



BUREAU OF INDIAN AFFAIRS NAVAJO REGION

Report to the 24th NAVAJO NATION COUNCIL



BIA Regional Director, Incident Commander, Fire Management and President Nez and Vice President, Navajo Nation at Window Rock High School Incident Command Site on Wood Springs Fire 2, Window Rock, Arizona

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NAVAJO REGIONAL DIRECTOR COMMENTS

We as tribal and government leaders have had the courage and ability to navigate the unprecedented challenges of the COVID-19 pandemic with the speed and scope that the crisis posed extraordinary challenges for vital organizations. The need for understanding opportunities for decisive action and honest communication we recognized and executed.

The Bureau of Indian Affairs (BIA) Navajo Regional Office (NRO) was able to continue operations when situations were uncertain, we were able to recommit ourselves to the work necessary to continue to move the work forward by making the leadership decisions that support a safe and secure working environment; to not delay action and not downplay the threat until the situation becomes clearer.

In a moment of tremendous ambiguity, the Navajo Nation's decisive action set off a chain of events that almost certainly altered the course of the virus. The pandemic has reminded us all that life is indeed short and no one is immune to the uncertainty surrounding it. It has forced us to begin to re-evaluate how we choose to spend our time.

The BIA Navajo Regional Office (NRO) was no different. We gathered as teams to address the pending issues that needed to be completed to support the Navajo Nation's mission. We designed specific strategies to get in place processes to expedite federal action to address basic necessities that some did not have. We believe that we are at a tipping point to creating a process that will continue to address these projects expeditiously and without delay.

The BIA will continue to be responsive, respectful and prepared to carry on the fiduciary trust responsibility to meet the goals and objective of our mission, as well as, the mission of the Navajo Nation.

The Bureau of Indian Affairs Navajo Region, through our evolving partnership with the Navajo Nation, remains committed to the work. My office continues to be available to all tribal leaders to address any matters and 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

OFFICE OF TRIBAL GOVERNMENT SERVICES

The Office of Tribal Government Services (TGS) continues to represent the Bureau of Indian Affairs at a variety of different meeting including the Navajo Nation's Office of the President and Vice President, Navajo Nation Council meetings, Navajo Nation Council Delegate meetings, and Navajo Nation Council Committee meetings with Navajo Nation leadership.

This Summer Quarter, the BIA referred 68 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 CNIB requests range from individuals seeking scholarship and benefits to prison inmates seeking membership with the Navajo Nation.

In addition, the TGS office continues to provide updates to the Nation, regarding National Tribal initiatives from the Office of the Assistant Secretary, Indian Affairs, and transmitted six "Dear Tribal Leaders" letters to the Nation this quarter. Copies of the "Dear Tribal Leaders" letters and transmittals are attached under Appendix A.

The Tribal Operation's Specialist also serves as the Awarding Official Technical Representative (AOTR). The AOTR report for contractual P.L. 93-638; Higher Education, Tribal Enrollment and Tribal Courts program is on page 28.

FEDERAL INDIAN MINERALS OFFICE (FIMO)

The Federal Indian Minerals Office (FIMO) established in 1992 continues to cooperate, collaborate and communicate with various agencies to service the Navajo Indian Allottees. The FIMO's mission and goals is to provide a "one stop" shop to the Navajo Indian Allottees in regards to their mineral interest in oil & gas development and activities across Navajo Eastern Agency.

Ongoing Projects:

- Lease Sale – FIMO continues to work toward a competitive lease sale encompassing 40 allotments, covering approximately 6,400 acres and encumbering approximately 2,405 allottees. The DRAFT environmental assessment is near completion with some final reviews. Due to the COVID-19 pandemic the lease sale will be conducted later in the year.
- Resource Management Plan Amendment/Environmental Impact Statement - The BLM/BIA co-lead project continues to move forward. Due to the COVID-19, DOI Secretary Bernhardt has extended the DRAFT RMPA/EIS comment period from May 2020 to September 2020. The agencies are also looking into creative ways to keep the public and the Tribes involve through this process as we move through the COVID-19 crisis. As a result of the extension, the projected Record of the Decision is tentatively scheduled to be signed and posted in early 2021.

Accomplishments:

Due to the COVID-19 and directives from the Centers for Disease Control and Prevention (CDC), the Governor of New Mexico, the Navajo Nation and the agencies FIMO represents, we were unable to provide some of the services to the Navajo Indian Allottees during this 3rd Quarter.

- Outreach – The FY 2020 third quarter scheduled outreaches have been cancelled for safety precaution across Eastern Navajo Agency and the Aneth Area. The FIMO continued to provide services via email and telephone communication. The FIMO assisted 118 call-in from Indian mineral owners with various issues and concerns. The majority of the calls related to Oil & Gas distribution and probate.
- Inspection & Enforcement – The BLM Inspection and Enforcement (I&E) completed 172 inspections on Navajo Indian Allotted wells for the third quarter. There were 15 wells witnessed for oil sales; 50 written incident of noncompliance, and 1 plugged and abandon well was witnessed. There were no wells witnessed for drilling operations.
- Environmental Inspection – FY 2020, FIMO with the assistant of BLM is working through inspecting 159 plugged and abandon well sites. The FIMO is 1/3 through these inspections for finalization. Once inspections is completed, FIMO will move forward to terminating the associated leases.
- Audit/Compliance Reviews – FIMO auditor's work plan for FY 2020 includes 38 new cases, 8 limited scope compliance, 3 full scope compliance and 1 audit. The auditors are working continuously to complete the 8 limited scope and 3 full scope compliances. The FIMO continues to move forward with these compliance reviews.
- Leasing Assignments – FIMO processed/completed 7 record title; and 2 operating rights; this quarter. The FIMO has terminated 10 of the 159 leases. The FIMO sent over 500 letters to Navajo Indian Allottees regarding disbursement of old audits that had been in a suspense account.
- Units – FIMO received and forwarded 2 proposed Units and 1 proposed Communitization Agreement (CA) for Enduring Resources and DJR Resources. The proposed Units include 57 Navajo Indian Allotted leases and the proposed CA includes 5 Navajo Indian Allotted leases. The proposal are pending with the BLM State Office.
- Lease termination/Cancellation – There were no leases expiration for this quarter.
- Application for permit to drill (APD) – There were no notice of staking and 1 APDs was received for this quarter. There were no onsite inspections conducted for APD submittal.
- Surface Damages – There were no surface damages reported for this quarter.
- Royalty Distribution – There were approximately \$4,447,559 distributed to mineral owners. An average reduction of 27% from the last two quarters.

As we close out the third quarter, FIMO continues to see low oil & gas prices, low volume extraction, reduction in oil & gas development and the continued rise of the COVID-19 virus. The FIMO will continue to service the mineral owners as best as we are able to as we navigate through these obstacles.

ADMINISTRATIVE AND MANAGEMENT SUPPORT

BRANCH OF ACQUISITION OPERATIONS

- 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. Abatement work is completed. Design is completed at 90% and submittals for various materials are being reviewed.
- 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. A Service Line Agreement (SLA) was issued to complete the utility line. The NTUA will install the pole and electrical line soon. A pre-construction meeting was held with NTUA and the contractor Keyah Construction on June 18, 2020.
- 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, Fort Wingate, New Mexico. A final inspection was held on June 12, 2020. The Contractor is correcting punch list items. Project is 99% complete.
- Work is in process to issue a contract to repair windmills for the Navajo Partitioned Land (NPL) program.
- Work is in process to issue contracts for noxious weed projects in the Western Navajo Agency, Fort Defiance Agency, and Eastern Navajo Agency areas within the Navajo Region.
- Work is in progress for six school construction contracts that 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.
- A total of 215 purchase requests with a value of \$5,989,734.59 have been received for processing for Fiscal Year 2020.

BRANCH OF PROPERTY

Continue ongoing efforts to finalize the BIA Branch of Transportation (BOT) 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.

A Use Permit for the period of 10 years was issued for the temporary use and occupancy of a parcel of land consisting of 2.07 acres within the BIA Tuba City Administrative Reserve. The Use Permit is for continued establishment of a General Use Building and facilities for the Tuba City Regional Health Care Corporation.

BRANCH OF BUDGET MANAGEMENT

FY 2020 - Below is a summary of FY-2020 funds provided to the Navajo Nation under P.L. 93-638 contracts, as of June 24, 2020. The funding provided totals \$75,650,112. All funds awarded have been drawn down.

NAVAJO NATION P.L. 93-638 FUND STATUS as of June 24, 2020				
Fund	FA Budget Program	Funds Available	Distributed as of 06.24.2020	Available Funds
201A2100DD	A0N301010 : IRRIGATION, OPER & MAINT	5,500,000.00	5,500,000.00	0.00
201A2100DD	A0N9B1010 : AGRICULTURE PRGRM-TPA	1,271,208.00	1,271,208.00	0.00
201A2100CA	ACH913045 : CARES ACT WELFARE ASSISTA	3,008,211.00	3,008,211.00	0.00
201A2100CA	ACT900000 : CARES ACT TRIB SUPPLEMENT	4,000,000.00	4,000,000.00	0.00
201A2100DD	A0A311010 : FACILITIES MANAGEMENT	150,000.00		150,000.00
201A2100DD	A0H901010 : SOCIAL SERVICES-TPA	5,411,753.00	5,411,753.00	0.00
201A2100DD	A0H901040 : Domestic Violence	146,000.00	146,000.00	0.00
201A2100DD	A0H913030 : WELFARE ASSISTANCE-TPA	14,319,695.00	14,319,695.00	0.00
201A2100DD	A0H922020 : IND CHILD WELFARE ACT-TPA	1,275,291.00	1,275,291.00	0.00
201A2100DD	A0J304545 : Conservation Law Enforcem	47,000.00	47,000.00	0.00
201A2100DD	A0J908080 : TRIBAL COURTS PROGRMS-TPA	1,497,926.00	1,497,926.00	0.00
201A2100DD	A0N341010 : PROGRAM MANAGEMENT	244,220.00		244,220.00
201A2100DD	A0N3C0000 : Inv Specs/Noxs Weed Eradi	100,000.00	100,000.00	0.00
201A2100DD	A0N3E1010 : FOREST DEVELOPMENT	130,000.00	130,000.00	0.00
201A2100DD	A0N3E2020 : FOREST MNGMT INVNTRS&PLNS	416,200.00	416,200.00	0.00
201A2100DD	A0N3F1212 : FISH HATCHERY MAINTENANCE	78,100.00	78,100.00	0.00
201A2100DD	A0N6A3031 : FOREST MARKETING ASSIST	25,993.00		25,993.00
201A2100DD	A0N9A0505 : NATURAL RESOURCES -TPA	4,315.00		4,315.00
201A2100DD	A0N9C3030 : FORESTRY PROGRAM -TPA	740,341.00	740,341.00	0.00
201A2100DD	A0N9D4040 : WATER RES PROGRAM -TPA	710,404.00	710,404.00	0.00
201A2100DD	A0N9E5050 : WILDLIFE&PARKS PRGRM-TPA	551,633.00	551,633.00	0.00
201A2100DD	A0R312020 : WATR RIGHTS NGTN/LITIGATE	962,500.00		962,500.00
201A2100DD	A0R9D4040 : ENVRMNTL QLT Y PRGRM-TPA	109,461.00	109,461.00	0.00
201A2100DD	A0T902020 : OTHER AID-TRBL GOV -TPA	972,477.00	972,477.00	0.00
201A2100DD	AEE904040 : JHNSN O'MALL A GR TPA BIA	3,827,108.00	3,827,108.00	0.00
201A2100DD	AEE931010 : TRIBAL SCHOLARSHI TPA BIA	13,495,397.00	16,482,201.00	(2,986,804.00)
201A2240DD	A3T937070 : CSC CONTRACT SUPPORT TPA	16,654,879.00	14,502,954.00	2,151,925.00
FY-2020 TOTALS		75,650,112.00	75,097,963.00	552,149.00

The “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act” was enacted on March 27, 2020 as Public Law No: 116-136. Welfare Assistance received \$3,008,211 and Tribal Supplements received \$4,000,000; for a total of \$7,008,211.

TRUST SERVICES

BRANCH OF NATURAL RESOURCES

Navajo Regional Office

Agriculture Resource Management Plan:

The Navajo Nation Department of Fish and Wildlife is working with the Navajo Nation Personnel Department in creating two positions for the Navajo Nation Agriculture Resources Management Plan (ARMP). The ARMP established an Administrative Service Officer and a Contract Compliance Officer. Once these positions are filled, the “Request for Proposal” for contracting the project will be advertise. Unfortunately, the COVID-19 pandemic has affected the ability to maintain the project’s progress.

University of Arizona Vegetation GIS Data System (VGS):

The Branch of Natural Resources has partnered with the University of Arizona VGS software team to convert past range production data from the BIA Navajo Region to a consistent format, and entered into a consolidated VGS Server database for use in future reporting and analysis. The conversion of the data will be completed within the next month.

The synthesizing and conversion of all the past Navajo Nation range inventory data will result in more reliable data to make range management decisions for Navajo rangeland improvement in addition to Navajo Grazing Permit management.

Cameron Livestock Waterline:

The Navajo Regional Office Branch of Natural Resources completed the Survey of alignment adjustment for Cameron Livestock Waterline. Currently, we are awaiting the adjusted plans to be finalized to prepare the EA for the ROW application and to prepare a SOW for waterline design and Construction.

Fort Defiance Agency

Fort Defiance Agency Non-Compliance Letters:

Non-compliance letters have been mailed to grazing permit holders who are in non-compliance, which includes; over permitted numbers, expired state brands, grazing within the wrong district/unit, and using a deceased individuals grazing permit. Non-compliance letters were also mailed to individuals who do not have a grazing permit but allow their livestock to graze. Non-permit holders were advised that they must confine their animals if they do not have a grazing permit.

COVID-19 Public Health Emergency:

In response to the COVID-19 pandemic, the Fort Defiance Natural Resources continues to assist the Navajo Nation by providing and operating a forklift to unload and distribute supplies at the Health Command Operations Center in Chinle, Arizona. The Navajo Nation has requested this assistance given access to a forklift is unavailable.

Chinle Agency

Permit Record Updating:

Currently, staff are consolidating all grazing & agricultural land use permits for Chinle Agency. Once this is complete, the agency will determine the status of all permits regarding conservation plans (i.e. NEPA compliance actions (BRCF, CRCF, etc.), probate action, and RMU status, etc.)

The Chinle Agency consists of three Land Management Districts (LMD): (1) LMD 4, (2) LMD 10 and (3) LMD 11. The agency administers a total of 1,483 grazing permits with a total of 54,249 sheep units. The Chinle Agency also oversees about 2,500 agricultural land use permits for both irrigated and non-irrigated dry land farm plots within the three LMD.

To date, there are 29 established range management units that are approved and recognized within the three land management districts in Chinle Agency. The following is the current status of each unit:

- LMD 4 there are two RMU that encompasses 11,185 acres of tribal trust land.
- LMD 10 consists of 13 RMU totaling 48,994 acres of tribal trust.
- LMD 11 has 14 RMU totaling 43,645 acres of tribal trust lands.

A total of 103,284 acres of tribal trust lands has been removed from open range grazing and is managed as a RMU. The Chinle Agency is in the process of updating records for these recognized RMUs. A majority were established in the 1970s, with aged records requiring updates. As original applicants may require to be probated or need to transfer their grazing permits.

All RMUs are the agency's representation of good land & livestock stewardship. A thorough inventory is necessary to uphold all tribal trust land resources in good condition and keep well-managed.

Commercial Forest Range Inventory:

This contract has been completed and deliverables have been received from the vendor. Currently, this new data is being processed by the University of Arizona VGS database. The latest carrying capacities, established by this inventory for LMD 11, is pending.

The Ecosystem Management Inc. completed the commercial forest project in September 2019. The Navajo Nation Department of Fish & Wildlife has indicated primarily high sensitivity and moderate sensitivity areas within the commercial forest according to the Biological Resource Land Clearance classify the project area. There are also designated special management areas, areas of resources concerns and special management areas.

Canyon De Chelly Grazing & Agricultural Land Use Permit Inventory Update:

Then contract has been completed and deliverables are being analyzed to determine Agricultural Land Use Permits situated in and above the Canyon De Chelly National Park.

This project addresses the need to determine where all grazing & agricultural land use permits exist and where they will be used within the administrative boundaries of Canyon De Chelly National Park; including Canyon Del Muerto.

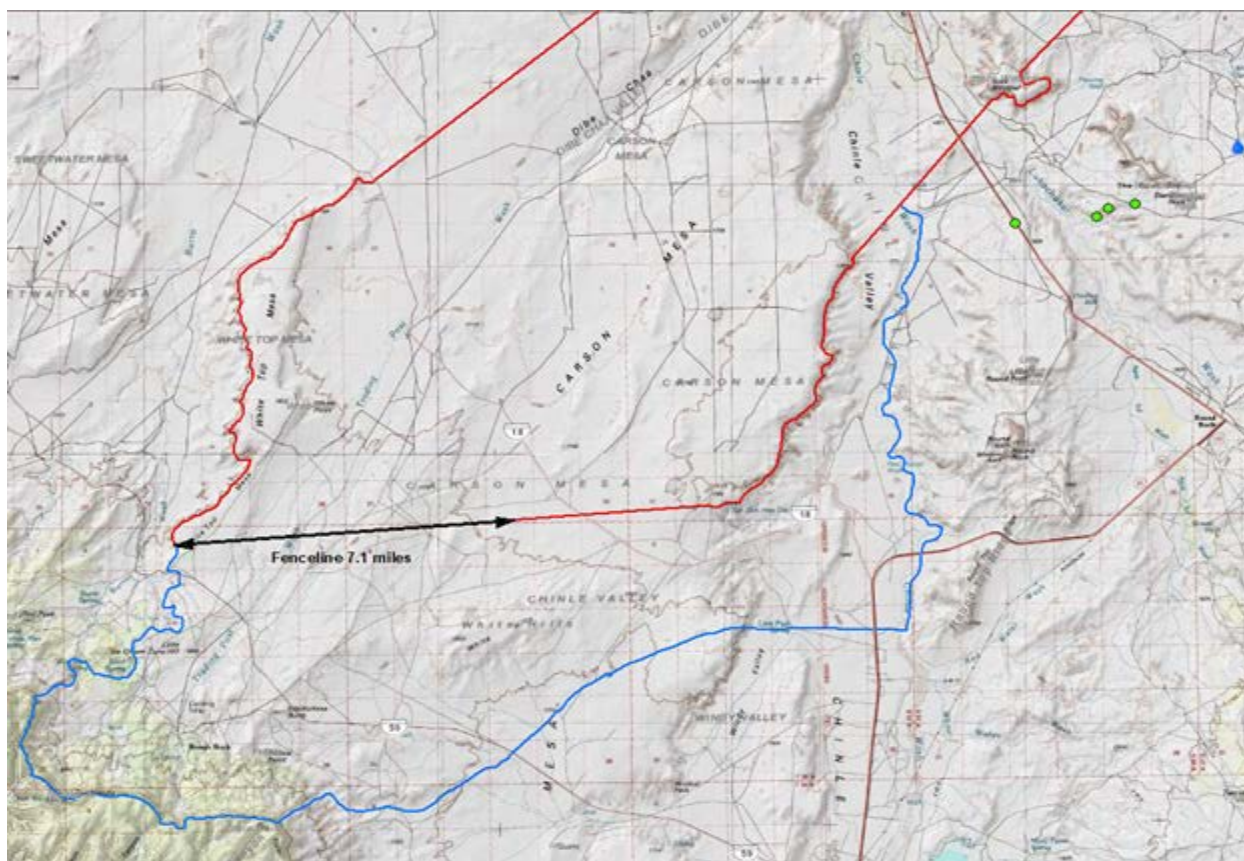
LMD 10/ LMD 9 Boundary Fence:

The Chine Agency Fence project has commenced between Land Management District 9 and 10 at 25% complete. Concrete sills & cattle guards are to be installed in coordination with Shiprock Agency Branch of Natural Resources. The Navajo Nation Department of Agriculture's Agricultural Corps are assisting with the fence project.



The Historic Preservation Department and Shiprock Branch of Natural Resources are conducting the required archeological clearance along the proposed boundary to record and protect all Traditional Cultural Properties (TCP). This 7.1 mile boundary project runs east to west. The boundary will mitigate inter-district trespass of livestock and permittees.

Currently, about 2.4 mile of fence and approximately 4.7 miles going west towards BIA N59 Route has been completed. The BIA is anticipating assistance from the Navajo Nation Department of Agriculture Conservation Corps after July 5, 2020. The fence construction has a completion date scheduled for September 2020 contingent on the Navajo Nation's address to the COVID-19 pandemic.



Navajo Partitioned Lands

Navajo Nation Livestock Incentive Program (NNLIP):

As of March 26, 2020, the Navajo Nation Department of Agriculture reported that \$40,800.00 was paid out to recipients who participated in the NNLIP. A total of 349 cattle, 47 sheep, 29 goats, and 2 horses (totaling 1,482 Sheep Units) was counted. It was also reported, 37 applications were returned for not providing an original sales receipt; incomplete applications, no current livestock inventory records, incomplete W-9, and/or provided feral horse sales receipt.

Status of Livestock Grazing Permits Reissuance:

The NPL office is currently cross referencing 140 grazing permit applications that were approved through the NPL District Grazing Committee (DGC) and the Navajo Nation Council's Resources and Development Committee (RDC). Presently, 9 of the 50 applicants have received their permits after getting into compliance with the 10 Sheep Unit Yearlong (SUYL) requirement.

Windmill Repairs:

The NPL office has been received inquiries regarding the lack of water for livestock and are requesting assistance with hauling livestock water. An assessment identified 37 non-operating windmills to be repaired pending the contract approval cost of \$139,810.00. It has been observed that water storage tanks are being depleted due to an increase in water hauling from windmills resulting in tribal members traveling long distances pulling tanks on trailers to obtain water. In addition, little to no wind within the last three weeks has not increased the levels of water.

Shiprock Agency

District 13 Fence line:

The Shiprock Agency has obtained a Conditional Biological Resources Compliance form (BRCF) for Phase II of the District 13 boundary fence line. The project will start from the Northside and work southward to the Great Bend of the Chaco River.

District 9-10 boundary:

The Shiprock Agency is assisting Chinle Agency with materials for the construction of the District boundary (which is also the Agency boundary) between District 9 and District 10. The Agency will furnish fence posts and a cattle guard to finish the last five miles of fencing between the two Districts.

District 13 Weed Inventory:

The Shiprock Agency continues to complete a request for the noxious weed inventory for the District 13 portion of the Navajo Nation. The project will finance the weed inventory for the District 13 portion of the San Juan, Chaco Rivers and their respective tributaries. The primary objective of the inventory is to establish a baseline data of noxious weeds present, amount of infestation, density and location by species. The information will then be used by resource professionals to develop appropriate management practices such as;

- Developing a control method;
- Short and long term goal development;
- Monitoring;
- Restoration and improvement of desirable plants;
- Development of Cropland and Rangeland Management Plan;
- Seeking funding.

District 12 Grazing Management Plan:

The Staff from the Shiprock Agency Bureau of Natural Resources is currently drafting a Grazing Management Plan for District 12. The plan provides a 5 year conservation plan for District 12 in which the plan outlines how District 12 could better utilize its natural resources. The Plan promotes healthier rangelands, improved wildlife habitat, and sustainable management of livestock. The Plan is currently being drafted and will be finalized with the Regional Office.

Western Navajo Agency

Former Bennet Freeze Area Integrated Resource Management Plan:

The Former Bennet Freeze Area (FBFA) Integrated Resource Management Plan (IRMP) is complete and was presented to the Navajo Nation Council's Resources and Development Committee (RDC) for approval by Resolution. The FBFA IRMP will also be presented to the Navajo Hopi Land Commission on June 26, 2020.

The Navajo Region has requested the RDC to provide a formal selection of the "Proposed Alternative" in the tribal resolution format and to provide recommendations with the logistics when scheduling the public scoping meetings. Safety precautions due to the COVID-19 pandemic may be a challenge along with limited internet resources within the FBFA for virtual meeting capabilities. The goal is to conduct a meaningful public participation plan and to

achieve maximum public participation in the National Environmental Policy Act (NEPA) process. The Bureau of Indian Affairs project management team will initiate the start of the Programmatic Environmental Assessment (PEA) process as soon as the requested actions of the RDC is received. Once the PEA process is initiated, the PEA must be completed within six months to be in compliance with the Secretarial Order 3355. Streamlining NEPA Reviews and Implementation of Executive Order 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.

FBFA Livestock Water Project:

The Western Navajo Agency Natural Resources is working with the Navajo Nation Department of Water Resources (NNDWR) to implement plans for a livestock water stand pipe to be used by individuals hauling water for livestock and farming. The land survey for the ROW for the waterline is complete, as well as, the archaeological survey and the biological assessment. However, due to a burial site discovered in the vicinity of the proposed ROW has been adjusted to avoid the area of the burial site. Based upon the certified land survey and assessments, the Cameron Chapter can request a land withdrawal following the processes identified in the Navajo Nation's General Leasing Act. The BIA will now complete the environmental assessment for the waterline.

Land Management District (LMD) 3 and LMD 5 boundary fence reconstruction and LMD 1 and LMD 3 Boundary Fence Project:

The Southwest Conservation Corps (SCC) fencing crew is tasked to replace the old fence. The fencing projects were scheduled to start this past spring, however, due to COVID-19 Public Health Emergency orders, the projects have been delayed. The projects involve the 22-mile LMD 3/5 fence line and the 37-mile LMD 1/3 fence.

LMD 1 and LMD 3 Range Management Plans:

These projects are pending the completion of the FBFA PEA. The LMD 3 covers over 1.4 million acres, of mostly of FBFA, and effects 661 Grazing Permits (40,601 Sheep Units Year Long) and the LMD 1 covers 833,625 acres and effects 535 grazing Permits (26,716 Sheep Units Year Long).

Cropland Management Plan (CMP):

The Bureau of Indian Affairs (BIA) Western Navajo Agency has initiated the development of a CMP for LMD 3. The CMP will provide documentation of the impacts of LMD 3 for about 1,030 acres. The documentation will assess environmental impacts on the physical environment. This project has halted until the FBFA IRMP PEA is complete.

Earthen Tanks:

The Navajo Nation Department of Water Resources' Technical Construction Operations Branch continues to repair earthen tanks and windmills in the FBFA. The annual reports for these PL 93-638 funded water projects are pending with the Navajo Nation Department of Water Resources.

Water Project Funding:

The Navajo Nation's request for Livestock Water Projects funding in the Former Bennett Freeze Area will be funded for approximately \$998,957.30 of the proposed projects. The Natural Resource Branch will complete the fund transfers through a self-determination contract.

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.

The third quarter of the year is predominately during the spring, and start of summer, which transition from winter to spring/summer temperatures and humidity increasing the risk of fire danger. There has been an increase in fire activity to report for the third quarter of 2020. Currently the fire season has been an above average in initial attack activity. There has been 132 reported fires, with our annual average 280 incidents. Below the helitack module and Helicopter N7HE responded to the two incidents this week, the Sawmill incident, north of Hwy 7 and east of the 9200 road. The incident was a human cause fire and 15.5 acres in size in grass and sage brush fuel type. The resources on scene were: Navajo Nation Fire Department from Window Rock, Arizona, BIA Engine 61, BIA Umatilla Engine 2341, Law Enforcement and Navajo Region Prevention Specialist. The total flight for N7HE was 1.6 hours for the incident. The helicopter dropped 2,040 gallons of water on the fire. The other incident was the Flat Butte incident which was 10.7 acres in grass and cedar trees. The fire was human caused. Helicopter N7HE and Helicopter Module responded to the incident near Dilkon, Arizona.



Infrastructure

The Navajo Tribal Utility Authority (NTUA) electrical crew put the electric service pole in the ground next to the new Helitack facility. This marks another vital step in the process of completing the construction of the new construction for the BWFAM. This project could not have been a success without the immeasurable assistance of the Navajo Nation. Once this project is complete it will be a tremendous asset for the Navajo Region to continue to respond to the critical Trust Responsibility of protecting the Nation's valuable natural resources.



Electric service pole at new Helitack facility, Window Rock airport.

BRANCH OF FORESTRY

The Navajo Region Branch of Forestry (BOF) and the Navajo Forestry Department (NFD) continue to assist the Navajo Department of Transportation (NDOT) with the Navajo Route 12 (19-4) road project currently in progress. The NFD is conducting inventories of trees that are to be harvested within the project right of way and mark the trees to identify for the NDOT harvesting crew. This inventory provides the basic information needed to develop an appraisal value of the forest resource. Once the value is determined, BOF and NFD will use the information to create a timber cutting permit that allows the project sponsor to harvest the forest products legally. This NDOT sponsored project is located near the Wheatfields Chapter area. The forest products that are harvested due to project activities are being hauled to a staging site where the forest products will be utilized by the general public free of charge. The end product that is being created and provided to the general public is primarily utilized as fire wood.

The Navajo Region Branch of Forestry (BOF) and the Navajo Forestry Department (NFD) continue to coordinate between the two offices with reviews of supporting documentation packets that contribute in the development of National Environmental Policy Act (NEPA) documentation for projects. Upon completion with reviews of documents by BOF and NFD, recommendations are forwarded to the Navajo Region, Branch of Environmental Quality Act Compliance and Review office. These documents are vital as they assess resources that may or may not be affected by the project activities of the project sponsors. During this quarter, a total of 5 packets of project documents were reviewed by BOF and NFD.

Collaboration between the Navajo Region Branch of Forestry, the Navajo Forestry Department, and the School of Forestry from Northern Arizona University occurred during the quarter to finalize the Ecological Restoration Project. This project will commence on the grounds at the Diné College campus. An approved Categorical Exclusion Exception Review document for the project was developed and provided by the Branch of Environmental Quality Act Compliance and Review. The expectations from this project are to restore pre-reservation conditions of the pinyon pine forest structure, recreating the density, spatial distribution, and variability of trees at

the time of disruption of the frequent fire regime in the late 1800s. Restoration of the tree over story structure is one component of an integrated ecosystem restoration plan, which also may include forest floor fuel treatments, prescribed fire treatments, and natural revegetation of the herbaceous understory.

The Continuous Forest Inventory (CFI) project is underway with Navajo Forestry Department (NFD) collecting the field inventory data. This inventory will be the fourth for a majority of the 852 plots and is identified within the six-year action plan as a project that is essential for the department which is anticipated to continue through calendar year 2021. This CFI project entails NFD field crews gathering field data of trees within a fixed-radius plot that covers $\frac{1}{4}$ acre in size. Field inspections are completed by the Navajo Region Branch of Forestry (BOF) with assistance from NFD not part of the field inventory crew. The purpose of the inspections is to ensure field inspections occur at least 10% of the total number of plots identified in this project. This is a requirement within 53 Indian Affairs Manual (Chapter 8.5.A). During this quarter, an NFD field crew requested for a courtesy inspection of a completed plot. A completed plot was randomly chosen by the BOF inspection crew and the inspection crew proceeded with the initial field inspection of the plots' data. The courtesy inspections that occur at the beginning of the project allow the NFD CFI crew to accompany the BOF inspection crew on the plot. This will assist with identifying any misunderstanding or misinterpretation of procedures by NFD field crews, allow the NFD crews the opportunity to raise questions that they could not answer, and alleviate errors from being compounded by being carried on to future CFI plots during data collection.

The Timber Sales training that was scheduled in the month of March, 2020, in Albuquerque, New Mexico was cancelled in response to the national events with the COVID-19 pandemic. The class will not be rescheduled this calendar year. This class is key in strengthening Forestry and other resource professional's knowledge with Timber Sale preparation and administration.

BRANCH OF ENGINEERING

WATER RESOURCES

The Branch of Engineering Branch (BOE) continues to participate in weekly Navajo Nation (NN) COVID-19 meetings. The Water Access Coordination Group is collaborating with BIA for the water line access to the Pueblo Pintado Chapter House to construct a Transitional Watering Point.

The BIA withdrew their protest of the G80/SJ-1401 Groundwater Permit Application by notifying the New Mexico State Engineer's Office. The permit application was filed by the City of Gallup in the 1980s. With BIA lifting the protest, the City of Gallup along with the NN are able to utilize water wells within this permit area to assist with hauling water to NN communities during the COVID-19 pandemic.

FY2020 Water Rights Negotiation/Litigation Project (WRN/LP)

The Navajo Nation Water Management Branch (NNWMB) has met with BOE weekly for project updates, announcements, and for Bureau of Indian Affairs (BIA) to provide Technical Assistance to the Navajo Nation (NN) during the pandemic. Since most NN offices are closed

during the COVID-19 crisis, the BOE and NN Water Resources will continue to meet weekly for update and progress reports

The Water Rights Negotiation & Litigation Project received \$962,500 for Fiscal Year (FY) 2020 project proposals for the NNWMB Water Rights Program (R3120) in May 2020. A total of 7 project proposals were submitted to BIA Central Office in September 2019. The six funded projects are:

1. Rights Protection-Little Colorado River, Arizona	\$300,000
2. Navajo Gallup Water Supply Project-Phase 8 of 12	\$275,000
3. Rights Protection-Rio San Juan River, New Mexico	\$105,000
4. Navajo Lake Capacity Surveys- Phase 6	\$82,500
5. Rights Protection-Zuni River, NM	\$100,000
6. Rights Protection- Rio San Jose Basin, New Mexico	<u>\$100,000</u>
	\$962,500

FY2020 Tribal Priority Allocations for the BOE PL 93-638 Contract: Water Rights/Water Planning & Pre-Development P.L. 93-638 Contracts received \$251,260.

The BIA held two Quarterly Meetings with NNWMB in February 2020 and June 2020 to discuss the FY21 Water PPD and Water Rights project proposals; both due September 15, 2020. The NN is anticipated to reopen in early July 2020. Coordinating with NNWMB will be priority to ensure we maintain the September 2020 project proposals deadline. Also discussed was a new Water Rights PL 93-638 contract for FY2020.

The Water Planning & Pre-Development Project (WPPDP)

The Water Planning & Pre-Development Project received \$244,220 for FY2020 Project proposals for the NNWMB Water Management Program (N3420) in May 2020. A total of 7 project proposals were submitted to BIA Central Office in September 2019. The five funded projects are:

1. Black Mesa Navajo, N-Aquifer Water Management Plan	\$50,000
2. Coconino, C-Aquifer Water Management Plan	\$50,000
3. Consolidating and Conformity of Databases-Phase 3	\$51,720
4. Navajo Nation Water Resources Development Strategy Update	\$40,000
5. Monitoring for Telemetry for NN Stream Gauging	<u>\$52,500</u>
	\$244,220

Water Development Project

FY2020 Tribal Priority Allocations for the BOE PL 93-638 Contract: Water Development PL 93-638 Model 108 Contracts received \$459,135.00

San Juan River Navajo Irrigation Projects

Since March 2020, the NN Shiprock Irrigation Offices have been closed due to the COVID-19 pandemic. The BIA continually meets with NNWMB Director Jason John weekly to discuss project updates and to provide Technical Assistance to the NN. Both Fruitland-Cambridge and Hogback-Cudei Irrigation Canals opened to public for irrigation in April 2020.

Navajo Gallup Water Supply Project

The Navajo Gallup Water Supply Project (NGWSP) Reach 27.11 NEPA Sufficiency Report Update: The NGWSP Reach 27.11 NEPA Sufficiency Report is complete and the updated ROW packet will be forwarded to BIA Eastern Agency for review.

Fruitland-Cambridge Irrigation Project

The Fruitland-Cambridge Irrigation Project was funded \$7.7M under the Public Law 111-11 Navajo Settlement in 2009. The NN elected to rehabilitate four water infrastructures to utilize the Navajo Settlement funding, with a deadline scheduled for December 31, 2023. Currently, one of the four projects is complete for construction, and three are in Final Design status. The four projects are as follows: (1) Bitsui Siphon Rehab Project (Construction Complete); (2) Fruitland Diversion Dam Rehab Project; (3) Yellowman Siphon Rehab Project; and (4) Canal Seepage Rehab Project.

Hogback-Cudei Irrigation Project

The Hogback-Cudei Irrigation Project was funded \$15.4M under the Public Law 111-11 Navajo Settlement in 2009. The NN elected to rehabilitate five water infrastructures to utilize the Navajo Settlement funding, with a deadline scheduled for December 31, 2022. Currently, one of the five projects is in construction, and four are in Final Design status. The five projects are as follows: (1) Helium Siphon Rehab Project (Currently in Construction); (2) Hogback Lateral Rehab Project; (3) Eagle Nest Siphon Rehab Project; (4) Lateral Conversion Project; and (5) Canal Lining Rehab Project.

On March 6, 2020 the BOE and BIA Southwest Regional Office (SWRO) met with the NN to present the calculated cost index value for the Hogback-Cudei Irrigation and Conjunctive Groundwater Use Wells Projects. Following the meeting, BOE sent the NN a Technical Memorandum detailing the cost index calculation process. After concurrence by the NN, funds will be released through the existing PL 93-638 Subpart J Construction Contracts.

Conjunctive Groundwater Use Wells Project (CGWUWP)

The Conjunctive Groundwater Use Wells Project was funded \$30M under the Public Law 111-11 Navajo Water Settlement in 2009. The NN elected to utilize the Navajo Settlement funding to rehabilitate water infrastructures such as water wells, waterline interties to main stem lines, and rehabilitate water tanks to assist Navajo communities. To meet the deadline requirement of the Navajo Water Settlement, the BIA has to allocate the \$30M to the Navajo Nation by December 31, 2024. To date, approximately \$5M has been allocated to the NN.

The Cutter Lateral Blending Study was awarded \$102,128.00 into the existing Subpart J Construction Contract. The Cutter Lateral Blending Study will ensure the surface and groundwater mixture provides safe potable drinking water once it is processed through the eastern portion of the completed NGWSP.

The BOE awarded \$342,357 for Work Order #3, Wood PLC: Professional Management and Technical Support Project, awarded into the existing Conjunctive Groundwater Use Wells Subpart J Construction Contract. The BOE approved the modification request for the Sheep Springs Connection Phase I Project from the NN Nation under the Subpart J Construction Contract.

The City of Gallup and Bureau of Reclamation proposed a water well drilling project to the NN to assist the NGWSP. The proposed project will provide additional water for the NN and City of Gallup. The BIA provided guidance according to the Public Law 111-11 language to assist the NN in making a decision to move forward with the proposed project as part of the Conjunctive Groundwater Use Wells Subpart J Construction Contract.

The Helium Siphon Rehab construction project, Subpart J Construction Contract No. A17AV00180, restarted construction in Shiprock, New Mexico.

Funding of on-going water-related projects/activities will provide positive social and economic benefits for Navajo communities throughout the Navajo Nation. The Navajo Nation will benefit from water delivery projects by providing water to the Navajo communities in accordance with the Public Law 111-11.

SAFETY OF DAMS

Routine Dam Safety Reviews:

During the 2nd quarter, the following reviews are being conducted by consulting engineering firms under the direction of Safety of Dams (SOD), Central Office and participation of NNSOD and NRO-SOD:

Round Rock Dam	Periodic Review
Todacheene Dam	Periodic Review
Red Lake Dam	Comprehensive Review
Many Farms Dam	Comprehensive Review
Tsaile Dam	Comprehensive Review

Routine dam safety examinations and reports provide field information on the condition and performance of the dam to support risk management and risk assessments. The examination reports serve as a valuable record of changing conditions at a dam, provide a review of Potential Failure Modes, and identify evidence of Potential Failure Mode development. The above mentioned reviews should be completed in Quarter 4.

Charley Day Dam Rehabilitation Project

The Design and environmental requirements are complete. This project should go to construction after the fiscal year. The contract for construction management services is being extended to March 31, 2022.

Tohajiilee Dam Rehabilitation Project

The Design and environmental requirements are complete. This project should go to construction after the fiscal year. The contract for pre-construction support and construction management services is being extended to March 31, 2022.

NAVAJO INDIAN IRRIGATION PROJECT

Navajo Indian Irrigation Project (NIIP) Operations and Maintenance:

The irrigation season started with Navajo Dam head gate opening on February 10, 2020. With the onset of COVID-19, the NAPI O&M staff are essential and have continued to work. The field staff, however, are required to work operating and maintaining the NIIP system.

An electrical fault occurred on the 34.5 kV electrical distribution system of Block 7 on June 2, 2020; resulting in an 8-day outage effecting 30 pivots or 2,935 acres. This distribution system supplies power to 29 pumping plants in Blocks 2, 3, 6, and 7. The fault was cleared and the system was put back in service except pumping plant A4.5R. Permanent damage upstream of pumping plant A4.5R required a few days to procure the necessary materials for the repair.

On-Farm Development:

In FY 2019, NAPI completed a sub-surface drainage master plan for Block 7. High water table issues arising from on-farm irrigation on the project have become a problem in some areas of the project (figure 1). The high water table results in loss irrigated acreage due to saturation. The master plan identified locations that require artificial drains (sub-surface drains).



Figure 1 - NIIP Block 7

In spring 2020, NAPI completed the second phase of subsurface drains in block 7. NAPI installed 34,000 feet of subsurface drains serving fields 7-26A, 7-28A, 7-29A, 7-29C, 7-42A, 7-42B, 7-46B, and 7-46C (approximately 774 acres).

The NIIP Water Delivery System support 73,690 developed acres with an average depletion of 172, 66 acre-feet (2018). The NIIP is an important economic driver for the Navajo Nation and the Four Corners Region of the Southwest. The NIIP supports the Navajo Nation's economy with crop revenue, sustained jobs, commercial contracting, and added business ventures/opportunities.

BRANCH OF REAL ESTATE SERVICES (RES)

Mineral Leasing:

- 4/22/2020 - Letters sent to Navajo Nation Minerals Departments, Bureau of Land Management (Arizona State office) regarding a request from Peabody Western Coal Company (PWCC) on reducing the bond amount; no responses have been received to the recommendations provided.
- 4/10/2020 - Requested a bond increase to Nordic Oil USA, LLC for 6 Assignment of Mining Leases for 6 Navajo Nation Oil & Gas leases. No response from the company.
- Processed State of Utah payments for March, April and May 2020, which the Navajo Nation has to submit payment to the State of Utah.
- 2/18/2020- Follow-up letters: Awaiting for response from the Navajo Nation Minerals Department and Bureau of Land Management (Arizona State Office) on lease relinquishment and bond release on Navajo Nation Coal Lease No. N00-C-14-20-2190, CONSOL Mining Company for Burnham Mine.
- 6/16/2020 - On site inspections for proposed four well locations with representative from Tacitus, LLC and Navajo Nation Minerals Department. Tacitus, LLC will be submitting Application to Drill application to drill for Helium on Navajo Nation leases at Littlewater, New Mexico.

Surface Leasing:

- Tuba City Federal Government Lands:
 - Completed aerial photo-image of the Tuba City Regional Health Care Corporation property and proposed sites.
- Chinle Federal Government Lands:
 - Continue to update property tracts onto aerial base map.
 - Contacted Bohanna Huston Inc., and retrieved a copy of legal description of the Chinle Judicial Center. Two parcel tracts were plotted into the aerial base map.
- Fort Defiance Government Lands:
 - Created tract boundaries on aerial base map and ready to be monument.
 - Surveying material has been requested and will be used to monument each terminal point.
 - Met with Facility Management as they will be administering the Cultural Resources and Biological surveys. All field activity on hold until Navajo Nation returns back to work.
- Navajo Nation Inn Lease:
 - Conducted onsite field validation of the lease boundaries.
 - An additional survey plat surfaced and information will be drawn onto aerial base map

Rights-of-Way:

- Six Letters of Intent were received from Oil and Gas companies and electric power companies since the beginning of FY 2020. These proposed renewals are located on Tribal Trust lands and allotted lands. Currently, no rights-of-way have been submitted. The companies are waiting for the Navajo Nation to reopen their offices. For the Allotted portions, the Scope of Work from OST-AVSO has been revised. The third party Appraiser will work directly with OST, rather than through the BIA-Branch of Real

Estate Services (BRES). Upon receiving the appraiser reports, BIA-BRES will upload the tracts and supporting information into OASIS.

- The ROW Section received six right-of-way application from Navajo Tribal Utility Authority. Three of the applications were returned as incomplete - applications lacked bonds for the right-of-way taking.

Two applications were approved in May 2020:

- AZ Allotment No. 310111 approved 5/19/2020.
- AZ Allotment No. 310107 approved 5/28/2020.
- One amended right-of-way application received from Navajo Transitional Energy Company to extend their right-of-way term, for the Navajo Mine, Area III, located near Fruitland, New Mexico. The application has been returned as incomplete. The NTEC is waiting for the Navajo Nation to resubmit the bonds and Tribal consent with the application.
- The SRP and five co-owners to a right-of-way renewal application were reviewed. The application pertains to several electric transmission lines associated to the Navajo Generating Station. This application is a major project, where BRES is working on the Secretarial Waiver request. The request entails, research, review and a determination to the waiver; that such waiver is in the best interest of the Navajo Nation. The 25 CFR Secretarial waiver entails six subsections of 25 CFR 169, plus five Exceptions to 25 CFR 169. The BRES is continuing to work toward a finalize waiver request.
- Administrative function in mass mailing of appeal letters to landowners
- Assisting Chinle Agency with review/comments on one of NTUA's waterline /fiber optic cable survey and legal description.
- Consulted and advised ADOT on signage/drainage pipe replacement project, north of Cameron, Arizona.

Cadastral Survey & Unresolved Rights:

- Approved: Gallup McKinley County Schools District on School Impact Statements and signed 66 land status certifications; on 33 Navajo Chapters within the McKinley County and verified land status on Navajo Tribal Trust, Allotted and BIA Administrative Reserve Areas, totaling 5,699 Navajo Students.
- Review for six allotments within WNA continues, as unresolved rights project for updates on addresses and exact boundaries.
- AZ-BLM Agreement: On-Going Surveys: 1) Gray Mountain within various sections, which is 90-95% completed and; 2) Canyon De Chelly (T31N, R27E) is on "HOLD" until further instruction by Navajo Nation due to COVID – 19.
- Approved Cadastral Surveys in Arizona and recording with DLTR: Completed 6 of 12 townships and now pending at DLTR.
- New Mexico & Utah State Office – BLM; Cadastral Survey Services: There are no new agreements in place and no surveys at this time.
- Land Boundary Issues between Navajo Park Service & Navajo families is pending site inspection for potential overlapping by one party.

Acquisition and Disposal:

- Pending Gift Deed applications: 18
- Gift Deed research: 9 Landowners, each Landowner has either 1 or more allotment(s)

- ° General Location Map: 16 Map requests sent to Bureau Indian Land Surveyor for general mapping of researched allotments. 16 Maps requests returned completed.
- ° Categorical Exclusion Exception Review (CEER): 7 CEER Requests received
- 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: continued Administrative research and follow up of additional Administrative documents from Department of the Army. Final boundary location field assignment pending/stalled due to current COVID 19 Pandemic.
- Rolling Mesa: Fee To Trust; Pending application. Discretionary Acquisition – Off Reservation, Rolling Mesa property, San Juan County, near Farmington, New Mexico; approximately 67.39 acres more or less. The Navajo Regional Environmental Compliance Review Branch is currently reviewing Environmental Assessment (EA) submitted by the Navajo Nation; said EA pending Environmental Compliance with National Environmental Policy Act (NEPA) of 1969.
- 2019 Land Buy Back – Navajo: Offers sent in two waves:
 - a) First wave offers mailed to New Mexico Landowners (791) with a cover letter date of July 1, 2019, return date of August 30, 2019. 15,123 offers made.
 - b) Second wave offers mailed to Arizona (790), Utah (792), Ramah (722), Alamo (723), Tohajilee (724) with a cover letter date of August 1, 2019 and return date of September 30, 2019. 5,824 offers made.

* Final confirmation received from Land Buy Back Acquisition Center that all offers processed, recorded and disbursed on April 14, 2020.
- Census 2020: Followed up with Southwest Region Land Title and Records Office (LTRO) on three Deeds submitted by Navajo Nation Land Department. The Navajo Nation submitted Deeds for recording of tracts determined to be in the Winslow Tract / White Water for the upcoming Census 2020. As of 06/18/2020, LTRO advised the parcels are in the process of being plotted.
- 10 Allotments: Pending land sale transactions. The real property in these sale transactions have been identified as Indian Allotments (IA) whereby the Navajo Nation, Arizona, New Mexico and Utah, a federal recognized tribe negotiated acquisitions of the parcels of allotments from Original Allottees and/or their respective heirs. These aged files were identified several years ago as pending, with the latest application dated more than 35 years ago in 1984 with the most recent application dated 2000. Although the Nation negotiated these allotments and Landowners signed the applications, the transactions were not fully processed. With the recent two Navajo Land Buy Back initiatives, Federal Shutdown, and COVID-19 pandemic, processing of these deeds are further stalled.
- February 27, 2020: Meeting held with the Navajo Nation Land Department to provide a presentation for 10 allotments. The presentation included title research information, timelines of each transaction, possible impacts to current Landowners and field inspection information. The Navajo Nation Land Department will clarify which allotments the Nation is interested in purchasing. To date, the BRES is awaiting the Nation's response from the Navajo Nation Land Department.
- February 27, 2020. Met with Navajo Nation Fish and Wildlife and Navajo Nation Heritage and Historic Preservation Department to discuss the process in obtaining the Biological Resource Cultural Forms (BRCF) component for Categorical Exclusion and NEPA Compliance and Cultural Resource and Compliance Form (CRCF).

BRCFs: March 23, 2020: Completed BRCFs received from Navajo Nation Fish and Wildlife; cross referenced with our files

CRCFs: No formal response from Navajo Nation Heritage and Historic Preservation Department (HHPD) has been received from the letter sent to NN HHPD on February 21, 2020.

Mortgages:

Navajo Nation Approved Leasehold Mortgages

- Submitted for Recording: **5** Leasehold Mortgages Recorded: **5**

Agency Offices

Chinle Agency

- Navajo Nation Approved Leases Submitted for Recording
- Homesite Leases Received: None Homesite Leases Recorded: 3
- Title Status Reports: (2) received & processing

Fort Defiance Agency

- Rights of Way:
 - NTUA WO# 11-183-0072 Red Willow Farms distribution line with fiber optic approved 05/01/2020.
- Navajo Nation Approved Leases Submitted for Recording
Homesite Leases Received: 14 Homesite Leases Recorded: 14
- Title Status Reports (Mortgage purpose):
 - Received 1 certified TSR and a request submitted for 1 homeowner.
- Special Projects:
 - Land status provided to Indian Wells Grazing Official for 2 proposed homesite lease locations

Shiprock Agency

Rights of Way:

- Pre-application review of legal descriptions for two proposed Bureau of Reclamation, Navajo Gallup Water Supply Project (1) Reach 7, Pumping Plant No. 4 and Temporary Construction Easement and Reach 7 Staging Area) San Juan County, New Mexico; (2) Reach 6 and Reach 8 Staging Area, San Juan Lateral, Sheepsprings Chapter, New Mexico. Applicant in process of seeking landowner consent. Notification to Bureau of Reclamation regarding proposed Navajo Gallup Water Supply Project Reach 6 Staging Area legal description errors. Legal description of proposed site did not close. Formal application for Temporary Construction easement received 5/18/2020.
- Pre-application review of legal description of BIA, Navajo Region Branch of Transportation (BIA BOT) proposed construction easement for Project No. 101(1)1, 2&4, Ojo Amarillo. Formal application received 4/8/2020. 5/14/20 notified by BIA BOT revision requested to oversight committee legislation approving right-of-way. Receipt of modified Navajo Nation oversight committee legislation received 6/2/2020.
- Coordinating completion of Chinle and Western Navajo Agency pending infrastructure projects. Providing guidance and technical assistance.

- Assist Western Navajo Agency with review, processing and preparation of Navajo Tribal Utility Authority of four right-of-way projects. Right-of-way application packages received from Western Navajo Agency on May 3.
 1. WO# 16-170-0006 Navajo Mountain. Grant of Easement for Right-of-way prepared and ready for submission for approval as of June 19, 2020.
 2. WO# 14-143-0001 Coppermine Phase III. Review of documents submitted with right-of-way package to ensure 169 requirement completed 6/16/2020. Finding of No Significant Impact requires modification; lacks waiver of valuation from Navajo Nation
 3. WO 14-143-002 Coppermine Review of documents submitted with right-of-way package to ensure 169 requirement completed 6/16/2020, lacks waiver of valuation from Navajo Nation.
 4. WO# 14-130-0023 Tonalea review of documents submitted with right-of-way package to ensure 169 requirements are met being completed.

Trust Asset and Accounting Management System (TAAMS) recording of approved leases, assignments, modifications.

- TAAMS encoding in preparation for title status report request. Fort Defiance Housing Corporation leases (1) NAPI site; (2) Northwest Shiprock Subdivision documents for TAAMS Recording and encoding in TAAMS.
- TAAMS encoding Navajo Nation Approved Homesite leases: 4
- TAAMS Legal Documents for recording – submitted.
 - a) 3 Conveyance and Partial Assignments for NHA NM15-35 Sheepsprings, Lots 02, 06, 13
 - b) 1 NHA Collateral Assignment
 - c) 3 Termination of Collateral Assignments of Homesite Lease for Participation in Mutual Help Housing Program
 - d) 26 Collateral Assignments of Homesite Leases for Participation in Mutual Help Housing Program scanned into TAAMS

Title Status Reports: 4 uncertified title status report for proposed oil and gas pipeline rights-of-way affecting Allotment No. 792 63338

Special Projects:

- Researched encumbrances for tribal tracts associated with proposed Painted Desert Power Solar Project, Cameron, Arizona.
- Assisted Navajo Indian Irrigation Project (NIIP) office with research on land status of Navajo Agricultural Products Industry (NAPI) proposed agricultural lease area, specifically allotment located within the proposed lease area. Participated in virtual conference call with NIIP, NAPI and Navajo Regional BRES regarding proposed NAPI agricultural lease. Discussions centered round research of varied land status within the project area.

Western Navajo Agency

Rights of Way:

1. Work Order # 16-170-0010, GOE for right of way submitted to the Regional Real Estate Services for final approval on June 17, 2020.

2. Work Order # 16-153-0039, June 5, 2020, letter to NTUA informing of documents missing from the incomplete application package.
3. Work Order # 16-153-0043, June 5, 2020, letter to NTUA informing of documents missing from the incomplete application package.
4. Work Order # 17-140-0006, June 5, 2020, letter to NTUA informing of documents missing from the incomplete application package.
5. Work Order # 16-160-0000, June 5, 2020, letter to NTUA informing of receipt of a complete application. The survey plat and legal description are being reviewed.
6. Work Order # 6019326, June 5, 2020, letter to NTUA informing of documents missing from the incomplete application package.

BRANCH OF PROBATE

The deceased Navajo allotted landowners trust property is probated by the Office of Hearings and Appeals (OHA) located in Albuquerque, New Mexico.

The Navajo Region Branch of Probate Estate and Services 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. The Branch of Probate completes the majority of family research at the Navajo Nation Enrollment Office. Probates completed are for Allotted Individual Trust lands that helps the Navajo landowners with updating Trust ownership records.

A total of 25 cases were transferred to OHA for hearings to be scheduled, the following provides the data by Agencies: **16** by Fort Defiance Agency; **3** by Shiprock Agency; **4** by Eastern Navajo Agency; and **2** by Western Navajo Agency. Cases submitted are lower due to the COVID-19 pandemic causing no family research to be conducted at the Navajo Nation Enrollment Offices. At present time, the following is Navajo Region's case load by Agencies, which has increased due to the pandemic:

Agencies	Case Loads
Eastern Navajo Agency	2,544
Fort Defiance Agency	1066
Shiprock Agency	589
Tuba City Agency	45
Total # Cases for Region: NAVAJO	4,241

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. Nineteen recipients were granted a new, quality, modest, replacement home comprised as follows: FY2016 – 7; FY2017 – 6; and FY2018 – 6 recipients.

FY18 – This portion of Contract A16AV00407 is complete.

FY2019 – Due to the COVID-19 pandemic there is currently no activity in the FY2019 portion of this contract.

FY2020 –The FY2020 Housing Work Plan was submitted to BIA’s Central Office last reporting quarter. Final funding is still unknown, applicant selection will be finalized and a contract modification adding FY2020 into the existing Contract No. A20AV00003 will be awarded once funding is determined and sent to the Navajo Region. There has been no activity due to the COVID-19 pandemic.

HIP Administration: The BIA HIP Program Officer provided technical assistance telephonically to the Navajo Nation Housing Program Manager on June 4, 2020, regarding the FY2020, funding cycle.

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

HUMAN SERVICES

Government Performance Results Act (GPRA): Enacted in 1993, the GPRA was designed to improve program management throughout the Federal government. Agencies are required to develop a strategic plan outlining its mission, long-term goals for its major functions, performance measures and reporting results

The Navajo Nation’s Division of Social Services Calendar Year (CY) 2020, Third Quarter GPRA Performance Measure for 1811 continues to be met at 69% or higher.

The Nation has set its Annual Target at 69% for this Calendar Year. The GPRA Measurement is the percentage of General Assistance recipients that are meeting their goals identified in their Individual Self Sufficiency Plans (ISP) that they have set for themselves and are making positive progress.

Indian Child Welfare Act (ICWA):

ICWA is an integral policy framework on which tribal child welfare programs rely. It provides a structure and requirements for how public and private child welfare agencies and state courts view and conduct their work to serve tribal children and families. It also acknowledges and promotes the role that tribal governments play in supporting tribal families, both on and off tribal lands. However, as is the case with many laws, proper implementation of ICWA requires vigilance, resources and advocacy.

The Navajo Regional Office continues to process ICWA Notices received by the State(s). For the Third Quarter, there were 52 ICWA notices received by our office requiring an official

response. These ICWA Notices are situations where a parent claims Navajo heritage and s/he is trying to find out if their child (Ren) are eligible for enrollment.

Other News:

World Elder Abuse Day was on June 5, 2020. Elder abuse is an intentional or negligent act by any person that causes harm or a serious risk of harm to an older adult. There are five types of Elder Abuse: physical, financial fraud, neglect/abandonment, psychological, and sexual abuse and is a serious crime against one of the most vulnerable populations. To report Elder Abuse, please contact your local law enforcement or the Division of Social Services in your service area.

Social Services:

The Branch of Human Services for the Navajo Regional Office continues to remain available for Technical Assistance upon request from the Nation. Our office continues to reach out to our local, state, county, federal and tribal service providers to coordinate resources benefiting tribal members and tribal communities.

BRANCH OF INDIAN SELF DETERMINATION

The Navajo Region (NR), Branch of Indian Self Determination (ISD) works with 18 Public Law 93-638 contracted programs that provide services or upgrades to communities and other contractual activities in accordance with the Annual Funding Agreement (AFA) or Successor AFA and each program's Scope of Work (SOW). The Housing Improvement Program, has not been approved for Calendar Year 2020 due to lack of appropriation to support a contract. The Forestry Management Program was awarded on June 10, 2020. ISD has been working with Navajo Engineering Construction Authority's Claim of Delay for Contract No. A16AV00510. The ISD awards 100% of federal appropriations upon receipt of the funds which entirely benefit the Nation. The following awards were distributed from April, 1, 2020 to June 15, 2020 the Nation and other tribal entities listed below:

The Navajo Nation	P.L. 93-638 Contractual Program	Award
A15AV00438	Contract Support Cost	273,929.00
A16AV00335	Fish and Wildlife	274,856.00
A16AV00385	Social Services	3,026,278.20
A17AV00252	Tribal Courts	56,926.00
A18AV00262	Forestry	1,363,259.00
A18AV00337	Johnson O'Malley	2,980,624.00
A19AV00070	Subpart J construction, <u>Chichiltah-Vanderwagon</u>	342,257.00
A19AV00373	Tribal Enrollment/Census	4,000,000.00
A19AV00490	Safety of Dams	266,000.00
	Total	\$
Other Tribal		
A18AV00841	Rock Point Community School	1,022,554.00
A19AV00739	Alamo Navajo School Board, Inc.	7,756.00
	Total	\$ 1,030,310.00
	Grand Total	\$ 13,614,539.20

The CARES Act emergency supplemental appropriations for Operation of Indian Programs and authorized transfer of one-time non-recurring funds and which must not be included in base funding calculations were awarded for the purposes of prevention, preparedness, to purchase

personal protective equipment, purchase of information technology to improve teleworking capability are to be used solely for use in addressing the Coronavirus pandemic situation, and must be used within the allowable confines of the program, function, services, or activities in which they are received. The Nation is responsible to fulfill its programs' SOW and to assist to meet its direct needs.

The ISD awarded COVID-19 funds to the following programs:

- Welfare Assistance - \$3,008,211 one-time, non-base distribution for Personal Protect Equipment (PPE) to prepare for and prevent services for needs not related to COVID-19. The time-limited waiver shall remain in effect for one year from May 14, 2020. The funds are subject to existing Welfare Assistance regulations, policies and procedures except those regulations which have been waived by the Assistant Secretary, Indian Affairs, Attachment C was provided to the Nation.

Awarding Official Technical Representative (AOTR) Activities:

The Office of Tribal Government Services, Tribal Operation Specialist, serves as the AOTR for the following three P.L. 93-638, Tribal Enrollment, Tribal Courts and Higher Education contracts and in coordination with the AO, Program Administrator and Nation, the following transactions were completed this quarter:

Tribal (Census) Enrollment program Contract, A16AV00285:

- In May and June, the AOTR has been involved in building guidance closures for the Chinle, Arizona and Shiprock, New Mexico agencies with the Program Manager, Tribal Enrollment Program Manager during the pandemic, COVID 19.
- On June 8, 2020, the AOTR recommended the approval of the Nation's request on the amended scope of work and revised proposed budget for the \$4 million funding under the CARES Act funding.
- On April 17, 2020, an executed modification No. 7 for the CARES Act funding in the amount of \$4 million was awarded to the Nation under the Tribal Enrollment program.
- In April 2020, guidance was given to the Program Manager, on personnel allowable costs of the CARES Act funding.
- On April 16, 2020, AOTR completed the purchase request in the amount of \$4 million pursuant to H.R. 748/Public Law 116-136 Coronavirus Aid, Relief, and Economic Security Act 2020. Funds are available through their period of availability. (March 20, 2020). This is a one-time distribution of funds. Distributions are in accordance with the approved BIA CARES Act Implementation Plan.
- In April 2020, Awarding Official, AOTR and BIA Management provided guidance for the \$4 million allowable costs and distribution.
- Technical assistance is continuously provided to the Navajo Nation essential employees regarding building accessibility with shared Agency offices in Tuba City, Chinle, Arizona and Shiprock, New Mexico during the Navajo Nation, Government Office closures in response to the COVID-19 pandemic.

Tribal Courts program, Contract A17AV00252:

- On June 25, 2020, AOTR recommended to the Program Manager to conduct the annual monitoring review virtually.
- On May 21, 2020, AOTR completed the purchase request in the amount of \$28,463.00 pursuant to H.R. 1865, Public Law 116-94 further consolidated appropriations act 2020, one-time funding. Distribution of FY 2019 appropriated base increase to Tribal Court (TPA) programs.
- On May 18, 2020, AOTR completed the CY 2019 Federal Financial Report, SF-425 review and noted the report acceptable from the NN Tribal Courts program. Recommendation was also made to close Contract No. A12AV00698 as the contract is fully expended.

Higher Education, Contract A17AV00096:

- In the month of May and June 2020, the AOTR has been involved in building guidance closures for the Chinle, Arizona and Shiprock, New Mexico agencies with the Program Manager, Tribal Enrollment Program Manager during the COVID-19 pandemic.
- On June 17, 2020, the AOTR recommended to the Program Manager to conduct the annual monitoring review virtually.
- On June 17, 2020, AOTR received notice from Program Manager, the annual Chief Manuelito Scholarship awards ceremony was cancelled due to the COVID-19 pandemic. The scholar recipients will be announced in the local newspaper.
- Technical assistance is continuously provided to the Navajo Nation essential employees regarding building accessibility with shared Agency offices in Tuba City, Chinle, Arizona and Shiprock, New Mexico during the Navajo Nation, Government Office closures in response to the COVID-19 pandemic.

The Social Services Program-

- The AOTR provided technical assistance to the Nation on May 05, 2020. The Nation applied for the request for additional funds in the amount of \$2,380,320 to support the request for network installation, configuration, and support built to support the hardware for the Tribal Assistance System which is a new case management system that will be shared by several departments. The management of all network operations such as infrastructure, ongoing assessment, designs, upgrades, daily on-site technical support for all users is included in this funding request.

Alamo Navajo School Board (ANSB) Roads Maintenance –

- The Awarding Official, AOTR for contract sent a letter to ANSB requesting to submit outstanding reports on FY 2019 AFA, annual narrative and SF 425, quarterly road maintenance plan and accomplishment reports in addition to FY 2020 AFA, quarterly reports road maintenance plan and accomplishment reports for 1st and 2nd quarter.
- ANSB will submit by mid-July. On June 11, 2020 the AO/AOTR sent ANSB notice to submit its FY 2021 Successor Annual Funding Agreements proposal.

Fish and Wildlife Management Program –

- BIA received \$49,756 one-time non-recurring funds to support the Youth Initiatives by hiring six Youth Workers to gain valuable hands-on experience in the field of fish and wildlife management and to address workload.

- Also received \$125,100 one-time non-recurring funds for youth workers in Fish Hatchery Maintenance, repairing the roof on the hatchery raceway building, purchase two new aerators for the ponds, purchase a forklift / compact track loader, purchase a new water quality meters, purchase security fencing at the hatchery for a successful operation and securing the fish hatchery.
- BIA received \$47,000 one-time non-recurring funds to support a conservation law enforcement officer position. These funds will protect, enhance and restore the Navajo Nation's fish, wildlife, plants, and their habitat through aggressive management programs for the spiritual, cultural and material benefit of present and future generations of the Navajo Nation.
- BIA received \$100,000 for the Natural Resources Internships-Invasive Species to support the Department of Fish and Wildlife personnel costs for Wildlife Technician, Wildlife Conservation Officer, electrofishing boat, and safety equipment supplies, i.e. life jackets, linesman gloves, uniforms, dip nets, scales, measuring boards, and motor oil to survey lakes, streams and rivers on the Navajo Nation on an annual basis. Surveys are conducted not only to monitor and assess sportfish and native fish populations, but to look for the presence of aquatic invasive species (AIS). AIS include non-native crustaceans, fish and amphibians.

Corrections Service, Adult/Juvenile Programs –

- April 28, 2020 AOTR had conference call with Indian Health Services, Navajo Nation Department of Corrections (NNDOC) to discuss medical care for inmates. The BIA Office of Justice Services (OJS), Division IV participated on the conference call where the attendees were informed how the BIA Adult Detention guidelines are applicable to health care. BIA, OJS worked on getting the Kayenta Adult & Juvenile Holding facility deep cleaned at no cost to the Nation for a confirmed case of COVID-19 exposure in the facility.
- On May 12, 2020 conference call with the Nation's judicial systems operation and maintenance at Kayenta and Dilkon which was requested by 24th, Navajo Nation Council, Honorable Elmer Begay. The OJS provided the following PPEs:
 - PPEs provided (50 cases of examination gloves, 450 isolation gowns, 2,200 3-ply masks, 1,400 cloth masks, 2,300 respiratory N95 or higher masks, 350 eye protection goggles or disposable face shields that covers entire face and sides, 29 infrared thermometers, 1,600 shoe covers, 3 cases of hand sanitizers, 13 cases of disinfectant wipes and 13 cases of sprays).
 - On April 21, 2020 and May 15, 2020 to Delores Greyeyes, Director, NNDOC to distribute to 7 detention facilities.
 - On May 21, 2020 to Kayenta, Chinle, Shiprock, Tuba City Adult and Juvenile, Crownpoint Adult, Window Rock. On May 27, 2020 to Crownpoint, Window Rock, Chinle, Tuba City adult, Tuba City Juvenile, Shiprock, Kayenta and on June 2, 2020 to Window Rock, Crownpoint Adult, Crownpoint Juvenile, Tuba City Adult, Tuba City Juvenile, Shiprock, Chinle, and Kayenta.

Law Enforcement: Criminal Investigation and Patrol Services –

- On April 11, 2020, OJS Division IV loaned their Mobile Command Unit (MCU) to the Nation to utilize during the COVID 19 crisis and impacts. The MCU provides enhanced communication capabilities.

- April 20, 2020, Jesse Delmar, Executive Director, Public Safety requested PPE for Patrol Services which were sent on April 21, 2020.
- On April 30, 2020, OJS sent 300 masks and 350 N95 masks.
- On May 20, 2020, sent 42 boxes of gloves and 18 cases of Hand Sanitizer.
- On June 10, 2020, Special Law Enforcement Certification (SLEC) Card – Completed correspondence via email with the Nation to set up an SLEC meeting on 6/16/2020 to discuss their SLEC applicant.
- June 16, 2020, SLEC Card, completed a Zoom meeting regarding the Nation's SLEC program and provide them with assistance on how to properly submit an SLEC card and possible.

Archeological Non-Roads –

- AOTR assisted with approximately 40 Section 106 Compliance reviews for specific projects and June 29, 2020, the Nation's Tribal Historic Preservation Officer contacted the AOTR regarding Section 106 on 638 contract consultation.

Branch of Environmental:

Safe Drinking Water Act (SDWA):

BEM continues to provide technical assistance to all the Bureau of Indian Education Schools within the Navajo Region. BEM works with the Navajo Nation Environmental Protection Agency Public Water Supervision Systems Program and the U. S. Environmental Protection Agency Region IX for Annual Sampling Schedule and the Quarterly Sampling. The regulatory agencies submit to BIA SDWA program an annual sampling plan to follow with BIE schools to maintain environmental compliance.

Indian Health Service Water Priority Projects: The Branch of Environmental (BEM) staff completed a letter which was provided to the Indian Health Services (IHS), Navajo Area Office regarding NEPA compliance process for right of way (ROW) waterlines. In response to the letter, IHS provided their 14 priority water projects located on trust and allotted lands required NEPA compliance for right-of-way approvals. To assist IHS, BEM staff provided technical assistance by drafting an abbreviated EA as a template for IHS's use. IHS did not utilize BIA's template therefore, BEM staff drafted nine (9) abbreviated environmental assessments for IHS as required for ROW approval to meet the deadline date of June 30, 2020.

Navajo Nation COVID-19 Water Access Coordination Meetings: BEM staff has been participating in the bi-weekly teleconference calls with the Navajo Nation key programs and Federal agencies for the transitional water points at selected Navajo Nation Chapters and Public Communication to the chapters. BIA provided technical assistance in response to questions related to Realty and NEPA compliance for transitional watering points located at Navajo Nation Chapters.

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

The Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA) presented the RMPA to the Department of Interior's National Environmental Policy Act Review Team in Santa Fe, New Mexico. BIA presented the EIS Alternatives that were applicable to Navajo

Nation Trust Lands and Navajo Allotment Lands. The BLM and BIA released the RMPA EIS draft for public review and public comment for a period of 90 days which concluded the comment period on May 28, 2020. The BLM and BIA also held a Section 106 meeting with the Consulting Parties including the Navajo Nation on the development of the Programmatic Agreement (PA) for Section 106 consultation for activities on BLM Lands, Navajo Nation Trust Lands, and Navajo Allotted Lands. BIA received responses from the consulting parties to continue finalizing the PA agreement. Benefits to the Navajo Nation include: technical assistance, environmental protection, and review of infrastructure projects throughout the Navajo Nation.

BRANCH OF SAFETY

The fiscal year 2020, the Annual Safety Inspection for twenty-nine (29) Indian Affairs sites including three Public Safety & Judicial Centers are 98% complete. These inspections were completed prior to the COVID-19 pandemic and the remaining inspections are being conducted using the Centers for Disease Control & Prevention's (CDC) guidelines and recommendations. Navajo Nation Public Law 93-638 contractual programs at Northern Navajo, Central Navajo and Western Navajo Agencies were also given comprehensive workplace inspection in accordance with Indian Affairs Safety, Health and Accessibility Inspection/Evaluation Guidelines. These inspections ensure Indian Affairs safety inspectors to comply with the every applicable sections of the Indian Affairs guidelines and safety codes for fire alarms and accessibility requirement that is set in place to provide all bureau and tribal program occupants, general public and Navajo clients a safe environment and protection while operating business at BIA facilities.

Branch of Safety also provided guidance with the Navajo Nation programs in regards to the COVID-19 and the protocols for a COVID-19 positive employees where the facility per the Regional Director will shut down the building immediately and implement a cleaning contractor to ensure the facility has been sanitized in accordance with the CDC guidelines for the safety of all Navajo Nation and federal employees with the exposed facility. Two agencies have been exposed and Branch of Safety contacted the Navajo Nation programs to coordinate in ensuring the safety of all employees and assisted in the return to the facility to continue operation in a safe atmosphere.

Safety Awareness Training were provided prior to COVID19; however, it was ceased due to the Navajo Nation Executive Order implementation. What was the order? This Order is still in effect and while essential programs continue to operate, Branch of Safety coordinates with the Navajo Nation in attending the COVID-19 Preparatory Meeting.

Branch of Safety is working with other federal programs to implement the re-opening plans to have employees return to work. The Branch of Safety will continue to assist the Navajo Nation in providing safety precautions as needed. In addition, Branch of Safety continues to assist with monitoring the construction at the intersection at Central Navajo Agency Headquarter building located in Chinle, Arizona with safety briefs and safety recommendations are conducted.

BRANCH OF FACILITY MANAGEMENT

A Design/Build Quarters Improvement and Repair (QI&R) project is in progress to completely renovate and refurbish (correct code deficiencies and modernize) eight houses and two 4-unit apartment buildings located on the Wingate High School, Wingate, New Mexico campus. The project is 99% completed and the completion date is June 30, 2020.

Another project to refurbish two houses, five duplex apartments and one 5-unit apartment building begin at Nazlini Community School, Nazlini, Arizona. Temporary construction fencing and gates are in place around the project site. Abatement and safe disposal of hazardous building materials is completed. Design effort for renovation of each building, buried utility replacement and preparation of street paving in the housing area is underway. Whenever the COVID-19 restriction is relaxed, a limited Notice to Proceed will be issued to begin the construction phase of the project. The project is 10% completed and the completion date is November 30, 2020.

Minor Improvement and Repair (MI&R) School Locations

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

BRANCH OF TRANSPORTATION

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).

Road Maintenance:

The Bureau of Indian Affairs, Road Maintenance program continues to perform routine maintenance activities on BIA system roads, bridges and transportation facilities on the Navajo Nation through direct service. The Supervisory Civil Engineering position for the Shiprock Agency Road Maintenance program was filled by Mr. Alfred Reed, Jr. on March 30, 2020. Below are some of the road maintenance accomplishments, our BIA Road Maintenance program performed during the 3rd quarter:

The Agency road maintenance crews performed pothole patching where the pavement surface is breaking up and deteriorating, which present a safety concern for the traveling public. The crews are filling up the potholes with cold mix, UPM or hot mixed asphalt, whichever is available. The pictures below are paved roads have been in service over the 20 year design life and are showing signs of deterioration that require periodic pothole patching. These paved roads need rehabilitation and in some instances reconstruction.



BIA Route N13 from Buffalo Pass to US491



BIA Route N112 from Ft. Defiance to St. Michaels



BIA Route N7 from Ft. Defiance to Sawmill



BIA Route N12 Navajo, NM



BIA Route N41 from Piñon to Forest Lakes (before)



BIA Route N41 from Piñon to Forest Lakes (after)

The maintenance crews performed was fence repair work. The fence repair work consisted of installing t-posts, re-strand barbed wire and new Texas type II gates. This maintenance activity addresses safety aspect of the roadway by keeping livestock out of the BIA right of way.



BIA Route N27 from Ganado to Nazlini (before)



BIA Route N27 from Ganado to Nazlini (after)



BIA Route N4 from US191 to Cottonwood (before)



BIA Route N4 from US191 to Cottonwood (after)

The maintenance crews performed delineator and sign installation. Sign installation work consisted of replacing missing or damaged traffic control devices along the roadway prism. Delineators were installed to delineate the roadway alignment and/or location of drainage structures.



BIA Route N2030 Nahatadzil, AZ (before)



BIA Route N2030 Nahatadzil, AZ (after)



BIA Route N3002 NIIP Roads Farmington, NM

The Ft. Defiance Agency maintenance crew is responsible for maintenance and operation of the traffic signal lights along BIA Route N12. The crew replaced the signal light lenses that were out. In addition, the crew also cleaned out curbs, gutters and sidewalks of silt and debris on BIA Routes N12, N100 and N110.



BIA Route N12/N100 (signal light repair)



BIA Route N12/N100 (signal light)



BIA Route N110/N12 Junction



BIA Route N110 Ft. Defiance, AZ



BIA Route N12 Navajo, NM (signal light repair)



BIA Route N12 Navajo, NM (signal light repair)

The Agency Road Maintenance crews also perform other maintenance activities such as litter pickup, mowing, vegetation control, cattle guard clean outs, guard rail repair and dirt road grading. The Agency is responsible for assessing the BIA transportation facilities to determine planning and scheduling of maintenance activities. We continue to work with the NN Council Delegates and local chapters to address maintenance needs.

EASTERN NAVAJO AGENCY (ENA)

Branch of Transportation (BOT)

For the month of April 2020, the Branch of Transportation (ENA BOT) activities support the safety and reliable roads for the public, emergency vehicles, school buses, and commerce; accomplishing the following: Cycling equipment and GSA vehicles were inspected and ensured to be in working condition. Staff took pictures and inventoried equipment in the yard for formal inventory, for repairs, for parts and tires needed, and fluids (i.e., engine oil, hydraulic, transmission, and coolant. Staff repaired signage on Crownpoint streets and N49/11 in Pinedale. Staff assessed road potholes and fence line repairs. Staff also cycled equipment in the maintenance yard and completed welding barbed wire spool holder for any damaged fences. Staff also assessed Navajo Route 49 and 11 signs; completed fence repairs by Smith Lake and Mariano lake boundary line.

For the month of May 2020, the ENA BOT ensured safe roads for tribal members through road maintenance work activities. The ENA BOT accomplished the following: Welded mechanical base puller for sign repairs as more signs are addressed on paved routes. Staff also assessed sign conditions in other areas within the Eastern Navajo Agency. Staff also repaired broken and cut fences along N49/11 from Smith Lake to Pinedale. Staff completed sign and fence repairs on N-49/11 and N9E. Staff reconnaissance at ToHajiilee Navajo Route 56. Staff also reconnaissance potholes in Ojo Encino area on Route N474.

For the month of June 2020, ENA BOT accomplished the following: staff began mowing the Crownpoint streets with grader. Staff worked on the John Deere mower tractor to prepare for upcoming mowing. Staff also conducted sign and fence repair on N-9E Whitehorse lake area and N474 Ojo Encino. Staff completed repairs on 2 guardrails along N49 in the communities

of Mariano Lake and Smith Lake area. Staff completed fence repairs along N474 in the Ojo Encino community. Staff assisted Branch of Natural Resources on a Hard Canyon Road project in the Church Rock community to support the boundary fencing project.

The primary goal of the ENA BOT is to keep roads open and safe for the traveling public within the Eastern portion of the Navajo Reservation in coordination with Navajo Department of Transportation. The ENA BOT is currently working with a contractor to conduct re-stripping on N49/11 from State Highway 566 to State Highway 371 which will greatly benefit communities of Pinedale, Mariano Lake and Smith Lake. In addition, the re-stripping will be conducted on N9E from State Highway 371 to Pueblo Pintado for the communities of Crownpoint, Whitehorse Lake and Pueblo Pintado.

Branch of Real Estate Services

The Branch of Real Estate Services (ENA BRES) finalized a sign board lease with Perry Null Trading located on an allotment. The sign board lease will generate rental payments for the allotment owners. The rental payments will be scheduled and payable to allotment owners.

The ENA BRES completed two requests for land status verification from the Federal Bureau of Investigation (FBI) and a Navajo Nation Council Delegate regarding alleged illegal drag racing activities on two Navajo Chapters for criminal and civil jurisdiction determinations. The FBI requires the verification to determine court jurisdiction for case filing. One of the requests pertain to a felony committed on trust lands.

The ENA BRES received 13 Indian Health Service (IHS) right-of-way project applications which were previously returned to IHS as incomplete applications due to no environmental documents. After review, ENA BRES determined two applications did not require a right-of-way. One application was a land withdrawal which requires no further BIA action and the other project will be processed as a service line agreement. The ENA BRES prepared 9 applications for approval for the Navajo Regional Office to complete the NEPA review. Two applications were recently received and are currently under review with the ENA BRES. Upon completion and final granting of the easements for the projects, the construction for waterlines can proceed. The waterline projects will provide a potable water source to be used for personal hygiene, cleaning and disinfecting households on the Navajo Nation. Amid the COVID-19 pandemic this resource will positively impact prevention methods in the spread of the virus.

Branch of Probate Estate Services

For Fiscal Year 2020, the Branch of Probate & Estate Services (ENA BPES) received reports of 133 deaths within the Agency. The ENA BPES submitted 87 cases to the Office of Hearings and Appeals (OHA) consisting of approximately \$913,555.98 in Individual Indian Monies (IIM) accounts, 787 allotments, and 466 probable heirs. The ENA BPES completed disbursements and closed-out 93 cases. In addition, ENA BPES have assisted approximately 1,210 clients either in the office, in the field via home visits, on the phone, or through email. The probate work assists Indian allotment interest holders by educating the holders with a better understanding of their holdings. Many of the activities are conducted in the Navajo language to help with estate planning. The type of services completed for clients include: printing Individual Tribal Interest reports, showing clients how to review reports; updating contact information; explaining what

documents are needed for a case work; conducting client interviews; and educating the public of the Federal probate process. These activities support tribal self-determination, self-governance, and sovereignty ensuring Indian allotments accounts are accurate and updated resulting in timely disbursements of funds to heirs and to the Navajo Nation.

Branch of Natural Resources

The Branch of Natural Resources (ENA BNR) supports range management decisions in the best interest of the landowners. Landowners benefit by receiving income from use of their land, as well as, proper management of natural resources. The ENA BNR oriented 34 permittees and implemented a contingency plan for the Environmental Assessment & FONSI and grazing permit requirements by letter, telephone, and/or email due to the COVID-19 pandemic.

For the Land Management District (LMD) 14/15/16 Boundary Fence Project, ENA BNR informed the contractor of the reporting requirements for the Migratory Bird Treaty Act (MBTA) pre-construction survey. The contractor plans to contract a biologist to conduct the survey and to resume fencing on the remaining 2.8 miles before August 15, 2020. The contractor completed 10 of 12.1 miles of fence (east-west); and ENA BNR conducted field visits and determined the number of t-posts, ½ braces, and full braces used to complete 10 miles. The ENA BNR received 2020 Non-base Ag/Range Funds of \$224,003.00 to complete 8.5 miles of boundary fence (north-south).

The Hunter's Point Wash Noxious Weed Control Project: ENA BNR received \$325,000.00 to manage about 80 acres of salt-cedar, Russian olives, and Siberian elms near Hunter's Point. The ENA BNR is coordinating with Navajo Region's Fire Management for a prescribed burn once the trees have been cut, treated, and piled. The ENA BNR is working on the environmental assessment for the project; and coordinating with the Navajo Nation Historic Preservation Department and Navajo Region's Archeologist to complete an archeological survey.

The Rangeland Monitoring Plan: ENA BNR reviewed the final deliverables pending the contractor to provide final document and invoice to close the contract. The ENA BNR also discussed with the contractor the results of the low carrying capacity data to better understand the results to share outreach information with the Navajo communities.

Navajo-Gallup Water Supply Project: ENA BNR participated in the project revegetation (Re-veg) workshop involving specific Re-veg plans for Reaches 22, 9-11, 12A, and 12B. The ENA BNR assisted the group with field visits to Reaches 12A and 12B, provided consultation for seed mix information, supplements to add to the mix, and drilling or broadcasting application.

The Navajo Nation (NN) Integrated Weed Management Plan (IWMP): ENA BNR provided Navajo Region geographical information system (GIS) shape-files and maps on ENA's administered areas and the chapter boundaries and provided information on the land status and areas not covered (Tribal Ranches, BLM, State of NM, and Private Lands).

The ENA BNR completed 22 conservation plans involving Nahodishgish, Standing Rock, White Rock, Manuelito, Mariano Lake, Pinedale, Red Rock, Thoreau, Tsayatoh, Two Wells, and Huerfano Grazing Communities involving 37,501 acres and 1,861 sheep unit. The ENA BNR

also provided permit and Authority to Grant (ATG) livestock grazing status; and received Navajo Nation Livestock Inventory Receipts, Certificate of Indian Blood, and brand cards; payment receipts, name addition, adjusting acreages, fencing; provided support letter to Farm Services Agency (FSA) for permittee's Drought Relief Program application, and provided a report on the 2020 annual grazing rental delinquent list and the EA FONSI orientations.

For the annual grazing rental payment (2020) activities, ENA BNR collected \$93,624.11 from March through May 2020. The ENA BNR processed forms to deposit the payments to the Navajo Escrow Account; mailed 9 compliance letters, completed 21 range unit file reviews, manually matched 14 invoices to payments received, and completed 27 Notices of Cancellation for non-payment.

Appendix A – Dear Tribal Leader Letter (DTLL)

- DTLL – April 13, 2020, Navajo Nation Cares Act
- DTLL – April 20, 2020, Road Closure Tribal Lands
- DTLL – June 8, 2020, Oil and Gas Operations
- DTLL – June 22, 2020, Sec. 105(1) Indian Self-Determination Education Assistance Act
- DTLL – June 24, 2020, BIE Reopening Plans
- DTLL – July 8, 2020, Indian Affairs Recovery Plan



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

April 13, 2020

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

Dear President Nez:

Enclosed is a Dear Tribal Letter from the Assistant Secretary – Indian Affairs, regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. No. 116-136, to address COVID 19 prevention, preparedness, and response in American Indian and Alaska Native (AI/AN) communities. The CARES Act funding distribution and appropriation is attached.

The Nation will receive these one-time, non-recurring non-base funds through modifications to existing Indian Self-Determination and Education Assistance Act (ISDEAA) agreements. These funds must be used for the purposes of prevention, preparedness, and response to COVID-19 and must be used within the allowable confines of the program, function, service, or activity (PFSA) in which they are received.

The Nation is encouraged to engage with Mr. Stevens, Regional Director, on the one-time funding distribution. To also help explain on the approach for allocating funding, a conference call is scheduled, **April 15, 2020 from 3:00 p.m. – 4:00 p.m. EST**. Call in information:

Conference Call: 1-888-452-9848

Participant Password: 3081480

Thank you for the continued partnership during this COVID-19 public health emergency. Please do not hesitate to reach out to our office directly and if we can be of assistance in facilitating information sharing. I can be reached at (505) 870-0011 (cell).

Sincerely,

Bartholomew Stevens
Regional Director

cc: Chief of Staff, Navajo Nation
OMB, Contracts and Grants



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 13 2020

Dear Tribal Leader:

I am pleased to announce our plans for distribution of Operation of Indian Programs and Operations of Indian Education Programs funding appropriated in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. No. 116-136, to address coronavirus (COVID-19) prevention, preparedness, and response in American Indian and Alaska Native (AI/AN) communities.

The CARES Act authorizes \$522 million in additional direct appropriations resources for COVID-19 response activities through the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE). Of the total funding, \$453 million was provided through the BIA and \$69 million was provided through the BIE.

Of the \$453 million provided for BIA, \$420 million will be utilized for direct payments to tribes. Of this total, \$380 million will be distributed to all Tribes through Aid to Tribal Government, \$20 million will be provided through Welfare Assistance and the remaining \$20 million will be held in temporary reserve to address unexpected surges in need for areas such as Welfare Assistance or elsewhere.

Tribes participating in Indian Self-Determination and Education Assistance Act (ISDEAA) contracting or compacting will receive these one-time, non-recurring non-base funds through modifications to their existing ISDEAA agreements. These funds must be used for the purposes of prevention, preparedness, and response to COVID-19 and must be used within the allowable confines of the program, function, service, or activity (PFSA) in which they are received. Aid to Tribal Government (ATG) funding will be allocated based on tribal enrollment data which will "group" tribes by enrollment numbers into funding levels. The amounts allocated to each funding level will increase as tribal enrollment increases. Tribes with the lowest enrollment numbers will receive at least \$60,000. Welfare Assistance will also be allocated by Tribe based on enrollment data for a pro-rata distribution of the \$20 million appropriated; this, along with waivers of the regulations governing eligibility in areas such as pool of eligible applicants and payment thresholds, will allow a greater number of AI/AN individuals and families to receive assistance.

Tribal leaders are encouraged to engage their BIA Regional Directors and Office of Self Governance (OSG) contacts. For example, not all tribes currently have funding agreements which include Aid to Tribal Government or Welfare Assistance as a PFSA. For ISDEAA Tribes in this situation, it will be necessary to engage in discussions with your BIA Region or Self Governance office to document the Tribe's ability to add a new program line item to their contract/compact in accordance with 25 U.S.C. § 5321. Indian Affairs stands ready to assist with this requirement to ensure a smooth process for Tribes.

Tribes not participating in ISDEAA contracting or compacting who wish to receive Aid to Tribal Government or Welfare Assistance as a direct service will receive their allocation of these funds according to normal direct service processes.

Of the remaining \$33 million provided in the CARES Act, the BIA will direct funding toward needs related to facility deep cleaning, quarantine of inmates, overtime costs, and IT investments to enhance telework capabilities and Wi-Fi connectivity.

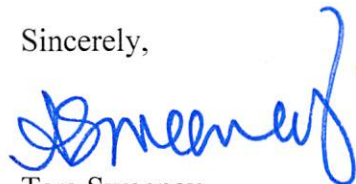
Of the \$69 million provided to BIE, \$23 million will be provided to Tribal Colleges and Universities (TCU), with the remaining \$46 million used across Bureau Operated and Tribally Controlled Schools to address operational needs. The TCU funding will be distributed on a pro-rata basis across institutions. The operational funding of \$46 million will be used to enhance online distance learning for students, IT hardware capacity and Wi-Fi connectivity, as well as provide resources to support unexpected services directly associated with COVID-19.

To help explain our approach for allocating funding, we will hold a call with Tribal Leaders on Wednesday, April 15, 2020, from 3:00 p.m. – 4:00 p.m. EST. Below is the call-in information.

Conference Call: 1-888-452-9848
Participant Password: 3081480

Thank you for your continued partnership as we work collectively to support our AI/AN communities during this COVID-19 public health emergency.

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

April 20, 2020

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

Dear President Nez:

Enclosed is a letter from Bureau of Indian Affairs regarding Temporary Guidance – Road Closures and Restrictions on Tribal Lands.

Background: Like states and local governments, many tribal governments have issued orders banning or curtailing travel into or within tribal lands amid the COVID-19 pandemic. As with other governments, carrying out these tribal orders often involves temporarily closing or restricting public roads by setting up temporary roadblocks or check points as a means of monitoring traffic. Nearly all Regions have reported receiving inquiries about, or have become aware of, public road closures or restrictions by tribal governments as part of their efforts to combat the COVID-19 pandemic. To ensure consistency across all Regions, we are issuing this temporary guidance.

Federal law defines a “public authority” as a “Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free [roads].” 23 U.S.C. § 101 (a)(21).

As used below, an “owner” means the public authority, e.g., Tribes, the Bureau of Indian Affairs, states or local governments, that is responsible for operating or maintaining a specific road.

This guidance is limited to temporary restrictions or closures of public roads for public health and safety purposes during the COVID-19 pandemic and does not, nor is it intended to, address civil or criminal jurisdiction over persons.

Question: Can Tribes temporarily close or restrict access to tribal lands over tribally-owned roads during the COVID-19 pandemic?

Response: Yes. Although the Tribal Transportation Program (“TTP”) regulations provide that “all transportation facilities listed in the National Tribal Transportation Facility Inventory must be open and available for public use,” Tribes “may restrict road use or close” tribally-owned roads temporarily without first consulting with the Secretary of the Interior or private landowners under conditions involving “immediate safety or life-threatening situations.” 25 C.F.R. §§ 170.114 (a)(1) and (b). The COVID-19 pandemic meets the definition of an “immediate safety or life-threatening situation.”

Question: Can tribes temporarily close or restrict access to tribal lands over roads owned by others, such as the Bureau of Indian Affairs, other federal agencies, or state and local governments during the COVID-19 pandemic?

Response: Yes, but *only* on behalf of the affected road owner *after* the Tribe has consulted *and* reached an agreement addressing the parameters of the temporary road closure or restrictions. 25 C.F.R. § 170.114 (a)(1) and (b). At a minimum, this should include identifying points of contact for each road owner, who is allowed in, as well as ensuring that emergency and other essential services can access affected areas.

Tribes and other road owners should regularly consult and coordinate to the greatest extent possible about temporary road closures and restrictions affecting both tribal members and the general public alike. As described above, this should include identifying who is allowed in, as well as ensuring that emergency and other essential services can access affected areas.

Before temporarily closing or restricting any roads, Tribes should use plans and procedures disclosed in advance to the public through various means such as media, social networking, public service announcements, and adequate signage in advance of affected locations, including electronic signs. Road closure or restriction locations should also be monitored by public safety, emergency management, and transportation personnel.

Finally, we have determined that Tribal road safety personnel and other costs associated with staffing, setting-up and maintaining temporary roadblocks and checkpoints are allowable expenditures of TTP funds. A Tribe choosing to use its TTP funds for these purposes should promptly notify their respective contracting agency (BIA or FHWA), and they will work with the Tribe to ensure the expenditures are correctly categorized and approved as part of their Fiscal Year 2020 Transportation Improvement Program (TIP).

Should you have any questions, please contact LeRoy Gishi, Supervisory Highway Engineer, Office of Indian Services, at (202) 513-7711.

Please do not hesitate to reach out to our office directly and if we can be of assistance in facilitating information sharing. I can be reached at 505-870-0011 (cell).

Sincerely,



Bartholomew Stevens
Regional Director, Navajo

cc: Chief of Staff, Navajo Nation
Garrett Silversmith, NDOT



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

June 8, 2020

Honorable Jonathan Nez
President, Navajo Nation
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Letter from the Assistant Secretary – Indian Affairs, regarding Tribal self-determination in energy development on Tribal lands. A listening session is scheduled on “Oil and Gas Operations in Indian Country during the COVID-19 Pandemic”.

The time and call in information is as follows:

Date	Time (Eastern Time)	Call-in Information
Friday, June 12, 2020	3 p.m. – 5 p.m. MT	Phone number: 877-917-2513 Participant Code: 7407724

We look forward to hearing the Nation’s comments on this urgent matter. Thank you for the continued partnership during this COVID-19 public health emergency. Please contact our office directly and if we can be of assistance in facilitating information sharing. I am available at cell phone number (505) 870-0011.

Sincerely,

Bartholomew Stevens
Regional Director

cc: Chief of Staff, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN - 6 2020

Dear Tribal Leader:

The Department of the Interior (Department) supports Tribal self-determination in energy development on Tribal lands and we recognize that the COVID-19 pandemic has brought unprecedented hardships for Tribes in their oil and gas operations. The Department stands ready to assist Tribes and individual Indian mineral owners in these challenging times. In order to do so, I invite you to participate in a listening session on "Oil and Gas Operations in Indian Country during the COVID-19 Pandemic" to discuss the Department's path forward in addressing these challenges. The time and call-in information is listed below.

Date	Time (Eastern Time)	Call-in Information
Friday, June 12, 2020	3 p.m. – 5 p.m. MT	Phone number: 877-917-2513 Participant Code: 7407724

Federal participants on the call will include the Bureau of Indian Affairs; the Office of Natural Resources Revenue; the Office of the Special Trustee; the Office of Indian Energy and Economic Development; and the White House Council on Native American Affairs. I appreciate your input and leadership as we work together to minimize the economic impact of the COVID-19 pandemic on Indian mineral owners and their business partners, and I look forward to hearing your thoughts on this urgent matter.

Sincerely,

Tara Sweeney
Assistant Secretary – Indian Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUN 10 2020

NOTICE

Dear Tribal Leader:

RE: Clarification of Time Zone for June 12, 2020, Tribal Listening Session

Indian Affairs will host a Listening Session on Friday, June 12, 2020, from **3:00 p.m. – 5:00 p.m. EST** on Oil and Gas Operations in Indian Country during the COVID-19 Pandemic.

The attached June 6, 2020, letter indicated both Eastern Standard Time and Mountain Time for the call. To clarify, the Listening Session will be **June 12, 3:00 p.m. – 5:00 p.m. Eastern Standard Time (EST)**.

Sincerely,

Tara Sweeney

Assistant Secretary – Indian Affairs



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN - 6 2020

Dear Tribal Leader:

The Department of the Interior (Department) supports Tribal self-determination in energy development on Tribal lands and we recognize that the COVID-19 pandemic has brought unprecedented hardships for Tribes in their oil and gas operations. The Department stands ready to assist Tribes and individual Indian mineral owners in these challenging times. In order to do so, I invite you to participate in a listening session on "Oil and Gas Operations in Indian Country during the COVID-19 Pandemic" to discuss the Department's path forward in addressing these challenges. The time and call-in information is listed below.

Date	Time (Eastern Time)	Call-in Information
Friday, June 12, 2020	3 p.m. – 5 p.m. MT	Phone number: 877-917-2513 Participant Code: 7407724

Federal participants on the call will include the Bureau of Indian Affairs; the Office of Natural Resources Revenue; the Office of the Special Trustee; the Office of Indian Energy and Economic Development; and the White House Council on Native American Affairs. I appreciate your input and leadership as we work together to minimize the economic impact of the COVID-19 pandemic on Indian mineral owners and their business partners, and I look forward to hearing your thoughts on this urgent matter.

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

June 22, 2020

Honorable Jonathan Nez
President, Navajo Nation
Post Office Box 7440
Window Rock, Arizona 86515

Dear President Nez:

Enclosed is a Dear Tribal Letter from the Assistant Secretary – Indian Affairs, regarding Section 105(l) the Indian Self Determination and Education Assistance Act (ISDEAA) that provides tribes carrying out Federal functions under a self-determination contract or self-governance compact may enter into a lease agreement with Department of Interior for the Tribally owned or rented facility used to carry out those functions.

You are invited to one of the following listening sessions to learn about this framework and any questions you may have.

The time and call in information is as follows:

Date	Time	Topic	Teleconference Number and Passcode
Monday, June 29, 2020	1 p.m. – 3 p.m. Eastern Time	105(l) Leases	Call-in number: 800-593-9888 Passcode: 7344929
Wednesday, July 1, 2020	1 p.m. – 3 p.m. Eastern Time	105(l) Leases	Call-in number: 888-957-9871 Passcode: 3211338

The draft framework is available at the following website:

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

If you have any questions regarding this listening session, please contact Ms. Judy Wilson, Director, Office of Facilities, Property and Safety Management, at Judith.wilson@bia.gov or via phone (703) 390-6314.

We look forward to hearing the Nation's comments on this matter. Please feel free to contact our office directly if we can be of assistance in facilitating information sharing. I can be reached at 505-870-0011 (cell).

Sincerely,

Bartholomew Stevens
Regional Director

cc: Chief of Staff, Navajo Nation
Office of Management and Budget, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUN 19 2020

Dear Tribal Leader:

Section 105(l) of the Indian Self Determination and Education Assistance Act (ISDEAA) provides that Tribes and Tribal organizations carrying out Federal functions under a self-determination contract or self-governance compact may enter into a lease agreement with the Department of the Interior (Interior) for the Tribally owned or rented facility used to carry out those functions. Under such a lease (105(l) lease), Interior negotiates with the Tribe or Tribal organization on eligible expenses for use of the facility to carry out the contract or compact function.

To date, Indian Affairs (IA) has collaboratively and successfully negotiated two 105(l) leases with Tribes: one for a law enforcement facility and one for an educational facility. To build upon these successes, IA is developing a framework, utilizing lessons learned that will help guide negotiations for future 105(l) leases for these types of facilities.

I invite you to join one of the following listening sessions to learn about this framework and answer any questions you may have regarding these new and unique agreements:

Date	Time	Topic	Teleconference Number and Passcode
Monday, June 29, 2020	1 p.m. – 3 p.m. Eastern Time	105(l) Leases	Call-in number: 800-593-9888 Passcode: 7344929
Wednesday, July 1, 2020	1 p.m. – 3 p.m. Eastern Time	105(l) Leases	Call-in number: 888-957-9871 Passcode: 3211338

The draft framework is available at the following website:

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

If you have questions, please contact Ms. Judy Wilson, Director, Office of Facilities, Property and Safety Management, at judith.wilson@bia.gov or via phone at (703) 390-6314. By providing a foundation for more 105(l) leases with contracting and compacting Tribes, this framework will further advance our shared goal of Tribal self-determination and self-governance.

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

June 24, 2020

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

Dear President Nez:

Enclosed is a Dear Tribal Letter from the Assistant Secretary – Indian Affairs, regarding Bureau of Indian Education, draft School Reopening Plan (Plan) to safely reopen school sites for the 2020-2021 school year (SY).

The Plan is available for review at <https://www.bia.gov/covid-19/school-reopening>. The consultation schedule and registration is also available. The sessions will be done virtually by webinar. If you have any questions, please contact Ms. Judy Wilson, Director, Office of Facilities, Property and Safety Management, at Judith.wilson@bia.gov or via phone (703) 390-6314.

Please contact our office directly if we can assistance in facilitating information sharing. I am available at (505) 870-0011 (cell).

Sincerely,

Bartholomew Stevens
Regional Director

cc: Chief of Staff, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

Dear Tribal Leader:

The Bureau of Indian Education (BIE) values Tribal leader and stakeholder input into the draft School Reopening Plan (Plan) to safely reopen school sites for the 2020-2021 school year (SY). As such, BIE will conduct two formal consultation sessions to inform the development of the Plan.

Due to the COVID-19 pandemic and the fact that some Bureau-funded schools will open school sites for SY 2020-2021 by the end of July 2020, this letter and the Federal Register notice (FRN) provides an expedited notification period of 15 days instead of the usual 30-day notification period.¹ The FRN for the Tribal consultations, when published, may be found at <https://www.bia.gov/covid-19/school-reopening> and a consultation schedule and registration information for the webinars may be found below. All sessions will be conducted virtually by webinar to minimize travel.

The Plan is available for review at <https://www.bia.gov/covid-19/school-reopening>. The BIE goals for the Plan include:

- Provide reopening directives to BIE-operated schools for developing individual school site reopening plans with adequate time before SY 2020-2021.
- Provide reopening guidance to Bureau-funded schools, including Tribally-controlled schools, who may utilize the Plan's recommendations to support their individual school site reopening plans.
- Serve as structural guidance for formal government-to-government Tribal consultation as well as separate engagement events with pertinent union organizations, such as the Federation of Indian Service Employees (FISE), and national organizations like the National Indian Education Association (NIEA).

The intended purpose of the Tribal consultation and stakeholder engagement is to ensure that BIE is meeting the needs of its students, schools, and Tribal communities during the COVID-19 Pandemic recovery. The consultation session scheduled on Day 1 is intended for Tribal leaders or their designee. The consultation session scheduled on Day 2 is open to school boards, parents, Indian organizations, and other interested parties who may be affected by the Plan and wish to provide comments.

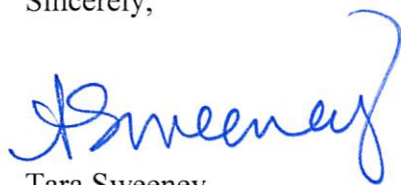
¹ U.S. DEP'T OF THE INTERIOR, POLICY ON CONSULTATION WITH INDIAN TRIBES, Section VII(A), *available at* <https://www.doi.gov/sites/doi.gov/files/migrated/cobell/upload/FINAL-Departmental-tribal-consultation-policy.pdf>.

Consultation Schedule

<u>FOR:</u>	<u>DATES</u>	<u>TIME</u> <u>(EDT)</u>	<u>TO JOIN WEBINAR:</u>
<u>Tribes</u>	Thursday, July 9, 2020 (Day 1)	3 – 5 p.m. ET	Register in advance for this meeting: https://us02web.zoom.us/j/84562891234 After registering, you will receive a confirmation email containing information about joining the meeting.
<u>Public</u>	Friday, July 10, 2020 (Day 2)	3 – 5 p.m. ET	Register in advance for this meeting: https://us02web.zoom.us/j/84562891234 After registering, you will receive a confirmation email containing information about joining the meeting.

The BIE will accept both oral and written comments. Written comments may be emailed to consultation@bia.gov or sent by postal mail to Bureau of Indian Education, Juanita Mendoza, 1849 C Street NW MIB-3612, Washington, DC 20240. Comments must be received on or before July 25, 2020 at 11:59 p.m. ET. Questions regarding the Tribal consultations may be directed to Juanita Mendoza, Special Assistant to the Director, Bureau of Indian Education; phone (202) 208-3559 or email Juanita.Mendoza@bie.edu.

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

July 7, 2020

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

Dear President Nez:

Enclosed is a Dear Tribal Leader Letter from the Assistant Secretary – Indian Affairs, regarding the Indian Affairs – COVID 19 Adaptive Operations Recovery Plan.

While protecting the health and safety of Indian Affairs employees the BIA, Navajo Region is working with the Nation's recovery plans during the pandemic. Enclosed, please find a letter fully describing the Indian Affairs plans.

Please do not hesitate to reach out to our office directly, if we can be of assistance in facilitating information sharing. I can be reached by cell phone at (505) 870-0011.

Sincerely,

Bartholomew Stevens
Regional Director

cc: Chief of Staff, Navajo Nation



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 01 2020

Dear Tribal Leader:

I am writing to update you on our efforts to ensure uninterrupted services to you while protecting the health and safety of all Indian Affairs employees, as we begin the process of returning our operations to "unrestricted status," a term the Department of the Interior (Department) is using to describe the fully operational status of our service capabilities. While we may not know when we will return to "normal" business operations at our agency, regional, and central office locations, we have gained proficiency in using new technologies and staying connected while we telework to perform the vital services on which you depend.

I also want to assure you that Indian Affairs is following your Tribe's lead in proceeding with our recovery plans. We are sensitive to the high demands and stress being placed on your Tribal governments due to the Coronavirus Disease 2019 (COVID-19) pandemic and the associated economic and public safety issues that have arisen from it. It is our desire that any efforts we make to return to work sites take into account the health and safety of all of our employees and the communities we serve.

In preparation for returning to work sites, my leadership team and I have been providing our employees with extensive information, including training on COVID-19 awareness. We have also been working with the Department to secure personal safety items such as face coverings and hand sanitizer, and discussing ways to ensure social distancing is maintained in the work space.

For your awareness, I am sharing the "IA COVID-19 Adaptive Operations Recovery Plan" which provides strategic direction and guidance to assist managers with resuming phased operations consistent with state and Tribal guidance. The plan provides an adaptive, decision-making framework and tools so that we can scale activities to best support the Tribes we serve. It also:

- Details what Indian Affairs will be doing at our stations during each phase of transition and how we plan to mitigate risk to our employees, and by extension, the Tribes they serve;
- Outlines the process for how Agency Superintendents and Regional Directors will make risk management decisions when it comes time to change the stations' operating status; and
- Reiterates Centers for Disease Control and Prevention (CDC) guidance that all employees will be following to keep us safe, on and off reservations.

In addition, I have approved school reopening work plans developed by the Bureau of Indian Education (BIE), to be activated by BIE Director Tony Dearman, and executed at the local level.

The pandemic scenarios for 2020 are expected to persist at some level into 2021, and our planning will reflect that reality. Indian Affairs will continue to maintain situational awareness of all employee-confirmed and -recovered COVID-19 cases and follow CDC guidance to clear them to return to work. The Bureau of Indian Affairs' Regional Directors will continue their discussions with you on this matter for the foreseeable future. Also, we will continue to update our information and guidance for all Indian Affairs' employees as we receive it from the CDC, Office of Management and Budget, Office of Personnel Management, and the Department. Additional information for Tribes can be found on Indian Affairs' COVID-19 Outbreak web page at: <https://www.bia.gov/covid-19>.

As always, we stand ready to assist you and your efforts in keeping your communities safe and your economies strong.

Sincerely,

Tara Sweeney
Assistant Secretary – Indian Affairs

Enclosure

Indian Affairs

COVID-19

Adaptive Operations Recovery Plan

May 19, 2020

President Trump announced the [Guidelines for Opening Up America Again](#) (White House guidance), providing a three-phased data-based approach to assist state and local officials in safely reopening and continuing to protect American lives. In accordance with the White House guidance and that of the [Centers for Disease Control and Prevention \(CDC\)](#) and State public health authorities, the Department of the Interior (DOI) and Bureau of Indian Affairs (BIA) are working to return employees to duty stations in a safe and deliberate manner. Concurrently, bureaus are actively working to increase access and services across all Federal lands, facilities, and offices based on conditions in the respective State, tribal and local community.

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Introduction and Purpose

The Indian Affairs (IA) COVID-19 Adaptive Operations Recovery Plan (Plan) provides strategic direction and guidance to IA offices to resume phased operations consistent with State and tribal guidance. The information in this Plan is consistent with the [White House guidance](#) and the [Office of Management and Budget \(OMB\)/Office of Personnel Management \(OPM\) Memorandum for Heads of Executive Departments and Agencies](#). Decisions on operations should occur at the local/tribal and regional level, subject to consultation with IA leadership and the Department of the Interior (DOI). It is incumbent on leaders in IA offices to exercise discretion to implement action plans based generally on State, tribal, and/or local guidance on reopening and conditions at each IA site.

In an effort to preserve our government-to-government relationship with tribes, decision makers should honor the tribe's jurisdiction. For example, if an office is located on tribal land and that office meets the criteria for Phase 1, but the tribe has issued a shelter in place order, that IA office should defer to the tribe's stay at home order.

The Plan informs and guides appropriate transitions from wide-scale restrictions and closures imposed to slow COVID-19 infections, to scalable operations that allows for routine office operations and public visitation that sustain communities and local economies, but do not compromise public and employee health and safety. This Plan provides an adaptive, decision-making framework to enable IA managers to scale operations in a manner that best supports the visiting public under evolving recommendations from the Centers for Disease Control and Prevention (CDC), OMB/OPM, and State/tribal/local public health officials:

Operational considerations should be consistent IA-wide. For that reason, IA leadership assumes the following:

- IA facilities and operations that have been closed should resume operations in stages when the risk to employees and the public can be sufficiently mitigated. Resuming IA operations requires a flexible, creative and phased approach that can adapt to a changing environment.
- Contractor employees are not Federal employees and are not subject to the terms of this Plan. Contractor employees will instead be subject to the terms of their contracts, including any modifications to the contract made by the Contracting Officer to address resumption of phased operations.
- The pandemic scenarios for 2020 are expected to persist at some level into 2021 and planning should reflect that reality.
- The IA will continue to maintain situational awareness of all employee confirmed and recovered COVID-19 cases and follow [CDC guidance](#) to clear them to return to work.

- Modifications to operations will be continually evaluated and adjusted. Bureaus should remain nimble and able to scale indoor facilities, outdoor facilities, and activities to State/tribal guidance as it may be adjusted on a regional or State-wide basis.
- As COVID-19 is mitigated and concerns around the pandemic recede, impacts on public visitation will not be easy to predict. Each facility should consider local visitation and staffing capacities in determining the appropriate operational level.
- Bureau of Indian Education (BIE) has developed a school reopening work plan, approved by the Assistant Secretary-Indian Affairs, that should be activated by the Director of BIE and executed at the local level. Interim reopening guidance is included as an attachment to this document.

Mission Essential Functions and Mission Critical Work

IA currently provides services (directly or through contracts, grants, or compacts) to approximately 1.9 million American Indians and Alaska Natives. There are 574 federally recognized American Indian tribes and Alaska Native Villages in the United States. IA recognizes its responsibility to continue mission essential functions and mission critical work through the COVID-19 pandemic. In addition to executing and providing support for [DOI PRIMARY MISSION ESSENTIAL FUNCTIONS \(PMEFs\)](#), [MISSION ESSENTIAL FUNCTIONS \(MEFs\)](#), and [ESSENTIAL SUPPORT ACTIVITIES \(ESAs\)](#) there are activities or functions that do not lend themselves to telework and should continue to be performed on-site throughout a disruption or change to normal operations. Since the onset of the COVID-19 pandemic, approximately 8% of IA's workforce (6,700 employees) has continued to perform mission critical functions on-site and all remaining employees have been encouraged to telework from their homes, the vast majority of whom have been successfully doing so since early March.

- The Assistant Secretary – Indian Affairs advises the Secretary of the Interior on Indian Affairs policy issues, communicates policy to and oversees the programs of the BIA and the BIE, provides leadership in consultations with tribes, and serves as the DOI official for intra- and inter-departmental coordination and liaison within the Executive Branch on Indian matters, and provides support across Indian Affairs for business function such as budget and accounting, acquisitions, facilities and safety, information technology and human capital management.
- Bureau of Indian Affairs (BIA) is responsible for the administration and management of 55 million surface acres and 57 million acres of subsurface minerals estates held in trust by the United States for American Indian, Indian tribes, and Alaska Natives. Their missions is to: "... enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives."
- Bureau of Indian Education (BIE) provides education services to approximately 42,000 Indian students. Their mission is to: "... provide quality education opportunities from early

childhood through life in accordance with the tribes' needs to cultural and economic well-being in keeping with the wide diversity of Indian tribes and Alaska Native villages as distinct cultural and governmental entities. The Bureau considers the whole person (spiritual, mental, physical and cultural aspects.)"

Mission Essential Functions (MEFs) are those functions that should be continued regardless of the pandemic. MEFs enable Indian Affairs offices and bureaus to provide vital services, exercise civil authority, maintain the safety of the general public, and sustain the industrial/economic base during disruption of normal operations. MEFs have been derived from government functions of AS-IA Offices and the BIA and the BIE. Indian Affairs MEFs reflect continuity priorities for AS-IA leadership and support Departmental Primary MEF to "Provide essential law enforcement and critical infrastructure protection services on Department of the Interior administered public lands and on tribal and individually owned Indian lands."

AS-IA's Mission Essential Functions

Mission Essential Functions
Coordinate emergency response and recovery activities on tribal lands
Coordinate critical services that address health, safety, welfare and financial security of tribes
Protect and provide a safe environment in Indian schools, dormitories, and post-secondary institutions

Essential Support Activities

In addition to PMEFs and MEFs, there are certain activities IA employees should strive to continue. Essential Support Activities are support services that are not MEFs, but are necessary to enable the execution of MEFs.

AS-IA's Essential Support Activities

Essential Support Activities
Provide finance and accounting activities, including payroll, purchasing, and reporting
Provide acquisition and logistics support for emergency activities
Coordinate emergency travel support as needed to execute mission essential functions
Continue vital human resources operations including emergency hiring and employee assistance
Communicate with IA employees, providing information on the status of departmental and bureau operations
Provide timely and accurate information to the media and the public detailing the impact of incident on Trust lands and facilities as well as IA response activities
Operate and maintain facilities required to execute MEFs
Provide occupational safety and health guidance and support for emergency responders and other employees
Account for status of the workforce and recall employees to duty, as required
Protect and provide access to vital records to support emergency operations and to fulfill legal, financial and trust management responsibilities of the Department
Provide communications and information technology service to support execution of the Department's Mission Essential Functions
Interpret legal authorities and provide legal services to Departmental officials

Provide legal services and policy guidance in connection with the formulation of proposed legislation
Coordinate approval of emergency funding transfers, supplementals and reprogramming requests to ensure funding is in place to sustain emergency operations
Collect, assess, analyze, process, display, and disseminate incident and recovery related information to perform critical missions, support decision making, and maintain situational awareness

Phased Recovery

Per the White House guidance, State and community leaders should follow a three-phased process to re-open America. As recognized in the OMB/OPM guidance that aligns Federal agency operations with the national [Guidelines for Opening Up America Again](#), the Federal government should generally calibrate its transitional reopening strategy to the phase determined by State/tribal guidance where the IA work location is situated. The timeline for moving through the three-phased approach should generally rely on a State/tribal government's State/tribe-wide or regional assessment of which phase or phases the location of the DOI station or facility may be in at any given time.

Each IA office's decision to restore operations should be informed by a State/tribal decision to enter a reopening process. This Plan establishes near- to mid-term processes to align agency operations with the national guidelines, and supports the phased resumption of on-site IA operations while maintaining practices which have proven successful in mitigating the impact of the virus. The IA is committed to immediately implementing a transitional strategy consistent with the White House, OMB and tribal guidance.

Recovery Principles for All Phases

The [CDC guidance](#) includes a primary objective of disease mitigation through good hygiene, staying home when sick, and social distancing for both employees and bureaus that maintain visitor services. The IA remains committed to facilitating efforts that support these objectives to limit and/or eliminate disease resurgence. It is understood that if there is a resurgence of cases in the locality, and the State moves back to a more conservative posture, IA offices in that geography may do so as well. Bureaus may find that reduced staffing/seasonal capacity and increased public health protocols may impact the IA office's ability to advance certain operations into the next phase of recovery. These staffing and capacity limitations should be documented, and mitigation considered in order to bring a facility in line with the next stage of recovery.

All IA offices, regardless of their level in a recovery phase should implement the following adaptive recovery principles:

- Staff should comply with [CDC recommendations](#) for the specific functions they perform and utilize general DOI guidance on employee health screening, recommendations for appropriate ways to achieve social distancing, cleaning requirements and any necessary Personal Protective Equipment (PPE).

- The IA Emergency Management Team (EMT) should work with regions, agencies, and Education Resource Centers to coordinate logistical support with distribution centers for establishing inventories and continued supplies.
- IA offices should continue to report changes in operational status to IA's EMT who should continue providing updates to DOI and posting the status on associated websites as a unit enters a new phase.
- Field level supervisors should evaluate their conditions locally; discuss status with local Tribes, Regional Directors and Associate Deputy Directors to guide their determination if their location meets the qualifiers to proceed to a phase.

Additionally, the IA should continue to maintain a privacy-protected data collection tool of case positive and recovered employees and daily report this aggregated information to the DOI Watch Office to support a Department-wide view of the workforce.

Phased Approach

As recognized in the [OMB/OPM guidance](#) that aligns federal agency operations with the national [Guidelines for Opening Up America Again](#), the Federal government should generally calibrate its transitional reopening strategy to the phase determined by a State's/ tribal assessment and guidance. IA should reopen its public-facing facilities, where access is limited or curtailed, by performing a [COVID-19 Station Risk Assessment](#) and identifying reasonable mitigation techniques to protect IA employees, volunteers, contractors, and visitors.

Station operating postures should be informed by State, tribal and local determinations and utilize available information when making mission-critical decisions. The below descriptions provide a general overview of how activities should progress. IA's ability to carry out its mission and prioritize the safety of its workforce should be paramount in its decision making. In an effort to preserve our government-to-government relationship with tribes, decision makers should honor the tribal government determination, where such determination does not interfere with Indian Affairs PMEFs, MEFs and ESAs.

Phase I Approach

If a State, tribal or local entity with designated authority from the Governor/tribal governing body, announces it is entering Phase I, IA offices within that jurisdiction should begin

Primary considerations underlying the resumption of any public-facing operations will be based on the impact to visitors, staff, volunteers, contractors, partners, and concessionaires. Facility decisions will observe CDC and State health guidance, including the following:

- social distancing and ability to manage crowds;
- ability to meet cleaning/sanitation standards;
- availability of necessary PPE;
- capacity of seasonal and permanent staff; and
- capacity of the medical resource in the local communities as determined by State recommendations.

implementing the Phase I operational posture consistent with mission delivery and the health and safety of employees.

Step 1: Determine where increased and expanded access is feasible

The entry into Phase I is not an immediate requirement to resume operations. IA stations should assess the feasibility of resuming operations while ensuring employee and visitor safety. IA leadership should ensure the following:

- The Regional Safety Manager should assist the Regional Director, or Associate Deputy Director with collecting public health information to inform decision making. Agency Superintendents and BIE Associate Deputy Directors should closely coordinate with tribal governments and the BIA Regional Director who are coordinating with the regional Field Special Assistant (FSA's) to collect and maintain updated public health guidance and information to aid managerial decisions.
- Review White House, State and tribal guidance and determine where the office is in the reopening process.
- Where appropriate, complete a [COVID-19 Station Risk Assessment Tool](#) and identify whether appropriate mitigation techniques can be performed to protect IA employees, volunteers, contractors, and visitors.
- Work with State/tribal public health officials, such as Indian Health Services (IHS), to ensure expanding public access is done in concert with State/tribal public health guidance.
- When changes to operational status occur, Regional Directors, Deputy Bureau Directors and Bureau Directors should notify the Indian Affairs Emergency Management Team to communicate with the Office of the Assistant Secretary, Indian Affairs, DOI headquarters, Public Affairs and the FSA's so information may be relayed to State/tribal and local partners for awareness.

Step 2: Determine the Work Sites and Activities that May Safely Accommodate Staff

Work Sites: The IA should utilize the [Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior \(DOI\) and Work Locations](#), and in accordance with CDC, OSHA, and State or tribal as appropriate, worksite guidance.

While mission essential functions, such as law enforcement, have been maintained throughout this public health emergency, supervisors should also use employment flexibilities when hiring mission essential personnel. It is recognized that in some situations there may be a delay in on-boarding seasonal staff and that could affect operational capacity.

Bureaus should follow [Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior \(DOI\) and Work Locations](#) and implement routine cleaning procedures in accordance with CDC guidance.

Step 3: Implement Mitigation Strategies

For the outdoor and recreational experiences that are accessible to the public, the IA offices should identify and implement reasonable mitigations, found in [Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior \(DOI\) and Work Locations](#) such as:

- Post information to promote everyday preventative actions, including social distance protocols (currently six-feet of separation).
- Discourage groups from gathering in larger numbers and monitor high traffic or popular areas to support social distancing practices.
- Encourage visitation at off-peak times of the day.
- Limit gathering sizes in accordance with State, tribal or local orders/recommendations.

Offices should implement consistent signage, web content, and communications protocols to ensure the public understands what is available at the location during this phase, and how to safely visit. Signage, web content, and communications should also notify the public that access and park staffing may be limited during the phased reopening and direct visitors to adjust their expectations accordingly, as well as practice social distancing, personal hygiene, and other recommended behavior to reduce the risk of infection in public areas.

In addition to the steps above, IA work locations should consider the guidelines found in Table 1: Phase I Guidelines. These guidelines are aligned with the [White House guidance](#), but tailored to the mission of the IA.

Table 1: Phase I Guidelines

Topic	Guidance
Vulnerable/high risk populations	In States/Tribes that remain in the Gating period, Phase I, or Phase II, and as appropriate and consistent with Departmental policies, managers and supervisors should maximize telework and leave options for eligible employees who express a need to remain away from the official workplace, including but not limited to 1) employees whom CDC guidance defines as being at higher risk for serious complications from COVID-19; 2) employees who are part of CDC-identified special populations; and 3) employees who request telework or leave flexibilities to protect vulnerable household members who are at higher risk for severe illness from COVID-19. Without soliciting protected information related to age or underlying medical condition(s), managers and supervisors should continue to rely on information voluntarily provided and self-certified as accurate by employees who express a need to remain away from the official workplace.
Social distancing	Follow Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior (DOI) and Work Locations
Socializing/gathering	Follow Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior (DOI) and Work Locations

Topic	Guidance
Face covering	Follow Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior (DOI) and Work Locations
Travel	Minimize non-essential travel and adhere to CDC guidelines regarding isolation following travel.
Telework	Continue telework whenever possible and feasible with business operations. Central office, State or regional office, and stations telework-approved functions should continue to maximize telework operations.
Work site or facility	Follow Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior (DOI) and Work Locations . Return to work in phases.
Detention center and corrections staff	<p>CONTRACTORS: Contractor access to BIA OJS facilities will continue to be restricted to only those performing essential services or those who perform necessary maintenance on essential systems. Contractors who require access will be screened using the same procedures as staff prior to entry. Delivery of goods to include food and supplies will be receipt by a supervisor outside of the facility. Delivery of services such as laundry will be in receipt by a supervisor outside of the facility. Maintenance contractors who are approved for access, by the BIA Supervisory Correctional Officer/Supervisor will be screened using the same procedures as staff prior to entry. These practices will be re-evaluated in 30-60 days.</p> <p>SCREENING OF STAFF: BIA OJS will continue to practice enhanced health screening of staff. Such screening includes self-reporting and temperature checks. These screening practices will be re-evaluated in 30-60 days.</p> <p>SCREENING OF INMATES: BIA OJS will continue to screen inmates by using the following practices and will re-evaluate the practices in 30-60 days:</p> <ul style="list-style-type: none"> • All newly-arriving OJS or Tribal inmates are being screened for COVID-19 exposure risk factors and symptoms. All newly-arriving inmates shall be screened in the Sallyport or designated room outside of the booking area. • Asymptomatic inmates with exposure risk factors are quarantined. • Symptomatic inmates with exposure risk factors are isolated and tested for COVID-19 per local health authority protocols. <p>MODIFIED OPERATIONS: BIA OJS will continue to implement nationwide modified operations to maximize social distancing and limit group gatherings in our facilities. For example, depending on the facility's population and physical layout, the institution may implement staggered meal times, recreation, etc. These modifications will be re-evaluated in 30-60 days</p>
Common areas	Follow Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for DOI and Work Locations

Topic	Guidance
Organized education and kids/youth activities	The activities (e.g., daycare, camps, programs) that are currently closed should generally follow State, tribal and local guidance and OPH recommendations.
Visitor experiences	Formal exhibits, and tight spaces (such as historic homes or museums) are closed if social distancing and cleaning protocols cannot be maintained.
Housing	Follow CDC guidance for shared or congregate housing. Social distancing requirements in shared housing remains in effect. Housing and operations guidance may change for particular locations as they progress through the recovery phases and improved recommendations are developed.
Seasonal onboarding	Facilities should limit hiring and set dates for on-boarding of seasonal staff, based on projections of visitation levels and other demands for seasonal hiring.
Field work	Field work may resume. Work environments of more than 10 people, where appropriate distancing may not be practical, should be avoided unless precautionary measures are observed such as use of cloth face coverings.

Phase II Approach

A Phase II operating posture should be informed by State and tribal/local determinations and consistent with IAs mission while prioritizing the safety of its workforce and the public. In a Phase II operational posture a facility, area, or regional office should abide by the initial steps in Phase I, consult its [COVID-19 Station Risk Assessment Tool](#), if applicable, and work with IHS and/or OPH and State/tribal/local public health officials to ensure expansions of public access are considerate of State, tribal and local health guidance.

To ensure the safety of staff and the public, work locations who manage public access and visitor services functions should consider mitigation measures such a sequencing or the use of timed entry to disperse visitors throughout the facility and promote social distancing. It is understood that in some cases, reduced staffing/seasonal capacity, illness in employees, and increased public health protocols may impact the station's ability to fully move forward into the next operational phase.

For Phase II, offices should use the designated regional POC's in close consultation and coordination with the Bureau Deputy Director, to inform second phase criteria determinations.

Similar to Phase I, the IA has adapted [White House guidance](#) to address common operational considerations. Table 2: Phase II Guidelines contains the Phase II guidelines. These guidelines should be considered along with the station's [COVID-19 Risk Assessment Tool](#).

Table 2: Phase II Guidelines

Topic	Guidance
Vulnerable/high risk populations	In States, Tribes or regions that remain in the Gating period, Phase 1, or Phase 2, and as appropriate and consistent with Departmental policies, managers and supervisors should maximize telework and leave options for eligible employees who express a need to remain away from the official workplace, including but not limited to 1) employees whom CDC guidance defines as being at higher risk for serious complications from COVID-19; 2) employees who are part of CDC-identified special populations; and 3) employees who request telework or leave flexibilities to protect vulnerable household members who are at higher risk for severe illness from COVID-19. Without soliciting protected information related to age or underlying medical condition(s), managers and supervisors should continue to rely on information voluntarily provided and self-certified as accurate by employees who express a need to remain away from the official workplace.
Social distancing	Follow <i>Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior (DOI) and Work Locations</i>
Travel	Non-essential travel can resume to other jurisdictions in Phase II or Phase III.
Telework	Telework is encouraged, whenever feasible to achieve business operations.
Detention center and corrections staff	<p>CONTRACTORS: Contractor access to BIA OJS facilities will continue to be restricted to only those performing essential services or those who perform necessary maintenance on essential systems. Contractors who require access will be screened using the same procedures as staff prior to entry. Delivery of goods to include food and supplies will be receipt by a supervisor outside of the facility. Delivery of services such as laundry will be in receipt by a supervisor outside of the facility. Maintenance contractors who are approved for access, by the BIA Supervisory Correctional Officer/Supervisor will be screened using the same procedures as staff prior to entry. These practices will be re-evaluated in 30-60 days.</p> <p>SCREENING OF STAFF: BIA OJS will continue to practice enhanced health screening of staff. Such screening includes self-reporting and temperature checks. These screening practices will be re-evaluated in 30-60 days.</p> <p>SCREENING OF INMATES: BIA OJS will continue to screen inmates by using the following practices and will re-evaluate the practices in 30-60 days:</p> <ul style="list-style-type: none"> • All newly-arriving OJS or Tribal inmates are being screened for COVID-19 exposure risk factors and symptoms. All newly-arriving inmates shall be screened in the Sallyport or designated room outside of the booking area. • Asymptomatic inmates with exposure risk factors are quarantined. • Symptomatic inmates with exposure risk factors are isolated and tested for COVID-19 per local health authority protocols.

Topic	Guidance
	MODIFIED OPERATIONS: BIA OJS will continue to implement nationwide modified operations to maximize social distancing and limit group gatherings in our facilities. For example, depending on the facility's population and physical layout, the institution may implement staggered meal times, recreation, etc. These modifications will be re-evaluated in 30-60 days.
Common areas	Follow <i>Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior (DOI) and Work Locations</i>
Organized education and kids/youth activities	Activities (e.g., daycare, camps, programs) should generally follow State, tribal and local guidance and OPH recommendations and can reopen where social distance and other mitigations are possible.
Visitor experiences	Experiences should be conducted at outside locations/venues (under shade structures as needed) or with virtual/remote media and techniques and social distancing. Formal exhibits, and tight spaces (such as historic homes or museums) remain closed if social distancing and cleaning protocols cannot be maintained. Offices should work to ensure that visitor orientation, wayfinding, roving and virtual or remote visitor services are reintroduced or continued, as possible.
Housing	Follow CDC guidance for shared or congregate housing. Social distancing requirements in shared housing remains in effect. Housing and operations guidance may change for particular locations as they progress through the recovery phases and improved recommendations are developed.
Field work	Field work may resume.
Communications	Offices should update signage, web content, and communications protocols to ensure the public understands what further options are available during this phase, and how to safely visit. Signage, web content, and communications should also notify the public that access may be limited during phased reopening and direct visitors to adjust their expectations accordingly and practice social distancing, personal hygiene, and other recommended behavior to avoid infection in public areas.

Phase III Approach

A Phase III operating posture should be informed by State and tribal/local determinations and consistent with IA's mission while prioritizing the safety of its workforce and the public. In a Phase III operational posture a facility, area, or regional office should abide by the initial steps in Phase I and II, consult its [COVID-19 Station Risk Assessment Tool](#), if applicable, and work with IHS and/or OPH and State/tribal/local public health officials to ensure expansions of public access are considerate of State, tribal and local health guidance.

The emphasis in Phase III should be to ensure public health guidance is fully implemented as operations and recreational experiences are resumed when phased criteria are met. It is understood that there may be operational and staffing impacts of this phased approach, and therefore, it is possible not all stations, particularly those locations heavily impacted by COVID-19, will be able to return immediately and fully to past operational standards. Developing adjusted standards for operations in coordination with IA national programs may be necessary.

Similar to Phase I and Phase II, the IA has adapted [White House guidance](#) for common office considerations. Table 3: Phase III Guidelines contains the Phase III guidelines. These guidelines should be considered along with the office's [COVID-19 Station Risk Assessment Tool](#).

Table 3: Phase III Guidelines

Topic	Guidance
All employees	All employees should be encouraged to continue to follow CDC guidance for taking precautions to protect themselves from COVID-19.
Unrestricted staffing	Offices may resume all worksites.
Large venues	Venues can operate under limited physical distancing protocols.

Phase III represents a return to normal or new locally standardized operations. Facilities should all re-open at this point and visitor opportunities should fully resume, although local managers should be mindful of projected visitation rates and associated seasonal staffing capabilities.

IA Roles and Responsibilities

Bureau Director (BIE and BIA)

- Approves and activates proposed reopening plan for BIA and BIE and works closely with Indian Affairs and DOI leadership.

IA Emergency Management Team (EMT)

- IA EMT coordinates with the Assistant Secretary, Indian Affairs (and associated offices), BIA and BIE Bureau Directors, their EMTs and the DOI, Office of Emergency Managements to provide daily reports and complete data calls and other required activities addressed in IA's Pandemic Plan (attached).

BIA/BIE Deputy Director, Field Operations

- Coordinates with the IA EMT and assists regions/ADD's/ ERC's with implementing their reopening plan for the BIA and proposes changes as situations develop.
- Maintains situational awareness via the [DOI Common Operating Picture \(COP\)](#) to ensure the BIA/BIE is on track.

Regional Directors/BIE Associate Deputy Directors

- Maintains ongoing reporting and oversight of the regional COVID response.
- Responsible for plan execution and decision-making surrounding the Plan at regional locations during each phase.
- Primary source of engagement for the Education Program Administrators'/Field Special Assistants (FSAs) to maintain situational awareness of local conditions as they change.
- Responsible for employing creative and flexible solutions to meet workforce needs while still advancing the BIA's and the BIE's mission.

Agency Superintendents/Education Program Administrators

- Responsible for local plan execution, coordinating with tribes and decision-making surrounding the Plan at their agency and coordinates with tribal governments to implement the Plan's actions, where feasible, during each phase.
- Primary source of engagement for the Regional Directors/BIE Associate Deputy Directors to maintain situational awareness of local conditions as they change.

- Responsible for employing creative and flexible solutions to meet workforce needs while still advancing the BIA's mission.

Public Information Officer – IA Emergency Management Team

- Develops communications plans and serves as the focal point for obtaining approvals from Indian Affairs, Office of Public Affairs and DOI Office of Communications (OCO) for bureau-wide messaging.
- Publishes all-employee messaging and updates public-facing website with current operating status.

Employee Health and Wellness

This pandemic has put atypical emotional and mental stress on DOI employees. Supervisors should continue to take employees' mental health into consideration as plans are formulated and enacted to resume on site operations. Many insurance companies cover telehealth, which allows patients to seek medical care, including therapy and some prescriptions, over the phone. Several resources for IA employees are as follows:

- DOI Employee Assistance Program: <https://www.doi.gov/pmb/hr/eap>
- CDC COVID-19 Stress and Coping Resource: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>
- Substance Abuse and Mental Health Services Administration (SAMHSA) Disaster Distress Helpline: 1-800-985-5990, or text TalkWithUs to 66746 (<https://www.samhsa.gov/find-help/disaster-distress-helpline>)
- Indian Health Services (IHS) – Division of Behavioral Health - <https://www.ihs.gov/dbh/>

Internal Communications

When DOI employees begin to return to their duty stations, regular and transparent communications are imperative. This should include a two-way dialogue (feedback loop). Leadership messages to prepare for reintegration should be clear, empathetic, and recurring. This responsibility rests primarily with first line supervisors and should address the following topics:

- The appropriate status for each employee (i.e., on-site, telework, remote work). It may be helpful to discuss what has worked well for individuals who have been teleworking, what has not worked well, and how to improve collaboration and employee engagement and productivity.
- Applicable personnel policies and directives on items such as timekeeping, use of approved leave, and hiring flexibilities in accordance with PMB guidance.

In instances where different DOI agencies or offices are in a building shared with other government agencies or even in the same local area, it is suggested supervisors from these offices

communicate with one another to better stagger schedules in early stages to minimize the amount of people in the building as well as ensure that all offices follow similar protocols.

IA should communicate expectations for health screening, social distancing and employee safety, consistent with DOI wide guidance protocols through multiple ways including email, targeted messaging, virtual small group meetings and larger town halls as examples. For General Services Administration (GSA) owned and leased facilities, and office buildings shared with non-Federal government employees, the DOI Designated Official is responsible for determining appropriate screening protocols, or in case of multi-tenant facilities, the Facility Security Committee; deviations from DOI guidance should be communicated with employees.

Regional Directors and FSAs should communicate regularly on activities occurring within their respective DOI regions. Where appropriate, they should coordinate and collaborate with FSAs on opening and transitioning through the phases and to ensure coordination with other DOI bureaus operating in the same region and with States, Tribes and local governments.

IA should create space for two-way dialogue and feedback with employees maximizing existing technologies. Offices may consider using tools like Send Word Now or another centralized tool to communicate with employees. This is a useful tool for communicating with employees who may not have access to their government email address.

Collective Bargaining Obligations

Frequent communications with Union leadership may become an important aspect when reopening offices. The union should be kept informed of the Bureau or Office's plans to reopen. Once the reopening plans are finalized, the Union should be provided with notice of those plans to resume normal operations.

Managers and supervisors should work with their labor relations staff to ensure any applicable labor-management obligations related to plans to return to normal operations are fulfilled, in accordance with the Collective Bargaining Agreement and the Statute.

Resources and References

- [White House Opening Up America Again Guidance](#)
- [OMB/OPM Memorandum for Heads of Executive Department and Agencies](#)
- [OPM Guidance for Resumption of Work](#)
- [DOI Guidance and Policy](#)

Attachments

- [Pandemic Social Distancing and Daily Health Monitoring Implementation Guidelines for Department of the Interior \(DOI\) and Work Locations](#)
- [DOI COVID-19 Station Risk Assessment Tool & Decision Form](#)
- Indian Affairs Pandemic Plan – 2020
- Bureau of Indian Education [April 16 - BIE-Funded School Resumption of Activities Guidance Memorandum](#)

Appendix B – News Release

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

6/29/20 | Online Press Releases

Assistant Secretary Sweeney Announces Approval of the Fort Belknap Indian Community's HEARTH Act Regulations

6/25/20 | Online Press Releases

DOI Signs Agreement with USDA to Increase Investment in Infrastructure on Federal and Tribal Lands

6/24/20 | Online Press Releases

CORRECTED Release - Assistant Secretary Sweeney Announces \$900,000 Available in NABDI Grants for Feasibility Studies on Proposed Tribal Economic Development Projects in Opportunity Zones

6/9/20 | Online Press Releases

Assistant Secretary Sweeney Announces Applications Sought for IEED Tribal Energy Development Capacity (TEDC) Grants

5/7/20 | Online Press Releases

Assistant Secretary Sweeney Approves Agua Caliente Band's Probate Code Request

4/27/20 | Online Press Releases

Indian Affairs Extends Deadline for the National Tribal Broadband Grant Program

4/16/20 | Online Press Releases

Office of the Assistant Secretary – Indian Affairs Statement on the Coronavirus Relief Fund Process

4/14/20 | Online Press Releases

Indian Affairs to Assist Tribes Eligible to Receive Funding from Treasury Under the Coronavirus Relief Fund