

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

**AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A REVOCABLE USE
PERMIT FOR MITTEN ROCK TREE OF LIFE CHURCH ON NAVAJO NATION
TRUST LANDS IN THE VICINITY OF RED VALLEY CHAPTER, NAVAJO NATION
(SAN JUAN COUNTY, NEW MEXICO)**

Section One. Standing Committee Authority

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

Section Two. Title 16 Provisions with Respect to Mission Sites

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

1. An exact description of the Navajo Nation land for which application is made.
2. A detailed statement of the purpose or purposes for which the said Navajo Nation land shall be used. If a missionary or mission body proposes to establish facilities for educational, medical, or other non-religious activities, the application shall set forth fully the extent and character thereof.
3. A signed petition of a substantial number of Navajos residing in the vicinity of the proposed site endorsing the proposed permit.
4. An endorsement of Navajo Nation Council Delegates of the District in which the proposed site is located.
5. A description of buildings and improvements to be placed on Navajo Nation lands and an estimate of the cost thereof.

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

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

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 The Resources and Development Committee may, in the case of applications for mission sites in or near areas withdrawn for townships in the Navajo Nation, limit site acreage to less than two and five-tenths (2 5/10) acres, and may set rental fees with due regard for present or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

Section Three. Findings

A. The Mitten Rock Tree of Life Church, Post Office Box 473, Waterflow, New Mexico 87421 has applied for a Revocable Use Permit for a mission site within the Red Valley Chapter vicinity, as further described herein in Exhibit "A", attached hereto and incorporated herein by this reference; and

B. The site encompasses 1.50 acres of Navajo Nation trust lands located in the Northeast (NE1/4) of Section 7, Township 27 North, Range 19 West, Mitten Rock area, Red Valley Chapter vicinity, Navajo Nation (San Juan County, New Mexico). The land description appears on the survey plat attached hereto and incorporated herein as Exhibit "B"; and

C. The District Grazing Official, Harrison Yazzie identified one land user named Nellie George, who gave her consent; Her consent is attached hereto as Exhibit "C"; and

D. The chapter resolution and the signed petition by the local residents are attached as Exhibit "D"; and

E. The Biological, Cultural, Environmental Assessment are all attached herein as Exhibit "E"; and

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

Section Four. Approval

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

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

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Nation Council Chambers, (Navajo Nation) Window Rock, Arizona, at which quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 1st day of March, 2016.



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

**Motion: Honorable Walter Phelps
Second: Honorable Leonard Pete**



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

President, Navajo Nation
Window Rock, Arizona

Date Oct. 21, 2015

Mitten Rock Tree of Life
(Name of Church)

P.O. Box 473, Waterflow, N.M. 87421
(Address)

hereby makes application for a religious site covering approximately 1.5 acres of Navajo Nation land located in Mitten Rock N.M., 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:

- | | |
|---|--|
| ☒ Articles of Incorporation | ☒ Land Use Consent |
| ☒ Chapter Resolution | ☒ Survey Plat |
| ☒ Petition of Names | ☒ 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:

THE proposed project site has "as built" church building previously constructed and operated by the applicant's family. (20'x50' 1000 Sq Ft) and Fellowship hall (20'x32' Ft) 640' Sq Ft. THE proposed building would include a Sanitary Restroom etc.

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

Addition for future plan (20'x16') For Building for Restroom - estimated Cost might be \$3000 - Building materials and plumbing material.

(Mitten Rock Tree of Life, a nonprofit Corporation)

Applicant's plan for development of water and sewer.

future infrastructure include propose water pipeline electrical power (as built) waste water Septic tank and leach field

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

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

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

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

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

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

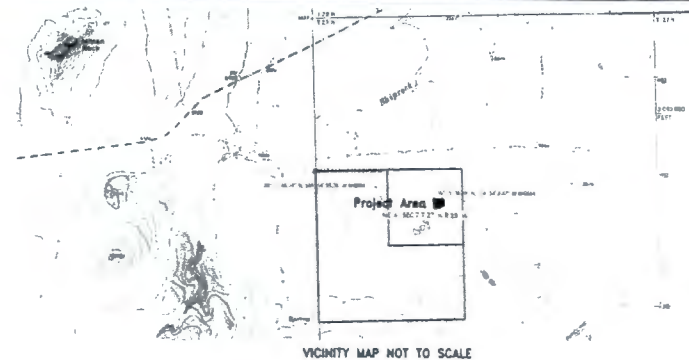
Terry J. Begay
(Print Name) Authorized Agent

Terry J. Begay
(Signature) Authorized Agent

P.O. Box 473, Waterflow NM. 87421
Address

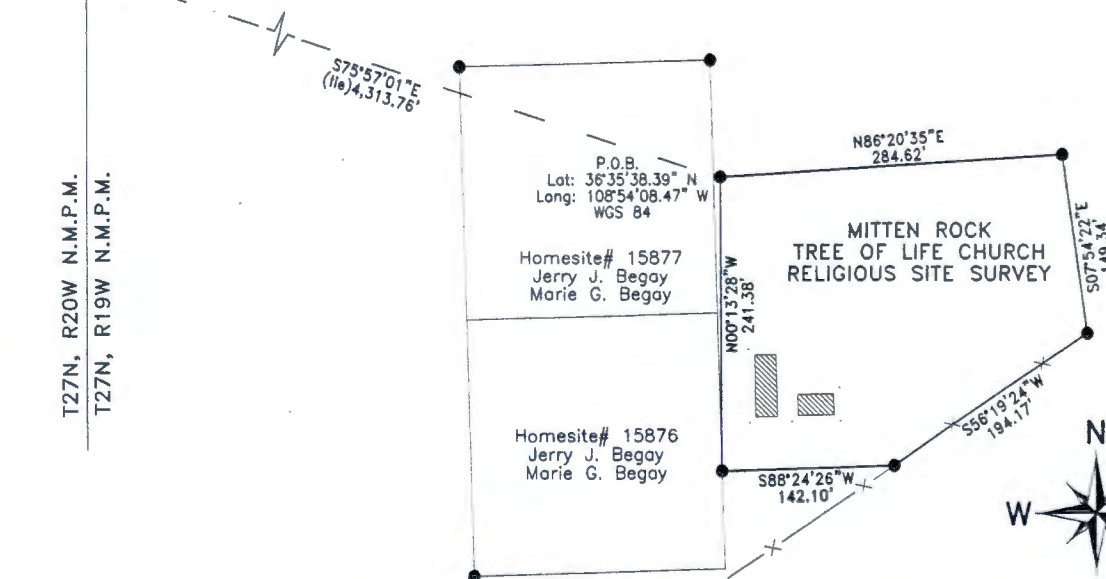
(928) 653-5988
Phone

A SURVEY OF RECORD
LOCATED IN
NE1/4 of SECTION 7,
T27N, R19W N.M.P.M.,
MITTEN ROCK, SAN JUAN COUNTY,
NEW MEXICO



Section Corner
Fd USBLM
Brass Cap
Lat: 36°35'48.74" N
Long: 108°54'59.779" W
WGS 84

Sec. 1 Sec. 6
Sec. 12 Sec. 7



A tract of land located in the Northeast Quarter (NE1/4) of Section 7, Township 27 North, Range 19 West, N.M.P.M., San Juan County, New Mexico situated in the Mitten Rock area and is more particularly described as follows:

Commencing at the Point of Beginning a point being the Northwest corner of said Parcel which bears South 75°57'01" East, a distance of 4,313.76 feet from the Northeast (NE) corner of said Section 7;

thence North 86°20'35" East, a distance of 284.62 feet;
thence South 07°54'22" East, a distance of 149.34 feet;
thence South 56°19'24" West, a distance of 194.17 feet;
thence South 88°24'26" West, a distance of 142.10 feet;
thence North 00°13'28" West, a distance of 241.38 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 plot was prepared from field notes of actual surveys made under my supervision. This survey complies with the minimum standards of property surveys in New Mexico and is accurately represented on the plot



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

Basis of Bearing: True North as established by G.P.S.
● Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163
AZPLS #29894

Lease Area is Occupied and Disturbed
Utilities are as shown

RED VALLEY SURVEY
P.O. Box #2827, Shiprock NM 87420
(505)320-0479
MITTEN ROCK
TREE OF LIFE CHURCH
RELIGIOUS SITE SURVEY
1.5± Ac.
NE1/4, Sec. 7, T27N, R19W N.M.P.M.
Mitten Rock, San Juan County, New Mexico

RVS#15-121

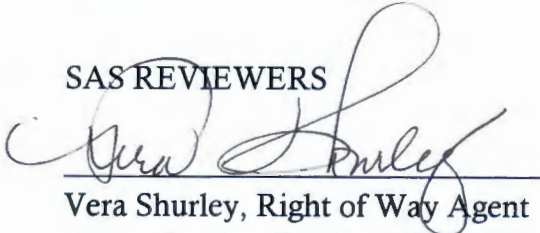
tabbles

B
EXHIBIT



INTER OFFICE MEMO:

TO : SAS REVIEWERS

FROM : 
Vera Shurley, Right of Way Agent
Project Review Section/NLD

DATE : October 21, 2015

SUBJECT : Field Clearance Report for existing church for Mitten Rock Tree of Life

Mitten Rock Tree of Life, Post Office Box 473, Waterflow, New Mexico 87421 submitted an application for a Revocable Use Permit for mission site. A site visit was made to Mitten Rock Tree of Life and find that it is currently existing with a church building, fellowship hall for community use, parking area and access road. Future plans is to construct a building to include a sanctuary and bathrooms.

The existing site is in the Northeast Quarter (NE1/4) of Section 7, T27N, R19E on 1.5 acres of trust lands near the vicinity of Red Valley, District 12, Shiprock Agency, San Juan County, State of New Mexico. The Land Withdrawal Designation was approved by Navajo Land Department through the delegation of RDCJN-33-15.

The District Grazing Committee Member, Harrison Yazzie identified one land user, Nellie George, who gave her consent. Jerry Begay and Marie Begay are witnesses to Ms. George's right thumbprint.

This completes my field clearance for the above mentioned project.

cc: Project File

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

TO WHOM IT MAY CONCERN:

I, Nellie George, hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Mitten Rock Tree of Life (Church) located approximately 5 miles from Red Valley Chapter to use approximately 1.5 acres of my assigned grazing land for church purposes.

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

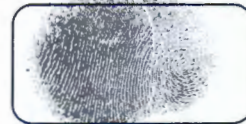
REMARKS: _____

_____ Signature of Permit Holder	22133 Census No.	12-3998 Permit No.	10/21/15 Date
-------------------------------------	---------------------	-----------------------	------------------

WITNESSES:

Jimmy G. Begay
Mon. D. Begay

Right Thumbprint



Harrison Yazzie
(Print Name) Grazing Official/Farm/Land Board
Red Valley
Chapter

Harrison Yazzie
(Signature) Grazing Official/Farm/Land Board
12
District No.
Oct 21, 2015
Date

Acknowledge of Field Agent

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

Greg Shurley
Signature of Land Department Field Agent
10/21/15
Date



Red Valley Chapter Government • The Navajo Nation
P.O. Box 304 • Red Valley, Arizona 86544
Hwy 491 Route N13 Buffalo Drive, Bldg #R006-001



RVC-48-15

Resolution of the Red Valley Chapter

THE RED VALLEY CHAPTER AFFIRMS THE MITTEN ROCK TREE OF LIFE CHURCH INITIATIVE
TO MAKE LEASE APPLICATION FOR THEIR EXISTING CHURCH WITH THE NAVAJO NATION
LAND DEPARTMENT OF THE NAVAJO NATION

WHEREAS:

1. The RED VALLEY CHAPTER, pursuant to the Navajo Nation Council Resolution #CAP-34-98 dated October 01, 1998, is a recognized certified local unit of government with the responsibility to review matters pertaining to its government, administration, membership and to decide whether issue(s) is/are in their best interest or not and act accordingly, AND
2. The RED VALLEY CHAPTER, is a certified entity of the Navajo Nation Council Government, vested with the authority to review all issues affecting the respective community; AND
3. The RED VALLEY CHAPTER strives for the betterment of its people by assisting and providing the opportunity for improvement in the areas of livelihood, health, and education, AND
4. The RED VALLEY CHAPTER, along with other vicinity chapters, recognizes the purpose and need to approve the lease application for the existing Mitten Rock Tree of Life Church, AND
5. The RED VALLEY CHAPTER recognizes the propose lease application will allow for contribution of religious services to the Navajo People in the teachings and spreading of the Gospel of the Lord Jesus Christ in accordance with instruction, doctrines, and teachings of the New Testament, and for religious, education, benevolent, charitable purposes, public worship and not for pecuniary profit, AND
6. The proposed lease application would allow the Mitten Rock Tree of Life Church to promote the work of the church in the establishment, building, promotion, organizations, development and future expansion of the church, as authorized by the church organization, AND
7. The RED VALLEY CHAPTER supports the lease renewal and property expansion request to the Navajo Nation Land Department pursuant to NNC T16 §, 11 & 1101-land leasing for public community purposes and the Bureau of Indian Affairs, Snyder Act of 1921, USC Chapter 1 & 13-appropriation for permitting & leasing activity.

NOW THEREFORE BE IT RESOLVE:

1. The RED VALLEY CHAPTER hereby supports Mitten Rock Tree of Life Church request of lease application for their existing church site for religious services to the Navajo People, AND
2. The proposed church lease is located on Mitten Rock, New Mexico 7.5 Minute Quadrangle at NE ¼ Section 7 Township 27 North Range 19 West, NM PM.

PETITION OF NAMES

We, the undersigned are citizens, registered voters and residents of RED VALLEY Chapter living within this community where the MITTEN ROCK TREE OF LIFE (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 year. Further, we hereby give our signatures on this petition to further the development of the church.

	NAME	DATE	WITNESS
01.	<u>John W. Bess</u>	<u>9/27/15</u>	<u>J. Bess</u>
02.	<u>Lula Doughtery</u>	<u>9-27-15</u>	<u>J. Bess</u>
03.	<u>Daniel O. Horne</u>	<u>09/27/15</u>	<u>J. Bess</u>
04.	<u>Judy James</u>	<u>09/27/15</u>	<u>Man D. Bess</u>
05.	<u>Christy Matis</u>	<u>9/27/15</u>	<u>Man D. Bess</u>
06.	<u>Benedict Loring</u>	<u>9/27/15</u>	<u>J. Bess</u>
07.	<u>Harriet Garrison</u>	<u>9/27/15</u>	<u>Man D. Bess</u>
08.	<u>Gene Albrecht</u>	<u>9/27/15</u>	<u>J. Bess</u>
09.	<u>Olme Phillips</u>	<u>9/27-15</u>	<u>Man D. Bess</u>
10.	<u>Doria Cadman</u>	<u>9-27-15</u>	<u>Man D. Bess</u>
11.	<u>Emily V. Benally</u>	<u>9-27-15</u>	<u>Man D. Bess</u>
12.	<u>Jay J. Bess</u>	<u>9/28/15</u>	<u>Man D. Bess</u>
13.	<u>Kenneth Benge</u>	<u>9-28-2015</u>	<u>J. Bess</u>
14.	<u>J. C. Bess</u>	<u>9-28-15</u>	<u>J. Bess</u>
15.	<u>Gene Benge</u>	<u>9-28-15</u>	<u>Man D. Bess</u>
16.	<u>Nellie Benge</u>	<u>9-28-15</u>	<u>Man D. Bess</u>
17.	<u>Man D. Bess</u>	<u>9-28-15</u>	<u>J. Bess</u>
18.	<u>[Signature]</u>	<u>9-28-15</u>	<u>Man D. Bess</u>

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



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

PROJECT NAME & NO.: Mitten Rock Tree of Life Church Site

DESCRIPTION: The Mitten Rock Tree of Life Church proposes a mission site lease consisting of ±1.5 acres for their existing church buildings. The church plans to expand and continue construction within the ±1.5-acre site.

LOCATION: NE¼ of Section 07, T27N, R19W, Red Valley Chapter, San Juan County, New Mexico

REPRESENTATIVE: Leonard Robbins, Denali Environmental Services for Mitten Rock Tree of Life Church

ACTION AGENCY: Navajo Nation and Bureau of Indian Affairs

B.R. REPORT TITLE / DATE / PREPARER: Request for review and concurrence/24 AUG 2015/Leonard Robbins

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Existing church buildings & utilities onsite.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

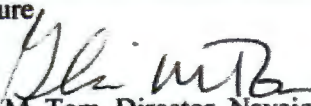
AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/15 SEP 2015

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation: ☒ Approval ☐ Conditional Approval (with memo) ☐ Disapproval (with memo) ☐ Categorical Exclusion (with request letter) ☐ None (with memo)	Signature  Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife	Date 9/15/15
--	---	------------------------

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

APPENDIX C

Navajo Historic Preservation Department – Compliance Section

Cultural Resource Compliance Form

Dinétahdóó Cultural Resources Management, LLC



P.O. Box 2012 • Farmington, New Mexico 87499 • Phone: (505) 960 9478 • Fax: (505) 960 9749
E-Mail: dinetahdoo@yahoo.com

September 21, 2015

Mr. and Mrs. Jerry J. Begay, Pastors
Mitten Rock Tree of Life Church
P. O. Box 473
Waterflow, New Mexico 87421

RE: DCRM 2015-50: A Cultural Resources Inventory of the Proposed Mitten Rock Tree of Life Church 1.5-Acre Site in Red Valley Chapter, San Juan County, New Mexico.

Dear Pastors,

Enclosed is a copy of Dinétahdóó Cultural Resources Management's survey report DCRM 2015-50 concerning the cultural resources inventory of your 1.5 -Acre church site in Red Vally Chapter, San Juan County, New Mexico. Because no significant cultural resources were identified during the survey archaeological clearance has been recommended for the proposed Mitten Rock Tree of Life Church Site.

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

Please call me if you have any questions regarding this project. I can be contacted at (505) 960-9478

Sincerely,

A handwritten signature in dark ink, appearing to read "Clifford Werito". The signature is fluid and cursive, with a large initial "C" and "W".

for
Clifford Werito,
Archaeologist

ARCHAEOLOGICAL INVENTORY REPORT (AIRs) DOCUMENTATION PAGE

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 Mitten Rock Tree of Life Church 1.5 -Acre Site in Red Valley Chapter, San Juan County, New Mexico.		5. FIELDWORK DATES: September 14, 2015
Author (s): Clifford Werito		6. REPORT DATE: September 21, 2015
7. CONSULTANT'S NAME AND ADDRESS: Gen. Charge: Rena Martin, Senior Archeologist Org. Name: Dinétahdóó CRM, LLC Org. Address: P.O. Box 2012 Farmington, NM 87499 Phone: (505) 960-9478 Fax: (505) 960-9749		8. PERMIT NO.: B15419
		9. CONSULTANT'S REPORT NO.: DCRM 2015-50
10. SPONSOR'S NAME AND ADDRESS: Ind. Responsible: Mr. and Mrs. Jerry J. Begay, Pastors Org. Name: Mitten Rock Tree of Life Church Org. Address: P.O. Box 473 Waterflow, New Mexico 87421 Phone: (928) 653-5988		11. SPONSOR'S PROJECT NO.: N/A
		12. AREA OF EFFECT: 1.50 ac. (0.40 ha.) AREA SURVEYED: 2.66 ac. (1.08 ha.)
13. LOCATION (MAP ATTACHED)		
a. Chapter: Red Valley b. Agency: Shiprock c. County: San Juan d. State: New Mexico e. Land Status: Navajo Tribal Trust f. UTM: See Supplemental Sheet; Table 1. g. Legal Description: NE ¼, Section 07, T27N, R19W. N.M.P.M. h. USGS 7.5' Maps: Mitten Rock, NM, 1966. i. Lead Agency: Bureau of Indian Affairs (BIA)		
14. REPORT		
a. Description of Undertaking: See Supplemental Sheet b. Existing Data Review: See Supplemental Sheet c. Area of Environmental & Cultural Setting: See Supplemental Sheet d. Field Methods: See Supplemental Sheet		
15. CULTURAL RESOURCE FINDINGS:		
a. Location/Identification of Each Resource: See Supplemental Sheet b. Evaluation of Significance of Each Resource: See Supplemental Sheet		
16. MANAGEMENT SUMMARY (RECOMMENDATION): See Supplement Sheet.		
17. CERTIFICATION:		
SIGNATURE: <u>Rena Martin</u>		Date: <u>9/21/15</u>
General Charge Name: <u>Rena Martin, Archaeologist</u>		
SIGNATURE: <u>Clifford Werito</u>		Date: <u>9-21-2015</u>
Direct Charge Name: <u>Clifford Werito, Archaeologist</u>		

13. LOCATION:

Table 1. UTM Coordinates (NAD 83 / Zone 12), and Legal Description (N.M.P.M.).

Location	Northing	Easting	¼	Section	Township	Range
Point - 1	4051810	0687643	NE	07	27N	19W
Point - 2	4051883	0687639				
Point - 3	4051891	0687727				
Point - 4	4051845	0687735				
Point - 5	4051811	0687687				

Township & Range Derived from Red Valley Facilities Maps.

14. REPORT:

- a. **Description of Undertaking:** The Mitten Rock Tree of Life Church Site clients, Pastors Jerry J. and Ms. Marie G. Begay are proposing to upgrade and develop an existing church site. The church officials may construct or place a additional church buildings; upgrade sewage facilities and electrical electric power lines; construct a parking lot and add additional improvements within the 1.5 acre (0.60 ha.) area. Construction may include: vegetation clearing, ground leveling, trenching, lying of water facilities pipelines, powerline pole placement and stringing of powerline and construction of other homestead features. The staked project area measured 284.62 ft (86.75 m) by 149.34 (45.52 m) by 194.17 ft (59.18 m) by 142.10 ft (43.31m) by 241.38 ft (73.57 m) .
- b. **Existing Data Review:** Prior to field work, a records check was conducted at the Navajo Nation Historic Preservation Department's (NNHPD) office, located in Window Rock, Arizona. The records indicated that three (3) previous surveys have been conducted within a 300 ft (91 m) radius of the project areas. The previous studies include HPD-91-573; HPD-89-07; and HPD-06-929. No cultural resources have been identified within 300-feet of the project area.

The NNHPD's Traditional Cultural Program's records showed no sacred areas within 1-mile (1.60 km) area of the proposed church site. The signed required NNHPD TCP Form is attached to the report. A check of Van Valkenburgh (1974) indicates that the closest sacred place is Mitten Rock located more than 2.3 miles from the project area.

- c. **Area of Environmental & Cultural Setting:** The proposed church site is located within the community of Red Valley Chapter in San Juan County, New Mexico. The proposed church site is located between Rock Ridge, Shiprock Wash, and Mitten Rock on the northeastern slope of Rock Ridge. Shiprock Wash is located 400 ft (121.92 m) to the northeast of the project area. The general area is characterized by low ridges, drainages and intermittent flood plains. The primary access to the project areas is by Navajo Route 132 and other associated dirt roads (See Figure 1). The survey area is partial developed and cleared. Recently disposed trash and debris was observed across the eastern edge of the project area. The vegetation community consists of Russian thistle, rabbitbrush, snakeweed, blue grama grass, Indian ricegrass, bunch grass, and prickly pear cactus. The primary drainage is Shiprock Wash. The elevation for the proposed project is 5,606 ft (2054.35 m) above sea level. The soils at the church lease site consist of loamy aeolian sand.

The Navajo name for the Red Valley is *Tse lichii da' azkani* (Red Rock Mesa). Situated between the New Mexico and Arizona border, the Red Valley chapter region encompasses 221 acres. The Red Valley vicinity is nestled in three mountain ranges including the Lukachukai Mountain, Carrizo Mountain, and Beautiful Mountain. The chapter was established in 1957. Unemployment is high; most employment opportunities can be found outside of Red Valley in the nearby towns of Shiprock and Farmington, New Mexico. In the past decade, a Senior Citizens Center, Head start Program, and NHA Housing have been constructed in the Red Valley community. A new high school, an elderly group home, a multi-purpose center, and a new chapter house now in planning for development for the future (LSR Innovations: 2004)

- d. **Field Methods:** Clifford Werito, archaeologist with DCRM, conducted the cultural resources inventory of the proposed church site. The project area was inventoried by walking parallel transects spaced no more than 10 m apart with a 50-foot buffer zone added, to the outer edges of the staked church site which contains a church and associated

features. Notes were taken on the environment and interview information. The proposed staked church area measured 284.62 ft (86.75 m) by 149.34 (45.52 m) by 194.17 ft (59.18 m) by 142.10 ft (43.31m) by 241.38 ft (73.57 m); this area of effect totals 1.5 acres (0.40 ha). In all, some 2.66 acres (1.08 ha.) was surveyed in conjunction with this project.

In accordance with NNHPD guidelines, the project archaeologist conducted an interview in effort to obtain information regarding local traditional cultural properties (TCP) and unmarked burials in the area. Mr. and Mrs. Jerry J. Begay were interviewed in Navajo; they stated that there are no known TCP or unmarked burials near the proposed Church site. Prior to the field work, the archaeologist attempted to check-in with the Red Valley Chapter however, the chapter was closed.

15. CULTURAL RESOURCE FINDINGS:

- a. Location/Identification of Each Resource:** One currently in-use site (IUS) was identified during the inventory. IUS 1 consists of the church building, a classroom building, two storage structures and other associated features. IUS 1 has been in-use from 2000 to the present.
 - b. Evaluation of Significance for Each Resource:** The IUS is not an property for the National Register of Historic Places. The IUS does not meet the 100-year age definition of an archaeological resource required for protection under ARPA. The IUS does not merit protection under ARPA. And finally, the IUS does not merit protection under NAGPRA.
- 16. Management Summary (Recommendations):** Archaeological clearance is recommended for the development of the proposed Church site of The Mitten Rock Tree of Life Church Site, since no significant cultural resources were identified during the inventory.

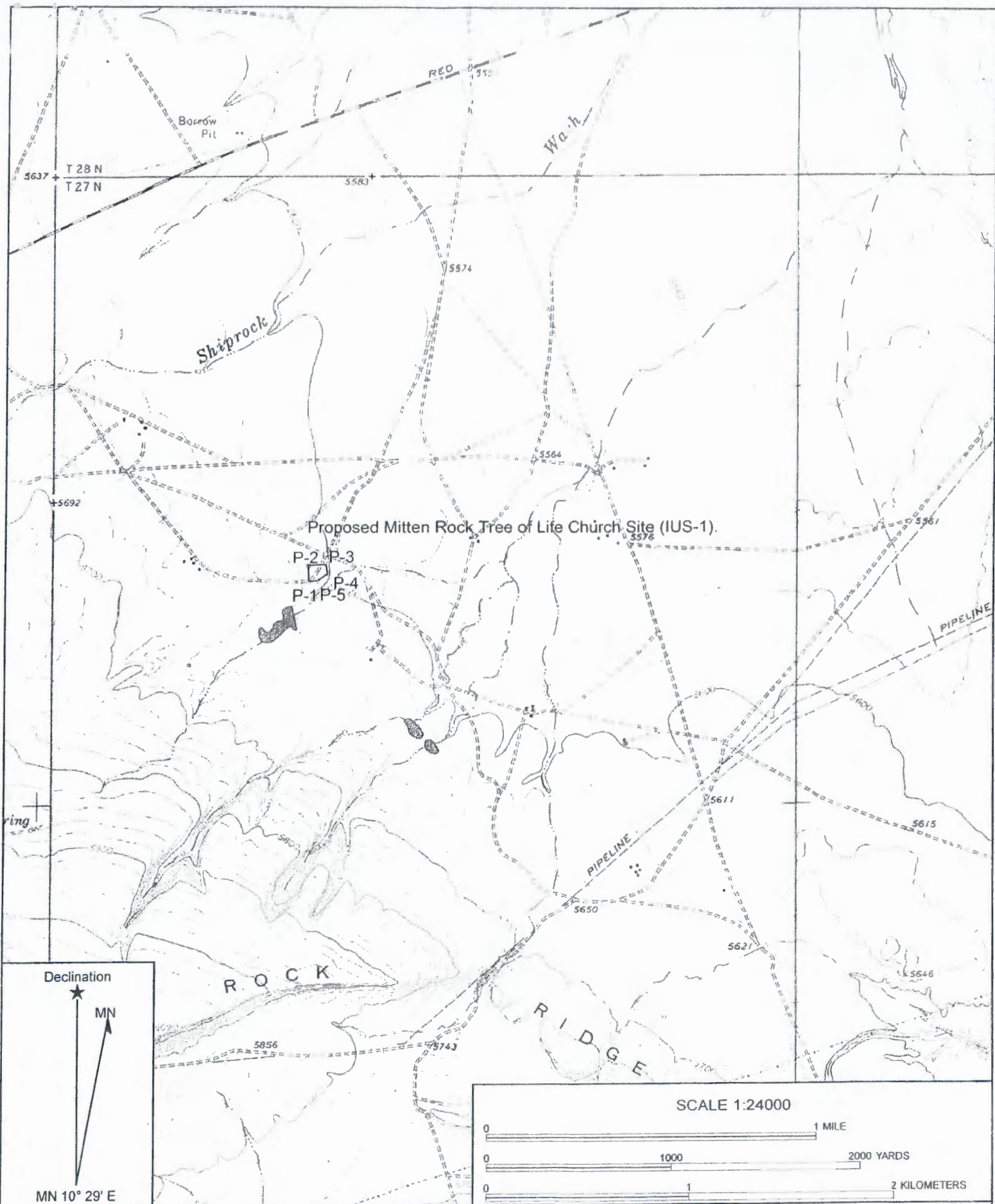
REFERENCES:

LSR Innovations Research & Planning

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: Mitten Rock, New Mexico, 1966

Figure 1: Map showing location of project area (DCRM 2015-50) and IUS-1. Section 07, T27N, R19W, N.M.P.M.

Figure 1. Mitten-Rock Tree of Life Church Site

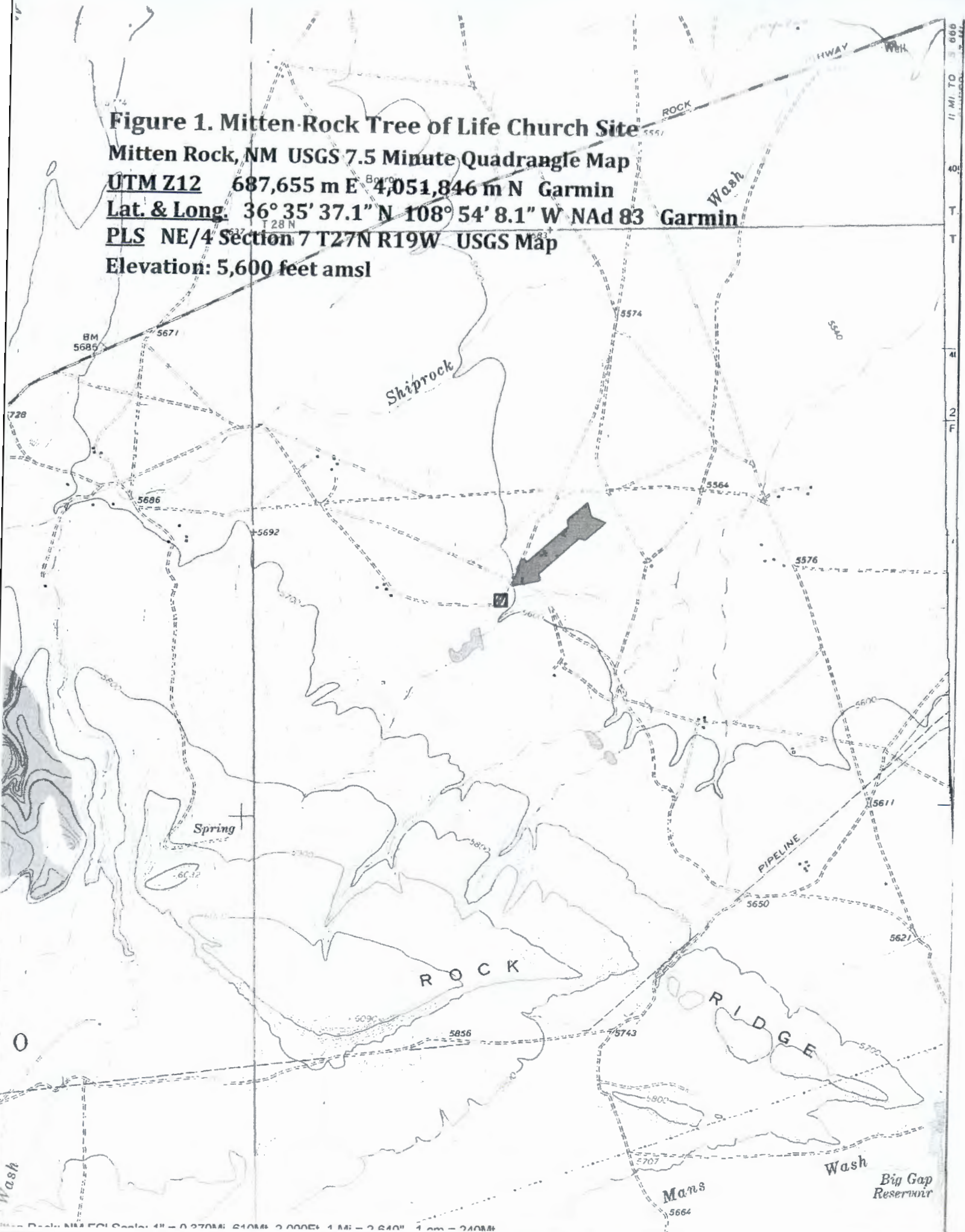
Mitten Rock, NM USGS 7.5 Minute Quadrangle Map

UTM Z12 687,655 m E 4,051,846 m N Garmin

Lat. & Long. 36° 35' 37.1" N 108° 54' 8.1" W NAD 83 Garmin

PLS NE/4 Section 7 T27N R19W USGS Map

Elevation: 5,600 feet amsl



APPENDIX D

Navajo Nation Department of Fish & Wildlife

Biological Resource Compliance Form



THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**



ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF EXECUTIVE DIRECTOR/ADMINISTRATION

OFFICE OF ENVIRONMENTAL REVIEW

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

Website: www.navajonationepa.org

M E M O R A N D U M

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

FROM:

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

DATE: December 1, 2015

SUBJECT: 164 EOR 004976 Revocable Use Permit Mitten Rock Church

The Mitten Rock Tree of Life, PO Box 473, Waterflow, New Mexico, 87421, submitted an application for a revocable use permit (RUP) for mission site within the Mitten Rock community. The church is existing and located at Lat: 36°35'38.39"N Long: 108°54'08.47"W WGS 84, Mitten Rock, San Juan County, New Mexico. The proposed RUP currently contains an existing church sanctuary, fellowship hall, parking area and access road.

The Navajo Nation Environmental Protection Agency (NNEPA) recommends *conditional approval* for the existing ± 1.50 acres mission site lease to Mitten Rock Tree of Life. The existing mission site lease action will not significantly impact the Navajo Nation's environmental resources. The building, utilities and access road are existing. This environmental clearance is only for the 1.50 acre mission site lease

1. Navajo Nation Safe Drinking Water Act:

- a. NNEPA highly recommends for Mitten Rock Tree of Life to refrain from developing a septic tank system and leachfield and instead to connect to the community sewerline and waterline utility infrastructure.

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

Cc: Mitten Rock Tree of Life, PO Box 473, Waterflow, New Mexico, 87421
NNEPA Pubic Water System Supervision Program; Administration chrono file
Contact Person: Jerry J. Begay, 928-653-5988

**MITTEN ROCK TREE OF LIFE CHURCH SITE ENVIRONMENTAL ASSESSMENT
MITTEN ROCK, NEW MEXICO**



PLS: NE/4 S7 T27N R19W, L&L: 36° 35' 37.1" N 108° 54' 8.1" W
UTM: 687,655 m E 4,051,846 m N

An Application for a Mission Lease in Indian Country

**Navajo Regional Director Approval In Compliance With The
National Environmental Policy Act of 1969, National Historic Preservation Act of 1966
and Endangered Species Act of 1973**

Prepared by:

**Mitten Rock Tree of Life Church
Post Office Box 473
Waterflow, New Mexico 87421**

October 15, 2015

**Denali Environmental Services
P.O. Box 1127
Fort Defiance, Arizona 86504
denali1946@msn.com**

CONTENTS

1.0	PROPOSED PROJECT.....	4
1.1	Proposed Project Description.....	4
1.2	Purpose and Need for the Project.....	4
1.3	Location of the Project Area.....	5
1.4	Project Authorization.....	5
1.5	Purpose of Environmental Assessment.....	5
2.0	ALTERNATIVES INCLUDING THE PROPOSED ACTION.....	6
2.1	Alternatives Not Evaluated in Detail.....	6
2.2	No Action.....	6
2.3	Mitten Rock Church Lease Application (Preferred Alternative).....	6
3.0	AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS.....	7
3.1	Resources Not Considered in Detail.....	7
3.1.1	Climate.....	7
3.1.2	Geology and Seismicity.....	7
3.1.3	Fisheries.....	7
3.1.4	Socioeconomics and Environmental Justice.....	7
3.1.5	Land Use and Zoning.....	8
3.1.6	Prime Farmland.....	9
3.1.7	Recreation.....	9
3.1.8	Traffic.....	9
3.1.9	Noise.....	9
3.1.10	Floodplain.....	10
3.1.11	Wetlands and Riparian Habitat.....	10
3.1.12	Non-hazardous Solid Waste.....	10
3.1.13	Hazardous, Toxic, and Radiological Waste.....	10
CRITICAL ELEMENTS.....		
3.2	Topography and Soils.....	10
3.2.1	Existing Conditions.....	10
3.2.2	Effects.....	11
3.2.3	Mitigation.....	11
3.3	Water Resources and Water Quality.....	11
3.3.1	Existing Conditions.....	11
3.3.2	Effects.....	11
3.3.3	Mitigation.....	11
3.4	Vegetation and Wildlife.....	11
3.4.1	Existing Conditions.....	11
3.4.2	Effects.....	12
3.4.3	Mitigation.....	13
3.5	Threatened and Endangered Species.....	13
3.5.1	Existing Conditions.....	13
3.5.2	Effects.....	13
3.5.3	Mitigation.....	13
3.6	Navajo Endangered Species List (NESL) Special Management Species.....	13
3.6.1	Existing Conditions.....	13
3.6.2	Effects.....	13
3.6.3	Mitigation.....	13
3.7	Migratory Birds.....	13

3.7.1 Existing Conditions.....	13
3.7.2 Effects.....	16
3.7.3 Mitigation.....	16
3.8 Air Quality.....	17
3.8.1 Existing Conditions.....	17
3.8.2 Effects.....	17
3.8.3 Mitigation.....	17
3.9 Esthetics and Visual Resources.....	17
3.9.1 Existing Conditions.....	17
3.9.2 Effects.....	17
3.9.3 Mitigation.....	17
3.10 Cultural Resources.....	17
3.10.1 Existing Conditions.....	17
3.10.2 Effects.....	17
3.10.3 Mitigation.....	18
3.11 Native American Religious Concerns.....	18
3.11.1 Existing Conditions.....	18
3.11.2 Effects.....	18
3.11.3 Mitigation.....	19
4.0 CUMULATIVE EFFECTS.....	19
5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS.....	20
6.0 PUBLIC INVOLVEMENT.....	21
7.0 COORDINATION AND REVIEW OF THE EA.....	21
8.0 CONCLUSIONS.....	21
9.0 LIST OF PREPARERS.....	22
10.0 REFERENCES.....	22

APPENDICES:

- Appendix A Mitten Rock Tree of Life Church Land Survey
- Appendix B Red Valley Chapter Resolution
- Appendix C Cultural Resource Compliance Form
- Appendix D Biological Resource Compliance Form

MITTEN ROCK TREE OF LIFE CHURCH LEASE APPLICATION ENVIRONMENTAL ASSESSMENT

1.0 THE PROPOSED PROJECT

The Mitten Rock Tree of Life Church of Mitten Rock, New Mexico is preparing an application for a church lease. The proposed tract currently contains an existing church sanctuary, fellowship hall, parking area and shared access road. Reverends Jerry and Marie Begay, both ordained ministers, intends to make application with the Navajo Land Department of the Navajo Nation in Window Rock, Arizona. Land title survey at Appendix A depicts the proposed mission lease boundary. The application and approval action will present a long-termed lease for the existing mission site.

The proposed mission lease is located at Mitten Rock, approximately four miles east of the Red Valley Chapter, as shown at Figure 1. The Red Valley Chapter has passed a resolution approving the church proposed action, as shown at Appendix B. As part of the approval process, the Resource and Development Committee of the Navajo Nation Council would address a resolution for the proposed project.

1.1 Description of the Proposed Action.

Onsite, the proposed project area acreage at 1.5 acres would be totally developed. The proposed project site has an "as built" church building, previously constructed and operated by the applicant's family. The proposed lease tract would include a new church building and front porch (partially built), vehicle parking, and infrastructure. The church sanctuary encompasses approximately 20' X 50' (1000 square feet) and the fellowship hall encompasses 20' X 32' (640 square feet). The proposed building would include a sanctuary, fellowship hall, classrooms, kitchen, dining area and office. Restrooms are also proposed for the church meeting hall.

Open areas, adjacent to the buildings, would be used for canopy meetings, wedding receptions, picnics, and athletic activities. Playground equipment would be temporary installed for the ministry children. A septic tank and leach field would be constructed on the northeast corner of the tract, within the lease boundaries.

Future infrastructure would include a proposed water pipeline, electrical power (as built), waste water septic tank and leach field. Utilities in the chapter area are currently provided by the Navajo Tribal Utility Authority. During operations NTUA would provide electrical power and water supply. The proposed church water line would tap into the existing community water system. The water line would be constructed on the northwest side of the church. An existing single phase 114.4 kv service line currently serves the church tract onsite. Propane gas is operational for heating.

Vehicle parking area would be expanded within the permit area. Construction of a new access road to the proposed parcel will not be required, as the church site is located adjacent to the existing main road. A turnout off the main road will provide access to the church site.

1.2 Purpose and Need

The purpose of the land use permit application is to organize and all-lawful religious business for

Mitten Rock Tree of Life Church, a nonprofit corporation. The proposed long-term church lease would support the existing church operations and maintenance of the church. Operations of the church would include Sunday religious services and Christian educational instruction for the community congregation. In the future, various incremental improvements would be constructed on the buildings and property. The proposed long-term church lease would support the operations and maintenance of the church. The need of the ministry is to provide teaching and spreading of the Gospel of the Lord Jesus Christ in accordance with the doctrines and teachings of the New Testament, and for religious educational, benevolent and charitable purposes, and public worship. The church would provide families religious services on Sunday and Christian educational instruction. The church would provide hope and faith to the congregation and a better quality of life.

1.3 Location

Mitten Rock Tree of Life Church is located on USGS topographic map entitled *Mitten Rock, New Mexico*, 7.5 minute quadrangle map. See Figure 1. The description of the church location is shown at the following USGS map waypoint descriptions at Table 1.

Table 1. United State Geological Survey Maps Waypoint Descriptions of the *Mitten Rock, New Mexico*, 7.5 Minute Quadrangle Map.

Description	Legal Description	Latitude and Longitude NAD 83	UTM Zone 12
Mitten Rock Church Site Center	NE/4 S7 T27N R19W USGS Map	36° 35' 37.1" N 108° 54' 8.1" W Garmin	687,655 E 4,051,846 N Garmin

The propose lease application would contain 1.5 acres of Navajo trust land located five miles east of Red Valley Chapter, Shiprock Navajo Agency, San Juan County, New Mexico. The proposed project is at an elevation of 5,600 feet amsl.

1.4 Project Authorization

This project was authorized by the Navajo Nation Code, Title 16 Land, Chapter 11 § 1101, Land for Public, Charitable and Religious Purposes. NNC authorizes the Navajo Nation to participate and manage land use leases on the Navajo Indian Reservation projects in rural Utah, Arizona, and New Mexico.

The Bureau of Indian Affairs is a cooperating Federal agency, as authorized by the Synder Act of November 20, 1921, 25 USC Chapter 1 § 13, which establishes appropriation for BIA leasing activity.

1.5 Purpose of Environmental Assessment

The environmental assessment is an instrument required by federal and tribal law and regulations to determine if potential impacts of a proposed action are of such significant as to require the preparation of an environmental impact statement. The proposed action is approval of a land lease permit. The approval of the church lease will allow the operator to withdraw a tract of land, on which to further construct, operate and maintain a church facility. This document addresses potential impacts and mitigation for the approval of the permit. The approval of the proposed land use is a trust responsibility of the Navajo Nation, which has jurisdiction over trust resources of the Diné People, and as managed by the Navajo Land Department.

2.0 ALTERNATIVES

2.1 Alternate Site Locations

An alternate site, of sufficient size and at a location as convenient as the proposed location, is not available. Grazing permit holders generally try to retain their grazing permitted areas intact, and not to become fragmented. As permitted, holistic grazing areas are needed to sustain livestock herds. Other land use permits, i.e. church site of adequate size, become impossible to acquire. Open areas in the vicinity are used for family residents, livestock grazing and small dry farming.

Alternate locations were reviewed: an alternative site would require a restart of approvals, starting with the grazing permit holder on trust lands, archaeology clearance, and biological resource assessment. Alternate site locations would be subject to the same assessments, approvals and clearance process as the preferred alternative. When approved, existing grazing permit holders may reverse their decisions and reject the alternate location. The approved chapter and proposed Resource and Development Committee resolutions would become moot.

2.2 No Action Alternative

If the no action is taken, the proposed long-term revocable use permit will not be approved. The existing church site would be without a church lease. Improvements to the church may not be constructed. Religious services and benefits to the local people would be curtailed and not be normally provided. Addition church construction would not go as planned. The existing tract would not be used, and would not be elevated to a higher productive state. The project would not be in compliance with the National Environmental Policy Act, and would continue to be noncompliant to Navajo Nation environmental codes. There would be no environmental assessment document, nor associated cultural and biological resource studies.

2.3 Approval of the Preferred Alternative

The preferred alternative involves approval of a tribal lease which would allow for the construction, operation and maintenance of a church site for the people of Mitten Rock. Details of the preferred alternative and scope are described in Section 1.0, Description of the Proposed Action. The proposed land use permit would be approved by resolution of the Resources and Development Committee of the Navajo Nation Council. The Navajo Nation would provide final approval. The Red Valley Chapter support resolution is attached as Appendix B.

3.0 AFFECTED RESOURCES AND ENVIRONMENTAL EFFECTS

3.1 Resources Not Considered in Detail (Non-Critical)

Initial evaluation of the alternatives indicated that there would likely be little to no direct, indirect, or cumulative effects on several resources. These resources are discussed in Sections 3.1.1 through 3.1.12 to add to the overall understanding of the environmental setting of the project area.

3.1.1 Climate

The climate in the Shiprock, New Mexico region, including Mitten Rock, is semi-arid. At an elevation of 5,600 feet above mean sea level (amsl), the region experiences four distinct climatic seasons with an annual mean maximum temperature of 71.9°F and annual mean minimum temperature of 55.3°F. Summer highs reach the mid 90's with lows in the 70's. Winter highs in January are at 46.4°F with average lows at 19.1. Average annual precipitation is 8.21 inches and average annual snowfall is less than one inch (WRCC, 2015). The existing church project would have no effect on climate. No mitigation would be required.

3.1.2 Geology and Seismicity

The mission site is located on the west flank of the San Juan Basin Syncline. The regional geologic structure is stable. Located on the eroded surface sandstone soils of the Cretaceous Era, the church project is located on the Upper Mancos Formation. Surface soils are alternating beds of tan and brown sandstone and gray and brown claystone and siltstone. There are no regional faults or fissures in the area. The geologic formation dips approximately 3-4 degrees to the east (Cooley, M.E, J.W. Harshbarger, J.P. Akers, and W.F. Hardt, 1969). Based on the history of the area, geology will not be a factor in this development. There are no surface mineral resources located on the proposed tract. No mitigation is required for any geologic adversity.

3.1.3 Fisheries

There are no fisheries or fishery habitat occurrences in the Red Valley Chapter. Berland Lake in the Chuska Mountains would be the nearest fishing lake. Red Valley residents would have to travel south to Narbona Pass, then seven miles to Berland Lake for an afternoon of picnicking and fishing. Navajo Lake and the San Juan River along the "Rim", east of Aztec, New Mexico is another fishing lake in the region.

3.1.4 Socioeconomics and Environmental Justice

The proposed lease application would have no effects on the socioeconomics of the area because the existing mission would not limit either present-day or future opportunities for agriculture, raising livestock, business, employment, or housing.

Red Valley Chapter is a sparsely populated rural chapter. There are currently 707 housing units in the Red Valley community. According to the 2004 census, approximately 1,239 people reside in the Chapter, which would indicate a population density of 3.59 people per square mile. Native Americans make up 99.1% of the population. Red Valley Chapter median family income is \$16,508 per annum (NN DED/LSRI, 2004).

Red Valley Chapter's economy is primarily based on employment with the Navajo Nation (educational, health, and social services, along with public administration). Currently most

residents in the Chapter area are wage earners, working a various government and commercial jobs in nearby towns and cities. Major employers in the vicinity include the Bureau of Indian Affairs, Navajo Nation, Red Valley School District, Red Valley Trading Post and Navajo Engineering and Construction Authority.

Federal, state and tribal government services, law and order, schools and major retail outlets are available at Shiprock and Farmington, New Mexico. An Indian Health Service Hospital is located in Shiprock, New Mexico. San Juan Regional Hospital is located in Farmington, New Mexico.

In the past, the economy was primarily based on livestock production, but this is no longer the predominate source of income, and now livestock production makes up a small percentage of the Chapter's economy (NN DED/LSRI, 2004). While unemployment is high throughout the project area, raising livestock has been a sustainable economy in the past. The retired elderly in the area still carry on the livestock raising life style. Traditional Rug weaving provides some families with a source of income. Land use areas are relatively small and not large enough to sustain a viable operating ranch for the entire family. However, the younger family members wish to be with their elders and have moved back into the old homesteads; build their new houses on rangeland. The area provides a better quality of life, in contrast to apartment living in nearby towns.

Environmental Justice

The proposed action would have no disproportionate effects on minorities or low-income populations. Consistent with the project purpose, the project would benefit the community by providing religious services and education. Executive Order 12898, Environmental Justice, requires federal agencies to assess projects to ensure there would be no disproportionately high or adverse environmental, health, or safety effects on minority and low income populations. Minorities comprise a large proportion of the population residing in the action area. The church will be for the beneficial use of the Navajo Indian People, and residents of the community. The local chapter has approved a supporting resolution, see Appendix B. A similar resolution would be approved by the Resource and Development Committee of the Navajo Nation Council.

The project would allow religious services and education to the people, lead better lives in the community, and would further provide a better quality of life for the congregation and community. The proposed action, mission site approval, will benefit all sectors of society.

3.1.5 Land Use and Zoning

With regard to Indian Trust Resources, the proposed church property would occupy a 1.5 acre parcel. The existing church property would be located on Indian trust lands. The vicinity property outside the perimeter is currently grazed year-around by domestic livestock, as marginal vegetation exist onsite. The Nellie George Family, grazing permit holder, has used the area for many years. The acreage will be withdrawn for church use. There are no other bankable assets, such as timber, fossil fuels, fossils, or valuable minerals on the tract, surface or subsurface. The proposed church lease will not impact any Indian trust assets of the Diné People.

Utilities in the Red Valley Chapter area are provided by the Navajo Tribal Utility Authority. NTUA provides electrical power and the community water supply. A single phase 114.4 kv service line serves the church and other home sites near the tract.

Navajo Route N132, a dirt road, is located on the northeast side of the church, which accesses the church property and local homesites to Navajo Route N13 and U.S. 491. Livestock grazing areas occupy the Shiprock Wash, immediately southeast. The existing land use is set aside for family livestock and residential use. There are no zoning regulations in the proposed project area.

3.1.6 Prime Farmland

There are no Prime Farmland occurrences in the proposed project area. There are no dry farms and individual irrigated fields in the near vicinity of the church properties.

3.1.7 Recreation

The Chuska Mountains provide big game hunting, fishing, gathering, and outdoor recreation. In addition to hunting and fishing as described above, it is evident that ATV is another source of recreation. ATV vehicles were observed during site reconnaissance.

Approximately every three to five years, vicinity pinon trees in the project area will yield a bumper crop of pinon nuts. Native people would gather this crop for individual consumption. The pinon nuts would also be sold to local traders for cash.

Locally, horseback riding or "Trail Riding" is another source of outdoor recreation. Annual trail rides, usually sponsored by a local family, is becoming a popular source of recreation. Numerous horses and horse stables were observed in the area.

"Chicken Pulls" or rodeos are also a traditional sport and form of outdoor recreation in the region. Rodeo grounds are located near the community.

3.1.8 Traffic

The existing church is located in a rural setting along road N132. The road, approximately three miles long, serves single-family homes and small ranches. BIA Navajo Route N13 and U.S. Highway 491 is the primary paved road serving this vicinity. The existing church and proposed lease area will not impacted the existing transportation use network; any activity and new construction at the proposed lease area would not significantly impact the use of Navajo Route N132.

3.1.9 Noise

The project area is located in a rural environment along road N132, which family homes and small ranches are located. No published noise ordinance for construction activities exists in the Navajo Indian Reservation, including the project area. Ambient noise would be increased by engine noise created by the motors of cars and pickup trucks for a very short duration. Due to the remoteness of the project area, and low volume of traffic on the route, noise would not have an effect on the

proposed action. A road grader tractor may be used during the day light hours, if maintenance is needed. Noise would not be a factor in the proposed action.

3.1.10 Floodplain

The tract is not located on a floodplain; nor located in a flood prone area. Shiprock Wash has a broad drainage basin, generally flows to the northeast at a moderate slope, which is ample drainage. Morrison Maierle Inc., 1977 floodplain maps were reviewed for flood prone areas. The project area is excluded from any floodplain designation by the floodplain study (Morrison Maierle Inc., 1977).

3.1.11 Wetlands and Riparian Habitat

The Farmington National Wetlands Inventory Map (USF&WS, 1984) indicates a PSS2J site west of the proposed project area along Shiprock Wash. The site was field checked August 17, 2015. The site is located in an impoundment in the Shiprock Wash. The wash is ephemeral; water regime flowing during the wet season, but normally dry during the rest of the year. The wash may be temporary flooded during the monsoon season. The nearby wash and dry impoundment do not exhibit hydric soils, nor hydrophilic vegetation, nor does it support a wetland hydrology (U.S. ACOE, 1987). There are no wetlands or riparian habitat occurrences on the existing mission site.

3.1.12 Solid Waste No Resource Conservation and Recovery Act (RCRA) Subtitle D non-hazardous solid waste sites occur on or near the existing mission site. During operations solid waste would be hauled off to the transfer station located at Shiprock or Waterflow transfer station by pickup truck.

3.1.13 Hazardous, Toxic, and Radiological Waste

Other than surrounding scattered housing, and livestock grazing, there are no previous industrial uses of the area. The propose project site currently does not contain any damaged or discarded automotive or industrial equipment. No fill dirt has been brought onto the property that originated from a contaminated site. There is no evidence of leaks and spills of hazardous substance, radiological waste, or spills of petroleum products on the existing tract.

No Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste sites, nor RCRA Subtitle D, non-hazardous solid waste sites occur on or near the church site. No Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA) hazardous substance (including radiological waste) occur near the project area. No Toxic Substance Control Act (TSCA) waste sites occur on or near the existing church site. Hence, there will be no residual hazardous effects on the proposed church lease.

CRITICAL ELEMENTS

3.2 Topography and Soils

3.2.1 Existing Conditions

The tract topography is of mesa land, that dip and drain east into the broad Shiprock Wash valley. Onsite topography, eroded hills, dips approximately 3-10 percent toward the east that allow for

ample drainage toward Shiprock Wash, which drains north, eventually into the San Juan River approximately 30 miles north. Project elevation is at 5,600 feet.

Soils in the immediate vicinity of the proposed tract are disturbed and nearly devoid of any natural vegetation from existing land uses. Soils on the tract generally lack the distinct A and B horizon profiles due to the windy conditions and dune deposition during the spring. The Rock Land-Torriorthent soil association is a well-drained shallow sandy soils developing on lower sandstone and shale (NMSU AES, 1973). Surface soils are largely sandstone, and well drained, of the Upper Mancos Shale Formation (Cooley, M.E, J.W. Harshbarger, J.P. Akers, and W.F. Hardt, 1969).

3.2.2 Effects

The topography and soils will not impact the proposed undertaking.

3.2.3 Mitigation

No mitigation is required for the existing mission site topography and soils.

3.3 Water Resources and Water Quality

3.3.1 Existing Conditions

Surface water drains east into the Shiprock Wash, which flows north to the San Juan River. The primary discharges of these drainages occur during the spring months, during the spring snow thaw, and during occasional intense summer thunder showers in late summer. As a result, flow is erratic and fluctuates widely both seasonally and annually. Torrential thunder storms can produce flood-stage flows within minutes (Cooley, M. E., J. W. Harshbarger, J. P. Akers, & W. F. Hardt, 1969). In the future, NTUA would provide Safe Drinking water to the church and local residents from the Red Valley Community Water System. Community wells are located in the upper Shiprock Wash watershed.

3.3.2 Effects

Present and future project construction work or other related activities will not have impact on any springs, wells or aquifer recharge areas. No impacts to the natural ground water in the church vicinity may be expected by the approval of the lease application.

3.3.3 Mitigation

The propose undertaking is a church lease application. The existing church has been constructed. Future church improvements would be constructed in an incremental manner, as church funds become available. The proposed project lease area and church is an "as built" facility. Clean Water Act Section 402 (p) will not be applied for. Previous surface disturbance has stabilized.

3.4 Vegetation and Wildlife- Biotic Resources

3.4.1 Existing Conditions

The Mitten Rock church site and chapter are located in the Great Basin Grassland Ecosystem of northwest New Mexico. At an elevation of 5,600 amsl, the biome is a grassland vegetation type, with intermittent juniper, yucca, and prickly pear occurring in the low areas and on the north slopes.

The Great Basin Grasslands mean annual precipitation would range from seven to twelve inches, and the annual growing season would range from 125 - 200 days (April to September). "These transitional grassland areas also receive a larger percentage of their precipitation during the winter

and spring months; May through August rainfall averages less than 127 mm (5 inches)". At lower elevations the grassland contact is most frequently with Great Basin desertscrub (Turner, R.M. & Brown, 1994).

Perennial grasses of this biome are represented by the following species: Ring muhly *Mulenburgia torreyi*, Blue grama *Bouteloua gracilis*, Galleta *Hilaria jamesii*, Indian ricegrass *Oryzopsis hymenoides*, Bottlebrush squirrel tail *Sitanion hystrix*, Needle and thread *Stipa comata*, Red-three awn *Aristida longiseta*, and Sand dropseed *Sporobolus cryptandrus*. Alkali sacaton *Sporobolus airoides* can be found in the swales and in the low areas along arroyos and washes (Turner, R.M. & Brown, 1994).

Forbs, although widely scattered in this sagebrush grassland community, are represented as Aster *Aster*, Coneflower *Ratibida*, Indian paint brush *Castilleja applegatei*, Thistles *circuimmus* and Groundsel *Senecio*. These forbs will present showy flowers during the wet season.

Shurbs such as Four-wing saltbush *Atriplex canescens*, Sagebrush *Atremisa*, winterfat *Ceratoides lanata*, Cholla *Opuntia*, Soapweed yucca *Yucca glauca*, rabbit brush *Chrysothamus*, and Snake weed *Gutierrezia* would be scattered throughout the biome. Grazing and human activity may alter the distribution of snakeweed, rabbit brush, and sagebrush.

Annual plants (noxious weeds) such as cheatgrass *Bromus tectorum*, Russian thistle *Salsolia kali*, tansy mustard *Descurainia obtusa*, sunflower *Helianthur annus*, and kochia weed *Bassia hyssopifolia* occur on the parcel (De Witt I., Robert, 2006).

Distinct fauna of the Great Basin Grassland include the whitetail prairie dog *Cynomys gunnisoni*, pocket mouse *Perognathus parvus*, Ord's kangaroo rat *Dipodomys ordii*, and the montane vole *microtus montanus*. Other mammals include the coyote *Canis latrans* and black-tailed jackrabbit *Lepus californicus*.

Birds, indigenous to the ecosystem, are the Mountain plover *Charadrius montanaca*, lark blunting *Calamospiza milanocorys*, sparrow *Ammodramus*, sage thrasher *Oreoscoptes montanus*, sage sparrow *Amphispiza belli*, and horned lark *Eremophila alpestris*. Other grassland bird species include the Western meadow lark *Sturnella neglecta*, Prairie falcon *Falco mexicanus*, and Burrowing owl *Athene cuicularia* (Turner, R.M. & Brown, 1994). Due to the abundance of forage (ground borrowing rodents), Golden eagles *Aquila chrysaetos*, Cooper's hawk *Accipiter cooperii*, and Redtail hawks *Buteo jamaicensis* are occasionally sighted on the grasslands.

Due to its long cold winters in the Great Basin, reptiles are not well represented. Common species include the sagebrush lizard *Sceloporus graciosus*, and the Great Basin spadefoot toad *Scaphiopus intermontanus*, and collared lizard *Crotaphytus collais*. The Northern desert horned lizard *Phrynosoma platyrhinos*, Northern whiptails *Cnemidophorus tigris tigris*, Great Basin gopher snake *Pituophis melanoleucus deserticola* and Great Basin rattlesnake *Crotalus viridis* are a few of the other common reptile species (Turner, R.M. & Brown, 1994).

3.4.2 Effects

The area presently provides suitable foraging and nesting habitat for small mammals and birds. The proposed lease area will have no effect on the biota, as the species are not present. Initial field surveys indicate that species are not present on the proposed lease area, therefore the proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial flora and fauna species.

3.4.3 Mitigation

Indirect mitigation is recommended for all fauna and flora on the proposed area. Natural vegetative cover can be restored over time.

3.5 Threatened and Endangered Species

3.5.1 Existing Conditions

ESA and NESL suitable habitat is not found within the tract or adjacent to the tract in the zone of influence. See the Navajo Nation ESA & NESL consultation at Appendix D.

3.5.2 Effects

Impacts posed by the existing church can be expected to be minimal. The existing church is in a rural setting, and will not have an effect on the habitat or other elements necessary for the continued survival of T&E species, as these species are generally not found on the project area. The Navajo Department of Fish and Wildlife concurs with the finding: no federal ESA or Navajo NESL species would be impacted. See Appendix D for the Biological Resource Compliance Form and biological resource consultations.

3.5.3 Mitigation

No ESA mitigation is recommended for the project.

3.6 Navajo Endangered Species List (NESL) Special Management Species

3.6.1 Existing Conditions

The Navajo Department of Fish and Wildlife's *Biological Resource Land Clearance Policy and Procedures* (BRLCP&P) was consulted. The land clearance procedure qualified the church tract and surrounding area as an Area 3, an area of low sensitivity.

3.6.2 Effects

The proposed lease area will have no effect on the NESL, as the species are not present. Initial field surveys indicate that species are not present on the proposed lease area, therefore the proposed project would not cause an incremental loss of potential nesting, cover and forage habitat of terrestrial flora and fauna species. The Navajo Department of Fish and Wildlife concurs with the finding. See Appendix D for the Biological Resource Compliance Form and biological resource consultations.

3.6.3 Mitigation

No mitigation would be required for the Navajo NESL species. See the Biological Resource Compliance Form at Appendix D and biological resource consultations.

3.7 Migratory Birds

3.7.1 Existing Conditions

Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16 USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The U.S. Fish and Wildlife Service (USFWS) list of Birds of Conservation

Table 2. U.S. Fish and Wildlife Service, Division of Migratory Bird Management "Bird of Conservation Concern 2008" for the Southern Rockies/ Colorado Plateau (US F&WS, 2008).

SPECIES	HABITAT ASSOCIATION	EFFECTS	EFFECT RATING
Gunnison Sage Grouse <i>Centrocercus minimus</i>	Inhabits shrub-steppe dominated by sagebrush that provide canopy cover, shelter, & forage.	No conflict anticipated. Specie not present.	Zero
American Bittern <i>Botaurus lentiginosus</i>	Wading bird inhabits wetlands, usually dense marsh reeds, rushes and shedges.	No suitable habitat present.	Zero
Bald Eagle <i>Haliaeetus leucocephalus</i>	Coast, rivers, large lakes; in migration, also mountains, open country.	No conflict anticipated	Zero
Ferruginous hawk <i>Buteo regalis</i>	Inhabits open grasslands or desert scrub ES. Nest often occurs on rock spires and butte formations. In woodland edge habitat, flat-topped junipers.	No conflict anticipated	Low
Golden Eagle <i>Aquila crysaetos</i>	Open grasslands or desert scrub, In mountainous canyon terrain. Nest on cliffs and trees	No conflict anticipated	Low
Peregrine Falcon <i>Falco peregrinus</i>	Inhabits rugged terrain with rocky cliffs and canyons 30 to 1,000 ft. high, adjacent to rivers lakes, or streams. Urban areas with towers and buildings are also inhabited	Little conflict anticipated.	Zero
Prairie Falcon <i>Falco mexicanus</i>	Nests and forages in grassland, and open Juniper Savannah.	No conflict anticipated.	Low
Snowy Plover <i>Charadrius alexandrinus nivosus/tenuirostris</i>	Shore bird inhabits barren sandy beaches and flats.	Suitable habitat not present, no conflict anticipated.	Zero
Mountain Plover <i>Charadrius montanus</i>	Inhabits grassland plains; usually found on grassy or bare dirt fields.	Grass removal would reduce cover & nesting habitat.	Low
Long-billed Curlew <i>Numenius americanus</i>	Nests in wet & dry upland fields. In migration, a shore bird of wetlands and agriculture fields.	Suitable habitat not present, no conflict anticipated.	Zero
Yellow-billed Cuckoo <i>Coccyzus americanus</i>	No suitable riparian habitat present. Inhabits open woods, orchards, and streamside willow and alder groves.	No conflict anticipated	Zero

Flammulated Owl <i>Otus flammcolus</i>	Inhabits pine-oak woodland, ponderosa pine forest.	Suitable habitat not present.	Zero
Burrowing Owl <i>Athene cunicularia</i>	Inhabits grassland shrub-steppe dominated by mixed grasses, Casual vagrant to prairie dog colonies, occupying abandoned holes.	No suitable habitat available for the owl.	Zero
Lewis's Woodpecker <i>Melanerpes lewis</i>	Inhabits woodland forests of pine-oak. Nests in oak cavities and pine snags. Forages and stores acorns and insects.	No suitable habitat.	Zero
Willow Flycatcher <i>Empidonax traillii</i>	Inhabits brushy habitats in wet areas; also in pastures, mountain meadows.	No suitable habitat.	Zero
Gray Vireo <i>Vireo vicinior</i>	Found in juniper savannah and open JP woodland, with scrub component. Inhabits mountains and chaparral- juniper scrubland.	No suitable habitat. Little conflict anticipated.	Zero
Pinyon Jay <i>Gymnprjornus cyanocephalus</i>	Juniper Savannah, woodland, pine-oak ecosystems associated with high open habitats w/ openings, scattered trees or shrub components.	A multi ecosystem inhabitant, no conflict anticipated.	Low
Juniper Titmouse <i>Baeolophus ridgwayi</i>	Inhabits juniper-pinyon woodland.	No suitable habitat.	Zero
Veery <i>Catharus fuscescens</i>	Inhabits dense moist woodlands and streamside thickets. Casual in the Southwest.	No suitable habitat.	Zero
Bendire's Thrasher <i>Toxostoma bendirei</i>	Brushy desert shrub, especially areas of tall vegetation, cholla cactus, creosote bush and yucca.	No conflict antici-pated	Zero
Grace's Warbler <i>Dendroica graciae</i>	Inhabits coniferous or mixed forests of southwest mountains, especially yellow pines. Usually forages high in the trees.	No suitable habitat present.	Zero
Brewer's Sparrow <i>Spizella breweri</i>	Inhabits mountain meadows and sagebrush flats.	No suitable habitat present.	Zero
Grasshopper Sparrow <i>Ammodramus savannarum</i>	Inhabits moderately open grass-land habitats, with patchy bare ground (feeds and nests on ground). Avoids areas with extensive shrub cover.	Little conflict antici-pated.	Low

Chestnut-collared Long-Spur <i>Calcarius ornatus</i>	Inhabits upland grassland, generally found in dense grass; gregarious in fall and winter.	Little conflict anticipated.	Low
Black Rosy-Finch <i>Leucosticte atrata</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains.	No suitable habitat on the project area.	Zero
Brown-capped Rosy Finch <i>Leucosticte australis</i>	Inhabits high mountains, rocky summits, alpine cirques and snowfields; winters in open country at lower elevations, spreading onto the plains..	No suitable habitat on the project area.	Zero
Cassin's Finch <i>Carpodacus cassinii</i>	Woodland Ecosystem. Species inhabits evergreen woodlands.	No suitable habitat in project area.	Zero

Concern (BCC) was reviewed, specifically as they pertain to the Colorado Plateau physiographic area. The list indicates there are 27 avian species occurring on the southern Rocky Mountains and Colorado Plateau. See Table 2.

Most priority bird species occur on the USFWS, Division of Migratory Bird Management "Birds of Conservation Concern 2008", (BCC 2008 list). The Service designates the Southern Rockies / Colorado Plateau region as Bird Conservation Region (BCR) 16, in which the Navajo Indian Reservation and the Shiprock Agency are located. Although migratory birds could potentially occur in the area, none were observed during the site visits.

3.7.2 Effects

Basis of Significance. An alternative would be considered to have a significant effect on vegetation and wildlife if it would:

- 1) result in the substantial loss or degradation of any plant community providing high quality wildlife habitat; or
- 2) permanently displace substantial numbers of resident wildlife species or migratory bird species.

No Action. This alternative would have no effect on existing vegetation and wildlife, including migratory birds, in the project area. The grassland habitats and associated wildlife species would be expected to remain the same.

Proposed Action. This alternative would result in a short-term and small scale loss of vegetation due to future construction. The remaining project activities are expected to occur in the existing church areas. No permanent loss of native vegetation is anticipated; native seed from the disturbed vegetation would also help to propagate the natural plant species. No long-term loss of vegetation or wildlife habitat is expected. As a result, the proposed action would have no significant effects on migratory bird species.

3.7.3 Mitigation

NN DF&W policy mandates that prior to construction; the proposed activity would require a preconstruction survey of potential nesting birds on the tract, should large-scale construction occur during the breeding season. Any bird nests found during the survey, within the proposed project area, will be reported to the NN DF&W biologist for appropriate mitigation prior to construction activities.

3.8 Air Quality

3.8.1 Existing Conditions

Ambient air quality in the project area may be regarded as good. Primary pollutants in the project area is wind-blown dust from loose topsoil common during times of high wind during the spring and dust from vehicular traffic along unimproved roads in the vicinity. Total suspended particulate matter – TPM (measured as PM₂) – has been replaced by the measure of finer particulate matter (PM₁₀) as the federal mandated measure of air borne particulate matter; since the finer particles of dust at PM 10 has been more closely correlated to negative health effects than TSP, i.e., the finer particles inhaled by humans.

3.8.2 Effects

Air quality will be affected locally by dust and a negligible amount of hydrocarbons generated by construction equipment. However, these pollutants will not be generated in sufficient concentrations to produce measurable adverse effects to structural metals, paint and fabrics, or damage to vegetation. Construction activities, facilities, and infrastructure, will not have a significant long-term effect on the ambient air quality in the project area.

3.8.3 Mitigation

Disturbed soils during site preparation would be dampened by watering for dust suppression and soil compaction.

3.9 Esthetics and Visual Resources

3.9.1 Existing Conditions

No visibility studies have been conducted in the project area. However, regional visibility in the project area can be considered to be good to marginal, depending on the season.

3.9.2 Effects

Locally, the primary pollutant in the project area is occasional wind-blown dust from loose topsoil common during times of gusting winds during the spring, and dust from vehicular traffic along unimproved roads in the area.

3.9.3 Mitigation

Disturbed soils during site preparation would be dampened by watering for dust suppression and soil compaction.

3.10 Cultural Resources

3.10.1 Existing Conditions

Denetahdoo Cultural Resources Management of Farmington, New Mexico conducted the archeological field survey of the proposed lease area, and the archaeologist crafted a field report entitled: *A Cultural Resource Inventory of the Proposed Mitten Rock Tree of Life Church 1.5 Acre Site in Red Valley Chapter, San Juan County, New Mexico*. The cultural resource field inventory report recommends a "No historic properties affected" determination.

3.10.2 Effects

Navajo Historic Preservation Department-Compliance Section has coordinated review of the cultural resource report with the Bureau of Indian Affairs, Navajo Regional Office. A Cultural Resource Compliance Form HPD-15-_____ has been created for this undertaking, as shown in Appendix C. No significant cultural resources were identified during the field inventory. Archaeological clearance is recommended for the development of the proposed Mitten Rock Tree of Life Church Site.

3.10.3 Mitigation

A finding of "No Historic Properties Affected" for the proposed church site. No specific mitigation is required. The Mitten Rock Church management acknowledges the following statement with respect to cultural resources during construction: *In the event of the 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 will cease and the Navajo Nation Historic Preservation Department will be notified at (928) 871-7132.*

3.11 Native American Religious Concerns

3.11.1 Existing Conditions

As part of the archeological inventory, interviews regarding traditional cultural properties (TCPs) were conducted. No sacred sites or traditional cultural resources were identified within the proposed site.

There are several pieces of legislation or executive orders that are considered in an evaluation of Native American Religious Concerns (i.e., American Indian Religious Freedom Act [AIRFA] of 1978, Executive Order 13007, The Native American Graves Protection and Repatriation Act [NAGPRA] of 1990, and the Archaeological Resources Protection Act [ARPA] of 1979).

Traditional Cultural Properties (TCPs) are a separate class of cultural resources which may occur in the project study area, which may or may not coincide with archaeological sites and artifact loci, and may fall under the purview of one or more of the cited legislation. The National Park Service has defined TCPs as follows:

A traditional cultural property can be defined generally as one (a property) that is eligible for the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (National Register Bulletin 38).

The field survey did not identify any known TCPs on the existing church tract. Additionally, no TCP have been identified by the local Native American tribes as a result of coordination efforts. Identification efforts for Native American Religious Concerns include interviews with chapter coordinators, home site owners, and local residents were conducted. Results of the interviews indicate there are no known TCPs within the proposed project area. There are no blessed structures, tipi grounds, or other ceremonial features associated with any in-use area.

3.11.2 Effects

Basis of Significance. An alternative would be to have a significant effect on Native American religious concerns if TCPs would have been identified and affected during the cultural resource field survey.

No Action. This alternative would have no effect on existing traditional cultural properties or American Indian Religion in the project area. This alternative would not prevent access to other sacred sites, nor would it interfere or otherwise hinder the performance of traditional ceremonies and rituals.

Proposed Action. This alternative would have no effect on existing traditional cultural properties or American Indian Religion in the project area. This alternative would not prevent access to other sacred sites nor would it interfere or otherwise hinder the performance of traditional ceremonies and rituals.

3.11.3 Mitigation Measures

No site specific Native American Religious Concerns have been recorded. In the event of any discoveries during project implementation, the NNHPD would be notified immediately.

4.0 CUMULATIVE IMPACTS AND CONSIDERATIONS FOR SELECTION OF THE PREFERRED ALTERNATIVE

Cumulative effects are effects of the project in consideration with other past, present, or reasonably foreseeable projects in the local area.

There are no past projects that resulted in identifiable long-term effects having a cumulative relationship with the effects of the proposed project. Currently, there are no other ongoing or reasonably foreseeable church projects in or near the project area. The proposed action will not have significant impact on the human environment. The approval of the requested use area would have minimal effect on the resource use patterns in the project area. The grazing permit holder has relinquished 1.5 acres of trust land to the development. It is the practice of the Navajo Nation to compensate the traditional land user for the grazing resource loss.

In the future, the Navajo Nation would continue to develop projects to provide religious services and education to the Navajo population. There are no other church construction plans in the proposed project area. As a result, when the effects of the proposed projects are considered with other past, present, and reasonably foreseeable projects in the area, no significant cumulative effects are anticipated at this time. Impacts to the socioeconomic will be positive, as a church facility of this nature is expected to improve the quality of life.

With respect to cumulative impacts on regional air quality and climate change, the lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of the proposed project. However, potential impacts to natural resources and plant and animal species due to climate change are likely to be varied, including those in the southwestern United States. For example, if global climate change results in a warmer and drier climate, increased particulate matter impacts could occur due to increased windblown dust from drier and less stable soils. Cool season plant species' spatial ranges are predicted to move north

and to higher elevations, and extinction of endemic threatened/endangered plants may be accelerated.

5.0 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

Clean Air Act, as amended and recodified (42 U.S.C. 7401 et seq.) *Compliance.* The project is not expected to violate any Federal air quality standards and would not degrade the attainment of air quality objectives of the air shed.

Clean Water Act § 402 *Compliance.* The Environmental Protection Agency administers Section 402 of the Clean Water Act (formerly the Federal Water Pollution Control Act). Operators are required to obtain all necessary permits and approvals for projects requiring CWA permits prior to any disturbance activities. The existing church was constructed in increments of less than one acre. Surface disturbance is at a minimum.

Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) *Compliance.* No Federally listed species or special management species (NESL) or their habitats have been identified in or near the project area. ESA requires all federal departments and agencies to conserve threatened and endangered species and the habitats on which they depend, and to consult with the U. S. Fish and Wildlife Service (USFWS), on all actions authorized, funded or carried out by the agency to ensure that the action will not likely jeopardize the continued existence of any threatened and endangered species or adversely modify critical habitat.

Executive Order 11988, Floodplain Management *Compliance.* This order directs all Federal agencies to avoid to the extent possible the adverse effects associated with the modification of floodplains, and to avoid support of floodplain development wherever there is a practicable alternative. The proposed project would have no effect on floodplains, because they are not located in the project area.

Executive Order 12898 Environmental Justice *Compliance.* The order direct all Federal agencies to identify and address disproportionate adverse effects of their programs, policies, and activities on minority and low-income populations. No minority or low income populations would be directly affected in the vicinity of the proposed action. Indirect effects could include positive effects due to overall benefit related to the new water system in the area. The proposed action will benefit all sectors of society. The minority and low-income populations in the community are the focus of this project. The project would lead better lives in the community, and would further provide a better quality of life for the residents.

Farmland Protection Policy Act (7 U.S.C. 4201 et seq.) *Compliance.* There are no effects on prime farmland or farmland of statewide importance because no such farmland exist in the project area.

Migratory Bird Treaty Act, as amended (16 U.S.C. 703 et seq.)/ EO 13186 *Compliance.* Migratory birds and their habitats are protected under the Migratory Bird Treaty Act (MBTA) (16

USC §703-712) and EO 13186. All federal agencies are required to consider management impacts to protect migratory non-game birds. Executive Order 13186 calls for increased efforts to more fully implement the MBTA. The proposed action would have no significant effect on the bird species or their habitat.

National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) Compliance. The final EA and signed environmental review would be in full compliance with NEPA.

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) Compliance. The Navajo Nation Historic Preservation Department would require National Historic Preservation Act compliance and consultation with all development projects on the Navajo Nation. NNHPD has determined that NHPA § 106 responsibilities are adhered to, as no historic properties would be affected. See Appendix C.

Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) Compliance. There are no Recourse Conservation and Recovery Act (RCRA), Comprehensive Environmental Response Conservation and Liabilities Act (CERCLA), or Toxic Substance Control Act (TSCA) sites on the existing site. The church will conduct their haulage and disposal of solid waste on a weekly basis.

6.0 PUBLIC INVOLVEMENT

The Red Valley Chapter has passed a resolution approving the site. See Appendix B. In the future, a resolution is proposed for the Resource and Development Committee of the Navajo Nation Council, as well as approval of the permit.

7.0 COORDINATION AND REVIEW OF THE EA

DCRM of Farmington, New Mexico conducted the archeological survey of the site and crafted a field report. According to the field inventory "No Historic Properties Affected" is recommended for the proposed church site when recommendations of avoidance are followed.

The Mitten Rock Church conducted consultation with the Navajo Department of Fish and Wildlife, Navajo Nation. This consultation would assure mandated protection of ESA threatened and endangered species and Tribal species of concern. The Navajo Department of Fish and Wildlife website was consulted for the Biological Resources Land Clearance Policy and Procedures. A concurrence letter and a *Biological Resource Compliance Form* is created for the project.

8.0 CONCLUSIONS

The preferred alternative is reasonable. The proposed action should not have significant adverse impacts on the human environment. No significant adverse impacts to the human environment have been identified in the development of this environment assessment.

9.0 LIST OF PREPARERS / CONSULTATION AND COORDINATION

This environmental assessment was prepared by Mr. Leonard Robbins, PES, Denali Environmental Services, P. O. Box 1127, Fort Defiance, Arizona 86504.

10.0 REFERENCES

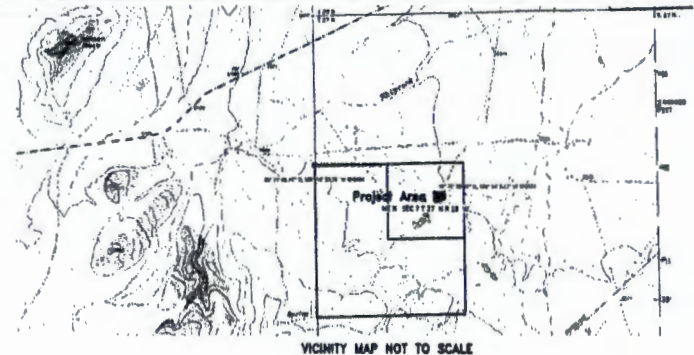
- Brown, D.E., 1994. *Biotic Communities of Southwestern United States and Northwestern Mexico*. University of Utah Press, Salt Lake City, Utah.
- Dennetahdoo Cultural Resource Management, 2015. *A Cultural Resource Inventory of the Existing Mitten Rock Tree of Life Church Site in Red Valley Chapters, San Juan County, New Mexico*.
- Cooley, M.E, J.W. Harshbarger, J.P. Akers, and W.F. Hardt, 1969. *Regional Hydrology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah*. USGS Paper 521-A, USPO, Washington D C.
- De Witt I., Robert, 1999. *Flowering Plants of New Mexico*. Third Edition, De Witt Press, Albuquerque, New Mexico.
- Hiel, K. D., O'Kane S. L. Jr., Reeves, L. M., & Clifford, A., 2013. *Flora of the Four Corner Region, Vascular Plants of the San Juan River Drainage- Arizona, Colorado, New Mexico, Utah*, Missouri Botanical Garden Press, St. Louis, Missouri, USA.
- Morrison Maierle Inc., 1977. Floodplain study entitled *Navajo Water Resource Evaluation, Volume XII Floodplain, Flood Prone Area Maps*, Bureau of Indian Affairs, Window Rock, Arizona.
- NN DED/LSRI, 2004. *Navajo Nation Chapter Images*, 2004 Edition. Navajo Nation Division of Economic Development/LSR Innovations. Window Rock, Arizona.
- New Mexico State University Agricultural Experiment Station, C.W. Keetch and J.U. Anderson, 1973. *Soil Associations and Land Classifications for Irrigation, San Juan County*, Research Report 257.
- Sibley, David A., 2003. *Field Guide to the Birds of Western North America*. Chanticleer Press Edition, New York.
- Turner, Raymond M., D.E. Brown, Editor, 1994. *Biotic Communities of Southwestern United States and Northwestern Mexico*. University of Utah Press, Salt Lake City, Utah. Brown, 1998)
- US ACOE, 1987. *Wetlands Delineation Manual of 1987*, U.S. Army Corps of Engineers, Washington D. C.
- USDA, NRCS, 2014. *Fort Defiance Area, Parts of Apache and Navajo Counties, Arizona, and McKinley and San Juan Counties, New Mexico (AZ715)*, U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, accessed February 6, 2014.

U.S. Fish and Wildlife Service, 1984. *Toadlena, New Mexico National Wetlands Inventory Map*, U.S. Fish and Wildlife Service, Washington D.C.

U.S. Geological Survey 7.5 Minute Quadrangle Map, *Mitten Rock, New Mexico*, Denver, Colorado.

Western Regional Climate Center (WRCC), 2015. Shiprock, New Mexico NCDC 1981-2010 Monthly Normals, <http://www.wrcc.dri.edu>, accessed October 6, 2015.

A SURVEY OF RECORD
LOCATED IN
NE1/4 of SECTION 7,
T27N, R19W N.M.P.M.,
MITTEN ROCK, SAN JUAN COUNTY,
NEW MEXICO



Section Corner
Fd USBLM
Brass Cap
Lat: 36°35'48.74" N
Long: 108°54'59.779" W
WGS 84

Sec. 1 Sec. 6

Sec. 12 Sec. 7

T27N, R20W N.M.P.M.
T27N, R19W N.M.P.M.

S75°57'01"E
(No) 4,313.76'

P.O.B.
Lat: 36°35'38.39" N
Long: 108°54'08.47" W
WGS 84

Homesite# 15877
Jerry J. Begay
Marie G. Begay

Homesite# 15876
Jerry J. Begay
Marie G. Begay

MITTEN ROCK
TREE OF LIFE CHURCH
RELIGIOUS SITE SURVEY

N86°20'35"E
284.62'

N00°13'28"W
241.38'

S07°54'22"E
149.34'

S56°19'24"W
194.17'

S88°24'26"W
142.10'



1"=100'

A tract of land located in the Northeast Quarter (NE1/4) of Section 7, Township 27 North, Range 19 West, N.M.P.M., San Juan County, New Mexico situated in the Mitten Rock area and is more particularly described as follows:

Commencing at the Point of Beginning a point being the Northwest corner of said Parcel which bears South 75°57'01" East, a distance of 4,313.76 feet from the Northeast (NE) corner of said Section 7;

thence North 86°20'35" East, a distance of 284.62 feet;
thence South 07°54'22" East, a distance of 149.34 feet;
thence South 56°19'24" West, a distance of 194.17 feet;
thence South 88°24'26" West, a distance of 142.10 feet;
thence North 00°13'28" West, a distance of 241.38 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: True North as established by G.P.S.
● Denotes set 1/2"x18" Rebar with plastic Cap: NMPLS #12163
AZPLS #29894

Lease Area is Occupied and Disturbed
Utilities are as shown

RED VALLEY SURVEY
P.O. Box #2827, Silver Rock NM 87420
(505)320-0479

MITTEN ROCK
TREE OF LIFE CHURCH
RELIGIOUS SITE SURVEY

1.5± Ac.
NE1/4, Sec. 7, T27N, R19W NMPM
Mitten Rock, San Juan County, New Mexico

RVS#15-121

Drawn By: HT
Approved: HT
Date: 8/27/15
Scale: 1"=100'

APPENDIX B

Chapter Support Letter / Resolution

Red Valley Chapter Government • The Navajo Nation

P.O. Box 304 • Red Valley, Arizona 86544

Hwy 491 Route N13 Buffalo Drive, Bldg #R006-001



RVC-48-15

Resolution of the Red Valley Chapter

**THE RED VALLEY CHAPTER AFFIRMS THE MITTEN ROCK TREE OF LIFE CHURCH INITIATIVE
TO MAKE LEASE APPLICATION FOR THEIR EXISTING CHURCH WITH THE NAVAJO NATION
LAND DEPARTMENT OF THE NAVAJO NATION**

WHEREAS:

1. The RED VALLEY CHAPTER, pursuant to the Navajo Nation Council Resolution #CAP-34-98 dated October 01, 1998, is a recognized certified local unit of government with the responsibility to review matters pertaining to it's government, administration, membership and to decide whether issue(s) is/are in their best interest or not and act accordingly, AND
2. The RED VALLEY CHAPTER, is a certified entity of the Navajo Nation Council Government, vested with the authority to review all issues affecting the respective community, AND
3. The RED VALLEY CHAPTER strives for the betterment of its people by assisting and providing the opportunity for improvement in the areas of livelihood, health, and education, AND
4. The RED VALLEY CHAPTER, along with other vicinity chapters, recognizes the purpose and need to approve the lease application for the existing Mitten Rock Tree of Life Church, AND
5. The RED VALLEY CHAPTER recognizes the propose lease application will allow for contribution of religious services to the Navajo People in the teachings and spreading of the Gospel of the Lord Jesus Christ in accordance with instruction, doctrines, and teachings of the New Testament, and for religious, education, benevolent, charitable purposes, public worship and not for pecuniary profit, AND
6. The proposed lease application would allow the Mitten Rock Tree of Life Church to promote the work of the church in the establishment, building, promotion, organizations, development and future expansion of the church, as authorized by the church organization, AND
7. The RED VALLEY CHAPTER supports the lease renewal and property expansion request to the Navajo Nation Land Department pursuant to NNC T16 §, 11 & 1101-land leasing for public community purposes and the Bureau of Indian Affairs, Snyder Act of 1921, USC Chapter 1 & 13-appropriation for permitting & leasing activity.

NOW THEREFORE BE IT RESOLVE:

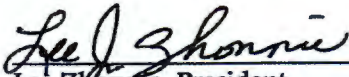
1. The RED VALLEY CHAPTER hereby supports Mitten Rock Tree of Life Church request of lease application for their existing church site for religious services to the Navajo People, AND
2. The proposed church lease is located on Mitten Rock, New Mexico 7.5 Minute Quadrangle at NE ¼ Section 7 Township 27 North Range 19 West, NM PM.

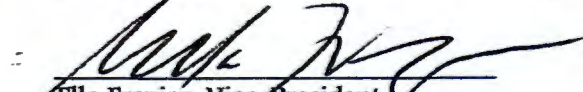
CERTIFICATION

WE, hereby certify the foregoing resolution was duly considered at duly called meeting at RED VALLEY CHAPTER, Navajo Nation, ARIZONA, at which quorum was present and that same was passed by a vote of 25 in favor, 0 opposed, and 2 abstained on this 13th day of September, 2015.

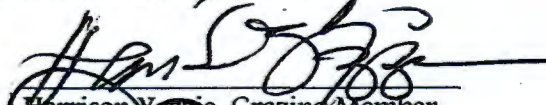
MOTION BY: Lawrence Marshall

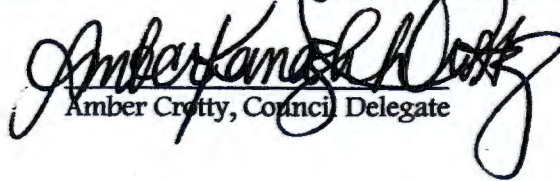
SECONDED BY: Gary Chavez


Lee Zkonnie, President


Ella Frazier, Vice-President


Stella Tsosie, Secretary/Treasurer


Harrison Yazzie, Grazing Member


Amber Crotty, Council Delegate



THE NAVAJO NATION

DUSSELL BEGAYE
JONATHAN NEZ



OCT 30 2015

Mr. Jerry J. Begay, Pastor
Mitten Rock Tree of Life
P.O. Box 473
Waterflow, New Mexico 87421

RE: Mitten Rock Tree of Life

Dear Pastor Begay:

Enclosed for your information and use is an approved Land Withdrawal Designation for the Mitten Rock Tree of Life. The Designation authorizes construction, operation, maintenance and application of a Revocable Use Permit for mission site on 1.5 acres of tribal trust lands. The area is located in Northeast Quarter (NE4) of Section 7, Township 27 North, Range 19 West, N.M.P.M., Mitten Rock, San Juan County, New Mexico.

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

The Land Withdrawal Designation has been approved for mission site for five (5) years. Within ninety (90) days prior to expiration, you must notify and request for another (5) year withdrawal from Navajo Land Department.

Sincerely,

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

XC: File



**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
MITTEN ROCK TREE OF LIFE (PERMITTEE)**

1. This Mission Site Permit is issued to the Mitten Rock Tree of Life, Post Office Box 473, Waterflow, New Mexico 87421, to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein. The term of the Mission Site Permit is effective beginning on the date the permit is approved by the Resources & Development Committee of the Navajo Nation Council or authorized representative. This Permit is authorized by Resources and Development Committee No. _____.
2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is "NOT A LEASE" and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

TRACT DESCRIPTION

A Tract of land located in the Northeast Quarter (NE4) of Section 7, Township 27 North, Range 19 West, N.M.P.M., San Juan County, New Mexico situated in the Mitten Rock area and is more particularly described as follows:

Commencing at the Point of Beginning, a point being the Northwest corner of said Parcel which bears South 75° 57' 01" East, a distance of 4,313.76 feet from the Northeast (NE) corner of said Section 7;

thence, North 86° 20' 35" East, a distance of 284.62 feet;
thence, South 07° 54' 22" East, a distance of 149.34 feet;
thence, South 56° 19' 24" West, a distance of 194.17 feet;
thence, South 88° 24' 26" West, a distance of 142.10 feet;
thence, North 00° 13' 28" West, a distance of 241.38 feet to the Point of Beginning

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

7. The annual rental is set at \$ 30.00 per year and is due on or before the first day of January of each year the Permit remains in effect. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.
8. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.
9. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect, including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 162;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
10. The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
11. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.
12. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and

expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.

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

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

Date: 01-08-2014

By:

Kerry F. Bequy
Mitten Rock Tree of Life
Permittee

Date: _____

By:

President
Navajo Nation

Sliding Fee Scale Form for Mission Site Permits

Applicant Information		Today's Date: 10 / 21 / 2015	
Entity Name: Jerry J. Begay		Mitten Rock Tree of Life	
Mailing Address: P.O. Box 473	City: Waterflow	State: NM.	Zip: 87421
Phone #: (928) 653-5988	Fax #: () (None)	Congregation size: 25	Acres requested: 1.5

Income Information		
Source	Amount	Frequency (Circle one)
Offering	\$ 900.00	Weekly Monthly <u>Yearly</u>
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
TOTAL	\$ 900.00	Weekly Monthly <u>Yearly</u>

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): Jerry J. Begay

Signature: Jerry J. Begay

Date: 10/21/2015

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.

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

ARTICLES OF INCORPORATION
OF
MITTEN ROCK TREE OF LIFE CHURCH, INCORPORATED

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned natural persons acting as incorporators of a corporation, have this day associated ourselves together for the purpose of forming a nonprofit corporation under and pursuant to the Navajo Nation Corporation Code, hereby adopts the following Articles of Incorporation for such corporation.

ARTICLE I

The name of the Corporation is the Mitten Rock Tree of Life Church, Incorporated.

ARTICLE II

The principal office and principal place of business of the corporation shall be in Mitten Rock, San Juan County, New Mexico, but other offices and places of carrying on its business may be elsewhere as the Church may authorize.

ARTICLE III

The purpose for which this corporation is organized is the transaction of any or all-lawful business for which nonprofit corporations may be incorporated under the laws of the Navajo Nation Code (NNCC, Chapter 19), as they may be amended from time to time.

ARTICLE IV

Said corporation is organized to conduct the following business:

To do all things deemed necessary, proper, or desirable for the promotion of the work of the corporation in the establishment, building, promotion, organization, development and expansion of churches and missions, as authorized by the corporation, for the teaching and spreading of the Gospel of the Lord Jesus Christ in accordance with the instruction, doctrines, and teachings of the New Testament, and for religious, educational, benevolent, and charitable purposes, and public worship, weddings, funerals and not for pecuniary profit.

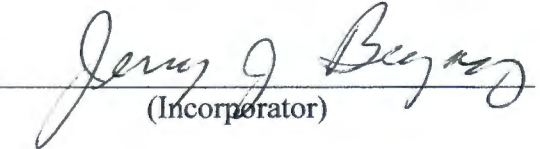
2. Reverend Marie Begay
Post Office Box 473
Waterflow, New Mexico 87421

ARTICLE XII

The Mitten Rock Tree of Life Church, Incorporated shall comply with all Navajo Nation codes which the incorporators elect to set forth.

ARTICLE XIII

The Mitten Rock Tree of Life Church, Incorporated shall comply with all Navajo Nation criminal, civil, and regulatory laws of the Navajo Nation. This corporation will always function legally.


(Incorporator)


(Incorporator)



OFFICIAL SEAL
KRISTI L. LEDESMA
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires 2/6/19



DESIGNATION OF INDIVIDUAL

FORM 100

Calendar Year 2015

EIN/SSN # 4774

Any person owning an interest in a lease granted by the Navajo Nation, or engaged in any business activity whatsoever within the Navajo Nation, must register with the Office of the Navajo Tax Commission (ONTC). Please refer to instructions when completing this form. PLEASE PRINT LEGIBLY.

Business Name : Mitten Rock Tree of Life, Mitten Rock NM.

Nature of Business : Family - Church n/c

1. Designee(s) Information

Name : Jerry J. Begay

Title :

Mailing Address : P.O. Box 473

City, State, Zip : Waterflow NM. 87421

Telephone Number : (928) 653-5988

Fax Number : NONE

E-mail Address : NONE

2. Business Office (if different from Section 1)

Address :

Telephone :

3. Navajo Nation Address (if different from Sections 1 & 2)

Address :

Telephone :

4. This form applies to : (check one only)

☐ BAT ☐ SEV ☐ JFT
☐ HOT ☐ TOB
☐ FET ☐ SALES

5. Type of Business : (check one only)

☐ Corporation ☐ Partnership
☐ Joint Venture ☐ Sole Proprietorship

Other (Specify) Church (Independent)
None - profit

6. Month End of Accounting Year: December

7. Accounting Records kept on:

☐ Cash ☐ Accrual

Physical Address of where records are located (Street, City, and State) :

No post office box numbers

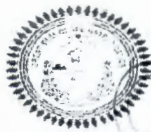
N13 to Rt. 132 Mitten Rock, Shiprock NM. 87420

8. Does your business operate on the following leases: Production of Oil, Gas Hydrocarbons, etc., Mining, Business Site, Communication, Homesite, Right-of-Way, Permits, Electric Power? If yes, please complete a Form 200.

I declare that the information contained in this document and any attachments thereto is true and correct to the best of my knowledge and belief pursuant to all Navajo Nation laws and regulations.

x

Jerry J. Begay
Taxpayer or Duty Authorized Agent SignatureJerry J. Begay
Print or Type Name(928) 653-5988
Telephone Number7/18/15
Date



DECLARATION OF INTEREST IN LEASE

OFFICE OF THE
TAX COMMISSIONER

FORM 200

Assessment Date : January 1, 2015

In accordance with 24 NNC Sec. 211 (a) each owner must file a declaration of its interest in any lease on or before April 1st following each assessment date except for business site leases, which are due May 15th following each assessment date. The Office of the Navajo Tax Commission (ONTC) may, by Form 245 or regulation, require additional information and documents, which it deems necessary for proper and efficient administration of the tax.

1. Taxpayer Federal TIN/SS # : <u>527 90 4163</u>			
2. Name of Taxpayer : <u>JERRY & Marie Begay</u>			
3. Business Address : <u>PO. Box 473, Waterflow NM. 87421</u>			
E-mail : <u>WONE?</u>		Telephone No. : <u>(928) 653-5988</u>	
4. Type of Operation Conducted on Lease :			
☐ Production of Oil, Gas Hydrocarbons, etc		☐ ROW Lease/Permit (Pipeline, Transmission, etc)	
☐ Mining Lease (Coal, Sand, Gravel, Uranium, etc)		☐ Permits (Revocable, Temporary, etc)	
☐ Business Site Lease		☐ Multi-County Contractor (Construction, Drilling, etc)	
☐ Communication System (Cellular, Microwave, Paging, Reseller, Telephone Provider of Service or Equipment or REA)		☐ Electric Power (Distribution, Generation, Transmission, REA)	
☒ HOMESITE LEASE (Residential)		☐ Other, specify : <u>Church Site</u>	
5. Name of Operator/Business : <u>MittenBakTree of Life, Mitten Rock NM.</u>			
6. Lease/Permit No. : _____		7. Your Percent Interest in Lease/Well/Permit :	
Well/Unit Name: _____		☐ WI ☐ ORR ☐ OP ☐ OTHER	
8. Do You Own Interests In More Than One Lease? Yes ☐ No ☐			
If answer is yes, a separate Form 200 must be completed for each lease/permit.			
9. a. Are You Related To Any Other Lease Owner, Lessee, or Sublessee? Yes ☐ No ☐			
9. b. Name and Address of RELATED OWNER: _____			
9. c. Name and Address of SUBLESSOR (AKA owner of base lease): _____			
10. Location of Lease (Township, Range, Section) : <u>15 mile East of Red Valley Chapter</u>			
State : <u>NM</u>		County : <u>San Juan</u> Agency : <u>Shiprock</u> Chapter : <u>Red Valley</u>	
11. a. CHANGES TO THE STATUS OF LEASE:		11. b. New Owner's Name & Address:	
☐ SOLD LEASE ☐ LEASE TRANSFERRED ☐ EXPIRED LEASE ☐ PENDING APPROVAL ☐ EMERGENCY OPERATING AGRMT ☐ NON-PROFIT Other: _____		Name _____ City _____ ST _____ Zip _____ New Owner's Telephone Number : _____ Date Lease/Permit Expired : _____ Date Property Was Sold : _____ How Much Was Property or Interest Sold for (\$) : _____	
I declare that the information contained in this document and any attachments thereto is true and correct to the best of my knowledge and belief pursuant to all Navajo Nation laws and regulations.			
X <u>Jerry J. Begay</u> Taxpayer or Duly Authorized Agent Signature		<u>Jerry J. Begay</u> (928) 653-5988 10/26/15 Print or Type Name Telephone Number Date	

Document No. 004976Date Issued: 10/29/2015**EXECUTIVE OFFICIAL REVIEW**Title of Document: RUP for Mitten Rock Church Contact Name: DRAPER, HOWARDProgram/Division: DIVISION OF NATURAL RESOURCESEmail: howarddraper@frontiernet.net Phone Number: 871-6490 / 6447☐ **Business Site Lease** Sufficient Insufficient

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

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

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

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

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

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

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

☐ **Lease Purchase Agreements**

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

☐ **Grant Applications**

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

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

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

☐ **Relinquishment of Navajo Membership**

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

☐ Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

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

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

1. NLD *vm* _____ Date: *30/01/15* ☒ ☐
2. F&W _____ Date: *11/2/15* ☒ ☐
3. HPD _____ Date: *11/5/15* ☒ ☐
~~4. Minerals _____ Date: _____ ☐ ☐~~
5. NNEPA _____ Date: *18-1-2015* ☒ ☐
6. DNR _____ Date: *12-9-2015* ☒ ☐
7. DOJ *(ic)* _____ Date: *1-8-16* ☒ ☐

☐ Rights of Way

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

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

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

☐ Assignment of Mineral Lease

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

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

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

☐ OTHER:

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



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
12/21/15 3:06pm
DATE / TIME
☐ 7 Day Deadline
DOC #: 004976
SAS #:
UNIT: NRU

☐ RESUBMITTAL

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

CLIENT TO COMPLETE

DATE OF REQUEST:	12/21/2015	DIVISION:	NATURAL RESOURCES
CONTACT NAME:	VERA or KAYLA	DEPARTMENT:	LAND
PHONE NUMBER:	6447 OR 6490	E-MAIL:	Click here to enter text.
TITLE OF DOCUMENT: Approving a Revocable Use Permit for Mitten Rock Tree of Life on 1.5 acres Navajo Nation trust lands in the vicinity of Mitten Rock, Shiprock Agency, San Juan County, State of New Mexico.			

DOJ SECRETARY TO COMPLETE

DATE TIME IN UNIT:	12/21/15 4:50pm	REVIEWING ATTORNEY/ADVOCATE:	Irvin 12/31/15
DATE TIME OUT OF UNIT:	01/08/16 3:50pm		SB

DOJ ATTORNEY / ADVOCATE COMMENTS

- Document is legally sufficient.

REVIEWED BY: (Print)	Date / Time	SURNAMED BY: (Print)	Date / Time
Tim Hise	1-8-16	Vernika Blackhat	1-8-16 11:30 AM

DOJ Secretary Called: Howard Draper for Document Pick Up on 01/08/16 at 2:55pm By: SB

PICKED UP BY: (Print) DATE / TIME: