



## 23<sup>rd</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Benjamin Bennett, Primary  
Sponsor of proposed legislation hereby withdraw my  
sponsorship of the proposed legislation. The legislation  
tracking number is 0280-18.

If there are any co-sponsors, they may re-sponsor the same  
bill by beginning a new legislation.

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to read "Benjamin Bennett", is written over a horizontal line.

DATE:

August 22, 2018

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0280-18

**DATE:** August 10, 2018

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING THE MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE UNITS ESTABLISHED BY RESOLUTION RCJY-142-92 "ESTABLISHING A MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE UNITS WITHIN THE NAVAJO COMMERCIAL FOREST PENDING DEVELOPMENT AND APPROVAL OF A NEW FOREST MANAGEMENT PLAN"

**PURPOSE:** The purpose of this legislation is to rescind RCJY-142-92 and remove the moratorium on homesite leases and range units within Navajo commercial forest land.

**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 review the proposed resolution in detail.**



5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: 3:40pm 8/16/18  
Posting End Date: 8/21/2018  
Eligible for Action: 8/22/2018

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2018

INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0280-18

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING THE  
MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE  
UNITS ESTABLISHED BY RESOLUTION RCJY-142-92 "ESTABLISHING A  
MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE  
UNITS WITHIN THE NAVAJO COMMERCIAL FOREST PENDING  
DEVELOPMENT AND APPROVAL OF A NEW FOREST MANAGEMENT  
PLAN"

BE IT ENACTED:

**Section One. Authority**

The Resources and Development Committee of the Navajo Nation Council is  
empowered to approve procedures for issuing homesite leases and to delegate the  
authority to issue homesite leases. 2 N.N.C. § 501(B)(1), (B)(3).

**Section Two. Findings**

A. The Resources and Development Committee approved the Resolution RCJY-  
142-92 "Establishing a Moratorium on New Structures, New Homesites and  
Range Units Within the Navajo Commercial Forest Pending Development and

1 Approval of a New Forest Management Plan” (Moratorium) on July 17, 1992.  
2 See Exhibit A.

3 B. Resolutions approving subsequent Forest Management Plans have not included  
4 reference to the moratorium established by Resolution RCJY-142-92. See  
5 Exhibit B.

6 C. The Resources and Development Committee approved Amendments to the  
7 Navajo Nation Forest Regulations and Fees in Resolution RSMA-48-01. See  
8 Exhibit C.

9 D. The continued legal existence of the Moratorium has been in question since the  
10 adoption of each subsequent Forest Management Plan.

11 D The Resources and Development Committee of the Navajo Nation Council finds  
12 it to be in the best interest of the Diné to clarify the legal status of the Moratorium.

13 E. The Resources and Development Committee of the Navajo Nation Council finds  
14 it to be in the best interest of the Diné to rescind the Moratorium.

15  
16 **Section Three. Approval**

17 The Resources and Development Committee of the Navajo Nation Council  
18 hereby rescinds Resolution RCJY-169-95 and with that action removes any  
19 moratorium on new structures, new homesites and range units within the Navajo  
20 Commercial Forest.

EXHIBIT

A

RCJY-142-92

RESOLUTION  
OF THE RESOURCES COMMITTEE  
OF THE NAVAJO NATION COUNCIL

Establishing a Moratorium on New Structures, New Homesites and  
Range Units Within the Navajo Commercial Forest Pending Development  
and Approval of a New Forest Management Plan

WHEREAS:

1. Pursuant to 2 N.T.C. Section 691 and 695, et seq., the Resources Committee was established as a standing committee of the Navajo Nation Council with the responsibility to oversee and regulate all activities involving the disposition, or alteration of the natural state of the resources, and approving homesite leases; and
2. By 23 N.T.C. Chapter 7, Section 704, the Tribal Forest Manager is to develop a forest management plan for the development, protection and utilization of forest resources; and
3. By 23 N.T.C. Chapter 9, Section 902, the Resources Committee of the Navajo Nation Council is given authority to establish regulations for the forest as proposed by the Forest Manager; and
4. The Navajo Forestry Department is in the process of developing a new ten (10) year forest management plan for the commercial forest area; and
5. There has been a concern over increasing uses and developments in the forest that may limit future uses and management of the forest resources; and
6. The Forestry Department has recognized that the use of the forest has changed from a summer grazing use with seasonal sheep camp sites, to permanent homesites with increased utilities supplied; and
7. The Forestry Department recommends that a moratorium be placed on approvals of any new homesites or related structures within the Navajo Commercial Forest pending completion of the ten (10) year plan for the forest, to ensure future uses for the forest are not limited by today's unplanned actions.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee issues a moratorium on construction and approving any new homesite leases, range units and

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related structures within the Navajo Commercial Forest, as identified on Exhibit "A", until a new ten (10) year forest management plan is approved by the Navajo Nation.

2. The Resources Committee directs all affected divisions, departments, programs, and entities to enforce this moratorium.

#### C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 17th day of July, 1992.



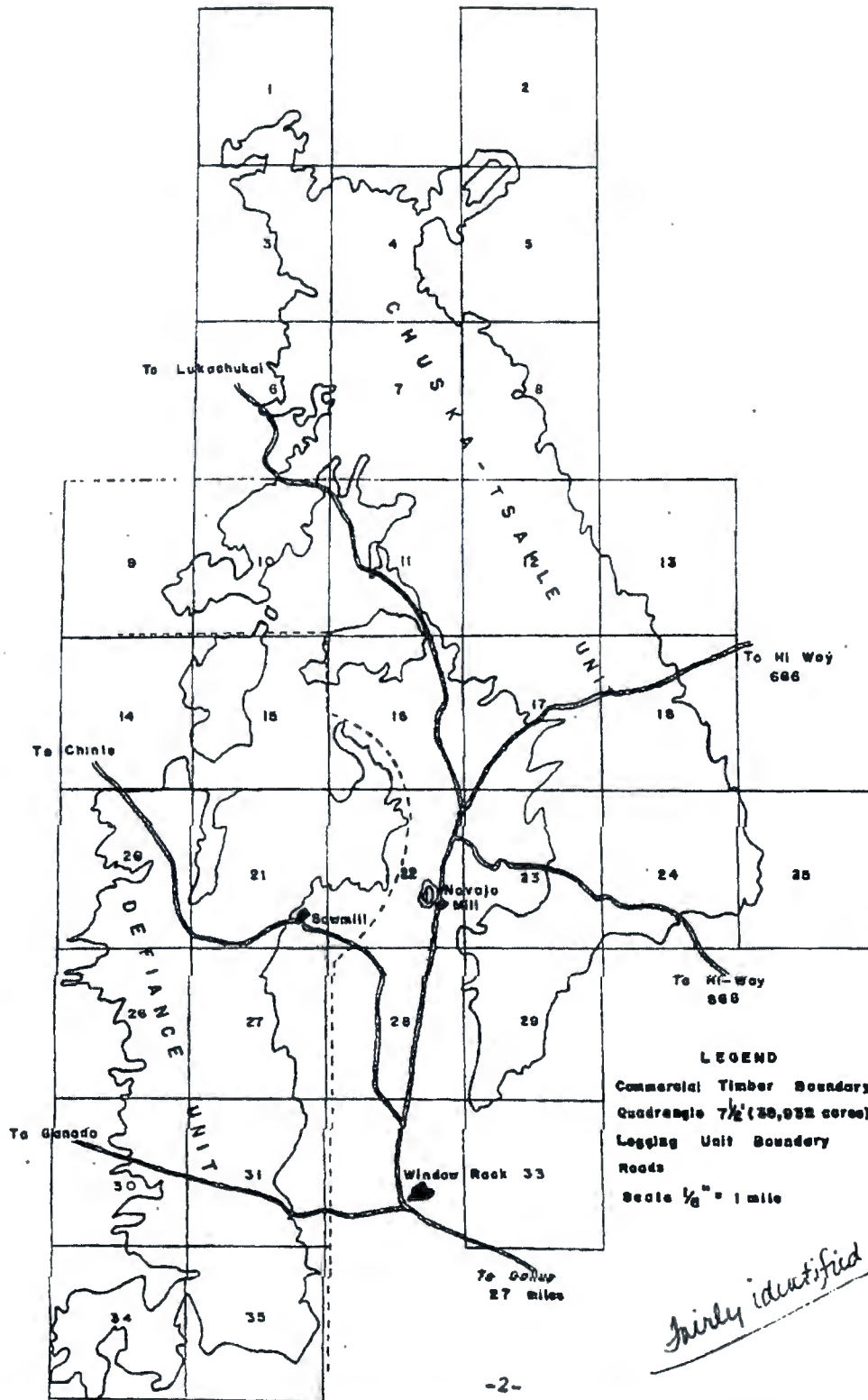
Elmer L. Milford  
Chairperson

Motioned: Irving Billy  
Seconded: Mark Peshlakai

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FIGURE 2.1

# NAVAJO WORKING CIRCLE COMMERCIAL TIMBER LANDS



EXHIBIT

B

RCJY-133-01

RESOLUTION  
OF THE RESOURCES COMMITTEE  
OF THE NAVAJO NATION COUNCIL

Approving and Recommending that the Bureau of Indian Affairs  
Approve the New Navajo Nation 10-Year Forest Management Plan with  
Alternative No. 4 as the Proposed Action

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 691 and 695 (B) (14), the Resources Committee of the Navajo Nation Council was established as a standing committee of the Navajo Nation Council and has legislative oversight authority for the Division of Natural Resources; and

2. Pursuant to 2 N.N.C. § 695 (B) (7), the Resources Committee of the Navajo Nation Council is authorized to oversee and regulate all activities within the Navajo Nation lands, including actions which may involve the disposition or acquisition of resources, surface disturbance, or alteration of the natural state of resources; and

3. Pursuant to 2 N.N.C. § 695 (B) (8), the Resources Committee of the Navajo Nation Council is authorized to approve overall Resource Management Plans of the Navajo Nation, including regulations governing the designation and use of resources; and

4. Pursuant to 2 N.N.C. § 695 (B) (12), the Resources Committee of the Navajo Nation Council is authorized to establish Navajo Nation policy with respect to the optimum utilization of all resources, including the authority to initiate and require studies of the natural resources for the protection and efficient utilization, management, administration, and enhancement of such resources; and

5. Pursuant to the National Indian Forest Resources Management Act, 25 USC § 3104 and General Forestry Regulations, 25 CFR § 163.11, a forest management plan must be prepared for all Indian forest lands prior to harvest of Indian trust timber and approved by the Secretary of the Interior; and

6. Pursuant to the National Environmental Protection Act (NEPA) planning process, 40 CFR §§ 1500-1508, five (5) forest management alternatives were developed for the Forest Management Plan by the Navajo Forestry Department, using the



Interdisciplinary Team approach to insure the integrated use of natural and social sciences, as well as environmental science; and

7. In addition to the knowledge and experience of the different discipline preparers, alternative development also involved using goals and objectives approved by the Resources Committee of the Navajo Nation Council pursuant to Resolution No. RCJY-169-95, attached hereto as Exhibit "A", and issues and concerns gathered from the Navajo public through public meetings and surveys; and

8. The draft final New Navajo Nation 10-Year Forest Management Plan identifies five (5) alternative management strategies for the Resources Committee to consider so it can select the one which is best for the Navajo Nation. These alternatives are as follows: Alternative 1- Continuation of Past Even-aged Management; Alternative 2 - No Management (No Planned Commercial Harvest); Alternative 3 - Even-aged Management with Special Management Areas; Alternative 4 - A Mix of Even-aged and Uneven-aged Management with Special Management Areas; Alternative 5 - Uneven-aged Management; and

9. These alternatives and best management practices were incorporated into the draft final New Navajo Nation 10-Year Forest Management Plan, attached hereto as Exhibit "B"; and

10. To assess the impacts of these alternatives, a Professional Service Contract with ETD Environmental Consulting was approved by the Resources Committee of the Navajo Nation Council, Resolution No. RCAU-173-97, attached hereto as Exhibit "C", to develop an Environmental Impact Statement; and

11. A draft Programmatic Environmental Impact Statement with alternative impacts was developed, copies were made available for public review and comment, and information was also disclosed at public meetings. Legal notice of the Environmental Impact Statement is attached hereto as Exhibit "D"; and

12. A Final Programmatic Environmental Impact Statement was developed and is attached hereto as Exhibit "E", with public comments and responses to comments incorporated into the Appendices, which are attached hereto as Exhibit "F".

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NOW THEREFORE BE IT RESOLVED THAT:

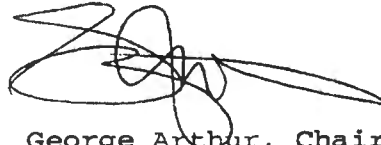
1. After review and consideration of the five (5) different forest management alternatives as presented and documented, the Resources Committee of the Navajo Nation Council hereby approves the New Navajo Nation 10-Year Forest Management Plan, attached hereto as Exhibit "B", and selects Alternative No. 4 as being in the best interest of the Navajo Nation.

2. The Resources Committee of the Navajo Nation Council further recommends that the Bureau of Indian Affairs approve the New Navajo Nation 10-Year Forest Management Plan with Alternative No. 4 as the proposed action.

3. Furthermore, the Resources Committee of the Navajo Nation Council hereby retains the opportunity and privilege to reevaluate the alternative plan from time to time.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 30th day of July, 2001.

A handwritten signature in black ink, appearing to read "George Arthur", with a large, stylized flourish extending to the right.

George Arthur, Chairperson  
Resources Committee

Motion: Elmer L. Milford  
Second: Herman Daniels



RCMA-48-01

RESOLUTION  
OF THE RESOURCES COMMITTEE  
OF THE NAVAJO NATION COUNCIL

Approving Amendments to the Navajo Nation Forest  
Regulations and Fees

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 691 and 695 (B) (7), the Resources Committee of the Navajo Nation Council was established and continued as a standing committee of the Navajo Nation Council and has power to oversee and regulate all activities within Navajo Nation lands, including actions which may involve disposition of resources; and

2. Pursuant to 23 N.N.C. § 902, the Resources Committee of the Navajo Nation Council has authority to establish regulations as proposed by the Forest Manager and to set fees for the use, transportation and protection of the Navajo forests and products; and

3. By Resolution CAP-41-94, the Navajo Nation Council adopted enabling legislation for the Division of Natural Resources and repealed Title 23, Chapter 7, the Navajo Forestry Department's Plan of Operation from the Navajo Nation Code; and

4. By Resolution GSCS-80-99, attached hereto as Exhibit "A", the Government Services Committee of the Navajo Nation Council approved the Navajo Forestry Department's Plan of Operation; and

5. Pursuant to approved then Navajo Forestry Department's Plan of Operation, attached hereto as Exhibit "B", the Forest Manager who acts in the capacity of the Department Director has the authority to develop and recommend policies, rules, regulations, and management plans relating to the management of the forest resources, and monitor the assessment of charges and fees with a view toward obtaining maximum revenues for the Navajo Nation; and

6. The Navajo Forestry Department, in order to reflect amendments of the Navajo Nation Code, to address the need to update the Navajo Nation Forest Regulations and to maximize revenues from forest products, has proposed amendments to the Navajo Nation Forest Regulations and Fees, attached hereto as Exhibit "C", for review and approval by the Resources Committee of the Navajo Nation Council; and

7. To reflect rules of 25 C.F.R. Part 163 - General Forest Regulations and in fulfilling the Navajo Forestry Department's P.L. 93-638 contracted forest work of Indian Permit Cutting, the total worth of forest products that can be harvested through a permit, that the Forest Manager or his/her designee approves of, is being changed from \$2,500 to \$5,000; and

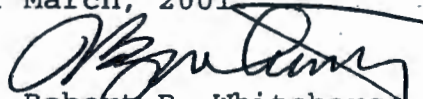
8. The Resources Committee of the Navajo Nation Council recognizes that approval of the amended Navajo Nation Forest Regulations and Fees serves the best interests of the Navajo Nation.

NOW THEREFORE BE IT RESOLVED THAT:

The Resources Committee of the Navajo Nation Council hereby approves the amended Navajo Nation Forest Regulations and Fees, attached hereto and incorporated herein as Exhibit "C".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 29th day of March, 2001

  
Robert B. Whitehorse  
Vice Chairperson  
Resources Committee

Motion: Elmer L. Milford  
Second: Jack Colorado



## **NAVAJO NATION FOREST REGULATIONS GENERAL INFORMATION**

The Navajo forest and woodland resources are vital to the economic, cultural, and social welfare of the Navajo people. These Forest Regulations are promulgated to maintain the quality of the environment, the productivity of the land, and to ensure that the forest and woodlands are managed in a sustainable manner to achieve continued and sustained benefits for future generations of the Navajo Nation as a whole.

These Navajo Nation Forest Regulations may be enforced by any Officer commissioned to enforce Navajo Nation laws.

These Forest Regulations apply to the harvesting of all tree species on, near and/or from lands subject to the jurisdiction of the Navajo Nation. All harvesting of trees shall be conducted in conformity with all Navajo Nation and applicable Federal laws (e.g., 17 N.N.C. § 525; 23 N.N.C. § 900; 18 U.S.C. 1853; 18 U.S.C. 1855; 18 U.S.C. 1856; 25 U.S.C. 3106; P.L. 101-630; 25 C.F.R. 163).

The Resources Committee of the Navajo Nation Council has the authority to establish regulations as proposed by the Forest Manager and to set fees for the use, transportation and protection of the Navajo forests and products thereof, as provided in 23 N.N.C. § 902 (c).

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## **1.00 DEFINITIONS**

- 1.01 Navajo Forest - Includes all lands supporting ponderosa pine, Douglas-fir, corkbark fir, aspen, blue spruce and Engelmann spruce in some combination which together comprise a crown closure of greater than seven percent (7%).
- 1.02 Navajo Woodland - Includes all lands supporting oak, pinyon, and juniper (a.k.a. cedar) in some combination which together comprise a crown closure of greater than seven percent (7%).
- 1.03 Forest or Woodland Product - Any product that is harvested from a tree or shrub, which include but is not limited to; sawtimber, poles, posts, rails, boughs, firewood, Christmas trees, and transplants.
- 1.04 Resale - Utilizing a forest or woodland product that is or will be sold, or remanufactured into another product that will be sold.
- 1.05 Personal Use - The utilization of a forest or woodland product for one's own personal use and not offered for sale.
- 1.06 Harvest - To cut, push, pull, thin, take, damage, remove, possess, gather, transplant, or transport any living or dead tree or product thereof.
- 1.07 Diameter at Breast Height (D.B.H.) - Measurement of a tree's diameter at 4.5 feet from the ground, on the uphill side of the tree; measured in inches.
- 1.08 Sawtimber - A tree with a D.B.H. of 11.5 inches or greater, intended to be milled into dimension products.
- 1.09 Pole - A product harvested from a tree with a D.B.H. of 5.0 to 11.4 inches and a length of 12.0 feet or more. For tepee poles, the D.B.H. begins at 3.0 inches.
- 1.10 Rail - A product harvested from a tree with a D.B.H. of 5.0 to 11.4 inches and a length of between 6.1 to 11.9 feet.
- 1.11 Post -A product harvested from a tree with a D.B.H. of 5.0 to 11.4 inches and a length of 6.0 feet or less.
- 1.12 Live Tree - A tree that is not dead.
- 1.13 Dead Tree - A tree that is not alive.
- 1.14 Valid permit - A permit or tag issued and authorized by personnel from the Navajo Forestry Department or designated permitting offices. The permit or tag remains valid only within the authorized time period, for a designated forest/woodland



product, and is the sole property of a permittee.

- 1.15 **Authorized Contract or Authorized Agreement** - An existing contract or agreement which meets the following conditions:
- (a) Completed procedures for obtaining contracts and agreements as defined by 25 C.F.R. Part 163 - General Forest Regulations;
  - (b) All contracts or agreements have been reviewed and approved by the Navajo Nation Council or appropriate authorized Committee, before being executed on behalf of the Navajo Nation (3 N.N.C. §§ 222 & 223).
- 1.16 **Harvest standards** - A body of rules, recommended by the Forest Manager and approved by the Resources Committee of the Navajo Nation Council, which govern the harvest of forest and woodland products.
- 1.17 **Forest Road** - A road located within or adjacent to the Navajo forest or woodlands.
- 1.18 **Boughs** - Harvested branches still having green leaves or needles attached.
- 1.19 **Forest Officer** - A commissioned Officer authorized to enforce Navajo Nation Forest Regulations and tree cutting permit requirements as established by the Resources Committee of the Navajo Nation Council (17 N.N.C. § 529 & 23 N.N.C. § 905).
- 1.20 **Forest Manager (a.k.a. Department Director)** - Oversees the Navajo Forestry Department, with the authority to develop and recommend policy, rules, regulations, and management plans relating to the management of forest resources, and the authority to monitor the assessment of charges and fees with a view toward maximum revenues for the Navajo Nation, with said regulations and fees proposed to the Resources Committee of the Navajo Nation Council for approval.
- 1.21 **Person** - Any natural person, corporation, company, partnership, trust, firm, or association of persons.
- 1.22 **Unauthorized livestock** - Any cattle, horse or other equine, sheep, goat, or hog and other non-native domesticated animal (e.g., llama) which is not authorized by permit to be upon the land; exceptions to the rule may include non-commercial pack and saddle stock used by recreationalists, travelers, and other forest and woodland users for occasional trips.
- 1.23 **Diameter at Root Collar (D.R.C.)** - Measurement of a tree's diameter at 6.0 inches from the ground, on the uphill side of the tree; measured in inches.
- 1.24 **Transplant** - To remove and reset a live tree or shrub to another location.

- 1.25 Cord - A measurement of firewood equal to a stack of 4.0 feet in width by 4.0 feet in height by 8.0 feet in length; equal to 128.0 cubic feet of stacked wood or approximately 85.0 cubic feet of solid wood.
- 1.26 Snag - Any dead standing tree.
- 1.27 Dead and Down - A dead tree or part of a dead tree lying on the ground.
- 1.28 Timber Stand Improvement (T.S.I.) - A treatment (e.g., precommercial thinning) where live trees are harvested through thinning to improve the health of a forest stand.
- 1.29 Fresh Harvest - A recently harvested live tree or parts thereof and having attached green leaves/needles; or the current year growth is green when scraped; or sap exudes (seeps out) from the cut surface.
- 1.30 Miscellaneous product - Any remanufactured Navajo forest and woodland product (e.g., cradle boards, instrument boxes, etc.) that is intended to be sold.
- 1.31 Navajo - An enrolled member of the Navajo Nation.
- 1.32 Non-Navajo - A person not enrolled within the Navajo Nation.
- 1.33 Permittee - Any person who is authorized through a valid permit or tag to harvest forest/woodland products.
- 1.34 Firewood (a.k.a. fuelwood) - This term is being used so forest users can understand these regulations easier.
- 1.35 Jurisdiction - Includes all lands within Navajo Indian country, all lands within the interior boundaries of the Navajo Nation, including the Eastern Navajo Agency, all lands within the limits of dependent Navajo Indian communities, and all other lands held in trust for, owned in fee by or leased by the United States to the Navajo Nation or any Band of Navajo Indians as defined by 7 N.N.C. § 254, but excluding allotments.
- 1.36 Trespass - Any unauthorized entry, occupancy, use of, or action upon Navajo Nation forest lands, which include the unauthorized removal of forest products from, or unauthorized damaging of forest products on, Indian forest lands, except when authorized or privileged by law and applicable federal or tribal regulations. Trespass can include any damage to forest resources on Indian forest land resulting from activities under contracts or permits or from fire.

## **2.00 PERMITS - GENERALLY**

### **2.10 Permit Requirements**

- 2.11 All persons harvesting any forest or woodland product whether for personal use or resale, within the jurisdiction of the Navajo Nation, must possess a valid Navajo Nation forest product use or transportation permit or other proof of ownership in their possession at all times.**

### **2.20 Forest Product Use and Transportation Permits**

#### **2.21 Dead Wood Permit**

**A permit authorizing the harvesting and transportation of "dead and down" forest or woodland trees for personnel use firewood.**

#### **2.22 Fresh Harvest Permit**

**A permit authorizing the harvesting and transportation of "live" forest or woodland trees for personnel use poles, post, rails, boughs and/or firewood.**

#### **2.23 Resale Harvest Permit**

**A permit authorizing the harvesting and transportation of "dead and down" or "live" forest or woodland products of sawtimber, firewood, and/or miscellaneous products for resale.**

#### **2.24 Christmas Tree Tag**

**A permit authorizing the harvesting and transportation of Christmas trees or Christmas boughs for personal use or resale.**

#### **2.25 Transplant Tag**

**A permit authorizing the transplanting and transportation of a designated tree or shrub for personal use.**

#### **2.26 Special Allotment Timber Harvest Permit**

**A permit, issued by the Bureau of Indian Affairs (B.I.A.) Branch of Forestry, authorizing the harvesting of forest or woodland products from Indian allotment lands 25 C.F.R. § 163.26 (d).**

**2.30 Eligibility**

- 2.31 All persons (18 years of age or older), Navajo Nation Government entities, Federal Agencies and Businesses within the jurisdictional boundaries of the Navajo Nation, except where specified differently in specific sections.**

**2.40 Responsibility of Permittee**

- 2.41 The permittee is responsible for the following: compliance with all harvest standards, closing of all gates entered, observing fire restrictions, not littering, and potential liabilities for damage or destruction of any property, including all actions of his/her parties.**

**2.50 Fees for Forest and Woodland Products**

- 2.51 The Resources Committee of the Navajo Nation Council, upon the recommendations of the Forest Manager has the authority to set fees (23 N.N.C. §§ 902 and 903A). Approved fee schedules are summarized on page 28, while detailed fee descriptions are contained within appropriate Section for each product.**

**2.60 Location of Harvesting**

**ANYWHERE within the forest and woodland areas of the Navajo Nation EXCEPT the following:**

- 2.61 When fire and other environmental conditions cause concern for public safety and damage to the land resources, the Forest Manager shall initiate procedures to issue an order to temporarily restrict forest activities.**
- 2.62 Any location designated by the Navajo Forestry Department for "No Harvesting."**
- 2.63 Within 200 feet of any occupied residents, recreational areas (campgrounds/ lakes), streams, riparian or wetland areas, or ponds/lakes.**
- 2.64 Within 200 feet of known archaeological/sacred sites.**
- 2.65 Within National Monument boundaries, restricted areas, or Tribal ranches, except through procedures that will be confirmed by the Navajo Forestry Department.**
- 2.66 Within any right-of-way fence of any major highway, except for safety measures.**
- 2.67 Within 200 feet from center line of any major forest logging road.**



## **2.70 Indian Allotment Lands**

- 2.71** The Navajo forest and woodlands contain in-held scattered individual Indian allotments. Harvesting of forest and woodland products from allotment lands will be done under guidelines provided under 25 C.F.R. § 163.26 (d) and 53 B.I.A.M. Supplement 4. B.I.A. Forestry is responsible for issuing a Special Allotment Timber Harvest Permit.
- 2.72** Navajo Nation Forestry Regulations still apply when transporting any forest/woodland product from allotment lands onto and across Navajo Nation trust lands; therefore, proof of ownership is required prior to transporting said products off allotment lands.

## **2.80 Enforcement**

- 2.81** Unauthorized harvesting of forest and woodland products from the Navajo Nation is considered trespass and is a violation of Navajo Nation Forest Regulations, 17 N.N.C. § 525, and 25 C.F.R. § 163.29. Trespassers may be liable for civil penalties and damages to the enforcement agency and the beneficial Indian owners, and in addition to being subject to criminal prosecution for acts of trespass.
- 2.82** Any commissioned Officer is authorized to stop any person harvesting forest and woodland products, to determine if a valid permit is in their possession. When forest/woodland products are determined to be in trespass, a Notice of Seizure will be issued and the forest/woodland products shall be seized. All seized forest/woodland products will be retained at the Navajo Forestry Department's compound, value will be determined and products will be available for sale, with proceeds from the sale being distributed pending adjudication or other resolution of the underlying trespass.

## **3.00 SAWTIMBER HARVESTING**

A Resale Harvest Permit or Timber Sales Contract is required to harvest sawtimber size trees. Blue spruce and Engelmann spruce are restricted from all harvesting. In addition, the following procedures apply:

### **3.01 Species**

- 3.02** Harvestable Species - Ponderosa pine, Douglas-fir, and corkbark fir.
- 3.03** Size - 11.5 inches D.B.H. or greater.
- 3.04** Amount - Dependent on the value of the sawtimber.

**3.10 Eligibility**

**3.11 All persons (18 years of age or older), Navajo Nation Government entities, Federal Agencies and Businesses.**

**3.12 Sawtimber can be used on and off Navajo Nation lands.**

**3.20 Procedures - Sawtimber valued under \$5,001**

**3.21 A letter shall be sent to the attention of the Forest Manager requesting a Resale Harvest Permit to harvest sawtimber. The letter shall state; the intended purpose of use, tree species desired, and estimated volume. Request letters shall be sent to the following address:**

**Navajo Forestry Department  
Attention: Forest Manager  
P.O. Box 230  
Fort Defiance, Arizona 86504-0230**

**3.22 The Forest Manager or his/her designee shall review the request and if approved, sawtimber will be located, marked, cruised, and appraised by Navajo Forestry Department personnel.**

**3.23 Prior to the issuing of the Resale Harvest Permit, the applicant shall pay the Navajo Forestry Department for the sawtimber in full, and post an additional performance bond of 20% of the stumpage value. Such bond shall be refunded in full after harvesting, provided that all regulations and stipulations are adhered to, if not the entire bond will be forfeited. Damages above the 20% stumpage value may be assessed.**

**3.24 Total value of sawtimber harvesting per individual or operating entity comprised of several persons, shall not exceed \$5,000.00 per calendar year (25 C.F.R. § 163.26).**

**3.25 All sawtimber trees shall be harvested within 120 days after the permit issuing date. There shall be no exceptions to this rule.**

**3.26 The permittee assumes all liability associated with all harvesting activities.**

**3.27 The Resale Harvest Permit is to be in the possession of the permittee or his/her designee during all phases of harvesting.**

**3.28 Only marked trees will be harvested. Harvesting of unmarked trees is considered trespass.**

- 3.29 Stumps shall not exceed 12.0 inches in height.
- 3.30 Slash (branches and toppings) shall not be piled more than 4.0 feet high and will be piled away from any standing trees.
- 3.31 Harvested areas will be cleaned of all heavy equipment refuse, trash and personal items.
- 3.32 The permittee will be responsible to follow additional standards as determined by the Navajo Forestry Department.
- 3.33 The sawtimber may be resold either on or off the Navajo Nation.
- 3.40 Procedures - Sawtimber valued over \$5,000
  - 3.41 A Timber Sales Contract will be developed consistent with the mandates set forth in 25 C.F.R. Part 163 - General Forest Regulations.
- 3.50 Fees
  - 3.51 Resale Harvesting Permit - The fee charged will be based upon the value of the sawtimber, up to \$5,000. There shall be no exceptions to this rule. Value of sawtimber to be harvested shall be determined at the appraised rate.
  - 3.52 Timber Sales Contract - This contract shall be used for purchase of sawtimber in total value greater than \$5,000. There shall be no exceptions to this rule. Value of sawtimber to be harvested shall be determined at the appraised rate.

#### **4.00 POLE HARVESTING**

A Fresh Harvest Permit is required to harvest trees for poles. Resale of poles is prohibited, poles shall be harvested for personal use only. Timber stand improvement poles are regulated under Section 8.00 below. Blue spruce and Engelmann spruce are restricted from all harvesting. In addition, the following procedures apply to the harvesting of trees for poles:

- 4.01 Hogan/Cabin Poles
  - 4.02 Species - Ponderosa pine; Douglas-fir maybe available per request to the Forest Manager or his/her designee.
  - 4.03 Size - 5.0 to 10.0 inches D.B.H.; larger trees must have the approval of the Forest Manager or his/her designee.

- 4.04 Amount - 100 poles (20 foot length basis), per family, per year.
- 4.05 Tepee Poles
  - 4.06 Species - Douglas-fir or corkbark fir.
  - 4.07 Size - 3.0 to 8.0 inches D.B.H.; larger trees must have the approval of the Forest Manager or his/her designee.
  - 4.08 Amount - 20 poles, per family, per year.
- 4.10 Eligibility
  - 4.11 All persons (18 years of age or older), Navajo Nation Government entities, Federal Agencies and Businesses within the jurisdictional boundaries of the Navajo Nation.
  - 4.12 If the poles are to be used for construction of a home within the jurisdiction of the Navajo Nation, then final approved homesite lease documents must be presented prior to the issuing of the permit.
- 4.20 Procedures
  - 4.21 Scheduling for pole marking appointments will begin in April, with actual pole marking beginning in May and ending in September of each year.
  - 4.22 Only the Navajo Forestry Department will schedule appointments for pole harvesting.
  - 4.23 All appointments will be made on a first come, first serve basis.
  - 4.24 Any permittee who cannot meet their scheduled appointment, is required to notify the Navajo Forestry Department two (2) working days in advance of scheduled appointment to reschedule at a later date.
  - 4.25 Only Navajo Forestry Department personnel will select and mark poles to be harvested; at which time the permittee or his/her designee is required to be present.
  - 4.26 For ponderosa pine, fifty pole trees will be marked at a time, marking of more than fifty pole trees must have the approval of the Forest Manager or his/her designee.
  - 4.27 The Fresh Harvest Permit will be issued at the time of marking and must be in possession of the permittee or his/her designee during all phases of



harvesting.

- 4.28 Only marked poles shall be harvested. Harvesting of unmarked poles is considered a trespass.
- 4.29 All poles marked shall be harvested within the calendar year in which it is marked. There will be no exceptions to this rule. At the end of the calendar year the permit expires.
- 4.30 After trees are marked for harvest, the poles that result from harvesting are now the property and responsibility of the permittee.
- 4.31 The Navajo Forestry Department will not replace poles that are lost or stolen.
- 4.32 Stumps shall not exceed 4.0 inches in height.
- 4.33 Slash (branches and toppings) shall not be piled more than 4.0 feet high and will be piled away from any standing trees. Any excess wood maybe utilized for personal use firewood by the permittee.
- 4.34 Harvested areas will be cleaned of all trash and personal items.
- 4.35 Campfires are strictly prohibited during extreme fire danger.
- 4.36 Poles cannot be sold.
- 4.37 If the original permit is lost, a charge and payment of \$10.00 will be required for a valid replacement permit.
- 4.40 Fees
  - 4.41 Navajo - The fee for hogan/cabin poles is \$1.00 per tree (Non-refundable).
  - 4.42 Non-Navajo - The fee for hogan/cabin poles is \$2.00 per tree (Non-refundable).
  - 4.43 Navajo - The fee for tepee poles is \$2.50 per tree (Non-refundable).
  - 4.44 Non-Navajo - The fee for tepee poles \$10.00 per tree (Non-refundable).

## **5.00 POST AND RAIL HARVESTING**

A Fresh Harvest Permit is required to harvest any live tree product, identified as a post or rail. Resale of posts and rails is prohibited, posts and rails shall be harvested for personal use only. Blue spruce and Engelmann spruce are restricted from all harvesting. In addition, the following procedures apply:

### **5.01 Species available for posts and rails**

5.02 Pinyon, juniper, oak and aspen.

5.03 Size - Up to 8.0 inches (D.R.C. for pinyon/juniper; D.B.H. for oak and aspen), larger trees must have the approval of the Forest Manager or his/her designee.

5.04 Amount limitation - 50 trees, per family, per year. Additional trees must have approval of the Forest Manager or his/her designee.

### **5.10 Eligibility**

5.11 Only persons (18 years of age or older), with approved land use documents that authorize building/constructing a fence or enclosure within the jurisdictional boundaries of the Navajo Nation are eligible to receive a Fresh Harvest Permit for posts and rails (This is necessary because of numerous complaints that relate to illegal fencing of customary use areas and land disputes).

### **5.20 Procedures**

5.21 Prior to harvesting, a valid Fresh Harvest Permit shall be obtained from the Navajo Forestry Department or a designated permitting office.

5.22 All posts/rails shall be harvested within 30 days after the permit issuing date. There shall be no exceptions to this rule. After 30 days a new permit is required.

5.23 Stumps shall not exceed 4.0 inches in height.

5.24 Slash (branches and toppings) shall not be piled more than 4.0 feet high and will be piled away from any standing trees. Any excess wood maybe utilized for personal use firewood by the permittee.

5.25 Harvested areas shall be cleaned of all trash and personal items.

5.26 Post and rails cannot be sold.

**5.30 Fees**

- 5.31 Navajo - The fee for a post or rail is \$1.00 per tree. Upon approval, the post or rail fee will be \$2.00 per post or rail exceeding the eight inch diameter limit (Non-refundable).
- 5.32 Non-Navajo - The fee for a post or rail is \$2.00 per tree. Upon approval, the post or rail fee will be \$4.00 per post or rail exceeding the eight inch diameter limit (Non-refundable).

**6.00 BOUGH HARVESTING**

A valid forest product use permit is required to harvest any live tree product that is or shall be identified or used as boughs or shall be manufactured as boughs. Resale of boughs is prohibited, boughs shall be harvested for personal use only. In addition, the following procedures apply:

**6.01 Ceremonial Boughs**

- 6.02 Species - Branches from any tree. Harvesting of spruce branches is permissible, however cutting of spruce trees is restricted.
- 6.03 Amount - Eight branches or less. More than eight branches must have the acknowledgment of the Forest Manager or his/her designee.

**6.05 Shade House Boughs**

- 6.06 Species - Branches from oak, aspen, pinyon, juniper, cottonwood and willows. It is permissible to harvest oak and aspen sprouts for boughs. Branches from ponderosa pine, Douglas-fir, and corkbark fir are permitted from logging and T.S.I. areas only.
- 6.07 Size - Branch diameter 3.0 inches or less.
- 6.08 Amount - Five short-bed pick-up truck loads or four long-bed pick-up truck loads per permit.

**6.10 Christmas Boughs**

- 6.11 Species - Branches from Douglas-fir, corkbark fir, juniper, pinyon.
- 6.12 Amount - One Christmas Tree Tag, per family, per year.

**6.15 Eligibility**

- 6.16 All persons (18 years of age or older), Navajo Nation Government entities, Federal Agencies and Businesses within the jurisdictional boundaries of the Navajo Nation.**

**6.20 Procedures**

- 6.21 Prior to harvesting shade house boughs a valid Fresh Harvest Permit will be obtained or prior to harvesting Christmas boughs a Christmas Tree Tag will be obtained, from the Navajo Forestry Department or a designated permitting office.**
- 6.22 Shade house boughs shall be harvested within 10 days after the issuing date of permit. There shall be no exceptions to this rule. After 10 days a new permit is required.**
- 6.23 Christmas boughs shall be harvested from the Monday before Thanksgiving to December 24<sup>th</sup> of each year.**
- 6.24 When cutting branches from trees, cut only from the lower 1/3 of the tree. Cut limbs as close to the tree as possible. Do not cut the entire tree down just for boughs.**
- 6.25 Harvested areas will be cleaned of all trash and personal items.**

**6.30 Fees**

- 6.31 Ceremonial Boughs - No permit required.**
- 6.32 Navajo - The fee for shade house boughs permit is \$2.50 (Non-refundable).**
- 6.33 Non-Navajo - The fee for shade house boughs permit is \$5.00 (Non-refundable).**
- 6.34 Navajo and Non-Navajo - A Christmas Tree Tag will be purchased for Christmas boughs (Non-refundable).**

## **7.00 MISCELLANEOUS PRODUCT HARVESTING**

Miscellaneous products remanufactured from harvested trees requires a Resale Harvest Permit. Miscellaneous products include but are not limited to cradle boards, bows/arrows, flutes, jewelry boxes, and other crafts. Blue spruce and Engelmann spruce are restricted from all harvesting. In addition, the following procedures apply:

### **7.01 Species**

7.02 Species - Pinyon, juniper, oak, aspen, ponderosa pine, Douglas-fir, corkbark fir, cottonwood, and willows.

7.03 Size - Tree, 10.0 inches D.B.H./D.R.C. or less; or  
- Branches, 5.0 inches or less diameter.  
- Larger diameters require approval from the Forest Manager or his/her designee.

7.04 Amount - one tree or a short-bed pick-up truck load of branches.

### **7.10 Eligibility**

7.11 All persons, 18 years of age or older, organizations and institutions within the jurisdictional boundaries of the Navajo Nation.

### **7.20 Procedures**

7.21 Prior to harvesting, a valid Resale Harvest Permit will be obtained from the Navajo Forestry Department or a designated permitting office.

7.22 A Resale Harvest Permit will be in possession during harvesting.

7.23 All harvesting shall be conducted within 10 days after the issuing date of the permit. There are no exceptions to this rule. After 10 days a new permit is required.

7.24 Stumps shall not exceed 4.0 inches in height and limbs will be cut as close to the tree as possible

7.25 Slash (branches and toppings) shall not be piled more than 4.0 feet high and will be piled away from any standing trees.

7.26 Harvested areas will be cleaned of all trash and personal items.



**7.30 Fees**

- 7.31 Navajo - The fee for miscellaneous products requiring tree harvesting is \$1.00 per tree (Non-refundable).
- 7.32 Non-Navajo - The fee for miscellaneous products requiring tree harvesting is \$2.00 per tree (Non-refundable).
- 7.33 Navajo - The fee for miscellaneous products requiring branch harvesting is \$1.00 per short-bed pick-up truck load (Non-refundable).
- 7.34 Non-Navajo - The fee for miscellaneous products requiring branch harvesting is \$2.00 per short-bed pick-up truck load (Non-refundable).

**8.00 TIMBER STAND IMPROVEMENT POLE HARVESTING**

Any person who harvests from established timber stand improvement (T.S.I.) areas, are required to obtain and possess a valid Fresh Harvest Permit. Resale of T.S.I. poles is prohibited, T.S.I. poles shall be harvested for personal use only. Blue spruce and Engelmann spruce are restricted from all harvesting. In addition, the following procedures apply:

**8.01 Species**

- 8.02 Species - Ponderosa pine only.
- 8.03 Size - Only trees up to 6.0 inches will be harvested during T.S.I. thinning operations. For larger diameters, approval from the Forest Manager or his/her designee is required.
- 8.04 Amount - 50 downed poles, per family, per year.

**8.10 Eligibility**

- 8.11 All persons (18 years of age or older), Navajo Nation Government entities, Federal Agencies and Businesses within the jurisdictional boundaries of the Navajo Nation.

**8.20 Procedures**

- 8.21 Prior to gathering of T.S.I. downed poles, a valid Fresh Harvest Permit will be obtained from the Navajo Forestry Department.
- 8.22 All gathering of T.S.I. poles shall be conducted within 15 days after the issuing date of the permit. There are no exceptions to this rule. After 15 days a new permit is required.

- 8.23 Harvesting of any live standing tree will be considered trespass.
- 8.24 The Fresh Harvest Permit will be in possession during all phases of harvesting and should be available to show any commissioned Officer upon request.
- 8.25 Harvested areas shall be cleaned of all trash and personal items.
- 8.26 All fires are strictly prohibited.
- 8.30 Location of T.S.I. Areas
  - 8.31 Upon purchase of a permit, a map will be made available showing the location to T.S.I. areas.
- 8.40 Fees
  - 8.41 Navajo - The fee for T.S.I. poles is a \$10.00 per permit (Non-refundable).
  - 8.42 Non-Navajo - The fee for T.S.I. poles is a \$20.00 per permit (Non-refundable).

## **9.00 CHRISTMAS TREE HARVESTING**

The harvesting of a Christmas tree for personal use requires a valid Christmas Tree Tag. Ponderosa pine, blue spruce and Engelmann spruce are restricted from all harvesting. In addition, the following procedures apply:

- 9.01 Personal use
  - 9.02 Species - Douglas-fir, corkbark fir, pinyon or juniper.
  - 9.03 Size - 7.0 feet maximum height. Trees taller than 7.0 feet, must have the approval of the Forest Manager or his/her designee.
  - 9.04 Amount - One tree, per family, per year.
- 9.05 Resale
  - 9.06 Species - Pinyon only.
  - 9.07 Size - 7.0 feet maximum height. There are no exceptions to this rule.
  - 9.08 Amount - 100 tree limit.

**9.10 Eligibility**

**9.11 Personal Use - All persons (18 years of age or older), Navajo Nation Government entities, Federal Agencies, Schools and Businesses within the jurisdictional boundaries of the Navajo Nation.**

**9.12 Resale - Only non-profit organizations directly serving the Navajo Nation.**

**9.20 Season of Harvesting**

**9.21 Christmas Tree Tags will be available on the Monday before Thanksgiving, until December 24<sup>th</sup> of each year.**

**9.30 Procedures**

**9.31 Prior to harvesting, a valid Christmas Tree Tag will be obtained from the Navajo Forestry Department or a designated permitting office.**

**9.32 A Christmas Tree Tag shall be securely affixed to each tree prior to transporting from the harvesting site. Trees that are not tagged will be considered trespass and confiscated.**

**9.33 The harvesting of ponderosa pine, blue spruce and Engelmann spruce trees will be considered trespass and the trees will be confiscated.**

**9.34 The harvesting of a tree other than the tree species specified on the Christmas Tree Tag will be considered trespass and the tree will be confiscated.**

**9.35 If the specified tree species cannot be harvested then the permittee will take the Christmas Tree Tag back to where it was issued and have the tree species changed. If the permittee alters the Christmas Tree Tag themselves the Tag will be considered null and void, and it will be considered trespass and the tree confiscated.**

**9.36 Topping of trees is prohibited and will be considered a trespass and confiscated**

**9.37 Stumps shall not exceed 4.0 inches in height.**

**9.38 Harvested areas will be cleaned of all trash and personal items.**

#### 9.40 Fees

- 9.41 Navajo - The fee for a personal use Christmas Tree Tag is \$5.00. Upon approval, an additional \$1.00 will be charged for each foot exceeding seven feet (Non-refundable).
- 9.42 Non-Navajo - The fee for a personal use Christmas Tree Tag is \$7.50. Upon approval, an additional \$1.50 will be charged for each foot exceeding seven feet (Non-refundable).
- 9.43 Non-Profit - The fee for a resale Christmas Tree Tag is \$2.50 (Non-refundable).

### 10.00 FIREWOOD HARVESTING

Any person harvesting firewood (fresh harvest or dead and down), for personal use or resale, are required to obtain and possess a valid Dead Wood Permit or Fresh Harvest Permit or Resale Harvest Permit. Blue spruce and Engelmann spruce are restricted from all harvesting. In addition, the following procedures apply:

#### 10.01 Species

- 10.02 Fresh Harvest or Dead and Down- Oak, aspen, pinyon, juniper, and cottonwood.
- 10.03 Dead and Down Only - Ponderosa pine, Douglas-fir, and corkbark fir. All snag(s) with a 12.0 inch or more D.B.H. are prohibited from all harvesting, unless for management, construction or safety concerns as concurred by the Navajo Forestry Department.
- 10.04 Size - 3.0 inches or more in size.
- 10.05 Personal Use Limitation - Two short-bed pick-up truck loads or 1-1/2 long-bed pick-up truck loads per permit per month.
- 10.06 Resale Limitation - One short-bed pick-up truck load or 2/3 long-bed pick-up truck load per permit.

#### 10.10 Eligibility

- 10.11 Personal Use - All persons (18 years of age or older) within the jurisdictional boundaries of the Navajo Nation.



- 10.12 Resale - Navajos (18 years of age or older). Navajo Chapters and Educational Institutions located within the jurisdictional boundaries of the Navajo Nation. Operations that require the high use of manpower and equipment are considered commercial and are regulated under Section 12.00 below.

10.20 Procedures

- 10.21 Prior to harvesting firewood, a valid Dead Wood Permit, or a Fresh Harvest Permit, or a Resale Harvest Permit will be obtained from the Navajo Forestry Department or a designated permitting office. Any wood harvesting before a valid permit is obtained will be considered trespass and confiscated.
- 10.22 A Dead Wood Permit will be issued to harvest dead and down personal use firewood. Using this permit to harvest live trees (harvested wood shows signs of fresh harvest, see definitions 1.29) is considered trespass. Using this permit to resell firewood is considered trespass.
- 10.23 A Fresh Harvest Permit will be issued to harvest live trees (harvested wood show signs of fresh harvest, see definitions 1.29) for personal use firewood. Using this permit to resell firewood is considered trespass. Using this permit to harvest posts or rails is considered trespass.
- 10.24 A Resale Harvest Permit will be issued to harvest firewood (fresh harvest or dead and down) for resale. Firewood from all tree species can be resold to other Navajos. Only ponderosa pine firewood, can be resold to non-Navajos (e.g. stores, vendors, traders); selling of other firewood species to non-Navajos is considered trespass. Using this permit to harvest posts or rails is considered trespass. Resale permits will only be issued May - December; this time may be extended by the Forest Manager or his/her designee.
- 10.25 At the time of the sale of the firewood, the Resale Harvest Permit will be relinquished to the purchaser, with all information filled in.
- 10.26 Dead Wood Permits and Fresh Harvest Permits for firewood expire after one month. Resale Harvest Permits for firewood expire after five days. There are no exceptions to these rules. After these permits expire, new permits are required.
- 10.27 All persons transporting firewood harvested within the jurisdiction of the Navajo Nation and taken off the Navajo Nation must have in their possession a valid Permit.



- 10.28 All persons transporting firewood harvested outside the jurisdiction of the Navajo Nation and brought onto the Navajo Nation must have in their possession proof of ownership.
- 10.29 Stumps shall not exceed 4.0 inches in height.
- 10.30 Slash (branches and toppings) shall not be piled more than 4.0 feet high and will be piled away from any standing trees.
- 10.31 Harvested areas shall be cleaned of all trash and personal items.
- 10.40 Fees
  - 10.41 Navajo Senior Citizen (60 years or older) - A "non-fee" Dead Wood Permit for harvesting dead and down personal use firewood is available. This permit is to be renewed every year.
  - 10.42 Non-Navajo Senior Citizen (60 years or older) - A \$1.00 Dead Wood Permit for harvesting dead and down personal use firewood is available. This permit is to be renewed every year.
  - 10.43 Navajo/Personal use/Dead and Down - From May - December the fee is \$1.00 per permit per month; from January - April the fee is \$5.00 per permit per month (Non-refundable).
  - 10.44 Non-Navajo/Personal use/Dead and Down - From May - December the fee is \$2.00 per permit per month; from January - April the fee is \$10.00 per permit per month (Non-refundable).
  - 10.45 Navajo/Personal use/Fresh Harvest - From May - December the fee is \$5.00 per permit per month; from January - April the fee is \$10.00 per permit per month (Non-refundable).
  - 10.46 Non-Navajo/Personal use/Fresh Harvest - From May - December the fee is \$10.00 per permit per month; from January - April the fee is \$20.00 per permit per month (Non-refundable).
  - 10.47 Navajo Only/Resale/Fresh Harvest or Dead and Down - From May - December the fee is \$5.00 per permit; Upon schedule extension approval, permits issued after December will be charged \$10.00 each (Non-refundable).

## **11.00 TRANSPLANTING**

Transplanting trees or shrubs for personal use from the Navajo forest and woodlands requires a valid Transplant Tag. Resale of transplant species is prohibited, transplanting is for personal use only. In addition, the following procedures apply:

### **11.01 Species**

- 11.02 Trees** - Ponderosa pine, Douglas-fir, corkbark fir, aspen, oak, pinyon, juniper, cottonwood, chokecherry, willow, mountain maple, ash, alder, dogwood. Blue spruce and Engelmann spruce may be transplanted through a written request to the Forest Manager or his/her designee.
- 11.03 Shrubs** - mountain mahogany, cliffrose, serviceberry, Arizona rose, sumac, fendler bush.
- 11.04 Size** - 4.0 feet maximum height. Trees taller than 4.0 feet, must have the approval of the Forest Manager or his/her designee.
- 11.05 Amount** - two transplants, per family, per year. Request of more than two transplants must have the approval of the Forest Manager or his/her designee.

### **11.10 Eligibility**

- 11.11** All persons (18 years of age or older), Navajo Nation Government entities, Federal Agencies, Schools and Businesses within the jurisdictional boundaries of the Navajo Nation.

### **11.20 Procedures**

- 11.21** Prior to transplanting any tree or shrub, a valid Transplant Tag will be obtained from the Navajo Forestry Department.
- 11.22** Transplant Tags are available from November to April of each year.
- 11.23** A Transplant Tag must be attached to each tree or shrub before leaving the excavation site. Trees or shrubs that are not tagged will be considered trespass and confiscated.
- 11.24** The transplanting of blue spruce and Engelmann spruce without approval of the Forest Manager or his/her designee will be considered trespass and the spruce will be confiscated.

- 11.25 The transplanting of a tree or shrub other than the tree or shrub species specified on the Transplant Tag will be considered trespass and the tree or shrub will be confiscated.
- 11.26 If the specified tree or shrub species cannot be transplanted then the permittee will take the Transplant Tag back to the Forestry Department and have the tree or shrub species changed. If the permittee alters the Transplant Tag themselves, the Tag will be considered null and void and tree or shrub will be confiscated.
- 11.27 Holes created from tree or shrub removal, must be filled back in with the side soil.
- 11.28 Transplant areas shall be cleaned of all trash and personal items.
- 11.30 Fees
  - 11.31 Navajo - The fee for a Transplant Tag for all species except spruce is \$7.50 (Non-refundable).
  - 11.32 Non-Navajo - The fee for a Transplant Tag for all species except spruce is \$15.00 (Non-refundable).
  - 11.33 Navajo - The fee for a Transplant Tag for spruce is \$15.00 (Non-refundable).
  - 11.34 Non-Navajo - The fee for a Transplant Tag for spruce is \$30.00 (Non-refundable).

## **12.00 FIREWOOD HARVESTING OPERATIONS**

These operations by definition require the high use of manpower and equipment. The goal of firewood harvesting operations is to initiate local entrepreneurship through firewood sales. A Resale Harvesting Permit will be issued to cover all aspects of the firewood harvesting operations. Blue spruce and Engelmann spruce are restricted from all harvesting. In addition, the following procedures apply:

- 12.01 Species
  - 12.02 Live or Dead - Oak, aspen, pinyon, juniper, and cottonwood.
  - 12.03 Dead only - Ponderosa pine, Douglas-fir, corkbark fir. All snag(s) with a 12.0 inch or more D.B.H. are prohibited from all harvesting, unless for management, construction or safety concerns as concurred by the Navajo Forestry Department.

- 12.04 Size - 3.0 inches or more.
- 12.05 Amount - Dependent on forest management objectives.
- 12.10 Eligibility
  - 12.11 All persons (18 years of age or older), Navajo Nation Government entities, and Businesses.
- 12.20 Procedures
  - 12.21 Firewood harvesting operations will be restricted to trees within designated areas, determined by the Navajo Forestry Department, to meet specific forest or other natural resource management objectives.
  - 12.22 A letter must be submitted to the Forest Manager requesting interest in conducting firewood harvesting operations. The letter must specify the amount of wood desired.
  - 12.23 The Forest Manager or his/her designee will review the request and if approved, harvesting areas will be located, marked, cruised, and appraised by Navajo Forestry Department personnel.
  - 12.24 Prior to the issuing of the Resale Harvest Permit, the applicant shall pay the Navajo Forestry Department for the wood in full, and post an additional performance bond of 20% of the wood value. Such bond shall be refunded in full after harvesting is completed, provided that all stipulations are adhered to, if not the entire bond will be forfeited. Damages above the 20% stumpage value may be assessed.
  - 12.25 Harvesting and cleanup stipulations will be issued by the Navajo Forestry Department for each project.
  - 12.26 The permittee will be responsible to follow and perform additional standards as determined by the Navajo Forestry Department.
  - 12.27 The permittee assumes all liability associated with all harvesting activities.
  - 12.28 The Resale Harvest Permit is to be in possession of the permittee or his/her designee during all phases of harvesting.
  - 12.29 Harvesting shall be conducted from May through December of each year. There are no exceptions to this rule.



**12.30** Only marked trees will be harvested. Harvesting of unmarked trees will be considered trespass and reason for denial of performance bond.

**12.31** Stumps shall not exceed 4.0 inches in height.

**12.32** Slash (branches and toppings) shall not be piled more than 4.0 feet high and will be piled away from any standing trees.

**12.33** Harvested areas shall be cleaned of all heavy equipment refuse, trash and personal items.

~~**12.34**~~ The firewood may be sold either on or off the Navajo Nation.

**12.40 Fees**

**12.41** The fee for firewood will be based on an appraised rate determined by the Navajo Forestry Department (Non-refundable).

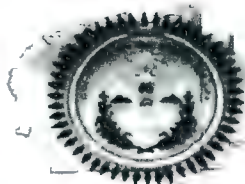
## PERMIT AND FEES

Forest Product	Description	Tree Species	FEE * Navajo *	FEE * Non-Navajo *
Sawtimber	Value < \$5,001, RHP	Pp,Df,Cf	Appraised Rate	
	Value >\$5,000, Timber Sales Contract	Pp,Df,Cf	Appraised Rate	
Poles (>12' Ht.)	Hogan/house poles, 5" - 10" D.B.H., FHP	Pp,Df	\$1.00 per tree	\$2.00 per tree
	Tepee poles, 3" - 8" D.B.H., FHP	Df,Cf	\$2.50 per tree	\$10.00 per tree
	T.S.I. poles, < 6" D.B.H., FHP	Pp	\$10.00 per Permit	\$20.00 per Permit
Post/Rails (<12' Ht.)	Post - <8' Ht., <8" D.R.C., FHP Rail - 8'-12' Ht., <8" D.R.C., FHP	P,J,O,A	\$1.00 per tree	\$2.00 per tree
Boughs	Ceremonial	All	No permit needed	N/A
	Shade house, FHP	P,J,O,A	\$2.50 per Permit	\$5.00 per Permit
	Christmas, CTT	P,J,Df,Cf	\$5.00 per Tag	\$7.50 per Tag
Miscellaneous Products	Harvest Whole Tree, RHP	P,J,O,A,Pp,Df,Cf	\$1.00 per Permit	\$2.00 per Permit
	Harvest Branches, RHP	P,J,O,A,Pp,Df,Cf	\$1.00 per Permit	\$2.00 per Permit
Christmas Tree	Personal Use, CTT	P,J,Df,Cf	\$5.00 per Tag	\$7.50 per Tag
	Resale (Non Profit Only), CTT	P	\$2.50 per Tag	
Firewood	Senior (>59 years old), Dead/Down, DWP	P,J,O,A,Pp,Df,Cf	\$0 per Permit	\$1.00 per permit
	Personal Use (May - Dec), Dead/Down, DWP	P,J,O,A,Pp,Df,Cf	\$1.00 per permit	\$2.00 per permit
	Personal Use (Jan - Apr), Dead/Down, DWP	P,J,O,A,Pp,Df,Cf	\$5.00 per permit	\$10.00 per permit
	Personal Use (May - Dec), Fresh Harvest, FHP	P,J,O,A	\$5.00 per permit	\$10.00 per permit
	Personal Use (Jan - Apr), Fresh Harvest, FHP	P,J,O,A	\$10.00 per permit	\$20.00 per permit
	Resale (May - Dec), Dead/Down or Fresh Harvest, RHP	P,J,O,A,Pp,Df,Cf	\$5.00 per permit	N/A
	Resale (Jan - Apr), Dead/Down or Fresh Harvest, RHP	P,J,O,A,Pp,Df,Cf	\$10.00 per permit	N/A
	Firewood Harvesting Operations (May - Dec), Dead/Down or Fresh Harvest, RHP	P,J,O,A,Pp,Df,Cf	Appraised Rate	
Transplant	All trees/shrubs except Spruce, <4" Ht., TT	ALL except S	\$7.50 per tag	\$15.00 per tag
	Spruce, <4" Ht., TT	S	\$15.00 per tag	\$30.00 per tag

Tree Species - Pp-Ponderosa Pine, Df-Douglas-fir, Cf-Corkbark fir, S-Spruce, A-Aspen, P-Pinyon, J-Juniper, O-Oak.

Permits - DWP-Dead Wood Permit, FHP-Fresh Harvest Permit, RHP-Resale Harvest Permit, CTT - Christmas Tree Tag, TT - Transplant Tag.

Use this Table for quick reference only, refer to individual sections for specific information.



## CHECKLIST FOR HOMESITE LEASE (HSL) APPLICATION

Application that lacks any required information will be considered incomplete and will NOT BE ACCEPTED.

### Homesite Lease Application Requirements

- ☐ 1 Please read the Eligibility Requirements before filling out the HSL Application. Applicant(s) must use blue or black ink to complete all application forms NO WHITE OUT.
- ☐ 2 Original and up-to-date **Certificate of Navajo Indian Blood**, which can be obtained from the Agency Vital Records. Name(s), Date of Birth, census number(s) and signature(s) must correspond with the information shown on the Certificate of Navajo Indian Blood.
- ☐ 3 For joint applicants, valid **marriage license**
- ☐ 4 **HSL Application**: Applicant must read and acknowledge Page 2 of HSL Application: **FORM 1**: Applicant must complete Page 4, Sections 1 and Coordinate with Grazing Officer/Land Board Member to complete Section 2 of **FORM 1** on page 4.
- ☐ 5 **FORM 2 - Consent Form(s)**: Coordinate with grazing permittee(s) listed on the "Field Clearance Certification" to complete the "Consent Form(s)" if required Obtain Grazing Official/Land Board Member signature after the grazing permittee(s) have completed the consent form.
- ☐ 6 **Receipt** showing payment for an Archaeology Inventory Report to be performed by a private archaeologist contractor
- ☐ 7 **Receipt** showing payment for a certified land survey plat to be performed by a private registered land surveyor contractor
- ☐ 8 **Submit** to Agency Navajo Land Offices for **Environmental Review Form**.
- ☐ 9 **\$30.00** money order payable to the Navajo Nation for HSL Application non-refundable application fee.
- ☐ 10 ~~\$32.50 money order or cashiers check for Biological Resource Clearance~~ Completed the **Biological Data Request Form** at the Agency Land Sub-offices to be submitted to Dept. of Fish & Wildlife electronically.

### Grazing Official/Land Board Member Responsibilities

- ☐ 1 **FORM 1 - HSL Application**. Complete Section 2 of HSL Application on Page 4. Physically verify the proposed Homesite location utilizing a hand-held Global Positioning System (GPS) unit by reading the Latitude/Longitude coordinates [North American Datum 1983 (NAD83)] identifying the center point of the proposed homesite location. Verify the biological map area/zone
- ☐ 2 **FORM 2 - Field Clearance Certification**: Identify all grazing permittees who are directly affected and impacted by the proposed homesite location identified in Section 2 of the HSL Application. Complete Field Clearance Certification before applicant can obtain written consent from the individuals identified on the Field Clearance Certification. Verify whether proposed homesite is within Navajo forest or woodlands an area withdrawn for community development or conflicting land use plan, within a designated 750 feet corridor of highway right-of-way, a half mile of a Navajo Nation or other permanent livestock
- ☐ 3 **FORM 3 - Consent Form**: After the applicant obtains written consent from the permittees listed on the Field Clearance Certification applicant shall provide the signed Consent Form(s) to the GO for verification of signature.

### Submit Completed Application to the Navajo Land Sub-Office

Navajo Land Office, Post Office Box 2179, Chinle, AZ 86503	<a href="mailto:caroldale@frontiernet.net">caroldale@frontiernet.net</a>	(928) 674-2056
Navajo Land Office, Post Office Box 948, Crownpoint NM 87313	<a href="mailto:annawillie@dinebikayah.org">annawillie@dinebikayah.org</a>	(505) 786-2376
Navajo Land Office, Post Office Box 208, Shiprock, NM 87420	<a href="mailto:toniasam@frontier.com">toniasam@frontier.com</a>	(505) 368-1120
Navajo Land Office, Post Office Box 3309, Tuba City, AZ 86045	<a href="mailto:jarrodyazzie@frontier.com">jarrodyazzie@frontier.com</a>	(928) 283-3194
Navajo Land Office, Post Office Box 2249, Window Rock, AZ 86515	<a href="mailto:suzannenenos@frontiernet.net">suzannenenos@frontiernet.net</a>	(928) 871-6523

Homesite Lease Regulations and HSL Application can be downloaded **FREE** from Navajo Land Department website: [www.dinebikayah.org](http://www.dinebikayah.org). Hard copies are available at Navajo Nation Records Management Office (264 Highway), Tse Bonito, NM. (505) 371-5113.



**ELIGIBILITY REQUIREMENTS**

- 1 The Navajo Nation shall not deny an application for a homesite lease based on the applicant's sex, religious association, clan membership, political philosophy, personal grudges, chapter affiliation, income, education, public or private status, or tribal affiliation so long as the applicant meets all requirements required by law.
- 2 Applicant(s) must be over 18 years of age.
- 3 An applicant can apply for only one homesite lease, with such withdrawal limited to one (1) acre or less of tribal trust or fee land, excluding withdrawals of lands for residential subdivisions and other types of withdrawals pursuant to 2 N.N.C. § 501.
- 4 Applicant must be an enrolled member of the Navajo Nation; however, a non-member of the Navajo Nation who is legally married to an enrolled member of the Navajo Nation may be eligible through joint husband-wife application, with proof of such legal marriage by issuance of a valid marriage license under the laws or jurisdiction of the Navajo Nation or any State.

**ACKNOWLEDGEMENT**

**I, (We), acknowledge and understand the homesite lease restrictions and conditions set forth by**

1. A Homesite Lease is intended for residential purposes only. All other non-residential uses are prohibited.
2. Homesite lease area shall not be used as a business site, mission site, grazing permit, bingo hall, dance hall, abandoned vehicle storage, or any fund raising activities. Lessee may not charge rent, sublease, lease or act as a landlord within a homesite lease premises.
3. Applicants shall not disturb or commence construction activities on the proposed site until the applicant receives an approved homesite lease. Be advised the Federal Laws may restrict or null application.
4. Homesite lease may be fenced to avoid disputes; animal control; and for ingress and egress.
5. A finalized homesite lease is required prior to transporting mobile homes onto the Navajo Nation and a transportation permit must be obtained from the Navajo Land Department for a fee before any mobile homes enter the Navajo Trust or Fee Land.
6. Lessee shall maintain the lease premises in a safe and sanitary condition. All solid waste, hazardous waste materials such as non-operational vehicles, barrels, etc., must be disposed at approved sanitary landfill or transfer station. Lessee shall present a good appearance both inside and outside of the lease premises.
7. The Lessee's finalized Homesite Lease shall be available upon full payment of one (1) year (\$12 annual payment) payable in money order to the Navajo Nation and shall be paid at the Navajo Land Department.
8. A homesite application is not a homesite lease; therefore, it is not transferable by assignment or court order.
9. Lessee shall not use or cause to be used any part of the homesite lease premises for any unlawful conduct or purpose including but not limited to bootlegging, gaming, and other illegal drug activities. Any illegal activities conducted on the homesite lease premises shall be considered a breach of the terms of the homesite lease.
10. Burial sites are prohibited within the homesite lease premises. See Resources Resolution No. RCD-216-99.
11. Livestock and corrals are prohibited within the homesite lease premises.
12. Homesite leases cannot be sold but may be transferred or assigned to another qualified homesite lease applicant through the NLD. For such transfers or assignments, the permanent improvements must be sold to the transferee or assignee at fair market value, subject to the terms of any mortgage(s). For the sale of permanent improvements located on a homesite lease, such sales must also include the transfer or assignment of the homesite lease where the improvement is located.
13. Is the proposed homesite lease within a designated 750-foot corridor of a highway from the Right-of-Way.

  
Applicant

  
Applicant

21 JUNE 2018  
Date

6/21/18  
Date



**FOR JOINT APPLICANTS ONLY (CHOOSE ONLY ONE)**

ALW

KC

**Joint Tenancy with Right of Survivorship:**

Initial Property held by two persons jointly, with equal rights to possession and enjoyment during their lives. Under the doctrine of survivorship, the entire estate, upon the death of one of the joint tenants, goes to the survivor without the need to probate the descendant's estate. This shall not apply to married couples involving a Non-Navajo spouse. **NO PROBATE REQUIRED, HOMESITE GOES TO SURVIVING PERSON.**

**Tenancy in Common:**

Initial Property held by two persons jointly, with equal rights to possession and enjoyment during their lives. However, unlike joint tenancy, when one co-tenant dies, the surviving co-tenant does not succeed to the decedent's interest. Rather, the decedent's fractional interest in the property must be probated. **PROBATE REQUIRED, COURT WILL MAKE DECISION, ATTORNEY FEES INVOLVED.**

**Community Property:**

Initial Any property that is acquired by husband or wife during a marriage that is not separate or gift property to either the husband or wife. Community property principles will govern the distribution of the marital property upon dissolution of marriage in a fair and just manner, and may govern distribution of property upon the death of one spouse in accordance with 9 N.N.C. § 205. **PROBATE REQUIRED, COURT WILL MAKE DECISION, ATTORNEY FEES INVOLVED.**

The above mentioned cotenancy has been explained to us. We acknowledge and understand the difference.

Signed this 21 day of JUNE, 2018.

  
Applicant Signature

634,916  
Census Number

  
Applicant Signature

642,104  
Census Number

## FOR OFFICE USE ONLY

HSL Application Form ☐  
 Certificate of Indian Blood / ID ☐  
 Marriage License ☐  
 Non-Refundable \$30.00 Filing Fee ☐  
 Field Clearance Certification ☐

Consent Form (s) ☐  
 GPS/UTM Coordinates ☐  
 Certified Land Survey Plat ☐  
 Topographic Map ☐  
 Archaeology Inventory Report ☐

Cultural Resources Compliance Form ☐  
 Environmental Review Letter ☐  
 Biological Resource Clearance Form ☐  
 Reviewed by: \_\_\_\_\_  
 Date: \_\_\_\_\_

## SECTION 1

I, (We) hereby apply for one (1) acre or less of Navajo Tribal Land for a homesite lease from the Navajo Nation for the purpose of developing a private dwelling for the term of seventy-five (75) years with option of renewal.

(Pursuant to CIB)

NAME: ADRIAN LEE WAUNEKA CENSUS NO. 634,916 DOB: 01/16/1987

NAME: KHAERA DAWNE CHEE CENSUS NO. 642,104 DOB: 10/27/1989

ADDRESS: PO BOX 581 FORT DEFIANCE, AZ 86504

TELEPHONE NO.: (928) 206-9699

CELL: (505) 686-9690

MESSAGE: (928) 206-9699

EMAIL ADDRESS: lee.wauneka@gmail.com

CHAPTER: SAWMILL

AGENCY: FORT DEFIANCE

COUNTY: APACHE

STATE: ARIZONA

GRAZING DISTRICT: 48-2

## SECTION 2 - Grazing Officer/Land Board Member Responsibilities

Draw detailed map showing the location and direction to the proposed homesite. EXAMPLE: Milepost; State/County/Navajo Route #'s; Chapter House; Neighbors House/Hogan; Color of Structure(s), etc.

Biological Map Zone:

BLUE/Area 3 ☐

GRAY/Area 4 ☐

Datum

NAD 83

Latitude: N Degree 35°59'07.8" Minutes: 5 Second(s) 50

Longitude: W Degree: 109°09'30.5" Minutes: 5 Second(s) 50

WHITECLAY

HEAVY POWERLINES

SAWMILL CHAPTER

SAWMILL  
AZ,

FORT DEFIANCE

RT 7

PROPOSED  
HOMESITE  
LOCATION

APPROX. 7 MILES  
NORTH OF SAWMILL  
CHAPTER HOUSE

APPROX. 2 N.E. OFF  
MAIN DIRT ROAD  
(RT 9703)

ACKNOWLEDGEMENT

Tom Billman

Grazing Official / Land Board Member

6-25-18

Date

To be completed by the Grazing Official / Land Board Member  
(THIS IS NOT A CONSENT FORM)

EXHIBIT "D"

## SECTION 1 - Grazing Officer/Land Board Member Responsibilities

I, Tom Ballman, Grazing Official / Land Board Member of Grazing Management District, 1822 community of Sawmill Chapter have identified the following individuals as land use or grazing permittee(s) who directly affected by the proposed homesite development as illustrated and proposed by the following homesite applicant(s):

ADRIAN LEE WAUNEKA

Homesite Applicant  
(Print Name)

KHAERA CHEE

Homesite Applicant  
(Print Name)

## SECTION 2 - Grazing Officer/Land Board Member Responsibilities

According to my records and to the best of my knowledge the list of the affected permittee(s) referenced includes all of the permitted land users who are directly affected / impacted by the proposed homesite development and reside within a 1/2 mile of the proposed site.

	NAME	CENSUS NO.	GRAZING PERMIT NO
1.	<u>N/A</u>		
2.			
3.			
4.			
5.			

## SECTION 3 - Grazing Officer/Land Board Member Responsibilities

- 1 Proposed Homesite is within the Navajo Partition Land (NPL) ☐
- 2 Proposed Homesite is within Navajo fee land: ☒
- 3 Are there any improvements(s) on the proposed homesite?  
Roads: ☒ Trails: ☐ Power Line: ☐ Waterline: ☐ Others: \_\_\_\_\_
- 4 Is there a permanent structure on the proposed site (House)? YES ☐ NO ☒
- 5 If yes, when was the house built? None (Year)
- 6 Does the applicant now live in the house? YES ☐ NO ☒
- 7 Is the proposed homesite within a designated 750 feet corridor of the highway from the right-of-way? If yes, applicant must select a new site
- 8 Is the proposed homesite within an area withdrawn or otherwise obligated for community development purposes or otherwise in conflict with a local land use plan and/or ordinance? If yes, applicant must select a new site. NO
- 9 Is the proposed homesite within the Navajo forest or woodlands? If yes applicant to contact the Navajo Nation Forestry Department and obtain an approval letter. YES
- 10 Is the proposed homesite within a half mile of a Navajo Nation or other government developed permanent livestock water? If yes applicant to select a new site or request written authorization from District Grazing Committee NO
- 11 Is the proposed homesite within a farm plot or areas with Agricultural Land Use Permits? If yes, applicant must select a new site. NO

Tom Ballman

Grazing Official / Land Board Member

6-25-18

Date

## CONSENT FORM FOR NAVAJO TRUST / FEE LAND

I, \_\_\_\_\_ hereby grant consent to the Navajo Nation to

ADRIAN LEE WAUNKA and KHAERA DAWNE CHEE to lease one (1) acre or less of Navajo Tribal Land within my permitted grazing land use area for residential and infrastructure (*waterline, electrical powerline extension, gas line, sewer, telephone*) development, including ingress and egress, purposes as illustrated and acknowledged by the Grazing Official/Land Board Member on Section 2 of the Homesite Lease Application FORM 1.

I, further waive any rights I have to be compensated for the diminishment in value of my permitted grazing land use rights as a result of the proposed homesite, ingress and egress, easements and rights-of-way for infrastructure services line development. I further waive any rights I may have to contest my consent.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

X

\_\_\_\_\_  
Permit Holder's Signature

Census #: \_\_\_\_\_

Thumbprint

Grazing Permit No.: \_\_\_\_\_

Date of Issue: \_\_\_\_\_



☐ Right  
☐ Left

WITNESS: \_\_\_\_\_

## ACKNOWLEDGED:

Tom Ballin

Grazing Official / Land Board Member

6-25-18  
Date

SAW HILL  
Chapter





# HOME SITE BIOLOGICAL CLEARANCE FORM (HSBCF) - REQUEST FORM -



\*\*\* IMPORTANT: PLEASE SUBMIT REQUESTS THRU YOUR AGENCY HSL OFFICE \*\*\*

## HOMESITE LEASEE INFORMATION

FIRST NAME/LAST NAME:

ADRIAN LEE WAUNEKA / KHAERA DAWNE CHEE

MAILING ADDRESS:

PO BOX 581 FORT DEFIANCE, AZ 86504

CITY, STATE, ZIP:

PHONE NUMBER and/or Email:

(928) 206-9699 / (505) 686-9690 lee.wauneka@gmail.com

CHAPTER NAME:

SAWMILL

COUNTY & STATE OF HOMESITE:

APACHE / ARIZONA

AGENCY:

FORT DEFIANCE

\*\*\* IMPORTANT: PLEASE SUBMIT REQUESTS THRU YOUR AGENCY HSL OFFICE \*\*\*

## PLEASE CHECK MARK ONE OF THE FOLLOWING:



### NEW HOMESITE LEASE.

Site is currently un-occupied by resident.



### OCCUPIED HOMESITE LEASE.

Site is currently occupied by resident.

Date occupancy began  
(Month/Year):



OTHER (this item filled in by HSL Office):

## - NLD OFFICE PLEASE COMPLETE -

PREPARED BY:



CHINLE NLD



CROWNPOINT NLD



SHIPROCK NLD



TUBA CITY NLD



WINDOW ROCK NLD



OTHER:

INDICATE RCP AREA # \_\_\_\_\_

FORM VERIFIED BY: ( PLEASE INITIAL & DATE):

## - NNHP USE ONLY -

FILE# \_\_\_\_\_

RECEIVED BY:



EMAIL



DROP-OFF by: \_\_\_\_\_

DATE RECEIVED @ NNHP:

# CULTURAL RESOURCE CONSULTANTS-ARCHAEOLOGISTS *Survey*

<b>Cornell Pat</b> PO Box 4007 Gallup, NM 87305 505-879-9667	<b>CSWTA, Inc.,</b> Environmental Consultants PO Box 790 Tuba City, AZ 86045 928-283-4804	<b>Dinetahdoo Cultural Resource Management (DCRM), LLC</b> PO Box 2012 Farmington, NM 87499 505-960-9478 FX: 505-960-9485 (Navajo Preference)	<b>Genevieve Pino</b> PO Box 6235 Gallup, NM 87301 505-495-9488  \$260.00	<b>Iris S. Begaye</b> PO Box 3777 Window Rock, AZ 86515 928-206-9600  \$260.00
<b>Judy A. Begay-Taylor</b> 2931 W. Avenida De Las Flores Tucson, AZ 85746 520-990-9626  \$350.00 \$400.00	<b>Julia M. Chavez</b> PO Box 3606 Farmington, NM 87499 505-686-4111	<b>Karen A. Tilden</b> PO Box 2605 Window, AZ 86515 928-245-3541	<b>Sheep Camp Archaeology</b> HCR 79 Box 1216 Cuba, NM 505-507-7340	<b>Evolution Archaeology</b> Lyneve M. Begaye PO Box 515 Window Rock, AZ 86515 405-839-6170

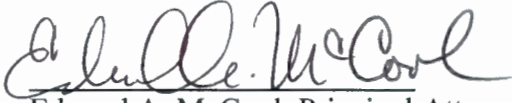
## PRIVATE SURVEYORS

<b>Falcon Land Surveyors</b> Lonnie Bitsoi, Owner PO Box 1572 Gallup, NM 87305 623-680-8716 falconandsurveyors@hotmail.com	<b>Red Valley Survey</b> Henry Thomas, RLS Shiprock, NM 87420 505-320-0479 rvsurvey@yahoo.com	<b>Robert Marks, NMPS</b> PO Box 219 Gamerco, NM 87317 505-879-0644 robert_marks@yahoo.com	<b>Hummingbird Survey LLC</b> Del Jones, President PO Box 416 Montezuma Creek, UT 84534 970-570-5108 del@hummingbirdsurveyllc.com
<b>Absolute Surveying &amp; Mapping, Inc.</b> Harold Baldwin, RLS PO Box 972 Snowflake, AZ 85937 928-205-7378 hbdone@yahoo.com	<b>Extreme Measures Land Surveys, Inc.</b> Alisa J. Templeton, RLS 10800 Nighthawk Lane Flagstaff, AZ 86004 928-853-3661 extrememeasuresinc@aol.com	<b>Goldtooth Precision Solutions, Inc.</b> Halbert O. Goldtooth, RLS PO Box 640 Tuba City, AZ 86045 928-283-4652 Fx: 928-283-5073 halbert@goldtoothsurveying.com  \$350.00	<b>Lemont L. Yazzie, Sr., PLS</b> Dimension Land Surveying P.O. Box 944 St. Michaels, AZ 86511 (928) 245-2106 lemont_yazzie@excite.com



**MEMORANDUM**

**TO:** Honorable Benjamin L. Bennett  
Navajo Nation Council

**FROM:**   
Edward A. McCool, Principal Attorney  
Office of Legislative Counsel

**DATE:** August 10, 2018

**SUBJECT:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;  
RESCINDING THE MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND  
RANGE UNITS ESTABLISHED BY RESOLUTION RCJY-142-92 "ESTABLISHING A  
MORATORIUM ON NEW STRUCTURES, NEW HOMESITES AND RANGE UNITS  
WITHIN THE NAVAJO COMMERCIAL FOREST PENDING DEVELOPMENT AND  
APPROVAL OF A NEW FOREST MANAGEMENT PLAN"

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet 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. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. 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).

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: \_0280-18\_\_\_\_\_

SPONSOR: Benjamin Bennett

**TITLE: An Action Relating to Resources and Development; Rescinding the Moratorium on new structures, new homesites and range unit establishing by resolution RCJY-142-92 "Establishing a Moratorium on new structures, new homesites and range units within the Navajo Commercial Forest pending development and approval of a new Forest Management Plan"**

***Date posted: August 16, 2018 at 3:40pm***

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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) 871-7590**

**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.:** 0280-18

**SPONSOR:** Honorable Benjamin Bennett

**TITLE:** An Action Relating to Resources and Development; Rescinding the Moratorium on new structures, new homesites and range unit establishing by resolution RCJY-142-92 "Establishing a Moratorium on new structures, new homesites and range units within the Navajo Commercial Forest pending development and approval of a new Forest Management Plan"

**Posted:** August 16, 2018 at 3:40 PM

**5 DAY Comment Period Ended:** August 21, 2018

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inconclusive Comments</b>	<i>None</i>



**Office Assistant  
Office of Legislative Services**

8.22.18 8:32am

**Date/Time**