

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0277-24

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 Bernice Curley and Berenzia Curley for a Homesite Lease within the Navajo Commercial Forestry Area and within Sawmill Chapter Navajo Nation (Apache County, Arizona)

Date posted: December 24, 2024 at 12:47 PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0277-24

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 BERNICE CURLEY AND BERENZIA CURLEY 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 by Bernice Curley and Berenzia Curley for a homesite within the Sawmill 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 30
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

5 
6 _____

7 (Prime Sponsor)

8
9 TRACKING NO. 0277-24

10
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 BERNICE CURLEY AND BERENZIA
15 CURLEY FOR A HOMESITE LEASE WITHIN THE NAVAJO COMMERCIAL
16 FORESTRY AREA AND WITHIN SAWMILL CHAPTER, NAVAJO NATION
17 (APACHE COUNTY, ARIZONA)

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
29 **SECTION TWO. FINDINGS**
30

- 1 A. The Resources Committee (Predecessor to the Resources and Development) passed
2 Resolution No. RCJY-142-92 “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. Bernice Curley and Berenzia Curley have applied for a homesite lease within the
7 Navajo Commercial Forestry Area and within Sawmill Chapter, Navajo Nation
8 (Apache County, Arizona), as further described in the attached **Exhibit B** and have
9 requested a waiver of Resolution No. RCJY-142-92 as pertains to their request for a
10 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-11-13-23-02, attached as **Exhibit C**,
18 supports the homesite lease request by “Bernice Curley” and requests that the
19 Resources and Development Committee of the Navajo Nation Council waive
20 Resolution RCJY-142-92.
- 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 are not attached to the
23 application. When the Resources and Development Committee approves this
24 legislation, the Consent Form requirement shall be addressed by the Grazing
25 Official/Land Board Member as required by the Homesite Lease Policies and
26 Procedures.
- 27 G. A letter from Forest Services Program/NFD to the Director of the Navajo Land
28 Department, attached as **Exhibit D**, states the homesite lease application is within the
29 commercial forest boundary and the Resources and Development Committee is
30

1 authorized to give final approval authority because of the moratorium described in
2 Resources Committee Resolution RCJY-142-92.

- 3 H. When the Resources and Development Committee approves this legislation, the
4 resolution shall approve Bernice Curley and Berenzia Curley's request for a homesite
5 within the commercial forest. The Resolution shall not apply to any individual whose
6 name was crossed out on the Homesite Application Form. *See*, Exhibit B.

7
8 **SECTION THREE. WAIVING RESOLUTION NO. RCJY-142-92**

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

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

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