

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0200-22\_

SPONSOR: Kee Allen Begay, 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 Nellie C. Tsoie for a Homesite Lease within the Navajo Commercial Forestry Area and within Tsaile/Wheatfields Chapter, Navajo Nation (Apache County, Arizona)**

***Date posted:*** October 12, 2022 at 7:33PM

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**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0200-22

**DATE:** October 4, 2022

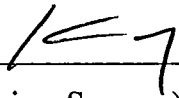
**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; WAIVING THE APPLICABILITY OF RESOLUTION NO. RCJY-142-92 WITH RESPECT TO THE HOMESITE LEASE APPLICATION FOR NELLIE C. TSOSIE FOR A HOMESITE LEASE WITHIN THE NAVAJO COMMERCIAL FORESTRY AREA AND WITHIN TSAILE/WHEATFIELDS 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 Nellie C. Tsosie for a homesite within the Wheatfields 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.**

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL – Fourth Year, 2022

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4 INTRODUCED BY

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7 \_\_\_\_\_  
(Prime Sponsor) *Kee Allen Begay JR*

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9 TRACKING NO. 0200-22

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11 AN ACTION  
12 RELATING TO RESOURCES AND DEVELOPMENT; WAIVING THE  
13 APPLICABILITY OF RESOLUTION NO. RCJY-142-92 WITH RESPECT TO THE  
14 HOMESITE LEASE APPLICATION FOR NELLIE C. TSOSIE FOR A HOMESITE  
15 LEASE WITHIN THE NAVAJO COMMERCIAL FORESTRY AREA AND  
16 WITHIN TSAILE/WHEATFIELDS CHAPTER, NAVAJO NATION (APACHE  
17 COUNTY, ARIZONA)

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19 SECTION ONE. AUTHORITY

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

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29 SECTION TWO. FINDINGS  
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- 1 A. The Resources Committee (Predecessor to the Resources and Development) passed  
2 Resolution No. RCJY-14-92 “Establishing a Moratorium on New Structures, New  
3 Homesite and Range Units within the Navajo Commercial Forest Pending  
4 Development and Approval of a New Forest Management Plan”, attached hereto and  
5 incorporated herein as **Exhibit A**.
- 6 B. Nellie C. Tsosie has applied for a homesite lease within the Navajo Commercial  
7 Forestry Area and within Tsaille/Wheatfields Chapter, Navajo Nation (Apache County,  
8 Arizona), as further described in the attached **Exhibit B** and has requested a waiver of  
9 Resolution No. RCJY-142-92 as pertains to their request for a homesite lease.
- 10 C. The proposed homesite lease will be located in Tsaille/Wheatfields Chapter, Navajo  
11 Nation (Apache County, Arizona) and is more particularly described on the map  
12 attached hereto and incorporated herein as **Exhibit B**.
- 13 D. The Tsaille/Wheatfields Chapter through Resolution dated October 7, 1990 attached  
14 as **Exhibit C**, supports the homesite lease request and requests that the “Navajo Land  
15 Administration of the Division of Resources to the appropriate action to expedite the  
16 homesite certificate.”
- 17 E. The Tsaille/Wheatfields Chapter through Resolution dated March 22, 2022 attached as  
18 **Exhibit D**, “approves and supports Nellie Tsosie’s request to meet with The Resources  
19 and Development Committee regarding Homesite Lease request.”
- 20 F. A Field Clearance Certification for Homesite Lease Application signed by the Grazing  
21 Official/Land Board Member concerning Grazing Management District 11-3 in the  
22 community of Wheatfields Chapter, states that there is “No consent needed. No  
23 Permittee within ½ miles and House was built in Oct. 1984.” The Field Clearance  
24 Certification is attached as **Exhibit E**.
- 25 G. In an undated memorandum from the Forest Services Program/NFD to the Homesite  
26 Agent, Chinle Land Department, Division of Natural Resources, attached as **Exhibit**  
27 **F**, states the homesite lease application is within the commercial forest boundary.  
28 “It is the opinion, the Navajo Forestry Department not to allow the above name  
29 applicant to not to get a homesite lease for the site. Navajo forestry department is  
30 made aware of the established residential home at the above location. ... However, it

1 would be advisable for the applicant to contact the Resources Committee and seek  
2 guidance on the Committee's intent with regard to this situation. The site cannot be  
3 considered 'new construction' because the structures on site predate the moratorium."  
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5 **SECTION THREE. WAIVING RESOLUTION NO. RCJY-142-92**

6 A. The Resources and Development Committee of the Navajo Nation Council hereby  
7 waives the applicability of Resolution No. RCJY-142-92 "Establishing a Moratorium  
8 on New Structures, New Homesite and Range Units within the Navajo Commercial  
9 Forest Pending Development and Approval of a New Forest Management Plan,"  
10 **Exhibit A**, with respect to the homesite lease application for Nellie C. Tsosie for a  
11 homesite lease application within the Navajo Commercial Forestry Area and within  
12 Tsaile/Wheatfields Chapter, Navajo Nation (Apache County, Arizona), as further  
13 described in the attached **Exhibit B**, subject to the following terms and conditions:

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

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