

**RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council --- Second Year, 2020**

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING THE
NAVAJO NATION TIMBER USE POLICY STATEMENT**

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. Pursuant to 2 N.N.C. § 500 (C), the Resources and Development Committee of the Navajo Nation Council has oversight authority over land.
- B. Pursuant to 2 N.N.C. § 500 (C)(2), the Resources and Development Committee of the Navajo Nation Council has the authority "[t]o oversee regulation of activities on Navajo Nation lands for disposition or acquisition of resources, surface disturbance, or alternation of the natural state of the resource, including the enforcement and administration of applicable Navajo Nation and federal laws, regulations, guidelines, and administrative procedures in the development and use of resources as a good steward."
- C. Pursuant to 2 N.N.C. § 501 (B)(1), the Resources and Development Committee of the Navajo Nation Council has the power "[t]o promulgate rules and regulations governing transportation, community development, local government units, land acquisitions for the Navajo Nation, environmental protection, and the use, sale, exchange, and development of Navajo Nation lands and/or resources, whether held in fee or trust status."

SECTION TWO. FINDINGS

- A. The Navajo Forestry Department is "authorized to enforce, develop and recommend policies, rules, regulations, and management plans governing the multiple-use and sustained yield management of the Navajo Nation forest and woodlands in the best interest of the Navajo Nation." See RDCO-79-16.

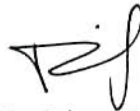
- B. The Navajo Forestry Department has developed the Navajo Nation Timber Use Policy Statement, which is attached as **Exhibit 1.**
- C. The Section 164 Review Form Document No. 014133 is attached as **Exhibit 2.**

SECTION THREE. APPROVAL

- A. The Resources and Development Committee hereby approves the Navajo Nation Timber Use Policy Statement, attached as **Exhibit 1.**

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting held by a teleconference for which a quorum was present and that same was passed by a vote of 5 in favor, and 0 opposed, on this 29th day of July 2020.

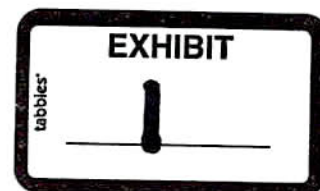


Rickie Nez, Chairperson
Resources and Development Committee
of the 24th Navajo Nation Council

Motion: Honorable Wilson C. Stewart, Jr.
Second: Honorable Mark A. Freeland

Chairperson Rickie Nez not voting.

NAVAJO NATION
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Policy and Purpose.

This Timber Use Policy ("TUP") is to be read and used in conjunction with the Navajo Nation Forest Regulations and Fees ("Navajo Forest Regulations"), RCMA-48-01. This TUP is intended to maintain the quality of the environment, the productivity of the land, and ensure that the Navajo forest and woodlands are managed in a sustainable manner for the continued benefit of current and future generations on the Navajo Nation.

The Navajo forest and woodlands are vital to the economic, cultural, and social welfare of the Navajo people. The harvest of Forest or Woodland Products benefit the Navajo Nation. The harvest of Forest or Woodland Products is accomplished through the following:

- Timber Cutting Permit (BIA Form 5-5331)
- Navajo Forestry Right-of-Way Forest Product Permit
- Navajo Forestry Free-Use Permit
- Navajo Forestry Written Consent for Sale of Woody Products (Resale Permit)
- Navajo Forestry Transportation Permit (Personal Use Permit)
- Navajo Forestry Transportation Permit (e.g. Pole Marking)
- Christmas Tree Tag
- Transplant Tag

Additional procedures for harvests at an appraised value greater than fifteen thousand dollars (\$15,000.00) are set forth in the Indian Forest Management Handbook, 53 IAM 3-H. The appraised values of Forest and Woodland Products are set forth in Table 1.

Regulatory and Tribal Authority.

Pursuant to 23 N.N.C. § 902(c), the Resources and Development Committee of the Navajo Nation Council has the authority to establish regulations and set fees for the use, transportation, and protection of the Navajo forests and products thereof. This TUP and the Navajo Forest Regulations, attached hereto as Appendix A, apply to the harvesting of all Forest or Woodland Products on, near, and/or from lands subject to the jurisdiction of the Navajo Nation.

All harvesting of Forest or Woodland Products shall be conducted in conformity with the Navajo Forest Regulations and all applicable Navajo Nation and Federal laws. Violations will be handled in accordance with 17 N.N.C §§ 520-529. In the event that a forest or woodland situation is not addressed in the Navajo Forest Regulations or the TUP, the novel situation will be addressed first through the knowledge and expertise of the Navajo Forestry Department.

The Navajo Forestry Department is authorized to enforce, develop, and recommend policies, rules, regulations, and management plans governing the Navajo forest and woodlands. The Navajo Forestry Department is also responsible for all Forestry programs, which include but are not limited to the following:

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- Producing and selling firewood and rough-cut lumber
- Selling Christmas trees to the public
- Harvesting wind thrown and trees identified as hazardous, for public safety purposes
- Harvesting trees as requested
- Selling confiscated forest products that have been cleared through the Navajo Nation Courts
- Approving Chapter Resolutions to issue Forest Product Permits to Chapter constituents
- Providing recreational opportunities for the public
- Responding to Navajo Nation declared emergencies

General Permit Requirements.

Permittees are subject to all applicable Federal and Tribal laws as identified in the General Forest Regulations, 25 CFR Part 163, and the Navajo Forest Regulations. Permits will be issued only with the written consent of the beneficial Indian land owner(s) or the Secretary of the Interior ("Secretary") or their designee. The minimum value of the Forest or Woodland Products will be set at the time consent to issue the permit is obtained.

Permittees must be at least 18 years old. Harvesting without a permit is not recognized by the Navajo Nation. Accordingly, permits are required to harvest any and all Forest or Woodland Products. When harvesting Forest or Woodland Products, the Permittee must be physically present and actually possess a valid permit. Permits are not transferrable.

Free-Use Permits.

All Free-Use Permits are issued by the Navajo Forestry Department.

Free-Use Permits are available only for enrolled Navajo Tribal Members at no cost for those purposes outlined in this section. A Free-Use Permit allows for the harvest of Boughs, to be used for various ceremonial purposes, or the harvest of dead wood for seniors (at least 59 years old), to be used for firewood. A Free-Use Permit for the harvest of wildfire damaged trees may be issued upon completion of all National Environmental Policy Act ("NEPA") requirements.

Free-Use Permits allow the harvesting of native and non-native tree species, including but not limited to:

- Cottonwood
- Russian Olive
- Tamarisk (Salt Cedar)
- Elm

Navajo Forestry Right-of-Way Forest Product Permits.

All Navajo Forestry Right-of-Way Forest Product Permits ("ROW Permits") are issued by the Navajo Forestry Department. Thus, ROW Permits are subject to forest management deductions and made payable to the Navajo Nation. The appraised Forest or Woodland Products value shall not exceed five-thousand dollars (\$5,000.00). The appraised value for one fiscal year shall not exceed twenty-five thousand dollars (\$25,000.00) without approval from the Secretary or their designee.

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ROW Permits require NEPA documentation and map(s) corresponding to the designated cutting area(s) identified on the Permit. All required NEPA documentation and map(s) must be received by the Navajo Forestry Department prior to approval. ROW Permits must be signed by the Permittee and Navajo Forestry Department, Forest Manager or their designee. Permittees may be an individual person or operating entity.

Timber Cutting Permits (BIA Form 5-5331).

All Timber Cutting Permits require approval by the Secretary or their designee. Thus, Timber Cutting Permits are subject to forest management deductions and made payable to the Bureau of Indian Affairs, as provided for in 25 U.S.C. § 413. The appraised Forest or Woodland Products value shall not exceed fifteen thousand dollars (\$15,000.00). The appraised value for one fiscal year shall not exceed twenty-five thousand dollars (\$25,000.00) without approval from the Secretary or their designee.

Timber Cutting Permits require NEPA documentation and map(s) corresponding to the designated cutting area(s) identified on BIA Form 5-5331. All required NEPA documentation and map(s) must be received by the Navajo Forestry Department prior to authorization. Timber Cutting Permits must be signed by the Permittee, authorized by the Navajo Forestry Department, and approved by the Secretary or their designee. Permittees may be an individual person or operating entity.

Timber Sale Contracts.

All Timber Sale Contracts require authorization from the Resources and Development Committee of the Navajo Nation Council via resolution, and approval by the Secretary or their designee. Timber Sale Contracts shall specify the timber species, volume, and stumpage rates of the Forest or Woodland Products to be harvested. Before any harvesting may commence, an advance stumpage payment of twenty-five percent (25%) of the estimated value of the Forest or Woodland Products must be made to the Bureau of Indian Affairs.

Timber Sale Contracts require NEPA compliance. If, as a necessary measure to prevent the loss of value of the Navajo forest and woodlands due to fire, insects, disease, windthrow, or other catastrophic events, a Navajo contractor is unable to harvest the materials in a timely manner or declines the Timber Sale Contract, a non-tribal contractor may be hired. The non-tribal contractor must abide by the Navajo Preference in Employment Act, 15 N.N.C. §§ 601-619.

Navajo Nation and Secretary Approval.

This TUP was approved by the Resources and Development Committee of the Navajo Nation Council via resolution on the _____ day of _____, 20__ by a vote of ____ in favor and ____ opposed.

Concurrence and Approval by the Secretary or their designee:

Secretary of the Interior or designee

Date

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Table 1. Forest and Woodland Product Values.

| PERMIT AND FEES | | | FEE | FEE |
|--------------------------|--|------------------------|-----------------|----------------|
| Forest Products | Description | Tree Species | Navajo | Non-Navajo |
| Sawtimber | <\$5000.00 RHP | PP, DF, CF | Appraised Rate | Appraised Rate |
| | >\$5000.00 (BIA Form 5-5331) | PP, DF, CF | Appraised Rate | Appraised Rate |
| Poles (>12' Height) | Hogan/House Poles, 5" - 10" DBH, FHP | PP, DF | \$1.00/tree | \$2.00/tree |
| | Tepee Poles, 3"-8" DBH, FHP | DF, CF | \$2.50/tree | \$10.00/tree |
| | T.S.I (CFSI), <6" DBH, FHP | PP | \$10.00/Permit | \$20.00/Permit |
| Post/Rails (<12' Height) | Post - <8' Height, <8" DRC, FHP | P, J, O, A | \$1.00/tree | \$2.00/tree |
| | Rail - 12' Height, <8" DRC, FHP | P, J, O, A | \$1.00/tree | \$2.00/tree |
| Boughs | Ceremonial | All | Free Use Permit | N/A |
| | Shade House, FHP | P, J, O, A | \$2.50/Permit | \$5.00/Permit |
| | Christmas Tree Tag | P, J, DF, CF | \$5.00/Tag | \$7.50/Tag |
| Miscellaneous | Harvest Whole Tree, RHP | P, J, O, A, PP, DF, CF | \$1.00/Permit | \$2.00/Permit |
| | Harvest Branches, RHP | P, J, O, A, PP, DF, CF | \$1.00/Permit | \$2.00/Permit |
| Christmas Tree | Personal Use, CTT | P, J, DF, CF | \$5.00/Tag | \$7.50/Tag |
| | Resale (Non-Profit Only), CTT | P | \$2.50/Tag | \$2.50/Tag |
| Firewood | Senior (>59 years old), Dead/Down, DWP | P, J, O, A, PP, DF, CF | Free Use Permit | \$1.00/Permit |
| | Personal Use (May-Dec), Dead/Down, DWP | P, J, O, A, PP, DF, CF | \$1.00/Permit | \$2.00/Permit |
| | Personal Use (Jan-April), Dead/Down, DWP | P, J, O, A, PP, DF, CF | \$5.00/Permit | \$10.00/Permit |
| | Personal Use (May-Dec), Fresh Harvest, FHP | P, J, O, A | \$5.00/Permit | \$10.00/Permit |
| | Personal Use (Jan-April), Fresh Harvest, FHP | P, J, O, A | \$10.00/Permit | \$20.00/Permit |
| | Resale (May-Dec), Dead/Down or Fresh Harvest, RHP | P, J, O, A, PP, DF, CF | \$5.00/Permit | N/A |
| | Resale (Jan-April), Dead/Down or Fresh Harvest, RHP | P, J, O, A, PP, DF, CF | \$10.00/Permit | N/A |
| | Fire Wood Harvesting Operations (May-Dec) Dead/Down or Fresh Harvest, RHP | P, J, O, A, PP, DF, CF | Appraised Rate | Appraised Rate |
| Transplant | All Trees/Shrubs Except Spruce, <4" Hgt, TT | All Except, S | \$7.50/Tag | \$15.00/Tag |
| | Spruce, <4" Hgt, TT | S | \$15.00/Tag | \$30.00/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, CCT-Christmas Tree Tag, TT- Transplant Tag.
NOTE: Use this table for quick reference only, refer to specific sections within the Navajo Nation Forest and Woodland Regulations

Navajo Forestry Department
Right-of-Way Forest Product Permit

| | | |
|---|-------------|-------------------------------|
| Permit No. | Date Issued | Expiration Date |
| Permittee Name | | Age (if individual Permittee) |
| Authorized Representative (if organizational Permittee) | | |
| Address | | |
| City | State | Zip Code |
| Forest or Woodland Products Type and Quantity (see back for calculations) | | Appraised Value |
| Designated Cutting Area(s) Legal Description | | |
| <p>Summary of Navajo Forest Regulations and Timber Use Policy:</p> <ol style="list-style-type: none"> 1. The above named Permittee, or Authorized Representative, <u>must be physically present and actually possess this Permit</u> while harvesting and transporting any and all Forest or Woodlands Products. 2. This Permit is <u>not transferrable</u> to any person or organization. 3. This Permit authorizes the above named Permittee, or Authorized Representative, to harvest <u>only</u> the Forest or Woodland Products from the identified designated cutting area(s) in the amount stated above. 4. This Permit is valid <u>only</u> on the Navajo Nation. | | |
| The above named Permittee, or Authorized Representative, agrees to comply with the terms and requirements set forth in this Permit, and all applicable Navajo and Federal laws (incl. NEPA). | | |
| Signature of Permittee or Authorized Representative | | Date |
| Authorized and Approved by Navajo Forestry Department | | |
| Signature of Forest Manager or designee | | Date |

Navajo Forestry Department
Right-of-Way Forest Product Permit

Forest or Woodland Products Type and Quality Value Calculations

| Product Type | Quantity | Price per unit | Value (= Quantity x Price) |
|--|----------|----------------|-------------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Total Appraised Value (cannot exceed \$5,000.00)* | | | |

*ROW Permits valued greater than \$5,000.00 require approval from the Secretary or their designee.

APPENDIX A

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

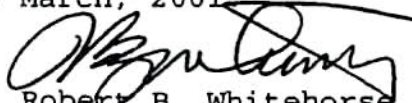
8. The Resources Committee of the Navajo Nation Council recognizes that approval of the amended Navajo Nation Forest Regulations and Fees serves the best interests of the Navajo Nation.

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

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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 24th 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 24th 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 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 | P,J,O,A | \$1.00 per tree | \$2.00 per tree |
| | Rail - 8'-12' Ht., <8" D.R.C., FHP | | | |
| 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.

Document No. 014133

Date Issued: 02/03/2020

SECTION 164 REVIEW FORM

Title of Document: Timber Use Policy Statement - FY2020 Contact Name: BECENTI SR, ALEXIOUS CHARLES

Program/Division: DIVISION OF NATURAL RESOURCES

Email: acbecenti@navajo-nsn.gov Phone Number: 928-729-4007

Division Director Approval for 164A: Robert O. Allen

Check document category; only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

| | | | | |
|-------------------------------------|---|----------------------|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Statement of Policy or Positive Law: | | Sufficient | Insufficient |
| | 1. OAG: <u>Blanket</u> | Date: <u>2/14/20</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds) | | | |
| | 1. OMB: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 2. OOC: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 3. OAG: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

Section 164(B) Final approval rests with the President of the Navajo Nation

| | | | | |
|--------------------------|---|-------------|--------------------------|--------------------------|
| <input type="checkbox"/> | Grant/Funding Agreement or amendment: | | Sufficient | Insufficient |
| | 1. Division: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 2. OMB: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 3. OOC: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 4. OAG: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Subcontract/Contract expending or receiving funds or amendment: | | | |
| | 1. Division: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 2. BRD: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 3. OMB: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 4. OOC: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 5. OAG: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment: | | | |
| | 1. Division: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 2. OAG: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | M.O.A. or Letter of Assurance expending or receiving funds or amendment: | | | |
| | 1. Division: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 2. OMB: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 3. OOC: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| | 4. OAG: _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

DIVISION OF NATURAL RESOURCES



☐ RESUBMITTAL

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



| |
|---|
| DOJ |
| I/10/1020 @ 1108 |
| DATE / TIME |
| <input type="checkbox"/> 7 Day Deadline |
| DOC #: 014133 |
| SAS #: |
| UNIT: NRU |

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

| CLIENT TO COMPLETE | | | |
|---|--------------------------------|---|--------------------------------|
| DATE OF REQUEST: 02/10/2020 | | ENTITY/DIVISION: Natural Resources | |
| CONTACT NAME: Alexius Becenti Sr. | | DEPARTMENT: Navajo Forestry Dept | |
| PHONE NUMBER: 928-729-4007 | | E-MAIL: ac.becenti@navajo-nsn.gov | |
| TITLE OF DOCUMENT: Section 164 Review Form Timber Use Policy Statement - FY 2020 | | | |
| DOJ SECRETARY TO COMPLETE | | | |
| DATE/TIME IN UNIT: 2.10.20 1:00 pm | | REVIEWING ATTORNEY/ADVOCATE: Erika Pirothe 2.20.19 | |
| DATE/TIME OUT OF UNIT: 2.14.20 8:15 AM | | | |
| DOJ ATTORNEY / ADVOCATE COMMENTS | | | |
| Legally sufficient. Revised versions sent via email & discussed via phone. | | | |
| REVIEWED BY: (PRINT) E. Pirothe | DATE / TIME 2/13/20 3:26 PM | SURNAMED BY: (PRINT) Blackhart | DATE / TIME 2/14/20 8:10 AM |
| DOJ Secretary Called: Alexius | | for Document Pick Up on 2-14-20 at 8:15 By: CJ | |
| PICKED UP BY: (PRINT) | | DATE / TIME: | |

NNDJ/DRRF-July 2013

- Forestry Dept. -

THE NAVAJO NATION

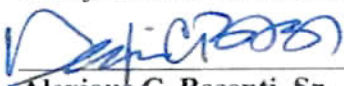
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



February 3, 2020

MEMORANDUM

TO : 164 Reviewers
Navajo Nation Government

FROM : 
Alexious C. Becenti, Sr., Forest Manager
Navajo Forestry Department
Division of Natural Resources

SUBJECT : 164 Document No. 0014133 – Timber Use Policy Statement

The Navajo Forestry Department [DEPARTMENT] requests your assistance. Attached herewith is 164 Document No. 14133, entitled Navajo Nation Timber Use Policy Statement, FY2020, which will be a supplement to the *Navajo Nation Forest and Woodland Regulations* [RCMA-48-01].

Per the Bureau of Indian Affairs, Navajo Regional Office [BIA-NRO], the Department is currently performing activities that are not inclusive in the *Navajo Nation Forest and Woodland Regulations*. As a result of this, this Timber Use Policy Statement is a document that reflects the Nation's policy on harvesting forest products on trust lands, which are not covered within RCMA-48-01. In addition, attached for review is a Draft right-of-way [ROW] permit that will be utilized for ROWs where the forest product resource value is less than \$5,000.

Should you have any additional questions and/or comments, do not hesitate to contact our office at tribal ext. 4007.

Attachments – 164 Document No. 14133, Navajo Nation Timber Use Policy Statement and Forestry ROW Permit

cc: Navajo Forestry Department Files

NAVAJO FORESTRY DEPARTMENT
P.O. BOX 230 · FORT DEFIANCE, AZ 86504
PHONE: (928) 729-4007 · FAX: (928) 729-4225

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

ROLL CALL
VOTE TALLY SHEET:

LEGISLATION # 0158-20: An Action Relating to the Resources and Development Committee; Approving the Navajo Nation Timber Use Policy Statement. *Sponsor: Honorable Mark A. Freeland*

Date: July 29, 2020 - Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:

Motion: Wilson C. Stewart, Jr. S: Mark A. Freeland Vote: 5-0-1 (CNV)

In Favor: Mark A. Freeland, Wilson C. Stewart, Jr., Kee Allen Begay, Jr., Herman M. Daniels, and Thomas Walker, Jr.

Oppose: NONE

Excuse: NONE

Not Voting: Presiding Chairperson Rickie Nez



Honorable Rickie Nez, Presiding Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services