United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87305

October 29, 2026

Via Certified Mail

The Honorable Buu Nygren
President, Navajo Nation
100 Parkway
Post Office Box 7440
Window Rock, Arizona 86515

Re: Consultation to Discuss HPL Boundary Fence Maintenance – Benally v. Kaye

Dear President Nygren:

On behalf of the Bureau of Indian Affairs' ("BIA"), I write to renew the BIA's invitation to consult with the Navajo Nation ("Nation") on issues involving maintenance of the fence along the northern boundary of the Hopi Partitioned Lands ("HPL"). The BIA sent consultation invitation letters to the Nation between 2018 and 2022, but we did not receive a response. The BIA's consultation efforts are part of the Settlement Agreement and Release of Claims reached by Navajo residents of the HPL, the Hopi Tribe, and the United States on October 23, 2017, in Benally v. Kaye, Case No. 03-CV-1330 (D. Ariz.).

The Benally case arose from the implementation of Accommodation Agreements permitting eligible Navajo families to live on the HPL. Under the Benally settlement, the BIA committed to several meetings to discuss issues related to the fence along the border of the Navajo Reservation and the HPL. The plaintiffs raised numerous concerns regarding the HPL boundary fence, including, but not limited to, fence maintenance, livestock trespass, and fence cutting. In addition to holding the consultation with the Nation, the BIA committed to meeting with the Hopi Tribe individually, and jointly with the Hopi Tribe and the Navajo residents of the HPL.

The BIA, Navajo Regional Office, will lead the consultation on behalf of the BIA, and we would greatly appreciate the Nation's response to our consultation invitation within 45 calendar days of your receipt of this letter. We welcome the Nation's views on how best to structure an efficient consultation process that, to the extent practicable, considers Tribal structures, needs, and schedules. Please also let us know whether the Nation prefers an in-person or virtual consultation meeting.

Thank you for your consideration of this matter. Should you have any questions, please contact Ms. Delores Becenti, Chief Branch of Natural Resources at (505) 643-0878 or via email delores.becenti@bia.gov. We look forward to hearing from you.

Sincerely,

HERBY LARSEN
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Herby J. Larsen
Acting Regional Director

cc: Johnna Blackhair, Deputy Bureau Director, Office of Trust Services, BIA
Bryan Mercier, Director, Bureau of Indian Affairs