

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE
24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, COUNCIL ON ENVIRONMENTAL QUALITY, DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, AND BUREAU OF INDIAN AFFAIRS TO REVIEW AND AMEND ITS LIST OF CATEGORICAL EXCLUSIONS AND ITS APPLICATION WITHIN THE NAVAJO NATION FOR THE DEVELOPMENT AND CONSTRUCTION OF RIGHTS-OF-WAY FOR WATERLINES, WASTEWATER LINES, POWERLINES, BROADBAND, ROADS USING ARPA AND OTHER INFRASTRUCTURE FUNDS FOR NAVAJO PEOPLE

BE IT RESOLVED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is established as a standing committee of the Navajo Nation Council with oversight of land, environmental protection and cultural resources and authority to review and recommend resolutions to the Naabik'íyáti Committee and Navajo Nation Council to accomplish or impact the Resources and Development Committee purpose. 2 N.N.C. §§ 164(A)(9), 500(C), and 501(B)(4)(a).
- B. The Naabik'íyáti' Committee is established as a standing committee of the Navajo Nation Council with authority to review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments. 2 N.N.C. §§ 164(A)(9), 700(A), 701(A)(7).

SECTION TWO. FINDINGS

- A. The President Nixon signed the National Environmental Policy Act (NEPA) into law on January 1, 1970. Congress enacted NEPA to establish a national policy for the environment, provide for the establishment of the Council on Environmental Quality (CEQ), and for other purposes. NEPA was the first major environmental law in the United States and is often called the "Magna Carta" of Federal environmental laws. NEPA requires Federal agencies to assess the environmental effects of proposed major Federal actions prior to making decisions.

Section 101 of NEPA sets forth a national policy "to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. 4331(a). Section 102 of NEPA establishes procedural requirements, applying that national policy to proposals for major Federal actions significantly affecting the quality of the human environment by requiring Federal agencies to prepare a detailed statement on: (1) the environmental impact of the proposed action; (2) any adverse effects that cannot be avoided; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources that would be involved in the proposed action. 42 U.S.C. 4332(2)(C).

NEPA ensures agencies consider the significant environmental consequences of their proposed actions and inform the public about their decision making. Countries and non-governmental organizations all over the globe have created their own environmental impact assessment programs, modeled upon NEPA, making NEPA an international catalyst in the field of environmental protection. See <https://ceq.doe.gov/>.

- B. NEPA established CEQ within the Executive Office of the U.S. President to ensure that Federal agencies meet their obligations under NEPA. CEQ oversees NEPA implementation, principally through issuing guidance and interpreting regulations that implement NEPA's procedural requirements. CEQ also reviews and approves Federal agency NEPA procedures, approves alternative arrangements for compliance with NEPA for emergencies, and helps to resolve disputes between Federal agencies and with other governmental entities and members of the public. One of CEQ's major responsibilities is also to develop and recommend national policies to the President that promote the improvement of environmental quality and meet the Nation's goals.
- C. The Bureau of Indian Affairs (BIA) is primary federal entity responsible for NEPA compliance on Indian trust lands. There are five documents that BIA may prepare to comply with NEPA:
 - 1. A Categorical Exclusion Exception Review (CEER) Checklist

2. An Environmental Assessment (EA)
3. A Finding of No Significant Impact (FONSI)
4. An Environmental Impact Statement (EIS)
5. A Record of Decision (ROD)

The assigned BIA official with decision-making authority must sign the appropriate documents. See <https://www.bia.gov/service/nepa-compliance/review-process>

- D. On March 6, 2018, the BIA published a notice in the Federal Register requesting comments on its list of categorical exclusions (CATEXs) under the NEPA. 83 Fed. Reg. 9535 is attached hereto as Exhibit A. A CATEX is a category of actions that a federal agency has determined do not individually or cumulatively have a significant effect on the human environment. For an action covered by a CATEX, NEPA compliance does not require an EIS or EA, unless an "extraordinary circumstance" exists. The notice includes the current list of BIA CATEXs and requests comments on whether to revise or delete any existing CATEXs or to add any new ones. The deadline for submitting comments was May 7, 2018.
- E. The World Health Organization ("WHO") declared a Public Health Emergency of International Concern related to the outbreak of coronavirus ("COVID-19"), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.
- F. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak. See Resolution No. CEM 20-03-11 incorporated herein by reference. The Navajo Nation Department of Health has subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2022-08 are incorporated by reference. See, <https://ndoh.navajo-nsn.gov/covid-19>
- G. The coronavirus pandemic of 2019 has caused large scale infections and loss of life throughout the world, the United States and the Navajo Nation. As of July 7, 2021, the Navajo Nation Health Command Operations Center has confirmed 31,043

COVID-19 cases and 1,374 COVID-related deaths on the Navajo Nation. COVID-19 variants have emerged that threaten to increase these numbers and continue the pandemic's assault on the Navajo People.

- H. The devastating effects of COVID-19 continue throughout the Navajo Nation, including employment losses, business closures, food and housing insecurity, and other economic disruptions.
- I. On March 11, 2021, President Biden signed the American Rescue Plan Act ("ARPA") into law. Section 9901 of ARPA established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund (together the "Fiscal Recovery Funds") by amending Title VI of the Social Security Act, which provided \$362 billion for state, local, and tribal governments, including \$20 billion designated for tribal governments.
- J. As of May 29, 2021, the United States Department of Treasury ("U.S. Treasury") allocated \$1,861,554,458.43 to the Navajo Nation under the Fiscal Recovery Funds provisions of ARPA. The Fiscal Recovery Funds are designed to build on and expand the relief provided in the Coronavirus Aid, Relief, and Economic Security Act or CARES Act.
- K. The Fiscal Recovery Funds are intended to support governmental efforts to mitigate and contain the spread of COVID-19, as well as to respond to the health, social and economic impacts of COVID-19 suffered by residents and businesses.
- L. Pursuant to Section 9901 of ARPA, the Fiscal Recovery Funds were specifically intended to:
 - 1. Respond to the COVID-19 public health emergency and its negative economic impacts, including assistance to households, small businesses, and non-profits; and/or aid to impacted industries such as tourism, travel, and hospitality;
 - 2. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the tribal government. Under this category, the Navajo Nation can provide premium pay to government workers performing essential work, and can provide grants to eligible employers that have eligible workers who perform essential work;
 - 3. Provide government services to the extent of the reduction in Navajo Nation revenue due to the COVID-19 public health

emergency, relative to revenues collected in the most recent full fiscal year prior to the emergency; and

4. Make necessary investments in water, sewer, or broadband infrastructure.

M. Pursuant to ARPA:

1. Fiscal Recovery Fund costs must be incurred by December 31, 2024, meaning the Navajo Nation must obligate funds by that date; and
2. The Fiscal Recovery Fund period of performance runs until December 31, 2026, meaning funded projects must be completed by that date.

N. While its acceptance of the Fiscal Recovery Funds obligates the Navajo Nation to comply with ARPA and other federal laws and regulations, the Navajo Nation can and will fulfill these obligations while retaining and exercising its tribal sovereignty.

O. On July 2021, the Navajo Nation Council approved Resolution CJY-41-21 (An Action Relating to Budget and Finance and Naabik'íyáti' Committees, and Navajo Nation Council; Establishing the Navajo Nation Fiscal Recovery Fund and the Expenditure Authorization Process Thereunder; Waiving Certain Provisions of the Navajo Nation Appropriations Act; Amending 12 N.N.C. § 334 to Authorize Emergency Procurements; Authorizing Reimbursement of the Síhasin Fund and Undesignated Unreserved Fund Balance; Authorizing Central Support and Regulatory Cost Funding; Authorizing Funding to Complete Defunded Navajo Nation CARES Fund Expenditure Plans; Authorizing the Establishment of a Navajo Nation Fiscal Recovery Fund Office Within the Office of the President and Vice-President).

P. Resolution CJY-41-21 established the Navajo Nation Fiscal Recovery Fund (NNFRF) and the application process thereunder; waiving application of certain provisions of the Appropriations Act to NNFRF funding; deem NNFRF procurements as emergency procurements to expedite the procurement process; authorize reimbursement of Síhasin Fund and UUFB allocations and appropriations; fund central support and regulatory costs upfront to establish the legal, financial and regulatory infrastructure necessary to support NNFRF Expenditure Plans; fund CARES Fund projects that were approved but not completed; and authorize the establishment of a NNFRF Office.

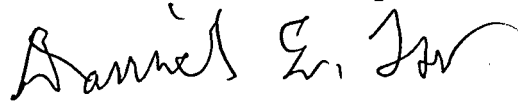
- Q. The Navajo Nation desires to use the ARPA funds and other federal funds for the development and construction of rights-of-way for waterlines, wastewater lines, powerlines, broadband, roads and other infrastructure for Navajo people.
- R. Although the Navajo Nation desires to use ARPA funds and other federal funds for the development and construction of rights-of-way for waterlines, wastewater lines, powerlines, broadband, roads and other infrastructure for Navajo people; the Navajo Nation is hindered by the application of the NEPA and federal action upon these projects.
- S. The Navajo Nation and the Navajo people requests the United States Environmental Protection Agency, Council on Environmental Quality, Department of the Interior, Bureau of Land Management, and Bureau of Indian Affairs to review and amend its list of categorical exclusions and its application within the Navajo Nation for the development and construction of rights-of-way for waterlines, wastewater lines, powerlines, broadband, roads and other infrastructure for Navajo people.

SECTION THREE. APPROVAL

- A. The Navajo Nation hereby requests the United States Environmental Protection Agency, Council on Environmental Quality, Department of the Interior, Bureau of Land Management, and Bureau of Indian Affairs to review and amend its list of categorical exclusions and its application within the Navajo Nation for the development and construction of rights-of-way for waterlines, wastewater lines, powerlines, broadband, roads using ARPA and other infrastructure funds for Navajo people.
- B. The Navajo Nation hereby authorizes and directs the Navajo Nation President, the Speaker of the Navajo Nation Council, Navajo Nation Environmental Protection Agency, Attorney General and the Navajo Nation Department of Justice, Division of Natural Resources, and the Navajo Nation Washington Office to advocate the intent of this legislation.

CERTIFICATION

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 24th 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 17 in Favor, and 00 Opposed, on this 10th day of November 2022.



Honorable Daniel E. Tso, Chairman Pro Tem
Naabik'íyáti' Committee

11/14/22
Date

Motion: Honorable Eugenia Charles-Newton

Second: Honorable Jimmy Yellowhair

Chairman Pro Tem Daniel E. Tso not voting

any previous mortgage loan sale of HUD;

6. An employee of HUD's Office of Housing, a member of such employee's household, or an entity owned or controlled by any such employee or member of such an employee's household with household to be inclusive of the employee's father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, first cousin, the spouse of any of the foregoing, and the employee's spouse;

7. A contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, or principal of any of the foregoing) who performed services for or on behalf of HUD in connection with the sale;

8. An individual or entity that knowingly acquired or will acquire prior to the sale date material non-public information, other than that information which is made available to Bidder by HUD pursuant to the terms of this Qualification Statement, about mortgage loans offered in the sale;

9. An individual or entity that knowingly uses the services, directly or indirectly, of any person or entity ineligible under 1 through 10 to assist in preparing any of its bids on the mortgage loans;

10. An individual or entity which knowingly employs or uses the services of an employee of HUD's Office of Housing (other than in such employee's official capacity); or

The Qualification Statement has additional representations and warranties which the prospective bidder must make, including but not limited to the representation and warranty that the prospective bidder or its Related Entities are not and will not knowingly use the services, directly or indirectly, of any person or entity that is, any of the following (and to the extent that any such individual or entity would prevent the prospective bidder from making the following representations, such individual or entity has been removed from participation in all activities related to this sale and has no ability to influence or control individuals involved in formation of a bid for this sale):

(1) An entity or individual is ineligible to bid on any included reverse mortgage loan or on the pool containing such reverse mortgage loan because it is an entity or individual that:

(a) Serviced or held such reverse mortgage loan at any time during the six-month period prior to the bid; or

(b) is any principal of any entity or individual described in the preceding sentence;

(c) any employee or subcontractor of such entity or individual during that six-month period; or

(d) any entity or individual that employs or uses the services of any other entity or individual described in this paragraph in preparing its bid on such reverse mortgage loan.

Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding HVLS 2018-1, including, but not limited to, the identity of any successful qualified bidder and its bid price or bid percentage for any pool of loans or individual loan, upon the closing of the sale of all the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to SFLS 2018-1, HUD will disclose any information that HUD is obligated to disclose pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

Scope of Notice

This notice applies to HVLS 2018-1 and does not establish HUD's policy for the sale of other mortgage loans.

Dated: February 23, 2018.

Dana T. Wade,
General Deputy Assistant Secretary for Housing.

[FR Doc. 2018-04528 Filed 3-5-18; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAK001030/
AOA501010.999900 253G]

Updates to Bureau of Indian Affairs Categorical Exclusions Under the National Environmental Policy Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of proposed action and request for comments.

SUMMARY: The Bureau of Indian Affairs (BIA) is proposing to amend its categorical exclusions (CATEXs) under the National Environmental Policy Act of 1969 (NEPA) for certain BIA actions and is seeking comment. The BIA is requesting comment on whether to revise or delete any current CATEXs or add any new CATEXs.

DATES: Comments and related material must be postmarked no later than May 7, 2018.

ADDRESSES: Please submit your comments by only one of the following means: (1) By mail to: Dr. BJ Howerton, MBA, Branch Chief Environmental and Cultural Resource Management C/O Department of the Interior, 12220 Sunrise Valley Drive, Reston, VA 20192; or (2) by email to: bj.howerton@bia.gov. Please put "CATEX" in the subject line.

FOR FURTHER INFORMATION CONTACT: Dr. BJ Howerton, (703) 390-6524, email: bj.howerton@bia.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The NEPA requires Federal agencies to consider the potential environmental consequences of their decisions before deciding whether and how to proceed. The Council on Environmental Quality (CEQ) encourages Federal agencies to use CATEXs to protect the environment more efficiently by: (a) Reducing the resources spent analyzing proposals which generally do not have potentially significant environmental impacts, and (b) focusing resources on proposals that may have significant environmental impacts. The appropriate use of CATEXs allow the NEPA review to be concluded without preparing either an environmental assessment (EA) or an environmental impact statement (EIS) (40 CFR 1500.4(p) and § 1508.4).

The CEQ regulations implementing NEPA define CATEXs as a category of actions that do not individually or cumulatively have a significant effect on the human environment, and for which, therefore, neither an EA nor an EIS is required. (40 CFR 1508.4). The CEQ regulations encourage the use of CATEXs to reduce unnecessary paperwork and delays. A CATEX is a form of NEPA compliance; it is not an exemption from NEPA, but an exemption from requirements to prepare an EIS. Agency procedures must consider "extraordinary circumstances," in which case a normally excluded action may have a significant effect and require preparation of an EA or EIS.

The Department of the Interior (Interior) has established CATEXs at 43 CFR 46.210. In addition, BIA has bureau-specific CATEXs. The most recent CATEXs BIA established were three based on CATEXs currently used by the United States Forest Service (FS), as described in FS regulations 36 CFR 220, and by the Bureau of Land Management (BLM), as described the Departmental Manual, 516 DM 11. The BIA relied on the experience of the FS and BLM and applied its expertise to

benchmark these CATEXs and determined these are appropriate to establish as BIA CATEXs. Because these CATEXs have important implications for actions occurring on Indian lands, the BIA initiated consultation and requested comments from all federally recognized Tribes. This consultation period began on July 23, 2014, and concluded on September 21, 2014. A notice published in the **Federal Register** on November 14, 2014 (79 FR 68287) solicited public comments for that CATEX and ultimately, BIA adopted the forestry CATEXs. See 80 FR 8098 (Feb. 13, 2015).

This notice provides information on current BIA CATEXs and requests comment.

II. Current BIA CATEXs

Most of the current BIA CATEXs reside in the Departmental Manual in Part 516 Chapter 10: Managing the NEPA Process—Bureau of Indian Affairs. The majority of those exclusions in section 10.5 have an effective date of May 27, 2004. In addition, a CATEX for single family homesites at section 10.5(M)(7), became effective August 10, 2012. See 77 FR 47862. Most recently, CATEXs for forestry activities at Sections 10.5(H)(11), (12), and (13), became effective February 13, 2015. See 80 FR 8098. All of these CATEXs currently in effect are listed below:

10.5 Categorical Exclusions.

A. Operation, Maintenance, and Replacement of Existing Facilities. Examples are normal renovation of buildings, road maintenance and limited rehabilitation of irrigation structures.

B. Transfer of Existing Federal Facilities to Other Entities. Transfer of existing operation and maintenance activities of Federal facilities to tribal groups, water user organizations, or other entities where the anticipated operation and maintenance activities are in a signed contract, follow BIA policy, and no change in operations or maintenance is anticipated.

C. Human Resources Programs. Examples are social services, education services, employment assistance, tribal operations, law enforcement and credit and financing activities not related to development.

D. Administrative Actions and Other Activities Relating to Trust Resources. Examples are: Management of trust funds (collection and distribution), budget, finance, estate planning, wills and appraisals.

E. Self-Determination and Self-Governance.

(1) Self-Determination Act contracts and grants for BIA programs listed as

categorical exclusions, or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

(2) Self-Governance compacts for BIA programs which are listed as categorical exclusions or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

F. Rights-of-Way.

(1) Rights-of-Way inside another right-of-way, or amendments to rights-of-way where no deviations from or additions to the original right-of-way are involved and where there is an existing NEPA analysis covering the same or similar impacts in the right-of-way area.

(2) Service line agreements to an individual residence, building or well from an existing facility where installation will involve no clearance of vegetation from the right-of-way other than for placement of poles, signs (including highway signs), or buried power/cable lines.

(3) Renewals, assignments and conversions of existing rights-of-way where there would be essentially no change in use and continuation would not lead to environmental degradation.

G. Minerals.

(1) Approval of permits for geologic mapping, inventory, reconnaissance and surface sample collecting.

(2) Approval of unitization agreements, pooling or communitization agreements.

(3) Approval of mineral lease adjustments and transfers, including assignments and subleases.

(4) Approval of royalty determinations such as royalty rate adjustments of an existing lease or contract agreement.

H. Forestry.

(1) Approval of free-use cutting, without permit, to Indian owners for on-reservation personal use of forest products, not to exceed 2,500 feet board measure when cutting will not adversely affect associated resources such as riparian zones, areas of special significance, etc.

(2) Approval and issuance of cutting permits for forest products not to exceed \$5,000 in value.

(3) Approval and issuance of paid timber cutting permits or contracts for products valued at less than \$25,000 when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(4) Approval of annual logging plans when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(5) Approval of Fire Management Planning Analysis detailing emergency fire suppression activities.

(6) Approval of emergency forest and range rehabilitation plans when limited to environmental stabilization on less than 10,000 acres and not including approval of salvage sales of damaged timber.

(7) Approval of forest stand improvement projects of less than 2000 acres when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(8) Approval of timber management access skid trail and logging road construction when consistent with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(9) Approval of prescribed burning plans of less than 2000 acres when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(10) Approval of forestation projects with native species and associated protection and site preparation activities on less than 2000 acres when consistent with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(11) Harvesting live trees not to exceed 70 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

(a) Shall not include even-aged regeneration harvests or vegetation type conversions.

(b) May include incidental removal of trees for landings, skid trails, and road clearing.

(c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BIA or Tribal transportation systems and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to:

(a) Removing individual trees for sawlogs, specialty products, or fuelwood.

(b) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

(12) Salvaging dead or dying trees not to exceed 250 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

(a) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(b) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BIA or Tribal transportation systems and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(c) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

(d) For this CE, a dying tree is defined as a standing tree that has been severely damaged by forces such as fire, wind, ice, insects, or disease, such that in the judgment of an experienced forest professional or someone technically trained for the work, the tree is likely to die within a few years.

Examples include, but are not limited to:

(a) Harvesting a portion of a stand damaged by a wind or ice event.

(b) Harvesting fire damaged trees.

(13) Commercial and noncommercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities:

(a) May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease and

(b) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BIA or tribal transportation systems and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Examples include, but are not limited to:

(a) Felling and harvesting trees infested with mountain pine beetles and immediately adjacent uninfested trees to control expanding spot infestations (a buffer) and

(b) Removing or destroying trees infested or infected with a new exotic insect or disease, such as emerald ash borer, Asian longhorned beetle, or sudden oak death pathogen.

I. Land Conveyance and Other Transfers. Approvals or grants of conveyances and other transfers of interests in land where no change in land use is planned.

J. Reservation Proclamations. Lands established as or added to a reservation pursuant to 25 U.S.C. 467, where no change in land use is planned.

K. Waste Management.

(1) Closure operations for solid waste facilities when done in compliance with other federal laws and regulations and where cover material is taken from locations which have been approved for use by earlier NEPA analysis.

(2) Activities involving remediation of hazardous waste sites if done in compliance with applicable federal laws such as the Resource Conservation and Recovery Act (Pub. L. 94-580), Comprehensive Environmental Response, Compensation, and Liability Act (Pub. L. 96-516) or Toxic Substances Control Act (Pub. L. 94-469).

L. Roads and Transportation.

(1) Approval of utility installations along or across a transportation facility located in whole within the limits of the roadway right-of-way.

(2) Construction of bicycle and pedestrian lanes and paths adjacent to existing highways and within the existing rights-of-way.

(3) Activities included in a "highway safety plan" under 23 CFR 402.

(4) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

(5) Emergency repairs under 23 U.S.C. 125.

(6) Acquisition of scenic easements.

(7) Alterations to facilities to make them accessible for the elderly or handicapped.

(8) Resurfacing a highway without adding to the existing width.

(9) Rehabilitation, reconstruction or replacement of an existing bridge structure on essentially the same alignment or location (e.g., widening, adding shoulders or safety lanes, walkways, bikeways or guardrails).

(10) Approvals for changes in access control within existing right-of-ways.

(11) Road construction within an existing right-of-way which has already been acquired for a HUD housing project and for which earlier NEPA analysis has already been prepared.

M. Other.

(1) Data gathering activities such as inventories, soil and range surveys, timber cruising, geological, geophysical, archeological, paleontological and cadastral surveys.

(2) Establishment of non-disturbance environmental quality monitoring programs and field monitoring stations including testing services.

(3) Actions where BIA has concurrence or co-approval with another Bureau and the action is categorically excluded for that Bureau.

(4) Approval of an Application for Permit to Drill for a new water source or observation well.

(5) Approval of conversion of an abandoned oil well to a water well if water facilities are established only near the well site.

(6) Approval and issuance of permits under the Archaeological Resources Protection Act (16 U.S.C. 470aa-ll) when the permitted activity is being done as a part of an action for which a NEPA analysis has been, or is being prepared.

(7) Approval of leases, easements or funds for single-family homesites and associated improvements, including but not limited to, construction of homes, outbuildings, access roads, and utility lines, which encompass five acres or less of contiguous land, provided that such sites and associated improvements do not adversely affect any tribal

cultural resources or historic properties and are in compliance with applicable federal and tribal laws. Home construction may include up to four dwelling units, whether in a single building or up to four separate buildings.

III. Comments Invited

The BIA encourages interested persons to submit written comments on any BIA CATEX. For example, comments may address keeping, revising, or deleting current CATEXS and suggest new CATEXS for consideration. Persons submitting information should include their name, address, and other appropriate contact information. Before including such personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. You may submit your information by one of the means listed under **ADDRESSES**. If you submit information by mail or hand delivery, submit them in an unbound format, no larger than 8 1/2 by 11 inches, suitable for copying and electronic filing. If you submit information by mail and would like to know it was received, please enclose a stamped, self-addressed postcard or envelope. The BIA will consider all comments received during the comment period.

Dated: January 24, 2018.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018-04513 Filed 3-5-18; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-9381, AA-9414, AA-9415, AA-9419, AA-9420, AA-9429, AA-9430, AA-9437, AA-9699, AA-9722; 18X.LLAK944000, L14100000.HY0000.P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision approving conveyance of the surface and

subsurface estates in certain lands to Calista Corporation, an Alaska Native regional corporation, pursuant to the Alaska Native Claims Settlement Act of 1971, as amended (ANCSA).

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: You may obtain a copy of the decision from the Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504.

FOR FURTHER INFORMATION CONTACT: Chelsea Kreiner, BLM Alaska State Office, 907-271-4205, or ckreiner@blm.gov. The BLM Alaska State Office may also be contacted via Telecommunications Device for the Deaf (TDD) through the Federal Relay Service at 1-800-877-8339. The relay service is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

SUPPLEMENTARY INFORMATION: As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an appealable decision to Calista Corporation. The decision approves conveyance of the surface and subsurface estates in certain lands pursuant to ANCSA (43 U.S.C. 1601, *et seq.*), as amended. The lands are located within the Yukon Delta National Wildlife Refuge, and aggregate 122.49 acres. The BLM will also publish the notice of the decision once a week for four consecutive weeks in *The Delta Discovery* newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until April 5, 2018 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal

transmitted by facsimile will not be accepted as timely filed.

Chelsea Kreiner,

Land Law Examiner, Adjudication Section.

[FR Doc. 2018-04474 Filed 3-5-18; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L12200000.PM0000 18XL1109AF]

Meetings of the Dumont Dunes Subgroup of the California Desert District Advisory Council, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, the Federal Advisory Committee Act of 1972, and the Federal Lands Recreation Enhancement Act of 2004 (REA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Dumont Dunes Subgroup of the California Desert District Advisory Council (DAC) will meet as indicated below.

DATES: The BLM's Dumont Dunes Subgroup of the California DAC will hold public meetings on March 24, 2018, from 12:00 p.m. to 2:30 p.m., and on September 18, 2018, from 12:00 p.m. to 2:30 p.m.

ADDRESSES: The meetings will be held at the Barstow Field Office, 2601 Barstow Rd., Barstow, CA 92311.

FOR FURTHER INFORMATION CONTACT: Katrina Symons, BLM Barstow Field Office, email: ksymons@blm.gov, telephone: 760-252-6000. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal hours.

SUPPLEMENTARY INFORMATION: The Dumont Dunes Subgroup operates under the authority of the DAC and provides input to the BLM regarding issues pertinent to the Dumont Dunes Off-Highway Vehicle Area. Meetings are open to the public. Proposed agenda items for the two public meetings include holiday volunteer scheduling and BLM updates on management of the Area, according to the principles of multiple use and sustained yield. The

NAVAJO NATION

1379

11/10/2022

Naa'bik'iyati' Committee Regular Meeting

07:00:20 PM

Amd# to Amd#

Legislation 0213-22: Requesting

PASSED

MOT Charles-Newton

the United States Environmental

SEC Yellowhair

Protection Agency, Council on
Environmental

Yeas : 17

Nays : 0

Excused : 3

Not Voting : 3

Yea : 17

Begay, E

Freeland, M

Nez, R

Tso, O

Begay, P

Halona, P

Smith

Walker, T

Brown

Henio, J

Stewart, W

Wauneka, E

Charles-Newton

James, V

Tso, E

Yellowhair

Daniels

Nay : 0

Excused : 3

Slater, C

Crotty

Damon

Not Voting : 3

Yazzie

Tso, C

Begay, K

Presiding Speaker: Tso, D