

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

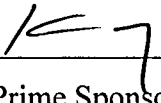
PURPOSE: The purpose of this legislation is to approve a mission site permit for the Nazlini Church of the Nazarene on 2.0 acres located in the Nazlini Chapter.

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: A Johnson
Website Posting Time/Date: 11:00AM; 11-16-22
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 (Prime Sponsor) *Kees Allen Begay*

7
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.
- 26
27
28
29
30



**FORM Mission Site
10/01/2014
Amended 05/15/19**

**TERMS AND CONDITIONS FOR MISSION SITE PERMIT
NAZLINI CHURCH OF THE NAZARENE (PERMITTEE)**

1. This Mission Site Permit is issued to the Nazlini Church of the Nazarene, P.O. Box 795, Ganado, Arizona 86505, to use and occupy Navajo Nation Trust Lands for religious purposes, and shall be subject to the terms and conditions set forth herein. The term of the Mission Site Permit is effective beginning on the date the permit is approved by the Resources & Development Committee of the Navajo Nation Council or authorized representative. The Permit is authorized by Resources and Development Committee No. _____.
2. This permit is revocable at the discretion of the Resources and Development Committee of the Navajo Nation Council. The permit shall immediately be revoked for the failure to use the land herein described for religious purposes. It is understood and agreed that this instrument is 'NOT A LEASE' and is not to be taken or construed as granting any leasehold interest or right in or to the land herein described, but is merely a temporary permit, terminable and revocable.
3. The Permittee shall be given at least thirty (30) days written notice before this Mission Site Permit is terminated and revoked. Upon termination of the Mission Site Permit, the Permittee shall have ninety (90) days in which to remove from the site to dispose of any and all buildings, structures, materials and equipment and other personal property owned by the religious organization. After the expiration of the ninety (90) days, the Permittee shall peacefully and without legal process deliver the possession of the premises to the Navajo Nation. All improvements not removed after ninety (90) days will become the property of the Navajo Nation, unless the Navajo Nation demands in writing that the improvements be removed.
4. This Permit is not transferable, except with the consent of the Resources and Development Committee of the Navajo Nation Council.
5. This Permit shall be reviewed every five (5) years to reevaluate the rent and compliance with the terms and conditions.
6. The legal land description of the premises is described as follows:

TRACT DESCRIPTION

A TRACT OF LAND SITUATE IN SOUTHEAST QUARTER OF SECTION 17, T29N, R27E, G&S.R.M., VICINITY OF NAZLINI, APACHE COUNTY, STATE OF ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST SECTION CORNER OF SECTION 17, T29N, R7E, G&S.R.M. A FOUND U.S.B.L.M. CADASTRAL SURVEY BRASS CAP DATED 2003, FROM WHICH THE BASIS OF BEARING IS EAST LINE OF SECTION 20, T29N, R29E, G&S.R.M., BEARS N 00°03'W (ARIZONA EAST ZONE, TRUE BEARING), 2,640.00 FEET;

THENCE N 79°18'35"W, 304.41 FEET TO A ½" REBAR, SAID POINT BEING THE REAL POINT OF BEGINNING:

THENCE S 17°34'57"W, A DISTANCE OF 270.03 FEET
THENCE N 68°26'28"W, A DISTANCE OF 359.93 FEET
THENCE N 12°55'00"E, A DISTANCE OF 204.54 FEET
THENCE S 78°40'33"E, A DISTANCE OF 377.96 FEET

TO THE REAL POINT OF BEGINNING.

SAID TRACT CONTAINS 2.00 ACRES, MORE OR LESS.

The annual rental rate will be **\$ 30.00** per year and is due by December 30, prior to the year for which such fees are due, 16 N.N.C. § 1164. Pursuant to 16 N.N.C. § 1157, if the Permittee fails to pay the rent when due, this permit shall automatically terminate. The Permittee is responsible to make direct payments to the Navajo Nation Accounts Receivable Section, Post Office Box 3150, Window Rock, Arizona 86515.

7. The Permittee may develop, use and occupy the area under the permit for the purpose(s) of Mission Site. The Permittee may not develop, use or occupy the area under the permit for any other purpose without the prior written approval of the Navajo Nation. The approval of the Navajo Nation may be granted, granted upon conditions or withheld in the sole discretion of the Navajo Nation. The Permittee may not develop, use or occupy the area under the permit for any unlawful purpose.
8. In all activities conducted by the Permittee within the Navajo Nation, the Permittee shall abide by all laws and regulations of the Navajo Nation and of the United States, now in force and effect or as hereafter may come into force and effect including but not limited to the following:
 - a. Title 25, Code of Federal Regulations, Part 162;
 - b. All applicable federal and Navajo Nation antiquities laws and regulations, with the following additional condition: In the event of a discovery all operations in the immediate vicinity of the discovery must cease and the Navajo Nation Historic Preservation Department must be notified immediately. As used herein, "discovery" means any previously unidentified or incorrectly identified cultural resources, including but not limited to archeological deposits, human remains, or location reportedly associated with Native American religious/traditional beliefs or practices;
 - c. The Navajo Preference in Employment Act, 15 N.N.C. §§ 601 et seq., and the Navajo Nation Business Opportunity Law, 5 N.N.C. §§ 201 et seq.; and
 - d. The Navajo Nation Water Code, 22 N.N.C. § 1101 et seq. Permittee shall apply for and submit all applicable permits and information to the Navajo Nation Water Resources Department, or its successor.
9. The Permittee shall ensure that the air quality of the Navajo Nation is not jeopardized due to violation of applicable laws and regulations by its operations pursuant to the permit.
10. The Permittee shall clear and keep clear the lands within the permit area to the extent compatible with the purpose of the permit, and shall dispose of all vegetation and other materials cut, uprooted, or otherwise accumulated during any surface disturbance activities.

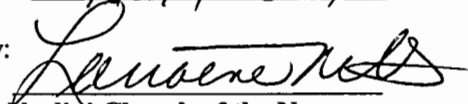
11. The Permittee shall at all times during the term of the permit and at the Permittee's sole cost and expense, maintain the land subject to the permit and all improvements located thereon and make all necessary and reasonable repairs.
12. The Permittee shall indemnify and hold harmless the Navajo Nation and their respective authorized agents, employees, land users and occupants, against any liability for loss of life, personal injury and property damages arising from the development, use or occupancy or use of the permit area by the Permittee.
13. The Permittee shall not assign, convey or transfer, in any manner whatsoever, the permit or any interest therein, or in or to any of the improvements on the land subject to the permit, without the prior written consent of the Navajo Nation. Any such attempted assignment, conveyance or transfer of the permit without such prior written consent shall be void and of no effect. The consent of the Navajo Nation may be granted, granted upon condition or withheld in the sole discretion of the Navajo Nation.
14. The Navajo Nation may terminate the permit for violation of any of the terms and conditions stated herein. In addition, the permit shall be terminable in whole or part by the Navajo Nation or authorized representative for any of the following causes:
 - a. Failure to comply with any terms and conditions of the permit or of applicable laws or regulations;
 - b. Non-use of the permit; and
 - c. The use of the land subject to the permit for any purpose inconsistent with the purpose for which the permit is granted.
15. At the termination of the permit, the Permittee shall peaceably and without legal process deliver up the possession of the premises, in good condition, usual wear and tear excepted. Upon the written request of the Navajo Nation, the Permittee shall provide the Navajo Nation, at the Permittee's sole cost and expense, with an environmental audit assessment of the premises at least sixty (60) days prior to delivery of said premises.
16. The Permittee shall give written notice to the Navajo Nation Land Department regarding any change to the Permittee's contact information, address, leadership, organizational name, or any other substantial change to the organization. The notice shall be given within thirty (30) days and delivered to the Navajo Land Department at Post Office Box 2249, Window Rock, Arizona 86515.
17. Holding over by the Permittee after the termination of the permit shall not constitute a renewal or extension thereof or give the Permittee any rights hereunder or in or to the land subject to the permit or to any improvements located thereon.
18. The Navajo Nation shall have the right, at any reasonable time during the term of the permit, to enter upon the premises, or any part thereof, to inspect the same and any improvements located thereon.
19. By acceptance of the grant of permit, the Permittee consents to the full territorial legislative, executive and judicial jurisdiction of the Navajo Nation, including but not limited to the jurisdiction

to levy fines and to enter judgements for compensatory and punitive damages and injunctive relief, in connection with all activities conducted by the Permittee within the Navajo Nation or which have a proximate (legal) effect on persons or property within the Navajo Nation.

20. By acceptance of the grant of the permit, the Permittee covenants and agrees never to contest or challenge the legislative, executive or judicial jurisdiction of the Navajo Nation on the basis that such jurisdiction is inconsistent with the status of the Navajo Nation as an Indian nation, or that the Navajo Nation government is not a government of general jurisdiction, or that the Navajo Nation government does not possess full police power (i.e., the power to legislate and regulate for the general health and welfare) over all lands, persons and activities within its territorial boundaries, or on any other basis not generally applicable to a similar challenge to the jurisdiction of a state government. Nothing contained in this provision shall be construed to negate or impair federal responsibilities with respect to the land subject to the permit or to the Navajo Nation.
21. Any action or proceeding brought by the Permittee against the Navajo Nation in connection with or arising out of the terms and conditions of the permit shall be resolved administratively under the laws of the Navajo Nation and no action or proceeding shall be brought by the Permittee against the Navajo Nation, in any court of any state.
22. Nothing contained herein shall be interpreted as constituting a waiver, express or implied, of the sovereign immunity of the Navajo Nation.
23. Except as prohibited by applicable federal law, the law of the Navajo Nation shall govern the construction, performance and enforcement of the terms and conditions contained herein.
24. The terms and conditions contained herein shall extend to and be binding upon the successors, heirs, assigns, executors, administrators, employees and agents, including all contractors and subcontractors, of the Permittee, and the term "Permittee," whenever used herein, shall be deemed to include all such successors, heirs, assigns, executors, administrators, employees and agents.
25. There is expressly reserved to the Navajo Nation full territorial legislative, executive and judicial jurisdiction over the area under the permit and all lands burdened by the permit, including without limitation over all persons, including the public, and all activities conducted or otherwise occurring within the area under the permit; and the area under the permit and all lands burdened by the permit shall be and forever remain Navajo Indian Country for purposes of Navajo Nation jurisdiction.

Date: 9/4/2021

By:


**Nazlini Church of the Nazarene
Authorized Agent**

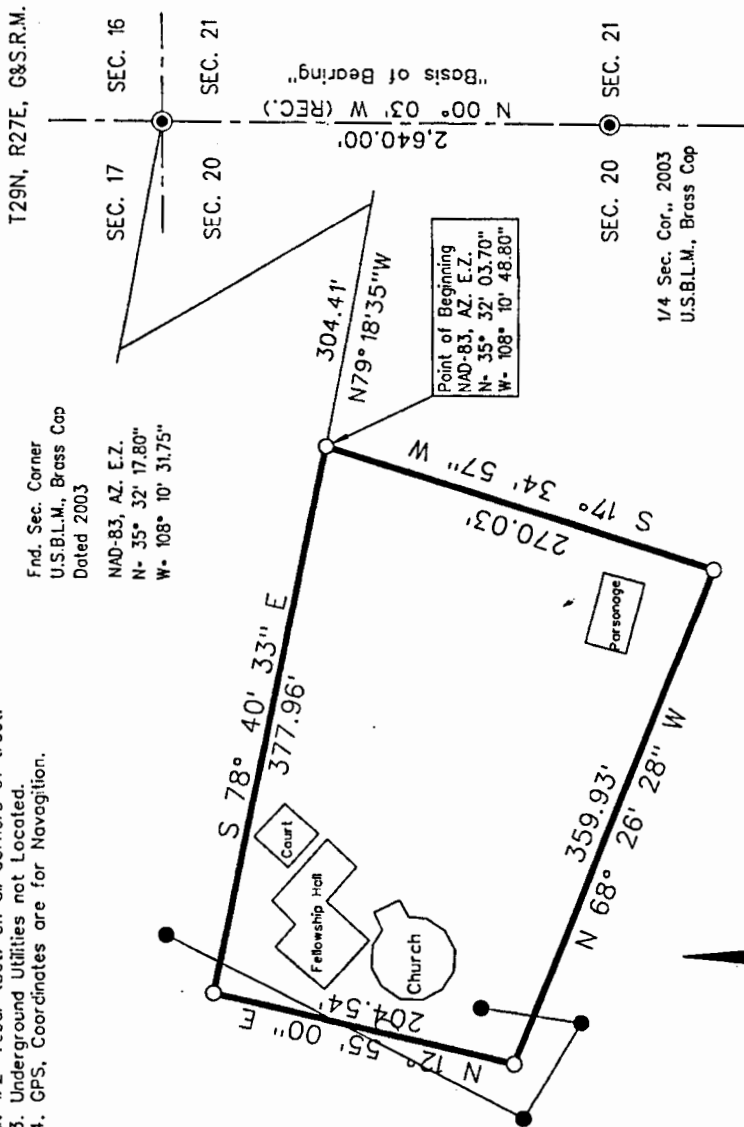
Date: _____

By:

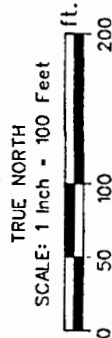
**Jonathan Nez, *President*
The Navajo Nation**

NOTES:

1. All ground distance around tract.
2. 1/2" rebar (Set) on all corners of tract.
3. Underground Utilities not Located.
4. GPS, Coordinates are for Navigation.



- Legend:**
- ⊙ U.S.B.L.M., Brass Cop
 - 1/2" Rebar
 - NITUA Powerpole
 - Center 10 K.V. Powerline
 - - - Lot Boundary



SURVEYOR'S CERTIFICATE
 I, Benjamin N. Matchers, a duly qualified Registered Land Surveyor under the laws of the State of Arizona, do hereby certify that this survey and plot shown hereon was prepared from an actual survey conducted by me or under my direct supervision and that the same is true and correct to the best of my knowledge.

10/22/01

BENJAMIN N. MATCHERS, RLS
 ARIZONA CERTIFICATE NO. 36764
 8625 W EL CAMINITO DRIVE, PEORIA, AZ 85345

TRACT DESCRIPTION

A TRACT OF LAND SITUATE IN SOUTHEAST QUARTER OF SECTION 17, T29N, R27E, G&S.R.M., VICINITY OF NAZLINI, APACHE COUNTY, STATE OF ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST SECTION CORNER OF SECTION 17, T29N, R27E, G&S.R.M., A FOUND U.S.B.L.M. CADASTRAL SURVEY BRASS CAP DATED 2003, FROM WHICH THE BASIS OF BEARING IS EAST LINE OF SECTION 20, T29N, R27E, G&S.R.M., BEARS N 00° 03' W (ARIZONA EAST ZONE, TRUE BEARING), 2,640.00 FEET;

THENCE N 79° 18' 35" W, 304.41 FEET TO A 1/2" REBAR, SAID POINT BEING THE REAL POINT OF BEGINNING;

THENCE S 17° 34' 57" W, A DISTANCE OF 270.03 FEET
 THENCE N 68° 26' 28" W, A DISTANCE OF 359.93 FEET
 THENCE N 12° 55' 00" E, A DISTANCE OF 204.54 FEET
 THENCE S 78° 40' 33" E, A DISTANCE OF 377.96 FEET

TO THE REAL POINT OF BEGINNING.

SAID TRACT CONTAINS 2.00 ACRES, MORE OR LESS .

SURVEY OCTOBER 1, 2010

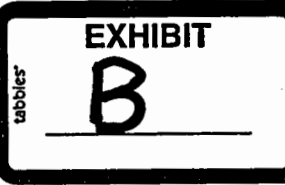
EXHIBIT "A"

FOR:

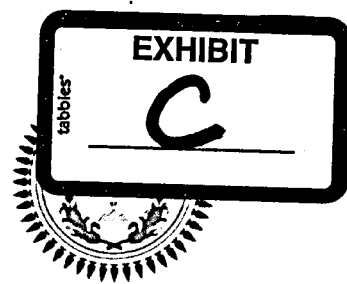
NAZLINI CHURCH OF THE NAZARENE

2.00 AC. +/-

DISTRICT 10, NAVAJO NATION



THE NAVAJO NATION



FIELD CLEARANCE CHECKLIST

This form covers only damages and compensation to individual land users. It does not cover consideration or other fees to the Navajo Nation. Use back if necessary to complete this form.

Project Applicant:

Nazlini Church of the Nazarene

Project Name/Type:

Application for revocable use permit for a mission site

Project Description:

The mission site will be used for religious purposes to meet the needs of the local people including prayers, weddings, funerals, etc.

Location: Nazlini, Arizona, next to Lorraine Nells' residence.

Amount of land affected: 2.0 acres

Land Status: Trust Fee Other

List only valid Grazing Permittees (tally counts) whose grazing rights will be affected by project:

	Names	Permit Number	Type of Land Use Right
1	Fannie Mann	10-951	Grazing permit
2	Lorraine Nells	10-114	
3	Jo Ann Dedman	10-1273	*
4			
5			

ACKNOWLEDGEMENT

I acknowledge that due notice was given to the affected community of the proposed project and according to my records to the best of my knowledge, the list of of individuals includes all land users who have land use rights in the affected lands.

6/21/2021
Date

[Signature]
Grazing Official or Land Board Member

10-4
District No.

**CONSENT TO USE
NAVAJO NATION LAND
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Fannie Mann, hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Nezhai Nezarwe Church located approximately 1.5 miles North of Nezhai Chapter to use approximately 2 acres of my assigned grazing land for church purposes.

Furthermore, I hereby waive any rights I may have to compensation for the taking of my land use and the diminishment of my land value as a result of the above request. Should the church liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: _____



Permit Holder's Signature

Census No.

10-951
Permit No.

7-7-10
Date

WITNESSES:

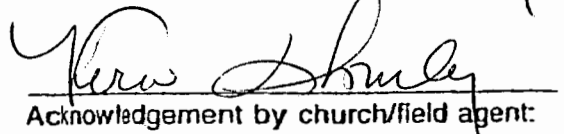
THUMB PRINT:



Attested by Grazing Committee/Land Board

10-4
District No.

11-08-10
Date



Acknowledgement by church/field agent:

1/20/11
Date

A thumb print requires 2 witnesses

**CONSENT TO USE
NAVAJO NATION LAND
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

I, Lorraine Nells, hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit Nazlini Nazarene Church located approximately 1.5 miles North of Nazlini Chapter to use approximately 2 acres of my assigned grazing land for church purposes.

Furthermore, I hereby waive any rights I may have to compensation for the taking of my land use and the diminishment of my land value as a result of the above request. Should the church liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: _____

Lorraine Nells
Permit Holder's Signature

Census No.

10-114
Permit No.

09/07/10
Date

WITNESSES:

THUMB PRINT:

Roy Nells Jr

Gene R Shurley
Attested by Grazing Committee/Land Board

10-4
District No.

11-08-10
Date

Gene Shurley
Acknowledgement by church/field agent:

12/13/2010
Date

A thumb print requires 2 witnesses

**CONSENT TO USE
NAVAJO NATION LAND
FOR RELIGIOUS ACTIVITIES**

TO WHOM IT MAY CONCERN:

To Apn
I, Deedman, hereby grant my consent to the Navajo Nation and the Bureau of Indian Affairs to permit NAZLini Nazarene Church located approximately 15 miles north of NAZLini Chapter to use approximately 2 acres of my assigned grazing land for church purposes.

Furthermore, I hereby waive any rights I may have to compensation for the taking of my land use and the diminishment of my land value as a result of the above request. Should the church liquidates or if the land taken for religious use is no longer needed, than, I shall have the right to reclaim the land. The subject land will be re-incorporated back into my grazing allotment.

Further remarks: _____

[Signature]
Permit Holder's Signature

Census No. 10-1273
 Permit No.

07/05/10
Date

WITNESSES:
[Signature]

THUMB PRINT:

[Signature]
Attested by Grazing Committee/Land Board

10-4
District No.

11-08-10
Date

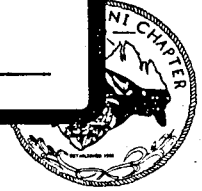
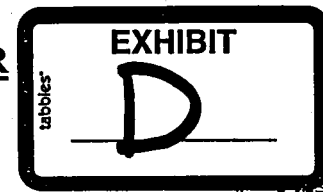
[Signature]
Acknowledgement by church/field agent:

1/26/11
Date

A thumb print requires 2 witnesses



**RESOLUTION OF NAZLINI CHAPTER
NAZL-2010-11-002**



NAZLINI CHAPTER GOVERNMENT

ARTHUR E. TRACY, SR.
• PRESIDENT

JOSEPH DEDMAN, JR.
• VICE PRESIDENT

JOANN DEDMAN
• SECRETARY/TREASURER

**RECOMMENDING TO THE BUREAU OF INDIAN AFFAIRS
AND THE NAVAJO NATION TO GRANT A MISSION SITE LEASE TO
THE NAZLINI CHURCH OF THE NAZARENE
COMPRISING OF 2.0 ACRES OF LAND FOR RELIGIOUS USE,
AT NAZLINI, APACHE COUNTY, ARIZONA.**

JOHNNY NAIZE
COUNCIL DELEGATE •

IRVIN SHIRLEY
GRAZING REPRESENTATIVE •

WOODIE BENNETT
COORDINATOR •

WHEREAS:

1. The Nazlini Chapter is certified and recognized as a government entity of the Navajo Nation given the authority to act on behalf of its community to recommend, support and approve all land related projects such as rights-of-way, land withdrawal for community and economic development including homesite, mission site; AND
2. The Nazlini Church of the Nazarene has selected a site situated on a 2.0 acres tract of land located on the Navajo Nation, Northeastern Arizona; AND
3. The Church's primary purpose is to develop the site, construct building to use for worship services on Sunday morning and evening, Sunday School classes, conduct weddings, funerals, and establish religious ministry to members of the church and including social and auxiliary function during the week for the youth; AND
4. The permit holders living within the area where the church site is proposed have given their consents to give the religious organization permission to utilize 2.0 acres of their grazing lands.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Nazlini Chapter hereby approves the 2.0 acre tract of land withdrawn for the Nazlini Church of the Nazarene and direct the Navajo Land Department to do all things necessary to complete the processing of this application. Further, should the church liquidate, the permit holders shall reclaim the land taken for religious purpose, and the site will be re-incorporated back into his or her grazing use or otherwise as directed by the Resource Committee of the Navajo Nation.
2. The Nazlini Chapter directs the Division of Natural Resource of the Navajo Nation Council to approve the site selected and charge the religious group the minimal fee for its ground site.

CERTIFICATION

We, hereby certified the foregoing resolution was duly considered by the Nazlini Chapter at a duly called Chapter Meeting at Nazlini, Navajo Nation, Arizona at which a quorum was present and that same was passed by a vote of 34 in favor, 0 opposed, 0 abstained, this 8th day of November 2010.

Motion by Edison Dedman

Second by: Haskie Billie

Arthur E. Tracy, Sr., President

Joseph Dedman, Jr., Vice President

JoAnn Dedman, Secretary/Treasurer

Navajo Nation Council Delegate

PETITION FOR THE NAZLINI CHURCH OF THE NAZARENE

We, THE UNDERSIGNED, are citizens and residents of the Navajo Nation living within this community where the church is being built. The primary purpose of this religious site is to provide a place to worship, and, basically, have the church conduct religious services on any given days through out the years. Further, we hereby give our signatures on this petition sheet to further the development of this church.

Names	Date	Witness
01. <u>Annie Whitney</u>	<u>06-20-10</u>	<u>[Signature]</u>
02. <u>Marie L. Benally</u>	<u>06-20-10</u>	<u>[Signature]</u>
03. <u>Tommy Tracey</u>	<u>06-20-10</u>	<u>[Signature]</u>
04. <u>Bennie H. Ney</u>	<u>06-20-10</u>	<u>[Signature]</u>
05. <u>Roy Nells</u>	<u>06-20-10</u>	<u>[Signature]</u>
06. <u>Louaine Nells</u>	<u>6-20-10</u>	<u>[Signature]</u>
07. <u>Leona Benally SA</u>	<u>6-20-10</u>	<u>[Signature]</u>
08. <u>Gary R. Whitney</u>	<u>6-20-10</u>	<u>[Signature]</u>
09. <u>Eli Ben Wentz</u>	<u>6-20-10</u>	<u>[Signature]</u>
10. <u>Ronald Nells</u>	<u>6-20-10</u>	<u>[Signature]</u>
11. <u>Harvey Wade</u>	<u>6-20-10</u>	<u>[Signature]</u>
12. <u>Jim Dale</u>	<u>6/20/10</u>	<u>[Signature]</u>
13. <u>Chad Newell Wallace</u>	<u>6/25/10</u>	<u>[Signature]</u>
14. <u>Michelle Whitney</u>	<u>6/25/10</u>	<u>[Signature]</u>
15. <u>Roselyn McKay</u>	<u>6/25/10</u>	<u>[Signature]</u>
16. <u>Jason McKay</u>	<u>6-25-10</u>	<u>[Signature]</u>
17. <u>Alvina McKay</u>	<u>6-26-10</u>	<u>[Signature]</u>
18. <u>Ruby Nells</u>	<u>6-26-10</u>	<u>[Signature]</u>
19. <u>Scott McKay</u>	<u>6-26-10</u>	<u>[Signature]</u>
20. <u>Rosanna Ney</u>	<u>6-26-10</u>	<u>[Signature]</u>
21. <u>Will [Signature]</u>	<u>6-26-10</u>	<u>[Signature]</u>
22. <u>Royce Nells</u>	<u>6-26-10</u>	<u>[Signature]</u>

NAMES	DATE	WITNESSES
23. <u>Morice Begay</u>	<u>6-20-10</u>	<u>[Signature]</u>
24. <u>Mitz P. Hobbs</u>	<u>6-20-10</u>	<u>[Signature]</u>
25. <u>Alice Begay</u>	<u>6-20-10</u>	<u>[Signature]</u>
26. <u>Mary Rob</u>	<u>6-20-10</u>	<u>[Signature]</u>
27. <u>Ruth Robinia</u>	<u>6-20-10</u>	<u>[Signature]</u>
28. <u>Norlene [unclear]</u>	<u>6-20-10</u>	<u>[Signature]</u>
29. <u>Rose Mary Vanhinkel</u>	<u>6-26-10</u>	<u>[Signature]</u>
30. <u>Julia [unclear]</u>	<u>6-23-10</u>	<u>[Signature]</u>
31. <u>Anna Delman</u>	<u>6-23-10</u>	<u>[Signature]</u>
32. <u>Julia Smiley</u>	<u>6-23-10</u>	<u>[Signature]</u>
33. <u>Stuart Wilson</u>	<u>6-23-10</u>	<u>[Signature]</u>
34. <u>May Tsoiso</u>	<u>6-23-10</u>	<u>[Signature]</u>
35. <u>Anthony Smiley</u>	<u>6-23-10</u>	<u>[Signature]</u>
36. <u>Patricia [unclear]</u>	<u>6-23-10</u>	<u>[Signature]</u>
37. <u>[unclear]</u>	<u>6-23-10</u>	<u>[Signature]</u>
38. <u>[unclear]</u>	<u>6-26-10</u>	<u>[Signature]</u>
39. <u>Henry Shirley</u>	<u>6-27-10</u>	<u>[Signature]</u>
40. <u>Alice Begay</u>	<u>6-27-10</u>	<u>[Signature]</u>
41. <u>Emma Wilson</u>	<u>6-27-10</u>	<u>[Signature]</u>
42. <u>Susie D. Smiley</u>	<u>6-27-10</u>	<u>[Signature]</u>
43. <u>Sheryl Cronman</u>	<u>6-27-10</u>	<u>[Signature]</u>
44. <u>Christopher Begay</u>	<u>6-27-10</u>	<u>[Signature]</u>
45. <u>Geoffrey Tsois</u>	<u>6-27-10</u>	<u>[Signature]</u>
46. <u>[unclear]</u>	<u>6-27-10</u>	<u>[Signature]</u>
47. <u>Mary Dammik</u>	<u>6-27-10</u>	<u>[Signature]</u>
48. <u>[unclear]</u>	<u>6-27-10</u>	<u>[Signature]</u>

	Names	Date	Witness
49	Christina Wales	6/27/10	[Signature]
50	Leroy Belen	6/27/10	[Signature]
51	Tony C. Brown	6/28/10	[Signature]
52	Chanelle Hubbard	6/28/10	[Signature]
53	Katerina Espi	06/28/10	[Signature]
54	Tom Peterson	7/5/10	[Signature]
55	[Signature]	07/05/10	[Signature]
56	Annison Tracy	7/7/10	[Signature]

31. _____

32. _____

33. _____

Thumb print

34. _____

35. _____

36. _____

37. _____

38. _____

39. _____

40. _____

Note: Signing another person names will caused this petition to be voided and returned.



BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Nazlini Church of the Nazarene - Mission Site Permit

DESCRIPTION: The Nazlini Church of the Nazarene proposes to obtain a mission site permit consisting of 2.00± acres. Utilities are onsite.

LOCATION: SE¼ of Section 17, T29N, R27E, G&SRM, Nazlini, Apache County, Arizona

REPRESENTATIVE: Justin Johnson (Pastor) and Elizabeth B. Johnson, Nazlini Church of the Nazarene

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & compliance/04 SEP 2019/Johnsons

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/08 SEP 2019

COPIES TO: (add categories as necessary)

Two empty checkboxes with lines for additional categories.

2 NTC § 164 Recommendation: Signature Date
[X] Approval 9/2/19
[] Conditional Approval (with memo)
[] Disapproval (with memo) Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife
[] Categorical Exclusion (with request letter)
[] None (with memo)

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.
Representative's signature Date



CULTURAL RESOURCES COMPLIANCE FORM
THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO
AZ SHPO
XX REAL PROPERTY MGT/330
WS

NNHPD NO. HPD-11-009
OTHER PROJECT NO. _____
WS-10-06

PROJECT TITLE: A Cultural Resources Inventory for the Proposed Nazlini Church of the Nazarene church site located in the Nazlini Chapter, Nazlini, Apache County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Nazlini Church of the Nazarene. Attn: Pastor Justin Johnson, PO Box Ganado, Arizona 86505

PROJECT DESCRIPTION: The proposed undertaking will involve a church site lease & the construction of a new church along with the installation of associated facilities/utilities within the 2.00-acre lease area. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust
CHAPTER: Nazlini
LOCATION: Unplatted & Projected T.29N, R.27E; Nazlini Quadrangle, Apache County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Dwayne Waseta
NAVAJO ANTIQUITIES PERMIT NO.: B10387

DATE INSPECTED: 10/04/10
DATE OF REPORT: 10/20/10
TOTAL ACREAGE INSPECTED: 5.8-ac

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 10-12 m apart.

LIST OF CULTURAL RESOURCES FOUND: None
LIST OF ELIGIBLE PROPERTIES: None
LIST OF NON-ELIGIBLE PROPERTIES: None
LIST OF ARCHAEOLOGICAL RESOURCES: None

EFFECT/CONDITIONS OF COMPLIANCE: **No historic properties affected.**

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7148.

FORM PREPARED BY: Tamara Billie
FINALIZED: April 19, 2011


Notification to
Proceed Recommended:
Conditions:

Yes XX No _____
Yes _____ No XX


Alan S. Downer, Navajo Nation Historic Preservation Officer
Date 4-28-11

Navajo Region Approval:

Yes X No _____


Acting BIA-Regional Director
Date 5/20/2011

TLM 5/20/11



THE
NAVAJO
NATION



Shelly,
RESIDENT
Rex Lee Jim
VICE PRESIDENT

Dept of Fish & Wildlife • P.O. Box 1480 • Window Rock, AZ 86515 • (928) 871-6451 • Fax (928) 871-7069

24 February 2011

File#11NCNZ01

Roy Nells, Jr.
Nazlini Church of the Nazarene
P.O. Box 7092
Nazlini, AZ 86540

SUBJECT: PROPOSED MISSION SITE LEASE FOR EXISTING
NAZLINI CHURCH OF THE NAZARENE
LOCATED 1.5 MILES NORTH OF NAZLINI CHAPTER HOUSE
LEGAL DESCRIPTION SE/4 OF SEC. 17, T29N, R27E, G&S.R.M.
NAZLINI, APACHE COUNTY, AZ

Mr. Nells:

The following information on species of concern¹ is provided in response to your 23 February 2011 request concerning the subject project, which consists of a mission site lease for the existing Nazlini Church of the Nazarene. The 2.0-acre church site is located approximately 1.5 miles north of Nazlini Chapter House in legal description SE/4 of Sec. 17, T29N, R27E, G.&S.R.M., Nazlini, Apache County, AZ.

The project is not expected to affect any federally listed species or significantly impact any tribally listed species or other species of concern.

AREA 3: LOW SENSITIVITY WILDLIFE RESOURCES

Potential impacts to wetlands should also be evaluated. The U.S. Fish & Wildlife Service's National Wetlands Inventory (NWI) maps should be examined to determine whether areas classified as wetlands are located close enough to the project site(s) to be impacted. In cases where the maps are inconclusive (e.g., due to their small scale), field surveys must be completed. For field surveys, wetlands identification and delineation methodology contained in the 'Corps of Engineers Wetlands Delineation Manual' (Technical Report Y-87-1) should be used. When wetlands are present, potential impacts must be addressed in an environmental assessment and the Army Corps of Engineers, Phoenix office, must be contacted. NWI maps are available for examination at the NFWD's Natural Heritage Program (NHP) office, or may be purchased

¹"Species of concern" include protected, candidate, and other rare or otherwise sensitive species, including certain native species and species of economic or cultural significance. For each species, the following tribal and federal statuses are indicated: Navajo Endangered Species List (NESL), federal Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), and Eagle Protection Act (EPA). No legal protection is afforded species with only ESA candidate or NESL group 4 status; please be aware of these species during surveys and inform the NFWD of observations. Documentation that these species are more numerous or widespread than currently known, and addressing these species in project planning and management is important for conservation and may contribute to ensuring they will not be uplisted in the future. Species without ESA or NESL legal protection (e.g., NESL group 4 species) are only included in responses on a regular basis and may not be included in this response. Please refer to the NESL for a list of group 4 species; contact me if you need a copy.

through the U.S. Geological Survey (order forms are available through the NHP). The NHP has complete coverage of the Navajo Nation, excluding Utah, at 1:100,000 scale; and coverage at 1:24,000 scale in the southwestern portion of the Navajo Nation.

This response is based on information in the Navajo Natural Heritage Program database; knowledge of staff biologists about the project area; the scope of the project; the USGS topographic map of the project area; and information you provided. Because the NFWD's information is continually updated, any given information response is only wholly appropriate for its respective request.

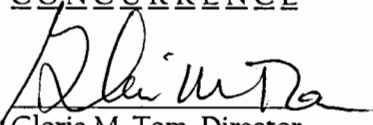
For a list of sensitive species on the Navajo Nation in addition to the species listed on the Navajo Endangered Species List (NESL) please refer to our website at www.nndfw.org.

An invoice for this information is attached.

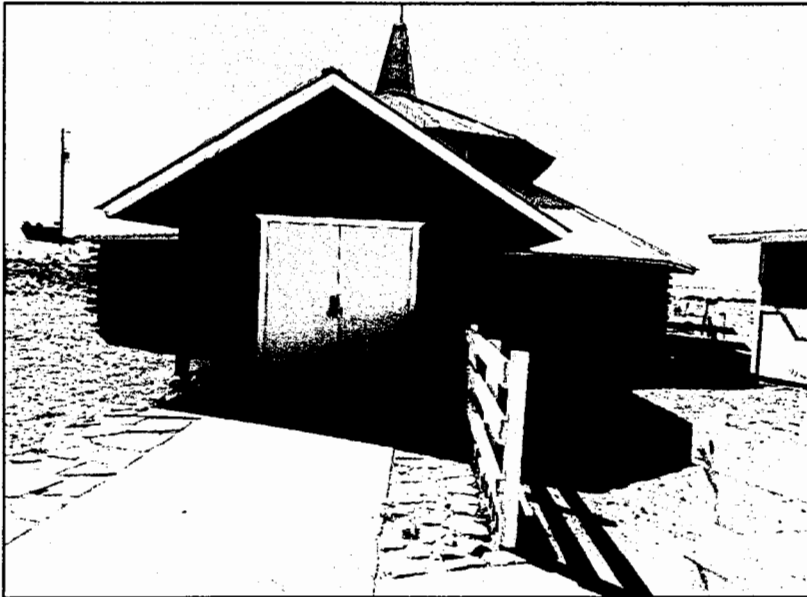
If you have any questions I may be reached at (928) 871-6472.

Sonja Detsoi, Wildlife Tech.
Natural Heritage Program
Department of Fish and Wildlife

C O N C U R R E N C E


Gloria M. Tom, Director
Department of Fish & Wildlife
Division of Natural Resources

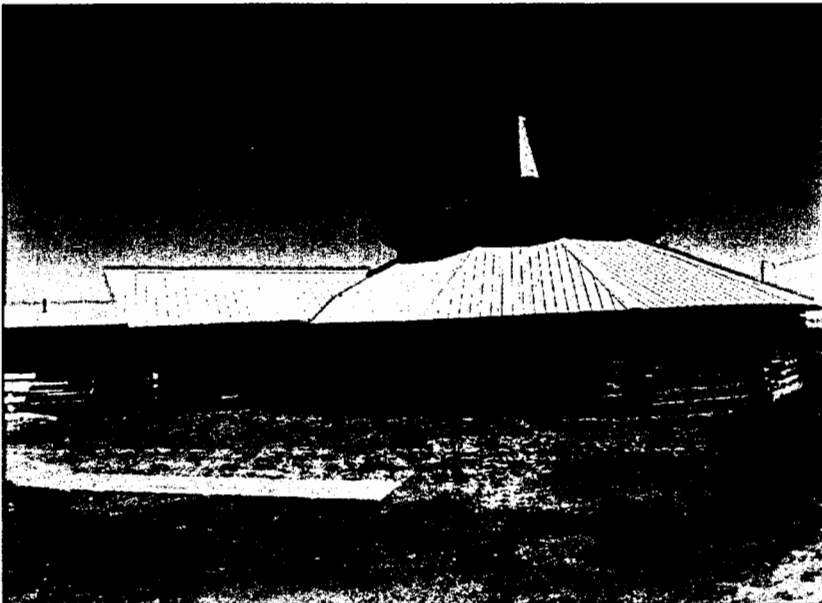
xc: file/chrono



ENVIRONMENTAL
ASSESSMENT

NAZLINI CHURCH OF
THE NAZARENE

NOVEMBER 2019



ETD, Inc.
Consulting and Applied Research

Environmental Assessment

November 2019

Nazlini Church of the Nazarene Project
Nazlini Chapter, Navajo Nation, Apache County, Arizona

Prepared for:

Pastor Justin Johnson & Elizabeth Johnson
P.O. Box
Ganado, Arizona 86505

and:

Navajo Nation Division of Natural Resources
General Land Development Department
P.O. Box 69
St. Michaels, AZ 86511

Prepared by:

ETD, Inc.
2101 N. 4th Street, Suite 201
Flagstaff, Arizona 86004

Contact:

Eunice Tso
Principal
Tel: (928) 779-6032

Table of Contents

1	INTRODUCTION	1
1.1	SUMMARY.....	1
1.2	PURPOSE AND NEED FOR PROJECT.....	1
1.3	LOCATION.....	1
2	ALTERNATIVES (INCLUDING THE PROPOSED ACTION)	3
2.1	PROPOSED ACTION.....	3
2.2	NO ACTION.....	3
3	DESCRIPTION OF THE AFFECTED ENVIRONMENT	4
3.1	LAND RESOURCES.....	4
3.1.1	<i>Geology</i>	4
3.1.2	<i>Topography</i>	4
3.1.3	<i>Soils</i>	5
3.1.4	<i>Mineral Resources</i>	5
3.2	WATER RESOURCES.....	5
3.2.1	<i>Surface Water</i>	5
3.2.2	<i>Groundwater</i>	7
3.2.3	<i>Floodplains</i>	7
3.3	AIR RESOURCES.....	7
3.3.1	<i>Quality/Visibility</i>	7
3.3.2	<i>Climate/Meteorology</i>	7
3.4	BIOTIC RESOURCES.....	7
3.4.1	<i>Description of Biotic Communities</i>	7
3.4.2	<i>Vegetation and Wildlife</i>	8
3.4.3	<i>Threatened, Endangered, and Sensitive (TES) Species</i>	8
3.5	CULTURAL RESOURCES.....	8
3.6	SOCIOECONOMIC CONDITIONS.....	9
3.6.1	<i>Employment and Income</i>	9
3.6.2	<i>Demographics and Trends</i>	9
3.6.3	<i>Lifestyles, Cultural Values, Attitudes, and Expectations</i>	9
3.6.4	<i>Community Infrastructure</i>	9
3.7	ENVIRONMENTAL JUSTICE.....	10
3.8	INDIAN TRUST RESOURCES.....	10
3.9	ENVIRONMENTAL MODULE.....	10
3.9.1	<i>RCRA Subtitle C Sites</i>	10
3.9.2	<i>RCRA Subtitle D Sites</i>	11
3.9.3	<i>RCRA Subtitle I Sites</i>	11
3.9.4	<i>CERCLA/Superfund Sites</i>	11
3.9.5	<i>Toxic Substance Control Act (TSCA) Sites</i>	11
3.10	RESOURCES/LAND USE PATTERNS.....	11
3.10.1	<i>Transportation Use Network</i>	11
3.10.2	<i>Land Use Plans</i>	11
3.10.3	<i>Agriculture</i>	11
3.10.4	<i>Outdoor Recreation, Fishing, and Hunting</i>	12
3.10.5	<i>Timber Harvesting</i>	12
3.11	OTHER VALUES.....	12
3.11.1	<i>Wilderness Areas</i>	12
3.11.2	<i>Sound and Noise</i>	12
3.11.3	<i>Public Health and Safety</i>	12

3.11.4	<i>Visual Setting</i>	12
4	ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED ACTION	14
4.1	LAND RESOURCES IMPACTS.....	14
4.1.1	<i>Geology and Topography</i>	14
4.1.2	<i>Soils</i>	14
4.1.3	<i>Mineral Resources</i>	14
4.2	WATER RESOURCES IMPACTS.....	14
4.2.1	<i>Surface Water</i>	14
4.2.2	<i>Ground Water</i>	14
4.2.3	<i>Floodplains</i>	14
4.3	AIR RESOURCES IMPACTS.....	15
4.3.1	<i>Quality/Visibility</i>	15
4.3.2	<i>Climate/Meteorology</i>	15
4.4	BIOTIC RESOURCES IMPACTS.....	15
4.4.1	<i>Biotic Community, Vegetation and Wildlife</i>	15
4.4.2	<i>Threatened, Endangered, and/or Sensitive (TES) Species</i>	15
4.4.3	<i>Cultural Resources Impacts</i>	15
4.5	SOCIOECONOMIC CONDITIONS IMPACTS.....	15
4.6	ENVIRONMENTAL JUSTICE IMPACTS.....	15
4.7	INDIAN TRUST RESOURCES IMPACTS.....	16
4.8	ENVIRONMENTAL MODULE IMPACTS.....	16
4.9	RESOURCE/LAND USE PATTERNS IMPACTS.....	16
4.9.1	<i>Transportation Use Network</i>	16
4.9.2	<i>Land Use Plans</i>	16
4.9.3	<i>Agriculture</i>	16
4.9.4	<i>Outdoor Recreation, Fishing, and Hunting</i>	16
4.9.5	<i>Timber Harvesting</i>	16
4.10	OTHER VALUES IMPACTS.....	16
4.10.1	<i>Wilderness Areas</i>	16
4.10.2	<i>Sound and Noise</i>	17
4.10.3	<i>Public Health and Safety</i>	17
4.10.4	<i>Visual Setting</i>	17
4.11	CUMULATIVE IMPACTS.....	17
4.12	SUMMARY OF BMPs & MITIGATION MEASURES.....	17
5	LIST OF AGENCIES AND ORGANIZATIONS CONSULTED	18
6	DOCUMENT PREPARER'S QUALIFICATIONS AND SIGNATURE	18
7	REFERENCES	19
	APPENDIX A: BIOLOGICAL RESOURCES COMPLIANCE FORM	21
	APPENDIX B: CULTURAL RESOURCES COMPLIANCE FORM	23

List of Figures:

- Figure 1.** Map showing the general project location area.
- Figure 2.** Aerial imagery showing the project area.
- Figure 3.** Excerpt from the Geologic Map of Arizona showing the regional geology.
- Figure 4.** Water resources near the project site.
- Figure 5.** Photo of the parsonage, facing southeast.

List of Tables:

- Table 1.** Project location information.
- Table 2.** Soils at the Project Site.

List of Acronyms:

AZGS	Arizona Geological Survey
BIA	Bureau of Indian Affairs
BMPs	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CRI	Cultural Resources Inventory
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GLDD	General Land Development Department
(L)UST	(Leaking) Underground Storage Tank
MRDS	Mineral Resource Data System
NAAQS	National Ambient Air Quality Standards
NNDCD	Navajo Nation Division of Community Development
NNDFW	Navajo Nation Department of Fish and Wildlife
NNEPA	Navajo Nation Environmental Protection Agency
NNFD	Navajo Nation Forestry Department
NNHHPD	Navajo Nation Heritage & Historic Preservation Department
NPDES	National Pollutant Discharge Elimination System
NRCS	National Resources Conservation Service
NTUA	Navajo Tribal Utility Authority
RCRA	Resource Conservation and Recovery Act
ROW	Right-of-Way
TCP	Traditional Cultural Property
TES	Threatened, Endangered, and Sensitive
TSCA	Toxic Substances Control Act
USBM	U.S. Bureau of Mines
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WRCC	Western Regional Climate Center

1 Introduction

1.1 Summary

Nazlini Church of the Nazarene proposes to lease and operate a church on a 2.0-acre parcel in Nazlini Chapter of the Navajo Nation, Apache County, Arizona. The land status is Navajo Tribal Trust land. The *Navajo Nation General Leasing Regulations of 2013* (CO-53-13) gives the Navajo Nation authority to issue its own leases and permits for agriculture, public relations, education, recreation, telecommunications, and residential sites on fee and trust land. Nazlini Church of the Nazarene will apply for a mission site lease from the Navajo Nation General Land Development Department (GLDD). The GLDD will approve or deny the mission site lease application. The GLDD was established to process leases and conduct environmental reviews in accordance with Subchapter 8 of CO-53-13.

1.2 Purpose and Need for Project

Nazlini Church of the Nazarene was originally established in 1983 and taken over by Pastor Justin Johnson in 1989. Today, Nazlini Church of the Nazarene requires a mission site lease to continue operating in the Nazlini community. Due to the lack of public facilities in the region, the church provides an important venue for other services besides church services. This church provides an opportunity for community members to gather together and practice their religion through worship services, prayer meetings, Bible study groups, Sunday school and Vocation Bible School for children. The church also provides a local space for weddings, funerals, family gatherings, drug and alcohol counseling, youth sports clinics, compassionate services (visitations to the homebound and incarcerated), holiday food and clothing distribution, and Christmas gifts for the community.

1.3 Location

Nazlini Chapter (in Navajo: *Náz líní*, or bend in the water flow) is a political subdivision of the Navajo Nation in Apache County, Arizona. Nazlini Chapter has a land base is comprised of about 316.7 square miles. **Figure 1** presents a general location map showing the project site. Information regarding the site coordinates, legal location, and USGS reference maps are shown in **Table 1**. The project site is accessed off of a short dirt access road on the north side of Navajo Route 27, 1.3 miles northwest of the Nazlini Chapter House.

TABLE 1. PROJECT LOCATION INFORMATION

Center UTM Coordinates (WGS 84 Zone 12N)	Legal Description (GSRM)	USGS 7.5' quadrangle
638906 E 3975167 N	NE¼ of Section 20 & SE¼ of Section 17, T.29N, R.27E	<i>Nazlini</i> , Arizona (1983 ed.)

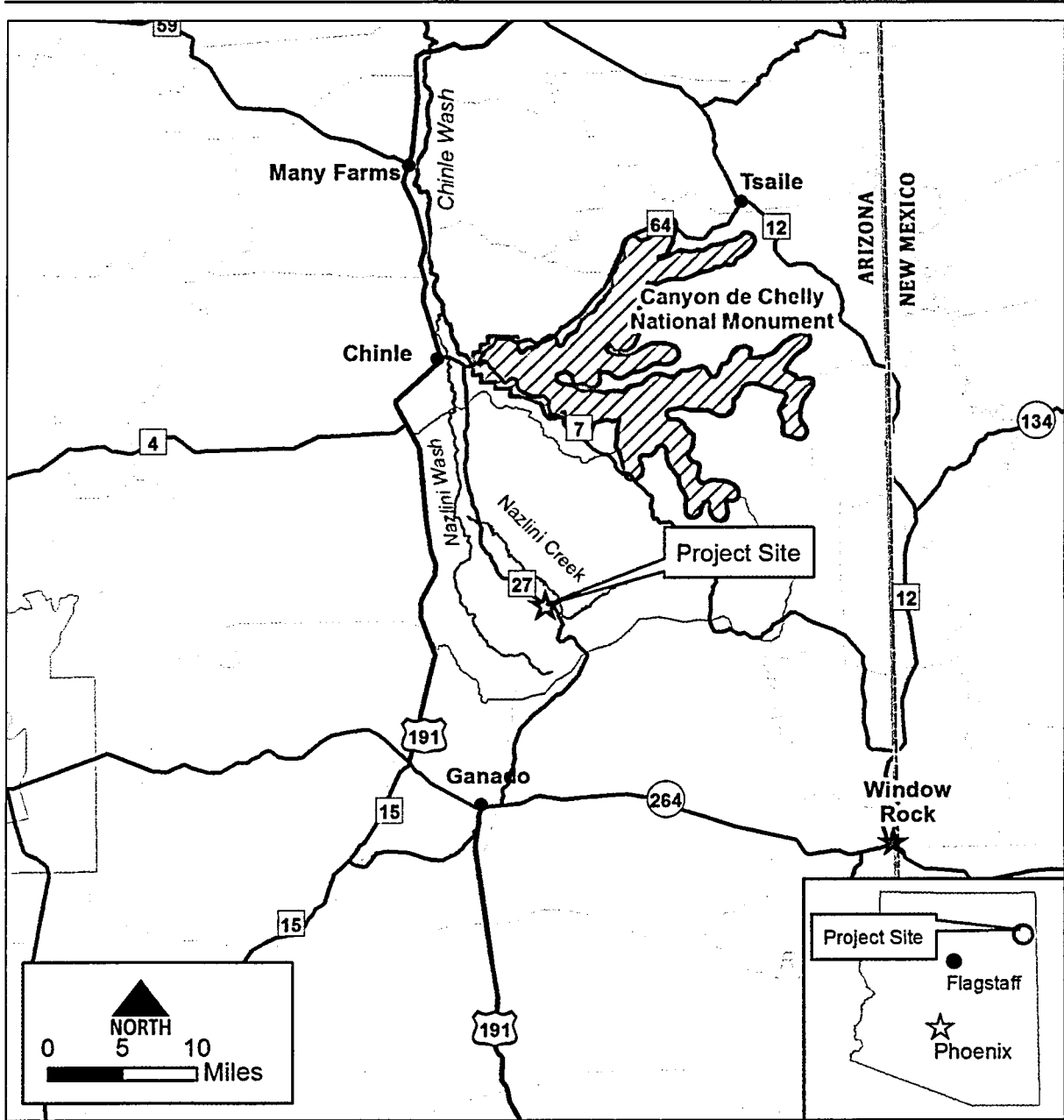


FIGURE 1. MAP SHOWING GENERAL PROJECT LOCATION AREA.

2 Alternatives (Including the Proposed Action)

Below we describe the proposed action and no action scenarios. No alternative actions that could meet the purpose and need were identified.

2.1 Proposed Action

Under the proposed action, Nazlini Church of the Nazarene will acquire a 2.0-acre mission site lease from the Navajo Nation for their existing facilities. Nazlini Church of the Nazarene was originally built in 1983 and was taken over by Pastor Justin Johnson in 1989. Since then, a fellowship hall, playground, and basket ball court were built in 1991-1992 and a parsonage was built in 2000. The church and fellowship hall both have electricity, water utilities, propane gas, and a septic tank/leach field for wastewater treatment.

The project sponsor will apply for service lines from the Navajo Tribal Utility Authority (NTUA) to extend water and power utilities to the parsonage. The parsonage will also be connected to the existing septic tank system. In the future, the church hopes to fence the perimeter of the mission site.

2.2 No Action

Under the no action alternative, the proposed church site lease would not be approved and there would be no impact to the existing natural and human environment. Nazlini Church of the Nazarene will be unable to operate without a proper lease.

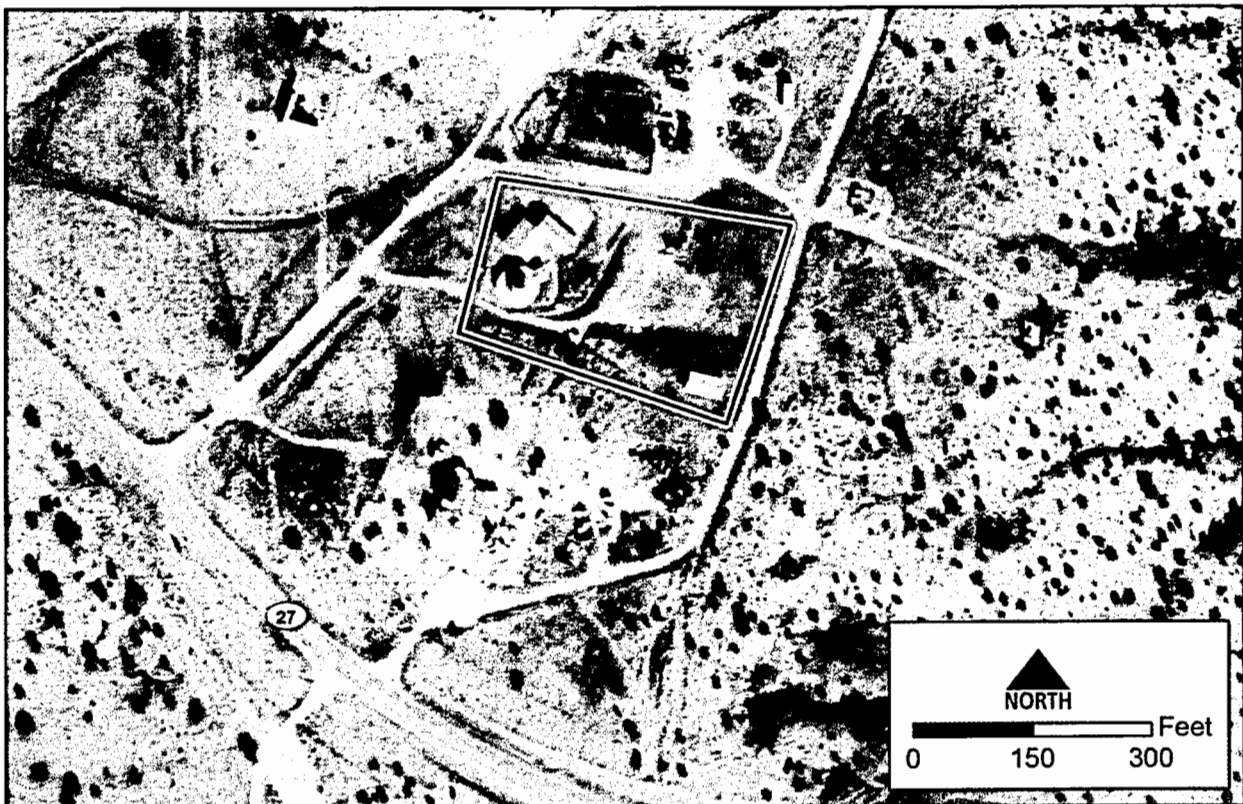


FIGURE 2. AERIAL IMAGERY SHOWING THE PROJECT AREA.

3 Description of the Affected Environment

This chapter describes the existing conditions in the study area that includes the region as well as the specific project site. It establishes the baseline data upon which the impacts have been evaluated in chapter 4.

3.1 Land Resources

This section discusses the geology, topography, soils and mineral resources in the area of the proposed project.

3.1.1 Geology

The project area lies within the Colorado Plateau, a land of scenic beauty characterized by sparsely vegetated plateaus, mesas, deep canyons, and barren badlands (Foos, 1999). The Colorado Plateau encompasses an area of about 140,000 square miles in the four corners region of Arizona, Colorado, New Mexico, and Utah (1999). The project site is within an area of the Colorado Plateau known as Chinle Valley hydrogeologic subdivision (Cooley, et. al., 1969). The Chinle Valley subdivision is a lowland between the scattered sandstone slopes of the Defiance Plateau and the imposing eastern escarpment of

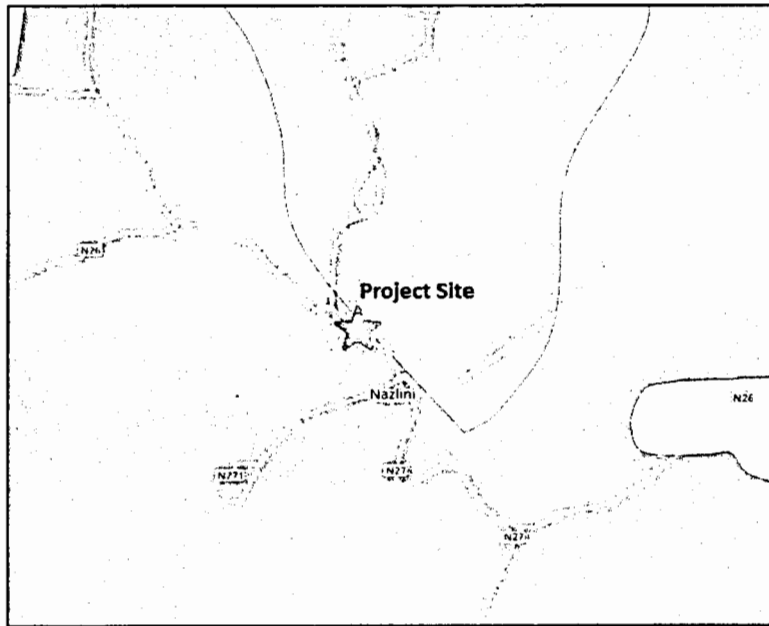


FIGURE 3. EXCERPT FROM THE GEOLOGIC MAP OF ARIZONA SHOWING THE REGIONAL GEOLOGY (AZGS, 2000).

Black Mesa. Beautiful Valley, displaying varicolored badlands carved from Chinle Formation, and Snake Flats, a platform of gentle slopes underlain by bedrock and alluvium, occupy the southern part of the subdivision where the project is located.

The project site is underlain by the Chinle Formation (AZGS, 2000). The Chinle Formation was formed in the late Triassic period, 210-230 million years ago (2000). It is a colorful mudstone that was deposited by a large river system (2000). This unit is typically eroded into badlands topography and contains clays that are prone to shrinking and swelling (2000).

No geologic structures, such as faults or folds, are shown on the geologic map in Figure 3. nearest fault is over 50 miles south of the project area in St. Johns, AZ.

3.1.2 Topography

Topography in the project region ranges as high as 9,820 feet at the peak of Roof Butte in the Chuska Mountains, located 43 miles northeast of the project site. Elevations reach as low as 5,355 feet at the base of Spider Rock in the Canyon de Chelly National Monument, 15 miles northeast of the project site. The project site itself will sit at an elevation of 6,270 feet. The proposed project site has a slight upward slope from northwest to southeast.

3.1.3 Soils

Soils information for the project site was gathered using the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Web Soil Survey. One soil complex was identified at the project site called *Aquima-Rizno-Begay complex* (NRCS, 2019). This complex is broken down into three soil types, listed in **Table 2**. The soils are well-drained, have medium run-off potential, they are not prone to ponding or flooding, and are they not rated as hydric soils by NRCS (2019).

TABLE 2. SOILS AT THE PROJECT SITE

Soil Type	Description
Aquima, 1-4% slopes	This soil is found on backslopes and base slopes of structural benches. Parent material is eolian deposits over residuum weathered from sandstone and/or residuum weathered from conglomerate. The typical profile is: sandy clay loam (0-17, 31-38 in.), fine sandy loam (17-31 in.), fine gravelly sandy clay loam (38-58 in.), and very gravelly sandy clay loam (58-70 in.).
Rizno, 1-15% slopes	This soil is found on backslopes and base slopes of structural benches. Parent material is eolian deposits derived from sandstone over residuum weathered from sandstone and/or residuum weathered from conglomerate. The typical profile is: gravelly sandy loam (1-6 in.) and bedrock (6-60 in.).
Begay, 2-4% slopes	This soil is found on treads of structural benches. Parent material is eolian sands derived from sandstone over residuum weathered from sandstone. The typical profile is: loamy sand (0-3, 20-42 in.) and sandy loam (3-20, 42-60 in.).

3.1.4 Mineral Resources

A “mineral resource” is defined as a concentration of naturally occurring solid, liquid, or gaseous material in or on the Earth’s crust in such a form and amount that economic extraction of a commodity from the concentration is currently or potentially feasible (USBM and USGS, 1980). Mineral resources records in the U.S. are maintained by the U.S. Geological Survey (USGS) in the Mineral Resource Data System (MRDS). According to the MRDS, there is one (1) mineral resource located one mile southeast of the project site. This resource is called “Beautiful Valley” and it is a past producer of petrified wood, silica, and semiprecious gemstone (MRDS ID# I000801) (2008).

3.2 Water Resources

This section discusses the surface water, ground water, and floodplains found in and around the project site.

3.2.1 Surface Water

The regional drainage pattern is towards the Colorado River. Near the project site, water is channeled through xeric washes north and west that drain into the Chinle Wash, which drains into the San Juan River, found 91 miles north of the project site.

Wetlands information is found using the National Wetlands Inventory, which is maintained by the U.S. Fish and Wildlife Service (USFWS, 2018). Besides the nearby stream channels, there are freshwater forested wetlands along Nazlini Creek and sewer ponds and earth dams in the Nazlini community (2018).

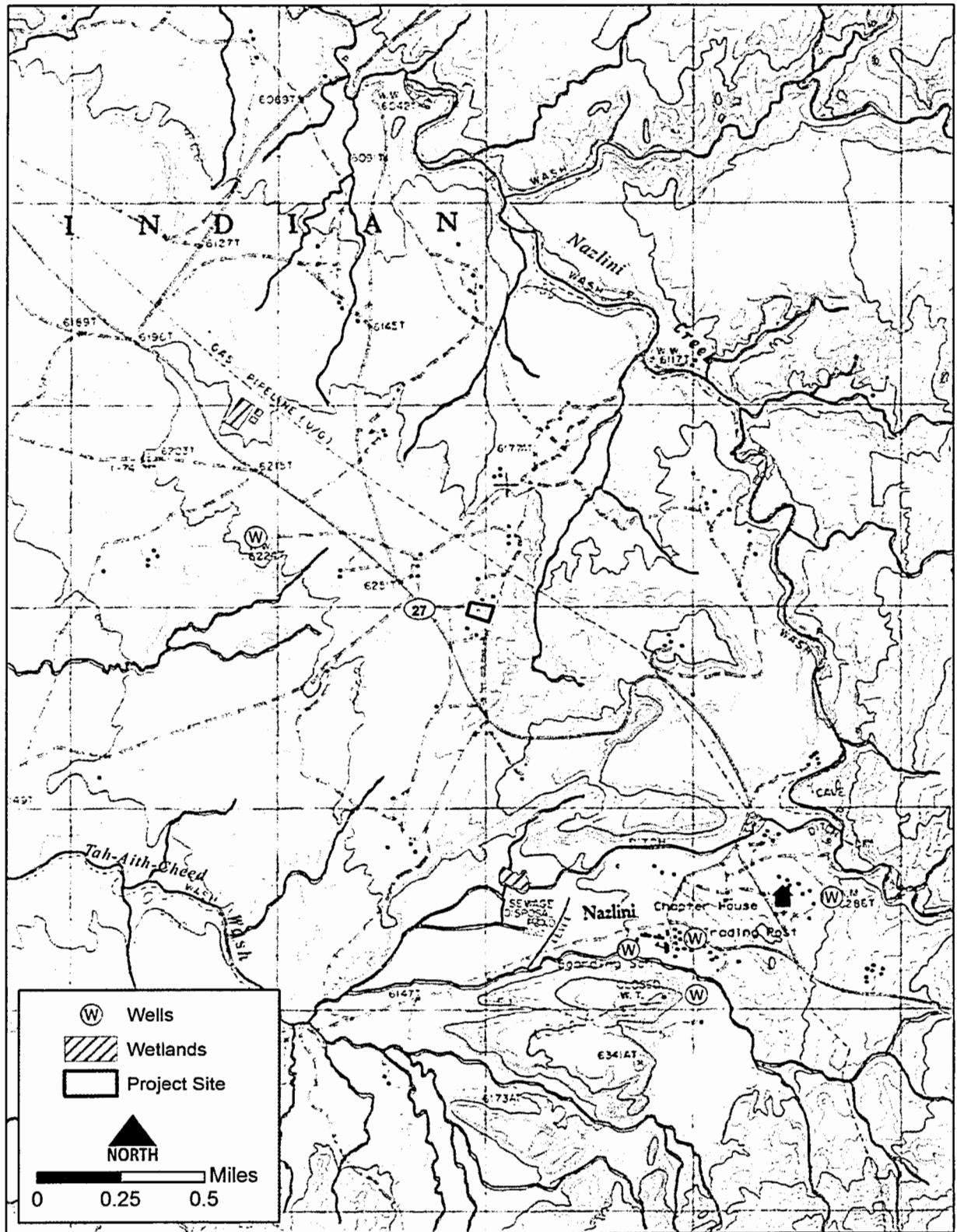


FIGURE 4. WATER RESOURCES NEAR THE PROJECT SITE (ON USGS 7.5 QUADRANGLE: NAZLINI, AZ).

3.2.2 Groundwater

According to information from the Navajo Nation Water Management Branch, the nearest well (10-0579) is found 2/3-mile west of the project site. This well, owned by NTUA, sits at an elevation of 6,224 feet and draws from De Chelly Sandstone aquifer at a depth of 719 feet below ground surface. This well serves the housing development west of the project site. Other wells in the Nazlini area draw from the De Chelly Sandstone aquifer and the Shinarump Member of the Chinle Formation.

3.2.3 Floodplains

Figure 4 shows that the project area does not have any streams or wetlands that cross into the project site, making flood hazards at this site unlikely. The Federal Emergency Management Agency (FEMA) nor the Navajo Nation have floodplain delineations for the project area. FEMA has designated the project area as Zone D, or an area with undetermined flood hazards, on FIRM Panel 04001C1950E (effective 9/28/2007). The project site is located on top of a local high point overlooking the headwaters of north and westward-trending unnamed channels.

3.3 Air Resources

This section discusses air resources in terms of quality/visibility and climate/meteorology which exist in and around the project site.

3.3.1 Quality/Visibility

Air quality on the Navajo Nation is generally good. While it is “unclassified” for the National Ambient Air Quality Standards (NAAQS), it is assumed to be in-attainment of these standards according to maps posted on the U.S. Environmental Protection Agency (USEPA) website (USEPA, 2018). The Navajo Nation Environmental Protection Agency (NNEPA) has air quality monitoring stations around the Navajo Nation that monitors for criteria pollutants under NAAQS. This information is submitted to the USEPA to determine compliance with NAAQS and the Clean Air Act.

3.3.2 Climate/Meteorology

Climate and meteorological data was retrieved from the Western Regional Climate Center (WRCC) website (2016). In the project region, average annual precipitation is 10.63 in., which is scattered more or less throughout the year (WRCC, 2016). The average annual snowfall for the project area is 21.0 in., and snowfall typically happens between November and March. The average maximum temperature occurs in July, reaching 87.1°F, and the average minimum temperature occurs in January, reaching 13.6°F. Winds in this region are generally from the west and southwest.

3.4 Biotic Resources

This section discusses the biological communities, including vegetation and wildlife; threatened, endangered, and sensitive (TES) species; and agricultural activities found in and near the project site.

3.4.1 Description of Biotic Communities

The project site contains plants and wildlife from the plains and great basin grassland biotic community (Brown, 1994). These grasslands are now much altered but were formerly open, grass-dominated landscapes in which grasses formed a continuous or nearly uninterrupted cover. Grasslands exhibiting characteristics of a Great Basin, or intermountain, grassland reach this area from the northwest and intergrade with plains grassland over a large transition area which includes southern Utah, northern Arizona, southwestern and south-central Colorado, and northwestern and north-central New Mexico.

Such grasslands tend to be drier (180-300 mm mean annual precipitation) and colder (mean annual growing season of 125-200 days).

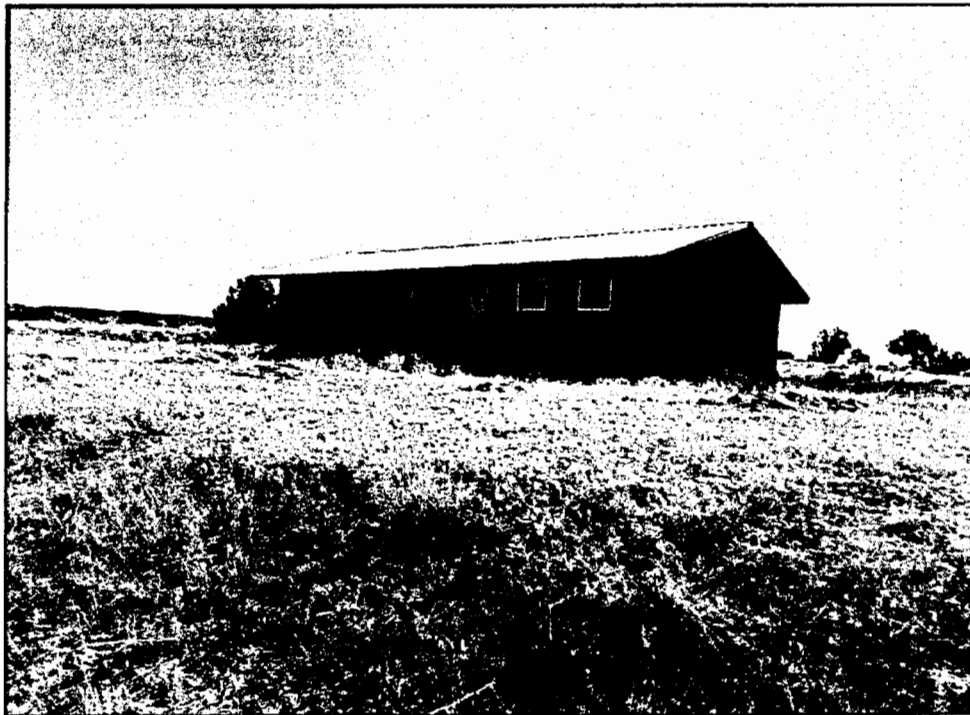


FIGURE 4. PHOTO OF THE PARSONAGE, FACING SOUTHEAST.

3.4.2 Vegetation and Wildlife

The project site is highly disturbed by existing development and use. Vegetation is found on the perimeter of the site. Most vegetation includes shrubs, bunch grasses, and noxious weeds consistent with species found in the plains and great basin grassland biotic community (see Figure 4).

3.4.3 Threatened, Endangered, and Sensitive (TES) Species

The project site is found within a “Low Sensitivity” area, or Area 3, as designated by the Navajo Nation Department of Fish and Wildlife (NNDFW)’s *Biological Resource Land Use Clearance Policies and Procedures* (RCS-44-08). NNDFW has reviewed the proposed project and determined the project will have no effect to any federally or tribally-listed TES species.

3.5 Cultural Resources

Cultural resources primarily include artifacts, historic places or buildings, and traditional/cultural properties (TCPs). A Cultural Resources Inventory (CRI) is conducted to determine if such resources are eligible for protection under the National Historic Preservation Act and other applicable laws as determined by the Navajo Nation Heritage & Historic Preservation Department (NNHHPD). A CRI consists of a records search, field survey, and report.

This section discusses the results of the CRI conducted by Dwayne Waseta under NNHHPD permit number B10387. The results were compiled into a report called, *WS-10-06: A [CRI] for the Proposed Nazlini Church of the Nazarene church site located in the Nazlini Chapter, Nazlini, Apache County,*

Arizona. During both the records search and field survey, no cultural, archaeological, or historic properties were found on or within 50 feet of the perimeter of the project site.

3.6 Socioeconomic Conditions

This section discusses the employment and income; demographics and trends; and lifestyles, cultural values, attitudes, and expectations; and community infrastructure in the Nazlini area.

3.6.1 Employment and Income

According to the American Community Survey 5-Year Estimates for Nazlini Chapter (DP-05), the 2017 median household income was \$12,039 and the per capita income was \$8,042. The unemployment rate was 12.8%, which is very high compared to the U.S. (about 4.4%) and Arizona (4.9%) unemployment rates in 2017. The biggest industries in Nazlini include: educational services, and health care and social assistance (employing 41.1% of Nazlini's labor force); arts, entertainment, and recreation, and accommodation and food services (employing 12.1%); professional, scientific, and management, and administrative and waste management services (employing 12.1%); and construction (employing 10.5%). About 55.5% of all people were reported to live at or below the poverty level.

3.6.2 Demographics and Trends

According to the American Community Survey 5-Year Estimates for Nazlini (DP-03), the 2017 population in Nazlini Chapter was 1,199. The median age was 32.1 years old and 99.7% of the population was reported to be Native American. There were 623 households in Nazlini, with an average household size of 1.9 persons per household. This is lower than the U.S. average of 2.5 persons per household.

It is prudent to note that the U.S. Census Bureau has experienced a number of unique problems in counting the American Indian population since it first began such population counts in the 1800s. Many of those problems center on political, cultural, and geographical considerations. The latest census count revealed American Indians living on American Indian Reservations were undercounted by 4.88% during the 2010 census (U.S. Census Bureau, 2012).

3.6.3 Lifestyles, Cultural Values, Attitudes, and Expectations

Navajo people continue to live a combination of traditional and modern lifestyles and their language is still thriving. Many have contemporary occupations both on and off the Navajo Nation while maintaining aspects of their culture, customs, and traditional lifestyles. Locally, they work at places such as schools, hospitals, and various, but limited commercial operations.

Grazing is the primary agricultural activity use in the Navajo Nation; farming activities are minimal. Yet, both are important from an economic and cultural standpoint (BOR, 2016). Others earn income from livestock sales, rugs and jewelry making, and food vendors. Major influences on sociocultural conditions include cultural beliefs and values, socioeconomic trends including poverty, limited employment opportunities, high unemployment, housing shortages, and lack of infrastructure (2016).

3.6.4 Community Infrastructure

Infrastructure systems found in the Nazlini area are described below:

Roads and Accessibility. Navajo Route 27 is the main thoroughfare that provides access throughout Nazlini Chapter. From this road, residents and visitors can access various areas of the Chapter and the Navajo Nation using paved and unpaved roads. The proposed project can be accessed from using a short dirt access road off of Navajo Route 27, 1.3 miles northwest of the Chapter House.

Power. NTUA is the primary power utility provider across the Navajo Nation. Power utilities are present at the project site. Service lines to the parsonage are needed, but no additional utility rights-of-ways (ROWs) will be needed for this project.

Water. NTUA is the primary water utility provider across the Navajo Nation. Water utilities are present at the project site. Service lines to the parsonage are needed, but no additional utility ROWs will be needed for this project.

Wastewater. Wastewater utilities on the Navajo Nation are comprised of sewer lagoons (for large housing developments), individual septic tanks, and/or dry outhouses. The church utilizes a septic tank and leach field system. Service lines to the parsonage are needed, but no additional utility ROWs will be needed for this project.

Solid Waste. All solid waste generated in the Chapter is taken to the local transfer stations where Waste Management transports it to nearby landfills. Waste generated at the Nazlini Church of the Nazarene is taken to the local transfer station by church employees.

3.7 Environmental Justice

Environmental justice has been defined as the pursuit of equal justice and equal protection under law for all environmental statutes and regulations without discrimination based on race, ethnicity, and/or socioeconomic status. The proposed project is located in Nazlini of the Navajo Nation, where approximately 99.7% of the population is Native American and 55.5% of the population live at or below the poverty level (U.S. Census – DP03 and DP-05, 2017). The project is in an area of extreme poverty and high proportion of minority populations.

3.8 Indian Trust Resources

Indian Trust Resources includes property and interests in property: “(1) that are held in trust by the U.S. for the benefit of a tribe or individual Indians; or (2) that are subject to restrictions upon alienation,” (25 CFR Part 1000.352). The proposed project is located on Navajo Tribal Trust land. In 2012 Congress enacted the *Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act* amendments to the Indian Long-Term Leasing Act. This Act provides authority for Indian tribes to lease tribal trust lands directly pursuant to tribal law, without further Secretarial approval.

3.9 Environmental Module

Sites regulated under the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund), and the Toxic Substances Control Act (TSCA) in the study area are discussed in this section. The information below was obtained through the USEPA and through field observation.

3.9.1 RCRA Subtitle C Sites

The Subtitle C program identifies the criteria and establishes various requirements for the three categories of hazardous waste handlers: (1) generators; (2) transporters; and (3) treatment, storage, and disposal facilities. The proposed project will not generate, handle, or store hazardous waste on or near the project site as part of the proposed action. There is a RCRA Subtitle C site 1.1 miles south of the project site (USEPA, 2019a). This site, the BIA Nazlini Boarding School, is in compliance with RCRA (UESPA-ECHO, 2019).

3.9.2 RCRA Subtitle D Sites

The Subtitle D program regulates the disposal of non-hazardous solid waste. A small amount of solid waste will be generated during construction. The construction contractor will be responsible for the proper disposal of solid waste generated during construction. EnviroFacts revealed no RCRA Subtitle D sites within one mile of the project site (USEPA, 2019a).

3.9.3 RCRA Subtitle I Sites

The Subtitle I program regulates active underground storage tanks (USTs) and abandoned and often leaking underground storage tanks (LUSTs). No evidence of USTs or LUSTs were observed in the project site during the field visit. USEPA's data reveals that there are no known USTs or LUSTs within 3,000 feet of the project area (2019b).

3.9.4 CERCLA/Superfund Sites

Superfund, established in 1980 under CERCLA, is a U.S. federal government program designed to fund the cleanup of sites contaminated with hazardous substances and pollutants. Sites managed under this program are referred to as "Superfund" sites. EnviroFacts showed no CERCLA/Superfund sites in or around the project area (USEPA, 2019a).

3.9.5 Toxic Substance Control Act (TSCA) Sites

Section 8(b) of the TSCA requires the USEPA to compile, keep current, and publish a list of each chemical substance that is manufactured or processed, including imports, in the U.S. for uses under TSCA. Chemical substances on the TSCA Inventory include: organics; inorganics; polymers; and chemical substances of unknown or variable composition, complex reaction products, and biological materials (UVCBs). EnviroFacts showed no TSCA sites in or around the project area (USEPA, 2019a).

3.10 Resources/Land Use Patterns

The following land uses or practices occur in this region: transportation use network; land use plans; agriculture; outdoor recreation, fishing, and hunting; and timber harvesting.

3.10.1 Transportation Use Network

The main regional thoroughfare in the Nazlini area is Navajo Route 27. It runs north to south between Chinle and Ganado, Arizona. From this road, locals and residents can access most areas in the Chapter using paved and unpaved roads.

3.10.2 Land Use Plans

The Navajo Nation passed the Navajo Nation Local Governance Act (LGA) (Title 26 of the Navajo Nation Code) to recognize Chapter-level governance on the Nation. Under this act, Chapters can develop community-based land use plans that can be used to administer land. Navajo Chapters typically publish their land use plans online at: <http://navajochapters.org/>. The Nazlini Chapter is LGA-certified and they do have a land use plan; however, it is not currently available online.

3.10.3 Agriculture

Small family farms and livestock grazing, mainly sheep, cattle, and horses, are part of the agricultural activities within the Navajo Nation. Although there are no recorded family farms in the Chapter (NNDCC, [no date]; LSR Innovations, 2004), families in Nazlini Chapter may have a small plot for dry farming or fenced area for sheep or other livestock. No grazing or farming occurs on site and soils at the project site are not indicative of agricultural importance (NRCS, 2019).

3.10.4 Outdoor Recreation, Fishing, and Hunting

The NNDFW oversees outdoor recreation, fishing, and hunting on the Navajo Nation. There are no fishing lakes or outdoor recreation areas near the project area. The project site is located in NNDFW Hunt Unit #5B.

3.10.5 Timber Harvesting

The Navajo Nation Forestry Department (NNFD) is responsible for regulating the Nation's forests. There is currently no commercial or industrial timber harvesting on the Navajo Nation, sans local firewood collected in some wooded areas. NNFD requires all timber harvesting in Navajo forest and woodlands be permitted.

3.11 Other Values

This section discusses wilderness areas, sound and noise, public health and safety, and the visual setting within the project area.

3.11.1 Wilderness Areas

The Wilderness Act of 1964 (16 U.S.C. 1131-1136, P.L. 88-577) established the National Wilderness Preservation System, which protects federally managed wilderness areas designated for preservation in their natural condition. Wilderness areas are managed by four federal land management agencies: the National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management. The nearest designated wilderness area is the Petrified Forest National Wilderness Area. It is situated almost 62 miles southwest of the project site. This wilderness area is managed by the National Park Service.

3.11.2 Sound and Noise

Nazlini is a small, quiet community. Man-made sound and natural noise sources near the project site includes traffic along roads, activities in the surrounding community, and natural phenomena such as wind, thunder, and rain. The Noise Control Act of 1972 (42 U.S.C. §4901 et seq.) was passed in order to preserve the health and welfare of the U.S. population, particularly in urban areas. However, noise is primarily controlled by State and local governments. The Navajo Nation does not have any noise regulations or requirements that would be applicable to this project.

3.11.3 Public Health and Safety

Public Safety. Nazlini Chapter does not have a local police or fire station. The nearest police and fire stations are located in Chinle, and Ganado Arizona. The BIA provides wildfire fighting services throughout the Navajo Nation. Nazlini Church of the Nazarene follows fire safety policies to reduce risk of fires inside their mission site.

Healthcare. There are no local clinics in Nazlini. Residents in and around the Nazlini area go to the Chinle Indian Medical Hospital in Chinle, Arizona or the Sage Memorial Hospital in Ganado, Arizona.

3.11.4 Visual Setting

The proposed project will not involve any new construction that would impact the visual setting. According to the Navajo Nation's Environmental Protection Act (§903): "The Navajo Nation shall employ its governmental authority pursuant to section 2 hereof, using all practicable means consistent with other essential government functions, for the following purposes: ... (B) To assure for all residents or and

visitors to the Navajo Nation a safe, healthful, productive, **aesthetically pleasing and culturally appropriate environment**; ... (F) To preserve important... natural aspects of the Navajo Nation.”

4 Environmental Consequences of the Proposed Action

This chapter discusses short-term and long-term impacts and effects of the proposed action and alternatives on the resources described in Chapter 3. It also identifies mitigation measures aimed at minimizing, mitigating, or eliminating these impacts and/or compensating for their impact. Mitigation measures aim to minimize risks to human health and the environment and to maintain compliance with applicable laws and regulations. Best Management Practices (BMPs) are also recommended to further prevent or reduce non-point source pollution and promote conservation. The main difference is that mitigation measures are required by law and BMPs are not.

4.1 Land Resources Impacts

4.1.1 Geology and Topography

The only future development that would occur at the project site would be utility service lines to the parsonage and a fence around the perimeter of the project. No modifications to the regional geology or local topography would occur under the proposed action. There will be no effect to geology and topography as a result of either the proposed action or no-action alternative.

4.1.2 Soils

The only future development that would occur at the project site would be utility service lines to the parsonage and a fence around the perimeter of the project. No new construction is proposed and therefore, there will be no impact to soils as a result of the proposed action. There will be no effect to soils as a result of either the proposed action or the no-action alternative.

4.1.3 Mineral Resources

The proposed action will not require the use of local mineral resources. There will be no effect to mineral resources as a result of either the proposed action or no-action alternative.

4.2 Water Resources Impacts

4.2.1 Surface Water

The only future development that would occur at the project site would be utility service lines to the parsonage and a fence around the perimeter of the project. No new construction is proposed and therefore, there will be no impact to surface waters as a result of the proposed action. There will be no effect to surface waters as a result of either the proposed action or the no-action alternative.

4.2.2 Ground Water

The proposed action does not involve deep ground excavation that will affect ground water resources nor will it utilize ground water during operation. There will be no effect to ground water from the proposed action or no-action alternative.

4.2.3 Floodplains

The project site is higher in elevation than the drainage channels surrounding the site (see **Figure 4**). Therefore, it is not at risk for flooding. There will be no impact to or from floodplains under the proposed action.

4.3 Air Resources Impacts

4.3.1 Quality/Visibility

The only future development that would occur at the project site would be utility service lines to the parsonage and a fence around the perimeter of the project. No new construction is proposed and therefore, there will be no impact to air quality/visibility as a result of the proposed action. There will be no effect to air quality/visibility as a result of either the proposed action or the no-action alternative.

4.3.2 Climate/Meteorology

The proposed action will not increase greenhouse gases that would alter the regional climate or meteorology of the area. The current greenhouse gas emissions associated with travel to and from the site from church patrons and staff will not increase. There will be no effect to climate/meteorology from the proposed action or no-action alternative.

4.4 Biotic Resources Impacts

4.4.1 Biotic Community, Vegetation and Wildlife

Any impacts to vegetation and wildlife will be minor and localized to individual species in the area. Currently, the project area is already disturbed by previous developments and minor improvements will take place as a result of the proposed action. There will be no effect to vegetation and wildlife from either the proposed action or no-action alternative.

4.4.2 Threatened, Endangered, and/or Sensitive (TES) Species

The proposed project is not anticipated to result in any effects to any special-status or associated habitat. NNDFW concurred with this finding and issued a Biological Resources Compliance Form, which is attached in **Appendix A**.

4.4.3 Cultural Resources Impacts

No cultural resources were identified in or around the project site, and therefore the archaeologist recommended clearance for the project. NNHHPD issued a Cultural Resources Compliance Form, which is attached in **Appendix B**. NNHHPD recommended no mitigation measures, sans its discovery clause.

Discovery Clause: In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and NNHHPD must be notified at (928) 871-7198.

4.5 Socioeconomic Conditions Impacts

The proposed project will not benefit nor impact socioeconomic conditions in the project area. There will be no effect to socioeconomic conditions as a result of either the proposed action or the no-action alternative.

4.6 Environmental Justice Impacts

The proposed action takes place in an area of primarily low-income and minority populations that would benefit from a community gathering place and community services. No environmental justice issues have been identified that are associated with the proposed action or no-action alternative.

4.7 Indian Trust Resources Impacts

The project site is located on Navajo Tribal Trust land that was developed at various times since 1983. While the project site may currently be in rangeland status, the project site is disturbed and does not support preferred forage by livestock. There will be no effect to Indian Trust Resources as a result of either the proposed action or the no-action alternative.

4.8 Environmental Module Impacts

There is one RCRA site located 1.1 miles away from the project site; however, this site is in compliance with RCRA (USEPA-ECHO, 2019). This site will have no effect on the proposed project. Due to the absence of other RCRA, CERCLA/Superfund, and TSCA sites in the immediate project vicinity, there will be no effect to such sites as a result of either the proposed action or no-action alternative. No RCRA, CERCLA, or TSCA sites will be created as a result of the proposed action or no-action alternative.

4.9 Resource/Land Use Patterns Impacts

4.9.1 Transportation Use Network

The proposed project will utilize the existing transportation use network without any modifications. There will be no effect to the transportation use network from the proposed action or no-action alternative.

4.9.2 Land Use Plans

The church at the project site has been in existence since 1983 and there will be no new construction as a result of the proposed action. There are no land use plans available online for review; however, it is anticipated that due to the age of the site that there will be no effect to land use plans as a result of the leasing activity. Under the no-action alternative, the church would continue to exist and operate in the community. There will be no effect to land use plans under the no-action alternative.

4.9.3 Agriculture

Due to the absence of agriculture at the project site, there will be no effect to agriculture as a result of either the proposed action or no-action alternative.

4.9.4 Outdoor Recreation, Fishing, and Hunting

There are no outdoor recreation or fishing within the immediate vicinity of the project site. The project site is already disturbed and would not take away habitat for game animals. Thus, there will be no effect to such resources from the proposed action or no-action alternative.

4.9.5 Timber Harvesting

The proposed project does not require timber and would not result in unpermitted take of Navajo Nation timber. There will be no effect to timber harvesting as a result of either the proposed action or no-action alternative.

4.10 Other Values Impacts

4.10.1 Wilderness Areas

The nearest wilderness area is located 62 miles away from the project site. There will be no effect to wilderness areas as a result of either the proposed action or no-action alternatives.

4.10.2 Sound and Noise

During service line extensions and fencing the site, there will be elevated noise levels. However, these noise levels will be elevated during normal business hours weekdays and weekends. The impacts to sound and noise will be direct, minor, and short-term. Once construction activities are complete, the noise levels would return to their normal levels. There will be no effect to sound and noise under the no-action alternative.

4.10.3 Public Health and Safety

The proposed project is not expected to increase or decrease the needs for public health and safety in the community. There will be no effect to public health and safety as a result of either the proposed action or the no-action alternative.

4.10.4 Visual Setting

There are no protected scenic areas or byways under federal, state, or Navajo Nation law. The church already exists and minor improvements will occur as a result of the proposed action that would not disrupt the visual setting. There will be no effect to the visual setting under either the proposed action or the no-action alternative.

4.11 Cumulative Impacts

Cumulative impacts result from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions regardless of what agency or person undertakes these actions. Nazlini is a relatively rural area and the Nazlini Church of the Nazarene has been in the community since 1983. There will be minor improvements to the site under the proposed action; and the church will continue to operate until it receives its official Mission Site Lease. The church will continue to provide its community services independent of other regional projects.

4.12 Summary of BMPs & Mitigation Measures

No mitigation measures are recommended for this project. The NNHHPD "discovery clause" only applies to buried artifacts discovered during ground-breaking activities.

Cultural Resources Discovery Clause. In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and NNHHPD must be notified at (928) 871-7198.

5 List of Agencies and Organizations Consulted

The information used in this analysis was obtained from reports, government databases, biological and archaeological field surveys, and direct communication (either by phone or letters) with the following agencies: Arizona Geological Survey, University of Arizona, University of Akron, U.S. Census Bureau, U.S. Department of Agriculture - National Resources Conservation Service, U.S. Department of Interior - Bureau of Indian Affairs, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Geological Survey, U.S. Bureau of Mines, Federal Emergency Management Agency, Western Regional Climate Center, Navajo Nation Division of Community Development, Navajo Nation Environmental Protection Agency, Navajo Nation Department of Fish and Wildlife, Navajo Nation Heritage & Historic Preservation Department, and Navajo Nation Water Management Branch.

6 Document Preparer's Qualifications and Signature

This document has been prepared by Kristin Miller, Environmental Scientist, and Eunice L. Tso, Environmental Specialist, ETD, Inc. Ms. Tso has over 25 years of experience in environmental regulatory compliance in Indian Country and is an expert in the environmental policies and regulations that affect development in Indian country. She holds a M.S. Degree in Environmental Geology from Northern Arizona University. Kristin Miller has four years of experience preparing environmental review documents under Eunice Tso. She holds a B.S. in Environmental Science from Northern Arizona University.



Kristin Miller, B.S. Environmental Science
Environmental Scientist

November 14, 2019

Date



Eunice L. Tso, M.S. Geology
Environmental Specialist

Nov 14, 2019

Date

7 References

- (AZGS, 2000). Arizona Geological Survey (AZGS). 2000. *Geologic Map of Arizona*. <<http://data.azgs.az.gov/geologic-map-of-arizona/#>>. (Date Accessed: September 11, 2019). **Web**.
- (BIA, 2012). U.S. Department of Interior, Bureau of Indian Affairs (BIA). 2012. *Indian Affairs National Environmental Policy Act (NEPA) Guidebook 59 IAM 3-H, Division of Environmental and Cultural Resources Management*. <<http://www.bia.gov/cs/groups/xraca/documents/text/idc009157.pdf>>. (Date Accessed: June 3, 2016). **PDF**.
- (BOR, 2016). Bureau of Reclamation. September 2016. *Draft Environmental Impact Statement for the Navajo Generating Station – Kayenta Mine Complex Project*. **PDF**.
- (Brown, 1994). Brown, D.E. 1994. *Biotic Communities of the American Southwest-United States and Mexico*. In: Desert Plants. Volume 4. Numbers 1-4 1982. University of Arizona, Tucson, Arizona. **Print**.
- (Cooley, et. al., 1969). Cooley, M.E.; Harshbarger, J.W.; Akers, J.P.; and Hardt, W.F. 1969. *Regional Hydrogeology of the Navajo and Hopi Indian Reservations, Arizona, New Mexico, and Utah*. U.S.G.S. Professional Paper 521-A. **PDF**.
- (Foos, 1999). Foos, Annabelle. 1999. *Geology of the Colorado Plateau*, Geology Department, University of Akron. **PDF**.
- (LSR Innovations, 2004). LSR Innovations. 2004. *Chapter Images*. Prepared for the Navajo Nation Division of Community Development. **Print**.
- (NNDCCD, [no date]). Navajo Nation Division of Community Development (NNDCCD). [no date]. *Navajo Nation WIND - View by Chapters – Nazlini*. <<https://navajoprofile.wind.enavajo.org/Chapter/Nazlini>>. (Date Accessed: September 11, 2019). **Web**.
- (NRCS, 2019). U.S. Department of Agriculture (USDA), National Resource Conservation Service (NRCS). 2019. *Web Soil Survey*. <<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>>. (Date Accessed: September 11, 2019). **Web**.
- (USBM and USGS, 1980). U.S. Bureau of Mines (USBM) and U.S. Geological Survey (USGS). 1980. *Principles of a Resource/Reserve Classification for Minerals*. Geological Survey Circular 831. **PDF**.
- (U.S. Census Bureau – DP05, 2017). U.S. Census Bureau; *DP05 ACS Demographic and Housing Estimates, 2013 – 2017 American Community Survey 5-Year Estimates*; generated by Kristin Miller; using American FactFinder; <<http://factfinder2.census.gov>>; (11 September 2019). **Web**.
- (U.S. Census Bureau – DP03, 2017). U.S. Census Bureau; *DP03 Selected Economic Characteristics, 2013 – 2017 American Community Survey 5-Year Estimates*; generated by Kristin Miller; using American FactFinder; <<http://factfinder2.census.gov>>; (11 September 2019). **Web**.
- (U.S. Census Bureau, 2012). U.S. Census Bureau. 2012. *DSSD 2010 Census Coverage Measurement Memorandum Series #2010-G-01*. <https://census.gov/coverage_measurements/pdfs/g01.pdf> (Date Accessed: April 9, 2015). **PDF**.
- (USEPA, 2018). U.S. Environmental Protection Agency (USEPA). September 28, 2018. *Air Quality Analysis, Maps, EPA Region 9 Air Quality Maps and Geographic Information*. <<https://www3.epa.gov/region9/air/maps/index.html>>. (Date Accessed: September 11, 2019). **Web**.
- (USEPA, 2019a). U.S. Environmental Protection Agency (USEPA). 2019. *EnviroFacts Data Warehouse*. <<http://www.epa.gov/enviro/index.html>>. (Date Accessed: September 12, 2019). **Web**.
- (USEPA, 2019b). U.S. Environmental Protection Agency (USEPA). April 8, 2019. *Tribal UST and LUST Data – EPA Region 9*. <<https://www.epa.gov/ust/tribal-ust-and-lust-data>>. (Date Accessed: August 7, 2019). **Web**.
- (USEPA-ECHO, 2019). U.S. Environmental Protection Agency, Enforcement and Compliance History Online (USEPA-ECHO). Detailed Facility Report for BIA Nazlini Boarding School. <<https://echo.epa.gov/detailed-facility-report?fid=110009459246>>. (Date Accessed: 9/12/2019).
- (USFWS, 2018). U.S. Fish and Wildlife Service (USFWS). 2018. National Wetlands Inventory: Wetland Mapper. <<http://www.fws.gov/wetlands/Data/Mapper.html>>. (Date Accessed: January 5, 2019). **Web**.

(USGS, 2008). U.S. Geological Survey (USGS). 2008. *Mineral Resources On-Line Spatial Data*. <<http://mrddata.usgs.gov/>>. (Date Accessed: November 2, 2017). **Web**.

(WRCC, 2016). Western Regional Climate Center (WRCC). 2016. *GANADO, ARIZONA (023303), Period of Record Monthly Climate Summary – Period of Record: 02/01/1929 to 06/09/2016*. <<https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?az3303>>. (Date Accessed: September 11, 2019). **Web**.

Appendix A: Biological Resources Compliance Form

BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Nazlini Church of the Nazarene - Mission Site Permit

DESCRIPTION: The Nazlini Church of the Nazarene proposes to obtain a mission site permit consisting of 2.00± acres. Utilities are onsite.

LOCATION: SE¼ of Section 17, T29N, R27E, G&SRM, Nazlini, Apache County, Arizona

REPRESENTATIVE: Justin Johnson (Pastor) and Elizabeth B. Johnson, Nazlini Church of the Nazarene

ACTION AGENCY: Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for review & compliance/04 SEP 2019/Johnsons

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA


AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/08 SEP 2019

COPIES TO: (add categories as necessary)

_____ _____

<u>2 NTC § 164 Recommendation:</u>	Signature	Date
<input checked="" type="checkbox"/> Approval		9/9/19
<input type="checkbox"/> Conditional Approval (with memo)		
<input type="checkbox"/> Disapproval (with memo)		
<input type="checkbox"/> Categorical Exclusion (with request letter)		
<input type="checkbox"/> None (with memo)		
Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife		

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.	
Representative's signature	Date

Appendix B: Cultural Resources Compliance Form

CULTURAL RESOURCES COMPLIANCE FORM

THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
PO BOX 4950
WINDOW ROCK, ARIZONA 86515

ROUTING: COPIES TO
AZ SHPO
XX REAL PROPERTY MGT/330
WS

NNHPD NO. HPD-11-009
OTHER PROJECT NO.
WS-10-06

PROJECT TITLE: A Cultural Resources Inventory for the Proposed Nazlini Church of the Nazarene church site located in the Nazlini Chapter, Nazlini, Apache County, Arizona

LEAD AGENCY: BIA/NR

SPONSOR: Nazlini Church of the Nazarene. Attn: Pastor Justin Johnson, PO Box Ganado, Arizona 86505

PROJECT DESCRIPTION: The proposed undertaking will involve a church site lease & the construction of a new church along with the installation of associated facilities/utilities within the 2.00-acre lease area. Ground disturbance will be intensive and extensive with the use of heavy equipment.

LAND STATUS: Navajo Tribal Trust
CHAPTER: Nazlini
LOCATION: Unplatted & Projected T.29N, R.27E; Nazlini Quadrangle, Apache County, Arizona G&SRPM

PROJECT ARCHAEOLOGIST: Dwayne Waseta
NAVAJO ANTIQUITIES PERMIT NO.: B10387

DATE INSPECTED: 10/04/10
DATE OF REPORT: 10/20/10
TOTAL ACREAGE INSPECTED: 5.8-ac

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 10-12 m apart.

LIST OF CULTURAL RESOURCES FOUND: None
LIST OF ELIGIBLE PROPERTIES: None
LIST OF NON-ELIGIBLE PROPERTIES: None
LIST OF ARCHAEOLOGICAL RESOURCES: None


EFFECT/CONDITIONS OF COMPLIANCE: **No historic properties affected.**

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7148.

FORM PREPARED BY: Tamara Billie
FINALIZED: April 19, 2011


Notification to
Proceed Recommended:
Conditions:

Yes XX No _____
Yes _____ No XX

 4-28-11
Alan S. Downer, Navajo Nation
Historic Preservation Officer Date

Navajo Region Approval:

Yes X No _____

 5/20/2011
Acting BIA-Regional Director Date

Tam 5/20/11



Sliding Fee Scale Form for Mission Site Permits

Application Information		Today's Date:	
Entitiy Name: <i>Nazlini Church of the Nazarene</i>			
Mailing Address: <i>P.O. Box 795</i>	City: <i>Ganado,</i>	State: <i>AZ.</i>	Zip: <i>86505</i>
Phone #: <i>(928) 309-1269</i>	Fax #: ()	Congregation Size: <i>38 adults, 8 children</i>	Acres requested: <i>2.0</i>

Income Information		
Source	Amount	Frequency (Circle One)
<i>Congregation Tithes & offering</i>	<i>\$ 17,566.50</i>	Weekly Monthly <u>Yearly</u>
<i>\$</i>	<i>\$</i>	Weekly Monthly Yearly
<i>\$</i>	<i>\$</i>	Weekly Monthly Yearly
<i>\$</i>	<i>\$</i>	Weekly Monthly Yearly
<i>GENERAL LAND DEVELOPMENT</i>	<i>\$</i>	Weekly Monthly Yearly
<i>DEPARTMENT</i>	<i>\$</i>	Weekly Monthly Yearly
<i>\$</i>	<i>\$</i>	Weekly Monthly Yearly
<i>\$</i>	<i>\$</i>	Weekly Monthly Yearly
<i>\$</i>	<i>\$</i>	Weekly Monthly Yearly
Total	<i>\$ 17,566.50</i>	Weekly Monthly <u>Yearly</u>

I do hereby swear or affirm that the information provided on this application is true and correct to the best of my knowledge and belief. As an agent of the applicant entity, I hereby acknowledge that I read the foregoing disclosure and understand it.

Name (Print): *Elizabeth B. Johnson, Treasurer*

Signature: *[Handwritten Signature]*

Date: *January 11, 2020*

Sliding Fee Scale for Navajo Nation Mission Site Permits

Purpose: These policies serve as a guide for the Navajo Land Department to determine Mission Site Permit fees in order to assure that a fair cost-determination has been made.

Policy: A sliding scale for permit fees will be provided to Mission Site Permit applicants, and based on their ability to pay. Ability to pay is determined by the size and annual income of the mission, as well as the number of acres utilized. The sliding scale is not a comprehensive formula, but is used for guidance to determine permit fees. The Navajo Land Department shall determine the permit fee for each mission on a case-by-case basis. The Navajo Land Department has the authority to adjust the sliding scale and permit fee as they see fit, in accordance with Navajo Nation and federal law.

Scope: These policies apply to all Mission Site Permits in the Navajo Nation.

Procedure:

1. Entities applying for Mission Site Permits must provide written verification of income.
2. Self-declaration may only be used in special circumstances. Entities that are unable to provide written verification must provide a signed statement of income, and why they are unable to provide independent verification. This statement will be presented to the Navajo Land Department for review and final determination as to the sliding fee percentage.
3. Permit fees will be determined at the discretion of the Navajo Land Department on a case-by-case basis for entities unable or unwilling to provide any level of documentation.
4. Pursuant to 16 N.N.C. § 1157 the Navajo Land Department will require a minimum charge of \$15.00 per acre per year for all mission sites in the Navajo Nation.
5. Permit cost will increase based on the annual income of the mission and the number of acres used, pursuant to Table 1 below. An additional \$15 will be assessed for each acre and each \$10,000 increase in annual income. An additional fee may also be added for missions with large congregations.

Table 1						
Annual Income	\$0-\$20,000	\$20,000-\$30,000	\$30,000-\$40,000	\$40,000-\$50,000	\$50,000-\$60,000	\$60,000-\$70,000
Acres Used	Minimum Fee	Minimum Fee	Minimum Fee	Minimum Fee	Minimum Fee	Minimum Fee
1	\$15	\$30	\$45	\$60	\$75	\$90

2	\$30	\$45	\$60	\$75	\$90	\$105
3	\$45	\$60	\$75	\$90	\$105	\$120
4	\$60	\$75	\$90	\$105	\$120	\$135
5	\$75	\$90	\$105	\$120	\$135	\$150
6	\$90	\$105	\$120	\$135	\$150	\$165
7	\$105	\$120	\$135	\$150	\$165	\$180
8	\$120	\$135	\$150	\$165	\$180	\$195

6. Any mission that is actively conducting substantial medical or accredited educational programs on its site shall be exempt from the permit fee.
7. The Navajo Land Department requires payment by December 30 of each year, prior to the year for which fees are due. If any mission fails to pay the required amount by the due date, their Mission Site Permit will automatically terminate in accordance with 16 N.N.C. § 1157.

APPLICATION FOR MISSION SITE (RELIGIOUS SITE)
NAVAJO NATION LANDS



DATE: January 15, 2020

Nazlini Church of the Nazarene
(NAME OF CHURCH)

P.O. Box 795, Ganado, Arizona 86505
(ADDRESS)

hereby makes an application for a religious site covering approximately 2.0 acres of Navajo Nation land located in Nazlini, Apache county, Arizona / New Mexico, as shown on the attached map.

After the local chapter approval of this application and with approval of land clearance given by the Navajo Land Department, a survey plat and legal description of the site prepared by a licensed or registered surveyor shall be submitted to the Navajo Land Department or the Bureau of Indian Affairs for review.

In Support of said application, the applicant hereby submits the following information:

- Supporting Chapter Resolution
- Land Use Consent
- Survey Plat
- Current Petition of Names
- Copy of Articles of Incorporation
- Other Supporting Documents

Detailed statement of the purpose(s) for which said Navajo Nation land shall be used. If a missionary or mission body proposes to establish facilities for educational, medical or other non-religious activities, this paragraph shall set forth fully the extent and character thereof:
Highest priority is to meet the spiritual need of our local people by worship services, praying together, studying the Bible, instructions on the way of the Lord; conduct weddings, funerals, revivals, Vacation Bible School, Sports clinic for youth, Counseling and family gatherings.

Description of building and improvements to be placed on tribal land and the estimated cost thereof:

Hogan Church - \$35,000
Fellowship Hall \$25,000
Sunday School Building \$25,000
Parsonage \$40,000

Applicant's plan for development of water and sewer:

All corporations must attach hereto a copy of their Articles of Incorporation. If foreign to the state where religious site is to be located, the corporation must supply a certified copy of their authority to do business in the state.

All corporations must furnish evidence of authority of the person(s) signing this application to execute papers on their behalf. Evidence should ordinarily be in the form of a general resolution of the Board of Directors certified by the Secretary over the seal of the corporation.

For the purpose of conducting business within the Navajo Reservation, all corporations must file their Articles of Incorporation with the Economic Development Commerce Department of the Navajo Nation. The Commerce Department will issue a corporate number to the church organization.

In all cases of applications on behalf of unincorporated bodies where documents do not explicitly give one individual authority to execute necessary papers, a power of attorney executed before a notary public by all associated parties for this purpose should be attached. If this is not supplied, all such persons must personally sign this application and all other documents submitted to the Navajo Agency.

Unincorporated applicants should submit articles depicting their organization, unless none exists, in which case an explanation of the nature of the organization should be listed on a separate sheet.

Applicant agrees to give preference to qualified local residents of the Navajo Nation for employment in the construction of any improvement on the church site if the permit is granted.

Lorraine Nellis
Authorized Agent (Print Name)

Lorraine Nellis
Authorized Agent (Signature)

P.O. Box 7092
Address Nazlini, AZ 86540

(928) 206-2779
Phone Number

lnellis1957@gmail.com
Email Address

APPLICATION FOR REVOCABLE USE PERMIT (RELIGIOUS SITE)
NAVAJO NATION LANDS

Date: November 8, 2010

President, Navajo Nation
Window Rock, Arizona

NAZLINI CHURCH OF THE NAZARENE

(Name of Applicant)

Post Office Box 795, Ganado, Arizona 86505

(Address)

hereby makes application for a religious site covering approximately 2.0 acres of Navajo Nation Land located in Nazlini or near RoseMary Van Winkle as shown on the map.

After the local chapter approval of this application and with approval of land clearance given by Navajo Land Department, a survey plat and legal description of the site prepared by a licensed or registered surveyor shall be submitted to the Navajo Land Department or the Bureau of Indian Affairs for review .

In support of said application, the applicant hereby submits the following information:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Article of Incorporation | <input checked="" type="checkbox"/> Land use consent |
| <input checked="" type="checkbox"/> Chapter resolution | <input checked="" type="checkbox"/> Site location |
| <input checked="" type="checkbox"/> Petition of names | <input checked="" type="checkbox"/> Others |

Detailed statement of the purpose or purposes for which said Navajo Nation land shall be used. If a missionary or mission body proposes to establish facilities for educational, medical or other nonreligious activities, this paragraph shall set forth fully the extent and character thereof.

Our highest priority is to meet the spiritual need of our local people by worshipping together, praying together, studying the Bible, instructing our children the way of the Lord; conduct weddings, funerals, revivals, Vacation Bible School, Sports Clinic for Youth, counseling for married couples, alcoholics, and family gatherings.

Description of buildings and improvements to be placed on tribal land, and the estimated cost thereof.

Hogan Church, \$35,000
Fellowship Hall, \$25,000
Sunday School Building, \$ 25,000
Parsonage Building, \$40,000 These are all existing buildings.

Applicant's plan for development of water and sewer.

The church buildings will all be hooked up for electricity and water
This is in the process.

All corporations must attach hereto a certified copy of their Articles of Incorporation. If foreign to the state where religious site is to be located, the corporations must supply a certified copy of their authority to do

business in the state.

All corporations must furnish evidence of authority of the person or persons signing this application to execute papers in their behalf. Evidence should ordinarily be in the form of a general resolution of the Board of Directors certified by the Secretary over the seal of the corporation.

For the purpose of conducting business within the Navajo Reservation, all corporation must file their Articles of Incorporation with the Economic Development Commerce Department of the Navajo Nation. The Commerce Department will issued a corporate number to the church organization.

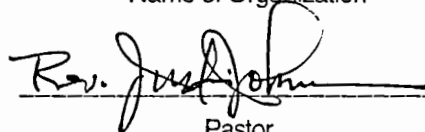
In all cases of applications on behalf of Unincorporated bodies where documents do not explicit give one individual authority to execute necessary papers, a power of attorney executed before a notary public by all associated parties for this purpose should be attached. If this is not supplied, all such persons must personally sign this application and all other documents submitted to the Navajo Agency.

Unincorporated applicants should submit articles depicting their organization, unless none exists, in which case an explanation of the nature of the organization should be listed on a separate sheet.

Applicant agrees to give preference to qualified local residents of the Navajo Nation for employment in the construction of any improvement on the church site if the permit is granted.

NAZLINI CHURCH OF THE NAZARENE

Name of Organization



Pastor

Nazlini Church of the Nazarene
P.O. Box 795
Ganado, Arizona 86505

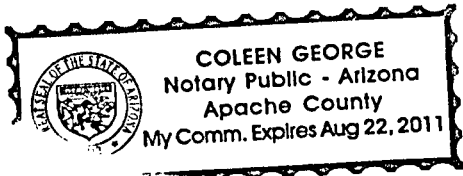
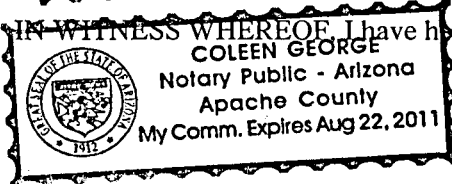
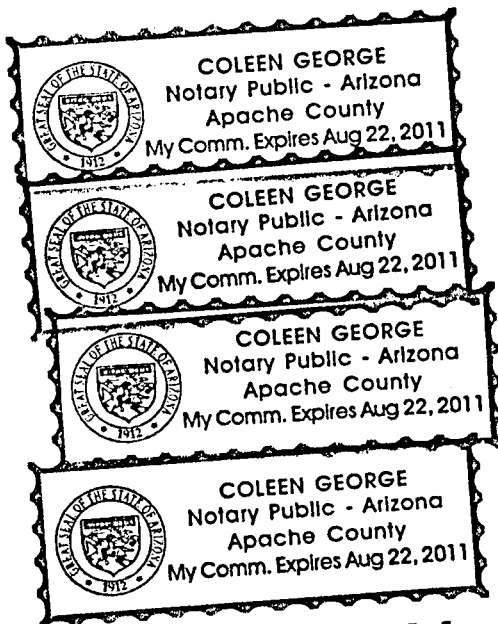
RESOLUTION OF THE BOARD OF DIRECTORS OF THE NAZLINI CHURCH OF THE NAZARENE

Authorization to Execute Religious Document

We, the Undersigned, duly elected officers and members of the Nazlini Church of the Nazarene, hereby, authorize Roy Nells, Jr., to be the Liaison person for the church and is to coordinate the processing of the church application and to execute any actions or functions necessary to establish a permanent religious site for the said Church. Further, this authority allows Roy Nells, Jr., to sign any legal documents on behalf of the Church.

This form is given in response to a language written on the second page of the religious/mission site application where it states that, "All Corporation must furnish evidence of authority of the person or persons who will be signing and executing papers on behalf of the church."

Date: 12/27/2010



[Signature]
Pastor

[Signature]
Sunday School Superintendent

[Signature]
NMI President, Member

[Signature]
Church Trustee, Member

[Signature]
Church Secretary

[Signature]
Church Treasurer

IN WITNESS WHEREOF, I have hereto set my hand, this 27th day of December 2010.

Roy Nells, Jr. Secretary

Subscribed and sworn before me a Notary,
Signature of Notary [Signature]
My commission expires: Aug 22, 2011



NAVAJO NATION CORPORATION CODE

CERTIFICATE OF INCORPORATION

To all to Whom these Presents Shall Come, Greeting:

I, the Director of the Business Regulatory Department, DO HEREBY CERTIFY that

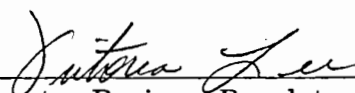
NAZLINI CHURCH OF THE NAZARENE
File Number 101365

a corporation organized under the laws of the jurisdiction of the Navajo Nation, was on the _____ 24th _____ day of _____ February, 2011 _____, authorized to transact business within the Navajo Nation as a Nonprofit Corporation.

I FURTHER CERTIFY that this corporation has filed all affidavits and annual reports and paid all annual filing fees required to date and, therefore, is in good standing within the Navajo Nation.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Navajo Nation Corporation Code at Window Rock, Arizona, this _____ 24th _____ day of _____ February _____, 2011 A.D.



Director, Business Regulatory Department

ARTICLES OF INCORPORATION
OF
NAZLINI CHURCH OF THE NAZARENE

The undersigned natural person(s), acting as incorporator(s) of a corporation under the Navajo Nation Corporation Code, hereby adopt(s) the following Articles of Incorporation for such corporation. Nazlini Church of the Nazarene is a nonprofit corporation.

ARTICLE I

Nazlini Church of the Nazarene

ARTICLE II

The duration of this corporation shall be perpetual.

ARTICLE III

The objects and purposes of this Corporation are to disseminate the truths and Principles of the Holy Bible, and diffuse more generally the Blessings of Christian Benevolence, Charity, Christian education, and the Christian religion throughout the Navajo Indian Reservation in connection with the Church of the Nazarene.

The Church's primary purpose is to develop the site, construct buildings to use for worship services on Sunday morning and evening, Sunday School classes, conduct weddings, funerals, and establish religious ministry to members of the church and including social and auxiliary function during the week for the community.

ARTICLE IV

Nazlini Church of the Nazarene came into existence in the early 1980s at its present location to bring the Gospel (Good News) to the community. The message of salvation is ever present and continuing. Since its beginning, the church has made a very positive impact on the people as lives have changed for the better. The church Members and the Church Board are from the community and are serving their own relatives and people. The work will to continue to bring the gospel from the Holy Bible for salvation, conduct weddings, baby dedications, baptisms, counseling, funerals, and any other. The Nazlini Chapter community have recognized the church for its positive influence to all.

ARTICLE V

The initial Registered Agents are both Charter Members of Nazlini Church of the Nazarene, which was Organized on September 24, 1983. Rosemary Van Winkle and her late husband, Carl Van Winkle, Sr., gave their permission in the latter 1970s for community people to worship on their premises, where the church buildings now stand. The son-in-law, Roy Nells, Jr., also reside in her house with his family, next to the church buildings. Mrs. Van Winkle is a Board Trustee and Mr. Nells is Nazarene Youth

International (NYI) Director on the Church Board. The location of the church is one tenth mile east of Navajo Route 27 at Milepost 18.4. It is 18.5 miles north of State Route 264, east of Ganado, Arizona. Rosemary Van Winkle, PO Box ' Nazlini, AZ 86540; Roy Nells, Jr., PO Box ' , Nazlini, AZ 86540

ARTICLE VI

Nazlini Church of the Nazarene is a part of Southwest Native American District under the General Church of the Nazarene, with its headquarters is Kansas City, MO. The Church Board is elected every two years and its member are registered Church Members.

- | | |
|---|---|
| 1. Pastor
Justin Johnson
PO Box
Ganado, Arizona 86505 | 2. Sunday School Superintendent
Elizabeth Johnson
PO Box
Ganado, Arizona 86505 |
| 3. Church Secretary
Chrispin Wallace
PO Box
Window Rock, Arizona 86515 | 4. Church Treasurer
Elizabeth Johnson
PO Box
Ganado, Arizona 86505 |
| 5. Nazarene Missions International (NMI)
President: Lorraine Nells
PO Box
Nazlini, Arizona 86540 | 6. Nazarene Youth International
Director: Roy Nells, Jr.
PO Box
Nazlini, Arizona 86540 |
| 7. Church Board Trustee
Rosemary Van Winkle
PO Box
Nazlini, Arizona 86540 | 8. Church Board Trustee
Leonard Benally
PO Box
Nazlini, Arizona 86540 |


ARTICLE VII

The incorporators will be the following persons at this time.

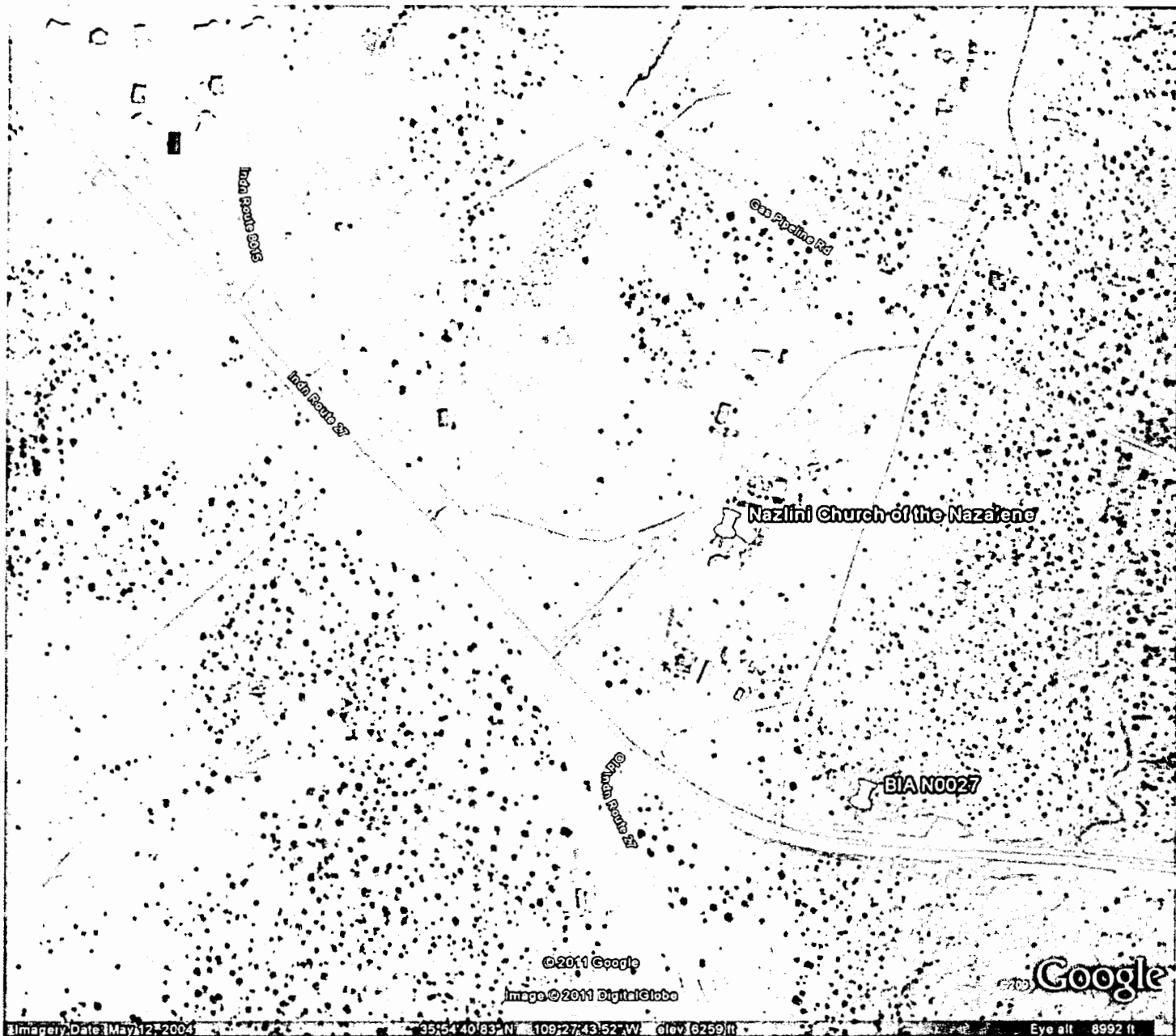
- | | |
|--|---|
| 1. Pastor
Justin Johnson
PO Box
Ganado, Arizona 86505 | 2. NYI Director
Roy Nells, Jr.
PO Box
Nazlini, Arizona 86540 |
|--|---|

ARTICLE VIII

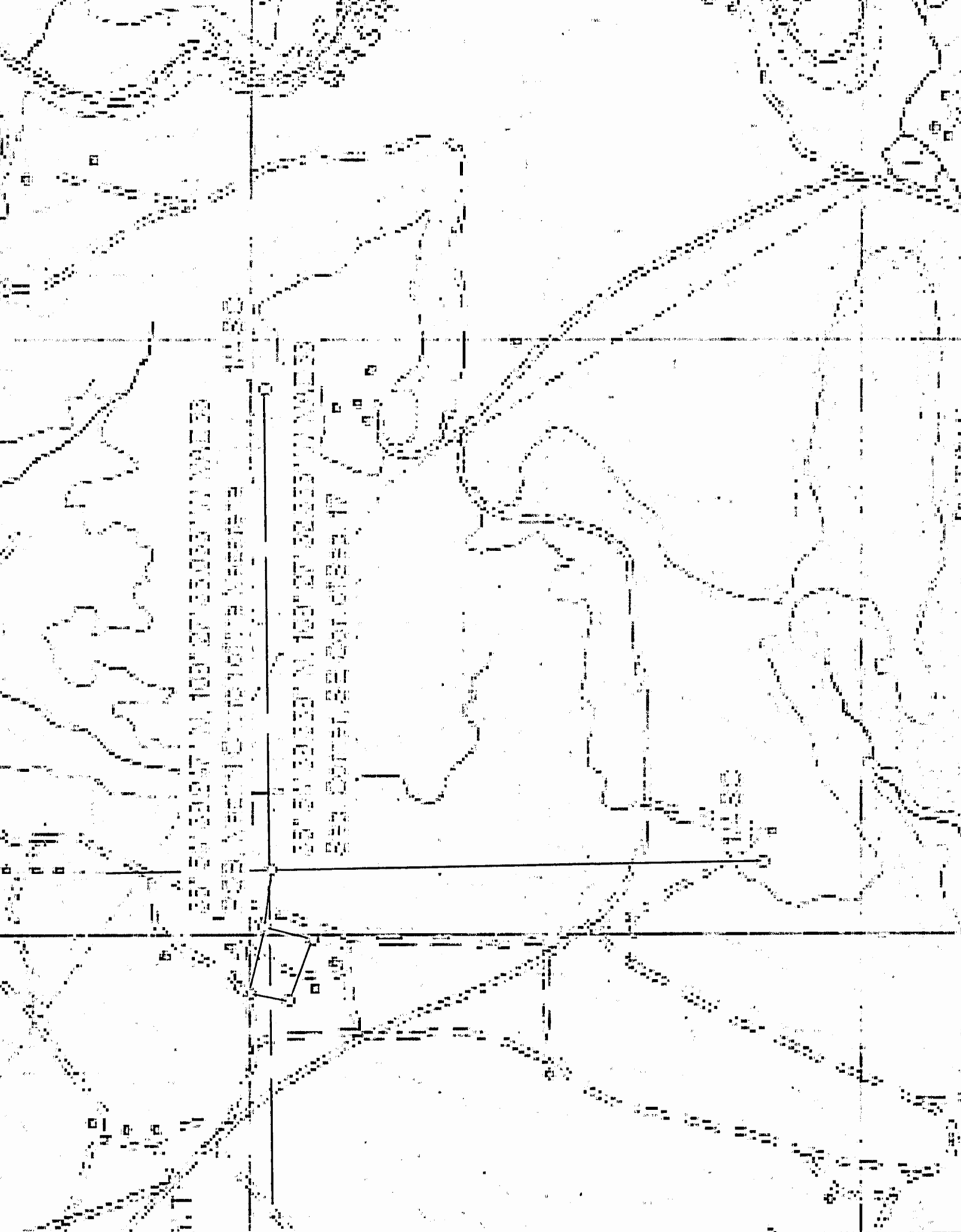
Nazlini Church of the Nazarene agrees to abide by all criminal, civil and regulatory laws of the Navajo Nation.


Incorporator: Pastor Justin Johnson

Incorporator: NYI Dir. Roy Nells, Jr



Road turnout is built at sta 30+450 m RT.
Project NO. N27(3-1)2&4



33° 53' 30" N, 103° 27' 30" W

33° 53' 30" N, 103° 27' 30" W

33° 53' 30" N, 103° 27' 30" W

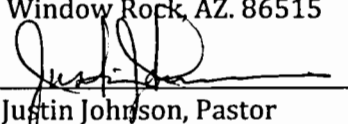
33° 53' 30" N, 103° 27' 30" W

33° 53' 30" N, 103° 27' 30" W



M E M O R A N D U M :

TO : Navajo Land Department, and
Regional Business Development Office,
The Navajo Nation
Window Rock, AZ. 86515

FROM : 
Justin Johnson, Pastor
Nazlini Church of the Nazarene

DATE : September 5, 2019

RE : Request for a 2.0 acre Mission Site Lease Permit, Nazlini Church of the Nazarene

Please accept this letter as a request for a 2.0 acre Mission Site Lease Permit for the Nazlini Church of the Nazarene Mission Tract, located in Nazlini, Arizona

PROJECT NAME: Nazlini Church of the Nazarene Mission Site Tract

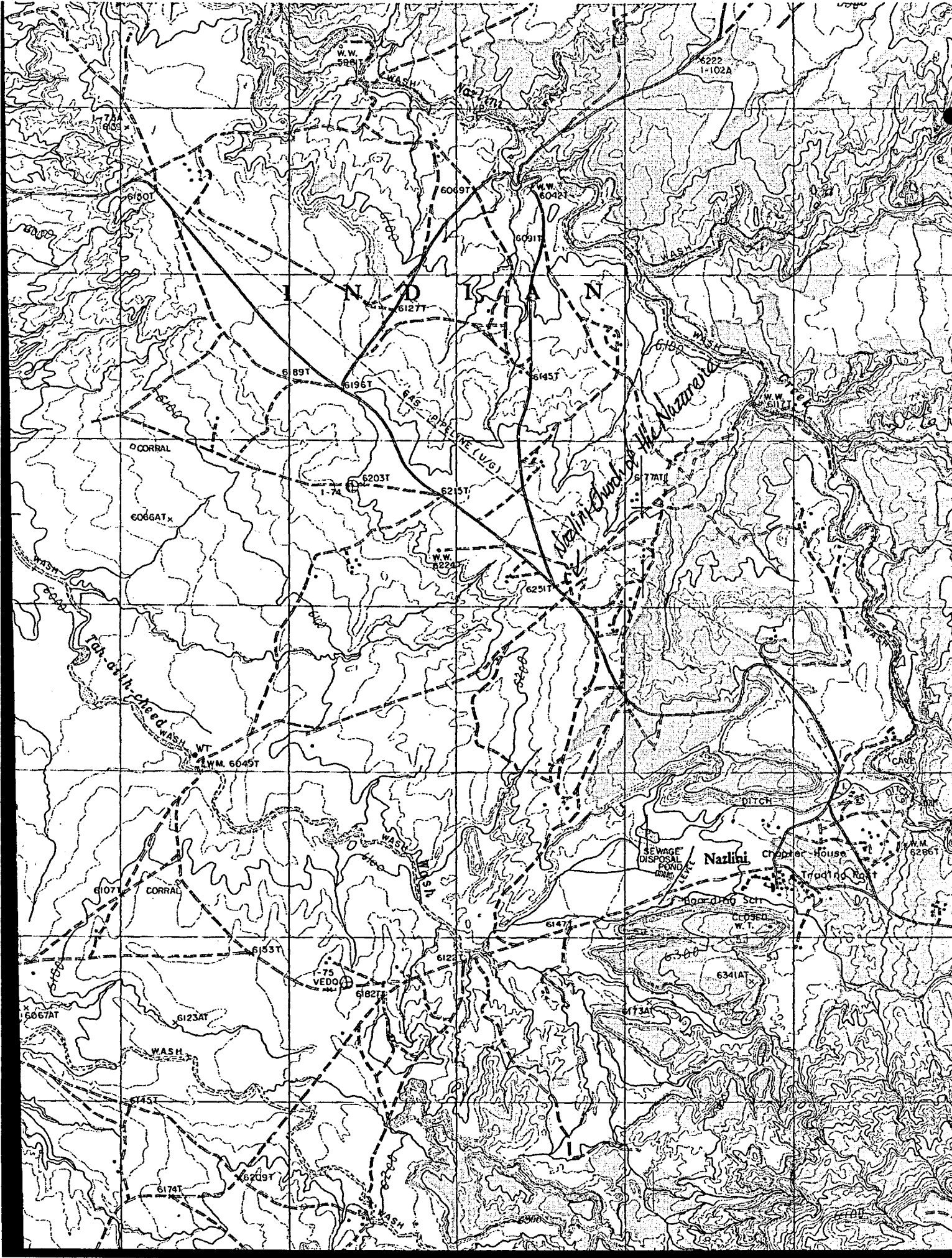
LOCATION: Nazlini, Apache County, AZ, Legal Description: A tract of land situated in Southeast Quarter of Section 17, Northeast Quarter of Section 20, Township 29 North, Range 27 East, G&S.R.M.

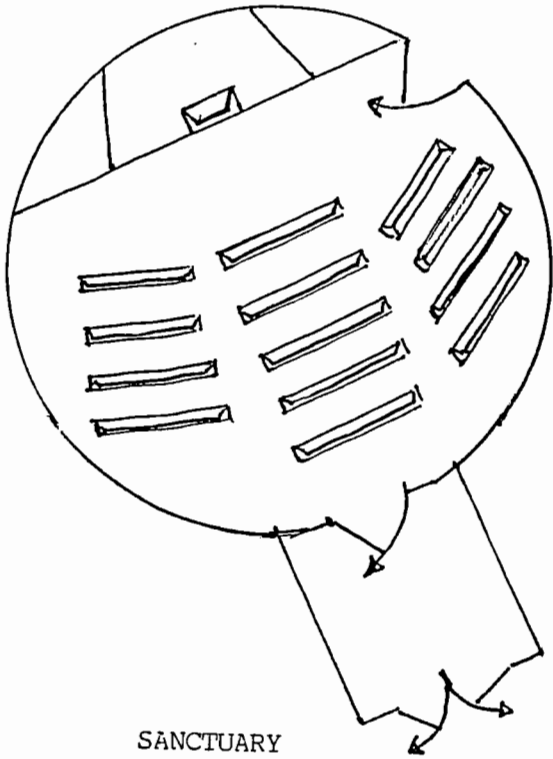
SUMMARY DESCRIPTION OF PROJECT: The Nazlini Church of the Nazarene Mission Site Tract includes the Church Building, the Fellowship Hall & Sunday School Building, the Parking Lot, the Children's Playground and the Parsonage. Except for the Parsonage, all the buildings on the Mission Site tract have been in operation since 1990. In fact, the Church building was built in 1983.

JUSTIFICATION : The Nazlini Church of the Nazarene is aware that Navajo Nation recommends 1.5 acres for a mission site; however, the layout of the buildings (built in 1980's) on the Mission Site covers approximately 2.0 acres. Therefore, we respectfully request use permit for 2.0 acres.

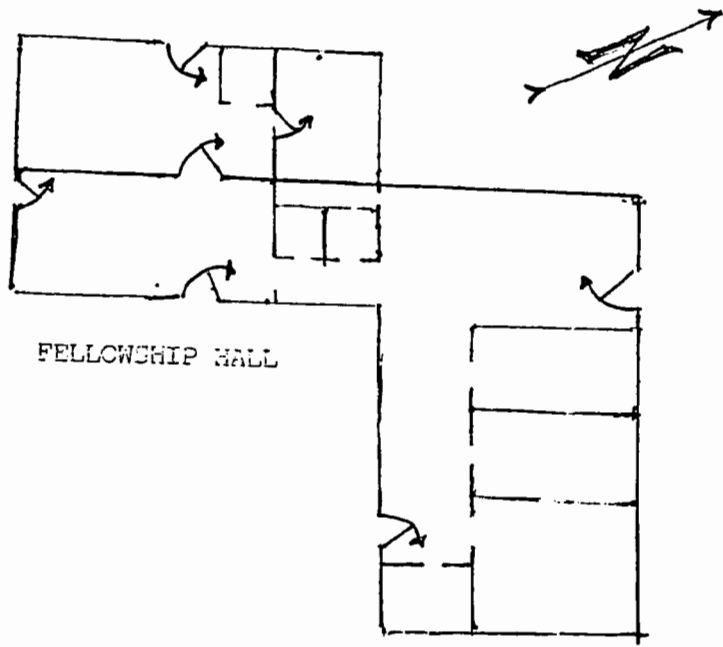
Thank you for your consideration of this request.

MAP: See attached map.





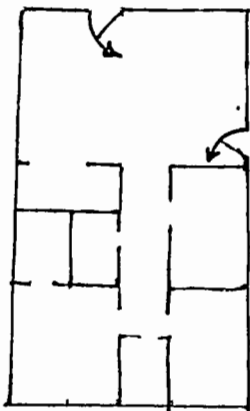
SANCTUARY



FELLOWSHIP HALL

SUNDAY SCHOOL BLDG.

PARKING LOT



PARSONAGE

PLAYGROUND



Title of Document: Mission Site-Nazlini Church of the Nazar Contact Name: YAZZIE, ELERINA B

Program/Division: DIVISION OF NATURAL RESOURCES

Email: e_yazzie@navajo-nsn.gov Phone Number: 928-871-6447

Business Site Lease Sufficient Insufficient

1. Division: _____ Date: _____

2. Office of the Controller: _____ Date: _____

(only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)

3. Office of the Attorney General: _____ Date: _____

Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions

1. Division: _____ Date: _____

2. Office of the Attorney General: _____ Date: _____

Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications

1. Office of Management and Budget: _____ Date: _____

2. Office of the Controller: _____ Date: _____

3. Office of the Attorney General: _____ Date: _____

Navajo Housing Authority Request for Release of Funds

1. NNEPA: _____ Date: _____

2. Office of the Attorney General: _____ Date: _____

Lease Purchase Agreements

1. Office of the Controller: _____ Date: _____

(recommendation only)

2. Office of the Attorney General: _____ Date: _____

Grant Applications

1. Office of Management and Budget: _____ Date: _____

2. Office of the Controller: _____ Date: _____

3. Office of the Attorney General: _____ Date: _____

Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval

1. Division: _____ Date: _____

2. Office of the Attorney General: _____ Date: _____

Relinquishment of Navajo Membership

1. Land Department: _____ Date: _____

2. Elections: _____ Date: _____

3. Office of the Attorney General: _____ Date: _____

Land Withdrawal or Relinquishment for Commercial Purposes

Sufficient Insufficient

- 1. Division: _____ Date: _____
- 2. Office of the Attorney General: _____ Date: _____

Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases

- 1. NLD _____ Date: _____
- 2. F&W _____ Date: _____
- 3. HPD _____ Date: _____
- 4. Minerals _____ Date: _____
- 5. NNEPA _____ Date: _____
- 6. DNR _____ Date: _____
- 7. DOJ _____ Date: _____

Rights of Way

- 1. NLD _____ Date: _____
- 2. F&W _____ Date: _____
- 3. HPD _____ Date: _____
- 4. Minerals _____ Date: _____
- 5. NNEPA _____ Date: _____
- 6. Office of the Attorney General: _____ Date: _____
- 7. OPVP _____ Date: _____

Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease

- 1. Minerals _____ Date: _____
- 2. OPVP _____ Date: _____
- 3. NLD _____ Date: _____

Assignment of Mineral Lease

- 1. Minerals _____ Date: _____
- 2. DNR _____ Date: _____
- 3. DOJ _____ Date: _____

ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)

- 1. NLD _____ Date: _____
- 2. F&W _____ Date: _____
- 3. HPD _____ Date: _____
- 4. Minerals _____ Date: _____
- 5. NNEPA _____ Date: _____
- 6. DNR _____ Date: _____
- 7. DOJ _____ Date: _____
- 8. OPVP _____ Date: _____

OTHER: Mission Site

- 1. NLD _____ Date: _____
- 2. F&W _____ Date: _____
- 3. HHPD _____ Date: _____
- 4. NNEPA _____ Natasha Nandy Date: 9/2/2021
- 5. DNR _____ Date: _____
- 6. DOC ✓ 9/23/21 _____ [Signature] Date: 7/30/21
- 7. DOJ - (IC) _____ [Signature] Date: 2/14/20
- 8. OPVP _____ [Signature] Date: 8/12/21 8/31/21

7/24/21
124



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ 8/9/21 @ 4:23pm DATE / TIME [] 7 Day Deadline DOC #: 14027#2 SAS #: UNIT: Nm

[X] RESUBMITTAL (Feb 2020)

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 8/9/2021 DIVISION: Division Natural Resources CONTACT NAME: Michelle Hoskie or Stevie Hudson DEPARTMENT: General Land Development Department PHONE NUMBER: 871-6447 or 871-6423 E-MAIL: michellehoskie@frontier.com TITLE OF DOCUMENT: EOR# 14027, Mission Site Nazlini Church of the Nazarene

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 8-09-21 8:08 AM REVIEWING ATTORNEY/ADVOCATE: Win Chue 8-19-21 DATE TIME OUT OF UNIT: 8-16-21 9:00 am

DOJ ATTORNEY / ADVOCATE COMMENTS

- Nazlini Mission Site Document is legally sufficient.




REVIEWED BY: (Print) JAMIE AEE Date / Time 8-11-21 SURNAME BY: (Print) VBlackhat Date / Time 8/12/21 9:22 AM

DOJ Secretary Called: Stevie for Document Pick Up on 8-16-21 at 9am By: J

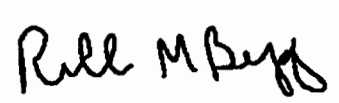
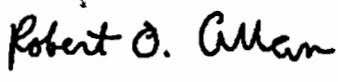
PICKED UP BY: (Print) DATE / TIME:

COMPLETED

Tier 1 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Najamh Tariq (Navajo Land Title Data System - Windowrock AZ)	Approver	Department of Water Resources	Approved	no comments	No Reply	01-Feb-2020	
Pam Kyselka (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	1. #11NCNZ01	1. No Reply	04-Feb-2020	
Rebecca Gilchrist (Navajo Land Title Data System - Windowrock AZ)	Technical Reviewer	Navajo Nation Minerals Management	Approved	no comments	No Reply	31-Jan-2020	
Tamara Billie (Navajo Land Title Data System - Windowrock AZ)	HPD NNHP Reviewer	Historic Preservation Department	Approved	1. HPD-11-009	1. No Reply	05-Feb-2020	

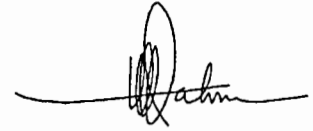
Tier 2 Document Voting Results

User Name (Facility)	Job Title	Department	Vote Cast	Comments	Replies	Vote Date	Signature
Leanna Begay (Navajo Land Title Data System - Windowrock AZ)	Technical Review	Fish and Wildlife	Approved	no comments	No Reply	05-Feb-2020	
Richard Begay (Navajo Land Title Data System - Windowrock AZ)	Navajo Nation Historic Preservation Officer	Historic Preservation Department	Approved	no comments	No Reply	07-Feb-2020	
Robert Allan (Navajo Land Title Data System - Windowrock AZ)	Deputy Director DNR	DNR Administration	Approved	1. CONDITIONAL: land description in terms and conditions form needs to be corrected.	1. No Reply	10-Feb-2020	

Steven Prince (Navajo Land Title Data System - Windowrock AZ) Technical Reviewer Navajo Nation Minerals Management Approved no comments No Reply 11-Feb-2020



W. Mike Halona (NLTDS - Everytt) NLD Department Manager III Administration Approved 1. NNC Title 16 only allows (1.5) acreage for a mission site. The (2) two acres must be approved by RDC. 1. No Reply 05-Feb-2020



THE NAVAJO NATION

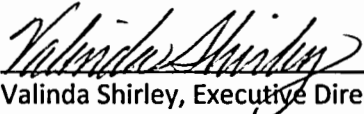


JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

September 2, 2021

MEMORANDUM

TO: Executive Reviewers

FROM: 
Valinda Shirley, Executive Director
Navajo Nation Environmental Protection Agency

SUBJECT: **Document No. 014027, Mission Site Permit, Nazlini Church of the Nazarene, Nazlini, Arizona**

Based upon the review of the above-noted document, a vote of sufficiency is recommended. However, the following comments and recommendations are provided.

According to information from the review package, the proposed undertaking is for the Nazlini Church of the Nazarene to obtain a mission site permit for an area of 2.0 acre and to maintain existing structures that have been already been established, with possible future expansion and development within the proposed mission site permit area.

1. The Check List for Mission Site Application indicates a check mark at #11, "ENVIRONMENTAL ASSESSMENT REPORT REVIEWED BY THE Navajo Environmental Protection Agency to ensure there is no contaminated or hazardous materials. NNEPA Office (928) 871-7692." The Environmental Assessment Report reviewed and concurred by the Navajo Nation Environmental Protection Agency (NNEPA) is not included in this Executive Review package. If the Environmental Assessment Report has been reviewed and approved by the NNEPA, please provide a copy of the completed report form to the NNEPA.
2. If this packet for Document No. 014027 is not subject to the Environmental Review Process (ERP), then a copy of the Environmental Review Record that indicates the Mission Site application is not subject to the Environmental Review Process (ERP), and that a Categorical Exclusion (CATEX) has been determined, should be included in this Executive Review package.¹
3. The Environmental Assessment developed by ETD, Inc. indicates the RCRA Subtitle D program regulates disposal of non-hazardous solid waste and that a construction contractor will be responsible for the proper disposal of solid waste generated during construction. There are no references to the Navajo Nation Solid Waste Act that regulates solid waste disposal on the Navajo Nation. At #4, additional information is provided as related to illegal disposal of solid

¹ Navajo Nation General Leasing Regulations of 2013, Subchapter 8, Environmental Review Process, § 2382. Threshold Determinations.

waste, and the Navajo Nation Open Burn Regulations. Presumably, the church will use the open top bin at the Nazlini Chapter for disposal of waste generated from its operations.

4. The Terms and Conditions provide that the Permittee will abide by all laws and regulations of the Navajo Nation and of the United States. Attention is directed to the following:
 - a. **Navajo Nation Open Burning Regulations (NNOBR), 4 N.N.C., Chapter 11**, particularly at §201, Prohibition of Open Burning and, §302, Open Burn Permit Requirement. Households, businesses, and other organizations are responsible to ensure waste generated from their activities are properly managed. Exempted burn activities should be voluntarily registered. In the event that the church will utilize open burning in its related activities, the Applicant should become familiar with activities for which burn registrations should be pursued.
 - b. **NESHAP 40 CFR §61.145, Subpart M**, for applicable demolition and renovation activities. For asbestos NESHAP, USEPA Region 9 has sole jurisdiction over all 25 tribal lands in Arizona. There are no Navajo Nation laws or regulations specifically related to asbestos. For asbestos (the pollutant) from a source such as demolition, the contractor would need to provide notification, wet and remove friable asbestos (40 CFR Part 61). For waste disposal related to demolition/renovation as a source, the contractor would need to provide notification and ensure there are no visible emissions from the removal activity(ies).

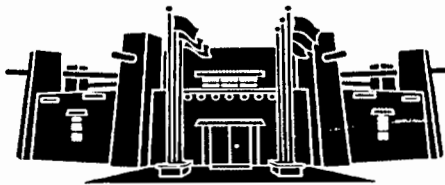
The asbestos NESHAPs lists acceptable procedures for asbestos emissions control for demolition of buildings containing friable asbestos material (40 CFR Part 61). Tearing down buildings is considered demolition and would require notification to USEPA Region 9.

Asbestos NESHAP notifications should also be provided to the Air & Toxics Department, Box 339, Window Rock, AZ 86515, as a courtesy in informing of the particular activity(ies) being undertaken on the Navajo Nation. and, adhere to best practices that lessen fugitive dust emissions during demolition and construction activities by minimizing potential impacts during modernization activities, such as applying water to roads.

- c. **Navajo Nation Air Pollution Prevention and Control Act (Navajo Clean Air Act), 4 N.N.C. §§ 1134-40**, Air Quality Control Programs. Provisions include Best Management Practices (BMPs) to control dust that would be generated during earth moving activities. Details the BMPs to control excessive amounts of particulates.
- d. **Navajo Nation Solid Waste Act prohibits open dumping**. Open dumping is defined as the act of depositing solid waste in a non-complying manner of management practice. Solid waste generated from activities at this location should continue to be properly disposed of.
- e. **Section 402 of the Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES) General Construction permit for storm water discharges**. The CWA regulations implementing Section 402, define "storm water discharge associated with industrial activity" to include discharges associated with construction activity, including clearing, grading, and excavation resulting in land disturbance of 1.0 acre or more. Operators at construction sites that involve clearing, grading, and excavating activities that disturb 1.0 acre or more will need to obtain coverage under a National Pollutant Discharge

Elimination System (NPDES) General Construction permit for storm water discharges. A Notice of Intent (NOI) will need to be submitted to USEPA 14 days prior to earthmoving activities, including development of a Storm Water Pollution Prevention Plan (SWPPP) prior to NOI submission.

I can be contacted at valinda.shirley@navajo-nsn.gov. You may also contact eugeniaquintana@navajo-nsn.gov if there are any questions in this regard. Thank you.



MEMORANDUM

TO: Honorable Kee Allen Begay, Jr.
Tachee/Blue Gap, Many Farms, Nazlini, Tselani/Cottonwood, Low Mountain Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: November 11, 2022

SUBJECT: 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

As requested, I prepared the above-referenced proposed resolution pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government, however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees' powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please ensure this resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

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

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) 871-7586**

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.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0225-22

SPONSOR: Honorable 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

Posted: November 16, 2022 at 11:00 AM

5 DAY Comment Period Ended: November 21, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative/Tracking Secretary
Office of Legislative Services**

November 22, 2022; 9:35 AM
Date/Time