

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0117-19_____

SPONSOR: Wilson C Stewart, Jr.

TITLE: An Action Relating To Resources And Development Committee; Approving A Mission Site Permit For The Tunnel Spring Fellowship Center On Navajo Nation Trust Lands In The Vicinity Of Fort Defiance Chapter, Navajo Nation

Date posted: May 14, 2019 at 4:41pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0117-19

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 TUNNEL SPRING FELLOWSHIP CENTER ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE CHAPTER, NAVAJO NATION

PURPOSE: Approving a mission site permit for the Tunnel Spring Fellowship Center located in the Fort Defiance 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

Wilson P. [Signature]
(Prime Sponsor)

TRACKING NO. 0117-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
A MISSION SITE PERMIT FOR THE TUNNEL SPRING FELLOWSHIP CENTER
ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE
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 easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

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

- A. Pursuant to 16 N.N.C. § 1159 (B) the following acreage limitations shall apply to all 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 **Section Three. Findings**

- 12 A. The Tunnel Spring Fellowship Center, Post Office Box 192, Navajo, New Mexico
- 13 87328 has applied for a mission site permit within the Fort Defiance Chapter. The
- 14 application is attached as **Exhibit E**.
- 15 B. The proposed mission site is to be located on 1.47 acres, more or less, of trust lands
- 16 within the vicinity of Fort Defiance, Navajo Nation (Arizona). The land description
- 17 appears on the survey plat attached hereto and incorporated as **Exhibit B**.
- 18 C. The Grazing Representative in memorandum dated October 11, 2018 identified one land
- 19 user. The October 11, 2018 memorandum and consent documentation are attached as
- 20 **Exhibit C**.
- 21 D. The Fort Defiance Chapter Resolution No. FDC-2018-09-09-05 supporting the
- 22 Tunnel Spring Fellowship Center for a mission site permit and the signed petition by
- 23 the local residents in support of the Tunnel Spring Fellowship Center 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 Fort
15 Defiance Chapter Resolution No. FDC-2018-09-09-05, **Exhibit D**, the purpose of the
16 Land Withdrawal Designation has been met ensuring the rights of grazing permittees
17 have been addressed and ensuring that the affected Chapter supports the Land
18 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. Biological Resources Compliance Form, the Cultural Resources Compliance Form,
24 the Archaeological Inventory Report, the Navajo Nation Environmental Protection
25 Agency’s Public Water Systems Supervision Program memorandum, and the
26 Environmental Department Air & Toxics Department memorandum for the Tunnel
27 Spring Fellowship Center are attached as **Exhibit F**.

28 J. The application for mission site permit has been reviewed through the Executive
29 Official Review Document No. 011314, including the Department of Justice, and
30

1 found "Sufficient" or "Approved." Executive Official Review Document No.
2 011314 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 1.47 acres, more or less, of trust lands within the
7 vicinity of Fort Defiance Chapter, Navajo Nation (Arizona), as described in. **Exhibit**
8 **B**, for Tunnel Spring Fellowship Center, 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 Tunnel Spring Fellowship Center, 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.
- 16
17
18
19
20
21
22
23
24
25
26
27
28
29
30