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| Community Land Use Plan |
| Bááháálí Chapter |
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Bááháálí Chapter

Community Land Use Plan

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Bááháálí Chapter

Community Land Use Plan

1. Introduction
   1. The Bááháálí Chapter Community Land Use Planning Committee began working with Miller, Arviso, and Associates in 1999 to create a workable land use plan with an emphasis on housing development with the Navajo Housing Authority.
   2. The Land Use Plan was approved by the Transportation and Community Development Committee of the Navajo Nation on April 6, 2006.
   3. Since the Land Use Plan was approved in 2006, it has been pointed out that it is outdated and vague. Therefore, the present Land Use Planning Committee has been working to update the Plan to include present and future projects, as well as include information from the Strategic Plan that was developed by the Chapter Administration and Officials during a meeting in Farmington, New Mexico.
2. Purpose
   1. The purpose of the Land Use Plan is to establish a foundation for the Community Land Use Planning Committee and the Bááháálí Chapter Administration to plan projects and create economic development within the Chapter Service Area.
   2. The secondary purpose is to assist community members in obtaining home site leases in a process that will be overseen locally and processed with the Navajo Land Department and Bureau of Indian Affairs.
3. History
   1. Establishment of the Chapter
4. Land Status
   1. Topography
      1. The Bread Springs Chapter of the Navajo Nation is located approximately 20 miles south of Gallup, New Mexico, in McKinley County. The Cibola National Forest borders the Chapter to the east; the Zuni reservation borders the Chapter on the south.
      2. Its land base consists of approximately 49,273 acres on the Colorado Plateau. Bread Springs is in the pine and juniper woodland of the Zuni Mountains. The Puerco River is the major drainage through the area. Bread Springs Wash is a major topographic feature of the Chapter. It carries ephemeral stream flows to the Puerco River. Elevation is greater than 7,100 feet above sea level.
   2. Climate
      1. The climate can be severe, especially in winter. Soils are highly erosive if disturbed.
      2. Bread Springs has very high scenic quality because of its mountainous landforms and forest cover.
   3. Livestock grazing and fuel woodcutting are the principal economic uses of the Chapter’s natural resources.
   4. Land Suitability Analysis
      1. Earthquake/Seismic Analysis
         1. Bááháálí Chapter is not in an earthquake prone zone. This information was gleaned from the U.S. Geological Seismic Hazard Maps, based on probabilistic ground motion values at the nearest grid point, which encompassed the designated area. (Reference materials: National Seismic Hazard Mapping Project; U.S. Geological Survey, Central Region, Golden, Colorado.
         2. The aforementioned data is deemed reliable through November 14, 2000, but periodic seismic events may naturally occur over time, therefore all or some of the sites chosen for housing or economic development purposes will require an analysis by the designer, prior to the preparation of plans, specifications and construction drawings.
      2. Flood Hazards
         1. Consultants have reviewed the maps prepared by the Federal Emergency Agency and determined that the areas chosen for home, community center, and administrative office complex would not be affected.
         2. Arroyo flow and minor waterways can be addressed during the design for a particular project site.
      3. Soil Analysis
         1. The soils in the Bááháálí Chapter varies very slightly from one location to another, therefore, several sites may be combined as follows. It should be noted that expansive clay is found throughout the reservation. The soils are predominately alluvial material derived from sandstone and shale, with slopes varying 1-9 percent. Typically the landform consists of ridges and dip-slope on Cuesta and Mesa.
         2. Vegetation: The potential vegetation consists of Gambel’s Oak, antelope bitterbrush, banana yucca, big sagebrush, blue grama, bottlebrush squirrel tail, broom snakeweed, eriogonum, muttongrass, one seed juniper, prairie June grass, two needle pinon, and western wheatgrass.
         3. Annual Precipitation: The annual precipitation varies between 13 – 16 inches per year.
         4. Permeability: Permeability of the soil varies from moderately slow to slow.
         5. Wildlife Habitat: Habitat for rangeland wildlife is considered limited. Wildlife attracted to this area includes deer, coyote, jackrabbit, hawks, occasionally elk and ground squirrels. The potential as habitat for these sites for housing is extremely poor. There are no known protected species under the Navajo Nation or Federal Endangered Species Act or Wildlife Laws known to be in these areas.
         6. Environmental: These sites will require application of an environmental assessment. In early spring, windblown dust is common to the area, but the pinon junipers and other vegetation served as partial barriers.
         7. Disclaimer – Engineering: According to the Soil Conservation Service, the aforementioned technical information is not site specific and does not eliminate the need for onsite investigation of soils or for testing and analysis by personnel experienced in the design and construction of engineering works.
      4. Culturally Significant Areas
         1. Arviso conducted Class I Surveys of each potential housing site to determine whether any archeological sites were in the identified areas, or vicinity thereof. The specific results of the surveys are documented in Technical report Number 2000-53.
         2. Specific results and recommendations are contained in the referenced Technical Report Number 2000-53 and not repeated here to protect the confidentiality and nature of the archeological sites.
         3. Chapter Officials, community leaders and community members have affirmed that the potential sites chosen for housing have not been used in the past for traditional purposes, for gathering of herbs for medicinal uses, or ceremonial activities, such as N’da’s, religious and related sacred uses.
         4. Land classified as Sacred Sites or archeological purposes are identified under the Class I Survey Technical Report.
5. Community Service Area
   1. The proposed community service line the Bááháálí Chapter Community Land Use Planning Committee is proposing encompasses the use of the established Grazing Units as identified by the Bureau of Indian Affairs. The decision to use the grazing units came from the Land Board’s, Emery Chee, suggestion. The reasoning came out that there would be a problem with grazing unit holders who would live on one side of the boundary and the rest of their grazing unit on the other. The original plan was to keep to section lines in order to simplify the upcoming land withdrawal process. However, the reasoning that Mr. Chee shared made sense.
   2. The proposed community service line will expand the Bááháálí Chapter’s service area into Chichiltah and Tselichii Chapters; and will give the northern panhandle of the existing service area to Churchrock Chapter that is on the north side of the Hogback. The establishment of our service area will low for the chapters to serve the community members more effectively and efficiently, especially in times of emergency. With clear service areas established, each chapter will have better control over projects and may be able to get additional funding when it comes to project funding.
   3. Key objectives for the boundaries are:
      1. To enable each chapter to identify the service area to allow for a more extensive view of the area that we will serve and allow for different types of assistance.
      2. To decrease the possibility of double-dipping by residents who “straddle” the boundary and keep switching their voter registration to get the most out of the available assistance from the chapter.
      3. The chapters will benefit from the community service area because assistance will be given according to where the person lives as opposed to where they are registered. This will allow chapters to track assistance in a better way than based on voter registration, which can change daily but a report given to the chapters when the Election Administration is able to send out the updated lists.
6. Land Withdrawal Process
7. Business Site Leasing Procedures
8. Home Site Lease Procedures
   1. Eligibility Requirements
      1. An applicant must be an enrolled member of the Navajo Nation
      2. An applicant must be eighteen (18) years of age or older
      3. A non-Navajo is eligible under this section if:
      4. An eligible home site applicant can apply for only one (1) acre or less (at the minimum half an acre with exception of subdivision) home site lease within the boundaries of the Navajo Nation trust land.
   2. Application Procedures and Requirements
      1. Application forms will be made available at the Bááháálí Chapter House. Application policy and procedures are also available on the Navajo Land Department website www.dinebekeyah.org.
      2. Bááháálí Chapter will supply the name of the designated grazing permit holders needed for field clearance.
      3. The applicant(s) must sign his/her own name(s) in black ink on all signature lines of the application.
         1. All signatures must reflect the name recorded with the Navajo Tribal Enrollment Services Office.
         2. If a home site lease applicant does not write his/her name, then a right or left thumb print shall be used. The thumb print must be applied to all signature lines with one (1) or two (2) witnesses attesting to each thumbprint in the presence of the chapter staff (the home site applicant cannot be a witness).
      4. The home site lease applicant shall submit his/her original home site application with proper signatures and dates to Bááháálí Chapter for processing.
      5. Applications must be attached with the following:
         1. Filing Fee: $15.00 Money order Only (non-refundable)
         2. Receipt showing full payment for an Archeological Clearance (if required)
         3. Biological resource land use clearance (if required)
         4. Completed field clearance and consent form(s)
         5. Environmental Assessment (if required)
      6. The Home Site Lease Applicant shall pay a non-refundable filing fee in the amount of fifteen dollars ($15.00) by money order payable to the Navajo Nation at the time of filing such application. It is recommended a money order be purchased from the US Postal Service, as they do not expire.
      7. Bááháálí Chapter will review all documents to ensure its completeness by verifying the following items:
         1. Verify the name, age, and census number per Certificate of Navajo Indian Blood.
         2. Contact Phone Number
         3. Location map of proposed home site must be drawn in black ink including the Latitude and Longitude NAD 83 identifying the center point of the home site location.
         4. Local Grazing Official’s Certification (signature and date) in black ink
         5. Consent forms (signature and date) in black ink
         6. Tenure
            1. 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. This will not apply to married couple involving Non-Navajo Spouse.
            2. Tenancy in Common: Interest in property held by two or more persons but it lacks the right of survivorship
            3. Community Property: Property held by a married couple. This will apply to a Non-Navajo married to a Navajo Tribal member.
      8. Bááháálí Chapter will put the application packet in a pending file until the home site survey, archeological report, and compliance form are complete.
      9. Home Site Survey
         1. If there is availability, the Navajo Land Department Survey Section will schedule an appointment for the applicant to complete the survey
            1. All surveys performed by the Survey Section are limited to the home site location and are free of charge
            2. Certain circumstances may occur that require a re-survey.

These include, but are not limited to: shifting the home site and re-identifying the home site corners (rebars). Any re-survey will be incremented by $350.00 payable by money order to the Navajo Nation. Re-survey request will be conducted within thirty (30) calendar days.

* + - 1. Private Surveys are accepted by the Navajo Land Department, dependent upon the private surveyor’s license and certifications.
         1. The private land surveyor must be registered with the State where the proposed home site is located, provided that such surveys are completed in accordance with Federal and State survey requirements.
         2. The Navajo Land Department requires USGS Quad Map of the location of the survey and must have the Latitudes and Longitude of the Survey Tie and Point of Beginning (POB) on the Survey Plat.
         3. The survey plat shall be drawn on a legal size vellum (8 ½ in x 14 in).
         4. Any and all corrections for private surveys must be completed by the Private Surveyor.
      2. Upon Completion of the survey, the final certified survey plat with the legal description must be submitted to the Navajo Land Department for further processing.
    1. Archeological Clearance requirements:
       1. On July 28, 1988, the BIA Area Director issued a memorandum to modify the existing policy concerning home site lease approval between the BIA and Historic Preservation Offices of the Navajo Nation, Arizona, New Mexico, and Utah.
       2. Hence, the Agency Superintendent may approve a home site lease without proof of a cultural resource investigation and Section 106 compliance have been completed for home sites on which, as of this date, a dwelling already exists.
       3. The burden of proof shall rest with the applicant, before a new home site lease is approved.
       4. The application must contain proof that the proposed actions and subsequent ground disturbing activities have been formally considered as directed in the 36 CF 800 regulations.
       5. If the application package does not contain a formal approval from the Navajo Area Cultural Resources Compliance Section, no home site approval can be issued by the Bureau of Indian Affairs.
    2. Biological Resource Land Use Clearance (BRLC) Requirement (RCMA-34-03) and any amendments thereof:
       1. Preparation of the Biological evaluation is required for development in any area, except in Area 4 for individual home sites and related utilities of the BRLC Policy and Procedures. (www.navajofishandwildlife.org)
    3. Bááháálí Chapter will then submit the packet to the Navajo Land Department for completeness and compliance by verifying the submission of all above listed documents.
    4. Upon review and acceptance of the home site application Navajo Land Department will issue a receipt for the filling fee.
       1. Any home site application that is incomplete will not be accepted by Navajo Land Department and be returned to the applicant.
    5. Upon verification by the Navajo Land Department, the home site package shall be submitted to the Navajo Land Department Manager or authorized designee who shall give final approval on behalf of the Navajo Nation for all Home Site Leases per redelegation RCD-289-93 and pursuant to 2 N.N.C. § 695 (B)(5).
       1. The Navajo Land Department will submit appropriate documents (Cultural Resources Compliance Form and Archeological Inventory Report; Certificate of Navajo Indian Blood; Certified Survey Plat and USGS Quad Map) to the respective Bureau of Indian Affairs, Agency Real Estate Services and/or Agency Superintendent (Eastern Navajo Agency).
    6. The Home Site Lease shall be approved by the Bureau of Indian Affairs, Agency Superintendent and/or Regional Area Director or his/her authorized designee or authorized representative and recorded with the Bureau of Indian Affairs, Albuquerque, New Mexico, Navajo Land Title Data System and Land, Title, and Records Office.
  1. Inheritance/Modification
     1. All home site leases, including any/all amendments, may be transferred by a Will or by interstate succession in accordance with the Fundamental laws of the Navajo Nation.
     2. All home site leases including any/all amendments may be assigned with the prior written approval of Lessor and Secretary of the Interior, Bureau of Indian Affairs (BIA), subject to the laws of the United States and the Navajo Nation.
        1. No assignment of the home site lease or any interest therein shall be valid and binding without such prior written approval.
        2. In the event, the home site lease or any interest therein is mortgaged or pledged as security for a loan, approval of any subsequent assignment shall be required by the lender, sureties, and loan guarantors, if any.
  2. Assignment
     1. A finalized home site lease is transferable by assignment. Assignee(s) must comply with the same eligibility requirements as the home site applicant under Eligibility Requirements. The Lessee(s) shall pay the following fees:
     2. In the event of divorce or probate, the Navajo Nation Courts have jurisdiction to probate the undivided leasehold interest of a home site lease. All field clearance(s) shall be recognized and will remain in effect. The involved parties shall notify the Navajo Land Department Home Site Section, regarding any disposition(s) render by a Navajo Nation Court.
     3. In a probate proceeding, a Navajo Nation Courts may distribute the leasehold interest of an established home site lease to beneficiaries under a will or to heirs of an Estate. The court shall ONLY distribute the home site lease to two individuals as leaseholders and in the event of a non-Navajo surviving spouse which beneficiaries are involved such interest shall be held in trust for the beneficiaries or heirs.
     4. A finalized home site lease of one (1) acre or less cannot be divided and, no further division will be allowed in accordance to Environmental Health requirements and guidelines.
     5. Individual lot within a subdivision is final and shall not be further subdivided.
     6. Navajo Land Department, Survey Section, may not survey lots within a subdivision originally surveyed by a private surveyor. Resurveys conducted by the Navajo Land Department within a subdivision shall apply only to subdivisions that were initiated and surveyed by Navajo Land Department.
     7. Any/all amended or modified original home site lease issued by the Bureau of Indian Affairs must be returned to the Navajo Land Department.
     8. The Navajo Land Department Home Site Section shall be responsible for accepting home site applications:
        1. Assignments/amendments and money orders in the amount of fifteen dollars ($15.00) for the non-refundable processing fee plus any unpaid annual rental fee has to be paid up-to-date prior to processing the Assignment Forms. The Navajo Land Department Home Site Section shall provide the Home Site Lease application(s) with a receipt upon full payment.
     9. Upon verification by the Navajo Land Department, all assignments of Home Site Leases shall be packaged and submitted to the Navajo Land Department Manager who shall give final approval on behalf of the Navajo Nation.
        1. The Navajo Land Department Home Site Section will submit appropriate documents:
           1. Cultural Resources Compliance Form;
           2. Inventory Report;
           3. Residential Verification letter;
           4. Certificate of Navajo Indian Blood;
           5. Certified Survey Plat;
           6. Assignment, Modification, and Termination Forms;
           7. Court Orders,
           8. USGS QUAD maps,

to the respective Bureau of Indian Affairs Agency Real Estate Services for review and to be forwarded to the Regional Real Estate Services.

* 1. Home Site lease Amendments
     1. A finalized home site lease can be amended at the written request of the lessee, which shall be limited ot a change in marital status, change in the lessee’s name due to marriage or court order, and any survey related amendments.
     2. In the event one of the Lessee is deceased with a Joint Tenancy with Right of Survivorship Tenure in affect, the decedents right to occupy and land shall go directly to the Surviving Tenant; if he or she is an enrolled member of the Navajo Nation.
     3. In a probate proceeding, the Navajo Nation Courts may distribute the leasehold interest of an established Home Site Lease to beneficiaries under a will or to the heirs of an Estate. The court may distribute the Home Site Lease to a non-Navajo surviving spouse in the event which beneficiaries are involved such interest shall be held in trust for the benefit of their heir(s).
     4. In the event of divorce or probate, the Navajo Nation Courts have jurisdiction to probate the undivided leasehold interest of a home site lease. All field clearance(s) shall be recognized and will remain in effect. This will also apply to Tenancy in Common and Community Property Tenure. The involved parties shall notify the Navajo Land Department of any such disposition by a court.
     5. Any/all amended or modified original home site lease issued by the Bureau of Indian Affairs must be returned to the Navajo Land Department.
     6. For amendments, the Navajo Land Department Home Site Section shall be responsible for accepting Home Site applications, and amendment forms and a money order in the amount of fifteen dollars ($15.00) for the non-refundable processing fee plus the annual rental fee of $1.00 per year to be paid up-to-date prior to processing the amendment forms. The Navajo Land Department Home Site Section shall provide the Home Site Applicant with a receipt upon full payment.
     7. The requested amended must be accompanied by a copy of the marriage license, court order, and Certificate of Navajo Indian Blood depending on the nature of the request.
     8. Upon verification by Navajo Land Department, the home site application/amendment package shall be submitted to the Navajo Land Department Manager who shall give the final approval on behalf of the Navajo Nation.
     9. The Home Site Lease amendment shall be approved by the Bureau of Indian Affairs, Agency Superintendent and/or Regional Area Director or his/her authorized designee or authorized representative and recorded with the Bureau of Indian Affairs, Albuquerque, New Mexico, Navajo Land Title Data System and Land, Title, and Records Office.
  2. Voluntary Home Site Lease Termination
     1. The Lessee may mutually terminate his/her interest in a Home Site Lease by signing a Termination of Home Site Lease forms available from the Navajo Land Department:
        1. No improvements have been constructed on the lease premises.
        2. Land must be free and clear of debris, solid wastes, or hazardous materials.
        3. Any and all permanent buildings and improvements on the leased property shall remain on said property and shall, thereupon, become the property of Lessor, based on mortgage termination or default.
        4. Lessee must pay all utilities and other outstanding charges or fees pertaining to said lease premises in full.
     2. Original Home Site Lease issued by the Bureau of Indian Affairs must be returned to Navajo Land Department with Termination forms.
     3. The Navajo Land Department Home Site Section shall be responsible for accepting Home Site Lease Termination form and a $15.00 money order Termination fee. The Navajo Land Department Home Site Section shall provide the Home Site Lease Applicant’s with a receipt upon full payment. A termination fee of $15.00 will be imposed to terminate a home site lease.
     4. Upon verification by Navajo Land Department, the Termination of Home Site Lease package shall be submitted to the Department Manager who shall give final approval on behalf of the Navajo Nation.
     5. The termination of Home Site Lease shall be approved by the Bureau of Indian Affairs, Agency Superintendent and/or Regional Area Director or his/her Authorized designee or authorized representative and recorded with Bureau of Indian Affairs, Albuquerque, New Mexico, Navajo Land Title Data System and Land, Title, and Records Office.
  3. Application/Lease Restriction Abandonment
     1. PENDING APPLICATION: The home site applicant that abandoned their home site application for a period of two (2) years with Navajo Land Department (NLD) lacking Biological Resource Land Use Clearance and Archeology Clearance shall be considered abandoned and shall be returned to the applicant(s). The home site application may be resubmitted after the necessary clearances are obtained.
     2. APPROVED HOME SITE LEASE: Abandonment shall mean the Lessee has made NO attempt to build or improve on the approved home site lease premises for a period of two (2) years shall be determined abandoned of the home site lease. One (1) year abandonment will apply to lots within a subdivision.
        1. Bááháálí Chapter shall be responsible for notifying the NLD Home Site Section or local suboffice, thereof, to make its recommendation to cancel an established home site that has been abandoned for two (2) years or more. The local chapter must comply ith the following procedures before making its recommendation to cancel an abandoned home site lease:
           1. Notice must be given through certified mail to the respective lessee(s)
           2. In situations where Bááháálí Chapter does not know the address of the lessee(s), a general notice of intent to cancel in the local newspaper, post a notice at the nearest local trading posts, and announce its plans in English and Navajo on a local radio station for a period of one (1) week.
           3. If the Lessee(s) respond within thirty (30) days, but does not desire to develop the home site lease, the respective lessee(s) shall have first option to assign their interest in the home site lease to a qualified applicant(s) of his or her choice.
           4. After thirty (30) days, the public notice of intent to cancel and no response is received; the local chapter shall recommend cancellation of the established home site lease premises to the NLD Manager by certified chapter resolution. The following documents will accompany the chapter resolution:

Copies of the Public Services Announcements by Radio and Public notices

Newletter paper articles

Certified Mail receipts.

* + - * 1. The NLD Department Manager shall have the authority to cancel the abandoned and terminated home site lease as recommended by Bááháálí Chapter. If cancelled, the abandoned home site lease shall revert to the Navajo Nation.
  1. Home Site Lease Dispute Procedures
     1. Purpose: These rules are for the purpose of resolving Home Site disputes by exhausting administrative remedies in a just manner without resorting to litigation.
     2. Scope of Rules
        1. The Navajo Land Department Compliance Officer will investigate and research to resolve Home Site Lease dispute.
        2. Based on the finding and investigation of the Compliance Officer, the compliant will be forwarded to the Navajo Land Department Manager or to the Department of Agriculture.
        3. The Navajo Land Department (NLD) Manager will make a decision based on the finding and investigation of the Compliance Officer on home site dispute.
        4. If the decision of the Navajo Land Department Manager is not in favor of the parties involved, the parties can appeal to the Navajo Nation Office of Hearings and Appeals at the appellant expense.
        5. Furthermore, if the decision of the Navajo Nation Office of Hearing and Appeal is not in favor of the parties, the parties can appeal to the Navajo Nation Supreme Court who will have the final decision.
     3. These rules apply to any situation involving HSL disputed on Navajo Indian Reservation in whole part.
     4. Use of Rules
        1. NDL will investigate and provide a decision in writing based on the investigation of the Compliance Officer for the Home Site dispute.
        2. The NLD may exclude evidence that is irrelevant, immaterial, or unduly repetitious thereof.
        3. Any objection regarding the conduct of the investigation or to any evidence shall be stated in writing and submitted to Navajo Land Department, PO Box 2249, Window Rock, AZ 86515.
     5. Bodies Involved: NLD, Local Grazing Official, Navajo Nation Departments, Individuals, and permittees.
     6. Completing and Filing: Home Site compliant forms may be picked up from Navajo Land Department/Sub-offices. Compliant form will be filed with the following information:
        1. Name, census number, address, and telephone or message number of the compliant.
        2. A copy of grazing use permit and current tally count.
        3. Name of the individual that complaint is being filed against, the respondent.
        4. A description of the area in dispute, and the name of the Chapter in which the land is located must be defined on a map.
        5. A factual detail statement of why the complaint is entitled or has a valid interest in the proposed Home Site Lease location must be submitted.
     7. Upon receipt of the Complaint Form, NLD will make a decision based on the investigation and finding of the Compliance Officer within thirty (30) days. NLD shall keep official records of all documents to ensure that the complaint is well documented and processed.
     8. A Affected Permittee
        1. An objective permittee must file a written objection and show how the proposed home site will negatively affect or impact their grazing area (District and/or Unit)
        2. A person who does not have a valid grazing permit and/or a land use permit for the proposed home site area will not have grounds to object.
        3. The objecting party must attach a copy of his or her valid grazing permit and/or land use permit, current tally count, and including a recognized customary use area map, where applicable with his or her written objection.
  2. Application/Lease Restrictions
     1. An established home site lease is intended for residential purposes ONLY.
     2. No more than two person(s) who meet the eligibility requirements (under Section A) will be allowed in the home site lease. In the event of a guardianship or court order for special needs/disable/minor children, an administrator will be appointed to the Home Site Lease by the Navajo Nation Courts.
     3. Home site leased area will not be used as business site lease, a grazing permit, a bingo hall, dance hall, or any fund raising activities. Lessee may not charge rent, sublease, lease or act as a landlord within a home site lease premises.
     4. A home site lease cannot be established in confines of a mission site lease.
     5. A home site cannot be established within a withdrawn business site lease or area designated for business development
     6. A finalized home site lease is required prior to transporting mobile homes onto the Navajo Nation.
     7. A transportation permit must be obtained from the Navajo Land Department for a fee before any mobile homes enter the Navajo Trust Land.
     8. An eligible home site applicant can apply for only one (1) acre or less home site lease within the boundaries of the Navajo Nation.
     9. All applicants shall not disturb or to construct on the proposed site before the final approved home site lease by the Navajo Nation and the Bureau of Indian Affairs.
     10. No home site application shall be considered by the Local Grazing Official when it has been determined that the site is on lands which have been withdrawn or otherwise obligated for community development purposes or when it is determined that the home site could contravened local land use ordinance.
     11. A written authorization from the District Grazing Committee is required if the proposed home site is within a half mile of government or Navajo tribal developed permanent livestock watering point. (See 3 N.T.C. § 714, et. seq.).
     12. Lessee(s) shall not engage in any illegal activities (bootlegging, gaming, and other illegal drug activities, etc.) on an established home site lease. Illegal activities will be grounds for termination of Home Site Lease by Navajo Nation Court Order.
     13. A home site application which is not in compliance with the Home Site Lease Policy and Procedures will not be accepted by the Navajo Land Department.
     14. Navajo Trust land cannot be sold. Any permanent improvements on existing home site lease may be sold at fair market value.
     15. A home site application is not considered a lease; therefore, it is not transferable by assignment or court order.
     16. Burial site is prohibited within a home site tract according to Resolution RCD-216-99.
     17. All livestock and corrals are prohibited within a home site lease tract. The home site lease tract is specific for the development of homestead and infrastructure development.
     18. Lessee must comply with all applicable sanitation and disposal laws, regulations or other requirements of the United States and the Navajo Nation. Lessee must maintain the entire leased premises in a safe and sanitary condition. Septic System and leech field shall be within the leased premises.
     19. Any structures or materials not being used for residential or ceremonial purposes shall be removed from the home site area. All non-operational vehicles must be removed and cleared from the home site area.
  3. Term
     1. A finalized Home Site Lease shall have a term of sixty-five (65) years, which shall commence on the date of the Lease is approved by the Navajo Regional Director and or Agency Superintendent or his/her designee or authorized representative, and shall expire on the sixty-fifth anniversary of the date of approval.
  4. Annual Fee
     1. The Lessee(s) shall pay a non-refundable annual fee to the Navajo Nation, Lessor, in the amount of one (1) dollar ($1.00) for each year of the term of the Home Site Lease. Such annual fee of $65.00 must be paid in full, following the date of approval Bureau of Indian Affairs for the term of the lease, pursuant to (16 N.N.C. § 204 (12) and 25 CFR).
     2. Nonpayment of fees shall be caused for cancellation of the Home Site Lease.
  5. Renewal of Lease
     1. The Lessee may renew or re-assign his or her Home Site Lease for another 65 years anytime within six (6) months prior to the expiration date of the existing Home Site Lease by giving written notice to the Navajo Land Department Manager.
     2. The renewal of the Lease will be granted by the Navajo Land Department Manager provided the annual fee for the existing lease is paid in full. The existing Home Site Lease must not be pending litigation before any court of the Navajo Nation.
     3. The Navajo Land Department shall then forward the approved Home Site Lease package to the Agency Superintendent and Regional Director for review and recordation.
  6. Waivers
     1. No part of this Home Site Lease Policy and Procedures shall be waived by anyone or entity and not limited to Navajo Nation Government thereof.
  7. Enforcement
     1. The Lessee(s) shall not allow additional family members to establish additional home/mobile home within the leased premises (rural/sub-division).
     2. Family member(s) will be given a 30-day notice to vacate the home site premises.
     3. If the individual family member is in non-compliance of the notice, a penalty of $100.00 will be imposed on an annual basis thereof by the Navajo Nation until such time a home site lease is approved.
     4. Violation will be enforced by designated Department of Range Enforcement. .
  8. Privacy Act
     1. The Privacy Act of 1974 (Public Law 93-579), 5 U.S.C. 552A, established safeguards for the protection of records, the Executive Branch of the Federal Government collects and maintains on United States citizens or lawfully admitted permanent residents, pursuant to Resolution CAP-48-99.
     2. Bááháálí Chapter shall not disclose any personal record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to Conditions of Disclosure and Privacy Exemptions of the Privacy Act thereof.
  9. Policy Amendment
     1. This Policy and Procedures may be amended or superseded as needed by majority vote of the Bááháálí Chapter. The Administrative Staff shall be responsible for recommending and preparing needed amendments to this Policy and Procedures for consideration by the Bááháálí Chapter.

1. Navajo Housing Authority Development Site
   1. Community Assessment
      1. Introduction

The Navajo Nation retained Miller, Arviso and Associates, Inc., to assist the Bread Springs Chapter in preparing a land use plan that is consistent with expressed community values. This land use plan is also consistent with the Navajo Nation Local Governance Act.

The land use plan is an eligible activity under funding through the Native American Housing Assistance and Self-Determination Act of 1996, which recognizes “the special role of the United States in helping Tribes and their members to improve their housing conditions and socioeconomic status” by aiding low-income “families and individuals seeking affordable homes in safe and healthy environments…” and by furthering “economic and community development for Tribes and their members.” Planning “infrastructure resources” (water, sewer, telecommunications, roads), as part of housing planning, is also an objective of the Native American Housing Assistance and Self-Determination Act.

Affordable housing “means housing that complies with the requirements for affordable housing under title II” and “includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.” The Chapter land use and housing plan is in the category of “Model Activities” defined in Section 202 of the Native American Housing Assistance and Self-Determination Act. The primary purpose of the land use plan is to identify sites suitable for affordable housing. Under “Model Activities,” other areas of community development may be addressed as well.

These include community facilities, economic development, and the environment.

The final report consists of four integrated parts: a community needs assessment, a suitability analysis, an infrastructure analysis, and a land use plan. The final report includes implementation recommendations. All supporting maps will be encoded in Geographic Information Systems format.

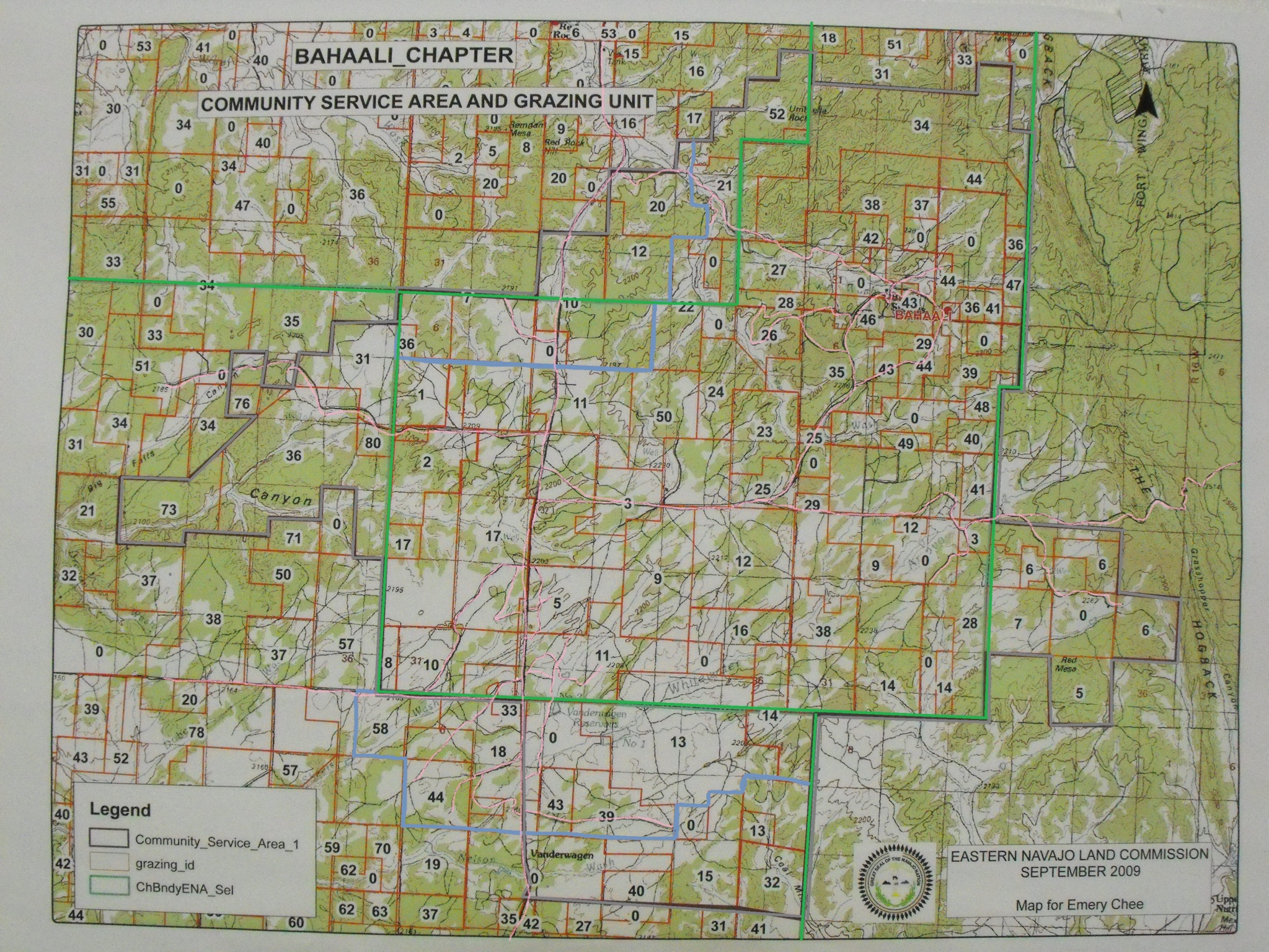
* + 1. Public Participation requirement

Public participation in the planning process is required to comply with the Native American Housing Assistance and Self-Determination Act. The community’s vision and guiding principles for its future development has been solicited through public meetings and in consultation with community staff and officials.

The focus of the Community Assessment is evaluation of housing and demographic data that is to be the basis for predicting housing demand for the next 25 years. This phase of the planning process also contains a summary of the guiding principles and vision regarding local planning and development as expressed by the community.

* + 1. Assessment
    2. Existing and Future Housing Demand

1. Community Project Listing
   1. Bááháálí Chichiltah Regional Transfer Station
   2. Home Site Lease Areas
2. Ordinance/Zoning
3. Local Rural Addressing
   1. Navajo Nation Addressing Authority
4. Road Inventory/Identification Process
5. Fort Wingate Project Information
6. Emergency Risk Assessment
7. Maps
   1. Community Service Area Waterline
   2. Power line
   3. Telephone Line
   4. Grazing Units
   5. Survey Plats
   6. Community Service Area



* 1. Waterline
  2. Power line
  3. Telephone Line
  4. Grazing Units
  5. Survey Plats