

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 NELLIE C. TSOSIE FOR A HOMESITE LEASE WITHIN THE NAVAJO COMMERCIAL FORESTRY AREA AND WITHIN TSAILE/WHEATFIELDS 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. Nellie C. Tsosie has applied for a homesite lease within the Navajo Commercial Forestry Area and within Tsaile/Wheatfields Chapter, Navajo Nation (Apache County, Arizona), as further described in the attached **Exhibit B** and has 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 Tsaile/Wheatfields Chapter, Navajo Nation (Apache County, Arizona) and is more particularly described on the map attached hereto and incorporated herein as **Exhibit B**.

- D. The Tsaile/Wheatfields Chapter through Resolution dated October 7, 1990 attached as **Exhibit C**, supports the homesite lease request and requests that the "Navajo Land Administration of the Division of Resources to the appropriate action to expedite the homesite certificate."
- E. The Tsaile/Wheatfields Chapter through Resolution dated March 22, 2022 attached as **Exhibit D**, "approves and supports Nellie Tsosie's request to meet with The Resources and Development Committee regarding Homesite Lease request."
- F. A Field Clearance Certification for Homesite Lease Application signed by the Grazing Official/Land Board Member concerning Grazing Management District 11-3 in the community of Wheatfields Chapter, states that there is "No consent needed. No Permittee within ½ miles and House was built in Oct. 1984." The Field Clearance Certification is attached as **Exhibit E**.
- G. In an undated memorandum from the Forest Services Program/NFD to the Homesite Agent, Chinle Land Department, Division of Natural Resources, attached as **Exhibit F**, states the homesite lease application is within the commercial forest boundary. "It is the opinion, the Navajo Forestry Department not to allow the above name applicant to not to get a homesite lease for the site. Navajo forestry department is made aware of the established residential home at the above location. ... However, 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. The site cannot be considered 'new construction' because the structures on site predate the moratorium."

SECTION THREE. WAIVING RESOLUTION NO. RCJY-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 Nellie C. Tsosie for a homesite lease application within the Navajo Commercial Forestry Area and within Tsaile/Wheatfields 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 following resolution was duly considered by the Resources and Development Committee of the 24th Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, on this 26th day of October 2022.



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

Motion: Honorable Wilson C. Stewart, Jr.
Second: Honorable Thomas Walker, 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

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

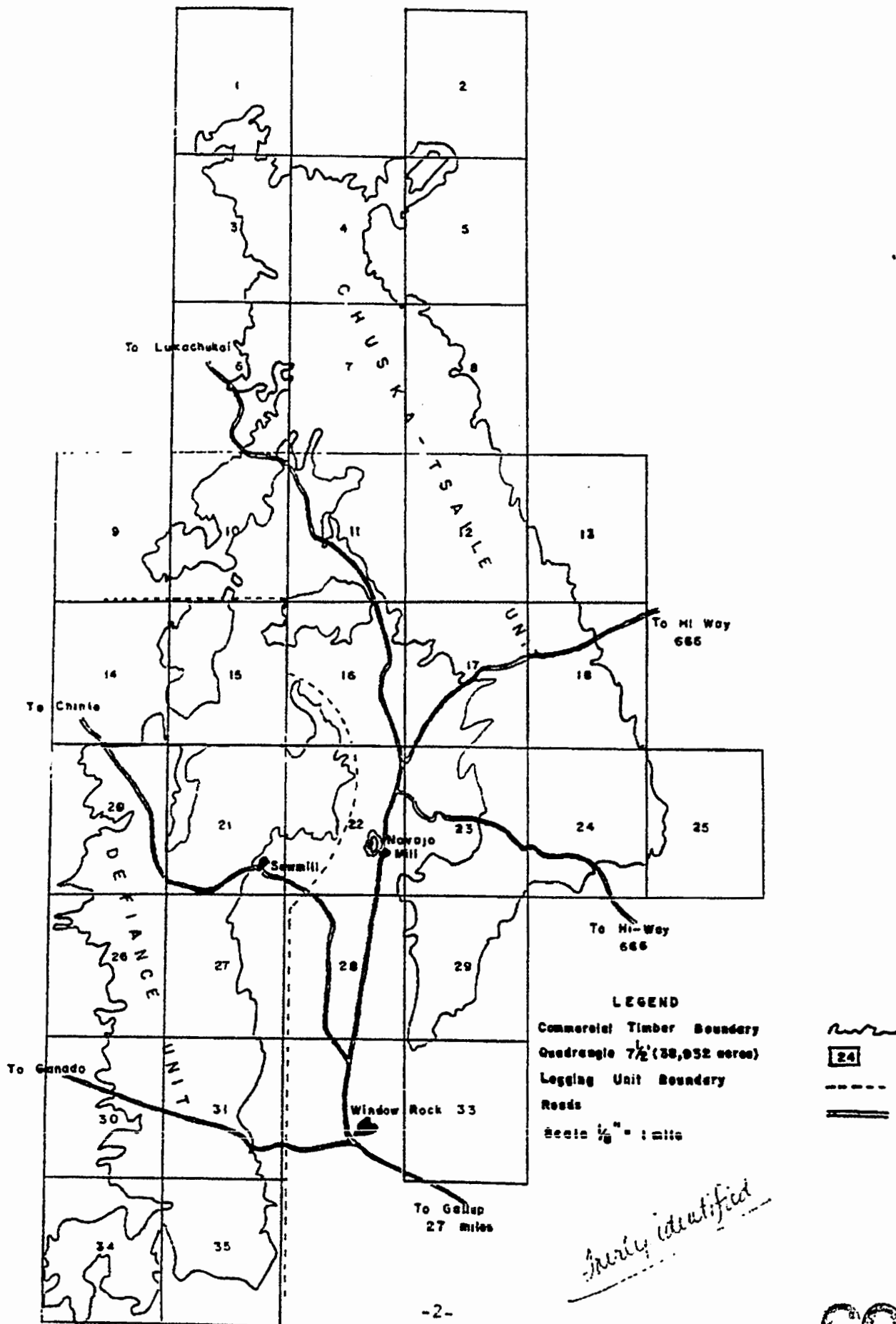
I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this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

Motioned: Irving Billy
Seconded: Mark Peshlakai

ADMINISTRATIVE

FIGURE 2.1

NAVY WORKING CIRCLE
COMMERCIAL TIMBER LANDS





FOR OFFICE USE ONLY

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

SECTION 1

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

(Pursuant to CIB)

NAME: Nellie Chee Tsosie CENSUS NO. _____ DOB: _____

NAME: _____ CENSUS NO. _____ DOB: _____

ADDRESS: Post Office Box

TELEPHONE NO.: (928) _____ CELL: () _____

MESSAGE: (928) _____ EMAIL ADDRESS: _____

CHAPTER: Tsaile/Wheatfields AGENCY: Chinle

COUNTY: Apache STATE: Arizona

GRAZING DISTRICT: _____

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.

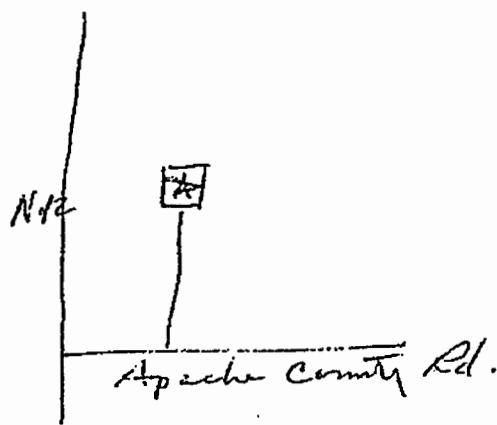
Biological Map Zone:

BLUE/Area 3 ☐

GRAY/Area 4 ☐

Datum: NAD 83 Latitude: N Degree: 36 Minutes: 13 Second(s): 02.4"

Longitude: W Degree: 109 Minutes: 06 Second(s): 02.8"



ACKNOWLEDGEMENT

○ Branding
Consent

Charles R. Chie
Grazing Official / Land Board Member

12/16/2021
Date

ATTACHMENT A

Table 2. UTM Coordinates and Legal Descriptions of NNAD-99-262 Project Participants' Homes (Figures 6-9).

Project Participant(s)	UTM Coordinates (Zone 12)	Legal Description
2.	4011270N, 670010E	T.33N, R.30E, unplatted
3.	4011300N, 670050E	T.33N, R.30E, unplatted
4.	4011250N, 670060E	T.33N, R.30E, unplatted
5.	4011210N, 669970E	T.33N, R.30E, unplatted
6.	4011190N, 670030E	T.33N, R.30E, unplatted
7.	4011010N, 670220E	T.33N, R.30E, unplatted
8.	4010420N, 670990E	T.33N, R.30E, unplatted
9.	4010450N, 671020E	T.33N, R.30E, unplatted
10.	4010770N, 671390E	T.33N, R.30E, unplatted
11.	4010700N, 671880E	T.33N, R.30E, unplatted
12.	4010380N, 672460E	T.33N, R.30E, unplatted
13.	4010310N, 672420E	T.33N, R.30E, unplatted
14.	4010280N, 672640E	T.33N, R.30E, unplatted
15.	4010290N, 672680E	T.33N, R.30E, unplatted
16.	4010210N, 672670E	T.33N, R.30E, unplatted
17.	4010190N, 672650E	T.33N, R.30E, unplatted
18.	4010170N, 672610E	T.33N, R.30E, unplatted
20.	4010490N, 672790E	T.33N, R.30E, unplatted
20a.	4011640N, 672630E	T.33N, R.30E, unplatted
21.	4010610N, 673230E	T.33N, R.30E, unplatted
22a.	4010990N, 673230E	T.33N, R.30E, unplatted
23.	4010930N, 673470E	T.33N, R.30E, unplatted
24.	4010880N, 673610E	T.33N, R.30E, unplatted
25.	4011070N, 673630E	T.33N, R.30E, unplatted
26.	4010940N, 673660E	T.33N, R.30E, unplatted
27.	4011490N, 673210E	T.33N, R.30E, unplatted
28.	4011440N, 673130E	T.33N, R.30E, unplatted
28a.	4011340N, 673220E	T.33N, R.30E, unplatted
28b.	4011220N, 673160E	T.33N, R.30E, unplatted
29.	4009990N, 674420E	T.33N, R.30E, unplatted
29a.	4010310N, 674280E	T.33N, R.30E, unplatted
30.	4010640N, 674910E	T.33N, R.30E, unplatted
31.	4010590N, 675060E	T.33N, R.30E, unplatted
32.	4010570N, 675080E	T.33N, R.30E, unplatted
33.	4010260N, 675240E	T.33N, R.30E, unplatted
34.	4009770N, 671930E	T.33N, R.30E, unplatted
35.	4009090N, 672110E	T.33N, R.30E, unplatted
36.	4009730N, 671420E	T.33N, R.30E, unplatted
36a.	4009610N, 671360E	T.33N, R.30E, unplatted
38.	Sammie/Nellie Tsosie 4009540N, 670770E	T.33N, R.30E, unplatted
39.	4009220N, 669890E	T.33N, R.30E, unplatted
40.	4008850N, 671060E	T.33N, R.30E, unplatted
41.	4009180N, 670590E	T.33N, R.30E, unplatted
42.	4010240N, 669970E	T.33N, R.30E, unplatted
43.	4010660N, 669760E	T.33N, R.30E, unplatted
43a.	4010420N, 669740E	T.33N, R.30E, unplatted
44.	4011300N, 669340E	T.33N, R.30E, unplatted
45.	4011480N, 669410E	T.33N, R.30E, unplatted
46.	4011460N, 669380E	T.33N, R.30E, unplatted
47.	4012180N, 669600E	T.33N, R.30E, unplatted
48.	4011780N, 669490E	T.33N, R.30E, unplatted
48a.	4011990N, 669530E	T.33N, R.30E, unplatted
49.	4011570N, 669340E	T.33N, R.30E, unplatted
51.	4011500N, 669170E	T.33N, R.30E, unplatted
53.	4011710N, 669130E	T.33N, R.30E, Unplatted

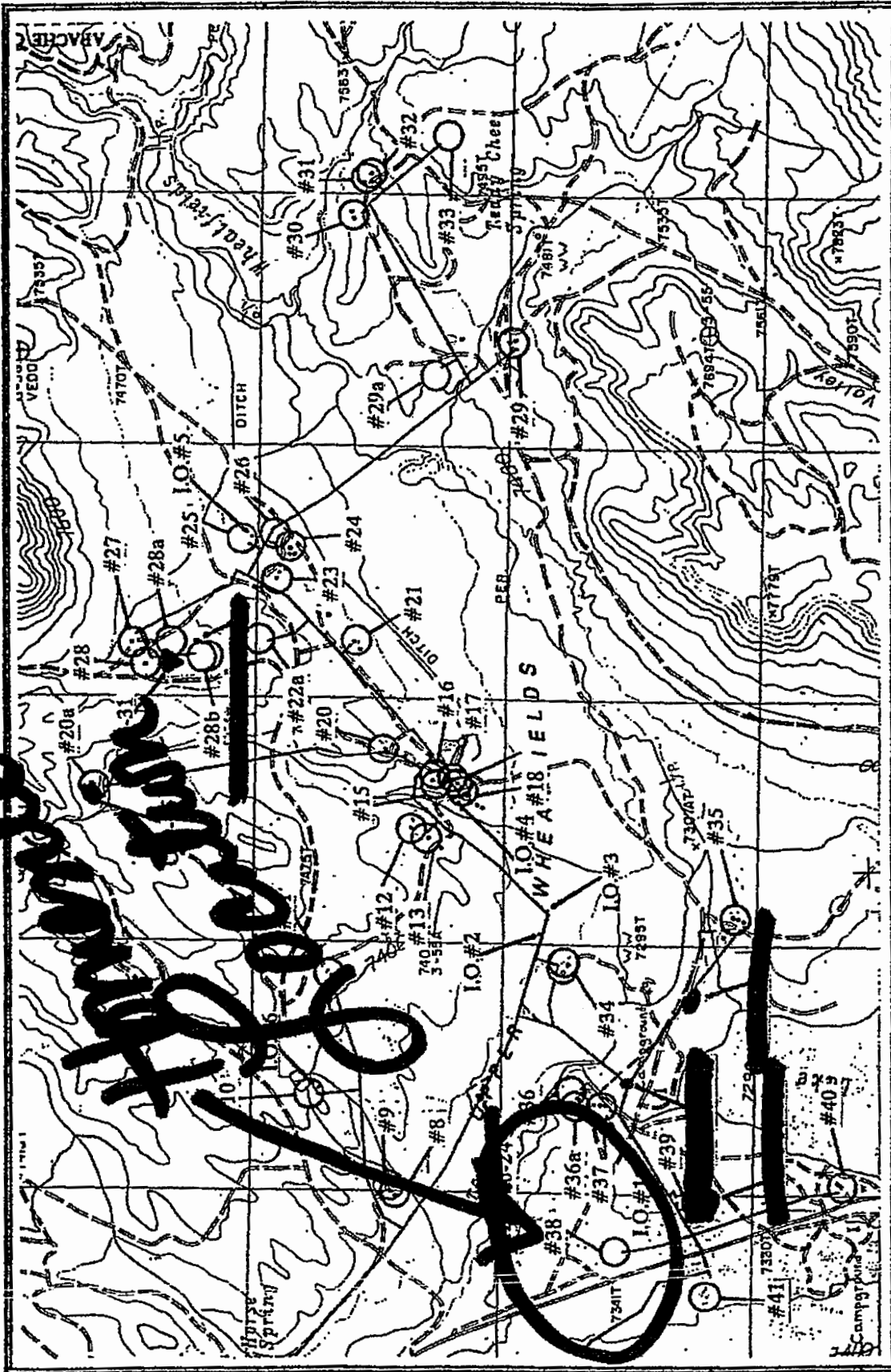


Figure 6. Locational Map of Project Participants' Homes and of Cultural Resources Identified during the NNAD-99-262 Inventory. USGS 7.5' Series Map Reference: Upper Wheatfields, Ariz.-N. Mex., Provisional Edition 1983.



THE NAVAJO NATION

JONATHAN NEZ
PRESIDENT

MYRON LIZER
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO INDIAN BLOOD

PART A (To be used if applicant is enrolled)

CHINLE
AGENCY

October 22, 2020
DATE

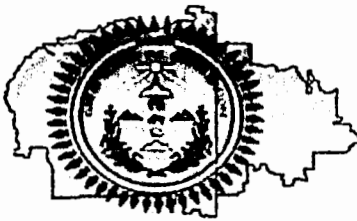
I certify that NELLIE DECHEE is listed on the Navajo Indian Census Roll, dated January 01, 1940, Which is an official record of this office as being of 4/4 Degree Navajo Indian blood, with Roll Number, , Date of Birth

Record: 00-00-1946


FOR/ PROGRAM MANAGER, I
VST/ib

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

NAVAJO NATION OFFICE OF VITAL RECORDS & IDENTIFICATION
P.O. BOX 3240 ♦ Window Rock, ARIZONA 86515



CHECKLIST FOR HOMESITE LEASE (HSL) APPLICATION

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

Homesite Lease Application Requirements

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

Grazing Official/Land Board Member Responsibilities

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

Submit Completed Application to the Navajo Land Sub-Office

Navajo Land Office, Post Office Box 2179, Chinle, AZ 86503	caroldale@frontiernet.net	(928) 674-2056
Navajo Land Office, Post Office Box 948, Crownpoint, NM. 87313	annawillie@dinebikayah.org	(505) 786-2376
Navajo Land Office, Post Office Box 208, Shiprock, NM 87420	toniasam@dinebikayah.org	(505) 368-1120
Navajo Land Office, Post Office Box 3309, Tuba City, AZ 86045		(928) 283-3194
Navajo Land Office, Post Office Box 2249, Window Rock, AZ 86515	suzannenos@dinebikayah.org	(928) 871-6523

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

ELIGIBILITY REQUIREMENTS

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

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

1. A Homesite Lease is intended for residential purposes only. All other non-residential uses are prohibited.
2. Homesite lease area shall not be used as a business site, mission site, grazing permit, bingo hall, dance hall, abandoned vehicle storage, or any fund raising activities. Lessee may not charge rent, sublease, lease or act as a landlord within a homesite lease premises.
3. Applicants shall not disturb or commence construction activities on the proposed site until the applicant receives an approved homesite lease. Be advised the Federal Laws may restrict or null application.
4. Homesite lease may be fenced to avoid disputes; animal control; and for ingress and egress.
5. A finalized homesite lease is required prior to transporting mobile homes onto the Navajo Nation and a transportation permit must be obtained from the Navajo Land Department for a fee before any mobile homes enter the Navajo Trust or Fee Land.
6. Lessee shall maintain the lease premises in a safe and sanitary condition. All solid waste, hazardous waste materials such as non-operational vehicles, barrels, etc., must be disposed at approved sanitary landfill or transfer station. Lessee shall present a good appearance both inside and outside of the lease premises.
7. The Lessee's finalized Homesite Lease shall be available upon full payment of one (1) year (\$12 annual payment) payable in money order to the Navajo Nation and shall be paid at the Navajo Land Department.
8. A homesite application is not a homesite lease, therefore, it is not transferable by assignment or court order.
9. Lessee shall not use or cause to be used any part of the homesite lease premises for any unlawful conduct or purpose, including but not limited to bootlegging, gaming, and other illegal drug activities. Any illegal activities conducted on the homesite lease premises shall be considered a breach of the terms of the homesite lease.
10. 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.

Mollie C. Tso-Sie

Applicant

12-16-2021

Date

Applicant

Date

FOR JOINT APPLICANTS ONLY (CHOOSE ONLY ONE)**Joint Tenancy with Right of Survivorship:**

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

Tenancy in Common:

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

**Community Property:**

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

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

Signed this 16th day of December, 2021.

Mellie C Tsosie

Applicant Signature

Census Number

Applicant Signature

Census Number

FOR OFFICE USE ONLY

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

SECTION 1

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

(Pursuant to CIB)

NAME: Nellie Chee Tsosie CENSUS NO. _____ DOB: _____

NAME: _____ CENSUS NO. _____ DOB: _____

ADDRESS: Post Office Box , _____

TELEPHONE NO.: (928) _____ CELL: () _____

MESSAGE: (928) _____ EMAIL ADDRESS: _____

CHAPTER: Tsaile/Wheatfields AGENCY: Chinle

COUNTY: Apache STATE: Arizona

GRAZING DISTRICT: _____

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. 517668

Biological Map Zone:
BLUE/Area 3 ☐
GRAY/Area 4 ☐

Datum: NAD 83 Latitude: N Degree: 36 Minutes: 13 Second(s): 02.4"
Longitude: W Degree: 109 Minutes: 06 Second(s): 02.8"



N
↑

ACKNOWLEDGEMENT

○ Pending
Consent

Charles R. Chie

Grazing Official / Land Board Member

12/16/2021

Date




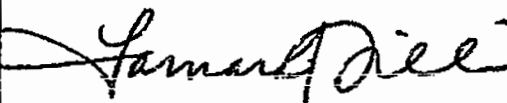
FILE COPY 9/23/14

THE NAVAJO NATION

HISTORIC PRESERVATION DEPARTMENT

PO Box 4950, Window Rock, Arizona 86515 Tel: (928) 871-7198 Fax: (928) 871-7886

CULTURAL RESOURCE INVENTORY DETERMINATION FORM

SPONSOR: Sammy & Nellie Tsosie	NNHPD NO.: HPD-01-296
ADDRESS: PO Box	PROJECT NO.: NNAD 99-262 / NA-99-M94
Tsaile, Arizona 86556	UNDERTAKING: Housing Assistance
REPORT TITLE: A Cultural Resources Inventory of Seventy-Eight Scattered Homes and Proposed Waterline Extensions in Wheatfields, Apache County, Arizona	
NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT RECOMMENDATIONS: A Cultural Resources Compliance Form (CRCF) may not be included in this "archaeological approval" due to the nature of sensitive cultural resources documented. This in no way affects any authority of the NNHPD-Cultural Resource Compliance Section to issue an "archaeological approval" for this undertaking. A cultural resource inventory survey is <u>not</u> required for this undertaking for reason(s) indicated below:	
	The proposed project is located within an area that has been previously inventoried for cultural resources and documented in the NNHPD report listed above. The previous archaeological inventory found that "No Historic Properties will be Affected" within the area of this undertaking. Archaeological approval is hereby granted for the undertaking within the area noted in attachment(s).
	Attachment A (Homesite #38 - Sammy/Nellie Tsosie)
	Attachment B (Homesite Location)
	Note: Attach USGS map copy of project area & other supporting documents.
<input type="radio"/>	Previous ground disturbance within the last fifty (50) years has modified the surface so extensively that the likelihood of finding any cultural properties is negligible (e.g., within a flood plain).
<input type="radio"/>	Undertaking will not require any surface disturbing activities (e.g. aerial spraying, hand application of chemicals, travel on existing roads, etc).
<input type="radio"/>	Other:
Reviewed by: Tamara Billie, Senior Archaeologist	DATE: September 23, 2014
NOTIFICATION TO PROCEED RECOMMENDED:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
 Navajo Nation Historic Preservation Department	DATE: 09/23/14

DISCOVERY CLAUSE

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 928.871.7248.

Nellie C. Tsosie
Post Office Box

December 16, 2021

Navajo Forestry Department
Attn: Mr. Michael Yazzie, Program Manager
Post Office Box 230
Fort Defiance, Arizona 86504

Mr. Yazzie,

I, Nellie C. Tsosie, requesting for a homesite which has been established and have been physically living there since 1984 with a residential home, Hogan and our livelihood. There is already a waterline and electricity hooked up to my home. I have been informed to receive a documentation from your department to verify your awareness and assessment of my request. The Wheatfields Chapter processed a resolution to assist in establishing my homesite Lease.

Your assistance in approving my request is appreciated. Any questions, please contact my daughter,

Applicant,

Nellie C Tsosie
Nellie C. Tsosie

tabbies®

EXHIBIT

C

WHEREAS:

- NOW THEREFORE BE IT RESOLVED THAT:

- # CERTIFICATION

Stanley P. Litman Sr.
GRAZING COMMITTEE

L. L. Yarns
COUNCIL DELEGATE

Kelly Farmer
COUNCIL DELEGATE

1990.

Herbert V. Clark

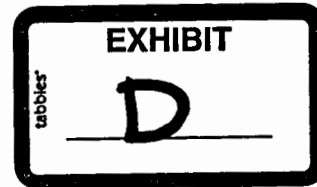
CHAPTER PRESIDENT

Verden L. Beyer
CHAPTER VICE PRESIDENT

Marcel R. Beaud
CHAPTER SECRETARY/TREASURER



Tsaile/Wheatfields Chapter
Post Office Box C18
Tsaile, Arizona 86556
Phone: (928) 724-2220 Fax: (928) 724-2223



Tsééhillí

TóDzis'á

Tsézhine

Devon Begay, President
Charles R. Chee, Grazing Committee

Stanley Kodelky, Vice President

Marinda DeChee, Secretary/Treasurer
Carl Roesel Slater, Council Delegate

TWFF-22-060

RESOLUTION OF THE TSAILE-WHEATFIELDS CHAPTER

SUPPORTING NELLIE TSOSIE'S REQUEST TO MEET WITH THE RESOURCE AND DEVELOPMENT COMMITTEE REGARDING HOMESITE LEASE REQUEST

WHEREAS:

1. Pursuant to Navajo Nation Council Resolution No. CJ-20-55, dated December 2, 1955, the Tsaile/Wheatfields Chapter is vested with authority and charged with the responsibility to promote, protect and preserve the interest and general welfare, including the health and safety of its community people; and
2. The Indian Self-Determination Act (P.L. 93-638) of U.S. Congress entitles and support us, Navajo Indians, in initiating plans and making decisions, recommendations, request, etc., according to our needs and desires; and
3. The Tsaile/Wheatfields Chapter recognizes that the Resource and Development 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
4. Mrs. Nellie Tsosie is a lifelong resident of Wheatfields, Arizona and registered voter of Tsaile/Wheatfields Chapter. Mrs. Tsosie is seeking a homesite lease for her current residence of 38 years; and
5. The Tsaile/Wheatfields Chapter supports community member Mrs. Nellie Tsosie request to meet with the Resource and Development Committee; and

NOW THEREFORE BE IT RESOVED THAT:

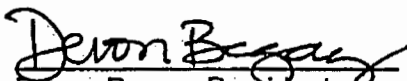
1. The Tsaile/Wheatfields Chapter hereby approves and supports Nellie Tsosie's request to meet with The Resource and Development Committee regarding Homesite Lease request.

CERTIFICATION

I hereby certify the foregoing resolution was duly considered by the Tsaile/Wheatfields Chapter at a duly called Regular Chapter Meeting at Wheatfields, Arizona at which a quorum was present and the same was passed by a vote of 14 in favor, 00 opposed and 01 abstained on this 22nd day of March, 2022.

Motion by: Rosita Tsosie

Second by: Della Begaye


Devon Begay, President

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



SECTION 1 - Grazing Officer/Land Board Member Responsibilities

I, Charles R. Choe, Grazing Official / Land Board Member of Grazing Management District, 11-3 community of Wheatfields 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):

Homesite Applicant
(Print Name)

Homesite Applicant
(Print Name)

SECTION 2 - Grazing Officer/Land Board Member Responsibilities

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

	NAME	CENSUS NO.	GRAZING PERMIT NO.
1.	<u>No consent needed, No</u>		
2.	<u>Permittee within 1/2 miles and</u>		
3.	<u>House was built in Oct. 1984.</u>		
4.			
5.			

SECTION 3 - Grazing Officer/Land Board Member Responsibilities

- Proposed Homesite is within the Navajo Partition Land (NPL): ☐
- Proposed Homesite is within Navajo fee land: ☐
- Are there any improvements(s) on the proposed homesite?
Roads: ☒ Trails: ☒ Power Line: ☒ Waterline: ☒ Others: _____
- Is there a permanent structure on the proposed site (House)? YES ☒ NO ☐
- If yes, when was the house built? 1984 (Year) Oct.
- Does the applicant now live in the house? YES ☒ NO ☐
- 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.
- 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.
- 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.
- 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.
- Is the proposed homesite within a farm plot or areas with Agricultural Land Use Permits? If yes, applicant must select a new site.

Charles R. Choe

Grazing Official / Land Board Member

12/16/2021

Date

CONSENT FORM FOR NAVAJO TRUST / FEE LAND

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

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

Signed this _____ day of _____, 20_____.

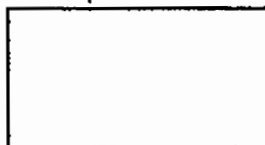
X _____
Permit Holder's Signature

Census #: _____

Grazing Permit No.: _____

Date of Issue: _____

Thumbprint



☐ Right
☐ Left

WITNESS: _____

ACKNOWLEDGED:

Grazing Official / Land Board Member

Date

Chapter

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

To; Caroline Dale, Homesite Agent
Chinle Land Department
Division of Natural Resource

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

Subject: Proposed Homesite Lease for Nellie Chee Tsosie

On December 26, 2021 I conducted an on-site field check for the above-mention applicant in reference to a proposed homesite lease, located in the Tsaille/Wheatfield's Chapter boundary. The proposed home site lease is within the commercial forest boundary; *therefore, the Housing Moratorium Resolution (RCJY-142-92) does Apply.* See attached map.

GPS reading at the general area is: N36° 13' 02.4" / W109° 06' 02.8"

The proposed home site lease is located along Navajo Route 12, MP 65.5 and C7240, North of Wheatfield's Lake, Wheatfield's, Arizona. The site consists of commercial Ponderosa Pine stand with Pinyon/Juniper tree stand.

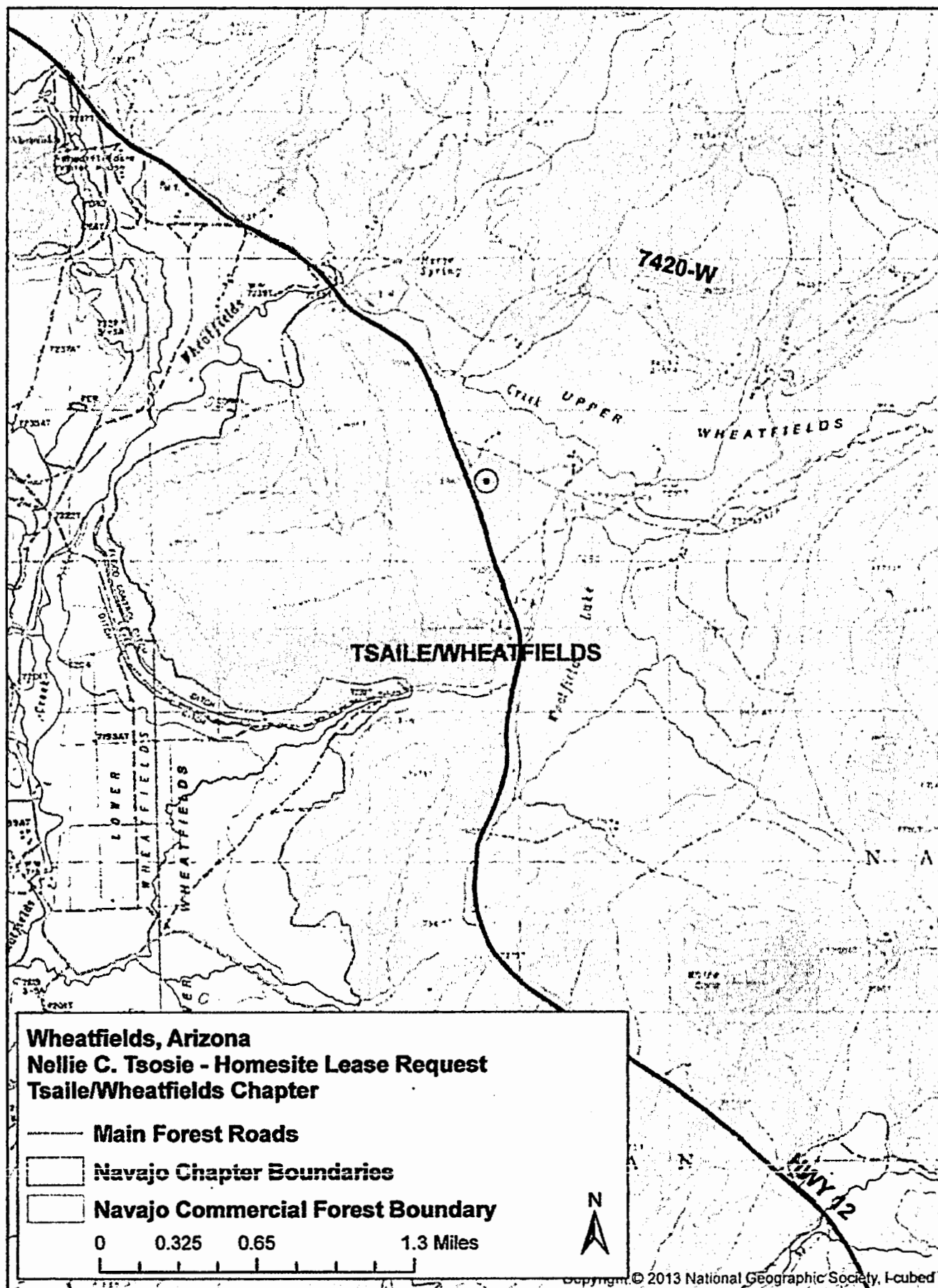
It is the opinion, the Navajo Forestry Department not to allow the above name applicant to not to get a homesite lease for the site. Navajo forestry department is made aware of the established residential home at the above location. It is understood the Tsaille/Wheatfield's Chapter is assisting with improvement needs for their people; (Applicant intention to have a new house built on site) However, 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.

The site cannot be considered "new construction" because the structures on site predate the moratorium. This is a "customary use" site. The Committee's intent is that such customary uses predating the Resolution are also grandfathered in. The powerline extension and waterline are already in place to the site. The applicant may continue to use the site as a "Customary Use" and not to build anymore new structures. New structures are to be considered trespass.

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

XC: File
Applicant: Nellie Chee Tsosie
Tsaille/Wheatfield's Grazing Official:

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**

LEGISLATION #0200-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; WAIVING THE APPLICABILITY OF RESOLUTION NO. RCJY-142-92 WITH RESPECT TO THE HOMESITE LEASE APPLICATION FOR NELLIE C. TSOSIE FOR A HOMESITE LEASE WITHIN THE NAVAJO COMMERCIAL FORESTRY AREA AND WITHIN TSAILE/WHEATFIELDS CHAPTER, NAVAJO NATION (APACHE COUNTY, ARIZONA). *Sponsor: Honorable Kee Allen Begay, Jr.*

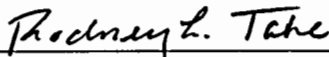
Date: October 26, 2022 – Regular Meeting (Teleconference)
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

Main Motion:

M: Wilson C. Stewart, Jr. **S:** Thomas Walker, 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
Excused: None
Not Voting: Rickie Nez, *Chairperson*



Honorable Rickie Nez, *Chairperson*
Resources and Development Committee



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