

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0225-22_

SPONSOR: Kee Allen Begay, Jr.

TITLE An Action Relating to Resources and Development Committee; Approving a Mission Site Permit for Two (2.0) Acres, More or Less, for the Nazlini Church of the Nazarene, in the Vicinity of Nazlini Chapter, Navajo Nation

Date posted: November 16, 2022 at 11:00 AM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0225-22

DATE: November 11, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR 2.0 ACRE, MORE OR LESS, FOR THE NAZLINI CHURCH OF THE NAZARENE, IN THE VICINITY OF NAZLINI CHAPTER, NAVAJO NATION

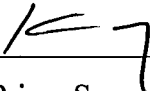
PURPOSE: The purpose of this legislation is to approve a mission site permit for the Nazlini Church of the Nazarene on 2.0 acres located in the Nazlini Chapter.

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: Johnson
Website Posting Time/Date: _____
Posting End Date: 11-21-22
Eligible for Action: 11-22-22

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

3 INTRODUCED BY

4
5 
6 _____
7 (Prime Sponsor) *Kee Allen Begay*

8 TRACKING NO. 0225-22

9
10 AN ACTION
11 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE;
12 APPROVING A MISSION SITE PERMIT FOR TWO (2.0) ACRES, MORE OR
13 LESS, FOR THE NAZLINI CHURCH OF THE NAZARENE, IN THE VICINITY
14 OF NAZLINI 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
28 WITH RESPECT TO 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 areas.
- 10 B. 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 Nazlini Church of the Nazarene has applied for a mission site within the Nazlini
- 18 Chapter.
- 19 B. The Terms and Conditions for the Mission Site Permit is attached as **Exhibit A**.
- 20 C. The proposed mission site is located on two (2.0) acres, more or less, within the vicinity
- 21 of Nazlini Chapter, Navajo Nation (New Mexico). The survey of the Nazlini Church
- 22 of the Nazarene is attached as **Exhibit B**.
- 23 D. The Field Clearance Checklist signed by Grazing Official or Land Board Member dated
- 24 June 21, 2021 identified three valid grazing permittees. Three signed Consent to Use
- 25 Navajo Tribal Lands for Religious Activities forms and the Field Clearance Checklist
- 26 are attached as **Exhibit C**.
- 27 E. The Nazlini Chapter Resolution NAZL-2010-11-002 dated November 8, 2010
- 28 "approves the 2.0 acre tract of land withdrawn for the Nazlini Church of the Nazarene
- 29 and direct[s] the Navajo Land Department to do all things necessary to complete the
- 30 processing of this application. Further, should the church liquidate, the permit holders

1 shall reclaim the land taken for religious purpose, and the site will be re-incorporated
2 back into his or her grazing use or otherwise as directed by the Resource Committee of
3 the Navajo Nation.” Nazlini Chapter Resolution NAZL-2010-11-002 and a signed
4 petition of “citizens and residents of the Navajo Nation living within this community
5 where the church is being built” are attached as **Exhibit D**.

6 F. The Biological Resources Compliance Form 11NCNZ01 is attached as **Exhibit E**; the
7 Historic Preservation Department Cultural Resources Compliance Form No. HPD-11-
8 009 is attached as **Exhibit F**. A memorandum dated February 23, 2011 from the
9 Natural Heritage Program, Department of Fish and Wildlife, is attached as **Exhibit G**.
10 The Environmental Assessment Nazlini Church of the Nazarene dated November 2019
11 prepared by ETD, Inc. is attached as **Exhibit H**.

12 G. The Application for Mission Site (Religious Site) Navajo Nation Lands, the Navajo
13 Nation Corporation Act Certificate of Authority dated February 24, 2011, and the
14 Articles of Incorporation of Nazlini Church of the Nazarene are attached as **Exhibit I**.

15 H. The Sliding Fee Scale Form for Mission Site Permits for the Nazlini Church of the
16 Nazarene is attached as **Exhibit J**.

17 I. Pursuant to 16 N.N.C. § 1159 (B) (1) Mission site for purely religious activities is
18 limited to one and one-half (1 1/2) acres. Pursuant to 16 N.N.C. § 1159 (B) (2) Mission
19 site for religious activities and community services facilities may encompass three and
20 one-half (3 1/2) acres.

21 J. A memorandum dated September 5, 2019 from the Pastor of the Nazlini Church of the
22 Nazarene states a justification of the request for a two (2.0) acre mission site permit.
23 “The Nazlini Church of the Nazarene Mission Site Tract includes the Church Building,
24 the Fellowship Hall & Sunday School Building, the Parking Lot, the Children’s
25 Playground and the Parsonage. Except for the Parsonage, all the buildings on the
26 Mission Site tract have been in operation since 1990. In fact, the Church building was
27 built in 1983. The Nazlini Church of the Nazarene is aware that the Navajo Nation
28 recommends 1.5 acres for a mission site; however, the layout of the buildings (built in
29 1980s) on the Mission Site covers approximately 2.0 acres. Therefore, we respectfully
30 request [a] permit for 2.0 acres.” The memorandum is attached as **Exhibit K**.

- 1 K. The Application for the mission site, **Exhibit I**, states that in addition to worship
2 services, the purposes of the church will also include conducting weddings, funerals,
3 sports clinics for youth and family gatherings.
- 4 L. The Resources and Development Committee finds that these activities performed on
5 the church facilities are within the purposes stated in 16 N.N.C. § 1159 (C) as
6 community services. Therefore, the Nazlini Church of the Nazarene qualifies for the
7 requested two (2.0) acres.
- 8 M. The Executive Official Review Document Number 014027 with reviews by the
9 Department of Justice, Fish and Wildlife, Department of Water Resources, Minerals
10 Department, Heritage and Historic Preservation Department, Division of Natural
11 Resources Administration and the Navajo Land Department; and, review by the Navajo
12 Nation Environmental Protection Agency by memorandum dated September 2, 2021
13 indicating “approved” or “sufficient” are attached as **Exhibit L**.

14
15 **SECTION FOUR. APPROVAL**

- 16 A. The Resources and Development Committee of the Navajo Nation Council hereby
17 approves the Mission Site Permit for the Nazlini Church of the Nazarene for two (2.0)
18 acres.
- 19 B. The Resources and Development Committee of the Navajo Nation Council hereby
20 approves the Mission Site Permit for the Nazlini Church of the Nazarene, subject to but
21 not limited to the attached Terms and Conditions contained herein as **Exhibit A** which
22 is attached hereto and incorporated herein by this reference.
- 23 C. The Resources and Development Committee of the Navajo Nation Council hereby
24 authorizes President of the Navajo Nation to execute all documents to affect the intent
25 and purpose of this resolution.
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