

RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
24<sup>th</sup> Navajo Nation Council --- First Year, 2019

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A  
MISSION SITE PERMIT FOR THE WHITE WATER COMMUNITY CHURCH ON  
NAVAJO NATION TRUST LANDS IN THE VICINITY OF NASCHITTI COMMUNITY  
CHAPTER, NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. TITLE 16 OF THE NAVAJO NATION CODE PROVISIONS WITH RESPECT TO ACREAGE OF MISSION SITES

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

- 1. Mission site for purely religious activities: one and one-half (1 1/2) acres;
- 2. Mission site for religious activities and community services facilities: three and one-half (3 1/2) acres;
- 3. Mission site for religious activities and either substantial medical or accredited educational programs: eight (8) acres; and
- 4. The Resources and Development Committee may, in the case of applications for mission sites in or near areas withdrawn

for townships in the Navajo Nation, limit site acreage to less than two and five-tenths (2 5/10) acres, and may set rental fees with due regard for present or future competing demands for land use in such areas.

### SECTION THREE. FINDINGS

- A. The White Water Community Church, HCR 330 Box 50 Suite 4105, Tohatchi, New Mexico 87325 has applied for a mission site permit within the Naschitti Community Chapter. The application is attached as **Exhibit E**.
- B. The proposed mission site is to be located on 1.5 acres, more or less, of trust lands within the vicinity of Naschitti Community Chapter, Navajo Nation (New Mexico). The land description appears on the survey plat attached hereto and incorporated as **Exhibit B**.
- C. Three Land User Consent documents are attached as **Exhibit C**.
- D. The Naschitti Community Chapter Resolution No. NAS-08-08-083 supporting the White Water Community Church for a mission site permit and the signed petition by the local residents in support of the Tunnel Spring Fellowship Center are attached as **Exhibit D**.
- E. Resources and Development Committee Resolution No. RDCJN-33-15 delegated the authority to process and approve Land Withdrawals to the Director of the Navajo Land Department. Resolution RDCJN-33-15 approved Land Withdrawal Designation Regulations ("Regulations"). Section One of the Regulations states:

#### "§1. Purpose.

The purpose of these Regulations is to clarify and expedite the Land Withdrawal Designation process on the Navajo Nation, and explains that a Land Withdrawal Designation does not authorize development or disturbance on Navajo Nation land. This Land Withdrawal Designation process does not apply to how to get a lease. Prior to any development on land, a lease must be obtained in addition to the withdrawal. The purpose of a Land Withdrawal Designation is to designate an area of land for further development by,

- a. Ensuring that the rights of grazing permittees, who are in compliance with their grazing permits, are properly addressed as applicable and as required under 16 N.N.C.



§§ 1401 et seq. and to prevent any subsequent claims to the land; and

- b. Ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land."
- F. Having received the consents of the land users, **Exhibit C**, and the receipt of the Naschitti Community Chapter Resolution No. NAS-08-08-083, **Exhibit D**, the purpose of the Land Withdrawal Designation has been met ensuring the rights of grazing permittees have been addressed and ensuring that the affected Chapter supports the Land Withdrawal Designation and use of the land as a mission site.
- G. The Resources and Development Committee approval of a Land Withdrawal for the purposes of a mission site with this legislation will serve a public purpose of expediting the process of the approval of a Mission Site Permit.
- H. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.
- I. The Cultural Resources Compliance Form, the Archaeological Inventory Report, the Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program memorandum, the Environmental Department Air & Toxics Department memorandum, the Office of Environmental Health, Indian Health Service memorandum, and the Survey for the Threatened, Endangered and Navajo Sensitive Species for the White Water Community Church are attached as **Exhibit F**.
- J. The application for mission site permit has been reviewed through the Executive Official Review Document No. 011271, including the Department of Justice, and found "Sufficient" or "Approved." Executive Official Review Document No. 011271 is attached as **Exhibit G**.

#### SECTION FOUR. APPROVAL

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the withdrawal of on 1.5 acres, more or less, of trust lands within the vicinity of Naschitti Community Chapter, Navajo Nation (New Mexico), as described in. **Exhibit B**, for Tunnel Spring Fellowship Center, for use as a mission site.

- B. The Resources and Development Committee of the Navajo Nation Council hereby approves the Mission Site Permit for the White Water Community Church, subject to but not limited to the attached Terms and Conditions contained herein as **Exhibit A** which is attached hereto and incorporated herein by this reference.
- C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes President of the Navajo Nation to execute all documents to affect the intent and purpose of this resolution.

**CERTIFICATION**

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24<sup>th</sup> Navajo Nation Council at a duly called meeting at the Twin Arrows Navajo Casino, Leupp, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, and 0 opposed, on this 29<sup>th</sup> day of May 2019.



Rickie Nez, Chairperson  
Resources and Development Committee  
of the 24<sup>th</sup> Navajo Nation Council

Motion: Honorable Thomas Walker, Jr.  
Second: Honorable Kee Allen Begay, Jr.

Chairperson Rickie Nez not voting.



10/01/2014  
FORM Mission Site



**TERMS AND CONDITIONS FOR MISSION SITE PERMIT  
WHITE WATER COMMUNITY CHURCH (PERMITTEE)**

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

**TRACT DESCRIPTION**

**A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO SITUATED IN THE NASCHITTI AREA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Point of Beginning a point being the Southwesterly corner of said parcel which bears North, 39°59'29" East, a distance of 1,230.12 feet from the Southwest corner of said Section 2;

THENCE North 24°08'44" East, a distance of 206.54 feet;

THENCE South 65°51'10" East, a distance of 316.33 feet;

THENCE 24°08'44" West, a distance of 206.54 feet;  
THENCE 65°51'12" West, a distance of 316.33 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.

The annual rental rate will be \$22.50 per year and is due on or before the first day of December 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.

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



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

- Date: 01/10/2019  
By: [Signature]  
White Water Community Church  
(Permitted)

President  
Navajo Nation



Mission Site Lease  
For  
White Water Community Church

(6) Survey Plat

March, 2019

**RED VALLEY SURVEY  
HENRY THOMAS  
P.O. BOX 2827  
SHIPROCK, NEW MEXICO  
87420  
(505) 320-0479**

August 22, 2008

White Water Community Church  
Attn Kevin Yazzie  
Naschitti, New Mexico

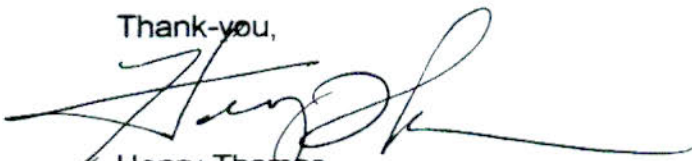
**Re: Missionary Site Survey**

Actual survey cost for a Missionary Site Lease being 1.5 acre located on  
N.T.I.T. land in the Naschitti area San Juan County, New Mexico

- 1) Office Research
- 2) Field Survey
- 3) Drafting
- 4) Field Research
- 5) Field Calculation
- 6) Office Calculation
- 7) Travel
- 8) Taxes

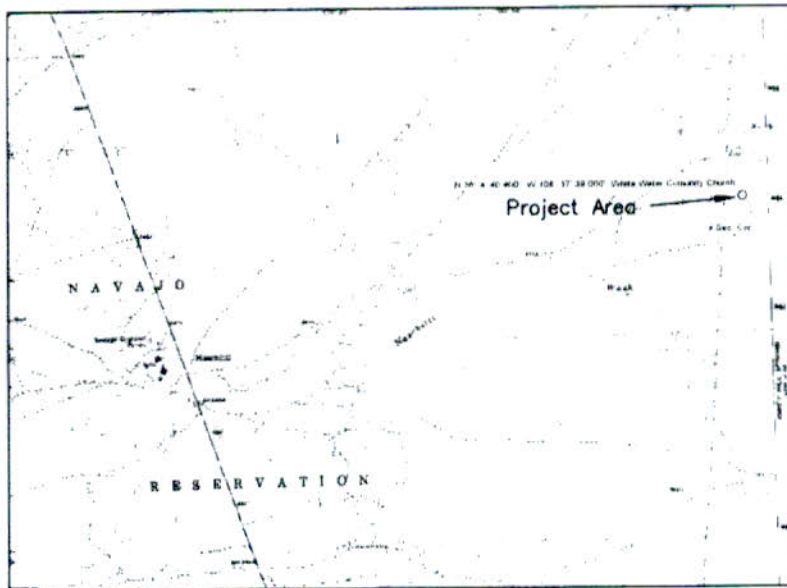
**TOTAL SURVEY FEE : \$600.00**

Thank-you,

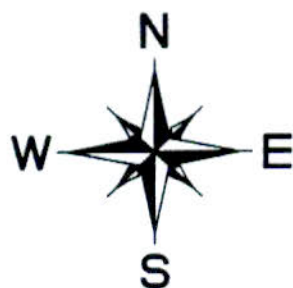


Henry Thomas

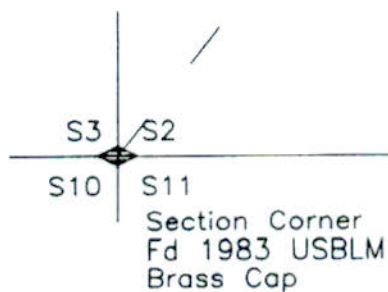




Vicinity Map Not to Scale



1" = 100'



N24°08'44"E  
206.54'

S65°51'10"E  
316.33'

White Water Community  
Missionary Site  
1.5± Ac.  
Vacant

N65°51'12"W  
316.33'

N39°59'29"E  
(tie) 1,230.12'

S89°56'51"E  
2639.36'

Legal Description.


A tract of land located in the Southwest Quarter (SW1/4) of Section 2, Township 21 North, Range 17 West, N.M.P.M., San Juan County, New Mexico situated in the Naschitti area and is more particularly described as follows:

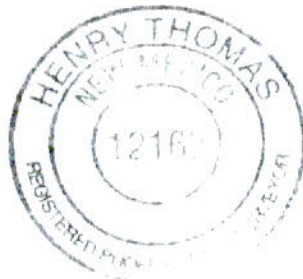
Commencing at the Point of Beginning a point being the Southwesterly corner of said Parcel which bears North 39°59'29" East, a distance of 1,230.12 feet from the Southwest corner of said Section 2;

thence North 24°08'44" East, a distance of 206.54 feet;  
thence South 65°51'10" East, a distance of 316.33 feet;  
thence South 24°08'44" West, a distance of 206.54 feet;  
thence North 65°51'12" West, a distance of 316.33 feet to the Point of Beginning

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

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

  
Henry Thomas  
Registered N.M.P.L.S. #12163



Basis of Bearing: Solar Observation 8-20-08 PM  
● Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163  
AZPLS #29894

Lease Area is Vacant  
Utilities are as shown

S2

S11

1/4 Corner  
Fd 1983 USBLM  
Brass Cap

RVS#08-114

|  |  |  |
|--|--|--|
| <b>RED VALLEY SURVEY</b><br>P.O. Box #2827, Shiprock NM 87420<br>(505)320-0479   |  | Drawn By:<br>HT  |
| <b>WHITE WATER COMMUNITY CHURCH<br/>MISSIONARY SITE SURVEY</b><br>1.5± Ac.<br>District 14<br>SW1/4, Sec. 02, T21N, R17W NMPM<br>Naschitti, San Juan County, New Mexico |  | Approved:<br>HT<br>DATE:<br>8/21/08<br>SCALE:<br>1"=100' |





Mission Site Lease  
For  
White Water Community Church

(3) Consent(s)

March, 2019

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

**TO WHOM IT MAY CONCERN:**

I, Lillie Etsitty hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit White Water Full Gospel Church located approximately 4 miles E. of Naschitti Chapter to use approximately 2 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: \_\_\_\_\_

Lillie H. Etsitty  
Permit Holder's Signature

Census No.

14-08-84  
Permit No.

3/30/08  
Date

WITNESSES:

THUMB PRINT:

Willis Nez  
Attested by Grazing Committee/Land Board

14-1  
District No.

6-25-08  
Date

Willis Nez  
Acknowledgement by church/field agent:

1/4/09  
Date

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

**TO WHOM IT MAY CONCERN:**

I, Elizabeth Baldwin, hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit White Water Full Gospel Church located approximately 4 miles E. of Naschitti Chapter to use approximately 2 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: \_\_\_\_\_

Elizabeth Baldwin  
Permit Holder's Signature

Census No.

Permit No.

04-29-08  
Date

WITNESSES:

Gwelyn Becenti

THUMB PRINT:

Willis  
Attested by Grazing Committee/Land Board  
Willis

District No.

6-25-08  
Date

Ken D. Huxley  
Acknowledgement by church/field agent:

1/4/09  
Date



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

TO WHOM IT MAY CONCERN:

Linda Smiley  
I, \_\_\_\_\_, hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to  
permit White Water Full Gospel Church located approximately 4 miles E. of Naschitti Chapter to  
use approximately 2 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, then, I shall have the right to reclaim the land. The subject  
land will be re-incorporated back into my grazing allotment.

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

Linda H. Smiley  
Permit Holder's Signature

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

14-01-01  
Permit No.

4-21-08  
Date

WITNESSES:

THUMB PRINT:

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

Witt  
Attested by Grazing Committee/Land Board  
WTTT MZ

14-1  
District No.

6-25-08  
Date

Vernie Shurley  
Acknowledgement by church/field agent:

1/4/09  
Date



Mission Site Lease  
For  
White Water Community Church

(7) Chapter Resolution

March, 2019

# *Naschitti Community Chapter*

P.O. Box Drawer D, Sheepsprings, New Mexico 87364

Phone: 505-732-5400/5401 Fax: 732-5406



NAS-08-08-083

## RESOLUTION OF THE NASCHITTI COMMUNITY CHAPTER

**THE NASCHITTI COMMUNITY CHAPTER IS HEREBY SUPPORTING AND APPROVING THE REQUEST OF THE MISSION SITE LEASE FOR THE NASCHITTI WHITE WATER COMMUNITY CHURCH OF NEW MEXICO AND TO PROCEED WITH THE CONSTRUCTION OF BUILDING A COMMUNITY CHURCH.**

### WHEREAS:

1. The Naschitti Community Chapter is recognized as a local government entity pursuant to 26 N.N.C. Section 1, (B), (1), (2), Section 103, (B), is delegated certain authorities, and responsibilities with respect to local matters consistent with Navajo Nation Laws; and
2. The White Water Community Church is a Church that will benefit all Naschitti community members & welcomes all residents of the Naschitti Community & adjacent communities; and
3. The White Water Community Church will actively seek creative ways presenting the teachings and gospel to all the people of the Naschitti community & adjacent communities; and
4. The Christian Faith is a belief that has much to offer to the Diné of the Naschitti community in counseling for troubled and despaired individuals. What the church beliefs is not that God has a special group of people that God loves more than others or that there is a culture and language among the people of the human race which God favors but instead God loves all individuals; and
5. The White Water Community Church will offer ministries of compassion for those in crisis and desperate need of the teachings of the Holy Bible which will be offered to everyone that individuals may be able to apply the principles for enhancing their wellbeing; and
6. The Mission Statement of the White Water Community Church is to share the love of God with the people of the Naschitti Community and the world is such a way that they have the best opportunities to become fully developed followers of Christ.

### NOW, THEREFORE BE IT RESOLVED THAT:

1. The Naschitti Community Chapter supports & approves the request of the Mission Site Lease for the Naschitti White Water Community Church of New Mexico and to proceed with the construction of building a community church.




# *Naschitti Community Chapter*

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NAS-08-08-083

## CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered and moved for approval by Jim Henry and Seconded by Roger Lawless at a duly called meeting of the Naschitti Community Chapter, at which a quorum was present and that the same was passed by a vote of 24 in favor, 00 opposed, and 08 abstentions on this 11<sup>th</sup> day of August, 2008.

  
Hoskie Bryant, Chapter President

Mission Site Lease  
For  
White Water Community Church

(4) Petition of Names

March, 2019

White Water  
PETITION FOR THE Full Gospel CHURCH

(1)

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

| Names                                      | Date             | Witness         |
|--|------------------|-----------------|
| 01. <u>Barbara Yazzie, Angela Yazzie</u>   | <u>3/09/08</u>   | <u>Syazzie</u>  |
| 02. <u>Kristin Yazzie, Robert Yazzie</u>   | <u>3/09/2008</u> | <u>Syazzie</u>  |
| 03. <u>Amber Zinke, Clinton Zinke</u>      | <u>3/09/2008</u> |                 |
| 04. <u>Breanna Smiley, Blainnie Smiley</u> | <u>3/9/2008</u>  |                 |
| 05. <u>Sonny Aaron Begaye, Sonny Aaron</u> | <u>3/09/2008</u> |                 |
| 06. <u>Linda Y. Smiley, Linda Smiley</u>   | <u>3/9/08</u>    | <u>Syazzie</u>  |
| 07. <u>Sarah Yazzie, Susan Yazzie</u>      | <u>3/9/08</u>    | <u>K. Beggs</u> |
| 08. <u>Albert Yazzie, Albert Yazzie</u>    | <u>3/9/08</u>    | <u>K. Beggs</u> |
| 09. <u>Katherine Sany</u>                  | <u>3-9-08</u>    | <u>Syazzie</u>  |
| 10. <u>Luan Hecchey, Luan</u>              | <u>3-9-08</u>    | <u>Syazzie</u>  |
| 11. <u>...</u>                             | <u>3-9-08</u>    | <u>K. Beggs</u> |
| 12. <u>Madrey Kapine, Madrey Kapine</u>    | <u>3-9-08</u>    | <u>Syazzie</u>  |
| 13. <u>Shawn Begaye, Shawn Begaye</u>      | <u>3-9-08</u>    | <u>Syazzie</u>  |
| 14. <u>Jessell Begay, Jessell Begay</u>    | <u>3-9-08</u>    | <u>K. Beggs</u> |
| 15. <u>Sherry Begay, Sherry Begay</u>      | <u>3-9-08</u>    | <u>K. Beggs</u> |
| 16. <u>Lana Begay, Lana Begay</u>          | <u>3/9/08</u>    | <u>K. Beggs</u> |
| 17. <u>Sage Begay, Sage Begay</u>          | <u>3/9/08</u>    | <u>K. Beggs</u> |
| 18. <u>Phil C. Begay</u>                   | <u>3/9/08</u>    | <u>K. Beggs</u> |
| 19. <u>Julian Sany</u>                     | <u>3/30/08</u>   | <u>Syazzie</u>  |
| 20. <u>Theresa Sany</u>                    | <u>3/30/08</u>   | <u>K. Beggs</u> |
| 21. <u>Irvin H. Baker</u>                  | <u>3/30/08</u>   | <u>K. Beggs</u> |
| 22. <u>Ed H...</u>                         | <u>3/30/08</u>   | <u>K. Beggs</u> |



| Names                               | Date           | Witness            |
|-------------------------------------|----------------|--------------------|
| 23. <u>STEVE BLACK</u>              | <u>3-23-08</u> | <u>K. J. Jazze</u> |
| 24. <u>Rodan Yance</u>              | <u>3-23-08</u> | <u>K. J. Jazze</u> |
| 25. <u>Amalia Black</u>             | <u>3-23-08</u> | <u>K. J. Jazze</u> |
| 26. <u>Berlinda Gaddy</u>           | <u>3-30-08</u> | <u>K. J. Jazze</u> |
| 27. <u>Brenda Gaddy</u>             | <u>4-5-08</u>  | <u>K. J. Jazze</u> |
| 28. <u>Phillip C. C.</u>            | <u>4-6-08</u>  | <u>K. J. Jazze</u> |
| 29. <u>Melvin H. Gaddy</u>          | <u>4/6/08</u>  | <u>K. J. Jazze</u> |
| 30. <u>Michelle Gaddy</u>           | <u>4-8-08</u>  | <u>K. J. Jazze</u> |
| 31. <u>Monique Gaddy</u>            | <u>4/8/08</u>  | <u>K. J. Jazze</u> |
| 32. <u>Janet Gaddy</u>              | <u>4/8/08</u>  | <u>K. J. Jazze</u> |
| 33. <u>Donna Gaddy</u>              | <u>4-27-08</u> | <u>K. J. Jazze</u> |
| Thumb print <u>Marie J. Stevens</u> | <u>7/27/08</u> | <u>Suzie</u>       |
| 34. _____                           | _____          | _____              |
| 35. _____                           | _____          | _____              |
| 36. _____                           | _____          | _____              |
| 37. _____                           | _____          | _____              |
| 38. _____                           | _____          | _____              |
| 39. _____                           | _____          | _____              |
| 40. _____                           | _____          | _____              |

White Water  
PETITION FOR THE Full Gospel CHURCH

(1)

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

|     | Names            | Date     | Witness  |
|-----|------------------|----------|----------|
| 01. | Georgette Henry  | 4/27/08  | Synggie  |
| 02. | Cory Henry       | 4/27/08  | Synggie  |
| 03. | Shawntay Henry   | 4/27/08  | K. Benge |
| 04. | Donathan Henry   | 4/27/08  | K. Benge |
| 05. | Rory Henry       | 4/27/08  | K. Benge |
| 06. | Cy Henry         | 4/27/08  | K. Benge |
| 07. | Corinnida Henry  | 4/27/08  | K. Benge |
| 08. | James Henry      | 6-23-08  | Synggie  |
| 09. | Willie           | 6/23/08  | Synggie  |
| 10. | Jeremy Willie    | 6/23/08  | Synggie  |
| 11. | Arthur Jones     | 6/23/08  | Synggie  |
| 12. | Joseph Begay JR  | 6/23/08  | Synggie  |
| 13. | Archie Begay     | 6/23/08  | Synggie  |
| 14. | Archie Begay     | 6/23/08  | Synggie  |
| 15. | Teresa Benetobai | 6/27/08  | K. Smith |
| 16. | Phillip Dester   | 07/13/08 | Synggie  |
| 17. | Ernest Parklebai | 7/13/08  | Synggie  |
| 18. | Celia Pahlakor   | 2/13/08  | Synggie  |
| 19. | Rosemary Louie   | 7/27/08  | Synggie  |
| 20. | Hubert Louie     | 7/26/08  | Synggie  |
| 21. | Benny Lee        | 7/27/08  | Synggie  |
| 22. | Charles Jones    | 7/27/08  | Synggie  |



|     | Names                              | Date     | Witness  |
|-----|------------------------------------|----------|----------|
| 23. | Bartlett, John                     | 03/30/08 | K. Begay |
| 24. | Ernest Billy                       | 3/30/08  | K. Begay |
| 25. | [Signature]                        | 3/30/08  | K. Begay |
| 26. | Theresa S. Begay, Theresa L. Begay | 3/30/08  | Begay    |
| 27. | Alfred Begay                       | 3-30-08  | Begay    |
| 28. | Nelson Begay                       | 3-30-08  | Begay    |
| 29. | Andrew Lapachic                    | 4-27-08  | Begay    |
| 30. | [Signature]                        | 4-27-08  | Begay    |
| 31. | Henry Lapachic                     | 04-27-08 | Begay    |
| 32. | Alfreda Lapachic                   | 04-27-08 | Begay    |
| 33. | [Signature]                        | 03-23-08 | Begay    |
|     | Thumb print                        |          |          |
| 34. |                                    |          |          |
| 35. |                                    |          |          |
| 36. |                                    |          |          |
| 37. |                                    |          |          |
| 38. |                                    |          |          |
| 39. |                                    |          |          |
| 40. |                                    |          |          |





Mission Site Lease  
For  
White Water Community Church

(1) Application

March, 2019

**APPLICATION FOR MISSION SITE (RELIGIOUS SITE)  
NAVAJO NATION LANDS**

DATE: 10/01/18

White Water Community Church  
(NAME OF CHURCH)

HCR 330 Box 50 Suite 4109, Tohatchi, NM 87325  
(ADDRESS)

hereby makes an application for a religious site covering approximately 1.5 acres of Navajo Nation land located in Naschitti, San Juan county, Arizona / New Mexico, as shown on the attached map.

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

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

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

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

Facilities for Christian faith activities, counseling, and meetings

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

Will construct a worship building, Fellowship Hall, Youth Ministry Hall, parking space and playground.

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

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

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

In all cases of applications on behalf of unincorporated bodies where documents do no explicit give one individual authority to execute necessary papers, a power of attorney executed before a notary public by all associated parties for this purpose should be attached. If this is not supplied, all such persons must personally sign this application and all other documents submitted to the Navajo Agency.

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

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

Kevin Yazzie  
Authorized Agent (Print Name)

Kevin Yazzie  
Authorized Agent (Signature)

HER 330 Box 50 Suite 4109, Tohatchi,  
Address NM 87325

(505) 701-6272  
Phone Number

Kevin-yazzie@rocketmail.com  
Email Address





Mission Site Lease  
For  
White Water Community Church

(2) Filing Fee

March, 2019

## Sliding Fee Scale Form for Mission Site Permits

|   |  |                                 |                             |
|---|--|---------------------------------|-----------------------------|
| <b>Application Information</b>                    |  | Today's Date: <u>10/01/2018</u> |                             |
| Entity Name: <u>White Water Community Church</u>  |  |                                 |                             |
| Mailing Address: <u>HCR 330 Box 50 Suite 4109</u> |  | City: <u>Tobatchi</u>           | State: <u>N.M.</u>          |
| Phone #: <u>(505) 701-6272</u>                    |  | Fax #: (    ) <u>    </u>       | Zip: <u>87325</u>           |
|   |  | Congregation Size: <u>75</u>    | Acres requested: <u>1.5</u> |

| Income Information        |                  |                              |
|---------------------------|------------------|------------------------------|
| Source                    | Amount           | Frequency (Circle One)       |
| <u>Tithing / offering</u> | \$ <u>800.00</u> | Weekly <u>Monthly</u> Yearly |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
|                           | \$               | Weekly Monthly Yearly        |
| <b>Total</b>              | \$ <u>800.00</u> | Weekly <u>Monthly</u> Yearly |

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

Name (Print): Kevin Yazzie

Signature: *K Yazzie*

Date: 10/01/2018

### Sliding Fee Scale for Navajo Nation Mission Site Permits

**Purpose:** These policies serve as a guide for the Navajo Land Department to determine Mission Site Permit fees in order to assure that a fair cost-determination has been made.

**Policy:** A sliding scale for permit fees will be provided to Mission Site Permit applicants, and based on their ability to pay. Ability to pay is determined by the size and annual income of the mission, as well as the number of acres utilized. The sliding scale is not a comprehensive formula, but is used for guidance to determine permit fees. The Navajo Land Department shall determine the permit fee for each mission on a case-by-case basis. The Navajo Land Department has the authority to adjust the sliding scale and permit fee as they see fit, in accordance with Navajo Nation and federal law.

**Scope:** These policies apply to all Mission Site Permits in the Navajo Nation.

**Procedure:**

1. Entities applying for Mission Site Permits must provide written verification of income.
2. Self-declaration may only be used in special circumstances. Entities that are unable to provide written verification must provide a signed statement of income, and why they are unable to provide independent verification. This statement will be presented to the Navajo Land Department for review and final determination as to the sliding fee percentage.
3. Permit fees will be determined at the discretion of the Navajo Land Department on a case-by-case basis for entities unable or unwilling to provide any level of documentation.
4. Pursuant to 16 N.N.C. § 1157 the Navajo Land Department will require a minimum charge of \$15.00 per acre per year for all mission sites in the Navajo Nation.
5. Permit cost will increase based on the annual income of the mission and the number of acres used, pursuant to Table 1 below. An additional \$15 will be assessed for each acre and each \$10,000 increase in annual income. An additional fee may also be added for missions with large congregations.

| Table 1       |              |                   |                   |                   |                   |                   |
|---------------|--------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Annual Income | \$0-\$20,000 | \$20,000-\$30,000 | \$30,000-\$40,000 | \$40,000-\$50,000 | \$50,000-\$60,000 | \$60,000-\$70,000 |
| Acres Used    | Minimum Fee  | Minimum Fee       | Minimum Fee       | Minimum Fee       | Minimum Fee       | Minimum Fee       |
| 1             | \$15         | \$30              | \$45              | \$60              | \$75              | \$90              |



|   |       |       |       |       |       |       |
|---|-------|-------|-------|-------|-------|-------|
| 2 | \$30  | \$45  | \$60  | \$75  | \$90  | \$105 |
| 3 | \$45  | \$60  | \$75  | \$90  | \$105 | \$120 |
| 4 | \$60  | \$75  | \$90  | \$105 | \$120 | \$135 |
| 5 | \$75  | \$90  | \$105 | \$120 | \$135 | \$150 |
| 6 | \$90  | \$105 | \$120 | \$135 | \$150 | \$165 |
| 7 | \$105 | \$120 | \$135 | \$150 | \$165 | \$180 |
| 8 | \$120 | \$135 | \$150 | \$165 | \$180 | \$195 |

6. Any mission that is actively conducting substantial medical or accredited educational programs on its site shall be exempt from the permit fee.
7. The Navajo Land Department requires payment by December 30 of each year, prior to the year for which fees are due. If any mission fails to pay the required amount by the due date, their Mission Site Permit will automatically terminate in accordance with 16 N.N.C. § 1157.

Mission Site Lease  
For  
White Water Community Church

(8) Articles of Incorporation

March, 2019



# NAVAJO NATION CORPORATION CODE

## CERTIFICATE OF INCORPORATION

*To all to Whom these Presents Shall Come, Greeting:*

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

\*\*\*THE WHITE WATER COMMUNITY CHURCH\*\*\*  
File Number 101123

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was on the 20th day of August, 2008, authorized to transact business within the Navajo Nation as a Nonprofit Corporation.

I FURTHER CERTIFY that this corporation has filed all affidavits and annual reports and paid all annual filing fees required to date and, therefore, is in good standing within the Navajo Nation.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Navajo Nation Corporation Code at Window Rock, Arizona, this 20th

day of August, 2008 A.D.

*Frank A. Feg Jr.*  
Director, Business Regulatory Department



ARTICLES OF INCORPORATION  
OF  
THE WHITE WATER COMMUNITY CHURCH

KNOW ALL MEN BY THESE PRESENT:

That the Undersigned, nature person(s), acting as incorporator of a non profit Corporation under the Navajo Nation Corporation Act, hereby adopt these Articles of incorporation for the Corporation.

ARTICLE I

The name of this corporation shall be: WHITE WATER COMMUNITY CHURCH


**FILED**

File Number 101123

AUG 20 2008

ARTICLE II

This duration of this corporation shall be perpetual.

Navajo Nation  
By   
Department Director

ARTICLE III

The place of business and regular office of said corporation shall be at White Water Community Church on the Navajo Nation Reservation and in said office all regular and special meetings of the church shall be held, unless of unforeseen circumstances, a different place shall be designated.

ARTICLE IV

The membership of this church shall be these persons (see second pages) who are-elected by the White Water Community Church as members hereof, and for such term as said general assembly may determine.

Vacancies in the membership of said church may be filled by the church upon nomination by the Church congregation of the White Water Community Church.

Resignations by, or from, members of this church shall be addressed to, and filed with, the Secretary of said church.

ARTICLE V

The officers of this church shall consist of a President, a Vice President, Secretary, Treasurer and three members.

The officers shall be elected every 3 years by the church.

The officers shall serve until their successors have been elected and qualified.

ARTICLE VI

The annual meeting of the Board shall be held on a day fixed in the by-laws; and if no day be so provided, then on Monday following the second Sunday of January of each year.

Special meetings may be called by the President or the Secretary one week in either oral or written notice of such special meeting having first been given to each member of the church.

ARTICLE VII

The objects and purposes of this church are benevolent, charitable, educational and Christian faith, as hereinafter set forth.

The objects and purposes of this church are to disseminate the truths and Principles of the Holy Bible, and diffuse more generally the Blessings of Christian Benevolence and Charity, Christian education and the Christian religion, throughout the Navajo Indian Reservation in connection with the church of the White Water Community Church by:

The establishment, support, and promotion of missionary work, such as churches, evangelism, and whatever may be necessary to conduct church activities;

The promotion of aggressive evangelism, to inspire zeal in soul winning through intercessory prayer, personal evangelism, and the distribution of literature, and whatever else may be necessary for the Conduct of spreading the word of God;

The establishment and support of publishing house for the purpose of printing and disseminating gospel literature for the spread of the doctrines and truths of the Christian religion as held and taught by the church of the White Water Community Church, and the doing and performance of any other acts which may be necessary to the conduct of business of the publication arm of this corporation;

The supervision of Sunday schools and Sunday school work at the Church of the White Water Community Church, is to promote religious education through the study of the Holy Bible, the training of Sunday school teachers and workers, the organization of Sunday schools, and the establishment of standards of efficiency and the performance of any other acts which may be necessary to conduct said business;

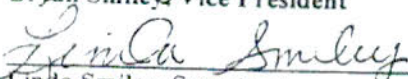
And, the supervision of the work of young people in the Church of the White Water Community Church, shall promote the welfare by the study of the Holy Bible, instruction in the doctrines of the Church, training of young people in the work of the church, the organization of young people's Societies, and the direction and superintendence of young people's activities, and the performance of Any other acts which may be necessary to the conduct of young people's ministries:

#### ARTICLE VIII

The White Water Community Church agrees to abide by all criminal, civil and regulatory laws of the Navajo Nation. (Sections 3332, 3107(a) (10)).

  
Kevin Yazzie, (Pastor) President

  
Bryan Smiley, Vice President

  
Linda Smiley, Secretary

  
Kristin Yazzie, Treasurer

  
Virgil Yazzie, Member

  
Sarah Yazzie, Member

  
Katherine Begay, Member

ACKNOWLEDGMENT OF THE REGISTERED AGENT

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

Kevin Yazzie  
(Signature of Registered Agent)

(Address of Registered Agent -The address must be an exact street address. If there is no street address, a map must be included on exact location of Registered Agent.)

STATE OF New Mexico

COUNTY OF McKinley

The foregoing instrument was acknowledged by Kevin Yazzie, Registered Agent for White Water Community Church before me this 13 day of Aug., 2008.

Christa DeFletetur  
(Notary Public)

My Commission Expires: 12-17-2008







Mission Site Lease  
For  
White Water Community Church

(10) Cultural,  
Historical/Archaeological

March, 2019

CULTURAL RESOURCES COMPLIANCE FORM  
THE NAVAJO NATION  
HISTORIC PRESERVATION DEPARTMENT  
PO BOX 4950  
WINDOW ROCK, ARIZONA 86515

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

NNHPD NO. HPD-08-780  
OTHER PROJECT NO. \_\_\_\_\_  
DCRM 2008-77

PROJECT TITLE: A Cultural Resources Inventory of the Proposed White Water Community 1.50-Acre Church Site in Naschitti, San Juan County, New Mexico

LEAD AGENCY: BIA/NR

SPONSOR: Kevin Yazzie, PO Box 4199, Gallup, New Mexico 87305

PROJECT DESCRIPTION: The proposed undertaking will involve the development of a church along with the installation of associated facilities/utilities within the 1.5-acre lease area. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Tribal Trust

CHAPTER: Naschitti

LOCATION: T21N, R17W - Sec. 2; Naschitti Quadrangle, San Juan County, New Mexico NMPM

PROJECT ARCHAEOLOGIST: Clifford Werito  
NAVAJO ANTIQUITIES PERMIT NO.: B08506

DATE INSPECTED: 09/08/08

DATE OF REPORT: 09/09/08

TOTAL ACREAGE INSPECTED: 1.5-acre

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 10 m apart.

|                                   |      |
|-----------------------------------|------|
| LIST OF CULTURAL RESOURCES FOUND: | None |
| LIST OF ELIGIBLE PROPERTIES:      | None |
| LIST OF NON-ELIGIBLE PROPERTIES:  | None |
| LIST OF ARCHAEOLOGICAL RESOURCES: | None |

EFFECT/CONDITIONS OF COMPLIANCE: No historic properties affected.

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7148.

FORM PREPARED BY: Tamara Billie  
FINALIZED: September 23, 2008


Notification to

Proceed Recommended:

Yes ☒ No ☐

Conditions:

Yes ☐ No ☒

  
Alan S. Downer, Navajo Nation  
Historic Preservation Officer

10-2-08  
Date

Navajo Region Approval:

Yes ☒ No ☐

  
Acting Regional Director

10/21/08  
Date

30 10/14/08

**Dinétahdóó Cultural Resources Management**

P.O. Box 2012 • Farmington New Mexico 87499  
Telephone #: 505-598-9478 • Fax #: 505-598-9485 • [dinetahdoo@yahoo.com](mailto:dinetahdoo@yahoo.com)

September 9, 2008

Mr. Kevin Yazzie,  
P.O. Box 4199  
Gallup, New Mexico, 87305

**RE: Submission of the Cultural Resources Inventory Report:** DCRM 2008-77; A  
Cultural Resources Inventory of the Proposed White Water Community 1.50-Acre Church  
Site in Naschitti, San Juan County, New Mexico.

Dear Mr. Yazzie,

Enclosed is a copy of the Dinétahdóó Cultural Resources Management's survey report DCRM 2008-77.

No significant cultural resources were located within the proposed church site; therefore archaeological clearance is recommended for the proposed undertaking within the 1.50 acre area.

This report has been submitted to the Navajo Nation Historic Preservation Department (NNHPD)-Cultural Resource Compliance Section in Window Rock, Arizona for review. Once a determination of effect has been made by NNHPD you will hear directly from their office.

Please call me if you have any questions regarding this report or any other questions regarding the review process or invoice. I can be contacted at (505) 598-9478

Sincerely,



Clifford Werito, Archaeologist

Chrono 2008: 228  
Project files



Dinétahdóó Cultural Resources Management

P.O. Box 2012, Farmington, NM 87499

Telephone: (505) 598-9478 Fax (505) 598-9485 email: dinetahdoo@yahoo.com

Old Headstart Building Navajo Route 36 (N36), Upper Fruitland, NM

Type of Project:

- ☒ Cultural Resource Inventory (CRI)  
☐ Environmental Assessment  
☐ Biological Inventory

Date of Request: 9/3/08

Client Name(s): Kevin Yazzie

Telephone Number or Contact Telephone Number: (505) 306-1722

Mailing Address: P.O. Box 4199  
Gallup, NM 87305

Physical Directions to Project Area (sketch map on back):

Approximately 4.4 miles East of Naschitti Public School, Route N69.

Project Description: 1.5 acre Arch Barney

Type of Payment: Cash

\*Notes

Payment Amount: 429.00

Receipt No.: 646898

Client Signature: Kevin Yazzie

Date: 09/03/2008

By signing, you are entering into an agreement with Dinétahdóó (DCRM) to complete a professional service and you have agreed to the payment shown.

DCRM Staff Signature: Bern March

Date: 9/3/08

Comments & Questions: \_\_\_\_\_

Date of Completion: \_\_\_\_\_

# RECEIPT

date 9 / 3 / 08 No. 646898

received from White Water Com. Church 429<sup>th</sup>

amount Four hundred twenty nine <sup>00</sup>/<sub>100</sub>

for payment of 1.5 acre Church & Site Survey

☐ cash ☐ money order ☐ credit card ☐ check # 8

|             |              |
|-------------|--------------|
| amount due  | <u>429 -</u> |
| amount paid | <u>429 -</u> |
| balance     | <u>0</u>     |

from                      to                       
signature Brian M. Baker

425WS



# CULTURAL RESOURCES INVENTORY REPORT DOCUMENTATION PAGE (HPD Jan/91)

|   |  |  |  |   |  |
|---|--|--|--|---|--|
| 1. HPD REPORT NO:   |  | 2. (FOR HPD USE ONLY)                                      |  | 3. RECIPIENT'S ACCESSION NO.  |  |
| 4. TITLE OF REPORT: A Cultural Resources Inventory of the Proposed White Water Community 1.50-Acre Church Site in Naschitti, San Juan County, New Mexico.<br><br>Author (s): Clifford Werito                                  |  |  |  | 5. FIELDWORK DATES: September 8, 2008   |  |
|   |  |  |  | 6. REPORT DATE: September 9, 2008   |  |
| 7. CONSULTANT'S NAME AND ADDRESS:<br>Gen. Charge: Rena Martin and Loretta Chavez<br>Org. Name: Dinétahdóó CRM<br>Org. Address: P.O. Box 2012<br>Farmington, NM 87499<br><br>Phone: (505) 598-9478 or (505) 598-9485           |  |  |  | 8. PERMIT NO.: BO8506   |  |
|   |  |  |  | 9. CONSULTANT'S REPORT NO.: DCRM 2008-77                                      |  |
| 10. SPONSOR'S NAME AND ADDRESS:<br>Ind. Responsible: Kevin Yazzie<br>Org. Name: (Private Individual)<br>Org. Address: PO Box 4199<br>Gallup, New Mexico 87305<br><br>Phone: (505) 306-1722                                    |  |  |  | 11. SPONSOR'S PROJECT NO.: None   |  |
|   |  |  |  | 12. AREA OF EFFECT: 1.50 ac. (0.60 ha.)<br>AREA SURVEYED: 1.50 ac. (0.60 ha.) |  |
| 13. LOCATION (MAP ATTACHED)   |  |  |  |   |  |
| a. Chapter: Naschitti   |  | e. Land Status: Tribal Trust                               |  |   |  |
| b. Agency: Fort Defiance  |  | f. UTM: Zone 12, 3994995N, 0713711E                        |  |   |  |
| c. County: San Juan   |  | g. Legal Description: SW¼, Section 2, T21N, R17W, N.M.P.M. |  |   |  |
| d. State: New Mexico  |  | h. USGS 7.5' Maps: Naschitti, New Mex., 1966.              |  |   |  |
| 14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) // OR PRELIMINARY REPORT //   |  |  |  |   |  |
| a. Description of Undertaking: See Supplemental Sheet   |  |  |  |   |  |
| b. Area of Environmental & Cultural Setting: See Supplemental Sheet   |  |  |  |   |  |
| c. Existing Data Review: See Supplemental Sheet   |  |  |  |   |  |
| d. Field Methods: See Supplemental Sheet  |  |  |  |   |  |
| 15. CULTURAL RESOURCE FINDINGS:   |  |  |  |   |  |
| a. Location/Identification of Each Resource: No cultural resources were identified during the survey.   |  |  |  |   |  |
| b. Evaluation of Significance of Each Resource: N/A   |  |  |  |   |  |
| 16. MANAGEMENT SUMMARY (RECOMMENDATION): Archaeological clearance is recommended for the development of the proposed White Water Community Church Site, since no cultural resources were identified within the surveyed area. |  |  |  |   |  |
| 17. CERTIFICATION:  |  |  |  |   |  |
| SIGNATURE: <u>Loretta Chavez for</u>  |  | Date: <u>9-9-08</u>  |  |   |  |
| General Charge Name: Rena Martin, Archaeologist   |  |  |  |   |  |
| SIGNATURE: <u>Clifford Werito</u>   |  | Date: <u>9-9-08</u>  |  |   |  |
| Direct Charge Name: Clifford Werito, Archaeologist  |  |  |  |   |  |



#### 14. REPORT:

- a. **Description of Undertaking:** The client is proposing to construct and develop a church within the 1.50 acre (0.60ha.) survey area. Construction may include ground leveling, trenching, installing an electrical powerline and sanitation facilities, the placement of associated structures, paving of a parking lot, and fencing.
- b. **Area of Environmental & Cultural Setting:** The project area is located within the community of Naschitti, New Mexico on Tribal Trust Lands in the Fort Defiance Agency. The proposed Church site of White Water Community is located approximately 4.0 miles (6.4 km) east of Naschitti Chapter House and 800 feet (243.8 m) northwest of Naschitti Wash. The project area is accessible by two track roads leading off Navajo Road 69 (See Figure 1). The elevation is approximately 5690 ft (1,734.3 m) above mean sea level.

The project area is located on a southeast facing slope and overlooking the Naschitti Wash to the Southeast. The surface sediments consist of aeolian loamy sandy deposits. Vegetation in the project area consists of bunch grass, shadscale, and Russian thistle. Vegetation coverage is approximately 20-percent. The project area is located on undeveloped open lands.

**Naschitti.** The Navajo name for Naschitti is *Nahashch'idii* ("Badger"). The Chapter is located in the eastern quadrant of the Navajo Nation and is about forty miles north of Gallup, New Mexico. The Naschitti community was founded and established in 1893. The name originates from a badger that was digging for shelter or for food, but instead dug up water. People made a well out of the badger's discovery and have gotten drinking water from it for years. The first trading post in Naschitti was built around 1915 about one half mile south of the present store. (LSR Innovations: 2004)

- c. **Existing Data Review:** Prior to field work, a records check was conducted at the Navajo Nation Historic Preservation Department's (NNHPD) office in Window Rock, Arizona. The records indicate that one previous survey was been conducted within a 300 ft (91.44 m). This previous survey is NNHPD No. 02-852. No cultural resource was identified during the survey.

A check of Van Valkenburgh (1974) indicates that the closest sacred place is Chuska Peak (Ch Ooshgail/White Colored Spruce Trees) located approximately 12 miles (19.3 km) to the west

- d. **Field Methods:** On September, 2008, Clifford Werito conducted a field inventory of cultural resources on the proposed church lease site. All four corners of the survey site were located. The project area measures 206.08 (62.8m) by 316.33 ft (96.4m). The project area was surveyed by walking parallel transects spaced no more than 10 ft apart with no buffer zone added. In all, a total 1.50-acre (0.60ha.) was surveyed.

In accordance with NNHPD guidelines, the project archaeologist was to conduct an interview in effort to obtain information regarding local traditional cultural properties (TCPs) and unmarked burials in the area. Kevin Yazzie was interviewed in English; he did not know of any TCPs or unmarked burials.

#### REFERENCES:

LSR Innovations

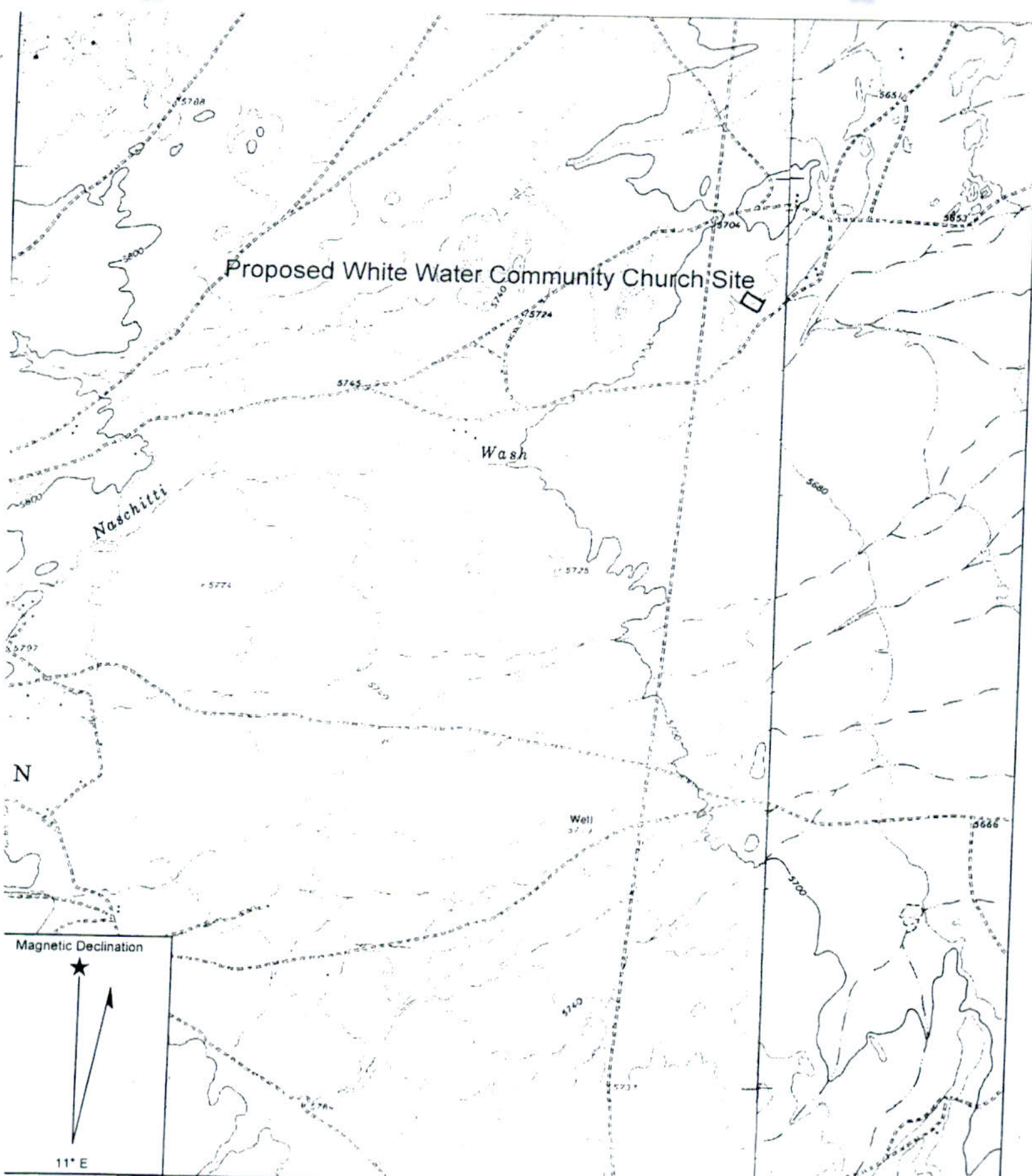
2004 Chapter Images: 2004 Edition; edited by LSR Innovations for the Division of Community Development. Window Rock, Arizona.

Van Valkenburgh, Richard F.

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







Name: NASCHITTI  
Date: 9/9/2008  
Scale: 1 inch equals 2000 feet

Location: 12 0712627 E 3993408 N NAD 27  
Caption: Figure 2: Map showing project area, T21N, R17W, Section 2 (DCRM 2008-77).

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Mission Site Lease  
For  
White Water Community Church

(11) Environmental Assessment  
Report

March, 2019



# United States Department of the Interior

Bureau of Indian Affairs  
Navajo Region  
P. O. Box 1060  
Gallup, New Mexico 87305



MC 620: Division of Environmental, Cultural & Safety Management

**AUG 12 2009**

Ms. Cassandra Gould  
Environmental Scientist  
Nelson Consulting, Inc.  
600 Reilly Avenue  
Farmington, New Mexico 87401

Dear Ms. Gould:

The Environmental Assessment (EA), EA-09-106, for the proposed White Water Community Church Missionary Site with Associated Facilities, on approximately 1.5 acres of Navajo Tribal Trust land near Naschitti, San Juan County, New Mexico, has been reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. Mr. Kevin Yazzie proposes to obtain a revocable use permit to develop a missionary site with associated facilities on undeveloped land adjacent to a residential site. The proposed project will consist of clearing the proposed project area, leveling the ground, trenching, installing electric lines, water lines and sanitation facilities, constructing associated structures, paving a parking lot and driveway and fencing the site. The operator has sought applicable clearances from various agencies, i.e., driveway permit, utility clearance, etc. The proposed missionary site is located approximately four miles east of Naschitti, New Mexico. A Finding of No Significant Impact (FONSI) has been determined for the proposed action. It will not have a significant impact on the quality of the natural and human environment. An environmental impact statement for the proposed project is not required.

If you have questions, you may contact Ms. Harilene J. Yazzie, Regional NEPA Coordinator, at (505) 863-8287.

Sincerely,

Regional Director, Navajo

Enclosure

cc: Kevin Yazzie, P.O. Box 4199, Gallup, New Mexico 87305



**FINDING OF NO SIGNIFICANT IMPACT  
ENVIRONMENTAL ASSESSMENT DOCUMENT, EA-09-106  
WHITE WATER COMMUNITY CHURCH MISSIONARY SITE WITH ASSOCIATED  
FACILITIES**

**KEVIN YAZZIE**

**Location: Naschitti, NM, Quadrangle, USGS 7.5 Minute Series Map  
SW ¼, Section 2, T21N, R17W, NMPM  
Naschitti Chapter, San Juan County, New Mexico**

The proposed action is approval, by the Bureau of Indian Affairs, of a Revocable Use Permit for development of a 1.5-acre tract of Navajo Tribal Trust land as a church site. Mr. Kevin Yazzie proposes to develop a missionary site with associated facilities on undeveloped land adjacent to a residential site. The proposed project will consist of clearing the proposed project area, leveling the ground, trenching, installing electric lines, water lines and sanitation facilities, constructing associated structures, paving a parking lot and driveway and fencing the site. The operator shall seek applicable clearances from various agencies, i.e., access permits, utility clearances, etc. The proposed missionary site is located approximately four miles east of Naschitti, New Mexico. The project is sponsored by Kevin Yazzie, P.O. Box 4199, Gallup, New Mexico 87305.

The project environmental assessment (EA) was reviewed in the Division of Environmental, Cultural and Safety Management, Navajo Regional Office. Based on the environmental assessment and the mitigation measures specified in the document, it is determined that the proposed action will not have a significant impact on the natural and human environment. Therefore, in accordance with the National Environmental Policy Act, Section 102 (2) (C), an environmental impact statement will not be required.

The following references, incorporated in the environmental assessment, serve as the bases for this decision:

1. Agency and public involvement was solicited. Environmental issues relative to the proposed project were identified. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues.
2. The EA disclosed the environmental consequences of the proposed and "no action" alternatives.
3. In compliance with the Endangered Species Act of 1973, informal consultation was held with the Navajo Nation Department of Fish and Wildlife (NNDFW), Natural Heritage Program (NHP). The NNDFW provided a list of species of concern known to occur within three miles of the proposed project site and with the potential to occur on the *Naschitti, NM, USGS 7.5-Minute Quadrangle* containing the project boundaries. The proposed project area is an *Area 3: Low Sensitivity Wildlife Resources Zone* (October 24, 2008, letter from the NNDFW). NCI conducted a pedestrian field survey of the proposed action area on September 24, 2008. The survey consisted of ten-foot, parallel transects within the entire proposed project area and a ten-foot buffer zone around the entire project area. Binoculars were used to survey the project area and vicinity for raptors and raptor nests. All plants, animals, and animal sign and habitat observed



within the action area were recorded. The proposed action area represents potential foraging and nesting habitat for Ferruginous hawk and Mountain plover and potential habitat for the Mesa Verde cactus. However, none of these species were observed within or surrounding the proposed action area during the survey. No impacts to any Federal or Tribal TES species are expected from the proposed action (EA-Appendix A-T&E Species Survey Report). The NNDFW issued Biological Resources Compliance Form (BRCF), NNDF & WL Review No. 031309A indicating Compliance with Tribal and Federal laws protecting biological resources (EA-Appendix E-BRCF).

4. Potential impacts to floodplains and wetlands by the proposed project have been evaluated in accordance with Executive Orders 11988 and 11990 respectively. The proposed project area does not contain any wetlands, seeps, springs or riparian areas (EA, Part 3.2.1).

5. Water Resources- the Naschitti Wash is approximately 0.25 miles south of the proposed action area and is the nearest water source within the area (EA, Part 3.2.1.). Sedimentation, resulting from both wind and water erosion, would be realized down-gradient of the proposed action until successful vegetation has established. This may increase sedimentation into the Naschitti Wash and nearby drainages. Low impacts to water quality would be expected for the short term and long term. Long term impacts to surface hydrologic quality and quantity would be low (EA, Part 4.2.).

6. In compliance with the National Historic Preservation Act of 1966, as amended, Section 106 and 36 CFR 800.9 (b), a cultural resources inventory of the proposed project area was conducted by Dinétahdó Cultural Resources Management (DCRM). The Navajo Nation Historic Preservation Department (NNHPD) issued Cultural Resources Compliance Form (CRCF), NNHPD No. HPD-08-780 indicating "No historic properties affected" (EA, Appendix B, CRCF).

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.

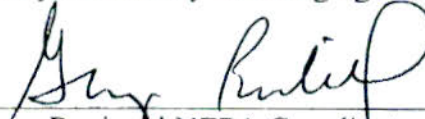
7. RCRA, Subtitles C and D, Hazardous and Non-Hazardous Solid Waste- no RCRA Subtitle C hazardous waste sites occur on the proposed church site or adjacent to it. No hazardous materials will be used on the project site. Hazardous substances that may be found at the site may include copper wire and acids/gels (corrosives), oil, fuel, hydraulic fluid and coolants associated with vehicles (EA, Part 3.9.1 & Appendix D-Photographs). Non-hazardous solid waste generated at the proposed project area, if any, will be stored in appropriate containers and disposed at an approved facility on an as-needed basis (EA, Part 3.9.2.).

8. Community Infrastructure – utilities in the Naschitti Chapter area are provided by the Navajo Tribal Utility Authority (NTUA). NTUA issued a utility clearance letter to the project sponsor, who will work with the NTUA to obtain the utilities (EA-Appendix E-March 18, 2009, Letter from the NTUA to Mr. Yazzie). A septic system may be used for sewer disposal. If a sewer lagoon is decided upon, Mr. Yazzie will work with the NTUA (EA, Part 4.8).

9. Cumulative and secondary effects on soil, water, air, noise, vegetation, cultural resources, and wildlife resources (species and habitat) were considered, and the proposed mitigation measures were found to be acceptable.

10. In accordance with Executive Order 12898 on Environmental Justice, impacts to minority and low-income populations and communities have been considered by the Regional NEPA Coordinator, as have impacts to Indian Trust Resources.

The proposed action will provide the White Water community residents with a permanent facility where they can congregate for religious services and other church/community activities.

  
Regional NEPA Coordinator

8/11/09  
Date





THE NAVAJO NATION  
ENVIRONMENTAL PROTECTION AGENCY

Public Water Systems Supervision Program  
Post Office Box 339, Window Rock, AZ 86515  
Telephone (928) 871-7755  
Fax (928) 871-7818  
[www.navajopublicwater.org](http://www.navajopublicwater.org)



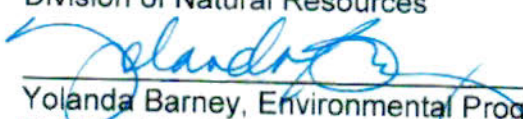
Russell Begaye  
President

Jonathan Nez  
Vice President

October 17, 2018

MEMORANDUM

TO: Navajo Land Title Data Systems  
Land Department  
Division of Natural Resources

FROM:   
Yolanda Barney, Environmental Program Manager  
Public Water Systems Supervision Program  
Surface and Ground Water Protection Department  
Navajo Nation Environmental Protection Agency

SUBJECT: DOCUMENT No. 011271

The Navajo Nation Environmental Protection Agency's Public Water Systems Supervision Program ("PWSSP") reviewed Document No. 011271, White Water Community Church Mission Site in Naschitti, New Mexico. This application for mission site will include a worship building, fellowship hall, youth ministry hall, parking space and playground on a 1.5 acre lot and will require water and wastewater infrastructure. PWSSP recommends conditional approval of this document.

All proposed drinking water projects will need to be permitted by the PWSSP-NNEPA. All proposed drinking water projects (extensions, upgrades, new wells, new public water systems, etc.) must also comply with the design review and construction permit requirements of the PWSSP pursuant §§1501 and 1601 of the Navajo Nation Primary Drinking Water Regulations.

All proposed wastewater projects will need to be permitted by the Domestic Wastewater Program-NNEPA. Extensions, upgrades, new sewer infrastructure, septic tanks, and other wastewater infrastructure must comply with the design review and construction permit requirements pursuant to §201 of the Domestic Wastewater Program.

If there are any questions, please contact me at 871-7755.

xc: Ronnie Ben, Environmental Department Manager, Surface/Ground Water Protection Dept., NNEPA  
PWSID#NN3500268  
PWSID#NN35140010





# THE NAVAJO NATION

RUSSELL BEGAYE - PRESIDENT  
JONATHAN NEZ - VICE PRESIDENT

Navajo Nation Environmental Protection Agency – Air & Toxics Department  
P.O. Box 339 Window Rock, AZ 86515 • Bldg # 2318 Window Rock Blvd.  
Tel: 928.871.6790 Fax: 928.871.6757

October 29, 2018

## MEMORANDUM

TO: Navajo Land Title Data System

FROM:

A handwritten signature in black ink, appearing to read "Eugenia Quintana".

Eugenia Quintana, Environmental Department Manager  
Air & Toxics Department

SUBJECT: **Document No. 011271, White Water Community Church Mission Site**

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

The Terms and Conditions provide that the permittee will abide by all laws and regulations of the Navajo Nation including ensuring air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.

Attention is directed to the Navajo Nation Open Burn Regulations. The regulations prohibit open burning of household waste, unless the burning is an exempted activity defined in the regulations. The Applicant should become familiar with §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Given that there is an inadequate network of solid waste disposal facilities on the Navajo Nation, instances of open burning often coincide with open dumping, which is also prohibited on the Navajo Nation. In the event that the White Water Community Church will utilize open burning in its related activities, the permittee should become familiar with activities for which burn registrations should be pursued.

I can be contacted directly at 871-7800 or at [eugeniaquintana@navajo-nsn.gov](mailto:eugeniaquintana@navajo-nsn.gov) if there are any questions in this regard. Thank you.



DEPARTMENT OF HEALTH & HUMAN SERVICES

PUBLIC HEALTH SERVICE  
INDIAN HEALTH SERVICE

Navajo Area Indian Health Service  
GALLUP INDIAN MEDICAL CENTER  
516 East Nizhoni Boulevard  
P.O. Box 1337  
Gallup, New Mexico 87301-1337

Office of Environmental Health

October 6, 2008

Kevin Yazzie, Owner  
White Water Community Church  
P.O. Box 4199  
Gallup, NM 87305

Dear Mr. Yazzie,

On September 24, 2008, Mr. Wayne Hall, District Sanitarian and Delores Loretto, Environmental Health Specialist, evaluated the land where the proposed church building for the White Water Community Church is to be constructed. The purpose of the land evaluation was to evaluate the sanitary requirements for the structure. The proposed church construction site is located approximately three mile east of the Naschitti Chapter route 69 east of the route 491 right of way. The exact location of the proposed construction site was determined from your map.

**Electricity**-The site is accessible to a single-phase power line less than 100 feet away.

**Water**-No water is currently provided to the site. Water lines for the church must be paid for by the organization. IHS will not be able to assist in the construction of the individual water line for the church. Federal law requires that 86-121 projects serve only homes.

**Sewage**-No sewer lines are currently available to the location. On-site sewage disposal is possible in the space provided at the site. A sand filtration sewage disposal system is recommended due to the high clay content of the soil at the site.

**Flooding**-The site is not subject to flooding.

This site will be appropriate for construction of a church as soon as water is provided to the location.

Please feel free to disseminate this correspondence to any appropriate organizations or persons necessary for the development of this construction project. Should you have any questions, please give me a call at (505) 722-1708.

Sincerely,

Delores Loretto  
Environmental Health Specialist  
Gallup Service Unit

Concurrence by:

Wayne Hall, MPH, REHS  
District Sanitarian  
Gallup/Crownpoint Service Units

xc: Arlene Touchin, Program Manager, RBDO, P.O. Box 663, Window Rock, AZ  
Arthur Hubbard, Sr. Economic Development Spec., Ft. Defiance RBDO, P.O. Box 663, Window Rock, AZ  
DEHS, OEHE, NAIHS  
File: Sanitary Clearance/Correspondence

**A SURVEY FOR THE THREATENED,  
ENDANGERED AND NAVAJO SENSITIVE SPECIES**

For the:

***Proposed White Water Community Church***  
**Missionary Site**

**SAN JUAN COUNTY, NEW MEXICO**

Prepared By:

**Nelson Consulting, Inc**  
Farmington, NM

Prepared for:

**Kevin Yazzie**  
Naschitti, NM

**November 2008**



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## **EXECUTIVE SUMMARY**

In September of 2008, Mr. Kevin Yazzie retained Nelson Consulting, Inc. to conduct a threatened/endangered/sensitive species survey for the proposed White Water Community Church missionary site. The project is located on Navajo Nation Tribal Trust lands within the boundaries of the Navajo Nation, in San Juan County, New Mexico. The purpose of the survey was to comply with the Endangered Species Act of 1973, as amended, and the Navajo Nation code requirements for endangered species (17NNC507). No threatened, endangered, or sensitive species, or designated critical habitats of listed species, were found during the field investigation of the proposed action area. The area does contain potential raptor foraging habitat and potential nesting habitat. Threatened, endangered, and sensitive species clearance is recommended for the proposed project.

## **PROJECT DESCRIPTION**

Mr. Kevin Yazzie, located in Naschitti, New Mexico, 87325, retained Nelson Consulting Inc. (NCI) to conduct a threatened, endangered, sensitive species (TES) survey for the proposed White Water Community Church missionary site.

The maximum disturbance associated with the proposed action would be approximately 1.50 acres. The proposed project would consist of clearing the proposed project area (PPA) and constructing a missionary site and associated facilities. Survey plats describing the dimensions of the proposed project are located in Appendix A. The purpose of this project is to provide religious services within San Juan County

The purpose of the TES species survey was to comply with the Endangered Species Act of 1973, as amended, and the Navajo Nation code requirements for endangered species (17NNC507). Navajo Nation code requirements for endangered species are enforced by the Navajo Natural Heritage Program (NNHP), Department of Fish and Wildlife (DFW). Other laws, such as the Migratory Bird Treaty Act (MBTA) and the Eagle Protection Act (EPA), also protect sensitive biological resources. The objectives of the survey were to compile a list of federal or tribal TES species, including species of concern, potentially occurring in the PPA; to provide a physical and biological description of the proposed action area; to determine the presence of federally or tribally listed TES species and/or critical habitat in the proposed action area; to assess potential impacts the proposed project may have on TES species or critical habitat present in the proposed action area; and to determine the presence of any invasive weed species in the proposed action area.

## **LOCATION**

The missionary site is proposed to be developed in the San Juan Basin of northern New Mexico, approximately four (4) miles east of Naschitti, New Mexico. The project is located on Navajo Nation Tribal Trust Lands. More specifically, the PPA is located within:

SW¼, Section 02  
Township 21 North, Range 17 West  
New Mexico Principal Meridian, San Juan County, New Mexico

The missionary site is at 5,685 mean feet above sea level. The project is located on the Naschitti and Grey Hill Springs, United States Geological Survey (USGS) 7.5 Minute Quadrangle map (see Appendix A, Figure 2). Construction is proposed for spring of 2009. The GPS coordinates at the proposed missionary site are:

Kevin Yazzie  
Proposed White Water Community Church  
Missionary Site



## AFFECTED ENVIRONMENT

Most of northwestern New Mexico is contained within the Colorado Plateau, with the San Juan Basin being the dominant feature. The primary topographic features of the San Juan Basin are broad mesas and plateaus, interspersed with deep canyons and dry washes. The Basin drains into the Colorado River via the San Juan River, which is fed by the La Plata, Animas, and the Los Piños Rivers.

Surface geology and stratigraphy of the proposed project is comprised of the Menefee Formation. The Menefee Formation is also present at Mesa Verde National Park, and is named for Menefee Mountain near the park. The Menefee consists of interbedded claystone, carbonaceous siltstone, and coal beds, and ranges in thickness from 400 to over 1000 feet. Depositional environments include nearshore marine and fluvial environments, with swamp areas producing coal beds.

The PPA is located on a relatively flat area with cobblestones. Sandstone outcrops are located in the northwest of PPA. The PPA is adjacent to Naschitti Wash, which would constitute a perennial water source. The Naschitti Wash is located approximately 0.25 miles south of the proposed action area. Ground water supplies are moderately deep and very limited.

The Soil Conservation Service (now the Natural Resource Conservation Service [NRCS]) has surveyed the soils in the proposed action area. Complete soil information is available in the Soil Survey of Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona and McKinley and San Juan Counties, New Mexico, developed by the United States Department of Agriculture, NRCS. Soils of the proposed action are mapped as the Notal-Jocity family complex, 0-2 % slopes. Soils of this map unit are located at elevations between 5,800 to 6,500 feet. The unit is 50% Notal, 0 to 2% slopes and 40% Jocity family, 0 to 2% slopes.

- Notal soils are formed from stream alluvium derived from sandstone and shale. No single profile is typical, but the profile commonly observed is clay loam at approximately 0 to 3 inches, clay at 3 to 38 inches, silty clay loam at 38 to 45 inches, and clay at 45 to 60 inches. Permeability is slow, and this soil type is well drained. Effective rooting depth is more than 80 inches. Runoff is high. The available water capacity is high.
- Jocity family soil is well drained. It is found in flood plains on valley floors, and parent material is stream alluvium derived from sandstone and shale. The typical profile consists of loam at 0 to 4 inches, clay loam at 4 to 9 inches, sandy clay loam at 9 to 15 inches, clay loam at 15 to 20 inches, loam at 20 to 27 inches, fine sandy loam at 27 to 48 inches, and silt loam at 48 to 60 inches. Permeability is moderately high with high available water holding capacity. Effective rooting depth is 80 inches or more.

Vegetation within the proposed action area consists of small shrubs and bunch grass communities. Dominant flora observed in the area surrounding existing disturbance consisted of spiny shadeshale (*Atriplex confertifolia*) and broom snakeweed (*Gutierrezia sarothrae*). Grass species included cheatgrass (*Bromus tectorum*), alkali sacaton (*Sporobolus aeroides*), and galleta (*Pleuraphis jamesii*). Several forb species also occur in the area. Ground cover (including litter) varies from approximately 15% to 20% within the proposed action area.



No unique vegetation such as cottonwoods or willows is found within the proposed action area. No federal or State of New Mexico listed noxious/invasive weeds were observed during the on-site inspection of the proposed action area. Plant species observed within the proposed action area are listed in Appendix B.

Wildlife potentially occurring in the PPA includes a variety of mammals, birds, and reptiles common to the San Juan Basin. The PPA provides potential raptor foraging habitat; however, no raptors or signs thereof were observed during the survey. According to the BLM-FFO's latest geographic information system (GIS) raptor nest data, no active or historic raptor nests have been recorded within 1/3-mile of the PPA. Appendix C provides a list of fauna observed within the PPA.

According to the NHP-DFW species data list for the PPA is located in Area 3: Low Sensitivity Wildlife Resources. This area has a low, fragmented concentration of species of concern. Species in this area may be locally abundant on "islands" of habitat, but islands are relatively small, limited in number and well spaced across the landscape. However, the NHP-DFW has recognized that the area within Area 3 may not be completely surveyed for the potential occurrence of sensitive species of habitat.

## **THREATENED AND ENDANGERED SPECIES**

### **Threatened and Endangered Flora**

In following the guidelines of the Endangered Species Act of 1973, as amended, and Navajo Nation code requirements, NCI consulted with the NHP-DFW to determine TES flora species with potential to occur in the PPA. NHP-DFW Species of concern include species that are listed as protected, candidate, or rare by the NHP-DFW or by the United States. According to the NHP-DFW, one (1) NHP-DFW flora species of concern has the potential to occur in the PPA: Mesa Verde cactus, which is known to occur within three miles of the PPA (Appendix D). This species is described in Table 1.0 below. During a field survey of the PPA on 24 September 2008, Cassandra Gould, an NCI biologist, observed no flora species of concern.

### **Threatened and Endangered Fauna**

Three NNHP fauna species of concern have the potential to occur in the Naschitti, NM 7.5-minute quadrangle (Attachment D). Of these species, one (1) is federally listed (Mountain Plover). These species are described in Table 1.0 below. During a field survey of the PPA on 24 September 2008, Cassandra Gould, an NCI biologist, observed no listed (NNHP-NDFW or federal) fauna species or signs thereof.

### **Species Eliminated From Detailed Evaluation**

Listed in Table 1.0 are TES Fauna species that are known to or have the potential to occur in the proposed action area. The table also provides specific reasons for elimination of species from detailed evaluation.

**Table 1.0: Navajo Endangered Species List (NESL) Flora and Fauna with the Potential to Occur in the General Region of the Proposed Project Area**

| Species Name   | Status   | Habitat  | Potential to Occur Within PPA  |
|--|--|--|--|
| <b>PLANTS</b>  |  |  |  |
| <b>Mesa Verde Cactus</b><br>( <i>Sclerocactus mesae-verdae</i> ) | NESL <sup>a</sup> Group 2; ESA <sup>b</sup> Threatened | Sparsely vegetated, low, rolling, clay hills formed from Mancos or Fruitland shale formations at 1500-1700 m (4900-5500 ft); prefers soils that are highly alkaline, gypsiferous, and vertic | Elevation 5685 ft. but no sparsely vegetated, low, rolling, clay hills within PPA; no Mancos or Fruitland shale formations within PPA (see discussion below) |
| <b>BIRDS</b>   |  |  |  |
| <b>Ferruginous Hawk</b><br>( <i>Buteo regalis</i> )              | NESL Group 3; MBTA <sup>c</sup>                        | Nests on ground in grassland areas, on badland outcrops, small buttes, cliffs, or H-frame powerline structures   | Potential foraging habitat within PPA; potential nesting habitat in surrounding bluffs (see discussion below)  |
| <b>Mountain Plover</b><br>( <i>Charadrius montanus</i> )         | NESL Group 4; MBTA;ESA proposed threatened             | Flat to mildly sloping grassland, semi-desert, or badland areas with sparse vegetation and large bare areas  | Potential foraging habitat within PPA; potential nesting habitat in surrounding badland area (see discussion below)  |
| <b>MAMMALS</b>   |  |  |  |
| <b>Kit Fox</b><br>( <i>Vulpes macrotis</i> )                     | NESL Group 4   | Dens excavated in desert scrub or desert grasslands with alluvial or silty-clay soils  | Potential habitat within PPA; however, no sign of dens   |

<sup>a</sup>Navajo Endangered Species List (NESL):

Group 1: Species or subspecies that no longer occur on Navajo Land

Group 2: "Endangered" species or subspecies that are in danger of being eliminated from all or a significant portion of their ranges on the Navajo Nation

Group 3: Species or subspecies that are considered likely to become endangered throughout all or a significant portion of their ranges on the Navajo Nation within the foreseeable future

Group 4: Species or subspecies for which NDFW does not currently have sufficient information for inclusion in Group 2 or 3, but which are being considered

<sup>b</sup>ESA: Federal Endangered Species Act

<sup>c</sup>MBTA: Migratory Bird Treaty Act



## Species Warranting Detailed Evaluation

According to the NNHP, four (4) NHIP-DFW listed flora and fauna species have the potential to occur in the general region of the PPA. This includes one flora species which is known to occur within three miles of the location. Habitat present within and immediately surrounding the PPA provides potential habitat for two of the listed fauna species. The species with potential to occur in the PPA are discussed below:

### Mesa Verde Cactus (*Sclerocactus mesae-verdae*)

Navajo/Federal Status: NESL group 2: ESA Threatened

Habitat: Occurs on sparsely vegetated, low, rolling, clay hills formed from Mancos or Fruitland shale formations at 1500-1700 m (4900-5500 ft). This species prefers soils that are highly alkaline, gypsiferous, and vertic.

Evaluation: The elevation of the PPA (5585') is near to the range of this species. However, the geology of the area is Menefee Sandstone, and the location is located in existing disturbance and within a residence area. A ten-foot transect survey was conducted on the PPA, but no plants of this species were located.

### Ferruginous Hawk (*Buteo regalis*)

Navajo/Federal Status: NELS group 3: MBTA

Habitat: The Ferruginous Hawk nests on badland outcrops, small buttes, cliffs, H-frame powerline structures, or the ground in grassland areas. Most nests on the Navajo Reservation are on clay or rock pinnacles, small buttes, or short cliffs less than 30 meters in height; fewer are placed in the tops of juniper trees or on the ground; and there is one record of a nest on the cross arm of a transmission-line tower. Habitat surrounding the nest site must support populations of their preferred prey items of cottontails, jackrabbits, prairie dogs, ground squirrels, and gophers.

Evaluation: The open desert scrub within the PPA provides potential foraging habitat for the Ferruginous Hawk. The sandstone outcroppings near the location constitute potential nesting habitat. No Ferruginous Hawks or Ferruginous Hawk nests were observed during the biological survey.

### Mountain Plover (*Charadrius montanus*)

Navajo/Federal Status: NELS group 4: MBTA: ESA proposed threatened

Habitat: The Mountain plover nests in flat to slightly rolling expanses of grassland, semi-desert, or badland, in an area with short, sparse vegetation; large, bare areas; and which is typically disturbed. The Mountain plover may also nest in plowed or fallow cultivation fields. Nest is a scrape in dirt often next to a grass clump or old cow manure pile. Migration habitat is similar to breeding habitat.



Evaluation: The open desert scrub within the PPA provides potential foraging habitat for the Mountain plover. The badland sandstone outcroppings near the location constitute potential nesting habitat. No Mountain plover or Mountain plover nests were observed during the biological survey.

## **SURVEY METHODS AND MATERIALS**

NCI conducted a pedestrian field survey of the proposed action area on 24 September 2008. The survey consisted of ten-foot, parallel, pedestrian transects within the entire proposed project area and the ten-foot buffer zone around the entire project area. Binoculars were used to survey the project area and vicinity for raptors and raptor nests. All plants, animals, and animal sign and habitat observed within the proposed action area were recorded.

## **POTENTIAL IMPACTS**

The proposed action area represents potential foraging and nesting habitats for the Ferruginous hawk and Mountain plover and potential habitat for the Mesa Verde Cactus. However, no Ferruginous hawk, Mountain plover, or Mesa Verde cacti were observed within or surrounding the proposed action area during the biological survey on 24 September 2008.

Potential impacts from the proposed action would include the short-term destruction of approximately 1.50 acres of habitat utilized by the Ferruginous hawk, Mountain plover, and Mesa Verde cactus. The project area represents moderate to good raptor foraging habitat, as H-power lines and powerlines were observed in the project area during the on-site inspection of 24 September 2008. However, no recent raptor use of these structures was observed. The proposed White Water Community Church would utilize overhead powerline construction in a fashion that is raptor- and wildlife-safe. Otherwise, the powerline would be buried to avoid raptors and other wildlife in the surrounding area.

**No impacts to any federal or Tribal TES species are expected from the proposed White Water Community Church Missionary Site.**

## **CERTIFICATION**

It is believed by Nelson that the proposed project would not violate any of the provisions of the Endangered Species Act of 1973, as amended. Conclusions of this report are based on actual field examination and are correct to the best of my knowledge.



Ms. Cassandra Gould, Biologist  
Nelson Consulting, Inc.  
(505) 327-6331

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Farmington, NM 87401  
(505) 327-6331

Jennifer Bell  
600 Reilly Avenue  
Farmington, NM 87401  
(505) 327-6331

7

## **COORDINATION AND CONSULTATION**

Sonja Detsoi-Navajo Department of Fish and Wildlife-Natural Heritage Program

David Malecki- Navajo Department of Fish and Wildlife-Natural Heritage Program

Loretta Tsosie- Northern Navajo Regional Office, BIA

Kevin Yazzie-Project manager for White Water Community Church



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## APPENDIX A

### MAPS, PLATS, and PHOTOGRAPHS

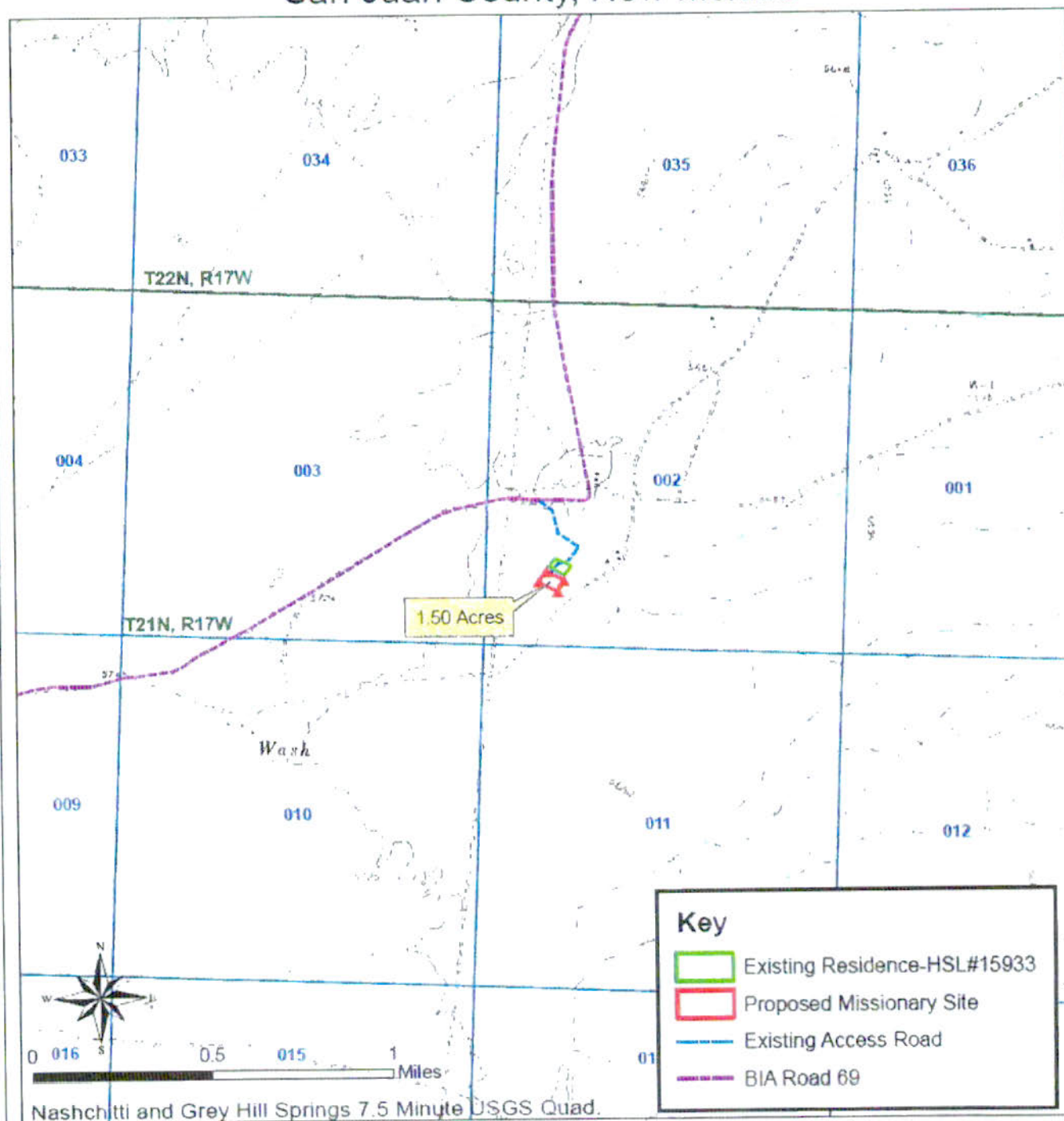


Figure 1: Vicinity Map  
 Kevin Yazzie  
 Proposed White Water Community Church Missionary Site  
 T21N, R17W, Section 02, N.M.P.M  
 San Juan County, New Mexico





Figure 2.0: Project Area Map  
 Kevin Yazzie  
 Proposed White Water Community Church Missionary Site  
 T21N, R17W, Section 02, NMPM  
 San Juan County, New Mexico



**Legal Description.**

A tract of land located in the Southwest Quarter (SW 1/4) of Section 2, Township 21 North, Range 17 West, N.M.P.M., San Juan County, New Mexico situated in the Naschiti area and is more particularly described as follows:

Commencing at the Point of Beginning a point being the Southwesterly corner of said Parcel which bears North 35°59'29" East, a distance of 1,230.12 feet from the Southwest corner of said Section 2,

thence North 24°08'44" East, a distance of 206.54 feet;  
thence South 65°51'10" East, a distance of 316.33 feet;  
thence South 24°08'44" West, a distance of 206.54 feet;  
thence North 65°51'12" West, a distance of 316.33 feet to the Point of Beginning.

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

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

*[Signature]*  
Harry Thomas  
Registered U.M.P.L.S. #12153



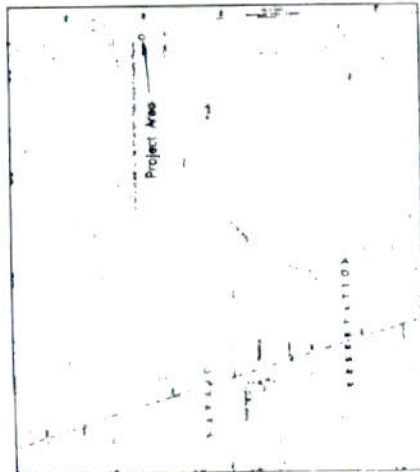
- Basis of Bearing: Solar Observation 8-20-08 pv
- Denotes set 1/2" x 18" Rebar with plastic cap NW-S #1253
- AZPLS #29894

Lease Area is Vacant  
Utilities are as shown

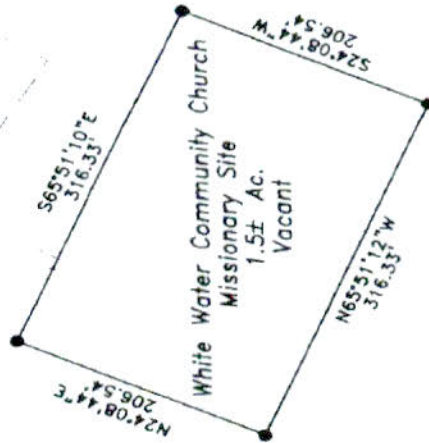
|  |                   |
|--|-------------------|
| <b>RED VALLEY SURVEY</b>                           |                   |
| P.O. Box 17627                                     | Shawnee, NM 87400 |
| (505) 320-0475                                     |                   |
| <b>WHITE WATER COMMUNITY CHURCH</b>                |                   |
| <b>MISSIONARY SITE SURVEY</b>                      |                   |
| 1.5± Ac.   |                   |
| District 14  |                   |
| SW 1/4, Sec. 32, T21N, R17W, NMPM                  |                   |
| N65°29'12" E, 1230.12' to SW corner, New Mex. Sec. |                   |

1/4 Corner  
Fd 1983 USBLM  
Brass Cap

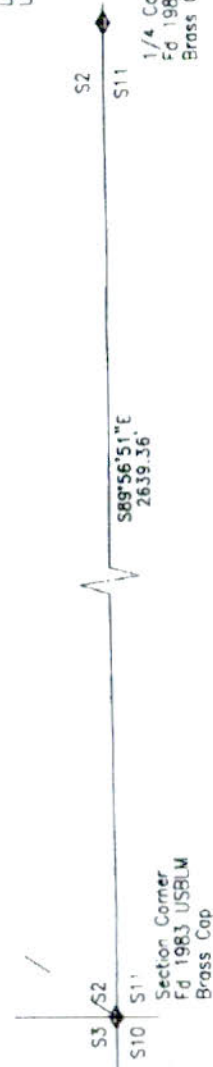
RVS#08-114



Vicinity Map Not to Scale



1"=100'







South of the proposed action area looking north at residential area



At east side of the proposed action area looking to west

## APPENDIX B

### FLORA OCCURRING IN THE PROPOSED PROJECT AREA

**FLORA OCCURRING IN  
THE PROPOSED WHITE WATER COMMUNITY CHURCH MISSIONARY SITE**

**GRASSES**

*Pleuraphis jamesii* syn. *Hilaria jamesii*  
*Sporobolus aeroides*

Galleta  
Alkali Sacaton

**HERBACEOUS FORBES**

*Salsola tragus*  
*Sphaeralcea ambigua*  
*Eriogonum* spp.

Russian Thistle  
Globemallow  
Buckwheat

**SHRUBS**

*Atriplex canescens*  
*Atriplex confertifolia*  
*Gutierrezia sarothrae* (Pursh) Britt. & Rusby

Four-wing Saltbush  
Spiny Shadscale  
Broom snakeweed



## APPENDIX C

### FAUNA OBSERVED IN OR NEAR THE PROPOSED PROJECT AREA

**FAUNA OBSERVED IN  
THE PROPOSED WHITE WATER COMMUNITY CHURCH MISSIONARY SITE**

**MAMMALS**

Livestock  
Livestock Scat  
Domestic pets

**REPTILES**

*Cnemidophorus* spp.

Whiptail

APPENDIX D

NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE SPECIES OF CONCERN CONSULTATION  
LETTER





THE  
NAVAJO  
NATION

JOE SHIRLEY, JR.  
PRESIDENT  
Ben Shelly  
VICE PRESIDENT

Office of Fish & Wildlife • P.O. Box 1180 • Window Rock, AZ 86515 • 928/871-6151 • Fax: 928/871-7067

24 October 2008

File#082408

Cassandra Gould, Environmental Scientist  
Nelson Consulting, Inc.  
600 Rully Ave.  
Farmington, NM 87401

SUBJECT: WHITE WATER COMMUNITY CHURCH MISSIONARY SITE  
LOCATED IN LEGAL DESCRIPTION T21N, R17W, SEC. 02, SW 1/4  
SAN JUAN COUNTY, NM

Ms. Gould,

The following information on species of concern<sup>1</sup> is provided in response to your 29 September 2008 request concerning the subject project, which consists of the proposed missionary site for the proposed White Water Community Church Missionary Site located in legal description T21N, R17W, Section 02, SW 1/4, San Juan County, NM.

Known to occur within three miles of the project site:

1. Sclerocactus mesae-verdae (Mesa Verde Cactus); NESL group 2; ESSA threatened.

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

1. Buteo regalis (Ferruginous Hawk); NESL group 3; MBTA.
2. Charadrius montanus (Mountain Plover); NESL group 4; ESA proposed threatened; MBTA.
3. Vulpes macrotis (Kit Fox); NESL group 4.

#### AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

Any settling or evaporation pits that could hold contaminants should be lined and covered. Covering pits, with a net or other material, will deter waterfowl and other migratory bird use. Lining pits will protect

---

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

ground water quality

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

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

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

An invoice for this information is attached.

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



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

xc: file/chrono

**APPENDIX E**

**NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE  
BIOLOGICAL RESOURCE COMPLIANCE FORM**



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

|                        |                                     |
|------------------------|-------------------------------------|
| COMPLIANCE             | <input checked="" type="checkbox"/> |
| CONDITIONAL COMPLIANCE | <input type="checkbox"/>            |

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.: Kevin Yazzie's Whitewater Community Church

DESCRIPTION: Church

LOCATION: Whitewater, NM

REPRESENTATIVE: Cassandra Gould

ACTION AGENCY: Church

B.R. REPORT TITLE / DATE / PREPARED: Survey Report/NCI/November 2008

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: NA

POTENTIAL IMPACTS

TRIBAL ENDANGERED SPECIES (G2 & G3) TAKEN: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

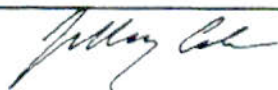
AVOIDANCE / MITIGATION MEASURES: NA

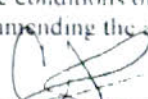
CONDITIONS OF COMPLIANCE\*: NA

FORM PREPARED BY / DATE: J. Cole 03/13/09

COPIES TO: (add categories as necessary)

- |  |  |
|--|--|
| <input type="checkbox"/> Navajo Environmental Protection Agency          | <input type="checkbox"/> BIA Navajo Region, Environmental Services       |
| <input type="checkbox"/> U.S. Fish and Wildlife Service, NM Field Office | <input type="checkbox"/> U.S. Fish and Wildlife Service, UT Field Office |
| <input type="checkbox"/> U.S. Fish and Wildlife Service, AZ Field Office | <input type="checkbox"/> (Other)   |

|   |  |         |
|---|--|---------|
| 2 NTC § 164 Recommendation:                               | Signature  | Date    |
| <input checked="" type="checkbox"/> Approval              |  | 3-13-09 |
| <input type="checkbox"/> Conditional Approval (with memo) |  |         |
| <input type="checkbox"/> Disapproval (with memo)          |  |         |
| <input type="checkbox"/> None (with memo)                 | Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife               |         |

|   |         |
|---|---------|
| *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    |
|    | 3/18/09 |



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Region Office

Division of Real Estate Services

P. O. Box 1060

Gallup, New Mexico 87305-1060

IN REPLY REFER TO:

N425-Branch of Leases/Permits

MAR 12 2010

### HAND-DELIVER

Honorable Joe Shirley, Jr.

President, Navajo Nation

Attention: Division of Natural Resources, Navajo Land Department

Dear Mr. Shirley:

Enclosed for your use and distribution are three (3) copies of the approved Revocable Use Permit issued to the White Water Community Church. The mission site is located in Nashchitti, New Mexico.

If you have any questions, Ms. Dawn Cody, Realty Specialist may be reached at 505-863-8394.

Sincerely,

  
for Regional Director

Enclosure

Cc: Fort Defiance Agency, Real Estate Services w/o enclosure

## MISSION SITE PERMIT

The Mission Site is issued to the **White Water Community Church, Post Office Box 4199, Gallup, New Mexico 87305** to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein.

The Permittee shall comply with all Federal and Tribal Laws, including archaeological and environmental laws and regulations.

This Permittee is revocable at the discretion of the Resources Committee of the Navajo Nation Council with the approval of the Secretary of the Interior, or his/her authorized representative. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes.

The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated or 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 up 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.

This Permit is not transferable, except with the consent of the Resources Committee of the Navajo Nation Council and approval of the Secretary of the Interior, or his/her authorized representative.

The annual rental is set at \$22.50 per year (\$15.00 per acre) and is due on or before the first day of January of each year the Permit remains in effect. If the Permittee fails to pay the rent when due, it shall be assessed a \$50.00 late fee and 6% interest on the balance due.

Pursuant to 25 CFR § 162.604 (g), the permittee must comply with the following stipulation:

- a) While the permit premises are in trust or restricted status, all of the permittee's obligations under this permit, and the obligations of his sureties, are to the United States as well as the owner of the land.
- b) Nothing contained in this permit shall operate to delay or prevent a termination of federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the permit; however, such termination shall not serve to abrogate the permit. The owners of the land and the permittee and his surety or sureties shall be notified of any such change in the status of the land.



- c) The permittee agrees that he/she will not use or cause to be used any part of the permit premises for any unlawful conduct or purpose.

The legal land description of the premises is described as follows:

#### **TRACT DESCRIPTION**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW ¼) OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 WEST, N.M.P.M., SAN JUAN COUNTY, NEW MEXICO SITUATED IN THE NASCHITTI AREA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Point of Beginning a point being the Southwesterly corner of said Parcel which bears North 39°59'29" East, a distance of 1,230.12 feet from the Southwest corner of said Section 2:

thence North 24°08'44" East, a distance of 206.54 feet;  
thence South 65°51'10" East, a distance of 316.33 feet;  
thence South 24°08'44" West, a distance of 206.54 feet;  
thence North 65°51'12" West, a distance of 316.33 feet to the Point of Beginning

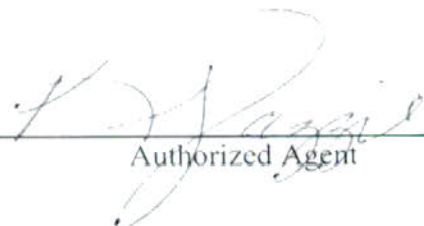
Said Parcel containing 1.5± Acres more or less in area and being subject to any restrictions, easements and reservations of record.

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.

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

This permit is authorized by Resources Committee Resolution No. 109-09.

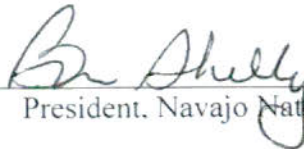
**WHITE WATER COMMUNITY CHURCH**

  
\_\_\_\_\_  
Authorized Agent

Dated this 16 day of November, 2009 at Window Rock,  
Arizona.

*Resources Committee Resolution* RCN-109-09

**THE NAVAJO NATION**

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

Approved MAR 12 2010  
Pursuant to Secretarial Redlegation Order  
209 DM 8, 230 DM 1 and 1AM 4

  
\_\_\_\_\_  
Regional Director, Navajo Region  
Bureau of Indian Affairs

RESOLUTION  
OF THE RESOURCES COMMITTEE  
OF THE NAVAJO NATION COUNCIL

21<sup>st</sup> NAVAJO NATION COUNCIL - Third Year, 2009

AN ACTION

RELATING TO RESOURCES; APPROVING THE GRANTING OF A  
REVOCABLE USE PERMIT-MISSION SITE FOR WHITE WATER COMMUNITY  
CHURCH FOR 1.5 ACRES, MORE OR LESS, OF NAVAJO NATION TRUST  
LANDS LOCATED IN NASCHITTI CHAPTER

BE IT ENACTED:

1. The Navajo Nation finds the following with respect to the approval of this Revocable Use Permit-Mission Site for the White Water Community Church for 1.5 acres, more or less, of Navajo Nation Trust lands located in the Naschitti Chapter:

- a) The Resources Committee, pursuant to 16 N.N.C. § 1151, has the authority to grant revocable use permits for mission sites within the Navajo Nation; and
- b) The White Water Community Church, Post Office Box 4199, Gallup, New Mexico, has applied for a mission site with the Naschitti Chapter community on land as further described within Exhibit "No. 1" at Tab "B" as found attached hereto; and
- c) The District Grazing Committee has identified three land users and all have consented and the Navajo Land Department has received the Chapter resolution, Council Delegates' endorsement and a petition signed by local residents, all of which are found at Tab "C" within Exhibit "No. 1"; and
- d) Biological, historical, cultural and archaeological surveys and clearances for the permit were completed and are attached within Exhibit "No. 1"; and



- e) It is in the best interest of the Naschitti community and the Navajo Nation that the requested Revocable Use Permit-Mission Site be approved for the White Water Community Church.

2. The Navajo Nation hereby approves the granting of a Revocable Use Permit-Mission Site for the White Water Community Church under the Terms and Conditions and as further described within Exhibit "No. 1".

3. The President of the Navajo Nation is hereby authorized to execute all documents necessary to implement the intent and purpose of this resolution.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 6 in favor and 0 opposed, this 2<sup>nd</sup> day of November, 2009.



George Arthur, Chairperson  
Resources Committee

Motion: Norman John, II  
Second: Harry H. Clark

**TERMS AND CONDITIONS FOR MISSION SITE PERMIT  
WHITE WATER COMMUNITY CHURCH (PERMITTEE)**

1. The term of the Mission Site Permit (Permit) is effective beginning on the date the permit is approved by the Secretary of the Interior and is revocable at the discretion of the Resources Committee of the Navajo Nation Council with the approval of the Secretary of the Interior or his or her authorized representative.
2. Consideration to the Navajo Nation for the grant of the permit shall be \$ 22.50 per year due the first of January of each year the permit remains in effect.
3. 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 and the Secretary of the Interior. 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.
4. 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.
5. 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.
6. 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.



7. 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.
8. The Permittee shall indemnify and hold harmless the Navajo Nation and the Secretary of the Interior 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.
9. 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 and the Secretary of the Interior. 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.
10. 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 with approval of the Secretary of Interior or his or her 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.
11. 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.
12. 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.
13. The Navajo Nation and the Secretary 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.
14. 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.
15. 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.

16. 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.
17. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
18. 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.
19. 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.
20. 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.

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

Date: 08-11-08

President, Navajo Nation  
Window Rock, Arizona

White Water Community Church CIO Kevin Yazzie  
(Name of Applicant)

P.O. Box 4199 Gallup, NM 87305  
(Address)

hereby makes application for a religious site covering approximately 1 1/2 acres of Navajo Nation Land located in Naschithi near Naschithi Chapter 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 checked="" type="checkbox"/> Article of Incorporation | <input checked="" type="checkbox"/> Land use consent |
| <input type="checkbox"/> Chapter resolution                  | <input checked="" type="checkbox"/> Site location    |
| <input checked="" 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.

Facilities for Christian faith activities, counseling, and meetings

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

Will construct a worship building, fellowship Hall, Youth Ministry Hall, parking space and playground.

Applicant's plan for development of water and sewer.

We will temporarily utilize portable outbouses while we work with NTUA & Office of Environmental Health (OEH) for water, sewage and electricity.

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 issued a corporate number to the church organization.

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

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

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

  
Kevin Yazzie

Pastor



Document No. 011271Date Issued: 10/03/2018**EXECUTIVE OFFICIAL REVIEW**Title of Document: Mission Site, White Water Community Church Contact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: elerina\_yazzie@frontier.com 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 \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
2. F&W \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
3. HPD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
4. Minerals \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
5. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
6. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
7. DOJ \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐

☐ Rights of Way

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

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

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

☐ Assignment of Mineral Lease

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

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

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

☒ OTHER: Mission Site

1. NLD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
2. F&W \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
3. HHPD \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
4. NNEPA \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
5. DNR \_\_\_\_\_ Date: \_\_\_\_\_ ☐ ☐
6. OOC *12/21/18* \_\_\_\_\_ Date: *12/27/18* ☒ ☐
7. DOJ *(ic)* \_\_\_\_\_ Date: *1-17-19* ☒ ☐
8. OPVP \_\_\_\_\_ Date: *2-25-19* ☒ ☐





# NAVAJO NATION DEPARTMENT OF JUSTICE

## DOCUMENT REVIEW REQUEST FORM

☐ RESUBMITTAL



01/03/19 4:27pm  
DATE / TIME  
☐ 7 Day Deadline  
DOC #: 011271  
SAS #:  
UNIT: NRH

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

### CLIENT TO COMPLETE

DATE OF REQUEST: 1/3/18 ENTITY/DIVISION: BLDD / DNR  
CONTACT NAME: X-6447 DEPARTMENT: Gen. Land Develop. Dept.  
PHONE NUMBER: Michelle Howard Draper E-MAIL:  
TITLE OF DOCUMENT: Mission Site, White Water Community Church

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 1.3.19 REVIEWING ATTORNEY/ADVOCATE: Truitt Chee  
835p 1.14.19  
DATE/TIME OUT OF UNIT: 1.18.19 10am

### DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is now legally sufficient after making some corrections to the Terms & Conditions. All the required

REVIEWED BY: (PRINT) Truitt Chee DATE / TIME 1-17-19 SURNAMED BY: (PRINT) Blackhat DATE / TIME 1-17-19 5:00pm


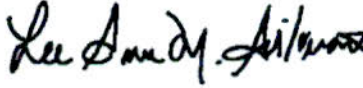


DOJ Secretary Called: Howard Draper for Document Pick Up on 1.18.19 at 835 By: B

PICKED UP BY: (PRINT) DATE / TIME:

NNDJ/DRRF-July 2013

Documents are attached,  
COMPLETED - TC

## Tier 1 Document Voting Results

| User Name (Facility )   | Job Title                  | Department                                    | Vote Cast | Comments  | Replies     | Vote Date   | Signature   |
|---|----------------------------|---|-----------|---|-------------|-------------|---|
| Eugenia Quintana EPA (Navajo Land Title Data System - Windowrock AZ)  | Air and Toxics - Reviewer  | Navajo Nation Environmental Protection Agency | Approved  | 1. See attached comments.   | 1. No Reply | 29-Oct-2018 |    |
| Lee Anna Martinez EPA (Navajo Land Title Data System - Windowrock AZ) | Water Quality - Reviewer   | Navajo Nation Environmental Protection Agency | Approved  | 1. All waters of the US and waters are protected under the CWA. Contact LeeAnna Martinez for a 401 Cert Application at (928)871-7700.               | 1. No Reply | 16-Oct-2018 |    |
| Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)          | Approver                   | Department of Water Resources                 | Approved  | no comments   | No Reply    | 15-Oct-2018 |   |
| Pam Kyselka F&W (Navajo Land Title Data System - Windowrock AZ)       | Technical Review           | Fish and Wildlife                             | Approved  | 1. #18tsf-01  | 1. No Reply | 16-Oct-2018 |  |
| Patrick Antonio EPA (Navajo Land Title Data System - Windowrock AZ)   | Water Quality - Supervisor | Navajo Nation Environmental Protection Agency | Approved  | 1. No immediate infrastructure construction planned. Coverage not required under the federal Construction General Permit for storm water discharges | 1. No Reply | 16-Oct-2018 |  |

|   |   |   |          |   |                          |             |  |                 |
|---|---|---|----------|---|--------------------------|-------------|--|-----------------|
|   |   |   |          |   | from construction sites. |             |  |                 |
| Robert Allan Deputy DNR (Navajo Land Title Data System - Windowrock AZ) | DNR Administration                      | Approved                                      | 1        | no comments   | No Reply                 | 24-Oct-2018 |  | Robert O. Allan |
| Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)      | HPD Reviewer                            | Historic Preservation Department              | Approved | 1. HPD-17-932   | 1. No Reply              | 16-Oct-2018 |  | Tamara Billie   |
| Warren Roan - EPA (Navajo Land Title Data System - Windowrock AZ)       | Storage Tanks Program - Reviewer        | Navajo Nation Environmental Protection Agency | Approved | 1. Any concerns or impacts regarding storage tanks or releases of regulated substances from storage tanks contact Warren Roan at (928)871-7993. | 1. No Reply              | 26-Oct-2018 |  | Warren J Roan   |
| Yolanda Barney EPA (Navajo Land Title Data System - Windowrock AZ)      | Public Water System Supervision Program | Navajo Nation Environmental Protection Agency | Approved | 1. Please see attached memorandum approving the project.  | 1. No Reply              | 17-Oct-2018 |  | Yolanda Barney  |

| Tier 2 Document Voting Results |            |                  |           |  |             |             |            |
|--------------------------------|------------|------------------|-----------|--|-------------|-------------|------------|
| User Name (Facility)           | Job Title  | Department       | Vote Cast | Comments   | Replies     | Vote Date   | Signature  |
| Bidtah N. Becker (FBFA)        | FBFA Users | FBFA Action Team | Approved  | 1. GLDD - I am marking this document sufficient. That being said, Chad Smith from Fish and | 1. No Reply | 14-Nov-2018 | BNT Becker |



Wildlife has not yet marked this document. If he marks the document insufficient, please inform me immediately. Thanks.

|   |   |  |              |   |                   |                 |
|---|---|--|--------------|---|-------------------|-----------------|
| Chad Smith<br>- F&W<br>(Navajo<br>Land Title<br>Data<br>System -<br>Windowroc<br>k AZ)      | Technical<br>Review   | Fish and<br>Wildlife                                   | Approve<br>d | no<br>comments  | No<br>Reply       | 10-Dec-<br>2018 |
| Richard<br>Begay<br>NNHP<br>(Navajo<br>Land Title<br>Data<br>System -<br>Windowroc<br>k AZ) | Navajo<br>Nation<br>Historic<br>Preservation<br>Department<br>n Officer | Historic<br>Preservation<br>Department                 | Approve<br>d | no<br>comments  | No<br>Reply       | 31-Oct-<br>2018 |
| Ronnie Ben<br>EPA<br>(Navajo<br>Land Title<br>Data<br>System -<br>Windowroc<br>k AZ)        | Undergrou<br>nd Injection<br>Control -<br>Reviewer                      | Navajo Nation<br>Environmental<br>Protection<br>Agency | Approve<br>d | 1 Conditional<br>Approval is<br>contingent<br>on<br>compliance<br>with all US<br>EPA and<br>Navajo<br>Nation EPA<br>environment<br>al laws. | 1 No<br>Repl<br>y | 05-Nov-<br>2018 |
| Steven<br>Prince MIN<br>(Navajo<br>Land Title<br>Data<br>System -<br>Windowroc<br>k AZ)     | Technical<br>Reviewer   | Navajo Nation<br>Minerals<br>Management                | Approve<br>d | no<br>comments  | No<br>Reply       | 30-Oct-<br>2018 |
| W. Mike<br>Halona<br>(NLTDs -<br>Everytt)   | DCD<br>Division<br>Director   | Navajo Nation  | Approve<br>d | no<br>comments  | No<br>Reply       | 09-Nov-<br>2018 |

*Chad Smith*

*Richard M Begay*

*Ronnie Ben*

*Steven L Prince*

*W. Mike Halona*

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Division of Andy Frain Services

761 Shoreline Drive, Aurora, IL 60504 - 1-(331)-208-5133

Version: [10,744](#) [Click the Version Number to Download Release Notes](#)



# General Land Development Department

## CHECK LIST FOR MISSION SITE APPLICATION

1. ☒ **APPLICATION** for religious activities is filled out by the applicant
2. ☐ **FILING FEE** of \$100.00 made payable to The Navajo Nation
3. ☒ **CONSENT(S)** Contact your local Chapter Grazing Official or Land Board Member
4. ☒ **PETITION OF NAMES** endorsing the proposed mission site from surrounding residents in the vicinity.
5. ☒ **SLIDING FEE SCALE** Filled out by applicant to determine annual rental fee
6. ☒ **SURVEY PLAT** showing the exact location of the proposed mission site. Fees associated with services.
7. ☒ **CHAPTER RESOLUTION** Supporting the withdrawal of land for mission site and permit.
8. ☒ **ARTICLES OF INCORPORATION** Submit to Navajo Nation Business Regulatory Department to issue a Certificate of Incorporation authorizing to transact business within Navajo Nation as a Non-profit organization.
9. ☒ **BIOLOGICAL SURVEY** performed by the Fish and wildlife Department. Fees associated with service. (928) 871-6451/6452
10. ☒ **CULTURAL, HISTORICAL AND ARCHAEOLOGICAL** compliance report issued by the Historic & Heritage Preservation Department after the cultural resources conduct their service (928) 871-7147/7148
11. ☒ **ENVIRONMENTAL ASSESSMENT REPORT** reviewed by the Navajo Environmental Protection Agency to ensure there is no contaminated or hazardous materials. NNEPA Office (928) 871-7692

Note: It is the policy of the Navajo Nation that the minimum acreage to conduct religious activities shall be 1½ acres. Acreage more than 1½ shall require justification from the applicant. While the permit is pending final approval, **NO** religious organization shall construct, operate, install or otherwise effect any improvements upon Navajo Nation land without processing a valid mission site permit. Failure to comply will cause the Navajo Nation to set reasonable rental fee or other remedies at law.

**\*\*Incomplete packages will not be processed and returned to you\*\***



**RESOURCES AND DEVELOPMENT COMMITTEE**

**Regular Meeting**

**May 29, 2019**

**ROLL CALL**  
**VOTE TALLY SHEET:**

**LEGISLATION # 0118-19: RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR THE WHITE WATER COMMUNITY CHURCH ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF NASCHITTI COMMUNITY CHAPTER, NAVAJO NATION**

*Sponsor: Honorable Wilson C. Stewart, Jr.*

**MAIN MOTION:**

M: Thomas Walker, Jr.;

S: Kee Allen Begay, Jr.;

V: 4-0-1 (CNV)

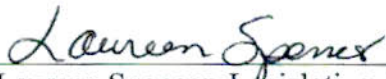
YEAS: Kee Allen Begay, Jr., Herman M. Daniels; Wilson C. Stewart, Jr. and Thomas Walker, Jr.

NAYS: None

EXCUSED: Mark Freeland



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Rickie Nez, Chairperson  
Resources and Development Committee



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Laureen Spencer, Legislative Advisor  
Resources and Development Committee