



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION'S ELIGIBILITY AND RELOCATION PRACTICES



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FEB 17 2016

The Honorable Kenneth S. Calvert, Chairman
The Honorable Betty McCollum, Ranking Member
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
Washington, DC 20515

Subject: Final Evaluation Report – Office of Navajo and Hopi Indian Relocation’s
Eligibility and Relocation Practices
Report No. 2015-WR-067

Dear Chairman Calvert and Ranking Member McCollum:

This letter transmits our report on the evaluation of the Office of Navajo and Hopi Indian Relocation’s (ONHIR) eligibility and relocation practices. We performed this evaluation at the request of the House Appropriations’ Subcommittee, which included language in ONHIR’s fiscal year 2015 appropriation directing ONHIR to provide the Office of Inspector General (OIG) with funding for audits and investigations of ONHIR’s operations.

We did not find opportunities for streamlining the administrative appeals process but did find opportunities for streamlining the relocation process. With regard to the subcommittee’s request that we follow-up on the Navajo Nation and Hopi Tribe relocatee complaints, we found the Navajo concerns over recurring cracks and foundation problems on relocation homes in the East Mill Subdivision are valid. Our evaluation, however, did not substantiate the Hopi relocatee complaints that they were not provided access to water and electricity and were promised paved roads.

We welcome the opportunity to discuss with the subcommittee the ONHIR activities or processes that could benefit from an OIG review. Unless the subcommittee raises additional concerns or has other interests for OIG to review, this report concludes our ONHIR work. If you have any questions regarding this report, please do not hesitate to contact me at 202-208-5745, or your staff may contact Nancy DiPaolo, Director, External Affairs, at 202-208-4357.

Sincerely,

Mary L. Kendall
Deputy Inspector General

cc: Darren Benjamin, Staff Assistant, House Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
Rick Healy, Staff Assistant, House Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies

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Results in Brief

More than 40 years ago, the Navajo-Hopi Land Settlement Act of 1974¹ began the Government's effort to partition joint use lands between the Navajo and Hopi tribes and then relocate those who were living on land portioned to the other tribe. The relocation effort is not yet completed. In response to a request from the House Appropriations' Subcommittee on Interior, Environment, and Related Agencies, we evaluated the Office of Navajo and Hopi Indian Relocation's (ONHIR) work to determine whether opportunities exist for streamlining and expediting the administrative appeals and relocation processes.

Although we did not find opportunities for streamlining the administrative appeals process, we found that there may be opportunities to streamline the on-reservation relocation process and expedite the overall relocation process. Specifically, the on-reservation relocation process can benefit from the Navajo Nation's use of existing authority to lease its land without seeking approval from the Bureau of Indian Affairs. In addition, the overall relocation process can be better streamlined by establishing reasonable timeframes for completion of specific steps.

The subcommittee also asked us to look into complaints from relocatees in the Navajo Nation's New Lands communities and the Hopi Tribe's Spider Mound community. Our review did not substantiate the Spider Mound relocatee complaints, but determined that there are legitimate concerns in the East Mill Subdivision of New Lands. The cracks and foundation problems that are occurring in East Mill relocation homes have resulted from the continuing settling of the ground. ONHIR has done significant work to make repairs to damaged homes and has relocated four households. Because the settlement issues will likely continue to afflict the East Mill area, further mitigation measures—and possibly more relocations—may be needed to ensure the health and safety of the East Mill residents.

Streamlining or accelerating the administrative appeals and relocation processes alone will not result in completing the relocation program, because certified applicants are currently waiting, on average, more than 4 years before they can relocate. This report offers information to help the subcommittee, ONHIR, and other cognizant officials make decisions aimed at expediting the completion of ONHIR's work.

¹ Pub. L. No. 93-531, codified as amended at 25 U.S.C. §§ 640d to 640d-31.

Introduction

Objective

Our objective was to evaluate the Office of Navajo and Hopi Indian Relocation's (ONHIR) administrative appeals and relocation practices and determine if opportunities exist to eliminate or streamline processes in order to expedite the completion of ONHIR's work. As a part of our review of ONHIR's relocation practices, we also followed up on the House Appropriations' Subcommittee on Interior, Environment, and Related Agencies' concerns over relocatee complaints regarding alleged ONHIR promises for relocation infrastructure that were never built or built improperly. See Appendix 1 for full scope and methodology.

Background

In 1974, Congress passed the Navajo-Hopi Land Settlement Act, Pub. L. No. 93-531, codified as amended at 25 U.S.C. §§ 640d to 640d-31.² It partitioned an area (70 miles long and 55 miles wide) jointly owned by the Hopi Tribe and the Navajo Nation and directed a 50-50 split between the two tribes. It also required Navajo households residing on lands partitioned to the Hopi Tribe to relocate, and Hopi households residing on lands partitioned to the Navajo Nation to relocate.

The law established the Navajo and Hopi Relocation Commission to carry out the relocation process, and instructed that the process be completed 5 years after Congress approved a relocation plan submitted by the Commission. Because this plan was approved by Congress in 1981, the relocation process should have been completed by July 7, 1986. For a variety of reasons, this deadline was not met and, 29 years later, the relocation process continues today.³

The law also established eligibility requirements for relocation benefits and provided for a range of benefits for eligible families, including—

- a new housing provision (the benefit is currently set at \$127,000 for a household of three or less and \$133,000 for a household of four or more);
- payments for moving expenses; and
- bonus payments of up to \$5,000 for families that applied for relocation benefits within a certain time period.

² Pub. L. No. 93-531 was amended several times, including the Navajo and Hopi Indian Relocation Amendments Act of 1980 (Pub. L. No. 96-305); the Navajo and Hopi Indian Relocation Amendments of 1988 (Pub. L. No. 100-666); and the Navajo-Hopi Settlement Dispute Act of 1996 (Pub. L. No. 104-301).

³ Some of the reasons the July 7, 1986 deadline was not met are discussed in our previous evaluation report, "Operations of the Office of Navajo and Hopi Indian Relocation," Report No. WR-EV-MOA-0003-2014, issued December 2014.

In 1988, Pub. L. No. 100-666 abolished the Commission and replaced it with ONHIR, whose responsibilities include—

- certifying families as eligible for relocation benefits;
- acquiring relocation housing for eligible families;
- acquiring and managing land and constructing new housing and infrastructure where necessary; and
- providing pre- and post-move counseling and other services to assist eligible households with the transition.

ONHIR also manages the administrative appeals process for applicants who are denied relocation benefits, which includes contracting the services of an independent hearing officer (IHO) and outside counsel.

Appropriations enacted for the Commission and ONHIR from fiscal years (FYs) 1976 to 2015 to carry out the relocation process currently total about \$571 million.⁴ At the request of the subcommittee, in 2014 we conducted an evaluation of ONHIR's operations to determine the status of relocation efforts and how ONHIR uses its appropriated funds (see Appendix 2 for an update on ONHIR's relocation efforts as of September 30, 2015). In our December 2014 evaluation report, we found that the time it would take to relocate the remaining certified households and complete the eligibility appeals process depends on ONHIR's appropriation levels, the speed in which housing can be obtained for the families that are certified and waiting to relocate, and the length of time ONHIR needs to review pending applications and to hear the administrative appeals for relocation benefits (see Appendix 3 for prior audit coverage).

⁴ The original estimate of the total cost of the relocation effort was \$41 million.

Streamlining the Administrative Appeals and Relocation Processes

The Administrative Appeals Process

We did not find opportunities for streamlining the administrative appeals process. We found, however, that ONHIR has an opportunity to expedite completion of all of its active administrative appeals by the end of FY 2018 if—

1. the IHO maintains the current administrative appeals workload;
2. the attorneys representing applicants and self-represented applicants with administrative appeals cooperate with the administrative hearing process; and
3. there is no turnover in ONHIR's key administrative staff.

ONHIR submitted its FY 2017 budget to the Office of Management and Budget in September 2015 and reported that its 230 active appeals should be completed by September 30, 2018.⁵ ONHIR's contracted IHO informed us that all appeals can be completed by the early part of FY 2018. Specifically, the IHO told us that all the self-represented applicants have been scheduled for prehearing conferences. The IHO's goal, which was shared with all of the attorneys currently involved in the appeals process, is to make a determination on the eligibility of all attorney-represented and self-represented appeals by December 2017.

The IHO was scheduled to conduct an average of 16 hearings and conferences per month from July 2015 through September 2015. We estimated that the IHO would need to make an eligibility determination on an average of eight eligibility appeals per month for the next 27 months to complete the 216 appeals pending as of September 30, 2015.⁶ If the IHO maintains the current workload of administrative appeals, we believe that ONHIR can reach its goal of completing the administrative appeals process for all eligibility appeals by December 2017.

If ONHIR does not get the needed cooperation from the attorneys representing applicants with administrative appeals and from the self-represented applicants, however, the administrative appeals process could be slowed. During our evaluation, we were contacted by the principal attorney for the Navajo-Hopi Legal Services Program (NHLSP), who expressed concerns that ONHIR had lengthened the administrative appeals process by, for example, setting the evidentiary bar higher than what was used earlier in the relocation program,

⁵ ONHIR plans to fund all the contractors involved in the legal process at a cost of about \$500,000. The contractors are: the IHO, outside counsel representing ONHIR in some of the appeals, a transcriptionist, and an interpreter.

⁶ The number of pending administrative appeals decreased by 14 from the time ONHIR submitted its FY 2017 budget to the Office of Management and Budget on September 9, 2015, to September 30, 2015.

resulting in fewer NHLSP clients getting certified for relocation benefits.⁷ According to our Office of General Counsel (OGC), the merits of the NHLSP's individual concerns were difficult to assess due to the general nature of the information provided, especially since the concerns were relayed without the specific details of individual applications and hearings. Further, based on the limited information that NHLSP provided, its concerns about the fairness of the eligibility and hearing process do not appear to raise any clear violations of the law. In addition, if NHLSP is unsatisfied with an eligibility decision, it may challenge ONHIR's denials at the U.S. District Court for the District of Arizona and have that court decide if ONHIR's decision to deny eligibility was "arbitrary, capricious, an abuse of discretion, contrary to law, or unsupported by substantial evidence."⁸

Another factor that could slow the administrative appeals process is the turnover of key ONHIR personnel or the unavailability of the IHO. For example, should ONHIR's in-house attorney or existing eligibility and appeals staff decide to retire or otherwise leave the office, replacement personnel will not likely have as much experience with eligibility decisions and eligibility appeals. Should the IHO no longer be available to work on administrative appeals, ONHIR would have to hire a new IHO who will most likely not have knowledge of the relocation program and eligibility criteria for relocation benefits. In addition, the use of a new IHO at this late stage of the relocation program might result in administrative appeals having different outcomes from previously determined appeals.

The Relocation Process

The relocation process has three different tracks: on-reservation, off-reservation, and New Lands moves.⁹ We found that there may be opportunities to streamline the on-reservation relocation process and expedite the overall relocation process. Specifically, the on-reservation relocation process can benefit from implementing provisions of the HEARTH Act (Helping Expedite and Advance Responsible Tribal Home Ownership) of 2012 to allow the Navajo Nation to lease its land without seeking approval from the Bureau of Indian Affairs (BIA). In addition, the overall relocation process can be better streamlined if reasonable timeframes for ONHIR's clients to complete specific steps are established.

On-Reservation Relocation

Of the three relocation tracks, on-reservation relocations are the most common and require the most steps. One of the most time-consuming parts of the on-reservation relocation process is the home site lease process. The home site lease process is convoluted and involves many activities such as environmental and archaeological assessments performed by different parties, including the Navajo

⁷ NHLSP's primary purpose is to represent Navajo Nation applicants for relocation benefits who are appealing the ONHIR decision to deny benefits. NHLSP is organizationally a part of the Navajo Nation's Department of Justice.

⁸ *Akee v. Office of Navajo & Hopi Indian Relocation*, 907 F. Supp. 315, 317 (D. Ariz. 1995) (applying the Administrative Procedures Act, 5 U.S.C. § 706(2)(A) & (E)).

⁹ ONHIR refers to the lands acquired pursuant to the relocation law as "New Lands."

Nation, local grazing officials, BIA, and ONHIR. Streamlining the on-reservation relocation process by implementing provisions of the HEARTH Act, which allows tribes to lease their land without having to seek approval from BIA, could speed up the relocation process.

We determined that the average time for a home site lease to be fully processed is 529 days. An ONHIR official told us that BIA's review of the applications takes too long. We were unable to determine how long BIA's review takes, however, as ONHIR does not keep a record of when applications are sent to or received back from BIA. The ONHIR official also told us that there has been discussion on expanding implementation of the HEARTH Act to speed up the home site lease process. The Navajo Nation is currently in the process of hiring for an environmental reviewer position, which is required before it can assume the authority to take over leasing.

Overall Relocation Process

ONHIR might also be able to expedite the relocation process by taking steps to encourage timely participation from its relocation clients. We were told that delays in the relocation process are caused when clients are indecisive or uncommunicative with ONHIR. Our review of ONHIR's Client Status Reports found the following examples:

- A certified applicant, who has been eligible to relocate since May 2003, has not submitted relocation plans. ONHIR has had no contact from this client since November 2014. ONHIR is deciding whether to close this case due to inactivity.
- Another certified applicant has not contacted ONHIR since June 2014. ONHIR is waiting for this client to terminate an existing home site lease application and submit a new one.
- A third certified applicant, who was certified in March 2013, has not submitted required documentation. This case is pending until relocation plans, an approved home site lease, and other documents, such as a divorce decree, are submitted.

If ONHIR has to wait on a client's decision or action, the client's move may be postponed to the following year to allow the next ready client to be relocated. We were told that ONHIR has closed some clients' case files because they were not participating in the relocation process and reopened them later when a client became more responsive. ONHIR, however, does not have a specific policy establishing finite timeframes for applicants' decisions and actions or the actions ONHIR will take in response to untimely applicant actions.

Relocatee Complaints – East Mill and Spider Mound Communities

The subcommittee requested that we look into complaints from the Navajo Nation and Hopi Tribe relocatees. Navajo relocatee complaints centered on “soil settling issues” in the East Mill Subdivision that were causing recurring cracks and foundation problems. The Hopi complaints, including a March 25, 2015 written testimony to the subcommittee, centered on concerns that promised infrastructure such as roads, power, and water were not provided.

Navajo Nation – East Mill Subdivision

We determined that the relocatees’ concerns over recurring cracks and foundation problems with their homes are valid and caused by soil subsidence. ONHIR has already put in a substantial amount of effort to repair and, on at least four occasions, replace homes in the subdivision (see Appendix 4 for East Mill timeline).

During our site visit to the Navajo Nation’s New Lands communities, we visited 15 homes in East Mill, 6 homes in Little Silversmith, and 2 homes in Middle Well, and we interviewed the homeowners. The homeowners expressed concerns about the land on which their homes were built and would like to have their homes repaired or—in most cases—replaced. Cracks and other visible signs of soil movement and damage varied from home to home. Some homes had vegetation growing around the immediate area of the home, which is not a recommended condition per our review of engineering reports. While all three communities had damage, East Mill was the most affected.

A planning document prepared by an engineering firm in 1984 revealed that certain areas on the New Lands, such as where the East Mill Subdivision is located, have moderate to severe limitations to home site construction due to the soil condition in these areas—an early warning sign that homes probably should not have been built in this area. Subsequent engineering reports also revealed collapsible soil in East Mill and attributed the soil collapse to “overwetting” (i.e., increased moisture and a lack of drainage around homes). The reports also recommended that plants and landscaping be at least 30 feet from the homes and that homeowners not water more than necessary. ONHIR attributed continued soil collapse, in part, to the fact that many of the homes are now occupied by three generations of family, leading to increased water use inside the homes that exacerbates the soil settling issue.

ONHIR has taken considerable measures to address the issue of soil subsidence. For example, ONHIR contracted for compaction grouting and foundation lifting work to address the initial issues that were found. Due to continued settlement issues, ONHIR contracted for additional work to be performed, including—

- regrading, foundation grouting, and slab-jacking homes;
- installing horizontal vapor barriers, aggregate caps, and hard-piped roof runoffs;
- removing trees and shrubs and relocating them outside of the vapor barriers;
- completing house-specific repairs, which included installing helical piers and topical floor leveling; and
- replacing four homes—a fifth home is scheduled for replacement.

ONHIR has done significant work to make repairs to damaged homes and told us that it is prepared to continue to do so, as well as relocate individuals as needed. It is difficult to envision a course of action other than relocating all of the East Mill residents for a second time. Because the soil settlement issues will likely continue to plague the East Mill area, further mitigation measures may need to be implemented for the health and safety of the East Mill residents.

Hopi Tribe – Yuwehloo Pahki Community (Spider Mound)

We could not substantiate the Hopi Tribe relocatee complaints and found that the March 25, 2015 written testimony was not completely accurate. All the relocatees are connected to a water line or were provided a cistern tank and have electricity except for one relocatee whose solar equipment is in disrepair. We also did not find and have not been provided any evidence to support the relocatee claims that ONHIR promised the construction of roads for the relocatees.

During our site visit to the Hopi Tribe’s Spider Mound Community, we visited seven relocation homes and interviewed the homeowners. We found that the complainant who wrote the March 25, 2015 testimony is not a relocatee, but resides in the Spider Mound Community and wrote the testimony on behalf of the relocatees. Of the 12 families that relocated to Spider Mound, all are connected to a water line or were provided a cistern tank to store their water. Only one relocation home is currently without electricity. We were told that this home ran on solar power until about 10 years ago when lightning struck the solar equipment and broke it. The nearest utility company cannot provide electricity to this house due to its remote location.

The poor condition of the unpaved roads was the biggest complaint by the relocatees. Many of the relocatees told us that ONHIR is responsible for fixing the roads. ONHIR officials stated that the only paved roads they have paid for are in planned subdivisions on the Navajo’s New Lands area. They said that, with road costs of over \$1 million per mile, it would cost the taxpayers hundreds of millions of dollars to provide paved roads to the Hopi and Navajo relocatees who chose relocation sites on unpaved roads. ONHIR officials also said that poor road conditions are prevalent throughout BIA lands and are not unique to the Spider

Mound Community. The U.S. Department of Transportation’s Office of Inspector General reported in October 2013 that 60 percent of the Federal Highway Administration’s Tribal Transportation Program system of roads are unpaved.¹⁰

¹⁰ U.S. Department of Transportation, Office of Inspector General, “Opportunities Exist to Strengthen FHWA’s Coordination, Guidance, and Oversight of the Tribal Transportation Program, Federal Highway Administration,” Report No. MH-2014-003, issued October 30, 2013.

Conclusion

The subcommittee asked us to determine if opportunities exist to eliminate or streamline processes to expedite the completion of ONHIR's work. While we did find some areas to streamline, we recognize that streamlining the administrative appeals and relocation processes will not necessarily result in completing the relocation program sooner, because certified applicants are currently waiting, on average, more than 4 years before they can relocate. Generally, clients are approved for a relocation home and complete all the necessary preliminary steps but must wait to move until funding becomes available, which can take 1 or more years. Streamlining these processes, however, does reduce the risk that the completion of ONHIR's work might be derailed by unforeseen events like the loss of key personnel or contractors.

The information that we provide in this report can help ONHIR, the subcommittee, and other cognizant officials to work together to find approaches that will keep the administrative appeals process on track and streamline the relocation process.

Appendix I: Scope and Methodology

Scope

The announced objective of our evaluation included reviewing the Office of Navajo and Hopi Indian Relocation's (ONHIR) eligibility determination practices to determine if opportunities exist to eliminate or streamline the process. As noted under the relocation status provided in Appendix 2, ONHIR does not have any applications for eligibility determinations left to process. Because no applications remain, we did not perform additional work on this process.

We also were unable to measure the average amount of time ONHIR spends on each sub-process within the administrative appeals and relocation processes. This is because ONHIR's Client Information System (CIS) database does not capture the dates of all relevant events in the administrative appeals process, such as when a continuance is requested and granted or when a prehearing conference and subsequent prehearing conferences occur.¹¹ These events affect the length of time of the administrative appeals process.¹²

With regard to the relocation process, the dates recorded in the CIS do not reflect all the sub-processes in the home site lease process that are external to ONHIR, such as the Bureau of Indian Affairs' review of the home site lease application. As such, our ability to determine exactly which part of the home site lease process takes the longest was limited.¹³

Methodology

We conducted our evaluation in accordance with the Quality Standards for Inspection and Evaluation as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions and suggestions.

To accomplish the evaluation, we—

- reviewed laws, regulations, policies, and procedures related to the Navajo-Hopi relocation effort and ONHIR operations;
- obtained an understanding and flowcharted ONHIR's eligibility determination, administrative appeals, and relocation processes;

¹¹ The CIS provides information used by ONHIR staff at various stages of an applicant's processing, including the tracking of payments made to and on behalf of the client, tracking through the certification, counseling, and housing process, and post-move services.

¹² We were able to determine that the average time from the date an appeal is received to the date a hearing decision is made is a little over 2 years.

¹³ We were able to determine that the average time from eligibility determination to when the client is confirmed as ready to search for housing is 1,680 days (4.6 years). The average time from when the client is confirmed as ready to search for housing to the date of relocation is 979 days (2.7 years).

- reviewed ONHIR’s appropriated fund and expenditure data for fiscal year (FY) 2014; ONHIR’s relocation program status as of September 30, 2015; ONHIR’s budget submission to the Office of Management and Budget for FY 2017; ONHIR’s audited financial statements for FYs 2013 and 2014; selected applicant for relocation benefit case files; relocatee written complaints; Navajo-Hopi Legal Services Program (NHLSP) documents; and other data related to the relocation program;
- analyzed ONHIR’s data records from its CIS;
- conducted site visits at ONHIR’s Flagstaff, AZ, office; the Navajo Nation – New Lands area, including relocation homes located in the East Mill, Little Silversmith, and Middle Well Subdivisions; and the Hopi Tribe – Yuwehloo Pahki Community (Spider Mound);
- interviewed ONHIR officials; Navajo Nation and Hopi Tribe officials and tribal members; ONHIR’s independent hearing officer; and NHLSP officials; and
- obtained legal advice from our Office of General Counsel.

Appendix 2: Status of Relocation Effort as of September 30, 2015

The following information is the status of relocation efforts as updated from the Office of Inspector General's December 2014 report:

- No applications for eligibility determination remain.
- 7,180 families have applied for relocation benefits—up 34 from our December 2014 report. Of this number, 3,833 (53 percent) have been certified—up 5, and 3,347 (47 percent) have been denied—up 29.
- Of the 3,833 certified as eligible for benefits, 3,610 (94 percent) have been relocated—up 21, 101 (3 percent) are awaiting relocation—down 18, and 122 (3 percent) have had their cases closed without relocating (generally because households were not responsive or the head of household died without an heir prior to relocation)—up 2.
- Of the 101 certified applicants awaiting relocation, 34 percent are either in the process of building or buying a home or are seeking a home or contract. The remaining 67 (66 percent) have not yet received home acquisition counseling and are awaiting availability of relocation benefit funds.
- There are 216 pending administrative appeals—down 78.

Appendix 3: Prior Audit Coverage

The U.S. Department of the Interior, Office of Inspector General, “Operations of the Office of Navajo and Hopi Indian Relocation” (Report No. WR-EV-MOA-0003-2014), issued December 2014, reported that it is not possible for the Office of Navajo and Hopi Indian Relocation (ONHIR) to complete its relocation work and cease operations in the near future without changes in legislation or an increase in annual appropriations. The time it will take to relocate the remaining certified households and complete the eligibility appeals process depends on ONHIR’s appropriation levels, the speed in which housing can be obtained for the families that are certified and waiting to relocate, and the length of time needed for ONHIR to review pending applications and to hear the administrative appeals for relocation benefits.

In that report, we provided four suggestions for the House Appropriations’ Subcommittee on Interior, Environment, and Related Agencies to consider in determining what actions, if any, should be taken to expedite Navajo and Hopi relocation activities—namely, to:

1. Select one of the close-out options that ONHIR proposed to the Office of Management and Budget in April 2014.
2. Focus on completing eligibility determinations and administrative appeals.
3. Legislate a sunset date for the relocation program and provide the necessary level of appropriations.
4. Develop a transition plan for transfer of ONHIR assets and remaining responsibilities to appropriate offices and agencies.

Appendix 4: Navajo Nation: East Mill Subdivision Timeline

- **1984** – CH2M HILL report, “Planning for the New Lands,” showed that areas within the New Lands had moderate to severe limitations to home site construction, which “can have a significant effect on home site construction and on construction costs.”
- **1988** – We were told that the Bureau of Indian Affairs (BIA) completed construction on the first homes in East Mill and that the Office of Navajo and Hopi Indian Relocation (ONHIR) took over construction from BIA in the next fiscal year.
- **1990 through 1991** – We were told that ONHIR first became aware of the “settling” complaints sometime in this timeframe. ONHIR made repairs to what it initially thought were problems caused by the homeowners’ failure to maintain the grade of the site and failure to maintain gutters and drains so that water did not collect under the homes. ONHIR also attributed the “settling” problems to the fact that many of the homes are now occupied by three generations of family—increased water use exacerbates the issue.
- **1994** – ONHIR had repairs done (compaction grouting and foundation lifting) to address soil settlement issues.
- **1996** – A geotechnical (subsurface soil) investigation was conducted; Geotechnical and Environmental Consultants, Inc. (GEC) Report No. 96-0145.R01 determined that settling is occurring due to increased moisture and a lack of drainage for homes.
- **1997** – CH2M report, “East Mill Housing Site: Settlement and Drainage,” provided recommendations to address moisture concerns, including the use of downspouts to move water a minimum of 10 feet from the house, rebuilding graded slopes, and cautioning of homeowners not to allow water to flow longer than necessary.
- **1997 through 1998** – ONHIR implemented CH2M recommendations. East Mill homes were regraded, had horizontal vapor barriers and aggregate cap installed, had roof runoff hard-piped, had trees and shrubs removed or relocated outside of vapor barriers, and had more foundation grouting and slab-jacking repairs.
- **2005** – Due to continued settlement issues, GEC Report No. 05-0612.R01 recommended installing helical piers to prevent any additional soil settlement; it also recommended soil stabilization to a minimum of at least 6 feet.
- **2006** – Starling & Associates provided a report for each house with specific repair recommendations, including helical piers, slab jacking, and topical floor leveling. Three houses were recommended for replacement and have been replaced; helical piers were installed and pressure grouting repair work was performed.

- **After 2006** – Since the 2006 repairs, we were told that three of the East Mill homes have had foundation movement problems; one of these homes has been replaced and another one is scheduled to be replaced—this will add up to five replacement homes.

