



THE NAVAJO NATION HISTORIC PRESERVATION DEPARTMENT Cultural Resource Compliance Section

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Navajo Nation Cultural Resources Permit Holder(s):

Enclosed is the Navajo Nation Historic Preservation Department (HPD) updated **2016** Annual Permit package which explains cultural resources management procedures on Navajo Nation lands. Fulfilling Navajo Nation standards and requirements is the responsibility of each permittee. Please discard any old guidelines you may have received from us. The enclosed information includes:

- Policies Procedures & Requirements for Acquiring Cultural Resource Investigation Permits
- Permit Application Procedures, Forms and Fee Schedule
- Interim Fieldwork, Report Standards and Guidelines
- Guidelines for the Treatment of Historic, Modern & Contemporary Sites
- Navajo Nation Policy to Protect Traditional Cultural Properties (TCPs)
- Navajo Nation Burial Policy and Procedures (Jishchaa Policy)
- Guidelines for the Treatment of Discovery Situations
- Nation Cultural Resources Protection Act (NNCRPA)
- Navajo Nation Policy for the Disposition of Cultural Resource Collections

Introduction

HPD is the Navajo Nation's lead agency for cultural resources preservation, protection and management planning. It operates under the authority of the Navajo Nation Cultural Resources Protection Act [NN Code Title 19, Section 1001 (Chapter 8)]. HPD's role in the Navajo Nation is similar to that of a State Historic Preservation Office (SHPO). On behalf of the Navajo Nation, HPD acts as the Tribal Historic Preservation Office (THPO) in the federal "Section 106" review process. HPD advises federal, state/tribal agencies and project sponsors on protection and management of cultural resources in a manner that reflects the unique preservation concerns of the Navajo Nation. HPD is also responsible for reviewing applications and issuing permits for all archaeological and ethnographic investigations within the exterior boundaries of the Navajo Nation: tribal trust lands, fee lands, allotments, PLO 2198..

The following information has been provided in previous permit packages and will serve as a refresher on the history of the funds allocation and the P.L. 93-638 Contracts between the Navajo Nation Historic Preservation Department and the Bureau of Indian Affairs (BIA).

Congress allocates funds through the Federal Historic Preservation Fund for direct preservation grants to Indian tribes. These grants strengthen tribal historic preservation programs and provide the basis for a centralized data base and geographic information system for cultural resources data throughout the Navajo Nation.

In addition, Pursuant to the Indian Self-determination Act of 1976, as amended (P.L. 93-638, P.L. 100-472), HPD has entered into a contract with the Bureau of Indian Affairs-Navajo Regional Office (BIA-NRO). This "638" contract has resulted in several changes in the structure and scope of services provided by HPD.

HPD, BIA and the "638" Contract

Background

The BIA is the lead federal agency for Section 106 review of the majority of undertakings on the Navajo Reservation. (The Indian Health Service, Department of Housing and Urban Development and the Office of Navajo and Hopi Indian Relocation also act as lead agencies for certain undertakings). The BIA cultural resources program has grown over the last decade to include a review and compliance section which handles all Section 106 review and compliance permit issuance, data base maintenance, etc., and individual archaeology field programs for the BIA branches of forestry, roads, Navajo partition lands, land operations and facilities management. The branch archaeologists are responsible for performing small-scale field projects and/or contracting out larger field projects such as road right-of-way mitigation projects, forest compartment surveys, etc. Each of the programs advises the BIA-NRO Regional Director, who issues final notices to proceed with undertakings or "archaeological clearance" in compliance with the National Historic Preservation Act.

The Indian Self-determination Act was established to direct the federal funds spent on BIA programs to tribes, for programs the tribes wish to operate themselves. Many former BIA schools, for example, are now run by tribes, with the funding provided on a contracted basis by the BIA. Through the same process, HPD has contracted the cultural resource management functions of BIA-NRO, which means that the BIA funding for those programs is provided directly to the Navajo Nation. Now, instead of the BIA making the decisions about cultural resources management for the Navajo Nation, HPD makes the decisions on behalf of the Navajo Nation and advises the BIA-NRO Regional Director. Rather than having two independent review procedures, two sets of permitting requirements, and so forth, all functions are now provided through one centralized office. The BIA still functions as the "lead" federal agency, however, and the Area Director makes the final decisions in matters where federal approval is necessary.

HPD Structure

Under the "638" contract, HPD has grown considerably in size and has been divided into a number of sections. These include review and compliance, facilities management, traditional cultural program, etc. The Review and Compliance Section (Cultural Resources Compliance Section) handles all matters pertaining to Section 106 compliance.

Report Submission

Reports prepared for Section 106 review are to be submitted only to HPD-CRCS. Details regarding the submission of reports are outlined in HPD's *Fieldwork and Report Standards and Guidelines*. HPD requires two copies of each report. In addition, two sets of site forms are required. Report review will be handled according to 36 CFR 800, and final approval will be issued by the BIA-NRO Regional Director.

Conclusion

We look forward to a more efficient program for all of us, and one that will ultimately result in the best possible care of the Navajo Nation's cultural resources. Please feel free to call us if you have any questions or if we can be of any assistance at (928)871-7198 or 871-7134.