



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

I, Edmund Yazzie, **Primary**  
**Sponsor of proposed legislation hereby withdraw my**  
**sponsorship of the proposed legislation. The legislation**  
**tracking number is** ~~0398-16~~ 0389-16 *✓*

An Action Relating to Resources and Development; Approving a Revocable Use Permit for Mission Site for the Sozo Life Fellowship, Standing Rock, NM on Navajo Nation Trust Lands in the vicinity of Tse'ii'ahi' Chapter, Navajo Nation (McKinley County, New Mexico).

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

The legislation was tabled (with Directives) by RDC on 11/29/16 for OLC and NNLD to address the questions relative as to whether there was an existing and if packet should be a transfer of the lease. Apparently, there was never a lease existing for the Fellowship Church. The Church official has formally applied for a lease and that packet is Legislation 0012-17 as re-submitted by Honorable Edmund Yazzie for RDC's consideration. The above referenced Legislation # 0398-16 needs to be deleted from our legislative tracking system.

**SPONSOR SIGNATURE:**

**DATE:**

*[Signature]*  
01/09/16

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0389-16

**DATE:** November 3, 2016

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE PERMIT FOR MISSION SITE FOR THE SOZO LIFE FELLOWSHIP, STANDING ROCK, ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF TSE'II' AHI' CHAPTER, NAVAJO NATION (MCKINLEY COUNTY, NEW MEXICO)

**PURPOSE:** This resolution if approved will approve the revocable use permit for the Sozo Life Fellowship Mission Site for lands in the vicinity of Tse'ii'ahi' Chapter within the Navajo Nation.

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

5-DAY BILL HOLD PERIOD: Robert Bulet  
Website Posting Time/Date: 4:48pm 11/8/16  
Posting End Date: 11/13/16  
Eligible for Action: 11/14/16

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- Second Year, 2016

INTRODUCED BY  
  
(Prime Sponsor)

TRACKING NO. 0389-16

AN ACTION  
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A  
REVOCABLE USE PERMIT FOR MISSION SITE FOR THE SOZO LIFE  
FELLOWSHIP, STANDING ROCK, ON NAVAJO NATION TRUST LANDS IN THE  
VICINITY OF TSE'II'AHÍ' CHAPTER, NAVAJO NATION (MCKINLEY COUNTY,  
NEW MEXICO)

**Section One. Authority**

- A. Pursuant to 2 N.N.C. §501 (B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of land withdrawals and non-mineral leases of Navajo Nation trust land.
- B. Pursuant to 16 N.N.C. Section 1151 (C), the Resources Development Committee of the Navajo Nation Council has the authority to give approval for permits for mission sites on behalf of the Navajo Nation.

**Section Two. Findings**

- A. The Sozo Life Fellowship, Post Office Box 450, Crownpoint, New Mexico 87313, has applied for a Revocable Use Permit (Religious Site) for a Mission Site within the Tse'ii'ahi' (Standing Rock) Chapter, as further described herein in Exhibit "A," attached hereto and incorporated herein by this reference.



- 1 B. The proposed mission site is located on 1.5± acres of trust lands within the southeast  
2 quarter (SE1/4) of Section 3, Township 18 North, Range 15 West, N.M.P.M.,  
3 McKinley County, New Mexico in the vicinity of Tse'ii'ahi' Chapter, Navajo Nation,  
4 Eastern Agency (McKinley County, New Mexico). The land description appears on  
5 the survey plat attached hereto and incorporated herein as Exhibit "B."
- 6 C. The District 15 Grazing Official identified eight land users, Irvin Smith, Darlene  
7 Greyhat, Glen Billie, Tony Johnson, Buddy Smith, Helen S. Morgan, Bahe Greyhat,  
8 and Ray Morgan, who gave their consents, attached hereto as "Exhibit C." The  
9 chapter resolution and the signed petition by the local residents are also attached  
10 herein as Exhibit "D."
- 11 D. Biological, Cultural and Environmental surveys and clearances for this permit were  
12 completed and are all attached herein as Exhibit "E."
- 13 E. The Resources and Development Committee of the Navajo Nation Council finds it in  
14 the best interest of the Tse'ii'ahi' Chapter community to approve the application for  
15 Revocable Use Permit (Religious Site) for the Sozo Life Fellowship.
- 16

17 **Section Three. Approval**

- 18 A. The Resources and Development Committee of the Navajo Nation Council hereby  
19 approves and consents to the Revocable Use Permit (Religious Site) for a Mission  
20 Site for the Sozo Life Fellowship subject to, but not limited to, the attached Terms  
21 and Conditions contained herein as Exhibit "F" which is attached hereto and  
22 incorporated herein by this reference.
- 23 B. The Resources and Development Committee of the Navajo Nation Council hereby  
24 authorizes President of the Navajo Nation to execute all documents to achieve the  
25 intent and purpose of this resolution.
- 26  
27  
28  
29  
30

Document No. 005466Date Issued: 02/10/2016**EXECUTIVE OFFICIAL REVIEW**Title of Document: SoZo Life Church Standing Rock NM Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 928/871-6447

<input type="checkbox"/>	<b>Business Site Lease</b>			<b>Sufficient</b>	<b>Insufficient</b>
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>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</b>				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications</b>				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Navajo Housing Authority Request for Release of Funds</b>				
	1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Lease Purchase Agreements</b>				
	1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(recommendation only)				
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Grant Applications</b>				
	1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>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</b>				
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Relinquishment of Navajo Membership</b>				
	1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

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

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

1. NLD *nmw* \_\_\_\_\_ Date: *2/25/16* ☒ ☐  
2. F&W \_\_\_\_\_ Date: *2/29/16* ☒ ☐  
3. HPD \_\_\_\_\_ Date: *3/3/16* ☒ ☐  
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
5. NNEPA \_\_\_\_\_ Date: *3-9-2016* ☒ ☐  
6. DNR \_\_\_\_\_ Date: *3/17/16* ☒ ☐  
7. DOJ *(ic)* \_\_\_\_\_ Date: *5/5/16* ☒ ☐

☐ Rights of Way

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

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

1. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. OPVP \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ Assignment of Mineral Lease

1. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
2. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐  
3. DOJ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

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

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

☐ OTHER:

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



# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM



DOJ
03/29/16 1044a
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 005466
SAS #:
UNIT: NRU

☒ RESUBMITTAL

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

### CLIENT TO COMPLETE

DATE OF REQUEST:	3/24/2016	DIVISION:	Natural Resources
CONTACT NAME:	Howard Draper or Kayla Bia	DEPARTMENT:	Navajo Land Dept.
PHONE NUMBER:	871-6447 or 6401	E-MAIL:	Click here to enter text.
TITLE OF DOCUMENT: Approving a Revocable Use Permit for Mission Site for Sozo Life Fellowship in the vicinity of Standing Rock, McKinley County, New Mexico			

RECEIVED

### DOJ SECRETARY TO COMPLETE

MAR 29 2016 DEPARTMENT OF JUSTICE NATURAL RESOURCES UNIT	DATE/TIME IN UNIT: 03/29/16 11:10 am	REVIEWING ATTORNEY/ADVOCATE: Irvin Chae 04/07/16
DATE TIME OUT OF UNIT: 05/14/16 5:05 pm 33		

### DOJ ATTORNEY / ADVOCATE COMMENTS

Document is legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Irvin Chae	5-4-16	Paul SPRUEN	5/14/16 4:42 pm
DOJ Secretary Called: Kayla Bia for Document Pick Up on 05/04/16 at 4:43 pm By: CB			
PICKED UP BY: (Print) Howard B. Draper		DATE / TIME: 5/5/16	






**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

ETHEL B. BRANCH  
ATTORNEY GENERAL

RODGERICK T. BEGAY  
ACTING DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: ALL CONCERNED

FROM:   
Veronica Blackhat, Assistant Attorney General  
Natural Resources Unit, Department of Justice

DATE: February 8, 2016

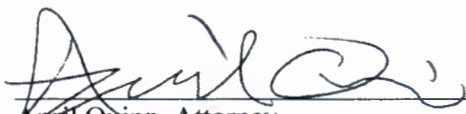
SUBJECT: **STANDING DELEGATION OF AUTHORITY**

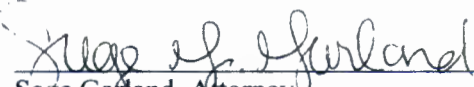
Please be advised the personnel listed below, in order of succession, will be delegated, authority to act in the capacity of the Acting Assistant Attorney General, Natural Resources Unit during my absence from the office. Also, please be advised the personnel listed below, in order of succession, will have surname authority, unless indicated otherwise. This delegation will be effective immediately.

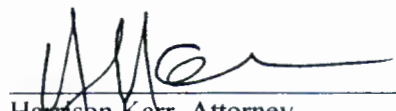
The authorized delegation will include all routine duties of the Assistant Attorney General, Natural Resources Unit. Any matters regarding personnel issues will be held for my review/decision upon my return. This Standing Delegation of Authority supersedes all delegations.

Thank you for your cooperation.


ADMINISTRATIVE REVIEW


  
April Quinn, Attorney  
Natural Resources Unit, Department of Justice


  
Sage Garland, Attorney  
Natural Resources Unit, Department of Justice

  
Harrison Karr, Attorney  
Natural Resources Unit, Department of Justice

SURNAME AUTHORITY

  
Paul Spruhan, Assistant Attorney General  
Litigation & Employment Unit, DOJ

  
Kandis Martine, Assistant Attorney General  
Human Services/Government Unit, DOJ

  
LaTonia Becenti-Johnson, Acting Assist. Atty. General  
Economic/Community Development Unit, DOJ






# THE NAVAJO NATION

RUSSELL BEGAYE  
JONATHAN NEZ

## MEMORANDUM

To: Mariana Kahn, Attorney  
Office of Legislative Counsel

Thru:   
Bidtah M. Becker, Executive Director  
Division of Natural Resources

From:   
Mike Hanna, Department Director  
Navajo Land Department

Date: March 25, 2016

Subject: ***Navajo Land Department Processing of Mission Site Permits***

Mission site permits will be submitted to the Resources and Development Committee (RDC) without a prior land withdrawal designation. The Land Withdrawal Designation Regulations were passed for the purpose of clarifying and expediting the land withdrawal process on the Navajo Nation, and clarifying that a land withdrawal alone does not authorize development on Navajo Nation land.

However, the Land Withdrawal Designation Regulations do not require an entity to obtain a land withdrawal designation prior to obtaining a lease or permit. An entity may skip the land withdrawal designation process, and directly apply for a lease or permit. In addition, for renewal of permits for existing mission sites, there is no land withdrawal designation necessary.

Therefore, the Navajo Land Department will process mission site permits without a land withdrawal designation. The requirements for obtaining a mission site permit will, of course, need to be fulfilled and all supporting documentation will continue to be included in the mission site permit application submitted to RDC for its approval.

If you have any questions please contact me at (928) 871-6401, thank you.

xc: Elerina Yazzie, Program Manager – Project Review  
I. Harlan Charley, Sr. Prog. & Project Specialist  
Robert Allan, Principal Attorney  
Veronica Blackhat, Assistant Attorney General, DOJ  
Irvin Chee, Tribal Court Advocate, DOJ  
Sage Garland, Attorney, DOJ  
Chrono/File



APPLICATION FOR REVOCABLE USE PERMIT (RELIGIOUS SITE)

NAVAJO NATION LANDS

DATE: 2/11/16

President, Navajo Nation

Window Rock, Arizona

Sozo Life Fellowship

P.O. Box 450, Crownpoint, New Mexico 87313

Here makes application for a religious site covering approximately 1.5 acres of Navajo Nation Land located in Standing Rock (aka Tseiiahi), McKinley County, New Mexico as shown on the map.

After the local chapter approval of this application and with approval of land clearance given by 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"/> Article of Incorporation | <input type="checkbox"/> Land Use Consent |
| <input type="checkbox"/> Chapter Resolution       | <input type="checkbox"/> Site Location    |
| <input type="checkbox"/> Petition of Names        | <input type="checkbox"/> Others           |

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

Continue to serve the community of Standing Rock (aka Tseiiahi), New Mexico in a religious capacity providing Bible study, Sunday school and regular Wednesday and Sunday services and develop charitable activities to benefit the aged, poor, and disabled.

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

The building has a concrete floor and foundation with wood framing, such as 2/6 walls on 16" centers with factory trusses, metal roof, and fire coded doors. The interior has 5/8 sheetrock and R19 wall insulation and R30 for the ceiling.

Applicant's plan for development of water and sewer.

Developed and will continue to maintain utilities which include water, electricity, in-door plumbing, and natural gas for heating and cooking, as well as a security light which is erected outside and near the building.

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 corporations must supply a certified copy of their authority to do business in the state.


All corporations must furnish evidence of authority of the person or persons signing this application to execute papers in 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 corporation 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 cases an explanation of the nature of the organization should be listed on a separate sheet.

Applicants 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.

 2/11/16  
Alvin Cayatineto, Pastor

 2/11/16  
Agnes Cayatineto, Pastor



# Exhibit “B”

- **Certified Survey Plat**



**Legal Description.**

A Record of Survey for  
SOZO LIFE FELLOWSHIP CHURCH  
Religious Site located in the  
SE1/4 of Section 3,  
Township 18 North, Range 15 West N.M.P.M.  
Standing Rock, McKinley County, New Mexico

A tract of land located in the Southeast Quarter (SE1/4) of Section 3, Township 18 North, Range 15 West, N.M.P.M., McKinley County, New Mexico, situated in the Standing Rock area and is more particularly described as

Commencing at the Point of Beginning a point being the Southerly corner of said Parcel which bears North 89°31'31" West, a distance of 1, feet from the Southeast corner of said Section 3;

thence North	29°31'39"	West,	a distance of	247.21	feet;
thence North	21°46'26"	East,	a distance of	200.53	feet;
thence North	80°10'34"	East,	a distance of	229.52	feet;
thence South	22°04'57"	West,	a distance of	475.36	feet

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

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



Section Corner  
F'd 1983 USBLM  
Brass Cap  
Lat: 35°48'46.422" N  
Long: 108°24'46.046" W  
WGS 84

 $1'' = 100'$ 

● Basis of Bearing: True North as established by Global Positioning System R.T.K.  
Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163  
AZPLS #29894

Lease Area is Vacant  
Utilities are as shown

**RED VALLEY SURVEY**  
P.O. Box 12827, Shiprock NM 874  
(505)320-0479

**SOZO LIFE FELLOWSHIP CHURCH**  
**Religious Site Survey**

SE1/4, Sec. 03, T18N, R15W NMPM  
1.5± Ac.  
Stonding Rock, McKinley County, New Mexico

**RVS#15-140**

# Exhibit “C”

- **Land Use Consent &  
Field Clearance Report**



**CONSENT TO USE  
NAVAJO NATION LAND  
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Irvin Smith, hereby give my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Standing Rock Church of God located in the southeast 1/4 of Section 3, Township 18 North, Range 15 West, NMPM, McKinley County, New Mexico to use 1.50 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 liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Irvin Smith's Signature

Census No. 15-54  
Permit No.

3-14-00  
Date

WITNESSES:




THUMB PRINT:

  
Attested by Grazing Committee/Land Board

15  
District No.

3-20-00  
Date

  
Acknowledgement by Navajo Land Dept.

3/24/2000  
Date

A thumb print requires 2 witnesses

**CONSENT TO USE  
NAVAJO NATION LAND  
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Darlene Greyhat, hereby give my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Standing Rock Church of God located in the southeast 1/4 of Section 3, Township 18 North, Range 15 West, NMPM, McKinley County, New Mexico to use 1.50 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 liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Darlene Greyhat  
Darlene Greyhat's Signature

Census No. 15 296  
Permit No.

3-20-2000  
Date

WITNESSES:

Shirley D. J.

THUMB PRINT:

Ch. H. J.  
Attested by Grazing Committee/Land Board

15  
District No.

3-20-00  
Date

Edison Woods  
Acknowledgement by Navajo Land Dept.

3/24/2000  
Date

A thumb print requires 2 witnesses

**CONSENT TO USE  
NAVAJO NATION LAND  
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Glen Billie, hereby give my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Standing Rock Church of God located in the southeast 1/4 of Section 3, Township 18 North, Range 15 West, NMPM, McKinley County, New Mexico to use 1.50 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 liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Glen F. Billie  
Glen Billie's Signature

74  
Census No.

15-88  
Permit No.

3-13-00  
Date

WITNESSES:

Phoebe D. J.

THUMB PRINT:

CE W. J.  
Attested by Grazing Committee/Land Board

15  
District No.

3-20-00  
Date

Edison Woods  
Acknowledgement by Navajo Land Dept.

3/24/2000  
Date

A thumb print requires 2 witnesses



**CONSENT TO USE  
NAVAJO NATION LAND  
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Tony Johnson, Jr., hereby give my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Standing Rock Church of God located in the southeast 1/4 of Section 3, Township 18 North, Range 15 West, NMPM, McKinley County, New Mexico to use 1.50 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 liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: \_\_\_\_\_  
\_\_\_\_\_

Tony Johnson Jr  
Tony Johnson's Signature

Census No.

15-259  
Permit No.

03-14-00  
Date

WITNESSES:

Phake N. J.

THUMB PRINT:

CL Hay  
Attested by Grazing Committee/Land Board

15  
District No.

3-20-00  
Date

Edison Woods  
Acknowledgement by Navajo Land Dept.

3/24/2000  
Date

A thumb print requires 2 witnesses

**CONSENT TO USE  
NAVAJO NATION LAND  
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Buddy Smith, hereby give my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Standing Rock Church of God located in the southeast 1/4 of Section 3, Township 18 North, Range 15 West, NMPM, McKinley County, New Mexico to use 1.50 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 liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: \_\_\_\_\_  
\_\_\_\_\_

Buddy Smith  
Buddy Smith's Signature

Census No.

15-195  
Permit No.

3/14/2000  
Date

WITNESSES:

Phoebe N. J.

THUMB PRINT:

Ch. By J.  
Attested by Grazing Committee/Land Board

15  
District No.

3-20-00  
Date

Edison Woods  
Acknowledgement by Navajo Land Dept.

3/24/2000  
Date

A thumb print requires 2 witnesses

**CONSENT TO USE  
NAVAJO NATION LAND  
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Helen S. Morgan, hereby give my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Standing Rock Church of God located in the southeast 1/4 of Section 3, Township 18 North, Range 15 West, NMPM, McKinley County, New Mexico to use 1.50 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 liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Helen S. Morgan  
Helen S Morgan's Signature

Census No. \_\_\_\_\_  
Permit No. 15-194

3/20/2000  
Date

WITNESSES:

THUMB PRINT:

Charlie D. J.

CHAY  
Attested by Grazing Committee/Land Board

15  
District No.

3-20-00  
Date

Edmon Woods  
Acknowledgement by Navajo Land Dept.

3/24/2000  
Date

A thumb print requires 2 witnesses



**CONSENT TO USE  
NAVAJO NATION LAND  
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Bahe Grekyhat, hereby give my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Standing Rock Church of God located in the southeast 1/4 of Section 3, Township 18 North, Range 15 West, NMPM, McKinley County, New Mexico to use 1.50 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 liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bahe Grekyhat  
Bahe Greyhat's Signature

\_\_\_\_\_  
Census No.

15-213  
Permit No.

3-10-00  
Date

WITNESSES:

Phoebe T. J.

THUMB PRINT:

CRW  
Attested by Grazing Committee/Land Board

15  
District No.

3-20-00  
Date

Edison Woods  
Acknowledgement by Navajo Land Dept.

3/24/2000  
Date

A thumb print requires 2 witnesses

**CONSENT TO USE  
NAVAJO NATION LAND  
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Ray Morgan, hereby give my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Standing Rock Church of God located in the southeast 1/4 of Section 3, Township 18 North, Range 15 West, NMPM, McKinley County, New Mexico to use 1.50 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 liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: \_\_\_\_\_  
\_\_\_\_\_

Ray Morgan  
Ray Morgan's Signature

Census No.

15-275  
Permit No.

March 12, 42K  
✓ 2000  
Date

WITNESSES:

Phoebe J. S.

THUMB PRINT:

Ch. H. S.  
Attested by Grazing Committee Land Board

15  
District No.

3-20-00  
Date

Edison Woods  
Acknowledgement by Navajo Land Dept.

3/24/2000  
Date

A thumb print requires 2 witnesses

# Exhibit “D”

- Chapter Resolution
- Petition



THE NAVAJO NATION  
TSE'II'AHÍ' (Standing Rock) CHAPTER  
P.O. BOX 247  
CROWNPOINT, NEW MEXICO 87313  
(505) 786-2247/2248  
FAX: (505) 786-2249  
Email address: standingrock@navajochapters.org

Russell Begaye, Navajo Nation President

Jonathan Nazz, Navajo Nation Vice-President

RESOLUTION OF THE TSE'II'AHÍ' CHAPTER  
RESOLUTION NO: TSEII.0915.9006

TSE'II'AHÍ' CHAPTER SUPPORTS THE COMMUNITY LAND USE PLANNING COMMITTEE RESOLUTION CLUPCTSE.0831.15.001; THE SOZO LIFE FELLOWSHIP APPLICATION FOR REVOCABLE USE PERMIT (MISSION SITE) ON NAVAJO NATION LANDS

1. Pursuant to 26 N.N.C., Section 3 (A) the Tse'ii'ahi' Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 NNC, part 1, section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B) Tse'ii'ahi' Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate action; and
3. Pursuant to Title 26, NNC; Section 2004 & 2005 the community land base plans shall project future community needs identified for residential, commercial, industrial and public purposes, community infrastructure; and
4. The Community Land Use Planning Committee (CLUPC) has identified an application for revocable use permit (Mission Site) within chapter community. The Sozo Life Fellowship will provide worship and education. The facility is located four (4) miles west of the Tse'ii'ahi' chapter; and
5. Presently, the community has two (2) mission sites in operation and this ministry will benefit the community people to elaborate some of the tolerate hindering faith.

THEREFORE BE IT RESOLVED THAT:

The Tse'ii'ahi' Chapter supports the Community Land Use Planning Committee to authorize the Sozo Life Fellowship to develop mission facilities with the chapter community and accepted the application (Attached hereto as Exhibit "A"). The CLUPC also hereby acknowledges that Sozo Life Fellowship shall be responsible for all the required clearances cost at their own expenses.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Tse'ii'ahi' Chapter at a duly called meeting at which a quorum was present and that the same was passed by a vote of 23 in favor, 00 opposed and 05 abstained this 10<sup>th</sup> day of September 2015.

Motion by: Leonard Jones

Second by: Helen Billy

Johnny Johnson, Chapter President  
TSE'II'AHÍ' CHAPTER





P.O. Box 247

NA

Phone: (505) 786-2247/2248

Fax: (505) 786-2249



RESOLUTION OF THE  
TSE'II'AHÍ COMMUNITY LAND USE PLANNING COMMITTEE  
CLUPTSE.0831.15.001

SUPPORTING AND REAFFIRMING THE SOZO LIFE FELLOWSHIP APPLICATION FOR  
REVOCABLE USE PERMIT (MISSION SITE) ON NAVAJO NATION LANDS

WHEREAS:

1. Pursuant to 26 N.N.C., Section 3 (A) the Tse'ii'ahi' Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 NNC, part 1, section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B) Tse'ii'ahi' Chapter is vested with the authority to review all matters affecting the community and to make appropriate correction when necessary and make recommendation to the Navajo Nation and other local agencies for appropriate action; and
3. Pursuant to Title 26, NNC; Section 2004 & 2005 the community land base plans shall project future community needs identified for residential, commercial, industrial and public purposes, community infrastructure; and
4. The Community Land Use Planning Committee (CLUPC) has identified an application for revocable use permit (Mission Site) within chapter community. The Sozo Life Fellowship will provide worship and education. The facility is located four (4) miles west of the Tse'ii'ahi' chapter; and
5. Presently, the community has two (2) mission sites in operation and this ministry will benefit the community people to elaborate some of the tolerate hindering faith.

THEREFORE BE IT RESOLVED THAT:

The Tse'ii'ahi' Chapter Community Land Use Planning Committee hereby authorizes the Sozo Life Fellowship to develop mission facilities with the chapter community and accepted the application (Attached hereto as Exhibit "A"). The CLUPC also hereby acknowledges that Sozo Life Fellowship shall be responsible for all the required clearances cost at their own expenses.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Tse'ii'ahi' Chapter Community Land Use Planning Committee at a duly called meeting at which a quorum was present and that the same was passed by a vote of **03 in favor, 00 opposed and 01 abstained** this 1<sup>st</sup> day of September 2015.

Motion by: Rosalie Morgan

Second by: Omar Kalleco

  
\_\_\_\_\_  
Kelly Craig, Chair, Community Land Use Planning Committee  
TSE'II'AHÍ CHAPTER

*Kelly Craig-Chair*  
*Tiffany Lewis-Member*

*Billy Yazzie, Jr.- Vice Chair*  
*Rosalie Morgan-Member*

*Omar Kalleco-Secretary*  
*Latiya Ellsworth-Member*

# PETITION FOR THE SOZO LIFE FELLOWSHIP CHURCH

We, THE UNDERSIGNED, are citizens and residents of the Navajo Nation living within this community where the church is situated. The primary purpose of this religious site is to provide a place to worship, and basically, have the church conduct religious services on any given day throughout the years. Further, we hereby give our signatures on this petition sheet to further the development of this church.

Names	Date	Witness
1. <i>James M. J. J.</i>	<i>Aug 30, 2015</i>	<i>Ali Capetina</i>
2. <i>Al</i>	<i>8-30-2015</i>	<i>Ali Capetina</i>
3. <i>Arinda Yazzie</i>	<i>Aug 30, 2015</i>	<i>Ali Capetina</i>
4. <i>Auto Charly</i>	<i>Aug 30, 2015</i>	<i>Ali Capetina</i>
5. <i>Verinda Yazzie</i>	<i>Aug 30, 2015</i>	<i>Ali Capetina</i>
6. <i>John W. H.</i>	<i>Aug 30, 2015</i>	<i>Ali Capetina</i>
7. <i>Wiana J.</i>	<i>Aug 30, 2015</i>	<i>Ali Capetina</i>
8. <i>Penin Patu</i>	<i>Aug 30, 2015</i>	<i>Ali Capetina</i>
9. <i>Rachel Sam</i>	<i>Aug 30, 2015</i>	<i>Ali Capetina</i>
10. <i>John</i>	<i>08-30-15</i>	<i>Ali Capetina</i>
11. <i>Janele Miller</i>	<i>08/30/15</i>	<i>Ali Capetina</i>
12. <i>John</i>	<i>08/30/15</i>	<i>Ali Capetina</i>
13. <i>John</i>	<i>08/30/15</i>	<i>Ali Capetina</i>
14. <i>John</i>	<i>08/30/15</i>	<i>Ali Capetina</i>
15. <i>John</i>	<i>8/30/15</i>	<i>Ali Capetina</i>
16. <i>John</i>	<i>8/30/15</i>	<i>Ali Capetina</i>
17. <i>John</i>	<i>8/30/15</i>	<i>Agnes Capetina</i>
18. <i>Sarah Zuni</i>	<i>8/30/15</i>	<i>Agnes Capetina</i>
19. <i>Mary F. Joe</i>	<i>8/30/15</i>	<i>Agnes Capetina</i>
20. <i>Angie</i>	<i>8/30/15</i>	<i>Agnes Capetina</i>
21. <i>John</i>	<i>8/30/15</i>	<i>Agnes Capetina</i>
22. <i>John</i>	<i>8/30/15</i>	<i>Agnes Capetina</i>

	Names	Date	Witness
23.	Frank G. Puff	8-30-15	Agnes Cagafinta
24.	William Pitt	8-30-15	Agnes Cagafinta
25.	Osia Guit	8-30-15	Agnes Cagafinta
26.	Ryan Peterson	8/30/15	Agnes Cagafinta
27.	Sean Tazic	8/30/15	Agnes Cagafinta
28.	Mary Johnson	8/30/15	Agnes Cagafinta
29.	Spagene Long	8/30/15	Agnes Cagafinta
30.	Salji	8/30/15	Agnes Cagafinta
31.	Brudeja	8/30/15	Agnes Cagafinta
32.	Dorothy Joe	8/30/15	Agnes Cagafinta
33.	Lula Nelson	8/31/15	Agnes Cagafinta

Thumb print

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Note: Signing another person's name will cause this petition to be void and returned.

# PETITION FOR THE SOZO LIFE FELLOWSHIP CHURCH

We, THE UNDERSIGNED, are citizens and residents of the Navajo Nation living within this community where the church is situated. The primary purpose of this religious site is to provide a place to worship, and basically, have the church conduct religious services on any given day throughout the years. Further, we hereby give our signatures on this petition sheet to further the development of this church.

Names	Date	Witness
1. <i>Amber Perry</i>	9/13/15	<i>Alvin Capistrano</i>
2. <i>Latisha Shirley</i>	9-13-15	<i>Alvin Capistrano</i>
3. <i>Charmayne Roberts</i>	9/13/15	<i>Alvin Capistrano</i>
4. <i>Charmayne Roberts</i>	9/13/15	<i>Alvin Capistrano</i>
5. <i>Shirley Davis</i>	9/13/15	<i>Alvin Capistrano</i>
6. <i>Isaiah H. H. H.</i>	9/13/15	<i>Alvin Capistrano</i>
7. <i>Isaiah H. H. H.</i>	9/13/15	<i>Alvin Capistrano</i>
8. <i>Isaiah H. H. H.</i>	9/14/15	<i>Alvin Capistrano</i>
9. <i>Cornelia M.</i>	9/21/15	<i>Alvin Capistrano</i>
10. <i>Shirley Davis</i>	9/21/15	<i>Alvin Capistrano</i>
11. <i>Angie Angle</i>	9/21/15	<i>Alvin Capistrano</i>
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# PETITION FOR THE SOZO LIFE FELLOWSHIP CHURCH

We, THE UNDERSIGNED, are citizens and residents of the Navajo Nation living within this community where the church is situated. The primary purpose of this religious site is to provide a place to worship, and basically, have the church conduct religious services on any given day throughout the years. Further, we hereby give our signatures on this petition sheet to further the development of this church.

Names	Date	Witness
1. <i>Joseph M. Morgan</i>	08-31-15	<i>Alvin Capote</i>
2. <i>Keena Delgado</i>	08-31-15	<i>Alvin Capote</i>
3. <i>Julia Delgado</i>	08/31/15	<i>Alvin Capote</i>
4. <i>Vanessa Duro</i>	09-02-15	<i>Alvin Capote</i>
5. <i>[Signature]</i>	09-02-2015	<i>Alvin Capote</i>
6. <i>Lynette Waters</i>	09-02-15	<i>Alvin Capote</i>
7. <i>Angela Jensen</i>	09-02-15	<i>Alvin Capote</i>
8. <i>Jenna [Signature]</i>	09-02-15	<i>Alvin Capote</i>
9. <i>[Signature]</i>	09-02-2015	<i>Alvin Capote</i>
10. <i>Daphne Nelson</i>	09-02-15	<i>Alvin Capote</i>
11. <i>Danika Nelson</i>	09-02-2015	<i>Alvin Capote</i>
12. <i>Shirley Elbert</i>	09-10-2015	<i>Alvin Capote</i>
13. <i>[Signature]</i>	9-10-2015	<i>Alvin Capote</i>
14. <i>Waini So</i>	09-10-2015	<i>Agnes Capote</i>
15. <i>Ernest Tey</i>	1-10-2015	<i>Agnes Capote</i>
16. <i>Devin Lewis</i>	9-10-2015	<i>Agnes Capote</i>
17. <i>[Signature] Lewis</i>	9-10-2015	<i>Agnes Capote</i>
18. <i>Linda Begay</i>	10-2015	<i>Agnes Capote</i>
19. <i>[Signature]</i>	9-10-15	<i>Agnes Capote</i>
20. <i>Gerard Bay</i>	9-10-15	<i>Agnes Capote</i>
21. <i>Linda [Signature]</i>	9-10-15	<i>Agnes Capote</i>
22. <i>Lester [Signature]</i>	9-10-15	<i>Agnes Capote</i>

	Names	Date	Witness
23.	<i>[Signature]</i>	9/10/15	<i>[Signature]</i>
24.	<i>[Signature]</i>	9/10/15	<i>[Signature]</i>
25.	DOROTHY JONES	9-10-15	<i>[Signature]</i>
26.	LEWIS A KALISA	9-10-15	<i>[Signature]</i>
27.	<i>[Signature]</i>	9/28/15	<i>[Signature]</i>
28.	<i>[Signature]</i>	9-28-15	<i>[Signature]</i>
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Thumb print

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Note: Signing another person's name will cause this petition to be void and returned.

# Exhibit “E”

- **Biological Resources Compliance**
- **Cultural Resources Compliance**
- **Environmental Assessment**

**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.: Sozo Life Fellowship Mission Site

DESCRIPTION: The Sozo Life Fellowship proposes a mission site lease consisting of 1.5± acres for their existing church building. The church was formerly known as the Standing Rock Church of God.

LOCATION: SE¼ of Section 03, T18N, R15W, NMPM, Standing Rock, McKinley County, New Mexico

REPRESENTATIVE: Phoebe Morgan for Sozo Life Fellowship

ACTION AGENCY: Navajo Nation and Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: BE-Standing Rock Church of God Proposed 1.5 acre Mission Site Lease Area/SEP 1999/NNDFW BSSP Report No. 99-09-036, EA-Standing Rock Church Of God Upgrade/NOV 2006/Diné Anthropology Environmental Consultant Services, FONSI EA-06-136.

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. DR dated 09 AUG 1999 processed by Brent Nelson.

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/11 AUG 2015

COPIES TO: (add categories as necessary)

☐ \_\_\_\_\_ ☐ \_\_\_\_\_

<b>2 NTC § 164 Recommendation:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditional Approval (with memo) <input type="checkbox"/> Disapproval (with memo) <input type="checkbox"/> Categorical Exclusion (with request letter) <input type="checkbox"/> None (with memo)	<b>Signature</b>  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	<b>Date</b> 8/12/15
--	--	------------------------



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


Representative's signature

Date



**MEMORANDUM**

TO : David Mikesic, Zoologist  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCES

FROM :   
Gloria M. Tom, Department Manager II  
Department of Fish and Wildlife  
DIVISION OF NATURAL RESOURCES


DATE : August 10, 2015

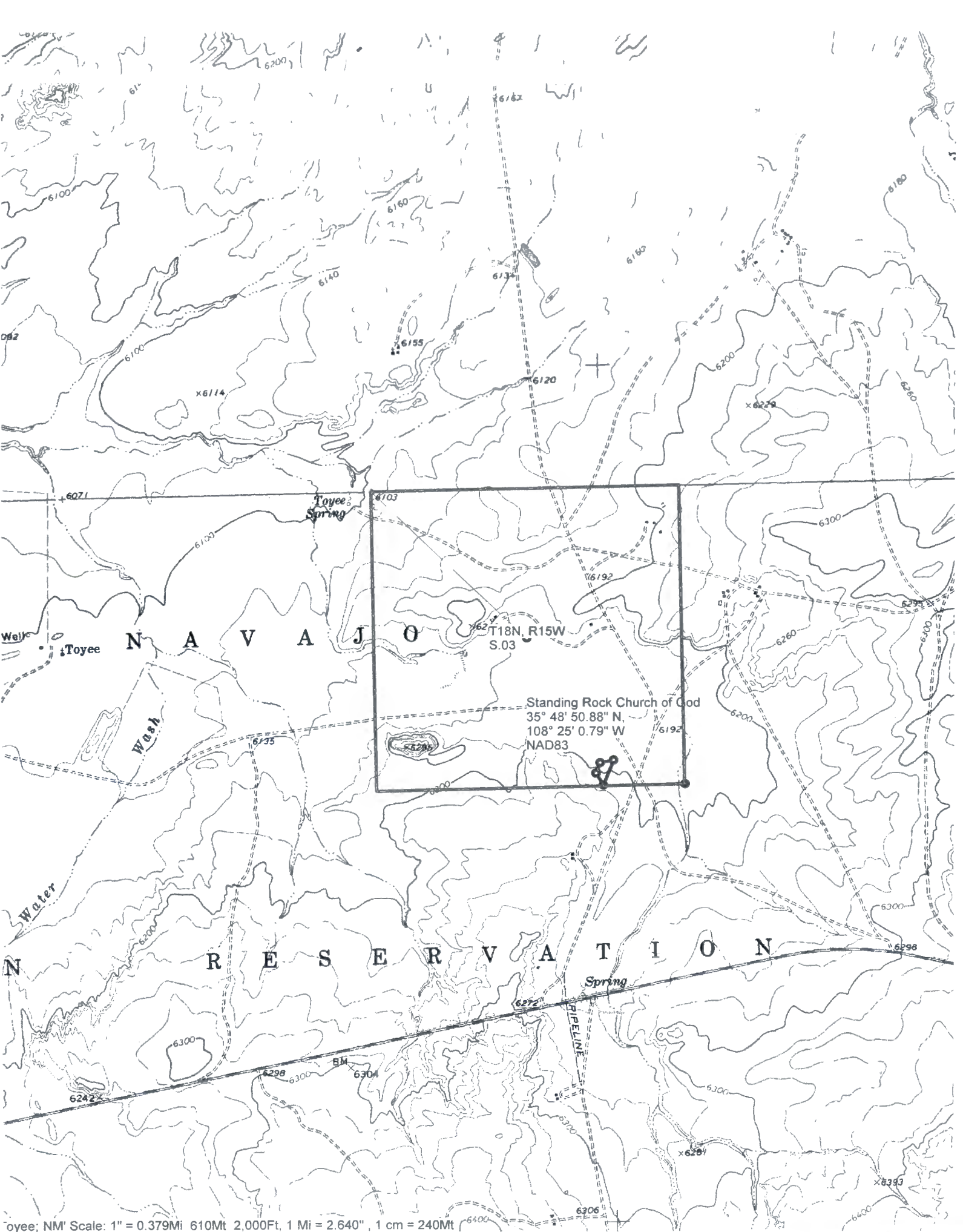
SUBJECT : DELEGATION OF AUTHORITY

I will be on Travel on Monday, August 10, 2015. Therefore, I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 am on, Wednesday, August 13, 2015. This delegation shall end at 5:00 p.m. on Wednesday, August 31, 2015.

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

**ACKNOWLEDGEMENT:**

 8/10/15  
David Mikesic, Zoologist  
Department of Fish & Wildlife



CULTURAL RESOURCES COMPLIANCE FORM  
HISTORIC PRESERVATION DEPARTMENT  
P O BOX 4950  
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO  
NM SHPO  
XX REAL PROPERTY MGT/330  
XX NNAD

NNHPD NO. HPD-99-363  
OTHER PROJECT NO. \_\_\_\_\_  
NNAD-99-131

PROJECT TITLE: **An Archaeological Survey of a Proposed Church Site for Wilson Morgan near Standing Rock, McKinley County, New Mexico.**

LEAD AGENCY: BIA/NAO

SPONSOR: **Church of God (Attn.: Wilson Morgan), P O Box 536, Crownpoint, New Mexico 87313**

PROJECT DESCRIPTION: The proposed undertaking will involve construction of a church and associated facilities within the one-and-a-half-acre surveyed area. Location was moved away from known site; two areas surveyed. Ground disturbance will be intensive and extensive.

LAND STATUS: Tribal Trust

CHAPTER: **Standing Rock**

LOCATION: Unplatted & projected T18N, R15W; McKinley County, New Mexico NMPM&B

PROJECT ARCHAEOLOGIST: **Curtis Yazzie**

NAVAJO ANTIQUITIES PERMIT NO.: Navajo Nation Code (19 NNC 1001 §302 *et seq.*)

DATE INSPECTED: **4/28/99**

DATE OF REPORT: **5/5/99**

TOTAL ACREAGE INSPECTED: **1.5**

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 15 m apart.

LIST OF CULTURAL RESOURCES FOUND:	(1) Site, (1) Isolated Occurrence (IO) & (6) Traditional Cultural Properties (TCPs: 3 TCPs & 3 Gravesites)
LIST OF ELIGIBLE PROPERTIES:	(1) NM-Q-12-30 (both components)
POTENTIALLY ELIGIBLE PROPERTIES:	(3) TCPs
LIST OF NON-ELIGIBLE PROPERTIES:	(1) IO & (3) Gravesites
LIST OF ARCHAEOLOGICAL RESOURCES:	(1) NM-Q-12-30 (prehistoric component)

EFFECT/CONDITIONS OF COMPLIANCE: This undertaking will have **no effect** on historic properties identified.

The "alternate church site" shown in Figure 3 (at NNW) of report will be used as the location for this undertaking.

The undertaking as proposed does not have the potential to affect any eligible historic properties.

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 (520) 871-7132.

FORM PREPARED BY: James Dryer

FINALIZED: June 22, 1999

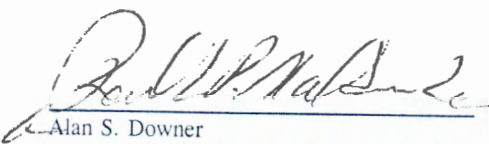


Notification to  
Proceed Recommended:  
Conditions:

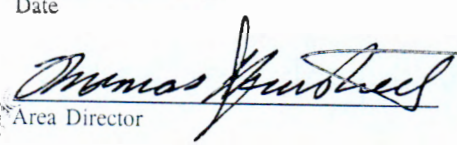
Yes XX No      
Yes     No XX

Agency Approval:

Yes ✓ No    

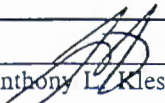
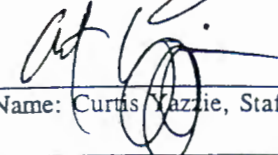
  
Alan S. Downer  
Navajo Nation Historic Preservation Officer

6-25-99  
Date

  
Area Director

6/25/99  
Date

## ARCHAEOLOGICAL INVENTORY REPORT DOCUMENTATION PAGE (HPD JAN/91)

1. HPD REPORT NO. <u>99-363</u>	2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: An Archaeological Survey of a Proposed Church Site for Wilson Morgan near Standing Rock, McKinley County, New Mexico.		5. FIELDWORK DATE 04-28-99
AUTHOR(S): Curtis Yazzie		6. REPORT DATE 05-05-99
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Dr. Anthony L. Klesert Org. Name: Navajo Nation Archaeology Department Org. Address: P.O. Box 689 Window Rock, Arizona 86515 Phone: (520) 871-6540		8. Permit No. NTC
		9. Consultant Report No. NNAD-99-131
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Wilson Morgan Org. Name: Church of God Org. Address: P.O. Box 536 Crownpoint, New Mexico 87313 Phone: (505) 786-5611		11. SPONSOR PROJECT NO. N/A
		12. AREA OF EFFECT: 1.5 ac AREA SURVEYED: 1.5 ac
13. LOCATION (MAP ATTACHED): Fig. 1		
a. Chapter: Standing Rock b. Agency: Eastern c. County: McKinley d. State: New Mexico e. Land Status: Navajo Tribal Trust f. UTM Center: Zone 12; (Original) 3966070N, 733490E; (Alternate) 3966110N, 733410E g. Area: T.18N, R.15W, unplatted h. 7.5' Map Name(s): Toyee, New Mexico, 1970		
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) / /		
a. Description of Undertaking: See supplement sheet		
b. Existing Data Review: See supplement sheet		
c. Area Environmental & Cultural Setting: See supplement sheet		
d. Field Methods: See supplement sheet		
15. CULTURAL RESOURCE FINDINGS: One (1) previously recorded site, one (1) isolated occurrence, and six (6) Traditional Cultural Properties (TCPs) were identified during the NNAD-99-131 inventory; no other cultural resources were identified or encountered.		
a. Location/Identification of Each Resource: See supplement sheet		
b. Evaluation of Significance of Each Resource (above): See supplement sheet		
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): See supplement sheet		
17. CERTIFICATION: SIGNATURE:  General Charge Name: Dr. Anthony L. Klesert, Director		DATE: <u>5-11-99</u>
SIGNATURE:  Direct Charge Name: Curtis Yazzie, Staff Archaeologist		DATE: <u>05-07-99</u>

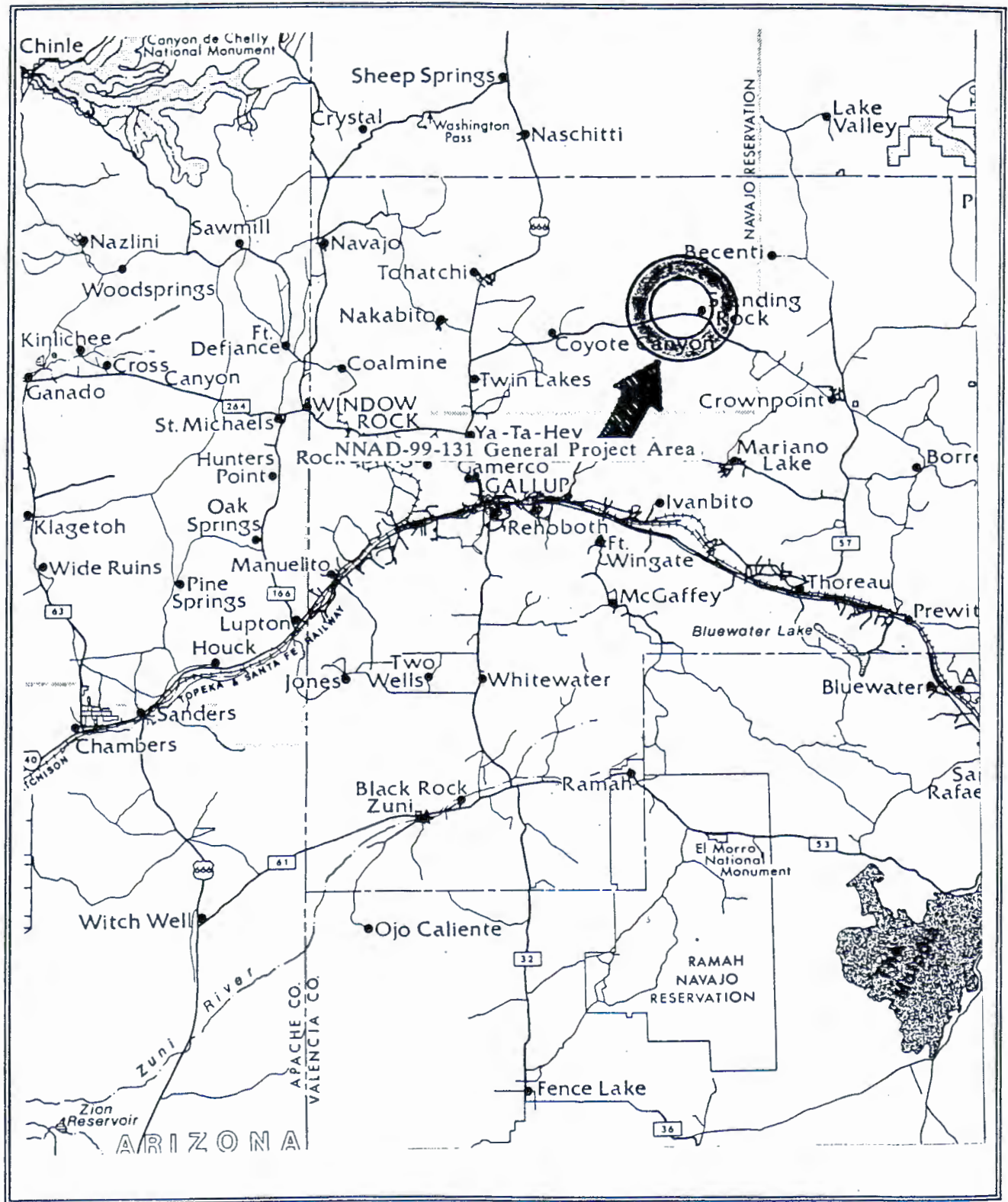


Figure 1. General Location Map of NNAD-99-131 Project Area (Goodman 1982).

SUPPLEMENT SHEET (AIRS FORM)

NNAD-99-131; Proposed Church Site for Wilson Morgan  
near Standing Rock, McKinley County, New Mexico

14. REPORT

a. Description of Undertaking: The sponsor, Wilson Morgan, requested an archaeological survey of a proposed church site near Standing Rock, McKinley County, New Mexico (Figure 2). The proposed church site tract measures approximately 210 ft (64 m) by 315 ft (96 m). The area of potential effect therefore equals approximately 66,150 sq ft (6,145 sq m) or 1.5 ac (0.6 ha). Ground disturbance, both surface and subsurface, is expected to be intensive and extensive from the use of heavy equipment.

b. Existing Data Review: A review of Navajo Nation Historic Preservation Department (NNHPD) and Navajo Nation Archaeology Department (NNAD) archival files indicated that six (6) archaeological survey projects have been previously conducted, and that nineteen (19) archaeological sites have been recorded, within a one kilometer radius of the current project area.

Table 1. Previous Archaeological Inventories Conducted within an Approximate One Kilometer Radius of the NNAD-99-131 Project Area.

NTM-79-111	Phase IIa: An Archaeological Survey of 115 Proposed Coal Exploration Drill Holes in the Standing Rock, New Mexico Vicinity.	No sites
NTM-89-345 NNAD-89-238	An Archaeological Survey of 141 Scattered Homes and Service Lines near Standing Rock, NM.	NM-Q-12-22; Navajo 1940s hogan foundation NM-Q-12-23; Navajo 1940s hogan foundation NM-Q-12-24; Anasazi PII-PIII habitation NM-Q-12-27; Anasazi BMIII habitation NM-Q-12-28; Anasazi BMIII habitation NM-Q-12-29; Anasazi PI-PII/ habitation/PII-PIII Pueblo NM-Q-12-30; Anasazi BMIII-PII/Navajo 1960s uncertain
HPD-90-484	Across the Colorado Plateau: Anthropological Studies for the Transwestern Pipeline Expansion Project. Volume V.	423-108 (LA 2592); Anasazi PIII habitation 423-109 (LA 83490); Anasazi PII ceramic scatter
HPD-93-058 ZCRE-034-92	An Archaeological Survey of Eleven Homes, Five Service Lines, and a Sewer Lagoon Site near Standing Rock, McKinley County, New Mexico.	NM-Q-12-49 (LA 89934); Multicomponent: Anasazi PII-PIII artifact scatter/PIII-PIV artifact scatter NM-Q-12-51 (LA 89935); Anasazi PII ceramic scatter NM-Q-12-52 (LA 89936); Anasazi PII-PIII ceramic scatter



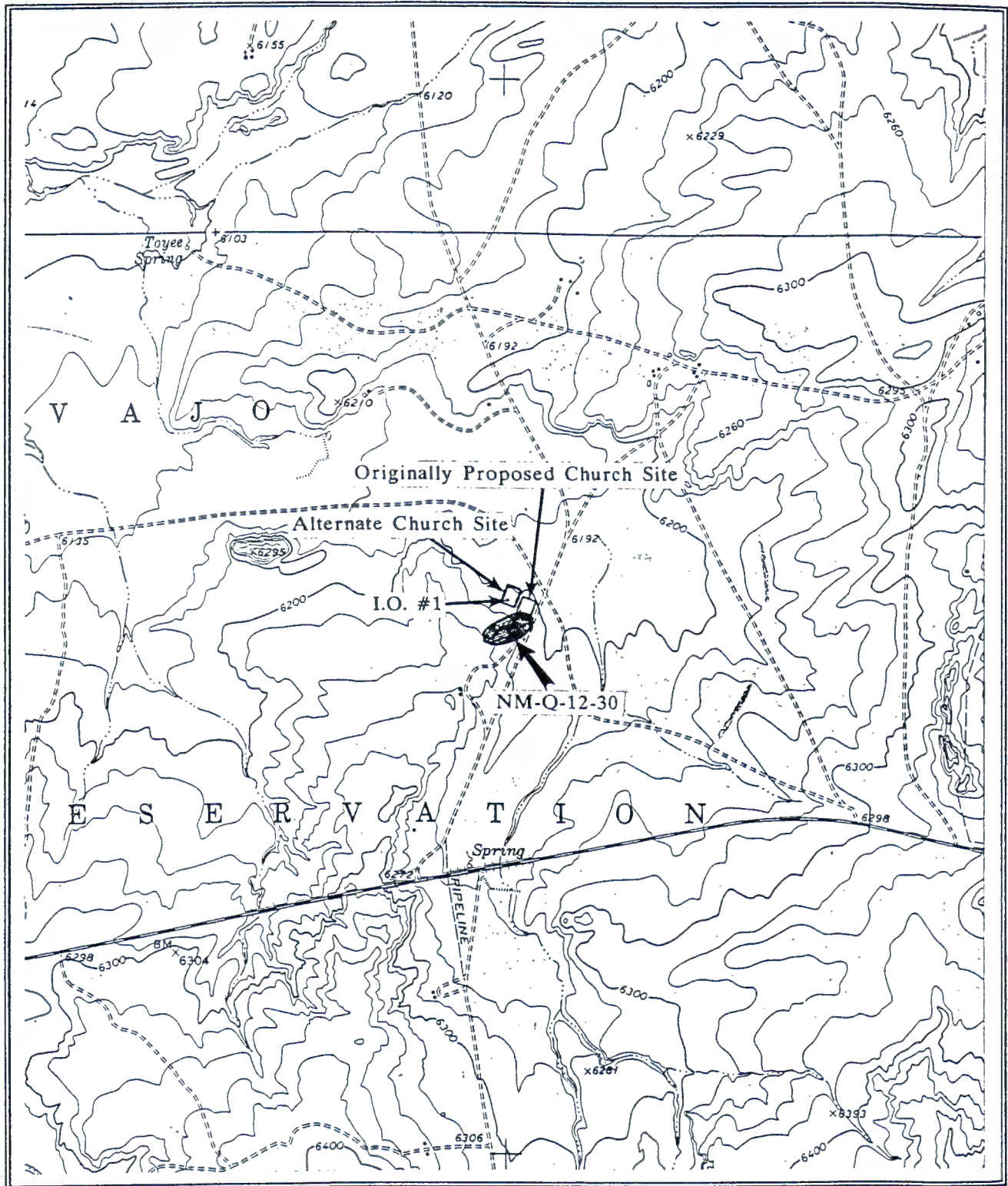


Figure 2. Locational Map of the Proposed Church Site and of the Cultural Resources Identified during the NNAD-99-131 Inventory. USGS 7.5' Series Map Reference: Toyee, New Mexico, 1970.



HPD-93-058  
(con't.)

*NM-Q-12-53 (LA 89937);*  
Anasazi PII artifact scatter  
*NM-Q-12-54 (LA 89938);*  
Anasazi PII ceramic scatter  
*NM-Q-12-55 (LA 89939);*  
Anasazi PII ceramic scatter,  
rock alignment, four circular  
features  
*NM-Q-12-56 (LA 89940);*  
Anasazi PII ceramic scatter  
*NM-Q-12-57 (LA 89941);*  
Multicomponent: Anasazi/  
historic PII/1880-1917  
ceramic scatter/artifact scatter  
*NM-Q-12-58 (LA 89943);*  
Multicomponent: Anasazi  
PII ceramic scatter/  
petroglyphs, Navajo 1920s-  
1950s rock alignment/modern  
petroglyphs

HPD-93-58.0     Monitoring Letter  
NNAD-94-244

HPD-93-070     An Archaeological Survey of the Navajo Tribal Utility  
NNAD-92-409     Authority's Proposed Crownpoint Phase I Gas Line and  
                    the Standing Rock Loop Gas Pipeline near Standing Rock,  
                    McKinley County, New Mexico.

*\*NM-Q-12-27 (LA 83927,*  
*LA 83490);* Multicomponent:  
Anasazi BM III habitation/  
Anasazi PII habitation  
*\*NM-Q-12-29 (LA 83926,*  
*LA 2592);* Multicomponent:  
Anasazi PI-II habitation/  
Anasazi PII-PIII habitation  
*\*NM-Q-12-30 (LA 83925);*  
Multicomponent: Anasazi  
BMIII-PII habitation,  
Navajo 1960s homestead  
*NM-Q-12-63 (LA 99222);*  
Anasazi PII-PIII habitation

HPD-93-070.1     Addendum I: Survey of a Final Reroute Around Site  
                    NM-Q-12-29 and Site NM-Q-12-27.

HPD-96-494     A Cultural Resources Inventory of 3 New Corehole Sites  
                    and Field Check of Re-drill Locations for the Pittsburgh &  
                    McKinley Coal Mining Company.

No sites

\* Re-recorded site

c. Area Environmental and Cultural Setting: The proposed project area is located on an outlying ridge at an elevation ranging of 6210 ft (1893 m) above mean sea level. Vegetation consists of snakeweed, greasewood, blue sage, Russian thistle, Blue grama grass, Indian ricegrass, and other native plants. Surface sediments consist of a mixture of fine- to medium-grained tan eolian sand and clay loam with rock inclusions and natural rock outcrops. No animals were observed during the survey. Several small, unnamed drainages cross the survey area.

The current cultural setting consists of the Transwestern Pipeline, gaslines, nearby homesteads and associated features, powerlines, waterlines, dirt roads and livestock trails.

d. Field Methods: The requested archaeological survey was conducted on April 28, 1999 by Curtis Yazzie and Melvin Dalgai, staff archaeologists with the Navajo Nation Archaeology Department (NNAD). The archaeologists were met by Wilson Morgan, the sponsor, at the proposed church site. Since a previously recorded site, NM-Q-12-30, extends into the originally proposed church site tract, an alternate church site tract was surveyed in order to avoid the site. The alternate church site tract also measures approximately 210 ft (66 m) by 315 ft (96 m). The total area inventoried therefore equaled 66,150 sq ft (6,145 sq m) or 1.5 ac (0.6 ha).

Also as part of the archaeological inventory, Wilson Morgan, the sponsor, Ray Billy, Standing Rock Chapter Coordinator, and Sylvia Begay, Standing Rock Chapter Clerk-Typist, were interviewed regarding Traditional Cultural Properties (TCPs) in and around the project area.

## 15. CULTURAL RESOURCE FINDINGS

a. Location/Identification of Each Resource: One (1) previously recorded site, one (1) isolated occurrence, and six (6) Traditional Cultural Properties were identified during the NNAD-99-131 inventory; no other cultural resources were identified or encountered. A confidential appendix providing detailed information on the Traditional Cultural Properties (TCPs) will be submitted solely to the Navajo Nation Historic Preservation Department (NNHPD).

### *Site*

Site Number: NM-Q-12-30 (Figure 3) [previously recorded in 1989 and 1992]

Map Reference: Toyee, New Mexico, 1970, 7.5' series

Legal Description: T.18N, T.15W, unplatted

UTM Coordinates: Zone 12; 3966011N, 733463E

Site Type: Multicomponent: Anasazi BMIII-P II habitation/Navajo 1960s habitation

Site Size: 150 m x 220 m (33,000 sq m) [assessed during NNAD-99-131]

Site Setting: Outlying ridge

Site Description: Site NM-Q-12-30 is a multicomponent site consisting of nine (9) features:

Component 1 is an Anasazi BMIII-P II habitation; Component 2 is a Navajo 1960s habitation.

Feature 1 is a 1.5 m in diameter possible hearth. (Chada/Seeley 1992)

Feature 2 is a 1.2 m in diameter hearth. (Chada/Seeley 1992)

Feature 3 is a 1 m in diameter hearth. (Chada/Seeley 1992)

Feature 4 is a 0.95 m in diameter hearth. (Chada/Seeley 1992)

Feature 5 is a 2 m in diameter burned sandstone rockpile. (Chada/Seeley 1992)

Feature 6 is the location of a previously recorded hearth. (Chada/Seeley 1992)

Feature 7 is a 1.5 m in diameter hearth. (Chada/Seeley 1992)

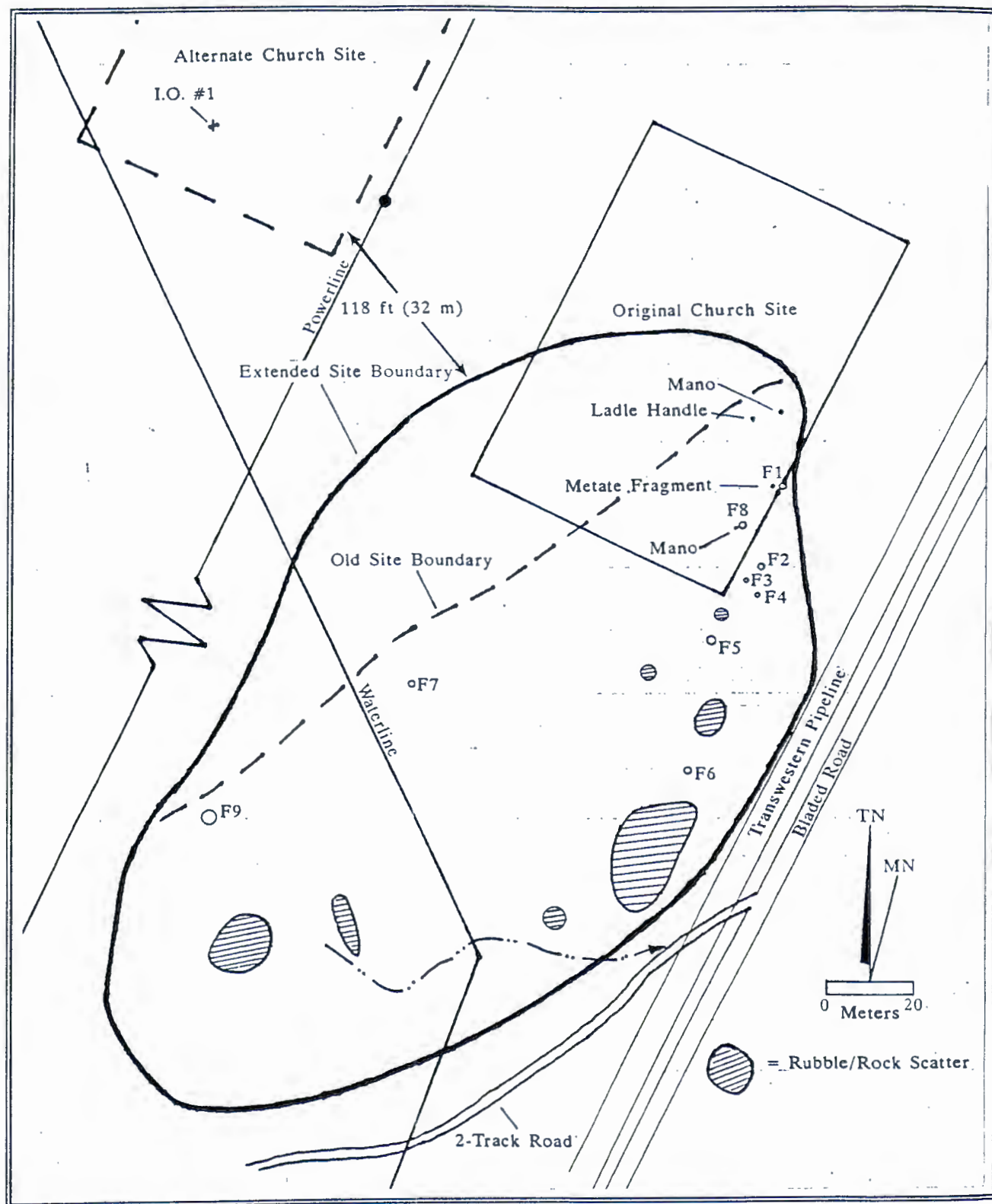


Figure 3. Plan Map of Site NM-Q-12-30 (LA 83925), Adapted from Chada (1992) for NNAD-99-131.

Feature 8 is a 1.5 m in diameter hearth. (Chada/Seeley 1992)

Feature 9 is 3.4 m in diameter hogan remains. (Yeatts/Dalgai 1989)

*Isolated Occurrence*

Isolated Occurrence #1 consists of one (1) Cibolan Grayware sherd (UTM coordinates and legal description: Zone 12; 3966110N, 733410E, T.18N, R.15W, unplatted). See Figure 2.

b. Evaluation of Significance of Each Resource: No changes are considered warranted to the significance evaluations of site NM-Q-12-30 previously made by Chada and Seeley (1992).

The isolated occurrence meets the 50-year age guideline but lacks integrity. Research potential has been exhausted by this recording which includes location and description. Thus, it is not eligible for nomination to the National Register of Historic Places (NRHP). The I.O. is more than 100 years old but it is not considered of archaeological interest and therefore it does not warrant protection under the Archaeological Resources Protection Act (ARPA). Since the I.O. has no known religious or sacred significance, it is not eligible for protection under American Indian Religious Freedom Act (AIRFA).

Although the Traditional Cultural Properties (TCPs) qualify for protection under NPS Bulletin 38 and AIRFA, they are well outside the surveyed area and there is no evidence to suggest that they will be even remotely affected by the proposed undertaking.

**16. MANAGEMENT SUMMARY (RECOMMENDATIONS):** A No Effect determination is recommended since an alternate church site tract was surveyed which avoids site NM-Q-12-30 by more than 50 ft (15 m), and no other significant cultural resources were identified.



Navajo Nation Archaeology Department

Site Survey and Management Update Form

NNAD Site Number: NM-Q-12-30

Original Site Number: NM-Q-12-30/LA 83925

Date: 04-28-99

Current Project Number and Name: NNAD-99-131: An Archaeological Survey of a Proposed Church Site for Wilson Morgan near Standing Rock, McKinley County, New Mexico.

Updated By: Curtis Yazzie and Melvin Dalgai

New Location Information:

Legal Description: No change

UTM Coordinates: No change

USGS Map Reference: No change

Other: N/A

Location of Site Relative to Current Project Area: The site as originally mapped would be within 50 ft. (15 m) of the proposed church site tract.

Additional Descriptions (including current condition of site): Site NM-Q-12-30 (Multicomponent: Anasazi/Navajo) was originally recorded in 1989 by Michael Yeatts and Melvin Dalgai under NNAD-89-238 and was considered eligible for nomination to the National Register of Historic Places (NRHP), as well as for protection under the Archaeological Resources Protection Act (ARPA). It was not, however, considered eligible for protection under the American Indian Religious Freedom Act (AIRFA). The same site was re-recorded/updated in 1992 under NNAD-92-409 by Bill R. Chada and LaVerne Seeley. During this recording, component 1 (Anasazi) of the site was given eligibility under NRHP and ARPA, but not AIRFA; and component 2 (Navajo) was given eligibility under AIRFA, but not NRHP or ARPA. Due to the confusion presented by these evaluations, the site was reassessed by Curtis Yazzie and Melvin Dalgai, staff archaeologists with the Navajo Nation Archaeology Department, during the NNAD-99-131 survey. After reassessment, it was determined that the updated evaluations by Chada and Seeley were more appropriate. The NM-Q-12-30 site boundary has been expanded to encompass artifacts observed beyond the previously mapped site boundary. The site is now considered in fair shape, however, having been disturbed by the construction of a waterline, livestock grazing, human activities, and natural deterioration over time.

Site Assessment (indicate any changes from original evaluation):

36 CFR 60.4 (National Register of Historic Places): No change from the Chada/Seeley evaluations.

Archaeological Resources Protection Act (ARPA): No change from the Chada/Seeley evaluations.

American Indian Religious Freedom Act (AIRFA): No change from the Chada/Seeley evaluations.

Recommendations: A No Effect determination is recommended since an alternate church site tract was surveyed which avoids the site by more than 50 ft (15 m), and no other significant cultural resources were identified.



NAVAJO NATION ARCHAEOLOGY DEPARTMENT

Site Survey and Management Form

SITE NO: NM-Q-12-30 FIELD OR OTHER NAME: SR-21 DATE RECORDED: 10-16-89

PROJECT NUMBER & NAME: NNAD 89-238: An Archaeological Survey of 141 Scattered Homes and Service Lines near Standing Rock, New Mexico. (NA-89-644)

ORGANIZATION: NNAD

ARCHAEOLOGIST(S): M. Yeatts, M. Dalgai

USGS MAP REFERENCE: Toyee, New Mexico, 1970

LEGAL LOCATION: Unplatted 1/4, 1/4, 1/4, Sec. , T18N, R15W

UTM: Zone 12. N3965950m E733440m

STATE: New Mexico

COUNTY: McKinley

CHAPTER: Standing Rock

LAND STATUS: Tribal Trust

GROUND VISIBILITY: Kind and extent of cover? 60-80% visible; visibility impaired by grass and low shrubs.

TOPOGRAPHY: The site sits atop and on the Eastern side of a northeast trending ridge. The ridge dips to the northeast.

DRAINAGE: An unnamed, ephemeral drainage is located 1200 feet to the east of the site. An unnamed spring is located approximately 2/3 of mile to the south of the site.

ELEVATION (ft/m): 6220 ft/1896 m Slope and Direction: 1° to the northeast; 2-3° to the east; 1-2° to the north.

SEDIMENT TYPE: aeolian sand

OTHER:

VEGETATION PRESENT: Grass, snakeweed, saltbush, rabbitbush, prickly pear cactus.

CULTURAL AFFILIATION(S): Anasazi/Navajo SITE TYPE: Uncertain

PERIOD(S) OF OCCUPATION (Date, if known): BMIII-PII/1960s

HOW DATED? ceramics/cans

DIMENSIONS OF SITE (l x w): (Both Loci) 210 m (NE-SW) x 85 m (NW-SE)

Total Area (sq.m): 1200 sq. m

How Determined: Summation of squares on site map.

ARCHITECTURE PRESENT? Yes Describe: Scattered rubble, slab-lined hearths, burned rock, hogan foundation.

ARTIFACTS OBSERVED/COUNTED: Observed - Over 300 ceramics; over 30 lithics, 2 possible groundstone.

COLLECTION MADE? No OF WHAT? METHOD:

PHOTO TAKEN? No B/W: Roll Frame(s) Color: Roll Frame(s)

SITE DESCRIPTION: The site consists of two components; a prehistoric, Anasazi occupation and the remains of a Navajo hogan. The prehistoric component consists of eight rubble areas, possibly representing structures, four or five thermal features and an artifact scatter. One of the thermal features may be a Navajo bread oven. Within the overall site area, there are two areas of relatively continuous artifact distribution and a hiatus between them. This hiatus may only be due to natural deposition processes rather than a cultural phenomenon.

No wall alignments were discernible in the rubble areas, though dunes have obscured most of the rubble. From ceramic evidence, this component of the site dates from BMIII-PII with the earlier end being represented the strongest.

The artifacts associated with the prehistoric component include ceramics, lithics, and possible groundstone. Lino Gray was by far the most common type of ceramic noted forming probably 85-90% of the assemblage. Other types noted included Kana'a Neckbanded, Cibolan indented corrugated, Red Mesa Black-on-white and Gallup Black-on-white.

Two small fragments of possible groundstone were observed. Their size was too small to determine whether they were from manos, metates, or if they were groundstone for certain.

The Navajo component consisted of the masonry foundation of a circular hogan, scattered trash, and possibly a collapsed oven. In addition to a circle of stones, the hogan had several pieces of wood laying where the entry had been. Because of the amount of trash scattered around the area, it is difficult to identify which of it is associated solely with the hogan. The older material included rusted cans, metal, and an enameled coffee pot. Several beverage cans were steel with aluminum tops and "pop top" openings. There were also modern items such as aluminum cans, styrofoam plates, and new beer bottles.

CONDITION OF SITE: Good Causes of disturbance: Animal grazing, natural erosion.

LOCATION OF SITE RELATIVE TO PROJECT AREA: Straddling the waterline.

EXTENT OF INVESTIGATION TO DATE: Recording by current project.

RESEARCH POTENTIAL: Excellent in conjunction with the other sites in the area.

RECOMMENDATIONS: The right-of-way has been realigned to avoid the major artifact and rubble concentrations on the site. Because sand dunes cover much of the area and may be obscuring surface manifestations of the site, monitoring should be undertaken within 50 feet of the site during waterline construction. A complete avoidance of the site is impossible because of the proximity of the El Paso Natural Gas to the waterline and the linear nature of the site.

SITE ASSESSMENT UNDER 36 CFR 60.4 (National Register):

INTEGRITY: Site retains integrity of location and association.

and CRITERIA a-d: Site qualifies for protection under criteria d.

EXCLUSIONS: None

SITE ASSESSMENT UNDER 43 CFR 7.3. (Archaeological Resources Protection Act): More than 100 years old and is of archaeological interest: merits protection.

SITE ASSESSMENT UNDER AIRFA (American Indian Religious Freedom Act): Does not merit protection.

PROVIDE A SITE MAP (including site designation, North arrow, scale, recognizable features, landmarks and relationship to project area).

HOW CAN THE SITE BE REACHED? (See attached U.S.G.S map)

OTHER COMMENTS (Ethnographic data, etc.): None



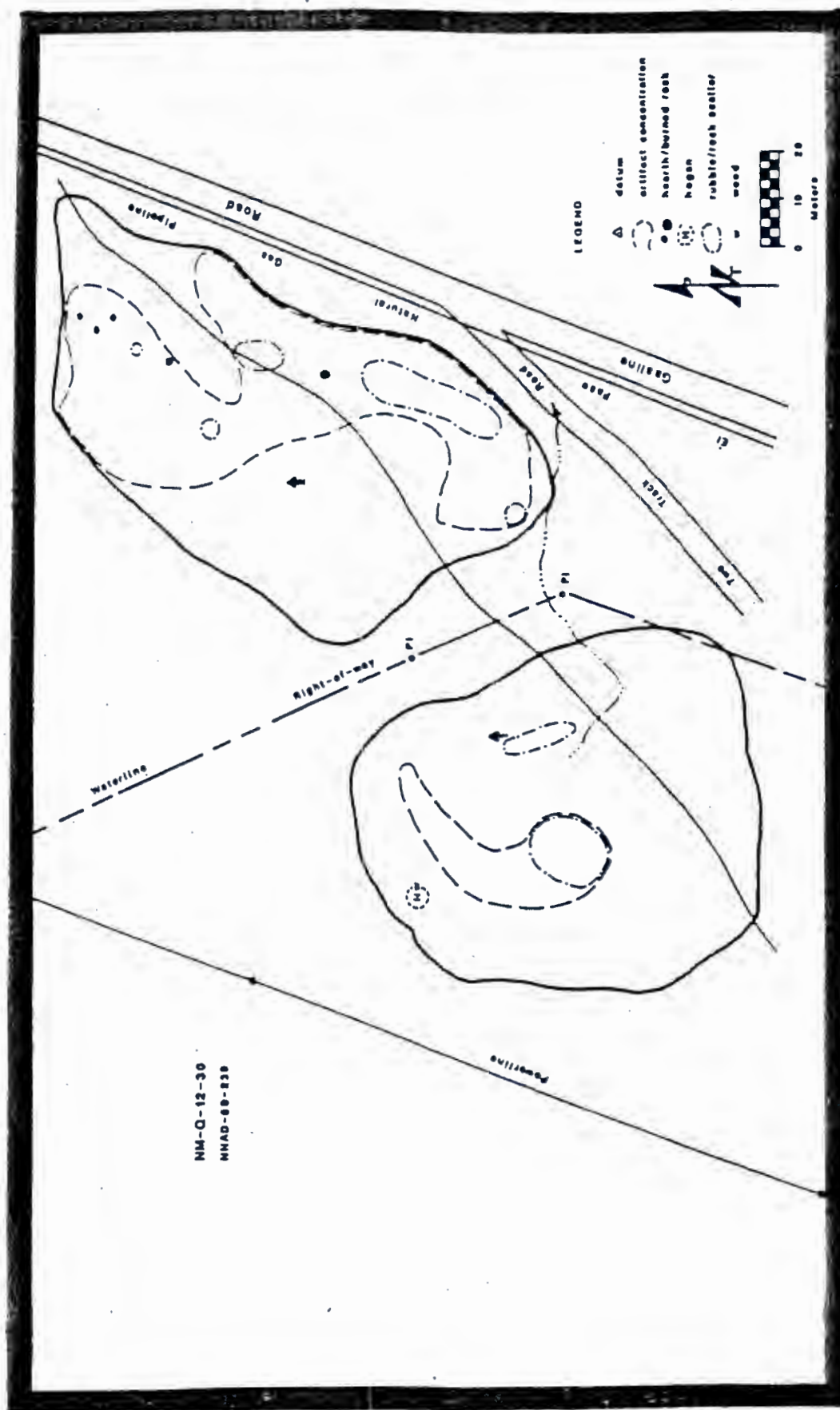


Figure 30. General plan map of Site NM-Q-12-30 (NNAD-89-238).

## NNAD SITE SURVEY AND MANAGEMENT UPDATE FORM

NNAD SITE NUMBER: NM-Q-12-30    ORIGINAL SITE NUMBER: LA 83925    DATE: 09/04/92

CURRENT PROJECT NUMBER AND NAME: NNAD 92-409--An Archaeological Survey of the Navajo Tribal Utility Authority's Proposed Crownpoint Phase I Gas Line and the Standing Rock Loop Gas Pipeline near Standing Rock, McKinley County, New Mexico

UPDATED BY: Bill R. Chada and LaVerne Seeley

### NEW LOCATIONAL INFORMATION:

Legal description: Unplatted lands, Sec. 10 (Projected), T.18N, R.15W; NMPM

UTM Coordinates: Zone 12; Northing 3966011m, Easting 733463m

Other: Photos taken: Yes    Color: Roll 92-25(F); Frame(s) 3-6

LOCATION OF SITE RELATIVE TO CURRENT PROJECT AREA: The site is located west of the rerouted right-of-way of the Standing Rock Loop natural gas line.

ADDITIONAL DESCRIPTION/COMMENTS (including current condition of site): The site has changed slightly since it was originally recorded in 1989. All of the features, except Feature 6, were relocated during this project. It appears that Feature 6 has been removed with the surrounding soil since the 1989 recording. The area where Feature 6 was located has been removed for what appears to be fill for the area of the gas pipelines, which are located near the site. The site was originally recorded as two separate loci. This has now been changed into a single site contained within a site boundary. This was done because artifacts are found throughout the site area with no break between the individual loci. The site boundary has been expanded to cover an area which measures 205 m by 82 m.

The UTM coordinates have changed slightly since the site was originally recorded. This is due in part to the use of a computer to calculate the more precise coordinates, and due to the different location of the point to take the reading of the coordinates. The legal description has been slightly altered to include a projected section number.

The condition of the site remains good. Natural erosional processes and livestock grazing are observed in the site area. The soil covering the site is a fine alluvial sand which appears to be moving from place to place. Features observed one day may be silted over the next.

The depositional potential varies with the components of the site. Component 1, the prehistoric component, contains excellent depositional potential. Component 2, the historic component, contains good deposition. This is based on the amount of sand which appears to cover the entire site location.

Additional features observe included Feature 1. Feature 1 consists of a possible hearth. The area of the feature is 1.5 m in diameter and contains fire-reddened sandstone. All of the sandstone appears to have been burned. No upright slabs are presently visible. The sizes of sandstone present range downward from 35 cm by 20 cm by 15 cm. No artifacts are visible within the feature, but a trough metate fragment is located 3 m to the west.

Feature 7 is located in a blow out area. This feature is the remains of a hearth. Burned sandstone is present in this area. There are no upright sandstone located here. The feature measures 1.5 m in diameter and artifacts are present within the feature.



Feature 8, the last newly found feature, has also been identified as a hearth. This feature measures 1.5 m in diameter, and contains burned sandstone but no upright sandstone. A mano was found next to this feature.

The remainder of the features were found by Yeatts, but no description was given other than calling the features hearths/burned rocks.

Feature 2 is a hearth with upright sandstone slabs present. This feature measures 1.2 m in diameter. There are fire-reddened sandstone slabs which measure up to 35 cm by 20 cm by 10 cm. These sandstone slabs extend above present ground surface up to 20 cm. All of the sandstone appears extremely fired and crumbly. A scatter of burned sandstone is also located around the upright stones.

Feature 3 is another hearth but it appears to contain horizontally placed sandstone rather than upright slabs. This feature measures approximately 1 m in diameter. All of the pieces of sandstone except one, are burned to a red color. A scatter of burned sandstone is also present nearby.

Feature 4, a hearth, contains upright burned sandstone slabs. The feature is 0.95 m in diameter. There is a scatter of burned sandstone located around the feature. Very similar to the other hearths.

Feature 5 is a pile of burned sandstone. This feature measures 2 m in diameter. There were no upright sandstone slabs observed within this feature. The sandstone pile is 0.3 m above present ground surface. This feature is similar to a burned sandstone pile next to a historic Navajo sweat lodge, but there were no nearby sweat lodges observed.

Feature 6 is the location of a previously recorded hearth. There is no evidence of the hearth in this area at present. There is, however, evidence that the soils in this area have been removed, most likely for the fill or land leveling around one of the three gas pipelines which pass by the site.

Feature 9 is the remains of the hogan discussed in the original recording of the site. The hogan measures 3.4 m in diameter. Large sandstone fragments are placed horizontally around the edges of this feature. A pile of sticks is located in what is interpreted as a doorway. The doorway is located at 70 degrees. One piece of sandstone in this feature has a wire wrapped around it.

SITE ASSESSMENT (indicate any changes from original evaluation). The site assessment has been changed slightly based on present observations. A breakdown of the components of the site will also be given.

36 CFR 60.4 (National Register):

Integrity: Component 1 possesses integrity of location, setting, and association. The qualities of design, feeling, materials, and workmanship do not appear to apply. Component 2 possesses integrity of location and association. The qualities of design, feeling, setting, materials, and workmanship do not appear to apply.

and Criteria a-d: Neither component appears to represent a property which is potentially eligible for inclusion on the National Register of Historic Places under criteria a-c. Both components, however, may be eligible under criterion d as a result of their research potential.

50-Year Guideline: Component 1 meets the 50-year guideline, but Component 2 does not meet the 50-year guideline.

Exclusions: The site does not appear to fall into categories a-g, thus it does not qualify as an exclusion.

43 CFR 7.3 (Archaeological Resources Protection Act):

Archaeological Interest: Both components are of archaeological interest.

100-Year Requirement: Component 1 does meet the 100-year requirement, but Component 2 does not.

American Indian Religious Freedom Act (AIRFA): Component 1 does not merit protection, and Component 2 may merit protection. This is based on the fact that many Navajo homesteads contain structures which are blessed.

RECOMMENDATIONS: Utilize the reroute which passes to the east of the site. This area is disturbed by the construction of three gas pipelines. If the reroute is not utilized and the original centerline is used, which is NTUA's preferred design plan, monitoring of the construction through the site area is recommended.

References Cited:     Yeatts, Michael  
1990     An archaeological survey of 141 scattered homes and service lines near Standing Rock, New Mexico. *Navajo Nation Archaeology Department Report* 89-238.

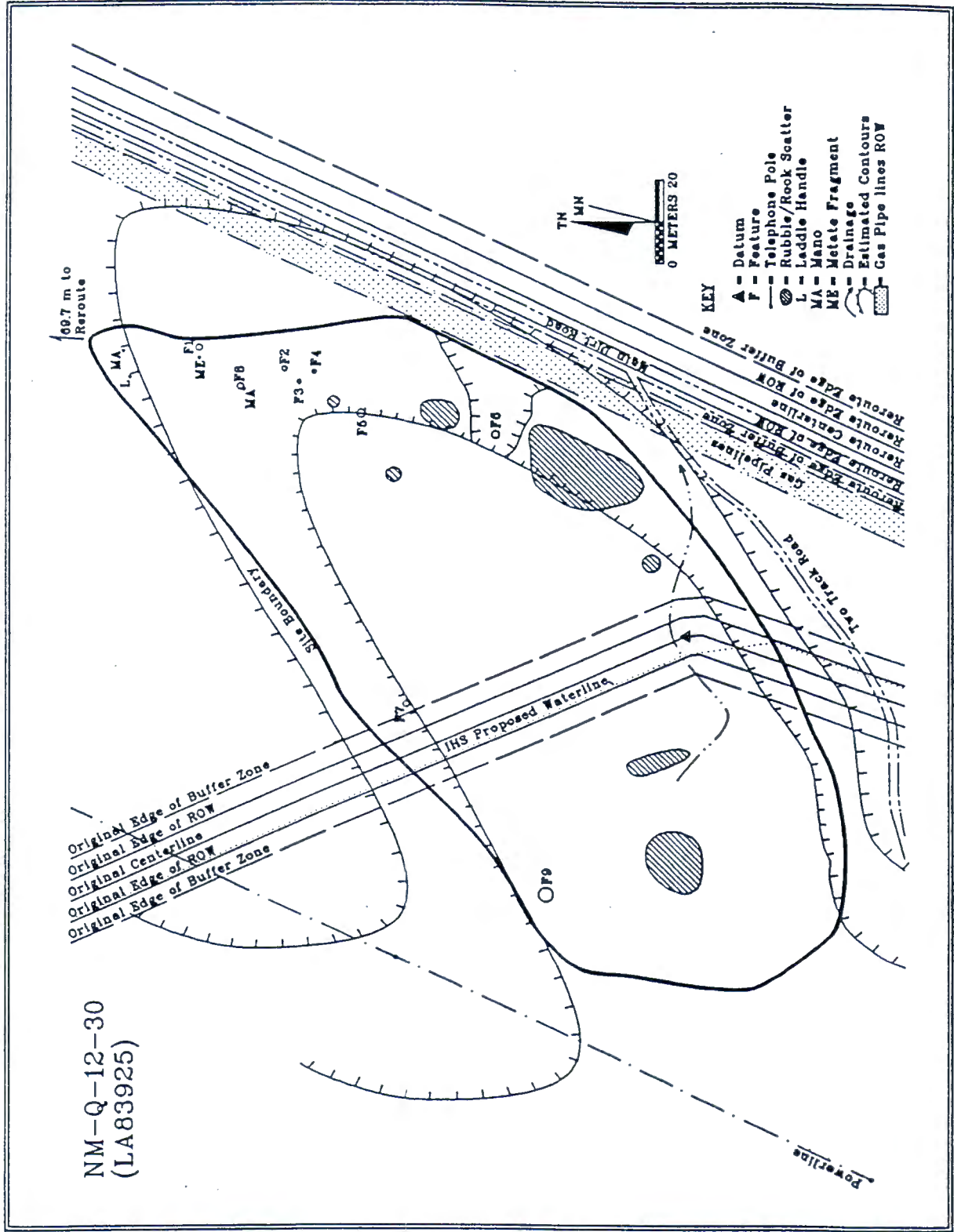


Figure 15. Plan map of Site NM-Q-12-30 (LA83925). Adapted from Yeatts (1990) (NNAD 92-409).



**Figure 2.** Map showing location of project area and identified cultural resources. Toyee, New Mexico, 1970, 7.5' series USGS map; T18N, R.14W (NNAD 92-409).



THE NAVAJO NATION

JONATHAN N



**ENVIRONMENTAL PROTECTION AGENCY**

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW

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

Website: [www.navajonationepa.org](http://www.navajonationepa.org)

September 29, 2015

Alvin and Agnes Cayatineto  
Sozo Life Fellowship  
PO Box 450  
Crownpoint, New Mexico 87313

**Subject: Mission Site Lease Transfer – Church of God to Sozo Life Fellowship**

Mr. and Mrs. Cayatineto,

The Navajo Nation Environmental Protection Agency (NNEPA) recommends *approval* for the proposed  $\pm 1.15$  acres mission site lease transfer from Church of God to Sozo Life Fellowship. The proposed mission site lease action will not significantly impact the Navajo Nation's environmental resources. The building, utilities and access road are existing. This environmental clearance is only for the 1.15 acre mission site lease.

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

Sincerely,

Rita Whitehorse-Larsen, Senior Environmental Specialist  
Navajo Nation Environmental Protection Agency  
Office of the Executive Director/Administration  
Office of Environmental Review

Cc: Vera Shurley, Right-of-Way Agent, Navajo Land Department  
Standing Rock Chapter, via email



Standing Rock Church of God, 35°48'49.68"N, 108°25'2.67"W

© 2015 Google

Google earth  
Earth point

Google earth

feet  
meters

100

600







Standing Rock Church of God, 35°48'49.68"N, 108°25'2.67"W

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**TERMS AND CONDITIONS FOR MISSION SITE PERMIT**  
**Sozo Life Fellowship Church (PERMITTEE)**

1. This Mission Site Permit is issued to the **SOZO LIFE FELLOWSHIP, POST OFFICE BOX 450, CROWNPOINT, NEW MEXICO 87313** to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein. The term of the Mission Site Permit is effective beginning on the date the permit is approved by the Resources & Development Committee of the Navajo Nation Council or authorized representative. This Permit is authorized by Resources and Development Committee No. \_\_\_\_\_
2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is **'NOT A LEASE'** and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

**TRACT DESCRIPTION**

A Tract of land situated within the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 3, Township 18 North, Range 15 N.M.P.M., San Juan County, New Mexico situated in the Standing Rock area and is more particularly described as follows:

Commencing at the Point of Beginning, a point being the Southerly corner of said Parcel which bears North 29° 31' 31" West, a distance of 1,394.45 feet from the Southeast corner of said Section 3;

thence North 29° 31' 39" West, a distance of 247.21 feet;  
thence North 21° 46' 26" East, a distance of 200.53 feet;  
thence North 80° 10' 34" East, a distance of 229.52 feet;  
thence South 22° 04' 57" West, a distance of 475.36 feet to the Point of Beginning.

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

7. The annual rental is set at \$ \_\_\_\_\_ per year and is due on or before the first day of January of each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.
8. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.
9. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
  - a. Title 25, Code of Federal Regulations, Part 162;
  - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
  - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ 201 et seq.; and
  - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
10. The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
11. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
12. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.
13. The Permittee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the permit area by the Permittee.



14. The Permittee shall not assign, convey or transfer, in any manner whatsoever, the permit or any interest therein, or in or to any of the improvements on the land subject to the permit, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer of the permit without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation.
15. The Navajo Nation may terminate the permit for violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:
  - a. Failure to comply with any terms and conditions of the permit or of applicable laws or regulations;
  - b. Non-use of the permit; and
  - c. The use of the land subject to the permit for any purpose inconsistent with the purpose for which the permit is granted.
16. At the termination of the permit, the Permittee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
17. The Permittee shall give written notice to the Navajo Nation Land Department regarding any change to the Permittee's contact information, address, leadership, organizational name, or any other substantial change to the organization. The notice shall be given within thirty (30) days and delivered to the Navajo Land Department at Post Office Box 2249, Window Rock, Arizona 86515.
18. Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof or give the Permittee any rights hereunder or in or to the land subject to the permit or to any improvements located thereon.
19. The Navajo Nation shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
20. By acceptance of the grant of permit, the Permittee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction to levy fines and to enter judgments for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
21. By acceptance of the grant of the permit, the Permittee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state

government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the permit or to the Navajo Nation.

22. Any action or proceeding brought by the Permittee against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be resolved administratively under the laws of the Navajo Nation, and no action or proceeding shall be brought by the Permittee against the Navajo Nation, in any court of any state.
23. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
24. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
25. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Permittee, and the term "Permittee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
26. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the area under the permit and all lands burdened by the permit, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the permit; and the area under the permit and all lands burdened by the permit shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

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

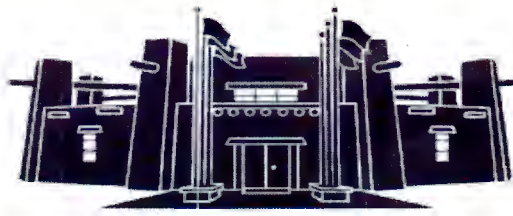
Date: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

**Sozo Life Fellowship**  
**Permittee**

**President**  
**Navajo Nation**



## MEMORANDUM

**TO:** Hon. Edmund Yazzie  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
*for* Kristen Lowell, Attorney  
Office of Legislative Counsel

**DATE:** November 3, 2016

**SUBJECT:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;  
APPROVING A REVOCABLE USE PERMIT FOR MISSION SITE FOR  
THE SOZO LIFE FELLOWSHIP, STANDING ROCK, ON NAVAJO  
NATION TRUST LANDS IN THE VICINITY OF TSE'II' AHI' CHAPTER,  
NAVAJO NATION (MCKINLEY COUNTY, NEW MEXICO)

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

The Office of Legislative Council confirms the appropriate standing committee(s) reviews 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).

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

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

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0389-16\_

SPONSOR: Edmund Yazzie

**TITLE: An Action Relating to Resources and Development; approving a revocable use permit for mission site for the Sozo Life Fellowship, Standing Rock, On Navajo Nation Trust Lands in the vicinity of Tse;iiahi Chapter, Navajo Nation (McKinley County, New Mexico)**

***Date posted:*** November 8, 2016 at 4:48pm

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

Written comments may be mailed to:

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

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

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

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0389-16

**SPONSOR:** Honorable Edmund Yazzie


**TITLE::** An Action Relating To Resources and Development; approving a revocable use permit for mission site for the Sozo Life Fellowship, Standing Rock, On Navajo Nation Trust Lands in the vicinity of Tse;iihi Chapter, Navajo Nation (McKinley County, New Mexico).

**Posted:** November 8, 2016 at 4:48pm

**5 DAY Comment Period Ended:** November 13, 2016

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Policy Analyst**  
**Office of Legislative Services**

11/14/2016 8:23am  
\_\_\_\_\_  
**Date/Time**



**RESOURCES AND DEVELOPMENT COMMITTEE  
23rd NAVAJO NATION COUNCIL**

**SECOND YEAR 2016**

**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

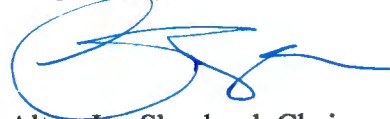
**LEGISLATION # 0389-16:** An Action Relating to Resources and Development Committee; Approving a Revocable Use Permit for Mission Site for the Sozo Life Fellowship, Standing Rock, On Navajo Nation Trust Lands in the Vicinity of Tse'ii'Ahi' Chapter, Navajo Nation (McKinley County, New Mexico) *Sponsor: Honorable Edmund Yazzie*

Has had it under consideration and report the same that the matter was **TABLED** with a directive to Sponsor and Office of Legislative Counsel to address the concerns raised by the Committee relative to the proper name of the church seeking the RUP and whether if there is a RUP that is being transferred to the organization, and the annual fees to be incorporated in the RUP's Terms and Conditions.

The Committee will also need to address with OLC, NNDOJ and NN Land Department issues relative to establishing policy on land withdrawal designation on Revocable Use Permits, .s RUPs for a Mission Site require obtain a Land Withdrawal designation and related issues.

And tabled until the next regularly scheduled meeting.

Respectfully submitted,



Alton Joe Shepherd, Chairperson  
Resources and Development Committee of  
the 23<sup>rd</sup> Navajo Nation Council

Date: November 29, 2016

**MAIN MOTION:**

Motion: Honorable Walter Phelps

Second: Honorable Leonard Pete

Vote: (CNV)

**MOTION TO TABLE:**

Motion: Honorable Leonard Pete

Second: Benjamin Bennett

Vote: 3-0-1

# MEMORANDUM

To : Alton J. Shepherd, Chairperson  
Resources and Development Committee

From : Mariana Kahn, Attorney  
Office of Legislative Counsel

Date : November 28, 2016

Re : Legislation No. 0389-16 Approving a Revocable Use Permit for Mission Site for the Sozo Life Fellowship, Standing Rock

I was out of the Office of Legislative Counsel when Legislation No. 0389-16 was drafted and released from the Office. I have reviewed the draft resolution and the documents submitted with the request for legislation and I would like to take this opportunity to bring a few issues to the attention of the Resources and Development Committee.

First, the legislative request is to provide legislation concerning Sozo Fellowship Church. However, the packet of documents which accompanied this request for drafting contained documents referencing Standing Rock Church of God<sup>1</sup> and Sozo Fellowship Church<sup>2</sup>. This presents confusion. Does this request also involve a *name change* from Standing Rock Church of God to Sozo Fellowship Church? Or, does this involve a *transfer*<sup>3</sup> of a Mission Site Revocable Use Permit from Standing Rock Church of God to Sozo Fellowship Church? This resolution is drafted without addressing these issues.

Second, on page two of Exhibit "F," the Terms and Conditions for Mission Site Permit, has a blank space for the annual rental for the revocable use permit. There is a reference to a "Sliding Fee Scale"; however there is no "Sliding Fee Scale" document included. A Sliding Fee Scale document for the Resources and Development Committee to reference when determining the annual fee would be useful.

Third, does a request for a Revocable Use Permit for a Mission Site require obtaining a Land Withdrawal designation from the Director of the Land Department? The Resources and

<sup>1</sup> Exhibit "C," Exhibit "E" Cultural Resources Compliance Form

<sup>2</sup> Exhibits "A," "B," "E" Biological Resources Compliance Form

<sup>3</sup> Exhibit "E" September 29, 2015 Navajo Nation Environmental Protection Agency Memorandum

Development Committee and its predecessor, the Resources Committee; have approved Land Withdrawal legislation with respect to issuance of revocable use permits for mission sites. A few of the latest approval of Land Withdrawals for mission site revocable use permits include RDCJA-02-16<sup>4</sup> and RDCMY-32-16.<sup>5</sup> As you will recall, the Resources and Development Committee delegated the authority to make Land Withdrawal Designations to the Navajo Land Department. RDCJN-33-15. The Department Director of the Navajo Land Department has issued a memorandum dated March 25, 2016 which is attached to legislation 0389-16. The Director's memorandum states "the Land Withdrawal Designation Regulations do not require any entity to obtain a land withdrawal designation prior to obtaining a lease or permit. An entity may skip the land withdrawal designation process, and directly apply for a lease or permit. In addition, for renewal of permits for existing mission sites, there is no land withdrawal designation necessary." I do not read RDCJN-33-15 to dispense with the use to obtain a land withdrawal. I believe the Resources and Development Committee should make a determination as to whether it is the policy of the Navajo Nation to dispense with the Land Withdrawal Designation for mission site revocable use permits.

I bring these issues to the Resources and Development Committee's attention.

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<sup>4</sup> RDCJA-02-16 An action relating to Resources and Development; Approving a revocable use permit for mission site for Congregational Methodist Navajo Mission in Navajo Nation trust Lands in the Vicinity of Newcomb Chapter, Navajo Nation (San Juan County, New Mexico): Finding "F." On June 16, 2015, the Resources and Development Committee of the Navajo Nation Council (RDCJN-33-15) delegated the Director of the Navajo Land Department (NLD), Division of Natural Resources, the power and authority to give final approval of all land withdrawal designations on the Navajo Nation. The Land Withdrawal Designation has been approved for five (5) years for the Congregational Methodist Navajo Mission attached as Exhibit "F" [.] Exhibit "F" is a memorandum from W. Mike Halona, Department Manager III, Navajo Land Department, to the pastor of the Congregational Methodist Navajo Mission. The last paragraph of the memorandum it states *"The Land Withdrawal Designation has been approved for five (5) years. Within ninety (90) days prior to expiration, you must notify and request for another (5) year withdrawal from the Navajo Land Department."* The Executive Official Review Document No. 003921 is signed off by the various reviewers under the heading "Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases."

<sup>5</sup> RDCMY-32-16 An action relating to Resources and Development; Waiving 16 N.N.C. § 1159 (B) regarding acreage limit of 1.5 acres for a mission site for purely religious reasons; and, approving a revocable use permit for 3.4 acres for the Indian Wells Baptist Church in the vicinity of Indian Wells Chapter, Navajo Nation (Navajo County Arizona) Finding "E". "Pursuant to the authority delegated to the Navajo Land Department by the Resources and Development Committee resolution RDCJN-33-15, the Director of the Navajo Land Department (NLD), Division of Natural Resources has approved the Land Withdrawal for a mission site for Indian Wells Baptist Church for 3.40 acres of tribal trust land for five (5) years, as described in Exhibit F." Exhibit "F" is a memorandum from W. Mike Halona, Department Manager III, Navajo Land Department, regarding the Indian Wells Baptists Church. The last paragraph of the memorandum it states *"The Land Withdrawal Designation has been approved for the Indian Wells Baptist Church for another five (5) years. Within ninety (90) days prior to expiration, you must notify and request for another (5) year withdrawal from the Navajo Land Department."* The Executive Official Review Document No. 005160 is signed off by the various reviewers under the heading "Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases" and "Rights of Way."