LEGISLATION NO: _0123-19_____  SPONSOR: Mark A. Freeland

TITLE: An Action Relating To Resources And Development Committee; Approving A Mission Site Permit For 3.5 Acres for The Native American Indian Religion Of Eastern Diné Chapter In The Vicinity Of Nageezi Chapter, Navajo Nation

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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 3.5 ACRES FOR THE NATIVE AMERICAN INDIAN RELIGION OF EASTERN DINÉ CHAPTER IN THE VICINITY OF NAGEEZI CHAPTER, NAVAJO NATION

PURPOSE: Approving a mission site permit and terms and conditions for religious and community services facility for the Native American Indian Religion of Eastern Dine Chapter, located in the Nageezi 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.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0123-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;

APPROVING A MISSION SITE PERMIT FOR 3.5 ACRES FOR THE NATIVE
AMERICAN INDIAN RELIGION OF EASTERN DINÉ CHAPTER IN THE
VICINITY OF NAGEEZI CHAPTER, NAVAJO NATION

Section One. Authority

A. Pursuant to 16 N.N.C. Section 1151 (C), the Resources Development Committee of
the Navajo Nation Council has the authority to give approval for permits for
mission sites on behalf of the Navajo Nation.

B. Pursuant to 2 N.N.C. Section 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
casements and bonding requirements on Navajo Nation lands and unrestricted (fee)
land. This authority shall include subleases, modifications, assignments, leasehold
encumbrances, transfers, renewals, and terminations.

Section Two. Title 16 of the Navajo Nation Code Provisions with Respect to
Mission Sites

A. 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.

D. Pursuant to 16 N.N.C. § 1159 (C) "community service facilities" shall be deemed to include only those permanent improvements upon the permitted site which are for the purpose of providing recreational programs, non-religious educational programs, including adult education, and other non-religious programs of benefit to the community.

Section Three. Findings

A. The Native American Indian Religion of Eastern Diné Chapter, Post Office Box 295, Nageezi, New Mexico has applied for a Mission Site Permit within the Nageezi Chapter, as further described in Exhibit E, attached hereto and incorporated herein by this reference.

B. The proposed mission site is located on 3.5 acres, more or less, within the vicinity of Nageezi Chapter, Navajo Nation (New Mexico). The land description appears on the survey plat attached hereto and incorporated as Exhibit B.

C. The Grazing Official identified two land users who gave their consents which are attached hereto as Exhibit C.

D. The Nageezi Chapter Resolution NC-18-049 dated March 4, 2018 entitled “Supporting Native American Indian Religion of Eastern Diné Chapter in Renewing Their 3.5 Acres Mission Site Lease” and the petition signed by the local residents are also attached herein as Exhibit D.
B. Pursuant to 16 N.N.C. § 1159 (B) the acreage limitations for permits for a mission site for religious activities and community services facilities is three and one-half (3 1/2) acres. The Native American Indian Religion of Eastern Diné Chapter request is for three and one half (3.5) acres.

C. The Native American Indian Religion of Eastern Diné Chapter request for three and one-half (3 1/2) acres is stated in the application. The accompanying Letter of Justification from the Native American Indian Religion of Eastern Diné Chapter Secretary and the application are attached as Exhibit E. The Letter of Justification states that "The organization plans to build small arbors with picnic tables; a basketball court and volleyball court as a recreation center to benefit the youth and children as community services facilities and to build a cultural center to provide 'Non-religious' adult education programs to improve the way of life; and any other improvements as needed."

D. The Resources and Development Committee finds that the planned programs are sufficient to demonstrate the use of the three and one-half (3.5) acres for community service activities pursuant to 16 N.N.C. § 1159 (B).

E. Resources and Development Committee Resolution No. RDCJN-33-15 delegated the authority to process and approve Land Withdrawals to the Director of the Navajo Land Department. Resolution RDCJN-33-15 approved Land Withdrawal Designation Regulations ("Regulations"). Section One of the Regulations states:

"§1. Purpose.

The purpose of these Regulations is to clarify and expedite the Land Withdrawal Designation process on the Navajo Nation, and explains that a Land Withdrawal Designation does not authorize development or disturbance on Navajo Nation land. This Land Withdrawal Designation process does not apply to how to get a lease. Prior to any development on land, a lease must be obtained in addition to the withdrawal. The purpose of a Land Withdrawal Designation is to designate an area of land for further development by."
a. Ensuring that the rights of grazing permittees, who are in compliance with
their grazing permits, are properly addressed as applicable and as required
under 16 N.N.C. §§ 1401 et seq. and to prevent any subsequent claims to the
land; and

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

F. Having received the consents of the land users, Exhibit C, and the receipt of the
Nageezí Chapter Resolution NC-18-049, Exhibit D, the purpose of the Land
Withdrawal Designation has been met ensuring the rights of grazing permittees have
been addressed and ensuring that the affected Chapter supports the Land Withdrawal
Designation and use of the land as a mission site.

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

H. The Department of Fish and Wildlife Biological Resources Compliance Form is
attached as Exhibit F; the Cultural Resources Compliance Form is attached as
Exhibit G; and, the Navajo Nation Environmental Protection Agency Surface and
Ground Water Protection Department Memorandum is attached as Exhibit H.

I. The Executive Official Review Document No. 009968 has been reviewed by the
Navajo Land Department of Fish and Wildlife; Historic Preservation; Navajo Nation
Environmental Protection Agency; Division of Natural Resources; the Division of
Community Development and the Department of Justice and found “Sufficient” or
“Approved.” Executive Official Review Document No. 009968 is attached as
Exhibit I.

E. The Terms and Conditions for the Mission Site Permit is attached as Exhibit A.

Section Four. Approval

A. The Resources and Development Committee of the Navajo Nation Council hereby
approves the withdrawal of 3.5 acres, more or less, of trust lands within the vicinity
of Nageezi Chapter, Navajo Nation, as described in Exhibit B, for Native American Indian Religion of Eastern Diné Chapter for use as a mission site.

B. The Resources and Development Committee of the Navajo Nation Council hereby approves and consents to the Mission Site Permit for the Native American Indian Religion of Eastern Diné Chapter subject to but not limited to the attached Terms and Conditions contained herein as Exhibit A which is attached hereto and incorporated herein by this reference.

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