

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016**

**AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A
REVOCABLE USE PERMIT FOR AZEE'BEE NAHAGHA OF DINÉ NATION OF
WHIPPOORWILL CHAPTER ON NAVAJO NATION TRUST LANDS IN THE
VICINITY OF WHIPPOORWILL, NAVAJO NATION (NAVAJO COUNTY, ARIZONA)**

Section One. Standing Committee Authority

Pursuant to 16 N.N.C., Section 1151 (C), the Resources and Development Committee of the Navajo Nation Council has the authority to give approval on behalf of the Navajo Nation, all permits for Mission Sites; and

Section Two. Title 16 Provisions with Respect to Mission Sites

A. Pursuant to 16 N.N.C. Section 1153 (B) the application for a mission site shall contain:

1. An exact description of the Navajo Nation land for which application is made.
2. A detailed statement of the purpose or purposes for which the 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, the application shall set forth fully the extent and character thereof.
3. A signed petition of a substantial number of Navajos residing in the vicinity of the proposed site endorsing the proposed permit.
4. An endorsement of Navajo Nation Council Delegates of the District in which the proposed site is located.
5. A description of buildings and improvements to be placed on Navajo Nation lands and an estimate of the cost thereof.

B. Pursuant to 16 N.N.C. § 1155 the Resources and Development Committee is authorized to deny or grant, on behalf of the Navajo Nation, any permit with special consideration to the establishment of too many missions in any one area or at any one point.

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

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 The Resources and Development Committee may, in the case of applications for mission sites in or near areas withdrawn for townships in the Navajo Nation, limit site acreage to less than two and five-tenths (2 5/10) acres, and may set rental fees with due regard for present or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

Section Three. Findings

A. The Azee'Bee Nahagha of Diné Nation of Whippoorwill Chapter, Post Office Box 4228, Blue Gap, Arizona 86520 has applied for a Revocable Use Permit within the Whippoorwill Chapter vicinity to conduct Native American ceremonies, conferences, and meetings, as further described herein in Exhibit "A",⁴ attached hereto and incorporated herein by this reference; and

B. The site encompasses 1.50 acres of Navajo Nation trust lands located in the Southeast (SE1/4) of Section 9, Township 30 North, Range 21 East, Whippoorwill Spring area, Navajo Nation (Navajo County, Arizona). The land description appears on the survey plat attached hereto and incorporated herein as Exhibit "B"; and

C. The District Grazing Official, David Shonie identified two land users named Lena Joe and Haskie Ben, who gave their consents without objection and their consent is attached hereto as "Exhibit "C"; and

D. The chapter resolution and the signed petition by the local residents along with the Biological, Historical, Cultural and Archaeological surveys and clearances for this permit were completed including an Environmental Assessment and are all attached herein as Exhibit "D"; and

E. On June 16, 2015, the Resources and Development committee of the Navajo Nation Council through resolution RDCJN-33-15 delegated the director of Navajo Land Department, Division of Natural Resources, the power and authority to give final approval of all land withdrawal designations on the Navajo Nation. The Land Withdrawal Designation has been approved for The Azee'Bee Nahagha of Diné Nation of Whippoorwill Chapter for 1.5 acres of tribal trust land for five (5) years, attached hereto land withdrawal designation from Navajo Land Department as Exhibit "E"; and

F. It is in the best interest of Whippoorwill community and the Navajo Nation that a Revocable Use Permit be approved for The Azee'Bee Nahagha of Dine Nation of Whippoorwill Chapter.

Section Four. Approval

A. Resources and Development Committee of the Navajo Nation Council hereby approves and consents to the Revocable Use Permit, subject to, but not limited to the attached Terms and Conditions contained herein as Exhibit "F" which is attached hereto and incorporated herein by this reference.

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

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, 1 abstained this 19th day of February, 2016.

A handwritten signature in blue ink, appearing to read 'Alton Joe Shepherd', is written above the printed name.

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

Motion: Honorable Walter Phelps
Second: Honorable Davis Filfred

LEGISLATIVE SUMMARY SHEET

Tracking No. DD38-16

DATE: January 29, 2016

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR AZEE'BEE NAHAGHA OF DINÉ NATION OF WHIPPOORWILL CHAPTER ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF WHIPPOORWILL, NAVAJO NATION (NAVAJO COUNTY, ARIZONA)

PURPOSE: Approving a Revocable Use Permit for Azee'Bee Nahagha of Diné Nation of Whippoorwill Chapter on Navajo Nation Trust Lands in the vicinity of Whippoorwill Chapter, Navajo Nation (Navajo County, Arizona). The Revocable Use Permit requested is for 1.5 acres.

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

5-DAY BILL HOLD PERIOD: waiving
Website Posting Time/Date: _____
Posting End Date: 2/8/2016
Eligible for Action: 2/9/2016

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- Second Year, 2016

INTRODUCED BY

Dwight Witherpoon
(Prime Sponsor)

TRACKING NO. 0038-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A
REVOCABLE USE PERMIT FOR AZEE'BEE NAHAGHA OF DINÉ NATION OF
WHIPPOORWILL CHAPTER ON NAVAJO NATION TRUST LANDS IN THE
VICINITY OF WHIPPOORWILL, NAVAJO NATION (NAVAJO COUNTY,
ARIZONA)

Section One. Standing Committee Authority

Pursuant to 16 N.N.C., Section 1151 (C), the Resources and Development
Committee of the Navajo Nation Council has the authority to give approval on
behalf of the Navajo Nation, all permits for Mission Sites; and

Section Two. Title 16 Provisions with Respect to Mission Sites

A. Pursuant to 16 N.N.C. Section 1153 (B) the application for a mission site shall
contain:

1. An exact description of the Navajo Nation land for which application is made.
2. A detailed statement of the purpose or purposes for which the 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, the application shall set
forth fully the extent and character thereof.

3. A signed petition of a substantial number of Navajos residing in the vicinity of the proposed site endorsing the proposed permit.
4. An endorsement of Navajo Nation Council Delegates of the District in which the proposed site is located.
5. A description of buildings and improvements to be placed on Navajo Nation lands and an estimate of the cost thereof.

B. Pursuant to 16 N.N.C. § 1155 the Resources and Development Committee is authorized to deny or grant, on behalf of the Navajo Nation, any permit with special consideration to the establishment of too many missions in any one area or at any one point.

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

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

Section Three. Findings

A. The Azee'Bee Nahagha of Diné Nation of Whippoorwill Chapter, Post Office Box 4228, Blue Gap, Arizona 86520 has applied for a Revocable Use Permit within the Whippoorwill Chapter vicinity to conduct Native American ceremonies, conferences, and meetings, as further described herein in Exhibit "A", attached hereto and incorporated herein by this reference; and

- 1 B. The site encompasses 1.50 acres of Navajo Nation trust lands located in the
2 Southeast (SE1/4) of Section 9, Township 30 North, Range 21 East, Whippoorwill
3 Spring area, Navajo Nation (Navajo County, Arizona). The land description appears
4 on the survey plat attached hereto and incorporated herein as Exhibit "B"; and
- 5 C. The District Grazing Official, David Shonie identified two land users named Lena
6 Joe and Haskie Ben, who gave their consents without objection and their consent is
7 attached hereto as "Exhibit "C"; and
- 8 D. The chapter resolution and the signed petition by the local residents along with the
9 Biological, Historical, Cultural and Archaeological surveys and clearances for this
10 permit were completed including an Environmental Assessment and are all attached
11 herein as Exhibit "D"; and
- 12 E. On June 16, 2015, the Resources and Development committee of the Navajo Nation
13 Council through resolution RDCJN-33-15 delegated the director of Navajo Land
14 Department, Division of Natural Resources, the power and authority to give final
15 approval of all land withdrawal designations on the Navajo Nation. The Land
16 Withdrawal Designation has been approved for The Azee'Bee Nahagha of Diné
17 Nation of Whippoorwill Chapter for 1.5 acres of tribal trust land for five (5) years,
18 attached hereto land withdrawal designation from Navajo Land Department as
19 Exhibit "E"; and
- 20 F. It is in the best interest of Whippoorwill community and the Navajo Nation that a
21 Revocable Use Permit be approved for The Azee'Bee Nahagha of Dine Nation of
22 Whippoorwill Chapter.

23
24 **Section Four. Approval**

- 25 A. Resources and Development Committee of the Navajo Nation Council hereby
26 approves and consents to the Revocable Use Permit, subject to, but not limited to the
27 attached Terms and Conditions contained herein as Exhibit "F" which is attached
28 hereto and incorporated herein by this reference.
- 29
30

1 B. The Resources and Development Committee of the Navajo Nation Council does
2 hereby authorize President of the Navajo Nation to execute all documents to affect
3 the intent and purpose of this resolution.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30



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

President, Navajo Nation
Window Rock, Arizona

Date July 17, 2014

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

PO Box 4228 Blue Gap Az 86520
(Address)

hereby makes application for a religious site covering approximately 1 1/2 acres of Navajo Nation land located in Whippoorwill, Navajo County, Arizona/New Mexico, as shown on the attached map.

After the local chapter approval of this application and with approval of land clearance given by the Navajo Land Department, a survey plat and legal description of the site prepared by a licensed or registered surveyor shall be submitted to the Navajo Land Department or the Bureau of Indian Affairs for review.

In support of said application, the applicant hereby submits the following information:

- | | |
|--|---|
| <input type="checkbox"/> Articles of Incorporation | <input type="checkbox"/> Land Use Consent |
| <input type="checkbox"/> Chapter Resolution | <input type="checkbox"/> Survey Plat |
| <input type="checkbox"/> Petition of Names | <input type="checkbox"/> Other Supporting Documents |

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

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

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

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

Applicant's plan for development of water and sewer.

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

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

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

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

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

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

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

Sylvia Mike
(Print Name) Authorized Agent

[Signature]
(Signature) Authorized Agent

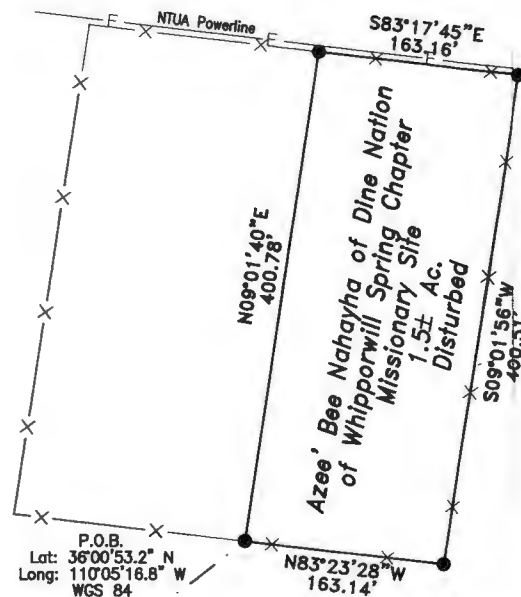
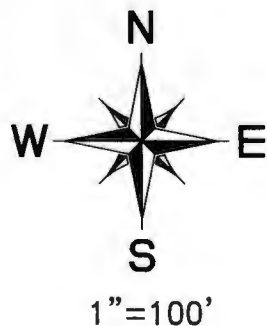
PO Box 4228 Bluecap, Az 86520
Address

928 725-3455 / 928 225-7789
Phone

EXHIBIT

B

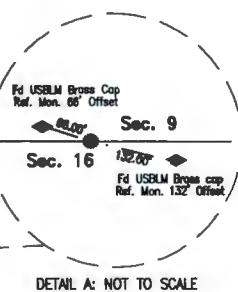
A RECORD OF SURVEY
LOCATED IN THE
SE1/4 OF SECTION 9, T30N, R21E G&SRM
NAVAJO COUNTY, ARIZONA



Ref. Mon. 66' Offset
Fd USBLM Brass Cap
Lat: 36°00'45.2" N
Long: 110°05'28.8" W
WGS 84

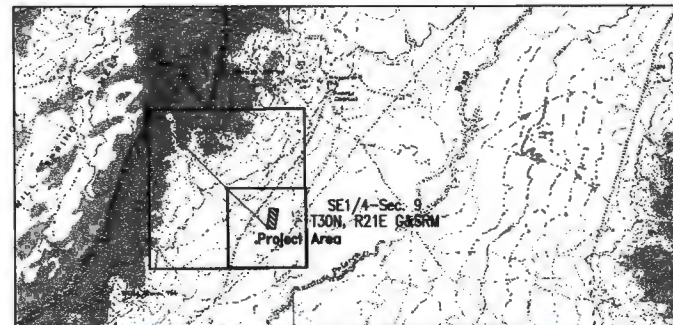
S9
S16
DETAIL A

N50°59'49"E
(tie) 1,291.80'



Basis of Bearing: Solar Observation 10-10-13 PM
● Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163
AZPLS #29894

Lease Area is Disturbed
Utilities are as shown



VICINITY MAP NOT TO SCALE

Legal Description.

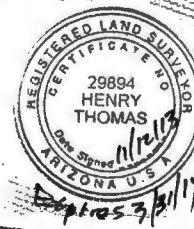
A tract of land located in the Southeast Quarter (SE1/4) of Section 9, Township 30 North, Range 21 East, G.&S.R.M., Navajo County, Arizona situated in the Whipporwill Spring area and is more particularly described as follows:

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

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

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

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



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

RED VALLEY SURVEY
P.O. Box #2827, Shiprock NM 87420
(505)320-0479
AZEE' BEE NAHAYHA OF DINE NATION OF WHIPPORWILL SPRING CHAPTER MISSIONARY SITE SURVEY
1.50± Ac. District 10, Chinle Agency
SE1/4, Sec. 9, T30N, R21E, G&SRM
Whipporwill, Navajo County, Arizona

Drawn By: HT
Approved: HT
DATE: 11/12/13
SCALE: 1"=100'

RVS#13-248



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



PETER MACDONALD
CHAIRMAN, NAVAJO TRIBAL COUNCIL

FRANK E. PAUL
VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

JAN 15 1982

MEMORANDUM

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

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

SUBJECT : Land Withdrawal for Native American Church Services.

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

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

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

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

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

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

TO WHOM IT MAY CONCERN:

I, Haskie Ben, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Azee' Bee Nahagha of Dine Nation (Church) located approximately 2 miles from Whippoorwill Chapter to use approximately 1.5 acres of my assigned grazing land for church purposes.

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

REMARKS: _____

x Haskie Ben
Signature of Permit Holder

449
Census No.

57.86
Permit No.

7/18/2014
Date

WITNESSES:

Right Thumbprint



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

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

Whippoorwill
Chapter

4
District No.

7/18/2014
Date

Acknowledge of Field Agent

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

Gra Shorley
Signature of Land Department Field Agent

7/18/2014
Date

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

TO WHOM IT MAY CONCERN:

I, Lena Joe, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Azee' Bee Nahagha of Dine Nation (Church) located approximately 2 miles from Whippoorwill Chapter to use approximately 1.5 acres of my assigned grazing land for church purposes.

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

REMARKS: _____

H. Shrapprint
Signature of Permit Holder

1863
Census No.

4.459
Permit No.

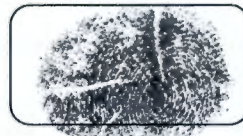
7/18/2014
Date

WITNESSES:

Henry E. Brown

Right Thumbprint

or Lena Joe



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

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

Whippoorwill Chapter
Chapter

4
District No.

7/18/2014
Date

Acknowledge of Field Agent

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

Tora Shurly
Signature of Land Department Field Agent

7/18/2014
Date

July 22, 2014

To whom it may concern,

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

Thank You,

A handwritten signature in blue ink, appearing to read "Dan H. Lee". The signature is fluid and cursive, with a long horizontal stroke at the end.

Whippoorwill Grazing officer
928 675 9219



Whippoorwill Chapter

P.O. Box 279 Pinon, AZ 86510

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

<http://whippoorwill.ndes.org>



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

RESOLUTION OF THE WHIPPOORWILL CHAPTER

WC14-025

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

WHEREAS:

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

NOW, THEREFORE BE IT RESOLVED THAT:

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

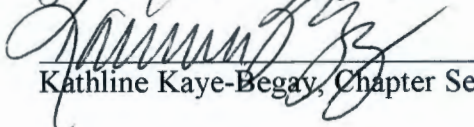
CERTIFICATION

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

Motion By: Theresa Toadlena

Seconded By: Clarence Bahe, Sr.


Jennifer Begay, Chapter President


Kathline Kaye-Begay, Chapter Sec./Treasurer


Elroy Bahe, Chapter Vice President


Dwight Witherspoon, Council Delegate

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

RECEIVED
REAL PROPERTY AGT.

DEC 2 1981

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

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

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

51. Danny Francis Sr.

52. Evangeline Francis

53. Louella Francis

54. Albert Francis

55. Miriam Francis

56. David Francis

57. Danny Francis Jr.

58. Ermelene Francis

59. Gauthier Francis

60. Milnes Francis

61. Steven Charley

62. Rosalia Francis

63. Joe K. Hayes

64. Lorraine Yagge

65. Florencia Yagge

66. Lorraine Alberty

67. Lanny Yagge

68. Judith Ann Yagge

69. Clifford Ann Yagge

70. Cardale Ann Yagge

71. Elizabeth Yagge

72. David Behring

73. Mary Kessie

74. Kessie Kessie

75. Dorah Belente

76. Jennifer Rae Belente

77. Michael Belente

78. Yolanda Belente

79. Norma Belente

80. David Belente

81. Sam Kessie

82. Sam Kessie

83. Wayne Kessie

84. David Kessie

85. Gary Kessie

86. Julia Kessie

87. Diana Kessie

88. Rosita Kessie

89. Gary Kessie

90. Grace Kessie

91. Rita Kessie

92. Anita Kessie

93. Milton Kessie

94. Fernando Kessie

95. Anita Kessie

96. Peter Kessie

97. Peter Kessie

98. Annie Lane Begay

99. Juan Begay

100. Kessa Kaye

101. Annie Kaye

102. Angela Kaye

103. Elia Kaye

104. Maria D. Begay

105. Glendon Kaye

106. Marvin Kaye

107. David K. Begay

108. Alfred Yagge

109. ALLEN BEGAY

110. Lawrence Begay

111.	Clowney Bits. Boche	142.
112.	Yula chee	143.
113.	George Nuttall	144.
114.	John Tazzie	145.
115.	Ella Mae Lee	146.
116.	Rita Begay	147.
117.	Stetta B. Tsoosie	148.
118.	Hora Apodie	149.
119.	Loyde Apodie	150.
120.	Maryzy	151.
121.	Kel S. Woz	152.
122.	Theresa Ann Watz	153.
123.	Annie Woz	154.
124.	Lita Woz	155.
125.	Franci Woz	156.
126.	Ella Begay	157.
127.	Ella Begay	158.
128.	Lita Woz	159.
129.	Anderson Preston	160.
130.	Kel Tsoosie	161.
131.	Elouise Preston	162.
132.	Raymond Jimmy	163.
133.	Susie Jim	164.
134.	Sadie Jim	165.
135.	Nelson G. Kue	166.
136.	Henry Tsoosie	167.
137.	Gerene Tsoosie	168.
138.		169.
140.		170.
141.		172.

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

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

PROJECT NAME & NO.: Azee' Bee Nahagha of Dine Nation, Inc. (ABNDN) Mission Site

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

LOCATION: SE¼ of Section 09, T30N, R21E, G&SRM, Whippoorwill Chapter, Navajo County, Arizona

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

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

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

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Home cluster is adjacent to the proposed site.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/09 JAN 2014

COPIES TO: (add categories as necessary)

☐
☐

2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

01/09/14

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

Representative's signature

Jeremy Bedone

Date 1-15-14



THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT

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

CULTURAL RESOURCE INVENTORY DETERMINATION FORM

SPONSOR: Dennison Begay	NNHPD NO.: NTM-81-601
ADDRESS: PO Box 4035	PROJECT NO.: CRMP 81-210
Blue Gap, Arizona 86520	UNDERTAKING: Mission Site Lease
REPORT TITLE: An Archaeological Survey of a Native American Church Site near Whippoorwill Chapter	
NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT RECOMMENDATIONS: A Cultural Resources Compliance Form (CRCF) is not included in this "archaeological approval" due to the nature of sensitive cultural resources documented. This in no way affects any authority of the NNHPD-Cultural Resource Compliance Section to issue an "archaeological approval" for this undertaking. A cultural resource inventory survey <u>is not</u> required for the reason(s) indicated below:	
<input checked="" type="radio"/>	The proposed project is located within an area that has been previously inventoried for cultural resources and documented in the NNHPD report listed above. The previous archaeological inventory found that "No Historic Properties will be Affected" within the area of this undertaking. Archaeological approval is hereby granted for the undertaking within the area noted in attachment(s). Attachment A (Letter dated January 18, 1982/Archaeological Clearance) Attachment B (Project Location) Attachment C (Letter) 3.0-Acres was inventoried for the project area. Note: Attach USGS map copy of project area & other supporting documents.
<input type="radio"/>	Previous ground disturbance within the last fifty (50) years has modified the surface so extensively that the likelihood of finding any cultural properties is negligible (e.g., within a flood plain).
<input type="radio"/>	Undertaking will not require any surface disturbing activities (e.g. aerial spraying, hand application of chemicals, travel on existing roads, etc).
<input type="radio"/>	Other:
Reviewed by: Tamara Billie, Senior Archaeologist <i>[Signature]</i>	
DATE: September 9, 2013	
NOTIFICATION TO PROCEED RECOMMENDED:	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<i>[Signature]</i> Navajo Nation Historic Preservation Department	
DATE: 9-12-13	
NAVAJO REGIONAL APPROVAL:	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<i>[Signature]</i> Bureau of Indian Affairs, Navajo Area Office	
DATE: 9/23/13	

TLN 9.20.13

DISCOVERY CLAUSE

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



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

330

IN REPLY REFER TO:

H24(SWR-PS)

JAN 18 1982

Handwritten initials: RIM and JPM

Memorandum

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

From: Supervisory Archeologist, Branch of Indian Cultural Resources

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

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

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

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

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

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

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

JAN 19 1982

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

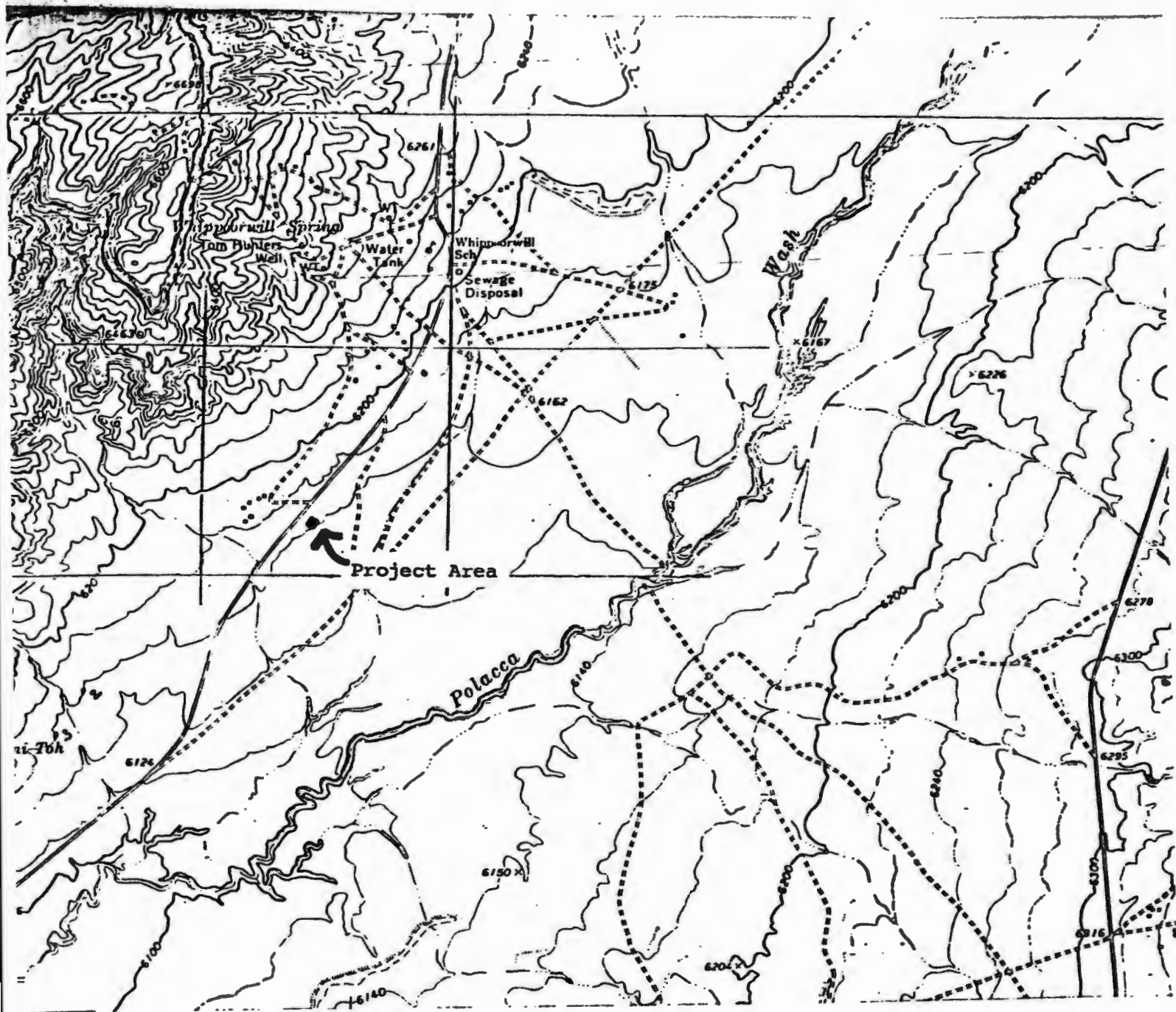
Ted Beledal

Enclosures

cc:

BIA, Navajo Area Office, Window Rock, AZ (2)
Dr. David Doyel, NNCRMP, Window Rock, AZ (w/o encl.)
S.H.P.O., Arizona
Mr. Larry Beck, NNCRMP, Window Rock, AZ

ATTACHMENT B



SCALE 1:24 000



Location of Project Area.

ATTACHMENT C

FROM THE OFFICE OF

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

TO: Historic Preservation Department
Window Rock, AZ

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

RE: Requesting Updated Arch. Clearance Form

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

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

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



**ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION**

OFFICE OF ENVIRONMENTAL REVIEW

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

Website: www.navajonationnepa.org

M E M O R A N D U M

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

FROM:

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

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

DATE: December 2, 2014

SUBJECT: 164 EOR 002751 RUP for AzeeBeeNahagha of Whippoorwill Arizona

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

The Navajo Nation Environmental Protection Agency (NNEPA) reviewed¹ and recommends **conditional approval** for the proposed action. NNEPA Public Water System Supervision Program (PWSSP) recommends *all proposed drinking water projects to be permitted by the PWSSP and all proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit pursuant the §§1501 and 1601 of the Navajo Nation Primary Drinking*

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

164 EOR 002751 AzeeBeeNahagha Whippoorwill RUP

Page 1 of 2

12/2/2014

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

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

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

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

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

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

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

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

Table of Contents

1. Cover Sheet
2. Table of Contents
3. Proposed Action
 - A. Project Description
 - B. Purpose and Need
 - C. Location
 - D. Vicinity Map
4. Existing Environment
 - A. Topography
 - B. Climate
 - C. Air Quality
 - D. Soils
 - E. Water
 - F. Vegetation
 - G. Wildlife
 - H. Domestic Livestock
 - I. Threatened and/or Endangered Species
 - J. Socioeconomics
 - K. Archeological
5. Impacts
 - A. Physical Impacts
 - B. Biotic Impacts
 - C. Threatened and/or Endangered species Impacts
 - D. Socioeconomic Impacts
 - E. Archeological Impacts
6. Mitigation Measures
 - A. Physical Resources
 - B. Biotic Resources
 - C. Socioeconomic Resources
 - D. Archeological Resources
7. Consultation and Coordination
 - A. Personnel
 - B. Consultation/Coordination
 - C. Bibliography
8. Signature

3. Proposed Action

A. Project Description

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

B. Purpose and Need

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

C. Location

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

D. Vicinity Map

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

4. Existing Environment

A. Topography

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

B. Climate

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

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

C. Air Quality

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

D. Soils

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

E. Water

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

F. Vegetation

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

G. Wild Life

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

H. Domestic Livestock

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

I. Threatened and/or Endangered species

There are no known endangered species inhabiting this vicinity.

J. Socio-economics

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

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

K. Archeological

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

5. Impacts:

A. Physical Impacts:

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

B. Biotic Impacts:

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

C. Threatened and/or Endangered Species Impact:

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

D. Socio-economic Impacts:

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

E. Archeological Impacts:

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

6. Mitigation Measures

A. Physical Resources

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

B. Biotic Resources

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

C. Socioeconomic Resources

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

D. Archeological Resources

None

7. Consultation and Coordination

A. Personnel

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

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

B. Consultation/Coordination

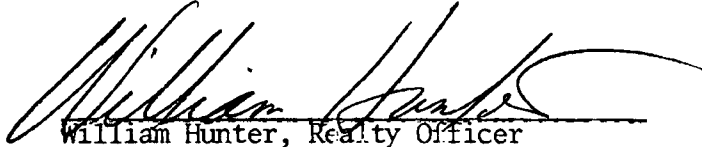
Charles Nixon, Acting Natural Resource
Manager, Branch of Land Operations
Chinle Agency

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

C. Bibliography

None

8. Signature

A handwritten signature in cursive script, appearing to read "William Hunter", written over a horizontal line.

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

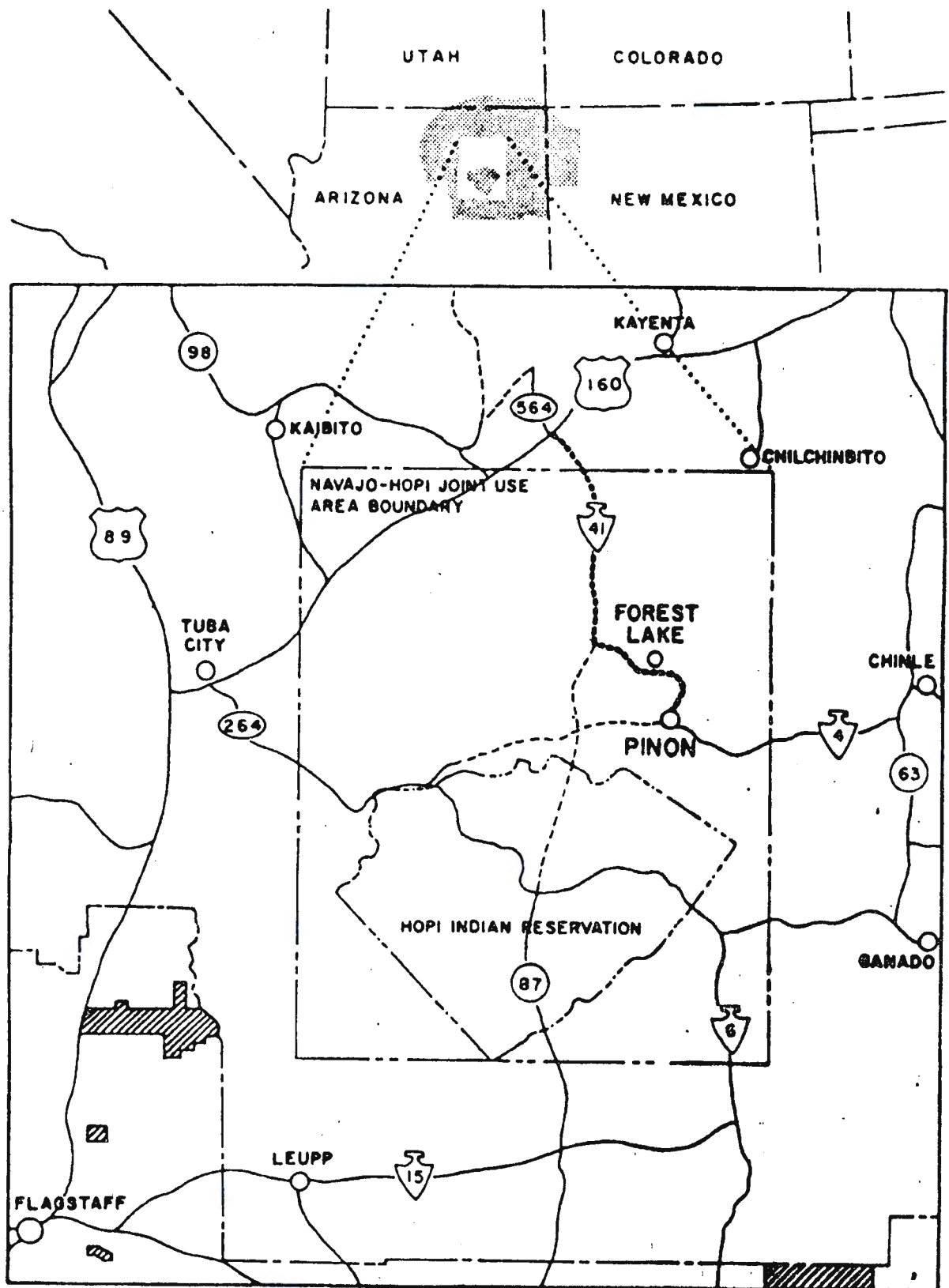
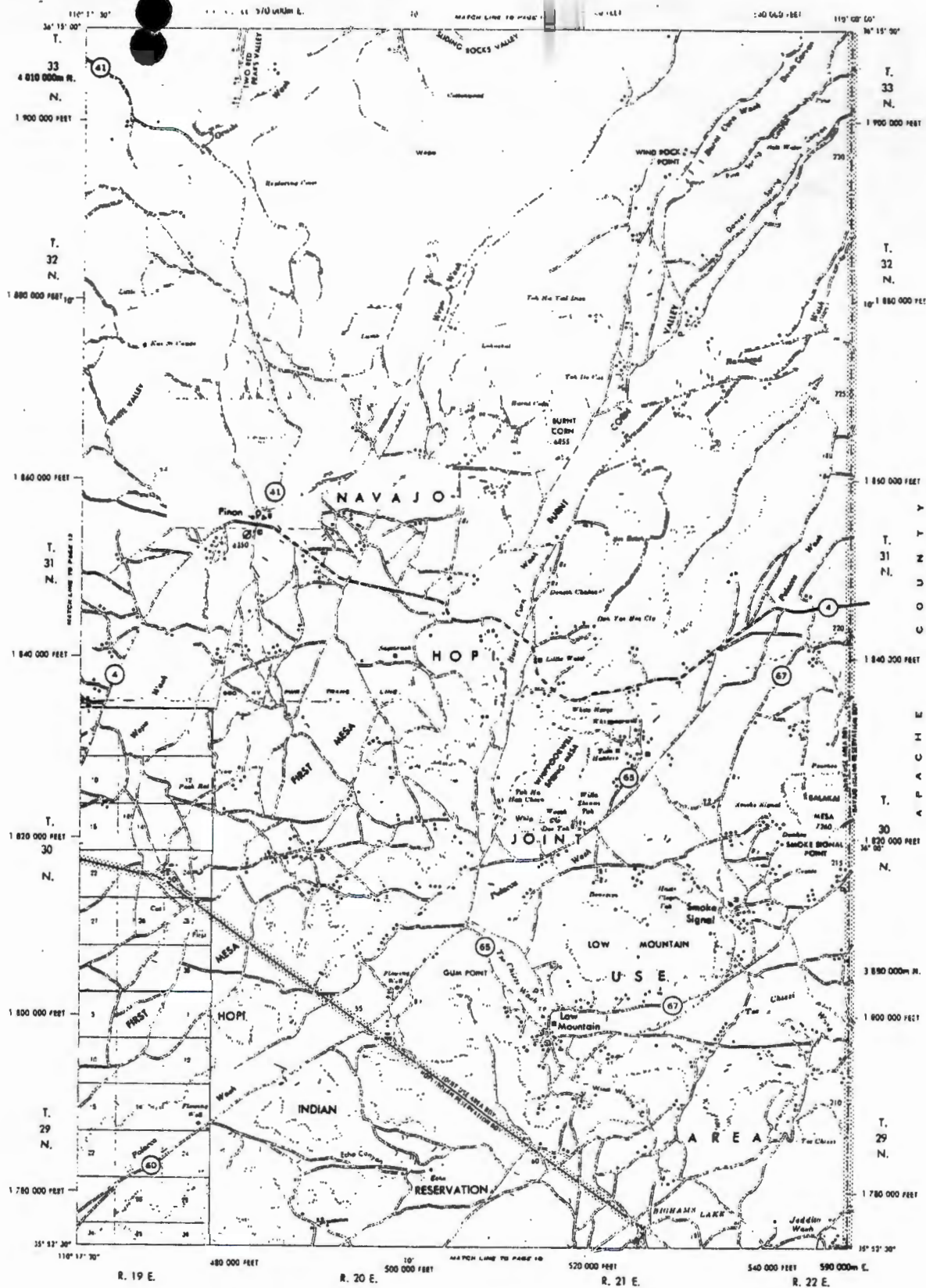


Figure 1. Vicinity map of area where project will take place. The study site is indicated with a star.



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

100 PHOTOGRAPHY 1971
 10 0000
 1 NORTH AMERICAN DATUM
 1 EAST ZONE
 1 SYSTEM, ZONE 13

100 USE AT NOMINAL COST
 17th AVE., PHOENIX, ARIZONA 85007





THE NAVAJO NATION

PERMIT REQUEST
JONATHAN NEZ



December 9, 2015

Sylvia Mike, Authorized Agent
P.O. Box 4228
Blue Gap, Arizona 86520

RE: Azee Bee Nahagha of Dine Nation of Whippoorwill

Dear Ms. Mike:

Enclosed for your information and use is an approved Land Withdrawal Designation for the Azee Bee Nahagha of Dine Nation of Whippoorwill. The Designation authorizes construction, operation, maintenance and application of a Revocable Use Permit for mission site on 1.5 acres of tribal trust lands. The area is located within the South East Quarter (SE1/4) of Section 9, Township 30 North, Range 21 East, G.&S.R.M., located in the vicinity of Whippoorwill Spring, District 4, Chinle Agency, Navajo County, State of Arizona.

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

The Land Withdrawal Designation has been approved for the Azee Bee Nahagha of Dine Nation of Whippoorwill for five (5) years. Within ninety (90) days prior to expiration, you must notify and request for another (5) year withdrawal from Navajo Land Department.

Sincerely,

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

XC: File

REVOCABLE USE PERMIT TERMS AND CONDITIONS

FORM RUP



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

THE TRACT COVERED BY THIS PERMIT

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

Legal Description

A tract of land located in the Southeast Quarter (SE ¼) of Section 9, Township 30 North, Range 21 East, G.&S.R.M., Navajo County, Arizona situated in the Whippoorwill Spring area and is more particularly described as follows:

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

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

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

TERM OF USE

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

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

COMPENSATION FOR USE

The annual rental is set at \$ 30.00 per year and is due on or before the first day of January of each year the Permit remains in effect. If the Permittee fails to pay the rent when due, this Permit will be automatically terminated. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.

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

REVOCABLE USE PERMIT TERMS AND CONDITIONS

TERMS AND CONDITION OF USE

1. APPLICABILITY OF TERMS AND CONDITIONS OF USE

The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Permittee, and the term "Permittee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.

2. PURPOSE AND CONDUCT OF BUSINESS

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

3. TRANSFERABILITY

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

4. DEVELOPMENT OF LAND

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

5. LAWFUL ACTIVITY

The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:

- a. Title 25, Code of Federal Regulations, Part 162;
- b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
- c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Act, 5 N.N.C. §§ 201 et seq.; and

REVOCABLE USE PERMIT TERMS AND CONDITIONS

- d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
- e. All applicable air quality laws requiring Permittee to ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.

6. MAINTENANCE OF THE LAND AND IMPROVEMENTS THEREON

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

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

7. INDEMNIFICATION

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

8. TERMINATION OF PERMIT

- a) The Navajo Nation may terminate the permit due to Permittee's violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:
 - i. Failure to comply with applicable laws or regulations;
 - ii. Non-use of the permit; and
 - iii. Any use of the land within the permit area that is inconsistent with the purpose for which the permit is granted.
- b) At the termination of the permit, the Permittee shall peaceably and without legal process relinquish the possession of the premises in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
- c) Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof, or give the Permittee any rights to the land subject to the permit or to any improvements located thereon.
- d) The Permittee shall be given at least thirty (30) days written notice before this Permit is terminated and revoked, except in the case of nonpayment. If the Permittee fails to pay the rent when due, this Permit will be automatically terminated.

REVOCABLE USE PERMIT TERMS AND CONDITIONS

- e) Upon termination of the Permit, the Permittee shall have ninety (90) days in which to remove from the site any and all buildings, structures, materials, equipment, and other personal property owned by the Permittee. After the expiration of ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.

9. INSPECTION OF PREMISES

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

10. JURISDICTION

- a) By acceptance of the grant of permit, the Permittee consents to the full territorial, legislative, executive, and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
- b) By acceptance of the grant of the permit, the Permittee covenants and agrees never to contest or challenge the legislative, executive, or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the permit or to the Navajo Nation.
- c) There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the area under the permit and all lands burdened by the permit, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the permit; and the area under the permit and all lands burdened by the permit shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

11. DISPUTE RESOLUTION

Any action brought by the Permittee against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be resolved through informal negotiation and mediation.

12. SOVEREIGN IMMUNITY OF THE NAVAJO NATION

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


REVOCABLE USE PERMIT TERMS AND CONDITIONS

13. CHOICE OF LAW

Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.

Date: 02-27-15

Date: _____



Azee' Bee Nahagha of Dine Nation of
Whippoorwill Chapter

President, Navajo Nation

Sliding Fee Scale Form for Mission Site Permits

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

Income Information		
Source	Amount	Frequency (Circle one)
Member Donation after each ceremonies	\$ 10 ⁰⁰	<input checked="" type="radio"/> Weekly <input type="radio"/> Monthly <input type="radio"/> Yearly
	\$	Weekly <input type="radio"/> Monthly <input type="radio"/> Yearly
	\$ 180.00	Weekly <input type="radio"/> Monthly <input checked="" type="radio"/> Yearly
	\$	Weekly <input type="radio"/> Monthly <input type="radio"/> Yearly
	\$	Weekly <input type="radio"/> Monthly <input type="radio"/> Yearly
TOTAL	\$	Weekly <input type="radio"/> Monthly <input type="radio"/> Yearly

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

Name (Print): Sylvia Mike

Signature: 

Date: 10-10-14

AZEÉ BEE NAHAGHÁ OF DINÉ NATION



Articles of Incorporation (ABNDN 2013-11-01)

Revised 11/02/2013

Constitution (ABNDN 2014-02-02)

Revised 02/08/2014

Bylaws (ABNDN 2014-02-02)

Revised 02/08/2014



RESOLUTION OF THE ABNDN, INC.
BOARD OF DIRECTORS

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

WHEREAS:

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

9. The ABNDN, Inc. Executive officials and Board of Directors deems it is in the best interest of the organization to update the Articles of Incorporation dated August 4, 1997.

NOW THEREFORE BE IT RESOLVED THAT:

The Azeé Bee Nahaghá of Diné Nation, Inc. Board of Directors hereby approves the updated ABNDN, Inc. Articles of Incorporation, attached Exhibit "A".

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Azeé Bee Nahaghá of Diné Nation, Inc. Board of Directors at a duly called meeting in Monument Valley, Utah, Navajo Nation, at which a quorum was present and that the same was passed by a vote of 12 in favor, 0 opposed, and 0 abstained, this 02 day of November 2013.

Motion: Char James

Second: Herman Farley

Steven S. Benally
Steven S. Benally, President

Irene Yazzie
Irene Yazzie, Secretary

LeRoy Thomas
LeRoy Thomas, Vice President

Randy Begay
Randy Begay, Treasurer



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

ARTICLE I NAME AND LOCATION

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

SECTION 1.2 The principle place of business shall be:

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

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

ARTICLE II PURPOSE

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

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

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

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

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

ARTICLE III POWERS

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

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

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

ARTICLE IV POLITICAL ACTIVITIES

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

ARTICLE V INDEMNIFICATION

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

ARTICLE VI DISSOLUTION

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

ARTICLE VII BOARD OF DIRECTORS

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

The name and address of the Board of Directors are:

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

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

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

ARTICLE VIII EXECUTIVE OFFICIALS

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

The name and address of each executive official is:

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

ARTICLE IX INCORPORATORS

The name and address of each incorporator is:

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

ARTICLE X STATUTORY AGENT

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

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

ARTICLE XI MEMBERSHIP

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

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

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

ARTICLE XII AMENDMENT

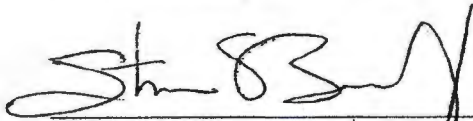
SECTION 12.1 The Board of Directors shall have the power to adopt, amend, and rescind these Articles.

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

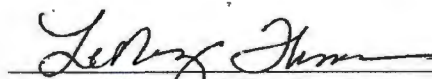
CERTIFICATION

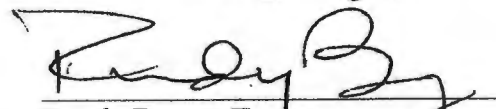
Certified these Articles of Incorporation by action of the ABNDN, Inc. Board of Directors at a duly called meeting at Monument Valley, Utah, Navajo Nation on the 02 day of November 2013.

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


Steven S. Benally, President


Irene Yazzie, Secretary


LeRoy Thomas, Vice President


Randy Begay, Treasurer

BOARD OF DIRECTORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATUTORY AGENT

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



July 18, 2014

MEMORANDUM

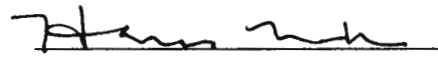
TO : All Concern


FROM: : Native American Church Officers
Whippoorwill chapter

SUBJECT : Authority to Execute Paperwork

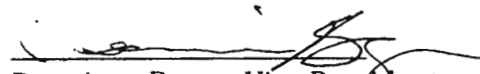
We, the Azéé Bee Nahaghá of Dine Nation (Whippoorwill Chapter) officers, hereby delegate Ms. Sylvia Mike, the full authority to execute documents for the Azéé Bee Nahaghá of Dine (Whippoorwill Chapter) establishment including permit to occupy the site of 1.5 acre south of the Whippoorwill Chapter.

Thank you.


Harrison Mike, President


Cynthia Natonabah, Treasurer

ACKNOWLEDGED:


Dennison Begay, Vice President



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

February 24, 2014

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

Dear Ms. Mike,

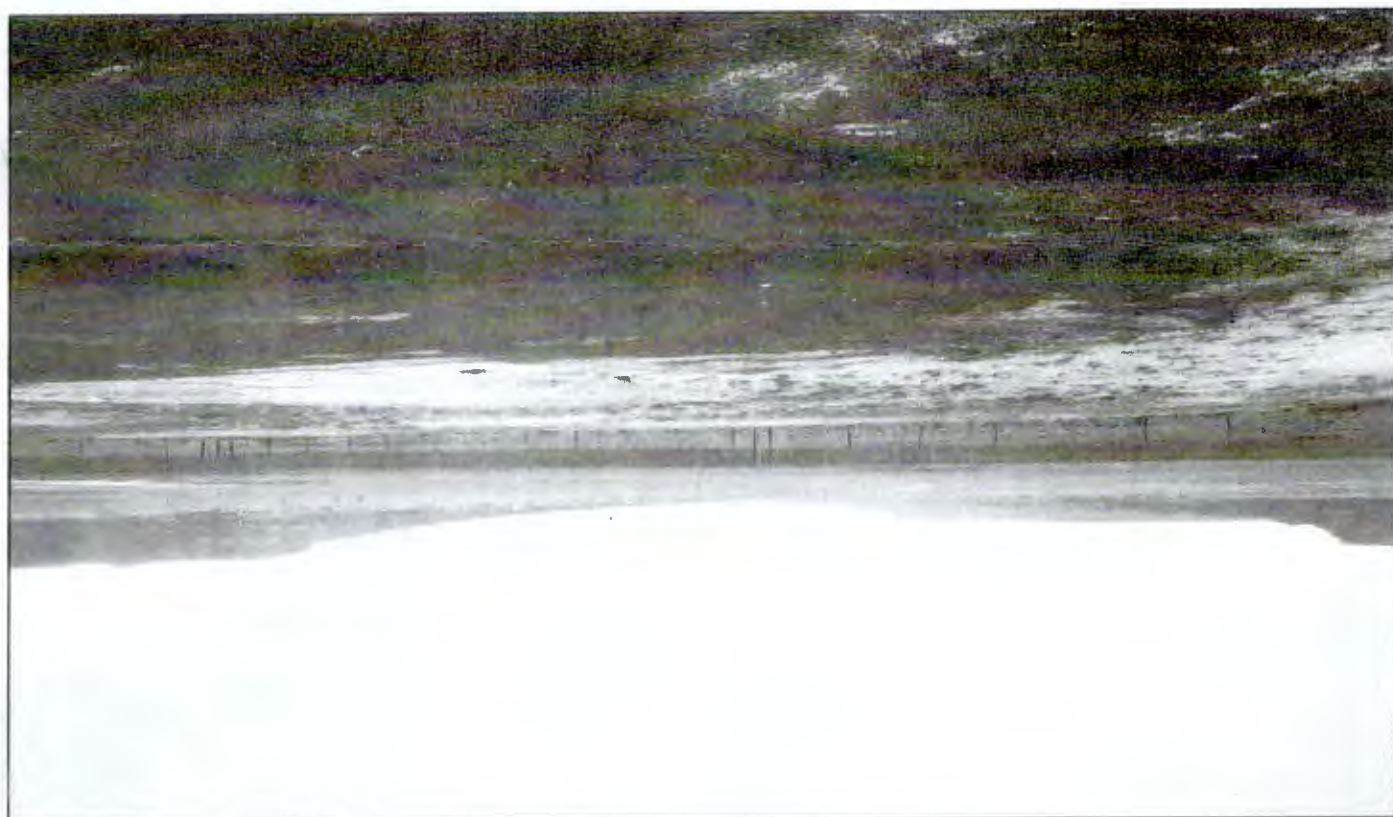
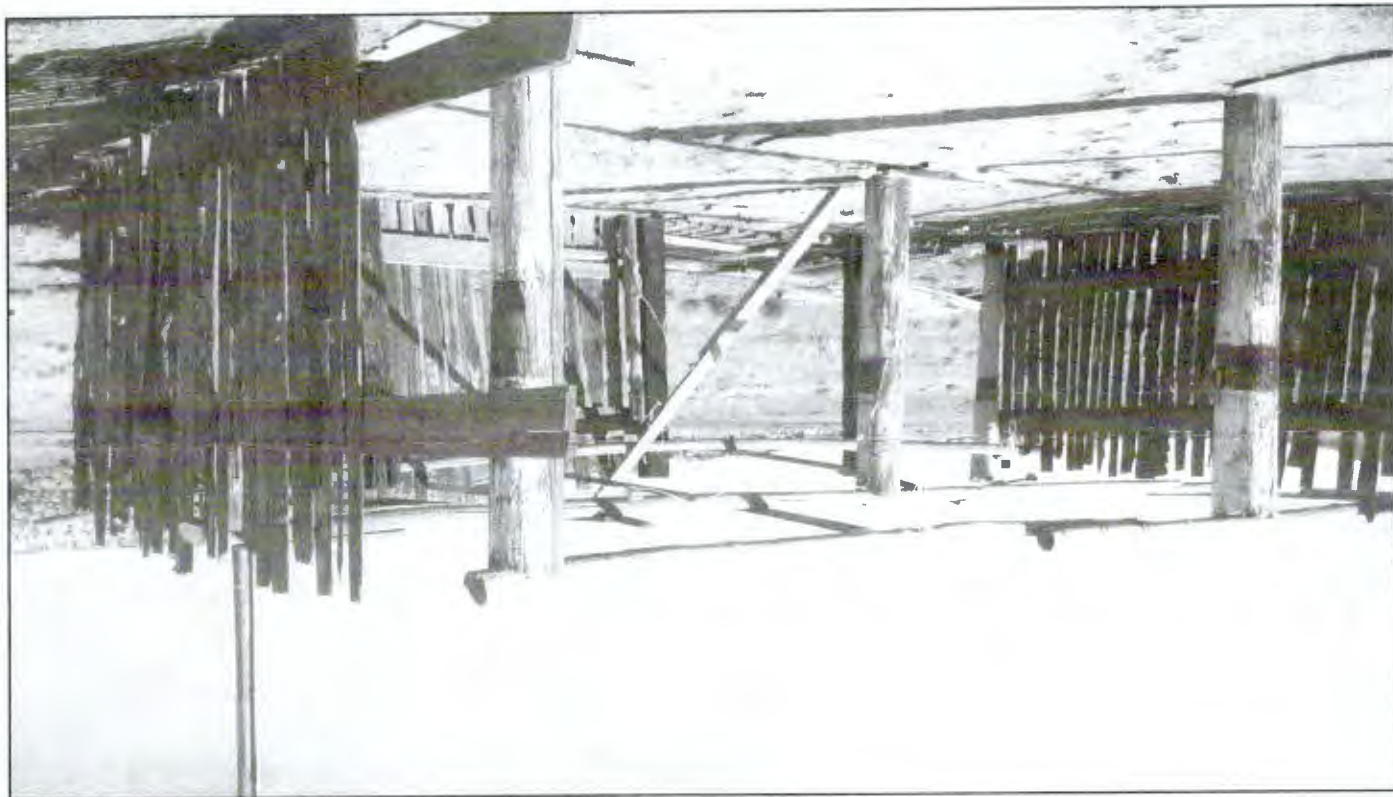
On February 19, 2014 our office staff met with Sylvia Mike to conduct a sanitary clearance located in the Southeast Quarter of Section 9, Township 30 North, Range 21 East, Gila and Salt River Meridian, Navajo County, Arizona, in Whippoorwill Springs area. The site is approximately 0.75 miles South-Southwest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

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

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

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

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





Sincerely,

Donna Gilbert, REHS

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

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



NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

February 12, 2014

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

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

Dear Ms. Mike:

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

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

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

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

Sincerely,

Wallace Yazzie
Engineering & Customer Services

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

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

Azee' Bee Nahagha of Dine' Nation

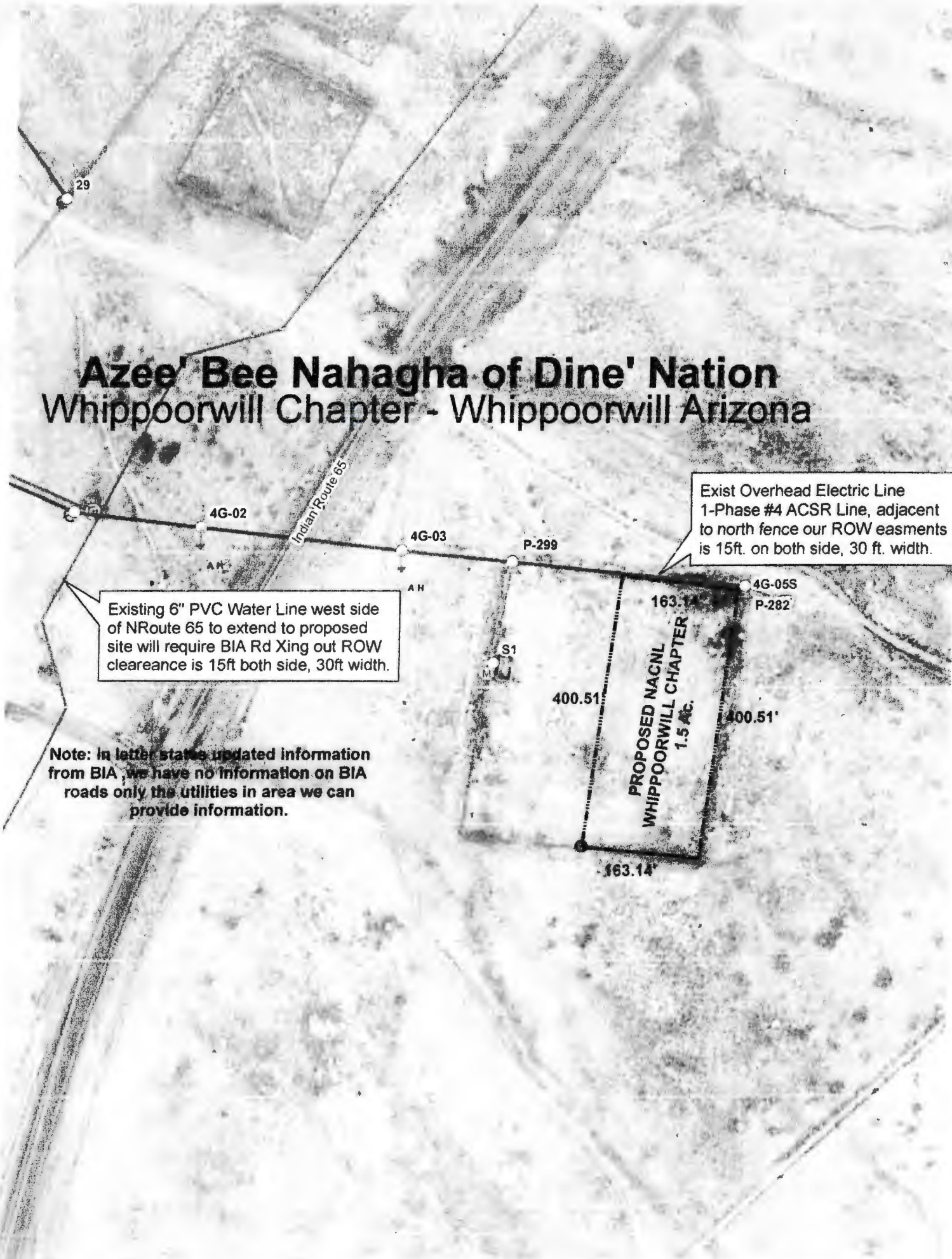
Whippoorwill Chapter - Whippoorwill Arizona

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

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

PROPOSED NACNL
WHIPPOORWILL CHAPTER
1.5 Ac.

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



UNITED STATES GOVERNMENT

Memorandum

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

DATE: January 14, 1982

FROM : Agency Road Engineer

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

Paul Helfinstein

RECEIVED

JAN 15 1982

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

Document No. 002751Date Issued: 09/17/2014**EXECUTIVE OFFICIAL REVIEW**Title of Document: AzeeBeeNahagha @ Whipporwill Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 928 871-6447☐ **Business Site Lease** Sufficient Insufficient

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

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

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

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

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

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

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

☐ **Lease Purchase Agreements**

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

☐ **Grant Applications**

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

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

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

☐ **Relinquishment of Navajo Membership**

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

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

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

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

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

☐ Rights of Way

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

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

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

☐ Assignment of Mineral Lease

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

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

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

☐ OTHER:

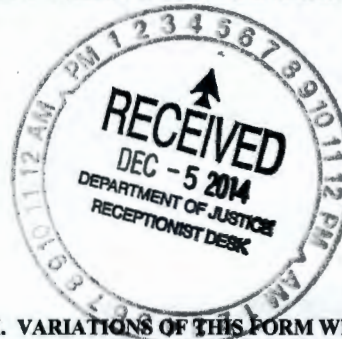
1. _____ Date: _____ ☐ ☐
2. _____ Date: _____ ☐ ☐
3. _____ Date: _____ ☐ ☐
4. _____ Date: _____ ☐ ☐
5. _____ Date: _____ ☐ ☐



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



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

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

CLIENT TO COMPLETE

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

DOJ SECRETARY TO COMPLETE

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

DOJ ATTORNEY / ADVOCATE COMMENTS

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

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

DOJ Secretary Called: Genevieve Harley for Document Pick Up on 12/23/14 at 830 By: HG

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

NNDOJ/DRRF-July 2013

COMPLETED

FROM THE DESK OF VERA SHURLEY
PROJECT REVIEW/NLD

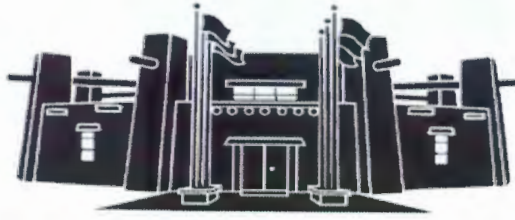
TO: SHAMMIE BEGAY & MARIANA KAHN
LEGISLATIVE SERVICES

RE: AZEE' BEE NAHAGHA OF DINE NATION OF
WHIPPOORWILL CHAPTER

DATE: JANUARY 5, 2016

Document No. 2751 is being resubmitted to your office for approval by the oversight committee. It was returned for the land withdrawal designation. The letter approving the land withdrawal on 1.5 acres is inserted at Exhibit "E".

Any questions, please call me at 928-797-1831.



MEMORANDUM

TO: Honorable Dwight Witherspoon
Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill Chapters

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

DATE: January 29, 2016

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR AZEE'BEE NAHAGHA OF DINÉ NATION OF WHIPPOORWILL CHAPTER ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF WHIPPOORWILL, NAVAJO NATION (NAVAJO COUNTY, ARIZONA)

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

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

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0038-16_

SPONSOR: Dwight Witherspoon

TITLE: An Action Relating To Resources And Development; Approving A
Revocable Use Permit For Azee'bee Nahagha Of Dine Nation Of Whipporwill
Chapter On Navajo Nation Trust Lands In The Vicinity Of Whipporwill, Navajo
Nation (Navajo County, Arizona)

Date posted: February 3, 2016 at 5:33PM

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

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

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

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0038-16

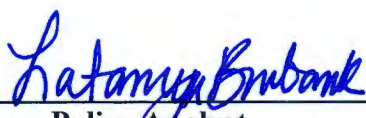
SPONSOR: Honorable Dwight Witherspoon

TITLE: An Action Relating To Resources And Development; Approving A Revocable Use Permit For Azee'bee Nahagha Of Dine Nation Of Whipporwill Chapter On Navajo Nation Trust Lands In The Vicinity Of Whipporwill, Navajo Nation (Navajo County, Arizona).

Posted: February 3, 2016 at 5:33PM

5 DAY Comment Period Ended: February 8, 2016

Digital Comments received: *No Comments received.*



Policy Analyst
Office of Legislative Services

2/9/16 8:32am
Date/Time