

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0272-24

SPONSOR: Andy Nez

TITLE: An Action Relating to Resources and Development; Waiving the Applicability of Resolution No. RDCJY-142-92 with Respect to the Homesite Lease Application for Chantel Delores Herrick and Jason Lance Herrick for a Homesite Lease within the Navajo Commercial Forestry Area and within Crystal Chapter Navajo Nation

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0272-24

DATE: June 30, 2024

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 CHANTEL DELORES HERRICK AND JASON LANCE HERRICK FOR A HOMESITE LEASE WITHIN THE NAVAJO COMMERCIAL FORESTRY AREA AND WITHIN CRYSTAL CHAPTER, NAVAJO NATION

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 Chantel Delores Herrick and Jason Lance Herrick for a homesite within the Crystal Chapter.

Final Authority: Resources and Development Committee

Vote Required: Simple Majority

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
Website Posting Time/Date
Posting End Date: 12-29-24
Eligible for Action: 12-30-24

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL – Second Year, 2024

3
4 INTRODUCED BY

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7 (Prime Sponsor)

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9 TRACKING NO. 0272-24

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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 CHANTEL DELORES HERRICK AND
15 JASON LANCE HERRICK FOR A HOMESITE LEASE WITHIN THE NAVAJO
16 COMMERICAL FORESTRY AREA AND WITHIN CRYSTAL CHAPTER,
17 NAVAJO NATION

18
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.

28 **SECTION TWO. FINDINGS**

- 29 A. The Resources Committee (Predecessor to the Resources and Development) passed
30 Resolution No. RCJY-142-92 “Establishing a Moratorium on New Structures, New

1 Homesite and Range Units within the Navajo Commercial Forest Pending
2 Development and Approval of a New Forest Management Plan”, attached hereto and
3 incorporated herein as **Exhibit A**.

4 B. Chantel Delores Herrick and Jason Lance Herrick have applied for a homesite lease
5 within the Navajo Commercial Forestry Area and within Crystal Chapter, Navajo
6 Nation, as further described in the attached **Exhibit B** and have requested a waiver of
7 Resolution No. RCJY-142-92 as pertains to their request for a homesite lease.

8 C. The proposed homesite lease more particularly described on the map attached hereto
9 and incorporated herein as **Exhibit B**.

10 D. The homesite lease application includes the Certificates of Navajo Indian Blood,
11 Homesite Biological Clearance Form, Cultural Resources Compliance Form, maps
12 and a boundary and survey plat which are incorporated in **Exhibit B**.

13 E. The Crystal Chapter through Resolution CRY 10-2023-035 attached as **Exhibit C**,
14 supports the homesite lease request and requests that the Resources and Development
15 Committee of the Navajo Nation Council waive Resolution RCJY-142-92.

16 F. A Consent Form for Navajo Trust/Fee Land signed by the Grazing Permittee and
17 acknowledged by the Grazing Official/Land Board Member, is attached as **Exhibit D**.
18 There is a second name on the Field Clearance Certification for which there is no
19 signed consent form. When the Resources and Development Committee approves this
20 legislation, the Navajo Land Department shall seek clarification from the Navajo
21 Department of Justice as to whether a signed consent form is required for the second
22 name on the Field Clearance Certification form.

23 G. Memoranda from Forest Services Program/NFD to the Director of the Navajo Land
24 Department, and from the Navajo Land Department to Chantel and Jason Herrick,
25 attached as **Exhibit E**, state the homesite lease application is within the commercial
26 forest boundary and the Resources and Development Committee is authorized to give
27 final approval authority because of the moratorium described in Resources Committee
28 Resolution RCJY-142-92.

29 H. Photographs of the area requested for the homesite lease and the land around the
30 requested area are attached as **Exhibit F**.

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

A. The Resources and Development Committee of the Navajo Nation Council hereby waives the applicability of Resolution No. RCJY-142-92 “Establishing a Moratorium on New Structures, New Homesite and Range Units within the Navajo Commercial Forest Pending Development and Approval of a New Forest Management Plan” (**Exhibit A**) with respect to the homesite lease application for Chantel Delores Herrick and Jason Lance Herrick for a homesite lease application within the Navajo Commercial Forestry Area and within Crystal Chapter, Navajo Nation, as further described in the attached **Exhibit B**, subject to the following terms and conditions:

1. The Lessee shall not infringe on the operation and management of the Navajo Commercial forestry authority of the Navajo Nation.
2. The Lessee shall comply with provisions for Homesite Lease Policies and Procedures for Tribal Trust/Fee Land including the application process including the Consent Form for Navajo Trust/Fee Land for all individuals identified by the Grazing Official and the Navajo Nation Department of Justice.
3. The Lessee shall obtain a permit from the Navajo Forestry Department prior to cutting any trees within the homesite lease area.

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