

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0197-22_

SPONSOR: Jimmy Yellowhair

TITLE An Action Relating to Resources and Development Committee; Waiving 16 N.N.C. § 1159(B)(2); Approving a Mission Site Permit for 4 Acres for the Azee' Bee Nahagha of Diné Nation – Pinon in the Vicinity of Pinon Chapter, Navajo Nation

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0197-22

DATE: October 5, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; WAIVING 16 N.N.C. § 1159 (B)(2); APPROVING A MISSION SITE PERMIT FOR 4 ACRES FOR THE AZEE' BEE NAHAGHA OF DINÉ NATION—PINON IN THE VICINITY OF PINON CHAPTER, NAVAJO NATION

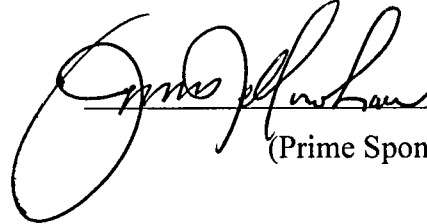
PURPOSE: The purpose of this legislation is to approve a mission site permit for the Azee' Bee Nahagha of Diné Nation—Pinon on 4.0 acres located in the Pinon Chapter.

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: Ashton
Website Posting Time/Date: _____
Posting End Date: 10-11-22
Eligible for Action: 10-12-22

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7 TRACKING NO. 0197-22

8 AN ACTION

9
10 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; WAIVING 16
11 N.N.C. § 1159 (B)(2); APPROVING A MISSION SITE PERMIT FOR 4 ACRES FOR
12 THE AZEE' BEE NAHAGHA OF DINÉ NATION—PINON IN THE VICINITY OF
13 PINON CHAPTER, NAVAJO NATION

14
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 Mission**
28 **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 areas.
- 10 D. Pursuant to 16 N.N.C. § 1159 (C) "community service facilities" shall be deemed to
- 11 include only those permanent improvements upon the permitted site which are for the
- 12 purpose of providing recreational programs, non-religious educational programs,
- 13 including adult education, and other non-religious programs of benefit to the
- 14 community.

15

16 **Section Three. Findings**

- 17 A. The Azee' Bee Nahagha of Diné Nation—Pinon Chapter, has applied for a Mission
- 18 Site Permit within the Pinon Chapter. The application and supporting documents are
- 19 attached as **Exhibit E**.
- 20 B. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.
- 21 C. The proposed mission site is located on 4.0 acres, more or less, within the vicinity of
- 22 Pinon Chapter, Navajo Nation (Arizona). The land description appears on the survey
- 23 plat attached as **Exhibit B**.
- 24 D. The Pinon Chapter Grazing Representative through document dated August, 2021,
- 25 attached as **Exhibit C**, found no valid grazing permittee in the area location.
- 26 E. The Pinon Chapter Resolution PIN-18-33 dated March 26, 2018 entitled "*Approving*
- 27 *the Land Withdrawal of 4.0 Acres and Recommending to the Bureau of Indian Affairs*
- 28 *and Navajo Nation to Grant a Mission Site (Spiritual Site) Lease to Azee' Bee*
- 29 *Nahagha of Diné Nation for Spiritual and Religious Use*" and the petition signed by
- 30 the local residents are attached as **Exhibit D**.

1 F. Pursuant to 16 N.N.C. § 1159 (B)(2) the acreage limitation for permits for a mission
2 site for religious activities and community services facilities is three and one-half (3
3 1/2) acres.

4 G. The Azee' Bee Nahagha of Diné Nation—Pinon Chapter requests four (4.0) acres.
5 The Azee' Bee Nahagha of Diné Nation—Pinon Chapter Letter of Justification is
6 attached as **Exhibit F**. The Letter of Justification states that *"I'm writing this letter
7 of justification to obtain approval of religious site for 4.0 acres on the Navajo Nation
8 land located in Pinon, Arizona. The purpose of the ABNDN—Pinon chapter land is
9 to conduct business monthly meetings, special meetings, and general meetings. Its
10 observed events such as Youth Day, Education Convention, Veteran's Day,
11 Community Clean Up and ceremonies. The land will be shared with all District #4
12 chapters such as Low Mountain, Whippoorwill, Blue Gap, Burntcorn Valley, Black
13 Mesa, Forest Lake and Hardrock chapters. Space is needed for parking, teepee
14 ground sites, cook house, Hogan, cook house, storage sheds, restroom buildings and
15 conference room building."*

16 H. The Resources and Development Committee finds that the Azee' Bee Nahagha of
17 Diné Nation—Pinon activities including "Educational Convention, Veteran's Day,
18 Community Clean Up, and ceremonies" are sufficient to demonstrate the use of the
19 requested acreage for community service activities pursuant to 16 N.N.C. § 1159
20 (B)(2) and 16 N.N.C. § 1159 (C).

21 I. The Resources and Development Committee finds that pursuant to 16 N.N.C. § 1159
22 (B)(2), the acreage limitation for religious activities and community services facilities
23 is three and one-half (3 1/2) acres. The Azee' Bee Nahagha of Diné Nation—Pinon's
24 request for four (4.0) acres exceeds that limit; therefore, a waiver of 16 N.N.C. § 1159
25 (B)(2) is should be considered.

26 J. The Department of Fish and Wildlife Biological Resources Compliance Form is
27 attached as **Exhibit G**; the Cultural Resources Compliance Form is attached as
28 **Exhibit H**; the Navajo Nation Environmental Protection Agency Surface and Ground
29 Water Protection Department Memorandum is attached as **Exhibit I**; and,
30

1 Environmental Department Manager Air & Toxics Department Memorandum is
2 attached as **Exhibit J**.

3 K. The Executive Official Review Document has been reviewed by the Navajo Land
4 Department of Fish and Wildlife; Historic Preservation; Navajo Nation Environmental
5 Protection Agency; Division of Natural Resources; the Division of Community
6 Development and the Department of Justice and found "Sufficient" or "Approved."
7 Executive Official Review Document is attached as **Exhibit K**.

8
9 **Section Four. Approval**

10 A. The Resources and Development Committee of the Navajo Nation Council hereby
11 waives 16 N.N.C. § 1159 (B) the acreage limitations for permits for a mission site for
12 religious activities and community services facilities.

13 B. The Resources and Development Committee of the Navajo Nation Council hereby
14 approves and consents to the Mission Site Permit for the Azee' Bee Nahagha of Diné
15 Nation—Pinon located in the vicinity of Pinon Chapter (Arizona) subject to but not
16 limited to the attached Terms and Conditions, **Exhibit A**, attached hereto and
17 incorporated herein by this reference.

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