

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0118-19_____

SPONSOR: Wilson C Stewart, Jr.

TITLE: An Action Relating To Resource And Development Committee; Approving A Mission Site Permit For The White Water Community Church On Navajo Nation Trust Lands In The Vicinity Of Naschitti Community Chapter, Navajo Nation

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0118-19

DATE: May 10, 2019

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

PURPOSE: Approving a mission site permit for the White Water Community Church located in the Naschitt Community Chapter.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: _____
Posting End Date: 5-19-19
Eligible for Action: 5-20-19

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- First Year, 2019

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0118-19

9
10 AN ACTION

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

15
16 **Section One. Authority**

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

26
27 **Section Two. Title 16 of the Navajo Nation Code Provisions with Respect to**
28 **Acreage of Mission Sites**

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

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

11
12 **Section Three. Findings**

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

29 "§1. Purpose.

30

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

8 a. Ensuring that the rights of grazing permittees, who are in compliance with
9 their grazing permits, are properly addressed as applicable and as required
10 under 16 N.N.C. §§ 1401 *et seq.* and to prevent any subsequent claims to the
11 land; and

12 b. Ensuring that the affected Chapter supports the Land Withdrawal
13 Designation and use of the land.”

14 F. Having received the consents of the land users, **Exhibit C**, and the receipt of the
15 Naschitti Community Chapter Resolution No. NAS-08-08-083, **Exhibit D**, the
16 purpose of the Land Withdrawal Designation has been met ensuring the rights of
17 grazing permittees have been addressed and ensuring that the affected Chapter
18 supports the Land Withdrawal Designation and use of the land as a mission site.

19 G. The Resources and Development Committee approval of a Land Withdrawal for the
20 purposes of a mission site with this legislation will serve a public purpose of
21 expediting the process of the approval of a Mission Site Permit.

22 H. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.

23 I. The Cultural Resources Compliance Form, the Archaeological Inventory Report, the
24 Navajo Nation Environmental Protection Agency's Public Water Systems
25 Supervision Program memorandum, the Environmental Department Air & Toxics
26 Department memorandum, the Office of Environmental Health, Indian Health Service
27 memorandum, and the Survey for the Threatened, Endangered and Navajo Sensitive
28 Species for the White Water Community Church are attached as **Exhibit F**.

29 J. The application for mission site permit has been reviewed through the Executive
30 Official Review Document No. 011271, including the Department of Justice, and

1 found "Sufficient" or "Approved." Executive Official Review Document No.
2 011271 is attached as **Exhibit G**.

3
4 **Section Four. Approval**

5 A. The Resources and Development Committee of the Navajo Nation Council hereby
6 approves the withdrawal of on 1.5 acres, more or less, of trust lands within the
7 vicinity of Naschitti Community Chapter, Navajo Nation (New Mexico), as described
8 in. **Exhibit B**, for White Water Community Church, for use as a mission site.

9 B. The Resources and Development Committee of the Navajo Nation Council hereby
10 approves the Mission Site Permit for the White Water Community Church, subject to
11 but not limited to the attached Terms and Conditions contained herein as **Exhibit A**
12 which is attached hereto and incorporated herein by this reference.

13 C. The Resources and Development Committee of the Navajo Nation Council hereby
14 authorizes President of the Navajo Nation to execute all documents to affect the
15 intent and purpose of this resolution.