

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 JAMMIE BILLIMAN FOR A HOMESITE LEASE WITHIN THE NAVAJO COMMERCIAL FORESTRY AREA AND WITHIN SAWMILL CHAPTER, NAVAJO NATION (APACHE COUNTY, ARIZONA)

SECTION ONE. AUTHORITY

- A. The Navajo 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. Jammie Billiman 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 Sawmill Chapter through Resolution SAW-12-13-21-04, 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.
- E. A Field Clearance Certification for Homesite Lease Application signed by the Grazing Official/Land Board Member concerning Grazing Management District 18-2 in the community of Sawmill Chapter, states that there is "[n]o grazing permit holder in area" of the proposed homesite development. The Field Clearance Certification for Homesite Lease Application is attached as **Exhibit D**.
- F. 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.

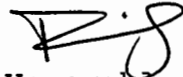
SECTION THREE. WAIVING RESOLUTION NO. RDCJY-142-92

- 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 Jammie Billiman 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.

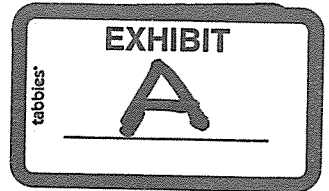
CERTIFICATION

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.

A handwritten signature in black ink, appearing to be 'R. Nez', is written above the printed name.

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:

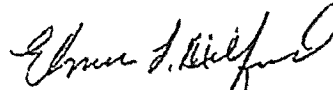
1. The Resources Committee issues a moratorium on construction and approving any new homesite leases, range units and

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

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN
AFFAIRS NAVAJO AGENCY AND NAVAJO NATION

☒ Field Clearance
☒ Consent
☒ Filing Fee
☒ Certificate of Indian Blood

FOR OFFICE USE ONLY

☐ Land Status
☒ Archaeology Report
☐ CRC Form
☒ BRC Form

☒ EPA Letter
☒ Survey Plat
☒ NEPA Fee
Reviewed by: dt 11/12/20

HOMESITE LEASE APPLICATION FORM

Date: [Signature]NAME: Jammie Billiman Census No. _____ Age: _____NAME: Tionne Charley Census No. _____ Age: _____ADDRESS: [Signature]

HOME PHONE NO. _____ WORK NO.: _____

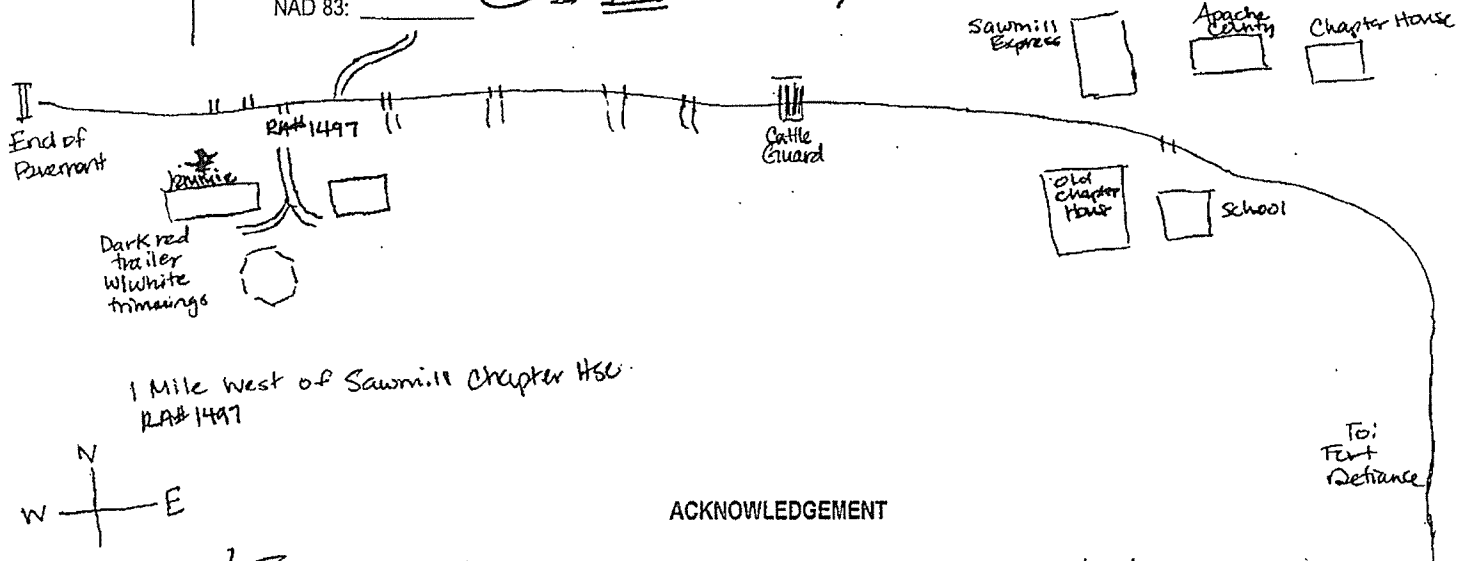
CELL PHONE NO. _____ EMAIL: _____

I, (We) hereby apply for one 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 sixty five (65) years within: SECTION _____ TOWNSHIP _____ RANGE _____.

CHAPTER: Sawmill STATE: ArizonaCOUNTY: Apache AGENCY: Fort DefianceGRAZING DISTRICT: 18 UNIT: 2

DRAW A MAP SHOWING THE LOCATION AND DIRECTION TO THE PROPOSED HOMESITE.

N
Latitude: N Degree: 35° 53' 27.1" Minutes: 53' Second(s): 30 27.1"
Longitude: N Degree: 109° 10' 45.2" Minutes: 10' Second(s): 30 45.2"
NAD 83: _____



1 Mile west of Sawmill Chapter Hse.
RA# 1497

ACKNOWLEDGEMENT

Tom Billiman
Grazing Official / Land Board Member
FORM - HSLA06

6/21/19

Date

ELIGIBILITY REQUIREMENTS

1. You must be an enrolled member of the Navajo Tribe or a non-member that meets the requirements set forth under Section V Part (C) (i) (ii) of the Homesite Lease Policy & Procedures.
2. You must be eighteen (18) years of age or older.

ACKNOWLEDGEMENT

I, (We), acknowledge and understand the Homesite Lease Restrictions and conditions set forth by the Navajo Nation laws:

1. An established Homesite Lease is intended for residential purposes only. All other illegal usages are prohibited.
2. Homesite leased area will not be used as a business site lease, mission site, a grazing permit, a bingo hall, dance hall, abandoned vehicles, or any fund raising activities. Lessee may not charge rent, sublease, lease or act as a landlord within a homesite lease premises.
3. Lessee(s) shall not engage in any illegal activities (bootlegging, gaming, and other illegal drug activities, etc.) on an established homesite lease. Illegal activities will be grounds for termination of Homesite Lease by Navajo Nation Court Order and Federal action.
4. Homesite lease 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 entire 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. A homesite lease cannot be approved within 750 feet within the right-of-way of a major highway (State; County; Tribal; Federal).
8. Burial site is prohibited within a homesite tract according to Resolution RCD-216-99.
9. All livestock and corrals are prohibited within a homesite lease tract.
10. A written authorization from the Grazing Committee is required if the proposed homesite is within a half mile of government or Navajo tribal developed permanent livestock watering point (3 N.T.C. 714 et seq.).
11. Navajo Trust / Fee land cannot be sold. Any permanent improvements on existing homesite lease may be sold at fair market value, if it is properly recorded utilizing a purchase agreement.
12. No Homesite Lease Application shall be considered by the local Grazing or Land Board Officer when it has been determined that such lands have been formerly withdrawn or otherwise obligated for community purposes, e.g. subdivision plans, zoning, existing community projects.
13. The Navajo Nation advises that all applicants do not disturb or construct on any proposed sites before final release of Homesite Lease Application. Be advised that Federal Laws may restrict or null Application.
14. A finalized homesite lease authorizes a lessee to encumber the leasehold interest of a homesite lease for building improvements.
15. There is a non-refundable ~~one~~ ^{Twelve (\$12.00)} dollar (\$1.00) annual fee for the lease that must be paid to the Navajo Nation each year in advance following the date of execution for term of the lease ~~65~~ ⁷⁵ years.

OCT 23 2020



THE NAVAJO NATION

JOE SHIRLEY, JR.
PRESIDENT

BEN SHELLY
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

PART A (To be used if applicant is enrolled)

FORT DEFIANCE

AGENCY

JULY 10, 2007

DATE

I certify that JAMMIE BILLIMAN is listed on the Navajo Indian Census Roll, dated
January 01, 1940, which is an official record of this office as being of _____ Degree Navajo
Indian blood, with Roll Number, _____, Date of Birth _____

Record: JANUARY 08, 1981.

itahaka
For/Vital Statistic Manager
Office Assistant/ *ab*

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

Sawmill Chapter

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



RESOLUTION OF THE SAWMILL CHAPTER

SAW-12-13-21-04

APPROVING AND SUPPORTING JAMMIE BILLIMAN 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. Jammie Billiman has applied for a homesite lease within the Navajo Commercial Forestry Area and within the Sawmill Chapter, Navajo Nation and the Navajo Forestry Department will need to waive the Moratorium Law for her homesite application; and

NOW THEREFORE BE IT RESOLVED THAT:

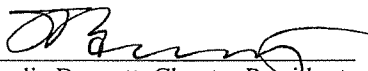
The Sawmill Chapter hereby supports Jammie Billiman request to Navajo Land Department and Navajo Forestry Department to approve and acquire a homesite lease located in Sawmill Community and to request the Resource & Development Committee of the 24th Navajo Nation Council to waive the moratorium law (RCJY-142-92).

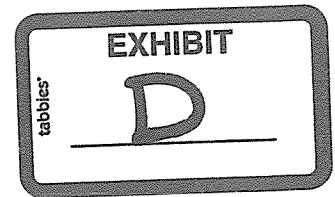
CERTIFICATION

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 3 in favor, 0 opposed and 1 abstained this 13th day of December 2021

Motion by: Shawn Livingston _____

Second by: Lewis Shirley _____


Woodie Bennett, Chapter President



FIELD CLEARANCE CERTIFICATION
FOR
HOMESITE LEASE APPLICATION

I, Tom Billman, Grazing Official or Land Board Member of Grazing Management District 18-2 community of Shawnee Chapter have identified the following individuals as land use or grazing permittee(s) who are directly affected by the proposed homesite development as illustrated and proposed by the following homesite lease applicant(s):

Jammie Billman
Homesite Lease Applicant
(Print Name)

Homesite Lease Applicant
(Print Name)

AUTHORIZED GRAZING /LAND USE PERMITTEE
(THIS IS NOT A CONSENT FORM)

	NAME	CENSUS NO.	PERMIT NO.
1.	<u>No grazing permit holder in area</u>	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

CERTIFICATION

According to my records and to the best of my knowledge, the list of the affected permittee(s) referenced above includes all of the permitted land users who are directly affected by the proposed homesite development.

1. Are there any improvement(s) on the proposed site? (i.e. Roads, Trails, Power lines, etc.) If so, describe:

2. Is there a permanent structure on the proposed site? _____ If so, when was the house built? _____

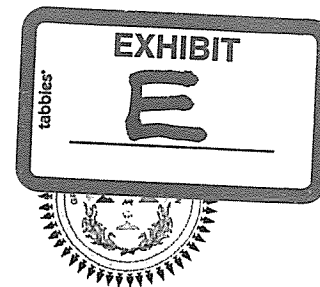
Does the applicant now live in the house? _____

Tom Billman
Grazing Official/ Land Board Member

6-21-19
Date

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



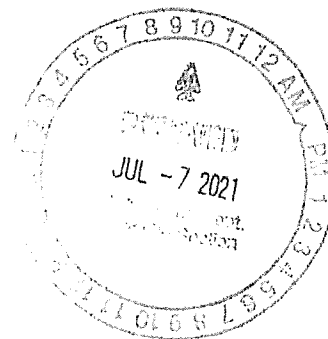
June 25, 2021

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 Jammie Billiman c# [redacted] /Tionne Charley
P.O. Box 364, Fort Defiance, Arizona 86504



On May 06, 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, (1) mile west of Sawmill Chapter house, RA#1497, approximately 550 feet off Hwy N7, mile post 15.3, Sawmill, Arizona. The site has scattered ponderosa pine trees on site. Approved Homesite Lease is required for utility line to be install for a Red Mobile home trailer structure on the proposed site, along with several non-operational vehicles parked around the structure. The ground is level for the structure. The site is next to her parents homesite and they have utility on site. The structure was placed since 2010.

At the time of contact with the applicate she is renting at Navajo Housing Authority housing. Sawmill Grazing Official referred her to the proposed site.

GPS reading at the general area is N35° 53' 26.56" / W109° 10' 46.24".

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 committee's 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; Jammie Billiman/Tionne Charley
Grazing Official, Sawmill Chapter

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

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

FOURTH YEAR 2022

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

LEGISLATION #0082-22: An Action Relating to Resources and Development; Waiving the Applicability of Resolution No. RCJY-142-92 with Respect to the Homesite Lease Application for Jammie Billiman for a Homesite Lease within the Navajo Commercial Forestry Area and within Sawmill Chapter, Navajo Nation (Apache County, Arizona). *Sponsor: Honorable Wilson C. Stewart, Jr.*

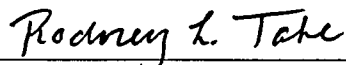
Date: April 29, 2022 – Special Meeting (Nenahnezad Chapter & Teleconference)
Location: Nenahnezad Chapter – County Road 6675 & Navajo Route 365 – Fruitland, Navajo Nation (New Mexico) 87416
Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Consent Agenda Motion:

M: Mark A. Freeland **S:** Kee Allen Begay, Jr. **V:** 5-0-1 (CNV)
In Favor: Thomas Walker, Jr.; Kee Allen Begay, Jr.; Herman M. Daniels; Mark A. Freeland; Wilson C. Stewart, Jr.
Opposition: None
Excuse: None
Not Voting: Rickie Nez, *Chairperson*



Honorable Rickie, *Chairperson*
Resources and Development Committee



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