



# BUREAU OF INDIAN AFFAIRS NAVAJO REGION

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## Report to the 25th NAVAJO NATION COUNCIL



Mariano Lake new bridge and pavement N11. Regional Director, BIA and Navajo Nation leaders signing ceremony, November 2, 2022.



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## NAVAJO REGIONAL DIRECTOR COMMENTS

As we enter a new year, we at Navajo Region look forward to continuing our collaboration and cooperation with the Navajo Nation leadership. Given that we have a new President Dr. Nygren and Vice President, Richelle Montoya, as well as a slate of new 25<sup>th</sup> Navajo Nation Council Delegates, we are committed to building productive relationships for the benefit of the Navajo People.

We have heard from the newly inaugurated President, Dr. Nygren that his priorities are infrastructure development and enhancement in the form of broadband initiatives and reducing the costs associated with building and improving the road systems throughout Navajo. My team will be actively researching potential methods of permitting and locating resources local to these proposed road projects in furtherance of that goal. We also continue to work on priorities from the returning Council Delegates and look forward to working with the 25<sup>th</sup> Navajo Nation council. The projects include and not limited to, environmental remediation and demolition of old buildings in order to turn lands over to the Nation for purposes of economic development opportunities and other projects to better the lives of the local communities.

We also continue to look forward to working with the newly appointed Executive Directors who oversee the various programs within the Navajo Nation on projects and initiatives that are brought to us for a federal decision. We are continuing to seek new streamlining opportunities through our Immediate Action Team at the Region, in order to reduce the timelines when federal approval is required. As the new administration gets settled in, we will continue to work productively in the Nation's pursuit of simplifying its internal processes as well. Together, we anticipate working through these processes in order to expedite the Nation's priority projects and its application of ARPA funding.

This year is off to an exciting start for myself and my team, and we look forward to building productive relationships with the newly inaugurated political leadership. I speak for myself and my team when I say congratulations to the newly elected President and Vice President as well as the members of the 25<sup>th</sup> Navajo Nation Council.

I can be reached by email at [gregory.mehojah@bia.gov](mailto:gregory.mehojah@bia.gov) and by cell phone at (505) 870-2972.

Sincerely,



Gregory C. Mehojah, Regional Director  
Navajo Region, BIA

## OFFICE OF TRIBAL GOVERNMENT SERVICES

The Office of Tribal Government Services (OTGS) continues to represent the Bureau of Indian Affairs at various governmental meetings including the Navajo Nation's Office of the President and Vice President, Navajo Nation Council meetings, Navajo Nation Council Delegate meetings, and Navajo Nation Council Committee meetings with Navajo Nation leadership as well as at specific Federal Agency project meetings such as BLM RMPA, IRMP FBFA and IWMP EIS.

For the fall quarter, the BIA referred 112 requests to the Navajo Nation Office of Vital Records/Enrollment program regarding Certificate of Indian Blood (CIB) for prospective membership. The CIB requests range from individuals seeking scholarship and benefits to prison inmates seeking membership with the Navajo Nation. Based on enrolled agencies, see below on BIA referrals made this quarter:

Office/Agencies	Referrals
Eastern Navajo Agency	12
Chinle Agency	10
Fort Defiance Agency	10
Shiprock Agency	20
Tuba City Agency	19
Window Rock	41
Total:	112

In addition, the OTGS continues to provide updates to the Navajo Nation regarding national Tribal initiatives from the Office of the Assistant Secretary, Indian Affairs, including transmittals of 19 "Dear Tribal Leaders" letters to the Navajo Nation. Copies of the "Dear Tribal Leaders" letters and transmittals are attached under Appendix A.

The Tribal Operations Specialist (TGS) serves as the Awarding Official Technical Representative (AOTR) for (3) P.L. 93-638 contracts. Please see page 33 for more information on Higher Education, Tribal Courts and Tribal enrollment programs.

## FEDERAL INDIAN MINERALS OFFICE (FIMO)

The fourth quarter for FY2022 has been steady for The Federal Indian Minerals Office (FIMO). FIMO continues to be on rotational staff as the guidance from the CDC is closely followed by the various agencies. We continue to meet with allottees at the office and provide phone-in outreaches to the communities in Eastern Navajo Agency. Activities in the field is rebounding and we are seeing new projects being proposed. The President of the United States and the Secretary of the Interior have mandated 3 initiatives a withdrawal of federal minerals within a ten-mile radius of Chaco Canyon Historical National Park (CCHNP), Honoring Chaco Initiative, and the Chaco Ethnographic Study and currently FIMO is assessing how this will impact development of allotted



lands. FIMO continues to service allottees and fulfill its trust responsibility as we move forward in these trying times of COVID and mandates.

### **Ongoing Projects:**

- Lease extension – Terra Wash Unit involves five (5) leases, FIMO had landowners meeting on December 7, 2022, and out of the five leases two Indian Allotments need to reach 60% consent requirement. Landowners are returning the consent daily.
- DJR Carson Unit Expansion – One (1) amendment lease have a title issue, working on getting this completed.
- Negotiated Lease – Completed negotiated Lease for one (1) Indian Allotments 182. Invoiced the company for the bonus, first-year rental, and filing fee on 12/05/2022, Enduring Resource submitted the check to the lockbox 12/19/2022 and waiting for the check to be deposited and FIMO will match it in the system.
- Resource Management Plan Amendment/Environmental Impact Statement – The BLM/BIA co-lead project has been put on a “pause status” to allow for the Programmatic Agreement of Section 106 Consultation an opportunity to catch up with the management plan. The BIA/BLM are on task to continue with Tribal Consultation regarding the PA. The projected final Record of the Decision is tentatively scheduled for the summer 2023. Although the BLM was given directives to withdraw ten miles of federal minerals within a CCHNP, this mandate will be a separate from this amendment initiative.

### **Accomplishments:**

FIMO has made great strides in continuing our responsibility with the on the ground activities. FIMO staff continues to strive to address the many questions received and service the allottees daily. FIMO has worked to adjust and find creative ways to assist the needs of the allottees.

- Outreach – For the 1st quarter, FIMO conducted 11 In-Person Outreach, covering 23 Chapter areas, by mailing out 6,795 post cards. FIMO received and assisted with 476 calls/walk-ins for the 1st quarter. 64% of the 476 inquiries are related to Oil & Gas activities, 13% related to probate, 9% to non-O&G activities, 6% to Off-lease ROWs, and 8% to BTFA for address changes and death reports.

Environmental Surface Inspection – FIMO has completed 45 inspections that include surface inspections on producing wells, drilling wells, pre-abandon wells and notice of staking. FIMO EPS contacted several operators to clean up the wells and comply with terms and conditions. The four orphan wells are still under pending status as RS is working on the letter to BLM. FIMO continues to improve its surface inspection program. FIMO has worked with several landowners who complained of oil and gas issues and help solve the matters by contacting operators and inspecting the areas of concern. FIMO addressed a recent leakage on a surface lay flat line and followed through to get the operator to clean this up and provide soil testing to assess surface damage based on acres. Inspections are entered into AFMSS database on all IA wells. FIMO contacts BLM surface inspectors for reports on the wells they inspect.

- Application for permit to drill (APD) – There were no new notices of staking for proposed well pad installation submitted and no Application for Permit to Drill (APD) submitted for this quarter.
- Audit/Compliance Reviews – FIMO auditor’s work plan for FY 2023 includes 44 identified cases, 14 carry overs and 30 new cases. For the 1<sup>st</sup> quarters, the auditors have closed out six (6) cases and collected \$8,014.61 in additional royalties and estimated interest.
- Royalty Distribution – There were approximately \$15,222,525.34 royalties distributed to mineral owners for the 1st quarter.
- The 1<sup>st</sup> quarter has started with a steady pace and the field work is continuing with reclamation in progress in some of the areas around Navajo Eastern Agency. FIMO is aligning with its goals and mission. There is lots of activity happening as we move into the 2<sup>nd</sup> quarter with the new year.

## **ADMINISTRATIVE AND MANAGEMENT SUPPORT**

### **BRANCH OF ACQUISITION OPERATIONS**

For this quarter, Branch of Acquisitions completed the following work:

- Task Order No. 140A0922F0029 was awarded to Rock Gap Engineering in the amount of \$848,950.00 for a new waterline for Cameron, AZ for agricultural use. Preliminary work has started on the design for the project.
- Purchase Order No. 140A0922P0060 was awarded to Mooweep, LLC for fence line repair for Navajo Partition Land program in the amount of \$300,000. A pre-work meeting was held on October 19, 2022.
- Purchase Order No. 140A0921P0084 was awarded to Sundance Consulting in the amount of \$388,452.96 for the remediation of the former Crownpoint Community School. Work is in progress.
- Purchase Order No. 140A0921P0076 was awarded to Tehama LLC for removal of the former Black Springs sheep dip vat site, Naschitti, NM.
- Purchase Order No. 140A0921P0077 was awarded to Tehama LLC for removal of the former Toadlena sheep dip vat site, Toadlena, NM. A pre-work meeting was held, and work is in progress.
- Purchase Order No. 140A0921P0087 was awarded to AMG Company, Inc. for the re-striping project for routes in the Shiprock Agency.
- Purchase Order No. 140A0921P0092 was awarded to BRIC, LLC in the amount of \$286,365.79 for the Paiute Creek Restoration Plan project. Work is in progress.
- Contracts for noxious weed projects have been awarded for Western Navajo Agency and Eastern Navajo Agency within the Navajo Region. Work is in progress.
- Staff continues to monitor and administer on-going contracts that have been issued in previous fiscal years for construction and services.
- A total of 29 purchase requests with a value of \$1,198,120.93 are in progress for Fiscal Year 2023.

- The work in progress for the school construction contracts is benefiting the members of the Navajo Nation by maintaining and upgrading the deteriorating BIE school conditions where many students of the Navajo Nation attend.
- BIA highways within the Navajo Reservation are being maintained and repaired for the traveling safety of the public which include members of the Navajo Nation and local bus routes to ensure the safety of the students.

## **BRANCH OF PROPERTY**

Branch of Property is preparing for the upcoming Annual Inventory, which is set to commence on January 9, 2023. Property has been reviewing the personal property and real property inventory lists to ensure updates have occurred for known assets, assisting programs with excess assets and their disposal, and advising programs to be aware of upcoming deadlines.

Staff continue to work with programs, other agencies, individuals, and Chapter requests regarding land status at the following locations: Kaibeto, Luckachucki, Rocky Ridge, and Window Rock. Property has been contacted by the Navajo Nation Police Department regarding the possibility of creating a Law Enforcement Training Center at the former Luckachucki Boarding School facilities. Staff continues to provide information and guidance on these requests for further processing of permit or reversion to the Navajo Nation.

## BRANCH OF BUDGET MANAGEMENT

**FY 2023** – Began on a temporary funding measure known as a Continuing Resolution (CR), Public Law 117-80 (H.R. 6833), Continuing Appropriations Act, 2023 which signed by The President on September 30, 2022. The CR provided funds to federal programs at a rate for operation of 21.10%, based on FY 2022 enacted amounts.

On December 29, 2022, Public Law 117-328 (H.R. 2617), Consolidated Appropriations Act, 2023 was signed. Final Fiscal Year (FY) 2023 base funding is distributed under an Omnibus bill.

Below is a summary of FY 2023 funds provided to the Navajo Nation under P.L. 93-638 contracts, as of January 3, 2023. The funding provided a total of \$22,157,450.00 with \$15,619,569.00 available for draw down and \$628,264.00 to be awarded.

NAVAJO NATION P.L. 93-638 FUND STATUS						
as of January 3, 2023						
Fund	FA Budget Program	Funds Available	To Be Awarded	Not Drawn Down	Distributed as of 01.03.2023	Available Funds
234A2100DJA0N301010	: IRRIGATION, OPER & MAINT	1,161,000.00	0.00	1,161,000.00	1,161,000.00	0.00
234A2100DJA0N9B1010	: AGRICULTURE PRGRM-TPA	274,762.00	0.00	274,762.00	274,762.00	0.00
234A2100DJA0H901010	: SOCIAL SERVICES-TPA	1,264,605.00	0.00	1,264,605.00	1,264,605.00	0.00
234A2100DJA0H901040	: Domestic Violence	30,806.00	0.00	30,806.00	30,806.00	0.00
234A2100DJA0H913030	: WELFARE ASSISTANCE-TPA	8,817,705.00	0.00	8,817,705.00	8,817,705.00	0.00
234A2100DJA0H922020	: IND CHILD WELFARE ACT-TPA	314,929.00				314,929.00
234A2100DJA0J908080	: TRIBAL COURTS PROGRMS-TPA	369,151.00	369,151.00		369,151.00	0.00
234A2100DJA0N6A3031	: FOREST MARKETING ASSIST	5,485.00				5,485.00
234A2100DJA0N9A0505	: NATURAL RESOURCES -TPA	910.00				910.00
234A2100DJA0N9C3030	: FORESTRY PROGRAM -TPA	159,837.00	159,837.00		159,837.00	0.00
234A2100DJA0N9D4040	: WATER RES PROGRAM -TPA	153,607.00	99,276.00	54,331.00	153,607.00	0.00
234A2100DJA0N9E5050	: WILDLIFE&PARKS PRGRM-TP	110,628.00	0.00	110,628.00	110,628.00	0.00
234A2100DJA0R9D4040	: ENVRMNTL QLTY PRGRM-TPA	24,717.00	0.00	24,717.00	24,717.00	0.00
234A2100DJA0T902020	: OTHER AID-TRBL GOV -TPA	210,610.00	0.00	210,610.00	210,610.00	0.00
234A2100DJAEE904040	: JHNSN O'MALL A GR TPA BIA	813,504.00	0.00	813,504.00	813,504.00	0.00
234A2100DJAEE931010	: TRIBAL SCHOLARSHI TPA BIA	2,856,901.00	0.00	2,856,901.00	2,856,901.00	0.00
234A2240DJA3T937070	: CSC CONTRACT SUPPORT TPA	5,587,421.00				5,587,421.00
23XA2100D A0H937070	: HOUSING IMPROV PROGRM-TP	872.00				872.00
<b>TOTALS</b>		<b>22,157,450.00</b>	<b>628,264.00</b>	<b>15,619,569.00</b>	<b>16,247,833.00</b>	<b>5,909,617.00</b>

## **TRUST SERVICES**

### **BRANCH OF NATURAL RESOURCES**

#### **Navajo Regional Office:**

The Navajo Region Branch of Natural Resources' Awarding Official's Technical Representative (AOTR) confirmed with the Navajo Nation Fish & Wildlife that Navajo Region will be conducting a virtual monitoring of the Fish & Wildlife and Heritage Program scheduled during the week of January 30 to February 3, 2023. The Navajo Region Branch of Natural Resources will be reviewing the status program funds for the Agriculture Resource Management Plan and the Navajo Nation Fish Hatchery Funding. In addition, the Biological Resource Compliance Forms for grazing permits are still pending and will be discussed.

The Soil Scientist continues to review and provide technical assistance on matters pertaining to grazing, agricultural land use, and conservation planning, and thus continues to review the correlation of soils between series information and range i.e., Ecological Sites for the soil surveys that encompass the Navajo Partitioned Lands. The existing surveys Arizona (AZ)713-Chinle, AZ715-Ft Defiance, AZ707-Little Colorado, and AZ711-Navajo Mountain soil surveys are those that have incorporated the NPL.

The Navajo Region Branch of Natural Resources Soils Surveys that cover their jurisdictional areas so that sound natural resource management decisions can be made working with our constituents out on the land and with the Navajo Nation.

The Soil Scientist travelled to Lukachukai, Chinle, and Pinon Chapters to take part in a Grazing outreach facilitated by the BIA Chinle Agency Branch of Natural Resources in cooperation with the University of Arizona and NM State Extension. The Soil Scientist was able to put a list together of all the palatable plants found on Navajo as a handout that included their Navajo names. The Navajo Native Plants Program was to present much of the information already presented by the BIA with a few caveats towards Native Plants only. There was a general concern about weeds around their homes and or getting rid of sagebrush and rabbitbrush, instead of worries about grazing. The Soil Scientist discussed climate change on a limited basis. The main emphasis on Climate Change from true Climatology science perspective is how we educate ourselves and our impact to the changes in natural resources and livestock management that may be needed that we have control over.

The Soil Scientist provided technical assistance to the Navajo Native Plants Program as they requested information pertaining to proper grazed heights by species as well as Proper Use Factor (PUFs) by species. The Soil Scientist provided weeds identification to an individual at Lukachukai Chapter.

The VGS, a range inventory data collection software developed by the University, will be used to collect data in the future and to complete monitoring protocols on a yearly basis. Along with this software, the Soil Scientist is reviewing the updated Natural Resources Conservation Service 2022/2023 Range and Pasture Handbook that just became available.

The BIA Navajo Region completed the final review of the Record of Decision (ROD) for the Integrated Weeds Management Plan (IWMP) approved by the Regional Director.

The BIA Navajo Region Branch of Natural Resources participated in the 24<sup>th</sup> Navajo Nation Council Resources and Development Committee (RDC) approval of the Former Bennett Freeze Area Integrated Resource Management Plan Environmental Assessment (EA) and approval of the ROD.

### **Shiprock Agency:**

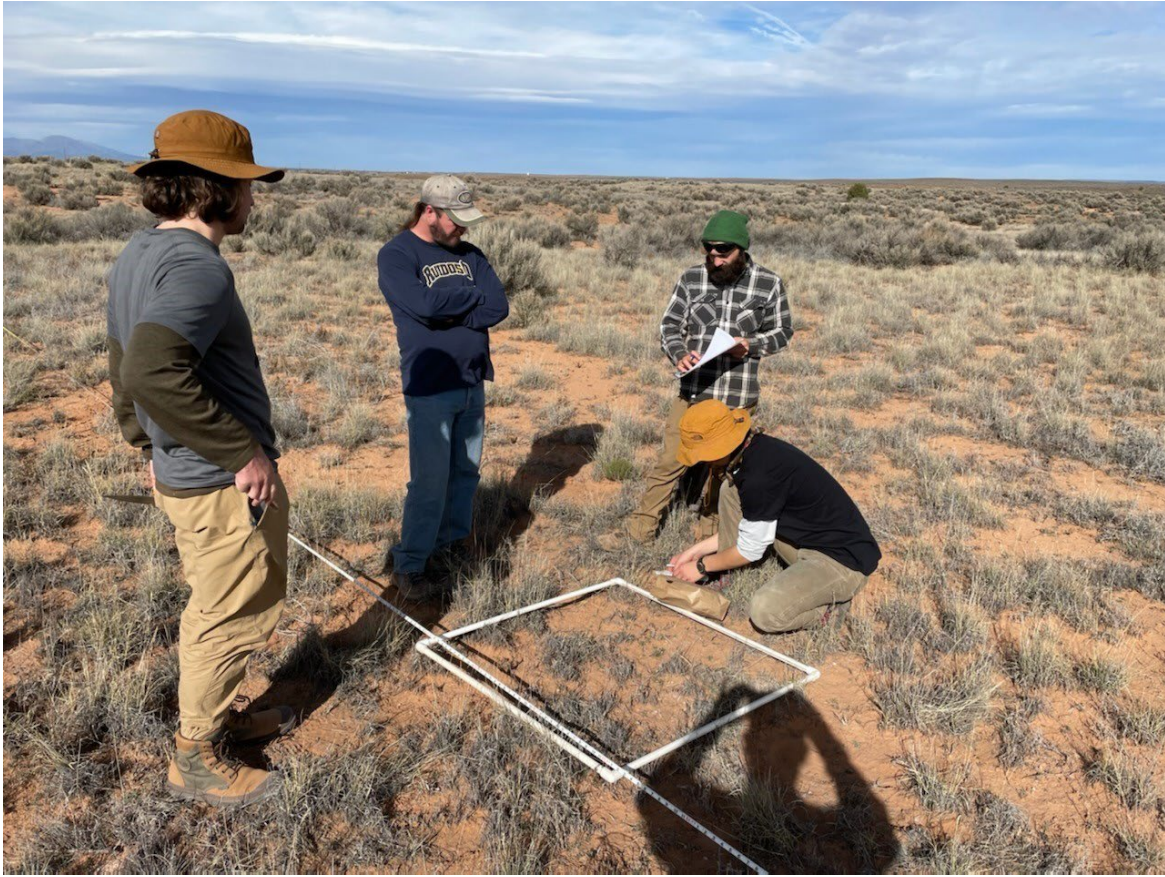
The Shiprock Agency completed six (6) conservation plans which serve as guidance for the proper use of the Natural Resources on the Navajo Reservation. The conservation plans will also be used as part of the Grazing Permit or the Land Use Permit transfer packets.

The Shiprock Agency, along with the BIA Navajo Region and the contractor (BRIC), began the district 12 cultural resource and biological data collection portion of weed inventory in October 2022. The surveys are part of the process of drafting an EA for weed treatment projects. The district 12 Weed Inventory Project inventoried Noxious weeds within the washes and drainages that flow into the San Juan River in the Utah portion of Grazing District 12 from the community of Aneth to the Northern portion of the Shiprock Chapter. The Shiprock Agency requested funding from the BIA's Noxious weed program. The inventory will allow the agency to formulate treatment plans to mitigate the noxious weed populations within the Shiprock Agency.

The Shiprock Agency is currently working to implement Phase 2 of the Land Management District 12 Weed inventory project. The agency received funding from the BIA Central Office weed program to inventory weeds in the tributaries of the San Juan River in the communities of Beclabito, Gadiiahi/Tokoi, Shiprock, Red Valley and Cove Chapters. The agency recently held a prework meeting with the contractor and will kick off the project in the future. The project will provide data needed to make management decisions in areas within District 12. The mitigation of weeds assists the agency in preserving Navajo Nation natural resources. For example, weed mitigation preserves water resources by controlling the invasive weeds which take up a vast amount of water and mitigation also preserves soil resources on the Navajo Nation by allowing more desirable plants to inhabit space utilize the nutrients found in the soil.

The Shiprock Agency, along with the BIA Navajo Region, and the contractor (BRIC) are currently working to complete the McCracken Mesa Range inventory. The project is to inventory all the plant forage species in the McCracken Mesa region of the Navajo Reservation on 110 transect point. The field data collection portion of the project began on November 1<sup>st</sup> and is nearing completion. The contractor will then supply the agency with a report identifying the amount of forage on McCracken mesa. The amount of forage calculations will allow the agency and other stakeholders to formulate various management decisions based on the most current information. The project encompasses the BIA trust responsibility by calculating the amount of forage in the McCracken Mesa region, so the Navajo Nation and other stakeholders can make management decisions to preserve the grass asset.





November 1, 2022, McCracken Mesa, Utah range inventory project.

**Livestock Removal.** The agency coordinated with the local grazing official, Navajo Nation Department of Agriculture (DOA) and Navajo Nation Division of Resource Enforcement (DRE) for the removal of 14 cattle and 15 donkeys from District 12, the number of donkeys equates to 75 sheep units and the number of cattle equates to 56 Sheep Units, the total number of sheep units removed from the Shiprock Agency this quarter is 131 sheep units. The removal of 500 sheep units aligns with the BIA mission of conserving trust assets (grass in this case).

#### **Chinle Agency:**

**District Grazing Committee Members (DGCM):** Land Management District (LMD) 4, LMD 10 and LMD 11 via virtual teleconferences and/or Zoom and Teams with reports provided, answer questions, and provide questions on the grazing and Agriculture Land Use Permits. Range Management Unit (RMU) assessments are also included in the reports.

**Noxious Weed Control & Treatment.** Chinle Agency established noxious weed control and treatment in Fall 2022 within the Rights-of-Way (ROW) of N-4 & N-64. The Noxious Weed Treatment will take place into early and late Fall along four (4) major BIA paved roadways within the ROW. Increasing noxious weeds and invasive plant species within Chinle Agency is having an impact on the economic, social, and cultural conditions that needs to be addressed and managed. Weed Inventory completed within the Chinle Agency four (4) roadway ROWs covered 300+ acres and weeds that of primary concern to eradicate, control, mapping and monitor are

Russian Knapweed, Russian Thistle, Musk Thistle, Cheatgrass, and Tamarisk along the roadsides. Treatment of ROWs of BIA Routes N4, N64, N59 and Indian Route-12 that totals 300+ acres are paved roads used by the residents, delivery of goods and services, emergency personnel, school buses, and many other services.

**Livestock & Range Management Workshops.** Chinle Agency Branch of Natural Resources hosted and coordinated, with the University of Arizona Cooperative Extension staff, the Livestock & Range Management Workshops with the three (3) LMDs. The topics discussed were Climate Change, Seeding & Species Selection, Grazing Systems & Recovery, Grazing Laws, Sheep Management, Record Keeping, and Beef Cattle Management. Chinle Agency plans to conduct a Spring Farming Preparation Workshop to teach farmers and the public on proper Spring farm preparations. The workshop was well received, and other items requested by the public that they would like to be trained on are the Probate process, Transfer of Grazing/Agricultural Land Use Permits, and Establishment of fencing/RMUs.

**Many Farms Irrigation Project.** Chinle Agency participated in the Many Farms Lake & Diversion Dam Assessment. All participated in the field assessment, the diversion dam site from the recent rains, and flooding caused by the late season monsoons. The Navajo Region staff were also part of this field assessment, such as the Regional Roads Engineers. The 2022 monsoon event is or can be considered as a 50-year or 100-year event.

**Brand Book & Trespass Violation Notification.** Chinle Agency Branch of Natural Resources staff updated the Agency Brand Book for the DGCM and Navajo Nation DRE Rangers. Furthermore, all Active/Inactive grazing permits were completed throughout the three (3) LMDs. Chinle Agency plans to conduct the same for all Agricultural Land Use Permits. The 2022 Livestock Tally has been completed and inputted into database. Trespass letters have been sent to all permittees that were in excess of their authorized livestock numbers. Permittees and DGCM are receiving updated Compliance Tally Requests from individuals that exceeded their authorized livestock numbers for compliance purposes.

**Equine Rescue Operation.** Chinle Agency actively assists the DGCM with authorized feral horse round ups and providing portable corral panels, trailering/hauling feral horses to the Resource Enforcement Impoundment Yard and/or auction facility. Chinle Agency has issues with free roaming horses, feral horses, and trespass of livestock. The Chinle Agency received complaints of horses and cattle going into other people's corrals for water and feed, in a cooperated matter with Navajo Nation DOA and DRE, and grazing officials following through on a Chapter Resolution to conduct an Equine Rescue Operation. The Equine Operation, conducted in cooperated effort, removed horses from the Range land. Observed during the operation, some individuals penned up horses and the review of their permits clearly exceeded the permitted livestock.

It is the policy of BIA to manage Indian agricultural lands and related resources in participation with the beneficial owners of the land. Management activities are performed in a manner consistent with the trust responsibility of the Federal government, which includes protecting and conserving Indian agricultural resources, and promoting the sustained-yield use of Indian agricultural resources.



The Navajo Nation Executive Branch Departments and programs need to continue to actively participate as a Cooperating Agency and members of the Interdisciplinary Team (subject matter experts) for the development of the management plans. The plans are to guide the implementation of the conservation of Trust resources. All Navajo Nation entities need to participate in the management plans to realize the Navajo Nation's vision for the redevelopment of its resources and includes planning for strategic resource management in order to restore, preserve and manage these resources for future generations.

### **Western Agency:**

**The Former Bennett Freeze Area (FBFA) Integrated Resource Management Plan (IRMP).** The FBFA IRMP and the associated Programmatic Environmental Assessment (PEA) have been completed and were approved and adopted by the Navajo Nation Council's Resources & Development Committee (RDC) on December 21, 2022, and the RDC, with the same action, recommended to the BIA a selection of the Preferred Alternative for the PEA. A formal decision of record for the PEA will be drawn up by the BIA Navajo Regional Office once the decision by RDC is made. The BIA and its contractor ensured that maximum public participation and review in the development of the PEA was achieved, and this was done under the difficult circumstances caused by the ongoing COVID-19 pandemic. With the formal approval of the IRMP for the FBFA and the recommendation of an alternative for the PEA, the Project Management Team will reconvene in early January to discuss next steps. The BIA Navajo Region will have to issue its proposed action, adoption, Notice of Availability with an appeal period to follow and if there are no appeals, the next steps of implementation will be developed. For additional information visit the website: <https://www.bia.gov/regional-offices/navajo/western-navajo-agency/environmental-assessment>

**FBFA Livestock Water Project.** The Western Navajo Agency Branch of Natural Resources (WNA BNR) has and continues to coordinate with the Navajo Nation Department of Water Resources (NNDWR) and USDA Natural Resource Conservation Service (NRCS) to work on water development projects for livestock and wildlife use in the FBFA of the WNA. This includes the funds that have been provided to the NNDWR to maintain and improve developed water sources, such as windmills and earthen tanks and coordination with the NRCS on Environmental Quality Incentive Program projects with individuals with grazing permits or agricultural land use permits. In addition, plans are being implemented for development of livestock and agricultural watering points for individuals who haul water for livestock and farming. Two (2) watering points sites have been identified and funded. For the watering point in the Cameron Chapter area, the BIA has developed a statement of work for the design of and installation of a pipeline and standpipe. The BIA has a contractor in place to design and install the waterline. The contracted work is expected to be completed in the later part of 2023. The second watering point is to be located at an existing windmill near the Moenkopi Wash and US Highway 89 and installed by NNDWR.

**LMD 1 and LMD 3 Range Management Plans.** The LMD 3 Range Management Plan (RMP) and the EA for the RMP have been completed in draft by the contractor and the BIA will complete the final steps of the EA to ensure a Finding of No Significant Impacts is issued. The RMP for LMD 1 is in process and is scheduled to be completed in March 2023. The management plan for LMD 1 will also address cropland areas. The LMD 3 covers over 1.4 million acres and affects

661 Grazing Permits and the LMD 1 covers 833,625 acres and affects 535 Grazing Permits and 51 Agricultural Land Use Permits. These projects are developed to ensure it was aligned with the FBFA IRMP.

**Cropland Management Plan (CMP) for LMD 3.** The BIA WNA continues to work on the development of a CMP for LMD 3. The CMP is to provide documentation for the management of croplands for 193 Agricultural Land Use Permits which cover about 1,030 acres. The documentation will assess environmental impacts on the physical environment by the variety of farming activities in LMD 3. In addition, agricultural projects under the Navajo Thaw projects are included in the Plan. Like the LMD 3 RMP, this project is being developed to be aligned with the FBFA IRMP PEA. This project is to be completed in March 2023.

**Grazing Management and Stream Restoration Plans for Tsegi, Nitsin and Betatakin Canyons.** The implementation of the Tsegi Canyon portion of the “Grazing Management and Stream Restoration Plans for Tsegi, Nitsin and Betatakin Canyons continues and progressing. Currently, work is occurring in Betatakin Canyon and two (2) side canyons of Long Canyon for restoration implementation. The fences used in the restoration project are used to keep livestock out of treated areas and to protect restoration work from livestock use. Included in the restoration work is installation of erosion control structures, reseeding, and replanting. Other areas where restoration efforts have been completed, the cooperators continue to monitor and do maintenance as the need arises. The BIA is making funds available to the Navajo Nation Department of Fish and Wildlife’s Natural Heritage Program, through the Public Law 93-638 contracting process, to continue to assist in the restoration project.

**Other WNA Projects.** In addition to the projects mentioned above, the WNA BNR staff continued work on the following Projects:

- a) LMD 1 and LMD 3 Boundary Fence Project, which includes the installation of cattleguards on BIA numbered roads that traverse these fence lines.
- b) The Shonto Wash noxious weed treatment plan development.
- c) The Paiute Canyon noxious weed inventory and control project.

In addition, funding has been obtained and contracts awarded to do a noxious weed inventory for LMD 5 and for development of an EA for the Shonto Weed Treatment Project and post-treatment restoration plan. Please visit the following website to get additional information on the BIA Navajo Region’s efforts to address management of noxious weeds on the Navajo Nation: <https://www.bia.gov/regional-offices/navajo/navajo-nation-integrated-weed-management-plan>.

It is the policy of BIA to manage Indian agricultural lands and related resources with full participation of the beneficial owners and users of the land and any management activities are performed in a manner consistent with the trust responsibility of the Federal government, which includes protecting and conserving Indian agricultural resources, and promoting the sustained-yield use of Indian agricultural resources. The Navajo Nation Executive Branch Departments and Programs need to continue to actively participate as a Cooperating Agency and as members of the Interdisciplinary Teams (subject matter experts) for the development of the land use management plans. The plans are to guide the implementation of the conservation of Trust resources (soil, water, and vegetation). All Navajo Nation entities need to participate in the

management plans to realize the Navajo Nation's vision for sustainable development and conservation of its natural resources and the planning for strategic resource management to restore, preserve and conserve these resources for future generations.

Despite getting good precipitation during the monsoon rains of 2022, the previous drought continues to impact on the availability of forage and the rangeland forage that was depleted by the grazing animals and the continuation of the multi-year drought has left the rangeland dependent livestock in dire need of feed and water and due to these conditions, action is needed to remove livestock from the Navajo rangelands. The late summer rains and the fall precipitation have improved rangeland resources, but the overall reduction in rangeland livestock needs to continue and natural resource conservation efforts need to continue. The Navajo Nation Council and the Navajo Nation Office of the President and Vice-President need to provide active leadership in the natural resource management and conservation efforts and these efforts need to be given priority as these resources are the foundation for all other efforts to improve life of the Navajo Nation residence.

### **Navajo Partitioned Lands:**

The NPL staff continues to provide technical assistance to the Navajo Nation, District Grazing Officials by providing reports on projects (NPL Range Inventory, Executive Order Fence Line Repairs, Removal and Replacement of water storage tanks), and program activities thus making the reissuance of grazing permits its upmost priority, and operation and maintenance of rangeland infrastructure such as windmills, fences, and cattle guards. The reports provided include status of grazing permits, livestock tally counts, new permit orientations, assistance with providing fencing materials, windmill assessment and repairs, assistance with transport of livestock to auctions, PowerPoint presentations to grazing officials and dissemination of public notice flyers for on-going projects.

**Communication and Cooperation with the Navajo Nation Workforce Development.** The BIA NPL, in cooperation with Navajo Nation Work Force Development, selected three (3) participants into the program to provide training and supervision beginning with an orientation covering the mission of the program, overview of 25 CFR Part 161, NPL Grazing Permit Regulations, customer assistance, record filing, use of computer software, and following all safety protocols. One (1) female selected is assisting with office aide and two (2) males, placed as Laborers, are assisting with fence repairs and other duties.

NPL continues to re-issue cancelled grazing permits in cooperation with the NPL District Grazing Committee (DGC) and Navajo Nation Department of Agriculture (DOA) in accordance with the established Phase I, Phase II, and Phase III.

Phase I. Twenty-nine (29) NPL grazing permits were reissued to applicants in accordance with 25 CFR 161 400 (c) (1); priority will go to individuals currently the age of 65 or older.

Phase II. Review of all heirship documents is tasked with the Navajo Nation DOA and a committee that has yet to established to review all documents in determining eligibility requirements. The BIA NPL will be tasked to reissue the permits. A total of 140 applications are pending reviews following the eligibility process.

Phase III. Case-by-Case: The other 449 individuals recommended by the RDC and Joint NPL DGC, not considered in Phase I and Phase II, will be reviewed on a case-by-case basis including those still living not making the RDC eligibility list and family members of the deceased may apply.

**Windmill Assessment and Repairs.** Assessment of 37 windmills identified for repairs are at 70 percent completion costing \$154,000.00 with replacement of sucker rods, replacement of standpipes, re-leathering, and replacement of motors. The contractor has been hampered by rain and wash-out roads causing a delay in their work plan. One (1) windmill No. 401-5 in the Pinon area, repaired one (1) month ago, has been completely vandalized by someone taking a cutting torch and cutting the angle iron that support the tower legs. The whole windmill is damaged and laid out on the ground next to the water tank. The windmill just repaired was pumping water.

**Windmill Storage Tank Assessment and Proposal for Replacement.** Two (2) 30,000-gallon steel water tanks will be removed and replaced at Low Mountain and Whippoorwill, at a cost of \$812,325.00, is scheduled as the staff completed their field assessment of the access road and project site with the respective grazing officials. These 30,000-gallon steel tanks have deteriorated and been subject to vandalism.

**Rangeland Inventory.** The project kick-off meeting was held with the selected contractor with some fieldwork completed within Precinct 2. The inventory was cut short due to the rain, cold weather and that vegetation or grasses have all gone dormant even the cool season grasses have gone dormant. Due to the incoming cold weather, it was best the inventory resume after the 2023 growing season with an approved no-cost modification to the contract extending the Period of Performance (POP) into 2023.

**Noxious Weed and Invasive Species Inventory.** Treatment of Noxious Weeds and Invasive species was completed for Navajo Route N4 (Blue Gap–Pinon), N6 (Whitecone), N41 (Pinon-Forest Lake), and N8066 (Black Mesa) and its effectiveness of the treatment on Tamarisk, Russian Olives, Russian Knapweed, Russian Thistle, Musk Thistle, and Cheatgrass will be monitored.

**Fence Repair Proposal.** Approximately 33 miles of the 1882 Executive Order fence line will be repaired following the completion of the archeology report by the Navajo Nation Heritage and Historic Preservation Department (HPPD) that all the environmental requirements and compliances have been achieved to complete repairs and removal of sand dunes.

**NPL & Hopi Partitioned Lands (HPL) Referrals.** Fence repairs and cattle guard clean outs as recommended by the Hopi tribes, local grazing officials, and individuals through referrals received are shown below. Most of the damage fences have been vandalized and from high volume of runoff that pushed a lot of debris. Repairs completed are as follows:

Referral No.	Chapter	HPL / NPL Range Unit	Infrastructure repaired
ORM 139-2021	Hardrock	HPL 262 / NPL 305	Fence Repaired
ORM 076-2033	Hardrock	HPL 351 / NPL 305	Fence Repaired
ORM 012-2022	Tonalea	HPL 252 / NPL 107	Fence Repaired
NPL Referral	Hardrock	HPL 262 / NPL303	Fence Repaired
NPL Referral	Pinon	HPL 351 / NPL 307	Fence Repaired
NPL Referral	Hardrock	HPL 258 / NPL 304	Fence Repaired
NPL Referral	Hardrock	HPL 259 / NPL 304	Fence Repaired
NPL Referral	Low Mountain	HPL 451 / NPL 409	Fence Repaired
NPL Referral	Low Mountain	HPL 451 / NPL 409	Fence Repaired
NPL Referral	Low Mountain	HPL 451 / NPL 409	Fence Repaired
NPL Referral	Low Mountain	HPL 451 / NPL 407	Fence Repaired
NPL Referral	Pinon	HPL 351 / NPL 405	Fence Repaired

### **Fort Defiance Agency:**

**Grazing Committee Meetings and Farm Board Meetings.** Fort Defiance Agency has a commitment and mission to improve customer service through public interactions. Most inquiries are on pending applications for fencing, grazing and land use permits. Clients continue to request updated certifications of their grazing permits for hauling livestock, auctions, and supplemental funding through the United States Department of Agriculture (DOA). Fort Defiance Agency continues to work with clients with GPS for farm plots, proposed Range Management Units (RMUs), and district fence lines. Technical assistance is provided to permit holders in developing conservation plans for grazing permits and land use permits, in addition to, providing technical assistance to committee members in inputting information on a transfer agreement.

**Biological Resource Compliance Form for Grazing Permits.** Fort Defiance Agency has received 17 Biological Resource Compliance Forms (BRCF) for District 14 Grazing Permits. The Navajo Nation Department of Fish and Wildlife has recommended conditional approval for all 17 BRCFs with reduced sheep units yearlong (SUYL) for all 17 grazing permits. Of the 17 grazing permits, seven (7) have a reduced SUYL for less than 10 sheep units. According to the Navajo Nation Reservation Grazing Handbook & Livestock Laws, the minimum number of sheep units allowed on a grazing permit is 10 SUYL. Fort Defiance Agency met with the Navajo Nation Department of Fish and Wildlife, and it was decided that the conservation plan questionnaire, completed by the permit holder, will be sent to the Navajo Nation Fish and Wildlife to quantify the qualitative data to increase the sheep units on the BRCFs. The conservation plan questionnaires have been forwarded to Navajo Nation Fish and Wildlife, but no feedback has been received from their office. Continued efforts to contact them have been unanswered.

**District 14 Environmental Assessment (EA).** Fort Defiance Agency has contracted ETD Inc., to complete the district 14 EA. This EA is for fencing of the district and the district units. Public scoping has been completed by ETD Inc. Over 400 mailers were sent to permit holders within District 14 and presentation of the proposed fencing project were also made at the district 14 grazing meeting and chapter grazing permittee meetings. The proposed action is to fence the district and district units. Alternative A is to develop water wells before fencing the district and district units. The no action alternative is to be no fencing of the district and district units. ETD

Inc. is currently working on completing the Endangered Species Act section 7 compliance and National Historic Preservation Act compliance.

**Grazing Permit Information.** The Navajo Area Indian Health Service (IHS) is proposing to construct a waterline extension in the community of Twin Lakes chapter. The agency did assist IHS with grazing permit information within the project area. IHS will contact the individuals to provide them with project information and consent for use of the Rights of Way (ROW) for the water and sewer facilities.

The Navajo Nation General Land Development Department is proposing to construct a T-Mobile Tower within the Steamboat area. The agency did assist with grazing permit information within the project area. The Navajo Nation General Land Development Department will contact the individuals to provide them with project information and consent for use of the ROW for the Telecommunication Tower.

**Non-Compliance Letters.** Fort Defiance Agency has mailed non-compliance letters to permit holders and non-permit holders. These non-compliance letters are based off the tally counts submitted by the district grazing officials. Non-compliance includes sheep units over the permitted number, grazing without a grazing permit, incorrect brand/no brand recorded on the grazing permit, trespass, etc. Copies of the non-compliance letters and tally counts were hand carried to Navajo Nation DOA and DRE to enforce Navajo Nation Code, Title 3 laws. A total of 20 non-compliance letters were mailed.

**Equine Rescue Operation.** Fort Defiance Agency assisted the Navajo Nation DOA, alongside with the Navajo Nation DRE, with the removal of feral horses. Total livestock removed were: 50 from Ganado on October 5, 2022; 48 from Round Rock on October 20, 2022; 60 from Indian Wells on October 27, 2022; 20 from Wide Ruins on November 3, 2022; and 80 from Crystal on December 22, 2022. Fort Defiance Agency assists with manpower, portable corral, livestock panels, trailers and hauling of livestock. Management of these feral horses is to protect range land and agricultural land and related resources such as water for the beneficial use by the people, and to promote sustained yield use of natural resources.

**Fencing Project.** Districts 14, 15, and 16 Boundary. Fort Defiance Agency Branch of Natural Resources is assisting with fencing materials, on Districts 14, 15, and 16, reconstructing the existing fence line. Eastern Navajo Agency Branch of Natural Resources hired a contractor to reconstruct the fence line.

**Range Management Unit (RMU) Fencing.** Fort Defiance Agency Branch of Natural Resources is assisting District 17 Grazing Committee with one (1) Proposed RMU within the Greasewood Grazing Unit. The grazing permit holder has submitted all the required documents. Surrounding grazing permit holders will be notified of the proposed RMU and will need to give consent.

## **BRANCH OF FORESTRY**

The BIA, Branch of Forestry provided the approved Timber Cutting Permit to the authorized representative for the Navajo Nation Department of Water Resources (NNDWR) on July 26, 2022, via formal correspondence. Also provided were the legal description, the payment invoice, and the “Special Provisions” for the permit for the project within the Chichiltah/Vanderwagen communities. The BIA, Branch of Forestry will provide the oversight for this permit due to project activities taking place on allotted lands. A response from NNDWR on the invoice was received during the week of August 22<sup>nd</sup> and the funds have been processed within the Trust Asset and Accounting Management System (TAAMS). A response from NNDWR on the start date for the project is pending as of time of report.

During the quarter, the BIA, Branch of Forestry provided formal a letter notifying all the beneficial Indian owners of the proposed project activities by the NNDWR in the Chichiltah/Vanderwagen communities. This letter states that the BIA prepared and approved a timber cutting permit for the NNDWR which authorizes the legal harvest of forest products from within the affected Indian allotments. It also states that the NNDWR or their subcontractors are authorized to harvest and conduct resource mitigation activities within the affected Indian allotments through July 31, 2023.

## BRANCH OF WILDLAND FIRE MANAGEMENT

### Prevention

The Navajo Nation Environmental Protection Agency (NNEPA) / Air Quality Control and Operating Permit Programs Office provided these fire registration totals (Table 1):

Agricultural Field Burning	Cultural Traditional	Complaints
11	4	1

Table 1. Total burn registrations separated by types. Total 16.

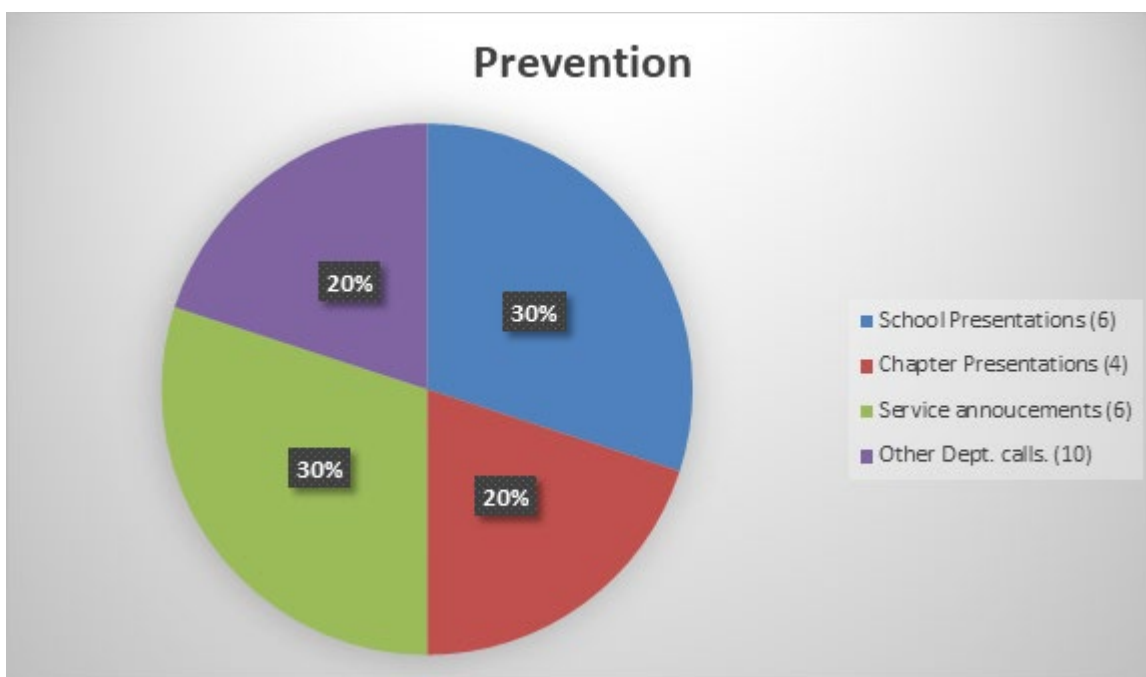


Figure 1. Fire Prevention Activities from October 2022 to December 2022

08/04/2022 to Current – Executive Order for Stage One Fire Restriction was lifted permitting open burning with registration with NNEPA.

10/01/2022 to 12/01/2022 - Fire Prevention Specialist participates in New Mexico Fire Prevention/ information conference calls and Northern Arizona Zone conference calls to stay informed on changes from neighboring agencies regarding fire restriction status and maintaining interagency correspondence on fire prevention changes in the southwest area. Fire restrictions have been rescinded in New Mexico and Arizona.

11/2022 - Prevention technician assisted BIA Forestry and Fire Management, Eastern Oklahoma Region, to support as a wildland fire investigator.





Figure 1. Fire Investigations completed for the months October 2022 to December 2022. Total 2.

No fire investigations occurred in December.

## Fuels

The Fuels Management Program is currently evaluating potential projects within the boundaries of Crownpoint, Eastern Navajo Agency. The communities of Pinedale, Mariano Lake, and Smith Lake have been identified as having a significant amount of mortality within the Pinyon Pine tree stands, presumably as a result of drought and infestation of Pinyon IPS Bark Beetles. Standing dead trees have created an increase volume of hazardous fuels along Navajo Service Route 49, adjacent and within proximity to homes and structures.

Fuels Program Personnel have made visits to the three (3) chapter houses to obtain updated resolutions for Fiscal Year 2023. The land boards and grazing committees will be providing guidance with the checkerboarded lands within chapter boundaries. The Eastern Navajo Agency land management offices will be contacted to provide additional guidance and provide maps.

The information will be consolidated to allow the Fuels Management Program to initiate a Risk Assessment with the Fire and Aviation Management Prevention Program. The Risk Assessment will allow the programs to evaluate single homes and provide information for home clusters to properly identify fuel breaks and mechanical treatments. Mechanical treatments around homes will include a combination of thinning, piling, chipping, and pile burning.

## Dispatch

Navajo Region Fire Dispatch and the Navajo Scouts Emergency Firefighter (EFF) program have been working collaboratively to maintain operational and administrative duties of respective

sections. In late October, the Navajo Scouts Type 2 Initial Attack Crew mobilized to assist Eastern Oklahoma Region with assistance in responding to fires amid their high severity fall fire season. The crew spent 14 days within the Eastern Oklahoma Region and arrived home mid-November 2022.

In closing out year-end data, dispatch has reported a total of 280.7 acres of wildland fires within Navajo Region. That number indicates a minimal fire season for Navajo Region.

The Navajo Scouts EFF program had an accumulated number of hours worked with 30,693 hours. The crew also generated an amount of \$679,957.15 on fire assignments.

There were 20 Out of Region Resource Orders for fire personnel that include locations such as Oklahoma, Texas, Utah, Arizona, New Mexico, Idaho, Washington, Montana, California, and Colorado. This includes orders for the Helitack, Hotshots, Navajo Scouts, Engines, and single resource personnel.

### **Aviation**

The BIA Branch of Fire Management, Aviation Section, had three (3) individuals assist with fire suppression in the Eastern Oklahoma Region as part of a Helitack Module and staffing a Type III helicopter for the month of October. They assisted with responding to fires within the grass component, with light flashy fuels and rapid rates of spread. The beginning of the month of December, two (2) Aviation personnel along with several Navajo Hotshots personnel, received a resource order to assist with a fuel's reduction project in Eastern Oklahoma and spent 14 days on the assignment.

The Aviation Section is still working on hiring and recruiting for their new and vacated positions. Currently, the Aviation Section has submitted recruitment packets for the Fire Helicopter Assistant Supervisor and one Forestry Technician. The plan for the Aviation Section is to get all 10 personnel hired for responding and managing wildland fires effectively and safely, with a full staff.

The Aviation Section are working together with other subordinates from other sections in seeking wildland fire suppression training to advance themselves and become more qualified as wildland firefighters.

### **Shiprock Engines**

Navajo Region Fire and Aviation Fire Management Shiprock station Fire Operations Specialist (FOS) assisted Navajo Regional Prevention Specialist with a presentation at the Sanostee Day school. Smokey Bear was in attendance along with personnel from the Fort Defiance Agency fire staff.

Navajo Region Fire and Aviation Fire Management FOS assisted the Prevention Specialist with a student presentation at Red Mesa, Arizona. Attendance from the public consisted of high school students.

A fire was reported southwest of Cove, Arizona by the Navajo Region dispatch. The FOS, accompanied by an engine boss and crewmember, located the fire on the top of the mountain. Fire was secured for the night and was worked again the following day. Navajo Nation Fire Department (NNFD) also assisted with Brush 20 truck.

BIA Navajo Region Fire and Aviation Fire Management's Regional Assistant Fire Management Officer (RAFMO) and Shiprock's FOS traveled to Boise, Idaho for a week to attend the National Fire Leadership Training.

Little to no fire activity in the Shiprock area for this quarter. Just the fire in October.

## **Operations and Administrative**

The Navajo Region Branch of Fire Management has been working on recruitment most of the time amid the 1<sup>st</sup> Quarter of Fiscal Year 2023. There has been some success with recent advertisements for Forestry Technicians from the Aviation, Engines and Hotshots sections.

Fire activity has been minimal within the last three (3) months. We are grateful for the decrease in human cause fires within respective communities of the Navajo Nation and encourage its continuation with public awareness and promotion.

## **BRANCH OF ENGINEERING**

### **Water Resources**

Water Management, Planning & Pre-Development Program:

The Navajo Nation Water Management Branch (NNWMB) submitted a Technical Report for the Navajo Nation Lake Capacity Survey for Captain Tom Reservoir, Chuska Lake, Long Lake, Whiskey Lake, and Wheatfields Lake for BIA's review. The importance of this project is to assist the Navajo Nation in managing their water resources through data collection and surveying where this project can formulate elevation-area capacity curves for all lakes and reservoirs within the Navajo Nation.

Public Law 111-11 Navajo San Juan Water Settlement Projects:

Fruitland-Cambridge Irrigation (F-C) Project:

1. Fruitland Diversion, a project of replacement of the canal headworks where it includes a construction of a new diversion dam, and fish weir. Start Date: Fall 2023, off irrigation season only.

Hogback-Cudei Irrigation (H-C) Projects:

1. Hogback Canal Steel Siphon, a replacement project of a steel siphon and flume. The Navajo Nation is currently in the procurement process and will advertise soon for sub-contractors. Start Date: Fall 2023, can be during the on-irrigation season.
2. Eagle Nest Siphon Cleaning and Inlet Safety, project started Spring 2022. The 90% Final Design

3. Review was completed for the Safety features. Estimated Construction: Fall 2023.  
Canal Lining Project, a project to fix canal lining areas as needed in various locations along the entire canal. Start Date: Fall 2023, off irrigation season only.

#### Conjunctive Groundwater Use Wells (CGW) Projects:

1. Tse Bonito Water Line Extension Project, the Navajo Nation requested an extension of the current contract to complete this project by December 31, 2023. The project continues moving forward with construction.
2. Chichiltah-Vanderwagon Design Project, the Navajo Nation requested to place a hold on moving forward with this project until the data of the well drilling is completed. Once the data is analyzed, a determination of whether is new well can be a potential water source for this project.
3. Sheep Spring Connection – Phase I Project, the Navajo Nation is modifying the contract with the contractor through the Navajo Nation’s procurement process.

#### American Rescue Plan Act (ARPA):

The Branch of Engineering received a request from the Navajo Nation Division of Community Development (NNDCD) to appropriate the remaining funds of \$2.3M to the Indian Health Service Potable Water Program. This request was reviewed and denied, respectively. The Branch of Engineering was granted permission from NNDCD to reach out to 29 Navajo Chapters to provide them with ten (10) pallets of water bottles, (16.9 oz and 1-gallon). Twenty-two (22) out of 29 Chapters will be receiving the water bottles by the end of January 2023.

#### Safety of Dams

The To’hajiilee Dam Rehabilitation Project Notice to Proceed to the contractor was done on August 1, 2022, with the period of performance for 270 days. Contractor site mobilization was September 6, 2022. Work is still in progress and weekly status update meetings are being held.

The monthly BIA Lakewood Central Office, Region SOD and Tribal staff Early Warning System Working Group meetings were held. The purpose is to increase transparency among Central Office, Region, Agency, and Tribal EWS staff, provide program updates and input from staff outside of Central Office. General topics covered were upcoming field work priorities, EWS Training needs such as online training on website, alarms, or any others, videos on training dashboard, future meeting agenda items, and future meetings scheduling.

The BIA Lakewood Central Office SOD, Engineering consultant and Navajo Region Office SOD held bi-weekly meeting/call updates for the Navajo Nation Dams Hydrology/Hydraulics, and Emergency Action Plans updates and Tabletop Exercises. The overall projected completion timeline is the end of January 2023.

The Navajo Nation dams monitoring, and visual reports were reviewed for the Fiscal Year (FY) 2022-Fouth Quarter.

The Navajo Nation Dams Early Warning System upgrades, and maintenance work are still in progress.

The Navajo Nation Dams Operation and Maintenance manuals updates are in progress as well.

Dam Tenders virtual training was December 22, 2022.

The Asaayi Dam Comprehensive Review Dam Safety Advisory Team (DSAT) meeting was held October 12, 2022. This was to perform risk assessment by a multi-disciplined DSAT team to review the draft final risk assessments and this quality assurance step is essential to compensating for the variation in technical teams and getting a consistent risk inventor. This will also provide support for an automated dam-break flood simulation.

The Tsaille and Wheatfields Dam Emergency Action Plan tabletop exercise was held October 17, 2022. The Red Lake Dam Emergency Action Plan tabletop exercise was held October 20, 2022. The Asaayi and Todacheene Dams Emergency Action Plan tabletop exercises were held October 24, 2022. The Blue Canyon and Window Rock Dams Emergency Action Plan tabletop exercise were held October 26, 2022, and Charley Day Dam Emergency Action Plan tabletop exercise was held November 1, 2022.

The final Asaayi Dam Comprehensive Review report was completed. Hard copies were provided to the Navajo Nation SOD program.

The Hazard Classification studies for select Navajo Nation dams will be done starting in 2023 for possible inclusion into BIA SOD inventory. Bi-weekly status meetings will be held on this project.

The BIA Navajo Region requests the Navajo Nation to submit a proposal to repair the Red Lake Dam hydraulic system, with budget needed.

The BIA Navajo Region requests the Navajo Nation to submit a revised Navajo Nation SOD program Scope of Work, Detailed Budget, Deliverables, etc. for FY2023 funding allocation. The BIA SOD AOTR and the Self Determination Awarding Official will continue to work with the Navajo Nation SOD program.

### **Navajo Indian Irrigation Project (NIIP)**

Provide ongoing technical assistance and service for the Navajo Agricultural Products Industry (NAPI), such as mediation and guidance between the Navajo Nation and the NAPI. This type of assistance the NIIP office provides is critical to the progress and success of the NAPI.

The A123 NIIP Program review was completed on December 8, 2022, in Farmington, NM. A Corrective Action Plan will be finalized by the BIA Central Office-Division of Water and Power in January 2023.

NIIP Environmental-Technical Assistance contract, with Keller Blisner Engineering, was extended to March 31, 2023.

The Branch of Engineering completed the NIIP Purchase Requisitions for:

1. NAPI WIIN Act Irrigation Projects in the amount of \$2,335,000.

2. NAPI Irrigation Operation and Maintenance in the amount of \$1,161,000.
3. NAPI Agriculture Program TPA#1 in the amount of \$153,607.

The NIIP office continues working on developing a new Records File Inventory system that organizes all NIIP/NAPI trust records. This system will aid any current or future NIIP employees to acquire all records within the NIIP office

## **BRANCH OF REAL ESTATE SERVICES**

### **Mineral Leasing:**

#### **Oil and Gas Leases:**

- Processed the 37½ State of Utah for Royalty and Royalty-In-Kind payment for months of October, November and December 2022. Letters were sent to the Navajo Nation requesting to submit payments to the State of Utah office each month.
- Processed the Water Usage payment for July thru September 2022 from Chevron on the Navajo Nation Lease No. 14-20-0603-8669. Reviewed and processed one (1) APD for Navajo Nation Oil & Gas Company for Well name: Desert Creek Wash 34-1, approved October 14, 2022.

#### **Pending Action by Navajo Nation:**

- March 23, 2022, Bureau of Indian Affairs (BIA) requested recommendation and approval/disapproval on three (3) APD applications, to Navajo Nation Minerals Department for Tacitus, LLC. Projects Wells Name are: Navajo Tribal U 1A; U 7A and N 2, all within existing oil and gas leases. BIA has not received a response from the Navajo Nation.
- August 19, 2022, BIA requested recommendations and approval/disapproval on three (3) APD applications to the Navajo Nation Project Review Office for DJR Operating, LLC, Well Name are: BTWU 305H; BTWU 306H and BTWU 721H.
- April 7, 2022, BIA requested recommendation on approval of the Designation of Unit Operator between Citation Oil & Gas, Inc. and Tall Dunes Resources, LLC. BIA has not received a response from the Navajo Nation.

#### **Solid Minerals Leases:**

Continue to have monthly conference calls with Office of Surface Mining Reclamation and Enforcement (OSMRE), Navajo Nation Solid Minerals, and Bureau of Land Management (BLM) staff for updates and information on Navajo Mine (NTEC), Chevron and Peabody Western Coal Company (PWCC). The BIA submitted a follow-up on October 13, 2022, to Navajo Nation requesting comments and recommendation of the reduction of the Performance Bond requested by PWCC.

#### **BLM (AZ) Quarterly inspections schedule for:**

- Kaibeto Resources Inc. - The Sand and Gravel lease expired in 2018. Kaibeto Resources Inc completed the reclamation on the gravel pit. BLM (AZ) office, Navajo Nation and BIA representatives visited the site for review on the reclamation that started on August

2022. Inspection was done on December 5, 2022, the slopes were good, but the grass straw was not stable to ground.

- December 6, 2022, OSMRE had a second Termination of Jurisdiction inspection (TOJ) within J19 and J21 and N9 pit locations for overview of the reclamation. Representatives from OSMRE, Navajo Nation, Hopi Agency, BLM (AZ State) attended the inspections.
- Attended the inspection at Wheatfield Gravel Pit and Nazlini gravel pit on December 7, 2022. Reclamation at the site was good.

### **Surface Leasing and Mortgage:**

Completed thirty-nine (39) old residential leases (Reviewed/Encoded/Imaged/Approved) and recorded by Land Title and Records Office (LTRO).

Completed three (3) Deed of Full Releases (Recorded by LTRO and mailed to clients).

Completed four (4) Title Status Reports (Submitted to LTRO and mailed to clients).

Completed four (4) Leasehold Mortgage and Recorded by LTRO.

NTUA Cameron Solar: Extensive research was completed validating ownership for Section 24, T28N, R8E and Sections 20 & 30, T28N, R9E, as no ownership records were listed in the TAAMS record system. Other tracts of land associated to the solar project were included in the research for the determination of how lands were acquired for the Navajo Nation aka Navajo Indian Reservation, 1934 Act. Equivalent to a title chain, copies of various deeds, patents and letters from BLM State office confirming ownership were sent to LTRO confirming lands situated withing the Cameron Solar Project were lands belonging to the Navajo Nation. LTRO accepted the information and recently assigned a new Tribal Tract Number for the lands. The Solar Project Lease is currently being encoded into the TAAMS system.

### **Rights-of-Way (ROW):**

Questar Pipeline ROW and Microwave Tower Site: ROW expired under its own terms in January 2022 with no new ROW submittal by Questar. Questar, Navajo Tribal Utility Authority (NTUA) and Navajo Technical University (NTU) worked out an agreement where all assets of the ROW will be transferred to both tribal programs. All future operations of the pipeline situated on tribal land will need tribal approval through the tribe's approval system. Pipeline crossing Indian allotments lands will need the BIA approval. The BIA is still responsible for proper TAAMS recording of pipeline alignment and has it scheduled for completion.

Tucson Electric Power: Courtesy review of their survey plats were completed and return to company for correction. No new submittal has been received.

Tallgrass Energy Company: An extensive pipeline project of clean energy is being proposed and is to begin near Farmington, NM, traversing westward through Shiprock, NM, Kayenta, Tuba City and Grey Mountain, AZ. Project is in preliminary stage and discussions are being made with the Navajo Nation.

Red Rock Day School – Red Valley AZ: An emergency pipeline project is currently being administered by BIA and NTUA. The purpose is to connect the NTUA water system to the BIA

system for water distribution to the school. An alignment has been agreed on and BIA will acquire ROW and be transferred to NTUA for operation and maintenance. Archeological and NEPA Compliances are being administered.

PNM Electric: PNM is in the process of submitting a new ROW application for the renewal of their existing transmission line. PNM has requested Navajo Region for technical assistance with their ROW application. Discussions are currently ongoing.

**Cadastral Survey & Unresolved Rights:**

Work & consultations continue with all three State Offices – BLM (AZ, NM & UT) and Navajo Nation Land Department (NLD) on all on-going, pending and scheduled surveys. Various research continues with agencies on land status, boundary issues, and field inspections on Navajo Tribal Trust & Allotted lands and BIA Administrative Reserve Areas.

New Approved surveys: (5) New Survey Requests: 6 Pending Approval: 8

Final Field Inspection: 2 Completed Cases: 2

AZ/NM/UT-BLM Agreements & Modifications on Funding: Three (3) new modifications are pending for approval to continue with all on-going and new cadastral surveys.

Three (3) conference calls were held with AZ & NM State Offices, for updates, budget, new priorities and boundary issues.

Processed 15 payments to AZ/NM/UT State Offices – BLM, for cadastral services.

Recording Cadastral Surveys: Completed 22 of 25 townships and are now pending at LTRO. There are still 19 new townships that need review & verification on land status for recording.

Review continues all approved cadastral surveys in AZ/NM/UT (AZ-388; 161-NM & 56-UT), 5 agencies), total of 605 townships. Review & verifications being made for recording with LTRO.

Work continues with LTRO on approved surveys for recording dating back to 1987 to present.

Assisted 15 landowners with maps & land status reports from TAAMS, for a total of 31 allotments.

Two (2) inspections were completed on possible trespasses within Eastern Navajo & Fort Defiance Agencies, both are pending final reports.

AZ Silica & Sand Company Cash Bonds: Legal opinion is still pending with the Solicitor's Office due to environmental & reclamation issues. Once review is completed the next steps will be taken by our office for release of the bond to landowners or for reclamation.



**School Impact Statements – Verifications on Tribal Trust and Allotted lands:**

- *Middle College High School for (2022-2023):* Final review completed & will be recommended for approval.
- *Hozho Academy School (60 Navajo Students):* Review is completed on land status verifications for Navajo Tribal Trust lands, allotted lands and BIA Administrative Reserve Areas. Project is in final stage for approval.
- *Gallup McKinley County Schools District:* Review completed on 34 of 34 Navajo Chapters on land status verifications on Navajo Tribal Trust, Allotted and BIA Administrative Reserve Areas, totaling 9,000-10,000 Navajo Students. Further site inspections are needed on 1 Chapter area.

Land Boundary Issues: Reviewed 4 sites on Navajo families disputing various boundaries.

Still working with LTRO on recording approved surveys dating back to 1987 to present.

Cameron Cemetery Site: New site inspection is still pending with the Cameron Chapter & Navajo Nation Historic Preservation Office (NNHPO) and will be scheduled in 2023. The Community cemetery site is located on an allotment and a potential trespass by Navajo Chapter without a lease or permit.

Navajo Land Department (NLD): Coordination continues with Navajo Nation on Navajo Reservation map update with new cadastral survey information in all three (3) States.

Alamo Allotments: No changes on proposed meeting which is still pending in 2023. Eastern Navajo Agency (ENA) will handle most of the land acquisitions except on cadastral surveys (most allotments were resurveyed from 2003-2008).

T20N, R8W, Pueblo Pintado, NM: No changes on issues on boundaries on allotments and Navajo Tribal Fee lands after new cadastral survey was conducted of the whole township where some owners gained or loss acreages. NM State Office-BLM & BIA will continue to work with NLD on the boundary issues. Site inspections pending which will be scheduled with BILS, ENA & NLD in 2023.

**Acquisition and Disposal (A&D):**

Gift Deed applications: Eight (8) Gift Deeds approved.

Fort Wingate Legislation: Public Law 114-328: Section 2829F Return of Certain Lands at Fort Wingate, New Mexico to Original Inhabitants. Legislative acquisition. Total acreage 1700.53 acres completed; six (6) Parcels; Patent recorded. Formal letter to the Navajo Nation was prepared regarding Notification of Election, no response to the first letter; second (2<sup>nd</sup>) Notification of Election sent, no response to second (2<sup>nd</sup>) notification. Preparation of Draft Letter to the Navajo Nation to advise of Trust selection of title status by default due to non-response to first and second Notification of Election.

Other: Collaboration with New Mexico Department of Transportation (NMDOT), U.S. Department of the Army in discussion and necessary action for active Flood Cleanup along Parcel 15. Next steps: meet with the Navajo Nation; meeting pending for Second Quarter Fiscal Year

2023 (2<sup>nd</sup> Qtr. FY2023) with Navajo Nation Land Department and Navajo Nation President/Vice President. Meetings with Department of the Army to discuss priorities and ongoing projects of Fort Wingate Army Depot.

Field: BLM: Assessment and investigation of parcels returned to the Navajo Nation for boundary identification pursuant to Public Law 114-328, Section 2829F.

Rolling Mesa: Fee to Trust; Discretionary Acquisition – Off Reservation, Rolling Mesa property, San Juan County, near Farmington, NM; approximately 67.39 acres. Our Regional Environmental Compliance Review Department completed its review of the Environmental Assessment (EA) submitted by the Navajo Nation to ensure Environmental Compliance with National Environmental Policy Act (NEPA) of 1969. Reports are currently under review to ensure compliance with NEPA of 1969. A report of their review is forthcoming. Completed Certificate of Inspection (CIP) on December 12, 2022.

Ten (10) Allotment Land Sale: The real property in these sale transactions were identified as Indian Allotments (IA) whereby the Navajo Nation, Arizona, New Mexico and Utah, a federal recognized tribe negotiated acquisitions of the parcels from the original Allottees and/or their respective heirs. Final Decision Letters to the Navajo Nation were processed for nine (9) denials and (1) approval. The disbursement process is currently ongoing for the one (1) approval.

**Chinle Agency:**

Navajo Nation leases submitted for recording: 20 Homesite leases, all completed and returned to the Tribe.

Business Site Lease: approved assignment of Bashas' Inc to Raley's Arizona LLC; also continue to review the incoming compliance court documents for Fleming Begaye Business lease.

**Fort Defiance Agency:**

Right of Way (ROW):

Technical assistance provided to NTUA regarding several proposed ROW projects:

- Austin A. Sam power line extension located in Houck, AZ, project is pending a review of the appraisal.
- Dilkon Pass Booster Station and Water Line Replacement - Proposed project to upgrade existing water line in increase carrying capacity to serve new hospital and to add new booster station and check valve. Minor changes/corrections to EA have been submitted to BIA Branch of Environmental Quality Act Compliance and Review for review and issuance of Finding of No Significant Impact (FONSI).
- Frontier Communications – review of legal description and survey plat of proposed telecommunications project in Window Rock, AZ.

Navajo Nation approved leases submitted for recording: 34 homesite leases, 14 have been completed.

Business Site Lease: FD-01-202 Sandia Oil Company, Inc. - Assignment package received from Navajo Nation Fort Defiance Regional Business Development between Sandia Oil Company, Inc.

And Medicine Child, LLC. Project is pending a signed and notarized release/termination of collateral assignment to be submitted for recording.

**BIA Residential Lease:**

- Residential lease approved for Allotment 311546, Dilkon, Arizona on 12/07/2022.
- Residential lease approved for Allotment 311527-B, Teesto, Arizona on 12/07/2022.
- Requests pending for six (6) Biological Resources Compliance forms at Navajo Nation Department of Fish and Wildlife, Navajo Natural Heritage Program for pending residential lease applications located within the Lupton, Houck, Teesto, Dilkon, and Indian Wells Chapters.
- Continue to provide technical assistance to landowners and applicants regarding the residential leases process, land status, individual/tribal interest report and location maps of allotments.

Title Status Reports: One (1) request received for mortgage purpose within Oak Springs, AZ.

**Special Projects:**

- Chinle Agency Administrative lands – Project is on-going. A request for certified legal land survey has been added to BLM AZ State Office Priority Listing for FY2023. BLM will conduct a cadastral survey of lands being returned to the Tribe.
- Project Continue to collaborate with Lupton, Houck, and Indian Wells Chapter Grazing Officials on land status and location maps of proposed homesite/residential leases.
- Wide Ruins Day School – Tribal resolutions, survey plat and legal description have been provided to Rights Protection Section and BLM Indian Land Surveyor regarding possible overlap of existing homesite lease and school.
- Indian Health Service Proposed Health Care Center in Pueblo Pintado Chapter - Research land status with the assistance of BLM Indian Land Surveyor. Corrected and updated BLM Master Title Plat for Township 20 North, Range 7 West, Section 19 now reflects Executive Order 709, which has been withdrawn and set aside for use as an addition to the present Navajo Reservation.

Pending Action by Navajo Nation: Navajo Generating Station (NGS) ROW Applications. Awaiting a response from the Navajo Nation regarding the Secretarial Waiver and whether there had been any progress in revising the ROW instruments to comport with the various waivers granted or declined.

**Shiprock Agency:**

**Sand and Gravel Lease:**

- Navajo Engineering and Construction Tecnospos Sand and Gravel Lease. Lease is pending approval of Mining and Reclamation Plan (MRP) and FONSI for the EA. Continued coordination between BLM, BIA NEPA staff and Shiprock Agency Real Estate Services. Updates provided by BLM's review of the mining and reclamation plan awaiting approval of BIA NEPA decision. Discussions from BIA NEPA staff revolved around the need for public involvement.

**Business Site Leases:**

- SR-01-168. K&V Enterprises, LLC undeveloped lease located in Shiprock, NM. Notice of lease cancellation issued. Cancellation issued due to violation of several lease provision including back rent due to the Navajo Nation. Lessee has 30 business days from date of receipt to appeal decision to Interior Bureau of Indian Affairs. Awaiting receipt of “return receipt”.
- SR-01-162 Begaye Flea Market located in Shiprock, NM. Lessee expired November 2022. Conflict arose between Lessee’s probable heirs regarding operation of the lease. Letters sent to probable heirs of the lessee regarding operation of the business. December 14, 2022 – participated in ZOOM meeting regarding SR-01-162. Meeting hosted by Shiprock Regional Business Development Office (SRBDO). Participants included SRBDO, Navajo Nation Office of the Controller – Accounts Receivable, Navajo Nation Department of Justice, Office of the Solicitor and BIA Shiprock Agency Real Estate Services. Participants in agreement on action taken thus far.
- CH-97-104. Lease located in Chinle, Arizona. Issue of transfer of lease based on tribal court order. No action taken to modify lease in accordance with court order. Meeting held with Lessee’s attorneys. Participants included Walter Baldwin, Navajo Nation Department of Justice (NNDOJ), Chinle Regional Business Development Office and Office of the Solicitor. Mr. Baldwin and his attorneys were provided the Navajo Nation’s decision to move forward in modifying the lease to change the lessee’s name pursuant to court order issued by the Navajo Nation Court. Lease modification pending approval by Navajo Nation.
- CH-89-85. By letter dated April 25, 2022, notice of cancellation of Lease No. CH-89-85 was issued. Administrator of Mr. Begay’s estate appealed to the Interior Board of Indian Affairs (IBIA) the decision to cancel the lease. IBIA issued an Order for Consultation Regarding Settlement Prospects, and Order for Joint Statement. A “Joint Status Report” was submitted to the IBIA on December 9, 2022, including request to the Board to continue the stay in the matter and briefing until March 17, 2022.
- Received November 2022 statements for rent due from Navajo Nation Office of the Controller, Accounts Receivable BIA approved business leases. Determined lease compliance required for four (4) leases.

#### **Navajo Nation General Leasing Regulations (NNGLR):**

Issues regarding assigning, modifying, and amending BIA approved leases by Navajo Nation approved leases under the authority of NNGLR. The NNGLR does not authorize the Navajo Nation to amend, modify nor assign BIA approved leases without BIA approval. Meeting held October 19, 2022, with Navajo Housing Authority (NHA) and NLD regarding amendments to BIA approved housing leases. Options provided to NHA on how to proceed (1) seek BIA approval or (2) terminate 415(a) leases and obtain a Navajo Nation lease approved under the authority of NNGLR. Meeting with NLD held November 18, 2022, regarding same issues affecting BIA approved homesite leases.

Navajo Nation approved leases submitted for recording: 109 homesite leases.

BIA homesite lease mutual termination – 1.

In collaboration with Navajo Region, Realty Office provided guidance to the NLD on terminating/cancelling a homesite lease with extraordinary circumstances. The NLD has been attempting to terminate the lease for approximately one (1) year.

**ROW:**

- Bureau of Reclamation – received a ROW application for Navajo Gallup Water Supply Project Reach 4 Pumping Plants 2 & 3 and staging areas.
- NMDOT – US64 Arizona/New Mexico Stateline to MP81 – coordinating efforts for review of and correcting legal descriptions between NMDOT and Navajo Region BILS.

**Taxation of Trust Lands:**

- Allotment No. 792 634511 located in Bluff, Utah. Landowner forwarded copies of 2022 Real Property Tax Notice from San Juan County, Utah Tax Assessor. Mr. Rick Meyers, San Juan County, was contacted and emailed correspondence sent to previous Assessor. The letter explains the patents issued for the allotment specifies the land would be held in trust for 25 years and further explains the trust period was extended indefinitely under 25 U.S.C. §5126 in 1990. Mr. Meyers responded he will have recorders change status for taxes from active to exempt; and ensure the letter is uploaded in their system to alleviate future problems.

**Miscellaneous Projects:**

- Department of Energy (DOE) regarding DOE-LM Institutional Controls for Shiprock Mill Tailings Disposal Site Meeting. Participants included DOE, BIA and NLD. Discussions regarding potential institutional control mechanisms (administrative and legal controls to minimize/ communicate site-related hazards) for infrastructure at DOE's Shiprock Disposal Site. DOE has two (2) ROW easements with BIA that are in the process of being renewed for specific groundwater remediation infrastructure. DOE is planning some changes to site remediation infrastructure in the next few years; and is interested in working with the Shiprock Chapter on potential community use of the floodplain including recreational trails and potentially information kiosks or other improvements. We want to pursue the most appropriate institutional controls for those projects that would be beyond the limits of the current ROW agreements.
- Central Consolidated School District – School Year 2022-2023 Impact Aid Program. Reviewed and certified Impact Aid Source Check Forms for Burnham, Nenahnezad, Newcomb and Sanostee Chapters.

**Western Navajo Agency:**

Navajo Nation approved leases submitted for recording: 8 homesite leases, completed.

Business Site Lease: Four (4) files retrieved and sent to requesting personnel or Agencies.

Title Status Reports: 1, retrieved from TAAMS and sent copies to VA lender and client in Kaibeto, AZ.

## **BRANCH OF PROBATE**

The Branch of Probate and Estate Services prepares cases for individual Indians that hold trust assets by completing the family history of the decedent and compiling all documents required by the Office of Hearings and Appeals (OHA). Research is completed by contacting the family members of the decedent by means of home visits, searching internet, telephone interviews, writing letters and office visits. The majority of family research work is in conjunction with the Navajo Nation Vital Records Office.

The ongoing conditions with COVID have increased the number of cases for all the Agencies. Also, it has created a hardship of not being able to conduct outreaches which have slowed our progress of case preparations for submission to OHA.

During the Winter Quarter, there were 61 cases prepared and submitted to OHA for adjudication, of those, 30 were by Eastern Navajo Agency, 24 were by Fort Defiance Agency, and seven (7) were by Shiprock Agency.

In this quarter there was a total of 166 new deaths reported, with 132 resulting in new cases being created to be researched. Most cases were reported by the Eastern Navajo Agency (92) and the Fort Defiance Agency (33).

We were able to have 107 cases adjudicated this quarter, which are currently being processed to disburse the trust assets. As of the end of this quarter, we have a total of 7,256 active cases being processed at some level. Currently, there are 49 cases eligible for closure, of those, 44 have finished the disbursement of the trust property (89.80%) and eight (8) have completed the disbursement of the trust personalty (18.60%).

## **INDIAN SERVICES**

### **BRANCH OF INDIAN SELF DETERMINATION**

The Bureau of Indian Affairs (BIA), Navajo Regional Office (NRO), Branch of Indian Self-Determination, continues to work with Navajo Nation's (Nation) twenty-two non-construction contracts, seven Subpart J Construction contracts and five other tribal organizations under Public Law (Pub. L.) 93-638. The Nation and tribal organization submitted Contract Renewal and Calendar Year (CY) 2023 Successor Annual Funding Agreement (AFA) proposals to continue contracting services under a Pub. L. 93-638 Contract. Each proposal was reviewed by the BIA, NRO and Office of Justice Services-District IV in accordance with 25 CFR Part 900 and fifteen contracts were approved this quarter and all available FY 2023 funding under Continuing Resolution (CR) 1 and 2 at the Fiscal Year (FY) 2022 rate of Operations level were awarded. In addition, one-time funding for projects were also distributed to the Nation and Tribal Contractors' Pub. L. 93-638 Contracts see Table 1. All contractors provide services to communities and other contractual activities, in accordance with their Scope of Work and budgets. All funds awarded entirely benefit the Nation.

**Table 1 –Pub. L. 93-638 Contracts Funding Allocations**

<b>The Navajo Nation</b>	<b>Programs</b>	<b>Amount</b>
A18AV00236	Juvenile Detention Program	\$15,800.00
A20AV00139	Water Monitoring & Inventory Program	\$54,331.00
A21AV00001	Natural Heritage Program	\$63,058.00
A21AV00002	Fish & Wildlife Program	\$47,570.00
A21AV00003	Social Services-(SS) Depart. Family Services	\$7,693,707.00
A21AV00004	Johnson O'Malley	\$1,211,389.00
A21AV00140	Law Enforcement -Criminal Investigations	\$916,033
A21AV00383	SS-Navajo Treatment Center Children & Their Families	\$63,230.00
A21AV00384	SS-Family Assistance Services and Assistance	\$2,356,179.00
A22AV00148	Higher Education Program	\$2,856,901.00
A22AV00149	Environmental Archaeological Non-Roads	\$102,602.96
A22AV00150	Tribal Enrollment Program	\$210,610.00
A22AV00151	Tribal Courts Program	\$369,151.00
Total		\$15,960,561.96
<b>Tribal Organizations</b>		<b>Amount</b>
A19AV00984	Dine Bi Olta School Board Association, Inc.	\$38,000.00
A21AV00046	Navajo Agricultural Products Industry	\$2,335,000.00
A21AV00158	Navajo Agricultural Products Industry	\$1,435,462.00
A21AV00486	Rock Point Community School	\$1,525,230.00
A23AV00006	Alamo Navajo School Board Inc.	\$42,000.00
A23AV00007	Navajo Technical University	\$3,822,000.00
Total		\$9,197,992.00
GRAND TOTAL		<b>\$25,158,553.96</b>

In addition, the Awarding Officials (AO) and Awarding Official's Technical Representative (AOTR) continued to conduct CY 2022 monitoring for Pub. L. 93-638 Contracts. The monitoring has been conducted virtually with the Nation's 638 Programs due to the COVID-19 Pandemic.

AOTR Quarterly Activities provide programmatic and administrative support as trained/designated by the AO for a specific Pub. L. 93-638 Contracts.

**Pub. L. 93-638 Contractual Program, Housing Improvement Program (HIP), Contract Nos. A16AV00407, A20AV00003 and A22AV00588:**

Contract A16AV00407 – FY 2016 – 2018 HIP: This contract remains to be officially closed out.

Contract No. A20AV00003 – FY 2019 – FY 2021 – This contract was extended from 12/31/2021 to 12/31/2023 in compliance with reporting requirements. Construction activities are on track. This contract contains the American Rescue Plan Act (ARPA) funds that will purchase modular homes for project recipients.

Current activities include FY 2019 – construction activities completed; FY 2020 – construction activities are wrapping up with the last two homes (of nine) being completed in the next quarter; the first home in the FY 2021 project will begin construction in the upcoming quarter; and Categorical Exclusion documentation for ARPA project recipients was submitted to the BIA for

National Environmental Policy Act (NEPA) and review and confirmation during this reporting cycle.

FY 2022 – Contract No. A22AV00588, was awarded last quarter in the amount of \$1,710,641. Nine applicants will receive replacement housing with this FY2022 project funding.

HIP Administration: The BIA, HIP Officer and Navajo Nation Housing Program Manager communicate via email and telephone regarding all HIP matters. No in-person meetings have taken place.

**Pub. L. 93-638 Contractual Program, Tribal (Census) Enrollment program Contract, A16AV00285, A19AV00373 and A22AV00150:**

On December 8, 2022, upon receipt of the Nation's input into the technical questions on November 18, 2022, the AOTR processed the monitoring report to the BIA, Indian Self-Determination Office for further processing onto the Navajo Nation-OMB. On September 22, 2022, the CY 2022, Monitoring review was conducted virtually for the Tribal Enrollment program contracts: A16AV00285, A19AV00373, and A22AV00150 for Shiprock Field Office.

On October 27, 2022, the AOTR processed the Purchase Request (PR) in the amount of \$210,610.00 for FY 2023 under a temporary funding measure known as H.R. 6833/Pub. L. 117-180 Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023, which was signed by The President on September 30, 2022. The CR covers the period of October 1, 2022, through December 16, 2022.

**Pub. L. 93-638 Contractual Program, Tribal Courts program, Contract A17AV00252 and A22AV00151:**

The AOTR has not received a response from the Tribal Courts program, Pub. L. 93-638 contract monitoring review for FY/CY 2022 for Tribal Courts program. The AOTR inquired via email with the Tribal Program administration on September 8, 2022, and August 4, 2022.

On October 27, 2022, the AOTR processed the PR in the amount of \$369,151.00.00 for FY 2023 under a temporary funding measure known as H.R. 6833/Pub. L. 117-180 Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023, which was signed by The President on September 30, 2022. The CR covers the period of October 1, 2022, through December 16, 2022.

**Pub. L. 93-638 Contractual Program, Higher Education, Contract A17AV00096 and A22AV00148:**

On October 31, 2022, the AOTR processed the PR in the amount of \$2,856,901.00. These funds are made available pursuant to H.R. 6833 Pub. L. 117-180 continuing appropriations and Ukraine supplemental Appropriations Act, 2023. (Sept. 30, 2022); 136 Stat 2115). Funds are available through their period of availability.



**Pub. L. 93-638 Contractual Program, Forestry Management Program (FMP), Contract No. A18AV00262:**

The BIA, NRO, Branch of Forestry continues to process multiple timber cutting permits that are received from the Navajo Forestry Department. The primary requests received are for permits associated with infrastructure projects being done within the Nation by their water or utility authorities. During this reporting period, 5 permit packets were reviewed and forwarded for signature approval. The approved permits were returned to the Branch of Forestry and forwarded to the Navajo Forestry Department to administer. No new requests of this nature have been received as of time of this report.

The CY 2022 Annual Contract Monitoring Questionnaire (ACMQ) and supporting documents for the Nation's FMP contract were received from the Nation via formal correspondence on August 31, 2022. The ACMQ was reviewed by the AOTR for completeness and to validate the responses provided. After the review, letter dated October 5, 2022, requesting additional information was developed and provided to the FMP. The FMP provided responses to the BIA request in letter dated November 8, 2022. Review of the secondary response by the AOTR prompted the BIA, NRO to generate responses related to 1) identify which projects have biological and archeological surveys, 2) identify which projects have NEPA compliance documents in place, 3) identify which projects require biological, archeological and National Environmental Policy Act compliance work and, 4) provide a copy of any drafted or approved Silvicultural Prescriptions as an approved prescription is required for all forest treatments that affect the present and/or long-term character of a forest stand. The Nation and FMP were requested to provide responses to these items by January 16. Because of this, the CY 2022 Annual Contract Monitoring is ongoing.

The End of FY 2022 Forestry Reports for the Nation's FMP contract were received from the Nation via formal correspondence dated October 6, 2022. The reports and proposals consisted of the Catalog of Forest Acres (report), Forest Management Inventory and Planning (FMIP) funding request(s) (proposal), FMIP accomplishments (report), Timber Harvest Initiative funding request (proposal), Forest Development accomplishments (report), Forest Development Planned projects (proposal), Woodlands Management accomplishments (report), and Woodlands Management project proposals. These reports and proposals were reviewed by the AOTR for completeness and accepted. The accomplishment reports and project proposals were encoded and/or forwarded for review by the Central Offices' Division of Forestry and Wildland Fire Management. In addition, all data needed for the Indian Affairs Performance Management System (IA-PMS) for FY 2022 Forestry measures were reported. The two Forestry performance measures are 1) Performance measure 2295, Percentage of Annual Allowable Cut Prepared and Offered for Sale or Free Use, must be reported in the IA-PMS system and 2) Performance Measure 2097, Percentage of sustainable harvest of forest biomass utilized for energy and other products, which is not available in the IA-PMS system. Central Office staff will contact BIA, NRO Forestry staff if any questions arise from their review. No questions have risen on the reports and project proposals, if awarded, will be announced later within fiscal year 2023.

The BIA, Branch of Forestry has yet to receive response from the Nation's FMP on the Timber Use Policy Statement (TUPS) which is still in draft form. Formal letter dated April 6, 2022,

was provided to the Nation's FMP requesting to continue collaboration on the TUPS. The letter stated that "The BIA, NRO, Branch of Forestry wants to continue the collaboration with the Nation's FMP to amend and finalize the draft TUPS. This will ensure the TUPS adequately resolves current Forest Product Harvest issues and concerns, while aligning with the IWMP and the Navajo Forestlands Integrated Resource Management Plan." The Branch of Forestry plans to initiate correspondence to garner response from the Navajo Nation on whether they wish to continue to pursue this matter or not.

On September 9, 2022, the Nation's FMP Forest Manager sent an email to the BIA, NRO, Regional Director and Deputy Regional Director of Trust Services, requesting for proof of federal approval of the Nation's participation in California's Air Resource Boards Cap and Trade Program, or documentation from the U.S. Department of the Interior, BIA that federal approval is not required for the Nation to Participate. This is due to the Nation being interested in selling the Nation's Commercial Forestlands "Carbon Credits" through the State of California's Cap-and-Trade Program. During this reporting period, several meetings have been completed between BIA, Nation, and Anew Climate staff (contractor) while within that same timeframe the BIA developed a National Policy Memorandum, dated November 4, 2022, regarding Carbon Sequestration Agreements. The BIA made requests to the Nation for additional information so that a clear determination could be made answering whether federal approval is required, if the agreement will restrict the Nation's use of a specific parcel of land, if the agreement requires management actions that are inconsistent with the Tribe's existing forest or agricultural resources management plan. During the meetings, Nation staff continued to question why a financial effects analysis was requested. BIA, NRO staff reiterated that this document was needed to assess whether the management of trust resources based on carbon sequestration management activities outlined in the Nation's proposed carbon sequestration agreement and the current FMP and other approved management plans conflict with an existing approved management plan. If so, then the Nation will be required to revise the management plan to address the Nation's new management priority and resubmit the revised management plan(s) to the BIA for review and approval. In addition, the Nation requested that Central Office staff be included in the next scheduled meeting, set for January 16, 2023, to gain clarity on this and other matters.

## **HUMAN SERVICES**

### **Government Performance Results Act (GPRA)**

The GPRA Modernization Act was enacted in 1993, one of the series of laws designed to improve government performance management. The GPRA requires agencies to set goals, measure results and report their progress. Each agency then submits an annual performance plan with its strategic plan outlining its mission, long term goals for its major functions, performance measures and reporting results. This report is done on a quarterly basis for all agencies.

For Fiscal Year 2023, the Navajo Nation Division of Social Services set its Annual GPRA Performance Measure at 69% for Measurement 1811. This Measurement for 1811 is the percentage of General Welfare Assistance recipients who are eligible for employment and have met their goals they set up for themselves, which are identified as Individual Self-Sufficiency Plans or ISP's. These recipients do their best to become self-sufficient and self-sustaining.

## **Indian Child Welfare Act (ICWA)**

The ICWA Law today is a forty-five-year-old federal law which protects the well-being and best interests of Indian children and families. This law continues to uphold family integrity and stability by keeping Indian children connected to their communities and culture. It also reaffirms the inherent rights of Tribal Nations to be involved in child welfare matters involving their tribal children.

The Navajo Regional Office continues to process and respond to certified, non-certified, faxed, and emailed ICWA Notices which are received from the State(s). Some ICWA Notices are received by private attorney and all these ICWA notices are completed within the allotted time frame of fifteen days. For the first quarter, there were 80 ICWA Notices our office provided an official response to within the required time.

## **Other activities**

The Branch of Human Services Office continues to meet with clients and other service providers virtually to conduct business.

All requests for technical assistance or training are provided in accordance with the scope of work as contracted under Public Law 93-638, and upon request by the Navajo Nation.

## **BRANCH OF ENVIRONMENTAL MANAGEMENT**

The Branch of Environmental Management (BEM) and the Branch of Environmental Quality Act Compliance (BEQACR) programs continue with the progress of environmental projects for the Navajo Nation.

**Sanostee Land Transfer:** The Navajo Nation Sanostee Chapter requested the Bureau of Indian Affairs (BIA) to transfer back 91.4 acres of the land which was once used by BIA for the former Sanostee Boarding School. In 2019, BEM hired an environmental contractor to conduct the American Society for Testing and Materials (ASTM) 1527 Environmental Site Assessment (ESA) Phase I and II which was completed in March 2022. The next step is the cleanup of environmental hazards that were identified and confirmed in the ESA Phase II. BIA has completed the Scope of Work for solicitation for a contractor to conduct the remediation of the environmental contaminants found on the property. The cleanup of the property is required by BIA before the land can be relinquished back to the Navajo Nation for re-use.

**Chinle Agency Land Transfer:** In FY2021, the former Council Delegate requested BIA to relinquish six (6) land properties (parcels) back to the Navajo Nation, as the parcels are Navajo Trust lands. Before relinquishments of land occurs, BIA is required to conduct an ASTM E1903-19 Phase I and II ESAs.

The BEM received the completed draft ASTM Phase I and II ESAs in November 2022 for review. Based on the reports and sampling conducted identified environmental hazards existing

on these parcels that require removal and cleanup. BEM has requested funding to conduct the ESA Phase III for cleanup.

**Sheep Dip Vats (SDV):** BEM and the Navajo Environmental Protection Agency (NNEPA) Navajo Superfund Program (NSP) are continuing to work together to address the assessment and removal of former SDV contaminated soils and structures.

In November 2022, the Black Springs SDV site located in the Chuska Mountains, Naschitti Chapter removed all the contaminated soils, SDV structures and backfilled with clean soil. removed. Along with SDV structures have been removed. The SDV area has been backfilled with clean soil and reseed with native vegetation in the Spring 2023. The Twin Lakes SDV site located in Twin Lakes, McKinley County, New Mexico (NM), has been removed and backfilled with clean soil. No toxaphene contamination was found at this SDV site

BIA will continue working with NNEPA NSP and be responsive to Navajo Nation Chapters requesting assistance on former SDV sites. The removal of these SDV sites is dependent on the location to residents, businesses, and environmental site assessments. BEM BIA responded to the requests made by the Naschitti and Twin Lakes Chapters to remove these former SDV site for the health and safety of the community and livestock.

**Safe Drinking Water Act (SDWA)-Drinking Water Highlights:**

BEM continues to be committed to ensuring all the required drinking water sampling and data results are completed for the Bureau of Indian Education schools within Navajo Region. BEM follows the annual monitoring schedule provided by the regulatory agencies each year. There are some constituents that require annual monitoring and others that are considered scheduled monitoring that vary from year to year.

BEM submitted the 2022 September, October and November required bacteria analyses report Navajo Nation Environmental Protection Agency (NNEPA)-Public Water Supervision Systems Program (PWSSP) and United States Environmental Protection Agency (USEPA), Water Department, Region IX. BEM provides technical support to maintain environmental compliance for drinking water sampling, reporting, preparing public notices and sanitary surveys. These reports are provided to six (6) BIE Education Resource Centers, and they distribute to the schools.

One BIE school was selected to participate in new monitoring initiatives for Medium and Small Public Water System (PWS), Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) by USEPA. BEM is serving as the point of contact for the water systems and created an account in the USEPA secure portal, the Central Data Exchange (CDX) to access the Safe Drinking Water Accession and Review System (SDWARS 5). This rule requires sample collection for 30 chemical contaminants between DY2023 and 2025 using analytical methods developed by the regulatory agencies. This action provides scientific valid data on the national occurrence of these contaminants in drinking water. BEM is serving as the point of contact for the water system and created an account in the EPA secure portal, the Central Data Exchange (CDX) to access the Safe Drinking Water Accession and Review System (SDWARS 5).

**National Pollution Discharge Elimination System (NPDES) Highlights:** There were no reports of overflows/lagoons requiring discharging at any other locations within the Navajo Region. BEM received updated information that Navajo EPA's Water Quality/National Pollutant Discharge Elimination System (NPDES) Program has examined the NPDES permit application for the Bureau of Indian Affairs (BIA) Wingate High School wastewater treatment plant to discharge treated domestic wastewater. The Navajo Nation certifies that the discharge will comply with the applicable provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307 and with appropriate requirements of NNEPA NPDES regulations. The permit application was forwarded to U.S. Environmental Protection Agency - Region IX, NPDES Permits Section - Water Division.

The Navajo Nation Environmental Protection Agency, Public Water Systems Supervision Program (NNEPA-PWSSP) encourages protection of all Navajo Nation waters to be pristine and safe for the Navajo people to drink now and for the future generations.

Many of the schools within the Navajo Regional, Bureau of Indian Affairs (BIA), have well systems and supply drinking water to the schools and government quarters related to the schools. These water systems fall under the standards for Small Community Drinking Water Systems. BEM monitors and reports on the quality of the drinking water in accordance with a schedule established annually by the NNEPA-PWSSP and USEPA, Region IX. The Navajo Nation EPA and USEPA-Region IX have primacy for the drinking water and have oversight of the sampling and reporting of water quality. The sampling, testing, and reporting program runs January 1 through December 31 of each year.

#### **The Branch of Environmental Quality Act Compliance Review (BEQACR):**

**Navajo Nation Integrated Weed Management Plan (IWMP):** BEQACR completed the National Environmental Policy Act (NEP) analysis for the draft Navajo Nation IWMP Programmatic Environmental Impact Statement (PEIS). The Record of Decision (ROD) was signed by the Regional Director on November 28, 2022. The BIA provided notice to the media announcing the release of the ROD on December 15, 2022. BIA provided letters to the Navajo Nation President and the Speaker of the 24<sup>th</sup> Navajo Nation Council, the cooperating agencies that announced the release of the ROD. The ROD is issued at the conclusion of the NEPA EIS process and identifies the preferred alternative within the EIS. The ROD will process and allow for the implementation and the use of the IWMP for weed management activities on the Navajo Nation.

**Indian Health Service (IHS) Categorical Exclusion (CE):** BIA received the National Policy Memorandum to adopt the IHS CE for water infrastructure projects that would exclude NEPA analysis for their projects. BEQACR requested IHS submit a BIA Categorical Exclusion Exception Review (CEER) checklist along with the following documents: IHS Environmental Review Letter, IHS Environmental Review and Documentation Form, IHS Project Summary, Survey plat map with a legal description, Navajo Nation Biological Resources Compliance Form (Endangered Species Act, Section 7 Consultation), Navajo Nation Cultural Resources Compliance Form (National Historic Preservation Act, Section 106 Consultation). This will provide an efficient route for CE while meeting the NEPA analysis for critical IHS water development projects to receive an approved Right-of-Way so construction can continue to provide water to the Navajo communities.

The Branch of Environmental Quality Act Compliance Review (BEQACR) approved the Finding of No Significant Impact (FONSI) documents for the following projects:

**Navajo Gallup Water Supply Project (NGWSP):** The NGWSP Reaches 10.1, 10.1.1, 10.2, 10.2.1, 10.3, and 10.3.1 (Beacon Bisti Route N9 [BBN9] Lateral) Right-of-Way (ROW) applications. The ROW is for the construction and operation of approximately 46.4 miles of up to 30-inch-diameter water pipeline associated with the BBN9 Lateral Reaches of the NGWSP to include the construction of three new pumping plants (12, 13, and 14), a booster pump facility, surge tanks, chlorinators, and tank taps along with upgrades to the existing Coyote Canyon, Standing Rock 1, Standing Rock 2/3, and Crownpoint tank sites. The BBN9 Lateral will interconnect with Reach 9 of the NGWSP's San Juan Lateral and travel eastward to Crownpoint, New Mexico.

**Navajo Nation Rolling Hills Mesa Environmental Assessment (EA):** The Navajo Nation request for the approval of a Fee-to-Trust application for the Rolling Hills Mesa fee-land within San Juan County on 67.39 acres of deeded land. The approval of transferring the land into federal trust supports the Navajo Nation economic plans to provide services for the community of Nenahnezad and the Upper Fruitland Chapters of the Navajo Nation.

**Navajo Tribal Utility Authority (NTUA) projects:** BEQACR reviewed incoming EAs from NTUA for the Dilkon Chapter to improve their public water system associated to replacing water segments for distribution. This will improve the public water system for the Dilkon Chapter and surrounding areas to meet their existing and additional water demands. The amended Right-of-Way will help to replace water segments that will increase the flow rate of water delivered to the Dilkon and Indian Wells Water Systems to support the new Indian Health Service Regional Health Care Center and associated housing in Dilkon, AZ.

For this Quarter, BEQACR processed thirty-one (31) Categorical Exclusions (CEs) for housing needs and utility installations. These NEPA documents are critical for allowing the approval of home site permits and the installation of utility lines for Navajo tribal members. BEQACR processed 104 Cultural Resources Compliance Forms for the Navajo Nation Heritage and Historic Preservation Department. These NEPA documents are critical for allowing the approval of home sites and the installation of utility lines for Navajo tribal members.

The NEPA analysis are beneficial to ensure there are no significant effects to the environment or human health. These analysis helps projects to move forward to benefit the Navajo communities to access running water, electricity, and broadband internet services in their homes, as well as approve homesites for the construction of homes while meeting environmental compliance.

## **BRANCH OF SAFETY**

Branch of Safety (BOS) completed all Safety and Health inspections assigned by the Indian Affairs, Division of Safety and Risk Management. The Safety inspections were completed throughout the following Navajo Agencies: Eastern, Fort Defiance, Western, and Shiprock. BOS inspectors provided inspection findings and reports to Indian Affairs through the Safety & Condition Assessment Portal (S&CAP) data base. Through S&CAP, Facility Management can address Safety deficiencies noted in BOS inspection reports. BOS also assisted Facility Managers in developing abatement plans to address Safety deficiencies. Assigned inspections have been provided to BOS for 2023 and will continue on an ongoing basis.

BOS continues to participate on monthly Indian Affairs, Division of Safety and Risk Management Program teleconference calls which includes all twelve (12) BIA Regions and the Bureau of Indian Education Safety Program. BOS provides the following updates of program activities: Safety technical assistance, training conducted, tort claim updates, Worker's Compensation Program and Motor Vehicle records reviews, and annual safety inspections related to the S&CAP system.

BOS also continues to participate in the Indian Affairs Public Health Training Program which includes the following completed trainings: Respiratory Protection Program, Safe Drinking Water Monitoring and Reporting, Lead and Dust and Noise Hazards, Bloodborne Pathogens, Indoor Air Quality. These courses were complete with all twelve (12) BIA Regions and will continue into 2023. The courses completed by BOS provides resources that are distributed throughout all Navajo Agencies for employee awareness and education.

BOS provides ongoing technical support for other BIA Branches who have projects such as projects managed by Facility Management, Environmental, and Fire Management. BOS meets with contractors at the project sites to ensure contractors are complying with safety plans and protocol which also includes compliance with Covid-19 guidelines.

## BRANCH OF FACILITY MANAGEMENT

The Branch of Facilities is assisting several schools in providing technical services when requested. There are numerous future facility projects that are currently being worked on and consist of the following:

Location	Funds Status	Description of Work	Project Status
Wingate High School II	Funded	Renovate staff quarters	SOW & drawings of quarters renovations in progress
Wingate High School III	Funded	Renovate staff quarters	SOW & drawings of quarters renovations in progress.
Cove Day School	Funded	Repair/paint Elevated Water Storage Tank	SOW & PPR for further processing with Acquisitions office.
T'iis NazBas Comm. Sch	Funded	Re-roof classroom building	PR resubmitted to Acquisition Office.
Kinlani (Flagstaff) Dorm.	Funded	Re-roof building #703	Additional funds will be requested.
Kayenta/Dennehotso	Partially Funded	Re-roof shop and storage buildings	SOW 95% completed.
Fort Defiance HQ	No Funds	Renovate office building #251	Additional funds will be requested.
Fort Defiance Utility Plant	Funded	Boiler repairs	SOW / PPR / Funding documents entered.
Red Rock Day School	Funded; May need additional funds	Install new 6" waterline tied into NTUA line	NTUA designing waterline and BIA assisting with acquiring NEPA documents to accelerate project.
Shiprock SAR Project	Funds Pending	Demo over 40 BIA buildings, some trees, and housing to make room for the Nation to develop the site.	The SOW is in progress and the cost estimate is completed.
Gamerco Hazardous Waste Project	Funded	Various hazardous materials stockpiled at this facility have been identified for removal	Project is on-going (awarded).



## Quarters Improvement and Repair (QI&R) Employee Housing

The Facility Management has several quarters projects:

1. Wingate High School I Renovation of staff quarters has a MOD pending to closeout Contract. Need additional funds for modification.

## Minor Improvement and Repair (MI&R) School Locations:

1. Facility Improvement Projects that need to be in place:
2. Shiprock Upgrade HVAC system in office building – Completed.
3. Shiprock Agency HQ Office Building – Upgraded HVAC system but having heating issues, which requires another contract.
4. Pinon Community School – Pinon School and Chinle Agency requesting technical assistance with upgrade HVAC in three (3) school buildings
5. Nenahnezad School – Preparing SOW and Cost Estimate to install new canopy over 2 playground areas.
6. Pinon Community School – Install skylights in buildings still require funds and a site visit to ascertain site conditions. Will be requesting a meeting with principal for clarifications.

## FUTURE PROPOSED PROJECTS

Location	Fund Status	Description of Work	Project Status
CHEU – Farmington Bldg.	Funded	Bring building up to code	Providing technical assistance to Shiprock Agency Facility Manager.
Tuba City School Streets	Partially Funded	Tuba City Repair school access streets	SOW is completed with plans.
Pueblo Pintado School Housing Streets	No Funds	Remove old pavement, curb & gutter, use old HACP as new base, place new 3” asphalt	Draft SOW needs more work and review in field which data was collected to update quantities.
Cottonwood Day School	Funded	Replace old roofing with new roofing	Drafted SOW completed.
Tuba City Boarding School	No Funds	Demolition of six (6) school buildings.	SOW & Cost Estimates have been completed.
Chinle Building No 137 Re-roofing	No Funds	Replace roofing for Building #137	SOW be revised & drawings.
Tuba City BIA Building	No Funds	HVAC Repairs	SOW completed.
Red Rock School	Funds Pending	Replace wells with new NTUA line	Tech assistance on-going.
Breadsprings School	No Funds	Install new fire alarm /intercom systems in school building.	Tech assistance on-going.
Kinlichee School	No Funds	Repair leaking water storage tank	Requested information from NTUA on location(s) of waterline(s).

## **BRANCH OF TRANSPORTATION**

### **Road Maintenance**

The Agency Road Maintenance Program(s), respectively, continues to perform routine maintenance activities on BIA system roads, bridges, and transportation facilities on the Navajo Nation through direct service. Below are some of the road maintenance accomplishments our Agency Road Maintenance Programs performed during the 1<sup>st</sup> quarter of Fiscal Year 2023.

#### **Farmington Field Office (Formerly NIIP Roads):**

The Farmington Field Office Road Maintenance field staff performed the following activities on various routes within NIIP area and they are as follows:

Maintenance activities on various routes within the Farmington jurisdiction include:

1. Pothole patching.
2. Cattleguard cleaning.
3. Shoulder work & vegetation removal.
4. Sign Repair & Maintenance.
5. Roadway delineators installation & maintenance.

Other activities conducted during this period include winter preparation, road assessments, shop building maintenance, preventative equipment service & maintenance, and general operations (daily reports, vehicle & equipment reports, online trainings, safety meetings, inventory of materials) etc.

The Farmington Road Maintenance field staff continues to assist Shiprock Agency with various road maintenance activities when requested by the Shiprock Agency Road Engineer.

#### **New Lands Field Office (Nahata Dziil):**

The New Lands Road Maintenance field office performed the following road maintenance activities on various routes within New Lands area and they are as follows:

Maintenance activities on various routes within the New Lands jurisdiction include:

1. Installed school zone sign, crosswalk, LED flashing pedestrian crossing signs and speed humps within a school zone for the safety of students and pedestrians.
2. Install new and maintain existing roadway delineators
3. Drainage structure repair
4. Drainage improvements
5. Vegetation control (mowing)
6. Shoulder work
7. Fence repair
8. Pothole patching

Other activities conducted during this period include winter preparation, road assessments, shop building maintenance, preventative equipment service & maintenance, and general operations

(daily reports, vehicle & equipment reports, online trainings, safety meetings, inventory of materials) etc.



Speed hump installation, school speed limit and pedestrian crossing warning signs installed on BIA Route N2011



Before: Pothole N3003

After: Pothole patched N3003



Cattle guard clean out work completed on BIA Route N3002

Page Break

## **Shiprock Agency:**

The BIA, Shiprock Agency Road Maintenance crew began prepping the crack sealing machine and materials to perform the crack sealing work on BIA Route N13. The crew started crack sealing traversed cracks at intervals of approximately 20 feet, while cleaning out sand and debris from the cracks to a depth of approximately 4 inches then placing cold mixed material and compacting. They also cracked sealed intermitted cracks approximately ½ inches in width going from centerline to the edge of the pavement. The activity was slow and time consuming due to the cleaning of the traversed cracks that varied from 2 inches to 5 inches in width. During the cleaning process, they also removed remnants of the old crack seal material since the cold mix material was not adhering very well. The crew completed 0.8 miles and the operation had to be suspended due to equipment failure. The crew will return next spring to continue with the crack sealing operation.

Under a purchase order a Contractor placed permanent pavement markings on BIA Routes: N5, N13, N33, N34, N36, and N63. The work also included re-stripping symbols and directional markings where needed. The work was completed on November 17, 2022.

The Shiprock Agency Road Maintenance crew continued with monsoon washout repair work in various areas. The rainstorms continued towards the end of September and into October. On Navajo Route N35, the crew removed and replaced a washed-out drainage structure and section of earth road section. On Navajo Route N5043, the crew moved several tons of sand material to backfill washed-out roadway material and replaced several drainage pipes. The crew also repaired and bladed N351, N354, N5037, N5049, N5054, N5055, N5056, and N5058. While repairs were being completed in the Sweetwater Chapter area, some of the crew began with repair work in the Sanostee and Teec Nos Pos areas. On Navajo Route N5012, the crew repaired two washed out locations where the existing culvert pipes were overtopped and had washed out. The culverts were replaced with new ones since the old ones received significant damages. The Farmington Section assisted with the repair work at both areas and blading of Navajo Routes N5052 and N5053. On Navajo Route N34, the crew excavated material, removed damage culverts, replaced with new culverts, and regraded the roadway. On Navajo Route N5059 the roadway was also repaired and bladed but will need to replace a couple of culvert drainage pipes since the inlets and outlets are damaged due to years of blade work contacts.

The maintenance crew completed mowing activities from the base of the mountain to the New Mexico state line on both lanes. The crew complete mowing from N63 to Cove on Navajo Route N33. The mowing continued with N13 then onto N36 and N5 but due to other maintenance activities, the mowing was rescheduled for another time.

The maintenance crew performed shoulder maintenance. They also assessed the roadway and completed minor repairs work. The paved roadway shoulder eroded throughout the years and needed backfill material to re-establish embankment shoulders and repave. For the time being, the crew used cold mix material to patch up the drop off. Later, we will need to locate some backfill material and properly fix the shoulders.

The crew performed routine maintenance on the following routes: N569, N362, and N5059. The maintenance work on BIA Route N5058 is still in progress. The crew completed fence repair



work for N13, N36, N63, and N57. The crew is currently installing delineators on N36. The crew first responded to Snow and Ice Control on Navajo Route N13, N33, and N34 early part of October and we had several snowstorms in the higher elevation. The crew monitoring N13 and the other affected areas for snowplowing and spreading ice slicer. They are also assisting with snowplowing on the Chinle Agency side.



Pavement crack cleaning and sealing operation on Route N13 - Cattle guard clean out on BIA Route 36

Below are pictures of erosions, washouts and other damages to the roadway and the repair work done during the monsoon.



Earth road wash out on N12/US491. Severe erosion along BIA route N351. Severe erosion and road washout on N5043.



Earth road repair work on BIA Route N5037.



Completed repair of earth road on BIA Route N5049.

Below are pictures of pavement damages and the patching work done.



Inspecting and delineating damaged sections of BIA Route N5000 with Navajo DOT and their Contractor



The Contractor that used this route as a haul route repaired the damaged sections of BIA Route N5000

### **Western Navajo Agency:**

The monsoon extended into the 1<sup>st</sup> quarter of this Fiscal Year of 2023. The monsoon affected all Agencies within the Navajo Nation. The monsoon created washouts, severe erosions, and flooding within Western Navajo Agency. The monsoon also caused several road closures across Western Navajo Agency. The BIA Western Navajo Agency Branch of Road Maintenance (BIA, WNA-BORM), Navajo DOT and Counties were all involved with the roadway and washout repairs to make roads passable for the travelling public. Attached are some photos of the roadway repair work that the Western Navajo Agency completed. Attached are pictures of the washout and erosion repair work.





Storm runoff overtopped and eroded the roadway; backfilled roadway embankment on BIA Route N6731.



Existing earth road washed out on BIA Route N6310



Backfilled road embankment to provide access on N6310

The BIA, WNA-BORM received snow on two occasions within the Month of December and the maintenance crew responded by removing snow on paved roads and dirt roads. Mainly, the snow removal was performed in northern part of Western Navajo Agency. Attached are pictures of the snow removal activity.



Snow removal operation



Snow removal operation on BIA Route N16 and N6331

The maintenance crew repaired fences on several BIA Routes throughout Western Navajo Agency. The fences were either damaged from vehicle accidents or the local people cutting the fence lines. The crew also performed crack sealing on BIA Route N21. The crew did not complete the crack sealing work, but they will resume when weather conditions are favorable. In addition, the crew replaced a severely corroded culvert pipe on BIA Route N23. See pictures below.



Culvert pipe replacement on BIA Route N23.

Crack sealing operation on BIA Route N21.

The maintenance crew performed routine maintenance on paved roads and dirt roads. The crew completed routine maintenance such as: sign replacement, earth road grading, shop building maintenance, preventative equipment maintenance, road assessments and general operations (daily reports, vehicle & equipment reports, online trainings, safety meetings and inventory of materials). The blading services were done on several BIA Routes within each District of Western Navajo Agency. Earth road grading occurred mostly on bus routes and high-volume roads.

### **Chinle Agency:**

The Chinle Agency (CA) Road Maintenance crew installed several signs on various routes and continued with the re-installation of culverts within the Black Mesa and Pinon area. The CA Road Maintenance crew also performed numerous roadway repair during the Monsoon such as washout and erosion repairs and grading.

The Chinle Agency Road Maintenance performed other road maintenance activities on various routes within Chinle Agency and they are as follows:

1. Drainage cleanout
2. Blading
3. Fence repair
4. Cattle guard cleanout



Other activities conducted during this period include winter preparation, road assessments, shop building maintenance, preventative equipment service & maintenance, and general operations (daily reports, vehicle & equipment reports, online trainings, safety meetings, inventory of materials) etc.



Before: Ditch full of silt and debris on BIA Route N7



After: Removal of silt and debris; re-establish ditch on N7



Cattle guard full of silt and debris; Cattle guard cleaned out on N59



Before: Missing stop sign at intersection on N12/N13



After: New stop sign installed at intersection N65/ N60

## **Fort Defiance Agency:**

The Fort Defiance Agency Road Maintenance (FDA) attended to emergency washouts and erosion repairs caused by the monsoon. The FDA Road Maintenance Crew repaired several washouts and severe erosions at various location throughout the Fort Defiance Agency this quarter for the safety of traveling public.

The FDA Road Maintenance crew also performed other road maintenance activities on various routes within Fort Defiance Agency and they are as follows:

- Cattle guard cleanout
- Culvert pipe cleanout
- Fence repair
- Pothole patching
- Striping
- Vegetation control (mowing)
- Blading

Below are pictures of erosions, washouts and other damages to the roadway and the repair work done during the monsoon.



Storm runoff overtopped and eroded roadway on N30



Installed new pipe and backfilled embankment on N30



Storm runoff overtopped and eroded roadway on N9653



Backfilled roadway embankment on N9653





Erosion around pipes on N30



Backfilled erosion around pipes on N30



Before: Cattle guard clean out on N112



After: Cattle guard clean out completed on N112



Pothole patching on N7



Pothole patching on N7

## **EASTERN NAVAJO AGENCY**

### **Branch of Transportation (ENA BOT):**

For the month of October, the Branch of Transportation (BOT) staff removed mud silt from paved Route N7140 in Lupton. Staff mobilized the 12G motor grader from N46 to Pueblo Pintado to complete ditch and blading. Staff also completed blading on earth Route 7004 in Whitehorse Lake and surface blading on N55 in Alamo. Staff conducted washout area assessment on earth Route 474 in Counselor/Ojo Encino. Action was taken to drain water to lower level to prevent overflowing, as the dam is located adjacent to earth Route 474. BOT worked to repair washouts that caused erosion on earth Routes 7008 and 7013 in Pueblo Pintado. On paved Routes N9 West in Dalton Pass and N49/11 in Mariano Lake, Staff completed road sign repairs and replaced missing signs. BOT completed routine road maintenance blading on earth Route 7004 in Whitehorse Lake and Rincon Marquis. Staff completed blading on earth Route 474 in Counselor and mobilized heavy equipment to complete repairs on a washout (erosion) on earth Route 474 in Counselor/Ojo Encino area. Staff also complete road reconnaissance for washout on earth Route 9652 in White Rock. Staff completed routine maintenance (ditching and blading) on earth Route 474 in Counselor/Ojo Encino as well as pothole patching on paved Routes N474 in Ojo Encino and N7044 in ChiChilTah.

Due to heavy rain received, staff completed road assessment on N7140 in Lupton. Preventative maintenance on the 12G motor grader was completed by staff at the BOT yard in Crownpoint. Staff attended management meeting with the Navajo Nation Department of Transportation in Tse Bonito to discuss better coordination and winter planning. Staff also procured UPM patching material from a vendor. Staff responded to inclement weather by conducting snow/ice removal on Crownpoint Streets, N48 North and South (from Littlewater, Borrego Pass to Smith Lake) and N9 East (from Hwy 371 to Whitehorse Lake). Staff completed routine road maintenance such as ditch and blading, on earth Route 7114, Littleboy Road, Route 489 East and Route 483 East, Borrego Pass: and Route 486 Casamero Lake. Staff completed pothole patching on N474 in Ojo Encino, N7044 in Chichiltah and N7140 in Lupton. These activities support safe and reliable roads for the public, emergency vehicles, school buses, and commerce.

For the month of November, staff completed routine maintenance by mowing along N11 Pinedale to N49 Smith Lake. Staff completed pothole patching on N7062 in Breadsprings. Staff completed ditch blading on earth Route 486, Crow Mesa; Route 485, Casamero Loop; Route 7054 in Pinedale; N491 in Smith Lake, and well as surface blading on N55 in Alamo. Staff performed a cattleguard assessment and completed cattleguard cleaning on N9 East. Staff also conducted sign and fence assessment on N56 in ToHajiilee. Staff completed preventative equipment maintenance at the BOT maintenance shop. Staff completed routine road maintenance by repairing signs on N49, from Mariano Lake to N11 in Pinedale. Staff completed pothole patching from N9 West and N49, Smith Lake, to N11, Pinedale. Staff also completed blading on earth Route 7054 in Pinedale, Route 7049 in Standing Rock, and Route 7111 in Mariano Lake. Staff procured heavy equipment (upon completion of repairs), office supplies and equipment parts from various vendors and welcomed a new employee to the branch. Staff completed ditch and blading on earth Routes 11N and 11S in Mariano Lake. Heavy equipment was transported to Route 9652 to install a culvert pipe. The 12G motor grader was transported

from N49, Mariano Lake, to N9 West, Standing Rock. Staff completed mowing on N9 East, beginning from State Route 371 to the Pueblo Pintado community. Staff was able to pick up equipment from a vendor after repairs were completed. Staff completed servicing on heavy equipment to prepare for the colder weather.

Staff focused on routine road maintenance by completing fence repairs on N9 East, from Pueblo Pintado to Tinian, and N48 in Littlewater and completing cattleguard cleaning on N9 West in Crownpoint and N9 East in Pintado. Staff completed mowing on N9 East (Pintado to Tinian) and removing vegetation from signs on N9 East, from SR 371 to Pintado. Staff also completed surface blading on graveled area on N55 in Alamo. BOT attended meeting via MS Teams to discuss route N57 in ToHajiilee. Staff also completed welding projects at the BOT maintenance shop. Staff completed ditch and blading on earth Routes 7122 and 7123 in Standing Rock and completed cattleguard cleaning on N56 in ToHajiilee. Staff assisted Crownpoint IHS by flat blading area for a vaccine event. Maintenance was completed on the 130G grader, along with servicing of the John Deere tractor mower. These activities support safe and reliable roads for the public, emergency vehicles, school buses, and commerce.

For the month of December, staff utilized the 950 loader, dump truck, and motor grader to backfill a washout (erosion) on N7140 in Lupton. Staff provided traffic control flagging and signs during the erosion backfill. Staff completed a road assessment on N57 in Tohajiilee upon receiving a call regarding road damage and completed fence and sign repairs on N9 East, from Crownpoint to Pueblo Pintado. Staff cleaned and removed tree, debris, and vegetation around guardrails on N49/11, from Smith Lake to Pinedale. Preventative maintenance was completed on the 12G and 130G motor graders. Staff crew utilized the 950 loader and the Volvo dump truck to complete an erosion backfill on N7140 in Lupton. Staff completed fence repairs on N9 East Milepost 66.7 in Whitehorse Lake and milepost 5.8 on N7140 in Lupton. Staff cleaned out cattleguards using the 310SG Backhoe on N9 East Milepost 66.5 in Whitehorse Lake and on N7140 in Lupton.

Due to inclement weather conditions, the 12G motor grader removed snow from pavement on N7046 in Jones Ranch and N7044 in ChiChilTah. Heavy equipment was then mobilized from Lupton back to the BOT yard in Crownpoint. Due to inclement weather, GSA was loaded with a sander unit in preparation. Staff utilized the 12G motor grader to clean and remove dirt/sand build up along the right-of-way fence line on N7140 in Lupton. BOT also completed fence repairs on N7140, Lupton; N7062, Breadsprings; N7046, Jones Ranch; N7044, Chichiltah; N9 East, Crownpoint to Tinian; and N474, Ojo Encino. Staff also procured cinder from a vendor, and the 950 loader was utilized to stockpile the delivered cinder. BOT assisted Crownpoint IHS by using the 12G motor grader to clear parking area for their vaccination drive-thru events. Staff completed routine road maintenance-with fence repairs on N9 East in Tinian, N474 in Ojo Encino, N49/11, from Mariano Lake to Pinedale. Staff also cleared the right-of-way corridor within the right of way by cutting down trees along Highway N49 in Mariano Lake. Staff completed routine maintenance of equipment by welding repairs on wing braces, and the 12G motor grader blades were changed out and replaced with new ones. In preparation for the reported incoming snowstorm, Staff loaded sand spreaders onto GSA vehicles. Staff transported the 12G motor grader back from Lupton N7140 to the Crownpoint BOT yard. On December 29, 2022, staff conducted snow/ice removal on N9 West, from the Fort Defiance line to SR 371, and N9 East, from SR 371 to Tinian. Staff also conducted snow/ice removal on

N49/11 from Pinedale to Smith Lake. In addition, staff conducted snow/ice removal on N48 North and South in the Borrego Pass area and on N104 in Crownpoint.

In coordination with the Navajo Nation Division of Transportation, BOT's primary goal is to keep roads open and safe to the traveling public within the eastern portion of the Navajo Nation. The Staff continues to must coordinate and address emergencies and inclement weather that can impact roads, washouts, and bridges. The crew is on alert and, when necessary and possible, pretreat roads in the Eastern Navajo Agency. This ensures safer travel for the public and emergency vehicles.

#### **Branch of Probate & Estate Services (ENA BPES):**

BRES staff submitted thirty cases and have accepted by the Office of Hearings and Appeals (OHA), comprising of approximately \$284,753.58 in Individual Indian Monies accounts, 256 allotments, and 129 probable heirs. BPES staff have completed the disbursement in and closeout of 24 cases. Staff have also assisted approximately 510 clients in the office, in the field (home visits), in one-on-one sessions with the Federal Indian Minerals Office (FIMO), on the phone, and through email. Staff keep Indian allotment interest holders informed so they have a better understanding of what they have holdings in and what it means to them. The outreach activities are conducted in the Navajo language, and it helps to set the stage for estate planning. These activities greatly benefit the Navajo Nation regarding land use planning because it makes it easier to obtain consent for infrastructure and commercial projects that involve Indian allotments.

BRES services requested by clients include but are not limited to printing Individual Tribal Interest reports and educating clients on how to read the reports, updating contact information, and explaining what documents are still needed for a case to be submitted to OHA; conducting client interviews for probate cases; and educating the public about the federal probate process and estate planning. BRES work activities support tribal self-determination, self-governance, and sovereignty by ensuring that the titles to Indian allotments are kept accurate and updated.

#### **Branch of Real Estate Services (BRES):**

In ToHajiilee, New Mexico, the Branch of Real Estate Services (BRES) staff participated in an on-site meeting with the BIA Safety of Dams Branch, the Continental Divide Electric (CDEC), and Sacred Wind Communication on a right-of-way issue within Indian Allotment No. 48258. The meeting was to review and find a solution to a fiberoptic line that affected a leasing activity for a dam rehabilitation work to be constructed and maintained under the BIA Safety of Dams program. After several meetings, it was decided that Sacred Winds would bury their fiber optic line deeper to avoid interfering with the dam rehabilitation work and CDEC would reroute their powerline after obtaining a new right-of-way. The completion of the dam work is needed to address potential flooding into the BIE school area located south of the dam.

BRES met with a solar company to discuss a negative easement for a split estate allotment where the surface owners wanted to be assured that the mineral estate would not disturb or interfere with the surface use for solar panel installation and use. It was determined that a negative agreement is not needed for the project since only the surface will be used for the project and will require a regular right-of-way. This issue resulted from previous surface exchanges between trust surface owners and non-trust surface owners of land, resulting into split estates.

Superintendent Tsosie and BRES staff participated in a meeting with Council Delegate Daniel Tso, community members, and Jemez Mountain Electric Company representatives regarding powerline projects for the Counselor chapter where guidance on the right-of-way process and the new “streamlining” of the regulations were explained. From the discussion and reports given, there are at least four projects pending on environmental compliance documentation at the Navajo Nation Fish and Wildlife Department for the past two months, causing delays in completion of the applications. Currently, the agency realty office does not have any application for any of the projects. The delegate indicated he will address concerns from the tribal side. It was recommended that the Navajo Nation address this issue and resolve it by providing additional staff for the program and reviewing the current process for improvements.

BRES met with Dugan Productions on a pipeline right-of-way that it acquired from El Paso Oil Company which had expired. Dugan was informed to submit a new right-of-way application because the original grant does not provide for a renewal. BRES answered questions and provided guidance on the right-of-way process, including consent gathering. The completed right-of-way would provide compensation to the landowners with monetary payments.

BRES participated in a meeting with the BIA Navajo Indian Irrigation Project (NIIP) office staff to discuss the Navajo Tribal fee lands located within the NIIP boundary and the possible fee-to-trust land acquisition of the tracts by mandatory acquisition-- as authorized by Public Law 87-483-June 13, 1962, [S. 107], entitled Navajo Indian Irrigation Project; San Juan-Chama Project. NIIP staff provided a document stating that the tracts are needed for the current and future development of the irrigation project. The NAPI CEO also provided a support document for the acquisition. BRES has prepared a warranty deed to document the fee-to-trust acquisition. A final document is pending before a meeting is set with the Navajo Nation President to sign the documents and put the lands into trust.

BRES received a request from McKinley County asking for assistance from the chapters on the rights-of-way process for the county roads. BRES staff responded by conducting an orientation for chapter representatives on the right-of-way process, with special attention paid to consent gathering. The chapters will be provided the needed TSRs and land information as official agents of the county. Once the rights-of-way are obtained, the county can make improvements to the roads through the Navajo communities.

BRES participated in a teleconference call with the ToHajiilee chapter officials on a convenience store lease. The officials indicated they were considering a waiver of rental for 10 years to assist the lessee in starting up his business. They were informed that without justification, a waiver of rental would not be recommended since \$15,000.00 per annum for 10 years would result in a loss of \$150,000. The officials were informed that regulations require that a landowner of trust land must receive a fair market value rental and that rental waiver is only allowed for relatives, co-owners, and persons of special relationship to the owner or in the best interest of the landowner. After further discussion, the ToHajiilee business lease with the company was redrafted to include a schedule of payments to account for the first five years of reduced rental payment, with the difference added to the last 10 years of the lease term. This is to assist the business to mitigate startup costs but still have the chapter receive the full amount of the rental based on fair market value.

BRES met with an attorney for Millennium Media Inc. to discuss the disposition of its tower lease on an allotment located at Gibson Peak near Gallup, New Mexico. The owner passed away and the family is disposing of the business by possible sale. If the business is sold, the new owner will have to take over the tower lease through the BIA process. The basic process for this was explained and the questions answered. The attorney will meet with the family and decide how to proceed. The process will require a meeting with the allotment owners on any proposals.

BRES met with the McKinley County Roads office to review the right-of-way for Wolf Canyon Road. The county was unaware of the right-of-way until BRES staff researched and found the document. The county shows the road belonging to the county, but the right-of-way does not cover the entire route as outlined by the county. BRES conducted research on the office records and found an approved right-of-way for a portion of Wolf Canyon Road. The county is now improving the road with asphalt base cover. The road appears to be on the BIA road system with NDOT responsible for grading the road. The right-of-way should resolve this overlap of “ownership” of the road.

BRES participated in a meeting with CDEC to discuss the installation of a fiber optic line for improving operation and maintenance of its powerlines. Due to the availability of the fiber optic line installed on the existing powerlines, CDEC can provide internet services under the Red Bolt broadband project. Since CDEC’s powerlines run through Tribal Trust and allotted lands within Eastern Navajo Agency, several questions on the regulatory requirements were reviewed and discussed with CDEC. The following were determined at the meeting to allow CDEC to start providing internet services to the Navajo communities. BIA considers the fiber optic line to be an appurtenant for the protection, measurement, and data acquisition equipment for the powerline, as defined under 25 Code of Federal Regulations §169.5. There is no need for a separate right-of-way for the fiber optic line and that the Red Bolt broadband service is a non-profit service of the cooperative. CDEC could start the planning, construction, and installation of the fiber optic line to effectively manage the power supply and maintenance for existing lines, which includes connections to 29,000 electrical meters.

BRES participated in a meeting with the district 6 chapters under Honorable Delegate Seth Damon regarding telecommunication development and APRA funding. The information on the DOI National Policy Memorandum on streamlining the right-of-way process was presented and questions answered. BRES participated in a meeting with the Rock Springs chapter to provide orientation and training on the right-of-way process. The surrounding chapters are now pressed for time to complete the right-of-way for their APRA-funded projects since they are under a timeline to achieve the obligation of funds and completion of the projects.

#### **Branch of Natural Resources (BNR):**

During September 10 to December 14, 2022, Eastern Navajo Agency Branch of Natural Resources (ENA BNR) accomplished numerous objectives and goals in support of range management decisions for the best interest of the landowners, making it possible for them to receive income from the use of their land and natural resources and are managed properly.

ENA BNR continues to inform permittees on the EA FONSI and grazing permit requirements through postal service, telephone, and/or email due to the COVID-19 pandemic. ENA BNR



completed one conservation plan involving 6,340 acres, amended one conservation plan involving 10,230 acres, conducted 34 range unit (RU) compliance works involving record reviews and mailed compliance letters, completed 10 RU field assessments involving 22,662 acres, received 5 reports of livestock trespass, and addressed 42 outstanding invoices for past annual grazing rental payments for trust lands. The Office of the Superintendent approved two grazing permits.

On December 15, 2022, for the 2025 Grazing Permit Renewal Project, the ENA BNR formally notified Eastern Navajo Joint Land Board (ENJLB) on the plans for Land Management Districts 16, 19, and 20. ENA BNR issued about 558 grazing permits since 2015 and determined 83 RUs with low carrying capacity for which it may not be feasible to issue a grazing permit in 2025. The current grazing permits expire at the end of December 2024. ENA BNR determined that 475 grazing permits to renewed as required under 25 Code of Federal Regulations Part 166. The Navajo Nation Land Board has a significant responsibility in providing support by communicating and disseminating information to the permittees, coordinating with the Navajo Nation Department of Agriculture, providing applicants with information on grazing permit administration, logistics in coordinating with the chapters to schedule meetings, compliance, and livestock trespass. Letters have been provided to land board members with copies to Navajo Nation Department of Agriculture.

As of end of December 2022, the Navajo Escrow Account had a balance of about \$1,045,353.00, which reflects payments of the annual grazing rental and late fees for tribal lands, public domain (Bureau of Land Management [BLM]) lands, state lands, Public Land Order 2198, and US lands. ENA BNR, with the assistance of an auditor, is reconciling the amount deposited with receipts on file and identifying amount collected for each land ownership. In addition, ENA BNR will schedule meetings with the BLM and the Navajo Nation on how, when and to whom the funds would be transferred and identify the signatory party's duty and responsibility to administer the annual grazing rental collection for the lands they oversee. ENA BNR will remain responsible to collect annual grazing rental for trust lands.

In the past 6 months, ENA management (Superintendent, Deputy Superintendent, BNR Manager) has been working with key internal federal agency stakeholders on addressing how to best process grazing fee payments starting in January 2023. On November 2, 2022, the BIA Trust Services assisted the agency in updating the Trust Asset Accounting Management System (TAAMS) for 201 range contracts from a "No" to a "Yes" for Distribute to Owner which authorizes the 2023 invoices for the annual grazing rental payments be paid to the landowner (Navajo Nation) for tribal trust lands. This significant change was a result of several meetings with BIA, BTFA, and Reston office for accounting management. Going forward, ENA BNR will invoice for tribal trust lands within Eastern Navajo Agency and the payments would be processed directly so there is no need for an escrow account. The payments will be timely deposited into the Navajo Nation's Proceeds of Labor accounts managed by BTFA.

On October 7, 2022, ENA BNR received and reconciled numerous unpaid invoices using the TAAMS Unpaid Invoices report for 2008-2020. The report listed 332 invoices for 75 permittees. ENA BNR determined 83 invoices were for canceled and expired grazing permits and mailed the invoices for payment; 85 invoices were mailed to current permittees for payment; 80 invoices were for deceased individuals and were voided; and 8 invoices were paid

using a different invoice number. On December 7, 2022, BNR mailed four notices of outstanding invoices. So far, 24 payments have been received.

For the Alamo/ Canoncito Noxious Weed and Invasive Plant Inventory and Environmental Assessment Project, on September 16, 2022, Hidden Water, Inc. (Contractor) sent the Draft Biological Assessment to the U.S. Fish and Wildlife Service and the Navajo Nation Department of Fish and Wildlife for review and with due date for comments by October 10, 2022. In October 2022, the Contractor completed the cultural resources survey field work, and staff assisted with ethnographic interviews. As of December 2022, the contractor completed 71% of the Environmental Assessment, 100% of the Biological Resources Survey and Report, and 99% of the Class II Cultural Resources Survey and Report.

For the Land Management District 14/15/16 Boundary Fence Project, contractor achieved progress on the project. In October 2022, VHJ Construction (Contractor) completed fencing inspection of Mile 21 and corrected fencing for braces according to specification. In November 2022, ENA BNR delivered 6-sets of fence braces, 7 rolls of barbwire, 5 rolls of smooth-wire, 130, seven ft. t-posts, and 4 bundles of stays; flagged 3 cultural sites to reroute fence about 65 feet from the center line; and met with the Contractor to discuss details of the fencing to avoid one site. The Contractor completed Mile 23, and ENA BNR flagged the remaining 3,485 feet of fence line on the north/south (District 14/15) boundary. The fence project is about 88 % complete.

On October 12, 2022, ENA BNR participated in the BLM-Rio Puerco Field Office meeting on an oil and gas extension of a large pad in the Counselor BLM Grazing Allotment that includes only public domain lands. The initial site for the pad was 4.5 acres but increased to 19 acres. BLM is working on an environmental assessment for the additional acres and has provided a public announcement of the meeting. ENA BNR requested GIS shapefiles of the project area.

ENA BNR provided written responses, which included grazing permit information and maps with legal land descriptions, to Navajo Nation Division of Natural Resources General Land Development Department, the Tsayatoh Chapter, Leo Canyon Project, and the CDEC Becenti Chapter Project. ENA BNR also received a similar request from the Indian Health Service, Office of Environmental Health, on Project NA-14-F07 (Gallup West Scattered 2014), which involves only tribal fee lands, ENA BNR does not have any grazing permit responsibility on fee lands.

ENA BNR continues to coordinate with the District Land Boards and ENJLB via teleconference on grazing permit transactions, low carrying capacity RUs, field assessments, livestock grazing deferment requests due to drought, livestock trespass, and RU boundary fencing projects. For example, on November 18, 2022, ENA BNR presented to the ENJLB on the Livestock Grazing Environmental Assessment and Findings of No Significant Impact, 2019--specifically on the 75% adjustment of current carrying capacity, a mitigation measure to protect threatened and endangered species, sensitive cultural resources, and water resources.

On October 11, 2022, ENA BNR participated in the leadership meeting at the Whitehorse Lake chapter to answer questions to the grazing permit renewal process, the Eastern Navajo Agency Livestock Grazing Environmental Assessment's 75% adjustment to current carrying capacity,

individual Indian allotments, and 2023 annual rental invoices and payments. About 30 people were in attendance.

Staff have been participating in land board meetings including District 15 Land Board meetings. Topics included the following: For Standing Rock RU 35, there was a request to transfer grazing permits. Three grazing permits have been assigned to the unit, but one permittee is deceased. ENA BNR recommends for applicants to submit all required/compliance documents before their requests are scheduled for monthly meetings so individuals can attend only one meeting.

District 16 Land Board meetings included discussion on: For Two Wells RU 76, land board decided to add 80 acres to the unit (approved in 2018), and the supporting resolution was approved. There was a request to add a name; however, the board did not take the action awaiting an assessment. There was a request to add the Industrial Park to Wingate RU 1 and add a name. It was recommended to submit the request to Navajo Nation Land Department to use the Industrial Park for livestock grazing. The board raised several concerns related to 1) agriculture infrastructure funds; 2) cooperative agreement between the BLM, the BIA, and the Navajo Nation; 3) the 75% adjustment to current capacity; and 4) scattered parcels of RUs that create problems for permittees.

District 19 Land Board meetings included the following: A request for RU improvement for fencing on BLM land. No action was taken without the BLM's recommendation. Regarding the transfer of the grazing permit in Jaquez Grazing Allotment, it will be addressed once all documents are submitted. Huerfano RU 13, ENA BNR informed that the field assessment is scheduled in December; defer to the January 2023 meeting. The Nageezi chapter representative provided an update on the land exchange and boundary identification for the proposed campground site. The family submitted paperwork for the land exchange, and the resolution has been approved by the Nageezi Chapter. The family was not present. The area is overseen by the BLM; defer until all documents are submitted. For Huerfano RU 2, ENA BNR stated that the field assessment will be completed this month, defer to the December 2022 meeting.

District 20 Land Board meetings included discussion on the following: For Pueblo Pintado RU 12, the board recommends removing new fencing installed on the east side. For Rincon Marquis RU 2, defer to next month's meeting. For Star Lake RU 14, there was a request to add an individual Indian Allotment, which has been approved. For Whitehorse RU 13, the fence line is in the wrong location. The permittee needs to be in attendance; defer to next month's meeting. For Whitehorse RU 23, the board recommends that ENA BNR should confirm whether compliance documents have been submitted and if the carrying capacity enough for two individuals. It has been approved to confirm compliance documents. ENA BNR has provided a written report.

## **Appendix A –Dear Tribal Leader Letter (DTLL)**

### **January 2023**

01/09/23: DTLL, the Assistant Secretary – Indian Affairs and Assistant Secretary for Fish and Wildlife and Parks for the proposed Native American Graves Protection and Repatriation Act revised regulations.

### **December 2022**

12/05/22: DTLL, Assistant Secretary – Indian Affairs, regarding an invitation from the Department of the Interior (Department) to consult on the Notice of Proposed Rulemaking (NPRM) for the Department's Land Acquisition regulations, 25 C.F.R. Part 151, and the NPRM for the Department's Class III Tribal State Gaming Compact Process, 25 C.F.R. Part 293.

12/08/22: DTLL, the Assistant Secretary - Indian Affairs (ASIA), regarding the Department of interior's commitment to co-stewardship and managing Federal lands and waters.

12/12/22: DTLL, the Ocean Policy Committee (OPC), on coordinating ocean policy across the Federal agencies was sent to you. The OPC is writing you another letter on developing an Ocean Climate Action Plan (OCAP), which will promote ocean, coastal, and Great Lakes-based activities that can provide climate solutions.

### **November 2022**

11/01/22: DTLL, Assistant Secretary – Indian Affairs regarding Tiwahe Initiative. The Bureau of Indian Affairs is looking to add two (2) new pilot organizations to the Tiwahe Initiative and is seeking Letters of Intent (LOI) from interested Tribes and Tribal Organizations.

11/16/22: DTLL, the Secretary of Interior inviting you as part of the 2022 White House Tribal Nations Summit, to join her/she at the U.S. Department of the Interior (Department) Stewart Lee Udall Building for a welcome reception on Tuesday, November 29, 2022.

11/18/22: DTLL, the Assistant Secretary – Indian Affairs regarding the Small Tribe Supplement (STS) Consultations held in August 2022.

11/21/22: DTLL, the Assistant Secretary – Indian Affairs regarding President Biden's and his signing of the Inflation Reduction Act. The Department will receive \$6.6 billion in direct funding through the Inflation Reduction Act.

11/21/22: DTLL, the Assistant Secretary – Indian Affairs and for Fish and Wildlife and Parks regarding DOI's proposed revision of the Native American Graves Protection and Repatriation Act (NAGPRA) regulations and inviting you to consult on the proposed rule.

- Due to size content, (59 pages) the NAGPRA Proposed Rule Federal Registrar is available upon request.

11/21/22: DTLL, the Bureau of Oceans and International Environmental and Scientific Affairs, Department of State regarding a virtual listening session for the Convention on Biological Diversity for Tribal Leaders and representatives on November 29, 2022, from 3:00 – 5:00 p.m.

11/28/22: DTLL, the Department of Commerce Tribal Nations Open House scheduled tomorrow, November 29, 2022, from 1:30 – 4:30 p.m.

### **October 2022**

10/13/22: DTLL, the Assistant Secretary – Indian Affairs regarding the Cove Day School replacement. The Bureau of Indian Education is inviting you to a Tribal consultation to seek your input on replacement of the Cove Day School.

10/13/22: DTLL, Assistant Secretary – Indian Affairs regarding the establishment of an international repatriation pilot program.

10/13/22: DTLL, Assistant Secretary – Indian Affairs and Director, BLM regarding a planning meeting to discuss co-stewardship for Grand Staircase-Escalante National Monument.

10/13/22: DTLL, from the Ocean Policy Committee (OPC), on coordinating ocean policy across the Federal agencies. The OPC is developing an Ocean Climate Action Plan, to promote ocean, coastal, and Great Lakes-based activities.

10/19/22: DTLL, from the BIA, on Request for Proposals (RFP) for Fisheries, Wildlife and Recreation Program's Funding. Endangered Species, Invasive Species, Hatchery Maintenance, and Tribal Youth Initiative Program.

10/24/22: DTLL, the White House Office of Intergovernmental Affairs announcing the 2022 White House Tribal Nations Summit on November 30, and December 1, 2022, at the Department of the Interior, in Washington, D.C.

10/24/22: DTLL, the President of Southwestern Indian Polytechnic Institute on the Tribal stakeholder listening session scheduled on November 18, 2022.

10/27/22: DTLL, the United States Department of State regarding a series of consultations and listening sessions on the upcoming negotiations of a new global agreement on plastic pollution.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 13, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs regarding the Cove Day School replacement. The Bureau of Indian Education is inviting you to a Tribal consultation to seek your input on replacement of the Cove Day School.

There will be two (2) Tribal consultation sessions scheduled for November 15 and 16, 2022.

Please see the enclosed letter for more information on the consultation sessions.

Sincerely,

**GREGORY  
MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.10.13  
14:24:16 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT - 6 2022

Dear Tribal Leader:

The Bureau of Indian Education (BIE) is initiating Tribal consultation to seek your input on the replacement of the Cove Day School (Cove Day), which is operated by BIE and located on the Navajo Reservation, 14.2 miles from Red Rock Day School (Red Rock). Both schools serve four small communities: Cove, Red Valley, Mitten Rock, and Oak Springs.

Cove Day is currently approved for a replacement of a new school facility (new school project). The BIE's efforts to replace Cove Day's facility at the current location required environmental remediation activities and as a result delayed the work on the new school project.

Immediate concerns at Cove Day include but are not limited to:

- Age of Cove Day; the school was built in 1959 – 63 years ago.
- Reports revealed safety concerns about Cove Day's close proximity to a uranium mine, associated sources of gamma radiation, and natural background radiation levels in the area. Consequently, Cove Day was closed for the 2021-2022 school year.
- However, after radiological assessments and remediation activities were performed on the interior and exterior of the school, the USEPA and Navajo Nation Environmental Protection Agency approved the school to re-open for the 2022-2023 school year.

Consequently, BIE seeks your input on the following questions:

- (1) Is the **current location** of Cove Day **sufficient** to proceed with the new school project?
- (2) Should the new school be built at a **different location** and if so, what **alternative sites** are recommended?
- (3) Should Cove Day be **consolidated** with Red Rock Day, why, or why not?

The schedule of Tribal consultation is as follows:

HYBRID IN-PERSON & VIRTUAL TRIBAL CONSULTATION SESSION COVE DAY SCHOOL REPLACEMENT	
DATE:	Tuesday, November 15, 2022
TIME:	12:00 p.m. – 2:00 p.m. Eastern Time
ADDRESS:	Cove Day School – Gymnasium BIA Route 13, Route 33 Red Valley, AZ, 86544
REGISTRATION LINK:	<a href="https://doitalent.zoomgov.com/webinar/register/WN_9jsZA15oQB6-J35oqWi2NQ">https://doitalent.zoomgov.com/webinar/register/WN_9jsZA15oQB6-J35oqWi2NQ</a>



<b>HYBRID IN-PERSON &amp; VIRTUAL TRIBAL CONSULTATION SESSION COVE DAY REPLACEMENT</b>	
<b>DATE:</b>	Wednesday, November 16, 2022
<b>TIME:</b>	12:00 p.m. – 2:00 p.m. Eastern Time
<b>ADDRESS:</b>	Cove Day School – Gymnasium BIA Route 13, Route 33 Red Valley, AZ, 86544
<b>REGISTRATION LINK:</b>	<a href="https://doitalent.zoomgov.com/webinar/register/WN_MO_qpuiJTgeVBbGw2YJojA">https://doitalent.zoomgov.com/webinar/register/WN_MO_qpuiJTgeVBbGw2YJojA</a>

**WRITTEN COMMENTS AND RECOMMENDATIONS:** Please send written comments and recommendations on the Cove Day School replacement no later than 60 days from the date of this letter:

**By email to:** [consultation@bia.gov](mailto:consultation@bia.gov)

**SUBJECT LINE:** Tribal Consultation on Cove Day School Replacement

**By Postal Mail to:** Ms. Julie Lucero, Administrative Support, Bureau of Indian Education, 1011 Indian School Road NW, Albuquerque, New Mexico 87104

**ATTENTION:** Tribal Consultation on Cove Day School Replacement

Questions regarding these Tribal consultations may be directed to Ms. Sharon Pinto, Deputy Bureau Director, BIE, by e-mail at [sharon.pinto@bie.edu](mailto:sharon.pinto@bie.edu).

Thank you for your partnership in providing our students with the highest quality and safe learning environment free from environmental concerns and that meets the needs of students, staff, and communities. We look forward to your input on this consultation.

Sincerely,



Bryan Newland  
Assistant Secretary – Indian Affairs





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 13, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs regarding the establishment of an international repatriation pilot program. Please see the enclosed letter for more information on the sessions scheduled during October and November 2022. The RSVP is requested via email by October 14, 2202, to Ashley Fry at FryAD@state.gov.

Sincerely,

**GREGORY  
MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.10.13 16:02:02  
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Gregory C. Mehojah  
Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation  
Ms. Bitah Becker, Executive Director, Division of Natural Resources, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

OCT 11 2022

Dear Tribal Leader,

On behalf of the White House Council on Native American Affairs (WHCNA) International Repatriation subcommittee, I am pleased to announce the establishment of an international repatriation pilot program. The pilot program will bring together Tribal leaders and cultural heritage experts, international museum leaders, and U.S. Government representatives to promote the development of positive relationships among international museums and Tribes with the long-term goal of facilitating the return of Native American cultural heritage.

Based on feedback received from Tribal leaders and cultural heritage professionals regarding the pilot program, including two Tribal engagement sessions held this past May, the Department of State and the Department of the Interior, in coordination with the Institute of Museum and Library Services and the Smithsonian's National Museum of the American Indian, put together the following dialogue sessions in California, Arizona, and Oklahoma. The dialogue sessions will focus on the development of best practice guidance that Tribes, international museums, and the U.S. Government will utilize in future international repatriations. We envision these initial dialogue sessions to be a starting point for future dialogues and continued engagement.

City/State	Dates	Location
Temecula, CA	October 26-27, 2022	Association of Tribal, Archives, Libraries and Museums International Conference
Phoenix, AZ	October 31, 2022	Talking Stick Resort
Oklahoma City, OK	November 2, 2022	Native Nations Center, University of Oklahoma

International museum participants for the dialog sessions were chosen based on the feedback we received from Tribes and have extensive experience with repatriation to Tribal and Native Hawaiian communities. The following international museum professionals confirmed their participation in the pilot program:

- Eero Ehanti, Keeper, Collections and Conservation Centre, The National Museum of Finland
- Tina Brüderlin, Director, Ethnological Museum, National Museums in Berlin
- Te Herekiele Herewini, Head of Repatriation, Karanga Aotearoa Repatriation Programme, Museum of New Zealand Te Papa Tongarewa

- Dr. Laura Van Broekhoven, Director, Pitt Rivers Museum, University of Oxford
- Marina de Alarcón, Curator and Head of Collections, Pitt Rivers Museum, University of Oxford

Please RSVP for the sessions via email by October 14th to WHCNA International Repatriation subcommittee lead Ashley Fry at [FryAD@state.gov](mailto:FryAD@state.gov). Once you have RSVP'd, a more detailed agenda for the specific meeting day will be sent.

Sincerely,



Bryan Newland  
Assistant Secretary — Indian Affairs



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 13, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs and Director, BLM regarding a planning meeting to discuss co-stewardship for Grand Staircase-Escalante National Monument. The meeting is scheduled on November 10, 2022, at Kanab, Utah.

Please see the enclosed letter for further information on this engagement.

Sincerely,

GREGORY MEHOJAH

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GREGORY MEHOJAH  
Date: 2022.10.14 09:30:39  
-06'00'

Gregory Mehojah  
Regional Director, Navajo

Enclosure

cc:

Mr. Myron Lizer, Vice President, OPVP, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, OPVP, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, OPVP, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, OPVP, Navajo Nation  
Ms. Bitah Becker, Executive Director, Division of Natural Resources





# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

OCT 13 2022

Dear Tribal Leader:

The Office of the Assistant Secretary – Indian Affairs and the Bureau of Land Management jointly invite you to a planning meeting to discuss co-stewardship planning for Grand Staircase-Escalante National Monument. The purposes of this meeting are to discuss priorities for the land and its importance to Indian Tribes, to discuss Tribal input into the ongoing preparation of a resource management plan, and to discuss incorporating Indigenous knowledge into the science plan.

We propose to convene this meeting on **Thursday, November 10, from 9 am to 11am local time** at the Grand Staircase-Escalante National Monument visitor center located at 745 E. Highway 89, Kanab, UT, 84741. If another location would be more accessible for participating Indian Tribes, such as a major metropolitan center or location near an airport, we would be pleased to convene elsewhere based upon Tribal feedback. Our proposed agenda is:

1. Welcome and Introductions;
2. Tribal Opportunities to share about their traditional connection to the Grand Staircase-Escalante National Monument landscape;
3. BLM update on Grand Staircase-Escalante National Monument land use planning effort, recent/upcoming projects, objects and values inventory, restoration foci;
4. Co-stewardship discussion and Listening Session for Tribal input on their interest in co-stewardship;
5. Grand Staircase-Escalante National Monument Science Plan; and
6. Next steps and close-out.

We have extended this invitation to federally recognized Indian Tribes that have ties to this landscape, as identified by those Tribes who have ties to this landscape. Our list of interested Indian Tribes includes the Hopi Tribe of Arizona; Zuni Tribe of the Zuni Reservation; Navajo Nation; San Juan Southern Paiute Tribe; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation; Southern Ute Indian Tribe of the Southern Ute Reservation; Paiute Indian Tribe of Utah; Ute Mountain Ute Tribe; Pueblo of Jemez; Pueblo of San Felipe; Pueblo of Acoma; Pueblo of Santa Clara; Ute Indian Tribe of the Uintah and Ouray Reservation; and the Pueblo of Tesuque. If interested Indian Tribes have been omitted from this list in inadvertently, please alert our offices via the points of contact below.

We ask for your RSVP no later than Monday, October 31, 2022. If you have any questions, please contact Samuel Kohn, Senior Counselor to the Assistant Secretary – Indian Affairs at [samuel.kohn@bia.gov](mailto:samuel.kohn@bia.gov). Alternatively, you may contact Nada Wolff Culver, Principal Deputy Director at the BLM, at [nculver@blm.gov](mailto:nculver@blm.gov) or Alexx Diera, Special Assistant to the Director of the BLM, at [adiera@blm.gov](mailto:adiera@blm.gov).

Our offices are looking forward to connecting with you in person in November.

Sincerely,

Bryan Newland  
Assistant Secretary – Indian Affairs

Tracy Stone-Manning  
Director, Bureau of Land Management



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 13, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Ocean Policy Committee (OPC), on coordinating ocean policy across the Federal agencies. The OPC is developing an Ocean Climate Action Plan, to promote ocean, coastal, and Great Lakes-based activities.

The OPC is seeking your input on the Federal Register by November 18, 2022. The Tribal listening session is on October 22, 2022, in Anchorage, Alaska.

Please see the enclosed letter for further information on this event. If you have questions, please contact Brendan Philip, Ocean Policy Fellow at the Council on Environmental Quality, at [Brendan.T.Phipp@ceq.eop.gov](mailto:Brendan.T.Phipp@ceq.eop.gov) or by phone at (202) 881-9998.

Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.10.17  
16:01:00 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation  
Ms. Bitah Becker, Executive Director, Division of Natural Resources, Navajo Nation



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF SCIENCE AND TECHNOLOGY POLICY  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C.



October 14, 2022

Dear Tribal Leader:

We write on behalf of the Ocean Policy Committee (OPC), which is co-chaired by the White House Office of Science and Technology Policy and the White House Council on Environmental Quality, and serves as the Congressionally-mandated, Cabinet-level body charged with coordinating ocean policy across the Federal agencies. The OPC is developing an Ocean Climate Action Plan, which will promote ocean, coastal, and Great Lakes-based activities that can provide climate solutions and will focus on topics like conservation, green shipping, marine renewable energy, and marine carbon dioxide removal.

The OPC is interested in hearing from Tribal Nations and Indigenous Peoples on this initiative, including feedback on place-based solutions and opportunities to improve engagement on these efforts. The OPC has published a Federal Register notice seeking input on the Ocean Climate Action Plan, and we encourage submissions to [ocean@ostp.eop.gov](mailto:ocean@ostp.eop.gov) before the deadline on November 18, 2022 at 11:59 pm ET. For more information, see: 87 FR 60228 (Oct. 4, 2022), available at: <https://www.federalregister.gov/d/2022-21480>.

In addition to accepting input by email as outlined in the Federal Register notice, OPC staff will hold an in-person Tribal Listening session to describe the initiative and receive input from Tribal Nations, Indigenous Peoples, and native communities. The input from the listening session will be used to help inform the development of the Ocean Climate Action Plan. If you are interested in attending, please join OPC staff during the following Tribal Listening session:

Tribal Listening Session at Alaska Federation of Natives Convention, Anchorage, AK  
Saturday, October 22, 2022 from 10:00 – 11:30 am AKDT  
Room 3 on the 2<sup>nd</sup> floor of the Dena'ina Center

OPC staff will also attend the National Congress of American Indians Annual Convention in Sacramento, CA, where they will take part in the Climate Action Task Force meeting on October 30<sup>th</sup>, 2022. During the meeting, OPC staff will describe the Ocean Climate Action Plan and gather individual feedback from the Task Force members.

If you have questions about these events or would like to discuss further the Ocean Climate Action Plan, please contact Brendan Philip, Ocean Policy Fellow at the Council on

Environmental Quality, at [Brendan.T.Phipp@ceq.eop.gov](mailto:Brendan.T.Phipp@ceq.eop.gov) or by phone at (202) 881-9998.  
For more information on the Ocean Climate Action Plan, see:  
[https://www.noaa.gov/interagency-ocean-policy/OCAP\\_Information](https://www.noaa.gov/interagency-ocean-policy/OCAP_Information).

Sincerely,

A handwritten signature in cursive script, reading "Brenda Mallory".

Brenda Mallory  
Chair  
Council on Environmental Quality

A handwritten signature in cursive script, reading "Jane Lubchenco".

Dr. Jane Lubchenco  
Deputy Director for Climate and Environment  
Office of Science and Technology Policy





# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 19, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the BIA, on Request for Proposals (RFP) for Fisheries, Wildlife and Recreation Program's Funding.

This letter serves as the announcement of the availability of funding through the Office of Trust Services, Division of Natural Resources, Branch of Fisheries, Wildlife, and recreation Programs (FW&R). The FW&R expects to provide competitive and non-recurring project funding within four different program areas in Fiscal Year 2023:

1. Endangered Species Program – Approximately \$4.8 million will be awarded by the Bureau in competitive funding for this program. The attached, *Bureau of Indian Affairs Endangered Species Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.
2. Invasive Species Program – The Bureau expects to receive \$8 million in competitive funding for this program. The attached, *Bureau of Indian Affairs - Invasive Species (IS) Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.
3. Hatchery Maintenance Program – The Bureau will award approximately \$8 million in competitive funding for this program. The attached, *Bureau of Indian Affairs, Fish Hatchery Maintenance Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.
4. Tribal Youth Initiative Program – The Bureau will award approximately \$1.5 million in competitive funding for this program. The attached, *Bureau of Indian Affairs, Tribal Youth Initiative (TYI) Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.

The FW&R requests your assistance in informing the tribes within your Region of these funding opportunities and in conducting initial processing of funding requests. Each region will be responsible for distributing program materials to eligible entities, receiving completed funding proposals from applicants, reviewing proposals to ensure they meet eligibility criteria, and to rank proposals according to the ranking criteria and regional priority.

**All applications for the FW&R program funding must be received by the Bureau's Regional Office by January 13, 2023.**

Regional contact information is included within the application guidance documents for each of the FW&R programs referenced above. If you have any questions, please contact David Wooten, Branch Chief, FW&R by email at [David.Wooten@bia.gov](mailto:David.Wooten@bia.gov) or at (505) 563-3128.

Sincerely,

**ANGELA  
ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2022.10.20  
07:45:32 -06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation  
Ms. Bitah Becker, Executive Director, Division of Natural Resources, Navajo Nation

# Bureau of Indian Affairs, Endangered Species Program, Ranking Criteria and Application Process

## Applicant Eligibility Criteria

Eligibility is limited to Federally recognized Indian Tribal Governments and Native American Organizations authorized by Indian tribal governments (Tribes and inter-tribal organizations authorized under P.L. 93-638).

Successful applicants **must commit to providing an annual report to the Regional BIA point-of- contact (listed below) by September 1st of each year until the project is completed.**

Reports should include:

- Project Status
- Expected completion date
- Objective achievement

A final report to your Regional Bureau contact (listed below) is required within 90 days of project completion. Reporting helps support future appropriations.

## Proposal Eligibility

- **Proposals must provide the contact information for the Tribal project manager overseeing the project. Failure to provide this information will result in disqualification.**
- **Proposal budget cannot include tribal indirect rate. Tribal indirect rate is drawn from a separate account and should be requested at budget development meetings with BIA contracting officials (if selected for funding).**
- **All proposals must be signed (at a minimum) by the equivalent of the Director of Natural Resources to signify that the Tribe is aware of the funding and program requirements.**

## Project Eligibility

- Participants are encouraged to utilize the 638 contract in order to facilitate reporting and support of FW&R program funding.
- Successful applications will be limited to projects that are directly related to the restoration, management, and/or economic development of “tribal trust resources” (see definitions below).

In addition to the above requirement, only those projects that meet at least one of the following two criteria will be considered for funding:

1. Projects involving species protected by the Endangered Species Act (as amended 1973) (ESA). This includes ESA Candidate species.
2. Projects involving tribally important species and/or habitat(s) where such species or habitat(s) are identified in an official and approved tribal document, management plan, or Tribal Resolution that lists the tribally important species and/or habitat(s) and describes the tribal interest in focusing attention on those species/habitat(s).

3. The maximum funding request is \$120,000 per application. The funding request cannot include the tribal indirect rate.
4. An eligible entity may submit multiple applications.

### Definitions

Tribal Trust Resources - natural resources, either on or off Indian lands, retained by, or reserved by or for Indian tribes through treaties, statutes, judicial decisions, or executive orders and are protected by a fiduciary obligation of the U.S.

Required Project – a project that calls for the utilization of tribal trust resources, and is also REQUIRED to undergo *Section 7 consultation* per requirements of ESA. This includes activities required for compliance with a FWS or NMFS approved Habitat Conservation Plan designed to comply with ESA.

### Ranking Criteria

Priority consideration will be given to projects involving “tribal trust resources” (see definition above) **in the context of economic enterprise/economic development, where such project also requires consultation with regulatory agencies per requirements of ESA.**

**Applicants must explain how their project meets the “required” criteria. To receive priority consideration applicants must submit a convincing proposal for meeting “required” status (see definition above).**

Other ranking criteria include:

- The degree of benefit to species protected by the ESA (including ESA Candidate species).
- The degree of benefit to tribally important species and/or habitats that are listed in official and approved tribal documents, management plans, or Tribal Resolution where the tribal prerogative to focus attention on those species/habitats are clearly described.
- The degree of benefit to tribal trust resources (management plans, habitat assessments, habitat restoration, species recovery, etc.).
- The degree to which the project meets the goals/objectives/requirements of approved tribal or federal/state planning documents.
- The extent to which a project engages tribal youth in natural resources management.
- Ability to **provide reports** that highlight project successes by September 1 each year.

**Native American Fish & Wildlife Society:** BIA encourages tribal membership in the Native American Fish & Wildlife Society (NAFWS). For more than 35 years, the NAFWS has addressed the needs of its member tribes, through conferences, training, youth education, and assisting tribal efforts to build capacity and services. The NAFWS enriches tribes through its mission: Assisting Native American and Alaska Native tribes with conserving, protecting, and enhancing their fish, wildlife, habitat, and cultural resources. **Membership in the NAFWS is an allowable budget item** (one membership for a two-year period. See [www.nafws.org](http://www.nafws.org)). Further, successful applicants who are confirmed speakers at NAFWS events may be eligible for reimbursement of travel costs (per diem) by BIA.

## How to Apply

Proposals should be submitted to the Bureau of Indian Affairs, Regional office that services the applicant's area and are **due to the regional office (address and contact info below) by close of business on January 13, 2023.**

Proposals should be submitted in the format detailed below and should clearly address both the eligibility and ranking criteria listed above. Proposals are **limited to six pages (not including letters of support/contributions).**

- I. Introduction/Background – name of applicant, project name, project location, a brief background and description of the issue. This section should conclude with a brief statement summarizing your request.
- II. Goal/Objectives - what are the goals of the project? List measurable objectives that work towards achieving the project goals.
- III. Methodology – how you plan to accomplish the task. Include a timeline for completion of tasks. Please attach a copy of any completed management plan by which you are seeking funding for implementation.
- IV. Outcome/Results - what are the expected work products? What measurable benefits are expected? What is the expected timeline?
- V. Budget – Need a detailed line item expenditure breakdown. Do not include contract support cost (indirect cost).
- VI. Letters of support/contributions.

## BIA Regional Contact List for ESA Program

Great Plains	Southern Plains	Eastern	Midwest	Eastern Oklahoma	Rocky Mt.
Diane Mann-Klager, Natural Resources Officer diane.mann-klager@bia.gov Address: Great Plains Regional Office, Division of Natural Resources MC 301, 115 4th Ave SE Suite 400, Aberdeen, SD 57401	David Anderson, RES 405-247-1532 david.anderson@bia.gov  Address: Southern Plains Regional Office, Branch of Natural Resources P.O. Box 368, Anadarko, OK 73005	Keith Bluecloud & Harold Peterson (615) 564-6832 keith.bluecloud@bia.gov  Address: 545 Marriott Drive Suite 700, Nashville TN 37214	Patricia Olby, Deputy Regional Director, Trust Services (612) 725-4503  Address: 5600 W. American Blvd, suite 500, Bloomington, MN 55437	Bradley Peak Natural Resources Specialist (918) 781-4642 bradley.peak@bia.gov  Address: 3100 W Peak Blvd Muskogee, OK 74401	Name: Frank D. Rollefson, Regional Wildlife Biologist frank.rollefson@bia.gov  Address: Rocky Mountain Regional Office, Division of Natural Resources, 2021 4'th Avenue North, Billings, Montana 59101
Navajo	Southwest	Western	Pacific	Northwest	Alaska
Calvert Curley, Range Management Specialist (505) 863-8463 calvert.curley@bia.gov  Address: Bureau of Indian Affairs Navajo Regional Office 301 W Hill St., PO BOX. 1060, Gallup, NM 87305	D. Chris Kitcheyan - Regional Biologist (505) 563-3408 david.kitcheyan@bia.gov Address: Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, NW, Albuquerque, NM 87104	Chip Lewis, Regional Environmental Compliance Officer chip.lewis@bia.gov  Address: 2600 N. Central Ave, 4th Floor Mailroom, Phoenix, AZ 85004	Douglas Garcia douglas.garcia@bia.gov (916) 978-6052 Address: Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825	Robert Compton Rangeland Management Specialist (503) 348-4712 robert.compton@bia.gov v 503-231-6808 Address: BIA, 911 NE 11th Avenue, Portland Oregon 97232	Rosalie Debenham, Fish and Wildlife Biologist rosalie.debenham@bia.gov (907) 310-9935  Address: BIA, P.O. Box 21647, Juneau, AK 99802

## **Bureau of Indian Affairs – Fish Hatchery Maintenance Program, Ranking Criteria and Application Process**

### **DEFINITIONS**

1. Eligible Fish Hatchery. Any multi-purpose or single-purpose facility owned by the Bureau of Indian Affairs (BIA) or a Federally recognized tribe engaged in the spawning, hatching, rearing, holding, caring for, or stocking of fish and/or shellfish. Facilities owned by other federal agencies, states, and non-tribal entities are not eligible to receive maintenance funds.
2. Maintenance. Work that is required to prolong the life of a structure, building, or other facility component including: delay of physical deterioration; enhancement of original function; application of new technological advances; or replacement or acquisition of associated capitalized equipment.

### **Proposal Eligibility (Failure to provide this information will result in disqualification)**

- Proposals must provide the information requested on the hatchery facility description form and the contact information (phone, e-mail, address) for the hatchery manager overseeing the project.
- Proposal budget cannot include tribal indirect rate. *Tribal indirect rate comes from a separate account and should be requested at the time you develop the budget with BIA contracting officials (if selected for funding).*

### **RANKING CRITERIA**

1. Health, Safety and Security. Project merits in eliminating hazardous working conditions, correcting safety and security problems, and protecting property;
2. Water Quality. Project merits in ensuring compliance with applicable effluent discharge standards;
3. Economic Value. Project merits related to the development of tribal resource management capabilities, creation of jobs for tribal members, generation of tribal income, and development of tribal self-sufficiency and reservation economies. Project merits in assisting tribes develop their fisheries management expertise and capabilities and in reducing their dependence on Federal fisheries assistance programs. Project merits in benefiting more than one tribe and relatively many tribal members;
4. Rights Protection. Project merits in protecting the exercise of Indian fishing rights and in fulfilling tribal resource management responsibilities and commitments resulting from court order, statute, treaty, or other binding instrument;
5. Resource Value. Project merits in restoring, mitigating for, or otherwise enhancing depleted stocks and other stocks of significance, notably, anadromous salmonids, Great Lakes stocks, and species listed as threatened and endangered;
6. Tribal Youth. Project merits in providing summer employment or other positive learning experiences to tribal youth (ages up to and including 25). The focus should be on tribal youth interested in careers in natural resources. Youth positions should be viewed as both a source of labor and as an opportunity to mentor tribal youth, encourage them to pursue an education, and expose them to careers in natural resources management. The seasonal hiring of tribal youth will be an allowable expenditure for hatchery maintenance funding.

## PROCEDURES AND PRODUCTS

Bureau-wide application of the definitions and criteria will facilitate project priority comparisons between facilities and areas and allows for the establishment of a meaningful national project ranking system.

Two standard forms will be used:

Facility Description Form. Complete an attached Facility Description form for each eligible facility for which funds are requested. **Each hatchery requesting funds must complete all parts of this form in order to be eligible for hatchery maintenance funding.**

Maintenance Project Proposal. Utilize the attached Maintenance Project Proposal form and the attached ranking criteria to describe and rank each proposed project. Categorize individual project merits associated with each of the five ranking criteria as high, moderate, or low, and provide additional supporting justification in the space provided. Use one form for each individual proposed project. Do not combine individual projects for a given hatchery on a single form unless absolutely required due to their interrelated nature. Ensure recommended projects adhere to the definition of maintenance established herein. On a separate sheet, provide a summary listing in order of priority of all maintenance projects/costs recommended for tribes and hatchery facilities in your area.

Facility Description forms, Maintenance Project Proposal forms, and respective summary listing of maintenance project rankings should be transmitted to the Regional office of the Bureau of Indian Affairs that services your area (contact info below). **Application materials are due to your Regional office (address provided below) by close of business on January 13, 2023.**

### BIA Regional Contact List for Fish Hatchery Maintenance Funding Program

Great Plains	Southern Plains	Eastern	Midwest	Eastern OK	Rocky Mt
Diane Mann-Klager, Natural Resources Officer diane.mann-klager@bia.gov	Crystal Keys, Water Program Manager, crystal.keys@bia.gov	Keith Bluecloud & Harold Peterson (615) 564-6832 first.last@bia.gov	Patricia Olby, PE Wildlife and Parks, Branch Chief (612) 725-4503 patricia.olby@bia.gov	Bradley Peak (918)781-4642 bradley.peak@bia.gov	Frank D. Rollefson, Regional Wildlife Biologist frank.rollefson@bia.gov
Address: BIA, MC 301, 115 4 <sup>th</sup> Ave. SE, Suite 400, Aberdeen, SD 57401	Address: BIA, P.O. Box 368, Anadarko, OK 73005	Address: BIA, 545 Marriott Dr Suite 700, Nashville, TN 37214	Address: BIA, 5600 W. American Blvd, Suite 500, Bloomington, MN 55437	Address: BIA, 3100 W Peak Blvd Muskogee, OK 74401	Address: BIA, 2021 4 <sup>th</sup> Ave. North, Billings, MT 59101

Navajo	Southwest	Western	Pacific	Northwest	Alaska
Calvert Curley, Range Mgmt.Spec. calvert.curley@bia.gov (505) 863-8463	D. Chris Kitcheyan - Regional Biologist (505) 563-3408 david.kitcheyan@bia.gov	Catherine Wilson, Supervisory Water Rights Specialist catherine.wilson@bia.gov	Douglas Garcia douglas.garcia@bia.gov (916) 978-6052	Ashton Harp, Fisheries Biologist ashton.harp@bia.gov (971) 378-2302	Rosalie Debenham, Fish and Wildlife Biologist rosalie.debenham@bia.gov (907) 310-9935
Address: BIA, 301 W Hill St., PO Box 1060, Gallup, NM 87305	Address: BIA, 1001 Indian School Road, NW, Albuquerque, NM 87104	Address: BIA, 2600 N. Central Ave. 4 <sup>th</sup> Floor Mailroom, Phoenix, AZ 85004	Address: BIA, 2800 Cottage way Sacramento, CA 95825	Address: BIA, 911 NE 11 <sup>th</sup> Ave. Portland, OR 97232	Address: BIA, P.O. Box 21647, Juneau, AK 99802

### HATCHERY FACILITY DESCRIPTION FORM

Respond to each item noting “non-applicable” or “information unavailable.” Use additional sheets if necessary. **Please use a separate form for each Hatchery. This information supports annual appropriations for this program!**

1. Hatchery name:
2. Tribe:
3. Hatchery location (reservation, city, state, address):
4. Ownership status of the hatchery facility:
5. Ownership status of the land on which the hatchery is situated (Tribal or non-tribal?):
6. If hatchery is on tribal land, describe land status (trust, allotment, fee):
7. Hatchery operator (If non-tribal, name entity):
8. Hatchery Manager contact information (name, title, office address, phone, e-mail):
9. Water source (ground or surface):
10. Year(s) of construction:
11. Authorization(s) and funding sources(s) for hatchery construction:
12. Estimated total investment in total hatchery facilities and equipment:
13. Current operations funding source(s):
14. List of tribes whose members derive benefits from hatchery products:
15. List non-Indian entities that derive benefits from hatchery products:
16. Assessment of contributions of hatchery products to Indian and Non-Indian fisheries:
17. Estimated value of hatchery fish to Tribal economy:
18. Estimated annual value of hatchery output (fish released in dollars):
19. Current fish species produced:
20. Purpose of the Hatchery (Recovery, Subsistence, Sport fishing, other):
20. Annual estimated target production output (output = number released) (include species and size class):
21. Capacity limitations:
22. Location where fish are released (tribal waters, non-tribal waters, or both):
23. Is tribal fishing license required for public access?:
24. If yes, does the Tribe sell licenses to the public?:
25. Number of Employees (seasonal, part-time, and full-time):

**Prepared by:**



**HATCHERY MAINTENANCE PROJECT PROPOSAL FORM**  
**(Duplicate this form for each project)**

Hatchery Name:

Project Description:

Project Cost:

Project Ranking: Number: \_\_\_\_\_ of a total of: \_\_\_\_\_ recommended projects in area

Project Merits relative to established ranking criteria:

<u>Ranking Criterion</u>	<u>Relative value</u>		
	<u>High</u>	<u>Moderate</u>	<u>Low</u>
Health, safety and security	_____	_____	_____
Water quality	_____	_____	_____
Economic value	_____	_____	_____
Rights Protection	_____	_____	_____
Resource value	_____	_____	_____

Supporting justification for project and project ranking:

**Prepared by:**

# Bureau of Indian Affairs – Invasive Species (IS) Program, Ranking Criteria and Application Process

## Applicant Eligibility

Eligibility is limited to Federally recognized Indian Tribal Governments and Native American Organizations authorized by Indian tribal governments (Tribes and inter-tribal organizations authorized under P.L. 93-638).

Successful applicants **must commit to provide annual reporting to the Regional BIA point-of- contact (listed below) by September 1st of each year until the project completion.**

Reports should include:

- Project Status
- Expected completion date
- Objectives achieved

Additionally, please submit a final report to your Regional Bureau contact (listed below) within 90 days of project completion. Reporting helps support future appropriations.

## Proposal Eligibility

- **Proposals must provide the contact information for the Tribal project manager overseeing the project. Failure to provide this information will result in disqualification.**
- **The proposal budget cannot include tribal indirect rate. *Tribal indirect rate comes from a separate account and should be requested at the time you develop the budget with BIA, contracting officials (if selected for funding).***
- **Proposals calling for the capture, holding, or removal of feral or wild animals must be approved by Tribal Resolution**
  - **All other proposals must be signed (at a minimum) by the equivalent of the Director of Natural Resources. This is to help ensure the Tribe is aware of the project.**

## Project Eligibility

- Encourage 638 contract - this facilitates reporting and support of FW&R program funding.

*Successful applications will focus on the management/control of invasive species on tribal trust lands, individual Indian allotment lands, or in areas managed by tribes through treaties or agreements.*

Instead of focusing on the definition of “*Invasive Species*,” this program will focus on the damage caused to Tribal Trust Resources and leave it to the discretion of the applicant to describe whether the species is “invasive” or represents an instance in which a native species is behaving as an invasive species due to altered environmental conditions. This funding can cover all invasive species (plants/animals) outside of noxious weeds in agricultural settings.

Invasive wildlife funding will focus on the following three areas.

- 1) **Planning** funding would allow tribes to participate in local/regional/national forums and/or planning efforts by which such collaborative efforts have been established, or would allow tribes to initiate a collaborative forum, task force, or management planning effort where none currently exist.
- 2) **Prevention** funding would provide for the development of planning/management documents and or develop/implement procedures to prevent IS from impacting tribal trust resources where such species are not already established.
- 3) **Implementation** funding would assist tribes in implementing management plans or other established protocols aimed at the control, management, or prevention of IS.

Funding requests can range from \$2,500 - \$250,000 per application. Proposals addressing more than one focus area may be combined into one proposal.

An eligible entity can submit multiple applications.

### Ranking Criteria

All projects should focus on alleviating or preventing IS impacts on tribal natural resources.

Eligible projects will be ranked according to the degree they meet the following criteria:

- The extent to which **collaboration** with other partners has been investigated/pursued;
- The extent to which a proposal provides the most **cost effective** means of controlling or managing IS;
- The extent to which a project is **self-sustaining**; requiring little, if any, future funding for operations/ongoing management;
- The extent to which a management plan attempts to **eradicate** the IS, **reduce** the IS to the lowest level possible, or prevent the invasion of IS;
- The degree of **benefit to native species** and other tribal natural resources;
- The degree of **benefit to tribally important species and/or habitats** that are listed in official and approved tribal documents, management plans, or Tribal Resolutions;
- The degree to which the project meets the goals/objectives/requirements of approved tribal or federal/state **planning documents**;
- The extent to which the proposal demonstrates an awareness and **ability to achieve environmental compliance** (NEPA, ESA) and other permitting requirements;
- The degree of **cost-sharing and partnerships** (include letter of support);
- The extent to which a project **engages tribal youth** in natural resources management (play, learn, work, serve);
- Ability to **provide reports** that highlight project successes (by Sept. 1st of each year).

**Native American Fish & Wildlife Society:** BIA encourages tribal membership in the Native American Fish & Wildlife Society (NAFWS). For more than 35 years, the NAFWS has addressed needs of its member tribes, through conferences, training, youth education, and assisting tribal efforts to build capacity and services. The NAFWS enriches tribes through its mission: Assisting Native American and Alaska Native tribes with conserving, protecting, and enhancing their fish, wildlife, habitat, and cultural resources. **Membership in the NAFWS is an allowable budget item** (one membership for a two-year period. See [www.nafws.org](http://www.nafws.org)). Further, successful applicants who are confirmed speakers at NAFWS events may be eligible to for reimbursement of travel costs (per diem) by BIA.

*All projects must focus on the reduction of invasive species populations to the lowest levels practicable. There will be no consideration for maintenance of populations, especially for feral horse and swine populations. BIA will not fund projects with long-term (greater than 30 days) holding, maintaining, or otherwise providing care for feral animals in holding pens or other enclosures.*

*This funding source is non-recurring. Thus, the goals of any proposed project should not rely on future funding.*

### **How to Apply**

Submit your proposal to the Regional office of the Bureau of Indian Affairs that services your area.

**Proposals are due to your Regional office (contact info below) by close of business on January 13, 2023.**

The proposal should clearly address the ranking criteria listed above and be limited to six pages maximum (not including letters of support/contributions).

Please submit a proposal in the following format:

- I. Introduction/Background – Name of applicant, project name, project location, a brief background and description of the issue. This section should conclude with a brief statement summarizing your request.
- II. Goal/Objectives – What are the goals of the project? List measurable objectives that work towards achieving the project goals.
- III. Methodology – How you plan on accomplishing the task. Include a timeline for completion of tasks. Please attach a copy of any completed management plan in which you are seeking funding for implementation.
- IV. Outcome/Results - What are the expected work products? What measurable benefits are expected? What is the expected timeline?
- V. Budget - Need a detailed line item expenditure breakdown. Do not include contract support cost (indirect cost).
- VI. Letters of support/contributions.

## BIA Regional Contact List for Invasive Species Program Funding

Great Plains	Southern Plains	Eastern	Midwest	Eastern Oklahoma	Rocky Mt
Diane Mann-Klager, Natural Resources Officer diane.mann-klager@bia.gov	David Anderson, RES (405) 247-1532 david.anderson@bia.gov	Keith Bluecloud & Harold Peterson (615) 564-6838 first.last@bia.gov	Patricia Olby, Deputy Regional Director, Trust Services (612) 725-4503 patricia.olby@bia.gov	Bradley Peak (918) 781-4642 bradley.peak@bia.gov	Frank D. Rollefson, Regional Wildlife Biologist frank.rollefson@bia.gov
Address: BIA, Great Plains Region, Division of Natural Resources, MC 301, 115 4 <sup>th</sup> Ave. SE, Suite 400, Aberdeen, SD 57401	Address: BIA, P.O. Box 368, Anadarko, OK 73005	Address: BIA, 545 Marriott Dr. Suite 700, Nashville TN 37214	Address: BIA, 5600 W. American Blvd, Suite 500, Bloomington, MN 55437	Address: BIA, 3100 W. Peak Blvd. Muskogee, OK 74401	Address: BIA, Rocky Mountain Region, Division of Natural Resources, 2021 4 <sup>th</sup> Ave. North, Billings, MT 59101

Navajo	Southwest	Western	Pacific	Northwest	Alaska
Calvert Curley, Range Management Specialist Calvert.curley@bia.gov (505) 863-8463	D. Chris Kitcheyan - Regional Biologist (505) 563-3408 david.kitcheyan@bia.gov	Chip Lewis, Regional Environmental Compliance Officer chip.lewis@bia.gov	Douglas Garcia douglas.garcia@bia.gov (916) 978-6052	Robert Compton - Rangeland Mgt. Spec. (503) 348-4712 robert.compton@bia.gov	Rosalie Debenham, Fish and Wildlife Biologist rosalie.debenham@bia.gov (907) 310-9935
Address: BIA, Navajo Region, 301 W. Hill St., PO Box 1060, Gallup, NM 87305	Address: BIA, Southwest Region, 1001 Indian School Road, NW, Albuquerque, NM 87104	Address: BIA, Western Region 2600 N. Central Ave, 4 <sup>th</sup> Floor Mailroom, Phoenix, AZ 85004	Address: BIA, Sacramento Region, 2800 Cottage Way, Sacramento, CA 95825	Address: Bureau of Indian Affairs, 911 NE 11th Avenue, Portland Oregon 97232	Address: BIA, P.O. Box 21647, Juneau, AK 99802

## **Bureau of Indian Affairs Tribal Youth Initiative (TYI) Program Ranking Criteria and Application Process**

### **Program Information**

Initiative funding for the support and development of tribal youth programs focused on science in alignment with conservation and resource management will be distributed on a competitive basis to tribes and inter-tribal organizations. The programs will provide opportunities for youth to engage in the field of natural resource management and encourage their interest in pursuing educational opportunities and careers in natural resources management.

### **Applicant Eligibility**

Eligibility is limited to Federally Recognized Indian Tribal Governments and Native American Organizations authorized by Indian tribal governments (Tribes and inter-tribal organizations authorized under PL 93-638).

Successful applicants **must commit to providing annual reporting to the Regional BIA point-of-contact (listed below) by September 1st of each year until the project is completed.** Reports should include:

- Project Status
- Expected completion date
- Objectives achieved

Also, please submit a final report to your Regional Bureau contact (listed below) within 90 days of project completion. Reporting helps support future appropriations!

### **Proposal Eligibility**

- **Proposals must provide the contact information for the Tribal project manager overseeing the project. Failure to provide this information will result in disqualification.**
- **Proposal budget cannot include tribal indirect rate. *Tribal indirect rate comes from a separate account and should be requested upon budget development in conjunction with BIA contracting officials (if selected for funding).***
- **All proposals must be signed (at a minimum) by the equivalent of the Director of Natural Resources. This is to ensure the Tribe is aware of this project.**

### **Project Eligibility**

*Successful applications will focus on promoting native youth interest in natural resources management, including career opportunities in natural resources.*

- Encourage 638 contract - this facilitates reporting and support of FW&R program funding

**Funding requests can range from \$2,000 to \$50,000 per application.**

The applicant must commit to submitting annual reports to the Regional BIA point-of-contact until the project is completed. Reports are due by September 1 of each fiscal year. Reporting helps support future appropriations.

- Project Status
- Expected completion date
- Objectives achieved

## Ranking Criteria

Projects should focus on providing mechanisms whereby tribal youth (ages up to and including 25 years of age) are encouraged to work towards careers in the field of natural resources. Project participants are strongly encouraged to provide mentoring for upcoming students or to assist current students in remaining with the project through to its conclusion.

Eligible projects will be ranked according to the degree to which they meet the following criteria:

- The extent to which a project **engages tribal youth** in natural resources management (number/age of youth, and the degree to which the material will motivate or otherwise support tribal youth on a path to a career in natural resources)
  - provides hands-on resource management activities
  - addresses recognized local resource management issues
  - addresses recognized broad-scale resource management issues
  - demonstrates interdisciplinary approach to resource management
  - accomplishes meaningful resource conservation/management results
- **Safety:** Applicants must demonstrate the prioritization of safety. Applicants must assume responsibility for working with tribal youth and demonstrate that participants will be provided a safe learning environment. **This criterion must be addressed in the applicants' proposal.** Describe steps that will be taken to ensure a safe environment (mentor/student ratio, supervision provided, past experience, accreditation, etc.).
- **Collaboration:** Applicants should show their investigation/pursuit of collaborating partners to maximize resources and partner participation (include letter of support for partnerships).
- **Cost Containment:** Proposals should show the extent to which applicant will provide a **cost effective** means of encouraging tribal youth to pursue careers in natural resources.
- **Reporting:** Applicants must commit to providing **reports** highlighting project successes by Sept. 1<sup>st</sup> of each year.

**Native American Fish & Wildlife Society:** BIA encourages tribal membership in the Native American Fish & Wildlife Society (NAFWS). For more than 35 years, the NAFWS has addressed needs of its member tribes, through conferences, training, youth education, and assisting tribal efforts to build capacity and services. The NAFWS enriches tribes through its mission: Assisting Native American and Alaska Native tribes with conserving, protecting, and enhancing their fish, wildlife, habitat, and cultural resources. **Membership in the NAFWS is an allowable budget item** (one membership for a two-year period. See [www.nafws.org](http://www.nafws.org)). Further, successful applicants who are confirmed speakers at NAFWS events may be eligible for reimbursement of travel costs (per diem) by BIA.



## How to Apply

Applicants should submit a proposal in the format detailed below. **The proposal should clearly address the eligibility and ranking criteria listed above and should not exceed six pages maximum** (not including letters of support/contributions).

- I. Introduction/Background: Name of applicant, project name, project location, a brief background and description of the issue. This section should conclude with a brief statement summarizing your request.
- II. Goal/Objectives: What are the goals of the project? List measurable objectives that work towards achieving the project goals.
- III. Methodology: How you plan on accomplishing the task. Include a timeline for completion of tasks. Please attach a copy of any completed management plan in which you are seeking funding for implementation.
- IV. Outcome/Results: What are the expected work products? What measurable benefits are expected? What is the expected timeline?
- I. Budget: Need a detailed line-item expenditure breakdown. Do not include contract support cost (indirect cost).
- V. Letters of support/contributions.

## BIA Regional Contact List for Tribal Youth Initiative Program

Submit your proposal to the Regional Office of the Bureau of Indian Affairs that services your area. **Proposals are due to your Regional office (contact info below) by close of business on January 13, 2023.**

Great Plains	Southern Plains	Eastern	Midwest	Eastern Oklahoma	Rocky Mt
Diane Mann-Klager, Natural Resources Officer diane.mann-klager@bia.gov	David Anderson, RES 405-247-1532 david.anderson@bia.gov	Keith Bluecloud & Harold Peterson (615) 564-6832 keith.bluecloud@bia.gov	Patricia Olby, Deputy Regional Director, Trust Services (612) 725-4503 patricia.olby@bia.gov	Bradley Peak Natural Resources Specialist (918)781-4642 bradley.peak@bia.gov	Frank D. Rollefson, Regional Wildlife Biologist frank.rollefson@bia.gov
Address: Great Plains Regional Office, Division of Natural Resources MC 301, 115 4th Ave SE Suite 400, Aberdeen, SD 57401	Address: Southern Plains Regional Office, Branch of Natural Resources P.O. Box 368, Anadarko, OK 73005	Address: 545 Marriott Drive Suite 700, Nashville TN 37214	5600 W. American Blvd, suite 500, Bloomington, MN 55437	Address: 3100 W Peak Blvd Muskogee, OK 74401	Address: Rocky Mountain Regional Office, Division of Natural Resources, 2021 4th Avenue North, Billings, Montana 59101
Navajo	Southwest	Western	Pacific	Northwest	Alaska
Calvert Curley, Range Management Specialist calvert.curley@bia.gov (505) 863-8463	D. Chris Kitcheyan - Regional Biologist (505) 563-3408 david.kitcheyan@bia.gov	Chip Lewis, Regional Environmental Compliance Officer chip.lewis@bia.gov	Douglas Garcia douglas.garcia@bia.gov (916) 978-6052	Ashton Harp and Rudy Peone, Fisheries Biologist first.last@bia.gov	Rosalie Debenham, Fish and Wildlife Biologist rosalie.debenham@bia.gov (907) 310-9935
Bureau of Indian Affairs Navajo Regional Office 301 W Hill St., PO BOX. 1060, Gallup, NM 87305	Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, NW, Albuquerque, NM 87104	Address: 2600 N. Central Ave, 4th Floor Mailroom, Phoenix, AZ 85004	Address: Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825	Address: BIA, 911 NE 11th Avenue, Portland Oregon 97232	Address: BIA, P.O. Box 21647, Juneau, AK 99802



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 24, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the White House Office of Intergovernmental Affairs announcing the 2022 White House Tribal Nations Summit on November 30, and December 1, 2022, at the Department of the Interior, in Washington, D.C.

Please see the enclosed letter for further information on this engagement.

Sincerely,

ANGELA  
ARVISO

Digitally signed by ANGELA  
ARVISO  
Date: 2022.10.24 11:58:26  
-06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



THE WHITE HOUSE  
WASHINGTON

Dear Tribal Leaders,

The White House is pleased to announce the 2022 White House Tribal Nations Summit on November 30<sup>th</sup> and December 1<sup>st</sup>, 2022 at the Department of the Interior in Washington, D.C.

Building on the 2021 Summit and the progress made to strengthen our Nation-to-Nation relationships and invest record levels of resources in Tribal communities, we look forward to hosting a robust and meaningful engagement with Tribal leaders on important issues facing Tribal communities. The Summit will feature new Administration announcements and efforts to implement key policy initiatives supporting Tribal communities.

The Biden-Harris Administration is deeply committed to honoring its trust and treaty responsibilities to federally recognized Tribes, and this Summit provides an opportunity for Tribal leaders to engage directly with officials in the highest levels of the Administration.

Additional details are forthcoming. Please register for the 2022 White House Tribal Nations Summit by **Monday, November 14<sup>th</sup>, 2022**. Due to limited capacity, we can only accommodate one governmental representative per Tribe.

Tribal leaders register here: [wh.gov/TribalNationsSummit](https://www.whitehouse.gov/TribalNationsSummit)

If you have any questions, please reach out to [TNS@who.eop.gov](mailto:TNS@who.eop.gov).

Respectfully,

White House Office of Intergovernmental Affairs  
White House Domestic Policy Council



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 24, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the President of Southwestern Indian Polytechnic Institute on the Tribal stakeholder listening session scheduled on November 18, 2022.

Please see the enclosed letter for further information on this engagement.

Sincerely,

**ANGELA**  
**ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2022.10.24  
13:37:29 -06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



## **SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE**

P.O. Box 10146 • Albuquerque, NM 87184  
9169 Coors Blvd., NW • Albuquerque, NM 87120

October 21, 2022

Dear Tribal Leader/Stakeholder:

As the new president of the Southwestern Indian Polytechnic Institute (SIPI) I am honored to invite you to the first of many Tribal stakeholder listening sessions on Friday, November 18, 2022, at 1 p.m. – 2 p.m. MST. The session is an opportunity for SIPI to gather input about how the college can better meet the needs of Tribal communities. Tribal and stakeholder engagement is critical to SIPI's strategic planning, both in the short term and long term. This Tribal stakeholder listening session will be the first in a series of outreach efforts that SIPI will conduct in the upcoming year.

It is best practice for colleges like SIPI to invite their constituents to provide input that will support the student experience of an institution. In that vein, SIPI is also looking to create opportunities to engage in open communication across different Tribal nations which have students at SIPI.

Future Tribal stakeholder listening sessions may include, but are not limited to, the formation of a semester system versus trimester system; strategic planning of SIPI and showcase of SIPI projects relevant to tribal needs.

SIPI is a national Tribal community college and land-grant institution established over 50 years ago in Albuquerque, New Mexico. The mission of SIPI is to “prepare[s] our culturally diverse Native American students as life-long learners through partnerships with tribes, employers, and other organizations. We establish a strong educational foundation for student success.”

I hope that you will honor us with your attendance. Please register and participate via the zoom link below:

Topic: SIPI Tribal Stakeholder Session

Time: Nov 18, 2022 01:00 PM - 02:00 PM Mountain Time (US)

Meeting ID: 160 377 3527

<https://www.zoomgov.com/j/1603773527?pwd=ZjNWZV2TE51MGp3dmhoZWVlcUxHQQT09>

Thank you and I look forward to your participation and input.

Sincerely,

A handwritten signature in blue ink, which appears to read 'Tamarah Pfeiffer'.

Dr. Tamarah Pfeiffer,  
President

**EXPECT SUCCESS!**



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 27, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the United States Department of State regarding a series of consultations and listening sessions on the upcoming negotiations of a new global agreement on plastic pollution. You are invited to participate in a virtual consultation on November 2, 2022. Please RSVP by October 28, 2022, via email to [tribalconsultations@state.gov](mailto:tribalconsultations@state.gov).

Please see the enclosed letter for further information on the tribal consultation.

Sincerely,

**ANGELA  
ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2022.10.27  
08:56:10 -06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



**United States Department of State**

*Bureau of Oceans and International  
Environmental and Scientific Affairs*

*Washington, D.C. 20520*

Dear Tribal Leader,

The U.S. Department of State, working with interagency partners, will lead a series of consultations and listening sessions on the upcoming negotiations of a new global agreement on plastic pollution, which was launched by United Nations Environment Assembly (UNEA) Resolution 5/14. The first meeting of the intergovernmental negotiating committee (INC) established for these negotiations will take place November 28 – December 2, 2022, in Punta del Este, Uruguay. This meeting will be preceded by a multi-stakeholder forum on November 26, 2022, also in Punta del Este. There are five INC meetings planned between November 2022 and the end of 2024.

We invite you to participate in a virtual consultation on November 2, 2022. Please RSVP by October 28, 2022, via email to [tribalconsultations@state.gov](mailto:tribalconsultations@state.gov). Once you have confirmed your participation, we will send an agenda for the meeting. We will accept written comments until November 21, 2022. Due to the INC meeting beginning on November 28 and the need to accommodate a truncated written comment period, this consultation does not have a 30-day notification period.

The November 2 consultation is intended to be the first of several on this international negotiation. We hope to bring together Tribal leaders and scientific and technical experts, and U.S. Government representatives, to identify considerations as the U.S. Government develops its policy position on potential provisions of a new global agreement on plastic pollution. We envision this initial dialogue as a starting point for future dialogues, identification of subject matter experts, and continued engagement.

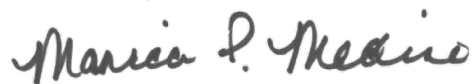
Background: On March 2, 2022, at the resumed fifth session of the United Nations Environment Assembly (UNEA 5.2), countries adopted Resolution 5/14, entitled *End Plastic Pollution: Towards an International Legally Binding Instrument* (attached). This resolution launches negotiations on a legally binding instrument on plastic pollution, including in the marine environment. Paragraphs 3 and 4 of the resolution outline key parts of the negotiating mandate, and we encourage Tribal Nations to review and consider these paragraphs in preparation for the November 2 consultation. Below we highlight some of the key topics that fall within the negotiating mandate:



- Objectives of the instrument;
- National action plans reflecting country-driven approaches;
- Details of national reporting on implementation;
- The role of any scientific or economic assessments relating to plastic pollution;
- The role of awareness-raising and education;
- Arrangements for financial and technical assistance and capacity building; and
- Stakeholder engagement, including initiating a multi-stakeholder action agenda.

City/State	Dates	Location
Washington, D.C.	November 2, 2022 9:30-11:30am	<p><a href="#">Virtual WebEx Link</a></p> <p>Meeting number: 2760 317 9615 Password: fiNd2r28784 (34632728 from phones)</p> <p>Join by video system Dial <a href="tel:27603179615">27603179615@statedept.webex.com</a></p> <p>Join by phone +1-415-527-5035 USA toll +1-929-251-9612 USA Toll 2</p> <p>Access code: 276 031 79615</p>

Sincerely,



Monica Medina  
Assistant Secretary  
Bureau of Oceans and International Environmental  
and Scientific Affairs  
Department of State



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

November 1, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs regarding the Tiwahe Initiative. The Bureau of Indian Affairs is looking to add two (2) new pilot organizations to the Tiwahe Initiative and is seeking Letters of Intent (LOI) from interested Tribes and Tribal Organizations. Please review the enclosure for more information on the “Selection Framework” as guidance for developing a LOI.

All LOI may be submitted to Meghan Bishop, Policy Specialist to the Assistant Secretary – Indian Affairs, at: [meghan.bishop@bia.gov](mailto:meghan.bishop@bia.gov) from November 1, 2022, to December 31, 2022. If you have any questions, you may also call Ms. Bishop at (202) 208-4709.

Sincerely,

**ANGELA  
ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2022.11.01  
11:41:18 -06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

**OCT 31 2022**

Dear Tribal Leader:

I invite you to submit a Letter of Intent to be considered for inclusion in the Tiwahe Initiative. The Bureau of Indian Affairs (BIA) is looking to add two new pilot organizations to the Tiwahe Initiative and is seeking Letters of Intent (LOIs) from interested Tribes and Tribal organizations (together, "Tribes"). Enclosed is the "Selection Framework," which should guide your development of the LOI. The Selection Framework is based in large part on the valuable comments received during the Future of Tiwahe Consultation held on September 12, 2022, as well as written comments that followed. The LOIs will be reviewed by members from the current pilot organizations and by the BIA to determine inclusion in the Tiwahe Initiative pilot. **All LOIs may be submitted to Meghan Bishop, [meghan.bishop@bia.gov](mailto:meghan.bishop@bia.gov) from November 1, 2022, through December 31, 2022.**

The BIA launched the Tiwahe Initiative in fiscal year 2015 as a pilot program to support Tribes and Tribal organizations in their efforts to improve the health and well-being of families and Tribal communities. The Tiwahe Initiative is made up of several human services, public safety and justice program components that work together to protect and promote the development of prosperous and resilient Tribal communities.

The Tiwahe Initiative is an extensive and bold approach to furthering Indian self-determination and self-governance. The Tiwahe Initiative model is effective because it allows Tribes to create their own potential and provides freedom to design programs and integrate services within Tribal culture and tradition to produce powerful outcomes beneficial to Indian communities and families living there. This allows flexibility in the administration of key Tribal programs, supports Tribal economic self-sufficiency, and strengthens Tribal cultural connections. The Tiwahe Initiative fosters systemic change in the delivery of services to children and families through the integration of Tribal practices, customs, values, and traditions. Additionally, the Tiwahe Initiative offers participants the flexibility to design programming and services to address the gaps and needs of their communities by focusing on improving collaboration and coordination across six core programs: Social Services, Indian Child Welfare Act (ICWA) programs, Tribal Courts, Law Enforcement – Recidivism Reduction, Housing, and Job Placement and Training.

LOIs should address the following:

- Background of the Tribe or Tribal organization.
- Description of the issues that the Tribe or Tribal organization would use Tiwahe Initiative funding to address. What are the Tribe's or Tribal organization's priorities?
- Description of how Tiwahe Initiative funding would be used to address the identified issues. What are the Tribe's or Tribal organization's proposed outcomes? How would Tiwahe Initiative funding shape the future for the Tribe's or Tribal organization's community and families?



987-41-75

The Tiwahe Initiative Congressional Report is available at <https://www.bia.gov/ois/tiwahe>. We strongly recommend reviewing the Congressional Report prior to submitting your LOI.

If you have any questions, please contact Meghan Bishop, Policy Specialist to the Assistant Secretary — Indian Affairs at (202) 208-4709 or via email: [meghan.bishop@bia.gov](mailto:meghan.bishop@bia.gov).


Thank you for your attention to this matter.

Sincerely,



Bryan Newland  
Assistant Secretary — Indian Affairs

Enclosure



## Tiwahe Initiative Selection Framework

### Description:

The U.S. Department of the Interior – Bureau of Indian Affairs (BIA) is seeking Letters of Intent (LOIs) from Tribes or Tribal organizations (together, “Tribes”) interested in participating in an expansion of the Tiwahe Initiative. Tiwahe, meaning “family” in Lakota, is about possibility. Launched in 2015, the Tiwahe Initiative includes 6 pilot Tribal organizations representing a total of 61 Federally recognized Tribes and Alaska Native villages. This innovative program empowers federally recognized Tribes to realize their potential by affording Tribes the flexibility to direct Tiwahe Initiative funding where it is most needed.

The Tiwahe Initiative is an extensive and bold approach to furthering Indian self-determination and self-governance. It allows flexibility in the administration of key Tribal programs, supports Tribal economic self-sufficiency, and strengthens Tribal cultural connections. The Tiwahe Initiative fosters systemic change in the delivery of services to children and families through the integration of Tribal practices, customs, values and traditions. Additionally, the Tiwahe Initiative offers participants the flexibility to design programming and services to address the gaps and needs of their communities by focusing on improving collaboration and coordination across six core programs: Social Services, Indian Child Welfare Act (ICWA) programs, Tribal Courts, Law Enforcement – Recidivism Reduction, Housing, and Job Placement and Training.

The Tiwahe Initiative model is effective because it allows Tribes to create their own potential and provides freedom to design programs and integrate services using an outcomes-based approach, rooted in cultural values and traditions, to support well-being outcomes that meet the aspirations of American Indian and Alaska Native families. The Tiwahe Initiative should be understood as the sum of all its parts, including investment in a specialized workforce, research and development, data capability and information technology infrastructure, cross-agency Tribal partnerships, and funding and contracting systems that promote collaboration rather than competition.

Building off the success of the six pilot Tribal organizations, the Tiwahe Initiative will add two more pilot Tribes or Tribal organizations in 2023. The BIA is soliciting LOI from Tribes or Tribal organizations interested in joining this innovative and impactful Tiwahe Initiative. The selection process and selection framework are outlined below. Please address any questions or comments to Meghan Bishop, Policy Specialist to the Assistant Secretary — Indian Affairs at (202) 208-4709 or via email: [meghan.bishop@bia.gov](mailto:meghan.bishop@bia.gov).

### Selection Process:

LOIs are due on December 31, 2022. The LOIs will be reviewed by representatives from BIA and current pilot Tribal organizations. The review by the selection team will be blind, ensuring that no applicant Tribe or Tribal organization is unfairly advantaged or disadvantaged. Please email the LOI to Meghan Bishop, Policy Specialist to the Assistant Secretary — Indian Affairs at [meghan.bishop@bia.gov](mailto:meghan.bishop@bia.gov).



## Selection Framework:

LoIs should address the following:

- Background of the Tribe or Tribal organization.
- Description of the issues that the Tribe or Tribal organization would use Tiwahe Initiative funding to address including the Tribe's or Tribal organization's priorities?
- Description of how Tiwahe Initiative funding would be used to address the issues. What are the Tribe's or Tribal organization's proposed outcomes? How would Tiwahe Initiative funding shape the future for the Tribe's or Tribal organization's community and families?

## FAQ:

### **What level of readiness is required to be considered for inclusion in the Tiwahe Initiative?**

Tribes or Tribal organizations should identify their goals and/or outcomes that they would like to achieve through participation in the Tiwahe Initiative. Additional considerations for selection may include Tribal leadership interest, community support for change, and the willingness of the Tribe or Tribal organization to be an active partner in the Tiwahe Initiative. It is important that the LOI indicate how the Tribe's or Tribal organization's needs and outcomes/goals align with the mission and purpose of the Tiwahe Initiative as described in Appendix 3 of the 2021 Congressional Report: Tiwahe Outcomes Framework at

<https://www.bia.gov/sites/default/files/dup/assets/bia/ois/dhs/4%20-%20Appendix%203%20-%20Tiwahe%20Outcomes%20Framework.pdf>.

### **Does a Tribe or Tribal organization need to present a comprehensive plan to be selected?**

No. Once selected, BIA and the current Tribal organizations will work closely with the new Tribe or Tribal organization to help develop their comprehensive plan to address the Tribe's or Tribal Organization's priorities.

### **How can the Tiwahe Initiative funding be used by the Tribe or Tribal organizations?**

Tiwahe Initiative funding resources can be used to sustain existing services and/or enhance services to children, youth, and families. Each Tribe or Tribal organization is required to hire a Family Advocacy Coordinator (FAC) to ensure the approved Tiwahe Initiative plan is implemented by the participant and to work with the National Tiwahe Initiative Coordinator. The funding to hire the FAC will be provided by the BIA's Division of Human Services, and not from the Tiwahe Initiative allocation. Additionally, new Tiwahe Initiative pilot sites will have the flexibility to utilize their allocation of funds to support any of the Tiwahe Initiative components that fit their needs, including Social Services, ICWA, Courts, Job Placement and Training, Housing, and Recidivism Reduction. Tiwahe Initiative funding is recurring and will be added to the Tribe's Tribal Priority Allocation base amount for Social Services, ICWA, Job Placement and Training, and Housing upon successful completion of the demonstration period.

**What programs is the Tiwahe Initiative currently supporting?**

The Tiwahe Initiative currently funds services involving six core programs – Housing, Social Services, Job Placement and Training, ICWA, Recidivism Reduction, and Tribal Courts. The BIA is requesting additional appropriations to expand the Tiwahe Initiative services to include a seventh program, Economic Development. If successful, this will support Tribes in developing and operating comprehensive, integrated economic and community development programs.

Information on the programs the Tiwahe Initiative is supporting can be found in the 2021 Congressional Report at [www.bia.gov/ois/tiwahe](http://www.bia.gov/ois/tiwahe).

**Does the Tribe or Tribal organization need to be self-governance compact to be eligible for the Tiwahe Initiative?**

No. Self-governance compact, self-determination contract, and direct-service Tribes or Tribal organizations are all eligible for the Tiwahe Initiative. The current pilot Tribal organizations include both self-governance compact and self-determination contract Tribes. Spirit Lake, currently a self-determination contract Tribe, began the pilot as a BIA direct-service Tribe. Self-determination contract Tribes will be required to have a statement of work and a budget justification, in addition to the Tiwahe Initiative Plan, to obtain Tiwahe Initiative funding. The BIA will work with self-determination contract Tribes or Tribal organizations to develop these additional documents.

**Is a Tribal resolution required to be considered for the Tiwahe Initiative?**

No, not at the time the LOI is submitted. When the Tribe or Tribal organization is selected, they will be sent a formal invitation to join the Tiwahe Initiative. A Tribal resolution will be required at that time to become involved with the Tiwahe Initiative.

**Will the Tribe or Tribal Organization be required to submit a new LOI if it is not selected at this time?**

No. Letters of Intent provided subject to this round will be maintained on file. The BIA is requesting additional appropriations to further expand the Tiwahe Initiative. If the request is approved and the Tiwahe Initiative is expanded, the BIA will reach out to the Tribes or Tribal organizations with LOIs on file to confirm continued interest in becoming part of the program. Tribes or Tribal organizations may update their LOI at that time if needed.



Timeline:





United States Department of the  
Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box

1060

Gallup, New Mexico 87305

November 16, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is an invitation from the Secretary of Interior inviting you as part of the 2022 White House Tribal Nations Summit, to join her/she at the U.S. Department of the Interior (Department) Stewart Lee Udall Building for a welcome reception on Tuesday, November 29, 2022, from 6 p.m. to 7:30 p.m. ET.

Sincerely,

GREGORY  
MEHOJAH

Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.11.16  
11:21:59 -07'00'

Gregory C. Mehojah  
Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, OPVP, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, OPVP, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, OPVP, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, OPVP, Navajo Nation



THE SECRETARY OF THE INTERIOR  
WASHINGTON

**NOV 15 2022**

Dear Tribal Leader:

As part of the 2022 White House Tribal Nations Summit, I invite you to join me at the U.S. Department of the Interior (Department) Stewart Lee Udall Building for a welcome reception on Tuesday, November 29, 2022, from 6 p.m. to 7:30 p.m. ET. The welcome reception will take place in the Secretary's suite located at 1849 C Street NW, Washington, DC, 20240. Please RSVP to the reception by completing this [form](#). We will open registration for the Summit ahead of the reception for those confirmed by the White House to attend the event. On-site registration will open for confirmed attendees at noon ET on November 29, 2022, at the Udall Building entrance on C Street NW.

President Biden is honoring his commitments to Indian Country by hosting the first in-person White House Tribal Nations Summit since the Obama administration. The 2022 Summit builds on the administration's progress—strengthening our nation-to-nation relationships and investing in record levels of resources for Tribes. This year's Summit reflects the administration's unprecedented support and coordination with Indian Country, and I am honored that the Department will host the country's Tribal nations during the Summit.

This Summit will provide an opportunity for Tribal leaders to engage directly with the highest-level officials of the administration. From safeguarding the Nation's natural and cultural heritage in the face of climate change to spotlighting historical policies like those identified through the Federal Indian Boarding School Initiative and our other critical priorities, we are working hard to create a future of which we are all proud, especially in Indian Country.

**Summit Registration:** If you have not already registered for the Summit, please go to the [White House Tribal Nations Summit web page](#) to complete the [registration form](#).

**Meeting Requests:** To meet with any of the Department's Bureaus or Offices during your time in Washington, DC, please complete the [online form](#). Only meetings scheduled in advance, using the linked form above, will be considered. The Department will do its best to prioritize these meeting requests, but please be advised that we are unable to guarantee that each request will be granted.

I look forward to sharing more about our work to strengthen Indian Country during the Summit and look forward to seeing you as we continue our work together.

Sincerely,

Deb Haaland



United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
Navajo Regional Office  
P.O. Box 1060  
Gallup, New Mexico 87305

November 18, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs regarding the Small Tribe Supplement (STS) Consultations held in August 2022. Please refer to the enclosed information on the consultation comments and Indian Affairs responses.

Sincerely,

**GREGORY**  
**MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.11.21  
10:36:59 -07'00'

Gregory C. Mehojah  
Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, OPVP, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, OPVP, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, OPVP, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, OPVP, Navajo Nation





# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

NOV 17 2022

Dear Tribal Leader:

Thank you for participating in our Small Tribe Supplement (STS) Consultations held in August 2022. Provided below is a summary of input received during the consultations held in August 2022 and in written comments provided following the consultation. The response is organized by framing questions provided for the consultations.

## **Summary of Consultation Comments and Indian Affairs Response**

**Framing Question 1: What types of funding should be considered in the minimum funding level calculation? Should it continue to be restricted to the total base TPA funding level for a given year?**

**Framing Question 2: Should all base TPA line items be included in the total amount calculated or are there other budget program lines that should be excluded because they are in a different budget activity yet identified with a specific funding level for a specific Tribe?** *(The first two questions were merged for these because they pose related questions in slightly different ways, so tribal responses overlap)*

Summary of comments: One Tribe noted that only Aid to Tribal Government should be included as “base” funding. Several Tribes indicate that that total base STS Tribal Priority Allocation (TPA) funding should be used in a yearly calculation. However, there was not clarity about what entails total TPA base funding. Unrestricted base funding allows Tribes to use limited Federal resources for those programs most appropriate for each individual Tribe. Tribes who saw base as including all TPA budget lines noted

- The base funding gives Tribal governments the maximum leverage to move funds from one TPA activity to another based on Tribal needs, consistent with Tribal sovereignty and self-determination.
- In addition, the base STS should only not account for any specific line items in the TPA. Again, this allows the base funding to be allocated to specific line items based on individual Tribal needs.

The combined letters from Kawerak, Alaska Federation of Natives, Association of Village Council Presidents, and Tanana Chiefs Conference suggested that Executive Direction and Administrative Support and Trust Services are non-base and should be excluded from the calculations. The view that these lines are non-base seems to go back to when STS was started and these lines were not considered base because they were largely not contracted/compacted to Tribes at that point and Trust Services lines could not be used for other purposes because of Cobell litigation. This has changed significantly over the last decade, and these funding lines have TPA flexibility to be moved to another TPA funding line. These Tribes also objected to Agency and Regional shares being included in the calculations, but Agency and Regional shares are not currently included.



Response: Indian Affairs will continue the current practice of including all TPA funding lines. Using all TPA lines does not penalize Tribes who are accustomed to moving TPA funds where they need it most. In fact, using the broad base of TPA lines better reflects the entire cost to run a Tribal government, which is the purpose of STS. If the goal is to increase support for Tribal governments, then using all TPA lines and focusing on increasing the topline for STS is a better option than trying to define eligible programs that count toward the minimum funding threshold.

**Framing Question 3: Should the 2021 Tribal enrollment levels submitted by Tribes, to the BIA, be the year established for one of the components in the eligibility determinations or should the Tribal enrollment levels be updated annually for this program to determine eligibility? What are your recommendations for establishing a threshold in coordination with a threshold TPA base amount, for example should we continue with the current enrollment threshold of 1,700?**

Summary of comments: Tribes supported using self-certified Tribal enrollment data as the data source for the population related criteria. However, some suggested updated enrollment information should only occur every 5 or 10 years. Some Tribes suggested removing the enrollment criteria. Others suggested the enrollment threshold should be increased above 1,700 as Indian Country is growing and what is considered a small Tribe is changing. The same Tribes stating this, indicated they defer to Tribal Interior Budget Council recommendations on population levels.

Response: Indian Affairs will continue utilizing the current population level of 1,700.

**Framing Question 4: What, if any, changes should be made to the minimum base level of funding thresholds? We are proposing to raise it to \$300,000 in the BIA FY2023 budget for all eligible Tribes, regardless of location.**

Summary of comments: Almost all Tribes supported raising the threshold of funding, however, most also said the base threshold should be closer to \$ 1 million. The Alaska Tribes indicated that a cost differential should be maintained for Alaska and the lower 48 due to the higher cost of living in Alaska. Additionally, Alaska Tribes also suggested that an annual cost of living adjustment should be built into the program cost each year to help Tribes keep up with inflation. The only issue we can consider for FY 2023 is whether to provide a cost differential for Alaska and lower 48. The cost-of-living increase will need to be considered for FY 2024 budget process.

Response: Indian Affairs will maintain a level playing field of building to a common funding level of \$300,000. This decision provides for equity and recognizes that all small tribes face unique challenges.

## **Other Issues Raised in the Consultation and Written Comments**

Comment: Provide an annual list of eligible Small Tribe Supplement Tribes with supporting information to indicate level of payments

Response: The Office of Indian Services will publish the list of eligible Tribes annually with supporting information. Enrollment data will not be published due to the feedback OIS received from the Enrollment consultation where Tribes requested that enrollment data not be made public.

Comment: Establish a Small Tribe Supplement payments working group

Response: The Office of Indian Services will convene a STS working group to increase transparency and improve Tribal engagement.

Comment: Establish a TPA working group. This comment was based on a report from the early 1990s. Since then, Indian Affairs has established a strong Tribal-Interior Budget Council (TIBC) process which focuses on implementation of all funding lines.

Response: TPA funding lines are reviewed in detail during TIBC consultations. Rather than establish a new working group, Indian Affairs will work with the existing TIBC subcommittee team to explore options to further review TPA lines.

If you have questions regarding the STS program, please contact Ms. Johnna Blackhair, Acting Deputy Bureau Director, Office of Indian Services, at (202) 809-2069 or [johnna.blackhair@bia.gov](mailto:johnna.blackhair@bia.gov). Thank you again for your participation in the consultations and for your feedback on how we can improve this important program.

Sincerely,



Bryan Newland  
Assistant Secretary – Indian Affairs





United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
Navajo Regional Office  
P.O. Box 1060  
Gallup, New Mexico 87305

November 21, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs regarding President Biden's and his signing of the Inflation Reduction Act. The Department will receive \$6.6 billion in direct funding through the Inflation Reduction Act. The ASIA is making it a priority on formal input from Tribal leaders on the important opportunities and decisions facing the Department.

Please see the enclosed for more information on the registration and consultation sessions scheduled on December 13 and 15, 2022.

Sincerely,

**GREGORY**  
**MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.11.22  
11:41:59 -07'00'

Gregory Mehojah  
Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice-President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice-President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice-President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice-President, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**NOV 17 2022**

Dear Tribal Leader:

On August 16, 2022, President Biden signed the Inflation Reduction Act, an historic law that includes transformational investments to address the climate crisis, lower costs for working families, and create good-paying jobs. Combined with the Bipartisan Infrastructure Law, these two initiatives represent the largest investments in climate resilience in the nation's history and provide a once-in-a-generation opportunity for the work of the Department of the Interior (Department).

Overall, the Department will receive \$6.6 billion in direct funding through the Inflation Reduction Act. This funding will help bureaus and offices across the Department to transition to a clean energy economy, advance key habitat restoration and land resilience projects, and secure environmental justice for historically disadvantaged communities. That total funding includes a \$385 million investment for the Bureau of Indian Affairs for climate resilience and adaptation, fish hatchery needs, and a new Tribal electrification program.

As Assistant Secretary - Indian Affairs, I am making it a priority to gather formal input from Tribal leaders on the important opportunities and decisions facing the Department. These programs will be implemented over a few years, which may require that we consult with you at multiple decision points to ensure active coordination. Currently, we seek your input to inform early planning decisions. We will also keep Tribal leaders informed as dates and deadlines are determined.

Similar to the Bipartisan Infrastructure Law, the Department will initiate these investments consistent with the Administration's implementation priorities to:

- Invest public dollars efficiently, work to avoid waste, and focus on measurable outcomes for the American people;
- Increase the competitiveness of the United States economy, including through implementing the Act's Made-in-America requirements and bolstering United States manufacturing and supply chains;
- Improve job opportunities for millions of Americans by focusing on high labor standards for these jobs, including prevailing wages and the free and fair chance to join a union;
- Invest public dollars equitably, including through the Justice40 Initiative, which is a Government-wide effort toward a goal that 40 percent of the overall benefits from Federal investments in climate and clean energy flow to disadvantaged communities;
- Build infrastructure that is resilient and that helps combat the crisis of climate change; and
- Effectively coordinate with state, local, Tribal, and territorial governments in implementing these critical investments.

To inform the consultation, enclosed are fact sheets on the infrastructure programs as well as a framing paper with questions. To best accommodate your locations and ensure everyone's safety, we will hold two virtual sessions scheduled by time zone. If you are unable to attend the session reserved for the time zone in which your Tribe is located, please feel free to join an alternate session. My colleagues and I look forward to speaking with you at one or more of the following sessions:

<i><b>Date</b></i>	<i><b>Time</b></i>	<i><b>Topic</b></i>	<i><b>Zoom Link/Register At</b></i>
Tuesday December 13, 2022	3:00 p.m. -5:00 p.m. Eastern Time	Mountain, Pacific, and Alaska Time Zone Tribes  Inflation Reduction Act Implementation	Register in advance for this meeting: <a href="https://doitalent.zoomgov.com/webinar/register/WN_GSyovZMXQCaX1cq-s1Ab3A">https://doitalent.zoomgov.com/webinar/register/WN_GSyovZMXQCaX1cq-s1Ab3A</a>
Thursday December 15, 2022	1:00 p.m. - 3:00 p.m. Eastern Time	Eastern and Central Time Zone Tribes  Inflation Reduction Act Implementation	Register in advance for this meeting: <a href="https://www.zoomgov.com/meeting/register/vJlscuqrqTltHx_qbE7S-cWQzZqBZ6UTJP4">https://www.zoomgov.com/meeting/register/vJlscuqrqTltHx_qbE7S-cWQzZqBZ6UTJP4</a>

In addition to joining one of the consultation sessions listed above, you may submit written comments to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. Eastern Time on Tuesday, January 17, 2023.

I look forward to speaking with you. If you have questions regarding this effort, please contact Vanessa Snider, Chief of Staff to the Deputy Assistant Secretary -Indian Affairs (Management), at [vanessa.snider@bia.gov](mailto:vanessa.snider@bia.gov).

Sincerely,



Bryan Newland  
Assistant Secretary -Indian Affairs

Enclosures

**Inflation Reduction Act (IRA) Fact Sheet**  
**Tribal Consultation on Department of the Interior**  
**Implementation of Indian Affairs Programs**

*Bureau of Indian Affairs (BIA) Infrastructure Investments - (\$385 million):* Funding is provided for climate resilience and adaption, fish hatcheries, and a new Tribal electrification program. A few common aspects of each of the programs described below include technical assistance support for Tribes, no cost match required and use of Indian Self-Determination and Education Assistance Act compact and contract vehicles to deliver funding.

**Climate Resilience and Adaption (\$220 million, plus \$5 million for administration).** The IRA funding will leverage annual appropriations and Bipartisan Infrastructure Law funding in the following areas:

- **Habitat Restoration and Adaption Fund (\$50,000,000 awarded per year in FY 2023 and FY 2024):** This action would create a fund within TCR that accepts proposals to fund climate related projects to be used to support Tribal and Native Villages to support ecosystem and watershed restoration especially in fire prone and other at-risk landscapes such as forests and grasslands. Precise criteria could include:
  - The projects will have a particular emphasis on:
    - Coastal ecosystems, including wetlands, seagrass meadows, coral and oyster reefs, and mangrove and kelp forests
    - Fire prone and other at-risk landscapes, such as forests and grasslands
    - Any other critical ecosystems
    - Emergency (requires Disaster Declaration) restoration to habitat and/or adaptation projects
    - Cost share waiver for Tribes (paid by BIA Tribal Climate Resilience) to other Federal agency awarded habitat restoration and/or adaptation projects
  - The goal of supporting the ecosystems includes, but is not limited to:
    - Protecting vulnerable coastlines
    - Supporting biodiversity and fisheries
    - Watershed restoration and water quality improvement in rivers and lakes
    - Building resilience against wildfires
    - Carbon sequestration
- **Community Directed Relocation Projects (\$46,000,000 awarded per year in FY 2023 and FY 2024):** In 2022, BIA TCR launched a Demonstration Pilot Project selection process to identify Tribes that were ready for relocation projects utilizing Bipartisan Infrastructure Law (BIL) funding. This funding would build on the BIL investments.
  - Categories considered for selection are listed below:
  - Risk level

- o Risk Type (drought, water scarcity, food insecurity, flooding, riverine erosion, wildfire threat, marsh restoration, rising sea Levels, hurricanes)
- **Annual Awards Program Modifications (\$14,000,000 awarded per year in FY 2023 and FY 2024):** The IRA funds will enable the Annual Tribal Climate Resilience Awards Program to take the next step to augment the award ceiling on implementation categories budget for annual awards to broaden Tribal reach. The program will continue to support proposals that emphasize indigenous knowledge and incorporate a youth component.

**Fish Hatcheries (\$10 million).** This program will support expansion of the existing hatchery maintenance program to include new construction and retrofits that are not funded through annual appropriations. Funding will address improvement that advance production goals. The expansion of the hatchery maintenance program will allow BIA to address outdated, undersized, inefficient hatchery systems that require new construction. Funds would also address required upgrades due to changing environmental restrictions related to water quality or quantity or concerns regarding fish disease or genetics. The use of some funding for construction to address gaps that can't be addressed using annual maintenance funding will extend the impact of the BIA Fish Hatchery funding.

Selection criteria will include program plans to introduce through consultation that will focus on construction projects with the following factors:

- The project requires new construction at existing hatcheries to overcome bottlenecks in production that cannot be overcome with non-construction annual maintenance funding; or construction of an entirely new hatchery when strongly supported in relation to the ranking criteria.
- Other criteria used in the annual program such as Tribal ability to enforce fish and game codes, policies to ensure health, safety and security, compliance with water quality standards, addresses economic value and rights protection, and incorporates a Tribal youth element.

**Tribal Electrification Program (\$145.5 million, plus million \$4.5 million for administration).** The Tribal Electrification Program will coordinate financial and technical assistance to Tribes to increase the number of Tribal homes with zero emission electricity. The need across Indian Country is significant. Recognizing that each Tribe has its own energy and electrification related needs and implementation capacity, the program will meet the unique needs of individual Tribal communities. Funding will be awarded through a competitive process. Criteria to make awards will vary based on the categories of capability to implement, as in the examples below:

- Initial pilot sites for Tribes who are ready to implement could include this criterion:
  - o Low levels of households with electrification
  - o community-readiness, existing plans, or designs, and
  - o potential to yield lessons-learned for other Tribes facing similar issues.
- Tribes with potential to implement community scale projects:
  - o Low levels of households with electricity
  - o Low levels of households with zero emissions electricity

- o Community is at high level of risk from climate change or actively planning community driven relocation.
- Tribes with less capacity and higher poverty to implement projects at community or individual home level:
  - o Low levels of households with electricity
  - o Low levels of households with zero emissions electricity
  - o Community is at high level of risk from climate change or actively planning community driven relocation
  - o Higher levels of poverty

Once Indian Affairs has reviewed all applications a final decision will be made based on interest and capability regarding the distribution of funds across the categories described above. At a minimum, each category would get no less than 15 percent of the total funding available. Tribes will be able to determine their electrification priority between the three categories with additional weight placed on those Tribes who demonstrate a plan to reach households with no electricity. Parameters will be determined based on need and project readiness.

**Framing Questions**  
**Tribal Consultation on Department of the Interior Implementation**  
**of the Inflation Reduction Act**

**Indian Affairs Tribal Climate Resilience and Fish Hatcheries**

- Do the criteria proposed to award funding for Climate Resilience and Fish Hatcheries seem appropriate or should other criteria be considered?
- Do the proposed funding categories for Climate Resilience and Adaptation seem appropriate?

**Indian Affairs Tribal Electricity Program**

- Given the amount of funds available, does the proposed categories bucketing funding into Tribal capacity to implement projects seem like an equitable approach or should we consider other factors?
- Does the initial proposed criteria for awarding funds seem like an appropriate approach or should we consider other factors?





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

November 21, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs and for Fish and Wildlife and Parks regarding DOI's proposed revision of the Native American Graves Protection and Repatriation Act (NAGPRA) regulations and inviting you to consult on the proposed rule.

Please see the enclosed for more information on the registration and consultation sessions scheduled on December 15, 19 and on January 12, 2023.

Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.11.22  
11:44:25 -07'00'

Gregory Mehojah  
Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice-President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice-President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice-President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice-President, Navajo Nation



United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
Navajo Regional Office  
P.O. Box 1060  
Gallup, New Mexico 87305

November 21, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Bureau of Oceans and International Environmental and Scientific Affairs, Department of State regarding a virtual listening session for the Convention on Biological Diversity for Tribal Leaders and representatives on November 29, 2022, from 3:00 – 5:00 p.m.

Please see the enclosed for more information on the virtual listening session and registration.

Sincerely,

**GREGORY**  
**MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.11.22  
11:41:39 -07'00'

Gregory Mehojah  
Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice-President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice-President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice-President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice-President, Navajo Nation



*United States Department of State  
Bureau of Oceans and International  
Environmental and Scientific Affairs*

*Washington, D.C. 20520*

November 17, 2022

Dear Tribal Leader,

The U.S. Department of State's Office of Conservation and Water, working with interagency partners, will hold a virtual listening session for the Convention on Biological Diversity for Tribal leaders and representatives on Tuesday, 11/29 from 3:00-5:00 pm. The Convention on Biological Diversity Secretariat is holding an Open-Ended Working Group on the Global Biodiversity Framework from December 3-5 and Part 2 of the Conference of the Parties (COP) 15 in Montreal from December 7-19. The goal of this listening session will be to hear from Tribal Nations on their priorities and concerns related to the Convention on Biological Diversity and the Global Biodiversity Framework.

We invite you to participate in a virtual listening session on November 29, 2022. Please RSVP via email to [tribalconsultation@state.gov](mailto:tribalconsultation@state.gov). Once you have confirmed your participation, we will send a link for the meeting and agenda.

Please see the below link for useful background documents regarding the Convention on Biological Diversity, COP 15, and Global Biodiversity Framework: <https://www.cbd.int/conferences/2021-2022>.

City/State	Dates	Location
Washington, D.C.	November 29, 2022 3:00-5:00pm	Meeting link and dial in info to be provided upon registration

Sincerely,

*Christine M. Dawson*

Christine M. Dawson  
Office Director  
Bureau of Oceans and International Environmental  
and Scientific Affairs  
Department of State



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

November 28, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is an invitation from the Department of Commerce Tribal Nations Open House  
scheduled tomorrow, November 29, 2022, from 1:30 – 4:30 p.m.

Please see the enclosed for more information on registration.

Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.11.28  
16:09:16 -07'00'

Gregory C. Mehojah  
Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



SAVE THE DATE

DEPARTMENT OF COMMERCE  
TRIBAL NATIONS  
OPEN HOUSE

TUESDAY, NOVEMBER 29, 2022

1:30 – 4:30 P.M.

1401 CONSTITUTION AVE. NW  
WASHINGTON, DC 20230

In conjunction with the 2022 White House Tribal Nations Summit the Department of Commerce cordially invites you to an Open House on Tuesday, November 29, 2022, from 1:30 – 4:30 P.M. Tribal leaders are invited to meet with the Department's leadership, including the Commerce Secretary, Deputy Secretary, and undersecretaries from the bureaus and their staff. Information on the Department's priorities and plans for Indian Country will be highlighted. The Open House will also provide an opportunity for tribes to meet with a bureau contact on a specific issue in which they are engaged and continue to identify, assess, and address issues.

[REGISTER HERE](#)



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

December 5, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is an invitation from the Assistant Secretary – Indian Affairs, regarding an invitation from the Department of the Interior (Department) to consult on the Notice of Proposed Rulemaking (NPRM) for the Department's Land Acquisition regulations, 25 C.F.R. Part 151, and the NPRM for the Department's Class III Tribal State Gaming Compact Process, 25 C.F.R. Part 293.

Please see the enclosed for more information on the virtual consultation session and in-person consultation scheduled in January 2023.

Sincerely,

**HAROLD BRIEN**

Digitally signed by HAROLD  
BRIEN  
Date: 2022.12.05 14:27:45  
-07'00'

Harold Brien  
Acting Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**DEC 05 2022**

Dear Tribal Leader:

The Department of the Interior (Department) invites you to consult on the Notice of Proposed Rulemaking (NPRM) for the Department's Land Acquisition regulations, 25 C.F.R. Part 151, and the NPRM for the Department's Class III Tribal State Gaming Compact Process, 25 C.F.R. Part 293.

## **25 C.F.R. Part 151, Land Acquisition**

Since the Department first promulgated these regulations in 1980, it has developed extensive experience in the fee-to-trust acquisition process. Relying on that experience and input from Tribes, this proposed rule seeks to make the fee-to-trust process more efficient, simpler, and less expensive to support restoration of Tribal homelands.

- The proposed Part 151 Rule can be found in the Federal Register at: <https://www.govinfo.gov/content/pkg/FR-2022-12-05/pdf/2022-25735.pdf>
- The current regulations can also be found at: <https://www.govinfo.gov/content/pkg/CFR-2021-title25-vol1/pdf/CFR-2021-title25-vol1-part151.pdf>

## **25 C.F.R. Part 293, Class III Tribal State Gaming Compact Process**

The Department is developing proposed updates to Part 293 to provide clear guidance regarding the Secretary's review and evaluation process for Tribal-State class III gaming compacts. The current regulations do not identify the factors the Department considers; rather, those factors are contained in a series of decision letters issued by the Department since the enactment of the Indian Gaming Regulatory Act in 1988. Recent and ongoing litigation highlights the need for the Department to clarify how it will review or analyze gaming compacts to determine whether they comply with Federal law.

- The proposed Part 293 Rule can be found in the Federal Register at: <https://public-inspection.federalregister.gov/2022-25741.pdf>
- The current regulations can also be found at: <https://www.govinfo.gov/content/pkg/CFR-2021-title25-vol1/pdf/CFR-2021-title25-vol1-part293.pdf>

## **Tribal Consultation**

The draft proposed rules reflect input and recommendations provided by Tribes during the Tribal consultations hosted by the Department. On March 28, 2022, the Department published a Dear Tribal Leader Letter announcing Tribal consultation regarding proposed changes to Part 151 and Part 293. The Department held two listening sessions and four formal consultation sessions. The Department also accepted written comments until June 30, 2022.



The Department will conduct two virtual consultation sessions and one in-person consultation to obtain further Tribal input on the Part 151 NPRM and the Part 293 NPRM. The consultation sessions will be open to Tribal leadership and representatives of federally recognized Indian Tribes and Alaska Native Corporations. Please join us at one or more of the following consultations sessions:

**In-Person**

January 13, 2023  
BLM National Training Center (NTC)  
9828 N. 31st Ave  
Phoenix, AZ 85051  
9:00 a.m. – 12:00 p.m. MST (Part 151)  
1:00 p.m. – 4:00 p.m. MST (Part 293)

**Virtual**

January 19, 2023  
1:00 p.m. – 4:00 p.m. EST  
Please register in advance at:  
<https://www.zoomgov.com/meeting/register/vJl5d-2qrwiH2bVXpLvS2VPUZEst2HgtKk>

January 30, 2023  
2:00 p.m. – 5:00 p.m. EST  
Please register in advance at:  
[https://www.zoomgov.com/meeting/register/vJl5duGtqzgtE1hw9EIFrDf3-X\\_1gy5wGR0](https://www.zoomgov.com/meeting/register/vJl5duGtqzgtE1hw9EIFrDf3-X_1gy5wGR0)

If you would like to provide written comments, please email them to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. EST on Wednesday, March 1, 2023.

For further information about these consultation sessions, you may contact Oliver Whaley, Director, Office of Regulatory Affairs and Collaborative Action (RACA), Office of the Assistant Secretary – Indian Affairs, by telephone at (202) 738-6065, or email at [RACA@bia.gov](mailto:RACA@bia.gov).

Sincerely,



Bryan Newland  
Assistant Secretary – Indian Affairs



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

December 8, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

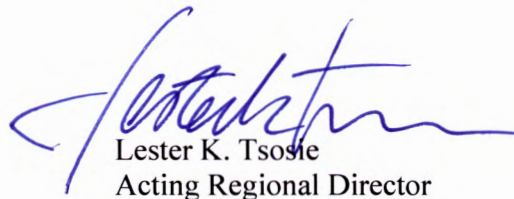
Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs (ASIA), regarding the Department of Interior's commitment to co-stewardship and managing Federal lands and waters.

The ASIA proposes to consult on the List of Programs Eligible for Inclusion in Funding Agreements Negotiated with Self-Governance Tribes by Interior Bureaus Other than the Bureau of Indian Affairs that is prepared annually pursuant to section 412(c) of the Indian Self-Determination and Education Assistance Act.

Refer to the enclosed information on the consultation sessions to be held in January 2023. Written comments are also welcomed to [consultations@bia.gov](mailto:consultations@bia.gov) by February 20, 2023.

Sincerely,



Lester K. Tsosie  
Acting Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, OPVP, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, OPVP, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, OPVP, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, OPVP, Navajo Nation  
Mr. Cordell Shortey, OMB, Navajo Nation





# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

DEC - 6 2022

Dear Tribal Leader:

On behalf of Secretary Haaland, I am pleased to reaffirm the Department of the Interior's (Department) commitment to co-stewardship and managing Federal lands and waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes including the Native Hawaiian Community. To fulfill this mission, the Assistant Secretary – Indian Affairs proposes to consult on the *List of Programs Eligible for Inclusion in Funding Agreements Negotiated with Self-Governance Tribes by Interior Bureaus Other than the Bureau of Indian Affairs (BIA)* (the "List") that is prepared annually pursuant to section 412(c) of the Indian Self-Determination and Education Assistance Act (the "ISDEAA"). A copy of the List for Fiscal Year 2022 can be found here: <https://www.federalregister.gov/d/2022-02584>.

It is important to note the list is NOT a definitive list of all potentially contractable programs and there may be many more that have yet to be identified. Prior versions of the List have included non-BIA programs or portions of programs that are eligible for inclusion in self-governance funding agreements with Indian Tribes. Past Lists have also included Fiscal Year programmatic targets for non-BIA bureaus under Title IV of the ISDEAA. We seek feedback on what information would be most helpful to Indian Tribes.

Joint Secretarial Order 3403 directs the Department's bureaus to "[m]ake agreements with Indian Tribes to collaborate in the co-stewardship of Federal lands and waters under the Departments' jurisdiction, including for wildlife and its habitat." The Department views the ISDEAA as an important means for fulfilling the goals of Joint Secretarial Order 3403, and the List as a valuable resource for Indian Tribes seeking ways to develop collaborative arrangements in the co-stewardship of Federal lands and waters.

A listening session on this issue was previously held at the 2022 Self Governance Conference on August 2, 2022, at which non-BIA program staff were available for questions and answers. The results indicated that further consultation on the format and content of the List would be helpful. Indian Affairs invites you to consult on three topics:

- (1) the value of the current format of the List to Indian Tribes seeking contracting, self-governance agreement(s), and/or compacting under ISDEAA;
- (2) whether adding to the List a list of all contracts, self-governance agreements, and/or compacts, entered into by Department bureaus other than the BIA would be helpful for Tribes seeking to contract or compact with non-BIA Department bureaus; and
- (3) whether general guidance on the principles governing contracting, self-governance agreement(s), and/or compacting under the ISDEAA should be included in the List.



DEC - 6 2023

We will hold three consultation sessions on these topics as follows:

Date	Time	Location/Connectivity
Thursday, January 12, 2023	2 P.M. – 5 P.M. MT	In-Person Consultation to be held at:  BLM National Training Center 9828 North 31st Ave. Phoenix, AZ 85051
Tuesday, January 17, 2023	2 P.M. – 5 P.M. PT	Virtual Meeting  Please register in advance for this meeting:  <a href="https://www.zoomgov.com/meeting/register/vJItduqorTgoGopPOO0pLs0gYX84bKdA08U">https://www.zoomgov.com/meeting/register/vJItduqorTgoGopPOO0pLs0gYX84bKdA08U</a>
Friday, January 20, 2023	2 P.M. – 5 P.M. ET	Virtual Meeting  Please register in advance for this meeting:  <a href="https://www.zoomgov.com/meeting/register/vJItcu-rpzgqHN4fCs61rDTyoIEyJqzSJQU">https://www.zoomgov.com/meeting/register/vJItcu-rpzgqHN4fCs61rDTyoIEyJqzSJQU</a>

We welcome your written comments, which should be submitted by email to [consultations@bia.gov](mailto:consultations@bia.gov) by 11:59pm ET on Monday, February 20, 2023.

If you have any questions regarding this effort, please contact Samuel Kohn, Senior Counselor to the Assistant Secretary – Indian Affairs, via email at [samuel.kohn@bia.gov](mailto:samuel.kohn@bia.gov), or by phone at (202) 208-7163.

We look forward to speaking with you and receiving your input on the List.

Sincerely,



Bryan Newland  
Assistant Secretary – Indian Affairs



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

December 12, 2022

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

In October a Dear Tribal Leader letter regarding the Ocean Policy Committee (OPC), on coordinating ocean policy across the Federal agencies was sent to you. The OPC is writing you another letter on developing an Ocean Climate Action Plan (OCAP), which will promote ocean, coastal, and Great Lakes-based activities that can provide climate solutions.

Please see the enclosed on the Tribal Consultation Session scheduled for Tuesday, December 13, 2022. Written comments are also welcomed by December 20, 2022, to [Brendan.T.Phipp@ceq.eop.gov](mailto:Brendan.T.Phipp@ceq.eop.gov). If you have any questions, please contact Brendan Philip by email or phone at (202) 881-9998

Sincerely,

**GREGORY  
MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2022.12.12  
16:13:02 -07'00'

Gregory C. Mehojah  
Regional Director

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation  
Ms. Bitah Becker, Executive Director, Division of Natural Resources



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF SCIENCE AND TECHNOLOGY POLICY  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C.



November 10, 2022

Dear Tribal Leader,

We write on behalf of the Ocean Policy Committee (OPC), which is co-chaired by the White House Office of Science and Technology Policy and the White House Council on Environmental Quality, and serves as the Congressionally-mandated, Cabinet-level body charged with coordinating ocean policy across the Federal Government. The OPC recognizes that urgent and immediate action is needed to tackle the climate crisis through mitigation of and adaptation to the impacts of climate change, and that climate change threatens marine resources and the communities that depend on them. The ocean, as a critical heat and carbon sink with capacities for both mitigation and adaptation climate solutions, is an integral component of the Biden-Harris Administration's "all-hands-on-deck" approach to climate action.

The OPC is developing an Ocean Climate Action Plan (OCAP), which will promote ocean, coastal, and Great Lakes-based activities that can provide climate solutions. The OCAP will focus on topics like green shipping, blue carbon, biodiversity conservation and protection, ecosystem restoration, nature-based solutions, marine renewable energy, ocean-based carbon dioxide removal and sequestration, climate-ready aquaculture and fisheries, and other ocean-climate related actions. The OCAP will include current and planned federal, ocean-based climate mitigation and adaptation activities, identify gaps in climate and ocean science and management capabilities, and recommend new or enhanced ocean science and policy actions to tackle climate change. For more information about the OCAP and for details on a Federal Register Notice that was recently published seeking public input for developing the OCAP, see: [https://www.noaa.gov/interagency-ocean-policy/OCAP\\_Information](https://www.noaa.gov/interagency-ocean-policy/OCAP_Information).

### **Questions for Tribal Consultation**

The OPC is interested in hearing from Tribal Nations on this initiative, including feedback on place-based solutions and opportunities to improve engagement on these efforts. To gather input on the OCAP, we are scheduling the following Tribal consultation session. We welcome input on all aspects of the OCAP, and are specifically seeking input on the following topics. You may provide information related to as many of the following questions as you like; these questions are intended to inform the consultation and identify information that will help shape the OCAP:

- 1) How has climate change impacted your relationship with the ocean, coasts, or Great Lakes?
- 2) What ocean-based climate solutions should be addressed in OCAP and over what timescales?
- 3) What are specific examples of ocean-based climate mitigation and adaptation activities led by Tribal Nations that the federal government can learn from and support?
- 4) What are important questions, issues, and unknowns that need to be addressed?



- 5) How can the benefits of ocean-based climate solutions be shared more equitably?
- 6) What elements or ideas can the OCAP include to strengthen government-to-government relations with Federally-recognized Tribal Nations in developing and implementing the plan?

### **Tribal Consultation Session**

Tuesday, December 13, 2022

3 PM – 6 PM ET

Location: Virtual

Please register in advance at:

<https://pitc.zoomgov.com/meeting/register/vJIsdO6tqT0oHB7y3yOCkznHNqslfOzJgko>

In addition to or instead of joining the Tribal consultation session above, you may provide your written input by **December 20, 2022**. Please send your written submissions to Brendan Philip, Ocean Policy Fellow at the Council on Environmental Quality, at [Brendan.T.Phipp@ceq.eop.gov](mailto:Brendan.T.Phipp@ceq.eop.gov). Please identify your submission as “OCAP Tribal consultation.” If you have any questions regarding this effort, please feel free to contact Brendan Philip by email or by phone at (202) 881-9998.

Thank you for sharing your insight, knowledge, and ideas with us as we work to advance ocean-based solutions to climate change. Please note that this Tribal consultation session is designed to complement place-based consultation on specific projects conducted by agencies as actions are proposed and developed, and that we plan to engage in further consultation with Tribal Nations as the OCAP is implemented. We look forward to receiving input both in writing and in the consultation session.

Sincerely,



Brenda Mallory

Chair

White House Council on Environmental Quality



Dr. Jane Lubchenco

Deputy Director for Climate and Environment

White House Office of Science and Technology Policy



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

January 9, 2023

Electronic Transmission

Honorable Jonathan Nez  
100 Parkway  
Post Office Box 7440  
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs and Assistant Secretary for Fish and Wildlife and Parks for the proposed Native American Graves Protection and Repatriation Act revised regulations.

Please review the enclosed for more information on the final consultation scheduled for Thursday, January 12, 2023, and registration link.

Sincerely,

**GREGORY  
MEHOJAH**

Gregory C. Mehojah  
Regional Director

Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.01.09  
16:28:07 -07'00'

Enclosure

cc: Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. LaShawna Tso, Executive Director, Washington Office, Navajo Nation  
Ms. Stacy Allison, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



## United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

**DEC 28 2022**

Dear Tribal Leader:

The Department of the Interior (Department) proposes to revise its Native American Graves Protection and Repatriation Act (NAGPRA) regulations at 43 C.F.R. part 10.

On November 18, 2022, the Department invited you to consult on the proposed rule. After holding two consultation sessions with Indian Tribes, the Department is extending the comment period on the proposed rule to 11:59 p.m., January 31, 2023.

Comments must be identified by the Regulation Identified Number (RIN) 1024-AE19 and must be submitted by one -- and only one -- of the following methods:

- Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments. Direct link to make comments is: <https://www.regulations.gov/document/NPS-2022-0004-0001>
- Mail to: National NAGPRA Program, National Park Service, 1849 C Street, NW, Mail Stop 7360, Washington, DC 20240. Attn: Melanie O'Brien, Manager, NAGPRA Rule Comments.

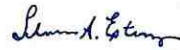
Upon request, the Department will consider additional consultation sessions with individual Indian Tribes to ensure sufficient opportunity to engage and comment in advance of a final rule. Should you have questions about these consultation sessions or the proposed regulations, you may contact Melanie O'Brien, National NAGPRA Program, at (202) 354-2201, [nagpra\\_info@nps.gov](mailto:nagpra_info@nps.gov).

To attend the final scheduled consultation session, please register in advance at <https://www.bia.gov/service/tribal-consultations/proposed-rule-native-american-graves-protection-and-repatriation-act>.

Date	Time	Location
Thursday, January 12, 2023	10:00 a.m. – 1:00 p.m. MST	BLM National Training Center 9828 North 31 <sup>st</sup> Ave. Phoenix, AZ 85051

The Department looks forward to hearing your Tribe's comments on the proposed NAGPRA regulations.

Sincerely,



Date: 2022.12.28  
10:45:03 -05'00'

Shannon Estenoz  
Assistant Secretary  
for Fish and Wildlife and Parks



Bryan Newland  
Assistant Secretary – Indian Affairs

## Appendix B – News Release

<https://www.bia.gov/press-releases>

### December 2022

#### PRESS RELEASE

##### [Bureau of Indian Affairs adjusts electric power rates for the San Carlos Irrigation Project in Arizona](#)

Increase due to rising operational and regional energy costs over past 16 years.

Date: 12/16/2022

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#### PRESS RELEASE

##### [BIA Releases Record of Decision for the Navajo Nation Integrated Weed Management Plan](#)

Alternative 2 provides guidance on controlling noxious weeds across Navajo Nation

Date: 12/15/2022

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#### PRESS RELEASE

##### [President Biden's Bipartisan Infrastructure Law to Provide an Additional \\$15 Million to the Oglala Dam in South Dakota](#)

The Department of the Interior's Bureau of Indian Affairs (BIA) today announced a \$15 million investment from the Bipartisan Infrastructure Law for repairs to the Oglala Dam on the Pine Ridge Indian Reservation in South Dakota. This investment is in addition to over \$21 million allocated for the project last year, as part of a \$29 million investment for dam safety programs in Tribal communities across the country.

Date: 12/14/2022

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#### ANNOUNCEMENT

##### [BIA Division of Forestry and Wildland Fire Management Participates in Fire Forestry Student Summit](#)

In the fall of 2022, Northern Arizona University (NAU), in partnership with the Intertribal-Timber Council, hosted its bi-annual Tribal Forestry Fire Student Summit. This year's theme focused on "Investing in the Future of Tribal Forest Resource Management & Wildland Fire." Seventy-four Tribal fire and forestry students from NAU and other campuses throughout the nation participated in the summit virtually and in-person on the NAU campus in Flagstaff, Arizona.

Date: 12/13/2022

ANNOUNCEMENT

[\*\*Bureau of Indian Affairs \(BIA\) Pine Ridge Agency Hosts Firing Operations Course for 12 Wildland Firefighters\*\*](#)

This October, 12 students received certificates for completing S-219 Firing Operations training (S-219) at the BIA Pine Ridge Agency in South Dakota. The instructors for the course were Justin Bauer, BIA Pine Ridge Agency Forestry Aid, Kyle Golus, BIA Sisseton Agency Fire Operations Specialist and Eric O'Connor, Lieutenant with the Rapid City Fire Department's Wildfire Mitigation Program. The students came from six different fire management offices including BIA Agencies, state, city, and a volunteer fire department.

Date: 12/08/2022

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PRESS RELEASE

[\*\*Indian Affairs proposes new regulations to improve fee-to-trust, gaming compact processes\*\*](#)

The Department of the Interior's Office of the Assistant Secretary for Indian Affairs today announced the publication of proposed revisions to two regulations, one regarding the fee-to-trust process and one regarding Class III gaming compacts. The updated regulations will provide clearer and more efficient processes for Tribes that are applying to place land into trust or enter into gaming compacts.

Date: 12/05/2022

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ANNOUNCEMENT

[\*\*BIA TCR Regional Assessment Report\*\*](#)

The TCR Regional Assessment Report aims to evaluate the effectiveness of TCR's Annual Awards Program and technical assistance and incorporate direct Tribal input to meet Tribal needs and priorities.

Date: 12/02/2022

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PRESS RELEASE

[\*\*Bureau of Indian Affairs, Federal Bureau of Investigation sign agreement to improve law enforcement in Indian Country\*\*](#)

The Bureau of Indian Affairs (BIA) and the Federal Bureau of Investigation (FBI) announced an agreement that updates guidelines to provide for the effective and efficient administration of criminal investigations in Indian Country. This is the first update since the early 1990s to a memorandum of understanding between the bureaus.

Date: 12/01/2022

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## November 2022

PRESS RELEASE

[\*\*Biden-Harris Administration Makes \\$135 Million Commitment to Support Relocation of Tribal Communities Affected by Climate Change\*\*](#)

Funding from Bipartisan Infrastructure Law and Inflation Reduction Act Supports Community-Driven Relocation for Threatened Communities.

Date: 11/30/2022

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ANNOUNCEMENT

[\*\*FY22 Division of Forestry \(DOF\) National Timber Team Accomplishments\*\*](#)

In FY 22, The Timber Team spent 30 weeks traveling in response to Tribal forestry project needs. Between driving and flying to project locations, they traveled over 32,000 miles and successfully completed forestry work for 16 Tribes throughout the United States.

Date: 11/22/2022



## November 2022

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### PRESS RELEASE

#### [Indian Affairs to accept land into trust for Tlingit and Haida Indian Tribes of Alaska](#)

WASHINGTON – Assistant Secretary for Indian Affairs Bryan Newland announced today the approval of a land into trust acquisition for the Central Council of Tlingit and Haida Indian Tribes of Alaska. This is the second fee-to-trust acquisition in Alaska since the passage of the Alaska Native Claims Settlement Act in 1971, and the first in five years.

Date: 11/17/2022

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### ANNOUNCEMENT

#### [2022 TCR Annual Awards](#)

The recent Bipartisan Infrastructure Law provides additional funds to the BIA Branch of Tribal Climate Resilience that continues to fund and support Tribal communities and organizations through the annual awards program.

Date: 11/04/2022

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### ANNOUNCEMENT

#### [BIA Division of Forestry Timber Team Aids Rosebud Sioux Tribe in Salvaging Ponderosa Pine](#)

This past September, the Timber Team traveled to southern South Dakota to assist the Rosebud Sioux Tribal Forestry Department. The team helped the tribe with the layout, marking and cruising (measuring forestland to determine merchantability) of ponderosa pine trees to salvage materials left behind in the wake of the West SF Fire.

Date: 11/03/2022

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### PRESS RELEASE

#### [Indian Affairs awards \\$3.9 million to promote economic development in Tribal communities](#)

The Indian Affairs Office of Indian Economic Development announced grants under two programs that support economic development in Indian Country, the Native American Business Incubators Program and the Native American Business Development Institute Feasibility Study Program.

Date: 11/03/2022

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### PRESS RELEASE

#### [President Biden's Bipartisan Infrastructure Law Supports \\$45 Million Investment to Build Climate Resilience in Tribal Communities](#)

124 awards will support 76 Tribes and 8 Tribal organizations to enhance preparedness, resilience, and ocean and coastal management planning.

Date: 11/02/2022

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## October 2022

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### PRESS RELEASE

#### [Innovation Landscape Network: Demonstrating and Testing New Approaches for Fuels Treatment Planning and Wildland Fire Management](#)

The Bipartisan Infrastructure Law (BIL) provides funds to dramatically increase fuels treatments and post-wildfire recovery efforts. This funding represents an opportunity to dramatically improve the tools and modeling to plan individual fuel treatments, monitor fuel treatment effectiveness, and account for landscape scale risk reduction.

Date: 10/27/2022

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