

after the date of enactment of this Act in the district court for the District of Window Rock, naming as defendant the Navajo Nation, and not thereafter or in any other manner. Provided, however, that any challenge to regulations promulgated under this Act must be filed within 90 days of their adoption. In any such action, relief shall be limited to declaratory relief. The district court for the District of Window Rock shall have exclusive jurisdiction and venue over any action challenging any provision of this Act. Any action brought pursuant to the provisions of this section shall be brought in compliance with the Navajo Sovereign Immunity Act, 1 N.N.C. § 551 *et seq.* and not in any other manner.

#### **History**

CAU-69-01, August 8, 2001.

CJY-70-98, July 30, 1998.

CJY-50-95, July 31, 1995.

### **Title 23**

#### **Conservation and Wildlife**

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

###### **§ 1. Study of fish and wildlife matters; authority**

The Resources Committee is authorized to study fish and wildlife matters with particular reference to hunting and fishing regulations.

#### **History**

CM-24-51, May 9, 1951.

**Revision note.** Reference to the "Advisory Committee" changed to the "Resources Committee" pursuant to 2 N.N.C. § 695(B)(6) and (11).

###### **§ 2. Rules and regulations; authority**

The Resources Committee shall make rules and regulations for hunting and fishing, set season dates, determine who shall be permitted to hunt and fish, set permit fees, set fines for violators, and have power to use collected fees and fines for improving hunting and fishing.

#### **History**

CM-24-51, May 9, 1951.

**Revision note.** Reference to the "Advisory Committee" changed to the "Resources Committee" pursuant to 2 N.N.C. § 695(B)(6).

###### **§ 3. Redelegation of authority**

The Resources Committee from time to time may redelegate, all or any part of its authority under 23 N.N.C. § 2 to the appropriate Division of Natural Resources officials and may from time to time terminate any such redelegation.

#### **History**

CJ-41-56, July 18, 1956.

**Revision note.** Reference to the "Advisory Committee" changed to the "Resources Committee" pursuant to 2 N.N.C. § 695(B)(6) and reference to "Resources Committee" changed to "the appropriate Division of Natural Resources" officials pursuant to 2 N.N.C. § 695(B), CN-72-92.

ACF-7-56, § 6, February 14, 1956.

#### **Cross References**

Resources Committee redelegation of authority, see 2 N.N.C. § 695(B), CN-72-92, November 4, 1992.

#### **§ 4. Cooperative arrangements with United States Fish and Wildlife Service; approval**

The Intergovernmental Relations Committee of the Navajo Nation Council approves cooperative arrangements between the United States Fish and Wildlife Service and the Navajo Nation in consultation with appropriate standing committees of the Navajo Nation Council, Navajo communities and/or individual members of the Nation.

#### **History**

CM-24-51, § 4, May 9, 1951.

**Revision note.** Reference to the "Tribal Council" changed to the "Intergovernmental Relations Committee of the Navajo Nation Council" pursuant to 2 N.N.C. § 824(B)(6).

#### **Chapter 3. Department of Fish and Wildlife [Repealed]**

#### **History**

**Note.** Chapter 3, previously entitled "Department of Fish and Wildlife", repealed by CAP-41-94, Exhibit "P", April 20, 1994. See also the Attorney General's Memorandum regarding plans of operation and enabling legislation (January 4, 1991).

#### **Chapter 5. Regulations**

#### **§ 501. Application of federal law**

All hunting and fishing on lands subject to the jurisdiction of the Navajo Nation shall be conducted in conformity with Navajo and federal laws and regulations. Notwithstanding any other provision of law, it shall be

permissible at any time for any Navajo to take any species in a ceremonial manner for use by a Navajo medicine man. This Section is not intended to apply to bald eagles, or to authorize hunting in violation of federal law.

#### **History**

CJN-38-75, June 18, 1975.

CF-11-69, February 1969.

ACAU-123-59, August, 1959.

CJ-41-56, July 18, 1956.

ACJ-56-56, June 21, 1956.

ACF-7-56, February 14, 1956.

ACO-53-52, October, 1952.

ACD-101-51, December, 1951.

Executive Committee Res. 1922-1951, Res. p. 673, September 15, 1938.

Tribal Council Res. 1922-1951 Res. p. 671-2, July 12, 1934.

#### **Cross References**

Fish and wildlife violations, see 17 N.N.C. § 500 *et seq.*

#### **§ 502. Navajo Nation permit requirements**

All persons hunting, fishing or trapping on lands subject to the jurisdiction of the Navajo Nation shall have in their possession a proper Navajo permit as set forth in the regulations established by the Resources Committee of the Navajo Nation Council. For purposes of this Section, person shall mean either Indian or non-Indian.

#### **History**

CJN-38-75, June 18, 1975.

CF-11-69, February 3, 1969.

ACAU-123-59, August 19, 1959.

ACF-7-56, February 14, 1956.

#### **§ 503. [Reserved]**

#### **History**

Repealed by CJN-38-75, June 18, 1975.

**§ 504. [Reserved]**

**History**

CJN-38-75, June 18, 1975.

**§ 505. Restocking and management; federal and state cooperation**

The restocking and proper management of fish and adapted wildlife and full cooperation with the United States Fish and Wildlife Service and the respective state fish and game departments shall be encouraged.

**History**

ACF-7-56, § 3, February 14, 1956.

**§ 506. Revolving fund; establishment; expenditure; report**

A. All permit fees and fines assessed by the Navajo Nation Courts for violation of these regulations and other similar collections shall be set up as a special revolving fund for use in management, protection and regulation of fish and wildlife resources. These funds may be expended by the Controller of the Navajo Nation upon the recommendations of the Resources and the Budget and Finance Committees of the Navajo Nation Council.

B. The Controller shall report annually on the status of the special revolving fund to the Navajo Nation Council during consideration of the Navajo Nation Budget and the ensuing fiscal year.

**History**

CF-5-88, February 3, 1988.

ACF-7-56, § 4, February 14, 1956.

**Revision note.** Slightly reworded for purposes of statutory form. Also, reference to "Treasurer" changed to "Controller" pursuant to CF-5-73.

**Cross References**

Committee powers, generally, see 2 N.N.C. § 185.

Budget and Finance Committee powers, see 2 N.N.C. § 374(B)(1).

**§ 507. Predator control—Generally**

A. The control and eradication of predatory animals shall be the responsibility of the Resources Committee of the Navajo Nation Council. Such controls shall be exercised according to the wishes of the District Grazing Committees, local Grazing Committee members and/or family groups. Assistance on predator control matters may be secured from any available source.

B. Costs of control shall be borne by the stockmen or individuals requesting such assistance, unless funds are provided from other sources.

Funds provided in 23 N.N.C. § 506 are not applicable for use in predator control work unless the Resources Committee of the Navajo Nation Council finds that such control is required as a measure to insure greater success in restocking game birds and animals in specified localities.

#### **History**

ACF-7-56, § 10, February 14, 1956.

1922-1951 Res. p. 677, February 2, 1950.

Tribal Council Res. 1922-1951 Res. p. 675, July 13, 1945.

#### **§ 508. United States Fish and Wildlife Service**

A. The United States Fish and Wildlife Service is authorized to utilize all of the modern techniques and restricted materials normally used by them in conducting rodent and predator control work on Navajo Nation range areas; provided that prior approval is obtained from each District Grazing Committee as to the specific locations of control stations.

B. With the prior approval of District Grazing Committees, studies may be conducted to develop new and better predator and rodent control techniques.

#### **History**

CS-74-57, September 9, 1957.

#### **§ 509. Violations**

A. Any person hunting or fishing on lands subject to the jurisdiction of the Navajo Nation in violation of Navajo Nation or federal hunting and fishing laws or regulations shall be delivered to the appropriate Navajo Nation or federal authorities for prosecution.

B. Any person hunting or fishing on lands subject to the jurisdiction of the Navajo Nation in violation of Navajo Nation hunting and fishing laws or regulations shall be brought to trial before the District Courts of the Navajo Nation, which shall assess penalties under 17 N.N.C. § 500 *et seq.* of the Navajo Nation Code. Collections of fines for game violations shall be distinguished from regular Court fines pursuant to Resolution ACF-7-56 and shall be earmarked for purposes as provided in 23 N.N.C. § 506(A).

C. For purposes of this Section, person shall mean either Indian or non-Indian.

#### **History**

CJN738-75, June 18, 1975.

CF-11-69, February, 3, 1969.

ACJ-56-56, June 21, 1956.

ACF-7-56, February 14, 1956.

#### **Cross References**

Fish and wildlife violations, see 17 N.N.C. § 500 *et seq.*

### **Chapter 7. Navajo Forestry Department [Repealed]**

#### **History**

**Note.** Chapter 7, previously entitled "Navajo Forestry Department", repealed by CAP-41-94, Exhibit "T", April 20, 1994. See also the Attorney General's memorandum regarding plans of operation and enabling legislation (January 4, 1991).

### **Chapter 9. Regulation of Forest Use**

#### **History**

**Prior law.** Chapter 9, previously entitled the "Uniform Refuse Receptacles Color Code", was rescinded by CD-40-82, § 2, December 14, 1982.

#### **§ 901. Application of federal laws, rules and regulations**

A. The harvesting of all tree species on lands subject to the jurisdiction of the Navajo Nation shall be conducted in conformity with Navajo Nation and applicable federal laws and regulations.

B. The right of free exercise of religion guaranteed by the Navajo Bill of Rights, the Indian Civil Rights Act,<sup>1</sup> and the U.S. Constitution shall not be infringed by these forest laws and regulations.

#### **History**

CN-84-85, Exhibit A, November 1, 1985.

CD-74-82, Exhibit B, December 14, 1982.

#### **Cross References**

Forest and woodlands violations, see 17 N.N.C. § 520 *et seq.*

#### **§ 902. Authority to regulate forest use**

A. The Forest Manager shall develop and recommend appropriate forest product use standards to become part of all timber sales permits and agreements for any commercial or non-commercial use.

B. The Forest Manager shall develop, recommend and enforce appropriate forest regulations and forest product use and transportation permit requirements.

C. The Resources Committee of the Navajo Nation Council shall have the

authority to establish regulations as proposed by the Forest Manager and set fees for the use, transportation and protection of the Navajo forests and products thereof, under the authority of this Chapter.

D. The Executive Director of the Navajo Division of Natural Resources, in conjunction with the Forest Manager, may issue orders which temporarily close or restrict the use of Navajo forests or woodlands when:

1. Weather and environmental conditions create extreme fire hazards; or

2. Soil saturation limits for Navajo forests or woodlands are such that use of the Navajo forests or woodlands would result in damage to the soil and/or water resources.

#### **History**

CN-84-85, Exhibit A, November 1, 1985.

CD-74-82, Exhibit B, December 14, 1982.

#### **Cross References**

Forest and woodlands violations, see 17 N.N.C. § 520 *et seq.*

#### **§ 903. Permit requirements, noncommercial—Generally**

A. Any person who harvests or attempts to harvest or remove any tree species or other forest and woodland products on lands subject to the jurisdiction of the Navajo Nation for noncommercial purposes shall possess a valid Navajo Nation forest product use or transportation permit. This requirement will become effective only upon approval of forest regulations and procedures by the Resources Committee of the Navajo Nation Council.

B. The procedures and fees for obtaining forest product use or transportation permits shall be outlined in the forest regulations established by the Resources Committee of the Navajo Nation Council.

C. The authority granted, as well as the limitations and restrictions on harvesting methods and other special provisions governing permit possession, shall be outlined in forest regulations established by the Resources Committee of the Navajo Nation Council.

D. The fee and charges for forest product use or transportation permits or associated fees shall be deposited in a special revolving account as outlined in § 907 of this Chapter.

#### **History**

CN-84-85, Exhibit A, November 1, 1985.

CD-74-82, Exhibit B, December 14, 1982.

#### **Cross References**

Forest and woodlands violations, see 17 N.N.C. § 520 *et seq.*

**§ 904. Contract and permit requirements, commercial—Generally**

A. On lands subject to the jurisdiction of the Navajo Nation, all persons harvesting or attempting to harvest any tree species or other forest products for commercial purposes shall have authorization pursuant to a timber sales contract, forest product use permit or agreement approved pursuant to the forest regulations.

B. The procedures for obtaining a timber sales contract or agreement or forest product use permit shall conform with provisions contained in Part 163, Title 25 of the Code of Federal Regulations, and the Forest Regulations.

C. The authority granted, the limitations and restrictions on harvesting methods, and all other special provisions or regulations governing timber and forest product sales shall be outlined in the sales contract or permit.

D. The Forest Manager shall review all timber sales contracts, prepare his or her recommendations, and present the package before the Resources Committee for recommendation to the Navajo Nation Council for approval.

**History**

CN-84-85, Exhibit A, November 1, 1985.

CD-74-82, Exhibit B, December 14, 1982.

**Cross References**

Forest and woodlands violations, see 17 N.N.C. § 520 *et seq.*

**§ 905. Enforcement authority**

A. The Forest Manager may delegate his or her enforcement authority to certain field staff within the Department of Forestry and other Departments or Divisions of the Navajo Nation.

B. The Forest Manager shall be responsible for the identification of such enforcement personnel and shall develop appropriate training standards related to the exercise of enforcement authority.

C. The Forest Manager and the identified enforcement personnel shall, after adequate training, be commissioned by the President of the Navajo Nation with the authority to enforce forest and woodland laws, regulations and tree cutting permit requirements as approved by the Resources Committee of the Navajo Nation Council. Identified enforcement personnel shall have the authority to make arrests and to search for and seize evidence in the same manner as a Navajo Nation police officer, and to cite violators of said laws, regulations and tree cutting permit requirements into the proper court.

D. The scope of enforcement authority and responsibility of Department of Forestry personnel shall be limited to the enforcement of forest laws and



regulations as established by the Resources Committee and the Navajo Nation Council.

E. The Department of Forestry, with the approval of the appropriate oversight Committee, may enter into cooperative agreements with federal, Navajo Nation and state authorities to enforce applicable forest laws and regulations. Specifically, Navajo Nation Tribal Rangers and the Navajo Division of Public Safety are authorized and directed to enforce forest and woodland laws and regulations in addition to commissioned Forestry personnel.

#### **History**

CN-84-85, Exhibit A, November 1, 1985.

CD-74-82, Exhibit B, December 14, 1982.

**Revision note.** Slightly reworded for purposes of statutory form.

#### **Cross References**

Intergovernmental Agreements, see 2 N.N.C. § 824(B)(6).

#### **§ 906. Authority to amend**

The Navajo Nation Council shall have the authority to revise or amend this Chapter.

#### **History**

CN-84-85, Exhibit A, November 1, 1985.

ACAU-129-83, § 2, August 9, 1983.

CD-74-82, Exhibit B, December 14, 1982.

#### **§ 907. Revolving fund; establishment; expenditure; report**

All forest product use or transportation permit fees and fines assessed by the Districts Courts of the Navajo Nation for violation of Navajo Nation laws and regulations governing forest management and other similar collections shall be deposited in a special Navajo Nation revolving fund and shall be used for the following purposes:

A. Forest protection, permit operation costs, development and regeneration projects not formally covered by Navajo Nation budget appropriations; and

B. Educational and training programs to develop the technical and managerial capabilities of Department of Forestry personnel.

#### **History**

CN-84-85, Exhibit A, November 1, 1985.

CD-74-82, Exhibit B, December 14, 1982.

## **Chapter 11. Young Adult Conservation Corps [Deleted]**

### **History**

**Note.** Chapter 3, previously entitled "Young Adult Conservation Corps" has been deleted from the Code as the Navajo Nation no longer has a contract with the BIA to administer the ACC program.

## **Title 24**

### **Taxation**

#### **Chapter 1. Uniform Tax Administration Statute**

##### **§ 101. Short title**

This Chapter shall be known as Chapter One of the Navajo Tax Code, the Uniform Tax Administration Statute.

##### **History**

CJY-52-95, July 20, 1995.

##### **§ 102. Purpose**

The purpose of this Chapter is to provide statutory rules applicable to all of the taxes imposed by the Navajo Nation.

##### **History**

CJY-52-95, July 20, 1995.

##### **§ 103. Administration**

A. The Navajo Tax Commission is empowered to administer, and delegate the administration of, all Navajo taxes and, to that end, shall be empowered to adopt substantive and procedural rules and regulations, orders implementing its decisions and rulings, and instructions such as may be necessary to the proper and efficient administration of these laws.

B. The Office of the Navajo Tax Commission shall have day-to-day responsibility for the administration of the Navajo Tax Code, and shall have all powers consistent with its plan of operation.

##### **History**

CJY-52-95, July 20, 1995.

##### **§ 104. Definitions**

Subject to additional definitions (if any) contained in the subsequent