

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0079-22\_

SPONSOR: Wilson C. Stewart, Jr.

**TITLE: An Action Relating to Resources and Development; Waiving the Applicability of Resolution No. RCJY-142-92 with Respect to the Homesite Lease Application for Marietta Octavo Nez for a Homesite Lease within the Navajo Commercial Forestry Area and within Sawmill Chapter, Navajo Nation (Apache County, Arizona)**

***Date posted:*** April 14, 2022 at 5:56 PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0079-22

**DATE:** April 8, 2022

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

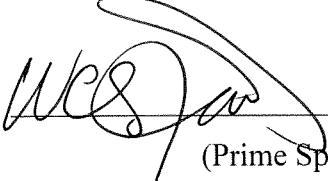
**PURPOSE:** The purpose of the resolution is to approve a waiver of Resources Committee resolution number RCJY-142-92 which placed a moratorium on the issuance of homesite leases within the Navajo Commercial Forestry Area. This request is made for Marietta Octavo Nez for a homesite within the Sawmill Chapter.

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

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 04-19-22  
Eligible for Action: 04-20-22

PROPOSED STANDING COMMITTEE RESOLUTION  
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY

  
\_\_\_\_\_  
(Prime Sponsor)

TRACKING NO. 0079-22

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

**SECTION ONE. AUTHORITY**

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

1       **SECTION TWO. FINDINGS**

- 2           A. The Resources Committee (Predecessor to the Resources and Development) passed  
3           Resolution No. RCJY-14-92 “Establishing a Moratorium on New Structures, New  
4           Homesite and Range Units within the Navajo Commercial Forest Pending  
5           Development and Approval of a New Forest Management Plan”, attached hereto and  
6           incorporated herein as **Exhibit A**.
- 7           B. Marietta Octavo Nez has applied for a homesite lease within the Navajo Commercial  
8           Forestry Area and within Sawmill Chapter, Navajo Nation (Apache County, Arizona),  
9           as further described in the attached **Exhibit B** and have requested a waiver of  
10          Resolution No. RCJY-142-92 as pertains to their request for a homesite lease.
- 11          C. The proposed homesite lease will be located in Apache County, Arizona and is more  
12          particularly described on the map attached hereto and incorporated herein as **Exhibit**  
13          **B**.
- 14          D. The homesite lease application includes a Homesite Biological Clearance Form,  
15          Cultural Resources Compliance Form, maps and a boundary and survey plat which  
16          are incorporated in **Exhibit B**.
- 17          E. The Sawmill Chapter through Resolution SAW-09-13-2021-01, attached as **Exhibit**  
18          **C**, supports the homesite lease request and requests that the Resources and  
19          Development Committee of the Navajo Nation Council waive Resolution RCJY-142-  
20          92.
- 21          F. A Consent Form for Navajo Trust/Fee Land signed by the Grazing Permittee and  
22          acknowledged by the Grazing Official/Land Board Member for the Sawmill Chapter,  
23          is attached as **Exhibit D**.
- 24          G. A letter dated June 25, 2021, from Forest Services Program/NFD to the Director of  
25          the Navajo Land Department, attached as **Exhibit E**, states the homesite lease  
26          application is within the commercial forest boundary and the Resources and  
27          Development Committee is authorized to give final approval authority because of the  
28          moratorium described in Resources Committee Resolution RCJY-142-92.

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30       **SECTION THREE. WAIVING RESOLUTION NO. RCJY-142-92**

1 A. The Resources and Development Committee of the Navajo Nation Council hereby  
2 waives the applicability of Resolution No. RCJY-142-92 “Establishing a Moratorium  
3 on New Structures, New Homesite and Range Units within the Navajo Commercial  
4 Forest Pending Development and Approval of a New Forest Management Plan”  
5 (**Exhibit A**) with respect to the homesite lease application for Marietta Octavo Nez  
6 for a homesite lease application within the Navajo Commercial Forestry Area and  
7 within Sawmill Chapter, Navajo Nation (Apache County, Arizona), as further  
8 described in the attached **Exhibit B**, subject to the following terms and conditions:

- 9 1. The Lessee shall not infringe on the operation and management of the Navajo  
10 Commercial forestry authority of the Navajo Nation.
- 11 2. The Lessee shall comply with provisions for Homesite Lease Policies and  
12 Procedures for Tribal Trust/Fee Land including the application process.
- 13 3. The Lessee shall obtain a permit from the Navajo Forestry Department prior  
14 to cutting any trees within the homesite lease area.

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