

control and treatment may be dependent upon the ultimate use of the water, provided that the above provisions of this Subsection shall not be deemed in any way to repeal or supersede any portion of the Navajo Water Code enacted on August 2, 1984, and the Federal Water Pollution Control Act (33 U.S.C. § 1151, *et seq.*, as amended), and no control or treatment under this Subsection shall in any way be less than that required under applicable law. The construction of a plant or plants may include major interceptors and other facilities appurtenant to the plant.

E. The Director, upon the approval of the appropriate oversight committee of the Navajo Nation Council, may transfer funds to other appropriate Navajo Nation agencies in order to carry out the reclamation activities authorized by this Title.

#### **History**

CAP-42-94, April 26, 1994.

CN-57-87, November 18, 1987.

#### **§ 1644. Interagency cooperation**

All departments, boards, commissions, and agencies of the Navajo Nation shall cooperate to the fullest extent with the director to implement and administer the provisions of this Title where such cooperation does not conflict with existing Navajo Nation and/or applicable federal laws.

#### **History**

CAP-42-94, April 26, 1994.

CN-57-87, November 18, 1987.

**Subchapter 5. [Reserved]**

**Subchapter 6. [Reserved]**

**Subchapter 7. [Reserved]**

**Subchapter 8. [Reserved]**

### **Title 19**

#### **Parks and Monuments**

##### **Chapter 1. Generally**

#### **§ 1. Areas of scenic beauty and scientific interest; reservation**

All areas of scenic beauty and scientific interest which require preservation shall be reserved as Navajo parks, monuments, or ruins, to be managed by the Navajo Nation with the cooperation of other agencies.

## History

Tribal Council Res. 1922-1951 Res. p. 156, July 12, 1934.

**Revision note.** Slightly reworded for purposes of clarity.

**Relinquishment of rights by National Park Service.** Tribal Council Res. 1922-1951 Res. p. 156, provided that the Council petition the Secretary of the Interior and the Commissioner of Indian Affairs to take immediate steps to have the National Park Service relinquish any rights that they may have acquired to Navajo areas.

**Canyon de Chelly National Monument.** Tribal Council Res. 1922-1951 Res. p. 40, July 8, 1930, approved a bill authorizing the President of the United States to establish the Canyon de Chelly National Park Monument within the Navajo Indian Reservation.

ACO-82-51, 1922-1951 Res. p. 41, October 2, 1951, raised objections to the granting of concessions within the area by the National Park Service and suggested that an understanding should be worked out relative to the use and control of the Tribal lands within the area.

## § 2. Authority to establish parks, monuments and recreation areas

The Resources Committee is authorized to set aside and withdraw areas of Navajo land for use as parks, monuments and recreation sites, upon recommendation of the Parks Commission and the Parks and Recreation Department, after proper clearance from the Navajo Land Department and the local chapter area.

## History

**Marble Canyon Navajo Tribal Park.** ACAU-149-66, August 1, 1966, established the "Grand Canyon Navajo Tribal Park" and authorized the Parks Commission to make rules and regulations for the park. ACAP-189-73, April 17, 1973, changed the name of the park to the "Marble Canyon Navajo Tribal Park." See Chapter 7 of this title.

CAU-48-64, August 28, 1964.

**Revision note.** Slightly reworded for purposes of clarity.

**Kinlichee Tribal Park.** ACMY-57-64, May 4, 1964, established the Kinlichee Tribal Park.

**Tse Bonito Tribal Park.** ACJ-143-63, October 1, 1963, established the Tse Bonito Tribal Park.

**Window Rock Tribal Park.** ACO-144-63, October 1, 1963, established the Window Rock Tribal Park.

**Little Colorado River Navajo Tribal Park.** ACMA-36-62, March 27, 1962, established the Little Colorado River Navajo Tribal Park and authorized the Parks Commission to make rules and regulations for such Park.

**Lake Powell Navajo Tribal Park.** ACMA-35-62, March 27, 1962, established the Lake Powell Navajo Tribal Park and authorized the Parks Commission to make rules and regulations for such Park.

**Tsegi Canyon.** ACD-238-60, December 15, 1960, authorized the setting aside for future development as a Tribal park the entire Tsegi Canyon located in Navajo County, approximately 11 miles south of Kayenta, Arizona, and in addition, an area on each side of the rim of Tsegi Canyon, one-quarter mile in width. ACD-238-60, further provided that the area thus set aside was to include all of the area in Tsegi Canyon not previously set aside for Navajo National Monument being approximately 15 miles in length.

**Monument Valley Tribal Park.** ACJ-80-58, July 11, 1958, authorized the establishment of the Monument Valley Tribal Park, to be administered by the Parks Commission.

#### **Cross References**

CN-72-92, November 4, 1992, wherein the Resources Committee of the Navajo Nation Council is established as an entity whose purpose is to ensure utilization of all resources of the Navajo Nation. The word "resources" is defined to include "parks."

Purposes and powers of the Resources Committee of the Navajo Nation Council, see 2 N.N.C. § 691 *et seq.*

#### **§ 3. Regulations**

The Resources Committee of the Navajo Nation Council has the authority to adopt rules and regulations for the operation of parks and recreation areas upon the recommendation of the Parks and Recreation Department and the Navajo Nation Parks Commission.

#### **History**

CAU-48-64, August 28, 1964.

#### **Cross References**

See 2 N.N.C. § 695(A), wherein the Resources Committee of the Navajo Nation Council has the authority "to promulgate rules and regulations to carry out its powers." See also, 2 N.N.C. § 692(A) which defines the word "resources" to include "parks."

#### **§ 4. Park Rangers; commissions**

A. Each Navajo Nation Park Ranger shall be commissioned by the President of the Navajo Nation to enforce the regulations or statutes established by the Parks Commissions, the Resources Committee, or the Navajo Nation Council for the purpose of controlling activities and protecting Navajo Nation property within the Navajo Nation parks and recreation areas.

B. Each Navajo Nation Park Ranger is further authorized to enforce the

provisions of the Antiquities Preservation Law, the Hunting and Fishing Laws of the Navajo Nation, and when acting in conjunction with the Navajo Nation Department of Law Enforcement, the law and order provisions of the Navajo Nation Code.

#### **History**

CN-66-76, November 9, 1976.

CAU-48-64, August 28, 1964.

**Revision note.** Slightly reworded for purposes of clarity.

### **Chapter 2. [Reserved]**

### **Chapter 3. Parks Commission**

#### **§ 201. Composition; appointment**

A. The Navajo Nation Parks Commission shall consist of five members, each member to be appointed to a term of four years, provided that the first appointments shall be made for one member for four years; one member for three years; one member for two years; and two members for one year; and thereafter each appointment shall be for four years.

B. The members of the Commission shall be appointed by the President of the Navajo Nation subject to the approval of the Government Services Committee of the Navajo Nation Council.

#### **History**

CAU-48-64, August 28, 1964.

**Preamble.** For preamble to CAU-48-64, see § 2 of this title.

#### **§ 202. Chairperson; selection**

The members of the Parks Commission shall select, each year, a chairperson of the Commission.

#### **History**

CAU-48-64, August 28, 1964.

#### **§ 203. Removal of members**

Each member of the Parks Commission may be removed upon a majority vote of the Government Services Committee of the Navajo Nation Council.

#### **History**

CAU-48-64, August 28, 1964.

## **§ 204. Policy guidance**

It is the intention of the Navajo Nation Council that the Parks Commission should provide guidance on policy matters affecting the Parks and Recreation Department. The Commission shall also advise the Navajo Nation Council and Resources Committee of problems affecting the Parks and Recreation Department and make recommendations to all concerned with the recreational program of the Navajo Nation of any necessary improvements or changes.

### **History**

CAU-48-64, August 28, 1964.

**Revision note.** Slightly reworded for purposes of clarity.

### **Cross References**

Purposes and powers of the Resources Committee of the Navajo Nation Council, see 2 N.N.C. § 691 *et seq.*

## **Chapter 4. [Repealed]**

### **History**

CAP-41-94, April 20, 1994.

## **Chapter 5. Camping**

### **§ 401. Definitions**

In this Chapter:

A. "Camping" shall be deemed to include any activity involving the use of Navajo land for purposes of establishing temporary living quarters for accommodations through the use of any motor vehicle, tent, trailer, other vehicle or shelter device, or for the purpose of overnight stay.

B. A "recreational area" shall include all areas designated as camping or recreational areas by the Resources Committee of the Navajo Nation Council and shall also include Navajo Nation parks. No areas or parks, other than those designated in Appendices (A) and (B) of this Chapter, have been designated as recreation areas. Recreation areas are classified as Class (a) areas, Class (b) areas, and Class (c) areas, as set forth in 19 N.N.C. § 405, and daily fees are charged for Class (a) and (b) areas.

C. A "regular camping permit" is a permit duly issued by the Director, or his or her authorized representative, in the form of a window sticker or such other form as may be prescribed by the Director and is required before any recreational area may be used for camping purposes. Daily fees for designated areas are in addition to fees for the camping permit.

D. A "special camping permit" is a permit duly issued by the Director, or his or her authorized representative, in the form of a window sticker or such

other form as may be prescribed by the said Director, authorizing the use of Navajo lands other than recreational areas for camping purposes.

E. The word "person" shall include any non-Navajo person except those persons authorized or required to conduct camping activities on Navajo lands by reason of their official capacity with the Navajo Nation or the federal government, and shall include all groups of persons traveling in the same private non-commercial vehicle or any group of persons not exceeding eight who are in close association with each other and not traveling by private non-commercial vehicle.

F. The term "Navajo lands" shall mean all lands subject to the jurisdiction of the Navajo Nation, and includes all areas commonly described as Land Management Districts 15, 16, and 19 and the Cutter Dam area.

G. The word "Director" shall mean the Director of the Parks and Recreation Department of the Navajo Nation.

H. "Private non-commercial vehicle" shall include any passenger car, station wagon, pickup, camper truck, motorcycle, or other motor vehicle which is conventionally used for private recreation purposes by a family.

#### **History**

CAU-45-73, August 29, 1973.

#### **§ 402. Restriction of camping to recreational areas**

A. Unless a "special camping permit" is obtained, no camping activities shall be allowed by any person on Navajo lands except within the recreational areas designated in Appendices (A) and (B) of this Chapter, and no person shall engage in camping activities within said recreational areas unless he or she has in his or her possession or affixed to the windshield of his or her private non-commercial vehicle, a valid camping permit.

B. No camping shall be allowed in Class (a) and (b) recreation areas, as set out in 19 N.N.C. § 405, unless daily fees provided herein are paid to an authorized enforcement officer.

#### **History**

CAU-45-73, August 29, 1973.

#### **§ 403. Special permission to conduct camping activities outside recreational areas**

A. No camping activities shall be allowed by any person on Navajo lands situated outside designated recreational areas unless such person shall have in his or her possession or affixed to the windshield of his or her vehicle, a valid "special camping permit." Application for "special camping permits" shall be made to the Department Director, or his or her authorized representative, and such permits may be issued upon such terms and conditions as said Department Director may prescribe.

B. All persons purchasing a Navajo hunting permit must also purchase a special camping permit before hunting on lands subject to the jurisdiction of the Navajo Nation.

C. Camping activities conducted on a commercial basis, or in relation to commercial tourist services, are prohibited on Navajo Nation lands unless the person, firm, association, or corporation conducting such activities shall first obtain a special camping permit. Only special camping permits shall be deemed valid authorization for conducting such camping activities. All camping regulations shall apply equally to such camping activities in the same manner as they apply to private, non-commercial camping.

#### **History**

CAU-45-73, August 29, 1973.

#### **§ 404. Permits**

A. The "regular camping permit" shall admit the purchaser, members of his or her immediate family, and all other persons accompanying the purchaser or members of his or her immediate family in one private non-commercial vehicle to recreational areas designated in Appendices (A) and (B) of this Chapter. The "special camping permit" shall admit persons named thereon, to lands described thereon, as limited by any terms imposed by the Director.

B. Every camping permit shall be validated by signature of its owner on the face of the permit at the time of its receipt. All permits shall be non-transferable.

C. All "regular" and "special camping permits" may be sold by the Director, and by any of his or her authorized representatives at such place or places as may be designated by said Director. Appendix (C) of this Chapter contains a list of individuals and organizations presently authorized to sell such permits and designates the places where such permits may be sold.

D. The Parks and Recreation Department of the Navajo Nation shall be responsible for printing and distribution of all camping permits, and shall collect and account for the same, and for all fees derived from the sale thereof.

#### **History**

CAU-45-73, August 29, 1973.

#### **§ 405. Daily fees**

A. Certain areas designated as camping or recreation areas are subject to exceptionally heavy use, and have facilities constructed and maintained by the Navajo Nation for use by campers. These areas are designated Class (a) and Class (b) areas, as set out in this Section, and daily fees will be charged in these areas. Use of the area for picnics will also be subject to the daily fees prescribed. These fees are intended to defray the cost of daily maintenance and to promote availability of the areas for use by all who wish to make use thereof. Class (a) areas are those areas designated as such in

Appendices (A) and (B) of this Chapter, and generally have facilities equivalent to franchised campgrounds. Class (b) areas are those designated as such in Appendices (A) and (B) of this Chapter and generally include such facilities as tables, campfire grills, and waste disposal cans. Class (c) areas are those designated as such in Appendices (A) and (B) of this Chapter, and include recreation areas with no facilities.

B. No person shall be permitted to occupy Class (a) or Class (b) areas without payment upon request to an authorized enforcement officer of the Navajo Nation of the appropriate fee approved by the Resources Committee of the Navajo Nation Council.

C. Area designations shall be determined by the Director, Parks and Recreation Department, and shall be subject to change.

D. Fees shall be paid to an authorized enforcement officer, who shall collect such fees at the camping area on a daily basis.

#### **History**

CN-72-92, November 4, 1992

CAU-45-73, August 29, 1973.

#### **§ 406. Enforcement**

A. Any person conducting camping activities on Navajo lands in violation of this Chapter shall be advised of the necessity of purchase of a permit, and shall forthwith purchase any necessary permit, and pay any applicable daily fees, or immediately cease any and all activities constituting a violation of this Chapter.

B. This Chapter shall be enforced by the Navajo Rangers or Park Rangers and by any other duly authorized persons.

#### **History**

CAU-45-73, August 29, 1973.

#### **§ 407. Overriding orders**

Any "regular permit" or "special camping permit" issued by or under authority of the Director shall not entitle any person to engage in any camping activities prohibited by order of the President or Vice-President of the Navajo Nation or of any other Navajo Nation official acting under proper authority. Such orders are occasionally issued by the President of the Navajo Nation or other appropriate official for the protection of Navajo Nation forests from fire or other hazards.

#### **History**

CAU-45-73, August 29, 1973.

#### **§ 408. Activities prohibited**

All persons engaged in camping activities shall comply with all applicable Navajo Nation and federal laws and regulations. Any person in violation of any such laws or regulations shall be deemed to have forfeited his or her camping privileges and his or her camping permit shall be null and void, and must be surrendered to any person authorized to enforce these regulations upon demand.

#### **History**

CAU-45-73, August 29, 1973.

#### **§ 409. Revenues**

Revenues generated from the imposition of camping fees shall be used to maintain and improve existing camping facilities and to provide new facilities where possible.

#### **History**

CAU-45-73, August 29, 1973.

#### **Appendix A. Designated Camping Areas**

##### *Appendix A*

##### *Designated Camping Areas*

<i>Name</i>	<i>Location</i>	<i>Route</i>	<i>State</i>
1. Summit Campground	8 mi. W. Window Rock	264	AZ
	Both Sides of Highway		
2. Kinlichee Park	2 1/2 mi. N. Cross Canyon Trading Post	264	AZ
3. Monument Valley	1/2 mi. N. Visitors Centers	Valley Road	AZ
4. Bowman Park	10.2 mi. S. Hunters Point Trading Point	12	AZ
5. Ganado Lake	2.6 mi. N. Round Top Trading Post	27	AZ
6. Pasture Canyon Reservoir	2.3 mi. N. Tuba City 1/2 mi. off HWY 160 on N. Side	Country	AZ
7. Captain Tom Reservoir	4.6 mi. N. Newcomb- 2 mi. off HWY	491	NM

8.Asaayi Lake	11 mi. E. Navajo, NM	Mexican Spring Road	NM
9.Red Lake	.6 mi. N. Navajo, NM, by HWY West Side	12	NM
10.Wheatfields Lake	22.4 mi. N. Navajo, NM, Both Sides HWY	12	AZ
11.Tsaile Lake- South Shore	53 mi. N. Window Rock- W. Side Of HWY 12	12	AZ
Tsaile Lake- North Shore	55 mi. N. Window Rock- W. Side of HWY 12	12	AZ
12.Round Rock Lake	4 mi. SW Jct. 12 & 64	12	AZ
13.Many Farms Lake	1.2 mi. E. Many Farms Trading Post	Country	AZ
14.Antelope Lake	16 mi. S. Summit Campground	Country	AZ
15.Chuska Lake	1.3 mi. E. Tohatchi and Boarding School Jct.	Country	NM

#### **Appendix B. Navajo Nation Parks**

##### *Appendix B*

##### *Navajo Nation Parks*

<i>Name</i>	<i>Res. No.</i>	<i>Acres</i>	<i>Use</i>
1.Monument Valley Tribal Park	ACJ-80-58	85.14	Camping
2.Tsegi Canyon	ACD-238-60	Included in Lake Powell Tribal Park	Camping
3.Lake Powell	ACMA-35-62	2,218,112.80	Camping
4.Little Colorado River	ACMA-36-62	360,992.23	Camping
5.Tse Bonito Tribal Park	ACO-143-63	36.14	Camping
6.Window Rock			

Tribal Park	ACO-144-63	85.14	No Camping
7.Kinlichee Tribal Park	ACMY-57-64	640.00	Camping
8.Bowl Canyon Recreation Area (Asaayi)	ACJN-89-65	645,579.00	Camping
9.Grand Canyon	ACAU-149-66	303,667.20	Camping

**Appendix C. Laws and Regulations Applicable to Camping Activities**

*Appendix C*

*Laws and Regulations Applicable to Camping Activities*

A. Federal Criminal Offenses

1. Hunting within the Navajo Nation without a camping permit. 18 U.S.C. § 1165
2. Leaving a fire unattended or unextinguished. 18 U.S.C. § 1856
3. Cutting or injuring a tree. 18 U.S.C. § 1853
4. Wilfully and without authority setting fire to timber, underbrush, grass or other inflammable material. 18 U.S.C. § 1855
5. Introducing, selling, or dispensing liquors, wine, or beer including forfeiture of vehicle used for introduction. 18 U.S.C. §§ 1154, 1156, 3113, 3488 and 3618
6. Taking fish, or game animals, or pelts, contrary to the terms of the Navajo Nation law. 18 U.S.C. § 1165
7. Disturbing or taking any object of prehistoric origin; Antiquities Act. 16 U.S.C. § 432

B. Violations of Navajo Nation Law

1. Unlawful disposal of refuse.
2. Violation of traffic regulations, breach of the peace, public drunkenness, unauthorized activity causing damage to Navajo Nation property, or commission of a crime as defined by state or federal law.
3. Remaining in areas posted for fire danger.
4. Lighting campfires or smoking in posted fire danger areas.
5. Violating Navajo Nation fishing regulations

### C. Violations of Permit Regulations

Commission of any of the following acts shall be deemed grounds for revocation by an authorized enforcement officer of any camping permit, or daily fee permit, as provided in these regulations:

1. Failure to remove or properly dispose of all garbage, waste materials, and rubbish.
2. Dumping or draining refuse or waste from a trailer or other vehicle.
3. Pollution contamination of waters, including cleaning fish in lake waters.
4. Indulging in boisterous, abusive, threatening or indecent conduct.
5. Destroying or removing any plants.
6. Posting handbills, notices, circulars or advertising devices.
7. Discharging firearms, firecrackers, rockets, or any type of fireworks.
8. Operating or using any noise-producing device at such times as to disturb other persons.
9. Building a fire outside of a stove, grill, fireplace, fire-ring, or similar control device, when in a Class (a) or (b) camping area.
10. Failure to clean camping debris and rubbish and to remove all camping equipment when leaving a site.
11. Pitching tents, parking trailers, or locating other camping equipment except in places in Class (a) and (b) areas provided for such uses.
12. Leaving campsite and camping equipment unattended for 12 hours without written permission of the enforcement officer.
13. Not maintaining dogs or other animals under physical restrictive control at all times.
14. When camping under a special permit, failure to break camp and leave at the request of individual Navajo land users whose lands are being occupied.
15. Tearing down or willfully defacing a notice posted by any Navajo Nation department or by the Bureau of Indian Affairs.
16. Destroying, injuring, or disturbing property of the Navajo Nation used in administration of camping areas, and used as a facility of any sort for camping areas.
17. Leaving any building provided for public use at a recreational facility without placing it in as sanitary condition as when entered.

18. Operating a motor vehicle in any recreation area in a manner that creates an impediment or hazard to the safety, comfort, or convenience of others, and operating any two wheeled motorized vehicle in any recreation area on lands not openly and apparently used as roads, or parking sites for vehicles.

## **Chapter 6. [Reserved]**

## **Chapter 7. Operation of Marble Canyon Navajo Nation Park**

### **§ 601. Park name; establishment of regulations**

The name of the Grand Canyon Navajo Tribal Park is changed to the Marble Canyon Navajo Nation Park, and this Chapter is established for the operation of Marble Canyon Navajo Nation Park. The Parks and Recreation is authorized to make such further rules and regulations, with the approval of the Resources Committee of the Navajo Nation Council, as will further the purposes of this Chapter for the operation of Marble Canyon Navajo Nation Park.

#### **History**

CN-72-92, November 4, 1992.

ACAP-189-73, April 17, 1973.

### **§ 602. Basic policy considerations**

A. Marble Canyon Navajo Nation Park is established to preserve an area of great scenic beauty and one of cultural and social significance to the Navajo People. This basic consideration dictates that all present and traditional Navajo religious, cultural, economic and social uses of the area shall continue without interference or regulation, and this Chapter is applicable only insofar as it does not interfere with these traditional uses of the area by the Navajo people.

B. All visitors to the park shall respect the privacy and property of Navajo residents within the park boundaries

#### **History**

ACAP-189-73, April 17, 1973.

### **§ 603. Commercial development and activities**

A. Commercial development and activities except as herein designated in this Chapter, shall be strictly prohibited within the park boundaries.

B. Food and drink or other types of concessions within the park boundaries shall be permitted only after proper investigation by the Parks and Recreation Department and after obtaining other necessary permits or leases. Such concessions will be approved only if they do not interfere with, or distract from, the natural beauty of the area.

### **History**

ACAP-189-73, April 17, 1973.

#### **§ 604. Vehicular traffic**

Vehicular traffic will be allowed only on properly designated roads or highways established within the park, except that official or emergency vehicles shall be allowed to operate anywhere within the park to the extent such operations are necessary to the administration and regulation of the park, or for the safety of persons within the park.

### **History**

ACAP-189-73, April 17, 1973.

#### **§ 605. Camping**

A. Camping and the use of trailers or other camper units will be permitted only at designated locations. The Director of the Parks and Recreation Department, however, may issue special permits to persons desiring to camp in the backcountry or other isolated areas within the park, or the Director may designate portions of the park where such permits will not be required. These locations will be indicated on a map available for public inspection in the park offices.

B. The Director of the Parks and Recreation Department may establish limitations on the length of time persons may camp within the park (either in a single period or in combined separate periods). Such limitations shall be posted at campgrounds, ranger stations or other appropriate locations.

C. Installation of permanent camping facilities by park visitors is prohibited.

D. Digging or leveling of the ground at any campsite is prohibited except by permission of the Director of the Parks and Recreation Department.

E. Camping equipment must be completely removed and the campsite utilized must be cleaned before departure.

F. Camping within 25 feet of any water hydrant, main highway, or well-defined water course is prohibited.

G. Quiet shall be maintained in all campgrounds between the hours of 10 p.m. and 6 a.m.

H. Gathering of wood for fuel in campgrounds or picnic areas will be limited to dead material on the ground, except where such gathering is prohibited by the Director of the Parks and Recreation Department by the posting of appropriate signs. Cutting of standing timbers or shrubs is strictly prohibited.

### **History**

ACAP-189-73, April 17, 1973.

**§ 606. Closing of areas**

The Director of the Parks and Recreation Department may establish a schedule of visiting hours for all or portions of the park, and if necessary, close or restrict public use of all or certain portions of the park for protection of the area or for the safety and welfare of persons or property, by posting appropriate signs. All visitors must observe and abide by any officially posted signs designating closed areas or visiting hours.

**History**

ACAP-189-73, April 17, 1973.

**§ 607. Disorderly conduct**

A. Disorderly conduct is prohibited.

B. A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she shall:

1. Engage in fighting, or in threatening, violent or tumultuous behavior; or

2. Make unreasonable noise or offensively coarse utterance, gesture, or display, or address abusive language to any person present; or

3. Create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

**History**

ACAP-189-73, April 17, 1973.

**§ 608. Explosives**

A. The possession or use of explosives is prohibited except upon written permission of the Director of the Parks and Recreation Department. Any authorized possession or use of explosive shall conform with all applicable federal and Navajo Nation laws.

B. The possession or use of fireworks and firecrackers is prohibited, except upon written permission of the Director of the Parks and Recreation Department.

**History**

ACAP-189-73, April 17, 1973.

**§ 609. Firearms, traps and other weapons**

A. The use of traps, seines, hand thrown spears, nets (except landing nets), firearms (including air or gas-powered pistols and rifles), blow guns, bows and arrows or crossbows, or any other implements which are capable of trapping or destroying animal life is prohibited. The possession of such objects or mechanisms is prohibited unless unloaded and adequately cased, dismantled, or otherwise packed in such a way as to prevent their use while in the park.

B. When authorized by the Director of the Parks and Recreation Department licensed guides in charge of pack trains or saddlehorse parties may carry firearms for emergency use as stipulated in a written permit.

C. Authorized federal and Navajo Nation law enforcement officers are authorized to carry firearms in the performance of their official duties within the park.

### **History**

ACAP-189-73, April 17, 1973.

### **§ 610. Fires**

A. Kindling of fires is permitted only:

1. In designated camping and picnicking grounds and when confined in the fireplace or grill provided by the park for use of visitors, or in other locations as indicated by the Director of the Parks and Recreation Department. Areas so designated shall be marked on a map which shall be available for public inspection in the park office;

2. In locations in the backcountry, wilderness and remote sections of the park when a written permit has been secured from the Director of the Division of Natural Resources; or

3. In stoves or lanterns using gasoline, propane, butane gas or similar fuels.

B. Other Precautions:

1. Fires must be kindled in such manner that no tree, shrub, grass, or other inflammable or combustible matter will be set on fire, or caused to be set on fire;

2. When no longer needed, the fire shall be completely extinguished. Leaving a fire unattended is prohibited;

3. Throwing or dropping a lighted cigarette, cigar, pipe heel, match, or other burning material is prohibited;

4. The Director of the Parks and Recreation Department, at his or her discretion, may when necessary prohibit smoking on any parks lands, including roads and trails, by posting appropriate signs.

### **History**

ACAP-189-73, April 17, 1973.

**§ 611. Intoxication; drug incapacitation**

Entering or remaining in the park when manifestly under the influence of alcohol, narcotics or other drugs to a degree that may endanger oneself or other persons or property or unreasonably annoy persons in the vicinity is prohibited.

**History**

ACAP-189-73, April 17, 1973.

**§ 612. Picnicking**

Picnicking, except in officially designated locations, is prohibited. The Director of the Parks and Recreation Department may establish limitations on the length of time any person or group may use any picnicking facility. Appropriate signs designating picnicking locations and limitations will be posted.

**History**

ACAP-189-73, April 17, 1973.

**§ 613. Preservation of public property, natural features, curiosities and resources**

A. The collection, possession, destruction, injury, defacement, removal or disturbance of any building, sign, equipment, monument, statue, marker, ruin or other antiquity, or other structure, or of any animal or plant matter, including direct products thereof, is prohibited. This prohibition includes, but is not limited to, petrified wood, flowers, cone or other fruit, egg, nest, or nesting site, any soil, rock, mineral formation, phenomenon or crystallization, artifact, relic, historic or prehistoric feature, except as otherwise provided in this Section or in special regulations for the park.

B. Gathering or possession for personal consumption or use of such fruits and berries as the Director of the Parks and Recreation Department may designate is permitted. All such fruits and berries shall be picked by hand only; gathering or collecting of these for the purpose of sale, except by Navajos, is prohibited.

C. The use of any mineral or metal-detecting device capable of detecting underground or underwater locations of geological, archeological or historical objects or material is prohibited. The provisions of this Section shall not apply to fathometers, radar and electronic equipment used primarily for the navigation and safe operation of boats and aircraft.

D. Damaging or molesting Navajo crops or livestock is prohibited.

E. Taking canes, umbrellas, sticks, or similar objects into caves or caverns is prohibited, except by permission of the Director of the Parks and

Recreation Department.

F. Tossing, throwing, or rolling stones or other materials inside caves or caverns, into valleys or canyons, or down hills and mountains, is prohibited.

#### **History**

ACAP-189-73, April 17, 1973.

#### **§ 614. Saddle and pack animals**

A. Horses and other saddle or pack animals are permitted only on established trails or bridle paths, except in areas where cross-country is permitted by the Director of the Parks and Recreation Department.

B. Horses or other saddle or pack animals will not be permitted on the main-traveled or maintained portions of roadways, except where such travel is necessary for ingress or egress from trails or privately owned property or is incidental to authorized travel.

C. In the interest of public safety and welfare, the Director of the Parks and Recreation Department, by special regulations, may require that saddle-horse parties and pack trains be in the charge of a guide, licensed under Navajo Nation laws, who meets the qualifications established by the Director of the Parks and Recreation Department.

D. Riding or hitching horses or other saddle or pack animals in campgrounds, picnic areas, or within the immediate vicinity of trail shelters, eating or sleeping establishments or other areas of public gatherings, except where trails and facilities are designated or provided for such use, is prohibited.

E. Riders shall slow their horses to a walk or slow trot when passing persons on foot or on bicycles.

#### **History**

ACAP-189-73, April 17, 1973.

#### **§ 615. Sanitation**

A. All garbage, papers, cans, bottles, waste materials and rubbish of any kind must be disposed of only at places designated for this purpose, or removed by the visitor from the park area. All combustible materials shall be deposited in incinerators constructed for this purpose, or removed from the area.

B. Draining or dumping refuse or waste from any trailer or other vehicle except in places or receptacles provided therefor is prohibited.

C. Cleaning food, or washing clothing or articles of household use at campground hydrants is prohibited.

D. Polluting or contaminating in any manner any watershed, water supplies or water used for drinking purposes is prohibited.

E. Depositing any body waste in or on any portion of any comfort station or other public structure except into fixtures provided for that purpose is prohibited. Placing any bottle, can, cloth, rag, metal, wood, or stone substances in any of the plumbing fixtures in such station or structure is prohibited. All comfort stations shall be used in a clean, sanitary, and orderly manner.

F. Urinating or defecating at places other than those provided therefor is prohibited, except in the backcountry, wilderness or other remote areas.

G. Using park refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought into the park from private property is prohibited.

### **History**

ACAP-189-73, April 17, 1973.

### **§ 616. Scientific specimens**

A. Unless specifically permitted by special regulations, the collection of plants, rocks or minerals (non-fossilized), animal life, or other natural objects is permitted only in accordance with written permits obtained in advance from the Director of the Parks and Recreation Department.

B. Permits shall not be issued to individuals or associations to collect specimens for personal use, and shall be issued only to persons officially representing reputable scientific or educational institutions to procure specimens for research, group study or museum display.

C. Permits will be issued only on condition that specimens taken ultimately will become part of a permanent public museum or herbarium collection, or will in some suitable way be made available permanently to the public.

D. No permits may be granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance.

E. Permits to secure rare natural objects will be granted by the Director only upon proof of special need for scientific use and of the fact that such objects cannot be secured elsewhere.

F. Permits to survey, collect, excavate or test trench on any archeological or historical ruin, or to collect fossilized specimens, are issued by the National Park Service, which has been delegated this authority by the Secretary of the Interior (Federal Register, Vol, 37, No. 106, Thursday, June 1, 1972). Such permits are issued in accordance with the Antiquities Act of June 8, 1906 (34 Stat. L. 225), and 17 N.N.C. § 1801 *et seq.*, enacting an Antiquities Preservation Law, and only after written consent by the Navajo Nation has been given. Such permits are issued only to reputable scientific institutions and not to individuals.

### **History**

ACAP-189-73, April 17, 1973.

### **Cross References**

See The Navajo Nation Historic Preservation and Archaeology Departments Plans of Operation within the Division of National Resources. See also, 19 N.N.C., § 1001, *et seq.*, the Navajo Nation Cultural Resources Protection Act.

### **§ 617. Travel on trails**

A. Bicycles, motorcycles and other motor vehicles are prohibited on trails, except that bicycles only are permitted on trails designated for their use by posted signs.

B. Pedestrians on trails shall remain quiet when saddle or pack animals are passing.

### **History**

ACAP-189-73, April 17, 1973.

### **§ 618. Wildlife; hunting**

A. Hunting, killing, wounding, frightening or capturing, or attempting to kill, wound, frighten or capture, any wildlife species, is prohibited, except when it is necessary to prevent dangerous animals from inflicting personal injury or destroying human lives.

B. Except as otherwise provided herein, feeding, touching, teasing, molesting or intentionally disturbing any wildlife or nesting species, or related activities or phenomena thereof, is prohibited.

### **History**

ACAP-189-73, April 17, 1973.

## **Chapter 8. [Reserved]**

## **Chapter 9. Navajo Youth Camp**

### **§ 801. Establishment; purpose**

A. The Navajo Youth Camp is established within the Department of Parks and Recreation.

B. The Navajo Youth Camp provides a complete camp facility for youth organizations where programs in conservation, nature lore, recreation and scouting are available to all youths. The camp also serves as a meeting place for individuals, groups, and agencies from the Navajo Nation and other areas.

### **History**

ACN-247-76, November 4, 1976.

### **§ 802. Personnel**

There is established a position of Unit Manager, Navajo Youth Camp and such other positions as may from time to time be budgeted by the Navajo Nation Council. All personnel will be hired and compensated through the Navajo Nation Personnel Policies and Procedures.

### **History**

ACN-247-76, November 4, 1976.

### **§ 803. Authority, duties and responsibilities**

The Manager, Navajo Youth Camp is hereby authorized and directed to:

1. Report and be responsible to the Director, Department of Parks and Recreation.

2. Formulate and recommend overall administrative and operating standards and regulations pertaining to the camp and take such action as necessary for accomplishment.

3. Supervise all assigned personnel and delegate authority as necessary.

4. Develop a schedule of fees and charges for services and rental of the camp facilities. This schedule of fees and charges shall be submitted annually with the Camp Budget and may not be altered without the approval of the Resources Committee of the Navajo Nation Council.

5. Collect all income from the operation of the camp and deposit it with the cashier. The cashier shall report all such income to the Controller to be credited to an income account in the name of the Navajo Youth Camp to be used only in the operation of the camp. All unexpended funds shall revert to the General Fund at the close of the fiscal year.

6. Develop an operating budget annually to be included in the budget for the Department of Parks and Recreation.

7. Develop an overall Master Plan for the Navajo Youth Camp which is consistent with the management of the Asaayi watershed.

8. Work with youth organizations in developing-programs and scheduling use of the camp.

9. Work with the local communities and land users to bring about good relations and cooperation.

10. Cooperate and coordinate with Tribal and other natural resource organizations in planning, improvement, and development of the camp.

### **History**

ACN-247-76, November 4, 1976.

## **Chapter 10. Navajo Nation Museum**

### **History**

ACAP-63-88, April 15, 1988.

**Revision note.** The Navajo Nation Museum is now under the authority of the Navajo Historic Preservation Department.

### **§ 901. Establishment**

The Navajo Nation Museum is established within the Division of Natural Resources.

### **History**

ACAP-63-88, April 15, 1988.

### **§ 902. Purpose**

A. To collect and preserve and manage cultural and historical materials relating to the Navajo People and to the pre-Navajo cultures of the Four Corners region and natural history specimens relating to the geology, paleontology and environment of Navajo land.

B. To provide various informational and educational programs and services to the visiting public and Navajo People utilizing the above collections.

C. To disseminate information about the Navajo People, their culture and their history.

### **History**

ACAP-63-88, April 15, 1988.

### **§ 903. Personnel**

A. There is established the position of Museum Curator and such other positions that may be budgeted by the Navajo Nation Council.

B. All personnel shall be hired and compensated pursuant to the guidelines of the Navajo Nation Personnel Policies and Procedures manual.

### **History**

ACAP-63-88, April 15, 1988.

### **§ 904. Authority, duties and responsibilities**

The Museum Curator is hereby authorized and directed to:

A. Report and be responsible to the Executive Director, Division of Natural Resources, or any person designated on his or her behalf;

B. Formulate and implement overall administrative policies and procedures necessary for the efficient management of the Navajo Nation Museum and to take such action as deemed necessary for the accomplishment of objectives; and

C. Supervise the staff of the Navajo Nation Museum.

#### **History**

ACAP-63-88, April 15, 1988.

#### **§ 905. Organization**

The Navajo Nation Museum shall consist of such sections as are necessary for the accomplishment of its objectives, or as assigned by the Executive Director, Division of Natural Resources.

#### **History**

ACAP-63-88, April 15, 1988.

#### **§ 906. Amendments**

The Plan of Operation for the Navajo Nation Museum may be amended from time to time by the recommendation of the Museum Curator, Navajo Nation Museum with the concurrence of the Executive Director, Division of Natural Resources and the approval of the Resources Committee and the Government Services Committee of the Navajo Nation Council.

#### **History**

ACAP-63-88, April 15, 1988.

### **Chapter 11. Navajo Nation Cultural Resources Protection Act**

#### **History**

CMY-19-88, May 3, 1988.

**1988 Amendment.** CMY-19-88 repealed former Chapter 11 "The Cultural Resources Management Program," §§ 1001-1004, which was enacted by ACAP-86-77, April 27, 1977. The 1988 amendment replaced it with the "Navajo Nation Cultural Resources Protection Act".

**Note.** CAP-41-94, April 20, 1994, also repealed the former Chapter 11, the "Cultural Resources Management Program", 19 N.N.C. §§ 1001-1004. CAP-41-94 did not effect the Navajo Nation Cultural Resources Protection Act, 19 N.N.C. § 1001 *et seq.*

## **§ 1001. Findings**

A. This Act may be cited as the "Navajo Nation Cultural Resources Protection Act".

B. The Navajo Nation Council finds and declares that:

1. The spirit and direction of the Navajo Nation are founded upon and reflected in its cultural heritage;

2. The cultural heritage of the Navajo Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the Navajo People;

3. Cultural properties of the Navajo Nation are being lost or substantially altered, often inadvertently, with increasing frequency;

4. The preservation of this irreplaceable cultural heritage is in the interest of the Navajo Nation and its people so that its vital legacy of cultural, educational, aesthetic, inspirational, economic and energy benefits will be maintained and enriched for future generations of Navajos;

5. In the face of ever increasing energy development, economic development, sanitation and public health developments, the present Tribal governmental and non-Tribal governmental programs to preserve the Navajo Nation's cultural resources are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich heritage of the Navajo Nation;

6. Increased knowledge of our cultural resources, the establishment of better means of identifying and administering them, and fostering their preservation will improve the planning of federal, Tribal, state and other projects and will assist economic growth and development and expeditious project implementation; and

7. Although the major role in cultural resource preservation has been borne by the federal and state governments, and both must continue to play a role, it is nevertheless essential that the Navajo Nation expand and accelerate its cultural resource preservation programs and activities.

## **History**

CMY-19-88, May 3, 1988.

## **§ 1002. Policy**

It shall be the policy of the Navajo Nation, in cooperation with the states, federal government, other Indian Tribes, and private organizations and individuals to:

A. Use appropriate measures to foster conditions under which our modern

society and our cultural resources can coexist in productive harmony and fulfill the social, economic and other requirements of present and future generations;

B. Provide leadership in the preservation of cultural resources of the Navajo Nation;

C. Administer Navajo Nation-owned, administered or controlled cultural resources in a spirit of stewardship and for the inspiration of present and future generations;

D. Contribute to the preservation of non-Navajo Nation-owned cultural resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; and

E. Encourage the public and private preservation and utilization of usable elements of the Navajo Nation's stock of historic buildings and structures.

### **History**

CMY-19-88, May 3, 1988.

### **§ 1003. Definitions**

As used throughout this Act, the term:

A. "Archaeology Department" means the Navajo Nation Archaeology Department.

B. "Building" means any structure made by man primarily to provide shelter.

C. "Cultural property" means any cultural resource deemed to be important enough to warrant listing in the Navajo Register.

D. "Cultural resource" means any product of human activity, or any object or place given significance by human action or belief.

E. "Department" means the Navajo Nation Historic Preservation Department.

F. "District" means any discrete area comprising buildings, objects, sites or structures that forms a recognizable, unified whole.

G. "Indian" or "Indian person" means any enrolled member of an Indian Tribe recognized by the Secretary of the Interior.

H. "Lands in which the Navajo People have a historical interest" means all lands historically or traditionally used by the Navajo People.

I. "Navajo Lands" means those lands held in Trust for the benefit of the Navajo Nation and those lands which the Navajo Nation holds in fee simple or in which it has a legal interest.

J. "Navajo Landmarks" means those cultural properties that are of significance to the entire Navajo Nation.

K. "Navajo Register" means the Navajo Nation Register of Cultural Properties.

L. "Object" means a product of human activity or an item given significance or meaning by human activity or belief.

M. "Place" refers to an identifiable location at which an event occurred or a location given significance by human action or belief.

N. "Preservation Officer" means the Navajo Nation Historic Preservation Officer, who is the Director of the Navajo Nation Historic Preservation Department.

O. "Site" means the location of the physical remains of human activity.

P. "Sponsor" means the agency official or the official in a private capacity who has decision-making authority over a particular undertaking.

Q. "Structure" means construction resulting from human activity, the primary purpose of which is other than to provide shelter.

R. "Tribal Archaeologist" means the Navajo Nation Archaeologist, who is the director of the Archaeology Department.

S. "Undertaking" means any project, activity or program that can result in changes in the character or use of cultural properties, if any such cultural properties are located in the area of potential effects. The project, activity or program must be under the direct or indirect jurisdiction of a Sponsor. Undertakings include new and continuing projects, activities or programs not previously considered under the authority of this Act.

### **History**

CMY-19-88, May 3, 1988.

### **§ 1004. Historic Preservation Department**

The Navajo Nation Historic Preservation Department (hereafter referred to as the "Department") within the Division of Natural Resources shall be the Navajo Nation's agency responsible for the protection, preservation and management planning for the Navajo Nation's cultural resources. The Department shall be directed by the Navajo Nation Historic Preservation Officer (hereafter referred to as the "Preservation Officer") who shall advise the President of the Navajo Nation, the Navajo Nation Council, the divisions, departments, programs, agencies, authorities, enterprises and any other instrumentalities of the Navajo Nation, the federal, state and local governments, private organizations and individuals on matters pertaining to cultural resource preservation to achieve the goals of this Act on Navajo lands, and on lands in which the Navajo people have a historical interest. The Department shall conduct such other activities authorized in accordance with the Department's approved Plan of Operation.

### **History**

CMY-19-88, May 3, 1988.

### **§ 1005. Archaeology Department**

The Navajo Nation Archaeology Department (hereafter referred to as the "Archaeology Department") within the Division of Natural Resources shall be the Navajo Nation's agency for providing cultural resources services to project sponsors. The Archaeology Department shall be directed by the Navajo Tribal Archaeologist (hereafter referred to as the "Tribal Archaeologist"), who shall be responsible for organizing and providing cultural resource services to sponsors, including instrumentalities of the Navajo Nation, Navajo people, other agencies and industry in need of cultural resources services both on and off the Navajo Reservation. The Tribal Archaeologist shall also organize and implement, in consultation with the Preservation Officer, a program of archaeological and anthropological research designed to enhance and benefit the Navajo Nation's cultural resources. The Archaeology Department shall conduct such other activities authorized in accordance with its approved Plan of Operation.

### **History**

CMY-19-88, May 3, 1988.

### **§ 1006. Navajo Nation Museum**

The Navajo Nation Museum shall be the repository for all cultural resources collected on Navajo lands. The Navajo Nation Museum shall conduct such other activities authorized in accordance with its approved Plan of Operation.

### **History**

CMY-19-88, May 3, 1988.

See also ACAP-63-88, approving the Navajo Nation Museum's Plan of Operation.

### **§ 1011. Navajo Nation register of cultural properties and cultural landmarks**

A. The Preservation Officer shall create, expand, maintain and administer a Navajo Nation Register of Cultural Properties (hereafter referred to as the "Navajo Register") comprising buildings, districts, objects, places, sites and structures significant in Navajo Nation history, architecture, archaeology, engineering and culture.

B. The Preservation Officer shall create, expand, maintain and administer a program for designation of Navajo Nation Cultural Landmarks (hereafter referred to as "Navajo Landmarks"), which shall include those cultural properties of significance to the entire Navajo Nation.

C. Cultural properties on Navajo lands shall be deemed to be included in the Navajo Register if, as of the date of enactment of the Navajo Nation

Cultural Resources Protection Act, they are:

1. Historic properties listed in the National Register of Historic Places;
2. Historic properties designated National Historic Landmarks;
3. Natural areas designated National Natural Landmarks;
4. Cultural properties included in the National Park System at Navajo National Monument, Canyon de Chelly National Monument, and Chaco Canyon National Historical Park; and
5. Archaeological sites designated as "Chaco Protection Sites" pursuant to P.L. 96-550.

D. The Preservation Officer shall establish a program to locate, inventory, and evaluate cultural resources on Navajo lands and to list all such resources as may be eligible in the Navajo Register and to designate such properties as may qualify as Navajo Landmarks.

#### **History**

CMY-19-88, May 3, 1988.

#### **United State Code**

Chaco Culture National Historic Park, see 16 U.S.C.A. § 410ii *et seq.*

#### **§ 1021. Protection of cultural properties**

In order to ensure the protection of the cultural properties of the Navajo Nation, the sponsor of any undertaking must obtain the approval of the Preservation Officer prior to implementation or authorization of any undertaking by the sponsor.

#### **History**

CMY-19-88, May 3, 1988.

#### **§ 1031. Prohibited activities**

No cultural property may be visited or investigated on Navajo lands, except those cultural properties designated as open to the public within the boundaries of a Navajo Nation Park or a National Park or Monument; nor may any person alter, damage, excavate, deface, destroy or remove, any cultural properties on Navajo lands. No person may sell, purchase, exchange or transport cultural resources from Navajo lands. No person may engage in ethnographic research on Navajo lands, except that such activities may be conducted under the authority of and in accordance with the stipulations of a valid Navajo Nation Cultural Resources Permit issued by the Preservation Officer under the authority of § 1032.

#### **History**

CMY-19-88, May 3, 1988.

**§ 1032. Permits**

A. There shall be three classes of permits.

1. *Class A* permits shall be issued for activities involving casual visitation and inspection of cultural properties.

2. *Class B* shall be issued for cultural resource inventory activities involving no collection or disturbance of cultural resources.

3. *Class C* shall be issued for cultural resource investigations involving alteration, collection, excavation, removal or any disturbance of cultural resources or for ethnographic research.

B. Permits shall be issued only on a case-by-case basis, except that an organization qualifying for a Class 1 or 3 under Navajo preference pursuant to the Navajo Nation Code may be granted blanket Class B permits. The Preservation Officer may waive this requirement whenever he or she finds that issuance of a blanket Class B permit is in the best interests of the Navajo Nation and its people.

C. Permits shall not be issued for periods to exceed 12 months, except when necessary to cover the duration of a single project.

**History**

CMY-19-88, May 3, 1988.

See 5 N.N.C. § 201 *et seq.* Navajo Nation Business Opportunity Act.

**Revision Note.** Slightly reworded for purpose of clarity.

**§ 1033. Exceptions**

A. The prohibition against visitation of cultural resources does not apply to enrolled members of the Navajo Nation or to Navajo Nation employees engaged in official activities.

B. The prohibitions against alteration, collection, disturbance, excavation or removal of cultural resources or collection of ethnographic data do not apply to:

1. Navajo traditional practitioners engaging in activities directly relating to the practice of traditional Navajo religion; or

2. To Navajo Nation employees engaged in official business, relating to cultural resources management activities approved in accordance with Department rules and procedures.

**History**

CMY-19-88, May 3, 1988.

**§ 1034. Permit requirements**

Any person proposing to visit or inspect cultural resources, undertake cultural resources inventory, alter, collect, excavate or remove cultural resources or engage in ethnographic research, who is not excepted pursuant to § 1033 of this Act, shall apply to the Preservation Officer for a Navajo Nation Cultural Resources Permit for the proposed activity. The Preservation Officer may issue a permit to any qualified individual, subject to appropriate terms and conditions.

**History**

CMY-19-88, May 3, 1988.

**§ 1035. Suspension of permits**

A. The Preservation Officer may suspend a permit without cause upon determining that continuation of activities under a permit would not be in the best interests of the Navajo Nation or its people. Such a suspension is made without liability to the Navajo Nation, its agents or employees. Such a suspension shall not prejudice the ability of the permit holder to hold or obtain other permits.

B. The Preservation Officer may suspend a permit for cause upon determining that any term or condition of a permit is not being met by a permit holder.

**History**

CMY-19-88, May 3, 1988.

**§ 1036. Revocation of permits**

A. The Preservation Officer may revoke a permit without cause upon determining that continuation of a permit is not in the interests of the Navajo Nation or its People. Such a revocation is made without liability to the Navajo Nation, its agents and employees. Such revocations shall not prejudice the ability of the permit holder to hold or obtain other permits.

B. The Preservation Officer may revoke a permit for cause upon finding that:

1. Any of the terms or conditions of a permit have been willfully violated;
2. A permit-holder has engaged in activities prohibited by this Act; and
3. A permit-holder has engaged in activities that resulted in the prior suspension of a permit.

**History**

CMY-19-88, May 3, 1988.

**§ 1037. Criminal penalties**

Any Indian person violating the provisions of § 1031 of this Act shall be subject to the following criminal penalties.

A. Any Indian person who:

(1) Engages in cultural resources inventory activities except under the authority of a Class B permit, or

(2) Who alters, collects, damages, destroys, excavates or removes cultural resources except under the authority of a Class C permit or under the exception provided by § 1033 of this Act, shall upon conviction, be guilty of a misdemeanor and subject to punishment of up to one year in jail and a fine of up to one thousand dollars (\$1000).

**History**

CMY-19-88, May 3, 1988.

**§ 1038. Civil assessments**

Individuals violating the prohibitions in § 1031 or § 1037 of this Act shall be subject to civil assessments. Civil assessments shall be imposed by the Resources Committee of the Navajo Nation Council (hereafter referred to as the "Resources Committee"), in accordance with procedures adopted by the Resources Committee expressly for this purpose. The Resources Committee shall adopt such procedures within 90 days of the adoption of this Act.

A. Violation of the provisions of § 1031 or § 1037 of this Act by any person who does business on the Navajo Nation shall be grounds for withdrawal of the privilege of doing business within the Navajo Nation. The Resources Committee shall consider whether or not to recommend to the Navajo Nation Council that any individual found to have violated § 1031 or § 1037 shall lose the privilege of doing business within the Navajo Nation.

B. Any non-Indian who visits or inspects cultural resources on Navajo lands without a valid Class A permit shall be committing trespass. Such individuals determined to be in trespass after a hearing before the Resources Committee of the Navajo Nation Council, shall be assessed a civil forfeiture of not more than one hundred dollars (\$100.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. For the purposes of this part, each visit to or inspection of a cultural resource on Navajo lands shall be considered a separate offense. The Resources Committee may, at its discretion, recommend to the Navajo Nation Council that any person found to be in trespass be excluded from the Navajo Nation.

C. Any non-Indian who engages in cultural resources inventory activities on Navajo lands, except under the authority of a valid Class B permit shall be committing trespass. Any individual determined to be in trespass after a hearing before the Resources Committee, shall be assessed a civil forfeiture of

not more than one thousand dollars (\$1000) for each offense. For the purposes of this part, each inventory on Navajo lands shall be considered a separate offense. The Resources Committee shall consider whether or not to recommend to the Navajo Nation Council that any individual found to have violated this prohibition be excluded from the Navajo Nation.

D. Any individual within Navajo lands who alters, collects, damages, defaces, destroys, excavates, removes or sells cultural resources or who collects ethnographic data without a valid Class C permit, or as permitted under the exceptions detailed in § 1033, or who engages in activities in violation of the terms and conditions of a valid permit shall be liable, after a hearing before the Resources Committee, to the Navajo Nation for civil damages as determined by the Resources Committee as follows:

1. Assessment of Actual Damages. The Resources Committee shall impose the civil assessments based upon actual damages in accordance with "Standards for Assessing Damages to Cultural Properties" that the Resources Committee shall adopt expressly for this purpose. The "Standards for Assessing Damages to Cultural Resources" shall include, but need not necessarily limit consideration to:

- a. Full costs of restoration of the cultural resource;
- b. Enforcement and administrative costs associated with the civil action;
- c. Costs of disposition of cultural resources, including as appropriate, costs of curation in perpetuity;
- d. Costs associated with documentation, testing and evaluation of the cultural resource in order to assess the characteristics of the cultural resource and plan for its restoration; and
- e. Costs of any additional mitigation measures the Resources Committee deems appropriate to implement.

2. Assessment of Treble Damages. In addition to the actual damages, the Resources Committee may, at its discretion, assess damages of up to three (3) times the amount of the actual damages.

3. Seizure of Equipment and Cultural Resources. The citing officer shall seize all cultural resources in the possession of any individual cited under § 1031 of this Act, together with any other property used for or related to the violation in the possession of the individual cited, as the officer may deem necessary to obtain payment of any civil assessment.

4. Forfeiture of Cultural Resources and Property. After hearing before the Resources Committee:

- a. Any cultural resources obtained in violation of this Act shall be forfeited to the Navajo Nation;
- b. Any other property seized in accordance with § 1038(D)(3),

shall be released to the owner upon timely payment of any related civil assessments; and

c. Any seized property shall be forfeited to the Navajo Nation if the assessment has not been paid within 15 days of the hearing at which the civil assessment was levied or pursuant to this Act, whichever is later. Any such forfeiture shall be limited to the amount of the civil assessment. Any property remaining after forfeiture of property up to the value of the assessment shall be returned to the owner.

E. Civil assessments imposed under this part shall be reserved solely for the purposes of restoring damaged cultural resources and for meeting the purposes of this Act and shall be deposited in the Historic Preservation Revolving Account for disbursement in accordance with Navajo Nation budgetary procedures.

F. Any individual assessed by the Resources Committee pursuant to § 1038 of this Act shall have the right to appeal the decision of the Resources Committee to the Navajo Nation District Court as follows:

1. Any appeal must be filed in writing with the Navajo Nation District Court within 30 days of notification of the action of the Resources Committee;

2. The review by the Navajo Nation District Court shall be limited to:

a. Ensuring that the appellant received due process of law; and

b. Ensuring that any rights the individual may have under the Navajo Nation Bill of Rights and the Indian Civil Rights Act (25 U.S.C. § 1301-1341) were observed; and

3. Consideration by the Navajo Nation District Court shall be limited to review of the administrative record created before the Resources Committee during the hearing before it.

#### **History**

CMY-19-88, May 3, 1988.

#### **Cross References**

See generally, Navajo Nation Civil Trespass Act, 21 N.N.C. § 2201 *et seq.*

#### **§ 1041. Appeals**

A. Any administrative action taken by the Preservation Officer pursuant to this Act which is a final action made on behalf of the Navajo Nation, may be appealed by any party directly and adversely affected by such action. Notice of appeal must be filed within 30 days of notification of the Preservation Officer's action.

B. Within 90 days of the adoption of this Act, the Preservation Officer shall establish regulations governing appeals of administrative decisions reached under the authority of this Act. The regulations shall specify the procedures governing appeals, identify who may appeal, detail notification requirements, establish time limits for action on the part of all parties, enumerate documentation requirements, and include any other elements necessary to carry out the purposes of this Section.

C. Any appellant adversely affected by the outcome of an appeal under regulations promulgated pursuant to § 1041(B) of this Act shall be entitled to review of the action in Navajo Nation District Court as follows:

1. Notice of an appeal under the provisions of this part must be filed with the Navajo Nation District Court within 30 days of receipt of notice of a final action by the Division of Natural Resources;

2. Judicial review by the Navajo Nation District Court shall be limited to:

a. Ensuring that the appellant received due process of law;  
and

b. Ensuring that all rights of the appellant under the Navajo Nation Bill of Rights and the Indian Civil Rights Act (25 U.S.C. 1301-1341) were observed.

3. Judicial review by the Navajo Nation District Court shall be limited to review of the administrative record created during the administrative appeals process.

#### **History**

CMY-19-88, May 3, 1988.

#### **§ 1051. Regulations, procedures, standards and guidelines**

The Preservation Officer shall develop, promulgate, publish and implement such regulations, procedures, standards and guidelines necessary to implement the requirements of or to achieve the purpose of this Act.

#### **History**

CMY-19-88, May 3, 1988.

#### **§ 1061. Severability**

If any provision of this Act or the application thereof to any person, court or circumstances is held invalid by a Navajo Nation or federal court, the invalidity shall not affect other provisions of this Act which can be given effect without the invalid provision or application and to this end, the provisions of this Act are severable.

#### **History**

CMY-19-88, May 3, 1988.

## **Title 20**

### **Professions and Occupations**

#### **Chapter 1. Barbers and Barbershops**

##### **Subchapter 1. Generally**

###### **§ 1. Definitions**

For the purposes of this Chapter and unless otherwise required by the context:

A. "Board" shall mean the Advisory Board of Barber Examiners.

B. "Certificate" shall mean a certificate of registration entitling the person to whom issued to practice, or a barber school or barbershop to be operated.

C. "Barbershop" shall mean any place, shop or establishment wherein the practice of barbering is engaged in or carried on as a business, trade, or profession.

D. "Barber school" or "barber college" shall mean any place, shop, or establishment where the practices, fundamentals, theories or practical applications of barbering are taught for pay, whether direct or indirect.

E. "Barbering" shall mean any one or any combination of the following practices done upon the upper part of the human body for cosmetic purposes; and not for the treatment of diseases or physical or mental ailments; and when done for payment either directly or indirectly, or without payment for the general public; upon a male or female: (1) shaving or trimming of the beard or cutting the hair; (2) giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances; (3) singeing; (4) shampooing or dyeing the hair; (5) applying tonics; (6) applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to the scalp, face, neck or upper part of the body.

F. "Communicable disease" shall mean an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a healthy person from an affected person, animal or arthropod or through the agency of an intermediate host, vector or the inanimate environment.

G. "Health advisor" shall mean the United States Public Health Service, Window Rock Area Medical Officer in Charge or his or her designated representative.

###### **History**

CJY-78-68, July 11, 1968.