



BUREAU OF INDIAN AFFAIRS NAVAJO REGION

Report to the 25th NAVAJO NATION COUNCIL



Window Rock, Arizona

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NAVAJO REGIONAL DIRECTOR COMMENTS

My team at the Navajo Regional Office continue to work collaboratively and productively with the leadership at the Nation to drive important projects forward including the distribution of funds from President Biden's approved budget. We strive to work within our established processes and procedures to ensure that any decision required by the federal government is reviewed for sufficiency and in the best interests of the Navajo people, as well as to expedite our decision making to the fullest extent possible.

Winter has been especially challenging this year given the amount and frequency of snowfall on the Nation's lands, which created challenges with ensuring safe, reliable access to roadways affected by the melting snow and rain. My transportation roads teams worked long hours, often in nighttime with adverse conditions to work productively with other stakeholders to ensure that roads were maintained, and access was available for some of the remote areas on the Nation's lands. My team will continue to act quickly and competently as we enter spring to repair roads to their previous condition when damaged, and to provide technical assistance where necessary. To further the quality of service and coordination with the Nation, we are working with the Navajo Nation Department of Transportation (NDOT) to hold a roads summit, where we, along with the Nation, will describe the roles and responsibilities of our respective programs. We also hope to clarify how my team and the team at NDOT coordinate, work collaboratively, and maintain open lines of communication as we work together to provide safe and reliable roadways for the benefit of the Navajo Nation.

We also continue to work on projects involving grazing, taking lands into trust for the Navajo Nation, provide services to allottees through our Farmington Indian Minerals Office, and protect the lands of the Navajo people through our work with companies and with leases to develop natural resources and generate royalties. We understand that the proposed boundary around Chaco National Culture National Park continues to be an area of concern for the Navajo Nation and have worked together with the Office of the President to hold a government-to-government consultation with our leaders within BIA, the Assistant Secretary and Secretary's offices to answer questions posed by the President so that he better understands the federal aspects of the proposal. We will continue to facilitate these productive conversations to ensure continued collaborative communications between the federal government and the Navajo Nation.

I look forward to the coming days when we can be a part of improving the lives of the Navajo Nation through the ARPA projects where we are required to review and approve, as well as providing creative solutions within the bounds of established policy, law, rule and regulation that will move the Navajo people forward. My team is dedicated and committed to their mission, and the mission of the BIA. Together, I know that we can make great strides and build positive and productive relationships.

I can be reached by email at 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 winter quarter, the BIA referred 92 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	3
Chinle Agency	5
Fort Defiance Agency	3
Shiprock Agency	25
Tuba City Agency	7
Window Rock	49
Total:	92

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 15 "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 32 for more information on Higher Education, Tribal Courts and Tribal enrollment programs.

FEDERAL INDIAN MINERALS OFFICE (FIMO)

The second quarter for FY2023 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 has been completed and FIMO is in the process how these projects will

impact development of allotted minerals. FIMO continues to service allottees and fulfill its trust responsibility.

Ongoing Projects:

Lease extension – Terra Wash Unit involves five (5) leases, FIMO had completed the leases on February 16, 2023. Enduring Resources decided to cancel the lease on March 3rd, 2023. Case file submitted to Solicitor for review.

DJR Carson Unit Expansion – One (1) amendment lease – sent the invoices to DJR waiting for the check to be sent to the lockbox.

Negotiated Lease – Request for negotiated lease for tract M180 by Enduring Resources. FIMO decision pending.

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 spring 2022. 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 2nd quarter, FIMO conducted 11 total outreaches, 8 In-Person covering 8 Chapter locations and 3 Phone-in, covering all 5 Navajo Nation Agencies. Total of 4,732 outreach notices were mailed to Navajo allotted mineral owners. FIMO received a combined total of 148 participants. 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.

Inspection & Enforcement – Inspection & Enforcement –Conducted 75 inspections on wells so far, attended 5 on sites for Notification of Staking, inspected 4 undesirable events. Coordination with oil and gas operators continues as inspections on wells are noted for non-compliant and request for cleanup. Working with two BLM PET’s who are assigned to inspect IA wells who report any high priority wells to ensure compliance are met. Continuation of data entries in AFMSS for each inspection conducted. No updates from BLM on I&E status although FIMO requested for the report.

Environmental Surface Inspection – FIMO has completed 75 inspections that include surface inspections on producing wells, drilling wells, pre-abandon wells and notice of staking. FIMO EPS continues with communication with operators to clean up the wells to comply with terms

and conditions. The four orphan wells are still under pending status and working BLM PET to change the status after it has been determined by management. FIMO continues to improve its surface inspection program. FIMO EPS continues to work with several landowners to address complaints of oil and gas issues and assist with addressing the concerns. FIMO EPS recently addressed a leakage reported on a surface lay flat line and has been corrected and mitigated with soil testing; however, the soil report has not been provided to determine the total amount of acres damages to assess for surface damage. Inspections are entered into AFMSS database on all IA wells. FIMO contacts BLM surface inspectors for reports on the wells they inspect. Setting up inspections for 10 wells that will be plugged and abandoned by end of FY for Mustang Resources, and DJR Operating LLC. EPS needs PPE attire for inspecting active wells and need H2S monitor with safety glasses to stay safe in the field.

Leasing Assignments – Completed eleven (11) Assignment of Oil & Gas Mining Leases.
Completed one (1) Assignment of Oil & Gas Operating Rights

Lease Termination/Cancellation – No Leases were terminated.

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 1st and 2nd quarters, the auditors have closed out seventeen (17) cases.

Royalty Distribution – Under ONNR restriction and will not be reporting this until further notice.

The 2nd 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 2nd quarter with the new year.

ADMINISTRATIVE AND MANAGEMENT SUPPORT

BRANCH OF ACQUISITION OPERATIONS

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

- Purchase Order No. 140A0923P0007 was awarded to R.A. Biel Plumbing & Heating for the cleaning of the air ducts for the Shiprock Agency Building, Shiprock, NM. A pre-work meeting was held on March 29, 2023, and work will begin on April 3, 2023.
- A solicitation is in process for the demolition and remediation of the Shiprock Reserve for 46 buildings in Shiprock, NM.
- 140A0921C0002 was awarded to Rock Gap Engineering in the amount of \$1,349,614.00 for the remediation of hazardous petroleum and asbestos for the motor operating units in Tuba City, AZ. Work is 90% complete for Operating Unit 3 (OU3).
- Purchase Order No. 140A0921P0090 was awarded to BRIC, LLC in the amount of \$344,162.00 for weed inventory, planning and environmental assessment for Land Management District (LMD) #12 in the Shiprock Agency. Work is in progress and approximately 40% complete.

- 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 and approximately 50% complete.
- Purchase Order No. 140A0921P0076 was awarded to Tehama LLC for removal of the former Black Springs sheep dip vat site, Naschitti, NM. Contractor will begin work in April 2023.
- Purchase Order No. 140A0921P0077 was awarded to Tehama LLC for removal of the former Toadlena sheep dip vat site, Toadlena, NM. Contractor will begin work in April 2023.
- 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 and approximately 60% complete.
- Contracts for noxious weed projects have been awarded for Western Navajo Agency and Eastern Navajo Agency within the Navajo Region.
- Staff continues to monitor and administer on-going contracts that have been issued in previous fiscal years for construction and services.
- Staff has responded to data calls from Central Office regarding various acquisition requirements.
- A total of 76 purchase requests with a value of \$7,550,458.53 have been processed or 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

The Annual Physical Inventory started on January 9, 2023. The inventory, consisting of personal and real property, is to be verified against the official record. This will assist programs in determining if assets need to be excessed. Property staff have been assisting programs in the process to excess and dispose of excess equipment.

Staff have been working with programs and agencies on the finalization of construction projects and addition to the official record. This includes quarters at Lukachucki Community School and the completion of the replacement project at Dzilh-Na-O-Dith-Hle Community School. Further, staff has met with Navajo Nation Division of Behavioral and Mental Health Services to discuss the possibility of their program expansion and business lease on Administrative Lands in Chinle.

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 March 31, 2023. The funding provided a total of \$86,927,911.31 with \$37,866,996.31 available for draw down and \$34,799,641.00 to be awarded.

NAVAJO NATION P.L. 93-638 FUND STATUS as of March 31, 2023							
Fund	FA Budget Program	Funds Available	To be awarded	Not Drawdown	Total Expenditures	Distributed as of 03.31.2023	Current Available Funds
234A2100DD	A0N301010 : IRRIGATION, OPER & MAINT	1,161,000.00	0.00	0.00	1,161,000.00	1,161,000.00	0.00
234A2100DD	A0N9B1010 : AGRICULTURE PRGRM-TPA	1,305,502.00	0.00	0.00	274,762.00	274,762.00	1,030,740.00
234A2100DD	A0H901010 : SOCIAL SERVICES-TPA	6,078,915.00	0.00	4,814,310.00	1,264,605.00	6,078,915.00	0.00
234A2100DD	A0H901040 : Domestic Violence	146,000.00	0.00	115,194.00	30,806.00	146,000.00	0.00
234A2100DD	A0H913030 : WELFARE ASSISTANCE-TPA	33,433,711.00	0.00	24,616,006.00	8,817,705.00	33,433,711.00	0.00
234A2100DD	A0H922020 : IND CHILD WELFARE ACT-TPA	1,512,395.00	0.00	1,512,395.00		1,512,395.00	0.00
234A2100DD	A0J304545 : Conservation Law Enforcem	47,000.00	0.00	47,000.00		47,000.00	0.00
234A2100DD	A0J352525 : VAWA IMPLEMENTATION OJS	622,032.00					622,032.00
234A2100DD	A0J908080 : TRIBAL COURTS PROGRAMS-TPA	2,106,950.00	0.00	1,737,799.00	369,151.00	2,106,950.00	0.00
234A2100DD	A0J908082 : Tribal Crts (TPA) Fac O&M	9,174.31	0.00	9,174.31		9,174.31	0.00
234A2100DD	A0N6A3031 : FOREST MARKETING ASSIST	25,993.00					25,993.00
234A2100DD	A0N9A0505 : NATURAL RESOURCES -TPA	4,315.00					4,315.00
234A2100DD	A0N9C3030 : FORESTRY PROGRAM -TPA	774,372.00	159,837.00			159,837.00	614,535.00
234A2100DD	A0N9D4040 : WATER RES PROGRAM -TPA	740,521.00	0.00	54,331.00	686,190.00	740,521.00	0.00
234A2100DD	A0N9E5050 : WILDLIFE&PARKS PRGRM-TPA	536,162.00	0.00	63,058.00	473,104.00	536,162.00	0.00
234A2100DD	A0R9D4040 : ENVRMNTL QLTY PRGRM-TPA	119,681.00	0.00	119,681.00		119,681.00	0.00
234A2100DD	A0T902020 : OTHER AID-TRBL GOV -TPA	1,015,435.00	0.00	804,825.00	210,610.00	1,015,435.00	0.00
234A2100DD	AEE904040 : JHNSN O'MALL A GR TPA BIA	3,865,977.00	0.00	0.00	813,504.00	813,504.00	3,052,473.00
234A2100DD	AEE931010 : TRIBAL SCHOLARSHI TPA BIA	13,580,558.00	0.00	3,973,223.00		3,973,223.00	9,607,335.00
234A2240DD	A3T937070 : CSC CONTRACT SUPPORT TPA	19,572,083.00					19,572,083.00
23XA2100DD	A0H937070 : HOUSING IMPROV PROGRAM-TPA	4,135.00					4,135.00
23XA2301DD	A11246060 : EMERGENCY MGMT SYSTEM	266,000.00					266,000.00
TOTALS		86,927,911.31	159,837.00	37,866,996.31	14,101,437.00	52,128,270.31	34,799,641.00

FY 2025 – The Tribal Interior Budget Council (TIBC) will be held in person April 11-14, 2025, at the Washington Plaza Hotel in Washington, DC. This will start the 2025 budget deliberations between Tribal Leaders, Indian Affairs leadership and TIBC subcommittees.

TRUST SERVICES

BRANCH OF NATURAL RESOURCES

The Public Law 93-638 Programs/Contracts for the Navajo Nation Fish & Wildlife and Heritage Programs received their funds to distribute Fiscal Year 2023 30-Day Apportionment funding. The Navajo Fish & Wildlife received \$536,162 for Fiscal Year 2023. Navajo Nation Fish & Wildlife also received two onetime funding in the amount of \$25,130 to hire summer youth to accomplish hatchery maintenance and \$3,000,015.00 for Navajo Nation Fish Hatchery Modernization Project for the purpose of raising rainbow trout.

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 continuation of the Navajo Nation Executive Branch Departments and Programs as an active participant as a Cooperating Agency and as members of the Interdisciplinary Teams (subject matter experts) for the development of the land use management plans is appreciated. The plans are to guide the implementation of the conservation of Trust resources (soil, water, and vegetation), with all Navajo Nation entities participating in the management plans we can 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.

In the previous years, the lack of precipitation has made a negative impact on the availability of forage and the rangeland forage that has been depleted by the grazing animals and the multiyear drought has left the rangeland dependent livestock in dire need of feed and due to these conditions, there is a need for the continued removal livestock from the Navajo rangelands. The current winter precipitations have improved rangeland resources, but the overall reduction in rangeland livestock needs to continue and natural resource conservation efforts need to continue. The removal of livestock and deferment of grazing is needed for the rangelands to rest and to restore itself.

Integrated Weed Management Plan

The Navajo Region participated in an overview of the Integrated Weed Management plan (IWMP) and the specifics within the Plan on the priority noxious weeds, some of the criteria used to categorize and list them, the methods covered, and some of the key mitigation measure requirements for implementation. The team reviewed the planning requirements for starting new projects, and then the compliance and planning requirements and questions to evaluate if projects are a continuation of previous projects.

Noxious Weed Projects

All new noxious weed projects will require preparing a tiered Environmental Assessment (EA) to evaluate the project specific impacts. These should include the specific project areas, the weeds being treated, and the specific methods used to treat the weeds. The Navajo Nation Integrated Weed Management Plans' Programmatic Environmental Impact Statement (PEIS) can be used as a reference to determine the scope of the evaluation and what impacts could be affected by weed treatments. The EA is the BIA's documentation of each project's specific impacts. When

combined with the applicable mitigation measures from the PEIS, there should be a finding of No Significant Impacts, but the EA will provide that justification. Using the PEIS will make the EA process more streamlined and easier, as the mitigation measures have already been developed and spelled out, and the coordination and consultation process is clarified and streamlined with Navajo Nation Programs.

Section 7 and Section 106 processes will proceed in the same way as before. However, the Section 7 process with Navajo Fish & Wildlife has been streamlined. The BIA will still submit a data request form based on their project. Navajo Nation Department of Fish & Wildlife will return a list of potential species that may occur in the project area. BIA will then be responsible for conducting surveys for those species. If a species does not occur, no mitigations are needed. If they do occur, then the appropriate mitigations from the BA based on the species and the proposed methods will be applied. The BIA will only have to provide the results of the survey and the applicable mitigations being used. A full, formal BA will no longer need to be prepared.

All projects will require community engagement to get feedback and input from local residents and agencies on how to proceed with weed management. Information gathered from them will be used in selecting the proposed weed control methods. An ethnographic study is also needed, as part of the Section 106 process, to assess the potential for traditional cultural plants and/or plant collection areas and how to mitigate for treatments that may potentially affect such plant communities.

The central focus for the Regional Soil Scientist was to become more involved in climate and drought education activities. Soil, water, and vegetation completing that focus. The Soil Scientist has been reviewing the updated Natural Resources Conservation Service (NRCS) 2022/2023 Range and Pasture Handbook to provide review comments if any changes are needed. The Soil Scientist hopes to introduce Professional planning certification through the NRCS and is awaiting a response from the National Grazing Conservationist. The benefit to professional natural resource managers is 10-fold. Confidence in range and natural resources planning can only be gained by on-the-ground experience.

The Regional Soil Scientist is working in partnership with the Southwest Climate Hub who only have a chance to meet once a quarter to discuss activities occurring not only in the southwest but also on the Navajo Nation. Navajo Nation Department of Fish & Wildlife (NNDFW) have been contacted for their drought and climate professionals to consider joining our effort, since we are scheduling the construction of weather stations on both the New Mexico and Arizona side of the Navajo Nation to monitor weather and climate effects. The New Mexico State Climatologist is the lead on these projects. This is a great partnership opportunity that can provide real time climate information to the BIA and the Navajo Nation, that will ultimately raise awareness and offer opportunities for many partnerships to help facilitate the management of natural resource management. The Soil Scientist is representing the Navajo Region as a member of a Drought Monitoring Technical Committee team (MTC) member sponsored by the State of AZ Water Resources Department, U of A and now working with the Navajo Nation Water Resources Department. BIA-NRO Soil Scientist is participating in a planning committee for an annual drought summit to be held in Flagstaff, AZ in April 2023.

The Regional Soil Scientist introduce information pertaining to an increase in higher elevation snow later in the season. Sustainability due to colder temperatures and increased snowpack and

precipitation events were discussed that should help facilitate longer lasting snowmelt/run-off this spring, increasing infiltration and increased vegetative growth opportunities. The Soil Scientist attends the Southwest Climate Hub meeting to discuss activities occurring not only in the southwest but also on the Navajo Nation. NNDFW have been contacted for their drought and climate professionals to consider joining our effort. A Tribal Drought Summit is tentatively scheduled for April 25 & 26 in Flagstaff, Arizona.

Navajo Partitioned Lands

The Navajo Partitioned Lands (NPL) continues to provide customer service. The NPL office continue to assist the public and Navajo Nation via telephone, email, fax, and curb side service with most of them inquiring about the Navajo Nation Heirship applications and requesting copy of grazing permit through the Freedom of Information Act (FOIA), request copies of the 25 Code of Federal Regulation (CFR) Part 161 NPL Grazing Permit Regulation, and the Resource and Development Committee (RDC) Legislation 20-17.

The NPL office in cooperation with chapters and grazing officials will continue to assist with technical assistance and providing fence materials for fence repairs. The Chapters within NPL through the chapter's Public Employment Program (PEP) also provide labor for many of the fence repairs.

The NPL office will continue to provide a place to sell livestock every other weekend with a buyer from Sun Valley. Sun Valley provided the 2022 Livestock Sales reporting and indicated that 757 heads of cattle, 757 head of horses, 24 heads of sheep/goats, totally 1209 heads or 3576 Sheep Units.

Grazing Permits. Reissuance of all cancelled NPL grazing permits continues to be a priority for the BIA NPL, working in corporation with NPL District Grazing Committee (DGC), Navajo Nation department of Agriculture, and other Tribal departments. Presently, there are twenty-eight (28) active permits with ten (10) active permits in Precinct 1; ten (10) active permits in Precinct 2, eight (8) active permits in Precinct 3 that encompasses 18 range units.

Phase I. Fifty (50) individuals have met all eligibility requirements with reissuance of permits is tasked to BIA NPL and as of today a total of 28 permits were picked up by permit holders.

Phase II. A total of 140 applications are pending reviews following the eligibility process outlined by RDC legislation.

Phase III Case-by-Case: The other individuals recommended by RDC and Joint NPL DGC not considered in Phase 1 and Phase 2 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. The NPL repaired 31 windmills with the remaining 6 windmills to be completed after the weather warms up making the roads to windmills accessible for trucks and large equipment. Windmill repair costs is estimated at \$154,000.00 with replacement of sucker rods, standpipes, re-leathering, and replacement of damage motors. Vandalism to windmills continues to be a concern that creates water shortage for livestock.

Windmill Storage Tank Assessment and Proposal for Replacement. Thirteen (13) water storage tanks were identified for replacement and due to limited funds only two 30,000-gallon

steel water tanks will be removed and replaced at Low Mountain and Whippoorwill at a cost of \$812,325 and these are 30,000-gallon steel tanks at windmills that have deteriorated, and most have been subject to vandalism.

Earthen Dams Rehabilitation Project. Seventeen (17) earthen dams were identified for rehabilitation for removal of silt, compaction to the upstream and downstream banks, improvement to the emergency spillway with the goal to increase water storage for livestock, wildlife, and groundwater recharge will cost \$304,861.00. The work will start following improvement to the weather that will allow for transport of heavy equipment.

Rangeland Inventory. The Rangeland vegetative inventory will cover 871,353 acres of the Navajo Partitioned Lands with Precinct 1 covering 182,240 acres, Precinct 2 covering 467,955 acres, and Precinct 3 covering 221,158 acres of the 1098 transects. Approximately 52,281 acres (6%) of the total was completed within District 4 or Precinct 2 and the inventory was cut short due to the rain, cold weather, and it was best for the inventory to resume after the 2023 growing season with the final report to be completed in 2024.

Noxious Weed and Invasive Species. 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) that will continue to be monitored for its effectiveness to treat Tamarisk, Russian Olives, Russian Knapweed, Russian Thistle, Musk Thistle, and Cheatgrass.

1882 Executive Order Fence Repair. The NPL office repaired approximately 30 miles of fence with a total cost of \$300,000. Fence repairs included some minor and major repairs caused by vandalism, wildlife, and heavy water runoff. Vandalism continues to be a concern as the Northwest 1882 Reservation concrete and brass cap boundary marker was removed from its original location including removal of 1500 feet of fence that will need to be replaced.

Hopi Partitioned Lands (HPL). Most of the damage fence are vandalized (trespass of livestock and wood cutting), damage by wildlife, from flood water and wind erosion, and debris pushed by heavy runoff. Repairs completed are as follows.

Referral No.	Chapter	HPL / NPL Range Unit	Infrastructure repaired
CHLA 23-007	Hardrock	HPL 351 / NPL 304	Fence Repaired
CHLA 23-008	Hardrock	HPL 262 / NPL 303	Fence Repaired
NPL-020623	Tolani Lake	NPL 501	Fence Repaired
NPL-020623	Tolani Lake	NPL 501 / HPL 553	Fence Repaired
NPL 020823	Tolani Lake	NPL 501 / HPL 554	Fence Repaired

Shiprock Agency

Conservation Planning

The agency completed six conservation plans this quarter. Conservation plans serve as guidance for the proper use of the Natural Resources (Trust Resources) on the Navajo Reservation. The plans are required when a grazing or agricultural land use permit undergo a transfer or a probate procedure with the Navajo Nation Courts. The conservation plans will identify the inventory of a permittee's resources and what trust asset they utilize (in the Shiprock Agency's case it is either irrigation water or forage grasses). The producer then documents the best practices for the most efficient utilization of those trust assets in a conservation plan. The conservation plans will also be used as part of the Grazing Permit or the Agriculture Land Use Permit transfer packets. This quarter the agency presented three conservation plans to the grazing committee as part of the Grazing permit transfer process.

Land Use Permit Issuance

The Shiprock Agency issued one Land Use Permit for a farm plot in Gadiiahi New Mexico. The agency previously received one probate decree then worked with the permittee to complete a conservation plan. The agency packaged the plan, probate order, map and other documents which were then forwarded to the region for a NEPA review by the Regional Environmental Quality Act Compliance Review Program. Once the review was completed and package approved the agency issued a new Land Use Permit to the new permittee.

Project updates within the Shiprock Agency

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 environmental assessment for weed treatment projects. The contractor is now confirming some of the archeological sites within the project area using the Navajo Nation Historical preservation department records. Once all the data is gathered and cultural and biological resources sites are recorded, the contractor will furnish a report to the agency for their use. The district 12 Weed Inventory Project inventoried Noxious weeds within the washes and drainages that flow into the San Juan River in Utah portion of Grazing District 12 from the community of Aneth to the Northern portion of the Shiprock Chapter. The inventory will allow the agency to formulate treatment plans to mitigate the noxious weed populations within the Shiprock Agency. 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 is currently working to implement Phase II 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 either April or May 2023. The agency posted the Notice of Intent at the affected chapters. The contractor is also conducting prework surveys of both biological and cultural resources. 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.

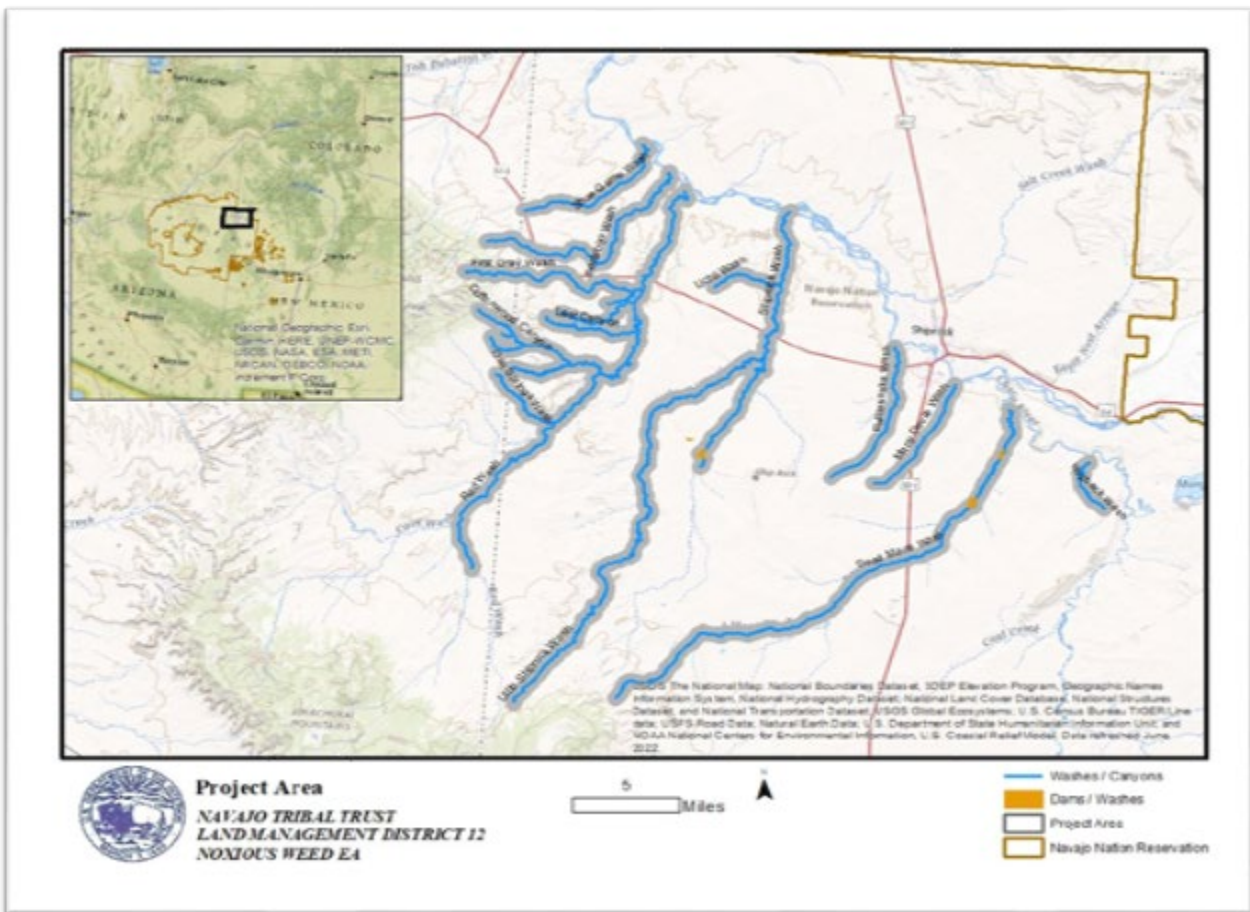


Figure 1(Phase 2 Hidden Water Project Area)

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 1st and the data collection is now complete. The contractor is working 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.

Livestock removal

The agency coordinated with the local grazing official, Navajo Nation Department of Agriculture and Navajo Nation Resource Enforcement for the removal of 20 cattle from district 13 and 154 horses from both districts 12 & 13, the number of cattle equates to 80 Sheep Units, the number of

horses equates to 770 sheep units, the total of sheep units removed from the Shiprock Agency this quarter is 850 sheep units. The removal of 850 sheep units aligns with the BIA mission of conserving trust assets (grass in this case).

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 for updated certification of their grazing permits for hauling livestock, auctions, and supplemental funding through the United States Department of Agriculture. Fort Defiance Agency also continues to work with clients in GPSing farm plots, proposed Range Management Units, and district fence lines. Technical assistance is also given 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, 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 Navajo Nation Department of Fish and Wildlife, and it was decided that the conservation plan questionnaire that is completed by the permit holder will be sent to Navajo Nation Fish and Wildlife to quantify the qualitative data to increase the sheep units on the Biological Resource Compliance Forms. The conservation plan questionnaires have been forwarded to Navajo Nation Fish and Wildlife, but no feedback has been received from their office.

District 14 Environmental Assessment

Fort Defiance Agency has contracted ETD Inc., to complete the district 14 environmental assessment. This environmental assessment is for fencing of the district and the district units. Public scoping has been completed by ETD. 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 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 Right-of-Way (ROW) for the water and sewer facilities.

The Navajo Nation General Land Development Department received a project 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 Department of Agriculture and Navajo Nation Resource Enforcement to enforce Navajo Nation Code, Title 3 laws. A total of 45 non-compliance letters were mailed.

Equine Rescue Operation

Fort Defiance Agency assisted the Navajo Nation Department of Agricultural and Department of Resource Enforcement with the removal of feral horses. Total livestock removed are as follows: 70 from Coyote Canyon on March 8, 9 and 10, 2023. Two Gray Hills 145 horses hauled in March 15, 16 and 17, 2023. Total of 215 horses picked up. Ft Defiance Agency assists with manpower, portable corral, livestock panels, trailers and hauling of livestock. Management of these feral horses is to protect range land.

Fencing Project

District 14, 15, and 16 Boundary

Fort Defiance Agency Branch of Natural Resources is assisting with fencing materials on District 14, 15, and 16 reconstructions of the existing fence line. Eastern Agency Branch of Natural Resource hired a contractor to reconstruct the fence line.

Range Management Unit Fencing

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

Fence line repair is purposed by the Lupton, Oak Springs and St Michael chapters to repair the Arizona and New Mexico state line fence line approximately 20 miles from I-40 north to Arizona-New Mexico State Route 264.

Western Navajo Agency

The Former Bennett Freeze Area Integrated Resource Management Plan:

The Bureau of Indian Affairs (BIA) has prepared a Final Programmatic Environmental Assessment (PEA) to evaluate potential environmental impacts of the proposed Final Integrated Resource Management Plan (IRMP) for the Former Bennett Freeze Area (FBFA). The BIA, in close consultation with the Navajo Nation, developed the IRMP in accordance with the American

Indian Agricultural Resources Management Act (AIARMA) and other applicable laws and regulations. The Final PEA was prepared in accordance with the requirements of the National Environmental Policy Act (NEPA). The BIA presented the Final PEA and the Final IRMP to the Navajo Nation on January 11, 2022. All information on the NEPA and IRMP process can be found at the Project website at www.bia.gov/FBFA-EA.

On December 21, 2022, the 24th Navajo Nation Councils' Resources and Development Committee (RDC) approved Resolution #RDCD-35-22, which approved the IRMP and the proposed action under the PEA. The Resolution also recommended that the BIA adopt the IRMP. The BIA issued a Notice of Decision on March 02, 2023, regarding adoption of the IRMP and the associated PEA. Interested parties may appeal the decision to the Interior Board of Indian Appeals. Please see the Notice of Decision for detailed information regarding appeal rights.

For further information please contact BIA Western Navajo Agency, Branch of Natural Resources, at P.O. Box 127 Tuba City, AZ 86045-0127, by telephone at (928) 283-2252, by email at renee.benally@bia.gov, or visit www.bia.gov/FBFA-EA.

FBFA Livestock Water Project:

The Western Navajo Agency Branch of Natural Resources (WNA-BNR) 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 Former Bennett Freeze Area of the Western Navajo Agency. This includes the funds that have been provided to the Navajo Nation's Department of Water Resources (NNDWR) to maintain and improve developed water sources, such as windmills and earthen tanks. Coordination with the NRCS on Environmental Quality Incentive Program projects with individuals with grazing permits or agricultural land use permits continues when the opportunity warrants. In addition, plans are being implemented for the development of livestock and agricultural watering points for individuals who haul water for livestock and farming. Two watering points sites have been identified and funded. For the watering point in the Cameron Chapter area, the BIA has secured a Contractor for developing the design of and installation of a pipeline and standpipe. The second watering point is to be located at an existing windmill near the Moenkopi Wash and US Highway 89. The second one is being installed by NNDWR.

Land Management District (LMD) 1 and LMD 3 Range Management Plans:

The LMD 3 Range Management Plan (RMP) and the Environmental Assessment (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 December 2023. The management plan for LMD 1 will also address cropland areas. The LMD 3 covers over 1.4 million acres, and effects 661 Grazing Permits and the LMD 1 covers 833,625 acres and effects 535 Grazing Permits and 51 Agricultural Land Use Permits. These projects were developed to ensure they are aligned with the FBFA Integrated Resource Management Plan.

Cropland Management Plan (CMP) for Land Management District (LMD) 3:

The Bureau of Indian Affairs (BIA) Western Navajo Agency continues to work on the development of a Cropland Management Plan (CMP) for Land Management District (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 July 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 is progressing. Currently work is occurring in Betatakin Canyon and two 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 are the 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 in the process of making funds available to the Navajo Nation Department of Fish and Wildlife’s Natural Heritage Program (NHP) using PL 638 processes, to hire a seasonal, 3-person, dedicated seed collecting crew that will travel and camp in the more distant and remote areas of the Navajo Nation. The collection activity will allow NHP to increase collections of priority species in underrepresented regions/ecoregions of the Navajo Nation while also providing employment opportunity and occupational training/experience in natural resource management to the Navajo People.

Other WNA Projects:

In addition to the projects mentioned above, the Western Navajo Agency Branch of Natural Resource staff continued work on the following Projects: a) LMD 1 and LMD 3 Boundary Fence 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. The noxious weed inventory for Land Management District 5 has been completed and the Environmental Assessment for the Shonto Weed Treatment Project and post-treatment restoration plan will be completed this year. 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>. The BIA assisted the Naatsis’aan Chapter and the Navajo Nation Resource Enforcement in the removal of 4 horses from the Navajo Mountain Area of LMD 2. The BIA provided livestock panels for the entrapment operation and manpower.

Chinle Agency

Conservation Plans

Chinle Agency works one-on-one with Permittees to develop personalized conservation plans. This process includes conducting onsite surveying and assessments. The Permittees are asked to complete a questionnaire that is given to them at the District Grazing Committee meetings when

they initiate their transfer or probate. Once GPS Coordinates are taken, technical data can be gathered for that location.

Land Management District (LMD) 10:

- Seventy-seven (77) grazing permit probate/transfer
- Forty-six (46) ongoing Conservation Plan collaboration.
- Forty-eight (48) Agricultural Land Use Permit (ALUP) probate/transfer
- Thirty-Two (32) pending Conservation Plans

LMD 11:

- Twenty (20) grazing permit transfer
- Fourteen (14) grazing permit for probate
- Thirty (30) conservation plans for grazing permit
- Ten (10) ALUP transfer
- Twenty-four (24) conservation plans for ALUP
- Eight (8) ALUP Probate

LMD 4:

- Grazing Permit transfer/probate pending
- ALUP transfer/probate pending

Noxious Weed Control & Treatment:

N-4/N-64 Project: Phase I Branch of Natural Resources (BNR) established noxious weed control in the Fall of FY2020.

N-4/N-64 Project: Phase II in FY2022, BNR was funded \$50K for retreatment & control, which is to commence in the fall of 2023 within the Rights-Of-Way (ROW) of N-4 & N-64. 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. The BNR Weed Inventory completed and covered 300+ acres and weeds that are the primarily concern to eradicate, control, mapping and monitor are Russian Knapweed, Musk Thistle, Scotch Thistle, Cheatgrass, and Tamarisk along the roadsides.

N-59/IR-12: Phase II BNR plans for Treatment & Control of the inventoried acres, which is 65 total acres of Russian knapweed. This Noxious Weed Control & Treatment will take place early to late fall along four major BIA paved highways within the ROW. Weed Inventory completed four (4) Highway ROW covered 300+ acres and weeds that are the primarily concern to eradicate, control, mapping and monitor are Russian Knapweed, Russian Thistle, Musk Thistle, Cheatgrass, and Tamarisk along the roadsides. Treatment of ROWs within Navajo 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.

Many Farms Irrigation Project:

Chinle BNR continues to participate in the Many Farms Irrigation Project & Land Withdrawal of the A-Plot, which were part of the 33-canceled Agricultural Land Use Permits. The Many Farms Irrigation staff are establishing perimeter fencing. BNR provided all the fencing material to construct the perimeter fencing. Many Farms Chapter intends to apply the General Leasing Act

of the Navajo Nation. Chinle Agency is working with Many Farms Irrigation Staff to create an updated and universal list of ALUP Permittees within the Many Farms Chapter.

Chinle Branch of Natural Resources Brand Book:

The Chinle BNR brand book has been updated and completed. The brand books will be given to the Chinle Navajo Agency District Grazing Committee Members, Navajo Nation Department of Agriculture select staff, Navajo Nation Department of Resource Enforcement Central Agency Rangers. Chinle Agency Brand Book disbursement will be limited due to the sensitive information that will be included.

Livestock Inventory: Active/Inactive Grazing Permits:

Chinle BNR is actively compiling annual livestock tally counts for 2022. The 2022 Livestock Inventories have been completed; staff have tabulated active/inactive grazing permits based on six-years (2017-2022) on nonuse (non-inventoried). Chinle Agency has 10 chapters within the Agency. LMD 4 has 82 grazing permits. LMD 10 has 934 grazing permits. LMD 11 has 463 grazing permits. Below you find the data collected.

Chinle Agency Permit Activity			
District	Total Permits	Un-inventoried (past 5-years)	% Un-inventoried
4	82	Pending	Pending
10	934	640	68%
11	463	Pending	Pending
Total	1479		

Livestock Inventory Annual Total						
District	2018	2019	2020	2021	2022	District Total
4	0	0	0	53	Pending	
10	0	264	45	312	365	996
11	160	131	94	110	Pending	
Total	160	395	139	475	365	996

Agricultural Land Use Permits: Active/Inactive:

In Fiscal Year 2023 Chinle Agency will begin compiling Agricultural Land Use Permits tabulating active/inactive grazing permits based on field use, ground truth and crop production. During this time ALUPs will be resurveyed based on original permit acreage.

Livestock Removal:

Chinle Branch of Natural Resources (BNR) actively assists the District Grazing Committee Members (DGCM) and Navajo Department of Agriculture with authorized Equine Rescue Operations. Chinle Agency BNR assists with providing portable corral panels, trailering/hauling of feral horses to Resource Enforcement Impoundment Yard and/or auction facility.

Chinle Agency also has assisted nine (9) Permittees with removal of unauthorized livestock to come into compliance at the recommendation of the DGCM. Annual Livestock Inventories from LMD 10 & 11 have shown gross noncompliance.

BRANCH OF FORESTRY

The Navajo Nation was sent formal announcement of the BIA's Timber Team in letter dated January 19, 2023. The BIA Timber Team is a group of professionals that are available for assistance upon request. The team consists of foresters that can assist with timber sale preparation, contract administration, forest development, forest inventory, timber salvage, and geographic information system (GIS) support on Tribal lands. A brochure (below) was developed that contains information on how to request for the Timber Team's assistance and what to expect when the team is approved to assist a BIA Agency, BIA Region, or a Tribe, such as the Navajo Nation's Forestry Management Program.



Contact Us

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(406) 679-1893

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Why the Timber Team...

- A team of professional foresters with experience in all disciplines of timber sales preparation and inventory with an emphasis on GIS.
- The team helps tribes and agencies with smaller natural resource programs complete projects to meet allowable annual harvesting targets and reduce the backlog of timber stand improvement and reforestation needs.
- For the past two years the Timber Team has completed over 40 trips to assist tribes all over the lower 48 of the US as well as Alaska. Trips have included continuous forest inventories (CFI), stand exams, fire salvage preparation, thinning projects, permit sales, and larger scaled timber sale operations.

BIA Timber Team

Our professional foresters are available for assistance at no cost to your program!

Who is the Timber Team?

The Bureau of Indian Affairs (BIA) Timber Team was established on June 9, 2019, and is based in Billings, Montana. All current staff on the team are foresters with a wide array of educational backgrounds, and experience. The team contributes to timber sale preparation, contract administration, forest development, forest inventory, timber salvage, and geographic information system (GIS) support on Tribal lands.

Current Capabilities:

Timber Sale Preparation: Unit layout, boundary painting, GPS, internal marking, and timber cruising

Sale Types: Green sales, permits, trespasses, and fire salvage

Forest Inventory: Continuous Forest Inventory (CFI) and stand exams

GIS Assistance: Stand-based delineation and mapping using ArcGIS Pro

Expectations

- The local agency should provide georeferenced PDF maps and any available geographic information system (GIS) shapefiles prior to the team's arrival.
- Upon arrival, the team will meet with local agency staff to gather any paint, marking guidelines, silvicultural prescriptions, and other gear or supplies as needed.
- Local staff should work and assist the BIA Timber Team onsite throughout the duration of their trip, which is normally one to two weeks. The team works 10-12-hour shifts and are available on weekends.

How To Request Us

<https://www.bia.gov/service/timber-team/request-support>

- Download and complete the BIA Timber Team Project Request Form.
- Submit the form to your Regional Director or Regional Forester.
- Once projects are approved at the regional level, the BIA Timber Team Supervisory Forester will contact your agency to discuss project details, dates, expectations, and logistics.

BRANCH OF WILDLAND FIRE MANAGEMENT

Prevention

01/01/2023 to 03/31/2023- 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
58	1	1

Table 1. Total burn registrations separated by types. Total 60.

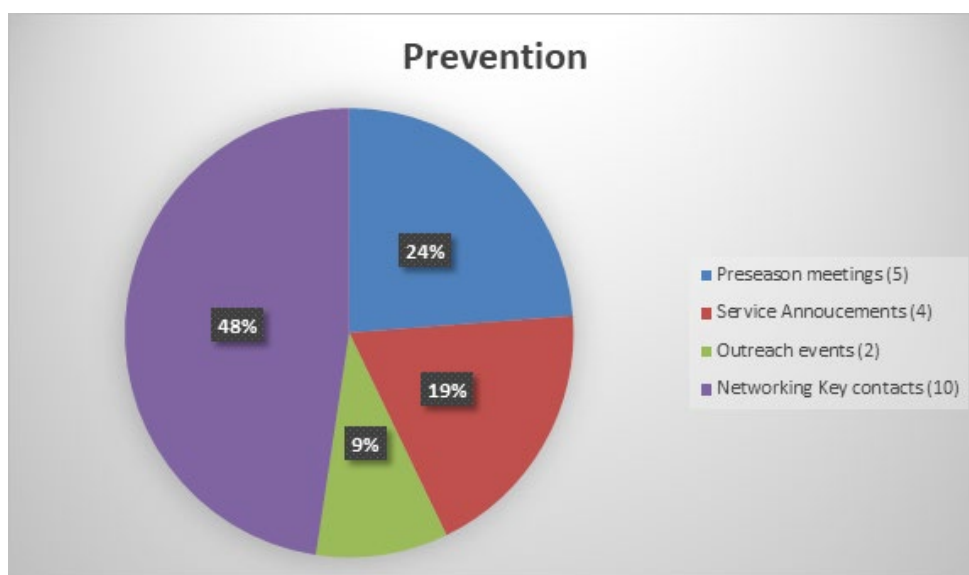


Figure 1. Fire Prevention Activities from January 2023 to March 2023.

08/04/2022 to Current – Executive Order for Stage One Fire Restriction was lifted permitting open burning with registration from Navajo Nation Environmental Protection Agency (NNEPA).

01/01/2023 to 03/31/2023-Fire Prevention Specialist participated in preseason meetings with Navajo Nation law enforcement and Navajo Nation Environmental Protection Agency, Air Quality regarding fire investigations and burn registrations. In addition, prevention participates in national and geographic interagency fire calls and virtual meetings to prepare for wildfire season.

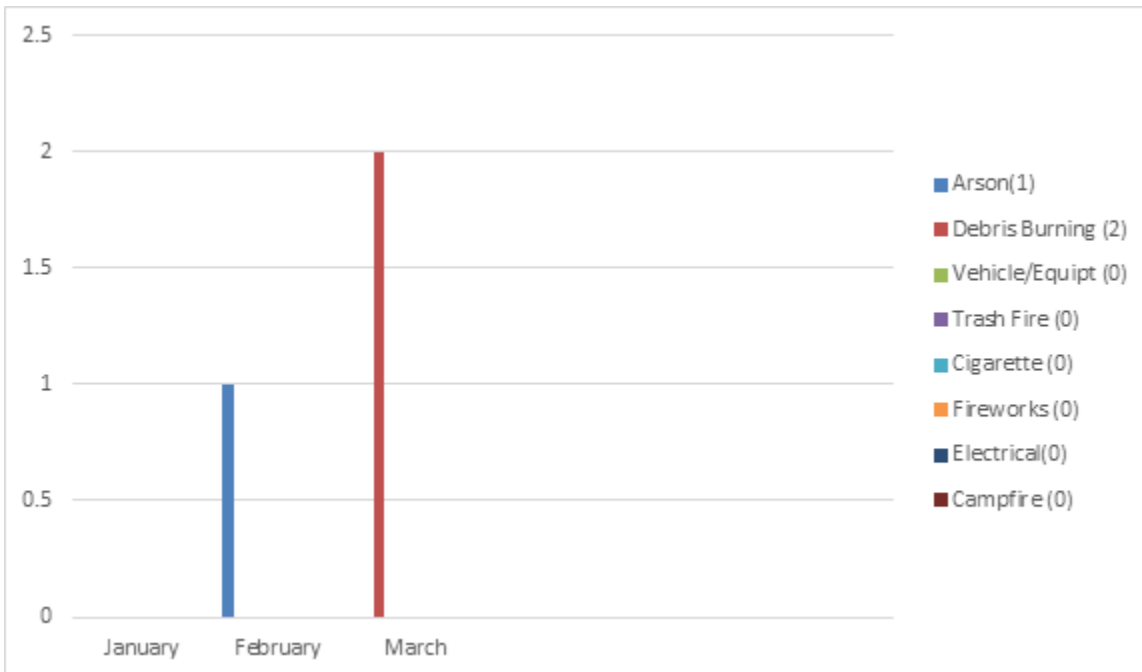


Figure 1. Fire Investigations completed for the months January 2023 to March 2023. Total number 3.

No fire investigations occurred in January.

Fuels

The Fuels Management Program met with officials from Mariano Lake, Smith Lake, Bureau of Indian Affairs (BIA) Eastern Agency, and the Navajo Nation Forestry Department. The meeting was to evaluate the potential for project implementation within chapter boundaries which have lands within various jurisdictions. Current land status within Eastern Agency includes Tribal Trust, Indian Allotments, private, state, Bureau of Land Management, and state parks. The Fuels Management Program will request the assistance of the Navajo Nation Fish and Wildlife Department, and Historic Preservation Department to successfully meet section 7 and section 106 requirements to obtain a categorical exclusion for proposed projects. Under the 53-IAM-9H Silviculture Handbook, implementing treatments does not require further evaluation of forest resources within the Wildland Urban Interface, therefore no further permits or silvicultural prescriptions will be necessary from the Navajo Nation Forestry Department. The Fuels Management Program will continue to plan with the Navajo Nation Forestry Department as to how to move forward with any other permits needed for the project.

The Fuels Management program will be preparing a Fuels Mitigation Plan for the Eastern Agency that may include all Chapters and Communities within the boundaries of the BIA Eastern Agency. The Fuels Mitigation Plan will include fuels treatment specifications within approved homesite leases under the “Firewise” guidelines. The Mitigation Plan will include a communication and education format to be presented to the chapters, as well.

Dispatch & Emergency Firefighter Program

Navajo Region Fire Dispatch have been working collaboratively with the Emergency Firefighter program on Administratively Determined (AD) employment. AD's are hired to staff local engine crews and the Navajo Scouts Type 2, Initial Attack Crew. So far, there have been 30 individuals hired, that have met preliminary physical and medical requirements.

Aviation

Two Lead Helitack crewmembers continued working through the 2nd quarter assisting the Fire Helicopter Crew Supervisor updating various aviation handbooks to maintain compliance with the Office of Aviation Services (OAS) and the Bureau of Indian Affairs National Aviation program. Two other Aviation personnel assisted the Fuels Program from the Month of January till the end of March assisting with fuels project in Pinehaven, NM and Mariano Lake, NM doing evaluation with homes and seeking residents that need improvements with defensible space for protection against catastrophic wildland fires.

A five-year interval Aviation evaluation was completed on behalf of the BIA Navajo Region, Aviation Program. The evaluation was completed mainly as an awareness to Aviation and Regional staff to note and emphasize training, documentation and procedures that are to be met. The Navajo Region Aviation Program evaluation concluded with minimal findings, according to the out-briefing with regional staff. Steps to meet standards have been initiated and corrective actions will be reported to OAS and National BIA Aviation Program.

The BIA Branch of Fire Management, Aviation program have also sent their staff to various trainings within the Southwest. Trainings were completed to meet qualifications standards as well as career enhancement with concurrent qualifications.

The Exclusive Use and the On-Call/Call-When-Needed Helicopter Managers attended the National Aviation Training in San Diego, California to take the required training and maintain currency as a Helicopter Manager.

The Bureau of Indian Affairs (BIA), Branch of Fire Management, Aviation Section has put their personnel back on pay status for the upcoming 2023 fire season. The aviation section has eight personnel and consist of Exclusive Use Helicopter Manager, two Lead Helitacks, two Seniors Firefighters, and three Helicopter Crewmembers and are working out at the Window Rock airport prepping for the fire season.

Shiprock Engines

Shiprock engine staff have been participating in monthly Southwest Operations Committee conference calls; facilitating and collaborating with Human Resources to recruit and hire for fire positions; and improving relationships with local chapters, first responder coordinators and residences within the Shiprock Agency.

Fire Activity has been minimal with at least three fires since January 2023:

- Shiprock 1 fire, .75 acres, Shiprock, New Mexico

- Sanostee fire, .10 acre within a drainage South of Sanostee, New Mexico
- Paradise fire, .10 acres on Mesa Farm Road in Shiprock, New Mexico

Fort Defiance Engines

Navajo Region Fire Management, Fort Defiance Engine program continues to maintain their work duties and remain prepared for initial attack response. The Engine section personnel have been working on several courses to enhance the effectiveness of the programs and keeping the employees updated on their qualifications.

The Fort Defiance Engine program have also been working to hire more personnel to staff engines.

There have been no fires reported within the Fort Defiance Agency, however, engines are currently being staffed, available to assist with a wildland fire response.

Navajo Hotshots

The Navajo Hotshot Crew Superintendent has been working diligently to hire for ten vacancies within the program. In the meantime, crewmembers are currently assisting Navajo Fuels program on prepping for a cutting project in Eastern Agency.

Operation and Administration

The Navajo Region Branch of Wildland Fire has been working on recruitment the majority of time amid the Second 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 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 of fire education.

BRANCH OF ENGINEERING

Water Resources

Water Management, Planning & Pre-Development Program:

On January 31, 2023, The Bureau of Indian Affairs (BIA) Navajo Regional Office (NRO) Branch of Engineering (BOE) conducted the Fiscal Year (FY) 2022 Annual Virtual Monitoring Review with the Navajo Nation Water Management Branch (NNWMB). Review of project progress and financial analysis were reviewed with the NNWMB with the discussion of updates for compliances. The BIA NRO BOE continues to provide technical assistance on water related projects under the Public Law 93-638 Water Rights and Water Management, Planning and Pre-development Contracts.

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

Fruitland-Cambridge Irrigation (F-C) Project:

1. Fruitland Diversion, this project is a replacement of the canal headworks including construction of a new diversion dam, and fish weir. This project is in the process of re-review of cost analysis. Due to the increased inflation rates, the cost of materials, equipment, and labor increased within the past three years. All fundings for Fruitland-Cambridge Irrigation Project from the Public Law 111-11 have been fully allocated to the Navajo Nation. The BIA NRO BOE is assisting the Navajo Nation to allocate the additional funds from the Bureau of Reclamation to aid in the construction of the Fish Weir. However, the Navajo Nation is aware of the concerns of the increased cost for all construction and is preparing internally. Estimated Start Date: November 1, 2023, off irrigation season only (October to April).

Hogback-Cudei Irrigation (H-C) Projects:

1. Hogback Canal Steel Siphon, a replacement project of a steel siphon and flume. This project was placed on hold by the Navajo Nation, a review of both specification and cost analysis is in progress prior to the Navajo Nation procurement process. Estimated Start Date: Fall 2023, can be done during the on-irrigation season.
2. Eagle Nest Siphon Cleaning and Inlet Safety, project started Spring 2022. The 100% Final Design Review was completed for the Safety features. Estimated Construction: October 1, 2023.
3. Canal Lining Project, a project to fix canal lining areas as needed in various locations along the entire irrigation canal. This project was placed on hold by the Navajo Nation, a review of both specification and cost analysis is in progress prior to the Navajo Nation procurement process. Estimated Start Date: Fall 2023, can be done during the on-irrigation season.

All Public Law 111-11 Settlement funds for the Hogback-Cudei Irrigation Project was allocated to the Navajo Nation.

Conjunctive Groundwater Use Wells (CGW) Projects:

1. Tse Bonito Water Line Extension Project, a feasibility cost-share project with the Indian Health Service (IHS) continues to be on tract to complete by December 31, 2023.
2. Chichiltah-Vanderwagon Design Project, the Navajo Nation requested to place a hold on this project until the data of the well drilling is completed. Once the data is analyzed, a determination of whether a new well can be a potential water source for this project or project deemed complete.

American Rescue Plan Act (ARPA):

On March 6, 2023, the start of delivery of ten (10) pallets of water bottles were being delivered to twenty-two Navajo Chapters. Per the request of the Navajo Division of Community Development, Alamo Chapter, Ramah Chapter, and Tohajiilee Chapter 10-15 pallets are received per month for a two-year term. BIA NRO BOE is reaching out to the remaining ninety-one (91) Navajo Nation Chapters to request if their communities need water, if so, (10) pallets of water can be provided for distribution to the local Navajo residents.

Safety of Dams (SOD)

The Tohajiilee Dam rehabilitation project Notice to Proceed to the construction contractor was issued on August 1, 2022, with the period of performance for 270 days. Construction contractor site mobilization was September 6, 2022. Currently, work is in progress and weekly status update meetings are being held. Estimated project completion date is the end of July 2023.

The monthly BIA Lakewood Central Office, Region SOD and Tribal staff Early Warning System (EWS) Working Group meetings were held this quarter. 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 this quarter for the Navajo Nation Dams Hydrology/Hydraulics, and Emergency Action Plans updates and Tabletop Exercises. The overall projected completion timeline is the end of April 2023.

The Navajo Nation dams monitoring, and visual reports were reviewed for FY 2023-First Quarter.

The Navajo Nation Dams Early Warning System satellite upgrades work are in still in progress. Additional work planned for April 2023. The regular Navajo Nation Dams Early Warning System maintenance work is in progress.

The Navajo Nation Dams Operation and Maintenance manuals updates are in progress for this quarter.

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

The Todacheene Dam Comprehensive Review draft work plan meeting was completed on January 20, 2023.

The Round Rock Dam potential failure mode analysis (PFMA) meeting was completed on February 7 to 9, 2023.

The Lakewood Dam Tender virtual meeting was done February 23, 2023.

The Captain Tom Dam comprehensive review inspection initial meeting was held February 27, 2023. The project initial meeting was done February 27, 2023. The field visit was done September 12, 2023, and Potential Failure Mode workshop is tentatively scheduled for November 6-8, 2023.

The Many Farms and Cutter Dams periodic field is scheduled for April 26 and 27, 2023.

The Blue Canyon Dam Comprehensive Review (CR) initial meeting is scheduled for April 3, 2023.

The BIA NRO BOE 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 to provide Public Law 93-638 contract funding.

Navajo Indian Irrigation Project (NIIP)

The BIA NIIP Office continues to work 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. In April 2023, a contract/temporary employee will join the NIIP Office to continue this records organization effort.

The BIA NIIP Office continues to provide 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 BIA NIIP Program review was completed on December 8, 2022, in Farmington, NM. A Corrective Action Plan (CAP) was finalized by the BIA Central Office-Division of Water and Power in February 2023. The BIA NRO BOE NIIP Office will work on the CAPs accordingly.

The BIA NIIP Environmental-Technical Assistance contract, with Keller Blisner Engineering, was extended to September 30, 2023 (End of FY2023) with additional funding to complete annual tasks and reporting.

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 January, February, and March 2023. Letters sent to Navajo Nation Controller's office requesting to submit payments to the State of Utah office each month.
- Processed the Water Usage payment for October thru December 2022 from Chevron on the Navajo Nation Lease No. 14-20-0603-8669.
- Processed six (6) Oil and Gas Lease Assignments for approval between Citation 2004 Investment LLC to Tall Dunes Resources, LLC. The six (6) Assignments were approved by the Regional Director on February 28, 2023.

Solid Minerals Leases:

- Kaibeto Resources Inc. - The Sand and Gravel lease expired in 2018. Kaibeto Resources Inc completed the reclamation on the gravel pit. Bureau of Land Management (BLM) Arizona Office, Navajo Nation and Bureau of Indian Affairs (BIA) representatives visited the site for review of the reclamation that started in August 2022. Inspection was done December 5, 2022, the 3.1 slopes were good. The most recent inspection was conducted on February 28, 2023.

- March 1, 2023, Office of Surface Mining and Reclamation and Enforcement (OSMRE) completed a second Termination of Jurisdiction inspection (TOJ) within J19, J21 and N9 pit locations for overview of the reclamation. Representatives from OSMRE, Navajo Nation, Hopi Agency, and BLM Arizona Office attended the inspections.
- BIA attended the inspection at Wheatfield Gravel Pit on March 2, 2023. Reclamation at the site was good.
- BIA attended the inspection at Nazlini (Emma Brown) gravel Pit on March 2, 2023. Reclamation at the site was good.

Pending Action by Navajo Nation:

- March 23, 2022, BIA requested recommendation and approval/disapproval on an APD application from Navajo Nation Minerals Department for Tacitus, LLC. Project Well Name is: Navajo Tribal U 1A.
- August 19, 2022, BIA requested recommendations and approval/disapproval on three (3) APD applications from 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 (Ismay-Flodine Unit) between Citation Oil & Gas, Inc. and Tall Dunes Resources, LLC. BIA has not received a response from Navajo Nation.

Surface Leasing and Mortgage:

Reviewed, approved, recorded, and completed the following:

- Seventy-three (73) Residential Leases.
- Eight (8) Leasehold Mortgages.
- Four (4) Release of Mortgages.
- Six (6) TSR's for Leasehold Mortgages.
- Three (3) TSR's for Homesite Leases.
- One (1) TSR for Business Lease

Business Site Leases:

Cameron Solar Site Lease - Recorded by Land Titles and Records Office (LTRO).

Kayenta Township – Received 191 documents of correspondence, mortgages and maps from Navajo County Recording Office. These documents were then placed in chronological order and given a narrative on the transactions corresponding with TAAMS data, they were scanned, and made a part of the official case file.

Meetings:

March 15, 2023, BIA met with the Navajo Nation Land Department newly hired staff to discuss the Memorandum of Agreement for the Veteran mortgage, went through the document to see if an approval is required by Navajo Nation and BIA. The Navajo Nation approved a Deed of Trust law and regulation that govern veteran housing finances.

March 6, 2023, met with the Fort Defiance Chapter House staff and Navajo Nation Land Department staff to discuss the 30 alleged abandoned home project (Rio Puerco Acres and Blackrock Acres), Lessor and Lessee (Navajo Nation and Fort Defiance Housing Corporation), ownerships, if Title Status Reports were issued. Title Status Reports was requested from the

Navajo Land Department and were issued; twenty-seven (27) TSR's for Rio Puerco Acres and fourteen (14) TSR's for Blackrock Acres and forwarded to Navajo Land Department on November 2, and 8, 2021.

Rights-of-Way (ROW):

Tucson Electric Company (TEC): TEC submitted a draft ROW application and requested a courtesy review of their materials. Survey plats continue to be incomplete, and comments are being made. Other documents are pending the completion of the survey plat/legal because the total calculated lengths and acreage reflect information within the documents. Review is ongoing.

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 in preliminary stage and discussions are being made with the Navajo Nation. Project anticipates an EIS for its NEPA compliance. BLM is anticipated to be the lead agency of the EIS review and approvals.

Red Rock Day School – Red Valley AZ: The school's water wells expired and could not be repaired. An Emergency Water Distribution Line was declared: NTUA supply water to the school, connecting the two systems together. A "Group Effort" NTUA and BIA developed and submitted a Service Line Agreement with the understanding the Service line is revertible to an easement should the exterior demand for services increases. Service Line Agreement was approved March 9, 2023, by Navajo Nation Land Department. Contract for construction services negotiations is being administered between NTUA and BIA.

Public Service Company of New Mexico (PNM) Electric: Four existing alignments are near or have exceeded their easement term. PNM requested technical assistance from NRO –RES in guidance to properly prepare a complete ROW application. Alignments are complex and are subject to special Navajo Nation Terms and Conditions and NEPA compliances in a Power Project EIS. Additional time is needed to complete a thorough assessment. On March 15-16, 2023, a ROW training was given to 20 PNM staff members at their headquarters facility in Albuquerque, NM. PNM staff established a better understanding where their projects stand and what they need to do in meet compliance requirements. PNM requested BIA for an opened dialog for continue discussions.

Cadastral Survey & Unresolved Rights:

- Consultations continued with BLM State Offices (AZ, NM & UT) and Navajo Nation Land Department (NLD) on all approved, on-going and pending projects. Various research continues with agencies on land status, boundary issues, and field inspections on Navajo Tribal Trust & Allotted lands and BIA Administrative Reserve Areas.
- Six (6) New Approved surveys
- Five (5) New Survey Requests
- Two (2) Final Field Inspections
- Four (4) Completed Cases

Two Inspections on possible trespasses within ENA & Ft. Defiance Agencies and final reports completed.

AZ Silica & Sand Company Cash Bonds: Final review completed, next steps by our office are to releases four (4) bonds to landowners.

Cameron Cemetery Site: New site inspection is scheduled in May 2023 with Cameron Chapter & NN Historic Preservation (NNHPO) on a potential trespass by Navajo Chapter without a lease or permit.

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

- Middle, College, and High School for (40 Navajo Students): Approved on 1/24/2023
- Hozho Academy School (60 Navajo Students): Final approval recommended on 3/17/2023.
- Gallup McKinley County Schools District: Approved on 2/28/2023 on 33 Navajo Chapters on land status verifications across Navajo Tribal Trust, Allotted and BIA Administrative Reserve Areas, totaling 5,978 Navajo Students.

Acquisition and Disposal (A&D):

Gift Deeds:

Initial title research initiated, completed, and recorded six (6) Deeds containing eight (8) Allotments; These Deeds contained a total of four (4) Grantors and ten (10) Grantees.

Fee to Trust:

Rolling Mesa

The BIA, 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; Environmental Compliance Review along with Finding of No Significant Impact (FONSI) was issued. The Certificate of Inspection (CIP) was recertified. A letter to the Navajo Nation was submitted to the Office of the Navajo Nation President, Director of Natural Resources, and Principal Attorney (Division of Natural Resources) with findings of CIP and action items in February 2023.

Chinle Agency:

Navajo Nation Approved Leases Submitted for Recording: (25) homesite leases, all completed and returned to the Nation.

Mutual Terminations Received: (8), all completed and returned to the Nation.

Title Status Reports: (2) requested and submitted to requester.

Fort Defiance Agency:

Rights-of-Way:

- Land Index, Title Status, and Name and Address Reports provided to NTUA for:
 - Proposed distribution line with fiber optic cable within Dilkon Chapter crossing 11 allotments and tribal trust lands.
 - Proposed distribution line with fiber optic cable within Indian Wells and White Cone Chapters crossing 8 allotments and tribal trust lands.

- Proposed distribution line with fiber optic cable within St. Michaels Chapter crossing 2 allotments, tribal trust, and fee lands.
- Proposed distribution line with fiber optic cable crossing 1 allotment within Dilkon Chapter.
- Proposed distribution line with fiber optic cable crossing 4 allotments, 1 government tract, and tribal trust lands within Teesto Chapter.

Service Line Agreements:

Indian Health Service submitted 2 service line agreements for recording for Public Law-86-121 Project No. NA-14-T42 within Jeddito Chapter.

Payments:

Annual rental payments received for right-of-way crossing 4 allotments 310070, 310071, 31007-A, 310318 within Sanders, Arizona.

Navajo Nation Approved Leases Submitted for Recording:

Homesite Leases Received: (32) homesite leases.

Homesite Leases Recorded: (14) homesite leases.

Continue to provide technical assistance to Navajo Land Department Homesite Lease Section regarding 415(a) leases (BIA approved) and 415(e) leases (Navajo Nation General Leasing Regulations 2013).

Residential Leases:

Residential lease approved 02/22/2023 for Allotment 311527-B Teesto, Arizona

Residential lease approved 03/06/2023 for Allotment 311416 Indian Wells, Arizona.

(2) residential leases approved 03/17/2023 for Allotment 344560 Lupton, Arizona.

(2) residential leases approved 03/17/2023 for Allotment 311231 Dilkon, Arizona.

Business Site Leases:

Payments: Annual rental payment received for billboards on Allotment 368374 Lupton, Arizona.

Special Projects:

- Federal Property Certification - School Impact Aid Statement for Ganado Unified School District No. 20 for school year 2022-2023. Certification of parents and students who reside on eligible trust or restricted Indian lands within the Navajo Reservation. Review included 14 chapters for 1,193 students.
- Federal Property Certification - School Impact Aid Statement for Window Rock Unified School District No. 8 for school year 2022-2023. Certification of parents and students who reside on eligible trust or restricted Indian lands within the Navajo Reservation. Review included 14 chapters for 1,752 students.
- Land status provided to Lupton Grazing Official for 5 proposed sites located on tribal trust, fee, and allotment lands.

Pending Action by Navajo Nation:

Navajo Generating Station (NGS) Right-of-Way Applications. Awaiting response from the Navajo Nation regarding the Secretarial Waiver and whether there had been any progress in revising the right-of-way instruments to comport with the various waivers granted or declined.

Western Navajo Agency:

Navajo Nation Approved Leases Submitted for Recording: (9) homesite leases.

Homesite Leases Received: (16) from Navajo Land Department.

Homesite Leases Recorded: (12) homesite leases.

Started documents for (4) allottees with Residential leases.

Title Status Reports: (2) requested for mortgage purpose

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 Spring Quarter, there were 82 cases prepared and submitted to OHA for adjudication, of those, thirty-nine (39) were by Eastern Navajo Agency, thirty-seven (37) were by Fort Defiance Agency, and six (6) were by Shiprock Agency.

In this quarter there was a total of 219 new deaths reported, with all 219 resulting in new cases being created to be researched. The majority of cases were reported by the Eastern Navajo Agency (113) and the Fort Defiance Agency (68).

We were able to have 12 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 7,468 active cases being processed at some level. Currently, there are 186 cases eligible for closure, of those, 179 have finished the disbursement of the trust property (92.24%) and 25 have completed the disbursement of the trust personalty (73.45%).

INDIAN SERVICES**BRANCH OF INDIAN SELF DETERMINATION**

The Bureau of Indian Affairs (BIA) Navajo Region (NR) Branch of Indian Self-Determination (ISD) 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 (P. L.) 93-638. The Nation and tribal organization submitted twenty-three Contract Renewal and Calendar Year (CY) 2023 Successor Annual Funding Agreement proposals to continue contracting services under a P.L. 93-638 Contract and fifteen were approved last quarter. This quarter the BIA NR and Office of Justice Services District IV, in accordance with 25 CFR Part 900 completed their review and five more contracts were approved. The BIA NR distributed all

available Fiscal Year (FY) 2023 funding received through Congressional Appropriations to all approved P.L. 93-638 Contracts. In addition, the funding distribution also included CY 2022 Contract Support Cost additional need and any one-time funding for projects to the Nation and Tribal Contractors' P.L. 93-638 Contracts see Table 1. All contractors provide services to communities and other contractual activities, in accordance with their Scope of Work (SOW) and budgets. All funds awarded entirely benefit the Nation.

Table 1 -Public Law 93-638 Contracts Funding Allocations

The Navajo Nation	Programs	Amount
A20AV00139	Water Monitoring & Inventory Program	\$207,591.00
A21AV00001	Natural Heritage Program	\$221,784.00
A21AV00002	Fish & Wildlife Program	\$321,250.00
A21AV00003	Social Services-(SS) Depart. Family Services	\$22,474,357.00
A21AV00140	Law Enforcement -Criminal Investigations	\$3,510,742.00
A21AV00186	Law Enforcement-Patrol Services	\$21,719,476.00
A21AV00383	SS-Navajo Treatment Center Children & Their Families	\$232,779.00
A21AV00384	SS-Family Assistance Services and Assistance	\$7,133,835.00
A22AV00148	Higher Education Program	\$1,116,322.00
A22AV00149	Environmental Archaeological Non-Roads	\$203,439.90
A22AV00150	Tribal Enrollment Program	\$804,825.00
A22AV00151	Tribal Courts Program	\$1,946,917.31
A22AV00588	Housing Improvement Program	\$283,364.00
A23AV00265	Adult Detention Services Program	\$8,508,502.00
A23AV00366	Water Development Program	\$478,599.00
A23AV00368	Indian Child Welfare Act Program	\$1,512,395.00
	Sub-Total	\$70,676,178.21
Tribal Organizations		Amount
A19AV00984	Dine Bi Olta School Board Association, Inc.	\$103,262.00
A21AV00486	Rock Point Community School	\$1,176,822.00
A16AV00510	NECA – Project N2007	\$14,856.57
	Sub-Total	\$1,294,940.57
	GRAND TOTAL	\$71,971,118.78

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 Housing Improvement Program (HIP): This contract remains to be officially closed out.

Current activities include: FY2019 – construction activities completed; FY2020 – construction activities are wrapping up with the last two homes slated for completion this quarter. The first FY2021 project is beginning this quarter. Categorical Exclusion (Cat Ex) documentation for ARPA projects is under BA NEPA review.

Fiscal Year (FY) 2022 – Contract No. A22AV00588, was awarded last quarter in the amount of \$1,710,641. Nine applicants are expected to receive replacement housing with this FY2022 project funding.

FY 2023 Tier II (project recipient listing) will be submitted to BIA Central Office by close of business on March 31, 2023. The Navajo Nation is expected to be awarded \$2,080,000 for proposed renovation and construction of 13 homes with FY2023 funding. Upon receipt of funding a modification to Contract No. 22AV00588 will occur.

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

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

On March 23, 2023, the AOTR processed the Purchase Request in the amount of \$714,318.00 for These funds are made available pursuant to H.R. 2617 / PUBLIC LAW 117-328 Consolidated Appropriations Act, 2023.

On March 8, 2023, the AOTR processed the Purchase Request in the amount of \$90,507.00 for These funds are made available pursuant to H.R. 2617 / PUBLIC LAW 117-328 Consolidated Appropriations Act, 2023.

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

On March 23, 2023, the AOTR processed the Purchase Request in the amount of \$1,270,590.00. These funds are made available pursuant to H.R. 2617 / PUBLIC LAW 117-328 Consolidated Appropriations Act.

On March 23, 2023, the AOTR processed the Purchase Request in the amount of \$329,525.31. These funds are made available pursuant to H.R. 2617 / PUBLIC LAW 117-328 Consolidated Appropriations Act, 2023.

On March 8, 2023, the AOTR processed the Purchase Request in the amount of \$146,858.00. These funds are made available pursuant to H.R. 2617 / PUBLIC LAW 117-328 Consolidated Appropriations Act, 2023.

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.

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

On April 5, 2023, the AOTR processed the Purchase Request in the amount of \$9,607,335.00. These funds are made available pursuant to H.R. 2617/Public Law 117-328 Consolidated Appropriations Act, 2023 (Dec. 29, 2022); 136 Stat 4459.

On February 23, 2023, the AOTR processed the Purchase Request in the amount of \$1,116,322.00. These funds are made available pursuant to H.R. 2617 Public Law 117-328 Consolidated Appropriations Act, 2023.

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

The Bureau of Indian Affairs (BIA), Branch of Forestry continues to process multiple timber cutting permits that are received from the Navajo Forestry Management Program (FMP). The primary requests received are for permits associated with infrastructure projects being done within the Nation by their water or utility authorities. During this quarter, requests to review 9 permit packets was received from the Nation. The 9 permits were reviewed and forwarded for signature approval by the Regional Director. The approved permits were returned to the Branch of Forestry and forwarded to the Navajo Forestry Department to administer. This is an ongoing process between the BIA and FMP as a result of using BIA Form 5-5331, Timber Cutting Permit. This form captures all the information needed to properly encode all forest products harvested from the Nation's forestlands into the BIA's Trust Asset and Accounting Management System (TAAMS). TAAMS is the Official System of Record for the BIA and supports the management of trust resources, management of trust title ownership, encumbrance, and land records through a centralized bureau-wide system. This coordinated task is a necessary component that provides the data to track the harvest of forest products that occurs on Tribal Trust lands.

The BIA, Branch of Forestry received response letter, dated March 6, 2023, from the Nation's regarding follow-up questions to the Calendar Year 2022 Annual Contract Monitoring Questionnaire for their P. L. 93-638 Contract No. A18AV00262, FMP. In the letter, the Nation responds to the BIA requests to 1) identify which projects have biological and archeological surveys, 2) identify which projects have National Environmental Policy Act (NEPA) compliance documents in place, 3) identify which projects require biological, archeological and NEPA 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. In addition, the Nation provided a copy of the Navajo Forestlands Integrated Resources Management Plan, Programmatic Environmental Assessment. The FMP stated "No official letter and no copy of the PEA was sent from the consultant to the BIA, NRO Branch of Environmental Quality. An email requesting clarification on the review and approval process was sent to the BIA, NRO." The BIA is currently in the process of reviewing the documents provided and will provide a summary of its findings to ensure these documents fulfill the conditions of the Annual Contract Monitoring.

In formal correspondence dated February 23, 2023, the Nation's FMP was provided notice that the BIA, Central Office will be conducting an Internal Control Review and Assessment of Forest Management Inventories & Planning (FMI&P) in compliance with OMB Circular A-123

Management Responsibility for Internal Control for Fiscal Year 2023. For this assessment, the Navajo Region has been selected for an onsite assessment of the FMI&P program. This is per the BIA Director's February 16, 2023, dated memorandum, in which the FMP was provided a copy of said memorandum. Also provided to the FMP is the BIA Division of Forestry and Wildland Fire Management's (DFWFM) Internal Control Review (ICR) assessment form. The ICR assessment form is an Excel spreadsheet entitled "FY2023 Field Test Form, FMIP". The form is to be completed by the Nation's FMP Staff who are responsible for FMI&P activities on the Nation. The completed forms must be returned to BIA, Branch of Forestry by May 5, 2023, or sooner. The assessment team, comprised of staff from Central Office and the Branch of Forest Inventory and Planning, have reserved May 16 and 17, 2023, as initial days to conduct the onsite assessment. If additional days are necessary to complete the FMI&P assessment, the team will plan accordingly. The BIA, Branch of Forestry will continue to coordinate with the FMP and the BIA assessment team so that things are in order for review prior to the scheduled meeting dates.

Meetings between the BIA, Nation's FMP staff, and Anew, the Nation's Carbon Credits contractor, have been conducted to address the Carbon Credits Project which the Nation is involved in. This has been an ongoing project with the FMP since 2014. In email from the Nation's Forest Manager dated July 29, 2022, BIA staff were requested to provide dates of availability to attend the "Carbon Credit Initiative Kick Off Meeting". An email invite from the Forest Manager, dated October 11, 2022, was received for a meeting entitled "Carbon Offset Project Introductory Meeting" that was scheduled for October 13, 2022. This meeting was designed to be an introductory meeting for all involved with the project in determining the next steps. However, email dated September 9, 2022, from the Nation's Forest Manager requested that the BIA determine, pursuant to 25 USC §81 or other applicable law, if secretarial approval is or is not required for the Nation to register the project with the Air Resources Board (ARB) and participate in the California Cap and Trade Program. Because of this request, the BIA then requested from the Solicitor's Office a review of all the documents provided by the Nation associated with the project to determine if federal approval of the Tribe's participation in the Cap-and-Trade Program is required, or documentation from the U.S. Department of the Interior, BIA that federal approval is not required. This request was dated and forward to the Solicitor's Office on October 12, 2022. Since that time, other events occurred in relation to the Carbon Credits Program. The Solicitor's Office made requests for additional information, which were fulfilled by the BIA, so that an informed determination is made. A National Policy Memorandum (NPM) dated November 4, 2022, was issued (NPM-TRUS-47: Carbon Sequestration Agreement Policy) and defines BIA's role regarding existing or proposed carbon sequestration contracts or agreements between Tribes and non-governmental organization or other entities; describes guidance that BIA will provide to Tribes; and defines how the BIA will interpret carbon sequestration agreements in the fee-to-trust process. In past practice, the BIA issued letters confirming that federal approval under 25 U.S.C. Section 81 is not required because a carbon sequestration project does not create an encumbrance on Indian lands, nor does it give exclusive or proprietary control to a third party but there was no national policy directive in place prior to November 4, 2022. Another circumstance that took place during this time is that the BIA, Branch of Forestry sought assistance with this matter by contacting BIA's Division of Forestry and Wildland Fire Management (DFWFM) staff to review and provide recommendations on the matter. The DFWFM sought guidance from their Attorney – Adviser and his recommendation was to request for written confirmation, whether in the form of a letter or resolution supplementing the contract or an addendum to the contract, stating what the actual term for this

project will be. Once this information regarding the term of the contract is reviewed to clarify this question, the DFWFM can then provide their assessment and recommendations to move forward. An official request is forthcoming.

HUMAN SERVICES

Indian Child Welfare Act (ICWA):

The Navajo Regional Office continues to process ICWA Notices received by the State(s) for this fiscal year. For this second quarter, there were 80 ICWA Notices received by our office that were processed with an official response. This response informed the inquiring agency or state providers whether the tribe was notified properly or referred to the official BIA website at www.bia.gov for accurate mailing information.

The Indian Child Welfare Act is a federal law, passed by the U.S. Congress in 1978, for the purposes of protecting the best interest of the Indian child; promoting stability and security of Indian tribes and families; compliance with federal minimum standards before removing an Indian child; and preference of placement of Indian children in foster and/or adoptive homes that reflect the unique values of Indian culture.

Other activities:

The Branch of Human Services for the Navajo Regional Office remains available for Technical Assistance upon request from the Navajo Nation for P.L. 93-638 Social Services' contracts. This request is acted up when our office receives the request verbally or in writing. In addition, our office continues to reach out virtually to our local, state, county, federal and tribal service providers to coordinate resources benefiting tribal members and tribal communities.

April is also Child Abuse Prevention Month, a time for communities to come together virtually or in person to build caring connections, supportive environments, and positive experiences for all children.

BRANCH OF ENVIRONMENTAL MANAGEMENT

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

Shiprock Administrative Reserve (SAR): BEM received the funding document for the abatement and demolition of the 46 remaining buildings at the SAR site. This project will be conducted by Environmental and Facility Management.

Safe Drinking Water Act (SDWA)-Drinking Water Highlights: BEM continues to provide technical assistance to Bureau of Indian Education (BIE) schools within Navajo Region by conducting the required drinking water sampling and data results. BEM follows the annual monitoring schedule provided by the regulatory agencies each year. There are drinking water constituents that require annual monitoring and others that are considered scheduled monitoring which vary from year-to-year, which are taken by BEM.

For this Quarter, BEM completed the January and February 2023 bacteriological analyses as required by NNEPA-Public Water Supervisions Systems (PWSSP) and United States Environmental Protection Agency (USEPA) Region IX, Water Department for the BIE schools. All the data were absent of bacteria. In addition, BEM works with BIE schools to maintain compliance with the 2022 drinking water monitoring schedule for sampling.

BEM is currently working with the primacy regulators PWSSP and USEPA, Region IX, Water Department on returning a few of the BIE water systems back into compliance using the biannual list of Public Water Systems (PWSs) identified by USEPA Safe Drinking Water Act Enforcement Targeting Tool (ETT). The ETT is a tool created by USEPA to help drinking water programs to track their Public Water Systems that are out of compliance. The ETT displays a test score based on violations.

BEM is working with Crownpoint Education Resource Center on five (5) BIE facilities requiring first Quarter sampling for disinfection by-products (DBPs). The DBPs are required as the five (5) BIE facilities changed their water systems from groundwater to surface water in 2020. These BIE facilities receive their drinking water from the Navajo Gallup Water supply Project, Cutter Lateral Water Transmission Pipe. This change in source water results increases the monitoring for Disinfection By-Product Rule, Lead and Copper.

BEM received a public notice from the United States (US) Army Corps of Engineers on the Clean Water Act Section 404 permitting for the Navajo Nation. Effective September 8, 2022, the US Army Corps of Engineers, Albuquerque District, will administer the Corps' Regulatory Program within the boundaries of the Navajo Nation. Applications, inquiries, and requests should be submitted to the Albuquerque District. The Los Angeles District will continue to review all Arizona Department of Transportation actions.

National Pollution Discharge Elimination System (NPDES) Highlights: There were no reports of overflows/lagoons requiring discharging at any other locations within the Navajo Region.

The Navajo Nation Environmental Protection Agency-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 Region, 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 PWSSP and USEPA, Region IX. The PWSSP 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) continues to provide support to the Navajo Nation Heritage and Historic Preservation Department (HHPD) to undertake Section 106 compliance activities on behalf of the Bureau of Indian Affairs (BIA) Navajo Regional Office. This year BEQACR provided carryover funds in the amount of \$56,611.90 to the HHPD to assist with cultural resources inventories for the BIA's Branch of Forestry, Facility Management, and Natural Resources through the existing PL93-638 contract.

BEQACR provided technical assistance to the Bureau of Land Management (BLM) and the lessee to conducted site visits at barrow pits located in Teec Nos Pos, Wheatfields. The Teec Nos Pos is a new barrow pit, and the initial inspection was due. Ongoing monitoring will continue until the lease expires. Monitoring of the sites helps with safety and ensures environmental measures are being followed as identified in the NEPA compliance documents for the sites.

For this Quarter, BEQACR reviewed five (5) Environmental Assessments (EAs) submitted for review for any significant impacts to human or the environment. These five projects were issued Finding of No Significant Impact (FONSIs) concluding that there are no significant environmental impacts projected to occur upon implementation of their project actions:

Categorical Exclusions: BEQACR processed thirty-five (35) Categorical Exclusions (CEs) for housing needs and utility installation. These CE reviews are critical for allowing the approval of home sites and the installation of utility lines for Navajo Nation tribal members.

Cultural Compliance Section 106: BEQACR processed seventy-four (74) Cultural Resources Compliance (CRCF) forms for the Navajo Nation Heritage and Historic Preservation Department. These CRCF forms are critical for allowing the approval of home sites and the installation of utility lines for Navajo Nation tribal members.

These Navajo Nation projects provided to BEQACR for review helps to move projects forward for the benefit of the communities and tribal members to access running water, electricity, and broadband internet services in their homes as well as approve homesite for the construction of homes.

BRANCH OF SAFETY

Branch of Safety (BOS) continues to complete Safety and Health inspections assigned by the Indian Affairs, Division of Safety and Risk Management, which include 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 continues to assist Facility Managers in developing abatement plans to address Safety deficiencies. Assigned inspections have been provided to BOS for 2023 and will continue throughout the year.

BOS continues to monitor COVID-19 Community Transmission level trends by county which is published by-weekly from the Center for Disease Control and Prevention (CDC). Based on the fluctuation of COVID-19 levels, BOS developed an updated face-mask requirement and Bureau building visitor policy. The policy took effect on January 26, 2023, and BOS utilized the Department of Interior (DOI) Version 6.0 of the COVID-19 Workplace Safety Plan to devise the new policy. In summary, employees are not required to wear facemasks when COVID-19 Community Levels are in “Low and Medium” status although, facemask wearing will remain optional. Employees will be required to wear facemasks when levels are in “High” status. When Community Levels are in “High” status, the BOS will post building signs indicating the facemask requirement BOS continues to provide technical support for other Branches within the Navajo Region. The Branch of Environmental (BEM) requested assistance from BOS for a remediation project in Western Navajo Agency at the Department of Transportation maintenance yard. BEM

hired a contractor to excavate contaminated soils and BOS provided oversight to verify the contractor was exercising safety practices within the contract health and safety plan. BOS also approved the manifest certifying the material for transportation to a certified landfill.

BOS also provided technical support for the Navajo Region Facility Management at the Shiprock Navajo Agency (SNA) building. SNA has an ongoing HVAC system repair project where debris and dust remains after the project was recently completed. As a result, dust has been entering office work areas within the building which has created concern and unanticipated issues. BOS assisted by providing background safety concerns and therefore, a contractor has been selected to conduct appropriate cleaning services of the HVAC system. The Agency building will be thoroughly cleaned to prepare the cooling system for the upcoming warm summer temperatures.

BRANCH OF FACILITY MANAGEMENT

The Branch of Facility Management continues to assist and provide the Bureau of Indian Education (BIE) with technical services as requested. There are facility projects currently being work on that consist of: roof repair; waterline replacement; cleaning and/or replacing Heating Ventilation Air-Conditioning (HVAC) systems, water tank and waterline repairs, school playground equipment installation, school and BIA demolition projects, and school housing street paving repair. Below are some of the Branch of Facility Management projects taking place.

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

1. Renovating Government Quarters at Wingate High School – is 100% complete. We are working with the Contracting Officer and the Contractor to close out the contract.
2. Renovating Government Quarters at Nazlini Community School – 100% complete. We are working with the Contracting Officer and Contractor to modify the contract, to allow for additional work.
3. Kin lichee Community School new waterline installed to eliminate need for storage tank-on-going in design development

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

1. HVAC dust system cleaning to commence on April 3, 2023, at Shiprock Agency Head Quarters Building. In addition, the HVAC system needs some adjustment for the temperature climate of the building, which is monitored remotely.

Deferred Maintenance:

1. The statement of work (SOW) and cost estimate for the Shiprock Administrative Reserve (SAR) demolition project is 100% complete. The solicitation was sent to the Solicitor's office for review. After the Solicitor's review is complete, Central Office will need to approve the solicitation. Then the Contracting Officer will send it out to vendors on the IDIQ for demolition services. We are hopeful and anticipate solicitation of the project by April 7, 2023,
2. The SOW and cost estimate for the Cottonwood Day School roofing repair is 80% complete.
3. Tuba City School Streets reconstruction pending additional funds.

4. Pueblo Pintado Housing streets reconstruction design is 90% complete. This project will be submitted for funding with construction in the summer of 2023.
5. The SOW for Pinon Community School cooling system to six dormitory buildings is 90% completed and still lacks funding.
6. Red Rock Day School is a design build project by Navajo Tribal Utility Authority (NTUA) to install a 6-inch waterline. The plans, specifications, and cost proposal are 98% complete. The Contracting Officer will obligate the funds and award the contract soon.

BRANCH OF TRANSPORTATION

The Bureau of Indian Affairs (BIA) - Navajo Region Branch of Transportation (NRBOT) continues to strive and fulfill its mission to manage the intermodal transportation facilities by maintaining the existing infrastructure for dependability and safety that serves the Navajo Nation and the traveling public. We accomplish this by providing transportation related technical assistance and service, by working directly with the Navajo Nation's Division of Transportation (Navajo DOT), as they pursue self-sufficiency and discretion in the administration and operation of the Tribal Transportation Program (TTP).

Road Maintenance

The Agency Road Maintenance Program, 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 2nd 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:

- Pothole patching.
- Snow & ice removal.
- Surface inspection.
- Sign Repair & Maintenance.
- Surface cleaning.
- Brush & tree removal.
- Shoulder 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.



Snow removal on N4055

Shoulder Maintenance on N4049

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:

- Roadway delineators installation & maintenance
- Drainage structure repair & cleaning
- Litter pickup
- Sign repair/replace
- Guardrail wash & repair
- Fence repair
- Pothole patching
- Road assessments
- 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 New Lands Road Maintenance field staff continues to assist Fort Defiance Agency with various road maintenance activities when requested by the Fort Defiance Agency Road Engineer.



Snow and Ice Removal on N2025 (Before)



Snow and Ice Removal on N2025 (after)



Sign Replacement on N2011(Before)



Sign Replacement on N2011(After)

Shiprock Agency

The BIA Shiprock Agency Branch of Road Maintenance has completed its office move to Farmington, NM and completed its equipment yard move as of Friday, February 3rd, 2023. The office is located at the following address: 304 N Auburn Ave, Suite E, Farmington, New Mexico 87401. The equipment yard is located at the following address: 9996 Highway 371, Building No. 17 (Block 6), Farmington, New Mexico 87401.

On Friday, January 20, 2023, the BIA received an Emergency Declaration from the Navajo Nation due to the abundant snowfall received in the region citing concerns for the melting snow turning into muddy conditions. The Shiprock BORM had already been continuing with snow and ice control in the higher elevations mainly on Navajo Routes N13 and N33. At the Buffalo Pass on N13, snow and ice clearing accumulation reached as high as 8ft causing the snowplowing operations to limit one-lane passage at certain locations. The region is continuing to receive a significant amount of snowfall in the higher elevations and rainfall in the lower areas. In the

higher elevations, the crew is utilizing a motor grader to clear the snow and ice from the pavement since the snowplow experienced heavy damages during operations. In the lower areas the roadways are experiencing muddy conditions where blading operations will continue after the mud has dried and allows for heavy equipment to travel on.

On N5099 the crew worked on excavating an old 24" culvert pipe that had developed a large hole on the roadway shoulder due to interior rusting. They removed the old culvert material and excavated for a new bedding while leaving one lane open for traffic. The new culvert was backfilled with suitable material meeting compaction specifications. This was completed for both ends and the work was completed on Tuesday, February 28, 2023, with the installation of a new 24" x 56' culvert drainage pipe. The roadway surface has not been paved, due to all asphalt plants being closed.

Due to the continuing snowstorms and rainstorms, the paved roadways are developing minor to major potholes on various routes in the region. The crew completed a 3-mile patch work on N35 from US160 to the Utah State border. The crew had to respond to snow and ice control so they will continue until the weather conditions subside.

The crew cleared vegetation from the side of the highway to the right-of-way fence line left and right of the alignment. The vegetation clearing is from the Upper Fruitland Chapter Road, Navajo Route N562, to Navajo Route N36 on N367. The heavy vegetated areas were chipped with a mulcher and placed back in the right-of-way. The work was completed on Friday, March 10, 2023.

Routine roadway maintenance was completed for the following routes: N8008, N8009, and N35. The following routes are scheduled for routine maintenance: N5028, N5035, N5039, and N5059. Permanent traffic control delineators are continually to be installed on N36.



Snow & Ice Removal on N13



Snow and Ice Removal on N13



Snow Removal N13



Ice Removal on N3003



Snow and Ice Removal on N13



Snow Removal N5060



Sink Hole on N5099



Traffic Control on N5099



Culvert Pipe Replacement N5099 (30"X 56')



New warning sign posted on N5099



N5099: Culvert Installation completed on 2/28/23

Western Navajo Agency

Western Navajo Agency received plenty of snow for the 2nd quarter of this Fiscal Year of 2023. The Bureau of Indian Affairs, Western Navajo Agency Branch of Transportation (BIA, WNA-BOT) Road Maintenance crew removed snow and ice in coordination with Navajo DOT and the Counties on the snow removal process. The snow removal was addressed promptly, and we were commended by Chapter officials for our prompt actions. The melting snow also created some washouts, severe erosions, and flooding within Western Navajo Agency. The BIA, WNA-BOT Road Maintenance crew is currently addressing some repair work within the Agency. Right of way fence repairs were performed 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 completed the replacement of a washed-out culvert drainage pipe on BIA Route N71. The crew also completed the repair of a damaged guardrail on BIA Route N15. We continue to remove Sand from a couple of routes where the drifting sand blocks half of the roadway. We anticipate Sand removal will continue into the next quarter.

Other activities conducted during this period include routine maintenance on paved roads and earth roads, sign replacement, blading services, shop building maintenance, preventative equipment services, road assessments and general operations (daily reports, vehicle & equipment reports, online trainings, safety meetings and inventory of materials). Road blading occurred mostly on bus routes and high-volume roads.



Snow & Ice Removal on N16



Snow & Ice Removal on N221



Snow drift on N21



Snow removal on N6486



Snow removal on N632



Snow removal on N6310



Benally Wash – Washout Repair N6310



Benally Wash Washout on N6310



Roadway washout on N71.



Sand Drift Removal on N59



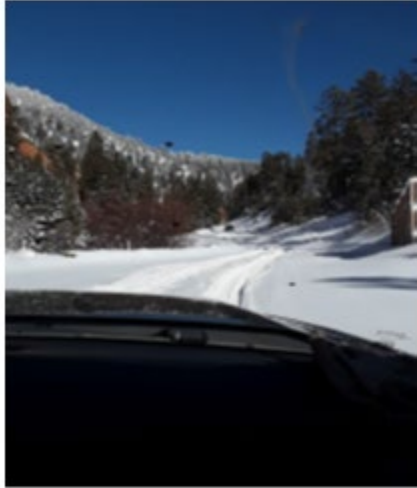
Sand Drift Removal on N59

Chinle Agency

Chinle Agency Road Maintenance crew replaced several permanent roadway signs on various routes that were either faded or missing. The Chinle Agency Road Maintenance crew also performed snow and ice control rather frequently due to subsequent snowstorms within the region. Routine earth roadway maintenance is being performed until most locations have semi-dried for heavy equipment operations.

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

- Blading
- Fence repair
- Sign replacement
- Drainage 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.



Snow Removal activities on N13



Snow Removal activities on N13



Fence Repair on N4 (Before)



Fence Repair on N4 (After)

Fort Defiance Agency:

On BIA Routes N12/N7/31/N54/N9010/N9702/N9073: The Fort Defiance Agency Road Maintenance (FDA) assisted the Navajo Nation with their Emergency Declaration where snow, ice, and snow drifts were maintenance after every snowstorm event. The crew continuously worked on snow and ice removal in various location throughout the Fort Defiance Agency this 2nd quarter (FY23) and provided a safe road for the traveling public and school bus routes. On BIA Routes N15/N30/60/N6, the crew responded to emergency washouts, cattle guard maintenance, and fence repairs. Several cattle guards had to be cleaned of mud and debris to properly drain. Culvert drainage pipes plugged with sand and mud causing overtopping were maintenance.

On BIA Routes N7/N12/N60/N112/N602, the crew responded to pothole patch work for the safety of the traveling public. The crew also worked on fence repairs and replaced cattle guard wings. On BIA Routes N9073/N9653/ N31, the crew repaired washouts and mud cleanup caused by melting snow and ice. The road assessments conducted resulted in more washouts and erosions in various locations throughout the Fort Defiance Agency. Roadway washout repair on school bus route N9073 was completed by stabilizing the road with rocks and plating it with millings with the assistance from NDOT and the Apache County. Also, on N9073 Blue Canyon Road, the crew is continuing to repair erosion caused by melting snow, ice, and rainstorms.

Other road maintenance activities performed includes snow and ice removal and earth roadway maintenance as the routes become semi-dried for equipment operation. The roadway blading was concentrated on bus routes and high-volume roads.



Snow Removal on N7



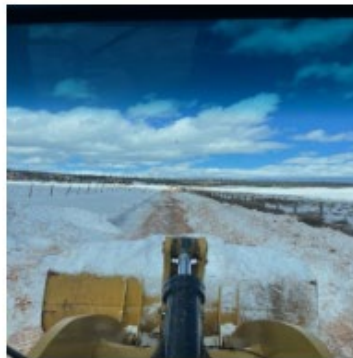
Snow Removal on N7



Snow Removal on N9073



Snow Removal on N9073



Cattleguard Cleanout N30



Cattleguard Cleanout on N15



Pothole Patching on N112



Pothole Patching on N112



N9073:Earth Road Stabilization



N9073: Earth Road Stabilization



N9073: Earth Road Stabilization



Road Base Repair N125



Earth Road Repair N125



Blading on N112



Blading on N28

EASTERN NAVAJO AGENCY

ENA Branch of Transportation (BOT):

January 2023

BOT staff applied cinder on N7062 in Breadsprings, N7046 in Jones Ranch, and N7044 in Chichiltah, as communities experienced extreme snow/icy road conditions. Staff completed routine road maintenance by blading Earth Route 11 Mariano Lake Pass. They successfully repaired broken fences and replaced t-posts on N9 East in Chaco Canyon and N49/11 from Pinedale to Smith Lake. BOT also replaced a base post, a signpost, and a road sign on N11 in Pinedale, N9 West Crownpoint, and N7062 in Breadsprings, respectively. Staff attended a meeting with the White Rock Chapter to address road concerns and improvement procedures for County Routes 8890, 8880, 8870, as well as Navajo Routes 7057, 9652, 7808, and 7014.

BOT cleaned out a culvert pipe to allow for better drainage along N7140 Lupton and pothole patching was completed on N7140 in Lupton with universal patching material. Staff completed sign and fence repair on N7044 in ChiChilTah, N49/11 from Smith Lake to Pinedale, N55 in Alamo, and N56 in ToHajiilee, the broken signs were replaced with new signposts, base posts, and signs, the broken fences were secured back together, and t-posts were placed in the ground to hold the fence lines in place.

BOT completed ditch and blading along Earth Route 7054 in Second Canyon (Pinedale) and Earth Route 11 in Mariano Lake Pass. Staff completed snow removal on N49/11 Smith Lake to Pinedale; N7140 Lupton; N9 (East) Junction 371 to Tinian; N474 Ojo Encino; N48 (North and South) Little water, Borrego Pass, Casamero Lake; N7062 Breadsprings; N7046 Jones Ranch and N7044 ChiChilTah. BOT also applied cinder to the highways to provide traction for the traveling public.

BOT provided traffic control on N11 in Pinedale while working with the local law enforcement to assist with the accomplishment of retrieving a school bus that had slid off the pavement to open the road for traffic flow. Staff worked to keep roads passable and safe during the inclement snowstorms. Fence repair was completed along N9 East in Pueblo Pintado. BOT completed a cattleguard cleaning on N7046 in Jones Ranch that was filled with compacted snow. Staff completed blading on Earth Routes N7052, N7053, and N11 (Mariano Lake) to remove snow and allow the road to dry. These activities support safe and reliable roads for the public, emergency vehicles, school buses and commerce.

February 2023

BOT completed fence repairs on N9 East in Pueblo Pintado to Tinian, N474 in Ojo Encino, and N7140 in Lupton. Staff cleaned behind guardrails, cut overgrown weeds, brush, and trees along N49/11 from Smith Lake to Pinedale, as well as completing pothole patching using universal patching material. BOT repaired a damaged guardrail on N9 East in Pueblo Pintado. Staff completed blading on Earth Routes 7111, 492, and 493 in Mariano Lake to remove any remaining snow to allow the earth routes to dry.

BOT repaired additional broken fences and placed new t-posts where they were needed on N55 Alamo and N49/11 from Smith Lake to Pinedale. Staff completed flat blading on Earth Routes

50 in Mt. Powell, 7054 in Pinedale, and 493 in Hasta Butte. BOT received and completed a request from Pinedale Chapter to repair a wing brace at Pinedale Chapter.

BOT completed blading on Earth Route 7017 within the Whitehorse Lake community. Staff completed eight (8) wing brace repairs for cattleguards on N9 East from mile post 95.2 to 95.6 in the Tinian community. Staff conducted snow/ice removal on N9 West from district line to State Road 371 in the Nahodishgish and Crownpoint communities; N49/11 from State Road 566 to State Road 371 in the Pinedale, Mariano Lake, and Smith Lake communities; 48 North and South in the Borrego Pass and Little Water communities; N104, Crownpoint streets; and N7140 in the Lupton community.

BOT accomplished the snow removal on paved Routes N49/11 from Pinedale and Smith Lake, N48 South in Casamero Lake, N9 East from Chaco Canyon turnoff to Tinian. Snow removal was also completed on Earth Routes N7054 in Second Canyon; N7111 and 7113 in Mariano Lake; N494, N492, and N493 in Hasta Butte and N11 as well as flat-bladed to remove snow and to allow them to dry and applied cinder to slick/icy areas that needed traction. BOT also completed road maintenance, which included pothole patching on N7140 in Lupton and N7062 in Breadsprings. Staff replaced three damaged wing braces on N9 East in Tinian.

March 2023

Snow and ice removal was completed with cinder applied on Crownpoint Streets, N48 South in Casamero Lake and N49/11 from Smith Lake to Pinedale, staff made multiple passes on pavement routes to remove the snow/ice. Staff performed road reconnaissance for road conditions and snow accumulation on N7140 in Lupton, N7062 in Breadsprings, N7046 in Jones Ranch, N7044 in Chichiltah, N474 Ojo Encino, and N9 East from State Road 371 to Tinian.

BOT completed routine road maintenance, repairing fences on N48 North and South, cleaned cattleguard and did wing brace repairs on N9 East in Whitehorse Lake. Staff also completed pothole patching in the Crownpoint community and met with clients at Breadsprings to gather information on sign maintenance requests. BOT performed road reconnaissance for road conditions and snow accumulation on N9 East from Crownpoint to Tinian, N474 in Ojo Encino, N7062 in Breadsprings, N7046 in Jones Ranch, N7044 in Chichiltah and N7140 in Lupton. Snow and ice removal were completed on paved routes N49/11 from Smith Lake to Pinedale, N48 North and South from Borrego Pass to Casamero Lake, N9 West from Crownpoint to Standing Rock.

BOT accomplished site assessments for road maintenance on all earth and paved routes in To'Hajiilee and found the routes to be in decent shape, with blading and one erosion site to be addressed. Staff completed blading on N9 East, mile post 66, and cleaning along the fence line by clearing dirt and blowing sand away from the fence line. Blading was also completed on earth route 7004 in Whitehorse Lake. BOT crew repaired a damaged guardrail on N49/11 in Mariano Lake, mile post 15.5. Staff cleaned four cattleguards on N9 East in Pueblo Pintado and completed routine road maintenance cleaning of cattle guards on N7140 in Lupton. Ditch and blading were completed on Earth Routes N7057 in Standing Rock and N7004 in Rincon Marques.

BOT did fence repairs along N7140 in Lupton and N11 in Pinedale, and sign repairs along N9 East in Whitehorse Lake. Staff attended the Ojo Encino Chapter meeting to discuss topics of road maintenance. Staff assessed routes for snow on N7140 in Lupton, N7046 in Jones Ranch, N7044

in Chichiltah, N7062 in Breadsprings, N9 East in Whitehorse Lake, Pueblo Pintado, Tinian and N474 in Ojo Encino. BOT completed snow removal on N49/11 from Smith Lake to Pinedale, N9 West from Crownpoint to Standing Rock, and Crownpoint Streets.

BOT met with a vendor on purchasing “Local Traffic Only” signs for N49/11, which is experiencing heavy I-40 bypass traffic; several Navajo chapters who have expressed concerns related to safety of local travelling public, including buses, emergency vehicles, and local commuters. 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 coordinates and addresses emergencies and inclement weather that impact roads, washouts, and bridges. The crew is on alert and, when necessary and possible, pretreat roads in the Eastern Navajo Agency, to ensure safe travel for the public and emergency vehicles.

ENA Branch of Realty (BRES):

BRES staff worked on and completed the preparation of a business lease between the To’Hajiilee Chapter and a potential lessee while coordinating with the Navajo Nation Regional Business Office. The potential lessee wanted a ten-year term of no rent payment, the To’Hajiilee Chapter did not agree to this request due to the amount of lost rental for the ten years, as a result the potential lessee withdrew from the project. The project would have developed a convenience store, laundromat, and gas station.

The To’Hajiilee Chapter is currently working with BRES to identify potential projects to utilize the \$4 million dollar budget obtained to create new businesses. New businesses are greatly needed due to the closure of the convenience store located at the entrance of the community, forcing the community members to shop in Albuquerque for their groceries and other household needs.

BRES attended a meeting with the Becenti Chapter on the Fee-to-Trust (F2T) process. Staff provided an overview on the regulations, handbook, and the F2T process. Staff also provided a historical overview and map of the areas where Becenti Chapter was interested in doing F2T acquisitions, their preferences are fee lands located along State Road 371. The chapter has submitted a letter of interest to start the process, these acquisitions will provide the chapter with land for housing and economic development.

BRES met with Invenergy LLC. to discuss a proposed right-of-way corridor for a high-voltage power line to cross trust lands in the northern part of Eastern Navajo Agency. This project will require an Environmental Impact Statement for NEPA compliance and is a five-to-seven-year plan. The focus of the discussion was on the right-of-way process, insights, and recommendations on working with the landowners for consent. These meetings help applicants understand the process and requirements before the start of the right-of-way process.

BRES also conducted rights-of-way training for four chapters concerning APRA-related projects and for county roads within McKinley County. Staff conducted review of the applications for the chapters to ensure that the correct forms are being used and to provide other technical assistance. The completion of the rights-of-way would allow the county to make improvements to the roads as needed for the communities.

BRES attended a meeting with the Navajo Nation Division of Natural Resources staff to inform them of the proposed F2T land acquisition within the Navajo Indian Irrigation Project (NIIP) to use the Act that created the NIIP. Staff are reviewing the proposed consent of the warranty deed and where it can be processed, it was indicated that a Resources and Development Committee (RDC) resolution may be required. BIA will contact Council Delegate Danny Simpson and request his assistance as he represents the NIIP area and is a member of the RDC.

BRES processed a right-of-way application for Continental Divide Electric Cooperative, Inc., (CDEC) known as the “Gilbert Yazzie” project. The application was returned to CDEC as incomplete, the documents did not match the same purpose and contained other mismatched information. Upon correction, the CDEC can resubmit the application.

BRES reviewed a right-of-way application entitled “Navajo Nation, NA-15-T49-A, Gallup Scattered South and West” which was submitted as an amendment, but no record of an approved Grant of Easement for the mentioned project was located. The original application was returned to CDEC on July 11, 2022, to date it has not been resubmitted.

BRES met with Sacred Winds Communication to discuss the right-of-way consent requirements, the different categories of landowners, and the situations where the Superintendent can sign consent on their behalf. The requirement of having the consent form allowing choice options for landowners to make decisions for a right-of-way was restated. The project is a community service project that uses federal subsidized funds to provide fiber optic to the chapters and schools in Eastern Navajo, but no service drops to residences. This may require a payment of compensation for the right-of-way, since the landowners will not directly benefit from the fiber optic utility crossing their allotments. When completed, the project would provide fiber optic internet services to most Eastern Navajo Chapters, schools, and offices.

ENA Branch of Natural Resources (BNR):

BNR supports range management decisions for the best interests of the landowners, making it possible for landowners to receive income from the use of their land and natural resources and have them managed properly.

BNR completed two conservation plans involving 6,855 acres, addressed 105 range unit compliance work involving record reviews, mailed 194 Notices of Violations (February 10-13, 2023), and 45 reminder letters for non-payment of the 2023 grazing fees; completed one range unit field assessment involving 4,283 acres; and addressed six outstanding invoices for past annual grazing rental payments for trust lands. For the 2023 annual grazing fees, BNR collected \$46,454.12 for 230 range units, and the funds were distributed directly to the landowners, the Navajo Nation and the Indian Allottees.

On December 15, 2022, BNR formally notified the Eastern Agency Joint Land Board (EAJLB) on the plans for the 2025 Grazing Permit Renewal Project for Land Management Districts 16, 19, and 20. On March 17, 2023, staff presented information to the EAJLB on carrying capacity and stocking rate determination, 75% of current carrying capacity, and the Authority-to-Grant livestock grazing process for Indian Allotments.

BNR has issued 558 grazing permits since 2015 and determined 83 range units with low carrying capacity that may need to be assessed diligently for grazing permits in 2025, current grazing

permits expire at the end of December 2024. Staff have determined that there will be about 475 grazing permits to renew as required under 25 Code of Federal Regulations Part 166. BNR works closely with tribal representatives on grazing administration including plans for the 2025 Grazing Permit Renewal Project. As well, 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, and providing applicants with information on grazing permit administration, compliance, livestock trespass, and logistics in coordinating with the chapters to schedule meetings.

BNR, with the assistance of an auditor, is reconciling the amount deposited into the Navajo Escrow Account, to the receipts on file and identifying the amount collected for each type of land ownership. On January 19, 2023, staff met with the Bureau of Land Management-Farmington Field Office on how, when, and to whom the funds would be transferred for grazing fees collected for public domain lands. BNR will remain responsible for collecting annual grazing rental for tribal trust and Indian Allotment lands.

For the Alamo/Canoncito Noxious Weed and Invasive Plant Inventory and Environmental Assessment Project, as of December 2022, the contractor has 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. The contractor completed the draft Environmental Assessment and is currently awaiting the finalization of the Cultural Resources Report. On January 5, 2023, the Navajo Nation Heritage and Historic Preservation Department (NNHHPD) informed the contractor of major inconsistencies throughout the site forms. The NNHHPD will thoroughly review the Archaeological Inventory Report as a group and address the corrections within the report due to the size of the Area of Potential Effect.

For the Land Management District 14/15/16 Boundary Fence Project, VHJ Construction (contractor) has completed significant fencing inspection up to mile 24. BNR provided additional fencing materials, met with the contractor to discuss details of the fencing to avoid one cultural site, and completed flagging 1 mile of the fence line and cultural resource sites. On March 9, 2023, staff provided guidance on cultural resources located on and near the fence line. About 1,320 feet (0.25 miles) remain to complete, but only the wiring. On March 27, 2023, BNR plans to conduct an inspection and the project is scheduled to be closed out on March 31, 2023. The fence project is 96 % complete.

BNR met with the Deputy Director of Land Resources, New Mexico State Land Office for a tutorial on grazing lease research of identified legal descriptions for New Mexico State lands that might be near or in the program's grazing communities. The Deputy Director provided current lease numbers of Navajo Nation grazing leases with the State Land Office and provided a link to the interactive map viewer. The tutorial allowed staff to determine all the information needed in a quick and orderly fashion. BNR downloaded GIS data from the State of New Mexico interactive map viewer to finalize the list, the information will be used to confirm the information on state lands used by the permittees with the understanding that BIA does not invoice for use of state land.

On March 1, 2023, BNR met with the Native Sustainable Agriculture Project, New Mexico State University Cooperative extension field coordinator and two resource planning technicians. Staff

provided information on the range units and permittees whose conservation plans either need to be amended or completed, also, Google Earth files were provided of the range units and RCP for their use. The two technicians will assist permittees with amending their conservation plans or to put together draft conservation plans and providing the drafts to BNR for review and to finalize the plans for approval. The technicians will be interviewing the permittees and acquiring the range unit's existing improvements and plans for future improvements.

District 15 Land Board meetings:

- Standing Rock Range Unit (RU) 35 requests to transfer grazing permit. Three grazing permits were assigned to the unit, but one permittee is deceased. Staff recommended that applicants 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:

- Two Wells RU 76, the land board decided to add 80 acres to the unit (approved in 2018) and approved supporting resolution. For the request to add a name, however, the board did not take any action because they were awaiting a range unit assessment.
- For the request to add the Industrial Park to Wingate RU 1 and add a name; the board recommended submitting the request to the Navajo Nation Land Department to use the Industrial Park for livestock grazing.
- Church Rock RU 36, Pinehaven RU 12 and Red Rock RU 52, none of the people attended the meeting. BNR recommended conducting field assessments to determine whether the units have available forage.
- Other agenda items included: 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 range units, that create problems for permittees.

District 19 Land Board meetings:

- RU 05083, a request was made for improvement to fence on public domain land. No action was taken, and BLM was not present. The grazing permit transfer in the Jaquez Grazing Allotment will be addressed once all documents are submitted.
- Huerfano RU 13, the field assessment scheduled for December was deferred to the January 2023 meeting.
- The Nageezi Chapter representative provided an update on the land exchange and boundary identification for the proposed campground site administered by the BLM. The family submitted paperwork for the land exchange, and the Nageezi Chapter approved a resolution.
- Huerfano RU 2, BNR will complete the field assessment.
- Gallegos RU 18, there was an update on grazing permit transfer. BNR needs to finalize the conservation plan with applicants' input.
- Gallegos RU 18, there was an approved conservation plan for one applicant. BIA received the request, resolution, and official Land Board minutes, and will finalize the conservation plan. The BLM permittee requested a new boundary fence on the allotment. The land board chair recommended permittee to work with BLM and BIA. BIA conducted a field visit on January 31, 2023.
- They requested the Navajo Nation Office of the President and Vice President, Resource and Development Committee, and the Navajo Nation Department of Justice to File an

Injunction Against United States Department of Interior on the Proposal to Withdraw Public Land Surrounding Chaco Culture National Historical Park. The Nageezi Land Board representative informed BNR that DOI is proposing 348,000 acres be a part of the buffer zone.

- The Nageezi Land Board representative established a resolution for Huerfano and Nageezi for horse round-up and possible training of the horses with local community members' assistance before selling them. He stated that the Navajo Nation has funding available, and the community and Land Board need to come up with a plan.

District 20 Land Board meetings:

- Pueblo Pintado RU 12 recommended removing the new fence installed on the east side.
- Rincon Marquis RU 2 deferred.
- Star Lake RU 14 was approved to add Indian Allotment.
- Whitehorse RU 13, the fence line was in the wrong location, which was deferred.
- Whitehorse Lake RU 23 must confirm whether compliance documents have been submitted and whether the carrying capacity is enough for two individuals.
- Sand Springs RU 6 needs compliance documents, which were deferred.
- Pueblo Pintado RU 27 requested the addition of a name to the grazing permit, which was approved.
- Star Lake RU 7 applied to work with BIA to submit compliance documents; no action taken.
- Star Lake RU 2 was approved for a transfer grazing permit.

ENA Branch of Probate and Estate Services (BPES):

During the Spring 2023 Quarter, BPES staff received 162 reported deaths; 48 cases have been submitted to and accepted by the Office of Hearings and Appeals (OHA), consisting of \$1,049,939.63 in Individual Indian Monies (IIM) accounts, 421 allotments, and 224 probable heirs; the disbursement and close-out of 62 cases have been completed.

BPES staff have assisted 1,094 clients in the office, in the field doing home visits, on the phone, and through email. Staff keep Indian allotment interest holders informed so that they have a better understanding of what they own and what it means to them. Many of the activities are conducted in the Navajo language, which helps set the stage for estate planning.

The types of service requested by the clients involve, but are not limited to, printing Individual Tribal Interest (ITI) reports, educating clients on how to read the reports, updating contact information, explaining what documents are 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.

Consistent with probate laws and regulations, BPES provided technical consultation to the Tribal Wills project completed in March 2023. Navajo Nation President Buu Nygren recognized the Tribal Wills project as a valuable service to the Navajo people.

Appendix A –Dear Tribal Leader Letter (DTLL)

February 2023

02/03/23: Dear Tribal Leader letter from the Principal Deputy Assistant Secretary for Policy Management and Budget regarding the development of a policy to respect, and equitably promote the inclusion of Indigenous Knowledge in the Department’s decision making, program implementation, and other activities.

02/13/23; Dear Tribal Leader letter from the Secretary, U.S. Department of Interior regarding the 2021 White House Tribal Nation’s Summit, on the formation of the new Secretary’s Tribal Advisory Committee.

March 2023

03/02/23; Dear Tribal Leader letter from the Director, Bureau of Indian Affairs, regarding the \$2 million for land acquisition efforts on and off current reservations to support sustainable land practices.

03/10/23; Dear Tribal Leader letter from the BIE, Deputy Bureau Director regarding the Cove Day School replacement. The BIE will build a new replacement school for Cove Day in its current location.

03/10/23; Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs, regarding the Biden-Harris Administration’s Fiscal Year 2024 budget request for DOI, Indian Affairs (IA) which includes the BIA, BIE, and Bureau of Trust Funds Administration.

03/17/23; Dear Tribal Leader letter from the Deputy Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

03/22/23; Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs and Deputy Director, U.S. Office of Personnel Management regarding the President Biden’s directive to prepare a detailed plan of action the agency will take to implement the policies and directives of Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments).

03/27/23; Dear Tribal Leader letter from the Secretary – U.S. Department of the Interior on the Not Invisible Act of 2019 which was signed into law.

03/29/23; Dear Tribal Leader letter from the Principal Deputy Assistant Secretary – Policy, Management and Budget, and Assistant Secretary – Indian Affairs regarding the DOI to consult on the best methodology to accurately determine the number of tribal wildland firefighter full-time equivalents.

03/30/23; Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs regarding the enrollment data collection. The Indian Affairs is reaching out to all federally recognized Tribes to get updated, aggregate Tribal enrollment information on enrollment data.

April 2023

04/03/23; Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs (ASIA) regarding the Department seeking Tribal and Indian artist input on the draft revision to 25 C.F.R. Chapter II (Indian Arts and Crafts Board).



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

February 3, 2023

Electronic Transmission

Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Principal Deputy Assistant Secretary for Policy Management and Budget regarding the development of a policy to respect, and equitably promote the inclusion of, Indigenous Knowledge in the Department's decision making, program implementation, and other activities.

Your input is requested in development of this policy. See the enclosed for registration and sessions scheduled on February 25, 27, and 28, 2023. If you have any questions, please contact Jacob Malcom at 202-657-2877 or jacob_malcom@ios.doi.gov.

Sincerely,

**ANGELA
ARVISO**

Digitally signed by
ANGELA ARVISO
Date: 2023.02.03
14:52:08 -07'00'

Angela M. Arviso
Acting Regional Director

Enclosure

cc: Ms. Richelle Montoya, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Chief Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

Dear Tribal Leader:

The Department of the Interior (Department) seeks your input on the development of a policy to respect, and equitably promote the inclusion of, Indigenous Knowledge in the Department's decision making, program implementation, and other activities. This policy will guide the Department's Bureaus and Offices.

At the White House Tribal Nations Summit in November 2021, the White House Office of Science and Technology Policy (OSTP) and the White House Council on Environmental Quality (CEQ) issued a memorandum recognizing the importance of Indigenous Knowledge and committing to elevating its role in federal scientific and policy processes and creating an interagency working group to develop government-wide guidance.¹

In 2022, OSTP, CEQ, and the White House Domestic Policy Council conducted several Tribal consultations and listening sessions,² received written comments, and held individual meetings to gather input for the development of government-wide guidance, which was issued on November 30, 2022.³ The Department reviewed the feedback received by OSTP and CEQ and incorporated it into the attached draft Indigenous Knowledge policy. If you have already commented during the OSTP and CEQ process, you do not need to provide duplicate comments for this consultation.

We are seeking input on the following:

1. How would you like to work with the Department to ensure that Indigenous Knowledge properly informs Departmental policies, programs, research, and decision making? What challenges do you foresee? How can we structure our actions to address your concerns and interests?
2. How can the Department work with you to identify appropriate knowledge holders and to obtain appropriate consent for the inclusion of Indigenous Knowledge?
3. How can the Department work with you to value and protect this knowledge? What ethical considerations should guide the Department's efforts?

¹ <https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf>

² <https://www.whitehouse.gov/ostp/news-updates/2022/06/27/readout-ostp-and-ceq-initial-engagement-on-white-house-indigenous-knowledge-effort/>

³ <https://www.whitehouse.gov/wp-content/uploads/2022/12/OSTP-CEQ-IK-Guidance.pdf>

- 4.. For which specific federal laws, regulations, policies, or research/scientific processes can Indigenous Knowledge inform the Department's decision making? How should Indigenous Knowledge be included in these authorities and processes?

The Department will conduct three virtual consultation sessions and will accept oral and written comments. Please register in advance for any consultation session you plan on attending. After registering, you will receive a confirmation email containing information about joining the meeting. Please note that these Tribal consultations will be closed to the press and the public to protect confidential information that may be discussed during the sessions. Each session has a different focus, as noted below. You may register and attend one or more of the following sessions:

February 25, 2023

Focus: The Native Hawaiian Community

2:00 p.m. – 5:00 p.m. Eastern Time/ 9:00 a.m. – 12:00 p.m. Hawaii Time

Please register in advance at:

<http://www.zoomgov.com/meeting/register/vJlSd--vpigjEpEVhf93pbb4mfhOw66Slpw>

February 27, 2023

Focus: Federally Recognized Tribes

2:00 p.m. – 5:00 p.m. Eastern Time / 10:00 a.m. – 1:00 p.m. Alaska Time

Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJlSf-CsqD4sGG17vHy8P-603jxGDCSMc3g>

February 28, 2023

Focus: Alaska Native Corporations

2:00 p.m. – 5:00 p.m. Eastern Time/ 10:00 a.m. – 1:00 p.m. Alaska Time

Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJlSd-qvrzwuGGmWEUqIC9HWV4g3sSegZ3l>

You may provide written comments to consultation@bia.gov by 11:59 p.m. Eastern Time on March 26, 2023. If you have questions regarding this effort, please contact Jacob Malcom at 202-657-2877 or jacob_malcom@ios.doi.gov.

Sincerely,



Joan Mooney
Principal Deputy Assistant Secretary
for Policy Management and Budget

Department of the Interior Departmental Manual

Effective Date: xx/xx/23

Series: Environmental Quality Programs

Part ###: Indigenous Knowledge

Chapter 1: Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Actions and Scientific Research

Originating Bureau/Office: Office of Policy Analysis

DM 1

1.1 **Purpose.** This chapter establishes Departmental policies, responsibilities, and procedures to respect, and equitably promote the inclusion of, Indigenous Knowledge in the Department's decision making, resource management, program implementation, policy development, scientific research, and other actions.

1.2 **Scope.** The policy in this chapter applies to the Department and its component bureaus and offices.

1.3 **Authorities.**

A. National Environmental Policy Act: Public Law 91-190 as amended, codified at 42 U.S.C. § 4321 et seq.;

B. National Historic Preservation Act: Public Law 89-665 as amended, codified at 16 U.S.C. § 470 et seq. and in multiple sections of 54 U.S.C. § 300101 et seq.;

C. Native American Graves Protection and Repatriation Act: Public Law 101-601, codified at 25 U.S.C. § 3001 et seq.;

D. Endangered Species Act: Public Law 93-205 as amended, codified at 16 U.S.C. § 1531 et seq.;

E. Marine Mammal Protection Act: Public Law 92-522, codified in multiple sections of 16 U.S.C. § 1362 et seq.;

F. Magnuson-Stevens Fishery Conservation and Management Act: Public Law 94-265 as amended, codified in multiple sections of 16 U.S.C. § 1801 et seq.;

G. Migratory Bird Treaty Act: 39 Stat. 1702 as amended, codified at 16 U.S.C. § 703 et seq.;

XX/XX/23 #####

New

H. Bald Eagle and Golden Eagle Protection Act: Public Law 86-70 as amended; 16 U.S.C. § 668 et seq;

I. Foundations for Evidence-Based Policymaking Act of 2018: Public Law 115-435, relevant sections codified in 5 U.S.C. § 305 et seq. and 44 U.S.C. § 3502 et seq.;

J. Information Quality Act: section 515 of Public Law 106-554, codified at 44 U.S.C. § 3504(d)(1) and § 3516;

K. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 Fed. Reg. 7629 (Feb. 16, 1994);

L. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments, 65 Fed. Reg. 67249 (Nov. 6, 2000);

M. Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 86 Fed. Reg. 7009 (Jan. 20, 2021);

N. Executive Order 14031: Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders, 86 Fed. Reg. 29675 (May 28, 2021);

O. Secretarial Order 3206: American Indian Tribal Rights, Federal-Tribal Trust responsibilities, and the Endangered Species Act (June 5, 1997);

P. Secretarial Order No. 3342 on Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources (Oct. 21, 2016);

Q. Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, 86 Fed. Reg. 7491 (Jan. 26, 2021);

R. Memorandum on “Indigenous Traditional Ecological Knowledge and Federal Decision Making” From Office of Science and Technology Policy and Chair, Council on Environmental Quality (Nov. 15, 2021);

S. White House Office of Science and Technology Policy – Council on Environmental Quality Guidance for Federal Agencies on Indigenous Knowledge (Nov. 30, 2022);

T. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, September 13, 2007), in the limited context of the “Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples” (January 12, 2011).

1.4 Definitions.

A. Indigenous Knowledge (IK) – a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological,

physical, social, cultural, and spiritual systems. Indigenous Knowledge can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. IK is owned by Indigenous Peoples and is often intrinsic within customary or traditional governance structures and decision-making processes. Other terms such as Traditional Knowledge(s), Traditional Ecological Knowledge, Tribal Ecological Knowledge, Native Science, Indigenous Science, and others, are sometimes used to describe this knowledge system. This chapter uses the term Indigenous Knowledge (IK) throughout.

B. Indigenous Peoples – includes Native Americans, Alaska Natives, Native Hawaiians, and Indigenous People of the U.S. Territories, and their respective nations, communities, or groups that are indigenous to the United States and its territories.

1.5 **Background.**

Indigenous Knowledge (IK) is a specific type of knowledge that is passed from one generation to the next and integrated at the cultural level within an Indigenous group. IK uses systematic methodologies and verification through repetition and observation, derives from relationships with the environment and cultural ceremonies, evolves over time as new information is gained, and reflects cultural values. Generally, IK calls upon individuals, communities, organizations, governments, and others to act and make moral and ethical decisions in the best interests of future generations and place collective interests - including non-human interests - above individual interests. Indigenous Peoples are not homogenous: each nation and community, holds its own IK based on unique foundations and experiences as well as relationships with varied environments. IK is distinct from local knowledge or individual knowledge, both of which are based on recent experiences that may not have been validated with broad consensus within the culture of an Indigenous group.

IK includes holistic approaches to complex systems and should not be separated from its cultural, social, place-based, and ecological context or applied piecemeal. The importance of stories cannot be understated or minimized by other scientific approaches because Indigenous oral histories, traditions, and stories about the natural world inform everyday life.

Bringing IK and other scientific approaches into dialogue and mutual understanding (see Illustration 1) can generate a more holistic understanding of ecological processes. This can provide a foundation for improved implementation of Departmental actions, including agency decision making, resource management, program implementation, policy development, scientific research, and other actions. While bureaus and offices have historically included IK in certain actions or scientific research, this chapter is intended to facilitate and encourage the Department's consistent, broad, respectful, and equitable inclusion of IK in its internal and external engagements.

Bureaus and offices must work with the Indigenous nation or community's leadership or trusted advisors to identify Indigenous Knowledge holders who are generally respected and affirmed as knowledge holders by the appropriate Indigenous governing body or social structure. Bureaus and offices must ensure that IK is generally considered authoritative by the Indigenous Peoples

who possess it. Bureaus and offices must obtain informed consent from Indigenous Peoples before receiving and including IK in Departmental actions and scientific research.

1.6 Policy. It is the Department's policy to respect and equitably promote the inclusion of IK in the Department's decision making, resource management, program implementation, policy development, scientific research, and other actions. The Department recognizes IK as one of the many important knowledge systems that contribute to the scientific, technical, social, economic, cultural, and political well-being of the United States and to the collective understanding of the natural world. The term "Indigenous Knowledge" should be used by the Department unless a different term is preferred by the Indigenous nation or community with whom the Department is working, in which case their preferred term should be used.

A. Consistent with existing laws and regulations, it is the Department's policy to:

(1) Develop collegial and collaborative relationships with Indigenous Peoples built on reciprocity, equity, and mutual respect to facilitate the inclusion of IK in Departmental actions and scientific research, but that are not solely for the purpose of learning IK or obtaining consent to include IK. Bureaus and offices will engage Indigenous Peoples as true, vested, and enduring partners. Bureaus and offices will comply with the Department's policies regarding consultation as set forth in 512 DM 4 and 5, 512 DM 6 and 7. Bureaus and offices should:

(a) Transparently communicate to Indigenous Peoples that they have the right to grant or withhold consent to share their IK, to maintain control and access to their IK, and fully dictate the terms of inclusion and application of their IK.

(b) Exercise caution not to overstate or overcommit regarding the Department's ability to protect the confidentiality of IK, or regarding the outcome of a decision-making process or a conclusion of scientific research. Specific policies regarding communication with Indigenous Peoples are discussed in paragraph (3) below.

(c) Communicate to Indigenous Peoples in a timely manner and in an appropriate format how their IK was or was not included. Where inclusion of IK is ongoing, Departmental employees should, in collaboration with and with the consent of Indigenous Peoples, develop a schedule for continuing engagement.

(2) Obtain the free, prior, and informed consent from the appropriate Indigenous governing body and Indigenous knowledge holders prior to learning and including IK in Departmental actions and scientific research. Departmental employees should:

(a) Allow Indigenous Peoples to determine the processes by which such consent is given, consistent with applicable law and Departmental policy.

(b) Anticipate and transparently communicate to Indigenous People when obtaining their consent, the impacts to them of learning, including or not including, or limiting the inclusion of IK in Departmental actions and scientific research.

(c) Inform Indigenous Peoples when obtaining their consent of federal laws affecting the process of learning, including, or disclosing IK, including but not limited to, the Paperwork Reduction Act, Freedom of Information Act, and Information Quality Act.

(d) Inform Indigenous Peoples when obtaining their consent of the purpose, nature, scope, and parameters of the proposed Departmental action or scientific research and how their IK will be included. Inform Indigenous Peoples that the Department cannot ensure in advance a particular decision outcome or scientific conclusion.

(e) Be aware of the perspectives and processes of Institutional Review Boards and similar research approval processes, which may be required when working with Indigenous Peoples.

(f) Transparently communicate to Indigenous Peoples the potential for re-use of IK outside of its intended or original inclusion and any limits on the Department's ability to control re-use. Ensure that the expression of consent provided by Indigenous Peoples clearly states their position regarding re-use.

(3) Include IK in a manner that complies with federal laws, including the Information Quality Act, and with guidance and policies promulgated under these laws.

(a) Under the Information Quality Act, technical or scientific information, including IK, that is disseminated by bureaus and offices must generally meet the standards for objectivity, utility, and integrity set forth in the Department's Information Quality Guidelines. This requirement applies to information collected by the bureaus and offices themselves as well as information, including IK, provided by entities outside the Department. When a bureau or office relies on IK, the Department will disclose the inclusion of IK to the public.

(b) Federal statutes that require consideration of scientific information allow the inclusion of IK under established standards. In these cases, bureaus and offices should include IK as an aspect of best available science when it is generally considered authoritative by the Indigenous Peoples who possess it and freely available or gained by consent.

(4) Learn and include IK by using appropriate processes and procedures developed by Indigenous Peoples when preferred and available, or by relying on experts in the field that use appropriate and vetted social science methods as defined by Office of Personnel Management's Qualification Standards for Social Science, Psychology, and Welfare 0100-0199.

(5) Ensure that Departmental employees and those representing the Department are trained regarding the Department's policies for learning and including IK before engaging with Indigenous Peoples.

B. Bureaus and offices will develop guidance for inclusion of IK in their programs and policies, including guidance for:

(1) Ensuring that the inclusion of IK complies with applicable federal law and policy, including:

- (a) Ensuring that IK is learned transparently, and fairly, and with consent from Indigenous Peoples.
 - (b) Understanding and accounting for differences between IK and other scientific approaches, including different forms (i.e., songs, oral histories, etc.) and from different sources (i.e., Indigenous nations or communities).
 - (c) Developing procedures for citing or describing IK in bureau and office documents.
- (2) Developing guidance for outreach and communications materials that describe IK and its role in bureau or office actions or scientific research.
- (3) Developing procedures for including IK in scientific research conducted by the bureau or office, including:
- (a) Developing procedures for the identification of Indigenous Knowledge holders associated with an Indigenous nation or community with the guidance of the Tribal Historic Preservation Officer or Cultural Director, or other trusted advisors within an Indigenous nation or community, as appropriate.
 - (b) Collaborating with Indigenous Peoples in the development of processes for learning and including IK into Departmental actions and scientific research to the extent they are willing and able to participate. Bureaus and offices should engage Indigenous Peoples as early as possible and throughout the duration of an action or scientific research project.
 - (c) Developing guidelines for compliance with the Information Quality Act and other federal laws when including IK, consistent with paragraph 1.6(a)(4) above.
 - (d) Developing procedures to ensure that one or more subject matter expert(s) in the field of IK are included in the peer review of scientific reports or decision documents, which include IK and require peer review.
 - (e) Developing procedures for compensating Indigenous Knowledge holders or other Indigenous Peoples for providing services or information to the bureau or office, that are similar to services provided by a consultant or contractor.
- (4) Developing procedures and processes for storing, maintaining, sharing, and disclosing IK, including procedures to identify information that is exempt from disclosure under federal law, and procedures for working with IK that do not rely on, or result in, the creation of disclosable federal records.
- (5) Developing communication and reporting procedures for informing Indigenous Peoples how their IK was or was not included.

(6) Developing guidance for including IK in resource management actions, including actions involving co-stewardship, co-management, or collaborative management, as well as actions in which Indigenous Peoples do not have a specified role in management.

(7) Developing training requirements for engaging Indigenous Peoples for the purposes of learning and including IK in Departmental actions and scientific research.

1.7 Implementation. The Department will include IK in its actions and scientific research, where appropriate and available, unless explicitly prohibited by federal law or policy, and will at a minimum:

A. Elevate IK in the creation, selection, development, and implementation of Departmental actions, programs, and scientific research by inviting Indigenous Peoples to identify the IK they consider pertinent to the action or scientific research under consideration. For example, but not limited to:

(1) Providing federally recognized Indian Tribes opportunities to serve as joint lead agencies or cooperating agencies under National Environmental Policy Act regulations, in the development of environmental impact statements or environmental assessments, and by encouraging Indigenous Peoples to suggest ways to include IK to inform the development of alternatives, analysis of effects, and when necessary, identification of mitigation measures.

(2) Inviting Indigenous Peoples to provide IK or other relevant information to inform decisions under the Endangered Species Act.

(3) Considering IK when evaluating features or circumstances unique to an Indian Tribe under the Tribal Forest Protection Act.

(4) Including IK when evaluating the eligibility of traditional cultural site landscapes or seascapes for inclusion on the National Register of Historic Places or evaluating potential impacts to eligible properties under the National Historic Preservation Act.

(5) Deferring to IK to identify Native American Graves Protection and Repatriation Act cultural items and human remains during project planning and in existing bureau and office collections.

(6) Including available IK when sponsoring or conducting scientific research and other actions of the Department.

(7) Ensuring that bureau and office funding opportunities include IK to the fullest extent allowable, including, but not limited to, ensuring that selection, award, and oversight processes are unbiased and value IK on par with other forms of evidence and methods of inquiry.

B. Hiring Authorities. The Department will use hiring authorities to recruit, hire, and retain employees with the experience, knowledge, and skills needed to work with IK and to engage Indigenous knowledge holders, and Indigenous Peoples, including by:

- (1) Working with professional and Indigenous organizations and Departmental employee affinity groups on recruitment and retention.
- (2) Collaborating with the Bureau of Indian Education and Indigenous Peoples regarding career development programs through Tribal colleges and universities.
- (3) Recruiting and hiring via the Pathways Program or other internship opportunities.
- (4) Including standards for cultural competencies as job skill requirements, where appropriate.
- (5) Using the Indian Preference Hiring Authority, where appropriate and allowed.
- (6) Using the Intergovernmental Personnel Mobility Act.
- (7) Using other appropriate hiring authorities or mechanisms, including bureau and office, regional, or site-specific authorities.
- (8) Incorporating education or experience working with IK, with Indigenous Knowledge holders, and with Indigenous Peoples into position descriptions and qualifications, where appropriate.

1.8 Responsibilities.

- A. The Assistant Secretary-Policy, Management and Budget is responsible for:
 - (1) Overseeing the Department's compliance with this policy, providing staff support to monitor implementation of the policy and coordinate budgets and practices that support consideration and inclusion of IK in Departmental actions and scientific research.
 - (2) Establishing an Indigenous Knowledge Coordination Committee (Committee) and approving the Committee Charter.
- B. Assistant Secretaries are responsible for ensuring that their subordinate bureaus and offices comply with the policy in this chapter.
- C. The Office of Policy Analysis (PPA):
 - (1) Serve as the lead Office for revising this policy when warranted by changes in technical information, federal statutes, regulations, Departmental policy, or other considerations. Any bureau or office can initiate changes by contacting the PPA.
 - (2) Solicit and consider the views of all interested Departmental offices and bureaus when the Department contemplates changes to this chapter. In recommending revisions to this chapter, bureaus and offices will provide PPA with appropriate supporting information.

(3) When requested, provide technical assistance and guidance to Departmental offices and bureaus in understanding and implementing this policy.

(4) Conduct Tribal Consultation, Native Hawaiian Community Consultation, and other appropriate consultations or listening sessions to inform the revision process.

D. Heads of Bureaus/Offices.

(1) Ensure that their organizations comply with this policy.

(2) Develop guidance documents specific to the needs of their bureau or office to implement this chapter, including the guidance documents described in section B of this chapter, and ensuring that IK is described and included in bureau or office - level guidance and handbooks.

(3) Ensure that personnel involved in planning, decision making, program implementation, policy development, scientific research, and other actions are aware of this chapter and have the appropriate experience and training to implement this chapter.

(4) Include standards for the application of the policies set forth in this chapter in employee performance appraisal plans, where appropriate.

(5) Appoint Departmental employees with appropriate technical and subject matter expertise to represent the bureau or office on the Department Indigenous Knowledge Coordination Committee. Representatives are required from the following bureaus and offices: Bureau of Indian Affairs, Bureau of Indian Education, Bureau of Land Management, Bureau of Reclamation, Bureau of Safety and Environmental Enforcement, Bureau of Ocean Energy Management, National Park Service, Office of Surface Mining Reclamation and Enforcement, Office of Insular Affairs, Office of Native Hawaiian Relations, Office of Policy Analysis, Office of Environmental Policy and Compliance, U.S. Fish and Wildlife Service, and U.S. Geological Survey. Heads of other bureaus and offices are encouraged, but not required, to appoint a representative to the Department Indigenous Knowledge Coordination Committee.

E. Tribal Liaison Officers (TLOs) are responsible for promoting and facilitating the identification and inclusion of IK and facilitating appropriate contacts between bureaus or offices and Indigenous Peoples in support of the policies set forth in this chapter.

F. The Department Indigenous Knowledge Coordination Committee (Committee) is responsible for:

(1) Establishing and maintaining a charter, to direct the operations of the Committee including the process of designating a Committee Chair.

(2) Providing communication, coordination, oversight, training, research, and technical assistance to bureaus and offices on the inclusion of IK by:

(a) Synthesizing and integrating new IK research, best practices, case studies on IK, decision science, and climate adaptation into IK guidance and trainings.

(b) Developing IK reporting metrics for bureaus, collecting reporting data, and sharing reporting and lessons learned within and across bureaus and among partners, Indigenous Peoples, and other collaborators.

(c) Establishing reporting requirements on the application of this policy as it relates to bureau/office-specific missions and authorities, consistent with existing Departmental performance metrics.

(d) Developing strategies to promote bureau and office engagement and investment in the consideration and inclusion of IK in Departmental actions and scientific research.

(3) Integrating approaches for the inclusion of IK into Departmental strategic plans and budget submissions where appropriate.

1.9 **Guidance.**

A. Departmental employees shall refer to the CEQ Guidance for Federal Departments and Agencies on Indigenous Knowledge for further guidance on this topic. See [ik guidance implementation memo.pdf \(bia.gov\)](#)

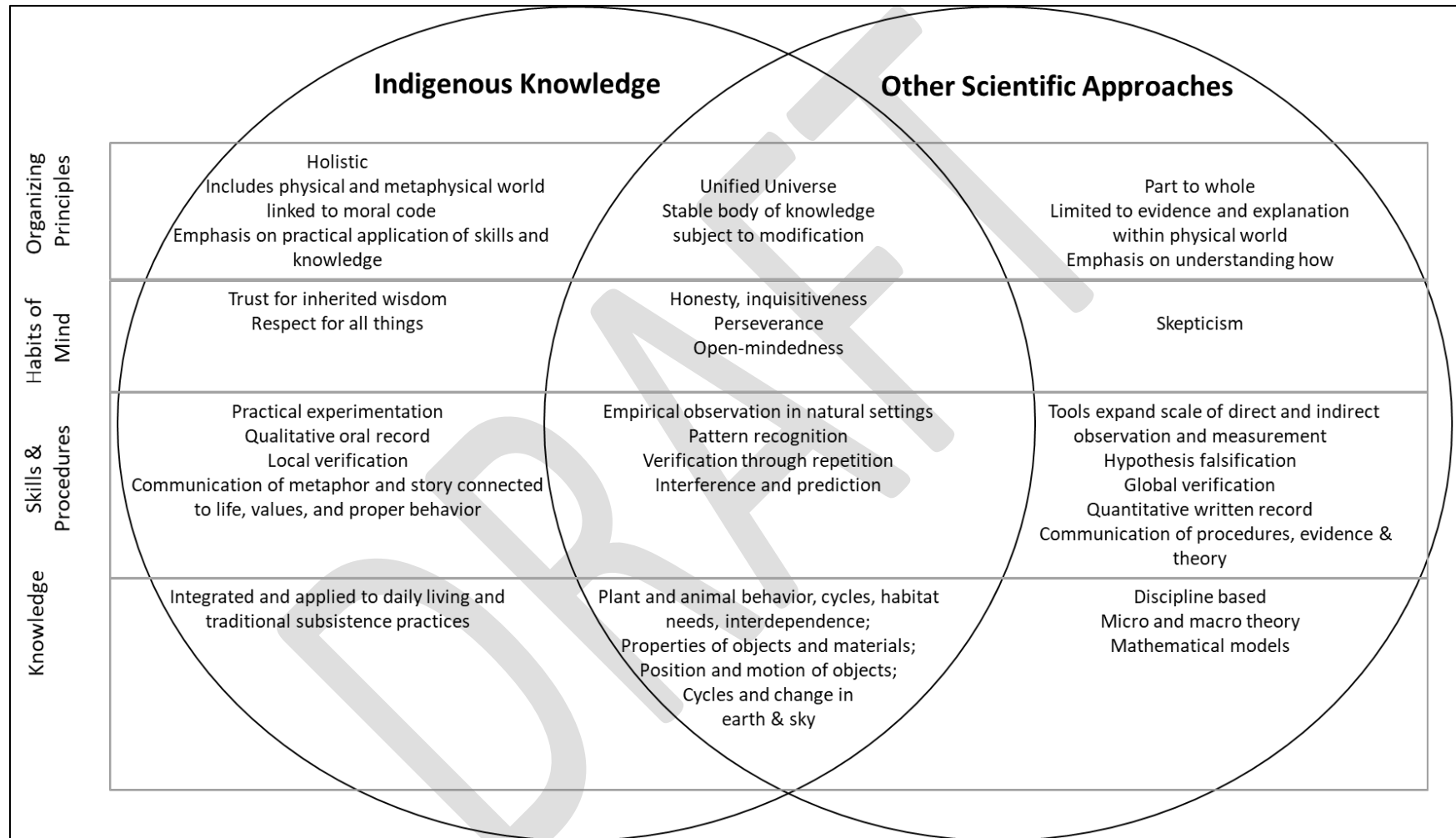
B. The Advisory Council on Historic Preservation (ACHP), Office of Native American Affairs, maintains a website on Traditional Knowledge. The ACHP resources include a white paper discussing the importance of IK in the Section 106 process entitled “Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants”. See <https://www.achp.gov/indian-tribes-and-native-hawaiians/traditional-knowledge>.

C. The National Park Service maintains a website with resources related to Traditional Ecological Knowledge. See <https://www.nps.gov/subjects/tek/index.htm>.

D. The Department of the Interior’s guidance under the Foundations for Evidence-Based Policymaking Act of 2018, is available at <https://www.doi.gov/performance/evidence-doi>.

1.10 **Legal Effect.** This policy is intended to improve the internal management of the Department. It does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any person against the United States, its agencies, its officers or employees, or any other person.

Illustration 1. Qualities of Indigenous Knowledge and other scientific approaches, adapted from Barnhardt and Kawagley, 2005.





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

February 13, 2023

Electronic Transmission

Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Secretary, U.S. Department of Interior regarding the 2021 White House Tribal Nation's Summit, on the formation of the new Secretary's Tribal Advisory Committee. The Department is requesting nominations from the Navajo Nation with an official letter from the tribe by February 27, 2023.

Sincerely,

**LESTER
TSOSIE**

Digitally signed by
LESTER TSOSIE
Date: 2023.02.13
15:11:56 -07'00'

Lester Tsosie
Acting Regional Director

Enclosure

cc: Ms. Richelle Montoya, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Legal Counsel, Office of the President, Vice President, Navajo Nation



THE SECRETARY OF THE INTERIOR
WASHINGTON

FEB 10 2023

Dear Tribal Leader:

As part of the 2021 White House Tribal Nations Summit, the U.S. Department of the Interior (Department) announced the formation of the new Secretary's Tribal Advisory Committee (STAC) to advance ongoing and future engagement between Tribal nations and the highest level of leadership at the Department. The formal establishment of STAC serves as a permanent forum to facilitate intergovernmental discussions among the Secretary, high-level Department officials, and elected Tribal representatives in furtherance of the United States government-to-government relationships with Tribal nations.

The purpose of the Department's STAC implementation is to advance regular, meaningful, and consistent government-to-government relationships with elected Tribal representatives to strengthen the Department's efforts to share information, exchange ideas, provide recommendations, and facilitate robust discussions and interactions regarding intergovernmental responsibilities, administration of the Department's programs, and development of policies and initiatives in furtherance of President Biden's objectives as laid out in Executive Order No. 13175 and the Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships.

In accordance with its ongoing implementation, the Department is requesting nominations from Tribal leaders to fill the primary and/or alternate STAC member position(s) following recent departures in these Bureau of Indian Affairs regions: **Great Plains, Navajo Nation, and Rocky Mountain.**

Detailed information on STAC formulation and the nomination process is enclosed. If you have any questions, please contact Ms. Heidi Todacheene, Senior Advisor to the Secretary, at STAC@ios.doi.gov and include "STAC Application" in the subject line.

Sincerely,



Deb Haaland

Enclosures

Enclosure 1

Membership

The Secretary's Tribal Advisory Committee (STAC) will be composed of one Tribal member from each of the 12 Bureau of Indian Affairs (BIA) regions and one alternate member:

(1) Alaska Region; (2) Eastern Region; (3) Eastern Oklahoma Region; (4) Great Plains Region; (5) Midwest Region; (6) Navajo Region; (7) Northwest Region; (8) Pacific Region; (9) Rocky Mountain Region; (10) Southern Plains Region; (11) Southwest Region; and (12) Western Region. The Secretary, in consultation with the Assistant Secretary – Indian Affairs (Assistant Secretary), will designate one member of STAC to serve as chairperson.

Term Limits and Procedure

Members serve at the discretion of the Secretary and are appointed on a staggered-term basis for terms not to exceed 2 years. For representatives initially appointed to STAC, the staggered terms will be established through a lottery method used to assign the 1-year and 2-year terms to membership. Procedural details are further identified in the Department of the Interior's (Department) STAC Rules of Order. The STAC will meet at least two times per year to exchange views, information, or advice, and at other times as designated by the Secretary or the Assistant Secretary. The Department will provide standard notice to STAC members and alternates of in-person and virtual meetings.

Compensation

Non-Federal members of STAC serve without compensation but may be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business.

Time Requirements

STAC members must make a good faith effort to participate in all meetings. If a STAC member does not participate in a meeting on three successive occasions, the Assistant Secretary will notify Indian Tribes in the respective area and ask them to nominate a replacement. Department representatives determined by the Secretary or Assistant Secretary will be expected to attend meetings.

Required Nomination Packet Materials Packages

A member should be an elected official or designated representative that is qualified to represent the views of the Tribes in the respective BIA region for which they are being nominated. The Secretary will consider completed member and alternate nomination packages, only.

A complete nomination package should include the following information:

- The BIA region for which the nominee is being considered.
- The nominee's name, title, contact information, geographic location, and Tribal affiliation.
- A résumé that describes the nominee's qualifications and technical experience.

- A personal statement of the reasons why the nominee wants to serve on STAC, including (1) examples of work and (2) technical and/or professional experience at the local, Tribal, or urban community level, and/or regional or national levels.
- A statement committing to the time to contribute to the biannual STAC meetings.
- Any additional comments, including culturally relevant skills and personal experience that could help contribute to STAC's deliberations.
- An official letter from the nominee's Tribe.
- Other letters of recommendation, including letters from regional or national Tribal organizations.

Priority

Nominations will be considered for selection in the following priority order:

1. Tribal President/Chairperson/Governor.
2. Tribal Vice-President/Vice-Chairperson/Lt. Governor.
3. Elected or appointed Tribal official.
4. Designated Tribal official.

If there is more than one nomination in the priority list, letters of support from regional or national Tribal organizations will be taken into consideration when the primary and alternate delegates are selected.

Alternates

Each STAC primary member will have an alternate that will be selected for their specific BIA region. Should the selected Tribal representative be unable to attend a meeting, the alternate will have full rights for participation and voting privileges during the absence of the Tribal representative.

Submission Information

The names of each nominated STAC member and alternate must be submitted in an official letter from the Tribe to the Office of Intergovernmental and External Affairs at both oiea@ios.doi.gov and STAC@ios.doi.gov by **Monday, February 27, 2023, at 11:59 p.m. ET.**



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

March 2, 2023

ELECTRONICALLY TRANSMITTED

Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Director, Bureau of Indian Affairs, regarding the \$2 million for land acquisition efforts on and off current reservations to support sustainable land practices.

As such, a tribal consultation is scheduled to determine the best methodology for distribution of funding, of the additional funding before any final determination is accomplished. Please see the enclosed for more information on the consultation schedule in April 2023. Written input is welcomed to consultation@bia.gov by April 24, 2023.

Sincerely,

GREGORY
MEHOJAH

Digitally signed by
GREGORY MEHOJAH
Date: 2023.03.02
16:21:04 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure

cc: Ms. Richelle Montoya, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Legal Counsel, Office of the President, Vice President, Navajo Nation
Mr. Mike Halona, Executive Director, Division of Natural Resources, Navajo Nation



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

March 2, 2023

Dear Tribal Leader,

The Bureau of Indian Affairs (BIA) was appropriated an additional \$2 million for land acquisition efforts on and off current reservations to support sustainable land practices. The increase supports self-determination on Tribal trust land and natural resources and enhances Tribal authority. The land acquisition effort is intended to foster and restore lands to new and landless Tribes, at Regional authority levels, for the development of conservation practices, law enforcement, applicable regulatory policies, and sustainable Tribal communities and economic development.

Consistent with applicable laws and regulations, the BIA Regional Directors are responsible for issuing decisions on all requests for non-gaming, off-reservation, and fee to-trust land acquisitions. The funds will directly support the BIA Regions for fee to-trust acquisitions.

Meaningful Tribal consultation, respect for Tribal sovereignty, and a commitment to trust and treaty responsibilities are Administration priorities. Given the expected Tribal interest in determining the best methodology for distribution of the additional funding, the Department of the Interior will conduct the following Tribal consultation sessions prior to making any final determination on how this will be accomplished.

Date	Time	Location	Registration Link
April 18, 2023	1 p.m. – 3 p.m. EST	Virtual	https://www.zoomgov.com/meeting/register/vJIscOirrjsoGnPZuJTds51I_NxewZ5OgTI
April 20, 2023	4 p.m. – 6 p.m. EST	Virtual	https://www.zoomgov.com/meeting/register/vJIscO6srjoiGnErX-OfjUKfCBJ6byhgZ8w

We look forward to speaking with you to discuss possible methodologies for distribution of the additional funding. If you would like to provide written input, please email the input to consultation@bia.gov by midnight Eastern Time on April 24, 2023. For further information, please contact Trina Locke, Acting Deputy Bureau Director, BIA Office of Trust Services.

Sincerely,

Darryl LaCounte
Director, Bureau of Indian Affairs



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

March 10, 2023

ELECTRONICALLY TRANSMITTED

Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Bureau of Indian Education (BIE), Deputy Bureau Director, regarding the Cove Day School replacement. The BIE will build a new replacement school for Cove Day in its current location.

If you have any questions, please contact Ms. Sharon Pinto, Deputy Bureau Director, via email at Sharon.pinto@bie.edu.

Sincerely,

**GREGORY
MEHOJAH**

Digitally signed by
GREGORY MEHOJAH
Date: 2023.03.10
16:36:32 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure

cc: Ms. Richelle Montoya, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Legal Counsel, Office of the President, Vice President, Navajo Nation
Honorable Council Delegate, Amber K. Crotty, 25th Navajo Nation Council



UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Indian Education
1011 Indian School NW, Suite 332
Albuquerque, NM 87104

March 8, 2023

Dear Tribal Leader:

On November 15-16, 2022, the Bureau of Indian Education (BIE) held Tribal Consultations on the replacement of the Cove Day School (Cove Day), located on the Navajo Nation.

Based upon the comments received, the BIE will build a new replacement school for Cove Day in the current school location. The Cove Day was approved for a replacement of a new school facility. Construction was delayed due to environmental remediation activities. All remediation activities will be addressed through the construction process of the new Cove Day School to ensure the highest quality of safety precautions for students, staff, and faculty.

If you have any questions, please contact me by email at: Sharon.Pinto@bie.edu or by telephone at: (505) 563-5235.

Thank you for your partnership and commitment in providing our students with a safe learning environment of the highest quality. This concludes our Tribal consultation on this matter.

Sincerely,

Sharon Pinto

Sharon Pinto
Deputy Bureau Director

Cc: Tony Dearman, Director, BIE
Emily Arviso, Associate Deputy Director – Navajo BIE Schools, BIE
Division Chief, IA Division of Facilities Management Construction (DFMC)
Gregory Mehojah, Regional Director, Navajo Region, Bureau of Indian Affairs (BIA)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

March 10, 2023

ELECTRONICALLY TRANSMITTED

Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs, regarding the Biden-Harris Administration's Fiscal Year 2024 budget request for Department of Interior's Indian Affairs, which includes the Bureau of Indian Affairs, Bureau of Indian Education, and Bureau of Trust Funds Administration.

A briefing call is scheduled on March 13, 2023, at 1:00 p.m. EST via ZoomGov or Call-in. Please registrar in advance for the meeting with the weblink provided.

Sincerely,

**GREGORY
MEHOJAH**

Digitally signed by GREGORY
MEHOJAH
Date: 2023.03.10 16:35:51 -07'00'

Gregory C. Mehojah
Regional Director

Enclosure

cc: Ms. Richelle Montoya, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Legal Counsel, Office of the President, Vice President, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAR - 9 2023

Dear Tribal Leader:

Please join me for a briefing call to discuss the Biden-Harris Administration's Fiscal Year 2024 budget request for the Department of the Interior's Indian Affairs, which includes the Bureau of Indian Affairs, the Bureau of Indian Education, and the Bureau of Trust Funds Administration.

The briefing call will focus on the Administration's budget plan to bolster the level of resources needed for Indian Affairs' mission of service to Tribes and support its role in strengthening the Federal Government's nation-to-nation relationship with Tribes as well as its treaty and trust responsibilities. The President's Budget supports an all-of-government approach to addressing Federal responsibilities and Tribal needs in Indian Country and is committed to Tribal sovereignty, self-sufficiency, and self-determination.

MEETING INFORMATION:

DATE: March 13, 2023, at 1:00 PM Eastern Time
FORMAT: ZoomGov or Call-In

Register in advance for this meeting:

<https://www.zoomgov.com/meeting/register/vJltce-upj0sG-URXDciysalAXdZKHigwQo>

Please note that this meeting is off-the-record and not for press purposes. It is highly encouraged to join the meeting 5 to 10 minutes early to avoid any potential technical delays.

Thank you and I look forward to speaking with you.

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

March 10, 2023

ELECTRONICALLY TRANSMITTED

Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Deputy Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State. A virtual listening session will be held on March 21 and 22, 2023, 3:00 p.m. -5:00 p.m. EDT regarding the creation of an Indigenous Peoples Conservation Advisory Network.

Please see the enclosed for more information.

Sincerely,

**GREGORY
MEHOJAH**

Gregory C. Mehojah
Regional Director

Digitally signed by
GREGORY MEHOJAH
Date: 2023.03.10 16:42:05
-07'00'

Enclosure(s)

cc: Ms. Richelle Montoya, Vice President, Office of the President, Vice President, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, Office of the President, Vice President, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, 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

March 9, 2023

Dear Tribal Leader,

The U.S. Department of State's Bureau of Oceans and International Environmental and Scientific Affairs, working with the U.S. Department of the Interior and U.S. Environmental Protection Agency, will hold virtual listening sessions for the creation of an Indigenous Peoples Conservation Advisory Network (IP-CAN) on Tuesday, March 21 from 3:00-5:00 pm EDT and Wednesday, March 22 from 3:00-5:00pm EDT. The objective of IP-CAN is to support the leadership of Indigenous Peoples in their conservation, restoration, and sustainable management efforts in terrestrial (including inland waters), coastal, and ocean ecosystems. We intend this to be a global consultation that is Indigenous-led and responsive to input.

The triple planetary crisis of climate change, biodiversity loss, and pollution are having a profound impact on Indigenous Peoples world-wide. As stewards of much of the world's natural resources, the participation, empowerment, and protection of the rights of Indigenous Peoples worldwide are critical to global efforts to address these crises. Indigenous knowledge, customary practices, and traditions have a key role to play in designing solutions, and must be respected, valued, and protected. The United States seeks to play a leadership role in promoting the rights and empowerment of Indigenous Peoples' world-wide. The U.S. Department of State along with our interagency partners are proposing a global Indigenous Peoples Conservation Advisory Network that will support Indigenous Peoples as critical partners in addressing these global challenges (more details attached). We are seeking input and perspectives from U.S. tribal leaders to inform development of IP-CAN prior to our international consultations.

We invite you to participate in a virtual listening session on March 21, 2023 or March 22, 2023. Please send any questions to tribalconsultation@state.gov. March 22 will be open to Tribal Organizations, Alaska Native Corporations, and Native Hawaiian communities. Listening sessions will be recorded.

Please see the attachment for more information about the proposed design and intent of the IP-CAN along with proposed discussion questions below:

- 1) What are the global challenges and opportunities for conservation facing Indigenous Peoples, from your perspective?
- 2) What are the programs, policies, or activities that should accompany setting 30x30 targets so that achieving these targets will help advance Indigenous-led conservation?
- 3) How best can the Biden Administration develop co-stewardship agreements with your tribes/tribal communities to advance Indigenous-led conservation and restoration efforts, as aligned with the America the Beautiful goals and principles and other Administration directives?
- 4) How should a global advisory network on Indigenous-led conservation and the 30x30 target be structured and implemented to make it useful and effective?
- 5) Do you engage on these topics with Indigenous communities in other countries through any existing networks? Would a global advisory network be redundant with those existing networks, or could it be leveraged to improve coordination across them?
- 6) Where do you see opportunities to integrate Indigenous Knowledge into Federal conservation efforts and what are challenges to achieving this integration?

City/State	Dates	Location
Washington, D.C.	March 21, 2023 3:00-5:00pm EDT	Zoom Link: https://www.zoomgov.com/j/1607226026?pwd=WjlNK3lEL0lqc3l4TnFyM2xxOWRQZz09

City/State	Dates	Location
Washington, D.C.	March 22, 2023 3:00-5:00pm EDT	Zoom Link: https://www.zoomgov.com/j/1612918523?pwd=bmZlcURSN1YvKzRjL3ZrY0gzTk9Vdz09

Sincerely,



Maxine Burkett

Deputy Assistant Secretary

Bureau of Oceans and International Environmental and
Scientific Affairs

Department of State

Indigenous Peoples' Conservation Advisory Network

March 2023

Objective: To support the leadership of Indigenous Peoples in their conservation, restoration, and sustainable management efforts in terrestrial, coastal, and ocean ecosystems, and to facilitate achievement of global goals on climate and biodiversity. These goals include:

- Reducing ecosystem loss and associated greenhouse gas emissions
- Enhancing community and ecosystem resilience
- Halting deforestation by 2030
- Conserving 30 per cent of land and oceans by 2030 (30 X 30)
- Achieving net zero emissions by 2050
- Fostering social inclusion across these efforts, including through promoting Indigenous co-stewardship of land and waters, recognizing Indigenous stewardship is a form of conservation, and incorporating Indigenous Knowledge in land and water management decisions.

Overview: The IP-CAN will seek to advise on global issues supporting Indigenous Peoples' stewardship of lands and waters to address the climate and biodiversity crises and their impacts. The network will facilitate experience- and knowledge-sharing across global indigenous communities and promote voluntary and culturally appropriate exchange with partners on indigenous approaches to the threats facing terrestrial, ocean, and coastal systems. The advisory network will provide an opportunity for Indigenous Peoples to discuss current initiatives, identify gaps, and propose capacity building measures for select Indigenous-led conservation efforts.

Background:

IP-CAN would complement indigenous-led efforts working to address environmental degradation at local and regional levels as well as U.S. federal agency efforts to engage Tribal leaders and indigenous communities domestically. Many U.S. Federal agencies have their own efforts to engage Tribal issues but IP-CAN could facilitate increased interagency coordination.

IP-CAN Areas of work:

1. Consolidating a Reference of Indigenous-led Conservation

Organizations: The IP-CAN will facilitate development of a global

- reference of organizations working to promote Indigenous-led conservation through knowledge sharing, engagement, policy development, technical capacity building, and other means.
2. **Identifying Areas in Current Conservation Landscape:** The IP-CAN will identify areas in the current global conservation landscape that affect indigenous stewardship of lands and waters and advise on possible areas for enhanced collaboration or capacity building.
 3. **Network Building and Enhanced Engagement:** The IP-CAN will facilitate ongoing exchange among global Indigenous Peoples and serve to strengthen connections and networks.
 4. **Elevating Indigenous Knowledge:** Support the recognition of Indigenous Knowledge as a form of knowledge that can and should inform policy and decision making where appropriate and to improve engagement of Indigenous Peoples around the world.

USG Partners: The IP-CAN is a project proposal of the Department of State and the Environmental Protection Agency with the guidance of the Department of Interior. Additional agencies may be consulted when they have relevant capacity and programming depending on the priorities of the IP-CAN.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

March 22, 2023

ELECTRONICALLY TRANSMITTED

Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs and Deputy Director, U.S. Office of Personnel Management regarding the President Biden's directive to prepare a detailed plan of action the agency will take to implement the policies and directives of Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). The new Presidential Memorandum also directs the Secretary of the Interior and Director of Office of Personnel Management, in consultation with Tribal Nations, to establish training modules regarding Tribal consultations.

The Department of Interior and Office of Personnel Management will conduct consultations on April 17, 2023, 2:00-4:00 p.m., EST, via zoom link. Please see the enclosed for more information.

Sincerely,

**GREGORY
MEHOJAH**

Digitally signed by
GREGORY MEHOJAH
Date: 2023.03.22
14:11:37 -06'00'

Gregory C. Mehojah
Regional Director

Enclosure(s)

cc: Ms. Richelle Montoya, Vice President, OPVP, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, OPVP, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, OPVP, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation



March 17, 2023

Dear Tribal Leader:

Upon taking office, President Biden directed each Federal agency to prepare a detailed plan of action the agency will take to implement the policies and directives of Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) (Nov. 6, 2000). Federal agencies consulted with Tribal leaders on the development and implementation of these consultation action plans. Out of these consultations, the President heard loud and clear that there was a need to set uniform, baseline consultation standards across the Federal Government, and that Federal employees should receive annual training when working with Tribal Nations.

On November 30, 2022, President Biden issued a new [Presidential Memorandum on Uniform Standards for Tribal Consultation](#), providing more consistency in how agencies initiate, provide notice for, conduct, record, and report on Tribal consultations. In addition, the new Presidential Memorandum directs the head of each agency to require annual Tribal consultation training for all employees who work with Tribal Nations or on policies with Tribal implications. The standards and training requirements are based on the direct input provided by Tribal leaders during the agency consultation process.

The new Presidential Memorandum also directs the Secretary of the Interior and the Director of the Office of Personnel Management, in consultation with Tribal Nations, to establish training modules regarding Tribal consultation. These modules will be available to all government employees who work with Tribal Nations including any policies or programs with Tribal implications. The Presidential Memorandum further directs that the training modules should explain the concepts of Tribal consultation, the Nation-to-Nation relationship, and Tribal sovereignty. We are excited to take this opportunity to hear your suggestions and receive your input on the initial design of consultation training modules. To help facilitate our discussions, enclosed are a series of framing questions for the consultation discussion.

The Department of the Interior and the Office of Personnel Management will conduct consultations during the following dates and times:

Date	Time	Location
April 17, 2023	2:00-4:00 ET	Zoom Link: https://www.zoomgov.com/meeting/register/vJlscOurrD0qGkZS5UTTpD58uoh8FpnXTu4

If you would like to provide written input, please email written comments to Consultation@bia.gov by midnight Eastern Time on May 17, 2023.

We look forward to speaking with you. If you have any questions regarding this effort, please feel free to contact Ernesto Rodriguez, Senior Advisor for Operations, Office of the Director, U.S. Office of Personnel Management, Ernesto.Rodriguez@opm.gov or Tracy Goodluck, Senior Advisor, Office of the Assistant Secretary Indian Affairs, Tracy_Goodluck@ios.doi.gov.

Sincerely,



Bryan Newland
Assistant Secretary – Indian Affairs
U.S. Department of the Interior



Rob Shriver
Deputy Director
U.S. Office of Personnel Management

Enclosure

TRIBAL CONSULTATION TRAINING FOR FEDERAL EMPLOYEES

- What are the key elements that should be included in the consultation training modules?
- What areas should the consultation training modules cover to prepare agency staff to meet the standards outlined in the Presidential Memorandum?
- What aspects of Tribal consultation should the federal government fix/address most urgently?
- Do you have an example of a consultation that went very well? What made that consultation stand out as being successful?
- Do you have examples of training materials that you have used successfully when working with federal officials?
- What role can Tribal governments and other Tribal organizations play in helping to ensure that federal officials are adequately educated on Tribal consultation?



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

March 27, 2023

ELECTRONICALLY TRANSMITTED

The Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Secretary – U.S. Department of the Interior on the Not Invisible Act of 2019 which was signed into law. The Not Invisible Act Commission (Commission) will hold national hearings to solicit public testimony at multiple locations to shape its report recommendations on specific Missing and Murdered Indigenous People and Human Trafficking topics.

The next Commission hearing is scheduled on April 11, 2023, at 9:00 a.m. – 5:00 p.m., CT, at the Osage Casino Hotel, Tulsa, Oklahoma 74127. Written testimonies are also welcomed at NIAC@ios.doi.gov.

Please refer to enclosure for more information.

Sincerely,

**GREGORY
MEHOJAH**

Digitally signed by
GREGORY MEHOJAH
Date: 2023.03.27
11:40:48 -06'00'

Gregory C. Mehojah
Regional Director

Enclosure(s)

cc: Ms. Richelle Montoya, Vice President, OPVP, Navajo Nation
The Honorable Council Delegate Amber Crotty, 25th Navajo Nation Council
Mr. Patrick Sandoval, Chief of Staff, OPVP, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, OPVP, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 23 2023

Dear Tribal Leader:

In October 2020, the Not Invisible Act of 2019 was signed into law—to increase coordination in identifying and combating violent crime within Indian lands and against Indians—in response to the longstanding crises of missing and murdered Indigenous people (MMIP) and human trafficking (HT).

Pursuant to section 4 of the act, Attorney General Merrick B. Garland and I established the Not Invisible Act Commission (Commission), which consists of Federal and non-Federal members. The Commission is required, by October 2023, to submit a final report to Congress, the Attorney General, and me with recommendations on how to improve intergovernmental coordination, bolster resources, and establish best practices for State/Tribal/Federal law enforcement to help combat this epidemic of violence.

To help achieve this requirement of section 4, the Commission will hold national hearings to solicit public testimony at multiple locations to shape its report recommendations on specific MMIP and HT topics. These hearings will provide a forum for law enforcement, subject-matter experts, organizations, State/Tribal task forces, advocates, survivors/families, and other stakeholders to offer testimony directly to the Commission in order to improve cross-jurisdictional communications, increase access to resources, and address other issues related to the MMIP and HT crises.

Please join the next Commission hearing—details are below. Additional dates and locations are forthcoming.

DATE	TIME	LOCATION	HEARING TOPIC
April 11, 2023	9 a.m.– 5 p.m. CT	Osage Casino Hotel 951 W 36th North Tulsa, OK 74127	Law Enforcement and Investigative Resources to Identify and Respond to Cases of MMIP and HT

Registration and Hearing Information:

Commission members will lead the public hearing to address topics specified under the act and listed above. Each hearing will include open-press segments, as well as closed-press segments that provide privacy to participants without media being present. Trauma-informed support will be available onsite with optional follow-up support, as needed. The Commission’s facilitation team will be present to document all oral testimony. Please note that any information provided during the hearings—including oral testimony and written comments—is considered public record, so please protect nonpublic or sensitive information accordingly. Register here if you plan to attend the hearing in person: <https://event.me/80VEPr>.

Written Testimony and Questions:

Submit written testimony, recommendations, or questions to the Commission at NIAC@ios.doi.gov. Include in subject line: “NIAC Testimony” or “NIAC Question.”

Thank you in advance for supporting the Commission’s work to address the MMIP and HT crisis. Only with the collective participation of all our communities, will our missing, murdered, or trafficked relatives and friends no longer be invisible.

Sincerely,



Deb Haaland



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

March 29, 2023

ELECTRONICALLY TRANSMITTED

The Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the offices of the Principal Deputy Assistant Secretary – Policy, Management and Budget, and the Assistant Secretary – Indian Affairs regarding the Department of the Interior's (Department) consultation on the best methodology to accurately determine the number of tribal wildland firefighter full-time equivalents.

The Department invites you to the consultation in May 2023. Written comments are also welcomed by email at consultation@bia.gov. Please refer to the enclosure for more information.

Sincerely,

GREGORY
MEHOJAH

Digitally signed by
GREGORY MEHOJAH
Date: 2023.03.29
15:01:06 -06'00'

Gregory C. Mehojah
Regional Director

Enclosure

cc: Ms. Richelle Montoya, Vice President, OPVP, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, OPVP, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, OPVP, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

Dear Tribal Leader:

The Offices of the Assistant Secretary - Policy, Management and Budget and the Assistant Secretary - Indian Affairs within the Department of the Interior (Department) propose to consult on the best methodology to accurately determine the number of tribal wildland firefighter full-time equivalents.

At present, there is no documented and agreed upon methodology to accurately determine the number of tribal wildland firefighter full-time equivalents (FTEs). Such a methodology is needed for the Office of Wildland Fire (OWF) to inform annual allocations to fund tribal wildland firefighter salaries and inform out-year budget proposals. Tribal wildland firefighters are valued partners in interagency wildfire response efforts.

The Department's Wildland Fire Management program budget includes annual funding for an estimated 500 tribal wildland firefighter FTEs. The methodology used to generate this estimate may be outdated. The Department believes the actual number of tribal wildland firefighter FTEs may be significantly higher based on feedback from, and on-going engagements with Tribes, the Inter-Tribal Timber Council, and the Bureau of Indian Affairs. The present Departmental methodology to determine federal wildland firefighter FTEs thus may not be the best methodology to determine tribal wildland firefighter FTEs.

The Department invites you to consult based upon these four framing questions:

- (1) Which methodology would Tribes propose to count tribal wildland firefighter FTEs?
- (2) How do Tribes staff tribal wildland fire programs including seasonal and/or full-time personnel?
- (3) To what degree do Tribes include fire-related duties in position descriptions for personnel that contribute to tribal wildland fire programs?
- (4) How do Tribes determine the rate of pay for tribal wildland fire program personnel?

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

Day	Time	Location	Connectivity
Monday, May 1, 2023	1pm-4pm PDT	Edith Green Wendell Wyatt Federal Building 1220 SW 3rd Ave, Portland Oregon CONFERENCE ROOM 1A & 1B	In-Person
Tuesday, May 2, 2023	2pm-5pm EDT	Virtual	Register in advance for this meeting: https://www.zoomgov.com/meeting/register/vJlscu6prTkpErPqNd9u-DNDu66SOGuys

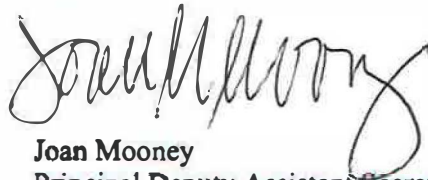
Thursday, May 4, 2023	1pm-4pm PDT	Radisson Phoenix Airport 427 44 th Street Phoenix, Arizona CACTUS CONFERENCE ROOM	In-Person
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We welcome your written comments, which should be submitted by email to: consultation@bia.gov by 11:59 pm EDT on Friday, May, 12, 2023.

If you have any questions regarding this effort, please contact Jeff Rupert Director of the Office of Wildland Fire via email at jeffery_rupert@ios.doi.gov or Samuel Kohn Senior Counselor to the Assistant Secretary- Indian Affairs, via email at samuel.kohn@bia.gov.

We look forward to speaking with you and receiving your input on this matter.

Sincerely,



Joan Mooney
Principal Deputy Assistant Secretary –
Policy, Management and Budget



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

March 29, 2023

ELECTRONICALLY TRANSMITTED

The Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

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GREGORY
MEHOJAH

Digitally signed by
GREGORY MEHOJAH
Date: 2023.03.29
15:01:06 -06'00'

Gregory C. Mehojah
Regional Director

Enclosure

cc: Ms. Richelle Montoya, Vice President, OPVP, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, OPVP, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, OPVP, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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- (4) How do Tribes determine the rate of pay for tribal wildland fire program personnel?

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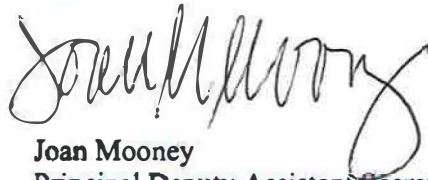
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We look forward to speaking with you and receiving your input on this matter.

Sincerely,



Joan Mooney
Principal Deputy Assistant Secretary –
Policy, Management and Budget



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

March 30, 2023

ELECTRONICALLY TRANSMITTED

The Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs regarding the enrollment data collection. The Indian Affairs is reaching out to all federally recognized Tribes to get updated, aggregate Tribal enrollment information on enrollment data.

A response on the data collection form is requested by May 22, 2023. Please refer to the enclosure for more information.

Sincerely,

GREGORY
MEHOJAH

Digitally signed by
GREGORY MEHOJAH
Date: 2023.03.30
13:04:44 -06'00'

Gregory C. Mehojah
Regional Director

Enclosure

cc: Ms. Richelle Montoya, Vice President, OPVP, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, OPVP, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, OPVP, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation
Mr. Ronald Duncan, Navajo Office of Vital Records & Information, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAR 17 2023

Dear Tribal Leader:

I am following up on the enrollment data collection discussed at the Tribal consultation sessions held on June 8, 2022, regarding the voluntary and annual collection of Tribal enrollment data.

The enrollment data supports enacted legislation for funding allocations and programs supported by annual appropriations. As a result, Indian Affairs is reaching out to all federally recognized Tribes to get updated, aggregate Tribal enrollment information. Tribes that choose not to complete the annual collection Tribal enrollment data form will have their previous collected data utilized for program funding for annual appropriations.

Please fill in and certify the enclosed enrollment data collection form and submit it to the Regional contact listed on the instructions by 9:00 pm (ET) on May 22, 2023. The form should have the signature of the authorized Tribal official vested with the authority to formally transmit this information to the Federal Government. If you cannot submit via email, please send a hardcopy of the completed form to the Regional Office address listed in the form instructions.

Once the Regions have received Tribal enrollment data, the data will be securely compiled into an aggregated report by the Central Office. The data can then be used to inform funding allocations of Indian Affairs, and potentially other Federal agencies. Based on our review of Freedom of Information Act (FOIA) requirements it is likely that neither Tribal enrollment data submissions nor aggregate Tribal enrollment data can be protected from FOIA requests or discovery and may also be made publicly accessible per the Open Data Act.

If you have any questions regarding the form or submission, please contact your Regional Director or Regional contact named on the instruction sheet.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs

Enclosure

Submitting the Form:

Please submit only ***one completed form*** with all the required information for your Tribe. The final form should be certified by the authorized Tribal official and sent via email to your designated Regional Office Data Collection email address as outlined below. There are three options for you to transmit your Tribal information/file as outlined below.

Email – Email a copy of your completed form to the email address for your servicing Regional Office.

Printing & Mailing – If you do not have access to email, you may submit a printed copy of the form. Complete the information, certify the form and mail or fax it to the fax number below for your servicing Regional Office.

Please remember NOT to include any Privacy & Personally Identifiable Information (PII) in your responses. Some examples of PII include information which can be used to distinguish or trace an individual's identity, such as their name, social security number, date and place of birth, mother's maiden name, biometric records, etc.

Department of the Interior Privacy Notice:

The Department of the Interior (DOI), Bureau of Indian Affairs (BIA) is requesting this information for use in making equitable fund distributions. The information you have provided will only be used for this purpose. Please do not include any Personally Identifiable Information (PII) in your responses. The BIA will not share this information with third parties for promotional purposes.

Privacy Policy (<https://www.doi.gov/privacy>) Disclaimer (<https://www.doi.gov/disclaimer>) Notices (<https://www.doi.gov/notices>) Accessibility (<https://www.doi.gov/accessibility>) Copyright (<https://www.doi.gov/accessibility>)

For general assistance with this Collection, please contact your servicing Regional Office:

Region	Email	Address	Phone Number	Fax Number
Alaska	Alaska-Data@bia.gov	3601 C Street, Suite 1100 Anchorage, AK 99503	907-271-1734	907-271-1349
Eastern	Eastern-Data@bia.gov	545 Marriott Drive, Suite 700 Nashville, TN 37214	615-564-6500	615-564-6701
Eastern Oklahoma	EasternOklahoma-Data@bia.gov	3100 W. Peak Blvd. Muskogee, OK 74401	918-781-4608	918-781-4604
Great Plains	GreatPlains-Data@bia.gov	115 4th Avenue, SE, Suite 400 Aberdeen, SD 57401	605-226-7343	605-226-7446
Midwest	Midwest-Data@bia.gov	5600 W. American Blvd., Suite #500, Bloomington, MN 55437	612-725-4500	612-713-4401
Navajo	Navajo-Data@bia.gov	P.O. Box 1060 Gallup, NM 87305	505-863-8314	505-863-8324
Northwest	Northwest-Data@bia.gov	911 NE 11 Avenue Portland, OR 97232	503-231-6702	503-231-2201
Pacific	Pacific-Data@bia.gov	2800 Cottage Way Sacramento, CA 95825	916-978-6000	916-978-6099
Rocky Mountain	RockyMountain-Data@bia.gov	2021 Fourth Avenue North Billings, MT 59101	406-247-7943	406-247-7976
Southern Plains	SouthernPlains-Data@bia.gov	1 Mile North, Hwy 281, Riverside Drive Anadarko, OK 73005	405-247-6673	405-247-5611
Southwest	Southwest-Data@bia.gov	1001 Indian School Road, NW Albuquerque, NM 87104	505-563-3103	505-563-3101
Western	Western-Data@bia.gov	2600 N. Central Avenue Phoenix, AZ 85004	602-379-6600	602-379-4139



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

TRIBAL ENROLLMENT DATA COLLECTION

This is a request for updated Tribal enrollment information. This Tribal enrollment information will be consolidated at the headquarters offices in Washington, DC and used by Indian Affairs (IA) to support decisions regarding the allocation of funds and services to tribes. IA may also provide the information to other Federal agencies for their use in making fund distributions.

(Please insert requested information & sign below)

Tribal Name: _____

Tribal Enrollment Number: _____ as of May 15, 2023

(Please check box for concurrence)

I have read the above disclaimer and agree to the use of this information for these purposes. Further, I hereby certify I am authorized by the governing body of the Tribe named above to submit the information included with this form and that it is true and correct to the best of my knowledge. I further understand that anyone who knowingly and willfully makes a false statement to the United States Government may be subject to criminal prosecution under the False Statements Accountability Act of 1996, 18 U.S.C. 1001.

Signature

Date

Printed Name & Title of Tribal Leader

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for this collection is 1076-0197. The time to complete this information collection request is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. Responses to this collection of information are voluntary (25 U.S.C. § 2). If you have comments on the agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, please send those comments to Indian Affairs Information Collection Clearance Officer at raca@bia.gov. Include the OMB control number in any correspondence. Do not send the completed form to this address; see the instructions accompanying this form for where to send your completed form.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

April 3, 2023

ELECTRONICALLY TRANSMITTED

The Honorable Buu Nygren
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nygren:

Enclosed is a Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs (ASIA) regarding the Department seeking Tribal and Indian artist input on the draft revision to 25 C.F.R. Chapter II (Indian Arts and Crafts Board). Consultation sessions will be held in the months of April, May, July and August 2023.

If you have any questions, please contact Samuel Kohn, Senior Counselor to ASIA via email at: samuel.kohn@bia.gov or Rachel Brown, Senior Advisor to Assistant Secretary – Policy, Management and Budget via email at: rachel_brown@ios.doi.gov. Please refer to the enclosure for more information.

Sincerely,

**GREGORY
MEHOJAH** Digitally signed by
GREGORY MEHOJAH
Date: 2023.04.03
17:08:43 -06'00'

Gregory C. Mehojah
Regional Director

Enclosure

cc: Ms. Richelle Montoya, Madam Vice President, OPVP, Navajo Nation
Mr. Patrick Sandoval, Chief of Staff, OPVP, Navajo Nation
Ms. Sherylene Yazzie, Deputy Chief of Staff, OPVP, Navajo Nation
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

APR - 3 2023

Dear Tribal Leader:

The Department of the Interior (Department) seeks Tribal and Indian artist input on draft revisions to 25 C.F.R. Chapter II (Indian Arts and Crafts Board). The draft revisions seek to modernize the Indian Arts and Crafts Act's regulations, which are implemented by the Indian Arts and Crafts Board (Board). The draft revisions bring a co-equal focus to promotional activities, expand the definition of *Indian Product*, allow for non-Indian labor to work on *Indian Products* in certain situations, and use a new certification trademark to certify that an item is an *Indian Product*.

Request for Tribal and Indian Artist Input on Draft Revisions

In addition to any comments on the enclosed draft revisions, we seek input on the following questions:

1. The draft revisions propose that additional items would be eligible to be marketed as an *Indian Product*. Do the revisions sufficiently account for the range of Indian art and crafts that Indian artists are presently creating?
2. Should Native Hawaiian Organizations be included in the definition of "Indian Tribe" for purposes of regulations implementing the Indian Arts and Crafts Act?
3. The draft revisions do not modify enforcement activities. Would additional enforcement tools, such as administrative forfeiture, provide confidence to Indian artists?

The Department will conduct one consultation session and five consultation-listening session hybrid meetings as listed below and will accept oral and written comments. Please note that the Tribal consultation will be closed to the press and the public to protect confidential information that may be discussed during the sessions. We look forward to speaking with you at one or more of the following sessions:

Date	Time	Location	Notes – Connectivity
Wednesday, April 5, 2023	3:00pm- 3:50pm PT	RES 2023 Emperors Ballroom II Caesars Palace Resort Las Vegas, NV 89109	Listening Session only Held in conjunction with Reservation Economic Summit 2023.
Thursday, April 27, 2023	2:00pm- 4:00pm MT	Bureau of Indian Affairs Southwest Regional Office Room 133 1001 Indian School Road, NW Albuquerque, NM 87104	Listening Session only. Held in conjunction with Gathering of Nations Pow-Wow 2023.
Wednesday, May 31, 2023	2:00pm- 4:00pm CT	U.S. Geological Survey Conference Room Oklahoma – Texas Walker Science Center Bldg #7 202 NW 66 th Street Oklahoma City, OK 73116	Opening with a closed Nation-to-Nation Tribal Consultation. At conclusion of Consultation, will proceed immediately to Listening Session open to all. Held in conjunction with Red Earth Festival 2023.

Friday, July 14, 2023	2:00pm- 4:00pm AT	Bureau of Land Management Fairbanks District Office Kobuk Conference Room 222 University Ave Fairbanks AK 99709	Opening with a closed Nation-to-Nation Tribal Consultation. At conclusion of Consultation, will proceed immediately to Listening Session open to all. Held in conjunction with World Eskimo Indian Olympics.
Wednesday, August 2, 2023	2:00pm- 4:00pm ET	Virtual on Zoom	Nation-to-Nation Tribal Consultation only. Please pre-register at https://www.zoomgov.com/meeting/register/vJltdu-vqjMuGUCgD4wX5kBhtZaWdcnGKZc
Friday, August 18, 2023	1:00pm- 4:00pm MT	IAIA Museum of Contemporary Native Arts Institute of American Indian Arts 108 Cathedral Place, Santa Fe, NM 87501	Opening with a closed Nation-to-Nation Tribal Consultation. At conclusion of Consultation, will proceed immediately to Listening Session open to all. Held in conjunction with 2023 Santa Fe Indian Market.

We also welcome your written comments, which should be submitted by email to consultation@bia.gov by 11:59pm ET on Friday, September 1, 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, or Rachel Brown, Senior Advisor to the Assistant Secretary – Policy, Management and Budget via email at rachel_brown@ios.doi.gov.

We look forward to receiving your input on this matter.

Sincerely,



Joan Mooney
Principal Deputy Assistant Secretary – Policy,
Management and Budget



Bryan Newland
Assistant Secretary – Indian Affairs

25 CFR Part 301 Policy Statement; Definitions; Indian Product.....	3
25 CFR § 301.1 How do the regulations in this part carry out the Indian Arts and Crafts Act of 1935, as amended?	3
25 CFR § 301.2 What key terms do I need to know?	3
25 CFR § 301.3 What are the criteria the Board will use to certify an Indian Product under Section 301.2(f)(2) of this part?	5
25 CFR § 301.4 What are examples of products that do not qualify as “Indian Products” under Section 301.2(f)(1) of this part?	7
25 CFR § 301.5 How will the Board certify an Indian Product?	8
25 CFR § 301.6 What must the Indian Business do after it receives a certification from the Board?	8
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25 CFR Part 301 Policy Statement; Definitions; Indian Product

25 CFR § 301.1 How do the regulations in this part carry out the Indian Arts and Crafts Act of 1935, as amended?

These regulations define the nature and origin of Indian Products protected by the Indian Arts and Crafts Act of 1935, as amended, (18 U.S.C. § 1159, 25 U.S.C. § 305 *et seq.*) from false representations, and specify how the Indian Arts and Crafts Board will interpret certain conduct for promotion and enforcement purposes. The Act makes it unlawful to offer or display for sale or sell any good in a manner that falsely suggests it is Indian produced, an Indian Product, or the product of a particular Indian, or Indian tribe, or Indian Arts and Crafts Organization resident within the United States.

25 CFR § 301.2 What key terms do I need to know?

- (a) *IACB Certification Trademark* means the certification mark (as that term is defined in 15 U.S.C. § 1127) that the IACB may license to Indian artists listed in the Source Directory to identify their work as an Indian Product (as set forth in 25 U.S.C. § 305a).
- (b) *Indian* means an individual who—
 - (1) is a member of an Indian Tribe; or
 - (2) is certified as an Indian artisan by an Indian Tribe. Any such certification must –
 - (i) be in a letter signed by the tribal leader or a duly adopted tribal resolution, tribal ordinance, or other, similar act of the tribal government;
 - (ii) be of an individual who is of direct Indian lineage of one or more members of such Indian Tribe and must contain the name of the tribal member of whom the artisan is a direct lineal descendant;
 - (iii) contain an expiration date at which time it must be re-certified; and
 - (iv) be provided to the Board at the time of certification for reference purposes; or
 - (3) for purposes of Section 301.2(f)(1) of this part, is a member of a State-recognized Indian Tribe that has been formally recognized as a State tribe by a State legislature or by a State commission, or similar organization legislatively vested with State tribal recognition authority.
- (c) *Indian Arts and Crafts Board* or *IACB* or *Board* means the Indian Arts and Crafts Board established under the Indian Arts and Crafts Act of 1935, 25 U.S.C. § 305, *et seq.*, as amended.

- (d) *Indian Arts and Crafts Organization* means any legally established arts and crafts marketing organization composed of members of Indian tribes.
- (e) *Indian Business* means a business that is qualified for a certification that its product is an Indian Product under Section 301.3(b) of this part.
- (f) *Indian Product* means any product marketed or sold as “Indian,” “Alaska Native,” “Native American,” “Indian Product,” “Alaska Native Product,” “Native American Product,” “Made by a Indian,” “Made by an Alaska Native,” “Made by a Native American,” “Indian Made,” “Alaska Native Made,” “Native American Made,” “[Indian Tribe’s name] made,” “made by [Indian Tribe’s name],” or other, similar description that markets a product explicitly or implicitly, to be a Product of an Indian or Indian Tribe. The specific examples of “Indian Product” that 25 U.S.C. § 305e(f) requires are those in Section 301.3(1)-(19) of this part. To be an “Indian Product,” the product must be:
- (1) Artistic or craftwork made entirely by an Indian or Indians, as defined in Section 301.2(b) of this part, including the labor necessary to implement an artistic design through a substantial transformation of materials to produce the art or craft work. The list at Section 301.3 also includes, only for purposes of this subsection:
 - (i) Art made by an Indian that is in a traditional or non-traditional style or medium;
 - (ii) Craft work made by an Indian that is in a traditional or non-traditional style or medium;
 - (iii) Handcraft made by an Indian, i.e., an object created with the help of only such devices as allow the manual skill of the maker to condition the shape and design of each individual product;
 - (iv) The product also cannot be a product listed under Section 301.4 of this part; or
 - (2) Certified as an Indian Product by the Board under the criteria at Section 301.3 of this part.
- (g) *Indian Tribe* means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

- (h) *Source Directory* means the *Source Directory of American Indian and Alaska Native Owned and Operated Arts and Crafts Businesses* on the IACB website, which is maintained by the Board as part of its program to promote artists, merchants, and makers of Indian Products.

25 CFR § 301.3 What are the criteria the Board will use to certify an Indian Product under Section 301.2(f)(2) of this part?

If an Indian Product meets the definition under Section 301.2(f)(1) of this part, no certification is required.

Otherwise, the Board will use the following criteria in deciding whether to certify an Indian Product under Section 301.2(f)(2) of this part.

- (a) The applicant must submit documents demonstrating that the product is a qualifying product described below:
- (1) Jewelry and related accessories using any media, including, but not limited to, silver, gold, turquoise, coral, lapis, jet, nickel silver, glass bead, copper, wood, abalone or other shell, walrus ivory, whale baleen, bone, antler, horn, horsehair, porcupine quill, teeth, hoof, fur including but not limited to, mink, otter, seal and polar bear, seed, and berry;
 - (2) Basketry and related weavings using any media, including, but not limited to, birchbark, black ash, brown ash, red cedar, yellow cedar, alder, vine maple, willow, palmetto, honeysuckle, river cane, oak, buck brush, sumac, dogwood, cattail, reed, raffia, horsehair, pine needle, spruce root, rye grass, sweet grass, yucca, bear grass, beach grass, rabbit brush, fiber, maidenhair fern, whale baleen, seal gut, feathers, shell, devil's claw, and porcupine quill;
 - (3) Weavings and textiles using any media, including, but not limited to, cornhusk, raffia, tule, horsehair, cotton, wool, fiber, linen, seal and rabbit skin, feather, bison fur, and qiviut (musk ox) wool;
 - (4) Beadwork, quillwork, and fur or moose hair tufting applied to decorate a wide variety of materials, including, but not limited to, bottles, baskets, bags, pouches, and other containers; belts, buckles, jewelry, hatbands, hair clips, barrettes, bolos, and other accessories; moccasins, vests, jackets, and other articles of clothing; dolls, and toys and collectibles;
 - (5) Apparel, including, but not limited to, parkas, jackets, coats, hats, moccasins, boots, slippers, mukluks, mittens, gloves, belts, gauntlets, dresses, and shirts;
 - (6) Regalia and ceremonial clothing, modern items with a traditional theme, and accessories with historical significance made or significantly decorated, including,

but not limited to, those worn to perform traditional dances, participate in traditional socials, used for dance competitions, and worn on special occasions of tribal significance;

- (7) Woodwork, including, but not limited to, sculpture, drums, furniture, containers, hats, masks, and figurines;
- (8) Hide, leatherwork, and fur made or significantly decorated, including, but not limited to, parfleches, tipis, horse trappings and tack, pouches, bags, belts, and hide paintings;
- (9) Pottery, ceramics, and related items made or significantly decorated, including, but not limited to, a broad spectrum of clays and ceramic material;
- (10) Sculpture, carving, fetish, and pipes, including, but not limited to, wood, soapstone, alabaster, pipestone, argillite, turquoise, ivory, baleen, bone, antler, horn, and shell;
- (11) Dolls, toys, and related items, including, but not limited to, no face dolls, corn husk dolls, patchwork and palmetto dolls, reindeer horn dolls, lacrosse sticks, stick game articles, gambling sticks, gaming dice, miniature cradle boards, and yo-yos;
- (12) Painting and other fine art forms including, but not limited to, works on canvas, photography, sand painting, mural, computer generated art, graphic art, video art work, printmaking, drawing, bronze casting, glasswork, and art forms to be developed in the future;
- (13) Formerly commercial products, where embellishments have added art or craft work to those objects sufficient to substantially transform the qualities and appearance of the original commercial item, such as handbags, wallets, or shoes to which beadwork has been applied, or a denim jackets to which a ribbon appliqué has been applied;
- (14) Artisanal or craft agricultural products, including, but not limited to, any commodity or product for human consumption, such as jerky, dried meats, pemmican, dried beans, bean soup mix, olive oil, fruit preserves, jams and jellies, chocolate, maple syrup, hominy, salsa, vinaigrette, spices, teas, and frybread mix; raw agricultural products, including, but not limited to, any commodity or product for human consumption, such as fruits and vegetables including coffee beans, legumes, nuts, berries, grapes, or wild rice, corn, or aromatic herbs, such as sweet grass, and plants, such as sage; meat, poultry, game, and fish products, including fresh meat, and processed meat products, such as beef, buffalo, bison, pork, lamb

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and poultry meat products, and fresh, frozen, canned or smoked fish and seafood, provided that the product cannot contain any ingredient that a controlled substance under Federal law;

- (15) Artisanal or craft food products including, but not limited to, raw, cooked, or processed edible substances for human consumption, food that is edible without further washing, cooking, or additional preparation and that is reasonably expected to be consumed in that form, and meal service that stores, prepares, or packages food for sale for human consumption to consumers directly to indirectly through a delivery service, whether such food is consumed at the site of service, provided that the product cannot contain any ingredient that is a controlled substance under Federal law;
- (16) Artisanal or craft beverage products such as coffee, tea, wine, and beer, provided that the product cannot contain any controlled substance under Federal law; or
- (17) Digital, written, and electronic media including, but not limited to, movies, TV shows, radio shows, podcasts, news, music, newspapers, magazines, and books, including written and cartoon or comic materials.

(b) The business making the Indian Product must be an Indian Business:

- (1) The business must be incorporated or formed under Federal, State, or Tribal law as demonstrated by its articles of incorporation or other formation document filed with the appropriate Governmental agency;
- (2) The business must be at least 50% owned by an Indian or Indians or by an Indian Tribe;
- (3) An Indian or Indians or Indian Tribe must receive at least 50% of earnings from the business;
- (4) Management and daily operations of the business must be controlled by one or more Indians.

(c) Final assembly or processing of the product must occur in the United States, any significant processing that goes into the product must occur in the United States, and all or virtually all ingredients or components of the product must be made and sourced in the United States, as this term is defined in 16 C.F.R. § 323.1.

25 CFR § 301.4 What are examples of products that do not qualify as “Indian Products” under Section 301.2(f)(1) of this part?

The following are examples of products that do not qualify as “Indian Products” under Section 301.2(f)(1) of this part.

- (a) A product in the style of an Indian Product made by non-Indian labor;
- (b) A product in the style of an Indian Product that is designed by an Indian but produced by non-Indian labor;
- (c) A product in the style of an Indian Product that is assembled from a kit;
- (d) A product in the style of an Indian Product originating from a commercial product, without substantial transformation provided by Indian artistic or artisan labor;
- (e) A product in the style of an Indian Product that is produced in an assembly line or related production line process using multiple workers, not all whom are Indians, for example, if twenty people make up the labor to create the product, and one person is not Indian.

These restrictions do not apply to Indian Products under Section 301.2(f)(2) of this part.

25 CFR § 301.5 How will the Board certify an Indian Product?

- (a) The Indian Business must submit:
 - (1) an Indian Product Certification Application to the Board;
 - (2) Tribal enrollment documentation of the owner(s) and the manager(s) of the day-to-day business operations;
 - (3) Articles of Incorporation or other formation document filed with the appropriate Governmental agency;
 - (4) Statement from applicant describing the role played by the Indian(s) in the day-to-day business operations.
 - (5) Any other documents required in the Indian Product Certification Application.
- (b) Once approved, the Board will issue a unique certification number for the Indian Product.
- (c) If the Board denies the application for certification as an Indian Product and the applicant wishes to appeal that denial, the applicant must follow the appeals process in Part 304 of this Chapter.

25 CFR § 301.6 What must the Indian Business do after it receives a certification from the Board?

- (a) The Indian Business must apply for recertification of its Indian Product every 3 years after the initial certification, using the same process as the initial certification in Section 301.3 of this part.
- (b) If the Indian Business does not apply for recertification or the Board denies its recertification application or it no longer qualifies as an Indian Business under Section 301.3(b) of this part, the certification is revoked, the business cannot advertise that their product is an Indian Product as defined by this regulation, and the Board will remove the business from the Source Directory. An Indian Business that offers or displays for sale or sells an Indian Product, including advertising the Indian Product for sale without valid certification may be subject to penalties referenced in Section 303.6 of this Part.

25 CFR Part 302 Promotion of Indian Arts and Crafts

Subpart A Source Directory

25 CFR § 302.1 Who may apply for listing in the Source Directory?

- (a) An artist or merchant may request inclusion in the Source Directory if he/she is:
 - (1) An Indian;
 - (2) An Indian Tribe;
 - (3) An Indian Arts and Crafts Organization (including Indian arts and crafts cooperatives and Tribal arts and crafts enterprises);
 - (4) A not-for-profit organization managed by members of an Indian Tribe;
 - (5) A gallery or other retail or wholesale business owned and operated by an Indian Tribe or members of an Indian Tribe that certifies that a majority of the art and craftwork it sells is Indian Products; or
 - (6) An Indian Business as defined in Section 301.3(b) of this chapter making a product certified by the Board as an Indian Product; and
- (b) Such artist or merchant must make or sell an Indian Product as defined in Sections 301.2(f)(1) or (f)(2).
- (c) Any artist or merchant listed in the Source Directory as of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION OF THE FINAL RULE IN THE FEDERAL REGISTER] will continue to be listed in the Source Directory and need not re-apply for listing.

25 CFR § 302.2 What information is required to apply for listing in the Source Directory?

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(a) An individual or an enterprise described in subsections 302.1(a)(1)-(5) of this part must provide:

- (1) Name of artist or business/enterprise;
- (2) Mailing address, city, zip code (highway location, Indian reservation, etc.);
- (3) Telephone number;
- (4) Email address and website address, if applicable;
- (5) Best way to be contacted;
- (6) Business hours;
- (7) Description of types of Indian Products sold;
- (8) Manner of sales, such as retail shop, open studio, by appointment, mail order, or via the Internet;
- (9) Official written documentation of the enrollment of the individual artist or owners, operators, and managers of the business/enterprise in an Indian Tribe; and
- (10) In the case of a gallery or other retail or wholesale business under subsection 302.1(a)(5) of this part, the written certification that a majority of the art and craftwork it sells is Indian Products.

(b) An Indian Business described in subsections 302.1(a)(6), and as defined in Section 301.4(b) of this chapter, making a product certified by the Board as an Indian Product must provide:

- (1) Name of the Indian Business;
- (2) Mailing address, city, zip code (highway location, Indian reservation, etc.);
- (3) Telephone number;
- (4) Email address and website, if any;
- (5) Business hours;
- (6) Description of types of Indian Products sold;

- (7) Manner of sales, such as retail shop, mail order, or via the Internet;
 - (8) A written copy of the certification issued by the Indian Arts and Crafts Board under Section 301.5 of this chapter of the Indian Products made by the Indian Business.
- (c) If the Board denies the application for listing in the Source Directory and the applicant wishes to appeal that denial, the applicant must follow the appeals process in Part 304 of this Chapter.

Subpart B Identification of Indian Products

25 CFR § 302.3 How may an artist or Indian business label an Indian Product?

An Indian Product, as described in Section § 301.2(d)(1) of this chapter, may display on the principal display panel, information panel, and any other panel of the package and on any labeling or market information concerning the product the following the term, “Indian,” “Alaska Native,” “Native American,” “Indian Product,” “Alaska Native Product,” “Native American Product,” “Made by an Indian,” “Made by an Alaska Native,” “Made by a Native American,” “Indian Made,” “Alaska Native Made,” “Native American Made,” “[Indian Tribe’s name] made,” “made by [Indian Tribe’s name],” or other, similar description, as applicable, to modify the name of the product.

25 CFR § 302.4 Does the Indian Arts and Crafts Board have a certification trademark that an Indian, Indian Tribe, Indian Business, or Indian Arts and Crafts Organization can use to identify an Indian Product?

Yes. The Board has created and registered a certification trademark under 15 U.S.C. § 1127 to assure consumers of the genuineness and quality of Indian Products and the products of an individual Indian or particular Indian Tribe or Indian arts and crafts organization.

25 CFR § 302.5 What are the requirements for licensing the IACB certification trademark to an Indian, Indian Tribe, Indian Business, or Indian arts and crafts organization?

The Board may, upon written request, license the IACB certification trademark to any Indian, Indian Tribe, Indian arts and crafts organization, or Indian Business that is listed in the Source Directory under Section 302.1 of this part.

25 CFR § 302.6 How may an Indian, Indian Tribe, Indian Business, or Indian Arts and Crafts Organization use the certification trademark?

- (a) Persons described in Section 302.5 of this part wishing to use the certification trademark must first certify its Indian Product with the Board pursuant to Part 301 of this chapter and must be listed in the Source Directory pursuant to Subpart A of this part.

- (b) Upon inclusion in the Source Directory, the Person must agree to the terms of a nonexclusive, nontransferable, royalty-free, revocable trademark license agreement provided by the Board (the “Agreement”). The Agreement at a minimum shall:
- (1) provide the certification trademark identity and style guide;
 - (2) provide that the Person may affix the certification trademark on all Indian Products sold in the United States, and/or in the package inserts, labels and packaging and, to the extent appropriate, promotion and marketing materials, used in connection with the sale thereof, and each such package insert, label and packaging and promotion and marketing materials that uses the trademark shall state: “[t]he Indian Arts and Crafts Board certification trademark is a registered certification trademark of the Indian Arts and Crafts Board, licensed to [the Person]. Certification may be confirmed at <https://www.doi.gov/iacb/state-and-country-listings>. Report any uncertified products at <https://www.doi.gov/iacb/should-i-report-potential-violation>; and
 - (3) immediately terminate upon the Person’s removal from the Source Directory.
- (c) provide that in addition to the penalties pursuant to Section 303.6 of this chapter, the Person shall be removed from the Source Directory, and the Agreement shall automatically terminate if the Person offers or displays for sale or sells the Indian Product, or advertises the Indian Product for sale, with or without the certification trademark under this subpart, in a manner that falsely suggests it is Indian produced, an Indian Product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States.
- (d) The Agreement shall automatically terminate, and the Person shall be removed from the Source Directory if the Person breaches any provision of the Agreement and fails to cure such breach after the Board’s written notice thereof.
- (e) If the Person wishes to appeal the termination of the Agreement and removal from the Source Directory, the Person must follow the appeals process in Part 304 of this Chapter.

25 CFR Part 303 Protection of Indian Arts and Crafts

25 CFR § 303.1 How does this Chapter apply to Indian Arts and Crafts Act Enforcement?

Part 301 of this Chapter includes the definition of Indian Product as protected by the Indian Arts and Crafts Act (18 U.S.C. 1159, 25 U.S.C. 305 et seq.).

This Part specifies how the Indian Arts and Crafts Board will interpret certain conduct for enforcement purposes.

25 CFR § 303.2 How does the Indian Arts and Crafts Act apply to disclosure of an Indian Product?

The Indian Arts and Crafts Act is a truth-in-marketing law. Those who produce and market art and craft work should honestly represent and clarify the degree of Indian involvement in the production of the art and craft work when it is sold, displayed, or offered for sale.

25 CFR § 303.3 May a Non-Indian sell products in the style of Indian Products?

A non-Indian can make and sell arts and craft products in the style of Indian Products, as defined by this Chapter, only if the non-Indian or other seller does not falsely suggest to consumers that the products have been made by an Indian.

25 CFR § 303.4 Does the Indian Arts and Crafts Act apply to Indian Products made before 1935?

This Chapter does not apply to any art or craft products made before 1935.

25 CFR § 303.5 How will the Board interpret statements about Indian origins of Indian Products?

- (a) In general. The unqualified use of the term “Indian,” “Alaska Native,” “Native American,” “Indian Product,” “Alaska Native Product,” “Native American Product,” “Made by an Indian,” “Made by an Alaska Native,” “Made by a Native American,” “Indian Made,” “Alaska Native Made,” “Native American Made,” “[Indian Tribe’s name] made,” “made by [Indian Tribe’s name],” or other, similar description, or the unqualified use of the name of an Indian tribe, in connection with an art or craft product, is interpreted to mean for purposes of this Chapter that the maker is a member of an Indian tribe, is certified as an Indian artisan by an Indian tribe, or is a member of the particular Indian tribe named, and the art or craft product is an Indian Product as defined in Part 301.2(f)(1).

- (b) Products of Indians of foreign tribes -

- (1) In general. The unqualified use of the term “Indian,” “Alaska Native,” “Native American,” “Indian Product,” “Alaska Native Product,” “Native American Product,” “Made by a Indian,” “Made by an Alaska Native,” “Made by a Native American,” “Indian Made,” “Alaska Native Made,” “Native American Made,”

“[Indian Tribe’s name] made,” “made by [Indian Tribe’s name],” or other, similar description, or the unqualified use of the name of a foreign tribe, in connection with an art or craft product, regardless of where it is produced and regardless of any country-of-origin marking on the product, is interpreted to mean for purposes of this part that

(i) The tribe is resident in the United States; and

(ii) The art or craft product is an Indian Product as defined in Part 301.

(2) Exception where country of origin is disclosed. Paragraph (b) of this section does not apply to any art or craft for which the name of the foreign country of tribal ancestry is clearly disclosed in conjunction with marketing of the product.

25 C.F.R. § 303.6 What civil and criminal penalties apply?

A person who offers or displays for sale or sells a good, with or without the certification trademark under Part 302, subpart B of this Chapter, in a manner that falsely suggests it is Indian produced, an Indian Product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States:

(a) Is subject to the criminal penalties specified in 18 U.S.C. § 1159; and, if displayed with the IACB certification trademark, the criminal penalties specified in 18 U.S.C. § 1158, and

(b) Is subject to the civil penalties specified in 25 U.S.C. § 305e, and, if displayed with the IACB certification trademark, the civil penalties specified at 15 U.S.C. § 1114.

25 CFR § 303.7 How does someone file a complaint for investigation?

Complaints about protected products alleged to be offered or displayed for sale or sold in a manner that falsely suggests that they are produced by an Indian, an Indian Product, or the product of a particular Indian, Indian Tribe, or Indian Arts and Crafts Organization may be submitted to the Indian Arts and Crafts Board by one of the following means: (1) online through the IACB’s online complaint form on its website, www.doi.gov/iacb/should-i-report-potential-violation; (2) by email at IACB@doi.ios.gov; (3) by phone at the IACB’s toll-free phone number 1-888-ART-FAKE; (4) by fax to the IACB at 202-208-5196; or (5) by mail, addressed to Director, Indian Arts and Crafts Board, 1849 C Street, NW, Room 2528-MIB, U.S. Department of the Interior, Washington, D.C. 20240.

25 CFR § 303.8 Who may initiate a criminal investigation?

Any Federal law enforcement officer may exercise statutory authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

25 CFR § 303.9 Who may bring a civil action under the Act?

- (a) An Indian Tribe, individual Indian, or Indian arts and crafts organization, or the United States acting on their behalf, may bring a civil action under 25 U.S.C. § 305e against a person who, directly or indirectly, offers or displays for sale or sells a good, with or without the certification trademark under Part 302, subpart B of this chapter, in a manner that falsely suggests it is Indian produced, an Indian Product, or the product of a particular Indian or Indian Tribe or Indian Arts and Crafts Organization under this Chapter.
- (b) In a civil action under paragraph (a) of this section, the Indian Tribe, individual Indian, Indian arts and crafts organization, or United States may request that the court order the relief specified in 25 U.S.C. § 305e, including actual damages, punitive damages, and/or forfeiture of proceeds.

25 CFR Part 304 Appeals

25 CFR § 304.1 How does an artist or merchant appeal an adverse decision of the Board?

If an artist or merchant wishes to appeal an adverse decision of the Board denying an application for certification under Section 301.5 of this chapter or an application for inclusion in the Source Directory under Section 302.2 of this chapter or revoking use of the Certification Mark under Section 302.6 of this chapter, the artist or merchant must follow the provisions of this part.

25 CFR § 304.2 Does an artist or merchant need a lawyer to file an appeal?

No. An artist or merchant does not need a lawyer to file an appeal. If the artist or merchant is represented by someone else, the representative must meet the standards established in 43 C.F.R. Part 1 and must provide documentation of his or her authority to act on the artist or merchant's behalf.

25 CFR § 304.3 How long does an artist or merchant have to file a Notice of Appeal?

An artist or merchant has 30 business days after receiving a copy of the Board's decision to file the Notice of Appeal. The Assistant Secretary will presume that the artist or merchant has received the decision 10 days after the decision was mailed or otherwise transmitted. No extensions of time to file a Notice of Appeal will be granted. The Board's decision will be effective when the appeal period ends without a Notice of Appeal being filed.

25 CFR § 304.4 How does an artist or merchant file a Notice of Appeal?

The artist or merchant must submit the Notice of Appeal to the Office of the Assistant Secretary for Policy, Management, and Budget, with a copy to the Board and the Division of Indian Affairs in the Office of the Solicitor. The Notice of Appeal may be personally delivered (by the artist or merchant or private mail carrier), mailed, or emailed. The Notice is considered to be filed when it is personally delivered, postmarked, or emailed. All of these offices are in the Main Interior Building at 1849 C Street, NW, Washington, DC 20240. Email addresses may be found on the Department of the Interior's website at www.doi.gov.

25 CFR § 304.5 What must an artist or merchant include in the Notice of Appeal?

The artist or merchant must include contact information in the Notice of Appeal and proof that it was delivered to the Board and the Office of the Solicitor. The Notice of Appeal must also include a copy of the decision being appealed and a statement as to why the artist or merchant believes that the Board's decision is wrong, including relevant information or evidence the artist or merchant believes the Board failed to consider, with copies of any supporting documents.

25 CFR § 304.6 What happens after an artist or merchant files a Notice of Appeal?

- (a) Once the artist or merchant files a Notice of Appeal, neither the artist or merchant, the artist or merchant's representative, nor any relevant Indian Tribe may contact the Board; the Assistant Secretary for Policy, Management, and Budget; the Assistant Secretary—Indian Affairs; or any of their staff concerning the Board's decision or the appeal, except concerning the status of the review.

- (b) The Office of the Solicitor may file a response to the Notice of Appeal on behalf of the Board 30 days after the Notice of Appeal is filed. The response must include proof that it was sent to the artist or merchant.
- (c) Any relevant Indian Tribe may file a response to the Notice of Appeal supporting the artist or merchant or supporting the Board's decision 30 days after the Notice of Appeal is filed. The response must include proof that it was sent to the artist or merchant and the Office of the Solicitor.
- (d) No further documents or responses may be filed (other than the Notice of Appeal, any response from the Office of the Solicitor or a relevant Indian Tribe), except at the request of the Assistant Secretary for Policy, Management, and Budget.

25 CFR § 304.7 Who will make the final decision on an artist or merchant's appeal?

The Assistant Secretary for Policy, Management, and Budget will decide the appeal, in consultation with the Assistant Secretary—Indian Affairs. The decision of the Assistant Secretary is a final agency action and is immediately effective when issued.

25 CFR Part 305 Engagement Between This Part and Related Laws

25 CFR § 305.1 How does this Chapter relate to other federal regulations?

The definitions set forth in this Chapter and related certification decisions and appeals do not modify related definitions elsewhere in federal regulation, including but not limited to Native American-style jewelry in Customs regulations (19 C.F.R. § 134.43) cultural items in NAGPRA regulations (43 C.F.R. § 10.2), articles of handicraft and clothing in Marine Mammal Protection Act regulations (50 C.F.R. Part 216), and Native Indian handicraft in Internal Revenue Service rulings (Rev. Rul. 86-61).

25 CFR § 305.2 How does this Chapter relate to state laws?

Nothing in this Chapter preempts State law on the same subject matter unless State law forms an obstacle to the accomplishment and execution of the full purposes and objectives of this Chapter so that the two cannot consistently stand together.

25 CFR § 305.3 Are approvals under this Chapter effective for state programs?

Nothing in this Chapter, including Certification or inclusion in the Source Directory, is intended to serve as an application for permit, authorization, or other approval necessary for use of a State program. Certification or inclusion in the Source Directory similarly does not authorize use of seals, terminology, or marketing rules set forth under state programs.

25 CFR § 305.4 How does this Chapter relate to tribal laws?

Nothing in this Chapter preempts Tribal law on the same subject matter unless Tribal law forms an obstacle to the accomplishment and execution of the full purposes and objectives of this Chapter so that the two cannot consistently stand together.

Where the regulations in this Chapter are inconsistent with a Tribal law, the Board may waive the regulations, so long as the waiver does not violate a federal statute or judicial decision and the waiver is in the best interest of the Indian artist or Indian Business.

25 CFR § 305.5 How does this Chapter relate to International Agreements?

Nothing in this Chapter preempts or affects any future International Agreement to expand the market for the products of Indian art and craftsmanship.

25 CFR § 305.6 Are approvals under this Chapter effective for use of other Federal labels?

Nothing in this Chapter authorizes the use of any other federal labeling program unless the Product in question complies fully with the operative regulations governing use of the other federal labeling program, including Made in the U.S.A. (16 C.F.R. Part 323) or the USDA national Organic Program (7 C.F.R. Part 205).

Appendix B – News Release

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

JANUARY 2023

PRESS RELEASE

[Indian Affairs proposes new regulation to strengthen the administration of the Osage Mineral Estate](#)

WASHINGTON – The Office of the Assistant Secretary for Indian Affairs today announced proposed revisions to the federal regulations at 25 C.F.R. Part 226 regarding leasing of the Osage Mineral Estate for oil and gas mining.

Date: 01/12/2023

FEBRUARY 2023

PRESS RELEASE

[Indian Affairs announces Tribal Energy Development Capacity grants](#)

\$2.5 million awarded to Tribes and organizations

Date: 02/02/2023

PRESS RELEASE

[Indian Affairs announces new guidance for determining eligibility for organization under the Alaska Indian Reorganization Act](#)

WASHINGTON – The Office of the Assistant Secretary for Indian Affairs today announced new policy guidance to clarify the criteria and procedures for evaluating petitions for organization under the Alaska Indian Reorganization Act.

Date: 02/10/2023

MARCH 2023

PRESS RELEASE

[Dr. Tamarah Pfeiffer selected as president of Southwestern Indian Polytechnic Institute](#)

WASHINGTON – Tamarah Pfeiffer, Ph.D., a member of the Navajo Nation, has been appointed as the president of Southwestern Indian Polytechnic Institute (SIPI).

Date: 03/01/2023

PRESS RELEASE

[BIA unveils renamed Tohono O'odham Agency, previously known as the Papago Agency](#)

Joint celebration held with Tohono O'odham Nation

Date: 03/07/2023

PRESS RELEASE

[Statement by Assistant Secretary for Indian Affairs Bryan Newland on the President's Fiscal Year 2024 Budget](#)

Budget maintains strong support for Tribal communities.

Date: 03/09/2023

MARCH 2023

PRESS RELEASE

[Indian Affairs awards \\$3 Million in Tribal tourism grants](#)

30 Tribes and organizations receive funding to support economic development. Date: 03/16/2023

PRESS RELEASE

[Indian Affairs announces expansion of Tiwahe Initiative](#)

12 Tribes receive funding for family programs to promote resilient Tribal communities

Date: 03/29/2023