

Navajo Biological Resource Compliance:

What happens *before* you build on Navajo Nation?

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Who is NNHP?



What we do:

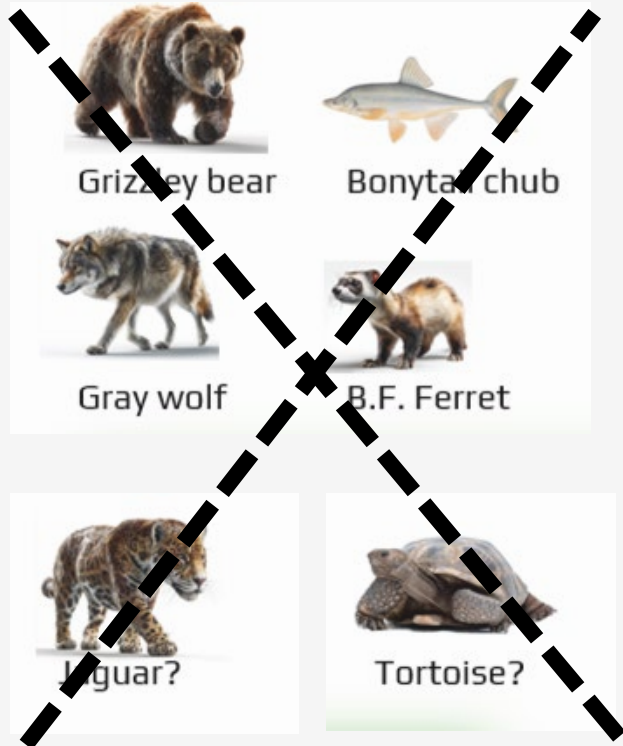
Oversee the management and protection of **threatened and endangered species** on Navajo Nation. This includes ensuring development complies with Navajo Nation laws and policies related to impacts on plants, wildlife, and habitats.

Our work includes:

Field **surveys**, scientific **research**, species **management**, and **biological reviews**, including issuing BRCFs (Biological Resources Compliance Forms) for development projects and homesite leases.

Why biological compliance matters?

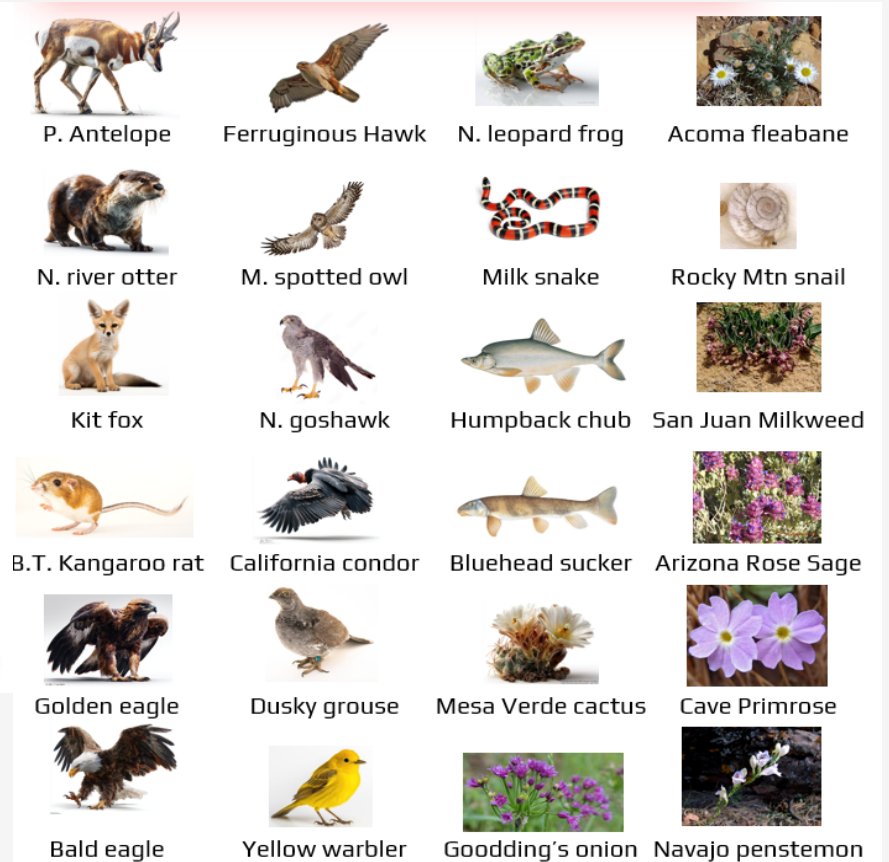
No longer with us



Still relied upon



Threatened & Endangered



How Does Biological Compliance Work?

Navajo Sovereignty: Under Title 17, the Navajo Nation sets the rules for our own wildlife and plants.

Federal Obligations: We meet the standards of the ESA and Treaty protections so our projects stay legally safe.

Leadership Oversight: Every policy we use is reviewed and approved by the RDC to ensure it serves the People.



Black footed ferret (*Mustela nigripes*)
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Navajo Sovereignty (Title 17)

Laws and policies that govern the impact of natural resources on Navajo Nation lands include:

- **Biological Resources Land Use Clearance (RCP):** The standard operating procedure for all land-use activities.
- **Navajo Endangered Species List (NESL):** Regulatory list of species with specific project-level requirements.
- **Golden and Bald Eagle Nest Protection:** Guidelines on land-use activities and seasonal buffers around nest sites.
- **Ferruginous Hawk Nest Protection:** Standardized protocols for development near sensitive nesting habitats.
- **Raptor Electrocutation Prevention:** Technical specifications and requirements for utility infrastructure.



Welsh's Milkweed (*Asclepias welshii*)
[This Photo](#) by Daniela Roth, NNHP

Federal Obligations

Federal wildlife laws are applicable to development occurring on federal lands (*including Tribal Trust Lands*).

Examples include:

Endangered Species Act (ESA): Provides a national safety net for species at risk of extinction.

Migratory Bird Treaty Act (MBTA): Protects over 1,000 species of birds, their nests, and feathers—requiring careful project timing

Bald and Golden Eagle Protection Act: Strict federal guidelines that mirror our own cultural protections for these sacred birds.



Golden Eagle (*Aquila chrysaetos*)
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Leadership Oversight

Resources and Development Committee (RDC): The oversight authority that reviews and approves biological policies to ensure they align with the Nation's goals.

Division of Natural Resources (DNR): The organizational umbrella that ensures technical programs like ours are integrated into the larger Navajo mission.

Mission-Driven Progress: Balancing the need for modern infrastructure (power, water, housing) with our legal and ethical duty to protect Navajo biological resources.



Resources and Development Committee (RDC)

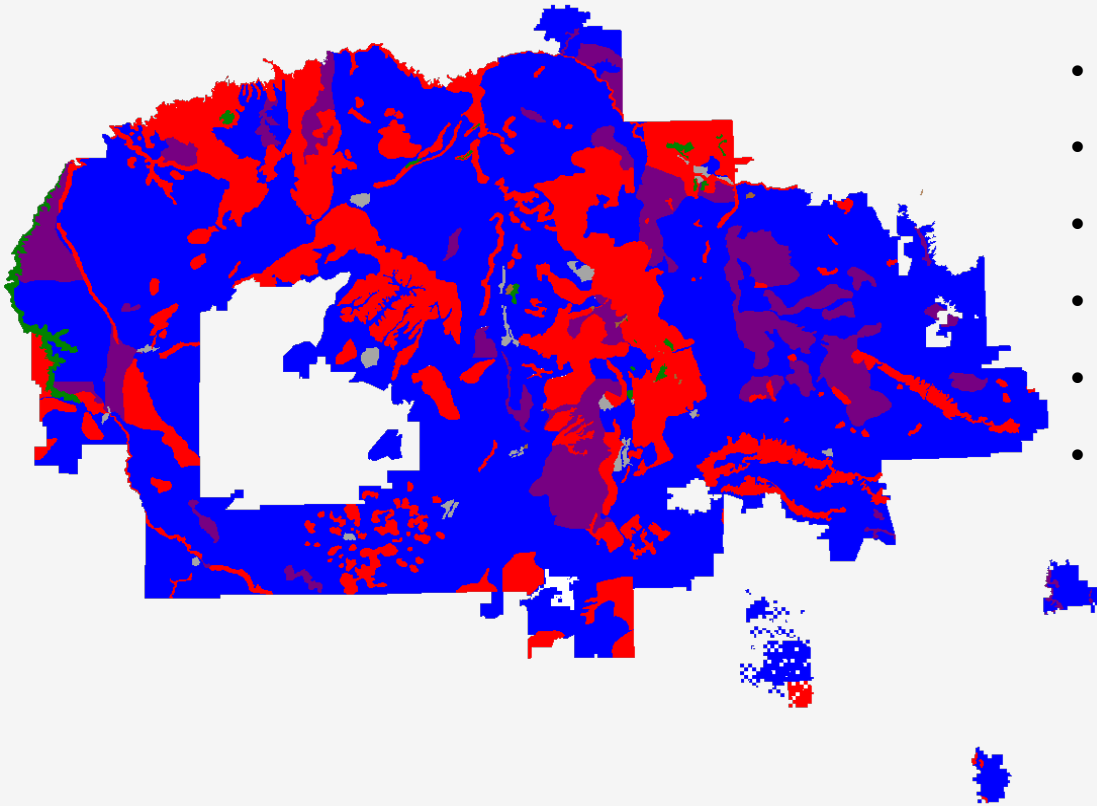
What is the Resource Clearance Policy (RCP)?

The RCP is Navajo Nation's foundational policy guiding land-use decisions. RCP applies to all development activities.

- Originally approved in 2003, Amended Sept.10, 2008
- Identify sensitive wildlife areas
- Helps determine level of biological review
- Directs development to lower-impact areas



RCP Map



- **Area 1 (Red) Highly sensitive** – little to no development
- **Area 2 (Purple) Moderate sensitivity** – some restrictions
- **Area 3 (Blue) Low sensitivity** – fewer restrictions
- **Area 4 (Gray) Community areas** – best area for development
- **Area 5 (Green) Biological preserve** – focused biodiversity mgmt.
- **Area 6 (Brown) Recreational** – limited to compatible uses

Map available: www.nndfw.org/clup.htm

What type of biological clearance do you need?



Homesite



Homesite Biological Clearance
(HBCF)

Individual residential use

*Processed through Navajo Land Department
Allotted lands require coordination with BIA



Project/Land Use

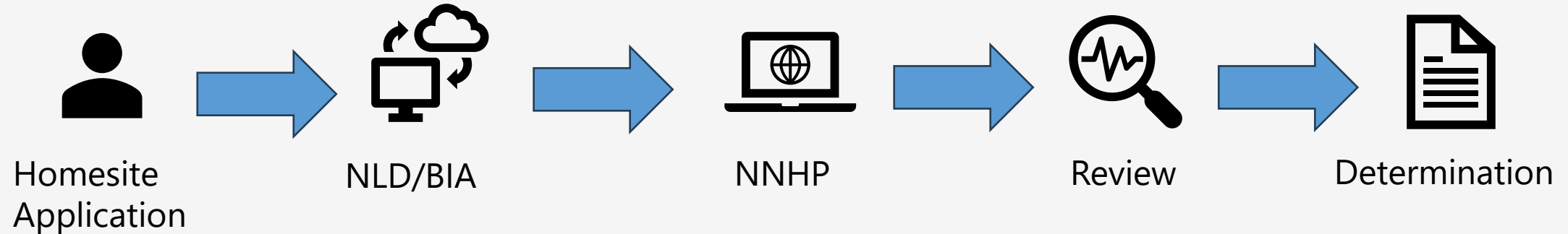


Biological Resource Clearance
(BRCF)

Infrastructure, utilities, development

Submitted by project sponsor

Homesite Biological Clearance (HBCF)



✓ **Approval**

- Clearance issued
- Payment required
- *Waived for seniors, veterans, Area 4*

⚠ **Not Approved**

- Location conflict
- Alternate location recommended
- Site visit may be needed

What type of biological clearance do you need?



Project/Land Use

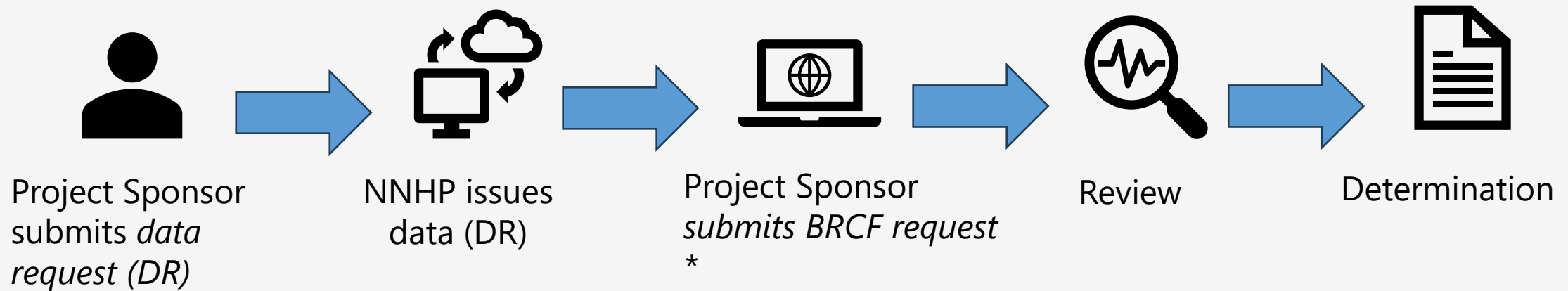


Biological Resource Clearance
(**BRCF**)

Infrastructure, utilities, development

Submitted by project sponsor

Biological Resource Clearance (BRCF)



✓ Approval

- No significant impacts
- Project may proceed

⚠ Conditional Approval

- Impacts present
- Conditions required to proceed

— Categorical Exclusion

- Administrative or minor actions
- No full biological review needed

✗ Not Approved

- Conflicts with policy or sensitive resources
- Project must be revised

How to Submit & Pay?

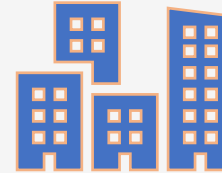


HBCF

Apply → Review →  Approval →  Pay

When do you pay?

- \$20 fee (after approval)
- Invoice issued
- Online credit card preferred
- Waived for seniors, veterans, Area 4



BRCF

Submit →  Pay → Review → Determination

When do you pay?

- \$70 fee for DR
- Additional fee for BRCF request, varies by project scope
- Online credit card payment preferred

Online portal available at nndfw.org

How Do Project Fees Work?

Data Request (DR)

\$70 Flat Fee

- Required before BRCF

Project Fee (BRCF)

Varies

- Based on disturbance
- Linear vs. non-linear
- Varies by size & complexity

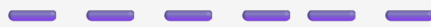


Payment required at submission

Full fee schedule available on NNHP website

Linear vs. Non-Linear Projects

Linear



Defined as:

- Utility ROW
- Long, narrow disturbance
- Returns to near-natural condition

Examples:

- Cross-country pipelines
- Electric transmission lines
- Water transmission lines (non-residential)
- Fiber optic lines

Non-linear



Includes:

- Area-based disturbance
- Permanent or semi-permanent change

Examples:

- Housing developments
- Solar arrays
- Business sites
- Road improvements

Roads, highways, and utilities serving homes are considered **non-linear*

BRCF Review Pathways

Which Review Do You Need?

Categorical Exclusion (CatEx)

- Located in Area 4
- Existing footprint (E.g. Maintenance for towers, wells, or lines).
- Agricultural renewals with no expansion.
- Determined on a case-by-case basis; must be certified by NNHP.

Project-Specific Review

- Linear: Under 1-mile (Water, power, or fiber).
- Non-linear: Under 1-acre total size.
- Habitat restoration or weed treatment.

Biological Evaluation (BE) Full Assessment

- Required if above thresholds (Over 1 mile / 1 acre).
- Mandatory in sensitive habitats or for NESL species.
- Requires detailed field surveys and a formal BE report.

Common Mistakes/Tips

Common Mistakes

HBCF – Common Mistakes

- Unclear homesite location
- Ignoring RCP area
- Far from similar existing development
- Late coordination (NLD/BIA)

BRCF – Common Mistakes

- Skipping Data Request
- Poor or missing maps (KMZ)
- Incomplete disturbance scope
- Misclassifying project type

Tips

HBCF – Quick Tips

- Clearly define location
- Check RCP area early
- Build 1/8 mile near existing similar development (**Area 1-2**)
- Coordinate early with NLD/BIA

BRCF – Quick Tips

- Start with a Data Request
- Submit clear maps
- Include full disturbance
- Confirm project type early

Ahéhee' nitsaago!


QUESTIONS?


We're happy to help

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 Navajo Natural Heritage Program

