

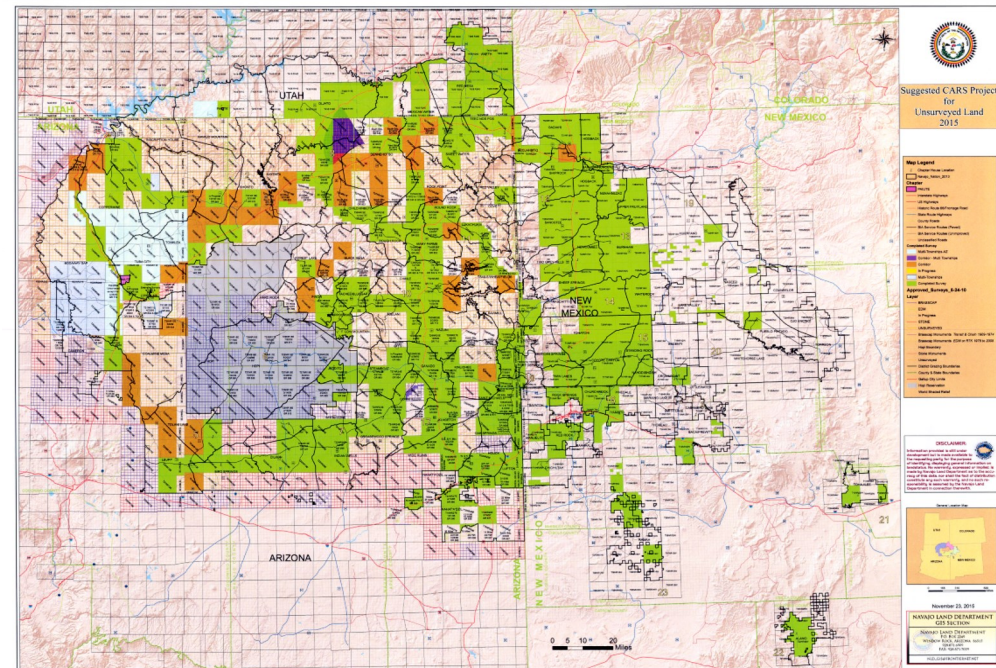
## NAVAJO LAND TITLE DATA SYSTEM

In 2005, the Navajo Nation began planning a certified/non-certified Land Title Status search capacity for the Navajo Nation; a Navajo Nation Land Title Records Office soon emerged as the most feasible course. The Navajo Nation developed the Navajo Land Title Data System (NLTDs) from Navajo General Funds and in 2007, the initial design for a title plant for the Navajo Nation was completed. NLTDs meets the American National Standard Institute (ANSI) and International Standards Organization (ISO) document control requirements; these voluntary standards are approved by federal regulation to meet requirements for: privacy, document control, digital records, and tribal trust documents.

## NAVAJO CADASTRAL PROGRAM

In 1982, the Navajo Nation established a Memorandum of Agreement (MOA) with the US Bureau of Land Management (BLM) and the US Department of Interior - Bureau of Indian Affairs (BIA) to complete cadastral surveys on the Navajo Nation. The State BLM offices (AZ, NM, & UT) implements legal surveys to identify townships (section corners, quarter corners) and set brass caps at ½ mile intervals. The brass cap monuments are used to control surveys to locate geographic positions; maintenance and perpetuation of the existing Pubic Land Survey System (PLSS); and necessary required retracement, resurveys, and surveys of areas requested by the Navajo Land Department and BIA.

The MOA allows the Navajo Land Department to send technicians to assist the US Bureau of Land Management-Arizona Office to conduct cadastral surveys on the Navajo Nation. The efforts have been ongoing since 1982; conversely, the concentration was primarily set on Indian allotments until August 2007. Thereafter the Navajo Land Department initiated a 10 year plan to complete the major developed corridor areas to assist the



Cadastral Survey Map: Brown indicates pending, Green indicates complete. Blue indicates the Bennett Freeze area.

local governance with the community land use plans in obtaining a legal description for residential, community, and economic development projects.

In the Navajo Land Department master plan 68 townships were identified where residents were awaiting HSL completion and where Chapters still had pending legal descriptions for projects along corridors of major highways for community and economic development. This occurred from no monuments being available to tie surveys, which led to a halt in generating a legal survey for the proposed project.

Most recently, the federal government lifted the Bennett Freeze, which caused the BLM, BIA, and NLD to develop a plan to protract the Bennett Freeze area within the western agency so residents in the area could obtain a legal description for their proposed homesite leases (*This is depicted in light blue on the cadastral map above*). With the master plan, the Navajo Land Department was able to accomplish more than half of the proposed townships and will continue to strive for the completion of the entire Navajo Nation.

With thanks to the BIA and BLM for coming

forth with us in a team effort to accomplish such a huge task and for the continuous funding from the Bureau of Indian Affairs for the Navajo Cadastral Program the Navajo Nation has achieved a major accomplishment.

### DID YOU KNOW?

The Navajo Cadastral Survey has been around since June 21, 1982. With a crew of six Navajo surveyors and three BLM surveyors, they began with Township 24 North, Range 14 West, New Mexico Principle Meridian, State of New Mexico (Burnham Mine).

To assist the Forestry Department, NLD established the Forest/Wood Land Boundary, which is now used to determine if an individual may obtain a homesite within a forest-woodland area.

Presently, the re-surveying of the Executive Order of 1882 has begun. This order places priorities on the BIA and NLD to verify past surveys deemed as significant. The BIA will verify surveys done in 1883, 1927, 1930 and the 1950's. The NLD will handle UNSURVEYED LANDS called *Original Surveys*.

-Barboncito



# DINÉ BÍ KÉYAH BAHANE' NEWSLETTER

ISSUE  
01

SEPTEMBER 2016

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### Vision Statement

*"Acquire, Record, Regulate, Value, and Preserve Our Sacred Navajo Lands (Diné Bí Kéyah)"*

### Mission Statement

*"To provide quality customer service by utilizing technology, legal authority, cultural awareness, and continuous education, to insure proper optimum use of real property for all to benefit."*

### Brief NLD History

**1953** - Navajo Homesite Lease established. *Office of Land Use & Survey* was setup to manage permits with a staff of 30.

**1956** - Changed to *Land Investigations Department*.

**1988** - Changed to *Navajo Land Administration* with 100+ staff.

**1995** - Changed to *Navajo Land Department* with staff of 150+

**2013**— *NN Leasing Regulations* approved.

**Present** - Still *NLD* with staff of 43.

### Random NLD Fact

The NN has 17,043,889.88 Acres of land or 26,631 Sections/ sq. miles of land or 739.75 Townships of NN

### WELCOME TO OUR FIRST ISSUE!

We are very excited to present our first newsletter on "What the Navajo Land Department is up to" and to offer you a small sample of insightful news pieces to keep you informed of our upcoming events and activities.

### TITLE

### NN COUNCIL APPROVES AMENDMENTS TO LAND ACQUISITION PROCESS

During a special session held on August 2, 2016, the Navajo Nation Council approved Legislation No. 0101-16, which seeks to amend the land acquisition process and to enact the NN Land Acquisition Act. Proposed changes in the legislation included giving limited authority to the executive director of the Division of Natural Resources, to grant final approval for the purchase or disposal of land not to exceed \$5 million per calendar year. Amounts between

the sums of \$5 million and \$20 million would require final approval by the Resources Development Committee, and amounts exceeding \$20 million would require final approval by the Naabik'iyáti' Committee. Changes are intended to lessen the amount of time it takes to grant approval and to finalize land purchases that would provide more economic development opportunities for the Navajo Nation.

### PROJECT REVIEW

### GENERAL LEASING REGULATION OF 2013

Passed by the Tribal Council on October 22, 2013. The Bill is an enabling legislation requesting the Secretary of Interior to give the Navajo Nation the authorization to approve all Surface Leases and Permits (excluding minerals). These regulations apply to all leases and permits on Navajo Nation Trust Land authorized under

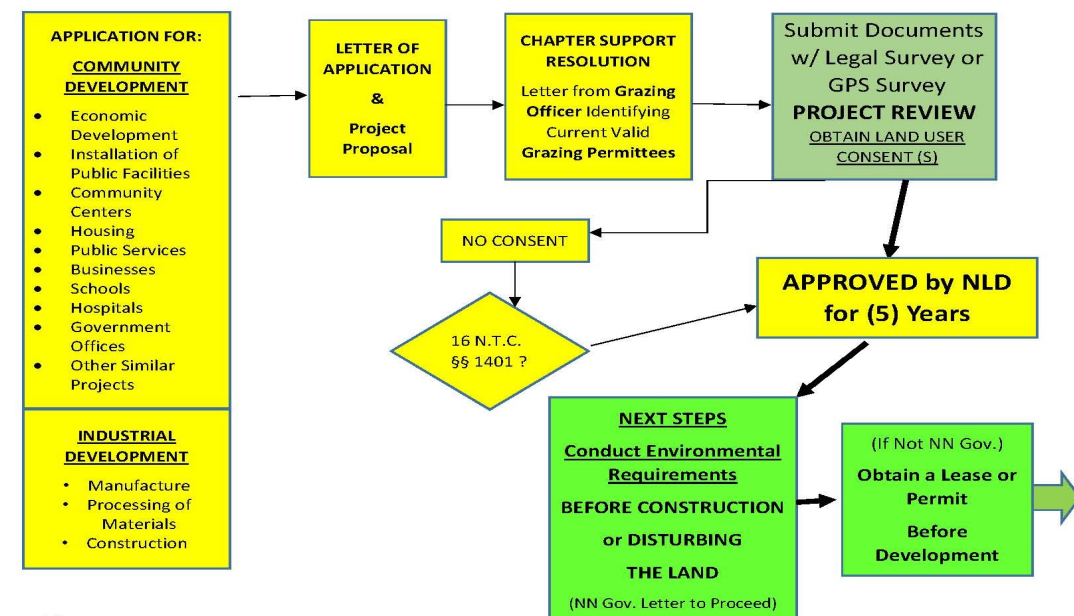
### LAND WITHDRAWAL

Land Withdrawal Designation Regulations were approved in the year 2015. The NLD has been working diligently to streamline the Approval process.

### 164 PROCESS

Project Review has recently gone live with their 164 Process in the Navajo Land Title Data System (NLTDs). The first package was uploaded on August 03, 2016.

## Land Withdraw for Designation



20 August 15



*"I hope to God that you will not ask me to go to any other country except my own. It might not turn out to be another Bosque Redondo. They told us this was a good place when we came, but it is not."*





HOMESITE

PROPOSED HOMESITE LEASE REGULATIONS OF 2016

Will the HSL Regulations ever get amended?

This is a question echoing through all of the chapters across the Navajo Nation. To provide an answer, the Navajo Land Department has conducted countless Homesite Lease (HSL) presentations to receive comments at the public education sessions that were held during the Annual Navajo Land Summits, Division of Natural Resources Conferences, and work sessions with oversight committees of the Navajo Nation Council. Since December 2015, the Amendments to the HSL Regulations of 2016 has been pending with the Resources Development Committee of the Navajo Nation Council for their consideration. Amendments made are meant to streamline the HSL process and ensure all legal aspect of leases and permits are addressed, with emphasis to the responsibilities of the Grazing Officers and Land Board members, as well as, to bring applicants into compliance with the environmental laws of the Navajo Nation and the US Federal government.

Some requirements and improvements to the HSL Regulations of 2016 are:

- Applicants must complete HSL Application with Tenure: FORM 1; Field Clearance Certification: FORM 2; and Consent: FORM 3;
- Navajo Fish & Wildlife - Biological Evaluation Compliance Form;
- Navajo EPA - Environmental Review for environmental compliance;
- Archaeological Clearances for HSL, the road that is going to your proposed HSL (Ingress & Egress) at the clients expenses;
- Legal Survey for ½ to one (1) acre parcel for HSL at the clients expenses;
- HSL is intended for residential purpose only; NO illegal fund raising activities such as gaming (bingo hall), dance hall, and other illegal drug activities and bootlegging;
- HSL’s 65 year lease will change to 75 year lease;
- The 17 Navajo Nation Environmental laws will stay in effect. Environmental laws are enforced by Navajo Environmental Protection Agency (Junk cars/household trash, etc.);
- No HSL Consents needed if a new proposed homesite lease is adjacent to another approved homesite lease;
- ONLY valid grazing permittees are allowed to consent on a proposed HSL - must have two (2) consecutive years of tally counts;
- Grazing Official and Land Board member’s must GPS and record the coordinates on

the proposed Homesite Lease Application – FORM 1;

- Homesite lease must be fenced in to avoid disputes; animal control; ingress and egress;
- Livestock and corrals are prohibited within the homesite lease premises;
- NO HSLs within Farm Plots and Land Use Permits;
- BIA Administrative Reserve Areas are governmental use & cannot be used for HSLs;
- NO HSL within Navajo Nation Parks and Recreational areas;
- Absolutely NO HSLs with Area 1 & 2 of the Biological sensitive area;
- NO HSL will be issued within 750 feet of a major highway or land designed for community development purposes or otherwise in conflict with a local land use plan and/or ordinance (14 NNC §1200);
- NO HSL within Navajo forest or woodland without approval from the Navajo Nation Forestry Department;
- NO HSL within a half mile of a Navajo Nation government building/area or other government development area
- HSL Annual fees will increase from \$1.00 a year to \$12.00 a year;
- To amend your HSL will be \$45; Ex: Assignment, Amendment and Termination;
- Homesite Lease Dispute Application filing fee will be \$65;
- Must have a valid HSL before transporting a mobile home onto the Navajo Nation and a transportation permit must be obtained from the Navajo Land Department for a fee of \$30 before any mobile homes enter the Navajo Trust and Fee lands;
- Illegal parking of trailer/mobile home will be \$200 per month until the tenant comes into compliance;
- Storage shed, corrals, etc., without a lease/permit to improve will be \$200 per month until the Tenant comes into compliance;
- Illegal burial open range locations, penalties and fines of \$500 per incident. Fees will apply annually until illegal burial sites come into compliance.

Revising the HSL Policies has been a journey for Navajo Land Department since August 2007. Nonetheless, the Navajo Land Department will continue to streamline the homesite lease process as HSLs will be soon be approved by the Navajo Land Department. alone

If a copy of the “Homesite Lease Regulation of 2016” is needed, please download it from: [www.dinehbikeyah.org](http://www.dinehbikeyah.org).

Copies will also be available at the Navajo Nation Records and Communication Office in Tse Bonito, NM, south of Highway 264.

FREQUENTLY ASKED QUESTIONS

How long is the HSL process?  
About a year to 3 years.

What are the fees involved?  
There is a \$15 application fee and a \$32.50 fee for a biological review with Fish & Wildlife during the application process. Other costs occur when hiring a private surveyor & archaeologist. Once approved, there is a \$1 rental fee per year. Fees are subject to change.

Why does it take so long and why must it go to various places?  
There are multiple programs that must sign off on different processes. These programs are not the same, therefore there is no similarity in wait time. Applications will vary as well as each are different.

What are the steps?  
There are multiple steps to the home site process, each will vary depending on client and location. It is best to visit your local land office at the following locations:

CHINLE, AZ  
Re 7, across the street from Chevron Gas Station, Westside of Chinle Chapter Complex (928)674-2056

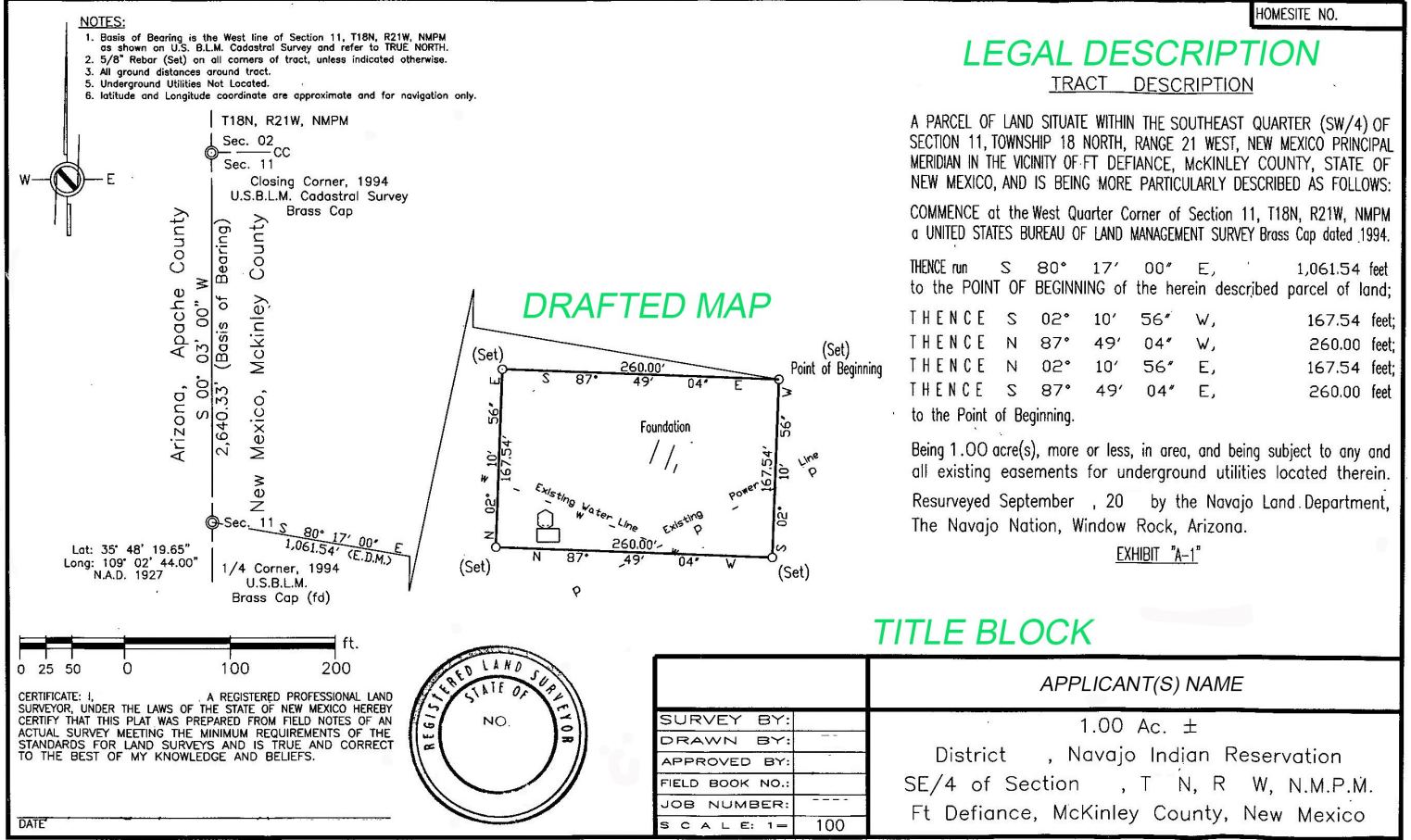
CROWNPOINT, NM  
Next to the Crownpoint Police Station (505)786-2376

SHIPROCK, NM  
US-64, old NAPI Building, across from the 7-2-11 Food Store and next to Foutz Trading on the corner (505)368-1120

TUBA CITY, AZ  
Tuba City Spur Rd, across from the Cavesa Car Wash and next to the old Police Station. (928)283-3194

ANETH, UT  
Across from the Chapter House. (435)651-3504

WINDOW ROCK, AZ  
Indian Rte 100, Navajo Nation Historic Preservation Building (928)871-6523



LEGAL DESCRIPTION: Tract description of the approximate location of the area surveyed holding GPS coordinates and Survey date information.  
TITLE BLOCK: Information regarding the applicant, land office, surveyor, job information, summarized area information, and approval.  
DRAFTED MAP: Map of the area’s boundary drawn to scale with pertinent data of the township, quadrant, and section number.

LAND SURVEYS

For the Navajo Land Department the land survey plat is a vital document submitted A Survey Plat is a legal document, describing the location of an area that has been surveyed. The Survey Plat tells us what township, range, and section the piece of land surveyed sits in. After obtaining this information from the customer, Engineer Technicians at the Navajo Land Department use the information given to create and map out an aerial view on a United States Geological Survey map of where the site approximately sits.

After the site is mapped, staff in our department checks for availability of the land proposed for the customer. Protection status of the land is also looked upon when verifying if the client may or may not lease the land surveyed. Despite the type of site, whether it be a proposed home site, mission site, or a right-of-way location, costumers are required to have a survey done.

Navajo Land Department Policy states:

- “Certified land surveys must be conducted by a private land surveyor who is licensed and registered with any State within the United States. Private licensed land surveyors must register with the

Navajo Nation Business Regulatory Department. Private land surveyors must obtain permission to survey from the NLD.”

- “Certified land survey plats must contain a United States Geological Survey (USGS) Quadrangle Topographic Map of the location of the legal land survey and must have the Latitude and Longitude at the Survey Tie Points and Point of beginning (POB) on the survey plat. The survey plat shall be drawn on a legal size vellum (8-1/2 x 14 in). All corrections for land survey must be completed by a REGISTERED LAND SURVEYOR.”

GEOGRAPHIC INFORMATION SYSTEMS

The Geographic Information System’s (GIS) group mission is to establish a positive working relationship with Navajo Land Employees and their clients; to develop and administer GIS and IT applications and hardware; to provide various computer generated maps with land layers, boundaries, and land status information on the Navajo Nation; to provide, coordinate, guide, and administer all digital information of the Navajo Nation’s land utilizing current technologies to integrate all data into an effective, efficient, and

LEGAL DESCRIPTION

TRACT DESCRIPTION

A PARCEL OF LAND SITUATE WITHIN THE SOUTHEAST QUARTER (SW/4) OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 21 WEST, NEW MEXICO PRINCIPAL MERIDIAN IN THE VICINITY OF FT DEFIANCIE, MCKINLEY COUNTY, STATE OF NEW MEXICO, AND IS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE at the West Quarter Corner of Section 11, T18N, R21W, NMPM a UNITED STATES BUREAU OF LAND MANAGEMENT SURVEY Brass Cap dated 1994.  
THENCE run S 80° 17’ 00” E, 1,061.54 feet to the POINT OF BEGINNING of the herein described parcel of land;  
THENCE S 02° 10’ 56” W, 167.54 feet;  
THENCE N 87° 49’ 04” W, 260.00 feet;  
THENCE N 02° 10’ 56” E, 167.54 feet;  
THENCE S 87° 49’ 04” E, 260.00 feet to the Point of Beginning.

Being 1.00 acre(s), more or less, in area, and being subject to any and all existing easements for underground utilities located therein.  
Resurveyed September , 20 by the Navajo Land Department, The Navajo Nation, Window Rock, Arizona.

EXHIBIT "A-1"

TITLE BLOCK

APPLICANT(S) NAME

1.00 Ac. ±  
District, Navajo Indian Reservation  
SE/4 of Section, T N, R W, N.M.P.M.  
Ft Defiance, McKinley County, New Mexico

SIMPLE DISCLAIMER:

See our staff for complete accuracy and the most current Navajo land data information.

Everytt Begay (GIS Supervisor)  
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Genevieve Hardy (GIS Technician)