

NAVAJO DIVISION OF TRANSPORTATION

DEPARTMENT OF
COMPLIANCE



Overview

- Divisional Hierarchy
- Roads Inventory
- Funding Sources
- Sectional Presentations





Executive

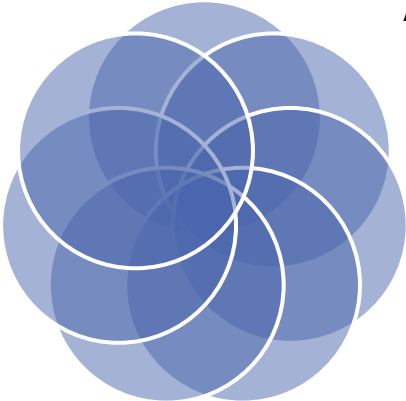
Navajo Division of Transportation Departments

**Airports
Management**

Administration

**Highway
Safety**

Planning



Roads

Compliance



Tribal Roads

- Navajo DOT partnering with Bureau of Indian Affairs (BIA)
- 5,211.2 miles of Tribal roads
- 6,016.2 miles of BIA roads
- 1,443.2 miles of County roads

Bridges Inventoried

- 179 bridges are maintained by BIA and Navajo DOT
 - 38 bridges = eligible for rehabilitation
 - 28 bridges = eligible for replacement

Miles	Types	Percentage
7.9	Concrete	0%
254.1	Gravel	3%
3,575.4	Paved	25%
10,493	Dirt	73%



Department of Compliance

ADMINISTRATION

CULTURAL

LAND SURVEY
GIS

ENVIRONMENTAL

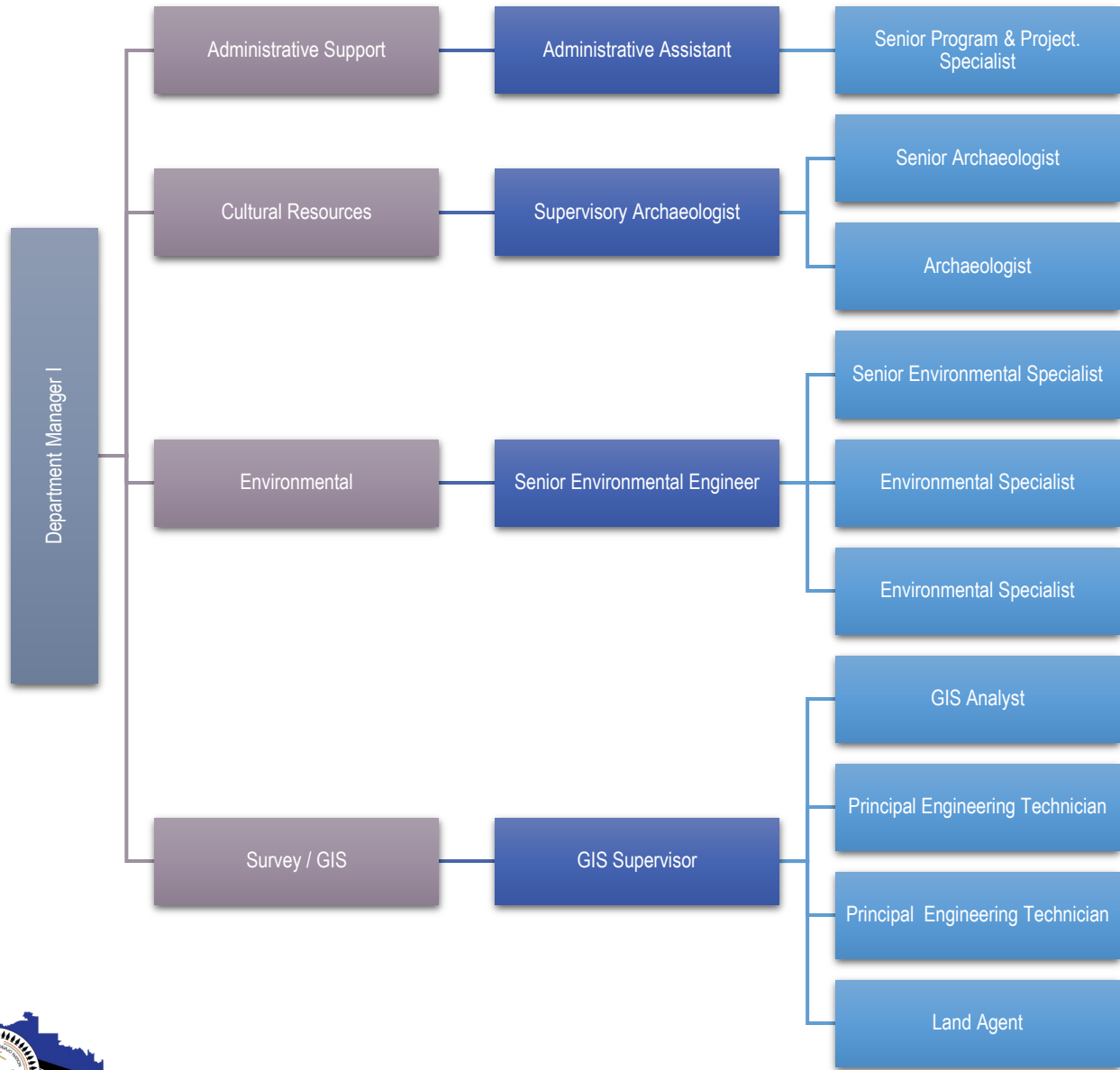
VISION STATEMENT

To serve the Navajo Nation by providing efficient and accurate project services and studies and to preserve and protect the Navajo Nation's natural and cultural interests

MISSION STATEMENT

To always provide the highest level of professional land surveying, archaeological and environmental services and to provide the most efficient and safe Navajo Nation transportation infrastructure





- Tribal and Federal environmental & realty compliance to help facilitate the proper funding for road projects across the Navajo Nation.
- Includes services related to needs in the fields of Biology, Archeology, Hydrological Engineering, Tribal Realty, Agricultural Law and Legal Land Surveying, etc.
- 15 POSITIONS



LIST OF REGULATIONS

US National Environmental Policy Act (NEPA) of 1969

- Protection of Wetlands (EO# 11990)
 - o <https://www.archives.gov/federal-register/codification/executive-order/11990.html>
- Floodplain Management (EO# 11988)
 - o <https://www.archives.gov/federal-register/codification/executive-order/11988.html>
- Federal Noxious Weed Act
 - o <https://www.govinfo.gov/app/details/STATUTE-88/STATUTE-88-Pg2148>
 - o Invasive Species (EO# 13186)
- Magnuson-Stevens Fishery Conservation and Management Act
- Farmland Protection Policy Act
 - o Land contains prime or unique farmland
 - o Resources Conservation Service
 - o <https://www.ecfr.gov/current/title-45-chapter-1-subchapter-B-part-900-section-900.658>
- The National Wild and Scenic Rivers Act
 - o Rivers with outstanding natural values
 - o preserved in free-flowing condition
 - o <https://rivers.gov/about>
- Resource Conservation and Recovery Act
 - o <https://www.epa.gov/laws-and-regulations/and-recovery-act>
- USDA National Handbook of Conservation Practices
 - o <https://www.nrcs.usda.gov/technical/handbook/>
 - o <https://directives.nrcs.usda.gov/directives/20Soil%20Survey%20Handbook>

Code of Federal Regulations

- Title 25 – Indians
 - o 25 CFR 169 – Right-of-Way
 - o 25 CFR 170 – Tribal Transportation
- Title 49 – Transportation
 - o 49 CFR 29- Tribal Transportation
- Title 23 – Highways
 - o 23 CFR 774- Transportation

- Title 40 – Protection of Environment
 - o 40 CFR 150-180 Pesticide Program
 - o 40 CFR 49- Indian Country Air Quality Planning and Management

Navajo Nation Code & Regulations

- CO-53-13 – The Navajo Nation General Leasing Regulations of 2013
- RDCJN-33-15 – Land Withdrawal Designation Regulations
- RDCMA-13-24 – Tribal Authorization Access Amendments
- RDCMA-14-24 – Delegation to NLD for grant ROWs
- Title 2 - Navajo Nation Government
 - o Subchapter 1921-27 -Navajo Nation Environment
- Title 2 – Navajo Nation Government
 - o Subchapter 2, Section 164
- Title 14- Navajo Nation Motor Vehicle Code
 - o Chapter 8. Construction of Highways
- Title 16 – Land
 - o Chapter 13 (CN-101-72 & CJA-18-60)
- Navajo Nation Solid Waste Regulations
 - o <https://www.nncid.org/wp-content/uploads/sites/2/Waste-Regulations.pdf>
- Navajo Nation Underground and Aboveground Storage Tanks
- Navajo Nation Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) S 2101-2805
- Navajo Clean Air Act
 - o Navajo Air Pollution Prevention and Control Act
- Navajo Nation Pesticide Act
- Navajo Nation Water Code 22 NNC SS 1101 et seq.

Clean Water Act (CWA)

- Section 401 - State and Tribal Certification of Water Quality
 - o Certificate v. Waiver
- Section 402 - National Pollutant Discharge Elimination System (NPDES)
 - o Stormwater Pollution Prevention Plan (SWPPP)
- Section 404 - Permitting Discharges of Dredged or Fill Material
 - o Individual Permit v. Nationwide/General Permit
- Navajo Nation Clean Water Act
 - o Navajo Nation Water Code
 - o Navajo Nation Safe Drinking Water Act
 - o NNDWR TCOB Water Use Permit
 - o NNDWR TCOB Water Well Permit

Pertinent Regulations

U.S. Fish and Wildlife Service

- Fish and Wildlife Act of 1956
 - o <https://www.govinfo.gov/content/pkg/USCODE-2015-title16-chap9.pdf>
- Fish and Wildlife Conservation Act
 - o <https://www.govinfo.gov/content/pkg/USCODE-2015-title16-chap49.pdf>
- Fish and Wildlife Coordination Act
 - o <https://www.govinfo.gov/content/pkg/COMPS-3003/pdf/COMPS-3003.pdf>
- Refuge Recreation Act
 - o <https://www.govinfo.gov/content/pkg/USCODE-2017-title16-chap1-subchapLXVIII.pdf>
- Colorado River Floodway Protection Act
 - o <https://www.govinfo.gov/content/pkg/USCODE-2017-title2017-title43-chap32B-sec1600.pdf>
- Colorado River Storage Project Act
 - o <https://www.govinfo.gov/content/pkg/USCODE-2017-title2017-title43-chap12B-sec620.pdf>
- Recreational Fisheries
 - o <https://www.federalregister.gov/documents/1995/06/09/14407/recreational-fisheries>
- National Invasive Species Act of 1996
 - o <https://www.govinfo.gov/app/details/PLAW-104publ332>
- Wilderness Act of 1964
 - o <https://www.govinfo.gov/app/details/USCODE-2011-title16-chap23-sec1131>
- Federal Insecticide, Fungicide and Rodenticide Control Act
 - o <https://www.govinfo.gov/app/details/STATUTE-86/STATUTE-86-Pg1231.pdf>
- Marine Mammal Protection Act
 - o <https://www.govinfo.gov/content/pkg/USCODE-2017-title16-chap31-subchap1-sec1361.pdf>

Biological

- Endanger Species Act of 1973
 - o <https://www.fws.gov/law/endangered-species-act>
- Bald and Golden Eagle Protection Act
 - o <https://www.fws.gov/program/eagle-management>
- Migratory Bird Treaty Act
 - o <https://www.fws.gov/law/migratory-bird-treaty-act-1918>

- o RCS-41-08 – Navajo Endangered Species List (RCDJA-01-20)
- o RCS-42-08 – Navajo Nation Golden and Bald Eagle Nest Protection Regulations
 - Ferruginous Hawk Management Guidelines for Nest Protection
- o RCS-44-08 – Biological Resource Land Use Clearance Policy Procedures [RCP]
- o Navajo Forestry & Woodland Regulations
 - Timber/Tree Cutting Permit

Considerations

- Socioeconomics & Environmental Justice
- Noise Abatement
- Laws Protecting Public Lands
 - o Antiquities Act (1906)- Preservation of resources of "historic interest" (e.g. National Monuments)
 - o Wilderness Act (1964)- Preservation of lands with wilderness character
 - o National Landscape Conservation System Act (2009)
 - 36 CFR 59- Land and Water Conservation Act
- Oil Pollution Act of 1990
 - o <https://www.govinfo.gov/content/pkg/STATUTE-104/pdf/STATUTE-104-Pg484.pdf>
- Surface Mining Control and Reclamation Act
 - o <https://www.govinfo.gov/content/pkg/USCODE-2017-title30-2017-title30-chap25-subchap1-sec1201.pdf>
- Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere
 - o <https://www.fws.gov/migratorybirds/pdf/Treaties-Legislative-WesternHemisphere.pdf>

Cultural

- Archaeological Resources Protection Act (ARPA)
- National Historic Preservation Act of 1966 (NHPA)
- Native American Graves Protection and Repatriation Act (NAGPRA)
- Navajo Nation
 - o Navajo Nation Cultural Resources Protection Act
 - o Disposition of Cultural Resources Collection Policy
 - o Jishchaa' Policy
- 36 CFR Part 800 (rev. 2004)
- Section 106 of NHPA (16 U.S.C. 470f) rev. 54 U.S.C. 300301 et. Seq.)
- Navajo Nation Cultural Resource Protection Act NNCRPA 19 NNC 1001 et. seq.

Culvert Construction and Maintenance

- **25 CFR Part 170 Tribal Transportation Program:** This program, jointly administered by the Federal Highway Administration (FHWA) and the Bureau of Indian Affairs (BIA), governs surface transportation needs on Tribal lands. Tribes administering the Tribal Transportation Program (TTP) must comply with Title 23 of the United States Code and 25 CFR 170.
- **25 CFR Part 169 Rights-of-Way over Indian Land:** These regulations govern the process of obtaining rights-of-way (ROW) for projects, including culvert installations, on Tribal land. While Tribes are not always required to obtain ROWs for projects on their own reservations, these regulations are applicable to other parties seeking to access or develop these lands,
- **Title 23 U.S. Code:** These provisions address highways and highway administration, including those on Tribal lands.
- **National Culvert Removal, Replacement, and Restoration Program:** The Federal share of the cost for a culvert removal, replacement, or restoration project carried out with a grant to a State or unit of local government may not exceed 80%. However, the Federal share for Tribes is 100% [§ 21203(a); 49 U.S.C. 6703(f)], notes the Federal Highway Administration.
- **Appendix A to Subpart D of 25 CFR 170**
- **Clean Water Act Permitting** (if waters impacted):
 - o **WOTUS** (Waters of the U.S.) determination
 - o **Section 404 Permit** (USACE)
 - o **Section 401 Water Quality Certification** (NNEPA or state)
- **National Pollution Discharge Elimination System (NPDES) Permit** (stormwater construction general permit if 1 acre disturbed)
- Design culvert to meet:
 - o **25 CFR Part 170** (TTP Standards)
 - o **Title 23 U.S.C.**
- **Hydraulic/hydrological Surveying Grade Standards**
- **Environmental mitigation requirements**
- Determine if project qualifies for 100% Federal share under **National Culvert Removal/Replacement Program**
 - o (§ 21203(a); 49 U.S.C. 6703(f))



Road Maintenance Process:

BIA Roads (N): Depending on pre-existing compliance (biological, archeological, hydrological, etc.) and Grant of Easement documents in place, Navajo DOT will verify if proposed actions can proceed.

County Roads(CR): Depending on pre-existing compliance availability, NDOT Compliance will determine if actions can proceed. Otherwise, the County will need to supplement.

State Roads(US,NM,AZ,UT): Depending on pre-existing compliance availability, NDOT Compliance will determine if actions can proceed. Otherwise, the State will need to supplement.

Tribal Roads(N): NDOT will research compliance on the route, if non-existing, NDOT Compliance may complete environmental if time frames allow. This includes, but not limited to biological, archeological, hydrological, legal surveying, etc.



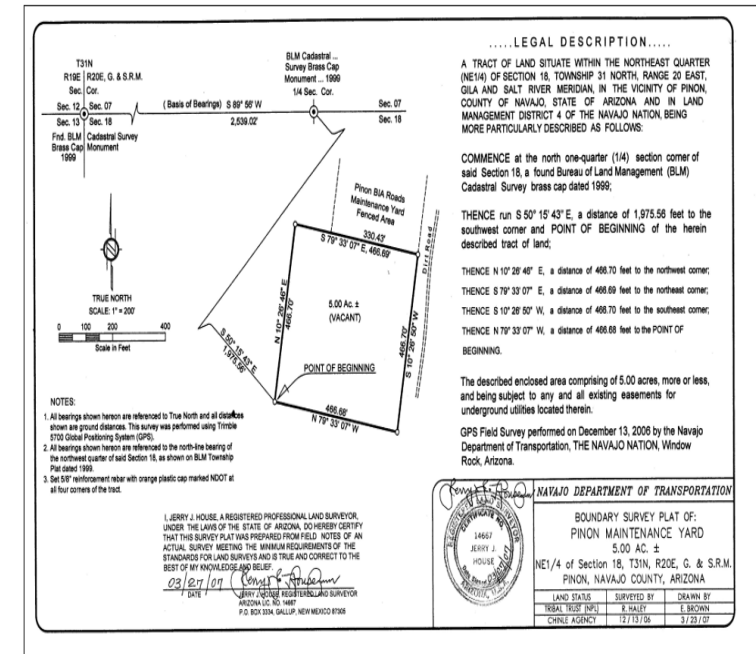
LAND AGENT

- Obtain ROW and Leasing documents for Navajo DOT projects:
- Tribal Access Authorization (TAA) For road improvement/new
- Land Withdrawal (LWD) – Maintenance Yards
 - Rights-of-way – BIA process for non-Navajo entities (Federal, State, County) for road improvement/new road, road maintenance
- To collect consent from valid grazing permit holders
- Obtain a verification letter listing all impacted permit holders
- Determine the status of the permit (Valid, Invalid, Deceased)
- Obtains applicable proposed undertaking supporting chapter resolution



SURVEYORS

- Maintains Arizona Professional Land Surveying License credentials.
- Receive land survey requests, schedules and over sees field activities
- Develop Land Survey Plat and legal Descriptions, oversee field data collected by department
- Attend project meetings, prepares reports and trains PET with various types of land surveys.
- Supports GIS Supervisor/ Register Surveyor on ongoing projects, keep and maintains records and maps, prepare office recon for pending survey jobs and over sees field supplies and survey equipment & tools and remains vigilant with field activities with accurate field notes.
- Assist with preparing Land Survey Plat with Descriptions.
- Provides technical assistance, cross training, attend project meetings and prepares reports.



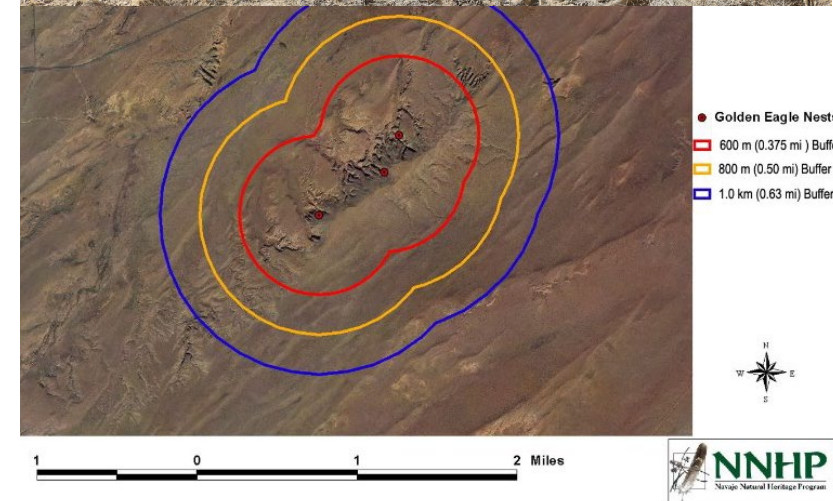
CULTURAL / ARCHAEOLOGY

- Performs cultural resource inventories on road projects/improvement, maintenance yards, culvert / bridge replacement
- Completes reports for submittal to the Navajo Nation Historic & Preservation Department (NNHPD)
 - Receives CRCF or the “archaeological approval” form NNHHPD
- Monitors road construction near sensitive areas
- Monitors and reviews reports on active archaeological excavation projects, close out reports, technical reviews, other



BIOLOGY

- Ensures biological compliance with Tribal and Federal regulations to ensure funding bylaws are followed
- Aid in drafting compliance documents such as: Biological Evaluations, Environmental Assessments, Habitat Analysis
- Ensures compliance measures are adhered to during construction: monitoring during bird nesting season.
- Reviews consultant biological reports, monitoring reports, other.



HYDROLOGY

Proactive Hydrologic & Hydraulic Analyses for Stream Crossings:

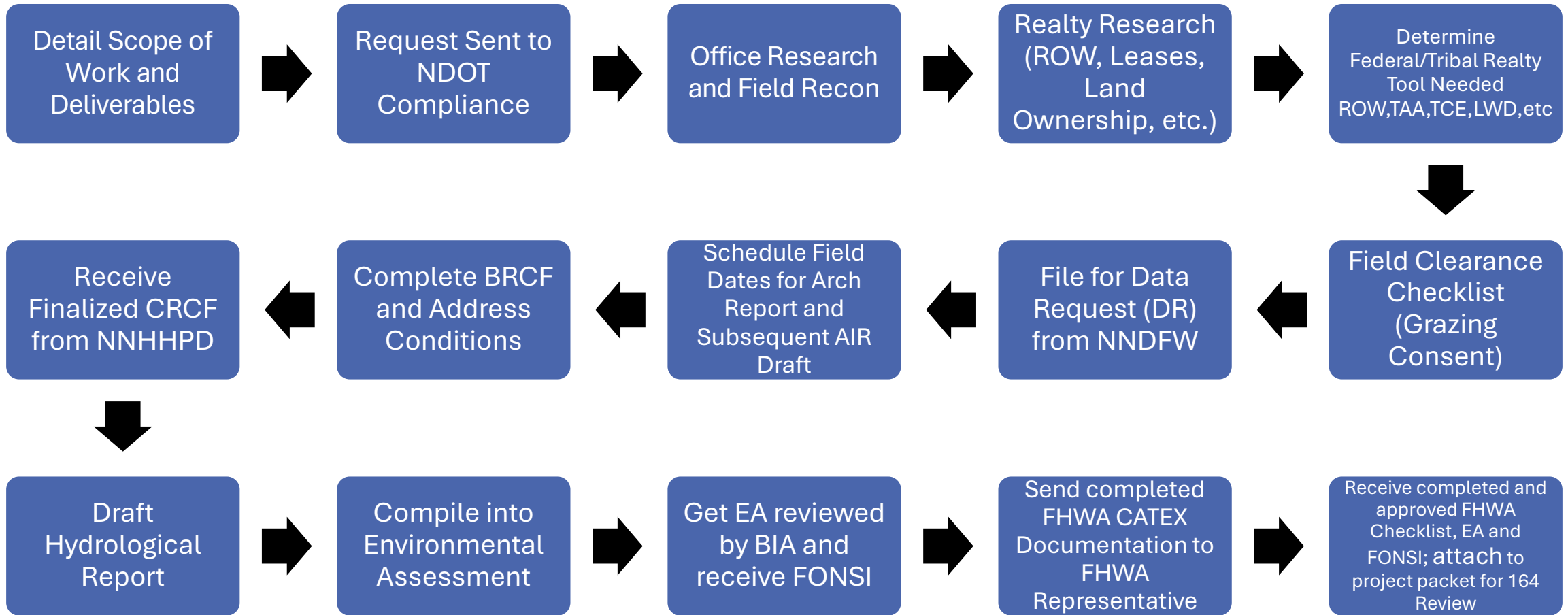
- Before commencing road projects that cross streams or washes, a H & H analyses is conducted for water flow dynamics, designing appropriate and resilient crossing structures (like culverts or bridges), and proactively mitigating potential impacts on water quality, aquatic habitats, and overall stream integrity.

The Clean Water Act (CWA) 401/404

- Permitting process, managed by the Army Corps of Engineers (ACOE) regulatory program, is introduced for road projects that involve the discharge of dredge or fill material into Waters of the U.S. (WOTUS), aiming to balance the protection of aquatic resources with infrastructure development.
- The CWA Section 401 Water Quality Certification from the Navajo EPA must be obtained before the ACOE can issue a 404 permit.



NAVAJO DOT Environmental Process for New Project



Upcoming Projects for FY 2026- 2027

- Maintenance Yards / Staging Area – 9 Total
- TTIP Monitoring – N5001, N8066, N8031, N8084, N15, N55, N12, N9073
- Non-FHWA – 3 Total – Chinle ODY, Navajo Transit HQ, Heart Butte Cemetery
- Biological Reviews and Surveys – N11, N645, N521, N308, N16, N307, N314, N319, N248
- Archeological Surveys – 6 total - N11, N6420, Crownpoint Airport, Chinle Airport, etc.
- Hydrological Report/Culvert Design – N1576, N9103 Jeddito, N8068 Blue Gap, Cornfields Wash
- Landslide and Washout Mitigations – N332, N9860, N96, N47, N362, N7296
- Assessments: N67, N8059, N8074, N61, N8042, N8043-N, N29



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THANK YOU

Questions ?



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