



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Herman M. Daniels, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0050-17.

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

SPONSOR SIGNATURE:

A handwritten signature in black ink, appearing to read "Herman M. Daniels", is written over a horizontal line.

DATE:

10/12/17

LEGISLATIVE SUMMARY SHEET

Tracking No. 0050-17

DATE: February 1, 2017

**SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
RESCINDING RESOLUTION RDCO-74-16 "RELATING TO RESOURCES AND
DEVELOPMENT; APPROVING THE AMENDMENTS TO THE NAVAJO NATION
HOMESITE LEASE REGULATIONS"**

PURPOSE: The purpose of this legislation is to rescind Resolution RDCO-74-16 "Relating to Resources and Development; Approving the Amendments to the Navajo Nation Homesite Lease Regulations".

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

5-DAY BILL HOLD PERIOD: 11/01/17
Website Posting Time/Date: 4:36pm 2/21/17
Posting End Date: 2/7/2017
Eligible for Action: 2/8/2017

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- Third Year, 2017

INTRODUCED BY

 Herman Danneberg
(Prime Sponsor)

TRACKING NO. 0050-17

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; RESCINDING
RESOLUTION RDCO-74-16 "RELATING TO RESOURCES AND
DEVELOPMENT; APPROVING THE AMENDMENTS TO THE NAVAJO
NATION HOMESITE LEASE REGULATIONS"

BE IT ENACTED:

Section One. Authority

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

Section Two. Findings

- A. The Resources and Development Committee approved the Navajo Nation Homesite Lease Policy and Procedures as developed by the Division of Natural Resources, Office of Land Administration on December 22, 1993 by approving RCD-289-93. See Exhibit "A".
- B. The Resources and Development Committee also delegated its authority to approve, issue, amend, assign relinquish and execute homesite leases to the

1 Department Director of the Office of Land Administration when it approved
2 RCD-289-93. Exhibit "A".

3 C. The Resources and Development Committee subsequently approved amendments
4 as submitted by the Navajo Land Department to the Navajo Nation Homesite
5 Lease Regulations in Resolution RDCO-74-16 on October 4, 2016. See Exhibit
6 "B"

7 D. The Navajo Nation Homesite Lease Regulations and the amendments proposed
8 by the Navajo Land Department affect the entire Navajo Nation and its 110
9 Chapters.

10 E. The Navajo Land Department held five public education meetings on the Navajo
11 Nation regarding the proposed amendments. See Exhibit "C"

12 F. These public meetings were held in five locations within five Chapters, all the
13 meetings taking place during one month, August, 2009.

14 G. Some Chapters are of the opinion that holding public education meetings in five
15 out of 110 Chapters did not provide sufficient opportunity for all members of the
16 Navajo Nation to learn of the proposed changes and have their voices heard. See
17 Exhibit "D".

18 H. More than 6 years passed before the proposed amendments to the Navajo Nation
19 Homesite Lease Regulations were approved by the Resources and Development
20 Committee in RDCO-74-16, on October 4, 2016. See Exhibit "B"

21 I. Some Chapters have expressed by resolution their concern at the lack of
22 opportunity for public input when these amendments were first proposed. See
23 Exhibit "D"

24 J. The Resources and Development Committee considers it essential to ensure that
25 all Chapter members are provided full opportunity for input on homesite leasing
26 regulation.

27 K. The Resources and Development Committee it essential that input from Chapter
28 members on homesite leasing is considered and acted on in a timely manner.
29
30

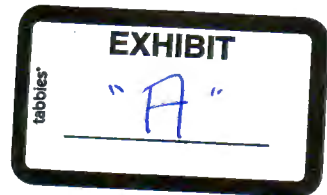
1 L. The Resources and Development Committee considers it to be in the best interest
2 of the Navajo Nation and its members to rescind Resolution RDCO-74-16,
3 approving amendments to the Navajo Nation Homesite Lease Regulations.

4 M. The Resources and Development Committee considers it to be in the best interest
5 of the Navajo Nation and its members that extensive community input meetings
6 be held throughout the Navajo Nation in order to provide ample opportunity for
7 all Chapter members to provide meaningful input regarding such amendments,
8 before any further amendments are considered.

9 **Section Three. Approval**

10 A. The Resources and Development Committee of the Navajo Nation Council
11 hereby rescinds Resolution RDCO-74-16 which approved amendments to the
12 Navajo Nation Homesite Lease Regulations.

13 B. The Resources and Development Committee of the Navajo Nation Council
14 hereby directs the Navajo Land Department of the Division of Natural Resources
15 to conduct a sufficient number community input meetings throughout the Navajo
16 Nation so as to provide ample opportunity for all Chapter members to give
17 meaningful input on such amendments and to do so before any further
18 amendments are considered.



Homesite Lease Policy and Procedures 1993 - RCD-289-93

RCD-289-93

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving the Homesite Lease Policy and Procedures

WHEREAS:

1. The Resources Committee of the Navajo Nation Council is empowered to approve homesite leases and certificate procedures, and promulgate rules and regulations thereto, pursuant to 2 N.T.C., Section 695 (b) (4) (i); and
2. The Resources Committee of the Navajo Nation Council is authorized to delegate authority to the Department Director of the Office of Navajo Land Administration to review and grant individual homesite leases and certificates in accordance with procedures adopted by the Resources Committee (see 2 N.T.C., Section 695 (b) (4) (ii); and
3. The Division of Natural Resources, Office of Navajo Land Administration, was directed to revise and update the existing homesite lease policy and guidelines approved under RCJ-6-88. The recommended Homesite Lease Policy and Procedures is attached hereto and marked as Exhibit "A"; and
4. The Office of Navajo Land Administration, Homesite Section, discussed and recommended revisions with certain tribal programs and departments, including grazing officials, chapter representatives and BIA Real Property representatives during the period of April to September, 1992. A list of the meetings held is attached hereto and marked as Exhibit "B"; and
5. This recommended Homesite Lease Policy and Procedures will benefit qualified applicants who are seeking housing and/or utility assistance through various tribal, state and federal programs. Individuals needing a homesite lease include, but are not limited to, Navajo veterans, elderly members, handicapped persons, burnout case victims, Navajo relocatee(s), and home buyers seeking mortgage; and
6. The Office of Navajo Land Administration (ONLA) strongly recommends that a revolving account be established and administered by the ONLA, Homesite Section, for the purpose of defraying its cost in administering the Homesite Lease Policy and Procedures. The ONLA further recommends that the standard application fee be increased to \$15.00, the resurvey fee increase to \$150.00, and each lessee be required to pay an annual rental fee of \$1.00 for the term of the lease. By supplementing proposed revolving account

Monies with annual fiscal year allocations, the Navajo Nation can better serve the demand for homesite leases and requests for surveys at the local level reservation wide; and

7. It is necessary to amend the standard forms that will be used in applying for a homesite lease on Navajo tribal trust or fee lands. The amended forms are consistent with the recommended Homesite Lease Policy and Procedures. The amended homesite lease application, field clearance certification form, consent form, and general notice form to lease fee land and tribal lands within the Eastern Navajo Agency are attached hereto and marked respectively as Exhibits "C", "D", "E", and "F"; and

8. It is to the best of those qualifying applicants seeking a homesite lease on Navajo tribal trust or fee land that the Resources Committee of the Navajo Nation Council approve the recommended Homesite Lease Policy and Procedures as provided in Exhibit "A".

NOW THEREFORE BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council approves the Homesite Lease Policy and Procedures as provided in Exhibit "A"; which shall supersede those guidelines approved by RCJ-6-88, pursuant to 2 N.T.C., Section 695 (b) (4) (i).

2. The Resources Committee of the Navajo Nation Council delegates its authority to approve, issue, amend, assign, relinquish, and execute homesite leases to the Department Director of ONLA. The Office of the President or Vice-President will no longer be responsible for executing homesite leases. The delegated authority shall be limited to withdrawal of one (1) acre or less of tribal trust or fee land for residential purposes, excluding authority to withdraw lands for residential subdivision and other types of withdrawals, pursuant to 2 N.T.C., Section 695 (b) (4) (ii).

3. The Resources Committee of the Navajo Nation Council further approves the amended standard forms that will be used in applying for a homesite lease on Navajo trust land or fee land. The standard forms include: The amended homesite lease application, field clearance certification form, consent form, and general notice form to lease fee land or tribal lands within the Eastern Navajo Agency. These amended forms are attached and marked respectively as Exhibits "C", "D", "E", and "F".

4. The Resources Committee of the Navajo Nation Council also approves the recommended rates for filing fee at \$15.00 and a resurvey fee at \$150.00.

5. The Resources Committee of the Navajo Nation Council further supports the establishment of a revolving account that will be administered by the ONLA, Homesite Section, specifically for

surveying proposed homesites and processing of homesite lease applications and maintaining files for existing homesite leases.

6. All duly certified chapters of the Navajo Nation, respective grazing officials, potential homesite lease applicants, lessee(s), grazing permittee(s), Navajo tribal programs and departments, including the Bureau of Indian Affairs, are advised and directed to adhere to and comply with the Homesite Lease Policy and Procedures as provided in Exhibit "A", effective following the date of approval.

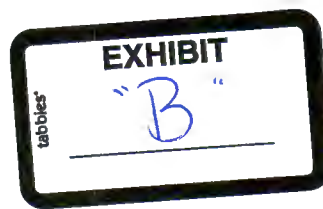
C E R T I F I C A T I O N

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 5 in favor, 0 opposed and 0 abstained, this 22nd day of December, 1993.



Elmer L. Milford
Chairperson

Motion: Samuel Yazzie
Second: Frank Guerro



RDCO-74-16

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
Of the 23rd Navajo Nation Council---Second Year 2016

AN ACTION
RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE AMENDMENTS
TO THE NAVAJO NATION HOMESITE LEASE REGULATIONS

BE IT ENACTED:

Section One. Findings

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

B. Pursuant to RDC-289-93 (Exhibit F), the Resources Committee of the Navajo Nation Council delegated its authority to approve, issue, amend, assign, relinquish, and execute homesite leases to the Navajo Land Department in accordance with procedures adopted by the Resources Committee; and

C. The Division of Natural Resources Navajo Land Department is proposing amendments to the Homesite Leases Policy and Procedures approved by RCD-289-93, attached as Exhibit "F." The recommended Homesite Lease Regulations are attached hereto and incorporated herein as Exhibit "A"; and

D. With the assistance of Navajo Nation Divisions, Grazing Officials, Chapter Officials, Chapter administration employees; Land Boards, Farms Boards, and BIA Real Estate Services representatives, the Homesite Section of the Navajo Land Department conducted public hearings from August 2007 to date to obtain comments and recommendations on the revisions of the Homesite Lease Regulations. Navajo Land Department conducted many education/public hearings and meetings, provided news media releases and publications. Examples of these activities are attached hereto and marked as Exhibit "B"; and

E. The proposed amended Homesite Lease Regulations will benefit qualified applicants who are seeking housing assistance and/or utility infrastructure assistance through various Navajo

Nation Divisions, Enterprises, and State and Federal programs. Individuals obtaining a homesite lease include but are not limited to Navajo citizens with tribal census numbers and home buyers seeking home loan financing; and

F. The Navajo Land Department recommends the establishment of a proprietary fund account to be administered by the Navajo Land Department Homesite Section for the purpose of defraying the costs of administering the Homesite Land Offices, recording of homesite leases in the Navajo Land Title Data Systems, providing public education outreach programs, and enforcement of the Homesite Lease Regulations. By supplementing proposed proprietary fund account monies with annual fiscal year allocations, the Navajo Nation can better provide homesite lease related services to the Navajo People; and

G. The Navajo Land Department recommends the approval of the Homesite Lease Application Fee Schedule which includes: an increase of the standard homesite application, assignment, amendment, and termination fees to \$30.00; the resurvey fee increase to \$350.00; and an annual rental fee of \$12.00 for the term of the homesite lease. The Fee Schedule is attached on page 23 in Exhibit "A"; and

H. The Navajo Land Department recommends the approval of the Homesite Lease Penalties and Fines Fee Schedule attached at page 23 of Exhibit "A." Fines and Penalties would be assessed for situations such as illegal parking of trailer or mobile home, storage sheds and corrals without a lease or permit to improve, and illegal burial; and

I. The Navajo Land Department recommends creating five (5) new Compliance Officer positions to the Navajo Land Department Fiscal Year Budget Appropriation and increased operation costs to enforce the Homesite Lease Regulations within the five agency Navajo Land Offices; and

J. It is necessary to amend the standard forms that will be used in applying for a homesite lease on the Navajo Nation Trust Land and Fee Land. The amended forms are consistent with the proposed amendments to the Homesite Lease Regulations, which will include amendments of Homesite Application FORM 1; Field Clearance Certification FORM 2; and consent FORM 3 for Navajo Trust / Fee Land. These forms are attached hereto and marked respectively as Exhibits "C," "D," and "E"; and

K. It is in the best interest of qualified applicants seeking a homesite lease on Navajo Trust or Fee Land that the Resources and Development Committee of the Navajo Nation Council approve the recommended amended Homesite Lease Regulations, attached hereto as Exhibit "A."

Section Two. Approvals

A. Resources and Development Committee of the Navajo Nation Council hereby approves the Homesite Lease Regulations, attached hereto as Exhibit "A," which shall supersede Homesite Lease Policy and Procedures approved by RCD-289-93; and

B. The Resources and Development Committee of the Navajo Nation Council approves the amended standard homesite lease application forms which include Homesite Application FORM 1; Field Clearance Certification FORM 2; and Consent FORM 3 for Navajo Trust and Fee Land. These forms are attached hereto as Exhibits "C," "D," and "E"; and

C. The Resources and Development Committee of the Navajo Nation Council approves the Homesite Lease Regulations Application Fee schedule, attached at page 23 of Exhibit "A"; and

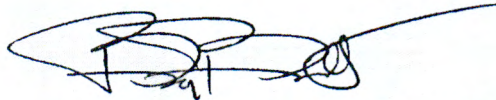
D. The Resources and Development Committee of the Navajo Nation Council approves the Homesite Lease Penalties and Fines Fee Schedule, attached at page 23 of Exhibit "A"; and

E. The Resources and Development Committee of the Navajo Nation Council recommends the establishment of the Navajo Land Department proprietary fund account to be administered by the Navajo Land Department Homesite Section, for the purpose of defraying the costs of administering the Homesite Land Offices and providing public education/awareness, upgrades of survey equipment/software, processing of homesite lease applications and maintaining homesite lease historical records; and

F. The Resources and Development Committee of the Navajo Nation Council recommends to the Navajo Nation Council the approval of budgets for five (5) new Compliance Officers positions and budgets for increased operation costs to enforce the Homesite Lease Regulations within the five agency Navajo Land Offices.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at Navajo Department of Transportation, (Navajo Nation) Tse Bonito, New Mexico, at which quorum was present and that same was passed by a vote of 3 in favor, 2 opposed, 1 abstained this 4th day of October, 2016.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
Of the 23rd Navajo Nation Council

Motion: Honorable Leonard Pete
Second: Honorable Davis Filfred

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0380-16: An Action Relating Resources and Development;
Approving the Amendments to the Navajo Nation Homesite Lease Regulations.
Sponsor: Honorable Alton Joe Shepherd

Has had it under consideration and report a DO PASS with the following amendment language:

Delete Exhibit A, and replaced with the attached "Homesite Lease Regulations" as the new Exhibit "A."

And thereafter approved the legislation..

Respectfully submitted,



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Date: October 4, 2016

Amendment # 1 to Delete Exhibit A attached to legislation and replaced with attached finalized Exhibit "A"

Motion: Walter Phelps

Second: Leonard Pete

Vote: 5-0-1 (CNV)

Amendment # 2: In new Exhibit "A", page 7, delete paragraph D(4) and renumber accordingly.

Motion: Walter Phelps

Second: Davis Filfred

Vote: 5-0-1 (CNV)

Main Motion: Leonard Pete

Second: Davis Filfred

Vote: 3-2-1 (CNV)



HOMESITE LEASE REGULATIONS 2016

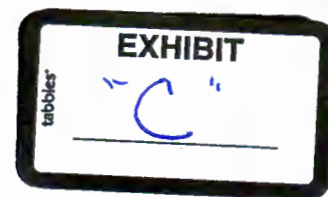
Prepared by:
Navajo Land Department
Division of Natural Resources
Department of Justice

Approved:
October 4, 2016
RDCO-74-16

The Navajo
Land

Department will
host a Public
Education and
comments on
the
"Amendments
of the Homesite
Lease Policy
and Procedures"
for the Navajo
residence.

**Navajo
Nation
Homesite
Lease
Policy &
Procedures
Amendment**



*August 11, 2009
Tuba City Community Center
@ 9 am*

*August 13, 2009
Upper Fruitland Chapter
@ 9 am*

*August 18, 2009
Chinle Chapter
@ 9 am*

*August 26, 2009
Navajo Nation Museum
@ 9 am*

*August 27, 2009
Crownpoint Chapter @ 9 am*

DISCUSSIONS:

- Homesite Lease Eligibility Criteria
- Modification
- Assignment
- Abandonment
- Voluntary Termination of homesite leases
- Moratorium of Homesite Lease in Forested area
- Fish & Wildlife Requirement
- Homesite Lease Dispute Resolution Process

Navajo Land Department
PO Box 2249
Window Rock, AZ 86515
Phone: 928-871-7141
Fax: 928-871-7039

FREE

FREE

FREE

IMMEDIATE RELEASE

July 31, 2009

Contact:

Harlan Charley, SPPS
Navajo Land Department
(928) 871-7142
FAX: (928) 871-7039
h_charley@frontiernet.net

Agency Public Education on "Amendment to the Homesite Lease Policy & Procedures"

Window Rock, AZ – The Navajo Land Department will host orientations across the Navajo Nation in the month of August to receive comments on the **"Amendments of the Homesite Lease Policy and Procedures"** on following dates:

- August 11, 2009 – Tuba City Community Center @ 9:00 am
- August 13, 2009 – Upper Fruitland Chapter @ 9:00 am
- August 18, 2009 – Chinle Chapter @ 9:00 am
- August 26, 2009 – Navajo Nation Library/Museum and Visitor Center, Window Rock, AZ @ 9:00 am
- August 27, 2009 – Crownpoint Chapter @ 9:00 am

The one day public education session will provide an opportunity for participants to comment on the proposed amendment to the Homesite Lease Policy & Procedures to better promote individual home ownership. Thus, an approved Homesite Lease will provide the encumbrance of the leasee interest to secure capital for development of a private dwelling and the establishment of a residential infrastructure.

Your comments are important to the enhancement of the Homesite Lease eligibility criteria in respect to modification; assignment; abandonment; and voluntary termination of homesite leases. Also, participants will receive information on the Navajo Nation moratorium of Homesite Lease in Forested area; the protection of Fish & Wildlife requirements; and the new proposed Homesite Lease dispute resolution process. All elected officials are encouraged to attend.

For more information, please call Ms. Suzanne Enos at (928) 871-6523. The proposed Amendment to the Homesite Lease Policy and Procedures is available online at www.dinehbikeyah.org.

IMMEDIATE RELEASE

July 2, 2009

Contact:

Harlan Charley, SPPS
Navajo Land Department
(928) 871-7142
FAX: (928) 871-7039
h_charley@frontiernet.net

Public education on "Amendment to the Homesite Lease Policy & Procedures"

Window Rock, AZ – The Navajo Land Department will host an orientation for all Navajo Nation Grazing Officials to receive comments on the "**Amendments of the Homesite Lease Policy and Procedures**" on Tuesday & Wednesday, July 21-22, 2009 at the Navajo Nation Library/Museum and Visitor Center in Window Rock, Arizona, commencing at 8:30 a.m. each day.

The two day orientation will provide an opportunity for participants to comment on the proposed amendment to the Homesite Lease Policy & Procedures to better promote individual home ownership. Thus, an approved Homesite Lease will provide the encumbrance of the leasee interest to secure capital for development of a private dwelling and the establishment of a residential infrastructure.

Your comments are important to the enhancement of the Homesite Lease eligibility criteria in respect to modification; assignment; abandonment; and voluntary termination of homesite leases. Also, participants will receive information on the Navajo Nation moratorium of Homesite Lease in Forested area; the protection of Fish & Wildlife requirements; and the new proposed Homesite Lease dispute resolution process. All elected officials are encouraged to attend.

For more information, please call Ms. Suzanne Enos at (928) 871-6523 to confirm your attendance. The proposed Amendment to the Homesite Lease Policy and Procedures is available online at www.dinehbikeyah.org.

Public Announcement

Window Rock, AZ – The Navajo Land Department will host **FREE** orientations across the Navajo Nation to receive comments on the **"Amendments of the Homesite Lease Policy and Procedures"** at the following locations commencing at 9:00 am: 1) August 11, 2009 - Tuba City Community Center; 2) August 13th – Upper Fruitland Chapter; 3) August 18th – Chinle Community Center; 4) August 26th – Navajo Nation Museum; and 5) August 27th Crownpoint Chapter. Copies of the proposed amendments are available at the NLD & Agency Sub-offices or on the website: www.dinehbikeyah.org. Lunch will be provided. For more information, please call Mr. Harlan Charley, SPPS, at (928) 871-7142 or Ms. Suzanne Enos at (928) 871-6523.

**Navajo Land Department & Navajo Nation Resources Committee
Joint Work Session, Route 66 Casino Hotel, Albuquerque, NM
June 10, 2008**

TENTATIVE AGENDA

Tuesday, June 10, 2008

1:00 – 1:30 pm	View - Navajo Land Title Plant Presentation (15 minutes) Discussion
1:30 - 2:00 pm	Survey Plat Standards & Policy
2:00 - 4:00 pm	Reviewed the Final Draft of the Navajo Nation Homesite Lease Policy & Procedures Review the Homesite Lease Applications for each agency
4:00 pm	Set meeting room the Work Session Recess

**Navajo Land Department & Navajo Nation Resources Committee
Joint Work Session, Route 66 Casino Hotel, Albuquerque, NM
June 11-13, 2008**

TENTATIVE AGENDA

Wednesday, June 11, 2008

8:00 am	Introduction Welcome Address - Purpose of the work session Proposed Navajo Title Data System
8:30 – 12:00 pm	Revision of the Navajo Homesite Lease Policy & Procedures Section 1.00 through Section 6.00 Break
12:00 – 1:30 pm	Lunch - On your own
1:30 – 5:30 pm	Continue Revision of the Navajo Homesite Lease Policy & Procedures Section 6.00 through Section 9.00 Break Recess

Thursday, June 12, 2008

8:00 am	Recap on recommendations on additions and deletions
8:15 – 12:00 pm	Revision of the Navajo Homesite Lease Policy & Procedures Section 10.00 through Section 16.00 Break
12:00 – 1:30 pm	Lunch - On your own
1:30 – 5:30 pm	Complete Revision of the Navajo Homesite Lease Policy & Procedures Section 16.00 through Section 33 Break Recess

Friday, June 13, 2008

8:00 – 12:00	Recap on recommendations Proposed Fund Management Plan Closing Remark Adjournment
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AGENDA

8:00 – 8:30 am Registration

8:30 am Introduction and Welcome Address W. Mike Halona
Department Manager

8:45 – 9:30 am	Overview of the Navajo Nation Maps The Importance of Community Land Use Plans
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9:30 – 4:30 pm Presentation on the Amendment of the Navajo Nation Homesite Lease (HSL)

Policy and Procedures

Section 2.00 Authority Harlan Charley

Section 3.00 Purpose **Senior Programs & Projects Specialist**

Section 4.00 Scope

Section 5.00 Eligibility Requirements

Section 6.00 Local Grazing Official Responsibilities. Bob Chester
Principal Engineering Technician
Richard John
Senior Engineering Technician

Section 7.00 Application Procedures and Requirements Rick McCabe
Principal Engineering Technician

Section 8.00 Inheritance/Modification Caroline Dale
Section 9.00 Assignment Homesite Agent
Nora James
Office Specialist

Section 10.00 Mortgages Alfred Dehiya

Section 11.00 Amendments **Programs & Projects Specialist**

Section 12.00 Voluntary Homesite Lease Termination of Homesite Lease

Section 13.00 Fee Lands

Section 14.00 Abandonment

Section 15.00 Homesite Lease Dispute ProceduresRaymond Joe

Section 16.00	Complaints to the Navajo Land Department	Senior Homesite Agent
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Section 17.00 Application/Lease Restrictions Sarah Pete
Office Specialist
Rick McCabe
Principal Engineering Technician

1:30 – 4:30 pm	Continue Orientation of HSL Policy & Procedures Amendments
4:30 pm	Recess

8:30 am	Recap on recommendations on to the HSL Amendments
8:45 – 12:00 pm	Continue Orientation on the Amendment of the HSL Policy & Procedures
Section 18.00	Forestry Restrictions
Section 19.00	Fish and Wildlife Requirements
Section 20.00	Eminent Domain
Section 21.00	Terms
Section 22.00	Renewal of Lease
Section 23.00	Annual Fees
Section 24.00	Amendments
Section 25.00	Homesite Forms
Section 26.00	Homesite Lease Policy and Procedures
Section 27.00	Waivers
Section 28.00	Enforcement (Reserve)
Section 29.00	Privacy Act

1:30 pm Hand-on Global Positioning System (GPS) TrainingEverytt Begay
Geographic Information Systems (GIS) Supervisor

Closing Remark Harlan Charley
Senior Programs & Projects Specialist

Adjournment

Chapters are encouraged to provide comments on the Homesite Lease Policy and Procedures Amendments. Copies are available at the Navajo Department Office or www.dinehbikeyah.org. Please submit your written comments to:

Navajo Land Department
PO Box 2249
Window Rock, AZ 86515
(928) 871-7142 ■ FAX: (928) 871-7039
h_charley@frontiernet.net

AGENDA

Navajo Land Department, PO Box 2249, Window Rock, AZ 86515 (928) 871-7142 ■ FAX: (928) 871-7039
h_charley@frontiernet.net

Questions to the Amendment of the Navajo Nation
Homesite Lease Policy & Procedure
Ft. Defiance Agency
Navajo Nation Museum
July 22, 2009

Section 7:03

"Mr. Wilbert of Kayenta questions or actually it's more of a comment, "Some people have approved Finalized Lease, later on in the year they allow their Children (kids) to live on their homesite instead of the person that the homesite was approve for, building homes, moving in trailers".

"Remember back to Treaty of 1868....."

Another participant, says "Grazing Permittees save Land for their children that live off the Reservation for so long, what if the children don't want to move back"?

Comments: "Grazing Permits are still valid even if there's no count for cattle, sheep, etc. The reason why some permit holders reduce or have on more livestock is due to severe drought, water is scarce, windmill is far away, windmill is damaged, etc".

QUESTIONS ON HOMESITE DISPUTES:

"Disputes just get toss from LGO, NLD & DOA. Mr. Tso suggest dispute be sent to Court directly. But who's to enforce this process".

Cecil Hubbell-"There are no Land disputes in Navajo Partition Land, or with New Lands. Chapter should withdraw about 60 to 70 acres and have people select a Lot or give it out to them; in this way disputes could be reducing and/or end the land disputes".

Section 15:03

A Lady participant says-"NAPI needs to be added to the Homesite Lease Regulation. Grazing Official need help with dispute, Rangers and Police Department too as well as PeaceMaker..."

An Effected Permittee comments: "It's the Chapters' responsibility to withdraw administrative areas for Homesites. It seems like Homesites are withdrawn only out in the grazing areas. Where's the chapter five management plan". Land modified, clustered homes, there has to be an easement.

"Confusion-These Laws don't involve Tradition. NN, State and Federal; and why do we have Census numbers?" Everyone should have access to Land; add common law.

"Black Mesa have no electricity, just a lot of ditches, are they entitled to get homesite?"

In the propose section, the word "protection" should be worded.

Section 6:601. "To accompany applicants is too much financial strain for LGO. Will business entity be able to purchase GPS unit for LGO? or do you just look to the chapter to purchase?"

Segregation of duties-"who does what? Etc. so we don't point finger, poke, poke, etc".

"Law Enforcement is very limited. "Can non-grazing permit holder sign the consent forms"?"

"You don't need a homesite, if you'll be living traditionally, as long as you don't ask for assistance for electricity, waterline, phone connection, etc."

Overlapping-"How far is overlapping? Half a mile radius of consent should be accepted"

A lady asked "What is a Customary Use?"

Section 6:04-"Take word "impacted"; out and replace back with directly affected". Sawmill Chapter is against GPS Units".

"BONIFIED.....

"Navajo Partition Land 1972; permits are cancel, why is there no revision to where it's being worked on"?"

"Range Unit-Section-grazing fee; and Right of Way Lease are they established"?"

"Along the San Juan River who's in charge? Land Board or grazing officials"?"

"Grazing Official have their policy in the grazing law book already"

Termination Fee? Why?

Homesite that have no fencing, cattle stray into homesite. Dog and cats laws are there. Clean up your homesite, no old clothes, old mattress, etc.

Harlan Charley

From: Gary [glouis@onhir.gov]
Sent: Wednesday, August 26, 2009 11:17 AM
To: 'Harlan Charley'
Subject: amendments to HSL

Harland I just thought of my other comment concerning the HSL amendments. Maybe there should be a limit on the number of times a HSL lease can be transferred. An example of this is there is a client, Alfred Yazzie at New Lands transferred his lease To Glen Tsinnie. Glen Transferred it back to Alfred and now Alfred wants to transfer it back to Glen. This all is a time consuming or time wasting on staff. There should be a maximum of 2 transfers on the same lease. Anyway see what you think. I'll be in touch with any other when they come to mind. G-

8/26/2009

Chinle Public Hearing/Education – August 18, 2009

? Draper – NPS boundary, what is preventing us from getting homesite leases in NPS?

When will we be able to get the application (new) given to us?

William Tsosie - Nobody ever relayed the message back to us on these issues before? Not by our delegates! If someone else from Low Mountain moves into our area, can anybody can apply for a homesite lease in the area? Movement of trailer and trash, it happens always and I voice my concern to the chapter.

Anslem Joe - This is a disease, appreciate the navajo interpretation, its just a legislation until its approved by Resource Committee. Fees will be just pocket by personnel, the land is not yours. If it is approved, the lease will be pulled from under you, especially if you made improvements on the lot, the Navajo Nation will have it.

Enforcement – Ranger can't do the out reach service, the GO end up dealing with these issues! Add addition personnel?

Rosie Tsosie – Traditional customery use land, what are the regulation? I don't know if there is a homesite lease?

Eugene Tso – District GO, some areas repeats itself and some area contradicts itself! HSL came about due to people requesting for homes (history), people can build there own homes among themselves. Nowadays, we use the language and start saying that individual does not have a homesite. Gang members control the reservation plus PD. Indian Determination Act – What is going to happen to our reservation line? Our leaders are just running with the pact! City and towns that surrounds us runs our community. We don't individuals? Navajos born and raised on these lease are being escorted off the premises.

Charlotte Begay – Just want to thank you, its true that our reservation is getting small due to leases and right-of-ways. Five Management with chapter, requesting fund from state and etc. The Nation is growing, and need to be open minded. Would like the EPA and NLD to provide training on what was discussed. Most of the time, the chapters don't have there record straight and end up going to WR. GPS was bought for the GO, but don't know if it's the right one. Need to start collecting data for chapter for emergency situation. Need to have a solid planning, need to make change now due to use liking school, bank and etc. Not a lot of tradition people among us, we are getting out of that cycle.

Joe Davis – Sounds so good but who is going to enforce the HSL policy/procedures? Does not believe in LGA, kind of leary of the Land Use Plan for Chinle. Where do I go for my livestock? Does he need to take his livestock where land is purchased by the Navajo Nation. Being told that he is liable? Consult with land users, instead of chapter

**Public Education on Navajo Nation Homesite Lease Policy & Procedures
At Tuba City Chapter on August 11, 2009**

Comments/Questions in red:

Section 1.00: Definitions

Section 2.00: Authority

Section 3.00: Purpose

- 1) Max Goldtooth Sr: please make in Navajo interpretations. most people don't understand even in English.
- 2) Are HSL applications being reviewed upon received at NLD?
- 3) Betty Goldtooth; She hold a grazing permit, now people comes to her for signature and lots of people lie to her of their residence. Now she really asks questions if that person has some relations to the family prior to consenting. Lots of people are moving into our area/community. Now she checks with her surrounding neighbors to prevent any disputes. And her complaints are that when she consents for HSL, but later now she sees livestock at the site. She commends the NLD for the Public Ed.
- 4) Not all Grazing Committee Members are being honest on HSLA; there should be another signature by another Chapter official.
- 5) Mr. Billygoddy: It's good to discuss the livestock within HSL. And HSL are commonly disputed within the family, he thinks that Grazing Permit holders are being excluded from the HSL process and are informed until at the end. When he reviews the old HSL Policy and the new policy there are not any big differences to him. And he sees some community needing subdivision development for them. He recommends that someone from the chapter needs to also signs on the HSL application too. He sees livestock in the town of Window Rock and it becomes a concern when an accident occurs.
- 6) Kathryn: What if an applicant scratches off a permit holder's name to consent and writes in another person's name, and the Grazing official has already signed off.
- 7) She has a HSL here in Tuba City, and now she is trying to get another HSL in Bennett-freeze area.
- 8) Upon HSL survey you should install rebars instead of wood sticks, where children can easily remove them.
- 9) Grazing permit is solely for grazing; not for HSL field clearances. it is a contradiction to him, the Resource Committee should think about it for us.
- 10) Harry Nez: he has 2 questions regarding the grazing permit; people that moved out of Bennett-freeze are seeking HSL here in Tuba City, and got HSL, later those people transferred their HSL to their children and the elderly people moved off. People from the Bennett-freeze area should be involved here, but they are not here.
- 11) Another question regarding some people/applicants scratching off some information and getting their HSL finalized.
- 12) Sharon (part Navajo & Hopi): She has a HSL, but she now needs HSL for her children they have no place to move or to get a HSL. She wants a land/HSL for her children and wants to view a map to find some lots. She finds places with restricted area.
- 13) Mr. Billygoddy: He finds lots of grazing areas are overlapping and it is hard to work with it. This area is reserved for administrative area.

near his house. He was informed that he can not connect to the APS powerline. He did not see any sign or notice regarding this public education on HSL, you should inform the people/public about this in advance of about 2 months ahead.

An approved lease, house built in 1940's, what happens if there is an archaeological site on the site, who does the house belong too? And the person applies for a new site about ½ a mile from the house.

NHA, you submit application and the HSL is return due to lacking documents like deed, legal description or conveyance/partial assignment. Do I have to re-do the whole application? Or just submit the requested info along w/the returned application.

Over fencing, is there a fine for removing/moving rebars? In the meantime, what happens right now? Who gets the charge? Is the applicant responsible for the fee?

Transferred HSL to sister, brother-law keeps pulling the rebars out. Why did I pay for the resurvey fee and when I go over there, cops are called in and I'm asked to leave. I have the grazing permit within that district/unit.

Who enforces all the regulation? Like right now, it all sounds good but enforcement portion is not identified.

What are the consequences or fine when the company or someone else remove the rebars or does damage to the property?

HSL is only for residential purposes? Corrals on these approved HSL, all corral should be outside of HSL if the individual has a grazing permit.

Farm Permit is not for an arena, should only be for farming.

Incorporate tradition/culture into the policy/procedures. Whats wrong with relocating the archaeological site to somewhere else.

People that do not abide by the laws/regulation do not attend chapter meetings. Grazing regulation is just being table by our higher boss.

Enforcement – movement of trailer by kids on to the parent's approved lease – please keep in mind that some of our kids do not attend meetings – feels like we are chasing our kids off our lease

Hold public hearings for our input/recommendations.

July 22nd.

Comments:

1. $\frac{1}{2}$ review is still in issue, it should be more, there are wild ~~assertions~~ and other limited
2. HSL - Overlapping HSL - many of the ~~HSL~~ people are living too close and how are we going to fit the HSL into a neighborhood that are living close.
3. 9.04 Confessing
I have or less ($\frac{1}{2}$) = Need more clarification on the policy
Page Timberlake Chickadee Chytr
4. \$65⁰⁰ ~~for~~ around rates = who do we pay and where do we send the payment.
5. Allotted Land = The Policy does not address the issue. People are saying that if they have a residential lease and then allow to have a HSL on that land.
Le Chy Chytr
6. Can I have another HSL @ this point HSL and when I have the grazing privilege.
 - fresh is an issue = we need to have w/ the track issue
 - The policy need to have to be in green space, steel - demand
 - may - if it word.
 - with future fence
7. Larry Rogers =
Grammar is an issue of the HSL policy + procedures.

6.

6.08 = (continued) = 6.06

6.09 reflect of relative (use the definition relative) in this section.

Section: Requirements.

7.03 change all signature names should ...

thumbprint is used, F. ... one (1)

7.04. Cost of break down

Show the break down.

3 different lease allowed

- Bonding rental area
- 1 acres in turn ship.
- 1/2 acre in turn ship

Protection = put a clause on the lease application.

7.01.

Rush Spring,

Robert Munk

P.O. Box 219

Gannett, NM 87817

(505) 593-3073 (C)

high class

★

* Delay in tradition in making a decision (what is the impact)

1968 - The Nation (Time) - Interpreting laws differently

- * An individual gets legal document and makes them
- Start thinking they have powers
- * Traditional values needs to be included
- * Equal right / freedom; no restriction should be allowed
- * Fundamental laws

Recommends; Landuse plan Branch chapter,

15.4: Reference - be consist

E) Copy of minute from Dist. LGO Meeting

16: B) Written document from Comp. Officer why.

D, who the enforcement agent - Defere

Recommendation - 5 five agency - ask force to redefine

the policy with Agency Grazing Office, because
this policy only complete 50% - recommendation,

1- 15.08 HPL NPL-1320230 -

(2) Question Land Dispute by Grace Cancel Grazing Permit.

non-permittee - change,

" stay person shall not be denied vs-dispute

Administrative tree - recommends change to make official

Land withdrawal.

15.06-08 - concerns - permittee is non-permittee

Recommends; Stay with language on the propose statement.

Do not change it.

Chinle

AMENDMENTS
HOMESITE LEASE POLICY AND PROCEDURES
COMMENTS

SECTION: 7:14 Resurvey
Applies to elderly
• Highly cost for them

SECTION: 14.00 Responsible
Who? The Chapter - Officials / Delegates?
The Land Dept
• What about the Grazing Rep
He/she deals w/ Land Issues

SECTION: 17.00
Needs to be Enforced
• Bingo Hall • People selling from
• DANCE HALL Homes
• Fund Raising Activities

SECTION: 17:12
Needs to Be Enforced
This is BAD!



DR. JOE SHIRLEY, JR.
President

BEN SHELLY
Vice President

April 30, 2008

MEMORANDUM

TO : Navajo Land Department Staff:

- Rick McCabe, Principal Engineering Technician
- Nora James, Office Specialist
- Caroline Dale, Senior Homesite Agent
- Teddy Charles, Principal Engineering Technician
- Sarah Pete, Office Specialist
- Jimson Largo, Senior Engineering Technician
- Lisa Yazzie, Office Specialist
- Ray Joe, Senior Homesite Agent
- Suzanna Enos, Office Specialist
- Arlinda John, Senior Programs & Projects Specialist
- Jack Woodie, Senior Engineering Technician
- Irma Roanhorse, Administrative Assistant
- Everytt Begay, GIS Supervisor
- Alfred Dehiya, Senior Programs & Projects Specialist

FROM : Mike Halona, Department Manager III
Division of Natural Resources - Navajo Land Department

SUBJECT: Confirmation of Joint Work Session – June 11-13, 2008

The Navajo Land Department will conduct a joint work session with the Resources Committee on June 11-13, 2008, at Route 66 Casino Hotel, Albuquerque, New Mexico, to finalize the revision of the Navajo Nation Homesite Lease Policy and Procedures, the proposed Navajo Land Department Fund Management Plans and the Navajo Land Title Data System which is a huge step toward the Navajo Nation to having its own Title Plant to archive any/all land records and fees due to the Navajo Nation.

It is essential for your participation in the work session. The Navajo Land Department will cover the lodging expense through a purchase order. Therefore, staff will be required to double-up to save cost. Please coordinate with Arlinda on lodging by Friday, May 2, 2008. A tentative agenda is attached for your information. We look forward to a successful work session. If you need additional information, please call Mr. Charley, Senior Programs & Projects Specialist, at extension 7142. Thank you.

ATTACHMENT

xc: Harlan Charley, Senior Programs & Project Specialist
Chrono/File



DR. JOE SHIRLEY, JR.
President

BEN SHELLY
Vice President

May 12, 2008

MEMORANDUM

TO : Department Managers
Division of Natural Resources

FROM: W. Mike Halona, Department Manager III
Navajo Land Department

SUBJECT: Revised Homesite Lease Policies and Procedures

Attached is the revised Navajo Nation Home Site Lease Policy and Procedures for your comments. Please return your written comments to my office by Friday, May 23, 2008 to be incorporated onto the final draft for the Navajo Nation Resources Committee work session in June 2008.

Please call Mr. Harlan Charley, Senior Programs/Projects Specialist at extension 7142 if you have any questions. Thank you.

xc: Harlan Charley, Senior Programs/Projects Specialist
Chrono/File

Robert:

The staff went through the Homesite Policy on Wednesday, May 28th. We need assistances with languages the following area:

1. Page 6 – Probate - is the definition sufficient?
2. Page 18 – 9.03 There are situations at the agencies office where more than two people wants their names on the Homesite lease. EX: Five sisters in Tuba City want all their names on the homesite lease that belong to their decease mother. They all live off the reservation. To prevent more than two people names on the homesite lease, we need language to prevent the court granting the applicants.
3. Page 20 - 10.02-04 – In the event, that a Non-Navajo spouse is decease, how do we treat Non-Navajos without dependent? Does the NN grant the Non-Navajo the homesite lease in this event, especially if the house is mortgage? Can the NN compensate the Non-Navajo the value of the house?
4. Page 23 – 13.02 – Many of the people just abandoned their HSL when it comes to Arch clearances. Some are more then seven years. We would like to give them two years grace period to complete their clearances.
5. Page 28 – 15.02 –language in respect to court decision.

Subdivision Homesite Leases - The Resource Committee issued a resolution _____ to give the chapter the authority to assigned subdivision homesite leases with the final approval of the Resource Committee to issue homesite leases in subdivision? Does the Resources Committee have the final decision on subdivision homesite lease and sign-off on the homesite lease within subdivisions?

Harlan

19. Purpose, talk about purpose only. Other language put it on the preamble. Treat other with respect.
20. Scope: Natahgil, refer to them as Chapter, 18 communities.
21. PP does not refer to allotment, Eastern Navajo, address all as NN
22. Utilize as our Land not using BIA to guide us.
23. Navajo Tribe language change to Navajo Nation,
24. Section 6, Gray line Grazing , Land board, Farm – refer them to them as Navajo name, land official, Keyah official
25. 6:03 Cross out Approved by NN, redundant
26. 6:04 GPS – get cheap for \$100,
27. Location: The application must include a map from a held GPS, L & L, identify proposed HS. Pinpoint by GPS, homeowner, where home is be located is where the center point should be
28. 6:06: Refer before 7/28/88 and add full time residence or seasonally.
29. 6:07; Land change to appoint an alternate Grazing from same district.
30. 6:08: Add, subsection will carefully construed with subsection 606
31. 6:09; Very confusing, reflect definition, of relative, involving relation if such member, interested party, by blood should be who relatives are.
32. 7:00 Requirement, strike and
33. 7:03: All signature, should be all name reflect name record with CIB
34. Thumbprint, go with one only, one witness or two witness
35. 7:04: Costs, exhibit or attachments, cost break down, chart
36. 7:01: Three different sizes of leases, as option. Out in the boonies 2 acres, other areas identify 1 acre, ½ acre and etc.
37. Protection; Clause put into Lease,

July 22, 2009

Section: 7 Application Procedures and Requirement

1. Roland Tso – 7:01 Applicant should be given P&P to read and sign application stating that they read and understand P&P.
2. 7:03: Escorting applicant to get consent and thumbprint, witness (clarify)
3. 7:04: Concern on increased fees
4. 7:03: Inform applicant to fill out application before giving to Grazing Official, Using black ink, instead of blue
5. 7:03: Thumbprint Witness: go back to 6:03, Re-clarify: Grazing and NLD
6. Thomasita James, GO from Pinion: work with NHA, rent to own Leases, look into comply with NHA guidelines. Dist. 4, NPL, very crunched, people from HPL need to understand that they have given up their land for their land exchange, livestock ownership be excluded.
7. Procedure and Requirement – Separate the two
8. Grazing Responsibility – 10 days – nothing on timeline for application to return to applicant. Sign the ones that are signed if four are recommended and only three signed, application should not be forwarded.

3. Mr. Tso - Complaint: 1993 Objection format never been used by NLD (opinion). Disputes are just being referred back to Grazing Official to handle. Peacemaking no background in agricultural and range management, causes problem. Recommend that the present Dispute procedure stay as is, use it, make it work by using it. Refer to Page 27
4. Herman Spencer/Houck: No enforcement, Ranger "let me see what I can use for protection" Dist. 18 - has one Dispute that is 15 years old, went thru procedure and hearings, none, not resolved yet. Waiting for Hearing & Appeals' decision. Has no support from the Ranger Dept. Do you have meeting with Ranger's?
5. Cecil Hubble with Hopi/Relocation Office - 15.03 NPL - no longer, now is Navajo Land (Reservation) Newlands, no homesite lease disputes, homesite leases already exist, have power lines, area for grazing. No such things as homesite or grazing dispute. Withdraw land for our children returning to the Navajo reservation. Boundary (Chapter or voting) grazing district should supersede the voting boundaries.
6. 15.08 #2 - strike out LUP, keep make beneficial use in policy. If we say no vegetation, than put it writing to let BIA Natural Resource know. Don't use that as an excuse.
7. Mother passed 65 units grazing permit, minimum grazing allowed, grazing permit transferred to another chapter in Crystal, wants to transfer permit to Sawmill.
8. Fred Nelson, Grazing Official - Only two permit holder to now, grazing and archaeological sites.
9. Tom Bia - Like the policy and will orientate his community. Is elected to help his people. Use common sense about selecting sites, disputes. To avoid all commotion, inform your community, keep them informed. Policy put in place for our grandchildren to use in the future. Archaeologist is there to prevent you from any delay.
10. Comment: A lot of duties and responsibility, need help in the Dispute, put Police Dept. and Ranger, need to be involved and with the PD and Peacemaking. With their help they do a job as a Grazing Official. Levi ate paper work.
11. Shannon from Pinion: Objector has to have a valid permit, tally count? Permit passed on to another, do they have the right to object?
12. 15:08 - 1. To add impact human being and environment.
13. Mr. Tso - 77 Bar Ranch, land purchase at Grand Canyon, can that be used for our children? Let us get involved to make decision on land purchases with government. Chinle have been forgotten.
14. Henry Barber of Sanostee - Looking at the Policy & Procedure will be interpreting different by certain individuals. Older generation interpret laws differently. Grazing permit holders does not make you superior to your brothers and sisters. Develop laws as a Navajos. When some one is applying without any argument, which should be in place. Now have fundamental laws in Title I. Thanks NLD for doing the best NLD can. Officials, let keep going, let design this land.

~~High Personal Care Asst. III~~

~~High Personal Care Asst. III~~

~~Navajo Elem. Educational Asst.~~

613104

~~Junior Elem. Ed. Asst. Kindergarten~~

5/27/04

(Man spoke)

2nd Question - What mission is. As Navajo ~~and~~ do we own land, how are we connected to the land.

3rd Question: Testa Chapter - Lady, Small land that we have is being withdrawn for other business, ^{this station, etc.} when it should be saved for children, they live out in cities as homeless. Land is away from us.

4th Question - Man spoke, we're talking about policy that's not agreed yet.

Authority: RC Approval given to NLD Dir

LGA - Chapter All 3/p chapters certified

1/2 P4 Def are certified, the rest need to be certified

Questions - Mr. Gishay.

Sub: 95E4 Code provision in NV Code should be attached

we know what it states.

4 Standing Rock, N.M. - Title 2; LGA Lady don't like authority here.

Flagstaff person whose going to really have the authority in or B.L.A. over land issue, is B.L.A. taking land ~~and~~

Timeline

purpose - people are building too many homes, unauthorized. ~~claim~~ no more room for vegetation.

Confusion - There shouldn't be in tradition. NV, state & Fed & we have small #? Everyone should have access to land.

2d common law

old mesa No electricity, ditches, are they entitled to get water.

questions

July 22, 09

Typing in fencing & cow walked in, dog & cat
- Dams are there. Clean up your homesites, no old clothes
old mother.

Another grazing official said we already have a lot of
responsibility; & adding this responsible of field clearance
situation. An applicant don't need to be given one acre, it can
less if area is congested.

9.04: Size. One acre or less, clarify it more.

Allotment of homesite?

Trash Auto ~~to~~ Coconino Cty, picked up; LeChee Chapter
pick up trash for Senior Citizens. Help others, don't condemn.
Can a person have two homesites.

Shall, may, will

Tohatchi area spoke - EL Commission, Naale - Regain
Land - Chapter profile - 1989 during the trail of Mac Donald.

3.1 - Homesite Lease Regulations, rather than HHS Policy &
Procedures

Grazing official - should be Keyak official.

6.04 Global system

Witness portion, Consent form & 200RL forms.

Permit 600 - NHTA - Rent to Own - contract Dist. & NPL
zone - Cunch area. HPL needs to understand free home,
electricity, water. (Livestock should be exploited) Collateral
signature.

Time limit of how long 600 should take to sign Appl.

512 participant, ~~Can they~~ Grazing permit) Can they be paid for
land?

TLA Ag 600 - Bennett freeze. Application should be
w/ 494.P for Clients for this area.

Robert Mark - Yes, you should access.

Robert Enrico - Eastern, Outside Agency - We work closely
to B.I.A. ~~Can~~ They use GPS already. Educate others
and is on map already.

15.02 Homestead Lease Dispute

Please re-zone grazing permits area. Grazing permit holders are the only voices being heard.

The really victims here are the children and grandchildren and other people that are just trying to obtain a acre for their livelihood. Please desperate want a homestead but no one wants to give.



Ts'ah Bii Kin Chapter

Martha Tate
President

Geraldine Chee
Vice-President

Calsey Richardson
Secretary/Treasurer

Jerry Happy Begay
Grazing Official

Herman Daniels Jr.
Council Delegate



Resolution
of the
Ts'ah Bii Kin Chapter
TBK 2017-008-013

REQUESTING THE RESOURCES AND DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL TO RESCIND LEGISLATION #0380-16 FOR HOMESITE LEASE DUE TO NO PUBLIC HEARINGS

WHEREAS:

1. Pursuant to N.N.C., Section 3 (A), the Ts'ah Bii Kin Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and vested with the authority to discuss all matters affecting the Navajo people and its Nation; and
2. Pursuant to N.N.C., Section 1 (B), the Ts'ah Bii Kin Chapter is vested with the authority to review all matters affecting the community, make appropriate corrections when necessary, and provide recommendations to the Navajo Nation and other local agencies for appropriate action(s); and
3. The Ts'ah Bii Kin Chapter requests that the Resources and Development Committee rescind Legislation 0380-16 due to no public hearings being offered, and;
4. The Ts'ah Bii Kin Chapter sees it in the best interest of the Navajo people that such issues should be put back before the people and that the Resources and Development Committee should not be the final authority on such issues that affect the Navajo People, and;
5. It is important that the Navajo People be given back the authority to decide what they want for themselves and their future, the Government or any sub entity should not be the sole decider on issues that will impact the lives of the Navajo People.

NOW THEREFORE BE IT RESOLVED THAT:

The Ts'ah Bii Kin Chapter hereby requests that the Resources and Development Committee rescind Legislation 0380-16 due to no public hearings. Issues that greatly impact the people should not only be decided by the Government and any sub entity, it should be brought back before the people for consideration.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by Ts'ah Bii Kin Chapter at a duly called meeting in Ts'ah Bii Kin, Arizona at which a quorum was present and the same was passed by a vote of 35 in favor 0 opposed and 3 abstained on this 8th day of January 8th 2016.

Motioned By:

Gina Blake

Martha A Tate, President

Second By:

Jaine Nodestine

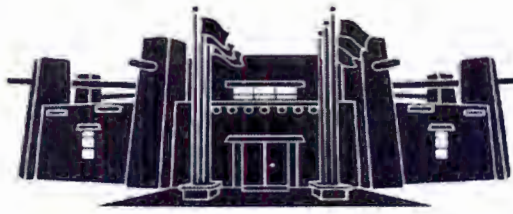
Geraldine Chee, Vice-President

Calsey Richardson

Calsey Richardson, Secretary/Treasurer

Jerry H. Begay

Jerry H. Begay, Grazing Official

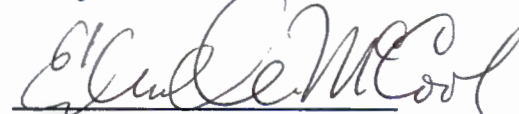


MEMORANDUM

TO:

Honorable Herman M. Daniels
Navajo Nation Council

FROM:


Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE:

February 1, 2017

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT;
RESCINDING RESOLUTION RDCO-74-16 "RELATING TO RESOURCES AND
DEVELOPMENT; APPROVING THE AMENDMENTS TO THE NAVAJO NATION
HOMESITE LEASE REGULATIONS"

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0050-17

SPONSOR: Herman Daniels

TITLE: An Action Relating To Resources And Development; Rescinding Resolution RDCO-74-16 "Relating To Resources And Development; Approving The Amendments To The Navajo Nation Homesite Lease Regulations"

Date posted: February 2, 2017 at 4:36pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0050-17

SPONSOR: Honorable Herman M. Daniels

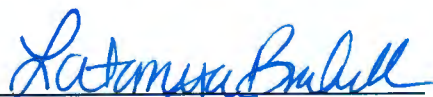
TITLE: An Action Relating To Resources And Development; Rescinding Resolution RDCO-74-16 "Relating To Resources And Development; Approving The Amendments To The Navajo Nation Homesite Lease Regulations"

Posted: February 2, 2017 at 4:36 PM

5 DAY Comment Period Ended: February 7, 2017

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



**Policy Analyst
Office of Legislative Services**



Date/Time