on mouth and base of fins.	Apache, Cochise, Gila, Graham, Greenlee, Navajo, Pinal	< 8,000 ft	Benthic species of small to large perennial streams with swift shallow water over cobble and gravel. Recurrent flooding and natural hydrograph important.	Presently found in Aravaipa Creek, Deer Creek, Turkey Creek, Blue River, Campbell Blue Creek, San Francisco River, Eagle Creek, North Fork of the East Fork Black River, and White River in Arizona, and Dry Blue Creek, Pace Creek, Friesborn Creek, the Tularosa River, West Fork Gila River, and the mainstem upper Gila River in New Mexico. Populations have been recently reintroduced in Hot Springs and Redfield canyons in Cochise and Graham counties; Fossil Creek in Gila County; and Bonita Creek in Graham County, Arizona. Critical habitat (72 FR 13858-13422, March 21, 2007) found in Apache, Graham, Greenlee, and Pinal counties, Arizona, as well as portions of the Blue River, San Francisco River, Tularosa River, Nagito Creek, Pace Creek, Dry Blue Creek, Friesborn Creek, Whitewater Creek, Gila River, and its West, Middle, and East Forks in Catron, Grant, and Hidalgo counties in New Mexico.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Mexican gray wolf	<i>Canis lupus baileyi</i>	Endangered	Large dog-like carnivore. Head and feet are large in proportion to rest of body. Coat color varies with mix of brown, rust, black, gray, and white. Distinct white lip line around mouth. Adults weigh between 60-90 pounds.	Apache, Gila, Greenlee, Navajo	4,000-12,000 ft	Chaparral, woodland, and forested areas. May cross desert areas.	In March 1998, Mexican gray wolves were reintroduced as an experimental nonessential (100) population under a program to re-establish the subspecies to a portion of its historical range. Wolves are released within the experimental boundary into a designated area known as the "Blue Range Wolf Recovery Area" (BRWRA) located in the Apache National Forest in Greenlee and Apache counties. Mexican gray wolves found outside of the experimental nonessential boundary are considered endangered. In 2002, the White Mountain Apache tribe (WMAT) became one of the lead agencies for the reintroduction and allowed wolves on their lands. This effectively expanded the experimental nonessential population into Navajo, Apache, and Gila counties on WMAT lands.
Mexican spotted owl	<i>Strix occidentalis lucida</i>	Threatened	Medium sized with dark eyes and no ear tufts. Brownish and heavily spotted with white or beige.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Mohave, Navajo, Pinal, Pima, Santa Cruz, Yavapai	4,100-9,000 ft	Nests in canyons and dense forests with multi-layered foliage structure.	Generally nest in older forests of mixed conifer or ponderosa pine/gambel oak type, in canyons, and use variety of habitats for foraging. Sites with cool microclimates appear to be of importance or are preferred. Critical habitat was finalized on August 31, 2004 (69 FR 53182) in Arizona in Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Navajo, Pima, Pinal, Santa Cruz, and Yavapai counties.
Navajo sedge	<i>Carex speciosa</i>	Threatened	Perennial forb with triangular stems, elongated rhizomes. Flower: white June and July.	Apache, Coconino, Navajo	5,700-8,000 ft	Silty soils at shady seeps and springs.	Designated critical habitat is on the Navajo Nation near Inscription House Ruins. Found at seep springs on vertical cliffs of pink-red Navajo sandstone.
Peebles Navajo cactus	<i>Pediocactus peeblesianus</i> var. <i>peeblesianus</i>	Endangered	Very small globose 1 inch tall and about 0.75 inch in diameter. The 4 (3-5) radial spines are arranged in a twisted cross and central spines are absent. Flowers yellow-green 1 inch diameter spring.	Navajo	5,400-5,600 ft	Gravelly soils of the Shinanump conglomerate of the Chinle Formation.	Extremely limited geographic range. Difficult to grow in cultivation.

Friday, February 05, 2010

Navajo County

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COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Southwestern willow flycatcher	<i>Empidonax traillii oxiurus</i>	Endangered	Small passerine (about 6 inches) grayish-green back and wings, whitish throat, light olive-gray breast and pale yellowish belly. Two wingbars visible. Eye-ring faint or absent.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	< 8,500 ft.	Cottonwood/Willow and tamarisk vegetation communities along rivers and streams.	Migratory riparian-obligate species that occupies breeding habitat from late April to September. Distribution within its range is restricted to riparian corridors. Difficult to distinguish from other members of the <i>Empidonax</i> complex by sight alone. Training seminar required for those conducting flycatcher surveys. Critical habitat was finalized on October 19, 2005 (50 CFR 60886). In Arizona there are critical habitat segments in Apache, Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, and Yavapai counties.
Northern Mexican Gartersnake	<i>Thamnophis eques megalops</i>	Candidate	Background color ranges from olive, olive-brown, to olive-gray. Body has three yellow or light colored stripes running down the length of the body, darker towards tail. Species distinguished from other native gartersnakes by the lateral stripes reaching the 3rd and 4th scale rows. Paired black spots extend along dorsolateral fields.	Apache, Cochise, Coconino, Gila, Graham, Navajo, Pima, Pinal, Santa Cruz, Yavapai	130-8,500 ft.	Cienegas, stock tanks, large-river riparian woodlands and forests, streamside gallery forests.	Core population areas in the U.S. include midupper Verde River drainage, midlower Tonio Creek, and the San Rafael Valley and surrounding area. Status on tribal lands unknown. Distributed south into Mexico along the Sierra Madre Occidental and Mexican Plateau. Strongly associated with the presence of a native prey base including leopard frogs and native fish.
Roundtail chub	<i>Gila robusta</i>	Candidate	Member of the minnow family Cyprinidae and characterized by streamlined body shape. Color usually olive gray with silvery sides and a white belly. Breeding males develop red or orange coloration on the lower half of the cheeks and on the bases of paired fins. Individuals may reach 49.0 cm (19.3 in) but usually average 25-30 cm (9.8 - 11.8 in).	Apache, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pinal, Yavapai	1,000-7,500 ft.	Cool to warm waters of rivers and streams, often occupy the deepest pools and eddies of large streams.	Historical range of roundtail chub included both the upper and lower Colorado River basins. A 2009 status review determined that the lower Colorado River basin roundtail chub population segment (Arizona and New Mexico) qualifies as a distinct vertebrate population segment (DPS). Populations in the Little Colorado, Bill Williams, and Gila River basins are considered candidate species.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	Candidate	Medium-sized bird with a slender, long-tailed profile; slightly down-curved bill that is blue-black with yellow on the lower half. Plumage is grayish-brown above and white below, with rufous primary flight feathers.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	< 6,500 ft	Large blocks of riparian woodlands (cottonwood, willow, or tamarisk galleries).	Neotropical migrant that winters primarily in South America and breeds primarily in the U.S. (but also in southern Canada and northern Mexico). As a migrant it is rarely detected; can occur outside of riparian areas. Cuckoos are found nesting statewide, mostly below 5,000 feet in central, western, and southeastern Arizona. Concern for cuckoos are primarily focused upon alterations to its nesting and foraging habitat. Nesting cuckoos are associated with relatively dense, wooded, streamside riparian habitat, with varying combinations of Fremont cottonwood, willow, velvet ash, Arizona walnut, mesquite, and tamarisk. Some cuckoos have also been detected nesting in velvet mesquite, relict alder, and some exotic neighborhood shade trees.
American peregrine falcon	<i>Falco peregrinus anatum</i>	Delisted	A crow-sized falcon with slate blue-gray on the back and wings, and white on the underside; a black head with vertical "bandit's mask" pattern over the eyes; long pointed wings; and a long wailing call made during breeding. Very adept flyers and hunters, reaching diving speeds of 200 mph.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	3,500-9,000 ft	Areas with rocky, steep cliffs, primarily near water, where prey (primarily shorebirds, songbirds, and waterfowl) concentrations are high. Neats are found on ledges of cliffs, and sometimes on man-made structures such as office towers and bridge abutments.	Species recovered with over 1,650 breeding birds in the US and Canada.

APPENDIX B

SWCA Species of Concern Request and NNDFW Response Letters

TO: Navajo Natural Heritage Program
Navajo Nation Dept. Of Fish & Wildlife
ATTN: Sonja Detsoi, Wildlife Tech
P.O. Box 1480
Window Rock, AZ 86515
Phone#: 928-871-6472
Fax#: 928-871-7603
Email: sdetsoi@nndfw.org

FROM: SWCA Incorporated
Tom Koronkiwicz
114 N. San Francisco Street, Suite 100
Flagstaff, Arizona, 86001
Phone#: (928)774-5500
Fax#: (928) 779-2709
Email: tkoronkiwicz@swca.com

SUBJECT: Request for T & E Info.

PROJECT NAME/NUMBER:
Biological Evaluation for a One-Acre Residential Site

LOCATION:
Shonto, Navajo County, Arizona
Section 35, Township 36 N, Range 15 E
UTM: 527906 E 4036672 N (NAD 27)

SUMMARY DESCRIPTION OF PROJECT:
SWCA proposes to conduct a biological evaluation on a 1-acre parcel (proposed action) on Navajo Nation land, southwest of Shonto, AZ, north of Highway 160, and east of Highway 98. The parcel is being evaluated for the development of a home site/small church that will involve less than one acre of disturbance. The proposed action would be accessed via an existing, unimproved dirt road.

MAP NAMES:
USGS 7.5-minute topographic quadrangle map: Black Mesa Wash NW, AZ

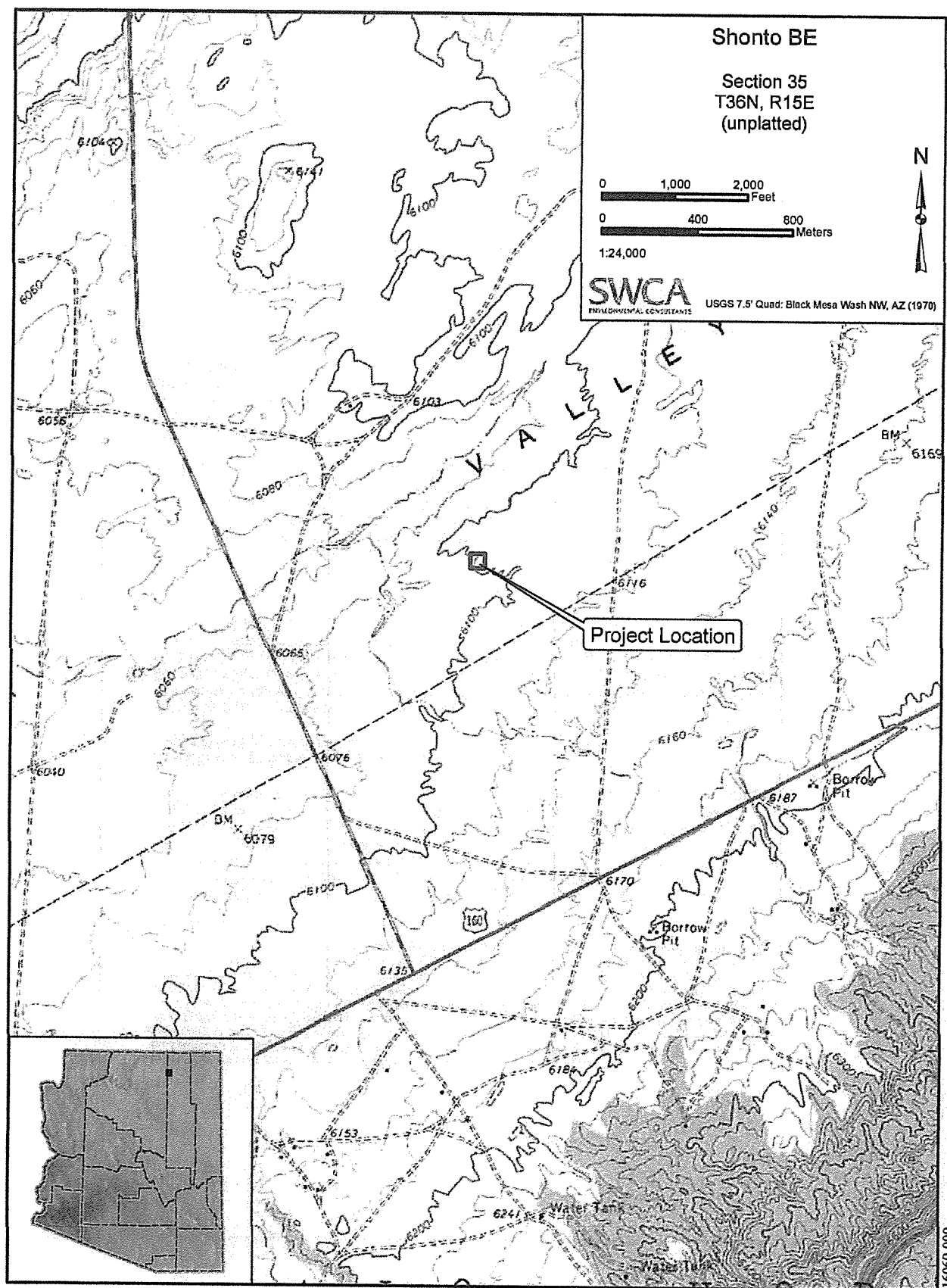


Figure 1. General location of the project area.

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Navajo Natural Heritage P 928-871-7603

P-1



THE
NAVAJO
NATION

JOE SHIRLEY, JR.
PRESIDENT

Ben Shelly
VICE PRESIDENT

Dept. of Fish & Wildlife • P.O. Box 1480 • Window Rock, AZ 86515 • (928) 871-6451 • Fax (928) 871-7069

30 December 2009

File#09SWCAD4

Tom Koronkiwicz
SWGA, Inc.
114 N. San Francisco Street
Suite 100
Flagstaff, AZ 86001

SUBJECT: PROPOSED DEVELOPMENT OF A HOME & SMALL CHURCH
LOCATED ON A 1-ACRE PARCEL LOCATED
NORTH OF HIGHWAY 160 AND EAST OF HIGHWAY 98
LEGAL DESCRIPTION SEC. 35, T36N, R15E
UTM COORDINATES 527906E, 4036672N
SHONTO, NAVAJO COUNTY, AZ

Mr. Koronkiwicz:

The following information on species of concern¹ is provided in response to your 08 December 2009 request concerning the subject project, which consists of the proposed 1-acre residential site. The 1-acre parcel is located southwest of Shonto north of Highway 160 and east of Highway 98. The 1-acre site is for a proposed home site/small church that will involve less than one acre of disturbance. The proposed action would be accessed via an existing unimproved dirt road. The legal description of the project site is T36N, R15E, Section 35, UTM Coordinates 527906E, 4036672N, Shonto, Navajo County, AZ.

Known to occur within three miles of the project site:

1. Chrysanthemum rydbergii (Rydberg's Thistle); NESL group 4.

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

1. Aquila chrysaetos (Golden Eagle); NESL group 3 MBTA; EPA.
2. Accipiter acadicus (Northern Saw-whet Owl); NESL group 4; MBTA.
3. Buteo regalis (Ferruginous Hawk); NESL group 4; MBTA.

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 any ESA candidate or NESL group 4 status; please be aware of these species during surveys and inform the NFWF of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these species in project planning and management is important for conservation and may contribute to ensuring they will not be implicated 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.

4. Charadrius montanus (Mountain Plover); NESL group 4; ESA proposed threatened; MBTA.
5. Empidonax traillii eximius (Southwestern Willow Flycatcher); NESL group 2; ESA endangered; MBTA.
6. Falco peregrinus (Peregrine Falcon); NESL group 4; MBTA.
7. Mustela nigripes (Black-footed Ferret); NESL group 2; ESA endangered.
8. Lithobates (Rana) pipiens (Northern Leopard Frog); NESL group 2.
9. Strix occidentalis lucida (Mexican Spotted Owl); NESL group 3; ESA threatened; MBTA.
10. Asclepias welshii (Welsh's Milkweed); NESL group 3; ESA threatened.
11. Puccinellia parishii (Parish's Alkali Grass); NESL group 4.

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

Potential for the black-footed ferret should be evaluated if prairie-dog towns of sufficient size (per NFWD guidelines) occur in the project area.

Potential for Puccinellia parishii should be evaluated if wetland conditions exist that contain white alkaline crusts.

Biological surveys need to be conducted during the appropriate season to ensure they are complete and accurate please refer to NN Species Accounts.⁴ Further questions pertaining to surveys should be referred to Species Account. Surveyors on the Navajo Nation must be permitted by the Director, NFWD. Contact Jeff Cole at (928) 871-7068 for permitting procedures. Questions pertaining to surveys should be directed to the NFWD Zoologist (David Mikesic) for animals at 871-7070. Questions regarding biological evaluations should be directed to Pamela Kyselka (Acting Environmental Reviewer) at 871-7065.

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

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

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

⁴ Available free of charge on our website at <http://nnp.navajofishandwildlife.org/>

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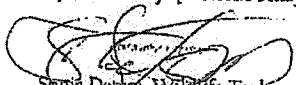
Navajo Natural Heritage P 928-871-7603

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An invoice for this information is attached.

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

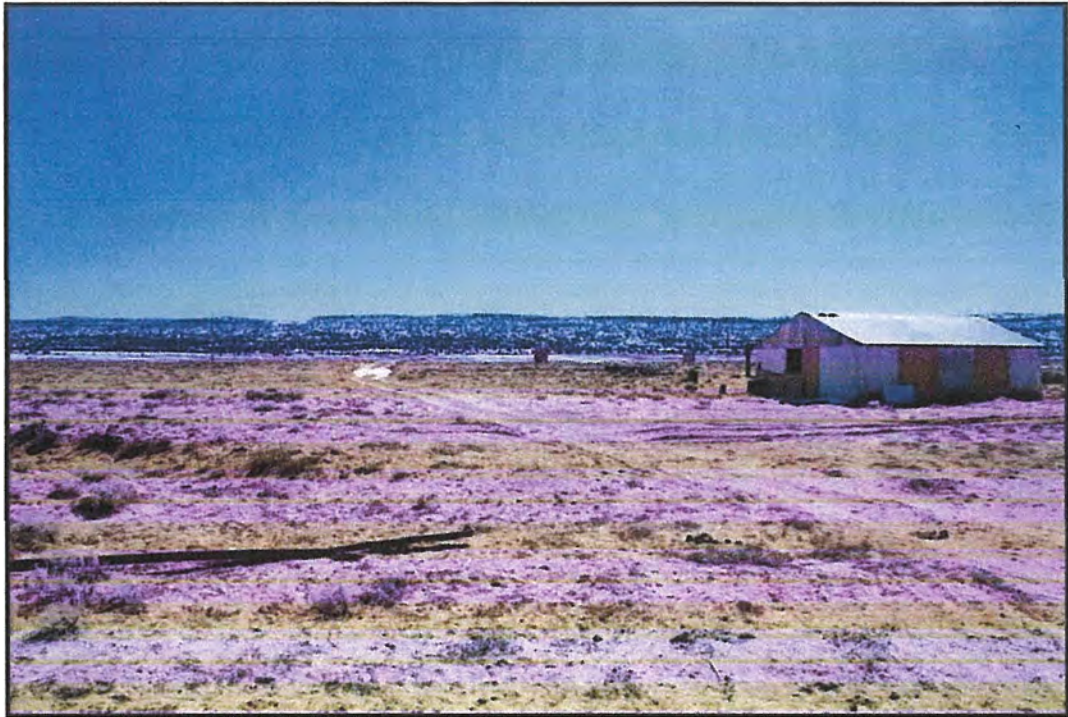


Sandra Detson, Wildlife Tech.
Natural Heritage Program
Department of Fish and Wildlife

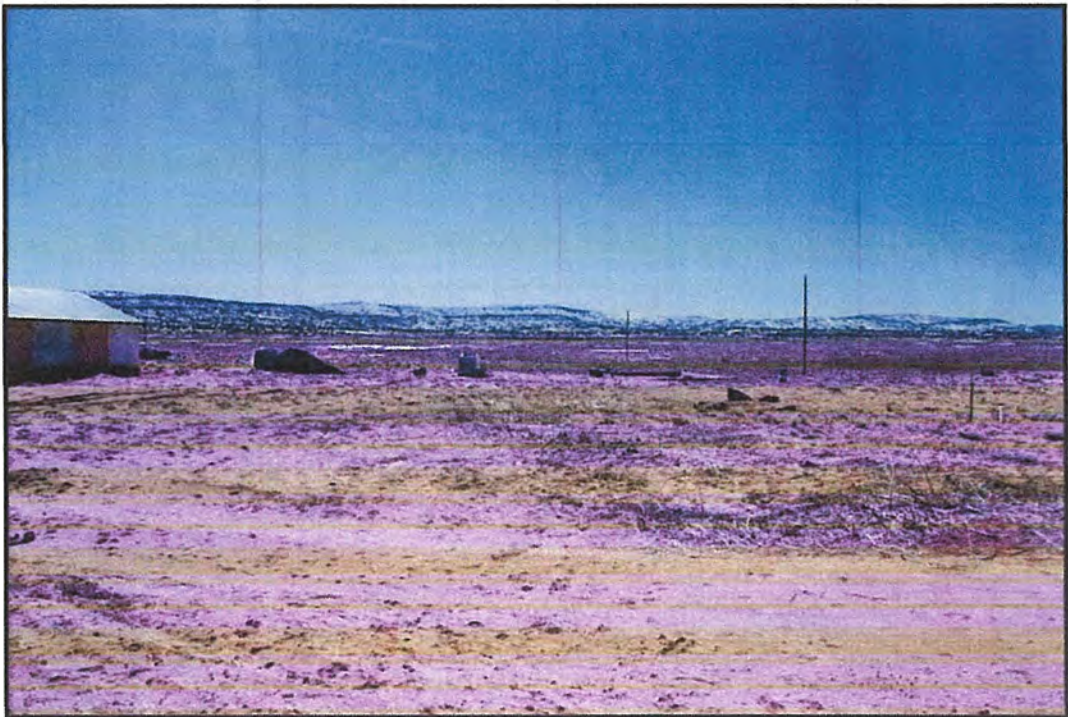
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APPENDIX C

Proposed Project Area Photographs



Photograph 1. View facing southeast. Photo taken from northern edge of parcel.



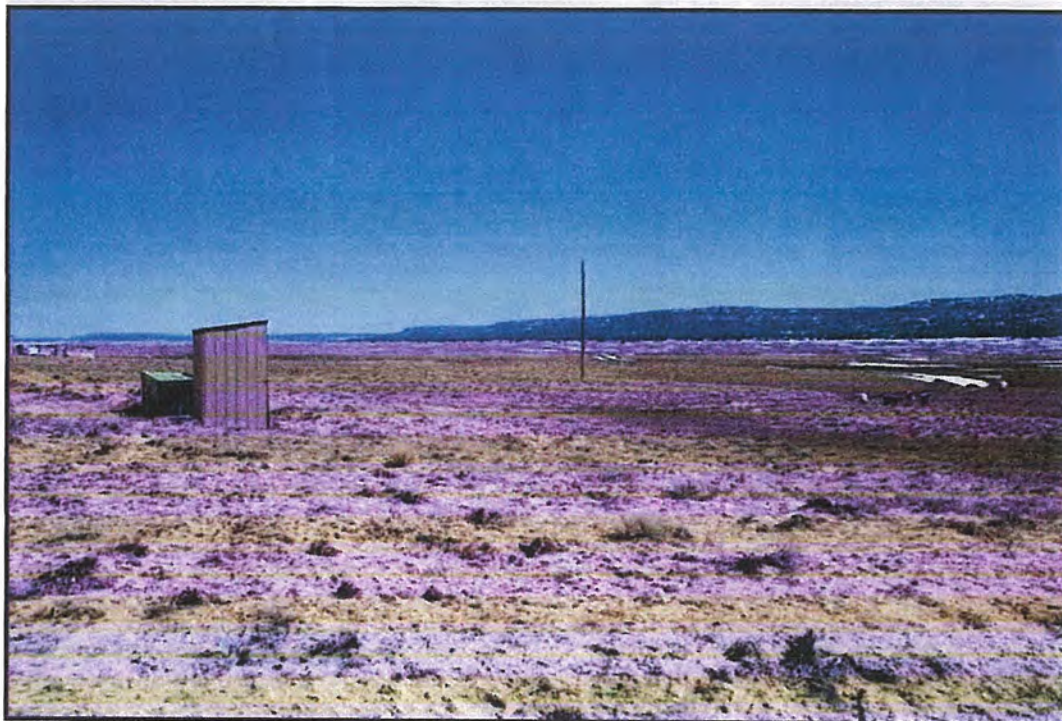
Photograph 2. View facing south. Photo taken from northern edge of parcel



Photograph 3. View facing southwest. Photo taken from northern edge of parcel.



Photograph 4. View facing north. Photo taken from center of parcel.



Photograph 5. View facing east. Photo taken from center of parcel.



Photograph 6. View facing west. Photo taken from center of parcel.

APPLICATION FOR MISSION SITE (RELIGIOUS SITE)
NAVAJO NATION LANDS



DATE: October 1, 2020

Tse Sianni Bible Church, Inc.
(NAME OF CHURCH)

P.O. Box 7248, Shonto, Az., 86054
(ADDRESS)

hereby makes an application for a religious site covering approximately 1.0 acres of Navajo Nation land located in Shonto, 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 checked="" type="checkbox"/> Supporting Chapter Resolution | <input checked="" type="checkbox"/> Land Use Consent |
| <input checked="" type="checkbox"/> Survey Plat | <input checked="" type="checkbox"/> Current Petition of Names |
| <input checked="" type="checkbox"/> Copy of Articles of Incorporation | <input checked="" type="checkbox"/> Other Supporting Documents |

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

This nonprofit local indigenous church will conduct religious activities, including weddings, funerals, Bible studies, camp meetings, fellowship meetings, and at the discretion of the Church Board may permit select community activities such as family funeral meetings, etc.

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

- ① Main Church, \$60,000⁰⁰ (sixty thousand dollars) Presently existing
- ② Fellowship Dining facility 30,000⁰⁰ (Thirty thousand dollars) Presently existing
- ③ Bathroom facility \$15,000⁰⁰ (fifteen thousand dollars) Presently existing
- ④ Ramada shade Building \$5,000⁰⁰ (five thousand dollars) Presently existing

Applicant's plan for development of water and sewer:

Navajo Tribal Utility Authority will be contacted to provide electrical and water hookup. Sewer system septic tank is in place to the bathroom building.

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

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

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

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

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

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

Lincoln Johnson

Authorized Agent (Print Name)



[Signature]

Authorized Agent (Signature)

P.O. Box 7248, Shonto, Az., 86054

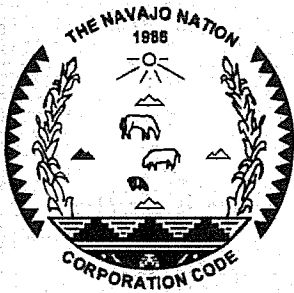
Address

928-797-0417

Phone Number

link to nick@yahoo.com

Email Address



NAVAJO NATION CORPORATION ACT

CERTIFICATE OF INCORPORATION

To all to Whom these Presents Shall Come, Greeting:

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

TSE SIANNI BIBLE CHURCH, INC.

File Number: 102611

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was on
the 28th day of July, 2020
authorized to transact business within the Navajo Nation as a DOMESTIC Corporation.

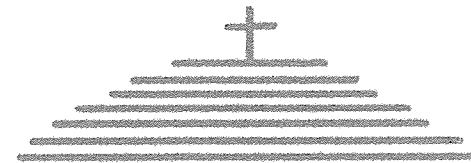
I FURTHER CERTIFY that this corporation has filed all affidavits and required
documents and paid all filing fees required and, therefore, is incorporated as a Domestic
Corporation.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Corporation Act at Window
Rock, Arizona, this 28th

day of July, 2020 A.D.

Alvin H. Wauneka
Manager, Business Regulatory Department



Tse Sianni Bible Church, Inc.

1 Mile Northeast of US 160 and AZ 98

FILED

JUL 28 REC'D

ARTICLES OF INCORPORATION

TSE SIANNI BIBLE CHURCH, INC.

Navajo Nation Corporation Act.
A. H. W. S.
Department Manager

#102611

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

ARTICLE I

Name:

The name of the corporation will be Tse Sianni Bible Church, Inc. Federal Employer ID Number (FEIN) is 86-0873933.

ARTICLE II

Duration:

*The duration of this incorporation shall be perpetual, until such time as the Tse Sianni Bible Church, Inc. Board Of Elders shall decide to dissolve the corporation.

ARTICLE III

Place Of Business

The principal office for the transaction of the business of the corporation shall be 1 Mile northeast of the junction of U.S. highway 160 and Arizona State highway 98, Tse Sianni Bible Church, Inc. C/O Lincoln S. Johnson, P.O. Box 7248, Shonto, Arizona, 86054

ARTICLE IV

Purpose:

The purpose for the incorporation of Tse Sianni Bible Church, Inc. will include any and all lawful affairs for which a corporation may be incorporated of nonprofit organizations.

ARTICLE V

Character Of Affairs

Tse Sianni Bible Church, Inc. will conduct Bible based religious activities, to include; Missions, Teaching, Discipling, Baptisms, weddings, funerals and Fellowships.

ARTICLE VI

The corporation, being religious and charitable in nature, and not created for business or profit, shall have no class of stock.

ARTICLE VII

The Tse Sianni Bible Church, Inc. will be overseen by a Board of Elders/Eldress, with the pastor as one of the Elders. Their terms of office will be until removed or resignation from office. The Board of Elders may from time to time set up committees as they see fit.

ARTICLE VIII

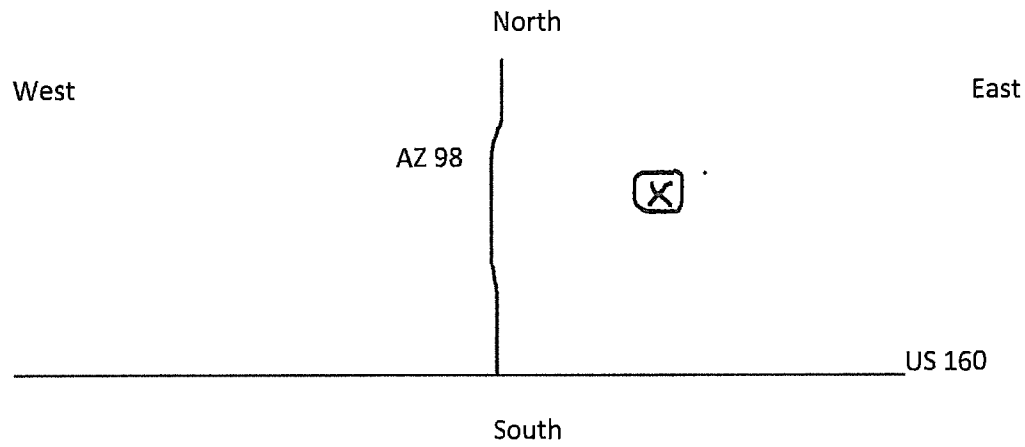
The undersigned incorporators, their successors in office, and other officers and members of this religious corporation, each and respectively, shall be forever exempt from liability and debts of every kind and nature which may occur or be incurred by this this corporation, likewise the private property of said incorporators, their successors in office, and other officers and member of this corporation, each and respectively, shall be forever exempt from any and all liability and debts of this corporation.

ARTICLE VIX

Initial Registered Agent

Name: Lincoln Scott Johnson

Physical Address: 1 mile northeast of US 160 and Arizona 98 junction



Mailing Address: Post Box 7248, Shonto, Arizona, 86054

ARTICLE X

Initial Board Of Directors

The Initial Board Of Directors will consist of The Board Of Elders which will be at least 1 (one). The following will be the Initial Board Of Directors:

1. Lincoln Scott Johnson
2. Smibert Henry Johnson
3. Kee Russell, Jr.
4. Harry Cody

ARTICLE XI

Incorporators

1. Lincoln Scott Johnson

 1 mile northeast of US Highway 160 and Arizona Highway 98 junction.

 Post Office Box 7248

 Shonto, Arizona, 86054
2. Smibert Henry Johnson

 1 mile northeast of US Highway 160 and Arizona Highway 98 junction.

 Post Office Box 7206

 Shonto, Arizona, 86054
3. Harry Cody

 HC33

 Post Office Box 444-9

 Wupatki, Arizona, 86004

 15 miles northwest of Leupp, Arizona
4. Kee Russell, Jr.

 P.O. Box 3186

 Tuba City, Arizona, 86045

ARTICLE XII

Dissolution Of Corporation

In the event that the corporation shall be recommended for dissolution by three-fourths (3/4) vote of the members that will recommend such action, the matter will then come before the Board Of Elders/Eldress. The Board Of Elders will prayerfully wait 365 days and then meet in a duly called meeting to vote on the dissolution on the three hundred-sixty sixth day (366). The Board Of Elders must then be unanimous, with none abstaining and none opposed in favor of the dissolution, if not able to obtain consensus of one hundred percent (100%), counsel will be obtained to consider other options.

ARTICLE XIII

ASSETS

The Tse Sianni Bible Church, Inc. will have assets. If dissolved the assets will be divided to like nonprofit christian churches, non profit christian charitable organizations on the Navajo Nation and to settle Tse Sianni Bible Church, Inc. liabilities.

ARTICLE XIV

The fiscal year for Tse Sianni Bible Church, Inc. will be from January 1 and ending December 31 of each year.


ARTICLE XV

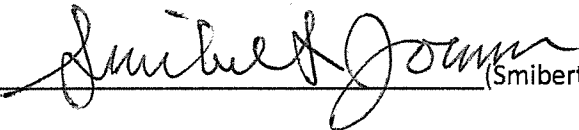
The meeting for the adoption of these articles and the election of the undersigned Trustees was held the 1st day of March , 2020, at 1:00 o'clock P.M., at Shonto, Arizona.

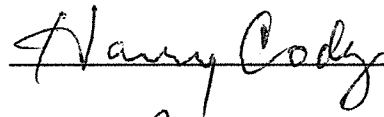
ARTICLE XVI

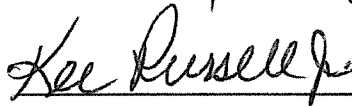
We, the undersigned, on behalf of Tse Sianni Bible Church, Inc. do hereby agree that Tse Sianni Bible Church, Inc. will abide by all criminal , regulatory and civil laws of The Navajo Nation, except where it conflicts with the Bible.

Signed:

_____(Lincoln Scott Johnson)

_____(Smibert Henry Johnson)

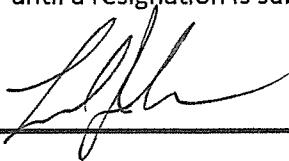
_____(Harry Cody)

_____(Kee Russell, Jr.)

ACKNOWLEDGEMENT OF THE REGISTERED AGENT

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

(Signed)



Post Office Box 7248

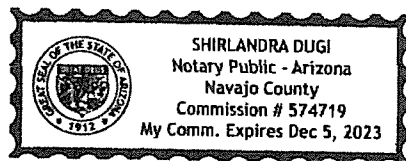
Shonto, Arizona, 86054


1 mile northeast of US 160 and Arizona 98 junction

State of ARIZONA)

County Of Navajo)

The foregoing instrument was acknowledged before me this 9th day of July, 2020.




(Notary Public)

My Commission Expires 12/5/2023

Sliding Fee Scale Form for Mission Site Permits

Application Information		Today's Date: <u>October 1, 2020</u>	
Applicant Name: <u>Tse Sianni Bible Church, Inc</u>			
Mailing Address: <u>90 Lincoln Johnson</u>	City: <u>Shonto</u>	State: <u>Arizona</u>	Zip: <u>86054</u>
Phone #: <u>(928) 797-0417</u>	Fax #: () <u>None</u>	Congregation Size: <u>20</u>	Acres requested: <u>1.0</u>

Income Information

Source	Amount	Frequency (Circle One)		
Offerings/Tithes	\$ 208 ⁰⁰	Weekly	<u>Monthly</u>	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
	\$	Weekly	Monthly	Yearly
Total	\$ 208 ⁰⁰	Weekly	<u>Monthly</u>	Yearly

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

Name (Print): Lincoln Johnson

Signature: [Signature]

Date: October 1, 2020

EXECUTIVE OFFICIAL REVIEWTitle of Document: Mission Site, Tse Sianni Bible Church Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: e_yazzie@navajo-nsn.gov Phone Number: 928-871-6447☐ **Business Site Lease** **Sufficient** **Insufficient**1. Division: _____ Date: _____ ☐ ☐2. Office of the Controller: _____ Date: _____ ☐ ☐

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

3. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**1. Division: _____ Date: _____ ☐ ☐2. Office of the Attorney General: _____ Date: _____ ☐ ☐☐ **Fund Management Plan, Expense 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: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Office of the Attorney General: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

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

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

☐ Rights of Way

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

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

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

☐ Assignment of Mineral Lease

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

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

- | | | | | |
|-------------|-------|-------------|--------------------------|--------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Minerals | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. NNEPA | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. OPVP | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

☒ OTHER: Mission Site Lease

- | | | | | |
|-----------------------------|-------|-----------------|-------------------------------------|-------------------------------------|
| 1. NLD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. F&W | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. HHPD | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. NNEPA | _____ | Date: 2/16/2022 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. DNR | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. DDC <i>Paul L. Ch...</i> | _____ | Date: 11-5-20 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. DOJ - (109-14-21) | _____ | Date: 4/10/20 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. OPVP | _____ | Date: 9/13/21 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- Navajo Department*

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



February 16, 2022


MEMORANDUM

TO: Executive Reviewers

THROUGH:


Valinda Shirley, Executive Director
Navajo Nation Environmental Protection Agency

FROM:


Eugenia Quintana, Environmental Department Manager
Air & Toxics Department

SUBJECT: **Document No. 015267: Mission Site, Tse Sianni Bible Church, Shonto, Arizona.**

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

According to information from the review package, the Tse Sianni Bible Church anticipates future expansion and development within the proposed 1.0± acres of the mission site permit area.

1. Unlike previous packages for mission site permits, this Document No. 015267 packet did not contain a Check List for Mission Site Application. Previous Check Lists for mission site permits provided indication and/or check marks at #11, "ENVIRONMENTAL ASSESSMENT REPORT REVIEWED BY THE Navajo Environmental Protection Agency to ensure there is no contaminated or hazardous materials. NNEPA Office (928) 871-7692." If the Check List has been completed and the Environmental Assessment Report was reviewed and concurred by the Navajo Nation Environmental Protection Agency (NNEPA), a copy of the Check List should be included with this package, and a copy of the Environmental Assessment Report that shows the report was reviewed and approved by the NNEPA should also be included.
2. A FONSI document was not located among the supporting documents. A copy of the FONSI for the Environmental Assessment should accompany the supporting material.
3. The Terms and Conditions provide that the Permittee will abide by all laws and regulations of the Navajo Nation and of the United States. Attention is directed to the following:

- a. **Navajo Nation Open Burning Regulations (NNOBR), 4 N.N.C., Chapter 11**, particularly at §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Households, businesses, and other organizations are responsible to ensure waste generated from their activities are properly managed. Exempted burn activities should be voluntarily registered. In the event that the church will utilize open burning in its related activities, the Applicant should become familiar with activities for which burn registrations should be pursued.
- b. **NESHAP 40 CFR §61.145, Subpart M**, for applicable demolition and renovation activities. For asbestos NESHAP, USEPA Region 9 has sole jurisdiction over all 25 tribal lands in Arizona. There are no Navajo Nation laws or regulations specifically related to asbestos. For asbestos (the pollutant) from a source such as demolition, the contractor would need to provide notification, wet and remove friable asbestos (40 CFR Part 61). For waste disposal related to demolition/renovation as a source, the contractor would need to provide notification and ensure there are no visible emissions from the removal activity(ies).

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

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




- c. **Navajo Nation Air Pollution Prevention and Control Act (Navajo Clean Air Act)**, 4 N.N.C. §§ 1134-40, Air Quality Control Programs. Provisions include Best Management Practices (BMPs) to control dust that would be generated during earth moving activities. Details the BMPs to control excessive amounts of particulates.
- d. **Navajo Nation Solid Waste Act**. Prohibits open dumping and regulates disposal of solid waste. Section 201 of the Act prohibits the improper disposal of solid waste. Open dumping is defined as the act of depositing solid waste in a non-complying manner or management practice. Solid waste generated from activities at this location should continue to be properly disposed of. Section 204 prohibits all open dumping on the Navajo Nation. Households, businesses, and other organizations are responsible to ensure waste generated from their activities are properly managed. To review the applicable sections of the Act, see <https://www.navajonationepa.org/Pdf%20files/Solid%20Waste.pdf>; for additional information, you may contact 928-871-7923 or 871-7816.
- e. **Section 402 of the Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges**. The CWA regulations implementing Section 402, define “storm water discharge associated with industrial activity” to include discharges associated with construction activity, including clearing, grading, and excavation resulting in land disturbance of 1.0 acre or more. Operators at construction sites that involve clearing, grading, and excavating activities that disturb 1.0 acre or

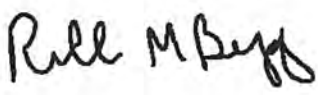
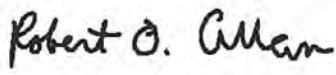
more will need to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges. A Notice of Intent (NOI) will need to be submitted to USEPA 14 days prior to earthmoving activities, including development of a Storm Water Pollution Prevention Plan (SWPPP) prior to NOI submission. The Water Quality Section can be contacted at 928/871-7185.

4. For water and wastewater infrastructure already in place, or planned for future development, the following conditions are applicable:
 - a. All proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must comply with the design review and construction permit requirements of the Public Water Supervisions Systems Program (PWSSP), pursuant to §§ 1501 and 1601 of the Navajo Nation Primary Drinking Water Regulations.
 - b. Backflow Prevention Devices, Part 2000 of the Navajo Nation Primary Drinking Water Regulations requires all entities to install backflow prevention devices to ensure the protection of water from any potential backflow incident whereby the water could become contaminated. You may contact the PWSS Program at 928/871-7755 to learn more about the backflow prevention devices.
 - c. All proposed wastewater projects will need to 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.

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

Cc: Yolanda Barney, Delegated Environmental Department Manager, SGWP
Warren Roan, Environmental Department Manager, WRCD

Tier 1 Document Voting Results							
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	12-Oct-2020	
Pam Kyselka (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	28-Oct-2020	
Rebecca Gilchrist (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	15-Oct-2020	
Tamara Billie (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	1. NTM-90-303.	1. No Reply	13-Oct-2020	

Tier 2 Document Voting Results							
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Leanna Begay (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	29-Oct-2020	
Richard Begay (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	28-Oct-2020	
Robert Allan (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	1. CONDITIONAL: 1) Needs Navajo Nation Council Delegate endorsement, unless Chapter support	1. No Reply	03-Nov-2020	

Windowrock
AZ)

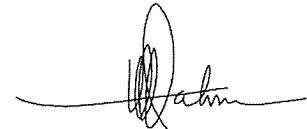
resolution
provides such
endorsement. 16
N.N.C. Section
1153.B.4.

Steven Prince MIN Technical Reviewer Navajo Nation Minerals Management Approved no comments No Reply 28-Oct-2020
(Navajo Land Title Data System



-
Windowrock
AZ)

W. Mike Halona (NLTDS - Admin) NLD Department Manager III NLD Approved no comments No Reply 28-Oct-2020





NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ	
9/13/21	2:34 PM
DATE / TIME	
<input type="checkbox"/> 7 Day Deadline	
DOC #:	15267 #2
SAS #:	
UNIT:	Nm

☒ RESUBMITTAL
(Nov. 2020)

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

CLIENT TO COMPLETE

DATE OF REQUEST:	09/13/2021	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	Michelle Hoskie or Steve	DEPARTMENT:	GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER:	x 6447 or x 6423	E-MAIL:	michellehoskie@navajo-nsn.gov

TITLE OF DOCUMENT: EOR# 015267 Tse Sianni Bible Church Mission Site

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT:	9/13/21 4:30 PM	REVIEWING ATTORNEY/ADVOCATE:	Trina Chee 9/22/21
DATE TIME OUT OF UNIT: 9-15-21 9:42 AM			

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Trina Chee	9-14-21	V Blackhat	9/15/21 8:27 AM

DOJ Secretary Called: Michelle for Document Pick Up on 9-15-21 at 9:42 AM By: CN

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

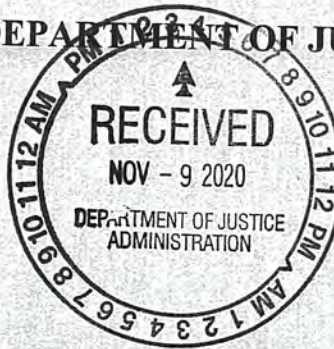
NNDOJ/DRRF-July 2013

- ELOD -



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
11-9-20 @ 334p
DATE / TIME
☐ 7 Day Deadline
DOC #: 015287
SAS #:
UNIT: NNM

☐ RESUBMITTAL

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

CLIENT TO COMPLETE

DATE OF REQUEST: 11/9/2020 DIVISION: NATURAL RESOURCES
CONTACT NAME: Michelle Hoskie DEPARTMENT: GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER: x 6447 or x 6423 E-MAIL: michellehoskie@navajo-nsn.gov

TITLE OF DOCUMENT: EOR# 15267, Mission Site Tse Sianni Bible Church

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 11/10/20 8:00 AM REVIEWING ATTORNEY/ADVOCATE: Winn Chee 11/20/20
DATE TIME OUT OF UNIT: 11/10/20 4:10 PM

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally insufficient. See my memo.

REVIEWED BY: (Print) Date / Time SURNAME BY: (Print) Date / Time
James H. 11-10-20 V Blackhat 11/20/20 3:54pm

DOJ Secretary Called: Michelle for Document Pick Up on 11/10/20 at 4:10pm By: CJ

PICKED UP BY: (Print) DATE / TIME: 2:07
11/12/20

NNDJ/DRRF-July 2013

- ELDD -

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

FOURTH YEAR 2022

**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0041-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A MISSION SITE PERMIT FOR 1.0 ACRE, MORE OR LESS, FOR TSE SIANNI BIBLE CHURCH, INC., IN THE VICINITY OF SHONTO CHAPTER, NAVAJO NATION. *Sponsor: Honorable Herman M. Daniels Co-Sponsor: Honorable Seth Damon*

Date: March 2, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

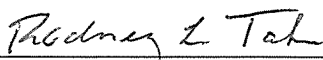
M: Thomas Walker, Jr. **S:** Wilson C. Stewart, Jr. **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*

Amendment #1 Motion:

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



Honorable Rickie, *Chairperson*
Resources and Development Committee



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