

Fiscal Year 2025, Fourth Quarter

Report of the Attorney General

The Office of the Attorney General (OAG) is led by Colin Bradley, the Acting Attorney General (Acting AG). OAG oversees and works in collaboration with the Office of the Prosecutor (OTP) and the 7 Units of the Department of Justice (DOJ). Pursuant to 2 N.N.C. §§ 1961-1965, the Navajo Nation Department of Justice provides legal services to the three branches of the Navajo Nation Government, including its chapters. The Attorney General also initiates and defends all litigation against the Navajo Nation and supervises all outside attorney contractors who assist the Nation with various cases. The Fourth Quarter of FY 2025 was very productive for OAG, OTP, and the Units within DOJ. DOJ's key accomplishments included the following:

Office of the Chief Prosecutor (OTP)

The fourth quarter of FY 2025 reflects sustained progress in prosecutorial readiness, organizational modernization, and cross-agency coordination. OTP continues to strengthen the quality of its prosecutions, expand transparency, and invest in its workforce—embodying the Diné principles of balance, accountability, and protection of the Nation. During the Fourth Quarter the Office of the Chief Prosecutor achieved the following milestones reflecting progress, accountability, and continued system improvement.

A. Strengthening Prosecution and Case Management

Expansion of Prosecutorial Capacity through BIA Funding. Under the “Justice Warriors: Protecting the Future of Diné Youth” initiative, OTP secured \$260,000 from the Bureau of Indian Affairs Tribal Justice Support Program to hire three full-time prosecutors dedicated to children's cases. The grant strengthens the Nation's ability to handle child-centered prosecutions, alleviates strain on existing prosecutors, and integrates Diné cultural values and trauma-informed practices into new staff training. The initiative marks a significant step toward ensuring timely, culturally grounded justice for children and restoring balance to the Navajo Nation's justice system.

Title 17 Amendments – Final Legislative Phase. The Title 17 amendments remain with the Chief Legislative Counsel's Office pending revisions proposed by the Public Defender Director. OTP continues to coordinate to secure broad support prior to submission to the Law and Order Committee and Navajo Nation Council.

U.S. Attorney Detainer Resolution. OTP intervened after the U.S. Attorney's Office for New Mexico temporarily suspended issuance of federal criminal complaints supporting tribal detainees. Following direct coordination and submission of a written memorandum, federal partners reaffirmed cooperation. This restored essential coordination between tribal and federal systems, ensuring continuity in shared prosecutions and custody processes.

B. Building Institutional Integrity and Cross-Agency Collaboration

Three Pillars Initiative – Anti-Fraud and Accountability Efforts. OTP led coordination of the Three Pillars Group consisting of the Auditor General, the Office of Rules and Compliance, and the Office of the Prosecutor to establish cooperative measures against financial misconduct and administrative wrongdoing. With Lewnell Harrison's anticipated retirement, momentum to finalize a Memorandum of Agreement slowed, and the initiative reached a temporary pause. Although formal agreement was not achieved, the collaboration clarified investigative boundaries, identified

common goals, and produced a foundation for a future inter-agency Integrity Network to enhance transparency and accountability across Navajo government operations.

White-Collar Crime Unit – Investigation into Program Misconduct. WCCU is pursuing an active investigation into alleged misuse of program funds within an office responsible for overseeing complaints involving professional conduct. Subpoenas were issued, records collected, and witness interviews completed to determine whether financial wrongdoing occurred. This investigation underscores OTP's vigilance in holding all programs accountable for proper fund management and reinforces confidence in the Nation's oversight systems.

C. Modernization, Communication, and Workforce Development

Public Information Office Development. OTP began creating a Public Information Officer position to enhance the office's ability to communicate accurately and responsibly with the public. The first press release addressed the prosecution of individuals charged with assaulting three Navajo Police officers, providing updates to both local chapters and media outlets.

Missing and Murdered Indigenous Persons (MMIP) Task Force Participation. OTP continued contributing prosecutorial expertise to the MMIP Task Force database project to ensure inclusion of case data critical to successful prosecution. Strengthened collaboration between law enforcement and prosecution teams enhances the Nation's capacity to address violent crime involving missing and murdered individuals.

Graduation of Delvert Largo – Federal Law Enforcement Training Center. Senior Investigator Delvert Largo graduated from the Federal Law Enforcement Training Center in Glynco, Georgia, after completing advanced coursework in criminal investigations, evidence handling, and professional ethics. His position will be reclassified from Senior Investigator to Criminal Investigator. This reclassification strengthens OTP's ability to investigate and charge criminal conduct, marking a significant step forward in professional development and investigative capacity.

Natural Resources Unit (NRU)

NRU handles legal matters pertaining to the development and use of the Nation's land, natural resources, and protection of the environment. NRU provides legal assistance to Division of Natural Resources, the Navajo Nation Environment Protection Agency, and the Navajo Division of Transportation. This quarter work featured a significant amount of document reviews (rights-of-way, leases, contracts, memorandum of agreements, intergovernmental agreements, grant applications and agreements with various federal agencies), meetings, legal research, and addressing procurement issues.

Highlights for the quarter include reviewing and providing comments on various regulations – proposed Telecommunications and Broadband Land regulations and proposed amendments to the Burial and Cemetery Regulations, review of a proposed Service Line Agreement Policy, and finalizing a residential questionnaire to identify natural and cultural resource damages to assist in the restoration of environmental resources.

NRU is closely monitoring the dispute over Section 9 amendments to the Homesite Lease Regulations, approved by Resource Development Committee, for homes established prior to October 4, 2016. BIA Regional Director Shirley contends that BIA approval is required, prompting

the Navajo Nation to file an appeal on August 29, 2024, with the Interior Board of Indian Appeals. The Nation argues the decision undermines its sovereign authority and self-determination. A Motion for Stay was filed, and BIA has agreed to enter settlement discussions. This quarter, NRU and LU participated in initial settlement discussions with BIA regarding the Homesite Lease Regulations.

NRU attended multiple meetings with the Department of Agriculture, the Department of Resource Enforcement, and BIA regarding grazing issues, proposed amendments to Title 3, creation of a document to show proof of ownership, selling of livestock, over grazing and trespassing. Other discussions covered BIA's permit verification and range inventory, NEPA compliance, drafting a joint Standard Operating Procedure between the Nation and BIA, challenges with probate and inactive permits, grazing permit management, and use of TAAMS for permit tracking and planning.

NRU continues to attend meetings of the Bears Ears Coalition and Commission. The Bears Ears Commission is engaging federal and state officials to prevent reduction of the Monument's boundaries and maintain tribal co-management. Utah is exploring the establishment of a visitor center for Bears Ears, and the Commission is emphasizing economic benefits to deter diminishment of the Monument boundaries.

Litigation Unit (LU)

LU continues to see a high volume of employment-related Request for Services (RFS) and employment-related cases filed. This quarter LU has identified approximately 18 new cases in Navajo, state, and federal courts. OHA still has no hearing officer, so all OHA hearings remain on hold until further notice. LU was able to settle the Twin Arrows easement case this quarter after over five years of federal litigation, we received one favorable ruling from the Navajo Supreme Court, we drafted and filed comments on behalf of NNDOJ to support an update to the Federal Rules of Evidence allowing tribal documents to be self-authenticating, and we drafted and filed an amicus brief in the Supreme Court of the United States.

The Nation filed an appeal to the Interior Board of Indian Appeals on August 29, 2024, contesting a decision of Deborah Shirley, Acting Regional Director of the Navajo Regional Office. This appeals her decision that the Nation's 2016 Homesite Lease Regulations and the 2024 amendments must be submitted to the BIA Navajo Region for review and approval, otherwise they are invalid. However, the Nation has the authority to issue homesite leases and homesite leasing regulations pursuant to the Navajo Nation Trust Land Leasing Act of 2000 (the Act). 25 U.S.C. § 415(e). The briefing is currently stayed in this case pending settlement discussions.

LU and ECDU worked with outside counsel to draft and file an amicus brief with the Supreme Court in Louisiana v. Callais. This matter arising under Section 2 of the Voting Rights Act. The Nation was the only tribe or tribal organization to file an amicus brief at this stage.

LU and DPM presented the NNPPM amendments to HEHSC on June 30th. HEHSC indicated they wanted to complete this by the fall. However, I have not been able to meet with DPM to finalize the NNPPM after multiple attempts. I will continue to follow up with DPM to close this matter out, ideally by the end of the year.

Economic Community Development Unit (ECDU)

With this being the final quarter of the fiscal year, much of time was spent negotiating contracts and assisting clients with completing contract packets for document reviews. This work informed and helped ECDU finalize an updated Professional Service Contract for DOJ to use with its clients.

ECDU continues to assist the Division of Economic Development on a number of large projects including standing up the Navajo Small Business Credit Initiative (NSBCI) program. ECDU worked to finalize agreements with outside lenders, completing subrecipient subaward agreement for the technical assistance program. ECDU also provided a NSBCI training to new DED and ECDU staff. ECDU also continues to work with DED to transfer the Antelope Marina Operations to Navajo Hospitality Enterprise. Provided status updates for Resources and Development Committee with DED and Navajo Nation Hospitality Enterprise (NNHE). Prepared draft legislation to support National Park Service's internal Request to Negotiate with NNHE; this legislation is under review with Office of Legislative Counsel. Continued to serve as liaison among DED, NNHE, Antelope Point Holdings, LLC, and National Park Service (NPS) on issues involving transition of business operations to NNHE.

Presented proposed amendments to DED Business Site Leasing Administrative and Management Plan to Resources and Development Committee (RDC). Coordinated with RDC Chair Brenda Jesus to obtain confirmation from BIA Regional Office that the Plan Amendments do not require Secretarial approval. The Plan Amendments are currently under review by Department of the Interior Office of the Solicitor. Developed schedule for training re the Plan Amendments.

ECDU hired expert to review rugs offered for sale by Cisco Gallery. We have come to an agreement on all jewelry offered for sale under the term Navajo and Cisco Gallery has cleaned up its website to be compliant with our trademark and IACA rights. Cisco has made similar progress on offering rugs for sale as being noted as Navajo when they are actually Navajo and the review by the expert is the final step before we close the matter. We have completed negotiation of the license with Navajo Mesa Farms. All that remains is to submit it for execution to OPVP and work with OOC to implement the agreement and ensure it is appropriately invoiced and paid over its term. New this quarter, NNDOJ sent cease and desist letters to Navajo Power and Navajo Power Home, which are parent and subsidiary companies, respectively, and to Navajo Renewable Development Technologies (NRTD), among others, to continue our enforcement efforts of Navajo Nation trademark rights. NRTD has agreed to rename its corporation, including updating all state filings. It had taken all online presence down and is calendared for ongoing monitoring to ensure that it complies with its promises. The matter with Navajo Power is ongoing.

Assisted NNGRO with its regulation of NNGE, including attending the quarterly coordination meeting between NNGE and NNGRO to keep both organizations up to date with the current plans of each. With respect to NNGE, it brought up two new matters this quarter: a request to have an AZ Lottery vending machine at the Navajo Blue travel plaza and its intent to grow its in-house soda business, Navajo Fizz, to a much larger distribution and request to seek approval from NNGRO that the distributors and vendors related to Navajo Fizz do not need to seek a gaming license while NNGE creates a separate LLC to oversee the production. We've had many discussions with NNGE concerning this matter and are waiting for documentation related to each.

Worked with Minerals Department and Tax Commission to draft a Payment In-Lieu of Taxes agreement. Also worked with Delegates on proposed legislation to authorize the agreement.

Worked with Navajo-Hopi Land Commission Office and Washington Office to address ONHIR Closure activities.

Restarted conversations with Apache County regarding the need for Vote Centers. Met with County officials to discuss their plans moving forward for the 2026 election. Attended tribal voting conference at ASU. Submitted comments on Arizona Secretary of State amendments to the election procedure manual.

Human Services Government Unit (HSGU)

To assist with the safety and public welfare of our Navajo People, HSGU continues to provide assistance to the Navajo Police Department (NPD) with the negotiation and review of various law enforcement agreements with surrounding state, county, tribal agencies, and FBI. Through HSGU and NPD monthly meetings, HSGU has been able to move agreements forward with direction and communication from NPD. To support the Navajo Nation's self-determination, HSGU has continued to assist the Office of Management and Budget regarding renewal of the Navajo Nation's P.L. 93-638 contracts and annual funding agreements. HSGU also assisted the NPD with a formal written response to the Bureau of Indian Affairs Office of Justice Services regarding community police investigator positions which had been funded using 638 funds.

In its continuing efforts to provide for the best interests of Navajo children and families, HSGU continues assisting the Navajo Department of Child Support Services (DCSS). Every month, HSGU conduct case staffing in every Agency of the Navajo Nation and it also holds hearings in its efforts to ensure that Navajo children are provided for in a meaningful way. Additionally, HSGU continues its work to update and amend DCSS policies and authorities, such as the Navajo Nation Child Support Guidelines, while also assisting in providing new enforcement remedies to aid DCSS in encouraging parents to continue to meet their child support obligations. HSGU has also assisted the Division for Children and Family Services with discussion for amendments to Áłchíní Bi Beehaz'aannii Act and the Vulnerable Adult Protection Act.

To assist with the overall best interests and protection of the Navajo Nation, HSGU continues to work, not only with the Navajo Nation Insurance Commission (NNIC) on financial and programmatic matters, but also with the Risk Management Program and other Navajo Nation departments on the defense of both tribal and Federal Tort Claims Act administrative claims and cases filed in federal and tribal courts, as well as ensuring workers compensation claims are reviewed consistently with Navajo Nation law and policies. Within this quarter, HSGU provided updated presentations to the NNIC and the Insurance Services Department programs on (1) an Insurance Participation Agreement all insured participants are required to accept and sign; and (2) Indian Health Care Improvement Act as it relates to the prohibition of the United States' recovery of health costs from the Navajo Nation's self-funded health programs. Furthermore, HSGU continues to assist Navajo Nation divisions and departments by providing training on procurement laws and regulations, as well as record request processes under the Navajo Nation Privacy Act. HSGU continues to negotiate contracts and agreements with non-Navajo Nation entities to ensure compliance with Navajo Nation laws.

Chapter Unit (CU)

A significant amount of work is generated from Chapter Officials, Chapter Staff, and the Administrative Service Centers (Division of Community Development). However, CU also

provides legal guidance to other Navajo Nation Government Officials and Staff on subject matters related to Chapter governments. CU pleads with Navajo Leadership to consider additional staff for CU. Especially since our work includes all or most of the Agency Council Meetings and traveling to various venues to provide PowerPoint presentations to Chapter Officials and Staff.

CU spent a considerable amount of time this quarter providing technical assistance to the Shonto Community Governance (Chapter). This quarter, CU continued to assist the chapter with the business site leasing negotiation process, which was unsuccessful. CU also attended an RDC Executive Session Meeting concerning the Chapter's business site leasing authority. More details can be provided in a confidential setting

Under section 1003(C) of the Local Governance Act ("LGA"), Chapters are able to adopt standard rules for conducting Chapter meetings. In an effort to assist the 110 Chapters with adopting a standard rule of order for conducting Chapter meetings, CU developed a template rules of order tailored for Chapter meetings. CU sent this template to all of the 110 Chapters in early July so that each Chapter can either adopt the template as is (approved by DOJ) or the Chapter can make tracked changes to the template and submit, via the High Q portal, for DOJ's review. As a result, CU received and legally reviewed several amended Rules of Order for various Chapters.

As previously reported, CU initially drafted four (4) different models of amendments to the LGA. After receiving commentary, CU combined the models into two different models ("Model A" and "Model B"). CU sent an update to the 110 Chapter in late August, which discussed the status of both models ("Model A" and "Model B"). CU also conducted an in-person presentation on both models to some of the Eastern Agency Chapters on September 17. Additionally, CU notified the 110 Chapters that Navajo Leadership plans to conduct public hearings throughout the Navajo Nation on these proposed models. CU plans to attend these public hearings with Navajo Leadership in the next quarter.

CU continues to assist in addressing the internal and external conflicts occurring at the local level by providing guidance based on laws, regulations, and applicable policies. CU provided in-office consultations for Chapters and Government Officials on a walk-in basis involving individual chapter staff and Chapter officials. Further, CU continued to work directly with the Navajo Nation Ethics & Rules Office, the Office of the Auditor General, and the Administrative Service Centers (Division of Community Development), to address the internal conflicts within individual chapters.

Tax and Finance Unit (TFU)

TFU advised the Fiscal Recovery Fund Office (FRFO), the Office of the Controller (OOC), the Office of Management and Budget (OMB), the Office of the Navajo Tax Commission (ONTC), the Office of the President and Vice President (OPVP), the Investment Committee (IC), the Budget and Finance Committee (BFC), and the Navajo Nation Council. TFU advised the BFC, OMB, and OOC on budget related matters involving the comprehensive budget process. TFU issued a memo to OMB responding to questions on the validity of the President's line-item vetoes to the Comprehensive Budget resolution approved through CS-44-25, and the effect of Council directives in resolution CS-46-25 to OMB and OOC to disregard the line-item vetoes.

TFU advised clients on FRF-related matters, such as interpretation of Treasury guidance, Council resolutions CMY-28-24 and CD-54-24, and proposed modifications to legislatively approved

expenditure plans. TFU advised OMB, OOC, and OPVP on the FY 2026 Budget Instructions Manual (BIM). TFU participated in meetings with OMB, OOC, KPMG, and programs as part of the FY 2024 audit process. TFU defended the ONTC in taxpayer appeals and drafted Tax Conference decisions and private rulings. To note a major accomplishment, TFU worked with the Contracts and Grants Section of OMB to successfully defend the Nation in response to inquiries and Management Decision Letters from the Bureau of Indian Affairs regarding questioned costs resulting from audit findings in the FY 2022 and FY 2023 Single Audit Reports. As a result of the combined efforts of TFU, OMB, and the programs in justifying and providing supporting documentation for the costs, the BIA cleared all questioned costs and the matters were successfully resolved without the Nation returning any funding to the BIA. Additionally, TFU worked with outside counsel to prepare an appeal of two Management Decision Letters from the U.S. Treasury regarding audit findings in the FY 2020 and FY 2022 Single Audit Reports.

Water Rights Unit (WRU)

WRU handles in general all legal matters pertaining to the Nation's water rights, primarily pursuing the Nation's water rights claims through settlement and enforcing the Nation's water rights in tribal, state, and federal tribunals. WRU has both legal and technical experts under contract to assist with litigation and non-litigation matters and the multi-jurisdictional nature of water rights. WRU also works closely with the Natural Resources Unit on energy matters.

This quarter featured a continuance of efforts directed toward water rights settlements pending in the 119th Congress: the Northeastern Arizona Indian Water Rights Settlement Act (S.953 & H.R.2025); the Navajo Gallup Water Supply Project Amendments Act (S.637 & H.R.1482) (including technical corrections for the Trust Fund interest); and the Navajo Nation Rio San José Water Rights Settlement Act (S.565 & H.R.1324). Accomplishments for the quarter include completing the legal liability and programmatic responsibility analysis for the Northeastern Arizona Indian Water Rights Settlement Agreement, and facilitating a meeting of the three settling tribes and representatives from the Department of the Interior and the Bureau of Reclamation to emphasize the historic nature of the Northeastern Arizona Indian Water Rights Settlement Agreement. With an effective date of November 19, 2024, WRU is coordinating implementation of certain obligations in the Settlement Agreement in addition to providing legal assistance to the Department of Water Resources, the Navajo Nation Environmental Protection Agency's Surface and Groundwater Protection Department, and other divisions and departments on water-related matters.