



BUREAU OF INDIAN AFFAIRS
NAVAJO REGION

Report to the

24th NAVAJO NATION COUNCIL

***BIA Route N7, Ft. Defiance to Sawmill, Arizona;
Road Maintenance Paving Operation***



***Bartholomew Stevens, Navajo Regional Director
P.O. Box 1060, Gallup, New Mexico 87305
(505) 863-8314
January 27, 2020***

Table of Contents

Navajo Regional Director's Report	2
<u>Federal Indian Minerals Office</u>	3
<u>Office of Tribal Government Services</u>	4
<u>Administrative and Management Support</u>	5
<u>Branch of Acquisition Operations</u>	5
<u>Branch of Budget Management</u>	6
<u>Branch of Property</u>	8
Trust Services.....	8
<u>Branch of Natural Resources</u>	8
<u>Navajo Regional Office</u>	8
<u>Fort Defiance Agency</u>	9
<u>Chinle Agency</u>	10
<u>Navajo Partitioned Lands</u>	10
<u>Shiprock Agency</u>	11
<u>Western Navajo Agency</u>	11
<u>Branch of Wildland Fire Management</u>	12
<u>Branch of Forestry</u>	13
<u>Branch of Engineering</u>	14
<u>Navajo Indian Irrigation Program (NIIP)</u>	15
<u>Branch of Real Estate Services</u>	16
<u>Chinle Agency</u>	19
<u>Fort Defiance Agency</u>	19
<u>Shiprock Agency</u>	20
<u>Western Navajo Agency</u>	20
<u>Branch of Probate</u>	21
<u>Indian Services</u>	21
<u>Housing Services</u>	21
<u>Human Services</u>	22
<u>Branch of Indian Self-Determination</u>	24
<u>Branch of Environmental Management</u>	24
<u>Branch of Environmental Quality Act Compliance Review (NEPA)</u>	25
<u>Branch of Safety</u>	27
<u>Branch of Facility Management</u>	27
<u>Branch of Transportation</u>	28
<u>Eastern Navajo Agency (ENA)</u>	29
<u>Branch of Transportation</u>	29
<u>Branch of Real Estate Services</u>	29
<u>Branch of Probate and Estate Services</u>	30
<u>Branch of Natural Resources</u>	30
Appendices: Status Reports	
A. <u>Dear Tribal Leader Letter</u>	
B. <u>News Release: http://www.bia.gov/press-releases</u>	

NAVAJO REGIONAL DIRECTOR COMMENTS

The Bureau of Indian Affairs (BIA) Navajo Regional Office (NRO) continues to address issues and concerns impacting the Navajo Nation (NN). The teams that have been brought together to address health, safety, programmatic and systemic issues and concerns are fully committed to the endeavor of fulfilling fiduciary trust responsibilities. These teams address issues related to expediting federal actions to allow services to be provided to the communities served.

The BIA NR now has a working budget in place that will continue to fund the region through the end of the fiscal year. This translates in uninterrupted service and avoids any lapse in appropriations that would have resulted in a government shutdown. Once the appropriations have been made the NR will process all of our fiscal responsibilities to the NN. Most of these actions are currently being completed.

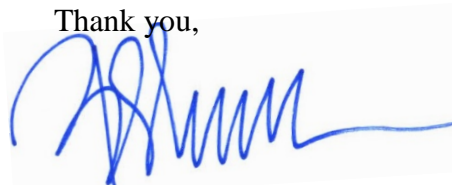
We continue to forge forward in the best interest of the NN by continuing to demonstrate the ability to leading and managing federal programs to meet the priorities of the NN. We remain engaged in critical discussions with the Office of the President and Vice President, council delegates and our federal partners to adjust priorities as needed based on the current issue as well as feedback from the NN.

The BIA NR is following a redesigned approach to meeting our responsibilities while remaining to be compliant with statutes and regulations that guide our work. As referenced before, the BIA NR management changes, developing standard operating procedures and putting into place a sense of ownership in the work we do is achieving quicker results.

This report exhibits some of the specific activities that the Bureau of Indian Affairs Navajo Regional Office has made a priority though last quarter. Our commitment remains to ever improving our practice to further our achievements.

The Bureau of Indian Affairs Navajo Regional Office remains committed to the work we do and my office continues to be available to all tribal leaders to address all issues and concerns. I can be reached by email at Bartholomew.stevens@bia.gov or by cell phone at (505) 870-0011.

Thank you,



Bartholomew Stevens, Regional Director
Navajo Region, BIA

FEDERAL INDIAN MINERALS OFFICE (FIMO)

The Federal Indian Minerals Office (FIMO) was established in 1992 to provide fiduciary and “one stop” services to the Navajo Allottees regarding their mineral interests. Our mission is to balance, preserve, protect, and develop the oil I& gas resource on Navajo Allotted lands. We are committed to serving the Navajo allottees through our daily activities on inspections, outreaches, leasing and audits.

Ongoing Projects:

- **Lease Sale** – FIMO continues to work toward an on line competitive lease sale for 40 allotments, covering approximately 6,400 acres and encumbering approximately 2,405 allottees. FIMO is working on completing its environmental assessment and is anticipating on having the sale in March 2020.
- **Inspections** – In collaboration with the Bureau of Land Management (BLM), FIMO received approval from the BLM to have an Environmental Inspector assist FIMO with over 600 wells for this FY2020 work plan. FIMO has had a backlog and with the assistance of BLM, the Indian Allotted wells will be in compliance with rules, regulation and policies.
- **Resource Management Plan Amendment/Environmental Impact Statement**-The BLM/BIA co-lead project continues to move forward. If all major steps are met and no major issues or concerns are determined. The projected timeframe for the Record of Decision to be posted for the public is December 2020.

Accomplishments:

- **Outreach** – The first quarter of FY 2020 the FIMO office scheduled over 60 outreaches across the Eastern Navajo Agency and the Aneth Chapter area of the Navajo Nation. The FIMO continues to provide outreach service to areas that are impacted by oil & gas activities in the San Juan and Aneth Basin. For this quarter, FIMO conducted 16 outreach presentations to 8 Chapter Houses and doing oil & gas lease administration 101 outreach around the local areas. FIMO logged in about 35 inquiries from over 497 individual allottees. In addition to our outreach sessions, FIMO assisted with 269 walked/called in clients for this quarter.
- **Inspection & Enforcement** – the BLM Inspection and Enforcement (I&E) completed 37 inspections on Navajo Indian Allotted wells for the first quarter. There were 12 wells witnessed for oil sales; 11 written incident of noncompliance, and 7 plugged and abandon wells were witnessed. There were 5 wells witnessed for drilling operations.
- **Environmental Inspection** – FY 2020, FIMO with the assistant of BLM will inspect approximately 140 wellsite for plugged and abandonments, 40 wells for possible termination of leases, 27 surface damage assessments and 40 proposed allotment sites for a lease sale. There were 2 onsite inspections conducted for Oil & Gas Application for Permit to drill.
- **Audit/Compliance Reviews** – The FIMO auditor’s work plan for FY 2020 includes 38 new cases, 8 limited scope compliance, 3 full scope compliance and 1 audit. They are on schedule to close 8 limited scope case compliances at quarters end.
- **Leasing Assignments** – The FIMO realty specialist processed/completed 7 assignments this quarter; 3 record title; and 4 operating rights. We are working through 40 proposed allotments for Oil & Gas competitive lease sale tentatively scheduled for March 2020 and working on terminating approximately 40 leases.
- **Units** – The FIMO continues to work with BLM-State Office to process 2 Units for Enduring Resources and 2 for DJR Resources. Enduring Resources proposed Units include 20 allotted leases and DJR’s proposed Units include 37 allotted leases.

- Lease termination/Cancellation – FIMO is working on 11 leases expiring on their own terms for this quarter.
- Application for permit to drill (APD) – There were 2 notice of staking and 2 APDs were received for this quarter.
- Surface Damages – No surface damage reported for this quarter.
- Royalty Distribution – There were approximately \$6,073,293 distributed to Navajo individual mineral owners for this quarter.

FIMO has work diligently to service the Navajo Allottees through many aspects of the Oil & Gas development in the Eastern Navajo and Aneth basin. .

OFFICE OF TRIBAL GOVERNMENT SERVICES

The Navajo Region Tribal Operation Specialist continues to represent the Bureau of Indian Affairs at a variety of different meeting including the Office of the President and Vice President, Navajo Nation Council Meetings, individual meetings with council delegates, and committee meetings where NN leadership is involved.

The Fall Quarter, the BIA Office referred 72 requests to the Navajo Nation Office of Vital Records/Enrollment program for further research regarding Certificate of Navajo Indian Blood (CNIB) for prospective membership. The requests for CNIB are from individuals seeking scholarship and benefits, including prison inmates seeking membership with the Navajo Nation.

In addition, our office continues to provide updates to the Nation, regarding National Tribal initiatives from the Office of the Assistant Secretary, Indian Affairs, and six (6) “Dear Tribal Leaders” letters were transmitted to the Nation this quarter. Copies of the “Dear Tribal Leaders” letter and transmittals are attached under Appendix A.

Awarding Official Technical Representative (AOTR) Activities:

The Tribal Operation Specialist serves as the Awarding Official Technical Representative, (AOTR). In coordination with the Awarding Official, Program Administrator, and Navajo Nation; the following transactions were completed this quarter.

P.L. 93-638 Contractual Program, Tribal (Census) Enrollment program Contract, A16AV00285:

- AOTR completed the purchase request in the amount of: \$76,761.00 for FY-2020 Continuing Resolution (CR) No. 2 (as authorized by Public Law No. 116-69).
- AOTR completed the purchase request in the amount of: \$137,724.00 for FY2020 CR No.1, pursuant to H.R. 4378, Continuing Appropriation Act, 2020.

P.L. 93-638 Contractual Program, Tribal Courts program, Contract A17AV00252:

- AOTR completed the purchase request in the amount of: \$185,192.00, one-time funding distribution under the H.J. RES.31/P.L. 116-6 consolidated appropriations act 2019.
- AOTR completed the purchase request in the amount of: \$115,663.00 for FY-2020 Continuing Resolution (CR) No. 2 (as authorized by Public Law No. 116-69).
- AOTR completed the purchase request in the amount of: \$207,522.00 for FY2020 CR No.1, pursuant to H.R. 4378, Continuing Appropriation Act,

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

- AOTR completed the purchase request in the amount of: \$1,069,109.00 for FY-2020 Continuing Resolution (CR) No. 2 (as authorized by Public Law No. 116-69).
- AOTR completed the purchase request in the amount of: \$1,917,695.00 for FY2020 CR No.1, pursuant to H.R. 4378, Continuing Appropriation Act, 2020

- AOTR completed the review and annual monitoring report regarding the onsite monitoring visit that was held in Tuba City, Arizona on October 29, 2019. The ONNSFA program is satisfactory and there are no major issues with the Scope of Work.

ADMINISTRATIVE AND MANAGEMENT SUPPORT

BRANCH OF ACQUISITION OPERATIONS

The Branch provides leadership, oversight and support for the Navajo Region acquisition program. Responsible for providing guidance and technical assistance to the NR staff to achieve acquisition performance goals and ensure regulatory compliance Acquisitions Management, Buy Indian Act.

Contract No. 140A0919F0063 was awarded to Barnhart-Taylor, Inc. in the amount of \$4,668,230.00 for the renovation of Government Quarters at Nazlini Community School. A pre-construction meeting will be scheduled.

Contract No. A17PD00525 was awarded to Rock Gap Engineering, in the amount of \$878,804.42 for the demolition of the Chinle Quarters. A NTP was issued and the project is 70% complete. Completion date is January 31, 2020.

Contract No. 140A0919F0023 was awarded to Cherokee CRC, LLC, in the amount of \$1,075,589.86 for the abatement of the Chinle Quarters Demolition project. A NTP was issued effective July 8, 2019. The project is 100% complete.

Contract No. 140A0919C0009 was awarded to Navajo Tribal Utility Authority (NTUA) for the renovation of 5 storage water tanks within the Navajo Reservation. A pre-construction meeting will be scheduled.

Contract No. A14PX02037 for the helitack pad located at the Window Rock airport, for the BIA, Fire Management Office, is in progress. The modular building has been set up. Contractor is working with NTUA for the utility services. The utility lines are an issue and a Service Line Agreement (SLA) is needed to complete the utility lines. The contractor, Keyah Construction, informed them that NTUA will be sending the SLA to BIA in January 2020.

Contract No. 140A0918C0004 was awarded to Southwest General Construction, Inc. for the waterline replacement project at Crownpoint Community School, Crownpoint, New Mexico. Work is 100% complete.

Contract No. 140A0918F0162 was awarded to Barnhart-Taylor, Inc. in the amount of \$2,450,076.58 for the Government Quarters renovation at Wingate High School, Ft. Wingate, New Mexico. Work is in progress. Project completion date is February 28, 2020. The project is ~85% complete.

Contract No. A17PC00115, for a modular building to replace the former BIE Facility Management office in Ft. Defiance, Arizona, was awarded to Nambe Pueblo Healthcare Services, LLC. The modular building was delivered and set up. A final inspection will be completed by January 31, 2020.

Heavy Equipment is being purchased for various Agency DOT programs.

A total of 87 purchase requests with a value of \$993,740.54 has been completed for Fiscal Year 2020.

The work in progress for the school construction contracts will benefit 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 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 BUDGET MANAGEMENT

FY 2020 – Began on a temporary funding measure known as a Continuing Resolution (CR), H.R. 4378 “Continuing Appropriations Act, 2020, and Health Extenders Act of 2019”, Public Law No. 116-59, signed by the President on September 27, 2019. Continuing Resolution No. 1 provided funding to federal programs at a rate for operation of 14.21%, based on FY 2019 enacted amounts. The CR #1 covered the period of October 1, 2019 through November 21, 2019.

On November 21, 2019, Public Law No: 116-69 was enacted and the Continuing Resolution (CR) was extended through December 20, 2019. Continuing Resolution No. 2 provided funding to federal programs at a rate for operation of 7.92%, based on FY 2019 enacted amounts. CR #2 covered the period of November 22, 2019 through December 20, 2019.

On December 20, 2019, Public Law No: 116-93 was enacted making consolidated appropriations for the fiscal year ending September 30, 2020. Currently, BIA is awaiting the final FY-2020 funding distributions from Treasury OMB in order for funding sub-allocations to be made available to the BIA regions.

Below is a summary of FY-2020 funds (CR# 1 & 2) provided to the Navajo Nation under P.L. 93-638 contracts, as of January 13, 2020. The funding provided totals \$16,011,369.00 with \$7,534,746.00 available for draw down and \$3,540,102.00 to be awarded.

NAVAJO NATION P.L. 93-638 FUND STATUS as of January 13, 2020						
Fund	FA Budget Program	* Funds Available	To be Awarded	Not Drawn down	Distributed as of 01.13.2020	Available Funds
201A2100DD	A0E904040 : JHNSN O'MALLY ASST GR-TPA	846,484.00	0.00	846,484.00	846,484.00	0.00
201A2100DD	A0E931010 : TRIBAL SCHOLARSHIPS (TPA)	2,986,804.00	0.00	0.00	2,986,804.00	0.00
201A2100DD	A0H901010 : SOCIAL SERVICES-TPA	1,275,869.00	89,756.00	1,186,113.00	1,275,869.00	0.00
201A2100DD	A0H901040 : DOMESTIC VIOLENCE	32,310.00	0.00	32,310.00	32,310.00	0.00
201A2100DD	A0H913030 : WELFARE ASSISTANCE-TPA	4,362,606.00	0.00	4,362,606.00	4,362,606.00	0.00
201A2100DD	A0H922020 : IND CHILD WELFARE ACT-TPA	321,297.00	51,422.00	269,875.00	321,297.00	0.00
201A2100DD	A0J908080 : TRIBAL COURTS PROGRMS-TPA	323,185.00	0.00	323,185.00	323,185.00	0.00
201A2100DD	A0N301010 : IRRIGATION, OPER & MAINT	1,220,000.00	440,000.00	0.00	1,220,000.00	0.00
201A2100DD	A0N6A3031 : FOREST MARKETING ASSIST	5,753.00				5,753.00
201A2100DD	A0N9A0505 : NATURAL RESOURCES -TPA	955.00				955.00
201A2100DD	A0N9B1010 : AGRICULTURE PRGRM-TPA	281,011.00	0.00	0.00	281,011.00	0.00
201A2100DD	A0N9C3030 : FORESTRY PROGRAM -TPA	163,259.00	163,259.00		163,259.00	0.00
201A2100DD	A0N9D4040 : WATER RES PROGRAM -TPA	156,473.00	55,344.00	101,129.00	156,473.00	0.00
201A2100DD	A0N9E5050 : WILDLIFE&PARKS PRGRM-TPA	111,066.00	0.00	111,066.00	111,066.00	0.00
201A2100DD	A0R9D4040 : ENVVRMNTL QLTY PRGRM-TPA	24,088.00	0.00	24,088.00	24,088.00	0.00
201A2100DD	A0T902020 : OTHER AID-TRBL GOV -TPA	214,485.00	0.00	214,485.00	214,485.00	0.00
201A2240DD	A3T937070 : CSC CONTRACT SUPPORT TPA	3,685,724.00	2,740,321.00	63,405.00	3,685,724.00	0.00
FY-2020 TOTALS		16,011,369.00	3,540,102.00	7,534,746.00	16,004,661.00	6,708.00
* Funds Available for FY-2020 Continuing Resolution Nos. 1 & 2						

One-time Supplemental Funding:

Fund	Amount	Purpose	Contract
190A2100DD	\$30,000.00	NihibDatabase GIS	A17AV00262
190A2100DD	\$9,228.01	NN Burial Assistance Program	Social Services
190A2100DD	\$38,125.74	NN Burial Assistance Program	Social Services
190A2100DD	\$9,672.60	Journey to Wellness Conference	Social Services
190A2100DD	\$1,658,831.99	Navajo Agriculture Management Plan/ EIS	Fish & Wildlife
TOTAL 190 Carryover Funds	\$1,745,858.34		

FY 2022 Budget Formulation

For the FY 2022 Budget formulation process, in order to ensure that tribes are able to provide meaningful input into the Indian Affairs (IA) budget request, IA shall use a tribal Preferred Program Ranking tool. This ranking tool allows the IA, Office of Budget and Performance Management (OBPM) to reach out to tribes for their input into the Budget Formulation Process.

This tool asks tribes to outline their top funding preferences within eight (8) different strategic funding categories.

- 1) Strengthening Tribal Communities;
- 2) Trust Natural Resources Management;
- 3) Trust Land & Water Rights Management;
- 4) Public Safety and Justice;
- 5) Economic Development;
- 6) Education;
- 7) Construction; and
- 8) Resource Management Construction.

Within each strategic category, there are budget lines outlined that support the overall accomplishment of that strategy. Each budget line also includes a brief description of the activities/projects/work supported by the funding provided on that budget line.

A meeting on the FY 2022 Indian Affairs Budget Formulation was held on November 5, 2019 at the BIA Navajo Regional Office, Gallup, New Mexico; with representatives of NN OMB, NN President's Office and BIE. Information provided at this meeting included guidance on the FY-2022 Budget Formulation, and NN Previous FY-2021 Preferred Program Rankings.

The Navajo Nation 2022 budget formulation package is due to Navajo Region BIA by February 1, 2020. The submission shall include: Tribal Preferred Program Ranking Tool with Narratives & Success Stories.

In March – April 2020, the Tribal Interior Budget Council (TIBC) National Budget Meetings will be held with Central Office Programs, Tribal representatives, and TIBC subcommittee members to participate in budget negotiations with the Assistant Secretary-Indian Affairs.

BRANCH OF PROPERTY

Ongoing efforts to complete/finalize BIA DOT transfer project and development of space allocation process for Navajo Nation requestors. Both projects involve multiple personnel within and outside the Federal government which is complex and highly regulated for compliance of applicable laws and statutes.

Two Utility Service Line Agreements (SLA) were completed and granted to NTUA for the improvement/upgrading of Fiber Optic cables at the Ch'ooshgai Community School at Tohatchi, New Mexico and Greasewood Community School at Greasewood, Arizona. BIA's review and approval of these SLA allows for improved telecommunication services, internet services, and internal broadband services for the students and faculty.

A large equipment refreshment project funded by BIE Central Office allowed for the issuance of newly purchased IT equipment at 28 schools throughout the Navajo Nation. These schools have received their new equipment valued at \$1,927,922 consisting of new Dell towers, monitors, docking stations, and laptops. The final stage of this project will be ensuring that these new equipment are incorporated into existing IT system infrastructures. In the coming months BIA Property Branch will be working with each school closely to assist in recycling and disposal of old equipment these new assets replaced to ensure all equipment are disposed of in an environmental friendly manner.

TRUST SERVICES

BRANCH OF NATURAL RESOURCES

Navajo Regional Office

Branch of Natural Resources presented to the 24th Navajo Nation Council Resources and Development Committee regarding the Navajo Partitioned Lands grazing permits. Specifically, the ten sheep units has been a concern along with the enumeration. However, the ten sheep units are based on the vegetative studies and the 2018 Agricultural Resources Management Plan

The BIA Navajo Region notified the Navajo Nation of the availability of funding through the Central Office Bureau of Indian Affairs (BIA), Fisheries, Wildlife, and Recreation Programs (FW&R). FW&R expects to provide national competitive and non-recurring project funding within the following four different program areas in Fiscal Year 2020:

1. Endangered Species Program - Approximately \$2.3 million will be awarded by the Bureau in competitive funding for this program. The Bureau of Indian Affairs provided guidance for participating in the Endangered Species Program, Ranking Criteria and Application Process.
2. Invasive Species Program - The Bureau expects to receive \$3.5 million in competitive funding for this program. The Bureau of Indian Affairs provided guidance for participating Invasive Species Program, Ranking Criteria and Application Process.
3. Hatchery Maintenance Program - The Bureau will award approximately \$6 million in competitive funding for this program. The Bureau of Indian Affairs provided guidance for participating in the Fish Hatchery Maintenance Program, Ranking Criteria and Application Process.

4. Tribal Youth Initiative Program - The Bureau will award approximately \$1 million in competitive funding for this program. The Bureau of Indian Affairs provided guidance for participating in the Tribal Youth Initiative Program, Ranking Criteria and Application

The Branch of Natural Resource (BNR) obligated the Public Law 93-638 Congressional Continuing Resolution #2 funds for the Navajo Nation Fish and Wildlife in the amount of \$18,682.00 and the Navajo Natural Heritage Program in the amount of \$21,067.00. BNR also processed a 638 contract purchase requisition for the Navajo Natural Heritage Program in the amount of \$37,798.00 and the Navajo Nation Fish and Wildlife Program in the amount of \$33,519.00. Furthermore, additional funds are anticipated with the new bill signed by the President.

BIA was contacted by OSHA regarding an anonymous complaint filed regarding unsafe working conditions at Fort Defiance Agency. BIA executed the Continuity of Operations Plan (COOP) on October 4, 2019 for Fort Defiance Agency. All employees have been relocated to the NRO. This relocation is until building and site space can be put in place for Fort Defiance Agency staff.

Fort Defiance Agency

Fort Defiance Agency Office Change of location:

The Fort Defiance Branch of Natural Resources has been relocated to the Navajo Regional Office in Gallup, New Mexico.

Feral Horses:

Fort Defiance Branch of Natural Resources continues to assist the Navajo Nation Department of Agriculture and Navajo Nation Department Resource Enforcement with feral horse roundups, seizures, right of way removals and the equine reward program. A total of 987 horses were captured this quarter and hauled into Window Rock, Arizona.

Southwest Conservation Corp (SWCC) Projects:

The SWCC has completed the inventory for noxious weeds within the commercial forest, a draft report is fourth coming. SWCC also continues to remove Russian olive and Tamarisk within the Black Creek Wash.

District Boundary Fence line:

Steamboat Chapter laborers are working on repairing the District 10 and District 17 fence line north of Ganado-Tselani Road and District 7 and District 17 north of highway 264. The Fort Defiance Branch of Natural Resources has been providing the fence materials to the Steamboat Chapter.

Chinle Agency

Commercial Forest Range Inventory:

The Commercial Forest Inventory (CFRI) has been completed along with all field data collection. The contractor received the Navajo Nation Precipitation Data and is factoring this data into the overall calculations for a finalized inventory report.

District 10/9 Boundary Fence project:

The fence project field assessment has been completed and the final report is pending peer review. The approved Cultural Resource Compliance Form (CRCF) is forthcoming.

Chinle Agency cont.

Feral Horses:

Chinle Branch of Natural Resources continues to assist the Navajo Nation Department of Agriculture and Navajo Nation Department Resource Enforcement with feral horse roundups, seizures, right of way removals and the equine reward program. A total of 286 horses were captured this quarter and hauled into Window Rock, Arizona.

Navajo Partitioned Lands

Grazing Permit issuance:

The Navajo Partitioned Lands (NPL) has been in collaboration with the Navajo Nation Department of Agriculture (NNDA) and District Grazing Committee on the NPL grazing permits. Presently, eight (8) of the fifty (50) “living” permittees who have met all eligibility requirements and attended the new permit orientation have been issued a grazing permit. This includes being in compliance with the ten sheep units yearlong. The NPL Office continues to work with the remaining permittee’s.

The NPL Office and Navajo Region BIA assisted the NNDA in compiling 141 Heirship applications. All completed and verified applications were transferred to the Navajo Nation Department of Agriculture in accordance to the Chain of Custody (IARM Form 2008 4/1/2015).

NPL Public Education and Training:

The NPL office will continue to provide Public Education and Training to chapters as requested by each Chapter Grazing Official. The presentation will cover historical overview of the range inventory/conditions and available forage, range unit boundaries, and permit compliance, annual review, site assessment/access, and provisions of the grazing permits.

NPL Earth Dam Rehabilitation Project:

The NPL Earth Dams Rehabilitation project will include 15 existing earthen dams which does not require an environmental clearance as they are considered as maintenance and not new construction. These dams are located in the following locations: Pinon has two (2) locations, Black Mesa has four locations (4), Blue Gap has one (1), Low Mountain has two (2), Tolani Lake has three (3) and Whitecone has three (3).

Windmill Project:

The Navajo Partitioned Lands have repaired 43 windmills at a cost of \$49,600.00. These windmills continue to be repaired on an annual basis.

Feral Horses:

NPL office continues to assist the Navajo Nation Department of Agriculture and Navajo Nation Department Resource Enforcement with feral horse roundups, seizures, right of way removals and the equine reward program. A total of 56 horses were captured this quarter and hauled into Window Rock, Arizona.

Shiprock Agency

Feral Horses:

Shiprock Branch of Natural Resources continues to assist the Navajo Nation Department of Agriculture and Navajo Nation Department Resource Enforcement with feral horse roundups, seizures, right of way removals and the equine reward program. A total of 41 horses were captured this quarter and hauled into Window Rock, Arizona.

San Juan River Invasive Weed Species meeting:

The meeting was held in conjunction with BIA Noxious Weed coordinator, Shiprock Chapter President Chili Yazzie, Dine Land Grant Office, and Capacity Builders. Supporting resolutions were obtained from District 12 Grazing Committee, District 13 Grazing Committee, San Juan Irrigation Farm Board, and the Northern Navajo Agency Grazing Committee. There is a need to suppress invasive weeds along the San Juan River and on rangelands in Northern Agency.

Western Navajo Agency

The Former Bennett Freeze Area Integrated Resource Management Plan:

Updates and revisions to the Former Bennett Freeze Area (FBFA) Integrated Resource Management Plan (IRMP) have been completed. The Bureau of Indian Affairs project management team has developed a plan to transition to a Programmatic Environmental Assessment (PEA) instead of a Programmatic Environmental Impact Statement (PEIS).

FBFA Livestock Water Project:

The Western Navajo Agency has been working with the Navajo Nation Department of Water Resources (NNDWR) and the BIA Navajo Region in developing plans for a livestock water stand pipe for individuals who haul water for livestock and farming. This is to help mitigate the effects of droughts in the future. The land survey for the right of way for the waterline has been completed, as well as the necessary biological assessment including the Biological Resource Compliance Form (BRCF). Based upon the certified land survey, the Cameron Chapter can now complete the formal land withdrawal process, as identified in the Navajo Nation's General Leasing Act.

Littlefield's Spring-fed Irrigation Project:

The Littlefield's spring fed irrigation project has been completed and currently technical assistance is being provided to the Agricultural Land Use Permit (ALUP) holders to complete implementation of on-farm practices. The project involved maintaining and improving the irrigation system from the source spring to the ALUP areas.

National/Legislative Updates i.e., Federal Register:

The Navajo Regional Office (NRO) is awaiting the Navajo Nation Integrated Weed Management Plan Environmental Impact Statement (EIS) Notice of Availability (NOA) to be published in the Federal Register.

Feral Horses:

Western Navajo Agency Branch of Natural Resources continues to assist the Navajo Nation Department of Agriculture and Navajo Nation Department Resource Enforcement with feral horse roundups, seizures, right of way removals and the equine reward program. A total of 198 horses were captured this quarter and hauled into Window Rock, Arizona.

BRANCH OF WILDLAND FIRE MANAGEMENT

The BIA Navajo Region Trust Services Branch of Wildland Fire and Aviation Management (BWFAM) oversees the Wildland Fire Management Program. The Branch is responsible for providing Wildland Fire coordination, management, planning, oversight, and monitoring for all activities related to Wildland Fire protection of Navajo Trust Lands.

This quarter of the year is predominately during the winter period in which there is typically low temperatures and humidity to minimize the risk of fire danger. This has been an unseasonable cooler period, and experiencing average snow accumulation. There has been no significant fire activity to report for the first quarter of 2020.

The Navajo Region, Branch of Wildland Fire and Aviation Management (BWFAM) program welcomes Mr. Jayvion Samuel Chee, (below photo) an enrolled member of the Dine Tribe. Mr. Chee is a twenty-five year old full-time student at Arizona State University (ASU) main campus in Tempe, AZ., working on his Master's degree in Geographic Information Systems (MAS-GIS). Mr. Chee is a BIA Pathway graduate student with the TREES program that places college students in internship positions.



Mr. Jayvion Samuel Chee, Arizona State University

Ms. Wenona Benallie, Forestry Technician with the aviation section (helitack) was accepted in to the Bureau of Land Managements, Women Leadership Prescribed Fire Academy. She will develop her leadership and supervision skills while she works on her Firefighter Type 1 position task-book.

Keyah Construction completed pouring the asphalt landing pad for the new helibase construction, (see below photo). Keyah Construction Inc. also completed placing the back flow preventer for the water connection to the building. The construction is progressing, and is anticipated to be completed by April 1, 2020.



BRANCH OF FORESTRY

The Branch of Forestry completed the purchase requisitions of Fiscal Year 2019 funding for the Forestry Management Program, contract number A18AV00262, in the amount of \$433,993 in order to award this final distribution to the Navajo Forestry Department. Most of these funds are specific for projects in relation to Woodlands Management, Forest Development, and Forest Management Inventory and Planning. The other funds in relation to Forest Marketing Assistance and Cooperative Landscape Conservation can be utilized to supplement other aspects in relation to the Forestry Department.

Preparation for the Continuous Forest Inventory (CFI) began in October wherein an updated field manual, an updated database, and an updated data entry system were developed with input from staff with the Navajo Forestry Department (NFD), Navajo Regional Forestry (FOR), and the Branch of Forest Resources and Planning (BOFRP). The NFD staff were also pre-locating plots concurrently. The last known CFI was done in 2004 which was the third re-measurement for most of the permanent plots in the commercial timberland forest. This re-measurement will be the fourth on most of the plots and is identified within the six-year action plan as a project that is essential for the department. During the week of November 18, 2019, the training of the NFD inventory crews was initiated by FOR and BOFRP staff. A classroom session was done to review aspects of the field manual, as well as correct errors that were in place, and data collection on a plot was done to provide the “hands-on” aspects so that the field crews could see how to apply the actual procedures that are outlined within the field manual. In the left photo, a crew member is recording tree data. In the right photo, the tree’s distance from the plot’s center is being measured. This project is anticipated to go into 2021 as there are a total of 882 plots.



BRANCH OF ENGINEERING

The Final FY19 Government Performance and Results Act (GPRA) data from the Navajo Nation Water Management Branch (NNWMB) was entered into the GPRA data base. The NNWMB completed 2 of 3 projects to report 67% completion for FY GPRA projects. During the October 22, 2019 conference call on GPRA; the Navajo Region met GPRA goals and data is certified for the Navajo Region.

The Water Resources proposals for the NNWMB was awarded \$1.2M for FY19 Projects. FY19 Water Planning & Pre-Development (N3420) projects for the NNWMB have been funded at the following levels:

1. N-Aquifer Water management Plan	\$50,000
2. C-Aquifer Water Management Plan	\$50,000
3. Northeast Watershed Restoration Assessment	\$100,000
4. Consolidating and Conformity of Databases-Phase II	\$80,000
5. Navajo Nation Groundwater Recharge Zones-Phase IV	\$60,000
6. Asaayi Creek Watershed Post Fire Safety	\$27,000
Total	\$367,000

FY19 Water Rights Programs (R3120) projects for the NNWMB have been funded at the following levels:

1. Rights Protection-Little Colorado River, AZ	\$400,000
2. Navajo Gallup Water Supply Project-Phase 7 of 12	\$200,000
3. Rights Protection-Rio San Jose Basin, NM	\$100,000
4. Navajo Lake Capacity Surveys-Phase 5	\$48,000
5. Rights Protection-Zuni River, NM	\$59,040
6. Rights Protection-San Juan River, NM	\$100,000
Total	\$907,040

The Water Monitoring, Inventory and Water Management PL 93-638 Model 108 contract with the NNWMB was extended to December 31, 2020.

FY2020 Tribal Priority Allocation (TPA) funding of \$53,344 was awarded to the NNWMB for the Water Rights/Water Management, Planning and Pre-Development PL 93-638 Model 108 contract.

FY2020 Tribal Priority Allocation (TPA) funding of \$101,129 was awarded to the Navajo Nation Technical Construction Operations Branch (NNTCOB) for the Water Development PL 93-638 Model 108 Contract.

Navajo Gallup Water Supply

- The BE Branch Manager (BM) and Navajo Indian Irrigation Project (NIIP) Program Manager participated in the 2019 BIA Water Resources Regional Summit in Farmington, NM. Focus of the Summit was to expose Regional Water Coordinators to the Navajo Indian Irrigation Project and Navajo Gallup Water Supply Project and projects encompassed under the two programs and in partnership with the Navajo Nation.

San Juan Settlement Irrigation Project Fruitland-Cambridge Irrigation Project

- The BE-BM awarded \$4.4M Cost Index funding to the Fruitland-Cambridge Irrigation Rehabilitation Project through the existing PL 93-638 Subpart J Construction Contract. Cost Index funding will be utilized to cover construction cost overruns for four ongoing construction projects.

- The Fruitland-Diversion Dam 90% Final design review meeting was held in Albuquerque at Rock Gap Engineering, Contractor, in December 2019. U.S. Fish and Wildlife Services, Bureau of Reclamation and BIA were in attendance. The Fruitland-Diversion Dam Final Design will be finalized in March 2020.

Hogback-Cudei Irrigation Project

- The BE-BM awarded an additional \$200,000 in funding for the Helium Siphon Replacement Project. Additional funding will cover construction project cost overruns. Construction work began on October 21, 2019 in Shiprock, NM.
- The Hogback Canal Steel Siphons 75% Final Design Review Meeting was held in November, 2019. The Final Design Task is contracted through a P.L. 93-638 Subpart J construction Contract to the Rock Gap Engineering firm from Albuquerque, NM

Conjunctive Groundwater Use Wells Projects

- The Sanostee well Replacement Construction Project contract was extended to June 1, 2020.
- Cutter Lateral Blending Study Scope of Work was funded at \$102,128.00 and will be implemented into the existing Subpart J Construction Contract. The Cutter Lateral Blending Study will ensure that surface and groundwater mixture provides safe potable drinking water once it is run through the eastern portion of the completed Navajo Gallup Water Supply Project (NGWSP).
- The BE-BM met with the Navajo Settlement Federal Team to discuss planning procedures concerning the Public Law 111-11 Navajo Settlement Trust Fund. The NN plans to submit an Expenditure Plan to begin utilizing the Trust Fund toward new projects on the NN reservation.
- The BE-BM met with the BIA Southwest Regional Office and BIA Central Office in Lake, CO to discuss finalizing the Cost index values for the Conjunctive Groundwater Use Wells and Hogback-Cudei projects. The cost index values will be finalized and scheduled to be presented to the NN in February 2020.

Safety of Dams

- Safety of Dams (SOD) solicited two engineering firms to perform review on six Navajo Dams. Reviews are performed every five years with a comprehensive review including failure modes every ten years for each dam.
- 2019 Periodic Reviews have started for Round Rock and Todacheene Dams and should be completed by late spring 2020. 2019 Comprehensive Review for Red Lake, Wheatfields, Many Farms and Tsaile Dams are to be completed by early summer 2020.

Navajo Indian Irrigation Project (NIIP)

- The NIIP Program Manager and the Navajo Regional Office (NRO) Indian Self-Determination Office (ISDO) met with the Navajo Agricultural Products Industry (NAPI) to work toward balancing the projected budget.
- WIIN Act Irrigation Rehabilitation Project Proposals was approved for FY 2019. WIIN Act Irrigation funding in the amount of \$2,335,000 was awarded to address NIIP deferred maintenance. Deferred maintenance and repair work is to be completed and facilities need to be operational before the irrigation season commences mid-February 2020. NAPI is dewatering the Horn Canyon and West Kutz Siphons. The contractor, Structural Technologies, is mobilizing in December 2019 and will repair three sections of 20-foot, 210" (17.5 ft.) diameter Pre-stressed Cylindrical Concrete Pipes is scheduled to be completed in January 2020. NAPI O&M is performing critical maintenance on electrical transmission lines, seven (7) pumping plant motor control centers and repairing a roof on an electrical control building.

The priority projects have been identify for FY 2019:

- | | |
|------------------------------------|-----------------------|
| 1. Horn Canyon Siphon | \$623,000.00 |
| 2. West Kutz Siphon | \$1,171,050.00 |
| 3. Electrical Deferred Maintenance | \$260,000.00 |
| 4. Heavy equipment Replacement | \$280,000.00 |
| TOTAL | \$2,335,000.00 |
- Continuing Resolution (CR) #1 funding was distributed for On-Farm Development at \$126,309 and Agricultural Testing and Research Laboratory at \$52,132 in November 2019.
 - The NIIP PM met with the NAPI Operations & Maintenance (O&M) staff and the Bureau of Reclamation (Reclamation) Four Corners staff on Pumping Plant B0.1L, Units #3 and #4 motor rehabilitation work.
 - The NIIP water delivery system was shut down to mark the end of the Irrigation Season in October 15, 2019. The water delivery system will be dewatered and winterized until the system resumes operations in February 2020.

Accomplishments during the Quarter:

The NIIP Water Delivery System support 73,690 developed acres with an average depletion of 172, 66 acre-feet (2018).

BRANCH OF REAL ESTATE SERVICES (RES)

RES Quarter Meetings Highlights with Navajo Nation

- BIA approved a temporary intertie October 30, 2019 to an abandoned BIA sewer pipeline in Sanostee Chapter area. The demolition of the former Sanostee school area authorized by a 1966 Advisory Committee Resolution resulted in a discovery of unknown sewer line connections to the abandoned sewer line which resulted in sewage backup that impacted the Sanostee chapter. The abandoned sewer line also serviced an IHS clinic that had to close due to the sewer line issue. Honorable Delegate, Amber Crotty, 24th Navajo Nation council worked to assist the Sanostee chapter and meetings with partners were held October 1, 2019 and November 12, 2019 this quarter. Next steps are for NTUA to plan, design and acquire rights-of-way to adequately service the Chapter, a church tract, and IHS clinic. Also the IHS clinic remaining on the school tract will need a new survey and conformation of its clinic area as well as further relinquishment of lands back to the Sanostee chapter for their use and development.
- BIA worked jointly with the Navajo Land Department and partners regarding the Land Area Representation (LAR) of the Navajo Nation for the upcoming Census 2020 count. Honorable Delegate, Mark Freeland, 24th Navajo Nation council raised concerns October 2019 regarding the count in the Eastern agency checkerboard and a collaborative effort ensued with meetings held October 24, 2019 and November 5, 7, 13-15, 2019. These joint efforts were to prepare for meeting with U.S. Census on November 19, 2019. BIA is assisting by recording deeds for some fee land areas to ensure the Navajo LAR includes areas such as the Winslow tract.
- BIA returned without action incomplete applications for Uranium mining on several Indian allotments in the Eastern Agency. BIA cited in its return the Navajo Nations 2004 Moratorium on Uranium development. NuFuels, Inc requested a meeting with BIA to discuss the returned applications. This meeting was held November 19, 2019 and was also attended by BIA Southwest Region Office of the Solicitors.
- BIA NRO provided right-of-way presentation to New Mexico Department of Transportation, Santa Fe, NM along with NMDOT and Shiprock Chapter partners, November 22, 2019.

- BIA NRO and Eastern Agency provided guidance to the Resource and Development Committee on Rights-of-way and Service Line agreements, December 3, 2019.
- BIA attended site tour December 17, 2019 for the proposed Western Agency Water pipeline project where there would be water intake from Lake Powell. BIA had a follow up conference call with NN Department of Water Resources on December 19, 2019.
- BIA continued to meet collaboratively with Tuba City Health Care Corporation regarding its land needs in Tuba City. Meetings held October 31, 2019 and December 17, 2019.
- BIA was contacted by OSHA regarding an anonymous complaint filed regarding unsafe working conditions at Fort Defiance Agency. BIA executed the Continuity of Operations Plan (COOP) on October 4, 2019 for Fort Defiance Agency. All employees have been relocated to the NRO. This relocation is until building and site space can be put in place for Fort Defiance Agency staff.

Mineral Leasing:

- 10/3/19- Follow-up letter to Navajo Nation on concurrence on the Assignments between Nacogdoches O/G and Nordic Oil USA, LLC for six Navajo Nation Oil & gas leases.
- 12/6/19 - Letter to Navajo Nation Minerals Department for review and recommendation on relinquishment and release of Bond for CONSOL at the Burnham Mine for lease No. 14-20-603-2505.
-

Surface Leasing:

Assisted the Navajo Region, Property Management with Administrative Reserve Areas (Tuba City, Chinle, Window Rock, Sanostee chapter compound, and potential for Pueblo Pintado Helipad), for perimeter improvements, sewer lines, lagoons, inventoried site offices, housing, and surrounding areas, reviewed and updated maps, researched documents related to the projects. Three (3) Navajo Nation Council Delegates and President's Office inquired on whether the Administrative Reserve Areas in Chinle, AZ, Window Rock, AZ, and Sanostee NM, could be reverted to the tribe. These projects involve partners within Navajo Region (Senior Management, Branch of Property, Facilities, Environmental, Real Estate Services), and the Agencies (Real Estate Services and Facilities), Area Indian Health Services their lawyer and solicitor, Public School, Navajo Nation (Land Department and Historic Preservation and Environmental offices, and the Navajo Tribal Council Delegates.

- Mortgages – Three (3) mortgages approved
- Title Status Report (TSR) - Six (6) TSR submitted to LTRO and completed.
- Fort Defiance Housing Corporation, Blackrock Acres, Blackrock Acres, Subject: Abandoned Homes”, working with Navajo Nation Land Department and Fort Defiance Chapter on identifying twenty-six abandoned homes. We are researching individual files and ready to request for thirty (30) title status reports.
- BIA met with Shiprock Chapter on December 11, 2019 regarding request to use Army Corp of Engineers to do demolition of buildings in the Shiprock Administrative Reserve area.

Rights of Way:

- Completed two (2) sets of Tri-State Generation and Transmission Association's (TG & TA) appraisal review reports by DOI-Appraisal and Valuation Services Office (AVSO). No right-of-way application filed by TG&TA.
- Six (6) of Navajo Tribal Utility Authority appraisal reports on allotted lands were submitted to DOI-AVSO for final review and issuance of fair market valuation.
- Attended meeting December 17, 2019 with NTUA's proposed rights-of-way for fiber optic cable lines and 69kV electric lines crossing Navajo Tribal Trust land and allotted lands from Hunter's Point to Lupton to Sanders, Arizona (Sanders E-rate project).
- City of Gallup, waterline project approved on 10/08/2019

Rights of Way: cont.

- BIA-Department of Transportation, road project N71 (3) in Birdsprings, Arizona was approved on 12/03/2019.
- Dugan Production Corp submitted 15 right-of-way assignments from Enterprise Field Services. Notified Navajo Nation Minerals Department of Dugan's assignments. Need Tribe's recommendation.
- Continuing assistance to Public Service Company on future right-of way renewal.
- Received update from Navajo Nation on October 16, 2019 meeting regarding handling of any right-of-way actions from Frontier Communications.

Cadastral Survey & Unresolved Rights:

- Approved Surveys: 2 approved and 4 pending recording with DLTR
- On-Going Surveys: AZ-2, NM-1 and UT-1; pending field survey, final review & approval; new survey requests are in drafts for new surveys and proposed meeting in January 2020 with all three State Offices (AZ/NM/UT) and Navajo Land Department.
- Land Status/Map Inquiries within AZ/NM/UT: 24

On-Going Land Buy-Back (LBB) Inquiries on Allotments:

Agencies	Allotments	Landowners
Eastern Navajo Agency	18	22
Fort Defiance Agency	7	6
Western Navajo Agency	3	4
Shiprock Agency	1	2
Total:	29	34

- Meetings with Navajo Nation or Tribal Entities: 4
- Site Inspections on boundary issues/trespasses: 5
- Land acquisitions on various land status, relinquishments: 7
- December 19, 2019: New Interagency Agreement (IA) & Inter/Intra Agency Agreement (IAA) for BLM were approved to continue with Cadastral surveys on Navajo Tribal Trust & Allotted lands in the State of Arizona. \$100,000.00 was programmed into the agreement. The agreements are a period of five (5) years.

Acquisition and Disposal:

- Fort Wingate Legislation: Public Law 114-328: Return of Certain Lands at Fort Wingate, New Mexico to Original Inhabitants: Legislative acquisition. Total acreage: 1700.53 acres more or less. Patent recorded, October 2018; continued Administrative research and follow up.
- Rolling Mesa: Fee To Trust; Pending application. Discretionary Acquisition - Off Reservation; pending Environmental Compliance
- Training: Fee to Trust; TAAMS Acquisition & Disposal (A&D) Module Training: October 21 - November 1, 2019; Rocky Mountain Region, Billings, Montana. Preparing for implementation of fee to trust processing within the TAAMS system.
- 2019 Land Buy Back: Regular coordination meetings held between Navajo Nation Land Buy Back team, Federal Land Buy Back team and Program Land Buy Back team. Outreach meetings facilitated by Navajo Nation Land Buy Back team at various communities throughout Navajoland to inform Allotment Trust Landowners of the Land Buy Back Program. Navajo Region Real Estate Service team members met with many Landowners

at in-office visits and at Outreaches for one-on-one consultation regarding allotment interest, location, resources, and notary inquiries.

- New Mexico Landowners offers generated with a cover letter date of July 1, 2019; return date of August 30, 2019. 15,123 offers made; final count to be determined (in process).
 - ° Arizona, Utah, Ramah, Alamo, Tohajilee Landowners offers generated with a cover letter date of August 1, 2019; return date of September 30, 2019. 5,824 offers made; final count to be determined (in process).
 - ° Two (2) Post Offer Land Buy Back Outreaches/Information Booth held at Northern Navajo Nation Fair (Shiprock, New Mexico) on October 3 and 4, 2019).
- Gift Deed / Landowner Consultations - 6 Appointments
- 10 Allotments: Pending Land Sale aged transactions: Field visits to check for improvements made to 10 Allotments: 261146, 259422, 259421, 261146, 556984, 259915, 242666, 393, 210920, 242283

Chinle Agency

- Rights of Way: 1 - drafting document to submit for approval
- Navajo Nation Approved Leases Submitted for Recording
- Home site Leases Received: 27
- Home site Leases Recorded: 26
- Business Site Lease: none
- Title Status Reports: 1 - had to cancel due to hard copy defect on legal description
- Special Projects: 13 ONHIR leases received that require TAAMS encoding & recording

Fort Defiance Agency

Rights of Way approved:

- NTUA WO# 18-153-0034 Indian Wells Seep Springs - approved 12/05/19
- Temporary Construction Easement
 - BIA N12(19-4)1,2&4 Wheatfields to Tsailé - request for Solicitor's opinion
- Navajo Nation Approved Leases Submitted for Recording
 - Submitted for Recording: 49 Recorded: 12

Business Site Lease:

- FD-95-170 HTE Realty Inc. - pending review by Solicitor's Office
- Del Outdoor Advertising - proposed lease for 3 billboards - notified landowners of Fair Market Rent

Title Status Reports: 3 (Mortgage purpose)

- Title Status Reports/Land Status:
 - Indian Wells Grazing Official - 5 proposed home sites
 - Proposed ROW Navajo Nation/IHS Project NA-13-T29
 - Proposed ROW Navajo Nation/IHS Project NA-17-W15
 - Proposed ROW Navajo Nation/IHS Project NA-17-U02

Special Projects:

- Attend meetings re: status of proposed NTUA Distribution line with fiber optic cable from Hunter's Point to Sanders, Arizona.
- Certification of Indian Lands Property Claimed - Ganado Unified School District No. 20

Shiprock Agency

Rights of Way:

- Navajo Tribal Utility Authority Work Order No. 12-170-0018 (Mitten Rock to Red Valley) approved 12/4/2019

Navajo Nation Approved Leases Submitted for Recording

- Home site Leases Received: 166 leases received (leases approved from August 2017 through October 2019)
- Submitted for Recording: 68 Recorded: 33

Business Site Lease (Compliance):

- Cancellation - Lease No. SR-96-145 Desert View Funeral Home due to on-compliance on various lease provisions.
- Initiated cancellation process by issuing show cause letters
 - Lease No. SR-99-155 Redd/Lichee Corporation (in violation of purpose, rent, accounting, improvements, performance bond and liability and fire/casualty insurance provisions of the lease).
 - Lease No. SR-01-168 K&V Enterprises, LLC (in violation of rent, accounting, improvements, plans and designs, performance bond and liability insurance provisions of the lease).
 - Lease No. SR93-130 Buck's Tire and Towing - lease expired 12/3/2018, claim on Letter of Credit for rent due to the Navajo Nation.

Title Status Reports:

- Title Status Reports - 6
 - Proposed Hogback Solar Project
 - Proposed Right-of-Way Renewal - CCI Paradox Midstream, LLC crossing
 - Navajo Allotment near Montezuma Creek, UT
 - Business Lease No. SR-98-151 - John Mancini (Shiprock Post Office)
 - Home site Leases (Mortgage Purposes) 3

Special Projects:

- Assisted Navajo Indian Irrigation Project office is researching title status of allotments located within project area.
- Shiprock Administrative Reserve
- Sanostee Community Sewer System

Western Navajo Agency

Navajo Nation Approved Leases Submitted for Recording

- Home site Leases Received: 66
- Returned for Discrepancy: 5
- Home site Leases Recorded: 30

BRANCH OF PROBATE

Deceased Navajo allotted landowners trust property is probated by the Office of Hearings and Appeals (OHA), Albuquerque, New Mexico. The Navajo Region Branch of Probate prepares cases by completing research for probable heirs of the decedent. 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. Branch of Probate staff does majority of the family research work at the Navajo Nation Vital Records Office. Probates that are completed are for Allotted Individual Trust lands. It helps the Navajo landowners in updating Trust ownership records.

A total of seventy-three (73) cases were transferred to OHA for hearing to be scheduled, as follows: **26** by Fort Defiance Agency, **5** by Shiprock Agency, 36 by Eastern Navajo Agency, and 6 by Western Navajo Agency. It is an on-going process with death happening on a daily basis. At present time, the following is Navajo Region's case load by Agencies:

Agencies	Case Loads
Eastern Navajo Agency	2,454
Fort Defiance Agency	1019
Shiprock Agency	592
Tuba City Agency	45
Total # Cases for Region: NAVAJO	4,110

INDIAN SERVICES

HOUSING SERVICES

Contract A16AV00407 - FY 2016 – 2018 Housing Improvement Program (HIP): This contract is in compliance with contract and reporting requirements. The total contract amount is \$3,089,788.67. HIP serves the neediest of the needy Navajo Nation tribal member families who have no other resources for standard housing. Those selected for service will be granted a new, quality, modest, replacement home.

FY18 – Construction is in progress; four homes are 100% complete, two homes are at various stages of completion, both have target completion dates in January 2020.

FY2019 – A contract in the amount of \$947,738.25, was awarded on November 22, 2019, for FY2019. Seven applicants are expected to receive a new home. Project recipients are currently under NEPA – Categorical Exclusion review.

HIP Administration: The BIA HIP Program Officer provided technical assistance to the Navajo Nation Housing Program in preparation for the upcoming FY2020 application cycle. On December 4th the BIA HIP Program Officer met with the Navajo Nation Housing Program to discuss FY2019 status of final funding and the final FY2019 Tier II (project recipient listing). Pending items from the Nation include: GPRA report due to Region January 9th.

The Navajo Region Housing Officer also serves as the Regional Freedom of Information Act Office (FOIA) Coordinator. Fifteen requests were worked on during this reporting cycle.

HUMAN SERVICES

The Branch of Human Services for the Navajo Regional Office continues to remain accessible and available for Technical Assistance upon request from the Nation. Any and all requests for training are provided in accordance to the scope of work as contracted under Public Law 93-638. Our office continues to reach out to local, state, county, federal and tribal service providers and coordinate resources benefiting tribal members and communities.

Government Performance Results Act (GPRA):

The GPRA is a United States law enacted in 1993, one of a series of laws designed to improve government performance management. The GPRA requires engagement in performance management tasks such as setting goals, measuring results and reporting the progress. GPRA shows the progress made toward achieving the set goals.

The Navajo Nation Division of Social Services for Fiscal Year (FY) 2020, First Quarter GPRA for Performance Measure 1811 was met at 86% for the quarter. This Measurement for 1811 is the percentage of General Welfare Assistance recipients that have completed their goals identified in their Individual Self Sufficiency Plans (ISP). It means they are meeting their goals they have set for themselves and are making positive progress. The Navajo Nation continues to exceed its annual target goal of 69% as set for this FY 2020.

Indian Child Welfare Act (ICWA):

The Navajo Regional Office processed 122 ICWA Notices received by the State(s). There were 61 official responses from our Regional office and 61 out of the 122 were duplicate notices where the Navajo Nation was also notified.

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

The Branch of Human Services proposed to assist in sponsoring a training for the P.L. 93-638 contracted employees for the Social Services Program. The “Journey to Wellness” workshop was held at the Twin Arrows Casino on December 5-6, 2019.

The workshop focused on secondary trauma faced by tribal family service workers. This is part of the daily work and developing strategies to address trauma and prevention. Harmony and balance are critical elements of living a good life and having the skills to facilitate opportunities for healing and growth for client families is vitally important. Many of the participants were grateful for the training and the knowledge that was gained. A comment was given “I feel worthy today.” Thank you to the Navajo Nation, Executive Administration Team for joining forces and the resources that were brought together.



Thank you to Honorable Delegate, Carl Slater, 24th, Navajo Nation council for taking the time and providing words of encouragement to the participants at the “Journey to Wellness” workshop, Twin Arrows, Arizona.

BRANCH OF INDIAN SELF DETERMINATION

The Navajo Region awarded the following funds to the Navajo Nation (Nation) and other tribal programs from October 1, 2019 to December 20, 2019. These funds benefit the Nation and all other tribal programs:

Contract No.	P.L. 93-638 Programs	Award
A15AV00083	Water Monitoring Program	\$ 1,274,040.00
A16AV00385	Social Services	\$ 57,026.35.00
A16AV00407	Housing Improvement Program	\$ 947,738.25
A18AV00262	Forestry Management	\$ 463,993.00
Total:		\$ 2,942,797.60
A16AV00382	NAPI	\$ 1,623,360.00
A16AV00430	DBOSBA	\$ 88,700.00
A18AV00841	Rock Point Community School	\$ 1,650,059.00
A19AV00739	Alamo Navajo School Board, Inc.	\$ 38,000.00
Total		\$ 3,400,119.00
Grand Total		\$ 6,342,916.60

Along with issuing the appropriated funds to the Nation, the Nation submitted their Calendar Year 2020 Successor Annual Funding Agreements to continue contracting 15 programs. Three programs have not been awarded due to the lack of appropriation for: Housing Improvement and Safety of Dams. The Forestry program is under further negotiations to award.

The majority of the Nation's program are currently up to date with their contractual provisions and operating in a satisfactory manner. The BIA has completed the monitoring review and reports and a majority have been operating satisfactory.

BRANCH OF ENVIRONMENTAL MANAGEMENT

Shiprock Administrative Reserve (SAR):

The Navajo Region Branch of Environmental Management (BEM) is developing a Scope of Work to conduct the American Material Standard Testing (ASTM) Environmental Site Assessment (ESA) Phase II sampling for the next priority as requested by Navajo Nation. Priority 2 site consists of 25 government quarters located at the Shiprock Administrative Reserve property that requires sampling and removal of the environmental hazards before demolition occurs. BIA will continue to work with the Navajo Nation on this project once it receives funding to begin the work.

Sanostee Community Wastewater:

BEM continues to participate in the meetings with the Indian Health Service (IHS), Navajo Tribal Utility Authority (NTUA), Sanostee Chapter, and Sanostee representatives on the wastewater connection and wastewater discharge within their community. Some progress has been made by the IHS and the Sanostee Chapter by working with Bureau of Indian Affairs and NTUA.

Safe Drinking Water Act

The BEM program continues to conduct their required Safe Drinking Water Act drinking water sampling for Bureau of Indian Education schools located within the Navajo Region. BEM program is required to follow the drinking water sampling schedule provided by the U. S. Environmental Protection Agency (USEPA) Region IX and the Navajo Nation Environmental Protection Agency-Public Water Systems Supervision Program (NNEPA-PWSSP) every year.

BEM Program conducted the required monthly sampling for bacteriological (Total/Fecal Coliform and E. coli bacteria) which completed the 2019 Safe Drinking Water Act monitoring schedule provided by the USEPA and NNEPA-PWSSP. All chemical parameters requested to maintain environmental compliance with SDWA has been completed for BIE schools.

On December 11, 2019, the BEM staff and the Bureau of Education Facility Managers attended the Quarterly meeting with USEPA Region IX and the NNEPA-PWSSP on the Public Water Systems. The meeting provided water systems updates for BIA and BIE water systems, certification trainings for BIE water and wastewater trainings, overall review of the water systems by NNEPA-PWSSP. USEPA and NNEPA-PWSSP provided an update on two laterals that will be effecting the BIA/BIE public water systems. One being Cutter Lateral which will take effect in January 2021 and the other San Juan Lateral with a 5-year delay. Once the Navajo Gallup Water Supply Project is in effect there would be a potential additional surface water monitoring and reporting requirement for BIA and BIE.

National Pollutant Discharge Elimination System (NPDES) -Wastewater:

There were no reports of overflows/lagoons requiring discharging at any other locations within the Navajo Region. BEM submitted the require Discharge Monitoring Reports (DMRs) data to the regulatory agencies. The electronic reporting will save time and money by eliminating paper reports.

Branch of Environmental Quality Act Compliance and Review: (NEPA)

BLM Farmington Field Office Resource Management Plan Amendment (RMPA) & Environmental Impact Statement (EIS):

The Navajo Region will use the EIS under the National Environmental Policy Act (NEPA) to guide the management of oil and gas resources owned by the United States in trust for the Navajo Nation and Navajo Indian Allotments in San Juan County, New Mexico. The analysis of the EIS will address impacts on both the surface and subsurface mineral estate in the planning area. The document continues to be refined to adhere to the Secretary's Order 3355 which was intended to improve the Department of Interior NEPA process.

The Section 106 process for the Farmington Mancos-Gallup Resource Management Plan Amendment and environmental impact statement (FMG RMPA/EIS) began in March 2014 following the BLM's notice of intent to prepare an EIS. Since that time, there have been 25 Tribes invited to participate and consult in the Section 106 process, including Hopi Tribe, Jicarilla Apache Nation, Navajo Nation, Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, and the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Ysleta del Sur, Zia, and Zuni. In addition, the BLM and BIA have invited 18 Navajo Nation Chapters to participate in the Section 106 process, including the Chapters of Becenti, Burnham, Counselor, Huerfano, Hogback, Lake Valley, Nageezi, Nenahnezad, Newcomb, Ojo Encino, Pueblo Pintado, Sanostee House, Tiis Tsoh Sikaa, Torreon/Star Lake, Tse Daa K'aan, Upper Fruitland, White Rock, and

Whitehorse Lake. Agency outreach included multiple letters, emails, and phone calls to the Tribes and Chapters since 2014, as well as the meetings described below.

In this Quarter, the federal agencies held four (4) Government-to-Government and Section 106 responsibilities meetings on the RMPA project with the Navajo Nation. On October 18, 2019, Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA) met with the Navajo Nation Division of Natural Resources (DNR) Director and the DNR Department Managers. BIA and BLM provided an update on the RMPA project. On October 15-16, 2019, the BIA and BLM hosted a Section 106 meeting with the consulting parties on the RMPA Programmatic Agreement (PA) and received feedback from the consulting parties on the draft PA. On October 22, 2019 the BIA and BLM held a meeting with Navajo Nation President related to the RMPA meetings and project. BIA requested a Navajo Nation Point of Contact the RMPA project. Secondly, the role of Navajo Nation Chapter(s) in the overall EIS process, and the role of the Navajo Nation Council Delegate in the government-to-government working relationship with the federal agencies. Lastly, on November 6, 2019, at the request of the White Rock Chapter, BIA and BLM provided a brief overview on the RMPA.

National Environmental Policy Act (NEPA) Compliance Activities:

In this Quarter, the Branch of Environmental Quality Act Compliance Review (BEQACR) staff which conducts the NEPA reviews, completed twenty-seven (27) Categorical Exclusions reviews that were submitted by the Navajo Nation. The reviews also include seven (7) Environmental Assessments and BEQACR issued three (3) FONSI's.

BEQACR staff hosted the "Basic and Advanced NEPA Training" for the Navajo Nation Departments, Indian Health Service and Navajo Tribal Utility Authority and BIA Regional program staff. The training was part of the NEPA initiative to offer technical assistance to the Navajo Nation, NTUA and Regional Programs to gain a better understanding on the NEPA process and requirements. Another "NEPA Training" is being offered again in January 2020.

National Historic Preservation Act, Section 106, Compliance Activities:

In this Quarter, the BIA Regional Archeologist reviewed seventy-six (76) Cultural Resource Compliance (CRCF) forms submitted which were approved.

The BIA Regional Archeologist met with Navajo Nation Tribal Historical Preservation Officer (THPO) to offer technical assistance on several curation materials that were excavated from past BIA Roads data recovery projects. Currently the curation materials are being inventoried by Navajo Nation and temporarily stored at the BIA building in Gamerco, New Mexico. Other meetings involving the Navajo Nation TPO and the Regional Archeologist is on Wide Ruins School Road project which uncovered several locations of cultural materials. The Navajo Department of Transportation (NDOT) cultural contractor inventoried and boxed up the curation materials that were uncovered to be moved to Tucson, Arizona. These cultural materials were not excavated by NDOT but observable within the project area. BIA is working with Navajo Nation TPO to secure funding to bring back the cultural materials for final disposition.

On December 15, 2019 the BIA Regional Archaeologist met with Navajo Nation TPO, the Navajo Nation Department of Justice, the NTUA Right-of-Way Agent and NTUA Attorney on the Navajo Mountain Archaeological Resources Protection Act violation case. The Navajo Nation THPO proposed a settlement and offered it to NTUA for their consideration. Currently, no official response from NTUA has been received.

BRANCH OF SAFETY

Since the beginning of the fiscal year 2020, twenty (20) of the twenty-nine (29) BIA facilities where Navajo Nation tenants (Public Law 93-638 programs) resides completed their Annual Safety Inspection in accordance with the Indian Affairs Safety, Health and Accessibility Inspection/Evaluation Guidelines. These inspections of facilities are throughout the Navajo Region and the five agencies: 1. Western Navajo , 2. Eastern Navajo , 3. Chinle , 4. Shiprock & , 5. Fort Defiance & surrounding areas and Navajo Region (Gallup, New Mexico) where safety inspectors assessed for non-compliance issuances. The key element and purpose for safety inspections is to ensure Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and Navajo Nation (Nations) employees as well as the public are free of hazardous and unsafe conditions. By upholding BIA's fiduciary responsibilities in accordance with Indian Affairs Occupational Safety and Health (SOH) Program, inspections evaluate fire alarms, fire sprinklers, and any immediate danger to life, health, property or infrastructure that requires correction or hazard controlled to a lower level of risk through protocols and emergencies action plans to enhance the quality of life for American Indians and Alaska Native through optimization of the organization's existing resources. In addition, safety inspectors work in partnership with Agency Official in charge, or representatives to warrant inspections are as accurate or to document any forthcoming concerns where occupant's knowledge is valuable to prevent any unexpected dangers or disasters.

The Annual Inspections, BIA Branch of Safety implements the Indian Affairs Occupational Safety and Health (OSH) training where it is design to assist employees with the skill and knowledge to perform their assignment in a safe and healthful manner; provide sufficient information for managers and supervisors to recognize and perform their responsibilities in emergencies protocols; proved the capabilities for personnel with OSH responsibilities to perform their duty effectively in safe management; and assist supervisors in identifying and/or securing appropriate safe and health training and to be able to communicate safety principle for a safe work environment. Training for First Aid, CPR, Blood Pathogen, Lockout/Tagout, Evacuation/Fire Drill, Fire Extinguisher, and Safety Committee Training has been accomplished throughout agencies at various locations of BIE schools, BIA and Navajo Nation facilities. Overall, the number of participants: 300-500.

BRANCH OF FACILITY MANAGEMENT

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

A project to refurbish eight houses and two 4-unit apartment buildings is in progress at Wingate High School, Fort Wingate, New Mexico Campus. The project is 85% completed.

Another project to restore two houses, five duplex apartments and one 5-unit apartment building is starting at Nazlini Community School, Nazlini, Arizona. Temporary construction fencing has been installed for the project. Abatement of hazardous building materials is scheduled to begin in January 2020.

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

Facility improvement projects are in progress at the following locations; Kinlichee Community School, Kinlichee, Arizona; Fort Defiance Agency Facility Management, Fort Defiance, Arizona; and Baca Community School, Prewitt, New Mexico.

The following facility improvement projects are completed: playground equipment installation at Baca Community School, Prewitt, New Mexico; water main line installation at Crownpoint Boarding School, Crownpoint, New Mexico; and structural repairs and drainage improvements projects at Many Farms High School and Many Farms Community School, Many Farms, Arizona.

BRANCH OF TRANSPORTATION

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

The NRDOT received \$84,960.00 of FY2020 TTP Program Management & Oversight (PM&O) funds under a Continuing Resolution to carrying out the Navajo Region's federally inherent functions of the program that are identified under 25 CFR § 170.613 "*What funds are used to pay for non-contractible functions and activities?*" and listed in Appendix to Subpart E.

- TTP project meeting with Hopi Tribe, Navajo Nation Resource and Development Committee (RDC), Navajo DOT, Navajo County, and BIA Central, Western and Navajo Regional DOT offices concerning Project H60 from Low Mountain to Polacca, Arizona.

The NRDOT did not receive any TTP Tribal Share funds for FY2020. However, the NRDOT continues to perform some work on Tribal Transportation Improvement Program (TTIP) projects.

- Provided construction monitoring and technical assistance on the N2007 New Lands Bridge project in Navajo, Arizona, which is 40% complete. On December 5, 2019, Navajo Engineering & Construction Authority (NECA) notified the Awarding Official that they were suspending all construction work and activities indefinitely under this fixed price P.L. 93-638 roadway construction contract.

Road Maintenance:

The NRDOT Road Maintenance program received \$1,838,011.00 of FY2020 Tribal Priority Allocation (TPA) funds under a Continuing Resolution to preserve, repair, and restore BIA system roads, bridges and transportation facilities on the Navajo Nation. The total amount of TPA funding was sub-allocated to each respective Agency Road Maintenance program for FY2020; see table below:

Road Maintenance Agency	Budget Amount
Navajo Region	\$ 286,711.00
Shiprock	\$ 284,900.00
Western Navajo	\$ 340,000.00
Eastern Navajo	\$ 297,800.00
Chinle	\$ 288,600.00
Ft. Defiance	\$ 340,000.00
Total:	\$ 1,838,011.00

The Bureau of Indian Affairs, Road Maintenance program continues to perform eligible maintenance activities on BIA system roads, bridges and transportation facilities on the Navajo Nation through direct service.

EASTERN NAVAJO AGENCY (ENA)

Branch of Transportation (BOT)

BOT continues to address issues and concerns regarding roadways within the ENA. Assessments of needed cattle guards, road surfacing material including milling and fencing have been completed. All installation work would be in coordination with BNR to address potential safety and livestock trespass issues. The BOT continues to make snow and ice removal a priority when weather dictates.

BOT also assess roadside vegetation growth and completes mowing as necessary. BOT also completed pavement repairs which includes potholes and leveling of pavement. The BOT are ensuring roads are safe through road maintenance work activities. BOT personnel continue to receive appropriate training which allows the team to continue to meet performance standards of the program

Branch of Real Estate Services

ENA BRES engages in community land use planning committee meetings with the Crownpoint Chapter. The BIA is currently addressing issues with Navajo Regional Property Management Office to determine disposition and condition to allow use by other entities.

ENA BRES is working in coordination with the Federal Indian Minerals Office (FIMO) and the Office of the Special Trustee Fiduciary Trust Officer regarding probate and Individual Indian Money issues relating to oil and gas leases.

The ENA BRES continues to provide information and guidance regarding the proposed buffer zone around Chaco Culture National Historical Park further insuring that Bureau of Land Management (BLM) data coincides with BIA information.

ENA BRES continues to be engaged in discussion related to broadband expansion in the agency area addressing right-of-way issues related to seven proposed projects to improve and expand broadband development within Navajo chapters in Arizona and New Mexico.

The ENA BRES continues to conduct outreach to land owners, including gift deed services. As part of customer service and carrying out BIA's trust responsibility, ENA BRES arranges and makes all efforts to provide the services as needed in a timely manner.

ENA BRES provided technical assistance to Navajo Chapters on the processing of a right-of-way application for a road and electrical power line. The BIA is gradually creating on-line services for trust land transactions. The gift deed preparation and processing is now completed on line and the new right-of-way regulations has a website for right-of-way information and templates.

The ENA BRES provided technical guidance to Navajo Nation Department of Transportation (NDOT) and Navajo Nation Land Department on grant of rights-of-way to NDOT: Terms and Conditions; Term Limits; Waiver for bond, insurance or other security (169.103); Waiver for

compensation (169.110); Waiver for due diligence (169.105); and Waiver of 169.125(c) (2) allowing grantee rights to the products or resources of the land.

The ENA BRES remains engaged with utility providers and Navajo chapter representatives working on electrical power line projects funded through capital outlay projects.

The ENA BRES is in ongoing communication with United States Environmental Protection Agency and Department of Energy to discuss a request for access to two abandoned uranium mine sites for cleanup activities. The proposed access will cross Navajo Tribal Trust lands which will require consent from the Navajo Nation for a temporary right-of-way. The ENA BRES is coordinating and assisting on uranium mine cleanup projects by working with USEPA, NNEPA, Contractors and landowners related to land status and realty transactions.

The ENA BRES participated in a meeting with Navajo Nation Council Resources Development Committee (RDC) and Navajo Nation Land Department (NNLD) to discuss steam lining the Navajo Nation ROW process and service line agreements.

Branch of Probate Estate Services

ENA-BPES received 50 deaths reports; 37 cases have been submitted to and accepted by the Office of Hearings and Appeals (OHA) which consisted of approximately \$257,558.90 in Individual Indian Monies (IIM) accounts, 343 allotments, and 170 probable heirs; and completed disbursement and close-out of 12 cases. The ENA-BPES have also assisted approximately 482 clients either in the office, in the field doing home visits, on the phone, through email, and at outreach activities are conducted in the Navajo language which supports estate planning. Probate office activities support tribal self-determination, self-governance, and sovereignty by ensuring that titles to Indian allotments are accurate and up to date resulting in timely disbursement of funds to heirs and to the Navajo Nation.

Branch of Natural Resources

The ENA BNR supports range management decisions for the best interest of the land owners, making it possible for landowners to receive income from the use of their land and natural resources and are managed properly.

To comply with the National Environmental Policy Act, a national mandate for federal agencies, ENA BNR completed the Livestock Grazing Environmental Assessment (EA) in May 2019. In the EA, there are appropriate protective Agency actions to avoid, minimize, or mitigate grazing impacts for threatened and endangered species and their habitats; and long-term sustainable livestock grazing and range management. The ENA BNR completed an action plan to go forward in implementing the FONSI to approve grazing permits. A formal notice and possible outreach is planned for the Navajo Nation and permittees.

The Land Management District 14/15/16 Boundary Fence-Line Reconstruction Project, the contractor completed 7 of 12 miles of fencing. This project benefits the Navajo Nation and its members to limit inter-district livestock trespass and improve the management of livestock and natural resources.

For the conservation plan project, contractor (Ecosystem Management Inc.) completed the following number of draft plans for permittees by Land Management Districts (LMD):

LMD	Overall Total		Contractor Completed		ENA BNR Working to Complete	
	Range Units	Permittees	# Plans	# Permittees	# Plans	# Permittees
15	62	129	46	119	10	10
16	287	349	208	249	79	100
19	95	123	11	11	84	112
20	256	369	104	130	152	239
Total	700	970	369	509	325	461

According to 25 CFR Part 166, a conservation plan is required to approve a grazing permit.

The ENA BNR reviewed all plans and made sure the conservation measures specific to the *Menifee* (Geologic) Formation, as identified in the new Livestock Grazing Environmental Assessment, are included in the plans. The conservation plan provides feasible management options that yield acceptable economic returns and conservation benefits by considering the land user's management objectives, goals, and capabilities under prevailing economic conditions. A conservation plan is a statement of management objectives for grazing, farming, or other agriculture management including contract stipulations defining required uses, operation and range improvements.

For the Puerco River Noxious Weed Control Project, ENA BNR conducted an inventory of the number of windrows to include in the control-burn in coordination with Navajo Region's Fire Management Program. The NRO Fire Management personnel plan to assess the site and prepare to control-burn this winter.

The Navajo Nation Courts established trustees when family members file for probate related to Land Management District 15 grazing permits. The Navajo Nation Courts consider grazing permits as property that can be probated within tribal court adjudication. In most cases, the Navajo Nation courts established trustees for adults (per Title 3 Navajo Nation Code) regarding minors. The Navajo Nation Courts also provided orders related to joint tenancy and allocated trustee use of the grazing permit. ENA BNR coordinates with the Navajo Nation Department of Agriculture and District 15 Land Board to allocate the grazing permits to adults.

ENA BNR provided technical assistance at the DLB 15, 16, 19, and 20 meetings this quarter set at local chapter houses. The ENA BNR attended and participated in EAJLB meetings, provided project update reports, and discussed bonding requirements and implementation. Bonding is required under Title 3 Navajo Nation Code.

The ENA BNR collaborated with local Land Board representatives and provided technical assistance on the Navajo Nation Attorney General's Dispute Resolution Process. All land board decisions must be formalized with a land board resolution regarding approval or denial or any major action. The ENA BNR have reminded DLBs on the necessary resolutions and submittals to BIA.

The ENA BNR addressed 6 of 24 grazing dispute cases to the DLB 19 and 20. The six cases are pending decisions by the land boards with a supporting resolution. Land Board representatives for DLB 16 have yet to address three cases. The grazing dispute cases relate to issues and concerns raised by permittees on livestock trespass, illegal dumping, and home sites or residences.

The ENA BNR assisted customers and recorded 34 Navajo Nation Livestock Inventory Receipts from Church Rock, Mariano Lake, Pinedale, Pinehaven, and Red Rock Grazing Communities. The ENA BNR worked with NRO GIS in collecting water sources and provided range unit and land status GIS shape files to Indian Health Service per request.

The ENA BNR continues to assist permittee(s) or applicants with conservation plans, maps, technical assistance requirements (livestock inventory, state or tribal livestock brand card, certificate of Indian blood) in having a grazing permit, range unit assessment, carrying capacity, and report of trespass.

Appendix A – Dear Tribal Leader Letter (DTLL)

- DTLL - School Facilities BIE: January 6, 2020
- DTLL - Continuing Resolution No.2 & Potential Shutdown: December 05, 2019
- DTLL - Administrative Appeal Regulation: November 21, 2019
- DTLL - Native American cultural items: November 06, 2019
- DTLL - BIA, Providers Conference: November 06, 2019
- DTLL - DOI-wide Invasive Species Strategic Plan: October 08, 2019



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

JAN 06 2020

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

Dear President Nez:

The Indian Affairs is considering on improving the condition of school facilities funded by the Bureau of Indian Education (BIE-funded schools). The revised approach being considered would comprehensively assess the conditions of all BIE-funded schools.

This topic will be addressed further at a webinar session that will be held on February 5, 2020 from 1:00 – 4:00 p.m., Eastern Standard Time. The call in information is available at this website: <https://www.bia.gov/as-ia/ofpsm/dfmc/ecsap>.

If you have any questions, please contact Wallace Keays, Deputy Director, Office of Facilities, Property, and Safety Management, Indian Affairs, by phone at (703) 390 – 6548.

Sincerely,

Bartholomew Stevens
Regional Director, Navajo

cc: Chief of Staff, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 03 2020

Dear Tribal Leader:

Indian Affairs (IA) is considering a revised approach to improving the condition of school facilities funded by the Bureau of Indian Education (BIE-funded schools). It is our belief that this revised approach will better provide safe, secure, healthy, operationally modern, and long-lasting campuses.

The current process for assessing the condition of BIE-funded schools involves a burdensome application process for schools and results in construction funding at only five to ten schools in each five-year cycle. Given the current backlog of deferred maintenance, at 10 schools selected every 5 years, it would take 30 years to accommodate the 60 currently eligible schools, assuming no others become eligible. Further, each school that is not chosen must proactively reapply at each five-year cycle.

The revised approach being considered would instead comprehensively assess the conditions of all BIE-funded schools, and determine a holistic site-by-site solution to get all schools to a "good" status and keep them there. Based on the comprehensive assessment, IA will select 10 to 20 schools each October to replace, renovate, and/or repair. Selecting projects based on site assessments eliminates the need for schools to expend time and resources developing applications and ensures that all schools reach and maintain a "good" status.

While some of you joined us to discuss this topic at the National Congress of American Indians (NCAI) 2019 Annual Convention in Albuquerque, New Mexico, I would like to extend an additional opportunity to discuss during our webinar at the following date and time:

Date	Time	Topic	Webinar Link & Teleconference Number
Wednesday, February 5, 2020	1:00 p.m. – 4:00 p.m. Eastern Standard Time	BIE School Construction Assessments	Available at the web page below

Background information on this topic and webinar access detail are available at the following webpage:

<https://www.bia.gov/as-ia/ofpsm/dfmc/ecsap>

If you have questions, please feel free to contact Wallace Keays, Deputy Director, Office of Facilities, Property, and Safety Management, Indian Affairs, by phone at (703) 390-6548 or email: Wallace.keays@bia.gov.

Additionally, if you would like to submit written comments on this approach, please do so by February 7, 2020, to consultation@bia.gov.

Sincerely,

Tara Sweeney
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

DEC 05 2019

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

Dear President Nez:

The Continuing Resolution (CR) No. 2 (as authorized by Public Law No. 116-69) will fund the federal programs from November 21, 2019 through December 20, 2019. Should there be a lapse in appropriation, the Bureau of Indian Affairs, Navajo Region is preparing for a potential shutdown. In the event, there is a shutdown, Mr. Bart Stevens, Regional Director, will remain on duty for emergency personnel service providers.

We are all hopeful that we can continue the normal operations but want to express our commitment to work with extreme urgency. If you have any questions, please contact me at (505) 863-8314 or cell phone at (505) 870-0011.

Sincerely,

Bartholomew Stevens
Regional Director, Navajo

cc: Chief of Staff, Navajo Nation
Office of the Speaker, Navajo Nation



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87305

NOV 21 2019

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

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs, (AS-IA) Ms. Tara Mac Lean Sweeney, regarding the administrative appeal and can be found at 25 CFR Part 2. The regulations have not been updated for 30 years.

A “Discussion Draft” of revisions to the administrative appeal regulations is attached. The revisions will clarify appeal actions, timelines and filing deadlines, regulations requirements which reflect Indian Affairs today.

You are invited to review the Discussion Draft and provide written comments to consultation@bia.gov by February 14, 2020, and/or attend one of the following consultation sessions.

- January 22, 2020 at 1 p.m. – 4 p.m., EST
- TBD week of February 10, 2020, 1:00 p.m. – 4:00 p.m., EST

See enclosed for more detailed information. If you have any questions or need additional information, please contact Elizabeth Appel, Office of Regulatory Affairs and Collaborative Action, at (202) 273-4680, or Elizabeth.appel@bia.gov.

Sincerely,

Bartholomew Stevens
Regional Director, Navajo

Enclosure(s)

cc: Chief of Staff, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 15 2019

Dear Tribal Leader:

The Indian Affairs officials who serve you strive to base each decision they make on solid reasoning and a complete and factual record; however, when one of those decisions adversely affects you, you may administratively appeal the decision to the next higher official within Indian Affairs. The regulations that establish the process for administrative appeals are located at 25 CFR Part 2. These regulations have not been updated for 30 years and do not reflect the current structure of Indian Affairs.

Today, I share with you a "Discussion Draft" version of revisions to the administrative appeal regulations. These revisions are intended to:

- Clarify how to appeal actions from each Indian Affairs official;
- Clarify timelines and filing deadlines;
- Make the regulations easier to understand and use; and
- Add provisions to address matters not covered in the current regulations, such as appeals of Office of the Special Trustee Statements of Performance.

I invite you to review the Discussion Draft and provide written comments to consultation@bia.gov by February 14, 2020, and/or attend one of the following consultation sessions.

Date	Time	Location
Wednesday, January 22, 2020	1 p.m. – 4 p.m. EST	(877) 918-2309 Passcode 2758156
TBD Week of February 10, 2020	1 p.m. – 4 p.m. EST	Capital Hilton 1001 16th St. NW Washington, DC 20036NCAI Executive Council Session

The full text of the Discussion Draft and updated information on consultation sessions are available at: <https://www.bia.gov/as-ia/raca/regulations-and-other-documents-in-development>.

If you have questions or need additional information, please contact Elizabeth Appel, Office of Regulatory Affairs and Collaborative Action, at (202) 273-4680, or Elizabeth.appel@bia.gov.

Sincerely,

Tara Sweeney
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

NOV 06 2019

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

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs, (AS-IA) Ms. Tara Mac Lean Sweeney, regarding the Native American cultural items. The interior, in collaboration with an interagency working group, which includes representatives from the Department of State, Justice, and Homeland Security, have drafted a summary of legal options, which can be found at: <https://www.bia.gov/as-ia/raca/regulations-and-other-documents-in-development>.

You are invited to a listening session and consultation to discuss the draft summary and other ideas you may have. The dates are as follows:

- November 12, 2019 at 5:15 – 6:30 p.m.
Location: We-Ko-Pa Resort and Conference Center, Ft. McDowell Yavapai Nation
10438 N Fort McDowell Road, Fountain Hills, Arizona 85264
- January 14, 2020, at 2:00 – 4:00 p.m. via Teleconference

Written comments are welcomed to consultation@bia.gov by midnight Eastern Time on February 14, 2020.

Sincerely,

Bartholomew Stevens
Regional Director, Navajo

Enclosure

Cc: Chief of Staff, Navajo Nation
Historic Preservation Office, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 01 2019

Dear Tribal Leader:

Native American cultural items have been appearing, and continue to appear, at auctions overseas. The theft and trafficking of Native American cultural items is unacceptable, and yet the limited scope of existing federal laws pose challenges to addressing the issue. To begin to identify potential solutions, I invite you to discuss whether and how amending the U.S. legal framework governing the export, theft, and trafficking of Native American cultural items would facilitate the repatriation of these items.

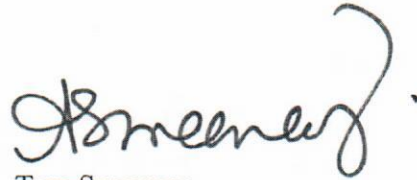
We at Interior, in collaboration with an interagency working group, which includes representatives from the Departments of State, Justice, and Homeland Security, have drafted a summary of legal options, which can be found at <https://www.bia.gov/as-ia/raca/regulations-and-other-documents-in-development>. This draft summary addresses a recommendation in the August 2018 Government Accountability Office (GAO) Report to Congress entitled *Native American Cultural Property: Additional Agency Actions Needed to Assist Tribes with Repatriating Items from Overseas Auctions*, and is offered at the link above for your input. I invite you to a listening session and consultation to discuss this draft summary and any other ideas you may have for other legal options to address this issue, at the following dates and locations:

DATE	TIME	Location Information
Tuesday, November 12, 2019 (listening session)	5:15 p.m. – 6:30 p.m. MST	We-Ko-Pa Resort and Conference Center Fort McDowell Yavapai Nation 10438 N Fort McDowell Road Fountain Hills, Arizona 85264
Tuesday, January 14, 2020 (Tribal consultation)	2:00 p.m. – 4:00 p.m. EST	Teleconference Call in number: 1-800-857-9804 Participant passcode: 9420567

If you would like to submit written input on whether and how the U.S. legal framework governing the export, theft and trafficking of Native American cultural items should be amended, please submit your comments by email to consultation@bia.gov by midnight Eastern Time on February 14, 2020.

If you have any questions, please contact Ashley Fry at 202-208-5808 or ashley.fry@bia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tara Sweeney", with a large, sweeping flourish at the end.

Tara Sweeney
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

NOV 06 2019

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

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs, (AS-IA) Ms. Tara Mac Lean Sweeney, regarding the Providers Conference scheduled December 3-5, 2019. The consultation is focused on the Department's draft regulations to implement Section 1119 of the John D. Dingell, Jr. Conservation, Management and Recreation Act, Public Law 116-9.

Written comments are welcomed to consultation@bia.gov by EST, December 20, 2019. If you have any questions, please contact Paul Krabacher, Bureau of Land Management Project Manager, at Pkabach@blm.gov or Jolene John, Tribal Operations Officer at Jolene.John@bia.gov or (907) 271-4043.

Sincerely,

Bartholomew Stevens
Regional Director, Navajo

Enclosure(s)

Cc: Chief of Staff, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV - 1 2019

Dear Tribal Leader:

The Bureau of Indian Affairs (BIA) Providers Conference has been scheduled for December 3-5, 2019. The Department would like to take the opportunity, while so many of us will already be in one location, to host a consultation prior to the conference. Details on the session are provided below:

Monday, December 2, 2019
1:30 p.m. to 3:30 p.m.
Dena'ina Civic and Convention Center
600 W. 7th Avenue, Anchorage, AK 99501
K'enakatnu Room 6

This consultation will be focused on the Department's draft regulations to implement Section 1119 of the John D. Dingell, Jr. Conservation, Management and Recreation Act, Public Law 116-9. Attached to this letter are the draft regulations on which the Department is seeking comments. This draft is certainly not final and should be considered as the starting point for discussion.

If you plan to attend this session, please let us know in advance by sending an RSVP to consultation@bia.gov. Also, please regularly check the link "Alaska Native Vietnam War Era Veterans Land Allotment" on the following website for additional information and any changes:

<https://www.bia.gov/as-ia/raca/regulations-and-other-documents-in-development>.

If you would like to provide written input, please e-mail your comments to consultation@bia.gov by midnight Eastern Standard Time on December 20, 2019.

If you have any questions or would like any additional information on this effort, please feel free to contact Paul Krabacher, Bureau of Land Management Project Manager, at pkrabach@blm.gov or Jolene John, Tribal Operations Officer, at jolene.john@bia.gov or (907) 271-4043.

Sincerely,

Tara Sweeney
Assistant Secretary – Indian Affairs

Subpart XXXX - Alaska Native Vietnam Era Veterans Land Allotments

GENERAL PROVISIONS

§XXXX.00 What is the purpose of this subpart?

The purpose of this subpart is to implement Section 1119 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act of March 12, 2019, Pub. L. 116-9, codified at 43 U.S.C. 1629g-1, which allows eligible individuals to receive an allotment of a single parcel of available Federal lands in Alaska containing not less than 2.5 acres and not more than 160 acres

§XXXX.01 What is the legal authority for this subpart?

43 U.S.C. 1629g-1(b)(2).

§XXXX.02 What terms do I need to know to understand this subpart?

- (a) *Native* means a person who meets the qualifications listed in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));
- (b) *Veteran* means a person who meets the qualifications listed in 38 U.S.C. 101(2) and served in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, including the reserve components thereof;
- (c) *Eligible Individual* means a Native Veteran who meets the qualification listed in 43 U.S.C. 1629g-1(a)(2) and does not have a pending application or has not already received an allotment pursuant to the Act of May 17, 1906 (34 Stat. 197, chapter 2469) (as in effect on December 17, 1971); or section 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. § 1613(h)(5)); or section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. § 1629g);
- (d) *Allotment* is a selection of specific land awarded to an individual allottee from a common holding;
- (e) *Available Federal Lands* means land in Alaska that meets the requirements of 43 U.S.C. 1629g-1(a)(1) and that the Bureau of Land Management has certified to be free of known contamination;
- (f) *Receipt date* means the date on which an application for an Allotment is physically received by the BLM Alaska State Office, whether the application is delivered by hand, by mail, or by delivery service.
- (g) *State or Native corporation selected land* means land that is selected as of the date of the allotment application by the State of Alaska under the Statehood Act, of July 7, 1958, Pub. L. 85-508, 72 Stat. 339, as amended, or the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980, 94 Stat. 2371, or by a Native corporation under the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1611, 1613, and that that has not been conveyed to the State or Native corporation.
- (h) *Segregate* has the same meaning as in 43 CFR 2091.0-5(b);

- (i) *Selection* means an area of land that has been identified in an application for an Allotment under this Part;
- (j) *State* means the State of Alaska;
- (k) *Native corporation* means a regional corporation or village corporation as defined in sections 3(g) and (j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);
- (l) *Person* means any individual, firm, corporation, association, or partnership;
- (m) *Realty service provider* means a Public Law 93-638 “Contract” or Public Law 103-413 “Compact” Tribe or Tribal organization that provides Trust Real Estate Services for the Bureau of Indian Affairs; and
- (n) *Valid relinquishment* means a signed document from an authorized person representing the Native corporation or State that terminates its rights, title and interest in a specific area of State or Native corporation selected land. A relinquishment may be conditioned upon conformance of a selection to the Plat of Survey.

WHO IS QUALIFIED FOR AN ALLOTMENT

XXXX.03-1 How will the BLM let me know if I am an Eligible Individual?

The Bureau of Land Management (BLM), in consultation with the Department of Defense (DoD), the Department of Veterans Affairs (VA), and the Bureau of Indian Affairs (BIA), has identified Eligible Individuals. If BLM identifies you as an Eligible Individual, it will inform you by letter at your last address of record with the BIA and/or the VA.

XXXX.03-2 What if I believe I am an Eligible Individual, but I was not notified by the BLM?

If BLM has not notified you that you are an Eligible Individual, you may still apply for an Allotment under this subpart. However, as described in XXXX.04-4(b), you will need to provide evidence with your application that you are an Eligible Individual. Supporting evidence with your application must include:

- (a) A Certificate of Degree of Indian Blood or other documentation from the BIA to verify you meet the definition of Native; and
- (b) A Certificate of Release or Discharge from Active Duty (Form DD-214) or other documentation from DoD to verify military service

§XXXX.03-3 Who may apply for an Allotment under this subpart on behalf of another person?

- (a) A personal representative of the estate of an Eligible Individual, appointed in an appropriate Alaska State court, may apply for an allotment for the benefit of the estate. The Certificate of Allotment will be issued in the name of the heirs, devisees, and/or assigns of the deceased Eligible Individual.

- (b) A guardian, conservator, or attorney-in-fact of an Eligible Individual may apply for an Allotment for the benefit of the Eligible Individual. The Certificate of Allotment will be issued in the name of the Eligible Individual.

APPLYING FOR AN ALLOTMENT

§XXXX.04-1 **When can I apply for an Allotment under this subpart?**

- (a) You can apply between [effective date of regulations] and [five year from effective date of regulations].
- (b) Notwithstanding paragraph (a), in the case of an application for a substitute selection for resolution of a conflict or an unavailable land selection, you can submit the application for a substitute application within 60 days of receiving the notice described in §XXXX.5-2(b), and XXXX 5-3.
- (c) The BLM will issue a decision rejecting any application received outside the time set forth in paragraph (a) or (b).

§XXXX.04-2 **Do I need to fill out a special application form?**

Yes. You must complete BLM Form No. AK-XXXX-XX, “Alaska Native Vietnam Era Veterans Land Allotment Application.”

§XXXX.04-3 **How do I obtain a copy of the application form?**

The BLM will mail you an application form if you are determined to be an Eligible Individual under XXXX.03-1. If you have not received notification or do not receive an application in the mail, you can also obtain the form at the BIA, a BIA Realty Service Provider’s office, the BLM Public Room, or WEBSITE.

§XXXX.04-4 **What must I file with my application form?**

- (a) You must include the following along with your application form:
 - (1) A map showing the Selection you are applying for.
 - A. Your Selection must be drawn on a map in sufficient detail to locate the Selection on the ground.
 - B. You must draw your selection on a map that is either a topographic map or a printout of a map from the BLM website [WEBSITE] that shows the section lines.
 - (2) A written description of the lands you are applying for, including (i) section, township, range, and meridian; and (ii) if desired, additional information about the location.
- (b) In addition to the materials described in paragraph (a), you must also provide the following materials, under the circumstances described below:
 - (1) If you, or the person on whose behalf you are applying, are an Eligible Individual and were not notified by the BLM that you (or that person) are an Eligible Individual as described in §XXXX 03-1, you must provide proof that you (or that person) are an Eligible Individual, consisting of:

- A. A Certificate of Degree of Indian Blood or other documentation from the BIA to verify that you (or that person) are Native; and
 - B. A Certificate of Release or Discharge from Active Duty (Form DD-214) or other documentation from DoD to verify that you (or that person) are a Veteran.
- (2) If you are applying on behalf of the estate of an Eligible Individual who is deceased, you must provide proof that you have been appointed by an Alaska State court as the personal representative of the estate, and an affidavit stating that the appointment has not expired. The appointment may have been made before or after the enactment of the Alaska Native Vietnam Era Veterans Land Allotment Act, as long as it has not expired.
 - (3) If you are applying on behalf of an Eligible Individual as that individual's guardian or conservator, you must provide proof that you have been appointed by a court, and an affidavit stating that the appointment has not expired.
 - (4) If you are applying on behalf of an Eligible Individual as that individual's attorney-in-fact, you must provide a legally valid and current power of attorney that either grants a general power of attorney or specifically includes the power to apply for this benefit or conduct real estate transactions.

§XXXX.04-5 What are the special provisions that apply to Selections that include State or Native corporation selected land?

- (a) If the Selection you are applying for includes State or Native corporation selected land, the BLM must receive a Valid relinquishment from the State or Native corporation that covers all of the lands in your Selection that are State or Native corporation selected lands. This requirement does not apply if all of the State or Native corporation selected land included within your Selection consists of land the State or Native corporation is willing to relinquish as shown on the map at **WEBSITE**.
- (b) A Native corporation cannot relinquish selected lands if doing so would cause it to become under-selected pursuant to 43 CFR 2568.91(c).
- (c) If a Valid relinquishment is required under this section and is not included with your application, the BLM will consider your application to be incomplete, as set forth in XXXX.04-10.

§XXXX.04-6 What are the rules about the number and size of my Selection?

You may apply for only one parcel. The acreage cannot be less than 2.5 acres or more than 160 acres.

§XXXX.04-7 Is there a limit to how much water frontage my Selection can include?

Generally, yes. You will normally be limited to a half-mile along the shore of a navigable water body, referred to as 160 rods in the regulations at 43 CFR subpart 2094. If you apply for land that extends more than a half-mile, the BLM will treat your application as a request to waive this limitation. As explained in 43 CFR subpart 2094.2, the BLM can waive the half-mile limitation

if it determines the land is not needed for a harborage, wharf, or boat landing area, and that a waiver would not harm the public interest.

§XXXX.04-8 Do I need to pay any fees when I file my application?

No. You do not need to pay a fee to file an application.

§§XXXX.04-9 Where do I file my application?

You must file your application with the BLM Alaska State Office in Anchorage, Alaska, by one of the following methods:

- (a) Mail or delivery service: Bureau of Land Management, ATTN: Alaska Native Vietnam Era Veterans Land Allotment Section, 222 West 7th Avenue, Mail Stop 13, Anchorage, Alaska 99513-7504; or
- (b) In person: Bureau of Land Management, Public Information Center, 222 West 7th Avenue, Anchorage, Alaska 99513-7504.

§XXXX.04-10 What will the BLM do if it finds a technical error in my application?

If the BLM finds a technical error in your application, such as an incomplete application form or missing materials that are required by XXXX.04-2, XXXX.04-4 or XXXX.04-5, then the BLM will send you a notice identifying any correctable errors or omissions, and will give you 60 days of receiving the notice to correct the errors or provide the omitted materials. Your corrected or completed application will be deemed received, for purposes of priority, on the date that the last correction is received, as set forth in XXXX.04-11. You must submit the corrections to the BLM within the 60-day period, or the BLM will issue a decision rejecting your application and require you to submit a new application.

§XXXX.04-11 When is my application considered received by the BLM?

- (a) An application that is free from technical errors, as described in XXXX.4-10, will be deemed received on the Receipt date.
- (b) An application that contains technical errors, as described in XXXX.4-10, will be deemed received on the Receipt date of the last required correction.
- (c) In the case of a substitute Selection for conflict resolution under XXXX.05-2 or for correction of an unavailable lands selection under XXXX.05-3, the substitute application will be deemed received on the Receipt date of the substitute selection application.

XXXX.04-12 Where can I go for help with filling out an application?

- (a) The BIA or a BIA Realty Service provider for your home area and where you plan to apply. To find the list of the BIA Realty Service providers, go to **WEBSITE**.

- (b) The BLM Public Information Centers located at, 222 West 7th Avenue, Anchorage, Alaska 99513-7504 or 222 University Ave, Fairbanks, Alaska 99709.
- (c) BLM Field Offices located at XXXXX
- (d) The VA – LEAVE THIS AS A PLACE HOLDER AS WE DISCUSS WITH THE VA WHAT THEY CAN DO WITH THE APPLICATION ASSISTANCE.
- (e) The BLM website for the description of available lands.

PROCESSING THE APPLICATION

§XXXX.05-1 What will the BLM do with my application after it is received?

After your application is deemed received in accordance with XXXX.04-11, the BLM will take the following steps:

- (a) The BLM will enter your Selection onto the Master Title Plat (MTP) to make the public aware that the land has been segregated from the public land laws.
- (b) BLM will then determine whether the Selection includes only available Federal lands or if the Selection conflicts with any other applicant's Selection. BLM will also review its records and aerial imagery to determine any valid existing rights within the Selection.
- (c) The BLM may make minor adjustments to the shape and description of your Selection to match existing property boundaries or meanderable waterbodies or to reduce the number of corners or curved boundary segments.
- (d) After adjustments have been made, the BLM will send you a Notice of Survey, which will inform you of the shape and location of the lands the BLM plans to survey. The Notice of Survey will include:
 - (1) Your original land description;
 - (2) The adjusted land description plotted onto a Topographic Map and a MTP;
 - (3) Imagery of your original land description with the adjusted land description projected onto it;
 - (4) Draft Plan of Survey; and
 - (5) A list of valid existing rights that are on record with the BLM within the Selection.
- (e) The Notice will provide you an opportunity to challenge, in writing, the Draft Plan of Survey of the adjusted land description within 60 days of receipt of BLM's notice.
 - (1) To challenge the Draft Plan of Survey, you must include the adjustments that you would make to your original land description to meet the requirements of paragraph (b) in this section.
 - (2) You may not adjust your original land description to wholly new lands without clear and convincing evidence of your original intent to select the lands in the adjusted description. If your adjustment doesn't include such evidence, it will issue a decision rejecting your adjustment and the Draft Plan of Survey will be used.
 - (3) Your adjustment to the Selection will be considered received on the date the adjustment was received for purposes of the conflict provisions at XXXX5-2

and could result in your Selection being rejected for those areas that now conflict.

- (f) BLM will finalize the Plan of Survey based on the Draft Plan of Survey in the Notice of Survey or the adjustment you provide pursuant to paragraph (e)
- (g) The BLM will survey the Selection based on the Plan of Survey.
- (h) After survey, the BLM will mail you a document titled Conformance to Plat of Survey. That document will:
 - (1) Show the Selection as actually surveyed;
 - (2) Plot the survey onto imagery; and
 - (3) Provide you an opportunity to dispute the survey if you find an error in the way the BLM surveyed the Selection based on the Plan of Survey.
- (i) All else being regular, the BLM will issue a certificate of allotment.

§XXXX.05-2 What if more than one Eligible Individual applies for the same lands?

- (a) If two or more Eligible Individuals select the same lands, in whole or part, the BLM will:
 - (1) Give preference to the application bearing the earliest Receipt date;
 - (2) If two or more applications bear an identical Receipt date, and one or more application bears a legible postmark or shipping date, give preference to the application with the earliest postmark or shipping date; or
 - (3) Applications for the same land still tied after the criteria in paragraphs (a)(1) and (a)(2) of this section are applied will be assigned a number in sequence. BLM will then run a random number generator to pick the application that will receive preference.
- (b) BLM will issue a decision to all applicant with conflicting Selections setting out BLM's determination of preference rights. All applicants who do not have preference will be given the following choices:
 - (1) Provide the BLM a substitute Selection within 60 days of receipt of BLM's notice, which may consist of either an adjustment to your original Selection that avoids the conflict, or a new Selection located somewhere else. Your substitute Selection will be considered a new application for purposes of priority, as set forth in XXXX.05-2(a) in this section, but you will not need to resubmit any portions of your application other than the land description and map; or,
 - (2) If only a portion of your Selection is in conflict, you may request BLM to continue to adjudicate the portion of the Selection that is not in conflict. You are allowed only one Selection of land under this act, and you will not be allowed to apply for more acreage later.
- (c) If you receive decision finding your application does not have preference under paragraph (b) of this section and the BLM does not receive your choice within 60 days of receipt of the notice, the BLM will issue a decision rejecting your application. If your application is rejected, you may file a new application for different lands before the end of the application period.

- (d) If you receive decision finding your application does not have preference under paragraph (b) of this section, you may file an appeal to the Interior Board of Land Appeals under 43 CFR part 4. Note, however, that unless the BLM's decision is stayed on appeal pursuant to 43 CFR 4.21, the BLM will continue to process the conflicting applications that received preference over your application, and any substitute selection you provide under paragraph (b) of this section.

§XXXX.05-3 What if my application includes lands that are not Available Federal Lands?

- (a) If your Selection includes lands that are not Available Federal Lands, the BLM will issue you a notice informing you of the unavailable land selection and giving you the following choices:
 - (1) Provide the BLM a substitute Selection within 60 days of your receipt of the notice, which may consist of either an adjustment to your original Selection that avoids the unavailable lands, or a new Selection located somewhere else. Your substitute Selection will be considered a new application for purposes of priority, as set forth in in XXXX.04-11(c), but you will not need to resubmit any portions of your application other than the land description and map; or,
 - (2) If only a portion of your Selection is unavailable, you may request BLM to continue to adjudicate the portion of the Selection that is within Available Federal Lands. You are allowed only one parcel of land under this act, and you will not be allowed to apply for more acreage later.
- (c) If you receive notice of an unavailable land selection under paragraph (b) of this section and the BLM does not receive your choice within 60 days of receipt of the notice, the BLM will issue a decision rejecting your application. If your application is rejected, you may file a new application for different lands before the end of the application period.
- (d) If you receive notice of an error under paragraph (b) of this section, you may file an appeal to the Interior Board of Land Appeals under 43 CFR part 4.

§XXXX.05-4 Once I file, can I change my land Selection?

Once the BLM has deemed your application to have been received in accordance with XXXX.04-11, you will not be allowed to change your Selection except as set forth in XXXX.05-2.

§XXXX.05-5 Does the Selection need to be surveyed before I can receive title to it?

Yes. The land in your selection must be surveyed before the BLM can convey it to you. The BLM will survey your Selection at no charge to you, as set forth in XXXX.05-1(g).

§XXXX.05-6 How will BLM convey the land?

- a) BLM will issue a certificate of allotment.
- b) The certificate of allotment will be issued subject to valid existing rights.
- c) The United States will reserve minerals in the certificate of allotment.

AVAILABLE Federal LANDS - GENERAL

§XXXX.06-1 What lands are available for selection?

You may receive title only to lands identified as available Federal land. You can review the available Federal lands at (WEBSITE).

§XXXX.06-2 How will the BLM certify that the land is free of known contaminants?

The BLM will review land for contamination by using current contaminated site database information in the Alaska Department of Environmental Conservation database, the U.S. Army Corp of Engineers Formerly Used Defense Sites database, U.S. Air Force database, or Federal Aviation Administration database. Any land found to have possible contamination based on these searches will not be available for selection.

§XXXX.06-3 Will the BLM try to reacquire land that has been conveyed out of Federal ownership so it can convey that land to a Native Veteran?

No. The BLM is not authorized to reacquire former Federal land in order to convey it to an Alaska Native Veteran.

§XXXX.06-4 Are lands that are valuable for minerals available?

Yes. However, the minerals will be retained by (reserved to) the United States, and will not belong to you.

§XXXX.06-5 What happens if new lands become available?

- (a) New lands may become available during the application period. As additional lands become available, the BLM will review the lands to determine whether the land is free of known contaminants.
- (b) After review, the BLM will update the online web maps of available Federal lands to include these additional lands.

NATIONAL WILDLIFE REFUGE SYSTEM

§XXXX.07-1 If Congress makes lands available within a National Wildlife Refuge, what additional rules apply?

V4

You may receive title only to lands authorized by an Act of Congress subsequent to the date of enactment of this Act. Any conveyance will contain provisions that the land remains subject to the laws and regulations governing the use and development of the refuge.

APPEALS

§XXXX.8.0 What can I do if I disagree with any of the decisions that are made about my allotment application?

You may appeal all decisions to the Interior Board of Land Appeals under 43 CFR part 4.

PLEASE ADDRESS ANY COMMENTS VIA EMAIL TO:

blm_ak_native_vietnam_allotment_rule@blm.gov



Reply to
N360 Tribal Services

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Region

P.O. Box 1060

Gallup, New Mexico 87305

OCT 08 2019

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

Dear President Nez:

Enclosed is a letter from the Assistant Secretary – Indian Affairs, (AS-IA) Ms. Tara Mac Lean, on developing a DOI-wide invasive species strategic plan. The Department is requesting your participation on perspectives, issues, and priorities related to invasive species management. A teleconference listening session is scheduled on November 4, 2019 from 3:00 – 5:00 p.m., Eastern Standard Time (EST). If you are also interested in hosting or attending in-person consultation is also available. Please RSVP to oiea@ios.doi.gov by 5:00 p.m. EST on October 31, 2019. Include “RSVP for Tribal Listening Session” in the subject of your email. A written response is also acceptable to invasivespecies@ios.doi.gov by 5:00 p.m., EST, November 29, 2019. Include, “Comments: DOI Invasive Species Strategic Plan” in the subject email.

Should you have any questions, please contact Hilary Smith, DOI’s Senior Advisor for Invasive Species at hilary_smith@ios.doi.gov or (202) 208-4103.

Sincerely,

Bartholomew Stevens
Regional Director, Navajo

Enclosure(s)



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 07 2019

Dear Tribal Leader:

Pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Act), the Department of the Interior (DOI) is developing a DOI-wide invasive species strategic plan. We are at the beginning stage of this effort and would like the plan to be informed by your perspectives, issues, and priorities related to invasive species management. To facilitate this, we invite you, or your designee, to participate in a teleconference listening session on November 4, 2019 from 3:00 pm to 5:00 p.m. Eastern Standard Time (EST). We are also seeking input on whether you would be interested in hosting or attending an in-person consultation once the document is drafted and ready to be reviewed.

Background

The Act became law on March 12, 2019. Title VII Section 7001 of the Act directs relevant agencies to take actions concerning invasive species; specific language in the Act with respect to the development of an invasive species strategic plan is included in Attachment A. Recognizing the importance of the invasive species issue, we feel it is critical we work with federally recognized Indian tribes, Alaska Native Corporations, the Native Hawaiian Community, as well as with Federal agencies, State and County governments, Territories, and others to effectively address the challenges posed by invasive species.

We are holding listening sessions at this early stage so that we can understand what is important to you as we develop the content of the plan. We then will hold another series of listening sessions, as well as conduct in-person Tribal consultation, once the document is drafted. We will also post the draft document in the Federal Register.

Issues of Potential Interest

Non-native invasive plants, animals, and pathogens—such as emerald ash borer, quagga mussels, feral swine, Burmese python, tamarisk, Asian carp, and whitenose syndrome in bats—cause a wide variety of problems. Invasive plants and animals know no boundaries and can spread uncontrollably across jurisdictions. They degrade natural areas and can negatively affect human health, local economies, water quality and supply, irrigation, power generation, recreation, and the fish, wildlife, forests, and rangelands on which we rely. Cooperation is critical to successfully prevent, eradicate, and control invasive species. Work is underway at multiple levels—national to local—that will be important to emphasize and build upon through this strategic planning process.

Expertise and perspectives that we hope to gain from you may include—but are not limited to—the following topics:

- Priority invasive species of greatest concern to address to protect valued natural, economic, and cultural resources;
- Opportunities to address invasive species at a meaningful scale to achieve effective outcomes;
- Interjurisdictional efforts needed to prevent, detect, eradicate, and control invasive species;

- Opportunities to fulfill Trust responsibilities; and
- Specific areas of interest to emphasize in the strategic plan.

Questions to help frame the discussion during the listening session are included in Attachment B.

We are committed to ongoing and meaningful engagement and scheduled the following listening session:

<u>Date</u>	<u>Time</u>	<u>Location</u>
November 4, 2019	3:00 p.m. to 5:00 pm EST	Teleconference (RSVP required)

Please note that this is a teleconference listening session. RSVP to oica@ios.doi.gov by 5:00 p.m. EST on October 31, 2019 for call details. Please include "RSVP for Tribal Listening Session" in the subject of your email. A phone number and passcode will be sent to registrants on November 1, 2019.

Representatives of the Office of the Assistant Secretary for Policy, Management and Budget will participate in the listening session.

In addition to the listening session, we are accepting written comments until 5:00 p.m. EST Friday, November 29, 2019. You may submit comments via email to invasivespecies@ios.doi.gov (please include "Comments: DOI Invasive Species Strategic Plan" in the subject line of the email) or mail to the U.S. Department of the Interior, Office of Policy Analysis-Mailstop 3530, ATTN: Invasive Species Comments, 1849 C Street NW, Washington, DC 20240. You may also include whether you would be interested in hosting or attending an in-person consultation once the document is drafted and ready to be reviewed.

Should you have any questions regarding this invitation, please contact Hilary Smith, DOI's Senior Advisor for Invasive Species at hilary_smith@ios.doi.gov or 202-208-4103.

Sincerely,



Tara Sweeney
Assistant Secretary—Indian Affairs

Enclosures (2)

Attachment A.

**John D. Dingell, Jr. Conservation, Management, and Recreation Act
Direction to Develop a Strategic Plan (page 202 of the enrolled bill)**

“(c) STRATEGIC PLAN.—

“(1) IN GENERAL.—Each Secretary concerned shall develop a strategic plan for the implementation of the invasive species program to achieve, to the maximum extent practicable, a substantive annual net reduction of invasive species populations or infested acreage on land or water managed by the Secretary concerned.

“(2) COORDINATION.—Each strategic plan under paragraph (1) shall be developed—

“(A) in coordination with affected—

“(i) eligible States; and

“(ii) political subdivisions of eligible States;

“(B) in consultation with federally recognized Indian tribes; and

“(C) in accordance with the priorities established by 1 or more Governors of the eligible States in which an ecosystem affected by an invasive species is located.

“(3) FACTORS FOR CONSIDERATION.—In developing a strategic plan under this subsection, the Secretary concerned shall take into consideration the economic and ecological costs of action or inaction, as applicable.

For a copy of the Act and other invasive species provisions included in this section (starting on page 200), please visit: <https://www.congress.gov/116/bills/s47/BILLS-116s47enr.pdf>

Attachment B.

Listening Session Questions Regarding the Development of the U.S. Department of the Interior (DOI) Invasive Species Strategic Plan

The John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116-9) was enacted on March 12, 2019. Title VII Section 7001 of the Act directs relevant agencies to take actions concerning invasive species, including the development of an invasive species strategic plan.

Your input will inform the development of the strategic plan. We look forward to receiving your feedback on the questions below during the listening session to be held on November 4, 2019 from 3:00 p.m. to 5:00 p.m. Eastern Standard Time (EST) via teleconference. You may also submit written comments by 5:00 p.m. EST, Friday, November 29, 2019. Comments will be accepted via email to invasivespecies@ios.doi.gov (please include "Comments: DOI Invasive Species Strategic Plan" in the subject line of the email) or mail to the U.S. Department of the Interior, Office of Policy Analysis-Mailstop 3530, ATTN: Invasive Species Comments, 1849 C Street NW, Washington, DC 20240.

Please consider sharing input on one or more of the following questions:

1. Does your Tribe or Tribal Commission have an invasive species strategic plan to address invasive species on Tribal or co-managed lands? If so, please describe, including the goals or strategies included in the plan that are of greatest importance.
2. Has your Tribe or Tribal Commission collaborated with Federal and non-Federal entities across Tribal and non-Tribal lands and/or waters to address invasive species? If so, please describe where, what worked well, and what could have been improved?
3. Does your Tribe or Tribal Commission maintain a list of priority invasive species? If so, please list those priority species and describe how the list was developed and is maintained, and include a link to the list, if available. If there is not a priority list, which invasive species on Tribal or co-managed lands are of concern to you, and why?
4. Are there invasive species management needs of Tribes that DOI could support or otherwise add value to, consistent with available resources? If so, please describe.
5. At what geographic scale (i.e., international, national, regional, State, or local levels) can DOI work to best complement Tribal efforts to manage invasive species?
6. What mechanisms for coordination on invasive species currently exist among Tribes and with Federal agencies, regions, States, and other entities? Please describe the effectiveness of this coordination as well as any areas that may need improvement. If no

mechanisms exist, what type of mechanism(s) could be beneficial to establish in the future, and at what scale?

7. Some of the emerging themes to focus on in the strategic plan include coordination and partnerships, prevention, increasing public awareness, early detection and rapid response, eradication and control, innovation and research, data management, and optimization of operational resources. What other themes would you recommend that we consider including?
8. What other information, not yet covered, is important to consider during the development of the DOI invasive species strategic plan?

Appendix B – News Release

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

1/9/20 | Online Press Releases

Assistant Secretary Sweeney Announces BIA's Year of Firsts: Marking the Wildland Fire Management Program's Progress

12/20/19 | Online Press Releases

Assistant Secretary Sweeney Clears the Path for Tribes to Develop Energy Resources on Tribal Land

11/7/19 | Online Press Releases

USDA, Bureau of Indian Affairs Partner to Spur Economic Development, Strengthen Tribal Communities in Indian Country

10/21/19 | Online Press Releases

Assistant Secretary Sweeney Names Johnna Blackhair as Deputy Bureau Director, Trust Services, and Patricia Mattingly as Southwest Regional Director

10/9/19 | Online Press Releases

Assistant Secretary Sweeney Hosts Reclaiming Our Native Communities Roundtable in Rapid City, SD