

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
of the 25th NAVAJO NATION COUNCIL - Second Year, 2024**

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT, DIVISION OF NATURAL RESOURCES, TO APPROVE RELIGIOUS LAND USE PERMITS; APPROVING DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS FOR RELIGIOUS LAND USE PERMITS FOR APPLICATION REQUESTS ON NAVAJO NATION TRUST AND FEE LANDS, INCLUDING THE EASTERN NAVAJO AGENCY APPLICANTS; AND, APPROVING THE TERMS AND CONDITIONS FOR RELIGIOUS LAND USE PERMITS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is established as a standing committee of the Navajo Nation Council with oversight authority over land and community development, to promulgate rules and regulations for the development of Navajo Nation lands, and to provide final approval for land permits. 2 N.N.C. §§ 500(A), 501(B)(1) and 501(B)(2).
- B. The Resources and Development Committee serves as the Legislative oversight authority for the Division of Natural Resources. 2 N.N.C. § 501(C)(1).
- C. The Resources and Development Committee is authorized to delegate its responsibilities and authorities as appropriate for efficiency and streamlining of government process to the Standing Committee, Divisions, Chapters, and appropriate entities, provided that the Committee first approves rule and regulations governing such delegations and to rescind delegations. 2 N.N.C § 501(B)(11).

SECTION TWO. FINDINGS

- A. The Resources and Development Committee's delegation of authority to grant Religious Land Use Permit on Navajo Nation trust and fee lands to the Department Manager of the Navajo Nation Land Department would shorten the amount of time religious organizations to obtain the Religious Land Use Permits.

- B. The Religious Land Use Permit Regulations 2024 are attached as **Exhibit A**. The Religious Land Use Permit Regulations Table of Contents is comprised of sixteen (16) Sections: Authority; Purpose; Eligibility; Term; Application Requirements; Available Land; Temporary Religious Use Permit; Terms and Conditions; Residential Homes in Religious land use; Trespass and Trespass Fees; Abandonment; Filing and Annual Fees; Cancellation of Permits; Modifications; Record Keeping and Definitions.
- C. The Terms and Conditions for Religious Land Use Permit is attached as **Exhibit B**.
- D. The Executive Official Review Document No. 022002 is attached as **Exhibit C**.

SECTION THREE. APPROVAL OF DELEGATION OF AUTHORITY, APPROVAL OF RULES AND REGULATIONS; AND APPROVAL OF TERMS AND CONDITIONS

- A. The Resources and Development Committee of the Navajo Nation Council hereby approves the delegation of authority to the Department Manager of the Navajo Land Department, Division of Natural Resources, to grant Religious Land Use Permit on Navajo Nation trust and fee lands, including Eastern Navajo Agency.
- B. This delegation of authority shall not be re-delegated to any other tribal official or entity without the approval of the Resources and Development Committee.

SECTION FOUR. APPROVAL OF RELIGIOUS LAND USE PERMITS RULES AND REGULATIONS

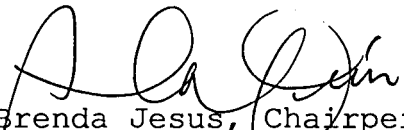
- A. The Resources and Development Committee hereby approves the departmental administrative rules and regulations for the delegation of authority to the Department Manager of the Navajo Land Department to approve Religious Land Use Permits, attached as **Exhibit A**.
- B. The Resources and Development Committee hereby approves the Terms and Conditions for Religious Land Use Permits, attached as **Exhibit B**.

SECTION FIVE. SAVING CLAUSE

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Action, which are not determined invalid, shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 25th Navajo Nation Council at a duly called meeting at Mentmore, (Navajo Nation) New Mexico, at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, on this 01st day of July 2024.


Brenda Jesus, Chairperson
Resources and Development Committee
Of the 25th Navajo Nation Council

Motion: Honorable Casey Allen Johnson
Second: Honorable Danny Simpson

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

SECOND YEAR 2024

**ROLL CALL
VOTE TALLY SHEET
(CONSENT AGENDA)**

LEGISLATION #0128-24: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE DELEGATION OF AUTHORITY TO THE DEPARTMENT MANAGER OF THE NAVAJO LAND DEPARTMENT, DIVISION OF NATURAL RESOURCES, TO APPROVE RELIGIOUS LAND USE PERMITS; APPROVING DEPARTMENTAL ADMINISTRATIVE RULES AND REGULATIONS FOR RELIGIOUS LAND USE PERMITS FOR APPLICATION REQUESTS ON NAVAJO NATION TRUST AND FEE LANDS, INCLUDING THE EASTERN NAVAJO AGENCY APPLICANTS; AND, APPROVING THE TERMS AND CONDITIONS FOR RELIGIOUS LAND USE PERMITS. Sponsor: Honorable Rickie Nez Co-Sponsor: Honorable Casey Allen Johnson

Date: July 01, 2024 – Regular Meeting (Mentmore, New Mexico)

Location: Navajo Division of Transportation – #16 Old Coalmine Road – Mentmore, New Mexico 87319

Consent Agenda Motion:

M: Casey Allen Johnson

S: Danny Simpson

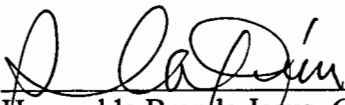
V: 4-0-1

In Favor: Casey Allen Johnson; Rickie Nez; Danny Simpson; Otto Tso

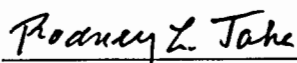
Opposition: None

Excused: None

Not Voting: Brenda Jesus, *Chairperson*



Honorable Brenda Jesus, *Chairperson*
Resources and Development Committee



Rodney L. Tahe, *Legislative Advisor*
Office of Legislative Services



**Religious Land Use Permit
Regulations 2024**

**General Land Development Department
Division of Natural Resources
NAVAJO NATION**

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Section 1. Authority

The Navajo Nation Trust Land Leasing Act of 2000 (Navajo Leasing Act), 25 U. S. C. §415 (e) authorizes the Navajo Nation to issue leases and permits on trust land without the approval of the Secretary of the Interior (Secretary), provided such leases and permits are executed under tribal regulations approved by the Secretary. The Navajo Nation General Leasing Regulations of 2013 fulfill the requirements of the Navajo Leasing Act.

Under the Plan of Operation, the General Land Development Department processes applications for land withdrawals, non-mineral leases, permits and right-of-way on and across Navajo Nation lands, including any amendments, subleases, or assignments thereof, (RDCO-80-16). Pursuant to 2 N.N.C. §501 (B)(2)(a), the Resources and Development Committee grants final approval for permits on Navajo Nation land, whether held in fee or trust status. Pursuant to 2 N.N.C. §501 (B)(3) and (11), and the Resources and Development Committee is authorized to delegate its approval authorities to appropriate Divisions of the Navajo Nation for efficiency and streamlining of government processes provided the Committee grants final approval of rules and regulations governing such delegations and rescission of such delegations. The Resources and Development Committee approves the delegation of authority to the Department Manager of the Navajo Land Department, Division of Natural Resources, to grant tribal access for church land use on the Navajo Nation to any entity requesting a church land use permit on Navajo Nation trust and fee lands.

Section 2. Purpose

The Navajo Nation Council adopted 16 N.N.C. §§1151-1164 for the issuance of permits to missionaries and religious groups to conduct religious and other related activities on the Navajo Nation. The Mission Site Permit Regulations applies to the Navajo Nation

All individuals and entities occupying and using lands pursuant to 16 N.N.C. §§1151-1164 will be subject to the laws of the Navajo Nation. Any violation of these provisions by any missionary or religious group will be subject to the civil jurisdiction of the Navajo Nation (17 N.N.C. §§1901- 1906) and liable for all reasonable associated fees.

Section 3. Eligibility

Any individual or entity wishing to conduct religious or other related activities on Navajo trust land and fee land, which may include educational activities that are done in conjunction with religious activities on the Navajo Nation

Section 4. Term

All mission site permits shall be for a term of ten (10) years, beginning on the date of approval of the permit by the Navajo Nation. The entity or individual shall give notice of intent to renew to the General Land Development Department at least six (6) months prior to the expiration, but no more than twelve (12) months. The renewal of the permit is subject to the approval of the Navajo Nation and the aforementioned regulations.

Section 5. Application Procedures and Requirements

A complete Mission Site Permit packet consists of:

1. Application – the application and checklist is available at the General Land Development Department.
2. Navajo Nation Chapter Supporting Resolution – Applicant will need to attend a chapter planning meeting and explain the logistics of your project and request to be placed on the next regular chapter meeting agenda and request a chapter supporting resolution. A Community Land Use Planning Committee supporting resolution can be attached to ensure proposed development is not interfering with the Community Land Use Plan.
- ~~3. Official endorsement of the Navajo Nation Council Delegate of the district in which the proposed site is located.~~
4. Consents – The local Grazing Official or Land Board member will identify the grazing permittees in the proposed developed area and the General Land Development Department will provide approved Navajo Nation Consent Forms.
5. Survey Plat with Legal Descriptions – Must include road ingress and egress and utility easements (grazing permittee consent also covers consent for infrastructure).
6. Copy of Articles of Incorporation and copy of Certificate of Incorporation – issued and certified by authorizing entity (such as the Navajo Business Regulatory Department, State of Arizona or any State with corporation commissions prescribed by state law, etc.). The Navajo Nation Business Regulatory Department is the Navajo Nation entity to issue a corporate number to the religious group and all corporations must file their Articles of Incorporation with the Navajo Nation Business Regulatory Department.
7. Biological Resource Compliance Form issued by the Department of Fish and Wildlife.
8. Cultural Resources Compliance Form issued by the Heritage and Historic Preservation Department.

Section 6. Available Land

The acreage used for each church land use permit site shall be the minimum acreage necessary to conduct religious activities. Applicants are not required to apply for land withdrawals in order to obtain a mission site permit. The Land Withdrawal Designation Regulations (RDCJN-33-15) does not require an entity or individual to obtain a land withdrawal designation prior to obtaining a lease or a permit. Mission Site Permits are permits that are issued and regulated by the Navajo Land Department, as directed by the Navajo Nation Council and will be issued with ten (10) year terms.

The Navajo Nation Code 16 N.N.C. §1159 states the Navajo Nation policy regarding acreage use for each religious activity permit is set at a minimum acreage requirement.

Acreage Limitations:

<u>Religious Activities Only</u>	<u>1.5 acres</u>
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<u>Religious Activities and Community Facilities</u>	<u>3.5 acres</u>
<u>Religious Activities and Medical/Educational</u>	<u>8 acres</u>

Section 7. Temporary Religious Use Permit

The temporary use permit shall be understood as allowing any leasehold interest or right in the land herein described and is only temporary and a terminable permit for purpose(s) of conducting meetings, conferences, and ceremonial purposes individually and specifically identified and not for any other function for a term no longer than 90 days.

Section 8. Terms and Conditions

The standard terms and conditions (including the rental rates, legal descriptions and liability) approved by the Navajo Department of Justice shall be utilized in order to guarantee timely processing.

Section 9. Residential Homes in Religious land use s

Each residential home established within a mission site is required to pay a \$150 per year rental. The Navajo Nation Council adopted 16 N.N.C. §§1151-1164 for the purposes of issuing permits to missionaries and mission bodies to conduct religious and religious activities on the Navajo Nation. Otherwise a homesite lease shall be required but must be outside the acreage boundaries of the mission permitted area.

Section 10. Trespass and Trespass Fees

It is considered trespassing when an unauthorized individual or entity is in possession, or occupancy of use of Navajo Nation trust or fee lands without an approved Mission Site Permit.

The Nation will issue a trespass notice/fee for unauthorized use of the land:

1. Trespassing/Written Warning \$0.00
2. 2nd Written Warning \$100.00
3. 3rd Written Warning \$500.00
4. Termination Notice issued by Executive Director of the Division of Natural Resources.

Section 11. Abandonment

If the permittee leaves the permitted religious area without returning to maintain or there has been no operation for over six (6) months and no written notification of vacancy is given to the Navajo Nation, the Navajo Nation will consider it abandoned and the Mission Site Permit will be terminated.

Section 12. Filing and Annual Fees

The permittee is responsible for paying annual rental fees for each application. The calculation for annual fees is based on acreage.

Section 13. Cancellation of Permits

The Navajo Nation has the authority to cancel any approved permits if these regulations are not followed, including non-payments or if an entity or individual is unwilling to provide requested documentation within 30 days of the requested date or when permitted areas is not utilized for religious purposes.

Permits will be suspended for those entities that are in default or non-compliance with Navajo Nation laws, such as, and not limited to default of payments, expired permits or non-submittal of required documents.

Section 14. Modifications

Any modification will require a new application for a Mission Site Permit to be issued, (including name and acreage changes) and approved by the Resources and Development Committee.

Section 15. Record Keeping and Tracking

The General Land Development Department will maintain all records of approved permits in the electronic archival system known as the “Navajo Nation System” for monitoring, tracking, locating and storing all documents. The Navajo Nation System will automatically notify recipients of payment and document due dates and expiration dates via email. If notification by mail is requested, the applicant must submit the request in writing to the General Land Development Department with a self-addressed stamped envelope enclosed.

Section 16. Definitions

Articles of Incorporation – certified copies of a groups authority to do business in the state or Navajo Nation (an entity can organize under Navajo law); this includes the evidence of authority of the responsible person(s) that sign the application and terms and conditions to execute paperwork on behalf of the religious group, including the seal of the corporation. (i.e. Board of Directors, etc.).

Community Service Facilities – are permanent improvements upon which the permitted sites are provided for educational programs or any non-religious programs that are benefiting the community.

Missionaries – a person of a religious group sent to an area or region to promote its faith or provide services such as healthcare or education to people.

Navajo Nation Business Regulatory – the Navajo Nation entity will issue a corporate number to the religious group and all corporations must file their Articles of Incorporation with the Navajo Nation Business Regulatory.

Valid Grazing Permittee – holds a tally count of livestock within the past two (2) years and not in any grazing violations and currently utilizing the grazing area.

VERSION 3/25/22

VERSION 11/23/22

Edited 2/10/23

Edited 3/7/23 & 3/10/23

Edited 7/16/23