



THE  
NAVAJO  
NATION

ALBERT A. HALE  
PRESIDENT

THOMAS E. ATCITY  
VICE PRESIDENT

Navajo Nation Historic Preservation  
P.O. Box 4950  
Window Rock, AZ. 86515

August 5, 1997

John Cawley Jr., Facility Manager, Western Navajo Agency  
Bureau of Indian Affairs  
Navajo Area Office  
Branch of Facility Management  
P.O. 1060  
Gallup, NM 87305-1060

RE: *Notification of Compliance with the Navajo Nation Cultural Resources Protection Act (CMY-19-88) and Determination of No Historic Property Pursuant to 36 CFR Parts 800.4 and 800.5*

Dear Mr. Begay:

The Navajo Nation Historic Preservation Department (HPD) has reviewed the Tonalea Day School's request for an archaeological clearance to construct a wood-framed, shingled roof hogan.

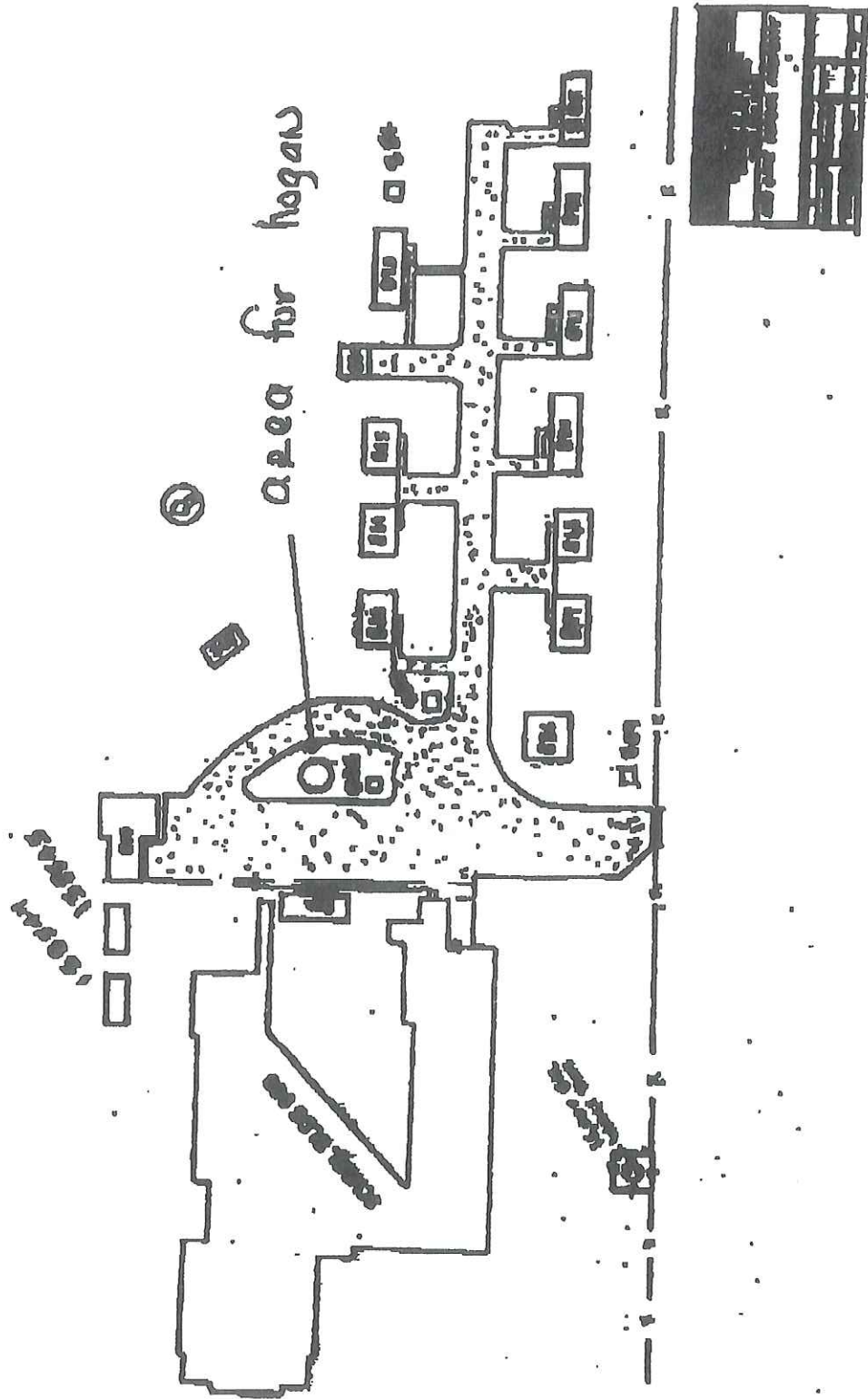
On November 16, 1982, a cultural resource inventory of the BIA Red Lake Day School (Tonalea) was initiated by Navajo Nation archaeologists. This inspection revealed no significant cultural resources within the school's fenced compound. The archaeologists stated in their report that: "Much of the project area has been disturbed by previous construction activities and grading to level the fenced compound" [Anderson/Gilpin].

However, should any previously unrecorded and/or previously undetected cultural material be discovered during construction operations, all work must cease in the immediate area of the exposed resources. The Navajo Nation Historic Preservation Department should be notified to arrange an on-site inspection to determine the significance and disposition of the archaeological remains.

FAC-MAN (025/AR97)

The Navajo Nation Historic Preservation Department, as the agent of the Bureau of Indian Affairs (pursuant to the Public Law 93-638 archaeology services contract between the Navajo Nation and the Bureau of Indian Affairs), has determined that there are *no historic properties* in the Area of Potential Effect.

025/aiz/97







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April 21, 1995

AZSHPO  
State Hist Pres. Office  
Arizona State Parks  
1300 W. Washington, 2nd Floor  
Phoenix, AZ 85007

RE: *Notification of Compliance with the Navajo Nation Cultural Resources Protection Act (CMY-19-88) and Determination of No Historic Property Pursuant to 36 CFR Parts 800.4 and 800.5*

Dear Mr. Gasser:


The report and Navajo Nation Cultural Resources Compliance Form accompanying this letter have been prepared to document cultural resource identification efforts and determinations of effect for projects on the Navajo Nation. The report as follows is:

<u>Project No.</u>	<u>Report Title</u>
NTN-28-184.1 FAC-MAN	Grading Activities at Red Lake School in Tonalea

The Navajo Nation Historic Preservation Department, as the agent of the Bureau of Indian Affairs (pursuant to the Public Law 93-638 archaeology services contract between the Navajo Nation and the Bureau of Indian Affairs), has determined that there are no historic properties in the Area of Potential Effect.

Should you have any questions or comments please contact Kevin O'Connell at (602) 871-7153 or at the address indicated below.

Sincerely,

  
 10 Alan S. Downer  
 Historic Preservation Department  
 P.O. Box 4950  
 Window Rock, Arizona 86515

ENCLOSURES



To reiterate, the earlier HPD is consulted prior to initiating a project, the greater the likelihood that we can quickly and painlessly lead you through the compliance process. Undertakings involving federal action are bound by the requirements of the NHPA, NAGPRA, and ARPA. Penalties for violations are severe (see below). We appreciate that knowledgeable agency staff were on hand to inform school personnel of the necessary compliance procedures.

Following is a summary of recent legislative amendments which have significantly increased the responsibilities of all agencies regarding historic properties owned or controlled by such agencies. Enclosed you will find a copy of the NHPA highlighting legislation applicable to the BIA. In that the Western Agency administers numerous sensitive archeological and historical properties, we have included the information most pertinent to cultural conservation issues.

Historic properties are defined as any "prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register of Historic Places (NRHP). The Lukachukai School compound has historic structures eligible for inclusion on the NRHP. In addition, unevaluated prehistoric materials have been found on the school compound which may be eligible for inclusion on the (NRHP). In accordance with Section (§) 106 of NHPA it is the responsibility of Chinle Navajo Agency to maintain the integrity of eligible properties under its jurisdiction.

#### **National Historic Preservation Act**

Section 106 of the NHPA requires Federal agencies to "take into account" the effect Federal undertakings have on historic properties and "to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking." Pursuant to § 106, the Federal agency is responsible for identifying and evaluating affected historic properties, for assessing an undertaking's effect on those properties and to consult with the ACHP. Federal agencies are also required to consult with or seek the advice of the State Historic Preservation Officer regarding treatment of historic properties. The Navajo Nation Historic Preservation Department (NNHPD) has contracted under P.L. 93-638 archaeological services contract with the BIA to act as the BIA's agent in complying with NHPA and to coordinate consultation with the State Historic Preservation Office. It is through this process that BIA-Chinle Navajo Agency's undertakings are subject to review by this office.

Whenever the Chinle Agency proposes to undertake modifications on Facilities Management properties under its jurisdiction NNHPD must be contacted to ensure compliance with NHPA. Undertakings are defined as "any project, activity, or program that can result in changes in the character or use of historic properties . . .". The NNHPD is charged with identifying and evaluating historic properties for the BIA. Therefore, the Chinle Agency must notify NNHPD when it plans to undertake activities including, but not limited to:

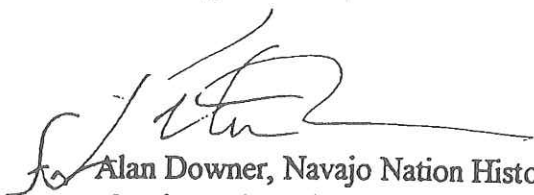
- DEMOLITION
- REUSE

## Native American Graves Protection and Repatriation Act of 1990

43 CFR Part 10 contains the implementing regulations for the Native American Graves Protection and Repatriation Act of 1990. This Act provides guidelines for the treatment of human remains and associated funerary items. With regard to Red Lake, NAGPRA clearly delineates an your agency's responsibilities in the event of an emergency discovery of human remains or associated funerary items.

NNHPD-Facilities Management is taking this opportunity to remind the Western Agency of its responsibilities under Sections 106 and 110 of NHPA and the potential repercussions for violating ARPA. If there are any questions regarding agency responsibilities under the NHPA, penalties stipulated by the ARPA or BIA compliance procedures, please contact M. Colleen Hamilton or Kevin O'Connell at (602) 871-7148.

Sincerely,



Alan Downer, Navajo Nation Historic Preservation Officer  
Navajo Nation Historic Preservation Department  
P.O. Box 2898  
Window Rock, Arizona 86515

xc: Jim McCabe Acting Area Facility Manager, BIA-NAO  
Melvin Pooyouma, Facilities Specialist -Western Agency  
Mr. Kevin Skenadore - Office of Indian Educational Programs  
Mr. John Cawley, Jr., Agency Facility Manager - Western Agency







# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

IN REPLY REFER TO:  
Environmental & Cultural Resources Management

AUG 13 2 2002

## Memorandum

To: Regional Director, Navajo Region  
Attention: Education Line Officers, Navajo Region

From: ACTING Deputy Commissioner of Indian Affairs *gt*  
Director, Office of Indian Education Programs *William Medjick, Jr.*

Subject: Environmental Regulatory Compliance Project:  
July 22 Through September 30, 2002

For the past several years, the Bureau of Indian Affairs (BIA) has been completing environmental facility audits under a Consent Agreement with the Environmental Protection Agency. In an effort to expedite the completion of this agreement we have secured the services of PRIZIM Incorporated a respected environmental management contractor.

During the period July 22 through September 25, 2002, personnel from PRIZIM Incorporated, will be conducting assessments of many of our facilities to verify the corrective actions required by the Consent Agreement.

All employees of the BIA, Office of Indian Education Programs, Office of Law Enforcement Services, and cooperating units are directed to assist these contractors in their efforts to gather compliance information. We will make every effort to provide targeted BIA facilities with advanced notice of these visits.

As always, we sincerely appreciate your attention in this matter. Only through a team effort can we ensure the rapid completion of the Consent Agreement, and the continued health and safety of our employees. Accordingly, if you have any questions regarding this project, please do not hesitate to contact Mr. Al Sedik at (202) 208-5474.





Tonalea School, Highway 160  
Tonalea, Arizona 86044  
December 1, 2015

National Review Committee  
U.S. Department of the Interior  
Office of the Secretary  
Washington, D.C. 20240

Dear Sir:

My name is Larissa Yazzie, I am 13 years old and I am in the 8<sup>th</sup> Grade. I am in Ms. Valarie Yazzie class. My clans are Tachii'nii nishli, To'ahani bashish'chiin, Ta'baaha da shi'cheii, Tod'ichii'nii da shi'nali'.

It would be nice to get a new gym for the indoor sports and with more basketball goals for basketball practice. Since I am a basketball player we need a new court because the gym we have is dirty, stains on the court and is really slippery and is very tiny space.

The reason why we need more goals is because it's too crowded to shoot we have a JV team and Varsity that needs to practice separately, and they are at different skilled levels. The new gym will be used only for practice, no classes can be in the new gym because they need to the right shoes to be on the court. No street shoes such as converse and vans, no dress up shoes like sandals and boots of any kind because that will mess up the court.

The old gym's walls are very ugly, and Locker rooms are old and two sinks, water fountain, and shower does not work.

The outcome of getting a new gym will be great for the basketball players, because there will be more room and goals to practice with. The court will be new and there will more grip while playing basketball or other sports such as volleyball, also you would have to only wear the right shoes in the gym. Furthermore, we will take care of the gym.

Written Testimony of Colbert Dayzie, Vice President  
Tonalea Chapter The Navajo Nation

On the  
Final phase of the application process used to develop a new school replacement  
priority list

before the

National Review Committee

**Introduction.** Chairman and Members of the National Review Committee, thank you for this opportunity to comment on the development of a new school replacement priority list.

This review is an important and timely opportunity for the National Review Committee and federal government to address the aged school building exceeding its useful life that is overcrowded. In addition, there is concern for the questionable structural integrity of Tonalea Day School.

I have spent my entire adult life in the Tonalea community. While growing up I attended the Tonalea Day School more than 45 years ago. I am from the Tonalea community of the Navajo Nation. In January 2013, I became the Vice President of the Tonalea chapter, a tribal governmental entity responsible for addressing local governmental issues. I have served in that position for most of the years since. I have seen the overcrowding of students in classrooms, cracked cinderblocks, sand blown in the building from cracks in the wall, and outdated kitchen facilities to accommodate the number of students.

I hope that the testimonies today will shed some light on the concerns of the staff and that this Committee will evaluate those concerns for prioritization for a new school building.

The primary concern was for the safety and welfare of the students, staff, school board members and the general public upon their use of the facility for traditional cultural events and general services on a daily basis.

The Western Navajo Agency is the largest land base of five agencies on the Navajo Nation that extends into the most rural parts of the State of Arizona and Utah, with an estimated land size of 5,559,629.80 acres. The Tonalea community is one of the eighteen Chapters in the Western Navajo Agency with an estimated land base of 153,322.80 acres.



The community population according to the 2010 Census is recorded at 2,595. According to Census records 1990, the population was 2,072.

There is limited employment opportunity available in the community. Tonalea Day School, two grocery stores, Chapter House, Senior Citizen Center, Community Health and the two (2) Navajo Headstart Programs employ a limited number of people. Over 70% of the community members get their income from the Navajo Nation General Assistance or the Navajo Nation Program for Self Reliance and food stamps through the Department of Economic Security. Some receive Social Security benefits and/or Disability benefits.

Tonalea Chapter is focused on improving the social, economic, and educational conditions of families in the community. To promote these plans, the community recognizes that infrastructure development is most important. The community has been affected by the land disputes between the Navajo and Hopi tribes that prohibit any construction or developments. The Construction prohibition was lifted; and now the proposed projects will improve the living condition of the people.

Based on cursory information, the Tonalea Day School was built of cinderblock in 1959. Most of the building has original plumbing and electrical work laid over half a century before. I believe past inspections of the Tonalea Day School questions the structural soundness and integrity. The chapter and parents' primary concern is for the safety and welfare of the Tonalea students, staff, school board and the general public upon their use of the facility, and general services, on a daily basis. Based on visual inspections, the school building's load bearing walls are exhibiting stress cracks in the cinder blocks through out the building.

The community's primary concern is protection of the health and safety and to enhance the overall quality of life for the students of the Tonalea Day School, staff, and the administration. Tonalea residents have had many challenges including disruption of their basic human services for more than over the last forty years caused by federal government prohibition of new construction due to land entitlement claims by the Hopi tribe. Through the successful and timely completion of a new school, the community will exemplify its ability to work with various tribal programs and organizations in fulfilling the community's prioritized needs of quality education in a safe environment. The completion of a new school will also contribute to further capital development such as additional power line extensions, waterline extensions and improved roads.

In order to meet the Tonalea Day School's needs and goals in providing quality education, the chapter encourages the approval of the grant that is being requested. In short, the community members and the chapter government support this new school construction project.