
25th Navajo Nation Council

MARCH 9, 2023

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Bureau of Indian Affairs

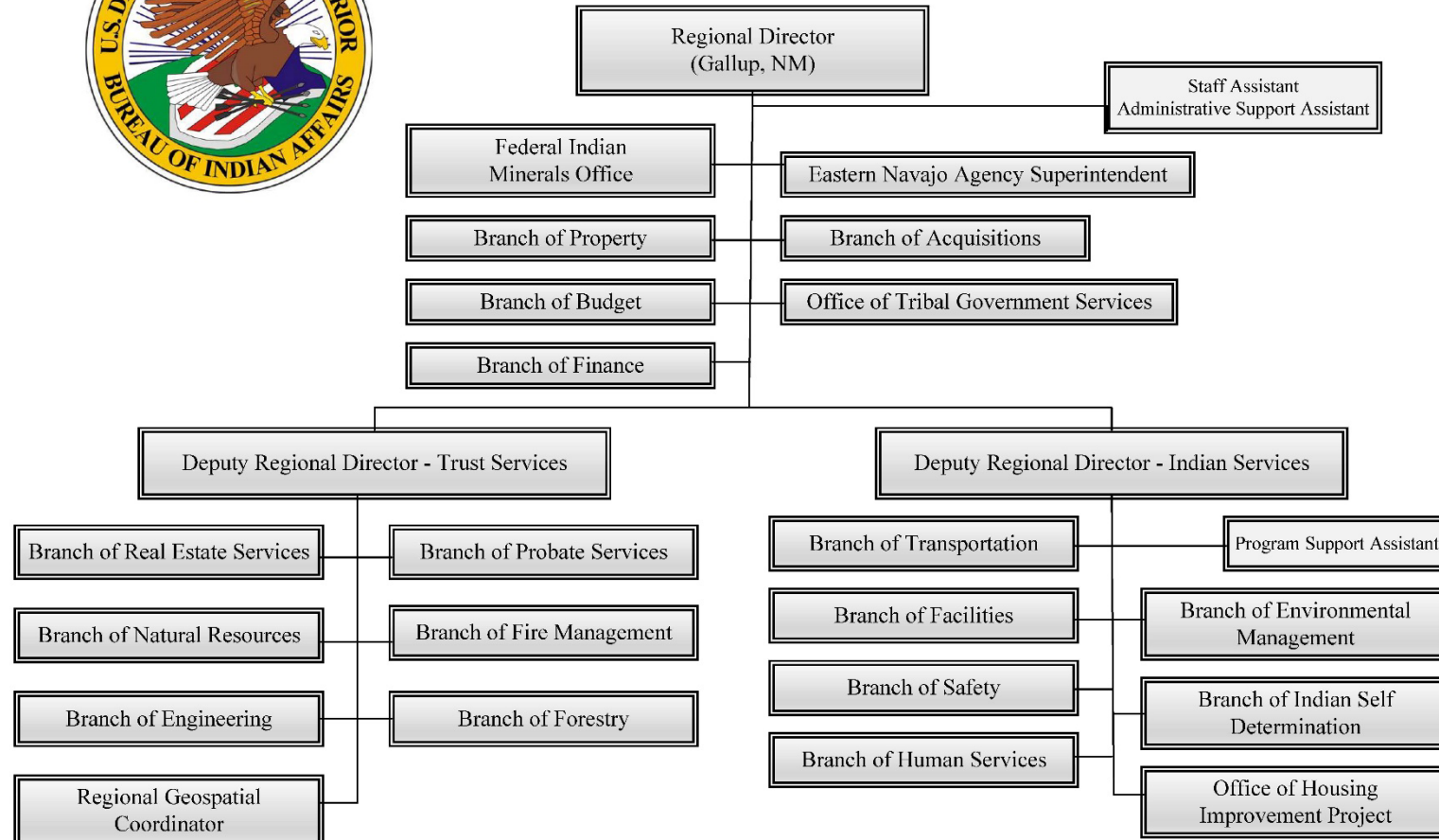
Mission Statement

- "... 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 Affairs
Navajo Region
Office of the Regional Director



Approved: **GREGORY MEHOJAH**
Gregory C. Mehojah
Regional Director

Digitally signed by GREGORY MEHOJAH
Date: 2022.07.14 10:55:45 -06'00'

Date

Approved: 
Bartholomew Stevens
Deputy Bureau Director, Field Operations

Digitally signed by BARTHOLOMEW STEVENS
Date: 2022.07.26 07:33:41 -06'00'

Date

Branch of Transportation

Road Maintenance

- The U.S Congress funds the **BIA Road Maintenance Program** through annual appropriations for the Department of the Interior (DOI) referred to as the **Tribal Priority Allocation (TPA)**.
- The **Road Maintenance Program** is managed by the BIA Navajo Region Branch of Transportation.
- 82-Indian Affairs Manual
 - The policy of the BIA Road Maintenance Program is to preserve, repair, and restore the BIA system of roadways and transportation facilities. . .
 - The BIA is mandated to maintain BIA public roads and transportation facilities constructed with Highway Trust Funds that are identified as a BIA facility in the National Tribal Transportation Facility Inventory (NTTFI).
 - BIA TPA Road Maintenance Program funds **cannot be used to improve and/or construct BIA roads, bridges or transportation facilities** to a higher road classification, standard, or capacity.

Branch of Real Estate Services

- Provides land related functions to Indian trust owners including acquisition, disposal, Rights-of-Way, leasing and sales, and provides management, development, and protection of trust land and assets.
- We respond to beneficiary inquiries and provide technical assistance to our stakeholders and partners on various realty transactions.
- The Navajo Region ensures coordination of the Cadastral survey project with the Navajo Land Department.
- Priorities
 - To restore transparency and integrity to the decision-making process. Provide timely review in accordance with regulations on Rights-of-Way, Leases, Mortgages, and Acquisitions.
 - To honor our trust responsibilities to the Tribe. Work to resolve longstanding issues, provide training to stakeholders and partners that is informative and advances understanding and cooperation; foster and continue cooperative relationships.

Branch of Real Estate Services

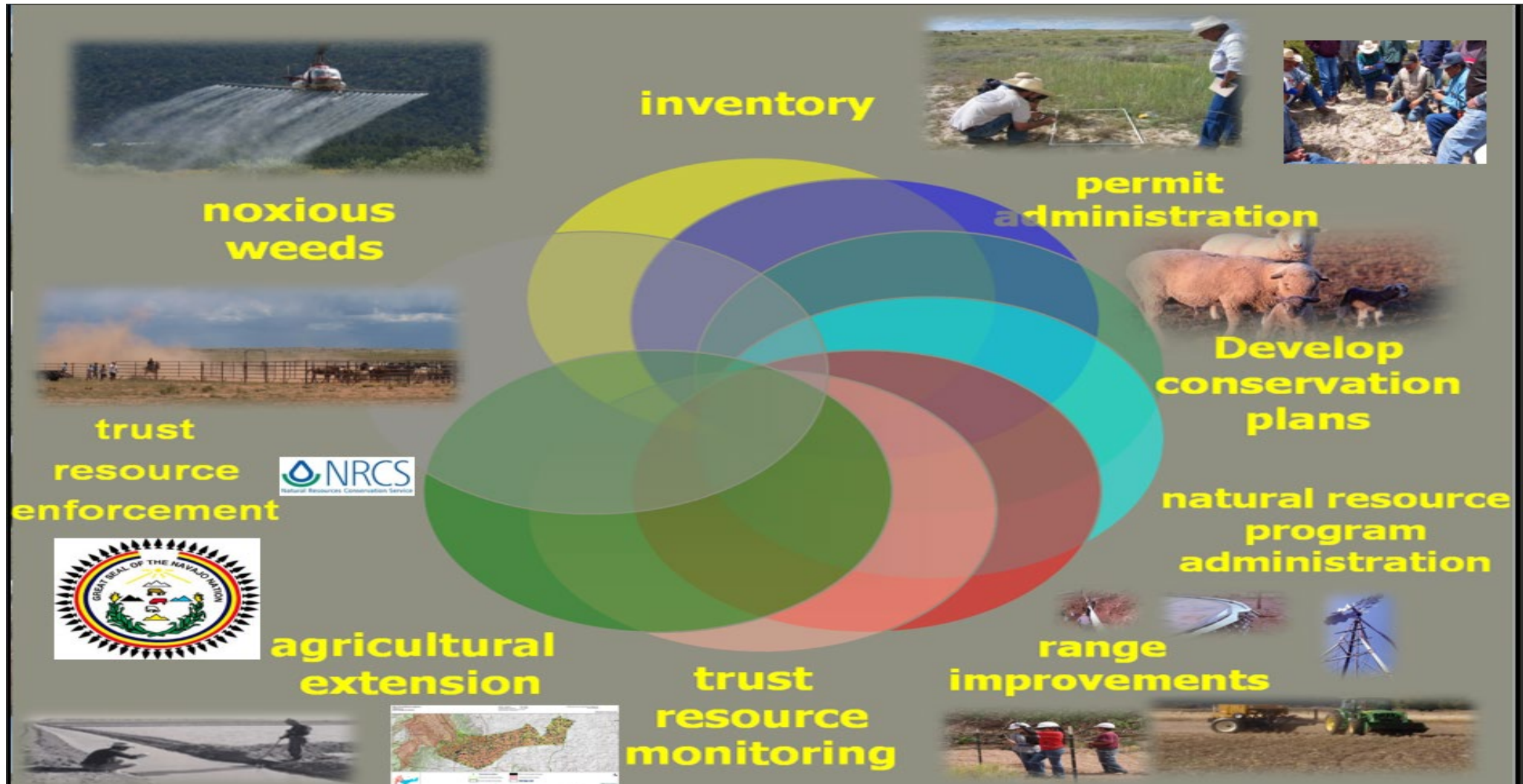
Authorities Governing Realty Transactions

Authorities:	Transactions:
25 CFR Part 162	Surface Leasing
Navajo General Leasing Act of 2013	For tribal leasing decisions
Navajo Business Site Leasing Act of 2006	for tribal leasing decisions
25 CFR Part 169	Rights-of-Way
25 CFR 211(Tribal), 212 (Allotted) & 225	Subsurface Leasing (Energy & Minerals) ex: Oil & Gas leases and Sand & Gravel
25 CFR 151	Land Acquisition/Disposals
25 CFR 216	Surface Reclamation & Protection
25 U.S.C 2415	Rights Protection & Un-Resolved Rights

Branch of Real Estate Services

- Fee-to-Trust Applications
 - **Current:** Rolling Mesa Off-Reservation Discretionary Fee-to-Trust Pending NEPA review.
 - **Potential:** Glittering Mountain and Navajo Nation Water Resources NGWSP Reach tract.
- Eastern Navajo Agency
 - **Potential:** Whitehorse Lake Chapter and Thoreau Chapter Off-Reservation Discretionary Fee-to-Trust for 640 and 305.5 acres, respectively. Navajo Indian Irrigation Project Off-Reservation Mandatory Fee-to-Trust for 2,715.66 acres.
- **Impact:** Benefits Navajo Nation jurisdiction over land that could be utilized for economic development, build homes, legal authority, not assessed state taxes, etc.

Branch of Natural Resources



Branch of Natural Resources

Former Bennett Freeze Area (FBFA)

- Development of an Integrated Resource Management Plan (IRMP) for the FBFA.
- Develop an implementation plan for the IRMP.
- Current Status
 - An amount of \$325,512 is in the process of being transferred to the Navajo Nation Department of Water Resources through a Public Law 93-638 Self Determination contract to repair and maintain windmills, install stock tanks and repair and replace water lines.
 - In addition, the BIA Western Navajo Agency has a contract to install a water line and standpipe for conveyance of non-potable water from an existing well to a storage tank and a standpipe. The water will be used for agricultural and livestock watering purposes
- Tribal Impact
 - The identification of specific goals and objectives enables the Navajo Nation to identify needs and develop projects to address issues in the FBFA.
 - The community will benefit from the repairs of windmills and installation of water storage tanks and water lines that benefit the livestock owners, farmers and wildlife in the FBFA.

Branch of Engineering

Safety of Dams

Our mission is to reduce the potential loss of human life and property damage caused by dam failure by making BIA dams as safe as practically possible. These dams form a significant part of water resources and trust assets for Indian reservations.

- Projects
 - Charlie Day Spring Dam Rehabilitation Project completed, Tuba City, AZ (2021 - 2022).
 - To'hajiilee Dam Rehabilitation Project in To'hajiilee, NM in progress (2022 - 2023). After completion of the project, all Significant Hazard classified Dams rehabilitation work will be completed.
 - The Navajo Nation Dams Flood Hydrology, Hydraulics, Emergency Action Plans updates, and tabletop exercises were completed in 2022.
 - The Navajo Nation Dams Early Warning System (EWS) satellite upgrades and maintenance work in progress.
 - The Navajo Nation Dams Operation and Maintenance manuals updates in progress.
 - Asaayi Dam Comprehensive Field Review meeting was done in 2022. Asaayi Dam Potential Failure Mode and Risk Analysis review was done in 2022.
 - Round Rock Dam Comprehensive Field Review was done in 2022.
 - To'hajiilee Dam Comprehensive Field Review scoping meeting was done in 2022.
 - The Department of Interior 2022 Dam Safety and Security training completed in 2022.
 - Bi-monthly Dam Tender virtual training for tribal staff in progress.

Branch of Engineering

Water Management, Planning, and Pre-Development Program

Water Rights Litigation/Negotiation Program

- **Water Rights Negotiation/Litigation**
 - BIA manages this program for the purpose of establishing and defining Indian water rights and settling claims through negotiations if possible, or alternatively, through litigation.
- Awarded Funds through competitive proposals to provide all necessary documentation and other material as may be deemed necessary by a Court to further the United States water rights claims on behalf of an Indian tribe.

Branch of Engineering

American Rescue Plan Act (ARPA) - Water Bottle Purchase & Delivery Program



To'hajiilee Chapter

- The BIA notified the Navajo Nation on “the distribution of Aid to Tribal Government (ATTG) / TPA funding to all Federally Recognized Tribes under HR1319 – The American Rescue Plan Act.” (ARPA) in May 2021.
- Navajo Region received \$3,025,688.06 to aid the Navajo Nation through an Indefinite Delivery-Indefinite Quality Contract (IDIQ) to process the purchase and delivery of the water bottles.
- Coordinating with the Navajo Nation Division of Community Development (DCD), three (3) Chapters have been selected through the DCD to receive water bottles for a 2-year term monthly.
- Working on delivering 10 pallets to 29 Chapters.

Branch of Engineering

PL111-11 Part III: Navajo Gallup Water Supply

- Authorization of Conjunctive Use Wells and San Juan Navajo Irrigation Water Settlements, Public Law 111-11, §§ 10606-10704 (March 30, 2009).

San Juan Irrigation and Conjunctive Groundwater Wells' Budget Appropriation.

Project	Nominal Statutory Amount	Cost Index Amount	Total Appropriation
Conjunctive GW Use Wells	\$30,000,000	\$ 9,674,701	\$ 39,674,701
Fruitland-Cambridge	\$7,700,000	\$ 4,469,279	\$ 12,169,279
Hogback-Cudei	\$15,400,000	\$ 11,178,462	\$ 26,578,462
Total:	\$53,100,000	\$ 25,322,442	\$ 78,422,442

Branch of Engineering

Navajo Indian Irrigation Project (NIIP)

Current Projects:

- Block 9, Stage 2 Construction- \$74 M
- G7.5LA Pumping Plant Modification- \$1.1M
- NIIP Automation and SCADA Redesign
- Pinebete Substation-Block 8
- WINN Funded Projects
- O&M Rate Establishment
- Block 9 Powerline ROW
- Environmental, ROWs, Easements, etc.
- Operation and Maintenance Guidelines

Environmental Commitments:

- Improvement of irrigation efficiency to reduce irrigation return flow and impact on water quality and the river.
- Continue funding of and participation in the SJRIP
- On-project water quality monitoring
- Water quality monitoring in the San Juan River
- Maintenance and support of fish grow-out ponds
- Biological sampling in the San Juan River
- Within the San Juan River two endangered fish species
 - Razorback Sucker - is the most Selenium sensitive endangered fish in the San Juan River.
 - Colorado Pikeminnow

Branch of Forestry

- Provides services necessary to protect and utilize all Indian rights based on treaties, statutes, proclamations, sovereignty, and the Federal government's trust responsibility.
- Provides support to the Regional Director by reviewing (25 CFR 163) forest land management activities performed in the management of Indian forest land.
- Aspects of program administration and executive direction include:
 - (1) Development and maintenance of policy and operational procedures, program oversight, and evaluation;
 - (2) Securing of legal assistance and handling of legal matters;
 - (3) Budget, finance, and personnel management; and
 - (4) Development and maintenance of necessary data bases and program reports.
- Responsible for the management of the Navajo Region's Forestry program and provides oversight to the Navajo Nation Forestry Management Program under a Public Law 93-638 Indian Self-Determination contract. The BIA Branch of Forestry performs all federally inherent functions.

Branch of Forestry

Public Law 93-638 Contracts

Contract A13AV00257		
<i>Project Name</i>	<i>Calendar Year & Modification No.</i>	<i>Award Amount</i>
Wheatfields #1 and Planting within Assayii Lake Fire	CY 2016 – Mod 25	\$300,000
Navajo Forestlands Integrated Resource Management Plan	CY 2017 – Mod 31	\$265,232

Contract A18AV00262		
<i>Project Name</i>	<i>Calendar Year and Modification No.</i>	<i>Award Amount</i>
Wheatfields 2 - Commercial Forest Stand Improvement	CY 2018 – Mod 1	\$423,465
Resource Development Committee Firewood Initiative (aka El Paso #1)	CY 2018 – Mod 1	\$85,502
Asaayii Lake Fire Burn Units C-L - Salvage Timber Sale	CY 2018 – Mod 1	\$78,240
Wheatfield's #3 - Commercial Forest Stand Improvement	CY 2019 – Mod 5	\$187,733
El Paso Pipeline - Commercial Forest Stand Improvement (aka El Paso #1)	CY 2019 – Mod 5	\$151,168

Contract A18AV00262 cont'd		
<i>Project Name</i>	<i>Calendar Year and Modification No.</i>	<i>Award Amount</i>
Hire Consultant to delineate woodland stands, cover types, crown densities, verify cover types for woodlands	CY 2019 – Mod 5	\$250,000
Navajo Forestlands Integrated Resource Management Plan (Comply with NEPA, and Finalize Plan [Phase 2])	CY 2019 – Mod 5	\$248,391
Oak Ridge Timber Sale #2 - Forest Marketing	CY 2019 – Mod 5	\$25,993
Continuous Forest Inventory (CFI) of permanent plots – Remeasurement of 800+ CFI plots	CY 2020 – Mod 14 & Mod 15	\$113,000 & \$416,200
Oak Ridge (El Paso Pipeline Área)	CY 2020 – Mod 14 & Mod 15	\$130,000 & \$130,000
El Paso #2 Pipeline	CY 2020 – Mod 14	\$165,000
Forest Product Sales - Forest Marketing	CY 2020 – Mod 16	\$25,993
Forest Product Sales - Forest Marketing	CY 2021 – Mod 20	\$25,993

Branch of Environmental Management

Clean Water Act Permitting and Certification Process

- Applies to all Navajo Region, including Agencies and Field Offices, that will be conducting work within or impacting the waters of the United States and/or Waters of the Navajo Nation.
- Clean Water Act (CWA) 401 Certification required from the Navajo Nation Environmental Protection Agency - Water Quality Program and the CWA 404 permit application to U. S. Army Corps of Engineers (Arizona, New Mexico, Utah).

Branch of Environmental Management

National Environmental Policy Act (NEPA)

NEPA Process

- Is used to facilitate public participation and disclosure in the Federal planning process. It also helps Federal government officials “make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.”
- Analyzes and discloses the significant impacts a proposed action may have on the quality of the human environment.
- Applies to “Major Federal Actions” that are subject to Federal control and responsibility.
- Is the proposed action subject to BIA control? If BIA is initiating, funding or approving a project, then it is a Federal action as defined by NEPA.
- The initial step in the process is determining if there is a Federal action and if the action is subject to NEPA review.

Projects requiring NEPA analysis

- Approval of Rights-of-Way
- Approval of Business leases
- Fee-to-Trust Applications
- Federal decisions on Allotted Lands
- Service Line Agreements-Utility Lines
- Indian Health Service Projects

Branch of Environmental Management

National Environmental Policy Act (NEPA)

The Navajo Nation provides the following compliance documents:

- Section 7 Endangered Species Act of 1973.
 - Navajo Natural Heritage Program provides a Biological Resources Compliance Form (BRCF).
- Section 106 National Historic Preservation Act of 1966.
 - Navajo Nation Heritage & Historic Preservation Department provides a Cultural Resources Compliance Form (CRCF).

Branch of Human Services

Objectives of the funding and activities are:

- To improve the quality of life for individual Indians that live on or near Indian reservations and to protect the children, elderly and disabled from abuse and neglect.
- To provide child abuse and neglect services and protective services to Individual Indian Monies (IIM) supervised account holders who are minors, adults in need of assistance, adults under legal disability, and adults found to be non compos mentis.

Branch of Human Services

Authorizing Legislations

- 1921 The Snyder Act, *Public Law 67-85*
- 1975 Indian Self-Determination and Education Assistance Act (the Act), *Public Law 93-638, as amended*
- 1994 Amendment to the Indian Self-Determination and Education Assistance Act, *Public Law 103-413*.
- Indian Employment, Training, and Related Services Demonstration Act of 1992 *Public Law 102-477*, as amended by *Public Law 106-568*, the Omnibus Indian Advancement Act of 2000
- Indian Child Welfare Act (ICWA)
- Indian Child Protection and Family Violence Prevention Act, *Public Law 101-630*

Branch of Human Services

- Guiding national leadership on the following programs
 - Financial Assistance
 - Social Services including Child Protection and Family Violence Intervention in Indian Country
 - Indian Child Welfare Act (ICWA)
 - Supervised Individual Indian Money (IIM) Accounts
- Developing and implementing regulations, policies and procedures related to social services and housing in Indian Country.
- Providing technical assistance & training (when requested or identified), conducting consultation, and leading national coordination and collaboration with other Federal agencies that provide human services funding and social services programs to Indian communities.
- Managing all human services-related financial assistance programs by providing direct payments to eligible individuals, including general assistance, child assistance, adult care assistance, emergency assistance, and burial assistance.

Branch of Indian Self-Determination

- Authorized by the Secretary of the Interior, Secretary of Health, Education, and Welfare, and other government agencies to enter into Contracts and make Grants directly to federally recognized Indian tribes. The tribes would have authority for how they administered the funds, which gave them greater control over their welfare. The Indian Self-Determination and Education Assistance Act (ISDEAA) is codified at Title 25, United States Code, beginning at Section 5301.
- Implementation of Public Law 93-638 created a process known as self-determination contracting, under “the employees and administrative control of an otherwise federal program are transferred to the tribal government via a “638 contract”.” Under these contracts, tribes agree to set up a particular program (in areas such as resource management, law enforcement, education, childcare, and environmental protection) while meeting federal requirements and guidelines, in order to receive funding and support. This means the tribes can negotiate contracts and compacts directly with the federal government to run their own programs and deliver their own services rather than the federal government doing it for them.

Branch of Indian Self-Determination

- The Branch of Indian Self-Determination (ISD) provides awards of Bureau of Indian Affairs Programs and funds to the Navajo Nation and its Tribal Organizations as authorized by the Public Law 93-638, as amended.
- ISD has the responsibility for the contract administration, guidance, technical assistance, and close-out of all open self-determination contracts under the line authority of the Navajo Regional Director.
- ISD also has the responsibility of awarding the Office of Justice Services (OJS) – District IV Law Enforcement Programs and Bureau of Indian Education (BIE) Educational Programs that have the line authorities for these funds.

Branch of Indian Self-Determination

Navajo Region - Tribes and Tribal Organization

- The Navajo Nation
- Navajo Agriculture Product Industry
- Alamo Navajo School Board, Inc.
- Dine Bii Olta School Board Associations, Inc.
- Navajo Technical University
- Rock Pont Community School
- Navajo Engineering & Construction Authority

Branch of Indian Self-Determination

Public Law 93-638 Contracting

Step-by-Step

- Step 1: Initial Proposal (New Program)
New Program Brief Statement of the PFSA Proposed
- Step 2: Proposal Submission
Initial Proposal (New Program)
Existing Program
- Step 3: Review – 90 Days to Review
- Step 4: Approve or Decline

Branch of Indian Self-Determination

Public Law 93-638 Contracted Programs

Most of the Navajo Nation programs were contracted from the federal government over 40 years ago.

- Indian Child Welfare Act (ICWA) Program
- Social Services Program - Department of Family Services
- Social Services Program - Navajo Family Treatment Center
- Social Services Program - Navajo Family Assistance Program
- Tribal Courts Program
- Higher Education Scholarship Program
- Tribal Enrollment (Census) Program
- Housing Improvement Program

Branch of Indian Self-Determination

Public Law 93-638 Contracted Programs

- Water Monitoring & Inventory Program
- Water Development Program
- Safety of Dams Program
- Natural Heritage Program
- Fish & Wildlife Program
- Environmental Archaeological Services (Non-Roads)
- Forestry Management Program

Law Enforcement - OJS

- LES: Patrol Services
- LES: Criminal Investigation
- Adult Detention Program
- Juvenile Detention Program

Education – BIE

- Navajo Nation Johnson O'Malley Program
- Rock Point Community School
- Navajo Technical University
- Dine Bi Olta School Board Association, Inc.

Branch of Indian Self-Determination

Public Law 93-638 Contracts

Navajo Water Settlement Irrigation Projects

- Subpart J Construction - Fruitland to Cambridge Irrigation Projects
- Subpart J Construction - Hogback-Cudei Irrigation Projects
- Subpart J Construction – Conjunctive Groundwater Use Wells Projects

Division of Facilities and Construction Management

- Many Farms – Planning and 20% Percent Design/Build Services
- Greyhills Academy- Planning and 20% design services for the Greyhills Academy High School
- Greasewood 30 Quarter Units (Demolition)

Navajo Engineering and Construction Authority

Road Construction Contracts – Projects completed. Close out of three contracts

Branch of Indian Self-Determination

Public Law 93-638 Contracts

Navajo Agricultural Products Industry (NAPI)

- Navajo Indian Irrigation Project (NIIP) Irrigation Operation and Maintenance, On-Farm Development and Agricultural Testing and Research Laboratory
- Subpart J Constructions – Water Infrastructure Improvements of the Nations (WIIN) Act Projects

Alamo Navajo School Board, Inc.

- Road Maintenance Program

Eastern Navajo Agency

Under the BIA Navajo Region, Eastern Navajo Agency (ENA) is the only agency with a Superintendent to provide executive direction and program management of Real Estate Services (BRES), Probate & Estate Services (BPES), Natural Resources (BNR), and Transportation (BOT).

- BRES – Continental Divide Electric Coop, Inc. (CDEC) is installing fiberoptic lines on existing powerlines, with which internet connectivity service can be offered to customers. The Red Bolt project has broadband speed of about 500 mbps. Navajo Nation has an amazing opportunity to collaborate with CDEC on **extending broadband to tribal members** using ARPA funds. Very few applications for review have been submitted for ARPA funded projects. Some of the challenges include backlog for biological compliance documents at Navajo Nation Fish & Wildlife & home site leasing documents.
- BRES – McKinley County road department is **upgrading certain tribal roads**. The work requires significant collaboration for a right-of-way application being submitted to BIA ENA for approval. Most dirt roads have no right-of-way. Navajo Nation would need to process county agreements so the right-of-way applications can be initiated. Chapters are trying to address similar challenges for road work (Thoreau, Iyanbito).
- BRES – DOI Secretary Haaland has made Fee-to-Trust work a priority for BIA. ENA is coordinating with Thoreau and Whitehorse Lake Chapters for submitting Fee-to-Trust applications under 25 CFR 151. Navajo Nation internal coordination needs to be formalized so these two (2) chapters **efficiently process the Fee-to-Trust documents** with central government. ENA has over 400,000 acres of fee lands which Navajo Nation has been paying taxes to counties on an annual basis.

Eastern Navajo Agency

- BRES – For **economic development**, To'hajiilee chapter is developing a convenience store with gasoline service but is struggling to work through Navajo Nation internal fiscal & development requirements. ENA has been providing guidance on CBN land status and required federal review and approval.
- BNR – ENA is preparing for and coordinating on all activities for the **2025 Grazing Renewal project**. Key stakeholders include land board, permittees, Navajo Nation Department of Agriculture, Navajo Nation Division of Natural Resources, and BLM. On February 28, 2023, ENA provided a detail orientation on the renewal project with the Joint Land Board regarding schedule of activities, required renewal documents, bonding, etc. ENA will be completing the required Fair Market Value for establishing grazing rental rates, negotiating with Navajo Nation on final grazing rental rates, orienting permittees and public at 10 community outreach sessions, completing scientific inventory studies, and related actions.
- BNR – Under 25 CFR 166, **permittees pay for grazing use of tribal trust and allotment lands** in ENAgency. From 2014 to 2022, BIA processed and deposited the proceeds into a federal deposit account called the **Navajo Escrow Account**. After an independent audit is completed early spring of this year, the appropriate amounts from the escrow account are slated to be transferred back to the Navajo Nation labor of proceeds account, unless determined differently. Tremendous federal interagency collaboration have been completed with SOL and the Bureau of Trust Funds Administration so the funds can be transferred.

Questions?



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