

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
25th NAVAJO NATION COUNCIL -- First Year, 2023

AN ACTION RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES;
SUPPORTING THE NAVAJO NATION DIVISION OF PUBLIC SAFETY WINDOW ROCK
JUDICIAL/PUBLIC SAFETY FACILITY RELOCATION TO FORT DEFIANCE,
ARIZONA.

WHEREAS:

- A. The Law and Order Committee ("LOC") is a standing committee of the Navajo Nation Council empowered to provide oversight over corrections and the courts, enabling the Navajo Nation to provide efficient public safety services on the Navajo Nation. The LOC is also empowered to establish and develop the Navajo Nation's justice systems infrastructure including justice system facilities and to promote institutional planning and coordination among and between justice-system related entities. 2 N.N.C. § 600(C).
- B. The Law and Order Committee is empowered to grant approval for agreements negotiated by public safety programs with other federal, state, international, tribal, regional, and local governmental agencies, subject to Naabik'íyáti' Committee approval when required by law. 2 N.N.C. § 601(B)(1)(a),
- C. The Naabik'íyáti' Committee is empowered to coordinate all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation. 2 N.N.C. § 701(A)(4).
- D. Resolution LOCJN-04-17, approved a project priority list for the Judicial/Public Safety Fund. Under LOCJN-04-17's the Fund Management Plan, LOC must approve funding for projects and activities under the approved plan and priority list.
- E. Resolution LOCJN-04-17 also identified the partially-closed and dilapidated Window Rock court and detention center as the number one priority project and that the Tséhootsooi Justice Center project would replace the Window Rock facilities.
- F. The memorandum, attached as Exhibit A, provided by the Director of the Department of Corrections, Dr. Greyeyes, explains that the Window Rock Judicial Public Safety Task Force ("Task Force") determined that the four (4) acres in Window Rock,

Arizona, available for development was not feasible to house the Tséhootsooi Justice Center project.

- G. The Task Force, which includes the Navajo Nation Public Safety Department, identified and requested forty (40) acres of land available for development in Fort Defiance, Arizona, for the Tséhootsooi Justice Center, attached as **Exhibit B**.
- H. The Fort Defiance Chapter, in resolution FDC-2019-10-01, identified and approved the land withdrawal for the Navajo Nation Public Division of Public Safety and Judicial Department facility, located approximately 2.5 miles north of Navajo Route 12 and Route 110 Intersection in Fort Defiance, Arizona, attached as **Exhibit C**.
- I. In the active efforts to continue prioritizing the construction of the Tséhootsooi Justice Center, Director Dr. Greyeyes, submitted a Space Expansion Package to the BIA Division of Facilities Management and Construction ("DFMC"), which met all necessary requirements for construction of the 45-bed facility, which will be a part of the Tséhootsooi Justice Center. DFMC has requested a Navajo Nation Tribal Resolution reflecting the Nation's support of the relocation of the Tséhootsooi Justice Center to the forty (40) acre location identified in the attached Fort Defiance Chapter resolutions to proceed with construction, attached as **Exhibit D**.

THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation Council support the Tséhootsooi Justice Center relocation from the four (4) acre lot in Window Rock, Arizona to the forty (40) acre area identified in Fort Defiance.
- B. The Navajo Nation Council continues to supports the construction of the Tséhootsooi Justice Center as a priority of the Navajo Nation.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 19 in Favor, and 00 Opposed, on this 25th day of May 2023.



Honorable Crystalyne Curley, Chairwoman
Naabik'íyáti' Committee

5/25/23

Date

Motion: Honorable George H. Tolth

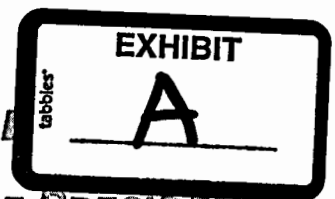
Second: Honorable Casey Allen Johnson

Chairwoman Crystalyne Curley not voting



DR. BUU NYGREN *PR*

RICHELLE MONTOYA *VICE PRESIDENT*



The Navajo Nation | Yideeskáadi Nitsáhákees

MEMORANDUM

TO : 25th Navajo Nation Council

FROM : *Delores Greyeyes*
Delores Greyeyes, PhD, Director
Department of Corrections
Division of Public Safety

DATE : March 28, 2023

SUBJECT : Request for Legislation to Relocate the Window Rock Detention Center

This memorandum is sent to request to request to relocated the Window Rock District Detention facility to Ft. Defiance, Arizona. This request is made following a letter from the Bureau of Indian Affairs for "A Navajo Tribal Resolution that identifies location/city for the New Detention Center. If the detention center will be moved from Window Rock to Ft. Defiance, the resolution must clearly indicate the Nation's decision to do so." This letter is attached Exhibit "A".

A decision was made by the Window Rock Judicial Public Safety Task Force consisting of members from the Judicial Branch and the Division of Public Safety to relocate the Justice Center from Window Rock, Arizona to Ft. Defiance, Arizona where there was 40 acres of land available to develop. The Task Force did not believe the current location, corner of 264 and Morgan Boulevard, where the Old Judicial Courts and the Division of Public Safety in Window Rock, Arizona was feasible due to the land size of a 4 acres.

Plans for the new Judicial and Public Safety Center would include the Judicial Courts and it programs, the Division of Public Safety which includes the Navajo Police, Investigations and the Correctional facility. In addition to this, the Public Safety administration offices will be included in this development. In order to adequately house all these programs there is a need for more than 20 acres of land to fit all the programs in one location and for future developments.

However, for this legislation, the BIA, the Division of Facilities Management and Construction is requesting a legislation supporting the relocation of the detention facility (correctional facility) to Ft. Defiance, Arizona.

On July 7, 2019 a resolution was passed by the Ft. Defiance Chapter assigning 40 Acres of Industrial Site #1, Fort Defiance. On November 10, 2019 a second resolution was passed by the Ft. Defiance Chapter to reaffirm its support for Judicial and Public to be located in Ft. Defiance, Arizona. These resolutions are attached as Exhibit "B".

Legislation Requesting for Legislation to Relocate the Window Rock Detention Center
March 28, 2023
Page TWO

Also attached are the General Land Development Department, Land Withdrawal Checklist for Community Development. This is attached as Exhibit "C".

I have also attached the programming a photo of the area that will be developed by the Division of Public Safety as the Judicial Public Safety Center. This is attached as Exhibit "D".

Thank you for your support on the Legislation to Relocate the Window Rock Detention Center (Correctional Facility) in Window Rock, Arizona to Ft. Defiance, Arizona. This facility is part of the overall Tsehootsooi Justice Center (Ft. Defiance, Arizona) is appreciated. Thank you.

cc: file

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



October 18, 2019

Fort Defiance Chapter
P. O. Box 366
Fort Defiance, Arizona 86504
ftdefiance@navajochapters.org

Dear Ft. Defiance Chapter Officials:

This letter is written to request that the 40 acres of land that was designed for the Window Rock District Criminal Justice Center to house the Navajo Police, Investigations, Corrections, Judicial Courts and its programs. The Division of Public Safety is taking the lead in this planning and requests that the land withdrawn on July 7, 2019 remain in tact.

The current facility that Division of Public Safety is using was built in 1959 to house the Navajo Courts, Police, Criminal Investigations, Corrections and probation services. The courts moved from this location in 2017 due to the extensive amount of facility issues. The Window Rock Police District serves 26 Navajo community chapters. The number of calls for services in 2018 for other than Part I offenses was 43,142 and the number of arrests was 6,863. The detention facility books 7,265 individuals each year. The ability to detain arrestees until trial or to imprison if found guilty has been almost non-existent starting in 2015 and will not improve significantly with planned capacity.

The Window Rock Judicial District covers 18 Navajo Nation chapters, some of which are in the state of New Mexico. The judicial district includes the district court, family court, Peacemaking Program and Office of Probation & Parole Services. The Window Rock courts see an average of 11,828 visitors annually and have an average caseload of 7,828 each year. This judicial district has the highest caseload of all Navajo Nation judicial districts from fiscal year 2015 to fiscal year 2018. Judicial staffs are housed in various locations around Window Rock, which makes direct services to the people problematic.

Individuals awaiting trial, sentencing, or both are detained in the same facility used to incarcerate people for sentences up to a year. The consequences of this situation are alarming, as law enforcement and judicial personnel, being keenly aware of the shortage of bed space, have little alternative but to implement actions that do not adequately address the nature of the arresting offense. For example:

- Law enforcement personnel sometimes release suspected offenders with a warning rather than an arrest.

Exhibit "B"

- Law enforcement personnel sometimes forego an arrest because transporting these individuals to distant detention facilities that have available bed space is time-consuming, not cost-effective, and reduces the availability of police officers to perform their patrol function and respond to emergencies.
- Individuals that are arrested and booked on suspicion of committing a crime are often released on their own (personal) recognizance rather than placed in a detention facility until there is a formal hearing.
- Individuals in a correction facility are often released from incarceration prematurely (i.e., without having served the full measure of their sentence).


Consequently, citizens are often reluctant to request help from police officers or report crime because they have little confidence in law enforcement or the judicial system; they also fear retaliation from offenders who are neither detained nor imprisoned.

The Window Rock Judicial Public Safety Facility (Project) is designed as one of the large Judicial Public Safety Centers on the Navajo Nation. The replacement of the Window Rock facility would cost an estimated cost of \$76,565,004 for planning, design and construction. The Project team received \$2,934,914 from the Navajo Nation through Judicial Public Safety Special Revenues for planning and designs.

Attached is a copy of the resolution that was passed by the Fort Defiance Chapter Resolution number FCD-2019-07-07-01.

Your assistance in this request is very much appreciated. Thank you.

Sincerely,



Jesse Delmar, Executive Director
Division of Public Safety

Attachment (1)



THE NAVAJO NATION
FORT DEFIANCE CHAPTER
P.O. Box 366 • Ft Defiance, Arizona 86504
Phone: (928) 729-4352 • Fax (928) 729-4353
Email: fdefiance@navajochapters.org

Daniel Yazza, President
Aaron Sam, Vice-President
Brenda Wauneka, Secretary Treasurer
Herman Billie, Grazing Official
Wilson C. Stewart, Jr., Council Delegate

Jonathan Nez
Navajo Nation President



RESOLUTION OF FORT DEFIANCE CHAPTER

Recalling, Supporting, and Approving Fort Defiance Resolution FDC-2019-07-07-01 (Supporting and Approving the Withdrawal of Land for Navajo Public Safety Department in Fort Defiance Community) and Rescinding Resolution FDC-2019-06-10-02 (Rescinding Fort Defiance Chapter Resolution FDC-2019-07-07-01 entitled "Supporting and Approving the Withdrawal of Land for Navajo Nation Public Safety Department in Fort Defiance Community")

WHEREAS:

1. Fort Defiance Chapter is a certified chapter of the Navajo Nation pursuant to Navajo Nation Code, Title 2, Sections 4001 and 4006. Therefore it is authorized to address and take action on the needs and concerns of its people, and
2. Fort Defiance Chapter was governance-certified on January 15, 2016, which provided autonomy in its structure and governance, and
3. On July 7, 2019, by Resolution FDC-2019-07-07-01 (Exhibit A) Navajo Nation Public Safety Department requested for forty (40) acres of land and Fort Defiance Chapter agreed to withdraw such "...land for the initial infrastructure and for building a Navajo Division of Public Safety Department of Correction and Judicial Department Office Complex and to meet the serious need to locate in the community," and
4. Navajo Nation Public Safety Department, by Sgt. A. Cook, informed the chapter that the department will no longer utilize the 40 acres, and consequently the chapter rescinded resolution FDC-2019-07-07-01 on October 6, 2019 by resolution FDC-2019-06-10-02 (Exhibit B), and
5. On October 18, 2019, chapter was informed by Jesse Delmar, Executive Direct of Navajo Nation Division of Public Safety, that the parcel of land formerly designated and approved by the chapter be continued and "... remain intact." (Exhibit C), and
6. Fort Defiance Chapter continues to support the building of a Division of Public Safety, Department of Correction and Judicial Department Office Complex to meet the serious need of Navajo Nation, and should be a top priority for the entire Nation, and
7. Fort Defiance Chapter further requests the Navajo Nation Public Safety Department to present

NOW THEREFORE BE IT RESOLVED THAT:

1. Fort Defiance Chapter hereby recalls, supports and approves Fort Defiance Chapter resolution FDC-2019-07-07-01 (Exhibit A) which initially authorized land withdrawal for Navajo Nation Public Safety Department.
2. Fort Defiance Chapter further hereby rescinds Resolution FDC-2019-06-10-02 (Exhibit B).

3. Fort Defiance Chapter further hereby requests the Navajo Nation Public Safety Department to present a Business Plan for the proposed project to be included in the chapter's plan for development.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which was present and the same was approved by a vote of 94 approved, 0 opposed, and 0 abstained, this 10th day of November 2019.

MOTIONED BY: Wilson Stewart, Jr. SECONDED BY: Caryl Stunkay

Daniel Yazza
Daniel Yazza, Chapter President



**THE NAVAJO NATION
FORT DEFIANC E CHAPTER**
P.O. Box 366, Fort Defiance, Arizona 86504
Phone: (928) 729-4352; Fax: (928) 729-4353
Email: fdefiance@navajochapters.org

President
Aaron Sam, Vice-President.
Brenda Wauneka, Secretary/Treasurer
Herman Billie, Grazing Official
Wilson C. Stewart, Jr., Council Delegate

JONATHAN NEZ
Navajo Nation President

MYRON LIZER
Navajo Nation Vice President

FDC-2019-07-07-01

RESOLUTION OF FORT DEFIANCE CHAPTER

Supporting and Approving the Withdrawal of Land for Navajo Nation Public Safety Department in Fort Defiance Community

1. Fort Defiance Chapter is a certified chapter of the Navajo Nation, in accordance with Navajo Nation Code 2, Sections 4001 and 4006, with authority to address concerns of its people, and
2. Fort Defiance Chapter was duly governance-certified on January 15, 2016, which provides autonomy in chapter's structure and governance, and
3. Navajo Division of Public Safety (NDPS), Window Rock Police Department, Department of Corrections and the Judicial District Court are in dire need of land designated in Fort Defiance community and are requesting assistance from the chapter to withdraw an area for a Window Rock District Public Safety Complex.
4. Window Rock Police District oversees eighteen (18) chapters; Fort Defiance, Sawmill, Red Lake, Crystal, St. Michaels, Tsayatoh, Rock Springs, Manuelito, Oak Springs, Lupton, Houck, Klagetoh, Ganado, Kinlichee, Greasewood Springs, Wide Ruins, Cornfields, and Steamboat.
5. The concerns of our communities are the safety and well-being of our people; the Navajo Police Department provides the services in assuring that safety and protection of the community people are presentt, with prompt response, at all times, and
6. Navajo Nation Police Department will vacate the current facility due to deterioration, the unsafe building structures, and the eventual demolishment of the facility; and
7. The Division of Public Safety, Judicial Department and the Department of Correction are requesting (40) forty acres of land that was previously withdrawn within the township of Fort Defiance. The NDPS is requesting for an area located approximately 2.5 miles north of Navajo Route 12 and Route 110 Intersection in Fort Defiance, AZ. This area is located north of the Navajo Tribal Utility Authority Office Complex along Navajo Route 12. A map of the area is attached to this resolution as EXHIBIT A., and

8. The 40 acres of land is within the Fort Defiance community and has been identified by the Chapter as a Commercial Tract as shown on map as "Site #1" EXHIBIT B, and

9. The withdrawn land will initially be used to construct an infrastructure for the Navajo Division of Public Safety, Correction Department and Judicial Department Office Complex, and such lands shall be used exclusively for its intended purpose, and

10. The Fort Defiance Chapter resolves that no rent shall be charged to Navajo Nation Public Safety Department so long as the land is utilized for its intended purpose, and such assignment shall not require a lease document requiring payment of fees or renewal, and

11. Fort Defiance Chapter Comprehensive Land Use Plan committee (CLUPC) endorsed and approved the assignment of land of approximately forty (40) acres to be used for building a Division of Public Safety, Department of Correction and Judicial Department Office Complex.\

12. "The Fort Defiance Chapter hereby supports and recognizes this land withdrawal for community development, which may include, but is not limited to, the following purposes: housing, education, economic development, healthcare facilities, public use, or governmental use. Industrial development is not supported for this area."

NOW THEREFORE BE IT RESOLVED THAT:

1. Fort Defiance Chapter hereby supports and approves the withdrawal of 40 acres of land for the initial infrastructure and for building a Navajo Nation Division of Public Safety, Department of Correction and Judicial Department Office Complex to meet the serious need to locate in the community.

2. Fort Defiance Chapter Comprehensive Land Use Plan committee further hereby endorses and approves the assignment of land of approximately forty (40) acres to be used for building a Division of Public Safety, Department of Correction and Judicial Department Office Complex to meet the serious need to locate in the community.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which a quorum was present and same was approved by a vote of 21 in favor, 5 opposed, and 6 abstained, this 7th day of July 2019.

MOTIONED: Charles Leo

SECONDED: Dorothy Ashley

Aaron Sam
Aaron Sam, Chapter Vice President

General Land Development Department

Land Withdrawal Checklist for Community and Industrial Development

Applicant: ANTONIO COOKE, POUCE SERGEANT (WRD)
Contact email (required): antoniocooke@navajo-hsn.gov

- ☒ Letter of Application or Cover Letter, including the purpose and use of land. Also, include acres.
- ☒ Legal Survey or GPS reading at each point indicating the location and total acreage to be withdrawn for use
- ☒ Supporting Chapter Resolution – resolution language as required in the Land Withdraw Regulations (RDCIN-33-15)
- ☒ Consents or Letter from Grazing Officer stating there are no valid grazing permittees for use area
- ☒ Biological Resource Compliance Form (BRCF) from Navajo Fish and Wildlife
- ☒ Cultural Resource Compliance Form (CRCF) from Navajo Heritage & Historic Preservation Department
1.25.12
LH3444

Incomplete packages will not be processed and returned to you



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT

MYRON LIZER | VICE PRESIDENT

July 19, 2019

**Mr. Mike Halona, Department Manager III
Navajo Land Department
P.O. Box 2249
Window Rock, Arizona 86515**

**Subject: Public Safety Complex Land Withdrawal
RE: 40 Acres of Industrial Site #1, Fort Defiance**

Dear Sir,

The Window Rock Police Department, the Department of Correction and the Judicial District Court would like to request a land withdrawal of 40 acres in Fort Defiance, AZ. The purpose of this withdrawal is to use the land for building a Public Safety Complex.

The Window Rock Police District, the Department of Correction and the District Court are responsible for providing our people with public safety service to 18 Chapters. Within the 18 chapters, there is estimate population of approximately 33093 people residing in our district according to the US Census Bureau. And Fort Defiance Community has the largest population of residents with an estimate of 6236 people.

This proposed 40 acreage of land to be withdrawn is approximately 2.5 miles north of the Navajo Route 12 and Navajo Route 110 Intersection. This land was previously withdrawn as an Industrial Site (site #1) for a community "cemetery" but it was never develop for such purpose and never been used by the Fort Defiance Community.

Attached to this Land Withdrawal Request Cover Letter: 1) The Google Map with the GPS Coordinates at every corners at the outer edge of the 40 acres 2) a Supporting Chapter Resolution approved by the community of Fort Defiance on July 7, 2019.

This request and the need for a Window Rock District Public Safety Complex is of utmost importance and very much needed to provide our people with a better/safer Police Services with the assistance of the Department of Correction and Judicial Services.

Thank you for your support and understanding. If there is any need for clarification, please call me at (928) 380- 2089 or my office (928) 871-6181

Sincerely,

A handwritten signature in black ink, appearing to read 'Antonio Cooke', with a stylized, cursive script.

**Antonio Cooke, Police Sergeant
Navajo Police Department
Window Rock District
Office (928) 871-6181
Cellular (928) 380-2097
Email "antoniocooke@navajo-nsn.gov"**

Public Safety Complex

40 Acres +/-

Legend

- NEW Public Safety Complex
- WGS 84 Coordinates

EXHIBIT A

035 -46.258°N 109° 2.331°W

035 -46.260°N 109° 2.150°W

40 ACRES +/-

35 -46.114°N 109° 2.329°W

35 -46.073°N 109° 2.139°W

035 -45.980°N 109° 2.305°W

035 -45.951°N 109° 2.189°W

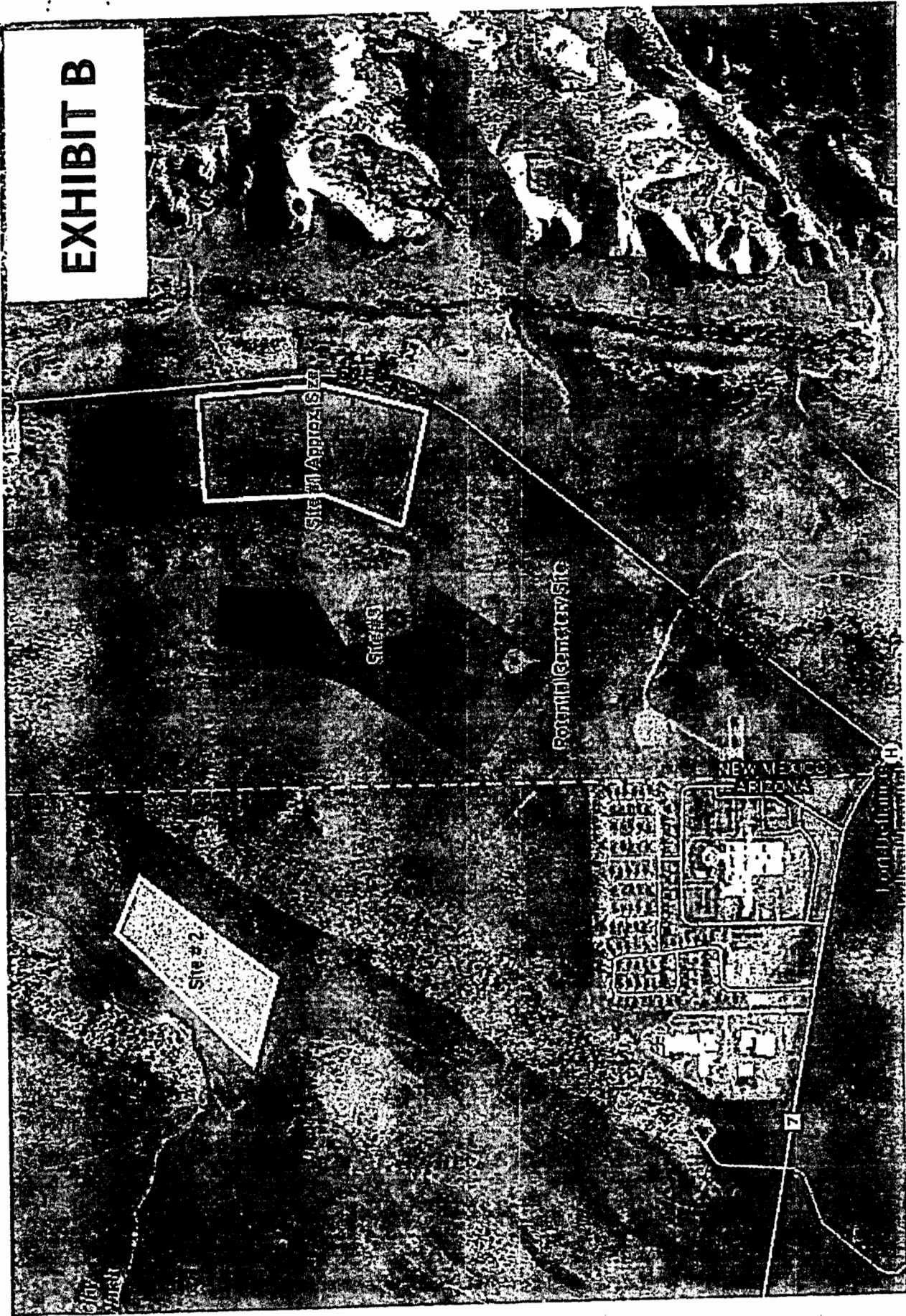
Google Earth

2018 Google

100 ft




EXHIBIT B




Public Safety Complex

40 Acres +/-

Legend

 NEW Public Safety Complex

 WGS 84 Coordinates

035 46 258 N 109 2 331 W

035 46 260 N 109 2 189 W

10 acres +/-

035 46 111 N 109 2 329 W

035 46 073 N 109 2 139 W

035 45 980 N 109 2 395 W

035 45 955 N 109 2 189 W

Google Earth

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THE NAVAJO NATION
FORT DEFIANCE CHAPTER
PO BOX 366 Fort Defiance, Arizona 86504
Phone: (928)729-4352 Fax: (928)729-4353
Email: ftdefiance@navajochapters.org

Vacant, President
Aaron Sam, Vice-President
Brenda Wauneka, Secretary/Treasurer
Herman Billie, Grazing Official
Wilson Stewart, Jr., Council Delegate

JONATHAN NEZ
Navajo Nation President

MYRON LIZER
Navajo Nation Vice President

July 23, 2019

Mr, Mike Halona, Department Manager III
Navajo Land Department
P.O. Box 2249
Window Rock, Arizona 86515

Subject: Public Safety Complex

Let this letter serve as notice that the Window Rock District Public Safety Complex is a shovel ready project and lack no consent from any Grazing Permit Holders.

As the Elected Grazing Official for the Fort Defiance Area, I am fully aware of this project. The following information is accurate in my records.

There is only one (1) Grazing Permit Holder to consent for the Public Safety Complex but the Grazing Permit Holder has been absent and is in Non-Compliance with the Navajo Grazing Regulation Title 26 for over 7 years and does not appear to reside in the area.

The following Grazing Permit as follows:

- 1) Marilyn Dalton- Non Compliance- beyond 7 years.

Within the 40 acres requested for Land Withdrawal there is no other known Grazing Permit Holder that is registered or in compliance with the Title 26 Navajo Nation Grazing Regulations.

Your understanding with this matter will be greatly appreciated.

Herman Billie 7/23/19
Herman Billie, Grazing Official
District 18 Grazing Committee Member
Fort Defiance Chapter 18-3

**BIOLOGICAL RESOURCES COMPLIANCE FORM
NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE
P.O. BOX 1480, WINDOW ROCK, ARIZONA 86515-1480**

It is the Department's opinion the project described below, with applicable conditions, is in compliance with Tribal and Federal laws protecting biological resources including the Navajo Endangered Species and Environmental Policy Codes, U.S. Endangered Species, Migratory Bird Treaty, Eagle Protection and National Environmental Policy Acts. This form does not preclude or replace consultation with the U.S. Fish and Wildlife Service if a Federally-listed species is affected.

PROJECT NAME & NO.: Window Rock District Public Safety Complex

DESCRIPTION: The Window Rock Police Department, Department of Corrections, and Judicial District Court propose a land withdrawal of 40± acres for the construction, operation, and maintenance of a new public safety complex with associated infrastructure.

LOCATION: NE Fort Defiance, McKinley County, New Mexico

REPRESENTATIVE: Antonio Cooke, Police Sergeant, Navajo Police Department, Window Rock District

ACTION AGENCY: Bureau of Indian Affairs and Navajo Nation

B.R. REPORT TITLE / DATE / PREPARER: Request for biological compliance/29 JUL 2019/Antonio Cooke

SIGNIFICANT BIOLOGICAL RESOURCES FOUND: Area 3. Raptor Sensitive Area (RSA) onsite.

POTENTIAL IMPACTS

NESL SPECIES POTENTIALLY IMPACTED: NA

FEDERALLY-LISTED SPECIES AFFECTED: NA

OTHER SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES: NA

AVOIDANCE / MITIGATION MEASURES: NA

CONDITIONS OF COMPLIANCE*: NA

FORM PREPARED BY / DATE: Pamela A. Kyselka/29 JUL 2019

COPIES TO: (add categories as necessary)

☐ _____ ☐ _____

2 NTC § 164 Recommendation:

Signature

Date

☒ Approval

☐ Conditional Approval (with memo)

☐ Disapproval (with memo)

☐ Categorical Exclusion (with request letter)

☐ None (with memo)

Gloria M. Tom
Gloria M. Tom, Director, Navajo Nation Department of Fish and Wildlife

7/30/19

*I understand and accept the conditions of compliance, and acknowledge that lack of signature may be grounds for the Department not recommending the above described project for approval to the Tribal Decision-maker.

Representative's signature

Date

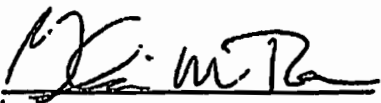
THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : David Mikesic, Zoologist
Department of Fish and Wildlife

FROM : 
Gloria M. Tom, Director
Department of Fish and Wildlife

DATE : July 26, 2019

SUBJECT : DELEGATION OF AUTHORITY

I will be on annual leave beginning Monday, July 29, 2019 through Friday, August 02, 2019. I am hereby delegating you to act in the capacity of the Director, Department of Fish and Wildlife, effective 8:00 a.m. on Monday, July 29, 2019. This delegation shall end at 5:00 p.m. on Friday, August 02, 2019.

Your authority will cover the review and signing off of all routine documents pertaining to the Department of Fish and Wildlife, except for issues that you feel should have the attention of the Director.

ACKNOWLEDGEMENT

 7/29/19

David Mikesic, Zoologist
Department of Fish and Wildlife



THE NAVAJO NATION
Heritage & Historic Preservation Department
P.O. Box 4950 • Window Rock, Arizona 86515
(928) 871-7198 (tel) • (928) 871-7886 (fax)



FEB 14 22 PM 1:13
1281

CULTURAL RESOURCE COMPLIANCE FORM

NNHHPD NO.: HPD-22-059

CONSULTANT REPORT NO.: DCRM 2020-90

PROJECT TITLE: A Cultural Resource Inventory of the Proposed Forty (40) plus acre Public Safety Complex - Police Station in Fort Defiance Chapter, McKinley County, New Mexico.

LEAD AGENCY: BIA/NRO

SPONSOR: Ophelia Begay, NNPD Corrections Lt., Navajo Nation Police Department, PO Box 1949, Window Rock, AZ, 86515

PROJECT DESCRIPTION: The Navajo Nation Police Department is proposing to construct, operate, a Proposed Public Safety Complex (Police Station) in the Fort Defiance Chapter area. The project will involve extensive sub-surface leveling and development for the installation commercial buildings and associated features. The undertaking will require intensive ground disturbance using heavy equipment to excavate/remove soil, ground trenching, pipeline installation, powerline placement, laying of asphalt, commercial building construction and facility maintenance. The area of effect is approximately 40-acres (16.2 ha.).

PROJECT ARCHAEOLOGIST: Shane Wero, Alexandria Jim and Dustin Salazar

NAVAJO ANTIQUITIES PERMIT NO.: B20393

TOTAL ACREAGE INSPECTED: 46.29

DATE INSPECTED: 12/1/2021

DATE OF REPORT: 1/3/2022

METHOD OF INVESTIGATION: Class III pedestrian inventory with transects spaced 10 m apart

LAND STATUS: NN Tribal Trust Land

CHAPTER: Fort Defiance

LOCATION: Township: 18N Range: 21W Section: 23, 25, 26

QUAD: Fort Defiance, NM G&SRPM/NMPM

UTM: Northing: 3960329 Easting: 677545

DATUM: NAD83 Zone 12

Number of Eligible Properties: 0

Number of Non-Eligible Properties: 1

Number of Unevaluated Properties: 0

Number of Burials: 0

Number of TCPs: 0

Number of Isolated Occurrences: 0

Number of In-Use Sites: 0

EFFECT/CONDITIONS OF COMPLIANCE: No Historic Properties Affected

PROCEED RECOMMENDED: Yes

CONDITIONS: No

Site was evaluated as not eligible

In the event of a discovery ["discovery" means any previously unidentified or incorrectly identified cultural resources including but not limited to archaeological deposits, human remains, or locations reportedly associated with Native American religious/traditional beliefs or practices], all operations in the immediate vicinity of the discovery must cease, and the Navajo Nation Historic Preservation Department must be notified at (928) 871-7198.

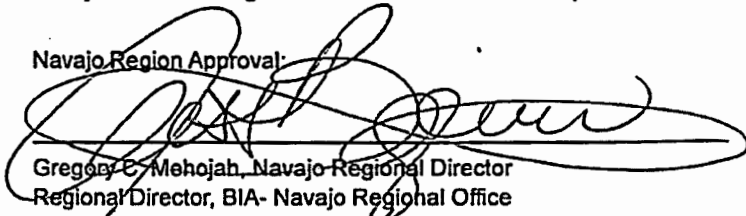
FORM PREPARED BY: Olsen John

FINALIZED: 1/27/2022


Richard M. Begay, Department Manager THPO
Navajo Nation Heritage and Historic Preservation Department


Date

Navajo Region Approval:


Gregory C. Mehojah, Navajo Regional Director
Regional Director, BIA- Navajo Regional Office


Date


~ DOCUMENT IS VOID IF ALTERED ~



**THE NAVAJO NATION
FORT DEFIANC E CHAPTER**
P.O. Box 366, Fort Defiance, Arizona 86504
Phone: (928) 729-4352; Fax: (928) 729-4353
Email: fidefiance@navajochapters.org

President
Aaron Sam, *Vice-President*
Brenda Wauneka, *Secretary/Treasurer*
Herman Billie, *Grazing Official*
Wilson C. Stewart, Jr., *Council Delegate*

JONATHAN NEZ
Navajo Nation President

MYRON LIZER
Navajo Nation Vice President

FDC-2019-07-07-01

RESOLUTION OF FORT DEFIANCE CHAPTER

Supporting and Approving the Withdrawal of Land for Navajo Nation Public Safety Department in Fort Defiance Community

1. Fort Defiance Chapter is a certified chapter of the Navajo Nation, in accordance with Navajo Nation Code 2, Sections 4001 and 4006, with authority to address concerns of its people, and
2. Fort Defiance Chapter was duly governance-certified on January 15, 2016, which provides autonomy in chapter's structure and governance, and
3. Navajo Division of Public Safety (NDPS), Window Rock Police Department, Department of Corrections and the Judicial District Court are in dire need of land designated in Fort Defiance community and are requesting assistance from the chapter to withdraw an area for a Window Rock District Public Safety Complex.
4. Window Rock Police District oversees eighteen (18) chapters; Fort Defiance, Sawmill, Red Lake, Crystal, St. Michaels, Tsayatoh, Rock Springs, Manuelito, Oak Springs, Lupton, Houck, Klagetoh, Ganado, Kinlichee, Greasewood Springs, Wide Ruins, Cornfields, and Steamboat.
5. The concerns of our communities are the safety and well-being of our people; the Navajo Police Department provides the services in assuring that safety and protection of the community people are presentt, with prompt response, at all times, and
6. Navajo Nation Police Department will vacate the current facility due to deterioration, the unsafe building structures, and the eventual demolition of the facility; and
7. The Division of Public Safety, Judicial Department and the Department of Correction are requesting (40) forty acres of land that was previously withdrawn within the township of Fort Defiance. The NDPS is requesting for an area located approximately 2.5 miles north of Navajo Route 12 and Route 110 Intersection in Fort Defiance, AZ. This area is located north of the Navajo Tribal Utility Authority Office Complex along Navajo Route 12. A map of the area is attached to this resolution as EXHIBIT A., and

8. The 40 acres of land is within the Fort Defiance community and has been identified by the Chapter as a Commercial Tract as shown on map as "Site #1" EXHIBIT B, and

9. The withdrawn land will initially be used to construct an infrastructure for the Navajo Division of Public Safety, Correction Department and Judicial Department Office Complex, and such lands shall be used exclusively for its intended purpose, and

10. The Fort Defiance Chapter resolves that no rent shall be charged to Navajo Nation Public Safety Department so long as the land is utilized for its intended purpose, and such assignment shall not require a lease document requiring payment of fees or renewal, and

11. Fort Defiance Chapter Comprehensive Land Use Plan committee (CLUPC) endorsed and approved the assignment of land of approximately forty (40) acres to be used for building a Division of Public Safety, Department of Correction and Judicial Department Office Complex.\

12. "The Fort Defiance Chapter hereby supports and recognizes this land withdrawal for community development, which may include, but is not limited to, the following purposes: housing, education, economic development, healthcare facilities, public use, or governmental use. Industrial development is not supported for this area."

NOW THEREFORE BE IT RESOLVED THAT:

1. Fort Defiance Chapter hereby supports and approves the withdrawal of 40 acres of land for the initial infrastructure and for building a Navajo Nation Division of Public Safety, Department of Correction and Judicial Department Office Complex to meet the serious need to locate in the community.

2. Fort Defiance Chapter Comprehensive Land Use Plan committee further hereby endorses and approves the assignment of land of approximately forty (40) acres to be used for building a Division of Public Safety, Department of Correction and Judicial Department Office Complex to meet the serious need to locate in the community.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which a quorum was present and same was approved by a vote of 21 in favor, 5 opposed, and 6 abstained, this 7th day of July 2019.

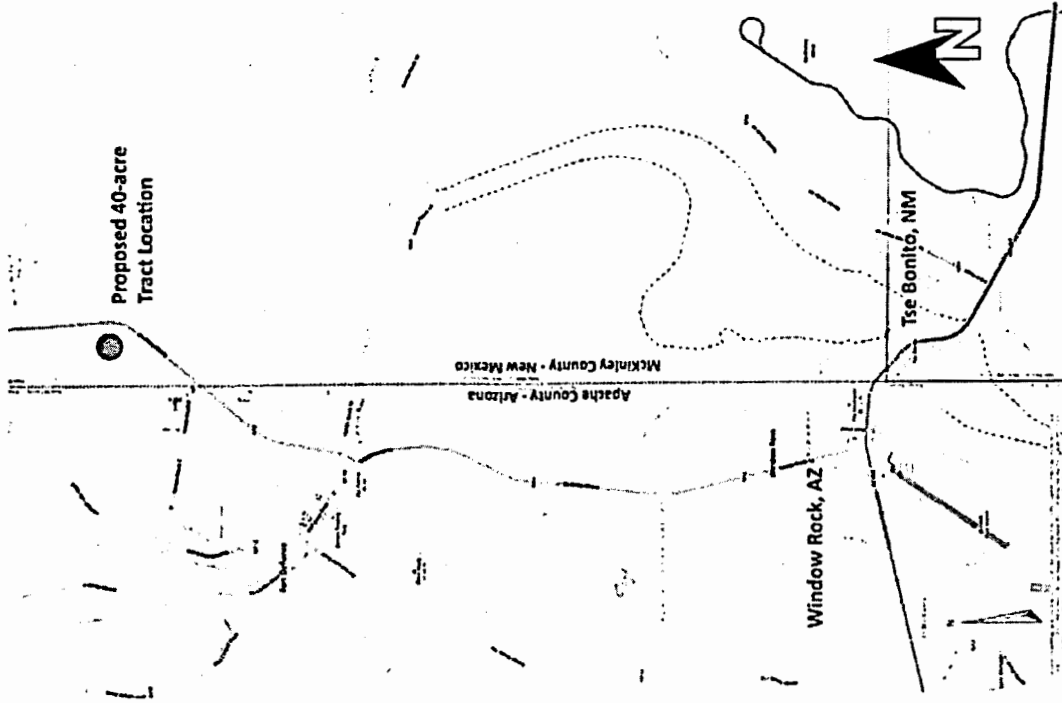
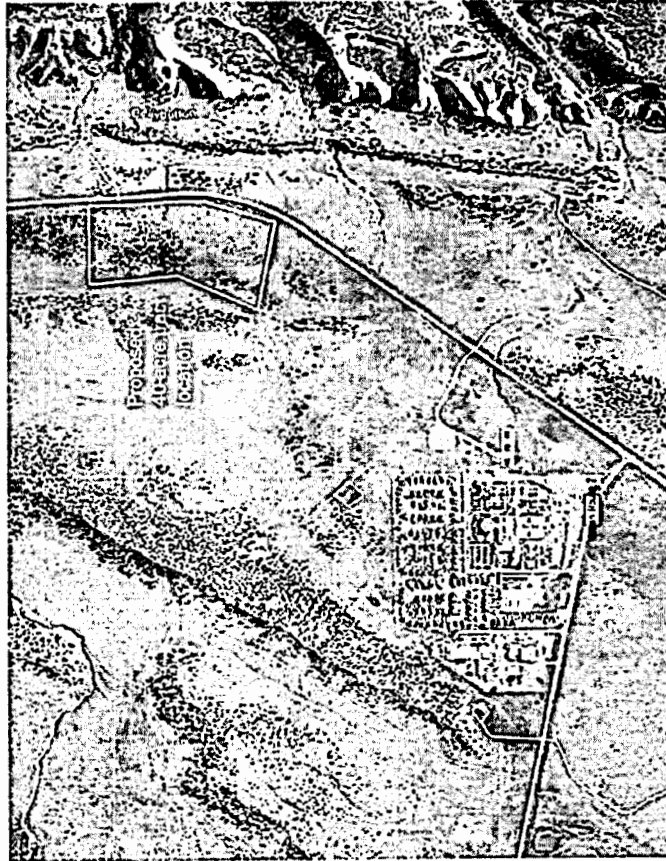
MOTIONED: Charles Leo

SECONDED: Dorothy Ashley

Aaron Sam
Aaron Sam, Chapter Vice President

Location

The location for the Window Rock Public Safety Campus has been determined by the Nation to be on a 40-acre tract of land near the community of Fort Defiance, AZ. The tract of land is situated just adjacent to the state border and lies within the boundary of New Mexico. The campus would also be located north of the recently built Navajo Tribal Utility Authority (NTUA) Headquarters along Navajo Route 12. The location is supported by a resolution passed by the Fort Defiance Chapter community and is supported by the recent master plan study that examined potential sites for the proposed public safety campus.





THE NAVAJO NATION
FORT DEFIANC E CHAPTER
P.O. Box 366, Fort Defiance, Arizona 86504
Phone: (928) 729-4352; Fax: (928) 729-4353
Email: ftdefiance@navajochapters.org

President
Aaron Sam, *Vice-President*
Brenda Wauneka, *Secretary/Treasurer*
Herman Billie, *Grazing Official*
Wilson C. Stewart, Jr., *Council Delegate*

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8. The 40 acres of land is within the Fort Defiance community and has been identified by the Chapter as a Commercial Tract as shown on map as "Site #1" EXHIBIT B, and

9. The withdrawn land will initially be used to construct an infrastructure for the Navajo Division of Public Safety, Correction Department and Judicial Department Office Complex, and such lands shall be used exclusively for its intended purpose, and

10. The Fort Defiance Chapter resolves that no rent shall be charged to Navajo Nation Public Safety Department so long as the land is utilized for its intended purpose, and such assignment shall not require a lease document requiring payment of fees or renewal, and

11. Fort Defiance Chapter Comprehensive Land Use Plan committee (CLUPC) endorsed and approved the assignment of land of approximately forty (40) acres to be used for building a Division of Public Safety, Department of Correction and Judicial Department Office Complex.\

12. "The Fort Defiance Chapter hereby supports and recognizes this land withdrawal for community development, which may include, but is not limited to, the following purposes: housing, education, economic development, healthcare facilities, public use, or governmental use. Industrial development is not supported for this area."

NOW THEREFORE BE IT RESOLVED THAT:

1. Fort Defiance Chapter hereby supports and approves the withdrawal of 40 acres of land for the initial infrastructure and for building a Navajo Nation Division of Public Safety, Department of Correction and Judicial Department Office Complex to meet the serious need to locate in the community.

2. Fort Defiance Chapter Comprehensive Land Use Plan committee further hereby endorses and approves the assignment of land of approximately forty (40) acres to be used for building a Division of Public Safety, Department of Correction and Judicial Department Office Complex to meet the serious need to locate in the community.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which a quorum was present and same was approved by a vote of 21 in favor, 5 opposed, and 6 abstained, this 7th day of July 2019.

MOTIONED: Charles Leo

SECONDED: Dorothy Ashley

Aaron Sam
Aaron Sam, Chapter Vice President

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MOTIONED: Charles Leo

SECONDED: Dorothy Ashley

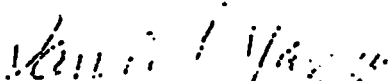
Aaron Sam
Aaron Sam, Chapter Vice President

3. Fort Defiance Chapter further hereby requests the Navajo Nation Public Safety Department to present a Business Plan for the proposed project to be included in the chapter's plan for development.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting at which was present and the same was approved by a vote of 94 approved. 6 opposed, and 6 abstained, this 10th day of November 2019.

MOTIONED BY: Wilton Stearns, Jr. SECONDED BY: Carol Slaymaker


Daniel Yazza, Chapter President



IN REPLY REFER TO:
Office of Justice Services
ES Control 0015

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

NOV 09 2022



CERTIFIED MAIL – RETURN RECEIPT REQUESTED
EMAIL DELIVERY

Honorable Jonathan Nez
President, Navajo Nation
100 Parkway
Window Rock, Arizona 86515

Dear President Nez:

The Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) received the Space Expansion package for the Navajo Nation Window Rock Detention Center, submitted by Ms. Delores Greycyes, Director of Navajo Department of Corrections. The BIA Division of Facilities Management and Construction (DFMC) has reviewed the submission and indicates that the Space Expansion Package has met all of the necessary requirements. However, before construction on the 45-bed facility project can proceed, the following information is required for submission to the BIA:

1. A Navajo Nation Tribal Resolution that identifies location/city for the New Detention Center. If the detention center will be moved from Window Rock to Ft. Defiance, the resolution must clearly indicate the Nation's decision to do so.
2. A Navajo Nation Tribal Resolution that identifies survey of land parcel that includes land description at Ft. Defiance.
3. The package provided information for communities that are served by the current Window Rock Detention Center. However, the two lists provided (2014-2018 Window Rock Judicial District and 2015-2018 Window Rock District Fact Sheet) contained information that did not match and need to be clarified.

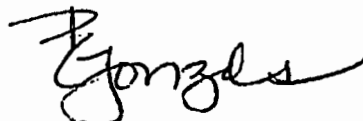
Please submit the three (3) items as indicated no later than December 9, 2022, to the following address:

IA Division of Facilities Management and Construction
United States Department of Interior
1011 Indian School Road, Suite 335
Albuquerque, New Mexico 87104

Exhibit "A"

If you have any questions or need additional assistance in this matter, please contact me at the BIA OJS District IV Office, at (505) 563-3882 or via email at brenda.gonzales2@bia.gov, or Anthony Marquez, Project Manager with BIA DFMC, at (505) 785-2348 or via email at anthony.marquez@bia.gov. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Gonzales", with a stylized flourish at the end.

Brenda Gonzales
Special Agent in Charge

CC: Delores Greyeyes, Director, Navajo Department of Corrections
Jesse Delmar, Public Safety Director, Navajo Nation
Carl Ramos, Division Chief, BIA DFMC
Anthony Marquez, Project Manager, BIA DFMC
Patricia Broken Leg-Brill, BIA OJS Deputy Associate Director of Corrections
Monty Gibson, BIA OJS Associate Director of Field Operations

NAVAJO NATION

96

5/25/2023

Naa'bik'iyati' Committee Special Meeting

02:31:27 PM

Amd# to Amd#

New Business: Item A.

PASSED

MOT Tolth, G

(CONSENT AGENDA)

SEC Johnson, C

0082-23; 0103-23; 0110-23;

0111-23; 0112-23; 0084-23

Yeas : 19

Nays : 0

Excused : 2

Not Voting : 2

Yea : 19

Arviso, S

Claw, S

Nez, A

Tolth, G

Aseret, L

Damon, S

Nez, R

Tso, O

Begay, H

Daniels, H

Parrish, S

Yanito, C

Begay, N

Jesus, B

Simpson, D

Yazzie, C

Charles-Newton, E

Johnson, C

Slater, C

Nay : 0

Excused : 2

Crotty, A

Simonson, G

Not Voting : 2

James, V

Notah, N

Presiding Speaker: Curley, C