

**Master Plan for Justice Services in Indian Country
Year 2007 to Year 2017**

Draft Final Report

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Executive Summary
Master Plan for Justice Services in Indian Country

Operational Concept

The analysis of Justice Program facility needs across Indian Country as described in this Master Plan is predicated on the demographic and geographic nature of Indian Tribes and residents on Indian Lands across Indian Country. As the Master Plan demonstrates, the capital and operations costs are enormous. The concept of every community having a holding/booking/transfer facility as a first tier facility, with a regional, larger more complete second tier facility for longer term offenders and ultimately a regional third tier facility for even longer term incarceration is a useful operating concept. This operating concept is most effective when employed across reservation and community boundaries.

Today, every large Tribal Community attempts to provide differing levels and lengths of incarceration within their own resources. The development of regional facilities with increasing length and level of incarceration is a way of providing appropriate levels of incarceration at the most efficient cost.

The Master Plan includes recommended locations for the three types of facilities as well as both an estimated initial capital cost and an estimated annual operations and maintenance cost to provide justice program facilities appropriate to the needs.

As in other facilities programs, the actual accomplishment of construction must be predicated on further refined studies including demographic analysis, complete alternative considerations, life cycle cost analysis and cost benefit analysis. There also must be conducted an alternative analysis that considers the impact of alternatives to incarceration and implementation of crime prevention measures to deter criminal activity rather simply an incarceration solution.

One of the most pervasive issues that have arisen in the completion of detention facilities funded by the Department of Justice grants program is the inability to hire staff. In some cases it has taken months to complete the process. There must be earlier consideration of and identification of operational funding as well as exploration of alternative sources of capital investment and methods to cover the cost of operations from an economic development perspective.

Perhaps one of the most useful benefits of this Master Plan effort is the identification of where the greatest needs of justice facilities across Indian Country exist. Given the depth of the study, formulation of priority list for correction of the deficiencies is much easier than would have been possible otherwise.

Purpose

The rate of reported serious and non serious crime across Indian Country has escalated over the past several years. The nature of crimes has also changed. News accounts and internal reports show that the nature of crimes have transitioned from misdemeanors to felonies. Internal intelligence documents show that drug cartels and individual drug producers have targeted Indian Country as preferred areas of operation because of the sovereignty of reservations, the reduced law enforcement presence, high unemployment and large regions of unoccupied land.

Law enforcement across Indian Lands is a priority program due to the increasingly serious nature of the crimes, the growing rate of crime and its effects on individuals and communities within and outside reservation borders.

Concurrently in 2004, the Inspector General, Department of Interior issued a report "Neither Safe nor Secure" which identified serious deficiencies in the Justice Program across Indian Country. The report highlighted deficiencies in operations and in particular the condition of detention facilities across Indian Country, both those owned and operated by Indian Tribes and those owned by the Bureau of Indian Affairs. Following that report an investigative report presented on national television highlighted the poor condition of detention facilities across Indian Country.

Immediate action was taken to address both the escalating crime rate and the condition of detention facilities. Budget requests included funds for increased law enforcement, repairs and improvements to detention centers and funds for Indian Tribes to build new detention facilities.

In 2005, the Department of Interior's Bureau of Indian Affairs initiated a review of detention facilities across Indian Country. Included in the review are facilities that are tribally owned and operated, those owned and operated by the federal government and those owned by Tribes but operated by the Federal government. The review revealed a lack of consistency of real property records, a general lack of understanding of the functional operations of detention facilities and the lack of a clear understanding of the need for justice program facilities across Indian Country.

As is the practice, Tribes can and frequently do request that facilities built with funds provided to them through the DOJ grant program be added to the Indian Affairs inventory and that BIA assume operational responsibility for the facility. Similarly Tribes that are self governing request funding support as well. Before agreement by Indian Affairs to do so, a due diligence review of the facility is conducted. In the conduct of these reviews, it was discovered that several of the facilities were constructed to be used for purposes less than incarceration, and some as designed are inefficient from a staffing viewpoint. Since the DOJ grant funds could only be used for the construction of detention centers and therefore could not be used for construction of law enforcement offices or courts, when replacing old detention centers which included law enforcement and courts, it was necessary to keep the older facilities in operation, thereby increasing operations and maintenance costs.

In consideration of the preceding, there is a need to formally address the cost of ownership including capital investment and operating cost that is needed to address justice program facilities issues.

Consequently, in 2005, Indian Affairs initiated an effort to quantify the facilities deficiency and to prepare a Master Plan as a potential solution to an integrated Indian Country wide resolution of the facility deficiencies in the three areas of law enforcement, courts and detention facilities across Indian Country.

Approach

The conduct of the preparation of this Master Plan was managed by the Indian Affairs Office of Facilities, Environmental and Cultural Resources and its subordinate organization the Office of Facilities Management and Construction in Albuquerque. Participating in the study was representatives of the Office of Justice Services, and during formulation was briefed to representatives of the Department of Justice.

The Master Plan work was accomplished by Shubnum, a small business in Nevada with twenty-eight years of experience in the program management, project management, master planning, programming, design, construction management and delivery of over 600 facilities, of which twenty-two years of experience have been in adult and juvenile, detention, corrections and rehabilitation, law enforcement and courts facilities for County, State and Federal agencies. Shubnum provided these services to the Interior under a contract administered by the General Services Administration. Shubnum was selected to conduct the research and prepare the Master Plan in competition with other firms with similar qualifications all of whom had extensive business in justice programs.

The research, findings and draft interim reports were periodically presented to representatives of interested parties including those from Department of Justice. Comments were invited and draft interim reports were changed accordingly.

During the Assessment Phase, site interviews were conducted with the local administrative staff and tribal members who were familiar with the site, needs for justice services and the community. While almost all tribes cooperated in these interviews there are those who deserve special recognition. These individuals went above and beyond their call of duty to assist in the understanding of what prevails in the community. These individuals belonged to the Crow, Flathead, Fort Hall, Navajo, Nisqually, Oglala Sioux, San Carlos Apache tribes and the Taos Pueblo.

Methodology

The first step in undertaking this Master Plan effort was to quantify the breadth and depth of the justice program facility deficiency. A review of existing records confirmed the lack of any previous undertaking of a similar nature. Anecdotal evidence indicated that the operation of detention programs across Indian Country was neither understood nor quantified since tribal justice programs are the within the sovereignty of Tribes.

A plan was formed to first quantify the facility deficiencies and then offer a solution to the facilities' deficiencies that created an operational concept of an integrated justice facilities program.

Condition and Operations Assessment

The acknowledged number of detention facilities across Indian Country is 84. There are 29 identified tribally owned detention centers and 55 BIA owned detention centers. There may be other buildings used by local communities as temporary detention centers but not identified as such.

BIA does not keep records of Tribally Owned Facilities and therefore relies on reports from tribes.

Indian Affairs conducts an annual inspection of each BIA owned or operated detention facility. Accordingly, the condition of those facilities is documented in the real property records. Because there were neither time, funds nor the necessity to visit all 84 justice facilities, a representative number of 38 facilities was selected to be reviewed and assessed. Those included both Tribal- and Federal-owned facilities. The 38 were selected from an assessment of all 84 detention centers. They were selected either because the real property records showed significant building deficiencies, a lack of complete real property information, size, known capacity issues and general knowledge of Office of Justice Service's personnel as typical of detention facilities. Excluded from the consideration were detention facilities completed or under design/construction funded through the DOJ grant program.

Site visits were made to each of the 38 facilities. Visits typically took longer than one day. Observations were made of the operations, inspections and photographs of facility conditions were taken, interviews of officers were conducted, records of calls, responses, booking and disposition were reviewed. All of the results were recorded, compiled and analyzed.

The initial evaluations were conducted with a focus on detention centers but shortly into the process, the need to include courts and law enforcement offices became apparent. The Master Plan process was expanded to address those areas as well.

Findings

1. Life and safety of officers and inmates are at risk for lack of adequate Justice Facilities and programs in Indian Country.
2. Only half of the offenders are being incarcerated who should be incarcerated; the remaining are released through a variety of informal practices due to severe overcrowding in existing detention facilities.
3. A discrepancy was noted between the number of service calls, arrests and bookings leading to the conclusion that many incidents are not reported.
4. The character of offenses has changed considerably with more severe crimes than in the past. Increasingly, felons are being incarcerated in Indian Country instead of misdemeanors.
5. Most facilities are dysfunctional, resulting from changes in prevalent law that was in effect when the facilities were built as far back as 70 years ago.
6. There is a lack of space for healthcare, rehabilitation, program space, secure flammable storage, secure evidence storage and secure weapons storage.
7. The Justice Facilities' infrastructure continues to deteriorate and most facilities are in disrepair.
8. Shortage of funds for 'program operations' and 'operations and maintenance' for Justice Facilities throughout the Justice system, extends even to the new facilities.
9. The preponderance of Justice Facilities in Indian Country are reaching the end of their useful life.
10. Contract beds are not readily available due to remote location of communities and demand for space from local and other federal agencies.
11. Additional detailed findings related to the program assessment and facility assessment based on the assessment of 38 Tribal and BIA facilities are noted in Appendix D. These findings are grouped in 34 key categories.

Conclusions

By virtue of the preliminary site visits, this plan includes a complete record of current operating conditions and description of facility deficiencies that go beyond real property records. On-site visits, records and interviews revealed that although recent improvements in the reporting of criminal activity and incarceration data has occurred, the lack of detention capability is under reported. Types and seriousness of criminal activity have transformed from misdemeanors to felonies. Needs for an improved justice facility program has never before been qualified or quantified.

This Master Plan does not address the impact of preventative measures that would reduce the requirements for incarceration. Those factors include but are not limited to:

- Increased law enforcement that would initially increase the need for incarceration facilities but has the potential to eventually reduce the frequency and type of criminal activity
- Restorative rehabilitation programs for adult offenders
- Restorative rehabilitation programs for juvenile offenders
- Use of alternatives to incarceration such as tracking devices, trustee status and work programs

This Master Plan is prepared to address facility deficiencies only and includes one of several inter-related solutions to the current and projected future needs to the present corrections facilities program. The solution offered herein is only one of a number of alternative ways of solving the facilities issue. Alternatives must either reduce the demand for incarceration facilities or increase the supply, or some combination of both.

Except for the newest Justice Facilities, Justice Facilities in Indian Country do not meet the present standards of the American Correctional Association (ACA) and have thus greatly escalated the life, safety and security risks of the officers and inmates at the facilities.

Ninety percent or more of the existing justice facilities that are older than 5 years need to be replaced with appropriate new justice facilities or require extensive improvements and repairs. Since the needs are so large and located so diversely, existing facilities need to be repaired pending construction of new facilities.

Both older and new facilities are under-funded to meet both – functional and facility operational cost.

Master Plan Details

The work completed in Phase I and in Phase II is presented in a logical progression in detailed appendices. A brief narrative for these appendices is noted below:

Chronological Progress - Appendix A

The chronological progress of the sequence of events of the Master Plan over the past 25 months is provided in Appendix A. The appendix also provides a forward projection of the sequence of events that are anticipated and are currently in progress. This chronology is a snapshot as of the publication date of this report, May 29, 2008.

List of Facilities Assessed - Appendix B

During the year 2006, 38 facilities were assessed for the Justice Programs and Facility Assessments. This list included a sampling of Tribal, PL 638, Self Governance and BIA-administered facilities that are located throughout the United States. Additional details regarding these assessments are noted in Appendices C, D, E and F.

Individual Assessment Reports - Appendix C

The individual assessments provide detailed reports of the Program assessment and Facility assessment of each of the 38 sites that were visited.

Each individual report begins with Section 1 which provides the background information that includes: location, land mass, population, labor force, physical description, climate, government structure, business structure, physical infrastructure, and community services that include healthcare and education.

Section 2 provides an assessment of the Program. Section 3 provides an assessment of the Facility.

Findings at Existing Facilities in 34 Key Categories - Appendix D¹

Besides the individual reports regarding assessments of each individual site provided in Appendix C, an overview of our findings is also provided based on the collective assessment of the sites that were visited. These are grouped in 34 key categories.

Titles in bold indicate single items that are critical for an appropriate functioning of a law enforcement program and/or a detention facility, violation of which is in and of itself sufficient reason to investigate and provide solutions to the program and the facility. However, often facilities exhibit more than one of such critical deficiencies.

While all of the key categories are important, those identified with their headings in **bold** font are critical and require immediate solutions for the continued operation of the facility.

Critical Concerns – Pictorials, - Appendix E¹

The Critical Concerns in providing justice services for the safety and security in Indian Country are noted as a pictorial in 21 areas of concern. This pictorial is noted as Appendix E. This Appendix E is a continuation of Appendix D which narrated the findings in 34 key categories. The Critical Concerns

¹ These findings and concerns are more detailed and specific than the Prison Commission Report conducted in 2005–2006, "Confronting Confinement – A Report of The Commission on Safety and Abuse in America's Prisons" June 2006. This report did not include Indian Country.

regarding existing Facilities and Operations; that are tangible and could be photographed, are categorized as the following thumbnail collections:

- 1 Bookings – Intake Challenges
- 2 Cages and Housing
- 3 Central Control Station Challenges
- 4 Electrical Challenges
- 5 Emergency Egress
- 6 Environmental Challenges
- 7 Flammable Storage
- 8 Front Entrance – Reception
- 9 Worn Out Blankets
- 10 Lack of Food
- 11 Perimeter Challenges
- 12 Personal Harm Challenges
- 13 Plumbing Challenges
- 14 Recreation Yard Challenges
- 15 Sewage in Housing
- 16 Facility Structure Challenges
- 17 Water Quality Challenges
- 18 Weapons in Kitchens and Interiors
- 19 Weapons in Storage
- 20 Weapons in Transportation Vehicles
- 21 Weapons on Site

Replace / Repair / Improve Existing Facilities – Numerical Assessments, Appendix F

Contents of Appendices B, C, D and E were evaluated numerically for each site and prioritized with a progressive Dispose / Improve / Repair (DIR) of facilities.

The progressive decommissioning matrix is noted in Appendix F1. Each of the facility is color-coded for the three categories as follows. The red-colored facilities need to be addressed first. The yellow-colored facilities need to be addressed thereafter. The green-colored facilities may be held back for a final evaluation until the red- and yellow-colored facilities have been addressed. All three categories need to stay functional with appropriate repairs and maintenance. The need for repairs and maintenance are detailed in Appendix M.

The backup numerical assessment is noted in Appendix F2. Appendix F2 summarizes the weighted score in each of the 29 categories that were evaluated. The weighted scores are indicated for each facility as well as the total raw score for each facility, analyzed by each District. The weighted score cutoff points to separate in three categories were 3550 and 2250. A total weighted score above 3550 received a green category, while those below a 2250 received a red category. The facilities scoring from 2251 to 3549 received a yellow category.

Structured Replacement of Existing Facilities for Justice Services - Appendix G

Providing justice services to the Indian Country within the context of culture, traditions, distances, locations, sovereignty of jurisdiction, legal structure of Indian laws and regulations, U.S. laws and regulations and criminal activity, is a complicated subject.

Additionally, in contrast to the conventional justice system, which addresses the severity of criminal behavior with the severity of security level of facilities; all of the criminal behavior addressed within the tribal systems, self governance systems, PL- 638 program systems and the BIA addresses misdemeanors and/or individuals who are expected to be incarcerated for up to 365 days. More severe criminal activities are referred to the U. S. federal justice system. However, there are exceptions, which are becoming increasingly prevalent, which extend the incarceration or the punishment based on the severity of the crime and are addressed within the Indian community.

As a part of the Master Plan, a structured tier system of facilities has been developed to uniquely address the need for facilities to provide justice services to the Indian Country. Justice services to be provided at these facilities, fall into three tiers – that are not necessarily tiered by the severity of the crime or the need of security; rather, by the expected function that they serve within the structure of the sovereign Indian community agreements, obligations and understandings of the past, and their relationship to the U. S. federal justice system.

Tier I facilities will serve as a 'Local Booking and Holding for Transport, 48-hour Detention and Substation Facility'. These facilities will serve remote populations and/or low criminal traffic locations. The facilities will house adult males and females, and juvenile males and females. There is a need for 167 such facilities across Indian Country.

Tier II facilities will serve as 'Combination Detention/Corrections, Law Enforcement and Court Facility'. These facilities will serve single or multiple tribes with medium populations and/or high criminal traffic locations. The facilities will house adult males and females, and juvenile males and females. Such facilities also provide for the rehabilitation for the incarcerated adults and juveniles. There is a need for 80 such facilities across Indian Country.

Tier III facilities will serve as, 'Regional Corrections and Video Court Facility'. These facilities will serve large populations and single or multiple tribes. These facilities will also serve as a 'Resources and Distribution' center for the region. The facilities will house adult males and females, and juvenile males and females. Such facilities also provide for the rehabilitation for the incarcerated adults and juveniles. There is a need for 16 such facilities across Indian Country.

Several subsets within each tier are created to address unique needs within the general framework and functionality of the tier. Such subsets are noted as Tier I c, Tier II h, or Tier IIIc etc... The subsets are referred as 'Facility Type'. There are 28 subset facility types within the three tiers. The tiered system and the facility types are noted in more detail in the associated diagrams in Appendix G.

Not including the PL- 280 programs, 361 locations provide Justice Services in Indian Country. Each of these was analyzed for the location and functional need for a facility at that location.

This Master Plan addresses 263 planned replacements of existing facilities located at strategic locations to serve specific functions and address the need for justice services. Of the 263 facilities, there is a requirement of 167 Tier I facilities, 80 Tier II facilities and 16 Tier III facilities.

Within the Tiers I, II and III, fourteen 'Facility Types' are used in various combinations to provide justice services throughout the United States.

The Master Plan also addresses the need for deferred repairs and maintenance of existing facilities and a Capacity Upgrade – CU at existing facilities.

The detailed analysis for the need, tribes served, locations and other details are noted in Appendix H and associated Appendices H1, H2, H3, H4, H5 and H6.

Schematics for Replacement of Existing Facilities - Appendix G 1²

The structured development of tiered facilities is an integrated system of facilities to serve multiple functions at multiple locations throughout the country.

The schematics provide the reader with a view of the floor plan and elevations of each of the different tiers. These schematics for Tiers I, II and III are located as Appendix G 1 following the description of the structured facilities in Appendix G.

The floor plans indicate the relationships of functionality and traffic pattern within the facility. The elevations depict the exterior of the facility and the relationships of the features at the site.

General Considerations for Construction of Replacement of Existing Facilities

1. Each tier of facility will accommodate male and female adults and male and female juveniles.
2. The central control station or the command and control center serving the inmates shall be separate from the Dispatch serving law enforcement.
3. Facility Core and Expansion considerations.
The facilities are planned for a core area with all critical infrastructures for the present and foreseeable future needs of the facilities for the next forty years. The expansion pods will allow for the expansion, contraction and appropriate direct supervision of the beds and pods. The facilities could also expand in a T configuration without sacrificing the core. The facilities are designed for 'Direct Supervision' for efficient operations by staff minimizing Program Operation costs.
4. Facility Leadership in Energy and Environmental Design (LEED®) considerations.
All facilities will provide features that should enable them to target a "Gold" LEEDs certification from the United States Green Building Council (USGBC). LEED® considerations are included in the Appendix G2 – Facilities Construction Criteria that follows the Appendix G1.
Among other features, there will be a system of photovoltaic panels on the roof of the main buildings in all of the southwest and the Sunbelt regions. The roof, though flat will have a slight pitch for drainage. The roof will have a structure to mount the photovoltaic panels. The parapet will be just high enough to hide the panels from outside view.
Facilities in the Great Plains will, in addition have Wind Generators.
The single story buildings provide for daylighting that offsets the artificial lighting demand costs of lighting inmate spaces during the day.
5. Facility 'Site Utility' building consideration.
Each Tier I and Tier II facilities will require a 'Utility Building' on the site, at or adjacent to the main facility. This building is intended to include the Emergency Backup Generator, Inter-utility tie-in and metering equipment for locally generated power, water softening system, recycling center for plastics, paper, etc., controls for mechanical, electrical, waste and plumbing systems, storage batteries room and an office for the plant manager.

² These plans take into consideration recommendations for the facility and programs in the Prison Commission Report conducted in 2005–2006, "Confronting Confinement – A Report of The Commission on Safety and Abuse in America's Prisons" June 2006. This report did not include Indian Country.

6. Site considerations

Site development will require approximately 1 to 2 acres for a Tier I facility and 5 to 7 acres for a Tier II and/or a Tier III facility.

Due considerations must be given to the site selection in coordination with the site considerations that are recommended by the United States Green Building Council (USGBC). Sites need to be selected to provide minimum impact to the existing eco systems, historical, cultural and religious heritage.

Electric power, communications, water and waste water connections are required at the site. An above ground water storage tank is required as needed.

Automobile fueling is not desirable at these facilities, so there will be no need for fuel tanks or fuel pumps at the site.

A sewage lift pump station will be required.

A perimeter security fence will be required.

7. Religious considerations

A 'Sweat Lodge' should be provided, located at least 50 feet from the building exterior of Tier II and Tier III facilities. Other healthcare consultations and spiritual meetings will be provided inside the Tier II and Tier III facilities.

Tier I Schematic³

Tier I is a substation and a booking and holding 48-hour facility.

Entrance to the facility for visitors is through the main lobby. Entrance for the inmates is through the Sally port on the side. A separate side entrance specific for the law enforcement is also provided. This side entrance also facilitates transporting the food to the combination warm-up kitchen and staff lunch room.

The police section provides for offices and work stations for the police. A separate squad room is available for police activities. The police section is independent but connected to the holding facility.

The Sally port for the inmates leads to the booking and intake area. The entry vestibule will provide for weapon storage prior to entering the facility processing area. Shower and dressing room for the inmates is available adjacent to the processing area. Four holding cells are located adjacent to the processing area.

The Central Control Station is located in the approximate center of the facility.

A Video Court is located at the approximate center of the facility so that it is accessible from the holding cells in the processing area or from the inmate dormitories.

Separate male adult and juvenile dormitories are provided. Separate female adult and juvenile dormitories are also provided. Each dormitory has a direct-supervision control officer's station. A wash-room and a day-room are provided within each dormitory.

Each dormitory opens into the outdoor recreation yard.

³ Based on (1) American Correctional Association (ACA), Planning and Design Guide – For Secure Adult and Juvenile Facilities, 1999 and (2) Programming interviews at field facilities and OJS-BIA.

Tier II Schematic⁴

Tier II is a larger facility and serves as a 'Combination Detention/Corrections, Law Enforcement and Court Facility'.

Entrance for the visitors to the Courts and inmate visitation is through the main lobby. Entrance for the inmates to the corrections area is through the Sally port on the side. Entrance to the police and dispatch is through a separate lobby. There is loading dock with side entrance for deliveries that lead into the kitchen freezer, coolers and dry goods storage area.

Corrections and Rehabilitation is provided in dormitory-type direct-supervision pods separate for male adults, male juveniles, female adults and female juveniles. Each inmate pod provides for washroom facilities and day room facilities. The central control room overlooks the Sally port. Immediately adjacent are the adult and juvenile inmate intake and booking areas. These areas also provide for washrooms, holding cells and property storage for the processing of inbound inmates.

A Rehabilitation pod provides for classrooms, craft-rooms, indoor recreation and offices for instructors. A gymnasium space with attached multipurpose room is also provided. Outdoor recreation is provided adjacent to each independent pod. The healthcare clinic section is located directly across and provides for counseling room, exam room, emergency care, nurse's stations, medications storage and medical records room. Two types of visitation are provided for the inmates. These include video-visitation and face-to-face visitation.

Court facilities are provided with a formal courtroom with typical spaces for the judge, jury, witnesses and the audience. A jury room, Judge's chambers and clerical staff for the judge is provided. Assistance is provided to the visitors through the court reception room. General visitors and audience may enter directly to the courtroom through the front lobby.

Law enforcement facilities include separate entrance into law enforcement offices. In addition to private offices and open offices, this area also includes conference room, muster room, a work-out room, dispatch and an armory. Wash rooms and lockers are provided for female and male officers.

The facility also provides for a kitchen that can serve sufficient meals for the inmate population. The kitchen space is accessible directly from the food manager's office and the nutrition manager's office. A loading dock facilitates deliveries to the freezer, coolers and dry-goods storage adjacent to the kitchen.

A commercial laundry is provided with sufficient washers and dryers to launder inmate clothing and linen.

Storage spaces are provided for law enforcement, corrections and courts. In addition, 'evidence storage' space is provided within the law enforcement area. Space for an armory is separate and secure from all other spaces.

⁴ Based on (1) American Correctional Association (ACA), Planning and Design Guide – For Secure Adult and Juvenile Facilities, 1999 and (2) Programming interviews at field facilities and OJS-BIA.

Tier III Schematic⁵

Tier III facilities are large and serve as, 'Regional Corrections and Video Court Facility'. These facilities will also serve as a resources and distribution center for the region.

Employee and visitor entrance is through the main lobby. Entrance to the facility for inmate visitation is through a separate lobby. Inmate entrance is provided through the Sally port to the side of the facility.

The central control room overlooks the Sally port. Immediately adjacent to the control room is the adult and juvenile inmate processing, intake and booking areas. These areas also provide for washrooms, holding cells and property storage for the processing of inbound inmates.

A video court is located in a central location that is accessible to adults and juveniles.

The central administrative offices consist of private offices and open offices. A training room is provided that serves the local region with their training needs. A separate muster room serves as the hub of activities specific to the facility and the region.

Corrections and Rehabilitation is provided in dormitory type direct-supervision pods separate for male adults, male juveniles, female adults and female juveniles. Each inmate pod provides for washroom facilities and day room facilities.

A Rehabilitation pod provides for classrooms, craft-rooms, computer literacy room, indoor recreation and offices for instructors. A gymnasium space with attached multipurpose room is also provided. Outdoor recreation is provided adjacent to each independent pod. The healthcare clinic section is located across from the inmate dormitories and provides for counseling room, exam room, emergency care, nurse's stations, medications storage and medical records room. Two types of visitation are provided for the inmates. These include video-visitation and face-to-face visitation.

The facility provides for a kitchen that can serve sufficient meals for the inmate population and provide pre-cooked food for Tier I facilities. The kitchen space is accessible directly from the food manager's office and the nutrition manager's office. A warehouse is located adjacent to the kitchen. The warehouse serves as the distribution hub for dry goods, supplies, linen and food that will be purchased in bulk quantities and warehoused at this facility. An office for the warehouse manager and logistics officer is provided in the warehouse. A common loading dock serves the warehouse and the kitchen for inbound deliveries of bulk purchases of dry goods and food to the freezer, coolers and dry-goods storage adjacent to the kitchen. The loading dock also provides for the pickup of food, dry goods, linen and supplies outbound to other facilities.

A commercial laundry is provided with sufficient washers and dryers to launder inmate clothing and linen.

⁵ Based on (1) American Correctional Association (ACA), Planning and Design Guide – For Secure Adult and Juvenile Facilities, 1999 and (2) Programming interviews at field facilities and OJS-BIA.

Facilities Construction Criteria - Appendix G 2⁶

Appendix G 2 is a follow-up of Appendix G 1 which provides a schematic of the Tier I, Tier II and Tier III facilities.

Construction criteria are developed to provide a framework for a working document that will establish uniformity and standards throughout the facilities program. Variations may be incorporated based on local weather and site conditions.

The criteria are based on the GSA standards and recommendations from the Leadership in Energy and Environmental Design (LEED®), developed by the United States Green Building Council(USGBC).

All BIA projects are to use and achieve a certified rating from the U.S. Green Building Council's Leadership in Environmental and Energy Design (LEED®) green building rating system.

Replacement of Existing Facility – Requirements - Appendix H

Appendix H is a follow-up of Appendix G which presented the Integrated and Structured Replacement of existing facilities as a 'Tiered' approach to meet the needs of justice services. The appendices H1, H2, H3 and H4 provide a cumulative assessment of existing conditions in the justice system. Prior appendices B, C, D, E and F provided an assessment of the programs and facilities of a sampling of Tribal, PL 638, Self Governance and BIA facilities. These appendices lead into Appendix H5 which presents the requirements for replacement facilities and Capacity Upgrade of existing facilities.

Service Calls and Arrests in 24-Hour Period - Appendix H1⁷

This appendix tabulates the number of service calls received in a 24 hour period. Note the striking disproportionate number of arrests that are made for the number of calls that are received in the 24 hour period.

New Bookings and Already Housed Inmates - Appendix H2⁸

Once arrested, inmates are booked and/or released based on available food and bed space. Typically, already housed inmates are released to make room for new arrivals. Often the numbers of new arrivals overwhelm the available capacity making for a high turnover rate. An unwritten understanding of either not arresting, not booking, housing for a few hours, or not housing at all, is prevalent — to circumvent appropriate available housing for inmates.

Under-Reported Inmate Over-Crowding, One-Day Sampling - Appendix H3⁹

The number of inmates housed often exceeds the bed capacity, at times up to five times the capacity. Consent court decrees are often violated. Inmates are often released at dawn, before the formal inmate count is taken. The number of inmates housed is often under-reported to management for fear of a potential closing down of a facility.

⁶ For the first time a framework of a working document for a Construction Criteria is developed that integrates the LEEDs recommendations into a conventional design and implementation process.

⁷ Information obtained from OJS-BIA field offices, November 2007.

⁸ Information obtained from OJS-BIA, June 2007.

⁹ Information obtained from OJS-BIA June 2007.

Jails in Indian Country Operating above 150% of Capacity on the Peak Day during June 2004 Appendix H4¹⁰

This appendix is a reference from the U. S. Department of Justice, Bureau of Justice Statistics, Bulletin, "Jails in Indian Country, 2004" November 2006, NCJ 214257.

As of September 12, 2007, Mr. Todd D. Minton of the DOJ indicated that they do not have more recent information than that provided in this reference.

Replacement of Existing Facility – Requirements 2007 – 2017 - Appendix H5¹¹

Based on functional need, location, and criminal traffic Facility Types are assigned for the construction of replacement facilities at the locations that are tabulated geographically. The capacity of the facility takes into consideration the projected needs for justice services and inmate capacity 10 years from now. The inmate capacities were developed based on the present inmate population, inmate population without negotiated releases, population trends, and correspondence of incarceration with the population trends.

The Appendix also refers to the 'Categories' for each location of a facility, as it relates to the administrative jurisdiction and the complex nature of contractual agreements that govern the sovereign tribes and their relationships with the government of the United States. These categories are indicated as:

- 1) A = PL-638 Contract relationship.
- 2) B = BIA.
- 3) C = Tribal.
- 4) D = Self Governance.

Often more than one category applies to a given 'site' for administrative purposes.

The relationships and internal governance of the sovereign tribes is flexible and changes over time.

Thus the categories could only be ascertained as a 'snapshot' of understandings and agreements at the time of this report.

This appendix also refers to 'Inventory' which indicates that a particular site is in the 'BIA inventory' of facilities for which the BIA is responsible for repairs and maintenance. Only 63 sites are in the BIA inventory.

This appendix also refers to 'District' which indicates the administrative District for Justice Services within the United States. There are six BIA administrative districts serving the United States.

The appendix also refers to the tribes that are served by a given facility. Tribes are not necessarily clustered or collocated at a cohesive location. Often tribal populations are scattered over several hundreds of miles or are grouped within another tribal jurisdiction. These populations may be served by more than one district under multiple agreements within the categories noted earlier. They may have collocated facilities some of which may be in the BIA inventory while other facilities may not be in the BIA inventory.

Populations that require service at the reservations are different than any other urban or rural group in that the local law enforcement and detention services are needed for the seasonal tourist trades during

¹⁰ "Jails in Indian Country, 2004", U. S. Department of Justice, Bureau of Justice Statistics Bulletin, November 2006 NCJ 214257.

¹¹ Information obtained from: (1) U. S. Census Bureau 2000 census, (2) OJS-BIA Corrections and Law Enforcement, (3) Field Interviews with local officials and (4) Telephone Interviews with local officials.

the fall and winter festivals and the summer months. Local population during these times increases three to five folds than what is indicated by the conventional census and demographics.

At the Navajo Nation the 2000 census reports a population of 180,462¹². However, it is estimated by the Department of Tourism that the population approximates 1,000,000 during the summer tourist season at the Navajo Nation. The local services providing resources which do not increase with the season are heavily taxed.

Furthermore there is reason to believe that the 2000 census underestimates the population at the Navajo Nation. Example: 2000 census underreported the population¹³ at the Navajo Nation. Chapter Images 2004 states in part, "...the Census Bureau did not take into consideration the legal definition of "Indian Country" and its potential implications and impact on Navajo Nation Government's role as service provider, policy maker, and land user within said Eastern Navajo Agency Chapters. The Navajo Nation did not contest the results of the census 2000 because this census was the best population count ever taken on the Navajo Nation."

A distinction was made between the 2000 census population, 2000 enrolment population, and 2007 service population. Beginning with the most conservative population of 2000 census, an understanding of the dynamics of demographics, interviews with law enforcement officials and the community at large, a conservative forward projection was made to arrive at the service population for 2017.

Courts have been helpful and cooperative in either not sentencing, or keeping the duration of such detention to a minimum to offset the lack of bed space. An informal survey of judges indicated that had there been more bed space, they would sentence an additional 25% of the number being sentenced to imprisonment.

The tabulation in Appendix H5 includes the existing bed capacity, known overcrowding, known 25% extra bed needs held back by judges, 2000 census, service population for 2007 and projected service population for 2017, projected inmate population for 2017.

Data on the crime rate and the incarceration factor for 2007 is included from Appendix H6 for a comparison to the projected incarceration factor for 2017. The incarceration factor for 2017 – averaging 38% of incarceration factor of 2007, together with the projected service population for 2017 provided a projected inmate population for 2017.

The size, capacity and locations for Tier I, Tier II and Tier III and the need for Capacity Upgrades were based on the collective preponderance of information derived from the projected inmate population for 2017, needs for law enforcement, needs for courts in addition to video courts (interconnected to tribal courts) in Tiers I and III, remoteness of location combined with the availability of housing to attract long-term employees.

Master Planned replacement facilities for 2017 incorporate an incarceration factor that is 38% of the present incarceration factor for 2007. It is assumed that alternatives to incarceration will reduce the need for facilities between one-half to one-third of the present demand. This appendix tabulates the needs for replacement of existing facilities to be built from the year 2007 through the year 2017 for needs that are expected to last over the next forty years.

¹² Chapter Images 2004 – Profiles of 110 Navajo Nation Chapters: Table 5: Profile of General Demographic Characteristics. P. 17

¹³ Chapter Images 2004 – Profiles of 110 Navajo Nation Chapters: Use of Census 2000 Disclaimer. P. 11

The physical locations of these facilities are mapped out in Appendix O and their capital costs are noted in Appendix N.

Crime Statistics 2007 – Appendix H6¹⁴

This appendix provides crime rate for 1) Violent Crime, 2) Property Crime and 3) All Other Crime. The Crime Rate per 100,000 inhabitants is very high. This data does not include about 50% unrecorded/released offenders and yet another 25% offenders held back by the judges.

An incarceration factor was developed in Appendix H6 based on the reported crime data. This factor though high would be higher if the unreported and 'un-housed inmates' were considered in this calculation.

Data from 1) Violent Crime, 2) Property Crime and 3) All Other Crime and the Incarceration Factor for 2007 is reported back into Appendix H5 to provide a comparison with the Incarceration Factor used for 2017.

The data includes 68% or 164 agencies that reported.

Detailed Construction Costs Analysis for Fourteen Types of Facilities - Appendix I¹⁵

Detailed Construction Costs have been calculated for the fourteen individual Facility Types.

The construction cost is based on the best forecasted value of 'Year 2011 dollar'. The cost does not take into consideration the cost of land. Approximately 5 to 7 acres will be needed for a single/two story facility relatively away from the business and residential center.

The cost does include environmental remediation or removal of the existing building.

The cost takes into consideration the cost for developing the local site – which is expected to be away from the present site, and a utilities infrastructure from the physical facility to its boundaries. There may be additional costs to develop a sewage treatment lagoon/plant and/or extensive extension of the sanitary sewer lines and potable water lines, electrical and communication utilities and maintenance roadway.

The costs are identified as hard costs and soft costs. The hard costs refer to the actual tangible products that are required for the material goods and construction. The soft costs refer to the services that are required to support hard costs.

Costs are based on R.S. Means, Saylor and National Construction Data. These costs have been adjusted to incorporate additional costs that are needed to serve remote locations and the scarcity of goods and services in such locations.

All costs are developed based on the 2007 costs escalated to June 30, 2011. Additional escalations need to be added up to the midpoint of construction cycle cost, once the construction cycle and duration has been determined.

Average life expectancy of the facility with appropriate repairs and maintenance is forty years. However, with care, the facilities could last over 100 years.

¹⁴ Information obtained from OJS-BIA, March 2008

¹⁵ Information obtained from: (1) R. S. Means, Building Construction Cost Data 2007, 2006, (2) National Construction Estimator, 53rd edition 2005, (3) National Building Cost Manual, 30th edition 2006, and (4) Saylor Current Construction Costs, 42nd edition 2005.

Annual Facilities Operations and Maintenance Costs Analysis - Appendix J¹⁶

The recurring annual capital costs for the operations and maintenance of facilities are calculated from historic costs and then projected forward for the new facilities based on the size of the facility and projected escalation from inflation in future years. The costs are summarized with appropriate backup in Appendices J1 and J2.

Appendix J 1 -- Annual Facilities Operations and Maintenance Costs includes calculations for the projected costs escalated to year 2011. An adjustment was made to account for very small facilities that have high fixed costs for operations relative to their size.

Appendix J 2 -- Analysis for annual capital costs for the Facilities' Operations and Maintenance for facilities in the BIA inventory. Averages for site operations and maintenance were determined and then escalated to the year 2011 in Appendix J 1.

These costs are later used in Appendix L -- Unit Costs, to calculate the Facility Operations and Maintenance requirements for the fourteen types of facilities for Tier I, Tier II and Tier III.

Annual Program Operations Costs Analysis - Appendix K¹⁷

The recurring annual capital costs for the Program Operations are analyzed for staffing, food, healthcare and educational programs, consumable supplies, durable supplies and transportation. These operations costs are calculated as a percentage of the initial capital cost of the facility, which in itself is based on the functions that it will serve.

The supporting funding to operate a facility, once it is opened is noted in Appendices J and K. As a percentage of the initial capital cost, the recurring annual costs for Tiers I, II and III are as follows:

Recurring Annual Cost for Tier I facilities: 17.67% of initial capital cost

Recurring Annual Cost for Tier II facilities: 8.68% of initial capital cost

Recurring Annual Cost for Tier III facilities: 11.75% of initial capital cost

The individual Program Operations Costs for Tier I, Tier II and Tier III are extended for each of the fourteen Facility Types, in Appendix L as Unit Costs. The Unit Costs in Appendix L are later used in Appendix N to extend the Facility Operations and Maintenance and Program Operations over the 40 year life of the facility.

Unit Capital Costs - Appendix L

Unit Capital Costs are developed for the Initial Capital Costs for each Tier and Type of Replacement Facility. These include:

Unit Capital Costs Summary - Appendix L 1¹⁸

- 1) Initial Capital Costs for Construction of the fourteen Facility Types
- 2) Annual Facility Operations Costs
- 3) Annual Programs Operations Cost

¹⁶ Information obtained from Operations and Maintenance history at OFMC-BIA. Escalations are based on Inflation data from Federal Reserve.

¹⁷ Information based on (1) Program Operations market cost from field interviews at BIA and Tribal facilities, (2) National Institute of Corrections (NICIC) Budget Guide for Jail Administrators and (3) Gap Analysis (Staffing Shortfall) OJS-BIA January 2006: Average Officer's annual salary 2011- \$54,000/FTE.

¹⁸ Information based on Appendices G, I, J, K and L2

Details for Unit Capital Costs - Appendix L 2¹⁹

These details include items not customarily included in facility construction costs such as:

- 1) Initial Capital Costs for housing for 20% of the employees.
- 2) Extraordinary soft costs including liability insurance, local taxes, documentation for accountability and in-house project management by the government.

Figures from the last column L are transferred to Appendix L 1 to develop the summaries for unit capital cost for initial capital cost for each tier and each type of facility within a tier as well as Capacity Upgrades, Annual Facility Operations costs and Annual Programs Operations cost.

Summary Unit Capital Costs from Appendix L 1 are later used in Appendix N to develop the ten year 2007 – 2017 capital spending plan and the 40 year capital support required for the replacement justice facilities.

Deferred Repairs and Maintenance Costs Analysis - Appendix M 2²⁰

Existing facilities need to stay functional, while the new Capital Cost Replacement Facilities program is underway between the year 2007 and year 2017. Deferred Repairs and Maintenance need to be undertaken during this transition period.

Detailed Repairs and Maintenance Costs have been calculated by (1) Observing deficiencies during actual site visits and calculating costs, (2) Updating FMIS records by site personnel through training by BIA, and (3) Extrapolating costs using the database created and validating telephone calls for non visited sites.

The costs take into consideration the age, physical space and remoteness of the facility to the availability of skilled services.

Deferred Repairs and Maintenance Costs – Inventoried Facilities, - Appendix M1 2²¹

This appendix provides the Deferred Repairs and Maintenance Costs for Inventoried Facilities.

Through a formal acceptance process, these facilities have been included as BIA inventory facilities. These facilities include Tribal, Self Governance, PL 638 and BIA facilities.

Deferred Repairs and Maintenance Costs – Non-Inventoried Facilities, - Appendix M2 2²²

This appendix provides the Deferred Repairs and Maintenance for Non - Inventoried Facilities. These facilities have not been included as BIA inventory facilities. These facilities include Tribal, Self Governance, and PL 638 facilities.

Deferred Repairs and Maintenance Costs Details for Existing Facilities - Appendix M3 2²³

This appendix provides detailed cost calculations for the deferred repairs and maintenance of existing facilities that were visited.

¹⁹ Information based on (1) Appendix I and (2) Extraordinary costs for facilities constructed in Indian Country: Historical Data from OFMC-BIA.

²⁰ Information obtained from (1) R. S. Means, Building Construction Cost Data 2007, 2006 and (2) R. S. Means, Repair and Remodeling Cost Data 2007.

²¹ Information obtained from OFMC-BIA September 2007 and costs based on (1) R. S. Means, Building Construction Cost Data 2007, 2006 and (2) R. S. Means, Repair and Remodeling Cost Data 2007.

²² Information obtained from OIS-BIA November 2007 and costs based on (1) R. S. Means, Building Construction Cost Data 2007, 2006 and (2) R. S. Means, Repair and Remodeling Cost Data 2007.

²³ Information obtained from (1) R. S. Means, Building Construction Cost Data 2007, 2006, and (2) R. S. Means, Repair and Remodeling Cost Data 2007.

The Deferred Repairs and Maintenance Cost noted above is used in Appendix N that calculates the composite costs for the master planned program.

Composite Capital Cost Requirements Analysis - Appendix N²⁴

The composite capital costs requirements are tabulated for Repairs and Maintenance of Existing Facilities, Initial Capital Cost for Replacement of Existing Facilities, Facility Operations and Maintenance Costs for forty years and Program Operations Cost for forty years.

These costs are analyzed and organized by the requirements for replacement of existing facilities by functionality needs for Tiers I, II and III. They are organized by geographic locations, tribes that will be served, present categories of administration, BIA inventoried and non-inventoried facilities and administrative districts of Justice Services.

Noted on the first two pages is the summary breakdown of the TOC - Total Ownership Cost outlay which is the composite sum of the initial capital cost (in Year 2011 dollars) for the facility and the recurring capital cost (in Year 2011 dollars) for the facilities' Program Operations over 40 years and the Facilities Operations and Maintenance over the 40 year life of the building.

As distinct from other government-operated justice facilities such as State and County facilities, the total ownership capital cost TOC is unique for the justice facilities in Indian Country, for once they are constructed, they do not have a method of generating revenue from an independent tax base, to support their Program Operations or Facilities Operations & Maintenance related to the facility operation of utilities, repairs and maintenance.

Once constructed, these facilities extend a continuous fiscal obligation of the ownership over the life of the facility. Thus it is essential to consider and appropriate this cost at the beginning of the program and disburse it annually over the life of the facility.

This appendix provides a composite capital cost requirement for the Master Planned Justice Services for the safety and security in Indian Country.

Location Maps of Facilities Addressed in Master Plan - Appendix O

This appendix provides maps of the United States that depict the locations for planned replacement of existing facilities, as well as existing facilities that are addressed in the Master Plan.

These maps depict: (1) Facilities Requiring Deferred Repairs and Maintenance, (2) Replacement Tier I facilities, (3) Replacement Tier II facilities, (4) Replacement Tier III facilities (5) Facilities requiring Capacity Upgrade and (6) Composite map of all facilities addressed in the Master Plan.

Each of the maps also provides a detailed reference legend to identify (1) Tribal Facilities, (2) PL-638 Facilities, (3) Self-Governance Facilities and (4) BIA facilities.

²⁴ Information extended from Appendices G, H, I, J, K, L and M.

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