



# BUREAU OF INDIAN AFFAIRS NAVAJO REGION

## Report to the 25th NAVAJO NATION COUNCIL



August 30, 2023, field visit with Council Delegate Charles-Newton, Regional Director, BIA, and officials. Shiprock, New Mexico.

Gregory Mehojah  
Navajo Regional Director  
P.O. Box 1060  
Gallup, New Mexico 87305  
(505) 863-8314

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## NAVAJO REGIONAL DIRECTOR COMMENTS

The federal government, and the BIA Navajo Region, have closed out our 2023 Fiscal Year and are looking forward to identifying new accomplishments by working collaboratively at all levels with Navajo Nation leadership. We began our collaboration this year with the new and returning Council Delegates by presenting to the Council an overview of our Regional operations, including what we do, how we do it and the stakeholders we work with in moving critical projects to conclusion. This also included a two-day roads summit at the Navajo Department of Transportation where Regional transportation staff worked closely with the NDOT team to present to the Council Delegates how we work together to maintain and improve roads throughout the Navajo Nation. We intend to provide more of these informational presentations in cooperation with our program partners at the Nation, including Realty, Social Services, and Natural Resources.

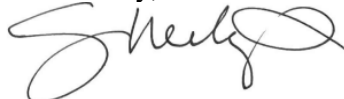
One of our most significant accomplishments this year is awarding a contract to a vendor who will engage in environmental mitigation and demolition of old and unused buildings on the Shiprock Administrative Reserve lands (SAR) so that the lands will be released for tribal use after the removal of the buildings for the Nation's economic development purposes. The buildings on these lands had become a danger with homeless individuals residing in them, making fires to stay warm, and ultimately causing one old building to catch fire and burn down. This project was a collaboration between the Regional and Central Office teams with Council Delegate Eugenia Charles-Newton who lobbied for and secured the funding necessary to carry out this project. This is a model that we can all learn from in order to address similar issues throughout the Navajo Nation and there are other lands that I will work towards remediating and returning to the Nation.

Under the American Rescue Plan Act (ARPA), each BIA region was allocated funds to purchase potable, bottled water for the tribes under their jurisdiction. The Navajo Region provided the Navajo Nation 3,985 16-ounce bottles of water, and 558 one-gallon bottles of water for a total expenditure of \$4.5 million. Furthermore, the Region obtained nearly \$1 million dollars of additional funds that other regions could not expend, to purchase additional bottled water for the Nation. This project came to conclusion just as the Nation issued an Emergency Declaration due to the extreme heat experienced by the Navajo people. The Regional team worked collaboratively with the Nation to assist in distributing this critical resource throughout the Nation to address this dire emergency.

These are only a small number of the activities the Region performed and accomplished during this past Fiscal Year, and there are many more contained in this Quarterly Report. I encourage you to review the reports from the programs and Agencies and celebrate with us all of the hard work my team has engaged in to help better the lives of the Navajo People.

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

Sincerely,



Gregory C. Mehojah, Regional Director  
Navajo Region, BIA

## OFFICE OF TRIBAL GOVERNMENT SERVICES

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

For the fall quarter, the BIA referred 46 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	1
Chinle Agency	2
Fort Defiance Agency	2
Shiprock Agency	10
Tuba City Agency	2
Window Rock	29
Total:	46

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 44 "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 three (3) P.L. 93-638 contracts. Please see page 19 for more information on Higher Education and Tribal enrollment programs.



## FEDERAL INDIAN MINERALS OFFICE (FIMO)

### OUTREACH:

- FIMO completed 14 in person outreaches, covering multiple Chapters, majority in Eastern Navajo and Northern Navajo Agencies:
  1. Pueblo Pintado
  2. Torreon/Star Lake
  3. Ojo Encino
  4. Whitehorse Lake
  5. Counselor
  6. Nageezi
  7. Lake Valley
  8. Whiterock
  9. Huerfano
  10. Nageezi
  11. Huerfano
  12. Burnham
  13. Sheep Springs
  14. Two Grey Hills
  15. Newcomb
  16. Sanostee
  17. Naschitti
  18. Tohatchi
  19. Cove
  20. Red Valley
  21. Nenahnezad
  22. Upper Fruitland
  23. Hogback
  24. Shiprock
  25. San Juan
  26. Gadiahi
  27. Beclahbito
  28. Sweet Water
  29. Teec Nos Pos
  30. Mexican Water
  31. Red Mesa
  32. Mexican Water
  33. Aneth
- 7,713 total outreach mailers were sent to Individual Indian Mineral Owners (IIMO) with active IIM accounts.
- 587 total attendees for all 14 sessions.
- Outreaches were conducted in joint effort with Bureau of Trust Fund Administration, Eastern Navajo Agency, and Bureau of Indian Affairs Probate and Estates Services (Eastern Navajo, Shiprock Agencies, and Navajo Regional Office).
- Outreach presentations included:
  1. American Indian Program Reform Act (AIPRA).
  2. Estate Planning Options available to IIMO.
  3. FIMO, BTFA, BIA Probate & Estates Services provided to IIMO.
  4. Drainage, Due Diligence, and Communitization & Unit Agreements.

FIMO received and assisted with 623 calls/walk-ins for the 4<sup>th</sup> quarter.

Oil & Gas Activities	62%
Probate (death reports)	13%
Non-Oil & Gas Activities	8%
Off Lease Right-of-Ways	2%
BTFA (address & IIM changes/updates)	15%
GRAND TOTAL	100%

Audit/Compliance Reviews – FIMO auditor’s work plan for FY 2023 includes 44 identified cases, 14 carry overs and 30 new cases. For the 4<sup>th</sup> quarter, the auditors have closed out nine (9) cases, for a total of thirty-two (32) cases for the fiscal year.

**Ongoing Projects:**

- **Lease extension** – The Terra Wash Unit involves five (5) Oil and Gas leases, and the Federal Indian Minerals Office completed the leases on February 16, 2023. Enduring Resources decided to cancel the leases on March 3, 2023. Enduring Resources is willing to pay bonuses to the allottees, as it requested to cancel their leases. FIMO is working with Enduring Resources to finalize the transactions for the allottees.
- **Leasing Assignments** - Received eight (8) Assignment of Mining Leases, ten (10) Assignment of Operating Rights, and one (1) Designation of Operator.

**Accomplishments:**

- **Leasing Assignments** – Completed six (6) Assignment of Oil & Gas Mining Leases and four (4) Designations of Operator
- **Lease Termination/Cancellation** – No Leases were terminated.
- Completed 206 well inspections on Indian Allotted (IA) leased lands for different well statuses thus far in this fiscal year (FY). These inspections include surface construction inspections, well abandonments, producing wells, plugged wells and pre-plug and abandon wells.
- Attended eight (8) Notice of Staking on-sites thus far this FY.
- Inspected four (4) spills that occurred in IA-leased areas. FIMO is working closely with BLM to address environmental impacts and clean spills. Two of these incidents involved water leaking from compressor units. There was a leak on the wellhead, and the oil leaked inside the authorized pad area. Currently working with BLM on this site, as there are residents in the area. This site is still under construction for cleanup. The last spill was a tank rollover that occurred in Montezuma Creek, UT. FIMO was finally contacted to assess the surface damage impacts from this event. FIMO is now working with BLM and company to properly mitigate environment impacts on water resources, grazing resources, residents in the area, and vegetation.
- Completed 20 map requests for allottees upon signatures and assisted allottees with residential lease locations. There has been an increase in residential area location.

## **ADMINISTRATIVE AND MANAGEMENT SUPPORT**

### **BRANCH OF ACQUISITION OPERATIONS**

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

- -Task Order No. 140A0923F0027 was awarded to EQM Services in the amount of \$6,063,230.99 for the remediation and demolition of the Shiprock Reserve for 46 buildings in Shiprock, NM. A pre-work meeting is scheduled for September 28, 2023. Work can commence after the pre-work meeting.
- 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. The project is 90% complete.
- Award No. 140A0923P0032 was awarded to CB Emulsion for a highway striping project of 33 miles for BIA routes within the Eastern Navajo Agency. A pre-work meeting is scheduled for September 26, 2023. Work can commence after the pre-work meeting.
- Award No. 140A0923P0041 was awarded to iina ba, Inc. for the ESA Phase 3 for the Sanostee Site. Work will begin soon.
- Purchase Order No. 140A0923P0070 was awarded to BRIC, LLC in the amount of \$362,629.05 for development of conservation plans for Ft. Defiance Agency. A pre-work meeting will be scheduled soon.
- 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 80% 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 202 purchase requests with a value of \$14,847,715.368 have been processed 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 was completed and submitted for approval. 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.

The Shonto Chapter has requested to tap into the Shonto Preparatory School sewer lagoon for their upcoming construction project(s). Property, along with other BIA programs (Real Estate, Environmental and Facilities Management) were able to provide guidance to the delegation from Shonto Chapter to commence the approval process.

Property has responded to inquiries regarding the status of the demolition of obsolete, abandoned buildings in the Tuba City, Tonalea, and Kaibeto communities. The demolition projects are a part of the Great American Outdoor Act (GAOA) and are the responsibility of the Division of Facilities Management & Construction (DFMC). DFMC has advised that the abatement and demolition at Kaibeto is complete. Also, the Tuba City project is waiting for the final historical clearances before proceeding with the abatement and demo. It is anticipated that the clearances will be forthcoming this fall. Demolition at Tonalea is still on the schedule but no updates were available.

Navajo Technical University (NTU) contacted the Navajo Nation President's Office and BIA with an urgent housing matter. NTU had an agreement with Chinle Unified School District to rent quarters for NTU staff. However, the school district needed the living quarters for additional staff for the school year, which left NTU in search of living arrangements for their faculty. Property along with other BIA programs and BIE management were able to work through the (legal) details and provide living arrangements for the five (5) displaced faculty members.

Property staff have been working to complete the Service Line Agreements (SLA) for Mariano Lake Community School and Ojo Encino Day School for the electrical utility to run power for their marquee. The historical clearances are almost complete, and we anticipate the SLAs to be issued in the next few weeks. In addition, staff have been working to complete the land lease for the US Post Office at Crownpoint. The lease should be fully executed prior to the expiration date of the current lease in January 2024.

## BRANCH OF BUDGET MANAGEMENT

**Fiscal Year (FY) 2023** - Below is a summary of FY 20232 funds provided to the Navajo Nation under the Public Law (P.L.) 93-638 contracts, as of September 22, 2023. Total funding provided is \$98,539,539.62 with \$2,788,164.31 available for tribal draw down.

NAVAJO NATION P.L. 93-638 FUND STATUS as of September 22, 2023						
Fund	FA Budget Program	Funds Available	Not Drawn Down	Total Expenditures	Distributed as of 09.22.2023	Available Funds
234A2100DD	A0H901010 : SOCIAL SERVICES-TPA	6,078,915.00	0.00	6,078,915.00	6,078,915.00	0.00
234A2100DD	A0H901040 : Domestic Violence	146,000.00	0.00	146,000.00	146,000.00	0.00
234A2100DD	A0H913030 : WELFARE ASSISTANCE-TPA	33,433,711.00	0.00	33,433,711.00	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
23XA2100DD	A0H937070 : HOUSING IMPROV PROGRM-TPA	2,201,242.00	0.00	2,201,242.00	2,201,242.00	0.00
234A2100DD	A0J304545 : Conservation Law Enforcem	47,000.00	0.00	47,000.00	47,000.00	0.00
234A2100DD	A0J351010 : PROGRAM MANAGEMENT	188,975.00	0.00	188,975.00	188,975.00	0.00
234A2100DD	A0J352525 : VAWA IMPLEMENTATION OJS	311,016.00	0.00	311,016.00	311,016.00	0.00
234A2100DD	A0J908080 : TRIBAL COURTS PROGRMS-TPA	2,106,950.00	0.00	2,106,950.00	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	A0N301010 : IRRIGATION, OPER & MAINT	5,500,000.00	0.00	5,500,000.00	5,500,000.00	0.00
234A2100DD	A0N330000 : COOP LANDSCAPE CONSERVATN	20,000.00	0.00	20,000.00	20,000.00	0.00
234A2100DD	A0N342020 : WATER MGMT, PLAN&PRE-DVLP	184,629.00	184,629.00		184,629.00	0.00
234A2100DD	A0N3A0000 : ENDANGERED SPECIES	125,234.00	0.00	125,234.00	125,234.00	0.00
234A2100DD	A0N3F1212 : FISH HATCHERY MAINTENANCE	100,000.00	0.00	100,000.00	100,000.00	0.00
234A2100DD	A0N6A3031 : FOREST MARKETING ASSIST	25,993.00				25,993.00
234A2100DD	A0N9A0505 : NATURAL RESOURCES -TPA	304,315.00	0.00	304,315.00	304,315.00	0.00
234A2100DD	A0N9B1010 : AGRICULTURE PRGRM-TPA	1,305,502.00	0.00	1,305,502.00	1,305,502.00	0.00
234A2100DD	A0N9C3030 : FORESTRY PROGRAM -TPA	774,372.00	0.00	216,824.00	216,824.00	557,548.00
234A2100DD	A0N9D4040 : WATER RES PROGRAM -TPA	740,521.00	0.00	740,521.00	740,521.00	0.00
234A2100DD	A0N9E5050 : WILDLIFE&PARKS PRGRM-TPA	2,586,162.00	2,000,000.00	586,162.00	2,586,162.00	0.00
234A2100DD	A0R9D4040 : ENVRMNTL QLTY PRGRM-TPA	202,380.31	82,699.31	119,681.00	202,380.31	0.00
234A2100DD	A0T902020 : OTHER AID-TRBL GOV -TPA	1,015,435.00	0.00	1,015,435.00	1,015,435.00	0.00
23XA2301DD	A11246060 : EMERGENCY MGMT SYSTEM	266,000.00	0.00	266,000.00	266,000.00	0.00
23XA2301IG	A11630000 : WIIN ACT IRRIG PROJ	2,335,000.00				2,335,000.00
234A2240DD	A3T937070 : CSC CONTRACT SUPPORT TPA	19,572,083.00	520,836.00	17,929,558.00	18,450,394.00	1,121,689.00
234A2100DD	AEE904040 : JHNSN O'MALL A GR TPA BIA	3,865,977.00	0.00	3,865,977.00	3,865,977.00	0.00
234A2100DD	AEE931010 : TRIBAL SCHOLARSHI TPA BIA	13,580,558.00	0.00	13,580,558.00	13,580,558.00	0.00
<b>TOTALS</b>		<b>98,539,539.62</b>	<b>2,788,164.31</b>	<b>91,711,145.31</b>	<b>94,499,309.62</b>	<b>4,040,230.00</b>

## **TRUST SERVICES**

### **BRANCH OF NATURAL RESOURCES**

The Branch of Natural Resources (BNR) Rangeland Management Specialist (RRMS) is working cooperatively with the Navajo Nation (NN) and the Agencies to moving the Grazing Permit renewal and transfer processes forward.

The BIA is charged with setting stocking rates/carrying capacity to address any changes that may have occurred to the grazing permits, while other changes that might take place on farm plots are noted and addressed accordingly. This in turn will help to facilitate a smoother transition of permit transfers and renewals and help cooperation efforts between the NN and the BIA.

Monitoring has been developed now for the BNR Standard Operating Procedures (SOP) in the Grazing Permit section and will include new production gathering efforts for new base line information to start with. It should also be noted a new Permit Verification Process is being introduced and the Grazing and ALUP portions of the SOP will include a section on this process and according to 25 CFR 167.7 (c).

The RRMS is working on details with the Bureau of Trust Funds Administration (BTFA) for potential meetings to be called between the NN, the NRCS, and the BIA-NRO. The RRMS is scheduling out meetings with each Agency to discuss range needs and priorities, so that the BIA and the NN are fully prepared to meet with Washington D.C. over the issues spoken of earlier.

The RRMS has continued to work with Western Navajo Agency (WNA) to complete a contracted Crop Management Plan (CMP) that will serve to improve cropping management and practices along agricultural use water ways of the WNA and its user Permit Holders for Agricultural Land Use. The BIA NRO has submitted their review and finds that improving the water cycle and hydrological processes, will improve farming efforts, thus lives and the economy. The NN would benefit to see professionals working together on crop management. The NN is now reviewing the same documents for the CMP in the hope of improving joint planning efforts.

The RRMS provides soils and range information wherever necessary. The RRMS participates in the Southwest Vegetation Management Association (SWVMA) meetings representing the BIA-NRO and the NN to partner on weed management project proposals. The RRMS participates in the SWVMA meetings to discuss the NN Priority Weeds and potential project proposals for the BIA's NN Integrated Weeds Management Plan (IWMP); final product has been authorized for implementation. As the Chairperson for the Education Committee the RRMS hopes to help facilitate communication for these opportunities. The group will continue to focus on grants and partnership opportunities. Weed projects will always be the focus for this group.

The RRMS participated in the Drought Monitoring Technical Committee (MTC) meetings throughout the last quarter to discuss weekly, monthly, and quarterly recent and outlook drought maps the NOAA has instituted for short term drought occurrence, Forest Health, short term (5 month) drought status and long-term drought status, where the NN and northwest NM and northeast AZ is no longer showing drought conditions.

The agencies in attendance gave updates while the NN Water Resources Partner and the BIA-NRO were able to provide their updated drought status. Our area had been showing 25-150% of normal until things started to dry out, but recent light monsoonal activity puts us in good to very good shape for long-term reduction in drought activity.

We'll just have to wait and see, but the data so far is very promising. AZ has had a Drought Emergency Declaration (PCS99006) in effect since 1999 and a Drought Declaration (Executive Order 2007-10) has been in effect since May 2007. For the group to make sound recommendations, the agenda scrutinized came about from: 2023 Weather Outlooks from NOAA, Colorado River Supply Updates, Salt & Verde Watershed Water Supply Updates, 2023 Wildfire Outlook, Impacts of Drought on Hydropower for both Irrigated Electrical Districts Associations of AZ and the Western Power Administration, and the Impacts of Drought on the NN and Gila River Indian Community. The discussion completed with the groups final recommendation of keeping the status quo for now.

The RRMS attended Arizona Drought Interagency Coordinating Group (ICG) meetings, and as the BIA and NN are non-voting (non-paying) members of this organization, it is at our best efforts that we discern all updated drought information to inform and make recommendations to the Governor of AZ and the President of the NN as to the drought status that should be reported. The ICG is an advisory body to the Governor of AZ and the NN on drought and weather-related issues. The group is comprised of State, federal and non-governmental organizations. This group normally meets twice a year to evaluate drought conditions and consider recommendations, but due to the current drought status with the abundance of significant precipitation events and mountain snowpack levels, the group has been meeting more frequently. Keeping the NN informed is part of our inherent Trust Responsibility to help protect the natural resources of the NN.

The RRMS has been identified as a Subject Matter Expert (SME) in Range and Soils and has been chosen to participate in an Interagency Working Group on Tribal Agricultural Lands subcommittee to discuss how USDA programs can be accessed easier and benefit Tribes. The issues are those Barriers and Opportunities for USDA and Interior when working on Agricultural Land in Indian Country in the follow in bulleted points.

So, in order to even be part of the discussion of influencing participation by the NN, permits must be placed back into the hands of individuals legally authorized to hold a Grazing Permit and or Agricultural Use Permit. Permit renewals and transfers must move more rapidly through NN and BIA processes without being held up by NNDFW and Conservation Planning efforts.



Permit verification will benefit the NN by ensuring legal authority, thus facilitate natural resource protection in a more expedient manner.

### **SHIPROCK AGENCY:**

The Shiprock Agency completed three (3) conservation plans. Conservation plans serve as guidance for the proper use of the Natural Resources on the Navajo Reservation. The conservation plans will also be used as part of the Grazing Permit or the Land Use Permit transfer packets.

Shiprock Agency administers grazing, and Land Use permits within the Shiprock Agency and administers a total of 2004 grazing permits. The agency has been tasked with monitoring the permit activity within the last five (5) years. The table below shows the permit activity within the last five (5) years.

<u>District</u>	<u>Total permits</u>	<u>number not tallied in last five years</u>	<u>% not tallied</u>
9	594	299	50.30%
12	1200	546	45.50%
13	210	91	43.30%
Total	2004	936	

As the table shows the number of permits not being tallied in the last five (5) years within each respective district.

### **Project updates within the Shiprock Agency**

The Shiprock Agency and the BIA NRO and the contractor (BRIC) processed a funding request to increase the funding for the District 13 Biological and Cultural resource survey. The project is the last part of the District 13 weed inventory project environmental assessment. The reason for the increase funding request is due to the shear density of archeological sites within the Chaco River and San Juan River riparian areas. Once the EA is complete the agency can start to identify weed treatment areas within the project area. As with any project the Cultural and Biological resource surveys are used to minimize any negative impacts which might occur when treating weed infested areas.

The Shiprock Agency has continued the implementation of phase two 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 contractor for this project is Hidden Water. This quarter the contractor completed the inventory of the weeds in the project area. The contractor has submitted a draft EA to the agency for review, once finalized the areas covered by the EA will be ready for various treatments. Ideally the areas will be identified in manageable blocks so the agency may propose those certain areas for weed treatment. As a whole project will provide data needed to make management decisions in areas within District 12. The mitigation of weeds assists the agency in preserving NN 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 NN by allowing more desirable plants to inhabit space utilize the nutrients found in the soil.

The Shiprock Agency along with the BIA NRO 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 is complete. The contractor is now working on 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 was funded using left over agency funding during the FY 2020 funding cycle. The project encompasses the BIA trust responsibility by calculating the amount of forage in the McCracken Mesa region, so the NN and other stakeholders can make management decisions to preserve the grass asset.

#### **Coordination with Organizations:**

The Shiprock Agency recently started to collaborate and work with Shiprock High School Chapter of the Future Farmers of America (FFA). The organization provides technical and vocational education to students at the Shiprock High School. The agency recently forwarded and was approved a range monitoring which will provide a standard on how to measure the forage taken by livestock within a given year. As part of that effort the agency commissioned the Shiprock High School FFA Chapter to manufacture range inventory cages which will be used across the agency as part of its range monitoring program. The cages will be used to shield the grasses and other forage plants from grazing. The un-grazed plants will then be used to measure the plants (mainly grasses) at their full heights to compare them to grazed grasses to obtain a percent utilization of forage species. The percent use will then be shared with the grazing committee at a future date. The Shiprock agency intends to order 15 cages from the Shiprock High School FFA and an additional 15 cages from the Kirtland Central High School FFA.



Figure 1 Finished Cage



Figure 2 A Shiprock High FFA student welding a cage.



### **Livestock removal**

The agency coordinated with the local grazing official, NN Department of Agriculture (DOA) and NN Resource enforcement for the removal of 52 head of horses from District 12, the number of horses equates to 260 sheep units removed from the Shiprock Agency. The total removal of 260 sheep units aligns with the BIA mission of conserving trust assets (grass in this case.)

## **WESTERN NAVAJO AGENCY**

### **The Former Bennett Freeze Area Integrated Resource Management Plan:**

The finalized Former Bennett Freeze Area (FBFA) Integrated Resource Management Plan (IRMP) and the associated Final Programmatic Environmental Assessment (FPEA) have been completed and the FBFA IRMP is ready to be implemented.

The BIA has approved and adopted the FBFA IRMP and the FPEA to evaluate potential environmental impacts of the FBFA IRMP. The BIA, in close consultation with the NN, developed the IRMP in accordance with the American Indian Agricultural Resources Management Act (AIARMA) and other applicable laws and regulations. The FPEA was prepared in accordance with the requirements of the National Environmental Policy Act (NEPA). The BIA presented the FPEA and the Final IRMP to the NN on January 11, 2022. All the final documents and information on the NEPA and IRMP process can be found at the Project website at [www.bia.gov/FBFA-EA](http://www.bia.gov/FBFA-EA).

On December 21, 2022, the RDC approved Resolution #RDCD-35-22, which approved the IRMP and the proposed action under the PEA. The BIA issued a Notice of Decision on March 02, 2023, and included the adoption of the IRMP and the associated PEA.

### **FBFA Livestock Water Project:**

The 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 FBFA of the WNA. This includes the funds that have been provided to the NNDWR to maintain and improve developed water sources, such as windmills and earthen tanks. In addition, plans are being implemented for the development of livestock and agricultural watering points for individuals who haul water for livestock and farming and 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 EA is currently being prepared by the WNA-BNR for the watering point project. 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. Additional projects that involve drilling new wells have been identified and will be funded via Self Determination contracts.

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

The LMD 3 Range Management Plan (RMP) and the EA for the RMP have been completed in draft by the contractor and the BIA will complete the final steps of the EA to ensure a Finding of No Significant Impacts is issued. The RMP for LMD 1 is in process and is scheduled to be completed in 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 ALUPs. These projects were developed to ensure they are aligned with the FBFA IRMP.

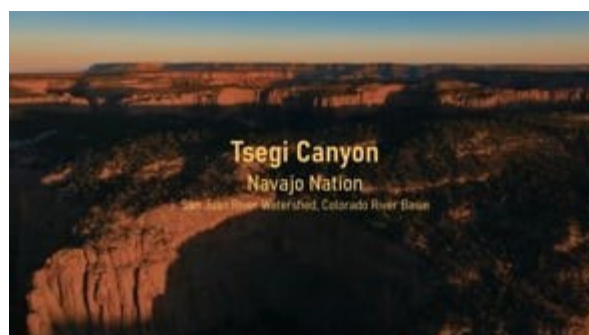
#### Cropland Management Plan (CMP) for LMD 3:

The BIA WNA completed the work on the development of a CMP for LMD 3. The CMP is to provide documentation for the management of croplands for 193 ALUPs 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 was 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 progressing. Currently work is occurring in two (2) side canyons of Long Canyon for restoration implementation. The fences used in the restoration project are used to keep livestock out of treated areas and to protect restoration work from livestock use. Included in the restoration work 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 NN 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 NN. The collection activity will allow NHP to increase collections of priority species in underrepresented regions/ecoregions of the NN while also providing employment opportunity and occupational training/experience in natural resource management to the Navajo People. A film about the Project can be found at

[TSEGI FILM\\_04142023](#)



#### Other WNA Projects:

In addition to the projects mentioned above, the WNA BNR staff continued work on the following Projects: a) LMD 1 and LMD 3 Boundary Fence 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, and d) Upper Laguna Creek Noxious Weed Inventory.

The noxious weed inventory for LMD 5 has been completed and the EA 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 NRO's efforts to address management of noxious weeds on the NN: <https://www.bia.gov/regional-offices/navajo/navajo-nation-integrated-weed-management-plan>.

The WNA BNR assisted the Kaibeto Chapter and the NN Resource Enforcement in the removal of 115 horses from the Northern Kaibeto Plateau/Grey Mesa area of LMD 1. The BIA provided livestock panels for the entrapment operation, hauling services and manpower.

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 NN Executive Branch Departments and Programs need to continue to actively participate as a Cooperating Agency and as members of the Interdisciplinary Teams (subject matter experts) for the development of the land use management plans. The plans are to guide the implementation of the conservation of Trust resources (soil, water, and vegetation). All NN entities need to participate in the management plans to realize the NN'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.

The NN Divisions in need to participate in implementation of the FBFA IRMP, which would include a formation of an Interdisciplinary Team or Action Committee to implement and monitor the progress of the implementation of the IRMP. An initial step is to establish an IRMP Action Committee, comprised of representatives from each resource management departments or programs, and this committee will pilot the IRMP directives by first organizing a team building IRMP workshop among all the divisions and departments responsible for managing the resources of the FBFA.

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 summer 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.

### **NAVAJO PARTITIONED LANDS (NPL)**

The NPL office provided customer service to approximately 20 individuals and a legal representative inquiring about reissuance of grazing permits and its procedures who were provided the Heirship application and related information. Four (4) individuals also inquired about their land use permit used for farming as some of the people continue to do dry land farming and their permits are under review. The office continues to assist with transport of cattle to livestock sales/auction yards and transport of feral horses reported causing injury to other animals and damage to property. The office continues to address fence repairs, windmill repairs, cattle guard clean outs, and address other issues such as trespass of livestock into Highway Right of Ways (ROW). Two (2) positions were filled (Motor Vehicle Operator, and Laborer) with the Range Technician still being advertised in USA Jobs and filling these positions will greatly assist the program complete some of its pending assignments such as cleaning out cattle guards and rangeland management.

The NPL continue to communication with NPL District Grazing Officials, chapters covered by NPL, NN DOA, and the people in aiding with information and data on livestock, water resources, and rangeland vegetation. Continue to provide reports at District, NPL Joint District Grazing Committee, Permittee, and other invited meetings on permit status, windmill assessments and repairs, NPL/HPL fence repairs, feral horses, and trespass of livestock into highway ROW that does become a safety concern. Reports also cover program activity such as filling of vacant positions, project updates on water resources (windmills, earthen dams' rehabilitation, and removal and replacement of storage tanks), range Inventory, noxious weed inventory, monitoring of Navajo and Hopi Partitioned Lands referrals for fence repairs and cattle guard clean outs. Request for information and data from grazing officials for livestock tally counts for permit compliance.

**Grazing Permits** Reissuance of all cancelled permits continues to be a priority as BIA/NPL has completed reissuance of twenty-eight (28) permits under Phase I procedures and work with the six (6) to achieve compliance status. NPL continue assisting the NN DOA, grazing committee members with information regarding the Phase II and Phase III procedures. Assist with Heirship applications, review of eligibility documents, and assist with referrals to vital statistics for their CIB, and use of Freedom of Information Act (FOIA) to request copy of permit or other information that will be used in completing their Heirship Applications as required under the guidelines established by NN Council RDC legislation RDCF-20-17. Provide technical assistance to those with active permits with compliance, improvement to Rangeland, animal health, and assist grazing officials with permit orientation and transfer of active permits.



**Water Resources.** Water for livestock and wildlife from windmills are vital. The 94 NPL windmills are monitored and maintained by BIA NPL Office. The 2023 windmill assessment has been completed with forty-one (41) of the ninety-four (94) windmills needing repairs with some needing minor repairs such as replacement of broken pump rods, stop/waste valves, and standpipes. Major repairs involved pulling pipes, replacing them, re-leathering, and replacement of motors. Repairs to windmill have been completed in the Whitecone, Jeddito, and Shonto areas and those repaired will be monitored for warranty. Those windmills repaired and those pending are listed by precincts, chapters and number of windmills. Following is a list of windmills assessed and repaired.

## 2023 Windmill Assessment & Repair

### Precinct 1

Chapter	No. of Windmills	Windmill No. (s)
Teesto	1	506-3
White Cone	6	507-W5A, 510-2, 511-1, 511-2, 512-3, 512-5
Jeddito	4	514-1, 515-1, 515-2, 516-2
Low Mountain	1	409-11 (Dempster)

### Precinct 2

Chapter	No. of Windmills	Windmills No. (s)
Whippoorwill	2	408-21, 408-22
Blue Gap	1	402-5
Pinon	7	306-5, 306-6, 306-7, 307-15, 307-17, 401-2, 405-3
Hardrock	6	304-7, 304-10, 304-11, 304-12, 305-22
Forest Lake	3	302-4, 303-11, 309-1
Black Mesa	2	308-1, 308-7,

### Precinct 3

Chapter	No. of Windmills	Windmills No. (s)
Chilchinbeto	2	310-2, 310-3
Shonto	2	103-1, 104-5
Tonalea	4	101-4, 101-9, 1058-3, 1407-4

**Rangeland Inventory.** Vegetation inventory of the 1093 transects of the three (3) Precincts will cover 907,923 acres with Precinct 1 covering 182,240 acres, Precinct 2 covering 467,955 acres, and Precinct 3 covering 221,158 acres. The selected contractor will perform the species-specific analysis of vegetative field data measurements of clippings collected from approximately 1,093 transect locations within 17 Range Units. Total grazable vegetation data measurements obtained through field surveys will assess biomass production and cover. The data obtained will also be used to calculate annual production, species frequency, and livestock carrying capacity. The first inventory will begin on NPL Precinct 2 starting September 20, 2023, to October 3,

2023. The second inventory on NPL Precinct 1 and Precinct 3 will be conducted from October 9, 2023, to October 20, 2023. The final report will be delivered in March 2024.

**Fence Repairs/Cattle Guard Clean Out.** Archeology surveys have been completed and repairs to the 1882 Executive Order Fence Line are pending until the NN Heritage and Historic Preservation Department (HHPD) complete their compliance reports and issue notice to proceed. Repairs to these fences is to prevent illegal trespass of livestock with the objective to improve land management. Some cattle guards were cleaned out with the assistance of BIA Department of Transportation (DOT), and Navajo County and some pending clean out which will be completed following the hiring of a Motor Vehicle Operator. Repairs to the Navajo Hopi Mediation fences and Cattle Guard clean outs completed are listed by referral numbers, chapters, Range Units, and infrastructure repaired are listed below.

Referral No.	Chapter	HPL / NPL Range Unit	Infrastructure repaired
HLES DR#2306-0406	Hardrock	HPL 451/NPL 307	Fence repaired
ORM-018	Shonto	HPL254/NPL310	Cattle Guard
A-0018-21	Forest Lake	HPL263/NPL302	Cattle Guard
OHLA 23-17	Forest Lake	HPL262/NPL302	Cattle Guard
ORM-041-2023	Low Mountain	HPL451/NPL408	Cattle Guard

## 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 process. Once GPS Coordinates are taken technical data can be gathered for that location.

#### Land Management District 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.

#### Land Management District 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.

Land Management District 4:

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

Noxious Weed Control & Treatment:

- N-4/N-64 Project: Phase I 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 this the fall of 2023 within the ROW of N-4 & N-64. BNR is coordinating this project with Branch of Roads' mowing activities within both ROW.
- N-59/IR-12 Project: Phase I Chinle Agency BNR was awarded \$50K to conduct inventory & mapping of noxious weeds within the ROW of N-59 & IR-12. The contract was awarded to BRIC, LLC. to inventory & map the noxious weeds within the ROW of N-59 & IR-12. Thus far, BRIC completed the inventory & mapping of N-59, which consists of 65-acres of Russian Knapweed and 75-acres of Russian knapweed within IR-12 ROW, respectively. Thus, a total of 140-acres of Russian knapweed shall be sprayed. The BRCF is currently pending.

LMD 10-1: Tselani-Cottonwood Chapter

Coordinated Resource Management Plan (CRMP) was developed for LMD 10-1 for fourteen (14) permittees' which includes conservation plans with pending BRCF for 250,418 acres of tribal trust lands. Branch of Environmental Management recommends using natural land features thus we used the base of Balakai Mountain, LMD 17/LMD 10 District boundary, AZ Hwy 191 ROW and N-4 ROW as well in this CRMP.

Many Farms Irrigation Project:

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

BNR Brand Book:

The Chinle Agency BNR brand book has been updated and completed. The brand books were provided to the Chinle Agency District Grazing Committee Members, NN DOA select staff, NN 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 Agency 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 five (5) years (2018-2022) on nonuse (non-inventoried). Chinle Agency has 10 chapters within the agency. LMD 4 has 82 grazing permits. LMD 10 has 935 grazing permits. LMD 11 has 575 grazing permits. Below you find the data collected.

<b>Chinle Agency Permit Activity</b>			
<b>Land Management District</b>	<b>Total Permits</b>	<b>Active</b>	<b>Inactive</b>
4	82	54	28
10	935	528	407
11	575	136	439
<b>Total</b>	<b>1592</b>	<b>718</b>	<b>874</b>

<b>Livestock Inventory Annual Total</b>						
<b>District</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b><i>District Total</i></b>
<b>4</b>	0	0	0	53	Pending	<b>53</b>
<b>10</b>	0	264	45	312	365	<b>986</b>
<b>11</b>	160	131	94	110	Pending	<b>495</b>
<b>Total</b>	<b>160</b>	<b>395</b>	<b>139</b>	<b>475</b>	<b>365</b>	<b>1534</b>

ALUPs: Active/Inactive:

In FY 2023 Chinle Agency will begin compiling ALUPs 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 Agency BNR actively assists the District Grazing Committee Members (DGCM), NN Department of Agriculture, NN Department of Resource Enforcement 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. The BNR also assists with permittee's that wish to come into compliance by hauling over-stocked livestock to off-reservation auction yards.

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 and 11 have shown gross noncompliance.

## **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 DOA. 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.

### Tally Counts

Fort Defiance Agency administers Grazing and Land Use permits for a total of 3,826 grazing permits. The agency has been tasked with monitoring the permit activity within the last five (5) years. The table below shows the permit activity within the last five (5) years.

<u><b>District</b></u>	<u><b>Total permits</b></u>	<u><b>Number not tallied in last five years</b></u>	<u><b>% not tallied</b></u>
<b>7</b>	644	627	97.36%
<b>14</b>	731	238	32.56 %
<b>17</b>	1498	200	13.35%
<b>18</b>	953	299	31.37%
<b>Total</b>	3826	1364	

As the table shows the number of permits not being tallied in the last five (5) years within each respective district.

### District 14 EA

Fort Defiance Agency has contracted ETD Inc., to complete the District 14 EA. This EA is for fencing of the district and the district units. 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 awaiting review of the document from BIA Branch of Environmental Management.

### Chuska Lake Noxious Weed Management - EA

Fort Defiance Agency has contracted BRIC, LLC., to complete the Chuska Lake Noxious Weed Management EA. This EA is for removal of noxious weeds (Tamarisk and Russian Olive), within the Red Willow Wash, Chuska Wash and Chuska Lake. The proposed action is to remove the noxious weeds. Alternative A is not to remove the noxious weeds, a no action alternative. Alternative B is to remove the noxious weeds with manual treatment followed by herbicide treatments and mechanical treatments. BRIC is currently doing public scoping throughout District 14.

### Grazing Permit Information

The IHS Gallup Service Unit sought grazing permits for the Coalmine Tse Bonito East Waterline Project. The agency did assist with grazing permit information within the project area. The NN General Land Development Department will contact the individuals to provide them with project information and consent for use of the ROW.

The NN General Land Development Department sought grazing permits for the Houck Verizon Wireless Tower. The agency did assist with grazing permit information within the project area. The NN 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 NN DOA and NN Resource Enforcement to enforce NNC, Title 3 laws. A total of 45 non-compliance letters were mailed.

### Equine Rescue Operation

Fort Defiance Agency assisted the NN DOA alongside with the NN Department of Resource Enforcement with the removal of feral horses. Fort Defiance Agency assists with manpower, portable corral, livestock panels, trailers and hauling of livestock. Management of these feral horses is to protect range land.

### Fencing Projects

**Districts 14, 15, and 16 Boundary:** Fort Defiance Agency BNR is assisting with fencing materials on Districts 14, 15, and 16 reconstructions of the existing fence line. Eastern Navajo Agency BNR hired a contractor to reconstruct the fence line.

**Range Management Unit Fencing:** Fort Defiance Agency BNR is assisting District 17 Grazing Committee with (2) Proposed Range Management Unit within the Greasewood Grazing Unit. The grazing permit holder(s) has submitted required documents and being discussed at the District 17 Grazing Committee Meeting. Surrounding grazing permit holders will be notified of the proposed Range Management Unit and will need to give consent.

**Proposed Fence Maintenance:** District 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.

### District 17 Grazing Permits

Fort Defiance Agency BNR forward 12 grazing permits to the Regional Director for approval. These 12 grazing permits were probated or quite titled and have all their supporting documents for approval. These 12 grazing permits have been pending approval for the last six (6) years.

### Land Use Permits

Fort Defiance Agency BNR has forwarded one land use permit within District 14 to BIA Branch of Environmental Management for NEPA approval. A biological resource compliance form has been approved by NN Department of Fish and Wildlife and all other supporting documents were attached.

## **BRANCH OF FORESTRY**

The announcement that the BIA is requesting proposals for Tribal Forestry Summer Youth Camps that advance the BIA and Tribes forestry objectives was forwarded to the Navajo Nation in letter dated July 31, 2023. The Navajo Nation was provided with the July 20, 2023, memorandum from the Director of the BIA making the announcement concerning requests for proposals to this initiative and the format for the proposal. A due date of August 17, 2023, was provided to the Navajo Nation if they intended to submit a proposal, wherein the BIA received no response.

Per email dated August 31, 2023, from the Deputy Regional Director – Trust Services, an update on the development of the Timber Use Policy Statement (TUPS) between the Navajo Forestry Department and BIA Forestry was requested. BIA Forestry's response was that the draft TUPS received from the Navajo Nation fails to resolve any forest product harvesting issues. The Navajo Nation's Forestry Management Program (FMP) agreed to collaborate and resolve the issues with the BIA. The draft TUPS is estimated to be at 5% completion and will need the FMP to actively participate in its completion. A response from the Navajo Nation to continue collaboration with the TUPS has not been received.

The BIA Branch of Forestry provided its response letter to Navajo Nation Council Delegate Vince James' question concerning what the plans are to treat Russian Olive and Saltcedar trees in the washes and drainages within the chapters throughout the reservation. This question was posed during the council meeting held on July 18, 2023. The response was that the BIA Branch of Forestry collaborates with other BIA Programs or Departments within the Navajo Nation to develop the required project documents for any project, projects can be initiated to treat these areas using proposal-based funding, project sponsors should work with the Navajo Forestry Department to draft a timber cutting permit (if needed), and that project sponsors, regardless of whether it's the BIA or the Navajo Nation, are responsible for obtaining all project compliance documents.



## BRANCH OF FIRE MANAGEMENT

### Prevention

The Navajo Nation Stage One Fire Restriction is in effect.

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

Agricultural/ Field Burning	Cultural Traditional	Complaints
42	65	0

Table 1. Total burn registrations separated by types. Total 107.

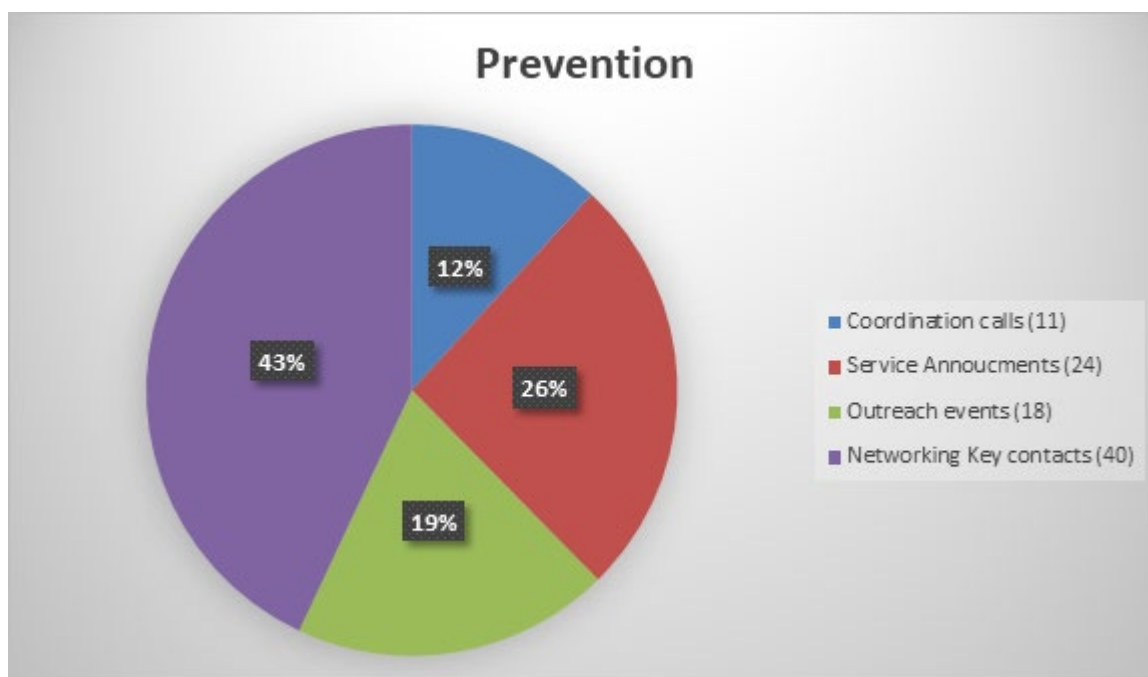


Figure 1. Fire Prevention Activities from June to September 2023

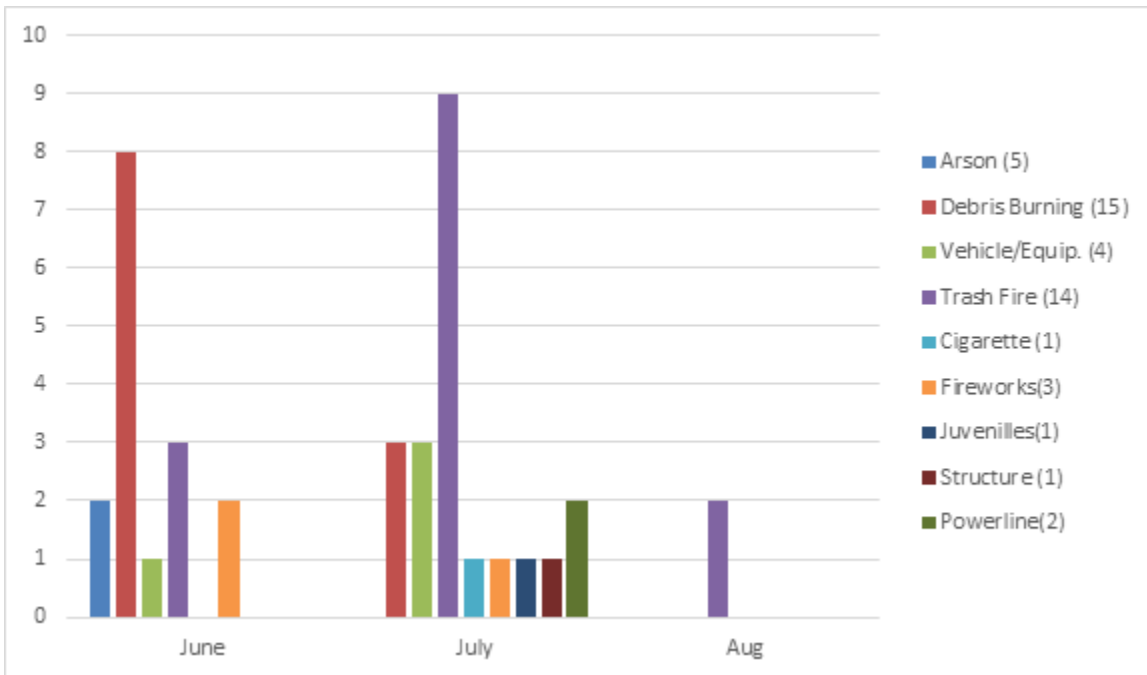


Figure 1. Fire Investigations completed for the months June to September 2023. Total number is 46.

Fire Prevention Specialist participated in the Northern Arizona Zone Fire Restriction calls, BIA Southwest Fire Prevention Calls, and information webinars discussing restrictions, wildfire potential and prevention. Fire Prevention Technician assisted BIA Western Agency Fire Staff with fire investigations determining cause and origin.

### **Dispatch & Emergency Firefighter Program**

Dispatch continues to operate at a Tier 4 level and has successfully been able to dispatch local resources for local, regional, and national support.

4 <sup>th</sup> quarter fires	72	4 <sup>th</sup> quarter acres	6417.4
YTD fires	137	YTD acres	6497.4

With the high fire danger, Navajo Region was able to meet objectives by dispatching initial attack resources to contain the fires as minimally as possible. We did have the assistance of local fire departments; Ganado Fire Department and Shiprock Fire Department. The year-to-date fire/acreage total isn't typical, with the high fire danger and lightning throughout the Navajo Reservation, we did have one (1) grass fire totaling 6238 acres on the border of Kaibab National Forest. Continual fire reporting and replenishment/organization of supplies is a daily task.

Navajo Region BIA Fire Management has been actively assisting cooperators through their current qualifications and availability.

<b>Resource Type:</b>	<b>Incident Name:</b>	<b>Location:</b>	
Navajo Scouts Type 2 IA Crew	Flying V	Whiteriver, AZ	
Navajo Hotshots & Navajo Helitack	Cottonwood Ridge	Showlow, AZ	
Type 6 Engine	Rim	Canyon De Chelly, AZ	
Navajo Camp Crew	Guzzler	Showlow, AZ	
Navajo Hotshots	Mill	Magdalena, NM	
Navajo Scouts Type 2 IA Crew	Pasture	Reserve, NM	
Wildland Fire Investigator	Lalo	Sells, AZ	
Navajo Camp Crew	Sourdough/Oregon	Deer Park, WA	
Type 6 Engine	Flathead Severity	Ronan, MT	
Navajo Hotshots	ONC Staging/Happy Camp Complex	Happy Camp, CA	
Incident Commander Type 3	U&O Severity	Fort Duchesne, UT	
(2) Heavy Equipment Boss	2023 Initial Attack	Fredericksburg, TX	
(2) Helicopter Manager	RMA Aviation Prepo	Montrose, CO	
Helicopter Crewmember	STF Preparedness	Long Barn, CA	
Helicopter Crewmember	CRA Helitack Support	Crow Agency, MT	
Navajo Hotshots	RAC Support/Morgan	Lakeview, OR	(currently out)
(2) Helicopter Manager	Chilcoot	Glide, OR	(currently out)
Navajo Scouts T2 IA	Smith River Complex	Crescent City, OR	(currently out)

Administratively Determined (AD) hours and amounts earned for training and assignments:

<b>Total hours worked:</b>	<b>Total amount of funding earned (for work):</b>
<b>35,605</b>	<b>\$787,324.60</b>
<b>Total hours for training:</b>	<b>Total amount of funding earned (for training)</b>
<b>1862</b>	<b>\$39,870.12</b>

## **Aviation**

The Exclusive Use Contract for helicopter N950FS, with the Navajo Region Helitack program ended on August 18, 2023. The contract was in place for 110 days, in which five (5) crewmembers assisted detailed qualified managers in staffing the ship. The crew's commitment to the program and fellow crewmembers is commendable.

Starting on July 26, 2023, helicopter N950FS and Navajo Helitack crew were ordered to assist on the Cottonwood Ridge Complex incident on the Fort Apache Agency. The crew and helicopter mission's included water bucket support, personnel and cargo transport, initial attack, and medical response & reconnaissance flights. The Navajo Helitack crew and helicopter N950FS stayed on the incident for 21 days and completed the Exclusive Use contract in Navajo Region.

On August 21, 2023, three (3) helitack crewmembers responded to the Hidden Valley fire, east of Wheatfields, Arizona; the helitack personnel, along with other fires staff stayed on the fire for eight (8) days, committed to overhead (Incident Commander Type 4) and support for suppression activities.

Following the containment of the Hidden Valley fire, the helitack crew were placed on individual, single resource assignments; one crew member went to Texas to assist as a heavy equipment boss; another went to Crow Helitack, with Rocky Mountain Region, and assisted as helicopter crewmember; one (1) personnel went to a United States Forest Services sponsored Helitack crew, Bald Peak, and helped staff a ship in Northern California; Lastly, two (2) crewmembers assisted with staffing a Type-1 helicopter in Montrose Colorado. These opportunities assisted in their career development to safely manage aviation assets for fire management agencies and teams.

Starting on September 1, 2023, the Helitack crew committed to a national training platform, sponsored by the BIA National Aviation Program, to assist and train on managing helicopters on different agencies, forests and fire incidents.

## **Shiprock Engines**

Navajo Region Fire Operations Specialist (FOS), Shiprock Agency, assisted the Navajo Aviation program by filling in as the Helicopter Manager for the crew. This assignment lasted for seven (7) days. Helicopter crew initial attacked a fire in Burnside, AZ, while FOS was helping as manager.

Shiprock engine program hosted two (2) Type-6 engines and crews from Flathead Agency & Spirit Lake Tribe. The two (2) engines were present at separate times during the peak of fire season, in late July 2023.

Personnel from the Shiprock Agency Fire Management workstation and assisting engines from out of region, Navajo Nation Fire Department, San Juan County fire responded to an estimated total of 25 fires, since July 1, 2023. This is below in average for fire activity in the Shiprock Agency. We appreciate the citizens of Shiprock in working with fire prevention to lesson fire occurrences within their communities.

Shiprock Fire Operations Specialist (FOS) was delegated as acting Regional Fire Management Officer for approximately, 18 days. During which time, attended various meetings on behalf of Navajo Region Branch of Fire Management.

### **Fort Defiance Engines**

Fort Defiance Engine Section continues to maintain their work duties and remain prepared for initial attack response. The last week for July and beginning of August the section had received frequent calls for wildland fire response every day of the week and all personnel had been working on their days off.

Many calls were to the west of our response area, where the grass first started to cure, and the potential of fires had increased. Most of the fires were human caused, from people burning trash and not paying attention to their fires. However, as more lightning occurred, staff were responding to single tree lightning fires.

The Engine Section had to request for assistance from other fire resources from the Spirit Lake, North Dakota, who spent a month rotating personnel. A Type-6 Engine from Flathead Agency from Ronan, Montana also supported Fort Defiance, as well as Shiprock, with assistance.

Engine 3661 was deployed to the Flathead Agency in Ronan, Montana. The assignment was to cover the area due to fire weather for the area and the agency. The Crew was assigned with a chase with two Fuels personnel.

One (1) engine boss accepted an assignment to work on his Heavy Equipment Boss task book in Fredericksburg, Texas. He will be assigned to a taskforce of equipment operators to ensure the right equipment is needed and how effective the equipment will function to support wildland fire suppression.

One Engine 3663 was assigned to an extend attack on the Hidden Valley incident and stayed on the incident for seven (7) days. The water resource is limited in the area, so the crew has been shuttling water to portable water tanks. They also plumb a 1000ft hose lay on both flanks of the fire utilizing portable Mark 3 pump to push water up and down the steep hills.

Two (2) engine personnel are currently on the Smith River Complex with the Navajo Interagency Hotshot Crew working as overhead trainees.

The are still lighting caused fires in the area right now so there is two (2) Type-6 Engines available for Initial Attack at this time.

### **Navajo Hotshots**

The Navajo Hotshots have completed several fire assignments since July. They retained their status as a Type-1 Interagency Hotshot Crew (IHC). They completed assignments in Arizona, New Mexico, Northern California and are now currently assigned in Oregon.

### **Operation and Administration**

Navajo Region Branch of Fire Management continue to work with cooperators in the operational and administrative setting. Regional Fire Management Officer attends weekly meetings with Southwest Coordinating Group, Navajo Region Branch Staff, Albuquerque Dispatch Zone, Flagstaff Dispatch Zone, Southwest Operations Group (Fire Operations Specialist), and Multi-Agency Coordinating Group.

One (1) fire in Western Agency required working with the National Park Service, Grand Canyon, because the fire was located and did burn it the adjacent Park Service jurisdiction. The fire was the Gold Hill fire and was over 6,000 acres. It was active for two (2) burn periods and was contained a week after it's detection. The Navajo Scouts and an Incident Commander, Type-4, helped manage and staff the fire until it was deemed safe to leave. No injuries were reported, and the Grand Canyon Park Service was kept in notification of status of fire.

Navajo Region Fire Management Officer continues to support fire supervisors with the best tools possible to develop leadership, supervision, and excellent work ethics to provide to their staff.

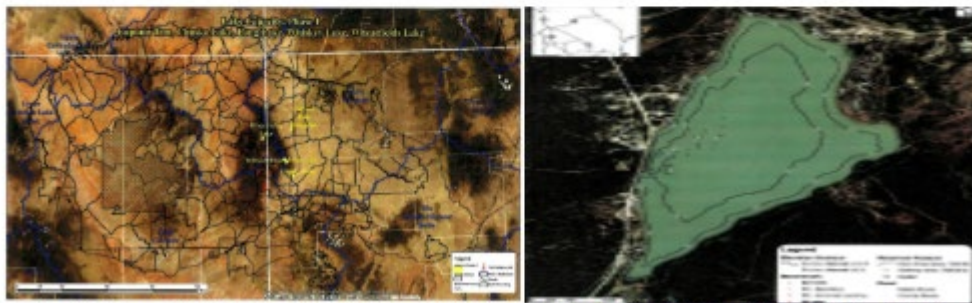
## **BRANCH OF ENGINEERING**

### **Water Resources**

#### **Water Management, Planning & Pre-Development Program:**

The Bureau of Indian Affairs (BIA) Navajo Regional Office (NRO) Branch of Engineering (BOE) continues to work in partnership with the Navajo Nation Water Management Branch (NNWMB) in helping with the NNWMB's goals for completing projects that have been funded under the Water Monitoring & Inventory Programs. BIA NRO BOE provided two (2) trainings; Basic Water Rescue and Wilderness First Aid to the NNWMB staff this past summer to assist the BIA Water Resource Technician Program's Interns regarding field work. The water projects the interns will be working on will allow the students to assist in data collection in the field and on-the-job training to help continue their education relating to water programs. The Navajo Nation's Lake Capacity Project is an example project the interns will assist, by scanning data

and using GPS for collecting data points to capture the images of the lake and determine the capacity of water within the lake.



Description: Wilderness First Aid Training (WFA) for the Lake Capacity Project for both Wheatfield and for the 27 Lakes on the Navajo Nation.

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

#### **Fruitland-Cambridge Irrigation:**

Fruitland Diversion and Fish Weir, a project that replaces the canal headworks, construct a new diversion dam, and fish weir. The schedule of the project was set to start November 2023; however, the Navajo Nation revised the start date to a later date that is yet unknown due to the cost estimate of \$26M total. This cost estimate was due to the fact the Navajo Nation submitted a Request for Proposals (RFP) and found the estimate to be \$21M for the Diversion and \$5M for the Fish Weir where the Navajo Nation has only \$7M available in current project funding. The Navajo Nation is coordinating internally to find additional funds needed to complete the project. Because of the impact of COVID, the increase cost of materials, equipment, and labor has impacted this project. In addition, the project needs to be completed by the deadline of the Public Law 111-11, December 31, 2024. The Navajo Nation is in the process of implementing a tri-party agreement to extend the deadline to December 31, 2029.



#### Hogback-Cudei Irrigation (H-C) Irrigation:

1. Hogback Canal Steel Siphon, the Navajo Nation is working on the Request for Proposal to start the project November 2023.
2. Canal Lining Rehabilitation, the Navajo Nation is working on the Request for Proposal to start the project Spring 2024.

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

1. Tse Bonito Water Line Extension Project, a feasibility cost-share project with the Indian Health Service (IHS) will be completed by December 31, 2023. IHS is in the process to submit a final deliverable to the Navajo Nation and BIA for acceptance of the project and begin closeout.
2. Chichiltah-Vanderwagon Design Project, the Navajo Nation placed this project on hold to continue collecting data by drilling for a reliable water source for the two (2) additional water wells that will support this project.

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

The BIA NRO BOE contracted all ARPA funds, \$3,025,688.06 to 13 contracts (Phase 1 through Phase 8 and the Navajo Nation Emergency Program) to purchase and deliver water bottles to Navajo Nation Chapters except for three (3) Chapters that denied our assistance. A total of 4,543 water bottles have been purchased. Phases 1, 2, 3 and 6 are complete, while Phases 4, 5, 7 and 8 are currently in progress. The estimated date for completion is December 2023. The Navajo Nation Emergency Program is on a two-year contract where delivery of the water bottles is completed monthly.

#### **Safety of Dams (SOD)**

The Tohajiilee Dam Rehabilitation Project construction has been completed with final inspection done on August 28, 2023.

The BIA Lakewood Central Office, Region SOD and Tribal staff Early Warning System (EWS) Working Group monthly meetings were held this past quarter. General topics covered were upcoming field work priorities; EWS Training needs such as online training on website, alarms, videos on training dashboard; future meeting agenda items; and future meetings scheduling.

The Navajo Nation dams monitoring, and visual reports were reviewed this past quarter as submitted by the Navajo Nation SOD program for all dams.

The Many Farms and Cutter Dams periodic field exams were completed April 26 and 27, 2023. The field monuments for crest settlement/movement were set and survey monuments brass caps have been installed and stamped at Many Farms and Cutter Dams. The closed-circuit TV inspection of pipes at Cutter and Many Farms Dams were also completed.

The Blue Canyon Dam Comprehensive Review (CR) is being done in conjunction with the Bureau of Reclamation (BOR). The CR initial team meeting was done on July 5, 2023, and the Dams Sector Analysis Tool (DSAT) workshop is scheduled for September 6, 2023.

Window Rock Dam ground penetrating radar complete, and the CR initial meeting was also complete this past quarter.

Todacheene Dam geotechnical drilling investigations/geophysics site visits are being done this quarter.

An Emergency Action Plan Response Level One was initiated for the Many Farms Dam by the BIA NRO on April 27, 2023, due to seepage through the spillway. This action was taken a precautionary measure to draw down the reservoir to prevent any major damage underneath the spillway. A site visit to Many Farms dam with BIA NRO Upper Management, BIA Lakewood Central Office, and the Navajo Nation was done July 12, 2023. BIA Lakewood Central Office will draft a response to the Navajo Nation regarding the next steps for the Emergency Action Plan Response Level One.

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

The BIA NIIP Office continues to make progress with the new Records Inventory File System. The purpose of this project is to create an efficient filing system for all BIA NIIP Employees and is in accordance with the Office of Records Management regulations and requirements. The new temporary/contract employee continues to assist the NIIP Office with this records project.

The BIA NIIP Office continues to assist Navajo Agricultural Products Industry (NAPI) by providing guidance and oversight of on the farm activities. Our continuous service for this project is essential to the progress and longevity of the NAPI Program.

The BIA NIIP Office was also able to close out this summer: Contract No. 9-07-40-R0860-Inspector General Deficiency Item #82- Programmable Logic Controllers (PLC). And PLC programs were not working properly at the following pumping plants: 36.3L, 41.6L-A, 45.7L-A, 45.7L-B and G7.5L-A. The solution for this deficiency item was to replace and install new PLCs at all the affected sites. A PLC Installation Inspection was completed on July 20, 2023, to conclude this item's completion.

The BIA NIIP Environmental-Technical Assistance contract, with Keller Blisner Engineering, was extended to December 31, 2023, with additional funding to complete tasks, reporting, and additional work assigned for NIIP.

## 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 the months of June, July, and August 2023. Letters were sent to the Navajo Nation (NN) Controller's office requesting to submit payments to the State of Utah office each month. Processed the Water Usage payment for April thru June 2023 from Chevron on the NN Lease No. 14-20-0603-8669.

On August 4, 2023, the BIA requested recommendation and approval or disapproval on four (4) Designation of Operator documents between Elm Ridge Exploration Company to Petro Mex, LLC.

On August 19, 2022, the BIA requested recommendations and approval or disapproval on three (3) APD application to the NN Project Review Office for DJR Operating, LLC, Well Names are: BTWU 305H; BTWU 306H and BTWU 721H. Requested recommendation on approval of the Designation of Unit Operator (Ismay-Flodine Unit) between Citation Oil & Gas, Inc. and Tall Dunes Resources, LLC to the NN.

Solid Minerals Leases: Processed four (4) Replacement Bonds to Accompany Mining Lease bond for Navajo Engineering and Construction Authority (NECA) for Sand and Gravel leases. The locations of the Sand and Gravel are Wheatfield, Nazlini, Teec Nos Pos, Arizona, and S-Hill in New Mexico. Continue monthly conference call meetings with Office of Surface Mining Reclamation and Enforcement (OSMRE), NN Solid Minerals, Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA) staff on any updates or issues pertaining to Navajo Mine (NTEC), Chevron (CMI) and Peabody Western Coal Company (PWCC). Continue discussions on PWCC bond reduction with solicitors, NN Minerals Department. BIA submitted a follow-up letter, dated October 13, 2022, to the NN requesting comments and recommendations of the reduction of the Performance Bond requested by PWCC. On March 30, 2023, the BIA submitted a letter to the NN for follow-up response on reduction of the bond. OSMRE had a Public Hearing at Forest Lake Chapter on August 24, 2023, the community request meeting on Phase I and Phase II bond release. Representatives from OSMRE, NN, Hopi Agency, BLM (AZ State) attended the public meeting.

BLM (AZ) Quarterly inspections schedule for: Kaibeto Resources Inc. - The Sand and Gravel lease expired in 2018. Kaibeto Resources Inc completed the reclamation on the gravel pit. BLM (AZ) office, NN and BIA representatives visited the site to review the reclamation status that started on August 2022. The inspection was on September 19, 2023. BIA/BLM/NN will attend the inspections at Teec Nos Pos gravel pit on September 21, 2023. The gravel pit is undisturbed. (No activity), the applications have been approved. BIA/BLM/NN attended the inspection at Wheatfield Gravel Pit on September 21, 2023. Reclamation at the location site was good. BIA/BLM/NN attended the inspection at Nazlini (Emma Brown) gravel Pit on September 21, 2023. Reclamation at the location site was good.

**Surface Leasing:** Completed and encoded: 39 Mixed old and new Residential Leases (new/modification and amendment) and majority of these leases reference to a ROW and X&Y monument which were process with known coordinates that had to be determine for correct section, township, and range for Western Navajo Agency. Reviewed and returned to the agency for corrections: 32 – Old Residential Leases had discrepancies within the survey plat which are coming from the ROW markers. Mapped and completed: 5 Residential Leases for Chinle Agency. 28 Residential Leases for Western Navajo Agency.

Reviewed and completed individual lot owner files. Reconstructed, reorganized, and updated the files: 137 – Blackrock Acres; 76 – Rio Puerco. Completed: five (5) Deed of Full Release submitted to LTRO for recording; two (2) Leasehold Mortgages submitted to LTRO for recording; three (3) Assignment of Leases signed by Regional Director and submitted to LTRO for recording; 15 Title Status Reports submitted to LTRO, returned, mailed to lenders and individual lot owners; two (2) Quit Claim Deeds forwarded to LTRO for recording.

Completed and encoded the following: Caversa's Carwash and recorded by LTRO. Fort Defiance Housing Corporation/The Residential Development of the Northwest Quad, Kayenta, Arizona, typed six (6) phases of legal descriptions, aerial maps were drawn, and aliquots were identified. Recorded by LTRO.

Completed: FDHC/Kayenta Township Report: Included numerous photos of the Township's current condition and the condition of the streets, boarded houses, and the roads. Created a summary report as a booklet that includes all photos and related documents.

Chinle Catholic Church file. No Lease was found and reconstructed, reorganized and updated the file. All documents, resolutions, and maps in order by dates. Initially documents are old and mostly illegible, and these documents are from the early 20<sup>th</sup> century.

Researched the Shonto Pre School Lagoon, located Shonto Boarding School a PHS Land Exchanged files from the Branch of Property. All Documents and several emails related to the sewer facility tapping into the Shonto Sewer system found, including the expired Use Permit No. UP/N00-13-154.

**Rights-of-Way (ROW): Tucson Electric Power (TEP):** TEP cannot meet the Renewal and/or New ROW deadline ending July 31, 2023. A written request for a ninety (90) day extension to complete landowner's consent and NEPA compliances was received and a draft response supporting TEP's request has been prepared for managements review. TEP completed its survey plats crossing NN lands and Indian Allotment lands and will be submitting a copy to NRO-RES for one final review. TEP working on finalizing Environmental Assessment (EA) report and once completed will request for a Finding of No Significant Impact (FONSI). Biological Resource Compliance Form completed. Cultural Resources Compliance Form near completion.

**Tallgrass-Greenview Logistic Pipeline Project:** Major pipeline project of clean energy is being proposed to cross NN lands through Northern NM and Eastern AZ. Environmental Impact Statement (EIS) Activities: BLM designated to be the lead agency to oversee National Environmental Protection Act (NEPA) compliance. Several USDA/EPA Approved Biobased Lubricants web-presentations and discussions were held in June 2023. Alignment Corridor: Several alignment changes were made, latest one - avoiding most allotments near Tuba City.

**NDOT:** ROW activities: Road Project N7054 Pinedale Loop is a Chip-Seal project and several residential lease boundaries overlap into road ROW corridor. ENA-RES agreed the ROW plat can be amended to avoid overlapping encumbrances. NRO RES was requested to review NDOT's consultant Wilson Engineering survey and plat data. Data provided by Wilson Engineering has been determined incomplete and return each time. Road Project N57, To'hajiilee is a recent paved project without a ROW grant. At the request of NDOT, NRO-RES has been providing guidance and technical assistance with field data collection in preparation for ROW platting and other documents needed. Data provided by Wilson Engineering has been determined incomplete and return each time. Chichiltah-Vanderwagon Waterline Project has been surveyed by NDOT's Contractor Wilson Engineering. NRO-RES was requested to review survey and plat data.

**Emery Telecommunications & Video Inc.:** Broadband Project Mexican Hat, UT - Kayenta, AZ – Navajo Mountain, AZ. ROW Activities: ROW application was reviewed and returned as incomplete status. No new updated received from Emery Telecom. The ROW Emery Telecom will determine the outcome of UDOT's decision how they plan to pursue their as-built ROW submittal. Currently no Grant of Easement exist, unless otherwise provided by UDOT. See UDOT's report.

**Utah Department of Transportation (UDOT):** Existing Highway traversing through Mexican Hat, UT down to Kayenta, AZ. ROW Activities: Recently conduit piping was installed within ROW corridor without proper approval from landowners. A solicitor's opinion was obtained to define if Transportation Bill supports Broadband development without landowner's consent. Unfortunately, Grant of Easement (GOE) was not available and not provided by UDOT and opinion was based on "NO GOE". Unless UDOT provides a GOE, an as-built ROW will be required, subject to Part 169.101.

**BIA Branch of Transportation (BOT):** All Public Dirt Roads Maintenance by BIA – Deficient of ROW Easements; AZ, NM & UT. RES will inform BOT in writing, ROW needs to be acquired for all public roads BOT plans to continue Road Maintenance.

**Administrative Support:** Ongoing Technical Assistance is provided to all facets of the public organizations, companies, and governments. Continuous outreach to better understand the Regulation Part 169 ROW process is offered. NRO staff are continuing to work with the TAAMS Clean-Up Project. Some require On-Site field validation for record of assurance. TAAMS Clean-Up is a major project for RES, as thousands of records are deficient.

**Cadastral Survey & Unresolved Rights:** Continued consultations with BLM State Offices (AZ, NM & UT) and NN Land Department (NNLD) on all approved, on-going, and pending projects. Various research continued with agencies on land status, boundary issues, and field inspections on Navajo Tribal Trust & Allotted lands and BIA Administrative Reserve Areas: New Approved surveys-2; New Survey Requests-3; Final Field Inspections-6; Completed Cases: 2.

- 9/19/21: AZ-BLM; new IAA Modification #10 was approved, from carryover funds of \$30,00, to re-establish of one AZ allotment located of Summit, AZ.
- Six (6) conference calls held with AZ & UT State Offices, for updates, budget, new priorities and boundary issues.
- IPACs: Processed 21 payments to AZ/NM/UT State Offices–BLM, for cadastral surveys.
- DLTR for Recording Cadastral Surveys: Completed 26 of 43 townships for DLTR.
- Review continued on approved cadastral surveys in AZ/NM/UT (AZ-388; 161-NM & 56-UT), five (5) agencies), total of 605 townships, for recording with DLTR.
- Work continued with DLTR on approved surveys for recording dating back to 1987.
- Assisted 15 landowners on maps & land status reports from TAAMS, on 32 allotments.
- Field Inspections: six (6) Inspections on possible trespasses.
- Completed review of 128 letters of 148 letters on SOL & ICLA Project Files for rejections due to duplications.

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

1. Gallup McKinley County School District: Approved on 6/22/23 on new land status verifications across 34 Navajo Chapters, total of five (5),182 students.
2. Huzhou Academy: Approved on 8/18/23, for 79 Navajo students.

**Others: NNLD:** Coordination continued with NN on Navajo Reservation map update with new cadastral surveys information in all three (3) States. This also includes all GCDB if available by each State Office. Alamo Allotments: June 15, 2023: Site inspection in Torreon/Ojo Encino areas to determine possible trespass issues, letter in draft to Morningstar Minerals, for humate permit across 1 allotment. The permit is in final review and there is no trespass(s) across the allotment. July 25, 2023: Site inspection conducted with Fort Defiance Agency RES and BILS on possible trespasses near Tiesto, AZ. Babbitts Ranch, in Gray Mountain, AZ, on grazing trespasses. There were no cattle on sites and located only three (3) brass corners. The AZ-BLM will be contacted to re-establish all the corners. Thirteen consultations held with 22 landowners on pending/possible boundary disputes in Lupton & Houck areas.

**Acquisition and Disposal:**

**Gift Deeds:** Consultations: 14; Allotments: 29.

## **Chinle Agency**

ROW: three (3) TAAs received.

NN Approved Leases Submitted for Recording: Homesite Leases Received: 24

Homesite Leases Recorded: 24

Mutual Terminations Received: six (6)

Special Projects: Title Defect Project; TAAMS Cleanup project

## **Fort Defiance Agency**

ROW: NTUA: Austin A. Sam power line extension with fiber optic cable crossing tribal trust and allotment 310109 located in Houck, Arizona. Tribal authorization access approved. Grant of ROW approved for Allotment 310109 on July 28, 2023. Tribal Authorization Access (TAA) approved ROW received for recording by General Land Development Department: 7

NN Approved Leases Submitted for Recording: Homesite Leases Received: 33; Homesite Leases Recorded: 8; Mutual Terminations Received: 10; Homesite Lease Returned for Correction: 1. Residential Leases: Residential lease approved July 17, 2023, for Allotment 310168 Houck. Residential lease approved September 7, 2023, for Allotment 1977 Kinlichee.

Business Site Lease: Assignment and Assumption of Business Lease FD-01-202 approved on August 29, 2023, for Medicinechild, LLC.

Title Status Reports: Certified title status report for mortgage purposes received for two (2) lessees within the Teesto and Red Lake Chapters.

Special Projects: Navajo Generating Station (NGS) – letters sent to the office of NN President, Division Director of Natural Resources, Director of General Land Development Office, Department of Justice, and applicants informing them of the status of the pending ROW applications, status of request for Secretarial Waivers of certain requirements of 25 CFR 162; and offering technical assistance in revising the ROW instruments to comport with the various waivers granted or declined.

National ROW User Group – participated in meetings regarding Tribal Broadband projects and Tribal Broadband Connectivity Program funding. For Navajo, there are two (2) projects funded for Navajo Tribal Utility Authority (NTUA) and Dilkon Chapter. Project information entered the Tribal Broadband Data Collection for the NRO. Broadband Initiatives on the NN – updates, issues and lessons learned provided by Navajo County, the NN, the States of Arizona, Utah, and New Mexico Broadband offices.

Tuba City land status – provided information regarding Section 20, Township 32 North, Range 11 East, G&SRM, Coconino County, Arizona. Executive Order added more lands including Section 20 and Secretarial Order set aside Section 20 for school purposes.

Navajo Gallup Water Supply Project Meeting No. 61 – updates provided on the various stages of the project including issues, construction schedules, obtaining environmental clearances and ROW.

### **Shiprock Agency**

Lease Compliance: Business Lease No. SR-03-180 Messrs. Joe Wilson and Neal Wilson, Teecnospos, Arizona. Cancellation letter issued September 13, 2023. Lease cancelled due to default of several lease provisions including rent to the NN. 415(a) Homesite Lease Terminations. Termination of BIA managed/approved leases must be terminated in order for lessee to obtain a NN managed/approved lease received-47; pending Location verification-12; issue with legals-4; require Lessee Signature-4; (Termination received lacking Lessee(s) signature, however approved by Department Manager, NNLD); pending CEER Approval-7; approved/Pending Recording-20.

NN Approved 415(e) Leases and TAAs received for recording: Homesite Leases received-42; encoded in TAAMS; pending TAAMS system approval-20; TAAMS system approved; submitted to DLTR for recording: 15.

Navajo Agricultural Products Industry 415(e) Agriculture Lease for received for recording August 2, 2023. Prepare for encoding into TAAMS and determining acres for each section, township and range affected by the lease.

TAA received three (3) for recording: NTUA Project 16-213-0029 Clyde Gamble Sr. (Navajo County, AZ) Distribution Line with Fiber Optic – received August 2, 2023; NTUA Project 12-190-0003 Sweetwater Chapter 3-Phase Conversion Distribution Line Fiber Optic received September 1, 2023; NTUA Project 19-160-0030 Cudei to Teecnospos Distribution Line (As-Built) with Fiber Optic – received September 18, 2023.

Sand and Gravel: Navajo Engineering and Construction Authority (NECA) Teecnospos Sand and Gravel Lease – approved July 20, 2023. San Juan Sand and Gravel, LLC (SJS) – San Juan Chapter Pit - BLM advised a meeting with San Juan Sand and Gravel LLC to be scheduled to discuss BLM review. September 1, 2023, provided response to Tribal Liaison to questions raised by NN Legislative Council regarding status of lease.

ROW: New Mexico Department of Transportation Project Nos. CN 5101171/CN 5101172 – US 64 AZ\_NM State Line to Mile Marker 8.1. Approved September 6, 2023 - Grant of Easement for ROW (25 parcels); Construction Maintenance Easement (14 parcels); Temporary Construction Easements (37 parcels).

Special Projects: Shiprock Northwest Subdivision – Homesite lessee complaint on neighboring lot. Complaints of drug use and possible sale. Lessee request to cancel homesite lease on neighboring lot. NNLD conducted field investigation on June 20. Complainant completed



investigation applicant. No further action by agency until such time NN submits their findings and requests cancellation.

## **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.

During the Fall Quarter there were 115 cases prepared and submitted to OHA for adjudication, of those, fifty-four (54) were by Eastern Navajo Agency, thirty-eight (38) were by Fort Defiance Agency, twenty-two (22) were by Shiprock Agency and one (1) was by Western Navajo Agency.

In this quarter there was a total of 193 new deaths reported, with 177 resulting in new cases and 16 cases being researched for trust assets. The majority of cases were reported by the Eastern Navajo Agency (98) and the Fort Defiance Agency (49).

We were able to have 116 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 8,019 active cases being processed at some level. Currently, there are 264 cases eligible for closure, of those, 253 have finished the disbursement of the trust property (95.56%) and 236 have completed the disbursement of the trust personalty (94.40%).

## **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 (TO) under Public Law (P. L.) 93-638. This quarter the Nation submitted thirteen Calendar Year (CY) 2024 Successor Annual Funding Agreements (SAFA) proposals; and two TO, submitted a CY 2024 and a School Year (SY) 2023-2024 SAFA proposals to continue contracting services under a P.L. 93-638 Contract. Two SY and one FY 2024 P.L. 93-638 Contract Proposals were approved, and funding awarded. The BIA NR are reviewing the proposals received from the Nation and TO, in accordance with 25 CFR Part 900 and will provide its review response to the Nation and TO.

The BIA NR distributed FY 2023 Contract Support Cost (CSC) funding through Congressional Appropriations to all approved P.L. 93-638 Contracts for 100% CSC need. In addition, the funding distribution including one-time funding for projects to the Nation and TO 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. The BIA NR also issued a reminder letter to the Nation to submit its FY2022 Single Audit Report, the report was due on June 30, 2023.

**Table 1 -Public Law 93-638 Contracts Funding Allocations**

<b>The Navajo Nation</b>	<b>Programs</b>	<b>Amount</b>
A17AV00252	Tribal Courts	\$32,538.00
A18AV00235	Adult Correction Program	\$157,288.00
A18AV00236	Juvenile Correction Program	\$102,242.00
A20AV00003	Housing Improvement Program	\$159,354.00
A20AV00139	Water Monitoring & Inventory Program	\$248,618.00
A21AV00001	Natural Heritage Program	\$83,554.00
A21AV00002	Fish & Wildlife Program	\$378,437.00
A21AV00003	Social Services-(SS) Depart. Family Services	\$1,631,986.00
A21AV00004	Johnson O'Malley	\$195,456.00
A21AV00140	Law Enforcement -Criminal Investigations	\$1,183,411.00
A21AV00186	Law Enforcement-Patrol Services	\$5,738,756.00
A21AV00383	SS-Navajo Treatment Center Children and Families	\$75,870.00
A21AV00384	SS-Family Assistance Services and Assistance	\$481,841.00
A22AV00148	Higher Education Program	\$2,265,436.00
A22AV00149	Environmental Archaeological Non-Roads	\$125,419.31
A22AV00150	Tribal Enrollment Program	\$247,298.00
A22AV00151	Tribal Courts Program	\$73,349.00
A22AV00381	Safety of Dams Program	\$142,792.00
A22AV00588	Housing Improvement Program	\$2,201,242.00
A23AV00265	Adult Correction Program	\$1,435,536.00
A23AV00267	Juvenile Correction Program	\$752,481.00
A23AV00366	Water Development Program	\$108,188.00
A23AV00367	Forestry Management Program	\$55,737.00
A23AV00368	Indian Child Welfare Act Program	\$315,076.00
	Sub-Total	<b>\$18,791,905.31</b>
<b>Tribal Organizations</b>		<b>Amount</b>
A19AV00984	Dine Bi Olta School Board Association, Inc.	246,219.00
A21AV00158	NAPI – NIIP Irrigation Operation & Maintenance, On-Farm Development, Agricultural Testing Research Lab & Water Quality Monitoring	\$2,586,897.00
A23AV00006	Alamo Roads Maintenance	\$55,399.00
A23AV00007	Navajo Technical University	\$2,205,160.00
A23AV00905	Rock Point Community School	\$4,316,720.00
	Sub-Total	<b>\$9,410,395.00</b>
	<b>GRAND TOTAL</b>	<b>\$28,202,300.31</b>

**Awarding Official's Technical Representative's (AOTR) Quarterly Activities** provide programmatic and administrative support as trained/designated by the Awarding Official's for a specific P.L. 93-638 Contracts.

**P.L. 93-638 Contractual Program, Forestry Management Program, Contract No. A18AV00262 and Contract No. A23AV00367:**

The BIA, Branch of Forestry continues to process multiple timber cutting permits that are received from the Nation's Navajo Forestry Department (NFD). The primary requests received are for permits associated with infrastructure projects being done within the Nation by their water or utility authorities. Since the last quarterly report, 9 permits have been reviewed, approved, and forwarded to the Nation's NFD to administer.

In letter dated June 7, 2023, to the NFD through the BIA NR ISD, Branch of Forestry requested the Nation's NFD to provide information related to the Oak Ridge Timber Sale area which identifies the location of the 4,000 acres the Nation's NFD is planning to prepare while the remaining 10,495 acres will be prepared for sale by the BIA NR. The reason for this is that the Program explicitly stated in its CY 2023 SOW within their P. L. 93-638 Contract that they would prepare only 4,000 acres of the scheduled 14,495-acre Oak Ridge Timber Sale area during CY 2023. The BIA NR's June 7, 2023, dated letter requested for Geographic Information System data, listings of the forest compartments, stands, access roads for the sale area, stand exam data, and all electronic or hardcopy maps of the Oak Ridge Timber Sale area. In follow up letter dated August 16, 2023, the BIA NR requested for documents and information associated with the Oak Ridge Timber Sale area described in BIA's letter dated June 7, 2023, to the Nation. The Nation's July 13, 2023, dated letter provided data and information. The data was reviewed by the BIA NR and the determination was that the data is inadequate. The Nation's NFD provided GIS data for two timber sale areas within the 14,495-acre Oak Ridge Timber Sale area. The two timber sales are identified as Oakridge 1 and Oakridge 2 in the data set and have a cumulative acreage of 1,944.26. The BIA NR requested for the Nation to identify the remaining 2,055.74 acres of the 4,000 acres which the Nation's NFD identified as their proposed timber sale project. A response from the Nation on this request is still pending.

On April 24, 2023, dated letter to the Navajo, through the BIA NR ISD, requested for an update to the Continuous Forest Inventory (CFI) project regarding technical assistance with data collection or the scheduling of formal field inspections. A response letter from the Nation, dated May 11, 2023, was received along with raw plot data. This data was reviewed, and it was discovered that additional items are needed for formal inspections with the CFI project to proceed. The BIA NR is working on providing a response letter to request for Nation's NFD to provide CFI plot photos, in electronic format, as per the field manual, a list of the crew leader names to remove any assumption of who the crew leaders are, and color and/or pattern of flagging used by the field crews. Additionally, the BIA NR will request for a date that Nation's NFD would like to schedule to have a virtual meeting to discuss the CFI project alongside BIA NR and Branch of Forest Inventory and Planning staff.

Per the recommendations within the BIA NR's April 18, 2023, dated letter to the Nation regarding the Nation's Carbon contract, "modifications to the Nation's forestry management plan(s) are required to make the Agreement consistent with said plan(s)". The letter also stated that modifications to the Nation's plan(s) are to be addressed and resolved within one calendar year of entering into the Agreement. During a Zoom meeting conducted on June 16, 2023, with the Nation the Nation's NFD Forest Manager stated that the draft amendments would be completed and provided for BIA NR's review on June 30. A draft document has not been received from the Nation and the BIA NR is patiently awaiting their response or submission.

**P.L. 93-638 Contractual Program, Fish & Wildlife Program Contract No. A21AV00002 and Natural Heritage Contract No. A21AV00001**

In accordance, with 25 CFR §900.15(b) and §900.32, BIA NR reviewed the Nation's CY 2024 SAFA proposal for P.L. 93-638 Contract No. A21AV00001, Natural Heritage Program and Contract No. A21AV00002, Fish & Wildlife Program. The BIA NRO notes, the Nation's CY 2024 SAFA proposal are not missing any items. In addition, the BIA NRO provided comments and recommendations on certain sections of the Nation's CY 2024 Annual Funding (AFA).

**P.L. 93-638 Contractual Program, Tribal (Census) Enrollment program Contract, A16AV00151:**

On September 25, 2023, the AOTR, Awarding Official reviewed the Nation's CY 2024, Successor Annual Funding Agreement (SAFA) proposal.

**P.L. 93-638 Contractual Program, Higher Education, Contract A17AV00096:**

On September 5, 2023, the AOTR, Awarding Official reviewed the Nation's CY 2024, Successor Annual Funding Agreement (SAFA) proposal.

## **HUMAN SERVICES**

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

The Navajo Nation Division of Social Services set its' GPRA Performance Measure for 1811 at 69% for Fiscal Year 2023. The goal for Measurement for 1811 is to increase self-sufficiency and each recipient must work with the caseworker to develop and sign an Individual Self-Sufficiency Plan. The plan must outline the specific steps the recipient will take to increase independence by meeting the goal of employment and sustainability.

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

The Navajo Regional Office continues to process ICWA Notices received by the States of Arizona, Colorado, New Mexico, and Utah. These are the states that have children in their custody who may be eligible for enrollment with the Navajo Nation.

In the other news on the recent ruling of ICWA on June 15, 2023, the Supreme Court upheld the circuit court's conclusion that Congress' power to legislate Indian affairs is well-established and broad; therefore, ICWA "is consistent with Congress' power under Article 1 of the Constitution." This opinion was written by Justice Amy Coney Barret for the seven-member majority.

### **Other activities:**

In 1989, Congress passed Public Law 101-112, officially designating October of that year as National Domestic Violence Awareness Month. Such legislation has been passed since then. This year's 2023 theme is Health Equity Matters: Making Connections Through Experience. Please support your community events on Domestic Violence by attending educational events, community gatherings and support groups.

The Branch of Human Services for the Navajo Regional Office continues to remain available for Technical Assistance as requested from the Navajo Nation. As such, all requests for training or Technical Assistance are provided in accordance with the scope of work as contracted under Public Law 93-638. In addition, our office continues to reach out to local, state, county, federal and tribal service providers in coordinating resources to benefit tribal members and tribal communities.

## **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.

Sanostee Land Transfer: BEM received funding to cleanup ~17 acres of land at the former Sanostee Boarding School. BEM selected a contractor and awaiting the pre-work submittals from the contractor for the work to begin. The cleanup of the property is required before the land can be transferred back to the Navajo Nation for re-use by the community.

Chinle Agency Land Transfer: In FY2021, the former Council Delegate requested BIA to relinquish six (6) land properties (parcels) back to the Navajo Nation, as the parcels are Navajo trust lands. BEM completed the sampling of the of the six (6) parcels and requested funding to conduct the cleanup of these parcels before these parcels are transferred back to the Navajo Nation. BEM prepared a Scope of Work to conduct the cleanup of the parcels and awaiting funding.

Sheep Dip Vats (SDV): BEM and the Navajo Environmental Protection Agency (NNEPA) work together to address the assessment and removal of former SDV contaminated sites to date, BEM has completed the cleanup of three (3) SDV sites which are Twin Lakes SDV, Twin Lakes, NM; Black Springs SDV, Naschitti Chapter, located within the Chuska Mountains, and Table Mesa SDV, Toadlena, NM. The fourth (4<sup>th</sup>) SDV site is the Toadlena SDV, Toadlena,

NM located within the Chuska Mountains which is 80% completed for cleanup. The final reports for three (3) SDV sites will be provided to NNEPA and Navajo Nation Land Department. BEM will continue to work on these former SDV sites.

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

BEM continues their commitment for technical assistance and guidance to ensuring all required drinking water sampling, reporting, and data analysis are completed for the Bureau of Indian Education (BIE) schools within Navajo Region. BEM will continue to provide technical support for BIE schools to maintain environmental compliance for drinking water sampling, reporting, preparing public notices, responding to corrective actions associated with drinking water violations and sanitary surveys.

For this Quarter, the FY2023 Safe Drinking Water Act (SDWA) monitoring schedule as required by NNEPA-PWSSP and USEPA has been conducted for schools required to sample; finalized data results and reporting for submission to the regulatory agencies the Navajo Nation Environmental Protection Agency-Public Water Systems Supervisions Program (NNEPA-PWSSP) and the U.S. Environmental Protection Agency (USEPA) Region IX. The results of the sampling are provided to regulatory agencies, BIE Resource Centers, BIE Environmental Program-Albuquerque Office and BIE schools for their information and records.

BEM completed the required bacteriological analyses; disinfection by-products, the drinking water sampling for the fifty-seven (57) water systems and the six (6) BIE Resource Centers. All data analysis reports are provided to the regulatory agencies, the BIE Environmental Program, BIE Resource Centers, and the schools. BEM also responds to SDWA non-compliance violations on behalf of the schools and works directly with the regulatory agencies for immediate corrective actions. These non-compliance violations are reported to BIE Facility Managers, Principals, and the BIE Environmental Program. BEM also works with the BIE contractors and BIE Environmental Program on the status of SDWA water sampling, violations, data results, and reports for SDWA water operations at the Navajo Region.

Many of the schools within the Navajo Region have well systems that supply drinking water to the schools and government quarters and the water systems fall under the standards for Small Community Drinking Water Systems. BEM monitors and reports on the quality of the drinking water in accordance with a schedule established annually by the NNEPA-PWSSP and USEPA. The NNEPA-PWSSP and USEPA 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.

National Pollution Discharge Elimination System (NPDES) Highlights: There were no reports of overflows/lagoons requiring discharging at any other locations within the Navajo Region. BEM received updated information that NNEPA Water Quality (WQ)/National Pollutant Discharge Elimination System (NPDES) Program that reviews NPDES permit applications for BIE schools with wastewater treatment plant to discharge treated domestic

wastewater. The Navajo Nation certifies that the discharge shall comply with the applicable provisions of the Clean Water Act Sections 301, 302, 303, 306, and 307 and with appropriate requirements of NNEPA WQ NPDES regulations. These permit(s) applications are forward to USEPA.

The Branch of Environmental Quality Act Compliance Review (BEQACR) conducts technical assistance and guidance on NEPA compliance for incoming Categorical Exclusions (CEs), Environmental Assessments (EAs) or Environmental Impact Statements (EIS). Additionally, compliance with National Historic Preservation Act (NHPA) Section 106 for actions on cultural properties, which also requires working with Navajo Nation Historic Preservation office. The other compliance is with Section 7 of the Endangered Species Act, which also requires working with Navajo Fish and Wildlife Program.

For this Quarter, BEQACR provided technical assistance on several applications submitted by regional or agency programs for NEPA compliance. The following projects were reviewed and advised on their applications:

- Tucson Electric Power: Requested the renewal of their 345kV transmission line Rights-of-Way (ROW), which crosses the Navajo Nation. BEQACR requested an Environmental Assessment (EA) for the project for NEPA compliance.
- Navajo Nation Department of Water Resources Proposed Chichiltah-Vanderwagen Community Water System Project ROW: BEQACR received an addendum to EA-19-35184 for a new action for water supply wells that will each require a 200 x 200 foot well pad, fence, gravel or dirt driveway, waterline, and power line for NEPA compliance.
- Tsayatoh Chapter Fiber Optic Extension Project: Sacred Wind Communication Inc., (SWCI) of Yatahey, New Mexico submitted a ROW application to install a fiber optic line to review for NEPA compliance. The proposal is a federal action for the ROW approval to withdraw 3.62 acres of land to conduct the fiber optic line extension. The fiber optic line would provide internet service to the chapter and local families.

Sacred Wind Communications, Inc. (SWCI): SWCI submitted a ROW application to construct, operate, and maintain a new E-Rate fiber optic telecommunication line to provide communication services through the Gallup McKinley County Schools (GMCS) E-Rate Program, and upgrade existing networks to serve Thoreau High School, Tse' Yi' Gai High School and Pueblo Pintado Community School.

Eastern Navajo Agency (ENA) Fee-to-Trust Applications: ENA Realty requested BEQACR to review the Fee-To-Trust applications for NEPA guidance to place three (3) subject sites into federal trust as proposed actions. BEQACR provided feedback on the NEPA compliance for each of the subject sites located in Thoreau Chapter and White Horse Chapter. BEQACR



advised the Fee-to Trust Applications comply with NEPA for Cultural Section 106 and Endangered Species Section 7, BEQACR worked with Navajo Nation Historical Preservation Office on the request from ENA.

Navajo Division of Transportation (NDOT): BEQACR provided NEPA guidance on NDOT ROW application to work on a 1.7-mile road improvement project for McKinley County Road 10A within the Bááháálí (Bread Springs) Chapter, McKinley County, New Mexico. The proposed road improvement is for County Rd 10A Pinehaven, McKinley, NM.

BEQACR working with the Regional and Eastern Navajo Agency Realty programs on NEPA requirements for Rights-of-Way applications; if these proposed actions are considered federal actions that require Environmental Assessment (EAs) or not. To ensure there is compliance with Section 106 and Section 7, which requires working with the Navajo Nation Fish Wildlife Program and Navajo Historical Preservation Program.

BEQACR reviews incoming EAs, to determine if the EA meets the issuance of Finding of No Significant Impact (FONSI) which explains the reasons as why an action will not have a significant effect on the human environment for the projects. This allows projects to commence on the Navajo Nation for critical needed infrastructure and developments that will benefit the members of the Navajo Nation.

BEQACR processed ninety-seven (97) Categorical Exclusions for housing needs and utility installation. These NEPA documents are critical for allowing the approval of home sites and the installation of utility lines for Navajo tribal members.

BEQACR processed thirty-seven (37) Cultural Resources Compliance Forms for the Navajo Nation Heritage and Historic Preservation Department. These NEPA documents are critical for allowing the approval of home sites and the installation of utility lines for Navajo tribal members.

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**

In compliance with 29 CFR 1960, Subpart D. All areas and operations of each workplace, including office operations, shall be inspected at least annually. For the purpose of assuring safe and healthful working conditions for employees of agencies. More frequent inspections shall be conducted in all workplaces where there is an increased risk of accident, injury, or illness due to the nature of the work performed. Sufficient unannounced inspections and unannounced follow-up inspections should be conducted by the agency to ensure the identification and abatement of

hazardous conditions. October 2022, beginning of fiscal year 2023 the Office of Facilities, Property and Safety Management, Division of Safety and Risk Management assigned twenty-nine BIA required inspections for Navajo Region at five agencies BIA headquarter buildings, specifically Shiprock, Chinle and Tuba City agencies where Tribal programs are tenants. Three assigned Office of Justice System required inspections included Tuba City Juvenile Detention, Crownpoint Law Enforcement, Adult/Juvenile Detention facilities, Judicial complex and Chinle Juvenile Center. At end of FY'23, the BIA Branch of Safety completed 100% of twenty-nine sites and 100% of three OJS sites.

Finalized written reports and notices of unsafe or unhealthy working conditions were promptly encoded through the Safety & Condition Assessment Portal (S&CAP) data base. Official in Charge were issued not later than 15 days for serious safety violations or not later than 30 days for health violations. Final written notices were described with particularity the nature and degree of seriousness of the unsafe or unhealthy working conditions, including a reference to the standard or other requirement involved. The Official-in-Charge, normally managed through agreement with BIE Facility Management were issued not later than 30 days after completion for posting. The notice also provided procedures to fix a reasonable time for the abatement of the unsafe or unhealthy working conditions.

Although, as of May 11, 2023, in conjunction with the end of the national Public Health Emergency, the New Mexico Department of Health discontinued its daily reporting of COVID-19 cases, hospitalizations, deaths, and tests. The COVID-19 Community Transmission Levels no longer calculatable; associated visualizations have been removed from COVID Data Tracker. BIA Branch of Safety maintained vigilant monitoring of COVID-19 status throughout 3<sup>rd</sup> and 4<sup>th</sup> quarters and kept upper regional management informed. In turn they provided directive to agencies managers and employees to stay up to date with COVID-19 vaccines, including recommended booster doses.

Maintaining ventilation improvements and encouraging employees to avoid contact with people who have suspected or confirmed COVID-19. Furthermore, provided guidance and recommendations for immediate isolation if any employee suspected or confirmed COVID-19. As well, guidance for what to do if employee(s) are exposed to someone with COVID-19. If they are at high risk of getting very sick, to talk with a healthcare provider about additional prevention actions. Branch of Safety also provided further guidance based on Center for Disease Control and Prevention (CDC) updated protocols with face-mask requirement and Bureau building visitor policy. The policy took effect on January 26, 2023, with reopening of agencies facilities following guidance of the Department of Interior updated Version of the COVID-19 Workplace Safety Plan. In summary, Interior and Tribal employees were not required to wear facemasks when COVID-19 Community Levels in their agency were in "Low and Medium" status and facemask wearing remained optional since then. Protocol was subject to change requiring wearing of facemasks when levels are in "High" status.

Branch of Safety provided technical support in helping address employees or building occupants concerns with HVAC system not adequately working to provide a safe and healthful environment at the Shiprock Northern Navajo Agency and Western Navajo Agency buildings. Eventually, with the help of regional Acquisition and Facility Management there were some resolutions for repairs.

Inspection accomplishments ensured a clear channel of communication that benefited all agency BIA and Tribal employees or tenants in an Interior owned building(s). As well, those with responsibilities for safety and health matters, e.g., their supervisor, the agency safety and health inspectors, safety and health committees. Assuring prompt analysis and response to reports of unsafe or unhealthful working conditions in accordance with the requirements of Executive Order 12196. Our trust relationship and safety responsibilities assured any employee or representative of employees, who believed that an unsafe or unhealthful working condition exists in their workplace has the right and encouraged to make a report of the unsafe or unhealthful working condition and request an inspection of such workplace for this purpose. In the case of imminent danger situations, employees were encouraged to make reports by the most expeditious means available.

## **BRANCH OF FACILITY MANAGEMENT**

The Branch of Facilities is assisting several schools, in providing technical services as requested.

There are some future facility projects that are currently being work on that consist of: roof repair, waterline replacement, replacing HVAC heating & air-conditioning systems, repairs to water tanks and waterlines, School Playground equipment installations, school and BIA demolitions, and school housing street paving. We are hoping to have some of these projects in construction.

Below are some of the projects taking place:

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

1. Repairing of heating and cooling system at Shiprock Agency headquarters 98% complete. The existing HVAC unit was replaced with a new HVAC system. The Contractor had to upgrade the laptop and reinstall the software that monitors the HVAC system remotely.
2. Cove Day School elevated water tank repair is 95% complete. The vendor will be hauling water to fill up the water tank.
3. Nenahnezad Community School's installation of playground shades will be installed in FY2024. The Contracting Officer is advertising and soliciting the project.

**Deferred Maintenance:**

1. Shiprock Administrative Reserve (SAR) demolition project was awarded to EQM Services. We are waiting for the Contractor to request for Notice to Proceed to commence with the demolition.
2. Cottonwood Day School roofing repair's statement of work (SOW) and cost estimate is 95% complete.
3. Tuba City School's reconstruction of streets is pending additional funds.
4. Pueblo Pintado Housing's reconstruction of street design is 95% complete. This project will be submitted for funding for construction in FY2024.
5. Piñon Community School's statement of work for the installation of a new HVAC system was completed. This project will be submitted for funding for construction in FY2024.
6. Red Rock Day School's installation of a 6" waterline is 75% complete. This is a design build project by NTUA and NECA is performing the work.
7. Mariano Lake Community School's statement of work is 90% complete to rehabilitate the school's access road and parking lot.

**BRANCH OF TRANSPORTATION****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 4th quarter of Fiscal Year 2023.

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

Highlight for the 4th Quarter maintenance activity was pavement surface repair placing 44 tons of hot asphalt mix at various locations with severe potholes along N3003 between mile post 12 and 16. Shiprock Agency road maintenance staff assisted with this maintenance activity.

Farmington personnel continued with conducting all other daily routine road maintenance activities within their jurisdiction as scheduled.

Maintenance activities on various routes during this period includes:

1. Pothole patching
2. Surface cleaning
3. Mowing & vegetation control
4. Brush & tree removal
5. Sign Repair & Maintenance
6. Delineator maintenance

Other activities conducted during this period includes:

1. Road assessments.
2. Shop building maintenance.
3. Preventative equipment maintenance & service.
4. General operations (daily reports, vehicle & equipment reports, online trainings, safety meetings, inventory of materials) etc.

Farmington personnel continues to assist Shiprock Agency with various road maintenance activities when requested by the Shiprock Agency Road Engineer.



N3003 – Pavement surface repair before and after.

N4066 – Sign repair before and after

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

. Highlight for the 4<sup>th</sup> Quarter maintenance activity was assisting the Western Agency with silt and debris removal from under Bridge N331 on route N71. This activity was to address flooding problem that occurs during monsoon season for local residence living in the area.

New Lands personnel continue to stay ahead of schedule on all other daily routine road maintenance activities within their jurisdiction.

Maintenance activities performed on various routes during this period include:

1. Mowing
2. Sign repair & maintenance.
3. Roadway delineators installation & maintenance.
4. Vegetation removal.
5. Shoulder work
6. Fence repair
7. Pothole patching.

Other maintenance activities conducted during this period include:

1. Road assessments.
2. Shop building maintenance.

3. Preventative equipment service & maintenance.
4. General operations (daily reports, vehicle & equipment reports, online trainings, safety meetings, inventory of materials) etc.

New Lands personnel also assisted Fort Defiance Agency with mowing, vegetation removal and sign replacement on N15 and N6.



N71 – Silt and Debris removal under Bridge N331 during and after.



N6 – Sign replacement before and after.



N2025 & N2030 – Mowing before and after

### Shiprock Agency:

Navajo Route N60, N602, & N15 – Roadway Base Work, Milling Work, and Asphalt Repairs  
 The Shiprock Agency BORM assisted the Fort Defiance Agency BORM with asphalt repairs. The crew mobilized to the site on Wednesday, June 7, 2023. The asphalt milling dimensions of 500ft x 24ft on N602 began on Monday, June 12, 2023, and was completed the same day. The area was swept and signed for public traffic since the asphalt material was to be available until Thursday, June 15, 2023. The crew then mobilized to N60 where the roadway was excavated to a dimension of 300ft length x 8ft. width x 2ft depth. The work was completed by Friday, June 16, 2023. The crew then mobilize to N15 where a couple of locations have been milled and repaved. The crew began demobilizing on Monday, June 26, 2023, ending on Wednesday, June 28, 2023.

### Navajo Route N5 – Roadway Asphalt Patch Work

The crew temporarily patched the roadway on both shoulders on Navajo Route N5 upon returning from the Fort Defiance Agency. A complete repair will be scheduled later.

#### Navajo Route N681 – Erosion Repair and Blade work

Received resolution from the Round Rock Chapter to maintain Navajo Route N681 from N13 to approximately 10 miles in the Chuska Mountains. Several washouts were encountered, and years of neglected roadway maintenance was apparent. The earth roadway has since been repaired of erosion and the roadway has been re-bladed for use by the public.

#### Navajo Route N5054 – Sand Drift Removal & Routine Maintenance

The sand drift significantly accumulated and caused impossible passage for the travel public.

The sand drift was removed from the roadway and is in use.

#### Navajo Route – Erosion Repair

Several erosion repairs were completed, and others had to be revisited due to reoccurrence of washouts on N30, N5054, N35, N34, N5059, N5034, N5012, N132, N133, N5013, and N336.

The washouts are continuing, and the crew are responding as quickly as possible.

#### Navajo Route N364 – Vegetation Control

The roadway was assessed in July 2023 and the work was scheduled accordingly to remove obstructing tree limbs, bushes, and vegetation from the roadway shoulder and at intersections.

The work was completed but due to the monsoon season, the roadway will have to be reassessed and may schedule another vegetation control activity.

#### Routine Maintenance Work – Blading, Fence Repairs, Pothole Patch Work, Etc.

Routine roadway maintenance was performed for N8070, N8071, N8014 where sand drifts were bladed, N34, N5010, N5054, N5034, N5014, N681, N8008, N8009, and N5012. Fence repairs were made for N13, N33, and N36. Pothole patch work was completed for N13, N33, N35, N5000, N5099, N36, and N5. Cattle guard cleanout was completed for N13, N36, and N5010. Roadway shoulder work for N33 was completed.





N13 - Patchwork



N5 - Patchwork



N5 - Patchwork



N681 – Earth roadway routine maintenance



N681 – Earth roadway



N5054 – Sand Drift removal before and after routine maintenance



## Western Navajo Agency:

In the 4<sup>th</sup> quarter of Fiscal Year 2023, the highlight for the Bureau of Indian Affairs, Western Navajo Agency - Branch of Road Maintenance (BIA, WNA-BORM) was responding to an emergency flooding in Birdsprings, Navajo County, AZ. The flooding caused major erosions and roadway washouts to BIA Routes N71 and N2. Part of the reason for the flooding was also due to the Little Colorado River Bridge #331 being silted up with dirt and debris from the annual monsoon rains. The BIA, WNA-BORM was task with removing silt and debris from underneath the Birdsprings Little Colorado River Bridge #331. The silt and debris removal process took several weeks to clean out. Some of the silt material removed mixed with suitable material nearby was used to make erosion repairs, roadway washout repairs and stabilize the



roadway to BIA Routes N71 and N2. The BIA, New Lands Road Maintenance Employees, the Navajo County Employees, and the Coconino County Employees all assisted with the flooding cleanup.

The BIA, WNA-DOT Road Maintenance formed two crews to perform cattle guard cleanout on several BIA Roads within Western Navajo Agency. The cattle guard cleanout that are completed are BIA Routes N20, N21, N6331, N222, N221 and N16. Cattle guard cleanout for BIA Route N59 is ongoing and will carry into the First Quarter of FY24. BIA Routes N42, N24 and N15 are scheduled for the 1<sup>st</sup> quarter of FY24.

The BIA, WNA-DOT performed several pothole patching on several BIA routes within Western Navajo Agency Jurisdiction. The pothole patching is done to preserve the asphalt from deteriorating.

The BIA, WNA-DOT performed sand removal on a couple of routes. The drifting sand blocked off the road at several location. Sand removal is an ongoing road maintenance issue and will carry into the next quarter.

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



N71 – Bridge #331 silt and debris removal before and after.



N20 – Cattleguard Cleanout before. N20 – Cattleguard Cleanout after.



N16 – Pothole before



N16 – Pothole patching after



N6465-Sand drift before



N6465-Sand removal during



N6465-Sand removal during

### **Chinle Agency:**

Chinle maintenance crew installed numerous signs on various routes within Chinle Agency. Many of the signs were vandalized (shot up or spray painted) and a few missing or faded that made it less visible for the traveling public. More signs were ordered to replace signs that need replacement. Due to the amount of moisture received during this quarter, there were numerous blading and repair of drainage and backfilling conducted at various earth roads located within Chinle Agency. The Chinle Agency – Branch of Road Maintenance communicated several times with blading assignments with Navajo Nation Transportation to ensure earth roads weren't bladed twice in a short time frame.

Other maintenance activities on various routes within the Chinle jurisdiction include:

1. Blading
2. Fence repair
3. Sign replacement
4. Surface Inspection
5. Erosion Control
6. Mowing
7. Surface patching

Other activities conducted during this period included 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.



N29-Blading.



N8062-Drainage Repair during.



N8062-Drainage Repair after.



N60-Sign Replacement before



N60-Sign Replacement after



N12-Tree removal & fence repair



N7 – Street Cleaning before



N7 – Street Cleaning after.



**Fort Defiance Agency:**

The Fort Defiance Agency Road Maintenance (FDARM) tended to an emergency washout and erosion repairs during during the months of the monsoon season from July through September 2023. Districts (7,14,17&18) got hit with several storms back-to-back which required re-work on the washout and erosion. To date, FDARM is continuously addressing washout as found or reported by the community from each districts. The FDARM is making the road safer and passable for the traveling public and school buses on the main routes within each district. Navajo Routes N6, N60, N112, N12, N15 – The Road Maintenance Crew worked on BIA routes to address potholes, ruts, cracks, and deteriorated asphalt pavement which was in dire need of repair. The project consists of critical areas that had an extensive number of potholes. Pavement failures were reported at numerous locations making the road unsafe and dangerous for the traveling public and the community. The same pothole that was patched before continues to break out after each storm or rain, when water gets in between the mix and must be redone. Navajo Route N30, N108, N9860, N9406, N9402 and N9205 -The road maintenance crew continued with routine maintenance of grading and repairing washout which became dangerous for the traveling public. The recent monsoon storm damaged the roads in various part of the Fort defiance Agency. The community residents and the Chapters provided their concern with a resolution for immediate repairs.

Navajo Route N12, N15, N60 and N9604 –The Road maintenance crew worked on cattle guard cleaning, sidewalk repair and repaired the right of way fences this quarter where the animals were entering the right of way at the cattle guard locations fences where down and had become dangerous to the traveling public.



N15-Washout before



N15-Washout repair after



N31-Flooding before



N31-Flooding cleanup after



N12-Pothole patch before



N12-Pothole patch during



N12-Pothole patch after



N12-Pothole Patch



N153-Washout Grading



N9406-Roadway Blading



N60-Cattle Guard Cleanout during and after.



## **EASTERN NAVAJO AGENCY**

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

BRES staff provided training on the Right-of-Way process for Nageezi and Crownpoint Chapter staff which included guidance on regulations and requirements. Staff provided an overview of 25 CFR 169, outlined required documentation and obtaining consent. The chapter staff wanted more information on how ROW is processed for potential APRA funded projects. The training allows the chapters to participate in the process of obtaining a right-of-way.

BRES staff worked on two church leases in Whitehorse Lake and Littlewater Chapters. BRES staff attended a residential lease outreach meeting that was held at Church Rock Chapter. BRES staff are addressing the N57 road right-of-way situation at ToHajiilee Chapter with Navajo Department of Transportation and a road right-of-way in Whitehorse Lake Chapter. These meetings were to provide technical assistance on community issues.

BRES provided training to two (2) companies on consent gathering for right-of-way projects and reviewed two (2) right-of-way applications; however, both applications were returned for corrections. One right-of-way project is for a pipeline and other is for a community water project. BRES participated in two (2) public outreach meetings with the Navajo Land Department to provide information on the residential leasing for allotted lands. BRES also participated in the Federal Indian Minerals Office outreach meeting in Farmington, New Mexico to assist clients with rights-of-way and leasing information.

BRES participated in two outreaches on Leasing. On July 13, 2023, staff provided a presentation to the community of Pinedale Chapter with 40 people on the Residential Lease process. The presentation included an outline of the 25 CFR 162, procedural process, and timelines. Staff also went to the Eastern Navajo Agency Fair outreach at the invite of the Navajo Land Department. Staff met with interested participants and provided a Question & Answer type assistance. BRES had around 35 people attending the informational meeting.

BRES participated in a meeting with the Public Service Company of New Mexico, regarding PNM-FW right-of-way project. Staff reviewed the project file and outlined the discrepancies found within the submitted data and noted how to correct. Information was also communicated on Gap Payment as the ROW had already expired. The applicant was advised that when two ROW applications are submitted separately on different dates, the approval and expiration dates will be different as opposed to submitting all information at one time.

BRES attended a project meeting with Navajo Division of Transportation, BIA Transportation, and Pinedale Chapter regarding Navajo Route N7054, Second Canyon Road. The discussion reviewed on a solution with the applicant about Indian Allotment Nos. 2073 and 242519, which do not have an approved easement. The road is in the process of being constructed where easement had been issued. Applicant was informed that consents for the two allotments, a right-

of-way application, and survey plats would be required to obtain a right-of-way on the allotment.

BRES worked with Sundance Consultants and NN Fish & Wildlife to coordinate and collaborate on Biological Resource Compliance Forms (BRCF) for three (3) fee-to-trust applications. Staff has been coordinating with the Navajo Region Environmental Office to finish the review of three (3) Environmental Site Assessments (ESA) Phase for finalization with Sundance Consultants. A request was made to have the ESA Phase I memo updated from the one that was issued to ENA in May 2023. Three (3) draft applications were submitted to the Superintendent's office for second review.

BRES also coordinated key meetings: 1) New Mexico State Parks regarding the allotment parcels located in Manuelito Chapter which were sold to the state of New Mexico; 2) BRES is setting up a meeting with participating parties on the ToHajiilee School Lease for the new BIE school being proposed; and 3) A presentation/meeting with Crownpoint Chapter regarding the fee-to-trust process has been scheduled. The Crownpoint Chapter intends to develop 25 acres of fee land for housing and get the tract into trust status.

BRES attended a project meeting with the consultants of Rock Springs Solar, LLC regarding the WEEL process on a proposed Solar Project to be located within Tsayatoh Chapter. Staff provided an overview of the procedural process including information on the Wind and Solar Renewable Resource lease requirement in 25 Code of Federal Regulations (CFR) Part 162.453 and the responsibilities of the parties. Staff also provided technical guidance on landowner consent, proposal, obtaining Title Status Report, and environment compliance.

BRES attended a site assessment meeting with the Eastern Navajo Agency District 19 Land Board, Branch of Natural Resources, Navajo Nation Agricultural Department and Permittees on Navajo Tribal Trust lands at Nageezi Chapter. Lessee has been attempting to gain access to his leased area in an allotment but unable to as a Permittee is denying access. BRES provided three possible options to gain access to the site. Staff proceeded to conduct a field investigation with the Lessee and Grazing Permittee(s).

BRES staff attended a meeting with the ToHajiilee Community School Board (TCSB), ToHajiilee Chapter officials, and a representative from the Division of Facilities Management & Construction (DFMC) regarding the proposed construction of the new ToHajiilee Community School K-12. BRES Staff provided guidance by providing an overview of the federal regulation, requirements, and the procedural process in implementing a new business lease on trust land. It was noted that the TCSB will be the Lessee. DFMC will maintain and construct the new facilities. Further discussion is needed to determine if DFMC is going to construct federal facilities on trust land and if the TCSB is authorized to enter a long-term business lease.

BRES worked on an issue where allottees in the Manuelito canyon area that sold portions of their allotments west of Gallup, New Mexico for a National Monument. The Monument was



never established and now the heirs to the allotments are requesting the return of allotments previously sold. BRES is working with the New Mexico State Offices on resolving this issue.

BRES staff met with the Navajo Christian Church in Borrego Pass for a Mission Site Lease. In a follow-up meeting, staff notified the client that a residential lease cannot be utilized to establish a mission, because a mission site lease is required. The current approved residential lease would thereby be terminated as it is within the church survey. The client is working on consents, insurance, church by-laws and business license.

BRES staff provided a presentation to Farmington Indian Minerals Office (FIMO) staff on the services provided by the Eastern Navajo Agency. A PowerPoint presentation with a question-and-answer session was conducted that outlined the technical and procedural processes for rights-of-way, residential leases, and gift deed. In addition to oil and gas development questions, FIMO clients have had questions on Eastern Navajo Agency services. FIMO staff were advised on the points of contact and when to refer their clients to the office for further information and assistance.

**Eastern Navajo Agency Branch of Natural Resources (ENA BNR):**

During this quarter, ENA BNR accomplished numerous objectives and goals in support of range management decisions for the best interest of the landowners, making it possible for them to receive benefits from the use of their land and natural resources and are managed properly.

ENA BNR staff continues to inform permittees on the BIA Eastern Navajo Agency Final Livestock Grazing Environmental Assessment and Findings of No Significant Impact and grazing permit requirements through postal service, telephone, office visits, and/or email. The Superintendent approved 4 grazing permits and 8 conservation plans. ENA BNR staff conducted 50 grazing permit compliance work involving record reviews and mailed compliance letters, outstanding invoices for past years and 2023 annual grazing rental payments for trust lands, approved 6 TAAMS range contracts to provide invoices for annual grazing fee payments, canceled 3 grazing permits due to non-use and deceased permittees and conducted one (1) range unit filed assessment for grazing permit transactions and/or range improvement projects. ENA BNR staff received 16 requests for grazing permit and have informed applicants and District Land Boards grazing permits are based on available forage and compliance with grazing permit regulations.

For the 2025 Grazing Permit Renewal Project for Land Management Districts 16, 19, and 20, staff are working with tribal representatives on the action plan and activities. On September 15, 2023, ENA BNR presented to the Eastern Agency Joint Land Board on the issues and concerns, such as non-compliance to maintain a grazing permit, unauthorized and trespass livestock related to individual grazing, and low carrying capacity range units. On June 13, 2023, ENA BNR presented on the grazing permit renewal and bonding requirement at the Nageezi Chapter House where 25 individuals attended; and on July 11, 2023, at the Huerfano Chapter House.

On September 21, 2023, the Navajo Escrow Account had a balance of about \$1,047,880.42, which reflects payments of the annual grazing rental and late fees for tribal lands, public domain (Bureau of Land Management [BLM]) lands, New Mexico State lands, Public Land Order 2198, and US Government lands. ENA BNR, with the assistance of an auditor, is reconciling the amount deposited with receipts on file and identifying amount collected for each land ownership. ENA BNR remains responsible to collect annual grazing rental for trust lands and government lands.

For the Alamo/ Canoncito Noxious Weed and Invasive Plant Inventory and Environmental Assessment Project, the contractor completed the final two Southwestern Willow Flycatcher surveys, as required by USFWS (i.e., only the areas surveyed in 2022 with suitable habitat and migrating Southwest Willow Flycatchers need to be resurveyed in 2023). Also, contractor identified areas that need to be avoided for ground disturbance or would require additional monitoring or surveying (cultural and bird habitat buffers) and areas that could be treated via cut stump vs aerial based on 80% coverage, access, and around the stock tanks.

On July 31, 2023, ENA BNR staff attended mobilization meeting with the Navajo Nation and Bureau of Land Management-Farmington Field Office on the Equine Rescue Operation for the Nageezi Chapter using the entrapment method. The Navajo Nation Horse Management Program took the lead in planning and on-the-ground operations. The BLM provided the water and water troughs, ENA BNR provided panels and stock trailer, and the Navajo Nation also provided panels and stock trailers. The Nageezi Chapter Land Board provided the chapter resolution and crew. Several members of the crew conducted a scouting trip to the location and planned in how to proceed on August 2, 2023.

On July 2, 2023, ENA BNR staff attended Joint Land Board work session at Nageezi Chapter House to discuss and address feral horses. There is a need to provide information for President Nygren to approve Executive Order and to request assistance from Government entities. Branded horses can only be impounded for certain amount of time and unbranded horses on tribal trust lands are the property of Navajo Nation. There are no wild horses on Navajo Nation, only feral horses. In a 2018 aerial survey, feral horse population growth was estimated at 38 % a year and population at approximately 100,000 feral horses.

The ENA BNR staff participated in the District Land Board meetings. On June 12, 2023, District 20 Land Board meeting at Crownpoint Chapter agenda included Becenti Range Unit (RU) 3, request for name addition; Becenti RU34 transfer of grazing permit; Sand Springs RU7, canceled grazing permit, applicant need to provide Certificate of Death and compliance documents, BNR will do field assessment to determine available forage; Littlewater RU41, Land Board sent certified letter to Permittee to attend meeting, canceled grazing permit, and fence individual Indian Allotment land within 60 days.

District 16 Land Board held a special meeting regarding Pinedale Range Unit 11 on non-permittees trespassing and are doing range improvement; permittee request to remove livestock

from the unit. Possible solution to combine with adjacent units and add name. The Board held a mediation meeting on Red Rock RU27, request to reinstate canceled permit in 2009 for nonpayment. During the 2015 renewal Mr. Lee C. Jim applied for this permit and provided all the compliance documents to have the permit. Ms. Tom appealed to Joint Land Board and was denied the request for noncompliance. Wingate RU1, individual requested to add a name back, but was informed again that there is not enough carrying capacity to add name. In 2018, requester was given 3 options to acquire a grazing permit for different areas near the Wingate Army Depot and Wingate High School, but never pursued them. The Board discussed the 2025 Grazing Permit Renewal; they want to be involved throughout the process and request a presentation on the range inventory.

On June 16, 2023, ENA BNR staff attended Eastern Agency Joint Land Board meeting at Whiterock Chapter House. BNR presented on the Bonding Requirement. Navajo Nation Department of Agriculture presented on Pasture Range Forage insurance. The Chairperson made assignment to each District to discuss the Bonding Requirements at their next District meeting and provide their decision. Navajo Nation advised they will pick up the Bonding for the first two years using their funds.

On July 12, 2023, ENA BNR staff attended the District 19 Land Board meeting at Counselor Chapter, agenda included Gallegos RU18, update, ENA BNR to finalize conservation plan and applicants will complete grazing permit orientation; Huerfano RU13, update, ENA BNR need to confirm that range unit is completely fenced; Update on right of way or residential lease on Indian Allotment 211476, Nageezi Land Board is assisting applicant and informed that ROW is approximately 150 yards; BLM permittee does not want to agree to provide access through BLM unit; Blanco RU1, add name, replace Nageezi Land Board representative with another District Land Board due to conflict of interest. On August 3, 2023, ENA BNR attended District 19 Land Board field visit on a right-of-way for lessee, Santana Chavez. BLM realty, BIA realty and BIA Natural Resources staff were present. The Board advised the family to work with BIA Real Estate Services on three options: 1) Obtain signatures from allottees to access allotments to residential lease; 2) Access through Navajo Trust then BLM land and onto residential lease site; and 3) Change location of residential lease to allotment with ingress/egress.

ENA BNR staff attended District 20 Land Board meeting, agenda included, Becenti RU3, livestock inventory conducted on July 2, 2023, three permittees, two permittees passed in 2023, the remaining Permittee is out of compliance he only provided the 2017 livestock inventory receipt and permittee needs to comply, permittee responsibility agreement was signed by all permittees that addresses annual livestock inventory receipts; Becenti RU34, transfer grazing permit, non-attendance; Sand Springs RU6, transfer permit to applicant in 2025 dependent on submission of all compliance documents; Star Lake RU7, approve grazing permit transfer.

ENA BNR staff worked on a Request for Grazing Permittee Names for the proposed Healthcare Center Facilities in Pueblo Pintado. On July 10, 2023, ENA BNR assisted the Navajo Nation

Department of Water Resources with land status verification, location of livestock ponds, and status of grazing permits for permittees requesting assistance.

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

BPES staff submitted thirty cases and have accepted by the Office of Hearings and Appeals (OHA), comprising of approximately \$1,064,287.92 in Individual Indian Monies accounts, 559 allotments, and 216 probable heirs. BPES staff have completed the disbursement in and closeout of 46 cases. Staff have also assisted approximately 806 clients in the office, in the field (home visits), in one-on-one sessions with the Federal Indian Minerals Office (FIMO), on the phone, and through email. Staff keep Indian allotment interest holders informed so they have a better understanding of what they have holdings in and what it means to them. The outreach activities are conducted in the Navajo language, and it helps to set the stage for estate planning. These activities greatly benefit the Navajo Nation regarding land use planning because it makes it easier to obtain consent for infrastructure and commercial projects that involve Indian allotments.

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

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

The Eastern Navajo Agency Branch of Transportation (ENA BOT) road maintenance crew completed core routine BOT maintenance activities on various routes within the Eastern Navajo Agency which included: 1. Blading, 2. Fence repair, 3. Sign replacement, 4. Pipe installation, 5. Removal of cattle guard, 6. Erosion Control, 7. Mowing, and 8. Pothole patching.

BOT installed several new signs and repaired ROW fence at numerous locations on various routes within Eastern Navajo Agency. The General Equipment Operators bladed most of the earth roads within the ENA with the partnership of the Navajo Division of Transportation (NDOT) during the monsoon season and completed several washouts caused by the severe rainstorms. This delayed some blading operations on various earth roads, but the crew managed to blade the earth roads for the residents. The drainage ditches were cleaned out and reshaped to prevent any water ponding on the roadway and for better drainage along our paved roadways. Several paved roads were overtopped during the severe rainstorms causing the debris and silt onto our roads making it treacherous and unsafe. Our crew is still removing silt off our roadways especially in Manuelito area.

The BOT staff attended several chapter roads meetings such as the Nageezi Chapter, Manuelito Chapter and Baca/Prewitt Chapter. Most of these meetings involved key personnel such as the council delegates, chapter officials, NDOT, BIA, County and State representatives regarding

roads, earth, gravel and paved. The meetings consisted of how some of these routes can be improved or well maintained for the local communities and the travel public during inclement weather conditions. Funding was a major topic since NDOT had insufficient funds to construct the new roadway but for a short-term fix was proposed such as replacing damage pipes, repairing low spots, plating with gravel, etc. These activities support safe and reliable roads for the public, emergency vehicles, school buses, and commerce.

Other activities performed during this period consist of road assessments, shop building maintenance, preventative equipment service & maintenance, and general operations (daily reports, vehicle & equipment reports, online trainings, safety meetings) etc.

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 must coordinate and address 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. This ensures safer travel for the public and emergency vehicles.

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

### **September 2023**

09/06/23- a Dear Tribal letter from the Director, Office of Management and Budget inviting you to a Tribal consultation to provide input to inform the formulation of the President’s FY 2025 Budget.

09/08/23- a Dear Tribal leader letter from the White House Council on Environmental Quality and Office of Science and Technology Policy regarding the National Strategy for a Sustainable Ocean Economy and hosting Tribal consultation on October 3, 2023, from 2:00 p.m. – 3:30 p.m.

09/08/23- The Department of the Interior, Bison Working Group invites you to consult on the development of a Bison Shared Stewardship Strategy toward the establishment of new, large, and wild bison herds.

09/08/23- The Department of the Interior is announcing today \$5 million from President Biden’s Investing in America agenda to support the restoration of bison populations and grassland ecosystems in Tribal communities.

09/27/23- a letter from the Bureau of Indian Education (BIE) Director regarding the BIE developing a five-year Strategic Direction.

09/29/23- a letter from the Assistant Secretary – Indian Affairs regarding an extension made from July 20, 2023, to October 20, 2023. For more information on the Tribal data priorities, see enclosure for more details.

### **August 2023**

08/21/23- a Dear Tribal leader letter from the Director, Bureau of Indian Affairs, regarding the government-to-government (G2G) consultation regarding Tribal Land acquisition funded through the Land and Water Consultation Fund (LWCF).

08/28/23- a Dear Tribal leader letter from the Executive Director, White House Council Native American Affairs (WHCNAA), on releasing a draft 10-year National Plan on Native Language Revitalization —and your input is needed.

Note: Due to the content size, the “BIA, Native Language Revitalization” is available upon request.

## **Appendix A – DTLL Cont.**

### **July 2023**

07/10/23- Dear Tribal Leader letter from the Secretary of Interior on the Not Invisible Act of 2019, which 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 murdered people and human trafficking.

07/10/23- Dear Tribal Leader from the Deputy Director, Office of Surface Mining Reclamation and Enforcement (OSMRE) inviting the Navajo Nation on the review of a planned rulemaking related emergency preparedness for impounding structures (dam safety)

07/10/23 - a letter from the Assistant Secretary – Administration for Children and Families, Assistant Secretary – Indian Affairs, (AS-IA) and Deputy Assistant Attorney General, Environment and Natural Resources Division, on partnering on a nation-to-nation basis with Tribes to ensure the wellbeing of Tribal children and preservation of Tribal families.

07/28/23- Dear Tribal Leader letter regarding the White House Council on Native American Affairs, regarding Tribal consultation on further efforts the Federal government could take to protect Tribal treaty rights, reserved rights, and similar rights.

07/31/23- is a Dear Tribal leader letter from the Assistant Secretary – Indian Affairs, regarding the Tribal Climate Resilience announcing the 2023 Annual Awards Program request for proposals solicitation, open to Federally recognized Tribes and Tribal organizations as defined in 25 U.S.C. 5304(1) (other entities may participate as sub-grantees).



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

July 10, 2023

Electronic Transmission

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

Dear President Nygren:

Enclosed is a letter from the Secretary of Interior on the Not Invisible Act of 2019, which 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 murdered people and human trafficking.

Please see the enclosure for more details on the next Commission's virtual hearings, on August 2 and 3, 2025. Written testimonies, recommendations, or questions are also welcomed at [NIAC@ios.doi.gov](mailto:NIAC@ios.doi.gov) by August 10, 2023.

Sincerely,

ANGELA  
ARVISO

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ANGELA ARVISO  
Date: 2023.07.10  
12:05:02 -06'00'

Angela M. Arviso  
Acting 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





THE SECRETARY OF THE INTERIOR  
WASHINGTON

JUN 30 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 is holding its final hearings virtually to solicit public testimony to shape its final report recommendations on 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 Commission's virtual hearings, which are closed to the press. Details are below.

DATE	TIME	REGISTRATION LINK
August 2, 2023	10 a.m.–10 p.m. ET	<a href="https://cbuilding.zoom.us/webinar/register/WN_B_hI4AFhT6mSD-QCpcwM-w">https://cbuilding.zoom.us/webinar/register/WN_B_hI4AFhT6mSD-QCpcwM-w</a>
August 3, 2023	10 a.m.–10 p.m. ET	<a href="https://cbuilding.zoom.us/webinar/register/WN_z28EkJfHQxG5iC-nDR7_BA">https://cbuilding.zoom.us/webinar/register/WN_z28EkJfHQxG5iC-nDR7_BA</a>

**Registration and Hearing Information:**

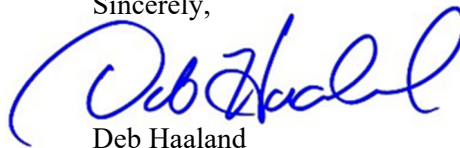
Commission members will lead the public hearing to address topics specified under the act. Trauma-informed support will be available online with optional follow-up support, as needed. The Commission's facilitation team will be present to document all oral testimony. Please note that any information provided during the hearings—including oral testimony and written comments—is considered public record, so please protect nonpublic or sensitive information accordingly. Register using the above links for the day you plan to attend. The links include the option to select and register for a preferred 4-hour time block during which testimony may be taken. You will receive confirmation of your time block no later than August 1, 2023.

**Written Testimony and Questions:**

Submit written testimony, recommendations, or questions to the Commission at: [NIAC@ios.doi.gov](mailto:NIAC@ios.doi.gov). Include the following in the subject line: "NIAC Testimony" or "NIAC Question." **The final deadline for all interested parties to submit written testimony is August 10, 2023.**

Thank you in advance for supporting the Commission's work to address the MMIP and HT crises. 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

July 10, 2023

Electronic Transmission

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

Dear President Nygren:

Enclosed is a letter from the Deputy Director, Office of Surface Mining Reclamation and Enforcement (OSMRE) inviting the Navajo Nation on the review of a planned rulemaking related emergency preparedness for impounding structures (dam safety).

Please see the enclosure for more information and any further questions, please contact OSMRE's Tribal Liaison Officer, Christine Allen, at (202) 208-2982 or email at [ceallen@osmre.gov](mailto:ceallen@osmre.gov).

Sincerely,

**ANGELA**  
**ARVISO**  
Digitally signed by  
ANGELA ARVISO  
Date: 2023.07.10  
12:07:06 -06'00'

Angela M. Arviso  
Acting 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.  
Mr. Mike Halona, Division of Natural Resources, Navajo Nation.

# United States Department of the Interior



OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
Washington, D.C. 20240



Dear Tribal Leader:

The United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE), invites your Tribe to participate in the review of a planned rulemaking related to emergency preparedness for impounding structures (dam safety). The purpose of this invitation is for the Tribe to be given an opportunity to provide any comments it may have on the planned rulemaking and for OSMRE to fulfill the tribal consultation requirements of Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), as well as its obligations associated with the National Historic Preservation Act (NHPA), the National Environmental Policy Act, and the Department of the Interior's Tribal Consultation Policy (512 Departmental Manual (DM) 4, dated November 30, 2022).

If your Tribe has an approved Abandoned Mine Land Reclamation program, or is in the process of developing a regulatory program, under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), you may have been previously notified of this planned rulemaking during regular meetings between your Tribe and OSMRE. OSMRE is interested in receiving comments on the planned rulemaking from all tribes that have current or ancestral lands in areas with mineable coal or have reason to believe that this rulemaking may have a substantial direct effect on a tribe.<sup>1</sup> We also request your assistance in identifying traditional areas of cultural or religious importance to your Tribe that may be affected by the planned rulemaking.

In the planned rulemaking, OSMRE intends to strengthen the SMCRA dam safety program by including appropriate elements from the *Federal Guidelines for Dam Safety* issued by the Federal Emergency Management Agency. The planned rule is intended to minimize adverse effects from dam safety incidents at sites regulated by OSMRE under SMCRA or by States under state law counterparts to SMCRA. To facilitate a consistent understanding, OSMRE also plans to propose a new classification system that defines low, significant, and high hazard impoundments at SMCRA sites. For all significant and high hazard impoundments, OSMRE is planning to require an operator or permittee to develop an emergency action plan *before* placing the impoundment into use on a SMCRA site. Under our existing regulations, emergency procedures are required to be developed *after* an incident is discovered. We are also considering

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<sup>1</sup> 512 DM 4.3(B).

requiring operators and permittees of significant or high hazard impoundment on a SMCRA site to conduct tests of their emergency procedures and develop an after-action report outlining the details of the tests and/or activation of an emergency action plan.

The planned rule is intended to apply to all SMCRA-related dams on “lands within any State,” “Federal lands,” or “Indian lands,” as those terms are defined in 30 U.S.C. § 1291, whether or not the State or Tribe has SMCRA primacy status. In addition to new permit applicants, OSMRE is considering requiring operators and permittees of existing significant or high hazard impoundments to comply with the planned rule on a phased-in basis. In addition, OSMRE is considering subjecting new permits, as appropriate, to other legal requirements, including section 106 of the NHPA or equivalent State cultural review processes for primacy States and consultation with Indian tribes. The planned rule may apply to permitted temporary impoundments, as well as permanent impoundments, until final bond release. OSMRE’s plan is that any impoundment that is approved to remain after bond release would then revert to coverage under the applicable current State statute, or similar provisions, for dam safety at the time of final bond release.

Please provide any comments or requests for consultation electronically to [ceallen@osmre.gov](mailto:ceallen@osmre.gov) or via paper copy by July 30, 2023. Paper copies should be submitted to:

U.S. Department of the Interior  
Office of Surface Mining Reclamation and Enforcement  
1849 C Street NW, Mail Stop 4559, Main Interior Building  
Washington, D.C. 20240  
Attention: Division of Regulatory Support

Please be assured that confidential or culturally sensitive tribal information will be kept confidential to the extent permitted by Federal law; however, please mark any confidential or culturally sensitive tribal information as such.

If you need any further information or have questions, please feel free to contact OSMRE’s Tribal Liaison Officer, Christine Allen, at (202) 208-2982 or [ceallen@osmre.gov](mailto:ceallen@osmre.gov).

Sincerely,

Glenda H. Owens, Deputy Director



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

July 10, 2023

Electronic Transmission

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

Dear President Nygren:

Enclosed is a letter from the Assistant Secretary – Administration for Children and Families, Assistant Secretary – Indian Affairs, (AS-IA) and Deputy Assistant Attorney General, Environment and Natural Resources Division, on partnering on a nation-to-nation basis with Tribes to ensure the wellbeing of Tribal children and preservation of Tribal families. In response to requests by Tribal leaders for updates on our collective efforts, an invitation to provide input on the Indian Child Welfare Act, tribal consultations will be held on August 7, 2023, and August 11, 2023.

Please see the enclosed for more information. Any further questions, please contact Meghan Bishop, Policy Specialist to AS-IA, via email at [meghan\\_bishop@bia.gov](mailto:meghan_bishop@bia.gov) or 202-208-7163.

Sincerely,

ANGELA  
ARVISO

Digitally signed by  
ANGELA ARVISO  
Date: 2023.07.10  
12:09:01 -06'00'

Angela M. Arviso  
Acting 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.



Dear Tribal Leader:

The Department of the Interior (DOI), Department of Health and Human Services (HHS), and the Department of Justice (DOJ) are committed to partnering on a nation-to-nation basis with Tribes to ensure the wellbeing of Tribal children and preservation of Tribal families. In response to requests by Tribal leaders for updates on our collective efforts, we invite you to provide input on the Indian Child Welfare Act and what steps the agencies can take to promote federal protections for Indian children and their parents and caregivers.

The DOJ, DOI, and HHS recognize the importance of the Indian Child Welfare Act (ICWA), 25 U.S.C. 1901 et seq, in preventing the unwarranted removal of Indian children from their homes and keeping tribal children connected to their families, communities, and cultures. The DOI Bureau of Indian Affairs (BIA) is working to promote the consistent application of ICWA and protect Indian children, families, and Tribes.

The HHS Administration for Children and Families (ACF), through the Children's Bureau (CB), oversees the implementation and improvement of federal child welfare programs authorized by titles IV-B and IV-E of the Social Security Act and the Child Abuse Prevention and Treatment Act. In carrying out these responsibilities, CB provides funding and capacity building services to Tribal and state child welfare agencies, as well as to state and tribal courts to strengthen and improve legal and judicial administration of child welfare proceedings.

The DOJ defends agency actions in furtherance of tribal interests and the constitutionality of federal statutes like ICWA.

The DOI, HHS, and DOJ will conduct two Tribal consultations as listed below and will accept oral and written comments. Additional consultations will be scheduled at a later date.

We are seeking input on the following:

- What additional supports would Tribal leaders find helpful to build their Tribe's capacity to exercise their rights and responsibilities under ICWA?
- Are there specific supports you believe the Federal government could provide to help state courts and child welfare agencies meet their obligations under ICWA? In your experience, are there specific aspects or requirements of ICWA where state courts and agencies need to build greater understanding or capacity?
- Are there existing State-Tribe collaborative partnerships or processes that you believe have helped support effective implementation of ICWA?



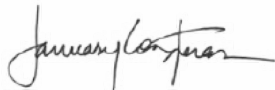
Please note that the Tribal consultation will be closed to the press and the public to protect confidential information that may be discussed during the sessions. We look forward to speaking with you at one or more of the following sessions:

Date	Time	Location	Notes - Connectivity
Monday, August 7, 2023	3:00 – 5:00 pm (Eastern)	Virtual	Register here: <a href="https://tinyurl.com/m7edabdc">https://tinyurl.com/m7edabdc</a>
Friday, August 11, 2023	3:00 – 5:00 pm (Alaska)	HHS Region 10 Consultation Southcentral Foundation Nuka Learning Center 4085 Tudor Centre Drive  Anchorage, Alaska (hybrid)	Register here: <a href="https://tinyurl.com/mryjee8w">https://tinyurl.com/mryjee8w</a>

We also welcome your written comments, which should be submitted by email to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59pm ET on **Friday, September 15, 2023**.

If you have any questions regarding this effort, please contact Meghan Bishop, Policy Specialist to the Assistant Secretary — Indian Affairs, via email at [meghan.bishop@bia.gov](mailto:meghan.bishop@bia.gov) or 202-208-7163. We look forward to receiving your input on this matter.

Sincerely,



January Contreras  
Assistant Secretary – Administration for Children and Families



Bryan Newland  
Assistant Secretary — Indian Affairs



Gina Allery  
Deputy Assistant Attorney General – Environment and Natural Resources Division



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

July 28, 2023

ELECTRONICALLY TRANSMITTED

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

Dear President Nygren:

Enclosed is a letter from the Executive Director, White House Council on Native American Affairs, regarding Tribal consultation on further efforts the Federal government could take to protect Tribal treaty rights, reserved rights, and similar rights.

Please review the enclosure on the Tribal consultation scheduled on Thursday, August 24, 2023.

Sincerely,

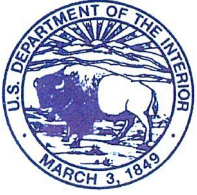
**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.07.28  
14:09:21 -06'00'

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  
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

July 24, 2023

Dear Tribal Leader,

The White House Council on Native American Affairs (WHCNAA) seeks your guidance and recommendations through Tribal consultation on further efforts the Federal government could take to protect Tribal treaty rights, reserved rights, and similar rights. The Tribal consultation will be held on Thursday, August 24, 2023. You can register [here](#).

The Biden-Harris Administration formed a Climate Change, Tribal Homelands, and Treaties Committee within the WHCNAA. The committee is comprised of over a dozen federal departments and agencies. Part of the committee's work is to promote the protection, awareness, and understanding of Tribal treaty rights across the federal government. So far, this work has included:

- the heads of 17 federal departments and agencies signing the [Memorandum of Understanding \(MOU\) Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights](#) (announced Nov. 2021);
- developing the [Tribal Treaty Database](#) -- a dynamic, searchable public tool to assist in the research of tribal treaties that is currently in its public beta version with new additions being added (announced Nov. 2021);
- conducting a speaker series with federal Indian law experts open to all federal staff regarding Tribal treaty rights (hundreds of federal employees attended four separate sessions throughout 2022);
- issuing three guidance documents to federal staff on Tribal treaty rights:
  1. [Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making](#);
  2. [Guidance for Federal Regional and Field Staff](#);
  3. Tribal Treaty Rights Consultation Best Practices [Flow Chart Poster](#) (announced Nov. 2022);
- creating a training for Federal employees based on the Best Practices Guidance documents (in development).

Tribal leaders have expressed support for these efforts, but they have also raised the importance of taking every opportunity to work with federal agencies to do more to protect Tribal treaty rights, reserved rights, and similar rights.

Relatedly, Tribal leaders have also expressed support for building on the commitments made in the [Sacred Sites MOU](#) signed by eight federal agencies (announced Nov. 2021), [the Tribal Homelands](#)

[Joint Secretarial Order 3403](#) signed by three federal agencies (Nov. 2022), and the [Indigenous Knowledge Guidance for Federal Agencies](#) (announced Nov. 2022).

In order for the WHCNAA to move forward in the most responsive way to Tribal leader recommendations, the WHCNAA is conducting a Tribal leader consultation and seeks your guidance on the attached framing questions. Written responses to the questions can be submitted to the WHCNAA email at [whcnaa@bia.gov](mailto:whcnaa@bia.gov) until September 21, 2023. Details of the consultation are as follows:

- Date: Thursday, 24 August
- Time: 1:00pm – 4:00pm EST
- Location: virtual, please register using this [link](#).

The WHCNAA leadership thanks you for your service to your Tribal Nation and for your recommendations on the policy priorities of the WHCNAA.

Sincerely,



---

Anthony Morgan Rodman  
Executive Director  
White House Council on Native American Affairs

Framing Questions for Tribal Consultation on WHCNA's Efforts on Tribal Treaty Rights, Similar Rights and Reserved Rights

1. In addition to the actions already taken by the WHCNA, what actions would you like to see the Administration take to improve the treatment of treaty, reserved, and other similar rights in federal agency decision making?
2. What recommendations do you have on further improving federal engagement with tribes on tribal treaty, reserved, and other similar rights?
3. What recommendations do you have for specific federal reforms that could promote further respect and protection for Tribal treaty, reserved, and other similar rights?
4. What recommendations do you have on further promoting the federal protections of Sacred Sites, Indigenous Knowledge in federal agency decision-making, and co-stewardship with Tribes on federal lands?
5. Recently and over the past several years, some Tribes have presented the idea of a bolder executive action on the protection of treaty rights, reserved rights, and other similar rights in federal agency decision making. What specific requirements and/or processes regarding the treatment of treaty rights, reserved right, and other similar rights would you recommend be included in such an action? Please be specific.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

July 28, 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 Tribal Climate Resilience announcing the 2023 Annual Awards Program request for proposals solicitation, open to Federally recognized Tribes and Tribal organizations as defined in 25 U.S.C. 5304(1) (other entities may participate as sub-grantees).

Please review the enclosures for more information on the proposal guidelines. If you have any questions, please contact Ms. Jeanette Quintero, Indian Self-Determination Officer, via email at [Jeanette.Quintero@bia.gov](mailto:Jeanette.Quintero@bia.gov).

Sincerely,

**ANGELA**  
**ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2023.08.01  
10:39:10 -06'00'

For Gregory C. Mehojah  
Regional Director

Enclosures

cc: Ms. Richelle Montoya, Madam Vice President, OPVP, Navajo Nation  
Mr. Patrick Sandoval, 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. Cordell Shortey, Office of Management and Budget, Navajo Nation  
Ms. Jeanette Quintero, BIA, Indian Self-Determination Office



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**JUL 19 2023**

Dear Tribal Leader:

The Bureau of Indian Affairs (BIA) Branch of Tribal Climate Resilience (TCR) is pleased to announce the 2023 Annual Awards Program request for proposals (RFP) solicitation, open to Federally recognized Tribes and Tribal organizations as defined in 25 U.S.C. 5304(l) (other entities may participate as sub-grantees). The solicitation is available on the TCR website via the Annual Awards Program page at <https://www.bia.gov/service/tcr-annual-awards-program>.

Proposals should be submitted via the website linked on the Annual Awards Program site page, using the same link as above. Near to the time that the application portal opens, TCR will provide instructions on how to apply, which will also be available on the same site page. Awards made in this funding cycle will be awarded as P.L. 93-638 contracts and Office of Self-Governance (OSG) compacts. Because funding is limited, there is a limit of two planning awards and one implementation and/or construction award per funding Category per Tribe – this includes Habitat Restoration and Adaptation set-aside funding. Recipients of the first-time set-aside funding may not receive more than one additional planning award. Recipients of any set-aside are limited to one award in that set-aside to promote equity across all awards and spread the benefits across Tribes. See the solicitation for more information on funding Categories and funding limitations.

## **CATEGORIES OF AVAILABLE FUNDING:**

There are two Categories of available funding, as well as set aside funds, listed below.

**Category 1: Planning** (maximum: \$250,000)

**Category 2: Implementation** (maximum: \$4,000,000)

## **Set Asides:**

- **First Time Applicants** (maximum: \$250,000) *does not include funding for implementation activities*
- **Habitat Restoration and Adaptation** (no maximum) *if there are multiple competitive proposals then individual amounts may be reduced to fund all selected*
- **Relocation, Managed Retreat, or Protect-in-Place Coordinator** (maximum: \$150,000 per year for up to three years)

An informational webinar on the funding opportunity will be announced on the Annual Awards Program site page linked above. The webinar will be hosted by the Institute for Tribal Environmental Professionals (ITEP) Tribes and Climate Change Program. The webinar will be recorded and archived on the Institute for Tribal Environmental Professionals (ITEP) website here: [http://www7.nau.edu/itep/main/tcc/Training/Webinars\\_Schedule](http://www7.nau.edu/itep/main/tcc/Training/Webinars_Schedule). Following the webinar, TCR will update the slides with new questions asked and made available on the same site page.

The BIA Regional Tribal Climate Resilience Coordinators are a great help for questions about the solicitation and may be able to provide helpful suggestions and feedback early in the application development process. Other regional resources are located at the Department of the Interior's Regional (8 Regions) Climate Adaptation Science Centers: the Tribal Climate Resilience Liaison Network (non-federal partner positions). Liaisons exist as a connection between the technical assistance needs of Tribes to the data, science, tools and expertise that is available for use during adaptation planning processes. The contact information for both the BIA Regional Tribal Climate Resilience Coordinators and the Liaisons can be found here: <https://www.bia.gov/service/climate-resource-directory>.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Newland".

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

August 21, 2023

Electronic Transmission

The Honorable Buu Nygren  
President, Navajo Nation  
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 government-to-government (G2G) consultation regarding Tribal Land acquisition funded through the Land and Water Consultation Fund (LWCF).

Refer to the enclosed for more information on the G2G and its registration in September. If you have any questions, Ms. Trina Locke, Acting Deputy Bureau Director, Trust Services can be reached at [trina.locke@bia.gov](mailto:trina.locke@bia.gov) or Lorna Babby, Division Chief, Trust Land Consolidation at [lorna.babby@bia.gov](mailto:lorna.babby@bia.gov).

Sincerely,

**GREGORY**  
**MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.08.21  
14:35:33 -06'00'

Gregory Mehojah  
Regional Director

Enclosure(s)

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

## **Proposed Criteria Tribal Consultation on Tribal LWCF Land Acquisition**

During Tribal listening sessions held in 2021 on Land and Water Conservation Fund (LWCF) opportunities, one of the top priorities Tribes identified was direct access to LWCF funding for conservation and recreation projects, without existing program requirements to partner with or apply through States. The Bureau of Indian Affairs (BIA) has accordingly requested \$12 million from the LWCF in Fiscal Year 2024 to support a new Tribal land acquisition program administered by the BIA. The BIA will develop a process and criteria for allocating LWCF funding in consultation with Tribes. To facilitate dialogue on this topic, BIA has compiled the following list of potential criteria.

### **Common criteria Specified under the Land and Water Conservation Fund Act<sup>1</sup>**

1. Significance of the acquisition;
2. Urgency of the acquisition;
3. Management efficiencies;
4. Management cost savings;
5. Geographic distribution;
6. Threats to the integrity of the land; and
7. Recreational value of the land.

### **Proposed additional BIA criteria for Tribal land acquisition<sup>2</sup>**

1. Strengthens Tribal sovereignty and self-determination
2. Facilitates Tribal climate resilience
3. Related to "nature-based solutions" to climate issues
4. Conserves and/or restores habitat or species
5. Conserves natural landscapes
6. Benefits water quality and/or quantity
7. Connects ecosystems
8. Protects cultural and/or historic resources and sites by restoring access to ancestral lands
9. Supports traditional uses (e.g., root gathering)
10. Enhances and improves recreational access and/or opportunities
11. Appraisal availability
12. Availability of willing seller
13. Addresses willing seller hardship/need to sell (financial or medical circumstances)
14. Cost-effectiveness
15. Operation & maintenance cost and savings
16. Local/community support
17. Outside contribution or assistance

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<sup>1</sup> P.L. 116-9, §3001, codified at 54 U.S.C. §200306(d). Congress amended the LWCF Act in 2019 to establish these seven common criteria for agencies to take into account in considering which lands to acquire with LWCF funding.

<sup>2</sup> The proposed BIA criteria for Tribal land acquisition are open for discussion and are not listed in any specific order of priority.





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

August 10, 2023

Dear Tribal Leader:

The Bureau of Indian Affairs (BIA) invites you to participate in formal Government-to-Government consultation regarding Tribal land acquisition funded through the Land and Water Consultation Fund (LWCF). The LWCF was established by Congress in 1965 to help preserve, develop, and ensure access to outdoor recreation resources. The Great American Outdoors Act of 2020, P.L. 116-152, authorized \$900 million annually in permanent funding for LWCF.

In Fiscal Year 2024, the BIA requested \$12 million in discretionary unobligated LWCF funds for the creation of a new Tribal LWCF land acquisition program. Congress currently allocates LWCF funding to the Bureau of Land Management (BLM), the National Park Service (NPS), the U.S. Fish & Wildlife Service (FWS), the U.S. Forest Service, and State and local governments. The BIA's Fiscal Year 2024 request supports acquisition of lands, waters, and interests therein for the purpose of protecting and conserving natural resource areas that may also be of cultural importance to Tribes and Alaska Natives or have recreational benefits for Tribal communities and Alaska Native Villages. The LWCF Tribal land acquisition program will thereby increase the amount of land for stewardship and other uses deemed beneficial by Tribes and Alaska Natives, consistent with purposes of the LWCF.

The BLM, NPS, and FWS currently use LWCF funding to support Federal land acquisition from willing sellers, and each agency has a defined project selection process and criteria. The BIA will develop its own process and criteria for allocating Tribal LWCF land acquisition funding in a manner which advances the BIA's mission and goals and maximizes opportunity to Tribes and Alaska Natives.


We are seeking your input as we develop a BIA-specific process and criteria which meet statutory LWCF requirements while facilitating Tribal land acquisition efforts to the greatest extent practicable. Please find enclosed a preliminary listing of potential Tribal LWCF land acquisition criteria for your consideration.

The Office of Trust Services, Division of Trust Lands Consolidation (TLC) will conduct three Tribal consultation sessions listed below 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.

Date	Time	Location	Registration Link
September 26, 2023	1:00 p.m. – 3:00 p.m. EST	Virtual	<a href="https://www.zoomgov.com/meeting/register/vJIsd-GrrzMpHJ7NEnLejGskPX3CuWgPgZ0">https://www.zoomgov.com/meeting/register/vJIsd-GrrzMpHJ7NEnLejGskPX3CuWgPgZ0</a>
September 27, 2023	1:00 p.m. – 3:00 p.m. EST	Virtual	<a href="https://www.zoomgov.com/meeting/register/vJIsdeGopzkjHHwwQY5Xkfv_y6CM1Vth1AI">https://www.zoomgov.com/meeting/register/vJIsdeGopzkjHHwwQY5Xkfv_y6CM1Vth1AI</a>
September 28, 2023	4:00 p.m. – 6:00 p.m. EST	Virtual	<a href="https://www.zoomgov.com/meeting/register/vJIsOuspzovHdLRxPnSCB4jbX2oWCgJ3bs">https://www.zoomgov.com/meeting/register/vJIsOuspzovHdLRxPnSCB4jbX2oWCgJ3bs</a>

We welcome your written comments, which should be submitted by email to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. Eastern Time on October 5, 2023. If you have any questions, please contact Trina Locke, Acting Deputy Bureau Director, Trust Services, at [trina.locke@bia.gov](mailto:trina.locke@bia.gov), or Lorna Babby, Division Chief, Trust Land Consolidation, at [lorna.babby@bia.gov](mailto:lorna.babby@bia.gov).

Sincerely,


 Digitally signed by Darryl  
LaCounte  
Date: 2023.08.10 13:57:12  
-06'00'

Darryl LaCounte  
Director, Bureau of Indian Affairs

Enclosure



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 28, 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 Executive Director, White House Council Native American Affairs (WHCNAA), on releasing a draft 10-year National Plan on Native Language Revitalization—and your input is needed. In September, the Education Committee will host a number of events to gather input from Tribal leaders and other Tribal experts. Please review the enclosure for more information on the virtual meetings, to be held in September 2023.

If you want to provide written input, please email your comments to [NativeLanguage@kauffmaninc.com](mailto:NativeLanguage@kauffmaninc.com) no later than September 29, 11:59 p.m. ET. If you have any questions regarding the tribal consultation, contact the WHCNAA via [whcnaa@bia.go](mailto:whcnaa@bia.go).

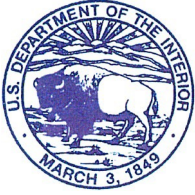
Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.08.29  
11:53:01 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosure (s)

cc: Ms. Richelle Montoya, Madam Vice President, OPVP, Navajo Nation  
Mr. Patrick Sandoval, 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

August 18, 2023

Dear Tribal Leader:

The federal inter-agency Education Committee of the White House Council on Native American Affairs (WHCNA) is releasing a draft 10-year National Plan on Native Language Revitalization (National Plan)—and your input is needed. In September, the Education Committee will host a number of events to gather input from Tribal leaders and other Tribal experts about:

- How can the federal government work with Tribes, Native Hawaiian Organizations, Tribal and non-profit organizations, states, schools, higher education institutions, and the private sector to raise national awareness about the importance of Native languages for Tribes and the country?
- What can the federal government do to create national awareness of the current crisis of Native language loss and establish a sense of urgency for immediate national action?
- How important to a National Plan is a formal policy recognition of the historic role that the federal government played in Native language erasure?
  - What should the content and nature of a formal policy recognition be?
  - How could a formal policy recognition help secure federal resources and support for Native language revitalization?
- How could the National Plan support the *integration* of Native language revitalization into mainstream society, e.g., school curriculum, immersive learning, early and adult education, federal and state policies, signage, etc.?
- How could the National Plan stimulate and facilitate access to financial support for Native language revitalization (including federal, state, and philanthropic funding)?

The National Plan will establish a long-term, all-of-government strategy that works with Tribal Nations and, as appropriate, nonprofit organizations, subject matter experts, and other entities for the revitalization, protection, preservation, and reclamation of Native languages. [Attached for your review and comment](#) is a summary of research that may inform the development of the National Plan.

Dates and registration information:

FOR:	DATES:	LOCATION and TIME:	TO JOIN WEBINAR:
Tribal Governments	Monday, September 18	Virtual 3–5 p.m. ET	<a href="https://www.zoomgov.com/meeting/register/vJIsfu-&lt;br/&gt;uqTguGFDPbHYYka03_7hNrtmOV58">https://www.zoomgov.com/meeting/register/ vJIsfu- uqTguGFDPbHYYka03_7hNrtmOV58</a>
Tribal Governments	Wednesday, September 20	Virtual 1–3 p.m. ET	<a href="https://www.zoomgov.com/meeting/register/vJIsdumupzIoH-&lt;br/&gt;H5UkOAUgUxh7yiUIYKg2g">https://www.zoomgov.com/meeting/register/ vJIsdumupzIoH- H5UkOAUgUxh7yiUIYKg2g</a>
Tribal Governments	Tuesday, September 26	Virtual 3–5 p.m. ET	<a href="https://www.zoomgov.com/meeting/register/vJIsd-&lt;br/&gt;CgqzIuHHilDdpme8q8MY_JRs_EMcc">https://www.zoomgov.com/meeting/register/ vJIsd- CgqzIuHHilDdpme8q8MY_JRs_EMcc</a>
Tribal Governments	Thursday, September 28	Virtual 2–4 p.m. ET	<a href="https://www.zoomgov.com/meeting/register/vJItfuiqpqDwuG5qtq9UKQ_slzY7lpcR4fa4">https://www.zoomgov.com/meeting/register/ vJItfuiqpqDwuG5qtq9UKQ_slzY7lpcR4fa4</a>

After registering, you will receive a confirmation email with instructions on how to join the meeting. If you want to provide written input, please email your comments to [NativeLanguage@kauffmaninc.com](mailto:NativeLanguage@kauffmaninc.com) no later than September 29, 11:59 p.m. ET.

If you have any questions regarding the tribal consultation, contact the WHCNAA via [whcnaa@bia.gov](mailto:whcnaa@bia.gov).

Sincerely,



---

Anthony Morgan Rodman  
Executive Director  
White House Council on Native American Affairs



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

August 28, 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 Executive Director, White House Council Native American Affairs (WHCNAA), on releasing a draft 10-year National Plan on Native Language Revitalization—and your input is needed. In September, the Education Committee will host a number of events to gather input from Tribal leaders and other Tribal experts. Please review the enclosure for more information on the virtual meetings, to be held in September 2023.

If you want to provide written input, please email your comments to [NativeLanguage@kauffmaninc.com](mailto:NativeLanguage@kauffmaninc.com) no later than September 29, 11:59 p.m. ET. If you have any questions regarding the tribal consultation, contact the WHCNAA via [whcnaa@bia.go](mailto:whcnaa@bia.go).

Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.08.29  
11:53:01 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosure (s)

cc: Ms. Richelle Montoya, Madam Vice President, OPVP, Navajo Nation  
Mr. Patrick Sandoval, 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

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 6, 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 Director, Office of Management and Budget inviting you to a Tribal consultation to provide input to inform the formulation of the President's FY 2025 Budget. The consultation will be held virtually, September 27, 2023.

Please review the enclosure for the registration information. Written comments are also welcomed to [tribalconsultation@omb.eop.gov](mailto:tribalconsultation@omb.eop.gov) by September 29, 2023.

Sincerely,

**GREGORY  
MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.09.06  
16:13:06 -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  
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation  
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

August 25, 2023

Dear Tribal Leaders,

On behalf of the Office of Management and Budget (OMB), I am writing to invite you to a Tribal consultation to provide input to inform the formulation of the President's FY 2025 Budget. This consultation will be held virtually on September 27, 2023, from 1:00 – 4:00 p.m. ET.

The purpose of this Tribal consultation is for you or your designees to share your views with OMB Leadership on the funding needs for services, programs and activities serving and benefitting Tribal governments, organizations and communities as part of the President's FY 2025 Budget process. As always, Tribal leader participation will be prioritized during this consultation.

**We encourage you to register as soon as possible this link:**

[https://pitc.zoomgov.com/webinar/register/WN\\_DOALcoESQwa7Y6SEpKHZpA](https://pitc.zoomgov.com/webinar/register/WN_DOALcoESQwa7Y6SEpKHZpA)

*\*Please note that Tribal consultations are not for press purposes.*

Once registered, you will receive a confirmation email with a unique participant link. In addition to this virtual consultation, OMB welcomes written comments. If you are unable to participate in the virtual session and would like to submit written comments and recommendations on the FY 2025 President's Budget, please submit comments by Friday, September 29, 2023. You can submit written comments via email at [tribalconsultation@omb.eop.gov](mailto:tribalconsultation@omb.eop.gov).

The Biden Administration remains committed to conducting regular, meaningful, and robust consultation with Tribal Nations as discussed in the January 26, 2021, Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships and the November 30, 2022, Presidential Memorandum on Uniform Standards for Tribal Consultation. We look forward to continuing to strengthen our relationship with Tribal Nations through this important Tribal consultation.

Sincerely,

Shalanda D. Young

Director, Office of Management and Budget





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 8, 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 White House Council on Environmental Quality and Office of Science and Technology Policy regarding the National Strategy for a Sustainable Ocean Economy and hosting Tribal consultation on October 3, 2023, from 2:00 p.m. – 3:30 p.m. to discuss the scope and content of the Strategy. Your input and feedback are welcomed. Written input is also welcomed by November 3, 2023.

Please review the enclosure for more information on the Tribal consultation session. If you have any questions, please contact Deerin Babb-Brott at [Deerin\\_S\\_Babb-Brott2@ostp.eop.gov](mailto:Deerin_S_Babb-Brott2@ostp.eop.gov).

Sincerely,

**GREGORY  
MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.09.08  
11:27:00 -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  
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation  
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation



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



September 03, 2023

Via Email

Dear Tribal Leader,

We write on behalf of the Ocean Policy Committee<sup>1</sup> (OPC) to invite you to a Tribal consultation on the development of the Federal government's National Strategy for a Sustainable Ocean Economy. The National Strategy will describe the goals and high-level actions for an equitable, secure, and sustainable ocean economy enabled by healthy, resilient ocean ecosystems. It will build on current Federal, Tribal, territorial, state, and regional sustainable ocean management practices and identify needs and opportunities to enhance these efforts.

The National Strategy for a Sustainable Ocean Economy will reflect the Biden-Harris Administration's commitment to advancing the science, knowledge, tools, and activities that support sustainable policies and management. Because the challenges are numerous and their scale is great, solving them will require a collaborative effort, with critical involvement from Tribal Nations.

For more information about the National Strategy for a Sustainable Ocean Economy, please see the Request for Information that was recently published, seeking public input for developing the goals and outcomes: <https://www.federalregister.gov/documents/2023/08/03/2023-15982/request-for-information-national-strategy-for-a-sustainable-ocean-economy>.

### **Tribal Consultation**

The OPC is interested in working with Tribal Nations to develop the National Strategy for a Sustainable Ocean Economy, and we are hosting the following Tribal consultation to discuss the scope and content of the Strategy. We welcome input on all aspects of the National Strategy for a Sustainable Ocean Economy, and are specifically seeking input on the topics included in the Request for Information, summarized below. You may provide information related to as many of the following topics as you like. In particular, we are seeking your input and feedback on the following:

- 1) The scope and high-level goals for a National Strategy for a Sustainable Ocean Economy;

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<sup>1</sup> The Ocean Policy Committee is co-chaired by the White House Office of Science and Technology Policy and the White House Council on Environmental Quality, and it serves as the Congressionally-mandated, Cabinet-level body charged with coordinating ocean policy across the Federal Government. For more information, see <https://www.noaa.gov/interagency-ocean-policy>

- 2) Subject matter topics and whether they are the correct topics for inclusion in the Strategy (e.g., ocean food; ocean energy and resources; ocean-based tourism; ocean transportation; new ocean industries; climate change; marine and coastal ecosystems; ocean pollution; equity and environmental justice; ocean literacy and skills; economic valuation of the ocean's natural capital; ocean science, technology; ocean finance; Indigenous Knowledge and ancestral and historical areas of importance; and national security);
- 3) Priorities for sustainable management of the ocean, coasts, and Great Lakes at a local, state, Tribal, territorial, regional, and/or national scale, and the key challenges your Tribe faces in achieving them, and ways in which the United States can appropriately, and with any required precautions, approach emerging ocean industries, such as seabed mining in the U.S. Exclusive Economic Zone;
- 4) Gaps in our knowledge of the ocean, coasts, and Great Lakes that need to be addressed to support sustainable ocean management; and
- 5) Co-management and co-stewardship practices that are needed to meet ocean, coasts, and Great Lake sustainability.

We strongly value your thoughts. Please feel free to consider these topics and any others described in the [Request for Information](#) on the National Strategy for a Sustainable Ocean Economy as you prepare for the consultation. You may provide views related to these topics or on topics not covered here or in the Request for Information.

### **Tribal Consultation Session**

Tuesday, October 03, 2023

2:00 PM – 3:30 PM ET

Location: Virtual

Please register in advance at:

[<https://pitc.webex.com/weblink/register/raf7fdcb63d20dc4c3594df1c5a182f3>]

In addition to or instead of joining the Tribal consultation session above, you may provide your written input by **November 03, 2023**. Please send your written submissions to Deerin Babb-Brott, Assistant Director of Ocean Policy at the White House Office of Science and Technology Policy, at [Deerin\\_S\\_Babb-Brott2@ostp.eop.gov](mailto:Deerin_S_Babb-Brott2@ostp.eop.gov). Please identify your submission as “National Strategy Tribal Consultation.” You may provide views related to these topics or on topics not covered here or in the Request for Information. If you have any questions regarding this effort, please feel free to contact Deerin Babb-Brott by email (above) or by phone at (202) 456-3267.

Thank you for sharing your insight, knowledge, and ideas with us as we work to achieve a sustainable ocean economy for all. We hope that you will join us for this important discussion and greatly value your participation and input.

Sincerely,

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

Brenda Mallory  
Chair  
White House Council on Environmental Quality

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

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



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 8, 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 calculation and distribution process of Contract Support Costs (CSC) for Tribes with Self-governance funding agreements with the Department of the Interior and Indian Affairs. The Indian Affairs is inviting you to consult on the determination on compensation for Self-Governance Tribes, when they are NOT required to submit budgets, yet certain data is necessary to calculate the amount of CSC due to the Tribe annually.

Please see the enclosed for more information on the consultation topics and listening session and three consultation sessions in October and November 2023. Written comments are also welcomed and to be submitted via email to: [constuations@bia.gov](mailto:constuations@bia.gov) by December 29, 2023. If you have any questions, please contact Jacob Aguilar, Financial Specialist, OSG, at (360) 699-1015 or via email at: [jacob.aguilar@bia.gov](mailto:jacob.aguilar@bia.gov)

Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.09.08 11:27:49  
-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  
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation  
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation  
Mr. Cordell Shortey, Navajo Nation Office of Management and Budget





# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

**SEP - 5 2023**

Dear Tribal Leader:

I invite you to consult on the calculation and distribution process of Contract Support Costs (CSC) for Tribes with self-governance funding agreements with the Department of the Interior (Department) and Indian Affairs. The CSC is vital funding to Indian Country, and the Department is committed to ensuring calculations are accurate and paid according to law.

## **Background**

The Federal/Tribal CSC Workgroup developed the CSC Policy (IAM Part 13 Chapter 7, Indian Self Determination Contract Support Costs) to be applicable to Title I contracts as well as Title IV compacts. The overarching purpose is to provide for the full payment of CSC and to ensure that payment is accurate, timely, and meets 100 percent of a Tribe's CSC as calculated under the Policy. While drafting the CSC Policy, the Federal/Tribal CSC Workgroup also began drafting a Handbook with the intent to provide procedures that described in more detail the data collection and calculation processes, including providing standardized spreadsheets for Regions (Title I contracts) as well as OSG (Title IV compacts). Under Title I, Tribes submit current budgets, whereas under Title IV, Tribes do not. Therefore, while the Bureau of Indian Affairs (BIA) Regions has access to all the data elements necessary to complete CSC calculations, the Office of Self Governance (OSG) does not have access to all the data elements necessary to complete the calculations until Self Governance Tribes provide their data. The OSG has been collecting CSC data in a similar manner for almost 30 years.

In a number of discussions with Self Governance Tribes, OSG presented options on how to best meet the overarching purposes of full payment of CSC, while ensuring that payment is accurate, timely, and meets 100 percent of a Tribe's calculated CSC. The Tribal feedback received recommended continuing with OSG's practice of making an initial payment (80 percent of a Tribe's previous year's requirement of full CSC paid) and making an adjusted payment (100 percent of the current year's requirement of full CSC) upon receipt of the current year data necessary to calculate CSC in accordance with the Policy formulas.

## **Issues raised**

The initial payment in the methodology described above provides an advance payment and relies upon prior year requirement which is non-current year data. It has been noted this methodology provided 80 percent payment to Tribes that did not submit any data within the current year. It has been determined that the payment process should be changed to remedy CSC funds being provided to Tribes that have not provided current-year data and to ensure that any payment being provided is a 100 percent payment for that year.



## **Proposals**

In lieu of receiving full Tribal budgets to make CSC calculations as is the methodology for self-determination contracts, the Federal proposal is to request Self Governance Tribes submit two data calls for CSC calculations and payments each year.

The first data call would be released prior to the beginning of the fiscal year for the upcoming fiscal year CSC data on recurring base funding. Once funds are available to OSG, an initial allocation of 100 percent of CSC unmet need on recurring base funds would be distributed. The second data call would be released near the end of the fiscal year, requesting Tribal data on all CSC-eligible funds received by the Tribe during the year and make an adjusted allocation of the current year's unmet CSC need to ensure 100 percent payment. In summary, the data provided would be for the current year and payment made at 100 percent of that year's annual requirement. The requested data for both calls would provide the data elements not otherwise available to OSG (current year salaries, fringe, exclusion, and passthrough data as needed by the Tribe's indirect cost agreement for CSC calculation).

This proposal was presented to the Tribal Representatives of the BIA CSC Workgroup (Workgroup) in April 2023 during an in-person meeting in Phoenix, Arizona. Feedback and other options were discussed with Tribal Representatives, including concerns with the Department's interpretation of Policy pertaining to current data being annually supplied data.

The Workgroup Tribal Representatives recommended that when a Tribe elects not to supply CSC data annually, then the "best available" data should be used for CSC calculations. They recommend "best available" data include data reported up to four years old. Tribes then may voluntarily reconcile at the end of the year or throughout the year if things have changed.

### **Indian Affairs invites you to consult on the following topics:**

Indian Affairs would like to determine how to compensate Self Governance Tribes for CSC, when they are NOT required to submit budgets, yet certain data is necessary to calculate the amount of CSC due to the Tribe annually.

1. Is the Federal proposal of two data calls, one on recurring base funding and a second at the end of the year a viable proposal?
2. The Workgroup Federal representatives recommend that two data calls be released at least 30 days prior to due dates. The recommended due dates for base funding CSC data are September 1 for fiscal year funding agreements and November 1 for calendar year funding agreements. The recommended due date for full-year data is July 1 for fiscal year funding agreements and October 1 for calendar year funding agreements. Should this or another calculation and payment schedule be considered?
3. There are a small number of Self Governance Tribes that have not submitted year-end CSC data, therefore the annual 100 percent requirement is unknown. What is the Tribal recommendation regarding this matter?



4. In lieu of negotiating Direct CSC line by line, the CSC Policy formula for ALL tribes is below.

**DCSC = (current Tribal budgeted salary cost [not including fringe] of section 106(a)(1) programs) x 18%.**

The DCSC need cannot be calculated in accordance with the CSC Policy, and in the same equitable manner as Tribes entering into contracts under Title I, without receipt of a Tribe's "budgeted salary cost." The CSC Policy would need to be changed to allow the use of "best available" data or data that is 4 years old.

- a) Is there support for changing the CSC Policy to utilize "best available" data or salaries up to four years old for DCSC?  
How would the Department reconcile ensuring equitable treatment with Title I contracts submitting current budgets (with salary and fringe) that equal the current year contract amounts?

5. Section 1.10 of the CSC Policy outlines the formula for calculating Indirect CSC:

**Indirect CSC = Current approved IDC rate(s) x (the Secretarial Amount awarded to the Tribe, minus exclusions and pass-through).**

The CSC Policy explicitly clarifies that a "current" IDC rate can be up to four years old. If a Tribe has no approved IDC rate or has an approved IDC rate that is over four years old, the Tribe may negotiate a lump sum amount for indirect-type costs or may utilize the Simplified Method, if applicable. Furthermore, Section 1.10 of the Policy states, "[i]f a Tribe does not initiate any of these options, IA will not pay the Tribe any indirect CSC."

While the CSC Policy allows for an IDC rate that is up to four years old, it does not allow for use of previous years' salary, fringe, exclusion or passthrough data to calculate the current year 100 percent CSC need. The CSC Policy would need to be changed to allow the use of "best available" data.

- a) Does the Tribe support changing the CSC Policy to utilize "best available" data?  
b) If so, what sources should be considered "best available" data for calculations of CSC for the data elements of 1) Tribal Budgeted Salary 2) Tribal Budgeted Fringe (if necessary); and 3) Exclusions and pass-throughs?  
c) If a Tribe does not submit current year data, at what point would IA utilize "best available" data for calculation and payment?
6. Section 1.12 of the CSC Policy outlines cutoff timeframes for IDC rates as below.

**In order to facilitate equitable treatment and establish standard cutoff timeframes:**

- **The IDC rate that will be applied is the applicable rate at the end of the Tribe's fiscal year. No adjustments to that IDC rate will be made after the end of the Tribe's fiscal year, without regard to the later issuance of a different IDC rate for that period.**



Under the “best available” data or data reported up to four years old proposal, what would be the standard cutoff timeframe for Tribal Budgeted Salary, Tribal Budgeted Fringe (if necessary); and Exclusions and pass-throughs)? The end of Tribe’s fiscal year?

The Policy is available at this link:

[https://www.bia.gov/sites/default/files/dup/assets/public/raca/manual/pdf/13\\_IAM\\_7\\_Contract\\_Support\\_Costs\\_508\\_OIMT.pdf](https://www.bia.gov/sites/default/files/dup/assets/public/raca/manual/pdf/13_IAM_7_Contract_Support_Costs_508_OIMT.pdf)

We will hold one listening session and three consultation sessions on these topics as follows:

Date	Time	Location/Connectivity
10/1/2023	Listening Session 1:00 p.m. - 4:00 p.m. MT	2023 NAFOA Fall Finance & Tribal Economies Conference Sheraton Grand at Wild Horse Pass 5594 W Wild Horse Pass Blvd. Phoenix, AZ 85226
10/5/2023	2:00 p.m. - 5:00 p.m. ET	Virtual Zoom with Assistant Secretary – Indian Affairs Bryan Newland.  Register here: <a href="https://www.zoomgov.com/j/1617068666?pwd=RjdVWTBkZkQwRVhVNzh6MnZJMUVxUT09">https://www.zoomgov.com/j/1617068666?pwd=RjdVWTBkZkQwRVhVNzh6MnZJMUVxUT09</a>
11/1/2023	1:30 p.m. – 3:00 p.m. PT	US Department of Labor, Indian and Native American Programs Workforce Innovation and Opportunity Act (WIOA) 166/477 Western Regional Training Pechanga Resort Casino 45000 Pechanga Pkwy. Temecula, CA 92592
11/29/2023	1:00 p.m. - 4:00 p.m. AK	BIA Providers Conference Dena'ina Center 600 W 7th Ave. Anchorage, AK 99501

We welcome your written comments, which should be submitted by email to [consultations@bia.gov](mailto:consultations@bia.gov) by 11:59 pm ET on December 29, 2023.

If you have any questions regarding this effort, please contact Jacob Aguilar, Financial Specialist, OSG, at (360) 699-1015 or via email: [jacob.aguilar@bia.gov](mailto:jacob.aguilar@bia.gov).

We look forward to speaking with you and receiving your input on OSG’s calculation and distribution process of CSC.

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

September 8, 2023

ELECTRONICALLY TRANSMITTED

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

Dear President Nygren:

The Department of the Interior, Bison Working Group invites you to consult on the development of a Bison Shared Stewardship Strategy toward the establishment of new, large, and wild bison herds.

Please see the enclosed for more information on the two virtual consultations scheduled in October.

Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.09.08  
11:28:13 -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  
Mr. Justin Ahasteen, Executive Director, Washington Office, Navajo Nation  
Ms. Bitah Becker, Chief Legal Counsel, OPVP, Navajo Nation  
Mr. Mike Halona, Executive Director, Division of Natural Resources, Navajo Nation



THE SECRETARY OF THE INTERIOR  
WASHINGTON

SEP 06 2023

Dear Tribal Leader:

The Department of the Interior (Department or DOI) Bison Working Group (BWG) invites you to consult on the development of a Bison Shared Stewardship Strategy (Stewardship Strategy) toward the establishment of new, large, and wild bison herds.

Directed by [Secretary's Order 3410](#), entitled "Restoration of American Bison and the Prairie Grasslands," and as Action 2 of the [DOI Bison Conservation Initiative 2020](#), the envisioned Stewardship Strategy seeks to establish a comprehensive framework for American bison restoration, including strengthening long-term bison conservation partnerships. The Stewardship Strategy will include a description of the Department's engagement with States, Tribes, landowners, and nongovernmental conservation partners. It will also identify specific opportunities for the Department to lead or support the establishment of additional wide-ranging, healthy, and brucellosis-free bison herds on Federal and Tribal lands.

Toward that goal, and in the spirit of the 2022 co-stewardship policies of the Department, we propose co-production of the Stewardship Strategy by a team of co-authors that is comprised of Tribe-selected individuals, InterTribal Buffalo Council (ITBC)-selected members, and Federal employees. We are seeking input from Tribes and ITBC regarding the scope of the Stewardship Strategy for bison restoration. As part of the consultation, we are seeking the following: (1) Tribal members' nominations for five Tribal member co-authors and (2) ITBC members' nominations for one ITBC member co-author. These Tribe-selected and ITBC-selected co-authors will work on the Stewardship Strategy with the Federal representatives from each of the Federal bureaus involved in the BWG—National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Geological Survey.

### **About the Bison Shared Stewardship Strategy Project**

#### **Nominations for Bison Shared Stewardship Strategy Co-authors:**

- Co-author nominations must include the following:
  - An official letter of support from the designated leader of a federally recognized Tribe.
  - A statement of interest from the nominee, which outlines the interest in, experience relevant to, and commitment to the duration of, the cooperative effort. This statement of interest will also be used as a writing sample.

- We envision an author panel that is comprised of 11 co-authors, who will cooperatively draft the Stewardship Strategy. The panel will include five Federal representatives named by the BWG Leadership Team; five Tribal members nominated by Tribes; and one ITBC member nominated by the ITBC.
- In the event of a greater number of nominations than available co-author positions, the review and selection process will be managed by the Native American Liaison offices of the National Park Service and U.S. Fish and Wildlife Service.

#### **Scope of Bison Shared Stewardship Strategy Project:**

- We request a 12- to 18-month commitment, which will include 3 in-person meetings (location to be determined by the co-author panel).
- The BWG will pay for travel and provide honoraria in consideration of time commitments.
- The BWG will host several virtual information sessions on this project.

#### **Anticipated Project Timeline Milestones (changes will be reflected on website):**

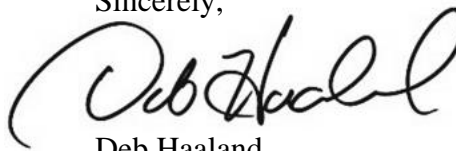
- October 2023 – First rounds of Tribal virtual consultations are held.  
(<https://umontana.zoom.us/j/95347283640>, Meeting ID: 953 4728 3640)
  - Wednesday, October 18, 2023, 1 p.m.-3 p.m. MT
  - Wednesday, October 25, 2023, 1 p.m.-3 p.m. MT
- December 2023 – First in-person meeting for co-author panel is held.
- January 2024 – Second in-person meeting for co-author panel is held.
- February 2024 – First draft of Stewardship Strategy is released for DOI bureau, Tribe, and State review.
- March 2024 – Second round of Tribal consultations takes place regarding the first draft.
- April/May 2024 – Third and final in-person meeting takes place for co-author panel.
- Summer 2024 – Final Stewardship Strategy is released.

We intend for this co-produced Stewardship Strategy to provide direct, active opportunities for Tribes to shape directions for cooperative, large-scale, and durable bison conservation accomplishments into the future. We look forward to hearing from you. Please join us at one of the two virtual consultations in October.

Formal co-author nominations for the Stewardship Strategy should be sent on Tribal letterhead to [bison\\_shared\\_stewardship@nps.gov](mailto:bison_shared_stewardship@nps.gov) within 2 weeks after initial consultation dates.

For additional information, you can visit the [NPS Bison Page](#). Thank you for making the time to consider this opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Deb Haaland", with a large, sweeping initial "D".

Deb Haaland



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 7, 2023

Electronic Transmission

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

Dear President Nygren:

The Department of the Interior is announcing today \$5 million from President Biden's Investing in America agenda to support the restoration of bison populations and grassland ecosystems in Tribal communities. The funding will support Tribally led initiatives to strengthen bison conservation and expansion, improved management of existing herds, and ecosystem restoration efforts in native grassland habitats.

The funding advances the Department's new [Grasslands Keystone Initiative](#), unveiled as part of a [restoration and resilience framework](#) that is guiding \$2 billion in investments from the Bipartisan Infrastructure Law and Inflation Reduction Act to restore lands and waters and advance climate resilience.

The funding includes \$3.5 million from the Inflation Reduction Act that will support the Intertribal Buffalo Council's herd development and apprenticeship program created by S.O. 3410. The Council is a collection of 80 Tribes in 20 states that facilitates the management of more than 20,000 buffalo.

An additional \$1.5 million from the Bipartisan Infrastructure Law is available through the Bureau of Indian Affairs to federally recognized Tribes and Tribal organizations to support Tribal bison herd expansion interests, including a focus on ecosystem restoration through bison conservation. For information on the application process, please see the attached RFP or visit the BIA's Division of Natural Resources webpage.

Sincerely,

**GREGORY**  
**MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.09.07  
16:53:43 -06'00'

Gregory Mehojah  
Regional Director, Navajo

Enclosure(s)

cc:

Ms. Richelle Montoya, Madam Vice President, OPVP, Navajo Nation.

Mr. Patrick Sandoval, 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. Mike Halona, Executive Director, Division of Natural Resources, Navajo Nation.





THE SECRETARY OF THE INTERIOR  
WASHINGTON

**ORDER NO. 3410**

**Subject:** Restoration of American Bison and the Prairie Grasslands

**Sec. 1 Purpose.** The purpose of this order is to enhance the Department of the Interior's (Department) work to restore wild and healthy populations of American bison and the prairie grassland ecosystem through collaboration among the Department's Bureaus and partners such as other federal agencies, states, Tribes, and landowners using the best available science and Indigenous Knowledge.

**Sec. 2 Authorities.** This order is issued under the authority of section 2 of the Reorganization Plan No. 3 of 1950 (64 Stat. 1272), as amended, and other applicable statutory authorities. Other authorities include the numerous ratified treaties and agreements between the United States and federally recognized Indian Tribes, along with the trust obligations owed by the United States to federally recognized Indian Tribes and their citizens.

**Sec. 3 Definitions.** Under this order, the term "American bison" means all subspecies of bison, also referred to as the American buffalo. The term "grassland," "grassland ecosystem," or "prairie grassland" means a landscape where the natural plant community is dominated by grasses that coevolved with bison. "Introgression" means the incidence of cattle genes in bison, owing to the legacy of intentional efforts to cross-breed bison and cattle in the early 1900s.

**Sec. 4 Background.** The American bison – a centerpiece of the Department's seal and designated as the U.S. National Mammal since 2016 – is inextricably intertwined with grassland ecology and American culture. The species once numbered 60 million in North America, with the population anchored in what is now the central United States. Many Indigenous cultures, especially in areas where the species was most abundant, developed strong ties with bison and relied upon them for sustenance, shelter, and cultural and religious practices. In the 19<sup>th</sup> century, bison were nearly driven to extinction through uncontrolled hunting and a U.S. policy of eradication tied to intentional harm against and control of Native American Tribes. By 1889, only a few hundred wild bison remained.

In addition to depriving Tribes of a critical resource and lifeway, the persecution of bison contributed to the decline of healthy grassland ecosystems and, eventually, to the Dust Bowl in the 1930's. The loss of the keystone species, coupled with land conversion, led to declines of other important grassland wildlife, such as migratory birds and pollinators. Indigenous peoples have long warned of the harm of removing bison from the land but to little avail.



Beginning in the early 20<sup>th</sup> century with the support of President Theodore Roosevelt, conservationists and scientists made a collective effort to restore the American bison. Since then, careful conservation and restoration efforts have increased the number of wild bison in the United States from fewer than 500 to more than 15,000. While the security of the species is a conservation success worth celebration, bison remain functionally extinct to both grassland systems and the human cultures with which they coevolved. Our attention and efforts must turn toward the ecocultural restoration of bison as native North American wildlife. Significant conservation work is necessary not only to ensure that bison will remain a viable species but also to restore ecosystem function, strengthen rural economies dependent on grassland health, and provide for the return of bison to Tribally owned and ancestral lands.

The imperative for ecocultural restoration is made even more urgent by climate change. Warming temperatures exacerbate the pressures on grasslands, with historic droughts, wildfires, and invasive species threatening the grassland ecosystems and the communities they support. The best science shows that returning bison to grasslands can enhance soil development, restore native plants and wildlife, and promote carbon sequestration, thereby providing benefits for agriculture, outdoor recreation, and Tribes. In addition, restoring bison and healthy grasslands can serve as a step toward national healing and reconciliation after centuries of federal policies designed to erase Native people and their cultures.

Of the approximately 15,000 wild bison in the United States, the Department manages 11,000 bison in herds across 4.6 million acres of U.S. public lands in 12 states. The Yellowstone National Park herd is the largest at approximately 4,800 animals. Most herds contain between 300 and 500 bison. Tribes have collectively restored an additional 20,000 healthy bison on Tribal lands, particularly in the Northern Great Plains and Intermountain states.

Federal herds are managed by individual system units (e.g., national parks and national wildlife refuges) but the overall conservation strategy is coordinated across the Department's bureaus through the Bison Conservation Initiative (BCI). The BCI was created in 2008, renewed in 2020, and is led by the Bison Working Group (BWG). The BCI represents nearly two decades of concerted coordination, investments in science-based management, and partnership development to advance the conservation of American bison. This includes working closely with stakeholders to promote herd health and to manage risks that diseases in bison may present.

Prior accomplishments serve as valuable touchstones and guidance for coordinated development of conservation approaches. Through this order, the Department builds on those accomplishments and reaffirms the commitment to the five goals of the BCI: wild and healthy bison herds, genetic conservation, shared stewardship, ecological restoration of grasslands, and cultural restoration.

## **Sec. 5 A Framework for Restoring a Wild and Healthy Bison Population.**

- a. A formal Charter for the Department's Bison Working Group (BWG) is hereby established (*see* Appendix I). All five bureaus with bison equities – the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the Bureau of

Indian Affairs (BIA), the Bureau of Land Management (BLM), and the U.S. Geological Survey (USGS) – will each identify one representative to serve on the BWG. Additionally, a seat on the working group shall be reserved for a Tribal leader.

- b. Within 120 days of this order, the BWG will initiate formal Tribal consultation toward development of a Department Bison Shared Stewardship Plan. The plan will establish a comprehensive framework for American bison restoration, including strengthening long-term bison conservation partnerships. The Stewardship Plan will describe the Department's engagement with states, Tribes, landowners, and non-governmental conservation partners, and identify specific opportunities for the Department to lead or support the establishment of additional wide-ranging, healthy, and brucellosis-free, bison herds on federal and Tribal lands. A draft plan should be completed by December 31, 2023. The plan will adhere to the following principles:
  - (1) Pursue restoration of wide-ranging herds on large landscapes to support ecological and cultural restoration by facilitating discussion among federal agencies, Tribes, states, and other partners.
  - (2) Collaborate with states, Tribes, landowners, conservationists, and other interested parties toward shared bison stewardship that respects livestock health, private property rights, Tribal sovereignty, and state interests in wildlife management.
  - (3) Ensure bison herd management is informed by the best available science, including Indigenous Knowledge and adaptive management techniques, and engage with scientific and Indigenous partners to fulfill natural, cultural, and human dimensions information needs.
  - (4) Prioritize Tribally led opportunities to establish new, large herds owned or managed by Tribes and Tribally led organizations, and advance shared stewardship with Tribes on Federal land.
  - (5) Manage bison health to address the risks that disease in bison may pose to human health, domestic animals, or other wildlife, and advance application of low-stress handling principles.
  - (6) Restore and manage wild bison as native wildlife, and promote high levels of bison genetic diversity and minimize cattle introgression.
- c. Within 120 days of this order:
  - (1) BWG will begin work on a strategy, led by USGS, to ensure the long-term conservation of genetic diversity of federal bison and identify optimal approaches for populating new, healthy herds of wild bison. Because most bison on Federal lands live in relatively small, isolated, range-restricted herds, managing these populations as one single connected population will help restore effective gene flow among these bison herds, through translocation of bison, while minimizing cattle introgression. The

strategy will be developed using the best available science with flexibility to incorporate new types of genetic data. A draft strategy should be completed by December 31, 2023.

- (2) BIA will establish a Bison Management Apprenticeship program, in collaboration with NPS, FWS, and the BWG. Tribes that manage bison herds on their own lands or through co-stewardship agreements will benefit from training and knowledge sharing to support talent and capacity in their communities, including opportunities for hands-on experience supported by parks and refuges. The apprenticeship program will include opportunities for Tribal youth to work at U.S. Fish and Wildlife Service refuges and national parks and learn a variety of bison management practices. Program development will include Tribal engagement and could include partnerships with Tribes, states, foundations, and non-profit organizations.
- d. Within 90 days of this order, NPS will initiate discussions with Tribes and other conservation partners on developing a plan to increase quarantine capacity for bison from Yellowstone National Park to undergo disease testing in order to further increase both shared stewardship and the number of live bison transferred to Tribes.
- e. BWG members will actively pursue bison restoration on Federal and Tribal lands where appropriate, support partner restoration efforts as authorities and resources allow, pursue opportunities with partner agencies for bison restoration on lands they manage, and allocate funding for BCI staff support, Shared Stewardship Plan development, science, and on-the-ground conservation action. Funding opportunities provided by the Bipartisan Infrastructure Law, the Inflation Reduction Act, and other sources as appropriate, will provide initial investments for priorities identified in the Shared Stewardship Plan, and may support additional bison habitat restoration, reintroduction, and necessary facilities work.

**Sec. 7 Implementation.** The Secretary is responsible for implementation of all aspects of this Order, in coordination with the BCI. This responsibility may be delegated as appropriate. This Order does not alter or affect any existing duty or authority of individual bureaus.

**Sec. 8 Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting report or recommendation are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 9 **Effective Date.** This Order is effective immediately and will remain in effect until it is amended, superseded, or revoked, whichever occurs first.

A handwritten signature in black ink, appearing to read "Deb Haaland", with a large, stylized loop at the end.

Secretary of the Interior

Date: **March 3, 2023**

## APPENDIX I

# UNITED STATES DEPARTMENT OF THE INTERIOR INTERAGENCY BISON CONSERVATION WORKING GROUP CHARTER

1. **Official Designation:** Interagency Bison Conservation Working Group (Working Group).
2. **Scope and Objective:** The Working Group will coordinate bison herd management and research within the Department and the Federal Government; implement the Department's Bison Conservation Initiative (BCI); encourage partnerships with states, tribes, landowners, and organizations interested in bison conservation; and promote public education about and involvement with bison coordination.
3. **Fundamental Acknowledgments:** The Working Group:
  - a. Recognizes wild bison as native North American wildlife and commits to managing federal bison as such. To the extent possible, the Department will manage wild bison around principles and practices that maintain the wild character of bison, minimize artificial selection and cattle introgression, and allow forces of natural selection to operate, including predation and competition for breeding.
  - b. Recognizes the need to educate the public regarding the benefits of bison herd restoration efforts.
  - c. Is committed to promoting herd health and managing diseases that may have significant impacts to bison conservation.
  - d. Recognizes and will work to honor and support the inextricable linkage between many Tribes and bison.
  - e. Recognizes that shared stewardship with states, Tribes, and stakeholders is essential to address the scale, complexity, and ecological and cultural significance of bison conservation and restoration.
  - f. Is committed to working with interested states, Tribes, and stakeholders to establish and maintain large, wide-ranging bison herds, subject to the forces of natural selection, on appropriate large landscapes where their role as ecosystem engineers shapes healthy and diverse ecological communities. Bureaus may manage smaller and spatially constrained herds to maintain the core healthy genetic resource and restore local ecological processes to support species conservation, restoration, and shared stewardship goals.

- g. Celebrates partnerships with many Tribes that are actively pursuing restoration of bison to their lands in order to support eco-cultural restoration and to promote cultural renewal, carbon sequestration, regenerative agriculture, economic development, job creation, food security, and food sovereignty on Tribal lands.
  - h. Recognizes that restoration of bison, a keystone species, directly contributes to regeneration of imperiled natural functions to North American grassland systems. Returning bison to grassland systems can promote soil development, increase carbon sequestration, and improve the function of grassland ecology for wildlife, environmental, and human health.
  - i. Recognizes that it can substantially advance conservation across North America by seeking opportunities to support the innovative work by others, including states and Tribes, through coordination, donation of live bison to start and supplement herds, and offering technical assistance and other resources to facilitate success.
  - j. Recognizes that, in landscapes with complex jurisdictions, federal conservation herds and lands can be the scaffolding upon which the conservation successes of other's (states' and Tribes') may be built.
4. **Duration:** The Working Group is expected to exist in perpetuity. The Charter is permanent and may be amended as described below.
  5. **Official to Whom the Working Group Reports:** The Working Group reports to the Secretary through the Assistant Secretary for Fish and Wildlife and Parks.
  6. **Bureau Responsible for Providing Necessary Support:** Support services for activities of the Working Group will be provided by the National Park Service and the U.S. Fish and Wildlife Service.
  7. **Estimated Operating Costs:** All costs of participating in the Working Group will be borne by the home bureau of each member.
  8. **Description of Duties:** The Working Group's duties include:
    - a. Implementation of the Department's BCI and orienting all activities toward the five stated goals of the BCI:
      - i. Wild, Healthy Bison Herds
      - ii. Genetic Conservation
      - iii. Shared Stewardship
      - iv. Ecological Restoration
      - v. Cultural Restoration
    - b. Coordination of policies, research efforts, and management practices for the Department's bison herds, and with States, tribes, non-governmental organizations, and others interested in bison conservation.

- c. Collaboration with landowners, local officials, and others involved with or affected by bison herds managed for conservation purposes.
  - d. Development of a biennial work plan, with goals and objectives, having item (e) below as the first overall priority.
  - e. Actively seeking opportunities to increase existing Department herds to 1,000 or more bison, or to establish new herds that can reach that size, without impacts from non-native diseases, with little or no cattle introgression, subject to the forces of natural selection as practicable (including predation and breeding competition).
  - f. Actively consulting and collaborating with tribal partners to assist with tribal bison initiatives.
9. **Allowances:** None. Working Group members are all Federal employees or invited cooperators and guests and will receive no additional pay or allowances resulting from participation in the Working Group.
10. **Estimated Number and Frequency of Meetings:** It is anticipated that the Working Group will hold monthly virtual meetings and meet once annually in person.
11. **Termination Date:** This charter may be amended at any time by the Secretary or by unanimous vote of the Working Group's Leadership Team.
12. **Working Group Membership:** The Working Group will consist of a Leadership Team, General Membership, Cooperators, and Guests.
- a. The Leadership Team will consist of one staff member each from the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Geological Survey. These members will be the only voting members of the Working Group and will be appointed by the Directors of their respective agencies or their designees.
  - b. An additional seat on the Leadership Team shall be reserved for a Tribal leader.
  - c. The general membership of the Working Group will consist of approximately 30 subject matter experts from the above named five federal agencies, invited by Leadership Team members.
  - d. Cooperators shall be invited by the Leadership Team, are non-voting, and may include:
    - i. Employees of other federal Departments, agencies, or bureaus,
    - ii. A designee of the Intertribal Buffalo Council (ITBC).
    - iii. A designee of the Native American Fish and Wildlife Society, who shall be an employee of a Tribal Fish and Wildlife Agency that manages bison.

- iv. A designee of the Western Association of Fish and Wildlife Agencies, who shall be an employee of a State fish and wildlife agency from a State in which wild bison are found.
  - v. Employees of federally affiliated organizations (e.g., The Smithsonian Institute).
  - e. Guests may be invited by the Chair or Leadership Team to present and discuss collaboration and conservation. Invited guests may include representatives of tribal organizations (including the Intertribal Buffalo Council and the Buffalo Treaty Tribes), States, nongovernmental organizations, agricultural producers, academics, and others.
13. **Subcommittees:** The Working Group may establish such subcommittees as it deems necessary. The Leadership Team will select subcommittee chairs and approve subcommittee members. Subcommittees will report to the full Working Group. The Leadership Team will task and approve the work of subcommittees. At a minimum, three subcommittees will remain standing:
- a. Metapopulation Subcommittee, to be chaired by a wildlife geneticist from USGS and to focus on planning, research, and implementation of the Department's Metapopulation Management Strategy to ensure long-term conservation of genetic diversity of American bison on Federal land, attendance to wildlife health, and strategies for populating new large herds of wild bison.
  - b. Shared Stewardship Subcommittee, to be co-chaired by one member each from National Park Service and U.S. Fish and Wildlife Service and to focus on partnerships within the Department and with states, Tribes, non-governmental organizations, and private landowners to establish new large herds of wild bison.
  - c. Communications Subcommittee, to be chaired by a federal representative from one of the five member agencies, selected by the Leadership Team and to focus on effective messaging of conservation successes and scientific and other technical information for the public and for the Department's leadership, managers, and staff.
14. **Leadership, Accountability, and Reporting:**
- a. The Work Group shall be chaired by the National Park Service member of the Leadership Team.
  - b. The U.S. Fish and Wildlife Service member of the Leadership Team shall serve as vice-chair.
  - c. The Chair, on behalf of the Leadership Team, shall submit a biennial written report to the Assistant Secretary for Fish and Wildlife and Parks and Associate Directors of each of the five bureaus.
  - d. The Leadership Team shall meet as necessary, and not less than twice annually, to address ongoing and emerging issues, opportunities, and resource needs of the subgroups in implementing the BCI.



- e. In lieu of a standing Executive Committee, Leadership Team members shall report as necessary to the following positions within their home bureaus:
  - i. National Park Service: Chief of the Biological Resources Division.
  - ii. U.S. Fish and Wildlife Service: Chief of the National Wildlife Refuge System.
  - iii. Bureau of Land Management: Assistant Director for Resources and Planning.
  - iv. U.S. Geological Survey: Associate Director, Ecosystems.
  - v. Bureau of Indian Affairs: Assistant Secretary of Indian Affairs.

# Bureau of Indian Affairs (BIA) – Office of Trust Services Bipartisan Infrastructure Law (BIL) Ecosystem Restoration (ER) Bison Project Funding, Criteria, and Application Process

## **Summary**

The Bison Project will serve a variety of purposes that are designed to uphold the best of Tribal bison herd expansion interests, including a focus on ecosystem restoration through bison conservation. The Bison Project will foster practices that are traditional and culturally attentive to the historical coevolved relationship with bison to support the Tribe's own self-determined well-being. Furthermore, the projects will work to foster the intent of the Department of the Interior Secretary's Order 3410, the purpose of which is to restore wild and healthy populations of American bison and the prairie grassland ecosystem through collaboration among the Department's Bureaus and partners such as other Federal agencies, states, Tribes, and landowners using the best available science and Indigenous Knowledge.

## **Applicant Eligibility**

Eligibility is limited to Federally recognized Indian Tribal Governments and authorized Tribal organizations. Federally recognized Tribes are eligible as listed in the current Federal Register, Notice of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, which is the official listing of all Federally recognized Tribes in the U.S. pursuant to Section 104 under the Federally Recognized Indian Tribe List Act of 1994 (Pub. L. 103-454; 108 Stat. 4791-4792). The most recent Notice was published in the Federal Register, 88, FR 54654 (August 11, 2023). Authorized Tribal organizations, as defined at 25 U.S.C. 5304(l) are also eligible to apply.

## **Proposal Eligibility**

- Proposals must provide the contact information for the Tribal project manager overseeing the proposed Bison Project.
- The proposal budget cannot include Tribal indirect rate. Tribal indirect costs (contract support cost) come from a separate account and should be requested at the time you develop the budget with BIA Awarding Officials (if selected for funding).
- Awarded projects will require biannual reporting to share and demonstrate success on project implementation. Rangeland vegetation monitoring data with photo points to report level of utilization, rangeland health, condition/trend, and forage productivity will be included in the fall annual reporting process to demonstrate ecosystem restoration and project success.

## **Project Eligibility**

Successful applications will focus on ecosystem restoration through bison conservation and expansion and improved management of existing herds on Tribal trust lands, individual Indian allotment lands, or in areas managed by Tribes through treaties or agreements.

The Bison Project will focus on bison conservation and expansion and improved management of existing herds on Tribal trust resources and describe the role of Tribal bison on ecosystem restoration on Tribal landscapes and altered Tribal environmental conditions. This funding can cover bison as indicator keystone species on agricultural pasture, grassland, and rangeland settings.

Funding is available for the implementation of bison specific management practices and would assist recipients in the following, or similar, areas:

- Implementing management or other established protocols
- Purchase and installation of fencing, equipment, or other infrastructure
- Transportation of bison
- Bison management activities, rangeland vegetation monitoring to assess level of grazing utilization and/or rangeland condition/trend/production to monitor ecosystem restoration.
- Personnel that provide for the administration and function of Tribal bison program and project commitment
- Genetic considerations to achieve healthy and plentiful large populations of bison on Indian Lands to reduce adverse herd fluctuations for ecological and cultural renewal.
- Bison health and disease prevention and control
- Ecosystem restoration adaptive management – How the Bison project implementation will help meet environmental, social, and economic goals, increases scientific and indigenous knowledges, and recognizes the importance of natural variability in contributing to ecological restoration, resilience, and productivity.
- Participating in local/regional/national forums related to ecosystem restoration and/or bison conservation.
- Educational efforts related to ecosystem and/or bison conservation management for project staff members implementing the Bison project.
- Fostering co-management or co-stewardship partnerships for land and animal conservation and wildlife management protocols

To maximize impact, awards will be funded at a maximum of \$500,000 each.

## **Ranking Criteria**

All projects should focus on ecosystem restoration enabled through bison herd expansion on Tribal rangelands, pastures and grassland conservation management scales that address productive collective impacts on Tribal ecological, cultural, and historic use within Tribal natural resources.

Eligible projects will be ranked according to the following criteria (**100 Points Total**):

- 1) How the project will help increase herd size – towards an ideal herd size of 1,000 or more for optimal genetic diversity. **25 points**
- 2) The scale of the bison presence's benefits on ecosystem restoration, including native species and other Tribal natural resources. **20 points**
- 3) The scope of a proposal's support for the conservation and improvement of the management of Tribal bison. **15 points**

- 4) The extent to which the herd management is treating bison as wildlife, not livestock, including minimal handling. **10 points**
- 5) How the project enhances the spiritual and cultural beliefs and practices of the Tribal community. **10 points**
- 6) The integration of Indigenous Knowledge, also known as Traditional Ecological Knowledge, into project implementation. **10 points**
- 7) The extent to which the applicant is leveraging funding through volunteers, matched funds, Tribal contributions, in-kind contributions, non-government organizations (NGOs), consortiums, Tribal policies, climate adaption plans, economic development plans, agricultural plans, land management plans, etc. **5 points**
- 8) The extent to which the proposal demonstrates an awareness and ability to achieve compliance with applicable laws, regulations, and policies, including Tribal and federal permitting requirements (e.g., Tribal environmental code, NEPA, ESA). **5 points**

*This funding source is non-recurring 1 year funding. Thus, the goals of any proposed project should not rely on future funding. Awarded projects will require biannual reporting to share and demonstrate success on project implementation. Should additional funding become available we will publish notice for additional applications, however applicants to this RFP will not need to resubmit their application.*

## **How to Apply**

Submit your proposal to the regional office of the Bureau of Indian Affairs that services your area. **Email proposals to your regional office (contact info below) within 30 calendar days of the announcement date.**

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

Please submit a proposal in the following format:

- I. **Introduction/Background** – Name of applicant, project name, project location, Tribal project manager contact information, and a brief background and description of the issue to be addressed with the proposal. This section should conclude with a brief statement summarizing your request. Email proposals to your BIA Regional Office (contact information below) within 30 calendar days of the announcement date.
- II. **Criteria** – How your request meets the ranking criteria.
- III. **Budget** – Provide a detailed line-item expenditure budget, with narrative breakdown. Do not include contract support cost (indirect cost). Awards are planned at \$500,000 for each project awarded and should be written to add up to or near the specified amount (excluding any matching, NGO, or other funding).



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 27, 2023

ELECTRONICALLY TRANSMITTED

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

Dear President Nygren:

Enclosed is a letter from the Bureau of Indian Education (BIE) Director regarding the BIE developing a five-year Strategic Direction. Please see the enclosed regarding the National Indian Education Association listening session scheduled on October 18, 2023, in Albuquerque, New Mexico. If you have any questions, please contact Dr. Wendy Cooley at [wendy.cooley@bie.edu](mailto:wendy.cooley@bie.edu).

Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.09.27  
10:16:59 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosures

cc: Ms. Richelle Montoya, Madam Vice President, OPVP, Navajo Nation  
Mr. Patrick Sandoval, 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. Arbin Mitchell, Deputy Chief of Staff, OPVP, Navajo Nation.  
Ms. Claudia Russell-Edgewater, Superintendent, Department of Education.



## UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Indian Education  
1849 C Street, NW, MS 3609  
Washington, DC 20240

Dear Tribal Leader:

The Bureau of Indian Education (BIE) is developing a five-year Strategic Direction which encompasses the actions the BIE is going to take to fulfill its mission and realize its vision. This 2024-2029 Strategic Direction is scheduled for release in June 2024. Your input is especially valuable to determine which priorities are most critical to strategically move the BIE ahead for the next five years. To ensure widespread and inclusive input into the Strategic Direction, from October 2023 to March 2024, the BIE will host a number of listening sessions and Tribal consultations to gather input from Tribal leaders and other Tribal educational partners about:

- What Strategies are most important for moving BIE forward for the next five years?
- What Milestones are most important for moving BIE forward for the next five years?
- How satisfied are you with the BIE Vision?
- How satisfied are you with the BIE Mission?
- How satisfied are you with the BIE Core Values?

To reach a broad audience of educational partners, the listening sessions will be held in conjunction with the 54th Annual National Indian Education Association (NIEA) Convention & Trade Show in October 2023 and the 80th Annual National Congress of American Indians (NCAI) Convention & Marketplace in November 2023. During and following the listening sessions, an online questionnaire will be open to provide feedback through December 17, 2023. This feedback will be used to help develop a draft of the Strategic Direction. The draft Strategic Direction will then be brought to six Tribal consultations across the country and virtually in the spring for further input and refinement.

The BIE thanks you in advance and looks forward to speaking with you at the NIEA listening session scheduled at the following date, time, and location:

DATE	TIME (Local Time)	LOCATION
Wednesday, October 18, 2023	10 a.m. – 12 p.m. (MDT)	National Indian Education Association Convention Ruidoso Room Albuquerque Convention Center 401 2nd Street, NW Albuquerque, NM 87102



**UNITED STATES DEPARTMENT OF THE INTERIOR**

Bureau of Indian Education  
1849 C Street, NW, MS 3609  
Washington, DC 20240

Additional details will also be posted on the BIE website at [www.bie.edu/landing-page/consultations-initiatives](http://www.bie.edu/landing-page/consultations-initiatives).

To collect your feedback, the link to the online questionnaire is <https://forms.office.com/g/KLPMEYwh8k>, and a copy of the questionnaire is attached. The questionnaire will be open for input through December 17, 2023. In addition, please feel free to submit any written comments via email to [consultation@bia.gov](mailto:consultation@bia.gov) or by mail to Dr. Wendy Cooley, 1849 C Street NW, MIB-3610 Washington, DC 20240 by December 17, 2023.

If you have any questions regarding the listening session, please contact Dr. Wendy Cooley at [wendy.cooley@bie.edu](mailto:wendy.cooley@bie.edu).

Sincerely,

Tony L. Dearman  
Director

Cc:

Margo DeLaune, Associate Deputy Director, Division of Performance and Accountability  
Margo DeLaune, Acting Chief Academic Officer  
Sharon Pinto, Associate Deputy Bureau Director, School Operations  
Hankie Ortiz, Associate Deputy Director – Bureau Operated Schools  
Cherie Poitra, Associate Deputy Director – Tribally Controlled Schools  
Emily Arviso, Associate Deputy Director – Navajo Schools

# Educational Partners Strategic Direction Input

Input from the Bureau of Indian Education's (BIE) educational partners is especially valuable and adds insight to what educating the future generations should mean and what BIE's priorities need to be. As we embark on the development of the 2024-2029 Strategic Direction, we want your help in identifying which Strategies and Milestones are most important in order for BIE to achieve our Vision and Mission as well as your satisfaction with the BIE Vision, Mission, and Core Values. In order to reach a broad audience of educational partners, as stated in the Dear Tribal Leader Letter dated September 12, 2023, we will conduct listening sessions at the National Indian Education Association (NIEA) and the National Congress of American Indians (NCAI) annual conventions followed by six Tribal consultations in the spring.

For the previous Strategic Direction, we sought substantive input to collectively develop a comprehensive Vision and Mission with 6 Goals, 26 Strategies, 104 Milestones, and 326 Actions. In order to maintain momentum on the progress we have made as well as honor the input provided and work that has been done, we are asking for your feedback on the Vision, Mission, and Core Values as well as which priorities are most critical to move the BIE ahead for the next 5 years.

Questions 1-3 provide the opportunity for you to indicate your satisfaction with BIE's existing Vision, Mission, and Core Values.

Questions 4-11 contain the Strategies and Milestones that were developed during the 2018-2023 Strategic Direction cycle. Please follow the prompts to select the most critical items, strategic in nature, that are required for BIE to achieve its Mission and realize its Vision. You will also have the opportunity to enter an item you feel is critical if it is not included already.

The definitions of Vision, Mission, Goals, Strategies, and Milestones are provided below as they pertain to terminology used in this questionnaire.

Vision: Our long-term destination as a school system.

Mission: Defines what BIE is currently doing to achieve our Vision.

Goals: The high-level targets that help us achieve our Mission and realize our Vision.

Strategies: Cross-functional projects that impact the entire organization. Will last multiple years but can be revised or updated as we advance or as needs change.

Milestones: Specific projects and actions we must accomplish to complete a strategy. If the milestone is not completed, the Strategy will likely not reach completion.

Core Values: Guiding organizational principles underpinning how the work of the BIE is successfully accomplished.

This questionnaire will be open through December 17, 2023 and should take 15-20 minutes to complete, including reading this introduction. Should you have any questions, please contact Dr. Wendy Cooley at [wendy.cooley@bie.edu](mailto:wendy.cooley@bie.edu).



1. **Please indicate your satisfaction with the BIE Vision statement (BIE's long-term destination):** The Bureau of Indian Education is the preeminent provider of culturally relevant educational services and supports provided by highly effective educators to students at BIE-funded schools to foster lifelong learning.

- ☐ I am satisfied with the BIE Vision statement.
- ☐ I believe the BIE Vision statement should be revisited.

2. **Please indicate your satisfaction with the BIE Mission statement (what we are doing to achieve the Vision):** Provide students at BIE-funded schools with a culturally relevant, high-quality education that prepares students with the knowledge, skills, and behaviors needed to flourish in the opportunities of tomorrow, become healthy and successful individuals, and lead their communities and sovereign nations to a thriving future that preserves their unique cultural identities.

- ☐ I am satisfied with the BIE Mission statement.
- ☐ I believe the BIE Mission statement should be revisited.

3. **Please indicate your satisfaction with the BIE Core Values (guiding organizational principles underpinning how the work of BIE is successfully accomplished):**

Excellence: The BIE achieves success through continuous self-assessment and improvement.

Focus: The BIE is student-centered, a commitment to addressing the holistic needs of students.

Integrity: The BIE maintains high standards of character and professionalism as the foundation upon which the agency is built.

Respect: The BIE fosters communities of support through mutual regard and collaboration.

Service: The BIE supports students through proactive and responsive teamwork with schools, Tribes, and communities.

- ☐ I am satisfied with the BIE Core Values.
- ☐ I believe the BIE Core Values should be revisited.

#### 4. Questions 1-4 are regarding the Strategies in the Strategic Direction.

Strategies are cross-functional projects that impact the entire organization. In the category of **“Aligned and High-Quality Instruction, Standards, Assessments, and Professional Learning”**, please select the 1 Strategy that you feel is the most important for moving BIE forward for the next five years. If there is more than 1 Strategy that you feel is critical, you may select up to 3 Strategies.

If you would like to suggest a Strategy that is not already listed, please select “Other” and type your suggestion. Please note that this suggestion will count towards the maximum of 3 Strategies you may select.

- ☐ When BIE provides a system of standards, curriculum, and assessment with guidance, training, and supports to schools, then schools will implement standards-based instruction matched to student needs, and all students will develop the knowledge, skills, and behaviors necessary to progress successfully through school and be prepared for postsecondary study and/or career opportunities.
- ☐ When the BIE provides a system of interventions and supports for students to schools, then schools will identify and provide supports to students, and all students will develop the knowledge, skills, and behaviors necessary to progress successfully through school and be prepared for postsecondary study and/or career opportunities.
- ☐ When the BIE, in collaboration with colleges and universities, aligns and supports high school graduation and postsecondary entry requirements and provides transition supports to students, then schools will implement a seamless system of support that bridges K-12 and postsecondary career planning and student self-advocacy, and all students will graduate from high school ready to think globally and succeed in postsecondary study and careers.
- ☐ When the BIE provides professional learning, expanded student learning opportunities, and responsive supports and interventions, then K-12 schools will provide more expansive rigorous learning opportunities that foster high school graduation and prepare students to become leaders in their communities and Tribal governments, and all students will graduate from high school ready to think globally and succeed in postsecondary study and careers.

- ☐ When the BIE leverages Haskell Indian Nations University and Southwestern Indian Polytechnic Institute as options for postsecondary education and partners with Tribal colleges and universities, then students, families, and communities will have multiple pathways for postsecondary education, and all students will graduate from high school ready to think globally and succeed in postsecondary study and careers.
- ☐ When the BIE partners with early childhood development organizations and Tribes to increase access and supports for high-quality early childhood education, then barriers to accessing high-quality early childhood education will be addressed, and all students will enter kindergarten academically, socially, and emotionally prepared to succeed in school.
- ☐ Other

5. Strategies are cross-functional projects that impact the entire organization. In the category of “**Wellness, Behavioral Health, and Safety**”, please select the 1 Strategy that you feel is the most important for moving BIE forward for the next five years. If there is more than 1 Strategy that you feel is critical, you may select up to 3 Strategies.

If you would like to suggest a Strategy that is not already listed, please select “Other” and type your suggestion. Please note that this suggestion will count towards the maximum of 3 Strategies you may select.

- ☐ When the BIE develops a comprehensive wellness framework inclusive of the physical, mental, emotional, and social needs of all students, then schools will be equipped with the necessary tools and resources necessary for providing proactive programs and culturally responsive supports that foster a safe and supportive environment, whether students are learning virtually or in-person.
- ☐ When the BIE develops programs and supports for student behavioral health, then schools will implement a comprehensive behavioral health plan, programs and interventions that foster an encouraging and supportive environment, and all students will develop the knowledge, skills, and behaviors necessary for physical, mental, and emotional wellbeing in a positive, safe, and culturally relevant learning environment.

☐ When the BIE supports effective safety practices and interventions, then schools will implement programs and routines that support the safety of students, and all students will develop the knowledge, skills, and behaviors necessary for physical, mental, and emotional wellbeing in a positive, safe, and culturally relevant learning environment.

☐ Other

6. Strategies are cross-functional projects that impact the entire organization. In the category of “**Self-Determination and Cultural Identity**”, please select the 1 Strategy that you feel is the most important for moving BIE forward for the next five years. If there is more than 1 Strategy that you feel is critical, you may select up to 3 Strategies.

If you would like to suggest a Strategy that is not already listed, please select “Other” and type your suggestion. Please note that this suggestion will count towards the maximum of 3 Strategies you may select.

☐ When the BIE partners with and supports Tribes in their efforts to revitalize and maintain cultures and languages, then schools will support Tribal efforts to teach and maintain cultures and languages, and all students will develop the knowledge, skills, and behaviors needed to lead their sovereign nations to a thriving future through self-determination.

☐ When the BIE, in partnership with Tribes, identifies resources and supports needed to implement effective educational programs, then Tribes will have resources and supports to oversee and implement successful educational programs which contribute to the future of their sovereign nations, and all students will develop the knowledge, skills, and behaviors needed to lead their sovereign nations to a thriving future through self-determination.

☐ When the BIE implements an effective system of support aligned to the education needs of Tribally controlled schools, then Tribes will have the capacity to effectively oversee and support their BIE-funded schools in providing high-quality education to their students, and all students will develop the knowledge, skills, and behaviors needed to lead their sovereign nations to a thriving future through self-determination.

☐ Other

7. Strategies are cross-functional projects that impact the entire organization. In the category of “**Data-driven Performance Management and Organizational Excellence**”, please select the 1 Strategy that you feel is the most important for moving BIE forward for the next five years. If there is more than 1 Strategy that you feel is critical, you may select up to 3 Strategies.

If you would like to suggest a Strategy that is not already listed, please select “Other” and type your suggestion. Please note that this suggestion will count towards the maximum of 3 Strategies you may select.

- ☐ When the BIE actively analyzes, supports and develops its workforce through active engagement with employees using meaningful performance management that is driven by results, then all staff will be equipped to provide the best services BIE can deliver, and all students will benefit from an education system that is effective, efficient, transparent, and accountable.
- ☐ When the BIE develops, implements, and maintains a comprehensive data management system, then accurate data will be used to improve education services and supports and drive decision-making in all directions.
- ☐ When the BIE establishes clear, consistent communication and storytelling processes that model and facilitate multilateral, reciprocal public engagement, then all stakeholders will have up-to-date, reliable information on BIE business and access to powerful stories of our students and families for generations to come.
- ☐ When the BIE develops and implements a comprehensive operations plan that includes accountability measures across the organization, standardized operational policies and best practices to include facilities management and transportation, then BIE will be equipped to ensure that its responsibilities are being fulfilled as safely, effectively and efficiently as possible.
- ☐ When the BIE collaborates with schools to recruit, hire, and retain highly effective principals, teachers, and staff, including those from local communities, then schools will have the instructional leaders, teachers, and staff to provide highly effective, culturally relevant instruction, services, and supports, and all students will develop the knowledge, skills, and behaviors necessary to progress successfully through school and be prepared for postsec-ondary study and/or career opportunities.

- ☐ When the BIE implements a system of accountability and support with guidance and training, then schools will engage in continuous improvement to increase the quality of instruction, intervention, and supports for students, and all students will develop the knowledge, skills, and behaviors necessary to progress successfully through school and be prepared for postsecondary study and/or career opportunities.
- ☐ Other

**8. Questions 5-8 are regarding the Milestones in the Strategic Direction.**

Milestones are specific projects and actions we must accomplish to complete a strategy. In the category of **“Aligned and High-Quality Instruction, Standards, Assessments, and Professional Learning”**, please select the 1 Milestone that you feel is the most important for moving BIE forward for the next five years. If there is more than 1 Milestone that you feel is critical, you may select up to 3 Milestones.

If you would like to suggest a Milestone that is not already listed, please select “Other” and type your suggestion. Please note that this suggestion will count towards the maximum of 3 Milestones you may select.

- ☐ Conducted a feasibility review of early childhood education organizations, established partnerships, developed a plan for implementation, and created meaningful engagement opportunities for early childhood education partner entities.
- ☐ Conducted an inventory of aligned CTE programs in Bureau Operated Schools and Tribally Controlled Schools and developed a high-quality career and technical education initiative, that begins in middle school and extends into high school, and schoolwide Individual Career Activity Plan (ICAP) models.
- ☐ Continues to develop, approve, and implement standards, curriculum, developmentally appropriate practices, and assessments that are culturally relevant, and regional trainings have either taken place or are scheduled.
- ☐ Identified an evaluation process to identify school utilization of standards-aligned curricula.
- ☐ Selected and is implementing a common assessment throughout BIE funded schools.

- ☐ Conducted English Language Proficiency testing throughout BIE funded schools.
- ☐ Researched and conducted a study related to absenteeism prevention initiatives and has disseminated the Chronic Absenteeism Concept Paper.
- ☐ Provided supports to schools related to Section 504 and English language learners and proficiency to address identified student needs.
- ☐ Finalized, disseminated, and provided professional learning on a best practices toolkit to support transitional services.
- ☐ Researched, developed, and implemented College and Career Readiness (CCR) requirements in secondary schools and will enhance CCR by drafting a revision of the high school graduation regulation, engaging in negotiated rulemaking, developing a plan for implementing College and Career Readiness, and engaging appropriate stakeholders in the development of CCR requirements and supports.
- ☐ Implemented high quality and compliant secondary transition IEP planning and services.
- ☐ Other

9. Milestones are specific projects and actions we must accomplish to complete a strategy. In the category of **“Wellness, Behavioral Health, and Safety”**, please select the 1 Milestone that you feel is the most important for moving BIE forward for the next five years. If there is more than 1 Milestone that you feel is critical, you may select up to 3 Milestones.

If you would like to suggest a Milestone that is not already listed, please select “Other” and type your suggestion. Please note that this suggestion will count towards the maximum of 3 Milestones you may select.

- ☐ Developed a comprehensive wellness, behavioral health, and student safety toolkit.
- ☐ Participated in a Collaborative Improvement and Innovation Network (ColIN) focused on making systemic improvements regarding the mental health of students by expanding the partnership with IHS to identify innovative ways to collaborate and develop a more robust and succinct method for offering behavioral health services and resources for BIE funded schools.

- ☐ Developed and implemented a Social and Emotional Learning (SEL) Project.
- ☐ Initiated an overarching Behavioral Health and Wellness Program (BHWP) contract to provide behavioral health and wellness supports for our schools, staff, and students. This contract is also serving as a model for all future behavioral health and wellness efforts within the BIE.
- ☐ Developed and implemented a comprehensive Wellness, Behavioral Health, and Safety Report that includes the current status of physical health, safety, and wellness programs, policies, practices, and resources as well as potential barriers for BIE funded schools.
- ☐ Developed a positive behavioral support framework for Bureau Operated Schools and Tribally Controlled Schools.
- ☐ Other

10. Milestones are specific projects and actions we must accomplish to complete a strategy. In the category of **“Self-Determination and Cultural Identity”**, please select the 1 Milestone that you feel is the most important for moving BIE forward for the next five years. If there is more than 1 Milestone that you feel is critical, you may select up to 3 Milestones.

If you would like to suggest a Milestone that is not already listed, please select “Other” and type your suggestion. Please note that this suggestion will count towards the maximum of 3 Milestones you may select.

- ☐ Completed a comprehensive analysis of all Tribes served by BIE-funded schools regarding BIE support for language and culture.
- ☐ Published protocols and delivered professional learning for BIE to support engagement regarding language and culture at the local level.
- ☐ Partnered with local Tribes, Tribal Education Departments, and Tribal colleges to establish an ongoing professional learning program regarding local cultural competency for the Tribes served by respective BIE employees.
- ☐ The School Task Force is in place and is actively reviewing products and processes so BIE can better meet tribal education needs.



- ☐ Developed technical assistance training modules to increase internal capacity for engaging Tribes and implemented trainings on a continuous basis.
- ☐ Identified priorities and developed supports to share successes and best practices.
- ☐ Created and provided technical assistance and support to Tribes to assume functions of their local BIE schools. Guidance and procedures aligned to current needs, practice, and regulatory requirements have been updated.
- ☐ Conducted and verified an updated baseline count for the Johnson-O'Malley Program; finalized and approved the draft Program Guidebook for the Johnson-O'Malley Program.
- ☐ Developed, piloted, and implemented a system of support for assisting Tribes in their oversight of Tribally Controlled Schools.
- ☐ Supported Tribal School Boards in providing leadership and support to schools and improving student learning.
- ☐ Completed geospatial analyses, identified partnerships between tribal colleges and schools, and is implementing outreach to address needs of private/public employers that graduating students could fill.
- ☐ Identified existing data on the K-12 schools that a majority of our post-secondary students come from and completed a review of labor and occupational trends needed across our communities, in partnership with Tribal organizations.
- ☐ Considered Public Law 100-297, which allowed schools to become a Tribally Controlled School (TCS) governed by a Board of Trustees, as the focal point in which all communication and interaction with TCS schools is carried out, thereby building their programs based on educational sovereignty.
- ☐ Other

11. Milestones are specific projects and actions we must accomplish to complete a strategy. In the category of **“Data-driven Performance Management and Organizational Excellence”**, please select the 1 Milestone that you feel is the most important for moving BIE forward for the next five years. If there is more than 1 Milestone that you feel is critical, you may select up to 3 Milestones.

If you would like to suggest a Milestone that is not already listed, please select “Other” and type your suggestion. Please note that this suggestion will count towards the maximum of 3 Milestones you may select.

- ☐ Established and maintains a uniform and consistent employee orientation program and has developed and implemented a standardized induction framework for principals, teachers, and paraprofessionals.
- ☐ Identified data stewards to manage BIE’s use of DOI Talent, a learning management platform, for onboarding and training employees.
- ☐ Established (in collaboration with field staff) and maintains by position, employee professional learning and ongoing training program, to include applicable statutes, regulations, and policies for which they are responsible for complying.
- ☐ Established and maintains an employee support initiative which, at a minimum, addresses employee burnout and stress management.
- ☐ Developed (in collaboration with managers) standardized Employee Performance Appraisal Plans (EPAP) for any position that has certification/licensure or positions that require physicals and established quality and aligned performance appraisals for all BIE employees on a timely basis.
- ☐ Started a pathways program to take internees into employment to grow our own employees to address the staffing shortages.
- ☐ Implemented the employee awards process and adjusted or added to as needed.
- ☐ Implemented the employee wellness program and adjusted as needed.

- ☐ Established an overarching vision for the data system that includes system mission, goals, and expected outcomes, as well as set norms and expectations for data collection, and established data system rules; established decision-making authority to communicate each BIE staff member's responsibilities, the leadership structure, and determined the BIE's data collection responsibilities; established a comprehensive, consistent, and regular training program for BIE and school level employees and provided school staff members with necessary supports, training, and resources to work with the data system.
- ☐ Developed data collection and reporting methods that minimize data collection and reporting burdens; established a data collection and reporting calendar to communicate precisely when data is to be collected and reported; provided schools, parents, and community members with information about the data system; published communication with schools to support the reporting and use of data; established regular communications to support data system implementation and maintenance; determined how data is collected and stored to guide data systems development and use; established BIE's principles for data cataloging and storage.
- ☐ Established criteria that illustrate whether the data system is working as intended; established mechanisms for compliance to ensure that users are implementing the data system as intended.
- ☐ Established provisions for data security and confidentiality; developed data privacy and security protocol rules (Used the Family Educational Rights and Privacy Act and Protection of Pupil Rights Amendment laws); identified BIE staff members who are granted access to student data; specified permissions and data security protocol for accessing each data point; made clear which BIE staff members and external stakeholders have access to data.
- ☐ Established a comprehensive communications plan, including internal, external, and emergency communications sections and has developed standard communication operating procedures.
- ☐ Created and implemented an Education Resource Center School Board engagement schedule.
- ☐ Updated the websites managed by the Content Management Team.

- ☐ Developed and implemented a system that tracks the milestones and actions of the Strategic Direction and continues to maintain the strategic performance management system to adjust the Strategic Direction and address implementation issues in a timely manner.
- ☐ Continues to maintain financial and programmatic oversight of all programs and school spending as required, has created and implemented the financial and program oversight policy, and has drafted Standard Operating Procedures regarding unified fiscal and programmatic monitoring for areas impacted by laws and regulations.
- ☐ Identified and implemented the components of a responsive system of a school improvement process and has provided training and supports to schools to implement the framework and processes for accountability and continuous improvement.
- ☐ Implemented the Indian School Equalization Program (ISEP) process.
- ☐ Developed an expedited process for executing MOUs/MOAs and partnership agreements.
- ☐ Provided fiscal resources to support a formalized outreach process between Tribal colleges and BIE-funded schools.
- ☐ Conducted a joint study with interested Bureau Operated Schools, Tribally Controlled Schools, and Tribal education departments identifying and addressing barriers to community members serving as principals, teachers, and staff; developed guidance based on vacancy data from a pilot on how to recruit and retain highly effective principals, teachers, and staff; formalized a recruiting and staffing process with aligned policies to attract highly effective principals, teachers, and staff.
- ☐ Trained staff and disseminated guidance on how to effectively utilize federal funds, particularly Title IIA funds, to hire highly effective principals, teachers, and staff.
- ☐ Established consistent and regular coordination and communications to include an outlined workflow of projects between the respective schools, BIE Facilities, and DFMC (as applicable), resulting in the improvement of school facilities management and oversight.
- ☐ Other



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

September 29, 2023

ELECTRONICALLY TRANSMITTED

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

Dear President Nygren:

Enclosed is a letter from the Assistant Secretary – Indian Affairs regarding an extension made from July 20, 2023, to October 20, 2023. For more information on the Tribal data priorities, see enclosure for more details. If you have any questions, please contact Dr. Veronica Lane via email at: [veronica.lane@bia.gov](mailto:veronica.lane@bia.gov).

Sincerely,

**GREGORY  
MEHOJAH** Digitally signed by  
GREGORY MEHOJAH  
Date: 2023.09.29  
15:33:42 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosures

cc: Ms. Richelle Montoya, Madam Vice President, OPVP, Navajo Nation  
Mr. Patrick Sandoval, 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. Arbin Mitchell, Deputy Chief of Staff, OPVP, Navajo Nation.



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

SEP 21 2023

Dear Tribal Leader:

This letter is in follow up to the Dear Tribal Leader Letter dated on May 2, 2023, inviting you to consult on Tribal data priorities.

The May 2 letter identified July 20, 2023, as the deadline for written comments. Upon request, we are extending the written comment deadline to October 20, 2023.

You may submit written comments to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. EDT, October 20, 2023. Comments must be identified as "Tribal Data Priorities." If you have any questions, please contact Dr. Veronica Lane by email at: [veronica.lane@bia.gov](mailto:veronica.lane@bia.gov).

I look forward to your input on these proposed shared goals and actions to improve data quality and availability needed to advance Indian Country.

Sincerely,

Bryan Newland  
Assistant Secretary – Indian Affairs





# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

**MAY - 8 2023**

Dear Tribal Leader:

I invite you to a consultation on June 20, 2023, on Tribal data priorities. Ensuring quality data is available to inform policy making, resource distributions and effective program management is critical to advancing the well-being of Indian Country. This fact was made clear in attempts to determine needs for tribal communities during the emergency of the COVID-19 pandemic and then in efforts to decide on fair, equitable and transparent payments to tribes.

To make progress on this need for improved data, an Indian Country Data Working Group (ICDWG) was established among Federal Agencies to identify shared goals and actions which could be presented to Tribes in consultation. The goals and actions address a spectrum of efforts including: ensuring Tribal sovereignty is recognized upfront in all our practices, improving quality of existing data, creating new data sources, increasing capability to integrate data, and producing new data driven research products.

Previous Tribal consultations on data included comments about the importance of respect for Tribal data sovereignty. To address this concern, the goals and actions are presented to Tribes as part of an initial strategy. The goals and actions below span from more technical efforts to improve data quality, to collection of new data sources and finally development of economic and programmatic research projects. All the proposed efforts lead toward better availability and use of data to improve decision making, resource distribution and program management which is needed to advance the well-being of Indian Country.

Accompanying this letter is a description of shared priority areas identified by Federal partners. During the consultation, Indian Affairs and Federal partners will provide a brief summary of the proposed shared goals and actions. We are seeking feedback on the following questions:

- Do you agree with the proposed priority goals and actions?
- Are there any changes you would make?
- Are there additional priorities which we should consider?

This consultation is especially important as we see increased use of supplemental funding bills to meet the needs of Indian Country that depend on some of these data points, and to ensure we improve our data across government in a way that respects Tribal sovereignty and priorities.

Please join us at the following consultation session:

Date	Time	Location
Tuesday, June 20, 2023	3:00 p.m. EDT	Virtual Meeting  Please register in advance for this meeting: <a href="https://www.zoomgov.com/meeting/register/vJIsf-ChrzkgGwVRYCT44iQQyuDcWy3_0BI">https://www.zoomgov.com/meeting/register/vJIsf-ChrzkgGwVRYCT44iQQyuDcWy3_0BI</a>

If you would like to provide written comments, please submit them by 11:59 p.m. EDT, July 20, 2023. Comments must be identified as "Tribal Data Priorities." If you have any questions, please contact Ms. Veronica Lane by email at: [veronica.lane@bia.gov](mailto:veronica.lane@bia.gov).

I look forward to your input on these proposed shared goals and actions to improve data quality and availability needed to advance Indian Country.

Sincerely,



Bryan Newland  
Assistant Secretary – Indian Affairs

Enclosure



## **Indian Country Data Working Group's Data Priorities**

Ensuring quality data is available to inform federal and tribal policy making, resource distributions and effective program management is critical to advancing the well-being of Indian Country. This fact was made clear during the COVID-19 pandemic as Agencies worked to ensure fair, equitable and transparent payments to tribes.

To make progress on this need for improved data, an Indian Country Data Working Group (ICDWG) was established among Federal Agencies to identify shared goals and actions which could be presented to tribes in consultation. The goals and actions address a spectrum of efforts, including ensuring tribal sovereignty is recognized upfront in all our practices, improving quality of existing data, creating new data sources, and producing new data-driven research products. Previous tribal consultations on data included comments about the importance of respect for tribal data sovereignty. To address this concern, the goals and actions are presented to Tribes as part of an initial strategy.

The goals and actions below span from more technical efforts to improve data quality, to collection of new data sources, and, finally, the development of economic and programmatic research projects. All the proposed efforts lead toward better availability and use of data to improve decision making, resource distribution and program management, which is needed to advance the well-being of Indian Country.

### **Shared Goals and Actions**

#### **Enhance Data Sharing and Access in a Manner Consistent with Tribal Sovereignty**

- Improve capacity to balance tribal sovereignty with Open Data requirements and the ability to improve program delivery for Indian Country
  - Clarify policy and develop best practices, such as standard data sharing agreements
  - Establish a Tribal Data Advisory Board

#### **Improve Data Quality and Integration**

- Adopt a standard, unique tribal identifier to use across datasets
- Advance standards for geospatial information management
  - Enhance standardization for geospatial data development, production, management, discovery, access, sharing, visualization, and analysis.
    - Define the governance of geospatial tribal datasets, roles, and responsibilities across all stakeholders.
    - Reestablish the Tribal Spatial Data Infrastructure work group under the Federal Geographic Data Committee.
  - As appropriate, align geographic boundaries across spatial datasets of tribal geographies (i.e., those used in BIA, Census Bureau, and others). This could include BIA and Census Bureau synching their boundary validation process, where possible, and enhancing BIA geospatial capabilities.

- Develop a list of which Tribal entities are affiliated with which Tribal geographies. For example, the Census Bureau's American Community Survey tribal data pertains to individuals living within an American Indian Area Geography but doesn't provide information on which tribes are associated with a geography. Sometimes it is obvious from the name of the geographic entity, but not always.
- Develop standard language for differentiating between datasets where data is collected based on geography (individuals living within a tribal geography, regardless of tribal affiliation) and datasets where data is collected based on affiliation (individuals affiliated with a tribe, regardless of where they reside). This would be helpful for merging different datasets.
- Improve engagement with Tribes to increase participation in Census Bureau surveys, including the American Community Survey
- Increase refresh rate of the BIA Tribal leader directory
- Explore opportunities to check Census Bureau's 2020 Decennial data for tribal affiliation self-identification against BIA enrollment data to help validate Decennial data

### **Create New Data Sources**

- Collect tribal government revenues and expenditures to improve understanding of the economic impact of tribes, starting with a potential pilot effort with willing tribes
- Collect Tribal Enrollment Data annually
- Explore developing a tribal service population dataset
- Explore with tribes in allowing the Census Bureau to receive their administrative records through a Memorandum of Agreement

### **Develop Key Economic and Program Research Products**

- Conduct parity assessments for levels of funding (ongoing)
  - An example would be Federal Funds support per student at Tribal Colleges and Universities, as compared to the average land grant university
- Monitor and engage in the Census Bureau's work on disclosure avoidance modernization and how this is implemented for different Census Bureau products.
- Document best practices for how to integrate Indigenous Traditional Ecological Knowledge (ITEK) into data collection, management and use policies, as well as policy making practices.
- Incentivize tribal government actions to increase participation in Census Bureau surveys by providing products that show the benefit of accurate representation in Census Bureau statistics
- Assess economic impact of tribal economies on rural economies and national economies
- Highlight successful use of Tribal Economic Development (TED) Bonds, identifying characteristics of accepted/rejected applications and how much money is requested Provide an in-depth analysis on economic disparities (such as poverty rates) between American Indian/Native Alaskan individuals and other populations
- Assess the employment or business creation because of Buy Indian Act Authorities acquisitions
- Assess Paycheck Protection funds benefiting tribal businesses on and off reservation
- Assess employment/unemployment trends at tribal levels

## Appendix B – News Release

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

### September 2023

PRESS RELEASE

[Southwestern Indian Polytechnic Institute opens first on-campus voter registration office for students](#) <sup>↗</sup>

This announcement follows the decision to designate the college as a voter registration agency under the National Voter Registration Act.

Date: 09/28/2023

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PRESS RELEASE

[President Biden's Investing in America Agenda Invests \\$10 million in Tribal Fish Hatcheries](#)

Resources will support Tribal fishing rights and economic development Date: 09/27/2023

PRESS RELEASE

[Interior Department Announces First Indian Youth Service Corps Grant Awards](#) <sup>↗</sup>

Funding will provide Indigenous youth with opportunities to engage in meaningful public service projects on federal and Tribal lands.

Date: 09/11/2023

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PRESS RELEASE

[President Biden's Investing in America Agenda to Help Restore Bison Populations and Grassland Ecosystems in Tribal Communities](#) <sup>↗</sup>

\$5 million in funding will further goals of Department's Grasslands Keystone Initiative

Date: 09/07/2023

### August 2023

PRESS RELEASE

[President Biden's Investing in America Agenda Funds Launch of New Tribal Electrification Program](#) <sup>↗</sup>

Investment from Inflation Reduction Act will help Tribes electrify homes, expand availability of clean energy in Indian Country

Date: 08/15/2023

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PRESS RELEASE

[Haskell Indian Nations University Journalism Program Recognized for Outstanding Coverage of Indian Country](#)

Students & faculty win Indigenous Journalists Association awards

Date: 08/15/2023

PRESS RELEASE

[Indian Affairs modernizes and streamlines the process for appealing administrative actions](#)

Revisions to allow faster decision-making and review

Date: 08/09/2023

### July 2023

PRESS RELEASE

[Biden-Harris Administration Investing \\$120 Million to Support Tribes Dealing with the Impacts of the Climate Crisis](#)

Tribal Climate Resilience Program announces largest annual funding opportunity to date as part of President Biden's Investing in America agenda.

Date: 07/19/2023

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