LEGISLATIVE SUMMARY SHEET
Tracking No. 0001-22

DATE: December 22, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; APPROVING WAIVERS OF THE LAND USER CONSENT REQUIRMENTS WITHIN THE NAVAJO NATION'S HOMESITE LEASE REGULATIONS, RESOLUTION NO. RDCO-74-16, SO THAT HOMESITE LEASE APPLICANTS CAN EXPEDITE THEIR HOMESITE LEASE APPLICATIONS DURING THIS STATE OF EMERGENCY DUE TO THE COVID-19 VIRUS; WAIVERS TO BE FOR A LIMITED TIME; AND COMPENSATION AND DUE PROCESS PURSUANT TO 16 N.N.C §§ 1401 *ET SEQ.* SHALL BE AFFORDED TO LAND USERS WHO HAVE NOT CONSENTED TO THE USE OF THEIR NAVAJO LAND FOR HOMESITE LEASES

PURPOSE: This resolution, if approved, will waive grazing permittee consent requirements for homesite lease applications until the COVID-19 State of Emergency is lifted. Grazing permittees who do not consent will be compensated.

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0001-22

AN ACTION

RELATING TO AN EMERGENCY; APPROVING WAIVERS OF THE LAND USER CONSENT REQUIRMENTS WITHIN THE NAVAJO NATION'S HOMESITE LEASE REGULATIONS, RESOLUTION NO. RDCO-74-16, SO THAT HOMESITE LEASE APPLICANTS CAN EXPEDITE THEIR HOMESITE LEASE APPLICATIONS DURING THIS STATE OF EMERGENCY DUE TO THE COVID-19 VIRUS; WAIVERS TO BE FOR A LIMITED TIME; AND COMPENSATION AND DUE PROCESS PURSUANT TO 16 N.N.C §§ 1401 *ET SEQ.* SHALL BE AFFORDED TO LAND USERS WHO HAVE NOT CONSENTED TO THE USE OF THEIR NAVAJO LAND FOR HOMESITE LEASES

BE IT ENACTED:

Section One. Authority

A. The Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. § 102(A).

B. Pursuant to 2 N.N.C. §164 (A)(16) "[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under

Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council."

Section Two. Findings

A. The Navajo Nation President issued Executive Order No. 001-20 declaring a state of emergency due to the COVID-19 virus on March 13, 2020.

B. On March 11, 2020, the Navajo Nation Emergency Management Commission declared a State of Emergency due to the COVID-19 virus. Resolution No. CEM-20-03-11.

C. The coronavirus pandemic has caused large scale infections and loss of life throughout the world, the United States and the Navajo Nation. As of December 15, 2021, the Navajo Nation Health Command Operations Center has confirmed 40,615 COVID-19 cases and 1,569 COVID-related deaths on the Navajo Nation.

D. A home is an important foundation for Navajos and Navajo families. A home provides comfort, safety and security for Navajos, Navajo families, and Navajo communities throughout the Navajo Nation. A home is an integral part of Navajo Fundamental Law, culture, community development, and economic development.

E. In 2000, the Navajo Nation Trust Land Leasing Act of 2000 (Pub. L. No. 106-568, §§ 1201- 1203, 114 Stat. 2868, 2933 (codified at 25 U.S.C. § 415(e)) was approved by the United States to streamline the leasing process within the Navajo Nation by allowing the Navajo Nation to approve leases without Bureau of Indian Affairs approval.

F. By Resolution No. RDCO-74-16, attached as **Exhibit A,** the Resources Committee of the Navajo Nation Council approved amendments to the Navajo Nation's Homesite Lease Regulations based on recommendation from the Navajo Land Department and in accordance with the Navajo Nation Trust Land Leasing Act of 2000.

G. The current Navajo Nation homesite approval and leasing process is very cumbersome and time consuming. Many Navajo homesite lease applicants have waited years for their homesite leases to be approved by the Navajo Nation.

H. In this declared State of Emergency due to the COVID-19 virus, there is a need to waive the land user consent requirements within the Navajo Nation's Homesite Lease Regulations, Resolution No. RDCO-74-16.

I. "The Navajo Tribe has the power to take or authorize the taking of property without the consent of the owners of the property or of any interest therein, provided that the owners are given due process of law and just compensation. *Dennison v. Tucson Gas and Electric Co.*, 1 Nav. R. 95 (Nav. Sup. Ct. 1974).

J. If land user consent requirement within the Navajo Nation's Homesite Lease Regulations is waived, then land users who have not given their consent for the use of Navajo land for homesite leases shall be afforded just compensation and due process pursuant to 16 N.N.C. § 1401 *et seq.* (Compensation for Improvements and Customary Use Rights Upon Adverse Disposition of Land).

Section Three. Approving Waivers of the Land User Consent Requirements Within the Navajo Nation's Homesite Lease Regulations, Resolution No. RDCO-74-16

The Navajo Nation hereby approves waivers of land user consent requirements of the Navajo Nation's Homesite Lease Regulations, Resolution No. RDCO-74-16, so that homesite lease applicants can expedite their homesite lease applications during this declared State of Emergency due to the Covid-19 virus.

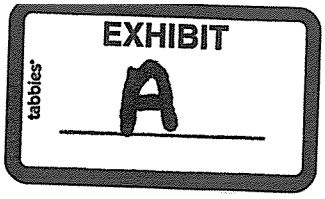
Section Four. 16 N.N.C. §§ 1400 *et seq.* Compensation for Improvements and Customary Use Rights Upon Adverse Disposition of Land

The Navajo Nation hereby authorizes the use of 16 N.N.C. §§ 1400 *et seq.* to afford land users who have not given their consent for homesite leases to receive just compensation and due process.

Section Five. Effective Date

A. The provisions of this Action shall become effective pursuant to 2 N.N.C. § 221 (B).

B. The provisions of this Action shall expire when the declared State of Emergency is rescinded, unless otherwise determined by resolution of the Navajo Nation Council.



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:

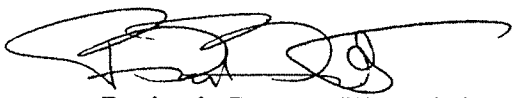
> **Legislation # 0380-16:** An Action Relating Resources and Development; Approving the Amendments to the Navajo Nation Homesite Lease Regulations.
> *Sponsor: Honorable Alton Joe Shepherd*

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)

EXHIBIT "A"



HOMESITE LEASE REGULATIONS 2016

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

Approved:
October 4, 2016
RDCO-74-16

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SECTION 1.00 AUTHORITY

1.01. Pursuant to 2 N.N.C. § 501 (B) (3), the Resources and Development Committee has authority to delegate its authority to approve homesite and residential leases to the Navajo Land Department by approving rules and regulations implementing the delegation of authority. Pursuant to Resources Committee Resolution No. RCD-289-93, the Resources Committee of the Navajo Nation Council delegated its authority to the Department Manager, NLD, to review and grant homesite leases. With the approval of the Navajo Nation General Leasing Regulations of 2013 by the Secretary of Interior pursuant to the Navajo Nation Trust Land Leasing Act of 2000, 25 U.S.C. § 415(e), the Navajo Nation is authorized to unilaterally issue Leases, except mineral Leases and Rights-of-Way, without the approval of the Secretary. These amendments to the Homesite Lease Regulations shall supersede the previous procedures approved by RCD-289-93 and implement the Navajo Nation General Leasing Regulations of 2013 as they relate to Homesite Leases. The Homesite Lease Regulations may be amended by the NLD consistent with applicable laws.

SECTION 2.00 PURPOSE

2.01 To implement the Navajo Nation General Leasing Regulations of 2013, which authorizes the Navajo Nation to issue Leases, except mineral Leases and Rights-of-way, without the approval of the Secretary.

2.02 To regulate the issuance of Homesite Lease amendments: assignment, termination, and modification of leases on Navajo Nation trust and fee lands.

2.03 To promote home ownership for qualified Navajo, Navajo with spouse, and beneficial non-Navajo applicants by providing for the encumbrance of the Lessee's interest in the leasehold to secure capital for development of a private dwelling.

2.04. To promote and encourage housing for public purposes by the Navajo Nation or Navajo Nation Tribally Designated Housing Entity (TDHE) and housing subdivisions by public, private, and/or non-profit entities.

SECTION 3.00 SCOPE

3.01 The Homesite Lease Regulations shall apply to Navajo Nation trust and fee lands, which are within the boundaries of the Navajo Nation, as well as any allotments held by the Navajo Nation government.

SECTION 4.00 APPLICANT ELIGIBILITY REQUIREMENTS

4.01 An 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. There must be proof of such legal marriage, by issuance of a valid marriage license or Navajo Nation Court Order validating a marriage under the laws or jurisdiction of the Navajo Nation or any State. A non-member is also eligible if such individual's

presence within the Navajo Nation's territorial jurisdiction is of indefinite duration and beneficial to the Navajo Nation. Non-member eligibility can be determined in the following instance and manner:

A. Non-member eligibility will be determined by the approval of a Housing Subdivision Master Lease which pre-approves the issuance of individual homesite leases, subleases, or assignments, to non-members that meet certain well defined requirements, documenting skills beneficial to the Navajo Nation, and whose presence is of indefinite duration.

B. Homesite lease applications that are not within a Housing Subdivision Master Lease or housing for public purpose lease will be determined on a case-by-case basis by the NLD.

4.02 An applicant must be eighteen (18) years of age or older.

SECTION 5.00 AMOUNT OF LAND AVAILABLE

5.01 An applicant can apply for only one Homesite Lease, with the lease premises generally 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.

SECTION 6.00 ANNUAL RENTAL FEE

6.01 Lessee shall pay the Navajo Nation, in lawful money of the United States, a monthly rental of One Dollar ($1.00), or $12.00 per year. Lessee agrees that no refund or reimbursement of money paid in advance shall be made in the event of early termination or partial condemnation.

6.02 Rental payments are due and payable on or before the effective date of the Lease and thereafter on or before each anniversary date of the Lease. Lessee may pay the annual rent fee in advance at any time prior to the expiration of the Lease. Rental payments shall be made by money order made out to "Navajo Nation," and shall be paid at the local agency NLD Office. Failure to make rental payments when due shall constitute a default under the Lease.

6.03 On a housing for public purpose Master Lease or housing subdivision Master Lease, an annual rental fee shall not be assessed by NLD until an individual homesite lease is issued to an applicant.

SECTION 7.00 TERM

7.01 Lessee shall have and hold the leased premises for a term of seventy-five (75) years, beginning on the date of approval of the Lease by the Navajo Nation. Lessee shall give written notice of intent to renew this Lease to the Director of the NLD, or its successor at least six (6) months, but no more than twelve (12) months, prior to the expiration date of the lease. Renewal of the Lease is subject to the approval of the Navajo Nation and to the provisions of Navajo Nation law and these regulations.

SECTION 8.00 APPLICATION PROCEDURES AND REQUIREMENTS

8.01 APPLICATION PROCEDURES: Homesite Lease Applications will be made available at the NLD or its agency sub-offices. Homesite Lease Applications are also available on the NLD Website: www.dinehbikeyah.org. A complete Homesite Lease Application package consists of:

A. Homesite Lease Application - FORM 1. An applicant must fill out the Homesite lease application using black or blue ink, or must type the application. If the applicant is unable to sign the application, a thumb print is required for acknowledgement. The thumb print must be provided in the presence of an NLD staff member with one (1) witness from NLD attesting to the thumbprint.

1. Type of Tenancy: An applicant should specify how they want to receive the grant of a lease: as a Single Person, or co-tenants—joint tenants with the right of survivorship, tenants in common, or community property. Future property disposition will be determined by this status in cases of divorce, death of a Lessee, or probate of a Lessee's estate. If applicants want to file as "Joint Tenants with Right of Survivorship" or "Community Property", a copy of the marriage license or validating Court Order is required, if applicable.

The following information shall be attached to the application before submission for processing at the Navajo Land Agency offices:

2. Certificate of Navajo Indian Blood/Tribal Enrollment Identification Card: The applicant(s) must attach an original Certificate of Navajo Indian Blood. Copies of Certificates of Indian Blood can be obtained from the Agency Vital Records Office. All personal data must correspond with the Certificate of Navajo Indian Blood such as: Name(s), age(s), census number(s) and signature(s).

3. Archaeological Clearance: A receipt showing the applicant paid for an Archaeologist to conduct a survey must be attached to the application, if applicable, before the application will be processed.

4. Cultural Resources Compliance Form: Applicant shall attach the Cultural Resources Compliance Form, reviewed and signed by the Historic Preservation Department, to the homesite lease application. This form must be attached to the application before the application will be processed.

5. Non-refundable Application Fee: Applicant must submit a $30.00 money order payable to: The Navajo Nation, P.O. Box 2249, Window Rock, Arizona, 86515. Upon review and acceptance of the home site application, the NLD will issue a receipt for the filing fee.

B. Homesite Lease Application FORM 1 – Section 2: The applicant shall ensure that the Grazing Official (GO) or Land Board Official, as applicable (LBO) (collectively GO/LBO) physically verifies and acknowledges the proposed home site location utilizing a hand-held Global Positioning System (GPS) unit by reading the Latitude/Longitude coordinates in North American Datum 1983 (NAD83), identifying the center point of the proposed home site location, and write the coordinates onto the Homesite Lease Application. If the homesite

location is changed after acknowledgement is made by the GO/LBO, it will render the Homesite Lease Application invalid.

C. GO/LBO must complete the Field Clearance Certification Form 2.

D. Homesite Lease Consent FORM 3: The GO/LBO shall complete the Field Clearance Certification before the applicant(s) can obtain written consent from the individual(s) who has/have been identified by the GO/LBO on the Field Clearance Certification as valid grazing permittees within the proposed homesite lease area. Thereafter, the applicant shall obtain written consent from affected permittees listed on the Field Clearance Certification, if required.

1. Navajo Partitioned Lands: No Consent is required from a Grazing permittee within the Navajo Partitioned Lands until grazing permits are reissued.
2. Acknowledgement: After the applicant obtains written consent from the permittees listed on the Field Clearance Certification, the GO/LBO must acknowledge the signatures on the consent form.
3. Only the Valid Grazing Permittee that will be affected within a half (½) mile radius of the propose homesite lease location shall consent.

E. Land Survey Plat: Certified land surveys must be conducted by a private land surveyor who is licensed and registered with any State within the United States. Private licensed land surveyors must register with the Navajo Nation Business Regulatory Department. Private land surveyors must obtain permission to survey from the NLD.

Certified land survey plats must contain a United States Geological Survey (USGS) Quadrangle Topographic Map of the location of the legal land survey and must have the Latitude and Longitude at the Survey Tie Points and Point of Beginning (POB) on the survey plat. The survey plat shall be drawn on a legal size (8½ in x 14 in) document. All corrections of land surveys must be completed by a registered land surveyor.

1. Re-Surveys: Certain circumstances may occur that require the NLD or private land surveyor to re-survey. These include, but are not limited to, shifting the homesite location and re-identifying the corners (rebars). The NLD may re-survey only if the NLD conducted the original certified land survey plat. If the survey that needs to be redone was conducted by a private land surveyor, that surveyor or another private surveyor must redo the survey.

F. Biological Data Request Form for Biological Resource Clearance: The applicant shall complete the Biological Data Request Form and submit it with a money order or cashier's check payable to the Navajo Nation for Biological Resource Clearance with the processing fee of $32.50.

8.02 Environmental Review Form: The applicant shall complete the environmental review form and submit it to the Navajo Land Department for review by the Environmental Reviewer.

8.03 Forestry Compliance letter, as applicable: If the homesite lease application is for a location in the Navajo Nation Commercial Forest or restricted Woodlands, Section 8.05(A) shall apply to the homesite lease application.

8.04 Upon verification for quality assurance by the NLD Agency Offices, the Homesite Lease Application package will be submitted to the NLD Manager or authorized designee who will give final approval on behalf of the Navajo Nation. The NLD will submit the following appropriate approved documents to the respective Bureau of Indian Affairs, Agency Real Estate Services, for recording.

A. Navajo Nation Department of Fish & Wildlife (Biological Resources Compliance Form).

B. Historic Preservation Department (Cultural Resources Compliance Form)/Archaeology (Archaeology Inventory Report);

C. Navajo Forestry Department (Forestry Compliance Letter), as applicable – see Section 8.05 (A).

D. Registered surveyor (certified land survey plat).

8.05 Additional Application Requirements

A. Forest or Woodland: If the proposed homesite is within the Navajo forest or woodlands, the GO shall advise the applicant(s) to contact the Navajo Forestry Department. The Navajo Forestry Department shall determine whether the proposed homesite will impact the Navajo Nation forest or woodland pursuant to RCJY-142-92. The Forestry Department may issue a letter stating requirements and conditions to proceed with the proposed home site lease application.

B. Highway Access: If access to a highway is required for ingress and egress, the proposed homesite lease applicant must contact the appropriate Navajo or State Department of Transportation for Highway access clearance.

C. All applicants and lessees shall provide NLD with a current valid address or any changes at all times.

8.06 Conveyance within Housing Subdivision: When an applicant applies for a conveyance of a lot within a subdivision, the applicant will be responsible for all costs associated with the conveyance.

A. A Housing Subdivision which is subject to a Master Lease for Single-family residential development or housing for public purpose, where development has taken place and which is ready for conveyance of individual lots to applicants, shall be classified as a "developed area."

B. Within a "developed area" only this Section 8.06 shall be used and the other application procedures and requirements of Sections 8.0 and 9.0 shall not apply. A Housing Subdivision may develop and use its own application form subject to the approval of the NLD.

C. A Homesite Lease within a subdivision shall be limited to the term of the Housing Subdivision Master lease. Upon renewal of the Housing Subdivision Master Lease, all of the eligible individual Homesite Leases will be renewed for a corresponding period.

D. Where there are rules and regulations related to the Housing Subdivision, special conditions or changes for the occupation of Homesite Leases within the subdivision, or a Declaration of Covenants, Conditions and Restrictions, the applicant will be provided with a copy of these documents by the Housing Subdivision Developer or TDHE, and the existence of these restrictions will be referenced on the individual Homesite Lease.

E. The holder of a Housing Subdivision Master Lease shall be the Housing Subdivision Developer or TDHE. The Housing Subdivision Developer, the TDHE, or the governing body of the Home Owners Association specified in the governing documents for the Housing Subdivision identified in Section D above, and not the NLD, shall be responsible for monitoring enforcement of these restrictions.

SECTION 9.00 ENVIRONMENTAL REVIEW PROCESS

9.01 Environmental Reviewer: The Environmental Reviewer ("ER") insures and conducts the ER required under these regulations. The ER is responsible for carrying out the Environmental Review Process ("ERP") for homesite leases pursuant to the Navajo Nation General Leasing Regulations of 2013. The ER will consult with the relevant Navajo Nation agencies and determine which agency is responsible for making compliance findings for each of the areas and/or laws identified in these regulations and 2 N.N.C. § 2384 of the General Leasing Regulations.

9.02 Action on Leasing Decisions Subject to Completion of ERP.

A. Each homesite lease must go through the biological and archaeological review.

B. Review must be conducted of all laws listed at 16 N.N.C §2384 (CO-53-13), as well as, any other relevant laws as applicable.

9.03 Environmental Review Process Exemptions

A. The department conducting biological or archaeological clearance shall develop an internal procedure that exempts proposed homesite leases from thorough review if the area meets exclusion criteria.

B. The departments may work with individual Chapters to identify land withdrawal designation areas for residential development. A Chapter, at their expense, will conduct environmental studies as required within a tract of land before any development occurs.

9.04 Conditional Compliance Determination Summary

A. Compliance Determination Summary issued with a requirement of mitigation or a "conditional approval" requires the lessee to comply with the conditions stated. If these

conditions are not met, the homesite lessee is in violation of the lease, and the lease may be terminated at the Nation's discretion.

9.05 Compliance Determinations from Earlier Environmental Review Documents

A. If an existing homesite lease underwent an environmental review pursuant to these regulations, prior Homesite Lease Regulations, or other applicable law, or constructed dwellings prior to 1974, those review determinations may be utilized to meet compliance requirements.

B. The ER shall review the previous environmental review documents to determine whether a new review is necessary, or whether the previous environmental review adequately assesses the impacts of the prior leasing decision.

SECTION 10.00 INCOMPLETE PENDING APPLICATION

10.01 PENDING APPLICATION: A homesite lease application that is incomplete for one or more of the following reasons shall be returned to the applicant as an incomplete application within two (2) years from the date of submission:

A. Lack of Land Use Consent;

B. Lack or disapproval of Biological Resource Clearance;

C. Lack or disapproval of Environmental Compliance Determination Summary;

D. Lack or disapproval of Cultural Resource Compliance/Archaeological Survey Clearance; and

E. Lack of a land survey.

SECTION 11.00 NAVAJO NATION FEE LAND

11.01 An applicant may apply for a homesite lease (FORM 200UL) on Navajo Nation fee land with the understanding and agreement that they are responsible for paying any and all property taxes, assessments, fees or liens directly to the local county tax assessor's office.

11.02 The Title Section will record the approved homesite lease on fee land with the County Recorder's Office.

SECTION 12.00 HOMESITE LEASE ABANDONMENT

12.01 Lessee shall develop the leased premises within two (2) years of the effective date of the homesite lease. Prior to the expiration of said period, lessee may request in writing from the Nation an

extension of the development period for a period not to exceed two (2) additional years. Failure to develop the leased premises according to this provision shall constitute abandonment.

12.02 The GO/LBO or NLD compliance officer shall be responsible for notifying the NLD Manager to make recommendations to cancel a homesite lease that has been abandoned. All such recommendations shall be supported by a field visit and written report verifying that the home site lease premises has been abandoned.

12.03 A homesite lease that has been abandoned shall be processed for termination by the NLD according to the following procedures:

A. NLD shall provide notice of intent to cancel by certified mail to the respective lessee's address on file with NLD. In situations where the address of the lessee is unknown, the notice shall be posted at the nearest chapter house.

1. Lessee has thirty (30) days to respond to the notice of cancellation. If the lessee does not desire to develop the homesite lease, the lessee shall have the first option to assign the homesite lease to a qualified applicant for a fee to recover cost and expenses for the original application or voluntarily terminate the homesite lease.

2. If the lessee fails to respond within thirty (30) days, the NLD will terminate the homesite lease.

12.04 The NLD Manager shall have the authority to terminate the abandoned homesite lease, as required by these regulations.

12.05 For termination of homesite leases issued prior to these regulations, any termination action shall be consistent with the requirements of Navajo Nation and applicable Federal laws.

12.06 If the abandoned homesite lease is terminated, it shall revert back to the Navajo Nation.

SECTION 13.00 ASSIGNMENT, AMENDMENT, MODIFICATION, OR TERMINATION OF HOMESITE LEASES

13.01 A homesite lease may be assigned, amended, modified or terminated through the NLD by application of the lessee or through a court order. To verify the intent of the lessees, the lessees will have to make their application in person at the Agency NLD offices. The applicant shall provide a copy of an approved homesite lease issued by the NLD or BIA, in order to amend the lease document. A non-refundable application processing fee will be assessed. (Refer to Fee Schedule). In the event the homesite lease or any interest therein is mortgaged or pledged as security for a loan, separate approval may be required by the lender, sureties, or loan guarantors.

13.02 Assignment: To assign an approved homesite lease to another eligible person, the Lessee/Assignor and proposed Assignee shall submit a new homesite lease application FORM 1 with the following documents attached to the application:

A. Certificate of Indian Blood.

B. Certified Legal Survey Plat utilizing a BLM Cadastral monument, if applicable.

C. A Cultural Resource Compliance Form with Archaeological Survey Clearance Form, as may be applicable, issued by the Navajo Historic Preservation Department.

D. Biological Resource Compliance Form approved by the Navajo Fish and Wildlife Department, if applicable.

E. Title Status Report (TSR) to verify and check for any outstanding encumbrances, liens, etc.

13.03 No assignment of a homesite lease shall be made during the two (2) year development period without a court order or an extension of the development period not to exceed two (2) additional years, unless there is a collateral assignment of interests to a creditor to finalize construction of improvements.

13.04 Upon verification of the application by NLD, the requests for amendments, modifications and terminations shall be packaged and submitted to the NLD Manager who shall give final approval on behalf of the Navajo Nation. The approved lease amendment, modification, or termination shall be recorded with the Agency Bureau of Indian Affairs and Navajo Land Title Data System.

13.05. In the event one of the Lessees dies with a Joint Tenancy with Right of Survivorship tenure in effect, all rights to occupy the land and leasehold interests shall go directly to the Surviving Tenant, if he or she is an enrolled member of the Navajo Nation without the need of assignment of the deceased co-tenant's interest in the home site lease. The death certificate of the deceased co-tenant should be recorded.

13.06 Modification: Modifications are non-material amendments to a homesite lease, including such matters as technical corrections, implementation of Navajo Nation court order(s), legal name changes, and changes in marital status, legal land description changes, and any corrections needed to a homesite lease.

13.07 In a probate proceeding, the Navajo Nation Courts may distribute the leasehold interest including attached improvements of an established homesite lease to beneficiaries under a will or to the heirs at law according to Navajo law.

13.08 In the event of divorce, the Navajo Nation Court shall have jurisdiction to redistribute the leasehold interest of a homesite lease pursuant to Navajo Nation law. The Homesite lease and attached improvements must not be separated in such Court Order. All field clearance(s) shall be recognized and will remain in effect. This regulation will also apply to Tenancy in Common and Community Property tenures. The involved parties shall notify the NLD of any such disposition by a court of competent jurisdiction.

13.09 Termination: The lessee(s) may voluntarily terminate his/her/their interest in a homesite lease by signing a Termination of Homesite Lease Form. However, the applicant must pay a non-refundable termination fee and must have paid in full all rent due before the lease can be terminated. (Refer to Fee Schedule). If the lessee is in default or less than good standing, then the lessee must cure all matters constituting such default or lack of good standing; unless, NLD waives such requirements

and lessee surrenders the lease premises, subject to equitable consideration of lessee's private property, if applicable.

13.10 A finalized homesite lease may be terminated or revert back to the Navajo Nation for further assignment. If there are no improvements on the approved homesite lease premises within two years, the GO/LBO can recommend termination of the lease and/or assignment to another qualified individual after payment of fair market value of the lease premises with attached improvement (if any) to the lessee (See Section 12.00 ABANDONMENT. 12.03: A. 1 & 2 for procedures).

13.11 In no instance will NLD terminate a homesite lease for a lessee if the request is made by a third party, regardless of the surrounding circumstances. The only exception to this rule is if a Navajo Nation Court issues an Order requiring NLD to terminate a homesite lease.

13.12 If the Navajo Nation acquires an Allotment upon which a resident has a valid Residential Lease issued by the BIA, the Navajo will honor the Residential Lease for the duration of its term, so long as it complies with Section 4.0 of these Regulations. The holder of the residential Lease must submit a copy of the valid Residential Lease to the NLD. Within 6 months the expiration of the valid Residential Lease, the resident must begin the process of acquiring a Homesite Lease in accordance of these Regulations.

SECTION 14.00 MORTAGES AND DEFAULT

14.01 A finalized home site lease authorizes lessee(s) to encumber the leasehold interest of a home site to finance construction of building improvements. The leasehold can be mortgaged, pledged, or encumbered as security to finance a debt or loan. The lessee(s) may transfer all or part of the leasehold interest to the Mortgagee or Deed Trustee with the understanding that the Mortgagee or Deed Trustee will release all security interests in the leasehold when the loan or note has been paid in full.

14.02 The mortgage or Deed of Trust document must be recorded with the Bureau of Indian Affairs, Real Estate Services; it is recommended that the mortgagee or lender also record the aforementioned indenture with the Recorder's Office of the county in which the real estate is located. The NLD will receive copies of the mortgage or Deed of Trust documents from the Bureau of Indian Affairs Real Estate Services and record it in the Navajo Land Title Data System.

14.03 In the event the Lessee/Borrower (Mortgagor/Trustor) defaults on the Mortgage or loan secured by the Deed of Trust, the Mortgagee or Deed Trustee has the authority to foreclose on the secured Homesite lease through the Navajo Nation Courts or as provided by the Navajo Nation Deed of Trust Act. The Mortgagee or the Deed Trustee may have the right to possession of improvements on the leased premises and rents collected as provided by Navajo Nation law and the loan document or agreement.

14.04 Any and all permanent buildings and improvements on the leased property shall remain on the premises and shall be subject to the Navajo Nation's Right-of-First Refusal to purchase the leased premises with improvements prior to any resale of the premises.

14.05 Default: Should Lessee default in any payment of monies when due under the Lease or be in violation of any other provisions of the lease, said violation may be acted upon by the Navajo Nation pursuant to applicable law.

14.06 Lease hold interest of a homesite lease can be sold at a fair market value to a qualified applicant. If there are no improvements on the premises, the lessee can retrieve expenses and fees incurred for lease encumbrance such as archaeological and legal survey expenses. The lessee must record the lease and insure all required lease documents are recorded with the Navajo Land Title Data Systems (NLTDS).

SECTION 15.00 GRAZING OFFICIAL and LAND BOARD OFFICIAL RESPONSIBILITIES

15.01 Home Site Lease Application FORM 1 – Section 2: See Section 8.01. B. for compliance.

15.02 Field Clearance Certification FORM 2: The GO/LBO shall be responsible for identifying and acknowledging all valid grazing permittees who have interests within one-half (½) mile of the proposed homesite lease location, which is directly affected and impacted by the proposed Homesite identified in Section 2 of the Field Clearance Certification FORM 2.

15.03. It is the responsibility of the GO/LBO to write-in the name of the valid Permit holder(s) and Permit number(s) on the Field Clearance Certification FORM 2 for the applicant to obtain signatures from the permittees.

15.04 Homesite Lease Consent FORM 3: After the applicant obtains written consents from the permittees listed by GO/LBO on the Field Clearance Certification FORM 2, the GO/LBO must acknowledge the Form, certifying to the best of their knowledge the truth and accuracy of the approval of consenting permittees before the application is submitted to NLD for processing.

15.05 Conflict of Interest: The homesite applicant may request the Navajo Nation Grazing Management Office to appoint an alternate GO/LBO to perform the duties described herein when the designated GO/LBO cannot perform his or her duty because of a conflict of interest, including actions involving relatives, or for any other legitimate reason.

15.06 The GO/LBO additional responsibilities: The GO/LBO shall also verify whether the proposed homesite is within the Navajo Nation Forest or woodlands. If the proposed homesite is within the Navajo Nation Forest or woodlands, the GO/LBO shall advise the applicant(s) to contact the Navajo Forestry Department. The Navajo Forestry Department shall determine whether the proposed home site will impact the forest or woodlands within the forestry moratorium as set forth by Resolution RCJY-142-92. The resolution established 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. The Forestry Department may issue a letter stating further requirements which must be satisfied to proceed with the proposed homesite lease application.

A. The GO/LBO shall verify that the proposed homesite lease is not within an area withdrawn or otherwise designated for community development purposes, large or small irrigation farming projects, agricultural land use area, or if the proposed homesite would interfere with local land use plans and/or ordinances. No homesite shall be approved within lands that

are withdrawn or designated for another purpose. If the proposed lease area is within a withdrawn area, the applicant must select another location for their proposed homesite lease.

B. The GO/LBO shall verify the proposed homesite lease is not within 750 feet of a major highway right-of-way by actual inspection of the site and coordinating with NLD. If the proposed homesite is within 750 feet of a major highway right-of-way, the GO/LBO shall inform the applicant to move beyond the 750 feet corridor or find an alternate site pursuant to 14 NNC § 1200. Chapter: Zoning Sides of Highways and NNC Resolution CM-9-50.

C. The GO/LBO shall verify that the proposed homesite is not within one-half (½) mile of Navajo Nation government developed permanent livestock waters. If the proposed homesite is within a half mile of the structures, the GO/LBO shall inform the applicant to move the proposed homesite or relocate to an alternate site or request a written authorization from the District Grazing Committee allowing the proposed homesite through an approved resolution of the District Grazing Committee (See 3 N.N.C. § 714).

SECTION 16.00 GRAZING DISPUTES TO DEPARTMENT OF AGRICULTURE

16.01 NLD shall refer grazing and consent disputes relating to a pending homesite lease application to the GO/LBO, as applicable, for adjudication or settlement. For example, NLD shall refer to the GO/LBO, when a grazing permittee revokes consent after the Field Clearance Certification is submitted. NLD shall not place the application on hold unless the GO/LBO, as applicable, recommends in writing that there is an active dispute.

SECTION 17.00 HOMESITE LEASE COMPLIANCE AND RESTRICTIONS

17.01 Applicants shall comply with Navajo Nation environmental laws and other compliance requirements when applying for a homesite lease on Navajo Trust and Fee Lands:

A. Sanitation: Lessee shall comply with all applicable sanitation laws, regulations or other requirements of the United States and the Navajo Nation. Lessee shall also dispose of all solid waste in compliance with applicable federal and Navajo Nation laws either in an approved sanitary landfill, transfer station, or other commercial sanitary collection service. Lessee shall maintain the entire leased premises in a safe and sanitary condition, presenting a good appearance both inside and outside of the leased premises. Septic systems and leach/drain fields shall be situated within the lease premises.

B. Hazardous Substances: Lessee shall not dispose of hazardous substances or materials on or in the leased premises.

C. Environmental Hazards: All non-operational vehicles must be removed and cleared from the homesite lease premises. For failure to comply with Navajo Nation environmental laws, the Navajo Nation EPA shall impose environmental sanctions for non-compliance in accordance with Navajo EPA regulations.

17.02 Minerals: All minerals, including sand and gravel, contained in or on the leased premises are reserved for the use of Lessor. Lessor also reserves the right to enter upon the leased premises and search for and remove minerals located on the property, paying just compensation for any damage or injury caused to Lessee's personal property or improvements constructed by Lessee.

17.03 Navajo Nation Forestry Moratorium (Restriction): If a homesite lease is approved by the Navajo Forestry Department in a forested or wooded area, and tree removal is to occur, the homesite applicant will follow Navajo Forest and Woodland Regulations. The homesite applicant will comply with the Navajo Nation Forestry Department requirements and the Forest Management Plan approved by Resolution No. RCJY-133-01.

17.04 Canyon De Chelly National Monument Moratorium: A Protection Buffer Zone was established within the boundaries of Canyon De Chelly National Monument; therefore, there are restrictions on development and use of land in the vicinity of the Monument (Resolution RCS-51-85).

17.05 Biological Resource Land Clearance Policy and Procedures (RCP): No homesite lease shall be approved within Area 1: Highly Sensitive Area; and Area 2: Moderately Sensitive Area which are protected under the Federal and Navajo Nation laws, wildlife resources, including plants, and their habitat resulting in an expedited land use clearance process in accordance with Resolution No. RCMA-34-03, subject to prior approvals or exceptions granted by the Navajo Nation Council or its duly authorized Committee.

17.06 Farm Plots and Land Use Permits: Navajo Nation trust or fee lands withdrawn for agricultural uses (i.e., farm permit, agricultural lease, irrigation projects, and farm projects) cannot be used for homesite leases. Administrative Reserve Areas [BIA], Navajo Nation trust, or federal lands that are withdrawn for administrative purposes or governmental use cannot be used for home site leases.

17.07 Navajo Nation Parks and Recreational areas – No homesite leases shall be issued within land designated for tribal parks and recreational use areas. The Navajo Nation Parks, monuments, and Recreational areas are protected and preserved for the perpetual enjoyment and benefit of the Navajo Nation, subject to prior approvals granted by the Navajo Nation Council or its duly authorized Committee.

17.08 Homesite Lease Residential Use Restriction: A homesite lease is intended for residential purposes primarily a Single-family residence; lessee shall not use any part of the homesite lease premises for any unlawful conduct or illegal activities.

A. Applicants shall not disturb or commence construction activities on the proposed site until the applicant receives an approved homesite lease.

B. A homesite lease shall not be issued if it is to be located within the boundaries of a mission site lease, other homesite lease, business site lease or area designated for business development, or other land withdrawals intended for community development or other purposes.

C. A homesite lease shall not be issued if it is located within 750 feet of a major highway right-of-way (14 NNC §1200. Chapter: Zoning Sides of Highways and NNC Resolution CM-9-50).

D. A homesite lease is required prior to transporting mobile homes or any other structures intended for use as a home onto the Navajo Nation. A transportation permit must be obtained from the NLD before any mobile home or other structure enters Navajo Trust or Fee Lands (See Fee schedule). Failure to obtain a permit will result in a civil violation and fees will be assessed.

E. The homesite lease premises may be fenced to avoid land disputes, control animals, ingress/egress, and define boundaries.

F. Homesite lease premises shall not be used for any unlawful conduct or purpose, including but not limited to bootlegging, illegal fund raising activities such as gaming (Bingo hall), dance hall, and other illegal drug activities. Any and all illegal activities conducted on the homesite lease premises shall be considered a breach of the terms of the homesite lease.

G. Lessee is prohibited from establishing a mobile home park or renting structures not designed as the primary residence within a homesite lease.

H. Lessee is prohibited from establishing more than one home building improvement as the primary residential structure, or mobile home within the leased premises. Lessee shall prohibit family members or others from establishing additional homes or mobile homes within the leased premises regardless of whether the premises is within a subdivision or a rural area.

I. The land encumbered by a homesite lease cannot be sold but the lease can be transferred or assigned to another qualified homesite lease applicant through the NLD upon payment to lessee for expenses incurred to establish the prior lease. For such transfers or assignments, the permanent improvements may be sold to the transferee or assignee at fair market value, or subject to the terms of any mortgages(s) or Deed of Trust or purchase agreement.

J. Modern burial sites and graves are prohibited within the homesite lease premises. All burial sites should be in a community approved cemetery. See Resources Resolution No. RCD-216-99.

K. Livestock and corrals are prohibited within the homesite lease premises, except as properly permitted by the District Grazing Committee or Land Board.

L. Lessee may operate a home based business on lease premises; however, the Lessee shall obtain a permit from the Division of Economic Development Business Regulatory Department to do business on an approved homesite lease. The Lessee shall adhere to the Navajo Nation environmental laws and other compliance requirements under 23 N.N.C. §§ 2384 (A), (B), and (C) (Resolution CO-53-13) and shall not be disruptive to the adjacent residence(s).

M. Lessee shall not place a store front signage on the homesite lease and no hiring of employees to operate a home based business.

SECTION 18.00 HOMESITE LEASE ENFORCEMENT

18.01 Purpose: NLD shall have at least one Compliance Officer per Agency to enforce the provisions of these Homesite Lease Regulations. The Compliance Officer is authorized to conduct investigations, draft findings, coordinate with Navajo Nation departments and programs, including the Department of Agriculture, Rangers, Forestry, EPA, Police, Department of Justice, Fish & Wildlife, and BIA, and make disposition recommendations to the NLD Manager. It is the policy of the NLD to work collaboratively with homesite lessee(s) to resolve compliance issues prior to resorting to litigation and termination of the lease.

18.02 Homesite Lease Request for Investigation: Written requests for investigation of homesite lease compliance matters can be submitted to the appropriate NLD Agency Office. All complete and valid requests for investigation of homesite lease compliance matters shall be forwarded to the Compliance Officer. Within thirty (30) days of receipt, the Compliance Officer will review the request and determine whether it warrants investigation. The Compliance Officer shall provide written notice to the requesting party indicating whether the request for investigation will be granted.

18.03 Investigations: All investigations performed by the Compliance Officer shall be completed within ninety (90) days from the date of submission of the Homesite Lease Investigation Form. The NLD Compliance Officer will conduct an investigation based on the information contained in the Request for Investigation submitted to NLD. The Compliance Officer shall interview individuals, conduct research, and collect all pertinent documentation. The Compliance Officer is authorized to obtain the assistance of other Navajo Nation Departments, Bureau of Indian Affairs, and/or other governmental entities while conducting an investigation.

18.04 The Compliance Officer shall submit a detailed written investigation report containing the findings from the investigation. The Compliance Officer shall submit this report to the NLD Manager with any recommendations.

18.05 The NLD Manager shall review the Compliance Officer's report and take appropriate action based on the information and recommendation of the Compliance Officer within thirty (30) days. NLD shall keep official records of all documents.

18.06 Where the designated Compliance Officer cannot perform his or her duty due to conflict of interest, another Compliance Officer from a different NLD Agency Office will be assigned to investigate. Conflicts of interest can be defined as any situation in which the Compliance Officer is in a position to exploit a professional or official capacity in some way for his/her personal or occupational benefit.

18.07 There are many actual homesites with improvements (corrals and buildings) that exceed the one (1) acre size limitation. To gain compliance, enforcement actions may authorize the enlargement of an existing Homesite Lease, not to exceed an additional one (1) acre, to bring existing residential improvements within the bounds of the lease premises. Additional lease adjustment fees or rent or both will apply to enlarged Homesite Leases as set forth in the Fee Schedule.

SECTION 19.00 PRIOR APPROVED HOMESITE LEASE

19.01 All previously approved leases with active terms shall remain valid, provided that the lease is in good standing. These lease agreements include the following homesite lease forms: 1) 201-65 [July

1962]; 2) 200A [May 1979]; 3) 200C [May 1994]; 4) 200C [April 1996]; 5) 200RL [April 2000]; 6) 200UL; and 7) 200NL [May 2001].

SECTION 20.00 HOUSING FOR PUBLIC PURPOSES MASTER LEASE

20.01 Application Procedures. A Housing for Public Purposes Master Lease application shall be submitted to the NLD or at one of its agency sub-offices. A completed Housing for Public Purposes Master Lease application shall consist of the following:

A. Housing for Public Purpose Master Lease Application. The TDHE or Housing Subdivision Developer applicant must complete and submit a Housing Subdivision Master Lease Application with the following information attached to the application.

1. Certification of Compliance: The TDHE or Housing Subdivision Developer shall submit a Certificate of Compliance stating that all of the requirements of the Land Withdrawal Designation Regulations ~~and Land Withdrawal Designation Procedures~~ haven been completed.

2. Key documents: Copies of key documents listed in the Land Withdrawal Designation Procedures.

B. Environmental Review Clearance: The TDHE or Housing Subdivision Developer shall conduct the necessary environmental reviews to ensure compliance with federal and tribal environmental requirements for the following:

1. New Homesite Lease Application for TDHE or Housing Subdivision Developer Clients, as applicable;

2. New Subdivision Master Lease Application for TDHE or Housing Subdivision Developer; and

3. Existing Subdivision Master Lease for TDHE or Housing Subdivision Developer, as applicable.

20.02 Final Approval. Upon verification for quality assurance by the NLD Agency Offices, the Housing for Public Purposes Master Lease Application package will be submitted to the NLD Manager or authorized designee who will give final approval on behalf of the Navajo Nation. The NLD will submit the appropriate approved documents to the respective Bureau of Indian Affairs, Agency Real Estate Services, for recording.

20.03 Homesite Lease issuance within existing Housing Subdivision:

A. A Housing Subdivision which is subject to a Master Lease for housing for public purposes, where development has taken place and which is ready for issuance of individual homesite leases to applicant(s), shall be classified as a "developed area."

B. Within a "developed area" only this Section 20 shall be used and the other application procedures and requirements of this regulation shall not apply. A Housing Subdivision for public purposes may develop and use its own application form subject to the approval of the NLD.

C. The TDHE or Housing Subdivision Developer, as applicable, shall assist its homebuyers and ensure compliance with the lease application requirements for the issuance of individual homesite leases to applicant(s) within the housing subdivision. The TDHE or Housing Subdivision Developer, as applicable, will prepare and submit the individual homesite lease applications to the NLD for its final approval. PROVIDED, however, that existing Housing Subdivisions or developed areas subject to existing homesite leases or assignments of lease for developed lots shall continue to be encumbered by the provisions and covenants of the existing homesite lease or assignment of lease for the residential improvement and lot.

D. An individual homesite lease within a subdivision shall start a new term from the date of issuance by the NLD. The term of the Housing Subdivision Master Lease shall be separate and independent of any individual homesite lease issued by the NLD within the housing subdivision.

E. Where there are rules and regulations related to the Housing Subdivision, special conditions or charges for the occupation of Homesite Leases within the subdivision, Land Use Restrictions, or a Declaration of Covenants, Conditions and Restrictions, the individual applicant(s) will be provided with a copy of those documents by the TDHE or Housing Subdivision Developer, as applicable, and the existence of the restrictions will be referenced on the individual Homesite Lease.

F. The holder of a Housing Subdivision Master Lease shall be the TDHE or Housing Subdivision Developer, as applicable. The TDHE or Housing Subdivision Developer, as applicable, specified in the governing documents for the Housing Subdivision identified in Section D above, and not the NLD, shall be responsible for monitoring and enforcement of the restrictions in the housing unit.

20.04 Additional Application Requirements.

A. Highway Access: If access to a highway is required for ingress and egress, the proposed master lease applicant will contact the appropriate office or the Department of Transportation for highway access clearance.

SECTION 21.00 PRIVACY ACT

21.01 NLD shall not disclose any personal records or information which are contained in any system of records by any means of communication to any person, or to another agency, except pursuant to authorized disclosures, Conditions of Disclosure, and Privacy Exemptions of the Privacy Act of 1974 (Public Law 93-579), 5 U.S.C. § 552(A), and the Navajo Nation Privacy Act, Resolution No. CAP-48-99.

SECTION 22.00 DEFINITION

22.01 Abandonment: The failure to develop the leased premises for a two (2) year period or one (1) year period for vacant lots within a subdivision. The failure to develop means, the failure to construct or establish a dwelling or other improvements (fencing, landscaping, laying a foundation).

22.02 Acre: A tract of land that measures 43,560 square feet.

22.03 Adult: A person who is 18 years of age or older.

22.04 Agricultural Land Use Permit: A permit for farming purposes on Navajo Nation trust land.

22.05 Appeal Bond: A bond posted upon filing of an appeal. A guarantee of a certain sum of money sufficient to protect the financial interest of the Navajo Nation pending the outcome of any appeals provided for under the General Leasing Regulations.

22.06 Approving or Approval: The final action taken by the Navajo Nation to issue the homesite lease (Written authorization by the Secretary, Land Department or a delegated official or, where applicable, the "deemed approved" authorization of an amendment or sublease).

22.07 Approved Encumbrance: An encumbrance approved in writing by the Lessor.

22.08 Assignment: An agreement between a lessee and an assignee, whereby the assignee acquires all of the lessee's rights, and assumes all of the lessee's obligations under a lease.

22.09 Assignee: The person to whom the homesite lease is assigned.

22.10 Assignor: The person who is assigning his/her homesite lease.

22.11 BIA: The Bureau of Indian Affairs (BIA) within the Department of the Interior and any tribe acting on behalf of the Secretary of the Department of Interior or Bureau of Indian Affairs under 25 CFR § 162.018.

22.12 Cancellation: Action to end a lease.

22.13 Certificate of Navajo Indian Blood: Valid and up-to-date document issued by the Navajo Nation Vital Records Office evidencing enrollment in the Navajo Nation.

22.14 Cognizant Agency: For purposes of environmental review: the Navajo Nation Environmental Protection Agency and the Navajo Nation Departments of Historic Preservation and Fish and Wildlife; and in some instances Forestry, Minerals, Parks and Recreation; and any successor or equivalent Navajo Nation agencies with authority for environmental compliance review.

22.15 Collateral Assignment: An assignment of leasehold interests to secure a loan, mortgage, or deed of trust to finance development of the homesite or to purchase an existing house situated on a homesite lease.

22.16 Community Property: 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.

22.17 Compliance Determination: The final action determination of the Environmental Reviewer that the proposed leasing action complies or does not comply with the Environmental Review Process set forth in sub-chapter 8 of the Navajo Nation General Leasing Regulations of 2013.

22.18 Conflict of Interest: A conflict between public obligation and private interest that will not allow the pertinent official to discharge their duty in an unbiased manner.

22.19 Consent or consenting: The act of written authorization by a person empowered to agree, permit and approve the grant of a homesite lease within their grazing pasture or area by the Grazing Official and Grazing Permittee(s).

22.20 Day: A calendar day, unless otherwise specified.

22.21 Deed of Trust: A deed conveying the leasehold interest of lessee (trustor) to a trustee as security until the lender (beneficiary) is repaid a loan. In the event of breach in repayment of the loan, the

deed trustee is empowered to foreclose on the lease hold interests and improvements and resell the property in a commercially reasonable manner.

22.22 Delegation of Authority: Where, upon approval of the Resources and Development Committee of the Navajo Nation Council, or its successor, authority of the Committee is delegated to a subdivision of Navajo Nation government to approve grants of homesite leases, and their assignment, transfer, or other lawful disposition. Said authority may also be delegable pursuant to the Local Governance Act, 26 N.N.C. §§ 1- 2005, as amended, or other relevant Navajo Nation law.

22.23 Improvement: Any structure; home, building, or fencing of surveyed tract, such as building a shack, ramada, storage shed, foundation constructed for a residential purpose.

22.24 Egress: The act of going out or leaving; exit.

22.25 Encumbrance: Any indenture or proper court order that restricts the ability of lessee to freely, unilaterally further dispose of the leasehold, such as with a collateral assignment of lease under a mortgage, deed of trust or other instrument, which secures a debt or burdens the lease by restriction of uses or alters use rights of lessee or lessor.

22.26 Encumbrancer means the owner or holder of an approved encumbrance.

22.27 Environmental Assessment: The study of environmental and social impact upon the quality of the human environment as required by Federal laws.

22.28 Eminent Domain: The power of a sovereign government to take property for public use with notice and payment of fair and just compensation to the permittee or lessee.

22.29 Fair market rental: The amount of rental income that a leased tract of Indian land would return to the Lessor as an investment in an open and competitive market, or as determined by competitive bidding.

22.30 Fee interest: An interest in land that is owned in unrestricted fee status, and is thus freely alienable by the fee owner.

22.31 Fee Land: Unrestricted lands owned by the Navajo Nation in fee simple, which are subject to taxation by the state government.

22.32 Field Clearance: Identification of the affected grazing permittees within a proposed homesite location by the Grazing Committee Member, and consent by permittee to the use of land for a homesite.

22.33 Grazing Official (GO) or Land Board Official (LBO): The elected Navajo Nation Official responsible for grazing or farming and land matters within their assigned respective district unit boundary. Such grazing official shall mean the District Grazing Committee Member, Eastern Navajo Land Board Member, or Farm Board Member.

22.34 Grazing Permit: All livestock grazed on Navajo lands must be covered by an authorized grazing permit issued by the Superintendent or BIA based upon the recommendation of the District Grazing Committee. A Grazing Permit does not grant fee simple land ownership of the real estate, but, rather authorizes grazing use.

22.35 Holdover: Circumstances in which a lessee remains in possession of the leased premises after the lease term expires.

22.36 Homesite Lease Applicant: Eligible individual(s) who applied for a homesite lease on Navajo Nation trust or fee land but have not yet received approval of a grant of a homesite lease.

22.37 Homesite Lease: A written document that grants a property interest in the use and disposition of the surface of real estate by lessee, and a bilateral contract with lessor that is approved by the Navajo Nation to lease one (1) acre or less of Navajo Nation trust or fee land for residential purposes for 75 years.

22.38 Housing for public purposes: Multi-family developments, single-family residential developments, and single-family residences, administered by a tribe or a tribally designated housing entity; or substantially financed using tribal, federal, or state housing assistance program funds.

22.39 Housing subdivision: A lease area for which a Master Lease is issued for multi-family development, single-family residential development, or housing for public purposes. It is an area where individual

lots have been so designated, and where infrastructure (streets, electricity, sewer and water) have been provided in anticipation of issuing homesite leases to individual applicants within the Subdivision."

22.40 Infrastructure: The basic improvements, facilities and utilities needed for the functioning of a home or dwelling; such as waterline, power line, telephone, sidewalks, housing subdivision parks or playgrounds, and roads.

22.41 Ingress: The act of going in or entering, the right to enter; a means of entering; entrance.

22.42 Interest, when used with respect to Indian land: An ownership right to the surface estate of Indian land.

22.43 Joint Tenancy with Right of Survivorship: Property held by two or more 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.

22.44 Land Status: The current type of land or disposition or management of the real estate and surface use rights.

22.45 Lease: A written agreement between the lessor and a lessee, issued under these Regulations as authorized by 25 U.S.C §§ 415 (a) or (e). The lessee is granted a right to possess Navajo Nation Trust Land for a specific purpose and limited duration.

22.46 Leasing Decision: In the context of the environmental review process; means the following types of lease transactions that will be acted upon by the Navajo Nation or its delegated political subdivision: 1) Issuance of a lease; 2) Amendment or modification of a lease; 3) Assignment or transfer of a lease; and 4) Granting of a Sublease as applicable.

22.47 Lease document: A lease, amendment, assignment, sublease, or leasehold mortgage.

22.48 Leasehold Interest: Claim or right to enjoy the exclusive possession and use of an asset or property for a stated definite period, as created by a written lease.

22.49 Leasehold mortgage: A mortgage, deed of trust, or other instrument that pledges a lessee's leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.

22.50 Lessee: An individual or individuals who has or have a finalized homesite lease approved by the Navajo Nation.

22.51 Lessor: The Navajo Nation or its duly authorized designee, the Navajo Land Department (NLD) Manager.

22.52 Life estate: An interest in property held only for the duration of a designated person's life. A life estate may be created by a conveyance document or by operation of law.

22.53 LTRO: Land Titles and Records Office of the BIA. This office records all title to types of surface estates granted on the Navajo Nation.

22.54 Mortgagee: The holder of a leasehold mortgage.

22.55 Navajo: Any person who is an enrolled member of the Navajo Nation.

22.56 Navajo Land: All lands held in trust for the Navajo Nation; land title which is restricted in favor of the Navajo Nation; Navajo controlled lands (when NN approves use of the property); and Navajo Fee lands.

22.57 Navajo Nation: The Navajo Nation Government.

22.58 Navajo Nation Trust Land: The surface estate of land or any interest therein held by the United States in trust for the Navajo Nation; land held by the Navajo Nation and subject to federal restrictions against alienation or encumbrance; land held by the United States in trust for a Navajo Nation corporation chartered under Section 17 of the Indian Reorganization Act.

22.59 Non-Navajo: A person who is not an enrolled member of the Navajo Nation.

22.60 Navajo Forest: All Navajo Nation controlled lands supporting specific species of trees with a specific density or crown closure, as defined in 17 N.N.C. § 520 (H).

22.61 Navajo Woodland: All Navajo controlled lands supporting specific species of trees with a specific density or crown closure, as described in 17 N.N.C. § 520 (I).

22.62 NEPA: The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*

22.63 Permanent improvements: Buildings, structures, and associated infrastructure attached to the leased premises.

22.64 Permit: A written authorization or license granted by the Navajo Nation whereby the permittee is granted a use or revocable use privilege to use Navajo Nation Trust Land for a specified purpose and limited duration.

22.65 Permittee: A person or entity who has acquired a privilege to use Navajo land or federal land by a permit.

22.66 Petition: A written request submitted to the Secretary for the review of an action or inaction of the Navajo Nation that is claimed to be in violation of these Regulations. Petition may only be submitted within thirty (30) days after exhausting all remedies available on the Navajo Nation.

22.67 Professional Surveyor: A surveyor who engages in the practice of land surveying and is qualified to undertake such practice as confirmed by legal certification registration and licensure as a professional surveyor. The Surveyor must be registered with the respective state where he/she practices land surveying (Arizona, New Mexico, and/or Utah).

22.68 Probate: The legal action by a court of competent jurisdiction of distributing property of the decedent and the closing of his or her estate.

22.69 Regulations: Homesite Leasing Regulations Amendments of 2015.

22.70 Relative: A father, mother, son, daughter, brother, sister, grandmother, grandfather, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half-brother, half-sister or legally adopted persons by court order.

22.71 Restricted land: Land where the beneficial title to which is held by the Nation or an Individual Indian, that can only be alienated or encumbered by the beneficial owner; or, if encumbered by a homesite lease, by the lessee, with the approval of the Navajo Nation.

22.72 Right-of-Way: A property right which may or may not be attached to the land, to use for a purpose unrelated to residential use, such as strips of land for roadways, railroads, power line, oil and natural gas lines, telephone lines, waterlines, and other utility distribution service lines.

22.73 Secretary: The Secretary of the Interior or his duly authorized representative or successor.

22.74 Significant Impact: A determination that an action will have a significant effect on the quality of the human environment after considering the following:

1) Effects on public health and safety;
2) Effects on the unique characteristics of the geographic areas, including its historic or cultural resources, park lands or ecologically critical areas;
3) Highly controversial effects on the human environment;
4) Highly uncertain or unknown effects on the human environment;
5) Effects in terms of precedent for future actions with significant effects;
6) Effects that may be individually insignificant, but when considered with other projects, have a significant impact on the environment;
7) Effects that cause loss or destruction of scientific, cultural, or historical resources; and
8) Effects on endangered or threatened species or habitat protected under Navajo Nation or federal law.

22.75 Single-family residence: A building with one dwelling unit on a tract of land under a single residential lease, or as defined by applicable tribal law or other tribal authorization.

22.76 Single-family residential development: Two or more single-family residences owned, managed, or developed by a single entity.

22.77 Sublease: A written agreement by which the lessee grants a right of possession no greater than that held by the lessee under the Lease.

22.78 Surety: One who guarantees the performance of another's performance of an undertaking, for example payment of a debt.

22.79 Surface Use: The right or privilege to utilize the external layer of land for various types of land use.

22.80 Surveyor: The Navajo Nation Official responsible for providing a legal land description of the leased premises by drafting a survey plat from data concerning a portion of the earth's surface by length, direction of boundary lines, and contour of the surface. This person is a professional and licensed surveyor.

22.81 Tribally Designated Housing Entity (TDHE): A TDHE is a tribally-sponsored or tribally sanctioned not-for-profit entity, or limited partnership or other entity organized for the purpose of developing or improving low-income housing utilizing tax credits pursuant to 25 U.S.C. 4103(22).

22.82 Tenure: The time of holding real estate.

22.83 Tenancy in Common: Property held by two or more 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.

22.84 Termination: To end one's interest in a Homesite Lease by default or mutual consent or valid court order and allowing such interest to revert back to the Navajo Nation.

22.85 Trespass: Unauthorized possession, occupancy or use of Navajo Nation Trust Land as defined by Navajo Nation or federal law.

22.86 Unrestricted land: Lands where title is held by the Navajo Nation in fee simple absolute status, and the Nation is not required to obtain the approval of the Federal government to render further disposition or use of the land.

22.87 Violation: A failure by Lessee to comply with an obligation created by the Lessee agreement to take an action, including payment of compensation, or to fail to comply with a term of the lease.

22.88 Watering Point: All tribally developed and maintained springs, wells, and dirt tanks, charcos or deep reservoirs.

CAP-48-99

RESOLUTION OF THE
NAVAJO NATION COUNCIL

Adopting the Navajo Nation Privacy and Access to Information Act

WHEREAS:

1. Pursuant to 2 N.N.C. §102 (A) and (B), the Navajo Nation Council is the governing body of the Navajo Nation and all powers not delegated are reserved to the Navajo Nation Council; and

2. Pursuant to 2 N.N.C. §341, the Government Services Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with the authority to monitor and coordinate the activities of all divisions and departments of the Executive Branch. In addition, pursuant to 2 N.N.C. §343 (B)(5), the Committee is authorized to recommend legislation to the Navajo Nation Council on matters within the Committee's jurisdiction; and

3. The Government Services Committee of the Navajo Nation Council, by Resolution GSCAP-27-99, attached hereto and incorporated herein as Exhibit "B", has recommended that the Navajo Nation Council adopt the Navajo Nation Privacy and Access to Information Act, set forth at 2 N.N.C. Subchapter 4, §§81-91; and

4. Pursuant to 2 N.N.C. §571, the Judiciary Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with oversight responsibilities for the operation of the Judicial Branch. In addition, pursuant to 2 N.N.C. §574 (E)(2), the Committee is authorized to review legislation and make recommendations regarding any proposed or current laws, procedures and regulations affecting or creating any impact on the Judicial Branch; and

5. The Judiciary Committee of the Navajo Nation Council, by Resolution JCAP-4-99, attached hereto and incorporated herein as Exhibit "C", has recommended that the Navajo Nation Council adopt the Navajo Nation Privacy and Access to Information Act, set forth at 2 N.N.C. Subchapter 4, §§81-91; and

6. The Navajo Nation Council recognizes that a democratic form of government requires that information related to government operations be accessible to the public, while respecting individuals right to privacy. As such, a generally applicable Navajo Nation Privacy and Access to Information Act is necessary to provide the general public with a means to access records and information relating to the operation of the Navajo Nation while preserving the privacy interests of individuals and entities.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby amends Title 2 of the Navajo Nation Code by adopting the Navajo Nation Privacy and Access to Information Act, as provided in Exhibit "A", attached hereto and incorporated herein.

2. The amendments contained in this resolution shall become effective upon the certification of this resolution by the Speaker of the Navajo Nation Council.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by 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 61 in favor, 0 opposed and 0 abstained, this 23rd day of April 1999.

George Arthur, Speaker Pro Tem
Navajo Nation Council
APR 26 1999
Date Signed

Motion: Ralph Bennett
Second: Nelson Gorman, Jr.

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby give notice that I will not veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this 4th day of May 1999.

Kelsey A. Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), this ___ day of _____, 1998 for the reason(s) expressed in the attached letter to the Speaker.

Kelsey A. Begaye, President
Navajo Nation

Approved 750 Feet Right-of-Way on both side of Highway - CM-9-50

RESOLUTION NO. CM-9-50
OF THE
NAVAJO TRIBAL COUNCIL

WHEREAS, the government has constructed and plans to construct and maintain additional roads on the Navajo Reservation, and

WHEREAS, the Navajo Tribe deems it advisable to control all business enterprises, structures, installations and any other developments for a distance of seven hundred fifty (750) feet on both sides of the right-of-way of all constructed and maintained roads on tribal lands;

THEREFORE, BE IT RESOLVED, that controlled zones of seven hundred fifty (750) feet on both sides of the right-of-way of any constructed, maintained, or proposed new roads are hereby established. The Advisory Committee of the Navajo Tribal Council shall have full authority, acting for the Navajo Tribal Council, to make and regulate any installations, to receive applications, grant permits or leases, establish rental rates, require submission of plans for proposed installations and specify conditions which must be met to receive a permit or lease in said zones, subject to the approval of the General Superintendent of the Navajo Agency. This authority shall not be construed to regulate the control of engineering structures required in the construction of roads, water development, soil and moisture conservation structures, or any other land improvements to be made by the government for the benefit of the Navajo Tribe of Indians, nor shall this authority be construed to restrict the use of land within such zones for grazing and farming by individuals Navajo Indians who may have recognized use rights of tribal lands within such zones.

CERTIFICATION

We hereby certify that the foregoing resolution was considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona, at which a quorum was present, and that the same was approved by a vote of 53 in favor and 0 opposed on this 18th day of March, 1950.

Sam Abkeah
Sam Abkeah, Chairman
Navajo Tribal Council

APPROVED:

Allan G. Harper
Allan G. Harper
General Superintendent

Rhoads Tso
Rhoads Tso, Vice-Chairman
Navajo Tribal Council

RE-TYPE RESOLUTION

NO. CM-9-50

RESOLUTION
OF THE
NAVAJO TRIBAL COUNCIL

WHEREAS, the government has constructed and plans to construct and maintain additional roads on the Navajo Reservation, and

WHEREAS, the Navajo Tribe deems it advisable to control all business enterprises, structures, installations and any other developments for a distance of seven hundred fifty (750) feet on both sides of the right-of-way of all constructed and maintained roads on tribal lands.

THEREFORE, BE IT RESOLVED, that controlled zones of seven hundred fifty (750) feet on both sides of the right-of-way of any constructed, maintained, or proposed new roads are hereby established. The Advisory Committee of the Navajo Tribal Council shall have full authority, acting for the Navajo Tribal Council to make and regulate any installations, to receive applications, grant permits or leases, establish rental rates, require submission of plans for proposed installations and specify conditions which must be met to receive a permit or lease in said zones, subject to the approval of the General Superintendent of the Navajo Agency. This authority shall not be construed to regulate the control of engineering structures required in the construction of roads, water development, soil and moisture conservation structures, or any other land improvements to be made by the government for the benefit of the Navajo Tribe of Indians, nor shall this authority be construed to restrict the use of land within such zones for grazing and farming by individuals Navajo Indians who may have recognized use rights of tribal lands within such zones.

CERTIFICATION

We hereby certify that the foregoing resolution was considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Arizona at which a quorum was present, and that the same was approved by a vote of 53 in favor and 0 opposed on this 18th day of March, 1950.

Sam Ahkeah, Chairman
Navajo Tribal Council

APPROVED:

Allan O. Harper
General Superintendent

Zhealy Tso
Navajo Tribal Council

RCD-216-99

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Recommending and Requesting that Each Community Designate Trust Land for Community Cemeteries

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 691 and 693, the Resources Committee is established as a standing committee of the Navajo Nation Council for the purposes of ensuring the optimum utilization of all resources of the Navajo Nation and to protect the rights, and interests and freedoms of the Navajo Nation and people to such resources; and

2. Pursuant to 2 N.N.C. § 695 (B) (14), the Resources Committee of the Navajo Nation Council serves as the legislative oversight committee for the Division of Natural Resources, District Grazing Committee, Eastern Navajo Land Board and Navajo Nation Farm Boards and overall matters affecting Navajo resources; and

3. Pursuant to 2 N.N.C. § 695 (B) (5) and (6), the Resources Committee is authorized to give final approval of all land withdrawals for residential subdivisions, rights-of-way, including all surface easements and other clearances related but not limited to powerline, waterline and sewer line extensions; and to oversee and regulate all activities within Navajo Nation lands, including actions which may involve disposition or acquisition of resources, surface disturbance, or alteration of the natural state of the resource; and

4. The District Grazing Committee has been dealing with issues involving burials. There is a prevalence of people burying their deceased loved ones out on rangelands, within farm plots and within or near their homesite leases. Land use controversies arise when other land users find a burial that interferes with their use of range or farm lands. During the funeral and burial planning process, controversies and disputes arise when a grazing permittee or land use permittee finds out that the burial is being planned on open rangelands or within or near a farm plot or homesite lease area. The District Grazing officials are being requested to handle or mediate these disputes on burials; and

5. To address these issues and to avoid any further controversies, the District Grazing Committee by resolutions, have requested that each community designate and withdraw lands in accordance with 13 N.N.C. § 1951 and 2 N.N.C. § 695 (B) (5) and (6). These resolutions of the District Grazing Committees are attached hereto and incorporated herein as Exhibit "A"; and

6. The Resources Committee is also aware that there are communities where their community cemeteries have reached their maximum use allowances and may have to withdraw more lands to handle the additional needs.

NOW THEREFORE BE IT RESOLVED THAT:

The Resources Committee of the Navajo Nation Council hereby requests that each community of the Navajo Nation designate lands for community cemeteries in accordance with Title 13, Navajo Nation Code, Chapter 11, Burials, Subchapter 1. Generally and Subchapter 3, Cemeteries, including 13 N.N.C. § 1951 and 2 N.N.C. § 695 (B) (5) and (6). Chapter resolutions recommending such land withdrawals shall be submitted to the Division of Natural Resources for consideration by the Resources Committee.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 9th day of December, 1999.

Robert B. Whitehorse
Vice Chairperson
Resources Committee

Motion: Jack Colorado
Second: Herman Daniels

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

RCJA-05-06

RESOLUTION OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

20th NAVAJO NATION COUNCIL - Fourth Year, 2006

AN ACTION

RELATING TO NATURAL RESOURCES; RESCINDING RESOLUTION NO. RCAP-073-82 AND APPROVING AND PROMULGATING NEW RULES FOR LAND, GRAZING AND FARMING DISPUTES FOR THE DISTRICT GRAZING COMMITTEES, EASTERN NAVAJO LAND BOARDS AND FARM BOARDS

BE IT ENACTED:

1. The Navajo Nation hereby rescinds Resolution No. RCAP-073-82 (Adopting and Promulgating Regulations for the Settlement of Land and Grazing Disputes), attached hereto as Exhibit "A".

2. The Navajo Nation hereby approves and promulgates "Rules for Land, Grazing and Farming Disputes" for the District Grazing Committees, Eastern Navajo Land Boards and Farm Boards, attached hereto as Exhibit "C".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 19th day of January, 2006.

LaVern Wagner, Vice Chairperson
Resources Committee

Motion: Harry J. Goldtooth
Second: Herman Daniels

RCJY 133 01

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving and Recommending that the Bureau of Indian Affairs Approve the New Navajo Nation 10-Year Forest Management Plan with Alternative No. 4 as the Proposed Action

WHEREAS:

1. Pursuant to 2 N.N.C. §§ 691 and 695 (B) (14), the Resources Committee of the Navajo Nation Council was established as a standing committee of the Navajo Nation Council and has legislative oversight authority for the Division of Natural Resources; and

2. Pursuant to 2 N.N.C. § 695 (B) (7), the Resources Committee of the Navajo Nation Council is authorized to oversee and regulate all activities within the Navajo Nation lands, including actions which may involve the disposition or acquisition of resources, surface disturbance, or alteration of the natural state of resources; and

3. Pursuant to 2 N.N.C. § 695 (B) (8), the Resources Committee of the Navajo Nation Council is authorized to approve overall Resource Management Plans of the Navajo Nation, including regulations governing the designation and use of resources; and

4. Pursuant to 2 N.N.C. § 695 (B) (12), the Resources Committee of the Navajo Nation Council is authorized to establish Navajo Nation policy with respect to the optimum utilization of all resources, including the authority to initiate and require studies of the natural resources for the protection and efficient utilization, management, administration, and enhancement of such resources; and

5. Pursuant to the National Indian Forest Resources Management Act, 25 USC § 3104 and General Forestry Regulations, 25 CFR § 163.11, *a forest management plan must* be prepared for all Indian forest lands prior to harvest of Indian trust timber and approved by the Secretary of the Interior; and

6. Pursuant to the National Environmental Protection Act *(NEPA) planning process,* 40 CFR §§ 1500-1508, five (5) forest management alternatives were developed for the Forest Management Plan by the Navajo Forestry Department using the

NOW THEREFORE BE IT RESOLVED THAT:

1. After review and consideration of the five (5) different forest management alternatives as presented and documented, the Resources Committee of the Navajo Nation Council hereby approves the New Navajo Nation 10-Year Forest Management Plan, attached hereto as Exhibit "B", and selects Alternative No. 4 as being in the best interest of the Navajo Nation.

2. The Resources Committee of the Navajo Nation Council further recommends that the Bureau of Indian Affairs approve the New Navajo Nation 10-Year Forest Management Plan with Alternative No. 4 as the proposed action.

3. Furthermore, the Resources Committee of the Navajo Nation Council hereby retains the opportunity and privilege to reevaluate the alternative plan from time to time.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 30th day of July, 2001.

George Arthur, Chairperson
Resources Committee

Motion: Elmer L. Milford
Second: Herman Daniels

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, an 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

RCMA-34-03

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving Biological Resource Land Use Clearance Policies and Procedures to Assist the Navajo Nation Government and Chapters Ensure Compliance with Federal and Navajo Laws which Protect Fish, Wildlife, Plant Species and Their Habitat, and Expedite Land Use Approval

WHEREAS:

1. Pursuant to 2 N.N.C. § 691, the Resources Committee was established as a standing committee of the Navajo Nation Council; and

2. Pursuant to 2 N.N.C. § 695 (B) (14), the Resources Committee of the Navajo Nation Council is the oversight committee for the Division of Natural Resources which includes the Department of Fish and Wildlife; and

3. Pursuant to 2 N.N.C. § 695 (B) (11), the Resources Committee is authorized to oversee the enforcement and administration of applicable Navajo Nation and federal laws, regulations, guidelines, and administrative procedures in the development and utilization of resources; and

4. The federal government and Navajo Nation have enacted laws and regulations which protect, conserve, enhance, and restore fish, wildlife, plant species (wildlife species) and their habitat; and

5. The Navajo Nation government routinely approves of numerous land withdrawals, leases, rights-of-way, land use permits and other licenses and usufructuary interest in Navajo lands which may adversely affect wildlife species and their habitat; and

6. Pursuant to 26 N.N.C. § 1 et seq., the Navajo Nation Council adopted the Navajo Nation Local Governance Act (LGA) which authorizes certified chapters to approve of homesite and business site leases, land use permits, adopt zoning ordinances and develop comprehensive community based land use plans; and

7. Pursuant to 26 N.N.C. § 103 B., all authority exercised by chapters under the LGA shall be consistent with Navajo Nation laws; and

8. There is a need to adopt Biological Resource Land Use Clearance (BRLC) Policies and Procedures to assist the Navajo Nation government and chapters who are developing comprehensive community based land use plans ensure compliance with federal and Navajo laws and regulations which protect wildlife species and their habitat, and expedite land use approval; and

9. After extensive study and research, public and chapter input, the Navajo Nation Department of Fish and Wildlife (NNFWD) has developed BRLC Policies and Procedures, attached hereto as Exhibit "A", to assist the Navajo Nation government and chapters comply with federal and Navajo laws which protect wildlife species and their habitat, and expedite land use approval. Attached to the BRLC Policies and Procedures are maps which identify sensitive species/habitat areas covering the entire Navajo Nation; and

10. The BRLC Policies and Procedures have been designed to expedite the process for review and approval of land withdrawals, homesite leases, business site leases, land use permits, rights-of-way, and other similar land uses; and

11. The NNDFW provided copies of the draft BRLC Policies and Procedures to all 110 chapters through the Division of Community Development for their review and comments. The NNDFW received substantial support from the chapters and public for the proposed BRLC Policies and Procedures and it has been reviewed to incorporate their comments and concerns.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Resources Committee of the Navajo Nation Council hereby approves the Biological Resource Land Use Clearance (BRLC) Policies and Procedures, attached hereto as Exhibit "A", to assist the Navajo Nation government and chapters ensure compliance with federal and Navajo laws that protect wildlife species and their habitat, and expedite land use approval.

2. The Resources Committee of the Navajo Nation Council directs that said BRLC Policies and Procedures be used as a planning mechanism for all proposed land uses, including, but not limited to, rights-of-way, leases, homesite leases, subleases, assignment of leases, sand and gravel permits, prospecting permits, mission site permits, general land use permits, licenses and other similar uses of Navajo Nation trust and fee lands which require the approval of the Resources Committee or the Navajo Land Department.

3. The Resources Committee of the Navajo Nation Council hereby recommends that the Transportation and Community Development Committee, the Economic Development Committee, the Division of Economic Development, the Division of Community Development, certified Navajo Nation chapters, tribal enterprises and other Navajo Nation governmental entities which may have the authority to review and/or approve of the use of Navajo lands, adopt said Policies and Procedures.

4. The Resources Committee of the Navajo Nation Council declares the need for wildlife management to remain as a central government function due to lack of expertise at the local level.

5. The Resources Committee of the Navajo Nation Council hereby directs the Navajo Nation Department of Fish and Wildlife to work with and educate the public and chapters regarding the new BRLC Policies and Procedures and assist the chapters to incorporate said Policies and Procedures into their comprehensive community based land use plans as appropriate.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor, 0 opposed and 0 abstained, this 13th day of March, 2003.

LaVern Wagner, Vice Chairperson
Resources Committee

Motion : Norman John, II
Second: Amos Johnson

RCN-194-02

RESOLUTION
OF THE RESOURCES COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving and Recommending that the Navajo Nation Council Authorize the Office of Hearings and Appeals to Hear and Decide Disputes Concerning Grazing Rights, Land Boundaries and Fences, to Hear Appeals of Administrative Decisions of District Grazing Committees, Eastern Agency Joint Land Board, and Hear Appeals of Administrative Decisions of the Director of the Navajo Land Department Concerning Homesite Lease Applications; and Amending 2 N.N.C. § 695 (B) (1), (B) (4), and 3 N.N.C. §§ 65 (E) & (F), 153, 172 (C), 173 (B), 176, 216, 241 (B) (6), 710 (A) & (B) (2), 832 (B), 852 (B), 875 and 949

WHEREAS:

1. Pursuant to 2 N.N.C. § 691, the Resources Committee was established as a standing committee of the Navajo Nation Council; and

2. Pursuant to 2 N.N.C. § 695 (B) (1), the Resources Committee is empowered to act as the Central Grazing Committee and resolve disputes concerning grazing rights, land boundaries and fences within the Navajo Nation; and

3. Pursuant to 2 N.N.C. § 695 (B) (4), the Resources Committee is empowered to review and decide disputes concerning homesite lease applications; and

4. In addition to the responsibility of hearing disputes and appeals of administrative decisions of District Grazing Committees, Eastern Agency Joint Land Board and the Director of the Navajo Land Department concerning homesite lease applications which are becoming more numerous, the Resources Committee has a number of other responsibilities that consume most of its time; and

5. There is a need, therefore, to transfer the authority for resolving disputes concerning grazing rights, land boundaries and fences to another entity which has the expertise for conducting hearings and provide an expeditious mechanism to resolve said disputes without the need for legal representation; and

6. There is also a need to transfer the authority for deciding appeals of administrative decisions of the District Grazing Committees, Eastern Agency Joint Land Board, and the Director of the Navajo Land Department concerning homesite lease applications and provide an expeditious mechanism to resolve said appeals without the need for legal representation; and

7. Pursuant to 2 N.N.C. § 1051, the Office of Hearings and Appeals was established to serve as an informed, fair and impartial forum for hearing disputes and appeals arising under applicable laws, rules and regulations of the Navajo Nation; and

8. The Resources Committee believes it will be in the best interest of the Navajo Nation to transfer the authority for hearing said disputes and appeals of administrative decisions to the Office of Hearings and Appeals; and

9. In order to carry out the intent of this resolution, amendments to the Navajo Code have been prepared and are attached hereto as Exhibits "A" and "B".

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Resources Committee approves and recommends that the Navajo Nation Council authorize the Office of Hearings and Appeals to hear and decide disputes concerning grazing rights, land boundaries and fences.

2. The Resources Committee approves and recommends that the Navajo Nation Council authorize the Office of Hearings and Appeals to hear appeals of administrative decisions of District Grazing Committees, Eastern Agency Joint Land Board and administrative decisions of the Director of the Navajo Land Department concerning homesite lease applications.

3. In order to minimize the cost/expense of resolving the above referenced disputes and appeals before the Office of Hearings and Appeals, the Resources Committee recommends that legal representation not be required; but interested party should have the opportunity to be represented by legal counsel at their option and own expense.

4. To carry out the intent and purpose of this resolution, the Resources Committee further approves and recommends that the Navajo Nation Council amends 2 N.N.C. § 695 (B) (1) and (B) (4) as provided in Exhibit "A"; 3 N.N.C. §§ 65 (E) & (F), 153, 172 (C), 173 (B), 176, 216, 241 (B) (6), 710 (A) & (B) (2), 832 (B), 875, 949 as provided in Exhibit "B".

5. The Resources Committee further recommends that the Navajo Nation Council authorize the Resource Enforcement Agency to enforce final decisions of the Office of Hearings and Appeals concerning grazing rights, land boundaries and fence disputes as well as final administrative decisions of the Director of the Navajo Land Department concerning homesite lease applications.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Resources Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed and 0 abstained, this 14th day of November, 2002.

George Arthur, Chairperson
Resources Committee

Motion : Elmer L. Milford
Second: Norman John, II

RCS-51-85

RESOLUTION OF THE
RESOURCES COMMITTEE OF
THE NAVAJO TRIBAL COUNCIL

Establishing a Protection Zone within
the Boundaries of Canyon De Chelly National Monument
to Protect Scenic, Scientific, Natural and Cultural Resources
from Activities and Developments Deemed to be a Threat
or an Adverse Impact Until a Joint Management Plan
between the Navajo Nation Bureau of Indian Affairs,
and the National Park Service is Developed and Approved

WHEREAS:

1. By Advisory Committee Resolution ACMA-35-84, the Resources Committee is responsible for all resource management and protection of scenic, scientific, natural and cultural resources; and

2. The Tribal Council Resolution 1922-1951 Res. page 40, passed July 8, 1930, approved a bill to authorize the President of the United States to establish Canyon de Chelly National Monument; and

3. Canyon De Chelly National Monument was established on February 14, 1931, by Presidential Proclamation with the consent of the Navajo Tribal Council to protect resources of scenic, scientific, natural, cultural and historical interest on all lands in Del Muerto, Canyon de Chelly, and Monument Canyon, and the canyons tributary thereto, and lands within one half mile of the rims of the said canyons; and

4. The National Park Service, the Bureau of Indian Affairs, and the Navajo Nation have established a core team to prepare a management plan for the Joint Management of these lands by these aforementioned agencies; and

5. The Joint Planning Team has identified issues and concerns and initiated public hearings to receive comments from local chapters, agencies, and interested individuals; and

6. The issues identified will be defined and management policies and guidelines will be developed to resolve problems and concerns, and to prevent adverse impacts that will destroy valuable resources are: The purpose and significance of Canyon De Chelly National Monument; Cultural and Natural Resource Management; Park Administration; future developments; visitor use and access; and

7. Adverse impacts to the Monument such as community encroachment and business related developments within the boundaries of Canyon De Chelly can be contrary to the new Joint Management Plan; and

8. The Chairman of the Navajo Tribal Council has asked the Chairman of the Resources Committee of the Navajo Tribal Council to establish a moratorium on new construction within the boundaries of Canyon De Chelly National Monument pending the development and approval of the Joint Management plan.

NOW THEREFORE BE IT RESOLVED THAT:

1. Adverse impacts will not be allowed, such as the development of structures and activities including:

A. House trailers;
B. Two story houses;
C. Wells and water tanks;
D. Tee-Pees, except those used for religious purposes;
E. Special uses, including research and film making;
F. Roads or trails including those for logging, woodcutting, homesites, utility access, and others;
G. Landfills or dumps for solid waste;
H. Commercial signs and structures, including ramadas;
I. Chaining for range management;
J. Quarrying, including borrow pits and mineral exploration;
K. Wood cutting in highly sensitive areas;
L. Timbering
M. Sewage disposal lagoons or treatment facilities;
N. Antennas;
O. Hogans, corrals, or other traditional structures;
P. Pences;
Q. Hunting;
R. Trapping;
S. Recreational four wheeling by recreation vehicles except authorized tour guide services.
T. Activities that are dangerous or hazardous in violation of Health and Safety Standards.

2. Disputes to the restrictions will be heard by a Subcommittee of the Core Team of the Joint Management Plan and recommendations of the dispute will be referred to the Resources Committee for a final decision. The joint management plan will include minimum criteria which can be used by the Subcommittee and Resources Committee to settle disputes that will arise. Disputes be considered on individual basis, and specific problems in addition to those identified by the joint management criteria will be addressed. Disputes must meet at least one of the following criterion:

A. be a project already in the design stages as of this date;
B. be an approved homesite lease where financing has been approved;
C. be a modification or enlargement of existing structures;
D. be a genuine, provable hardship, absent approval of the proposed development;
E. be a project within areas determined to be not significant for the protection of important resources or not necessary for visitor or administrative use.

3. The protection zone hereby established covers all lands within the approximate park boundary including a buffer along the south and north main roads at a distance 1,000 feet away from the road on the side away from the canyon rim. The protection zone will extend up to the Navajo Community College turnoff on the north rim and the Spider Rock turnoff including Monument, Canyon de Chelly, Black Rock, Del Muerto, and other significant canyons.

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

I hereby certify the foregoing Resolution was duly considered by the Resources Committee at a duly called meeting at Window Rock, Arizona at which a quorum was present, and that same was approved by a vote of 4 in favor and 0 opposed, this 5th day of September, 1985.

Andrew Benallie, Chairman
Resources Committee

MOTIONED: Wallace Davis
SECONDED: Jeffrey Henry

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 or the Navajo Nation Archaeology Department.
- ☐ 7 **Receipt** showing payment for a certified land survey plat to be performed by a private registered land surveyor contractor.
- ☐ 8 Completed **Environmental Review Form** at the Agency Navajo Land Offices.
- 9 **$30.00** money order payable to the Navajo Nation for HSL Application non-refundable application fee.
- ☐ 10 **$32.50** money order or cashier's check for Biological Resource Clearance. Completed 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, 750 feet of a major 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	lisacodyyazzie@frontiernet.net	(505) 786-2376
Navajo Land Office, Post Office Box 208, Shiprock, NM 87420	toniasam@frontier.com	(505) 368-1120
Navajo Land Office, Post Office Box 3309,Tuba City, AZ 86045	norajames@frontiernet.net	(928) 283-3194
Navajo Land Office, Post Office Box 9000, Window Rock, AZ 86515	suzannenos@frontiernet.net	(928) 871-6523

Homesite Lease Regulations and HSL Application can be downloaded *FREE* from Navajo Land Department website: www.dinehbikeyah.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 shall 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 $900.00 ($12 annual payment X 75 year lease) 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 not within 750 feet of a major highway right-of-way.

_____ _____

Applicant Date

_____ _____

Applicant Date

FOR JOINT APPLICANTS ONLY

_____ **Joint Tenancy with Right of Survivorship:**

Initial Property held by two or more 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 or more 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 _____ day of _____, 20____.

_____ _____

Applicant Signature Census Number

_____ _____

Applicant Signature Census Number

FOR OFFICE USE ONLY

HSL Application Form	☐	Consent Form (s)	☐	Cultural Resources Compliance Form	☐
Certificate of Indian Blood / ID	☐	GPS/UTM Coordinates	☐	Environmental Review Letter	☐
Marriage License	☐	Certified Land Survey Plat	☐	Biological Resource Clearance Form	☐
Non-Refundable $30.00 Filing Fee	☐	Topographic Map	☐	Reviewed by: _____	
Field Clearance Certification	☐	Archaeology Inventory Report	☐	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: _____ CENSUS NO. _____ DOB: _____

NAME: _____ CENSUS NO. _____ DOB: _____

ADDRESS: _____

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

MESSAGE: ( ) _____ EMAIL ADDRESS: _____

CHAPTER: _____ AGENCY: _____

COUNTY: _____ STATE: _____

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.

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

Datum: NAD 83

Latitude: N Degree:_____ Minutes:_____ Second(s):_____

Longitude: W Degree:_____ Minutes:_____ Second(s):_____

N

ACKNOWLEDGEMENT

_____ _____

Grazing Official / Land Board Member Date

FIELD CLEARANCE CERTIFICATION

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, _____,Grazing Official / Land Board Member of Grazing Management District, _____ community of _____ 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.

	NAME	CENSUS NO.	GRAZING PERMIT NO.
1.			
2.			
3.			
4.			
5.			

SECTION 3 - Grazing Officer/Land Board Member Responsibilities

1 Proposed Homesite is within the Navajo Partition Land (NPL): ☐

2 Proposed Homesite is within Navajo fee land: ☐

3 Are there any improvements(s) on the proposed homesite?
Roads: ☐ Trails: ☐ Power Line: ☐ Waterline: ☐ Others: _____

4 Is there a permanent structure on the proposed site (*House*)? YES ☐ NO ☐

5 If yes, when was the house built? _____ (*Year*)

6 Does the applicant now live in the house? YES ☐ NO ☐

7 Is the applicant moving within 100 or less adjacent to an approved homesite lease? YES ☐ NO ☐

8 Is the proposed homesite within 750 feet of a major highway right-of-way? If yes, applicant must select a new site.

9 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.

10 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.

11 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.

12 Is the proposed homesite within a farm plot or areas with Agricultural Land Use Permits? If yes, applicant must select a new site.

13 Is the proposed homesite lease not within 750 feet of a major highway right-of-way.

_____ Grazing Official / Land Board Member

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 may have to compensate 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 #: _____

Thumbprint

Grazing Permit No.: _____

Date of Issue: _____

☐ Right
☐ Left

WITNESS: _____

ACKNOWLEDGED:

_____ _____ _____
Grazing Official / Land Board Member Date Chapter

NAVAJO NATION
EPA
HOME SITE LEASE
ENVIRONMENTAL RESOURCES

INFORMATION

NAME(s): _____

CHAPTER AFFILIATION _____

YOUR MAILING ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

PHONE/MESSAGE NUMBER _____

Email Address: _____

Navajo Agency Land Office: _____

Does your homesite lease currently have the following?

House ☐Yes ☐No

Trailer ☐Yes ☐No

Hogan ☐Yes ☐No

Corral ☐Yes ☐No

Fence ☐Yes ☐No

Access Road ☐Yes ☐No
How many mile(s) are you located from the nearest paved road?
_____ mile(s)
Paved Road Name/number: _____

Power/Electricity Connected ☐Yes ☐ No
If yes, who provides the power/electric? Name of company: _____

Solar panels ☐Yes ☐No

Wind Tower ☐Yes ☐No

Waterline connected ☐Yes ☐No

Cistern ☐Yes ☐No

Septic System ☐Yes ☐No

Leach/Drain field ☐ Yes ☐No

Sewerline ☐Yes ☐No

Lagoon ☐Yes ☐No
If yes, Individual? ☐ Yes ☐ No
Community? ☐Yes ☐No

What do you do with your household trash?
Burn Onsite? ☐Yes ☐No
If yes, where do you take/haul the ash? _____
Take to landfill/dumpsite? ☐Yes ☐No
Take to local transfer station? ☐Yes ☐No
If yes, where? _____

Is this homesite lease: (CHECK ONLY ONE BOX)
- ☐ New lease
- ☐ Transfer Lease
- ☐ Name Change Lease
- ☐ Other (please specify) _____

Need the following to complete assessment:
- ☐ 7.5" US Geological Survey map showing area of interest along with GPS coordinates LAT/LONG, UTM;
- ☐ Aerial photo with outline of your proposed home site;
- ☐ Survey plat (optional);
- ☐ Arch report (optional)

Contact: Rita Whitehorse-Larsen, Senior Environmental Specialist
Office of Executive Director/Administration – Environmental Review
Mailing Address: ATTN: OER PO Box 339 Window Rock Arizona 86515
Office: 928-871-7188 Cell: 928-551-2058

HOME SITE BIOLOGICAL CLEARANCE FORM (HSBCF)
- REQUEST FORM -

IMPORTANT: PLEASE SUBMIT REQUESTS THRU YOUR AGENCY HSL OFFICE

HOMESITE LEASEE INFORMATION

FIRST NAME/LAST NAME:

MAILING ADDRESS:

CITY, STATE, ZIP:

PHONE NUMBER and/or Email:

CHAPTER NAME:	COUNTY & STATE OF HOMESITE:	AGENCY:

NOTE: Processing fee is $32.50. Please make MONEY ORDER or CASHIER'S CHECK payable to NAVAJO NATION

PLEASE CHECK MARK ONE OF THE FOLLOWING:

☐ **NEW HOMESITE LEASE.**
Site is currently un-occupied by resident.

☐ **OCCUPIED HOMESITE LEASE.**
Site is currently occupied by resident.

YEAR OCCUPIED: _____

OTHER (to be filled out by HSL Office):

- NLD OFFICE PLEASE COMPLETE -

PREPARED BY:

☐ CHINLE NLD
☐ CROWNPOINT NLD
☐ SHIPROCK NLD
☐ TUBA CITY NLD
☐ WINDOW ROCK NLD

MONEY ORDER? YES ☐ NO ☐

MO#_____

INDICATE RCP AREA #_____

FORM VERIFIED BY: (PLEASE INITIAL & DATE):

_____

- NNHP USE ONLY -

FILE#_____

MO#_____

RECEIVED BY:
☐ EMAIL ☐ DROP-OFF by: _____

DATE RECEIVED @ NNHP:

PCL XL error

Subsystem: IP

Error: InsufficientMemory

Operator: RectanglePath

Position: 121321

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Eugene Tso
24th Navajo Nation Council

FROM: Dana Bobroff
Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: December 22, 2021

SUBJECT: **AN ACTION RELATING TO AN EMERGENCY; APPROVING WAIVERS OF THE LAND USER CONSENT REQUIRMENTS WITHIN THE NAVAJO NATION'S HOMESITE LEASE REGULATIONS, RESOLUTION NO. RDCO-74-16, SO THAT HOMESITE LEASE APPLICANTS CAN EXPEDITE THEIR HOMESITE LEASE APPLICATIONS DURING THIS STATE OF EMERGENCY DUE TO THE COVID-19 VIRUS; WAIVERS TO BE FOR A LIMITED TIME; AND COMPENSATION AND DUE PROCESS PURSUANT TO 16 N.N.C §§ 1401 *ET SEQ.* SHALL BE AFFORDED TO LAND USERS WHO HAVE NOT CONSENTED TO THE USE OF THEIR NAVAJO LAND FOR HOMESITE LEASES**

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.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. 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).

Please ensure that his 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 NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0001-22__ **SPONSOR: Eugene Tso**

TITLE: An Action Relating to an Emergency; Approving Waivers of the Land User Consent Requirements Within the Navajo Nation's Homesite Lease Regulations, Resolution No. RDCO-74-16, so that Homesite Lease Applicants can Expedite Their Homesite Lease Applications During this State of Emergency Due to the COVID-19 Virus; Waivers to be for a Limited Time; and Compensation and Due Process Pursuant to 16 N.N.C. §§ 1402 *et seq.* Shall be Afforded to Land Users Who Have Not Consented to the Use of Their Navajo Land for Homesite Leases

***Date posted*: January 05, 2022 at 5:18PM**

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) 871-7586

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.: 0001-22

SPONSOR: Honorable Eugene Tso

TITLE: An Action Relating to an Emergency; Approving Waivers of the Land User Consent Requirements Within the Navajo Nation's Homesite Lease Regulations, Resolution No. RDCO-74-16, so that Homesite Lease Applicants can Expedite Their Homesite Lease Applications During this State of Emergency Due to the COVID-19 Virus; Waivers to be for a Limited Time; and Compensation and Due Process Pursuant to 16 N.N.C. §§ 1402 et seq. Shall be Afforded to Land Users Who Have Not Consented to the Use of Their Navajo Land for Homesite Leases

Posted: January 05, 2022 at 5:18 PM

5 DAY Comment Period Ended: Not Subject to 5 Day Hold

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	**1) Racheal James,** **2) District 8 Grazing Committee** **3) District 18 Grazing Committee** **4) Eastern Agency Joint Land Board** **5) Wynette, Eastern Agency**
Comments/Recommendations	*None*

Legislative Tracking Secretary
Office of Legislative Services

01/07/22 9:58 Am
Date/Time

Regarding Legislation 0001-22

Racheal James <racheal.james13@gmail.com>

Thu 1/6/2022 10:23 PM

To:edmundyazzie21@gmail.com <edmundyazzie21@gmail.com>; Mark Freeland <m.freeland@navajo-nsn.gov>; comments <comments@navajo-nsn.gov>;

Regarding Legislation 0001-22

I would like to voice my concern and opposition in regards to the above mentioned legislation. My main concern is that this legislation is a contradiction to what it seems to be proposing. Section 2 of the Internet Public Review Publication for Legislation No: _0001-22_ Sponsored by Eugene Tso states that

"A home is an important foundation for Navajos and Navajo families. A home provides comfort, safety and security for Navajo, Navajo families, and Navajo communities throughout the Navajo Nation. A home is an integral part of Navajo Fundamental Law, culture, community development and economic development."

If this is true according to Eugene Tso and other supporting delegates, this legislation seems to be a direct contradiction to the above mentioned statement, as this legislation will directly impact my family, my home and my community. 0001-22 -if passed, would not require a homesite lease applicant to attain my family's consent prior to attaining a possible homesite lease near our family. How does this protect and provide comfort, safety and security within our foundation? If passed, our home would be compromised by allowing an unknown individual to move on to land that my family has preserved and maintained for generations.

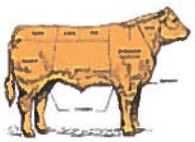
This legislation forgets about the Navajo homes and Navajo families that are ALREADY residing on these sites and does not take into account the struggles that are already present due to COVID-19. By the mere mention of this legislation, Eugene Tso introduces additional burden and stress to our families already residing and taking care of the land on these sites. The amount of compensation *not listed* will not be enough to mitigate the undue burden this legislation will cause our families during this State of Emergency!

If the council cares about ALL Navajo families, they will not approve this unfair and one-sided piece of legislation.

Kind regards,
Racheal James

WARNING: External email. Please verify sender before opening attachments or clicking on links.

DISTRICT 8 GRAZING COMMITTEE



Chairperson-Kenneth Johnson Vice-Chairperson-Delbert Big Secretary-Benedict Daniels Member-Jonathan D. Nez

Date: January 6, 2022

To: Navajo Nation Council Delegates
Navajo Nation Resource & Development Committee

Fr: District 8 Grazing Committee,
Kayenta 8-1,
Chilchinbeto 8-2,
Dennehotso 8-3,
Oljato 8-4

Subject: Homesite Lease Consent Waiver

Ya'at'eeh

This memo is to serve notice that the District 8 Grazing Committee members hereby opposes the Legislation 0001-22 Homesite Lease consent waiver. The District 8 Grazing Committee members are not in favor and does not want the legislation to be passed by the Navajo Nation Council.

The District 8 Grazing Committee is sworn to protect the interest of the Navajo Grazing lands and grazing permit holders from encroachment of unduly aggressive and anti-social individuals who may or may not be Grazing Land users or Grazing Permit holders of the Navajo Nation grazing rangeland. This means that the Grazing Regulations were developed to protect the range resource and the many law abiding livestock operators from those who disregard the rights of Grazing permittees and who attempt to use more range than they are entitled to use. This legislation will cause unduly aggressive without enforcement from the Navajo Nation Council or the person(s) requesting to pass this legislation.
The Navajo Nation's greatest assets is to secure increasing responsibility and participation of the Navajo People, including tribal participation in all basic policy decisions, in the sound management, its grazing lands and to foster better relationship between the Navajo People, the Navajo Nation Council and the Federal Government in carrying out the grazing regulations.

In closing the District 8 Grazing Committee hereby disapproves the legislation.

Thank you for your time in this matter.

Kenneth Johnson, Chairman

Delbert Big, Vice Chairman

Benedict Daniels, Secretary

Jonathan D. Nez, Member

FORT DEFIANCE AGENCY GRAZING

NAVAJO NATION

RESOLUTION OPPOSING LEGISTATION 0001-22: AN ACTION RELATING TO AN EMERGENCY; APPROVING WAIVERS OF THE LAND USERS CONSENT REQUIREMENTS WITHIN THE NAVAJO NATION'S HOMESITE LEASE REGULATIONS, RESOLUTION NO. RDCO-74-16, SO THAT HOMESITE LEASE APPLICANTS CAN EXPEDITE THEIR HOMESITE LEASE APPLICATIONS DURING THIS STATE OF EMERGENCY DUE TO THE COVID-19 WAIVERS TO BE FOR A LIMITED TIME; AND COMPENSATION AND DUE PROCESS PURSUANT TO 16 N.N.C. §§ 1401 ET SEQ. SHALL BE AFFORDED TO LAND USERS WHO HAVE NOT CONSENTED TO THE USE OF THEIR NAVAJO LAND FOR HOMESITE LEASES.

WHEREAS,

1. Pursuant to the Navajo Nation Council resolution CAP-38-9, approving amendments to Title 3 N.N.C, Chapter 5, Subchapter 5, § 871 and 11 N.N.C, § 558 and 240 of The Navajo Nation Election Code et. Seq. giving authority and duties to The Agency District Grazing Committee to conduct business and regulate Grazing and Livestock issues on Navajo Land; and

2. The Fort Defiance Agency District18 Grazing Committee is hereby contained as the administrative body within the Navajo Nation Government with the primary responsibility of managing rangelands, livestock issues, enforcing the Navajo Nation Grazing Regulations and other related issues on the. Navajo Nation; and

3. The Fort Defiance Agency District 18 Grazing Committee promotes the health, safety, and general welfare of the citizens of Dine' People by giving reasonable consideration to the social, economic and environmental characteristics of the community and simplify, expedite and provide uniform application of the land use planning and regulatory review process; and

4. The Fort Defiance Agency District 18 Grazing Committee also advocates for ranching and farming, the beauty of the landscape and rural character of Navajo Nation, in order to enhance economic opportunities among Dine' People, preserve and protect environmental resources, historic sites and conserve soil, water, wildlife habitats and forestry resources; and

5. The Navajo Nation Council has established land policies and guidelines to provide for the management, protection, development, and enhancement of the Navajo lands; and

6. The Fort Defiance Agency District 18 Grazing Committee finds that governmental land-use waiver decisions have a profound effect on communities and individuals. Therefore, it is imperative that these decisions be made in a fair and impartial manner.

7. The Fort Defiance Agency District Grazing Committee continue to represent its Grazing Permit Holders/Land Users and join with the Navajo Nation Resource Development Committee in strongly opposing this legislation; and

NOW THEREFORE BE IT RESOLVED:

THEREFORE, BE IT RESOLVED, that the Fort Defiance Agency District 18 Grazing Committee requests the Navajo Nation Council to continue to provide adequate resources to protect rights of grazing permittees and land users.

NOW, FURTHER BE IT RESOLVED, that the Fort Defiance Agency District 18 Grazing Committee urges and requests Navajo Nation Council to vote against Legislation 0001-22.

CERTIFICATION

We hereby certify that the Fort Defiance Agency District 18 Grazing Committee considered the foregoing resolution, at a duly called special teleconference meeting at Window Rock, Arizona. Navajo Nation, at which a quorum was present and that same was passed by a vote of, 07 in favor, 00 opposed, and 01 abstained on this sixth day of January 2022.

Motioned By: Florina Howard

Seconded By: Herman Billie

Patrick Martinez, Agency District 18 Chairperson

Fort Defiance Agency District Grazing Committee

THE NAVAJO NATION
Eastern Agency Joint Land Board
Crownpoint, New Mexico
P.O. Box

RESOLUTION OF THE EASTERN AGENCY LAND BOARD
RESOLUTION NO.: EAJLB-2022-01-01

The Eastern Agency Joint Land Board of the Navajo Nation are hereby staunchly opposed to the Legislation #0001-22 Titled; An Action Relating To An Emergency; Approving Waivers Of The Land User Consent Requirements Within The Navajo Nation's Homesite Lease Regulations, Resolution No. RDCO-74-16, So That Homesite Lease Applicants Can Expedite Their Homesite Lease Applications During This State Of Emergency Due To The COVID-19 Virus: Waivers To Be For A Limited Time; And Compensation And Due Process Pursuant To 16 N.N.C. §§ 1401 *ET SEQ*. Shall Be Afforded To Land Users Who Have Not Consented To The Use Of Their Navajo Land For Homesite Leases.

WHEREAS:

1. The Eastern Agency Land Board was established by the Navajo Nation Council through the Advisory Council by Resolution No. ACS-324-71, the Eastern Agency Joint Land Board is comprised of all the members of the District Land Boards; and
2. Pursuant to NNC Title 3 § 241 Eastern Agency Land Board (B) In fulfilling its duties and responsibilities, the Joint Land Board shall: (1) Act as Board of Appeals on all protests, disagreements, disputes or appeals from decisions of the District Land Boards. (2) Recommend to the Resources Committee of the Navajo Nation Council a uniform grazing fee on all Navajo Nation and Bureau of Indian Affairs controlled lands. (3) Review range and forage conditions and needs from information furnished by Branch of Land Operations personnel and make recommendations and decisions on problems posed. (4) Review, on an annual basis, the Off-Reservation Range Code, Land Code, and Cooperative Agreement, for the purpose of making recommended changes. (5) Serve as principal coordinator between District Land Boards, the Navajo people, and the Bureau of Indian Affairs, in all matters pertaining to livestock control and improvement, and proper management of the range resources. (6) Refer all appeals that cannot be resolved to the Office of Hearings and Appeal for a final decision; and
3. The Eastern Land Boards agree that this not an emergency relating to the Homesite Lease application process and in fact will cause a negative impact on Eastern Navajo grazing permittees and customary land users: and
4. As this Legislation #0001-22 is written and if approved, will cause detrimental prolonged issues resulting in disputes among and between our Navajo families and grazing permittees; and
5. Our Judicial courts are still backlogged with outstanding cases of land, grazing disputes and probates, to which, if passage of this Legislation #0001-22, additional unneeded land and grazing disputes, domestic altercations cases to our tribal judicial system; and
6. The enactment of Legislation #0001-22 will result in an influx of Navajo people applying for homesite leases of prime grazeable areas in the grazing permitted areas, which could result in the homesite lease applicant(s) not completing the entire homesite lease application process; and
7. It would be beneficial to all parties involved to have this Legislation #0001-22 be initiated by the proper Navajo Nation Council Committee, in this instance, the Resource and Development Committee; and

NOW THEREFORE BE IT RESOLVED THAT:

The Eastern Agency Joint Land Board of the Navajo Nation are hereby staunchly opposed to the Legislation #0001-22 Titled; An Action Relating To An Emergency; Approving Waivers Of The Land User Consent Requirements Within The Navajo Nation's Homesite Lease Regulations, Resolution No. RDCO-74-16, So That Homesite Lease Applicants Can Expedite Their Homesite Lease Applications During This State Of Emergency Due To The COVID-19 Virus: Waivers To Be For A Limited Time; And Compensation And Due Process Pursuant To 16 N.N.C. §§ 1401 *ET SEQ*. Shall Be Afforded To Land Users Who Have Not Consented To The Use Of Their Navajo Land For Homesite Leases.

CERTIFICATION

I, hereby certify that this foregoing resolution was considered by the Eastern Agency Joint Land Board at a duly called Eastern Agency Joint Land Board Special meeting held during a teleconference meeting, at which a quorum was present and was passed by a vote of 13 in favor, 0 opposed, and 0 abstaining on this 6th day of January 6, 2022.

Motioned by: Mr. Anthony Begay Seconded by: Ms. Kathleen Arviso

Mr. Herbert Enrico, Joint Land Board Chairperson
Eastern Agency Joint Land Board
Navajo Nation

FW: STATEMENT OPPOSING Legislation 0001-22

Manuel Rico

Fri 1/7/2022 9:50 AM

To:Julissa Johnson <jjohnson@navajo-nsn.gov>; legislation <legislation@navajo-nsn.gov>;

Comment to 0001-22

From: Mark Freeland
Sent: Friday, January 7, 2022 9:49 AM
To: Manuel Rico <mrico@navajo-nsn.gov>; Rodney L Tahe <rodneytahe@navajo-nsn.gov>
Cc: Timothy Y. Begay, Jr. <tybegay@navajo-nsn.gov>; Rickie Nez <ricklenez@navajo-nsn.gov>; Thomas Walker Jr. <thomaswalkerjr@navajo-nsn.gov>; Herman Daniels, Jr. <hdaniels@navajo-nsn.gov>; Mark Freeland <m.freeland@navajo-nsn.gov>; Kee Allen Begay <keebegay@mfcouncil-kbjr.com>; Teresa F. Woody <teresafwoody@navajo-nsn.gov>; Mariana Kahn <marianakahn@navajo-nsn.gov>; Edmund Yazzie <edmundyazzie@hotmail.com>
Subject: FW: STATEMENT OPPOSING Legislation 0001-22

Please include this comment sent by an Eastern Agency Constituent. Ah'ee'hee.

Mark A. Freeland, Council Delegate
Crownpoint/Tse'ii'Ahi /Nahodishgish/Becenti/White Rock/Lake Valley/Huerfano /Nageezi Chapters

24th Navajo Nation Council
200 Parkway Blvd, Bldg. 3
PO Box 3390
Window Rock, AZ 86515

Phone: 928-871-6380
Mobile : 928-259-1620
Email: m.freeland@navajo-nsn.gov

From: wynette <wynette@jjclacs.com>
Date: Friday, January 7, 2022 at 9:14 AM
To: Mark Freeland <m.freeland@navajo-nsn.gov>, Edmund Yazzie <edmundyazzie@hotmail.com>
Subject: STATEMENT OPPOSING Legislation 0001-22

STATEMENT OPPOSING Legislation 0001-22

Waiving Grazing Permittee Consent for Homesite Leases

Land is sacred. Land is life. It is our duty to care for the land. We, the Navajo People, are the current stewards of this land. We cannot and should not open the doors to haphazard placements of homesite leases by approving this legislation as written. There are no boundaries, no regard to the grazing permittees, and no consideration for land stewardship.
Eastern Navajo Agency grazing permittees are required to prepare and implement conservation plans. This proposed legislation overlooks and oversteps the conservation practices being implemented in the face of climate change, overgrazing and severe drought conditions, to name a few. Living and working the land day-in and day-out within the regulations of grazing/landuse/farming permits and sound conservation practices is not easy. Adding unplanned homesites will exasperate the challenges facing grazing permittees. Respect our land, do not pass this legislation.
The proposed legislation states *"The current Navajo Nation homesite lease approval and leasing process is very cumbersome and time consuming."* True statement, there are 13 checkboxes (shown below) for a complete homesite lease application.

FORM 1 **HOMESITE APPLICATION FORM** **Page 4 of 6**
NAVAJO LAND DEPARTMENT EXHIBIT "C"

FOR OFFICE USE ONLY

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

Consent forms is one of 13 checkboxes. Waiving only the consent portion of the process will not resolve the issues with the entire process. It is wrong to target only the grazing permittee consent portion of this process. Do not pass this legislation.
According to a Special Audit Review (Audit Report No. 19-02) conducted in 2018 by the Office of the Auditor General, the bottleneck is within the Navajo Nation Land Department. The Audit Report revealed deficiencies within the Navajo Land Department not with the Consent of Grazing Permittees. Deficiencies within the Land Department included:

- Unsafe working conditions
- No timelines to complete the homesite lease process
- Nonenforcement of homesite lease regulations
- Improper handling of complaints
- Unreliable land database
- Inadequate office equipment
- Lack of effective metrics

With today's advanced technology and the advanced education of many of our Navajo People many or all the checkboxes could be streamlined and expedited. Fix the system, do not target grazing permittee consents.
Approval of this legislation would be detrimental to the foundation of our Navajo values, principles, and our deeply rooted connection to land. Do not pass this legislation.