



## BUREAU OF INDIAN AFFAIRS NAVAJO REGION

### Report to the 24th NAVAJO NATION COUNCIL



Above: BIA Regional Director, Natural Resource Managers, at Navajo Nation District Grazing Committee meeting, Twin Arrows, Arizona, December 14, 2021.

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## **NAVAJO REGIONAL DIRECTOR COMMENTS**

Despite the ongoing pandemic, and recent surge in new cases due to the Omicron variant of COVID-19, the Navajo Regional BIA staff continue to provide direct and indirect services to the Navajo people through maximum telework. We continue to adhere to our commitment to furthering tribal sovereignty, self-determination, and carry out our trust obligations to the Nation through transparency, and quality work in a timely manner.

The Federal Indian Minerals Office (FIMO) staff continue to work with individual allottees and the Nation to further economic development opportunities through energy development. There were approximately \$8,655,993 royalties distributed to mineral owners for the 1<sup>st</sup> quarter. A 5% increase from the last quarter. Additionally, the Director of FIMO and her staff continue to make progress on the issuance of a lease sale for allottees and Nation interests in the areas outside of Chaco Canyon National Historic Park. We hope to complete the issuance of the lease sale this quarter and begin the process of issuing leases for energy developers to benefit the Nation and the allottees.

The Integrated Resource Management Plan (IRMP) for the Former Bennett Freeze Area (FBFA) and the associated Programmatic Environmental Assessment (PEA) have been completed. Preparations were made to present the final documents to the Navajo Nation Council's Resource Development Committee, however the scheduled meeting in December 2021 was postponed. We hope to be able to do the meeting in January 2022.

Upon acceptance of the IRMP and the selection of an alternative for the PEA will determine if a Finding of No Significant Impacts is documented. The BIA and its contractor ensured public participation in the development of the PEA and to achieve maximum public participation in the PEA process under the difficult circumstances caused by the ongoing COVID-19 pandemic.

Navajo Partitioned Lands (NPL) staff continues to attend the District 1, District 4, and District 7 District Grazing Committee meetings to provide a brief report, provide technical assistance, and assist with drafting a resolution supporting the NPL Weed Inventory for the six (6) major washes which are Shonto, Moenkopi, Dinnebito, Oraibi, Wepo, Polacca, and Jeddito Washes within the Navajo Lands. And part of the report a status of current and planned projects is also shared.

We continue to assist the Nation in maintenance of roadways during the winter months, including plowing and salting of roads to ensure safety of motorists and continue ingress and egress to access remote communities. We also continue to support infrastructure projects including dams, bridges, and roadways.

Despite the ongoing pandemic, and the surging number of cases among the vaccinated and unvaccinated, the BIA Navajo Region continue to be available to support the Nation and its people whenever a federal decision is required. We look forward to another productive quarter and to furthering tribal sovereignty and self-determination through the execution of our trust responsibility.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Mehojah", with a large, stylized initial "G" and a long, sweeping horizontal stroke.

Gregory C. Mehojah, Regional Director  
Navajo Region, BIA

## OFFICE OF TRIBAL GOVERNMENT SERVICES

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

For the winter quarter, the BIA referred 101 requests to the Navajo Nation Office of Vital Records/Enrollment program regarding Certificate of Indian Blood (CIB) for prospective membership. The CIB requests range from individuals seeking scholarship and benefits to prison inmates seeking membership with the Navajo Nation. Based on enrolled agencies, see below on BIA referrals made this quarter:

Office/Agencies	Referrals
Eastern Navajo Agency	17
Chinle Agency	11
Fort Defiance Agency	10
Shiprock Agency	37
Tuba City Agency	13
Window Rock	13
Total:	101

In addition, the OTGS continues to provide updates to the Navajo Nation regarding national Tribal initiatives from the Office of the Assistant Secretary, Indian Affairs, including transmittal of 12 "Dear Tribal Leaders" letters to the Navajo Nation. Copies of the "Dear Tribal Leaders" letters and transmittals are attached under Appendix A.

The Tribal Operations Specialist (TGS) serves as the Awarding Official Technical Representative (AOTR) for three P.L. 93-638 contracts. In coordination with the Awarding Official, Program Administrator, Navajo Nation. Please see page 36 for the AOTR reports.

## FEDERAL INDIAN MINERALS OFFICE (FIMO)

The first quarter for FY2022 has been steady for The Federal Indian Minerals Office (FIMO). FIMO continues to be on rotational staff as the guidance from the CDC is closely followed by the various agencies. We continue to meet with allottees at the office and provide phone-in outreaches to the communities in Eastern Navajo Agency. Activities in the field is rebounding and we are seeing new projects being proposed. The President of the United States and the Secretary of the Interior have mandated a withdrawal of federal minerals within a ten-mile radius of Chaco Canyon Historical National Park (CCHNP) and FIMO is assessing how this will impact

development of allotted lands. FIMO continues to service allottees and fulfill its trust responsibility as we move forward in these trying times of COVID and mandates.

### **Ongoing Projects:**

**Lease Sale** – FIMO has moved forward with its newspaper announcement of a lease sale that was initially schedule for December 6. Due to unforeseen events, FIMO reschedule the sale to January 13, 2022. FIMO has completed its 30-day NEPA Public comment review. FIMO received three (3) comments from the Pueblo Tribes. FIMO is completing its address back to the three (3) comments and is on task to conduct the sale in January 2022.

**Resource Management Plan Amendment/Environmental Impact Statement** – The BLM/BIA co-lead project has been put on a “pause status” to allow for the Programmatic Agreement of Section 106 Consultation an opportunity to catch up with the management plan. The BIA/BLM are on task to continue with Tribal Consultation regarding the PA. The projected final Record of the Decision is tentatively scheduled for the spring 2022. Although the BLM was given directives to withdraw ten miles of federal minerals within a CCHNP, this mandate will be a separate from this amendment initiative.

### **Accomplishments:**

FIMO has made great strides in continuing our responsibility with the on the ground activities. FIMO staff continues to strive to address the many questions received and service the allottees daily. FIMO has worked to adjust and find creative ways to assist the needs of the allottees.

**Outreach** – The COVID-19 Pandemic has moved FIMO into utilizing a Phone-In method of Outreach. For the 1<sup>st</sup> quarter, FIMO conducted 5 phone-in sessions, covering 20 Chapter areas, by mailing out 4,800 post cards. FIMO received 60 call-ins for all 5 phone-in sessions. This is a 1% participation for the 1<sup>st</sup> quarter. FIMO serviced allottees at the office and via phone calls. FIMO received and assisted with 344 calls/walk-ins for the 1st quarter. 65% of the 344 inquiries are related to Oil & Gas activities, 14% related to probate, 5% to non-O&G activities, 9% to Off-lease ROWs, and 7% to BTFA for address changes and death reports.

**Inspection & Enforcement** – the BLM Inspection and Enforcement (I&E) completed 243 inspections on Navajo Indian Allotted wells for the 1st Quarter, completing 48% inspections for the fiscal year. There were 7 plugged & abandon wells witnessed, 38 written incident of noncompliance, and 140 records reviewed for this quarter.

**Environmental Surface Inspection** – There were 70 wells identified for FY2022 for inspection and FIMO has inspected 5 well locations. FIMO continues to improve its surface inspection program.

**Leasing Assignments** – Operation in the field is holding steady. FIMO did not received any new assignments for the quarter.

**Lease Termination/Cancellation** – FIMO did not terminated any leases for this quarter. FIMO still has 85 leases outstanding for termination due to no production or the lease expired on its own terms.

Application for permit to drill (APD) – There were no notice of staking for proposed well pad installation submitted and no Application for Permit to Drill (APD) submitted for this quarter.

Audit/Compliance Reviews – FIMO auditor’s work plan for FY 2022 includes 48 identified cases 18 carry overs and 30 new cases. For the 1<sup>st</sup> quarter, the auditors have closed out seven (7) cases and collected \$12,461 in additional royalties including interest.

Royalty Distribution – There were approximately \$8,655,993 royalties distributed to mineral owners for the 1<sup>st</sup> quarter. A 5% increase from the last quarter.

The 1<sup>st</sup> quarter has started with a steady pace and the field work is continuing with reclamation in progress in some of the areas around Navajo Eastern Agency. FIMO is aligning with its goals and mission. There is lots of activity happening as we move into the 2<sup>nd</sup> quarter with the New Year.

## **ADMINISTRATIVE AND MANAGEMENT SUPPORT**

### **BRANCH OF ACQUISITION OPERATIONS**

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

- Contract No. 140A0921C0002 was awarded to Rock Gap Engineering in the amount of \$1,349,614.00 for the remediation of hazardous petroleum and asbestos for the motor operating units in Tuba City, AZ. A pre-work meeting was held, and work has started.
- Purchase Order No. 140A0921P0090 was awarded to BRIC, LLC in the amount of \$344,162.00 for weed inventory, planning, and environmental assessment for Land Management District (LMD) #12 in the Shiprock Agency. A pre-work meeting was held, and work will begin soon.
- Purchase Order No. 140A0921P0084 was awarded to Sundance Consulting in the amount of \$388,452.96 for the remediation of the former Crownpoint Community School. A pre-work meeting was scheduled, and work has begun.
- Purchase Order No. 140A0921P0076 was awarded to Tehama LLC for removal of the former Black Springs sheep dip vat site, Naschitti, NM. A pre-work meeting will be scheduled in the spring.
- Purchase Order No. 140A0921P0077 was awarded to Tehama LLC for removal of the former Toadlena sheep dip vat site, Toadlena, NM. A pre-work meeting will be scheduled in the spring.
- Purchase Order No. 140A0921P0086 was awarded to AMG Company, Inc. for the re-striping project for routes in the Ft. Defiance Agency. The work is completed.
- Purchase Order No. 140A0921P0087 was awarded to AMG Company, Inc. for the re-striping project for routes in the Shiprock Agency. A pre-work meeting was scheduled.

- Purchase Order No. 140A0921P0092 was awarded to BRIC, LLC in the amount of \$286,365.79 for the Paiute Creek Restoration Plan project. A pre-work meeting was held, and work will begin.
- Contract No. 140A0919F0063 was awarded to Barnhart-Taylor, Inc. in the amount of \$4,681,298.00 for the renovation of Government Quarters at Nazlini Community School. Construction has started and is ~98% complete. A final inspection was held on December 9, 2021.
- Contract No. 140A0919F0062 was awarded to Cherokee CRC in the amount of \$1,553,733.66 for the design and construction of a new sewer lagoon for Wide Ruins Community School. Construction has started and is 100% complete.
- Purchase Order No. 140A0920P0057 was awarded to Speedy Striping for striping of highways for various BIA routes within Chinle and Western Navajo Agency. Project is 100% complete.
- Contracts for noxious weed projects have been awarded for Western Navajo Agency and Eastern Navajo Agency within the Navajo Region.
- Staff continues to monitor and administer on-going contracts that have been issued in previous fiscal years for construction and services.
- Staff has responded to data calls from Central Office regarding various acquisition requirements.
- A total of 58 purchase requests with a value of \$1,152,441.21 have been processed or are in progress for Fiscal Year 2022.

The work in progress for the school construction contracts is benefiting the members of the Navajo Nation by maintaining and upgrading the deteriorating BIE school conditions where many students of the Navajo Nation attend. BIA highways within the Navajo Reservation are being maintained and repaired for the traveling safety of the public which include members of the Navajo Nation and local bus routes to ensure the safety of the students.

## **BRANCH OF PROPERTY**

In anticipation of the transfer of *Property Management* responsibilities from Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE) by June 13, 2022, Navajo Region property staff continue to update personal and real property in the Financial Business Management System (FBMS). This is in support of the *Secretarial Order No. 3334 – Restructuring the Bureau of Indian Education*. The FY 2021 Service Level Agreement (SLA) between BIA and BIE for Property Management is currently being revised. Approval of the SLA is expected in the upcoming quarter.

In addition to the BIE property transition, staff members continued work on records clean-up, including electronic records within FBMS. Ongoing efforts to finalize BIA DOT transfer project and development of space allocation process for Navajo Nation requestors has been delayed. Both projects involve input and experience of multiple personnel within and outside the Federal

government which is complex and highly regulated for compliance of applicable laws and statutes.

## BRANCH OF BUDGET MANAGEMENT

**FY 2022** – Began on a temporary funding measure known as a Continuing Resolution (CR), Public Law 117-43 (HR 5305), Extending Government Funding and Delivery Emergency Assistance Act, which was signed by The President on September 30, 2021. The CR provided funds to federal programs at a rate for operation of 17.53%, based on FY 2021 enacted amounts. The CR covered the period of October 1, 2021 through December 3, 2021.

On December 3, 2021, Public Law 117-70, Further Extending Government Funding Act was enacted, the CR was extended through February 18, 2022. CR No. 2 provides funding to federal programs at a rate for operation of 20.10%, based on FY 2021 enacted amounts and Exception Apportionment for calendar year tribes. This CR covers the period of December 4, 2021 through February 18, 2022.

Below is a summary of FY 2022 funds provided to the Navajo Nation under P.L. 93-638 contracts, as of January 3, 2022. The funding provided a total of \$26,635,978.00 with \$8,882,116.00 available for draw down and \$1,495,644.00 to be awarded.

NAVAJO NATION P.L. 93-638 FUND STATUS as of January 3, 2022						
Fund	FA Budget Program	Funds Available	To Be Awarded	Not Drawn down	Distributed as of 01.03.2022	Available Funds
223A2100DD	A0N301010 : IRRIGATION, OPER & MAINT	965,000.00	0.00	965,000.00	965,000.00	0.00
223A2100DD	A0N9B1010 : AGRICULTURE PRGRM-TPA	1,295,340.00	0.00	227,073.00	227,073.00	1,068,267.00
223A2100DD	A0H901010 : SOCIAL SERVICES-TPA	5,503,064.00	112,856.00	851,831.00	964,687.00	4,538,377.00
223A2100DD	A0H901040 : Domestic Violence	146,000.00	0.00	25,594.00	25,594.00	120,406.00
223A2100DD	A0H913030 : WELFARE ASSISTANCE-TPA	4,135,753.00	1,033,938.00	3,101,815.00	4,135,753.00	0.00
223A2100DD	A0H922020 : IND CHILD WELFARE ACT-TPA	1,239,861.00	217,348.00		217,348.00	1,022,513.00
223A2100DD	A0J908080 : TRIBAL COURTS PROGRMS-TPA	1,496,334.00	0.00	262,307.00	262,307.00	1,234,027.00
223A2100DD	A0N6A3031 : FOREST MARKETING ASSIST	10,042.00				10,042.00
223A2100DD	A0N9A0505 : NATURAL RESOURCES -TPA	4,315.00				4,315.00
223A2100DD	A0N9C3030 : FORESTRY PROGRAM -TPA	750,153.00	131,502.00		131,502.00	618,651.00
223A2100DD	A0N9D4040 : WATER RES PROGRAM -TPA	718,077.00	0.00	125,879.00	125,879.00	592,198.00
223A2100DD	A0N9E5050 : WILDLIFE&PARKS PRGRM-TPA	514,389.00	0.00	90,172.00	90,172.00	424,217.00
223A2100DD	A0R9D4040 : ENVRMNTL QLTY PRGRM-TPA	115,385.00	0.00	20,227.00	20,227.00	95,158.00
223A2100DD	A0T902020 : OTHER AID-TRBL GOV -TPA	982,315.00	0.00	172,553.00	172,553.00	809,762.00
223A2100DD	AEE904040 : JHNSN O'MALL A GR TPA BIA	673,922.00	0.00	673,922.00	673,922.00	0.00
223A2100DD	AEE931010 : TRIBAL SCHOLARSHI TPA BIA	2,365,743.00	0.00	2,365,743.00	2,365,743.00	0.00
223A2240DD	A3T937070 : CSC CONTRACT SUPPORT TPA	5,719,560.00				5,719,560.00
22XA2100DD	A0H937070 : HOUSING IMPROV PROGRAM-TPA	725.00				725.00
<b>TOTALS</b>		<b>26,635,978.00</b>	<b>1,495,644.00</b>	<b>8,882,116.00</b>	<b>10,377,760.00</b>	<b>16,258,218.00</b>

## **TRUST SERVICES**

### **BRANCH OF NATURAL RESOURCES**

The Bureau of Indian Affairs (BIA), Navajo Region, Branch of Indian Self-Determination, and Branch of Natural Resources conducted the Calendar Year 2021 virtual monitoring of the Natural Heritage Program, Public Law 93-638, Contract Nos. A16AV00368 and A21AV00001. The virtual monitoring meeting was conducted on December 2, 2021.

The Navajo Nation Heritage Program is satisfactory and there are no issues with the Scope of Work (SOW) performance and no changes to the SOW. The Awarding Officials Technical Representative (AOTR) remains available to provide technical assistance as requested by the Nation.

The Bureau of Indian Affairs (BIA), Navajo Region, Branch of Indian Self-Determination, and Branch of Natural Resources conducted the Calendar Year 2021 virtual monitoring of the Fish and Wildlife Management Program, Public Law 93-638, Contract Nos. A16AV00335 and A21AV00002. The virtual monitoring meeting was conducted on November 30, 2021. The Navajo Nation Fish & Wildlife Management Program is satisfactory and there are no issues with the Scope of Work (SOW) performance and no changes to the SOW. The AOTR remains available to provide technical assistance as requested by the Nation.

The Navajo Region, Branch of Natural Resource's Soil Scientist continue to conduct inventory of the Agencies soil resources and equipment to assess inventory needs. A request has been submitted to the Natural Resources Conservation Service, National Cooperative Soils Survey Regional Office, Phoenix, AZ to complete the NPL Survey. The request will complete the soils and range data inventory of the Grants Soil Survey Office to obtain copies of much needed, soils and range data that includes the soils survey information for the Navajo Reservation on those areas where it was collected by the NRCS. Doing so would help Navajo Partitioned Lands and the Navajo Region, Branch of Natural Resources develop plans with the Navajo Nation to create hay ground from several areas needing soils correlation work in the Rough Rock, Red Lake, Tonalea, Leupp Farms, and Cameron areas.

#### Vegetation GIS Data System:

Navajo Region staff continue to attend the Vegetation GIS Data System (VGS) meetings to move forward with expediency, the green light for the deployment of the vegetation collection software, to collect data on the Navajo Reservation. The deployment of VGS is moving forward and is hoped to be operational and in use by field season 2022. This data, some already collected but can't be used, will be beneficial to the completion of the Navajo Partition Lands Soils Survey. In turn, historical data collected through the VGS system can be used for Navajo Nation and Navajo Region Natural Resources planning and management purposes.

### Review of the Agricultural and Range Resources Management Plan-Navajo Partition Lands:

The Soil Scientist is involved in the ongoing review of the Agricultural and Range Resources Management Plan-Navajo Partition Lands that was established in June 2018. The ongoing review is critical to the establishment of setting goals by selecting projects that can be prioritized for planning efforts. Ongoing cooperative efforts with NPL in their determinations, while working with NRCS to help with project assists on NPL, will be a focus, including the completion of the Order 3 NPL Soil Survey Correlation. The Soil Scientist has also been reviewing Conservation Plans for both Range and Agricultural permits. As the FBFA-IRMP, the IWMP as well as other planning documents throughout the Navajo Nation receive approval, projects such as these will pass through the National Environmental Policy Act (NEPA) processes much quicker (Categorical Exclusion or Cat X) so that projects can be employed much sooner on the landscape. This helps the Navajo Nation streamline projects that otherwise would take years to employ.

### **Shiprock Agency**

#### District 12 Weed Inventory Project: A0921P0090

The Shiprock Agency completed a request to complete a Noxious weed inventory for the District 12 portions of the Navajo Reservation. The project will inventory Noxious weeds within the washes and drainages that flow into the San Juan River in Utah portion of Grazing District 12 from the community of Aneth to the Northern portion of the Shiprock Chapter. The Agency requested funding from the BIA's Noxious weed program. The Project was awarded to BRIC LLC and the inventory will commence in the 2022 fiscal year.

#### McCracken Mesa Range Inventory: A0921P0080

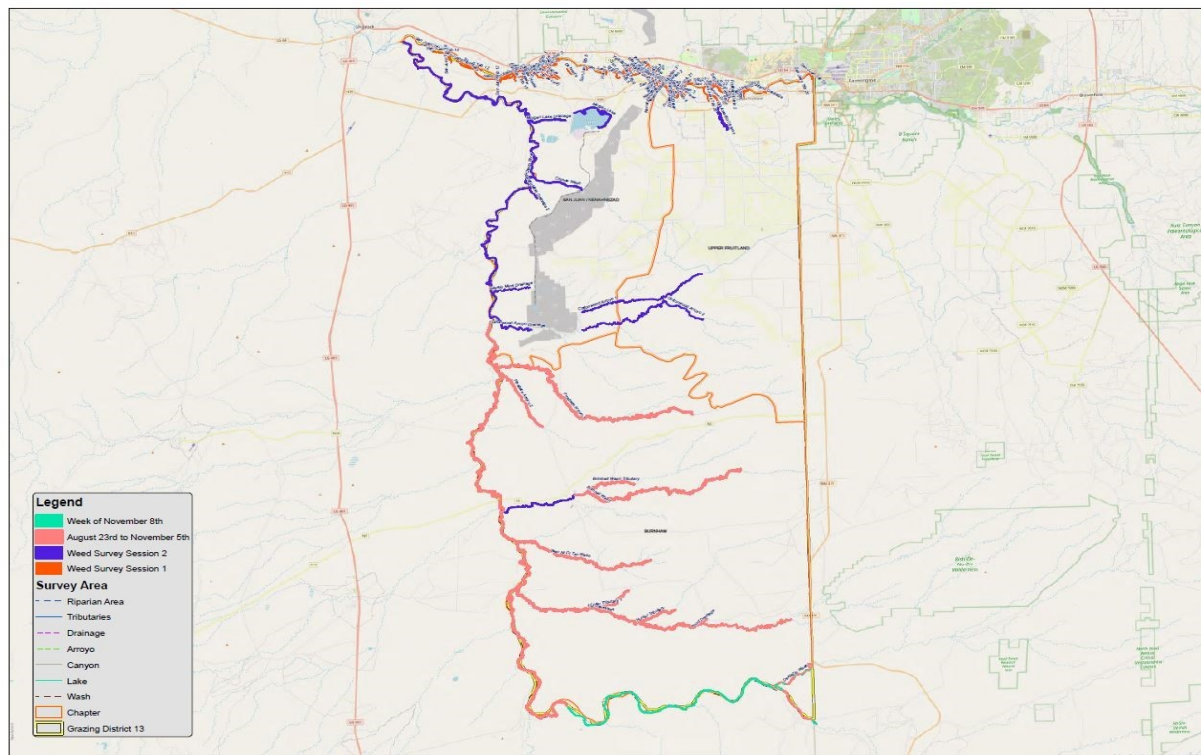
The staff from the Shiprock agency completed a funding request to fund a Range Inventory for the McCracken Mesa portion of Aneth Chapter in grazing District 12. Currently, the project is funded using funds from the Shiprock agency and FY 2020 carryover funds. The reason the project was initiated is that the agency needs the total carrying capacity to set the number of allowable livestock within the McCracken Mesa region of the Navajo reservation. The data will be used to issue grazing permits in the region by calculating the amount of usable forage in the area, then the forage will be divided by the number of potential permittees in the area. The project was awarded to BRIC LLC and will commence this fiscal

#### District 13 Weed Inventory Biological and Cultural resource surveys: A0921P0094

The Shiprock agency completed a request to complete a Biological and Cultural resource survey to complement the current District 13 weed inventory project. The project will inventory all the Biological and Cultural resources along the path of the current weed inventory within the washes and drainages that flow into the San Juan River in District 13. The project will use carryover funds from the weed inventory project and will also utilize some funding from the Agency budget. The project has been awarded to BRIC LLC and will commence during 2022 fiscal year.

#### District 13 Weed Inventory: A0920P0064

The Shiprock Agency's contractor (BRIC LLC) completed the field portion of the weed inventory survey for the Land Management District 13 portion (Nenahnezad, San Juan, Tis Tsoh Sikaad, and Upper Fruitland Chapters) of the Navajo Reservation. The field portion of the weed inventory project commenced in April and was completed in November. The project inventoried all the Noxious weed species within the washes and drainages that flow into the San Juan River in Land Management District 13. The Agency is currently monitoring the contractor's progress in the completion of the project. The contractor has completed the gathering of field data and is working on furnishing the agency a weed report with maps and other useful data.



#### **Western Agency**

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

The Integrated Resource Management Plan (IRMP) for the Former Bennett Freeze Area (FBFA) and the associated Programmatic Environmental Assessment (PEA) have been completed. Preparations were made to present the final documents to the Navajo Nation Council's Resource Development Committee, however the scheduled meeting in December 2021 was postponed. We hope to be able to do the meeting in January 2022. Upon acceptance of the IRMP and the selection of an alternative for the PEA will determine if a Finding of No Significant Impacts is documented. The BIA and its contractor ensured public participation in the development of the PEA and to achieve maximum public participation in the PEA process under the difficult circumstances caused by the ongoing COVID-19 pandemic.

#### FBFA Livestock Water Project:

The Western Navajo Agency Branch of Natural Resources (WNA-BNR) continues to coordinate with the Navajo Nation Department of Water Resources (NNDWR) and the BIA Navajo Regional Office staff to work on water development projects for livestock and wildlife use. This includes the BIA providing funds to the Navajo Nation's Department of Water Resources to maintain and improve developed water sources, such as windmills and earthen tanks. In addition, plans have been prepared for the development of a livestock and agricultural watering points for individuals who haul water for livestock and farming. Two watering points sites have been identified and funded. For the watering point in the Cameron Chapter area, the BIA has developed a statement of work for the design of and installation of a pipeline and standpipe. The BIA is currently in the acquisition process for hiring a contractor to design and install the waterline.

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

The LMD 3 Range Management Plan (RMP) and the Environmental Assessment (EA) for the RMP have been completed in draft by the contractor and the BIA will complete the final steps of the EA to ensure a Finding of No Significant Impacts is issued. The project was developed to ensure it was aligned with the FBFA Integrated Resource Management Plan. The RMP for LMD 1 had been on hold while the LMD 3 RMP was being completed and the LMD 1 RMP is slated to be completed in 2022. The LMD 3 covers over 1.4 million acres, and effects 661 Grazing Permits and the LMD 1 covers 833,625 acres and effects 535 grazing Permits.

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

The Bureau of Indian Affairs (BIA) Western Navajo Agency continues to work on the development of a Cropland Management Plan (CMP) for Land Management District (LMD) 3. The CMP is to provide documentation for the management of croplands for about 1,030 acres. The documentation will assess environmental impacts on the physical environment by the variety of farming activities in LMD 3. This project had been on hold while the FBFA IRMP PEA was ongoing, but work has resumed on this project. This project is to be completed in 2022.

#### Grazing Management and Stream Restoration Plans for Tsegi, Nitsin and Betatakin Canyons:

The implementation of the Tsegi Canyon portion of the "Grazing Management and Stream Restoration Plans for Tsegi, Nitsin and Betatakin Canyons continues and progressing and the activities for the Keet Seel and Dowozhiebito canyons stream restorations have been completed and are being monitored. The Betatakin Canyon portion was completed in November 2021. The fences used in the restoration project are used to keep livestock out of treated areas and restoration work included installation of erosion control structures, reseeding and replanting. Currently work in the Long Canyon is being planned for 2022. A Meeting with families that use the Tsegi Canyon is planned for the Spring of 2022 to review the project accomplishments and to review the plans to address untreated areas and the monitoring of the improvements and restoration practices installed.

It is the policy of BIA to manage Indian agricultural lands and related resources in participation with the beneficial owners of the land. Management activities are performed in a manner consistent with the trust responsibility of the Federal government, which includes protecting and conserving Indian agricultural resources, and promoting the sustained-yield use of Indian agricultural resources.

The Navajo Nation Executive Branch Departments and programs will need to continue to actively participate as a Cooperating Agency and as members of the Interdisciplinary Teams (subject matter experts) for the development of the land use management plans. The plans are to guide the implementation of the conservation of Trust resources (soil, water, and vegetation). All Navajo Nation entities need to participate in the management plans to realize the Navajo Nation's vision for the redevelopment of its resources and includes planning for strategic resource management in order to restore, preserve and manage these resources for future generations.

### **Navajo Partitioned Lands**

#### District Grazing Committee (DGC) Meetings

Navajo Partitioned Lands (NPL) staff continues to attend the District 1, District 4, and District 7 District Grazing Committee meetings to provide a brief report, provide technical assistance, and assist with drafting a resolution supporting the NPL Weed Inventory for the six (6) major washes which are Shonto, Moenkopi, Dinnebito, Oraibi, Wepo, Polacca, and Jeddito Washes within the Navajo Lands. And part of the report a status of current and planned projects is also shared.

NPL staff attended a permittee meeting in Whitecone on November 09, 2021, to meet with USDA Natural Resources Conservation Service (NRCS) Navajo Team for the purpose to begin a cooperative dialogue for the planning of on-ground conservation projects starting with discussion of local natural resource concerns leading to the development of conservation plans and funding.

NPL Supervisor and staff participated in the Navajo Nation 2021 DGC Training Session held December 14-15, 2021 at the Twin Arrows Casino Conference Center to provide a power point slides presentation on the history 25 CFR 161 Navajo Partitioned Lands Grazing Regulation, Navajo Nation Council Resources and Development (RDC) guidance and status on reissuance of permits under Phase 1, Phase 2, and Phase 3, covered all environmental compliance attained, and recommendations for a cooperative dialogue.

#### Grazing Permits Reissuance:

Permit reissuance by BIA under Phase 1. Per 25 CFR 161.400 (C) (1) First priority will go to individuals currently the age of 65 or older. New permit orientations were completed with the original permittee with 25 permits reissued and some transferred to designated individuals and those pending are due to non-compliance of grazing more than 10 Sheep Units Year Long (SUYL). A total of 50 individuals became eligible under Phase 1 for all three precincts with 25

permits reissued, nine (9) are pending due to noncompliance, and 16 are now deceased that will go into Heirship as shown in the table.

Precinct	Grazing Districts	Active Reissued	Pending Non-compliance	Deceased	Total Permits
1	7	10	2	5	17
2	4	7	6	8	21
3	1	7	1	3	11
3	8	1	0	0	1
<b>Total</b>		25	9	16	50

Permit reissuance by Navajo Nation under Phase 2. Per RDCF-20-17, Eligibility Requirements to Qualify for Issuance of a Grazing Permit on NPL Heirship Process for a total of 140 applications were submitted with only 15 applications fully completed and 125 applications pending. These 140 applications are pending verification with NPL DGC and final review with the Navajo Department of Agriculture.

Permit reissuance by Navajo Nation under Phase 3. Per RDCN-89-18, a total of 438 individuals were identified or recommended for the granting of grazing permit as these individuals have not been provided the opportunity to apply.

NPL staff will continue to assist the NPL DGC and Navajo Department of Agriculture with individuals seeking information and heirship applications, verification of original permit and enumeration, and drafting of letters to vital statistics office to obtain Certificate of Indian Blood (CIB), and new permit orientation.

#### Windmills:

NPL staff and the Contract Office Representative (COR) completed the FY21 close out report for the 35 windmills repaired under contract for \$122,430.00 which were monitored under warranty for 30 days and found all windmills were operating and producing water.

#### FY 2022 Project Funding Request:

NPL Weed Treatment Project to treat approximately 300 acres of BIA Highway Rights of Ways of Navajo Route 4, Navajo Route 6, Navajo Route 41, and Navajo Route 8066 will take place in Spring 2022 is estimated at \$63,600.00. NPL Weed Inventory of Invasive Species and Noxious Weeds for Shonto, Moenkopi, Dinnebito, Oraibi, Wepo, Polacca, and Jeddito Washes only for Navajo Lands will be schedule in Summer 2022, estimated cost of \$100,000. Inventory and treatment of noxious weeds is to reduce damage to land and water resources and to improve forage condition.

NPL Range Unit Boundary Fencing within Grazing District 4 covering over 114 miles of rough country will cost over \$450,000.00. Per 25 CFR 161.202, all range units on Navajo Partitioned Lands (NPL) are required to have a defined range unit boundary for the purpose of determining grazing use areas, management and distribution of range resources, and implementation of a range management plan (RMP) that covers carrying capacity, stocking rate, special land use for recreation, business and homesites. Archeological surveys have been completed for the 114 miles of the proposed range unit boundary.

Replacement of two (2) existing 30,000-gallon steel water storage tanks in Low Mountain and Whippoorwill Chapter will cost \$920,905.87 with a contingency cost to accommodate for fluctuating steel and gas price. These tanks in need to be replaced will reduce loss of water due to deteriorated steel water storage tanks that cannot hold water.

Referrals received from Hopi Partitioned Lands (HPL) for fence repairs are due vandalism and all cattle guard clean outs will be scheduled or completed after the program hires an equipment operator with a valid CDL.

Referral No.	Chapter	Range Unit	Repairs/Comments
NPL A-0007-21	Hardrock	304	Repaired fence in two locations. (1) repair and replace 5 cut lines with splicers, (2) repaired and replace with 5 feet of wire, 14 splicers, 2 stays, and 10 clips.
HPL CHLA FTR 21-24	Hardrock	305	Assess 30 feet of fence line to determine materials required
HPL Referral RU351	Hardrock	305	Complete fence repairs in four sections using 60 feet of barbwire, 4 T-posts, and 20 splicers
HPL OHLA FTR 25, 26, & 27	Pinon	307	Repairs on 5 cut fence lines, re-stretch using 6 clips, 8 feet barbwire and 1 T-post.
HPL OHLA FTR 28, 29, and 30	Pinon	307	Repairs to vandalism fence with 4 T-posts, 30 feet barbwire, 20 clips, and 3 stays.
HPL ORM 180-21	Hardrock	304	Repairs to vandalism fence with 10 feet of barbwire and one T-post
HPL ORM-182-2021	Hardrock	304	Repairs to mediator fence line with replacement of 80 feet of barbwire, 4 T-Posts, 4 splicers, 8 clips, and 2 stays
HPL ORM-179-2021	Hardrock	304	Repairs to fence line with removal of debris crossing Dinnebito Wash using 3 T-Posts, 1

			wooden post, 120 feet of barbwire, 20 clips, and 4 stays
HPL ORM-087-2021	Hardrock	304	Repairs to 5 cut lines with splicers and re-stretch the line.
HPL-A-0015-21 and A0016-21	Low Mountain	409	Repairs to fence line with replacement of 2 steel T-Post, 85 feet of barb wire, and 15 splicers and 10 clips. And re-stretch the line
HPL-A0012-21	Hardrock	305	Repairs to fence line with replacement of 100 feet of barbwire, 3 T-Posts, 10 splicers, and 15 clips, and re-stretch the line.
HPL ORM-101-2021	Red Lake	107	Repairs to vandalism fence cut in 5 sections and re-stretch the line.
HPL Referral RU351	Hardrock	304	Repairs to fence line in four sections using 64 feet of barbwire and 15 splicers
HPL Referral A-0013-21	Hardrock	304	Repairs to fence line with removal of debris from the recent heavy rains with 50 feet of barbwire and 15 splicers
HPL ORM-137-2021, ORM-139-2021 2-2021	Hardrock	303	Repairs to fence line with replacement of 40 feet of barbwire, 1 T-Posts, 5 splicers, 10 clips.
HPL A-007-21	Hardrock	304	Repairs to fence line on 5 cut lines with splicers and clips caused by vandalism.

### **Chinle Agency**

#### Noxious Weed Control & Treatment:

Chinle Agency was awarded \$50K for Phase One of noxious weed inventory & mapping in 2021. This project was solicited and awarded to BRIC, LLC., and is to commence in Spring 2022 within the Rights-of-Way (ROW) of Navajo Route-59 & Indian Route-12.

Phase Two of this project involves noxious weed control & treatment which will take place into early and late Fall along both ROW. This proposed project well submitted for funding in this FY2022 Funding.

#### Canyon De Chelly/Many Farms Lake Watershed

Chinle Agency proposes to submit for funding Phase Two of this 2013 Russian Olive & Tamarisks (Salt Cedar) Tree Thinning Project. This watershed has been severely impacted with overgrowth of the invasive tree species that has affected and overwhelmed the

water recharge capability of the watershed and water flow into the Many Farms Lake. The 2013 project thinned out the trees from the inlet of Canyon De Chelly to the south where Chinle Wash & Nazlini Wash intersect. The Phase Two will continue to thin out the invasive trees to the inlet of the lake. Reintroduction of native trees such as Willows & Cottonwood trees are highly recommended for the rehabilitation of the watershed.

#### Many Farms Diversion Dam Project:

Chinle Agency, Navajo Region & Navajo Nation staff assessed the monsoon rain event within the Many Farms Lake inlet. The recent rains have severely overwhelmed the existing diversion dam, which has been filled with soil sedimentation to the extent that any flowing water breaches the diversion dam making it ineffective. This is all attributable to the soil loss & streambank suitability failure due to the overgrowth of invasive trees; Russian olives & Tamarisks (Salt Cedar). The overall diversion dam needs to be retrofit to accommodate a 50-year and/or 100-year storm event.

#### Resources Development Committee Drought Assessment:

The ongoing Mega Drought has presented problems to the Chinle Agency rangelands within the three (3) Land Management Districts. Livestock carrying capacities & stocking rates need to be adjusted and brought to current rangeland inventories & grass resources. The ongoing effort of removal feral horses is pertinent to conserve & preserve existing rangeland resources.

#### USDA-NASS: 2022 Census of Agriculture Report:

Chinle Agency provided livestock tally numbers by each chapter (10) within the Agency' Land Management Districts: 4, 10 & 11. Part of the report requires the permittee' mailing addresses & contact information to the Arizona State NASS Office Statistician. Due to the ongoing pandemic not many livestock tallies were submitted by the respective DGCM.

#### Equine Rescue Operation:

Chinle Agency staff actively assist the Navajo Nation with authorized Emergency Feral Horse Round-Up on rangeland & within Rights-of-Ways. Chinle Agency provides technical & logistical assistance by providing portable corral panels, trailering/hauling feral horses to Resource Enforcement Impoundment Yard and/or auction facilities.

It is the policy of BIA to manage Indian agricultural lands and related resources in participation with the beneficial owners of the land. Management activities are performed in a manner consistent with the trust responsibility of the Federal government, which includes protecting and conserving Indian agricultural resources, and promoting the sustained-yield use of Indian agricultural resources.

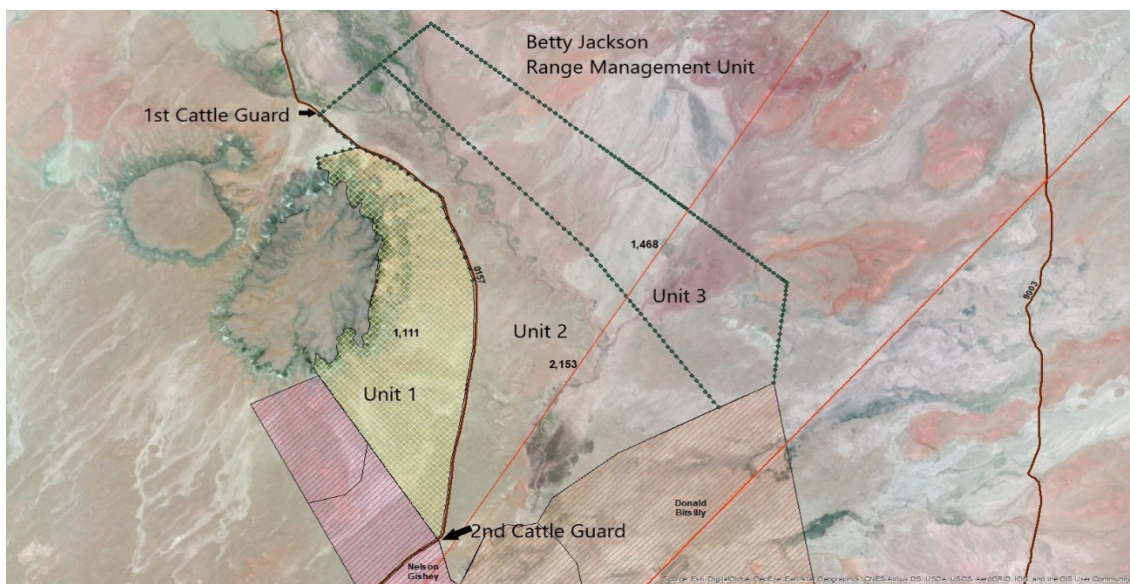
The Navajo Nation Executive Branch Departments and programs need to continue to actively participate as a Cooperating Agency and members of the Interdisciplinary Team (subject matter experts) for the development of the management plans. The plans are to guide the implementation of the conservation of Trust resources. All Navajo Nation entities need to

participate in the management plans to realize the Navajo Nation's vision for the redevelopment of its resources and includes planning for strategic resource management to restore, preserve and manage these resources for future generations.

## **Ft. Defiance Agency**

### Range Management Fencing:

Fort Defiance Agency Branch of Natural Resource is assisting with Range Management Unit fencing project, 10 miles south of Greasewood Chapter House. The contractor finished constructing 8 miles of fencing. The project was inspected by NRCS and no issues were identified. The request to install two cattle guards has been made to BIA Roads including completed ROW Permit and supporting documents.



### District 14 Fence line:

Fort Defiance Agency has one pending contract FY2019. The District 14 fence line contract is already awarded, and contractor is ready to begin project, but pending due to segmentation. "Segmentation can occur when an action is broken down into small parts to avoid the appearance of significance of the total action.

### Feral Horses:

Fort Defiance Agency Branch of Natural Resource assisted Navajo Nation Department of Agriculture with Equine Rescue Operation (ERO) at Standing Rock Chapter Nov. 2-4, Chinle/Many Farms Chapter Nov. 16-18, Tselani Chapter Nov. 30-Dec. 1, Luepp Chapter Dec. 14-16. Fort Defiance Agency assisted with manpower/equipment such as: livestock trailer, portable panels, all-terrain vehicle (ATV), and help set up/dismantle panels. There were 61 feral horses removed from the Standing Rock rangeland, 30 feral horses removed from

the Chinle/Many Farms rangeland, 67 feral horses removed from Tselani Rangeland, and 34 feral horses removed from the Leupp rangeland.



#### District 14/15 Boundary Fence Line:

Fort Defiance Agency Branch of Natural Resource Zoom Meeting with Eastern Agency Natural Resource regarding Land Management District 14/15 boundary fence line. The discussion includes: The existing fence line is contracted out for reconstruction of the existing fence line, survey records, any historical records of the boundary line, and the location of boundary line. Status and possible delay of the fence line project. Fort Defiance Agency is currently assisting the Eastern Agency with fencing materials. Land Management District 14/15 boundary fence line is adjacent to Fort Defiance Agency.

The Fort Defiance Agency has received most of the annual livestock inventory from the grazing officials.

#### **BRANCH OF FORESTRY**

##### **Forestry Management Program, Contract No. A18AV00262**

During this quarter, the NR, Branch of Forestry, continued in processing requests for multiple timber cutting permits received from the Navajo Forestry Department. The primary requests are for permits associated with infrastructure projects being done by the Navajo Tribal Utility Authority and are for the installation of fiber optic cables for individual service line agreements. The permit packets are reviewed to verify survey and clearance documents are in place. As of last report, seven requests were received from the Navajo Forestry Department. Of those seven, two were associated with projects that are to be carried out by the Branch of Wildland Fire and Aviation Management and the NR Natural Resources Program. These two permit packets are being reviewed to verify survey and clearance documents are in place. In

addition, this review will ensure that a Silvicultural Prescription was developed and approved for invasive woody species treatments within the Riparian woodlands. In accordance with the current Forest Management Plan, a Silvicultural Prescription is required for all forest land management activities within the Navajo Nation. The other 5 permit packets have been reviewed, approved, and provided back to the Navajo Forestry Department to issue to the permittees.

During this quarter, the NR, Branch of Forestry responded to the request for data needed for the Government Performance and Results Act associated with measure 2295, “Percentage of Annual Allowable Cut Prepared and Offered for Sale or Free Use”. Despite not meeting the annual percentage goal identified for the measure, Central Office staff also recognized that the pandemic could have negatively affected the Navajo Forestry Department’s ability to prepare and offer forest products for sale. Central Office staff endorsed the data and supported the steps to improve for the measure.

The NR Branch of Forestry compiled data for measure 2097, percent of sustainable harvest of forest biomass utilized for energy and other products and provided to Central Office staff prior to the scheduled due date of October 21, 2021. A request for the data from the Navajo Forestry Department compiled was not provided to the Navajo Regional Office by the agreed upon due date of August 15, 2021. The actual totals reported are estimates based on FY 2019 data and FY 2021 permit files located at the Navajo Regional Office.

During this quarter, Timber Sales Forester encoded permits and scale reports into TAAMS which will become a part of the permanent record for the sale of forest products harvested. These scale reports capture the amount of volume of forest products sold and the rate that the products were sold for.

A public announcement for the proposed construction of a water distribution system consisting of approximately 24 miles of waterline within the Chichiltah and Vanderwagen, New Mexico, Communities was published in the local newspaper, The Gallup Independent. In addition, an informative letter with a Power of Attorney for the Sale of Allotment Timber was mailed to the Beneficial Indian Owners mailing address on file at the BIA. The letter informed the Beneficial Indian Owners that signing the Power of Attorney would give consent to authorize the Secretary of the Interior to perform every act necessary and requisite to the consummation of the sale of forest products from the Indian Allotment(s) for the proposed construction project. The allottees were provided a due date of November 26, 2021, to return the documents to the Navajo Region. The announcement ran twice a week for 3 continuous weeks during the month of November.

NR Branch of Forestry provided response to a request from an allotment owner regarding a timber cutting permit on their allotted land and conducting forest management activities to reduce the threat of catastrophic fires in the area. The letter provided recommendations that the allottee will need to provide response on regarding their decision. The NR Branch of Forestry

can issue a free-use forest product harvest document for standing dead or down woody debris with the appropriate National Environmental Policy Act compliance documents in place. As for the fuels treatment to reduce the fuel loading, the BIA requested that each beneficial owner sign a Power of Attorney for the Sale of Allotment Timber that was included in the BIA's response letter to a tribal member. The Power of Attorney for the Sale of Allotment Timber will provide evidence of the beneficial owner's consent for the BIA to perform every act necessary and requisite to the consummation of such sale and authorizes post-sale forest management activities necessary to improve the condition of the forest resource, including but not limited to tree planting, tree thinning and hazardous fuels reduction. Upon the BIA receiving the signed documents, the NR Branch of Forestry can assist in developing the necessary documents needed to commence with this forest management activity.

End of year Forestry reports were provided to Central Office. The reports were for accomplishments within the programs of Forest Development, Woodlands Management, Forest Management Inventory & Planning, and Timber Harvest Initiative. There were no proposals received from the Navajo Nation and the NR Branch of Forestry reported that information to Central Office. Response from Central Office staff was that all the information submitted was received.

The Navajo Nation is proposing to register and sell offset credits for carbon sequestration under the California Cap and Trade Program administered by the California Air Resources Board. At the request of the Navajo Forestry Department Manager and the Resources and Development Committee Chairman, a teleconference meeting with Navajo Region staff was conducted on December 17 for updates and an overall discussion on the Carbon Credits initiative which is going through the legislative process for reviews and approval.

## **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 first quarter of the year is predominately during the winter period in which there is typically low temperatures and humidity to minimize the risk of fire danger. However, this year has been an unseasonable warmer period, and experiencing little to no snow accumulation. There has been moderate fire activity to report for the first quarter of 2021.

10/01/2021 to 12/31/2021- The Navajo Nation Environmental Protection Agency/ Air Quality Control and Operating Permit Programs Office provided these fire registration totals (Table 1):

Agricultural Field Burning	Cultural Traditional	Complaints
5	4	3

Table 1. Total burn registrations separated by types. Total 12.

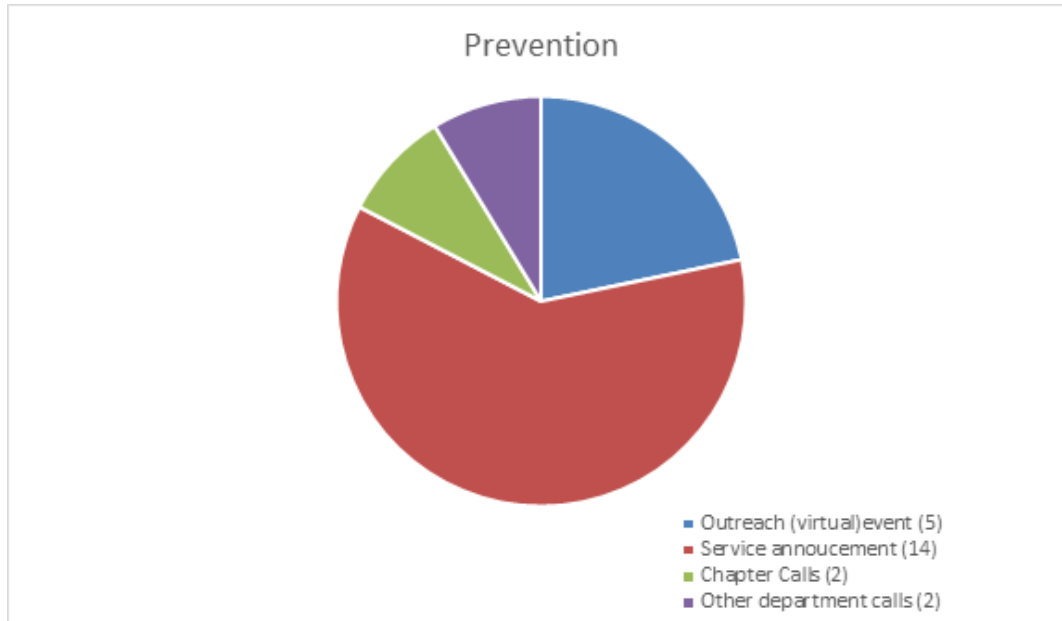


Figure 1. Fire Prevention Activities from October 2021 to December 2021

11/05/2021 to Current - Navajo Nation Lifted the Executive Order for Stage One Fire Restriction. No fire restriction in place.

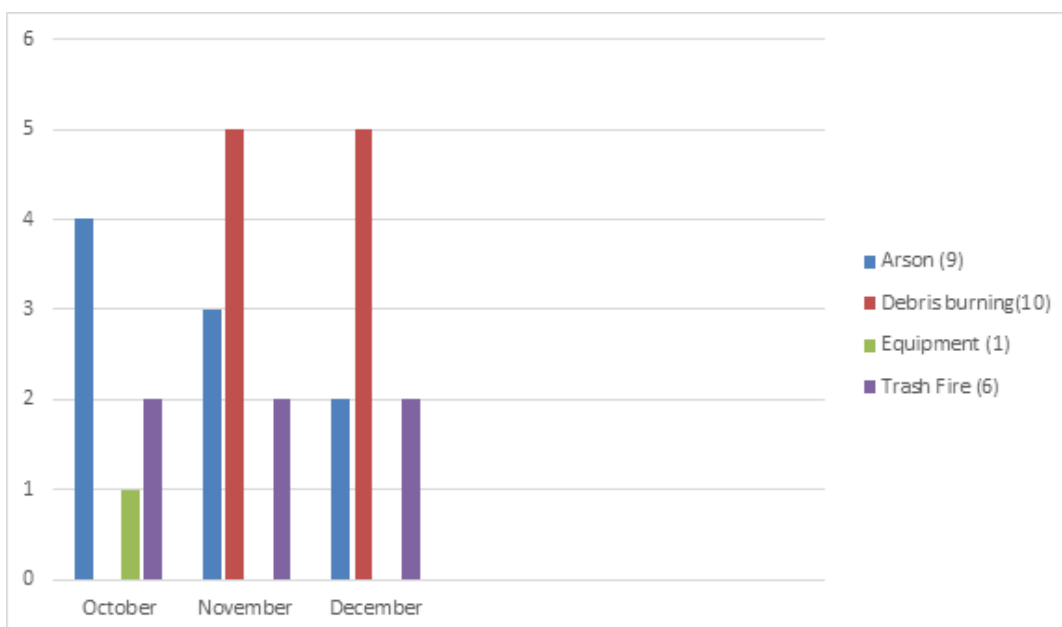


Figure 1. Fire Investigations completed for the months October 2021 to December 2021. Total number 26.

Fire Investigations needed to determine cause and origin for prevention measures to lessen human caused fires.

Navajo Agricultural Products Industry (NAPI) and BIA Fire Management purchased and installed WETIP Arson Signs (14) in the NAPI area to limited arson fires in the area.

The Exclusive Use Helicopter contract completed their first year with the new fire suppression Helicopter Contractor, Air Resources, Inc out of Murrieta, California and completed the contract period with a “very good” service contract performance rating for the fire season. The Contract Helicopter had several of mutual agreed upon contract extensions for a total of 40 days beyond our regular 110 days contract period. The Contract Helicopter and the Helitack Module finally returned to home unit October 2<sup>nd</sup>, 2021.

End of Season Summary with the Helicopter:

- Total Flight Time with the aircraft: 252.1 hours.
- Total Passenger Transported: 364
- Total Cargo Hauled Internal and External: 35,638 pounds
- Total Gallons of Water with Bambi-Bucket (144 and 180 gallon capacity): 60,589 gallons
- Total Cost for Fire Suppression: \$458,322.38
- Total Cost for Daily Availability from the National Aviation Funding: \$304,808.00.

During the fire assignment the Helitack crew operated the aerial ignition device (Red Dragon) on Summit Trail Incident with the Colville Agency, the Red Dragon device dropped 2,680 plastic spheres assisting with burnouts on approximately 500 acres of land.

The Branch is in the process of installing an eighty-kilowatt diesel powered generator for an emergency back-up power source for the Fire Dispatch Center, located in Fort Defiance, AZ. This will provide an electrical back-up power supply for the program in maintaining our continuity of operations during the fire season. This was a deficiency identified in our annual Interagency Helicopter Operations Guide (IHOG) review.

The Fuels Management Program completed a commercial permit request for the Regional Programmatic Pile Burn Plan and the Lupton and Hunters Point Projects that are sponsored by the Branch of Natural Resources. The requests were made through the Navajo Forestry Department and have been submitted to the Navajo Regional Office via the “638 contract” process. The permit is pending at the Navajo Regional Office as the Fuels Management Program will be generating Silvicultural Prescriptions for Salt Cedar and Russian Olive for the projects to be implemented.

One Forestry Technician was accepted into the “401 Professional Series Program” at Northern Arizona University (NAU). The program allows for individuals to qualify at the professional

series for job placement. Mr. Begay has completed his first 2-week session and will continue the next session within the coming months. Mr. Begay is a member of the Navajo Tribe and resides in Ganado, AZ. He was previously a squad leader of the Navajo Hotshot Crew and was selected into the Fuels Management Program in 2016.

The Navajo Interagency Hotshot Crew (NIHC) assisted the Navajo Region Engine program with four crewmembers to Fort Apache Agency to complete nearly two thousand acres of prescribe burning.

NIHC also assisted the Navajo Scouts with two crewmembers to wildfires in Montana.

Navajo Hotshot Superintendent facilitated the 2021 wildfire season After Action Review on behalf of the BIA/Tribal Interagency Hotshot Crews'. In total, there are 7 BIA funded Hotshot Crews.

From the operational perspective, the first quarter of Fiscal Year 2022 included responding to local fires in the Shiprock area, assisting other agencies with fire resources for prescribed burning and initial attack support. Recruitment for vacant fire positions were also being worked through for different sections; Engines, Helitack and the Hotshot Crew.

Initially, Shiprock fire activity was steady through September. In total, there were 24 fires in Shiprock Agency from October to December. Most fires were deemed less than 1/10 of an acre. There was one fire, however, being approximately 34 acres in size. All fires responded to and investigated within the first quarter were of human caused origin.

Bureau of Indian Affairs, Navajo Region BWF&AM personnel also assisted Fort Apache Agency with resources, skills, and equipment for prescribed burning their Fuels program were conducting. The initial module left near the end of October and completed a twenty-one-day assignment, in which they were able to train and work in varying capacities such as holding, firing, monitoring, and scouting.

Prior to demobilizing the initial engine module, the agency ordered a second module to continue working on prescribed burning efforts. Again, the work available for the second module was varied in different capacities.

The response to local fires and mobilizations for out of region assignments were all handled with exceptional communication and collaboration of supervisors from the Operations, Prevention and Fuels sections. Their leadership skills are recognized in devising "inter-sectional" modules to mobilize in response from initial requests.

## **BRANCH OF ENGINEERING**

### **Water Resources**

#### **P.L. 93-638 Water Monitoring Contract**

Navajo Nation Water Management Branch (NNWMB) are working to complete final deliverables on approved projects to be submitted to the Bureau of Indian Affairs (BIA) Navajo Regional Office (NRO) to be reviewed and acceptance for close processing. In addition, BIA NRO and NNWMB meet monthly discuss plan of actions, future projects, and past projects updates and BIA NRO provides technical assistance to NNWMB if there are any concerns that may arise.

#### **Water Monitoring/Water Rights Negotiation & Litigation**

The BIA Awarding Official Technical Representative (AOTR) completed a Purchase Requisition to release \$545,000 of FY2021 Water Rights, Negotiation & Litigation, R3120 funds to the NNWMB to complete three water rights projects: Lower Colorado River, Arizona, \$325K; Zuni Water Rights, \$70K, and Phase 9 Navajo Gallup Water Supply Project Planning and Pre-Development, \$150K.

#### **Public Law (PL) 111-11 Navajo San Juan Water Settlement Projects**

This quarter, the new variant, Omicron, of COVID continues to impact the NN and surrounding areas where the affects all projects delaying the design process as well as the construction projects for both the San Juan River Navajo Irrigation Rehabilitation (SJR) and Conjunctive Groundwater Use Wells (CGW).

#### **Fruitland-Cambridge Irrigation Projects**

The updates for each project under the Fruitland-Cambridge Irrigation Projects are the following:

1. Fruitland Diversion, a project that replaces the canal headworks, construct a new diversion dam, and fish weir. Due the impacts of the new variant of COVID-19, the construction will not start until Fall 2023.
2. Bitsui Siphon, a design-build project to include demolition of existing pipeline and replace with a HDPE pipe and installation of a new trash rack. This project is substantially complete, and BIA NRO is reviewing NNWMB final close report.
3. Yellowman Siphon, a project replacing the existing steel pipe and install an automated trash screen. The Navajo Nation re-scheduled the construction to start Spring 2022 due to the impacts of the COVID-19.
4. Fruitland Canal Seepage, a design project to stabilize the collapsed canal embankment slope of the Fruitland Canal, is substantially complete. The NN is completing the final report to be submitted for BIA's review and acceptance.

### **Hogback-Cudei Irrigation Project**

The Navajo Nation Water Department are finalizing the expenditure plan for additional projects utilizing the Cost Index funds, \$11M, to be added to the Hogback-Cudei Subpart J construction contract. This modification will be submitted in accordance with the Navajo Nation procurement process. Currently, the Hogback-Cudei Irrigation contract consists of the current five (5) projects and following are the updates:

1. Helium Lateral Siphon, a project to replace an existing 40-ft steel pipeline with HDPE. This project is substantially complete pending review of the final closing documentation to be submitted to BIA.
2. Hogback Canal Steel Siphons, a project replacement of an old-elevated steel siphons and flume along the Hogback Canal and Helium Lateral. The NN plans to start construction Fall 2022.
3. Eagle Nest Siphon Cleaning and Inlet Safety, a project that cleans Eagle Nest Siphon and installs safety features on both the inlet and outlet of the siphon. The NN plans to start construction Fall 2022.
4. Canal Lining Rehabilitation – Baker Wash Phase is a project to rehabilitate 7,200 ft. of Hogback Canal within the Baker Wash Siphon area. The NN was granted approval to revise the Scope of Work to expand the rehabilitation beyond the Baker Wash area.
5. Lateral Conversion update: This project is substantially complete. The NN is submitting the final report to be reviewed for acceptance.

### **Conjunctive Groundwater Use Wells Project (CGW)**

The Conjunctive Groundwater Use Wells Project consist of six (6) projects, and the following are the status of these projects:

1. AMI Meter Phase I, 90% complete. The NN is working with NTUA to complete the final reports.
2. Sanostee Well Replacement, substantially complete.
3. Tse Bonito WL Extension, the NNWMB is working with I.H.S to complete the project prior to the end date of the contract, December 31, 2022.
4. Chichiltah-Vanderwagon Design, the 30-60% Design Review is in process and NNWMB is addressing the schedule of this project due to COVID-19.
5. Sheep Spring Connection – Phase I Project is in the process of planning and design.
6. Cutter Lateral Blending Study is complete.

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

BIA-NRO Branch of Engineering (BOE) notified the Navajo Nation on April 27, 2021 regarding the American Rescue Plan (ARPA) fund for the potable water, \$3M. Currently, BOE is working with NN Division of Community Development (DCD), Executive Director in providing water bottles to the Navajo community. The first order of fifteen pallets of water bottle was completed

and delivered to Ramah Chapter. BIA continues to coordinate and work with NNDCD to provide potable water to the Navajo communities.

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

Navajo Region approved NAPI's Calendar Year 2022 Successor Annual Funding Agreement proposal for the continuation of the NIIP Operations, Maintenance, and Replacement; On-Farm Development; and Agricultural Testing, Research & Laboratory Programs.

Navajo Region approved NAPI's FY2021 WIIN Act Irrigation Rehabilitation Project proposal. WIIN Act Irrigation funding in the amount of \$2,335,000 was awarded to address NIIP deferred maintenance. Deferred maintenance and repair work is to be completed and facilities need to be operational before the irrigation season commences mid-February 2022. The following is a breakdown of the deferred maintenance and rehabilitation projects:

1. Armenta Siphon section repair \$650,000.00
2. Horn Siphon section repair \$650,000.00
3. Elevated Water Tanks (18) Cleaning & Inspections \$265,000.00
4. Gas Engine Murphy Controls replacement \$230,000.00
5. Amarillo Concrete Canal Lining Rehab \$440,000.00
6. Main Canal 604+50 Headgate Actuator System repair \$100,000.00

NIIP's accomplishments for this quarter is the NIIP Water Delivery System was shut down on October 15, 2021, ending another successful irrigation season and irrigated 73,780 developed acres in 2021. This accomplishment benefits the Navajo Nation and the Four Corners Region of the Southwest because NIIP is an important economic driver that supports the Navajo Nation's economy with crop revenue, sustained jobs, commercial contracting, and added business ventures/opportunities.

### **Safety of Dams**

The monthly Lakewood Central Office, Region Safety of Dams, and tribal staff Early Warning System (EWS) Working Group meetings were held. The purpose of this meeting is to increase transparency among Central Office, Region, Agency, and Tribal EWS staff, provide program updates and input from stakeholders outside of Central Office. General topics covered were upcoming field work priorities, EWS training needs implementing online training via webinar due to the COVID-19 pandemic, or any others, videos on training dashboard, and set future meetings schedule.

The Lakewood Office Safety of Dams, Engineering consultant, and Navajo Region Office Safety of Dams biweekly meeting are held to update the Navajo Nation Dams Emergency Action Plans and Tabletop Exercises. The projected completion for all Navajo Nation Dam under BIA Safety of Dam program will be finalized by August 2022. Accomplishment for Safety of Dams are the following:

1. Asaayi Dam video inspection of the outlet and drainage pipes was done October 12 and 13, 2021.

2. A virtual meeting was held with Tohajiille Chapter on the Tohajiilee Dam project on October 19, 2021.
3. The BIA annual Safety of Dams workshop was held November 16 -18, 2021.
4. A meeting on the Wheatfields N12 road project which crosses over Wheatfields Dam was held November 30, 2021
5. A Cutter Dam Emergency Action Plan Tabletop Exercise initial planning meeting was held December 13, 2021.

## **BRANCH OF REAL ESTATE SERVICES (RES)**

### **Oil and Gas Leases:**

- Processed the 37½ State of Utah for Royalty and Royalty-In-Kind payment for months of September, October, and November 2021. Also, processed the Water Usage payment for July thru September from Chevron to the Navajo Nation.
- Received three (3) Applications to Permit to Drill (APD) from the Navajo Nation Minerals for Navajo Nation Oil and Gas Company. Projects are: Blue Hogan West 1 #1; Big Boy 22#1 and Jenny 36 #1. The applications are pending BLM review.
- Three (3) Applications to Permit to Drill (APD) application were approved on December 10, 2021 for Vision Energy Group, Inc. for well projects: Hogback Deep 12-40; Hogback Deep 12-41 and Hogback Deep 12-42. The approved packages were sent back to BLM office for final approval of the APD applications.

### **Solid Minerals Leases:**

BLM Quarterly inspections were conducted for: Kaibeto Resources Inc. on December 6, 2021; Peabody Western Coal Company (PWCC) on December 7, 2021; Wheatfield Gravel Pit and Nazlini (Emma Brown) gravel pit on December 9, 2021. Several issues on the process of the new Sand and Gravel applications procedures were discussed. An inspection of the Section 5 Highwall issue at the Chevron Mine was also conducted.

### **Surface Leasing & Mortgages:**

- Provided technical assistances to Clients with ongoing discussions and land status (business site leases, homesite leases, and allotments). Encoded Dilkon Shopping Center into TAAMS. Ongoing research for Bashas' Inc. - Crownpoint-Lease No. EN-90-32, Chinle-Lease No. CH-00-17, and Fort Defiance-Lease No. FD-88-134 and FD-02-214 for proper lease assignment.
- Continuing research for the Fort Defiance Housing Corporation – St. Michaels Subdivision, Researching all the lots and tenants in the files and in TAAMS. The Business Lease will be cleanup after all information is corrected.
- There was one (1) new mortgage approved and recorded, and twenty-three (23) Title Status Reports (TSR) requested and submitted.

**Rights-of-Way:**

Arcadian Infracom Broadband ROW - application for Phase 1 was received November 30, 2021. The application was lacking a completed Environmental Assessment Compliance, the applicant was notified in writing and is under a 60-day review and determination for incomplete or complete status. Materials were forward to Environmental Quality for determination of compliance.

**Cadastral Survey & Unresolved Rights:**

AZ/UT-BLM Agreements & Modifications on Funding: IPAC payments continued with AZ/UT State Offices, on field surveys, review & final approval. Two IAAs are in draft, for a total of 3 Approved modifications for a total of \$103,682.07. The funds will be identified for AZ/UT projects from carryover funds, to continue with all on-going and new cadastral surveys on Navajo Tribal Trust & allotted lands. AZ: 1) T32N, R27E, Canyon De Chelly North – field survey completed & pending final review and approval; 2) T30N, R12E (east of Tuba City/Old Coal Mine Mesa)- field survey in progress and T22N, R16E (Birdsprings) – field survey is pending in 2022. NM: Latest update through e-mail dated 12/6/2021, from NM State Office they will be setting up a conference call between BIA & BLM in early January 2022, to review all the updates. The amount of \$135,000, to continue with T13N, R18W (Breadsprings, Subdivision of Section 9, T19N, R5W (Star Lake) and Townships 29&30North, Ranges 17&18 West (Shiprock Townsite). UT: \$89,792.00 was awarded from BIA & BLM Headquarters National Funds which HQ funds need to be used by 9/30/2022, identified for two projects: 1) T41S, R23E, SLM, UT (\$70,000), for field survey in Red Mesa area and 2) T43S, R20E, SLM, UT (Remaining (\$19,791), to start field work.

Cadastral Surveys: New Priority lists are pending review by Navajo Land Department (NLD) and will be recommended for approval by the Bureau in January 2022, for all three State Offices BLM, to continue with new field surveys, for FY2021/2022/2023.

Unresolved Rights Projects: AZ Silica & Sand Company Cash Bonds: Legal opinion is still pending with Solicitor's Office due to environmental & reclamation issues. Once review is completed next steps will be taken by our office for release of the bond to landowners or reclamation. Armand Ortega Potential Trespass: Continue with review of records & sorting on illegal billboard signs along I-40 near Lupton to Sanders, AZ. Letter to Solicitor's Office for advice & recommendation. Completed review of 89 letters of 148 letters on SOL & ICLA Project Files for rejections due to duplications.

Red Mesa Unified School District #27: School Impact Statements on Navajo Students - Land Status completed and final approval on 10/22/2021. Two review requests have been received on 12/2/2022.

**Acquisition and Disposal (A&D):**

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. Our Regional Environmental Compliance Review Department is currently reviewing Environmental Assessment (EA) submitted by the Navajo Nation and is pending Environmental Compliance with National Environmental Policy Act (NEPA) of 1969.

10 Allotments: 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. Transactions have been thoroughly and extensively reexamined to ensure meeting of regulations and statutes of 2003/2004. The Final Decision Letters to the Navajo Nation were processed; Notice of Appeal of nine (9) decisions were filed with IBIA. The full Administrative Record was prepared and submitted on the nine (9) separate transactions pertinent to said Notice of Appeal. A Request to Extension of Brief was filed by the Nation; Brief effectually extended to December 2021. Before extended Brief period ended, the Nation filed Dismissal of Appeals. Transactions are now in the process of being formally closed out. Staff has been available by phone (conference) to the Landowners/Heirs for specific and complex questions regarding these Aged Land Sales.

#### **Chinle Agency**

Received 23 Homesite Leases; 18 Homesite Leases (HSL) Recorded. Business Site Lease Compliance for CH-89-85; CH-97-104; CH-00-115. Special Projects: assist with Admin lands; 1 FOIA request; HSL clean up in TAAMS

#### **Fort Defiance Agency**

##### Rights-of-Way:

Navajo Tribal Utility Authority - 2 proposed fiber optic projects in Lupton and Houck chapters. Arizona Department of Transportation: I-40 Sign Installation Project for 13 sites.

Project F0403 SR 264 MP 465 to MP 476.1 Pavement Rehabilitation; Project F0434 Wrong Way sign and Roadway Improvement. Indian Health Service: Project NA-13-T29/NA-17-W15 proposed right-of-way projects located at White Cone, Arizona.

Consultations conducted on the Status of Project N15(2-3) (3-1) (4-1) Greasewood Springs to Burnside, Arizona; BIA Division of Facilities Management and Construction requesting right-of-way process for KinDahLichii Olta Road; and request received from Frontier/Navajo Communications Company to install fiber optic in existing steam tunnels within Window Rock Administrative lands. Research shows no steam tunnels are located within the proposed route therefore a new ROW is required. The existing steam tunnels contain asbestos, and any future development must comply with National Emission Standards for Hazardous Air Pollutants. In addition, any future work within the Administrative Reserve area will require BIA Regional Director approval with stipulations and approval in which Navajo Communications Company concurred to.

**Navajo Nation Approved Leases:**

Received 75 Homesite Leases; 14 Homesite Leases were recorded. Received 2 request for land status for proposed homesite leases from Indian Wells. Allotments: There were 5 applicants requesting for residential lease and were sent Consent Form Packages. There were 5 appraisal requests for proposed residential leases, received 1 request. Request for Biological Resources Compliance Form (BRCF) from Navajo Nation Fish and Wildlife Department for 2 proposed residential leases. One request submitted in July 2021 and have yet to receive BRCF from applicant.

**Special Projects:**

The Navajo Nation has requested BIA Chinle Agency Administrative vacant lands be returned for future economic development. A team has been established to begin the process, identify needs, and conduct research. Several site assessments have been conducted to locate property corners and locate existing utilities within the administrative lands. An ongoing property survey is being conducted to reestablish property corners for each tract and identify acreage to be returned to the Tribe. Aerial base maps of each tract with acreages, property corners, structures, and existing utilities have been developed. Recommended tracts with acreages have been submitted to BIA Environmental Management for proposed Environmental Site Assessment (ESA) Phase 1 and 2. On-site assessments have been conducted with the team, BIE Facilities and NTUA Chinle District Utilities Department regarding existing utilities, including water lines, water tanks, water wells, sewer lines, gas lines, and electric lines. Some lines were identified as new or abandoned, and direction of these lines were noted. Project is on-going and will continue into 2022.

Babbitt Ranch: A request was received by Babbitt Ranch to explore for minerals on lands located within Townships 21 and 22 North, Range 11 East, Coconino County, Arizona. The request is for ingress and egress to these lands to explore minerals; and whether the Navajo Nation is interested in purchasing the minerals interest and the rights of ingress and egress. Request was forward to the Navajo Nation Office of the President and Vice President, Division of Natural Resources, and Minerals Department.

Navajo Nation's Request for Waiver of certain requirements of 25 CFR Part 169 for Navajo Generating Station (NGS) Right-of-Way applications for Tract A and Tract B: The Navajo Nation and Applicants have been provided status of waivers that have been granted and declined. The right-of-way instruments will need to be revised by both parties to comply with the various waivers granted and declined.

**Shiprock Agency**

Residential Leases – Lease approved on a renewable month to month due to extenuating circumstances, approved November 18, 2021. Sand and Gravel Lease – San Juan Sand & Gravel, San Juan Chapter, New Mexico. Follow-up conducted with Bureau of Reclamation Farmington Field Office regarding review of SJS&G reclamation plan. Sand and Gravel –Apache County

Carrizo Pit Sand and Gravel Lease. Status of sand and gravel lease application provided to Regional Director on December 1, 2021: lease application package returned to Navajo Nation Minerals on March 22, 2017, as lease package was lacking Bureau of Land Management (AZ) review of mining and reclamation plan and did not submit required bonding. Apache County re-negotiated lease terms; and requested waiver of royalties. Application has not been re-submitted to BIA with re-negotiated terms and conditions as of December 23, 2021.

Lease Compliance- Three (3) cases listed below compliance issues BIA initiated lease cancellation. In each case tribal consultation letters were sent to the Navajo Nation as required by federal regulation to seek whether the Nation agreed with cancellation of the leases. In each case no response was received within in specified timeline, therefore BIA moved forward in cancelling the leases. Rent due to the Nation increases until such time the leases are officially cancelled. Each of the leases are situated on prime economic development locations.

Lease No. SR-99-155 – Redd/Lichee Corporation lease was recommended for cancellation due to violations of the lease including rent due to the Navajo Nation. Amount owed to the Navajo Nation was \$153,192.35 was provided in the Show cause letter dated on December 12, 2019; and on consultation letter was sent to the Navajo Nation on March 2, 2020. Amount due to the Navajo Nation increased to \$199,367.05 and specified in cancellation letter dated May 14, 2021. The letter was returned to BIA as undeliverable. A second cancellation letter was issued September 24, 2021 which specified the amount due to the Navajo Nation to have increased to \$221,158.07. The final cancellation letter provided appeal rights. Redd/Lichee appealed our decision to cancel the lease to the Interior Board of Indian Appeal (IBIA). IBIA issued a Pre-Docketing Notice, Order to Complete Service and Order to Show Cause on November 9, 2021. Order to Complete Service and Show Cause on or before December 14, 2021. BIA is awaiting notice from IBIA to confirm whether order to complete service and show cause completed.

Lease No. SR-01-168 – K&V Enterprises' lease was recommended for cancellation due to violations of the lease including rent due to the Navajo Nation and non-development of lease premises. Amount owed to the Navajo Nation was \$35,455.70 was provided in the Show cause letter dated on January 9, 2020; consultation letter was sent to the Navajo Nation on November 9, 2020. Amount due to the Navajo Nation increased to \$69,106.40 as specified in Navajo Nation procurement clearance dated October 19, 2021. Cancellation letter to the Lessee is currently being prepared for BIA Solicitor's review.

Lease No. SR-01-162 – Begaye Indian Market, Begaye lease was recommended for cancellation due to violations of the lease including rent due to the Navajo Nation. Amount owed to the Navajo Nation was \$5,644.14 and provided in the Show cause letter dated on August 25, 2021, consultation letter was sent to the Navajo Nation on October 21, 2021. Tribal Consultation letter requesting Navajo Nations determination to continue cancellation 30-day response timeline expired December 17, no response from Navajo Nation. Next action to prepare cancellation letter

**Rights-of-Way:**

Paradox Midstream, LLC application for right-of-way for Montezuma Creek North Project. The project affects 14.11± miles and 68.454± acres of Tribal Trust Lands; and 0.52± miles and 2.51± acres located on Allotment No. 792 633380 in the Aneth, Utah area. Reviewed right-of-way supporting documents to ensure application meets federal requirements. Provided landowners of Allotment No. 792 633380 fair market value, notice of determination to approve right-of-way and appeal rights. Right-of-way application packages were determined to meet federal requirements. Grant of Easement for Right-of-Way submitted for approval December 23.

Shiprock Uranium Disposal Site – conference call with Department of Energy regarding right-of-way for construction, operation, and maintenance of groundwater remediation. Two rights-of-way for this project expire June 20, 2022. Review is required of Cooperative Agreement No. DE-FC13-98GJ79477 between Department of Energy, Navajo Nation and BIA; and Transfer of Custody of the Uranium Mill Tailings Disposal Cells and Right of Access to Uranium Mill Tailings Disposal Sites between Department of Energy and the Navajo Nation concurred by BIA. Discussions are on-going with proposed conference call to be scheduled January 2022.

Red Valley Community School Waterline Project - provided guidance to Shiprock Agency Facilities Management regarding right-of-way versus service line agreement. October 27, 2021, participated in TEAMS meeting to provide guidance to Shiprock Agency Bureau of Indian Education staff and Facilities Management regarding the proposed waterline

**Special Projects:**

CH-89-85 Estate pf Fleming Begaye Sr. – assisted Chinle Agency with initiating lease compliance issues. The lease was recommended for cancellation due to violations of the lease including rent due to the Navajo Nation by Chinle Regional Business Development Office. Notice of Show Cause issued October 19, 2021. Executor to the Estate of Fleming Begaye Sr. Requested additional time to cure the violations through their attorney. Attorney for Executor of the Estate provided acknowledgement receipt of request to additional time to cure violations; and tribal consultation letter requesting determination to approve addition time for Executor of the estate to cure violations or continue with cancellation sent to the Navajo Nation.

Utah Navajo Health Service Telecommunication Tower and Access Road located on Allotment No. 792 634238. Assisted Western Navajo Agency with review of documents for proposed project. Reviewed documents emailed determined the proposed project to be processed as a telecommunication lease. Access road affects 0.26± acres of Tribal Trust Land.

**Western Navajo Agency**

Received 32 Homesite Leases; 4 Homesite Leases Recorded. Business Site Lease – 2 corrections and 1 termination.

## **BRANCH OF PROBATE**

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

Navajo Region Division of Probate prepares cases by completing research for probable heirs of the decedent. Research is completed by contacting the family members of the decedent by means of home visits, searching internet, telephone interviews, writing letters and office visits. Division of Probate staff does majority of the family research work at the Navajo Nation Enrollment Office. Probates that are completed are for Allotted Individual Trust lands. It helps the Navajo landowners in updating Trust ownership records.

A total of ninety-six (53) cases were transferred to OHA for hearing to be scheduled, as follows: **21** by Fort Defiance Agency, **6** by Shiprock Agency, **24** by Eastern Navajo Agency, and **2** by Western Navajo Agency. It is an on-going process with death happening daily. At present time, the following is Navajo Region's case load by Agencies:

<b>Agencies</b>	<b>Case Loads</b>
Eastern Navajo Agency	2,998
Fort Defiance Agency	1151
Shiprock Agency	666
Tuba City Agency	35
Total # Cases for Navajo Region:	4,850

No Outreaches were conducted for this quarter. With COVID conditions the Case Prep Cases have increased for all the Agencies. Also, due to the virus we had office closures and telework and that slowed our progress of case completion for submission to Office of Hearings and Appeals. Our research work at the Navajo Nation Vital Records Office is been reopened for our research as need to complete cases for submission. In addition, Probate module is being added into the TAAMS system. Conversion is taking place from December 17th to January 16th. At the present time, we are unable to work on Case Prep cases until the system is available after the conversion.

## **INDIAN SERVICES**

### **BRANCH OF INDIAN SELF DETERMINATION**

The Bureau of Indian Affairs (BIA) Navajo Region (NR) Branch of Indian Self-Determination (ISD) continues to work with Navajo Nation's (Nation) twenty-two non-construction contracts, seven Subpart J Construction contracts and five other tribal organizations under Public Law (Pub. Law) 93-638. In November and December 2021, the BIA NR ISD submitted Data Calls reporting additional Contract Support Cost need, which included the ARPA and CARES funding. The Nation and tribal organization submitted Contract Renewal and Calendar Year 2022 Successor Annual Funding Agreement proposals to continue contracting services under a

Pub. Law 93-638 Contract. Each proposal was reviewed by the BIA NR and Office of Justice Services-District IV in accordance with 25 CFR Part 900 and nineteen contracts were approved and all available Fiscal Year (FY) 2022 funding under Continuing Resolution No. 1 (CR 1) at 17.53 % at the FY 2021 rate of Operations were awarded. All contractors provide services to communities and other contractual activities, in accordance with their Scope of Work (SOW) and budgets. All funds awarded entirely benefit the Nation. The following programs were awarded:

<b>The Navajo Nation</b>	<b>Program</b>	<b>Amount</b>
A18AV00338	Water Development	\$ 81,356.00, FY 2022 CR 1
A19AV00376	Indian Child Welfare Act	\$ 217,349.00, FY 2022 CR 1
A20AV00139	Water Monitoring & Inventory	\$ 545,000.00, FY 2021 Water Rights On-Time Funding
A20AV00139	Water Monitoring & Inventory	\$ 44,523.00, FY 2022 CR 1
A21AV00001	Natural Heritage Program	\$ 51,398.00, FY 2022 CR 1
A21AV00002	Fish and Wildlife Program	\$ 38,774.00, FY 2022 CR 1
A21AV00003	Social Services: Department of Family Services Program	\$ 3,928,099.00, FY 2022 CR 1
A21AV00004	Johnson O'Malley	\$ 673,922.00, FY 2022 CR 1
A21AV00383	Social Services: Navajo Treatment Center for Children and Their Families	\$ 51,141.00, FY 2022 CR 1
A21AV00384	Social Services: Navajo Family Assistance Services and Assistance Program	\$ 1,146,794.00, FY 2022 CR 1
A22AV00148	Higher Education	\$ 2,365,743.00, FY 2022 CR 1
A22AV00149	Environmental Archaeological Services Non-Roads	\$ 20,227.00, FY 2022 CR 1
A22AV00150	Tribal Enrollment	\$ 172,553.00, FY 2022 CR 1
A22AV00151	Tribal Courts	\$ 262,307.00, FY 2022 CR 1
A18AV00235	Adult Detention	\$ 1,245,025.00, FY 2022 CR 1
A18AV00236	Juvenile Detention	\$ 446,904.00, FY 2022 CR 1
A21AV00140	Criminal Investigations	\$ 733,931.00, FY 2022 CR 1
A21AV00186	Patrol Services	\$ 3,583,312.00, FY 2022 CR 1
A20AV00899	Subpart J Construction DFMC Project Greyhills Academy School	\$ 200,000.00, DFMC Funding
A21AV00351	Subpart J Construction DFMC Project Greasewood Demolition 30 Qtr Units	\$ 1,662,304.00, DFMC funding
	Total	\$17,470,662.00
<b>Tribal Organizations</b>		<b>Amount</b>
A19AV00739	Alamo Road Maintenance	\$ 42,000.00, FY 2022 CR 1
A21AV00158	Navajo Agricultural Products Industry	\$ 1,230,505.00, FY 2022 CR 1
A19AV00894	Dine'Bi'Olta' School Board Association	\$ 88,000.00, School Year 2021/2022 Funding
A21AV00486	Rock Point Community School	\$ 1,599,100.00, School Year 2021/2022 Funding
	Total	\$ 2,959,605.00
	<b>Grand Total</b>	<b>\$20,430,267.00</b>

### **Awarding Official Technical Representative (AOTR) Activities:**

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

#### **Tribal (Census) Enrollment program Contract, A16AV00285:**

The monitoring site visit for Calendar Year 2020/2021 is postponed to next calendar year due to the pandemic. The AOTR continues to assist the Program Manager, of heating issues at Western Navajo Agency, Tuba City, Arizona. On December 10, 2021, the BIA was informed of the heating issue at Tuba City, Arizona and AOTR referred to the Facility Manager, BIE. On November 4, 2021, the AOTR processed the purchase requisition in the amount of \$172,553.00. These funds are made available pursuant to H.R. 5305/Public Law 117-43 extending government funding and delivering emergency assistance act. Funds are available through their period of availability. The document provides the regions and central offices with the Tribal Priority Allocation funds for the Continuing Resolution #1 which are available until December 3, 2021 at the rate of 17.53% of the FY 2021 rate of Operations.

#### **Tribal Courts program, Contract A17AV00252:**

On November 16, 2021, a virtual monitoring review was held for Tohajiilee and Alamo, New Mexico. The AOTR is working on the close out of the monitoring report which consists of the technical review. No significant findings were identified. The AOTR continues to provide technical assistance as requested by the program.

On November 4, 2021, the AOTR processed the purchase requisition in the amount of \$262,307.00. These funds are made available pursuant to H.R. 5305/Public Law 117-43 extending government funding and delivering emergency assistance act. Funds are available through their period of availability. The document provides the regions and central offices with the Tribal Priority Allocation funds for the Continuing Resolution #1 which are available until December 3, 2021 at the rate of 17.53% of the FY 2021 rate of Operations.

#### **Higher Education, Contract A17AV00096:**

On December 6, 2021, the AOTR processed the purchase requisition in the amount of \$2,365,743.00. These funds are made available pursuant to H.R. 5305/Public Law 117-43 extending government funding and delivering emergency assistance act. Funds are available through their period of availability. The funds are made available through an exception apportionment for Operation of Indian Education Programs to fund fiscal year tribes at 100% of the FY 2021 rate of operation for tribal priority allocations.

In August 2021, the virtual monitoring review was held or Chinle Agency. On November 3, 2021, the AOTR completed the monitoring technical report. The technical report was sent to the Awarding Official, BIA, Indian Self-Determination Office for further processing to the NN-

OMB. The AOTR noted the ONNSFA program as satisfactory and there are no issues with the Scope of Work (SOW) performance and no changes to the SOW. The AOTR continues to provide technical assistance as requested by the Nation.

### **Human Services, Navajo Nation Social Services:**

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

The GPRA Modernization Act of 2010 was amended to require each agency to make its strategic plan available on a quarterly basis for purposes of assessing agency performances and improvements.

For Fiscal Year 2022, the Navajo Nation Division of Social Services has set its Annual GPRA Performance Measure at 69% for Measurement 1811. This Measurement for 1811 spells out the details necessary for the recipient to assume employment within a certain timeframe. This Individual Self Sufficiency Plan-developed by the recipient and the caseworker should meet the individual and tribal goals so the recipient may attain self-sufficiency.

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

The ICWA is a 43-year-old federal law protecting the well-being and best interests of Indian children and families by upholding family integrity and stability and keeping Indian children connected to their community and culture. ICWA also reaffirms the inherent rights of tribal nations to be involved in child welfare matters involving their members. The Navajo Regional Office continues to respond to ICWA Notices received by the State(s). For this quarter, there were 59 ICWA Notices our office received and processed within the allotted timeframe of 15 days. The Navajo Regional Office continues to process and respond to certified, non-certified, faxed, and emailed ICWA Notices which were received from the State(s). For this first quarter, there were 65 ICWA Notices our office provided a response to within the required time.

#### **Other activities**

The Office of the Branch of Human Services continue to meet with clients and other service providers virtually until further notice.

All requests for technical assistance or training are provided in accordance with the scope of work as contracted under Public Law 93-638, and as requested by the Navajo Nation.

#### **Housing Services- Housing Improvement Program**

Contract A16AV00407 - FY 2016 – 2018 Housing Improvement Program (HIP): This contract is expired and needs to be closed out.

Contract No. A20AV00003 - FY2019 – FY 2021 – The contract is following reporting requirements. Construction activities were delayed due to COVID-19. The contract ended 12/31/2021 and needs to be extended to fully spend total contract funds of \$14,176,074.25.

Funding breakdown is as follows:

- FY2019: \$ 1,009,177.25
- FY2020: \$ 1,494,208.00
- FY 2021: \$ 1,756,003.00
- FY21 ARPA: \$ 9,916,686.00
- Contract Total: \$14,176,074.25

FY2019 and FY2020 – A revised Construction Schedule for both projects is needed from the Navajo Nation Housing Program (NNHIP).

FY2021 – Administrative activities including preparation of updated schedules are being developed by the NNHIP.

American Rescue Plan Act (ARPA) – The Community Housing and Infrastructure Development Office is administering this project. Funds were modified into Contract No. A20AV00003 that had an end date of 12/31/2021. A contract extension is needed.

HIP Administration: Due to the COVID-19 pandemic, the BIA HIP Program Officer and NNHIP Program Manager and staff communicated via email and telephone on funding and program matters.

The Navajo Region Housing Officer serves as the Regional Freedom of Information Act Office (FOIA) Coordinator. Six requests were worked on during this reporting cycle. No requests are on the Backlog Report.

**Fish and Wildlife Management Program, Contract Nos. A16AV00335 and A21AV00002**

The Calendar Year (CY) 2021 virtual monitoring of the Fish and Wildlife Management Program was conducted on November 30, 2021, which was scheduled in consultation with Mr. Jeffery Cole, Navajo Nation Fish and Wildlife Manager. Participants of the virtual monitoring included BIA, Branch of Natural Resources AOTR and BIA Indian Self Determination Office, Navajo Nation Office of Management & Budget and Navajo Nation Fish & Wildlife Management Program. The Navajo Nation Fish & Wildlife Management Program is satisfactory and there are no issues with the Scope of Work (SOW) performance and no changes to the SOW. The AOTR remains available to provide technical assistance as requested by the Nation.

**Natural Heritage Program, Contract Nos. A16AV00368 and A21AV00001**

The CY 2021 virtual monitoring of the Natural Heritage Program was conducted on December 2, 2021, which was scheduled in consultation with Wildlife Manager. Participants of the virtual monitoring included BIA Branch of Natural Resources AOTR and BIA Indian Self Determination Officer. Navajo Nation Office of Management & Budget and Navajo Nation Heritage Program. The Navajo Nation Heritage Program is satisfactory and there are no issues with the SOW performance and no changes to the SOW. The AOTR remains available to

provide technical assistance as requested by the Nation. Based on the technical review, responses from Navajo Nation Fish & Wildlife, Program Manager were noted.

**Environmental Archaeological Services, Contract Nos. A17AV00262 and A12AV01094**

AOTR completed 85 Section 106 compliance reviews for the Navajo Nation Historic Preservation Departments in October 2021. The projects were all Navajo Nation projects. Also met with the Navajo Nation Tribal Historic Preservation Officer 3 times on the Bureau of Land Management and BIA Resource Management Plan Amendment Environmental Impact Statement.

AOTR also participated in the Navajo Nation Ethnographic Resource Tour of Chaco Canyon with Navajo Nation Heritage/Historic Preservation Department, BIA Western Region, Department of Interior Grant Office, Navajo Nation Ethnographic Consultant and BIA Navajo Region office. Toured several Chacoan Sites for consideration for the study that was funded by Assistant Secretary of Indian Affairs. The proposed project should be completed by December 2022.

**Road Construction - Subpart J Contract No. A16AV00510 N2007(1-1)1,2,4, Bridge & Road Navajo, Arizona**

Contractor, Navajo Engineering and Construction Authority (NECA) has completed all the substructure of the bridge and placed pavement on the mainline and Burlington Northern Santa Fe Railroad (BNSF) access road. Work is still progress on the superstructure deck formwork and concrete poured at Abutment #1 & 2 diaphragm. NECA continues to wait on its supplier for the remaining epoxy rebar so they can get started placing the rest of the steel for pouring the deck slab sometime next spring either February 2022 or March 2022, weather permitting and windows from BNSF.

NECA completed placing all the ROW monument and markers in November 2021 and will start placing some of the remaining Right-of-Way fence until inclement weather hinders the work. This includes all the traffic control signs that NECA already acquired. The striping and other minor roadway details will be done next spring 2022 including repairs to the approach embankments to the bridge which has eroded and install gates at various locations per BNSF.

If we don't encounter any more delays such as bad weather, or shortage of steel rebar and other materials, we should be able to finish the bridge and open it to traffic around May of 2022.

**BRANCH OF ENVIRONMENTAL**

The Branch of Environmental Management (BEM) and the Branch of Environmental Quality Act Compliance (BEQACR) staff continue to work on environmental projects for the Navajo Nation.

**Sanostee Chapter Land Relinquishment:** BEM's contractor has completed the Phase I Environmental Assessment (ESA) and the Phase II ESA Sampling in accordance with the scope of services outlined in American Society for Testing and Materials (ASTM) E 1527-13, Standard

Practice for ESAs at the former Sanostee Boarding School area. The Phase I ESA was conducted to assess the recognized environmental condition of the site for the presence or likely presence of hazardous substances or petroleum products that pose a threat. The Phase II ESA sampling was conducted on December 14<sup>th</sup> and awaiting the data results at the end of January 2022. Once the sampling results are received, next steps will be determined for the site.

**Shiprock Administrative Reserve (SAR):** The Phase II ESA sampling was completed in November 2021 for the 47 buildings at the SAR site. The data results identified hazardous materials associated with older bureau buildings built before the 1970s. The next step is for the abatement and demolition of the 47 buildings. In response, BEM staff completed the individual entries into IAFMS-MAXIMO database for the abatement and demolition costs for each of the buildings. The buildings costs entered does not include other environmental hazards onsite that require cleanup.

On December 6, 2021, Navajo Region received a report the SAR Building #5 had burned down. Due to the hazardous materials confirmed from the sampling, it was imperative for BEM to conduct emergency cleanup of the burned debris/disposal to ensure the health and safety of the public in the area. A contractor was hired to conduct the cleanup of the burned building within 3 weeks. A final report by the contractor shall be generated at the end of January 2022. This will leave 46 buildings to be abated and demo.

The cleanup activities at the former Sanostee Boarding School and the SAR site will provide the Navajo Nation with information on the progress at each site. Once the cleanup activities are completed by BIA, this will allow the Navajo Nation to reuse the lands. BEM will continue to work through regional leadership with the Navajo Nation on these priority environmental projects.

**Safe Drinking Water Act (SDWA) Highlights:** BEM completed the required drinking water sampling and analysis for October and November 2021 for the Bureau of Indian Education (BIE) schools within Navajo Region. The data results were submitted to Navajo Nation Environmental Protection Agency-Public Water Systems Supervision Program (NNEPA-PWSSP) for all the (BIE) schools which include the U.S. Environmental Protection Agency (USEPA) Region IX. The drinking water sampling conducted at all the BIE schools completes 2021 Safe Drinking Water Act (SDWA) schedule. BEM will continue working on preparing the analytical data reports to forward to the regulators and schools.

To comply with the Navajo Nation Environmental Protection Agency, Public Water Systems Supervision Program (NNEPA-PWSSP) protection of all Navajo Nation waters to be pristine and safe for the Navajo people to drink now and for the future generations, BEM shall continue to work with the Navajo Nation EPA and USEPA to ensure safe drinking water compliance for all BIE schools.

**National Pollutant Discharge Elimination System (NPDES) Wastewater Highlights:** There were no reports of overflows/lagoons requiring discharging at any of the BIE locations within the Navajo Region. Many of the schools within the Navajo Region, Bureau of Indian Affairs (BIA), have well systems and supply drinking water to the schools and government quarters at each school. These water systems fall under the standards for Small Community Drinking Water Systems.

### **Branch of Environmental Quality Act Compliance Review (BEQACR)**

**Navajo Nation Integrated Weed Management Plan (NN IWMP):** For this Quarter, the BEQACR and Branch of Natural Resources completed the public hearings for the Navajo Nation Integrated Weed Management Plan Programmatic Environmental Impact Statement (NN IWMP PEIS). The public hearings were held with Zoom software on the following dates and times:

- Monday, November 15, 2021 from 10 am to 12 noon
- Tuesday, November 16, 2021 from 10 am to 12 noon
- Wednesday November 17, 2021 from 6:00 pm to 8:00 pm
- Thursday November 18, 2021 from 6:00 pm to 8:00 pm
- Saturday, November 20, 2021 from 10:00 am to 12 noon

The public was informed of the Zoom meetings through the newspapers and radio notices prior to the meeting dates. The comment period ended for the NN IWMP PEIS on December 13, 2021. The Navajo Nation Department of Natural Resources programs were also invited to attend the meetings and provide comments.

The NN IWMP PEIS will provide guidance for addressing invasive weed species on the Navajo Nation. This is beneficial for maintaining the health and vigor of the ecosystem. The plan will allow for any party on the Navajo Nation to develop weed treatment plans and seek funding using the PEIS. This will allow for effective control of invasive weed species on the Navajo Nation. The BIA requests the continued support and participation of the Navajo Division of Natural Resources programs in the completion of the IWMP in the coming year.

**Arcadia Fiber Optics Project:** BEQACR is reviewing the environmental assessment for the Arcadian request for an approved right-of-way on Navajo Nation Trust Lands for their proposed project to construct approximately 81 miles of fiber within the Navajo Nation, located along existing public rights-of-way (the Project). The alignment runs along Navajo Route (NR) 20 for approximately 57 miles from LeChee, Arizona to U.S. Highway 89 (US 89), west of Tuba City, Arizona and continues south for 24 miles along US 89 to Gray Mountain, Arizona. The proposed right-of-way for the project will consist of 10-foot-wide corridor and be approximately 81 miles in length across Navajo Nation Trust Lands.

The project will provide bandwidth sufficient to support data-intensive applications such as high-quality video transmission access to schools from K-12<sup>th</sup>, public education, higher education and life-long learning opportunities, telemedicine, and remote working arrangements, which can help

mitigate the health, safety, and economic effects of the COVID-19 pandemic. Each of the phases provides an end point to house electronics and enable connections to distribution and amplification equipment and there will be multiple access handholes placed along the route allowing for service to be extended from multiple points along the route, not only from the building sites.

This Fiber Project will stretch the global internet backbone through the Navajo Nation to accomplish the following:

- Create new jobs and job skills for Navajo members,
- Provide cash and services to the Navajo Nation by sharing Fiber Project revenues and services as compensation for use of Navajo Rights-of-Way,
- Generate new tax revenues through the construction and operation of infrastructure built on the Navajo Nation
- Assist the Navajo Nation in providing high speed internet to remote Navajo and surrounding communities.

**Section 106, Compliance Activities:** The BEQACR staff has processed 76 Section 106 compliance reports for projects on the Navajo Nation.

## **BRANCH OF SAFETY**

Branch of Safety (BOS) continues to track and monitor the latest Covid-19 guidance from the U.S. Department of Health & Human Services Center for Disease Control and Prevention (CDC) and Department of Interior. As new guidance is provided to the public and DOI

employees, BOS provides recommendations to BIA and Navajo Nation employees who occupy Federally owned buildings. Recommendations from BOS include plan of actions, risk assessment, and workplace safety regarding Covid-19.

BOS staff continues to implement the Indian Affairs Safety and Occupational Safety and Health Program by processing claims under the Loss Compensation Program. BOS staff work extensively with the Navajo Nation Department of Justice regarding Public Law 93-638 Tribal Programs to retrieve relevant documents for legal review of certain claims that involve the Navajo Nation.

BOS received annual FY2022 Safety & Occupational Health inspections which were assigned by the Indian Affairs Division of Safety and Risk Management (DSRM). DSRM assigned inspections to Safety Inspectors for the Western Navajo Agency, Ft Defiance Navajo Agency, Shiprock Navajo Agency, Chinle Navajo Agency, Eastern Navajo Agency, and the Navajo Region. The assigned inspections cover the following timeframes from Nov/Dec, Feb/Mar, and Jun/July. November and December inspections were completed and Safety Inspectors reported inspection findings to DSRM for corrective action planning to be addressed by Facility Management.

BOS participated on monthly Indian Affairs DSRM teleconference calls which includes all twelve (12) BIA Regions. BOS provided the following updates of program activities: Safety technical assistance, training conducted, Tort claims, Worker's Compensation Program and Motor Vehicle records transfer to BIE, confirmed scheduling of FY'22 Annual Safety Inspection in the S&CAP system, processing of GSA Form 3607, monitoring and advising of COVID-19 guidance.

BOS continues to track and monitor winter weather conditions by following information provided by the National Weather Service, Arizona Department of Transportation, New Mexico Department of Transportation, and the Utah Department of Transportation. BOS makes recommendations to the Regional Director and staff regarding office closures and delays for the health and safety off all employees which includes Navajo Nation staff who occupy Federally owned buildings at the Navajo Agencies.

### **BRANCH OF FACILITY MANAGEMENT**

The Branch of Facilities is assisting several schools in providing technical services when requested. There are some future facility projects that are currently being work on and they consist of: roof repair, waterline replacement, replacing heating and cooling system and paving. We are hoping to have these projects in the system by early next calendar year.

Below are some of the projects taking place.

#### **Quarters Improvement and Repair (QI&R) Employee Housing**

The Facility Management has several quarte projects:

1. Renovating Government Quarters at Wingate High School – on going
2. Renovating Government Quarters at Nazlini Community School – 92% complete

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

Facility improvement projects that are in place:

1. Replacement of Sewer Lines at Wide Ruins School - completed
2. Repaired Elevated Water Tank at Wide Ruins School - completed
3. Playground Equipment Installed at Pine Springs School – final inspection being requested
4. Repairing Heating and Cooling System at Shiprock Agency – The existing HVAC unit has been repaired for temporary use. A new HVAC has been installed and should be operational by February. The Contractor is waiting for the software to be delivered so that it may be uploaded in the system to ensure proper operation.

### **BRANCH OF TRANSPORTATION**

#### **Road Maintenance**

The Agency Road Maintenance Program continues to perform routine maintenance activities on BIA system roads, bridges, and transportation facilities on the Navajo Nation through direct

service. Below are some of the road maintenance accomplishments, our Agency Road Maintenance program performed during the 1<sup>st</sup> quarter.

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

The Farmington Road Maintenance field staff conducted surface patching on various routes which involved placing cold mixed asphalt in potholes created by semi-tractor trailers and prairie dogs. They also replaced roadway delineators, signs, posts, and hardware on various routes. The Farmington Road Maintenance field staff also assisted Shiprock Agency with grading of earth roads that were damaged by the monsoonal rainstorms.

Other activities included Winter Preparation, Road Assessments, Shop Building Maintenance, Preventative Equipment Service & Maintenance, Daily Reports, Safety Meeting, etc.



BEFORE – Vegetation removal from shoulders.



AFTER – Vegetation removal from shoulders.



DURING – Farmington assisting w/ grading earth roads.



AFTER – Farmington assisting w/ grading earth roads

## New Lands Field Office (Nahata Dziil)

The New Lands Road Maintenance field staff performed pavement surface repairs on various routes utilizing cold mixed asphalt to fill potholes and cleaning out longitudinal cracks before placement. Other maintenance work performed this quarter were sign repairs, new delineator installation, fence repair and drainage structure repairs.

The New Lands Road Maintenance field office assisted the Ft. Defiance Agency Road Maintenance with drainage pipe replacement, erosion repair and blading on earth roads due to the monsoonal rainstorms.

Other maintenance activities conducted were vegetation removal, fence repair, blading, channel cleaning, roadway assessments and routine & preventative maintenance on various equipment.



DURING – Assist Ft. Defiance w/ erosion control installation utilizing placed riprap material.



BEFORE – New Lands Road: Pavement cracks



DURING – Roadway surface repaired using UPM.



DURING – Bridge: Erosion Preventative Maintenance



AFTER – Erosion Preventative Maintenance

## **Shiprock Agency**

The Shiprock Agency Road Maintenance have been busy with repair work due to the monsoonal rainstorms that caused major damages especially to earth roads. The emergency repair work completed were on routes: N5043, N5056, N354 and N5020. The crew repaired roadways, cleaning and reinstalling drainage structures, fence repairs, and re-establishing the roadway. In addition to the repair work, the crew performed routine maintenance activities such as pothole patching, fence repairs, sign installation, and snow & ice removal on N13.

On Wednesday, September 29, 2021, the crew removed silt and debris on the roadway along Route N36 to reestablish the ditch line as this crossing location continuously transports silt onto the roadway after major rainstorm events. All underground utilities were located and flagged; temporary construction signs were installed prior to any work performed for the safety of the traveling public and maintenance crew.

The crew mobilized various equipment to Route N63 Concrete Box Culvert (CBC) to remove the silt from the right-of-way (ROW) fence that accumulated during monsoonal rainstorms and repaired the fence line to prevent livestock from entering the ROW for the safety of the traveling public. The crew mobilized to the site on Friday, October 22, 2021 and began removing the silt from the ROW fence line. The fence line had to be removed and re-strung to properly remove the silt material. The following week, the crew began cleaning out the concrete box culvert upstream and completed the work on Friday, October 29, 2021. The next week, the crew made some minor repairs and demobilized from the location.

In collaboration with Navajo DOT responding to emergency washouts on Route N5113, the crew assisted with removing and reinstalling three (3) new culverts with end-sections that were plugged with silt and debris. The silt and debris caused the road to be overtopped causing significant damages to the recently placed millings by Navajo DOT. Navajo DOT indicated they will re-establish the roadway surface later, for now, the crossing is graded to the top of the surface with gravel and soil materials.

The work on Bridge N263 – Salt Creek Bridge will begin with excavation of the silt and sanding wash materials to make a coffer dam around the work area. Once the coffer dam has been established, the work will consist of grading and placing gabion baskets to a predetermined elevation to protect the exposed H piles under the abutments of the bridge. All the materials needed for the work is stored at the old Shiprock maintenance yard. This work is estimated to take at least one month with the assistance of other agencies.

The crew along with the assistance from the Farmington Section performed routine maintenance work and completed minor shoulder and ditch repairs for the following routes: N192, N354, N361, N362, N5010, N5020, N5048, and N5056. Also, new signs were installed on Route N569 and at the intersection of Routes N19 & N5000.

The striping contract was signed but due to supply and demand for paint and glass beads, the contract was extended until April 2022. The striping contract will be for various paved routes within the Shiprock Agency such as Rock Point, Montezuma Creek, Aneth and Beclabito.



Monsoon 2021 – Shiprock Agency Roads: High flows caused washouts on various routes within agency.



Monsoon 2021 – Route N36 silt accumulation along roadway was removed to reestablish ditch line and fence repairs.



DURING – N63 CBC Cleanout and fence repair.



AFTER – N63 CBC cleanout and fence repair.



BEFORE – N5113 Roadway Washout.



AFTER – N5113 New pipe installation. Roadway reopened.

## Western Navajo Agency

The Western Navajo Agency Road Maintenance repaired several emergency roadway washouts and severe erosion from the monsoonal rainstorms. Repairs were conducted on mainly on earth roads due to the severity of the washouts and made accessible for the safety of the traveling public. Washout repairs are ongoing.

The following routine road maintenance activities were performed during the 1<sup>st</sup> quarter and they are as follows:

- Repair bridge decking on Bridge N319,
- Installed new flashing “STOP” signs,
- Replaced damaged and missing regulatory and warning signs within Western Navajo Agency on BIA paved routes and bridges,
- Performed mowing on Route N24,

- Performed routine blading services on several routes within Western Navajo Agency, bus routes and high-volume roads are priority.

Also, the BIA, WNA-Road Maintenance continued with the striping project of placing thermoplastic pavement markings within the community of Tuba City, LeChee, Leupp, Chilchinbito, Tonalea and Kayenta.



Various earth roads washed out in Western Agency and in the process of being repaired for the communities.



BEFORE - Bridge N319 – Damaged bridge deck.



AFTER – Bridge N319 Bridge decking repaired.



New “STOP” signs installed on various routes in Western Agency.



Contractor placing thermoplastic paint on roadway within Western Agency.

## Chinle Agency

The Chinle Agency Road Maintenance performed roadway repairs according to their road assessments, community member’s request, chapters, Navajo DOT, and other agencies in collaboration with Navajo DOT, Navajo County, Apache County, other Agencies, and the Chapters.

The BIA – Chinle Branch of Natural Resources (BNR) Office requested our assistance to install a 24’ cattle guard unit on Route N8066 as part of their District Fencing Project. The cattle guard unit was installed on a curve with a superelevation using our survey equipment and wheel-roller for compaction. The Chinle BNR Office had no specifications, so we installed it per our transportation specifications and standard details.

The maintenance crew performed emergency repair work due to monsoonal rainstorms; the crew repair several sink holes on or near our roads (paved/earth) along with several major washouts. The existing soils at two (2) of the locations where major repairs were needed were

still heavily saturated after a month or so of heavy rainstorms. The monsoonal rainstorms washed out, eroded and undermined primary paved and earth roads. Stormwater runoff overtopped our roads leaving sediment and debris on roads, which also caused major erosion along roads and bridges. Below are several repairs performed on our roadways for the 1st Quarter and they are as follows:

- Bridge N533: Major erosion issues around and under both abutments.
- Route N41 near bridge N533: A sink hole was visible, and the depth was uncertain.
- Route N8065: A sink hole was reported by the local community members as it was visible, but the depth was uncertain.
- Route N8086: Major washout along the Sheep Dip Wash.
- Route N25 South: A major erosion along roadway was backfilled and compacted for the safety of the traveling public.
- Route N8095 Crossing: The crossing was washed out by the monsoonal rains and heavily saturated soils along the banks of the wash.

The following Routine Road Maintenance were performed during the 1<sup>st</sup> quarter and they are as follows:

- Clean the bridge decks of silt for proper drainage and along the guardrails for better sight distance as part of bridge maintenance on Route N13 and N7,
- Mowing and trimming overgrown shrubs on Route N4, N41, N25, N64, N12 and N13,
- Repaired fences on Route N4, N41, N8066 and N13,
- Performed routine blading services on several routes within Chinle Agency, bus routes and high-volume roads are priority.
- Snow/Ice Removal on N64, N12 and N13.

Also, the striping contractor completed placing waterborne paint on various paved roads within Chinle Agency during this 1<sup>st</sup> quarter. The contract is in the process of being closed out.



BEFORE – Route N8066: Cattleguard Installation.



AFTER – Route N8066: Cattleguard installed.



Bridge N533 West Abutment Erosion Bridge N533



West Abutment Erosion Repair



Route N41: Bridge N533 – Sink Hole near road



Route N41: Bridge N533 – Sink Hole repaired



Route N8086: Washout Route



N8086: Washout repair



Route N12: Prior to new striping.



Route N12: New striping in place.



BEFORE – Route N59: Pipe Cleaning



AFTER – Route N59: Exposed and Cleaned Pipe

## **Ft. Defiance Agency**

The Ft. Defiance Agency Road Maintenance worked on BIA routes to address emergency washouts, fence, and cattle guard repair work due to the monsoonal rainstorms. The monsoon of 2021 has caused a tremendous amount of repair work such as the removal debris and silt off roadway surfaces, pipe replacements, earth road grading, severe erosion and undermining of roads that were overtopped by major flooding. The FDA Road Maintenance crew repaired several washouts severely damaged that required immediate access on our earth roads passable for emergency vehicles and community members.

Routes N126, N60, N15, N12, N9101, N9402, N108 and N321 were repaired as part of the emergency repair and part of routine road maintenance. The local community is very appreciative of the pavement marking for the safety of the travel public.

Routine maintenance activities conducted were cattle guard clean outs, fence repair, grading and re-shaping, roadway assessments and routine & preventative maintenance on various equipment.



Various Routes: Severe erosion along earth roads.



Various Routes: Cattleguard cleaning.



DURING – Cattleguard repairs.



AFTER – Outlet protection.



Various Routes: Guardrail repairs.



AFTER – Various Bridges: Install new signs.



BEFORE – Prior to bridge wooden planks replacement.



AFTER – Replaced wooden bridge planks.

## **EASTERN NAVAJO AGENCY**

### **Branch of Natural Resource (BNR)**

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

For the Livestock Grazing Permit Environmental Assessment (EA) project, key task involves approving grazing permits for tribal members who meet the requirements and receive orientation on the regulations and mitigation measures to protect sensitive areas and trust resources.

BNR staff continues to inform permittees on the EA and grazing permit requirements through postal service, telephone, and/or email due to the COVID-19 pandemic. BNR staff completed orientation for permittees of 23 range units; and completed 9 conservation plans involving 15,352 acres. The office of the Superintendent approved 23 grazing permits. Staff also conducted 85 range unit compliance work involving record reviews and mailed compliance letters; completed chronology for 4 inquiries, District 15 grazing permits for quality assurance; and completed 17 range unit field assessments involving 22,426 acres. Staff processed a collection of about \$6,137.16 in annual grazing fees and transferred to the Navajo Nation Escrow Account. The account has a balance of about \$973,957.94.

For the Alamo/ Canoncito Noxious Weed and Invasive Plant Inventory project, the contract was awarded to Hidden Waters for \$125,988 to complete an inventory and environmental assessment to determine the method of control and identify environmental impacts. The contractor demobilized for the winter and will continue field work until spring 2022, but contractor is working on the Canoncito noxious weed field inventory summary and identifying methods of control and management.

For the Land Management District 14/15/16 Boundary Fence project, the contractor (VHJ Construction) has completed about 16 miles of fencing. On December 20, 2021, contractor began working on the north-south (District 14/15) boundary by disassembling the old fence.

BNR staff assisted the Tse Li Ahi Chapter and the Navajo Nation Department of Agriculture on the Equine Removal Rescue efforts on November 2-4, 2021. BNR assisted with a portable corral and panels, stock trailer, and manpower. After two days, 35 equines were rescued.

BNR staff continues to coordinate with the District Land Boards and Eastern Agency Joint Land Board via teleconference on grazing permit transactions, field assessments, livestock grazing deferment, and advertisement of available range units. BNR staff provided reports on the “Memorandum of Understanding (2003) Among the Bureau of Indian Affairs, The Bureau of Land Management, And the Navajo Nation” for grazing administration in Eastern Navajo Agency; Authority-to-Grant program for individual Indian Allotments; grazing permittee list and grazing community maps; and the Navajo Escrow Account. The grazing permittee list was provided to the District Land Boards including range unit with low carrying capacity.

The Land Management District 16 has about 309 range units and 22% of these range units have low carrying capacities. The Land Boards and/or the permittees are advised to add more land to increase the carrying capacity and informed of canceled range units and available individual Indian Allotments located adjacent to the range units. BNR continues to review the range units and carrying capacities in more detail for the upcoming 2024 Grazing Permit Renewal.

### **Branch of Transportation (BOT)**

For October 2021, BOT staff bladed a ditch and completed surface work on several routes including Mariano Lake Road - N11, Crow Nest Road – N486, and Casamero Lake Loop - N485. BOT staff mowed Jones Ranch N7046. Staff also bladed a backslope, a ditch (including surface work), and backfill erosion on N489 Star Pond Road in the Whitehorse Lake community. In response to an erosion, BOT staff completed a reconnaissance road assessment of N52 Dalton Pass Loop. Staff completed a second round of mowing in the Breadsprings community on N7062, Jones ranch on N7046 and ChiChilTah on N7044. Staff completed pothole patching on N9W from Crownpoint to Ft Defiance's district line and on N49/11 from Smith lake to Mariano lake community.

For November 2021, BOT staff completed preparation activities for upcoming winter months: ensured all heavy equipment are running properly and ordered salt and cinder for snow and ice removal. Staff also conducted road sign repairs on N11 and N9 East. BOT staff also completed mowing on N56 in the Tohajiilee community. Staff conducted reconnaissance in the Lupton area to replace signs and fencing work. BOT staff serviced equipment in continuation of preparing for the winter months. Staff provided an update on road maintenance activities, coordinated by Council Delegate Mr. Edmund Yazzie, at the Roads Summit, which included chapter leadership from Pinedale, Church Rock, Iyanbito, Thoreau, Smith Lake, Mariano Lake. BOT staff cleaned five cattleguards on N474 in the Ojo Encino area. Staff also repaired signs and fencing in various areas including Smith Lake, Mariano Lake, Pinedale, Lupton, and Jones Ranch. BOT staff completed four cattleguard cleanings on N49 in Mariano Lake. Fence repair was also completed on N49. The fence repair was needed due to wood haulers cutting through fence line. In addition, BOT staff assisted BIE Facility Management with transporting BIE heavy equipment.

For December 2021, BOT conducted fence repairs on N49 in the Mariano Lake and Smith Lake areas. Staff also completed cattleguard cleaning on N7140 in the Lupton area. In addition, staff conducted cattleguard cleaning on N48 south and N48 north in the Borrego Pass and Littlewater communities. BOT completed mowing on N474 in the Ojo Encino community. BOT staff completed cattleguard cleaning, sign, and fence repairs on N474. BOT staff prepared heavy equipment for snow removal along with trucks and trailers for receiving materials. In addition, BOT staff conducted road reconnaissance and snow and ice removal on routes N7140, N49/11, N48n, N48s and Crownpoint streets. BOT personnel along with Deputy Superintendent conducted a meeting with Tohajiilee on traffic signs on N56 and N57.

The primary goal of the BOT is to keep roads open and safe to the traveling public within the eastern portion of the Navajo Reservation in coordination with Navajo Department of Transportation. BOT crew must deal with emergencies that can block roads, washouts, and bridges. BOT crew are on alert and, when necessary and possible, pretreat roads in the Eastern Navajo Agency. This ensures safer travel for the public and emergency vehicles.

### **Branch of Probate & Estate Services (BPES)**

The BPES staff received 122 deaths reports for this quarter. Staff submitted 25 cases to and was accepted by the Office of Hearings and Appeals (OHA) which consisted of approximately \$49,826.60 in Individual Indian Monies (IIM) accounts, 201 allotments, and 116 probable heirs. Staff completed disbursement and close-out of 59 cases. Staff have also assisted approximately 280 clients on the phone or through email. BPES staff provided technical assistance to Indian allotment interest holders so they have a better understanding of what they have holdings in and what it means to them. Many of the activities are conducted in the Navajo language and it helps to set the stage for estate planning. These activities greatly benefit the Navajo Nation when it comes to land use planning because it can make it easier to get consents for infrastructure and commercial projects that involve Indian allotments.

The types of service requested by the clients involve but are not limited to printing and mailing out Individual Tribal Interest (ITI) reports; updating contact information; explaining what documents are still needed for a case to be submitted to OHA; conducting client interviews for probate cases; and educating the public about the Federal Probate Process and estate planning. In addition, BPES staff work activities support tribal self-determination, self-governance, and sovereignty by ensuring that the title to Indian allotments is kept accurate and updated. This allows timely disbursement of funds to heirs who are tribal members and to the Navajo Nation itself. In this way, the Navajo Nation can determine what projects can be realized for infrastructure.

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

BRES participated in two leadership meetings with the Navajo Nation Council Resources & Development Committee (RDC) on the Memorandum of Understanding (MOU) for the grazing program in Eastern Navajo Agency and the Navajo Nation Business leasing process, including land withdrawals. BIA representatives provided a detailed MOU presentation (including the history) with recommendations. RDC requested key stakeholders to submit recommendations to determine what amendments can be made. A future meeting would address the recommendations. For the business site leasing discussion, the Navajo Nation was authorized to process and approve tribal business leases without BIA approval. The concern is that after all the years of being authorized to approve leases, there is still no major business development in the communities. Several suggestions were made on how to streamline the internal tribal process and a possible “one-stop” office. The land withdrawal process prior to the

new policy was explained. Since BIA did not approve land withdrawals, it became a total tribal process with very minimal BIA involvement (recording).

BRES reviewed and made recommendations on a mapping project for the Jemez Mountain Electric Cooperative, Inc. (JMEC). The map would be used for their right-of-way applications for existing powerlines that were constructed without a right-of-way. JMEC will be working on one chapter area to establish a process for obtaining a right-of-way. Once the process is in place and can be used, JMEC will begin working on the other chapters within its service areas. On completion of this project for each chapter, JMEC will be able to provide electrical power to Navajo residences off an approved right-of-way without any legal issues.

BRES processed required documents to complete an allotment sale to the Navajo Nation that involved a check issued for payment. The Navajo Nation process of using a paper check in lieu of an electronic money transfer to the lock box for payment delayed the payment to the allotment owners who have waited a long time for the sale to be completed. For future sales, BRES intends to encourage the Navajo Nation offices (land department and office of the controller) on how to process electronic payments and transfers, which would allow the payment process to be completely secure and quicker for the landowners as Sellers and the Navajo Nation as the Buyer.

BRES conducted two field inspections to address a land dispute and possible trespass. The inspection on the land dispute indicated the matter was only reported based on second-hand information and no discussion with the accused party was held. It turned out that the individual's complaint issue was not on his allotment, but on another allotment where the affected person was taking a responsible action to protect his land. BRES also investigated trenching activities in the Pueblo Pintado and Torreon areas to determine if any trust land were damaged. A map was sent by Jemez Mountain Electric Coop, (JMEC), but it would not download so a hard copy has been requested. It appears that Frontier Communications may be responsible for the trenching and requesting JMEC to provide electrical service, but no current right-of-way application has been processed for this project. BRES will continue to investigate and follow up on this matter to assure the consents and approved right-of-way is obtained from the allotment landowners and the Navajo Nation.

BRES participated in the Navajo Nation Roads Summit for six Eastern Navajo chapters represented by Honorable Delegate Edmund Yazzie. BIA ENA realty presented detailed information on the right-of-way process for the participants. Participants indicated problems or challenges including the complexity of the BIA regulations and the lengthy BIA process. Staff informed the participants that BIA can process a right-of-way within 60 days, but the applicant must submit a complete package; delay and problems happened when an incomplete package has been submitted.

BRES attended a District 16 land board meeting on the Memorandum of Understanding (MOU) also known as the Cooperative Agreement. ENA team presented on the history and purpose of

the MOU. About 2 months ago, when ENA presented to Navajo Nation Council Resource Development Committee on the MOU with recommendations, the committee tasked the Navajo Nation Division of Natural Resources and ENA Land Board to identify possible recommendations. A board meeting was held to discuss and make the changes or recommendations by Land Board. Participation was minimal and other issues were discussed but not directly related to the MOU.

BRES met with Cortez Pipeline Company and provide technical assistance on the process of renewing a right-of-way for a pipeline. This is the first project for the company involving Navajo allotments and the company did not know how to proceed with the required documents, including the consents for the right-of-way. BRES staff explained the process and required documents to the company representative, who was very appreciative of the information.

BRES completed the draft lease for the Tohajiilee Dam repair and continued maintenance and sent to the NRO Safety of Dam (SOD) office for review and finalization. After finalizing the lease, SOD can begin gathering the consents and negotiation for the rental payment. The dam serves the local Navajo community members as a source of water for livestock and is a preventative structure for mitigation of flooding of the ToHajiilee Day School, located downstream and south of the dam.

BRES conducted research to determine the number of allotments that did not receive supplemental patents as required in the Mescal Settlement. Staff research found 35 allotments have not received a supplemental patent. Further research will be done to determine why Bureau of Land Management has not issued supplemental patents. If needed, a formal request for the supplemental patents will be made. The supplemental patents convey the mineral rights to Navajo allotment owners per the settlement agreement for future mineral leasing and benefits.

BRES participated in a meeting with the Huerfano Chapter and City of Farmington Power Company to discuss how Navajo families can be served with electricity, which might require a right-of-way. Preliminary information was provided, and a future meeting will be scheduled to review the existing documents and determine what steps are still needed. The outcome of this project will allow Farmington Power Company to provide electrical services to numerous Navajo families.

## **Appendix A –Dear Tribal Leader Letter**

### **October 2021**

Dear Tribal Leader letter from the Assistant Secretary - Indian Affairs on improving federally recognized Tribes' access to discretionary grants. The first listening session is scheduled today at 8:00 p.m., Eastern time.

Dear Tribal Leader letter from the Division of Natural Resources, Branch of Fish, Wildlife, and Recreation (FW&R) programs.

BIA, Navajo Region a letter regarding the release of the Draft Programmatic Environmental Impact Statement (PEIS) for the Navajo Nation Integrated Weed Management Plan (NNIWMP) for public review.

Letter from the Deputy Director, National Park Service regarding consultation on a draft version of the Indian Youth Service Corps guidelines.

Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs, regarding the upcoming publication of a proposed rule to update the U.S. Department of the Interior's implementation of the Buy Indian Act.

### **November 2021**

Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs, regarding the updated consultation schedule on the implementation of the Indian Boarding School Initiative (Initiative) that was announced by Secretary Haaland in June 2021. The new consultation dates have been moved to November 17, 18, 23, 2021 to accommodate the White House Tribal Nations Summit.

Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs, regarding the short-term continuing appropriations for Fiscal Year (FY) 2022.

DTLL- Dear Tribal Leader letter regarding the availability of funding through the Bureau of Indian Affairs (BIA), Agriculture Branch program within the area of Noxious Weeds.

### **December 2021**

BIA letter dated December 6, 2021 regarding the Integrated Resource Management Plan (IRMP) for the Former Bennett Freeze Area (FBFA). The BIA and Navajo Nation DNR is in the process of working with the 24th NNC, RDC to review/approve the final IRMP and selection of an alternative.

Dear Tribal Leader letter from the Assistant Secretary – Indian Affairs, regarding the 1) efforts to improve the U.S. Department of the Interior's (Department) implementation of Executive Order 13175 and 2) proposed membership for the PROGRESS Ace Negotiated Rulemaking Committee.

Dear Tribal Leader letter from the Secretary of the Interior regarding signed the Bipartisan Infrastructure Law (BIL) and tribal consultation scheduled in January 2022.



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 20, 2021

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

Dear President Nez:

Please find the enclosed letter from the Assistant Secretary –Indian Affairs (ASIA) on improving federally recognized Tribes' access to discretionary grants. We are interested in your feedback on the barriers that Tribes face with respect to applying for and accessing grant opportunities, as well as your recommendations on how the Department of the Interior can address those barriers.

Please see the enclosure for more details on the upcoming listening session scheduled today, October 20, 2021 at 8:00 p.m. and October 27, 2021 at 5:00 p.m., ET.

Sincerely,

**GREGORY**  
**MEHOJAH**

Digitally signed by  
GREGORY MEHOJAH  
Date: 2021.10.20  
12:27:26 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. Milton Bluehouse, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. Santee Lewis, Washington Office, Navajo Nation  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation

The Department of the Interior (DOI) seeks to improve federally recognized Tribes' access to discretionary grants. We are interested in your feedback on the barriers that Tribes face with respect to applying for and accessing grant opportunities, as well as your recommendations on how the Department of the Interior can address those barriers.

Visit <https://www.doi.gov/ppa/equity/13985#listening> to learn more and register for an upcoming session.  
Contact [DEIA@ios.doi.gov](mailto:DEIA@ios.doi.gov) with any questions.



## UPCOMING LISTENING SESSIONS

Wednesday, October 20, 2021  
8:00 pm – 10:00 pm ET

Wednesday, October 27, 2021  
5:00 pm – 7:00 pm ET

Can't make it to any of the live sessions?  
Submit comments online at [www.regulations.gov](https://www.regulations.gov) (enter DOI-2021-0010 in the search bar) and stay tuned for future opportunities to engage on this very important issue.





# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 21, 2021

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

Dear President Nez:

This serves as the announcement on the availability of funding through the Bureau of Indian Affairs (BIA), Division of Natural Resources, Branch of Fish, Wildlife, and Recreation (FW&R) programs. FW&R expects to provide competitive and non-recurring project funding within four different program areas in Fiscal Year 2022 (FY 2022):

1. Endangered Species Program – Approximately \$4 million will be awarded by the Bureau in competitive funding for this program. The attached, *Bureau of Indian Affairs, Endangered Species Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.
2. Invasive Species Program – The Bureau expects to receive \$6.5 million in competitive funding for this program. The attached, *Bureau of Indian Affairs - Invasive Species (IS) Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.
3. Hatchery Maintenance Program – The Bureau will award approximately \$7 million in competitive funding for this program. The attached, *Bureau of Indian Affairs, Fish Hatchery Maintenance Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.
4. Tribal Youth Initiative Program – The Bureau will award approximately \$1.5 million in competitive funding for this program. The attached, *Bureau of Indian Affairs, Tribal Youth Initiative (TYI) Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.

The BIA, Navajo Region is informing the Navajo Nation of these funding opportunities and also in conducting initial processing of funding requests. The Navajo Region will be responsible for distributing program materials to eligible entities, receiving completed funding proposals from applicants, reviewing proposals to assure they meet eligibility criteria, and ranking proposals according to ranking criteria and regional priority.

**All applications for FW&R program funding should be sent addressed to Navajo Regional Office, Attn: Dr. Calvert Curley, Supervisory Natural Resources Specialist, Post Office Box 1060, Gallup, New Mexico 87305, by January 13, 2022.** See enclosed for the Regional contact information within the application guidance documents for each of the FW&R programs referenced above. Please contact David Wooten, Branch Chief, Fish, Wildlife, and Recreation at email David.Wooten@bia.gov or (505) 563-3128 for information regarding the programs.

Sincerely,

**GREGORY** Digitally signed by  
**MEHOJAH** GREGORY MEHOJAH  
Date: 2021.10.21  
15:39:26 -06'00'

Gregory C. Mehojah  
Regional Director

Enclosure(s)

cc: Paulson Chaco, Chief of Staff, Navajo Nation  
Dr. Shebala, Division Director, Natural Resources, Navajo Nation

# Bureau of Indian Affairs, Endangered Species Program, Ranking Criteria and Application Process

## Applicant Eligibility Criteria

Eligibility is limited to Federally recognized Indian Tribal Governments and Native American Organizations authorized by Indian tribal governments (Tribes and inter-tribal organizations authorized under P.L. 93-638).

Successful applicants **must commit to providing an annual report to the Regional BIA point-of- contact (listed below) by September 1st of each year until the project is completed.**

Reports should include:

- Project Status
- Expected completion date
- Objective achievement

A final report to your Regional Bureau contact (listed below) is required within 90 days of project completion. Reporting helps support future appropriations.

## Proposal Eligibility

- **Proposals must provide the contact information for the Tribal project manager overseeing the project. Failure to provide this information will result in disqualification.**
- **Proposal budget cannot include tribal indirect rate. Tribal indirect rate is drawn from a separate account and should be requested at budget development meetings with BIA contracting officials (if selected for funding).**
- **All proposals must be signed (at a minimum) by the equivalent of the Director of Natural Resources to signify that the Tribe is aware of the funding and program requirements.**

## Project Eligibility

- Participants are encouraged to utilize the 638 contract in order to facilitate reporting and support of FW&R program funding.
- Successful applications will be limited to projects that are directly related to the restoration, management, and/or economic development of “tribal trust resources” (see definitions below).

In addition to the above requirement, only those projects that meet at least one of the following two criteria will be considered for funding:

1. Projects involving species protected by the Endangered Species Act (as amended 1973) (ESA). This includes ESA Candidate species.
2. Projects involving tribally important species and/or habitat(s) where such species or habitat(s) are identified in an official and approved tribal document, management plan, or Tribal Resolution that lists the tribally important species and/or habitat(s) and describes the tribal interest in focusing attention on those species/habitat(s).

3. The maximum funding request is \$120,000 per application. The funding request cannot include the tribal indirect rate.
4. An eligible entity may submit multiple applications.

## Definitions

Tribal Trust Resources - natural resources, either on or off Indian lands, retained by, or reserved by or for Indian tribes through treaties, statutes, judicial decisions, or executive orders and are protected by a fiduciary obligation of the U.S.

Required Project – a project that calls for the utilization of tribal trust resources, and is also REQUIRED to undergo *Section 7 consultation* per requirements of ESA. This includes activities required for compliance with a FWS or NMFS approved Habitat Conservation Plan designed to comply with ESA.

## Ranking Criteria

Priority consideration will be given to projects involving “tribal trust resources” (see definition above) **in the context of economic enterprise/economic development, where such project also requires consultation with regulatory agencies per requirements of ESA.**

**Applicants must explain how their project meets the “required” criteria. To receive priority consideration applicants must submit a convincing proposal for meeting “required” status (see definition above).**

Other ranking criteria include:

- The degree of benefit to species protected by the ESA (including ESA Candidate species).
- The degree of benefit to tribally important species and/or habitats that are listed in official and approved tribal documents, management plans, or Tribal Resolution where the tribal prerogative to focus attention on those species/habitats are clearly described.
- The degree of benefit to tribal trust resources (management plans, habitat assessments, habitat restoration, species recovery, etc.).
- The degree to which the project meets the goals/objectives/requirements of approved tribal or federal/state planning documents.
- The extent to which a project engages tribal youth in natural resources management.
- Ability to **provide reports** that highlight project successes by September 1 each year.

**Native American Fish & Wildlife Society:** BIA encourages tribal membership in the Native American Fish & Wildlife Society (NAFWS). For more than 35 years, the NAFWS has addressed the needs of its member tribes, through conferences, training, youth education, and assisting tribal efforts to build capacity and services. The NAFWS enriches tribes through its mission: Assisting Native American and Alaska Native tribes with conserving, protecting, and enhancing their fish, wildlife, habitat, and cultural resources. **Membership in the NAFWS is an allowable budget item** (one membership for a two-year period. See [www.nafws.org](http://www.nafws.org)). Further, successful applicants who are confirmed speakers at NAFWS events may be eligible for reimbursement of travel costs (per diem) by BIA.

## How to Apply

Proposals should be submitted to the Bureau of Indian Affairs, Regional office that services the applicant's area and are **due to the regional office (address and contact info below) by close of business on January 13, 2022.**

Proposals should be submitted in the format detailed below and should clearly address both the eligibility and ranking criteria listed above. Proposals are **limited to six pages (not including letters of support/contributions).**

- I. Introduction/Background – name of applicant, project name, project location, a brief background and description of the issue. This section should conclude with a brief statement summarizing your request.
- II. Goal/Objectives - what are the goals of the project? List measurable objectives that work towards achieving the project goals.
- III. Methodology – how you plan to accomplish the task. Include a timeline for completion of tasks. Please attach a copy of any completed management plan by which you are seeking funding for implementation.
- IV. Outcome/Results - what are the expected work products? What measurable benefits are expected? What is the expected timeline?
- V. Budget – Need a detailed line item expenditure breakdown. Do not include contract support cost (indirect cost).
- VI. Letters of support/contributions.

## BIA Regional Contact List for ESA Program

Great Plains	Southern Plains	Eastern	Midwest	Eastern Oklahoma	Rocky Mt.
Diane Mann-Klager, Natural Resources Officer diane.mann-klager@bia.gov Address: Great Plains Regional Office, Division of Natural Resources MC 301, 115 4th Ave SE Suite 400, Aberdeen, SD 57401	David Anderson, RES 405-247-1532 david.anderson@bia.gov  Address: Southern Plains Regional Office, Branch of Natural Resources P.O. Box 368, Anadarko, OK 73005	Keith Bluecloud & Harold Peterson (615) 564-6838 keith.bluecloud@bia.gov  Address: 545 Marriott Drive Suite 700, Nashville TN 37214	Tom Fronk, PE Wildlife and Parks, Branch Chief (acting) (612) 810-6383 thomas.fronk@bia.gov  Address: 5600 W. American Blvd, suite 500, Bloomington, MN 55437	Bradley Peak Natural Resources Specialist (918) 781-4642 bradley.peak@bia.gov  Address: 3100 W Peak Blvd Muskogee, OK 74401	Name: Frank D. Rollefson, Regional Wildlife Biologist frank.rollefson@bia.gov Address: Rocky Mountain Regional Office, Division of Natural Resources, 2021 4th Avenue North, Billings, Montana 59101

Navajo	Southwest	Western	Pacific	Northwest	Alaska
Calvert Curley, Range Management Specialist calvert.curley@bia.gov  Address: Bureau of Indian Affairs Navajo Regional Office 301 W Hill St., PO BOX. 1060, Gallup, NM 87305	D. Chris Kitcheyan - Regional Biologist (505) 563-3408 david.kitcheyan@bia.gov Address: Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, NW, Albuquerque, NM 87104	Chip Lewis, Regional Environmental Compliance Officer chip.lewis@bia.gov  Address: 2600 N. Central Ave, 4th Floor Mailroom, Phoenix, AZ 85004	Tevis Underwood tevis.underwood@bia.gov (916) 978-6061 Address: Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825	Anna Schmidt, Wildlife Biologist anna.schmidt@bia.gov 503-231-6808  Address: BIA, 911 NE 11th Avenue, Portland Oregon 97232	Rosalie Debenham, Fish and Wildlife Biologist rosalie.debenham@bia.gov  Address: BIA, P.O. Box 21647, Juneau, AK 99802

# **Bureau of Indian Affairs – Fish Hatchery Maintenance Program, Ranking Criteria and Application Process**

## **DEFINITIONS**

1. Eligible Fish Hatchery. Any multi-purpose or single-purpose facility owned by the Bureau of Indian Affairs (BIA) or a Federally recognized tribe engaged in the spawning, hatching, rearing, holding, caring for, or stocking of fish and/or shellfish. Facilities owned by other federal agencies, states, and non-tribal entities are not eligible to receive maintenance funds.
2. Maintenance. Work that is required to prolong the life of a structure, building, or other facility component including: delay of physical deterioration; enhancement of original function; application of new technological advances; or replacement or acquisition of associated capitalized equipment.

## **Proposal Eligibility (Failure to provide this information will result in disqualification)**

- Proposals must provide the information requested on the hatchery facility description form and the contact information (phone, e-mail, address) for the hatchery manager overseeing the project.
- Proposal budget cannot include tribal indirect rate. *Tribal indirect rate comes from a separate account and should be requested at the time you develop the budget with BIA contracting officials (if selected for funding).*

## **RANKING CRITERIA**

1. Health, Safety and Security. Project merits in eliminating hazardous working conditions, correcting safety and security problems, and protecting property;
2. Water Quality. Project merits in ensuring compliance with applicable effluent discharge standards;
3. Economic Value. Project merits related to the development of tribal resource management capabilities, creation of jobs for tribal members, generation of tribal income, and development of tribal self-sufficiency and reservation economies. Project merits in assisting tribes develop their fisheries management expertise and capabilities and in reducing their dependence on Federal fisheries assistance programs. Project merits in benefiting more than one tribe and relatively many tribal members;
4. Rights Protection. Project merits in protecting the exercise of Indian fishing rights and in fulfilling tribal resource management responsibilities and commitments resulting from court order, statute, treaty, or other binding instrument;
5. Resource Value. Project merits in restoring, mitigating for, or otherwise enhancing depleted stocks and other stocks of significance, notably, anadromous salmonids, Great Lakes stocks, and species listed as threatened and endangered;

6. Tribal Youth. Project merits in providing summer employment or other positive learning experiences to tribal youth (ages up to and including 25). The focus should be on tribal youth interested in careers in natural resources. Youth positions should be viewed as both a source of labor and as an opportunity to mentor tribal youth, encourage them to pursue an education, and expose them to careers in natural resources management. The seasonal hiring of tribal youth will be an allowable expenditure for hatchery maintenance funding.

## PROCEDURES AND PRODUCTS

Bureau-wide application of the definitions and criteria will facilitate project priority comparisons between facilities and areas and allows for the establishment of a meaningful national project ranking system.

Two standard forms will be used:

Facility Description Form. Complete an attached Facility Description form for each eligible facility for which funds are requested. **Each hatchery requesting funds must complete all parts of this form in order to be eligible for hatchery maintenance funding.**

Maintenance Project Proposal. Utilize the attached Maintenance Project Proposal form and the attached ranking criteria to describe and rank each proposed project. Categorize individual project merits associated with each of the five ranking criteria as high, moderate, or low, and provide additional supporting justification in the space provided. Use one form for each individual proposed project. Do not combine individual projects for a given hatchery on a single form unless absolutely required due to their interrelated nature. Ensure recommended projects adhere to the definition of maintenance established herein. On a separate sheet, provide a summary listing in order of priority of all maintenance projects/costs recommended for tribes and hatchery facilities in your area.

Facility Description forms, Maintenance Project Proposal forms, and respective summary listing of maintenance project rankings should be transmitted to the Regional office of the Bureau of Indian Affairs that services your area (contact info below). **Application materials are due to your Regional office (address provided below) by close of business on January 13, 2022.**

**BIA Regional Contact List for Fish Hatchery Maintenance Funding Program**

<b>Great Plains</b>	<b>Southern Plains</b>	<b>Eastern</b>	<b>Midwest</b>	<b>Eastern OK</b>	<b>Rocky Mt</b>
Diane Mann-Klager, Natural Resources Officer diane.mann- klager@bia.gov	Crystal Keys, Water Program Manager, crystal.keys@bia. gov	Keith Bluecloud & Harold Peterson (615) 564-6838 first.last@bia.gov	Tom Fronk, PE Wildlife and Parks, Branch Chief (612) 810-6383 thomas.fronk@bia. gov	Bradley Peak (918)781-4642 bradley.peak@bia. gov	Frank D. Rollefson, Regional Wildlife Biologist frank.rollefson@bia.gov
Address: BIA, MC 301, 115 4 <sup>th</sup> Ave. SE, Suite 400, Aberdeen, SD 57401	Address: BIA, P.O. Box 368, Anadarko, OK 73005	Address: BIA, 545 Marriott Dr Suite 700, Nashville, TN 37214	Address: BIA, 5600 W. American Blvd, Suite 500, Bloomington, MN 55437	Address: BIA, 3100 W Peak Blvd Muskogee, OK 74401	Address: BIA, 2021 4 <sup>th</sup> Ave. North, Billings, MT 59101

<b>Navajo</b>	<b>Southwest</b>	<b>Western</b>	<b>Pacific</b>	<b>Northwest</b>	<b>Alaska</b>
Calvert Curley, Range Mgmt.Spec. calvert.curley @bia.gov	D. Chris Kitcheyan - Regional Biologist (505) 563-3408 david.kitcheyan@bia .gov	Catherine Wilson, Supervisory Water Rights Specialist catherine.wilson@bia. gov	Tevis Underwood tevis.underwood @bia.gov (916) 978-6061	Rudy Peone, Fisheries Biologist rudy.peone@bia. gov	Rosalie Debenham, Fish and Wildlife Biologist rosalie.debenham@bia.gov
Address: BIA, 301 W Hill St., PO Box 1060, Gallup, NM 87305	Address: BIA, 1001 Indian School Road, NW, Albuquerque, NM 87104	Address: BIA, 2600 N. Central Ave. 4 <sup>th</sup> Floor Mailroom, Phoenix, AZ 85004	Address: BIA, 2800 Cottage way Sacramento, CA 95825	Address: BIA, 911 NE 11 <sup>th</sup> Ave. Portland, OR 97232	Address: BIA, P.O. Box 21647, Juneau, AK 99802

## HATCHERY FACILITY DESCRIPTION FORM

Respond to each item noting “non-applicable” or “information unavailable.” Use additional sheets if necessary. **Please use a separate form for each Hatchery.** This information supports annual appropriations for this program!

1. Hatchery name:
2. Tribe:
3. Hatchery location (reservation, city, state, address):
4. Ownership status of the hatchery facility:
5. Ownership status of the land on which the hatchery is situated (Tribal or non-tribal?):
6. If hatchery is on tribal land, describe land status (trust, allotment, fee):
7. Hatchery operator (If non-tribal, name entity):
8. Hatchery Manager contact information (name, title, office address, phone, e-mail):
9. Water source (ground or surface):
10. Year(s) of construction:
11. Authorization(s) and funding sources(s) for hatchery construction:
12. Estimated total investment in total hatchery facilities and equipment:
13. Current operations funding source(s):
14. List of tribes whose members derive benefits from hatchery products:
15. List non-Indian entities that derive benefits from hatchery products:
16. Assessment of contributions of hatchery products to Indian and Non-Indian fisheries:
17. Estimated value of hatchery fish to Tribal economy:
18. Estimated annual value of hatchery output (fish released in dollars):
19. Current fish species produced:
20. Purpose of the Hatchery (Recovery, Subsistence, Sport fishing, other):
20. Annual estimated target production output (output = number released) (include species and size class):
21. Capacity limitations:
22. Location where fish are released (tribal waters, non-tribal waters, or both):
23. Is tribal fishing license required for public access?:
24. If yes, does the Tribe sell licenses to the public?:
25. Number of Employees (seasonal, part-time, and full-time):

**Prepared by:**

**HATCHERY MAINTENANCE PROJECT PROPOSAL FORM**  
**(Duplicate this form for each project)**

Hatchery Name:

Project Description:

Project Cost:

Project Ranking: Number: \_\_\_\_\_ of a total of: \_\_\_\_\_ recommended projects in area

Project Merits relative to established ranking criteria:

<u>Ranking Criterion</u>	<u>Relative value</u>		
	<u>High</u>	<u>Moderate</u>	<u>Low</u>
Health, safety and security	_____	_____	_____
Water quality	_____	_____	_____
Economic value	_____	_____	_____
Rights Protection	_____	_____	_____
Resource value	_____	_____	_____

Supporting justification for project and project ranking:

**Prepared by:**

# Bureau of Indian Affairs – Invasive Species (IS) Program, Ranking Criteria and Application Process

## Applicant Eligibility

Eligibility is limited to Federally recognized Indian Tribal Governments and Native American Organizations authorized by Indian tribal governments (Tribes and inter-tribal organizations authorized under P.L. 93-638).

Successful applicants **must commit to provide annual reporting to the Regional BIA point-of- contact (listed below) by September 1st of each year until the project completion.**

Reports should include:

- Project Status
- Expected completion date
- Objectives achieved

Additionally, please submit a final report to your Regional Bureau contact (listed below) within 90 days of project completion. Reporting helps support future appropriations.

## Proposal Eligibility

- **Proposals must provide the contact information for the Tribal project manager overseeing the project. Failure to provide this information will result in disqualification.**
- **The proposal budget cannot include tribal indirect rate. *Tribal indirect rate comes from a separate account and should be requested at the time you develop the budget with BIA, contracting officials (if selected for funding).***
- **Proposals calling for the capture, holding, or removal of feral or wild animals must be approved by Tribal Resolution**
  - **All other proposals must be signed (at a minimum) by the equivalent of the Director of Natural Resources. This is to help ensure the Tribe is aware of the project.**

## Project Eligibility

- Encourage 638 contract - this facilitates reporting and support of FW&R program funding.

*Successful applications will focus on the management/control of invasive species on tribal trust lands, individual Indian allotment lands, or in areas managed by tribes through treaties or agreements.*

Instead of focusing on the definition of “*Invasive Species*,” this program will focus on the damage caused to Tribal Trust Resources and leave it to the discretion of the applicant to describe whether the species is “invasive” or represents an instance in which a native species is behaving as an invasive species due to altered environmental conditions. This funding can cover all invasive species (plants/animals) outside of noxious weeds in agricultural settings.

Invasive wildlife funding will focus on the following three areas.

Updated 9/24/2021

- 1) **Planning** funding would allow tribes to participate in local/regional/national forums and/or planning efforts by which such collaborative efforts have been established, or would allow tribes to initiate a collaborative forum, task force, or management planning effort where none currently exist.
- 2) **Prevention** funding would provide for the development of planning/management documents and or develop/implement procedures to prevent IS from impacting tribal trust resources where such species are not already established.
- 3) **Implementation** funding would assist tribes in implementing management plans or other established protocols aimed at the control, management, or prevention of IS.

Funding requests can range from \$2,500 - \$250,000 per application. Proposals addressing more than one focus area may be combined into one proposal.

An eligible entity can submit multiple applications.

### Ranking Criteria

All projects should focus on alleviating or preventing IS impacts on tribal natural resources.

Eligible projects will be ranked according to the degree they meet the following criteria:

- The extent to which **collaboration** with other partners has been investigated/pursued;
- The extent to which a proposal provides the most **cost effective** means of controlling or managing IS;
- The extent to which a project is **self-sustaining**; requiring little, if any, future funding for operations/ongoing management;
- The extent to which a management plan attempts to **eradicate** the IS, **reduce** the IS to the lowest level possible, or prevent the invasion of IS;
- The degree of **benefit to native species** and other tribal natural resources;
- The degree of **benefit to tribally important species and/or habitats** that are listed in official and approved tribal documents, management plans, or Tribal Resolutions;
- The degree to which the project meets the goals/objectives/requirements of approved tribal or federal/state **planning documents**;
- The extent to which the proposal demonstrates an awareness and **ability to achieve environmental compliance** (NEPA, ESA) and other permitting requirements;
- The degree of **cost-sharing and partnerships** (include letter of support);
- The extent to which a project **engages tribal youth** in natural resources management (play, learn, work, serve);
- Ability to **provide reports** that highlight project successes (by Sept. 1st of each year).

**Native American Fish & Wildlife Society:** BIA encourages tribal membership in the Native American Fish & Wildlife Society (NAFWS). For more than 35 years, the NAFWS has addressed needs of its member tribes, through conferences, training, youth education, and assisting tribal efforts to build capacity and services. The NAFWS enriches tribes through its mission: Assisting Native American and Alaska Native tribes with conserving, protecting, and enhancing their fish, wildlife, habitat, and cultural resources. **Membership in the NAFWS is an allowable budget item** (one membership for a two-year period. See [www.nafws.org](http://www.nafws.org)). Further, successful applicants who are confirmed speakers at NAFWS events may be eligible to for reimbursement of travel costs (per diem) by BIA.

*All projects must focus on the reduction of invasive species populations to the lowest levels practicable. There will be no consideration for maintenance of populations, especially for feral horse and swine populations. BIA will not fund projects with long-term (greater than 30 days) holding, maintaining, or otherwise providing care for feral animals in holding pens or other enclosures.*

*This funding source is non-recurring. Thus, the goals of any proposed project should not rely on future funding.*

#### **How to Apply:**

Submit your proposal to the Regional office of the Bureau of Indian Affairs that services your area.

**Proposals are due to your Regional office (contact info below) by close of business on January 13, 2022.**

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

Please submit a proposal in the following format:

- I. Introduction/Background – Name of applicant, project name, project location, a brief background and description of the issue. This section should conclude with a brief statement summarizing your request.
- II. Goal/Objectives – What are the goals of the project? List measurable objectives that work towards achieving the project goals.
- III. Methodology – How you plan on accomplishing the task. Include a timeline for completion of tasks. Please attach a copy of any completed management plan in which you are seeking funding for implementation.
- IV. Outcome/Results - What are the expected work products? What measurable benefits are expected? What is the expected timeline?
- V. Budget - Need a detailed line item expenditure breakdown. Do not include contract support cost (indirect cost).
- VI. Letters of support/contributions.

### BIA Regional Contact List for Invasive Species Program Funding

Great Plains	Southern Plains	Eastern	Midwest	Eastern Oklahoma	Rocky Mt
Diane Mann-Klager, Natural Resources Officer diane.mann-klager@bia.gov	David Anderson, RES (405) 247-1532 david.anderson@bia.gov	Keith Bluecloud & Harold Peterson (615) 564-6838 first.last@bia.gov	Tom Fronk, PE Wildlife and Parks, Branch Chief (612-810-6383) thomas.fronk@bia.gov	Bradley Peak (918) 781-4642 bradley.peak@bia.gov	Frank D. Rollefson, Regional Wildlife Biologist frank.rollefson@bia.gov
Address: BIA, Great Plains Region, Division of Natural Resources, MC 301, 115 4 <sup>th</sup> Ave. SE, Suite 400, Aberdeen, SD 57401	Address: BIA, P.O. Box 368, Anadarko, OK 73005	Address: BIA, 545 Marriott Dr. Suite 700, Nashville TN 37214	Address: BIA, 5600 W. American Blvd, Suite 500, Bloomington, MN 55437	Address: BIA, 3100 W. Peak Blvd. Muskogee, OK 74401	Address: BIA, Rocky Mountain Region, Division of Natural Resources, 2021 4 <sup>th</sup> Ave. North, Billings, MT 59101

Navajo	Southwest	Western	Pacific	Northwest	Alaska
Calvert Curley, Range Management Specialist Calvert.curley@bia.gov	D. Chris Kitcheyan - Regional Biologist (505) 563-3408 david.kitcheyan@bia.gov	Chip Lewis, Regional Environmental Compliance Officer chip.lewis@bia.gov	Tevis Underwood tevis.underwood@bia.gov (916) 978-6061	Robert Compton - Rangeland Mgt. Spec. (503) 348-4712 robert.compton@bia.gov	Rosalie Debenham, Fish and Wildlife Biologist rosalie.debenham@bia.gov
Address: BIA, Navajo Region, 301 W. Hill St., PO Box 1060, Gallup, NM 87305	Address: BIA, Southwest Region, 1001 Indian School Road, NW, Albuquerque, NM 87104	Address: BIA, Western Region 2600 N. Central Ave, 4 <sup>th</sup> Floor Mailroom, Phoenix, AZ 85004	Address: BIA, Sacramento Region, 2800 Cottage Way, Sacramento, CA 95825	Address: Bureau of Indian Affairs, 911 NE 11th Avenue, Portland Oregon 97232	Address: BIA, P.O. Box 21647, Juneau, AK 99802

# Bureau of Indian Affairs, Tribal Youth Initiative (TYI) Program, Ranking Criteria and Application Process

## Program Information

Initiative funding for the support and development of tribal youth programs focused on science in alignment with conservation and resource management will be distributed on a competitive basis to tribes and inter-tribal organizations. The programs will provide opportunities for youth to engage in the field of natural resource management and encourage their interest in pursuing educational opportunities and careers in natural resources management.

## Applicant Eligibility

Eligibility is limited to Federally Recognized Indian Tribal Governments and Native American Organizations authorized by Indian tribal governments (Tribes and inter-tribal organizations authorized under PL 93-638).

Successful applicants **must commit to providing annual reporting to the Regional BIA point-of-contact (listed below) by September 1st of each year until the project is completed.** Reports should include:

- Project Status
- Expected completion date
- Objectives achieved

Also, please submit a final report to your Regional Bureau contact (listed below) within 90 days of project completion. Reporting helps support future appropriations!

## Proposal Eligibility

- **Proposals must provide the contact information for the Tribal project manager overseeing the project. Failure to provide this information will result in disqualification.**
- **Proposal budget cannot include tribal indirect rate. *Tribal indirect rate comes from a separate account and should be requested upon budget development in conjunction with BIA contracting officials (if selected for funding).***
- **All proposals must be signed (at a minimum) by the equivalent of the Director of Natural Resources. This is to ensure the Tribe is aware of this project.**

## Project Eligibility

*Successful applications will focus on promoting native youth interest in natural resources management, including career opportunities in natural resources.*

- Encourage 638 contract - this facilitates reporting and support of FW&R program funding

**Funding requests can range from \$2,000 to \$50,000 per application.**

The applicant must commit to submitting annual reports to the Regional BIA point-of-contact until the project is completed. Reports are due by September 1 of each fiscal year. Reporting helps support future appropriations.

- Project Status
- Expected completion date
- Objectives achieved

## Ranking Criteria

Projects should focus on providing mechanisms whereby tribal youth (ages up to and including 25 years of age) are encouraged to work towards careers in the field of natural resources. Project participants are strongly encouraged to provide mentoring for upcoming students or to assist current students in remaining with the project through to its conclusion.

Eligible projects will be ranked according to the degree to which they meet the following criteria:

- The extent to which a project **engages tribal youth** in natural resources management (number/age of youth, and the degree to which the material will motivate or otherwise support tribal youth on a path to a career in natural resources)
  - provides hands-on resource management activities
  - addresses recognized local resource management issues
  - addresses recognized broad-scale resource management issues
  - demonstrates interdisciplinary approach to resource management
  - accomplishes meaningful resource conservation/management results
- **Safety:** Applicants must demonstrate the prioritization of safety. Applicants must assume responsibility for working with tribal youth and demonstrate that participants will be provided a safe learning environment. **This criterion must be addressed in the applicants' proposal.** Describe steps that will be taken to ensure a safe environment (mentor/student ratio, supervision provided, past experience, accreditation, etc.).
- **Collaboration:** Applicants should show their investigation/pursuit of collaborating partners to maximize resources and partner participation (include letter of support for partnerships).
- **Cost Containment:** Proposals should show the extent to which applicant will provide a **cost effective** means of encouraging tribal youth to pursue careers in natural resources.
- **Reporting:** Applicants must commit to providing **reports** highlighting project successes by Sept. 1<sup>st</sup> of each year.

**Native American Fish & Wildlife Society:** BIA encourages tribal membership in the Native American Fish & Wildlife Society (NAFWS). For more than 35 years, the NAFWS has addressed needs of its member tribes, through conferences, training, youth education, and assisting tribal efforts to build capacity and services. The NAFWS enriches tribes through its mission: Assisting Native American and Alaska Native tribes with conserving, protecting, and enhancing their fish, wildlife, habitat, and cultural resources. **Membership in the NAFWS is an allowable budget item** (one membership for a two-year period. See [www.nafws.org](http://www.nafws.org)). Further, successful applicants who are confirmed speakers at NAFWS events may be eligible for reimbursement of travel costs (per diem) by BIA.

## How to Apply

Applicants should submit a proposal in the format detailed below. **The proposal should clearly address the eligibility and ranking criteria listed above and should not exceed six pages maximum** (not including letters of support/contributions).

- I. Introduction/Background: Name of applicant, project name, project location, a brief background and description of the issue. This section should conclude with a brief statement summarizing your request.
- II. Goal/Objectives: What are the goals of the project? List measurable objectives that work towards achieving the project goals.
- III. Methodology: How you plan on accomplishing the task. Include a timeline for completion of tasks. Please attach a copy of any completed management plan in which you are seeking funding for implementation.
- IV. Outcome/Results: What are the expected work products? What measurable benefits are expected? What is the expected timeline?
- I. Budget: Need a detailed line-item expenditure breakdown. Do not include contract support cost (indirect cost). Indirect rate should be added at contract buildout and from the BIA, Indirect Account
- V. Letters of support/contributions.

### **BIA Regional Contact List for Tribal Youth Initiative Program**

Submit your proposal to the Regional Office of the Bureau of Indian Affairs that services your area. **Proposals are due to your Regional office (contact info below) by close of business on January 13, 2022.**

Great Plains	Southern Plains	Eastern	Midwest	Eastern Oklahoma	Rocky Mt
Diane Mann-Klager, Natural Resources Officer diane.mann-klager@bia.gov	David Anderson, RES 405-247-1532 david.anderson@bia.gov	Keith Bluecloud & Harold Peterson (615) 564-6838 keith.bluecloud@bia.gov	Tom Fronk, PE Wildlife and Parks, Branch Chief (612) 810-6383 thomas.fronk@bia.gov	Bradley Peak Natural Resources Specialist (918)781-4642 bradley.peak@bia.gov	Frank D. Rollefson, Regional Wildlife Biologist frank.rollefson@bia.gov
Address: Great Plains Regional Office, Division of Natural Resources MC 301, 115 4th Ave SE Suite 400, Aberdeen, SD 57401	Address: Southern Plains Regional Office, Branch of Natural Resources P.O. Box 368, Anadarko, OK 73005	Address: 545 Marriott Drive Suite 700, Nashville TN 37214	Address: 5600 W. American Blvd, suite 500, Bloomington, MN 55437	Address: 3100 W Peak Blvd Muskogee, OK 74401	Address: Rocky Mountain Regional Office, Division of Natural Resources, 2021 4th Avenue North, Billings, Montana 59101
Navajo	Southwest	Western	Pacific	Northwest	Alaska
Calvert Curley, Range Management Specialist calvert.curley@bia.gov	D. Chris Kitcheyan - Regional Biologist (505) 563-3408 david.kitcheyan@bia.gov	Chip Lewis, Regional Environmental Compliance Officer chip.lewis@bia.gov	Tevis Underwood tevis.underwood@bia.gov (916) 978-6061	Keith Hatch, Fisheries Biologist keith.hatch@bia.gov	Rosalie Debenham, Fish and Wildlife Biologist rosalie.debenham@bia.gov
Bureau of Indian Affairs Navajo Regional Office 301 W Hill St., PO BOX. 1060, Gallup, NM 87305	Address: Bureau of Indian Affairs, Southwest Regional Office, 1001 Indian School Road, NW, Albuquerque, NM 87104	Address: 2600 N. Central Ave, 4th Floor Mailroom, Phoenix, AZ 85004	Address: Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825	Address: BIA, 911 NE 11th Avenue, Portland Oregon 97232	Address: BIA, P.O. Box 21647, Juneau, AK 99802



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 25, 2021

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

Dear President Nez:

The Bureau of Indian Affairs Navajo Region (BIA) is pleased to release the Draft Programmatic Environmental Impact Statement (PEIS) for the Navajo Nation Integrated Weed Management Plan (NNIWMP) for public review. For this project, the BIA serves as the lead agency, with the Navajo Nation, National Park Service, Bureau of Land Management, Arizona Department of Transportation, Utah Department of Transportation, San Juan Soil and Water Conservation District, Navajo Nation Soil and Water Conservation Districts, U.S. Department of Agricultural Animal and Plant Health Inspection Services, and U.S. Department of Agricultural Natural Resources Conservation Service participating as cooperating agencies. This letter announces the beginning of the public review period to solicit comments on the Draft PEIS and NNIWMP.

**DATES:** Comments on the Draft PEIS may be submitted in writing until **December 13, 2021**. The BIA plans to hold five virtual public hearings to review the NNIWMP and the findings of the Draft PEIS. These meetings will be held on Zoom at the dates and times listed below (all times are Mountain Standard Time).

Monday, November 15, 2021 at 10:00 am MST  
Tuesday, November 16, 2021, at 10:00 am MST  
Wednesday, November 17, 2021, at 6:00 pm MST  
Thursday, November 18, 2021, at 6:00 pm MST  
Saturday, November 20, 2021, at 10:00 am MST

More information, including meeting registration information and a web-based comment form, are available at the project website:

[www.bia.gov/regional-offices/navajo/navajo-nation-integrated-weed-management-plan](http://www.bia.gov/regional-offices/navajo/navajo-nation-integrated-weed-management-plan).

**ADDRESSES and FOR FURTHER INFORMATION CONTACT:** You may mail, email, fax, or hand carry comments to:

Bureau of Indian Affairs – Navajo Regional Office  
Branch of Environmental Quality Act Compliance and Review  
C/O Leonard Notah, NEPA Coordinator  
301 West Hill Avenue  
Gallup, New Mexico 87301  
Email: [nniwmp@bia.gov](mailto:nniwmp@bia.gov)  
Fax: 505-863-8374

**SUPPLEMENTARY INFORMATION:** The Bureau of Indian Affairs (BIA) has prepared a draft Programmatic Environmental Impact Statement (PEIS) to evaluate potential impacts of the proposed Navajo Nation Integrated Weed Management Plan for Navajo Nation tribal trust and allotment lands. The PEIS was prepared in accordance with the requirements set forth in the National Environmental Policy Act (NEPA). NEPA ensures that federal agencies, in this case the BIA, considers every significant aspect of a proposed action on the human environment, and that the public is informed regarding potential environmental concerns through the agency's decision-making process. The purpose of the public review period is to disclose direct, indirect, and cumulative environmental impacts of weed treatments techniques that would result from the Proposed Action and alternatives.

The BIA will use and coordinate the NEPA review process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) as provided for in the 36 CFR 800.(d)(3). Native American tribal consultations will be conducted in accordance with the Department of the Interior's consultation policy, and tribal concerns will be given due consideration, including impacts on Indian tribal assets. Federal, State, and local agencies, along with other stakeholders that may be interested in or affected by the BIA's decision on this project are invited to review the Draft PEIS and, if eligible, may request or be requested by the BIA to participate as a cooperating agency.

*Directions for Submitting Public Comments:* Please include your name, return address, and the title: "Navajo Nation Integrated Weed Management Plan Draft PEIS Comments" at the head of your letter or in the subject line of your email message.

*Availability of Comments:* Comments, including names and addresses or respondents, will be available for public review at the BIA address shown in the ADDRESSES section of this notice during regular business hours, Monday through Friday, except holidays. Before including your address, phone number, email address, or other identifying information in your comments, you should be aware that your entire comments – including your personal identifying information – may be made publicly available at any time. While you can ask in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Authority:* This notice is published in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) and the Department of the Interior National Environmental Policy Act Implementation Policy (43 CFR part 46), and is in the exercise of authority delegated to the Assistant Secretary – Indian Affairs by 209 DM 8.

Thank you for your interest in noxious weed management activities on the Navajo Nation. We look forward to your comments

Sincerely,

<b>ANGELA ARVISO</b>	Digitally signed by ANGELA ARVISO Date: 2021.10.25 12:22:28 -06'00'
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Angela M. Arviso  
Acting Regional Director

cc: 24th Navajo Nation Council, Navajo Nation  
Seth Damon, Office of the Speaker, 24th Navajo Nation Council, Navajo Nation  
Paulson Chaco, Chief of Staff, Office of President and Vice President, Navajo Nation  
Dr. Rudy Shebala, Executive Director, Division of Natural Resources, Navajo Nation  
Dr. Pearl Yellowman, Executive Director, Division of Community Development, Navajo Nation  
Timothy L. Nuvangyaoma, Tribal Chairman, Hopi Tribe



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 27, 2021

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

Dear President Nez:

Please find the enclosed letter from the Deputy Director, National Park Service regarding consultation on a draft version of the Indian Youth Service Corps guidelines. The NPS is presenting these Indian Youth Service Corps Draft Guidelines as a starting point for your input based on the NPS's experience in implementing the Public Land Corps program and statutory parameters for the Indian Youth Service Corps program.

The NPS invites your input on these Draft Guidelines at the following consultation sessions:

Consultation for all Tribes east of the Mississippi River:

Tuesday, November 30, 2021

3 p.m. to 5 p.m. EST

Please register in advance at:

[https://www.zoomgov.com/meeting/register/vJIsce-qrijgrHR9\\_-5h-9vtljHz4Z6TDrVE](https://www.zoomgov.com/meeting/register/vJIsce-qrijgrHR9_-5h-9vtljHz4Z6TDrVE)

Consultation for all Tribes west of the Mississippi River and Alaska Native Corporations:

Thursday, December 2, 2021

3 p.m. to 5 p.m. EST

Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJIsccmsrD8rHrvG9RUg-p5LnLRuZLfpklo>

Written input to [ona\\_program@nps.gov](mailto:ona_program@nps.gov) is welcomed by December 17, 2021. Please see the enclosure for additional details on the upcoming consultation session.

Sincerely,

**ANGELA  
ARVISO**

Digitally signed by  
ANGELA ARVISO

Date: 2021.10.27  
10:17:12 -06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. Santee Lewis, Washington Office, Navajo Nation  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

October 29, 2021

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

Dear President Nez:

Please find the enclosed letter from the Assistant Secretary – Indian Affairs, regarding the upcoming publication of a proposed rule to update the U.S. Department of the Interior's implementation of the Buy Indian Act. You are invited to a webinar consultation session on December 1, 2021 from 2:00 – 4:00 p.m., ET.

Please see the enclosure for more details on the upcoming consultation session. If you have questions, or need additional information, please contact Mr. Christopher Bell, at phone number (202) 208-3458 or email: [Christopher\\_bell@ios.doi.gov](mailto:Christopher_bell@ios.doi.gov) or Elizabeth Appel at phone number (202) 738-6065 or email: [Elizabeth.appel@bia.gov](mailto:Elizabeth.appel@bia.gov).

Sincerely,

**ANGELA**  
**ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2021.10.29  
08:50:18 -06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. Santee Lewis, Washington Office, Navajo Nation  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT 26 2021

Dear Tribal Leader:

I am pleased to announce the upcoming publication of a proposed rule to update the U.S. Department of the Interior's (Department) implementation of the Buy Indian Act. This proposed rule incorporates feedback provided during the consultation in June on the advance draft.

This proposed rule would increase opportunities for Indian-owned and operated businesses by, among other things, eliminating barriers to Indian Economic Enterprises from competing on certain construction contracts, expanding Indian Economic Enterprises' ability to subcontract construction work consistent with other socio-economic set-aside programs, and giving greater preference to Indian Economic Enterprises when a deviation from the Buy Indian Act is necessary, among other updates. This is just one of many ways we are implementing Executive Order 13985: *Advancing Racial Equity and Support Underserved Communities Through the Federal Government*.

An advance draft of the proposed rule and response to comments received on the June draft is available at: <https://www.bia.gov/as-ia/raca/regulations-development-andor-under-review/buy-indian-act>.

I invite you to attend the following webinar consultation session to discuss this proposed rule:

Wednesday, December 1, 2021  
2 p.m. to 4 p.m. ET  
Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJItduyhrDsQEqErEEGizgMi5rooyGrj12s>

If you would like to provide written comments on this proposed rule, please email them to [consultation@bia.gov](mailto:consultation@bia.gov) by the deadline listed in the published Federal Register rule, available at the link above.

If you have questions, or need additional information, please contact Mr. Christopher Bell, with the Department's Office of Small and Disadvantaged Business Utilization, at (202) 208-3458 or [christopher\\_bell@ios.doi.gov](mailto:christopher_bell@ios.doi.gov), or Ms. Elizabeth Appel, with the Indian Affairs Office of Regulatory Affairs and Collaborative Action, at (202) 738-6065 or [elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov).

Sincerely,

Bryan Newland  
Assistant Secretary – Indian Affairs



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

November 2, 2021

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

Dear President Nez:

Please find the enclosed updated letter from the Assistant Secretary –Indian Affairs (AS-IA) regarding the implementation of the Indian Boarding School Initiative (Initiative) that was announced by Secretary Haaland in June 2021. The new consultation dates have been moved to November 17, 18, 23, 2021 to accommodate the White House Tribal Nations Summit.

Please see the enclosure for more details on the consultation session. If you have any questions, please contact Heidi Todacheene, Senior Advisor to AS-IA at [Heidi\\_Todacheene@ios.doi.gov](mailto:Heidi_Todacheene@ios.doi.gov) or by phone (202) 208-7163.

Sincerely,

**ANGELA  
ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2021.11.02  
15:30:07 -06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. Milton Bluehouse, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. Santee Lewis, Washington Office, Navajo Nation  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation  
Ms. Patricia Gonnie, Department of Diné Education, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**OCT 19 2021**

Dear Tribal Leader:

On September 28, 2021, I sent you a letter inviting you to consult on the U.S. Department of the Interior's (Department) implementation of the Indian Boarding School Initiative (Initiative) that Secretary Deb Haaland announced in June 2021.<sup>1</sup> To accommodate the Tribal Nations Summit and other commitments that have been scheduled in the interim, the Department is rescheduling two of the three consultation sessions on the Initiative:

**Wednesday, November 17** (rescheduled from November 16)

1 p.m. - 5 p.m. ET

Please register in advance at:

[https://www.zoomgov.com/meeting/register/vJlItf-itpkjGXFeP95IZrzuJJ24\\_RkLyPE](https://www.zoomgov.com/meeting/register/vJlItf-itpkjGXFeP95IZrzuJJ24_RkLyPE)

**Thursday, November 18** (no change)

1 p.m. - 5 p.m. ET

Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJltd-utqjltG1E6KndFBZq0y9Dmh81TLY4>

**Tuesday, November 23** (rescheduled from November 2)

1:00 p.m. - 5:00 p.m. ET

Please register in advance at:

<https://www.zoomgov.com/meeting/register/vJltdOutpzsoGAeuPCEBeNPj2mFoIDfdEz0>

If you already registered for the original November 2 and 16 sessions, you should have received an email regarding the rescheduling. Please feel free to register for a different session if the rescheduled date does not work for you.

We will also now be accepting written input by December 23, 2021 (extended from the original November 15, 2021 deadline) at [consultation@bia.gov](mailto:consultation@bia.gov).

Background information that was provided in the original letter is provided here for your convenience:

The Initiative's purpose is an initial collection and review of Department documents and records, and compilation of its existing data. These are first steps in addressing Indian boarding school policies and their effects as part of the Department's report due to the Secretary by April 1, 2022.

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<sup>1</sup> "Federal Indian Boarding School Initiative," Memorandum from the Secretary of the Interior to Assistant Secretaries, et al. (Jun. 22, 2021).

For over a century, the Bureau of Indian Affairs was involved in the operation and oversight of Indian boarding schools in the United States. As a result, the Department is uniquely positioned to assist in the effort to recover the histories of Federal Indian boarding schools.

The Department seeks to consult with Tribal governments, Alaska Native Corporations, and Native Hawaiian Organizations on key issues for inclusion in the Department's Initiative report and help lay the foundation for future sitework to protect potential burial sites and other sensitive information. To facilitate discussion during the consultations, participants are requested to address the following topics:

- Appropriate protocols on handling sensitive information in existing records;
- Ways to address cultural concerns and handling of information generated from existing records or from potential sitework activities;
- Potential repatriation of human remains, including cultural concerns and compliance with the Native American Graves Protection and Repatriation Act;
- Future policy and procedure implementation to protect burial sites, locations, confidential information, and culturally sensitive information;
- Management of sites of former boarding schools;
- Privacy issues or cultural concerns to be identified as part of the Initiative; and
- Other issues the Department should address in its review.

I look forward to your input. If you have questions regarding this effort, please contact Heidi Todacheene, Senior Advisor to the Assistant Secretary – Indian Affairs, by email at [Heidi\\_Todacheene@ios.doi.gov](mailto:Heidi_Todacheene@ios.doi.gov) or by phone at (202) 208-7163.

Sincerely,



Bryan Newland  
Assistant Secretary – Indian Affairs



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

November 4, 2021

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

Dear President Nez:

Please find the enclosed updated letter from the Assistant Secretary –Indian Affairs (AS-IA) regarding the short-term continuing appropriations for Fiscal Year (FY) 2022. The current Continuing Appropriations Act, Public Law 117-43, (CR) provides continuing FY 2022 appropriations through December 3, 2021.

Please see the enclosure for more details. If you have any questions, please contact me at (505) 863-8314.

Sincerely,

**ANGELA  
ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2021.11.04  
14:09:02 -06'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. Santee Lewis, Washington Office, Navajo Nation  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation  
Mr. Cordell Shortey, Navajo Nation, OMB



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

NOV 04 2021

Dear Tribal Leader:

On behalf of Indian Affairs (IA), I am providing an update on the short-term continuing appropriations for Fiscal Year (FY) 2022. The current Continuing Appropriations Act, Public Law 117-43, (CR) provides continuing FY 2022 appropriations through December 3, 2021. Under the CR, IA was approved to provide an exception apportionment for the full FY 2021 base Secretarial amount as described below. The exception apportionment will help to shield Tribes from some of uncertainty resulting from operating under a series of short-term CRs.

The current exception apportionment will impact Tribally Operated Programs with performance periods starting within the current CR period for October 1, 2021, through December 3, 2021. These FY Tribes will receive the full FY 2021 base Secretarial amount for Tribal Priority Allocation (TPA) Programs within the Operation of Indian Programs and Operation of Indian Education Programs. The Indian Affairs Budget office is coordinating with the Office of Self Governance and the Bureau of Indian Affairs Regions to make payments consisting of base Secretarial amounts as expeditiously as possible.

The TPA calendar year (CY), non-base or formula-based programs operated by IA, including contracts to Tribal organizations, will continue to receive funding at the current CR funding level of 17.53 percent through December 3, 2021. The amount of funds distributed under this CR percentage will not be reduced as a result of paying the full FY 2021 base Secretarial amount payments to FY Tribes. In the event a subsequent CR extends into January 2022 or beyond, IA anticipates going back for a request to provide full payments to CY Tribal Programs, or other funding cycles that might be affected by continued short-term CRs.

For programs that are proposal or project based, payments will be made after we receive the full FY 2022 appropriation and can complete distribution decisions.

If the final, full FY 2022 appropriation differs from the FY 2021 funding levels used to calculate under CR, IA will adjust final funding for programs accordingly. Adjustments resulting in decreases will require tribes receiving 100 percent of base to return applicable funding to IA.

Please note that there is one new change under the exception apportionment distributions this year. The 2022 TPA Tribal base transfers, including Tribal moves to Self-Governance, will be implemented under the exception apportionment. This will allow these Tribally requested base transfers to be posted to the lines on which Tribes anticipate using the funding in FY 2022 and avoid reprogramming issues when final funding is provided for FY 2022.

I appreciate your continued support as we work through this process.

Sincerely,

Bryan Newland  
Assistant Secretary – Indian Affairs



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

November 22, 2021

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

Dear President Nez:

As follow up to the October 21, 2021 letter on Noxious Weeds, this serves as the announcement on the availability of funding through the Bureau of Indian Affairs (BIA), Agriculture Branch program. The Agriculture program expects to provide competitive and non-recurring project funding within the area of Noxious Weeds in Fiscal Year (FY) 2022:

1. Invasive Species Program – The Bureau expects to receive \$6.5 million in competitive funding for this program. The enclosed, *Bureau of Indian Affairs - Invasive Species (IS) Program, Ranking Criteria and Application Process*, provides guidance for those interested in participating in this program.

The BIA, Navajo Region is informing the Navajo Nation of these funding opportunities and also in conducting initial processing of funding requests. The Navajo Region will be responsible for distributing program materials to eligible entities, receiving completed funding proposals from applicants, reviewing proposals to assure they meet eligibility criteria, and ranking proposals according to ranking criteria and regional priority.

Please send the application for funding addressed to Navajo Regional Office, Attention: Dr. Calvert Curley, Supervisory Natural Resources Specialist, Post Office Box 1060, Gallup, New Mexico 87305, by January 13, 2022.

See enclosed for the Regional contact information within the application guidance documents for each of the FW&R programs referenced above. Please contact Ira New Breast, Division of Natural Resources at [Ira.Newbreast@bia.gov](mailto:Ira.Newbreast@bia.gov) or (505) 563-3130 for information regarding the proposal.

Sincerely,

GREGORY  
MEHOJAH

Digitally signed by GREGORY  
MEHOJAH  
Date: 2021.11.22 13:11:31 -07'00'

Gregory C. Mehojah  
Regional Director

Enclosure

cc: Paulson Chaco, Chief of Staff, Navajo Nation  
Dr. Rudy Shebala, Division Director, Natural Resource, Navajo Nation



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

December 6, 2021

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

Dear President Nez:

The Bureau of Indian Affairs, Navajo Regional Office (BIA-NRO), appreciates the opportunity to have worked closely with the Navajo Nation over the last several years to develop the Integrated Resource Management Plan (IRMP) for the Former Bennett Freeze Area (FBFA). The IRMP was prepared in accordance with the American Indian Agricultural Resources Management Act (AIARMA), 25 U.S.C. § 3701 et seq., and BIA's adoption and implementation of the IRMP will constitute a major Federal action under NEPA. I am pleased to report that this past September 2021, BIA finalized the IRMP and completed the associated Programmatic Environmental Assessment (PEA) in accordance with the NEPA. Enclosed with this letter are the final IRMP and PEA documents.

The BIA is now prepared to brief the 24th Navajo Nation Council's (NNC) Resources and Development Committee (RDC), the approval body for the IRMP, on these final documents and the actions needed to complete the IRMP approval and adoption process. In sum, once the RDC approves the final IRMP, the RDC must select one of the two alternatives evaluated in the PEA:

- 1) The No Action Alternative, which will result in no adoption and implementation of the IRMP; or
- 2) The Balanced Growth Emphasis Alternative, which is the proposed action and will result in adoption and implementation of the IRMP.

If the RDC selects the Balanced Growth Emphasis Alternative, we ask that the RDC formally request that the BIA-NRO adopt and implement the IRMP. I will then issue a decision based on RDC's recommendation.

We understand that the RDC will make the enclosed IRMP and PEA publicly available in advance of its Navajo Nation Council's legislative process as required to be posted to the Council's official website. While we support the Tribes choice to seek

additional public input on these documents as part of its decision-making process, the BIA-NRO is no longer accepting or considering public comments on the PEA. The BIA conducted the NEPA analysis between October 2020 and September 2021, and we solicited and received public input during the yearlong NEPA process by holding both public scoping and public comment periods. We also sought and received comments on the PEA from the Navajo Nation due to its status as a cooperating agency. The PEA therefore is a final NEPA document. However, please be aware that if the RDC decides that changes to the IRMP are necessary, the BIA-NRO will have to assess whether those changes create significant new circumstances or information relevant to environmental concerns that bear on the proposed action, or its impacts analyzed in the PEA.

Any questions or concerns you may have, please contact Renee Benally, BIA Project Manager, at (928) 283-2252 or [renee.benally@bia.gov](mailto:renee.benally@bia.gov), you may also contact Leonard Notah, NEPA Coordinator, at (505) 863-8374 or [leonard.notah@bia.gov](mailto:leonard.notah@bia.gov).

Sincerely,

<b>GREGORY MEHOJAH</b>	Digitally signed by GREGORY MEHOJAH Date: 2021.12.06 12:13:11 -07'00'
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Gregory C. Mehojah  
Regional Director

#### Enclosures

cc: Mr. Myron Lizer, Navajo Nation Vice President  
Mr. Paulson Chaco, Chief of Staff  
Dr. Rudy Shebala, Executive Director, Navajo Nation, Division of Natural Resources  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation  
Honorable Seth Damon, Office of the Speaker, 24<sup>th</sup> Navajo Nation Council  
Navajo-Hopi Land Commission, 24<sup>th</sup> Navajo Nation Council



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

December 15, 2021

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

Dear President Nez:

Please find the enclosed updated letter from the Assistant Secretary –Indian Affairs (ASIA) regarding the efforts to improve the U.S. Department of the Interior's (Department) implementation of Executive Order 13175 and Tribal consultation. We welcome your input on this draft and also offer the enclosed questions to consider. The following sessions is scheduled to discuss:

**Monday, December 13, 2021** 2 p.m. — 4 p.m. ET

Please register in advance at:

<https://doitalent.zoomgov.com/meeting/registerAdIsce6gri4uHtR3YCZAZ5zeR6mewOzJnPU>

**Wednesday, December 15, 2021** 2 p.m. — 4 p.m. ET

Please register in advance at:

<https://doitalent.zoomgov.com/meeting/register/vEsdemsqTkqH6oc5Gp8NNPCmvGJsK4BTk>

**Thursday, December 16, 2021** 2 p.m. — 4 p.m. ET

Please register in advance at:

<https://doitalent.zoomgov.com/meeting/register/vJlideiqqzItHTahi3HINtx7BTi43NvtXR0>

You may email any written input to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. ET, December 31, 2021. If you have any questions, please contact Mr. Joaquin Gallegos, Special Assistant, Office of the Assistant Secretary — Indian Affairs, by email at [joaquin\\_gallegos@ios.doi.gov](mailto:joaquin_gallegos@ios.doi.gov) or by phone at (202) 208-7163.

Sincerely,

ANGELA  
ARVISO

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ANGELA ARVISO  
Date: 2021.12.15  
13:05:22 -07'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. Santee Lewis, Washington Office, Navajo Nation  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

NOV 12 2021

Dear Tribal Leader:

As we continue our efforts to improve the U.S. Department of the Interior's (Department) implementation of Executive Order 13175 and Tribal consultation, I am pleased to present to you for your input and expertise a preliminary draft of updates to our Departmental Tribal Consultation policy and procedures. The Departmental Manual (DM) contains the policy at Part 512, Chapter 4 (512 DM 4) and the procedures at Part 512, Chapter 5 (512 DM 5). This policy was put into place approximately seven years ago to codify the freestanding 2011 Tribal consultation policy that was jointly developed by Tribes and Department officials.

The enclosed draft<sup>1</sup> edits 512 DM 4 and 5 to:

- Bolster the Department's consultation policy to encourage early, robust, interactive, pre-decisional, informative and transparent consultation;
- Establish a model for seeking Tribal consensus;
- Require that Department staff undergo training before participating in consultation;
- Codify the Secretary's Tribal Advisory Committee (STAC);
- Address flexibility for Tribal waivers;
- Clarify that the Department's decision-makers must invite Tribes to engage in consultation; and
- Require a record of consultation.

We welcome your input on this draft and also offer the enclosed questions to consider. Please join me at one or more of the following sessions to discuss:

**Monday, December 13, 2021**

2 p.m. – 4 p.m. ET

Please register in advance at:

<https://doitalent.zoomgov.com/meeting/register/vJIsce6grj4uHtR3YCZAZ5zeR6mew0zJnPU>

**Wednesday, December 15, 2021**

2 p.m. – 4 p.m. ET

Please register in advance at:

<https://doitalent.zoomgov.com/meeting/register/vJIsdemsqTkqH6oc5Gp8NNPC-mvGJsK4BTk>

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<sup>1</sup> The draft separates out consultation for Alaska Native Claims and Settlement Act (ANCSA) Corporations in recognition of the unique government-to-government relationship the United States has to Tribes. We will be consulting separately with ANCSA Corporations on the draft policy applicable to them.

**Thursday, December 16, 2021**

2 p.m. – 4 p.m. ET

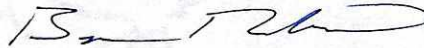
Please register in advance at:

<https://doitalent.zoomgov.com/meeting/register/vJItdeiqqzItHTahi3HINtx7BTi43NvtXR0>

Please also email any written input you may have to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. ET December 31, 2021.

If you have any questions, please contact Mr. Joaquin Gallegos, Special Assistant, Office of the Assistant Secretary – Indian Affairs, by email at [joaquin\\_gallegos@ios.doi.gov](mailto:joaquin_gallegos@ios.doi.gov) or by phone at (202) 208-7163.

Sincerely,

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

Bryan Newland  
Assistant Secretary – Indian Affairs

Enclosures

## **Questions to Consider on Draft Revisions to 512 DM 4 and 5**

1. The draft defines “actions with Tribal implications” based on the definition of “policies with Tribal implications” in E.O. 13175 but incorporates Tribes’ past input that the definition should include actions that “may have substantial direct effects” rather than the more definitive “have substantial direct effects.” Should “actions with Tribal implications” be defined differently or in more detail? If so, how?
2. Are there different thresholds for what constitutes “substantial direct effect” that the policy should articulate?
  - a. Should the policy list categories of Departmental actions that may cause a “substantial direct effect”?
  - b. Should the policy list categories of land status/treaty rights (such as those listed in the draft Consensus-Seeking Model) that would incur substantial direct effects?
  - c. Should the policy provide examples of thresholds of “substantial direct effect” combining categories of Departmental actions with categories of land status/treaty rights (e.g., non-earth-disturbing activities on non-reservation lands)?
3. Is the draft Consensus-Seeking Model in Figure 1 workable?
  - a. Are there impacts that are not included in the model that should be?
  - b. Should any of the items be in a different ring than shown?
4. How might the policy better contribute to the Department’s efforts in protecting sacred sites under Executive Order 13007 and other laws?
5. Do you have any recommendations regarding the Tribal Consultation Annual Report identified in draft 512 DM 4.7?
  - a. Now that the Department is now listing its national and regional Tribal consultation sessions on its website, would a website showing an archive of those past sessions be a sufficient replacement of the Annual Report?
  - b. If not, what should the Annual Report contain?
  - c. What should the Department’s Tribal Governance Officer (TGO) do with the Annual Report?
6. Are there other provisions from the 2011 policy that have not been incorporated into the DM chapters, and should be?

Department of the Interior  
**Departmental Manual**

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**Effective Date:**

**Series:** Intergovernmental Relations

**Part 512:** American Indian and Alaska Native Programs

**Chapter 4:** Department of the Interior Policy on Consultation with Indian Tribes

**Originating Office:** Office of the Secretary

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**512 DM 4**

4.1 **Purpose.** This chapter provides the requirements for Department of the Interior (DOI or the Department) government-to-government consultation between appropriate Tribal officials and DOI officials. It expands and clarifies DOI's policy on consultation with Indian Tribes and acknowledges the provisions for conducting consultation in compliance with Executive Order (EO) 13175 (Consultation and Coordination with Indian Tribal Governments), applicable statutes, and administrative actions.

4.2 **Scope.** The policy and requirements in this chapter apply to all DOI bureaus and offices. It complements, but does not supersede, any existing Federal laws, rules, statutes, or regulations that guide consultation processes with Indian Tribes.

4.3 **Definitions.**

A. Indian Tribe or Tribe. Any American Indian or Alaska Native tribe, band, nation, pueblo, rancheria, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. § 479a.

B. Action with Tribal Implications. An action by the Department or any of its bureaus or offices that may have a substantial direct effect on one or more Tribes, the relationship between the Federal Government and Tribes, or on the distribution of power and responsibilities between the Federal Government and Tribes. Substantial direct effects on Tribes may include, but are not limited to, effects as shown in the Consensus-Seeking Model (Figure 1).

C. Tribal Governance Officer (TGO). An individual designated by DOI to carry out responsibilities described in this chapter.

E. Tribal Liaison Officer (TLO). One or more individuals officially designated by a bureau or office to carry out responsibilities described in this chapter.

E. Tribal Official. An elected or appointed Tribal leader or official designated in writing by an Indian Tribe to represent the Tribe in government-to-government consultations.

XX/XX/XX #XXXX

Replaces 11/09/15 #4031

## DRAFT FOR TRIBAL CONSULTATION

512 DM 4  
Page 3 of 5

(2) Promoting and facilitating consultation and collaboration between Indian Tribes and their bureau/office.

(3) Reporting to the TGO annually in the Tribal Consultation Annual Report of newly engaged national or regional consultation with any Indian Tribe and any updates to bureau/office consultation procedures or processes.

E. DOI Staff. Any DOI staff who will represent the Department or a bureau or office in consultation (other than note-takers) must first complete training to promote positive relations with Tribes, including training on implementation of this policy and a review of:

(1) The general history of the government-to-government relationship between the Federal Government and Indian Tribes;

(2) The treaty rights of Indian Tribes;

(3) The Federal trust obligation owed to American Indians, Alaska Natives, and Native Hawaiians in the United States;

(4) The culture and history of American Indians, Alaska Natives, and Tribes; and

(5) Existing Tribal consultation policies, government structures, and decision-making processes.

F. Department of the Interior University (DOIU). The DOIU in collaboration with bureaus/offices, tribal colleges and universities, and other entities with Indian expertise is responsible for developing and delivering training to facilitate implementation of this policy.

G. Office of Collaborative Action and Dispute Resolution (CADR). Upon request, the CADR may assist in planning and facilitating an effective consultation process, negotiated rulemaking, or other collaborative approaches to decision-making.

H. Secretary's Tribal Advisory Committee (STAC). The Secretary will establish, by charter, a STAC consisting of elected Tribal leaders or their designated representatives from each of the 12 Bureau of Indian Affairs Regions. The STAC's purpose is to seek consensus, exchange views, share information, provide advice and/or recommendations or facilitate any other interaction related to intergovernmental responsibilities or administration of DOI programs, including those that arise explicitly or implicitly under treaty, statute, regulation or executive order.

## DRAFT FOR TRIBAL CONSULTATION

512 DM 4  
Page 5 of 5

Appendix

### Department of the Interior Tribal Consultation Annual Report

Bureau/Office:

The annual report is a summary of all bureau/office consultations during one fiscal year that were conducted on a nationwide or regional basis and any consultation efforts conducted one-on-one with Indian Tribes that the bureau/office would like to report to highlight successes, challenges, or best practices. The information in the Annual Report is a summary of and should be compiled from all of the information captured during the fiscal year. (Use as much space as needed and include the bureau/office name on each page.)

1. Summarize and list all of the consultation topics.
2. List all of the Tribes consulted.
3. List the location of each consultation by city and state.
4. Summarize and list all of the issues and recommendations.
5. Summarize successes and accomplishments and include recommendations for improvements to the consultation process.

Prepared By:  
Date Prepared:  
Approving Official:

XX/XX/XX #XXXX  
Replaces 11/09/15 #4031

Department of the Interior  
**Departmental Manual**

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**Effective Date:**

**Series:** Intergovernmental Relations

**Part 512:** American Indian and Alaska Native Programs

**Chapter 5:** Procedures for Consultation with Indian Tribes

**Originating Office:** Office of the Secretary

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**512 DM 5**

5.1 **Purpose.** This chapter provides the procedures and process for the Department of the Interior (DOI) government-to-government consultation between appropriate Tribal officials and DOI officials.

5.2 **Scope.** All DOI bureaus/offices shall follow the processes in this chapter for consultation with Tribes.

5.3 **Authority.** Executive Order (EO) 13175 (Consultation and Coordination with Indian Tribal Governments).

5.4 **Consultation.**

A. **Requirement for Consultation.** Bureaus and offices must invite Tribes to consult whenever a DOI plan or action with Tribal implications arises.

B. **Appropriate Representatives at Consultation.**

(1) The DOI official with authority to decide on the proposed DOI action with Tribal implications must participate in the consultation.

(2) The elected official of the Tribe, acting in their official capacity as the leader of the Tribe may participate or choose to designate alternate or additional Tribal representatives to participate in the consultation.

C. **Coordination.** Bureaus/offices will work with each other and with other Federal agencies, where appropriate, to coordinate consultation.

D. **Facilitation Support.** In planning consultation, bureaus and offices should consider best practices for engagement, including but not limited to, the use of neutral facilitation and other collaborative problem-solving approaches to promote effective dialogue and conflict resolution. Such support is available through the Office of Collaborative Action and Dispute

information and consensus-seeking documentation and make a determination on how to proceed. The Secretary's Tribal Advisory Committee described in 512 DM 5.7 may be called upon to provide review and guidance to the head of the bureau or office.

H. Consultation Session Methods. Consultation session methods may include, but are not limited to, in-person meetings, video-conferences, teleconferences, and correspondence to discuss a specific issue. Consultation session methods may be expanded upon through subsequent correspondence after consultation is initiated through written notification. DOI will strive to include both in-person and virtual consultation session methods to provide Tribes with access to participate in at least one consultation session for a specific issue, regardless of their travel capabilities. On a case-by-case basis, consultation may be held through a series of written correspondence with the Tribal leadership, but only when other consultation session methods are not feasible. Providing notification (the distribution of information from one or more DOI offices) to one or more Tribes of a Departmental action as a stand-alone effort is not consultation. [NOTE: Last sentence moved up from "Initial Planning Stage" below].

5.5 **Consultation Procedures.** Bureaus/offices will carry out the consultation stages described below for a Departmental action with tribal implications.

A. Initial Planning Stage.

(1) The appropriate DOI officials within a bureau/office will provide notice to and invite Tribes to consult as early as possible when considering a DOI action with Tribal implications and provide Tribes a meaningful opportunity to participate in the consultation process..[NOTE: Deleted text moved to H. Consultation Session Methods] (The appropriate DOI officials are those individuals who are knowledgeable about the matters at hand, are authorized to speak for a bureau/office, and who exercise delegated authority in the disposition and implementation of a bureau/office action.)

(2) Notification should include sufficient detail of the topic to be discussed to allow Tribal leaders to determine if they want to accept the offer and, if so, provide an opportunity to fully engage in consultation. Adequate notice entails providing:

- (i) A description of the topic(s) to be discussed;
- (ii) The expected scope of the proposed DOI action;
- (iii) The expected purpose of the DOI action;
- (iv) The expected a timeline of the process, and possible outcomes; and
- (v) DOI offices and bureaus that are expected to participate in the consultation and development and implementation of the DOI action.

(3) The notice should also give Tribal leaders the opportunity to provide feedback prior to the consultation, including time to request technical assistance and/or clarification on how the consultation process conforms to the requirements in this chapter.

Planning” stage, above].

(2) When the matter under consultation involves confidential or culturally sensitive information, the bureau/office will work with the Indian Tribe to develop a consultation process that addresses the sensitivity of the information to the extent permitted by Federal law. If litigation, legal requirements, or natural disaster emergencies impact a bureau/office schedule for conducting consultation, the bureau/office shall explain the constraints to the Indian Tribe. If a determination is made that the Administrative Procedure Act or other Federal law or regulation expressly prohibits continued discussion at a specified point in the decision-making process, the Indian Tribes should be informed at the earliest opportunity in this stage of the process.

[NOTE: Deleted text was moved up to 5.4(C)]

C. Record of Consultation. On completion of the consultation period, the head of the DOI bureau/office or their designee must prepare and transmit to the Tribe (or for national and regional consultations or if otherwise appropriate, publish on the website) documentation in a record of consultation that describes:

- (2) A summary of Tribal input received;
- (3) An explanation of how that Tribal input was addressed;
- (4) The reasoning for any instance in which Tribal suggestions were not incorporated into the DOI action or consensus could not be attained.

D. Implementation of Final Federal Action Stage. Bureaus/offices may consider implementing a post-consultation review process that invites Tribal feedback or considers the need for training or technical assistance concerning the final Federal action. The post-consultation review process shall not limit DOI's deliberative process privilege regarding internal considerations or any other applicable privilege.

E. Consultation Summary Report. Upon completion of the consultation, bureaus/offices must prepare a summary of the consultation activities. Information from the summaries should be used to develop the Annual Report described in 512 DM 4.8.

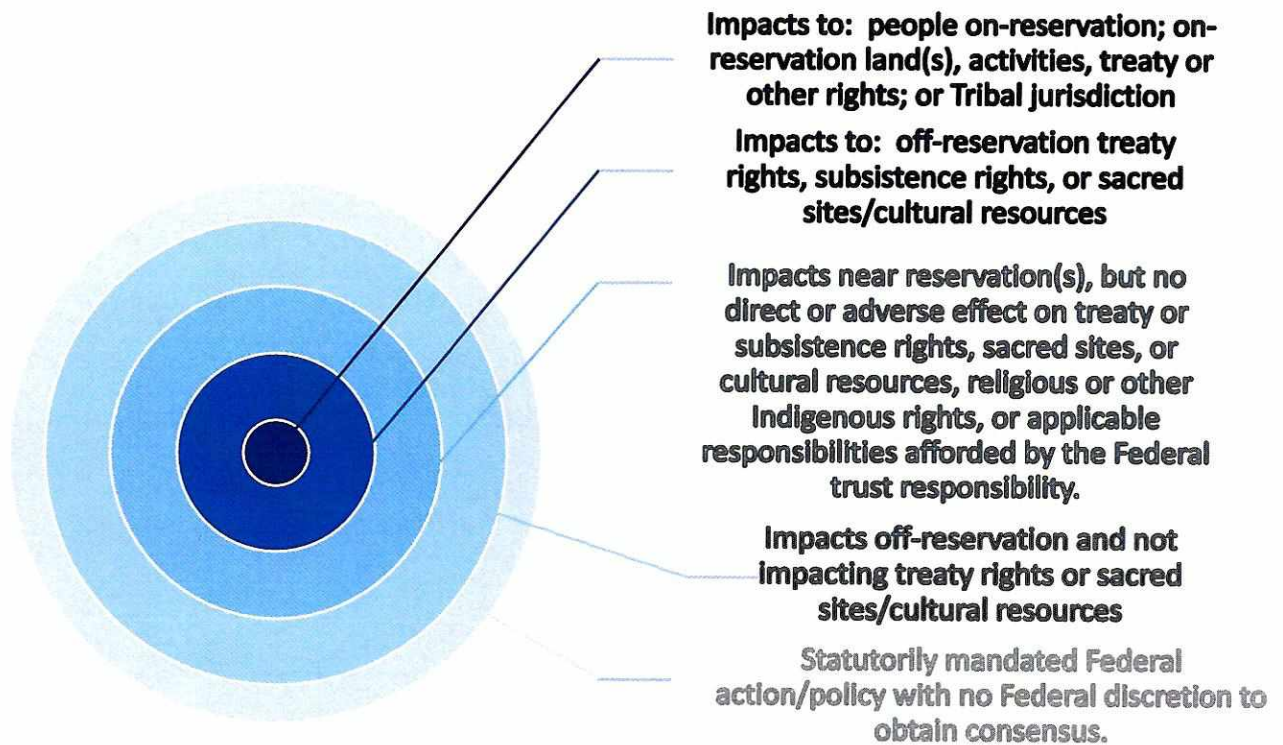
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G. [NOTE: Deleted text replaced with STAC in 512 DM 4].

## DRAFT FOR TRIBAL CONSULTATION

### FIGURE 1: CONSENSUS-SEEKING MODEL

**Figure 1: Consensus-Seeking Model Showing Need for Tribal Consensus in Relation to Agency Action Impact**





# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

December 15, 2021

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

Dear President Nez:

Please find the enclosed letter from the Assistant Secretary –Indian Affairs (ASIA) regarding the proposed membership for the PROGRESS Act Negotiated Rulemaking Committee. The Committee will advise the Secretary of the Interior (Secretary) on a proposed rule to implement the PROGRESS Act to revise the regulations on Tribal Self-Governance Annual Funding Agreements Under the Tribal Self-Governance Act Amendments to the Indian Self-Determination and Education Assistance Act (ISDEAA).

The enclosed list includes the 14 Tribal representatives (7 Primary, 7 Alternate) and 12 Federal representatives (6 Primary, 6 Alternate) proposed for the Committee. The Department welcomes comments on the proposed membership and the proposal to establish the Committee and invites additional nominations for Committee members who will adequately represent the interests that are likely to be significantly affected by the proposed rule. Please submit your comments and any additional nominations to [consultation@bia.gov](mailto:consultation@bia.gov) by the date, December 23, 2021, as listed in the attached Federal Register notice.

If you have any questions regarding the process for forming this Committee, please contact the Designated Federal Officer for the Committee Ms. Vickie Hanvey, Office of Self-Governance, at (918) 931-0745 or by email at [Vickie.Hanvey@bia.gov](mailto:Vickie.Hanvey@bia.gov).

Sincerely,

**ANGELA  
ARVISO**

Digitally signed by  
ANGELA ARVISO  
Date: 2021.12.15  
13:04:13 -07'00'

Angela M. Arviso  
Acting Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. Santee Lewis, Washington Office, Navajo Nation  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation  
Mr. Cordell Shortey, Office of Management and Budget, Navajo Nation



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

NOV 23 2021

Dear Tribal Leader:

I am pleased to present you with the proposed membership for the PROGRESS Act<sup>1</sup> Negotiated Rulemaking Committee. The Committee will advise the Secretary of the Interior (Secretary) on a proposed rule to implement the PROGRESS Act to revise the regulations on Tribal Self-Governance Annual Funding Agreements Under the Tribal Self-Governance Act Amendments to the Indian Self-Determination and Education Assistance Act (ISDEAA).

The proposed membership was selected from nominations received in response to the Federal Register notice requesting nominations.<sup>2</sup> The Department solicited nominations from Indian Tribes and Tribal organizations, as defined in ISDEAA section 4(I), that are currently participating in the Tribal Self-Governance Program as well as those that are not currently participating in, but are interested in participating in, the Tribal Self-Governance Program and who would be affected by the rule.

The Department proposes both primary and alternate representatives to the Committee. Primary representatives are voting members. Alternate representatives are to remain abreast of discussions and to be prepared to vote in the event the primary representative is unavailable. Both primary and alternate representatives are expected to attend all meetings. The Designated Federal Officer (DFO) and Alternate DFO are considered non-members of the Committee.

The enclosed list includes the 14 Tribal representatives (7 Primary, 7 Alternate) and 12 Federal representatives (6 Primary, 6 Alternate) proposed for the Committee. The Department welcomes comments on the proposed membership and the proposal to establish the Committee and invites additional nominations for Committee members who will adequately represent the interests that are likely to be significantly affected by the proposed rule. Please submit your comments and any additional nominations to [consultation@bia.gov](mailto:consultation@bia.gov) by the date listed in the attached Federal Register notice.

If you have any questions regarding the process for forming this Committee, please contact the Designated Federal Officer for the Committee Ms. Vickie Hanvey, Office of Self-Governance, at (918) 931-0745 or by email at [Vickie.Hanvey@bia.gov](mailto:Vickie.Hanvey@bia.gov).

I look forward to the good work this Committee will undertake to update our regulations to conform to the PROGRESS Act.

Sincerely,

Bryan Newland  
Assistant Secretary – Indian Affairs

Enclosure

<sup>1</sup> Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019

<sup>2</sup> See 86 Fed. Reg. 7656 (February 1, 2021).

## **Proposed Membership for the PROGRESS Act Negotiated Rulemaking Committee**

### **Proposed Primary Tribal and Tribal Organization Representatives:**

- W. Ron Allen, Chairman/CEO, Jamestown S'Klallam Tribe
- Melanie Benjamin, Chief Executive, Mille Lacs Band of Ojibwe
- Richard Peterson, President, Central Council Tlingit and Haida Indian Tribes of Alaska
- Michael Dolson, Councilman, The Confederated Salish and Kootenai Tribes of the Flathead Nation
- Melanie Fourkiller, Director of Self-Governance, Choctaw Nation of Oklahoma
- Russel (Buster) Attebery, Chairman, Karuk Tribe
- Karen Fierro, Self-Governance Director, Ak-Chin Indian Community

### **Proposed Alternate Tribal and Tribal Organization Representatives:**

- Sandra Sampson, Board Treasurer, Confederated Tribes of the Umatilla Indian Reservation
- Jennifer Webster, Councilwoman, Oneida Nation
- Gerry Hope, Transportation Director, Former Tribal Leader, Sitka Tribe of Alaska
- Jody LaMere, Councilwoman, Chippewa Cree Tribe of the Rocky Boy's Reservation
- Jacklyn King, Secretary, Sac and Fox Nation
- Will Micklin, Second Vice President, Central Council Tlingit and Haida Indian Tribes of Alaska
- Annette Bryan, Council Member, Puyallup Tribe of Indians

### **Proposed Primary Federal Representatives:**

- Sharee Freeman, Director, Office of Self-Governance, Assistant Secretary – Indian Affairs
- Bryan Shade, Attorney-Advisor, Branch of Self-Governance and Economic Development, Office of the Solicitor – Division of Indian Affairs
- Vicki Cook, Native American and International Affairs Office, Bureau of Reclamation
- Byron Loosle, Division Chief, National Conservation Lands, Bureau of Land and Minerals Management
- Scott Aikin, National Native American Programs Coordinator, U.S. Fish and Wildlife Service Head Quarters
- Rose Petoskey, Senior Counselor to the Assistant Secretary – Indian Affairs, Office of the Assistant Secretary – Indian Affairs

### **Proposed Alternate Federal Representatives:**

- Matt Kallappa, Northwest Field Office Manager, Indian Affairs, Office of Self-Governance
- Jody Schwarz, Attorney-Advisory, Branch of Self-Governance and Economic Development, Office of the Solicitor – Division of Indian Affairs
- Kelly Titensor, Native American Affairs Advisor, , Bureau of Reclamation
- C. Dave Johnson, Tribal Liaison for the Bureau of Land and Minerals Management
- Dorothy FireCloud, Native American Affairs Liaison, National Park Service
- Samuel Kohn, Senior Counselor to the Assistant Secretary – Indian Affairs, Office of the Assistant Secretary – Indian Affairs

against unfounded or unproven allegations, convictions may be more difficult to obtain in these types of fraud cases. Perpetrators of these increasingly prevalent fraud schemes are employing new technological means, and, as noted above, are seeking new forms of payment which make them difficult to identify and convict. As Calvin A. Shivers, the Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation noted in his June 2020 testimony before the U.S. Senate Judiciary Committee:

With the rise in the use of virtual assets and encrypted devices and applications, the interconnectivity of communication platforms and the ever-changing landscape of emerging payment systems, the world is more connected today than ever. This also means it has become increasingly difficult to track illicit finance flows and identify the criminal actors behind them.<sup>33</sup>

Consequently, we are exploring whether and how we might change the evidentiary standard in our regulations for showing a loss of income-producing property due to criminal fraud or theft by a third party.

*What is the purpose of this ANPRM?*

We are seeking information on whether and how we should update our regulations to provide for relief in cases where beneficiaries are victims of criminal fraud or theft and their incomes are affected, but no criminal convictions (or arrest) may have taken place.

We seek to aid beneficiaries adversely affected by fraud that has affected their IRMAA status, while maintaining our commitment to safeguard the public funds in our trust. Our current regulations safeguard against unfounded or unproven allegations by requiring evidence of fraud or loss, but may not address all situations. We are seeking input from the public to more fully understand the new forms of fraudulent activity affecting beneficiaries, to better understand the types of evidence of fraudulent activities such victims can present, to learn more about the types of financial transactions beneficiaries have engaged in as a result of fraud, and to determine how we might revise our rules to better assist victim-beneficiaries.

*What We Will Consider When We Decide Whether To Propose Revisions to Our Rules*

We will consider the public comments and any research or data identified in response to this solicitation. We will also consider any information we obtain through research or other activities intended to inform our policy decisions in this area.

*What should the public comment about?*

We are specifically asking the public to provide us with comments on the following topics related to this ANPRM:

- *Types of fraud that can affect IRMAA status*—We seek to learn more about the types of scams the public is experiencing, including how affected persons were contacted; what was the technique employed by the scammer; what kinds of property were targeted; what kinds of financial transactions did affected persons engage in as a result of the fraud; whether affected persons experienced an increase in taxable income as a result; how much of a monetary loss if any did affected persons sustain; were there any arrests or convictions; what was the experience with law enforcement; *etc.*). As noted above, *please be certain not to include any personally identifiable information in your comments*;
- *Types of evidence*—What types of evidence should we seek from affected beneficiaries to demonstrate that the loss was due to criminal fraud or theft? How can we best balance evidentiary needs with the burden evidence requirements impose on affected beneficiaries? We are seeking information about forms of convincing evidence that would be common among such victims.

How should we determine whether a loss of income-producing property due to alleged criminal fraud or theft is “a result of the ordinary risk of investment,” and thus may not be considered under existing regulations [20 CFR 418.1205(e)].

*Consideration of and Response to Public Comments*

We will consider all relevant public comment we receive in response to this ANPRM. If we decide to propose specific revisions to our rules, we will publish a notice of proposed rulemaking in the **Federal Register**, and you will have a chance to comment on any revisions we propose.

#### List of Subjects in 20 CFR Part 418

Administrative practice and procedure, Aged, Blind, Disability benefits, Medicare subsidies, Public assistance programs, Reporting and

recordkeeping requirements, Supplemental Security Income (SSI).

The Acting Commissioner of Social Security, Kilolo Kijakazi, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for the Social Security Administration, for purposes of publication in the **Federal Register**.

**Faye I. Lipsky,**

*Federal Register Liaison, Office of Legislative and Congressional Affairs, Social Security Administration.*

[FR Doc. 2021–25364 Filed 11–22–21; 8:45 am]

**BILLING CODE 4191–02–P**

## DEPARTMENT OF THE INTERIOR

### 25 CFR Part 1000

[222A2100DD/AAK001030/  
A0A501010.999900 253G]

#### Self-Governance PROGRESS Act Negotiated Rulemaking Committee Establishment; Proposed Membership

**AGENCY:** Office of the Assistant Secretary—Indian Affairs, Interior.

**ACTION:** Proposed membership of Committee, notification of intent to establish committee, and nominations.

**SUMMARY:** The U.S. Department of the Interior (DOI) is announcing the proposed members to form the Self-Governance PROGRESS Act Negotiated Rulemaking Committee (Committee). The Committee will advise the Secretary of the Interior (Secretary) on a proposed rule to implement the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (PROGRESS Act) to revise the regulations on Tribal Self-Governance Annual Funding Agreements Under the Tribal Self-Governance Act Amendments to the Indian Self-Determination and Education Act. This document solicits comments on the proposed membership and the proposal to establish the Committee and invites additional nominations for Committee members who will adequately represent the interests that are likely to be significantly affected by the proposed rule. The Secretary also proposes to appoint Federal representatives to the Committee as listed.

**DATES:** Comments must be submitted no later than December 23, 2021.

**ADDRESSES:** Send comments and nominations to the Designated Federal Officer, Vickie Hanvey, by any of the following methods:

<sup>33</sup> COVID–19 Fraud: Law Enforcement’s Response to Those Exploiting the Pandemic U.S. Senate Judiciary Committee (Statement of Calvin A. Shivers, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation June 9, 2020) available at: <https://www.fbi.gov/news/testimony/covid-19-fraud-law-enforcements-response-to-those-exploiting-the-pandemic>.

- (Preferred method) Email to: [consultation@bia.gov](mailto:consultation@bia.gov);
- Mail, hand-carry or use an overnight courier service to the Designated Federal Officer, Ms. Vickie Hanvey, Office of the Assistant Secretary—Indian Affairs, 1849 C Street NW, Mail Stop 4660, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** The Designated Federal Officer, Ms. Vickie Hanvey, Program Policy Analyst, Office of Self-Governance, Office of the Assistant Secretary—Indian Affairs; telephone: (918) 931-0745; email: [Vickie.Hanvey@bia.gov](mailto:Vickie.Hanvey@bia.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On October 21, 2020, the PROGRESS Act was signed into law and amends subchapter I of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 5301 *et seq.*, which addresses Indian Self-Determination, and subchapter IV of the ISDEAA, which addresses DOI's Tribal Self-Governance Program. The PROGRESS Act calls for a negotiated rulemaking committee to be established under 5 U.S.C. 565, with membership consisting only of representatives of Federal and Tribal governments, with the Office of Self-Governance serving as the lead agency for the DOI. The PROGRESS Act also authorizes the Secretary to adapt negotiated rulemaking procedures to the unique context of the self-governance relationship between the United States and Indian Tribes. The purpose of the Committee is to serve as an advisory committee under the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA). The Committee will use a negotiated rulemaking process to develop regulations for implementation of the PROGRESS Act to amend, delete, and add provisions to the existing regulations at 25 CFR part 1000, Annual Funding Agreements Under the Tribal

Self-Government Act Amendments to the Indian Self-Determination and Education Act, which addresses Tribal Self-Governance compacts.

**II. Proposed Work of the Committee**

The objectives of the Committee are to represent the interests that will be significantly affected by the final regulations, negotiate in good faith, and reach consensus, where possible, on recommendations to the Secretary for the proposed regulations.

The Committee will be charged, consistent with subchapter IV regarding the Tribal Self-Governance Program, with developing proposed regulations to implement the PROGRESS Act's provisions regarding the DOI's Self-Governance Program. The proposed regulations will be considered by the Secretary and subject to government-to-government consultation.

The Committee will be expected to meet approximately 3–5 times and each meeting is expected to last multiple hours for a consecutive 2–3 days each. The initial meeting will be held by teleconference and/or web conference; later meetings may be held either virtually or in person. The Committee's work is expected to occur over the course of 6–12 months, and it is the Secretary's intent to publish the proposed rule for notice and comment by 2022 (within 18 months of the anticipated date of the Committee's establishment). However, the Committee may continue its work for up to two years. The Office of Self-Governance has dedicated resources required to: ensure the Committee is able to conduct meetings, provide technical assistance, and provide any additional support required to fulfill the Committee's responsibilities.

**III. Proposed Tribal Committee Members**

On February 1, 2021, the Office of Assistant Secretary—Indian Affairs (AS-IA) published a **Federal Register** notice of intent (86 FR 7656) requesting

comments and nominations for Tribal representatives for the Committee. The comment period for that notice of intent closed March 3, 2021.

Within the notice, AS-IA solicited comments on the proposal to establish the Committee, including comments on any additional interests not identified. AS-IA solicited nominations from Indian Tribes and Tribal organizations as defined in section 4(I) of the Indian Self-Determination and Education Assistance Act that are currently participating in the Tribal Self-Governance Program and those that are not currently participating in, but are interested in participating in, the Tribal Self-Governance Program and who would be affected by the final rule. AS-IA requested that these Tribes and Tribal organizations nominate representatives to serve on the Committee.

The Secretary has selected 14 Tribal representatives (7 Primary, 7 Alternate) for the Committee and 12 Federal representatives (6 Primary, 6 Alternate) for the Committee, for a proposed total of 26 members (13 Primary, 13 Alternate). Primary representatives are voting members. Both primary and alternate representatives are expected to attend all meetings. Alternate representatives are to remain abreast of discussions and to be prepared to vote in the event the Primary is unavailable. The Designated Federal Officer (DFO) and Alternate DFO are considered non-members of the Committee. The proposed Committee was selected based upon nominations submitted through the process identified in the **Federal Register** (85 FR 7656) dated February 1, 2021, under the "Nominations" section. The Secretary did not consider nominations that were received in any other manner or were received after the deadline.

The Secretary proposes the following 14 Tribal representatives for the Committee:

Proposed committee member	Affiliation
W. Ron Allen, Chairman/CEO .....	Jamestown S'Klallam Tribe.
Melanie Benjamin, Chief Executive .....	Mille Lacs Band of Ojibwe.
Richard Peterson, President .....	Central Council Tlingit and Haida Indian Tribes of Alaska.
Michael Dolson, Councilman .....	The Confederated Salish and Kootenai Tribes of the Flathead Nation.
Melanie Fourkiller, Director of Self-Governance .....	Choctaw Nation of Oklahoma.
Russel (Buster) Attebery, Chairman .....	Karuk Tribe.
Karen Fierro, Self-Governance Director .....	Ak-Chin Indian Community.

The Secretary proposes the following alternate Tribal representatives for the Committee:

Proposed alternate committee member	Affiliation
Sandra Sampson, Board Treasurer .....	Confederated Tribes of the Umatilla Indian Reservation.
Jennifer Webster, Councilwoman .....	Oneida Nation.
Gerry Hope, Transportation Director, Former Tribal Leader .....	Sitka Tribe of Alaska.
Jody LaMere, Councilwoman .....	Chippewa Cree Tribe of the Rocky Boy's Reservation.
Jacklyn King, Secretary .....	Sac and Fox Nation.
Will Micklin, Second Vice President .....	Central Council Tlingit and Haida Indian Tribes of Alaska.
Annette Bryan, Council Member .....	Puyallup Tribe of Indians.

#### IV. Proposed Federal Committee Members

Office of Self-Governance. The Secretary proposes the following 12 Federal representatives for the Committee:

The Designated Federal Officer for the Committee will be Ms. Vickie Hanvey,

Name	Affiliation
Sharee Freeman, Director .....	Office of Self-Governance, Assistant Secretary—Indian Affairs.
Bryan Shade, Attorney-Advisor .....	Branch of Self-Governance and Economic Development, Office of the Solicitor.
Vicki Cook, Native American and International Affairs Office .....	Bureau of Reclamation.
Bryon Loosle, Division Chief .....	National Conservation Lands, Bureau of Land and Minerals Management.
Scott Aikin, National Native American Programs Coordinator .....	U.S. Fish and Wildlife Service Head Quarters.
Rose Petoskey, Senior Counselor to the Assistant Secretary—Indian Affairs.	Office of the Assistant Secretary—Indian Affairs.

The Secretary proposes the following alternate Federal representatives for the Committee:

Name	Affiliation
Matt Kallappa, Northwest Field Office Manager .....	Office of Self-Governance, Assistant Secretary—Indian Affairs.
Jody Schwarz, Attorney-Advisor .....	Branch of Self-Governance and Economic Development, Office of the Solicitor.
Kelly Titensor, Native American Affairs Advisor .....	Bureau of Reclamation.
C. Dave Johnson, Tribal Liaison .....	Bureau of Land and Minerals Management.
Dorothy FireCloud, Native American Affairs Liaison .....	National Park Service.
Samuel Kohn, Senior Counselor to the Assistant Secretary—Indian Affairs.	Office of the Assistant Secretary—Indian Affairs.

#### V. Comments

The Secretary solicited comments on the proposal to establish the Committee and received seven written responses submitted through the process identified in the **Federal Register** (86 FR 7656) dated February 1, 2021. The Secretary did not consider comments that were received in any other manner or were received after the close of the comment period. The written comments were received from the Tribal Self-Governance Title IV Task Force and the following six Tribes: (1) Choctaw Nation of Oklahoma, (2) Central Council Tlingit and Haida Indian Tribes of Alaska, (3) Squaxin Island Tribe, (4) Jamestown S'Klallam Tribe, (5) Muscogee (Creek) Nation, and (6) Sac and Fox Nation.

*The Task Force and all Tribal commenters except one* indicated the Committee should be exempt from the Federal Advisory Committee Act (FACA) based on the following:

Members are either elected officials, or employees with designated authority from an elected official to act on their behalf, and so the Committee should be exempt from FACA under the intergovernmental exemption in the Unfunded Mandates Reform Act (UMRA).

*Response:* The Unfunded Mandates Reform Act (UMRA) excepts certain committees from compliance with FACA if the committee satisfies two requirements. First, meetings between Federal and Tribal governments must be held exclusively between Federal officials and elected officers of State, local, and Tribal governments (or their representatives acting in their official capacities. Second, the meetings must be solely for the purpose of exchanging views, information or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental

responsibilities or administration. See 2 U.S.C. 154(b). The Self-Governance PROGRESS Act Negotiated Rulemaking Committee meets the first requirement but not the second. The Committee is convened to negotiate and promulgate regulations to carry out relevant provisions of the PROGRESS Act, not simply to exchange views, information, or advice on the management or implementation of federal programs. Accordingly, this Committee cannot be exempted from FACA under UMRA.

*All Tribal commenters and the Task Force* indicated support for using an independent facilitation and six specifically support using the services of the Federal Conciliation and Mediation Service (FMCS).

*Response:* Under 5 U.S.C. 565(c), DOI may nominate either a person from the Federal Government or a person from outside the Federal Government to serve as a facilitator for the negotiations of the Committee, subject to the approval of

the Committee by consensus. DOI will consider the nomination of FMCS as a facilitation team.

*The Task Force and several of the Tribal commenters* indicated: (1) Section IV of the notice was unclear about the nomination of primary and alternative representatives creating confusion if a Tribe should submit a primary and alternate, each region submit a primary and alternate, or each nomination should specify where it is for the primary or alternate representative; (2) the notice indicates Committee members must be able to attend all meetings but then states an alternate who can fulfill the obligations of membership should the primary be unable to attend; (3) selection of Committee members surrounds the use of the terms representation of Tribes with a geographic balance; (4) the deadline was confusing and it seemed contradictory to establish a hard deadline but then state you will accept additional nominations after the deadline passes.

*Response:* (1) A Tribe or Tribal Organization may submit either a primary or alternate representative or both. (2) Primary and alternate candidates will both be expected to attend all meetings. Primary representatives are voting members. Alternate representatives are expected to attend all meetings to remain abreast of discussions and to be prepared to vote in the event the primary is unavailable. (3) Proposed committee membership was based upon elected Tribal leadership or Tribal official, Tribal size, balanced geographical representation (by geographic region, state, or other geographical determination) (4) Section VI. Nominations of this document clarifies that additional nominations may be offered after proposed committee membership has been published.

*The Task Force and two Tribal commenters* indicated: (1) Travel and per diem provisions were hard to decipher and, in some instances, seemed contradictory; (2) the notice is unclear with respect to who is responsible for travel expense; (3) provide travel support to all Tribal representatives without evidence of financial resources.

*Response:* The Negotiated Rulemaking Act section 568(c) states that members of a negotiated rulemaking committee shall be responsible for their own expenses of participation in such committee, except that an agency may, in accordance with section 7(d) of the Federal Advisory Committee Act, pay for a member's reasonable travel and per diem expenses, expenses to obtain

technical assistance, and a reasonable rate of compensation, if:

- (1) Such member certifies a lack of adequate financial resources to participate in the committee; and
- (2) the agency determines that such member's participation in the committee is necessary to assure an adequate representation of the member's interest.

The DOI will follow the statutory requirements within the Negotiated Rulemaking Act as well as the Federal Advisory Committee Act referenced above. The DOI will provide travel and per diem expenses for the Committee as funding allows.

*One Tribal commenter* requested clarification on: (1) Next steps for submitting nominations on first **Federal Register** notice; (2) submitting nominations through a second **Federal Register** notice and the deadline; (3) inaugural meeting of the Committee.

*Response:* (1) Nominations submitted through the process identified in the **Federal Register** (85 FR 7656) dated February 1, 2021, under the "Nominations" section closed on March 3, 2021. (2) Section VI Nominations of this document allows for additional nominations to be considered for this Committee. (3) After considering comments and nominations for Tribal representatives, the DOI will publish a **Federal Register** Notice of Establishment and will indicate the proposed meeting schedule.

## VI. Nominations

If you are an Indian Tribe or Tribal organization as defined in section 4(I) of the Indian Self-Determination and Education Assistance Act that is currently participating in the Tribal Self-Governance Program or that is not currently participating in, but is interested in participating in Tribal Self-Governance Program, we invite you to comment on the proposed nominations in this document. If there is no adequate representation of those interests that will be significantly affected by a proposed rule, we invite you to nominate other persons for membership on the Committee. The Committee membership should reflect the diversity of Tribal interests, and nominees should only be of representatives and alternates who:

- Are elected officials of Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and
- Will be able to:
  - Represent one or more of the specified interests with the authority to embody the views of that interest,

communicate with interested constituents, and have a clear means to reach agreement on behalf of the interest(s);

- Coordinate, to the extent possible, with other interests who may not be represented on the Committee;
- Negotiate effectively on behalf of the interest(s) represented;
- Commit to time and effort required to attend and prepare for meetings; and
- Collaborate among diverse parties in a consensus-seeking process.

The Secretary will consider nominations for representatives only if they are nominated through the process identified in this notification of intent and in the **Federal Register** notice of intent at 86 FR 7656. The Secretary will not consider any nominations received in any other manner. The Secretary will not consider nominations for Federal representatives; only the Secretary may nominate Federal employees to the Committee.

Nominations must include the following information about each nominee:

(1) A current letter from the governing body or chairperson of the Tribe representing one of the interest(s) identified supporting the nomination of the individual to serve as a representative for the Tribe on the Committee;

(2) A resume reflecting the nominee's qualifications and experience, to include the nominee's name, Tribal affiliation, job title, major job duties, employer, business address, business telephone and fax numbers (and business email address, if applicable);

(3) The interest(s) to be represented by the nominee (identified in this document) and whether the nominee will represent other interest(s) related to this rulemaking; and

(4) A brief description of how the nominee will represent the views of the identified interest(s), communicate with constituents, and have a clear means to reach agreement on behalf of the interest(s) they are representing; and

(5) A statement on whether the nominee is only representing one interest or whether the expectation is that the nominee represents a specific group of interests.

To be considered, nominations must be received by the close of business on the date listed in the **DATES** section, at the location indicated in the **ADDRESSES** section.

## VII. Public Disclosure of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that

your entire nomination submission—including your personal identifying information—may be made publicly available at any time. While you can ask us in your submission to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### VIII. Authority

The Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (PROGRESS Act), Public Law 116–180 dated October 21, 2020.

**Bryan Newland,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2021–25401 Filed 11–22–21; 8:45 am]

BILLING CODE 4337–15–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 54

[REG–117575–21]

RIN 1545–BQ27

### Prescription Drug and Health Care Spending

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Elsewhere in this issue of the **Federal Register**, the IRS is issuing temporary regulations that increase transparency by requiring group health plans and health insurance issuers in the group and individual markets to report information about prescription drugs and health care spending to the Department of Health and Human Services (HHS), the Department of Labor (DOL), and the Department of the Treasury (the Departments). The IRS is issuing the temporary regulations at the same time that the Office of Personnel Management (OPM), the Employee Benefits Security Administration of DOL, and the Office of Consumer Information and Insurance Oversight of HHS are issuing substantially similar interim final rules with a request for comments. The text of those temporary regulations also serves as the text of these proposed regulations.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on January 24, 2022.

**ADDRESSES:** In commenting, please refer to file code REG–117575–21. Comments, including mass comment submissions,

must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9905–IFC, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–9905–IFC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

#### FOR FURTHER INFORMATION CONTACT:

Christopher Dellana, (202) 317–5500, Internal Revenue Service, Department of the Treasury, for issues related to Surprise Billing.

#### SUPPLEMENTARY INFORMATION:

*Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. All comments received are posted before the close of the comment period on the following website as soon as possible after they have been received: <http://regulations.gov>. Follow the search instructions on that website to view public comments.

*Proposed Applicability Date:* These regulations are generally proposed to apply on and after December 27, 2021. As discussed in the preamble to the temporary regulations published elsewhere in this issue of the **Federal Register**, the Departments are temporarily deferring enforcement during the first year of applicability.

#### Background and Regulatory Impact Analysis

The temporary regulations published elsewhere in this issue of the **Federal Register** add §§ 54.9825–1T, 54.9825–2T, 54.9825–3T, 54.9825–4T, 54.9825–5T, and 54.9825–6T to the Miscellaneous Excise Tax Regulations. The proposed and temporary regulations are being published as part of a joint rulemaking with the OPM, DOL, and HHS. The text of those temporary regulations also serves as the text of these proposed regulations. The

preamble to the temporary regulations explains the temporary regulations and provides a regulatory impact analysis.

#### Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to Federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a proposal is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires the agency to present an initial regulatory flexibility analysis (IRFA) of the proposed rule. The Treasury Department and the IRS have not determined whether the proposed regulations, when finalized, will likely have a significant economic impact on a substantial number of small entities. This determination requires further study. However, because there is a possibility of significant economic impact on a substantial number of small entities, an IRFA is provided in these proposed regulations. The Treasury Department and the IRS invite comments on both the number of entities affected and the economic impact on small entities.

Pursuant to section 7805(f), this notice of proposed rulemaking has been submitted to the Chief Counsel of Advocacy of the Small Business Administration for comment on its impact on small business.

#### 1. Need for and Objectives of the Rule

The proposed regulations will implement a reporting requirement for prescription drug costs and other medical expenses. Specifically, group health plans and health insurance issuers will submit key data, which the Departments will use to report and better understand prescription drug pricing trends and their impact on consumers' premiums and out-of-pocket costs. The reporting requirements apply beginning with the data for the 2020 calendar year. This will allow the Departments to better understand national prescription drug costs and identify major drivers of increases in health care spending, which may aid in examining variation of health care costs across the country.

#### 2. Affected Small Entities

The Small Business Administration estimates in its 2020 Small Business Profile that 99.9 percent of United States



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

December 21, 2021

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

Dear President Nez:

Please find the enclosed letter from the Secretary of the Interior regarding signed the Bipartisan Infrastructure Law (BIL), which invests more than \$13 billion directly in Tribal communities across the country and makes Tribal communities eligible for billions more. Please see the enclosed for more information on the upcoming consultation virtual sessions scheduled in January 2022 (via Zoom meeting) and to register in advance. In addition to joining one of the consultation sessions, please submit any written comments to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. Eastern Time on Friday, February 4, 2022. If you have any questions regarding this effort in the meantime, please feel free to contact Ms. Rachel Brown, at (202) 513-0630 or [rebrown@usbr.gov](mailto:rebrown@usbr.gov).

Sincerely,

<b>GREGORY MEHOJAH</b>	Digitally signed by GREGORY MEHOJAH Date: 2021.12.21 14:21:34 -07'00'
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Greg Mehojah  
Regional Director

Enclosure

cc:

Mr. Myron Lizer, Vice President, Office of the President, Vice President, Navajo Nation  
Mr. Paulson Chaco, Chief of Staff, Office of the President, Vice President, Navajo Nation  
Mr. James Davis, Deputy Chief of Staff, Office of the President, Vice President, Navajo Nation  
Ms. Santee Lewis, Washington Office, Navajo Nation  
Mr. Levon Henry, Legal Counsel, Office of the President, Vice President, Navajo Nation



THE SECRETARY OF THE INTERIOR  
WASHINGTON

DEC 20 2021

Dear Tribal Leader:

On November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (BIL), which invests more than \$13 billion directly in Tribal communities across the country and makes Tribal communities eligible for billions more. These resources go to many Federal agencies to expand access to clean drinking water for Native communities, ensure every Native American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and invest in Tribal communities that have too often been left behind.

The U.S. Department of the Interior (Department) received a \$466 million investment for the Bureau of Indian Affairs for infrastructure projects and climate resiliency initiatives, as well as a historic investment of \$2.5 billion to help the Department fulfill pre-existing settlements of Indian water rights claims. The BIL also made Tribal communities eligible for additional Department programs to support building resilience to wildland fire and drought, restoring ecosystems, enabling fish passage, and addressing legacy pollution from abandoned mine lands and orphan oil and gas wells.

As Secretary of the Interior, I am making it a priority to garner input from Tribal leaders on the important opportunities and decisions facing our Department. These programs will be implemented over several years, which may require that we consult with you at multiple decision points. Right now, we are seeking your input to inform early planning decisions. We will also keep Tribal leaders informed as dates and deadlines are determined.

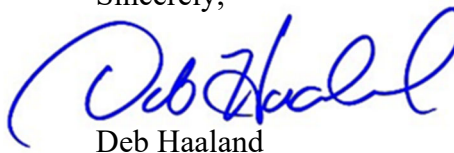
To inform the consultation, we have attached fact sheets on the infrastructure programs, as well as a framing paper with questions. To best accommodate your locations and ensure everyone's safety, we will be holding virtual sessions scheduled by time zone. If you are unable to make the session reserved for the time zone in which your Tribe is located, please feel free to join an alternate session. My colleagues and I look forward to speaking with you at one or more of the following sessions:

<b>Date</b>	<b>Time</b>	<b>Topic</b>	<b>Zoom Link/Register At</b>
January 26, 2022	11:00 a.m. – 2:30 p.m. Pacific Time	Pacific & Alaska Time Zone Tribes  Bipartisan Infrastructure Law Implementation	Register in advance for this meeting: <a href="https://www.zoomgov.com/meeting/register/vJIsfuispj4vHsQIVV46AGYFaCdfrnhwvvgg">https://www.zoomgov.com/meeting/register/vJIsfuispj4vHsQIVV46AGYFaCdfrnhwvvgg</a>
January 27, 2022	12:00 p.m. – 3:30 p.m. Mountain Time	Mountain Time Zone Tribes  Bipartisan Infrastructure Law Implementation	Register in advance for this meeting: <a href="https://www.zoomgov.com/meeting/register/vJIsceuuqzwvHfkbMPxp-xWy1ZCoYxM0bM0">https://www.zoomgov.com/meeting/register/vJIsceuuqzwvHfkbMPxp-xWy1ZCoYxM0bM0</a>
January 28, 2022	1:00 p.m.- 4:30 p.m. Eastern Time	Eastern & Central Time Zone Tribes  Bipartisan Infrastructure Law Implementation	Register in advance for this meeting: <a href="https://www.zoomgov.com/meeting/register/vJItceyvrDgtGbF-Zeje_cMvGHeO2KYWh4c">https://www.zoomgov.com/meeting/register/vJItceyvrDgtGbF-Zeje_cMvGHeO2KYWh4c</a>

In addition to joining one of the consultation sessions listed above, please submit any written comments to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. Eastern Time on Friday, February 4, 2022.

I look forward to speaking with you. If you have any questions regarding this effort in the meantime, please feel free to contact Ms. Rachel Brown, at (202) 513-0630 or [rebrown@usbr.gov](mailto:rebrown@usbr.gov).

Sincerely,



Deb Haaland

Enclosures

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Water Infrastructure & Drought Resilience Programs**

*Bureau of Indian Affairs (BIA) Infrastructure Investments – Dams and Water Projects (\$250 million)*: Funding is provided for construction, repair, improvement, and maintenance of irrigation and power systems, safety of dams, water sanitation, and other facilities. At least \$50 million must be used to address irrigation and power systems and \$200 million will be used to address safety of dams, water sanitation, and other facilities.

- The BIA is planning to prioritize funding of projects that reduce the risk of failure, reduce deferred maintenance, and align with the Condition Assessments and Modernization Studies to rehabilitate aging irrigation and power infrastructure.
  - For BIA's Congressionally authorized irrigation projects, BIA plans to invest funds based on well-established scoring criteria based primarily on reducing deferred maintenance and modernizing aging irrigation infrastructure at locations that have not received water rights settlement funding for irrigation infrastructure within past ten years. Higher priority will be given to projects that can be initiated quickly.
  - For power projects, BIA plans to invest funds to update specific power utility components that reduce risk of component failure, consistent with information from the recently completed 2021 Condition Assessment Reports. Higher priority will be given to projects that can be initiated quickly.
- For Safety of Dams projects, BIA plans to use funding to accelerate rehabilitation activities using the current prioritization methodology. The Safety of Dams program routinely performs inspections and analysis of all high-hazard program dams to understand the risk each structure presents to downstream residents. BIA uses the results of this work to prioritize distribution of design and construction funding to the highest risk dams.
- For Water Sanitation, Indian Affairs (IA) is establishing a new program in this area of need for which we have authority. Water Sanitation funds would be prioritized to address Environmental Protection Agency Safe Drinking Water Act notice of violations, projects that affect Indian communities and school children at Bureau of Indian Education-funded schools. In addition, funds would be used for projects that can be initiated quickly to address contamination issues, critical risks of IA system failure, system deficiencies, and systems near end of service life. IA would also initiate assessments and develop a full inventory of IA-owned drinking water and wastewater systems to guide investments.

*Bureau of Reclamation – Each of the water infrastructure projects below are funded through the Bureau of Reclamation (Reclamation). The Infrastructure Law explicitly allows Tribes to use Coronavirus Fiscal Recovery Funds to meet non-Federal match requirements. Tribes are among the various parties who qualify to compete for funding from these programs.*

- Water Storage, Groundwater Storage, and Conveyance projects (\$1.05 billion): The Water Storage, Groundwater Storage, and Conveyance projects will provide benefits of increased water via construction of water storage or conveyance infrastructure or by providing technical assistance to non-Federal entities. This is an expansion of an existing program. Funds for this category will be developed through internal formulation following a ground up approach. Notable funding requirements: 50 percent maximum Federal cost share for federally-owned projects and 25 percent maximum for non-Federal projects.
- Small Surface Water and Ground Water Storage projects (\$100 million): The Water Storage, Groundwater Storage, and Conveyance projects will provide benefits of increased water via construction of storage or conveyance infrastructure or by providing technical assistance to non-Federal entities. Reclamation will establish competitive grants for planning and construction for this category which will be awarded through an external application process leading to grants. Notable funding requirements: Applicants will be selected based upon best fit to comply with the parameters of projects between 2 total acre feet and 30 total acre feet in size, with partners that can support their 75 percent cost share, while this funding helps provide up to 25 percent cost share. Funding may not be available in Fiscal Year (FY) 2022.
- Aging Infrastructure Account – Extraordinary maintenance for reserved and transferred works (\$3.2 billion): This program is to provide funding for the significant amount of extraordinary maintenance Reclamation faces with aging infrastructure and provide resources to project beneficiaries and transferred works operators to proceed with projects that may have been stalled or delayed due to lack of funding. Funding will follow Infrastructure Law language, project cost allocations, and Reclamation law, which determines where funding should be repaid over time using existing, new, or amended repayment contracts. Project selection will be focused on project readiness, ability to execute, priorities, and reimbursability components.
- Rural Water projects (\$1 billion): Since 1980, Congress has authorized Reclamation, among other agencies, to develop municipal and industrial water supply projects in rural areas and on Tribal lands. Congress has authorized these projects, known as rural water supply projects, for several locations throughout the West. This program helps provide potable water to rural communities, both Tribal reservations and non-Tribal communities. This is an existing program and funding determinations will follow an internal formulation process.
- Water Recycling and Reuse projects (\$550 million): Water Recycling and Reuse project funding helps provide grant funding as provided in Title XVI authority and supports planning, design, and construction of water recycling and reuse projects in partnership with local government entities. These efforts promote greater water reliability and contribute to the resiliency of water supply issues. Funding will be provided through an external application process. A maximum Federal 25 percent cost share applies, but with no total Federal investment cap.

- Water Recycling and Reuse projects – Large Scale (\$450 million): Water recycling and reuse project funding provide grants that support planning, design, and construction of water recycling and reuse projects in partnership with local government entities. Funding will be provided through an external application process. Projects must be at least \$500 million in total costs and can include conveyance. A maximum Federal 25 percent cost share applies, but with no total Federal investment cap. Funding will not be available in FY 2022.
- Water Desalination (\$250 million): The Bipartisan Infrastructure Law provides new authority to Reclamation to develop a desalination construction program that will provide a path for ocean or brackish water desalination projects to receive Federal funding. Funding is provided through an external application process. A maximum Federal 25 percent cost share applies, but with no total Federal investment cap.
- WaterSMART grants (\$300 million): Reclamation supports Tribes and various other parties as they plan for and implement actions to increase water supply through investments to modernize existing infrastructure and attention to local water conflicts. Funding will be provided through an external application process. There is a 50 percent match requirement, but 25 percent for some projects.
- WaterSMART grants – Improve natural features (\$100 million): This funding is specifically targeted for WaterSMART projects that improve the condition of a natural feature or nature-based feature. Funding will be distributed following an external application process. There is a 50 percent match requirement, but 25 percent for some projects. Funding may not be available in FY 2022.
- Drought Contingency Plan Implementation – Lower Colorado River Operations Program (\$250 million): Funding is provided to implement the Colorado River Basin Drought Contingency Plan and will be provided via an internal formulation process. Funding is for use in the Lower Colorado River Basin and may be used for projects to establish or conserve recurring Colorado River water that contributes to supplies in Lake Mead and other Colorado River water reservoirs in the Lower Colorado River Basin, or to improve the long-term efficiency of operations in the Lower Colorado River Basin.
- Drought Contingency Plan Implementation – Upper Colorado River Operations Program (\$50 million): Funding is provided to implement the Colorado River Basin Drought Contingency Plan, consistent with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act (P.L. 116-14), and related agreements. Funding will be provided via an internal formulation process and will be targeted to the Upper Colorado River Operations Program. Funding may not be available in FY 2022.
- Watershed Management projects (\$100 million): This program supports providing grants for watershed management projects to encourage a diverse set of stakeholders to form local solutions to address their water management needs. Implementation will follow existing processes established to provide public announcement of funding opportunities in FY 2022 and applications will be reviewed using existing criteria. 50 percent cost share for some projects.

- Aquatic Ecosystem Restoration and Protection (\$250 million): The Aquatic Ecosystem Restoration and Protection program was authorized in the FY 2020 Omnibus bill. Funding will be distributed following an external application process, and during FY 2022 work will proceed to stand up the new program and develop criteria and funding opportunity announcements.
- Multi-benefit Watershed Health Improvement (\$100 million): This funding is provided to improve watershed health and will be determined based upon an external application process. Funding will support the design, implementation, and monitoring of habitat restoration projects that improve watershed health in a river basin adversely impacted by a Reclamation project. Benefits can be to a broad range of listed environmental, Tribal, and recreation purposes. A clear distinction is drawn between enhancement (allowed) and mitigation (not allowed). Up to 50 percent Federal cost share, unless non-consumptive conservation benefits account for 75 percent or more of the costs, in which case the Federal share can increase to 75 percent.
- Endangered Species Recovery and Conservation programs – Colorado River Basin projects (\$50 million): Funding will support endangered species recovery, particularly in the Colorado River Basin. Funding will be distributed based upon an internal formulation process.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Indian Water Right Settlement Investments**

Office of the Secretary – Indian Water Rights Settlement Completion Fund (\$2.5 billion): The Bipartisan Infrastructure Law (BIL) establishes the Indian Water Rights Settlement Completion Fund (Fund). Appropriations to the Fund are to “be used by the Secretary of the Interior for transfer to funds or accounts authorized to receive discretionary appropriations, or to satisfy other obligations identified by the Secretary of the Interior, under an Indian water settlement approved and authorized by an Act of Congress before the date of enactment of this Act.”

The BIL authorizes \$2.5 billion as a lump sum in mandatory funding to be deposited in the Fund to remain available until expended. The BIL provides the Secretary with discretion regarding the sequence and timing of transfers from the Settlement Completion Fund, with the caveat that the fund authorizes payments only for Indian water settlements approved and authorized by an Act of Congress before the date of enactment of the BIL on November 15, 2021. The Secretary’s Indian Water Rights Office oversees implementation of Indian water rights settlements through Federal implementation teams and serves as a policy coordinator across Bureaus and Offices within the Department. Although settlements vary, both the Bureau of Reclamation (Reclamation) and the Bureau of Indian Affairs (BIA) can be responsible for funding and carrying out settlement obligations. Accordingly, both Reclamation and BIA have Indian water rights settlement obligations that could be met or partially met with this funding.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Wildfire Resilience Programs**

The Bipartisan Infrastructure Law (BIL) provides a total of nearly \$1.5 billion to the Department of the Interior (Department) Wildland Fire Management programs. The law's funding is intended to prepare communities and ecosystems for the threat of wildfire by making historic investments to address wildfire risk through hazardous fuels management, science, and technology to improve the early detection of wildfires, support to local communities to prepare for and mitigate the impacts for wildfires, and post-wildfire restoration activities. The infrastructure law also invests in Federal wildland firefighters pay and benefit reform. In most of these cases, the U.S. Department of Agriculture's (USDA) Forest Service received a complementary appropriation, and the two departments are collaborating on and coordinating their implementation.

Preparedness: Tribes are eligible for or benefit from the following resources that will increase America's preparedness to respond to wildland fire.

- \$50 million for pre-planning fire response workshops and firefighter training,
- \$50 million for local governments and Tribal Nations to acquire slip-on tanker units to establish fleets of vehicles for quick conversion for operation as fire engines,
- \$10 million for radio interoperability and incident management team support when responding to wildfires,
- \$10 million for agreements with the National Oceanic and Atmospheric Administration to establish and operate a program that makes use of Geostationary Operational Environmental Satellite program to rapid detect and report wildfire starts, and
- \$5 million for procurement and placement of sensors, cameras and equipment for wildfire detection and real-time monitoring.

Fuels Management: The BIL includes \$878 million for a variety of Fuels Management activities to protect vulnerable communities from wildfire while preparing our natural landscapes for a changing climate, in which Tribes are eligible to participate. These activities include:

- \$600 million for fuels treatments such as mechanical thinning and timber harvesting in an ecologically appropriate manner, planning for and conducting prescribed fires, and installing fire controls such as fuel breaks,
- \$100 million for contracting or employing laborers to modify and remove flammable vegetation on Federal land to produce biochar and other innovative wood products, including through the use of locally based organizations that engage young adults, Tribal Nations' youth and veterans, and

- \$178 million to expand the Department's current fuels management activities including wildland fire management on Indian trust lands, fuels treatment on Reserve Treaty Right Lands, and Tribal participation in collaborative strategic Fuels Management projects on non-Tribal lands to protect Tribal natural resources at high risk from wildfire.

Burned Area Rehabilitation: Tribes are eligible for funds from \$325 million provided for Federal, State, and Tribal entities to complete post-fire restoration activities. These actions help mitigate the damaging effects of wildfires and set landscapes on a path towards natural recovery and climate resilience.

Tribal Forestry Protection Act: Of certain amounts identified above for Fuels Management and Burned Area Rehabilitation, BIL sets aside a total of \$10 million over five years for implementation of the Tribal Forestry Protection Act.

Wildland Firefighter Workforce: The law provides \$120 million to the Department for Federal wildland firefighter workforce reforms, including base pay increases, creation of a "wildland firefighter" occupational series, the conversion of seasonal wildland firefighters to full-time permanent status, and the development of programs to address firefighter mental health and post-traumatic stress disorder care.

Joint Fire Science Program: The law provides \$10 million to the Department over the next five years for science and research associated with wildfire risk and that directly impact local communities. That law also provides \$10 million to USDA Forest Service for this program, which the two departments jointly administer.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Ecosystem Restoration Programs**

U.S. Fish and Wildlife Service (FWS) – Restoration Programs (\$455 million): The Bipartisan Infrastructure Law (BIL) provides FWS resources to advance habitat restoration, invasive species control, conservation of at-risk and listed species and other benefits in four significant ecosystems as well as opportunities to restore habitat connectivity for aquatic species around the country. Tribes are eligible to receive resources for each of the five programs outlined below. Matching requirements for these programs will be determined as yearly plans are developed.

- The National Fish Passage Program (NFPP) (\$200 million): The BIL requires that NFPP funds be utilized “for restoring fish and wildlife passage by removing in-stream barriers and providing technical assistance.” Funding to external partners through this existing program will be distributed via cooperative agreements and grants. Since the NFPP’s inception in 1999, FWS has partnered with Tribal governments and Tribal organizations across the country to restore aquatic habitat and fish passage both on and off Tribal lands. Nationwide, Tribal governments are eligible to conduct, support, and collaborate with FWS on NFPP projects to restore, conserve, and protect Tribal resources.
- Klamath Basin Restoration activities (\$162 million): Funding provided will be allocated for habitat restoration and water acquisition to help restore the Klamath ecosystem, as well as for enhanced hatchery production of listed Lost River and shortnose suckers. Each year, FWS will develop an annual spending plan that describes specific projects and activities that will be funded from the Klamath infrastructure funding. To guide the development of these annual spending plans, FWS intends to use its science-based strategic conservation plans, coupled with input from Tribes and other conservation partners at annual stakeholder workshops. Funds will be distributed through a combination of competitive contracts, Tribal and other grants, and co-operative agreements. The activities that will be funded represent an expansion of existing activities that span multiple FWS programs.
- Lake Tahoe Restoration activities (\$17 million): The program is required to deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species (AIS) Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region. The FWS proposes to primarily use funding in direct collaboration with the Washoe Tribe of California and Nevada, the Tahoe Regional Planning Agency, and other partners, in support of implementation and evaluation of the Lake Tahoe AIS Management Plan.

- Sagebrush Ecosystem Conservation (\$50 million): This program builds on an existing collaborative effort by FWS and its public and private partners to conserve the sagebrush ecosystem and the nationally significant biological, cultural, and economic resources it supports. This partnership is using a Strategic Habitat Conservation approach to identify the most pressing threats to a sustainable sagebrush ecosystem, such as invasive species and wildfire, and investing in tangible, measurable actions to address those threats in the face of a changing climate. Tribes are important partners in protecting the health and stability of the sagebrush biome. The FWS is working with Western Association of Fish and Wildlife Agencies and State and Federal partners on a conservation design for the sagebrush ecosystem and proposes to incorporate Tribal input at the State scale. Tribal lands identified in the ecosystem-wide conservation design would be eligible for conservation and restoration projects and will be identified through partnerships once funding is in place.
- Delaware River Basin Restoration program (\$26 million): The Delaware River Basin program provides competitive matching grants for habitat conservation in the Delaware River watershed. Together with our partners at the National Fish and Wildlife Foundation and the Delaware River Watershed Conservation Collaborative (Collaborative) Steering Committee, FWS will set priority actions to be funded in the Delaware Watershed Conservation Fund fiscal year (FY) 2022 request for proposals (RFP) under the heading of “nature-based solutions” (approaches that use, mimic, or enhance physical, biological, geological, and chemical processes that exist in natural systems to provide services, like shoreline protection and upgrading road stream crossings to enable aquatic organism passage). In FY 2022, FWS will also focus grant funding toward capacity building, prioritizing projects that build capacity among partners. Tribal representation on the Collaborative Steering Committee was offered to three members of federally recognized Tribal Nations descended from the Indigenous Lenape people of the Delaware River watershed (Delaware Nation and Delaware Tribe in Oklahoma, and the Stockbridge Munsee Mohican Nation in Wisconsin) and communication with those Tribal Nations is ongoing. The RFP will open in February 2022 and proposals will be due in April 2022. The review committee will select proposals in early summer, and award funding in September 2022.

Office of the Secretary – Ecosystem Restoration (\$905 million): The Office of the Secretary received funding for ecosystem restoration, allocated over 5 years, to build resilience to the devastating effects of drought and wildfires, boost local economies, put people to work, and strengthen partnerships across State, Tribal, and other partners in restoring important ecosystems and watersheds, supporting Tribal climate resilience, and restoring culturally important lands—all guided by science, traditional knowledge, and best practices for effective restoration. The Department of the Interior is still determining the amount, criteria, and mechanism for deploying resources in FY 2022 and each of the following years, but Tribes will be eligible for the following programs:

- Contracts to Restore Ecological Health on Federal Lands (\$50 million)
- Working Capital Fund (for stewardship contracts) (\$100 million)

- Good Neighbor Agreements with States and Tribes (\$40 million)
- Grants to States and Tribes for Voluntary Restoration (\$400 million)
- Invasive Species (\$100 million)
- Revegetation and Hazard Mitigation on Mined Lands (\$100 million)
- National Revegetation Effort including National Seed Strategy (\$70 million)

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Legacy Pollution Programs**

Abandoned Mine Reclamation Fund (\$11.3 billion): The Bipartisan Infrastructure Law (BIL) expands the Abandoned Mine Reclamation Fund program (AML) to provide grant funding based on new criteria in the BIL, on an equal annual basis over a 15-year period to eligible States and Tribes. The Office of Surface Mining Reclamation and Enforcement (OSMRE) will work collaboratively with States and Tribes who receive these grants to establish and build the program. In the first and second quarters of fiscal year (FY) 2022, OSMRE will conduct listening sessions and provide status updates to State/Tribal and public AML Program partners on the BIL funding. During the second and third quarters of FY 2022, OSMRE will initiate stakeholder engagement regarding overall program changes, goals, and objectives, and revise, as appropriate, based on stakeholder input. The OSMRE will require updated State/Tribal reclamation plans to include specific criteria for ranking and identifying projects to be funded. States and Tribes will be required to target projects which address adverse impacts to public health, safety, and property with priority given to projects that provide employment opportunities to current and former employees of the coal industry, are beneficial to coalfield communities, and support their revitalization.

Orphaned well site plugging, remediation and restoration (\$150 million): The BIL provides \$150 million to address orphaned well sites on Trust and Restricted lands, either through grants to Tribes or, at the request of a Tribe, plugging and reclamation activities to be carried out by the Secretary on that land (referred to as “in-lieu-of-grant” funding). The Department of the Interior (Department) has been coordinating with the Bureau of Indian Affairs and the Indian Energy Service Center (IESC) to identify best approaches to develop the Tribal grants process. The IESC has been conducting an in-depth data analysis of orphaned wells that might be on Trust and Restricted lands. By March 2022, the Department plans to finalize guidance on Tribal grants and the in-lieu-of-grant process. The Department expects that Tribes would be able to submit applications by April 2022. The Department proposes that any request for in-lieu-of-grant services will be coordinated with IESC, and with the support of the Bureau of Land Management as needed. The Department also proposes that preferred contracts would be Indian-owned businesses first. The IESC would assist in any training and reporting.

In addition, the BIL directs \$250 million to address orphaned wells on public lands and makes \$4.275 billion available for grants to States for orphaned wells on State and private lands. The Department encourages all Tribes who are directly affected by orphaned wells, or have interests affected by orphaned wells, including those without orphaned wells on their own lands, to provide input into the development of the public land and State grant programs, including requests for the prioritization of particular sites on non-Trust and Restricted land.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Tribal Climate Resilience Programs**

Bureau of Indian Affairs (BIA) - Tribal Climate Resilience Programs (\$216 million): Funding is provided for Tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects which address the varying climate challenges facing Tribal communities across the country. The bill language directs that \$130 million is provided for community relocation and \$86 million is provided for Tribal climate resilience and adaptation projects. Of the total amount available, \$43.2 million is available to spend each year. Funding available through the Bipartisan Infrastructure Law for Tribal climate resilience leverages annual funding currently available for Tribal Climate Resilience Grants. The Department of the Interior's (DOI) Fiscal Year 2022 budget proposes for both climate adaptation and community relocation. The Bureau of Indian Affairs' (BIA) role is largely providing financial and technical assistance to support Tribal strategies, as well as providing a coordinating function to help link Tribes to financial and technical assistance at other agencies.

**For Community Relocation**, BIA is planning to provide awards to support the following costs: (1) risk assessment, (2) planning, (3) implementation, and (4) capacity building. Tribal proposals will be considered based on factors such as overall quality of design, potential for implementation, and incorporation of science features, risk level, capacity-building features, strength of budget proposal, and supplemental factors such as breadth of benefits and leveraging of funds. Applications will be ranked and funded according to availability of funds.

**For Climate Adaptation**, BIA is planning to provide awards to support the following costs: (1) training and workshops, (2) adaptation planning, (3) youth engagement, (4) implementation, (5) travel, and (6) capacity building. Tribal proposals will be considered based on factors such as overall quality of design, potential for implementation, and incorporation of science features; capacity-building features; and strength of budget proposal and supplemental factors such as breadth of benefits and leveraging of funds. Applications will be ranked and funded according to availability of funds.

The Tribal Climate Resilience Program will release the draft implementation plan in February 2022, following Tribal consultation to be held in mid-January 2022. Additional Tribal engagement sessions will be held to allow for additional feedback from Tribal leaders. It will reflect recommendations from the 2021 DOI Tribal Climate Listening Sessions and the Discretionary Tribal Grant Listening Sessions.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of U.S. Geological Survey Infrastructure Law Programs**

The U.S. Geological Survey (USGS) will implement the following projects with historic investments from the Bipartisan Infrastructure Law (BIL):

USGS Energy and Minerals Research Facility (\$167 million): Funds the design, construction, and tenant build out of a USGS-owned facility to support energy and minerals research and appurtenant associate structures, through a cooperative agreement with an academic partner. Funding is available in fiscal year (FY) 2022 until expended.

National Geological and Geophysical Data Preservation Program (\$23.7 million): Supports State Geological Surveys through the matched grants program to preserve and make digitally-accessible geological and geophysical data and assets, including support of the Earth Mapping Resources Initiative (MRI) critical minerals priorities. Funding will be received over a period of 4 years, with \$8.7 million in FY 2022 and \$5 million in FY 2023 through FY 2025.

Earth MRI (\$320 million): The Earth MRI program is charged with carrying out the mapping and mineral resource evaluation of the nation with a focus on characterizing critical mineral resources that are located both in the subsurface as mineral deposits and on the surface as mine waste materials. These studies are key for understanding the mineral resource potential for areas of focus, which often include Tribal lands. The information and interpretations from these projects provide valuable geoscience needed to understand natural resource endowment (e.g., groundwater, energy, and minerals), natural hazards (e.g., earthquakes, landslides, and volcanoes), and landscape evolution and change, as well as to inform land management decisions and remediation efforts on abandoned mine lands. The USGS may enter into cooperative agreements with States or use existing contracting authorities. There is no anticipated direct funding to the Tribes during the FY 2022 start-up period for Earth MRI data collection efforts under the BIL. For lidar data collection efforts under Earth MRI, Tribes are welcome to submit proposals for matching Federal funding through the Broad Agency Announcement for FY 2023 and beyond, and USGS has received multiple proposals led by Tribes over the years.

Before conducting surveys on Tribal reservation lands and ceded lands in some states, Earth MRI follows the Bureau notification process and invites the Tribes to discuss the projects early in the planning process and seeks their permission (or not) for the proposed activities. Expressed Tribal consent is required before a mapping or geophysical survey project occurs on reservation lands.

## **Framing Paper**

### **Tribal Consultation on Department of the Interior Implementation of the Bipartisan Infrastructure Law**

#### **Bureau of Reclamation Water Infrastructure and Drought Resilience**

- Which drought resilience programs have the best potential to address your Tribe's needs?
- Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

#### **Indian Affairs programs for Irrigation and Power, Safety of Dams, and Water Sanitation**

- Do the factors proposed to prioritize investments for irrigation and power, safety of dams, and water sanitation seem appropriate, or should we consider other factors?

#### **Indian Water Rights Settlement Completion Fund**

- What factors should the Secretary consider in determining the sequence and timing of distributing the \$2.5 billion?
- Should the entire amount in the fund be paid out immediately to satisfy remaining costs of settlements having a balance to complete as of November 15, 2021, or should some funding be held back in the event that the 34 settlements enacted as of November 15, 2021, could potentially need additional funding from future authorized amendments?

#### **Wildland Fire Resilience**

- Which wildland fire resilience programs have the potential to be most important to your Tribe? Where do you see your Tribe having capacity to implement these programs through contracts or agreements?
- Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

#### **Ecosystem Restoration**

- Which programs are of most importance to your Tribe? Where do you see your Tribe having capacity to implement these programs through contracts or agreements?
- Do you see opportunities where these funds could be used to best leverage other restoration investments your Tribe or Federal agencies are making?

### **Tribal Climate Resilience Programs**

- Do the eligible cost categories for community relocation and climate adaptation seem appropriate?
- Given the amount of funds available, does the criteria for awarding funds seem like an appropriate approach or should we consider other factors?
- Should we have a cap on funding per Tribe or direct funding to Tribes most at risk and ready to implement projects?
- Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

### **Legacy Pollution**

- Does your Tribe currently participate in the Coal Abandoned Mine Lands grant program? If so, what works well and what aspects of the program need improvement?
- As the Department of the Interior (Department) establishes the new Orphan Oil and Gas Well Remediation Tribal Grant program, do you have an opinion on the best way to administer funds (i.e., by formula or a traditional call for nominations)?
- Even if your Tribe does not have abandoned mines or orphan wells on your lands, are there mines or wells on neighboring lands that are an issue for your Tribe?

### **USGS Science Programs**

- Does your Tribe have identified geoscience needs and or opportunities for dedicated studies in support of those Tribal needs?
- The USGS is looking for opportunities to support capacity building. Would your Tribe be interested in training that could (1) help build capacity to utilize the data gathered under Earth Mapping Resources Initiative to inform land and resource management needs; or (2) help your Tribe understand potential critical mineral resources and environmental challenges associated with mine waste on your Tribal lands?
- Is there other training or support that would be useful to your Tribe?

### **General**

- Where do you see opportunity for the Department to leverage multiple programs to help your Tribe address challenges?
- As we work to make programs easier to access, do you have experience with best practices or missteps from other programs that provide important lessons?

- What additional information or support would be most helpful to your Tribe in accessing these resources?
- What other requests, questions, or feedback do you have for the Department at this stage?

## Appendix B – News Release

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

### October 2021

#### **Buy-Back Program Sends Offers to Landowners with Fractional Interests at the Blackfeet Reservation**

Interested sellers have 45 days to respond to offers.

#### **Indian Affairs Announces \$1.5 Million in 2021 Tribal Tourism Grants Awarded to Tribes, Tribal and Native Hawaiian Orgs**

Application solicitation included focus on challenges to Tribal tourism businesses from COVID-19 pandemic.

### November 2021

#### **Interior Department Announces the Establishment of the PROGRESS Act Negotiated Rulemaking Committee**

The Department of the Interior's Bureau of Indian Affairs today announced proposed membership for the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (PROGRESS Act) Negotiated Rulemaking Committee, which will negotiate and advise the Secretary of the Interior on the implementation of the PROGRESS Act.

#### **Indian Affairs Announces Cabazon Band, Pascua Yaqui and Sycuan Band Have Approved HEARTH Act Regs**

List of Tribal nations with restored authority to regulate leasing of their trust, restricted fee lands continues to grow.

### December 2021

PRESS RELEASE

#### **BIA Announces Publication of Final Rule for Probating Indian Trust Estates**

The Bureau of Indian Affairs today announced it has published a rule that finalizes revisions to the probate process for American Indian and Alaska Native individuals with property held in federal Indian trust status. The final rule eliminates ambiguities and procedural delays in the federal process for probating Indian trust estates so that such property may be distributed more quickly to a decedent's heirs and devisees.

#### **Indian Affairs Announces New Tool to Bring Attention to Missing and Murdered Cases**

Website will allow tip submissions and makes important case information easily shareable.

#### **Indian Affairs Leaders Speak on the Present and Future of Tribal Gaming Law**

Department of the Interior Assistant Secretary for Indian Affairs Bryan Newland and Deputy Assistant Secretary — Indian Affairs for Policy and Economic Development Kathryn Isom-Clause today delivered remarks to the Northwest Gaming Law Summit and California Nations Indian Gaming Association meeting respectively, on the present and future of Indian gaming law.

### **Indian Affairs Announces Funding for Living Languages Grants**

The Indian Affairs Office of Indian Economic Development announced today it is soliciting applications for its Living Languages Grant Program. Funds provided through the LLGP enable federally recognized American Indian and Alaska Native Tribal entities, as listed in [86 FR 7554](#), to support Tribal programs that document Native languages or build Tribal capacity to create or expand language preservation programs.

## **January 2022**

PRESS RELEASE

### **Bureau of Indian Education Unveils New Logo**

The Bureau of Indian Education marks a significant milestone by unveiling its official logo today. This is the first logo for BIE since becoming a bureau in 2006. The initial logo design was created by Kayla Jackson, a member of the Pyramid Lake Paiute Tribe who is also a graduate of the Bureau's Haskell Indian Nations University located in Lawrence, Kansas.