



**THE NAVAJO NATION
HISTORIC PRESERVATION DEPARTMENT
Cultural Resource Compliance Section**

**POLICIES, PROCEDURES & REQUIREMENTS FOR ACQUIRING
CULTURAL RESOURCES INVESTIGATION PERMITS**

TYPES OF PERMITS

The Navajo Nation Historic Preservation Department (NNHPD) issues three categories of permits:

Class A:	For site visitation, including personal archaeological research and visitation only
Class B:	For non-collection inventories conducted pursuant to Section 106 of the Nation Historic Preservation Act (NHPA) and/or the Navajo Nation Cultural Resources Protection Act (NNCRPA); activities that are authorized include archaeological inventories as well as ethnographic inquiries that are conducted simultaneously with the archaeological inventories (see 36 CFR Part 800.4, identifying historic properties)
Class C/Type 1:	For archeological excavation or collection purposes (including monitoring), ethnographic inventories conducted as a separate phase of Section 106 and/or NNCRPA, and ethnographic research conducted for the purpose of treating traditional cultural properties pursuant to Section 106 and/or Navajo Nation Policy to Protect Traditional Cultural Properties. An ARPA permit is also required for archeological excavation or collection purposes including monitoring
Class C/Type 2:	For Ethnographic inquiries involving personal/professional research. Ethnographic research includes any systematic collection of oral information from members of the Navajo Nation regardless of differences in academic definitions for specific kinds of ethnography. Explanations regarding ethnographic research appear below in permit-specific contexts

Navajo Nation permits are required on ***all*** lands of the Navajo Nation. Navajo Nation lands are defined as lands of the Navajo Nation, or of Navajo individuals, that either are under the ownership, jurisdiction or control of the Navajo Nation or are held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for subsurface interests not owned or controlled by the Navajo Nation or a Navajo individual. The most common Navajo land statuses are Tribal Trust, Allotted, Fee Lands (Canoncito Band, Alamo Band, Ramah Band), and P.L.O. 2198. Permit requirements for these land statuses are provided in Table 1 at the end of this section. *It is the responsibility of the sponsor and the permittee to ensure correct identification of land status.* **Fieldwork conducted without the proper permit(s) is illegal and will result in prosecution pursuant to NNCRPA (NN Code Title 19, Section 307 and 308.c) and/or the Archaeological Resources Protection Act (43 CFR Part 7).**

PERMIT APPLICATION PROCEDURES

Permit application procedures are described below and are summarized in Tables 1 & 2. Navajo Nation Cultural Resources Investigation Permit Request Forms and Cultural Resource Permit fee schedule are enclosed.

ANNUAL APPLICATION

An application is required at the beginning of each calendar year (see below for permit-specific requirements). If approved, this application allows the contractor to apply for project-specific permits during the calendar year. The information submitted with the initial application does not need to be resubmitted with each project-specific request. A minimum of ten working days is required to/for review of annual application. Information needed for the annual application includes:

- A statement of the organization's qualifications [including facilities and equipment).
- Current resumes of supervisory/specialist personnel (principal investigators, project director(s), crew chief(s), cultural specialist(s), laboratory director(s), analyst(s), and crew members].

The annual application must clearly and unambiguously identify the applicants for the specific position(s) they will hold. Resumes must be in a simple format that provides all of the information required to document the person's qualifications (e.g. education; time spent in the field [distinguishing between survey, excavating, and ethnographic work, as appropriate], laboratory, etc.). Individuals may not assume positions of greater responsibility than those for which they have been approved; violation of this provision may lead to the nullification of a company's annual application, the disapproval of future project-specific permit requests and/or to the suspension or revocation of project-specific permits that have been already issued.

Resumes for additional personnel, or for persons applying for positions of greater responsibility than were originally approved, must be submitted during the year for review, approval and inclusion in the annual application file. Such individuals may not be listed in requests for project-specific permits or authorizations until approved by HPD.

- A letter outlining the kind(s) and scale(s) of projects that are anticipated during the year and any other relevant information.
- A sample report.
- Application fee of \$100.00 (see enclosed schedule) should submitted to Navajo Nation Cashier's Department, PO Box 3150, Window Rock, Arizona, 86515. Please include Account #107009-1869.

The past performances of both the company and individuals will be taken into account during the review of the annual application. Performance will be continually evaluated throughout the year and determined by the quality of the product submitted to the HPD. Quality is determined by the information provided in reports, including whether permittee have adhered to *The HPD Policies, Procedures, Standards and Guidelines*. In terms of Section 106 and/or NNCRPA compliance, the ultimate standard of quality is whether reports contain the information necessary for HPD-CRCS personnel to make decisions pursuant to 36 CFR 800 and/or NNCRPA. Report quality is the responsibility of the person in Direct Charge. A poor performance record may lead to disapproval of either a company's or an individual's annual application.

Notification of the approval or disapproval of the application will be sent to the applicant upon review. If approved, the notification will include details about individual applicants and the position(s) for which they have been permitted. The approval remains in effect until the end of the calendar year. A poor performance evaluation after an annual application has been issued may lead to the suspension or revocation of the contractor's annual application, disapproval of project-specific permit requests, and/or the revocation of project-specific permits already issued. Poor performance on the part of an individual may lead alternatively to restrictions on the responsibilities they are allowed to assume in the future. The converse is also true (i.e., superior past performance on the part of an individual may lead to their being approved for positions of greater responsibilities than their level of education and experience otherwise indicates).

PROJECT-SPECIFIC PERMITS

HPD will not review reports for purposes of consultation pursuant to Section 106 of the NHPA or NNCRPA unless a project-specific permit number was issued for the project. The project-specific permit number will not be issued by HPD unless resumes have been received for all of the supervisory/specialist personnel participating in the project and these individuals have been approved for their specific positions. **Requests for project-specific permits must be received by HPD prior to the start of fieldwork;** HPD will not rush a permit request when fewer than the number of days specified below. The inclusion on the permit request form of individuals not previously approved as a part of the annual application process, and/or the submission of incomplete or inaccurate information about project specifics will lead to delays in the issuance of project-specific permits. When current and accurate information is provided on the permit request form, HPD will make every effort to return the project-specific permit number within the specified number of days; however **fieldwork may not begin without a project specific permit number.** If you have not received a response to your request by the specified number of days after its receipt by HPD, you may telephone to inquire as to its status; we will process the permit in as timely a fashion as possible. The project specific permit number must be included on all reports submitted for review. *The project-specific permit fee must be submitted to the Navajo Nation's Cashier's Department.* See the enclosed fee schedule for the applicable fee for each individual permit (for permits related to the Section 106/CRPA process, fees are based on the cultural resource management costs of the project).

Class A Permits (Site Visitation/Personal Non-collection Archaeological Research)

Class A permits are for visitation and/or personal research on archaeological sites. No collection, disturbance or any activity other than visitation is authorized under Class A permits. Personal ethnographic research is conducted under a Class C permit (see below). No initial annual application is necessary for personal research projects but requests for Class A permits must be made in writing (via the enclosed Class A request form) at least ten days prior to the site visitation. The request must specify:

- The identity and location of site(s) to be visited.
- The proposed date(s) of visitation.
- The names of all individuals visiting archaeological site(s).
- The purpose of visitation.

Except for group tours, there is no fee for personal research or visitation conducted under Class A permits. Formal group site tours require a permit fee (see the enclosed fee schedule). This permit is only for visits to archaeological sites, *other off road trips require back country permits from the Navajo Nation Parks and Recreation Department.* Class A permits are valid only for the dates on the actual permit.

Class B Permits (Inventory for Section 106 and/or NNCRPA Purposes)

Under approval of the annual application, project-specific Class B permits may be requested at any time during the year. The form used to request a Class B permit is enclosed on page 16. Class B authorizes Section 106 and/or NNCRPA non-collection archaeological inventories and ethnographic inquiries conducted simultaneously with archaeological inventories (see 36 CFR Part 800.4, identifying historic properties). While no additional Class C ethnographic permit is necessary for collecting basic ethnographic data in concert with archaeological inventories, the Class B permit application must specify the personnel responsible for the ethnographic data collection (pursuant to the Navajo Nation Policy for the Protection of Traditional Cultural Properties [enclosed in Section Five]) along with the other supervisory/specialist personnel participating in the project. Requests for Class B permits must be received by HPD at least 10 days prior to start of fieldwork.

Class B permits are valid for 90-days from the date of issue (or if requested after October 31st) the permit is valid up until December 31st of that calendar year. An extension may be requested in writing prior to the expiration date. A Class B permit is required for each undertaking unless given special permission by HPD.

Class C Permits - Type 1 (Ethnographic research for Section 106 and/or NNCRPA purposes)

A Class C ethnographic permit is necessary for ethnographic inventories conducted as a separate phase of Section 106 and/or NNCRPA investigations, if data collection is for the purpose of treating cultural resources that are included, or eligible for inclusion, in the Navajo Register of Historic Places or the National Register of Historic Places (that is, when mitigation of damage that is expected to occur to such sites as a result of an undertaking, is required.) If treatment of traditional cultural places and archaeological resources are occurring in a single phase of an undertaking, it is not necessary to request a separate Class C ethnographic permit in addition of a Class C archaeological collection/excavation permit. In such a case, however, the permit request must include detailed information (e.g., a treatment proposal outlining the scope of work, project personnel and qualifications, evidence of logistical support, and the like as detailed below for ARPA permits) as they pertain to both traditional and archaeological resources.

An annual application is required prior to requesting this type of Class C permit. Once the annual application has been approved, these permits may be requested on a case-by-case basis at any time during the calendar year. The form used to request the project-specific permits are enclosed. Neither Navajo-owned company blanket nor indefinite services permits are issued for Class C permits. Requests for permits involving treatment of cultural resources (i.e., those that include research proposals) must be received at least 30 days prior to the initiation of fieldwork, while requests for permits for ethnographic inventories being conducted as a separate phase of Section 106 and/or NNCRPA investigations must be received at least 10 days in advance. See the enclosed fee schedule for applicable fees.

Class C Permits - Type 1 (Archaeological Collection/Excavation and Monitoring for Section 106 and/or NNCRPA Purposes)

An annual application is required prior to requesting Class C archaeological collection/excavation and monitoring permits for Section 106 and/or NNCRPA purposes. Once the annual application has been approved, these permits may be requested on a case-by-case basis at any time during the calendar year; the form used to request them is enclosed. These Class C permit applications must be accompanied by an ARPA permit application with the attendant information (see below). Class C Permit requests must be received at least 30 days prior to the initiation of fieldwork. See the attached fee schedule for applicable fees.

Class C Permits – Type 2 (Personal/ Professional Ethnographic Research)

No annual application is necessary for personal ethnographic research projects. Requests for Class C personal ethnographic research permits require a \$100.00 application fee; however, the fee may be waived by special arrangement with the HPD for formal research that will result in data provided to the Navajo Nation. Application must be made in writing (using the request form enclosed) and include the following information:

- A copy of the research design or grant proposal outlining the purpose of the project and the methods to be used (including copies of interview forms and consent forms to be used).
- A resume or other statement of the researcher's qualifications.

- Evidence that the officials of the chapter(s) in which the work is to be conducted have been informed of the proposed research project, i.e. chapter resolution.
- The final report must include evidence that the individuals who were interviewed consented to participating in the research, as well as forms regarding use of the interviewee's name(s) and the information provided by them for publication purposes.

Class C personal ethnographic research permit requests are subject to a 30-day review period, during which time the research proposal will be evaluated in terms of its contribution or benefit to the Navajo Nation.

ARCHEOLOGICAL RESOURCES PROTECTION ACT (ARPA) PERMITS

ARPA permit requests are made to HPD for the BIA on the enclosed ARPA permit application form. They are reviewed by HPD on behalf of the BIA, and they are issued by the BIA. A minimum of 35-40 days should be allowed between application and issuance of an ARPA permit. Application requirements for the ARPA permit include:

- A copy of the research proposal.
- Names, addresses, institutional affiliations and qualifications of individuals responsible for conducting the proposed work and for carrying out the terms of the permit.
- Evidence of logistical support and laboratory facilities.
- Evidence of the curation agreement with the Navajo Nation or a qualified curatorial facility approved by the Navajo Nation (refer to 43 CFR Part 7, Section 6[b] for more detailed information).