

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council --- Third Year, 2021

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT;
APPROVING A MISSION SITE PERMIT FOR 1.5 ACRE, MORE OR LESS, FOR
TO'NILTS'ILI BAPTIST CHURCH IN THE VICINITY OF CRYSTAL CHAPTER,
NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

SECTION TWO. FINDINGS

- A. The To'nilts'ili Baptist Church, P. O. Box 1258, Navajo, New Mexico 87328 has applied for a mission site within the Crystal Chapter. The application, the Certificate of Incorporation, the General Land Development Department Check List for Mission Site Application and the Sliding Fee Scale Form for Mission Site Permits which provides Income Information are attached as **Exhibit C**, and incorporated herein by this reference.
- B. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.
- C. The proposed mission site is located on 1.5 acres, more or less, within the vicinity of Crystal, Navajo Nation (New Mexico). The survey of the To'nilts'ili Baptist Church Tract is attached as **Exhibit B** and incorporated herein by this reference.

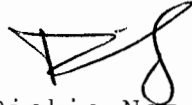
- D. In a letter dated January 11, 2021, the Grazing Official wrote "please accept this letter as an official document recognizing the only two land users with valid grazing permits of the site. Both permit holders who already consent to the lease." The January 11, 2021 letter and two consent forms are attached as **Exhibit D**.
- E. The Crystal Chapter Resolution CRY 01-2020-018 dated January 28, 2020 recommending "the Navajo Nation Council Resource and Development Committee and Navajo Land Administration to approve the renewal of the To'nilt's'ili Baptist Church lease agreement within the Crystal Community" and a signed petition are attached herein as **Exhibit E**.
- F. The Biological Resources Compliance Form is attached as **Exhibit F**; the Heritage and Historic Preservation Department Revised Cultural Resources Compliance Form is attached as **Exhibit G**; and the HPD Report dated 1/04/2019 Consultant Report NO. ISB-19-113 is attached as **Exhibit H**.
- G. The Executive Official Review document number 015424 with reviews by the Department of Justice, Department of Water Resources, Fish and Wildlife, Minerals Management Department, Historic Preservation Department, Division of Natural Resources Administration and the Navajo Land Department; and, review by the Navajo Nation Environmental Protection Agency by memorandum dated August 31, 2021 are attached as **Exhibit I**.

SECTION THREE. APPROVAL

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

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting held by a teleconference for which a quorum was present and that same was passed by a vote of 5 in favor, and 0 opposed, on this 6th day of October 2021.

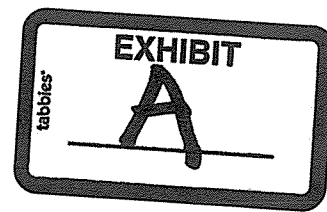
A handwritten signature in black ink, appearing to read 'Rickie Nez', with a stylized flourish at the end.

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

Motion: Honorable Herman M. Daniels

Second: Honorable Thomas Walker, Jr.

Chairperson Rickie Nez not voting.



FORM Mission Site
10/01/2014
Amended 05/15/19

**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
TO'NILTS'ILI BAPTIST CHURCH (PERMITTEE)**

1. This Mission Site Permit is issued to the To'nilt's'ili Baptist Church, P.O. Box 1258, Navajo, New Mexico 87328 to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein. The term of the Mission Site Permit is effective beginning on the date the permit is approved by the Resources & Development Committee of the Navajo Nation Council or authorized representative. The Permit is authorized by Resources and Development Committee No. _____.
2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is 'NOT A LEASE' and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

TRACT DESCRIPTION

Two (2) parcels of land located in the Southwest Quarter (SW¼) of Section 15 and in the Northwest Quarter (NW¼) of Section 22 both located in Township 21 North, Range 20 West, N.M.P.M., San Juan County, New Mexico situate in the Crystal area and being more particularly described as follows:

Tract 1

Commencing at a Southeasterly Corner of said parcel a point which bears South 85°06'47" West, a distance of 840.48 feet from the North (¼) corner of said Section 22, T21N, R20W, NMPM.

Thence South 75°30'49" West, a distance of 191.05 feet;

Thence North 19°58'04" West, a distance of 82.95 feet;

Thence North 69°57'58" East, a distance of 190.16 feet;

Thence South 19°58'53" East, a distance of 101.42 feet to the Point of Beginning. Said parcel containing 0.40± acres more or less, in area and being subject to any restrictions, easements or reservations of record.

Tract 2

Commencing at a Southeasterly Corner of said parcel a point which bears South 64°48'43" West, a distance of 814.65 feet from the North (¼) corner of said Section 22, T21N, R20W, NMPM.

Thence South 69°56'50" West, a distance of 190.12 feet;

Thence North 20°01'30" West, a distance of 260.48 feet;

Thence North 75°14'50" East, a distance of 190.96 feet;

Thence South 20°01'01" East, a distance of 242.84 feet to the Point of Beginning. Said parcel containing 1.10± acres more or less, in area and being subject to any restrictions, easements or reservations of record.

7. The annual rental rate will be \$ 15.00 per year and is due by December 30, prior to the year for which such fees are due, 16 N.N.C. § 1164. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.
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 condition 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 judgements for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.
21. By acceptance of the grant of the permit, the Permittee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the permit or to the Navajo Nation.
22. Any action or proceeding brought by the Permittee against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be resolved administratively under the laws of the Navajo Nation and no action or proceeding shall be brought by the Permittee against the Navajo Nation, in any court of any state.
23. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
24. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
25. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Permittee, and the term "Permittee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
26. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the area under the permit and all lands burdened by the permit, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the permit; and the area under the permit and all lands burdened by the permit shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Date: _____

Date: _____

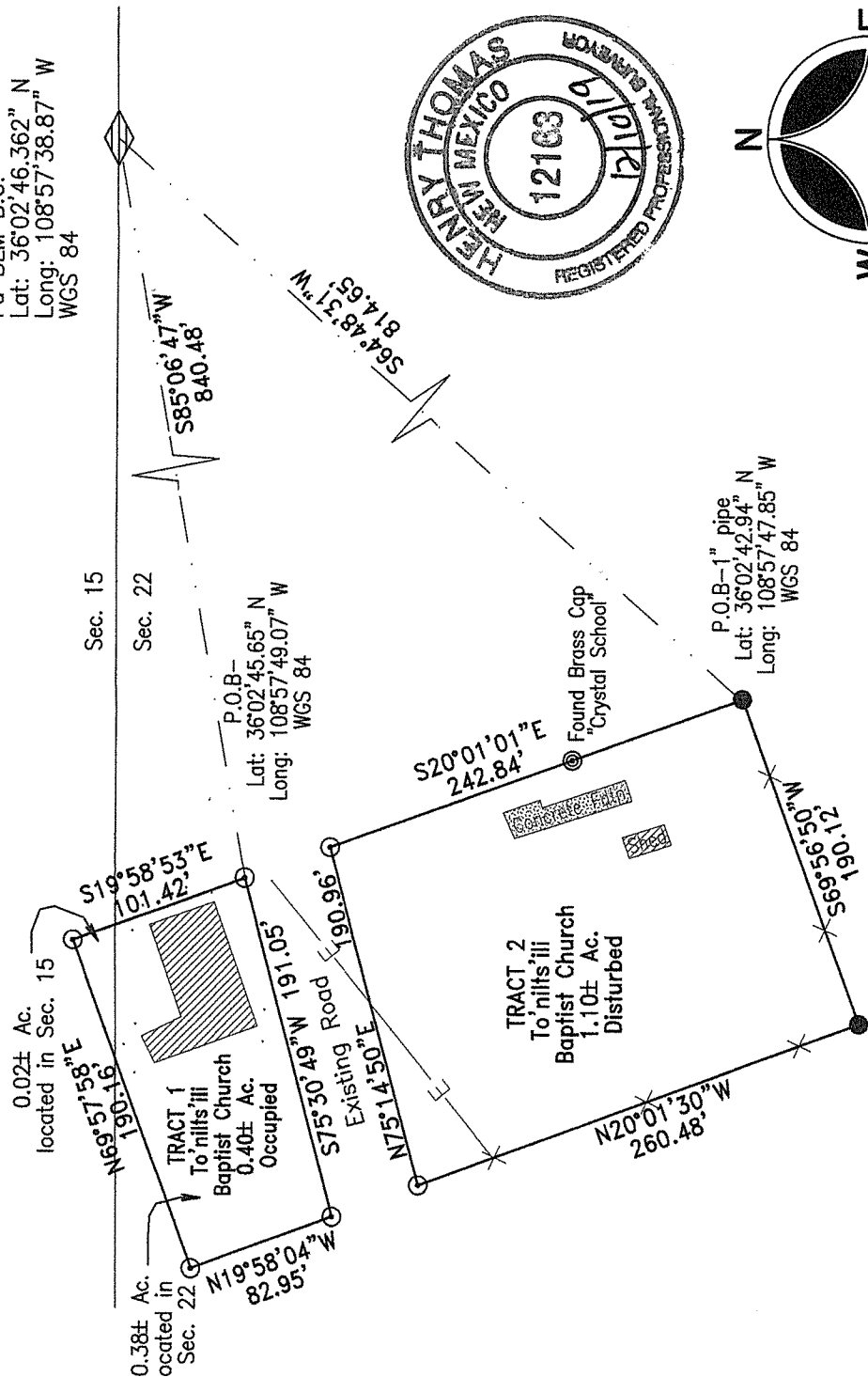
By: _____

By: _____

(Permittee)

Jonathan Nez, *President*
The Navajo Nation

Navajo Tribe In Trust Land
SW1/4 of Section 15 &
NW1/4 of Section 22
T21N, R20W N.M.P.M.
San Juan County, New Mexico



Two (2) parcels of land located in the Southwest Quarter (SW1/4) of Section 15 and in the Northwest Quarter (NW1/4) of Section 22 both located in Township 21 North, Range 20 West, N.M.P.M., San Juan County, New Mexico situate in the Crystal area and being more particularly described as follows;

Tract 1

Commencing at a Southeasterly Corner of said parcel a point which bears South 85°06'47" West, a distance of 840.48 feet from the North (1/4) Corner of said Section 22, T21N, R20W, NMPM.

thence South 75°30'49" West, a distance of 191.05 feet;
thence North 19°58'04" West, a distance of 82.95 feet;
thence North 69°57'58" East, a distance of 190.16 feet;
thence South 19°58'53" East, a distance of 101.42 feet to the Point of Beginning. Said parcel containing 0.40 ± ACRES, more or less, in area and being subject to any restrictions, easements or reservations of record.

Tract 2

Commencing at a Southeasterly Corner of said parcel a point which bears South 64°48'43" West, a distance of 814.65 feet from the North (1/4) Corner of said Section 22, T21N, R20W, NMPM.

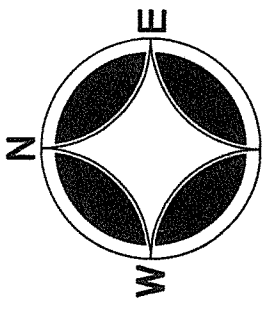
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thence North 75°14'50" East, a distance of 190.96 feet;
thence South 20°01'01" East, a distance of 242.84 feet to the Point of Beginning. Said parcel containing 1.10 ± ACRES, more or less, in area and being subject to any restrictions, easements or 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 amended minimum standards of property surveys in New Mexico and is accurately represented on the plat

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

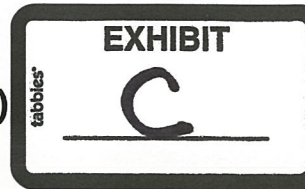
RVS#18-125

RED VALLEY SURVEY PO BOX 2827 Shiprock, NM 87420 (505) 320-0479	TO'NILTS'ILI BAPTIST CHURCH Religious Site Survey
Drawn By HT	1.50 ± Acre District 18-Fort Defiance Agency
Approved By HT	SW1/4 of Section 15 & NW1/4 of Section 22, T21N, R20W, N.M.P.M.
SCALE: 1" = 100' DATE: 07/30/19	Crystal, San Juan County, New Mexico



NOTES:
BASIS of BEARING - True North as established by G.P.S RTK
© DENOTES SET 1/2" x 18" REBAR with PLASTIC CAP; NMPLS # 12163
Lease area is Disturbed

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



DATE: 10-15-19

To'nilt's'ili Baptist Church

(NAME OF CHURCH)

P.O Box 1258, Navajo, New Mexico 87328

(ADDRESS)

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

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

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

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

Detailed statement of the purpose(s) for which said Navajo Nation land shall be used. If a missionary or mission body proposes to establish facilities for educational, medical or other non-religious activities, this paragraph shall set forth fully the extent and character thereof:
This site shall be used for Church and connected religious activities
(vocation Bible School) and to promote the welfare of the people to aid
community in anyway possible. We shall co-operate with the Tribal Officials
in all matters.

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

The church building is approximately 26' x 55' and has been up graded
up graded the roof, doors, repainted interiors, exteriors, install front
steps to meet handicap requirements with ramps, will install floor tile
in the near future, will continue as needed. Estimated cost is \$10,000.00

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

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

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

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

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

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

Raymond Mullahon
Authorized Agent (Print Name)

Raymond Mullahon
Authorized Agent (Signature)

P.O. Box 1258, Navajo N.M. 87328
Address

505 713 7263
Phone Number

- None -
Email Address

Applicant's plan for development of water and sewer:

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

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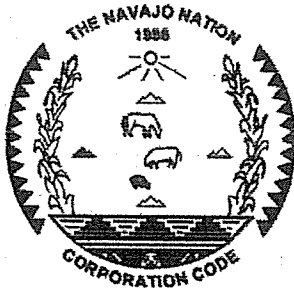
Raymond Mullahon
Authorized Agent (Print Name)

Raymond Mullahon
Authorized Agent (Signature)

P.O. Box 1258
Address

505 713 7263
Phone Number

— None —
Email Address



NAVAJO NATION CORPORATION ACT

CERTIFICATE OF INCORPORATION

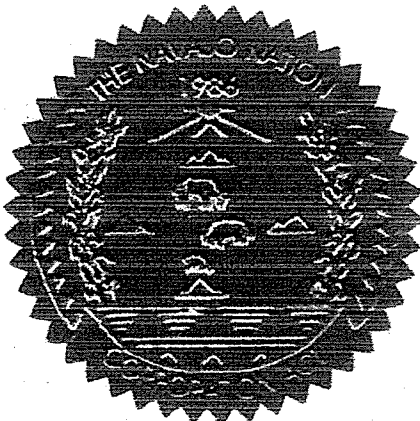
To all to Whom these Presents Shall Come, Greeting:

I, the Manager of the Business Regulatory Department, DO HEREBY CERTIFY
that ***TO' NILTS' ILI BAPTIST NAVAJO CHURCH, CRYSTAL, NEW MEXICO***

File Number: 102633

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was on
the 4th day of September, 2020
authorized to transact business within the Navajo Nation as a DOMESTIC Corporation.

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



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the official seal of the
Navajo Nation Corporation Act at Window
Rock, Arizona, this 4th

day of September, 2020 A.D.

Alvin H. Wauneka

Manager, Business Regulatory Department

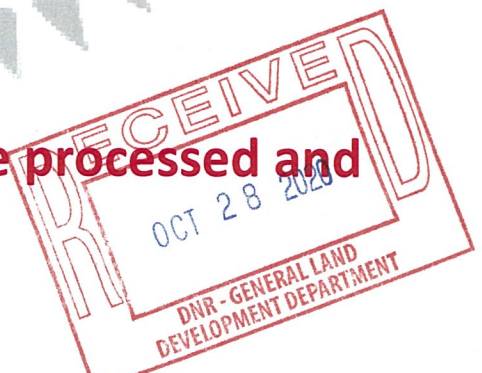
General Land Development Department

CHECK LIST FOR MISSION SITE APPLICATION

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

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

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



Sliding Fee Scale Form for Mission Site Permits

Application Information		Today's Date: <u>8-28-19</u>	
Entity Name: <u>To'nilt's'ili Baptist Church</u>			
Mailing Address: <u>P.O. Box 1258</u>	City: <u>Navajo</u>	State: <u>N. M.</u>	Zip: <u>87328</u>
Phone #: (505) <u>713-7263</u>	Fax #: () <u>none</u>	Congregation Size: <u>15-35</u>	Acres requested: <u>1 1/2</u>

Income Information		
Source	Amount	Frequency (Circle One)
Tithing	\$11,425.43	Weekly Monthly (Yearly)
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
	\$	Weekly Monthly Yearly
Total	\$	Weekly Monthly Yearly

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

Name (Print): Raymond Mullaah

Signature: *Raymond Mullaah*

Date: 8-28-19

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



September 16, 2020

Raymond Mullahon, Authorized Agent
TO'NILTS'ILI BAPTIST CHURCH
P.O. Box 1258
Navajo, New Mexico 87328



Dear Mr. Mullahon,

Thank you for submitting your Mission Site Permit application to the Navajo General Land Development Department. At this time the Navajo Nation cannot process your request due to lack of required documents therefore we are returning your documents to you for corrections.

The missing requirements are listed below:

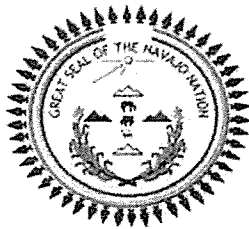
1. **Legal Survey Plat** showing the exact location of the proposed mission site.
2. **Cultural Resources Compliance Form (CRCF)** needs to reflect 1.5 acres, the form states 1.3 acres. The application needs to be consistent, please make this amendment.

Once the application is complete and accurate, the General Land Development Department will process your Mission Site Permit. If you should have any questions, please do not hesitate to contact our office (928) 871-6447. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Stevie Rae Hudson".

Ms. Stevie Rae Hudson, *Leasing Agent*
General Land Development Department
DIVISION OF NATURAL RESOURCES



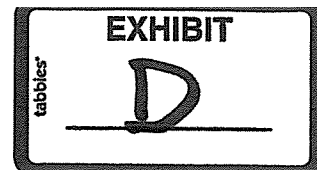
CRYSTAL CHAPTER

PO Box 775

Navajo, New Mexico 87328

Email: crystal@navajochapters.org

Phone: (505) 777-2800 Fax: (505) 777-2805



Patricia Slim, President

Vacant, Vice President

Virginia Benally, Sec./Trea.

Louise Q. Mark, DGCM

January 11, 2021

Stevie Hudson, Leasing Agent
General Land Development

RE: **FIELD CLEARENCE**

Ms. Hudson,

I received a voicemail message on Friday Jan 8, 2021 from Irvin Chee. I called him back and he made clarification on a "consent form" and "field clearance" for the Crystal Baptist Church lease.

That being said please accept this letter as an official document recognizing the **only two** land users with valid grazing permits of the site. Both permit holders who already consented to the lease.

Respectfully,

Louise Q. Mark, DGCM #18-1
CRYSTAL CHAPTER

cc: Irvin Chee, Justice Department
CRYSTAL CHAPTER

Consent Form #1
(No Expected Damages)

CONSENT TO USE NAVAJO NATION LANDS

TO WHOM IT MAY CONCERN:

I, Helen J. Moore, hereby grant consent to the Navajo Nation,
Window Rock, Arizona to permit To'nilt's'ili Baptist Church
of Crystal, New Mexico to use a portion of my Grazing area for the
following purpose(s): Community members to be use for
worship building
as shown on the map that shows the location of the proposed project.

I acknowledge that I do not expect any damage to my improvements or diminishment in
value of my land use rights and/or I expect the value of my land use rights to be enhanced as a
result of the above referenced project as proposed.

REMARKS:

I fully give my permission for the church

12/10/19
DATE

Helen J. Moore
GRAZING PERMITEE SIGNATURE
(OR THUMBPRINT)

1
PERMIT NO.

PHONE NO.

Navajo, N.M. 87328
ADDRESS (P.O. BOX, CITY, STATE, ZIP)

WITNESS: _____

12/16/19
DATE

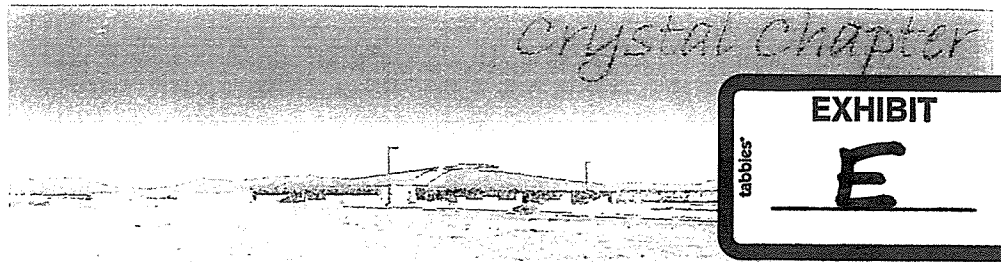
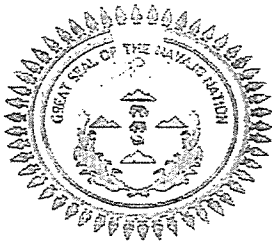
[Signature]
GRAZING OFFICIAL OR LAND BOARD

18-1
DISTRICT NO.

ACKNOWLEDGEMENT OF FIELD AGENT

I acknowledge that the contents of this consent form was ☐ read ☐ or fully explained to
the grazing permit holder in ☐ Navajo or ☐ English. (check where applicable)

Field Agent Signature



PO Box 775, Navajo, New Mexico 87328

(505)777-2800/2801 (505)777-2805

CRY 01-2020-018

CRYSTAL CHAPTER RESOLUTION

CRYSTAL CHAPTER HEREBY SUPPORTS AND APPROVES THE TO'ILTS'ILI BAPTIST CHURCH LEASE AGREEMENT RENEWAL AND RECOMMENDS THE NAVAJO NATION COUNCIL RESOURCE AND DEVELOPMENT COMMITTEE AND NAVAJO LAND ADMINISTRATION TO APPROVE THE LEASE AGREEMENT RENEWAL

WHEREAS:

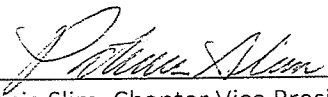
1. Pursuant to 26 N.N.C. Section 3 (A), Crystal Chapter is a certified Chapter of the Navajo Nation as listed under 11 N.N.C., Part 1, Section 10; and
2. Pursuant to 26 N.N. C. Section 1 (B), Crystal Chapter is delegated the governmental authority to make decisions over local matters consistent with Navajo laws, custom, and traditions; and
3. To'nilt's'ili Baptist Church Lease Agreement will expire soon and request to renew its Lease Agreement with the Navajo Nation; and
4. The mission of the To'nilt's'ili Baptist Church, located in the community of Crystal New Mexico is to teach and preach the message of salvation by faith in Jesus Christ; and
5. The Resource and Development Committee of the Navajo Nation Council is authorized to approve land leases on the Navajo Nation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Crystal Chapter community recommends the Navajo Nation Council Resource and Development Committee and Navajo Land Administration to approve the renewal of the To'nilt's'ili Baptist Church lease agreement within the Crystal Community.

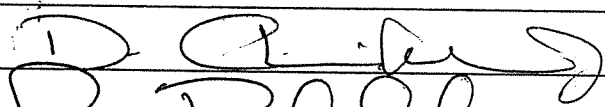
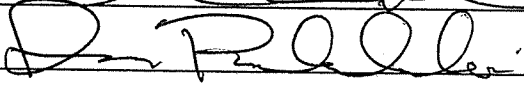
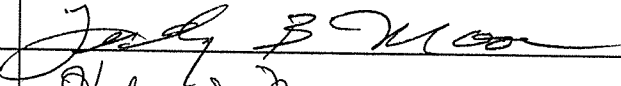
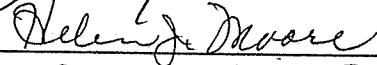
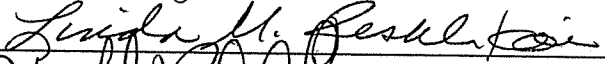
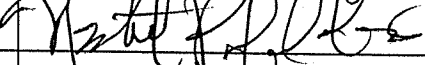
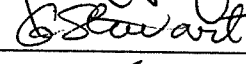
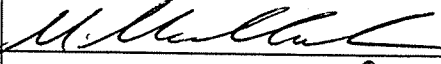
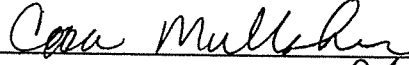
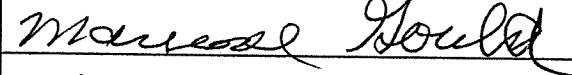
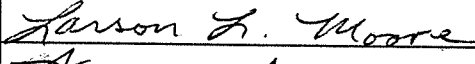
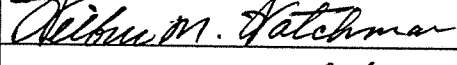
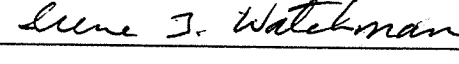
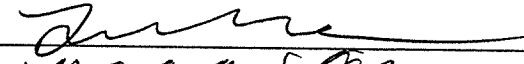
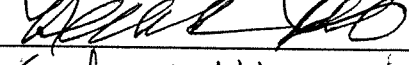
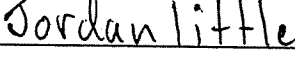
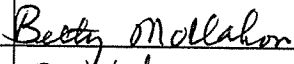
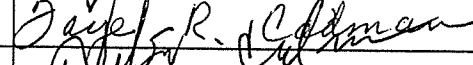

CERTIFICATION

I hereby certify that the foregoing resolution and duly considered by the Crystal Chapter at duly called regular Chapter meeting at Crystal Chapter, (Navajo Nation), Crystal, New Mexico, at which a quorum was present and that same was motioned by Betty Roanhorse and seconded by Theresa Kedelty and adopted by votes of 17 in favor, 0 opposed and 4 abstained on this 28th day of January 2020.

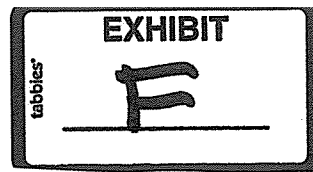

Patricia Slim, Chapter Vice President

Tóniŋts'ili Baptist Church
Crystal, New Mexico

We the undersign members of the Crystal Community do hereby petition and request that the mission site permit to Tóniŋts'ili Baptist Church be in Crystal Community on the land already affirmed by the Chapter.

Print Name	Signature
DANIEL ASHKE JR	
Aaron, N, Peshlakai	
Tully B. Moore	
Helen J. Moore	
Linda M. Peshlakai	
Norbert Peshlakai	
Gerri Stewart	
Michael Mullahon	
Cora Mullahon	
Maxine Maxine Gould	
Larson L. Moore	
WILBUR M. WATCHMAN	
Irene J. Watchman	
Leonard Watchman	
Nellie R. Little	
Jordan Little	
Betty Mollahon	
Faye R. Galdman	
A/E/son Galdman	

[illegible]



NNDFW Review No. 19BBNC-01

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

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

PROJECT NAME & NO.: To'nilt's'ili Baptist Church- Mission Site Permit

DESCRIPTION: To'nilt's'ili Baptist Church proposes to obtain a mission site permit consisting of 1.5± acres (Tract 1 & Tract 2). Utilities are onsite.

LOCATION: Crystal, San Juan County, New Mexico

REPRESENTATIVE: Raymond Mullahon, To'nilt's'ili Baptist Church

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & compliance/29 AUG 2019/Raymond Mullahon

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

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/30 AUG 2019; revised on 24 OCT 2019

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

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

10/20/19

*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



THE NAVAJO NATION
Heritage & Historic Preservation Department
P.O. Box 4950 • Window Rock, Arizona 86511
(928) 871-7198 (tel) • (928) 871-7886 (fax)



REVISED CULTURAL RESOURCE COMPLIANCE FORM

NNHHPD NO.: HPD-19-736

CONSULTANT REPORT NO.: ISB-19-113

PROJECT TITLE: A Cultural Resource Inventory of the Proposed To'nilt's'ili Baptist Church in Crystal Chapter, San Juan County, New Mexico.

LEAD AGENCY: Navajo Nation

SPONSOR: Raymond Mullahon, To'nilt's'ili Baptist Church, PO Box 1258, Navajo, NM, 87328

PROJECT DESCRIPTION: The undertaking is to obtain a church lease for the continued construction and maintenance of an existing church within the surveyed area. Construction activities will include ground disturbance (leveling, trenching). The area of potential effect equals approximately 56,628 sq. ft. (6,070.3 sq. m.) or 1.5 acres (0.6 ha.). An area of 126,324 sq. ft. (11,736 sq. m.) or 2.9 acres (1.2 ha.) was inventoried.

PROJECT ARCHAEOLOGIST: Iris S. Begaye

NAVAJO ANTIQUITIES PERMIT NO.: B19664

DATE INSPECTED: 8/9/2019

TOTAL ACREAGE INSPECTED: 2.9

DATE OF REPORT: 10/4/2019

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

LAND STATUS: NN Tribal Trust Land

CHAPTER: Crystal

LOCATION: Township: 21N Range: 20W Section: 22

QUAD: Crystal, NM NMPM

UTM: Northing: 3990967 Easting: 683410

DATUM: NAD83 Zone 12

Number of Eligible Properties: 0

Number of Non-Eligible Properties: 0

Number of Unevaluated Properties: 0

Number of Burials: 0

Number of TCPs: 0

Number of Isolated Occurrences: 0

Number of In-Use Sites: 1

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties Affected

PROCEED RECOMMENDED: Yes

CONDITIONS: No

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

FORM PREPARED BY: Olsen John

REVISED: 9/30/2020

Richard M. Begay, Department Manager/HPD

Navajo Nation Heritage and Historic Preservation Department

Date

Navajo Region Approval: Yes

BARTHOLOMEW STEVENS

Digitally signed by BARTHOLOMEW STEVENS

Date: 2020.10.15 15:39:42 -06'00'


Bartholomew Stevens, Navajo Regional Director

BIA- Navajo Regional Office

Date

~ DOCUMENT IS VOID IF ALTERED ~

H

1. HPD REPORT NO.		2. (FOR HPD USE ONLY)		3. RECIPIENTS ACCESSION NO.	
4. TITLE OF REPORT: A Cultural Resource Inventory of the Proposed To'nilt's'ili Baptist Church in Crystal Chapter, San Juan County, New Mexico				5. FIELDWORK DATES 08/09/2019	
				6. REPORT DATE 1/04/2019	
AUTHOR(S): Iris Shirley Begaye					
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Iris Shirley Begaye Org. Name: ARCHAEOLOGICAL SURVEY Org. Address: P. O. Box 3777 Window Rock, Arizona 86515 Phone: 928/206-9600				8. Permit No. B19664	
				9. Consultant Report No. ISB-19-113	
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Raymond Mullahon Name: To'nilt's'ili Baptist Church Address: P.O. Box 1258 Navajo, NM 87328 Phone: 505/717-6898				11. SPONSOR PROJECT NO. N/A	
				12. AREA OF EFFECT: 1.3 ac. AREA SURVEYED: 2.9 ac.	
13. LOCATION (MAP ATTACHED):		See Figure 1.			
a. Chapter: Crystal		e. Land Status:		Navajo Tribal Trust	
b. Agency: Fort Defiance		f. UTM Center:		Zone 12; 683,410.43 E, 3,990,967.88 N NAD83	
c. County: San Juan		g. Area:		NE¼ NW¼ Sec 22 T 21N R 20W NMPM	
d. State: New Mexico		h. 7.5' Map Name(s):		Crystal, NM 1966	
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) //					
a. Description of Undertaking: See Supplemental Sheet					
b. Existing Data Review: See Supplemental Sheet					
c. Area 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 (above): See Supplemental Sheet					
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): Archaeological clearance is recommended for the proposed project.					
17. CERTIFICATION SIGNATURE :		 General Charge: Iris Shirley Begaye		DATE: 04 October 2019	

SUPPLEMENTAL SHEET (AIRS FORM)

Proposed To'nilt's'ili Baptist Church, Crystal Chapter, San Juan County, New Mexico
 ISB-19-113

13. LOCATION: See Figure 1

f., g., & h. UTM CENTER, AREA, & 7.5' SERIES MAP NAME: Below are the UTM coordinates, legal descriptions, and 7.5' quadrangle topographic map references for To'nilt's'ili Baptist Church. Refer to Figure 1 for the proposed undertaking.

Designation	UTM Coordinates Zone 12		Legal Description			USGS 7.5' Quadrangle Map NAD 83
	Northing	Easting	Section	Township	Range	
Center	3,990,967.88	683,410.43	NE¼ NW¼ Sec 22	21N	20W	Crystal, NM 1966
1	3,990,941.70	683,391.60	NE¼ NW¼ Sec 22	21N	20W	Crystal, NM 1966
2	3,990,956.77	683,385.15	NE¼ NW¼ Sec 22	21N	20W	Crystal, NM 1966
3	3,990,980.08	683,374.48	NE¼ NW¼ Sec 22	21N	20W	Crystal, NM 1966
4	3,991,000.42	683,429.04	SE¼ SW¼ Sec 15	21N	20W	Crystal, NM 1966
5	3,990,972.02	683,440.27	NE¼ NW¼ Sec 22	21N	20W	Crystal, NM 1966
6	3,990,957.93	683,445.97	NE¼ NW¼ Sec 22	21N	20W	Crystal, NM 1966

14. REPORT

a. Description of Undertaking: The undertaking is to obtain a church lease for the continued construction and maintenance of an existing church within the surveyed area. Construction activities will include ground disturbance (leveling, trenching). The area of potential effect equals approximately 56,628 sq. ft. (5,260.9 sq. m.) or 1.3 acres (0.5 ha.). An area of 126,324 sq. ft. (11,736 sq. m.) or 2.9 acres (1.2 ha.) was inventoried.

b. Existing Data Review: As part of this project, research was conducted using the Navajo Nation Heritage & Historic Preservation Department (NNHHPD) files in Window Rock, Arizona. Research reveals previous cultural resource inventories within one kilometer of the undertaking as follows:

Project Numbers	Site Numbers
NTM-86-411, NTM-88-404, HPD-93-067, HPD-98-792, HPD-01-653, HPD-02-841, HPD-05-601, HPD-07-704	None
HPD-98-797	NM-H-64-35, -36

c. Area of Environmental & Cultural Setting: The proposed undertaking is located in Fort Defiance Agency, Crystal Chapter, approximately 4.2 miles northeast of the Crystal Chapter House, San Juan County, New Mexico. The project area is southwest of Crystal Boarding School (approximately 0.1 mile) at an elevation of 7,524 feet (2,293.4 meters) above mean sea level. The main water sources for the area are Sage Lake (approximately 2.1 miles southwest of the project area) and Crystal Creek (approximately 0.5 mile north of the project area). The nearest ephemeral drainage is approximately 0.2 mile south of the project area. Vegetation in the area consists of juniper, elm, snakeweed, rabbitbrush, prickly pear, russian thistle and other seasonal native grasses. No domesticated animals were noted within the project area. Surface sediment consists primarily of alluvial deposits with sandy clay inclusions. The surrounding area has been impacted by the development of a boarding school, scattered homes, water lines, power lines and numerous secondary roads.

d. Field Methods: On August 09, 2019, Iris Shirley Begaye, archaeologist conducted the cultural resource inventory of an existing church site. The church site was located by the sponsor. The six points were identified to conduct a Class III pedestrian inventory by walking parallel transects with adjacent points spaced approximately 15m apart extending out over the church site. The area of potential effect equals approximately 56,628 sq. ft. (5,260.9 sq. m.) or 1.3 acres (0.5 ha.). An area of 126,324 sq. ft. (11,736 sq. m.) or 2.9 acres (1.2 ha.) was inventoried.

In accordance with NNHHPD guidelines, the project archaeologist interviewed the sponsor to obtain information on potential traditional cultural properties (TCPs-herb gathering areas, blessed and/or sacred places or burials) in the vicinity. The sponsor was unaware of any TCPs in the area. Traditional Cultural Properties (TCP) research was conducted at NNHHPD Traditional Cultural Property Section and revealed traditional cultural property #934-Crystal Creek. TCP #934 will not be adversely affected by the proposed undertaking.

SUPPLEMENTAL SHEET (AIRS FORM)

Proposed To'nilt's'ili Baptist Church, Crystal Chapter, San Juan County, New Mexico
ISB-19-113

15. CULTURAL RESOURCE FINDINGS:

- a. **Location/Identification of Each Resource:** One (01) in-use site was identified during ISB-19-113 inventory.
In-Use Site A consists of a 1960 stone church.

b. **Evaluation of Significance of Each Resource (above):** IUS A possesses integrity of location and setting; is eligible for potential nomination to the National Register under criteria a, b, c, and d since it could provide information to understanding current Navajo use of the area. IUS A does meet the 50-year guideline and thus is Register eligible. IUS A is of archaeological interest given its research potential, but does not meet the 100-year age requirement for classification as an archaeological resource under ARPA. Thus IUS A does not merit protection under ARPA. Finally, IUS A does not retain qualities or characteristics that would make it eligible for protection under AIRFA.

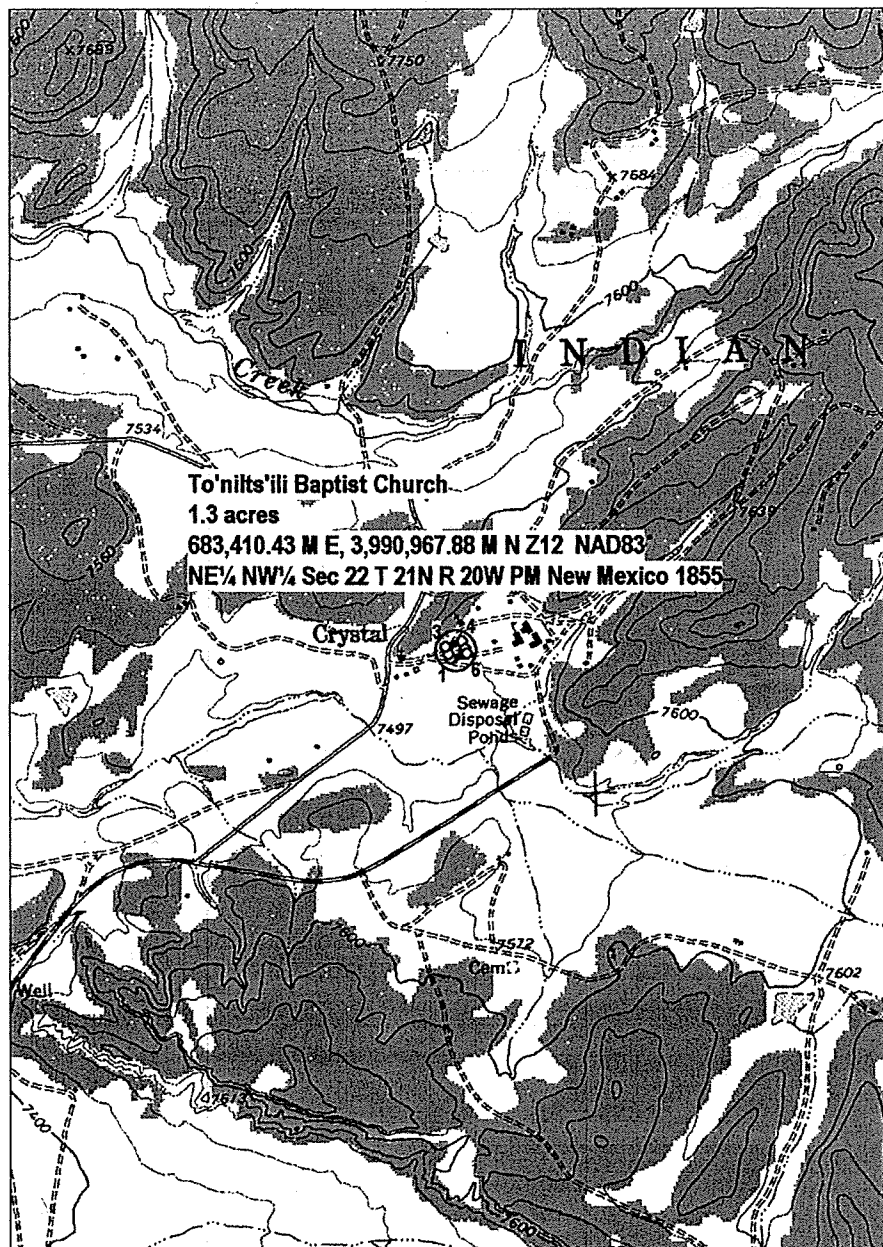


Figure 1. To'nilt's'ili Baptist Church (ISB-19-113)
 UTM, Zone 12; 683,410.43 E, 3,990,967.88 N NAD83
 NE 1/4 NW 1/4 Sec 22 T 21N R 20W NMPM
 7.5' USGS series map: Crystal, NM 1966

Document No. 015424Date Issued: 10/29/2020**EXECUTIVE OFFICIAL REVIEW**Title of Document: Mission Site for To'nilt's'ili Baptist ChuContact Name: YAZZIE, ELERINA BProgram/Division: DIVISION OF NATURAL RESOURCESEmail: e_yazzie@navajo-nsn.govPhone Number: 928-871-6447

<input type="checkbox"/>	Business Site Lease			Sufficient	Insufficient
	1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)				
	3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **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: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

1. NNEPA:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Lease Purchase Agreements**

1. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
(recommendation only)				
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Grant Applications**

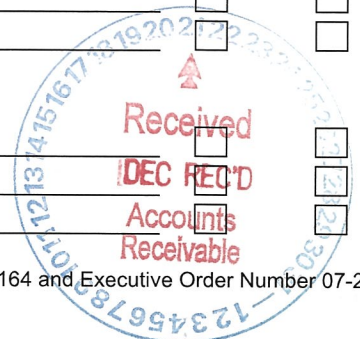
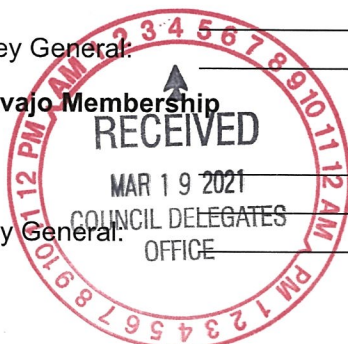
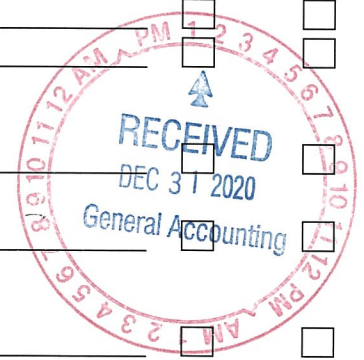
1. Office of Management and Budget:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Controller:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **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: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Relinquishment of Navajo Membership**

1. Land Department:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Elections:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>



☐ **Land Withdrawal or Relinquishment for Commercial Purposes** Sufficient Insufficient

1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

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

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

☐ **Rights of Way**

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

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

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

☐ **Assignment of Mineral Lease**

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

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

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



☒ **OTHER: Mission Site**

1. NLD _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HHPD _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. NNEPA _____	Date: 08/31/2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. DNR _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. OOC _____	Date: 12/31/21	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. DOJ (ic) _____	Date: 1/11/22	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. OPVP _____	Date: 3-18-21	<input checked="" type="checkbox"/>	<input type="checkbox"/>

12/29/20

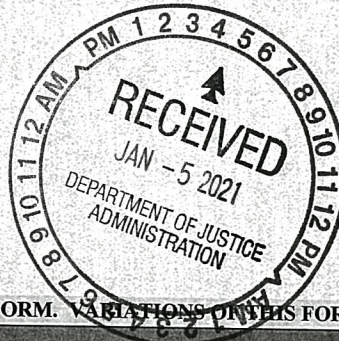
Valencia Nienberg
U Row wun
V. B. [Signature]



☐ RESUBMITTAL

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
1/5/21 4:35pm
DATE / TIME
☐ 7 Day Deadline
DOC #: 015424
SAS #:
UNIT: NRU

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

CLIENT TO COMPLETE

DATE OF REQUEST: 12/1/2020 DIVISION: NATURAL RESOURCES
CONTACT NAME: Michelle Hoskie DEPARTMENT: GENERAL LAND DEVELOPMENT DEPARTMENT
PHONE NUMBER: x 6447 or x 6423 E-MAIL: michellehoskie@navajo-nsn.gov

TITLE OF DOCUMENT: EOR# 15424 Mission Site To'nih's'ili Baptist Church

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 01/06/21 10:27 am REVIEWING ATTORNEY/ADVOCATE: Irwin Chee

DATE TIME OUT OF UNIT: 01/20/21 10:54 AM

DOJ ATTORNEY / ADVOCATE COMMENTS

→ Document Legally insufficient.

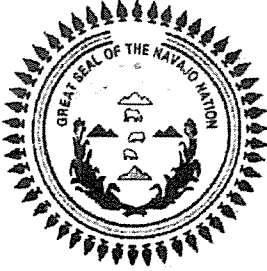
REVIEWED BY: (Print) Irwin Chee Date / Time 1-7-21 SURNAMED BY: (Print) V Blackheart Date / Time 1/11/21 1:44pm

DOJ Secretary Called: Michelle for Document Pick Up on 01/20/21 at 10:54 AM By: U

PICKED UP BY: (Print) DATE / TIME:

NNDJ/DRRF-July 2013

-GLDD-



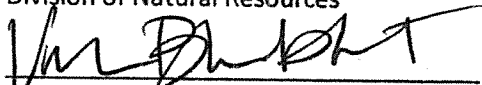
NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

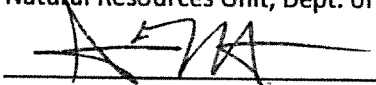
DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

MEMORANDUM

TO: Stevie Hudson, Leasing Agent
General Land Development Department
Division of Natural Resources

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

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

DATE: January 7, 2021




SUBJECT: Document No. 015424: Mission Site Lease for To'Nilt's'ili Baptist Church within Crystal Chapter

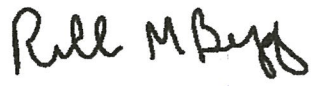
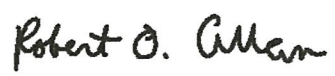
The Department of Justice (DOJ) has reviewed the above-mentioned EOR and is returning the document to GLDD (General Land Development Department) as legally insufficient.



The application for To'Nilt's'ili Baptist Church covering 1.5 acres of Navajo Trust Land is legally insufficient because the DGC's field clearance checklist certification is not attached to the two consents that are attached by the land users. Please attached the DGC field clearance checklist certification signed by the DGC. The field clearance checklist must be attached because it indicates that all land users within the proposed Mission Site area are all identified by the DGC member.

Returned the EOR packet to DOJ after the field clearance document is attached so I can complete my review. If you should have any questions, please feel free to call me at 928 871-6347. Thank you.

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

Tier 1 Document Voting Results							
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	16-Nov-2020	
Pam Kyselka (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	23-Nov-2020	
Rebecca Gilchrist MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	30-Nov-2020	
Tamara Billie NNHP (Navajo Land Title Data System - Windowrock AZ)	HPD Reviewer	Historic Preservation Department	Approved	no comments	No Reply	02-Dec-2020	

Tier 2 Document Voting Results							
User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Leanna Begay (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	07-Dec-2020	
Richard Begay NNHP (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	03-Dec-2020	
Robert Allan DNR (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	no comments	No Reply	14-Dec-2020	

Steven Prince MIN (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	<i>no comments</i>	<i>No Reply</i>	02-Dec-2020	
W. Mike Halona (NLTDS - Admin)	NLD Department Manager III	NLD	Approved	<i>no comments</i>	<i>No Reply</i>	04-Dec-2020	

THE NAVAJO NATION

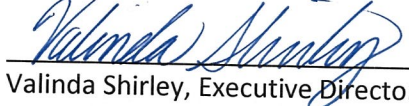


JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

August 31, 2021

MEMORANDUM

TO: Executive Reviewers

FROM: 
Valinda Shirley, Executive Director
Navajo Nation Environmental Protection Agency

SUBJECT: **Document No. 015424, Mission Site, To'nilt's'ili Baptist Church, Crystal Chapter**

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

According to information from the review package, the proposed undertaking is for the To'nilt's'ili Baptist Church to obtain a mission site permit for an area of 1.5± acre and to maintain an existing structure, with possible future development within the proposed mission site permit area. No pictures were available of any existing structures, or of the proposed mission site permit area.

1. The Check List for Mission Site Application indicates a check mark at #11, "ENVIRONMENTAL ASSESSMENT REPORT REVIEWED BY THE Navajo Environmental Protection Agency to ensure there is no contaminated or hazardous materials. NNEPA Office (928) 871-7692." The Environmental Assessment Report reviewed and concurred by the Navajo Nation Environmental Protection Agency (NNEPA) should be included somewhere in this Executive Review package.
2. A copy of the Environmental Review Record that indicates the Mission Site application is not subject to the Environmental Review Process (ERP), and a Categorical Exclusion (CATEX) has been determined, should be included in this Executive Review package.¹
3. No documents were available within the mission site permit application package to demonstrate the Permittee's understanding and knowledge of the more important environmental laws, rules and regulations that are applicable for some activities that could require their attention. The Terms and Conditions provide that the Permittee will abide by all laws and regulations of the Navajo Nation and of the United States. Attention is directed to the following:
 - a. **Navajo Nation Open Burning Regulations (NNOBR), 4 N.N.C., Chapter 11**, particularly at §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Households, businesses, and other organizations are responsible to ensure waste generated from their activities are properly managed. Exempted burn activities should be voluntarily registered.

¹ Navajo Nation General Leasing Regulations of 2013, Subchapter 8, Environmental Review Process, § 2382. Threshold Determinations.

In the event that the Newcomb Baptist Church will utilize open burning in its related activities, the Applicant should become familiar with activities for which burn registrations should be pursued.

- b. **NESHAP 40 CFR §61.145, Subpart M**, for applicable demolition and renovation activities. For asbestos NESHAP, USEPA Region 9 has sole jurisdiction over all 25 tribal lands in Arizona. There are no Navajo Nation laws or regulations specifically related to asbestos. For asbestos (the pollutant) from a source such as demolition, the contractor would need to provide notification, wet and remove friable asbestos (40 CFR Part 61). For waste disposal related to demolition/renovation as a source, the contractor would need to provide notification and ensure there are no visible emissions from the removal activity(ies).

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

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

- c. **Navajo Nation Air Pollution Prevention and Control Act (Navajo Clean Air Act)**, 4 N.N.C. §§ 1134-40, Air Quality Control Programs. Provisions include Best Management Practices (BMPs) to control dust that would be generated during earth moving activities. Details the BMPs to control excessive amounts of particulates.
- d. **Navajo Nation Solid Waste Act prohibits open dumping**. Open dumping is defined as the act of depositing solid waste in a non-complying manner of management practice. Solid waste generated from activities at this location should continue to be properly disposed of.
- e. **Section 402 of the Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges**. The CWA regulations implementing Section 402, define “storm water discharge associated with industrial activity” to include discharges associated with construction activity, including clearing, grading, and excavation resulting in land disturbance of 1.0 acre or more. Operators at construction sites that involve clearing, grading, and excavating activities that disturb 1.0 acre or more will need to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges. A Notice of Intent (NOI) will need to be submitted to USEPA 14 days prior to earthmoving activities, including development of a Storm Water Pollution Prevention Plan (SWPPP) prior to NOI submission.

I can be contacted at valinda.shirley@navajo-nsn.gov. You may also contact eugeniaquintana@navajo-nsn.gov if there are any questions in this regard. Thank you.

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

THIRD YEAR 2021

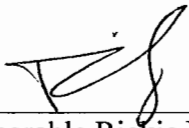
**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0205-21: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING A MISSION SITE PERMIT FOR 1.5 ACRE, MORE OR LESS, FOR TO'NILTS'ILI BAPTIST CHURCH IN THE VICINITY OF CRYSTAL CHAPTER, NAVAJO NATION. *Sponsor: Honorable Wilson C. Stewart, Jr.*

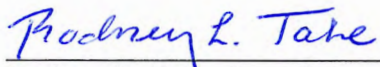
Date: October 6, 2021 – Regular Meeting (Teleconference)
Location: Resources and Development Committee members called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

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



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee



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