THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



March 14, 2019

CERTIFIED MAIL #7008 2810 0000 5851 1194

Via Email: amos.johnson@bia.gov and Fax: 928-725-3546

Bureau of Indian Affairs Navajo Partition Lands

P.O. Box 67 Pinon, AZ 86510

Subject:

Comment on "OMB No. 1076-0162, US DOI Bureau of Indian Affairs, Navajo Partitioned

Lands Grazing Permit, Assignments, and Modification of Grazing Permit.

Dear Sir/Madam,

The Joint Navajo Partition Lands (NPL) District Grazing Committee met on Tuesday, 03.12.2019 (see attached sign-in sheet), Pinon BIA Office, Pinon, AZ, to discuss the attached 03.05.2019 memorandum regarding NPL Grazing Permit Information Collection. Mr. Edison Yabeny, BIA/BNR, and Mr. Amos Johnson, BIA/BNR, were present at the meeting.

The Joint NPL DGC agreed to the following:

- Reject the forms as provided by the BIA/BNR attached under EXHIBIT A; (1) Navajo Partitioned Lands Grazing Permit, Page 1, 2; (2) Navajo Partitioned Lands: Assignment of Grazing Permit; (3) Navajo Partitioned Lands: Modification of Grazing Permit.
- Use the Navajo Partitioned Land Grazing Permit as attached under EXHIBIT B.
- Use the Navajo Nation Partition Lands Grazing Permit Modification / Transfer Agreement as attached under EXHIBIT C.

Additional comments include the following:

- NO Assignment or Subletting of grazing permits on NPL is allowed.
- Grazing permit must be a secure document that protects against unauthorized duplication wherein the original and duplicate can be determined. Some ideas are (1) official/embossed seal; (2) tamper resistant/fraud resistant paper; (3) watermark.
- Mandate NPL livestock brand location be on the right hip.
- Mandate NO horses on NPL open range; group vote: Approve 11; Disapprove 0; Abstain 0.
- Required premise ID according to NN law with premise ID information provided.
- Emphasis the (1) grazing permit not be automatically be renewed; (2) compliance monitored through the range management plan; (3) permit adjusted according to forage.
- Current Tally Count must be attached to the Modification/Transfer Agreement.
- Range Management Plan must be attached to the Grazing Permit and Modification/Transfer Agreement.

If you have any questions please call or email me directly. Thank you in advance for the opportunity.

Respectfully, Irene Begay * * * signature via email * * * Vice-Chair Joint NPL DGC



DEPARTMENT OF AGRICULTURE

Sign-in Sheet

ACTIVITY: NPL JOINT	DGCM MYG	LOCATION	PINON BIA OFFICE
BALE: MARCH 12	2,2019	TIME	10 AM
NAME/TITLE:	ORGANIZATION:	PHONE #:	The state of the s
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United States Department of the Interior

BUREAU of INDIAN AFFAIRS Branch of Natural Resources

P. O. Box 67 Pinon, AZ 86510-0067

IN REPLY REFER TO: N630/Navajo Partitioned Lands Section

MEMORANDUM

DATE

: March 5, 2019

TO

: Navajo Nation Department of Agriculture

Navajo Partitioned Lands Grazing Officials (14)

Navajo Partitioned Lands Chapters (14)

FROM

: Amos Johnson, Supervisory Natural Resource Specialist

Bureau of Indian Affairs/Navajo Partitioned Lands

SUBJECT: Navajo Partitioned Lands Grazing Permit Information Collection

Pursuant to 5 CFR 1320, the Bureau of Indian Affairs (BIA) is sponsoring a collection of information on the proposed documents.

1. OMB No. 1076-0162, US DOI Bureau of Indian Affairs, Navajo Partitioned Lands Grazing Permit, Assignments, and Modification of Grazing Permit.

The Bureau of Indian Affairs must provide an update to Office of Information and Regulatory Affairs (OIRA) on the progress made towards processing and approving permits under this control number, OMB No. 1076-0162. A 60 day notice for public comments was published in the Federal Register on November 15, 2018 (83 FR 57502). No comments were received in response to this Federal Register notice.

Attached are the forms for your review and feedback of the information to be collected due by March 15, 2019. Please forward your information to the following return address:

Bureau of Indian Affairs Navajo Partitioned Lands P. O. Box 67 Pinon, Arizona 86510 Fax: 928-725-3546

Any questions, please call NPL at 928-725-3343.

ATTACHMENTS

EXHIBIT A

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS NAVAJO PARTITIONED LANDS GRAZING PERMIT

ONTRACT NO.					NUMBER	
authority of law and under the regulations (2			Secretary of the Ir		(Maine of Fe	
(Mailing Address) vernment-owned Lands in the above-indicate ginning, and terminating not lat (Date)	ed range unit, er than	described in the	map which is atta 	ached and made	a part of this p	ermit, for a per
25 CFR §161.303, this permit will be automated permit requirements.	tically renewe	d annually if the	e permittee is in c	ompliance with	all applicable la	ws including ta
	NUMBER	SHEEP	GRAZING	SEASON (month	/day)	SHEEP UNIT
KIND OF LIVESTOCK	OF HEAD	UNITS*	From	То	Months	MONTHS
-					To a	
	3					-
. 96						
Total				2 0.3		- 4
CATTLE BRANDED EAR MAR		HORSE BRAND	ED L	SHEEP BRAN Wool Mar		EAR MARK
sued this day of M	onth/Year		Nav	ajo Regional Dire	ector	and the law of the law
			Navajo Nat	tion Concurrence	e (Signature an	d Title)
ccept this permit and the attached unit range	management		Navajo Na	tion Concurrence	e (Signature an	
accept this permit and the attached unit range an.	management	1 2 0 ,		tion Concurrence	e (Signature an	d Title)(SEAL)
				(Permittee)		

Bond Requirement --- An acceptable bond guaranteeing full performance of this permit may be required.

Administrative Permit Adjustment — It is understood and agreed that any part of the area covered by this permit may be excluded from this range unit by the Regional Director in the exercise of his/her discretion, and thereupon this permit shall be withdrawn as to the parts of the range unit thus eliminated and the number of stock stipulated shall be reduced in conformity thereto, provided that the termination of this permit has not been due to the fault of the permittee or to a violation of the terms of this permit by or on behalf of the permittee.

Lien Upon Livestock — All payments due hereunder shall constitute a prior and first lien upon all livestock grazed under this permit and other property incidental to the enjoyment of the privileges granted, except that when the permittee obtains a loan from the Farm Service Agency it is understood and agreed that the prior and first lien upon said livestock and other properties under this provision in the permit shall be subordinated to the lien of all chattel mortgages now held or hereafter acquired by the Farm Service Agency from the permittee, except as to the payment of the annual grazing fees due for the first operating year of the loan.

Assignment or Subletting — This permit shall not be assigned or sublet without the written consent of the permittee, District Grazing Committee and/or Resources Committee, and approval of the Bureau of Indian Affairs.

Interpretation of Permit Provisions — The Regional Director will make decisions relative to the interpretation of the terms of this permit and the range control stipulations included herein, and the terms of this permit cannot be varied in any detail as herein provided without the written consent of the permittee, District Grazing Committee and/or Resources Committee, and approval of the Bureau of Indian Affairs.

Rights-of-Way — It is understood and agreed that authority is reserved to the Regional Director to grant access to and across any of the lands covered by this permit as he/she deems in the interest of the Indians, including the privilege of prospecting for oil, gas, and other minerals.

Restriction --- No Member of, or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this permit, or to any benefit that may arise there from, but this provision shall not be construed to extend to this permit if made with a corporation or company for its general benefit.

Filing of Permits — The Agency office contains public records of the United States pertaining to Trust Indian lands and all persons are charged with notice and knowledge thereof. A copy of each permit must be filed promptly in the Agency office. Such copy shall be available at all times for public inspection. If the permittee so desires he may file or record a copy of this permit, at his own expense, in the proper county office.

SPECIAL PERMIT REQUIREMENTS AND PROVISIONS

- While the lands covered by the permit are in trust or restricted status, all of the permittee's obligations under the permit and the obligation of his sureties are to the United States as well as to the Navajo Nation.
- Nothing contained in the permit shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land
 by the issuance of a fee patent or otherwise during the term of the permit.
- The permittee agrees he/she will not use, cause, or allow to be used any part of the permitted area for any unlawful conduct or purpose.
- 4. The permit authorizes the grazing of livestock only and the permittee shall not utilize the permitted area for any unlawful conduct or purpose. timber cutting, or any other use without written authorization from the responsible Navajo Nation or Federal authority.
- No person is allowed to hold a grazing permit in more than one range unit of the Navajo Partitioned Lands unless the customary use area extends beyond the range unit boundary.
- 6. BIA and the Navajo Nation have a right of entry for range survey, inventory and inspection, or compliance purposes.
- The permittee is prohibited from the creation of a nuisance, any illegal activity, and negligent use or waste of resources.
- All trespass proceeds are to be distributed in accordance to 25 CFR § 161.716.
- Permit disputes and violations may be resolved through mediation conducted in accordance to 25 CFR § 161.603.
- A grazing permit cannot be subdivided once it has been issued.
- Grazing permits will contain any other provision that in the discretion of BIA with the concurrence of the Navajo Nation is necessary to protect the land and/or resources.

Permittee	Initial	-
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Paperwork Reduction Act Statement: This information is collected to manage agriculture and grazing permits. The information is supplied by a respondent to obtain or retain a benefit, that is, a permit. It is estimated that responding to the request will take an average of 1 hour to complete. If you wish to make comments on the form, please send them to: Information Collection Clearance Officer, Office of Regulatory Affairs – Indian Affairs, 1849 C Street, NW, Mail Stop 4141, Washington, DC 20240. Comments, including names and addresses of respondents, will be available for public review at this Indian Affairs address during business hours. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. In compliance with the Paperwork Reduction Act of 1995, as amended, the collection has been reviewed by the Office of Management and Budget and assigned a number and expiration date. The number and expiration date are at the top right corner of the form. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless of there is a valid OMB clearance number.

Form 5-5023

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS

OMB No. 1076-0162 Expires: XX/XX/20XX

NAVAJO PARTIONED LANDS: ASSIGNMENT OF GRAZING PERMIT

Range Unit No.					Agency
Contract No.			di describir		Reservation
Permittee.		Date of Permit			
Permit Period					
grazing permit, including all modified grazing permit, subject to the appropriate to the	ications thereto, hereboval of the Secretary of the Secre	by bargains, sells, trans of the Interior or his du we as of	sfers, set ly autho (Month	rized representatives, to / Year)	ht, title and interest in and to said
IN WITNESS WHEREO	F the said Permittee of	of the foregoing grazin	g permit	has hereunto set his hand an	d seal this day of
(Month / Year) WITNESSES:					
					[SEAL]
			Assigno	or (Permittee)	
representatives hereby accepts such the regulations (25 CFR 161), and permit thus assigned, firmly binding the such that are likely because if not are likely).	a assignment and agre as may hereafter be at g himself, his heirs, et officers issuing and a	es to fulfill all the obli mended, and hereby ag xecutors, administrato	gations, rees to f rs, succe	conditions, stipulations and r furnish proper bond guarantee ssors or assignees to full com	ing faithful compliance with said
CATTLE BRANDED R L	EAR MARK R L	HORSE BRANDS R	L	SHEEP BRANDED Wool Brand	EAR MARK R L
WITNESSES:					
			(Assig	nee)	[SEAL]
APPROVED			(Masig		
Authorized Bureau Official		Date			

Paperwork Reduction Act Statement: This information is collected to manage agriculture and grazing permits. The information is supplied by a respondent to obtain or retain a benefit, that is, a permit. It is estimated that responding to the request will take an average of 20 minutes to complete. This includes the amount of time it takes to gather the information and fill out the form. If you wish to make comments on the form, please send them to: Information Collection Clearance Officer, Office of Regulatory Affairs – Indian Affairs, 1849 C Street, NW, Mail Stop 4141, Washington, DC 20240. Comments, including names and addresses of respondents, will be available for public review at this Indian Affairs address during business hours. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. In compliance with the Paperwork Reduction Act of 1995, as amended, the collection has been reviewed by the Office of Management and Budget and assigned a number and expiration date. The number and expiration date are at the top right corner of the form. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless there is a valid OMB clearance number.

Form 5-5022

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS

OMB No. 1076-0162 Expires: XX/XX/20XX

NAVAJO PARTITIONED LANDS: MODIFICATION OF GRAZING PERMIT

Modification No.

Range Unit No.			Agency
			Reservation
Contract No.		*	Reservation
Permittee D	Date of permit	-	
BY AUTHORITY OF LAW and under the regulations (by Modifications Numbers		25 25	,
is hereby modified to include or exclude the lands on which fees the attached schedule, which is made a part hereof; and to increas authorized stocking rate of the lands, and to change the terms of t	se or decrease the number	er of livestock in accordance	ribed in detail on e with the
Area of tribal land	From	to	acres
Area of owned land	From	to	acres
Area of leased land	From	to	acres
TOTAL ON-AND-OFF	From	to	acre
Number stock under permit (Exclusive of On-and-Off) (C.H.	S.) From		
Number stock under allottee use	From	to	head
Number stock under On-and-off	From	to	head
TOTAL NUMBER STOCK	From	to	head
THIS MODIFICATION becomes effective or stipulations of the permit, except as specifically set forth hereing IN WITNESS WHEREOF the said permittee has hereum (Month, year)	n.	does not change any of the t	
WITNESSES:			
	(Permittee)		
APPROVED: BY:			
Authorized Bureau Official			

Paperwork Reduction Act Statement: This information is collected to manage agriculture and grazing permits. The information is supplied by a respondent to obtain or retain a benefit, that is, a permit. It is estimated that responding to the request will take an average of 20 minutes to complete. This includes the amount of time it takes to gather the information and fill out the form. If you wish to make comments on the form, please send them to: Information Collection Clearance Officer, Office of Regulatory Affairs – Indian Affairs, 1849 C Street, NW, Mail Stop 4141, Washington, DC 20240. Comments, including names and addresses of respondents, will be available for public review at this Indian Affairs address during business hours. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. In compliance with the Paperwork Reduction Act of 1995, as amended, the collection has been reviewed by the Office of Management and Budget and assigned a number and expiration date. The number and expiration date are at the top right corner of the form. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless there is a valid OMB clearance number.

EXHIBIT B

United States Department of the Interior Bureau of Indian Affairs

Navajo Partitioned Lands Grazing Permit

Name of Grazing P	ermittee C	Census Number	Range Unit #	(Range Management Plan)	
	(Description of the Pe	ermitted Area)		(Carrying Capacity)	
Kind of livestock	Number of head	Sheep units	Stocking ra	te Total sheep units	
Cattle					
Sheep / Goats					
Total					
Animal Identification Premise Identification	(Brand)	(Location: Left Hip) TERM OF GRAZING F	*	(Tribal/State)	
OPTION to Renew / I		eceived YES / NO? Is p	permittee in com	pliance YES / NO?	
unlawful conduction 2. The grazing per 3. The grazing regulivestock grazin 4. No person is all (exclusion unless). The Bureau of I inspection and continuous forms of the second of t	ct or purpose. mit authorizes no other pulations and the required and managowed to hold a grazing poss the customary use area and an Affairs and the National Affairs and the National Affairs are purposes. I prohibit the creation of a se of seized stock; dispose Council Resolution CO-5 applicable. Is cannot be subdivided on the state of the size of seized stock; the second second subdivided on the subdivided of the state of the subdivided of the state of the subdivided of the state of the subdivided of the su	ition of proceeds will be in 59-03 Approving and Pro- nce it has been issued.	gement Plan provious ge unit Range Manage unit of the Nage unit boundary). In the condition of the Nage unit boundary for rational part of the condition of the	de the terms under which nagement Plan. avajo Partitioned Lands unge survey, inventory, at use or waste of resources. a NNC 3 §1307. For Land, Grazing and Farming currence of the Navajo Nation	

cannot take place on that part of the range unit.

RESTRICTIONS PLACED ON GRAZING PERMITS:

- 1. Only a grazing permit issued under this part authorizes the grazing of livestock within the Navajo Partitioned Lands. (25 CFR, 161.302)
- 2. Grazing permits will not be issued for less than 10 sheep units.
- 3. Grazing permits will not exceed 350 sheep units.

Page | 2

- 4. Permittee must meet the eligibility criteria set forth by the Navajo Nation RDCF-20-17.
- 5. Carrying capacity and stocking rates of each range unit will determine the number of livestock, and or wildlife that can be grazed on each range unit.
- 6. This permit shall not be fractionated, assigned, or transferred except as provided in said Grazing Regulations
- By AUTHORITY of law and pursuant to the regulations in Part 161 Navajo Partitioned Lands Grazing Permits Regulations, Title 25 C. F. R. and amendments thereto, the above named Navajo is hereby granted permission to hold and graze the number and kind of livestock as specified above on the Navajo Partitioned Lands for the time and in the range unit as stated above and thereafter until further notice, subject to compliance with the Range Management Plan for the range unit and any changes made in accordance with and pursuant to the said Grazing Regulations as amended.

The Regional Director shall make decisions relative to the interpretation of the terms of this permit and enforcement of Grazing Regulations. Issued at the Navajo Area Region on this day of , 20 (Regional Area Director) In accordance with authority contained in Navajo Nation Resources Development Committee resolution of February 14, 2017 section III Eligibility requirements to qualify for issuance of a grazing permit on Navajo Partitioned Lands. Number 6 should new permits be issued for the NPL under 25 CFR 161.401 legally recognized heirs of the permittee will have first priority. Census No. (Name) The holder of the grazing permit within assigned range unit hereby designate, Census No. (Name) To receive this assignment upon my death subject to approval of this designation by the heirship process and the concurrence of the Bureau of Indian Affairs. The beneficiary _____ (Name) Understands that acceptance of this request subjects him or her to all conditions of the original eligibility requirements RDCF-20-17 to assume this assignment. Date _____ signed __ (Print Name) (Signature) Witnessed: Witnessed:

EXHIBIT C

Form No.	NPL-GP-TA
Date:	

THE NAVAJO NATION PARTITION LANDS GRAZING PERMIT MODIFICATION / TRANSFER AGREEMENT

The potential grantee must meet the following eligibility criteria, RDCF-20-17, to obtain an NPL grazing permit:

- 1. Have lived continuously within the enumerated area where the permit was used.
- 2. Be an enrolled member of the Navajo Nation.
- 3. Not have received any of the following accommodations:
 - a) Signed an accommodation agreement to remain on Hopi Partitioned Lands;
 - b) Received a permit to graze livestock on lands outside the Navajo Partitioned Lands.

Please attach a copy of the following:

- 1. Grazing Permit(s).
- 2. Tribal / State Brand.
- 3. Conservation and Range Management Plan.
- 4. Tally count (2 years) and be in compliance.
- 5. District Grazing Committee approval resolution with meeting minutes, sign-in sheet, and agenda.

NAME OF GRANTOR:				CENSUS NUMBER:
ADDRESS:	CITY:	STATE:	ZIP	
TELEPHONE NUMBER:		Gift Sol	d(\$)	DATE OF BIRTH:
CHAPTER AFFILIATION:		GF	S Coordina	ates of Grazing Permit Use:
GRAZING PERMIT#	PRECINCT	R.U		TOTAL SHEEP UNITS#
REI I	LINQUISHMENT OF US census number Unit And further a have been satisfied and w	SE RIGHTS (assert that all less to the shall enter the shall	ON NAV Hereb ivestock 10 protest	AJO PARTITIONED LANDS by relinquish all use rights to Grazing Permit and use rights by myself, dependents or heirs t. DATE DATE
If yes, Grazing Pe	nzing permit? YES / No ermit number: enservation and Manage	Sheep U	nits:	e request for permit transfer will not be appro- Range/District Unit:
NAME OF GRANTEE:				CENSUS NUMBER:
ADDRESS:	CITY:	STATE:	ZIP:	
TELEPHONE NUMBER:				DATE OF BIRTH:
CHAPTER AFFILIATION: **** FOR OFFICIAL USE PERMIT# PRECINC TOTAL SU#	E ONLY! (BIA BNR) * * * * * CTUNIT	IDENTIFY	NEW BRA	NND:
Page 1				

Grantee
Identify State or Tribal Brand. Indicate your brand here, attach copy of your brand card or grazing permit which designates your brand. Indicate Brand: Yes No MUST BE KEPT CURRENT
Location of Brand on Animal:
If you have a state brand: State Brand Number:
State Brand Expiration Date:/
As a potential Grantee, I understand that the submission of this application does not guarantee that a grazing permit transfer will be approved. I understand that any false statements or misrepresentation of information contained in this application shall be grounds for non-acceptance of this application. All persons and organizations are released from any liability, whatsoever, as a result of providing such information as required by the Navajo Nation and the Bureau of Indian Affairs in connection with this application, and; I do hereby agree to abide by all terms and conditions of the Navajo Nation Grazing Laws (25 CFR 161), should this application be accepted with favorable consideration. I understand that if I do not qualify for a grazing permit, a letter stating reasons for my disqualification will be provided.
Signature:
Grantee Date
Note: 1. Navajo Partitioned Lands Grazing Permits cannot be subdivided. 2. Incomplete applications will not be accepted. 3. If you do not meet the eligibility requirements, a statement as to why you did not qualify. ******FOR OFFICIAL USE ONLY****** Approved Denied District Chairperson BIA Branch of Natural Resources
BIA Regional Office