



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Navajo Regional Office

P.O. Box 1060

Gallup, New Mexico 87305

March 2, 2023

NOTICE OF DECISION

Adoption of the Integrated Resource Management Plan for the Former Bennett Freeze Area of the Navajo Nation

DECISION:

The U.S. Department of the Interior, Bureau of Indian Affairs (BIA), Navajo Regional Office, hereby gives notice of its decision to adopt the Integrated Resource Management Plan (IRMP) for the Former Bennett Freeze Area (FBFA) of the Navajo Nation (Nation). The BIA and the Nation prepared the IRMP pursuant to the American Indian Agricultural Resources Management Act (“AIARMA”), 25 U.S.C. § 3701 *et seq.*

AUTHORITY:

AIARMA requires the Secretary of the Interior to “conduct all land management activities on Indian agricultural land in accordance with goals and objectives set forth in the approved agricultural resource management plan, in an integrated resource management plan, and in accordance with all tribal laws and ordinances.” 25 U.S.C. at § 3712(a). AIARMA defines an IRMP as a “plan developed pursuant to the process used by tribal governments to assess available resources and to provide identified holistic management objectives that include quality of life, production goals, and landscape descriptions of all designated resources that may include (but not be limited to) water, fish, wildlife, forestry, agriculture, minerals, and recreation, as well as community and municipal resources, and may include any previously adopted tribal codes and plans related to such resources.” 25 U.S.C. § 3703(11). In enacting AIARMA, Congress stated that the “development and management of Indian agricultural lands in accordance with integrated resource management plans will ensure proper management of Indian agricultural lands and will produce increased economic returns, enhance Indian self-determination, promote employment opportunities, and improve the social and economic well-being of Indian and surrounding communities.” 25 U.S.C. § 3703.

SUPPLEMENTARY INFORMATION:

In 1966, the Commissioner of Indian Affairs, Robert Bennett, issued a series of administrative orders that restricted development on 1.6 million acres of tribal lands in northeastern Arizona that were claimed by both the Nation and the Hopi Tribe. This became known as the Bennett Freeze. The 40-year Bennett Freeze all but stopped economic development in the area and contributed to poor living conditions for many residents. The Bennett Freeze halted development of new homes, businesses, roads, schools, and utility infrastructure and structural maintenance. In 2006, Nation and Hopi leaders signed an Intergovernmental Compact, which a federal court approved in 2007, that lifted the Bennett Freeze, clarified the boundaries of the two reservations in Arizona, and ensured access to religious sites of both Tribes. Nine Chapters are included within the FBFA boundary: (1) Bodaway-Gap, (2) Cameron, (3) Coalmine Canyon, (4) Coppermine, (5) Kaibeto, (6) Leupp, (7) Tolani Lake, (8) Tonalea, and (9) Tuba City.

In May 2009, President Barack Obama cleared the way for federal funding to help rehabilitate the FBFA. In 2008, the Nation led the development of a FBFA Recovery Plan, which presented full natural resource and socioeconomic evaluations for the area. However, while some progress was made, recovery from the freeze was in the infancy stage and did not mature before the FBFA Recovery Plan became antiquated. On November 21, 2015, the Nation and BIA signed a Memorandum of Understanding, electing to finalize the development of the FBFA IRMP in partnership with the BIA and in accordance with AIARMA. The IRMP was undertaken as a method for updating the FBFA Recovery Plan.

The IRMP is a strategic, vision-based, long-range management plan for the redevelopment of the FBFA based on Nation members' interests, needs, and concerns for their lands and natural and cultural resources. The purpose of the IRMP is to meet the social, cultural, economic, and long-term sustainability needs of the residents of the FBFA. As a basis for future resource decision-making and the BIA's land management activities, the IRMP sets comprehensive goals for the FBFA, establishes desirable use levels, and identifies types of development and land uses.

The BIA, in close consultation with the Nation, completed the draft IRMP in May 2020 and presented the IRMP to the Nation's Resource and Development Committee (RDC), which is the approval body for the IRMP under Nation law. The BIA consulted with the RDC to ensure the IRMP accurately reflected the Navajo Nation's policy and vision for the FBFA. At the direction of the RDC, the BIA also presented the draft IRMP to the Navajo-Hopi Land Commission. Thereafter, the BIA prepared a Programmatic Environmental Assessment (PEA) in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et seq.*, Council on Environmental Quality ("CEQ") regulations implementing NEPA, 40 C.F.R. Parts 1500-1508, and the Indian Affairs NEPA Guidebook (59 IAM 3-H). The PEA evaluated the potential environmental impacts of the BIA's adoption and implementation of the IRMP pursuant to AIARMA. Because the IRMP is the Nation's strategic plan for the management of its own resources, and at the request of the RDC, BIA chose to maximize opportunities for public input and participation in the PEA process. BIA held a 45-day public scoping period and a 30-day public comment period on the draft PEA. The BIA completed the final IRMP and presented the IRMP to the RDC on January 11, 2022. On April 4, 2022, the BIA issued a Notice of Availability of the PEA and the Regional Director's Finding of No Significant Impact.

On December 21, 2022, the RDC approved Resolution #RDCD-35-22, which approved the IRMP and the proposed action under the PEA. The Resolution also recommended that the BIA adopt the IRMP.

FOR FURTHER INFORMATION:

For further information or to obtain a copy of the IRMP or the PEA, please contact Renee Benally, Natural Resource Specialist, BIA Western Navajo Agency, Branch of Natural Resources, at P.O. Box 127 Tuba City, AZ 86045-0127, by telephone at (928) 283-2252, by email at renee.benally@bia.gov, or visit www.bia.gov/FBFA-EA.

NOTICE OF APPEAL RIGHTS

You may appeal this decision to the Interior Board of Indian Appeals (IBIA) in accordance with the appeal procedures at 43 C.F.R. Subtitle A, Part 4, Subpart D. If you choose to appeal, you must either mail or deliver your notice of appeal to the IBIA at the following address within 30 days from the date you receive this Notice of Decision:

Interior Board of Indian Appeals
Office of Hearings and Appeals
U.S. Department of the Interior
801 North Quincy Street
Suite 300
Arlington, VA 22203

You or your attorney must sign the notice of appeal, which must (1) clearly identify the decision being appealed; (2) include a statement of reasons for the appeal and relief sought; and (3) include the names and addresses of all additional interested parties, Indian tribes, tribal corporations, or groups having rights or privileges which may be affected by a change in the decision, whether or not they participated as interested parties in the earlier proceedings. Your notice of appeal sent to the IBIA must include a statement certifying that you have sent copies to these officials and known interested parties and should identify them by their names, titles, and addresses.

You also must send copies of your notice of appeal to:

Assistant Secretary – Indian Affairs
U.S. Department of the Interior
1849 C Street N.W.
MS-4660-MIB
Washington, D.C. 20240

Regional Director
Bureau of Indian Affairs, Navajo Regional Office
U.S. Department of the Interior
P.O. Box 1060
Gallup, NM 87305

Please have on the face of any envelope in which the notice of appeal is mailed or delivered, in addition to the address, the clearly visible words “NOTICE OF APPEAL.” You must also send a copy of and each interested party known to you.

This decision will become final and effective for the Department of the Interior when the time for filing a notice of appeal has expired and no notice of appeal has been filed.

Gregory C. Mehojah
Regional Director