

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



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**

***Date posted: May 16, 2019 at 4:46pm***

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0123-19

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

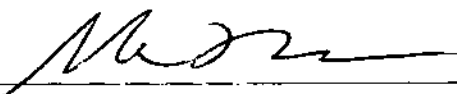
**PURPOSE:** Approving a mission site permit and terms and conditions for religious and community services facility for the Native American Indian Religion of Eastern Diné Chapter., located in the Nageezi Chapter.

**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.**

5-DAY BILL HOLD PERIOD: 2019  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 5-21-19  
Eligible for Action: 5-22-19

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

3 INTRODUCED BY

4   
5 \_\_\_\_\_

6 (Prime Sponsor)

7  
8 TRACKING NO. 0123-19

9  
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;  
12 APPROVING A MISSION SITE PERMIT FOR 3.5 ACRES FOR THE NATIVE  
13 AMERICAN INDIAN RELIGION OF EASTERN DINÉ CHAPTER IN THE  
14 VICINITY OF NAGEEZI CHAPTER, NAVAJO NATION

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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  
19 mission 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  
23 easements and bonding requirements on Navajo Nation lands and unrestricted (fee)  
24 land. This 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 **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,
  - 8 limit site acreage to less than two and five-tenths (2 5/10) acres, and may set
  - 9 rental fees with due regard for present or future competing demands for land use
  - 10 in such areas.
- 11 D. Pursuant to 16 N.N.C. § 1159 (C) "community service facilities" shall be deemed to
- 12 include only those permanent improvements upon the permitted site which are for
- 13 the purpose of providing recreational programs, non-religious educational programs,
- 14 including adult education, and other non-religious programs of benefit to the
- 15 community.

16

17 **Section Three. Findings**

- 18 A. The Native American Indian Religion of Eastern Diné Chapter, Post Office Box 295,
- 19 Nageezi, New Mexico has applied for a Mission Site Permit within the Nageezi
- 20 Chapter, as further described in **Exhibit E**, attached hereto and incorporated herein
- 21 by this reference.
- 22 B. The proposed mission site is located on 3.5 acres, more or less, within the vicinity of
- 23 Nageezi Chapter, Navajo Nation (New Mexico). The land description appears on
- 24 the survey plat attached hereto and incorporated as **Exhibit B**.
- 25 C. The Grazing Official identified two land users who gave their consents which are
- 26 attached hereto as **Exhibit C**.
- 27 D. The Nageezi Chapter Resolution NC-18-049 dated March 4, 2018 entitled
- 28 *"Supporting Native American Indian Religion of Eastern Diné Chapter in Renewing*
- 29 *Their 3.5 Acres Mission Site Lease"* and the petition signed by the local residents are
- 30 also attached herein as **Exhibit D**.

1 B. Pursuant to 16 N.N.C. § 1159 (B) the acreage limitations for permits for a mission  
2 site for religious activities and community services facilities is three and one-half (3  
3 1/2) acres. The Native American Indian Religion of Eastern Diné Chapter request is  
4 for three and one half (3.5) acres.

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

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

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

21 "§1. Purpose.

22 The purpose of these Regulations is to clarify and expedite the Land  
23 Withdrawal Designation process on the Navajo Nation, and explains that a  
24 Land Withdrawal Designation does not authorize development or disturbance  
25 on Navajo Nation land. This Land Withdrawal Designation process does not  
26 apply to how to get a lease. Prior to any development on land, a lease must  
27 be obtained in addition to the withdrawal. The purpose of a Land  
28 Withdrawal Designation is to designate an area of land for further  
29 development by,  
30

- 1 a. Ensuring that the rights of grazing permittees, who are in compliance with  
2 their grazing permits, are properly addressed as applicable and as required  
3 under 16 N.N.C. §§ 1401 et seq. and to prevent any subsequent claims to the  
4 land; and  
5 b. Ensuring that the affected Chapter supports the Land Withdrawal  
6 Designation and use of the land.”

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

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

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

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

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

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27 **Section Four. Approval**

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

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

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

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