

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE OF THE
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; WAIVING THE APPLICABILITY OF RESOLUTION NO. RCJY-142-92 WITH RESPECT TO THE HOMESITE LEASE APPLICATION FOR MARIETTA OCTAVO NEZ FOR A HOMESITE LEASE WITHIN THE NAVAJO COMMERCIAL FORESTRY AREA AND WITHIN SAWMILL CHAPTER, NAVAJO NATION (APACHE COUNTY, ARIZONA)

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is established as a standing committee of the Navajo Nation Council. 2 N.N.C. § 500(A).
- B. Pursuant to 2 N.N.C. § 501(B)(2), the Resources and Development Committee of the Navajo Nation Council has authority to give final approval of all land withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations.

SECTION TWO. FINDINGS

- A. The Resources Committee (Predecessor to the Resources and Development) passed Resolution No. RCJY-14-92 "Establishing a Moratorium on New Structures, New Homesite and Range Units within the Navajo Commercial Forest Pending Development and Approval of a New Forest Management Plan", attached hereto and incorporated herein as Exhibit A.
- B. Marietta Octavo Nez has applied for a homesite lease within the Navajo Commercial Forestry Area and within Sawmill Chapter, Navajo Nation (Apache County, Arizona), as further described in the attached Exhibit B and have requested a waiver of Resolution No. RCJY-142-92 as pertains to their request for a homesite lease.
- C. The proposed homesite lease will be located in Apache County, Arizona and is more particularly described on the map attached hereto and incorporated herein as Exhibit B.

- D. The homesite lease application includes a Homesite Biological Clearance Form, Cultural Resources Compliance Form, maps and a boundary and survey plat which are incorporated in **Exhibit B**.
- E. The Sawmill Chapter through Resolution SAW-09-13-2021-01, attached as **Exhibit C**, supports the homesite lease request and requests that the Resources and Development Committee of the Navajo Nation Council waive Resolution RCJY-142-92.
- F. A Consent Form for Navajo Trust/Fee Land signed by the Grazing Permittee and acknowledged by the Grazing Official/Land Board Member for the Sawmill Chapter, is attached as **Exhibit D**.
- G. A letter dated June 25, 2021, from Forest Services Program/NFD to the Director of the Navajo Land Department, attached as **Exhibit E**, states the homesite lease application is within the commercial forest boundary and the Resources and Development Committee is authorized to give final approval authority because of the moratorium described in Resources Committee Resolution RCJY-142-92.

SECTION THREE. WAIVING RESOLUTION NO. RDCJY-142-92

- A. The Resources and Development Committee of the Navajo Nation Council hereby waives the applicability of Resolution No. RCJY-142-92 "Establishing a Moratorium on New Structures, New Homesite and Range Units within the Navajo Commercial Forest Pending Development and Approval of a New Forest Management Plan" (**Exhibit A**) with respect to the homesite lease application for Marietta Octavo Nez for a homesite lease application within the Navajo Commercial Forestry Area and within Sawmill Chapter, Navajo Nation (Apache County, Arizona), as further described in the attached **Exhibit B**, subject to the following terms and conditions:
 - 1. The Lessee shall not infringe on the operation and management of the Navajo Commercial forestry authority of the Navajo Nation.
 - 2. The Lessee shall comply with provisions for Homesite Lease Policies and Procedures for Tribal Trust/Fee Land including the application process.
 - 3. The Lessee shall obtain a permit from the Navajo Forestry Department prior to cutting any trees within the homesite lease area.

- B. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the Director of the Navajo Land Department to process and to execute all documents necessary to effectuate the intent and purpose of this resolution.

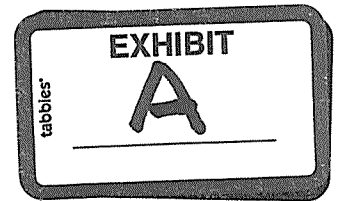
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources and Development Committee at a duly called meeting in Nenahnezad Chapter, Fruitland, Navajo Nation (New Mexico), at which a quorum was present and that the same was passed by a vote of 05 in Favor, and 00 Opposed, on this 29th day of April 2022.



Honorable Rickie Nez, Chairman
Resources and Development Committee

Motion: Honorable Mark A. Freeland
Second: Honorable Kee Allen Begay, Jr.



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:

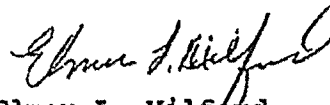
1. The Resources Committee issues a moratorium on construction and approving any new homesite leases, range units and

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

FOR OFFICE USE ONLY

HSL Application Form	<input checked="" type="checkbox"/>	Consent Form (s)	<input checked="" type="checkbox"/>	Cultural Resources Compliance Form	<input type="checkbox"/>
Certificate of Indian Blood / ID	<input checked="" type="checkbox"/>	GPS/UTM Coordinates	<input checked="" type="checkbox"/>	Environmental Review Letter	<input type="checkbox"/>
Marriage License	<input type="checkbox"/>	Certified Land Survey Plat	<input checked="" type="checkbox"/>	Biological Resource Clearance Form	<input checked="" type="checkbox"/>
Non-Refundable \$30.00 Filing Fee	<input checked="" type="checkbox"/>	Topographic Map	<input checked="" type="checkbox"/>	Reviewed by: <u>lt</u>	
Field Clearance Certification	<input checked="" type="checkbox"/>	Archaeology Inventory Report	<input checked="" type="checkbox"/>	Date: <u>10/28/2020</u>	

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: Marietta Nez CENSUS NO. _____ DOB: _____

NAME: N/A CENSUS NO. _____ DOB: _____

ADDRESS: P.O. Box Windaw Rock AZ 86015

TELEPHONE NO.: _____ CELL: _____

MESSAGE: _____ EMAIL ADDRESS: _____

CHAPTER: Sawmill AGENCY: _____

COUNTY: Apache STATE: _____

GRAZING DISTRICT: Tom Billman 17

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: N 35° 53' 05.5" Minutes: 53 Second(s): 05.6"
Longitude: W Degree: W 109° 10' 12.9" Minutes: 10 Second(s): 12.9"



ACKNOWLEDGEMENT

Tom Billman
Grazing Official / Land Board Member

6-12-18
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 Billman, Grazing Official / Land Board Member of Grazing Management District, 18-2 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):

Marietta Nez
Homesite Applicant
(Print Name)

N/A
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.			
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? _____ (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.
- 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.
- 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.
- 11 Is the proposed homesite within a farm plot or areas with Agricultural Land Use Permits? If yes, applicant must select a new site.

Tom Billman
Grazing Official / Land Board Member

4-12-18
Date

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. Burials 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 feet corridor of a highway from the Right-of-Way.



Applicant

N/A

Applicant

6-15-18

Date

Date



THE NAVAJO NATION

BEN SHELLY
Navajo Nation President

REX LEE JIM
Navajo Nation Vice-President

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

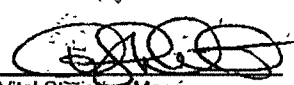
PART A (To be used if applicant is enrolled)

FORT DEFIANCE
AGENCY

MAY 28, 2013
DATE

I certify that MARIETTA OCTOVA NEZ is listed on the Navajo Indian Census Roll, dated
January 01, 1940, Which is an official record of this office as being of 1/4 Degree Navajo
Indian blood, with Roll Number, 100,000, date of birth 10/1/1910.

RECORDED: JANUARY 29, 1997


Vital Statistics Manager
OA/

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO NATION.

VITAL RECORDS & TRIBAL ENROLLMENT PROGRAM
THE NAVAJO NATION ♦ P.O. BOX 3240 ♦ WINDOW ROCK, ARIZONA 86515

**THE NAVAJO NATION**

Department of Fish and Wildlife

PO Box 1480, Window Rock, AZ 86515, (928) 871-6452

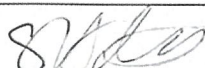
HOME SITE BIOLOGICAL CLEARANCE FORM

Applicant Name & Address: Marietta Nez [] []	NNHP No: 20HSL-0591	
	Agency: Ft. Defiance	Chapter: Sawmill

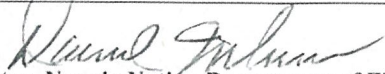
Homesite Location:	Lat/Long: 35 Degrees 53' 5.60"N, 109 Degrees 10' 12.90"W NAD83 Sawmill, Apache County, AZ
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In Compliance with the Navajo Nation Biological Resources Land Use Clearance Policies and Procedures (RCP), the Homesite Lease Policy & Procedures of 2014 and all other applicable Navajo Nation and Federal laws, regulations and policies, this Homesite lease (HSL) has been reviewed and meets the following requirements:

<input type="radio"/>	Administrative Action for Active Homesite Lease: <i>Includes HSL Lease Renewals, HSL Modifications, HSL Transfers, Probate, and Home Renovations on existing homes.</i>
<input checked="" type="radio"/>	Area 4: <i>Homesite Lease is located within the Community Development Area.</i>
<input checked="" type="radio"/>	Sufficient: <i>Biological review has determine the HSL will not significantly impact the wildlife resources, threatened and endangered species including plants and their habitats.</i>
<input type="radio"/>	Other:

Prepared by: Sonja Detsoi, Wildlife Technician 	Date: 19-Nov-2020
--	-------------------

Project Recommended for Approval to Proceed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
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 Gloria M. Tom, Director, Navajo Nation Department of Fish & Wildlife	Date: 11/20/2020
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The biological clearance is valid for the one (1) acre Homesite Lease identified in this review and for a period of 2 years from the issuance date.

If you have additional questions, please contact the Navajo Natural Heritage Program at (928) 871-6472 or (928) 871-7062. Thank you.



Navajo Natural Heritage Program

PO Box 1480

Window Rock, AZ 86515

(928) 871-7062

www.nndfw.org

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

FROM : Gloria M. Tom
Gloria M. Tom, Department Manager III
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCES

DATE : November 16, 2020

SUBJECT : DELEGATION OF AUTHORITY

I will be on leave beginning Monday, November 16, 2020 through Friday, November 20, 2020. Therefore, I am delegating you to act in the capacity of the Department Manager III, Department of Fish and Wildlife, effective Monday, November 16, 2020 beginning at 8:00 a.m. through 5:00 p.m., Friday, November 20, 2020.

Your authority will cover the review and signing off on all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

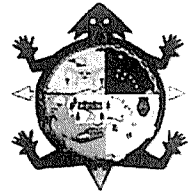
ACKNOWLEDGEMENT:

David Mikesic 11/16/2020

David Mikesic, Zoologist
Department of Fish and Wildlife
DIVISION OF NATURAL RESOURCE



THE NAVAJO NATION
Heritage & Historic Preservation Department
P.O. Box 4950 • Window Rock, Arizona 86515
(928) 871-7198 (tel) • (928) 871-7886 (fax)



CULTURAL RESOURCES COMPLIANCE FORM

HPD NO.: HPD-20-761

CONSULTANT REPORT NO.: ISB-20-084

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Marietta Octova Nez One-Acre Homesite in Sawmill Chapter, Apache County, Arizona.

LEAD AGENCY: The Navajo Nation

SPONSOR: Marietta Octova Nez, F

PROJECT DESCRIPTION: The proposed homesite will involve the continued construction of a home within the surveyed area. Construction activities will include ground disturbance (leveling, trenching, laying of pipelines, water line/power line pole placement, stringing of power line). The area of potential effect equals approximately 43,560 sq. ft. (4,047 sq. m.) or 1.0 acre. An area of 126,324 sq. ft (11,736 sq. m.) or 2.9 acres (1.2 ha.) was inventoried.

PROJECT ARCHAEOLOGIST: Iris S. Begaye

NAVAJO ANTIQUITIES PERMIT NO.: B20623

DATE INSPECTED: 8/29/2020

TOTAL ACREAGE INSPECTED: 2.9

DATE OF REPORT: 9/28/2020

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 15 m apart

LAND STATUS: NN Tribal Trust Land

CHAPTER: Sawmill

LOCATION: Township: 29N Range: 30E Section: 30

QUAD: Sawmill, AZ G&SRPM

UTM: Northing: 3972727 Easting: 665159

DATUM: NAD83 Zone 12

Number of Eligible Properties: 0

Number of Non-Eligible Properties: 0

Number of Unevaluated Properties: 0

Number of Isolated Occurrences: 0

Number of In-Use Sites: 0

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties Affected

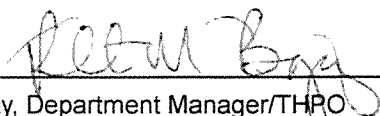
PROCEED RECOMMENDED: Yes

CONDITIONS: No

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

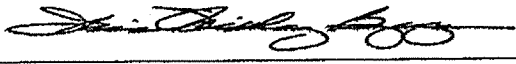
Form Prepared by: Olsen John

FINALIZED: 10/30/2020


Richard M. Begay, Department Manager/THPO
Navajo Nation Heritage and Historic Preservation Department


Date

~ DOCUMENT IS VOID IF ALTERED ~

1. HPD REPORT NO.		2. (FOR HPD USE ONLY)	3. RECIPIENTS ACCESSION NO.
4. TITLE OF REPORT: A Cultural Resource Inventory of the Proposed Marietta Octova Nez One-Acre Homesite in Sawmill Chapter, Apache County, Arizona			5. FIELDWORK DATES 08/29/2020
AUTHOR(S): Iris Shirley Begaye			6. REPORT DATE 09/28/2020
7. CONSULTANT NAME AND ADDRESS: Gen'l Charge: Iris Shirley Begaye Org. Name: ARCHAEOLOGICAL SURVEY Org. Address: P. O. Box 3777 Window Rock, Arizona 86515 Phone: 928/206-9600			8. Permit No. B20623
			9. Consultant Report No. ISB-20-084
10. SPONSOR NAME AND ADDRESS: Ind. Responsible: Marietta Octova Nez Name: Marietta Octova Nez Address: Phone:			11. SPONSOR PROJECT NO. N/A
			12. AREA OF EFFECT: 1.0 ac. AREA SURVEYED: 2.9 ac.
13. LOCATION (MAP ATTACHED): a. Chapter: Sawmill b. Agency: Fort Defiance c. County: Apache d. State: Arizona		See Figure 1. e. Land Status: Navajo Tribal Trust f. UTM Center: 665,159.20 E, 3,972,727.19 N Z12 NAD83 g. Area: NW¼ SW¼ Sec 30 T 29N R 30E GSRM h. 7.5' Map Name(s): Sawmill, AZ Provisional Edition 1982	
14. REPORT /X/ OR SUMMARY (REPORT ATTACHED) //			
a. Description of Undertaking: See Supplemental Sheet			
b. Existing Data Review: See Supplemental Sheet			
c. Area Environmental & Cultural Setting: See Supplemental Sheet			
d. Field Methods: See Supplemental Sheet			
15. CULTURAL RESOURCE FINDINGS: a. Location/Identification of Each Resource: See Supplemental Sheet b. Evaluation of Significance of Each Resource (above): See Supplemental Sheet			
16. MANAGEMENT SUMMARY (RECOMMENDATIONS): Archaeological clearance is recommended for the proposed project.			
17. CERTIFICATION SIGNATURE :	 General Charge: Iris Shirley Begaye		DATE: 28 September 2020

SUPPLEMENTAL SHEET (AIRS FORM)

Marietta Octova Nez One-Acre Homesite, Sawmill Chapter, Apache County, Arizona
ISB-20-084

14. REPORT

a. **Description of Undertaking:** The proposed homesite will involve the construction of a home within the surveyed area. Construction activities will include ground disturbance (leveling, trenching, laying of pipelines, power line pole placement, stringing of power line). The area of potential effect equals approximately 43,560 sq. ft. (4,047 sq. m.) or 1.0 acre. An area of 126,324 sq. ft. (11,736 sq. m.) or 2.9 acres (1.2 ha.) was inventoried.

b. **Existing Data Review:** As part of this project, research was conducted using the Navajo Nation Heritage & Historic Preservation Department (NNHHPD) files in Window Rock, Arizona. Research reveals previous cultural resource inventories within one kilometer of the undertaking as follows:

Project Numbers	Site Numbers
HPD-98-034, HPD-99-311, HPD-01-271, HPD-04-033.3, HPD-04-323, HPD-04-324, HPD-04-325, HPD-04-326, HPD-04-455.5	None

c. **Area of Environmental & Cultural Setting:** The proposed undertaking is located in Fort Defiance Agency, Sawmill Chapter, approximately 1.0 mile southwest of the Sawmill Chapter House, Apache County, Arizona. The project area is northwest of Red Butte (approximately 1.0 mile) at an elevation of 7,709 feet (2,349 meters) above mean sea level. The main water source for the area is Tohnaichai Spring (approximately 0.3 mile southwest of the project area). The nearest ephemeral drainage is approximately 0.3 mile southwest of the project area. Vegetation in the area consists of ponderosa pine, juniper, gambel oak, snakeweed, rabbitbrush, cholla, prickly pear, russian thistle, low-lying perennials and other seasonal native grasses. No domesticated animals were noted within the project area. Surface sediment consists primarily of alluvial deposits with clay and pebble inclusions. The surrounding area has been impacted by the development of scattered homes and numerous secondary roads.

d. **Field Methods:** On August 29, 2020, Iris Shirley Begaye, archaeologist conducted the cultural resource inventory of a proposed homesite. The homesite area was located by the sponsor. The sponsor selected the center point to conduct a Class III pedestrian inventory by walking parallel and spiral transects with adjacent points spaced approximately 15m apart extending out to 200 ft. (61m) centered over the homesite area. The area of potential effect equals approximately 43,560 sq. ft. (4,047 sq. m.) or 1.0 acre. An area of 126,324 sq. ft. (11,736 sq. m.) or 2.9 acres (1.2 ha.) was inventoried.

In accordance with NNHHPD guidelines, the project archaeologist interviewed the sponsor to obtain information on potential traditional cultural properties (TCPs-herb gathering areas, blessed and/or sacred places or burials) in the vicinity. The sponsor was unaware of any TCPs in the area. Traditional Cultural Properties (TCP) research was conducted at NNHHPD Traditional Cultural Property Section and revealed no traditional cultural properties within the vicinity of the undertaking.

15. CULTURAL RESOURCE FINDINGS:

- a. **Location/Identification of Each Resource:** None
- b. **Evaluation of Significance of Each Resource (above):** None



THE NAVAJO NATION LAND DEPARTMENT RECEIPT

DATE: 10-29-20

NAME: Marietta O. Nez

ADDRESS:

CHAPTER: Sawmill

MONEY ORDER RECEIVED FROM CUSTOMER IN THE AMOUNT:

FILING FEE:	<input checked="" type="checkbox"/>	\$30.00
ANNUAL RENTAL FEE:	<input type="checkbox"/>	
RESURVEY FEE:	<input type="checkbox"/>	
FIELD INVESTIGATION FEE:	<input type="checkbox"/>	
TRANSPORTATION FEE:	<input type="checkbox"/>	

MONEY ORDER NUMBER: 26859799113

ACCOUNT NUMBER:

REMAINING BALANCE: -0-

RECEIVED BY: Suzanne Enos, H.A.

Thank You for your Payment!

UNITED STATES POSTAL SERVICE®		POSTAL MONEY ORDER	
Serial Number	26859799113	U.S. Dollars and Cents	\$30.00
Pay to	Navajo Nation	Amount	Thirty Dollars and 00/100 *****
Address		From	Marietta O. Nez
Memo	HSL fee	Address	
		SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS	26859799113
			26859799113

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



October 28, 2020

Marietta O. Nez
J
1

Dear Customer(s):

Enclose is your receipt. Your Homesite application is pending for the clearance from Department of Fish & Wildlife. Lenora Tsosie, SPPS, emailed documents to that office. You did mail your \$20 money order to that office, right?

Historic Preservation Department should be mailing you the CRCF (Cultural Resources Compliance Form), be sure to email a copy of that.

Sign this page 7 per your CIB too, and mail it back. Thank you.

Our office doors are closed to the public due to the Covid-19 Pandemic. We communicate with the public only by phone calls, email or fax.

Thank you.

Sincerely,

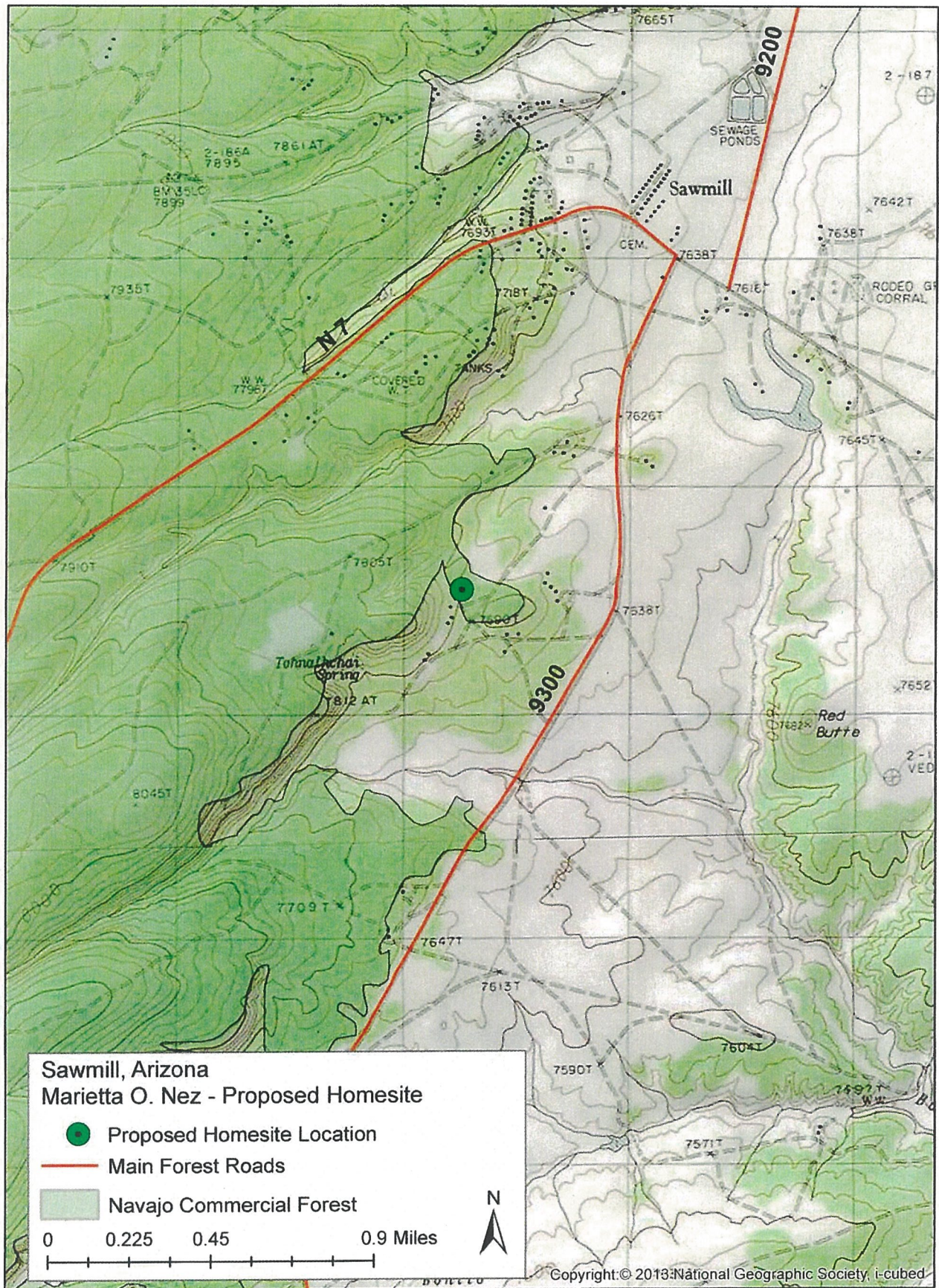
A handwritten signature in black ink, appearing to read "Suzanne Enos".

Suzanne Enos, Homesite Agent
Homesite Section
Navajo Land Department
suzanneenos@dinehbikeyah.org
928-871-6523

Fax # 928-871-7039

File copy

RECEIVED JUL - 7 2021



Proposed

Marietta Octova Nez
Sawmill, Apache County, AZ

vacant

Legend



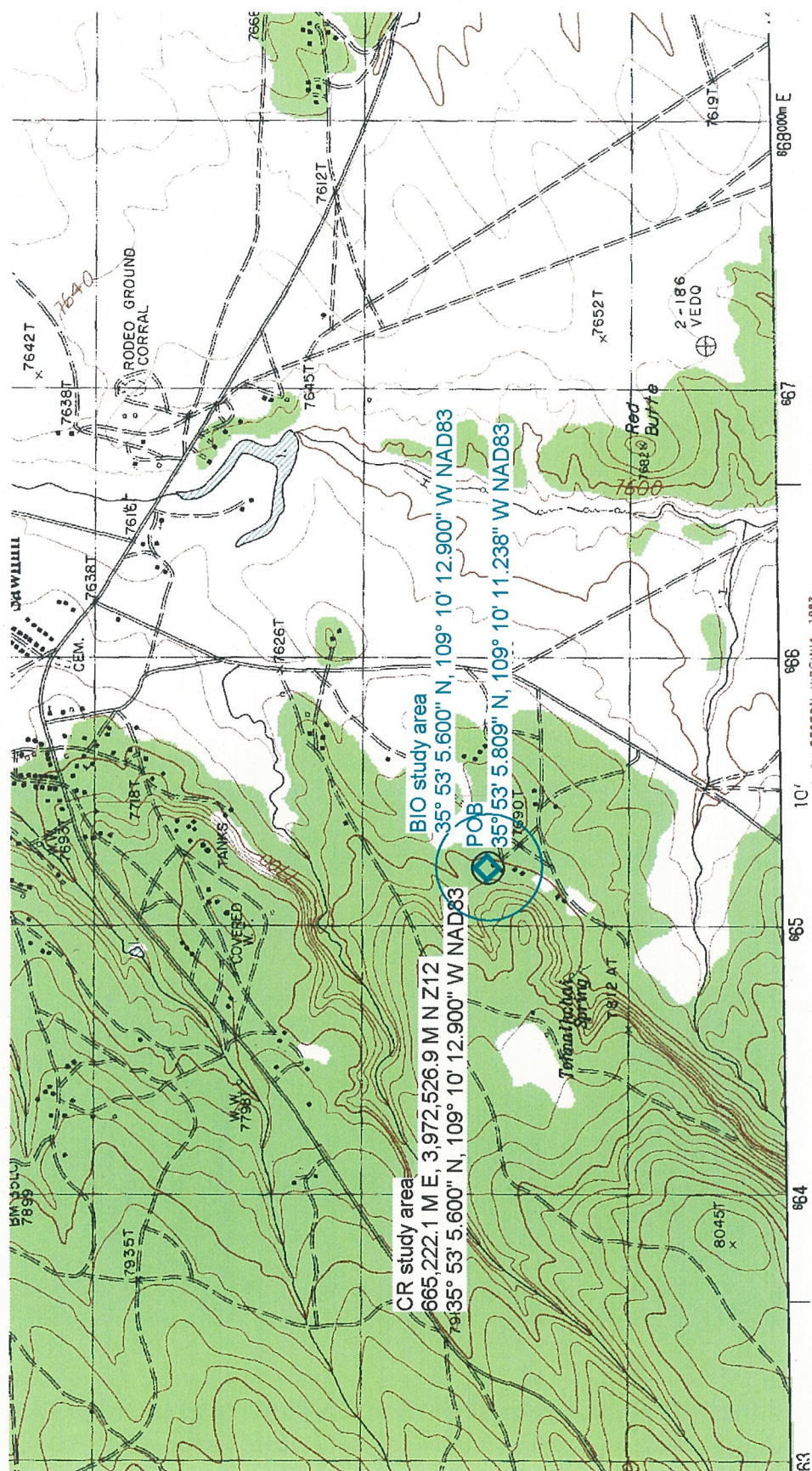
Marietta O. Nez 35°53'5.60"N 109°10'12.90"W

Marietta O. Nez 35°53'5.60"N 109°10'12.90"W

Google Earth

2400 ft





NOTES:

1. All Ground Distance Around Tract.
2. Latitude and Longitude are for Navigation Only.
3. Homesite located on land held in Trust for the Navajo Tribe (TNT)
4. Bearing Reference True North at the "Basis of Bearing" as shown on U.S.B.L.M. survey plat file at Navajo Land Department.

TNT (See Notes 3)

LEGAL DESCRIPTION OF MARIETTA OCTOVA NEZ HOMESITE LEASE

39248

A PARCEL OF LAND SITUATE WITHIN THE SOUTHWEST QUARTER (SW/4) OF SECTION 30, T29N, R30E, G&S.R.M., IN THE VICINITY OF SAWMILL, APACHE COUNTY, STATE OF ARIZONA AND WITHIN THE NAVAJO NATION LAND MANAGEMENT DISTRICT 18 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 30, T29N, R30E, G&S.R.M., A FOUND UNITED STATES BUREAU LAND MANAGEMENT (U.S.B.L.M.) BRASS CAP DATED 1990, IN GOOD CONDITION:

WHENCE A FOUND U.S.B.L.M. BRASS CAP IN GOOD CONDITION DATED 1990 AND THE SOUTHWEST SECTION CORNER OF SECTION 30 HAVING A BEARING S 89° 59' 52" W DISTANCE OF 2,639.96 FEET AND THE BASIS OF BEARING;

THENCE N 38° 59' 21" W A DISTANCE OF 2,316.77 FEET TO A 1/2" REBAR (SET) WITH PLS CAP No. 51013 AND THE POINT OF BEGINNING;

THENCE S 49° 05' 44" W A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH PLS CAP No. 51013;

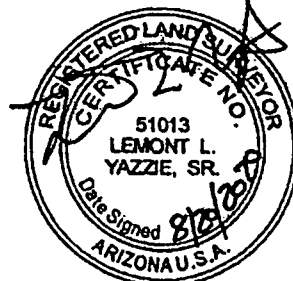
THENCE N 40° 54' 16" W A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH PLS CAP No. 51013;

THENCE N 49° 05' 44" E A DISTANCE OF 208.71 FEET TO A 1/2" REBAR (SET) WITH PLS CAP No. 51013;

THENCE S 40° 54' 16" E A DISTANCE OF 208.71 FEET TO THE POINT OF BEGINNING;

BEING 1.00 ACRE(S) MORE OR LESS, IN AREA AS CALCULATED BY COMPUTER SOFTWARE AND BEING SUBJECT TO ALL EXISTING EASEMENTS AND/OR OTHER EXISTING LEGAL RIGHTS OF POSSESSION LOCATED THEREIN.

SURVEYED: AUGUST 31, 2020

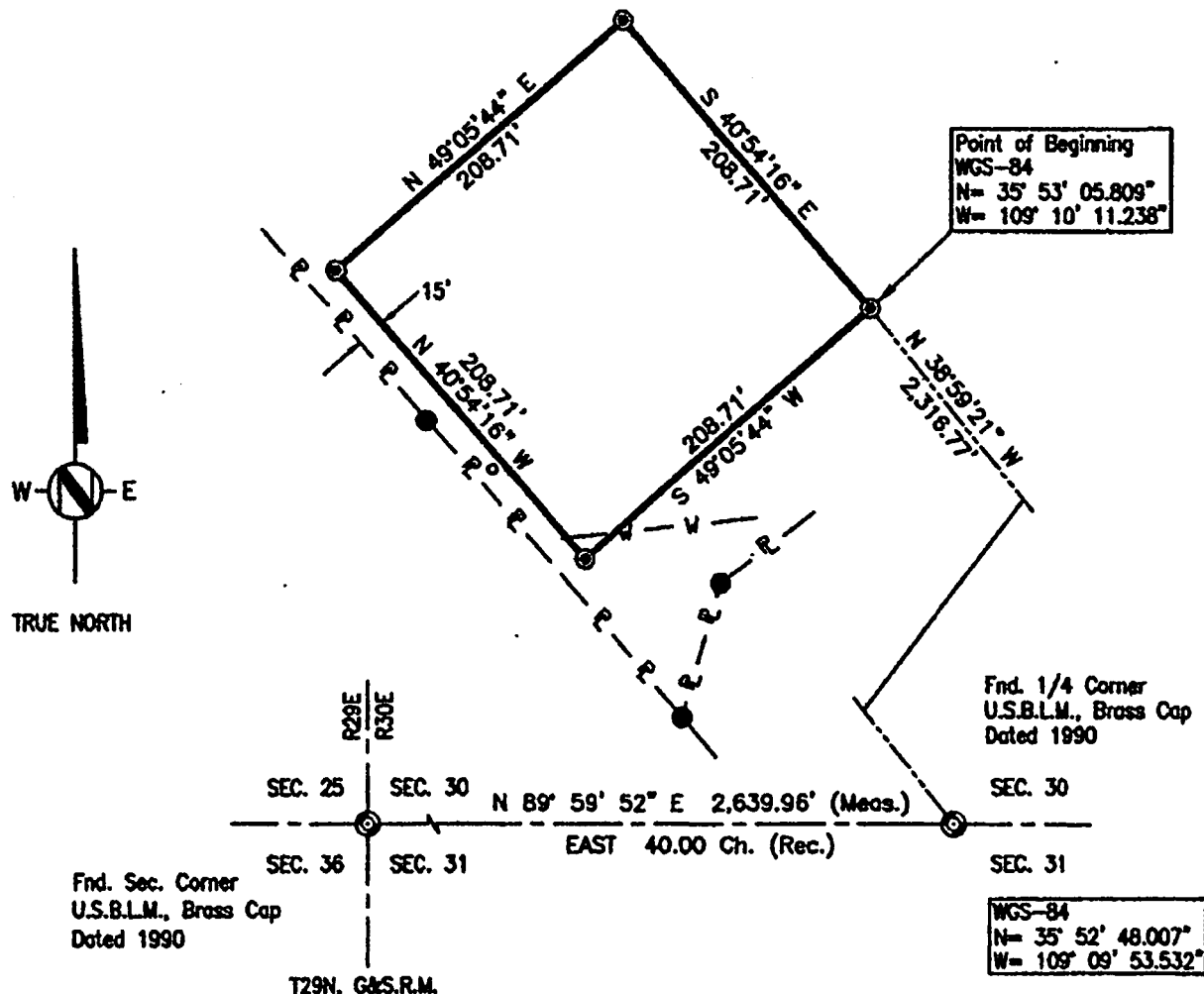


Expires 6/30/2022

I, Lemont L. Yazzie Sr., a duly qualified Registered Professional Land Surveyor under the laws of the State of Arizona do hereby certify that this plat shown hereon was prepared from a bona fide land survey conducted by me or under my direct supervision.

EXHIBIT "A"

BOUNDARY SURVEY PLAT
MARIETTA OCTOVA NEZ
1.00 ACRES +/-
DIST. 18, NAVAJO NATION
SW/4 OF SEC. 30, T29N, R30E, G&S.R.M.
SAW MILL, APACHE COUNTY ARIZONA



Legend:

- ⊙ = U.S.B.L.M., Brass Cap
- ⊙ = 1/2" Rebar (Set) w/ PLS Cap # 51013
- ⊙ = NLD, 5/8" Rebar
- = NTUA Powerpole
- = Lot Boundary
- = Water Valve
- = Single Phase K.V. Powerline

Sawmill Chapter

P.O. Box 1786, Ft. Defiance, AZ, 86504
ph: (928)729-4433/4432 | fax: (928)729-4435

EXHIBIT

C

RESOLUTION OF THE SAWMILL CHAPTER SAW-09-13-2021-01

APPROVING AND SUPPORTING MARIETTA OCTAVO NEZ REQUEST TO NAVAJO LAND DEPARTMENT AND NAVAJO FORESTRY DEPARTMENT TO APPROVE AND ACQUIRE A HOMESITE LEASE LOCATED IN SAWMILL COMMUNITY AND TO REQUEST THE RESOURCE & DEVELOPMENT COMMITTEE OF THE 24TH NAVAJO NATION COUNCIL TO WAIVER THE MORATORIUM LAW (RCJY-142-92) AND TO ENSURE PROGRAMMATIC DAILY OPERATIONS AND COMPLY WITH THE FIVE MANAGEMENT SYSTEM POLICIES AND PROCEDURES.

WHEREAS:

1. Pursuant to the "Local Governance Act" 26 N.N.C., chapter 1, subchapter 1, section 3(a). The Sawmill Chapter is continued as a certified chapter of the Navajo Nation Government, by the Navajo Nation Council Resolution; and
2. Pursuant to the chapter 1, subchapter 1, section 131 (1); (2), of the same "Act", the Sawmill Chapter has the responsibility and authority to promote, protect and preserve the interest and general welfare including the safety of its community people; and
3. The Sawmill Chapter is invested to review all matters affecting the community to make favorable decisions in the best interest over local matter; such as cultural preservation, economic development safety and welcome of chapter membership; and
4. The Resources Committee (Predecessor to the Resources and Development Committee) passed resolution No. RCJY-142-92 "Establishing a Moratorium on new structures, new homesite range units within the Navajo Commercial Forest Pending Development and Approval of a new Forest Management Plan; and
5. Ms. Marietta Octavo Nez has applied for a homesite lease within the Navajo Commercial Forestry Area and within the Sawmill Chapter, Navajo Nation and the Navajo Forestry Department has denied there homesite application (letter attached); and
6. The Navajo Land Department in conciliation with Navajo Forestry Department has allowed two options to Ms. Marietta Octavo Nez to relocate or to have Resource & Development of the Navajo Nation Council to waiver the moratorium law; and
7. After consulting with Marietta Octavo Nez, she have decided to continue with the homesite lease process and to request the waiver on the moratorium law

NOW THEREFORE BE IT RESOLVED THAT:

The Sawmill Chapter hereby supports Marietta Octavo Nez request to Navajo Land Department and Navajo Forestry Department to approve and acquire a homesite lease located in Sawmill Community and to request the Resource & Development Committee of the 24th Navajo Nation Council to waiver the moratorium law (RCJY-142-92).

CERTIFICATION

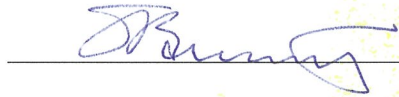
We, hereby, certify that the forgoing resolution was duly considered by the Sawmill Chapter at a duly called meeting in Sawmill, Navajo Nation, Arizona at which a quorum of Chapter members was present and that the same was passed by a vote of 19 in favor, 0 opposed and 2 abstained this 13th day of September 2021

Sawmill Chapter

P.O. Box 1786, Ft. Defiance, AZ, 86504
ph: (928)729-4433/4432 | fax: (928)729-4435

Motion By: Annarita Begay _____

Seconded by: Larry Foster _____



Woodie Bennett, Chapter President

CONSENT FORM FOR NAVAJO TRUST / FEE LAND

I, Gloria Nez hereby grant consent to the Navajo Nation to
Marietta Nez and N/A 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 17th day of June, 2018.

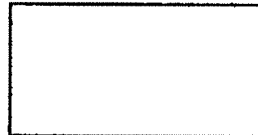
X [Signature]
 Permit Holder's Signature

Census #: _____

Thumbprint

Grazing Permit No.: 18-32-13

Date of Issue: 11-6-13



☐ Right
☐ Left

WITNESS: _____

ACKNOWLEDGED:

[Signature]
 Grazing Official / Land Board Member

6-12-18
 Date

[Signature]
 Chapter

THE NAVAJO NATION



JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

June 25, 2021

MEMORANDUM

To: Mike W. Halona, Director
Window Rock Land Department
Division of Natural Resources

Thru: Michael Yazzie
Michael Yazzie, Program Manager
Forest Service, Program/NFD
Division of Natural Resources

Subject: Proposed Home Site Lease for Marietta Octavo Nez



On May 24, 2021, I conducted an on-site field check for the above-mention applicant in reference to a proposed home site lease, located in the Sawmill Chapter Boundary. *The proposed home site lease is in the commercial forest boundary; therefore, the Housing Moratorium Resolution (RCJY-142-92) does Apply.* See attached map.

The proposed home site is located from N7, mile post 13.5, south on 9300 logging road approximately (1) mile, west (1/2) mile to the site, Nez family resident, Sawmill, Arizona. The site has scattered ponderosa pine trees on site. Approved Homesite Lease is required for utility line to be install for a Mobile home trailer structure on the proposed site. The ground is level for the structure. The site is next to her parents homesite and they have utility on site.

At the time of contact with the applicate she is renting at Navajo Housing Authority housing. Before the finalized homesite lease the applicated had commence activities on the proposed site.

GPS reading at the general area is N35° 53' 5.11" / W109° 10' 13.12".

It is the opinion of the Navajo Forestry Department not to allow the applicant to establish a home site lease at the above mention site. It would be advisable for the applicant to contact the Resources Committee and seek guidance on the Committees intent with regard to this situation.

If you have any questions regarding the matter, call the department at (928) 729-4007. Thank-you.

XC; file
Applicant; Marietta Octavo Nez
Grazing Official, Sawmill Chapter

Roger Peshlakai
Roger Peshlakai, Forest Officer
Forest Service Program/NFD
Division of Natural Resources

