

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0111-19

SPONSOR: Wilson C Stewart Jr.

**TITLE: An Action Relating To Resources And Development Committee;
Approving A Mission Site Permit For The Old Paths Baptist Church On Navajo
Nation Trust Lands In The Vicinity of Fort Defiance Chapter, Navajo Nation**

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0111-19

DATE: May 9, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING A MISSION SITE PERMIT FOR THE OLD PATH BAPTIST CHURCH ON NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE CHAPTER, NAVAJO NATION

PURPOSE: Approving a mission site permit for the Old Paths Baptist Church Fort Defiance Potter's House Christian Center located in the Fort Defiance Chapter.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Dear Boss

Website Posting Time/Date: _____

Posting End Date: 5.14.19

Eligible for Action: 5.15.19

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

3 INTRODUCED BY

4 

5 (Prime Sponsor)

6 TRACKING NO. 0111-19

7 AN ACTION

8 RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING
9 A MISSION SITE PERMIT FOR THE OLD PATHS BAPTIST CHURCH ON
10 NAVAJO NATION TRUST LANDS IN THE VICINITY OF FORT DEFIANCE
11 CHAPTER, NAVAJO NATION

12 **Section One. Authority**

- 13 A. Pursuant to 16 N.N.C. Section 1151 (C), the Resources Development Committee of
14 the Navajo Nation Council has the authority to give approval for permits for mission
15 sites on behalf of the Navajo Nation.
16 B. Pursuant to 2 N.N.C. Section 501 (B)(2), the Resources Development Committee of
17 the Navajo Nation Council has the authority to give final approval for all land
18 withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements
19 and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This
20 authority shall include subleases, modifications, assignments, leasehold
21 encumbrances, transfers, renewals, and terminations.

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

- 24 A. Pursuant to 16 N.N.C. § 1159 (B) the following acreage limitations shall apply to all
25 applicants for permits:
26

- 1 1. Mission site for purely religious activities: one and one-half (1 1/2) acres;
- 2 2. Mission site for religious activities and community services facilities: three and
- 3 one-half (3 1/2) acres;
- 4 3. Mission site for religious activities and either substantial medical or accredited
- 5 educational programs: eight (8) acres; and
- 6 4. The Resources and Development Committee may, in the case of applications for
- 7 mission sites in or near areas withdrawn for townships in the Navajo Nation, limit
- 8 site acreage to less than two and five-tenths (2 5/10) acres, and may set rental fees
- 9 with due regard for present or future competing demands for land use in such
- 10 areas.

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

16 E. Pursuant to 16 N.N.C. § 1160 (A), the acreage limitations established by 16 N.N.C. §
17 1159 may be waived by the Resources and Development Committee upon a showing
18 by the applicant that planned programs will be of sufficient benefit to the Navajo
19 People to justify waiver of acreage limitations. No waiver of acreage limitations shall
20 be granted unless the applicant has complied with 16 N.N.C. §§ 1153 and 1161, and
21 all other procedures provided by law.

22 F. Pursuant to 16 N.N.C. § 1160 (B) no waiver of acreage limitations shall be granted in
23 cases of applications subject to acreage limitations established by 16 N.N.C. §
24 1159(B)(1) (regarding a mission site for purely religious activities which is limited to
25 one and one-half acres).

26 **Section Three. Findings**

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28 A. The Old Paths Baptist Church, Post Office Box 455, Window Rock, Arizona 86515
29 has applied for a mission site permit within the Fort Defiance Chapter. The
30 application is attached as **Exhibit E**.

- 1 B. The proposed mission site is to be located on 3.50 acres, more or less, of trust lands
2 within the vicinity of Fort Defiance, Navajo Nation (Arizona). The land description
3 appears on the survey plat attached hereto and incorporated as **Exhibit B**.
- 4 C. The Grazing Representative in memorandum dated January 25, 2018 identified two land
5 users. The January 25, 2018 memorandum and consent documentation are attached as
6 **Exhibit C**.
- 7 D. The Fort Defiance Chapter Resolution No. FDC-2017-09-05-02 supporting the Old
8 Paths Baptist Church for a mission site permit and the signed petition by the local
9 residents in support of the Old Paths Baptist Church are attached as **Exhibit D**.
- 10 E. Pursuant to 16 N.N.C. § 1159 (B) the acreage limitations for permits for a mission
11 site for religious activities and community services facilities is three and one-half (3
12 1/2) acres. The Old Paths Baptist Church request is for three and one half (3.5) acres.
- 13 F. The Old Paths Baptist Church request for three and one-half (3 1/2) acres is stated in
14 a document, attached as **Exhibit E**. It states, in part, that “Old Paths Baptist Church
15 facilities need to include buildings to accommodate youth classes, programs and
16 recreational activities. It is our desire to install a basketball court, volleyball court
17 and other such necessities to reach out and enhance the lives of our youth. We host
18 Youth Summer Camps and Vacation Bible School Programs. In my experience, we
19 have seen 100 or more youth attend Vacation Bibles Schools and Summer Camps.
20 With 3.5 acres we would have the necessary space to expand as much as might be
21 necessary to be successful in ministering and educating the local youth.”
- 22 G. The Resources and Development Committee finds that the planned programs stated in
23 **Exhibit E** are sufficient to demonstrate the use of the three and one-half (3.5) acres
24 for community service activities pursuant to 16 N.N.C. § 1159 (B).
- 25 H. Resources and Development Committee Resolution No. RDCJN-33-15 delegated the
26 authority to process and approve Land Withdrawals to the Director of the Navajo
27 Land Department. Resolution RDCJN-33-15 approved Land Withdrawal
28 Designation Regulations (“Regulations”). Section One of the Regulations states:

29 “§1. Purpose.
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1 The purpose of these Regulations is to clarify and expedite the Land
2 Withdrawal Designation process on the Navajo Nation, and explains that a
3 Land Withdrawal Designation does not authorize development or disturbance
4 on Navajo Nation land. This Land Withdrawal Designation process does not
5 apply to how to get a lease. Prior to any development on land, a lease must be
6 obtained in addition to the withdrawal. The purpose of a Land Withdrawal
7 Designation is to designate an area of land for further development by,

8 a. Ensuring that the rights of grazing permittees, who are in compliance with
9 their grazing permits, are properly addressed as applicable and as required
10 under 16 N.N.C. §§ 1401 *et seq.* and to prevent any subsequent claims to the
11 land; and

12 b. Ensuring that the affected Chapter supports the Land Withdrawal
13 Designation and use of the land.”

14 I. Having received the consents of the land users, **Exhibit C**, and the receipt of the Fort
15 Defiance Chapter Resolution No. FDC-2017-09-05-02, **Exhibit D**, the purpose of the
16 Land Withdrawal Designation has been met ensuring the rights of grazing permittees
17 have been addressed and ensuring that the affected Chapter supports the Land
18 Withdrawal Designation and use of the land as a mission site.

19 J. The Resources and Development Committee approval of a Land Withdrawal for the
20 purposes of a mission site with this legislation will serve a public purpose of
21 expediting the process of the approval of a Mission Site Permit.

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

23 L. Biological Resources Compliance Form, the Cultural Resources Compliance Form
24 and the Archaeological Inventory Report Documentation for the Old Paths Baptist
25 Church are attached as **Exhibit F**.

26 M. The application for mission site permit has been reviewed through the Executive
27 Official Review Document No. 010186, including the Department of Justice, and
28 found “Sufficient” or “Approved.” Executive Official Review Document No.
29 010186 is attached as **Exhibit G**.

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1 **Section Four. Approval**

- 2 A. The Resources and Development Committee of the Navajo Nation Council hereby
3 approves the withdrawal of on 3.5 acres, more or less, of trust lands within the
4 vicinity of Fort Defiance Chapter, Navajo Nation (Arizona), as described in. **Exhibit**
5 **B**, for Old Paths Baptist Church, for use as a mission site.
- 6 B. The Resources and Development Committee of the Navajo Nation Council hereby
7 approves the Mission Site Permit for the Old Paths Baptist Church, subject to but not
8 limited to the attached Terms and Conditions contained herein as **Exhibit A** which is
9 attached hereto and incorporated herein by this reference.
- 10 C. The Resources and Development Committee of the Navajo Nation Council hereby
11 authorizes President of the Navajo Nation to execute all documents to affect the
12 intent and purpose of this resolution.
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