

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 MTG

LOCATION: PINON BIA OFFICE

DATE: MARCH 12, 2019

TIME: 10 A.M.

	NAME/TITLE:	ORGANIZATION:	PHONE #:	ADDRESS:
1	IRENE BEGAYE	DGC-FOREST LAKE	928-240-4645	Box 719 PINON, AZ 86520
2	David V. Shonje	DGC Whippoorwill	928-675-2119	Box 444 Blue Gap AZ-86520
3	JUAN BEGAYE	Pinon	675-9920	Box 1134 Pinon
4	JONATHAN D. NEZ	DGC-KAYENTA	602-5520	Box 2974 KAYENTA
5	HERMAN G BEN	LOW MTN	225-9284	Box 632 Keams Canyon, AZ
6	Roland Oro	Chilchimbeto	928-245-8005	PO Box 3223 Chille
7	Aaron Simonson	Hard Rock-DGC	928-242-5176	P.O. Box 356 Pinon AZ
8	Roland Smalcanyon	Shonto DGC	928-606-8489	P.O. Box 7704 Shonto, AZ 86059
9	Francis Leder	White Cone DGC	928-613-3731	PO Box 3368 Indian Wells AZ
10	Valu R Kel	TUMCU	928-401-8946	Box 910 Tumacacui
11	FRANCIS HONIE	DGCM-BLACK MESA	928-757-9200	BLACK MESA CHAPTER
12	Roxie June	NUNDA	928-871-6605	June Navajo-NSA 90
13	MORGAN YAZZIE	TEESTO DGC 1172	928-613-8148	HOL3 Box 287 Winslow AZ 86091
14	Jerome Pete Jr.	Jeddito-DGCM 3A	928-206-2480	Jeddito Chapter
15	Benny Magbo	Blue Gap Chap	928-675-8069	Blue-Gap Gap
16	Kay Castillo	NUNDA	928-871-6683	4889 N/R AZ
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United States Department of the Interior

BUREAU of INDIAN AFFAIRS

Branch of Natural Resources

Navajo Partitioned Lands

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**

CONTRACT NO. _____ RANGE UNIT NUMBER _____

By authority of law and under the regulations (25 CFR 161) prescribed by the Secretary of the Interior, _____
(Name of Permittee)

_____ is hereby granted permission to hold and graze livestock on the Navajo Nation Trust and
(Mailing Address)

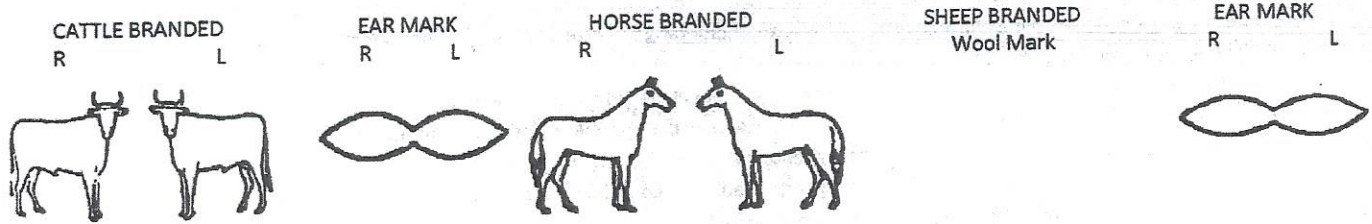
Government-owned Lands in the above-indicated range unit, described in the map which is attached and made a part of this permit, for a period beginning _____ and terminating not later than _____.
(Date) (Date)

Per 25 CFR §161.303, this permit will be automatically renewed annually if the permittee is in compliance with all applicable laws including tallies and permit requirements.

KIND OF LIVESTOCK	NUMBER OF HEAD	SHEEP UNITS*	GRAZING SEASON (month/day)			SHEEP UNIT MONTHS
			From--	To--	Months	
Total						

See conversion factors under *Animal Unit* at 25 CFR § 161.1

BRANDS.—Unless authorized by the Bureau of Indian Affairs in writing, only livestock bearing the brands and marks herein shown shall be grazed under authority of this permit:



Issued this _____ day of _____
Month/Year

Navajo Regional Director

Navajo Nation Concurrence (Signature and Title)

I accept this permit and the attached unit range management plan.

(Permittee) (SEAL)

Witness: _____

Witness: _____

(SEE - REVERSE FOR ADDITIONAL TERMS AND CONDITIONS)

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

1. 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.
2. 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.
3. 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 hay cutting, hunting, post or timber cutting, or any other use without written authorization from the responsible Navajo Nation or Federal authority.
5. 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.
7. The permittee is prohibited from the creation of a nuisance, any illegal activity, and negligent use or waste of resources.
8. All trespass proceeds are to be distributed in accordance to 25 CFR § 161.716.
9. Permit disputes and violations may be resolved through mediation conducted in accordance to 25 CFR § 161.603.
10. A grazing permit cannot be subdivided once it has been issued.
11. 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 _____

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 there is a valid OMB clearance number.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

NAVAJO PARTIONED LANDS: ASSIGNMENT OF GRAZING PERMIT

Range Unit No. _____ Agency _____
Contract No. _____ Reservation _____
Permittee. _____ Date of Permit _____
Permit Period _____

For and in consideration of one dollar (\$1.00) the receipt of which is hereby acknowledged, the said Permittee of the above-described grazing permit, including all modifications thereto, hereby bargains, sells, transfers, sets over, and assigns all his right, title and interest in and to said grazing permit, subject to the approval of the Secretary of the Interior or his duly authorized representatives, to _____, effective as of _____

_____ (Month / Year)
IN WITNESS WHEREOF the said Permittee of the foregoing grazing permit has hereunto set his hand and seal this _____ day of _____ (Month / Year)

WITNESSES:

Assignor (Permittee) [SEAL]

ACCEPTANCE BY ASSIGNEE

The Assignee in the above and foregoing assignment, made subject to the approval of the Secretary of the Interior or his duly authorized representatives hereby accepts such assignment and agrees to fulfill all the obligations, conditions, stipulations and requirements of said permit, and the regulations (25 CFR 161), and as may hereafter be amended, and hereby agrees to furnish proper bond guaranteeing faithful compliance with said permit thus assigned, firmly binding himself, his heirs, executors, administrators, successors or assignees to full compliance therewith. (Delete bond reference if not applicable)

Unless authorized by the officers issuing and approving this permit in writing only livestock bearing the brands and marks herein shown shall be grazed under authority of this permit:

CATTLE BRANDED EAR MARK HORSE BRANDS SHEEP BRANDED EAR MARK
R L R L R L Wool Brand R L

WITNESSES:

Assignee [SEAL]

APPROVED

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.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

NAVAJO PARTITIONED LANDS: MODIFICATION OF GRAZING PERMIT

Modification No. _____

Range Unit No. _____ Agency _____

Contract No. _____ Reservation _____

Permittee _____ Date of permit _____

BY AUTHORITY OF LAW and under the regulations (25 CFR 161), the above cited grazing permit, as previously modified by Modifications Numbers _____, is hereby modified to include or exclude the lands on which fees are paid, or those under the on-and-off clause, described in detail on the attached schedule, which is made a part hereof; and to increase or decrease the number of livestock in accordance with the authorized stocking rate of the lands, and to change the terms of the permit as indicated below:

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 _____	acres

Number stock under permit (Exclusive of On-and-Off) (C.H.S.)	From _____ to _____	head
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 _____, and does not change any of the terms, conditions, or stipulations of the permit, except as specifically set forth herein.

IN WITNESS WHEREOF the said permittee has hereunto set his hand and seal this _____ day of _____ (Month, year)

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

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.
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.

I _____ Census No. _____
(Name)

The holder of the grazing permit within assigned range unit _____ hereby designate,

(Name) Census No. _____

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

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 _____ Sold(\$)_ _____ Other: _____	DATE OF BIRTH:	
CHAPTER AFFILIATION:		GPS Coordinates of Grazing Permit Use:	
GRAZING PERMIT# _____	PRECINCT _____	R.U. _____	TOTAL SHEEP UNITS# _____
WILL THE SAME BRAND BE USED: YES / NO Tally Attached: YES / NO Livestock on Permit: Sheep _____ Cattle _____ Goat _____			
<p>RELINQUISHMENT OF USE RIGHTS ON NAVAJO PARTITIONED LANDS</p> <p>I _____ census number _____ Hereby relinquish all use rights to Grazing Permit number _____ Range Unit _____. And further assert that all livestock and use rights by myself, dependents or heirs through permitted use have been satisfied and we shall enter no protest.</p> <p style="text-align: right;">SIGNED _____ DATE _____</p>			

GRANTEE:

1. Do you have a grazing permit? YES / NO **NOTE: IF yes, the request for permit transfer will not be approved.**
If yes, Grazing Permit number: _____ Sheep Units: _____ Range/District Unit: _____
2. Do you have a Conservation and Management Plan? YES / NO

NAME OF GRANTEE:		CENSUS NUMBER:	
ADDRESS:	CITY:	STATE:	ZIP:
TELEPHONE NUMBER:		DATE OF BIRTH:	
CHAPTER AFFILIATION:			
**** FOR OFFICIAL USE ONLY ! (BIA BNR) ****			
PERMIT# _____	PRECINCT _____	UNIT _____	IDENTIFY NEW BRAND:
TOTAL SU# _____			

Grantee

Identify State or Tribal Brand.

Indicate your brand here, attach copy of your brand card or grazing permit which designates your brand.

State 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: _____

Grantor

Date

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

